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SENATE—*Thursday, May 23, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, You have ordained that there is one decision we must make every day. It is the most crucial decision in the midst of all the other decisions we will be called to make. We hear Elijah's challenge, "Choose for yourselves this day whom you will serve."—Joshua 24:15b.

You have given us the freedom to choose whom we will serve today. We want to renew our decision to serve You as the only Lord of our lives. We know that without this decisive intentionality, we will drift into secondary loyalties. You entrust Your strength, gifts of leadership, and vision to those who start each day with a fresh decision to do everything for Your glory and according to Your specific guidance. In the quiet of this moment we make our decision to worship You with our work. You alone are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 23, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

MEASURE PLACED ON THE CALENDAR—S. 2538

Mr. REID. Madam President, it is my understanding S. 2538 is at the desk and is due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Madam President, I ask that it be read for the second time, and I then object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

> A bill (S. 2538) to amend the Fair Standards Act of 1938 to provide for an increase in the Federal minimum wage.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

The Senator from Nevada.

APPRECIATION TO SENATOR STABENOW

Mr. REID. Madam President, before I make a brief announcement of what we are going to be doing today, I want to say that I personally appreciate what you, the Presiding Officer, have done for the people of the State of Nevada, bringing to their attention the problems we have with drug costs and the importance of having a Medicare benefit.

I think your attention has brought to Nevada a new awareness that we have to do something, Congress has to do something. And we have people, as a result of your statements and the work you have generated, calling my office asking what we are going to do about it. So I personally appreciate what you have done in that regard.

SCHEDULE

Mr. REID. Madam President, you are going to announce shortly that we will be in a period of morning business until 10:30 this morning with the time equally divided. At 10:30, we are going to resume consideration of the trade act. All time will run out on the trade bill at around 6 o'clock this evening.

I indicate to all Senators, we now have a finite list of amendments that will be voted on if the Senators want votes on those amendments. It is about nine amendments, as I recall. We are going to try to work out a timely order to handle those. If we do not, then, no matter what happens, we finish at 6 o'clock anyway, and there will be a final vote on this bill, unless something untoward occurs. So there is still a lot of work to do.

The leader has indicated not only does he want to complete work on this trade bill, but there is bioterrorism legislation. The House did not move the supplemental yesterday. They quit at about 10 o'clock last night without having brought up a single amendment. So they are going to work their way through that today.

The order that has been entered in the House does not allow many amendments, so they can probably move the bill fairly quickly, as I understand it. Whether it will get here in time for us to do anything is something we just have to wait and see. Senator BYRD also would like to finish that before we leave.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the Republican leader or his designee. Under the previous order, the time until 10:30 shall be under the control of the Democratic leader or his designee.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. DASCHLE. Madam President, I commend the distinguished Senator from Michigan for coming to the Chamber, and I know she is prepared to talk about an issue that is of great importance to our caucus. She has shown remarkable leadership in addressing the issue of prescription drugs. I very much wish to participate in a colloquy with her on that matter in a moment.

SUPPLEMENTAL APPROPRIATIONS LEGISLATION

Mr. DASCHLE. Madam President, I wish to address another issue. Today we are going to be completing our work on the trade adjustment assistance legislation, the trade promotion authority bill, as well as the Andean Trade Preference Act. My expectation is we will finish that work by sometime mid-afternoon.

It was then my intention to bring up the Senate version of the appropriations supplemental that has just been reported out of the Appropriations Committee. I have had a number of conversations with Senator BYRD about the need to address this matter expeditiously.

The bill includes $14 billion for defense, as we continue to wage our war on terror; there is $1.8 billion in contingency defense funds that are directly connected with our efforts at homeland defense; an additional $8.3 billion, substantially more than what the House has committed for other needs in homeland defense; plus $5.5 billion for the recovery efforts in New York.

This is a very important bill. It was our hope, our expectation that we would be able to complete our work on this bill prior to the time we recess.

I am told now that our Republican colleagues are going to object to moving that bill. I find that especially disconcerting given the comments made a couple of weeks ago by the House majority leader, who criticized me and Senator BYRD for the inaction in what he called the Democratic-controlled Senate in its unwillingness to take up what he termed to be the war supplemental prior to the Memorial Day break. He said he is discouraged; that, in his view, this should not be an acceptable state of affairs.

The package he indicated included some critical matters relating to our efforts in carrying out the war on terror and responding to the needs of New York. He said he not only was not optimistic, but he said there was a dearth of leadership in the Senate. If there is a dearth of leadership, perhaps we can see some leadership shown on both sides in addressing that dearth.

I am prepared to offer a unanimous consent request today to take up a bill and complete it before we leave. I do not see any reason why we cannot do it. It passed unanimously out of the committee. There is no question we send exactly the wrong message if our Republican colleagues object to taking up this bill. There is a very disconcerting message that sends to New York, to those who are concerned about homeland defense, especially with the new warnings that are emanating from the Departments of Government, as well as from our effort in the war in Afghanistan.

On April 22, President Bush said:

> I ask the Congress to pass the supplemental that we have submitted as quickly as possible. It's emergency funding for defense and homeland security and economic security, and we need to get it done by Memorial Day. It's time the Congress passed the supplemental.

Those are words from the President himself. I hope he will pick up the phone from wherever he is in Europe and call the leadership and tell those who are blocking this legislation that he wants it done just as badly today as when he articulated his views on this issue a few weeks ago.

There is no reason we cannot take it up. There is no reason we have to delay until after we get back. There is no reason we cannot make the most of this week. We can get this done. If it can pass out of the committee unanimously, it can pass on the floor overwhelmingly. We need to address it.

Madam President, I put my colleagues on notice that we will have a discussion about this later in the day. I was not made aware of the opposition on the part of our Republican colleagues until this morning, but I will say we will press to complete our work.

We will try to respond to the request of the President of the United States that we get it done before Memorial Day. We will address the criticism of the House majority leader who complains of a dearth of leadership. Let's show leadership on both sides of the aisle. Let's show a commitment to the people of New York, to the people in Afghanistan, to our effort at addressing the needs of homeland defense more effectively than we would be were we to say: No, we will wait; no, somehow, it is not that important; no, we want to go home before we get this job done.

There is no reason to go home until we have gotten this job done, and we are going to press it all day long if we need to, to see if that is possible.

PRESCRIPTION DRUGS

Mr. DASCHLE. Madam President, again I thank my colleague from Michigan. As all of my colleagues know, this is an issue on which she made a commitment to her people before she got elected. She reminds me every day of that commitment and her absolute determination to address this issue soon.

I was in Maine a couple of days ago and was reminded again of what an emotional issue it is for seniors who have no other recourse but to go to Canada to get help, who pay bills and have to decide whether it is drugs or groceries, drugs or rent, drugs or car payments, drugs or fuel.

That kind of a decision in this day and age for people vulnerable as they are economically and in so many other ways is a matter that simply cannot rest until we have addressed it.

I thank the Senator from Michigan for her willingness to keep coming to the floor and reminding us of how important it is to keep organizing and effectively pressing for action in the Senate.

I know she wishes to make her statement at this time, and so I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I thank our Senate majority leader. If we did not have his leadership, we would not have the opportunity to be talking about specific proposals for a comprehensive Medicare prescription drug benefit or opening the doors to Canada or in other ways lowering prices for families, seniors, businesses, workers. The entire economy is affected by this issue, and we would not be in a position to do that without the leadership of Senator DASCHLE.

I thank him for that and also say that this week, as we are celebrating the leadership of another colleague, it would not be possible without Senator Jim Jeffords. I commend him. As our majority leader talked about going to Canada, Senator JEFFORDS has been at the forefront of breaking down those barriers so we could open the border.

I find it ironic we are debating an open trade bill, fast track, so we can have more trade and yet the only thing we cannot trade with Canada is prescription drugs made in the United States and subsidized by American taxpayers. Yet if they go to Canada and the prices are dropped in half, we cannot benefit from that.

Senator JIM JEFFORDS has been a leader. I am very proud to be joining with him on a bill with Senator DORGAN and many others. I once again commend Senator JEFFORDS for his courage in so many ways in stepping forward on matters that directly affect people every day. It is no less true on this question of prescription drugs.

It is true, as our Senate majority leader said, people are choosing every day between food and medicine, paying the light bill, and being able to pay the rent. I have been inviting people from Michigan to come to my Web site and be a part of something we are calling the Prescription Drug People's Lobby. People have said to me, Why do you call it that? Well, it is very simple. We looked up the numbers, and today there are six drug company lobbyists for every one Member of the Senate. Their voice is heard, and they spend every day doing everything to, unfortunately, stop us from lowering prices. They do wonderful work. We celebrate American-made ingenuity that creates these new drugs from which we can benefit, but if they are not affordable, then they are not available. It is as simple as that.

We have to address the question of prices and updating Medicare to cover prescription drugs. So I have formed something called the Prescription Drug People's Lobby in Michigan. I have colleagues doing the same. I know Senator JEAN CARNAHAN is doing this. Senator DURBIN and others are joining in this whole effort to invite people to share their stories to make their voices heard.

I am very pleased today to share one of those stories from Mrs. Malissa Askin. I share a story that reflects exactly what our Democratic leader, our majority leader, was indicating. Mrs. Malissa Askin, from Romulus, MI, e-mailed me 2 days ago and asked that I share her story. I appreciate that she is allowing me to do this. She starts out by saying:

> I guess my story is no different from the many Americans, when it comes to deciding if I can afford food to live, or medications. It boils down to a choice these days (what can I afford to keep myself alive?), once I pay my bills.

Then she goes on to say:

> I am 68 years old. My husband is deceased and I have no family. I have had a heart bypass, both arteries in my neck cleaned out and now in April I was operated on for cancer, not to mention other surgeries. I am supposed to be on nine medications. However, at the price of these meds, I can only afford three. I do not know what will happen with me by not being able to be on the meds I cannot afford, but it makes me wonder what I am living for. I feel like nobody cares.

Well, Mrs. Askin, people do care. We care. I care. Our Senate majority leader cares.

Mr. DASCHLE. Will the Senator yield?

Ms. STABENOW. Yes, I will yield.

Mr. DASCHLE. I thank the Senator for her poignant story and for again reminding us of the human face behind this issue. Those faces come so effectively to mind when one reads the words and listens to the extraordinarily difficult, agonizing decisions these older Americans have to make as they make their choices, as the Senator has indicated.

Has the Senator ever thought of the irony we find in our country today where those people most vulnerable, those people who need prescription drugs the most, are the very ones who have no access to prescription drugs through the health plan to which they subscribe?

Those of us who are younger, those of us who have private health plans today, have plans to which we can subscribe that have all kinds of prescription drug coverage available to us. I can go to a drugstore and have many of my drugs paid for, if I would ever find the need, but my mother cannot. She is part of Medicare. My relatives and my constituents cannot if they are in Medicare because they are in a program that has never adopted a prescription drug benefit program, in spite of the need that has been clearly demonstrated given the trends in health care delivery out of hospitals and into the more outpatient treatment care that is provided today.

I know the Senator from Michigan hears the same stories——

Ms. STABENOW. Absolutely.

Mr. DASCHLE. About the ironic state of circumstances we face. I wonder if she could comment on that.

Ms. STABENOW. I could not agree more. In 1965, we set up the promise of health care for those over age 65 and those who are disabled through Medicare, a wonderful American success story. Yet because it has not been updated to cover prescriptions, it no longer covers the way health care is provided today.

My mother as well, my aunt, my uncle, my other relatives who have had health care coverage when working, now find themselves in a situation where they cannot really get what they need because most of what they need is outpatient prescription drug coverage. I know that is why we are working so hard in the Senate to bring the sense of urgency that Mrs. Askin feels to pass a comprehensive prescription drug benefit, not one like, unfortunately, our colleagues on the other side in the House have been proposing, which for most people would give less than 20 percent coverage and cut our hospitals and create more costs for home health care in the process. That plan is not good enough.

What we are talking about is something that would allow us to provide comprehensive prescription drug coverage without adding costs for home health or cutting our hospitals that have already been cut but looking at something comprehensively.

When we look at Mrs. Askin, the bottom line for her is if she were to do what she needs to do to remain healthy, it would be a monthly bill of $938. How can someone do that? How can someone do that and live?

Mr. DASCHLE. The Senator from Michigan points out another irony. We often hear about people voting with their feet. We hear it in another context generally. A lot of times immigrants vote with their feet as they leave their countries to come to a safer place, a place with a better future. I find it ironic—and I am interested in the comments of the Senator from Michigan—that our seniors today appear to be voting with their feet in driving in large buses and caravans to Canada to get health care today. What does that say about the American health care system? What does that say about Medicare? What does that say about their own satisfaction with a system that appears to be so broken, so incapable of providing them the care they need, they have to go to another country to get it in order to afford it?

That, too, is voting with one's feet. I find that whether it is in letters to the Senator, or letters to any of us, or in the expressions of dismay, the current circumstances they face, more and more of our seniors are voting with their feet, going to Canada, to another health care system, to get what they cannot get here.

Could the Senator from Michigan comment on that?

Ms. STABENOW. I would be happy to comment on that situation.

From Michigan, it is a simple 5-minute drive across the bridge from the tunnel from Detroit to Canada; or from Port Huron, or Sault Sainte Marie, a simple 5-minute drive to Canada. We have worked together, on a number of occasions, with the Canadian Medical Society and pharmacists in Canada.

I find it most outrageous that these are American made drugs, the exact same drugs. We took a group of breast cancer patients using tamoxifen, at $136 a month in Michigan, 5 minutes across the border for the same drug sold for $15. I am told the companies make a modest profit on the $15.

There is something wrong, something desperately wrong. I support underwriting basic research. I support the ability to create patents so companies do not have to have competition for their name brands for 15 or 20 years, so they can recover their costs and all the other things we do to help create these wonderful lifesaving drugs. What do we get for it? The highest prices in the world. It is simply not good enough.

Mr. DASCHLE. Again, I compliment the distinguished Senator from Michigan. One day, hopefully in this session of Congress, you and I and all of our colleagues will be on the floor voting on a bill that will rectify that situation. We should not have to wait through another election. We should not have to wait for any other development. We know the facts. We know the people are going to Canada. We know the people are making these tough choices. We know heartfelt letters such as these are written, pleading for the Congress to respond. The only thing we do not know is how long it will take for the Congress to do what it needs to do; that is, to respond effectively with a comprehensive approach to universal access to good prescription drug coverage with cost containment as part of that coverage. That will happen someday as a result of the leadership shown and the extraordinary persistence of the Senator from Michigan.

I thank the Senator again for that effort.

Ms. STABENOW. I am deeply grateful for the comments of the Senate majority leader. His leadership, truly, on so many issues, particularly this issue, touches the lives of so many people every day. I am very grateful to the majority leader for that leadership.

We are focusing on bringing bills to the floor so we can solve the problems addressing what Mrs. Askin from Romulus, MI, has written about. We cannot say: We will wait another year: Mrs. Askin, why don't you wait on medications that you need, wait until next year or the year after or the year after?

This is not like buying a new car or a new pair of tennis shoes or are you going to wait on buying a piece of clothing. This is lifesaving medicine. There has to be a sense of urgency.

Health care has changed. Most of the time we are not admitted into the hospital. Thankfully, medication will allow people to avoid open-heart surgery or allow them to live with dignity at home or allow parents to care for children who are chronically ill or disabled, that allow them to live longer. We welcome these new innovations. It is wonderful.

I am proud that in this country we are in a partnership with investments from all taxpayers to the National Institutes of Health, utilizing the American ingenuity of the companies that go to work. It is wonderful.

Unfortunately, the end result is not wonderful. At the end of this process, the very people who help invest in the process cannot afford these lifesaving medications. Something is wrong. When we get to the end of the process and the health care system we have set up for older Americans who use the majority of medications, or those who are disabled who use the majority of medications, does not recognize these new lifesaving drugs incorporated in part of the health care system called Medicare, there is something wrong.

When we are creating these medications and they are sold to every other country in the world at half the price they are sold to us, there is something wrong.

When we see today these lifesaving medications are treated like any other product and twice as much or 2½ times more is spent on advertising than the research, and we, as taxpayers, pay for that through tax writeoffs, something is wrong. More was spent on Vioxx last year for advertisement than spent by Budweiser on beer, Coca-Cola on Coke, Pepsi-Cola on Pepsi. There is something wrong. It is fine to advertise and promote, but when the companies drive the prices beyond our ability to be able to afford the medications, when this advertising and promotion and sales going on in doctors' offices all over the country each day create a situation where a small business has to drop their insurance for their employees because they cannot afford the premium, it has gone too far.

When manufacturers have to stop providing health care for retirees or lay off people because of rising health care costs, most of which is the cost of their prescription drugs, it has gone too far. I could go on and on with examples of what has been happening.

Right now one of the largest costs, one of the costs driving every part of our economy, is the explosion in the pricing of prescription drugs. We can do better than that. We can open the border to competition for Canada. We can limit the amount we are willing to subsidize in those explosive advertising costs. We can support States in innovative ways. They are looking for ways to bring down prices for their own citizens such as in the State of Maine and the innovations they have incorporated, making sure when patents run out and it is time for the generic, the same formula can be sold without the brand name at pennies on a dollar. Those generic laws work, and we are, in fact, doing that. We have a plan that works. It is now time to put it into action.

In closing, I say to Mrs. Askin that people do care. We are working very hard to get it right. We are working hard so citizens will not have to decide every morning what bill to pay, what food they can afford, or whether or not they can afford their medicine. It is time to get it right. I will work very hard until we get it right so you can know that you can benefit from the wonderful new medications that have been placed on the market to save lives, to extend life, so you can also enjoy all the other wonderful parts of your life without worrying about whether you can afford your medicine.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Reid (for Byrd) amendment No. 3447 (to amendment No. 3401), to amend the provisions relating to the Congressional Oversight Group.

Reid (for Byrd) amendment No. 3448 (to amendment No. 3401), to clarify the procedures for procedural disapproval resolutions.

Reid (for Byrd) amendment No. 3449 (to amendment No. 3401), to clarify the procedures for extension disapproval resolutions.

Reid (for Byrd) amendment No. 3450 (to amendment No. 3401), to limit the application of trade authorities procedures to a single agreement resulting from DOHA.

Reid (for Byrd) amendment No. 3451 (to amendment No. 3401), to address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations.

Reid (for Byrd) amendment No. 3452 (to amendment No. 3401), to facilitate the opening of energy markets and promote the exportation of clean energy technologies.

Reid (for Byrd) amendment No. 3453 (to amendment No. 3401), to require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States.

Reid (for Durbin) amendment No. 3458 (to amendment No. 3401), to establish and implement a steel import notification and monitoring program.

Reid (for Harkin) amendment No. 3459 (to amendment No. 3401), to include the prevention of the worst forms of child labor as one of the principal negotiating objectives of the United States.

Reid (for Corzine) amendment No. 3461 (to amendment No. 3401), to help ensure that trade agreements protect national security, social security, and other significant public services.

Reid (for Corzine) amendment No. 3462 (to amendment No. 3401), to strike the section dealing with border search authority for certain contraband in outbound mail.

Reid (for Hollings) amendment No. 3463 (to amendment No. 3401), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits, and to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income tax.

Reid (for Hollings) amendment No. 3464 (to amendment No. 3401), to ensure that ISAC committees are representative of the producing sectors of the United States Economy.

Reid (for Hollings) amendment No. 3465 (to amendment No. 3401), to provide that the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply within 30 days with a United States Government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act.

Reid (for Landrieu) amendment No. 3470 (to amendment No. 3401), to provide trade adjustment assistance benefits to certain maritime workers.

Reid (for Jeffords) amendment No. 3521 (to amendment No. 3401), to authorize appropriations for certain staff of the United States Customs Service.

Wellstone amendment No. 3467 (to amendment No. 3401), to protect human rights and democracy.

Reid (for Hollings) amendment No. 3527 (to amendment No. 3447), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits.

AMENDMENT NO. 3527

Mr. HOLLINGS. Madam President, I am indebted to the leadership for, last evening, late in the hour, having called up my amendment in the second degree, I think, to the Byrd amendment.

What is the pending question before the Senate?

The PRESIDING OFFICER. The Senator is correct. It is his second-degree amendment.

Mr. HOLLINGS. I thank the distinguished Chair.

Madam President, I am still smiling because I was coming onto the elevator with some books, and the elevator operator said: My Lord, are you going to preach?

I wish I had the talent to preach on this particular score because the real problem confronting our country is economic strength. There is no question in my mind that fast track is about the worst thing that we could possibly adopt. I have yet had the time to really get into a debate. I would not preach, but I would be delighted to get into a debate with respect to, actually, the need for a competitive trade policy, for the rebuilding of our economic strength, and the rebuilding of our manufacturing capacity.

Somehow or other we have lost sight of the greatness of America. We think it is the 6th Fleet and the atom bomb. They do not count anymore in the halls of international and global relations and foreign diplomacy. What counts now is economic strength, that is the real battle and war we are in.

They say: You are going to start a war. We have been in a very viable, competitive, reciprocal free trade, competitive free trade of which Cordell Hull spoke.

What comes to mind, I was at a conference up in Chicago some years ago with Akio Morita, the chairman of the board of Sony. He was speaking about the Third World, the emerging nations. This is some years back. He was counseling the Third World countries that they had to develop a strong manufacturing sector in order to become a nation-state. He was talking along, and then he pointed at me, and then he said:

> By the way, Senator, the world power that loses its manufacturing capacity will cease to be a world power.

That is what is on my mind this morning. It is not just manufacturing but, of course, our financial dilemma. There is no question in my mind that we have developed, not a tax-and-spend, but a borrow-and-spend society.

I ask unanimous consent that the debt to the penny be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEBT TO THE PENNY

	Amount
Current: 5/21/2002	$6,019,261,264,823.37
Current Month:	
5/20/2002	6,019,304,226,577.31
5/17/2002	6,019,432,256,973.92
5/16/2002	6,019,475,513,420.98
5/15/2002	6,016,580,911,847.58
5/14/2002	5,990,414,639,076.97
5/13/2002	5,989,198,647,537.89
5/10/2002	5,988,911,662,755.21
5/09/2002	5,978,218,818,210.58
5/08/2002	5,973,205,194,045.55
5/07/2002	5,973,527,635,269.29
5/06/2002	5,969,691,431,266.78
5/03/2002	5,966,885,188,391.86
5/02/2002	5,979,288,646,755.03
5/01/2002	5,974,320,868,797.23
Prior Months:	
4/30/2002	5,984,677,357,213.86
3/29/2002	6,006,031,606,265.38
2/28/2002	6,003,453,016,583.85
1/31/2002	5,937,228,743,476.27
12/31/2001	5,943,438,563,436.13
11/30/2001	5,888,896,887,571.34
10/31/2001	5,815,983,290,402.24
Prior Fiscal Years:	
9/28/2001	5,807,463,412,200.06
9/29/2000	5,674,178,209,886.86
9/30/1999	5,656,270,901,615.43
9/30/1998	5,526,193,008,897.62
9/30/1997	5,413,146,011,397.34
9/30/1996	5,224,810,939,135.73
9/29/1995	4,973,982,900,709.39
9/30/1994	4,692,749,910,013.32
9/30/1993	4,411,488,883,139.38
9/30/1992	4,064,620,655,521.66
9/30/1991	3,665,303,351,697.03
9/28/1990	3,233,313,451,777.25
9/29/1989	2,857,430,960,187.32
9/30/1988	2,602,337,712,041.16
9/30/1987	2,350,276,890,953.00

Source: Bureau of the Public Debt.

THE DEBT TO THE PENNY AND WHO HOLDS IT BEGINNING JANUARY 31, 2001

	Debt held by the public	Intragovernmental holdings	Total
Current: 5/21/2002	$3,436,649,451,216.50	$2,582,611,813,606.87	$6,019,261,264,823
Current Month:			
5/20/2002	3,438,251,573,271.40	2,581,052,653,305.91	6,019,304,226,577
5/17/2002	3,439,271,479,603.89	2,580,160,777,370.03	6,019,432,256,973
5/16/2002	3,442,068,572,294.49	2,577,406,941,126.49	6,019,475,513,420
5/15/2002	3,439,523,397,954.34	2,577,057,513,893.24	6,016,580,911,847
5/14/2002	3,416,285,823,486.91	2,574,128,815,590.06	5,990,414,639,076
5/13/2002	3,415,564,600,264.24	2,573,634,047,273.65	5,989,198,647,537
5/10/2002	3,415,522,879,129.47	2,573,388,783,625.74	5,988,911,662,755
5/09/2002	3,403,885,470,082.53	2,574,333,348,128.05	5,978,218,818,210
5/08/2002	3,397,455,347,494.59	2,575,749,846,550.96	5,973,205,194,045
5/07/2002	3,396,968,024,725.81	2,576,559,610,543.48	5,973,527,635,269
5/06/2002	3,396,126,515,846.99	2,573,564,915,419.79	5,969,691,431,266
5/03/2002	3,395,972,512,085.24	2,570,912,676,306.62	5,966,885,188,391
5/02/2002	3,395,802,045,107.50	2,583,486,601,647.53	5,979,288,646,755
5/01/2002	3,400,773,341,390.14	2,573,547,527,407.09	5,974,320,868,797
Prior Months:			
4/30/2002	3,402,336,886,067.70	2,582,340,471,146.16	5,984,677,357,213
3/29/2002	3,444,137,028,277.33	2,561,894,577,988.05	6,006,031,606,265
2/28/2002	3,442,243,757,040.41	2,561,209,259,543.44	6,003,453,016,583
1/31/2002	3,378,924,426,706.66	2,558,304,316,769.61	5,937,228,743,476
12/31/2001	3,394,398,958,213.60	2,549,039,605,222.53	5,943,438,563,436
11/30/2001	3,404,026,838,038.17	2,484,870,049,533.17	5,888,896,887,571
10/31/2001	3,333,039,379,996.92	2,482,943,910,405.32	5,815,983,290,402
Prior Fiscal Years: 9/28/2001	3,339,310,176,094.74	2,468,153,236,105.32	5,807,463,412,200

THE DEBT TO THE PENNY AND WHO HOLDS IT THROUGH JANUARY 30, 2001

	Debt held by the public	Intragovernmental holdings	Total
Prior Months:			
1/30/2001	$3,369,903,111,703.32	$2,370,388,014,843.13	$5,740,291,126,546
12/29/2000	3,380,398,279,538.38	2,281,817,734,158.99	5,662,216,013,697
11/30/2000	3,417,401,544,006.82	2,292,297,737,420.18	5,709,699,281,427
10/31/2000	3,374,976,727,197.79	2,282,350,804,469.35	5,657,327,531,667
Prior Fiscal Years:			
9/29/2000	3,405,303,490,221.20	2,268,874,719,665.66	5,674,178,209,886
9/30/1999	3,636,104,594,501.81	2,020,166,307,131.62	5,656,270,901,633
9/30/1998	3,733,864,472,163.53	1,792,328,536,734.09	5,526,193,008,897
9/30/1997	3,789,667,546,849.60	1,623,478,464,547.74	5,413,146,011,397

Mr. HOLLINGS. Madam President, they have talked about surpluses, surpluses, surpluses. You will find in Time magazine this week, up on the right-hand side—I don't have my copy—where the deficit for 2001 was in excess of $500 billion. Let me repeat that. Look in Time magazine. We were talking about surpluses when we were cutting taxes last year. Time magazine alone reported, rather than a surplus we were running these horrendous deficits.

Of course, the fiscal year has just begun. We have yet to distribute a lot of the emergency money. For example, I have been trying like the dickens to get the rail security money to start working on the tunnels going into New York. The money has been appropriated and voted during the emergency, but we are not really serious. We are not really serious about the so-called terrorism war. Here we are already running a $212 billion deficit and the increase to the debt already this fiscal year was right at almost $100 billion spent from Social Security trust funds. They are talking about how we could get into it, but this record that I am introducing is very significant because of what I pointed out.

Let me have printed in the RECORD an article by Paul Krugman, "The Great Evasion; Where Have All The Taxes Gone?" I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the NY Times, May 14, 2002]

THE GREAT EVASION

WHERE HAVE ALL THE TAXES GONE?

(By Paul Krugman)

Last week Stanley Works, a Connecticut tool company, postponed its plan to evade taxes by incorporating itself in Bermuda. The decision reflected pressure from the White House, which denounced the move as unpatriotic in a time of national emergency.

I am, of course, making that last part up. The shareholders' vote approving Stanley's move was challenged by Connecticut officials; also, the company has been put in the spotlight by David Cay Johnson, The New York Times's invaluable tax reporter. But the Bush administration, always quick to question the patriotism of anyone who gets in its way, has said nothing at all about Stanley Works, and little about the growing number of U.S. corporations declaring themselves foreign for tax purposes.

To be fair, the administration didn't create the loophole Stanley wants to exploit. And it's not enough just to denounce corporations that exploit tax loopholes; the real answer is to deny them the opportunity. Still, the administration's silence is peculiar. What's going on?

The closest we have to an official statement on the issue of companies moving offshore comes from the Treasury Department's chief of tax enforcement: "We may need to rethink some of our international tax rules that were written 30 years ago when our economy was very different and that now may be impeding the ability of U.S. companies to compete internationally."

Unfortunately, that statement misrepresents the issue. For one thing, U.S. companies don't necessarily pay higher taxes than their foreign counterparts; Germany's corporate tax rate is significantly higher than ours, France's rate is about the same, and Britian's is only marginally lower. Anyway, the Treasury statement makes it sound as if we're losing revenue because U.S.-based companies are moving their headquarters to lower-cost locations, or because they are losing market share to foreign rivals. Neither proposition is true. In fact, we're losing revenue because profitable U.S. companies are using fancy footwork to avoid paying taxes.

By incorporating itself in Bermuda, a U.S.-based corporation can—without moving its headquarters or anything else—shelter its overseas profits from taxation. Better yet, the company can then establish "legal residence" in a low-tax jurisdiction like Barbados, and arrange things so that its U.S. operations are mysteriously unprofitable, while the mail drop in Barbados earns money hand over fist. In other words, this isn't about competition; it's about tax evasion.

The natural answer would seem to be to crack down on the evaders—to find a way to tax companies on the profits they really earn in the U.S. and prevent them from using creative accounting to make the profits appear somewhere else. It's hard, but not impossible.

But here's the key point: Administration officials don't want to help collect the corporate profits tax. Unable to push major corporate tax breaks through Congress, the administration has used whatever leeway it has to offer such breaks without legislation. The Hill, a nonpartisan publication covering Congressional affairs, recently reported on "a series of little-noticed executive orders . . . that will provide corporations with billions of dollars in tax relief without the consent of Congress."

And now the silence on Stanley becomes comprehensible. The administration doesn't want to say outright that it's in favor of tax evasion; but it also doesn't really want to collect the taxes. Better to say nothing at all.

The trouble is that hinting, even by silence, that it's O.K. not to pay taxes is a dangerous game, because it can quickly grow into a major revenue loss. Accountants and tax planners have taken the hint; they now believe that it's safe to push the envelope. Tax receipts this year are falling far short of expectations, even taking the recession into account; my bet is that it will turn out that newly aggressive tax avoidance by corporations (and wealthy individuals) is an important part of the story. And it will get worse next year.

Furthermore, what does it say to the nation when companies that are proud to stay American are punished, while companies that are willing to fly a flag of convenience are rewarded?

If the administration wants to eliminate the corporate profit tax, let's have a real, open debate—starting with an explanation of how the lost revenue will be replaced in a time of severe budget deficits. Meanwhile, let's crack down on tax evasion.

Mr. HOLLINGS. Madam President, you can read there and see where they have not only cut $1.6 trillion from the revenues and wonder where the deficits come from, but they are insisting at this particular time to make permanent certain tax cuts, an additional $4 trillion. Of all things, our Commander in Chief, the President, says: And by the way, since we have a war on terrorism, we are going to have to run deficits.

We have paid for every war that we have ever been in. I noted the other day, last Saturday:

> Sharon's Finance Ministry has revised the budget to deal with the slump and pay for the military effort, particularly the month-long offensive in the West Bank that ended last week. It includes raising by 1 percentage point the 17 percent value-added tax, levying higher taxes on diesel fuel and cigarettes and making cuts in the country's generous social welfare benefits.

You don't find that back in the United States. Israel is serious about its war.

But no. We continue with the economy. We think it is bouncing back because—why? It is not on account of production, and not on account of investment in the market today, but on account of "Argentina, a land that shopped itself to death."

I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARGENTINA, A LAND THAT SHOPPED ITSELF TO DEATH

(By Matthew Parris)

I always knew there was something queer about Argentina.

You do not need to be psychic to pick up a sense that something is wrong with a place. Scores of countries are inhabited by scores of ills, but they muddle through. Argentina felt wrong in a different way. Travelling there was more akin to the experience of visiting a company which, though trading, later turns out to have been a front for quite another operation; or driving down a modern and expensive-looking motorway (as I once did in Cuba) where the sliproads turn out to be dead ends, the bridges across it bridge nothing to nothing, and the crowds of people milling inexplicably round beneath them are found to be desperate hitch-hikers, there being no cars and no petrol.

It just didn't add up. Nor did Argentina.

Arriving at the frontier by bus from Bolivia some years ago after a 20-hour journey over atrocious roads from La Paz, we found that from the border post to the nearest town lay a short stretch of tarmac along which the ten-minute taxi ride cost more than the cost of the whole Bolivian bus journey. In the next town, Juyuy, we paid in Argentine pesos and were given change in crudely printed notes issued by the state government, there being an insufficiency of funds from central government in Buenos Aires.

This seemed like anarchy—some kind of breakdown. So how come, when we reached the next town, Salta, the women were wearing fur and taking toy dogs for walks on leads? I have felt the same "Huh?" about Israel, Morocco and Saudi Arabia.

Like Tintin's little dog, Snowy, one surveys the scene with a question mark suspended above the head. The reasons for puzzlement vary but the sense of disjunction is the same: a circuit board with an unfinished circuit; and Escher print where the perspective disappears up its own staircase; those people Moral Re-Armament who invited you unaccountably to lunch in the 1970s; a telephone kiosk in the desert; Mormons. One observes quizzically yet unable even to frame the question. Years later, when the thing implodes, one says: "I always knew there was something dodgy there; I should have looked into it; I should have said something."

But what? This was at a time when all the wise people said Carlos Menem was doing things right, the peso had linked to the dollar and the entire Spanish banking system was taking a punt with Argentine economic prospects. To talk of the inherent madness would have appeared, in itself, mad.

Now, at least, there is acceptance that something is wrong. Let me take a stab at saying what. I think the problem with Argentina is shopping.

There is much too much shopping in Argentina, and it has been going on for a long time. Everybody in Buenos Aires seems to be shopping and when they are not shopping they are at yacht clubs, or with their psychoanalysts.

Another favourite pastime is visiting cemeteries, at the most fashionable of which I was astonished to encounter something more resembling a city than a place of burial. Family mausoleums vied with each other for marbled splendour. Some were multistoreyed, and some went down a couple of floors beneath ground. One was said to have a lift. Through the streets of this macabre metropolis women in mink walked miniature poodles in tartan coats.

Where, then, was the money coming from? I saw some breweries, a cement works and a Coca-Cola bottling plant, and there were rumoured to be factories (on strike) in another part of town. There were also a great many waiters, hotels, bars, clubs, and sexily skirted shopgirls selling sickly-sweet pastries and treacly cream. There were window-dressers. And, everywhere, there was shopping.

Well, it's fairly clear—is it not—what was amiss? The country was living way beyond its means. People did know this, on one level at least. They knew what the figures said, and they blamed the Government for not getting the figures right. It was all due, they said, "to corruption"; no doubt somebody, probably the political class, was salting it away. Government needed to be "cleaned up", people said (while boasting about how cleverly they were fiddling their own taxes): but in the meantime much hope was being placed by some, and much disbelief by others, in whatever it was President Menem was doing with the currency.

Those who supported pegging the peso to the dollar thought this would rescue the Argentine economy; those who did not, thought it would wreck the Argentine economy. On one thing, however, there seemed to be wide agreement; getting the currency right would be the basis for economic revival.

To another question, however, little attention was directed. Given that currency is really just a medium of exchange, what of the things—the goods and services—to be exchanged? What were Argentinians making? What were they doing when not shopping? How hard were they working? What were they paying themselves for this work? About such questions I heard less discussion and sensed a lack of focus. This was very different from neighboring Chile, a humbler country where the hustle and buzz of economic activity filled the air.

Currency and corruption because the great evasions of political discussion in Argentina. Currency was something somebody else—a politician—had to get right before the economy would work.

Corruption was the reason why, even after many fine minds had applied themselves to Currency, the economy was still refusing to work.

When a political leader has been spat humiliatingly out by the voters we are understandably disinclined to hitch our judgment to his star, but Fernando de la Rua, President for two years since 1999, does seem to me to have been right. And in the end, the bangers of pots and pans got him.

They will soon be banging their pots and pans outside the house of their latest President, Eduardo Duhalde. Whatever left-wing window-dressing, the 60-year-old Peronist veterans brings to his appointment, the real need and only solution is austerity, massive spending cuts and an end to featherbedding. As a Peronist he will not find it easy to lead this way. Already the pots and pans beat for fresh elections and the eviction of the entire political class.

Listen to those pots and pans in Argentina. They are a voice, and a powerful one, of democracy. The voice says "let us have our cake and eat it". The voice has shouted down government after government in that country.

Nor do you need to remind me that Argentina has only fitfully enjoyed elected government. It is a great fallacy of post-1945 political science to equate democracy with elected government. Democracy is the crowd,the majority, the mob; the crowd may get its way by electing a government or by sustaining a dictator. Some of history's most notorious populists have been dictators and generals; for most dictators, if they are to survive, must be or became demagogues.

A dictator—as was Juan Peron—is in some senses more at the mercy of his people than an elected government, for his position is inherently precarious and his tenure, however long, will always have a temporary flavour. Nobody rules forever without the love of the people, but elected governments can on the whole get away with if for longer. A dictator—an Amin, Mussolini, Mugabe, Hitler, Galtieri—needs to work more assiduously to please the crowd, and has a greater power to carry into effect the will of the people, than a prime minister or elected president. When it suited him, Peron and his trade unions had no difficulty in winning elections.

But with elections some constitutions, terms of office, courts and rules of law. These, often thought of as characterizing democracy, are impediments to the will of the people, and intended to be. So are the International Monetary Fund, the Bank of England, the European Central Bank, the Federal Reserve Bank, the World Bank, world trade and "globalisation". They are bulwarks against the mob.

And they, or a fair few of them, will now have to serve as President Duhalde's allies against the Argentine electorate, banging its pots and pans in the face of reality. Lemmings do not always know what is good for them. Lemmings can be democrats, too.

Mr. HOLLINGS. Madam President, "Argentina, a land that shopped itself to death."

We have gone from the socialistic United Kingdom system of tax and spend and to the Argentina system of borrowing, spending and shopping to death. There it is.

It is very interesting. When I talk of the financial dilemma we are in with a $400 billion trade deficit and we are going to run a nearly $400 billion fiscal deficit—I want to be here on September 30 and see where we are measuring up by September 30. We have an election in November. By October, we will have the figures. It will be nearly a $400 billion deficit. There isn't any question in my mind.

So you have the fiscal weakness—the enfeeblement, more or less—of the economy on the one hand and the productivity on the other hand of not making anything anymore.

I was very interested. That is why I brought this book to the Senate this morning. The favorite book in Washington today is Theodore Rex about Teddy Roosevelt. You will find the economic strength of the country on page 20.

> More than half of the world's cotton, corn, copper and oil flowed from the American cornucopia, and at least one-third of all the world's steel, iron, silver and gold.

Can you imagine that? Here we just had to put in some restrictions on the import of steel. It is not more or less trade. It is more about McNamara and the World Bank. He went running around the world with the World Bank saying: Wait a minute. In order to become a nation state, you have to have the weapon of agriculture and the weapons of war. You have to have a 2-percent steel plant.

I worked with a fellow named Willy Korpf when he brought to South Carolina, Beaumont, TX, down in Brazil, Saudi Arabia—he was building them in

China a few years ago when he crashed in the Alps coming to his home.

I dedicated his plant across the Rhine across from Strasbourg, France, and Kehl, Germany.

But that 2-percent plant all around the world is an overproduction of steel.

While they argue about steel—I have it in my backyard with NuCor, which doesn't have any legacy problems. It is the most productive steel plant in the entire world. Yet we are importing steel at less than cost on the dock right in front of the Customs house where I have my office in Charleston, SC, to furnish steel all over the Southeast from Brazil. That is the kind of situation we are in.

After 100 years, Teddy Roosevelt—yes. Hamilton, Jefferson, Madison—the Forefathers—were all protectionists. Here it is. They had it. This is what we have as a result of it.

> More than half the world's cotton, corn, copper, and oil flowed from the American cornucopia, and at least one third of all steel, iron, silver, and gold. . . . The excellence of her manufactured products guaranteed her dominance of world markets. Current advertisements in British magazines gave the impression that the typical Englishman woke to the ring of an Ingersoll alarm, shaved with a Gillette razor, combed his hair with Vaseline tonic, buttoned his Arrow shirt, hurried downstairs for Quaker Oats, California figs, and Maxwell House coffee, commuted in a Westinghouse tram (body by Fisher), rose to his office in an Otis elevator, and worked all day with his Waterman pen under the efficient glare of Edison lightbulbs. "It only remains," one Fleet Street wag suggested, "for [us] to take American coal to Newcastle." Behind the joke lay real concern: the United States was already supplying beer to Germany, pottery to Bohemia, and oranges to Valencia.

We had a vote yesterday on a 50-percent tariff on importing oranges, and they are still bringing them in from Brazil.

Further:

> As a result of this billowing surge in productivity, Wall Street was awash with foreign capital. Carnegie calculated that America could afford to buy the entire United Kingdom, and settle Britain's national debt in the bargain. For the first time in history, transatlantic money currents were thrusting more powerfully westward than east. Even the Bank of England had begun to borrow money on Wall Street. New York City seemed destined to replace London as the world's financial center.

Wall Street is on its backside. Why? Because of the enfeeblement of the economy as we think of our strength.

I emphasize that the security of the United States is like a three-legged stool. You have the one leg for the values as a nation, you have the second leg as the military strength, and your third leg as your economic strength.

On values, we have the respect of the world for standing for individual freedom and democracy. There is no question whatsoever with respect to our military power. And with respect to our economic power, it has become fractured as a result of the conduct after World War II for the last 50 years, which worked. No one complains about the Marshall plan and the treating of foreign trade as foreign aid.

But this is what has happened as a result. It has to stop.

Two-thirds of the clothing we wear is imported; 88.5 percent of the shoes on the floor in the Senate are imported; over half of electric motors and portable electric hand tools; 71.8 percent of our aircraft engines and our gas turbines are imported; over a third of our motor vehicles are imported; over half of the office machines; 95.5 percent of consumer electronics—we hardly make those anymore—70 percent of the televisions; 86.7 percent of radio and television broadcasting equipment; over half of the photographic cameras, 80.8 percent; 82.8 percent of the luggage; 70.3 percent of the bicycles; and 84.8 percent of the toys.

I hear constantly, "high tech, high tech." Senator, you don't understand. We are going away from the smokestack industries and we are going high tech.

Look here. Over half of the semiconductors are imported—we are not producing the semiconductors that we consume. We are importing the majority of what we consume, and the same thing is true with computers.

We have a deficit in the balance of trade.

I ask unanimous consent to have the list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Product	Trade deficit (millions)	Percentage of imports
Pneumatic tires and tubes	−2,286	31.8
Apparel	−56,225	57.6
Footwear	−14,192	88.5
Steel mill products	−10,114	21.3
Air-conditioning equipment/parts	−449	23.0
Household Appliances	−2,441	31.5
Wrapping, packaging, can-sealing	−442	26.2
Textile Machinery	−562	58.3
Electric motors and generators etc.	−2,746	29.8
Electrical transformers, static converters	−3,404	51.8
Portable electric handtools	−808	36.5
Electric lamps and portable electric lights	−682	39.7
Aircraft engines and gas turbines	4,072	71.8
Internal combustion piston engines	−1,724	24.8
Motor vehicles	−106,727	35.6
Office machines	−766	50.7
Consumer electronics	−19,005	95.5
Television receivers and video monitors	−6,549	69.2
Radio and television broadcasting equip.	−4,576	86.7
Semiconductors and integrated circuits	−2,619	51.2
Computers, peripherals and parts	−45,085	56.5
Optical goods, including ophthalmic goods	−1,887	56.5
Photographic cameras and equipment	−3,499	46.8
Watches and clocks	−3,006	80.8
Luggage	−2,489	82.8
Bicycles and certain parts	−1,113	70.3
Toys	−7,930	84.8

Mr. HOLLINGS. Madam President, you get an idea of America going out of business, but more than anything else, we ought to look at Saturday's business section of the Washington Post.

In contrast to Teddy Roosevelt, and the beginning of the last century, let us define where we are today. An article is entitled "Buying American? Maybe Not."

I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 18, 2002]

BUYING AMERICAN? MAYBE NOT

MANY U.S. BRANDS EUROPEAN-OWNED

(By T.R. Reid)

Let's imagine a typical American couple—we'll call them Bill and Betty Yankee—using a long weekend for an all-American vacation.

Bill, an engineer at Niagara Mohawk Power Corp., in Upstate New York, and Betty, a clerk at Casual Corner, take their Jeep down to the Amoco station for a fill-up, pop a Dave Matthews album into the cassette player and head west. They drive all day, except for a quick lunch at Burger King, and stop for the night at a Holiday Inn outside Pittsburgh. In their room, Bill smokes a couple of Lucky Strikes and watches "A Beautiful Mind" on pay-per-view, while Betty curls up with a bottle of Snapple and the new Philip Roth novel she just received from the Literary Guild.

The next day, they get some cash at a Mellon Bank ATM, fill the tank at a Shell station and drive all the way to Chicago. There they meet their daughter Barb, a copywriter at the Leo Burnett advertising agency, who proudly shows her parents the ad she has written for Taster's Choice coffee. Barb's husband, Bob, a reporter for the Chicago Sun-Times, is delighted with the Brooks Brothers necktie his in-laws brought him.

It all sounds thoroughly American. However, just about every product and service that the Yankee family bought or used on this trip came from European-owned companies.

The family Jeep is made by Germany's DaimlerChrysler. The Amoco station belongs to the British oil company BP and the Shell station to Royal Dutch Shell, an Anglo-Dutch combination.

Burger King is owned by Britain's beverage giant Diageo, Holiday Inn by the big British hotel firm Six Continents. Mellon Bank is a subsidiary of the Royal Bank of Scotland. The Oscar-winning movie "A Beautiful Mind" was released by Universal Studios, a subsidiary of the French media colossus Vivendi Universal, which is also a major operator of pay-per-view television in the United States. Philip Roth's publisher, Houghton Mifflin, is another Vivendi subsidiary. The Literary Guild is part of the global empire of the German publishing giant Bertelsmann. Lucky Strikes are made by London-based British American Tobacco. Snapple is owned by Britain's Cadbury Schweppes. Taster's Choice coffee belongs to Nestle SA of Switzerland.

It's fitting, in a way, that the Yankee family is constantly buying from European companies, because all four of the Yankees—like millions of other Americans today—are employed by European-owned firms. Niagara Mohawk is one of several American power utilities owned by Britain's National Grid. Both Brooks Brothers and the 1,000-store Casual Corner chain are part of an Italian conglomerate, Retail Brand Alliance. The Leo Burnett agency belongs to a French group, Publicis. Even a product as localized as the Chicago Sun-Times is owned by a company that is owned by the London media magnate Conrad Black.

"We live in a globalized world, and the products Americans use now can be owned by companies almost everywhere," notes John Palmer, a director of the European Policy Centre, a Brussels-based think tank. "Since we've seen the rise of some very powerful European multinationals in the recent past, it's only natural that these companies would extend their reach to the U.S."

The seemingly endless web of European connections woven through corporate America today reflects a surge of investment from Britain, France, Germany, the Netherlands, Italy, Ireland, Scandinavia and other parts of Western Europe over the past decade. The long U.S. economic boom of the '90s drew hundreds of billions of dollars from European investors into American companies, according to the European-American Business Council, an advocacy group based in Washington. Europe is by far the top source of foreign direct investment in the United States.

European investors say the flow of money across the Atlantic is a tribute to the strength and the promise of the U.S. economy.

"Why invest in the U.S.A.? It's simple," says Sir Ian Prosser, chairman of Six Continents PLC, the hotel firm with headquarters in London. "It's a great economy, and it produces great returns. Beyond that, the U.S. is so competitive that we know the things we learn operating there will help us in all our other markets around the world."

Money flows the other way, too. Through names like McDonald's, Starbucks or the Gap, U.S. investment is evident in virtually every European city. But similarly, the American presence is not restricted to American labels. Such famous European car brands as Volvo, Jaguar, Aston Martin and Land Rover are all owned by Ford Motor Co.

Even so, the United States is a net gainer, by hundreds of billions of dollars, from the back-and-forth investment. In 2000, according to Commerce Department figures, U.S. direct investment in Europe reached $650 billion; European investment in the United States was almost $900 billion. In economic terms, the big U.S. surplus in direct investment helps pay for the big U.S. deficit in international trade.

The European-American Business Council says that Europeans are the top foreign investors in 44 states, with Texas and California receiving the most funds. In Maryland, 60 percent, or $6.8 billion, of foreign investment money has come from Europe. Virginia has $14.7 billion in European investments, representing 68 percent of total foreign investment.

Some 3.9 million Americans work directly for European-owned companies, the council says.

The result of this transatlantic tidal wave of investment is that many of the products that seem most familiar to American consumers now come from European companies.

Even the word "America" in the brand name doesn't imply American ownership anymore. The American Heritage Dictionary is another Vivendi property. RCA Records, once part of the Radio Corporation of America, belongs to Bertelsmann. There may be nothing more American than apple pie, but Mott's apple pie filling, along with Mott's apple juice and apple sauce, are British-owned.

Europeans have also put major amounts of money into American financial companies. In addition to Mellon Bank, Royal Bank of Scotland owns more than 15 other U.S. banking institutions. The respected investment bank once known as First Boston is now Credit Suisse First Boston, a unit of Zurich-based Credit Suisse Group.

In Baltimore, fast-growing Allfirst Bank is a subsidiary of Allied Irish Banks of Dublin, and the city's traditional brokerage house, Alex. Brown, belongs to Deutsche Bank.

Just over a decade ago, when Japanese companies were pouring large sums into U.S. businesses and real estate, the investment sparked fear and anger among many Americans. There was a concern that Tokyo was snatching up America's corporate jewels. When Sony purchased Columbia Pictures, for example, Newsweek's cover featured the Statue of Liberty dressed in a kimono and the headline "Japan Invades Hollywood."

But the new wave of European investment has spawned almost no adverse reaction among Americans. Perhaps Americans are proud that foreign investors want to put their money into the U.S. economy. Perhaps there is a growing public awareness of the process of globalization, with multinational companies buying and selling subsidiaries all over the world. Perhaps Americans just don't know how much of their daily commerce is done with European-owned firms. Or could it be that Americans don't mind if blue-eyed Christians from Europe buy their companies but are less comfortable when Asians do?

Since the U.S. government, industry and financial markets all welcome the influx of funds, there's probably not much relief available for any Americans who are worried about the wave of European ownership. The only thing to do, really, is head out to a bar and drown your worries with a classic American drink like a "seven and seven."

Of course, this might not be a completely satisfying response, because both parts of that familiar cocktail come from British companies today: Seagram's Seven Crown belongs to Diageo, and 7Up is one of the flagship brands of Cadbury Schweppes.

Mr. HOLLINGS. Madam President, I will not read the entire article. It is very interesting.

Let's imagine a typical American couple—we'll call them Bill and Betty Yankee—using a long weekend for an all-American vacation.

Bill, an engineer at Niagara Mohawk Power Corp. in Upstate New York, and Betty, a clerk at Casual Corner, take their Jeep down to the Amoco station for a fill-up, pop a Dave Matthews album into the cassette player and head west. They drive all day, except for a quick lunch at Burger King, and stop for the night at a Holiday Inn outside Pittsburgh. In their room, Bill smokes a couple of Lucky Strikes and watches "A Beautiful Mind" on pay-per-view, while Betty curls up with a bottle of Snapple and the new Philip Roth novel she just received from the Literary Guild.

The next day, they get some cash at a Mellon Bank ATM, fill the tank at a Shell station and drive all the way to Chicago. There they meet their daughter Barb, a copywriter at the Leo Burnett advertising agency, who proudly shows her parents the ad she has written for Taster's Choice coffee. Barb's husband, Bob, a reporter for the Chicago Sun-Times, is delighted with the Brooks Brothers necktie his in-laws brought him.

It all sounds thoroughly American. However, just about every product and service that the Yankee family bought or used on this trip came from European-owned companies.

The family Jeep is made by Germany's DaimlerChrysler. The Amoco station belongs to the British oil company BP and the Shell station to Royal Dutch Shell, an Anglo-Dutch combination.

Burger King is owned by Britain's beverage giant Diageo, Holiday Inn by the big British hotel firm Six Continents. Mellon Bank is a subsidiary of the Royal Bank of Scotland. The Oscar-winning movie "A Beautiful Mind" was released by Universal Studios, a subsidiary of the French media colossus Vivendi Universal, which is also a major operator of pay-per-view television in the United States. Philip Roth's publisher, Houghton Mifflin, is another Vivendi subsidiary. The Literary Guild is part of the global empire of the German publishing giant Bertelsmann. Lucky Strikes are made by London-based British American Tobacco. Snapple is owned by Britain's Cadbury Schweppes. Taster's Choice coffee belongs to Nestle SA of Switzerland.

It's fitting, in a way, that the Yankee family is constantly buying from European companies, because all four of the Yankees—like millions of other Americans today—are employed by European-owned firms. Niagara Mohawk is one of several American power utilities owned by Britain's National Grid. Both Brooks Brothers and the 1,000-store Casual Corner chain are part of an Italian conglomerate, Retail Brand Alliance. The Leo Burnett agency belongs to a French group, Publicis. Even a product as localized as the Chicago Sun-Times is owned by a company that is owned by the London media magnate Conrad Black.

The entire article is in the RECORD.

It is just ludicrous when you hear this talk about free trade, free trade, and global competition. I don't want to sound like Al Gore, but I know a little bit about global trade. I didn't invent it. But 40 years ago, as a Governor, I went to both Latin America and to Europe to seek industry, and today we have 125 German industries in South Carolina. I have not had much luck recently on carpetbagging New York, but I used to go up there regularly and move everything I could find up there down to South Carolina. But the opportunities now are in Europe and out in the Pacific rim.

I called on Michelin exactly 40 years ago—well, 42, I guess—in late May or June of 1960. We have four Michelin French plants, their North American headquarters.

So don't lecture us, who have lost 53,900 textile jobs, about globalization. The fact is, there is no such thing as free trade. Never has been. Never will be. In the earliest days——

Mr. DORGAN. Will the Senator yield?

Mr. HOLLINGS. I am going to get through my thoughts here, and then I will be glad to yield. But I do not have it on the record, and I want to put this particular subject on the record as I see it and can remember it.

Mr. DORGAN. Mr. President, I just want to ask unanimous consent for something.

I ask unanimous consent that I be recognized following Senator HOLLINGS.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mr. HOLLINGS. Very good. I thank the distinguished Senator.

Mr. President, what happened was, in our earliest days we had just won our freedom when the David Ricardo comparative advantage crowd in the mother country, Britain, corresponded with

Alexander Hamilton and said: Now what you ought to do is trade with us what you produce best, and we will trade back with you what we produce best—free trade, free trade, Adam Smith, market forces, and everything else of that kind.

Alexander Hamilton wrote a report on manufacturers. I have a copy of it now. There is one original copy over in the Library of Congress. But in a line, he told the Brits: Bug off. We are not going to remain your colony, importing all the manufactured goods and exporting to you our rice, our cotton, our indigo, our lumber, timber, and iron ore, and so forth.

The second bill that passed this Congress in its history—the first bill being for the Seal of the United States—the second bill in the history of the Congress, that passed on July 4, 1789, was protectionism, a tariff bill of 50 percent on 60 articles. Protectionism was supported throughout the building of America during the 1800s—Lincoln with steel protectionism; protectionist Roosevelt with agricultural support prices, protective quotas and import quotas; Eisenhower in the middle 1950s with oil import quotas, protectionist Eisenhower. Those who built protected.

After all, that is the oath we take, to preserve and protect. We have the FBI to protect us from enemies within, the Army to protect us from enemies without, Social Security to protect us from the ravages of old age, Medicare to protect us from ill health; the clean air, clean water—we have safety rules and everything. The fundamental job of Government is protection.

Here we have the highest standard of living. All these Senators run around on the floor, they want the environment, they want safety, they want parental leave, and they want plant closing notice. Fine. We have them all on the books. But you can go down to Mexico for 58 cents an hour and none of that. And if your competition goes, you are going to have to leave. And that is what has been happening.

But you have these folks on the floor of the Senate who are determined to wreck the economy. There never has been any such thing as free trade, and never will be. Almost like world peace: you strive for it. You strive for it, and it will not happen in my lifetime or your lifetime.

More than anything else, all you have to do is just look at the books published by none other than the Office of the U.S. Trade Representative—"Foreign Trade Barriers." This one in 1992 had 267 pages. They are talking about, oh, the wonderful success of fast track, fast track; we are going to really bring down trade barriers, increase jobs.

This one is for 2002: "National Trade Estimate Report of Foreign Trade Barriers." This has gone up to 458 pages. It has gone up 200 pages. They are increasing the barriers. They are competing. Reciprocal free trade, reciprocal free trade, said Cordell Hull, to compete. So what happens is, we have the competition of the countries themselves.

Let me explain just what all they do. They begin with import licensing. We do not have that. You have a tough time getting an import license into Japan or even into China or Korea. If you want to import textiles into Korea, you have to have a vote of the Korean textile authority. The ones over there with whom you are competing vote you out. You never get in.

In banking, they talk about free trade, free trade. The day before yesterday, the Japanese lowered the yen. That is market manipulation. So with a lower yen, they can increase their exports. That is not free trade, free market, free market, free trade. They have inspection practices.

Let's put it this way. If you want a 2002 Toyota in France, it is on the dock in Le Havre being inspected, and by January 1, 2003, you can get last year's model, 2002. The same with the CDs and VCRs, they put them up at a place in France. They have all of these inspection practices. They are all tricks of the trade.

We just had a hearing on Enron. The lawyer had a memo there about all the tricks of the trade. They have such things as different snow when you go to sell ski equipment in Japan. And I have a paper company, West Virginia Pulp and Paper. They tried to emulate and mimic and produce cigarette paper. They worked on it for 2 years, got the exact duplicate of it and everything over there, and they still wouldn't let them bring that cigarette paper in. They said it was still different.

What you have in essence is the fundamental practice. That is what has to be emphasized as I try to explain this. We operate in the free market, capitalistic market in the United States on price and quality. Not so in global competition. They couldn't care less about price. They try for a good price and try for quality, but it is below price, below the production cost. That Lexus I have that costs $35,000 in Charleston, SC, costs $45,000 to $50,000 in downtown Tokyo. All of the prices are less than cost. Can you understand why they fought so vigorously the idea of doing away with our dumping laws? We can easily prove they are selling as loss leaders. They are selling at less than cost in the United States of America, but that is the name of the game.

As I said, the Japanese have already taken over a third of the automobile market, already a majority of the semiconductor, and a majority of the computer market. You can go right on down the list. Once they get market share, they will run the prices up. The competition is not with respect to productivity. We are constantly chastising the workers of the United States. You go to the Bureau of Labor Statistics or the economic section of the United Nations; they both agree that the most productive industrial worker in the world is the U.S. industrial worker. There is no question about their producing, but we are not in the competition. We are talking about quality and productivity. They are talking about dumping. That is why they fought right here to a tie vote with respect to trying to get that amendment. That is why the U.S. Trade Representative went to Doha and said: Don't worry about it. We will have a good conference because we are going to get rid of the dumping laws.

That is exactly what they are saying. Now they have fast track, and they are ready to do it. They can get rid of the dumping laws. This is a fix on that.

More than anything else, you have to understand the competition. The competition isn't with respect just to market share and countries. On the contrary, we have met the enemy, and it is us. I will never forget my good friend Bobby Kennedy who used to have this desk. He came into the limelight in America with a book called "The Enemy Within." He was talking about Hoffa and organized labor.

I can write that same book, "The Enemy Within," about management. It is corporate executive America. They couldn't care less about it.

I hope I can get an article here by Henry Kauffman. I had the article, but I don't know that I brought that over this morning because I didn't realize I was going to have this opportunity. He said way back that people in the olden days when you owned the horse, you were supposed to feed the horse while it was alive, and if the horse was dead, the owner was responsible to bury the horse.

That is not the case with corporate executive America today. They just pass through, sometimes hostile takeovers and everything else of that kind. They are trying to get the stock up over a 3-year period, give them a golden parachute, and move on. They don't feel the obligation to stay. So what happens is, they have learned on the one hand that they can save tremendous money in cost with respect to producing offshore. Thirty percent of volume or sales is in your labor cost and manufacturing. And you can save as much as 20 percent of your sales cost by moving to an offshore low-wage country or down to Mexico.

If you retain your executive office and your sales force but move your manufacturer offshore to a low-wage country, what you do is, if you have $500 million in sales, you can make $100 million before taxes or you can continue to work your own people and go broke. That is the job policy of corporate America, adopted in fast track by the Senate. That is what I am trying to bring home to those who are not thinking, including my farmer friends.

Yes, I listed the different industrial articles. We have a deficit in the balance of trade in cotton. You can go right on down the agricultural commodities. Let China keep coming, and in 3 or 4 years we will have a deficit in the balance of trade in wheat. We have competition in durum wheat. That is why we have one friend here from North Dakota. But there is no question in my mind that what we have is just that, the enemy within.

What do they do? They band together not to build, as we are responsible to build this country in the Senate, not to create jobs, as our primary responsibility to keep America economically strong and create jobs and job opportunities, but theirs is to export the jobs as fast as they can. They band together with the Business Roundtable, the National Association of Manufacturers, the conference board, but more particularly, the Chamber of Commerce.

I saw that change come about with Tom Donahue when we went over there. That National Chamber of Commerce couldn't care less about main street America. They have no idea of creating jobs or opportunity or representing main street America. I could tell you now, I was in this before. I will never forget—I might as well identify myself as not antilabor, but certainly I am not ready to vote just labor's way. I am from a right-to-work State. I voted for that law. And more particularly, when we had a debate when Russell Long was chairman of the Finance Committee, I was the fellow who blocked labor law reform on eight occasions. We had eight votes up and down on cloture. I won on all eight votes.

In years passed, I have received honors from the Chamber of Commerce. So I know from whence I come and speak. We have developed more industry than that Donahue. He came from a trucking outfit. They put him on a few boards. He has picked up here on trial lawyers and everything else like that.

But what we have confronting us in the Senate is not weapons of mass destruction and Saddam. We have the U.S. Chamber of Commerce and weapons of class destruction.

The greatness of America is when Henry Ford said: Look, I want that fellow who is producing the automobile to be able to buy it. He started Middle America, the industrial wage. They had benefits and health care and everything else of that kind. These are the jobs we are losing hand over fist.

The first thing we brought out on debate on so-called free trade—they would not even admit it from the Finance Committee—is not how we were going to create jobs. First, they added how are we going to take care of those who lost the jobs—"adjustment assistance," they call it. So we are not producing, and we are into a situation where you have limited time.

I understand the time will run out this afternoon around 4 o'clock. They worked it into this particular situation. Yes, everybody wants to go home for the Memorial Day break. They always do it. When we adjourned before with GATT in November, we were going home for Thanksgiving. They always find a holiday and work it up and fix the vote.

I ask unanimous consent to have printed in the RECORD at this particular point the article in the Washington Post, dated December 26, 1993.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 26, 1993]

THE NAFTA-MATH: CLINTON GOT HIS TRADE DEAL, BUT HOW MANY MILLIONS DID IT COST THE NATION?

(By Charles Lewis)

The orgy of deal-making that preceded the House of Representatives vote on NAFTA illustrated just how little the mercenary culture of Washington has changed since the arrival of a Democratic administration.

Estimates of the total cost of the deals around NAFTA vary widely. Gary Hufbauer, a trade expert who has written favorably about NAFTA for the Institute for International Economics, told the Associated Press that the last-minute deals cost in the "tens of millions of dollars." Public Citizen, the consumer organization founded by Ralph Nader, estimates that the deals cost at least $4.4 billion. The Nation magazine, which has been critical of NAFTA and "Republicrat" Clinton, says the total cost of the eleventh hour wheeling-and-dealing might ultimately amount to $50 billion.

Hyperbole aside, the quantifiable cost to the taxpayer of the NAFTA deals will be at least $300 million. American consumers will also pay higher prices on a wide variety of goods because of special interest tariff agreements reached during the NAFTA bazaar. Rep. Dick Zimmer (R–N.J.), who voted for NAFTA, is disgusted about the "presidential giveaways," and he plans to introduce legislation in January to repeal the various NAFTA deals, arguing that "such sordid behavior debases the legislative process." But good luck trying to figure out what deals were made. Many of the particulars of what transpired have disappeared like steam into the air. Normally loquacious members of Congress are tongue-tied or unavailable to comment about their NAFTA votes, while White House officials dismiss the subject as sour grapes. But many of the details of numerous deals have been documented and confirmed. They illustrate the financial forces that shaped Congress's voting and may have tipped the balance in favor of the agreement.

The biggest single taxpayer outlay was snared by Rep. Esteban Torres (D–Calif.). Concerned about NAFTA support among Hispanic members of Congress, the White House wrote a "U.S.-Mexico Executive Agreement" to create a bi-national North American Development Bank. The cost will be at least $250 million. Torres, a former United Auto Workers union official, voted for NAFTA after receiving this expensive concession.

Two undecided Georgia Democrats extracted $15 million from the administration. The aptly named Rep. Nathan Deal and Rep. George "Buddy" Darden decided to vote for NAFTA when the White House agreed to hire 136 new customs agents just for the textile and apparel industries. As Darden told the Atlanta Constitution, "I was very impressed by the White House's responsiveness to the textile industry."

To secure votes in the Texas delegation, the administration promised to speed up the building of the Center for the Study of Western Hemispheric Trade somewhere in Texas. Cost: $10 million. $33 million to vegetable interests in Florida to complete an agricultural research station.

One of the most amusing illustrations of how difficult it is to arrive at the true cost of NAFTA involves Rep. Eddie Bernice Johnson, a first-term Democrat from Texas. The Journal of Commerce broke the story that Johnson agreed to support NAFTA after an unnamed administration official promised that the Pentagon would purchase two additional C–17 cargo planes—at a cost of $1.4 billion—from the Vought Aircraft factory in her south Dallas district. The controversial military transport plane has an impressive history of technical failures. Johnson claims she was misquoted. Her decision to support NAFTA, she says, was based on the "broad needs" of her constituents; the Journal of Commerce reporter stands by his story.

That's one reason why estimates of the NAFTA price tag vary: Public Citizen includes this alleged $1.4 billion deal in their estimate of $4.4 billion.

Another reason: the ultimate costs of the special-interest tariff deals before the NAFTA vote are difficult to gauge. For example, a special "snap-back" tariff mechanism was agreed to with Mexico to protect Florida citrus growers. If U.S. orange juice concentrate prices fall to certain levels, a tariff is imposed on Mexican oranges; American consumers will be denied the benefits of lower orange juice prices.

Similar formal "Executive Letter of Agreement" tariff agreements were made on sugar and syrup goods, wine and brandy, flat glass, home appliances and bedding components such a springs, iron rails and wooden parts, to name a few. These executive letters of agreement are a form of protectionism extended to certain well-connected business interests. Hufbauer, the pro-NAFTA trade expert, said in a recent interview that they could "easily cost American consumers hundreds of millions" of dollars.

The more candid members of Congress acknowledged that their votes were being bought. Florida Rep. Tom Lewis, a Republican, who supported the pact after the Clinton administration explicitly agreed to raise tariffs temporarily on imported tomatoes from Mexico, told the New York Times, "I look with disdain on the way this whole thing has been done . . . It almost looks like you're selling your soul."

A week before the vote Rep. Bill Brewster (D–Okla.) was undecided about NAFTA. He had two personal meetings with the president and dozens of phone calls from administration officials. He let it be known that he would not support NAFTA without specific concessions for his constituents. In the end, as the Washington Times reported, the White House agreed to help cattle ranchers and peanut growers in his district. As Brewster put it, "I know how this place operates . . . I made sure we got it in writing."

Other, savvier deal-makers were explicit about not getting a quid pro quo. Rep. Charlie Rose (D–N.C.) played a crucial role in the House anti-NAFTA working group led by Majority Whip David Bonior until literally hours before the vote. But Rose had told a reporter that "I could be persuaded by the White House if they were sufficiently serious to lower the tobacco tax to pass NAFTA." Rose was then lobbied by the White House and wound up voting for NAFTA.

"I didn't sell my vote," Rose insisted to reporters. "I just told those people: 'Look, if I vote with you, I want you to be as understanding as you possible can about the kinds of problems agriculture has and needs to address in 1994.'"

In other words, Rose's vote was bought on a layaway plan. The ultimate cost, if any, won't be known until next year, when the Clinton administration sends Congress its proposal to raise taxes on cigarettes.

After the NAFTA vote, Bill Clinton was compared in these pages and elsewhere to Lyndon Baines Johnson, for his aggressive, unabashed use of political power in dealing with Congress. The comparison implies that pork-barrel politics, while unfortunate and unseemly, is necessary to achieve success, and always has been.

Perhaps. But LBJ, even in his most legendary arm-twisting mode, never led a domestic lobbying campaign as lopsided as Clinton's NAFTA effort. Forget the testimonials elicited from Nobel laureate economists, the former secretaries of state, former presidents, Lee Iacocca and Bill Gates. Consider the Clinton persuasion tactics in the larger context of the NAFTA lobbying effort.

Ross Perot, labor unions and other NAFTA opponents spent less than $10 million, according to the Wall Street Journal. Mexican government and business interests, by contrast, retained scores of lobbying, public relations and law firms in Washington at the cost of $30 million. And the leading pro-NAFTA lobbying group, USA*NAFTA, and individual U.S. corporations with factories in Mexico spent another $10 million to promote the pact. Add to these two figures the $300 million in government funds that the Clinton administration committed for the sake of passing NAFTA, and it seems likely that NAFTA proponents outspent their opposition by a margin of more than 30-1.

More importantly, LBJ never promised to do things differently. Clinton did. In accepting the democratic presidential nomination in July 1992, he declared his antipathy for special-interest wheeling and dealing in Washington. "For too long, those who play by the rules and keep the faith have gotten the shaft," he said. "And those who cut corners and cut deals have been rewarded."

Sixteen months later, when Clinton was in danger of losing vote on NAFTA, those who cut deals were the ones who reaped the biggest rewards. And those who kept the faith that Clinton might change the way politics is done in Washington were the ones who got the shaft.

Charles Lewis is founder and executive director of the Center for Public Integrity, a nonprofit research organization based in Washington and funded by foundations, corporations, labor unions, individuals and revenues from news organizations. Margaret Ebrahim of the center provided research assistance.

Mr. HOLLINGS. Mr. President, you can find out that they gave a cultural center; President Clinton gave golf games; they gave—and this is all for NAFTA. That particular article was dated 1993. Anyway, it talks about how they fixed fast track and changed the votes on the House side. They do the same thing within the Finance Committee. You don't have any debate. Without fixing the votes, they cannot get cloture—they impress cloture upon you, I should say. You don't get time for debate.

So what we have now is the executives, finally, not only moving their manufacturing, they are moving their executive offices to Bermuda.

I don't think this amendment is up, but I had one with respect to the textiles. I wanted to try to compensate those who, in the last 3 years—1999, 2000, 2001—have lost their jobs, some 334,000. The cost of the amendment itself is about a billion dollars. We are trying to get them health care so they can continue and get some kind of training and adjustment assistance, having lost their jobs. We were told in NAFTA we were going to create jobs, and we lost 53,900 jobs. But not only are we losing the jobs, but they have the unmitigated gall—corporate America—to move offshore and not pay any taxes. They want that mother and father of that 18-year-old we recently lost in Afghanistan—they want that mama and daddy, who are working, to pay taxes. You can tell this society is on a binge. The President ran adds for 3 minutes, saying: Take your trips, go to Disney World, go and take a trip—and everything else like that. They don't want to pay for the war.

Now we have corporate America AWOL from the terrorism war. They are all going overseas, down to Grenada, and over to Bermuda and everywhere else so they won't pay taxes. Never mind about leveling the playing field. You could not blame the other countries that don't have this high standard of living. Any one of the countries—in China, they are building their industrial capacity just right. Over in China, they say, look, in order to sell, you have to produce that Buick car. Wait a minute, they say after that, you have to move your research here. The most modern automobile research is in China. Of course, they have the outstanding engineers at a next-to-nothing cost.

So now—I don't have the article here—they are moving Japan's futuristic research, cutting edge research, into China. So what you have is the competition of 1.3 billion producers in agriculture and industry, and we are hollering "fast track, fast track," and we have to aid somebody. We have run out of gas, as I pointed out. Level the playing field? You cannot do it Washington's way, Mr. President.

They tell me: Senator, don't worry about it, we have to retrain, re-educate. I will give you an example. Oneida, in South Carolina, makes clothes. They have 487 workers. The average age of those 487 workers was 47. So we will do it Washington's way and we will train those 487 workers, and tomorrow morning they are computer operators, expert computer operators. Mr. President, are you going to hire the 47-year-old computer operator or the 21-year-old? You are not going to take on the health costs of the 47-year-old. You are not going to take on the retirement costs of a 47-year-old. You are going to be hiring the 21-year-olds.

When they have lost their jobs, they quit making payments on the automobile, and they quit making payments on their house. Some of them have lost their houses and everything else like that, with 53,900 in South Carolina alone, and 700,000 in the country. These are just the ones in the last couple of years we are trying to get at, as we did with the steelworkers, and we got a majority vote on that. That is what I had lined up. I was going to pay for it by closing the Bermuda tax loophole. It is a national disgrace.

They talk about when they have an intelligence breach—and I never accused the President of knowing anything. I don't think it was passed on. That is obvious from what I am reading. There isn't any question that the fellow up in Minnesota wrote a memo—read Time magazine this week—a detailed memo on how they might fly into the World Trade Towers. I don't know why they keep getting the fellow from Phoenix, AZ. Get the one from Minnesota. He said they might fly into the World Trade Towers.

Seaport security has languished in the House since before Christmas. Rail security has languished at the desk since before Christmas. They are not about to pay the bills or put on any taxes to pay for this war. They want another $4 trillion tax cut. This is one of those situations where we need just as much help.

I wish I had the Senator from Maryland, Senator MIKULSKI, here to talk about building and fighting the war and everything else. I never heard anything more eloquent on behalf of the steelworkers. I support her. She is magnificent. I wish I had her here to describe the plight of these textile workers. They are just as important to our security.

I will emphasize this: In 1961—and it is still on the books today—there was a national security provision preventing the President from taking Executive action in trade, unless he proved first that the item in question was important to our national security. I went at that time to hearings, along with George Ball from the State Department, Freeman of the Department of Agriculture, Secretary of Labor Arthur Goldberg, Secretary of Commerce Luther Hodges, and we had Secretary of the Treasury Douglas Dillon. We had the hearings, and it is on the books of the United States of America that, next to steel, textiles is the second most important to our national security. So we are not just talking about a cheap price. America wasn't built on consumerism; America was built on building and creating jobs.

For 100-some years, in Teddy Roosevelt's time when we had a strong America, we didn't even have the income tax. The tariffs and protectionism built this country, and under Eisenhower, Roosevelt, and other distinguished Presidents, we continued to build.

This crowd has nothing but boast politics. They couldn't care less. Fast track—we will just vote it. The excuse will be I had to do it. It was either take it or leave it. It ought to be a shame to vote against the Constitution. Article I, section 8, not the President, not the U.S. Trade Representative, but the Congress of the United States shall regulate foreign commerce.

Here I am begging to perform my own responsibility, and the vote is: You do not have the responsibility; we are going to do it, and you have to take it or leave it, up or down; you are not going to be in charge—fast track.

Mr. President, I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor and reserves the remainder of his time.

Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, by previous consent, I was to be recognized following the presentation by Senator HOLLINGS. I want to propose, for the convenience of others in the Chamber, a slightly different arrangement. Senator GRASSLEY wishes to be recognized. I ask unanimous consent that Senator GRASSLEY be recognized for 20 minutes, with Senator LANDRIEU following for 15 minutes, Senator CORZINE for 15 minutes; and, following that, I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I wish to speak against the Hollings amendment that is before the Senate. I will tell you two reasons I strongly oppose the amendment.

My comments are in regard to why trade adjustment assistance should not be expanded in the way Senator HOLLINGS proposes it. Before I give those reasons, I remind my colleagues of the tremendous expansion of trade adjustment assistance that is already in the bipartisan bill before the Senate. A lot of programs that are part of trade adjustment assistance have never been part of the program in the 40-year history of trade adjustment assistance.

We in a bipartisan way in this body are very concerned about workers who are dislocated for trade or economic reasons. The usual retraining and support programs are being continued, but as one of several examples of additional programs, we are going to provide health insurance benefits for dislocated workers because of trade under trade adjustment assistance.

When I speak against any further outrageous expansions of this program, as Senator HOLLINGS' amendment would do, I do not want anybody saying that those of us who oppose it do not have any concern about those who are dislocated because of trade.

First, this is an extremely expensive, radical expansion of the Trade Adjustment Assistance Program that cannot be justified in any fashion as a program that is related to trade. In fact, this amendment completely severs the traditional 40-year link between adjustment assistance and trade. All you have to do is work in one specific industry during a specific period of time and you are eligible to receive benefits.

The fact is, workers in the textile industry and in other industries as well often lose their jobs for reasons having nothing to do with trade. Often workers might lose employment because of new advances in technology, changes in the national economy, their company is not well run, or because of improvements in productivity. For all of those, we have programs on the books to help those dislocated workers, albeit dislocated unrelated to trade.

The textile industry in particular has seen tremendous changes because of new technology, such as the introduction of new computer-assisted design techniques that have often transformed many labor-intensive jobs into more high-tech workplaces over the past decade.

While it is certainly regrettable that these new developments in technology mean some workers lose their jobs, we should try to help these workers and help their families at the same time and do it as much as we can through other types of assistance. They are not workers, though, who have lost their jobs because of trade.

Furthermore, I do not know on what basis we can simply give Government benefits to workers in one industry but not to workers in other industries. Do not workers in industries other than textiles also deserve the same treatment?

The bottom line is the purpose of trade adjustment assistance. It is designed to help workers who are adversely affected solely because of trade.

This amendment would signal a radical transformation of trade adjustment assistance into another welfare program with no connection to trade. It would also sharply boost the cost of the Trade Adjustment Assistance Program. According to the Congressional Budget Office, this provision alone would cost over $700 million in a 10-year period. That would nearly double the cost of the entire Trade Adjustment Assistance Program with just the one provision: The provision put forth by Senator HOLLINGS.

I regret that any American loses his or her job. There is nobody who wants to see an American lose their job. I have had the opportunity twice in my industrial employment to lose jobs, once in 1960 and once in 1971.

In 1971, I drew unemployment compensation for a short period of time. I know what it is like to be dislocated from a job, but I was not dislocated because of trade. There were other programs that helped me during that period of time, and those programs are available for people because we know that losing a job is a terrible blow to an individual. It affects the entire family. But there are other programs designed to help these individuals.

We should not take money away from other Federal programs and from other pressing needs in our country to pay benefits under a trade adjustment assistance program to workers just in one industry, and particularly when they are not affected by trade.

I strongly urge my colleagues to vote against this amendment.

Mr. President, while I have time remaining, I wish to speak generally—how much time do I have Mr. President?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. GRASSLEY. Mr. President, I wish to speak about the underlying legislation.

When talking about trade promotion authority, opponents seem to love to use the term "fast track" because I think they believe that this sounds somewhat sneaky or somewhat uncontrollable. That is a shame. It is a shame because the term "fast track" does not really reflect what this legislation is all about and the procedures that are connected with giving the President the authority to negotiate trade agreements.

The term we use in this legislation, "trade promotion authority," is more accurate. In reality, trade promotion authority is a contract. It is a contract between the President and the Congress. When the Congress extends trade promotion authority to the President, the Congress agrees to authorize the President to negotiate trade agreements and to do it on behalf of 280 million Americans.

Why do we have this contract with the President of the United States? We have it because there is only one person who can speak on behalf of 280 million people in international affairs, and that is our chief diplomat, the Chief Executive of our country, the President of the United States. It is that simple. We cannot have 535 people in Congress negotiating with other nations. It would not ever work.

If we are going to succeed at the negotiating table, our trading partners need to know that the person to whom they are speaking has authority to negotiate.

Trade promotion authority not only gives that authority to negotiate, but it gives a great deal of credibility to our President at these tables. That is what the trade promotion authority contract between the Congress and the President is all about.

Let me be clear. The President does not go into trade negotiations without guidance and without always being reminded that the constitutional power to regulate foreign and interstate commerce rests with the Congress of the United States. Through this trade promotion authority bill, the Congress gives very careful direction to the President, with detailed lists of instructions. The Congress tells the President—we do that through this legislation—if he follows these directions we give him, if he fulfills the details of consultation procedures laid out in this bill, we will do three things.

First, we will actually consider the agreement. We will not have these agreements sitting around collecting dust on Capitol Hill. The Congress will actually pick up this agreement and we will consider it. Now, that does not mean we will agree with the bill, it does not mean we would pass the bill, but we are committed to considering it.

Secondly, we will not change the agreement before we consider it. We authorize the President to negotiate. He follows our directions. He consults with the Members of Congress through the process. We know what is in the negotiated instrument. Now we will consider it without changing it.

Third, we will limit debate on the agreement. We will not tie it up in endless debate in the Congress. That is the contract we have with the President of the United States, an agreement between the President and the Congress that if he will do certain things for us, we will do certain things.

Why do we do it that way? We do it because it empowers us as a Congress, it empowers us as a nation. Without trade promotion authority, the President has no clear direction from Congress. He can basically negotiate anything he wants without consulting with Congress, but he will not do it in a credible way with the other nations that are with him because they are not apt to agree if they are not certain that a final agreement will be considered by Congress No. 1, and not changed by Congress No. 2, and actually voted upon.

Congress can selfishly observe its constitutional power because we keep a watchful eye on the President of the United States over many months, sometimes over many years, in the process of the negotiations to reach an agreement.

Trade promotion authority also empowers us as a nation of 280 million people. Our foreign trading partners know the President speaks for the Nation in international trade and that he has the backing of Congress. With this knowledge, they can be sure any agreement concluded with the President will be considered by Congress without being amended to death. That empowers our Nation to get the best bargain we can at the negotiating table.

What happens if the President does not fulfill his end of the bargain? What if he does not follow Congress's direction or fails to consult with the Congress as the law requires? Then he does not get the benefit of agreement. The trade promotion authority bill itself contains procedural enforcement mechanisms to ensure the President does not overstep his agreement with the Congress. Trade promotion authority procedures are very carefully balanced in a thoughtful way for the President and the Congress to work together to advance the economic interests of our Nation. It is a procedure that has worked well for over 50 years, and on the basis of this legislation, trade promotion authority has worked well for 25 years. It is also a procedure that since 1995 our Nation has gone too long without. One hundred thirty agreements around the world have been negotiated. Our President has not had the credibility to be at the table. He has not been at the table. We have been at the table of three bilateral agreements but otherwise not. So the interests of 280 million Americans have never been represented, never been protected, and the rest of the world is going to move on.

Prior to 5 or 6 years ago, the rest of the world used to wait for the United States to take the first step. We have an opportunity now by passing this legislation to put our Nation once again in the lead. So that is why I urge my colleagues to work our way through the rest of these amendments and to work with Senator BAUCUS and me to pass this bill and help get our Nation's trade back on track.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Iowa has 5½ minutes.

Mr. GRASSLEY. There is also a lot of benefit in trade promotion authority and trade agreements for the American farmers and ranchers, and it is beneficial to us because our farmers and ranchers are competitive and technologically advanced in the world. The United States has long been a world leader in agricultural exports. Dollar for dollar, the United States exports more meat than steel, more corn than cosmetics, more bakery products than motor boats, more fruits and vegetables than household appliances. One in three acres of agricultural production of the United States is exported.

In 2000, the U.S. agricultural community exported $51 billion in products and supported at least 750,000 American workers. With 96 percent of the world's population living outside the United States, there is a huge market for food products of American farmers and ranchers.

In the absence of trade promotion authority, other countries have entered into trade agreements that have driven foreign consumers from the U.S. agricultural market.

Burger King restaurants in Chile buy potatoes from Canada. Canada's free trade agreement with Chile gives their farmers eased access to the Chilean market while American farm products are subject to high tariffs that drive up the price to the consumer. So, consequently, we do not sell to Chile.

Trade promotion authority will expand existing markets, open new markets for American food products, and allow our farmers and ranchers to better compete, boosting our exports. Previous trade agreements demonstrate benefits to American farmers and ranchers.

U.S. agricultural exports to our NAFTA partners have increased $4 billion since that agreement went into effect 8 years ago. Under the United States-Canada Free Trade Agreement, U.S. agricultural exports doubled. Canada is the No. 2 market for our agricultural exports, buying $7.6 billion in the year 2000. Under the North American Free Trade Agreement, our agricultural exports to Mexico have nearly doubled, making it our third largest agricultural market buying $6.5 billion in the year 2000.

U.S. pork producers credit the North American Free Trade Agreement with their 130-percent increase in market share in Mexico between 1994 and the year 2000. The United States beef and veal exports to Canada increased 26 percent in volume between 1990 and 2000 and increased five fold with Mexico from 1993 to the year 2000. The sale of United States corn to Canada increased more than 127 percent in volume between 1990 and 2000, and exports to Mexico increased by nearly 18 times between 1993 and 2000.

Mexico voluntarily chose to accelerate its market opening for corn under the North American Free Trade Agreement to provide lower cost food for its consumer. Canada imported 15 percent more soybeans from the United States between 1990 and 2000. Mexican imports of United States soybeans doubled from 1993 to the year 2000.

I would also like to comment on the seriousness of defeating the Byrd (3447) amendment on the Congressional Oversight Group. The Byrd amendment will curtail the authorities on international trade within the Congress of the United States; those people who have been given authority, the Finance Committee and the Ways and Means, will be curtailed. It will curtail our oversight of these agreements. We need to work toward that. I am also asking my colleague, for the sake of maintaining the authority of an oversight of the Senate Finance Committee, that we defeat the Byrd amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 15 minutes.

Mr. REID. If the Senator will withhold for a unanimous consent request.

Ms. LANDRIEU. I yield.

AMENDMENT NO. 3450 WITHDRAWN

Mr. REID. Mr. President, on behalf of Senator BYRD, I ask unanimous consent that the amendment numbered 3450 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that Senator HARKIN be recognized following Senator DORGAN, and that he be recognized for up to 45 minutes, and that Senator CANTWELL be recognized following that for 20 minutes. If there is a Republican Senator who seeks recognition, that Senator would have the right to follow Senator DORGAN. We will alternate if the Republicans want to; if they do not, we have the order set up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 3470

Ms. LANDRIEU. I have an amendment at the desk, and I ask for its immediate consideration, amendment No. 3470.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I want to make sure the unanimous consent agreement is clear. Following Senator HARKIN, if a Republican wishes to speak, they will be able to do. Prior to that, the order is in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understand a procedure is established that amendment No. 3470 will come up for a vote later in the afternoon before we have final passage on the measure before the Senate. I rise to speak for the allotted 15 minutes as arranged under a previous consent agreement.

Mr. President, I rise to offer an amendment that I hope will be voted on favorably. I suggest it would help the underlying bill. I will certainly support the work that Senator GRASSLEY and Senator BAUCUS on our side have done to bring this important bill to the floor. I have been supportive of the overarching concept and many of the details of the bill.

I am proud to say our entire Louisiana delegation—both Senators, Senator BREAUX and myself, as well as all seven Members of our House delegation—have been very pro trade, and for good reasons: Not only because we think it is important for our Nation but for our own State of Louisiana that has positioned itself historically as a great trading hub.

Although there are some disadvantages in the short term, and there are some jobs and industries that may be temporarily negatively affected, the long-term trends for the State of Louisiana and, frankly, for this Nation are very positive.

I thank Senator GRASSLEY and Senator BAUCUS. I support their efforts to streamline some of our trade policies, recognizing there are legitimate concerns about environmental and labor issues. The underlying bill has addressed, if not perfectly—has attempted to address in good spirit and in good, strong rules and regulations—those efforts. This could be a continuing work in progress. We in Louisiana feel very strongly about that.

The amendment is not an attempt to undermine or scuttle this grand compromise and great package. It is an attempt to perfect and modify it for a group of workers who have been hard hit by something that is not in line with this free trade bill: that is, when the President just a few months ago issued a 201 ruling to put tariffs on raw steel that comes into the United States—which I vigorously objected to; so did the senior Senator from Louisiana and many Senators—and what has happened since that administrative decision to put this tariff in, in hopes of helping other areas of the Nation and other Senators and their States that produce this steel, States such as West Virginia, Kentucky, and Maryland.

I can understand these efforts to try to build consensus. The bottom line is it has hurt our maritime industry. I will give you some facts and figures. My amendment seeks to simply expand the trade adjustment assistance for not only workers who might lose their jobs because they have either moved overseas or have lost their jobs because of a flood of imports, but also this small group of maritime workers, about 38,000, for a limited period of time who were losing their jobs because of the lack of imports coming in because of this 20- to 30-percent tariff.

Again, I disagreed with the President's decision. I continue to disagree with that decision. My amendment does not seek to overturn it. I am just trying to help workers who are directly affected by that decision in an effort to make the whole situation a bit more perfect for the workers from the steel-producing States we are trying to help, as well as to try to give some necessary and urgent relief to maritime workers who find themselves on the other side of that decision because they are losing their jobs because steel is not coming in to the port of New Orleans.

We have lost tons and tons, in just a couple of months, of steel coils, steel plates and sheets, steel bars, tin plates, and stainless steel bars that are coming into the ports of Louisiana, primarily the ports of New Orleans.

We are not the only port that has been hurt very badly. The Port of Houston, the ports of the Great Lakes—we have ports all over the Nation, so 38,000 maritime workers literally are having to pick up an unemployment check instead of a paycheck because of the decision that was made.

I tried to stop the decision but it was an administrative decision. My amendment does not seek to overturn it. My amendment only says, since it has been a consensus of the administration and Congress to help the steelworkers and special parts of our Nation, let's also, by this small amendment—that only costs $10 million and it sunsets after 4-plus years—help the maritime workers.

Under the current bill, they are not entitled to benefits because they are not being affected by a flood of imports. Their jobs are not necessarily being moved overseas. They just do not have the steel to bring on to the wharves because of this tariff.

It does not cost us very much money in the scheme of things, but it will help thousands of workers in Louisiana, and many thousands of workers temporarily, until this situation can get worked out.

That is the essence of my amendment. It is about 8,000 jobs that are at risk in New Orleans, a major port in our Nation. It is about 7,500 jobs in the Port of Houston, the President's home State. It is about 5,000 jobs, approximately, in California, in the Los Angeles Port; in Pennsylvania, New Jersey, and Delaware—Mr. President, your own State—combined, about 4,400 jobs that could be at risk; in the Great Lakes and Upper Mississippi, about 2,000 jobs. It is estimated for smaller ports around the Nation, it is about 10,000 jobs.

Why? Because steel is one of the major imports, until this tariff was placed 2 months ago, that was coming into our Nation. While it caused great heartburn in the steel-producing areas of our State, it was actually very good business for our ports.

Suffice it to say we cannot go back and overturn everything, but we certainly can vote today to help maritime workers directly affected by this decision. Again, it only costs us $10 million. It sunsets in 4-plus years. It is a minor help that we can give to people who show up at the docks every morning and stay late almost every day. They have children to send to college. They have mortgages on their houses. They have other bills and responsibilities, maybe an elderly person who is at home. These are hard-working Americans and because of action taken in Washington they have to now pick up an unemployment check instead of a paycheck.

These are not welfare recipients; these are people who have worked 10, 15, 25, 30 years at what I would consider—as would most everybody—hard labor.

The Presiding Officer is familiar with this picture because he comes from a port State. This is a New Orleans dock but it could be anyplace in America where you have stevedors and longshoremen loading and unloading ships. This is one of the great benefits of trade because these, in many cases, are unionized jobs, very high-paying jobs with a lot of protection for these workers. This is dangerous business. This goes on in America every day.

There are thousands and thousands of these workers. What you will not see in this picture is a welfare recipient. What you see is a worker, many years working on the docks. Because of this tariff and the bill we are discussing, a lot of these guys cannot pick up a paycheck—or women are now working on the docks. My amendment seeks to give them some small relief—not upset the bill, not turn the compromise on its head, but to give us some relief.

I hope when we have an opportunity to vote later this afternoon we will get a good, bipartisan vote on this small amendment that will help bring us some relief.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has just under 5 minutes.

Ms. LANDRIEU. If I could, I would like to speak for a minute about another problem that has arisen because of this 30-percent tariff on steel that is not related to my amendment. While I have a minute, I wish to speak about our fabrication industry.

Senators are now very familiar with me coming to the floor to try to explain the importance of the oil and gas industry to our Nation. We talked a lot about this in our energy debate, but I need to make this point today on this trade bill.

This tariff is very hurtful to the maritime workers who I am trying to help in a very modest, but meaningful way so they can qualify and get their TAA benefits under this trade bill. I also want to bring to the attention of this body—not that I have a solution for it because I cannot figure out an amendment that would actually help this; if I could I would offer it—what a great harm this tariff has also brought to a great industry in south Louisiana; that is, in the manufacturing business, using a lot of steel to help build our boats and platforms and equipment that help us get oil and gas safely out of the ground in the gulf and bring it to the shore to try to help light up this beautiful Chamber and everybody in New York and California and Illinois and in Louisiana—the whole country.

We have a very vibrant fabrication industry, as you can imagine, with industries such as McDermott Industries and Gulf Island Fabricators. These are large fabricators. I am here to say, after contacting many of them over the last several months, that some of them will absolutely go out of business and we are then going to lose hundreds of jobs, if not thousands, in south Louisiana, for the simple reason that because of the cheaper steel that they were importing from other places in the world, bringing it to Louisiana through the mighty Gulf of Mexico or other large bodies of water to south Louisiana to build these great platforms, we cannot now compete against the same sort of manufacturing in places all over the world.

Our delegation that is voting for trade—and we are happy to vote for the trade bill—has been caught in crosswinds, you might say, because of an administrative decision about trade. As a result, we are losing not only jobs in our maritime industry, which this trade bill should be helping to protect, but also we are getting hurt because of our lack of ability now to compete with other manufacturers in other parts of the Nation to get our oil and gas out of the ground.

Now we are in a situation of having fabrication done offshore to float these tremendous platforms and rigs into the gulf. Our workers do not get the benefit of these jobs. Our oil and gas is taken out of our ground, right off of our shore, and 100 percent of the proceeds of the taxes paid come to the Federal Government. So Louisianians don't get the taxes from the royalties, we don't get the jobs making the platforms, we get beat up constantly because we are producing oil and gas, and my maritime workers have to pick up an unemployment check instead of a paycheck.

If I sound as if I am complaining a little bit, I mean to try to lay out this problem. Again, I thank Senator GRASSLEY and Senator BAUCUS. I support the trade bill, but I ask them for their assistance in helping a few thousand maritime workers who are not being hard hit by the trade bill they are recommending, which I support, but they are being hard hit because of an administration decision that is keeping imports down, therefore putting maritime workers out of business.

When I can meet with Senator BREAUX and get a solution for our fabricators, I will most certainly be bringing up that amendment, though not to this bill. But I will get as much relief as I can for good industries, good companies that have produced good jobs, industries that are going to be hurt, and I will ask the President as well as the leadership in the House and the Senate, both Democrats and Republicans, to come up with some potential solution—cost effective for the taxpayer—to our problem in Louisiana.

People in Louisiana deserve a fair share and an opportunity to work hard.

I yield any remaining time.

AMENDMENT NO. 3461

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized.

Mr. CORZINE. I thank the Chair.

Madam President, I rise to discuss amendment No. 3461 which was offered on my behalf, and on behalf of Senator DODD, Senator STABENOW, and others by Senator REID on Monday and set aside. It is my expectation this amendment will be voted on at the expiration of the 30 hours, as required by cloture. But I wanted to make sure I had an opportunity to discuss the merits of this and the importance of this, which I consider quite significant.

I offer this amendment to protect the role of Congress and elected State and local officials in determining the nature and scope of significant public services. It is one thing for Congress to sacrifice its own prerogatives in the development of trade policy, as we will likely do today with the passage of trade promotion authority; however, in my view, it goes much too far to delegate constitutional responsibilities of elected officials when it comes to determining what are public services and what significant public services should be managed in the public sector.

My amendment stands for the simple proposition that trade agreements should not be used to privatize public services—public services duly directed by constitutionally authorized actors of our Nation's democratic processes. Specifically, the amendment would establish as a principal negotiating objective that trade agreements should not include a commitment by the United States to privatize significant public services such as national security, Social Security, public health and safety, and education.

It is very simple. Before I discuss the details of my amendment, let me say that I agree with the objectives of the sponsors of the underlying bill that we should seek ways to expand trade in services. I know firsthand that this objective can create jobs and economic benefit. In fact, I spent the better part of 30 years of my life building an international service business in banking and understand the need for barriers to be broken down. There are many that limit the expansion of American enterprise abroad.

It is also true that the American service sector is and will continue to be a vital part of our economy. It is one that is growing substantially. It is a substantial part of our international activity.

In my view, we need to aggressively foster and promote that growth. It promises long-term benefits for all Americans.

That means we should be looking for ways to open accounts. I commend those efforts as a part of this bill.

Having said that, while there are many potential benefits to forging trade agreements designed to increase trade and services, there are also risks. That is what my amendment is about.

One of the risks is that those agreements will be misused, either directly or through unintended implementation requirements.

My amendment is designed to reduce that risk so that trade agreements will do what they are supposed to do and won't be used in a particular way: the risk that they will commit the United States to privatizing key public services outside of legally constituted constitutional processes.

Some of my colleagues may well be unaware that such a risk exists. After all, trade agreements are supposed to be about promoting economic activity. They weren't conceived to overrule democratic processes and decisions about the provision of essential public services—things such as protecting our airports and airline security, things that we have chosen in the democratic process to move forward in the public arena.

Yet trade agreements can do just that. There is ample reason to be concerned that privatization of significant public services could well be on the table in future negotiations.

In fact, right now negotiations are already underway in the process of establishing new agreements with respect to trade and services. Those negotiations may well lead to agreements under which services traditionally administered by Federal, State, and local governments would be on the chopping block.

Under such agreements, foreign investors might be able to challenge public policies that provide certain services through government entities. Such foreign interests could argue that these policies discriminate against them and represent an unlawful trade barrier. In fact, some international agreements are already being interpreted that way, and others are being designed for that purpose.

Consider what is happening in bilateral negotiations between the United States and Chile.

In 1981, Chile decided to privatize its public pension system; that is, its equivalent of Social Security. Under the privatized system, Chilean workers are now required to invest their pension dollars with private financial institutions. Unfortunately, Chile's experience with the privatization of Social Security has, in many respects, proved problematic. Many Chilean workers have seen the value of their investments collapse. And many Chilean political leaders now believe the only way to protect the retirement security of Chilean families is to return to the earlier public system based on guaranteed benefits—more like we have in the United States.

U.S. negotiators are encouraging Chile to keep their system privatized. As a result, the financial security of Chilean retirees and their national retirement policy may depend on international trade negotiations rather than the political democratic processes reflecting the wishes of the Chilean people.

Think about that for a moment and consider how Americans would feel if trade negotiations ended up deciding the fate of Social Security in America. Imagine trade negotiators setting that investment policy for the Social Security Administration. What if foreign interests were demanding that the United States open up our Social Security system to foreign financial firms or mandate privatization outside the democratic process? Imagine that Chilean, Russian, or German negotiators argued that it was a restraint of trade for Social Security to limit its investments to U.S Government securities rather than opening up the system to privatized accounts.

I speak as one who strongly opposes that move with the American system privatizing Social Security. It would lead to a deep cut in guaranteed benefits and reduce the financial security of American seniors. But I think the most important issue as it relates to this debate, regardless of your views on privatization, is that Americans would be outraged if that were accomplished through trade negotiations as opposed to a debate on the floor of the Senate and the House of Representatives and a discussion with the American people.

The future of Social Security is too important to be decided by anyone other than the American people.

Social Security is not the only area of public service provision that concerns me. Let's take a look at another example a little less dramatic.

The European Union has now proposed that the United States make new commitments under the General Agreement on Trade in Services to allow foreign firms to gain greater access to the U.S. water services market.

Many municipalities across the United States have long felt that the provision of water services is an important governmental responsibility. Some of the localities in New Jersey that I represent have chosen to have it administered by private companies. Others have chosen to retain the nature of a public provision of water services.

The point is that the people have spoken. Should municipalities privatize their water supplies? I am not sure. I am certainly not convinced that one answer is appropriate for all situations. But one thing I am sure about is that these decisions should be made by local elected officials who understand local circumstances and local values, and who are accountable to the local taxpayers and local voters. These decisions to privatize should not be dictated by unelected, distant trade bureaucrats.

Let me give another example. This involves a company that has been in the news lately, a company named Enron.

The Government of Argentina contracted with a division of Enron to provide water and sewer services in Buenos Aires. Enron did not do such a good job, to put it mildly. For a while, the water provided was contaminated by toxic bacteria. As a result, some 500,000 people were told not to drink the water for well over a month.

In the end, the Argentinian Government canceled its contract with Enron. Now Enron is suing, under trade agreements, that there is a basis for a $550 million settlement for them against the Argentinian people because they did a bad job.

I am telling my colleagues, this is an important issue. The provision of public services is a decision which our democratic processes should be deciding. This matter should be decided by democratically elected governments, not unelected trade bureaucrats.

There is a long list of public services that could well be privatized and put up for bid by foreign companies. These include everything from health services for veterans, to State colleges and universities, to immigration control, to afterschool programs, to police officers. All of these could be threatened by a trade agreement, and a lot of people are worried about that.

That is why I want this amendment to be seriously considered by my colleagues on the Senate floor, really to establish a trade objective.

Madam President, I ask, how much time is remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. CORZINE. I thank the Chair.

The American Public Health Association is concerned about the privatization of some parts of the Medicare Program and medical services for the poor. The American Council on Education and the Council for Higher Education Accreditation have voiced deep concerns about the GATT negotiations. As they said in a statement, higher education is supposed to serve the public interest and should not be a commodity.

Yet the threat posed to education by privatization through trade agreements is very real. Under some prospective trade rules, States could be barred from subsidizing State universities, using the argument that such subsidies put private universities at a competitive disadvantage. I do not think that is what the American people want trade negotiations to accomplish. They do not want unelected trade bureaucrats setting our policy with regard to public services.

Let me return to the explanation of the amendment. The amendment is very simple and states:

> A principal negotiating objective of the United States is to ensure that trade agreements do not [do not] include a commitment by the United States to privatize significant public services, including services related to (i) national security; (ii) Social Security; (iii) public health and safety; and (iv) education.

It then defines the term "privatize" to mean:

> . . . the transfer of responsibility for, or administration of, a government function from a government entity to a private entity.

And that is it. That is the entire amendment.

As it should be clear from its language, the premise of the amendment is that there are some types of public services that are so important that decisions about them should be made democratically and should not be delegated to an international body. Our amendment highlights, in particular, those four areas. There may well be others.

There may be some who would argue we ought to privatize some parts of our national security system, such as those who objected when Congress recently federalized our airport security system. I disagree. But, again, we ought to have that argument here on the floor of the Senate—democratically chosen processes, constitutionally established.

You could say that about many other types of issues.

Trade negotiators should not privatize and preempt the decisionmaking of Congress and the President. This amendment is less about privatization than it is about democracy. It is one thing to enter into international agreements, promote private investment, even if that means limiting our congressional prerogatives, but it is an entirely different matter to tie our own hands in deciding upon important public services, which go to the heart of what government is about in the first place.

I appreciate this opportunity to speak on this important, relevant, and germane amendment. In my mind, this bill already delegates too much congressional responsibility and authority. I hope my colleagues will support this amendment and protect our right to make a democratic choice about what the public services are that are privatized and that as we move forward we make those decisions through the debate process and discussion with the American people, not through trade negotiations, not through bureaucrats, who are unelected officials.

So that is what the amendment is about. I believe strongly that this is an amendment my colleagues should support, and I hope they will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, Senator HARKIN has agreed to yield 5 minutes to me. I know Senator DORGAN is next on the list. He has agreed to let me come in at this point.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I believe, by unanimous consent, I was to have been recognized following the presentation by Senator CORZINE. If that is the case—I believe it is the case.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. I will be happy to yield 5 minutes to the Senator from Pennsylvania, provided I am recognized following his presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, it is quite clear to me from the cloture vote yesterday that the Senate is going to pass trade promotion authority.

I think it is a shame that we have not had a more thoughtful debate on this issue. So I would like to take this opportunity to describe why this issue is and will continue to be controversial.

Trade promotion authority is a euphemism for fast track. Fast track is just what the name implies—a process that involves a rush to judgment. It's like fast food, implying a lack of preparation, a quick and easy meal that in the end turns out to be bad for you. Fast track trade authority allows the Administration to go negotiate a trade agreement, and bring it back to the Senate without the ability of any Member to offer a single amendment.

Article I, section 8 of the Constitution states that the Congress shall have the power to regulate commerce with foreign nations. That is what was written in Philadelphia one hot summer with George Washington sitting in the presiding chair, Ben Franklin over to his left, and Mason, and Madison. They decided Congress shall have the power to regulate commerce with foreign nations—not the trade ambassador, not the President, but the Congress.

The Congress has decided in recent years that to delegate this constitutional responsibility to trade negotiators. These negotiators go to places like Doha, Qatar, and negotiate agreements in secret. They bring these agreements back to Congress, and say: Here is the agreement. Take it or leave it in total; no amendments because you are not allowed to offer any. That is what fast track is all about.

If you want a good example of why fast track is a bad deal, you can look to our experience with the U.S.-Canada Free Trade Agreement. Our trade negotiators went to Canada armed with fast track. They negotiated a trade agreement with Canada, and developed a secret side agreement which they disclosed only 2 years later to the Congress. That side agreement effectively traded away the interests of America's family farmers. Our farmers have been hurt badly as a result of it. We couldn't do a thing about it because when that agreement came back to the Congress, no one was able to offer one single amendment.

I voted against the U.S.-Canada Free Trade Agreement. Had I been able to offer an amendment, I might have been able to fix it. The family farmers who have been victimized by this agreement might not have been hurt nearly as badly. But no amendments were in order. No one in Congress could offer any amendment at any time. That is what fast track is about.

Since we are debating trade and our trade policy, I want to use a chart to show what has happened in trade. My colleagues stood up yesterday and said: You need to understand how important this is to America. You need to understand all the new jobs we are creating with these trade agreements. Well, count me in as somebody who supports trade. I am big for trade. Expanded trade is terrific. The more the better but only as long as it is fair. If it is not fair, our country should have the backbone to stand up and say, no, the trade we demand and expect is reciprocal trade, fair trade.

Fast track trade agreements have created runaway trade deficits. Here is what happens on the trade deficits. From 1991 to 2000, our trade deficit has gone from $65 billion to $436 billion. Our country suffered a recession in 2001, so the deficit declined just a bit last year, but the trend is clear.

The fact is, this is by far the highest trade deficit in human history. Every single day, 7 days a week, our country buys more than $1 billion in goods from abroad in excess of what we are able to sell abroad—over $1 billion a day every single day, racked up as a deficit.

I ask those who support this fast track free trade strategy, do you think this works? Where did you pick up your economics? Was there some textbook I missed along the way that makes you think that this trend is a favorable one? I don't think so. This is not working. This is a failure. This is a massive failure. Our trade strategy is drowning America in red ink. Yet we have Senators coming to the floor saying: Give us more of this.

Where is this red ink coming from? Prior to negotiating an agreement with Mexico, we had a small trade surplus with Mexico. We have turned that now into a huge deficit. Prior to negotiating a trade agreement with Canada, we had a modest deficit. Now we have turned that into a very large deficit. We have a very large and growing trade deficit with China, $70 billion a year plus—and a very large, abiding, growing trade deficit with Japan.

What does all that mean in terms of real people? We have Senators who come here and argue theory. They are out of touch with working people. When you work in the Congress, you take a shower in the morning and then put on a dark suit. What we are doing in trade policy is dealing with the jobs of the people who work hard all day and then have to shower at the end of the workday. It is their jobs that are sent elsewhere as a result of this legislation.

I gave a speech in the Senate some years ago. I told the stories of some real folks who have been affected by unfair trade. The other day we had a press conference on the steps of the Senate, with working men and women that continue to lose their jobs. The stories don't change.

The Levi corporation decided they can't make Levis in the United States anymore. It is cheaper to make Levis in countries where you can pay people 50 cents an hour. Or Fruit of the Loom, making shorts, men's shorts, they just ship those to a plant where they can pay somebody 40 cents an hour.

It is one thing to lose your shirt, another to lose your shorts. OK, it's a bad joke, and this is no laughing matter. Not when you have companies decide to move their plants to where they can pay people 40 cents an hour or, better yet, pay them 24 cents an hour. You know we have products on our store shelves made by 12-year-old kids who worked 12 hours a day and were paid 12 cents an hour. We all know that.

We have fought for over a century for the right of workers to organize, the right to work in a safe workplace, the right to say that it is wrong to put children who are 10 and 12 years old down in coal mines or in industrial plants, the right to a reasonable minimum wage. Those who support fast track ultimately are allowing corporations to pole vault over all of that, and to move jobs overseas where they don't have to be bothered with decent wages and working conditions. This is ultimately just about corporate profits.

We have 8.6 million people today who are looking for work. If you are one of those people, your personal unemployment number is 100 percent. You, at some point, had to come home and tell your wife and your children: I am sorry, I lost my job and I don't know what I am going to do next.

The Economic Policy Institute has calculated that, as a result of the most recent trade agreements—Canada, NAFTA, and the WTO—roughly 3 million jobs have been lost in this country. So when you have 8.6 million people out of work, and 3 million of them have been displaced by trade, should we be diving headfirst into new trade agreements?

When NAFTA was negotiated, we were told that Mexico would specialize in low-wage and low-skilled jobs, and that those products would benefit U.S. consumers. That may have happened to some extent, but we have lost a lot of good jobs for working people in this country. The three largest imports into this country from Mexico are automobiles, automobile parts, and electronics. They are all jobs of high-skilled workers with high-skill wages that were displaced in this country.

Borg Warner had a transmission plant employing 800 people in Muncie, IN. The jobs paid $17 an hour. Good jobs. Those jobs don't exist there anymore. They are in Mexico. Atlas Crankshaft, owned by Cummings Engine, literally put its manufacturing plant on trucks and moved it from Ohio to Mexico. So those 200 jobs have gone south, looking for lower wages. The Abbott Cooperation, which manufactures wires harnesses for Whirlpool Appliances, and their 117 jobs, were sent to Mexico. A metals plant in Warren, MI, closed down. They put their equipment on trucks and moved to Mexico—26 jobs gone south.

Some say: You know, Senator DORGAN, that is life. That is the way the new economy is. That is the way this world works. It is a new global economy and you don't understand it. You are one of these xenophobic isolationists who can't see over the horizon and cannot understand the new economic day.

Well, I am certainly not suggesting that we retract on the global economy. That is a fact of life; it is here and now. The question for this Congress is, What are the rules? The rules have not kept pace with globalization. As these plants close and move jobs to Mexico, or Indonesia, or Sri Lanka, or other countries around the world, shouldn't Congress begin debating what the rules are of free trade and globalization? Because the rules have not kept pace with the times.

Those who want to take advantage of having no rules are those who want to make profits by deciding they want to trade American jobs, and all the restrictions that come with it, for jobs elsewhere for pennies an hour, where they don't have to worry about polluting the water and air, and they can do it with impunity. They can hire as many kids as they want. They don't have to worry about a safe workplace because there are no rules and regulations on any of that.

The global economy has moved forward without sufficient rules. This Senate, instead of debating fast track, ought to be debating the rules of globalization. We are not allowed to do that. Do you know why? Those making big profits out of the existing system don't want us to do that. That is the last thing they want us to talk about.

It would be nice if the proponents of fast track would take the time to talk to a few of the many people whose jobs were determined to be relatively unimportant in the scheme of international trade. I am not talking about people who make buggy whips—a product for which we have no additional need. I am talking about people who made decent wages working real jobs in factories that produce good products.

When the rules are not fair, it is up to the Senate to stand up for American workers. They will not do it and amendment after amendment on this so called fast-track bill has gone down. Why is that? Because this was like a big truck with a tarp over it, buttoned up long ago and driving through this Chamber, like the trucks that will come in after June 30 from Mexico.

Incidentally, as a result of NAFTA and some flawed analysis, this Administration is set on June 30 to allow Mexican trucks to enter our country for long hauls. Everyone here knows there isn't a ghost of a chance that this is going to be safe for American drivers. Inspection sites don't exist. The standards for Mexican long-haul trucks are not enforced. I ask you to look at investigative reports on it and ask yourself: Do you want your family driving next to a long-haul truck that has been driven for 24 hours by somebody who doesn't have a logbook and hasn't had an adequate safety inspection? I guarantee that will happen here after June 30 of this year. Why? Because we are not able to debate these issues under fast track.

The Senate is once again saying to our trade ambassador to go negotiate trade agreements in secret, and to forget about what the Senate might think. Our current trade ambassador, Bob Zoellick, is a man I personally like, bright as a whip. We disagree on some things and agree on some other things. But it is just plain wrong for the Senate to give this kind of authority away, and to abrogate its responsibility. And I hate to think of the likely consequences.

Mr. Zoellick said this on November 26, 2001:

> In Doha, Qatar, antidumping laws in the U.S. could be discussed as a new trade round gets underway.

In effect, our trade ambassador has put our antidumping laws on the table to be traded away. We have already lost section 22, and section 301 has been weakened, and now the trade ambassador is talking about giving away the laws that prohibit dumping in our marketplace and injuring our producers and workers. If we trade away our antidumping laws away, there will be no protection against unfair trade. None.

When on Earth will this Congress learn? Have we not had enough experience with this nonsense? How high do our trade deficits have to go? If it doubles again, maybe then they will think there is a problem?

We can make the case that a fiscal policy deficit is money we owe to ourselves. We cannot make that case with the trade deficit. This is money we owe to other countries. We will repay this someday with a lower standard of living in this country. That is inevitable.

Our negotiators just keep handing us these bad trade agreements, and our trade deficits keep skyrocketing. Will Rogers once said that the United States of America has never lost a war and never won a conference. He surely must have been speaking of our trade negotiators because with United States-Canada, with NAFTA, with WTO, with GATT, our trade negotiators have taken 15 minutes and have wilted and folded under the onslaught of pressure from both corporations and other countries, and we end up with rules of trade that are fundamentally unfair to our workers, our farmers, and our businesses.

There is no debate about that in this Chamber. There is a relentless chant of the type you find on street corners about free trade, free trade, fast track, new jobs, when all the evidence tells us that we have had a disastrous experience with trade. We have paved the road by which U.S. companies can seek a lower wage almost anywhere in the world.

Did any of my colleagues see the story the other day in the Washington Post about the young woman who was working in a toy factory and died from sheer exhaustion? She had been working 16-hour days for two months without a day off.

I have been in a number of countries with abysmal working conditions. We know there are a couple hundred million kids who are being employed around the world. Some are locked in garages, in basements.

I held a hearing in Congress about child labor, and heard testimony about young kids in India making carpets. They had had their fingertips laced with gunpowder and set on fire so the burns would scar. Then when these young children in these large plants would stick themselves with needles while making carpets, it would not hurt, and they could keep on working. Do we want those products on the store shelves of Pittsburgh or Fargo or Los Angeles or Dallas? Is that free trade? Is that fair trade? Does anybody here care about that?

Do my colleagues know how many people we have in the Department of Commerce working on enforcement of trade laws so we make sure these trade laws are fair? China, a country that has somewhere around a $70 billion trade surplus with us, because they send us all their trinkets, trousers, shirts, and shoes, and we take them all. Madam President, do you know how many people are enforcing trade agreements with China? Fewer than 10. Fewer than 10 people. The same is true with Japan, with which we have a huge trade deficit.

It is probably not unnoticed that I have a great deal of angst about the way these issues generally are handled. We do not have a thoughtful debate; we have a thoughtless debate. This is chanting about irrelevancies instead of talking about what makes this country strong.

The economic engine in this country, in my judgment, is an economic engine that begins with working people and also businesses willing to invest their money to ask for a fair shake in international competition. We create these trade agreements with other countries that result in huge trade deficits, and we have Senators come to the Chamber and talk about how many new jobs they have created. It is total nonsense. They ought to be talking about the 3 million jobs they have lost, and then talk about a few of the names of the people who have lost their jobs.

I guarantee there is not one Member of the Senate who is going to lose his job because of a bad trade agreement. There are going to be a lot of folks out there raising a family and trying very hard to make a good living who will be told: No, your job does not exist in Akron, OH, anymore. Your job is now going to Sri Lanka, and we are sorry, that is life, that is the global economy.

It is inevitable now this President will be given fast-track authority. I did not believe we ought to give fast-track authority to President Clinton, and I do not believe we ought to give it to this President.

What I say about fast track is this: Take 1, 2, 10, or 20 of the trade problems we already have from existing trade agreements. Try to fix those. Then come back and let's talk about new agreements.

I will not vote for this fast track bill. I suspect many Members of the Senate will. They will button their coats tighter, stand up proudly and say how wonderful it is for this country, and not one of them will have his job moved to Sri Lanka, Mexico, or anywhere else. I guarantee working people who lose their jobs because of this will find precious little comfort by having trade adjustment assistance as part of it. Yes, I support that part of the trade package. But it is not a good substitute for good trade law, and everybody in this Chamber knows it.

Madam President, I would like to take a couple more hours, but I need to step aside. We have other business to do. I hope at some point we will have a real debate on trade in the Senate. It is certainly not the leader's fault we have not had a real debate. The problem is the lack of substance of the underlying bill. We cannot have a debate about substance.

I invite other Senators to spend a few hours talking about the reality of international trade. If anybody wants to do that with me, I will join him and talk about real numbers and the truth on trade.

Mr. NICKLES. Madam President, will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. NICKLES. I have a brief question. I know my friend from Nevada wants to make a UC request. Getting the tenor of the Senator's debate—interesting debate—he is critical of the NAFTA agreement, one of the three free trade agreements passed by the Senate, two of which passed almost unanimously—the Jordanian trade agreement and the free trade agreement with Israel. NAFTA was not quite as unanimous. But did the Senator vote in favor of those three free trade agreements?

Mr. DORGAN. No, I did not vote in favor of NAFTA, I did not vote in favor of the U.S.-Canada agreement, and I did not vote in favor of GATT.

Mr. NICKLES. Did the Senator vote in favor of the Israel or Jordan free trade agreements?

Mr. DORGAN. I did. And it is ironic that the Senator who makes the point about the Jordan agreement voted to keep the Jordan agreement labor standards out of this fast-track legislation.

I voted for the bilateral trade agreements that the Senator From Oklahoma mentioned, but I did not vote for NAFTA, I did not vote for United States-Canada Agreement, and I did not vote for GATT. Those agreements have led to huge deficits. These numbers do not represent success, not in North Dakota and not in Oklahoma. These growing massive deficits are choking our country. I would love it if the Senator from Oklahoma will join me sometime in a debate on trade on the floor of the Senate.

It is hard to get people to agree to do that, but if the Senator from Oklahoma would, I would love to have the opportunity.

Mr. NICKLES. I thank my friend.

Mr. DORGAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The Senator from Oklahoma, Mr. NICKLES, is going to speak. First, I ask unanimous consent that following the previously ordered sequence of speakers, Senator SARBANES be recognized to speak for up to 15 minutes, and Senator KENNEDY be recognized for up to 30 minutes, with the previous provision regarding Republican speakers remaining in effect.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Did the Senator say Senator SARBANES and then Senator KENNEDY?

Mr. REID. Yes, but a Republican can come in between if they care to.

Mr. NICKLES. I believe Senator KENNEDY may be speaking on a different nontrade issue.

Mr. REID. If there is an objection, the rights of the Republicans are preserved.

Mr. NICKLES. I would like to reserve some time for a Republican to be able to follow Senator KENNEDY.

Mr. REID. The Senator has that right.

Mr. NICKLES. Will the Senator modify his request?

Mr. REID. Yes, I will do that in the next one.

Mr. NICKLES. Well, if Senator KENNEDY is going to be speaking on minimum wage, I would like for a Republican, likewise, to have an opportunity to speak on that.

Mr. REID. If that is the desire of the Senator, we have no problem with that. Following Senator KENNEDY, that would be fine.

Mr. NICKLES. For 15 minutes?

Mr. REID. Fine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—CONFERENCE REPORT TO ACCOMPANY H.R. 3448

Mr. REID. Madam President, I ask unanimous consent that following the statement of Senator KENNEDY and/or the Republican who would follow him for 15 minutes, the Senate proceed to the consideration of the conference report to accompany H.R. 3448, the Public Health Security and Bioterrorism Response Act, notwithstanding rule XXII, and that it be considered under the following limitations: That there be 90 minutes for debate on the conference report, with the time equally divided and controlled between the chairman and ranking member of the HELP Committee, or their designees; that upon the use or yielding back of time, the Senate proceed to a vote on the adoption of the conference report, without further intervening action or debate, provided further that all time utilized under this consent be charged postcloture.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object—and we may have clearance, but we need to finalize it—I am delighted with this request. I am delighted it looks like we are now going to be able to pass the Public Health Safety and Bioterrorism Response Act. My guess is it will pass overwhelmingly, maybe unanimously, through the Senate.

Could the Senator withhold the request for a moment and let me doublecheck with other Senators? I will be happy to put through the question.

Mr. REID. I will be happy to withhold.

The PRESIDING OFFICER. The Senator from Oklahoma.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3447

Mr. NICKLES. Madam President, I thank my friend and colleague from Nevada.

We are considering a lot of amendments. I know the chairman of the Finance Committee has been working through amendments. We have been working through amendments as well, and we are going to get into a situation where we have a lot of votes. For the information of our colleagues and particularly our colleague and friend from West Virginia, Senator BYRD, who has three or four amendments, one of which is second degreed by our friend and colleague from South Carolina, Senator HOLLINGS.

Senator BYRD's amendment in the first degree deals with a congressional oversight group that changes in composition.

Right now, the oversight for trade is in the Finance Committee. I happen to serve on the Finance Committee, so I was interested in the composition of the congressional oversight group. It talks about the oversight from the House. I notice in the House group, it consists of the majority leader and minority leader, and eight additional members would be appointed by the Speaker of the House, four each from the minority and majority. It also says none of the eight members appointed under this paragraph will be members of the Committee on Ways and Means.

Then it says the membership in the Senate congressional oversight group shall be comprised of the following Members of the Senate: President pro tempore of the Senate, Senator BYRD; minority leader and majority leader; eight additional Members appointed by the President pro tempore of the Senate, four members from the majority after consulting with the majority leader, and four members from the minority party after consulting with the minority leader of the Senate.

Then it also says that none of the eight members appointed under this paragraph may be members of the Committee on Finance.

I am a member of the Finance Committee, and I do not want to have that jurisdiction taken away from the Finance Committee. So I am going to oppose this amendment. At some point, I am going to move to table the amendment. I would not want to table the amendment of the Senator from West Virginia without notifying him and giving him a chance to debate. Maybe he has debated it and I missed that debate, but I was not aware until a few moments ago of the impact of this new oversight committee, which would exclude members of the Finance Committee, which has jurisdiction over trade.

I would think Democrats and Republicans who serve on the Finance Committee would not like to find out that an area over which they have jurisdiction and over which they have some responsibility, on which they have had hearings, would be excluded from this oversight committee.

That is my purpose of speaking now. It is not for total debate but to let my colleague from West Virginia know that at some point, not immediately—as a matter of fact, it will be after the 2:30 briefing by the FBI Director—a motion will be made to table the underlying Byrd amendment dealing with the oversight group. I wanted my colleague to be aware of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 3448

Mr. REID. Madam President, I renew my unanimous consent request on the bioterrorism conference report.

Mr. NICKLES. Madam President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3459

Mr. REID. I ask unanimous consent that the time now be charged against Senator HARKIN, who has 45 minutes under the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

Mr. REID. It is my understanding, following the statement of Senator HARKIN, that Senator CANTWELL is next in order.

The PRESIDING OFFICER. If no Republican speaker seeks recognition, that is correct.

Mr. REID. Madam President, I ask unanimous consent the Senator from Washington be recognized now for her time. Senator HARKIN is not here, and his time is being wasted. I ask that the order be inverted so Senator CANTWELL may now speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized for 20 minutes.

Ms. CANTWELL. Mr. President, I rise this afternoon in support of the trade and worker assistance legislation before the Senate that we have been working on for the last 2 weeks. I recognize the important work of Senators BAUCUS and GRASSLEY and thank them for their tireless efforts in putting together a good trade proposal that will help workers and businesses throughout our country.

The Baucus-Grassley package embraces a balanced, comprehensive approach to free trade. This is the same approach adopted by our predecessors in the 93rd Congress when they passed the original 1974 trade act which did combine the flexibility of trade negotiation agreements with trade adjustment assistance. Indeed, with the combination of trade promotion authority with the largest expansion of trade adjustment assistance in history, we are making a downpayment on the economic growth and opportunity for many people in our country that will impact our prosperity in the future.

Trade is absolutely critical to my home State. It is critical to our current economy. It is critical to our future economy. The Puget Sound region is probably the most export-dependent region in the country, and Washington is probably the most trade-dependent State in the Nation. Trade supports about one-third of the Washington State workforce or roughly 750,000 jobs. These jobs pay, on average, 46 percent more than the overall statewide average. These are good jobs.

Washington truly is a portal to the Pacific. Our ports—from Bellingham, Everett, Seattle, Tacoma, Longview, to Vancouver—ship everything from electronics, airplanes, to fruits, vegetables, wheat, and hundreds of other products to over 199 countries.

I often hear from my colleagues when discussing trade promotion authority, What is it we are going to sell from the United States to these countries? The answer from my State reaches across many sectors: Agriculture, manufacturing, and high-technology products. Trade provides opportunities for both large and small businesses. Washington State, for example, is the largest producer of soft white wheat, of which about 85 percent of the crop is exported to foreign consumers at substantially higher prices than Washington wheat would receive domestically. In manufacturing, the Boeing Company basically generates about $30 billion in sales, a big part of the Puget Sound industry. And 70 percent of the revenues come from overseas. Of the current sale of Boeing products, 70 percent is to overseas markets. We expect that to be 74 percent in the next several years.

In our high-tech sector, Microsoft brings in about $25 billion in annual revenue, 50 percent of its sales being made overseas.

In these sectors—in agriculture, manufacturing, and in high technology—our State depends on foreign markets to make our economy work. It is not just large businesses; it is small businesses. Eric Jenson of Seattle founded a company designing and building bowed instruments, such as the cello. Initially his business was limited to domestic buyers, but by putting his company on the Internet, he thrust himself into world markets and now sells about 25 percent of his product overseas.

As any salesperson would tell you, if you want to sell something, you have to get your product into the store in a competitive fashion. If you have to pay a middleman to do so, the prices will be too high. Similarly, if we want to sell products to the world, we need to get into foreign markets and avoid high tariffs. Currently, our businesses and farmers face tremendous barriers to foreign markets. Indeed, while foreign companies are able to sell to American consumers at import duties that are averaging less about 2 percent, our companies and farmers often face trade barriers that are 10 times as high, basically closing them out of these market opportunities.

The key tool in lowering these tariffs and opening up markets is substantial bilateral and multilateral trade agreements. In this way, we can better pursue these agreements by giving the President trade promotion authority.

Yet while we give him trade promotion authority, it is clear we should not do that without making sure that certain objectives are met for protection of labor and the environment. That is why the Baucus-Grassley language makes clear to the President for the first time that the relaxation of environmental labor laws to provide a competitive advantage are absolutely unacceptable. By using the Jordan free trade language as a model, the Baucus-Grassley language made stronger by our passage of the Lieberman amendment, that I supported earlier last year, ensures that environmental and labor protections will be principal components for future trade relationships.

Also, the TPA bill, as amended, is absolutely clear that our domestic laws are not to be weakened in future trade agreements.

As we open markets and help provide training to our workforce, we need to make sure that countries do not unfairly subsidize industries or dump their products in our market. Again, the amendment offered by Senators DAYTON and CRAIG which passed, and which I supported, included extra protections for trade safeguards that ensure that our companies and farmers are protected.

While we have looked as these trade agreements, there is one very important aspect of this bill I want to point out: The area of trade promotion authority. Before I get to that, I will talk about the fact that there is a misconception: if we do not do trade promotion authority or trade agreement, somehow we will stop the reduction in manufacturing jobs.

It is clear we have seen a reduction in manufacturing jobs in our country and in other countries. But we have not seen a reduction in manufacturing output. What that really means is we have just gotten more efficient and effective at producing products, which means the workforce employed in these areas has been replaced by more productive efforts, which means we need to think about how we are retraining and reskilling our workforce for the future.

In the last 3 years, over 70 firms and 15,000 workers in Washington were displaced by trade activities and qualify for TAA benefits. Washington has probably been one of the highest States in the country qualifying for benefits under the trade promotion package. But this historic package goes further. I applaud my colleagues on the other side of the aisle for supporting what I think is a great economic development strategy for our future: Investment in the human workforce in our country.

This legislation will provide assistance to dislocated workers in several ways. The bill more than doubles our financial commitment to TAA programs, which is a very needed boost. The bill recognizes that to help workers, you have to help communities overall. It takes steps to expand trade promotion authority to a broader group of people. It expands the duration of the benefits from 52 weeks to 78 weeks and allows recipients to complete their training. And the trade promotion authority helps secondary workers who are also impacted by these job layoffs.

GAO published an initial report that shows that TAA recipients who completed training entered new jobs 15 percent more often than those who did not receive training, and that those who received training, on average, their wage was almost $2 more than their counterparts who did not get the training.

We are seeing that this is an effective benefit. An effective investment, a trade bill that will help open up markets overseas, provide U.S. products, and yet legislation that will also help workers whose jobs are lost because of trade activities and allow them to become more productive in the future by being retrained.

The global market provides tremendous potential for our country's future. I am glad my colleagues have had such a spirited debate on this issue. We need to do more.

As my State shows, more and more businesses will be seeking their economic vitality by and through these international markets. So we need to work harder here to make sure we give the power to the President, and to these companies, to make sure their products get fair treatment.

This package goes a long way toward accomplishing these goals. I look forward to working with Senators BAUCUS and GRASSLEY to help prepare our economy for the 21st century by making sure U.S. products have fair access to international markets.

I yield the floor.

AMENDMENT NO. 3459

Mr. HARKIN. Mr. President, I call up amendment No. 3459, which is at the desk, cosponsored by Senators MIKULSKI, WELLSTONE, and KENNEDY, and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment? Without objection, the Senator's amendment is pending.

The Senator from Iowa.

Mr. HARKIN. Mr. President, the amendment I have now offered has to do with the issue of child labor in world trade. I would like to speak for a while because, among all the things we have talked about regarding trade and what we are promoting, I believe one of the most important elements, in terms of moving ahead in the world economic order that is going to break down barriers of trade, one of the most important facets is how we address the issue of child labor.

Increased world trade should not be an end in itself. It must also be a means of achieving more economic fairness, social justice, and broad-based sustainable development throughout the global economy. Accordingly, as we debate this trade bill, this Senate faces a critical test of our nation's moral resolve as well as our economic leadership.

The practical challenge before us is to help fashion enforceable rules for a new global economy. It must be a global economy that rewards working families in America and abroad as much as it benefits transnational corporations, investors, and consumers.

I have long supported policies to open foreign markets to our nation's exports through new trade agreements and through combating unfair trade practices. I believe that new trade agreements—on the right terms—offer many new opportunities for our nation's economy to grow and thrive.

I hope I am also a realist. Global economic integration is proceeding at an accelerating pace, fueled by private sector forces beyond the control of any national government. But markets are not self-actualizing and they certainly do not concern themselves with fairness or equity, left to themselves. Therefore, the real role of government at all levels now is to help define the terms on which globalization will proceed.

This trade debate is not about free trade versus protectionism. Those are empty labels that cloud our real choices.

And we all know that there are winners and losers every time our country enters into a new trade agreement. Our task is to make certain that the terms of every new trade agreement maximize the winners and minimize the losers.

Some argue that the losers in international trade are just those caught in the whirling winds of globalization—victims of the magic of the marketplace who must fend for themselves. It is not that simple and its not accidental. We choose who and what we protect. For example, the WTO currently spells out enforceable rules on capital subsidies and product dumping to promote fair competition in international trade, but WTO rules don't do the same for child labor. When it comes to abusive child labor, anything goes. Binding international agreements and U.S. trade laws rigorously protect intellectual property rights now, but not internationally recognized worker rights such as stopping the worst forms of child labor. We protect CDs, endangered plants, and spotted turtles, but not children who are brutally and systematically exploited in the global workplace.

And so today, I say it's time that trade agreements extended their protection to those who need it most—the exploited child laborers who help make and process many products were consume every day.

According to the best estimates released 10 days ago by the International Labor Organization, there are at least 352 million child laborers between the ages of 5 and 17 who are engaged in today's global economy.

At least 246 million of these powerless working children are involved in abusive child labor which the business, trade union, and government officials in the ILO agree should be abolished. Think about that—at least 246 million child laborers who have never seen the inside of a classroom. As many as 60 million of them are engaged in the worst forms of child labor. They are often killed or maimed for life. They are robbed of their childhood and denied any hope for a brighter future.

To put this in perspective, imagine a country as populous as the United States and Mexico combined in which the entire population is made up of child laborers. Within that population would be an underclass of children roughly equal to all of the people living in Germany, France, Great Britain, and Spain combined who work in conditions that cripple their bodies and minds, stunt their growth, deny them access to basic education, and shorten their impoverished lives.

Now I suspect some of my colleagues are going to argue today that child labor has nothing to do with international trade. But they are dead wrong.

I want to show my colleagues some of the faces of these child laborers associated with various tainted manufactured products and other goods flowing freely in international trade as we speak here today.

I would like to tell you a little something about their working conditions. On the first chart here is Silgi. Silgi was 3 when this picture was taken. She started knotting soccer balls to help her mother and four sisters make 75 cents a day. Her mother and four sisters and her altogether make 75 cents a day knotting these soccer balls, which our kids use on the soccer fields in America.

This is Tariq. Tariq is a 12-year-old Pakistani boy. He stitches these leather pieces together to make soccer balls. Pakistan produces 5 million soccer balls a year, just for the U.S. market. Tariq earns 60 cents a day making these soccer balls. As you can see, they have the nice swoosh on them there. You know they are not using these in Pakistan. This is what our kids are playing with on those soccer fields every Saturday when we take them down to play. Think about it. Think about it the next time your kid kicks that soccer ball. Think about Tariq, 12 years old, making 60 cents a day. He is not in school. He is not learning anything. These soccer balls, obviously, go into international trade.

This is a photo of a sign. Three years ago, in early 1999, I took a trip to Southeast Asia to look at the issue of child labor. I was in Katmandu, in Nepal, when a former child laborer sought me out. I knew of him through other contacts. I had never met him before. I met him after dark on a Sunday night. He had arranged to visit a clandestine place where they make carpets. He knew the guard at the gate. He also knew, he thought, that the owner was gone. So we drove down there.

As we came up to the gate, here was the sign posted outside of this gate. It says in Nepalese but also in English:

> Child labor under the age of 14 is strictly prohibited.

This is not a doctored document. I took this picture. I took this picture with my own hands before we went in.

As we went through a gate and down a dark alley, we took a left and there was this building. All the windows were blacked out. We walked in the door and this is what we saw. Children as young as 7, 8 years of age, sitting at these looms knotting these carpets. Again, to show you it is real, that is me. I was there. My assistant took this picture. They didn't know we were coming.

In the past, anybody who would go in there to inspect it would give them advance notice. They had a way of getting all of these kids out the back door and scattered around in a compound so you wouldn't see all those kids working.

This is on a Sunday night after dark with kids as young as 8 years of age sitting in a row. It is dark back here. But there are dozens and dozens of these kids along both sides up and down these rows working on these looms. It is dusty. All of that carpet dust comes out. That is what these kids breathe.

Again, don't tell me this isn't happening. I was there. I saw it firsthand.

These are two Nepalese girls I spoke to through an interpreter. They were very cautious about speaking with me. They had probably never laid eyes on an Anglo before. They were sitting there knitting carpet. I tried to determine their age. As best I could determine, they were under 12 years of age. But I really couldn't determine exactly what their age was.

All I can tell you is that at about this time the owner showed up. I was told the owner wasn't there. There was a big commotion going on. The owner came in. Of course, he was extremely upset we were on his premises and ordered us to leave, which we did, but not until I had the documentation that this was happening.

The next day—I don't have pictures—I went to a carpet manufacturer in the same city, Katmandu. There is a carpet manufacturer that adheres to the Rugmark label. They don't employ any child labor—none whatsoever. They certify it with a little rug mark. These rugs also go into international commerce. Here is one plant in Katmandu that does not hire child labor. They are making moneymaking carpets for international trade.

Probably 5 miles away is a place such as this. There are dozens of these around making carpeting with these kids for international commerce, and they are also competing with the carpets made by a legitimate a manufacturer who does not employ child labor.

This is Amir. Amir is second from the left. He is age 8. He quit school in the third grade and spends his days sitting on a concrete floor sharpening surgical scissors. These are surgical scissors and surgical knives. This is in Pakistan. Amir is 8 years old. He earns $2 a week. All day long, they breathe in this metal dust from sharpening these scissors.

Mr. President, I hope neither you nor anyone else listening to my remarks has occasion to go into a surgical room. If you do, think about the scissors and the knives the surgeon will use that were made by Amir, 8 years of age. Don't tell me this doesn't have something to do with international commerce.

This is 7-year-old Sonu. Sonu lives in Jullundur, India. He cuts yellow-dyed chicken feathers for badminton shuttlecocks. That is what he does 7 days a week.

There is a cover story in a Hong Kong newspaper about some Chinese girls just across the border who are making toys for McDonald's. Again, it goes into international commerce. The amount of money they earn in 1 day is about enough for them to buy a Happy Meal for 1 day.

I want to add this. I want to be fair to McDonald's. When McDonald's found this out, they took action to stop it. I commend McDonald's for at least taking action to stop it.

My point is that without vigorous enforcement and oversight, that is what happens in international commerce. If it had not been for someone breaking into that factory and taking these pictures, MacDonald's might not have known about it either.

This is a rather busy chart. This shows how child slaves—make no mistake about it, they are slaves, bought and sold. They are used in the cocoa and chocolate industry.

Last year, Knight Ridder newspapers in a series of articles exposed child slavery on west African cocoa farms. This is the cocoa that young slaves harvest and produce. It goes to Europe. It goes into the Philadelphia area. Fifty percent of all the cocoa entering the United States is unloaded in Philadelphia. Chocolate is made using this Ivory Coast cocoa harvested by child slaves.

Because of this, and because of what is happening globally with the use of child labor in international commerce, I am offering this amendment to make ending the worst forms of child labor a principal negotiating objective as nearly on a par as possible with the principal negotiating objective in this bill on protecting intellectual property rights.

It is often said, if you can protect the CD, you ought to be able to protect the child. If you are going to protect the song, how about protecting the kid?

I know Chairman Baucus and other members of the Finance Committee share my concerns about abusive child labor. There was some reference in the language in this bill, but I think we can and should do better.

Before explaining my amendment in greater detail, I want to make clear what constitutes the worst forms of child labor. We are not talking about children who work part time after school or on weekends in the corner grocery store. It is not, for example, kids helping with the chores on a family farm. There is nothing wrong with that. I worked in my youth. All of us did when we were young people. We worked. That is not the issue we are addressing.

This amendment is focused on the use of the worst forms of child labor in the production of tainted goods that flow in the international trading system today and which we import in the American marketplace. Let me cite a few examples of these products and where they come from, according to the U.S. Department of Labor.

We import more than $250 million worth of hand-knotted oriental rugs every year from India, Nepal, and Pakistan, produced by as many as 1 million child laborers, many of whom are kidnapped and enslaved, bonded, or indentured.

As I said, if you are ever wheeled into surgery, remember that many of the surgical knives and scissors are finished by thousands of child laborers in Pakistan—these pictures I just showed you. If any Member wishes, I can give you the names of the U.S. medical supply companies that freely import this surgical equipment.

Fortunately, there is now a universal definition of what constitutes the worst forms of child labor.

You may ask, What do you mean by the worst forms? We know. They are spelled out in ILO Convention No. 182, which was adopted unanimously in 1999, the first time ever. It was ultimately ratified at a record-setting pace by 117 trading nations, including, I am proud to say,, the United States. In fact, the United States was the third country to ratify ILO Convention No. 182. It was a resolution offered by Senator HELMS and myself.

In November of 1999, it was adopted by the Senate on a 96-to-0 vote. The United States is now on record as ratifying and abiding by ILO Convention 182.

When we talk about the worst forms of child labor, what are we talking about?

We are talking about child slavery, child bondage, the use of children in pornography, much of which enters this country, trafficking in children, buying and selling of kids, the recruitment of children in the production or sale of narcotics, and hazardous work by children where they are breathing metal dust or making glass in India in very high temperatures. That is what we are talking about.

That is what is in ILO Convention 182. That is the worst form of child labor.

We are not talking about kids working part time or on weekends. It is slavery, it is bondage, it is pornography, and it is hazardous types of work.

Combatting abusive child labor and linking respect for other internationally recognized worker rights to the conduct of international trade is not new. At various times during the 20th century, numerous international agreements and U.S. policy have explicitly recognized that fair labor standards are necessary for the working of a fair trading system.

More to the point, I call to the attention of my colleagues article XX of the original GATT. Article XX was brought forward in the 1994 GATT deliberations. It was incorporated in the current operating rules of the World Trade Organization, the WTO.

This article spells out 10 different exceptions whereby WTO member countries may enact national laws without being in violation of existing WTO or GATT requirements and international trade rules.

This is what it says, article XX (a) and (b):

> Subject to the requirements that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:
>
> (a) necessary to protect public morals;
>
> (b) necessary to protect human, animal, or plant life or health.

Article XX: to protect human health and life, protect public morals.

Those are exceptions that countries may adopt and not be in violation of WTO.

At this time, and in this new era of globalization, we have the wherewithal to end the use of abused child labor in the production of goods for international trade. The only questions are whether we have the political will and whether America will lead the way.

More than 50 years after its adoption, article XX remains untested. There has been no trade jurisprudence to flush out its practical meaning or scope.

So I ask my colleagues, what better place to start than for this Congress to require U.S. trade negotiators to make it a principal negotiating objective to secure an effective international ban on trade in goods produced by defenseless children under 18 who are trapped in the worst forms of child labor?

We can do that by adopting this amendment, to make ending the use of the worst forms of child labor in international trade a principal priority for our negotiators. It is entirely in keeping with what President Bush said last year at the Western Hemisphere Trade Summit in Quebec. This is what President Bush said last year:

> Our commitment to open trade must be matched by a strong commitment to protecting our environment and improving labor standards.

What could be more important than protecting children?

Using international trade agreements to combat abusive child labor is good international development policy. Abusive child labor perpetuates the cycle of poverty across generations. It is both a cause and an effect to the grinding poverty in today's global economy.

Much of this should be self-evident. No nation has ever achieved broad-based economic prosperity on the backs of working children, and no such nation should be allowed to try according to any standard of fair international trade and competition.

Ending the use of abusive child labor, especially in the conduct of international trade, is not morally disguised protectionism. In fact, public support for continued trade liberalization will be enhanced by eliminating trade in products made with the worst forms of child labor.

Listen to the words of Ambassador Bill Brock, U.S. Trade Representative and Labor Secretary in the Reagan administration. This is what former Ambassador Brock said. I am not going to read the whole thing:

> Those countries which are flooding world markets with goods made by children . . . are doing more harm to the principle of free and fair trade than any protectionist groups I can think of.

I could not have said it better. No one could say it better. What Ambassador Bill Brock said is absolutely right: Those countries flooding the world markets with goods made by these kids are doing more harm to the principle of free and fair trade than any protectionist groups of which I can think.

This amendment is needed because we have this widespread use of the worst forms of child labor in products flowing throughout the international trading system.

First, as reported, this bill does not include the prohibition of the worst forms of child labor in the proposed definition of core labor standards. That is why I think this amendment is so necessary. The bill, as reported, does speak to it but does not include the prohibition of the worst forms of child labor.

It does not assign a high enough priority and visibility among U.S. trade policy objectives to deter the worst forms of child labor.

Secondly, the bill calls for "promoting respect for worker rights and the rights of children consistent with core labor standards of the ILO" as one of the eight overall trade negotiating objectives. That is decidedly weaker than what this amendment would do to make it a principal negotiating objective of the U.S., "ensuring that any multilateral or bilateral trade agreement that is entered into by the U.S. includes provisions obligating all parties to such agreements to enact and enforce national laws and to meet their international legal obligations to prevent the use of the worst forms of child labor."

That is what is in the amendment.

Third, the bill before us makes intellectual property rights one of 14 principal U.S. negotiating objectives and, as such, calls for "providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms."

That is pretty clear and specific.

The amendment we have before us calls for the same clarity of purpose, resolve, and range of enforcement mechanisms with regard to preventing the use of the worst forms of child labor in international trade.

Quite simply, this amendment will ensure that the President has the authority and backing of the Congress to negotiate to end the worst forms of child labor in international trade on a par, as nearly as possible, with the President's authority to negotiate and protect intellectual property rights.

In conclusion, this amendment does not dictate a predetermined outcome on how best to negotiate enforceable means. It does not tie the hands of our trade negotiators in any fashion. But it does make it crystal clear that one, among several, of our 15 principal trade negotiating objectives will be the enactment and effective enforcement of national laws by other countries and compliance with their international legal obligations to eliminate the use of the worst forms of child labor in international trade.

A few days ago, I met in my office with several former child laborers from around the world. They were on their way to New York City with Kailash Satyarthi, leader of the Global March Against Child Labor, and one of the great heroes in the world today for getting kids out of the worst forms of child labor.

Kailash brought these kids from around the world to take them to the United Nations for the first ever General Assembly Special Session on Children.

I talked to one little boy in my office who had been branded on his face and his arms because he had been drinking a little bit of leftover milk. He came all the way from New Delhi to add his voice to a growing children's chorus in New York and from around the world, pleading for us adult policymakers "to create a world fit for children."

So for Ashraf, a young boy who escaped enslavement and was in my office, and for tens of millions of other children still trapped in the worst forms of child labor, let's use our leverage, the power of our Government, our moral leadership, and require that U.S. negotiators do their part. They should bring back to this Congress enforceable trade agreements that outlaw and end this sordid, dirty dimension of international trade once and for all.

I urge my colleagues to support the amendment.

Mr. President, my staff, the staff of Senator BAUCUS, the staff of Senator GRASSLEY, along with people in the administration, have been working for the last few days to work out an agreement. We agreed to make some changes on our side, but still to keep the essence of this amendment alive, to make it one of the primary negotiating objectives—one of the primary negotiating objectives—and that is still in the amendment. So we have modified it and, as such, we have reached an agreement with Senator BAUCUS and with Senator GRASSLEY.

AMENDMENT NO. 3459, AS MODIFIED

So I have talked with managers of this bill on both sides, and I now ask unanimous consent to modify the amendment with the changes that I have sent to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end of section 2102(b), insert the following:

(15) WORST FORMS OF CHILD LABOR.—The principal negotiating objectives of the United States regarding the trade-related aspects of the worst forms of child labor are—

(A) to prevent distortions in the conduct of international trade caused by the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce; and

(B) to redress unfair and illegitimate competition based upon the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce, including through—

(i) promoting universal ratification and full compliance by all trading nations with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, particularly with respect to meeting enforcement obligations under that Convention and related international agreements;

(ii) pursuing action under Article XX of GATT 1994 to allow WTO members to restrict imports of goods found to be produced with the worst forms of child labor;

(iii) seeking commitments by parties to any multilateral or bilateral trade agreement that is entered into by the United States to ensure that national laws reflect international standards regarding prevention of the use of the worst forms of child labor, especially in the conduct of international trade; and

(iv) seeking commitments by trade agreement parties to vigorously enforce laws prohibiting the use of the worst forms of child labor, especially in the conduct of international trade, through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

Mr. HARKIN. It is my understanding from the managers that both sides will agree to my amendment as modified. I thank both Senator BAUCUS and Senator GRASSLEY, my colleague from Iowa, and their respective staffs for working with my staff. I know it took a lot of time. I know these things are sometimes hard to work out and think about—the meanings of words, phrases, and their impact. I thank them for working this out in a manner that preserves the essence of this amendment, which is, make it one of our primary negotiating objectives; that the President of the United States seek to ensure that countries with whom we have trade not only abide by their own labor laws but abide by ILO convention 182 to prohibit, to put an end to the worst forms of child labor in international trade.

I have been working on this issue for 10 years. I first introduced a bill in 1992. For me, today, to have this accepted by the managers to put into the fast-track bill represents a giant step forward. We made the first step a couple years ago when the Senate voted 96 to 0 to ratify ILO convention 182. Now this puts some teeth into it. This says that from now on when we negotiate trade agreements, this will be one of our primary negotiating objectives.

The next step, I hope, is for the conference to make sure they keep this language. The House does not have it. I hope our Senate negotiators can keep this language. It is vitally important. It has widespread support in this Chamber on both sides of the aisle. I know it has widespread support among the American people. It has widespread support among our trading partners in other parts of the world.

Now is the time for the United States to take that leadership. I hope and pray and trust that when this goes to conference, we will keep this provision that is so vital to ensuring that we have not only a free trading system in the future but a trading system that does not perpetuate this cycle of poverty and of ignorance throughout the globe because so many countries are using abusive child labor to make these products.

Hopefully, they will come back from conference and we will have that. I look forward to the day when a new trade bill comes before the Senate for us to ratify and in that trade bill are steps that are being taken, agreements that have been made to end abusive child labor in international trade. That will be the day when we can tell all these children I have shown in all the pictures that they do have a brighter future, that they will be able to go to school and learn and not be caught in this cycle of poverty and repression, bondage, slavery, childhood prostitution, and childhood pornography into which they are now trapped.

I thank Senator BAUCUS and Senator GRASSLEY and their staffs for working this out. I encourage them to do everything they can to hold this in conference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank Senator HARKIN for working closely with us over a long period of time to reach agreement on exact language. He has spoken as to how difficult that was and how hard everybody worked. I won't repeat any of that. I associate myself with that part of Senator HARKIN's remarks.

I support this amendment. For Senator BAUCUS and I, as managers of the legislation, were glad to have it go through in this fashion.

When discussing trade and particularly this trade promotion authority bill, it is important to put the issue of child labor in the proper context. What I want to say as the bottom line, before I say everything above the bottom line, is that trade is the instrument to improve the economy of countries because economies that are not in poverty do not have child labor problems that countries in poverty do have.

I will discuss this from two standpoints: One, how the bill was crafted even prior to Senator HARKIN's amendment to deal with the issues of child labor, and also what we are doing as Government and the people of the United States to help in other ways on the issue of child labor.

First, I will address what the United States has done with respect to internationally recognized working rights. Our country is not a newcomer to this arena. We have formally recognized core labor standards, including workers' rights, in our statutes since 1984. Many of the core labor standards that we recognize are similar or identical to those of the International Labor Organization.

In addition, the United States has consistently been on the front lines in fighting for internationally recognized workers' rights. We have also fought the problem of child labor around the globe, and we have done it quite effectively over the years.

I have consistently supported and encouraged these efforts because although these efforts have not been on the front pages of the newspaper, they do have a track record. We know that these efforts work.

Most of what we as a country do internationally is part of what I call a positive agenda for workers' rights and for the elimination of child labor. It has little or nothing to do with trade. The United States is the single largest donor to the International Labor Organizations's premier program for addressing the child labor problem, known as the International Program for Eradication of Child Labor. This program does a lot of heavy lifting and gets things done.

For example, the Program for Eradication of Child Labor works effectively with local nongovernmental organizations. This Program for Eradication of Child Labor helps to ensure that when children are found working in conditions where they are being exploited and are taken from work, they are put into schools. It helps provide funds to poor parents so that when their children are taken from work, the family does not starve.

We do many other things as part of this "positive agenda." The United States helps fund School Lunch Programs worldwide. Something as simple as providing a school lunch to a poor child in a developing country is one of the most effective things we can do to combat child labor because it helps supplement a poor family's income.

The United States is also actively engaged in labor law enforcement around the world. We provide technical assistance to help countries change their laws so that they can be more effective in combating child labor. We help train the inspectors in foreign countries who go out and investigate these child labor violations.

In addition, the U.S. Government is a signatory to the International Labor Organization Convention 182 on the worst forms of child labor such as slavery, bondage, enforced labor, child prostitution, and working in dangerous conditions.

Clearly, then, trade and openness is not the problem for poor countries. Rather, it is as simple as too little trade and not enough openness, particularly openness of their economy.

The International Labor Organization Convention on the worst forms of child labor is extremely significant for other reasons. It admits that the overwhelming cause of child prostitution, child slavery, and forced labor is, in fact, poverty.

This is where trade and open economies can and do make a huge difference in the lives of people. Over the past 20 years, globalization has been a great force for good in reducing poverty. It has sparked a dramatic rise in living standards in many countries across the world. Millions of people have been lifted out of poverty. There is overwhelming evidence that trade boosts economic growth.

A famous Harvard University study by Professor Jeffrey Sachs and Andrew Warner found that developing countries with open economies grew 4.5 percent a year, while developing countries with closed borders grew a paltry seven-tenths of 1 percent. So it is 4.5-percent growth for countries with open economies to less than 1 percent—seven-tenths of 1 percent—a year for countries with closed economies. That is simple, common sense. Open the economies of poor countries and they will grow economically and they can lift themselves out of poverty.

At that rate, open economies double in size every 16 years, while closed ones can only reach that goal in 100 years. Again, 16 years doubling for an open economy, 100 years for doubling the economy of a closed economy.

The rapid growth of developing countries that embrace free trade always leads to a rapid decrease in child labor. A 1998 World Bank report shows that once per capita GDP hits $500 per year—just $500 per year—the incidence of child labor falls dramatically. Clearly, then, promoting trade, freedom, and openness is one of the single most important things we can do to end child labor around the world.

It is not the only solution, though, and I don't pretend that it is. But trade and open markets are a key part of any solution to ending poverty and eradicating child labor.

The only way we can promote and lead the effort to open world markets is if the President of the United States has the authority to negotiate credibly with other countries at the bargaining table. That is what trade promotion authority is all about.

History has shown time and again that if the United States does not lead in the effort to open markets and tear down job-killing trade barriers, the gains we made in the past can be lost.

Finally, I want to point out that the core labor standards dealing with the worst forms of child labor that we are addressing in this amendment by Senator HARKIN are embedded in the same core labor standards that the United States has recognized and has promoted in our law since 1984.

So I commend my colleague from Iowa for making positive contributions to this debate. When it comes to child labor and workers' rights, this modified amendment and this total trade promotion authority bill does the right thing.

I strongly urge my colleagues to do the right thing again and pass it with the overwhelming bipartisan vote as we did coming out of the Finance Committee, 18 to 3.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 3459), as modified, was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I rise today to oppose the pending legislation to provide fast-track authority to the President. This is not the first time I have risen on this floor in order to urge colleagues to join in opposing this authority. The same issue was before us in 1997. At that time, the administration's request was rejected.

At this time, we are once again being asked to approve the same procedure, but it is being presented under a different name. It has been wrapped up in a different package. It is now being called "trade promotion authority." In fact, that term is a euphemism—indeed, a misleading euphemism. The President already has broad and flexible authority to promote trade in numerous different ways, under a number of existing statutes.

The issue here is the latitude the Executive has to negotiate trade agreements and the role the Congress will play with respect to such agreements. I think that is more aptly described as fast-track authority, and that is the specific matter I want to address for a few moments.

Fast track is a procedure that radically redefines and limits the authority granted to Congress in article II, section 8 of the Constitution "to regulate commerce with foreign nations." We need to recognize that here today. This is a vast derogation of congressional authority. It has only a brief history. It was first enacted in 1974, it expired just twenty years later, in 1994, and in my view its long-term ramifications are as yet little understood.

Fast-track authority differs fundamentally from the earlier discretion the Congress granted to the Executive in the Reciprocal Trade Act of 1934, which governed trade negotiations for 40 years. That discretion, known as proclamation authority, gave power to the Executive to set tariffs within limits and periods of time that had been set by the Congress. In other words, the Congress defined the parameters of Executive authority in trade negotiations, and the Executive had to work within those parameters in using the proclamation authority. It did not give to the President authority to negotiate trade agreements requiring changes in U.S. law, let alone limit the discretion of the Congress to approve or reject such changes.

In contrast, fast-track authority gives the President both the power to negotiate trade agreements requiring changes in existing U.S. law, and effectively denies to the Congress the power to approve or reject changes to U.S. law on their merits, leaving it only with a "yes" or "no" vote on the entire trade package.

Fast-track authority, therefore, greatly expands the latitude of the Executive to negotiate an agreement while eliminating the ability of the Congress to consider components of the trade agreement. Fast track guarantees that the executive branch can write legislation implementing a trade agreement and have that legislation voted on, up or down, within 90 days of its submission to Congress, with only 20 hours of debate and with no opportunity for amendment.

Let me repeat that. Fast-track authority gives the executive branch the power to write legislation implementing a trade agreement, to have that legislation voted on, up or down, within 90 days of its submission to the Congress, with only 20 hours of debate and with no opportunity for amendments by the Congress.

Even when vast changes in existing U.S. law may be at stake, under fast-track procedures, Congress has only all-or-nothing decision-making authority.

This is a sobering derogation of the congressional power set out in article

I, section 8 of the Constitution, which explicitly gives to the Congress the power to regulate commerce with foreign nations.

In no other area of U.S. international negotiation and agreement do fast-track provisions prevail. All major U.S. tax treaties, arms control, territorial, defense, and other treaties are still accomplished through established constitutional procedures fully respecting the role of the Congress and the ability of the Congress, if it chooses, to make the determination to change or amend those agreements.

SALT I, SALT II, START, the nuclear weapons reduction treaties, the Atmospheric Test Ban Treaty, the Biological Weapons Convention, the Customs Harmonization Convention, the Montreal Protocol, dozens of international treaties, to mention only some—all these are among the international agreements negotiated by the United States without fast-track authority.

Proponents of fast track often argue that in the area of trade, the Executive will find it difficult, if not impossible, to negotiate agreements without fast-track authority, but a look at the record amply demonstrates this is not the case.

First, fast-track procedures are relevant only to trade agreements that require Congress to make changes in existing U.S. law in order for the agreements to be implemented. Most trade agreements do not require legislative changes and thus do not come within the purview of this provision.

Of the hundreds of trade agreements entered into between 1974 and 1994 when fast-track authority was in effect, only five have required fast-track procedures.

In 1994, after just 20 years, fast track elapsed. This is the only time period in the nation's history when we have had fast track, the only time we effectively shut Congress out of the process of thoroughly considering trade agreements.

In 1997 the Congress declined to extend it, and yet since 1994 hundreds of trade agreements were successfully negotiated and implemented. For example, in the year 2000, the Office of the U.S. Trade Representative identified the following agreements, all of them negotiated without fast track, as having truly historic importance: The Information Technology Agreement, under which 40 countries eliminated import duties and other charges on information technology products representing more than 90 percent of the telecommunications market; the Financial Services Agreement, which has helped U.S. service suppliers expand commercial operations and find new market opportunities around the world; the Basic Telecommunications Agreement, which opened up 95 percent of the world telecommunications market to competition; and the bilateral agreement on China's WTO accession, which opened this large economy to American products and services. I could cite many other examples.

During this twenty-year period when there was no fast-track authority—although we are being told that without it trade agreements cannot be negotiated, whereas the record shows this is clearly not the case—the Executive negotiated and then obtained congressional approval for normalizing our trade relations with a new Caribbean Basin initiative bill and with the Africa Growth and Opportunity Act. Without any fast-track authority, the previous administration negotiated major bilateral trade agreements with Jordan and Vietnam. The groundbreaking United States-Jordan agreement was submitted to and approved by Congress in January of last year, and although negotiated by the previous administration, the United States-Vietnam agreement was actually submitted to Congress by the current administration and was approved in June of last year. So recent efforts to arrive at trade agreements without fast-track authority have been notably successful.

The abundant experience of the last 8 years leads to the conclusion that the arguments for fast track are much overstated. Current negotiations on bilateral free trade agreements with Chile and Singapore offer yet another case in point since the administration has found it possible and prudent to carry forward negotiations initiated by its predecessor.

The case of Chile is particularly instructive. In 1994, Chile declined an invitation to join NAFTA, citing the administration's failure to obtain fast-track authority. Six years later, however, Chile reconsidered its position and in 2000 entered into negotiations on a United States-Chile bilateral agreement.

Negotiations have continued since then more or less on a monthly basis, and in a report dated April 1 of last year entitled "Chile Political and Economic Conditions in U.S. Relations," the CRS concluded that Chile is willing and able to conclude and live up to a broad bilateral FTA with the United States, suggesting this could be a comparatively easy trade agreement for the U.S. to conclude.

The absence of fast track has not prevented negotiations with Chile or with Singapore. Yet we are now being asked to have the procedure apply retroactively without any strong case being made for its necessity.

Let me make a final observation. There is now considerable debate and concern around the world about globalization, and we have seen mounting levels of protests, both in this country and abroad. It is clear that the trend towards globalization has raised very fundamental questions on a range of issues, including labor standards and environmental standards. A real basis for public concern is precisely the sweeping power to affect these issues that fast-track authority gives to the administration. There are many other issues, of course, but labor standards and environmental standards are two leading examples. For good reason, the public is apprehensive when important decisions can be made behind closed doors, without adequate open debate and consideration, which is exactly what happens with fast-track authority.

One of the most important functions of the Congress is to provide a forum in which matters of public concern can be thoroughly and openly discussed, in which alternatives can be presented and either accepted or rejected. The fast-track authority virtually completely undercuts congressional power—something the nation in all its history never countenanced, except during the 20-year period between 1974 and 1994. In effect fast track excludes the people's representatives from engaging in a process whereby they can examine the components of a trade agreement.

People say: But the Congress may change the trade agreement. So be it. That is the risk we run. Congressional scrutiny of arms-control agreements has never been restricted by fast-track authority, and surely they are as important as trade agreements.

We do not take those on an all-or-nothing basis. They are not presented to us for a simple yes-or-no vote. We have the opportunity to consider the various components of the package and to pass some judgment upon them. That is one of the most important functions of the Congress.

Indeed, I think one of the deep concerns of the American people is that trade agreements affecting vital areas of social and economic policy should not be hurried through the Congress using an expedited and restrictive procedure. It must be clearly understood that this procedure puts the Congress in the position of being able only to say yes or no to the entire package. It denies to the Congress the ability to carry out its constitutional responsibilities in terms of regulating commerce with foreign nations. I therefore strongly urge the rejection of the fast-track procedure contained in this legislation and intend to vote against this bill.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, what is the situation with regard to time? Are we dividing it? Are we under the normal postcloture that any Member can have an hour? Is that the program?

The PRESIDING OFFICER. The Senator is correct; we are following the normal procedure.

Mr. GRAMM. Mr. President, I do not know where we go from here in terms of procedure. I would like to say a few things. I will try to be brief.

Mr. REID. If the Senator will allow me to make one statement in answer partly to his question, we have set up a queue of speakers, and Republicans certainly have the right to have a speaker now, which would be the Senator from Texas. Following that is Senator KENNEDY. Following Senator KENNEDY's statement and if there is a Republican after him, we would start the bioterrorism debate for 90 minutes and then we would start voting on this matter.

The Senator from Texas asked a question earlier. Under the hour that the Senator has postcloture, how much time does he have, I ask the Chair.

The PRESIDING OFFICER. The Senator from Texas has 28 minutes remaining.

The Senator from Texas.

Mr. GRAMM. Mr. President, we have a bunch of amendments pending, and I am against every one of them. Let me outline why.

First, this bill is about trade. I am for it. All these amendments are against it. We are getting ready to pass this bill, I hope, by 70 votes or so. So if a Senator is for the bill and wants more trade, the quickest way to get it in the best form is to vote against these antitrade amendments.

I am going to address three of them really quickly. First, the Hollings amendment. I want to remind my colleagues that thanks to the generosity of the American taxpayer, if someone loses their job because of international competition, they get a series of benefits under trade adjustment assistance that no other American gets. Anyone who loses their job, for example, in the textile industry qualifies for trade adjustment assistance if they can show or it can be shown that their job loss had anything to do with foreign competition; that it was the most significant factor in them losing their job.

As a result, textile workers are eligible for trade adjustment assistance today. The amendment of Senator HOLLINGS says if someone has lost their job in the textile industry anytime over the last 3 and a half years, or if they lose their job in the future, even if it has absolutely nothing to do with foreign trade, they should qualify for trade adjustment assistance.

I think any of our colleagues can see the inequity in that. My State is the ninth largest textile State in the Nation. I love my textile workers as much as anybody else does, but I do not know how having a program to help people who lose their jobs because of foreign competition can be justified, and a judgment is made based on each circumstance, and then come along and say, but if someone works in the textile industry and they have lost their job, we are going to treat them differently than everybody else. I think there is a tremendous equity problem in that, and I think people working in the textile business would understand it. Also, the fact that it would apply not just for people who lose their jobs in the future but for 3 and a half years in the past.

So for that reason, I oppose the Hollings amendment.

Turning now to the Landrieu amendment, of all groups that benefit from trade, the maritime industries are the biggest beneficiaries. The great bulk of foreign trade comes into our ports. I am blessed in Texas, thank God, every day, to have many great ports. My maritime workers get to work on shipping things out, they get to work on bringing things in, and of all the people I have, they are among the most pro-trade people, for the obvious reason: Not only do they benefit as Americans, but they benefit because they get an opportunity to have more competition for their services.

The Landrieu amendment extraordinarily says if someone loses their job in the maritime industry, whether it has anything to do with foreign competition—because they would get trade adjustment assistance if it did, under current law—that they qualify for trade adjustment assistance.

What I think is extraordinary about this amendment is not that it treats people differently based on what kind of job they have, which I kind of think a little bit violates equal justice under the law, but of all the workers who would be said tend to be benefited by foreign trade, maritime workers would be virtually at the top of the list.

In fact, looking back over my political career, the unions that have tended to support me have been maritime unions. Now they all ought to support me, but they have not. The maritime people have supported me because I support foreign trade. I do not understand why, of all workers in America, we would single out maritime workers as losers from trade. A, they are the biggest beneficiaries; and, B, to the extent that anybody was a loser, they could qualify for trade adjustment assistance.

So I think the argument for the Hollings amendment is very weak. I think it is inequitable. I think it is unfair. It is illogical. I think all of those things, and more, apply to the Landrieu amendment.

Turning very briefly to the Corzine amendment, the Corzine amendment says the President cannot enter into a trade agreement that has provisions that privatize public services.

Now the Corzine amendment—I am not sure exactly how it is going to be argued because I had not heard it argued, but let me explain the problem with it. One of the biggest problems we have is getting countries such as Japan to let our contractors bid on their telephone company equipment and technology, trying to get them to let our contractors bid on building airports. The fundamental argument we use is we force them, whether these activities are controlled by government or whether they are controlled in the private sector, to move toward opening up competition.

The Corzine amendment would not allow us to negotiate a trade agreement where we push a foreign competitor to open up a public service for competition. My guess is Senator CORZINE is going to argue he does not want a trade agreement that opens up something our Government does for competition. The problem is, we cannot have trade agreements where we say, OK, we are not going to negotiate anything that opens up a public service in America for competition and expect other countries to do the same.

I remind my colleagues, no matter how much you think of government doing things, rather than the private sector, we do less than anyone in the world. When we cannot bid on selling telephone equipment in Japan, it is because they have a national telephone company that is basically run and controlled by the Government. Certainly we don't want to write in our fast-track authority that we cannot negotiate to force Japan to open up those contracts to AT&T, to Bell, to all of our manufacturers. We have spent years doing that. I don't think we would want to undo it.

One might argue if the Corzine amendment could simply prevent cooperation in things provided by the Government in America, that would be one thing. I personally don't think that is very good. But if you did, the problem is, these trade agreements are bilateral. You cannot take something off the table in our negotiations and leave similar things on the table in negotiating with our trading partner.

I am not quite clear what he is trying to get at. Whatever it is, it is not good. We generate less of our GDP through government-provided services than any other major country in the world. Our biggest problem in many areas in promoting exports of American products is opening up government monopolies. This language basically takes us out of all those markets. It is a very bad proposal, in my opinion.

Let me make it clear to our colleagues: I would like to see us enter into an agreement where we could go ahead and begin voting on the amendments that are pending so we can guarantee each side has a very short window to sum up things. We have been debating this bill for 18 days and our memories are starting to get stretched a little. We probably have a dozen amendments, more or less, that are pending which could be voted on. If we simply sit around and squander 3½ hours and let the clock run out on postcloture time, under the rule there is no debate of these amendments, they simply are voted on.

I urge, especially the leaders on the other side of the aisle, to work out an agreement where we can begin voting and give people a short period of time to make their argument so we can vote. I understand we have a meeting at 2:30 and we are going to do bioterrorism during that hour. I hope when we come back from that meeting at 3:30, rather than waiting until 6:03, or whenever the time is, we could begin at that point voting, and we could give people a little bit of time to say what their amendment is about and give other people a little bit of time to say why they are against it. We have a couple of pending amendments that have points of order against them. It would be my intention when we get back from the 2:30 meeting, to see if we can make those points of order against those amendments—there may be an effort to waive the point of order. If so, there would be a vote at that point. I hope we can get this process going. There is no reason, in my opinion, to wait around until 6 o'clock and not give people an opportunity to make their case.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, at least it was the intention of the leadership, following my comments, we were going to go to the bioterrorism conference. As I understand it—I know our colleagues will be attending a 2:30 meeting and briefing—I will speak for a period of time and then the Republican side will speak for a period of time and then we will go to the time agreement on bioterrorism, and there is 45 minutes a side; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. And we will have a vote after the using of the time?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I thank the Chair.

Mr. President, I have serious reservations about this bill and I intend to vote against it. I have a lifelong record of supporting free trade. I have supported trade agreements in the past. I have supported trade agreements with China and Vietnam. I supported NAFTA. I supported GATT. But this bill protects the rights of corporations at the expense of workers and the environment. It is not free trade and it is not fair trade when we must compete with countries and foreign businesses that abuse their workers and ignore their obligations to the environment with impunity.

The proponents of this bill have said that this is the most progressive trade bill on the issues of labor and the environment ever to reach the Senate. I agree there is progress on some fronts, but I'm very disappointed that we didn't do more. It is clear that, before the Congress gives up much of its constitutional responsibility to regulate international commerce, much stronger safeguards must be put in place.

Labor rights protections must be a vital part of our international trading system. These protections help to lift the standards for workers around the world, and to help protect America's workers from unfair foreign competition. As we work with other nations to develop rules for the global economy, we can't create new rights for businesses and leave workers out in the cold.

By fighting for the rights of workers in our own country and around the world, we are representing the best values of the American people—that an honest day's work should receive an honest day's pay that workers deserve fairness in the workplace, fair pay and fair working conditions, and that workers are a resource to be supported, not a commodity to be abused.

I am very concerned this bill creates a dangerous double standard on the rights of corporations and the rights of workers. On the one hand, this bill directs the United States Trade Representative to encourage our trading partners to adopt U.S. standards of intellectual property law—the most complex and difficult patent laws to maintain and enforce in the world—and includes even stronger language on the enforcement of patent laws. If a trading partner fails to enforce the highest standards of patent law, retaliation would be swift and severe. While there is a place for intellectual property protections, especially with the acceptance of my amendment assuring access to life-saving medicines, the disparity with labor rights protections is astounding. If a trading partner fails to enforce its own labor laws, this bill clearly states that "no retaliation may be authorized." It is as if we're telling our trading partners we'll look the other way if they provide cheap, unregulated labor for corporations.

This is the wrong time for Congress to send that message to our trading partners. Today, workers around the world are facing unprecedented assaults on their basic rights. In Colombia, according to the Central Workers Union of that country, 160 trade unionists were murdered last year and 79 trade unionists disappeared.

In many other nations around the world, workers are prevented from meeting together freely or from joining together to form a union to advocate for their interests. Without these fundamental rights, workers in these nations are not truly free. We should be building a global economy in which children have the universal opportunity for education, rather than stolen childhoods filled with endless hours of toil for next to nothing.

Several key amendments strengthening the labor rights and environment protections in this agreement and enhancing trade adjustment assistance were defeated because of overwhelming Republican opposition. Vice President CHENEY broke a tie to prevent the Congress from helping workers displaced by trade to pay their mortgages. I'm very concerned with the message this sends—when it comes to protecting the interest of corporations, spare no expense. When it comes to protecting workers or their families, cause no expense.

Too often the current trading system enriches multi-national corporations at the expense of working families. To build a fair global economy, all parties to trade agreements should reaffirm their obligations and commitments under the International Labor Organization's Declaration of Fundamental Principles and Rights at Work. Unless workers around the world have basic freedoms, such as freedom of association and the right to organize a union and bargain collectively, free trade will not be fair trade.

At the same time that we are encouraging the growth of global trade, we must take care of workers at home who are hurt from expanded trade. I am pleased that Senator BAUCUS and Senator GRASSLEY have provided trade adjustment assistance that includes essential health care subsidies for laid-off workers who otherwise could not afford to maintain their coverage. This assistance is a lifeline to workers who have lost their jobs through no fault of their own. We've tripled the job training funds. We have added wage insurance for older workers who are fortunate enough to find new jobs but forced to take a lower wage. This assistance is long overdue and it is right to include it in this legislation.

I am also pleased that the trade adjustment package will cover some secondary workers, but it is unfair that downstream workers have been excluded from this coverage. There is no good reason that workers who produce the finished product or package articles should be ineligible for trade adjustment assistance while workers who produce parts or work for supplier companies are covered. Both groups of workers are hurt by trade and need to feed their families.

Finally, this bill should have included actions to protect the health coverage of steel retirees. An estimated 600,000 steel retirees, widows and their families are now in jeopardy to lose their coverage because of growing trade imbalances. For decades, the steel industry has been a leader in the American economy. The cars we drive and the buildings we work in would not be possible without the backbreaking work of America's steelworkers. We must recognize the contribution of these workers to building America. We must not let them down in their hour of need. Hundreds of thousands of

America's workers were promised decent health care by their companies in exchange for years of service in the workplace. The Mikulski amendment would have kept that promise, and it was wrong for Republicans to block this worthy proposal.

Earlier in the last century, many argued that labor rights were not the business of the national government. They were wrong. Without the basic labor protections of the New Deal, America's workers would be entirely at the mercy of corporations. Today, those who say that labor rights have no place in trade agreements are just as wrong. Unless we build a global economy that respects basic freedoms and labor rights, we are doing an enormous disservice to workers around the world.

We had a good deal of discussion over the course of these past days about the impact on workers at home and overseas. I will review for a few minutes the plight of some of the workers at home and what I believe would have a much more favorable impact on their quality of life for themselves and their children. That is the increase in minimum wage, rather than this legislation. That is why I am strongly opposed to the legislation and why I regret very much we were unable to get an agreement by this body to address the issue of the increase in the minimum wage, which would be effectively $1.50 over a 3-year period.

There was some discussion as the majority leader requested a unanimous consent agreement that we consider this legislation by the end of June. There was an objection made by the other side that this was somehow an idea whose time has come and gone. I was reviewing last evening the Republican Presidents who signed increases in the minimum wage law. President Eisenhower signed an increase in the minimum wage law. At that time it was not a partisan issue. It was basically, how much should the increase in the minimum wage be? President Nixon signed an increase in the minimum wage law. The first President Bush signed an increase in the minimum wage law, as a number of Democratic Presidents have, as well.

It is a time-honored issue that is not complicated. It is an issue we have looked at in the Senate on a number of different occasions.

The fact remains, if we fail to see an increase in the minimum wage, we will find we have slipped to virtually an all-time low in the purchasing power of the minimum wage. That is why I strongly support the efforts of our majority leader to ensure this body will have an opportunity to address this issue no later than the end of July—hopefully with the agreement of the other side; hopefully with the support of our colleagues on the other side.

We do have several Members on the other side who will support the increase. We should not be denied the opportunity to vote on this issue.

As we look down the road in terms of this issue, I remind our colleagues what we are facing in terms of the workers at the lower end of the economic ladder.

We will, in a very short period of time—July—also be looking at welfare reform. That raises the question about how we are going to free people from dependency to independence. It seems to me what we have seen from the period since the passage of the last welfare bill is if you make work pay, you are going to get individuals who are going into jobs. They are going to need skills, they are going to need some training, they are going to have to have assurances that they have some daycare for their children. They don't want to lose any health care if they are able to receive it. But fundamentally—you have to make work pay. That is what the minimum wage issue is really all about.

That is why its discussion now is important. As we are looking at the trade bill, we hear a great deal about how this is going to improve the lot of workers at the lower part of the economic ladder. I daresay this legislation to guarantee an increase in the minimum wage will have a great deal more positive impact on their well-being.

This chart is about "Working Hard But Losing Ground, The Real Value Of The Minimum Wage." If you were looking at where its purchasing power would be in 1968, in today's dollars it would be $8.14. We can see if we fail to act by next year, we will be right back to $4.70. We have not increased it in the period of the last 6 years. Workers are working longer. They are working harder. I will point that out in just a moment. But these are the facts.

This chart, "All The Gains From The Last Increase," shows the gains in the last 6 years will be eaten away by inflation if we fail to act on this.

This chart shows what is happening in the minimum wage, and its relationship to the poverty line. As I have said many times, and as I believe the American people have demonstrated, they believe if people are going to work 40 hours a week, 52 weeks a year, they ought to have a livable wage. They should not have to live in poverty.

Americans understand fairness. When we look at this chart, what the poverty line is, and look at this other line indicating where the minimum wage is and how it has been falling, we can see individuals who work hard are still falling further and further below the poverty line, even though they are working, and working hard, trying to provide for themselves and provide for their families. The increase in the minimum wage can make a difference in the quality of life for those individuals.

The question comes up about what has been going on in the workplace. How about American workers? Let's look at this chart, "Poor Parents Working Harder Than Ever." This is a comparison of the total number of hours workers are working today to what they were working 20 years ago.

Look at this chart. This is the increased number of hours per year for workers who are in the lowest 40-percent income bracket of families with children—the lowest 40 percent of family incomes in the country.

This shows 416 hours for all workers in the lower income level, the lower 40 percent, with children. They are working 416 hours more now than they were working 20 years ago; white workers are 393; Hispanic, 477; African American are 531 hours.

Mr. REID. Will the Senator yield for a question?

Mr. KENNEDY. I will yield for a question.

Mr. REID. It is my understanding—I want to know if the Senator agrees with me—that 60 percent of the people who draw minimum wage are women, and 40 percent of those women, that is the only money they get for them and their families; is that true?

Mr. KENNEDY. The Senator is quite correct. This is a women's issue because the great majority, 60 percent of those who receive the minimum wage, are women. And over one-third of those women have children, so it is a children's issue. It is quality of life for children. It is a family issue. We hear a great many speeches around here with regard to family issues. This is a family issue.

I remind the Senator from Nevada about what is happening out there in the workforce. In the lower 40 percent, which includes the minimum wage, they are working harder, longer, more than at any time in the history of our country. It is 10 or 12 weeks, effectively—effectively 10 weeks longer than they were working 20 years ago.

Look at productivity. Let me bring this to the attention of our colleagues. This chart shows the increase in productivity. We will hear many of the arguments: The increase in wages ought to be related to the increase in productivity. If that was the test, we would have an increase in the minimum wage of much more than it is today, if it was directly related to productivity because of the increase in productivity of low-wage earners. But that is not where we are on this. It should be, but we are not there.

The arguments are always made on the impact on inflation. We can discount that.

The loss of employment, we can discount that.

But this shows what has been happening in the workforce, about minimum wage workers increasing their productivity. Generally, we have always thought wages ought to be somewhat related to increased productivity.

If people are going to work harder, work longer, work more efficiently, they ought to be rewarded. That is an American value. That is understandable.

That may apply to some workers, but it doesn't apply to minimum wage workers. That is a matter that should be remedied and we are going to try to remedy that with our particular proposal.

Just to get back to what is happening in terms of workers working longer and working harder, this is a general profile. This is from the "Families And Work Institute and the Bureau of Labor Statistics." I will have printed in the RECORD the citations for all of this.

Workers now work more hours than workers in any industrial society—it is about 450 hours more than any other industrial society.

One in five Americans works more than 50 hours a week. If this trend continues, the average person will be working more than 60 hours per week in 20 years.

Half of young workers today say that not having enough time for family and work responsibilities is their biggest worry. These are young workers trying to raise their families, working longer and harder—increasing hours away from their families and children.

In addition to working longer hours in primary jobs, 13 percent of Americans are working a second job to make ends meet. The second jobs add an average of 13 hours to the work week. That is with regard to these minimum wage earners.

These are people, our fellow Americans, men and women of great dignity, who take pride in the jobs they are doing. All they want is respect for the jobs they are doing, and that is related to being compensated fairly and decently for their employment. This issue is about respect. This is about dignity of these working families. That is what this issue is all about.

This chart indicates that job growth continues even after the minimum wage is increased. We have heard these arguments. Let's look at what has happened to the increased minimum wage and what has happened to employment. This goes back to October 1996. This is just the jump in the minimum wage. The first increase was 50 cents. Then in 1997 it was 40 cents. You see the lines indicating the total number of Americans who are employed continues to increase. This is a false argument that suddenly we are going to lose jobs.

I want to bring this matter to the attention of our colleagues. Increasing the minimum wage by $1.50 is vital to the workers but a drop in the bucket of the national payroll.

Look at this: Americans earn $5.4 trillion a year. A $1.50 minimum wage increase would be less than one-fifth of 1 percent of the national payroll.

We will hear all the argument that this is enormously inflationary, that it will have a disruptive effect in terms of the economy. It is one-fifth of 1 percent of the national payroll for these workers. But it is vitally important to these individuals who are receiving it because it makes all the difference in the world in terms of their quality of life.

I want to show what our proposed minimum wage is really all about. It is at a historic low. We have a proposal that will be phased in over a 3-year period—60 cents this year, 50 cents in 2003, and 40 cents for 2004.

Let us look at the proposal in relationship to the increases we have had since 1956. As this chart shows, this is a very modest increase in terms of the increases in the minimum wage.

All we are trying to do is restore the purchasing power for working families who receive the minimum wage back to where we were 6 years ago. It is very modest. At that time, it finally passed overwhelmingly here in the Senate after we had been debating it for about 2 years. But it finally passed at that time.

Our proposal is an extremely modest one. As I pointed out yesterday, it makes an enormous difference in terms of the lives of the people who are receiving this.

When the $1.50 is totally phased in, it will amount to $3,000 for a minimum wage family. It is the equivalent of 15 months of groceries, over 8 months of rent, over 7 months of utilities, and full tuition for a community college degree.

That may not sound like a lot to Members of the Senate. It certainly doesn't sound like a lot for those individuals receiving this extraordinary tax break with the bill we passed, or who will be benefiting from the $600 billion the President is requesting of the Congress even at this time in terms of the future. But it makes an enormous difference to those working families.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. REID. I listened to the Senator speak yesterday, and I heard one of the Senators on the other side of the aisle ask, Why doesn't the marketplace control this? Why don't we make it $1 million an hour?

Does the Senator respond the same way I do, that if the marketplace controlled, there would be people making less money than the minimum wage today?

My father worked before labor unions were of any power in this country. I can remember him telling me he would go to a mine that was hiring. He would hear they were hiring. People were working for nothing basically. There would be a labor boss. The men would be standing there wanting a job. "I will take you. I will take you. And I will take you."

The marketplace really doesn't take care of the American worker. Will the Senator agree with me?

Mr. KENNEDY. The Senator is quite correct. We are talking about entry-level jobs. As I pointed out, it is primarily women who are in the market, maybe having a family and exiting the market, and trying to come in and provide for their family. They work hard. When we think about who these individuals are making the minimum wage, they are teacher's aides in the classrooms. We passed the Leave No Child behind legislation.

We are giving this focus and attention. We have a difference with the administration on funding levels of that legislation. We think we need to invest in our children as a national priority. But the fact is, when you have children in that classroom—this is related as well to what is going on in the classroom—it is not only about having a well-qualified teacher, but also it is about teacher's aides. Teacher's aides are the ones receiving the minimum wage.

Men and women who work in nursing homes look after parents who fought in our world wars and lifted the country out of the Depression—the great heroes of our time. You will find more often than not that people working in those nursing homes are working for minimum wage. These are people who are caring and, as I mentioned, have a sense of pride. They are the people who clean the buildings so American enterprise can flourish in the daytime. They take tough, gritty jobs at nighttime in order to provide for their families. They are jobs in which men and women take a great deal of pride. They should be treated with respect and with dignity.

Let me point this out as a final chart. Speaker DENNIS HASTERT couldn't have said it any clearer on June 8 when he said:

> Lawmakers ought to be able to keep up with the cost of living so they can take care of their families and provide for their families like everybody else does. I think that's the decent thing to do.

So do I. That is what this minimum wage is all about.

DENNIS HASTERT has the right idea. Let us be able to provide an increase in the minimum wage so people can deal with the cost of living which is eating away the increase we passed 6 years ago so the parents can take care of their families and provide for them as everyone else does. That is the decent thing to do.

That is what this issue is about. It is, as I said before, a women's issue, a children's issue, a civil rights issue, but most of all a fairness issue. Americans understand fairness. They understand that people working 40 hours a week, 52 weeks of the year, and even longer now, for the minimum wage ought not to have to live in poverty.

Their children should not have to live in poverty. This country is a country of fairness and decency and justice. This is a defining issue, I believe, about economic justice in this country.

Mr. REID. The Speaker of the House of Representatives approximately a year ago was not talking about minimum wage workers. He was talking about Members of Congress. Is that right?

Mr. KENNEDY. The Senator is correct.

Mr. REID. What the Senator is saying is that if Members of Congress are entitled to a cost-of-living increase, shouldn't the minimum wage worker be entitled to a cost-of-living increase?

Mr. KENNEDY. I do not know how you would answer that if you voted no in terms of the increase on this minimum wage, particularly since we have had four increases for Members of Congress since the last increase in the minimum wage. They were accepted by the membership. Why would we begrudge nearly 9 million hard-working Americans across this country who are working hard to provide for their families their opportunity to take care of their families as Members of Congress do with theirs?

This is an issue we are going to talk about during the course of these next few weeks. We welcome the opportunity to debate it. We welcome the opportunity to vote on it. I am enormously grateful to the leadership, Senator DASCHLE and Senator REID, for their strong commitment in this undertaking, and our colleagues. We look forward to that debate and discussion at an early time.

I reserve the remainder of my time.

Mr. REID. Mr. President, will the Senator yield any time he has remaining?

Mr. KENNEDY. Yes. I yield such time as remains to the Senator from Nevada.

Mr. REID. Mr. President, if there is no Republican seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we will make arrangements with Senator SNOWE, who wishes to speak. She has time. The Republicans want her to use it; and we want her to use it, too. But in the meantime, we have Senator KENNEDY here.

I ask we go to the next matter, which is, by virtue of the unanimous consent agreement, now before us.

PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3448), to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by all conferees on the part of both Houses.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 21, 2002, on page H2691.)

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the time for the quorum I suggest be charged evenly to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as I understand, there is an hour and a half evenly divided; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield myself such time as I might use.

Mr. President, today, the Senate considers historic legislation to enhance the Nation's preparedness for bioterrorism. This legislation has benefitted from the leadership of many Members of Congress on both sides of the aisle and on both sides of the Capitol. I thank all of our colleagues who have made such important contributions to this legislation. In particular, I commend my fellow conferees for their dedicated and effective leadership on this issue in the conference committee on this legislation. Under the skillful and effective leadership of our conference chairman, Representative BILLY TAUZIN, the conferees and their staffs have worked tirelessly to ensure that this legislation was completed in a timely manner, and I thank them for their efforts.

Our conference has reported legislation that will provide a historic $4.6 billion investment to prepare the Nation to respond effectively to bioterrorism. This is the single greatest investment our Nation has ever made in public health.

Many members of the public had never heard of the word "bioterrorism" before the anthrax attacks of last fall showed us all how chillingly vulnerable we are to this new form of terrorist attack. But bioterrorism was a challenge that our committee had addressed long before the terrible events of September 11 and the anthrax attacks of October.

In 1998, my colleague, Senator BILL FRIST, and I began to assess the Nation's preparedness for the new challenge of bioterrorism. We learned of the terrible loss of life that could result from a major attack using anthrax, Ebola, smallpox or some other deadly biological weapon. In the Armed Services Committee, my colleagues and I learned that biological weapons engineers in the former Soviet Union had conducted chilling experiments to make these already deadly pathogens yet more lethal through genetic engineering.

Our committee learned that our Nation's preparedness for the threat of bioterrorism was dangerously inadequate. Supplies of vaccine against smallpox were decades old and insufficient to protect the entire US population. We also learned that more and more germs were becoming resistant to the antibiotics doctors rely on to treat dangerous infections. The Nation's public health agencies were underfunded and understaffed. Rapid communication of information about dangerous disease outbreaks is an essential part of a national bioterrorism response yet many public health agencies lacked equipment as basic as a fax machine or an e-mail account.

To address these grave deficiencies in our Nation's response to bioterrorism and other public health emergencies, Senator FRIST and I—together with many of our colleagues in the Senate—introduced The Public Health Threats and Emergencies Act of 2000. Congress approved this legislation later that year.

The act was the basis for the infusion of needed resources that were provided to help prepare for bioterrorism in the supplemental appropriation at the end of last year. I commend my colleagues on the Appropriations subcommittees, Senator HARKIN, Senator INOUYE and Senator SPECTER, and our distinguished chairman and ranking member of the Appropriations Committee, Senator BYRD and Senator STEVENS, for their vision and leadership in recognizing the needs of the Nation for bioterrorism preparedness, and for providing the funds that will help our Nation prepare for this threat. I look forward to working with these distinguished colleagues on our supplemental appropriation and on funding for the initiatives authorized in the conference report for fiscal year 2003.

I wish I could say that all the deficiencies that Senator FRIST and I learned about in 1998 have been put right. Sadly, I cannot. But we have made a good start. Public health and laboratory personnel have received intensive training in identifying biological weapons. The laboratory technicians who identified the cause of the mysterious illnesses in Florida as anthrax had recently received such training. Without that preparation, it is impossible to know how long the anthrax attack would have gone undetected.

Our legislation authorized rebuilding of CDC's dilapidated and obsolete facilities in Atlanta. In 1998, we found that the laboratories and facilities of the CDC were in a shocking state of disrepair. Ceilings leaked onto sensitive equipment. Offices were scattered across Atlanta, requiring scientists to spend time fighting traffic when they should be fighting disease. Our legislation authorizes the funds needed to complete the CDC's building plan.

No Member of this body has been a more forceful and dedicated advocate for the CDC than my good friend, Senator MAX CLELAND. He has spared no effort in his determination to enhance the ability of CDC to improve the health of every American. He was one of the original sponsors of the legislation the Congress enacted 2 years ago to improve the CDC, and his leadership has been indispensable in including provisions to enhance CDC in the conference report. His vision and leadership has enabled CDC to become a magnet for new health care companies in Atlanta, and he has been a guiding force in the development of a new business park. Through these tireless efforts, CDC has contributed not only to the Nation's health, but to the economy and prosperity of Atlanta and the entire State of Georgia. Senator CLELAND's leadership has been instrumental in adding over $300 million for CDC facilities to the supplemental appropriation.

Public health agencies have received new funds to invest in better training, improved laboratory equipment and modern communications technology. Medical researchers are using the tools of this new century of the life sciences to discover better ways to prevent or cure deadly infections.

We have come a long way since 1998, but we still have far to go. Too many communities are still underprepared for bioterrorism. Too many hospitals—crippled by savage cutbacks in their funding under Medicare and Medicaid—cannot make the investments needed to prepare for bioterrorism. Too many Americans are still at risk.

The conference report that the Senate is considering today expands and extends the legislation approved 2 years ago so that we can build on the progress we began in 1998.

The keys to responding effectively to a bioterrorist attack lie in three concepts: detection, treatment, and containment.

Detecting an attack is the key to containing it. Initiatives authorized in the conference report will improve the training of doctors to recognize the symptoms of a bioterrorist attack, so that precious hours will not be lost as doctors try to diagnose their patients. The report will accelerate development of new methods for disease surveillance, using modern information technology to provide real-time reporting of disease outbreaks. The report will also provide public health laboratories with the training, the equipment, and the personnel needed to identify biological weapons as quickly as possible.

Once an attack has been identified, we must have adequate medical supplies to contain it and treat its victims. The conference report requires the production of enough doses of smallpox vaccine to meet the needs of every American, so that the Nation will be protected if our enemies ever unleash this ancient plague. The legislation also enhances Federal stockpiles of pharmaceuticals, vaccines and other medical supplies that can be brought to the aid of communities affected by terrorism, as was done by Secretary Thompson so swiftly and effectively in the terrible aftermath of the attacks on New York and the Pentagon.

Bioterrorism is a threat to the entire Nation and it demands a national response. Our legislation authorizes $1.6 billion in grants to states to enhance bioterrorism preparedness in every state in the nation. The conference report also sets aside $520 million to enhance hospital preparedness for bioterrorism. Since bioterrorism will affect entire communities, our legislation encourages hospital planning to be integrated with community-wide planning by funding partnerships between hospitals and state or local governments. Our legislation also includes a proposal made by my friend, Representative ED MARKEY, to provide needed medications to communities living in the shadow of nuclear power plants.

The report will enhance preparedness for bioterrorism at the national, state and local levels. Because of the initiatives we approve today, American families can go to sleep tonight knowing that their security will be enhanced.

Title II of the conference report provides important, new protections against the misuse of dangerous pathogens like anthrax. These provisions are a decisive step forward for the security of our country. Once implemented, they will assure greater certainty over the possession and use of the substances which cause anthrax, plague and botulism.

Ever since the attacks using anthrax in the fall, our country has been trying to figure out how this could have happened. And we have learned that we don't even know who possesses anthrax in the United States. In response, and through the leadership of Senators FEINSTEIN, HARKIN, and DURBIN, we've added significant new authority for the CDC and the Department of Agriculture to oversee the possession of anthrax and other dangerous biological agents that could be used to harm our citizens or agriculture.

Laboratories will now have to register to possess such materials, and they will have to meet guidelines to ensure the safety and security of these materials. Individuals who work with these materials in labs will now be screened to see whether they are terrorists or might otherwise put the agents to criminal use.

Most importantly, we have enhanced the controls on these materials while preserving the ability to pursue legitimate research—research that will produce the treatments, vaccines, and tests that will protect us from these biological agents, should they ever be used against us.

In light of the anthrax attacks, we have become increasingly concerned that terrorists could use food as a delivery vehicle for one of these agents, or that terrorists could attack with biological agents capable of crippling or destroying our food supply and our agricultural economy. And so, we have given the FDA more funding and substantial new authority to protect the food we eat, and the USDA more funding to enhance the security of the food supply and agribusiness.

I am proud of these accomplishments. In the hands of the FDA, these provisions will be at work every day to better protect the health and safety of Americans. They will prevent deliberate attacks on our country, and they will help reduce our country's epidemic of foodborne illness. By some estimates, contaminated food in our country causes 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths each and every year.

For many years, Senators CLINTON, DURBIN, MIKULSKI and REED have understood this problem and have long championed strong, new food safety authority and resources for the FDA. Senator DURBIN has made this a top priority throughout his congressional career in both the House and Senate. For years, Senator MIKULSKI and I have sought new authorities over imported foods.

Thanks to the provisions in this legislation, the American public will greatly benefit from what has been rightly described by the New York Times as "the most significant expansion of federal authority over the food industry in more than six decades."

FDA will have new authority to prevent unsafe food from entering the country, new authority to inspect food records and require additional records to assist in tracing the origins of foodborne illness, and new authority to register food manufacturers. And we've provided for grants to States for food inspections and for surveillance and detection of outbreaks of foodborne illness.

FDA also has more authority to track imported drugs, and authority to monitor more closely bulk ingredients of drugs, medical devices, and foods that are imported for export to ensure that these products are not diverted into domestic commerce.

Just as we have focused attention on securing our Nation's food supply, Senator JEFFORDS has led our efforts to secure our Nation's water supply. Thanks to Senator JEFFORDS' patient and deliberative efforts, this legislation will better protect the American public. As chairman of the Environment and Public Works Committee, our colleague worked closely with the ranking member, Senator BOB SMITH, on provisions to anticipate and prevent vulnerabilities in our water supply. Their careful work will fund and enable community water systems across the country to assess their vulnerabilities, address immediate and urgent security needs, and carefully plan for potential terrorist attack.

I am also happy to note that the conference report includes S. 1275, "The Community Access to Emergency Defibrillation Act" authored by myself and Senator FRIST. This important legislation has the demonstrated potential to save two of thousands of lives annually and is strongly endorsed by the American Heart Association.

I am very pleased we have reauthorized the Prescription Drug User Fee Act, PDUFA, for the second time. When I authored the Prescription Drug User Fee Act of 1992 with Congressmen DINGELL and WAXMAN and Senator HATCH, I hoped this law would provide urgently needed funds to the Food and Drug Administration to speed the review of new drugs. Before user fees were enacted, FDA was short staffed and underfunded. Every beneficial drug delayed because FDA had insufficient staff to act promptly represented a therapeutic opportunity denied to patients and consumers.

The past decade has more than fulfilled my hopes and expectations. The FDA has done a remarkable job of reviewing new drugs in a rapid but deliberative manner. Patients have benefitted from the agency's dramatic success in speeding drug reviews, and this legislation promises to continue this track record of success.

At the same time that speedier approvals have benefitted patients, there have been growing concerns over whether faster speed to market for drugs has come with heightened risks to patients. The fact that more new drugs have reached American consumers first in the world means they are also the first to be exposed to new risks and new safety concerns. A recent Pulitzer Prize-winning investigation by David Willman of the Los Angeles Times documented the urgent need to balance rapid approval of drugs with an equal commitment to assuring safety.

This concern is substantiated by a recent General Accounting Office study which I requested on the user fee program. According to GAO, the proportion of safety-related drug withdrawals has increased for drugs approved under PDUFA II compared to drugs approved under the first PDUFA. While only 1.6 percent of drugs approved from 1993 through 1996 were withdrawn for safety reasons, over 5 percent of drugs approved from 1997 through 2000 were withdrawn due to safety. While the number of drugs involved is still small only seven in the latter period compared to two in the earlier period—this report is still an important caution and a substantial increase in our investment in drug safety is warranted.

These are the issues I have shared and discussed for years with patient advocates, consumer groups and independent scientists. And for many years, I have made clear that we must restore public confidence in the FDA's stewardship of prescription drugs. Our dramatic investments in drug reviews had to be matched by a corresponding renewal of effort in post-marketing surveillance and drug safety. Anything less would only serve to cast doubts on the integrity of FDA's regulation of drug safety.

In the past year, our committee, including Senators REED, CLINTON, BINGAMAN, MIKULSKI, HARKIN, DODD, and EDWARDS, worked closely with the Patient and Consumer Coalition and with independent drug safety experts to develop solutions. We found that our concerns were shared by our colleagues in the House, including Congressmen DINGELL, BROWN, WAXMAN AND STUPAK. Throughout congressional deliberations on the reauthorization of prescription drug user fees, we agreed upon the need for additional resources and stronger authorities for FDA. While it is important for us to bring drugs to market quickly, we agreed that this redoubles our obligation to assure the safety of those drugs.

Today, I am happy to say that is precisely what we have accomplished in this legislation.

First, the FDA's performance goals relating to the speed of approval have not changed. The many review staff hired by FDA with user fees can continue to scrutinize the safety of drugs seeking approval. The increased fees in the new agreement will be used not to further accelerate the approval of drugs, which is already the fastest in the world, but to assure that the studies underlying drug applications are given the most careful possible scrutiny to assure that the drugs are in fact safe and effective.

The public and my colleagues in the Senate should also understand that the performance goals contained in all of the PDUFA agreements are not goals for the approval of new drugs; rather they are goals for the timely review of new drugs. FDA meets these goals whether or not the agency approves or denies approval of a drug.

Best of all, I want my colleagues to know that this reauthorization is a tremendous accomplishment where drug safety is concerned. We will increase FDA's drug safety spending by over 80 percent over the life of this user fee agreement. With FDA's annual drug safety activities currently funded at $36 million, this legislation will ensure an increase of $29 million in the fifth year of this agreement, for a total of $65 million in annual drug safety funding at FDA.

To achieve this goal, we have made a fundamental change to how user fees are used. The user fee agreement includes a dramatic funding increase of $76 million over five years for FDA to plan, execute and fund drug safety "risk management" activities for newly marketed drugs. While these activities would be limited in scope and duration, FDA will be able to greatly expand its focused scrutiny of these drugs.

But in order to give FDA greater freedom of action, we have also mandated substantial funding increases for the agency's Office of Drug Safety. In fiscal year 2003, the Office will receive an additional $5 million, and an additional $10 million in fiscal year 2004, with increases assured in subsequent years. Since these funds will be drawn from FDA's appropriations, Congressman TAUZIN, my fellow conferees and I are committed to doing all that is necessary to ensure that these are new funds and will not be cannibalized from FDA's other essential programs and activities.

We have made other important steps to advance public health and safety. In response to the explosion of direct-to-consumer drug advertising, we have authorized an additional $27 million over five years for FDA's scrutiny of drug advertising and promotions. In response to delays in generic drug approvals, some of which arise from anticompetitive practices by the brand-name drug industry, we have authorized an additional $45 million over five years for FDA's Office of Generic Drugs to ensure that generic drugs reach the public more quickly.

We have also squarely addressed a persistent problem with the prescription drug industry. For years, drug companies would promise to complete post-market, or phase IV, clinical trials to answer important questions about their products. These commitments paved the way for reaching the market earlier. In the case of fast track drugs and drugs approved through the accelerated approval, these trials were mandatory. Yet many companies have failed to begin or complete these trials. And to respond, FDA's only—and usually unacceptable—recourse would be to withdraw a drug for market.

The industry's track record has been disappointing. According to the FDA, since 1998, only four of 109 post-market commitments have been fulfilled for fast track drugs. Only a quarter of the industry's commitments for standard drugs since 1991 have been fulfilled. And only a third of its commitments for accelerated approval drugs since 1992 have been fulfilled.

Five years ago, I urged the adoption of new authorities for FDA to enable the agency to bring these companies into compliance with the law and to ensure these essential trials are conducted in a timely way. I am very pleased that this legislation includes new authority for the FDA to publicize the failure of companies to fulfill their legal obligations to complete post-market studies. FDA will publicize such failures through their website, through 'dear prescriber' letters, and public statements on the late, uncompleted studies and the resulting, unanswered questions of clinical benefit and safety. I am hopeful that the FDA will be able to employ these new tools to bring about more responsible conduct by the industry, and consequently resolve unresolved questions of drug safety and efficacy.

I am disappointed that some of my colleagues objected to addressing in this legislation a crucial priority for children's health. The FDA has a Pediatric Rule that requires a company, before approval of a drug, to study in children the use for which approval is sought in adults. It also gives FDA the authority to require, in certain circumstances, that drugs that are already marketed be studied for their approved use in children. The Pediatric Rule has always served as a complement to pediatric exclusivity, which we recently reauthorized in the Best Pharmaceuticals for Children Act.

But today, the Rule is being challenged in court by parties who believe the drug industry should be free to decide when or whether to determine their drugs are safe and effective for children. The Rule was recently threatened with withdrawal, but the Administration reconsidered this ill-advised step.

That is why a clear signal must be sent. This research is of critical importance to children. Without the Rule, less of this research will be conducted. And some products, such as biologicals, will not be studied at all.

With my colleagues, Senators CLINTON, DODD and DEWINE, I intend to pursue this issue in the coming months. We cannot afford to compromise the health of our children with half measures.

Finally, I am disappointed that we could not reach agreement on legislation enacting medical device user fees. In 1994, I introduced such legislation with Congressmen DINGELL and WAXMAN. But dissension within the device industry prevented us from enacting this important reform. Since then, the FDA Center for Devices and Radiological Health and suffered severe losses in its budget and staffing. Its staff has shrunk by almost eight percent since 1995 and it has effectively lost more than $34 million in its base funding.

With support of my colleague, Senator GREGG, we urged the FDA and the device industry to seek agreement on performance goals and fees. And to their great credit, the FDA and the industry reached agreement. But some in the device industry insisted on including extraneous proposals that could not be worked out in the limited time available.

Medical device user fees are a win for patients, the industry and the FDA. That is why I am committed to achieving a consensus on this issue. I believe that we can enact such legislation, so long as we can dispense with extraneous controversies and focus on the common goals of restoring the resources of FDA's device center, establishing reasonable performance goals for device reviews, and assuring that safe and effective devices are approved in a more timely manner.

The timely completion of the conference report would not have been possible without the hard work of the many staff members who worked on this important legislation. I particularly want to thank Bill Baird of Senate Legislative Counsel and Pete Goodloe of House Legislative Counsel. Both of these dedicated professionals worked many long, late hours and met many tight deadlines to allow this report to be completed.

I want to also thank Patrick Morrissey, Tom DiLenge, Brent Delmonte, Amit Sachdev, Bob Meyers and Nandan Kenkeremath from Congressman TAUZIN's staff; Katy French, Vince Ventimiglia, and Steve Irizarry from Senator GREGG's staff; Adam Gluck, Eric Juzenas, and Lowell Ungar with Senator HARKIN; Rhonda Richards with Senator MIKULSKI; Alison Taylor, Jo-Ellen Darcy, and Sean Donohue with Senator JEFFORDS; Deb Barrett and Jim Fenton with Senator DODD; Shana Chrisrup, Helen Rhee and Dean Rosen from Senator FRIST's staff; John Ford, David Nelson, Edith Holleman, Bridgett Taylor and Dick Frandsen from Congressman DINGELL's staff; Karen Nelson, Ann Witt and Greg Dotson with Congressman WAXMAN.

On my own staff, I want to thank David Bowen for his outstanding work on all aspects of the bioterrorism issue. He has been tireless and insightful and I know everyone involved in this effort appreciates his work.

I also want to thank Paul Kim and David Dorsey for their extraordinary efforts to assure protection of our food and water supply, as well as providing better security for potentially dangerous bio-materials in our nation's laboratories. They also worked very hard to assure that the Prescription Drug User Fee Agreement was a step forward for every patient in this country.

David Nexon, my Health Staff Director, brought his usual energy and commitment to the effort. Michael Myers, the Health, Education, Labor, and Pension Committee Staff Director, kept his hand on the tiller throughout.

The conference report is a landmark in our national response to terrorism and the security threats of this new century. Congress today sends the message in one unified and clear voice that this nation will not remain unprepared for the threat of bioterrorism. The front lines in the new war against bioterrorism will be our health care system. Today we take a historic step forward in preparing America's health care professionals to win the war against bioterrorism.

AMENDMENT NO. 3462, AS MODIFIED

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Corzine amendment No. 3462 be modified with the language at the desk; further, that the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. CARPER). Is there objection? Without objection, it is so ordered.

The amendment (No. 3462), as modified, is as follows:

Beginning on page 208, beginning on line 4, strike all through page 211, line 19, and insert the following:

SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466, and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (relating to exportation of controlled substances) (21 U.S.C. 953).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a Customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING IN EXCESS OF 16 OUNCES.—

"(1) IN GENERAL.—Mail weighing in excess of 16 ounces sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), if there is reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) LIMITATION.—No person acting under the authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to rule 41 of the Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.

"(d) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING 16 OUNCES OR LESS.—Notwithstanding any other provision of this section, subsection (a)(1) shall not apply to mail weighing 16 ounces or less sealed against inspection under the postal laws and regulations of the United States.".

(b) CERTIFICATION BY SECRETARY.—Not later than 3 months after the date of enactment of this section, the Secretary of State shall determine whether the application of section 583 of the Tariff Act of 1930 to foreign mail transiting the United States that is imported or exported by the United States Postal Service is being handled in a manner consistent with international law and any international obligation of the United States. Section 583 of such Act shall not apply to such foreign mail unless the Secretary certifies to Congress that the application of such section 583 is consistent with international law and any international obligation of the United States.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) CERTIFICATION WITH RESPECT TO FOREIGN MAIL.—The provisions of section 583 of the Tariff Act of 1930 relating to foreign mail transiting the United States that is imported or exported by the United States Postal Service shall not take effect until the Secretary of State certifies to Congress, pursuant to subsection (b), that the application of such section 583 is consistent with international law and any international obligation of the United States.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Massachusetts for his exceptional leadership on this piece of legislation, along with the many members of the committee I have worked with and about whom I will talk later on as I discuss the implications of this piece of legislation. Also, I thank our House colleagues who produced an excellent bill on their own. As a result, we were able to merge the best of the two which, I believe, produce a superb package, although lacking in a couple of items, as alluded to by the chairman of the committee.

It is basically an extremely positive package, and it puts us well down the road to addressing what is clearly one of the most threatening situations we have as a society, and that is the capacity of those who wish us ill—and, regrettably, there are a number of people and organizations in this world who wish us ill and would use weapons of mass destruction against us, which would include biological warfare.

We saw, of course, the devastating impact of a biological event with the anthrax incident, and the President has been speaking about this as he has been moving through Europe on his trip, that some nations in this world are continuing to develop biological weapons and may be making those weapons available to terrorists.

We as a nation, whether we like it or not, have to get ready to confront this threat. This bill will do a great deal to put us in a position to accomplish that.

The bill is structured around a variety of points, and I will go into them in specific detail, but the concept of the bill is basically to significantly improve our Federal capability to deal with a biological event and prepare ourselves with adequate vaccines and adequate research in the area of developing vaccines to confront bioterrorism and, at the same time, look to the local communities and the States and significantly improve the public health capability of the States and the local communities so that they, as the first responders, will be able to manage an event should the worst occur, and we will be able to deal with it in an effective and prompt way.

The bill makes a significant commitment of resources well beyond what we had anticipated making when we started down this road but which are necessary. In this war on terrorism, we cannot look at pricetags, we must look at results. It is going to cost a great deal to accomplish the results we need.

This bill, although long-awaited, will definitely better prepare this Nation to respond to attacks which use biological, chemical, or other weapons of mass destruction.

The bill provides grants to States and local public health agencies to assist in preparing for a biological terrorist attack. With these resources, unlike prior law, even small States such as New Hampshire are assured the ability to prepare and respond to a bioterrorist attack or other public health emergency.

Because of the importance of State preparedness and the amount of resources that have been provided, I intend to play an active role in making sure these funds are not just received by hospitals and State and local governments but that they are well spent for the benefit of the American citizenry.

An important part of this bill is ensuring that the funds are spent consistent with a State's bioterrorism plans. In addition, we have already begun oversight of the program and look forward to working with the administration and grant recipients as work under the grants begins in earnest.

Further, under section 102, we will help ensure effective communication and cooperation among the State, local, and Federal agencies by creating a new Assistant Secretary for Public Health Emergency Preparedness at HHS.

Also, the volunteer spirit has always been alive and well, especially in New Hampshire, and I am pleased this conference report includes several provisions which are designed to facilitate voluntarism in preparing for public health emergencies and especially bioterrorism emergencies.

Title I also includes a number of provisions intended to further speed lifesaving products to citizens before we are faced with another serious threat of bioterrorism.

Section 121 ensures that stockpiles of products are improved immediately so that there is an adequate supply to protect our citizens from bioterrorism and other threats. This year we provided the funding necessary to fulfill this commitment, and the Secretary is directed to improve not just the stockpile contents but the supply chain management of and local access to products.

The bill improves the Secretary's authority to, one, prioritize and do research on new vaccines and therapies; two, rely on all available forms of proof of safety and effectiveness, including animal trials; and three, accelerate approval of these products. This is absolutely critical if we are to be prepared with adequate vaccines to make sure our citizenry is protected.

Title II includes the expanded Gregg-Feinstein provisions initially passed by the Senate late last year as part of the appropriations legislation.

As the recent anthrax attack has suggested, current authorities have been inadequate to ensure the Government can track the use of biological agents and toxins such as anthrax and botulinum toxins, West Nile virus, and the like, and to protect against their misuse.

The bill makes critical improvements in the Secretary's ability to identify who is handling and doing research with these agents and toxins, to ensure they are qualified to handle these agents, and to ensure they are not restricted due to inappropriate background or current intent.

The bill also ensures that universities, laboratories, and agencies working with these agents are registered, appropriately qualified, and have adequate security in place.

Many of these agents are used in important research or for important therapeutic purposes in animals and humans. These uses must remain protected and promoted even as we protect the public from their misuse. The bill ensures important exemptions, for example, for FDA-approved products using or investigating these agents or toxins.

Title III of the bill provides the FDA with additional inspection, recordkeeping, and detainment authority to ensure the safety of America's food and drug supply and increases the number of FDA food inspectors. Senator KENNEDY spoke about this at some length.

The bill also improves our capacity to prevent, detect, and respond to an attack on American farmers, livestock, and poultry producers, and certainly Senator ROBERTS deserves great credit for that. I know he is going to be speaking in a few minutes.

Finally, it provides funds to community drinking water systems to allow them to assess any possible vulnerabilities and to institute measures to prevent tampering. Many have been concerned about having these vulnerability studies go to the EPA which does not have a solid track record of maintaining control over sensitive information. We must ensure that the EPA allocates resources and institutes procedures designed to prevent this information from falling into the wrong hands. It would do no good for us to develop these studies and then find that terrorists had been able to use these studies against us.

Conferees also succeeded in reauthorizing PDUFA, which has already been mentioned by the chairman, which has so successfully ensured patients timely access to safe, effective, and lifesaving drugs. By collecting fees from pharmaceutical companies, FDA can hire additional reviewers and support staff and speed the drug review process without compromising safety or review quality.

Under the agreement, the amount of funding FDA receives under the program will increase by over 280 percent, and in today's deficit environment this will be of significant assistance. Voluntary user fees are substantial and essential sources of revenue that the agency cannot afford to lose.

I am concerned, however, that this bill does not include some of the following items that are particularly critical to the ability of this country to rapidly prepare for, detect, or respond to biological threats, including anthrax, smallpox, and botulism.

In the antitrust area, the Senate bill included a bipartisan consensus provision supported by the Judiciary Committee that would extend protection to manufacturers of vaccines and their therapies for bioterrorism agents when the companies were engaged in discussions with the Secretary over how best to meet the unmet needs of the United States.

It is critical these companies be able to discuss frankly with the Secretary their capacities and their strengths so that they can have rapid research and develop new vaccines and drugs that protect us against bioterrorism acts. This provision was, regrettably, dropped in conference over my strong objection. I will continue to press for it in other arenas.

In many critical respects, this Nation remains unprepared for bioterrorism threats simply because the threat of unreasonable and abusive lawsuits has kept good ideas and good products from being available to our citizens. Examples include decontamination services and cleanup services for contaminated worksites, unavailable because of a threat a lawyer might sue the company.

Lifesaving vaccines also remain undeveloped for these same reasons. Respirator manufacturers risk the threat of suit when volunteers misuse a mask in the midst of the chaos during a crisis.

I intend to work for a solution this year with many of my colleagues who have expressed support for reasonable liability protections so we can bring on to the market the necessary devices and vaccines in order to address these needs and make sure our marketplace is able to respond effectively to the threat.

Finally, I note my disappointment that the final package did not include critical new user fee programs for the FDA's device on animal drug centers and accompanying reforms that would dramatically improve regulation of those products. These programs and reforms are essential to ensuring that our Nation continues to be the leader in developing lifesaving therapies and technologies.

However, I am heartened by the extraordinary bipartisan, bicameral support demonstrated for those provisions during the conference. I look forward to working with my colleagues, particularly Senator DODD, Senator HUTCHINSON, and Senator KENNEDY, in the development of a strong user fee and reform package. I understand the House intends to move this separately, and certainly I hope we will be able to do the same in the Senate.

There are a lot of people who worked very hard on this bill to make it a success. Certainly Senator KENNEDY was a leader, and he is to be congratulated for his foresight in this matter. Senator FRIST, whose knowledge in this area is unique and brings so much to the table in the Senate, was a major player in designing much of this bill; Senator ENZI and Senator TIM HUTCHINSON for their critical role in ensuring the capacity of all States, but especially rural States, to have capacity to prepare for attacks. Senator SUSAN COLLINS played a critical role in developing the Senate food supply safety provisions, a role reflected in a long history working to pass such legislation. Senator HUTCHINSON also played the single most critical role in the provision protecting America's agricultural livestock and poultry provisions. His animal enterprise provision, which will protect our folks working on the next generation of lifesaving vaccines and medicines, is absolutely essential.

I am also pleased with the inclusion in this bill of so much of Senator HUTCHINSON's legislation concerning improvement in the ability to bring antibioterrorism products to the American citizen; Senator SESSIONS for his tremendous effort with regard to the minor use, minor species provisions, which would have provided safe and effective drugs for minor animal species for which therapies are currently unavailable.

Unfortunately, this provision was not included in the final bill, but it is sound policy and I will continue to support his efforts and to pass this legislation; Senator ROBERTS whose attention to the issue of farm policy and the effect of bioterrorism issues relative to our farm community was absolutely critical to the design of this bill.

At a staff level, I have an exceptional staff. They have worked thousands of hours, days and nights, and I thank them very much. Vince Ventimiglia, Steve Irizarry, and Katy French did a superb job. I also thank the majority staff led by David Nixon, and the many people he has working with him. Also, I thank Dean Rosen on Senator FRIST's staff.

I yield 10 minutes to the Senator from Kansas, Mr. ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. I thank the Senator for yielding. The completion of the Bioterrorism Preparedness Act conference report, in my view, represents an absolutely vital and significant step forward for our Nation as we work to protect ourselves from any kind of a terrorist attack involving bioterrorism.

I also had the privilege of being chairman and now ranking member of the Emerging Threats Subcommittee of the Armed Services Committee. We had witness after witness and commission after commission. We asked them: What keeps you up at night? Each and every time when we tried to prioritize the threat that faced this country, bioterrorism was listed as No. 1.

I thank Senator KENNEDY for his leadership with regard to this bill. I echo the comments by Senator GREGG, who has been extremely helpful and led the effort on our side. I especially thank Senator FRIST whose expertise and leadership with the Centers for Disease Control and the Department of Health and Human Services, plus his personal expertise, is second to none. If he is not the godfather of this bill, he is indeed the godprince. So I thank him for those efforts.

This bill also represents a significant advancement in helping to protect agriculture and our Nation's food supply from a possible agroterrorist attack. The legislation contains language based on numerous provisions I introduced in the bill some time ago. It was called the Biosecurity for Agriculture Act. I think that was last fall.

Specifically, the bill provides funding authorization for $190 million for expanded agroterrorism research in 2002 and such sums as necessary in the future years.

This language will allow us to significantly expand our research capabilities to deal with these threats. It will allow us to expand existing research partnerships between the Department of Agriculture and many of our land grant universities to develop first-responder capability in case we have an agroterrorist attack. It is going to create many additional partnerships. It will increase the coordination between the Department of Agriculture and the intelligence community, and undertake research to develop what we call rapid field test kits that will allow us to make a determination of the possible introduction of any pathogen or disease within minutes or hours instead of days or weeks, as often occurs, as of today.

In addition, the bill also includes language similar to that I introduced to authorize funding for the upgrades of the Department of Agriculture research facilities at Plum Island, NY, Ames, IA, Laramie, WY, and Athens, GA. These facilities really represent the frontline in the Department of Agriculture's research efforts to prevent disease outbreaks in the United States.

Why is the inclusion of this provision in this particular bill so important? I am not aware of any specific threat, but the possibility of agroterrorism or food security attacks is very real, and it has increased since September 11.

Second, we know the former Soviet Union had developed literally tons of biowarfare agents that were to be aimed at the North American food supply. Many of these agents are still housed in unsecured facilities. I have been there. Senator LUGAR has been there. Many of the scientists are simply unemployed and are willing to work for the highest bidder, and that is a grave concern.

Third, we know several of the September 11 hijackers had significant agricultural training. It would be very easy to introduce a disease such as foot and mouth disease or Karnal Bunt, and the effects would be devastating to our grain supply and our livestock production. Our exports would be lost and consumer confidence would simply plummet. Food shortages would occur in our Nation's cities.

This is particularly frightening when we realize that agriculture is one of the few sectors of the economy with a trade surplus. Using 1999 numbers, agriculture and agribusiness-related industries accounted for approximately 22 million jobs, almost 17 percent of the gross domestic product. The overall contribution to the Nation's GDP in 1999 was $1.5 trillion. That is at risk. And the cheap U.S. food supply kept the total portion of the individual income spent on food to about a dime or 10 percent—one dime out of the consumer's disposal income dollar for that so-called market basket of food. A terrorist attack would certainly endanger that.

The importance of this sector to our economy, and our national security, cannot be underestimated. We must take the steps to protect our agricultural producers, our farmers, our ranchers, and our food supply. This bill represents a very important step.

I thank my colleagues who have worked with me on this issue. I thank the staff of the HELP Committee in working with my staff and those on the Agriculture Committee. I thank them for their assistance, including these provisions in this legislation.

I yield back the remainder of my allotted time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, we have learned a lot about terrorism since September of last year. We have learned that terrorists prey on vulnerability. Our vulnerability becomes their target. This bill reduces our vulnerability when it comes to this threat of bioterrorism and thus reduces the likelihood of an attack by reducing our vulnerability and reduces the potential damage an attack may cause by improving and strengthening our response.

We have learned the goal of a bioterror attack is not only to hurt people directly but to paralyze them, to cause panic. This bill will calm the nerves and keep order in the event there is another bioterror attack.

This bill addresses prevention and preparedness, as well as response. Indeed, this bill touches all areas of preparedness: Protecting our food and water, boosting medical stockpiles, and supporting our local communities and public health infrastructure.

This bill emphasizes the local response and local preparedness. It recognizes that it is local people who will respond in the event of a bioterror attack. It is about whom you call when you suspect something, whom you call if you are worried about bioterrorism: The family doctors, the emergency workers, the health care professionals. Today, with this legislation we make the first people on the scene our first priority.

Over 3 months after the tragedies of September 11 and slightly more than 60 days after the anthrax attacks, Congress provided a record $3 billion in emergency bioterrorism funding. This was in December of last year. This was a historic investment. As we have learned since that time, it must be only a downpayment toward ensuring that America is fully prepared to respond to bioterrorism and other public health risks.

Today, we take another important and very necessary step toward securing our Nation with the Public Health Security and Bioterrorism Preparedness and Response Act. It is a cohesive and comprehensive framework to improve our public health system and thereby reduce our vulnerability.

I, too, thank Senator KENNEDY and Senator GREGG for their leadership and their tremendous contributions to this conference report. I thank our colleagues in the House of Representatives, primarily Chairman TAUZIN and Representative DINGELL, for their huge and important efforts. Yesterday's overwhelming vote in the House in favor of passing this conference agreement demonstrates this legislation is truly broad and bipartisan.

There is no question we live today in a more dangerous world, much more dangerous than we envisioned before September 11, much more dangerous than we had envisioned before the anthrax-laden letters were delivered across the east coast. We are not unprepared for a bioterror attack, but we are clearly underprepared. This bill goes a long way in boosting that preparedness and reducing the vulnerabilities.

We know terrorists around the world, including al-Qaida, are intent on using biological weapons against us. We know more than a dozen nations—including Iraq, North Korea, Libya, Syria—have the capability to produce chemical and biological weapons, and many have stockpiled such biological weapons in the past. We know thousands of Soviet scientists who have the expertise to develop biological weapons are, today, unemployed, and potentially available to the highest bidder.

Yes, the risk is real. We know the risk is increasing. The National Intelligence Council warns:

> The biological warfare capabilities of state and non-state actors are growing worldwide. This trend leads us to believe that the risk of an attack against the United States, its interests and allies will increase in the coming years.

This bill is the foundation and framework for our response.

Iraq launched a robust biological program in 1985 and has admitted to producing large quantities of agents and weapons, including 19,000 liters of botulinum—in fact, 10,000 liters loaded into munitions—and 8,500 liters of anthrax—and 6,500 were loaded into munitions. During the gulf war, Iraq weaponized 100 bombs and 15 missile warheads with botulinum, and 50 bombs and 10 missile warheads with anthrax.

Nonstate actors are also a threat. CIA Director George Tenet has been quoted recently in the New York Times as saying: Documents recovered from al-Qaida facilities in Afghanistan show that Osama bin Laden was pursuing a sophisticated biological weapons research program. U.S. forces discovered a facility in southern Afghanistan near Kandahar that was being built to produce biological agents.

Our vulnerabilities remain high. This bill addresses reducing those vulnerabilities. Most public health departments in the United States do not have staff fully trained in bioterrorism. A recent report showed that one-third of public health departments serving 25,000 or fewer people had no Internet access, and one-quarter of public health staff had no electronic or e-mail. Today more than 99 percent of food imported into this country is never inspected.

The American people, with passage of this legislation, should rest easier, knowing that our Government is taking the steps necessary to respond to this threat at the local level, at the State level, and at the national level. This legislation will ensure that we continue to act both rapidly and appropriately to secure the Nation against future attacks on our freedom.

What does the bill do? The conference agreement provides the resources necessary to improve the training of those first responders, to those doctors, to nurses, to public health officials at the local level. They are the first line of defense. The bill authorizes $300 million both in 2002 and 2003 to strengthen the capabilities of the Centers for Disease Control and Prevention and modernize its facilities. The bill enhances our national research capabilities and helps speed the development of needed drugs, of needed vaccines, diagnostic tests, and other priority countermeasures. And the bill helps ensure that our national strategic pharmaceutical stockpile is adequate to meet the needs of America.

The October anthrax-laden letters underscored the importance of coordination, the importance of communication. The conference agreement puts in place structures to ensure improved government coordination, as well as improved collaboration between government and the private sector. The legislation helps us develop the state-of-the-art communication infrastructure so we can more readily and more rapidly identify and treat infectious disease outbreaks. It also helps ensure that our children and other vulnerable populations are better prepared.

This conference agreement will significantly improve our ability to protect our water supply, our food supply, our Nation's agriculture, and it will help better track and regulate the use of dangerous pathogens within our borders.

The bill focuses on what happens at the local level, at the community level. If you are suspicious, if an attack occurs, you pick up the telephone, you call somebody, or go to a local facility. This bill underscores the importance of support at the local level.

The legislation will provide significant new resources, $1.6 billion in the year 2003 alone, to strengthen our State and local public health systems. We have underinvested in our public health infrastructure in the last 30 years in this country.

As the title of the bill makes clear, this legislation will not only improve our ability to respond to bioterrorism but to other public health risks, and emergencies as well, whether they be from other intentional acts of terrorism, nuclear attacks, chemical accidents or attacks, or from naturally occurring infectious disease outbreaks, the so-called dual use of the investment that we put in public health today.

I am proud to be part of this legislation. I believe that years from now America will look back upon this bill as landmark legislation, a landmark achievement, a turning point in our commitment to strengthening our defenses, focusing on biological threats.

As has been mentioned by my colleagues, I am very pleased with the reauthorization of what is called the Prescription Drug User Fee Act. This important law helps make it possible for the Food and Drug Administration to hire additional manpower and expertise to speed the drug approval process so consumers can benefit more quickly in a safe way from life-saving drugs.

I am also pleased this agreement includes the Frist-Kennedy Emergency Access to Defibrillator Act, an act which has passed the Senate earlier this year, a provision which will provide annual grants to deploy lifesaving cardiac heart defibrillators in more public buildings.

My colleague, Senator GREGG, has already recognized so many people who have participated in such an admirable way to this bill. There are items that I, too, would like to have included in this particular bill that are not in the final package, items that I think we must continue to address in the Senate and in committee. I believe we need more certainty if private industry truly is to become a partner in combating bioterrorism. To harness the genius, to harness the resources of private companies in these efforts, we should continue to find ways to protect companies from frivolous lawsuits and provide pharmaceutical research companies and others the certainty that they will not face antitrust enforcement simply because they are collaborating with the Government and their business partners to more rapidly and more rationally develop vaccines and other countermeasures.

This is a solid bill. It combines sound policy and enhanced resources to better prepare our Nation and to provide security to the American people. Once again, I commend Senator KENNEDY for his dedication and leadership. In many ways, this legislation builds upon a foundation we began about 3 years ago as we began, in a bipartisan way, to develop this issue of bioterrorism. He and I agree that protecting the American people from bioterrorist attacks and other public health threats and emergencies does require a robust, a reinvigorated public health system.

I also thank and commend the ranking member of the Senate HELP Committee, Senator GREGG, as well as the other Senate Republican conferees he has previously mentioned, Senator ENZI and Senator TIM HUTCHINSON, for the tremendous work he is doing in the agricultural and rural elements of the bill. Other Members, Senators ROBERTS, DEWINE, COLLINS, and HATCH, also were instrumental in drafting this important legislation.

Finally, it is difficult to pass legislation of this magnitude without the assistance and diligence of dedicated staff. Most of those staff members have been recognized already. I do want to thank members of my own staff, in particular Dean Rosen, Helen Rhee, Shana Christrup, and Doug Campos-Outcalt, a fellow in my office. I would also like to recognize the contributions of Vince Ventimiglia, Katy French, and Steve Irizzary of Senator GREGG's staff; David Nexon, Paul Kim, David Bowen, and David Dorsey of Senator KENNEDY's staff; Raissa Geary of Senator ENZI's staff; Kate Hull of Senator HUTCHINSON's staff; and Mike Seyfert and Lisa Meyer of Senator ROBERTS' staff.

Finally, with this bill we will take away one of the most formidable weapons in the terrorist arsenal, and that is our own vulnerability.

I yield the floor.

Mr. KENNEDY. Mr. President, I yield 7 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 7 minutes.

Mrs. CLINTON. I thank the chairman for yielding me that time. I, too, wish to add my words of gratitude for the work that has been done on this bipartisan, comprehensive bioterrorism legislation. Under the leadership of Chairman KENNEDY and Ranking Member GREGG, and Senator FRIST, as well as a number of others of our colleagues, we are about to pass legislation that I think will make a significant difference in the health, safety, and preparedness of our Nation. Americans know we cannot wait for another bioterrorism incident such as the one we suffered last fall with respect to the anthrax attacks before we take action to protect ourselves.

This bill contains a number of critical provisions that will improve national, State, and local preparedness. The authorization of a national stockpile of vaccines, antibiotics, and other drugs necessary in the case of an outbreak or other incident is absolutely essential.

Furthermore, the emphasis on public health is long overdue, as Senator FRIST so eloquently stated. This bill will invest over $1 billion in grants to our States to assure the adequate planning that is necessary to improve State and local public health system preparedness.

I know all of us were surprised when we learned that many public health offices were more in the early 20th century with respect to their equipment and communications capability than in the early 21st century. They didn't have fax machines or e-mail capabilities. One of the problems we encountered with respect to our efforts to get ahead of the anthrax outbreaks and attacks was, in fact, the inability to communicate at different levels of government.

The underinvestment in our public health infrastructure has been unacceptable. Now we are about to reverse it. This is long overdue and to be applauded.

I also appreciate the bill authorizing $520 million to equip hospitals to respond to bioterrorism.

After 9–11, when we had our hospitals on alert to try to take care of what we at the time thought would be thousands of injured people—unfortunately, it turned out to be thousands of deaths and relatively few people who were injured—we found we were not prepared because we could not perform many of the functions that were necessary, not only to respond to the attacks but the aftermath.

For example, many of the first responders went, after their duties at the Ground Zero site, to be decontaminated. There was no decontamination system. Many ended up at our hospitals in New York and were in very cramped and totally insufficient situations to try to decontaminate them before they went back to Ground Zero.

That is just one example of what we determined was absolutely unacceptable, given the threats we currently face. So we will be providing training and other provisions to promote the development and production of treatments and what is necessary for our hospitals to be prepared.

I also applaud the inclusion of strong provisions to safeguard our food supply and to provide for the protection of our children. We are finally coming into the recognition that we have not protected our food supply, now that we are in a global marketplace, the way we need to. These provisions that are included are ones that I and others have long believed were absolutely essential to establishing a registration system for food manufacturers, to give the FDA records inspection authority to trace back investigations, to provide for prior notice of imported food, to allow the cross-utilization of inspectors—both from USDA and FDA—to provide grants for surveillance and protection, and to improve the surveillance of diseases affecting both animals and humans.

I am very pleased, too, that this bill contains provisions I introduced in legislation, along with Senator DODD and Congresswoman SLAUGHTER from New York, to address the special needs of children.

We know children have special vulnerabilities, and we also know biological and chemical agents can have a particularly bad and different effect on children because children are lower to the ground where we have gases that are dense and inert. We have other challenges in dealing with what happens to our children dealing with a bioterrorism attack. We have therefore established a national advisory commission on children and bioterrorism, and we will do much more to try to provide guidance on how best to protect our children.

I also applaud the provision of $100 million to keep Plum Island, off the coast of New York, at its current biosecurity level and to modernize and improve the security of the facilities.

Also, I think it is essential we are adding to our security at water systems and expanding the availability of potassium iodide for communities near nuclear powerplants, such as Indian Point near where I live.

While we have taken such strong steps related to bioterrorism and children and food security and water security, I do have to express a disappointment that we were unable to include the codification of the pediatric rule that would require the testing of drugs that might be prescribed for our children. Senators DODD and DEWINE and I have introduced legislation to bring this about. Unfortunately, we were unable to attain support to have it included. But we will be taking steps, through a markup at the committee level and then with legislation, to try to ensure that the drug manufacturers to whom we have given access to an improved streamlined drug approval process—which we all support—also will be assuring us that the drugs needed by our children are safe and properly labeled.

This is a very good bill. There obviously are some features that should be included to make us stronger in the future, but I applaud my colleagues, and particularly those who shepherded it through the conference, for making us, today, safer than we would have been otherwise.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Will the Chair advise us as to the present status?

The PRESIDING OFFICER. The Senator from New Hampshire has almost 11 minutes remaining, and the Senator from Massachusetts has almost 10 minutes remaining.

Mr. GREGG. I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mrs. HUTCHISON. I thank Senator GREGG and Senator KENNEDY for pursuing this bill. I certainly support it. As part of the fight against terrorism, we must dedicate the resources to the growing threat of bioterrorism. This legislation enhances the capabilities of Federal, State, and local governments to coordinate emergency preparedness efforts, to stockpile vaccines and medical supplies, to modernize biosecurity facilities, and try to ensure the safety of America's health and food supply.

I worked with my colleague, Senator PAT ROBERTS, to address the concerns about our food supply and vital agricultural economies. The agricultural bioterrorism provisions in this legislation will authorize the Department of Agriculture to strengthen its capacities to identify, prepare for, and respond to the bioterrorist threats to our farms, ranches, and food processing, packaging, and distribution facilities and systems.

We have a clear priority to ensure the safety of our food and to maintain public confidence. To do so we must identify and quickly control the threat to our food supply, currently the world's safest, most abundant, and affordable.

During the cold war, we knew the Soviet Union had bioweapons that included bioagents aimed at agriculture. Following the gulf war, we know our soldiers showed evidence of possible exposure to chemical and biological weapons. From the terrorist attacks on Japan's subway system with sarin gas to the recent anthrax attacks here in the United States, the public is now acutely aware of bioterrorist threats.

This bill is critical, both for the results it will achieve and the reassurance it will provide.

The Department of Agriculture will be expanded to enhance inspection capability, implement new information technology, and develop methods for rapid detection and identification of plants and animal disease.

The U.S. Department of Agriculture's Veterinarian Services will also be authorized to establish cooperative agreements with State animal health commissions and private veterinarian practitioners to enhance their ability to respond to outbreaks of any animal disease.

This bill directs the Department of Agriculture to establish a long-term program of research to enhance biosecurity of U.S. agriculture.

America's universities that have demonstrated expertise in animal and plant disease research in coordination with State cooperative extension programs will provide the resources and expertise that will prove invaluable in the war on agricultural bioterrorism.

The front lines of this war on terrorism lie on our own shores, farms and fields, and the States where food is produced. However our States are vulnerable, they will meet the challenge, and they will help us in this war on bioterrorism because they will be able to detect the first evidence of an attack to protect our citizens, our economy, and our food supply.

I urge my colleagues to support the bill before us today. I appreciate the hard work that went into making it come to the floor and making it the priority that it should be for our country.

I thank the Chair. I yield the floor.

MEDICARE PROVISIONS IN BIOTERRORISM

Mr. BAUCUS. Mr. President, some of the provisions in the bioterrorism bill have not received much attention. These provisions affect Medicare, Medicaid and the Children's Health Insurance Program, or CHIP.

What we have done here is to give the HHS Secretary the ability to waive certain requirements in the face of a bioterror event or other public health emergency.

For example, the bill would give the Centers for Medicare and Medicaid Services the ability to pay providers for services rendered in good faith during an emergency, even if certain paperwork or other regulations are not followed.

In short, the bill gives our federal health programs the flexibility they need to operate in times of emergency, while ensuring accountability if the waiver authority is ever used. The administration asked Congress for these provisions, and Senator GRASSLEY and I both agreed that they are needed.

I also want to add that the Medicare and Medicaid provisions in this legislation were hammered out together in a bipartisan and bicameral fashion. Although Senator GRASSLEY and I were not conferees, our staffs worked extensively with the conference staffs to negotiate these provisions.

In fact, all of the authorizing Committees, both sides of the aisle and both House and Senate, worked together on these provisions.

Mr. GRASSLEY. Mr. President, allowing items within the jurisdiction of the Finance Committee to be added in conference is not something I do lightly. It is critical that we follow regular order, and that committees of jurisdiction hold hearings and examine proposals before the Senate acts. This is, however, an exceptional situation.

In light of the current threats to our nation, we must make these changes to make our Federal health care programs more flexible, and more responsive to patients, in times of crisis. In my view, this is important enough to make an exception to our general rule of asserting our committee's jurisdiction. Also urgent are two provisions that stabilize Medicare managed care plans, which many seniors have come to rely on.

And as Senator BAUCUS mentioned, our staffs worked closely with the conferees' staffs to make sure that we were comfortable with the provisions that were included.

Mr. BAUCUS. The Senator is right. And briefly, in addition to the waiver provisions that affect Medicare, Medicaid and CHIP, this legislation includes a provision that will suspend the Medicare+Choice "lock-in" requirement for three years.

Current law requires Medicare beneficiaries to remain in their managed care plan for the full year. HMOs and beneficiary advocacy groups have both urged Congress to suspend this requirement as a way to stabilize this program.

While I appreciate the argument that a plan and a beneficiary should be required to make a full one-year commitment, I don't believe that this is the time to implement the lock-in requirement. Plans are pulling out of the Medicare program every year. Thousands of beneficiaries have lost the plans in their area. Because of the current instability in the program, it is my view that Congress should wait until the program is more stable before we implement the lock-in.

Mr. GRASSLEY. I agree, and believe that we have got to take other steps to ensure that seniors understand the choices they have even before the lock-in is in place. I have always believed that informed health care choice is the key to a successful Medicare+Choice system. That is why I fought hard in the 1997 Balanced Budget Act for the National Medicare Education Project, which required CMS—then called HCFA—to start a 1-800 number and to send out detailed plan comparison materials to every senior every year. I think this program has been a success, and I intend to push for additional funding for it this year. But Medicare education needs even more improvement, especially before seniors get locked-in to a specific plan for a whole year. So I think it is important that this bill delays the lock-in requirement. I would also like to point out that our doing so today is in sync with recent recommendations from the Advisory Panel on Medicare Education.

Finally, the bill gives health plans an additional three months to assess their costs before making a decision to participate in the Medicare program. Because of exceptional circumstances with respect to timing, we needed to make this change to the so-called "ACR filing date" now—prior to the time the Finance Committee acts on Medicare legislation. As I have mentioned, I am not normally willing to make exceptions to Finance Committee jurisdiction, but the circumstances here justify such an exception in this case.

Mr. BAUCUS. Let me summarize by saying that I agree with my good friend Senator GRASSLEY, that every so often there are circumstances that warrant an exception to our jurisdictional concerns, and this is one of them.

Mr. GRASSLEY. I believe that bodes well for our future work together on Medicare legislation in the Finance Committee.

Mr. BAUCUS. Yes, indeed. I look forward to working together in a bipartisan and bicameral fashion on all the other Medicare, Medicaid, and health issues that the Congress will be working on this summer and fall.

Mr. AKAKA. Mr. President, I rise today to give strong support to H.R.

3448, the Public Health Security and Bioterrorism Preparedness and Response Act. The Nation is looking to Congress to provide the building blocks to prepare for and respond to bioterrorism. H.R. 3448 takes several good steps to coordinate and strengthen Federal programs and help states and communities prepare for bioterrorism and other public health crises. As an original cosponsor of the Senate companion bill, I am proud to support the final product. The work that the bill managers and their staff have done in preparing this important legislation is to be commended.

H.R. 3448 provides $1.1 billion in funding for grants to state and local governments to prepare response plans, buy equipment, and train health care workers for bioterrorism and other public health emergencies, and an additional $520 million for community hospitals. The Act authorizes funding and establishes safety procedures for scientists to use pathogens for vaccine and disease research. H.R. 3448 builds up many of the Nation's resources that have been weakened from years of neglect and also addresses several new concerns.

Early detection of a biological threat is critical in minimizing the number of people exposed to an agent and the extent that the agent or disease will spread. New tools capable of detecting small quantities of infectious agents in food, water, air and other vectors are needed. For this reason, I introduced S. 1560, the Biological Agent-Environmental Detection Act of 2001. I am pleased to see provisions of my bill included in H.R. 3448, especially the authorization of funding to improve testing, verification, and calibrating of new detection and surveillance techniques and tools. Scientists and engineers in our universities and national labs are conducting exciting research on air and water monitoring and developing satellite-based remote sensing technologies to identify weather patterns that contribute to the spread of infectious disease and biological or chemical attacks. I am convinced that these men and women can develop robust, effective, and accurate detection methods.

Creating a critical line of defense against bioterrorism must involve health care professionals. Through hearings and discussions with health care providers and bioterrorism experts, it is clear that our doctors and nurses are not trained to recognize or respond to bioterrorism. For this reason, Senator ROCKEFELLER and I introduced S. 1561, Strengthening Bioterrorism Preparedness Through Expanded National Disaster Medical System Training Programs. I am pleased that H.R. 3448 includes our proposal to use the existing emergency communication infrastructure, disaster training program, and community partnerships within the nation's 163 Veterans Affairs hospitals to train VA and Department of Defense staff and local health care providers in recognizing and treating victims of biological weapons.

This is but one way in which the Department of Veterans Affairs serves the nation in bioterrorism preparedness and public health. The $133 million dedicated to VA will expand these efforts and is well deserved.

Congress has not forgotten the role our local and community hospitals will play in such a crisis. We also are working to give our medical professionals, public health officials, and emergency managers the earliest possible warning of pending outbreaks. The problems we face with bioterrorism are not new, nor are they related solely to bioterrorism. Our hospitals lack the capacity to handle even a handful of extra patients during flu season, let alone hundreds of people seeking critical care during an intentional epidemic. Passing the Public Health Security and Bioterrorism Preparedness and Response Act is only the first step in making America safer. Now we can provide the hard working men and women in public service, academia, and private industry with the resources needed to continue protecting this country from bioterrorism.

Mr. WELLSTONE. Mr. President, I rise today to support the Public Health Security and Bioterrorism Response Act. This act represents a critically important turning point in the readiness of our public health system to respond to the challenge of bioterrorism. In many places in our Nation the public health infrastructure has been underfunded and understaffed. The anthrax attack has demonstrated that our system can be overwhelmed by a bioterrorist attack. This bill provides essential assistance to our network of local and state health departments, public health laboratories, hospitals and health care facilities so that they can protect all of us in the event of further bioterrorist attack, or of other infectious disease outbreaks.

We in Minnesota have long been aware of the dangers of bioterrorism thanks to the efforts of Mike Osterholm, head of the Center for Infectious Disease Research and Policy at the University of Minnesota. I am very glad that this bill is providing for the kind of bioterrorism preparedness our nation needs.

This bill provides block grants to states to improve public health departments and to get the equipment they need, and to help local governments safeguard their communities from these threats. The bill also provides grants to hospitals and other health care facilities to improve their abilities to respond quickly and effectively to a bioterrorist attack. I am pleased that the authorization for our hospitals has been increased from $370 to $520 million. I am also glad this bill emphasizes getting funds to the local level. That is very important. In fact, I would have even gone further in setting aside funds specifically for localities. I am also glad that the antitrust exemption in the Senate bill has been dropped from the conference report.

As Chair of the Subcommittee on Employment, Safety and Training, I am particularly glad that this bill recognizes the threat of bioterrorism in the workplace. Virtually all of the anthrax attacks involved places where people work, including media offices, the U.S. Postal Service and here in the Congress. I am especially happy that this bill includes language which I had suggested to direct the National Institute of Occupational Safety and Health to expand research on the health and safety of workers who are at risk for biological threats or attacks in the work place.

Finally, I am particularly pleased that my provisions regarding mental health were included in this important bill. We know from the outstanding hearings on mental health and terrorism, chaired by Senator KENNEDY in the HELP Committee, that the preparedness and response activities for the mental health consequences of bioterrorism are as important as all other public health initiatives this Congress can support. Recent press reports citing research on the psychological consequences of exposure to terrorist attacks, as well as the necessity of dealing with ongoing threats, have demonstrated clearly that mental health is an integral part of our ability to respond appropriately to bioterrorism attacks.

I am particularly pleased that Public Health Security and Bioterrorism Response Act established mental health response preparedness as one of the primary goals in our national initiative The mental health provisions in the bill will support federal, state, and local efforts to enhance the preparedness of public health institutions to coordinate mental health services. The bill also establishes as one of the primary responsibilities of the federal Working Group on Bioterrorism and Other Public Health Emergencies to make recommendations regarding the preparedness of public health institutions and emergency service personnel to detect, diagnose, and respond appropriately with regard to mental health needs in the aftermath of a biological threat or attack.

A special focus on children's mental health was established through a required National Advisory Committee on Children and Terrorism, whose responsibilities include making recommendations regarding the preparedness of the mental health care system to respond to bioterrorism as it relates to children. Similarly, a required Emergency Public Information and

Communications Advisory Committee will include experts on behavioral psychology among its members and will make recommendations on appropriate ways to communicate public health information regarding bioterrorism. The bill also includes mental health training as one of the designated funding activities, specifically to enhance the training of health care professionals to recognize and treat the mental health consequences of bioterrorism or other public health emergencies. And finally, the bill authorizes funding for mental health counseling programs to be coordinated by the Department of Veterans Affairs to develop and maintain various strategies for providing mental health counseling and assistance to local and community emergency response providers, veterans, active duty personnel, and individuals seeking care at Department VA medical centers following a bioterrorist attack or other public health emergency. The VA program also includes funding for training and certification programs.

We know one for thing for sure. It is a mistake to believe that bioterrorism events cannot have lasting impact on the mental health of the individuals who experience them. Let us not repeat the mistakes that were made in the aftermath of the Vietnam war, when the trauma experienced by veterans and their families was ignored or trivialized until well after the optimal time for treatment was past. We have learned from the outstanding research funded by the National Institute of Mental Health and the Department of Veterans Affairs regarding the severity of the trauma-related disorders and the effective ways in which it can be treated. We must ensure that all federal, state, and local public health efforts to respond to and prepare for bioterrorist attacks take advantage of this knowledge.

I do not believe that mental health problems are a widespread or inevitable consequence of bioterrorist attacks. But as we heard from the experts at the HELP Committee hearing, we should not underestimate the severe impact that these events have on people's sense of identity and safety, and how the multiple losses and horrific experiences they go through has the potential to affect them for a long while. There have been many reports in the media of the heightened sense of anxiety and vulnerability throughout our country. These feelings are normal and I have confidence that most Americans will be able to deal with these crises. But I also firmly believe that the Federal, State, and local governments can play a major role in helping people to understand what has happened to them, and establish programs for mental health services for those who will need it. We in Congress are doing our part by the inclusion of these mental health initiatives within this bill.

In closing, this bill represents an essential step forward in safeguarding both the physical and mental health of our nation in the event of further bioterrorist attack.

Mr. HARKIN. Mr. President, last year, the weakness of our Nation's ability to respond to a bioterrorist attack was exposed. To properly prepare for the future, we must begin to think of our Nation's public health system as the front lines in our battle against terrorism. Unfortunately, our troops were inexperienced, our radar was out of date, and we were short on ammunition. Right now we don't have enough vaccines to protect every American. Public health officials were without the tools and training they need to detect an outbreak and rapidly respond.

Prudence demanded action. That is why Senator SPECTER, Senator BYRD and I crafted and passed a $3.6 billion bioterrorism initiative to reverse this alarming trend. As a result of this effort, our Nation's defenses against bioterrorism has improved since September 11 and the anthrax attacks of last October, but much more still needs to be done.

As chairman of the Labor-Health and Human Services Appropriations Subcommittee, I held several hearings with a broad variety of people, ranging from leaders of the Federal Government to first responders to our local public health workers.

As a conferee for the bioterrorism bill, I'm proud of the bipartisan work we have been able to achieve on this plan to boost our Nation's bioterrorism prevention and preparedness. The initiatives included in this conference report will build on the Harkin-Specter bioterrorism plan that President Bush signed into law in January, and will aggressively ramp-up efforts to keep America the safest country in the world.

I am especially supportive of the provisions in this conference report that I proposed in a seven-point plan I released following the anthrax attack last fall.

Specifically, the measure will:

Increase training for public health and medical officials: State and local officials, as well as doctors, nurses and other health professionals will be trained in diagnosis and treatment of bioterrorism exposure, as well as rapid communication to colleagues on case exposure and the identification of trends.

Bolster vaccine stockpiles: Currently our stockpile of small pox vaccines could only vaccinate about 25 percent of Americans, and our anthrax vaccine stockpiles are also vastly inadequate. This legislation will increase funding to increase supplies and improve systems of transport to make sure that the appropriate pharmaceuticals can quickly get where they are needed.

Ensure that there are round-the-clock disease investigators in every state: A number of states have no full-time experts charged with identifying and dealing with infectious diseases. Federal support can be used to ensure that every single state has at least one professional in charge of detecting disease and notifying proper authorities.

Increase hospital surge capacity: The conference report will increase funding for planning and staffing to meet possible high-volume cases of infectious disease exposure. Funds would be administered through an innovative grant program that provides support for wide-ranging initiatives that will improve state and local hospital preparedness for response to bioterrorism and other public health threats.

Improve surveillance and information sharing capacity at all levels of government: The legislation will ensure that all local health departments have access to the Health Alert Network. Currently, health departments in some states don's have fax machines and Internet access. Funding will expand the Health Alert Network so that health professionals are able to quickly key in on outbreaks and share their information around the country and the world.

Expand food safety inspections: Through this bill, every domestic and importer of processed foods must register with the Food and Drug Administration, FDA, farms, restaurants and nonprofit food establishments like soup kitchens are exempted. Also the FDA's authority is expanded to allow them to stop any food or product that may present a public health risk and allows the agency to ban importers who repeatedly violate food safety regulations. Lastly, the FDA is given authority to inspect food processing establishment's records related to food safety. Currently the FDA can only get such records through court action.

Create and maintain a comprehensive database of the locations of biohazardous pathogens: Finally, this legislation will for the first time require that the U.S. Department of Health and Human Services and Agriculture closely regulate and register the possession, use and transfer of the most dangerous pathogens like anthrax and small pox. Security standards for these facilities will be established, and all people with access to the agents will be screened. Facilities with these pathogens will be inspected, and violation of these rules will be punishable by strict criminal and civil penalties.

Again I am very pleased to support this conference report and I look forward to continuing to work in a strong bipartisan process with the President, Secretary Thompson and the rest of the administration to make sure adequate funding is provided for these critically important initatives.

Mr. HUTCHINSON. Mr. President, the Senate is going to pass landmark legislation today bolstering our Nation's efforts to prepare against future bioterrorist threats and attacks. As a member of the joint House-Senate bioterrorism conference committee, I am pleased to support this conference report.

Eight months ago, five U.S. citizens died due to anthrax, buildings were shut down, and thousands of Americans were tested for possible exposure. Our country learned first hand about the need for improved knowledge about biological weapons and agents—how to detect them, what to do in the case of exposure, and the need for accelerated research and development of countermeasures to defend against such agents.

The Public Health Security and Bioterrorism Preparedness and Response Act provides for the development of vaccines and drugs to defend against biological agents or toxins, improvement of public health emergency response efforts, tightening of requirements for individuals who use and possess biological agents or toxins, enhancement of protections for our food supply and agricultural research facilities, and the development of emergency response plans and security upgrades for our Nation's water systems.

I would like to particularly highlight provisions in the conference report to speed approval of vaccines and drugs developed as countermeasures against biological weapons, improve security at facilities where such countermeasures are researched and developed, and strengthen federal penalties for acts of sabotage against such facilities.

These provisions I introduced as part of freestanding legislation last November, S. 1635, along with Senators GREGG and FRIST. I believe that these provisions are at the heart of our preparedness for future bioterrorist threats and attacks.

I am thankful to my fellow Senate and House conferees for working with me to include a proposal I offered to provide grants for proficiency testing of laboratory personnel in identifying biological agents and toxins. Laboratory personnel will be on the front lines of our detection efforts, and we must make sure they can identify biological toxins and agents.

All States, including Arkansas, will benefit from grants to improve planning and State preparedness efforts, enhance laboratory capacity and educate and train health care personnel. I am also pleased with the inclusion of $5 million in grants for small community water systems in order to conduct vulnerability assessments, prepare emergency response plans, and make security upgrades.

In summary, this is comprehensive legislation and it is needed legislation. The Public Health Security and Bioterrorism Preparedness and Response Act lays the foundation for significant changes in America's infrastructure, training, and response programs to protect our Nation's citizens against deadly weapons, particularly biological and chemical agents.

Mr. JEFFORDS. Mr. President, today we will have the opportunity to act positively on one of the most important pieces of legislation that we will consider in this Congress—the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. I am pleased that we are able to vote today on this most vital piece of legislation. Many of our colleagues have worked very hard on this legislation but would like to take this opportunity at the outset of these comments to acknowledge the work of Senator KENNEDY, and Senator FRIST for originally introducing this bill in the Senate, as well as Congressman TAUZIN and Congressman DINGELL for their work in the House.

From the events on September 11, and the anthrax incidents here in our Capitol and around the country, we know first hand that terrorist attacks on America continue to pose a real threat. We are not immune to the cowardly attempts by well-armed and well-financed groups who intend harm upon us, and we must continue to stand strong against those that resent our nation's unyielding commitment to preserve freedom throughout the world.

Today, Congress is taking a step in the right direction. The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 solidifies the emergency measures taken last fall by Congress to safeguard the health of all Americans. The Act greatly enhances our ability to prevent and detect bioterrorist threats, and it gives us the resources we need in order to effectively care for our citizens in the event that another biological attack takes place on American soil.

The act is a comprehensive, interdepartmental effort to ensure the safety of American families. This legislation will ensure proper communication across Federal agencies so that all of our available resources are put to their best use. As the cornerstone of our emergency response to public health threats, hospitals will be provided ample resources in order to ensure their preparedness in the event of a biological attack. In addition, we have greatly enhanced our ability to track labs and individuals who possess materials that could be used in bioweapons aimed at people or the food we consume, and there are strong measures taken to further protect the food supply throughout America.

A primary focus of our efforts is to ensure a National Pharmaceutical Stockpile, and to increase production of vaccines for some of the most deadly diseases, including smallpox. There are also provisions for more timely FDA review of generic drugs, and it reauthorizes the Prescription Drug User Fee Act, PDUFA, an important measure to ensure that newly developed drugs are made available to those who need them most in a safe and timely fashion.

I am also pleased that this bill includes language requiring drinking water systems across the country to assess their vulnerability to terrorist attack and to develop emergency response plans to prepare for and respond to such attacks. We all hope there is no need for implementation of these plans, but information leads to preparation, and I am pleased to have a bill today that recognizes the crucial importance of assessing and addressing potential vulnerabilities.

As chairman of the Committee on Environment and Public Works, I have worried about the lack of information within the Federal agencies about the security of our Nation's critical infrastructure and facilities. For instance, I am aware of one provision in the Clean Air Act which requires the Department of Justice to assess the vulnerabilities of chemical plants. This provision was enacted years before the tragic events of September 11th, but the assessment is not yet complete. And recently, in the wake of criticism that our government should have been more prepared for terrorist attacks, I read a chilling statement from a government official: "People are saying we didn't connect the dots. It's awfully hard to connect the dots if people don't give you the dots."

I do not doubt that industry, communities, local and State governments and emergency responders are taking security measures seriously. But important provisions in this bill will enable our government to "connect the dots," that is, to understand the safety of our Nation's water supply. The substantial funding in this bill will provide enhanced resources for completion of vulnerability assessments quickly, and in a thorough manner. And by requiring that these assessments be provided to the Environmental Protection Agency, we will have the ability to evaluate the security needs of our drinking water systems and to measure our national preparedness for potential threats against our water supply.

In addition, we have addressed the concern that some information in these assessments may be sensitive in nature. Although we recognize that it is most often community knowledge and involvement that is most effective in addressing a community's needs, we also recognize that information in the wrong hands can endanger a community. This bill balances these competing concerns by exempting the content of the assessments from the Freedom of Information Act, by requiring implementation of protocols to secure and limit access to the documents at the EPA, and by imposition of criminal penalties upon persons designated by the EPA Administrator to have access to the documents in EPA's possession who knowingly or recklessly disclose those documents. It is important to note, however, that there is not a restriction on EPA's discussing the content of the assessments with persons who may benefit from information about the security of our nation's water supply, such as state and local officials, nor is there restriction intended by this bill upon a water system's voluntarily sharing information with other systems, emergency responders or communities. Our attempt to provide a safeguard against broad disclosure of sensitive information does not lead us to conclude that our citizens should not have the information they need to protect and inform themselves.

Finally, I had hoped that this bill would encompass wastewater systems in addition to drinking water systems. I intend to pursue comparable legislation for wastewater systems in this legislative session.

This legislation reflects a remarkable effort that drew from the jurisidictions of several Senate and House Committees including the Health, Education, Labor and Pensions, the Energy and Commerce, Finance, Ways and Means, Agriculture, Judiciary and my own Environment and Public Works. The many Members from these Committees and the conferees are to be commended for their contributions.

Once again I want to acknowledge the yeoman's work done by our staff. In particular I want to recognize HELP Committee staff including, David Nexon, Paul Kim, David Bowen and David Dorsey from Chairman KENNEDY's office; Vince Ventimiglia, Steve Irizarry and Katy French of Ranking Member, Senator GREGG's office; and the staff of Senator FRIST, including Dean Rosen, Helen Rhee and Shanna Christrup, and Doug Campos-Outcalt. Credit also goes to Debra Barrett, Raissa Geary, Adam Gluck, Kate Hull and Rhonda Richards. Finally, I want to acknowledge my own staff, Sean Donohue, Eric Silva, Allison Taylor and Jo-Ellen Darcy who worked diligently to ensure that appropriate public health safeguards were part of this measure, including environmental provisions that will help provide for the safety of our public water systems.

Mrs. FEINSTEIN. Mr. President. I rise in strong support of passage of the conference report for H.R. 3448, the Public Health and Bioterrorism Response Act.

This legislation will make our Nation better prepared for bioterrorist threats and other public health emergencies.

That is why I am pleased that this bill includes funding to bolster the National Pharmaceutical Stockpile, including enough smallpox vaccine to protect every American.

We must ensure that there are sufficient vaccines, drugs, and medical supplies available to protect Americans against any potential biological attack. I believe this bill moves us one step closer to protecting every American from this threat.

It is also crucial that we assist our States and local hospitals and health departments in beefing up their systems, including training personnel and first-responders on how to respond to a bioterrorism attacks.

This legislation includes $1.6 billion for fiscal year 2003 to address these needs.

I am particularly pleased that the conference report includes a provision which I sponsored along with Senator JUDD GREGG, R-NH, establishing strict new controls for laboratories that handle anthrax, smallpox, and more than 30 other deadly pathogens.

These provisions are the product of extensive negotiations with a number of other Senators including, Senator FRIST, KENNEDY, HARKIN, and DURBIN, as well as House Conferees, and the administration.

The threat of biological attacks became front page news last fall, when deadly anthrax attacks killed five people, infected 23 people, 11 with inhalation anthrax and 12 with cutaneous anthrax, and shut down a Senate office building for 3 months.

The FBI has poured extraordinary resources into apprehending the perpetrator. Over the past 5 months, FBI agents have interviewed more than 5,000 people and offered a $2.5 million reward. Unfortunately, it has been unable to locate a single witness, fingerprint or a match to the handwriting found on the envelopes.

We still do not know when or if the perpetrator will be found.

It became clear during the investigation of the anthrax attacks that the regulations governing these dangerous substances were too lax.

Our government did not keep track of who possesses these materials.

No special registration was required to possess these agents.

Nor were background checks conducted on the laboratory personnel who handled or had access to these agents.

Under these security conditions, a rogue employee or outside terrorist group could easily gain access to some of the most dangerous pathogens on Earth.

To close these loopholes, I introduced the Deadly Biological Agent Control Act last fall with Senator JON KYL, R-AZ, and a similar provision was approved as part of the fiscal year 2002 Department of Defense Appropriations bill.

I am pleased that key portions of this legislation were included in the final comprehensive bioterrorism package.

The conference report has the following key provisions: All labs that possess these dangerous agents would have to get registered with the Department of Health and Human Services or the Department of Agriculture, for animal pathogens.

The registration process would include rigorous background screening by the Department of Justice of any laboratory employees intending to handle the agents.

Anyone who possesses these agents without obtaining a registration will be subject to 5 years in Federal prison.

The legislation also creates, for the first time, a national database of dangerous pathogens, so that the characterization, location and use of these agents can be tracked.

Tighter controls of these agents are critical because they can be converted into weapons of mass destruction.

In addition, to make sure that this list of dangerous agents is kept up-to-date, it must be reviewed a minimum of every two years.

We need these strong measures because in the wrong hands, these biological agents can be converted into weapons of mass destruction.

According to the calculation of some experts, biological weapons are pound for pound potentially more lethal even than thermonuclear weapons.

For example, the World Health Organization estimates that 50 kilograms of the virus that causes the plague, aerosolized over an urban city of 500,000, would incapacitate one fifth of the population and kill 55,000.

A 1993 report by the U.S. Congressional Office of Technology Assessment estimated that between 130,000 and 3 million deaths could follow the aerosolized release of 100 kilograms of anthrax spores upwind of the Washington D.C. area, lethally matching or exceeding that of a hydrogen bomb.

In sum, I believe it is critical that these laboratory security provisions were incorporated into this bioterrorism bill.

Any comprehensive bioterrorism preparedness package would be incomplete without addressing laboratory security here in the United States.

These controls are reasonable and necessary, given the extraordinary threat posed by biological and chemical weapons.

Ms. LANDRIEU. Mr. President, I would like to take this opportunity to thank the members of the bioterrorism conference committee who have worked tirelessly over the last few months to craft this comprehensive response to our Nation's needs in bioterrorism. I rise today to make one point for the record in regards to this legislation. Following the September 11th attacks, Secretary Thompson, under the authority granted to him by Section 319 of the Public health Services Act, provided resources to rebuild and replenish our Nation's emergency health care providers who were directly affected by this terrible disaster. In sum, the Secretary awarded over $35 million in grants to hospitals, ambulance companies, and other first responders who responded or stood ready to respond to the health needs of those injured in the attacks on the World Trade Center and the Pentagon. These awards were made in recognition of the contributions that these providers made, regardless of their ownership. I commend the Secretary for this action.

Disaster strikes without respect to hospital ownership. By exercising his discretion to award grants to all hospitals who responded, both private and public, Secretary Thompson recognized this important point and more importantly, fulfilled the statutory purpose of Section 319, providing continued access to necessary acute care. Nationally, there are 5,194 hospitals, and of those approximately 1,200 are for-profits. That is one out of every four hospitals. In many markets, for-profit hospitals—not the tax-exempts—serve as the safety net or sole-community providers and that makes them 100 percent of the market in their communities. In my home State, approximately ⅓ of the hospitals are for-profit. If a bio-terrorist attack were to ever happen in Louisiana, I can guarantee you that our investor-owned hospitals will play a critical role in the response. Those who are affected by a bio-terrorist attack will go to their local hospital for help; they will not check first to see how the hospital is being run.

I am pleased that the conferees added language in this bill to strengthen the Secretary's authority to act as he did in this regard following September 11th. I hope that this administration and the administrations that follow will continue to recognize the important role that all of our hospitals play in the delivery of emergency health care.

Mr. CRAIG. Mr. President, I understand we have one more speaker on our side who is on the way to the floor. I guess there are about 5 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

I wish to comment on the efforts of our friend and colleague from New York, Senator CLINTON, on the pediatric drug labeling rule.

As Senator CLINTON pointed out, this issue is of great importance to herself, Senator DODD, and Senator DEWINE. Senator DODD, who is chairman of the Children's Caucus, Senator DEWINE, and Senator CLINTON have worked very effectively on the question of pediatric drugs, particularly on the recent reauthorization of pediatric drug exclusivity.

I had hoped we would be able to secure the Pediatric Rule in this conference, but we were unable to do so. The research which would flow from this important rule is critical to children. That is why the FDA and the Administration took another look at their proposal to suspend the Rule. It was very wise of them to review that decision and to keep the Rule in place. But with the litigation ongoing, it is still being challenged. This is something we in the Senate will give focus and attention to in the very near future.

I have spoken with Senator DODD, Senator DEWINE, and Senator CLINTON. They know that we will address the Pediatric Rule in our committee in the near future. We will talk to our colleagues about the timing. But we will try to address it in the near future. We thank them for their continued interest.

So my colleagues understand what is at stake, let me repeat: without the Rule, there will be less research conducted on the impact of many drugs on children, and some products will not be studied at all.

Again, I give my colleagues the assurance that we will pursue this issue in the coming months. We can't afford to compromise children's health.

Mr. President, during consideration of the bioterrorism legislation, there were a number of items which our colleagues raised which were included, a great majority of which were strengthened and which we were able to include in the conference report.

I talked with Senator CARNAHAN about the importance of developing a Web site on bioterrorism so that accurate and good information would be available and accessible to people across the country. This has been included. It will provide important, accurate information to the public as a result of Senator CARNAHAN's legislation. We are certain this will be helpful to families, not only in her State but across the country.

Senator TIM JOHNSON had some important proposals on agricultural bioterrorism. Those provisions were added to strengthen the food safety aspects of our legislation. We have included those, not least of which calls for the President's Council on Food Safety to develop in a timely but collaborative manner a national strategy for food security.

Senator WELLSTONE had major proposals on enhancing the FDA's ability to protect the public health. We included many of those, particularly those strengthening oversight of drug safety and drug promotions.

Senator DASCHLE was enormously interested in how we were going to protect America's farm families. We have many additional protections included in the legislation dealing with agroterrorism, such as mad cow disease, which are very important. His work with Senator ROBERTS led to a broad increase in resources and requirements for USDA.

How much time remains on our side?

The PRESIDING OFFICER (Mr. WYDEN). The Senator from Massachusetts has 6 minutes 10 seconds. The Senator from New Hampshire has 6 minutes 50 seconds.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, for the information of the membership, we understand Senator COLLINS will be coming in a few moments. After she speaks, we intend to yield back the remaining time and move to a vote. I anticipate we will have a vote on the conference report in probably about 10 minutes. We will ask for the yeas and nays. So Members should be alerted that we will proceed in that manner.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, in a moment, I will yield to Senator COLLINS. But let me, again, thank the chairman for the expert and professional way in which he handled this bill and moved it through the process. It is not the beginning; it is not the end; it is the middle of the process. But as a result of this bill, we will have put in place the mechanisms to produce the vaccines we need as a nation in order to protect ourselves from some of the most virulent biological agents with which we might be attacked—a very important step.

As a result of this bill, we will begin the process of significantly upgrading all the public health capabilities across this Nation, whether it is in large States, small States, large cities, small cities. That is very critical because, as we learned so well in the instance of 9-11, the public health capability of dealing with a crisis is one of the core elements of the first responder, the first line of defense when it comes to a situation resulting from someone attacking our Nation, especially with a biological or chemical agent.

So these two basic streams of effort, which are the core of this bill—the bill has a lot more in it, but that is the core of this bill—are going to make, I believe, a dramatic and significant difference in our capabilities as a nation to handle the threat which we, regrettably, confront now of someone using a biological or chemical agent against us as a nation.

Mr. President, I yield up to 5 minutes, if she wishes it, if I have it, to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 4 minutes.

Ms. COLLINS. Mr. President, first, I begin by thanking Senator KENNEDY, Senator JUDD GREGG, Senator BILL FRIST, and all of those who have worked so hard to bring this important legislation to the floor.

I am convinced that the bioterrorism bill to which we are about to give final approval will make a real difference in our Nation's ability to detect and, in the unfortunate event, respond to a bioterrorism attack.

I am particularly pleased that the legislation includes food safety provisions which I have advocated for some time.

In 1998, in my capacity as chairman of the Senate Permanent Subcommittee on Investigations, I conducted a 16-month investigation into the safety of imported food. What we found was truly frightening. We discovered that the FDA inspects fewer than 1 percent of all shipments of imported fruits and vegetables. And we discovered that the safety net for ensuring that imported food was, indeed, wholesome and safe was deeply flawed.

We found that an unscrupulous shipper could very easily ship tainted food from one port to another without detection. If the system was that vulnerable to an unethical shipper, think what a determined terrorist could do.

So I am convinced the provisions included in this bill will make a real difference in helping to ensure the safety of our food supply.

I note that the Secretary of Health and Human Services, Tommy Thompson, recently testified before the HELP Committee that one of his greatest concerns was the vulnerability of our food supply.

I believe the provisions that are included in this bill will help to ensure that our food supply is safe from a terrorist attack.

We have a long way to go in the war against terrorism, but this major bioterrorism legislation is an important step in securing the United States of America.

Again, I commend the two leaders of our committee and all of those who have worked so hard to bring us to agreement on this important legislation.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, finally, again, I thank my colleague, Senator GREGG, and Senator FRIST, Senator COLLINS, and all of our Members for their cooperation and their help.

I urge our colleagues to vote in favor of the conference report.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. KENNEDY. I yield the remainder of our time.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

All time is yielded back.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—98

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The conference report was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, we have a number of Senators who indicated they wish to speak. We thought we would be able to start the vote earlier, but we cannot. Each time we get real close, someone else raises an objection. The Republican side does not want us to start on this now for obvious reasons. I can appreciate that.

We have a number of Senators desiring to speak. I assume we should arrange some time. Senator BINGAMAN desires 10 minutes.

Mr. BINGAMAN. Ten minutes would be fine.

Mr. NICKLES. I believe we have a couple of people. I suggest we try and accommodate speakers until 5:40, and then Senator BYRD wants to speak, and then there will be a motion to table and we will start a series of rollcall votes.

Mr. REID. Senator BYRD will speak before 5:40.

Mr. NICKLES. Yes.

Mr. REID. Senator BINGAMAN will speak for 10 minutes, then Senator SNOWE will speak for 10 minutes. Senator BYRD, how much time would you require?

Mr. BYRD. Seven minutes.

Mr. REID. We can get you 10 minutes.

Mr. NICKLES. Senator SNOWE would like 15 minutes, Senator SANTORUM would like 5 minutes, and I would like 5 minutes on the Byrd amendment.

Mr. REID. So that is 25 minutes—it doesn't work.

Mr. NICKLES. If the assistant leader will yield, 20 minutes on each side should accommodate everyone's request.

Mr. REID. Senator BINGAMAN 10 minutes; Senator BYRD has 10 minutes, and would like his 10 minutes prior to the vote occurring.

MAKING TECHNICAL CORRECTIONS TO H.R. 3448

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of S. Con. Res. 117, which is at the desk, and submitted earlier by Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res 117) to correct technical errors in the enrollment of the bill.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 117) was agreed to, as follows:

S. CON. RES. 117

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, the Clerk of the House shall make the following corrections, stated in terms of the page and line numbers of the official copy of the conference report for such bill that was filed with the House:

(1) On page 1, after line 6, insert before the item relating to title I, the following:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(2) On page 40, line 3, insert before the semicolon the following: "(including private response contractors)".

(3) On page 75, line 18, strike "subsection (c)(1)" and insert "subsection (c)".

(4) On page 75, line 25, strike "paragraph (3)(B)" and insert "paragraph (3)(C)".

(5) On page 87, strike lines 11 and 12 (relating to a redundant section designation and section heading for section 143).

(6) On page 264, line 11, insert before the period the following: "and with respect to assessing and collecting any fee required by such Act for a fiscal year prior to fiscal year 2003".

The PRESIDING OFFICER. The Senator from New Mexico.

ENERGY BILL CONFERENCE

Mr. BINGAMAN. Madam President, last Friday, May 17, marked the 1-year anniversary of the release of President Bush's National Energy Policy. And the day after tomorrow, May 25, will mark the one-month anniversary of the Senate's completion of its consideration of the Energy Policy Act of 2002. I believe that it is appropriate to take stock of where we were 1 year ago, where we are today, and what we need to do next to move this process forward.

One year ago, when President Bush released his National Energy Policy Plan, his proposal was little more than a glossy brochure. The summary of all the recommendations in the President's Plan, which appeared as the first appendix in his report, amounted to a mere 17 pages of text. Most of these recommendations were stated in very broad terms, and only about 20 actually related to legislation. A classic example of the recommendations in the President's Plan is the following one relating to electricity reform. Here is the electricity recommendation in last year's plan, in its totality:

> The NEPD Group recommends that the President direct the Secretary of Energy to propose comprehensive electricity legislation that promotes competition, protects consumers, enhances reliability, promotes renewable energy, improves efficiency, repeals the Public Utility Holding Company Act, and reforms the Public Utility Regulatory Policies Act.

That was it for electricity. Now those 44 words include some very good thoughts. I am sure that a lot of work went into developing them. But it wasn't something that Congress could immediately turn around and send to the President's desk for signature.

So, over the last year, we have done a tremendous amount of work in Congress, and especially in the Senate, to put real flesh on the bones laid out in the President's plan. In the Senate Energy Committee, we held over 2 dozen hearings in this Congress on various aspects of energy policy, seeking to get broad and inclusive input into our bill.

In the case of electricity, instead of the 44 words contained in the President's plan, the Senate developed and passed 80 pages of legislative text on electricity reform. Our provisions sought to give real meaning to the general principles of protecting consumers, promoting competition, and promoting renewable energy. We had a lot of help and input from the Administration, but the work was really done here in the Senate.

We are now at the beginning of the next phase in the legislative process. That is conference with the House of Representatives. We have a lot of work to do, but it cannot begin until the leadership of the House of Representatives decides who will represent them in a conference.

I have to confess that I am getting a little frustrated at the delay in moving to this next phase. When the Senate passed its bill, the House majority whip put out a press release calling this body a bunch of "do-nothing Daschlecrats" and stating:

> Now, it's important that we move quickly to work out the differences between the House and Senate bills.

I agree with the second part of his comments, but his own colleagues in the House of Representatives apparently do not. Senators DASCHLE and LOTT named our Senate conferees on May 1. After three weeks of silence from the House on who their conferees might be, it seems that all we are getting from the House is a lot of delay.

And there is a tremendous amount of work to be done to have a successful energy conference, even before we sit down around a table somewhere.

First, we will have to decide how the conference will be organized, including how it will be chaired. We seldom go to conference on energy bills. The last conference on an energy bill, the Alaska Power Administration Sale and Asset Transfer Act, took place 7 years ago, in 1995. The House of Representatives chaired that conference. If one accepts the notion that conference chairmanships alternate between the Houses, then that means that it is now the Senate's turn to chair an energy conference.

And, judging from both the lack of forward motion from the House on naming their conferees and some of the informal comments from the House leadership on their vision of what a conference would look like, I think that there might be some important advantages to Senate chairmanship of the conference.

A number of leading members of the House of Representatives seem to be of the opinion that there should be a lot of televised meetings of conferees. I have nothing against openness, but I don't think that lots of televised meetings would be conducive to actually getting an energy bill out of conference. My prime mission in chairing a conference would be getting a bill, not getting Nielsen ratings. We should regard the time that conferees are actually present in the same room as a limited resource, to be used to promote forward motion, and not grandstanding.

Second, there have been rumblings that some in the House leadership might prefer to delay a conference until September. There are so many complex issues to be dealt with in this bill that delay would result in no conference report. I would prefer to see us begin work as soon as the organization of the conference itself was worked out, much along the lines of how issues were dealt with during past energy conferences.

I am very much looking forward to learning whom we are supposed to be negotiating with from the House of Representatives. I'm not going to initiate discussions with the House of Representatives, though, that might be regarded as attempts to pre-conference the bill, or parts of it, prior to knowing who all the legitimate participants will be from the House.

But once the House has made its selection, I would propose that the conferees from both Houses take the following three key steps.

First, we should get the conference leadership from both Houses into a room to get the organization and ground rules of the conference set down as our first order of business.

Second, we should have the appropriate Senate and House staffs meet to work out a mutually agreed-to side-by-side presentation of the bills, so that there is common agreement as to which proposals are similar enough to be paired up in the negotiations. For the tax provisions, the Joint Committee on Taxation has already prepared a draft side-by-side that can be reviewed by both sides. We need to get the corresponding treatment for the energy policy provisions done in a consensual manner between the two Houses.

Third, we will have to decide whether there will be subconferences; and if so, how many; and what each will encompass.

What I have just laid out is a substantial amount of preparatory work that is now on hold. And time is slipping away from us in this Congress. If we adjourn in early October, as is likely, then we may have only 12 or 13 weeks of session left in this Congress.

That is less time than one might think, and there will be a lot of other issues that will occupy the time and attention of leading members of this conference.

I hope we can get started with the critical organizational phase of the discussions as soon as possible. But there is no way that can happen, without knowing who the conferees from the House will be. I urge my colleagues in the other body to give this high priority so that the real work can begin.

Mr. MURKOWSKI. I wonder if my friend will yield for a question.

Mr. BINGAMAN. I will be glad to yield for a question.

Mr. MURKOWSKI. Recognizing the extended effort that was gone through in the time sequence we spent on the floor, I am sure my friend from New Mexico would agree, had we been able to proceed within the committee process, having the educational activities associated within the committee structure as opposed to on the floor of the Senate, it would have saved us a lot of time. Nevertheless, I think my friend from New Mexico would agree this was a dictate by the Democratic leadership.

I think he would also agree that the House did move on their energy bill much earlier than we were able to because we had to go through the floor process. I think my friend would agree the general understanding is the House intends to name conferees as soon as we return from this recess.

Mr. BINGAMAN. Just to respond, the point my colleague makes is one he made numerous times during the debate of the energy bill here on the Senate floor. Clearly, that is his point of view.

We were able to produce a bill. I think it is a far superior bill to the one the House produced last summer.

The main point I am trying to make is we cannot move any further down the road toward enacting an energy bill unless we get a conference. It has been a month since the Senate passed its bill. It is time the House appointed their conferees.

Madam President, let me go ahead with the second of the issues I want to deal with, and that relates to retirement security. How much time remains, Madam President?

The PRESIDING OFFICER. The Senator has 2½ minutes.

RETIREMENT SECURITY

Mr. BINGAMAN. Briefly, what I want to do is summarize these four points.

Retirement security is an issue that is of great concern to virtually all Americans. I believe there are four essential issues embedded in it which we need to begin dealing with in this Congress.

There has not been much interest on the part of the administration in dealing with these issues. If there has been, I missed it. But I believe Congress needs to take the initiative to begin dealing with it. The four issues I believe deserve the greatest attention are:

First of all, We need to recognize that everyone who works in this country ought to be entitled to a pension of some sort—a pension, a 401(k), some kind of provision for their retirement in addition to Social Security. I think that should be a goal to which we should all agree.

Second, all workers should have a right to secure retirement savings. We should eliminate the problems of mismanagement of people's retirement savings that we saw in the case of Enron. Senator KENNEDY has put together legislation we have reported out of the HELP Committee that tries to close some of those loopholes, eliminate some of those abuses, and deal with the looting of retirement savings that unfortunately has occurred and is permitted under current law.

Third, all workers must have pension portability. This is a difficult issue but an important one. Most workers will have somewhere between 10 and 15 jobs during their career. That is the way of the modern economy. We need to be sure they can move their pension from job to job and not lose their pension benefits because they are forced to change jobs in midcareer.

Fourth, all workers should have retirement benefits comparable to those of the highest paid executives in the company. We cannot have one set of rules for the top management and a different set of rules for the rest of the people in the employ of that corporation. We need to have comparable tax provisions so there is not a set of tax provisions that allows for the putting away of postretirement income for the top executives of the company while the average worker of the company is denied a reasonable pension.

Last week I came to the floor to talk about our Nation's gap in pension and retirement plan coverage.

Although Enron has been the focus of much of our attention, we cannot ignore the disturbing trend that pension coverage in our country has not budged from roughly 50 percent coverage over the past 30 years. Minorities, particularly Hispanics, fare significantly worse with 73 percent of all Hispanics in the private sector not having a retirement or pension plan. Quite simply, we must do more.

In light of Enron and other corporate abuses, it is patently evident that we must strengthen our retirement and pension laws so that employees' retirement savings are given real protections. We must protect the retirement savings of our workers from unscrupulous executives who are willing to use their positions to enrich themselves at the expense of the employees. We must also be sure that employees are protected from various conflicts of interest that allow accountants, analysts, and employers to act in their own self-interest and financial well being instead of the best interests of the employees. In particular, we must be sure that we do not change the law to expose employees to new conflicts of interest, as would occur if we allowed conflicted investment advisers to invade the secure world of ERISA protected retirement plans. Of course, all of these protections don't mean much if employees do not have the ability to diversify out of employer securities so that they are not financially ruined when there is an economic downturn or their employer goes out of business. Sadly, the House-passed bill does not provide any of these protections in any meaningful way.

Although we have made great strides in the past several years, we still have more to do to be sure workers with traditional pension plans are able to take their savings with them when they move on to a new job. While retirement plans are more portable than traditional pensions, we must still make sure that employees have the right to take what is theirs with them if they change employment. In these cases, plan portability is not the only issue, concerns over vesting and the ability to diversify out of employer stock are equally important.

Finally, we need to ensure that executives of companies do not walk away from a business with millions in benefits when the employees are sent home with a retirement account full of worthless employer stock. It is fair that executives have more money in their retirement accounts—that is one of the benefits of being a higher salaried employee. What isn't fair, though, is when executives have millions in deferred compensation and other executive benefits that have been funded by tax-preferenced vehicles like corporate owned life insurance none of which is available to the workers. If a benefit does not meet non-discrimination rules, it is unclear to me why a company should be able to be fund these executive benefits through tax-preferred chicanery.

As we move into the 21st century it is important that we take note of the state of our private retirement system and work to improve it. Too many Americans still do not have any pension or retirement coverage. That must improve. We must also strengthen our retirement system to provide employees with real protections for their retirement savings—not symbolic changes as proposed by the House and Administration. We must provide our workers with increased pension portability and true ownership of all their retirement assets. Finally, we must change our laws so that companies are not able to take advantage of loopholes in the Tax Code that give them significant tax relief when funding executive retirement benefits that are not available to the workers. We will need much than proposed by the administration and passed by the House if we want a world where "what's fair on the top floor should be fair on the shop floor." I hope my colleagues from across the aisle are ready to match legislation with their rhetoric. If not, unfortunately, this Congress will come to a close with workers once again getting the short end of the bargain.

These are very important issues. When we return after this week-long recess, I hope we can put some serious effort into dealing with them. I commit to proposing some legislation to try to help move us in that direction.

My time has expired, so I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

Ms. SNOWE. Madam President, I rise today to speak in support of the compromise trade package that is now before the Senate and to praise both sides for recognizing the need of retaining the linkage of trade promotion authority (TPA) and trade adjustment assistance (TAA) during floor consideration.

I would first like to commend Chairman BAUCUS and Ranking Member GRASSLEY for their efforts in crafting this package.

Not only have they worked in a bipartisan manner to ensure that it is the product of principled compromise, but they have also sought to ensure that many of my concerns regarding the deficiencies of past extensions of trade authority—most notably, a lack of accountability and consideration of the needs of small businesses—have been addressed. In the same manner, both agreed to a critical expansion of the existing TAA program while also including provisions I advocated to accelerate assistance to dislocated workers and provide them with greater options in the utilization of these benefits.

I would also like to thank Senator BAUCUS and Senator GRASSLEY for their tenacity as we worked through the health care provisions in the TAA package during the last four weeks. Their commitment to this effort made it possible for the three of us to develop this agreement, and while both sides have made significant concessions to finalize this deal, we believe these health care provisions are a solid contribution to the TAA package.

At the beginning of the TPA–TAA debate in the Senate, everyone believed the fight over health care would doom Senate passage, but together we have proved them wrong. On that note, I would also like to commend the staff of both Senator BAUCUS and Senator GRASSLEY who worked so hard to develop this compromise against tremendous odds.

The Finance Committee has been working on the TPA and TAA legislation for nearly a year now, and, as a member of that committee, I have been extensively involved in its development. Through hearings and markups, along with numerous discussions, we have extensively debated this legislation—and will likely continue to do so until the final vote.

My decision to support this package, and the TPA section in particular, was by no means a foregone conclusion, as I have opposed trade agreements and fast-track authority in the past. I did so because I never felt they struck the proper balance between free and fair trade, and I have been concerned that both Republican and Democrat administrations approached the enforcement of U.S. trade laws not with vigor, but with benign neglect.

However, when the Finance Committee marked up this fast-track legislation in December, I supported it precisely because it does strike the appropriate balance, and because of this administration's commitment to aggressively enforce our trade laws so that American workers aren't undermined by unfair trade practices.

Furthermore, while some oppose linking TPA and TAA as contained in this trade package, my support is contingent on this linkage and I have repeatedly emphasized the importance of joining these proposals that are inextricably joined. TAA would not even exist if not for the fact that trade agreements impact U.S. jobs, so attempting to bifurcate TAA and TPA is like trying to divide the "heads" from the "tails" on a coin—sure, it may be possible, but the end product won't be worth one red cent!

We must never forget that in the engagement of trade there is a downside—chiefly, that real lives are affected—people not just statistics. When Americans become unemployed due to increased imports or plant relocations to other countries, it is because of trade agreements negotiated by the government of the United States and passed by Congress. Therefore, we have no obligation to also work toward forging a system that provides these trade-impacted Americans with the new skills needed to gain new employment.

And lest anyone question the need or value of the program, consider the fact that TAA has served not only as a lifesaver but also as an opportunity-creator for individuals to be retrained so they can re-enter the workforce as quickly as possible. Since October 1997 to today, 9,200 Mainers have benefitted from TAA. Nationally, during this same time-frame, almost 1 million people were covered by TAA. In Maine right now, 1,102 people are receiving TAA benefits.

In fact, in Maine it's been a whole litany of closings from a variety of industries since NAFTA: Carleton Woolen Mills lost 600 jobs, Dexter Shoe Company lost 550 jobs, Kimberly-Clark lost 450 jobs while Mead Paper lost 472 jobs and G.H. Bass footwear lost 355 jobs, as did Cole-Haan Manufacturing, while Eastland Shoe Manufacturing lost 250 jobs and Saucony closed with 110 workers, and just recently, Hathaway Shirts, one of the oldest and last remaining domestic shirt-makers, with 300 workers. Many of these people turned to TAA.

The final provisions of the legislation before us were in question up until the last minute, but they make vital improvements and expansions to the program, including several I have fought for. Specifically, besides consolidating the current TAA and NAFTA–TAA programs into one, more efficient program, the bill includes my proposal to speed up assistance to displaced workers by decreasing the TAA petition time for certification from 60 days to 40 days. Reducing this time by 20 days will allow people to get on with their lives that much quicker.

The bill also includes my proposal to create a new pilot program under the Small Business Administration (SBA) that will test how TAA can help those seeking to start their own business by assisting with development plans without the loss of their TAA benefits. It also allows for customized, employer-sponsored training programs where a worker can learn a specialized skill while on the job.

And the legislation also establishes a performance accountability and reporting system. A concern expressed to me by Maine officials has been that, without taking into account the economic conditions of the states, good systems could be erroneously judged bad due to an economic downturn of a state. By factoring-in this new criteria, we ensure that such a vital component of the overall picture is part of the equation.

Beyond these provisions, the TAA legislation also recognizes the fact that it is not only people but communities that can be adversely impacted by job loss or plant relocations. It does so by creating a new Office of Community Trade Adjustment at the Economic Development Administration (EDA) that will work closely with state and local officials to develop a strategic plan when a community suffers massive layoffs. The Office can dispense grants that could prove critical in getting these communities back on track.

Moreover, this bill addresses another issue that has created problems in my state this year—the current budget for training assistance. Since last year, Maine has run short of training funds by approximately $2.7 million, forcing them to apply for five different Department of Labor National Emergency Grants and potentially causing a freeze in retraining assistance. By providing $300 million in funding, this shortfall will be fully addressed.

And we didn't stop there. Not only does this funding level address State shortfalls, but it also ensures expanded coverage for secondary workers affected by trade. Specifically, under the compromise developed by Senators GRASSLEY and BAUCUS, secondary workers with a direct relationship to the downsizing or closing of a plant will be covered by TAA, while so-called downstream workers covered now under a Statement of Administrative Action as part of the NAFTA–TAA program will also be covered through the SAA's codification.

And, as I stated earlier, bipartisanship also prevailed on the contentious health care issue. Since the end of last year, the health care provision seemed to be the one that would divide us and perhaps even bring down this trade package. Well, Madam President, through the hard work and dedication of many offices, this obstacle has been averted.

The health care compromise included in this agreement provides a 70 percent tax credit for trade-impacted workers to continue their health coverage for themselves and their family. This tax credit is "advanceable" so that people will receive this assistance immediately rather than paying up front to get a tax refund later. The tax credit is also refundable and, as such, provides the full level of the tax credit regardless of whether the individual will owe any taxes that year.

Trade-affected workers can use this tax credit toward the cost of COBRA health coverage from their former employer, if that is available, or they can purchase private health coverage through purchasing groups, state high-risk pools, or other group purchasing arrangements established by the states. Workers can also use the tax credit toward their current private health coverage.

Through these and other provisions, what we have before us today is a bill that recognizes that our desire to trade is dependent on our ability to assist those adversely affected by trade. An expanded TAA program will be part and parcel of an extension of trade negotiating authority—and American workers will be provided with the assistance they need and deserve.

In that light, as the world grows ever closer, the implications of our trade agreements are more critical—and more magnified—than ever before. As I mentioned earlier, my past opposition to fast-track, due to concerns about the balance between free and fair trade and our enforcement of our trade laws, have been addressed in this bill.

The bottom line is that enforcement is an inseparable component of free and fair trade. If you don't believe me, just look at the record. In the past, when free trade and fair trade have been treated as mutually exclusive, import-sensitive industries in Maine and America were decimated by foreign competitors. Why? Because foreign businesses enjoyed the benefits of a lack of reciprocity in trade agreements—foreign industry subsidies—dumping in the U.S. market—and non-tariff trade barriers. That's why, as a Member of the House in 1986, I lamented that we were running up "the white flag of surrender in the international marketplace."

The "white flag" is perhaps best represented by the shoe industry, which is one that has borne the brunt of our trade policies. In 1986, for example, it experienced an 82 percent import penetration with over 750 million pairs of shoes entering this country annually. Japan, on the other hand, allowed only 1 million pairs of shoes to be imported and Brazil had a 100 percent tariff effectively barring imports. The U.S. industry filed a trade relief petition under section 201, and a five year temporary quota was recommended by the International Trade Commission (ITC), but the Administration did not act on it. In short, we abandoned our workers, our industry and our trade policy in the pursuit of free trade.

And the surrender of our rights under our own trade laws has had serious consequences in the lives of real people. In Maine alone, we lost nearly 15,400 manufacturing jobs since NAFTA's inception, including 2,400 textile jobs, 6,000 leather products jobs, 500 apparel jobs, 3,700 paper and allied products jobs, and 4,800 footwear jobs, excluding rubber footwear, and 5,200 manufacturing jobs so far just this year. We failed those people because we abdicated our responsibility to take a balanced, comprehensive and integrated approach to trade.

That is why I worked to ensure that the ATPA legislation contains at least a 15 year tariff phaseout for rubber footwear, which is supported by the domestic industry. As it was originally written, the ATPA would have signaled the end of our rubber footwear industry by setting a precedent for all other countries. How? By matching this tariff phaseout to the seven years left under the NAFTA, other countries in future agreements would unquestionably seek the same.

During negotiations over NAFTA, the U.S. industry fought to be excluded but grudgingly accepted a 15 year phaseout as a recognition of their import-sensitivity. This is exemplified over the past decades by the decrease we've seen in jobs in this industry from 26,000 workers in the early 1970s to 2,600 today. And I might add, more than a third of those remaining jobs are located in Maine. So to have subjected this industry to the same phase-out date as that required by NAFTA would have put them at yet another debilitating disadvantage by depriving them of another eight years of adjustment. So when it comes to ATPA, to do anything but provide at least the 15 years prescribed under NAFTA would have been unconscionable.

And while we cannot bring back these or other jobs that were lost due to the miscues of the past, we can learn from those miscues and apply the lessons to our present and future actions. We can change our approach at the negotiating table. We can enforce existing trade laws.

In the real world, we have to acknowledge that there are many nations that don't care about labor or environmental standards. And that creates a tilted playing field where it's harder for us to compete. In that regard, this bill makes significant progress on the issues of labor and the environment and I believe it is both a necessary and important distinction that separates this proposal from prior approaches to fast track. The bill before us today not only sets as an overall objective the need to convince our trading partners not to weaken their labor or environmental laws as an inducement to trade, but it also requires the enforcement of existing labor and environmental laws as a principal negotiating objective.

The legislation also recognizes the need to take steps to protect the import sensitive textile and apparel industry. It calls for reducing tariffs on textiles and apparels in other countries to the same or lower levels than in the U.S., reducing or eliminating subsidies to provide for greater market opportunities for U.S. textiles and apparels, and ensuring that WTO member countries immediately fulfill their obligations to provide similar market access for U.S. textiles and apparels as the U.S. does for theirs.

And this legislation includes new negotiating objectives to address the issue of foreign subsidies and market distortions that lead to dumping. As a result, many industries stand to benefit from the adoption of this legislation, including the forest and paper, agriculture, semiconductor, precision manufacturing, and electronic industries of my home state. According to Maine Governor Angus King the fast track approach is, "On balance—beneficial to Maine. There might be some short term problems, but in the long run, we have to participate in the world economy."

And Maine has been participating. From 1989 to 1999, total exports by Maine companies increased by 137 percent from $914 million to $2.167 billion, with the largest industry sector for trade being semiconductors—employing about 2,000 in Maine. The computer and electronics trade, which includes semiconductors, accounted for 33 percent of Maine's exports in 1999, followed by paper and allied products at 17 percent.

The Maine industries that benefit from exports have also seen job gains in the state. From 1994 to 1999, the electrical and electronics industry had a job gain of 2.3 percent and the agriculture, forestry and fishing industry saw a 19 percent increase in jobs. In 2000, Maine's exports supported 84,000 jobs.

And two other Maine industries—the import-sensitive salmon acquaculture industry that was the target of dumping by Chile, and the rubber footwear industry that's been severely impacted by past trade agreements—stand to benefit from commitments I've received from the administration to stand firm on antidumping laws and to negotiate aggressively on their behalf in future agreements.

I have also worked in the Andean Trade Preference Act (ATP) to provide the rubber footwear industry with a comparable tariff provision to that which they received in the NAFTA. The original ATPA further threatened this industry by giving the four Andean nations a tariff phase-out schedule that was only half as long as the 15-year schedule contained in the NAFTA. I am pleased that this legislation now contains this same 15 year phaseout because without this we would be setting a precedent that would be demanded by other countries as well.

These measures and commitments represent a significant strengthening of our resolve and our ability to utilize existing remedies to protect American industries and workers. This comes not a moment too soon, as the success of our economy relies more than ever on fair and freer trade—U.S. exports accounted for one-quarter of U.S. economic growth over the past decade, nearly one in six manufactured products coming off the assembly line goes to a foreign customer, and exports support one of every five manufacturing jobs.

Given these facts, it is understandable concern that the U.S. has been party to only 3 free trade agreements while there are more than 130 worldwide. Since 1995, the WTO has been notified of 90 such agreements while the U.S. only reached one in the trade arena, the Jordan Free Trade Agreement. In contrast, the European Union (EU) has been particularly aggressive, having entered into 27 free trade agreements since 1990 and they are actively negotiating another 15. Perhaps not surprisingly, the Business Roundtable reports that 33 percent of total world exports are covered by EU free trade agreements compared to 11 percent for U.S. agreements.

Why should these facts raise concerns? Because every agreement made without us is a threat to American jobs. Nowhere is this better exemplified than in Chile which signed a free trade agreement with Canada, Argentina and several other nations in 1997.

Since that time, the U.S. has lost one-quarter of Chile's import market, while nations entering into trade agreements more than captured our lost share. According to the National Association of Manufacturers (NAM), this resulted in the loss of more than $800 million in U.S. exports and 100,000 job opportunities. One specific industry affected was U.S. paper products which accounted for 30 percent of Chile's imports but has since dropped to only 11 percent after the trade agreements were signed.

We need to look to the future of our industries and open doors of opportunity in the global marketplace. In order to do so responsibly, we need to learn every economic lesson possible from the past, and this package provides for not only a study I requested of the economic impact of the past five trade agreements, but also an additional evaluation of any new agreements before TPA is extended.

And we need to make sure that everyone who can benefit from these agreements can get their foot in the door. Small businesses, for example, account for 30 percent of all U.S. goods exported, and in Maine more than 78 percent export, so I am pleased this bill includes my proposals placing small businesses in our principle negotiating objectives.

Small businesses also face the biggest hurdles to engaging in international trade, even as it provides them with the best opportunity for growth. So we must ensure their views and needs are addressed in any agreement reached, and I want to thank the chairman and ranking member of the Finance Committee for including my provision to create an Assistant U.S. Trade Representative for Small Business and my proposal requiring the USTR to call for a small business advocate at the WTO in order to ensure that small businesses have advocates at the table during all negotiations.

Finally, the package now includes consultation rights for the House and Senate Committees with oversight of the fishing industry. As the past chair and current ranking member of the Commerce Subcommittee on Oceans and Fisheries, I can tell you that the actions of other countries with regard to fishing plays a crucial role in ensuring our industry has a level playing field on which to compete. Last year this country exported $11 billion worth of edible and nonedible fish products, and in Maine the industry, which is our 5th leading exporter, generates 26,000 jobs.

The bottom line is international trade is inextricably linked to the economic future of the United States. The adoption of this comprehensive package will ensure that trade agreements will be pursued in a fair and balanced manner to the benefit of all Americans while also recognizing the need for expanded assistance for those who lose their jobs due to trade, and I urge its adoption. Thank you. I yield the floor.

Mr. REID. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time under the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Madam President, I rise to voice my support for the pending legislation, the trade promotion authority, as well as the TAA, a bill that is before us, the Trade Adjustment Assistance Act. While it is not a perfect bill by any stretch of the imagination, it is important in two respects. It promotes trade and it gives the President the opportunity to craft free trade agreements and open markets.

Pennsylvania, for example, had exports in 2000 to the tune of $24 billion. We export to over 204 foreign destinations. It is a very important part of Pennsylvania's economy, and it would be vitally important for Pennsylvania if we could open markets particularly with South America. We can begin to structure free trade agreements.

Several South American countries, for example, are very big users of the Port of Philadelphia. Free trade agreements would mean a lot to businesses in Philadelphia, as well as our transportation industry in Pennsylvania, which is a big part of the Pennsylvania economy.

We have tremendous opportunities in Pennsylvania with our manufacturing base, our high-technology industries, our agriculture, to export not just to South America but around the globe.

This is a great opportunity for this administration to structure deals, to bring down tariffs, and to allow us to compete better in the global marketplace.

While I do have some concerns about the Trade Adjustment Assistance Act, I do believe it is important for us to pass a trade adjustment assistance act that does deal with some of the downsides. I think there are a lot of upsides, a lot of good, quality jobs. But there will be some who will lose their jobs, and we need to be there to be helpful, to deal with those who are hurt by the actions of the Federal Government, by trade agreements that result in people losing their jobs.

In the end, there is no question that trade is a net positive for this country. It will improve the quality of life for millions of Americans, and not just for those who will get better paying jobs because of trade but also people will be able to get better quality goods and less expensive goods as a result of trade with countries around the world.

So this is a win-win, in my opinion. We will be taking care of those who will be hurt and, at the same time, we will be expanding opportunities for millions of people and create a better way of life for our citizenry here at home.

Madam President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, we are about to begin a series of votes on amendments that have been pending on the trade package. I urge Senators to stay on the floor and to respect the need to discipline ourselves in regard to the amount of time allocated for the votes. Oftentimes, 10- or 15-minute votes turn into half-hour votes. So, please, stay on the floor. We have at least 8, perhaps as many as 10, rollcall votes that will be occurring momentarily.

UNANIMOUS CONSENT REQUEST—S. 2551

Mr. DASCHLE. Prior to that, I urge our colleagues to consider the final piece of business. I am pleased the distinguished chair of the Appropriations Committee is on the floor. He and I have had many conversations with regard to the need to pass the supplemental.

The President has admonished the Senate to complete our work on the supplemental before Memorial Day. I have indicated to Senator BYRD that that would be my desire, to complete our work on the supplemental prior to Memorial Day. And I indicated on the Senate floor earlier today it would be my hope that we could complete our work.

Obviously, there are many pieces of legislation that await us when we return.

So for a lot of reasons, the fact that this money is going primarily to defense and homeland security—we have seen warnings now issued in the last couple of weeks with regard to the need to respond even more consequentially to our homeland security requirements—I think the urgency of the bill is very much in evidence.

Madam President, I ask unanimous consent that immediately following the disposition of the trade bill, the Senate proceed to the consideration of S. 2551, the Senate supplemental appropriations bill; that there be 10 hours for debate on the bill, equally divided between the chairman and the ranking member of the Appropriations Committee; that all amendments be relevant to the bill and limited to 30 minutes of debate, equally divided in the usual form, with the amendment debate time counting toward the 10-hour cap; and that upon the disposition of the amendments, the bill be read a third time and passed, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object——

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN.—and I will object—first of all, I believe it is the procedure in the Congress for all revenue bills to be passed by the other body first. Isn't that correct? We would wait for the other body to proceed with their completion of the appropriations bill, which they have not done.

Madam President, just last night my office received these two documents: one at 50-some pages and the other 50-some pages, which is an explanatory statement of the recommendations of the Senate committee. We have not had a chance, obviously, to go through that long appropriations bill.

I noticed, among other supplemental appropriations, there is $5 million for individual quota fishing loans. I knew we were in an emergency here in the country—these fishing loans for halibut, I guess there is a halibut problem up in Alaska of which, unfortunately, the Nation has not been made aware.

But buried in this bill are other "emergencies," such as the halibut emergency for $5 million. There are fundamental changes made in the aviation loan program which was passed overwhelmingly by this body for the airlines, which really has nothing to do with supplemental appropriations. There are many other policy changes, as is the practice of the Appropriations Committee—as is the practice.

I am not going to agree to any unanimous consent request. This bill has been over since April. We just got it last night. And you expect us to agree to 10 hours of debate and passing this bill? No. No. It is disgraceful.

We are going to change the way we do business around here. The appropriators are going to understand that there are other Senators who need to be involved when in an emergency supplemental appropriations bill there are policy changes which have nothing to do with any national emergency—whether they be a change to the aviation loan program or whether they be an emergency for halibut.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Madam President, let me respond briefly, because I know the distinguished Republican leader would like to make a comment as well.

With regard to the House action, of course, we wouldn't complete our work on the bill until the House has done its work. We expect that will be done shortly. We have done similar appropriations work on many occasions in the past. We need to move forward.

As I said, there is an urgency to many of the provisions of this legislation. We are talking about defense and homeland security in particular.

I would also note that this bill is subject to amendment. Senators wishing to offer amendments would be entitled to do so.

I am disappointed we were not able to get the unanimous consent agreement. I think it does again delay our chances to complete this work and to get it done in a way that accommodates the President's request and our appreciation for the urgency of addressing this work.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Madam President, we received this request at approximately 5:28 this afternoon. I will make a couple of points with regard to the legislation, some of it with regard to what Senator MCCAIN was just saying.

I understand the Senate bill was reported last night and we were only able to get a copy of the measure earlier today. Senator MCCAIN and others are going through the bill to see exactly what its present condition is. It is obviously in the legislative process. It is different from what the President had requested. It is different from what the House passed. Therefore, we need to make sure we know exactly the present condition of what is in the bill.

For instance, the President asked for this supplemental for defense and homeland security, about $27.1 billion. The House-passed bill that we have not yet received is at approximately $29.4 billion. This bill is approximately $31 billion.

Mr. MCCAIN. Will the Senator yield for a question on that?

Mr. LOTT. I am glad to yield.

Mr. MCCAIN. Isn't it the Senator's recollection that when this side of the aisle was in the majority, the other side always insisted that the appropriations bills come over from the House before the Senate would be allowed to act? Is that not the recollection of the Senator?

Mr. LOTT. I know in the past my colleagues on the other side insisted we wait on the House appropriations bill in order to provide a defense of germaneness. So that has been the practice; the Senator is correct.

I understand we are going to get the House bill later tonight, but it may be, actually, in the morning before we get it. I also understand that no report was filed with the bill, although there is some sort of explanatory statement. Perhaps that will be helpful and maybe that is intended to be in place of the report. That is a concern, too.

The consent that was propounded asked for debate and amendment limits before Members even really knew what we would be amending. It puts us in a very difficult position.

Having said all of that, certainly this measure is vitally important. I have already been talking to Senator DASCHLE about what is the best way to go to it, what is the earliest time we could go to it. Even if we took it up and some wanted time later on tonight or tomorrow, it looks to me as if it would take quite some time to get it done. We would not be able to get into conference with the House before we come back from the Memorial Day recess.

I am hoping we could go ahead and talk back and forth and try to get agreement that when we come back from the recess, if we don't get some agreement worked out otherwise, it would be the pending business or we would quickly get a process so we could start work on it Monday when we come back or Tuesday, the 4th, and hopefully get agreement relatively quickly, even with amendments, once people know what they are amending, and then be able to get it right on in to the conference with the House.

Clearly, we do need to get this done. I must say that it has been a slow process. The request from the administration was slow coming. The bill coming from the House has been slow. Now here we are right up against this recess. It has not been the best way to do it.

It is about $4 billion more than what the President asked. I am sure the mix within that $31 billion has been changed. We need to take a look at it. Hurriedly, we have been trying to go through what has been added. Clearly, a lot of it is not national defense or homeland security related: things such as the senior farmer's market nutrition program, money for a national polar orbiting operating environmental satellite system, some amount of money for attorney retention allowance for the District for attorneys that, even though they got a bonus for staying with DC, they subsequently became union members and were not entitled to the bonus. This would say they can keep the bonus. There is U.N. population fund language in here which always causes a fuss.

Just looking hurriedly over the amendments on agriculture, justice, commerce, DOD, education, a lot of issues that would not be described in any way as relating to national defense and homeland security, we need a little time to review all this and see what amendments may be necessary.

I must say—I know Senator BYRD understands this—I always am very antsy about proceeding without Senator STEVENS being around when we are doing appropriations bills. So that is a factor, too.

UNANIMOUS CONSENT REQUEST—S. 2551

Mr. LOTT. Madam President, I ask unanimous consent—this is a modification of the earlier request—that the Senate would proceed to the House supplemental appropriations bill on Monday, June 3, at a time to be determined by the majority leader after consultation with the Republican leader so we could get to this bill immediately upon our return.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Madam President, I object, for two reasons. First, it seems to me the whole issue is urgency. We are talking about defense and homeland security. If there is any urgency to making the commitment to getting the work done, it ought to be now, not a week or 10 days from now.

Secondly, we don't know when the House will produce the bill. Perhaps the House will complete its work; perhaps it will not. We know we have a job to do. As we have done on so many other occasions, we have done our work and waited for the House to act. If the House completes its work, perhaps that is something we can do. But we are not in a position to know what the House is going to do. Obviously, it would be very difficult for us to build a consent agreement around House action that may or may not take place.

I do object. I do recognize, as the Senator from Mississippi, the distinguished Republican leader, has noted, we will have to reach some agreement. If it can't be done now, it will have to be done soon. It is disappointing that it cannot be done now.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. McCAIN. I want to mention just an example of why we need to go through this legislation. It has just been pointed out to me, here is $2 million in this bill, which is entitled "Supplemental Appropriation Act for Further Recovery from and Response to Terrorist Attacks on the United States"—that is the title of this legislation—

Other related agencies, Smithsonian Institution construction, $2 million: the committee recommends an amount of $2 million within construction to initiate the planning and design of an alcohol collection storage facility. The Smithsonian holds the largest collection of this kind in the world, and at present a large portion of it is stored in the National Museum of Natural History. The Smithsonian has requested this amount and the fiscal year 2003 budget estimate indicates it is a most important safety and security project.

Given this information, the committee has advanced the appropriation of funds required in planning and design in order to accelerate the project.

All of those bugs that are stored in alcohol in the Smithsonian—when we are trying to recover from and respond to the terrorist attacks on the United States by moving some alcohol encased bugs from one facility to another—this is another example of why in the world we need to examine this legislation.

The Senator from Pennsylvania is going to be recognized. There is a provision in this bill that is far more serious than moving bugs stored in alcohol for $2 million. That has to do with the aviation program. The legislation was passed by this body overwhelmingly because of the danger of airlines going bankrupt, and now one major airline at least will not be eligible for loans because there is not enough money there and we are going to see major airlines in America go bankrupt if we don't avoid that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I want to pick up on what the Senator from Arizona said. He is ranking member on the Commerce Committee. They worked diligently on putting together the aviation loan program. One airline has access to the program, and that happens to be America West. There is another airline that is on the brink of bankruptcy that is hemorrhaging money right now, but it has brought in a management team to restructure the airline. Part of this restructuring plan is US Airways' access to this fund. What is in the appropriations bill will deny them access to this fund until the fall of this year, which may be too late for them to be able to get the adequate capital to continue operation. We may be bankrupting an airline that serves the whole northeastern quadrant of the United States for I don't know what reason.

I have no idea why this provision is in here, but we are pulling the rug out from under an airline that was probably the airline most affected by 9-11. This is the airline with its hub at Reagan National, which was shut down and flights were restricted. This is an airline that flew out of New York, and it served the area most impacted by 9-11. And now we have an appropriations bill that is going to probably deny them survival. It is the most impacted airline by 9-11 and we have a bill here that is supposed to help us recover from 9-11, and it may be the death knell of the airline.

The bottom line is, this bill is not ready for passage. There are serious changes that must be made in this legislation for this bill to go through the Senate.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

Mr. REID. What is the order before the Senate?

The PRESIDING OFFICER. The last 10 minutes of debate are reserved by the Senator from West Virginia.

The Senator from West Virginia is recognized.

AMENDMENT NO. 3527

Mr. BYRD. Madam President, what is the question before the Senate?

The PRESIDING OFFICER. Amendment No. 3527 by the Senator from South Carolina to amendment No. 3447 offered by the Senator from West Virginia.

Mr. BYRD. Madam President, the purpose of my amendment is because we are on the verge of passing fast-track legislation that would tie the hands of Senators who wish to amend trade agreements that come before Congress. It is imperative that we as members of the legislative branch become more active in the negotiation of those agreements. We must establish the means for Senators and Representatives to be consulted on trade negotiations in order to allow them to advise the administration on how to best protect the interests of their constituents.

Based upon the trade act of 1974, members of the Senate Finance Committee and the House Ways and Means Committee are able to serve as congressional advisers for trade policy. Members of those committees can also exercise oversight on the implementation of trade agreements. But the rest of the Members of the Senate and the House are left out in the cold when it comes to being able to sit in on important trade negotiations and being consulted on the contents of a trade agreement before it is sent to Congress for approval.

My amendment corrects this situation by enlarging the congressional oversight group so that the group would be comprised of 11 Senators and 11 Representatives who do not serve on the Finance Committee or the Ways and Means Committee. The congressional oversight group can then serve with the members of the committee of jurisdiction to advise negotiators in the executive branch on how to craft a trade agreement that promotes fair trade practices and protects the interests of our constituents.

My amendment does not take any powers away from the committees of jurisdiction. To the contrary, the amendment contains specific language that directs the cochairman of the congressional oversight group to open their meetings and to share all information with members of the Finance Committee and the Ways and Means Committee.

These committees and the congressional oversight group should work together to promote consultation between the executive and legislative branches on trade agreements. I do trust the Finance Committee to consult with other Senators on the contents of trade agreements, but as Ronald Reagan once said, "Trust but verify."

Let the committees of jurisdiction do their work, but let us also allow a broader membership of the House and Senate to participate in the consultations on trade agreements. The particular needs of our individual States may not be apparent to members of the Finance Committee.

Incidentally, Madam President, proponents of the fast-track bill have argued that we need to pass this legislation to allow the President to negotiate trade agreements. But the President already has the power to negotiate agreements with foreign countries. We do not need legislation to give the President his inherent powers.

What fast track really does, however, is to cut out the Senate and the House of Representatives from proposing amendments to trade agreements. If Congress cannot amend trade agreements, it is all the more important for Members of Congress to become more involved in the negotiating process by broadening the membership of the congressional oversight group, as my amendment does. Congress may have a better chance at influencing prospective trade agreements to take into account the interests of our constituents. I urge my colleagues to vote for the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Madam President, I advised my colleague from West Virginia several hours ago that I was going to move to table his amendment.

I ask unanimous consent to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, one, I didn't want to speak against the amendment of my friend and colleague and move to table it without him having a chance to make his presentation.

I happen to be a member of the Finance Committee, and the Finance Committee does have principal jurisdiction over trade. If we are going to have a trade advisory committee that would advise the administration and is composed of members appointed by the Senate President pro tempore, with the advice of the leaders, as proposed in this amendment, it also says to exclude members of the Finance Committee. I cannot imagine doing that. It sets up a separate committee, but we have a committee of jurisdiction that deals with trade. Now it says we are going to have a separate committee that will do the same thing. We don't do that in Appropriations or in the Judiciary Committee or Energy or in any other committee.

I think the committee process needs to work. This is as if to say let's have a duplicate committee outside of the Finance Committee. I think it is a serious mistake, a bad precedent. Maybe we should have two committees for everything, and if somebody doesn't like what comes out of the original committee, we can go to the other committee. I cannot imagine legislation that says let's have a separate committee and exclude members of the Finance Committee. I urge my colleagues to support a motion to table the amendment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

(Rollcall Vote No. 125 Leg.)

YEAS—66

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Domenici
Durbin
Ensign
Enzi
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—32

Akaka
Boxer
Byrd
Carnahan
Cleland
Clinton
Corzine
Dayton
Dodd
Dorgan
Edwards
Feingold
Feinstein
Harkin
Hollings
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Mikulski
Nelson (FL)
Reed
Reid
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The motion was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

Mr. DASCHLE. I ask that the following votes be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BINGAMAN. I call for regular order.

The PRESIDING OFFICER. The question recurs on amendment No. 3448.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there is no time under the rule for Senators to speak before their amendment is called up. I ask unanimous consent that Senator BYRD, who has two amendments, be given 5 minutes on each of those amendments; and following that, we have 2 minutes, equally divided, on each amendment.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, let me see if I understand. For this amendment, we are saying 5 minutes on each side, and all subsequent amendments 2 minutes on each side.

Mr. REID. One minute on each side.

Mr. NICKLES. I won't object.

Mr. BUNNING. I object.

The PRESIDING OFFICER. The objection is noted.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I renew the unanimous consent request. I renew my unanimous consent request as amended by the Senator from Oklahoma.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order. Conversations will be taken off the floor so the Senator can be heard.

AMENDMENT NO. 3448

Mr. BYRD. Mr. President, this bill prevents the Senate from enacting a resolution of disapproval——

The PRESIDING OFFICER. The Senator will suspend.

The Senate will be in order. Conversations will be taken off the floor. May we have quiet in the Chamber so the Senator can be heard.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this bill prevents the Senate from enacting a resolution of disapproval against a trade agreement that it finds objectionable, unless the Finance Committee chooses to report such a resolution to the full Senate. A resolution of disapproval enacted by the Senate would withdraw the application of fast track procedures to any bill the President submits to the Congress to implement a trade agreement.

Although, at first glance, the bill before us appears to permit a Senator to introduce a resolution of disapproval rejecting fast track procedures applied to a trade agreement that is brought back to the Senate by the President, the reality is that such a resolution most probably would never come to the floor of the Senate for a vote.

This is because the bill states that, once a resolution of disapproval is introduced and referred to the Senate Finance Committee, it will not be in order for the full Senate to consider the resolution if it has not been reported by the committee. In other words, a disapproval resolution cannot be forced to the floor through a discharge of the Senate Finance Committee. The way this bill is currently written, if a resolution of disapproval is not reported out of the Senate Finance Committee, it might as well never have been introduced. The resolution may simply lie there until it dies.

This means that, so long as the Senate Finance Committee endorses the President's agreement, the views of the rest of the Senate are irrelevant. Enacting fast-track in this bill prevents the Senate from exercising its Constitutional responsibility to reject or modify trade agreement that are not in the best interests of the American people.

It is imperative that every Senator retain his or her right to introduce a resolution of disapproval that can be considered in the light of day by the full Senate. To this end, my amendments require that, upon introduction, any resolution of disapproval—including an extension resolution of disapproval—will be referred not only to the Senate Committee on Finance, but also to the Senate Committee on Rules and Administration. The Rules Committee is essential to this process, because it is charged with making the rules and procedures that govern this institution, and its expertise is essential to our enforcement of commitments undertaken by our trading partners in the trade agreements negotiated by the President.

Under these amendments, each of these committees will be required to report the resolution of disapproval that has been referred to it within 10 days of the date of its introduction and, if either of these committees fails to report the resolution of disapproval within that time, either of these committees shall automatically be discharged from further consideration of the resolution. The resolution shall then be placed directly on the Senate calendar. Once the disapproval resolution is placed on the Senate calendar, any Senator may make a motion to proceed to consider that resolution, and the motion to consider the resolution shall not be debatable.

If enacted as currently written this bill would effectively cut a majority of Senators out of the trade regulation process, preventing them from correcting sweeping changes in trade law that could unfairly affect the lives of their constituents who rely on the Senate to protect their interests.

I can't support surrendering the rights and prerogatives, the duties and responsibilities of the Senate to any President, Democrat or Republican. We in the Congress have an obligation to strike down trade agreements that adversely affect the American people. But it is impossible for us to do so if we do not provide ourselves the opportunity to adequately review, debate, amend, or reject their provisions as we are rightly empowered to do under the Constitution of the United States. These amendments ensure that we retain the power to modify or reject trade agreements that are not in the best interests of the United States and, in so doing, protect the economic wellbeing of the Nation and of the people we represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I strongly oppose this amendment. It does away with the very purpose of this legislation before us, and that is to give the President credibility at the negotiating table and to have a process by which Congress will consider the results of negotiation. So it strikes at the disapproval resolution process. This amendment adds language, then, directing the procedural disapproval resolutions be referred to the Committee on Rules and Administration. The effect of the amendment on trade promotion authority is threefold.

The PRESIDING OFFICER. The Senator will suspend.

Senators kindly take conversations off the floor so the Senator can be heard. The Senator has a right to be heard.

Mr. GRASSLEY. First, it wrests control over consideration of procedural disapproval resolutions from the Finance Committee and gives it to the Committee on Rules and Administration; second, to make procedural disapproval resolutions open for debate with automatic discharge from committee of jurisdiction; third, to provide for an unlimited number of procedural disapproval resolutions to be considered during any given session of Congress.

The intent is clear. It is an attempt to weaken trade promotion authority and create multiple and unlimited opportunities to derail trade promotion authority procedures during any given session of Congress. If the amendment is agreed to, a single Senator can put forward a resolution which would stop a particular trade negotiation in its tracks. We all know there are some Senators who do not like trade promotion authority and do not even like international trade. Should this amendment be agreed to, you can be assured that the Senate will be considering multiple procedural disapproval resolutions during any Congress.

Let us be clear. This amendment is designed to weaken trade promotion authority procedures, procedures which have effectively worked for over 50 years in advancing international trade interests. It really comes down to this: Either you believe in the proven effectiveness of the trade promotion authority procedures or you do not. If you do, then I strongly urge you to oppose this clever yet potentially devastating amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, all Senators should be aware that we have 10-minute votes scheduled. The leaders have both indicated they would like the votes to be completed shortly after the 10-minute time. Everyone should be aware of that or they will not be counted.

Mr. GRASSLEY. I move to table.

Mr. NICKLES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—66

Allard
Allen
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Chafee
Cleland
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kohl
Kyl
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—32

Akaka
Bayh
Biden
Boxer
Byrd
Carnahan
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Hollings
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Mikulski
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone

NOT VOTING—2

Helms
Inouye

The motion was agreed to.

AMENDMENT NO. 3449 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized. There are 10 minutes of debate on the amendment, evenly divided.

Mr. BYRD. Mr. President, I ask unanimous consent to withdraw the second amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is withdrawn.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3451

Mr. BAUCUS. Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order is amendment No. 3451 offered by the Senator from West Virginia.

Mr. BAUCUS. I am sorry, amendment number?

The PRESIDING OFFICER. Amendment No. 3451 offered by the Senator from West Virginia.

Mr. BAUCUS. Mr. President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

The Senator from West Virginia.

AMENDMENTS NOS. 3452 AND 3453 WITHDRAWN

Mr. BYRD. Do I have some remaining amendments?

Mr. BAUCUS. Yes.

Mr. BYRD. I thought I had withdrawn them. If I have not, I ask unanimous consent that I may withdraw them.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana.

AMENDMENT NO. 3458, AS MODIFIED

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Durbin amendment No. 3458 be modified with the text of amendment No. 3505, and that the amendment be considered and agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3458), as modified, was agreed to, as follows:

After section 3201, insert the following:

SEC. 3204. DUTY SUSPENSION ON WOOL.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—

(1) HEADING 9902.51.11.—Heading 9902.51.11 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(2) HEADING 9902.51.12.—Heading 9902.51.12 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "2003" and inserting "2005"; and

(B) by striking "6%" and inserting "Free".

(3) HEADING 9902.51.13.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(4) HEADING 9902.51.14.—Heading 9902.51.14 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(b) LIMITATION ON QUANTITY OF IMPORTS.—

(1) NOTE 15.—U.S. Note 15 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 3,500,000 square meter equivalents in calendar year 2002, and 4,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(2) NOTE 16.—U.S. Note 16 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 2,500,000 square meter equivalents in calendar year 2002, and 3,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(c) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—The United States Customs Service shall pay each manufacturer that receives a payment under section 505 of the Trade and Development Act of 2000 (Public Law 106-200) for calendar year 2002, and that provides an affidavit that it remains a manufacturer in the United States as of January 1 of the year of the payment, 2 additional payments, each payment equal to the payment received for calendar year 2002 as follows:

(A) The first payment to be made after January 1, 2004, but on or before April 15, 2004.

(B) The second payment to be made after January 1, 2005, but on or before April 15, 2005.

(2) CONFORMING AMENDMENT.—Section 506(f) of the Trade and Development Act of 2000 (Public Law 106-200) is amended by striking "2004" and inserting "2006".

(3) AUTHORIZATION.—There is authorized to be appropriated and is appropriated out of amounts in the general fund of the Treasury not otherwise appropriated such sums as are necessary to carry out the provisions of this subsection.

(d) EFFECTIVE DATE.—The amendment made by subsection (a)(2)(B) applies to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3461

Mr. BAUCUS. Mr. President, once again, will the Chair please state the regular order?

The PRESIDING OFFICER. Amendment No. 3461 offered by the Senator from New Jersey.

Mr. BAUCUS. I thank the Chair.

Under the agreement, there is 1 minute equally divided?

The PRESIDING OFFICER. Two minutes equally divided.

The Senator from New Jersey.

Mr. CORZINE. Mr. President, this amendment is offered by myself and Senator DODD and others. It is an important and simple request for our trade negotiators to respect the role of Congress and elected State and local officials to determine the nature and scope of significant public services.

Regardless of my colleagues' view on TPA, it is one thing to delegate congressional authority on trade negotiations, but it is a serious leap beyond that to delegate constitutional responsibilities of elected officials when it comes to determining what public services should be privatized.

This amendment would establish as a principal negotiating objective that trade agreements should not include a commitment by the United States to privatize significant public services, such as Social Security, national security, public health and safety, and education.

This is simple and straightforward. We should not be turning over, to the delegation of unelected trade negotiators, determinations about issues such as Social Security and national security. That should be determined here, with debate on the floor of the Senate and the House of Representatives, and by duly elected officials. Straightforward, simple.

Mr. President, as I have explained, my amendment establishes as a negotiating objective that trade agreements exclude commitments by the Untied States to privatize significant public services. The amendment specifies four types of public services that represent core functions of Government and that are specifically protected. These include national security, Social Security, public health and safety, and education.

I want to make clear for the record, however, that these four areas are not the only types of public services that would be protected by my amendment. Since this legislation establishes only broad negotiating objectives, not highly detailed requirements, I have not listed each and every affected public service with great specificity. However, it is my intention that the amendment would apply to a wide range of public services. These include, for example, public transportation, public utilities, the Untied States Postal Service, and law enforcement, as well as other significant public services provided at the federal, state and local levels.

For a public service to be protected under the amendment, it would have to be "significant." This is designed to ensure that the amendment not be interpreted too broadly to apply to even small and relatively marginal types of services. For example, if a local government decides to maintain a small snack bar at a local pool, I would not conclude that this is a significant public service that could not be opened to private competition. However, the provision of water or sewer services, which are provided on large scales by a substantial number of municipalities, and are important for the protection of public health, would be covered.

In any case, again note that the amendment deals only with trade negotiating objectives. It would not completely tie the negotiators' hands or trigger any lawsuits. It simply says that our objective should be to leave the provision of significant public services as a decision for elected officials, not distant, unelected trade bureaucrats.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I oppose this amendment. And what troubles me most about the amendment is that it unnecessarily carves out privatization of particular service sectors from negotiations. These service categories include national security, Social Security, public health and safety, and education, as well as other significant public services.

This language is so broad that it could be used by our trading partners to close off market access to U.S. service exports. This situation could be especially troublesome in the telecommunications sector where many of our trading partners maintain government-owned telecom companies.

Including this language, which is very sweeping, in the trade promotion authority bill could severely undermine our ability to open these markets. That is why I ask my colleagues to reject the amendment.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—49

Allard
Allen
Baucus
Bennett
Bingaman
Bond
Breaux
Bunning
Burns
Campbell
Chafee
Cochran
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—47

Akaka
Bayh
Biden
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—4

Brownback
Helms
Inouye
Shelby

The motion was agreed to.

AMENDMENTS NOS. 3463, 3464 AND 3465 WITHDRAWN

Mr. BAUCUS. Mr. President, on behalf of Senator HOLLINGS, I withdraw amendments Nos. 3463, 3464, 3465.

The PRESIDING OFFICER. Without objection, the amendments are withdrawn.

Mr. BAUCUS. Thank you, Mr. President. What is the regular order?

AMENDMENT NO. 3470

The PRESIDING OFFICER. Amendment No. 3470 by the Senator from Louisiana, Ms. LANDRIEU.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I want to begin by thanking the chairman and ranking member of this committee. I do support the underlying bill. I have tried to be helpful through this process in passing this bill.

However, there are maritime workers in our Nation who have been adversely affected because of a recent ruling. They are not entitled to benefits under this bill. Instead of picking up employment checks, or paychecks, they will be picking up unemployment checks, unless this amendment passes. So for port communities such as New Orleans and Houston and New Jersey and New

York and Seattle, where maritime workers could qualify, this amendment will help. It only costs $10 million. It lasts for only 3 years. Out of an $8 billion bill, our maritime workers deserve some help. They have earned it; they deserve it. That is what my amendment does.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I make a point of order that the Landrieu amendment No. 3470 violates section 311(a)(2)(B) of the Congressional Budget Act of 1974.

Ms. LANDRIEU. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable section of the act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SHELBY) and the Senator from Kansas (Mr. BROWNBACK) are necessarily absent.

The PRESIDING OFFICER (Mr. CORZINE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 46, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Hollings
Hutchison
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Snowe
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—46

Allard
Allen
Bennett
Bond
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Sessions
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—4

Brownback
Helms
Inouye
Shelby

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Montana.

AMENDMENT NO. 3521

Mr. BAUCUS. Mr. President, I do not see Senator JEFFORDS. On behalf of Senator JEFFORDS, I offer amendment No. 3521.

The PRESIDING OFFICER. The amendment is pending.

Who yields time?

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I do not think there is any objection to this amendment. This is in proper order, and I ask for it to be accepted.

Mr. BAUCUS. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3521.

The amendment (No. 3521) was agreed to.

AMENDMENT NO. 3467

Mr. BAUCUS. Mr. President, it is my understanding the next amendment is No. 3467 by Senator WELLSTONE.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am a first-generation American. My father fled persecution from Russia, and I am always most proud of our country when we promote human rights.

This is an amendment that simply says surely one of our objectives should be to promote human rights and democracy, and we call on our trading partners to strive to meet these human rights standards.

There are somewhere in the neighborhood of 70 governments in the world today that systematically practice torture. At the very minimum, we can at least say one of our objectives in trade policy will be to promote human rights and democracy. That is all this amendment does. I think it means our country leads with our own values. I think it is important we make that statement, and I hope there will be a strong vote in favor of the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Opportunity is the greatest of human rights anywhere in the world. Trade is all about opportunity, so this whole bill is all about human rights. This amendment upsets a carefully crafted bipartisan compromise dealing with these complex relationships between international trade, workers' rights, and the environment, and it does so by undermining the fundamental purpose and proven effectiveness of our trade promotion authority.

This amendment offers vague new standards stating that the countries should strive to protect "internationally recognized civil, political, and human rights," without even defining those rights. It sets our negotiators up for failure and jeopardizes this bill.

If we really want to promote democracy and human rights abroad, then we should all oppose this amendment and pass the bill because history shows that time and again open markets help foster a more open political system and the human rights that go with it. Mexico is an example. There is Taiwan and South Korea, all sorts of examples of human rights being better today than they were 50 years ago, all because of more open markets and international trade.

I yield back my time.

The PRESIDING OFFICER. All time has expired.

The Senator from Nevada.

Mr. REID. Mr. President, following the vote on the Wellstone amendment, we will immediately go to a vote on the substitute that is now before the Senate. I ask if that needs a rollcall vote because we are going to have to vote on the bill itself, so I do not know if we need to vote twice. I again ask, do we need a rollcall vote? I ask Senators to make that decision during the time we are voting on the Wellstone amendment. It would seem to me this would be a good time to voice vote that and wait until there is final passage on the bill itself.

The PRESIDING OFFICER. Is there objection?

The Senator from West Virginia.

Mr. BYRD. Reserving the right to object, Mr. President, earlier today I saw some language that indicated that the committee, in an amendment—I assume it was going to be included in the managers' amendment, or under the rubric of "technical amendments"—was making direct appropriations. I ask the manager of the bill right here and now, is there any amendment in either the technical amendments or the managers' amendment that purports to make a direct appropriation?

Mr. BAUCUS. I inform the chairman of the Appropriations Committee, the answer is no, there is not.

Mr. GRASSLEY. I have the list in front of me. As I recall discussions of this list, I don't remember anything that has any appropriations in it whatsoever and it is not our intent to appropriate money in these amendments.

Mr. BAUCUS. If I might further respond to my good friend from West Virginia, I have just been informed we don't believe there are any such provisions, but we are scrubbing it right now to make sure. We don't believe, at this point.

Mr. BYRD. Mr. President, I think we ought to have a quorum call so we can take a good look and be absolutely sure.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 3467

The PRESIDING OFFICER. The question is on agreeing to the Wellstone amendment.

Mr. WELLSTONE. I want a vote.

Mr. DURBIN. I ask for the yeas and nays.

Mr. BAUCUS. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SHELBY), and the Senator from Kansas (Mr. BROWNBACK), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 53, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—42

Allard
Allen
Baucus
Bennett
Bond
Breaux
Bunning
Burns
Campbell
Chafee
Cochran
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—53

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Hutchinson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stabenow
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—5

Brownback
Helms
Inouye
Lieberman
Shelby

The motion was rejected.

Mr. WELLSTONE. Mr. President, I ask to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 3467.

Without objection, the amendment is agreed to.

The amendment (No. 3467) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding we are now at the point where we could vote on the substitute; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. It is my understanding the chairman of the Appropriations Committee has met with the chairman and ranking member of the Finance Committee and they have worked out the problem that existed. Is my understanding correct?

Mr. BYRD. Mr. President, may I respond?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. The language is being changed so it makes a reference to an authorization, not to an appropriation. It earlier made appropriations in this bill. That was not the intent. Mr. BAUCUS has assured me. That change has been made now, and the full understanding between the chairman of the Finance Committee and myself and the ranking member of the Finance Committee is that there was no intent to make an appropriation. Therefore, I have no objection to the request by the majority whip.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I send a technical amendment to the desk amendment and ask unanimous consent that it be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3548 TO AMENDMENT NO. 3401

Mr. BYRD. Mr. President, if I may have the attention of Senators, several references to appropriations have been found in the language. But I am constrained to believe, on the assurances of the distinguished chairman of the Finance Committee and the ranking member, that these were inadvertences. So we have stricken several of them.

Just to make doubly sure that this bill does not make any appropriations, I offer the following amendment, which, is agreed to, would save a lot of time:

At the end, add the following:

"Notwithstanding any other provision of this Act, no direct appropriation may be made under this Act."

I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3548) was agreed to.

Mr. BYRD. I thank all Senators.

U.S. TRADE LAWS

Mr. BAUCUS. Mr. President, last year, nearly two-thirds of the Senate sent a letter to President Bush emphasizing that new trade agreements must not weaken trade remedy laws such as antidumping and countervailing duty law.

The fast track bill we are considering today reemphasizes that point. Section 2(c)(9) of the bill instructs the President to preserve, in all trade negotiations, the ability of the United States to enforce rigorously its trade remedy laws and to avoid any agreement that would require weakening of the current U.S. antidumping, countervailing duty and safeguard remedies.

Today, I would like to make two key points about this provision. First, the Committee on Finance regards strict adherence to the section 2(c)(9) directive as critical in advancing the economic interests of the United States in future trade agreements. The bill's language here is unambiguous in the sense that, rather than establishing preservation of our trade remedy laws as simply a "negotiating objective," it bluntly states that the President "shall" preserve those laws.

Second, the negotiating instruction encompasses any weakening of the existing remedies, whether at the level of statute, regulation or agency practice. This means that the President "shall" reject any new international rule or obligation whose acceptance would lead to relief under our existing trade laws becoming more difficult, uncertain, or costly for domestic industries to achieve and maintain over time.

I am very concerned about the Administration's decision in Doha last year to put U.S. trade laws on the negotiating table. Many of our trading partners have only one goal to weaken our trade laws so they can gain an unfair competitive advantage. A number of WTO Members have put forward some specific proposals. I want to highlight today a few examples of new international obligations that have been proposed by WTO Members, and that would obviously result in a weakening of U.S. trade laws, including: One, a "public interest" rule politicizing and encumbering the administrative processes under which these laws are currently applied; two, a requirement to exempt from trade remedy measures items alleged to be in "short supply" in the domestic market; three, a so-called "lesser duty" rule limiting antidumping and countervailing duties to some amount less than the calculated margin of dumping or subsidy, such as the amount supposedly necessary to offset the injury; and four, any extension of faulty dispute resolution models such as Chapter 19 of the NAFTA.

Mr. President, there are other examples, but these are some of the key concerns that I have and I know many of my colleagues share. I also want to emphasize that this is very much a bipartisan issue. Members on both sides of the aisle feel strongly about protecting U.S. trade laws. And along those lines, I believe my good friend and ally in protecting U.S. trade laws, would like to express some of his concerns about this issue.

Mr. ROCKEFELLER. I certainly share the Senator's concern regarding the potential for new trade agreements to weaken U.S. trade remedy laws, in particular the antidumping and countervailing duty laws. These essential laws level the playing field on which our firms and workers compete internationally, and serve the crucial function of offsetting and deterring some of the most harmful unfair trade practices affecting international trade today.

The steady leadership the Senator has provided on this issue has been admirable, and I certainly hope the message has gotten through. It would be a serious mistake indeed to think that an agreement or package of agreements can be successfully presented to Congress for approval, under fast-track rules or otherwise, if it includes any weakening changes to our trade remedy laws.

I believe the Senator has accurately captured the general definition of a "weakening" change, and I agree fully with the examples he has laid out. I want to ask about some other proposals which have already surfaced at this early stage of the WTO negotiations, and which in my view must be rejected under the standard set out in section 2(c)(9).

These proposals include:

One, changes to the rules for "sunset" reviews of antidumping and CVD measures which would make it more difficult to keep relief in place; two, additional constraints or criteria for dumping calculations, in areas where current WTO rules and U.S. law vest discretion in the administering authority; and, three, special rules and standards that would make it easier for a particular group of countries, such as developing countries, to utilize injurious dumping or subsidies as a means of promoting their own industries at our expense.

Am I correct in my view that accepting any such changes, as some trading partners have requested, would weaken our existing trade remedies?

Mr. BAUCUS. Yes, those are certainly changes that would weaken our current remedies, and which would fail the test set out in section 2(c)(9). I also understand that my colleague and friend, Senator ROCKEFELLER, who has worked very closely with me on the defense of our trade remedy laws over the years, has some points to add concerning section 2(c)(9).

Mr. ROCKEFELLER. I also wish to clarify with my colleagues that section 2(c)(9) is a "no weakening" provision, and not a "no net weakening" provision. In other words, the President is directed to reject any new international obligation whose acceptance would impair our current trade remedies in the way you have described—by making relief costlier, more uncertain, or otherwise harder to achieve and maintain over time. An agreement that includes such changes must be rejected, and it is no answer—insofar as section 2(c)(9) and the intent of the Congress is concerned—to contend that the agreement in question also includes some "strengthening" provisions.

That would include any revisions that intended to "strengthen" the disciplines governing other countries' trade laws, including those in the developing world.

I personally believe that until the United States has a documented record of challenging those foreign trade laws at the WTO—and for some inexplicable reason we do not—there is no justification for saying existing WTO rules are not sufficient to ensure due process and transparency in foreign trade laws.

Additionally, I think it is important to clarify that this negotiating directive does not preclude U.S. negotiators from addressing the very serious shortcomings that have become apparent in the operation of the WTO dispute settlement system. As explained in the Finance Committee's report on the TPA measure, in a series of decisions involving trade remedy measures, the WTO Appellate Body and lower dispute settlement panels have fabricated U.S. obligations which our negotiators never accepted and have blatantly disregarded the discretion which the Uruguay Round negotiators intended for national investigating authorities to retain.

These WTO tribunals have violated their mandate not to increase or reduce the rights and obligations of WTO Members; have imposed their preferences and interpretations, and those of a biased WTO Secretariat, on the United States and on other WTO Members; and have issued decisions with no basis in the legal texts they supposedly were interpreting.

I believe this may be because other countries have been far more aggressive about challenging our trade laws at the WTO than we have been in challenging theirs. The effect has been to upset the careful balance achieved in the Uruguay Round by adding new, and wholly unwarranted, constraints on the use of trade remedies.

Before we vote on the bill, am I correct in understanding that section 2(c)(9) does not preclude a forceful U.S. agenda to address the problems plaguing WTO dispute settlement?

Mr. BAUCUS. The Senator is perfectly correct. I might add that the TPA bill includes several additional provisions designed to ensure a forceful U.S. response to the WTO dispute settlement problem, and section 2(c)(9) presents no barrier whatsoever in that regard.

LIVESTOCK AND MEAT PRODUCTS AS PERISHABLE AND CYCLICAL PRODUCTS

Mr. ENZI. Mr. President, I rise to enter into a colloquy regarding the coverage of trade promotion authority. My understanding is that TPA includes special provisions regarding perishable and cyclical products. It is my understanding that this language would clearly cover livestock and fresh meat products as they are perishable and cyclical agricultural products.

I believe that the language and the coverage are clear, but want to make sure that our negotiators are well aware of our intent and coverage of this legislation and the expectations we have for inclusion in future trade agreements.

Reasonable people know that fresh meat is perishable, but many people may not be aware that livestock can be perishable as well. Cattle ready for slaughter, for example, must be processed within two to three weeks of reaching their optimal weight. Once above the optimal weight, cattle gain fat and not muscle. With this quality loss, livestock producers suffer drastic price discounts that can wipe out their profits. Clearly meat production and livestock are also cyclical. Again, taking cattle as an example, the price follows a 10-year-cattle-cycle—the expansion and contraction of the nation's cattle herd have historically affected cattle prices.

Mr. DASCHLE. Mr. President, I rise in support of my colleague's interpretation. It seems quite clear to me. This is important to the meat and livestock industry. For example, TPA addresses eliminating the practices of foreign governments that adversely affect the trade of perishable and cyclical products, and the elimination of such practices in the livestock and meat sector would be to the advantage of U.S. producers. No reasonable person would suggest that the definition of perishable and cyclical agricultural products would fail to cover livestock and meat production.

TPA also calls for improving import relief mechanisms to recognize the special characteristics of perishable and cyclical products, which would include livestock and meat. Such improvements to import relief mechanisms could include faster and more effective time frames for imposing import relief measures as well as improved means of determining industry support in import relief investigations. Along the same lines, TPA provides that U.S. import relief measures for perishable and cyclical agricultural products should be as accessible and timely as those of other countries.

TPA also states that the U.S. Trade Representatives, prior to commencing negotiations concerning agriculture, shall work to develop a position on perishable and seasonal products that will lead to an international consensus on the treatment of these products in dumping and safeguard investigations "and in any other relevant areas." I understand that livestock and meat production would be included in these negotiations as they are clearly covered under the definition of perishable and cyclical agricultural products.

Mr. GRASSLEY. Mr. President, I thank my colleagues for their comments and I agree completely with them that the definition of perishable and cyclical agricultural products includes livestock and meat production. It is clear to me that there can be no other reading of the legislation and I believe that our colleagues intended for these products to be covered. We expect our negotiators, to include these products under these provisions.

Mr. BAUCUS. Mr. President, I also agree with my colleagues, views on this important issue. The intention of the members on this matter is clear: The definition of perishable and cyclical agricultural products includes livestock and meat production.

ENFORCEMENT OF PROPER LABELING OF BASA FISH

Mrs. LINCOLN. Every authorization of fast-track authority since the Trade Act of 1974 has been accompanied by a strong confirmation of Congressional intent that U.S. law will be vigorously enforced to ensure that the increased trade enabled by agreements reached under the negotiating authority is fair.

This year, Congress has responded to a failure to enforce existing law by twice enacting provisions to ensure that imported species of fish are not illegally passed off in the U.S. market as "catfish." The Food and Drug Administration has consistently authorized only North American Freshwater Catfish to be marketed as "catfish" in the United States, a practice that has existed commercially for over thirty years. U.S. law now prevents other species from using the term catfish in labeling or advertising. Let me be clear, the vast majority of this imported species of fish has never, and I repeat, never, reached American consumers under any legal name. It has reached the consumer in significant quantities only being misbranded as "catfish."

Congress most recently addressed this illegal misbranding in the farm bill, known officially as the Farm Security and Rural Investment Act of 2002, which was signed by the president last week. The fraud of misbranding seafood is referred to as "economic adulteration." Under U.S. law, economic adulteration is illegal at every level of commerce. Misbranding at the time of importation, or changing a legal name after importation, is a violation of U.S. law. These laws have simply not been enforced. The relevant provision in the 2002 farm bill now makes it clear that false labeling or advertising of another species of fish as "catfish" is illegal. There is also an original provision in the 2002 farm bill that applies to seafood, including the species that have been misbranded as "catfish." These provisions of law are a clear expression of congressional intent that applicable law must be vigorously enforced.

This is a necessary condition to the success of open trade.

I would like to confirm that in granting Trade Promotion Authority for trade agreements, Congress intends that: Government agencies with relevant enforcement authority will exercise their authority sua sponte to prevent the illegal practices that have plagued our catfish industry; effective enforcement action will be undertaken at all levels of trade to prevent the economic adulteration that has adversely affected U.S. catfish farmers and the consuming public; and enforcement action will include addressing violations of law with respect to misbranding and other improper labeling, Customs marks of origin, including misbranding that indirectly indicates a false origin, false or misleading representations in advertising and other practices.

We recognize that problems occur when our markets are open. However, our enforcement authorities must address those problems quickly and effectively in order to ensure that the increased competition from imports into our market is on fair terms. It is only fair competition that provides the benefits we seek for our economy, and that helps our producers remain internationally competitive.

Mr. BAUCUS. I can confirm the Senator's understanding, and I would like to express my personal support with respect to preventing the unfair practices that have threatened our U.S. catfish industry. Our clear intent is that U.S. law be fully enforced, not only as it concerns our catfish farmers but all U.S. producers, to ensure that trade is fair.

CERTIFICATION OF TRADE-AFFECTED INDUSTRIES

Mr. BAUCUS. Mr. President, I want to take a moment to talk with Senator GRASSLEY about the trade adjustment assistance bill and the important amendments that have been offered by Senators BAYH and EDWARDS.

These amendments would provide automatic certification for trade-affected industries. I believe that the Secretary of Labor already has the discretion to certify particular industries under the TAA program. And I believe that she would have the discretion under the TAA bill we are now considering.

Mr. GRASSLEY. As the Senator knows, I support the trade adjustment assistance program, and recognize that—beyond some individual companies and workers—there are also particular industries that face dislocation as a result of trade. The recent finding by the International Trade Commission regarding the steel industry further emphasizes this point. In that vein, there appears to be a need for further coordination between ITC determinations and Federal assistance given to workers impacted by trade.

Mr. BAUCUS. This is an important issue. As Senator EDWARDS has spoken about many times, the textile industry has been adversely affected by increased imports and by companies shifting production overseas.

And the steel industry, as Senator BAYH has emphasized, suffers from a flood of unfair trade imports. Indeed, many steel products are covered by the President's recent decision to impose restrictions under our safeguard laws.

So in this case, the ITC has already made a finding of trade-related injury. I would encourage the Secretary of Labor to expeditiously implement procedures regarding industry-wide certification.

Mr. GRASSLEY. I agree there needs to be a stronger tie between ITC findings and worker assistance—specifically Trade Adjustment Assistance. It is my understanding that the ITC is currently required to notify the Secretary of Labor of any affirmative injury determination, and that the Secretary must give expedited consideration to petitions for TAA certification by workers in the domestic industry.

Mr. BAUCUS. In closing, let me add that I appreciate the help of you and your staff in working to reach a bipartisan compromise on this package. I hope we can continue to move together in a bipartisan fashion.

Mr. GRASSLEY. I am also pleased that we were able to come to agreement on a bipartisan trade package. It was the right thing to do for our nation's farmers, workers, and companies.

Mr. VOINOVICH. Mr. President, I rise today in support of an amendment which recognizes the importance of the automotive industry to the U.S. economy and to our international trade agreements. The auto industry is a cornerstone of the U.S. economy, directly or indirectly supporting one out of every 15 jobs in America. Auto manufacturing and related industries account for 6.5 million jobs nationwide, nearly a quarter million of which are in my home state of Ohio. Ohio boasts the 2nd highest auto industry employment in the country, and that industry represents $22.6 billion in wages and benefits for Ohioans. Furthermore, the production assembly line that characterizes the modern automobile industry was invented in the American Midwest and is now used in factories across the globe.

Currently, the U.S. automotive market is the most open and competitive in the world. Our allies in Europe and our trading partners in developing nations alike have free access to American markets and consumers. Unfortunately, that is not true for American auto manufacturers. United States companies face significant pre-meditated trade barriers in the same countries that enjoy free trade and exports to the United States. In fact, the automotive industry trade deficit has accounted for one-third of the total U.S. trade deficit since 1992.

These results do not represent the intent or spirit of the free trade agreements signed in recent years, such as NAFTA and GATT, and the time has come to remove the barriers to free and open trade for American automobile manufacturers.

I know firsthand how difficult it is to open trade for American auto manufacturers. I vividly recall the free trade mission that I led in 1997 to South Korea. I spent two days with top government leaders and private sector groups urging them to open their markets to non-Korean made automobiles. Quite frankly, although they listened, I felt I was talking to a brick wall and received absolutely no satisfaction whatsoever. On the contrary, the Korean officials were proud to report that their imports doubled yet the actual number of those imports was a mere fraction of Korea's total auto sales.

That was 1997 and today—May 22, 2002—5 years later there has been no progress since I visited. Mr. President, I would have hoped that things would have improved. Last year, South Korea exported more than 1.5 million vehicles to the world, while importing only 7,747. Also last year, South Korea exported more than 618,000 vehicles to the U.S., while importing a mere 2,854 from the U.S. In fact, South Korea sells more cars in the U.S. per day than U.S. manufacturers sell in South Korea all year.

In addition to unfair trade regulations, the Korean authorities use another barrier to prevent their citizens from buying American cars: intimidation. According to auto industry sources, Koreans caught driving American-made cars can anticipate such punitive measures as getting pulled over by the police, being subject to more parking violations, and even experiencing more frequent and severe tax audits than their neighbors who drive Korean-made automobiles. Why would any Korean citizen choose to drive an American vehicle when faced with consequences like these?

Currently, the Baucus-Grassley TPA bill includes 14 major objectives for U.S. trade negotiators. The first of these objectives is to expand competitive market opportunities for U.S. exports in foreign markets by reducing or eliminating tariff and nontariff barriers that prevent U.S. goods from entering these markets. Our amendment states that as trade agreements are negotiated in the future, U.S. trade negotiators should specifically aim to open up export markets for U.S. automakers and vehicle parts manufacturers.

Opening up export markets for U.S. automakers and parts manufacturers is critical, because in the future, the majority of growth in these industries will not be in the U.S., but in the developing nations of Asia, Latin America, and Eastern Europe. Our amendment will tell trade negotiators that they need to make sure that U.S. automakers are in a position to compete fairly in these high-growth markets.

Today, sales of new passenger vehicles account for nearly 4 percent of total U.S. GDP. Clearly, the automotive industry is important to the economic growth and stability of our economy and we must take action to protect and strengthen an industry so vital to our nation.

Our amendment will make a difference for American manufacturers, consumers and our economy as a whole. Without it, one of America's most important manufacturing industries could soon take second place to foreign competitors. Opening new markets for our products helps create jobs and stimulate our economy, both of which are especially important as we seek to move out of recession. I urge my colleagues to join in this growth and vote for this amendment.

Mr. BUNNING. Mr. President, I rise today in support of the trade promotion authority bill.

I am glad that we are finally debating this legislation. For years, the Senate has given lip service to the need for TPA. It's about time we got down to it.

I believe in free and fair trade, and I believe that TPA is crucial to our nation's economic future, and it has the potential to benefit the United States greatly. Trade creates better jobs. It creates economic opportunity. And while some people see free trade as a zero-sum game where there are winners and losers, they're wrong. Healthy trade makes winners out of everyone and enables nations to make the best use of their resources. Strong, vibrant trade provides a rising tide that lifts all boats.

We understand this in Kentucky. Last year, we sold over 48.8 billion worth of exports in more than 100 nations abroad. This includes over $1 billion in agricultural products. Mr. President, this provided a real and meaningful boost to our local economy.

Best of all, countries that trade together do not fight and are less likely to work against each other. Instead, trade helps bring nations together in working toward a common goal of mutual economic benefit instead of armed conflict. In the wake of September 11th, this is more important than ever.

The United States needs Trade Promotion Authority. It expired almost eight years ago, and our trade policy has been adrift since them. If America is going to continue as the world's economic superpower, and to remain fully engaged in the international marketplace, we need to give President Bush the ability to effectively negotiate trade agreements with other nations.

Currently, the United States only has three preferential trade compacts; the North American Free Trade Agreement with Canada and Mexico; a free trade agreement with Israel; and, our trade agreement with Jordan. But in recent years our trading partners around the world have at last count entered into almost 150 preferential trade compacts.

These are missed opportunities for us. Other nations are talking and negotiating. They are enacting treaties to help their economies and their peoples. But, we are being left behind.

Passing a good, clean TPA bill would give us a chance at getting in on the action. It would lead to better paying jobs for our workers, and give them the opportunity to prove once again that they are the best and most productive in the entire world. Only by passing TPA and entering into new and better compacts will we be able to knock down discriminatory, unfair trade barriers and to increase the flow of goods and services we can sell abroad.

If we want a seat at the negotiating table. If we want to offer more economic opportunity to American workers, we have to pass TPA. If we don't, we will literally be missing the boat.

Until we pass TPA, other nations are going to be very hesitant about entering into compacts with us. No other country is going to want to negotiate with a President who then has to submit a treaty to a Congress which has the power to nitpick every single line of an agreement to death. Trade treaties are complex, interwoven agreements. Each individual bit is not perfect. But taken together as a whole, they typically promote our national interest.

I am sure that if every Member of Congress has their way, they would rewrite line by line provisions in each of the major treaties we have passed in recent years. That sort of politicking might play well to individual constituencies back home, but it doesn't serve the larger economic interest of America.

To my colleagues who don't like TPA and think that it is an unwise delegation of congressional authority, I have to disagree with them. Passing this bill still gives every single member of Congress the right to support or oppose a treaty they don't like. Under TPA, I have voted for treaties I like, and against treaties I don't like. It might not be the perfect way to legislate, but it is effective and fair.

Every President since Gerald Ford has had TPA. I supported TPA—or "fast track" or whatever you want to call it—for President Reagan. I supported it for the last President Bush. I supported it for President Clinton. And I support if for our current President. I voted for it the last time I had the opportunity, in 1998 when it came to the floor and lost in the other body.

And I support TPA now.

Like I said before, TPA is not perfect, but it's effective. And the bill in front of us today is not perfect.

I have supported amendments to help steel workers and textile workers that failed on the floor. I wish they hadn't. In Kentucky, we have a good steel industry, and I want to nourish it along. It's been hard hit in the last few years by the dumping in the United States of cheap foreign steel that has unfairly and illegally cut the legs out from under our domestic producers.

In south-central Kentucky, many of my constituents who used to work in the textile mills have been left high and dry when companies moved abroad in the wake of NAFTA, by the way an agreement that I opposed under the old fast-track rules.

I would like to do more in this bill for them. Workers in those industries need our help. They show that all trade agreements aren't perfect.

We are at least including some meaningful trade adjustment assistance in the package to help those who are forced to transition to different jobs because of trade. Expanded trade usually leads to better jobs for workers. But they often need smart, effective assistance to make the change to new occupations. I support trade adjustment assistance to help them. The last time Congress considered TAA provisions was in 1998 when the other body looked at this issue. I was a member then, and I voted for $1 billion in trade adjustment assistance for dislocated workers. Fortunately, this type of assistance often helps workers move more quickly back into the workforce.

I support the training and education provisions in this legislation. They will help. Will they be enough? I don't know.

As for the rest of the TAA package, I believe there are some problems with the structuring of the new health and wage benefits that I would like to see cleaned up in conference.

After years of budget surpluses, we are back to looking square in the face of a budget deficit in 2002 and beyond. Now the pending legislation proposes to add potentially billions in new entitlement spending to the deficit each year. A budget crunch is not the time to guarantee new entitlements no matter how well intentioned they are.

By passing this legislation before us now, we would be cutting off our nose to spite our face, encouraging free trade and more economic activity on the one hand, and growing the federal budget deficit by leaps and bounds on the other hand. That doesn't make economic sense, and that sort of contradiction would eventually catch up to us and lead to even bigger problems.

Also, if you read the fine print of the health and wage sections, I think you will find that it is so complicated that it might not even work. I am afraid that it might offer a false promise of assistance to workers who need help the most.

For instance, the wage supplemental provision would require the federal government to pay up to $5,000 for up to two years to workers over 50 years old if they lose their jobs due to trade activity and they take a lower paying job.

I am afraid that this proposal would actually discourage workers from taking similar paying or higher paying jobs. It just doesn't make sense to me to encourage people not to work. Instead of this approach, it would help more if we ploughed this money back into education and retraining.

Everyone knows the old saying about providing a man a fish so he can eat today or teaching him how to fish so he can feed himself forever. I think that applies here.

We also have to ask how well will these new entitlements be managed and who will do it. Who's going to be in charge of determining whether or not a worker lost their job because of trade? What agency is going to manage the nuts and bolts of this potentially gigantic program? How will the IRS respond to the administration if another health tax credit is being dumped on its plate? There are just too many unanswered questions.

In the end, I am afraid we might not be able to keep many of the promises my colleagues want to make under the Trade Adjustment Assistance section. For many workers who are struggling now, that would be the cruelest thing we could do to them.

The TAA provisions still pose many unanswered questions, and I hope that we will first focus on the areas that have worked before—job training and education—before going off into new entitlement programs that might not really work and actually serve to undermine the larger goals of the overall legislation.

In conclusion, this isn't a perfect bill. I, like all of my colleagues, would write it differently. But is a good effort on an important subject that America must address if we are going to secure our economic future. As I noted earlier, it's been four years since either body voted on TPA, and the failure of the House to pass a bill in 1998 has led to years of delay. We cannot let that happen again. We have to vote to pass this bill.

I am not willing to let the perfect be the enemy of the good, and I urge support for the legislation.

Mr. VOINOVICH. Mr. President, I rise in opposition to the Dayton-Craig amendment. This amendment reduces Trade Promotion Authority to something that exists in name only. With all due respect to the sponsors of this amendment, it is a backdoor attempt to gut this bill and still allow people to say they voted for free trade. It would have a chilling effect on international trade negotiations.

Supporters of the Dayton-Craig amendment claim that unless you support their amendment then you do not support upholding U.S. trade laws. Nothing could be further from the truth.

I stand before you as a strong free trader who is a proponent of vigorous enforcement of our country's trade laws. I supported NAFTA and GATT as Governor and PNTR for China as a Senator. I've seen Ohio benefit from NAFTA with a net increase of approximately 55,000 jobs and I've seen it also lose out as a result of our President not having Trade Promotion Authority.

At the same time, no one cares more about making sure our trade laws are followed. Ohio has lost tens of thousands of steelworker jobs as a result of foreign steel dumping, which led me to urge the President to use Section 201 authority to help provide relief to our nation's steel industry. He did so and our steel industry now has a breather to reconstitute itself and regain its competitive footing.

I also have been a committed advocate of strengthening enforcement of our trade laws by addressing the human capital needs in the Commerce Department's international trade divisions. I recently held a hearing in which I pushed Undersecretary for International Trade Grant Aldonis on the need to address these very concerns.

In little more than a year in office this Administration has already demonstrated its commitment to U.S trade laws. In a letter to Congress this week, Commerce Secretary Don Evans, Agriculture Secretary Ann Veneman and U.S. Trade Representative Robert Zoellick point out:

> We have been committed not just to preserving U.S. trade laws, but more importantly, to using them. The Administration initiated an historic Section 201 investigation that led to the imposition of wide-ranging safeguards for the steel industry. The Administration's willingness to enforce vigorously our trade laws, in Canadian lumber and other cases, sends the clearest signal of our interest in defending these laws in the WTO.

Our trade laws are part of the overall trade equation that enhances American competitiveness by helping to guarantee new access to world markets. They require the approval of Congress before any changes are made. To buy the argument that opposition to this amendment equates to relinquishing control of our trade laws is to believe that Congress is simply going to give up its legislative duty to the executive branch. That is not going to happen. The argument is simply groundless and without merit.

Additionally, logic dictates that no trade negotiator is going to agree to something which will automatically be rejected by Congress. The congressional observers guarantee that Congress is aware of what is being negotiated as it is happening. Congress has the final say in approving trade deals with its final vote and if I am confident of anything it is that this body is willing to hold up any and all legislation that gives a member even the most minor case of heartburn.

Trade Promotion Authority does not equate to gutting our trade laws. This Administration has already proven itself to be a strong defender of our trade laws and, regardless, Congress has the final say over legislation, not the executive branch.

Furthermore, this amendment should be opposed because of the chilling effect it will have on the negotiating process. Sufficient safeguards already exist in the TPA legislation to guarantee the legitimate and constitutional role of Congress as the final guardian of trade law. This amendment goes beyond that, however, with limits which would essentially allow additional and superfluous votes to hold hostage international trade negotiations.

As a manager, I would never assign a task to someone without also empowering them with the tools and authority to get the job done. Dayton-Craig takes those tools away. Its effect wouldn't be felt somewhere down the road, it would have an impact now, today. The very fact that this amendment has been offered has had an impact already on our trading partners, I am sure.

Again, Ambassador Zoellick writes that:

> The rest of the world will determine that the U.S. Congress has ruled out even discussion of a major topic. Other countries will refuse to discuss their own sensitive subjects, unraveling the entire trade negotiation to the detriment of U.S. workers, farmers and consumers.

Without the ability to engage our trading partners effectively on their own trade laws, we cannot hope to see other countries raise their laws to U.S. standards. Our country's exports are frequently targeted by foreign trade interests for action. Between 1995 and 2000, our exports were targeted for action in foreign countries 81 times. Other governments do not necessarily share our commitment to fair and open procedures, such as those conducted by our International Trade Commission.

To prevent unfair trade actions against our exporters, we must have the leverage to engage them constructively. This amendment strips us of that ability, which is one reason 79 agricultural groups urge us to reject the Dayton-Craig amendment.

If anyone is opposed to free trade, I urge them to vote their conscience. While I disagree with them, I respect their position, but don't pretend to be for free trade and then call for an amendment which guts the ability of our President to negotiate the agreements that make free trade a reality.

Mr. REED. Mr. President, it had been my hope that the Senate would vote today on my amendment to the Baucus substitute amendment No. 3401 to the trade bill, H.R. 3009. Sadly, that will not be the case because of procedural roadblocks that foreshadow the kinds of obstacles that passage of the underlying bill will raise when we consider future trade agreements in the Senate.

My amendment is about fairness for secondary workers who I believe are being treated unfairly. This is why I voted against cloture for the underlying substitute, and one of the reasons why I will vote against the bill on final passage.

Nonetheless, I want to take a few moments to point out the plight of secondary workers, and urge my colleagues to pay close attention to the issue as it continues to develop after we pass this bill later today. Several things have been said on the Senate floor about trade adjustment assistance, TAA, and secondary workers during the length of this discourse on trade, and I think it is important to go back and highlight some of them and reiterate what the truth is in this debate.

Most importantly, I think it is imperative that we realize that however many jobs we may create through export-related activities, we may lose many more due to the impact of imports. The choice before us is, how do we treat those workers adversely impacted by trade agreements in the future? Is it not fair to try to change the rules governing our trade policy to make a more fair and equitable distribution of benefits to those harmed?

If my colleagues believe that is the case for some workers, as demonstrated by the support for TAA in NAFTA and the reauthorization of the program in the legislation before us, then it should be the case for all workers. It continues that this should mean that TAA is available for a particular worker whether they are employed by a factory that is directly shut down by trade, or if they work for a company that supplied parts to that first factory, only if that particular worker has become unemployed due to the effects of trade.

I mentioned in my earlier remarks that the TAA Program has been a successful one since its inception, and I want to reiterate that. In fact, since April 1975 through December 2001, almost 3 million workers were certified as TAA eligible. However, almost 2.5 million workers were also denied certification. This demonstrates the demand for this important program, but also reflects the fact that it is a difficult process—something that would not be altered should we allow secondary workers to be a part of it.

Another point I would like to reiterate from my earlier remarks is the fact that since the ratification of NAFTA, TAA has applied to secondary workers that lose their jobs as a result of the NAFTA trade agreement. In fact, a total of almost 700,000 workers applied for NAFTA-TAA certification from January 1994 through December 2001, and over 400,000 were granted certification.

Although the exact numbers of how many of those beneficiaries were secondary workers are unknown, the fact remains that they have the right to apply for eligibility. Unfortunately, under the pending bill, secondary workers whose jobs have been lost due to a possible trade agreement with Chile, or Singapore, or any other country, will not be eligible to even apply for certification under TAA.

Now let me relay some facts about secondary workers and TAA. A GAO report from October 2000 estimated that there could be from 34,000 to 211,000 secondary workers annually who could potentially apply for TAA benefits. This reflects the depth and reach of trade's effects on the livelihoods of American workers.

Another GAO report from July 2001 showed that $494 million was expended on re-training for about 170,000 workers under TAA. This breaks down to less than $3,000 per worker. I think many would agree that is a small sum comparatively speaking, particularly when one considers the amount of training or schooling an individual can gain from that amount of money.

It is precisely these kinds of workers that so need this type of investment in training and schooling. The GAO reports I earlier referenced cited the fact that about 80 percent of workers using TAA benefits in fiscal years 1999 and 2000 had a high school education or less, compared to 42 percent in the labor force as a whole.

In other words, this is a modest increase in funds for TAA benefits that will go a long way toward a worker's developments of new skills, and reentry into the workforce to be a productive citizen once again.

It is not an excuse to claim that the Department of Labor does not have adequate resources and staffing to deal with an expansion of the TAA Program to secondary workers. First of all, the Department has the experience in dealing with this issue, since it already decides on certification for secondary workers under NAFTA. Second, I believe we have a responsibility to add funding for the Department of Labor in order for it to be able to deal with a potentially larger increase in its workload.

This issue is part of our choice here—do we discount these workers who have added to the economy, who pay taxes, and who provide for their family, just because they do not happen to be directly employed by a particular firm that was shut down by trade? Again, this is unfair treatment to a segment of our population that deserves our help.

I thank the Chair.

Mrs. MURRAY. Mr. President, I rise to join the debate over trade promotion authority legislation before the Senate.

I am in my 10th year as a member of the U.S. Senate and I have consistently voted for measures to open new markets to our exporters and our workers.

Today, I will vote for trade promotion authority, or TPA. New export opportunities for Washington State will support economic recovery and expansion.

Washington State is the most trade-dependent State in the country. International trade matters tremendously to each and every region of my State and to every sector of our economy. Trade matters to my State in good and bad economic times. We are an export State. We have a trade surplus. We are also a port State and gateway to Asia and the world.

My constituents benefit from trade at every point. We grow the commodities. We move containers and cargo from ships to rail to destinations throughout the country. We manufacture, build, design, develop, finance and insure goods and services traded globally each and every day. Trade jobs—estimated to be one in three jobs in Washington State—are good family wage jobs in my State.

Importantly, this legislation also significantly expands trade adjustment assistance. I have always supported trade adjustment assistance. I commend the Finance Committee, the Democratic leader and the bipartisan work which led to the expanded TAA package in this legislation.

I was a cosponsor of S. 1209, the Trade Adjustment Assistance for Workers, Farmers, Fisherman, Communities and Firms Act of 2002. The TAA language in this legislation is really a product of S. 1209 and the bipartisan work of many in the Senate to expand TAA.

More workers will be eligible for trade adjustment assistance. Some workers from secondary industries will be covered for the first time under the Senate TPA bill.

The Senate legislation provides community assistance, particularly to rural communities, who see significant job loss related to trade. Communities will have the opportunity to seek grant assistance to implement economic diversification plans.

Farmers and fishermen will also be eligible for TAA assistance.

Importantly, the Senate bill provides new health benefits to displaced workers. A new 70 percent up-front, refundable tax credit for COBRA coverage will enable many workers and their families to keep their health insurance.

The Senate has considered a number of important amendments and issues in this debate over trade promotion authority. I voted for a number of important message amendments. I encourage the administration as it eventually moves forward with trade talks to give serious consideration to the expressed will of the Senate.

I expect a significant bipartisan vote for trade promotion authority today. Then the legislation must go to conference with legislation adopted by the House of Representatives. The House TPA bill is very different from the Senate bill. Conference committees require compromise, and I anticipate changes to the Senate-passed version.

Regardless of the conference committee outcome, the administration should not disregard the Senate TPA debate. The Senate addressed some very difficult issues. In future trade talks, the administration will be called upon to address issues like those raised on the Senate floor. Some in this body will judge trade agreements submitted to the Congress on these issues. The administration now knows a great deal about the concerns of the Congress. There will be fewer surprises for either the Congress or the administration as the future negotiations occur thanks in part to the Senate debate.

I want to be very clear about my expectations for the upcoming TPA conference committee. I strongly believe any agreement between the House and the Senate must include the Senate trade adjustment assistance package.

It is tremendously important to me that we do all we can to boost jobs and create jobs that rely on international trade. Expanded trade is a recipe for economic growth in Washington State. That is why I will vote for trade promotion authority and advocate for my State's many trade interests with the President and this administration.

At the same time, I know that every worker, every industry, every community does not share the benefits of expanded trade equally. Where dislocation and hardship occurs, as a result of international trade, our government should play an activist role in helping workers and communities through these changing and challenging economic times.

The Congress has an opportunity to do both on this legislation. We can move forward to create and protect trade jobs. And we can do the right thing in helping workers and communities combat unfair foreign trade practices and the changes in the global economy.

TPA, or fast track, has been granted to every administration since President Gerald Ford was in office. Congress has granted this authority to Democratic and Republican Presidents. Granting this authority which I will support does not obligate any Senator to support an agreement. And I will certainly scrutinize any agreement submitted to the Congress by the President under TPA.

My vote for trade promotion authority is a vote to open markets to U.S. exporters and their workers. It is a vote for equitable and reciprocal access to foreign markets. The U.S. marketplace is the world's largest market, and our market is open with few restrictions to the world. I want to see the President go abroad on behalf of the American people with the goal of opening markets and supporting U.S. workers.

My vote for trade promotion authority is a call on the President and the administration to strengthen the international trade system and particularly, to strengthen the dispute settlement process for trade disputes. The Senate legislation contains important transparency guidance to the administration calling for public access to WTO and other international trade proceedings.

My vote for trade promotion authority represents my continued belief that environmental protection and worker rights are legitimate trade issues. These issues must be included in trade negotiations if the Congress is to continue to have bipartisan support for international trade initiatives.

The Senate legislation contains a number of negotiating objectives of great importance to Washington. The legislation directs U.S. negotiators to seek a revision of WTO rules that disadvantage the U.S. in tax cases like foreign sales corporations which benefit U.S. exporters. Additionally, the Senate bill provides guidance to the administration in a number of important Washington state industries like agriculture and high-technology.

Of great importance to me and to Washington State is the Senate language on trade in commercial aircraft. This legislation directs U.S. negotiators to address the use of unfair subsidies and non-tariff barriers by Airbus. I continue to believe Airbus manipulates the commercial aircraft market through subsidies and an assortment of non-competitive practices. I have met with the U.S. Trade Representative regarding Airbus. I fully support the language in this bill to address unfair trade practices in commercial aircraft.

I will vote for passage for this legislation, and I encourage my colleagues to send a strong message of support for trade and economic expansion.

Ms. STABENOW. Mr. President, I rise today to express my strong concerns about the trade difficulties suffered by our Nation's asparagus growers, and to discuss an important amendment I attempted to offer to the trade bill. Unfortunately, my amendment was blocked by some of my colleagues on the other side of the aisle.

I know that in many respects global trade holds great promise for agriculture by opening new markets and building new demand for the bountiful, nutritious food and fiber that is grown in America. But, some commodities have been harmed by past trade agreements. That is an important fact that should have been acknowledged and addressed during the Senate's debate on trade agreements.

Under preferential treatment provided through the Andean Trade Preferences Act (ATPA), Andean countries, like Peru, have been shipping duty-free asparagus to the United States since 1992. The asparagus market is extremely sensitive to these imports. Many of the growers in my state forecast an end to domestic asparagus production if something is not done soon to help. Last year alone, growers in Michigan lost $2.9 million due to competing duty free asparagus imported from Peru.

I support the goal of the ATPA B to encourage economic growth in Andean nations as an alternative to the production and export of illegal, narcotic drugs to the United States B but not at the expense of the entire domestic asparagus industry. Since enactment of ATPA, shipments of fresh asparagus from one Andean nation, Peru, have increased from 14.5 percent of total imports to 41.3 percent. Since 1992, shipments of frozen asparagus from Peru have increased from 3 percent of total imports to 71.4 percent.

I authored an amendment that would have helped to resolve this trade situation and that would have provided some relief to domestic asparagus growers. My amendment was cosponsored by Senators LEVIN, MURRAY, CANTWELL, BOXER, and FEINSTEIN.

The amendment would have allowed preferential treatment of Andean asparagus up to a certain point and then established a safeguard for domestic growers. In sum, my amendment allowed Andean imports of duty free asparagus up to 30 percent of the total imports of asparagus into the U.S. per year. Once the 30 percent threshold was met, duty free treatment would be suspended for the remainder of the calendar year.

This was a reasonable solution that would have helped both our nation's asparagus growers and would have allowed imported Andean asparagus to compete on a level playing field. It is unfortunate that this amendment was not included in the trade bill. I intend to continue to work on this issue and consider other programs, such as market loss payments, that may provide some relief to the asparagus growers in my state and across the nation.

Mr. KYL. Mr. President, I rise today in support of final passage of this trade legislation. But I do so with the understanding and the hope that a number of items in the bill now before us will, in the coming weeks, be adequately addressed in conference with the House. I therefore voice my support, but not unconditionally.

The first element of this legislation, which frankly should have been passed separately earlier this year on the basis of its nearly unanimous support, is the extension and expansion of the Andean Trade Preference Act (ATPA).

The Andean Trade Preference Act was conceived a decade ago as part of a mutual effort between the United States and the Andean countries to strengthen our economies, which in turn, would help us in the war against drugs. In 10 years of existence, ATPA has become an essential tool for the commercial interchange between the United States and the Andean region. Approximately 140,000 new jobs have been created in the Andean region over this time period, and the steady flow of investment has helped to double two way trade between the United States and the region. Furthermore, great strides have been made in the war against drugs; important drug cartels were disbanded, and hundreds of cocaine labs were destroyed.

Today, the Andean region faces a very critical moment. ATPA is essential to guarantee sustainability of the achievements we have made over the last decade, and to encourage further progress toward the shared goal of negotiating the Free Trade Area of the Americas (FTAA). I am very pleased that the Senate will act, albeit late, to extend this critical trade act.

Before I dwell on the concerns I have with trade-promotion authority portion of this bill, let me first speak to its strengths. Since trade-promotion authority lapsed in 1994, America has stood on the sidelines while other countries have brokered trade agreements that benefit their workers, their businesses, and their economies. Soon after taking office, President Bush called on Congress to grant him trade-promotion authority to reassert America's leadership in promoting U.S. goods and the expertise of our workforce to more markets. The need for expanded markets dramatically intensified after our nation's economy underwent a decline last March, and the events of September 11th forced so many Americans out of their jobs.

Trade-promotion authority provides the President with the flexibility he needs to negotiate strong international trade agreements on behalf of U.S. workers and farmers while maintaining Congress' constitutional role over U.S. trade policy. It represents a thoughtful approach to addressing the complex relationship between international trade, worker rights, and the environment without undermining the fundamental purpose and proven effectiveness of trade-promotion authority procedures. The bill before us will help us to achieve this goal. It not only sends a message that we are serious about the principle of open markets, but it will be a powerful example, to nations around the world, of what trade-promotion authority can deliver: economic prosperity on a grand scale.

Specifically, it gives the administration the authority to negotiate and bring back trade agreements to Congress that will reduce trade barriers, especially those based on unsound science, relating to the manufacturing, services, agriculture, intellectual property, investment, and e-commerce industries. It helps to eliminate subsidies that decrease market opportunities for U.S. agriculture, and unfairly distort markets to the detriment of the United States. It preserves U.S. sovereignty while enabling new trade agreements that will create solid economic growth, higher-paying jobs for hard-working Americans, improved efficiency and innovation, and increased availability of attractively priced products in the U.S. market.

The Office of the U.S. Trade Representatives is similarly directed to vigorously enforce U.S. trade-remedy laws and avoid agreements which lessen the effectiveness of U.S. anti-dumping or countervailing duty laws. This bill contains negotiating objectives on investment to increase transparency for the dispute settlement process, calling for standards for expropriation and compensation that are consistent with United States legal principles and practice in an effort to eliminate frivolous claims. Perhaps most importantly, it expands and improves consultations between the administration and Congress, before, during, and after trade negotiations and in the development of an implementing bill.

Also included in this legislation is language I authored to suspend for a period of five years the 4.9 percent tariff on steam generators for nuclear facilities. These generators are not manufactured in the United States. Tariffs should never be imposed on products that are not domestically manufactured, especially those products that are critical for maintaining the U.S. domestic supply of energy.

This tariff amounts to a "tax" of approximately $1.5 million per generator on consumers of electricity in those states where utilities will have to import from overseas to meet the immediate need to replace aging steam generators, which cost would be passed on to ratepayers. In the case of the Palo Verde, Arizona plant—the nation's largest nuclear power facility in terms of production—the additional cost, due to the tariff, is over $8.2 million for the six generators that it will need to import.

Failure to suspend this tariff will unfairly result in higher energy prices for consumers, as the utility companies will almost certainly pass on this tax to its customers.

This bill also includes the Kyl Customs Border Security Act amendment, added unanimously by the Senate Finance Committee in December 2001, which will provide significant authority to help facilitate legitimate trade, reduce illegal drug and contraband trafficking and eliminate threats of terrorism.

The Kyl amendment authorizes funding to increase the very tools by which the Customs Service facilities cross-border trade, and fights terrorism and narcotics trafficking. Under the amendments, Customs on the Southwest border will receive funding for high-technology equipment, including container inspection equipment, automated targeting systems and surveillance systems, all of which will help to stop terrorism and illegal drug trafficking. The northern border is also authorized to receive similar valuable equipment, as are out Gulf Coast seaports.

The Kyl amendment also mandates that cargo and passenger manifests be provided in advance to Customs, whether such cargo or passengers enter by land, air or sea. I have learned that this provision is Commissioner Bonner's number one anti-terrorism legislative priority. Advanced electronic manifest data delivered to Customs is absolutely necessary for the agency to identify individuals and cargo that should not enter the United States. The amendment also authorizes funding for personnel, technology and for Customs' new computer system, ACE, Automated Commercial Environment, to bring the agency's tracking of business and their goods entering the country into the 21st century.

Under the Kyl amendment, the U.S. Customs Service itself, for the first time in over a decade, will also be reauthorized. As our nation's oldest law enforcement agency, this is particularly important.

Finally, the Kyl amendment will close longstanding outbound smuggling threats by clarifying that the Customs Service is authorized to search outbound international mail. I strongly believe that this section of the amendment is integral to our efforts to combat money laundering, technology export violations, and terrorist funding crimes.

Currently, inbound mail, and most everything else leaving the country—cargo containers, luggage, boxes, individual persons—and stamped mail on a person—is searchable by the Customs Service. The Customs Service is only precluded from searching outbound mail. Smugglers may send drugs, finance terrorism, or send explosives on aircraft by simply mailing their contraband or money out of the country. My amendment, added to the trade adjustment assistance bill during that bill's consideration in the Finance Committee, would authorize the search of all first class mail by Customs, as long as the Customs Service has reasonable suspicion about such mail. The amendment also clarifies, through codification, that all mail besides that considered first-class—referred to as "mail not sealed against inspection—can be searched without reasonable suspicion. Under this provision, none of the mail that is allowed to be searched is allowed to be read without a warrant.

During floor consideration of this trade package, Senator JON CORZINE raised objections to the outbound mail provision. Although I fully support the original outbound mail provision, and will support such provision in conference, I appreciate the efforts of Senator CORZINE and his staff to work with me and my staff toward resolution in this particular debate. Substitute language has been accepted by the Senate, to replace my original language, that would exempt first-class mail with a weight of under 16 ounces from the reasonable search authority that we are attempting to authorize for the Customs Service. In addition, under this new language, a requirement has been placed requiring the State Department to issue a report about whether or not the "in-transit" mail authority provision, which will allow appropriate searches of international mail destined for a third country but which travels through the United States on its way, is consistent with international law.

Less than three weeks ago the Congress passed, and the President signed into law, the Enhanced Border Security and Visa Entry Reform Act, which will provide all areas of the Justice Department and the State Department with personnel and resources to fight the war on terrorism. In that bill, an interoperable data sharing system will aid all federal law enforcement to better track and identify would-be terrorists. Because of jurisdictional concerns about customs, that vitally important bill does not include resources for the Customs Service. That is why it is so important that this bill include such funding. The Kyl Customs Border Security Act does so and is an integral part of my decision to support the overall package.

Many have spoken about how trade-promotion authority will help the United States. I want to speak for a moment about how trade-promotion authority will help my home state of Arizona specifically. This bill will open new markets worldwide to Arizona goods and services. That, in turn, will boost local communities' economies, provide job security for the hundreds of thousands of Arizonans whose work depends on exports—the backbone of the Arizona economy.

One out of every five manufacturing job in Arizona is tied to exports. An estimated 70,400 Arizona jobs support the manufactured-goods-for-export industry directly. Wages of workers in jobs supported by exports are 13 to 18 percent higher than the national average. Roughly 5,060 Arizona citizens hold jobs related to agriculture exports. Arizona exported $333 million in agriculture in 1999. And last year, Arizona sold more than $10 billion worth of exports to nearly 200 foreign markets, and produced and exported more than $9.4 billion worth of manufactured items such as computers, electronics, machinery, transportation equipment, fabricated metal products and appliances. Arizona relies on its exports with export sales of nearly $2,000 for every state resident. Clearly, trade-promotion authority only brings more good news to Arizona's entrepreneurs and small businesses.

But as I mentioned above, there is much that needs to be done before we can deliver this good news. Let me briefly elaborate on my specific concerns that will need to be addressed in conference. First, it is imperative that we remove the so-called "Dayton-Craig" language that would permit the raising of a point of order if the implementing legislation negotiated under trade-promotion authority amends U.S. trade remedies law, however technical or even beneficial the change. This language, if kept in the final legislation, will unravel successful trade negotiations, and it is wholly unnecessary to add it on top of language already included and explicitly states in the bill, i.e., the directive to "preserve the ability of the United States to enforce rigorously its trade laws" and "avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade."

I am also disappointed by the multitude and details of the trade adjustment assistance (TAA) provisions in this legislation. I firmly believe that, rather than enacting a whole host of new entitlements, the best assistance we can provide to unemployed (or displaced) workers is enhanced free trade, which will in turn provide greater job opportunities. However, this legislation has become burdened with a variety of new and expended entitlements that, while well-intentioned, will only serve to distort the free-market and delay the inevitable benefits of freer trade for our citizens.

One of thee provisions is a "wage insurance" entitlement, which would provide up to a $5,000 subsidy for older TAA-certified workers who are subsequently employed at lower-paying jobs. Aside from a complete lack of data supporting the efficacy of such a proposal, this provision would create significant disincentives for workers to forgo needed training and/or a more intensive job search. Instead, it will likely result in workers choosing lower paying and perhaps lower-skilled jobs with the taxpayers liable for the difference.

Another provision in this legislation provides an advanceable, refundable health insurance tax credit to TAA-certified workers. The credit is set at an arbitrarily high percentage of the premiums' cost—70 percent—and can only be used to subsidize the cost of company-based COBRA or pooled health insurance policies. Additionally, it can not be used for the purchase of individual market policies, which might better suit the workers' health needs at a reduced cost. I believe that it is unfair for American taxpayers, many of whom may not have health insurance themselves, to provide such a generous health insurance subsidy.

Despite the serious concerns I have expressed about these provisions, I intend to vote in favor of this overall legislation at this time. But, as I mentioned earlier, this is a qualified vote. Unless substantial improvement is made to this legislation during conference, I will not vote for the bill when it returns.

With few exceptions, I believe that the House-passed language on TPA, TAA and ATPA is far superior to the Senate-passed language. And there are some specific items that must be addressed in a House-Senate conference before I can vote in favor of a final bill.

First, the conference report must maintain the 2002-2006 suspension of 4.9 percent tariff on steam generators for nuclear power facilities.

Second, the conference report must remove the so-called "Dayton-Craig" language.

Third, it must either eliminate or substantially improve the language creating a "wage insurance" program for TAA-certified workers age 50 and older.

Fourth, the conference report must also make significant improvements to the health insurance tax credit for TAA-certified workers.

I look forward to working with my colleagues on addressing these concerns, and I hope to be able to vote for final passage of this important legislation.

As a matter of principle on the one hand, and of sound economic policy on the other, I believe that we must grant the President trade-promotion authority. And, as has been stated by many of my colleagues, we must be careful to ensure that the final language of the bill preserves this authority. So while I believe that this bipartisan effort represents a strong vote in favor of trade-promotion authority, I caution that there is still work to be done before it can be sent to the White House.

Mr. LEVIN. Mr. President, when fighting for American working men and women, most members of Congress want to go into the ring with both arms swinging. That is why I am at a loss to understand why some members of Congress are willing to tie one hand behind their back when it comes to trade. The way I see it, fast track ties one hand behind our collective back when trade agreements come before the Congress.

I have some serious concerns with the Baucus-Grassley fast track legislation being considered by the Senate. Granting the President broad fast-track authority to negotiate trade agreements means Congress must adopt a law to implement any trade agreement on a straight up of down vote, without the ability to offer amendments. I believe in free trade. I support the Jordan Free Trade Agreement, the Vietnam Free Trade Agreement and granting China PNTR. But I am reluctant to give up the Congressional right to amend trade legislation, sight unseen. When we do that, we are throwing away on of the most effective tools in forcing fairer trade practices.

We should negotiate trade agreements to protect human rights as well as labor and environmental standards. The Senate should have acted to ensure that these and other provisions addressing fairness in trade practices are included in future trade agreements. The Baucus-Grassley approach doesn't provide us with the means to do that and in fact fall far short of achieving these goals.

America's trade policy over the past 30 years has helped create a one-way street. The U.S. market is one of the most open in the world, yet we have failed to achieve foreign markets being equally open to American products. Some of the trade agreements the U.S. has entered into have fallen far short of opening foreign markets. To ensure free and fair trade will be achieved in any future trade agreement, Congress must not give up its ability to amend the legislation implementing the agreement.

I have fought hard to strengthen U.S. trade laws to help open foreign markets to American and Michigan products such as automobiles, auto parts, communications equipment, cherries, apples, and wood products.

The North American Free Trade Agreement (NAFTA), enacted January 1, 1994, is a good example of a trade agreement negotiated under "fast track" authority. It contained provisions allowing Mexico to protect its auto industry and discriminate against U.S. manufactured automobiles used cars and auto parts for up to 25 years. It allowed Mexico to require auto manufacturers assembling vehicles in Mexico to purchase 36 percent of their parts from Mexican parts manufacturers. It also allowed for 25 more years the Mexican law against selling American used cars in Mexico, a highly discriminatory provision against U.S. autos.

When NAFTA was presented to Congress, it was an agreement which discriminated against some of the principle products that are made in Michigan. I surely could not vote for the bill the way it was written, nor could I try to amend the bill because the fast-track authority the President had at that time prohibited implementing legislation from being amended. Consequently, after NAFTA was enacted, the U.S. went from a trade surplus of $1.7 billion in 1993 to a trade deficit of $25 billion with Mexico in 2000. Over the same period, our trade deficit increased from $11 billion to $44.9 billion with Canada. Since NAFTA was enacted, the automotive trade deficit with Mexico has reached $23 billion.

Moroever, between January, 1994 and early May 2002, the Department of Labor certified over 400,000 workers as having suffered job losses as a result of increased imports from or plant relocations to Mexico or Canada. These job losses occurred all over the country as well as from around the State of Michigan. For example, 27 employees from the Blue Water Fiber company in Port Huron who produced pulp for paper lost their jobs as a result of NAFTA imports. 129 employees of Alcoe Fujikura Limited in Owosso who made electronic radio equipment lost their jobs to Mexico. 1,133 employees of the Copper Range Mine in the UP lost their jobs when operations were moved to Canada. 300 employees of Eagle Ottawa Leather in Grand Haven who made leather for automobile interiors lost their jobs when their jobs moved to Mexico. The list of NAFTA-TAA certified jobs losses goes on and on. These are not job losses from a level playing field. These are losses from a sloping field tilted against us.

We have lost too many manufacturing jobs because our trade policies have been so weak over the decades. I've always believed that when countries raise barriers to our products that we ought to treat them no better than they treat us. Fast track authority makes it more difficult for Congress to insist on fair treatment for American products and equal access to foreign markets.

Calling NAFTA a free trade agreement was disingenuous. NAFTA protected Mexican industries and it also gave special treatment to certain industries. For example, leather products and footwear got the longest U.S. tariff phase out—15 years—and it include safeguard provisions against import surges in these sectors. Agricultural Commodities/Fruits and Vegetables including sugar, cotton, dairy, peanuts, oranges, also got a 15-year U.S. tariff phase out, a quota system, and the reimposition of a higher duty if imports exceed agreed-upon quota levels. It is clear that those who are represented at the negotiating table are able to strike favorable deals to protect certain industries and products. That is not free trade.

NAFTA was not the only trade agreement that included specially tailored provisions for certain products. The trade bill we are being asked to vote on contains special provisions to protect textiles, citrus and some other speciality agriculture commodities.

The Andean Trade Preferences Act also protects certain industries. ATPA expands duty free access to Andean nations for some previously excluded categories of products but there are significant exclusions or special rules that continue to protect them. The exclusions in the Senate ATPA bill include: most footwear; textiles and apparel are included but are subject to a number of special rules and limitations such as requiring that certain apparel products be sewn with U.S. thread in order to receive duty-free access, requiring the use of a certain spandex product made exclusively by the DuPont company, requiring the use of U.S. yarn throughout in order to qualify for duty-free access; and canned tuna is included but the Senate bill allows duty free treatment for very limited quantities of cannot tuna to be imported and subject to a very restricted rule of origin.

These are special protections being granted to specific industry sectors. Why are these products be treated in a privileged manner over other important U.S.-made or grown products? This is not free trade.

I believe that writing labor and environmental standards into trade agreements is an important way to ensure that free trade is fair trade. Regrettably, this legislation does not go far enough to assure international labor and environmental standards will be present in trade agreements. We need trade agreements with enforceable labor and environmental provisions but this bill does not provide it.

This is unfortunate given the U.S. Senate is already on record supporting strong labor and environmental standards in trade agreements. The Senate passed the Jordan Free Trade Agreement on September 21, 2001. The Jordan agreement broke new ground in its treatment of labor and environmental standards in trade agreements. For the first time, it required that the parties to the agreement reflect the core internationally recognized labor rights in their own domestic labor laws.

The bill the Senate is considering today does not require countries to implement the core ILO labor standards. It only requires them to enforce their existing labor laws, however weak they may be. It also specifically states that the U.S. may not retaliate against a trading partner that lowers or weakens its labor or environmental laws.

This language undercuts our ability to negotiate strong labor and environmental standards in future trade agreements because our trading partners know we can not enforce what we negotiate through the use of sanctions and the dispute settlement process.

American workers already compete against workers from countries where wages are significantly lower than in the United States. They should not have to compete against countries that gain an unfair comparative advantage because they pollute their air and water and fail to allow their workers to exercise rights that are fundamental. The United States enacted environmental standards that protect our air and water. We have enacted labor standards that allow for collective bargaining and the right to organize, that prohibit the use of child labor and provide protections for workers in the work place. These are desirable standards that we worked hard to get. Why should we force American workers to compete against countries with no such standards or protection for its workers?

There are many ways to improve this fast track legislation to address some of the concerns I've outlined. I supported many of these efforts. For Congress to give up its role under the Constitution without those protections is to fail to learn from our past mistakes. To do so means we have willingly tied one hand behind our back in the fight for free and fair trade. That is something I am simply unwilling to do.

Mr. FITZGERALD. Mr. President, I rise today to detail some of the benefits of trade promotion authority to American agriculture.

Our President, regardless of party, has not had trade negotiating authority since 1994. While other countries have been busy negotiating trade agreements, the world's superpower has been sitting on the sidelines. Today, over 150 trade agreements exist worldwide; the United States is party to only three. This disparity must be remedied, but without trade promotion authority, U.S. exporters and our nation's farmers may be left stuck in the mud. The question is not whether the U.S. should have free trade or no free trade. The question is, will the U.S. participate in the world economy or will we be left behind?

TPA is critical to the administration's credibility at the negotiating table. Without TPA, our negotiators may not even get a seat at the table, much less have the opportunity to negotiate vigorously for our national interest. With 96 percent of consumers living outside the United States, the absence of negotiating authority is a price we cannot afford to pay.

One third of U.S. farm acres is planted for export, 25 percent of gross farm income is export dependent, and over 12 million U.S. jobs depend on exports. Nearly 100 commodity and agricultural groups and a bipartisan group of ten former U.S. Secretaries of Agriculture support Trade Promotion Authority.

Where would American agriculture be without international trade? Last year, U.S. agricultural exports totaled $51 billion. This year, federal officials expect this number to grow to $53.5 billion, an agricultural trade surplus of $14.5 billion. Can we find an additional $14.5 billion a year in the federal budget to offset these losses?

According to the USDA, U.S. agriculture is 2½ times more trade dependent than the general economy. American agriculture needs trade promotion authority to reduce worldwide tariffs. While the average tariff assessed by the United States on agricultural products is less than 5 percent, the average agricultural tariff assessed by other countries exceeds 60 percent.

As a Senator from Illinois, I represent a big agricultural state with total cash farm receipts totaling $7 billion in the year 2000. With a 42 percent reliance on agricultural exports, Illinois ranks sixth with agricultural exports of $3 billion. My State's top agricultural exports include—soybeans and soybean products at $1.1 billion, feed grains and feed grain products at $946 million, live animals and red meats at $277 million, and wheat and wheat products at $124 million. When it comes to Illinois agriculture, open markets and trade promotion authority are of tantamount importance.

Illinois is the largest soybean producing state in the nation. Under the Uruguay Round, South Korea is required to reduce its tariffs on soybean oil by 14.5 percent from 1995 to 2004. USDA has reported that this "tariff reduction has supported a threefold increase in export volume."

Illinois is also the fourth largest pork producing State in the Nation. Since the Uruguay Round agreement went into effect, U.S. pork exports have increased by almost 90 percent in volume and approximately 80 percent in value from 1994 levels.

Additionally, Illinois ranks second in corn production. While Brazil, Chile, Paraguay, and Uruguay can trade corn with Argentina duty free, U.S. corn is assessed an eleven percent import tax.

Voting against fast-track authority means you endorse the status quo of high tariffs and limited access for U.S. goods, while voting for fast-track gives the administration the tools needed to remedy some of these egregious inequities.

Mr. KERRY. Mr. President, the legislation that we are about to pass is the most difficult bill that the Senate has considered this year. Like nothing else that we have seen this year, trade promotion authority has put some of my most deeply-held beliefs in conflict with each other.

TPA does two things. First, it makes a broad statement about the importance of international trade. Accurate or not, there is a belief in this city that you must support TPA to demonstrate your unflinching support for greater opportunity for U.S. businesses abroad. The Washington view is that you must support TPA if you believe that political liberalization comes from economic liberalization.

The facts suggest that, certainly, lowering barriers to trade in the world is good for U.S. businesses and good for the U.S. economy. Businesses in Massachusetts sold more than $19.7 billion worth of goods to more than 200 foreign markets last year. That is more than $3,000 worth of goods sold abroad for every resident. And, while we tend to think of international trade as being the playground of big business, almost 75 percent of my State's exporting businesses are small businesses. Of larger businesses which have overseas subsidiaries, almost three-fourths of profits earned abroad are returned to parent companies in the United States. That means more jobs and higher wages at home. Today, one-tenth of all jobs in this country are directly related to our ability to export goods and services. When you consider multiplying effects, that number rises to nearly one-third. So there are clear benefits at home to increasing America's access to markets abroad.

I also believe that trade and trade agreements have a role to play in helping us achieve our foreign policy goals. The direct American investment that comes to foreign countries as a result of free trade agreements can reduce corruption and promote strong democratic institutions, like an independent judiciary and vibrant non-governmental organizations. And by making other countries stakeholders in a rules-based system of trade, we can diminish the possibility of trade disputes escalating into open conflict.

I do support improving Americans' access to foreign markets, and I firmly believe in the power of open markets to create open societies. And so, reluctantly, I will support this bill.

I say "reluctantly" because I do not believe that the TPA equation is balanced. Granting TPA to any President requires a significant amount of trust. Granting TPA means that you trust the President to negotiate trade deals that are consistent with our American values.

The statistics I just recited show that trade is good for the economy. And, certainly, economic development is one important element of those values. But I am afraid that, in recent years, some of our other core beliefs have not been a part of the national debate over trade.

When the President negotiate agreements that will lower tariffs and other barriers to trade, it is, in my judgment, equally important that he make sure that our Nation's strong environmental and labor laws are upheld. It is equally important too that he ensure that we have a forum to export our views on these issues to the nations with whom we engage in expanded commerce.

I do not mean to suggest that we can simply direct other countries to develop environmental laws or labor laws that equal our own. True reform in developing nations, be it the development of democratic infrastructure, or the growth of a vibrant labor movement, cannot simply be exported from the United States. These concepts must come to fruition through the will of the people.

However, no one disputes that the United States has a significant role to play in helping other countries breathe the air of political freedom. So, too, should the United States play a leading role in helping developing countries breathe clean air and help create programs that provide workers with a safe workplace and the chance to earn a decent wage.

Unfortunately, it is clear that, despite the best intentions of NAFTA and in developing the World Trade Organization, labor and environmental issues have not been treated at the same level in our trade policy as investment rights or intellectual property rights. That is disappointing.

I regret that this President's track record on domestic labor issues and domestic environmental issues does not fill me with confidence that our Nation's trade policy will be a tool used to help other nations improve their political, environmental and social climates. At every turn, he has sought to diminish the gains of the labor movement and roll-back environmental regulations in his own country. I surely hope that this is not the message that he intends to carry with him as he negotiates free trade agreements with Chile, Singapore and others.

Some of us in this body have put forth amendments which we believe could have helped us to trust the President more. These amendments would have elevated labor and environmental protections to the same level of intellectual property protections, or, as my amendment would have, guaranteed that future trade agreements would not corrode American legal principles and Constitutional rights. All but one of these were unsuccessful.

The defeat of these amendments leave us with no safeguards for legitimate public health and safety laws. We have no assurances that other nations with whom we forge agreements under this bill will honor their existing labor or environmental laws. We have no reason to suspect that the President will be a forceful advocate for some of our country's most cherished beliefs: that clean air, clean water and preservation of the outdoors are worth fighting for; that workers should have the right to organize; and that U.S. sovereignty must be protected.

In spite of these glaring weaknesses, I intend to support this bill. That is how strongly I believe in the principle of free trade, and the belief that we can help other countries improve their political environment by embracing them, not isolating them. But I would caution this President and others that we need to pay much more attention to some of these other trade issues, issues that have been on the margins of trade policy for too long. If we do not heed these warnings, then that fragile coalition that holds supporters of free and fair trade together will crumble, as it nearly did in the House and nearly did here in the Senate.

I would like to make one final point about this legislation. The bill that we will pass shortly contains an enormous improvement in the trade adjustment assistance program. This is much-needed. In the long-run, more international trade means more opportunity and jobs for Americans. In the short-term, however, it creates changes in communities. Some people lose jobs. Factories, the lifeblood of some towns and cities, close. Eventually, new employment opportunities are created. But it is imperative that we have a way to ease that transition. This TAA package does just that. For the first time, we are subsidizing health care for laid-off workers. That is a remarkable step forward. We are attempting something new by creating a wage insurance program to make sure that older workers do not suffer sudden and destabilizing pay reductions. These are critical expansions of TAA, and they could not be more timely for some of my constituents.

In Northampton, MA, the Techalloy plant that processes wire rod steel will close on July 1. They've been hurt by the President's decision to impose 15 percent duties on raw wire rod steel from abroad. Now, I know that the 42 workers currently at the Techalloy plant would much rather have a job than TAA benefits. They want to work. It's not the same as maintaining their job, but this new package will help these folks stay on their feet while they seek new employment.

The TAA package that we will approve is welcome, and I am proud to support this provision. I particularly want to thank Chairman BAUCUS, Senator GRASSLEY, and Senator BINGAMAN for all of their hard work in helping shape this reauthorization of the TAA program.

Ms. MIKULSKI. Mr. President, I rise in opposition to the trade bill. I oppose this trade bill because it seeks trade that is more free than fair. It sends a very mixed message to America's working men and women and their families.

The good news is that the bill includes a real expansion of trade adjustment assistance benefits for Americans who lose their jobs as a result of trade agreements. The House trade bill doesn't provide these trade adjustment assistance benefits. I am proud to be a cosponsor of the TAA bill and I commend Senators BINGAMAN and DASCHLE for their leadership to help workers harmed by trade.

The Trade Adjustment Assistance for Workers, Farmers, Communities, and Firms Act strengthens the existing TAA program. It broadens eligibility to cover workers who lose their jobs due to increased imports, even if they don't directly work for a company that closes down due to trade. It extends benefits to laid-off workers from 52 weeks to 78 weeks and increases job training funds. This bill also helps communities adjust, because when a factory shuts down, it isn't just the workers at the plant who are affected.

Healthcare is a critical addition to the TAA program. People who lose their jobs can't afford healthcare on their own. This bill will help laid-off workers buy healthcare coverage by covering 70 percent of the cost. I would have been happier with the 75 percent level in the Committee-passed bill, but this is a very important step.

Wage insurance for older workers is another key addition to the TAA program. Experienced workers, even with training in new skills, often cannot get another job that pays them anything close to what they were earning. This bill will supplement wages to help these workers get a new start in a new job. That is the good news.

The bad news is that the bill includes a renewal of Fast Track negotiating authority. That means more Americans will lose their jobs in the name of free trade. More people will get TAA benefits, but more people will need them.

Let me be very clear on one point. I support trade. I encourage trade. Trade is very important to my state. Maryland workers can compete successfully in a global marketplace, if they're given a level playing field. That's why I support expansion of fair trade.

I oppose fast-track trade promotion authority now for the same reasons I opposed fast track when a Democrat was in the White House.

I don't believe Congress should give away our right and responsibility to fully consider trade agreements.

The Bush administration has the authority to negotiate trade agreements. U.S. Trade Representative Bob Zoellick doesn't need fast track. He went to Doha to start another round of multilateral trade talks without fast track. He can negotiate a free trade agreement of the Americas without fast track. Hundreds of trade agreements have been reached and implemented without fast track.

What the Bush administration wants is to cut trade deals and limit the power of Congress to review those deals. That is what fast track really means.

Why is the role of Congress so important? To make sure the American people get a good deal. I am ready to support trade agreements that are good for America, agreements that are good for workers and good for the environment. Congress should consider trade legislation—and amendments—to it using the same procedures we use to consider other international agreements and implementing legislation.

Proponents of trade agreements say it is inevitable that there will be winnners and losers.

The problem is America's workers and their families always seem to be the losers. They lose their jobs. They lose their healthcare. If they keep their jobs or find new jobs, they lose the wage rates they have earned.

American workers aren't the only losers.

American consumers also lose.

I am particularly concerned that we don't regulate and inspect the safety of imported food the way USDA regulates and inspects domestic food products. Our trading partners set their own meat inspection standards. Shouldn't we use our trade policy as leverage to make our food safer?

Workers and children around the world also lose.

We should use the leverage of our trade agreements to ensure fair competition. That means workers in other countries should have the right to organize into unions. Without the strength of collective bargaining, their wages will always be below ours. They should also have worker safety protection and retirement and healthcare benefits.

Children should be in school, learning the skills to be good citizens and participants in the global economy. Instead, children as young as six years old put in full days of work. More than 350 million children under the age of 18 work, according to the International Labor Organization. More alarming is the fact that over 111 million of them are children between the ages of 5 and 14 engaged in "hazardous work." And 5.7 million children are in forced and bonded labor.

How can we enter into trade agreements with countries that do nothing to protect their children? Is it fair for a 45-year-old on Maryland's Eastern Shore to compete with a 12-year-old in Southern China?

Protecting against child labor and forced labor should be the core of any trade agreement.

I am proud to have cosponsored and supported amendments on labor rights, child labor, environmental protection, and other issues which I firmly believe must be addressed in agreements to strengthen fair trade.

I am particularly proud to have joined with colleagues on both sides of the aisle in an effort to provide a safety net for steel retirees who lose their healthcare coverage due to unfair trade. A clear majority in the Senate supported that amendment. We were blocked procedurally by Senators who support trade and are unwilling to address its human consequences.

I have said before that I don't want to put American jobs on a Fast Track to Mexico or a slow boat to China but that is exactly what is happening as a result of NAFTA and China's admission to the World Trade Organization. Black and Decker closed down a manufacturing plant on Maryland's Eastern Shore because they could get cheaper labor abroad. They literally moved those jobs to Mexico and China. I am glad the expanded trade adjustment assistance will help these workers but they shouldn't have lost their jobs in the first place.

I intend to stand up for American workers and consumers. I intend to stand up for the right and responsibility of Congress to fully consider trade agreements. I urge my colleagues to join me in opposing the trade bill.

Mr. McCAIN. Mr. President, as we prepare to vote on this historic trade package, our country is precariously positioned in the international trade arena. Many of our friends and allies no longer see the United States as a nation that champions global free trade, but rather as a nation that increasingly fears foreign competition and seeks to erect barriers to trade in order to protect domestic industries and advance narrow political agendas. A series of short-sighted, protectionist actions in recent years has jeopardized our relationships with our most important trading partners.

Given our recent double standards on trade, it is not surprising that the United States is quickly losing its credibility and leadership in championing free trade principles around the world. Our staunchest allies and most important trading partners are now doubting our dedication to the free trade principles we have long championed.

Many of the nations that engage in the free exchange of commerce are also our staunchest allies in the war on terrorism. Over the past eight months, those countries have joined in our worthy cause, some making substantial sacrifices to advance our shared values. During that time, even as our allies have deployed their forces to stand alongside our own in Central Asia, we have pursued protectionist policies on steel and lumber, and passed into law a regressive, trade-distorting farm bill. We are already fighting one war on a global scale. We cannot simultaneously fight a trade war.

The United States simply cannot afford to follow the dangerous path of protectionism. I hope that the passage of trade promotion authority, TPA, and the Andean Trade Preference Expansion Act, both of which are included in this package, will represent a turning point. Now is our chance to put a stop to our short-sighted protectionism and recognize that such behavior has consequences.

As the rest of the world negotiates free trade agreements without our participation, the citizens of this country are losing out. Free trade stimulates economic growth, creates higher paying jobs, reduces the cost of goods and services, and promotes stability in regions of strategic interest to the United States. Somehow, we seem to have lost sight of these overarching goals.

The Doha round of World Trade Organization, WTO, negotiations provide an opportunity for the United States to demonstrate to the countries of the world our dedication to reducing barriers to trade on a global scale. Passage of this bill will enable the Administration to negotiate the best possible agreements for America. Beyond the WTO, I look forward to the completion of bilateral trade agreements with Singapore and Chile, the opening of formal negotiations on new trade agreements with nations like Australia, regional accords with the nations of Central America, and ultimately, a Free Trade Agreement of the Americas—a goal articulated by President George H.W. Bush fully a decade ago, and one which we must recommit ourselves and our Latin friends to achieving.

One of the most critical and time-sensitive components of this trade package is the extension and expansion of the Andean Trade Preference Act, ATPA. In 1991, ATPA was created to expand the economies of the drug-plagued nations of the Andean region. By granting duty-free and reduced-rate treatment to various products from Bolivia, Colombia, Ecuador, and Peru, we hoped to strengthen the fragile economies of the region, expand their export bases; and provide Andean farmers and workers with legitimate employment outside of the drug trade. The Andean Trade Preference Act has worked. It has created new industries in the Andean region, and with them hundreds of thousands of jobs outside the drug trade. As the region's leaders will attest, it is a success story.

Regrettably, ATPA expired on December 4, inflicting immediate harm on the region, because Congress had not taken timely action on legislation to prevent its expiration. The House of Representatives passed an extension and expansion of ATPA over six months ago. On February 15 the President, citing national security concerns, took the unprecedented step of extending a 90-day duty deferral of products under ATPA, giving Congress time to pass an extension. That 90-day deferral expired last week while the trade bill remained mired in partisan debate before the Senate.

Our delay in extending and expanding ATPA impacts our national security, stability in the hemisphere, and economic growth in Bolivia, Colombia, Ecuador and Peru. These nations are on the front lines of the war on drugs, their democracies threatened by criminals and terrorists, their people suffering from economic deprivation. It is time we realized the impact our actions and inactions have, not just on the United States, but on the rest of the world as well. Our delayed action has sent the very dangerous message that the United States is no longer engaged in the region.

Our hemisphere is in serous trouble. Democracy and free markets are tested by social instability, lack of economic opportunity, and the violence wrought by drug traffickers and terrorist groups. From the FARC and the ELN in Colombia to Hezbollah in Ecuador and elsewhere in our hemisphere, terrorists take advantage of state failure and economic underdevelopment to operate freely, and at grave risk to American interests and those of our allies.

The Andean trade act is part of our active engagement in the region, a gateway to economic opportunity and a symbol of America's commitment to the democratic stability and security of our Andean partners. The elected leaders of Ecuador, Colombia, Bolivia, and Peru know that delivering economic opportunity to their people is the best means of protecting democratic institutions and defeating terrorism and the drug trade. They ask not for substantial American assistance, but for access to the American market through free and open trade. This serves not only their interests but our own.

Unlike other efforts which provide direct grants, loans, or military assistance, ATPA costs the U.S. nothing. In fact, American workers and consumers benefit from it through reduced prices on goods and services. The U.S. International Trade Commission, ITC, has estimated that U.S. consumers annually save over $20 million due to the benefits of ATPA. In addition to cost savings, the Act also enhances American security. By creating legitimate jobs outside the drug trade, bolstering state institutions, and expanding national economies, terrorists and drug traffickers will no longer find such easy refuge in the Andean region.

I regret that we had to consider three very important, and very different, pieces of trade legislation in one package; I believe the end product suffered as a result. Passing these bills in this manner prevented us from adequately debating complicated and questionable provisions. Indeed, this bill is far from perfect. I know that I am not alone in expressing my concern over some of the provisions now contained within this trade package, particularly those which are clearly antithetical to the spirit of free trade.

The conferees certainly have their work cut out for them. Although recent actions indicate that we may be taking steps backwards in certain areas, it is incumbent upon the conferees to reaffirm the principles of free trade, and to receive the strongest support from the Administration for their efforts. We must all ensure that we do not sacrifice free trade principles for a bill that is called "free trade," but does something else entirely. Even before Senate passage, efforts in the other body are underway to weaken provisions contained within this package. I hope that these efforts do not succeed.

That said, I believe this bill represents an opportunity to end America's dispiriting slide backwards into protectionism. Passage of this imperfect but important trade bill is a good start. It is time for America to again lead the world on trade.

Mr. EDWARDS. Mr. President, I thank Senators BAUCUS and GRASSLEY for working with me on my amendments to this legislation. They and their staffs were very helpful.

There was one amendment that I filed to this bill that I had intended to offer dealing with tax incentives to help communities affected by trade. I did not offer it because I know that the leaders of the bill as well as the leadership of the Senate all agreed that there would be no tax amendments to this bill. However, I would like to speak about the amendment very briefly, because I intend to look for future opportunities to see it passed.

The amendment is designed to help communities devastated by foreign trade get back on their feet by providing incentives for businesses to locate in these areas.

Already, the Federal Government has policies to help communities in trouble attract new business through tax incentives. The programs are called Empowerment Zones and Renewal Communities.

Here is the problem: These designations do not help struggling rural communities that have been hit with dramatic job losses only recently. A decade ago, these communities were home to busy textile plants. Today, they are being devastated as their major employers shut down and thousands of jobs disappear. Many of the people in these communities have lived in these towns for generations. They should not have to move away just because the textile plant where they worked has closed down.

Retraining will help. I am pleased that my amendment to help improve training programs was passed by the Senate last week, but that training is not going to matter if there are not new jobs to take the place of the ones they lost. We need to encourage investment in these trade-affected areas so workers do not have to pack up their families and move to the city just to get a new job.

That is what my proposal is about. It is modeled after Empowerment Zones and Renewal Communities. We'd create new Economic Revitalization Zones for areas hard-hit by trade. Economic Revitalization Zones, or ERZs, would be areas that have experienced major job losses in a critical industries as a result of trade agreements or shifts in production. Communities would be eligible for designation as ERZs if they are in a trade-affected state and a significant portion of their employment base was dependent on an industry substantially affected by trade. Benefits in ERZs would be similar to those in Renewal Communities and Empowerment Zones.

Here are five examples:

One, a 20-percent wage credit for the first $15,000 of wages paid to a zone resident who works in the zone;

Two, commercial revitalization tax incentives [write-offs for companies that revitalize abandoned or dormant industrial property];

Three, increased write-offs for capital investments;

Four, authority to issue tax exempt bonds to promote business development; and

Five, the New Market Tax Credit, which already provides incentives for businesses to invest.

Economic revitalization zones would be a lifeline for communities that are suffering from the negative effects of trade agreements. We owe this to the hardworking families in these communities. As the industries they've relied on for decades are destroyed, the least we can do is to help them plan for the future.

I believe this is an important proposal. I look forward to working with my colleagues who are on the Finance Committee to find other opportunities to advance this important initiative.

Mr. DODD. Mr. President, I have a long-held interest in Latin America, and, in my opinion, the renewal of the Andean Trade Preferences Agreement is one of the most important actions this Congress can take to promote economic growth, political stability, and prosperity in the Andean region.

I have come to this floor many times in the past year to draw my colleagues' attention to the fact that Latin America is a region in crisis, that we ignore at our peril. I believe that it is imperative that we remain engaged with our neighbors to the South lest our neglect encourage even more instability in the region and foster conditions ripe for terror, destruction, and the collapse of democratic institutions. While I could speak for hours about the dangers posed by the horrors of drought and famine in Central America, the Argentine economic crisis, or the turmoil in Venezuela, I will limit my comments today to the problems faced by the Andean region, and my belief that we must have a multi-faceted approach to alleviating the crisis in the region through military, humanitarian, and economic aid.

The Andean region is reeling from economic crises, natural disasters, and the effects of the war against drugs. Peru, Ecuador, Colombia, Venezuela, and Bolivia confront economic and social problems that threaten the very fabric of Democracy in the region. Up till now, with the possible exception of Venezuela, the governments of these countries have done a good job of managing their problems in the face of near-impossible odds. But, I believe, without consistent and steady U.S. involvement, and a greater willingness of Ecuador, Bolivia, and Peru to coordinate their efforts in drug eradication with Colombia, the situations in these countries could become quickly unstable. We must remain continuously engaged and stop the cycle of neglect by which attention is focused on Latin America for short bursts of time, only to recede when a crisis is over. We cannot allow the region to languish and fester while we ignore warning signs.

I have spoken about Colombia numerous times on this floor, and, in fact, just held a hearing on the Colombia situation in the Foreign Relations Committee last month. I would like to take a moment to restate some of my comments from that hearing and alert my colleagues to some horrific statistics about the state of violence in Colombia. Colombia's democracy is in crisis, and it didn't happen over night. Colombia's civil society has been ripped apart for decades by violence and corruption, and has long been characterized as having one of the most violent societies in the Western Hemisphere. Historically, Colombian civil leaders, judges and politicians have put their lives in jeopardy simply by aspiring to positions of leadership and responsibility. The introduction of illicit drug cultivation and production has only heightened further this climate of violence. Despite fears that must be pervasive in every Colombian's heart, tens of thousands of men and women have still allowed their names to appear on electoral ballots in election after election. These are truly courageous people who deserve our respect and admiration.

Two years ago, I supported US efforts to become partners with the Pastrana administration's efforts to address Colombia's problems. I said at the time that I believed that it was critically important that we act expeditiously on the Plan Colombia assistance package because our credibility was at stake with respect to responding to a genuine crisis in our own hemisphere. We also needed to make good on our pledge to come to the aid of President Pastrana and the people of Colombia in their hour of crisis, a crisis that has profound implications for institutions of democracy in Colombia and throughout the hemisphere.

No one I know claims that things have dramatically "turned around" in Colombia since the United States endorsed Plan Colombia and began providing significant resources to support its implementation. Narcotraffickers, in concert with right and left wing paramilitary organizations, continue to make large portions of the country ungovernable. Until recently their activities were restricted to sparely populated rural areas of the country—places where government order and services have never existed. Now, with the end of the FARC/Government peace process and in an effort to disrupt upcoming elections, the FARC is increasingly focused on urban areas, especially critical economic infrastructure.

In the last 15 years, more than 200 bombs have exploded in Colombian cities. The number of assassinations is egregious. More than 300,000 ordinary citizens, 4 presidential candidates, 200 judges and investigators, one half of Colombia's Supreme Court, 1,200 police, and 151 journalists, have been murdered. Politicians such as Senator Martha Daniels have been killed while trying to negotiate peace, and municipal officials are constantly running for their lives. As if this were not bad enough, Colombia also holds the world's kidnapping record, with 3,700 abductions last year alone. Among those abducted, 50 were political candidates, such as Ingrid Betancourt, who is running for President, and one was a governor.

The rebel groups in Colombia have declared war on democracy and on the people of Colombia. According to recent news reports, on May 2 the largest single massacre of civilians in the recorded history of the conflict in Colombia took place. It began on May 1, in the village of Bellavista, over 300 people sought refuge in St. Paul the Apostle church from door-to-door fighting between left and right-wing paramilitaries. But, in the violence-charged atmosphere of Colombia, even the refuge of a holy place was not enough to protect the townspeople of Bellavista. Shortly before noon on May 2nd, a bomb thrown by leftist rebels of the FARC collapsed the roof of St. Paul the Apostle, and 117 innocent civilians were killed—over a third of them children.

I grieve for the families of the deceased, and want them to know that their pain and sacrifice has not gone unnoticed in the United States. The massacre of Bellavista is just yet another event in a series that illustrates why the United States has a responsibility to remain actively engaged in Colombia's struggle. We must help prevent atrocities such as this massacre from ever happening again through a combination of economic, humanitarian, and military aid. This nonsensical murder of civilians in Colombia must stop, and it must stop now. While we are doing all we can to help stop these killings through Plan Colombia, the ripple effects of the region's crisis are felt by all of Colombia's neighbors—Ecuador, Peru, Bolivia, Venezuela. Colombia's problems have a profound impact on the stability and security of the entire region.

The region's economy is in distress, causing significant unemployment and hardship among the middle class. The economic situation in the countryside is equally troublesome—a significant percentage of its rural population is barely able to eke out a living—with millions already displaced from their villages from economic necessity or fear of civil conflict. Not surprisingly, these displaced persons have become the innocent foot soldiers in the ever-expanding illicit coca production that gets processed into cocaine and ultimately finds its way into America's schools and neighborhoods.

United States financial assistance has been heavily focused on the military component of Colombia's counter narcotic effort with lesser amounts available for other programs such as alternative development programs, protection of human rights workers, resettlement of displaced persons, and judicial and military reforms. The United States can do more to assist the region, particularly its economies by reauthorizing and expanding the coverage of the Andean Trade Preference Agreement. This would help the region work its way out of its current economic recession by giving a boost to key domestic industries while creating more jobs for average citizens—other than in the coca fields.

Since 2000, the United States has committed almost $2 billion to the Andean region in support of Plan Colombia and the Andean Regional Initiative. As I have stated, although I continue to support these initiatives, they alone will not resolve the region's problems. We must complement this assistance with extension of ATPA. By addressing the economic needs of the area, as well as the military and humanitarian needs we can begin to address the root causes of the narcotics industry and violence, while assisting Colombia's neighbors in protecting their nations from allowing the same problem to spread.

ATPA has been constructive in stimulating increased trade with Bolivia, Colombia, Ecuador, and Peru, but there is still a lot of work to be done. The full impact of ATPA has been somewhat lessened by the exclusion of key economic sectors from the agreement. A more robust ATPA is needed if we are truly going to make a difference with respect to the lives of people in that region. Extension of the ATPA will offer more opportunities to our Andean trading partners, while also enabling us to further pursue our own national interests in the region. Poverty and hopelessness are the incubators for lawlessness and civil strife. The job creation and economic development that is part and parcel with expanded trade opportunities are vital to enfranchising the middle class in the political process and preventing rural residents from turning to cocoa as a crop of desperation.

With the ATPA, we can encourage the growth of legitimate businesses that will benefit producers and consumers in our country and within the Andean pact. Since the ATPA was enacted in 1991, the primary goal of the agreement has been to promote export diversification and broad-based, sustainable economic development throughout the region. There is evidence that this initiative has borne fruit. From 1992 to 2000, the years of implementation of ATPA, total coca cultivation in Bolivia declined by 68 percent, and in Peru by 74 percent. This decrease is the result of aggressive eradication programs coupled with crop substitution by farmers in the region who have then taken advantage of ATPA provisions to market their products in the US. In so doing, ATPA has done more than expand trade, it has strengthened America's War on Drugs and the Andean region's fight against drugs and traffickers. The renewal of the ATPA is a lifeline to Andean farmers and workers who want to have legal employment but will do whatever they have to in the absence of mainstream job opportunities to feed their families—including the cultivation of illicit crops.

ATPA has accomplished all this without negative effects at home. Between 1991 and 2000, Andean exports to the U.S. increased 124 percent. According to the U.S. Department of Commerce, in 2000, bilateral trade was valued at more than $18 billion and the Andean Community was the 16th largest consumer of U.S. exports. In comparison, the value of U.S. exports to the Andean Community was 1.3 times greater than that which was exported to the Central American Common Market. This is nearly twice as large as exports to Eastern Europe.

As we move forward to extend the ATPA, I realize that for some, the issues of textile and tuna are delicate and contentious. I think that it is important to note that the extension of trade preferences to tuna in airtight containers would promote employment in the local industries, and help depressed areas in the beneficiary countries through higher value-added exports with a true potential and minimal impact on U.S. industry. Unfortunately, the ATPA bill before the Senate contains restrictions which would grant the duty free benefits to imported canned tuna from the Andean countries, but limit the quantity to 20 percent of the U.S. domestic canned tuna production in the preceding calendar year. The quota that would be imposed makes the duty free benefit virtually meaningless.

The principal beneficiary of the tuna provision is Ecuador—a government that has been extremely cooperative in our efforts to implement first Plan Colombia and now the Andean Regional Initiative, although controversial among Ecuadorans, the Government of Ecuador has permitted us to use the airfield at Manta as a forward operating location for critical activities in our regional counterdrug programs. They have suffered from the spill over effects of Plan Colombia as guerrillas and peasants have crossed into Ecuador's territories and sanctuary. The Senate provisions falls far short of what Ecuador deserves in light of all its support. In my view the House provision granting duty free treatment to all imported canned tuna from the Andean countries is the more appropriate response to Ecuador's friendship and support for U.S. policies in the region. The argument that American Samoa will be harmed by the granting of this preference is bogus. One of the major employers in American Samoa, StarKist, has already indicated that it has no intention of reducing employment there even if the most generous version of the ATPA Tuna preference language is enacted into law.

Expanding the ATPA to include textiles and apparel would not have a substantial negative impact on the U.S. economy. In 1999, textile/apparel exports from Andean countries represented only 1.1 percent of the total textile and apparel exports to the United States. On the other hand, the United States is by far the largest market for Andean apparel exports, buying between 38 percent and 61 percent of all

Andean apparel exports. In fact with the expansion of opportunities for Andean textile and apparel imports come increased opportunities for US fabrics, thread and even cotton exports to that region.

By extending ATPA, the United States is sending a clear signal that we are going to continue the close and essential relationship we have established with our partners in the Southern Hemisphere. Given the extremely difficulties facing the region and the implication of those difficulties on US interests working to make that relationship work is very important. Taken together, these steps will generate jobs, strengthen civil society, and deter illegal narcotics trade. All steps strongly supported by the Congress and the American people.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for trade promotion authority. My decision to support this bill has not been an easy one. I respect the opinions of my colleagues who do not support trade promotion authority and I share many of their concerns.

However, two issues have changed my thinking on this matter: the necessity of trade promotion authority to conclude multilateral trade deals and the substantive worker protection provisions contained in the bill.

Therefore, I believe we must grant the President the trade promotion authority to reclaim U.S. leadership in the global trade arena and provide him the support he needs to conclude multilateral trade agreements that will benefit California and the United States as a whole. And, as this bill does, we must do so in a way that provides protection and support for workers who may be displaced from their jobs due to increased globalization.

I have long supported free trade. Like many of my colleagues, I believe that expanding free trade and the exchange of goods, ideas, and services across the global marketplace is vital to the success of American industries, the creation of new jobs, and the economic well-being of all Americans.

My home State of California, which ranks among the top economies in the world and leads the country in exports, has greatly benefitted from past free trade agreements and stands to gain even more from future negotiations.

Now, I understand that many of my colleagues will point out that this administration and its predecessor have concluded and signed trade agreements since fast-track expired in 1994. No doubt this is true and no doubt it will continue to be true.

Yet those agreements have been bilateral trade agreements. Many bilateral agreements have been signed without fast track authority.

One recent and noteworthy example is the United States-Jordan Free Trade Agreement. I voted for that agreement and I believe it is important tool to advance the cause of peace and stability in the Middle East.

But while the United States-Jordan Free Trade Agreement is politically vital, economically it is rather small bilateral trade between the two countries is approximately $600 million.

Multilateral negotiations, on the other hand, such as those aimed at establishing a Free Trade Area of the Americas or the Doha round of global trade talks, involve far more countries, far more negotiators, and far more billions of dollars worth of trade.

As former Deputy U.S. Trade Representative Richard Fisher told me, our trade negotiators need fast track to tackle the difficult, complex, and diverse issues that inevitably arise in multilateral talks and get our partners to put the best deal on the table. Without it, we simpliy can't close out these deals.

If our partners know that they will have to negotiate with Congress after negotiating with the administration, the most sensitive issues, and the keys to unlocking new and expanding markets, will be taken off the agenda.

Imagine if you were a party to a multilateral trade negotiation and you knew that a final agreement would be open to amendment by the U.S. Congress. You would never agree to put your best offer on the table and you would never agree to sign any agreement if you thought that the deal you negotiated—one that would provide multiple benefits to both sides—would be change.

So, fast track becomes an imperative, if multilateral agreements are to be negotiated successfully.

But we must also remember that some workers and some firms do suffer as a result of increased trade and we have an obligation not to leave them behind as global trade moves forward.

So protection for workers is important and vital to any trade promotion authority bill.

Consequently, I support the robust and expanded trade adjustment assistance package that will assist those workers in their time of need and help them find new jobs. Since 1962, trade adjustment assistance has been a bridge between the global economy and the local economy.

Let their be no doubt that this bill is a step forward for American workers. It provides assistance, training, and support for workers as they move into a new career. Specifically, the bill expands eligibility for benefits to secondary workers such as suppliers and downstream producers who lose their jobs or may lose their jobs due to a loss of business with a firm whose workers are TAA certified; extends income support from 52 to 78 weeks; provides a 70 percent advanceable, refundable tax credit to help TAA workers make COBRA payments; increases assistance for job relocation and job searches; increases the training budget to $300 million; establishes a wage insurance program to provide support to older workers who lose their job due to trade and are forced to take a lesser paying job; establishes trade adjustment assistance programs for farmers, fisherman, and communities affected by trade, and finally; establishes a training program through the Small Business Administration for TAA-certified workers on how to start their own business.

Finally, let me turn now to my role as a Senator from the State of California. California is like no other State. It is the fifth largest economic engine in the world with a $1.33 trillion economy. From high tech to agriculture, California is a leader in the U.S. and the global market, and it has greatly benefitted from free trade initiatives.

In 2001, 14.6 percent of U.S. exports came from California, totaling $106.8 billion, tops in the Nation. Exports support more than one million jobs for Californians.

Yet if California is to maintain its status as a global economic leader, our businesses and working people must have access to new and expanding markets around the world. Trade promotion authority, as I have indicated, is an important tool in that effort.

Global trade is with us. We simply can not ignore that fact. Turning inward, building barriers, and shutting out the outside world is not realistic. We must deal with globalization and we must deal with it in a way that enhances the ability of American exports to reach new and expanding markets, while at the same time promoting respect for labor rights and the environment and ensuring that no worker is left behind.

Trade promotion authority is the best vehicle for Congress and the administration, working as partners, to build an effective trade agenda that advances U.S. interests at home and abroad.

Mr. GRASSLEY. Mr. President, this legislation which has passed the Senate today is a great bipartisan success. I am thankful to my colleagues for their support and willingness to work together in order to do this for the workers, farmers and companies of this country.

I would first like to thank Senators GRAMM and BREAUX and their staff for helping to make this final vote possible. If it were not for their help in brokering a deal, we may not have reached this point today.

I would also like to thank Senator BAUCUS and his excellent staff for all the hard work and dedication which has gone into this bill over the past year. I want to specifically thank Mike Evans and John Angell as well as the trade staff—Greg Mastel, Tim Punke, Ted Posner, Angela Marshall-Hoffman, Shara Aranoff, and Andy Harig. I appreciate their willingness to work with my staff to accomplish so much.

I would also like to thank Polly Craighill of the Office of Senate Legislative Counsel, for her hard work, and great expertise in drafting this bill.

Finally, I would like to thank my staff, beginning with my Finance Committee staff director, Kolan Davis and my trade counsels Everett Eissenstat and Richard Chriss, who have worked tirelessly to bring this bill to fruition. I credit them with much of today's success. It was their hard work, along with the help of Carrie Clark and Tiffany McCullen-Atwell, that helped us to this point.

I look forward to a productive conference, and swift passage of the conference report, so we can get this to the President's desk, and enacted into law.

Mr. THURMOND. Mr. President, I rise today to express my opposition to H.R. 3009, the Andean Trade Preference Act and the Baucus-Grassley amendment granting the President trade promotion authority and renewing the trade adjustment assistance.

While I do not support this particular bill, I am not opposed to trade and recognize the great economic benefit it has brought to my State. In South Carolina, many foreign firms have made substantial investments in manufacturing facilities. These plants, and the workers they employ, produce goods for domestic consumption and for export. Also, numerous American firms export their products. The volume of goods moving through the port of Charleston is an indication of the importance of trade to South Carolina. Charleston is one of the busiest seaports in America.

History has taught us that in order for countries to buy from us, we must buy from them. Indeed, our continuing trade deficit shows just how much of this we as Americans do. The problem is that too many of our trading partners refuse to trade with us fairly. They want to export to the American market, but they do not want to let our products into their domestic markets. I would note that the United States Trade Representative has published his 2002 National Trade Estimate Report on Foreign Trade Barriers. In this annual report, numbering 455 pages, he catalogs the barriers "affecting U.S. exports of goods and services, foreign direct investment by U.S. persons, and protection of intellectual property rights." Clearly, this report indicates our trade negotiators have much to do to get our trading partners to open their markets to U.S. exports.

The United States has long been the leader in promoting trade. In 1994, the United States entered into the North American Free Trade Agreement, NAFTA, and 1 year later became a charter member of the World Trade Organization, WTO. NAFTA established a free trade area between the United States, Canada, and Mexico. The WTO was an endeavor to establish an international organization and procedures to reduce and hopefully eliminate capricious and arbitrary barriers to trade.

NAFTA opened the doors to imports of textiles and apparel from Mexico. While the potential for cheap textile and apparel imports was greater under the WTO, the WTO contains an Agreement on Textiles and Clothing, ATC, which would eliminate all quotas on textile and apparel products beginning on January 1, 2005. The ATC provides the U.S. textile and apparel industries with a ten-year transition period to prepare for this elimination. However, this ATC adjustment phase has been repeatedly breached by legislative actions such as the African Growth and Opportunity Act, the Caribbean Basin Initiative, as well as Executive Branch decisions permitting additional import quotas for nations such as Pakistan and Turkey. Additionally, American textile and apparel industries have been seriously harmed by substantial transshipments of apparel. As a result, U.S. textile and apparel industries are being subjected to more and more unfair international competition without the full benefit of the transition period permitted under the ATC.

Because of these unfortunate and short-sighted policies, almost 700,000 U.S. textile and apparel workers have lost their jobs. Nearly 55,000 jobs were lost in South Carolina with a devastating effect on my State's economy. This is compounded by the thousands of jobs that have been lost in Alabama, Georgia, North Carolina, and Virginia as well as other States. These numbers do not include the lost jobs in the steel, furniture, and other manufacturing industries. In addition there are the job losses in secondary industries such as equipment makers, service firms, and transportation enterprises. Finally, there are the community job losses in the local businesses, including department and grocery stores, pharmacies, and automobile dealerships, to just name a few. The cost to local communities is staggering. While the toll on all those who lose their jobs and their families is horrendous, it is even worse on older workers who have little chance of finding meaningful employment.

The underlying bill, H.R. 3009, the Andean Trade Preference Act, ATPA, seeks to renew a program that provided preferential, mostly duty-free, treatment of selected U.S. imports from Bolivia, Colombia, Ecuador, and Peru that expired on December 4, 2001. The purpose of the ATPA is to encourage growth of a more diversified Andean export base, thereby promoting development and providing an incentive for Andean farmers and other workers to pursue economic alternatives to the drug trade. While this is a laudable goal, my objection is to those provisions of this legislation that would give Andean textile and apparel products the same preferences given to those from Mexico and the Caribbean Basin. This action will further erode the quota protection provisions guaranteed to the U.S. textile and apparel industries under the ATC. These increases in textile and apparel imports into the United States will further destabilize the American textile and apparel industries during the critical ten-year transition period and result in the loss of more American jobs.

This bill also reauthorizes Trade Promotion Authority. Trade promotion authority allows the President to negotiate trade agreements and submit them to the Congress for approval or defeat. No amendments are allowed, therefore no improvements can be made to such agreements.

My concerns are that future trade negotiators will be more interested in getting an agreement, any agreement, no matter what the cost to American manufacturing, rather than protect the best interests of the United States. The emphasis of American representatives in previous trade talks has clearly been for free trade at the expense of fair trade. The current state of U.S. manufacturing is evidence of this sad fact. So granting the President TPA will result in the Congress being presented with no alternative other than to vote for or against the total agreement. I do not believe this is consistent with the Constitutional responsibilities of the United States Congress.

Particularly troubling about this grant of TPA is that our trade negotiators have, and continue to place in negotiation, U.S. trade remedy laws. What we need, Mr. President, are not weaker trade remedy laws but stronger ones. In addition, to the responsibility of protecting U.S. workers and their employers, we have a strategic defense interest in promoting and strengthening American manufacturing as opposed to letting it wither away. Again, what I am advocating is fair trade not free trade.

Finally, included in the legislation is the renewal of Trade Adjustment Assistance, TAA. I support TAA without reservation, and I have in the past attempted to strengthen TAA by making the certification process easier. I regret that this TAA renewal provision is part of this legislation and was not considered separately.

In closing, I wish to state that I am for trade, fair trade. The sad experience of our Nation with so-called "free trade" is that it results in the loss of American manufacturing jobs. Unfortunately, this legislation will pass the Senate and will undoubtedly be signed into law by the President. I call upon the President and administration officials to negotiate for fair trade. I hope in the future negotiations are conducted which result in rules that do not discriminate against American industry and agriculture, and which require our trading partners to open their domestic markets to U.S. products.

Because of the thousands of jobs that have been lost, not only in my State of South Carolina but in the Nation as a whole, and because of the jobs which will be lost in the future, I will vote against this legislation.

I yield the floor.

Mr. BYRD. Mr. President, I have been astonished that the Senate—the very institution in which Daniel Webster, John C. Calhoun, Henry Clay, Robert Wagner, and Richard Russell once made important national policy, even it it meant defying presidents—would sit back and humbly and meekly allow the interests of the workers in their states to be sacrificed upon the altar of the false promise of free trade.

These past few weeks, I have been even more disturbed that some would allow their concerns and their opposition to fast-track authority to be bought off with another false promise—the false promise of enhanced trade adjustment assistance for workers impacted by trade.

I am not opposed to trade adjustment assistance in its intent and purpose. Trade adjustment assistance provides an important service when and where it is needed. But trade adjustment is not a panacea. Trade adjustment assistance is not a substitute for a job. Trade adjustment assistance is not a substitute for good trade policies. Trade adjustment assistance should never, never, be considered as a substitute for Congressional input into trade agreements, input that is essential for members of this Chamber to be able to protect and promote the interests of our constituents.

My opposition to giving fast-track authority to the executive branch is long-standing and unchanging. The Constitution obligates Congress to regulate foreign commerce. This means, at the least, that Congress must be an active participant in trade agreements, not a rubber stamp.

Trade impacts every citizen of our country. It cuts across nearly every aspect of our lives and livelihoods. The way of life and work for millions of American workers, for tens of thousands of American communities, are affected by the trade agreements. That is why trade issues must be debated and shaped by the legislative representatives of the people. It is the hardworking, responsible people back home who will keenly feel the impact of our trade policies.

I was sent here to represent the interests of my State. I am going to do that to the best of my ability and this includes promoting and protecting the thousands of West Virginia workers whose lives are affected by trade agreements.

It is difficult for me to understand why any member of this body of either political party, would surrender our constitutional prerogative to regulate trade to the executive branch.

The devil, as the saying goes, is in the details. And fast track is asking the Congress of the United States to ignore the details, at great peril to the workers of our States.

It is especially difficult to understand in this era when globalization has rendered the industries and workers of our States more and more vulnerable to the unfair, predatory trade practices of foreign countries.

Our States are drowning under a flood of cheap foreign imports, and it is not just manufacturing industries. Free trade with Mexico has led to a flood of Mexican imports that devastated Florida's tomato industry and forced thousands of agricultural layoffs. China is dumping garlic on the United States and destroying the garlic industry in California.

Since 1994, when NAFTA created the free trade zone, North Carolina has lost more than 125,500 jobs in the textile and apparel industries. The Mississippi Business Journal reports that the garment industry in Mississippi has virtually disappeared in the post-NAFTA era in that State.

Last May, the New York Times told of the closing of a cotton factory in Jacksonville, AL, and the devastating impact of that plant closing on the town and its people. "The good-paying textile jobs that built many of the towns in the industrial South," the story reported, "have been vanishing for decades as manufacturers improve profits by moving to countries where labor is cheaper. The North American Trade Agreement . . . was a death knell for working people like the millers in Jacksonville."

The American trucking industry is being clobbered by unfair and unregulated Mexican trucking.

The steel industry in Pennsylvania and West Virginia has been absolutely devastated by the dumping of cheap foreign steel and of foreign, government-subsidized imported steel. A few weeks ago, President Bush pointed out that, "Fifty years of foreign government intervention in the global steel market has resulted in bankruptcies, serious dislocation, and job loss."

Estimates of job losses in the United States from NAFTA range from a half-million to more than a million.

The impact of job dislocation is devastating communities across the country. The impact of being displaced, that is, losing your job due to a change in trade policy—that is, losing your job through no fault of your own—is devastating both psychologically and financially to the individual worker. For too many American workers, free trade has been and continues to be a long and frightening slide to financial disaster.

Additionally, there is the risk of loss of health insurance. When one does not have insurance and, therefore, cannot pay for proper treatment, the result can be devastating.

Compound this with the loss of retirement security. When people lose their jobs, they can no longer contribute to their retirement account. Worse, they are too often forced to take out their retirement savings in lump sum payments in order to make mortgage payments or to feed their families, or to pay their health insurance, thus wiping out the family's future economic security. Americans are living longer now. Many of them fear that they will not to able to depend upon Social Security for a decent retirement. They know that they will need these supplemental retirement savings. But, when displaced, and forced to drain their retirement accounts, that economic security is difficult to make up, if not lost forever.

And, of course, there is the loss of income. In addition to the obvious loss of income between jobs, there is the additional loss of income when the displaced worker returns to lower-paying employment. Workers who lose higher wage, industrial jobs are often forced to take low-paying service jobs. Service jobs are notoriously lower paying jobs that offer limited opportunities for advancement.

Studies of counties in Colorado, Missouri, and Mississippi have found a declining standard of living for workers and their communities as they moved from manufacturing to service jobs.

For many workers, the erosion in earnings after landing new employment is telling. In the latter part of the 1990s, the weekly earnings of all reemployed workers fell 5.7 percent on average. Workers displaced from high-tenure jobs showed an average drop in earnings of over 20 percent after they found new, full-time jobs.

Even workers who manage to retain their jobs feel the impact of trade as the decline in American manufacturing has meant a declining standard of living, not just for the affected workers and their families but also for their communities and their States. With the rise of international competition and the shift to lower wage service jobs in the United States, real wages have stagnated, making life much more difficult for all American workers. Today, even with some recovery in real wages due to the rapid growth in the economy in the 1990s, the average weekly wage is nearly 12 percent less than at its peak in the 1970s. As I said, the devil is in the details, and these families see these details every day as they work harder and run faster, only to continue falling further behind.

Is it any wonder that polls and surveys reveal that: 57 percent of all working adults oppose giving President

Bush fast-track authority; 78 percent of Americans believe that protecting American jobs should be a top priority in deciding U.S. trade policy; and 68 percent of Americans believe that trade details with low-wage countries such as Mexico lead to lower wages for American workers.

Yet, I have sat back and watched in astonishment and shock as members of Congress have auctioned off this important constitutional obligation and the economic interests of their constituents for increased trade adjustment assistance benefits.

Last year, the nonpartisan United States Trade Deficit Review Commission pointed out that, "workers adjustment assistance has often been the last component of a package intended to increase Congressional support for approving new trade agreements. As such, it has often been viewed simply as an afterthought rather than as an integral component of our trade policy."

Trade adjustment assistance has become a labyrinth of rules and regulations. When the Trade Deficit Review Commission surveyed the states for ways to improve trade adjustment assistance training programs, the state agencies came up with more than 80 different recommendations.

Now, Congress is about to be bought off for the promise of enhanced trade adjustment assistance; that is, more band-aids to cover a gaping hemorrhaging of the livelihoods of American workers!

There is the promise of tax credits for health insurance—I am not sure how important tax credits are to unemployed workers who have no income.

There is the promise of more retraining, but I am concerned that we may be retraining for jobs that will not be there.

There is the band-aid of wage insurance. I point out that Congress tried this gimmick before with the 1988 Omnibus Trade and Competitiveness Act (OTCA), and it failed miserably. Two States were selected to test the program. One state rejected the program because they viewed it as too costly, bureaucratic and confusing. A single State was not considered enough of a sample from which to test the program, so the U.S. Department of Labor canceled the pilot program all together.

The Trade Deficit Review Commission—the commission this Chamber created to make recommendations for changes in trade policy—made the important point that, for trade policy to be truly effective, trade adjustment assistance "must be a comprehensive safety met available to all who need it." If trade adjustment assistance is to work, it must be comprehensive, flexible, and, according to the Trade Deficit Review Commission, it must be "triggerless"—that is, it must provide benefits to workers who lose their jobs whether it is due to trade dislocation, technological changes, or other reasons." This means, among other things, that there must not be distinctions between primary or secondary workers. We must realize that trade impacts the community as well as the individual. Everyone is impacted and affected.

Under the fast track legislation as it now stands, American truckers are ineligible for Trade adjustment assistance benefits because they are not considered "worthy" secondary workers.

In promoting the Trade Expansion Act of 1962, the legislation that also established trade adjustment assistance, President John F. Kennedy declared: "There is an obligation to render assistance to those who suffer as a result of national trade policy."

It is an obligation, not a lever. It is an obligation, not a bone to be thrown to a Congress acting more like administration lap dogs than the legislative representatives of the American people.

I repeat myself. Trade adjustment assistance is no substitute for a job.

Trade adjustment assistance is no substitute for good trade policy, and good trade policy will only come from open debate, and the amending process—that is, the input from the members of this body who represent the interests of the people of our states and the United States.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding that no one is requesting a vote on the substitute or on cloture on the bill itself, and that the final action before the Senate will be a vote on the bill itself. Hearing no objection, Mr. President, I therefore ask unanimous consent that the cloture vote be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the substitute amendment, as amended.

The amendment (No. 3401), in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAMM. Is this final passage?

The PRESIDING OFFICER. This is final passage.

Is there a sufficient second?

There is a sufficient second.

Mr. DASCHLE. Mr. President, this will be the last vote of the evening.

Mr. GRAMM. Let's stay.

Mr. DASCHLE. I move to reconsider that.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SHELBY), and the Senator from Kansas (Mr. BROWNBACK) are necessarily absent.

The result was announced—yeas 66, nays 30, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—66

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Bunning
Burns
Cantwell
Carper
Chafee
Cleland
Cochran
Collins
Craig
Crapo
Daschle
Dayton
DeWine
Domenici
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kerry
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Voinovich
Warner
Wyden

NAYS—30

Akaka
Boxer
Byrd
Campbell
Carnahan
Clinton
Conrad
Corzine
Dodd
Dorgan
Durbin
Ensign
Feingold
Gregg
Hollings
Johnson
Kennedy
Leahy
Levin
Mikulski
Reed
Reid
Rockefeller
Sarbanes
Schumer
Sessions
Stabenow
Thurmond
Torricelli
Wellstone

NOT VOTING—4

Brownback
Helms
Inouye
Shelby

The bill (H.R. 3009), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, I compliment the distinguished chairman and ranking member of the Finance Committee for their outstanding work on getting to this point. This has not been easy. We have spent a lot of time. Obviously this is a very difficult measure. We have accomplished it. It is something I think we can look back on with great satisfaction and great pride. It would not have happened were it not for the leadership of the Senators from Montana and Iowa.

I must say, even though he doesn't want me to—he is embarrassed and gets frustrated when I do this—I thank the Senator from Nevada. As with so many pieces of legislation, this simply would not have happened without his masterful work on the Senate floor as well. I congratulate him.

I thank all of the staff involved, my staff, Chuck Marr, and the staff of the committee and others.

We now must turn to the schedule when we return.

There will be no further votes this evening, and we will not be in session tomorrow.

UNANIMOUS CONSENT AGREEMENT—H.R. 4775 AND S. 625

Mr. DASCHLE. Mr. President, I have been in consultation with the distinguished Republican leader during the course of these votes. We have reached agreement on proceeding to the supplemental and then to the hate crimes legislation when we return. I know of no objection. So I will propound a unanimous consent request.

I ask unanimous consent that on Monday, June 3, at 2 p.m., the Senate proceed to the consideration of H.R. 4775, the supplemental appropriations bill; that after the reporting of the bill, the text of the Senate companion, S. 2551, be substituted in lieu thereof and considered original text, provided that no points of order be considered as having been waived by its adoption; that upon the disposition of H.R. 4775, the Senate proceed to the consideration of S. 625, the bill to assist local jurisdictions to prosecute hate crimes; further, that if on Monday, June 3, the Senate has not received from the House the supplemental appropriations bill, the Senate proceed to S. 625 and it remain the pending business until the Senate receives H.R. 4775, at which time it be temporarily laid aside, the Senate begin consideration of H.R. 4775, and that no call for the regular order serve to displace H.R. 4775.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I thank my colleagues and the distinguished Republican leader for his help in working through this procedural arrangement. I also thank the chairman of the Appropriations Committee and the ranking member.

This will afford us the opportunity, at the earliest possible date, even though we are disappointed we are not able to take it up now, to take it up as soon as the House completes its work, hopefully, on the Monday we return from the Memorial Day recess.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I will be brief. First of all, I, too, want to thank the managers of the trade legislation. It has taken a lot of time and effort. There have been a number of problems along the way, but the managers have been persistent. I commend Senator BAUCUS and Senator GRASSLEY for their work. A lot of people have been involved and it was the right thing to do. The proof of that is the vote of 66 to 30.

A lot of people would have thought 10 days ago that we could not get it done. We have a few barnacles, I am sure, that will be sheared off in conference, and a good bill will come out of conference. I commend the managers for doing good work.

With regard to the unanimous consent request, I have a couple of comments. I am glad we were able to work this out. We need to go to the supplemental as soon as possible. This is an urgent supplemental for defense to replace a lot of what has already been spent, and also for homeland security. I was concerned that if we could not get it worked out today or tomorrow, if we came back, other issues might intervene. Senator DASCHLE has a commitment to try to move the other legislation, S. 625, dealing with hate crimes. This way, we could go to the supplemental appropriations bill—assuming it is over here from the House—and complete it and then go to the next issue.

If we don't have a supplemental, for whatever reason, received from the House, we can go to the hate crimes. When the supplemental comes, we can interrupt that, get it done, and then go back to the other issue.

There will be a lot of debate about both of these issues. This seems like a fair way to proceed. I want to emphasize the necessity to move as quickly as possible to the Defense authorization bill. The Armed Services Committee reported that bill out a couple weeks ago. We can't get started with our appropriations bills very well without that defense authorization bill. It would make it possible to do the Defense appropriations bill.

I am not trying to set up the order. I just want to remind the majority leader that we need to do these defense issues as soon as possible so that we can go on to the appropriations bill so our men and women will know what they can count on in the defense bill.

This is a good arrangement at this time. Hopefully, we can complete both of these bills the first week we are back, so we can get the supplemental into conference and get it done and out of conference before the Fourth of July recess. I wanted to make those points.

I thank the Chair and I thank Senator DASCHLE for his cooperation. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

PASSAGE OF H.R. 3009

Mr. BAUCUS. Mr. President, I thank all Senators who worked so hard on this trade bill. I particularly thank the majority leader, Senator DASCHLE. I think he is one of the main architects of the key provision, trade adjustment assistance. He and Senator BINGAMAN have worked long and hard to help forge that portion of the bill. So I thank him and Senator BINGAMAN.

Also, I thank my friend from Nevada, Senator REID. I don't know how we would be here at this point without him. He has worked tirelessly and has done a super job with such equanimity and an even temper. I don't know how he does it.

Also, I want to point out that a lot of work has gone into this bill. I don't think many people realize just how much work and dedication goes into something such as this. There are a lot of people whose names are not well known. A lot of us here on the floor get some gratification from seeing our names in newspapers and on TV when something is accomplished. But the fact is the real work is done by people who perform the most noble human endeavor—which is service to their country—virtually all day long, and many times with sleepless nights. Many are here tonight. I want people to know how hard they have worked.

I especially want to say thanks to Greg Mastel. I hired Greg specifically to help get this legislation passed—and he has done a tremendous job.

I also want to thank many other committee staff, who have worked tirelessly on this legislation—John Angell, Mike Evans, Timothy Punke, Ted Posner, Angela Marshall, Shara Aranoff, Andy Harig, Liz Fowler, Kate Kirchgraber, and Mitchell Kent.

Senator GRASSLEY also has a great team, and I thank them: Kolan Davis, Everett Eissenstat, and Richard Chriss.

And finally, it is an understatement to say that we all appreciate the efforts of our skilled and patient legislative counsel—Polly Craighill, Stephanie Easley, and Ruth Ernst.

Although he is not here, I compliment my colleague, Senator GRASSLEY, who did a tireless job.

This is the most progressive and far-reaching trade bill that this Senate has passed in 15 years. This is a landmark bill. It is also very well balanced. It modernizes fast-track trade promotion procedures, brings them up to date. On the other hand, it includes very significant assistance to people who were dislocated under trade.

I think it will be a bill that, when looked back upon several years from now, is one of the landmarks and major benchmarks that has moved the United States more directly and appropriately to engage the world in trade. I am proud of all the efforts of those here on the floor.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. BYRD. Mr. President, I wish to express my gratitude to the two leaders for the order that has been entered with respect to the supplemental appropriations bill. That bill is a good bill. It was reported out of the Senate Appropriations Committee on yesterday by a vote of 29 to 0. It had unanimous support in the reporting of it on yesterday. That unanimous vote could not have been possible without the cooperation and support and leadership of the distinguished Senator from Alaska and the ranking member of the Appropriations Committee, Mr. TED STEVENS.

The committee held extensive hearings, and the Senator from Alaska and I joined in issuing the request for witnesses. Every witness that came before the committee had been agreed upon jointly by the Senator from Alaska and myself. Those hearings were important, they were productive, and they brought forth exceedingly valuable information to the members of the committee. And that information is reflected in the makeup of the appropriations bill.

We had the local responders, the firemen, the police, the emergency health employees. We had seven Cabinet officers from the administration, and we also had the Director of FEMA. We had mayors. We had Governors. I was pleased with the hearings. I am very grateful and appreciative of the efforts that were made by Senator STEVENS and the Members on both sides of the aisle. The hearings were very well attended. So it is a good bill.

The war on terrorism proceeds. The Congress is receiving top secret briefings from the Secretary of Defense and the FBI Director almost weekly. The country is on a heightened state of alert.

On March 21, 2002, the President submitted a supplemental budget request to prosecute that war.

The principal components of the President's budget request included $14 billion for the Department of Defense; $5.3 billion for homeland defense, including $4.4 billion for the recently established Transportation Security Administration, $5.5 billion for New York in response to the September 11 attacks, $1.6 billion for international emergencies.

This supplemental bill provides for those emergencies, as requested by the President.

Just today, President Bush said, "We've still got threats to the homeland that we've got to deal with, and it's very important for us not to hamper our ability to wage that war. . . ."

That is exactly what the supplemental appropriations deals with—homeland security.

The supplemental bill includes $8.35 billion for homeland defense, and increase of $3 billion over the budget request. This $3 billion focuses on problems that were identified during our homeland defense hearings.

Our committee held very extensive hearings. We heard from the first responders, the state and local law enforcement personnel, the fire and medical personnel, individuals representing the ports, and those who had concerns about cyber security and the security of our nuclear weapons facilities and nuclear labs. We heard from those who are concerned about border security, airport security, food and agricultural safety, nuclear non-proliferation programs, and the vulnerability of our water systems. We heard from seven cabinet secretaries and the director of the Federal Emergency Management Agency.

All of this information led us to formulate a supplemental appropriations bill which cleared the Senate Appropriations Committee by a recorded vote of twenty-nine to zero.

Highlights include: $1.0 billion, $646 million above the request for first responder programs such as firefighting grants, State and local law enforcement grants, grants to State and local governments to fix the interoperability problem between State and local police, fire and medical personnel, emergency planning grants, funds to increase the number of FEMA search and rescue teams that have the training and equipment to combat biological, chemical and nuclear attacks and funds to make sure that we have standards for interoperable equipment; $970 million, $716 million above the request for port security including grants to improve security at ports, for increased Coast Guard surveillance, for increased Customs funding to improve container inspections overseas and to improve our technology on inspecting containers; $387 million of unrequested funds for bioterrorism, including funds to improve our toxicology and infectious disease lab capacity at the Centers for Disease Control; $200 million, $174 million above the request for security at our nuclear weapons facilities and nuclear labs; $154 million, $135 million above the request for cyber security, with a special emphasis on helping the private sector defend itself from attack; $125 million, $84 million above the request for border security, including resources for INS facilities on the borders and for deploying the system for rapid response criminal background checks to 30 more ports; $100 million of unrequested funds for nuclear nonproliferation programs; $265 million of unrequested funds for airport security, including $100 million to help airports meet the new Federal standards for airport security; $200 million for USDA for food safety labs, additional food inspectors, and for vulnerability assessments for rural water systems; $100 million for EPA to complete vulnerability assessments on the security of our water systems; and $286 million is provided for other homeland defense items such as Secret Service efforts to combat electronic crime, FBI counterterrorism efforts and funds for the Justice Department to develop an integrated information system.

The bill fully funds the President's $4.4 billion request for the new Transportation Security Administration, unlike the House which cuts the request by $550 million.

Just within the past few days, Vice President CHENEY warned that a terrorist strike within our shores is "almost certain." Defense Secretary Rumsfeld stated that it is inevitable that terrorists will acquire weapons of mass destruction. Secretary of State Colin Powell warned that "terrorists are trying every way they can" to get nuclear, chemical or biological weapons. Security has been tightened around New York City landmarks. And Homeland Security Director Tom Ridge said that, "While we prepare for another terrorist attack, we need to understand that it is not a question of if, but a question of when."

The warnings are clear. The danger is real. We should act, not delay. We should protect lives, not play politics. I urge Senators to move forward with this supplemental bill and to do so quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the distinguished chairman of our Appropriations Committee for his kind remarks and join him in recommending the bill to the Senate that we will debate when we return.

DUTCH HARBOR

Mr. STEVENS. Mr. President, I have sought recognition today because, on Sunday, I will travel to the Island of Unalaska and attend the first in a series of meetings that will take place to commemorate and to honor those who died in the attack by the Japanese in June of 1942 against what was then known as Dutch Harbor.

Dutch Harbor is a harbor within the Bay of Alaska. It is an area not quite 2,000 miles out from Anchorage. It is a very interesting place. It is a wonderful place to be.

The people of Dutch Harbor will start a weeklong series of events to honor the people who served in our military during the time of the Japanese attack against Dutch Harbor.

I am indebted to the University of North Carolina online library for its Aleutians Campaign Web site which we researched today to make certain I would properly report this attack to the Senate today.

On June 3, 1942, the Japanese, having come into Alaska at Attu and Kiska, where they invaded our islands and occupied them, moved on up the Aleutian chain and attacked Dutch Harbor. There was located near Dutch Harbor an Army fort known as Fort Mears.

This attack, by the way, to give it some historical reference, was about the same time as the attack on Midway Island. It was about 6 a.m. when four bombers approached Dutch Harbor and released 16 bombs on the fort and into the area of Fort Mears. Fourteen actually fell into the congested area of Fort Mears occupied by Army personnel. Two barracks and three Quonset huts were destroyed, and several buildings were damaged by the hits and resulting fire. About 25 men were killed and about the same number wounded that day.

About 15 fighters and 13 horizontal bombers participated in the raid. There were fighters from Fort Glenn that tried to intercept the bombers, but to no avail.

At 6 p.m. on the next day, June 4, fire was opened again as 10 fighters attacked the naval air station at Dutch Harbor. Then 11 bombers delivered a dive-bombing attack through a series of openings in the overcast, which is almost a normal situation in the Aleutians. The chief damage was to four new 6,666-barrel fuel tanks to supply our military in the Aleutian chain. An old station ship, the *Northwestern*, was set afire and partly destroyed. The Japanese also scored hits on a warehouse and an empty aircraft hangar.

The final attack on Dutch Harbor came about 25 minutes later when five planes dropped 10 bombs near a magazine area that was on the south slope of Mount Ballyhoo.

The air raids on Dutch Harbor killed 33 U.S. servicemen, 10 civilians, and wounded 50. Japanese troops, arriving with a task force of 2 aircraft carriers, 12 destroyers, 5 cruisers, 6 submarines, 4 troop transports, and other vessels, subsequently occupied these Islands of Kiska and Attu for over a year.

If anyone wishes to pursue the history of this war in the Aleutians, I recommend the "1000 Mile War" written by Brian Garfield. It is a very interesting book. His thesis is that by splitting their military, particularly their navy, the Japanese lost the war because they lost the Battle of the Coral Sea due to the fact their vessels were in the Aleutian Islands and split off from the regular navy.

Mr. President, I ask unanimous consent that after my remarks an article from the Unalaska/Dutch Harbor Historical Timeline be printed in the RECORD. It is entitled "Where does the Name "Unalaska" Come From?"

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. STEVENS. Mr. President, I shall enjoy being at Dutch Harbor on Sunday, and I commend to the Senate the memory of the fact that there is another harbor that was attacked. Pearl Harbor was attacked, as we know, in December of 1941. Dutch Harbor in our State was attacked 6 months later in June.

I thank the Chair.

EXHIBIT 1

WHERE DOES THE NAME "UNALASKA" COME FROM?

(By Ray Hudson)

The name "Unalaska" does not reflect a thwarted attempt to secede from the 49th State, nor does it imply that the residents of Unalaska view their community as one that runs counter to the majority of the State, although some might. Either of those explanations would be more interesting over the last two hundred years.

Between 1890 and 1899 the United States Board on Geographic Names standardized the spelling of this town and the Aleutian island on which it is located by selecting "Unalaska" from several names that had been in use up to that time. Variations included "Ounalashka," "Ounalaska," "Oonalaska," and "Oonalashka." These spellings all derived from the Russian spelling of a word which was itself a shortened version of an original aleut word: "Agunalaksh." Unalaska island may have derived its name from its proximity to the Alaska Peninsula. The Aleuts called the Alaska Peninsula "Alaxsxa" or "Alaxsxix"—the "mainland." The Russians adopted this as "Alyaska" from which "Alaska" is derived. "Popular belief has it, incorrectly, that the name means 'The Great Land', with almost sacred connotations."

Thus "Unalaska" does not mean not-Alaska, nor not-the-Great-Land. If anything, the name defines its geographical location in terms of the Alaska Peninsula.

In fact, to compound confusion, this town has three names. First, there is "Unalaska." Before "Unalaska," however, this community was known as "Iliuliuk" in Russian or in Aleut as "Iluulux" or "Illuulax." This early word referred to the curved approach one took in a skin boat when approaching the village. The word may also have had connotations of "Harmony." (In 1806 after almost 30 years of sporadic fighting with the local Aleuts, Nikolai Rezanov of the Russian-American Company named the community "Dobroye Soglasiis"—the Harbor of Good Accord. [Ignoring the Russian presence, the Spanish laid a surreptitious claim to Unalaska on August 5, 1788, and called it "Puerto de Dona Maria Luisa Teresa de Parma, Princesa de Asturies".] The third name which is frequently applied to this community is "Dutch Harbor." This specific harbor is one of many within the greater Unalaska Bay and is said to have been given its name because a Dutch vessel was the first to anchor there. The name dates from the late 18th Century. In the 1880's a dock was built at Dutch Harbor and people sailing to Unalaska booked passage for Dutch Harbor. During WWII the military constructed a runway at Dutch Harbor, not far from the dock. After the war private airplanes took over the airstrip, and so people flying into Unalaska were ticketed for Dutch Harbor.

Consequently, new-comers often refer to this city as "Dutch Harbor" while more permanent residents use "Unalaska" and really old-time Aleut speakers say "Ounalashka."

The PRESIDING OFFICER. The Senator from West Virginia.

MEMORIAL DAY

Mr. BYRD. Mr. President, on this last Monday in May, Americans observe Memorial Day. On this day, we honor the fallen heroes of past and present wars, the mighty who have fallen in battle, by flying flags, laying wreaths at soldiers' graves, and other appropriate forms of tribute.

On Monday, the mournful sound of taps will echo across the rows of headstones in quiet veterans' cemeteries and other cemeteries across the land. These will be followed by the sharp report of a 21-gun salute.

Families across America may leaf through old boxes of photographs and remember their own losses—the doughboy uncle who fell in France in 1918; the Marine Corps cousin lost on Tarawa in World War II; the Army nephew cut down in Korea; or the Navy pilot brother shot down over Binh Hoa in Vietnam; the sons lost so recently in Afghanistan. They will worry about family members on duty in farflung corners of the globe in Bosnia, Saudi Arabia, Korea, Afghanistan, Colombia, and in other distant places.

Memorial Day is a time of public patriotism leavened by private grief.

In my own State of West Virginia, that undercurrent of private grief is sharpened by recent loss. Last Sunday, Sgt. Gene Arden Vance of Morgantown was killed in Afghanistan while carrying out a surveillance patrol with other coalition forces. He was 38 years old. He leaves behind his wife Lisa, a young daughter, and many family members and friends.

Sergeant Vance's sacrifice and the pride and suffering of his family remind us all of the human costs of war.

Sergeant Vance's name now joins a long honor roll of West Virginia's patriots who have given their all whenever and wherever duty has called. He will be remembered in our hearts and honored each Memorial Day by all who loved him and all who love the Nation he served so well.

Originally May 30, the Memorial Day holiday was moved for convenience sake to make a welcome 3-day weekend. Many people know Memorial Day only as a marker for the end of the school year, the beginning of summer, the opening of the neighborhood pool or the start of the barbecue season. Few recall its roots in the civil war, or its gradual evolution from "Decoration Day" as it was called when I was a boy, to honor fallen civil war soldiers to a day to honor the dead from all wars. But this year, as fresh graves scar the landscape, the grim reminder of the human costs of this strange new war on terrorism, I think perhaps more people will hang an American flag by their door or wear a red poppy on their lapel. The wave of visible patriotism that blossomed in the aftermath of September 11 has faded somewhat. The flags may be tattered and torn, the signs and banners mostly gone, but the powerful emotion still surges in our veins. In Memorial Day, I suspect that the red, white, and blue will reemerge with vigor.

It is reassuring to me to see Americans so proud of their flag, their Nation, the men and women in uniform. It is reassuring to see how dearly we hold the rights and liberties that are the legacy of our Founding Fathers. Our collective outrage, and then defiance, toward those who would attack our freedom is all the proof we need of the continuing strength of the American revolutionary spirit that created this great Nation. In 1863, President Abraham Lincoln made a brief address at Gettysburg, PA. He said, in part:

> We are met to dedicate a portion of it [the battlefield] as the final resting place of those who here gave their lives that this Nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we cannot dedicate—we cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note, nor long remember, what we say, but it can never forget what they did. It is for us, the living, rather to be dedicated to the unfinished work that they have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth.

That spirit lives on, undaunted and undefeated by the events of September 11 and unbowed by the continuing threats made against us. A civil war could not extinguish it; a war of terror will not break it. That strength and that resolve, even in the face of the greatest sacrifice, will continue to sustain our Nation. In the effort to avenge the deaths of our innocent civilians and to rid the world of Osama bin Laden's terrorist network, more American soldiers' lives will be put in harms' way and some of our brave sons and daughters will again be called upon to give that "last full measure of devotion" for their country, as Sergeant Vance has been called. That is not a pleasant thought, but a true one.

This war on terror may take our sons and daughters from us, but their blood, their sacrifice, will leave a lasting legacy.

May we, on this Memorial Day, rededicate ourselves to the high and noble patriotism for the Nation which they so unstintingly exemplified.

I yield the floor.

MORNING BUSINESS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators being permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEAPORT SECURITY

Mr. GRAHAM. Mr. President, this evening I rise to discuss one of the most serious issues as America prepares to defend itself against terrorism, and that is the vulnerability which is represented by our 361 seaports and the thousands of cargo containers which each day flow through those seaports to all America.

On December 20, 2001, over 5 months ago, the Senate unanimously passed a comprehensive seaport security bill. This came after a 2-year effort by Senators Hollings and McCain and myself. Despite the new security threats that served as the catalyst for passage of this bill last December, I am concerned that as of this evening the House has yet to pass companion legislation.

While we await House of Representatives action, there have been published reports that 25 Islamic extremists, since March, have stowed away in cargo containers and entered this country. Those entries were gained in, as reported, four U.S. ports: Long Beach, CA, Savannah, GA, and Miami and Fort Lauderdale, FL. These extremists, in some instances, disguised themselves as stevedores and disembarked into the communities on which those ships had called.

I consider these reports to be credible. I see this as one of the most recent and disturbing examples of the vulnerabilities that exist at our Nation's seaports.

September 11 was a tragic, horrific day. As a result, we restructured our aviation security to prevent another attack. We still have the opportunity to be responsible and to protect our seaports before they are attacked. Thus far, we have failed to do so.

Today, the U.S. Customs Service agents inspect less than 3 percent of the 16,000 cargo containers that arrive on U.S. shores from nations which are not contiguous with the United States every day. If the bill passed by the Senate had been signed into law and implemented before these 25 so described extremists attempted to enter this country in a cargo container, we might have seen a different outcome.

Under our legislation, advanced reporting requirements would help Customs electronically receive vital information on ships before they arrived at a U.S. port. This means that information on ships and contents, passengers, and crew members who were suspect could be reviewed before the ship arrived.

With new funding of over $700 million, local ports would be able to upgrade security infrastructure. The Customs Service would have more inspectors and agents, as well as new screening and detection equipment. This would fortify our frontline defense against those who would attempt to breach our shores. Ports would be better prepared for a security breach because they would be required to have a comprehensive security plan that would meet minimum security guidelines.

Currently, we have no Federal security guidelines or security requirements. A new maritime security force would have been established under the legislation which the Senate passed over 5 months ago. This effort would bring together those trained in antiterrorism, drug interdiction, navigation assistance, and facilitating responses to security threats.

Keeping our Nation's seaports secure is an important job not just for Americans who live in one of the communities served by our 361 commercial ports but everywhere in between. Citizens who live inland are as vulnerable to security breaches as those who live near seaports. Containers from ships being transferred to railway cars and long-haul trucks that travel throughout cities and towns represent the potential shell which would surround a weapon of mass destruction. A container is filled allegedly with legitimate cargo at a distant site. There might be contained in that legitimate cargo a biological, a chemical or, God forbid, a nuclear device.

That device would then be connected to a global positioning device which would allow for constant monitoring of where that specific container was located. That weapon of mass destruction would also be equipped with a standoff detonation capability so when the global positioning device indicated that the container was at the most dangerous place where the greatest damage would be done to our country, it could be ignited.

While we cannot expect to screen every marine container entering into the United States, we need to provide some expectation of inspection, and some level of deterrence, to dissuade smugglers from using a very efficient U.S. intermodal system.

I am encouraged by the news today that Congressman DON YOUNG of Alaska and other concerned members of the House of Representatives have agreed that seaport security legislation will be on the House agenda after the Memorial Day recess.

I urge the House to not only expeditiously enact this legislation, but work with me and my colleagues in the Senate to expedite the conference committee to resolve any differences that may exist, and quickly send it to the President, who is anxious to sign this into law.

By working rapidly, we can provide greater security for our citizens at

America's open front door—our nation's seaports.

The PRESIDING OFFICER. The Senator from Georgia.

PRESCRIPTION DRUGS

Mr. MILLER. Mr. President, I know the hour is late and the day has been long and the staff and the pages and the Presiding Officer are tired. And so is this Senator. But I would like to take about 7 or 8 minutes to talk about a subject that is very dear to my heart.

Mr. President, "Honor thy father and thy mother" is the fifth of God's holy commandments.

For many of us—especially at my age—we can no longer do that (except in memory). We had our chance, and now they are gone. I never knew my father, and my mother died in 1986 when she was 93.

For those of us who have lost parents, we will be forever burdened by the haunting question: Did we adequately fulfill that commandment or could we have done more?

And, if one has a heart instead of a stone, we look around and see other living mothers and fathers whom it is not too late to still honor. I know I do.

And that is why I rise again—as I will do ad nauseum until something is done—to plead for action on prescription drugs before the August recess.

We must attack this problem by addressing both sides of the equation—prescription drug coverage and prescription drug cost.

We cannot truly help our senors unless we increase the coverage and lower the cost. Coverage and cost.

I am a cosponsor of three bills that would do both those things.

First, Senator BOB GRAHAM of Florida and I have introduced a bill that would increase coverage by adding an affordable prescription drug benefit to Medicare.

For our neediest seniors, those who earn less than $11,900 a year, our bill would cover 100 percent of their prescription drug costs. They would pay no premiums, and Medicare would pick up the entire cost of their prescriptions.

About a third of our Medicare beneficiaries fall into this category. That's roughly 12 million seniors.

those who earn more than $11,900 would pay premiums of $25 a month or less, depending on their income. And they would pay an affordable share of the cost of each prescription.

No senior would have to spend more than $4,000 a year out of their own pocket. Right now, about 3 million seniors are spending more than $4,000 a year out of their own pocket on prescriptions.

The two other bills of which I am a co-sponsor deal directly with the cost of prescription drugs. We must bring the cost of these drugs down. A miracle drug can't work miracles if no one can afford it.

As many of you know—and as most of the seniors in this country know—you can buy the same drug in the same bottle for a much cheaper price in Canada and other countries than you can in the U.S.

In Canada, you can buy Tamoxifen, the drug for breast cancer, for one-tenth what it costs in the U.S. Celebrex, which is used for arthritis, costs 79 cents a tablet in Canada, but $2.20 a tablet in the U.S. Those are two of many examples.

A bipartisan group of senators has introduced a bill to let drug stores and medical distributors buy U.S.-made drugs in Canada—where they are sold much more cheaply—and then resell them here in the U.S.

If our seniors could buy their drugs at the lower Canadian prices, they could save an estimated $38 billion a year.

Our seniors should be able to get their medications at the best price possible, and they shouldn't have to ride a bus to Canada to do it.

The other bill I am co-sponsoring that would help bring down the cost of prescription drugs is the Fair Advertising and Increased Research Act of 2002.

We have all seen the endless stream of ads on TV about the latest wonder drugs for high cholesterol of arthritis or cancer.

I have visions of that purple pill that keeps spinning into my living room and bedroom whenever the TV is on. You can't escape it.

You can't escape these ads. They are everywhere. We are drowning in them. And the millions of dollars the drug companies are spending on them is sending the price of prescriptions through the roof.

Our bill doesn't ban this TV advertising, but it does say to the drug companies: Spend as much on research as you do on advertising.

Our bill would limit the tax deduction a drug company can take for advertising expenses to no more than the amount they deduct for research and development costs.

Americans today are being forced to subsidize prescription drug advertising both when they pay their taxes and again when they go to the pharmacy to buy their prescriptions. That's not right, and our FAIR Act would help stop it.

We must do something soon. If I were to stay in the Senate as long as Senator THURMOND, I don't believe I would ever figure out how this wonderful place works.

I have come to accept that, just as I came to accept that the intricacies of cricket and even hockey escape me.

But I have known the infield fly rule since I was 12. And I also know what the men and women my age and a little older in middle America are saying and thinking.

What's that Latin phrase—the vox populi? Well, the vox populi of this nation's elderly are discouraged and displeased.

But they are not disorganized, and they are definitely not disenfranchised.

And if we don't show them some results instead of rhetoric pretty soon, they are going to come after us with their pitchforks and their pill cutters * * * and something we in here fear even more: Their ballots. And who could blame them?

In 2000, both parties said prescription drugs was at the top of the list, at the front of the line. Our seniors have been waiting in line for a long time. Waiting as we debated many other worthwhile issues. Waiting, as we keep smiling at them, telling them: Now, be patient; you are next.

Do you know what makes people madder than anything? Making them wait in line for a long time and then, when they think they are just about to go to the front of that line, someone cuts in front of them. That is what we have been doing to our senior citizens. Every time we take up a new issue, no matter how good it is, every time we take up a new issue other than prescription drugs, we are bumping our seniors from the front of the line that they have been waiting in for years.

We cannot throw this issue into another election cycle. They will not stand for it. We cannot keep our seniors waiting in line through another election.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE OMNIBUS TRADE BILL

Mr. DODD. Mr. President, I want to first of all apologize to the Presiding Officer and others for taking a few extra minutes in what has been a long day and evening for all of us here. But I wanted to take a few minutes to close business in the Senate today and express my views on the final passage of H.R. 3009, the Trade Promotion Authority bill.

My friend and colleague, the Presiding Officer, will appreciate the reasons when I get through with these remarks. I normally submit my statement and have it included in the RECORD. But I wanted to take a few minutes and express my thoughts publicly.

I rise this evening to talk about the omnibus trade bill the Senate just voted in favor of on final passage.

The bill which was before us granted the President with what is called fast-track trade authority. The bill we just voted on has a fundamental flaw, in my view. Unfortunately, it lacks the minimum protections of environmental labor standards by countries that seek enhanced trade relationships with the United States. Senate passage of this bill will signal reverse progress made over the past decade to ensure that free trade does not come at the expense of American workers and American principles.

Let me also quickly add that this is the first trade agreement, with the exception of one 14 years ago, I ever voted against. I am a strong supporter of trade agreements. I had hoped very sincerely to vote for this one because I believe it is critical to portray the well-being of our own Nation for the promotion of democracy and enhancement of economic opportunities for others around the globe. I tried as hard as I could to find my way to vote for this particular bill, but I just could not at the end of the day.

Fast-track authority, as we all know, eases the way for American Presidents to be able to negotiate international trade agreements by limiting congressional approval with just an up-or-down vote, and with no amendments on trade accords that come before the U.S. Congress. This makes it much easier for Presidents to be able to negotiate agreements, and then let the Congress just have one vote—yes or no.

I have understood the value of that in times past. But that value and that agreement to allow Presidents, regardless of party, to be able to do that, has always been contingent on certain objectives that an American President and his negotiating team would have to pursue which we felt strongly about as a people, and very much wanted to see as part of any negotiations not just for our own citizenry but values and principles which we believe are inherent in the right of all people endowed by their creator with those rights.

Unfortunately, as a result of what happened here over the past number of days, I think we took a step backwards and not forwards in the evolving process of objectives of a free, open and democratic society that tries to enhance those common values for others with whom we negotiate.

Although Congress has continuously granted Presidential fast-track authority between 1974 and 1994, it has refused to renew that authority since then. The reason for this change of heart was simple: There were many in Congress who believed that a policy of unfettered trade with countries with weak or nonexistent labor standards, environmental standards, and the like were putting U.S. companies at a competitive disadvantage—costing American workers hundreds of thousands of jobs and pressuring the United States to lower our own workers' health and safety standards. Instead of lowering our standards, our trading partners should be raising theirs.

President Bush contends that America has missed out on portrayed opportunities due to the lack of fast-track authority. I contend quite the opposite is true.

Since 1994, the United States has become a party to nearly 200 trade agreements with countries in the Caribbean Basin, which I strongly supported; the Sub-Saharan-African agreements; Southeast Asia; the Middle East; and elsewhere in the world. Far from hampering free trade, Congress's role in helping to craft the final language of trade agreements over the past 8 years developed new international norms and protected people's rights across the globe with whom we have entered into those agreements.

The most recent of these agreements—and the one which I had hoped would become the basis—in fact, Bob Zoellick, who is the chief trade negotiator, mentioned back some months ago that he wanted to use the United States-Jordan Free Trade Agreement as the model for this fast-track authority. All of us here unanimously voted for the United States-Jordan Free Trade Agreement.

I can't tell you how enthused I was when Bob Zoellick made those remarks. I thought this administration understood the evolutionary process of trade agreements.

The Jordan-United States Free Trade Agreement was, in my view, the best free trade agreement we had negotiated, and should have been the standard by which all future trade agreements would be judged. But unlike previous trade agreements, such as the North American Free Trade Agreement—which I strongly supported, along with the Presiding Officer; and the Jordan FTA—the Jordan FTA actually includes provisions safeguarding minimum labor standards in the main text of the agreement, and it permits sanctions should our trade partner fail to comply with their own labor laws in order to gain an advantage over us in trade.

The Jordan Free Trade Agreement passed 100 to zero in this body. It was unanimously supported by every single Member only a few months ago.

With Congress poised to renew Presidential fast-track authority, it is now, it seems to me, more important than ever that the President's freedom to negotiate free trade agreements operate within a framework that upholds universally recognized labor standards. Because the Jordan language provides such a framework, there was a great deal of optimism—myself included—that the Jordan standards would be strongly included in the legislation renewing fast-track authority. That was the evolutionary process.

However, the fast track bill that passed the House and the one that just passed this body does not include Jordan standards, and the Senate version, although going a little further, also fails to obtain the Jordan language. An amendment that I offered requiring new fast-track authority to be in parity with the Jordan standards was voted down by a vote of 52 to 46.

That would mean that the fast track bill that goes to the President now will not prevent our trading partners from violating domestic labor laws in their own country to gain a competitive advantage over American workers and businesses, which was one of the major provisions of the Jordan FTA. Nor, as it is currently drafted, does the trade bill require countries with whom we trade to strive—to strive; that is all it is as an objective—to meet the standards of the International Labor Organization's declaration of workers' rights.

There are 27 pages of negotiating objectives covering every imaginable issue that the Finance Committee saw in its wisdom to include, such items involving insurance, and e-commerce, technology, and the like. None of those objectives are absolutely required to be in every agreement. We merely state that trading negotiators should have them as their objectives to try and pursue during those negotiations.

I found it rather stunning that the members of this Senate with the support of the administration could not agree to take the exact language out of an agreement that had passed 100 to zero, in the year 2001, and include it as part of the objectives of the fast-track authority dealing with labor rights. To not do this was a major setback, and it raises too many concerns in my own mind about whether or not this administration or successor administrations would pursue those values and ideals which we have so strongly made a part of our own society and pursued as trying to be included in the rights of others around the globe, that I felt I had no other choice, at the end, but to vote against this bill.

Since neither the House bill nor the Senate bill includes the Jordan labor standards or something comparable, the President may not be in a position to prevent our trading partners from violating domestic laws in their own country to gain a competitive advantage over American workers and businesses. Nor, as it is currently drafted, does the bill require countries with whom we trade, as I said, to strive to meet the standards of the ILO. This means our trading partners may fail to prohibit child labor or forced labor if no such domestic laws exist.

That was part of the language in the Jordan Free Trade Agreement that is missing from this bill: abolish child labor, eliminate discrimination—these are basic labor rights. To be turned away, after we already agreed to an agreement back only some months ago in the Jordan Free Trade Agreement, I found rather remarkable; that is, that we would not accept those as negotiating objectives—not requirements, but objectives—in the 27 pages that included everything else you could possibly imagine. But abolish child labor, eliminate discrimination, again these are basic rights.

I saw that as a step backwards. We have entered the 21st century, we ought to try to pursue at least those rights and raise them with people who want access to our markets, I found that terribly disheartening.

Instead of including provisions to protect not only hardworking Americans but hardworking people around the globe, and improve conditions with nations who want access to our markets, the Senate, in my view, seems to be content to continue increasing the amount of trade adjustment assistance paid to hundreds of thousands of American workers who lost jobs due to trade agreements with countries that disregard their workers' rights. While this assistance is desperately needed by working families hardest hit by trade agreements, it is not a long-term solution, and it certainly is not a trade policy.

I am all for providing trade adjustment assistance. But it almost seems like raising a white flag in many ways in terms of what happens in our own country, so that all I can do is go back home to my own constituency and say: Don't worry; if you lose your job, I am going to see to it you get some assistance in the process.

I am glad we are doing it, but in a way it is an abdication, in my view, of what we ought to be doing when it comes to workers' rights here and workers' rights around the globe.

As I said a while ago, I have long supported efforts to promote free trade for the simple reasons that trade opens markets for American goods and services, and trade allows us to compete globally, which is generally good for American businesses and workers.

Over the years, I have supported virtually every one of these agreements. So I am saddened, as I stand here this evening, that I was compelled, as a result of what was excluded from this bill, to vote against this trade promotion authority.

But I feel very strongly that in order for trade to be a vehicle for improving the lives of men and women in this country—for it truly to be a "rising tide that lifts all boats"—trade agreements must uphold international standards that the United States has long supported in the areas of labor and the environment. I remain unconvinced that the Bush administration is committed to including such standards, absent Congressional action in these areas. That is why I voted against the renewal of Presidential fast-track authority, despite my support for similar authority in the past.

I do not dispute that there are many important provisions in this bill. I have strongly supported the renewal of the Andean Trade Preference Act, which, again, I know the Presiding Officer has fought for very, very hard over the years. He and I have spent a lot of time talking about how to move that forward. It saddens me deeply that I am thrown into the position, because of what happened here, to have a vote cast against an agreement that I think is extremely important. But I am quite confident had the Andean Trade Preference Act been a freestanding proposal here, an overwhelming majority of Members would have supported it, and that act would have become law in its own right.

That act, of course, expired last December because Congress failed the act. I wish we had done the Andean Trade Agreement as a freestanding bill because it has broad-based support that would benefit both the United States and the Andean nations who are participants in the agreement.

My vote against the underlying bill should not be interpreted as any opposition, whatsoever, to the Andean agreement. I will speak separately about that agreement. In fact, I have added some remarks for the RECORD to be printed prior to the adoption of the bill this evening specifically talking about the Andean Trade Agreement.

Were the Andean agreement the only issue we were being asked to vote on today, my decision with respect to how to vote would be an easy one. I would have voted overwhelmingly, strongly for that bill.

Unfortunately, there is a lot more in this bill than the renewal and expansion of ATPA. There are also a number of important provisions that have been excluded from the bill. I believe that the adoption of the Dayton-Craig amendment allays some concerns that I had; namely, that the Bush administration was prepared to jettison U.S. trade laws designed to protect U.S. companies and workers against unfair trade competition. I believe that the Senate has put the administration on notice that this is unacceptable. And it remains to be seen what will happen to this provision during conference.

The Senate began consideration of trade legislation on April 29, and there have been more than 18 rollcall votes on amendments offered by myself and other colleagues of ours in this Chamber. Many of these amendments were crafted in order to ensure that there are sufficient safeguards to ensure that working men and women in our own country will not be adversely affected by future trade agreements.

By and large, the Republican Members of this body have voted in lockstep against these amendments, regardless of their merits. I think that strategy was extremely unwise because it sends the wrong signal to U.S. negotiators and to foreign governments with whom we will be shortly entering into negotiations.

The bill's provisions related to negotiating objectives with respect to labor and environmental matters, human rights, and the like, are inadequate, in my view.

I would like to think we have finally reached common ground with respect to the importance of including enforceable labor and environmental provisions in trade agreements. Trade agreements can no longer just be about investments, tariffs and duties. Trade agreements must also include provisions that ensure that the environment and workers' rights will also be protected. I see no reason we should not want to take steps to make sure that such trade agreements include language which would encourage countries to improve their labor laws so that someday we will see child labor abolished and discrimination eliminated.

Unfortunately, last week this body took a step back from the progress we made in the latter part of the 20th century, when it comes to trade agreements, when the two workers' rights amendments that both Senator LIEBERMAN and I introduced were tabled. My amendment simply attempted to carry forward protections that have already been approved overwhelmingly in this body in the context of the United States-Jordan agreement.

This was not some killer amendment. It was merely commonsense language already adopted unanimously by this body. The managers of this bill have mistakenly been saying that the bill follows the labor conditions contained in the Jordan agreement. My amendment would have made sure that these basic labor rights we have already approved once were fully incorporated into this bill.

The few Jordan standards that are in the bill have been made meaningless by the rejection of Senator LIEBERMAN's amendment which would have deleted four lines from the bill that were added by Senator GRAMM of Texas. The Gramm language states that a party has the right to establish its own domestic labor standards and levels of environmental protection regardless of how these domestic laws may deviate from accepted international norms in these areas. That is the language of the bill now.

If the Gramm language is retained in conference, as I suspect it will be, other countries can weaken their labor and environmental laws to gain a competitive advantage, and we will have no recourse against such actions. That is clearly contrary to the interests of the United States of America.

I believe it is unwise that this bill has moved forward without language that would have ensured enforcement the United States is committed to upholding high standards of democracy and justice.

The people of East Timor have chosen democracy. This is an important opportunity for the United States to ensure that the East Timorese people are part of one of the world's great success stories. We have seen the risks of failed states in places like Afghanistan and Somalia. Failure in East Timor cannot be an option.

STEENS MOUNTAIN RUNNING CAMP

Mr. SMITH of Oregon. Mr. President, in the 106th Congress, we were the sponsors of the Steens Mountain Cooperative Management and Protection Act of 2000, a landmark piece of legislation to enhance the protection of the Steens Mountain area in southern Oregon, while preserving the historic ranching and recreational opportunities in the area. It took us over 1 year to negotiate out the provisions of this bill between Members of Congress, the Secretary of the Interior, the Governor of Oregon, the local ranching community, local outfitters, and environmental organizations.

It was clear at the time that we were trying to create a new, innovative approach to cooperative management of the area between the federal government and the local landowners. We believed that Oregonians, as leaders in environmental stewardship, could craft a new, locally supported approach that did not attempt to impose on this management area an existing land management classification. That is why the area is called the Steens Mountain Cooperative Management and Protection Area. We also created a Steens Mountain Advisory Council, a diverse group of stakeholders who are to provide ongoing input concerning the management of the area to the Bureau of Land Management.

I am becoming increasingly concerned, however, about efforts to harm the operations of the Steens Mountain Running Camp, an excellent facility that has trained thousands of runners and has operated on the mountain for the past quarter century. I am concerned that the operations of the camp are trying to be harmed by those who have a more restrictive reading of the implementation of the Steens Mt. Protection Act than we intended. It was clearly congressional intent that historic uses of the mountain be allowed to continue under this Act. In fact, one of the objectives of the Area, as identified in the statute, is "to promote grazing, recreation, historic and other uses that are sustainable." Isn't that your understanding?

Mr. WYDEN. That is certainly my understanding, and I agree with you that it was clearly our intent that the running camp be able to continue its historic operations on the mountain under this Act. In fact, the House report language states that the Act "is intended to enhance statutory protections for the area while maintaining the viability of historic ranching and recreational operations in the Steens Mountain area." The real tragedy of this situation is that the running camp conducts most of its operations on the mountain on private lands, and is only in the wilderness areas on the mountain for two eight-hour periods the entire year. Most of the environmental organizations in Oregon support the running camp and the unique experience it offers to high school athletes. It would be a shame if these young runners were denied this experience because of the extreme solitude guidelines that a select few are trying to impose on the area, because I believe that these young people know and appreciate the ecological values of the wilderness that they are using.

Mr. SMITH of Oregon. I am committed to a resolution of this situation that enables the Steens Mountain running camp to continue its historic operations on the mountain.

Mr. WYDEN. I share that commitment, and I look forward to working with you and the Bureau of Land Management to ensure that congressional intent is following on this matter.

EDWIN COLODNY: A VERMONT LEADER

Mr. LEAHY. Mr. President, I rise today to pay tribute to a distinguished Vermonter, and my friend, Edwin Colodny. Ed Colodny spent the early years of his life growing up in Burlington, VT. After graduating from Burlington High School, Ed Colodny entered public service as a First Lieutenant in the U.S. Army serving with the Office of the Judge Advocate General. Ed's next career step brought him to the business world where he joined U.S. Airways. During his 35-year career with the company, Ed rose through the ranks to become President and Chief Executive Officer. U.S. Airways grew from a small regional carrier to a major national airline with $6.5 billion in revenues during his tenure—no doubt due in great part to his tremendous leadership.

The University of Vermont is Vermont's largest public institution of higher education. The school is one of the oldest in our nation, founded by Ira Allen, the younger brother of the leader of the Green Mountain Boys, Ethan Allen. Throughout its more than 200-year history, UVM has played an important role in the lives of many Vermonters.

Over the past decade, a number of different people have occupied the UVM President's Office. This leadership turnover has led to some challenges for the school. Last February, UVM faced a particularly difficult time when its sitting President resigned in the middle of the academic year. The school was in the midst of implementing major program reforms and budget cuts as part of a strategic plan that had been adopted by the Board of Trustees; the faculty were organizing a union; and, ongoing student housing issues created some tension between the University and the local Burlington community. The prospect of a leadership void at such a tumultuous time, while a lengthy search for a new President was underway, posed a daunting challenge for the school and its leaders.

It was in that time of need that Ed Colodny agreed to give up his work in private legal practice and move back to Vermont with his wife Nancy to serve as UVM's Interim President. We are all extremely grateful to them for making that sacrifice. Ed has skillfully guided the University through a difficult time, while continuing to implement important policies and reforms that will provide a strong and valuable foundation for the incoming President. The Board of Trustees recently appointed Dr. Daniel Fogel to become UVM's new President and he will be formally taking over the post in July. Thanks to Ed's hard work and strong vision over the past year, as well as that of his entire leadership team, Dr. Fogel will be welcomed by a stable university that is prime for a promising future.

In Ed's short time as President of UVM, he never lost focus of what UVM and all higher education institutions must be about—academic excellence. Last fall, to celebrate the University's 210th year, Ed revived the longstanding but dormant tradition of holding an Opening Convocation ceremony. This was a special opportunity for the UVM community to kick off a new academic year together, and to reaffirm its central mission of providing a high quality education to students in the Green Mountains of Vermont. Ed recognized people's desire to have an opportunity to come together and celebrate the pride they hold for their school and all that it has to offer.

As Ed said when announcing the revival of this tradition, "The convocation is an opportunity for us to come together as a university community and reaffirm our commitment to the academic ideals we treasure deeply." Those words symbolize so much of what Ed has offered UVM over the past year. He has reminded us of the potential power and success that the UVM community possesses when it comes together. He has reminded us of the need to be committed to academic ideals. And, through his leadership in a time of need, Ed has reminded us of the powerful role just one person can play in the lives of so many others.

On behalf of myself, and all Vermonters, I thank my good friend Ed

Colodny for his leadership, his commitment to higher education, and his service and dedication to UVM and the State of Vermont. Marcelle and I know we are all better off as a result of Ed and Nancy Colodny's time revisiting Burlington.

THE NOMINATION OF JUDGE D. BROOKS SMITH

Mr. SANTORUM. Mr. President, I thank the members of the Judiciary Committee for moving forward with Judge D. Brooks Smith's nomination for the Third Circuit. He is an impressive judge from the Western District of Pennsylvania. He has a distinguished 14-year career on the bench. He has a distinguished 2-year career on the Common Pleas Court in Blair County, PA.

I thank, in particular, Senator BIDEN, Senator KOHL, and Senator EDWARDS who supported the nomination and enabled the nomination to come out of committee. I certainly hope we will schedule his confirmation on the Senate floor when we return from the Memorial Day recess.

We have a couple of vacancies on the court in Pennsylvania. This would be a most welcome addition to the Third Circuit.

BEING BETTER PREPARED FOR TERRORIST ATTACKS

Mr. AKAKA. Mr. President, today I wish to address some of the issues raised by the White House's revelations last week that President Bush had been briefed on August 6 on Osama bin Laden's terrorist network and on plans by al-Qaida to hijack airplanes.

I understand that there was no advance knowledge that al-Qaida was planning to hijack airplanes and fly them into the World Trade Center or the Pentagon. I understand that there was no advance warning that this was to take place on September 11.

I believe the President when he states that had he known that the World Trade Center and the Pentagon were going to be attacked on September 11 by hijacked planes, he would have taken immediate action. Likewise, I believe none of my Democratic colleagues have suggested otherwise. I am certain that the President would have acted swiftly and effectively to prevent those attacks. In retrospect there are numerous actions which I am certain both the administration and the Congress wished we had taken when the Director of Central Intelligence first warned the President about terrorist attacks in the United States. An inquiry into what was done and what went wrong are legitimate questions which should be answered by the administration, and I hope will be.

But rather than concentrating on the past, I would like to focus my remarks on what now needs to be done to prevent future attacks. I do not agree with Defense Secretary Rumsfeld's recent conclusion that it is inevitable that terrorists will gain access to weapons of mass destruction and will use them. Our policy should be designed to deter terrorists from obtaining weapons of mass destruction in the first place. If we have the right strategy and implement it effectively, then the eventuality Secretary Rumsfeld assumes will not take place.

The administration is demanding that all agencies and departments produce performance plans and strategies to ensure that they are meeting their missions and using their budgets effectively. The Congress should be allowed to ask if the administration is managing homeland security effectively and meeting its mission. Three factors that can be used in judging success are transparency, public benefit, and leadership.

Transparency refers to how the administration communicates with the public and policymakers. Is the administration sharing information effectively? Is the information easily found and understandable? The confusion surrounding the anthrax exposures and the spate of recent terrorist warnings indicate that it is failing.

Public benefit refers to how clearly the administration establishes the cause and effect relationship between its actions and the general good. Do people feel safer in the aftermath of the administration's efforts? Is it clear that the administration's actions will result in a safer and more secure society? Vice President CHENEY's remarks on Sunday that the question is "when" not "if" a terrorist will attack the United States suggests that the administration has not met its most basic mission of homeland security and the war on terrorism.

Leadership is a broad term. Partly, it refers to using past and current information for future decisions. Leadership also refers to admitting when mistakes were made and identifying where failures occurred. Have we learned from past mistakes and are the lessons being used? Do the administration's actions inspire confidence in their ability to enhance our lives?

The administration is right when it suggests that the Congress received many of the same warnings that it did in the months leading up to September 11. But it is the White House and executive branch agencies which have the responsibility and the capability of ensuring an adequate response to those warnings. One of the first hearings I held after becoming chairman of the International Security, Proliferation, and Federal Services Subcommittee of the Governmental Affairs Committee was a hearing on July 23, 2001, on "FEMA's Role in Managing a Bioterrorist Attack and the Impact of Public Health Concerns on Bioterrorism Preparedness." Since that hearing, we have come some distance in improving our capability but we still have a long way to go.

For example, the administration needs to implement a long-term homeland security strategy that matches the threats we face. The Office of Homeland Security is still a work in progress. When my colleagues suggest that the head of that office should be Senate confirmable, they are right.

Governor Ridge is well-meaning but lacks the authority or the instruments to effect sufficient coordination and implementation by a diverse set of Federal agencies all charged with overseeing different aspects of homeland security. That is why I support S. 2425, introduced by Senator LIEBERMAN, to establish a Department of National Homeland Security and the National Office for Combating Terrorism. I am pleased to note that the Committee on Governmental Affairs reported favorably the bill this week.

I call on the administration to do the following: Carefully evaluate how agencies are structured to respond to terrorism. Eliminate fragmentation to achieve cohesive government operations. Reorganization alone will not fix communication problems.

Ensure that Federal agencies have the information they need and know what to do to protect against terrorism. Government organizations must have the proper internal structure and resources to identify, share, and act upon information swiftly.

Direct Federal agencies on what a "high state of alert" means and what agencies need to do to respond. Organizations lose the ability to respond if the agencies remain on a prolonged state of high alert. There needs to be clearer communication of a relatively lower state of alert so that agencies can respond more effectively. Agencies need to have accurate information so that they may "stand down" in periods of relative calm.

The administration needs to clarify the proper role of the military in homeland defense responses before a massive attack requires its extensive involvement.

Federal agencies should know what "success" means and have an idea of what the agencies need to accomplish to make progress.

The most effective way to respond to terrorist attacks is to prevent them from happening. The only way to do this is through intelligence and coordination. This was the real failure prior to 9-11 and it continues to be a problem today. Communication and intelligence sharing between Federal law enforcement and the intelligence community are dysfunctional. Local and State leaders are crying out for some way to share information and intelligence.

These are enormous challenges but these are critical times. I fear the atmosphere in Washington is still one of "business-as-usual," and I am concerned that the administration is reluctant to make the changes which are needed in as timely fashion as is required if we are going to be better prepared for the "perhaps more devastating attack" which Vice President CHENEY predicted would next come, or if we are going to avoid the type of attack by a terrorist with a weapon of mass destruction as imagined by Secretary Rumsfeld.

POW/MIA MEMORIAL FLAG ACT OF 2001

Mr. CAMPBELL. Mr. President, as we approach Memorial Day I would like to begin my statement today describing a powerful and emotional sight that moves up to the core of our faith and beliefs about America and about those who served in the Armed Forces of our Nation.

Many of us have visited one or more of the military academies that train America's future military leaders. These academies have varied missions and yet all of them share in the critical task of developing leaders for their particular branch of service. On the grounds of each academy is a chapel, spectacular places that are easily identifiable as places of worship.

In each chapel, a place has been reserved for those Prisoners of War and the Missing in Action from each particular service. A pew has been set aside and marked by a candle, a powerful symbol that not all have returned from battle. These hallowed places have been set aside so that all POW's and MIA's are remembered with dignity and honor. It is a moving and emotional experience to pause at these reserved pews, to be encouraged by the burning candle, to recall the valor and sacrifice of those soldiers, sailors, marines, and pilots and to be inspired today by what they have done.

Yet, I believe we can and should do more to honor the memory of all the POW's and MIA's who have so gallanty served our nation.

On August 10, 1990, the 101st Congress passed P.L. 101–355 which officially recognized the POW/MIA flag. Displaying this flag is a powerful symbol to all Americans that we have not forgotten, and will not forget.

Last September, I introduced S. 1226, the "POW/MIA Memorial Flag Act of 2001." This act would require the display of the POW/MIA flag at the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial, on any day on which the United States flag is displayed.

As my colleagues well know, the United States has fought in mnay wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action. In the 20th century alone, more than 147,000 Americans were captured and became prisoners of war; of that number more than 15,000 died while in captivity. When we add to the number those who are still missing in action, we realize that more can be done to honor their commitment to duty, honor, and country.

The display of the POW/MIA flag would be a forceful reminder that we care not only for them, but also for their families who personally carry with them the burden of sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served.

As a veteran who served in Korea, I personally know that the remembrance of another's sacrifice in battle is one of the highest and most noble acts we can do. Let us now demonstrate our indebtedness and gratitude for those who served that we might live in freedom.

Just as those special reserved pews in the chapels of the military academies recall the spirit and presence of our POW's and MIA's, so too will the display of their flag over the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial be a special reminder that we have not forgotten, and will not forget.

I invite my Senate colleagues to please join me in passing this important bill S. 1226, to ensure our POW/MIAs are not forgotten.

IN PRAISE OF FOSTER PARENTS

Mr. CRAIG. Mr. President, today we celebrate May as National Foster Care Month, and in Idaho, Foster Care Appreciation Month. Although this month is almost over, the need for foster care remains critical. I would like to take a moment today to talk about the important role that foster parents play in maintaining the safety and welfare of some of our most vulnerable citizens.

According to the Administration of Children and Families within the U.S. Department of Health and Human Services, there are an estimated 565,000 children in foster care across this nation. In Idaho, 1,276 children in need have been given temporary refuge in foster homes. There are 470 licensed foster homes available in Idaho to provide a family setting for children who have lost their parents, or whose parents, for whatever reasons, can no longer provide appropriate care. Foster care is intended to be temporary—until a child can be returned safely to his or her parents, or, if that is impossible, placed in a permanent, loving adoptive home.

Many foster parents take an active role working with the child's family to help them become safely reunited, or end up adopting the child themselves. One such foster couple is Manual and Catalina Godina of Parma. The Godinas have been foster parents since 1999, caring for nearly 20 children of all ages. After her five biological children grew up and married, Catalina spent her days babysitting grandchildren. She heard a foster care recruitment announcement on the radio and told Manuel she wanted to get involved. She then applied to see if they could qualify and, fortunately, they did.

Catalina has seen first hand the need for foster care when her infant nephew was removed from a drug-abusive home to be placed in his grandmother's care. She wanted to do something to help kids, so she opened up the Godina home to them. Catalina knows many kids who come through the system are mistreated, and she's trying to do her part to bring some joy into their lives. "They need some love, caring and a lot of attention," she says.

Manual and Catalina have hosted children for as little as 2 weeks, but currently their foster family includes a teenager who has lived with them for 3 years. On May 9, the Godinas adopted 3-year old Dimber, a beautiful boy who's been in their lives since he was 9 days old. They fell in love with Dimber, and when he became available for adoption, the Godinas applied, ensuring him a permanent, loving home.

There are many more foster families who mirror the compassion and love expressed by the Godinas. Sadly, however, there are far more children needing temporary refuge than there are Godinas or other foster families who can care for them. The purpose of National Foster Care Month has been to raise awareness of these issues and invite caring adults across the Nation to consider helping a child in need by becoming a foster parent. I salute all foster families and urge my colleagues to continue spreading this message in their home States.

INVESTIGATING THE EVENTS OF SEPTEMBER 11

Mr. SPECTER. Madam President, I have sought recognition to oppose the formation of a new commission to investigate the events of September 11, 2001. The suggestion has been made that such a commission should be modeled after the commission which investigated Pearl Harbor and the commission which investigated the assassination of President Kennedy.

Having been assistant counsel to the Warren Commission investigating the assassination of President Kennedy, I have some background in the way the commission was organized. I can say, with that experience, that it would take a very long process to form a new commission. The Warren Commission was compelled to go out and hire staff.

They hired lawyers from around the country—mostly young lawyers, like myself, back in 1964. The difficulty to obtain investigators was a very paramount one. They had to turn to the FBI, something which could not be done on an investigation of September 11 because the FBI itself is under scrutiny.

It is my view that it is important that we proceed on an expedited basis to have the appropriate oversight. We now know, with the revelation of the Phoenix memorandum, that on July 10, 2001, there was some substantial cause to be concerned about an attack by Osama bin Laden from the air. We know from the information available back in 1996, from the Pakistani terrorist Abdul Hakim Murad, who had connections with al-Qaida, that at that time there were plans to fly a plane into the CIA headquarters or other tall buildings. We know that with the arrest of Zacarias Moussaoui, on August 17, 2001, that it was not really a matter of putting the dots together.

However, as Senator GRAHAM, the chairman of the Senate Intelligence Committee, pointed out recently:

> I believe that if all the information that was known about the plans of Osama bin Laden, to train persons in the United States in aviation and understand the way in which the commercial aviation system in the United States operated—had all those been available to one set of analysts, it is possible that they could have put those pieces together.

Senator GRAHAM went on to point out that:

> . . . handled differently, it might have been a different outcome.

From my own experience as chairman of the Intelligence Committee in the 104th Congress, and from chairing the Judiciary subcommittee on Department of Justice Oversight, there is experience in those oversight committees which cannot be duplicated by a commission.

We have had on the Judiciary Committee, which does have oversight responsibility on the FBI on reorganization, the grave difficulties of getting information from the FBI. We know their procedures. What is evolving, in rather short order here, is a showing that it is really not a matter of putting together the dots, but just a matter of knowing what information was in the files, because of the variety of warnings about bin Laden, hijackings of commercial airliners, and flying into tall buildings.

This ought to be handled on an expedited basis. There is considerable experience in the Intelligence Committee and in the Judiciary Committee with experienced attorneys, former prosecutors, and investigators. It would be a major mistake to be diverted to a commission on the analogy of the Warren Commission or the Pearl Harbor Commission. I say that especially as to the Warren Commission where I saw personally the grave difficulties of getting organized.

The Intelligence Committee has primary jurisdiction over the events of September 11. There is some authority and oversight by the Judiciary Committee, as we had hearings recently with FBI Director Mueller on reorganization and as we have had closed-door sessions. However, as more of this information is coming out, it is apparent that there is a need for oversight and for some direction to be sure that these failures do not repeat themselves. With the imminent possibility of another terrorist attack—as the President, the Secretary of Defense, and the FBI Director have said that there is an inevitability of another attack—the experience and institutional knowledge of the Intelligence Committee and the Judiciary Committee ought to be used to oversee the FBI and CIA so that we can take action to stop another attack.

I thank my colleague from North Dakota for permitting me to speak. I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 19, 2001 in Medford, OR. A Hispanic man was assaulted by a man who yelled "white power". The assailant, Keith A. Hollensbe, 20, was charged with third-degree assault and first-degree intimidation in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL POLICE WEEK

Mr. LEVIN. Mr. President, last week many of our Nation's police officers joined together in Washington, DC to celebrate National Police Week. It began Monday, May 13 with a candlelight vigil at the National Law Enforcement Officers Memorial. The week-long tribute to our Nation's Federal, State and local police officers honors those who died in the line of duty and those who continue to serve and protect us everyday at great personal risk.

According to the National Law Enforcement Officers Memorial Fund, in 2001 there were 230 police officers killed in the line of duty. While many of the officers who were killed in the line of duty over the past year died as a result of the tragic events of September 11, there were many other officers who died because of gun violence. Of the 230 police officers killed in the line of duty last year, 68 were killed by a firearm.

To help stem the tide of gun violence, Senator REED introduced the Gun Show Background Check Act. I cosponsored that bill because I believe it is an important tool to help to prevent guns from getting into the hands of criminals. This bill simply applies existing law governing background checks to persons buying guns at gun shows. It is supported by a variety of law enforcement organizations including the International Association of Chiefs of Police, Major Cities Chiefs of Police, National Black Police Association, Police Foundation and National Troopers Coalition. We should stand with our Nation's law enforcement community and take this common sense step to reduce gun violence.

I urge my colleagues to support this important piece of gun safety legislation. This is one step we can take to try to make sure guns do not get into the hands of criminals and others prohibited by law.

ROBERT J. DOLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL AND REGIONAL OFFICE CENTER

Mr. ROBERTS. Mr. President, I rise today to honor Senator Bob Dole and to thank you for your support of H.R. 4608, naming the Department of Veterans Affairs medical and regional office center in Wichita, KS, as the Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center.

In the words of Senator Dole, "Anyone who wants to understand me must first understand Russell, KS. It is my home, where my roots lie, and a constant source of strength. My father's view of the world as "stewers versus doers" registered early. From my neighbors, I learned to feel deeply for God, country and family. In Russell, I came to understand there are things worth living for, and, if need be, dying for.

The Russell of my youth was not a place of wealth. Yet it was generous with the values that would shape my outlook and the compassion that would restore life's richness after I had begun to doubt my future following the war. Ever since, I have tried in my own way to give back some of what the town has given me. I have tried to defend and serve the America I learned to love in Russell."

That quote shows Senator Dole's dedication, passion, and love for Kansas and the United States. It only begins to vocalize the relationship he has had with the people of Kansas. Although many of my colleagues know and served with Senator Dole, I want to briefly recount his distinguished record of military and public service.

Bob Dole's heroism during WWII earned him two purple hearts and the Bronze Star Medal. While serving our country in the 10th Mountain Division in Italy, he was wounded trying to save a downed radioman. Injured badly and left for dead, Bob Dole survived nine long hours on that battle field paralyzed from the neck down and with a shattered shoulder. After spending time in a field hospital, he was transported back to a military hospital in the United States where he underwent nine surgeries over 3 years. It is a testament to Bob Dole's strength and character that he has overcome unbelievable obstacles.

As a, Russell County Attorney, Kansas State Legislator, U.S. Congressman, Senator, longest serving Senate Majority Leader and candidate for president, Bob Dole has tirelessly served the people of Kansas and this country. As a statesman, Senator Dole was always available. He listened and learned from Kansans whose concerns were as diverse as Kansas itself, economic development needs of our State's urban areas, support for disabled Americans, assistance for agricultural producers, and benefits for our veterans.

After leaving elected office, Bob Dole has kept giving of himself. In 1997, he agreed to serve as chair for the National World War II Memorial. He has since raised awareness and money to build a national monument in support of those who fought for our country during WWII.

Republicans, Democrats, politicians, farmers, veterans, and business owners know and respect the extraordinary statesman from Russell, KS, who still to this day has the receipts from the people of his hometown who helped pay for his medical bills after the war. He is a man of humility, leadership, courage, and pride. I am honored to know this man.

The State of Kansas, the Wichita VA, the veteran service organizations represented in Kansas, and I are proud to name the Wichita VA after this deserving figure. The Wichita VA should and will be a lasting and fitting tribute to the man from Kansas. Once again, I thank my colleagues for their support of H.R. 4608.

THE NAMING OF THE BOB HOPE VETERANS CHAPEL

Mrs. FEINSTEIN. Mr. President, I would like to thank the Senate for passing H.R. 4592, which designates the chapel located in the national cemetery in Los Angeles, CA the Bob Hope Veterans Chapel.

Beginning in May, 1941, when he performed his radio show for airmen at March Field, CA, and continuing through his Christmas show in Saudi Arabia in 1990 during Operation Desert Storm, Leslie Townes (Bob) Hope has taken to the roads to entertain U.S. troops, no matter where they were located.

Whether the country was at war or peace, Mr. Hope spent nearly 60 years committed to boosting the morale of U.S. armed forces through goodwill tours, United Services Organization shows, and his world-famous Christmas specials.

Through laughter, Mr. Hope helped an estimated 10 million GIs forget, for a brief period, their distance from home.

In October, 1997, Mr. Hope was made an Honorary Veteran through Congressional action—the first individual so honored in the history of the United States.

Mr. Hope and his wife, Dolores, have been married for 68 years, and have four children, as well as four grandchildren.

This legislation would further honor Mr. Hope's selfless devotion to America's protectors on this, his 99th birthday, by naming after him the chapel in the national cemetery near his home—a lasting tribute to his lifetime of service.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO JUDE LILLY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Mrs. Jude Lilly for receiving the Wildwood Programs Volunteer of the Year Award.

Jude has worked for Wildwood programs for more than fourteen years. In that time she has selflessly dedicated herself to help enable children and adults with neurologically-based learning disabilities, autism, and other developmental disorders to lead independent, productive and fulfilling lives.

The presentation of this award recognizes Jude for all that she does outside of the office as a volunteer. Two years ago she began the Pet Therapy Program. The program involves disabled young adults taking dogs to nursing homes to visit with senior citizens. As the creator of the program, Jude has created a means by which these young adults can give back to their community. The program brings immense value to all parties involved as they benefit from the time they spend with one another.

Jude's hard work is a tribute to her profession. Her ability, dedication, and desire to serve all members of the community is commendable. It is an honor and a privilege for me to congratulate her for receiving this award.•

THE 30TH ANNIVERSARY OF PRIDE/TWIN CITIES

Mr. DAYTON. Mr. President, I rise today to offer my congratulations to GLBT Pride/Twin Cities on the 30th anniversary of their Pride Celebration. The small march and picnic held 30 years ago has grown into a 2-day spectacular, featuring a Pride Block Party, a boat cruise, a fabulous Festival, and a very special Pride Parade, all of which draw many thousands of participants. It is the largest Pride Celebration in the Midwest, and the third largest in the Nation. It has become a weekend to celebrate and to honor the many, many talented and accomplished men and women in Minnesota's lesbian, gay, transgender, and bisexual communities and their friends.

GLBT Pride/Twin Cities and other GLBT organizations and their members have worked tirelessly to raise public awareness and understanding and to provide supportive services to GLBT individuals and families. As a result of their dedicated efforts during the last three decades, Minnesota has made progress towards achieving full and equal rights for the women and men in our GLBT communities. However, there is still a long way to go. I hope to be here in the United States Senate to witness the passage of Federal legislation banning employment discrimination, preventing hate crimes, and providing domestic partner benefits for GLBT Americans.

I also join with Pride/Twin Cities in recognizing June as GLBT Pride Month. All members of Minnesota's GLBT communities deserve to have that pride in themselves, their work, and their accomplishments. I will continue to work with you for the achievement of equal rights, equal protections, and equal opportunities for everyone in Minnesota's Gay, Lesbian, Transgender, and Bisexual communities.

10TH ANNIVERSARY OF NATIONAL CENTER FOR INTER-AMERICAN FREE TRADE

• Mr. KYLE. Mr. President, I would like to congratulate the National Law Center for Inter-American Free Trade on its 10th anniversary and ask the following letter be printed in the RECORD.

The letter follows:

MR. BORIS KOZOLCHYK,
President and Director, National Law Center for Inter-American Free Trade, Tucson, AZ.

DEAR MR. KOZOLCHYK: I would like to congratulate the National Law Center for Inter-American Free Trade on the celebration of its tenth anniversary on April 1, 2002.

The Center is an impressive research and educational institution affiliated with the

James E. Rogers College of Law at the University of Arizona in Tucson. It takes excellent advantage of being near one of the most significant international borders in the world.

Since its establishment, the Center has undertaken significant work for the U.S. Department of State to harmonize commercial law in the Americas, focusing on a model law for secured transactions, uniform documentation for cross-border surface transportation, and rules for electronic commerce. This legal reform work is performed in cooperation with the Organization of American States.

The Center plays an important role in integrating U.S. business into the economies of the Western hemisphere. Its work to reduce legal barriers to trade promotes the rule of law, democratic institutions, and enhances political stability and security in the region.

Once again, congratulations, and I wish the Center continued success.●

HONORING OLDER AMERICANS

● Mrs. CARNAHAN. Thank you, Mr. President, my discussions with Missourians reflect that their predominant concern these days is security security from the terrorist threat, and also security in their personal lives. Our seniors are deeply concerned about the price of prescription drugs, how to remain living independently in their own homes, and being able to afford their expenses living on a fixed income. May is Older Americans Month, and I want to take this opportunity to focus Congress' attention on the work that needs to be done to meet our commitment to seniors. That work includes passing a Medicare prescription drug benefit, providing seniors with the opportunity to live independently in their own communities, and increasing funding for the Older Americans Act.

I am a proud member of the Senate Special Committee on Aging, which is charged with overseeing issues of importance to seniors. In my capacity as a member of that Committee, last summer I chaired a hearing in Jefferson City, Missouri on the high cost of prescription drugs.

I want to share a story with you. At the hearing, a 92-year-old woman told me how ashamed she felt when she had written a check to cover her medication—knowing she did not have the money in the bank to cover it. Shame on us, I thought Shame . . . on us for allowing such indignities to be inflicted upon our senior citizens.

It is wrong to force older Americans to choose between rent and food and the medications they need to stay healthy. That is why I am urging Congress to enact a meaningful, affordable, and universal Medicare prescription drug benefit this year. I have also written to the Chairman of the Senate Budget Committee supporting $750 billion over ten years for the senior drug benefit. In addition, I am supporting legislation that would lower the price of prescription drugs for all Americans by closing loopholes in current law that allow brand name drugs to keep lower cost generic drugs from entering the market.

I believe that it is important for seniors to live independently in their own homes and communities for as along as possible. That is why I fought to secure $1.28 million in last year's appropriations bill to establish a Naturally Occurring Retirement Community (NORC) pilot program in St. Louis. The funds will support medical care, nutrition assistance, social services, and caregiver supports to residents of NORCs in St. Louis. This approach will allow seniors to stay in comfortable, less expensive surroundings while maintaining their independence and dignity. Services are cost-effective because seniors are living in a centralized area.

Finally, I would like to voice my support for increased funding for the Older Americans Act. This Federal program provides critical nutrition and support services to seniors across Missouri, as well as across the country. Earlier this year, I wrote the Chairman of the Senate Appropriations Subcommittee that oversees this program and requested a 10 percent increase in funding for the Older Americans Act, brining the total funding to $1.319 billion. This support for increased funding also applies to the National Family Caregiver Support Program and the Older Americans Act Nutrition Program. I will continue to work hard for this increase because of its importance to seniors.

Once again, I want to recognize how vital it is that Congress continue to keep in mind the needs of our country's seniors as we move forward through the legislative process this year. There are many issues of importance that still need to be addressed.●

EDUCATION HEROES

● Mr. SMITH of Oregon. Mr. President, today I salute some education heroes in my home state of Oregon. I want to recognize the efforts of both the South Coast Interagency Narcotics Team and a group of Millicoma Middle School 8th graders from Coos Bay, Oregon.

For 3 years, the South Coast Interagency Narcotics Team, SCINT, has visited local middle schools to run their "Pathfinders" drug abuse prevention program. As part of the Pathfinders program, experts in drug abuse prevention visit 6th, 7th, and 8th grade classes for 2 weeks every year to teach our young adults about the dangers of drugs. Not only does the SCINT team teach students about the physical harm drugs do to our bodies, but, perhaps most importantly, they teach students about the effect drugs have on our minds, and about how young adults can make the right choices when it comes to avoiding drug abuse.

What makes the Pathfinders program stand out is that just over 1 month ago we saw the results of that program in action. On April 18, while on a field trip to our state capitol in Salem, 19 students from the Millicoma Middle School were approached by a drug dealer. Luckily, those 8th grade students were the first in Coos Bay to complete all 3 years of the Pathfinders program, and knew exactly how to respond. The students just said "no", went on to their hotel, and alerted their chaperones, which is precisely what they were taught to do.

I am extremely proud of these students, and I know their community is proud as well. Not only were they recognized by their middle school peers, but they will soon be recognized by their new high school as well. Next fall, Marshfield High School will welcome those special 8th graders as freshmen, and will dedicate a new American flag to fly above the high school in their honor. The flag will serve as a reminder to all students that strong character coupled with good choices have always served our nation well.

The education that takes place in our schools has real world consequences, and it is essential that we take time to salute the people who help our nation's young adults make proper choices in their lives. Teachers, administrators, parents, and community members like the South Coast Interagency Narcotics Team are to be commended for their work, because without their efforts 19 more middle school students might be experimenting with drugs. Nineteen more middle school students could very well be dropping out of school or even going to jail. I want to thank the South Coast Interagency Narcotics Team and the Millicoma Middle School for reminding us once again that our communities are producing just the kinds of citizens we want leading America into the 21st century.●

TUBBY RAYMOND FIELD

● Mr. BIDEN. Mr. President, late last year, I offered a tribute to the legendary University of Delaware football coach, Harold "Tubby" Raymond, on the occasion of his 300th career victory. A few short months later, after 36 years as head football coach and a total of 48 years at Delaware, Coach Raymond decided to retire. And now, with a vote by the Board of Trustees this Tuesday, May 21st, the University has decided to designate the football field as "Tubby Raymond Field."

Like many Delawareans, present and relocated, I welcomed the University's decision with enthusiasm. I am a graduate of the University of Delaware. For a while, Tubby was my backfield coach, and I am one of many great fans and proud friends of Tubby Raymond. He deserves this honor; as his successor K.C. Keeler, who also played for Tubby—played more and played better, I might add—said, while looking over the Delaware football field, "the man built this place."

I will resist the temptation to recount again the remarkable success of University of Delaware football teams under Tubby Raymond, who ended his head coaching career with a record of 300–119–3, a winning percentage of .714.

But I would like to share a comment Tubby made, in response to a question he has been asked countless times in the course of his storied career. He was asked if he regretted not moving to coach on Sunday or at a bigger school, a I-A program, like his alma mater, the University of Michigan. Tubby said that he always had everything he wanted at Delaware, adding, "I'm just as proud of the players who have gone on to be successful in business and other careers, as I am of those who have gone to the NFL."

As a coach, Tubby Raymond has been a dedicated and very successful teacher, and the fact that he will be the speaker at this Saturday's commencement ceremony reflects the respect he has earned in the University community, well beyond the Athletic Department.

Tubby hasn't been able to leave the coaching completely behind, however; as he watched them setting up chairs on the football field for graduation, he shook his head with a slight wince, and said, "They're going to kill some grass."

The grass will grow back, and Tubby Raymond Field will be in good shape for the opening game on August 29th, when the name will become official. For the first time that many Delawareans can remember, Tubby will not be the coach. He will be the guest of honor, and it is Tubby Raymond who has honored us by his dedication as a coach and a teacher, his loyalty to the University of Delaware, his leadership in our State—and for those of us who are really lucky, the blessing of his friendship.●

TAHLEQUAH STUDENTS RECOGNIZED AS CONSTITUTIONAL SCHOLARS

● Mr. NICKLES. Mr. President, on May 4–6, more than 1,200 young people from across the country came to Washington, DC to compete in the national finals of the "We the People: The Citizen and the Constitution" program funded by the Department of Education and administered by the Center for Civic Education. This program teaches students to think critically, and to present oral arguments based on an in-depth understanding of the history and text of our founding documents. This is the most extensive education program of its kind, reaching more than 26.5 million students in elementary, middle and high schools. The competition simulates a congressional hearing whereby students testify as constitutional experts before a panel of adult judges. It is inspiring to see the future leaders of our Nation in active pursuit of the fundamental principles of government.

I am pleased that 15 students from Tahlequah High School in Tahlequah, Oklahoma were among the finalists in this national event. My congratulations go out to Chris Augerhole, J. R. Baker, Chad Blish, Ryan Cannonie, Taylor Gibson, Carlton Heard, Corbin Heard, Zach Israel, Doug Kirk, Helena Loose, Lacie Newman, Tim Pace, Rebecca Walker, Derek Whaler, Brandon Zellner, and their teacher Norma Boren.

Independent studies by the Educational Testing Service revealed that students enrolled in this curriculum "significantly outperformed comparison students on every topic." While only 48 percent of 18–30-year-olds voted in the 2000 elections, 82 percent of "We the People" alumni reported voting in 2000. It is refreshing to see the difference that can be made in the lives of students when they are taught to develop reasoned commitments to American values.

Again, I want to affirm the efforts of Tahlequah High School along with all the students across the country that participate in this study of our great Nation. We all know today's youth are tomorrow's leaders. Through their understanding of history, these students can better prepare their generation to face the challenges that lie ahead. They represent the best and brightest our country has to offer.●

10-YEAR-OLD FROM JENISON, MICHIGAN WINS THE NATIONAL GEOGRAPHIC BEE

● Mr. LEVIN. Mr. President, Calvin McCarter, a home-schooled student from Jenison, MI, a suburb of Grand Rapids, won the National Geographic Bee yesterday. At ten years old, Calvin became the youngest contender ever to win the competition. The grand prize was a lifetime subscription to National Geographic Magazine and a $25,000 college scholarship, which Calvin will not be able to use for a few years.

In the final round, Calvin and Matthew Russell of Bradford, PA, were asked the same five questions. Before the final question, they were tied with one wrong answer. According to accounts of the competition, the final question posed to the competitors was which country uses Lop Nur, a marshy depression at the eastern end of the Tarim Basin, as a nuclear test site. Calvin correctly identified China, while Matthew identified France.

According to National Geographic News, at the beginning of the competition, each contestant was given the opportunity to sit down and chat with host Alex Trebek. Calvin talked about his stamp-collecting hobby. His favorite is a Cold War stamp from the former Soviet Republic of Byelorussia, now the independent country of Belarus. His attention to detail and love for geography was evident, and is more clear now after his victory.

I know my colleagues will join me in congratulating Calvin on this tremendous accomplishment and wishing him the best in all of his future endeavors. Congratulations, Calvin.●

HONORING DR. GEORGE RUPP, PRESIDENT, COLUMBIA UNIVERSITY

● Mr. SCHUMER. Mr. President, I rise today to honor Dr. George Rupp for his distinguished career as the 18th President of Columbia University. On June 30, 2002, Dr. Rupp will retire from this position, after a remarkable record of service to New York City and to higher education in America.

Dr. Rupp, a New Jersey native, is both a dedicated scholar and educator. After graduating from Princeton University with high honors, he received a Bachelor of Divinity degree magna cum laude from Yale and a Ph.D. in the study of religion from Harvard. He served as the John Lord O'Brian Professor of Divinity and dean of the Harvard Divinity School and then as President of Rice University for eight years. In 1993, Dr. Rupp headed from Texas to New York with a vision, and today Columbia University is a stronger, more vibrant institution because of him.

Under Dr. Rupp's nine-year tenure, one of the nation's most important centers of intellectualism has flourished. Columbia University will commemorate its 250th anniversary as a model of academic excellence and community service. Its core missions of teaching, research and public service have enriched New York City, New York State and our country beyond measure.

Dr. Rupp has enhanced the quality of education at Columbia University by increasing attention to the importance of teaching; creating, among other things, teaching awards for faculty and graduate assistants. He has refocused the University's teaching and research to emphasize multidisciplinary efforts, bringing together scholars from different departments, schools and even outside institutions. Such efforts have led to the establishment of several new centers at Columbia, including the Earth Institute, Columbia Genome Center, Center for Biomedical Engineering, International Research Institute for Climate Prediction, and Center for New Media Teaching and Learning.

Student life on campus has also improved significantly since Dr. Rupp became President. He has promoted diversity and held the University to its promise of need-blind admissions and full-need financial aid at Columbia College. He has overseen the addition of women's varsity teams in swimming, softball, field hockey, rowing, lacrosse and volleyball, providing women with the same number of sports teams as men. Over the last few years, six new buildings have been constructed and 19 more have been renovated under his direction.

Dr. Rupp has also been steadfast in expanding the role of Columbia as an engine of high-tech growth and innovation. The recent scientific advances made at the University have been successfully translated into scores of valuable technologies which have also led to the development of numerous start-up firms in the area. Under Dr. Rupp, the University has established the Audubon Biotechnology and Research Park, the first biomedical research and development park in New York City, a facility which is a keystone to the future of the biomedical enterprise in the region.

In summation, I want to express my heartfelt appreciation to President George Rupp for his contributions to American higher education, his unfailing commitment to public service, and his dedication which has distinguished his career as a scholar and educator. I wish Dr. Rupp well in all his future endeavors.•

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

• Mr. AKAKA. Mr. President, every year during the month of May, our National comes together, in appreciation and celebration of Asian Americans and Pacific Islanders and their unique and varied history and contributions to our country. In fact, this May is the 10th Anniversary of the enactment of Public Law 102–450, which officially extended what was known as Asian Pacific American Heritage Week to the entire month of May of every year.

Although celebration of Asian American and Pacific Islander cultures and histories has become a large part of Asian American Pacific Islander Heritage Month, this time was designated primarily to focus on learning more about Asian Americans and Pacific Islanders and their history. Too few of us know in any great detail the stories of Asian Americans and Pacific Islanders. This is discouraging because Asian Americans and Pacific Islanders are such a vibrant addition to the mosaic that is America.

For instance, few realize that the first Filipino community in the U.S. was established in the Louisiana bayou around 1763. Not many of us know that the Bing cherry, a popular product of the Pacific Northwest, was developed by a Chinese American horticulturist named Ah Bing. And in Florida, another Chinese American, named Lue Gim Gong, developed an orange which was resistant to frost, a boon to the Florida agricultural industry.

Hawaii's Duke Kahanamoku was a five-time Olympic medal winner and is recognized internationally as the father of modern surfing. Duke Kahanamoku holds a unique place in surfing history and his Olympic feats are legendary over 80 years since their achievement.

One of the most amazing advances in medicine, organ transplantation, exists today largely because of a Japanese American, Dr. Paul Terasaki, who helped develop a test to determine the compatibility of a donated organ and its intended recipient.

Asian Americans and Pacific Islanders, have made names for themselves in the fields of music, acting, fashion, athletics, academia, medicine, science, literature, cuisine, and many more. Immigrants from Asia and the Pacific have contributed so much to the rich American tapestry. Given their long-time presence here on our shores, there can be no denying that Asian Americans and Pacific Islanders are an integral part of the fabric of America.

Aside from being an enriching and valuable addition to America, Asian American and Pacific Islanders are also one of the most diverse and fastest growing segments of our population. The Asian American and Pacific Islander community is made up of more than 36 distinct subpopulations with differing cultures, religions, traditions, and beliefs, speaking more than 100 different languages. U.S. Census figures show that the Asian American and Pacific Islander population grew at a rate about five times that of the national rate between 1990 and 2000. Asian Americans and Pacific Islanders now make up 4.2 percent of the U.S. population, around 11.9 million people strong. The Asian American and Pacific Islander population grew by 72 percent in a single decade. While my home state of Hawaii is probably most closely identified as having a large Asian American and Pacific Islander population, it is interesting to note that in the decade between the last two decennial censuses the Asian American and Pacific Islander population in Las Vegas, Nevada, increased 286 percent, in Atlanta, Georgia, there was a 200 percent increase, in Austin/San-Marcos, Texas, an increase of 175 percent, in Denver/Boulder/Greeley, Colorado a 115 percent increase, and in Detroit/Ann Arbor/Flint, Michigan, a 111 percent increase. Hopefully these figures will begin to dispel the notion that Asian American and Pacific Islander growth is strictly a West Coast or Eastern Seaboard phenomenon.

Asian Americans and Pacific Islanders are also key players in our nation's fight against terrorism and efforts to improve homeland security. For instance, my good friend and former colleague, Secretary of transportation Norman Y. Mineta, is working to keep our nation's roads and skies safe. His life story is truly amazing. Interned as a young boy during World War II by his own government, he grew up to be a public servant who has devoted his life to public service on behalf of our country. From his days as a local California politician, to his service in the U.S. House of Representatives, his formation of the Asian Pacific American Institute for Congressional Studies, his Chairmanship of the White House Initiative on Asian Americans and Pacific Islanders, his tenure as Secretary of Commerce, and now as Secretary of Transportation, Norman Mineta has broken down barriers and served his constituents and our nation with integrity and distinction.

As Chief of Staff, United States Army, General Eric K. Shinseki has distinguished himself as a leader of outstanding courage and impeccable integrity. The people of Hawaii are immensely proud of Ric Shinseki, a son of Kauai who has risen to the top post in the Army. Considered an enemy alien at birth, he is the first Asian American to wear four stars. General Shinseki's illustrious career speaks to his commitment and valor and represents the promise and greatness of America. In every way, General Shinseki exemplifies what is best about our nation and the men and women sworn to defend it.

I have mentioned some of the little known, yet positive, history of Asian Americans and Pacific Islanders, but before I conclude my remarks today, I want to highlight some less positive history, which is also little known. Our Nation has not always welcomed Asians and Pacific Islanders with open arms and sadly the treatment many immigrant groups received was truly shameful. I am speaking of events such as the internment of nearly 120,000 aliens and Americans of Japanese ancestry via Executive Order 9066 during World War II; the Immigration Act of 1924 which led to an almost complete halt of immigration from Asia; the exclusion of the Chinese laborers who built the transcontinental railroad from the famous photo of the driving of the golden spike at Promontory Point, "whitewashing" history of their important contribution; and the Chinese Exclusion Act, first enacted in 1882 and not repealed until 1943. Most recently, of course, we have the unfortunate acts of xenophobic and anti-Muslim violence perpetrated in the days and weeks after the September 11, 2001, terrorist attacks on our Nation where many of the victims were actually Asian Americans.

Regrettably, ignorance and prejudice continue to adversely impact Asian Americans and Pacific Islanders as they go about their daily lives. Last year, Representative David Wu from Oregon was denied entry to the Department of Energy on official business solely because of his national origin. Hawaii's Governor, Ben Cayetano, a Filipino America, was recently asked for his passport when checking into a hotel in Nevada. These high profile incidents underscore the indignities, insults, and discrimination that Americans of Asian or Pacific Islander descent encounter on a daily basis because some people feel they do not "look American."

There is an adage that says, "Experience is a hard teacher because she gives the test first, the lessons afterwards." My hope, as the 2002 Asian American Pacific Islander Heritage Month comes to close, is that we, as a Nation, having been through these tests, have truly learned a lesson. The theme of this year's Asian American Pacific Islander Heritage Month is Unity in Freedom. The simplicity of this theme belies its profoundness. Only by having the freedom to celebrate our individual diversity can we truly come together as one Nation. If you go through your pockets or purses and take out any coin minted in the United States, you will see the motto: "E Pluribus Unum"—from many, one. This motto first appeared on our coinage back in 1795. I see "Unity in Freedom" as a continuation of our Nation's lengthy and grand tradition of respecting an encouraging individual rights while simultaneously acknowledging that the key to our success as a country comes from our ability to lay our individual differences aside to work together for a common goal.●

● Mr. CORZINE. Mr. President, I rise today to recognize Asian Pacific American Heritage Month. Every May we acknowledge the many accomplishments and profound contributions that people of Asian and Pacific Island descent have made to New Jersey and to our country. The celebration also affords us the opportunity to recognize the strength the United States draws from its diversity, especially those contributions made by Asian Pacific Americans.

The formal recognition of Asian Pacific American Heritage began in 1979 with a weeklong celebration. In 1992, President George Herbert Walker Bush signed Public Law 102–450, devoting the entire month of May to acknowledge the history, concerns, and contributions of Asian Pacific and Americans.

Today, Americans of Asian and Pacific Islander lineage total nearly 11 million people. The Census Bureau projects that the Asian Pacific Islander population will grow to nearly nine percent of the American population by the middle of the century.

Americans of Asian and Pacific Islander heritage have been instrumental in the development and sustaining of both the national and New Jersey economies. Figures from the last economic census compiled in 1997 attribute more than 2.2 million jobs nationwide and over $306 billion dollars to Asian and Pacific Islander-owned businesses. New Jersey ranks fifth nationwide in the number of firms owned by Asian and Pacific Islanders with over 41,000 businesses generating sales and receipts totaling over $16.7 billion.

Although some Asian Pacific Americans are beginning to enjoy success in the United States, Asian immigrants and Asian Americans have met roadblocks. From racist Chinese exclusion laws to being unjustly held hostage in internment camps, Asian Pacific Americans too often have been shunned as untrustworthy foreigners, not accepted as "true Americans" because of their appearance or their cultural and religious traditions. Unfortunately, racism against Asian American continues today. Hate crimes perpetrated against Asians and Asian Americans have increased in frequency and intensity in the wake of the terrorist attacks against the United States.

All Americans should remember that we are a nation of immigrants and we should reaffirm our commitment to diversity, mutual respect and the American Dream. We must remember that although people we meet on the street, schools, stores or even airplanes may be of a different ethnic or religious background, they are still our co-workers, neighbors, and fellow Americans.

I hope you will join me in recognizing the hard work and sacrifices made by Asian immigrants and Asian Americans for our country. Throughout our history, Asian immigrants and Asian Americans have contributed to our nation's growth and have fought to protect our nation. Today, Asian Americans continue to help make our country great through contributions as diverse as they different countries of origin. I applaud the efforts of Asian immigrants and Asian Americans who continue to work towards the American dream, and I thank them for their many contributions to our great Nation.●

HONORING LILLIAN AND JACK BURRIS, JULIE AND CHARLES CAWLEY, JOAN AND STACEY MOBLEY

● Mr. BIDEN. Mr. President, last week I had the privilege of attending a dinner honoring six extraordinary Delawareans, three couples who have generously extended the success, spirit and strength of their own lives to the immeasurable benefit of our State. They were honored for, what I thought was a wonderful phrase, their "transformational leadership" by the Delaware Region of the National Conference for Community and Justice, the NCCJ.

Lillian and Jack Burris have volunteered for and contributed to more public service organizations than many of us could name. Last year, they were honored as a couple with the United Way's Alexis de Tocqueville Society Award.

Among other endeavors, Lillian is a charter member of the Milford Housing Corporation, a trustee of Wesley College and a member of the board of the Kent and Sussex Counties Mancus Foundation, which serves disabled citizens. Perhaps most impressively, she was Delaware's Mother of the Year in 1992.

Jack has been chairman of the State Integrity Commission for over a decade; he is a 35-year board member at Milford Memorial Hospital, a former trustee of the University of Delaware, and in 1994, was inducted into the Delaware Business Leaders Hall of Fame. He can still out-work colleagues half his age.

Julie and Charlie Cawley have become remarkable leaders, both in the business community and personally, in supporting charitable and educational organizations through their Cawley Family Foundation and the MBNA Foundation, which coordinates the considerable volunteer efforts of the more than 10,000 MBNA employees in Delaware.

Julie, a former special education teacher, is a leader in some of the most effective nonprofit organizations and educational efforts in our State, including the Ministry of Caring, Catholic Charities, Meals on Wheels, the Centreville School and Bayard House, a residential program for pregnant teenagers and young women.

Charlie serves on the board executive committees of the University of Delaware and the Grand Opera House in Wilmington. His other board memberships, past and present, are too numerous to name I'm afraid I might leave out something important but I know he takes particular pride in his service on the board of the Metropolitan Wilmington Urban League. And Charlie not only serves, he truly leads, inspiring others to get involved.

Joan and Stacey Mobley are one of those impressive doctor-lawyer couples, but despite all those advanced degrees, they have made good certainly as community leaders. They currently co-chair the capital campaign of the Delaware Art Museum, which is under taking a major renovation and expansion.

Joan Mobley, M.D., serves on the board of the University of Delaware, is an advocate for the Open College Door Program at Delaware State University, and serves on the board of overseers for the Delaware College of Art and Design. Joan also sits on the Board of Professional Responsibility of the Delaware Supreme Court, and chairs the nominating committee of our YWCA.

Stacey Mobley, lawyer, chaired one of the most successful statewide charitable fund-raising campaigns in Delaware history, at a time when it wasn't easy, raising $27 million for the United Way. He, too, has served on numerous boards through the years, including his leadership here in Washington on behalf of the National Building Museum and the Arena Stage. Last year, Stacey was appointed by our Governor to chair the Delaware Strategic Economic Council again, taking the job when the challenge is considerable.

Six extraordinary people, and perhaps the most extraordinary thing about them is that for every public effort, every board membership, every charitable contribution that I could name and document, each of them has undertaken many more private acts of generosity and "transformational leadership." It is my very great privilege to know all of them personally, and to be able to honor them as friends, as well as community leaders.

I would like to put into the RECORD the comments made by Stacey Mobley, accepting the NCCJ award on behalf of all six honorees, and I ask that his remarks be printed in the RECORD.

The remarks follows:

REMARKS BY STACY J. MOBLEY

On behalf of Joan and myself, let me say that we are humbled to be honored by the NCCJ tonight—and to be honored along with Lillian and Jack Burris and Julie and Charlie Cawley. Considering their extraordinary contributions to Delaware over the years, it's truly overpowering to be included with them.

The Cawleys and the Burrises have asked me—in the interest of time—to deliver remarks for all six of us. So let me begin by saying we all extend our thanks not only to the NCCJ—which has so generously honored us—but to our family and our friends who have bolstered us through the years, often served with us, answered our pleas for contributions or support, or just agreed to share their ideas at a focus group. As Dr. King once said: "Our destinies are tied together. None of us can make it alone." We're all part of an extended family—a community of friends—that nurtures each other's dreams and shares each other's happiness. So the six of us would like to take a moment to thank all of you who have been such wonderfully supportive family, and great companions through our lives.

At the first meeting with Muriel Gilman and Barbie Riegel to discuss this award, they explained that the NCCJ was honoring us for what it calls "transformational leadership" in bettering our communities. That seems a most appropriate theme to focus on, considering the work of the NCCJ, itself. For 75 years, the NCCJ has encouraged "transformational leadership" across this nation as the organization has helped fight bias, bigotry and racism, while promoting understanding and respect among all peoples. The work has never been easy—and I might suggest that it has never been more important a task than it is today.

Sadly, understanding and respect among all peoples seem to be dwindling values in our world. Despite the advanced telecommunications devices we invent, and despite the Internet, which puts the wisdom of the greatest minds at our fingertips, we still seem incapable of learning from the past. As we look with empathy and helplessness at the conflicts that tear apart peoples around the world, we wonder why these twin values of understanding and respect for each other's differences are so elusive. People of differing religions, races and ethnicity's have caused each other tremendous pain over centuries of recorded time because fear and hatred have too often been instilled from infancy. And regrettably, nobody seems above it. It has been true of Protestants, Catholics, Jews, Muslims, Buddists, Serbs, Croats . . . and the list goes on. In the places where there is no understanding of each other, there is no mutual respect. And as surely as night follows day, distrust and hatred seem to follow.

Conversely, in the places where there is an effort to understand and respect each other's differences, people can live and work side-by-side, gaining strength from their diversity.

As our world struggles with seemingly insoluble problems—in the Middle East, the Balkans, Northern Ireland, India, Africa, and a dozen other global hot spots—we find ourselves praying for an outbreak of peace. We all share such a spectacularly beautiful little island in this massive solar system, you wonder—as Rodney King asked: "Why can't we all just get along?"

And while those of us in the comparatively little outpost called Wilmington, Delaware, are not in the position to solve the world's problems, we give thanks in our own community for an organization such as NCCJ which has—as its reason for existence—the goal of bringing people together. NCCJ helps build "communities of justice" through an array of programs that reach our young people, extend into the workplace, and cross lines of faith. And events, such as this one, tonight, remind us all how important it is for each of us to strengthen our communities by "giving back" in some meaningful way. Some of us "give back" with our time and talents, enlivening Boards and Task Forces with our creative energies. Some of us "give back" by writing generous checks to support capital campaigns to expand our communities. Others of us have chosen to build a business, to pursue public service, or to mentor at-risk kids.

But through our individual actions, we're all saying that we understand the interpersonal bonds implied in the word "community"—and the commitment in the word "friendship." This room is filled with a community of people who are remarkably different from each other—in gender, race, national origin, sexual orientation, age, and religion. Yet we treasure our community so deeply that we have made a commitment to work together to make Delaware the kind of peaceful place in which we'd be proud to raise our children and our grandchildren. . . . A place that teaches not hatred or intolerance, but understanding, and respect among all peoples. Our community is not perfect, and our nation is not perfect. But there's virtue in the ongoing commitment to make it so—and the NCCJ is at the heart of that effort.

Speaking for the Cawleys, the Burrises and the Mobleys, I extend a very sincere thank you for honoring us tonight. And we, in turn, salute and thank NCCJ for your tireless efforts at fostering a just and inclusive society, and for enriching the community we all cherish. Thank you.●

CONGRATULATING JOE PUNG

● Mr. LEVIN. Mr. President, I am so proud today to bring to the attention of my colleagues the good work of a young constituent of mine, Joe Pung of Smith Creek, MI. Joe Pung is an Eagle Scout with Troop 178 of Port Huron, MI, and as an Eagle Scout project, Joe undertook the establishment of a missing in action war memorial in the Goodells Community Park in St. Clair County, MI. Joe told me in a letter that he committed himself to this project because he felt "very sad" that the men and women who are missing in action from WWI, WWII, Korea, and Vietnam and who "gave so much are forgotten by our community, and," he said, "I would like to change this." And change this he did.

Joe, who graduated from Port Huron High School in June of last year, came up with a plan and raised all the money for this project, some $8,000, from local businesses. Using that money and several in-kind donations, including two three-ton cobblestone pillars, two lights, and stonework, Joe erected a 34-foot flagpole with the pillars on each side and the names of the missing in action and prisoners of war engraved on stone plaques on top of the pillars.

The memorial is going to be dedicated this Memorial Day, May 27. I know I speak for all of us in this body when I say "congratulations" to Joe for a job well-done, for thinking about those who have gone before us and who made the ultimate sacrifice for our freedoms, and for reminding us all about the real meaning of Memorial Day.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3167. An act to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 1, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

At 2:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3129. An act to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.

H.R. 3717. An act to reform the Federal deposit insurance system, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3129. An act to authorize appropriations for fiscal years 2002 and 2003 of the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States. Trade Representative, for the United State International Trade Commission, and for other purposes; to the Committee on Finance.

H.R. 3717. An act to reform the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2538. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals For Fiscal Year 2002." (Rept. No. 107–155).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 1366: A bill to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building."

H.R. 1374: A bill to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building."

H.R. 3789: A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building."

H.R. 3960: A bill to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building."

H.R. 4486: Official Title Not Available.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 182: A resolution expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. Res. 253: A resolution reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. Res. 274: A resolution expressing the sense of the Senate concerning the 2002 World Cup and co-hosts Republic of Korea and Japan.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1868: A bill to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 1970: A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building."

S. 1983: A bill to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the "John A. "Jack" Shea Post Office Building."

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 1989: A bill to authorize the establishment of a National Cyber Security Defense Team for purposes of protecting the infrastructure of the Internet from terrorist attack.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 2217: A bill to designate the facility of the United States Postal Service located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building."

S. 2433: A bill to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building."

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 2487: A bill to provide for global pathogen surveillance and response.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 109: A concurrent resolution commemorating the independence of East Timor, and for other purposes.

A bill to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

D. Brooks Smith, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Roslynn R. Mauskopf, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

Steven D. Deatherage, of Illinois, to be United States Marshal for the Central District of Illinois for the term of four years.

Thomas M. Fitzgerald, of Pennsylvania, to be United States Marshal for the Western District of Pennsylvania for the term of four years.

G. Wayne Pike, of Virginia, to be United States Marshal for the Western District of Virginia for the term of four years.

David William Thomas, of Delaware, to be United States Marshal for the District of Delaware for the term of four years.

By Mr. BIDEN for the Committee on Foreign Relations.

*David A. Gross, of Maryland, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic and Business Affairs and U.S. Coordinator for International Communications and Information Policy.

*Jack C. Chow, of Pennsylvania, for the rank of Ambassador during his tenure of service as Special Representative of the Secretary of State for HIV/AIDS.

*Paula A. DeSutter, of Virginia, to be an Assistant Secretary of State (Verification and Compliance).

*Stephen Geoffrey Rademaker, of Delaware, to be an Assistant Secretary of State (Arms Control).

*Michael Alan Guhin, of Maryland, a Career Member of the Senior Executive Service, for the rank of Ambassador during tenure of service as U.S. Fissile Material Negotiator.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning Stephan Wasylko and ending Charles Kestenbaum, which nominations were received by the Senate and appeared in the Congressional Record on March 20, 2002.

Foreign Service nominations beginning Suzanne K. Hale and ending Maurice W. House, which nominations were received by the Senate and appeared in the Congressional Record on March 20, 2002.

Foreign Service nominations beginning Gary V. Kinney and ending James E. Stephenson, which nominations were received by the Senate and appeared in the Congressional Record on March 20, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH of New Hampshire (for himself, Mr. MILLER, Mr. MURKOWSKI, Mr. Burns, Mr. Bunning, and Mr. Thurmond):

S. 2554. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 2555. A bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program; to the Committee on Finance.

By Mr. CRAPO (for himself and Mr. Craig):

S. 2556. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. Graham, Mr. Allard, Mr. Kennedy, and Ms. Mikulski):

S. 2557. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself, Mr. Fitzgerald, Ms. Cantwell, and Mr. DeWine):

S. 2558. A bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. EDWARDS (for himself and Mrs. Murray):

S. 2559. A bill to expand research for women in trauma; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD (for himself, Mr. Feingold, Mr. Campbell, Mr. Kohl, and Mr. Craig):

S. 2560. A bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (by request):

S. 2561. A bill to amend title 38, United States Code, to transfer from the Secretary of Labor to the Secretary of Veterans Affairs certain responsibilities relating to the provision of employment and other services to veterans and other eligible persons; to require the establishment of a new competitive grants program through which employment services shall be provided to veterans, servicemembers, and other eligible persons; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REID (for himself and Mr. Cochran):

S. 2562. A bill to expand research regarding inflammatory bowel disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. Kerry, and Mr. Torricelli):

S. 2563. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 with respect to the interest rate range for additional funding requirements, and for other purposes; to the Committee on Finance.

By Mr. McCAIN:

S. 2564. A bill to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index; to the Committee on Armed Services.

By Mrs. MURRAY (for herself and Ms. Cantwell):

S. 2565. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. Gregg, Mrs. Murray, Mr. Voinovich, Mr. Wellstone, Mr. Bond, Mr. Edwards, Mr. Stevens, and Mr. DeWine):

S. 2566. A bill to improve early learning opportunities and promote school preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Ms. Cantwell, and Mr. Inouye):

S. 2567. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mrs. MURRAY (for herself and Ms. Cantwell):

S. 2568. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. Levin, Mr. Hatch, Mr. Kerry, Ms. Collins, Ms. Landrieu, Mr. Cleland, and Ms. Stabenow):

S. 2569. A bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself, Mr. Nelson of Nebraska, Mr. Hutchinson, Mrs. Lincoln, Mr. Smith of Oregon, and Mrs. Clinton):

S. 2570. A bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2571. A bill to direct the Secretary of the Interior to conduct a special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. Santorum, Mr. Lieberman, Mr. Smith of Oregon, Ms. Mikulski, Mr. Brownback, Mrs. Murray, and Mr. Hutchinson):

S. 2572. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Ms. Collins, Mr. Sarbanes, Mr. Chafee, Mr. Schumer, Mr. Akaka, Mr. Carper, Mr. Dodd, and Mr. Corzine):

S. 2573. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH of Oregon (for himself, Mrs. Feinstein, Mrs. Murray, Ms. Landrieu, Mr. Durbin, and Mr. Corzine):

S. Res. 275. A resolution expressing the sense of the Senate that the United States should renew its commitment to the world's mothers and children by increasing funding for basic child survival and maternal health programs of the United States Agency for International Development, and for other purposes; to the Committee on Foreign Relations.

By Mr. BOND:

S. Res. 276. A resolution designating the period beginning on June 10 and ending on June 14, 2002, as "National Work Safe Week"; to the Committee on the Judiciary.

By Ms. SNOWE:

S. Res. 277. A resolution expressing the sense of the Senate regarding the policy of the United States at the 19th Annual Meeting of the North Atlantic Salmon Conservation Organization; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT (for himself, Mr. Helms, Mr. Warner, Mr. Nickles, Mr. Allard, Mr. Allen, Mr. Bennett, Mr. Bond, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Campbell, Mr. Chafee, Mr. Cochran, Ms. Collins, Mr. Craig, Mr. Crapo, Mr. DeWine, Mr. Domenici, Mr. Ensign, Mr. Enzi, Mr. Fitzgerald, Mr. Frist, Mr. Gramm, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Hatch, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Kyl, Mr. Lugar, Mr. McCain, Mr. McConnell, Mr. Murkowski, Mr. Roberts, Mr. Santorum, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, and Mr. Voinovich):

S. Res. 278. A resolution calling upon all Americans to recognize on this Memorial Day, 2002, the sacrifice and dedication of our Armed Forces and civilian national security agencies; considered and agreed to.

By Mr. DASCHLE (for himself and Mr. Lott):

S. Res. 279. A resolution to modify the funding of the Jacob K. Javits Senate Fellowship Program; considered and agreed to.

By Mr. KENNEDY:

S. Con. Res. 117. A concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3448; considered and agreed to.

By Mr. DASCHLE:

S. Con. Res. 118. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. Feinstein, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 556

At the request of Mr. JEFFORDS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 603

At the request of Mr. LIEBERMAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 839

At the request of Mrs. HUTCHISON, the names of the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. AKAKA), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1258

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1282

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1282, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1506

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1506, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 1606

At the request of Mr. NELSON of Florida, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1606, a bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership of any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or service to the patient.

S. 1678

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1829

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1829, a bill to provide for transitional employment eligibility for qualified lawful permanent resident alien airport security screeners until their naturalization process is completed, and to expedite that process.

S. 1978

At the request of Mr. HUTCHINSON, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1978, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

S. 2006

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2006, a bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit.

S. 2007

At the request of Mr. INHOFE, the names of the Senator from Montana (Mr. BURNS) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 2007, a bill to provide economic relief to general aviation entities that have suffered substantial economic injury as a result of the terrorist attacks perpetuated against the United States on September 11, 2001.

S. 2055

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2055, a bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes.

S. 2116

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2116, a bill to reform the program of block grants to States for temporary assistance for needy families to help States address the importance of adequate, affordable housing in promoting family progress towards self-sufficiency, and for other purposes.

S. 2194

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2221

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2249

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2249, a bill to amend the Public Health Service Act to establish a grant program regarding eating disorders, and for other purposes.

S. 2428

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2483

At the request of Mr. CLELAND, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2483, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. RES. 246

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 246, a resolution demanding the return of the USS *Pueblo* to the United States Navy.

S. RES. 272

At the request of Mr. NELSON of Florida, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Res. 272, a resolution expressing the sense of the Senate regarding the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly.

AMENDMENT NO. 3461

At the request of Mr. CORZINE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 3461 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3462

At the request of Mr. CORZINE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 3462 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH of New Hampshire (for himself, Mr. MILLER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. THURMOND):

S. 2554. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH of New Hampshire. Mr. President, I'd like to talk about an issue of vital importance to the people of the United States. Is our government doing absolutely everything in its power to prevent another occurrence such as the one on September 11, where our own airplanes, full of innocent men, women, and children, were hijacked and turned into guided missiles, killing thousands? We have taken many steps to prevent this from happening again, such as increased security checks and reinforcing cockpit doors. But for some reason we hesitate to take the additional step of ensuring our aircrews have the ability as well to guard against the terrorist threat. Today, I am proud to represent a bipartisan coalition including Senator ZELL MILLER, Senator CONRAD BURNS, Senator FRANK MURKOWSKI, Senator JIM BUNNING, and Senator STROM THURMOND in introducing the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

Armed pilots are our first line of deterrence and the last line of defense to protect an aircraft from terrorist takeover. Trained Flight Attendants are an important part of an integrated, layered strategy to fight terrorists from the cabin to the cockpit. Flight Attendants need more training to defend themselves and the American people from future contemplated acts of terrorism.

This legislation sets up a voluntary program to train and deputize pilots in the proper use of a firearm. The bill further repeals the authority of the Undersecretary for Transportation Security to block armed pilots. The Senate passed legislation as part of the aviation and Transportation Security bill to authorize a pilot "to carry a firearm into the cockpit if—(1) the Undersecretary of Transportation for Security Approves." For some reason, the Undersecretary has not approved this measure. It is time to mandate a program to train and arm pilots now.

Section 3 of the bill addresses the concerns of our Nation's Flight Attendants. The bill sets up detailed requirements and training which will prepare Flight Attendants for potential threat conditions. The bill further sets up a new Aviation Crewmember Self-Defense Division at the Department of Transportation to aid in the training of Flight Attendants.

The bill mandates the development and fielding of a wireless communications device system so the pilots may communicate with flight attendants discreetly. Finally, the Transportation Security Administration is required to study the issue of less than lethal weapons for Flight Attendants.

The opponents of armed pilots argue that firearms are too dangerous to be used in airplanes. Federal Air Marshals are armed with guns and they sit in the passenger cabin of commercial airliners. We should not prevent the pilots who are separated from the passengers by a reinforced cockpit door, and again, serve as the last line of defense, from being armed. It is time to establish and implement a comprehensive training program, and arm pilots immediately after its completion.

Pilots have told me that a stun guns or a tazer is not the answer. Those two tools are a good supplement for a firearm, but they are not a replacement. Again, if firearms are good enough for the Federal Air Marshals, they are good enough for our Nation's pilots. An Air Force fighter jet shooting down a commercial airline full of passengers is a scary and unthinkable prospect. Armed pilots are a reasonable alternative to an Air Force Pilot shooting down a commercial airliner.

I disagree with the Undersecretary for Transportation Security that a reinforced cockpit door and armed Federal Air Marshals are the final answer. I believe that armed pilots and trained Flight Attendants give this Nation an integrated system to fight hijackers. Pilots working together with Flight Attendants are the best method to thwart the will of terrorists. Armed Pilots and trained Flight Attendants need to be given the tools to stop those who would use commercial aircraft to again attack at the heart of the United States of America.

Flight Attendants were executed on September 11 by terrorists. Giving Flight Attendants the training contained in the bill is the least we can do for these brave individuals. Don't forget that Flight Attendants were specifically targeted by the terrorists and this bill will help flight attendants to have a fighting chance.

This is an important and necessary tool in the war against terrorists. Please support and co-sponsor the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arming Pilots Against Terrorism and Cabin Defense Act of 2002".

SEC. 2. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44921. Federal flight deck officer program

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish a program to deputize qualified pilots of commercial cargo or passenger aircraft who volunteer for the program as Federal law enforcement officers to defend the flight decks of commercial aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as 'Federal flight deck officers'. The program shall be administered in connection with the Federal air marshal program.

"(b) QUALIFIED PILOT.—Under the program described in subsection (a), a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—

"(1) is employed by an air carrier;

"(2) has demonstrated fitness to be a Federal flight deck officer in accordance with regulations promulgated pursuant to this title; and

"(3) has been the subject of an employment investigation (including a criminal history record check) under section 44936(a)(1).

"(c) TRAINING, SUPERVISION, AND EQUIPMENT.—The Under Secretary of Transportation for Security shall provide or make arrangements for training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot. The Under Secretary may approve private training programs which meet the Under Secretary's specifications and guidelines. Air carriers shall make accommodations to facilitate the training of their pilots as Federal flight deck officers and shall facilitate Federal flight deck officers in the conduct of their duties under this program.

"(d) DEPUTIZATION.—

"(1) IN GENERAL.—The Under Secretary of Transportation for Security shall train and deputize, as a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

"(2) INITIAL DEPUTIZATION.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize not fewer than 500 qualified pilots who are former military or law enforcement personnel as Federal flight deck officers under this section.

"(3) FULL IMPLEMENTATION.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot as a Federal flight deck officer under this section.

"(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer.

"(f) AUTHORITY TO CARRY FIREARMS.—The Under Secretary of Transportation for Security shall authorize a Federal flight deck officer under this section to carry a firearm to defend the flight deck of a commercial passenger or cargo aircraft while engaged in providing air transportation or intrastate air transportation. No air carrier may prohibit a Federal flight deck officer from carrying a firearm in accordance with the provisions of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

"(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), a Federal flight deck officer may use force (including lethal force) against an individual in the defense of a commercial aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

"(h) LIMITATION ON LIABILITY.—

"(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the air carrier employing a pilot of an aircraft who is a Federal flight deck officer under this section or out of the acts or omissions of the pilot in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

"(3) EMPLOYEE STATUS OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall be considered an 'employee of the Government while acting within the scope of his office or employment' with respect to any act or omission of the officer in defending an aircraft against acts of criminal violence or air piracy, for purposes of sections 1346(b), 2401(b), and 2671 through 2680 of title 28 United States Code.

"(i) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Under Secretary of Transportation for Security, in consultation with the Firearms Training Unit of the Federal Bureau of Investigation, shall issue regulations to carry out this section.

"(j) PILOT DEFINED.—In this section, the term 'pilot' means an individual who is responsible for the operation of an aircraft, and includes a co-pilot or other member of the flight deck crew.".

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for such chapter 449 is amended by inserting after the item relating to section 44920 the following new item:

"44921. Federal flight deck officer program.".

(2) EMPLOYMENT INVESTIGATIONS.—Section 44936(a)(1)(B) is amended—

(A) by aligning clause (iii) with clause (ii);

(B) by striking "and" at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting "; and"; and

(D) by adding at the end the following:

"(v) qualified pilots who are deputized as Federal flight deck officers under section 44921.".

(3) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is repealed.

SEC. 3. CABIN SECURITY.

(a) TECHNICAL AMENDMENTS.—Section 44903, of title 49, United States Code, is amended—

(1) by redesignating subsection (h) (relating to authority to arm flight deck crew with less-than-lethal weapons, as added by section 126(b) of public law 107-71) as subsection (j); and

(2) by redesignating subsection (h) (relating to limitation on liability for acts to thwart criminal violence or aircraft piracy, as added by section 144 of public law 107-71) as subsection (k).

(b) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Section 44918 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) IN GENERAL.—

"(1) REQUIREMENT FOR AIR CARRIERS.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, shall prescribe detailed requirements for an air carrier cabin crew training program, and for the instructors of that program as described in subsection (b) to prepare crew members for potential threat conditions. In developing the requirements, the Under Secretary shall consult with appropriate law enforcement personnel who have expertise in self-defense training, security experts, and terrorism experts, and representatives of air carriers and labor organizations representing individuals employed in commercial aviation.

"(2) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish an Aviation Crew Self-Defense Division within the Transportation Security Administration. The Division shall develop and administer the implementation of the requirements described in this section. The Under Secretary shall appoint a Director of the Aviation Crew Self-Defense Division who shall be the head of the Division. The Director shall report to the Under Secretary. In the selection of the Director, the Under Secretary shall solicit recommendations from law enforcement, air carriers, and labor organizations representing individuals employed in commercial aviation. The Director shall have a background in self-defense training, including military or law enforcement training with an emphasis in teaching self-defense and the appropriate use force. Regional training supervisors shall be under the control of the Director and shall have appropriate training and experience in teaching self-defense and the appropriate use of force.";

(2) by striking subsection (b), and inserting the following new subsection:

"(b) PROGRAM ELEMENTS.—

"(1) IN GENERAL.—The requirements prescribed under subsection (a) shall include, at a minimum, 28 hours of self-defense training that incorporates classroom and situational training that contains the following elements:

"(A) Determination of the seriousness of any occurrence.

"(B) Crew communication and coordination.

"(C) Appropriate responses to defend oneself, including a minimum of 16 hours of hands-on training, with reasonable and effective requirements on time allotment over a 4 week period, in the following levels of self-defense:

"(i) awareness, deterrence, and avoidance;

"(ii) verbalization;

"(iii) empty hand control;

"(iv) intermediate weapons and self-defense techniques; and

"(v) deadly force.

"(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator or Under Secretary).

"(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

"(F) Live situational simulation joint training exercises regarding various threat conditions, including all of the elements required by this section.

"(G) Flight deck procedures or aircraft maneuvers to defend the aircraft.

"(2) PROGRAM ELEMENTS FOR INSTRUCTORS.—The requirements prescribed under subsection (a) shall contain program elements for instructors that include, at a minimum, the following:

"(A) A certification program for the instructors who will provide the training described in paragraph (1).

"(B) A requirement that no training session shall have fewer than 1 instructor for every 12 students.

"(C) A requirement that air carriers provide certain instructor information, including names and qualifications, to the Aviation Crew Member Self-Defense Division within 30 days after receiving the requirements described in subsection (a).

"(D) Training course curriculum lesson plans and performance objectives to be used by instructors.

"(E) Written training bulletins to reinforce course lessons and provide necessary progressive updates to instructors.

"(3) RECURRENT TRAINING.—Each air carrier shall provide the training under the program every 6 months after the completion of the initial training.

"(4) INITIAL TRAINING.—Air carriers shall provide the initial training under the program within 24 months of the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

"(5) COMMUNICATION DEVICES.—The requirements described in subsection (a) shall include a provision mandating that air carriers provide flight and cabin crew with a discreet, hands-free, wireless method of communicating with the flight deck."; and

(3) by adding at the end the following new subsections:

"(f) RULEMAKING AUTHORITY.—Notwithstanding subsection (j) (relating to authority to arm flight deck crew with less than-lethal weapons) of section 44903, of this title, within 180 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, in consultation with persons described in subsection (a)(1), shall prescribe regulations requiring air carriers to—

"(1) provide adequate training in the proper conduct of a cabin search and allow adequate duty time to perform such a search; and

"(2) conduct a preflight security briefing with flight deck and cabin crew and, when available, Federal air marshals or other authorized law enforcement officials.

"(g) LIMITATION ON LIABILITY.—

"(1) AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the air carrier's training instructors or cabin crew using reasonable and necessary force in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) TRAINING INSTRUCTORS AND CABIN CREW.—An air carrier's training instructors or cabin crew shall not be liable for damages in any action brought in a Federal or State court arising out of an act or omission of a training instructor or a member of the cabin crew regarding the defense of an aircraft against acts of criminal violence or air piracy unless the crew member is guilty of gross negligence or willful misconduct.".

(c) NONLETHAL WEAPONS FOR FLIGHT ATTENDANTS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to determine whether possession of a nonlethal weapon by a member of an air carrier's cabin crew would aid the flight deck crew in combating air piracy and criminal violence on commercial airlines.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall prepare and submit to Congress a report on the study conducted under paragraph (1).

By Mr. BAUCUS:

S. 2555. A bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the Medicare Program; to the Committee on Finance.

Mr. BAUCUS. Mr. President, Congress has its hands full with health policy issues this year, ranging from health insurance for workers displaced by trade policies, to the Patients' Bill of Rights, to Medicare prescription drugs. All of these issues are pressing. But Congress must not lose sight of another pressing issue in health policy: supporting patients in rural America and the health care providers who care for them.

Under current law, rural areas are confronted with a series of inequities in Medicare payment policy. Few of these inequities have any basis in sound policy; and all of them take away precious resources from rural communities.

Today, I am introducing legislation to level the rural playing field. The Revitalizing Underserved Rural Areas and Localities Act, the RURAL Act, would fix many of the inequities that exist under the current system and offer extra help to certain providers who struggle to operate in a rural, low-volume environment.

Many of these changes would impact Medicare payments to hospitals. First, the bill provides a full inflation update for small urban and rural hospitals. Under current law, hospitals are scheduled to receive a payment increase that is 0.55 percent less than the rate of inflation next year. The RURAL Act would erase that reduction in Fiscal Year 2003. My bill would also equalize the base payment amount for hospital inpatient services. Under current law, the base payment amount, also known as the "standardized amount," is lower for rural and small urban hospitals than for urban providers. This system unfairly penalizes smaller facilities, and I want to change to a single, equal rate.

The RURAL Act would also make gradual changes to the hospital wage index, so that the true cost of providing care in rural areas can be more accurately measured. And the bill recognizes the special needs of providers with low patient volumes, by giving them incremental payment increases based on their patient volume.

My bill also addresses several ambulance issues that I've heard a lot about from the rural health care community. It makes clear that when providers have a reasonable medical basis for using an air ambulance, they should receive proper payment for that service. And it would allow hospitals with 25 beds or less to be reimbursed on a cost basis for ambulance services.

The bill contains special provisions for the roughly 600 critical access hospitals, or CAHs, nationwide. First, it says that when a patient is referred to a CAH for lab services, the hospital is reimbursed on a cost basis. It would also modify the emergency room on-call rules to allow reimbursements to physician assistants, nurse practitioners, and clinical nurse specialists. And it would remove CAHs' 35-mile requirement for cost-based ambulance reimbursement.

I also recognize the enormous challenges of delivering home health services in rural and frontier areas, where distance and volume constantly work against the provider. That's why my bill would extend the 10 percent add-on for home health services delivered in rural areas for another three years. And for agencies in so-called "frontier" areas, there would be a 20 percent add-on.

Finally, my bill includes provisions aimed at helping physicians who practice in rural areas. Under the existing system, payments under the physician fee schedule are reduced for rural doctors, often substantially, by a factor known as the Geographic Practice Cost Index, or GPCI. My bill would put a floor on this factor, increasing payments to rural physicians. The bill would also improve the Medicare Incentive Payment Program, MIPP, an important initiative intended to facilitate recruitment and retention of physicians in rural areas. Finally, while the sustainable growth rate payment formula is not addressed in this legislation, I believe it is critical that Congress act this year to mitigate the drastic cuts in payments under the Medicare physician fee schedule.

This bill represents a starting point, a first step towards correcting flawed policies that punish rural areas. As the Finance Committee considers Medicare legislation in the coming months, I urge my colleagues to support these important rural provisions.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2556. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I rise today to introduce the Fremont-Madison Conveyance Act. The purpose of this act is to authorize the Secretary of the Interior to convey title to certain facilities to the Fremont-Madison Irrigation District.

The District has long operated and maintained these facilities since they were constructed and the United States will be fully reimbursed for the cost of construction by the time of the transfer. Under this title transfer, there is expected to be no change in the operation of the facilities. The measure would also require any necessary actions to be taken to comply with the National Environmental Policy Act and local environmental needs.

This proposal is consistent with Bureau of Reclamation policy to transfer title to facilities to irrigation districts that have long operated and maintained those facilities. As you know, Congress has authorized similar title transfers in the past and it would be appropriate to do so for this district.

By Mr. HATCH (for himself, Mr. GRAHAM, Mr. ALLARD, Mr. KENNEDY, and Ms. MIKULSKI):

S. 2557. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation that will help one of the most vulnerable segments of the Medicare population: the Medicare Improvements for Special Needs Beneficiaries Act of 2002 will improve access to quality health care for frail, elderly Medicare beneficiaries living in nursing homes or the community.

Approximately six million of these individuals are eligible for both Medicare and Medicaid coverage. These "dual eligibles," as they are called, are the most vulnerable group of Medicare beneficiaries. They are elderly or disabled and poor, and many have serious health risks and complex medical, social, and long-term care needs. Care for these beneficiaries is fragmented, and many face barriers to needed services. Dual eligibles represent a disproportionate share of Medicare spending.

A small number of health plans specialized in providing quality coordinated care to frail elderly Medicare beneficiaries through demonstrations and the Medicare+Choice program. These specialized plans are a Medicare+Choice success story, fulfilling the program's original goals by employing innovative clinical models of care that improve care and health outcomes while reducing medical costs. These plans currently serve approximately 25,000 Medicare beneficiaries, most of whom reside in nursing homes.

The model is simple: teams of physicians and nurse practitioners work together to provide as much primary, preventive, and acute care as possible on site, in a nursing home facility or in the patient's home. For institutionalized enrollees, this means fewer trips to the emergency room; for community-based enrollees, it means avoiding nursing home placement. If enrollees can be treated successfully without a trip to the hospital or placement in a nursing home, they remain healthier and costs to the Medicare program are reduced.

These specialized plans are currently facing regulatory barriers that prevent them from becoming permanent Medicare+Choice program options and expanding service to frail and elderly beneficiaries in the community. The Medicare Improvements for Special Needs Beneficaries Act of 2002 provides improved beneficiary access to Medicare+Choice plans by removing these barriers and allowing plans to specialize in serving dual eligible, institutionalized, and other frail beneficiaries.

Specially, the bill would allow a special Medicare+Choice program designation in order to allow these plans to target enrollment to the frail elderly and concentrate care on this vulnerable population. As a safeguard, our bill also includes several quality assurance and reporting requirements which these plans must adhere to in order to remain in the program.

The Congress is continually trying to improve our nation's health care system and improve service for Medicare beneficiaries. I believe this legislation takes a small step toward this goal. These programs are fulfilling the original promise of the Medicare+Choice program to improve quality and lower costs, and this legislation is a no-cost way to continue this effort. These plans serve a unique and valuable purpose for a very vulnerable segment of our society. I hope my colleagues will join me in supporting this important legislation.

Mr. GRAHAM. Mr. President, I rise today to introduce legislation to improve the health and healthcare of one of the most fragile groups within our Medicare population. The Medicare Improvements for Special Needs Beneficiaries Act of 2002 would improve access to quality healthcare for frail, elderly Medicare beneficiaries living in nursing homes or the community. Approximately 6 million of these individuals are eligible for both Medicare and Medicaid coverage, so-called "dual eligibles."

These "dual eligibles" deserve our greatest attention. They are vulnerable financially as well as medically. Typically, these older Americans suffer from the chronic health conditions compounded by complex social and acute care needs. Further, even with the best of intentions, their healthcare delivery is often limited by a health system that is fragmented and poorly coordinated. Despite 28 percent of Medicare spending going toward their care, the system fails at delivering optimal coordinated health services.

While we have looked for success in our current Medicare+Choice plans, we find a system that is in need of serious restructuring and development. On the other hand, a small number of health plans already specialize in providing the quality coordinated care that this vulnerable group needs. These plans are truly a Medicare+Choice success story, however, limited through their demonstration status and relative small number. They have documented an improvement in care delivery as well as health outcomes while actually reducing overall medical costs! These plans currently serve 25,000 Medicare beneficiaries, most of whom are institutionalized.

How does this work? Through facilitating the physicians, nurses, and other health professionals to work together toward a common goal: better quality of life and health. By emphasizing preventive and primary care as much as acute and tertiary care, these care-givers look as much at getting through a crisis as they do at preventing the next adverse health event. This leads to fewer urgent and emergent healthcare visits, decreased need for skilled nursing facility placements, and shorter and fewer hospitalizations. Anyone who has visited an elder in the hospital knows that the cost of this care, however great, is small compared to the unsettling nature of the event itself. Avoiding both is a win!

While the improvement in healthcare delivery and costs are important, these plans can point to genuine improvements in health and quality of life. The quality of life toward the end of the lifespan should be no less important than it is when we are younger. Communication and involvement of the beneficiary's family, when possible, also leads to greater peace of mind and less anxiety for all.

Evercare, an affiliate of the United Health Group, has participated in the demonstration project since 1995. In that time they have developed considerable experience and great success. They have reduced inpatient hospitalizations, patient mortality and improved clinical indicators of quality. All the while, they have also consistently achieved a 95% satisfaction rate among family members.

In this demonstration project, Evercare has increased the vaccination rate for pneumonia to ⅔ from less than half for most nursing home residents. Flu vaccine is delivered to 20 percent more patients than in the standard care system, and over 90 percent of the residents have had documented discussions around their future care, compared with less than 40 percent among general nursing home residents.

The time and effort spent on this demonstration project by Evercare and others has given us the necessary information to move forward and offer such care to the much larger group of seniors that might benefit. However, these plans are continuing to face substantial hurdles to becoming permanent M+C options and expanding services to more beneficiaries. The Medicare Improvements for Special Needs Beneficiaries Act of 2002 provides improved access to these plans by removing the barriers and allowing plans to specialize in serving dual eligible, institutionalized, and other frail beneficiaries.

This bill will allow a special "Medicare+Choice" program designation in order to allow plans to target enrollment to the frail elderly and concentrate care on this vulnerable population. The bill includes specific quality assurance and reporting requirements to ensure that these programs continue their success in improving health and healthcare.

While we seek more and better means of improving service for our Medicare beneficiaries, we should not lose sight of some of the small success. Leveraging the success of the demonstration group. This piece of legislation will enable these programs to grow and mature, without additional cost. I hope my colleagues will join me in supporting this piece of legislation.

By Mr. REED (for himself, Mr. FITZGERALD, Ms. CANTWELL, and Mr. DEWINE):

S. 2558. A bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Bengin Brain Tumor Cancer Registries Amendment Act. I am pleased to be joined by my colleagues, Senators FITZGERALD, CANTWELL, and DEWINE in this effort.

This legislation seeks to ensure that all forms of brain tumors are accounted for under the National Program of Cancer Registries. While the distinction between benign and malignant is often the difference between life and death for many kinds of tumors, it is not so clear when it comes to tumors of the brain. Depending on location and size, a brain tumor that is classified as benign can be equally life threatening as a malignant brain tumor.

It is estimated that benign brain tumors account for almost 40 percent of the 35,000 brain tumors diagnosed each year. Currently, 21 States, including my home State of Rhode Island, collect data on malignant as well as benign brain tumors. Yet, there is no mechanism in place to track the incidence of benign brain tumors at the Federal level. Moreover, variation exists in how different states have defined a benign brain tumor. This lack of consistent data on the incidence of benign brain tumors has hindered the ability of the scientific community to invest appropriate resources into brain tumor research.

While our current data is insufficient, disturbing trends related to brain tumors are nevertheless beginning to emerge. Brain tumors are the second leading cause of cancer death for children and the third leading cause of cancer death in young adults ages 15–34. Since 1975, the incidence of brain tumors has increased 25 percent for reasons that remain unknown. Tragically, our limited scientific and medical understanding of brain tumors is related to their incredibly high mortality rates. Only 37 percent of males and 52 percent of females survive five-years following the diagnosis of a primary benign or malignant brain tumor.

By incorporating the collection of benign brain tumor data into the National Program of Cancer Registries, we will take a crucial first step toward better understanding the possible causes of this affliction and enhancing the ability of the medical community to devise improved methods of diagnosis and treatment for all brain tumors.

I look forward to working with my colleagues to ensure swift consideration and passage of this legislation. I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Benign Brain Tumor Cancer Registries Amendment Act".

SEC. 2. NATIONAL PROGRAM OF CANCER REGISTRIES; BENIGN BRAIN-RELATED TUMORS AS ADDITIONAL CATEGORY OF DATA COLLECTED.

(a) IN GENERAL.—Section 399B of the Public Health Service Act (42 U.S.C. 280e), as redesignated by section 502(2)(A) of Public Law 106–310 (114 Stat. 1115), is amended in subsection (a)—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and indenting appropriately;

(2) by striking "(a) IN GENERAL.—The Secretary" and inserting the following:

"(a) IN GENERAL.—

"(1) STATEWIDE CANCER REGISTRIES.—The Secretary";

(3) in the matter preceding subparagraph (A) (as so redesignated), by striking "population-based" and all that follows through "data" and inserting the following: "population-based, statewide registries to collect, for each condition specified in paragraph (2)(A), data"; and

(4) by adding at the end the following:

"(2) CANCER; BENIGN BRAIN-RELATED TUMORS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the conditions referred to in this paragraph are the following:

"(i) Each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), including malignant brain-related tumors.

"(ii) Benign brain-related tumors.

"(B) BRAIN-RELATED TUMOR.—For purposes of subparagraph (A):

"(i) The term 'brain-related tumor' means a listed primary tumor (whether malignant or benign) occurring in any of the following sites:

"(I) The brain, meninges, spinal cord, cauda equina, a cranial nerve or nerves, or any other part of the central nervous system.

"(II) The pituitary gland, pineal gland, or craniopharyngeal duct.

"(ii) The term 'listed', with respect to a primary tumor, means a primary tumor that is listed in the International Classification of Diseases for Oncology (commonly referred to as the ICD-O).

"(iii) The term 'International Classification of Diseases for Oncology' means a classification system that includes topography (site) information and histology (cell type information) developed by the World Health Organization, in collaboration with international centers, to promote international comparability in the collection, classification, processing, and presentation of cancer statistics. The ICD-O system is a supplement to the International Statistical Classification of Diseases and Related Health Problems (commonly known as the ICD) and is the standard coding system used by cancer registries worldwide. Such term includes any modification made to such system for purposes of the United States. Such term further includes any published classification system that is internationally recognized as a successor to the classification system referred to in the first sentence of this clause.

"(C) STATEWIDE CANCER REGISTRY.—References in this section to cancer registries shall be considered to be references to registries described in this subsection.".

(b) APPLICABILITY.—The amendments made by subsection (a) apply to grants under section 399B of the Public Health Service Act for fiscal year 2002 and subsequent fiscal years, except that, in the case of a State that received such a grant for fiscal year 2000, the Secretary of Health and Human Services may delay the applicability of such amendments to the State for not more than 12 months if the Secretary determines that compliance with such amendments requires the enactment of a statute by the State or the issuance of State regulations.

By Mr. ALLARD (for himself, Mr. FEINGOLD, Mr. CAMPBELL, Mr. KOHL, and Mr. CRAIG):

S. 2560. A bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ALLARD. Mr. President, I rise before my colleagues today to address the very serious matter of chronic wasting disease. As a United States

Senator, chronic wasting disease presents a great animal health challenge. As a Veterinarian, chronic wasting disease presents an even greater challenge to the scientific communities of both the States and the Federal Government. In a mounting bipartisan effort to defeat the disease, I, along with Senators FEINGOLD, KOHL and CAMPBELL, introduce the "Chronic Wasting Disease State Support Act of 2002."

The importance of the title cannot be emphasized enough. Although the bill authorizes a substantial amount Federal funding to fight and eradicate the disease, the States will retain their undisputed primacy and policy-making authority with regard to wildlife management. Nothing in this act interferes with or otherwise affects the primacy of the States in managing wildlife generally, or managing, surveying and monitoring the incidence of chronic wasting disease.

Chronic wasting disease, or CWD, may be a new threat to some. Others may not be familiar with it at all. However, it is not new to those of us in Colorado and Wyoming, who have been dealing with it for over twenty years, and if the disease continues to spread, those unfamiliar with the fatal disease will, in time, become experts in CWD policy. The scientific community has gone to great lengths to deal with the disease on limited budgets. These experts, through scientific publication and Congressional hearings, have told us that, although we have learned a tremendous amount about chronic wasting disease, there is much that we do not know and much that we must do to eradicate it. One thing we do know is that sound science is the answer, and that the Chronic Wasting Disease State Support Act of 2002 is intended to greatly increase research, monitoring, surveillance, and management of the disease on all levels.

Increased research and research funding is necessary because the disease is quite simply a mystery—the origin and transmission of CWD is unknown. Unfortunately, the treatment for chronic wasting disease is all too familiar. The only way to treat an animal or to contain the disease is to destroy the animal and cull the herd. Together, we must embark on an ambitious and sound scientific commitment for research and investigation to end chronic wasting disease. That is what this bill calls for—cooperation and collaboration, working together at both the state and federal level to achieve a common objective. We must end chronic wasting disease, and we must begin our eradication efforts now.

The impact CWD will have on wildlife and agriculture is undeniable, and the economic and emotional toll of the disease cannot be overstated. Communities that are economically reliant upon deer and elk related enterprises will feel the impact of CWD as concern about the disease grows. But we can stop this, and we must stop this. We have an opportunity to restore cervid health, to contain the disease, and, most importantly, to eradicate the disease. This is the challenge that I urge my colleagues to accept, and to take decisive action; adequate research funding that is directed toward the complete eradication of chronic wasting disease starts with this authorizing legislation.

In those States that are already dealing with CWD, the fiscal demands required to manage the disease is quite apparent. State budgets are stretched thin as they cull wild and captive herds and research for workable solutions to stop the disease. An infusion of Federal resources and technical assistance is required to help the States keep CWD from spreading, to treat infected or exposed populations, and to greatly expand research for testing and possible cures. This bill does just that by providing assistance in the form of grants, Federal research programs and incidence reporting, as well as scientific assistance. State and federal cooperation will protect animal welfare, safeguard our valued livestock industry, provide relief to family elk ranchers, help guarantee America's food safety, and protect the public health.

The Chronic Wasting Disease Act of 2002 provides the foundation for a nationwide increase in diagnostic capabilities. Undoubtedly, the spread of CWD and the increased awareness of the disease, will cause the demand for testing to grow exponentially—this bill helps us prepare to handle a large volume of cases efficiently and reliably. The legislation calls for the development of new testing methods to help us understand the disease, as well as developing a live test.

Chronic wasting disease presents a common problem to the states and the federal government. The federal conduit role that is provided in the bill will allow animal health experts to unravel the CWD mystery. The challenge we face is to achieve what we all recognize as a common objective—to understand CWD and to eradicate it. But, we must act quickly or this disease will redefine the wildlife characteristics of our States. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chronic Wasting Disease State Support Act of 2002".

SEC. 2. DEFINITION OF CHRONIC WASTING DISEASE.

In this Act, the term "chronic wasting disease" means the animal disease afflicting deer and elk that—

(1) is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and

(2) belongs to the group of diseases known as transmissible spongiform encephalopathies, which group includes scrapie, bovine spongiform encephalopathy, and Cruetzfeldt-Jakob disease.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Pursuant to State and Federal law, the States retain undisputed primacy and policy-making authority with regard to wildlife management, and nothing in this Act interferes with or otherwise affects the primacy of the States in managing wildlife generally, or managing, surveying, and monitoring the incidence of chronic wasting disease.

(2) Chronic wasting disease, the fatal neurological disease found in cervids, is a fundamental threat to the health and vibrancy of deer and elk populations, and the increased occurrence of chronic wasting disease in regionally diverse locations in recent months necessitates an escalation in research, surveillance, monitoring, and management activities focused on containing, managing, and eradicating this lethal disease.

(3) As the States move to manage existing incidence of chronic wasting disease and insulate non-infected wild and captive cervid populations from the disease, the Federal Government should endeavor to provide integrated and holistic financial and technical support to these States.

(4) In its statutory role as supporting agent, relevant federal agencies should provide consistent, coherent, and integrated support structures and programs for the benefit of State wildlife and agricultural administrators, as chronic wasting disease can move freely between captive and wild cervids across the broad array of Federal, State, and local land management jurisdictions.

(5) The Secretary of the Interior, the Secretary of Agriculture, and other affected Federal authorities can provide consistent, coherent, and integrated support systems under existing legal authorities.

TITLE I—DEPARTMENT OF THE INTERIOR ACTIVITIES

SEC. 101. COMPUTER MODELING OF DISEASE SPREAD IN WILD CERVID POPULATIONS.

(a) MODELING PROGRAM REQUIRED.—The Secretary of Interior shall establish a modeling program to predict the spread of chronic wasting disease in wild deer and elk in the United States.

(b) ROLE.—Computer modeling shall be used to identify areas of potential disease concentration and future outbreak and shall be made available for the purposes of targeting public and private chronic wasting disease control efforts.

(c) DATA INTEGRATION.—Information shall be displayed in a GIS format to support management use of modeling results, and shall be displayed integrated with the following:

(1) Land use data.
(2) Soils data.
(3) Elevation data.
(4) Environmental conditions data
(5) Wildlife data; and
(6) Other data as appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $1,000,000 under this section.

SEC. 102. SURVEILLANCE AND MONITORING PROGRAM REGARDING PRESENCE OF CHRONIC WASTING DISEASE IN WILD HERD OF DEER AND ELK.

(a) PROGRAM DEVELOPMENT.using existing authorities, the Secretary of the Interior, acting through the United States Geological Survey, shall conduct a surveillance and monitoring program on federal lands managed by the Secretary to identify—

(1) the incidence of chronic wasting disease infection in wild herds of deer and elk;

(2) the cause and extend of the spread of the disease; and

(3) potential reservoirs of infection and vectors promoting the spread of the disease.

(b) TRIBAL ASSISTANCE.—In developing the surveillance and monitoring program for wild herds on federal lands, the Secretary of the interior shall provide assistance to tribal governments or tribal government entities responsible for managing and controlling chronic wasting disease in wildlife on tribal lands.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $3,000,000 to establish and support the surveillance and monitoring program.

TITLE II—DEPARTMENT OF AGRICULTURE ACTIVITIES

SEC. 201. NATIONAL REPOSITORY OF INFORMATION REGARDING CHRONIC WASTING DISEASE.

(a) INFORMATION REPOSITORY.—The United States Department of Agriculture, using existing authorities, shall develop and maintain an interactive, Internet-based web site that displays—

(1) surveillance and monitoring program data regarding chronic wasting disease in both wild and captive cervid populations and other wildlife that are collected by the Department of Agriculture, the Department of the Interior, other Federal agencies, and State agencies assisted under this Act; and

(2) modeling information regarding the spread of chronic wasting disease in the United States: and

(3) other relevant information regarding chronic wasting disease received from other sources.

(b) INFORMATION SHARING POLICY.—The national repository shall be available as a resource for federal and state agencies responsible for managing and controlling chronic wasting disease and for institutions of higher education and other public or private research entities conducting research regarding chronic wasting disease. Data from the repository shall be made available to other federal agencies, State agencies and the general public upon request.

SEC. 202. SAMPLING AND TESTING PROTOCOLS.

(a) SAMPLING PROTOCOL.—Within 30 days of enactment of this Act, the Secretary of Agriculture shall release guidelines for the use by federal, state, tribal and local agencies for the collection of animal tissue to be tested for chronic wasting disease. Guidelines shall include, at a minimum, procedures for the collection and stabilization of tissue samples for transport for laboratory assessment. Such guidelines shall be updated as necessary.

(b) TESTING PROTOCOL.—Within 30 days of enactment of this Act, the Secretary of Agriculture shall release a protocol to be used in the laboratory assessment of samples of animal tissue that may be contaminated with chronic wasting disease.

(c) LABORATORY CERTIFICATION.—Within 45 days of enactment of this Act, the Secretary of Agriculture shall develop a program for the inspection and certification of federal and non-federal laboratories conducting chronic wasting disease tests.

(d) DEVELOPMENT OF NEW TESTS.—The Secretary of Agriculture shall accelerate research into the development of live animal tests for chronic wasting disease, including field diagnostic tests, and the development of testing protocols that reduce laboratory test processing time.

SEC. 203. ERADICATION OF CHRONIC WASTING DISEASE IN HERDS OF DEER AND ELK.

(a) CAPTIVE HERD PROGRAM DEVELOPMENT.—The Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, shall develop a program to identify the rate of chronic wasting disease infection in captive herds of deer and elk, the cause and extent of the spread of the disease, and potential reservoirs of infection and vectors promoting the spread of the disease.

(1) IMPLEMENTATION.—The Secretary of Agriculture shall provide financial and technical assistance to States and tribal governments to implement surveillance and monitoring program for captive herds.

(2) COOPERATION.—In developing the surveillance and monitoring program for captive herds, the Secretary of Agriculture shall cooperate with State agencies responsible for managing and controlling chronic wasting disease in captive wildlife. Grantees under this section shall submit to the Secretary of Agriculture a plan for monitoring chronic wasting disease in captive wildlife and reducing the risk of disease spread through captive wildlife transport. As a condition of awarding aid under this section, the Secretary of Agriculture may prohibit or restrict the—

(A) movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of chronic wasting disease; and

(B) use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of chronic wasting disease.

(3) COORDINATION.—The Secretary of Agriculture, in cooperation with the Secretary of the Interior, shall establish uniform standards for the collection and assessment of samples and data derived from the surveillance and monitoring program.

(b) WILD HERD PROGRAM.—The Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, shall, consistent with existing authority, assist states in reducing the incidence of chronic wasting disease infection in wild herds of deer and elk.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture $2,000,000 to conduct activities under this section.

SEC. 204. EXPANSION OF DIAGNOSTIC TESTING CAPACITY.

(a) PURPOSE.—Diagnostic testing will continue to be conducted on samples collected under the surveillance and monitoring programs regarding chronic wasting disease conducted by the states and the Federal Government, including the programs required by this Act, but current laboratory capacity is inadequate to process the anticipated sample load.

(b) UPGRADING OF FEDERAL FACILITIES.—The Secretary of Agriculture shall provide for the upgrading of Federal laboratories to facilitate the timely processing of samples from the surveillance and monitoring programs required by this Act and related epidemiological investigation in response to the results of such processing.

(c) UPGRADING OF CERTIFIED LABORATORIES.—Using the grant authority provided under section 2(d) of the Competitive, Special and Facilities Research Grant Act (7 U.S.C. 450i(d)), the Secretary of Agriculture shall make grants to provide for the upgrading of laboratories certified by the Secretary to facilitate the timely processing of samples from surveillance and monitoring programs and related epidemiological investigation in response to the results of such processing.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture $7,500,000 to carry out this section.

SEC. 205. EXPANSION OF AGRICULTURAL RESEARCH SERVICE RESEARCH.

(a) EXPANSION.—The Secretary of Agriculture, acting through the Agricultural Research Service, shall expand and accelerate basic research on chronic wasting disease, including research regarding detection of chronic wasting disease, genetic resistance, tissue studies, and environmental studies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture $1,000,000 to carry out this section.

SEC. 206. EXPANSION OF COOPERATIVE STATE RESEARCH, EDUCATION AND EXTENSION SERVICE SUPPORTED RESEARCH AND EDUCATION.

(a) RESEARCH EFFORTS.—The Secretary of Agriculture, acting through the Cooperative State Research, Education and Extension Service, shall expand the grant program regarding research on chronic wasting disease.

(b) EDUCATIONAL EFFORTS.—The Secretary of Agriculture shall provide educational outreach regarding chronic wasting disease to the general public, industry and conservation organizations, hunters, and interested scientific and regulatory communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture—

(1) $3,000,000 to carry out subsection (a); and

(2) $1,000,000 to carry out subsection (b).

TITLE III—GENERAL PROVISIONS

SEC. 301. INTERAGENCY COORDINATION.

(a) IN GENERAL.—Within 60 days of enactment after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior, shall enter into a cooperative agreement for the purpose of coordinating actions and disbursing funds authorized under Section 302 of this title to prevent the spread of chronic wasting disease and related diseases in the United States.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

(1) describes actions that are being taken, and will be taken, to prevent the further outbreak of chronic wasting disease and related diseases in the United States; and

(2) contains any additional recommendations for additional legislative and regulatory actions that should be taken to prevent the spread of chronic wasting disease in the United States.

SEC. 302. INTERAGENCY GRANTS FOR STATE AND TRIBAL EFFORTS TO MANAGE CHRONIC WASTING DISEASE IN WILDLIFE.

(a) AVAILABILITY OF ASSISTANCE.—As a condition of the cooperative agreement described in Section 301, the Secretary of Agriculture and the Secretary of the Interior shall develop a grant program to allocate funds appropriated to carry out this section directly to the State agency responsible for wildlife management in each State that petitions the Secretary for a portion of such fund to develop and implement long term management strategies to address chronic wasting disease in wildlife.

(b) FUNDING PRIORITIES.—In determining the amounts to be allocated to grantees under subsection (a), priority shall be given based on the following criteria:

(1) Relative scope of incidence of chronic wasting disease in the State, with priority given to those jurisdictions with the highest incidence of the disease.

(2) expenditures on chronic wasting disease management, monitoring, surveillance, and research, with priority given to those States and tribal governments that have shown the greatest financial commitment to managing, monitoring, surveying, and researching chronic wasting disease.

(3) comprehensive and integrated policies and programs focused on chronic wasting disease management between involved State wildlife and agricultural agencies and tribal governments, with priority given to grantees that have integrated the programs and policies of all involved agencies related to chronic wasting disease management.

(4) Rapid response to new outbreaks of chronic wasting disease, whether occurring in States in which chronic wasting disease is already found or States with first infections, with the intent of containing the disease in any new area of infection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated **$10,000,000** to carry out this subsection.

SEC. 303. RULEMAKING.

(a) JOINT RULEMAKING.—To ensure that the surveillance and monitoring programs and research programs required by this Act are compatible and that information collection is carried out in a manner suitable for inclusion in the national database required by section 201, the Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate rules to implement this Act.

(b) PROCEDURE.—The promulgation of the rules shall be made without regard to—

(1) chapter 35 of title 44, United States Code 13 (commonly know as the "Paperwork Reduction Act");

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) the notice and comment provisions of section 553 of title 5, United States Code.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of the Interior and the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) RELATION TO OTHER RULEMAKING AND LAW.—The requirement for joint rulemaking shall not be construed to require any delay in the promulgation by the Secretary of Agriculture of rules regarding the interstate transportation of captive deer or elk or to effect any other rule or public law implemented by the Secretary of Agriculture or the Secretary of the Interior regarding chronic wasting disease before the date of the enactment of this Act.

Mr. FEINGOLD. Mr. President, I rise today to join my colleague from Colorado, Senator ALLARD in introducing comprehensive legislation to address the problem of chronic wasting disease. I am delighted to be working with him on this bill, and commend him and his staff for all their tireless efforts. This disease has become a serious problem affecting wild deer in my home State of Wisconsin.

Chronic wasting disease belongs to the family of transmissible spongiform encephalopathies TSEs, diseases. TSEs are a group of transmissible, slowly progressive, degenerative diseases of the central nervous systems of several species of animals. Animal TSEs include, in addition to chronic wasting disease, CWD, in deer and elk, bovine spongiform encephalopathy in cattle, scrapie in sheep and goats, feline sponfiform encephalopathy in cats, and mink spongiform encephalopathy in mink.

States like mine are now contemplating how and where their Department of Natural Resources will cull deer in an attempt to slow the spread of the disease, and it is a difficult choice. Wisconsin is contemplating a herd reduction of up to 15,000 animals in ten counties. With a disease that has no known mechanism of transmission, large scale herd reduction may not fully address the problem. Yet Wisconsin is in the difficult position of not being able to put off taking action to slow the epidemic until every scientific question has been answered in detail. Wisconsinites treasure the sight of deer in our woods and tourism and hunting are important to our State's economy, as well. In part, Wisconsin's struggles to manage the disease have been complicated by struggles to interact with a variety of different Federal agencies, each with differing and intersecting responsibilities on the issue of chronic wasting disease.

In that vein, the legislation we are introducing is comprehensive, addressing both short term and long term needs. It authorizes a $29 million dollar Federal chronic wasting disease program that will be administered by the United States Departments of Agriculture, USDA, and Interior. It is similar to legislation introduced in the House of Representatives by the Representative from Colorado, Mr. MCINNIS), which has been cosponsored on a bi-partisan basis by Wisconsin delegation members in the House of Representatives. I think it is extremely appropriate that legislators from Colorado, the state that has the longest history in chronic wasting disease, have made a concerted effort to work with Wisconsin members who are struggling with a new outbreak that has emerged solely in wild deer. I deeply appreciate the commitment of the Representative from Colorado, Mr. MCINNIS, toward finding a solution that works for both our States. I think these are good comprehensive efforts, and I would like to highlight a few provisions in detail.

The bill I am introducing with the Senator from Colorado, Mr. ALLARD, requires USDA to work jointly with Interior and authorizes them to give up to $10 million in grants to states to help them plan and implement management strategies to address chronic wasting disease in both captive and wild herds of deer and elk. USDA is directed, in addition, to develop a national chronic wasting disease incident database, building on the existing USDA reporting program.

I am particularly pleased that the Senator from Colorado, Mr. ALLARD, has incorporated provisions that I authored to address Wisconsin's urgent short term need for enhanced testing capacity. Under the bill, USDA is required to release, within 30 days, protocols both for labs to use in performing tests for chronic wasting disease and for the proper collection of animal tissue to be tested. USDA is further required to develop a certification program for federal and non-federal labs conducting chronic wasting disease tests within 45 days of enactment. I hope all these measures will enhance Wisconsin' capacity to accurately test deer this year. To address longer terms needs, the USDA is directed to accelerate research into the development of live animal tests for chronic wasting disease, including field diagnostic tests, and the development of testing protocols that reduce laboratory test processing time.

This bill is appropriate, because state wildlife and agriculture departments do not have the fiscal or scientific capacity to adequately confront the problem. Their resources are spread too thin as they attempt to prevent the disease from spreading. Federal help in the form of management funding, research grants, and scientific expertise is urgently needed. Federal and State cooperation will protect animal welfare, safeguard our valued livestock industry, help guarantee America's food safety, and protect the public health.

I look forward to working with my colleague from Colorado, Mr. ALLARD, to seek passage of this measure.

By Mr. ROCKEFELLER (by request):

S. 2561. A bill to amend title 38, United States Code, to transfer from the Secretary of Labor to the Secretary of Veterans Affairs certain responsibilities relating to the provision of employment and other services to veterans and other eligible persons; to require the establishment of a new competitive grants program through which employment service shall be provided to veterans, servicemembers, and other eligible persons; and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration. This "by-request" bill contains four titles and proposes to move and modify employment service programs for veterans and other eligible persons from the Department of Labor to the Department of Veterans Affairs.

Title I of the proposed bill contains provisions governing the transition of certain veterans' employment services from the Department of Labor's Veterans Employment and Training Service, or VETS, program to a new program within the Department of Veterans Affairs to be known as the Veterans' Employment, Business Opportunity, and Training, or VEBOT, program. This bill would mandate that the VEBOT program provide performance-based competitive grants to State Governors or other entities for the purpose of providing employment services to veterans.

The VETS program currently provides grants for Disabled Veterans' Outreach Programs and Local Veterans Employment Representatives, ' LVER. These programs are staffed by State employees and provide employment services for veterans through State employment service offices and one-stop centers.

Section 103 delegates responsibility to the Secretary of Veterans Affairs to define by regulations virtually every aspect of the VEBOT program. This includes establishing and monitoring performance standards for state VEBOT programs, eligibility criteria for VEBOT clients, services to be provided by these programs, and service delivery practices.

Titles II and III mandate that responsibility for transition assistance and Homeless Veterans Reintegration Programs shall be transferred from the Department of Labor to the Department of Veterans Affairs.

The transfer of veterans' employment programs currently administered by the Department of Labor to the Department of Veterans Affairs would be completed by the later of September 30, 2003, or the date upon which the regulations prescribed by the Secretary of Veterans Affairs to govern these programs take effect.

Again, I submit this for the review and consideration of my colleagues at the request of the administration.

I ask unanimous consent that the text of the bill and Secretary Principi's transmittal letter that accompanied the draft legislation be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) Short Title.—This Act maybe cited as the "Veterans' Employment, Business Opportunity, and Training Act of 2002".

(b) References.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EMPLOYMENT SERVICES

SEC. 101. DEFINITIONS.

As used in this title—

(1) The term "veteran" has the same meaning as "eligible veteran" as defined in section 4211(4) of title 38, United States Code.

(2) The term "eligible person" means—

(A) the spouse of any person who died of a service-connected disability;

(B) the spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance under this Act, is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power; or

(C) the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability so evaluated was in existence.

(3) The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary by the Secretary of Veterans Affairs and feasible for all purposes of this title, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marinas Islands, and the Trust Territory of the Pacific Islands.

(4) The term "service member" has the same meaning as an individual who is a member of the Armed Forces as defined in section 101(10) of title 38, United States Code,and who is being separated from the Armed Forces within the time periods specified in section 1142(a)(3) of title 10, United States Code.

SEC. 102. PURPOSE

In furtherance of the Nation's responsibility towards alleviating unemployment and underemployment among veterans, there shall be established a national performance-based job-search assistance program that: (1) will provide high-quality, job-search service to veterans, servicemembers, and other eligible persons, focused on assisting such individuals in obtaining and maintaining employment, as well as reducing the duration of individual's unemployment; (2) will assist employers in locating and hiring qualified veterans, servicemembers, and other eligible persons; and (3) will be accessible to veterans, servicemembers, and other eligible persons. The Department of Veterans Affairs would continue to aggressively use web-based technology to provide better service to veterans around the world.

SEC. 103. ESTABLISHMENT OF NEW COMPETITIVE GRANTS PROGRAM.

(a) Establishment of New Program.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a competitive grants program to be referred to as the "Veterans' Employment, Business Opportunity and Training Program" ("VEBOT") through which State Governors or other entities, as may be appropriate, would receive grants for the purpose of providing employment services to veterans, servicemembers, and other eligible persons within each State. The purpose of such program shall be to assist veterans, servicemembers, and other eligible persons in obtaining employment by providing for access to optimal employment opportunities.

(b) Implementation of New Program.—The Secretary of Veterans Affairs shall prescribe such regulations as the Secretary considers appropriate to implement the VEBOT program required to be established under this section. Such regulations shall address matters relating to the development and implementation of the program, including: (1) the determination of eligibility criteria for affected veterans, servicemembers, or other eligible persons, for employment services and other related services that shall be provided; (2) the nature and type of services to be provided; (3) the most appropriate and efficient means to provide such services; (4) the most appropriate means to monitor and assess the performance of entities providing employment services; (5) the manner in which the Department of Veterans Affairs will cooperate with State employment agencies to ensure that veterans continue to have access to the full range of workforce services available through existing State and local one-stop employment-service delivery systems; (6) the manner in which the Department of Veterans Affairs will coordinate with the Department of Labor to ensure that veterans continue to receive priority or other special consideration in the provision of employment services through existing State and local one-stop employment-service delivery systems, as required by law or regulation; and (7) the entity or organization within the Department of Veterans Affairs that will administer the program. In developing the regulations, the Secretary shall take into consideration the recommendations of the task force required to be established under subsection (c) of this section and shall consult with the Secretary of Defense with respect to eligibility criteria affecting servicemembers.

(c) Task Force To Be Established; Consultation With Designated Parties.—The Secretary of Veterans Affairs shall establish a task force comprised of at least eleven (but not more than fifteen) members which shall, not later than 180 days from the date of its establishment, make recommendations to the Secretary regarding the matters described in subsection (b) of this section. The task force shall include representatives of veterans service organizations, representatives of employers in private industry or employer organizations, and representatives of State Governors. The Secretary of Labor, the Secretary of Defense, and the Secretary of Transportation shall be ex officio members of the task force.

(d) Grants, Program To Be Competitive; Grants To Include Performance Requirements.—The Secretary of Veterans Affairs shall ensure that all services under the VEBOT program are provided through grants awarded either directly or indirectly on a competitive basis and that such grants include appropriate performance requirements with clear outcome measures. States or other entities may join in consortia to provide services to veterans.

(e) Performance Measurement.—(1) Each Governor of a State or other entity receiving funds under a grant authorization by this section shall achieve the performance requirements as agreed in the established provisions for such grant. If unanticipated circumstances arising in a State would adversely affect a grantee's ability to meet its performance requirements, the grantee may request that the Secretary adjust the agreed-to levels of performance. If a grantee fails to meet the agreed-to levels of performance, the Secretary of Veterans Affairs may provide to the grantee assistance in such form as the Secretary may consider appropriate, including training, technical assistance, staff development, and activities replicating those used by other successful grants and projects with demonstrated effectiveness. In the event of continued non-performance, the Secretary may, pursuant to such regulations as the Secretary may prescribe, remove the funds from a grantee and directly or indirectly solicit through a competition a new grantee and service provider.

(2) Consistent with State Law, the Secretary of Veterans Affairs and States and other entities identified to deliver services under the VEBOT program may utilize wage record information for program performance measurement as prescribed by the Secretary of Veterans Affairs. The Secretary of Labor shall provide assistance to the Secretary of Veterans Affairs in gaining access to wage information for this purpose.

(f) COST PRINCIPLES.—(1)(A) Each Governor of a State or other entity receiving funds under this section shall comply with the applicable uniform-cost principles included in the appropriate circulars or directives of the Office of Management and Budget for the type of entity, receiving the funds, as well as regulations prescribed by the Secretary of Veterans Affairs. Each grantee shall establish such fiscal controls and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds allocated to any provider receiving funds under this section and shall maintain appropriate records in accordance with generally accepted accounting principles applicable in each State. Each grantee shall comply with the appropriate uniform administrative requirements for grants, contracts and agreements applicable for the type of entity receiving funds as promulgated in circulars or directives of the Office of Management and Budget.

(B) If a grantee determines that a service provider acting under a contract or subgrant is not in compliance with the requirements of this Act, the grantee shall take corrective action either to secure the service provider's prompt compliance or to remove the funds from the service provider for failure to so comply. If the grantee fails to take such corrective action, the Secretary may, pursuant to such regulations as the Secretary may prescribe, remove funds from the grantee and directly or indirectly solicit through a competition a new grantee and service provider.

(2) Unless approved by the Secretary of Veterans Affairs, not more than 15 percent of the funds available under this section to each State Governor or other entity may be expended by a service provider and State Governor for costs of administration. The Secretary shall prescribe regulations governing the expenditure of funds for costs of administration under this paragraph.

(g) PILOT PROJECTS AUTHORIZED.—In connection with the development and implementation of the VEBOT program, the Secretary of Veterans Affairs, during each fiscal year, may reserve up to 25 percent of the total available funding for grants to finance national-level primary services and to create pilot programs and demonstration projects to establish the effectiveness and viability of special proposed innovative program designs and service delivery systems.

SEC. 104. TRANSFER OF RESPONSIBILITY FOR ADMINISTRATION OF CERTAIN EMPLOYMENT SERVICES TO SECRETARY OF VETERANS AFFAIRS.

Notwithstanding any other provision of law, during the period beginning on October 1, 2002, and ending on the later of September 30, 2003, or the date upon which regulations prescribed by the Secretary of Veterans Affairs under section 103(b) of this title become effective, responsibilities assigned to the Secretary of Labor under sections 4101 through 4102A (Other than responsibilities assigned under section 4102A regarding the purposes of chapters 42 and 43 of title 38, United States Code), sections 4103 through 4108, and section 4110 of title 38, United States Code, shall be assumed by the Secretary of Veterans Affairs, and the function of the Assistant Secretary of Labor for Veterans' Employment and Training in the Department of Labor, as well as such personnel of the Department of Labor as may be deemed necessary to carry out such function, shall be transferred from the Department of Labor to the Department of Veterans Affairs. During that period, the Secretary of Veterans Affairs shall coordinate activities with the Secretary of Labor to facilitate the transfer of functions associated with the administration of employment services provided under chapter 41 of title 38, United States Code, that are conducted by disabled veteran's outreach programs specialists and local veterans' employment representatives.

SEC. 105. REPEAL OR AMENDMENT OF EXISTING AUTHORITIES.

(A) REPEAL OF AUTHORITIES.—Effective on the later of September 30, 2003, or the date upon which regulations prescribed by the Secretary of Veterans Affairs under section 103(D) of this Act become effective, the following sections are repealed: 4100 through 4104A, 4105(b), 4106 through 4109, and 4110A.

(b) CONFORMING AMENDMENT TO CHAPTER 43 PROVISION.—Section 4321 is amended by striking out "(through the Veterans' Employment and Training Service)".

(c) ADVISORY COMMITTEE.—Section 4110 is amended—

(1) in subsection (a)(1), by striking out "Department of Labor" and by inserting in lieu thereof "Department of Veterans Affairs";

(2) in subsection (a)(2), by inserting "Department of Veterans Affairs and the" before "Department of Labor";

(3) in subsection (b), by striking out "Secretary of Labor" and inserting in lieu thereof "Secretary of Veterans Affairs";

(4) in subsection (c), by striking out "Labor" each place it appears and inserting in lieu thereof "Veterans Affairs"; and

(5) in subsection (d)—

(A) by striking out "Secretary of Veterans Affairs" each place it appears and inserting in lieu thereof "Secretary of Labor";

(B) by striking out in paragraph (6) "The Assistant Secretary of Labor for Veterans Employment and Training" and inserting in lieu thereof "The official designated by the Secretary of Veterans Affairs to administer the Veterans' Employment, Business Opportunity and Training Program";

(C) by striking out in paragraph (11) "The Director of the United States Employment Service." and inserting in lieu thereof "A representative of State Governors."; and

(D) by striking out in paragraph (12) "Secretary of Labor" and inserting in lieu thereof "Secretary of Veterans Affairs";

(6) in subsection (e)—

(A) by striking out "Secretary of Labor" each place it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out in paragraph (4) "through the Veterans Employment and Training Service";

(7) in subsection (f)—

(A) by striking out "Secretary of Labor" each place it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out "Department of Labor" and inserting in lieu thereof "Department of Veterans Affairs"; and

(8) in subsection (g), by striking out "Secretary of Labor" and inserting in lieu thereof "Secretary of Veterans Affairs".

TITLE II—TRANSITION ASSISTANCE

SEC. 201. TRANSFER OF RESPONSIBILITY FOR ADMINISTRATION OF TRANSITION ASSISTANCE PROGRAM TO THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding any other provision of law—

(1) references to the "Secretary of Labor" in section 1144 of title 10, United States Code, shall be deemed to be references to the Secretary of Veterans Affairs;

(2) references to the "Secretary of Veterans Affairs" in section 1144 of title 10, United States Code, shall be deemed to be references to the Secretary of Labor; and

(3) section 1144(d) of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) provide, as the case may be, for the use of personnel of grant recipients under section 103(b) of the Veterans' Employment, Business Opportunity, and Training Act of 2002 or such other personnel as the Secretary of Veterans Affairs may determine to be appropriate, to the extent that the Secretary determines that such use will not significantly interfere with the provision of services or other benefits to eligible veterans and other eligible recipients of services or benefits under programs administered by the Secretary.".

TITLE III—HOMELESS VETERANS' REINTEGRATION PROGRAMS

SEC. 301. TRANSFER OF RESPONSIBILITY FOR ADMINISTRATION OF HOMELESS VETERANS' REINTEGRATION PROGRAM TO THE SECRETARY OF VETERANS AFFAIRS.

Section 2021 is amended—

(a) by striking out "Secretary of Labor" each place it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(b) by striking out subsection (c) and redesignating subsection (d) as subsection (c).

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

Except where provided otherwise, the provisions of this Act shall become effective on October 1, 2002.

MAY 15, 2002.

HON. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, the "Veterans' Employment, Business Opportunity, and Training Act of 2002," to amend title 38, United States Code, to transfer from the Secretary of Labor to the Secretary of Veterans Affairs certain responsibilities relating to the provision of employment and other services to veterans and other eligible persons; to require the establishment of a new competitive grants program through which employment services shall be provided to veterans, servicemembers, and other eligible persons; and for other purposes. I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

Title I of the draft bill contains provisions that would transfer from the Secretary of Labor to the Secretary of Veterans Affairs responsibility, as well as staffing, for the administration of employment and other services to veterans under chapter 41 of title 38, United States Code, and require the Secretary of Veterans Affairs to establish a new competitive grants program, entitled the "Veterans' Employment, Business Opportunity and Training Program" (VEBOT), to replace current programs under chapter 41. The VEBOT program would supplant three current grants activities currently administered by the Assistant Secretary of Labor for Veterans Employment and Training, including the Disabled Veterans Outreach Program (DVOP), the Local Veterans Employment Representatives (LVER), and the Homeless Veterans Reintegration Program (HVRP). Because of the lead-time required to implement grants, VA would keep existing Department of Labor-funded grants in place during at least the first year after transfer. The President's budget for Fiscal Year 2003 reflects the transfer of $197 million and 199 full-time employee equivalents (FTEE) from the Department of Labor to the Department of Veterans Affairs (VA) to implement this proposal.

Over the last decade, veterans have received less-than-adequate job-search assistance. A report issued by the Congressional Commission on Servicemembers and Veterans Transition Assistance, and at least four reports issued by the General Accounting Office in the past five years, extensively document long-standing shortfalls with the DVOP and LVER programs. In spite of awareness in the veterans community that these two programs are falling short of the excellence that should be demanded of programs so important to many veterans' ability to enjoy and secure the productive life that their service defended for all Americans, significant improvements to the programs have not occurred because of legislative constraints. In order to improve services to veterans, legislative reforms are essential. We also believe that placement of the employment services programs within VA will strengthen the focus on veterans' needs. In light of VA's clear mission of service to veterans, VA would be in a stronger position to objectively evaluate veterans' employment assistance needs and develop a program that better meets veterans' needs, while at the same time ensuring adequate flexibility in design to allow for adapting to the needs of future generations of veterans.

Section 102 of the draft bill would set forth a statement regarding the establishment of a national performance-based job-search assistance program that: (1) would provide high-quality, job-search service to veterans, servicemembers, and other eligible persons, focused on assisting such individuals in obtaining and maintaining employment, as well as reducing the duration of individuals' unemployment; (2) would assist employers in locating and hiring qualified veterans, servicemembers, and other eligible persons; and (3) would be accessible to veterans, servicemembers, and other eligible persons. VA would continue to aggressively use web-based technology to provide better service to veterans around the world.

Section 103 of the draft bill would require the Secretary to establish the VEBOT program, through which State Governors or other entities, as may be appropriate, would receive grants for the purpose of providing for employment services to veterans, servicemembers, and other eligible persons within each State. The stated purpose of the VEBOT program would be to assist veterans, servicemembers, and other eligible persons in obtaining employment by providing for access to optimal employment opportunities. The Secretary would be required to ensure that all services under the VEBOT program are provided through grants awarded either directly or indirectly on a competitive basis and that such grants include appropriate performance requirements with clear outcome measures.

The Secretary would further be directed to prescribe regulations that would address matters relating to the development and implementation of the program, including: (1) the determination of eligibility criteria for affected veterans, servicemembers, or other eligible persons for employment services and other related services that shall be provided; (2) the nature and type of services to be provided; (3) the most appropriate and efficient means to provide such services; (4) the most appropriate means to monitor and assess the performance of entities providing employment services; (5) the manner in which the Department of Veterans Affairs will cooperate with State employment agencies to ensure that veterans continue to have access to the full range of workforce services available through existing State and local one-stop employment-service delivery systems; (6) the manner in which the Department of Veterans Affairs will coordinate with the Department of Labor to ensure that veterans continue to receive priority or other special consideration in the provision of employment services through existing State and local one-stop employment-service delivery systems, as required by law or regulation; and (7) the entity or organization within the Department of Veterans Affairs that will administer the program. In developing the implementing regulations, the Secretary would be required to take into consideration the recommendations of a task force that would be required to be established under this section.

Section 103 would also set forth specific performance-measurement criteria and responsibilities, as well as procedures for ensuring compliance with cost principles, and further, would authorize the Secretary to spend portions of available funding to finance national-level primary services and create pilot programs and demonstration projects to establish the effectiveness and viability of specific proposed innovative program designs and service delivery systems.

Section 104 of the draft bill would provide that, notwithstanding any other provision of law, during the period beginning on October 1, 2002, and ending on the later of September 30, 2003, or the date upon which regulations prescribed by the Secretary of Veterans Affairs become effective, the responsibilities assigned to the Secretary of Labor under sections 4101 through 4102A (other than responsibilities assigned under section 4102A regarding the purposes of chapters 42 and 43 of title 38, United States Code), sections 4103 through 4108, and section 4110 of title 38, United States Code, shall be assumed by the Secretary of Veterans Affairs. The function of the Assistant Secretary of Labor for Veterans' Employment and Training in the Department of Labor, as well as such personnel of the Department of Labor as may be deemed necessary to carry out such function, would be transferred from the Department of Labor to the Department of Veterans Affairs. Further, during that period, the two Secretaries would coordinate activities so as to facilitate the transfer of functions associated with the administration of employment services provided under chapter 41 of title 38, United States Code, that are conducted by disabled veterans' outreach programs specialists and local veterans' employment representatives. This would include activities relating to the transition assistance program for servicemembers nearing separation from the Armed Forces and for homeless veterans in dire need of employment.

Section 105 of the draft bill would repeal, effective on the later of September 30, 2003, or the date upon which regulations prescribed by the Secretary of Veterans Affairs under section 103(b) of this Act become effective, several sections of title 38, United States Code, that currently govern the provision of employment-related services under chapter 41. In addition, section 105 would make several amendments to section 4110 of title 38, under which an Advisory Committee on Veterans Employment and Training is established, to reflect the transfer of responsibilities for employment-related services for veterans from the Department of Labor to the Department of Veterans Affairs.

Section 201 of the draft bill would amend section 1144 of title 10, United States Code, to provide for the transfer of responsibility for the administration of the transition assistance program from the Secretary of Labor to the Secretary of Veterans Affairs. It would further provide, as the case may be, for the use of personnel of grant recipients under section 103(b) of the Veterans' Employment, Business Opportunity, and Training Act of 2002 or such other personnel as the Secretary of Veterans Affairs may determine to be appropriate, to the extent that the Secretary determines that such use will not significantly interfere with the provision of services or other benefits to eligible veterans and other eligible recipients of services or benefits under programs administered by the Secretary.

Section 301 of the draft bill would amend section 2021 of title 38 to provide for the transfer of responsibility for the administration of the Homeless Veterans Reintegration Project from the Secretary of Labor to the Secretary of Veterans Affairs. With respect to this program, we fully expect to expand on what we believe have been highly successful partnering efforts with States, local governments, Native American Tribal governments, and faith-based and non-profit organizations under the State Cemetery, State Home and Homeless Service Providers Grant and Per Diem program.

Finally, section 401 of the draft bill would provide that, except where otherwise provided, the provisions of the Act would become effective on October 1, 2002.

The Administration's budget reflects the transfer of funding ($197 million in FY 2003) to support the affected employment services programs from the Department of Labor to VA and the transfer to VA of 199 FTEE to implement the programs. Accordingly, no cost is associated with the Administration's proposal.

The Office of Management and Budget advises that there is no objection to the submission of this legislation to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

ANTHONY J. PRINCIPI.

By Mr. REID (for himself and Mr. COCHRAN):

S. 2562. A bill to expand research regarding inflammatory bowel disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today for myself and Mr. COCHRAN to introduce the Inflammatory Bowel Disease Act, which will advance our knowledge of this serious health condition and our ability to treat people suffering from it.

Crohn's disease and ulcerative colitis are chronic disorders of the gastrointestinal tract which represent the major causes of morbidity and mortality from digestive illness. Because they behave similarly, these disorders are collectively known as Inflammatory Bowel Disease. It can cause severe diarrhea, abdominal pain, fever, and rectal bleeding. Moreover, complications related to Inflammatory Bowel Disease can include arthritis, osteoporosis, anemia, liver disease, and colon cancer. Crohn's disease and ulcerative colitis are not fatal, but they can be devastating. We do not know their cause, and we have no cure. There are an estimated 1 million people in the United States who suffer from Inflammatory Bowel Disease. In 1990, total annual medical costs for Crohn's Disease patients was $1 to $1.2 million, and for patients with colitis, $400 to $600 thousand.

A recent medical breakthrough, identification of the gene for Crohn's Disease—opens up exciting new pathways for research to understand underlying disease mechanisms and to improve therapies for those who suffer from Inflammatory Bowel Disease. Our legislation establishes a distinct research program within the National Institute of Diabetes and Digestive and Kidney Diseases at the National Institutes of Health. Studies that translate findings from basic genetic and animal model research are among the promising areas to be advanced. With a program of Inflammatory Bowel Disease prevention and epidemiology at the Centers for Disease Control and Prevention, we can generate an accurate analysis of the make-up of the population with Inflammatory Bowel Disease, thereby obtaining invaluable clues to the potential causes and risks associated with the disease.

The bill also will inform public and private health coverage policy by providing for a study of the coverage standards of Medicare, Medicaid, and private health insurance for therapies for Inflammatory Bowel Disease. It will be conducted by the Institute of Medicine of the National Academies of Science. In addition, the bill calls for a General Accounting Office study of the problems patients with Inflammatory Bowel Disease encounter when applying for disability insurance benefits.

This bill will benefit millions of Americans who suffer from or who are at risk of developing Inflammatory Bowel Disease. It promises to alleviate much suffering, to assist patients in accessing sound and effective medical treatment, and to benefit those who are debilitated by Inflammatory Bowel Disease.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inflammatory Bowel Disease Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Crohn's disease and ulcerative colitis are serious inflammatory diseases of the gastrointestinal tract. Crohn's disease may occur in any section of the gastrointestinal tract but is predominately found in the lower part of the small intestine and the large intestine. Ulcerative colitis is characterized by inflammation and ulceration of the innermost lining of the colon. Because Crohn's disease and ulcerative colitis behave similarly, they are collectively known as inflammatory bowel disease. Both diseases present a variety of symptoms, including severe diarrhea, crampy abdominal pain, fever, and rectal bleeding. There is no known cause of inflammatory bowel disease, or medical cure.

(2) It is estimated that up to 1,000,000 people in the United States suffer from inflammatory bowel disease.

(3) In 1990, the total annual medical costs for Crohn's disease patients was estimated at $1,000,000,000 to $1,200,000,000.

(4) In 1990, the total annual medical costs for ulcerative colitis patients was estimated at $400,000,000 to $600,000,000.

(5) Inflammatory bowel disease patients are at high-risk for developing colorectal cancer.

SEC. 3. INFLAMMATORY BOWEL DISEASE RESEARCH EXPANSION.

(a) In General.—The Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall expand, intensify, and coordinate the activities of the Institute with respect to research on inflammatory bowel disease with particular emphasis on the following areas:

(1) Genetic research on susceptibility for inflammatory bowel disease, including the interaction of genetic and environmental factors in the development of the disease.

(2) Animal model research on inflammatory bowel disease, including genetics in animals.

(3) Clinical inflammatory bowel disease research, including clinical studies and treatment trials.

(4) Other research initiatives identified by the scientific document entitled "Challenges in Inflammatory Bowel Disease".

(b) Authorization of Appropriations.—

(1) In general.—For the purpose of carrying out this section, there are authorized to be appropriated $75,000,000 in fiscal year 2003, $100,000,000 in fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2006.

(2) Reservation.—Of the funds authorized to be appropriated under paragraph (1), not more than 20 percent of such funds shall be reserved to fund the training of qualified health professionals in biomedical research focused on inflammatory bowel disease and related disorders.

SEC. 4. INFLAMMATORY BOWEL DISEASE PREVENTION AND EPIDEMIOLOGY.

(a) In General.—The Director of the Centers for Disease Control and Prevention shall establish a national program of prevention and epidemiology to determine the prevalence of inflammatory bowel disease in the United States, and conduct public and professional awareness activities on inflammatory bowel disease.

(b) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 in fiscal year 2003, and such sums as may be necessary for fiscal years 2004 through 2006.

SEC. 5. STUDY OF INFLAMMATORY BOWEL DISEASE RELATED SERVICES.

(a) In General.—The Institute of Medicine of the National Academics of Science shall conduct a study on the coverage standards of medicare, medicaid, and the private insurance market for the following therapies:

(1) Parenteral nutrition.

(2) Enteral nutrition formula.

(3) Medically necessary food products.

(4) Ostomy supplies.

(5) Therapies approved by the Food and Drug Administration for Crohn's disease and ulcerative colitis.

(b) Content.—The study shall also take into account the appropriate outpatient or home health care delivery settings.

(c) Report.—Not later than 6 months after the date of enactment of this Act, the Institute of Medicine shall submit a report to Congress describing the findings of the study.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

SEC. 6. SOCIAL SECURITY DISABILITY FOR INFLAMMATORY BOWEL DISEASE PATIENTS.

(a) In General.—The General Accounting Office shall conduct a study of the problems patients encounter when applying for disability insurance benefits under title II of the Social Security Act. The study will also include recommendations for improving the application process for inflammatory bowel disease patients.

(b) Report.—Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall submit a report to Congress describing the findings of the study.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

By Mr. GRASSLEY (for himself, Mr. KERRY, and Mr. TORRICELLI):

S. 2563. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 with respect to the interest rate range for additional funding requirements, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am today introducing a bill on behalf of myself and Senators KERRY and TORRICELLI, to accomplish two objectives related to defined benefit pension plans.

First, my bill will permit defined benefit plans to use an appropriate adjusted interest rate for purposes of calculating contributions to their plan due for plan year 2001. We made this change in the economic stimulus bill that passed earlier this year for the years 2002 and 2003, but failed to pick up the 2001 plan year.

My colleagues may think that such a change should have been made a year ago. Defined benefit pension plan contributions for 2001 are due in most cases, 8½ months after the close of the plan year. By that measure, this change is still timely. I would also draw the attention of my colleagues to the fact that this adjustment is necessary to correct for the very low 30-year Treasury bond rates that have resulted from the buy-back and discontinuation of these bonds.

It is also important to note that this change will not affect the way in which pension payouts are made to participants. It will simply affect contributions to plans and premiums paid to the Pension Benefit Guaranty Corporation by plan sponsors.

Second, the bill would make permanent a special rule for certain interstate bus lines that was put in place in the 1997 tax bill. That rule allows interstate bus lines with frozen pension plans to use generally applicable ERISA funding rules for their plan, rather than those mandated by the pension the GATT which were enacted in 1994.

The change we make for interstate bus lines with frozen defined benefit plans is unique to this group. Generally the GATT made useful changes to pension law that made plans more secure for participants. The use of standardized interest rates and mortality tables has helped establish a baseline so that plan sponsors understand our expectations of how they must fund their plans.

I ask unanimous consent that the text of this bill, along with a letter of support from the Amalgamated Transit Union, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTEREST RATE RANGE FOR ADDITIONAL FUNDING REQUIREMENTS.

(a) In General.—Subclause (III) of section 412(l)(7)(C)(i) of the Internal Revenue Code of 1986 is amended—

(1) by striking "2002 or 2003" in the text and inserting "2001, 2002, or 2003", and

(2) by striking "2002 AND 2003" in the heading and inserting "2001, 2002, AND 2003".

(b) Special Rule.—Subclause (III) of section 302(d)(7)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(d)(7)(C)(i)) is amended—

(1) by striking "2002 or 2003" in the text and inserting "2001, 2002, or 2003", and

(2) by striking "2002 AND 2003" in the heading and inserting "2001, 2002, AND 2003".

(c) PBGC.—Subclause (IV) of section 4006(a)(3)(E)(iii) of such Act (29 U.S.C. 1306(a)(3)(E)(iii)) is amended to read as follows—

"(IV) In the case of plan years beginning after December 31, 2001, and before January 1, 2004, subclause (II) shall be applied by substituting '100 percent' for '85 percent' and by substituting '115 percent' for '100 percent'. Subclause (III) shall be applied for such years without regard to the preceding sentence. Any reference to this clause or this subparagraph by any other sections or subsections (other than sections 4005, 4010, 4011 and 4043) shall be treated as a reference to this clause or this subparagraph without regard to this subclause.".

(d) Effective Date.—The amendments made by this section shall take effect as if included in the amendments made by section 405 of the Job Creation and Worker Assistance Act of 2002.

SEC. 2. AMENDMENTS TO RETIREMENT PROTECTION ACT OF 1994.

(a) Transition Rule Made Permanent.—Paragraph (1) of section 769(c) of the Retirement Protection Act of 1994 is amended—

(1) by striking "transition" each place it appears in the heading and the text, and

(2) by striking "for any plan year beginning after 1996 and before 2010".

(b) Special Rules.—Paragraph (2) of section 769(c) of the Retirement Protection Act of 1994 is amended to read as follows:

"(2) Special rules.—The rules described in this paragraph are as follows:

"(A) For purposes of section 412(l)(9)(A) of the Internal Revenue Code of 1986 and section 302(d)(9)(A) of the Employee Retirement Income Security Act of 1974, the funded current liability percentage for any plan year shall be treated as not less than 90 percent.

"(B) For purposes of section 412(m) of the Internal Revenue Code of 1986 and section 302(e) of the Employee Retirement Income Security Act of 1974, the funded current liability percentage for any plan year shall be treated as not less than 100 percent.

"(C) For purposes of determining unfunded vested benefits under section 4006(a)(3)(E)(iii) of the Employee Retirement Income Security Act of 1974, the mortality table shall be the mortality table used by the plan.".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

Amalgamated Transit Union,
Washington, DC, May 3, 2002.

Hon. Charles Grassley,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senator Grassley: On behalf of the Amalgamated Transit Union (ATU), I write to express our support for your proposed Senate bill to apply recent changes made to the Tax Code to the year 2001 and to make permanent the relief for certain interstate bus company pension plans from GATT-mandated funding requirements. (Reference #FRA02.196)

We believe the relief provided in this bill for interstate bus companies with frozen pension plans, such as Greyhound, is crucial to protect the affected employees' pension rights and ensure the continued vitality of this nationwide transportation system. With respect to the provisions extending the thirty-year Treasury fix to 2001, we certainly understand the need for and also support this provision.

As you know, ATU represents over 5,000 current Greyhound employees, as well as 13,000 retirees. Greyhound and its drivers serve over 4,000 communities nationwide, most of which have no other form of intercity public transportation. The continuance of these essential public transportation services provided by Greyhound and its drivers, however, is being threatened by federal pension funding requirements that fail to recognize the uniqueness of the ATU-Greyhound pension plan.

The jointly-administered defined benefit pension plan for Greyhound bus drivers has been frozen to new participants since 1983. The plan has 14,000 participants, all but 1,000 of which are retired. As a result, the average age of plan participants is over 70 years, and their mortality rate is far higher than that predicted by the mortality table that current law requires the plan administrator to use in determining funding requirements. Without legislative change, this requirement will force Greyhound to make unnecessary pension contributions with capita that is needed to operate and maintain its vital nationwide transportation system and to address new security threats facing the industry. These changes will benefit our retirees and our active members as well.

We applaud your leadership in the effort to provide this necessary relief. As this is a top-priority for the ATU, I want to personally thank you for all your efforts in this matter. Please let us know how we can help you as this bill moves forth.

Sincerely,

Jim LaSala,
International President.

By Mr. KENNEDY (for himself, Mr. Gregg, Mrs. Murray, Mr. Voinovich, Mr. Wellstone, Mr. Bond, Mr. Edwards, Mr. Stevens and Mr. DeWine):

S. 2566. A bill to improve early learning opportunities and promote school preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join my fellow Senators today to introduce the Early Care and Education Act. I commend my colleagues for their commitment and leadership on this issue of national priority, Senator Judd Gregg, the ranking member of the H.E.L.P. Committee with whom I am proud to share leadership with on this issue; Senator Patty Murray, a former early educator herself who brings to the H.E.L.P. Committee a depth of knowledge from the front lines of education in our country; Senator George Voinovich for his leadership through the Families and Children First initiative as Governor of Ohio and his long-standing commitment to this issue; Senator Paul Wellstone, who continues to show support for parent and family education, and has demonstrated impressive results with the care of infants in Minnesota; Senator Ted Stevens, who has a long commitment to children and championed the Early Learning Opportunities Act; Senator John Edwards, whose dedication to the interests of children with special needs is greatly appreciated; and Senator Chris Bond, for his innovation with the Parents as Teachers program in Missouri.

Today, in America, there are over 19 million children under age 5, and over 11 million of these children have parents who work. Sixty-two percent of children from birth to age 5 spend time cared for by someone other than their parents, and too many are spending increasing hours in a hodge-podge of programs, in a variety of settings, cared for and taught by sometimes unqualified and certainly under-compensated providers. As a result, almost half of our Nation's children start school unprepared for the challenges before them. This result is costly for our parents, our teachers and providers, and most importantly, for our children.

The Early Care and Education Act that we introduce today is based on decades of science and research that show that what parents and providers do for young children during their earliest years will impact school performance and later success in life. This bill will build upon current Federal, State, and local efforts to address the early care and education needs of young children. And, it will promote school readiness by creating a system of early care and early education that includes quality services and programs staffed by an educated, motivated, and stable workforce that is paid in accordance to their very important responsibilities as the earliest educators of our children.

During the first five years of life, our children have a number of experiences that have strong influence on their social, emotional, and cognitive development. Together, these early encounters set the stage for later learning and performance. This has been confirmed by research and life experience. Based on this knowledge, we must give the same high priority and commitment to early education that we devote to the elementary, secondary, and college levels. Education is a continuum that begins at birth, and we must invest in our children from the beginning if we expect the best for them and from them. This means an investment in their parents, caregivers, and teachers as well.

To ensure that children enter school prepared to learn, we must coordinate and improve the quality of services children and families receive, eliminate duplication, and maximize the use of existing federal and state resources. The Early Care and Education Act will accomplish this by providing incentive grants so that states may: Offer education, training, and professional development opportunities to improve the skills and compensation of the early care and education workforce; conduct needs assessments and evaluations of State and local programs and services for young children; provide training and technical assistance to help health care providers conduct analyses of child development as a part of routine physical examinations; improve parent, provider and public awareness of the early childhood development activities that will help children reach social, emotional, and cognitive milestones, and; support voluntary parent and family education programs that address early literacy, school preparedness, and overall development growth.

These activities I've just described have been demonstrated in research and practice to address the social, emotional, physical, and cognitive development needs that simultaneously influence a child's ability and willingness to learn.

I bring the Early Education and Care Act to the floor today with a strong voice. My fellow Americans, parents, and providers have placed education, and specifically, early education, as a top national priority. Study after study has called for better access and quality for early education. And, in the past few months alone, numerous reports have accurately described the shortcomings of early care and education in our country, as well as the need to respond We began to identify solutions years ago with Perry Preschool and the Carolina Abecedarian Project. These proven solutions have been more recently demonstrated in programs like the Chicago Child-Parent Center program and described in publications, such as Eager to Learn and From Neurons to Neighborhoods. After years of research articulating the need, and years of intervention showing us what works, we can no longer afford to ignore these calls to action.

I have long-been committed to the education and welfare of children in this country. They are who will keep the greatness and prosperity of this nation going in the years to come. The first few months of 2002 have already created some dynamic changes for our young citizens. In January, I joined President Bush as he signed the Elementary and Secondary Education Act, ESEA, into law. This display of bipartisan commitment paved the road for future collaboration on other areas much in need of attention and commitment, including quality early care and education.

Since then, the President has stated his commitment to school readiness with the Administration's announcement of the "Good Start, Grow Smart" initiative, and the First Lady has repeatedly expressed her dedication to this issue by testifying before the Senate Education Committee, at White House events, and at engagements across the country, including the second annual early childhood education summit earlier this month in Little Rock, Arkansas.

Today, I stand with the President, the First Lady, and America's parents, providers, and teachers to call for quality early care and education for our nation's youngest children. The public and policy makers agree on its importance, and we now have the opportunity—and obligation—to act.

Investing in our children early is not an option. It is our responsibility as a nation. With stronger K–12 student requirements through ESEA, we cannot fairly hold our children accountable for poor performance later in school if we don't give them the best opportunities at success from the start. We must narrow the gap between what we know and what we do. The Early Care and Education Act will help us to narrow that gap.

As I close, I would like to recognize the many researchers, practitioners, and advocates who have contributed their expertise and practical insight as we crafted this legislation. I ask unanimous consent a multitude of letters and other material we have received in support of this legislation be printed in the RECORD. The Nation is behind this effort, and I hope that my colleagues will join us in supporting and passing this very important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT FOR THE EARLY CARE AND EDUCATION ACT

EXPERTS

Jack Shonkoff, Brandeis University.
Craig Ramey, Georgetown University.
Ed Zigler, Yale University.
Dorothy Strickland, Rutgers University.
Barry Zuckerman, Boston Medical.

NATIONAL ORGANIZATIONS

American Academy of Pediatrics.
Child Care Action Campaign.
Child Care Consortium.
National Child Care Assocation.
Scholastic Inc.
National Association of Child Care Resource and Referral Agencies.
I am Your Child Foundation.
Committee for Economic Development.
High Scope Foundation.
Reading is Fundamental.
United Way of America.
Fight Crime Invest in Kids.
Parents as Teachers.

NATIONAL GOVERNMENT ORGANIZATIONS

National Governors Association.
National League of Cities.
National Conference of Mayors.
National Conference of State Legislators.

MASSACHUSETTS & STATES

Massachusetts Dept. of Education.
Massachusetts Early Education for All.
Massachusetts Association of Child Care Resource and Referral Agencies.
North Carolina Smart Start.
First Steps South Carolina.
Washington State Child Care Resource and Referral Agencies.
Maryland Office for Children.

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, May 23, 2002.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the 57,000 members of the American Academy of Pediatrics, I write to express our strong support for your legislation, the Early Care and Education Act.

Pediatricians have long recognized that high-quality early care and education requires the combined efforts of many people—

parents, caregivers, medical providers, community organizations, and government leaders of all levels. Your legislation recognizes the important nexus between quality health care and quality education for children by ensuring that all early care and education initiatives are grounded on the best research, standards and teaching strategies available. Moreover, by including pediatricians on the panel of experts to provide guidance and assistance to states, your legislation will ensure that all children can benefit from the medical expertise of those most familiar with the health and development of infants, children, adolescents and young adults.

We applaud your continued commitment to the health, development and education of children. We would welcome the opportunity to work with you as this important legislation moves forward this year. Please contact me or Molly Hicks, Assistant Director, Department of Federal Affairs, if we can be of any assistance.

Sincerely,

ELIZABETH J. NOYES,
Associate Executive Director.

NATIONAL ASSOCIATION OF CHILD CARE RESOURCE AND REFERRAL AGENCIES,
Washington, DC, May 20, 2002.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: We are writing on behalf of the National Association of Child Care Resource and Referral Agencies (NACCRRA) to commend you on the goals and purposes of the Early Care and Education Act.

Child care resource and referral has played a significant role in assisting States in many different system-building efforts. Therefore, we are pleased that your legislation encourages States to think and plan comprehensively how best to improve the quality of early experiences for children by addressing such systemic needs as professional development, compensation, program guidelines, information and support for parents, as well as public awareness.

We see the concept of a unified, seamless plan which coordinates the State's various federal funding streams as an important indicator that the activities in this Act are intended to provide a robust complement to the quality-enhancing activities currently funded by the Child Care and Development Block Grant (CCDBG), which we are hoping will also be increased significantly during this year's reauthorization.

As coordinators of the fragile and fragmented local early care and education configurations, child care resource and referral programs applaud the intentionality and systemic planning that the Act promotes. The ability of a State's governor to designate an existing entity as the advisory council and the intent to enhance the effectiveness of existing delivery systems are both critical elements to us. We heartily support leveraging new opportunities but strongly oppose the waste created by the unnecessary creation of new, parallel systems and duplication of functions.

In the section on State Plans, we appreciate the recognition of community based training that is not provided for course credit as an essential part of the professional development continuum. These trainings are often the bridge to educational success for countless caregivers. Without these trainings, many would not have the confidence to enter the higher education environment.

The language regarding the implementation of the public awareness and parental information campaigns is particularly intriguing, because this has been a core function of resource and referral since long before any significant public resources became available for this purpose.

We promise to continue working with you to ensure that the bill is a success. Thank you for your unwavering commitment to the children and their families all across our great nation.

Sincerely,

MARTA ROSA,
President, NACCRRA Board of Directors.
YASMINA VINCI,
Executive Director.

MAY 9, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Senate Dirksen Building, Washington, DC.
Hon. JUDD GREGG,
Ranking Member, Senate Committee on Health, Education, Labor, Senate Dirksen Building, Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR GREGG: Scholastic Inc. writes in enthusiastic support of the Early Care and Education Act, and we share your goal to ensure that our youngest children reach school ready to learn. We first want to applaud your tremendous recent efforts on elementary and secondary education and the Leave No Child Behind Act. This Act will have an enormous impact on the lives and education of our children and the quality of teaching across the country. We hope that bipartisanship in the Congress, and with the Bush Administration, on funding for education and children will continue with the same energy and focus on preschool and early education. In this present effort Scholastic extends its full support and resources to you and your staff to help reach parents, children, and early educators on the importance of early childhood issues.

Scholastic Inc., the global children's publishing and media company, throughout its history has had a corporate mission of instilling the love of reading and learning in all children. Recognizing that literacy is the cornerstone of a child's intellectual, personal, and cultural growth, Scholastic has created quality products to educate, entertain and motivate children. We have long understood the importance of focusing on the needs of the whole child during early childhood and we know that what we do for our children in their earliest formative years, sets the foundation for success or failure in school and in life. This legislation has the potential to better prepare the next generation of children to be ready to learn when they enter school.

We strongly agree that one of keys to promoting school readiness is to develop and retain a well-educated and trained early childhood workforce. Scholastic has focused on the area of professional development for early childhood teachers and caregivers and has been a pioneer in developing scientifically based early childhood instructional materials, including education technology.

Scholastic offers its services and resources to be part of the legislation's public/private campaign for early childhood and early literacy. Scholastic's magazines, Early Childhood today and Parent & Child, book clubs, and web site reach millions of teachers and parents across the country. Additionally, Scholastic works with libraries and literacy programs across the country. We would like to leverage these unique relationships and communication channels to deliver your message.

Thank you again for your leadership on issues of importance to children and families.

Very truly yours,

RICHARD ROBINSON.

NEW YORK, NY, *May 8, 2002.*

Senator EDWARD M. KENNEDY,
Chairman, U.S. Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: We at Child Care Action Campaign write to express our support for The Early Care and Education Act that we understand you plan to introduce in the Senate later this week.

We do so with unreserved support for the bill's three stated purposes: to encourage States to improve the quality and availability of early learning opportunities and activities for young children; to develop and retain a well-educated and trained early childhood workforce and to promote school preparedness. All of these are necessary if we are to assure that our nation's children will have the social, emotional and behavioral skills necessary to enter and succeed in school. And, that they will bring with them to the schoolhouse door the appropriate level of early cognitive and literacy development to support success in reading and other academic requirements.

For the past nearly twenty years, Child Care Action Campaign has had as its vision: quality, affordable child care for every American family that needs it. In pursuing this vision we have helped to build national public awareness and support for improved early education. To take the next giant steps, however, requires more than advocacy and public education. It will require significant investment by the Federal government and the States. It will also demand the use of effective strategies to improve the training and compensation of the early childhood workforce, the ultimate source of quality in our nation's preschool classrooms.

The level of investment proposed in your bill, combined with the strong signal it sends abut the importance of early care and education for our nation's youngest citizens, is a critical next step. We are particularly pleased that, under Sec. 9, Use of Funds, the very first use listed is the one we see as the key to the changes that must be made for our children—that is, to encourage states to use funds under this Act for education, training and professional development for early childhood professionals, including training that is linked to increased compensation.

We are also encouraged that you plan to establish an independent panel of experts to provide guidance to the States in the important task of assessing progress and that this panel will identify for States' use the best science-based methods and measures.

We look forward to continuing to work with your staff to achieve effective implementation. Thank you for what you personally have done to put your considerable passion and credibility to the service of the nation's children.

Sincerely,

FAITH WOHL,
President.

SMART START AND THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN,
May 9, 2002.

Senator EDWARD KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the North Carolina Partnership for children and Smart Start, thank you for your exemplary support of young children as reflected in your recently proposed legislation. We applaud your outstanding leadership and believe that this legislation will dramatically improve the early care and education system in our state and throughout the nation.

Thank you for your willingness to listen and learn from the pioneer work we have done since the Smart Start legislation was passed in 1993 as reflected in your visit here and ongoing communication with your staff. While North Carolina has made unparalleled progress in building a high quality early childhood system and getting results for young children, we have much further to go. With your continued leadership and support we will reach our goal that every child in our state arrives at school healthy and prepared for success in school and in life.

Thank you for your dedication and the commitment you made in proposing this landmark legislation. We look forward to working with you on behalf of children. Please continue to be our nation's champion for young children.

Sincerely yours,
KAREN W. PONDER,
Executive Director.

MAY 14, 2002.

Hon. EDWARD M. KENNEDY, *Chair,*
Hon. JUDD GREGG, *Ranking Member,*
U.S. Senate Committee on Health, Education and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS KENNEDY AND GREGG: Thank you for your work to produce the "Early Care and Education Act". This letter is to communicate the Parents as Teachers National Center's (PATNC) support for the Act.

There is sound evidence that the first few years of life are the most critical to the healthy social, cognitive, language, and physical development which propels children to success in school and in their lives as adults. Most children spend those early years in the care of their parents, who are their first and most influential teachers, but also with other care providers. The Early Care and Education Act is a realistic attempt to strengthen the capacity of both parents and care providers to promote school readiness by a unified approach of encouraging highly interactive, developmentally appropriate opportunities for very young children to learn and strengthening the quality of the early childhood workplace.

Along with other positive provisions of the Early Care and Education Act, we are particularly pleased that there is recognition of the various systems and entities involved in providing services to young children and their families and the need to unite these players in common goals and in transition to the school systems which will take over as children grow older. The proposed Joint Office of Early Care and Education at the federal level and similar structures at the state level will model this recognition and create a means to bring it to fruition.

Again, we are most grateful for the intent of the Early Care and Education Act and the positive focus it will provide on the needs of our youngest and most vulnerable citizens to be ready to succeed in school and in life.

Most sincerely,
SUSAN S. STEPLETON,
President and CEO.

COMMITTEE FOR ECONOMIC DEVELOPMENT,
Washington, DC, May 14, 2002.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. JUDD GREGG,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS: On behalf of the Committee for Economic Development (CED), I would like to commend you on your "Early Care and Education Act." CED strongly supports the goal of providing increased early learning opportunities to all children.

As a nonprofit, non-partisan public policy organization comprised of over 200 business and education leaders, CED has long promoted the economic benefits of improving the education of our nation's youth. CED identified early childhood education as particularly crucial in our 1993 study, Why Childcare Matters and our recent policy statement, Preschool for All: Investing In a Productive and Just Society. We wholeheartedly agree with your findings that the pre-kindergarten period is a critical juncture when young children develop cognitively and socially, and therefore benefit substantially from mental stimulation and education. CED supports the goal of the legislation to facilitate cooperation between federal and state governments in creating high-quality and childcare and education systems that ensure that all children enter school ready to learn.

Promoting school preparedness among children is vital to their future success and benefits society as a whole. In order to accomplish this goal, a stable, well-educated, and appropriately paid childcare and early education workforce is necessary, with ample opportunities for professional development and training. Increased research and dissemination of best practices from among successful programs is also essential. We are pleased that the legislation includes provisions for addressing these requirements.

CED believes that it is imperative that the current haphazard, piecemeal, and underfunded approach to early care and learning in this country be replaced by coherent state-based systems linking programs and providers, with the goal being universal access to high-quality prekindergarten programs for all children whose parents want them to participate. Your legislation represents a step in the right direction and we support your efforts.

Sincerely,
CHARLES E.M. KOLB,
President.

CALIFORNIA CHILDREN AND FAMILIES COMMISSION AND I AM YOUR CHILD FOUNDATION,
Beverly Hills, CA, May 14, 2002.

Senator EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express my support for the Early Care and Education Act that you plan to introduce this week. I commend you, the Bill's cosponsors, and your colleagues for taking this important step to benefit our nation's youngest citizens and to help provide all children with the support, care, and tools they need to enter school ready to succeed.

Based on my experiences as Chairman of the California Children and Families Commission, as President and Founder of the I Am Your Child Foundation, and as a parent of three young children, I can assure you that increased public investment in early childhood development, parenting, and child care pays off. Investments in the early years yield dividends that last a lifetime: children who are nurtured and taught by caring and capable caregivers, both inside and outside the home, are more likely to enter school ready to succeed, and are ultimately more likely to enter our communities as productive, healthy, and engaged citizens.

Indeed, in recent years, developments in science and public policy have confirmed what many of us as parents and caregivers have long known instinctively; the experiences of children in their earliest years have a profound effect on the way children grow and develop, and they establish the foundation for future success both in school and in life. We now know, without doubt, that secure and loving attachments with parents and other caregivers, coupled with the right kind of developmental experiences, instill in children the social, emotional and cognitive abilities they need to thrive.

Quite simply, there is no more significant public investment we can make in our nation's future than in early childhood development, and that is the main focus of the new Early Care and Education Act. Many facts of the Bill are deserving of praise, but I would like to focus on those features that I believe will make the largest difference in the lives of our nation's youngest children:

First, the Bill recognizes that parents are our children's first teachers, and offers ground-breaking support for initiatives that promote parent education and provide information to parents on child development and age-appropriate activities that improve children's social, emotional, cognitive and physical development. The Bill also enables States to conduct public education campaigns to increase public awareness of early childhood development and specific activities that can help children reach social, emotional, and cognitive milestones critical to school readiness. From what I have seen in States across the country, from California to Pennsylvania, parent education and public awareness efforts can make a tremendous difference in the lives of young children. The more reliable and responsible child development information the public, particularly parents, receive, the better caregivers parents become.

Second, the Bill recognizes the need for significant investment in workforce development that is linked to increased compensation, improved recruitment and retention, and stable career ladders for early childcare workers. If we truly believe in investing in our children, we must make meaningful investments in those entrusted with their care. We must strengthen the knowledge and skills of those who teach and care for our youngest children, and that can only happen by increasing training, skills, and wages.

Third, the Bill recognizes that early childhood education must be part of the overall K–12 education system. I am extremely pleased to see that both the Departments of Education and Health and Human Services will play a role in administering the act, and that States' plans will include a description of how States will create linkages between formal early care and early education programs and elementary education programs to ensure a smooth transition from preschool to elementary school. In addition, I am delighted that the State Advisory Councils, charged with conducting local needs assessments and developing State plans, will include a wide array of individuals involved in early, elementary, and higher education—

from parents to early childhood education professionals, to kindergarten teachers, to teachers in grades 1 through 4, to representatives from institutions of higher learning. This linkage is critical to creating a seamless system of education for our children from birth through grade 12.

Fourth, the Bill recognizes that investments in early childhood development should not focus on literally alone, but must encompass the full developmental spectrum, including cognitive, social, emotional and physical development beginning at birth. This critical points is understood by the multi-disciplinary approach the Bill embraces in composing State Advisory Councils. In addition, the Bill highlights the multi-dimensional development needs of our children who are most at-risk, and bolsters investment in children living in poverty, for whom early care, education, and intervention are especially crucial.

Finally, the Bill goes a long way in addressing the problem of linking public funding to assessments of children's school readiness. While the bonus grant provisions of the Bill may be controversial, they do not represent the type of "child testing" that I believe is most problematic. As the Bill provides, only 20 percent of funding may be used as bonuses linked to assessment, the assessment tools will be developed over time by independent experts, and the assessments themselves will be limited to kindergarten children (not preschoolers). Moreover, the assessment results may not be used to identify or track children or to determine kindergarten eligibility or retention. In addition, under the Bill, no bonus grants are to be awarded until the third year, which allows time for system building and workforce development, and the third year bonuses are based solely on evidence of increased workforce capacity and retention.

In sum, I strongly believe the Early Care and Education Act will make significant strides in the care and education of our nation's youngest children. Increased public investment in child development is critical for our children and for our country. I commend you for your strong leadership on this issue and your tireless work on behalf of the children of America. I am proud to offer you my support.

Sincerely,

ROB REINER.

YALE UNIVERSITY,
DEPARTMENT OF PSYCHOLOGY,
New Haven, CT, May 10, 2002.

Senator EDWARD M. KENNEDY,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I would like to voice my strong support for the Early Care and Education Act. As the Sterling Professor of Psychology at Yale University and head of the Psychology Section of the Yale Child Study Center, I direct the Bush Center in Child Development and Social Policy. As someone who has studied the growth and development of children for over 45 years, I believe this legislation will further efforts to improve the lives and early experiences for our nation's youngest children. As I noted in my testimony before the Senate Health, Education, Labor, and Pensions Committee earlier this spring, the quality of early care and education provided to most children in this nation is poor to mediocre. Millions of infants and toddlers—at the very ages when development is so critical—are spending their days in the care of untrained and poorly compensated teachers.

The Early Care and Education Act focuses on the two biggest issues confronting the field of early education—the lack of an organized and systematic approach to early care and education, and the lack of trained and well compensated teachers. We must address these issues to ensure that all children arrive at our schools prepared to learn. If we want sound educational programs, we simply must provide well-trained teachers to implement them.

I compliment you on the comprehensive nature of the bill. While I wholeheartedly agree that congnitive development and literacy are important goals, I have repeatedly pointed out that they are so interwined with the physical, social and emotional systems that it is futile to dwell on the intellect and exclude the other domains of development. Your bill supports the whole child concept and I applaud you for this approach. Decades of cumulative research shows that early emotional risk factors that go unaddressed, will result in later school failure, poor peer relationships, and later costly interventions. Phonemic instruction by the most competent teacher will do little for a child whose physical, emotional and social needs have not been met. The best way to promote the healthy development of children is to help the adults in their lives be more effective in responding to their needs.

I commend you for continuing to leadership on behalf of children. Please do not hestitate to contact me if I can be helpful in your efforts.

Cordially,

EDWARD ZIGLER,
Sterling Professor of Psychology.

READING IS FUNDAMENTAL, INC.,
Washington, DC, May 13, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Reading Is Fundamental, Inc. (RIF) is pleased to support the bipartisan Early Care and Education Act, with its laudable emphasis on the creation of strong support systems and educational resources to help ensure that all children, especially those most at-risk for educational failure, receive literacy services at the earliest possible ages.

RIF shares with you the conviction that the social, academic and cognitive development of America's children depends in large measure on the degree to which they experience nurturing environments during the first six years of life. It is vitally important that families and caregivers receive the resources, information and motivation necessary to prepare children to be successful, life-long learners and readers. RIF believes that this legislation can play an important role in shaping a national approach to more effective childcare and early childhood education.

One of the strengths of this legislation is its recognition of the variety of settings in which our youngest children are cared for. This comprehensive approach, acknowledging both care in the home and outside the home, has long been a part of RIF's programmatic activity. For example, RIF has developed a training program for childcare providers called Care To Read, which provides instruction on ways to integrate emergent literacy development into a variety of childcare settings. This program is based on research such as the National Reading Panel's report on Preventing Reading Difficulties In Young Children and Dr. Susan B. Neuman's study, Access For All. The growing research regarding emergent literacy support and reading readiness confirms the need to accelerate and broaden efforts to include literacy activities in all child care settings, including those that have not traditionally offered it. The critical need to train child care workers to offer literacy activities is reflected in the legislation and is fully supported by RIF.

Also consistent with the legislation's goals, RIF, through RIFNet, our distance learning initiative, is developing a six-part video and online training program on emergent literacy issues for early-childhood caregivers, teachers, parents and other important adult influences in children's lives. A companion series on developmentally appropriate children's literature will support this effort to bolster early-childhood literacy development nationwide.

Without doubt, this is a critical time in our nation's history, when 38 percent of fourth-graders read below grade level, including 58 percent of Hispanic and 63 percent of African-American children. RIF looks forward to working closely with the Department of Education, members of Congress, and communities across the nation to ensure that the youngest Americans have access to books and that essential literacy services are available in all settings, both formal and informal, where young children are cared for.

We support your efforts to enact this important legislation and thank you for your steadfast support of children's education and health issues. RIF, with its network of 400,000 volunteers at 20,000 sites across the country, it prepared to be an active resource in support of this effort.

Sincerely,

CAROL H. RASCO,
President and CEO.

RUTGERS UNIVERSITY
GRADUATE SCHOOL OF EDUCATION,
New Brunswick, NJ, May 9, 2002.

Re: Early Care and Education Bill.

TO SENATOR EDWARD M. KENNEDY: I am writing to you and to Senator Judd Gregg to state my endorsement of the Early Care and Education bill. It promises to be a significant step forward in improving the coordination of early childhood efforts at the state level and in strengthening curricula to foster children's overall development with specific attention to their cognitive and language growth. Perhaps most important, it provides the momentum to assist states in their efforts to improve the qualify of early childhood staff.

I am pleased to have had the opportunity to testify on behalf of this legislation and to participate in the preparation of its drafts. If I can be of further help, I can be reached at the locations listed in the letterhead.

DOROTHY S. STRICKLAND.

CHILD CARE RESOURCE CENTER,
Cambridge, MA, May 9, 2002.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: As Executive Director of Child Care Resource Center, Inc. (CCRC), one of 15 state contracted child care resource and referral agencies in Massachusetts, I would like to commend you on the goals and purposes of the Early Care and Education Act.

The Child Care Resource Center has actively participated in assisting many different system-building efforts in the Commonwealth. Therefore, I am pleased that your legislation encourages states to think and plan comprehensively about improving the quality of early care and education by addressing such systemic needs as: professional development, compensation, program guidelines, information and support for parents, and promoting public awareness campaigns. I am also pleased about the fact that the Act offers a state's governor the ability to designate an existing entity as the advisory council and the focus on enhancing the effectiveness of existing delivery systems—both are critical elements because they will inhibit duplication of services.

By advancing the concept of a unified, seamless plan that coordinates the federal funding that a state receives from various sources, the Act is working to provide a robust complement to the quality-enhancing activities currently funded by the Child Care and Development Block Grant (CCDBG), which I and other child care advocates in Massachusetts are working to ensure is increased significantly during this year's reauthorization.

In the section on State Plans, I appreciate the recognition of community-based training that is not provided for course credit as an essential part of the professional development continuum. Community-based trainings are often the bridge to educational success for countless caregivers. Without these trainings, many would not have the confidence to enter the higher education environment. The language regarding the implementation of the public awareness and parent-focused information campaigns is particularly intriguing, because this has been a core function of resource and referral since long before any significant public resources became available for this purpose.

I will continue working with you to ensure that the bill is a success. Thank you for your commitment and dedication to ensuring that quality services are available to the children and their families all across our great nation.

Sincerely,

MARTA T. ROSA,
Executive Director.

CHILD CARE CONSORTIUM,
Washington, DC, May 9, 2002.

Hon. TED KENNEDY AND JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATORS KENNEDY AND GREGG: On behalf of the licensed, private providers of quality early childhood education, members of the Child Care Consortium and the National Child Care Association, I am writing to commend your efforts to build a strong early childhood education system with the development of the Early Care and Education Act. The Child Care Consortium encourages you to continue seeking ways to create a framework for a strong system of quality care and education, one that leverages and complements the existing child care delivery system.

The Early Care and Education Act recognizes that a disciplined approach for building resources and quality goals around a fully funded child care system is important. This includes aligning the preschool learning experience with kindergarten and elementary grade expectations, undertaking meaningful needs assessments, which should include an analysis of capacities and capabilities of existing system resources, and a strong workforce development plan, which must include both training, appropriate to the field, and compensation, competitive in local markets. This also includes providing quality guidelines for parents and creating measurable goals for state efforts. The Child Care Consortium also supports the establishment of a Joint Office of Early Care and Education and full involvement of stakeholders in state Advisory Councils to assist states with identifying needs and developing state plans. Finally, we strongly recommend that states be encouraged to develop a single, unified Early Care and Education/CCDBG plan.

A framework for driving quality will help ensure that program expenditures in fact enhance quality. Many states have used their quality dollars well and some initiatives have served as models for other states. We think your approach to creating a strong framework for quality is particularly important to ensure that every dollar not used for providing direct assistance to families or creating deeper subsidies through meaningful levels of reimbursements, show real results for quality early childhood education and development.

Licensed private providers of early childhood education are an essential part of the delivery of quality child care and education opportunities for communities across the nation. Important to our ability to offer quality programming are resources for elements of quality such as professional development and training, effective recruitment and retention, and competitive teacher compensation. The system elements authorized by the Early Care and Education Act will help. Also important for driving quality are adequate funding for child care assistance that will allow families to purchase high quality care and education and reimbursement rates that compensate providers for the full cost of providing quality programming represent, allowing providers to make greater investments in these elements of quality.

Sincerely,

FRANK MOORE,
Government Relations Counsel.

FIRST STEPS,
Columbia, SC, May 9, 2002.

Senator EDWARD M. KENNEDY,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I am writing in strong support of the Early Care and Education bill that you are proposing, which I have had the opportunity to review this week. As the Director of South Carolina's early childhood initiative, South Carolina First Steps to School Readiness, I feel that this bill directly complements our efforts to ensure that all South Carolina children arrive at first grade ready to succeed in school.

This bill, if enacted, would directly build on and support the cross-agency collaboratives we have developed at both the state and county levels. As you know, to achieve school readiness requires a holistic approach to all the domains that affect a child's readiness—cognitive, social and developmental. This bill clearly recognizes the need to support all of those domains.

I am also pleased with the bill's focus on training for early childhood professionals and the inclusion of funding for public awareness. We have undertaken both of those initiatives in South Carolina, but limited funds have restricted the scope of what we are able to do at present. We would welcome the opportunity to expand our efforts if this bill is enacted.

If you have any questions about our efforts in South Carolina, please do not hestitate to contact me. I may be reached at 803–734–0391. Thank you for your leadership in developing this bill.

Sincerely,

MARIE-LOUISE RAMSDALE,
Director.

STATEMENT OF SUPPORT FOR THE EARLY CARE AND EDUCATION ACT

(By Jack P. Shonkoff, M.D.)

I am happy to convey my strong support for the proposed Early Care and Education Act. This support is based on the extent to which the bill is informed by the science of early childhood development, as well as on my 20 years of experience as a pediatrician deeply engaged in the delivery of a wide range of services for young children "on the ground."

Among the many features of the proposed legislation, the following are particularly important and worthy of broad and enthusiastic endorsement:

First, the bill addresses the most pressing challenge facing all early childhood programs—the need for significant investment in staff education and training that is linked to increased compensation, improved recruitment and retention, and a career ladder. Stated simply, in order to close the gap between what we know and what we do to support parents and promote healthy child development, we must strengthen the knowledge and skills of those who provide early care and education.

Second, the bill recognizes that wise investments in early learning must begin at birth.

Third, the bill acknowledges the importance of a comprehensive, knowledge-based approach to early childhood development, with comparable attention to its cognitive, language, social, emotional, and physical dimensions, as well as to the foundations of early literacy.

Fourth, the bill provides incentives for states to engage in an integrated planning process designed to reduce the universally criticized fragmentation that characterizes our patchwork systems of early care and education programs, including interventions for young children with special needs and those at high risk for school difficulties.

Clearly, the most contentious issue that has arisen in the formulation of this bill has been the concept of bonus grants and its linkage to the assessment of school readiness in children. Early in the negotiation process, I found myself in strong agreement with the legitimate concerns of those who warned about the potential adverse impacts of "high stakes" child testing on the providers of early care and education, the children themselves, and the entire early childhood environment. Despite these caveats, which remain real, I believe in the value of incentives, the importance of accountability focused ultimately on whether children are doing better as a result of our efforts, and the need to make sure that both the concept and the implementation of child performance assessment are guided primarily by knowledge and not by politics.

In this context, it is my strong belief that the key issue is not whether we should assess child outcomes, but how and when they should be measured, and what protections can be built into the process to prevent unintended, adverse consequences. Thus, although the ultimate implementation of any system of child evaluation must be undertaken with great care and vigilance, I believe that the proposed legislation has many important features that provide a strong framework for a sound incentive model. The basis for my support is the following:

No bonus grants are awarded until the third year, which allows sufficient time for the actual interventions (i.e., system building and investments in workforce development) to be implemented before their impact is measured.

Initial bonus grants will be awarded in the third year based on evidence of increased workforce capacity and retention, which is the bill's most important strategy for improving the quality of early care and education, as a necessary vehicle for enhancing child outcomes.

The award of bonus grants based on improved child outcomes does not begin until the fourth year, at which point it is reasonable to expect that the investments of the first three years will begin to show measurable impacts on children's school readiness.

The indicators of school readiness are viewed comprehensively and include cognitive, language, social, emotional, and physical dimensions, and not just a focus on early literacy.

The responsibility for identifying key indicators of school readiness and a selection of scientifically reliable and valid measurement options is assigned to an independent panel of experts outside of the political process.

Multiple conditions are specified in the bill to minimize potential abuse of the assessment process and to protect children from the consequences of a high-stakes testing environment (i.e., assessments restricted to kindergarten children; no testing of preschoolers; prohibitions against mandatory developmental screening against parental wishes; and prohibitions against the use of assessment data to identify or track individuals or to determine kindergarten eligibility or retention)

The bill includes an innovative provision for bonus grants to support demonstration projects in states that have not documented improved child outcomes, guided by the lessons learned in states that have achieved measurable gains, which establishes the critically important precedent of recognizing the value of using accountability processes to improve policies and practices and not to stigmatize individual programs.

In summary, I believe that the proposed legislation will advance the health development and well-being of our nation's young children, and I would be happy to provide any additional input that could be helpful.

BOSTON UNIVERSITY SCHOOL
OF MEDICINE,
Boston, MA, May 8, 2002.

Senator Edward M. Kennedy,
Chairman, Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I enthusiastically welcome the "Early Care and Education Act" that you and Senator Gregg introduced before the U.S. Senate this week.

In my years as a pediatrician, I have witnessed the wide-ranging impact of poverty on thousands of families, particularly as it relates to the healthy development of children. The most important lesson that I've learned is that only a truly comprehensive strategy—comprised of a wide variety of interventions, employing the energies, enthusiasm and expertise of many professions—can provide the strong web of support that the most vulnerable families need to support the healthy development of their children.

The Early Care and Education Act puts this lesson into practice. I am particularly excited and encouraged by the role this bill envisions for healthcare providers, pediatricians in particular, to support parents as their children's first teacher. By allowing states to use funds from this bill to both train healthcare professionals to conduct developmental assessments, and support of voluntary programs such as Reach Out and Read, the Early Care and Education Act brings enlists the participation of an important ally.

As pediatricians, we have faith and confidence that much of the guidance and advice that we give to parents helps parents help their children. But Reach Out and Read, a program that we are now successfully implementing in a wide variety of healthcare settings across the country, is the only primary care-based intervention that has been shown by scientific evidence, to improve a child's development outcome. ROR's inclusion in statewide efforts will be a wonderful, and proven, complement to existing infrastructure of early care and education.

I thank you for the leadership you continue to show in supporting parents in their efforts to help their children grow up healthy. We look forward to helping in any way we can.

Sincerely,
BARRY ZUCKERMAN, MD,
Chief and Chairman, Department of Pediatrics.

THE FOLLOWING PEOPLE WILL RESPOND TO QUESTIONS ABOUT THE EARLY CARE AND EDUCATION BILL

Dr. Jack Shonkoff MD, Dean of the Heller School of Social Policy at Brandeis University and Chair of the National Academy of Sciences Panel on Integrating The Science of Early Childhood Development, Waltham, MA 02454.

Ed Zigler, PhD, Sterling Professor of Psychology, Yale University, New Haven, CT 06520.

Art Steller, PhD, President/CEO, High Scope Educational Research Foundation, Ypsilanti, MI 48198.

Dorothy Strickland, PhD, Professor of Reading, Rutgers University, New Brunswick, NJ.

Craig Ramey, PhD, Professor, Georgetown University, Washington, DC.

Faith Wohl, President, Child Care Action Campaign, New York, New York 10001.

Rob Reiner, President, I AM Your Child Foundation, Beverly Hills, CA 90210.

Mr. GREGG. Mr. President, in 1989, President Bush challenged our Nation and our Nation's governors to do two things: first, to develop a strategy to improve our educational system and thereby the academic performance of our Nation's students and second, to work toward the goals that all children would enter school ready to learn.

Well, the first part of the challenge was realized with the landmark reforms made earlier this year in the Elementary and Secondary Education Act. With its passage, we have taken significant, if not monumental, steps to improve the education of our K–12 students.

The second part of the challenge, that all children would enter school ready to learn remains, and has now become, the focus of our attention.

The President has taken the first step by launching his "Good start, Grow Smart" Early Childhood Initiative. Following the President's lead, Senator KENNEDY and I are today introducing the Early Care and Education Act.

This legislation will hopefully bring together many of the Federal, State and local efforts already underway in the area of early education. The United States currently invests more than $18 billion per year in early childhood care and education through a variety of Federal, State, and local programs. Unfortunately, we are seeing very mixed results. Many children continue to enter school unprepared to learn, despite our best efforts. And despite this significant current investment of resources, 85 percent of child care is of poor to mediocre quality.

This says to me that we need to spend our funds more wisely, and to target them more effectively at what works. That is what the Early Care and Education bill will do.

Under ECEA, we will ask states to do seven basic things as a condition for receiving an incentive grant:

One, blend and coordinate existing early learning resources; two, identify barriers which prevent them from fully utilizing Federal, State, an local public and private funds for early care and early education; three, promulgate voluntary program guidelines for early care and early education programs in the State; four, develop general goals for school preparedness for children entering kindergarten; five, provide a list of suggested activities for parents and care-givers to offer young children that can improve children's school preparedness; six, establish a workforce development plan that ensures comprehensive training for early childhood education professionals that is linked to a compensation package; and seven, ensure that this training uses curricula that will prepare early childhood professionals to effectively implement curricula identified as scientifically based and effective to prepare young children to succeed in school.

Then, to make sure States are actually making measured improvement in attaining their goals and performance measures, we set aside 20 percent of the funds appropriated for bonus grants to high performing states. States that are making measured improvement in improving the competencies of early learning professionals in the state and in the overall school readiness of their kindergartners will be eligible for this bonus, which becomes effective when appropriation levels reach $500 million.

This is significant and is somewhat of a departure form what Washington is used to. But we must no longer settle for programs that are untested and unaccountable to the American taxpayer for results. Our children, especially our disadvantaged children deserve better.

Under the ECEA, States will have the flexibility to identify, target and fund the most significant needs in their own states. They will be required to recognize and include parents as equal partners in the education of young children and respect the choices parents make to use or not use out-of-home child care or preschool settings.

They will be asked to set specific goals for school readiness and workforce improvement and then will be held accountable for reaching them. They will have the assistance of a National Panel of Experts in developing these goals and measures and the resources of the Departments of Education and Health and Human Services who will be required to work together, jointly, to administer this program. The largest investments in child care and early education are scattered throughout these two agencies and it is absolutely essential that they work together to effectively meet the needs of working families and young children. This is unprecedented but it must happen.

Let me conclude my saying that I am very excited about this legislation and encouraged by the willingness of members of both sides of the isle to work together for the good of the children to create a system where No Child Will be Left Behind. I am hope that by working together in partnership with parents, and States we will make great strides in preparing our young children for school. I look forward to our continued dialogue on this issue and to moving this legislation through the Congress and to the President.

Mr. VOINOVICH. Mr. President, I rise today to discuss the Early Care and Education Act of 2002 which was introduced today by Chairman KENNEDY. I am proud to have been invited by him to work on this legislation, together with the ranking member of the Senate Health, Education, Labor, and Pensions Committee, Senator GREGG, and the other distinguished cosponsors.

Early childhood development is a true passion of mine. In fact, one of the first bills I introduced when I came to the Senate in 1999 was an early childhood development bill targeting children from prenatal through age three. And the following year I was pleased to work with Senators STEVENS and KENNEDY on the Early Learning Opportunities Act.

Leading researchers from the distinguished National Research Council and Institute of Medicine emphasize that the first years of a child's life are the most important time in a child's development in terms of socialization and brain synapses, both of which are necessary for learning.

As a fiscal conservative, I believe that one of the best investments the federal government can make is in 0–3. Providing comprehensive early care that includes physical, social, emotional and cognitive development makes a real difference in a child's future because it not only prepares them for preschool, but also carries through to provide success from K through 12.

I am encouraged that both the President and First Lady are working actively to raise the profile of this important bipartisan initiative that will provide high-quality, comprehensive care for young children.

When I was Governor of Ohio, I prioritized early childhood development, drawing a line in the sand and determining that our State would not allow another generation of children to fall by the wayside. We committed to meeting the health, education and social service needs of the disadvantaged from prenatal through kindergarten.

Ohio became the nation's leader in Head Start by fully-funding it—in combination with other State programs, so that every eligible child had a space if their parents choose it. Then we began local partnerships between government agencies and community organizations in every county, with the goal of having all children in Ohio starting school ready to learn. I should also mention something we seem to forget, that the first goal of the national initiative launched in 1989, Goals 200, was that by the year 2000, all children in America would start school ready to learn.

Ohio also launched Help Me Grow, an information campaign for parents of every income level regarding prenatal and well-baby care, child development, child safety, preventing child abuse and identifying local resources to help with all those issues that are so essential to raising a healthy child.

I was so impressed with the results we saw in Ohio that I agreed as vice-chairman of the National Governors Association to join with Governor Miller of Nevada to make early childhood development a two-year priority. This was the first time two consecutive chairmen of the National Governors Association joined in having the same priority, encouraging States to focus on child development from 0–3. I also worked with Rob Reiner, who created and developed the I am Your Child Foundation, and who has done so much to raise awareness and provide assistance to parents for early child care.

The bill that Senators KENNEDY, GREGG, MURRAY, and I are introducing will build on what States such as Ohio have already done, coordinate efforts and target dollars to make a real difference for those young children who are the most vulnerable in our society.

The incentive grants in the bill will help states that have already started down this path provide higher quality services, but more importantly, this bill will provide the catalyst for those States that have not yet made early childhood development a priority. I'm amazed today that only 13 states have actually put State money into the Head Start program.

Unfortunately, for families in some states, there is no coordinated system that connects parents of young children to a network of information and resources for assistance with the comprehensive early care a child needs to start school ready to learn.

By providing Federal dollars to help states coordinate their efforts, we are drawing a line in the sand for the Nation and saying, "This is the generation that will have every child starting school ready to learn."

As a federalist, I believe states can and should have a big role in helping make our Nation a better place to live. This bill provides the Federal-State partnership which is appropriate, avoids federally imposed one-size-fits-all solutions, and gives States the flexibility to find solutions that best fit their citizens' needs. I think the best evidence of how important that is, is the successful reform of this country's welfare system.

I've seen what works and I've seen what doesn't. I'm glad to be a part of the team to get this bill passed and I pray that my fellow Senators are inspired to understand how important this is to the future of America.

Mr. WELLSTONE. Mr. President, I join with Senators KENNEDY, GREGG, MURRAY, and others in introducing the Early Care and Education Act. I am pleased to have worked on this legislation because I believe it is absolutely critical that we do more on the Federal level to enhance early childhood education throughout the country. Seventy four percent of children in out of home care had care that was classified as mediocre—meeting health and safety requirements but offering no education or developmental benefits. Twelve percent were in places that were considered unsafe and only 14 percent were considered good. this situation is totally unacceptable.

The Early Care and Education Act would start to address this severe situation by providing much needed funds for states to support a more comprehensive, more high quality infrastructure for early care. It would fund professional development for early care providers and provide for wage incentive programs to ensure that providers get the salaries they deserve. It would provide incentives to States to integrate and coordinate services for your children. I am particularly pleased that this legislation would also provide funding for parent education programs such as the Early Childhood and Family Education program in Minnesota.

The ECFE program has been extraordinarily successful in my state. It is the largest early childhood program in Minnesota and is now offered in districts that together encompass 99 percent of the population of infants and toddlers in the State. Forty four percent of all young children and their families participate in the program.

Four different studies of outcomes of the ECFE program have all concluded that ECFE is effective with all types of families. Benefits for children include improved social interactions and relationships, improved social skills, increased self confidence and self-esteem, and improvement in language and communication skills. For parents, ECFE increases the ability to know what is important for children's healthy growth and development over time, improves their confidence and leads to far higher participation in parental involvement activities in elementary school.

A recent study by the Office of Educational Research and Improvement at the United States Department of Education has described the Minnesota ECFE program as an example of the type of program that can provide children and families with "continuity and [can] ease the critical transition to school." That is the goal of the important legislation we are introducing today.

Forty percent of all American children enter kindergarten unprepared for school. This is unacceptable. We know that children need to be in a stimulating environment to spur the brain development that is critical to intelligence. This bill will move us in the direction of ensuring that every child has access to better quality care by helping States develop an improved and integrated system of care. The academic achievement gap is greatest when children start school, so if we are serious about closing the achievement gap between poor and more affluent students, we must do more to intervene early. This bill is a strong move in the right direction. I thank my colleagues for their excellent work on this important issue.

Mr. DEWINE. Mr. President, I rise today with my colleagues, Senators KENNEDY, GREGG, and VOINOVICH, to introduce the "Early Education and Care Act," a bill to help improve the quality of early childhood education.

We all know that our children are the most vulnerable and valuable members of our population. As the parents of eight and grandparents of seven, my wife, Fran and I know the responsibility, time, and dedication it takes to ensure that children B especially very young children, live in a stimulating environment that will enhance their development.

The first five years of a child's life are a time of momentous change. Research shows that a child's brain size doubles between birth and age three. I remember my own children during this time, and it seemed like everyday they were learning and doing something for the first time—walking, crawling, or learning another new word. Kids are like sponges, particularly at this early stage of life.

That's why education is such an important part of our children's lives, not just when they reach kindergarten, but really from the day they are born. The bill we are introducing today would help reshape how states and American families view child development. I have worked with the other sponsors to ensure that information about the importance of child development, age-appropriate activities, and activities that increase a child's language and literacy development are all targeted at every home in Ohio and across the country. This information needs to go to our childcare centers, libraries, and pediatrician offices.

Now, not every child less than five years of age goes to a formal pre-school or childcare setting. But, they all go to the doctor and our message needs to be incorporated into well-baby visits and ordinary check ups. Our legislation would enable states to provide training to health care providers on conducting child development analyses as part of a routine physical examination.

Programs, such as "Reach Out and Read," already have been successful in using the health care profession to spread literacy. "Reach Out and Read" gives books to parents to take home and share with their children. Doctors that participate in this program have incorporated literacy and language development into questions during physical evaluations, and they have emphasized the importance of literacy to the parents.

Early learning programs play a pivotal role in preparing our children for kindergarten and beyond. First Lady Laura Bush has taken an important leadership role in this issue with her "Ready to Read, Ready to Learn" initiative, which has helped put early learning into the national spotlight. For example, when she testified before the Senate Health, Education, Labor, and Pensions Committee, she described a great discrepancy that exists in our country. She explained that when children enter their kindergarten classrooms on the first day of school, they are not all starting from the same point. Some children are much more advanced than others. Kindergarten teachers could tell you on day one, which students received quality preprimary education and which ones hadn't gone to a quality program or had ever been in an educational setting before.

Research shows that children who attend quality early childcare programs when they were three or four years-old score better in math, language, and on social skills development in early elementary school than children who attend poor quality childcare programs. Furthermore, children in early learning programs with high quality teachers—teachers with associate degrees or bachelor degrees—do substantially better. Our legislation would create incentives for states to enable those caring for our children to get the training and education they need to best teach our very young children. I'm very pleased with what my own home state of Ohio did in 1999, when we passed a law requiring that every Head Start teacher by the year 2007, have at least an associates degree in early childhood education. Currently, federal law mandates that only 50 percent of Head Start teachers have an associate degree.

These are all very complex issues, Mr. President. We need to find a balance between quality pre-primary education programs and ensuring that we reach as many children and families as possible. The time has come for a more comprehensive program B one that reaches all children right from the start. I believe our legislation accomplishes this task, and I encourage my colleagues to support this effort.

By Mrs. MURRAY (for herself, Ms. CANTWELL, and Mr. INOUYE):

S. 2567. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

Mrs. MURRAY. Mr. President, on May 23, 2002, I was pleased to introduce with Senators CANTWELL and INOUYE, "The Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Act.". This bill will provide compensation to the Spokane Tribe for its contribution to the production of hydropower by the Grand Coulee Dam. This legislation, S. 2567, is very similar to S. 1525, which Senator INOUYE and I introduced in the first session of the 106th Congress.

The Grand Coulee Dam is the largest concrete dam in the world, the largest electricity producer in the United States, and the third largest electricity producer in the world. It provides electricity and water to one of the world's largest irrigation projects, the one million acre Columbia Basin Project. The Grand Coulee is the backbone of the Northwest's Federal power grid and agricultural economy. The Dam has provided and continues to provide tremendous economic benefits to the region.

But for the native peoples of this region, the construction of the Grand Coulee Dam came at a very high price. To the Spokane Tribe, the Dam meant an end to a way of life. The dam flooded the Tribe's reservation on two sides. The Spokane River changed from a free flowing waterway that supported plentiful salmon runs to barren slack water that now erodes the southern lands of the reservation. The benefits that accrued to the nation and the Northwest were made possible by uncompensated injury to the Native Americans of the Columbia and Spokane Rivers.

In 1994, Congress enacted settlement legislation to compensate the neighboring Confederated Colville Tribes. That legislation provided a onetime payment of $53 million for past damages and approximately $15 million annually from the proceeds from the sale of hydropower by the Bonneville Power Administration, (BPA).

The Spokane Tribe settlement legislation would provide a settlement proportional to that provided to the Colville Tribes, which was based on the percentage of lands appropriated from the respective tribes for the dam. This translates into 39.4 percent of the past and future compensation awarded the Colville Tribes. S. 2567 would provide a one-time payment of approximately $21 million from the General Treasury as compensation for past damages. The bill would provide from BPA about $10 million to the Tribe to account for payments the Colvilles have received since 1995. In addition, the legislation would direct BPA to allocate approximately $6 million annually to the Spokanes.

Since the 1970s, Congress and Federal agencies have indicated that both the Colville and Spokane Tribes should be compensated. Since 1994, when an agreement was reached to compensate the Colville Tribes, Congress and Federal agencies have expressed interest in providing fair compensation to the Spokane Tribe, too. This legislation will provide for a long overdue settlement for the Spokane Tribe. I hope my colleagues will support this bill. I also hope the Senate Indian Affairs Committee will hold a hearing on S. 2567 at the Chairman's earliest convenience.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) from 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost;

(2) the Corps of Engineers—

(A) identified a number of sites, including the site at which the Grand Coulee Dam is located; and

(B) recommended that power development at those sites be performed by local governmental authorities or private utilities under the Federal Power Act (16 U.S.C. 791a et seq.);

(3) under section 10(e) of that Act (16 U.S.C. 803(e)), a licensee is required to compensate an Indian tribe for the use of land under the jurisdiction of the Indian tribe;

(4) in August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site;

(5) in the mid-1930's, the Federal Government, which is not subject to the Federal Power Act (16 U.S.C. 791a et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam;

(6) at the time at which the Grand Coulee Dam project was federalized, the Federal Government recognized that the Spokane Tribe and the Confederated Tribes of the Colville Reservation had compensable interests in the Grand Coulee Dam project, including compensation for—

(A) the development of hydropower;

(B) the extinguishment of a salmon fishery on which the Spokane Tribe was almost completely financially dependent; and

(C) the inundation of land with loss of potential power sites previously identified by the Spokane Tribe;

(7) in the Act of June 29, 1940, Congress—

(A) in the first section (16 U.S.C. 835d) granted to the United States—

(i) all rights of Indian tribes in land of the Spokane Tribe and Colville Indian Reservations that were required for the Grand Coulee Dam project; and

(ii) various rights-of-way over other land under the jurisdiction of Indian tribes that were required in connection with the project; and

(B) in section 2 (16 U.S.C. 835e) provided that compensation for the land and rights-of-way was to be determined by the Secretary of the Interior in such amounts as the Secretary determined to be just and equitable;

(8) in furtherance of that Act, the Secretary of the Interior paid—

(A) to the Spokane Tribe, $4,700; and

(B) to the Confederated Tribes of the Colville Reservation, $63,000;

(9) in 1994, following 43 years of litigation before the Indian Claims Commission, the United States Court of Federal Claims, and the United States Court of Appeals for the Federal Circuit, Congress ratified an agreement between the Confederated Tribes of the Colville Reservation and the United States that provided for damages and annual payments of $15,250,000 in perpetuity, adjusted annually, based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration;

(10) in legal opinions issued by the Office of the Solicitor of the Department of the Interior, a Task Force Study conducted from 1976 to 1980 ordered by the Committee on Appropriations of the Senate, and hearings before Congress at the time at which the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4577) was enacted, it has repeatedly been recognized that—

(A) the Spokane Tribe suffered damages similar to those suffered by, and had a case legally comparable to that of, the Confederated Tribes of the Colville Reservation; but

(B) the 5-year statute of limitations under the Act of August 13, 1946 (25 U.S.C. 70 et seq.) precluded the Spokane Tribe from bringing a civil action for damages under that Act;

(11) the inability of the Spokane Tribe to bring a civil action before the Indian Claims Commission can be attributed to a combination of factors, including—

(A) the failure of the Bureau of Indian Affairs to carry out its advisory responsibilities in accordance with that Act; and

(B) an attempt by the Commissioner of Indian Affairs to impose improper requirements on claims attorneys retained by Indian tribes, which caused delays in retention of counsel and full investigation of the potential claims of the Spokane Tribe;

(12) as a consequence of construction of the Grand Coulee Dam project, the Spokane Tribe—

(A) has suffered the loss of—

(i) the salmon fishery on which the Spokane Tribe was dependent;

(ii) identified hydropower sites that the Spokane Tribe could have developed; and

(iii) hydropower revenues that the Spokane Tribe would have received under the Federal Power Act (16 U.S.C. 791a et seq.) had the project not been federalized; and

(B) continues to lose hydropower revenues that the Federal Government recognized were owed to the Spokane Tribe at the time at which the project was constructed; and

(13) more than 39 percent of the land owned by Indian tribes or members of Indian tribes that was used for the Grand Coulee Dam project was land of the Spokane Tribe.

SEC. 3. STATEMENT OF PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe, using the same proportional basis as was used in providing compensation to the Confederated Tribes of the Colville Reservation, for the losses suffered as a result of the construction and operation of the Grand Coulee Dam project.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Bonneville Power Administration.

(2) CONFEDERATED TRIBES ACT.—The term "Confederated Tribes Act" means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4577).

(3) FUND ACCOUNT.—The term "Fund Account" means the Spokane Tribe of Indians Settlement Fund Account established under section 5(a).

(4) SPOKANE TRIBE.—The term "Spokane Tribe" means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

SEC. 5. SETTLEMENT FUND ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—There is established in the Treasury an interest bearing account to be known as the "Spokane Tribe of Indians Settlement Fund Account".

(b) DEPOSIT OF AMOUNTS.—

(1) INITIAL DEPOSIT.—On the date on which funds are made available to carry out this Act, the Secretary of the Treasury shall deposit in the Fund Account, as payment and satisfaction of the claim of the Spokane Tribe for use of land of the Spokane Tribe for generation of hydropower for the period beginning on June 29, 1940, and ending on November 2, 1994, an amount that is equal to 39.4 percent of the amount paid to the Confederated Tribes of the Colville Reservation under section 5(a) of the Confederated Tribes Act, adjusted to reflect the change, during the period beginning on the date on which the payment described in subparagraph (A) was made to the Confederated Tribes of the Colville Reservation and ending on the date of enactment of this Act, in the Consumer Price Index for all urban consumers published by the Department of Labor.

(2) SUBSEQUENT DEPOSITS.—On September 30 of the first fiscal year that begins after the date of enactment of this Act, and on

September 30 of each of the 5 fiscal years thereafter, the Administrator of the Bonneville Power Administration shall deposit in the Fund Account an amount that is equal to 7.88 percent of the amount authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act through the end of the fiscal year during which this Act is enacted, adjusted to reflect the change, during the period beginning on the date on which the payment to the Confederated Tribes of the Colville Reservation was first made and ending on the date of enactment of this Act, in the Consumer Price Index for all urban consumers published by the Department of Labor.

(c) ANNUAL PAYMENTS.—On September 1 of the first fiscal year after the date of enactment of this Act, and annually thereafter, the Administrator (or the head of any successor agency) shall pay to the Spokane Tribe an amount that is equal to 39.4 percent of the annual payment authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act for the fiscal year.

SEC. 6. USE AND TREATMENT OF SETTLEMENT FUNDS.

(a) TRANSFER OF FUNDS TO SPOKANE TRIBE.—

(1) INITIAL TRANSFER.—Not later than 60 days after the date on which the Secretary of the Treasury receives from the Spokane Business Council written notice of the adoption by the Spokane Business Council of a resolution requesting that the Secretary of the Treasury execute the transfer of settlement funds described in section 5(a), the Secretary of the Treasury shall transfer all or a portion of the settlement funds, as appropriate, to the Spokane Business Council.

(2) SUBSEQUENT TRANSFERS.—If not all funds described in section 5(a) are transferred to the Spokane Business Council under an initial transfer request described in paragraph (1), the Spokane Business Council may make subsequent requests for, and the Secretary of the Treasury may execute subsequent transfers of, those funds.

(b) USE OF INITIAL PAYMENT FUNDS.—Of the settlement funds described in subsections (a) and (b) of section 5—

(1) 25 percent shall be—

(A) reserved by the Spokane Business Council; and

(B) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and

(2) 75 percent shall be used by the Spokane Business Council to carry out—

(A) a resource development program;

(B) a credit program;

(C) a scholarship program; or

(D) a reserve, investment, and economic development program.

(c) USE OF ANNUAL PAYMENT FUNDS.—Annual payments made to the Spokane Tribe under section 5(c) may be used or invested by the Spokane Tribe in the same manner and for the same purposes as other tribal governmental funds.

(d) APPROVAL BY SECRETARY.—Notwithstanding any other provision of law—

(1) the approval of the Secretary of the Treasury or the Secretary of the Interior for any payment, distribution, or use of the principal, interest, or income generated by any settlement funds transferred or paid to the Spokane Tribe under this Act shall not be required; and

(2) the Secretary of the Treasury and the Secretary of the Interior shall have no trust responsibility for the investment, supervision, administration, or expenditure of those funds after the date on which the funds are transferred to or paid to the Spokane Tribe.

(e) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments and distributions of any portion of the principal, interest, and income generated by the settlement funds described in section 5 shall be treated in the same manner as payments or distributions under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (Public Law 99-346; 100 Stat. 677).

(f) TRIBAL AUDIT.—After the date on which the settlement funds described in section 5 are transferred or paid to the Spokane Tribe, the funds—

(1) shall be considered to be Spokane Tribe governmental funds; and

(2) shall be subject to an annual tribal governmental audit.

SEC. 7. REPAYMENT CREDIT.

(a) IN GENERAL.—For the first fiscal year that begins after the date of enactment of this Act, and for each subsequent fiscal year in which annual payments are made under this Act, the Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds (as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k)), a percentage of the payment made to the Spokane Tribe for the preceding fiscal year.

(b) CALCULATION.—The percentage deducted under subsection (a) shall be calculated and adjusted to ensure that the Bonneville Power Administration receives a deduction comparable to that which the Bonneville Power Administration receives for payments made to the Confederated Tribes of the Colville Reservation under to the Confederated Tribes Act.

(c) CREDITING.—

(1) DEDUCTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each deduction made under this section shall be—

(i) credited to the interest payments otherwise payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made; and

(ii) allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during that fiscal year.

(B) EXCEPTION.—If, for any fiscal year, the amount of a deduction described in subparagraph (A) is greater than the amount of interest due on debt associated with the generation function for the fiscal year, the amount of the deduction that exceeds the interest due on debt associated with the generation function shall be allocated pro rata to all other interest payments due during that fiscal year.

(2) OTHER PROGRAMS.—To the extent that a deduction described in paragraph (1) exceeds the amount of interest described in that paragraph, the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

SEC. 8. SATISFACTION OF CLAIMS.

Payment by the Administrator under section 5 constitutes full satisfaction of the claim of Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project from June 29, 1940, through the fiscal year preceding the fiscal year in which this Act is enacted.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Ms. CANTWELL. Mr. President, on Thursday, May 23, 2002, I, along with my distinguished colleagues Senator MURRAY from Washington State and Senator INOUYE from Hawaii, introduced the Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Act. In 1994, Congress passed legislation providing the Confederated Tribes of the Colville Reservation with a settlement for the losses the tribe incurred from the construction of the Grand Coulee Dam. The legislation we are introducing today will provide a proportional settlement for similar losses experienced by the Spokane Tribe.

The Grand Coulee Dam is an integral part of the Northwest's power scheme. As the largest concrete dam in the world and the world's third largest producer of electricity, the Grand Coulee Dam enables the Bonneville Power Administration, BPA, to fulfill its legal obligation of providing the Northwest with an "adequate, efficient, economical and reliable power supply." My state and all of BPA's customers greatly benefit from the Grand Coulee Dam.

Since the beginning of the project in the early 1930s, Federal officials acknowledged that the tribes affected by the construction of the dam were entitled to compensation for their losses. The Spokane Tribe is now asking Congress to follow through on that promise.

The Colville Tribe already receives an annual payment in perpetuity of approximately $15 million, plus the one-time payment of $53 million. The Spokane Tribe lost an area that is 39.4 percent the size of the Colville loss, and although the Spokane Tribe did not settle at the time of the Colvilles in 1994, the Administration and Congress have continued to echo the belief held since the 1930s: that the Spokane Tribe, which was affected by the construction of Grand Coulee along with the Colvilles, is deserving of equitable compensation.

During the Colville Settlement hearing in 1994, Senators MURRAY, INOUYE, MCCAIN, and BRADLEY stated repeatedly that, while the United States was not settling with the Spokane Tribe at that time, the United States had the obligation to provide equitable compensation to Spokane Tribe. Just like the Colville Tribe, the Spokane Tribe's lands, fishing economy and culture were significantly impacted.

We are here today because the Spokane Tribe and the Bonneville Power Administration have been unable to reach a settlement that is mutually agreeable to both parties during its negotiations thus far.

I believe that the United States has a moral obligation to settle with the

Spokane Tribe just as it settled with the Colville Tribe. I am eager to see a fair settlement go forward. I urge my colleagues to support this legislation.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 2568. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas; to the Committee on Finance.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "MediFair Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Regional inequities in medicare reimbursement has created barriers to care for seniors and the disabled.

(2) The regional inequities in medicare reimbursement penalize States that have cost-effective health care delivery systems and rewards those States with high utilization rates and that provide inefficient care.

(3) Over a lifetime, those inequities can mean as much as a $50,000 difference in the cost of care provided per beneficiary.

(4) Regional inequities have resulted in creating very different medicare programs for seniors and the disabled based on where they live.

(5) Because the Medicare+Choice rate is based on the fee-for-service reimbursement rate, regional inequities have allowed some medicare beneficiaries access to plans with significantly more benefits including prescription drugs. Beneficiaries in States with lower reimbursement rates have not benefited to the same degree as beneficiaries in other parts of the country.

(6) Regional inequities in medicare reimbursement have created an unfair competitive advantage for hospitals and other health care providers in States that receive above average payments. Higher payments mean that those providers can pay higher salaries in a tight, competitive market.

(7) Regional inequities in medicare reimbursement can limit timely access to new technology for beneficiaries in States with lower reimbursement rates.

(8) Regional inequities in medicare reimbursement, if left unchecked, will reduce access to medicare services and impact healthy outcomes for beneficiaries.

(9) Regional inequities in medicare reimbursement are not just a rural versus urban problem. Many States with large urban centers are at the bottom of the national average for per beneficiary costs.

SEC. 3. IMPROVING FAIRNESS OF PAYMENTS TO PROVIDERS UNDER THE MEDICARE FEE-FOR-SERVICE PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"IMPROVING PAYMENT EQUITY UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM

"SEC. 1897. (a) ESTABLISHMENT OF SYSTEM.—Notwithstanding any other provision of law, the Secretary shall establish a system for making adjustments to the amount of payment made to entities and individuals for items and services provided under the original medicare fee-for-service program under parts A and B.

"(b) SYSTEM REQUIREMENTS.—

"(1) INCREASE FOR STATES BELOW THE NATIONAL AVERAGE.—Under the system established under subsection (a), if a State average per beneficiary amount for a year is less than the national average per beneficiary amount for such year, then the Secretary (beginning in 2003) shall increase the amount of applicable payments in such a manner as will result (as estimated by the Secretary) in the State average per beneficiary amount for the subsequent year being equal to the national average per beneficiary amount for such subsequent year.

"(2) REDUCTION FOR CERTAIN STATES ABOVE THE NATIONAL AVERAGE TO ENHANCE QUALITY CARE AND MAINTAIN BUDGET NEUTRALITY.—

"(A) IN GENERAL.—The Secretary shall ensure that the increase in payments under paragraph (1) does not cause the estimated amount of expenditures under this title for a year to increase or decrease from the estimated amount of expenditures under this title that would have been made in such year if this section had not been enacted by reducing the amount of applicable payments in each State that the Secretary determines has—

"(i) a State average per beneficiary amount for a year that is greater than the national average per beneficiary amount for such year; and

"(ii) healthy outcome measurements or quality care measurements that indicate that a reduction in applicable payments would encourage more efficient use of, and reduce overuse of, items and services for which payment is made under this title.

"(B) LIMITATION.—The Secretary shall not reduce applicable payments under subparagraph (A) to a State that—

"(i) has a State average per beneficiary amount for a year that is greater than the national average per beneficiary amount for such year; and

"(ii) has healthy outcome measurements or quality care measurements that indicate that the applicable payments are being used to improve the access of beneficiaries to quality care.

"(3) DETERMINATION OF AVERAGES.—

"(A) STATE AVERAGE PER BENEFICIARY AMOUNT.—Each yeai (beginning in 2002), the Secretary shall determine a State average per beneficiary amount for each State which shall be equal to the Secretary's estimate of the average amount of expenditures under the original medicare fee-for-service program under parts A and B for the year for a beneficiary enrolled under such parts that resides in the State.

"(B) NATIONAL AVERAGE PER BENEFICIARY AMOUNT.—Each year (beginning in 2002), the Secretary shall determine the national average per beneficiary amount which shall be equal to the average of the State average per beneficiary amount determined under subparagraph (A) for the year.

"(4) DEFINITIONS.—In this section:

"(A) APPLICABLE PAYMENTS.—The term 'applicable payments' means payments made to entities and individuals for items and services provided under the original medicare fee-for-service program under parts A and B to beneficiaries enrolled under such parts that reside in the State.

"(B) STATE.—The term 'State' has the meaning given such term in section 210(h).

"(c) BENEFICIARIES HELD HARMLESS.—The provisions of this section shall not affect—

"(1) the entitlement to items and services of a beneficiary under this title, including the scope of such items and services; or

"(2) any liability of the beneficiary with respect to such items and services.

"(d) REGULATIONS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Medicare Payment Advisory Commission, shall promulgate regulations to carry out this section.

"(2) PROTECTING RURAL COMMUNITIES.—In promulgating the regulations pursuant to paragraph (1), the Secretary shall give special consideration to rural areas.".

SEC. 4. MEDPAC RECOMMENDATIONS ON HEALTHY OUTCOMES AND QUALITY CARE.

(a) RECOMMENDATIONS.—The Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6) shall develop recommendations on policies and practices that, if implemented, would encourage—

(1) healthy outcomes and quality care under the medicare program in States with respect to which payments are reduced under section 1897(b)(2) of such Act (as added by section 3); and

(2) the efficient use of payments made under the medicare program in such States.

(b) SUBMISSION.—Not later than the date that is 9 months after the date of enactment of this Act, the Commission shall submit to Congress the recommendations developed under subsection (a).

By Ms. COLLINS (for herself, Mr. NELSON of Nebraska, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. SMITH of Oregon, and Mrs. CLINTON):

S. 2570. A bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today with my good friend, Senator BEN NELSON, to introduce a bill that would assist States through a period when most are experiencing fiscal crises. I am particularly pleased to team with Senator NELSON on this effort, as we have teamed on so many efforts in the past, because he has such a solid grasp of the fiscal issues now facing our States, and the ways we can most effectively help.

We are pleased to be joined today by Senators HUTCHINSON, LINCOLN, CLINTON and GORDON SMITH, making this, truly, a bipartisan effort.

The recession may have ended earlier this year, but its effects linger, and they are being felt acutely by States from Maine to Nebraska, from New York to California. Though the recession has ended and economic growth picked up in the first quarter of the year, unemployment continues to rise, and now, standing at 6 percent, the U.S. unemployment rate is at an eight-year high.

The recession, the resulting rise in unemployment, and the tragic events of September 11 have placed tremendous demands on government services and resources. At the same time, these factors have contributed to a dramatic and unexpected decrease in government revenues, at precisely the time when more revenues are needed to respond to the confluence of challenges that confront us.

The result of increasing demands for services and resources and declining revenues is that States across the Nation are in crisis. The National Governors Association and National Association of State Budget Officers this month found that over 40 States are facing an aggregate budget shortfall of between $40 and $50 billion. Most States have seen their estimates of tax collections for the current year decrease, often dramatically. And while State governments are scrambling to respond, they are constrained in their ability to do so by one key factor, they cannot run deficits. Forty-nine States are required by law or constitution to balance their budgets.

As a result, thirty-nine States have been forced to reduce their already-enacted budgets for fiscal year 2002 by cutting programs across-the-board, tapping rainy day funds, laying off employees, and implementing a variety of other cost-cutting measures. According to a National Conference of State Legislators report in April, States have been forced to cut a number of critical programs. Twenty-nine States have attempted to balance their budgets by cutting spending on higher education. Twenty-five States have cut corrections programs. Twenty-two have cut Medicaid. Seventeen States have cut K-12 education. And ten States have reduced aid to local governments. In addition, a number of States have raised taxes and fees by a total of $2.4 billion in 2003.

We believe that the Federal Government can and should help States, and that it should do so in a responsible way. Therefore, today we are introducing legislation that would provide a temporary increase in the Federal Medicaid matching rate. It would increase the Federal Government's share of each State's Medicaid costs by 1.0 percent and hold the Federal matching rate for each State harmless for the remainder of this fiscal year and next. In addition, the bill includes a temporary block grant to States that would help them pay for the rising demand in social services resulting from the economic downturn. Our bill would provide approximately $8.9 billion in total fiscal relief to States which would allow them to expand, not contract, Medicaid and other health and social services.

Our approach to fiscal relief has been endorsed by the National Governors Association, which supports our bill because it represents a sound and reasonable, bipartisan approach to State fiscal relief, and one that could be enacted expeditiously. It is also endorsed by the American Hospital Association, which understands the importance of providing assistance to States at a time when many are looking toward health programs to help balance their budgets.

Our bill targets most of its assistance on Medicaid, which is the fastest growing component of State budgets. While State revenues were stagnant or declined in many states last year, Medicaid costs increased 11 percent. This year, Medicaid costs are increasing at an even greater rate, 13.4 percent. My home State of Maine is only one of a number of States that has been forced to consider cuts in their Medicaid programs to make up for their budget shortfalls.

Earlier this year, Maine was facing a $248 million revenue shortfall. Faced with nothing but tough choices, our Governor proposed $58 million in Medicaid cuts, including reductions in payments to hospitals, nursing homes, group homes, and physicians. He was also forced to propose a delay in the enactment of legislation passed by the State Legislature last year to expand Medicaid to provide health coverage to an estimated 16,000 low-income uninsured Mainers.

While subsequent revisions in the State's revenue forecasts enabled the Governor to restore most of these Medicaid cuts, the respite was only temporary. Earlier this month, Maine's budget estimators determined that the State's revenues would come in some $90 million under budget this year, and would experience another $90 million shortfall in the year to come. Suddenly, the State again must consider cutting critical programs and raising taxes. This is no small matter as, by some measures, Maine already imposes the highest tax burden in the Nation on its residents.

The legislation we are introducing today will help to bridge Maine's funding gap by bringing an additional $56 million to my State's Medicaid and social services programs over the next eighteen months These funds would help forestall the need for any further cuts, and, hopefully, allow Maine to proceed with its plans to expand its Medicaid program to provide health care coverage for more of our low-income uninsured.

The order facing Governor King in Maine and other governors across the country is a tall one indeed. The decisions they may be forced to make could affect the access of millions of Americans to health care and social services. I think we need to help, and the bill Senator NELSON and I introduce today does precisely that. We urge our colleagues to join us in this effort.

Mr. NELSON of Nebraska. Mr. President, today I introduce, with my good friend Senator SUSAN COLLINS, a new proposal to provide temporary fiscal relief to the states to help them address their severe budget crises.

A few months ago, this body passed and the President signed into law, a bill to stimulate the economy and help workers. It was not a perfect bill, but few are. But the economy was hurting and it was time to act. However, there were unintended consequences of that bill. Not only did the economic stimulus bill fail to provide State fiscal relief, but by making some changes to federal tax law, the bill unintentionally added to revenue shortfalls that most States are experiencing. This, in turn, has put programs such as medical assistance to the most vulnerable individuals in this country at risk.

While the national economy is recovering from the recession, States' budgets will take another 12–18 months to recover. The National Governors Association and National Association of State Budget Officers this month found that over 40 States are facing an aggregate budget shortfall of $40 to $50 billion. Thirty-eight States have seen their revenues fall below previous estimates, some by dramatic amounts.

Every State but one has to balance its budget, even in the midst of a recession. As a result, 41 States have been forced to reduce their fiscal 2002 enacted budgets by cutting programs across-the-board, tapping rainy day funds, laying off employees, and employing a variety of other cost-cutting measures. Some States have even had to raise taxes.

According to the National Governors Association, Medicaid spending has been a particular struggle for States, since expenditures have risen by an average of 12 percent over the last 2 years, while State revenues rose a total of 5 percent. Medicaid spending has been driven higher by increases in health care costs nationwide, particularly the costs of prescription drugs, which has increased by 18 percent annually over the past 3 years, and by recession-related increases in the number of people eligible for Medicaid.

States' Medicaid budget problems are exacerbated by scheduled reductions in Federal Medicaid payments to States. Between fiscal years 2001 and 2002, 29 States had their Medicaid matching rates drop and 17 States will have matching rate reductions between fiscal years 2002 and 2003.

To date, most States have been able to reduce Medicaid spending without cutting back eligibility significantly. As fiscal pressures mount, however, many States are likely to consider substantial reductions in eligibility that could leave hundreds of thousands more children, families, people with disabilities, and seniors uninsured.

In other words, States have largely exhausted the usual ways of balancing their budgets. Given the projection of continued deficits, this means States will have to continue to reduce critical spending for health care, social services as well as other important priorities such as education. Most States' fiscal year begins in July, underscoring the need for the Congress to act expeditiously on this critical matter.

Our proposal would provide a temporary 1.0-percent increase in the federal Medicaid matching rate. In addition, we hold the Federal matching rate for each State harmless for the remainder of this fiscal year and next. the bill also includes a temporary block grant to States that would help them pay for the rising demand in social services resulting from the economic downturn. Our bill would provide approximately $8.9 billion in total fiscal relief to States which would allow them to expand, not contract, Medicaid and other health and social services.

The National Governors Association has endorsed our approach to fiscal relief because it represents a sound and reasonable, bipartisan approach to State fiscal relief, one that could be enacted expeditiously. Our bill blends several fiscal relief approaches previously supported in the Senate and in the House. As such, I believe this proposal can gain the widespread bipartisan support necessary to move forward.

I urge my colleagues to join Senator COLLINS and me in this effort and show the States that Congress is not indifferent to their budget problems and that we will step in and provide meaningful assistance at a time when governors need it most.

Mr. HUTCHINSON. Mr. President, I am pleased to join Senator COLLINS and Senator NELSON in introducing legislation today that will provide a temporary increase in the Federal Medicaid matching rate through fiscal year 2003.

The National Governors Association and National Association of State Budget Officers recently reported that over 40 states are facing an aggregate shortfall of $40 to $50 billion. One of the primary reasons for these shortfalls is the rising cost of health care. Medicaid costs, which increased by 11 percent last year, are the fastest growing component of State budgets.

Our legislation is critical to addressing these State budget deficits, especially in Arkansas, where a $12.8 million Medicaid shortfall was announced last November. Specifically, our bill would increase the Federal Government's share of each State's Medicaid costs by 1.0 percent and hold harmless the Federal matching rate for each state for the remainder of this fiscal year and next. Additionally, a temporary block grant program would be established in order to help meet the rising demand for social services resulting from the recent economic downturn.

In total, this legislation will provide $8.9 billion in relief to States for the provision of Medicaid and social services. For Arkansas, this legislation will provide $71 million in relief over the next two years. Endorsed by the National Governors Association, this bipartisan legislation is worthy of Senate support, and I urge my colleagues to become cosponsors.

By Mrs. FEINSTEIN:

S. 2571. A bill to direct the Secretary of the Interior to conduct a special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today to direct the Secretary of the Interior to conduct a study to evaluate the suitability and feasibility of expanding the Santa Monica National Recreation Area to include the Rim of the Valley Corridor. This bill was introduced in the House by Congressman ADAM SCHIFF last year.

The Rim of the Valley Corridor, as designated by California law, encircles the San Fernando Valley, La Crescenta, Simi, Santa Clarita, Conejo Valleys, consisting of parts of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, San Rafael Hills and adjacent connector area to the Los Padres and San Bernardino National Forests.

With the population growth forecast for the next several decades, the need for parks to balance out the expected population growth has become critical in California. Federal, State, and local authorities have worked together successfully to create the highly successful Santa Monica Mountains National Recreation Area, the world's largest urban park, hemmed in on all sides by development. Park and recreational lands provide people with a vital refuge from urban life while preserving valuable habitat and wildlife. This bill enjoys strong support from local and state officials and I believe it will have strong bipartisan support as well.

After the study called for in this bill is completed, the Secretary of Interior and Congress will be in a key position to determine whether the Rim of the Valley warrants national park status.

I urge my colleagues to support this legislation.

By Mr. KERRY (for himself, Mr. SANTORUM, Mr. LIEBERMAN, Mr. SMITH of Oregon, Ms. MIKULSKI, Mr. BROWNBACK, Mrs. MURRAY, and Mr. HUTCHINSON):

S. 2572. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, I am extremely pleased to join with my colleague Senator SANTORUM today to introduce the Workplace Religious Freedom Act of 2002. Senators LIEBERMAN, GORDON, SMITH, MURRAY, BROWNBACK, MIKULSKI, and HUTCHINSON have all joined us as original cosponsors of this important legislation.

The Workplace Religious Freedom Act would protect workers from on-the-job discrimination related to religious beliefs and practices. It represents a milestone in the protection of the religious liberties of all workers.

In 1972, Congress amended the Civil Rights Act of 1964 to require employers to reasonably accommodate an employee's religious practice or observance unless doing so would impose an undue hardship on the employer. This 1972 amendment, although completely appropriate, has been interpreted by the courts so narrowly as to place little restraint on an employer's refusal to provide religious accommodation. The Workplace Religious Freedom Act will restore to the religious accommodation provision the weight that Congress originally intended and help assure that employers have a meaningful obligation to reasonably accommodate their employees' religious practices.

The restoration of this protection is no small matter. For many religiously observant Americans the greatest peril to their ability to carry out their religious faiths on a day-to-day basis may come from employers. I have heard accounts from around the country about a small minority of employers who will not make reasonable accommodation for employees to observe the Sabbath and other holy days or for employees who must wear religiously-required garb, such as a yarmulke, or for employees to wear clothing that meets religion-based modesty requirements.

The refusal of an employer, absent undue hardship, to provide reasonable accommodation of a religious practice should be seen as a form of religious discrimination, as originally intended by Congress in 1972. And religious discrimination should be treated fully as seriously as any other form of discrimination that stands between Americans and equal employment opportunities. Enactment of the Workplace Religious Freedom Act will constitute an important step toward ensuring that all members of society, whatever their religious beliefs and practices, will be protected from an invidious form of discrimination.

Even after September 11, with a heightened sense of religious sensitivity among the American people, securing greater protections for the religious needs of employees is a major issue. In October 2001, the U.S. Supreme Court refused to hear an appeal from a Muslim woman who was pressured by her employer to stop wearing her head scarf. We must come together now to pass this bipartisan legislation, which is supported by a wide spectrum of religious organizations.

It is important to recognize that, in addition to protecting the religious freedom of employees, this legislation protects employers from an undue burden. Employees would be allowed to take time off only if their doing so does not pose a significant difficulty or expense for the employer. This common sense definition of undue hardship is used in the "Americans with Disabilities Act" and has worked well in that context.

We have little doubt that this bill is constitutional because it simply clarifies existing law on discrimination by private employers, strengthening the required standard for employers. This bill does not deal with behavior by State or Federal Governments or substantively expand 14th amendment rights.

This bill is endorsed by a wide range of organizations including the Agudath Israel of America, American Jewish Committee, American Jewish Congress, Americans for Democratic Action, Anti-Defamation League, Baptist Joint Committee on Public Affairs, B'nai B'rith International, Central Conference of American Rabbis, Christian Legal Society, Church of Scientology, Council on Religious Freedom, Family Research Council, Friends Committee on National Legislation, General Board, United Methodist Church, General Conf. of Seventh Day Adventists, Guru Gobind Singh Foundation, Hadassah, International Association of Jewish Lawyers, International Commission on Freedom of Conscience, Jewish Council for Public Affairs, Na'amat USA, National Assoc. of Evangelicals, National Council of Churches of Christ, National Council of Jewish Women, National Jewish Democratic Council, National Sikh Center, North American Council for Muslim Women, Presbyterian Church, USA, Rabbinical Council of America, Republican Jewish Coalition, Southern Baptist Convention, Traditional Values Coalition, Union of American Hebrew Congregations, Union of Orthodox Jewish Congregations, United Church of Christ, and the United Synagogue of Conservative Judaism.

I want to thank Senator SANTORUM for joining me to lead this effort. I look forward to working with him to pass this legislation so that all American workers can be assured of both equal employment opportunities and the ability to practice their religion.

By Mr. REED (for himself, Ms. COLLINS, Mr. SARBANES, Mr. CHAFEE, Mr. SCHUMER, Mr. AKAKA, Mr. CARPER, Mr. DODD, and Mr. CORZINE):

S. 2573. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I rise today along with my colleagues, Senators COLLINS, SARBANES, CHAFEE, SCHUMER, AKAKA, CARPER, DODD, and CORZINE to introduce a piece of legislation we believe establishes a framework for ending long-term homelessness in the United States. There is a growing consensus around the country that fifteen years after the passage of the McKinney-Vento Act, we now know how to help communities break the cycle of repeated and prolonged homelessness. Federal dollars, combined with local efforts, can help bring an end to this problem. The Community Partnership to End Homelessness Act of 2002 is intended to realign the incentives in the McKinney-Vento Homeless Assistance Act so that communities are rewarded for initiatives that will prevent and end homelessness, instead of receiving Federal funding for programs that maintain the status quo.

During the past year, the Urban Institute estimates that at least 2.3 million, and perhaps as many as 3.5 million people, have been homeless. On any given day in the United States, at least 800,000 people are homeless, including about 200,000 children. Homelessness has an especially devastating impact on these children. If they are able to go to school, it is well documented that homeless children face increased challenges, such as learning disabilities and emotional and behavioral problems.

This year's U.S. Conference of Mayors report on "Hunger and Homelessness in America's Cities" finds that requests for emergency shelter by families increased by 22 percent. Unfortunately, over half of all these requests for housing assistance went unmet. In my State, the Rhode Island shelter system provided more nights of shelter this past year than at any point in its history.

Locally and nationally, several trends seem clear. First, despite the economic boom in the 1990s, homelessness has increased. Second, increasing numbers of families with children are being forced into our emergency shelter system. In March of this year, the Washington Post, reported that there had been a 25-percent rise in homelessness in Fairfax County, Virginia during the past four years, and most of that increase consisted of homeless families. Third, a relatively small number of long-term homeless persons continue to utilize a disproportionate number of the bed nights in our Nation's shelters.

When it was created in 1987, the McKinney-Vento Homeless Assistance Act was intended to be an emergency Federal response to the "crisis" of homelessness. Instead, it has become a safety net for low-income households who are inadequately served by mainstream programs such as Section 8 and Medicaid. Too often, mainstream programs are shifting the cost and responsibility for housing and a variety of support services to emergency homeless assistance programs.

To reverse this trend, the Community Partnership to End Homelessness Act of 2002 would focus Federal funds on projects and programs that are helping to prevent and end homelessness. This legislation also would allow maximum local creativity in addressing homelessness by consolidating multiple HUD McKinney-Vento programs into one program with a list of eligible activities.

Our bill would also provide incentives for communities to build permanent housing for the disabled and for non-disabled families. It would encourage the creation of homelessness prevention programs, and it would promote comprehensive and inclusive local planning. Finally, it would require greater program accountability through the use of outcome-based performance evaluations.

The Community Partnership to End Homelessness Act of 2002 is endorsed by the National Alliance to End Homelessness, the Corporation for Supportive Housing, Fannie Mae, Freddie Mac, the Local Initiatives Support Corporation, the National Equity Fund, Inc., the National Alliance for the Mentally Ill, the McAuley Institute and the Enterprise Foundation.

We need to find the will and the resources to eradicate homelessness in this country. The Community Partnership to End Homelessness Act is only the beginning. The needs of homeless individuals and families fall within the jurisdiction of many Federal departments and congressional committees. Thus, I believe additional legislation is going to be necessary in order to require Federal agencies such as HHS and the Department of Veterans Affairs to work with HUD in a more coordinated manner towards achieving this goal. I am committed to addressing this crisis, and I hope my colleagues will join us in supporting this bill and other homeless prevention efforts.

I ask unanimous consent that the text of the Community Partnership to End Homelessness Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Partnership to End Homelessness Act of 2002".

SEC. 2. FINDINGS AND PURPOSE.

Section 102 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301) is amended to read as follows:

"SEC. 102. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress finds that—

"(1) the United States faces a crisis of individuals and families who lack basic affordable housing and appropriate shelter;

"(2) assistance from the Federal Government is an important factor in the success of efforts by State and local governments and the private sector to address the problem of homelessness in a comprehensive manner;

"(3) there are several Federal Government programs to assist persons experiencing homelessness, including programs for individuals with disabilities, veterans, and youth;

"(4) homeless assistance programs must be evaluated on the basis of their effectiveness in reducing homelessness and transitioning individuals and families to permanent housing and stability;

"(5) States and units of general local government receiving Federal block grant and other Federal grant funds must be evaluated on the basis of their effectiveness in—

"(A) implementing plans to appropriately discharge individuals to and from mainstream service systems; and

"(B) reducing barriers to participation in mainstream programs, as identified in—

"(i) a report by the General Accounting Office entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential', issued February 26, 1999; or

"(ii) a report by the General Accounting Office entitled 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000;

"(6) an effective plan for reducing homelessness should provide a comprehensive housing system (including permanent housing and, as needed, transitional housing) that recognizes that, while some individuals and families experiencing homelessness attain economic viability and independence utilizing transitional housing and then permanent housing, others can reenter society directly through acquiring permanent housing;

"(7) supportive housing activities include the provision of permanent housing or transitional housing and appropriate supportive services in an environment that can meet the short-term or long-term needs of persons experiencing homelessness as they reintegrate into mainstream society;

"(8) homeless housing and supportive services programs within a community are most effective when they are developed and operated as part of an inclusive, collaborative, locally driven homeless planning process that involves as decisionmakers persons experiencing homelessness, advocates for persons experiencing homelessness, service organizations, government officials, business persons, neighborhood advocates, and other community members;

"(9) homelessness should be treated as a symptom of many neighborhood and community problems, whose remedies require a comprehensive approach integrating all available resources;

"(10) there are many private sector entities, particularly nonprofit organizations, that have successfully operated outcome-effective homeless programs;

"(11) Federal homeless assistance should supplement other public and private funding provided by communities for housing and supportive services for low-income households;

"(12) the Federal Government has a responsibility to establish partnerships with State and local governments and private sector entities to address comprehensively the problems of homelessness; and

"(13) while the results of Federal programs targeted for persons experiencing homelessness have been positive, the multitude of such programs calls for unification and simplification of the process by which nonprofit organizations, State and local governments, and the private sector apply for funds.

"(b) PURPOSE.—It is the purpose of this Act—

"(1) to provide funds for programs to assist individuals and families in the transition from homelessness, and to prevent homelessness for those vulnerable to homelessness;

"(2) to consolidate the separate homeless assistance programs carried out under title IV (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, the shelter plus care program, and the rural homeless housing assistance program) into a single program with specific eligible activities;

"(3) to allow flexibility and creativity in rethinking solutions to homelessness, including alternative housing strategies, outcome-effective service delivery, and the involvement of persons experiencing homelessness in decisionmaking regarding opportunities for their long-term stability, growth, and well-being;

"(4) to ensure that multiple Federal agencies are involved in the provision of housing, health care, human services, employment, and education assistance to persons experiencing homelessness, as appropriate for the missions of the agencies, through the funding provided for implementation of programs carried out under this Act and other programs targeted for persons experiencing homelessness, and mainstream funding, and to promote coordination among those Federal agencies, including providing funding for an Interagency Council on Homelessness to advance such coordination;

"(5) to create a unified and performance-based process for allocating and administering funds under title IV;

"(6) to encourage comprehensive, collaborative local planning of housing and services programs for persons experiencing homelessness; and

"(7) to focus the resources and efforts of the public and private sectors on ending and preventing homelessness.".

SEC. 3. INTERAGENCY COUNCIL ON HOMELESSNESS.

Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by striking "(16)" and inserting "(17)"; and

(ii) by inserting after paragraph (15) the following:

"(16) The Commissioner of Social Security, or the designee of the Commissioner."; and

(B) by adding at the end the following:

"(e) ADMINISTRATION.—The Assistant to the President for Domestic Policy within the Executive Office of the President shall oversee the functioning of the Interagency Council on Homelessness to ensure Federal interagency collaboration and program coordination to focus on preventing and ending homelessness, to increase access to mainstream programs by persons experiencing homelessness, to eliminate the barriers to participation in those programs, as identified in a report by the General Accounting Office entitled 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000, and to implement a Federal plan to prevent and end homelessness.";

(2) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (5) the following:

"(6) develop mechanisms to ensure access by persons experiencing homelessness to all Federal programs for which the persons are eligible, and to verify collaboration among recipients and project sponsors within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including programs identified by the General Accounting Office in the February 1999 report entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential' "; and

(3) by striking section 208 (42 U.S.C. 11318) and inserting the following:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"Of any amounts made available for any fiscal year to carry out subtitles B and C of title IV, $1,000,000 shall be allocated to the Assistant to the President for Domestic Policy within the Executive Office of the President to carry out this title.".

SEC. 4. HOUSING ASSISTANCE GENERAL PROVISIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle A—General Provisions"

(2)(A) by redesignating section 401 (42 U.S.C. 11361) as section 403; and

(B) by redesignating section 402 (42 U.S.C. 11362) as section 406;

(3) by inserting before section 403 (as redesignated in paragraph (2)) the following:

"SEC. 401. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means a Community Homeless Assistance Planning Board that is a representative planning body established in accordance with section 402.

"(2) COLLABORATIVE APPLICANT.—The term 'collaborative applicant' means—

"(A) an entity, which may or may not be a Board, that serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C with the approval of, and in accordance with the collaborative process established by, a Board, and, if awarded such grant, receives such grant directly from the Secretary; or

"(B) an individual project sponsor who is an eligible entity under subtitle C and submits an application for a grant under subtitle C, with the approval of, and in accordance with the collaborative process established by, a Board, and, if awarded such grant, receives such grant directly from the Secretary.

"(3) COLLABORATIVE APPLICATION.—The term 'collaborative application' means an application for a grant under subtitle C that—

"(A) satisfies section 422 (including containing the information described in subsections (a) and (c) of section 426); and

"(B) is submitted to a Board and then to the Secretary by a collaborative applicant.

"(4) CONSOLIDATED PLAN.—The term 'Consolidated Plan' means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

"(5) ELIGIBLE ENTITY.—The term 'eligible entity' means, with respect to a subtitle, a public or private entity eligible to receive directly grant amounts under that subtitle.

"(6) GEOGRAPHIC AREA.—The term 'geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

"(7) HOMELESS INDIVIDUAL WITH A DISABILITY.—

"(A) IN GENERAL.—The term 'homeless individual with a disability' means an individual who is homeless, as defined in section 103 and has a disability that—

"(i)(I) is expected to be long-continuing or of indefinite duration;

"(II) substantially impedes the individual's ability to live independently;

"(III) could be improved by the provision of more suitable housing conditions; and

"(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse;

"(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

"(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

"(B) RULE.—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

"(8) INDEPENDENTLY OWNED.—The term 'independently owned', used with respect to rental assistance, means assistance provided pursuant to a contract that—

"(A) is between—

"(i) the recipient or a project sponsor; and

"(ii) an independent entity that—

"(I) is a private organization; and

"(II) owns or leases dwelling units; and

"(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

"(9) LOW-DEMAND PROGRAM.—The term 'low-demand program' means a program that does not require, but offers, in a non-coercive manner—

"(A)(i) health care services, mental health services, and substance abuse treatment services; and

"(ii) other supportive services, which may include medication management, education, counseling, job training, and assistance in obtaining entitlement benefits or in obtaining such supportive services; and

"(B) referrals for services described in subparagraph (A).

"(10) METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.—The terms 'metropolitan city', 'urban county', and 'nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

"(11) NEW.—The term 'new', used with respect to housing, means housing for which no assistance has been provided under this title.

"(12) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a recipient or project sponsor operating—

"(A) transitional housing or permanent housing under this title with respect to—

"(i) the administration, maintenance, repair, and security of such housing;

"(ii) utilities, fuel, furnishings, and equipment for such housing; or

"(iii) conducting an assessment under section 426(c)(2); and

"(B) supportive housing, for homeless individuals with disabilities or homeless families that include such an individual, under this title with respect to—

"(i) the matters described in clauses (i), (ii), and (iii) of subparagraph (A); and

"(ii) coordination of services as needed to ensure long-term housing stability.

"(13) OUTPATIENT HEALTH SERVICES.—The term 'outpatient health services' means outpatient health care services, mental health services, and outpatient substance abuse treatment services.

"(14) PERMANENT HOUSING.—The term 'permanent housing' includes permanent supportive housing.

"(15) PERMANENT HOUSING DEVELOPMENT ACTIVITIES.—The term 'permanent housing development activities' means activities—

"(A) to construct, lease, rehabilitate, or acquire structures to provide permanent housing;

"(B) involving tenant-based, independently owned, and project-based flexible rental assistance for permanent housing;

"(C) described in paragraphs (1) through (4) of section 423(a); or

"(D) involving the capitalization of a dedicated project account from which payments are allocated for rental assistance and operating costs of permanent housing.

"(16) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

"(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

"(B) that has a voluntary board;

"(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

"(D) that practices nondiscrimination in the provision of assistance.

"(17) PROJECT.—The term 'project', used with respect to activities carried out under subtitle C, means eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

"(18) PROJECT-BASED.—The term 'project-based', used with respect to rental assistance, means assistance provided pursuant to a contract that—

"(A) is between—

"(i) the recipient or a project sponsor; and

"(ii) an owner of a structure that exists as of the date the contract is entered into; and

"(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

"(19) PROJECT SPONSOR.—The term 'project sponsor', used with respect to proposed eligible activities, means the organization directly responsible for carrying out the proposed eligible activities.

"(20) RECIPIENT.—Except as used in subtitle B, the term 'recipient' means an eligible entity who—

"(A) submits an application for a grant under section 422 that is approved by the Secretary;

"(B) receives the grant directly from the Secretary to support approved projects described in the application; and

"(C)(i) serves as a project sponsor for the projects; or

"(ii) awards the funds to project sponsors to carry out the projects.

"(21) SAFE HAVEN.—

"(A) IN GENERAL.—The term 'safe haven' means a facility—

"(i) that provides 24-hour residence for an unspecified duration for persons who, on entry to the facility, are unwilling or unable to participate in mental health or substance abuse treatment programs, or to receive other supportive services;

"(ii) that provides private or semi-private accommodations;

"(iii) that may provide for the common use of kitchen facilities, dining rooms, and bathrooms;

"(iv) that may provide supportive services, on a drop-in basis, to eligible persons who are not residents; and

"(v) in which overnight occupancy is limited to no more than 25 persons.

"(B) RULES.—

"(i) SUPPLEMENTAL SECURITY INCOME.—For purposes of the program carried out under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.)—

"(I) no individual living in a facility described in subparagraph (A) and authorized under this title shall be considered to be an inmate of a public institution (as provided in section 1611(e)(1)(A) of the Social Security Act (42 U.S.C. 1382(e)(1)(A))); and

"(II) no individual living in a facility described in subparagraph (A) and authorized under this title shall have benefits under title XVI of the Social Security Act reduced or terminated because of the receipt of support and maintenance (as provided in section 1612(a)(2)(A) of the Social Security Act (42 U.S.C. 1382a(a)(2)(A)), to the extent such support and maintenance is received as a result of residence in the facility.

"(ii) MEDICAID ASSISTANCE.—For purposes of the program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)—

"(I) a facility described in subparagraph (A) and authorized under this title shall not be considered to be a hospital, nursing facility, institution for mental diseases (as defined in section 1905(i) of the Social Security Act (42 U.S.C. 1396d(i))), or any other inpatient facility; and

"(II) an individual residing in a facility described in subparagraph (A) and authorized under this title shall not be denied eligibility for assistance under such title because of residency in the facility.

"(22) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(23) SERIOUSLY MENTALLY ILL.—The term 'seriously mentally ill' means having a severe and persistent mental illness or emotional impairment that seriously limits a person's ability to live independently.

"(24) SOLO APPLICANT.—The term 'solo applicant' means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

"(25) STATE.—Except as used in subtitle B, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(26) SUPPORTIVE SERVICES.—The term 'supportive services' means the services described in section 425.

"(27) TENANT-BASED.—The term 'tenant-based', used with respect to rental assistance, means assistance that allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

"(A) in a particular structure or unit for not more than the first year of the participation; and

"(B) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A).

"(28) TRANSITIONAL HOUSING.—The term 'transitional housing' has the meaning given the term in section 424(b), and includes transitional supportive housing.

"SEC. 402. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

"(a) BOARDS.—A Board shall be established for a geographic area by the relevant parties in that geographic area, or designated for a geographic area by the Secretary in accordance with subsection (c), to lead a collaborative planning process to design, execute, and evaluate programs, policies, and practices to prevent and end homelessness.

"(b) MEMBERSHIP.—A Board established under subsection (a) shall be composed of persons—

"(1) from a particular geographic area;

"(2) not less than 51 percent of whom are—

"(A) persons who are experiencing or have experienced homelessness (with not fewer than 2 persons being individuals who are experiencing or have experienced homelessness);

"(B) persons who act as advocates for the diverse subpopulations of persons experiencing homelessness; and

"(C) persons or representatives of organizations who provide assistance to the variety of individuals and families experiencing homelessness; and

"(3) the remainder of whom are selected from among—

"(A) government officials, particularly those officials responsible for administering funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including programs identified by the General Accounting Office in the February 1999 report entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential';

"(B) members of the business community; and

"(C) members of neighborhood advocacy organizations.

"(c) EXISTING PLANNING BODIES.—The Secretary may designate an entity to be a Board if such entity has, prior to the date of enactment of the Community Partnership to End Homelessness Act of 2002, engaged in coordinated, comprehensive local homeless housing and services planning and applied for Federal funding to provide homeless assistance.

"(d) REMEDIAL ACTION.—If the Secretary finds that a Board for a geographic area does not meet the requirements of this section, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a Board or permitting eligible entities to apply directly for grants.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

"(f) DUTIES.—A Board established under subsection (a) shall—

"(1)(A) design a collaborative process, established jointly and complied with by its members, for evaluating, reviewing, and prioritizing projects and applications submitted by eligible entities under subtitles B and C, in such a manner as to ensure that the entities further the goal of preventing and ending homelessness in the geographic area involved;

"(B)(i)(I) review relevant policies and practices (in place and planned) of public and private entities in the geographic area served by the Board to determine if the policies and practices further or impede the goal described in subparagraph (A);

"(II) in conducting the review, give priority to the review of—

"(aa) the discharge planning and service termination policies and practices of publicly funded facilities or institutions (such as health care or treatment facilities or institutions, foster care or youth facilities, or correctional institutions), and entities carrying out publicly funded programs and systems of care (such as health care or treatment programs, State programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (relating to Temporary Assistance for Needy Families), foster care or youth programs, or correctional programs), to ensure that such a discharge or termination does not result in immediate homelessness for the persons involved;

"(bb) the access and utilization policies and practices of the entities carrying out mainstream programs, as identified in the 2 reports described in section 102(a)(5)(B), to ensure that persons experiencing homelessness are able to access and utilize the programs; and

"(cc) local policies and practices relating to zoning and enforcement of local statutes, to ensure that the policies and practices allow reasonable inclusion and distribution in the geographic area of special needs populations and families with children; and

"(III) in conducting the review, determine the modifications and corrective actions that need to be taken, and by whom, to ensure that the relevant policies and practices do not stimulate, or prolong, homelessness in the geographic area;

"(ii) inform the entities of the determinations described in clause (i); and

"(iii) once every 3 years, prepare for inclusion in any application reviewed by the Board and submitted to the Secretary under section 422, the determinations described in clause (i), in the form of an exhibit entitled 'Assessment of Relevant Policies and Practices, and Needed Corrective Actions to End and Prevent Homelessness'; and

"(C) if the Board designs and carries out the projects, design and carry out the projects in such a manner as to further the goal described in subparagraph (A);

"(2) require, consistent with the Government Performance and Results Act of 1993 and amendments made by that Act, that recipients and project sponsors who are funded by grants received under such subtitles implement and maintain an outcome-based evaluation of their projects that measures effective and timely delivery of housing or services and whether provision of such housing or services results in preventing or ending homelessness for the persons that such recipients and project sponsors serve;

"(3) require, consistent with the Government Performance and Results Act of 1993 and amendments made by that Act, outcome-based evaluation of the Board's homeless assistance planning process to measure the Board's performance in preventing or ending the homelessness of persons in the Board's geographic area; and

"(4) participate in the Consolidated Plan for the geographic area served by the Board.";

(4) by inserting after section 403 (as redesignated in paragraph (2)) the following:

"SEC. 404. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall provide technical assistance to—

"(1) States, metropolitan cities, urban counties, and counties that are not urban counties, that have not applied for, or have failed to receive, funding under this title, in order to implement effective planning processes for preventing and ending homelessness and to improve their capacity to prepare collaborative applications; and

"(2) Boards or their predecessor homeless planning bodies in States, metropolitan cities, urban counties, and counties that are not urban counties, that have not applied for, or have failed to receive, funding under this title, in order to improve their capacity to prepare collaborative applications.

"(b) RESERVATION.—The Secretary shall reserve not more than 1 percent (and not more than $12,000,000) of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a) and to develop and maintain a client-level management information system to assist in directing resources for the programs carried out under those subtitles to the activities that can most effectively prevent and end homelessness.

"SEC. 405. PERFORMANCE REPORTS.

"(a) IN GENERAL.—A Board shall submit to the Secretary an annual performance report regarding the activities carried out with grant amounts received under subtitles B and C in the geographic area served by the Board, at such time and in such manner as the Secretary determines to be reasonable.

"(b) CONTENT.—The performance report described in subsection (a) shall—

"(1) describe the number of persons provided homelessness prevention assistance (including the number of such persons who were discharged or whose services were terminated as described in section 422(d)(2)(B)(ii)(I)(bb)), and the number of individuals and families experiencing homelessness who were provided shelter, housing, or supportive services, with the grant amounts awarded in the fiscal year prior to the fiscal year in which the report was submitted, including measurements of the number of persons experiencing homelessness who—

"(A) entered permanent housing, and the length of time such persons resided in that housing, if known;

"(B) entered transitional housing, and the length of time such persons resided in that housing, if known;

"(C) obtained or retained jobs;

"(D) increased their income, including increasing income through the receipt of government benefits;

"(E) received mental health or substance abuse treatment in an institutional setting and now receives that assistance in a less restrictive, community-based setting;

"(F) received additional education, vocational or job training, or employment assistance services; and

"(G) received additional physical, mental, or emotional health care;

"(2) estimate the number of persons experiencing homelessness in the geographic area served by the Board who are eligible for, but did not receive, services, housing, or other assistance through the programs funded under subtitles B and C in the prior fiscal year;

"(3) indicate the accomplishments achieved within the geographic area that involved the use of the grant amounts awarded in the prior fiscal year, regarding efforts to coordinate services and programs within the geographic area;

"(4) indicate the accomplishments achieved within the geographic area to—

"(A) increase access by persons experiencing homelessness to programs that are not targeted for persons experiencing homelessness (but for which persons experiencing homelessness are eligible), including mainstream programs, as identified in the 2 reports described in section 102(a)(5)(B); and

"(B) prevent the homelessness of persons discharged from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities or systems of care, institutions or systems of care relating to the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and corrections programs and institutions);

"(5) describe how the Board and other involved public and private entities within the geographic area will incorporate their experiences in the prior fiscal year into the programs and process that the Board and entities will implement during the next fiscal year, including describing specific strategies to improve their performance outcomes;

"(6) assess the consistency and coordination between the programs funded under subtitles B and C in the prior fiscal year and the Consolidated Plan;

"(7) include updates to the exhibits described in section 402(f)(1)(B)(iii) that were included in applications—

"(A) submitted under section 422 by applicants from the geographic area; and

"(B) approved by the Secretary; and

"(8) provide such other information as the Secretary finds relevant to assessing performance, including performance on success measures that are risk-adjusted to factors related to the circumstances of the population served.

"(c) WAIVER.—The Secretary may grant a waiver to any Board that is unable to provide information required by subsection (b). Such Board shall submit a plan to provide such information within a reasonable period of time."; and

(5) by inserting after section 406 (as redesignated in paragraph (2)) the following:

"SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out title II and this title $1,600,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004, 2005, 2006, and 2007.".

SEC. 5. EMERGENCY SHELTER GRANTS PROGRAM.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking section 412 (42 U.S.C. 11372) and inserting the following:

"SEC. 412. GRANT ASSISTANCE.

"The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 414.

"SEC. 412A. AMOUNT AND ALLOCATION OF ASSISTANCE.

"(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally not more than 15 percent of such amount for activities described in section 414.

"(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by Boards that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 414, in consultation with the Boards.";

(2) in section 413(b) (42 U.S.C. 11373(b)), by striking "amounts appropriated" and all that follows through "for any" and inserting "amounts appropriated under section 407 and made available to carry out this subtitle for any";

(3) by striking section 414 (42 U.S.C. 11374) and inserting the following:

"SEC. 414. ELIGIBLE ACTIVITIES.

"Assistance provided under section 412 may be used for the following activities:

"(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

"(2) The provision of essential services, including services concerned with employment, health, or education, family support services for homeless youth, alcohol or drug abuse prevention or treatment, or mental health treatment, if such essential services have not been provided by the local government during any part of the immediately preceding 12-month period, or the use of assistance under this subtitle would complement the provision of those essential services.

"(3) Maintenance, operation insurance, provision of utilities, and provision of furnishings."; and

(4) by repealing sections 417 and 418 (42 U.S.C. 11377, 11378).

SEC. 6. HOMELESS ASSISTANCE PROGRAM.

Subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle C—Homeless Assistance Program";

(2) by striking sections 421 through 423 (42 U.S.C. 11381 et seq.) and inserting the following:

"SEC. 421. PURPOSES.

"The purposes of this subtitle are—

"(1) to promote the development of transitional and permanent housing—

"(A) through the creation and operation of new housing stock, and the leasing or operation of housing that is not new housing stock; and

"(B) by promoting the provision of very low-cost housing to persons experiencing homelessness who are unwilling or unable to participate in mental health or substance abuse treatment programs, or to receive other supportive services;

"(2) to promote the provision of needed housing-related supportive services to assist persons experiencing homelessness in the transition from homelessness, enabling the persons to live as independently as possible; and

"(3) to promote the implementation of activities that can prevent vulnerable individuals and families from becoming homeless.

"SEC. 422. COMMUNITY HOMELESS ASSISTANCE PROGRAM.

"(a) ELIGIBLE APPLICANT.—In this section, the term 'eligible applicant' means a collaborative applicant or solo applicant.

"(b) PROJECTS.—The Secretary shall award grants to eligible applicants to carry out homeless assistance and prevention projects.

"(c) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a Notification of Funding Availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for the fiscal year.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—To receive a grant under subsection (b), an eligible applicant shall submit an application for the grant to a Board in accordance with the collaborative process established by the Board, as described in section 402, and have such application reviewed, approved, and prioritized by such Board, except that a solo applicant may submit such application to the Secretary without participating in such process if the applicant includes information in such application regarding why the applicant has not participated.

"(2) SUBMISSION TO THE SECRETARY.—To receive the grant, after receiving approval from the Board for the application, the eligible applicant shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing—

"(A) the application submitted to the Board; and

"(B) other information that, in addition to including the information described in subsections (a) and (c) of section 426, shall—

"(i) describe the establishment and function of the Board, including—

"(I) the nomination and selection process for such Board, including the names and affiliations of all such Board members;

"(II) all meetings held by such Board in preparing the collaborative application, including identification of those meetings that were public; and

"(III) all meetings between Board representatives, and persons responsible for administering the Consolidated Plan;

"(ii) outline the range of housing and service programs available to persons experiencing homelessness or imminently at risk of experiencing homelessness and describe the unmet needs that remain in the geographic area for which the collaborative applicant seeks funding regarding—

"(I) prevention activities, including providing assistance in—

"(aa) making mortgage, rent, or utility payments; or

"(bb) accessing permanent housing and transitional housing for individuals (and families that include the individuals) who are being discharged from a publicly funded facility, program, or system of care, or whose services (from such a facility, program, or system of care) are being terminated;

"(II) outreach activities to assess the needs and conditions of persons experiencing homelessness;

"(III) emergency shelters, including the supportive and referral services the shelters provide;

"(IV) transitional housing with, as needed, appropriate supportive services to help persons experiencing homelessness who are not yet able or prepared to make the transition to permanent housing and independent living;

"(V) permanent housing to help meet the long-term needs of individuals and families experiencing homelessness; and

"(VI) needed supportive services;

"(iii) prioritize the projects for which the collaborative applicant seeks funding according to the unmet needs in the fiscal year in which the applicant submits the application as described in clause (ii);

"(iv) identify funds from private and public sources, other than funds received under subtitles B and C, that the State, units of general local government, recipients, project sponsors, and others will use for homelessness prevention, emergency shelter, supportive services, transitional housing, and permanent housing, that will be integrated with the assistance provided under subtitles B and C;

"(v) identify funds provided by the State and units of general local government under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including programs identified by the General Accounting Office in the February 1999 report entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential';

"(vi) explain—

"(I) how the collaborative applicant will meet the housing and service needs of individuals and families experiencing homelessness in the applicant's community; and

"(II) the strategy of the State, units of general local government, and private entities in the geographic area over the next 5 years to prevent and end homelessness, including, as part of that strategy, a work plan for the applicable fiscal years;

"(vii) report on the outcome-based performance of the homeless programs within the geographic area served by the collaborative applicant that were funded under this title in the fiscal year prior to the fiscal year in which the application is submitted;

"(viii) include any relevant required agreements under subtitle C;

"(ix) contain a certification of consistency with the Consolidated Plan pursuant to section 403; and

"(x)(I) in the case of a collaborative applicant, include an exhibit described in section 402(f)(1)(B)(iii) and prepared by the Board in accordance with that section; or

"(II) in the case of a solo applicant, include an exhibit described in section 402(f)(1)(B)(iii) and prepared by the applicant.

"(3) ANNOUNCEMENT OF AWARDS.—The Secretary shall announce, not later than 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants awarded under subsection (b) for that fiscal year.

"(4) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

"(A) REQUIREMENTS FOR OBLIGATION.—

"(i) IN GENERAL.—Not later than 9 months after the announcement referred to in paragraph (3), each recipient or project sponsor seeking the obligation of funds for a grant announced under paragraph (3) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in clause (ii).

"(ii) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 15 months after the announcement referred to in paragraph (3), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under paragraph (3) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

"(iii) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in clause (i) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, or completing the technical submission requirements for the project.

"(B) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in subparagraph (A)(i), the Secretary shall obligate the funds for the grant involved.

"(C) DISTRIBUTION.—A recipient that receives funds through such a grant—

"(i) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

"(ii) shall distribute the appropriate portion of the funds to a project sponsor not later than 21 days after receiving a request for such distribution from the project sponsor.

"(e) SELECTION CRITERIA.—In determining whether to award a grant to an applicant under subsection (b), the Secretary shall consider, in addition to criteria described in section 426(b)—

"(1) the inclusiveness of the Board involved and the process the Board administered, if applicable;

"(2) the comprehensiveness and coordination of the homelessness prevention, housing, and services programs (including discharge planning and service termination protocols) within the geographic area served by the Board;

"(3) the extent to which prioritized programs meet unmet needs;

"(4) the capacity of the geographic area to leverage funding from other public and private sources;

"(5) the long-term strategy of the applicable States and units of general local government to combat, prevent, and end homelessness;

"(6) the performance of the homelessness prevention, housing, and services programs funded in the fiscal year prior to the date of submission of the application;

"(7) the need for services in the geographic area;

"(8) the plan by which—

"(A) access to appropriate permanent housing will be secured if the proposed project does not include permanent housing; and

"(B) access to outcome-effective supportive services will be secured for residents or consumers involved in the project who are willing to use the services;

"(9) the evaluation plan for evaluations of the project, which—

"(A) will use periodically collected information and analysis to determine whether the project has resulted in enhanced stability and well-being of the residents or consumers served by the project;

"(B) will include evaluations obtained directly from the individuals or families served by the project; and

"(C) will be submitted by the recipient for the grant to the Board for review and use in assessments, conducted by the Board consistent with the Board's duty to ensure effective outcomes that contribute to the goal of preventing and ending homelessness in the geographic area served by the Board; and

"(10) any other criteria the Secretary determines to be reasonably appropriate.

"(f) NOTIFICATION OF PRO RATA ESTIMATED GRANT AMOUNTS.—

"(1) NOTICE.—The Secretary shall inform each Board, at a time concurrent with the release of the Notice of Funding Availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the Board.

"(2) AMOUNT.—

"(A) BASIS.—Such estimated grant amount shall be based on a percentage of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year that is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) for the prior fiscal year that—

"(i) was allocated to all metropolitan cities and urban counties within the geographic area represented by the Board; or

"(ii) would have been distributed to all counties within such geographic area that are not urban counties, if the 30 percent portion of the allocation to the State involved (as described in subsection (d)(1) of that section 106) for that year had been distributed among the counties that are not urban counties in the State in accordance with the formula specified in that subsection (with references in that subsection to nonentitlement areas considered to be references to those counties).

"(B) RULE.—In computing the estimated grant amount, the Secretary shall adjust the estimated grant amount determined pursuant to subparagraph (A) to ensure that—

"(i) 75 percent of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year are allocated to the metropolitan cities and urban counties that received a direct allocation of funds under section 413 for the prior fiscal year; and

"(ii) 25 percent of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year are allocated—

"(I) to the metropolitan cities and urban counties that did not receive a direct allocation of funds under section 413 for the prior fiscal year; and

"(II) to counties that are not urban counties.

"(C) COMBINATIONS OR CONSORTIA.—For Boards that represent a combination or consortium of cities or counties, the estimated grant amount shall be the sum of the estimated grant amounts for the cities or counties represented by the Board.

"(g) APPEALS.—

"(1) IN GENERAL.—Not later than 3 months after the date of enactment of the Community Partnership to End Homelessness Act of 2002, the Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

"(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by Boards, entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), homeless planning bodies not designated by the Secretary as Boards, and all other applicants under this subtitle.

"(h) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (b) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in subsection (e). The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

"SEC. 423. ELIGIBLE ACTIVITIES.

"(a) IN GENERAL.—The Secretary may award grants to qualified applicants under section 422 to carry out homeless assistance and prevention projects that consist of 1 or more of the following eligible activities:

"(1) Construction of new housing units to provide transitional or permanent housing.

"(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

"(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

"(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or independently owned rental assistance.

"(5) Payment of operating costs for housing units assisted under this subtitle.

"(6) Supportive services, except that beginning 3 years after the date of enactment of the Community Partnership to End Homelessness Act of 2002, for both new and renewal projects, the only allowable supportive services will be case management, life skills training, outreach, housing counseling, and other services determined by the Secretary (either at the Secretary's initiative or on the basis of adequate justification by an applicant) to be directly relevant to allowing persons experiencing homelessness to access and retain housing.

"(7) Homeless management information services.

"(8) Monitoring and evaluation activities related to—

"(A) measuring the outcomes of a Board's homeless assistance planning process for preventing and ending homelessness; and

"(B)(i) the effective and timely implementation of specific projects funded under this subtitle, relative to projected outcomes; and

"(ii) in the case of a housing project funded under this subtitle, compliance with appropriate standards of housing quality and habitability as determined by the Secretary.

"(9) Prevention activities, including—

"(A) providing financial assistance to individuals or families who have received eviction notices, foreclosure notices, or notices of termination of utility services if, in the case of such an individual or family—

"(i) the inability of the individual or family to make the required payments is due to a sudden reduction in income;

"(ii) the assistance is necessary to avoid the eviction, foreclosure, or termination of services; and

"(iii) there is a reasonable prospect that the individual or family will be able to resume the payments within a reasonable period of time; and

"(B) carrying out relocation activities (including providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or rental assistance for not more than 6 months) for moving into transitional or permanent housing, individuals, and families that include such individuals—

"(i) who lack housing;

"(ii) who are being discharged from a publicly funded acute care or long-term care facility, program, or system of care, or whose services (from such a facility, program, or system of care) are being terminated; and

"(iii) who have plans, developed collaboratively by the public entities involved and the individuals and families, for securing or maintaining housing after any funding provided under this subtitle is utilized.

"(b) ELIGIBILITY FOR FUNDS FOR PREVENTION ACTIVITIES.—To be eligible to receive grant funds under section 422 to carry out the prevention activities described in subsection (a)(9), an applicant shall submit an application to the Secretary under section 422 that shall include a certification in which—

"(1) the relevant public entities in the geographic area involved certify compliance with subsection (c); and

"(2) the publicly funded institutions, facilities, and systems of care in the geographic area certify that the institutions, facilities, and systems of care will take, and fund directly, all reasonable measures to ensure that the institutions, facilities, and systems of care do not discharge individuals into homelessness.

"(c) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated under section 407 and made available for prevention activities described in subsection (a)(9) shall be used to supplement and not supplant other Federal, State, and local public funds used for homelessness prevention.

"(d) USE RESTRICTIONS.—

"(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 20 years.

"(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (9) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

"(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

"(e) INCENTIVES TO CREATE NEW PERMANENT HOUSING STOCK.—

"(1) IN GENERAL.—In making grants to eligible applicants under section 422, the Secretary shall make awards that provide incentives described in paragraph (2) to promote the creation of new permanent housing units through the construction, or acquisition and rehabilitation, of permanent housing units, that are owned by a recipient, project sponsor, or other independent entity who entered into a contract with a recipient or project sponsor, for—

"(A)(i) homeless individuals with disabilities who experience chronic homelessness; or

"(ii) homeless families that include a homeless individual with a disability who experiences chronic homelessness; and

"(B) nondisabled homeless families.

"(2) ASSISTANCE.—

"(A) INDIVIDUALS WITH DISABILITIES.—An eligible applicant that receives assistance under section 422 to implement a project that involves the construction, or acquisition and rehabilitation, of new permanent housing units described in paragraph (1), for individuals and families described in paragraph (1)(A), shall also receive, as part of the grant, incentives consisting of—

"(i) funds sufficient to provide not more than 10 years of rental assistance, renewable in accordance with section 428;

"(ii) in a case in which the project is the highest priority project described in the application, a bonus of not more than $250,000 per collaborative or solo application submitted by the eligible applicant under this subtitle to carry out activities described in section 423; and

"(iii) the technical assistance needed to ensure the financial viability and programmatic effectiveness of the project.

"(B) NONDISABLED HOMELESS FAMILIES.—An eligible applicant that receives assistance under section 422 to implement a project that involves the construction, or acquisition and rehabilitation, of new permanent housing units described in paragraph (1), for nondisabled homeless families, shall also receive incentives consisting of—

"(i) in a case in which the project is the highest priority project described in the application, a bonus of not more than $250,000 per collaborative or solo application submitted by the eligible applicant under this subtitle to carry out activities described in section 423; and

"(ii) the technical assistance needed to ensure the financial viability and programmatic effectiveness of the project.

"(3) ELIGIBLE APPLICANTS.—To be eligible to receive a grant under this subtitle to carry out activities to create new permanent housing stock for individuals and families described in paragraph (1), an applicant shall be a private nonprofit organization or a public housing authority.

"(4) LOCATION.—To the extent practicable, a Board that receives a grant under this subtitle to create new permanent housing stock shall ensure that the housing is located in a mixed-income environment.

"(f) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

"(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

"(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

"(B) not earlier than 10 years, but earlier than 20 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 10 percent of the assistance for each of the years in the 20-year period for which the project fails to provide that housing.

"(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 20-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefiting from such sale or disposition.

"(3) Exception.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

"(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons; or

"(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle.";

(3) in section 426 (42 U.S.C. 11386)—

(A) in subsection (a)—

(i) in paragraph (1), by striking "Applications" and all that follows through "shall" and inserting "Applications for assistance under section 422 shall";

(ii) in paragraph (2)—

(I) by striking subparagraph (B) and inserting the following:

"(B) a description of the size and characteristics of the population that would occupy housing units or receive supportive services assisted under this subtitle;"; and

(II) in subparagraph (E), by striking "in the case of projects assisted under this title that do not receive assistance under such sections,"; and

(iii) in paragraph (3), in the last sentence, by striking "recipient" and inserting "recipient or project sponsor";

(B) in subsection (d), in the first sentence, by striking "recipient" and inserting "recipient or project sponsor";

(C) by striking subsection (e);

(D) by redesignating subsections (f), (g), and (h), as subsections (e), (f), and (g), respectively;

(E) in subsection (f) (as redesignated in subparagraph (D)), in the first sentence, by striking "recipient" each place it appears and inserting "recipient or project sponsor";

(F) by striking subsection (i); and

(G) by redesignating subsection (j) as subsection (h);

(4)(A) by repealing section 429 (42 U.S.C. 11389); and

(B) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(5) by inserting after section 426 the following:

"SEC. 427. ALLOCATION AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

"(a) Purpose.—The Secretary shall promote—

"(1) permanent housing development activities for—

"(A) homeless individuals with disabilities and homeless families that include such an individual; and

"(B) nondisabled homeless families; and

"(2) prevention activities described in section 423(a)(9).

"(b) Definition.—In this section, the term 'nondisabled homeless family' means a homeless family that does not include a homeless individual with a disability.

"(c) Annual Portion of Appropriated Amount Available.—

"(1) Disabled homeless individuals and families.—

"(A) In general.—From the amount made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used for activities to develop new permanent housing, in order to help create affordable permanent housing for homeless individuals with disabilities and homeless families that include such an individual.

"(B) Calculation.—In calculating the portion of the amount described in subparagraph (A) that is used for activities described in subparagraph (A), the Secretary shall not count funds made available to renew contracts for existing projects (in existence as of the date of the renewal) under section 428.

"(2) Nondisabled homeless families.—From the amount made available to carry out this subtitle for a fiscal year, a portion equal to not more than 10 percent of the sums described in paragraph (1) may be used for activities to develop new permanent housing for nondisabled homeless families.

"(3) Management information services.—From the amount made available to carry out this subtitle for a fiscal year—

"(A) a portion equal to not more than 3 percent (and not more than $30,000,000), shall be used for management information services described in section 423(a)(7) for each of the first 3 full fiscal years after the date of enactment of the Community Partnership to End Homelessness Act of 2002; and

"(B) a portion equal to not more than 1.5 percent (and not more than $15,000,000) shall be used for such services for each subsequent fiscal year.

"(4) Monitoring and evaluation activities.—From the amount available to carry out this subtitle for a fiscal year, a portion equal to not more than 1.5 percent (and not more than $15,000,000) shall be used for monitoring and evaluation activities described in section 423(a)(8).

"(5) Prevention activities.—From the amount made available to carry out this subtitle for a fiscal year, a portion equal to not more than 3 percent of the sums described in paragraph (1) shall be used for prevention activities described in section 423(a)(9).

"(d) Funding for Acquisition, Construction, and Rehabilitation of Permanent or Transitional Housing.—Nothing in this Act shall be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

"SEC. 428. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR GRANT AMOUNTS FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS WITH DISABILITIES.

"(a) In General.—Of the total amount available for use in connection with expiring or terminating section 8 subsidy contracts awarded under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), such sums as may be necessary shall be transferred and merged into the Homeless Assistance Grants account of the Department of Housing and Urban Development.

"(b) Renewals.—Such sums shall be available for the renewal of contracts for a 1-year term for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the date of enactment of the Community Partnership to End Homelessness Act of 2002), for homeless individuals with disabilities and homeless families that include such an individual. The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of demonstrated need for the project and the compliance of the entity carrying out the project with appropriate standards of housing quality and habitability as determined by the Secretary.

"SEC. 429. ADMINISTRATIVE EXPENSES.

"(a) Administrative Expenses.—Grant amounts awarded under this subtitle may be used for administrative expenses, including expenses for—

"(1) carrying out routine grant administration and monitoring activities;

"(2) receipt and disbursal of program funds;

"(3) preparation of financial and performance reports, including carrying out management information system functions; and

"(4) compliance with grant conditions and audit requirements.

"(b) Limitations on Administrative Expenses.—A portion, of not more than 6 percent, of grant amounts awarded under this subtitle may be used for administrative expenses described in subsection (a), and not less than ½ of such portion shall be allocated to nonprofit organizations and other project sponsors to fund management information system functions, application preparation, and preparation of annual performance and other evaluation reports.

"SEC. 430. MATCHING FUNDING.

"(a) In General.—An entity who submits an application and receives a grant under this subtitle shall make available contributions, in cash, in an amount equal to not less than 25 percent of the Federal funds provided under the grant, except as provided in subsection (b).

"(b) Creation of Permanent Housing Stock.—The Secretary shall not establish a matching funds requirement relating to activities carried out under this subtitle that involve the construction, or acquisition and rehabilitation, of a new permanent housing unit if—

"(1) the total cost of the construction, or acquisition and rehabilitation, is not more than $500,000;

"(2) the unit is owned by a recipient, project sponsor, or other independent entity who entered into a contract with a recipient or project sponsor; and

"(3) the unit is for individuals and families described in section 423(e).

"SEC. 431. APPEAL PROCEDURE.

"(a) In General.—With respect to funding under this subtitle, if certification of consistency with the Consolidated Plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

"(b) Procedure.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

"(c) Determination.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.".

SEC. 7. REPEALS AND CONFORMING AMENDMENTS.

(a) Repeals.—Subtitles D, E, F, and G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., 11403 et seq., and 11408 et seq.) are repealed.

(b) Conforming Amendments.—

(1) Interagency council on homelessness.—Section 2066(b)(3)(F) of title 38, United States Code, section 506(a) of the Public Health Service Act (42 U.S.C. 290aa-5(a)), and sections 201 and 207(1), and subsections (c)(2) and (d)(3) of section 501, of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311, 11317(1), and 11411) are amended by

striking "Interagency Council on the Homeless" and inserting "Interagency Council on Homelessness".

(2) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act, as redesignated in section 4(2), is amended—

(A) by striking "current housing affordability strategy" and inserting "Consolidated Plan"; and

(B) by inserting before the comma the following: "(referred to in that section as a 'comprehensive housing affordability strategy')".

(3) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended by adding at the end the following:

"(d) PERSONS EXPERIENCING HOMELESSNESS.—References in this Act to homeless individuals (including homeless persons) or homeless groups (including the homeless) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.".

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 275—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD RENEW ITS COMMITMENT TO THE WORLD'S MOTHERS AND CHILDREN BY INCREASING FUNDING FOR BASIC CHILD SURVIVAL AND MATERNAL HEALTH PROGRAMS OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, AND FOR OTHER PURPOSES

Mr. SMITH of Oregon (for himself, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. CORZINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 275

Whereas 10 years ago at the World Summit for Children, the United States joined with 159 other governments to commit the world to supporting efforts that reduce infant and maternal mortality, child malnutrition, and illiteracy;

Whereas more than 11,000,000 children die before the age of 5 (30,500 children every day) due to preventable infectious diseases, including pneumonia, diarrhea, measles, malaria, and malnutrition;

Whereas more than a quarter of the world's children are malnourished, which hinders their ability to learn and thrive;

Whereas over 500,000 women who die every year during pregnancy and childbirth could be saved by low-tech, low-cost interventions;

Whereas research has found that the health of a child and his or her mother is closely intertwined and good maternal health is essential for the survival of both mothers and children;

Whereas studies have shown that high maternal and child mortality are directly correlated with social and political instability;

Whereas the number of women of reproductive age in less developed countries will grow by 34 percent in the next 20 years, making the need to improve health care services for women and their children even more important;

Whereas past evidence has shown that programs to improve child survival do work, for instance, in the past 8 years, the United States Agency for International Development child survival programs have significantly contributed to a 10 percent reduction in infant mortality rates worldwide;

Whereas while research has shown that maternal deaths during pregnancy and childbirth could be easily prevented, the number of women who die as mothers has not decreased in 10 years due to the lack of additional resources to address the problem;

Whereas the world has been able to reduce maternal mortality in the developed world, the disparity between developed and developing countries continues to grow;

Whereas, according to the World Health Organization, the lifetime risk of dying from pregnancy-related complications or during childbirth in developing countries is 1 in 48, in developed countries the ratio is 1 in 1,800, and the risk is even greater in some sub-Saharan African countries where 1 in every 14 girls entering adolescence will die from maternal causes before completing her childbearing years; and

Whereas according to a World Health Organization report, between $27,000,000,000 and $38,000,000,000 will be needed in 2007 and 2015, respectively, to provide the necessary health interventions to those living in low-income countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) child survival and maternal health programs supported by the United States Agency for International Development have and will make a difference in the lives of mothers and children in the developing world;

(2) an increased commitment to improving the health of the world's mothers and children will have a long-term impact on the political, economic, and social stability of developing countries;

(3) the United States should take a lead in improving the lives of millions of people in the developing world through targeted, effective, and multi-faceted health and development programs; and

(4) the United States should renew its commitment to the world's mothers and children by increasing funding for basic child survival and maternal health programs of the United States Agency for International Development by at least $500,000,000.

Mr. SMITH of Oregon. Mr. President, I rise today to submit a resolution regarding the Senate's commitment to improving the health of mothers and children around the world. I am proud to be joined by Senators FEINSTEIN, MURRAY, LANDRIEU, CORZINE, and DURBIN in introducing this important legislation and we hope, by introducing this resolution, we will illustrate an increased commitment to improving the health of the world's mothers and children and show that this commitment will have a long-term impact on the political, economic, and social stability of developing countries.

Earlier this month, representatives from over 179 countries met at the United Nations Special Session on Children. During this meeting, they reviewed the progress made since the 1990 World Summit for Children and renewed their pledge to improve the lives of the world's children over the next decade.

The Bush Administration knows that investing in better health increased a country's ability to prosper. President Bush proposed increased funding for global HIV/AIDS programs at USAID. And I applaud these efforts and am pleased to support them in the Senate. But I am hoping that this resolution will also break ground for an increase for maternal and child health programs. Difficult choices must be made, understandably, but funds should not be shifted from one essential health program to another. We must find new funding overall for health programs, especially maternal health.

Every year, over 500,000 women die during pregnancy and childbirth. These lives can be saved by low-tech, low-cost interventions. The health of a child and her mother are closely intertwined, and good maternal health is essential for the survival of both mother and child. In developing countries, a mother's death in childbirth due to malnutrition, or inadequate prenatal and delivery care, means almost certain death for her newly born child.

I also know that we must invest in programs that improve the health of young children. Every year, nearly 11 million die needlessly before their fifth birthday, almost all from diseases easily prevented or readily treated. Pennies worth of antibiotics could save three million children who will die this year of pneumonia alone.

This resolution calls for increased funding for basic child survival and maternal health programs of at least $500 million dollars. This figure is just a small investment when the dividends would be political stability, international security, and a renewed hope for the future of mothers and children around the world. I call on all my colleagues to join me in supporting this important resolution.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators GORDON SMITH, DURBIN, MURRAY, LANDRIEU, and CORZINE to submit a resolution voicing the Senate's commitment to improving the health of mothers and children around the world.

This resolution illustrates that an increased commitment to improving the health of the world's mothers and children will have a long-term impact on the political, economic, and social stability of developing countries. The stability of our own nation depends significantly on the economic and political stability of developing nations. And their economic and political stability cannot be realized unless the health of their people is improved.

The resolution we are introducing today calls for increased funding for basic child survival and maternal health programs of at least $500 million dollars. This figure is a small investment when the dividends could be political stability, international security, and a renewed hope for the future of mothers and children around the world.

A few weeks ago, representatives from over 179 countries met at the United Nations Special Session on Children. During this meeting, they reviewed the progress made since the 1990 World Summit for Children and renewed their pledge to improve the lives of the world's children over the next decade. Overall, the funding for global health, which includes HIV/AIDS programs, has increased significantly. Child survival and maternal health programs was funded at $345 million in fiscal year 2001. Funding was cut by $26 million in fiscal year 2002. The Bush administration also acknowledges that investing in health care increases a country's ability to prosper.

President Bush made a wise decision when he proposed increased funding for global HIV/AIDS programs at USAID for fiscal year 2003. However, his budget also recommends a $25 million decrease in support for maternal and child health programs. The funding situation is getting worse rather than better for child survival and maternal health programs. Difficult choices must be made, understandably, but funds should not be shifted from one essential health program to pay for another. Especially when funding for maternal and child health programs have been decreased in previous years.

At this precarious time in our world, we cannot lose sight of the health of women, the primary caregivers who instill values and provide hope for their children; the future of every society. Women in developing countries put their lives at risk when they become pregnant, over 500,000 women die every year during pregnancy and childbirth. The health of a child and his or her mother are closely intertwined, and good maternal health is essential for the survival of both mother and child. In developing countries, a mother's death in childbirth due to malnutrition, or inadequate prenatal and delivery care, means almost certain death for her newly born child. We must also invest substantially more in programs that improve the health of young children.

Every day around the world, over 30,000 children die preventable deaths from diseases such as pneumonia, diarrhea, malaria, measles, and malnutrition.

Additionally, every year, nearly 11 million children die needlessly before their fifth birthday—almost all from diseases easily prevented or readily treated. Pennies worth of antibiotics, for example, could save three million children who will die this year of pneumonia. The true tragedy is that we know how to prevent these 11.5 million deaths that occur each year. Low-tech, low-cost interventions exist, and with additional resources to fund these interventions, could save lives. Children must be nourished so that they can thrive and disparities between developed and developing countries can be reduced.

As studies continue to show that high maternal and child mortality are directly correlated with social and political instability, we must take action to ensure the growth and development of the countries who need it most and their people who are dying needlessly.

The World Health Organization has reported that $27 billion will be needed in 2007 to provide necessary health interventions to those living in low-income countries. I believe we must do all we can to provide funds to improve the health of the world's mothers and children. The resolution being introduced proposes an increase in funding by at least $500 million for child survival and maternal health programs. We need to renew our commitment to mothers and children all over the world. The programs supported by USAID have and will make a difference in the lives of mothers and children in the developing world.

I strongly believe that an increase in funding is necessary and will have a positive long-term impact on the political, economic, and social stability of those countries. I urge my colleagues to join me in supporting this resolution.

SENATE RESOLUTION 276—DESIGNATING THE PERIOD BEGINNING ON JUNE 10 AND ENDING ON JUNE 14, 2002, AS "NATIONAL WORK SAFE WEEK"

Mr. BOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 276

Whereas Congress believes that 100 percent of workplace injuries are preventable when employers and employees work together;

Whereas both employer and employee attitudes and awareness are essential to maintain an injury-free workplace;

Whereas the total nationwide workplace accident costs in 1998 were $122,600,000,000, with a national average of $28,000 per disabling injury and $940,000 per work-related death;

Whereas workplace injuries also carry indirect or hidden costs that cannot be calculated, such as property damage, lost production, and modified duty; and

Whereas the period beginning on June 10 and ending on June 14, 2002, will be declared Work Safe Week in the State of Missouri: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on June 10 and ending on June 14, 2002, as "National Work Safe Week" to be recognized by—

(A) employers and employees committing themselves to creating an injury-free workplace;

(B) employers and employees taking all necessary steps to achieve this goal; and

(C) employers and employees developing the habits and approaches that will lead to injury-free workplaces throughout the entire year; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate activities.

Mr. BOND. Mr. President, I rise today to submit a resolution proclaiming the week of June 10 to June 14, 2002 as National Work Safe Week. There is no more important goal than having every employee go home safely at the end of their work day.

In my home State of Missouri, a program has been developed that helps employers work together with their employees to make sure everyone is focused on working safely. Once a year we set aside a week in June to recognize and promote this concept. This year the week of June 10–14 is designated in Missouri as Work Safe Week.

The goal of an injury free work place definitely is achievable. Too many times we assume that accidents are an inevitable part of the job. This just is not true. Accidents are preventable, largely through constant vigilance and common sense, as well as compliance with relevant safety standards.

Missouri is especially attached to the goal of workplace safety since one of its native sons is currently the Assistant Secretary of Labor for the Occupational Safety and Health Administration. John Hewnshaw built his career on implementing safety plans for such companies as Monsanto and Solutia. These plans were widely praised by safety professionals and have resulted in thousands of employees avoiding injuries and illnesses. I know that John is using the same reasonable style and practical approach in addressing the Nation's safety issues that he used in developing the safety plans for his private sector employers.

These same common sense principles are at the heart of the Work Safe Week program in Missouri. The WorkSAFE program was started by Missouri Employers Mutual Insurance in 1997 to teach employers and employees how to Work Smart in an Accident-Free Environment.

The WorkSAFE program is based on the premise that 20 percent of all workplace injuries are the result of unsafe working conditions, while the remaining 80 percent are caused by unsafe acts. The program is based on the belief that 100 percent of injuries are preventable when employers and employees work together. The program focuses on employer and employee attitudes and awareness in an effort to maintain an injury-free workplace.

Prior employer and employee working attitudes can significantly correlate into costly workplace injuries which. For instance: Total 1998 accident costs nationwide: $122.6 billion; and national average: $28,000 per disabling injury/$940,000 per work-related death.

As tremendous as the direct costs are, there are costs you can not calculate. There are indirect or hidden costs such as property damage, lost production an modified duty. Parents who will not ever come home, bodies that are permanently damaged, and the trauma of witnessing an injury or fatality—these are emotional costs that the numbers do not reflect.

By the end of Work Safe Week, I hope that employers and employees will have the kind of attitude that will keep employees safe and health while on the job the whole year through.

SENATE RESOLUTION 227—EXPRESSING THE SENSE OF THE SENATE REGARDING THE POLICY OF THE UNITED STATES AT THE 19TH ANNUAL MEETING OF THE NORTH ATLANTIC SALMON CONSERVATION ORGANIZATION

Ms. SNOWE submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 277

Whereas wild Atlantic salmon of both European stocks and those originating in North American rivers have experienced a sharp decline in numbers in recent years;

Whereas the return of these wild Atlantic salmon to the rivers of United States and Canada to spawn is necessary to continue the species' survival;

Whereas the United States is deeply concerned about the status of the last remaining stocks of wild Atlantic salmon returning to United States rivers and is committed to their protection and recovery;

Whereas this situation is so serious that the United States has closed all its Atlantic salmon fisheries and taken the critical step of listing populations of Atlantic salmon as endangered under the United States Endangered Species Act;

Whereas salmon originating in the State of Maine and in other New England salmon rivers migrate to the waters west of Greenland to feed where they can be subject to commercial harvest;

Whereas Atlantic salmon migrate throughout the Northern Atlantic and international cooperation is required to successfully conserve and protect these stocks;

Whereas scientific research and sampling programs to determine the origin of harvested Atlantic salmon are critical and necessary to better understanding and protecting the stocks;

Whereas in 1982 seven nations of the world adopted the Convention for the Conservation of Salmon in the North Atlantic which created the North Atlantic Salmon Conservation Organization to promote conservation, restoration, enhancement, and rational management of salmon stocks in the North Atlantic through international cooperation;

Whereas the United States cannot solve the difficulties facing United States origin salmon alone and the assistance of all Convention member nations is needed: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) at the 19th Annual Meeting of the North Atlantic Salmon Conservation Organization the United States should—

(A) advocate the use of science in making Atlantic salmon resource decisions and ensure that any quota setting formula provides adequate protection to those stocks originating in the United States, Canada, and southern Europe that are now at considerable risk of extinction;

(B) remain firmly opposed to commercial intercept fishing which takes wild Atlantic Salmon of North American origin;

(C) support opportunities to create long-term conservation agreements with other Convention member nations;

(D) support adoption of a long-term rebuilding goal and develop a plan for the recovery of North American salmon;

(E) advocate the use of sampling programs by all nations to determine the origin of harvested salmon; and

(2) the United States should make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to implement the goals set forth in subparagraph (A) through (E) of paragraph (1).

Ms. SNOWE. Mr. President, I rise today to submit a resolution expressing the sense of the Senate regarding the policy of the United States at the 19th Annual Meeting of the North Atlantic Salmon Conservation Organization, NASCO.

I am introducing this resolution today as our delegates prepare for the upcoming NASCO meeting in Torshvn, Faroe Islands which begins on June 3, 2002. At this meeting NASCO will set the annual allocation of commercial Atlantic salmon quotas and debate numerous issues related to protecting Atlantic salmon. NASCO is the international body which manages Atlantic salmon stocks and sets the annual allocation of commercial Atlantic salmon quotas. As such, the effective management of Atlantic salmon requires the cooperation of the member nations in this voluntary regime. Unfortunately, several member nations routinely take actions that undermine these efforts.

Salmon originating in the rivers of Maine and the other New England states migrate to feed in the waters west of Greenland where they are subject to harvest in the West Greenland salmon fishery. Scientific analysis indicates that 66 percent of the fish caught in West Greenland's fishery comes from North American stocks. A significant amount of these fish are believed to be of U.S. origin. These harvested fish directly affect the rebuilding programs in Maine and the rest of New England.

Protecting the stocks of Atlantic salmon is an ongoing issue which has state, national, and international components. The situation is so serious in the United States that we have closed all U.S. Atlantic salmon fisheries and have taken the critical step of listing populations of Atlantic salmon as endangered under the U S. Endangered Species Act. At the state and national level, Maine and the other New England states have taken significant steps at great cost to protect the spawning habitats of Atlantic salmon, but these efforts alone will not protect the Atlantic salmon. The biggest threat to the success of the salmon recovery plans is not having fish available to return to these improved habitats. The U.S. should continue to support a zero commercial mortality limit until these stocks can be rebuilt. This is a necessary step toward rebuilding the salmon population in our rivers.

This resolution expresses the Senate's belief that the United States remain firmly opposed to commercial intercept fishing which takes wild Atlantic salmon, advocate the use of science in making international Atlantic salmon resource decisions, support adoption of a long-term rebuilding goal, develop a plan for the recovery of North American salmon, and advocate the use of sampling programs by all nations to determine the origin of harvested salmon.

As Ranking Member of the Subcommittee on Oceans, Atmosphere, and Fisheries, I am dedicated to protecting Atlantic salmon. This resolution is a critical step in ensuring that the international management plan approved by NASCO will compliment the efforts that we have made at the state and national level to protect critical Atlantic salmon habitats. I urge my colleagues to join me and support this resolution.

SENATE RESOLUTION 278—CALLING UPON ALL AMERICANS TO RECOGNIZE ON THIS MEMORIAL DAY, 2002, THE SACRIFICE AND DEDICATION OF OUR ARMED FORCES AND CIVILIAN NATIONAL SECURITY AGENCIES

Mr. LOTT (for himself, Mr. HELMS, Mr. WARNER, Mr. NICKLES, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, MR. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. FRIST, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HATCH, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 278

Calling upon all Americans to recognize on this Memorial Day, 2002, the sacrifice and dedication of our Armed Forces and civilian national security agencies.

Whereas, in Afghanistan and elsewhere, members of our Armed Forces and civilian national security agencies are today fighting and dying to keep Americans safe and free from terrorist attacks;

Whereas, the American defenders of democracy who have given their lives in Afghanistan and elsewhere, joined in eternal life those who were murdered by terrorists in New York, Pennsylvania, and Virginia on

September 11, 2001, on the USS COLE, at the Khobar Towers, at the American Embassies in Nairobi and Dar es Salaam, and in other terrorist attacks;

Whereas it is fitting and essential on this Memorial Day, 2002, to remember the sacrifices made by these defenders who now lie in hallowed ground throughout the world;

Whereas, living under the threat of further terrorist attacks on this day, Americans everywhere are called upon to realize that the members of our Armed Forces and civilian national security agencies live with this threat every day that they serve and answer the call to duty;

Whereas, like all important conflicts, the war against terrorism is prosecuted daily in small engagements by courageous volunteers, far from home, against a deadly and elusive enemy;

Whereas the members of our Armed Forces and civilian national security agencies have displayed capability, determination, and valor that has shocked and surprised America's terrorist enemies; and

Whereas the continuing success of our forces has resulted in the steady, inexorable eradication of terrorists whose inveterate hostility to our liberty and way of life continues unabated: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Americans everywhere should, on Memorial Day, 2002, observe a National Moment of Remembrance at 3 p.m. local time and raise a hand in salute to those members of our Armed Forces and civilian national security agencies, near and far, who have answered the call of duty and willingly placed themselves in harm's way on our behalf; and

(2) this should be done as an expression of the respect, pride, and admiration felt by every American and by every person liberated through the courageous sacrifice and valiant toil of the forces of the United States and its allies in this noble struggle.

SENATE RESOLUTION 279—TO MODIFY THE FUNDING OF THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 279

Resolved,

SECTION 1. MODIFICATION TO FUNDING OF JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM.

Section 5 of the Jacob K. Javits Senate Fellowship Program Resolution (Senate Resolution 193, 106th Congress, agreed to September 30, 1999), is amended by striking "$250,000" and inserting "$350,000".

SENATE CONCURRENT RESOLUTION 117—TO CORRECT TECHNICAL ERRORS IN THE ENROLLMENT OF THE BILL H.R. 3448

Mr. KENNEDY submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 117

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R.3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, the Clerk of the House shall make the following corrections, stated in terms of the page and line numbers of the official copy of the conference report for such bill that was filed with the House:

(1) On page 1, after line 6, insert before the item relating to title I, the following:

Sec. 1. Short title; table of contents.

(2) On page 40, line 3, insert before the semicolon the following: "(including private response contractors)".

(3) On page 75, line 18, strike "subsection (c)(1)" and insert "subsection (c)".

(4) On page 75, line 25, strike "paragraph (3)(B)" and insert "paragraph (3)(C)".

(5) On page 87, strike lines 11 and 12 (relating to a redundant section designation and section heading for section 143).

(6) On page 264, line 11, insert before the period the following: "and with respect to assessing and collecting any fee required by such Act for a fiscal year prior to fiscal year 2003".

SENATE CONCURRENT RESOLUTION 118—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. DASCHLE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on any day from Thursday, May 23, 2002, through Saturday, May 25, 2002, or from Tuesday, May 28, 2002, through Friday, May 31, 2002, on a motion offered pursuant to this concurrent resolution by its majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, June 3, 2002, or Tuesday, June 4, 2002, or until such other time on either of those days as may be specified in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 23, 2002, through Saturday, May 25, 2002, or on any legislative day from Tuesday, May 28, 2002, through Friday, May 31, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, June 4, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3547. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3548. Mr. BYRD proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

TEXT OF AMENDMENTS

SA 3547. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, between lines 15 and 16, insert the following:

(C) OBJECTIVE REGARDING NICARAGUA.—It is the objective of the United States to seek mechanisms that will Nicaragua, a close Central American friend and ally of the United States, to send at least 6,000 metric tons of peanuts into the United States, at in-quota tariff rates, on an annual basis. An increase in Nicaraguan peanut exports to the United States will help strengthen and stabilize the Nicaraguan economy and democracy, as well as help protect the nearly 40,000 rural workers and their families in Nicaragua that have come to depend upon peanut farming for their livelihoods.

SA 3548. Mr. BYRD proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end, add the following:

"Notwithstanding any other provision of this Act, no direct appropriation may be made under this act."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Thursday, May 23, 2002. The purpose of this hearing will be to discuss disaster assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 23, 2002, at 9:30 a.m., in SH-216. The purpose of the hearing is to receive testimony on S.J. Res. 34, the President's recommendation of the Yucca Mountain site for development of a repository, and the objections of the Governor of Nevada to the President's recommendation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 23, 2002, at 2:15, to hold a business meeting.

Agenda

The Committee will consider and vote on the following agenda items:

Treaties

1. Treaty Doc. 106-37. Two optional protocols to the Convention on the Rights of the Child, both of which were adopted at New York, May 25, 2000: (1) the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict; and (2) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, signed on July 5, 2000.

Legislation

2. S. 2487. A bill to provide for global pathogen surveillance and response.

3. S. Res. 182. A resolution expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty, with amendments.

4. S. Res. 252. A resolution expressing the sense of the Senate regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership and the Dalai Lama or his representatives, with an amendment in the nature of a substitute.

5. S. Res. 263. A resolution congratulating the Republic of Croatia on the 10th anniversary of its recognition by the United States.

6. S. Con. Res. 109. A concurrent resolution commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor, and for other purposes, with amendments.

Nominations

7. Mr. David A. Gross, of Maryland, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic and Business Affairs and U.S. Coordinator for International Communications and Information Policy.

8. Dr. Jack C. Chow, of Pennsylvania, for the rank of Ambassador during his tenure of service as Special Representative of the Secretary of State for HIV/AIDS.

Additional nominees may be announced.

Foreign Service Officer Promotion List

9. Mr. Gary V. Kinney, et. al., dated March 20, 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 23, 2002, at 2:30 p.m., to hold a hearing entitled "Voting Representation in Congress for Citizens of the District of Columbia."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "America's Schools: Providing Equal Opportunity or Still Separate and Unequal?" during the session of the Senate on Thursday, May 23, 2002, at 9:30 a.m., in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 23, 2002, at 9:30 a.m., in SD-226.

Agenda

I. Nominations

D. Brooks Smith to be a U.S. Circuit Court Judge for the 3rd Circuit.

To be U.S. Marshal: David Williams Thomas for the District of Delaware; Thomas M. Fitzgerald for the Western District of Pennsylvania; and G. Wayne Pike for the Eastern District of Virginia.

II. Bills

S. 1868, National Child Protection Improvement Act [Biden/Thurmond].

S. 1956, The Safe Explosives Act [Kohl/Hatch/Schumer/Cantwell].

S. 1989, The National Cyber Security Defense Team Authorization Act [Schumer/Edwards].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President. I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Thursday, May 23, 2002, in Dirksen Room 26 at 2 p.m.

Witness List

Panel I: The Honorable John Warner; the Honorable Arlen Specter; the Honorable Kit Bond; the Honorable Rick Santorum; the Honorable Richard Durbin; the Honorable Tim Hutchinson; the Honorable Blanche Lincoln; the Honorable Peter Fitzgerald; the Honorable George Allen; the Honorable Jean Carnahan; the Honorable James Moran; the Honorable Robert Scott; the Honorable Robert Brady; and the Honorable William Lacy Clay.

Panel II: Lavenski R. Smith to the U.S. Court of Appeals for the Eighth Circuit.

Panel III: Henry E. Autrey to be U.S. District Court Judge for the Eastern District of Missouri; Richard E. Dorr to be U.S. District Court Judge for the Western District of Missouri; Henry E. Hudson to be U.S. District Court Judge for the Eastern District of Virginia; Amy J. St. Eve to be U.S. District Court Judge for the Northern District of Illinois; and Timothy J. Savage to be U.S. District Court Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, May 23, 2002, from 9:30 a.m.-12 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 23, 2002, at 10 a.m., to conduct an oversight hearing on "Bank and Financial Holding Company Engagement in Real Estate Brokerage and Property Management."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that David Bowen and David Dorsey be granted floor privileges during the consideration of the bioterrorism bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Deborah Wolf, a fellow in Senator REED's office, be granted floor privileges during the consideration of H.R. 3448, the Bioterrorism Preparedness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST— S. 281

Mr. REID. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee be discharged from further consideration of S. 281, and the Senate then proceed to its consideration; that the Bingaman-Hagel amendment be considered and agreed to, the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, there is an objection on the Republican side. Therefore, I object on their behalf. I want to state for the RECORD that the Democrats were ready to proceed with this measure and clear it for consideration by the House.

The PRESIDING OFFICER. Objection is heard.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of the adjournment resolution; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 118) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The concurrent resolution (S. Con. Res. 118) was agreed to, as follows:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on any day from Thursday, May 23, 2002, through Saturday, May 25, 2002, or from Tuesday, May 28, 2002, through Friday, May 31, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, June 3, 2002, or Tuesday, June 4, 2002, or until such other time on either of those days as may be specified in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 23, 2002, through Saturday, May 25, 2002, or on any legislative day from Tuesday, May 28, 2002, through Friday, May 31, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, June 4, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Ohio, Mr. VOINOVICH, as a member of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 107th Congress, to be held in Sofia, Bulgaria, May 24–28, 2002.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Executive session to consider the following Calendar Nos. 833 through 836, and the military nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements thereon appear in the RECORD as though given, and the Senate return to legislative session, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Thomas S. Bailey, Jr., 9051

NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Thomas L. Andrews, III, 5931

ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Michael A. Dunn, 8908
Col. Eric B. Schoomaker, 8284

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Alan D. Bell, 4514
Brigadier General James A. Cheatham, 4975
Brigadier General Charles E. Gorton, 6077
Brigadier General Robert L. Heine, 0778
Brigadier General Lawrence J. Johnson, 8824
Brigadier General David E. Kratzer, 9689
Brigadier General Dennis J. Laich, 2608
Brigadier General Collis N. Phillips, 1258

To be brigadier general

Colonel Steven R. Abt, 2197
Colonel Rita M. Broadway, 0473
Colonel Michael J. Diamond, 8630
Colonel James P. Eggleton, 1830
Colonel Rosemary R. Loper, 7572
Colonel John Y. H. Ma, 4469
Colonel Matthew C. Matia, 3950
Colonel Michael W. Means, 0221
Colonel James E. Payne, III, 1273
Colonel Robert A. Pollmann, 9222
Colonel James W. Rafferty, 9483
Colonel James F. Reynolds, 3816

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN1715 Air Force nomination of Donald W. Pitts, which was received by the Senate and appeared in the Congressional Record of May 2, 2002.

ARMY

PN1280 Army nominations (30) beginning Garry F. Atkins, and ending Daryl L. Spencer, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2001.

PN1530 Army nominations (13) beginning Michael T. Bradfield, and ending Richard R. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2002.

PN1704 Army nominations (2) beginning Shain Bobbitt, and ending Barbara Lockbaum, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1735 Army nomination of Christian E. DeGraff, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1736 Army nomination of Ches H. Garner, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1737 Army nomination of David S. Oeschger, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1752 Army nominations (7) beginning Mark C. Dugger, and ending James E. Mountain, Jr., which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

FOREIGN SERVICE

PN1543 Foreign Service nominations (5) beginning Stephan Wasylko, and ending Charles Kestenbaum, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1544 Foreign Service nominations (7) beginning Suzanne K. Hale, and ending Maurice W. House, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1545 Foreign Service nominations (152) beginning Gary V. Kinney, and ending James E. Stephenson, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002.

MARINE CORPS

PN1705 Marine Corps nomination of Michael J. Colburn, which was received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1706 Marine Corps nomination of William P. McClane, which was received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1707 Marine Corps nominations (51) beginning Neil G. Anderson, and ending Wesley L. Woolf, Jr, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1708 Marine Corps nominations (154) beginning John F. Ahern, and ending Larry E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1716 Marine Corps nomination of Wade V. Deliberto, which was received by the Senate and appeared in the Congressional Record of May 2, 2002.

PN1738 Marine Corps nominations (2) beginning John J. Jackson, and ending Richard L. West, which nominations were received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1739 Marine Corps nomination of Mark D. Tobin, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1741 Marine Corps nomination of Robert T. Maxey, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1742 Marine Corps nomination of Charles G. Grow, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1753 Marine Corps nominations (4) beginning David L. Comfort, and ending Patrick K. Wyman, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1754 Marine Corps nominations (4) beginning Joseph R. Boehm, and ending Gabriel J. Torres, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1755 Marine Corps nominations (4) beginning Michael P. Danhires, and ending Charles E. Parham, Jr., which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1756 Marine Corps nominations (4) beginning Anthony M. Brooker, and ending Jesse McRae, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1757 Marine Corps nominations (2) beginning Stefan Grabas, and ending Charles L. Thrift, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1758 Marine Corps nominations (2) beginning Alonzo H. Mays, and ending John D. Paulin, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1759 Marine Corps nominations (2) beginning Jody D. Paulson, and ending Ellen P. Tippett, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1760 Marine Corps nominations (2) beginning Deborah A. Pereira, and ending Joyce V. Woods, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

NAVY

PN1709 Navy nomination of James. E. Russell, which was received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1710 Navy nomination of Lydia R. Robertson, which was received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1717 Navy nomination of Marc J. Glorioso, which was received by the Senate and appeared in the Congressional Record of May 2, 2002.

PN1718 Navy nominations (13) beginning Jack S. Pierce, and ending Thomas B. Webber, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2002.

PN1761 Navy nomination of Gregory K. Copeland, which was received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1762 Navy nomination of Stephen G. Krawczyk, which was received by the Senate and appeared in the Congressional Record of May 13, 2002.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

COMMEMORATING INDEPENDENCE OF EAST TIMOR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 401, S. Con. Res. 109.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 109) commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with an amendment, an amendment to the preamble, and an amendment to the title, as follows:

[Omit the parts in black brackets, and insert the parts printed in italic.]

S. CON. RES. 109

[Whereas on May 20, 2002, East Timor will become the first new country of the millennium;

[Whereas the perseverance and strength of the East Timorese people in the face of daunting challenges has inspired the people of the United States and around the world;

[Whereas in 1974 Portugal acknowledged the right of its colonies, including East Timor, to self-determination, including independence;

[Whereas East Timor has been under United Nations administration since October, 1999, during which time international peace-keeping forces, supplemented by forces of the United States Group for East Timor (USGET), have worked to stabilize East Timor and provide for its national security;

[Whereas the people of East Timor exercised their long-sought right of self-determination on August 30, 1999, when 98.6 percent of the eligible population voted, and 78.5 percent chose independence, in a United Nations-administered popular consultation, despite systematic terror and intimidation;

[Whereas a constitution for East Timor was adopted in March, 2002;

[Whereas East Timor is emerging from more than 400 years of colonization-and occupation;

[Whereas the East Timorese people again demonstrated their strong commitment to democracy when 91.3 percent of eligible voters peacefully participated in East Timor's first democratic, multiparty election for a Constituent Assembly on August 30, 2001, and when 86.3 percent of those eligible participated in the first presidential election on April 14, 2002, electing Xanana Gusamo as their first President;

[Whereas, as the people of East Timor move proudly toward independence, many still struggle to recover from the scars of the military occupation and 1999 anti-independence violence that resulted in displacement which, according to United Nations and other independent reports, exceed 500,000 in number, and widespread death, rape and other mistreatment of women, family separation, large refugee populations, and the destruction of 70 percent of the country's infrastructure;

[Whereas efforts are ongoing by East Timorese officials and others to seek justice for the crimes against humanity and war crimes that have been perpetrated in recent years, efforts that include the work of the Serious Crimes Investigation Unit of the United Nations and the East Timorese Commission for Reception, Truth, and Reconciliation to document and assess responsibility;

[Whereas Indonesian National Human Rights Commission and United Nations Security Council recommendations to investigate and prosecute senior Indonesian military and civilian officials for their roles in promoting the 1999 anti-independence violence in East Timor have not yet been fully implemented;

[Whereas, although the people of East Timor are working toward a plan for vigorous economic growth and development, the Government of East Timor will face a substantial shortfall in its recurrent and development budgets over the first 3 years of independence, and is seeking to fill the gap entirely with grants from donor countries; and

[Whereas a large percentage of the population of East Timor lives below the poverty line, with inadequate access to health care and education, the unemployment rate is estimated at 80 percent, and the life expectancy is only 57 years: Now, therefore, be it]

Whereas on May 20, 2002, East Timor became the first new country of the millennium;

Whereas the perseverance and strength of the East Timorese people in the face of daunting challenges has inspired the people of the United States and around the world;

Whereas in 1974 Portugal acknowledged the right of its colonies, including East Timor, to self-determination, including independence;

Whereas East Timor was under United Nations administration from October 1999 through May 19, 2002, during which time international peace-keeping forces, supplemented by forces of the United States Group for East Timor (USGET), have worked to stabilize East Timor and provide for its national security;

Whereas the people of East Timor exercised their long-sought right of self-determination on August 30, 1999, when 98.6 percent of the eligible population voted, and 78.5 percent chose independence, in a United Nations-administered popular consultation, despite systematic terror and intimidation;

Whereas a constitution for East Timor was adopted in March, 2002;

Whereas East Timor is emerging from more than 400 years of colonization and occupation;

Whereas the East Timorese people again demonstrated their strong commitment to democracy when 91.3 percent of eligible voters peacefully participated in East Timor's first democratic, multiparty election for a Constituent Assembly on August 30, 2001, and when 86.3 percent of those eligible participated in the first presidential election on April 14, 2002, electing Xanana Gusamo as their first President;

Whereas, as the people of East Timor move proudly toward independence, many still struggle to recover from the scars of the military occupation and 1999 anti-independence violence that resulted in displacement which, according to United Nations and other independent reports, exceed 500,000 in number, and widespread death, rape and other mistreatment of women, family separation, large refugee populations, and the destruction of 70 percent of the country's infrastructure;

Whereas efforts are ongoing by East Timorese officials and others to seek justice for the crimes against humanity and war crimes that have *been perpetrated in recent years, efforts that include the work of the Serious Crimes Investigation Unit of the United Nations and the East Timorese Commission for Reception, Truth, and Reconciliation to document and assess responsibility;*

Whereas Indonesian National Human Rights Commission and United Nations Security Council recommendations to investigate and prosecute senior Indonesian military and civilian officials for their roles in promoting the 1999 anti-independence violence in East Timor have not yet been fully implemented;

Whereas, although the people of East Timor are working toward a plan for vigorous economic growth and development, the Government of East Timor will face a substantial shortfall in its recurrent and development budgets over the first 3 years of independence, and is seeking to fill the gap entirely with grants from donor countries; and

Whereas a large percentage of the population of East Timor lives below the poverty line, with inadequate access to health care and education, the unemployment rate is estimated at 80 percent, and the life expectancy is only 57 years: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

[That (a) Congress—

[(1) congratulates and honors the courageous people of East Timor and their leaders;

[(2) welcomes East Timor into the community of nations as a sovereign state and looks forward to working with East Timor as an equal partner;

[(3) supports United Nations and other multilateral efforts to support reconstruction and development in East Timor, and United Nations and other multilateral peacekeeping forces to safeguard East Timor's security, including continuing the periodic visits by United States military forces;

[(4) remains committed to working toward a debt-free start to East Timor and just, sustainable, and secure development programs as well as adequate resources for the judicial system for East Timor for the foreseeable future beyond independence;

[(5) expresses continued concern over deplorable humanitarian conditions and an environment of intimidation among the East Timorese refugees living in West Timor;

[(6) strongly supports the prompt, safe, and voluntary repatriation and reintegration of East Timorese refugees, in particular those East Timorese still held in militia-controlled refugee camps in West Timor, especially children separated from their parents through coercion or force;

[(7) expresses a commitment to maintaining appropriate restrictions and prohibitions in law on military assistance, training, relations, and technical support to the Indonesian Armed Forces; and

[(8) acknowledges that a United Nations International Commission of Inquiry found in January 2000 that justice is "fundamental for the future social and political stability of East Timor", and remains deeply concerned about the lack of justice in the region.

[(b) It is the sense of Congress that the President should—

[(1) immediately extend to East Timor the diplomatic relations afforded to other sovereign nations, including the establishment of an embassy in East Timor;

[(2) maintain a robust level of United States assistance for East Timor commensurate with the challenges this new nation faces after independence;

[(3) work to fund in a generous and responsible way East Timor's financing gap in its recurrent and development budgets, and coordinate with other donors to ensure the budget gap is addressed;

[(4) focus bilateral assistance on the areas of employment creation, job training, rural reconstruction, micro-enterprise, environmental protection, health care, education, refugee resettlement, reconciliation and conflict resolution, and strengthening the role of women in society;

[(5) strongly urge the Government of Indonesia to step up efforts to disarm and disband all militia, hold them accountable to the rule of law, ensure stability along the border, and promptly reunite East Timorese children separated from their parents through coercion or force; and

[(6) review thoroughly information from the East Timorese Commission for Reception, Truth, and Reconciliation, and use all diplomatic resources at the disposal of the President to ensure that—

[(A) those officials responsible for crimes against humanity and war crimes against the East Timorese people are held accountable; and

[(B) the Government of Indonesia fully cooperates with the East Timorese judicial system.]

That (a) Congress—

(1) congratulates and honors the courageous people of East Timor and their leaders;

(2) welcomes East Timor into the community of nations as a sovereign state and looks forward to working with East Timor as an equal partner;

(3) supports United Nations and other multilateral efforts to support reconstruction and development in East Timor, and United Nations and other multilateral peacekeeping forces to safeguard East Timor's security, including continuing the periodic visits by United States military forces;

(4) remains committed to working toward a debt-free start to East Timor and just, sustainable, and secure development programs as well as adequate resources for the judicial system for East Timor for the foreseeable future beyond independence;

(5) expresses continued concern over deplorable humanitarian conditions and an environment of intimidation among the East Timorese refugees living in West Timor;

(6) strongly supports the prompt, safe, and voluntary repatriation and reintegration of East Timorese refugees, in particular those East Timorese still held in militia-controlled refugee camps in West Timor, especially children separated from their parents through coercion or force; and

(7) acknowledges that a United Nations International Commission of Inquiry found in January 2000 that justice is "fundamental for the future social and political stability of East Timor", and remains deeply concerned about the need to address those findings.

(b) It is the sense of Congress that the President should—

(1) maintain an appropriate level of United States assistance for East Timor commensurate with the challenges this new nation faces after independence;

(2) work to fund in a generous and responsible way East Timor's financing gap in its recurrent and development budgets, and coordinate with other donors to ensure the budget gap is addressed;

(3) focus bilateral assistance on the areas of employment creation, job training, rural reconstruction, micro-enterprise, environmental protection, health care, education, refugee resettlement, reconciliation and conflict resolution, and strengthening the role of women in society;

(4) strongly urge the Government of Indonesia to step up efforts to disarm and disband all militia, hold them accountable to the rule of law, ensure stability along the border, and promptly reunite East Timorese children separated from their parents through coercion or force; and

(5) review thoroughly information from the East Timorese Commission for Reception, Truth, and Reconciliation, and use all diplomatic resources at the disposal of the President to ensure that—

(A) those officials responsible for crimes against humanity and war crimes against the East Timorese people are held accountable; and

(B) the Government of Indonesia fully cooperates with the East Timorese judicial system.

Amend the title so as to read: "Concurrent resolution commemorating the independence of East Timor, and for other purposes.".

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment be agreed to; that the concurrent resolution, as amended, be agreed to; that the amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; that the amendment to the title be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The concurrent resolution (S. Con. Res. 109), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The amendment to the title was agreed to.

EXPRESSING SENSE OF SENATE CONCERNING 2002 WORLD CUP

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 400, S. Res. 274.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 274) expressing the sense of the Senate concerning the 2002 World Cup and co-hosts Republic of Korea and Japan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 274) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 274

Whereas the United States maintains vitally important alliances with Japan and the Republic of Korea;

Whereas the Republic of Korea and Japan will co-host the 2002 Federation International Football Association (FIFA) World Cup Korea/Japan;

Whereas the 2002 FIFA World Cup will be the first World Cup to be co-hosted by two nations;

Whereas the 2002 FIFA World Cup Korea/Japan will be the first FIFA World Cup to be held in Asia;

Whereas for 72 years, the World Cup has symbolized the assemblage of nations to celebrate fair-play, sportsmanship, and diversity of cultures;

Whereas 32 nations, including the United States, have qualified to compete from May 31 through June 30 of 2002, and will send an estimated 1,500 coaches and athletes to the Republic of Korea and Japan, making this year's World Cup the largest heretofore;

Whereas Japan and the Republic of Korea have invested significant resources to host a successful World Cup; and

Whereas the co-hosting of this international sporting event measures cooperation and contributes to peace and stability in Northeast Asia: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates and values the relationship between the United States and the Republic of Korea and the United States and Japan;

(2) commends 2002 FIFA World Cup organizers from Japan and the Republic of Korea for the significant preparations they have made for a successful World Cup; and

(3) recognizes and applauds the cooperation between the President of the Republic of Korea, Kim Dae-jung, and the Prime Minister of Japan, Junichiro Koizumi, in the hosting of the largest World Cup competition in the history of the sport.

RECOGNITION OF SACRIFICE AND DEDICATION OF ARMED FORCES AND CIVILIAN NATIONAL SECURITY AGENCIES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 278, which was submitted earlier today by Senators LOTT and HELMS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 278) calling upon all Americans to recognize on this Memorial Day, 2002, the sacrifice and dedication of our Armed Forces and civilian national security agencies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 278) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 278

Whereas, in Afghanistan and elsewhere, members of our Armed Forces and civilian national security agencies are today fighting and dying to keep Americans safe and free from terrorist attacks;

Whereas, the American defenders of democracy who have given their lives in Afghanistan and elsewhere, joined in eternal life those who were murdered by terrorists in New York, Pennsylvania, and Virginia on September 11, 2001, on the USS COLE, at the Khobar Towers, at the American Embassies in Nairobi and Dar es Salaam, and in other unprovoked sneak attacks;

Whereas it is fitting and essential on this Memorial Day, 2002, to remember the sacrifices made by these defenders who now lie in hallowed ground throughout the world;

Whereas, living under the threat of further terrorist attacks on this day, Americans everywhere are called upon to realize that the members of our Armed Forces and civilian national security agencies live with this threat every day that they serve and answer the call to duty;

Whereas, like all important conflicts, the war against terrorism is prosecuted daily in small engagements by courageous volunteers, far from home, against a deadly and elusive enemy;

Whereas the members of our Armed Forces and civilian national security agencies have displayed capability, determination, and valor that has shocked and surprised America's terrorist enemies; and

Whereas the continuing success of our forces has resulted in the steady, inexorable eradication of terrorists whose inveterate hostility to our liberty and way of life continues unabated: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Americans everywhere should, on Memorial Day, 2002, observe a National Moment of Remembrance at 3 p.m. local time and raise a hand in salute to those members of our Armed Forces and civilian national security agencies, near and far, who have answered the call of duty and willingly placed themselves in harm's way on our behalf; and

(2) this should be done as an expression of the respect, pride, and admiration felt by every American and by every person liberated through the courageous sacrifice and valiant toil of the forces of the United States and its allies in this noble struggle.

JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 279 submitted earlier today by the majority and Republican leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 279) to modify the funding of the Jacob K. Javits Senate Fellowship Program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 279) was agreed to, as follows:

S. RES. 279

Resolved,

SECTION 1. MODIFICATION TO FUNDING OF JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM.

Section 5 of the Jacob K. Javits Senate Fellowship Program Resolution (Senate Resolution 193, 106th Congress, agreed to September 30, 1999), is amended by striking "$250,000" and inserting "$350,000".

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 356, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 356) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 356) was agreed to.

ORDERS FOR MONDAY, JUNE 3, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of S. Con. Res. 118 until 1 p.m., Monday, June 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business until 2 p.m., with the Senators permitted to speak for up to 10 minutes each; further, at 2 p.m. the Senate proceed under the previous consent; further, that if the House fails to adopt S. Con. Res. 118, the Senate convene Monday, May 27, at 10 a.m. for a pro forma session only and then adjourn until Thursday, May 30, at 10 a.m. for a pro forma session only and then adjourn until Monday, June 3, at 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

A JOB WELL DONE

Mr. REID. Mr. President, the Senate has been able to accomplish a great deal this week. The two managers of the trade bill worked very hard. This has been a complicated bill with very technical issues.

The Presiding Officer, of course, is a member of the Finance Committee and has better knowledge of that than most of us, but for most Members of the Senate this is a difficult issue because it does deal with matters under the exclusive jurisdiction of the Finance Committee. In spite of that, we were able to move through this quite well. There were some procedural problems that we always have postcloture, but I think we were able to do a good job.

While the Presiding Officer is in the Chamber, I express the appreciation of the entire Senate for the work that he does that goes unnoticed and is so important. The Presiding Officer is chairman of the Intelligence Committee. Again, there are a very select number of people who serve on that very small committee. Most of the work that is done is in total secrecy. There is not a lot of press around. Evidence is being taken and testimony is being given.

So we rely on you very heavily, and on the Intelligence Committee. One member of the Intelligence Committee tonight indicated to me he was traveling to South America for obvious reasons. There are a lot of problems in South America in which members of the Intelligence Committee are involved. While many members are entitled to the same information that the chairman of the committee gets all the time, we don't do that. That is not within our scope of duties. So we have to depend on the chairman. It is a rare occasion when we get a briefing from the intelligence community. It does happen. But for the Presiding Officer, it happens all the time, every day.

For example, I tried—because we had matters going on here on the Senate floor yesterday on an important issue—to get ahold of a member of the Intelligence Committee and could not do that because once in the committee you do not take your telephones, your beepers, your blackberries. You take none of that. You are away from your staff, except those members of the Intelligence Committee, and you are out of touch with what is going on here.

On behalf of the entire Senate, I appreciate the inordinate amount of time spent on these matters for these people of Nevada, the people of Florida and the whole country. I want that appreciation spread over the country.

PROGRAM

Mr. REID. There will be no rollcall votes on Monday. When we return, we hope to begin consideration of the supplemental appropriations bill.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JUNE 3, 2002

Mr. REID. I ask unanimous consent that the Senate stand in adjournment, as there is no further business to come before the Senate, under the provisions of S. Con. Res. 118.

There being no objection, the Senate, at 10:01 p.m., adjourned until Monday, June 3, 2002, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2002:

SECURITIES INVESTOR PROTECTION CORPORATION

ARMANDO J. BUCELO, JR., OF FLORIDA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2002, VICE DEBORAH DUDLEY BRANSON, TERM EXPIRED.

ARMANDO J. BUCELO, JR., OF FLORIDA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2005. (REAPPOINTMENT)

FEDERAL HOUSING FINANCE BOARD

DIANA E. FURCHTGOTT-ROTH, OF MARYLAND, TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2004, VICE J. TIMOTHY O'NEIL, TERM EXPIRED.

SECURITIES AND EXCHANGE COMMISSION

HARVEY JEROME GOLDSCHMID, OF NEW YORK, TO BE MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2004, VICE NORMAN S. JOHNSON, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

PETER SCHAUMBER, OF THE DISTRICT OF COLUMBIA, TO BE MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2005, VICE JOSEPH ROBERT BRAME, III, TERM EXPIRED.

DEPARTMENT OF JUSTICE

RANDALL DEAN ANDERSON, OF UTAH, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT)

MIRIAM F. MIQUELON, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ILLINOIS, VICE WALTER CHARLES GRACE, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EDWARD SORIANO, 3068

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES C. CAMPBELL, 6999

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID D. MCKIERNAN, 8864

CONFIRMATIONS

Executive nominations confirmed by the Senate May 23, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS S. BAILEY, JR.
COL. RUSSELL J. KILPATRICK
COL. DAVID G. YOUNG III

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. THOMAS L. ANDREWS III

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL A. DUNN
COL. ERIC B. SCHOOMAKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ALAN D. BELL
BRIGADIER GENERAL JAMES A. CHEATHAM
BRIGADIER GENERAL CHARLES E. GORTON
BRIGADIER GENERAL ROBERT L. HEINE
BRIGADIER GENERAL LAWRENCE J. JOHNSON
BRIGADIER GENERAL DAVID E. KRATZER
BRIGADIER GENERAL DENNIS J. LAICH
BRIGADIER GENERAL COLLIS N. PHILLIPS

To be brigadier general

COLONEL STEVEN R. ABT
COLONEL RITA M. BROADWAY
COLONEL MICHAEL J. DIAMOND
COLONEL JAMES P. EGGLETON
COLONEL ROSEMARY R. LOPER
COLONEL JOHN Y. H. MA
COLONEL MATTHEW C. MATIA
COLONEL MICHAEL W. MEANS
COLONEL JAMES E. PAYNE III
COLONEL ROBERT A. POLLMANN
COLONEL JAMES W. RAFFERTY
COLONEL JAMES F. REYNOLDS
COLONEL THOMAS D. ROBINSON
COLONEL JOSE M. ROSADO
COLONEL DEAN G. SIENKO
COLONEL JAMES L. SNYDER

AIR FORCE NOMINATION OF DONALD W. PITTS.

RMY NOMINATIONS BEGINNING GARRY F ATKINS AND ENDING DARYL L SPENCER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2001.

ARMY NOMINATIONS BEGINNING MICHAEL T BRADFIELD AND ENDING RICHARD R YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2002.

ARMY NOMINATIONS BEGINNING SHAIN BOBBITT AND ENDING BARBARA LOCKBAUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2002.

ARMY NOMINATION OF CHRISTIAN E. DEGRAFF.

ARMY NOMINATION OF CHES H. GARNER.

ARMY NOMINATION OF DAVID S. OESCHGER.

ARMY NOMINATIONS BEGINNING MARK C. DUGGER AND ENDING JAMES E. MOUNTAIN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATION OF MICHAEL J. COLBURN.

MARINE CORPS NOMINATION OF WILLIAM P. MCCLANE.

MARINE CORPS NOMINATIONS BEGINNING NEIL G ANDERSON AND ENDING WESLEY L WOOLF, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2002.

MARINE CORPS NOMINATIONS BEGINNING JOHN F AHERN AND ENDING LARRY E ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2002.

MARINE CORPS NOMINATION OF WADE V. DELIBERTO.

MARINE CORPS NOMINATIONS BEGINNING JOHN J. JACKSON AND ENDING RICHARD L. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 8, 2002.

MARINE CORPS NOMINATION OF MARK D. TOBIN.

MARINE CORPS NOMINATION OF ROBERT T. MAXEY.

MARINE CORPS NOMINATION OF CHARLES G. GROW.

MARINE CORPS NOMINATIONS BEGINNING DAVID L. COMFORT AND ENDING PATRICK K. WYMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING JOSEPH R. BOEHM AND ENDING GABRIEL J. TORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING MICHAEL P. DANHIRES AND ENDING CHARLES E. PARHAM, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING ANTHONY M. BROOKER AND ENDING JESSE MCRAE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING STEFAN GRABAS AND ENDING CHARLES L. THRIFT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING ALONZO H. MAYS AND ENDING JOHN D. PAULIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING JODY D. PAULSON AND ENDING ELLEN P. TIPPETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING DEBORAH A. PEREIRA AND ENDING JOYCE V. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

NAVY NOMINATION OF JAMES E. RUSSELL.

NAVY NOMINATION OF LYDIA R. ROBERTSON.

NAVY NOMINATION OF MARC J. GLORIOSO.

NAVY NOMINATIONS BEGINNING JACK S PIERCE AND ENDING THOMAS B WEBBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2002.

NAVY NOMINATION OF GREGORY K. COPELAND.

NAVY NOMINATION OF STEPHEN G. KRAWCZYK.

HOUSE OF REPRESENTATIVES—*Thursday, May 23, 2002*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God without beginning or end, before whom we are all to appear to be judged, be merciful to Your servants today.

As our Nation approaches Memorial Day, fill the hearts of Americans with gratitude for all of those who gave their lives in defense of freedom and to protect this Nation. May our memory of the distant past and more recent events encourage the men and women in military service now.

To memorialize is to bring to consciousness again the names and faces of those who have gone, but are not forgotten, because of their noble lives and ultimate sacrifice. This year we include in our prayer all of those who died in the attacks of September 11 and especially those who, since then, have shed life's blood in the fight against terrorism.

Strengthen with Your loving compassion all of the families still traumatized by their loss. Renew this Nation in an intelligent patriotism which unfurls new dimensions of equal justice and hope for the poor as we wave the flag of freedom before the world, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. SCHIFF) come forward and lead the House in the Pledge of Allegiance.

Mr. SCHIFF led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 4592. An act to name the chapel located in the national cemetery in Los Angeles, California, as the "Bob Hope Veterans Chapel".

H.R. 4608. An act to name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center".

H.R. 4782. An act to extend the authority of the Export-Import Bank until June 14, 2002.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 327. An act to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1644. An act to further the protection and recognition of veterans' memorials, and for other purposes.

The message also announced that pursuant to Public Law 103–227, the Chair, on behalf of the President pro tempore, reappoints the following individuals to the National Skill Standards Board:

Upon the recommendation of the Republican Leader—

Earline N. Ashley, of Mississippi, Representative of Human Resources;

Ronald K. Robinson, of Mississippi, Representative of Labor.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 1 minute at the end of business today.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

The SPEAKER. Pursuant to House Resolution 428 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4775.

□ 1004

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 22, 2002, the bill had been read through page 5, line 5.

The Clerk will read.

MOTION TO RISE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 99, noes 289, not voting 46, as follows:

[Roll No. 197]

AYES—99

Ackerman
Allen
Andrews
Baird
Baldwin
Barrett
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Clayton
Clyburn
Conyers
DeFazio
Delahunt
Dingell
Doggett
Evans
Filner
Ford
Frank
Gephardt
Harman
Hastings (FL)
Hill
Hilliard
Hoeffel
Holt
Honda
Inslee
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kaptur
Kilpatrick
Kind (WI)
Kleczka
Larsen (WA)
Larson (CT)
Lee
Lowey
Lynch
Maloney (NY)
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Miller, George
Mink
Napolitano
Neal
Oberstar
Obey
Olver
Pallone
Pascrell
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Schakowsky
Schiff
Shows
Slaughter
Smith (WA)
Snyder
Solis
Stenholm
Stupak
Tanner
Taylor (MS)
Thurman
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Waxman
Wu

NOES—289

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Bass
Bentsen
Bereuter
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Costello
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
Eshoo
Etheridge
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Payne
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sawyer
Saxton
Schaffer
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Spratt
Stearns
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiberi
Tierney
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (FL)

NOT VOTING—46

Baldacci
Barton
Becerra
Boyd
Brown (FL)
Burton
Clay
Combest
Condit
Cooksey
Cox
Crane
Cummings
Davis (IL)
Deutsch
Ehlers
Ehrlich
Engel
English
Fattah
Gutierrez
Herger
Hinchey
Hinojosa
Isakson
Johnson, E. B.
Leach
Linder
Lipinski
Markey
McKinney
Meek (FL)
Murtha
Nadler
Rothman
Sandlin
Souder
Stark
Thompson (MS)
Tiahrt
Traficant
Watkins (OK)
Watt (NC)
Weldon (PA)
Wynn
Young (AK)

☐ 1027

Messrs. CROWLEY, DOOLITTLE, and ROGERS of Kentucky, Mrs. ROUKEMA, and Messrs. SHAYS, GUTKNECHT, SIMMONS, and RAHALL changed their vote from "aye" to "no."

Mr. INSLEE and Mr. BLUMENAUER changed their vote from "no" to "aye".

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. EHLERS. Mr. Chairman, on rollcall No. 197 I was detained in reaching the House floor, and the vote was closed before I reached the floor. Had I been present, I would have voted "no."

Mr. BOYD. Mr. Chairman, I was unavoidably delayed on rollcall vote 197. Had I been present, I would have voted "no" on rollcall vote 197.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is important for everyone to understand why we are here and what will be happening today.

We are going to be having a not very pleasant day because a lot of us are concerned about the future economic health of the country. As we all know, after the huge deficits of the 1980s, we followed budget policies and economic policies in the 1990s that put us back into, at long last, a surplus condition. We paid off billions of dollars, and it was giving us a chance to strengthen Social Security so that it could withstand the pressures from the retirement of the baby boomers that will begin shortly.

That was all blown away last year by passage of the majority party's tax package that put in place over the next decade a series of additional tax actions largely aimed at the most wealthy taxpayers in the country which will drain the Treasury of untold numbers of billions and billions and billions of dollars.

☐ 1030

And that is draining the Treasury dry. And it is a major reason why today, instead of running the surpluses that we were running for three years, we are now expected to have a deficit that might approach $300 billion this year. And as a result of that, we again are facing a situation where Social Security and Medicare are being put at risk because of the short-sightedness of this body.

Now, the bill before us originally had nothing to do with that issue. It was a simple war supplemental. It was a responsible bill put together by both parties on the Committee on Appropriations, and most of us were willing to enthusiastically vote for it. But it has been changed by the rule adopted yesterday to now become the vehicle under which $750 billion of new national debt will be sneaked in to public law, as this bill goes to the Senate and returns. That was the whole purpose of the rule that was adopted yesterday. That means in essence this bill will become the vehicle by which we raise the limits on the national credit card by $700 billion.

In addition, they throw in some other nonessential items. They did a few favors for a few Members on their hospitals. They made a major change in the trade law that has no business in this bill.

Now, all of us want to go home. We want to go give our Memorial Day speeches, and we would like to leave here at a reasonable time. But we are prepared on this side of the aisle to do whatever has to be done in order to strike out from this bill all of the extraneous provisions, return this bill to the committee-passed vehicle that passed the committee on a bipartisan overwhelming basis.

We want to strip out the gimmicks that will increase the national debt. We want to strip out the other favors and get back to the original bill. If we can find a way to do that, we are happy to procedurally cooperate and finish this bill at a reasonable hour. If we cannot get that kind of agreement, we are willing to stay here all weekend. I do not know about other Members, but I brought a change of clothes and several shirts; and I am willing to use them. I might even be willing to lend one around if someone needs one.

This is not funny business; there is serious stuff. We want to pass what has been described by people on both sides as a simple war supplemental. The bill that was produced by the Republican majority on the Committee on Appropriations is good enough for us. It ought to be good enough for the Republican leadership.

So I ask the majority leadership of this House to do the responsible thing, strip out the gimmicks, strip out the sneaky way of trying to raise the national debt, bring us back to the original core bill so we can go home and do what we want to do on this most holy of weekends.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as usual the gentleman from Wisconsin (Mr. OBEY) and I have agreed on a lot. And one agreement is we are going to stay here until we finish this bill, whatever it takes. And if it takes two or three changes of clothes, we will be here. We are going to finish this bill. You know why? Because this is an emergency defense supplemental at time of war. American soldiers are on the battlefield. American soldiers are dying, unfortunately. A family in West Virginia just two days ago lost a son, lost a husband, lost a father.

America is at war. We are not only fighting on the battlefields, we are fighting terrorist cells, headquarters, groups and organizations, whenever we can find them.

A lot of money that we are providing in this bill for the Army, the Navy, the Air Force, the Marine Corpss and the Coast Guard has already been spent. The Army, for example, has reached into their fourth quarter operational money, and they are using it now to fight the war. So what do they do in the last quarter of the year if we do not move this bill? We are going to move this bill to completion. It may only pass by one vote, but it is going to pass.

If you want to argue about the fact that some of the things that are in this bill do not really relate to the appropriations bill that the gentleman from Wisconsin (Mr. OBEY) said he would support and that I support enthusiastically, I may agree with that. I may agree that there are some things on this bill that should not have been added. But the fact is the majority of this House worked its will, and that is what we are dealing with now.

And so, I think it would be well for us to move this bill quickly so we can prove to the world, friends, and enemies, that we are serious about fighting this war and eliminating the threat of terrorism. We can do that by joining with the President and providing this appropriation to the President of the United States as he prosecutes this war. So let us get to it. If it is going to take all day today, if it is going to take late into the night, if it is going to take all day tomorrow, late tomorrow, if it is going to take Saturday or Sunday or Monday or Tuesday, be my guest. Take whatever time you wish. I am very patient, and I will be here right to the bitter end. But we really ought to let common sense prevail.

Let us move this important wartime defense emergency supplemental bill.

Mr. RANGEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not think we really are that far apart. As the dean of the New York delegation, I cannot thank this House enough for responding to the strike that the terrorists made against our great city and, therefore, our great country. And God knows I do not run from any defense of this great Republic that has meant so much to so many, not only here but the dependency that we have in the free world. We stand united in telling the President of the United States that now, especially during Memorial Day, please depend on the support of the American people as expressed by their representatives in the House of Representatives.

So let that flag fly high today, and let all of us salute it by saying, make no mistake about it. The work of the Committee on Appropriations, the bringing together of the diversity, but coming out ahead is one of the most magnificent feelings of bipartisanship and certainly support of the President of the United States in our collective war against terrorism.

What we are talking about today is why would we jeopardize the fine work of this committee by including provisions that have nothing to do with our patriotism, nothing to do with the war, and nothing to do with our support of the President that has guided us this far. Are we prepared to say that in this bill that is filled with doing the right thing that we can determine which hospitals and which Republican districts should get help? Is a child that is sick in one area more important than another child because of the political persuasion of their Representative? Should we really be dealing in international treaties? Should we really be saying that we are going to provide for increasing the ability of the country to borrow money in this bill?

What we are saying is, and what we are leading with, do not take this as a threat, we are asking you to please consider giving us an opportunity, not just to go home, to go home united with a message saying that we support the President and let terrorists know that we are not Republicans and Democrats in this House. We are Americans and we stand together. And we want that message to go out.

So we are not here to decide treaties. We are not here to decide budgets. We are not here to decide which hospitals we are going to support. We are here as Americans who support this war effort. We are here to support the work that has been done by the Committee on Appropriations, and we just do not think other issues should cloud it.

So we are going to talk today not about anything else except our agreement. And for those people who want to talk about taking this bill and distorting the direction which it should go, let them come to the floor and tell us why their hospitals are more important than this war effort. Let them come to the floor and say why we should not have hearings in the Committee on Ways and Means on the debt ceiling. Let them come to the floor and determine why we have to pay off a Member for a vote on a bill because he has an interest in a trade bill. Let them come to the floor because they are the ones that are stopping us from supporting the President of the United States now.

So when you say "as long as it takes," at the end of the day we are going to end up together because we are patriots together. And nobody that debates the process should be charged with being less American than anyone else on this floor.

Mr. Chairman, I want to thank the chairman of this committee. It has not been just this bill, it has been most bills that he has tried to do the right thing by the Members of the House of Representatives and tried to do the right thing by Americans. But it is the Committee on Rules, long after we are gone that would be the only committee we need in this House, if the leadership can just, whether it is Republican or Democrat, just go to the Committee on Rules and start to legislate. That is a bad road for us to travel, especially at a time when we are at war.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, rarely do I come to the well of the House to address the House, but I wanted to say a few words to my friend, the gentleman from Wisconsin (Mr. OBEY), personally. I think the gentleman knows full well that I dislike that rule vote every bit as much as he does. I am not certain, but perhaps it is the worst vote I have ever made around this place. But when the chairman of my committee, a man of great patience, is providing leadership for my committee, the gentleman knows very well where I will be.

The underlying bill before us today involves a supplemental to fund the war on terrorism. Now, when we are not in the leadership, we find ourselves in interesting circumstances. The leadership has to do certain things to get the work of governing done. If you look at the history of my service in the House, among other things, from time to time I found myself among those who voted for raising the debt limit when the other side of the aisle put us in the position of having to approve debt limit increases or close down the government. I voted from time to time for debt limit increases. I did not like doing that, but sometimes you have got to govern around here.

Now, having said all of that, and separate from our leadership, there is absolutely no doubt that one of the more thrilling moments that I have ever experienced was in this House after the President spoke to us all—the Senate, the House, the entire Cabinet and the Supreme Court were present. He brought us all together after September 11th, reflecting the spirit of America that said we are at war for the first time in a generation, several generations.

□ 1045

Our country, our very way of life is being threatened. We are at war. The President struck a note that was the American people's note. They want us together, not in partisan division.

My colleagues will remember that moment—TOM DASCHLE stepping into the well of the House with the President—When they hugged each other, not just in friendship and respect, but because they were reflecting that American spirit. Our people want us together. This Bill is the mechanism for funding this war on terrorism. We will either play a partisan game all day in where the other side which was leading us in my first 15 years in the House to a multiple, multiple trillion-dollar debt, wants to roll a partisan drum that says, Oh, there's more debt out there as a result of that rule yesterday.

Debt? Give me a break, friends. Everybody around here seems to want to spend money when it is available to spend. But we are at war. This bill is a wartime supplemental, something that most of the Members of this House have never experienced. Most of you have never served at a time of war. I have not. The reality is that this is a time for us to come together, to reflect the American will that says we will be together, we will not be in partisan divide.

We will hear this today. We will see who drags back the work of the House. This supplemental should have been off the floor last week, the week before, if it had not been for silly games. My colleague, the gentleman from Wisconsin (Mr. OBEY), knows full well that is the case. I appreciate his support.

Mr. OBEY. Mr. Chairman, will the gentleman yield, since he has used my name?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin. I am always proud to use his name.

Mr. OBEY. I thank the gentleman. He is my good friend. He is a good Member of the House.

Let me simply say that what the gentleman says about the need to be together on the war is absolutely correct. And we have been. And this committee has been. We were together on the first $40 billion supplemental that passed immediately after September 11. We were together on the additional supplemental funding that we provided at the end of the year which boosted the antiterrorism spending even over the objection of the White House. And we were together on this bill.

Where we are not going to be together is if the majority party leadership insists on making us enablers for economic policy that is going to weaken the economic future of this country, and that is what we are doing by this debt ceiling increase. That is what we are divided on, not the need to support our troops or the war effort.

Mr. LEWIS of California. Let me suggest to my colleague that for the first 18 or so years of my time here I served in the minority. I say this is my eighth year in the House because I did not know what it was like to be in the majority. I must say that you all have learned a lot from the time when we were in the minority. Sometimes that is good. Sometimes that is bad. But the fact is, I did not realize a difference until suddenly a revolution took place here. With that revolution came new responsibility.

This majority is going to pass the bill that funds the war on terrorism, no matter how long it takes.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the war effort. We all rise today in support of the war effort. In fact, as the debate I think has made clear over the last several hours, this issue today is not really about the war effort. The very simple, very clear question that is presented today is whether it is appropriate under the guise of a very necessary, a very important war measure, the supplemental appropriations bill, we should append to that imperative measure another part that would raise the national debt by $750 billion, whether we should append that issue to this moving train, whether that is appropriate for this House.

Today, the House takes a very significant step in raising the Nation's debt by $750 billion. This is no minor matter. This is no trivial resolution without impact. This is our retirement funds. This is our Social Security. This is our future. One might expect that given the gravity of that issue that we would have a full debate and a vote up or down on the decision to raise the debt by three-quarters of a trillion dollars. But that is not what we have here today. What we have is, under the popular cover of a supplemental war effort, a measure hidden in this bill to plunge this country further into debt. This begs one question: Where have all the fiscal conservatives gone? Where have the budget hawks gone that were dedicated to a balanced budget?

I hear from my colleagues in the majority party, they say, Well, our party was the one that balanced the budget to begin with. The argument seems to be, So we will be the party that unbalances the budget. Can it be the policy of the majority party that a balanced budget and eliminating the national debt is really very, very important under one President but not so important under the next? Surely it cannot be the policy of the majority party that under one President, debt is all right and under one President debt is not all right. We should not give this administration, we should not give any administration, a $750 billion blank check to increase the national debt.

We hear from the majority party, Well, it is necessary when you are in the majority to lead. I ask, is this leadership? To take a war supplemental and hide within its contents raising the debt by three-quarters of a trillion, is that leadership? I would think leading the House would mean placing issues squarely before the House, having a full and frank debate on that, and having the courage of the conviction to vote it up or down.

This does not happen because there is a concern about whether a majority would vote to raise the debt. I recognize that concern. And, in fact, we cannot let this country go into default. But there is an alternative. We do not have to raise the debt by three-quarters of a trillion dollars. We could raise the debt in a small amount and require the administration to work with this body to come up with a balanced budget plan, not tomorrow but for the intermediate future, instead of where we are today, which is that we have no balanced budget next year or the year after or the year after that. We have no balanced budget for the next 10 years, and that is simply unacceptable.

But no. Instead, we are going to get cute. We are going to append this debt increase to a very popular measure. And why is this cute? Well, because it puts the minority party in the position of having to vote against the war effort. It is a two-fer. For the majority party, they can say, We didn't vote to raise the debt. And they can say, The minority party doesn't support the war effort.

This country deserves better than cute. It deserves an up-or-down vote and debate on whether this country should be plunged further into debt. Who is going to take the responsibility for raising this debt? Is it this Congress? Are you prepared to take that responsibility? Where were you on the night we mortgaged our children's future? So let us not shift civil service funds into noninterest-bearing accounts. Let us not hide this issue in a wartime supplemental. I urge my colleagues across the aisle to work with us. It does not have to be this way. If we put a war supplemental on the floor today, which we could do, it would pass unanimously. This House would vote unanimously.

And so let us do that. Let us pass this supplemental unanimously. It would be good for this country. Let us raise the debt by a small increment. Let us demand a balanced budget from our administration, and let us work with them to accomplish this. We recognize that you control the House and we do not. We recognize that you can railroad this thing through the House and we cannot stop it. But that is not why you came here to serve. That is not befitting of your fiscal policy, nor ours.

I urge my colleagues on both sides of the aisle to work together and balance this budget.

Mr. MATHESON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, last night when we started the general debate, the chairman of the Committee on Appropriations, who has done an excellent job in bringing this bill out of the committee, described this bill as a "must-pass" bill. I think that really is something that we all agree with. We want to move forward in terms of supporting our war on terrorism. But the fact it is a must-pass bill is because this debt limit increase has been sneaked in. Let us face it, that is why we are here today talking about this issue.

I am a member of the Blue Dog Coalition. The Blue Dogs have been talking about this issue of a request from the administration to raise the debt limit by $750 billion for a number of weeks now. What we have said is, let us not give Congress a blank check. Let us not give that big of a blank check when there is no plan for how we are ever going to get out of this pattern of deficit spending.

I come out of the private sector. I am a freshman Congressman. I used to work in the energy business, and I used to have to finance projects. I would have to go to the bank, and I would have to borrow money. When you borrow money, you have got to give the bank a plan for how you are going to pay it back. That is how it works for all of us, whether you are getting a car loan, a home mortgage, or borrowing for your business. You have got to have a plan. We have no plan. We have a $750 billion request from the administration and no plan for how we are going to get out of this.

I understand that we are running a deficit right now, that we have a war on terrorism and homeland security concerns, that our economy is in recession. I understand that we need to take action. The Blue Dogs as a group have produced legislation calling for a clean vote on a debt ceiling increase, not $750 billion mind you, but a clean vote to provide that increase, to prevent our government from facing any problems where they default on their obligations. But part and parcel with that is the request that we work together, both sides of the aisle and the administration, to come up with a plan, a plan to balance our budget, because that is what people expect us to do. They expect us to come together, work together; and they expect us to take the tough votes. They do not expect us to come and sneak in some legislation in the context of a must-pass bill that we all support the effort to pay for our war on terrorism; they do not expect us to sneak in a debt-limit increase at the last second. That is not why my constituents elected me. I do not think that is why most constituents vote for their Members of Congress.

I am new to this body. I have not been around here for a long time. But I have to say, I am just surprised. I am surprised that we would take something as important as increasing the debt limit and sneak this in in some innocuous language in an emergency wartime supplemental bill. It just does not seem to be appropriate. It does not seem to be right. I call on all of our colleagues to take a step back, to take a commonsense approach here and recognize that we have our job to do today, which is pass an emergency wartime supplemental appropriations bill. Let us stand by the good work that the Committee on Appropriations has produced. That is what we ought to do. We ought to stand by that. It was a bipartisan agreement.

But as far as this debt limit increase, let us have a healthy debate, let us work through the committee process, let us all talk about it. I think we can reach consensus on that as well. Maybe not $750 billion. In fact, I should not say maybe. I would say it would not be $750 billion. But I would suggest that we could work together in that context. This is not the time and this is not the right vehicle to be doing this. That is why we are here, and that is why we are taking so much time here today.

I am really proud of the Blue Dog Coalition and the way they have stood up for this issue, because the notion of increasing debt is something that is going to create increasing tax burdens in the future. I look at my little boy who is 3 years old, and I do not want to force a big tax burden on him. But if we keep running up debt here, he is going to be paying higher taxes because he is going to have to pay the interest on that debt. That is the way we ought to be thinking about things. Let us get away from the short-term political view of looking out at the next election. Let us look at what that next generation is going to be facing in this country. The decisions we make here affect them so much. I think anytime we make public policy decisions, when we look through the eyes of the next generation, we make better decisions.

And so when we look at this debt limit issue, $750 billion, that is a lot of money. We throw numbers around here all the time, but that is a lot of money. I am really concerned about the fact that that is not going to be the end. This issue is not going to go away. This issue is not going to go away as long as we do not come together and show some discipline and come up with a plan and get out of this pattern of deficit spending.

And so I call on my colleagues to work together in that context. I call on my colleagues to give us a clean supplemental appropriations bill to fund this wartime effort as the previous speaker, the gentleman from California (Mr. SCHIFF), had suggested. I think you would get unanimous support if we had that opportunity. That is where we ought to be today. We could finish this today and we could go home.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

It has been said over and over: we all support the war effort. We all support the emergency supplemental appropriation for all the right reasons. We need to get New York City back on its feet to keep the commitment the President made, and we are going to do that. We need to support the war effort both at home and abroad. We need to give our military and our security agencies the support that they need.

There are some aspects of this bill that are disagreeable. Raising the debt ceiling seems to be the most contentious. But is there any doubt that the reason we are raising the debt ceiling was the terrorist attack on our country? Look at what happened to our revenues. Look at what happened to our economy after that event, after that attack. That attack put my State and much of the country into full recession. Revenues sunk. Revenue projections were thrown into disarray. We have to make a short-term adjustment. We have to do the responsible thing.

When I was a member of the minority party for 6 years, I voted to raise the debt ceiling. It was the responsible thing to do.

□ 1100

I did not like it, it was distasteful, but I did it.

Now, it is very easy to be irresponsible in the minority. In the minority you do not have to make the hard decisions. The majority does. We are trying to govern. So we have some difficult things here. They are not easy things to do. But the government has to govern, we have to do our job, and if we do not have enough revenues to run the government, we have to raise the debt ceiling.

Now, our party, in the brief time we have been in the majority, has dramatically reduced our deficits. We have not had to do this before. We have not had to raise the debt ceiling before because we are paying down on the debt. What intervened? In the midst of good governance there was an attack on our country, and the resultant recession and reduction in revenues has hurt us. We need to do this. It is not fun, but it has to be done.

What the debate today is really all about is political advantage. The minority party is blaming us for the recession, they are blaming us for the loss of revenues. I think their blame is misguided. But it is an opportunity for political advantage, so they are trying to take it.

Democratic members of the Committee on Appropriations have taken the unusual step of putting out press releases all around the country attacking Republican members for votes on this bill. Is that about substance? No, Mr. Chairman, it is all about politics. We are in the majority, they want to be in the majority, so they are using this as an opportunity.

The fact remains that we have to govern, we have to make hard decisions, and, when all the political speeches are over, whether it ends tonight or tomorrow or over the weekend or whenever it is, this bill will pass. That is a fact. It will pass. We will have the votes to pass this.

There are a lot of Members here who want to be home for a very patriotic Memorial Day weekend. They want to be home with their families. They want to be home with their kids. But this job is about making sacrifices. We are prepared to make that sacrifice, to stay here through the weekend. But the fact remains, whenever we get to the final vote on this bill, it will pass.

I would submit if political advantage is being attempted, the only story coming out of Washington today or through the weekend is the sad and unfortunate story of Chandra Levy. That is what will dominate the press. It is a sad, sad story, but that is what people will be hearing about from Washington today and into the near future.

Mr. Chairman, this is about substance. This debate is about substance. It is about hard decisions. It is about governance.

So make your speeches, try to take your political advantage, but the fact remains when we finish the debate, whenever that is, we will pass this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, one of the most painful experiences I had as a new Member of Congress was to go home to my district and bury the wartime dead. Early in my career we were engaged in the Bosnia conflict and I lost a bright young man to that war and mourned with the family that loved him. We went to a church on a country road and we sang all that we could sing and we prayed all that we could pray, wishing that we were not there, but realizing that he was a patriot who had died for his country.

Today as I stand here, tears come to my eyes, because as we leave here this weekend, whatever time it may be, we go home to one of the most significant, the most challenging Memorial Day ceremonies that any of us will ever experience, for the Nation in the last year was under attack. How many of us shed tears, not only for ourselves, our families, worrying of their safety, but for our brothers and sisters who lost their lives in the great State of New York, and now we mourn for those who serve us around the world.

What I can say to you on this day is that I stand here not politicizing this issue. I stand here with great and heavy heart. I do acknowledge and I appreciate the appropriators. Mr. Chairman, I thank you for the work you have done. You did put out a wartime supplemental, that no matter how much we might have pained about the resources, we knew it had to be done, and I thank the gentleman for that.

But having been to Afghanistan just a few weeks ago and spending my time with fresh-faced boys and girls, barely older or even younger than my 22-year-old, I know this is not foolishness that we are dealing with today. That is why I had hoped that we could face this down the way it should be faced down, and that we who believe as Americans could come together and take the tomfoolery away. Let us vote up and down a war supplemental, a vote to give resources to the men and women who, as I speak today, are facing danger.

But, you see, Mr. Chairman, I am in the minority, and I have lived as a minority, and I recognize that even though we are being lectured as being irresponsible, we are actually today doing an act of integrity. For when I got elected in 1994, I came to do the people's business of the 18th Congressional District. But because this Democratic Caucus had the courage to take a vote in 1993, they lost majority after 40 years. They did not lose it on politics. They sacrificed the majority by voting to be able to save Social Security. Out of that, we were washed out of this House as the majority. We take our lumps.

But what we are saying today is that even as we face a wartime tragedy, you, the Americans, have asked us to face our responsibility. A picture is worth 1,000 words. Just last year we had a $5 trillion surplus, my friends, to give us the ability to fight terrorism hand-in-hand with the President. But now, because of a Republican tax cut, we are now in a condition where we barely have any money in the bank.

So when we stand here and talk about a $750 billion credit card debit on your account, we are speaking about saving this Nation, about saving Social Security. Those who are on it, like my parents, like my relatives who gathered with me on the graduation of my daughter, 70-plus and older, who have worked all of their lives, who have but Social Security, as we fight the war, we must recognize that Social Security cannot be violated.

What we are saying to this body, to the Republican majority, is to be responsible. If you are going to increase the debt ceiling, let us have an up-or-down vote, a debate, so the American people will know that $750 billion is basically going to wipe us out.

When we begin to talk about Social Security, for those who this morning got up and got on a train to go to work, or maybe they got on a bus, or maybe they walked, or maybe they carpooled, with their trust in America, that there was going to be something in their account, they did not expect today, while we are here, that we would have the ability, because of this tax cut, Mr. Chairman, to raid Social Security $1.8 trillion.

This is not a game, Mr. Chairman, as I close; it is an act of integrity. Clean up the bill and we will vote for it.

The wartime supplemental is for all Americans, don't insult us by suggesting we are unpatriotic—rather we are accepting the lonely responsibility of fighting against this legislation that leaves no money to help our troops, fight terrorism, or save Social Security—that Mr. Speaker, constitutes the work of patriots.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if my colleagues on the other side only spoke about defense and not the political rhetoric, "tax breaks for the rich," have you ever heard that before? "Debt ceiling," which we support. Social Security, "stealing all the Social Security money." The rhetoric is political, and that is why we are here today. If they would do away with that and talk about the bill and the defense of this country, we would come together.

Mr. Chairman, I look at "tax breaks for the rich." My colleagues in the Democrat leadership have never seen a tax that they do not like. They fight against tax relief when it comes, and then they fight to try and justify why they did not vote for tax relief for working families.

In 1993 they controlled the House, the Senate and the White House, and then the majority leader said, "Oh, we are going to have a bill, we are going to have a tax bill that has tax relief for working families and the middle class." What did they end up doing? They increased the tax on the middle class. They increased the tax on Social Security. They stole every dime out of the Social Security trust fund to balance their budget. Was it a balanced budget? No. That budget was $300 billion in deficit, and we were looking at approaching a $5 trillion national debt. We paid $1 billion a day on just the interest on the debt.

So Democrats are not only to blame for that, Republicans are, too. But the rhetoric going on here today, saying, well, Republicans are doing this, that and that, it is just not true. It is intellectually wrong.

Let me go through some things, reasons why we came together in the Committee on Appropriations, that I think is very, very important for us to realize.

The previous administration, I stood on this House floor and said to my colleagues that supported extending going into Somalia that it is going to cost money and it is going to cost lives. You have seen Blackhawk Down. You know why we lost those soldiers, because an administration changed the policy of going after General Adid and reduced the number of troops in Somalia at the same time, making our troops vulnerable. And when our very military asked for help, they were turned down. It cost the Secretary of Defense his job. Was he to blame? No. And what happened? We lost a lot of people.

Haiti could still be there for many more years. Go to Haiti sometime. It is one of the worst places you could ever go. Billions of dollars.

Then you look at the other 127 deployments, peacekeeping deployments, that put us over $250 billion in the hole for defense. There are 14 ships, both Republican and Democrat districts. But there is even more for the national security of this country that cannot go anywhere because we had to take money out of the O&M accounts, operation and maintenance accounts, and we have not been able to fix those ships and bring them up to mission capable. We are going below a 300-ship Navy, which is detrimental to the national security of this country.

The R&D accounts, the SU-27, a Russian-deployed fighter going to many, many different countries. Mr. Chairman, I have flown against Mig AIC, and our pilots died 95 percent of the time in our best airplanes, our F-14s, F-16s, F-18s, because the Russians have developed an AA-10, AA-11 and AA-12 missile. They have a helmet-mounted sight. Our kids died. We have never had that in America.

We are fighting a war overseas, billions of dollars. Billions of dollars going to New York, which I think is justified, to help them recuperate. We are fighting with billions of dollars here in the United States, trying to defend this country. My good friend, the gentleman from Wisconsin (Mr. OBEY), fought brilliantly to actually increase homeland defense.

Do we want to raise the debt ceiling to help our military? Yes. Do we want to go through the political rhetoric of this bill? No.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have only the highest respect for the leadership that we have heard from on the other side of the aisle from the Committee on Appropriations, the gentleman from Florida, the gentleman from New York, the gentleman from California, and I listened carefully to what they were saying.

For example, I agree with much of what the gentleman from New York had to say, but I sincerely believe he is wrong if he thinks that I or some of my colleagues here are seeking to avoid hard choices, for example, on the debt limit. It is not something that I seek to avoid. I am happy to have a debate on this floor on the budget on our fiscal situation dealing with these difficult, difficult choices that I know our friends on the Committee on Appropriations are dealing with on an ongoing basis.

□ 1115

Sadly, what we have here today, however, has little to do with fighting the war on terrorism or dealing with hard fiscal choices. If that were the case, we could have an honest debate and reach resolution quickly. If it were just about funding our war against terrorism, we could have that debate in minutes and have unanimity and be done with it. Sadly, the defense supplemental is only an excuse; it is a label. We are seeing, for instance, that the purpose of the bill and the rule under which it is presented to us is precisely a way to avoid having that debate, to avoid dealing directly and honestly with the debate limitation. But it goes far beyond fiscal policy. It goes far beyond the war on terrorism.

I have one other sad example that concerns me, as we see inserted in the supplemental appropriations bill a provision to grant the Department of Defense an exemption from environmental regulations to deal with responsibility for water consumption that occurs "outside a military installation and beyond the direct authority and control of the Department of Defense Secretary."

The reason this provision is in has nothing to do with fiscal responsibility, has nothing to do with the war against terrorism. It is simply to avoid environmental protection for the San Pedro River in Arizona, one of the richest biological reserves in all of North America that was designated by this Congress after deliberation by a committee of jurisdiction in 1988 as a national riparian conservation area. But this river, this resource is being dewatered as a result of the activities of the Department of Defense operation at the nearby Fort Huachuca.

The amendment in the bill we are debating today means that the fort's action in the future, adding activity, contracting out that will increase water consumption, can occur without any consideration to the extent to which they jeopardize the river, without any consideration of the alternatives. This has nothing to do with fiscal policy. This has nothing to do with the war against terrorism.

In addition to irreparably damaging an ecosystem in Arizona, it is an additional terrible precedent for the way that this House operates. Throughout my tenure in Congress, I have been dedicated to the proposition that the Federal Government should be a better partner with State and local governments, with the private sector, with individuals, to make communities more livable, to lead by example, not lots of rules and regulations and imposition of things that are difficult. Just step up and walk the talk.

But this is sad commentary, Mr. Chairman. The House does not legislate very often. It is hard for people to feel comfortable debating on the hard decisions. But this act does not solve America's problems. Stealth attacks on the environment are not a part of the war against terrorism. Stealth evasion of fiscal policy, the debt limit, and what we should be doing in the future, are not part of the war against terrorism and, most important, Mr. Chairman, having a bizarre provision under this rule that creates false conflicts on this floor are not, are not a part of the war against terrorism. The American people deserve better.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are here at the eve of Memorial Day, and as we approach this weekend and we approach Memorial Day, we think about all of the symbols of the values of this country and all of the battles that have been waged on behalf of those values of democracy, of freedom; all of the sacrifice that has been given to this country on behalf of those values, on behalf of those freedoms. We all recognize our duty, as we have young men and women in harm's way in Afghanistan, in the Philippines, in Colombia, and so many troubled areas of the world where those values of democracy and freedom are not near and dear as they are here. We all understand our obligation to provide the resources to those individuals, to those troops, to those support organizations for those young men and women. That is what this supplemental is supposed to be about, to provide those resources so that there will be an unbroken chain of support on behalf of our troops.

We are all prepared to meet that challenge, as we have so many times in the Congress of the United States. We have met that challenge, along with our citizens, from small towns, from urban centers, from rural areas, because Americans understood what we were supposed to be about, that we were about defending democracy, that we were about defending freedom. They understood it as we engaged in the war on terror to repel the attack that was made on our country. They understood that their sons and daughters would be placed in harm's way. They understood that their neighbors, their friends would be placed in harm's way. But we all also understood America's role in the world.

Yet, we now find, we now find, as we will remember in speeches this weekend, in parades and ceremonies, the courage of these young men and women, the great symbols of the past, the Midways, the Pearl Harbors, the Antietams, the great symbols of this country, the pieces of history of this country, the sacrifice of this country, as we remember that and remember that courage, we will have to think back to today when the House of Representatives and the Republicans in the House decided they would not exhibit that courage. They would not exhibit the courage equal to that of the young men and women who are in harm's way, to those who sacrificed in the past.

The simple courage would be to stand up and cast your vote, to cast your vote, yes or no, to add $750 billion to the debt limit, to cast your vote, yes or no, whether or not we want to invade the Social Security trust funds; to cast your vote, yes or no, whether or not you want to make it more difficult to take care of the baby boomers who are getting ready to retire; to cast your vote, yes or no, whether or not Medicare will be available for them to the extent that it is today. That is what we all said we would do when we ran for Congress.

But today, today courage is failing the Congress, the House of Representatives, the Republican majority. Today, courage seeps out of their body as they try to disguise this vote, to camouflage this vote so that they will not be held accountable for the results. The results are a dramatic addition to the national debt of this country. The results are increasing liability of the Social Security trust fund, the vulnerability of the Social Security trust fund.

It was said by Alexander Hamilton on the explanation of representative government when he answered the question, he said, "Here, sir, the people govern." The people govern. And we govern through them and they govern through us.

What the Democrats are asking for is the opportunity to cast a vote, yes or no, up or down, on the most important issue confronting our economy and our country, and that is the debt of this Nation. My colleagues are not denying GEORGE MILLER a vote. My colleagues are not denying the gentleman from Tennessee (Mr. TANNER) a vote. They are denying the people of Tennessee and the people of California a vote who have strongly held views. That is why we have had great debates in this Congress in the past. That is why we had votes where a one-vote margin raised the taxes or lowered the taxes or got rid of the debt.

Mr. Chairman, we need to have the courage of our convictions. The Republican Party has to have the courage of its convictions. If you believe the debt limit should be raised, if you believe Social Security should be invaded, then have the courage of your convictions to stand up and do it. Our men and women in harm's way have their courage.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is a lot of talk about raising the national debt limit here; and I just want to point out, first of all, that I have in my hand the supplemental bill right here. It has nothing to do with raising the national debt. In fact, if my colleagues want to know what is in the bill, they can simply get the report portion and they can read the highlights on pages 1 and 2; and it outlines very nicely about how we are going to address the needs of our Department of Defense, of our Department of Transportation, Federal Emergency Management Agency, and so on, things that are very necessary at this point in time.

I think it is important that we point that out. It is not in the supplemental bill. Where all of this confusion is coming from from the other side came from the rule. Now, in the rule it says nothing about owing $750 billion or borrowing $750 billion, or robbing Social Security, or any environmental issues about a river in Oregon. What it does say, very simply, on page 3 in the rule, or the report on the rule, it says, section 1403 provides statutory assurance that the United States Government will take all necessary steps to guarantee the full faith and credit of the Government. That is all it says, full faith and credit of the government. That is what this debate has boiled down to when we talk about the national debt.

Now, if we look at full faith and credit, what is the alternative? What would the others propose to do if we avoid the full faith and credit of the United States? Now, some of them have people in their districts, maybe even relatives, that actually have U.S. savings bonds. What if they wanted to go down and cash that U.S. saving bond, but we had no full faith and credit in the United States? What kind of chaos would occur from that? I think it is very important that we have full faith and credit in the United States.

Now, let us just review what happened to come to this phrase. It says full faith and credit of the United States Government. September 11 threw us into a big shock in our economy. We all know that it happened; we cannot deny it. If we listen to the debate that we have had, I think we pretty much agree that we have to do something to ensure our national security and our homeland security. I do not think there is any doubt about that. We may argue about how much we should, but I think the point remains that we want to do something to ensure that our national security and homeland security is safe. But because of September 11, the economy will generate in fiscal year 2002, starting last October and going until next September 30, about $200 billion less in Federal tax revenues. Well, that puts us in a problem. But to address the problem, we have already placed $43 billion in additional funds to address the crisis in fiscal year 2002; $43 billion. We are looking at taking care of more of those needs right now.

But we have heard how our economy was devastated, our Federal revenue was devastated by the tax cut that was passed last year. Well, during fiscal year 2002, there will be $38 billion less in Federal tax revenue because of the tax package that was passed; $38 billion less. Now, where did the numbers of $750 billion come from?

Mr. Chairman, we have been hearing that there is $750 billion that we are going to take out of Social Security; yet there is only $38 billion less because of tax relief. Now, what did the Americans do when they got that money in their pocket? Well, they had a little extra money in their pocket, so they went out and they bought durable goods.

□ 1130

This month, durable goods orders are up. That is a good thing. It is helping our economy get generated. That will increase the amount of Federal revenue through increased tax dollars.

What else did they do? They bought new automobiles. I had an automobile dealer in Wichita, Kansas, which was the community that was hit the worst by the events of September 11. Wichita, Kansas, and the surrounding area, if we take the number of jobs lost because of September 11 versus the total number of jobs in the community, percentagewise, we were hit worse than any community in the Nation. Yet, the Ford dealer, the largest Ford dealer in that area, had a record month at the end of last year because there was a little extra money in people's pockets and they were going out and spending that money, helping generate revenue by increased tax dollars.

So that $38 billion has gone towards new washing machines, towards new automobiles, towards new homes. It has made a significant difference in helping us recover from the events of September 11.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. TIAHRT) has expired.

Mr. OBEY. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas (Mr. TIAHRT) be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. WALSH. Reserving the right to object, Mr. Chairman, I will not object, but I would like to register a complaint.

The dilatory tactics we are seeing today are bad enough playing by the rules. To waive the rules to allow more dilatory tactics is not necessarily a good idea for this body.

Mr. Chairman, I will not object at this time, but if there are further requests for extensions of time beyond the normal rules and I am in this chair, I will object.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Chairman, will the gentleman from Kansas be kind enough to yield?

Mr. TIAHRT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

The gentleman suggested that there was really nothing in this bill which related to the addition of $750 billion to the Nation's debt, and indicated that our problem was with the rule instead of the bill.

The problem is this, if the gentleman would continue to yield: The rule added section 1403 to this bill, and that section has the language to which the gentleman refers on the full faith and credit of the government.

That was not included so that we could send a message to ourselves; that was included because, under the rules of the House, that is what we have to do in order to make possible the addition of that $750 billion by way of a Senate amendment. That means that when the bill comes back here, Members will be voting on this entire supplemental. They will be shielded from having to take the responsibility for that vote.

If the gentleman does not agree with that, he is the only one in the House who does not.

Mr. TIAHRT. Reclaiming my time, Mr. Chairman, the point is that we had a vote on whether this language should have been included when we voted the rule and approved the rule on the floor of the House.

When we approved the rule, we conducted, as our Founding Fathers had hoped, the democratic process in our republic form of government where we approved by a simple majority that this would be part of what we are addressing right now. It was part of the rule. That is where the vote was, so the gentleman had a vote, an up-or-down vote. We had an up-or-down vote on whether this was going to be part of that.

Mr. OBEY. Mr. Chairman, if the gentleman will yield further, we did not have a vote on that.

Would the gentleman grant that under the rule, it is impossible for us to offer an amendment so that we can vote only on that issue? That was wrapped into other issues when the rule was adopted.

Mr. TIAHRT. Reclaiming my time, did the gentleman vote for the rule?

Mr. OBEY. No.

Mr. TIAHRT. There were other issues here. This may have been the driving force, but when most of us make up our decision, we try to weigh the good with the bad. The gentleman apparently chose that this was at least one of the straws on the camel's back that it was too much for him to vote for the rule.

I would suggest that the majority thought this was an important enough issue that we should directly address it by putting it in the rule.

Mr. OBEY. But the gentleman would grant that we did not ever have a vote specifically on that? He would agree with that?

Mr. TIAHRT. I would agree that we did not have a specific vote.

Mr. OBEY. Does the gentleman not think we should?

Mr. TIAHRT. When do we ever have a specific vote on something like that?

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will suspend. The Chair would request that all Members use proper procedures in yielding time back and forth, and that Members address their remarks to the Chair.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are a lot of problems with this bill today, but I would like to focus, Mr. Chairman, on one major provision snuck in there, really, by the Republicans. Of course, that provision that I am talking about deals with the increase in the debt limit.

Now, this seems like a pretty technical and obscure term, but it really does deal with a fundamental issue that affects us all. It is actually pretty simple.

Now, the Republicans inherited a budget surplus which, of course, they squandered last year on their $2 trillion tax cut benefiting primarily the wealthiest people in this country. That is an unfortunate fact, but that is what occurred.

Now, because they have totally overspent their own budget, they must increase the government's debt. This is totally irresponsible and jeopardizes programs important to millions of Americans, programs like Social Security and Medicare, which our seniors and people with disabilities rely on. Every penny we take to increase the government debt must come from the Social Security and Medicare trust funds.

Instead of taking money away from Medicare, we really should be adding to it, including a comprehensive prescription drug benefit. Instead of robbing Social Security, we should be shoring it up to ensure its solvency, so that our children and grandchildren will have these benefits.

Social Security is an essential social insurance program which keeps so many seniors, especially women and low-income individuals, out of poverty. It is unconscionable that the Republicans want to rob Social Security to really pay for this irresponsible tax cut last year.

I also think it is pretty hypocritical to ask for this debt increase. Last year, a bankruptcy bill, a very punitive bankruptcy bill, was rammed through that will hurt many hardworking people who could not pay their debts, often because of unexpected hardships, such as an illness or the loss of a job.

So now I do not believe that congressional Republicans have faced an unexpected hardship. They intentionally passed that $2 trillion tax cut knowing that it would decimate our Federal budget. So now, instead of tightening their belts or repealing that irresponsible tax cut, they are just giving themselves more money. That is basically what this is.

How is it that they can put the screws on ordinary working people who cannot pay their debt, but just simply raid Social Security and Medicare when they cannot pay their own debt?

During debate on the bankruptcy bill last year, I remember very vividly the Republicans stated that those who cannot manage their debts were acting irresponsibly and should live within their means. So I think what we are doing today really is an example of the height of hypocrisy that we have seen in this body: There is one standard for ordinary people and another for congressional Republicans.

I think we all should practice what we preach. Instead of sneaking an increase in the debt into this emergency spending bill today, we should be repealing the reckless tax cut passed last year. We really cannot pass this on, or we should not pass this debt on to our children and our grandchildren. We should not raid the Social Security and Medicare trust funds. We must not also cut essential programs that people rely on, such as housing and education and health care. This bill does much more, and much of that.

So it is time, I think, for us to do the right thing. I urge my colleagues to vote no on this very dangerous debt increase today.

Mr. TOOMEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just felt the need to respond to the level of really demagoguery and intellectual bankruptcy that I have been hearing from my good friends and colleagues on the other side of the aisle this morning and last night. I just feel the need to review some facts that every one of the Members knows have been conveniently left out of this discussion.

I will start with one, which is a simple fact that everyone knows, that if we had not passed any tax cut at all last year, we would still be running a deficit. They know that. They know for a fact that the cost of the war, the cost of rebuilding New York, the cost of increasing homeland security, as well as the cost of spending in other areas, is vastly greater than the revenue that was lost to the Treasury as a result of last year's tax cuts. Members know that.

They also know that, perhaps with the exception of defense spending, where many would still like to cut, not all but many would, that these folks want the Federal Government to spend much more money on non-defense, non-homeland security areas than we do. We just heard the previous speaker talk about inadequate spending in all kinds of other programs.

Members know also that each and every year, at least since I have been here, and that is only 4 years so far, but in each and every year when there has been an appropriation bill on this floor in which we are not in agreement, I cannot remember a single time in which these folks came down here and said, you know, you guys are spending too much. No, it was always the opposite. They have always come down here and said, they are not spending enough.

Mr. OBEY. Mr. Chairman, will the gentleman yield so I can correct his statement?

Mr. TOOMEY. Furthermore, Members know that if they had had their way last year, for instance, if they were in control of this Chamber and the rest of the Federal Government, I am sure there would have been no tax cut. I am sure that is true.

Mr. OBEY. Mr. Chairman, the gentleman is filling in with misstatements.

The CHAIRMAN. All Members will suspend. The time is controlled by the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. I thank the Chairman.

I think it is a very safe bet that in the absence of that tax cut, the revenue that theoretically would have been collected, although that is theory, but that revenue would in all likelihood have been spent on any variety of government programs that those folks would like to spend more money on.

But thinking about this, I thought, well, maybe I am wrong.

Mr. OBEY. Mr. Chairman, would the gentleman yield so I can correct that mistake with a fact?

Mr. WALSH. Mr. Chairman, regular order.

Mr. OBEY. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. TOOMEY) has the floor. The gentleman is recognized.

Mr. TOOMEY. Now, I want to reflect on the possibility that maybe I am wrong. Maybe I am wrong about this.

Mr. OBEY. . . .

Mr. TOOMEY. Maybe there is a new consensus in the Democratic Party. Maybe there is a new conscience about deficits that was never exhibited during the decades in which the Democratic Party controlled the Federal Government and ran up massive deficits and accumulated a huge debt. There was no evidence of that conscience then, but maybe there is one now. Maybe there is a new sense of fiscal responsibility.

Since those folks are so upset about this deficit and the debt that is occurring, then what we ought to do, and frankly, what we all ought to do, myself and all the Republicans, what we ought to do is seriously consider the alternative budget that they have proposed, the alternative budget that those folks ran in the Committee on the Budget, the alternative budget that would have no deficits, that would accomplish all the goals that they have talked about.

But why is it that we do not consider that alternative budget? Well, they know the reason for that, too. It is because they do not have one. All the rhetoric, the demagoguery, the attacks occur, but there are no alternatives.

Mr. OBEY. Mr. Chairman, would the gentleman yield so that I might——

Mr. TOOMEY. I sit on the Committee on the Budget.

The CHAIRMAN. The gentleman will suspend. The gentleman from Pennsylvania (Mr. TOOMEY) has the floor. He has indicated he does not wish to yield. Members should not interrupt other Members who have the floor. The gentleman may proceed.

Mr. TOOMEY. Mr. Chairman, as a Member of the Committee on the Budget who sat through budget hearings and the budget markup and the debate on the budget, I think I know why there is no budget from the other side. That is, if they had to propose a budget, they probably would have proposed a budget with larger deficits than we have.

Oh, sure, there would have been no tax cut. In fact, some would like to have raised taxes by repealing what is coming in the way of further tax relief. Some do not want to do that. But the fact is, there would not be the future tax cuts. That money would have been spent, as was proposed by the Democrats on the Committee on the Budget during the markup. We would have a weaker economy as a result of a higher tax burden, and probably less revenue.

Mr. Chairman, I would simply argue that the lack of a serious alternative really undermines every single argument that we have heard from our colleagues on the other side. A party that lacks the courage to propose any alternative really lacks the credibility to justify the attacks against the party that has taken the responsibility of governing.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. TOOMEY) has expired.

Mr. OBEY. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania might be given 2 additional minutes.

Mr. WALSH. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WYNN. Mr. Chairman, I move to strike the last word.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I find it interesting that apparently the tactic on the other side is going to be to have speakers get up and make erroneous statements that have nothing whatsoever to do with the truth or the facts, and then refuse to debate that issue by yielding time, and then further refuse to extend the time so that they might be challenged on their statements. That truly means there is no real debate left in this House.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. OBEY. The gentleman would not facilitate it for me. Why should I facilitate for him what he would not facilitate for me?

Mr. Chairman, I would point out that I think the gentleman who just spoke was the gentleman from Pennsylvania (Mr. TOOMEY). The gentleman from Pennsylvania (Mr. TOOMEY) is one of the sponsors of a constitutional amendment which requires a three-fifths vote of this House before the national debt could be raised by one dime. Yet, he has just stood here on this floor defending actions by the majority which, in essence, have enabled this House to slip through, eventually, a $750 billion increase in the national debt without a single Member of the House ever having to stand up and actually vote directly on that issue.

That is why I challenge the gentleman's statements, because I have never seen a bigger example of different positions within a short period of time.

Mr. TOOMEY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. The gentleman will not yield to me. I will return the same courtesy to the gentleman that he has returned to me.

□ 1145

Mr. WYNN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Maryland has 3½ minutes remaining.

Mr. WYNN. Mr. Chairman, I rise in opposition to this bill and I want to talk today about fiscal responsibility versus fiscal irresponsibility.

Now, my colleagues on the Republican side of the aisle would have you believe that this bill is just about the war effort and supporting homeland security. Let me tell you if that were true, we would have passed this bill last night. Democrats support the President's war against terrorism. Democrats support the war. Democrats support the weapons system that we need, and we certainly support homeland security since, believe it or not, we share the same homeland with my Republican colleagues.

No, this debate is about the fact that the Republicans have slipped into this bill a measure to raise the debt ceiling. Let me repeat: the Republicans want to raise the debt ceiling. They want an extension of credit on the Nation's credit card.

Now, what does that mean? This means that they want to raid the Social Security trust fund. They want to weaken Social Security for the baby boom generation. This also means that we will have an increase in long-term interest rates, which means that interest on home mortgages will increase.

Now, the question we really ought to ask is why do we want to raise the debt ceiling? Why do they want more credit? Now, they will tell you it is the war effort, and we all ought to be behind the war effort. Let me give you the facts. Only 10 percent of the deficit is due to the war effort; 43 percent of deficit is due to the big tax cuts that the Republicans passed. Again, they are saying we have got to have an extension of credit. It is like a man whose house has a leaky roof. He comes to the credit card company and says I need an extension of credit because my roof is leaking. He ignores the fact that he bought jewels, bought furs, bought new cars and took big vacations. That is why he maxed-out his credit card.

Now, they would also like you to believe that we are talking about the tax credit that most Americans got, $300 for a single person, $600 for a couple. That is not true. We are talking about the tax breaks that the Republicans gave the wealthiest 1 percent of Americans. How much do they make? The wealthiest 1 percent make over a million dollars a year; and yet this year they have got $9,000 back in a tax break. Over the entire term of the tax break they will get $54,000 in tax breaks, but yet they tell you the problem is the war.

The problem is not the war. The problem is the fact that we have given money to the very wealthy in this country. We should not let the Republicans hide behind the war effort to shield their irresponsibility. Democrats support our men at war. Democrats support our President and Democrats support our homeland. But we do not support fiscal irresponsibility.

If they wanted to raise the debt ceiling, why hide it in a bill to support the war? Why not have an open and clean debate? They do not want to do that. They would rather slip it in.

I say we should reject this bill, insist on a true war effort bill, and then insist on a clean debate on the debt ceiling because if they want to expand the credit line for the Nation's credit card, they at least ought to be up front and tell the American people why.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have been listening carefully to the debate, and I feel slightly confused. I have heard my friend, the gentleman from Wisconsin (Mr. OBEY), and other Democrats talk about increasing the national debt. It seemed to me we are talking about increasing the national debt ceiling which is a measurement of the national debt but not the national debt. The national debt is increased by voting for appropriations which is done by the gentleman's party with great glee and delight, and so increasing the national debt is a function of appropriations and borrowing, and we are talking about the debt ceiling, which is a measurement only.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank my good friend for yielding.

Mr. Chairman, let me simply say that debt is not only rung up when you appropriate money, whether it is for war or for education. Debt is also added to if you pass tax cuts that are paid for with borrowed money; and that is what the majority party did to a fare-thee-well last year. I thank the gentleman for yielding.

Mr. HYDE. Mr. Chairman, I know the gentleman's animosity towards tax cuts. It is profound and palpable.

Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would observe that part of the reason I did not yield time before is because I was concerned that what did happen would happen, which is that rather than refute the basic premise of my argument, the gentleman from Wisconsin (Mr. OBEY) brings up extraneous issues. For instance, he did not refute that the Democratic Party has utterly abdicated its responsibility by not proposing a budget. Instead, he brings up the issue of a balanced budget amendment to the Constitution, which I do support, but which, unless the gentleman can correct me, unless I am mistaken, it includes an exception for time of war.

I would observe to the gentleman from Wisconsin (Mr. OBEY) that it strikes me that we are engaged in a war, I believe. It also allows for an exception in a time of a national emergency. If we are not in a national emergency, then I do not know what this is.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. OBEY. Could the gentleman tell me, has the Congress declared war so it would in fact fit under the terms of that resolution?

Mr. TOOMEY. Under that logic the gentleman would suggest that Viet Nam was not a war, Korea was not a war, in the Persian Gulf we did not have a war, and today we are not at war. I would reject that categorically. It seems to me pretty clear that we are at war. We were at war in those other circumstances despite the fact that Congress did not declare it.

Mr. UDALL of New Mexico. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a very important bill that we have before us. It supports the troops and our brave men and women overseas. It supports homeland security. And I think all of us here in this Chamber support those efforts. And yet, we hear Members from the other side get up and say that we are making this issue political. Nothing could be further from the truth.

When this bill came before the Committee on Appropriations, it passed with a large overwhelming bipartisan majority; Democrats and Republicans working together to put out an appropriations bill to further our war effort and our homeland security effort. And it was only when the Committee on Rules intervened and devised this devious rule to join up this raising of the national debt and our war effort together that we had this serious problem before us. And it is our friends on the other side of the aisle that control that Committee on Rules that have made this a political process.

There are a large number of controversial riders in this bill which we should be able to vote on individually. There is an increase in our involvement in the civil war in Colombia. This bill requires Medicare provider reimbursement increases in parts of the country while ignoring others without a vote. This bill requires textiles to be dyed and finished in the United States without a vote. There are other important foreign policy issues. There are important health care issues. But we are demeaning this institution, this fine democratic institution, if we do not allow votes on these important national issues.

I am beginning to feel like Bill Murray in "Groundhog's Day." Every day I wake up expecting that the Republican leadership will want a lively debate on the extremely important public policy issues that we are asked to consider in this body. Unfortunately, when I get to work, it is always business as usual. No open debate; no democratic process.

The Republican leadership and this administration are attempting to conceal their efforts to raise the national debt by attaching it to a bipartisan appropriations bill. Instead of working to undo the fiscal mess their budget created, they are pursuing a policy that would simply raid the Social Security trust fund to paper over their fiscal mismanagement.

According to the President's own numbers, the national debt will be roughly $2.7 trillion greater than it was projected last year. $1.9 trillion of that loss cannot be explained by the terrorist attacks or the economic downturn. It is the direct result of an irresponsible fiscal policy of this administration. Large deficits mean higher interest rates, and higher interest rates means millions of hard-working Americans will face what is essentially a tax increase. This increase falls hardest on the middle class and the working poor, those people who have the most debt. Sixteen cents out of every dollar, or roughly $1 billion per day, goes to pay interest on the national debt. Since much of that interest is paid to foreign investors, American taxpayers send nearly $100 billion out of the country each year.

Now, I remember when the Republicans accused Democrats of irresponsibility because Treasury Secretary Ruben wanted to raise the debt ceiling. Now, with President Clinton and the Democrats working hard, we have balanced the budget and our friends on the other side of the aisle are calling for a run of deficits into the future. Current projections put us 10 years out on deficits. And, again, the Democrats are being proactive in searching for ways to fix the problems created by this administration's fiscal policy.

The Democratic leadership has called for a bipartisan summit to discuss the Nation's financial problems and to work toward bipartisan solutions. I hope my Republican colleagues will join with us to seek out long-term solutions, not deceptive policies that will lead to more debt and less economic security. We should not allow fiscal mismanagement and the raiding of Social Security to slide through without a vote.

Let us all remember one year ago, this President and the Republicans on this floor told us that we could do it all. We could pay down the debt. We could protect Social Security and Medicare. We could have other urgent dollars to pay for needs. Now today we are no longer paying down the debt. Mr. Chairman, to my friends on the other side of the aisle, we are borrowing, borrowing from our grandchildren. Shame on you in this procedure.

Mr. DAN MILLER of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find this an interesting political debate we are having now. And for my colleagues on the other side who are in the minority and the policies of tax and spend when they had 40 years of control, and so now they start going off on this filibuster-type debate on issues that are not really the critical issues of vote today.

Today we are talking about a war supplemental. I got elected in 1992. And I served my first 2 years in the minority in this institution. I was never in politics before I came to Congress, and I found it disappointing, actually, how partisan this institution was. And in 1993 the budget was basically a partisan issue. They had the largest tax increase in history in 1993 and every Republican voted against it. But as a minority, when John Kasich was chairman of the Committee on the Budget, we presented a budget in 1993 and 1994. We had an alternative budget. But now all the minority wants to do is complain. There is no alternative budget. All they would do is offer some amendments to our budget.

The other body, to get a conference report on the budget, which is really the crux of the whole problem we are facing right now, the other body has not produced a budget. The Senate has not produced a budget yet. And so we are in this position where we have to move forward with our appropriations bills; but without a budget we just have to go through this process that we are doing now with the deeming of the resolution and doing this on the supplemental.

Now that we are in the majority, I remember when I came into the majority in 1995, I had to vote for things that I did not want to vote for. I remember as a minority member I did not have to vote for a lot of the appropriations bills. I voted against the District of Columbia appropriations back in 1993 and 1994. Marion Barry was mayor. You all had to vote in favor of that. It was a tough vote as a member of the majority. It was a tough vote for me in 1995. And I think I did vote for the D.C. appropriation bill back then because we had the responsibility to govern. And so now that we are in the majority party to have to face some of these tough issues and increasing the debt limit is one.

□ 1200

Every year the Democrats were in the majority, they had to provide for increases in the debt limit. Either we had a vote or my understanding is they used the Gephardt rule and was part of the budget conference report that automatically had the increase in the debt ceiling.

So it was passed continually for the years when the Democrats were in control and we have had to do it every year to provide for it that way, too, because if we do not increase the debt ceiling, we are not going to send out Social Security checks. We are not going to the hospitals or the doctors for Medicare. We are not going to take care of our veterans. It is something that has to be done because it is the only way we can keep the government running.

We are talking about why we are into this fiscal crisis. I came in as a fiscal conservative. I was upset with the fiscal irresponsibility in Washington, and so a key part of our Contract with America back in 1994 was balance the budget. The big fight we had in 1995 was balancing the budget over 7 years, and we did it in less than that, and the key is getting to a balanced budget.

I am disappointed we are not going to have a balanced budget now, but there are certain things that have come up, as the President talked about, that are causing this. One is a recession. Our revenues are down an estimated $200 billion, and so we need to stimulate the economy and grow ourselves back out of it. That is how we got into a surplus, a large reason was; we grew ourselves out of it by the booming economy. So first of all, we have a recession.

Then the September 11 events, we are in a war. We had a $40 billion emergency supplemental last year which I voted for. We are going to have another $29 billion here today or tomorrow. So we have got another $70 billion of emergency spending to take care of the war issue.

So what are our choices? We need to take care of our homeland security, we need to address the war, and we need to continue the priorities of biomedical research, of education, of the veterans and other issues we have to address here.

My solution to the whole problem today is we need a closed rule. This idea of a totally open rule is just going on and on and on. So I would encourage our leaders on our side of the aisle to go back to the Committee on Rules, come back with a closed rule, and say let us have all of the appropriate amendments, set up a time, we do this all the time on the Committee on Rules, and say let us go ahead and have a regular debate and regular order and not continue talking and talking and talking about basically the same thing because the other said, oh, we are fiscally irresponsible when after their 40 years of control is what got us into all the debt problem, and now we have a war and a recession, combined with a national emergency, and we are doing the responsible thing.

They did not vote for the rule. I am not sure what they are going to do with the final bill. I think we should take it to the Committee on Rules, come up with a new rule and end this filibuster.

Mr. OBEY. Mr. Chairman, I ask unanimous consent the gentleman from Florida might be allowed to continue for 1 additional minute.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Wisconsin?

Mr. WALSH. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. DAVIS of Florida. Mr. Chairman, I move to strike the last word.

I yield time to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, evidently what we have going on here is that we not only have faux legislation, we now also have faux debate. We are not having debate here. We have got members of the other side giving speeches without being willing to engage in give-and-take.

I would simply like to say to my good friend from Florida, he is right. This place has been too partisan, but I would point out, we did not make this bill partisan. This was a bipartisan bill supported by both parties in the committee. It came out of the committee, and your leadership made it partisan by dragging in their partisan plan to raise the national debt by $750 billion so they could pay for their tax cut plans to the detriment of Social Security and Medicare.

Secondly, with respect to the gentleman saying, "oh, this bill is going so slow, we have to have a rule, a closed rule", I would point out, this House has not met a single Friday this year. There is plenty of time for debate if this House works Monday through Friday. It has not been doing that, and it is the majority party that sets that schedule, not the minority party.

Mr. DAVIS of Florida. Mr. Chairman, this debate today should be about the highest priority of the Congress and the Nation and, that is, national security. Instead, what we have heard from the other side is they will do whatever it takes to pass this bill. One of the questions that deserves to be answered today is at what cost? What limits are there to us doing whatever it takes to pass this bill? Are there any limits in decency, in fairness, in what this country and this Congress is supposed to stand for?

Nobody has attempted to rebut the fact that there is a special fix in this bill for 2 hospitals in the United States when hospitals all over the country are suffering, the people they are supposed to serve. No one has attempted to rebut the fact that we are rewriting a trade agreement with Caribbean nations that was balanced and strongly supported on a bipartisan basis.

There are few facts we agree on today. These are some of the ones we do agree on.

This should be about national security. It should not be about economic security and Social Security. Thank goodness on September 11 this country was strong economically to withstand the horrendous attack that occurred because we had balanced the budget and begun to pay down the debt. Nobody is rebutting the fact that what is happening today is we are going to raise the debt ceiling; the Federal Government is going to start borrowing money again. There is no dispute that that has the serious risk of raising long-term interest rates which threaten the prosperity of my State, Florida, and communities across the country.

The men and women in uniform that are protecting our country at home and abroad are not just fighting to protect the flag. They are not just fighting to protect a Nation. They are fighting to reflect certain principles that we all swore to uphold here, to have a strong country, a strong economy, a national community, a strong system of Social Security and, most fundamentally of all, a democracy.

Well, we have a stand here, and that is, have an open and honest debate on the issues which we have been deprived of, not just Democrats but Republicans as well, under a rule that is forcing us to pass laws that would never survive a majority vote in this Congress.

Let me finally refer to the USAir situation. We are changing the rules in the middle of a system that was passed on a bipartisan basis that allows airlines to demonstrate they deserve a loan from the Federal Government. Nobody has tried to rebut the fact that what this bill is doing, just as the Senate is about to do, is to close the opportunity for a major carrier in my home, Florida, and the Southeast and the Northeast and other parts of the country, to borrow money to avoid a bankruptcy.

Have any of my colleagues seen airline bankruptcy? I have. I watched the Air Florida bankruptcy. It is an ugly thing. I will tell my colleagues who benefits. It is the bankruptcy lawyers. Ultimately this is not about USAir. It is about the passengers that depend on that airline in my home and around the country for competition, for reasonably low fares, for choices, and who will forgive us if we contribute to the bankruptcy of a major carrier in the Southeast?

The answer that is offered in response to this argument is let somebody else take care of it some other time. Well, excuse me, but who is ultimately accountable here? We are. The Senate Appropriations Committee has already passed a bill that does exactly what this bill does. It closes the funding window. USAir has said they are on the verge of preparing a loan application. They are at risk of filing bankruptcy. What are we doing about it? Exactly nothing.

Some of us called over to the Senate today to find out, is this going to get fixed in the Senate. The answer came back, no, it is not. Folks, this is our job. We are ultimately accountable. This is a real serious issue amid a lot of politics and speechmaking here.

This bill needs to be fixed. We need to restore the integrity of this loan application program. We need to worry about the people that depend upon this carrier and for traveling to do their business.

Mr. HOUGHTON. Mr. Chairman, I move to strike the last word.

I may be missing something here, but I do not know what we are talking about. The fact is the country is running out of money because the economy is down and the military and terrorist, antiterrorist expenditures are up. We have to have more money. This is not unusual. It has happened before. It happened when my colleagues were in the majority. It is happening now. It happens in business. Someone sets out a plan, they like to feel the plan makes sense, but all of a sudden they get into different circumstances.

Who could have forecast the drop in the economy? Who could have forecast the terrorists of 9/11? We could not. Things have got to change.

Should the rule have been better? Probably. Could we have had a different tax reduction program? Probably. Should we have had an up-and-down vote on this? That is a question. Should this $750 billion be the figure? It might be, but that is not the fact.

General George Catlett Marshall was my hero, and what he said was, "There are 2 things in life you don't want to do. One is to get into the minute so you forget about the issue. Secondly, do not fight the problem. Find the solution."

We are fighting the problem. We need the money. The country needs the money. It is the only thing to do. Let us increase this debt ceiling.

Mr. ETHERIDGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are approaching Memorial Day, and I think most of us would like to get home. I certainly have plans for the weekend, wanting to be home with my family and friends and with those that we are going to honor who have given so much to this country. But today, as many of my colleagues before me, I rise to support and thank our men and women in uniform who are serving our country and protecting our freedoms and our opportunity to come to this floor, all around the globe.

Like my colleagues, I strongly support a robust military, as do all Americans, I think, and certainly in this House on both sides of the aisle, but I am shocked that I have heard Members come to this floor and allude to someone on either side of the aisle who is not supportive of our military. We could correct that very quickly.

We have a bill before us. All we have to do is take the things out that should not be in it, that are not tied to our military, and the bill would have passed last evening.

I represent an awful lot of folks who either are stationed or have loved ones at Fort Bragg and Pope Air Force Base or some who have served there and, Mr. Chairman, I support the President and the war on terrorism. I have been here for every vote, and I support a balanced budget. I came in 1997 and I want my colleagues on both sides of the aisle to understand, I was one who voted to make that last step to balance the budget. I came to this Congress to help do that, and I understand these are difficult times.

So that people will understand, I also served as chairman of the Committee on Appropriations in my State legislature for 4 years, and so I understand what it is to slip something in a bill, but we do it in the light of day so people can see it and know what we are doing. We do not go to a closed room after we have had an open debate by all the parties in the committees, and then bring it to the floor. That is not right. That is not fair to the American people. It is not fair to the American people.

I represent as many people on this floor as any Member on either side of the aisle, and yet because I do not serve on the Committee on Appropriations or the Committee on Rules I cannot make an amendment to this bill and present the issues that my people send me to Washington to defend and represent, and that is wrong. That is wrong in the people's House. It is absolutely wrong.

The reality is that we want to pass this piece of legislation. We want to fight terrorism. We want to get Osama bin Laden and the al Qaeda and all those agents of terror around the world. We are still here today, not because we disagree with the bill that is before us to get the job done on terrorism and support our men and women around the world. It is because of things that were put in that bill by the leadership.

The reality is that the leadership has chosen to make this political and controversial. We can have a vote on the debt ceiling later. I do not know where I would be on that. I might vote for it, because I want the government to keep going on, to pay our bills, but it is wrong to hide it. It is wrong to say to my mother and her Social Security check and all those who are paying it, well, you might have to take a cut later because we are going to spend the money for something else. It is wrong, wrong for the American people to be put in this position.

My colleagues devised this scheme. I did not know it could be done, but I guess I should learn something new every day, and I have learned something. Raising the debt limit through procedural tricks, I think, has serious implications for this Nation, not to mention it has dangerous consequences for my children and my grandchildren I hope I will have. It is wrong.

I have been to this floor arguing on education issues because I believe in them and I have worked through my whole career to tell children to tell the truth, to do the right thing, to be honest. I hope they are not watching this debate today. I would be ashamed if they saw what is happening.

We ought to be willing to put it on the table. Mr. Chairman, we can do better and we should.

Mr. Chairman, I rise in full support of our men and women in uniform whom are serving our country and protecting our freedom all over the globe today.

Like my Democratic colleagues, I support a strong and robust military "we are all Americans." Many of the folks I represent work or have loved ones who are stationed at Fort Bragg.

And Mr. Chairman, I support the President in the war on terrorism. I served in the U.S. Army during Vietnam.

Today, we are considering an emergency supplement appropriations bill that will help us continue our fight against Osama bin Laden and al-Qaida and other agents of terror. I have no doubt that this emergency supplemental would pass with a strong bipartisan majority if it were a clean bill. But, the reality is that the Republican majority loaded this bill down with provisions so controversial they won't have to debate them in the light of day.

The Republican majority has devised a scheme for raising the debt limit without the consent of this House.

What's more, this Republican scheme to raise the debt limit without debate or a vote places a unfair burden on the shoulders of or children. Our children and our grandchildren will be responsible for cleaning up the mess that the Republican majority is making today. That is not the American way, Mr. Chairman.

Raising the debt limit means that we must pay more money in interest of our national debt. That means we will not have the resources necessary to provide a comprehensive prescription drug benefit to our seniors, or build new schools for our children.

Just a year ago, we stood on this floor and tried to decide what to do with our national surplus. We had a surplus, and the Republican majority squandered it. And now they come to this floor and are playing politics with our united war on terrorism, the retirement security of our seniors, and the future of our children.

Mr. Chairman, we need a responsible, honest, and balanced budget. One that meets our obligations today so our children are not left with the tab.

I believe that when you hold a public office you hold a public trust. Part of that trust means respecting the institution that is this House. We should have an open debate on the debt limit and all the other issues that the majority tacked on this bill, at another time. The resolve on this side of the aisle is strong, and we'll stand up for what we know is right. The troops overseas, our seniors, and our children deserve no less.

Raising the debt limit through procedural tricks has serious implications for our Nation, not to mention dangerous consequences for our seniors and our children. Raising the debt limit means giving the government a credit card with a higher spending limit. It means that we will be spending more money from the Social Security and Medicare trust fund to pay for government initiatives.

Mr. Chairman, those funds are supposed to be off limits. They represent a promise that we made long ago with our seniors that they would not have to live out their golden years in poverty. By raising the debt limit we risk their futures and the retirement security of our working families.

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Ms. McCOLLUM. Mr. Chairman, I move to strike the last word.

I support our servicemen and women, law enforcement officials, State, Federal, and local officials working together to protect the American people. I support the funding for the billions of dollars in the supplemental appropriation. These dollars are needed to keep America safe, secure, and free from terrorism. But, Mr. Chairman, allowing this bill to come to the floor represents an attack on the economic security of our Nation, raising the debt ceiling an additional $750 billion.

Mr. Chairman, I strongly support strengthening our Nation's homeland security, as this bill intends to do. We need to keep America safe. But I will not support a fiscal attack raising the debt ceiling and exploiting the national debt. Mr. Chairman, I support fighting AIDS and infectious diseases around the world, but I will not support the Enron economics this bill represents by hiding language that will allow this generation and future generations to be burdened by expanding the national debt with no regard for full disclosure or fiscal discipline.

Mr. Chairman, I support the needed resources to fund programs. I have 10 higher-education institutions in my district, but I will not burden today's college students and tomorrow's with a $750 billion expansion of the national debt limit set on top of their student loan burden. It is wrong.

Mr. Chairman, I believe that with all my heart we need to provide the funds needed to rebuild New York, but I also believe this body has a responsibility to the American people to be honest about what we are committing them to, an expansion of the national debt with no accountability by any Member of this body.

We need to protect America from terrorism. That is what this bill should be about. But, Mr. Chairman, do our servicemen and women need to have the national debt limit raised without a vote in order to fight the war on terrorism? I say no. Do our Federal agents, police officers, firefighters, and emergency personnel need to have the debt limit raised $750 billion to protect America without a vote? I say no.

I am a first-term Member of Congress. I came to this body hearing the majority's mantra of bipartisanship. This bill, once again, demonstrates empty words and empty actions from the Republican majority, and the consequences are empty pockets for America's working families and a growing national debt for the American people and future generations.

Mr. Chairman, the people of Minnesota are angry that the national debt is going to grow. To the people back home this represents the majority party's lack of leadership, a total lack of fiscal discipline, and a complete lack of honesty.

It is dishonest for the Republican majority to question the patriotism of myself or any of my Democratic colleagues on a bill that is not honest with the American people. We, as a Nation, are fighting a war on terrorism. This bill, with its deceitful language, clearly shows the American people that it is only the Democratic minority fighting the battles against fiscal irresponsibility and against fat tax cuts, and it also is plundering the Social Security trust fund.

If my Republican colleagues want to raise the debt limit to pay for last year's tax cuts, then let us vote on it, yea or nay. If my Republican colleagues want to add an additional $750 billion of debt on the backs of the American people, have the courage to vote on it yea or nay. If my Republican colleagues want to be honest with the American people, honest with our servicemen and women fighting the war on terrorism and honest with yourselves about placing this Nation an additional three-quarters of a trillion dollars in debt, then let this body vote on it yea or nay.

I applaud my fellow colleagues on this side of the aisle, the gentleman from Wisconsin (Mr. OBEY), for his leadership and his support of our national security and the retirement security for our seniors and the economic security of the American people. Today, I will stand with my Democratic colleagues until the majority party tells the truth to the American people about the consequences of their political policies and the costs that they will have for future generations of Americans.

Mr. SUNUNU. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the last few speakers have spoken quite eloquently about the importance of the funding in this supplemental appropriation bill, strengthening our national security, investing in homeland security, investing in the technologies, the maintenance, the resources to support our men and women serving overseas. They have been unequivocal about their support for that funding, for that financing. But the last speaker was also unequivocal in making her point that she was vehemently opposed to borrowing to fund that investment in winning the war on terrorism and strengthening our homelands security.

I think therein lies the fundamental problem. That is maybe the disconnect that we are hearing and the complaint that we are hearing that this is somehow partisan. It is not partisan when you point out that if we are going to invest in this unprecedented war on terrorism, if we are to give the men and women of the armed services the resources they need, which we all understand that because of the economic recession we are going to have to borrow additional funds to make sure they have that support, then you cannot stand on the floor and say, well, I support everything in this bill, but I will not support borrowing to support our men and women fighting overseas.

This brings us back to the debate that began the year in the Committee on the Budget, when as previous speakers have pointed out, we brought a budget to the floor, we brought a budget through committee that met the priorities laid out by the President in his State of the Union Address: winning the war on terrorism, strengthening homeland security, and getting the economy moving again. The Democrats offered no alternative. And the simple reason is because the choices were simply not to fund the war on terrorism, to raise taxes, which they are apparently not willing to do, or to cut other programs.

Those are the three choices we are faced with today as we recognize that due to the economic downturn we need to borrow some additional funds to win that war, to strengthen homeland security and keep the economy moving. They will talk about postponing taxes or tax relief 5 and 10 years down the road, and they will say it is only for the wealthiest of Americans. But the fact of the matter is we know we need the resources this year. They are not willing to raise taxes this year. We know we need to fund the war on terrorism this year. They claim they support all the funding in this bill, but they are not willing to borrow $1 billion, $2 billion, $10 billion, much less raising the debt ceiling by the required amount to make sure we have all the resources we need in this time of crisis.

Those are the three choices. And I would yield the floor to anyone that will state whether they are willing to raise taxes this year, whether they are opposed to the defense and homeland security funding in this bill, or whether they are going to stand on the floor and say we are willing to dramatically cut other domestic programs so that we do not have to raise the debt ceiling. And I will pause.

Apparently there is no one willing to go on the record supporting one of those three options, the only three options available if we are not going to borrow funds to fight the war on terrorism.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. SUNUNU. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, the gentleman forgot one other thing. We can rescind the tax cuts that have deprived us of $60 billion in revenue since they were implemented, and I will vote to do that in a heartbeat.

Mr. SUNUNU. Reclaiming my time, Mr. Chairman, the gentleman is willing to rescind all the tax cuts that are in effect this year. That is effectively a tax increase for fiscal year 2002 and 2003.

I respect the gentleman for taking that stand, for increasing taxes in fiscal year 2002 and 2003, but that is exactly the wrong thing for our economy at this time in this place.

Finally, we have heard the opponents of this legislation say, all we want is a separate vote on raising this debt ceiling. That is all we ask for. But let me refer them to the rules and manuals of this House of Representatives. On page 806 of Jefferson's Manual, which sets the precedents for this House, they can clearly see that the rule put in place by the Democrat majority in 1979 clearly prevented this House from taking a stand-alone vote on raising the debt ceiling for over 20 years. And that rule was only rescinded under this majority.

Now, my Democratic colleagues are absolutely correct in saying we do not have a stand-alone vote on this issue today. But the fact of the matter is it was the Democrat majority that stood firm for well over 15 years preventing such a stand-alone vote from ever taking place. That is a very pointed fact.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would hope that the previous speaker and all other speakers would take the time to look at this. Our Nation is now $5,984,677,357.213.86 in debt. In the past 12 months, since the President talked about this town being awash in money, it is awash in money, we have to have tax cuts because we do not know what to do with all this money, in the past 12 months since the passing of the President's budget and the President's tax cuts, because the Republican majority controlled both Houses when that happened, we have increased the debt by $323,329,559.211.21.

Now, what is particularly troubling about this, and I see my colleague, the gentleman from Mississippi (Mr. WICKER), and we both have daughters about the same age, they are both 23 years old, but on the day our daughters were born, our Nation was less than $1 trillion in debt. We had gone all the way from the Revolutionary War, the War of 1812, the Civil War, the Spanish-American War, our First World War, the Second World War, we had gone through Korea and Vietnam. We had gone all the way until 1980, and through all of that our Nation only borrowed $1 trillion. In the 22 or 23 years my daughter has been alive, we have borrowed an additional $5 trillion.

The fact of the matter is that since the passage of the tax cuts, my colleagues have deprived the Nation of $60 billion in revenue. My colleagues say this bill is just for defense; but on reading this bill, there is $170,000 that is going to go to the Christian Church Homes of Kentucky. A very noble cause, but is it really worth borrowing and sticking my daughter with that bill for the rest of her life?

What is particularly bad about this is, just like when Americans borrow money and they have to pay interest on it, if we stop to think about it, the biggest expense of our Nation is not welfare, it is not food stamps, it is not highways or the military, it is interest on the national debt. We squander $1 billion a day on interest on the national debt. That does not educate a child; it does not help a sick person or a senior citizen. It is just squandered.

For those World War II veterans, they must love to know the fact that a third of that goes to German and Japanese lending institutions.

Mr. WICKER. Mr. Chairman, will the gentleman yield, since he called my name?

Mr. TAYLOR of Mississippi. Under those circumstances, I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, I find it interesting that the gentleman mentioned both our daughters, who recently graduated from college. I would find the gentleman's remarks to be a little more credible if he would at least acknowledge that during the time those girls were in college this Republican majority in the United States

Congress has paid off $500 billion in public debt during that time.

Mr. TAYLOR of Mississippi. Reclaiming my time, Mr. Chairman, I would tell the gentleman that that is a sham, and the sham is that the Republican Party paid down public debt. You stole it from the trust funds.

If we could get to the Social Security trust fund, if we could somehow open it up, the gentleman knows, as I do, that there is nothing there but an IOU for $1,260 trillion. If we could get to the trust fund for Medicare, coming out of people's taxes, there is a line on their paychecks, the gentleman knows that we have stolen as a Nation $263 billion from the Medicare trust fund. There is not a penny there.

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Civil servants, border guards, customs people, FBI, the guys we are counting on to defend us right now, those cops out there who are guarding us right now, we have stolen from their retirement trust fund $527 billion.

How about the troops? This is supposed to be for the troops. There is a military retirement trust fund. If you were to open it up, it says we owe you $167 billion. And your answer is to borrow more money, $750 billion more money? That is your answer?

It is absolutely hilarious because I come from a conservative State. For so long Republicans said, "We've got to balance the budget. Please let us govern. We've got to balance the budget. We've got to quit running up the debt." You are in the majority. We admit you were right. We have got to balance the budget. We have got to quit running up the debt. Now that you have finally convinced us, you are changing your story. You are saying that the answer is more debt. We have to borrow money so we can send Mississippi arts to Pennsylvania to the tune of $150,000. Read the bill.

Mr. WICKER. Mr. Chairman, I move to strike the last word. I appreciate my friend from Mississippi yielding to me for just a few seconds there.

The fact is that during the time his daughter and my daughter were in college, during the last 4 years, during a Republican majority in the House of Representatives, this Nation has paid off almost $500 billion in public debt during that time. That is debt that the Nation was borrowing from the public through savings bonds, T bills and that sort of thing. We have reduced that amount during the time that our daughters were in college.

I would find my friend's argument a little more credible if that $6 trillion in public debt that he was pointing to on that chart were not the very same $6 trillion in national debt that his party ran up during the time from 1980 to the time of the Republican takeover of the House of Representatives in 1994 and 1995. I would think that my colleagues from the Democrat side of the aisle would have a little more credibility as fiscal conservatives if that were not the figure that they themselves ran up while they were in charge of this entire town.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WICKER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding. I would have to say that I have been enjoying this debate all day today and I enjoyed this debate all evening last night, late into the evening.

I would like to make an appeal to the Members on both sides of the aisle. We have had a lot of debate on this bill. But I want to remind our colleagues, for those who did not have the great privilege of serving with a real statesmen, that Morris Udall was an outstanding Member of this House. He had a famous statement that I have quoted on occasion, and I want to quote it again now. It went something like this: That everything that needs to be said has already been said. The problem is that not everyone has said it yet. But I think we are about at the point that everyone has said it.

So I wonder if I could just make an appeal to get to the amendment process? Why do we not start to deal with the amendments that are filed and let us proceed and get this done? If we want to have a major political debate on any kind of issue, I am sure we can find a parliamentary way to do that. But I think we have really beaten this one to death. Can we get on with the business of the Committee? Can we get on with the amendments and see if we cannot come to some closure on this bill?

Mr. WICKER. Reclaiming my time, let me just say this. There have been a lot of complaints, this morning, about the rule. I think it is no secret that I was not overly delighted about the procedure under which we are taking this bill up. But that debate was held last night. That vote was taken and that issue is behind us. We have before us now a national security, wartime appropriation, primarily for the troops. I think it is time that this House moved forward, as the Chairman has suggested. Let us take up the legitimate amendments that are before us. Let us move beyond the time-consuming dilatory tactics that we have seen so far and let us pass a bill for America.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I ask unanimous consent that the gentleman might be given 2 additional minutes so that we could explore the time agreement that the gentleman from Florida was just inquiring about.

Mr. YOUNG of Florida. If the gentleman from Mississippi would like to request that time, I would be willing to agree to that.

The CHAIRMAN pro tempore (Mr. SIMPSON). Without objection, the gentleman from Mississippi is recognized for 2 additional minutes.

There was no objection.

Mr. WICKER. I yield to my friend from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, the distinguished chairman of the committee has asked that we get to the amendment process so that the amendments can be offered that Members want to offer. Let me suggest something, if I could, because the problem is that under this rule, wildly extraneous matter has been added, as the gentleman knows, but we cannot reach that by amendment to strike it under the rule. So Members cannot really offer the amendments that need to be offered to correct the problem under the rule under which we are debating the bill.

I would ask the gentleman whether or not he could explore with his leadership something like the following: I think we could greatly shrink the debate time on this bill if we could get a unanimous-consent agreement under which the House would be able to consider the committee-reported bill, stripped of the extraneous add-ons. We would limit amendments to those printed in the RECORD or at the desk. We could limit the debate on those amendments to 30 minutes, retain the motion to recommit, and I would certainly be willing as part of that agreement to discuss greatly reducing and withdrawing a large number of amendments that are now at the desk or which we contemplate offering absent such agreement.

If the gentleman would at least take that offer to his leadership, that might help us to find a way to finish this bill in rational fashion.

Mr. YOUNG of Florida. I thank the gentleman for this offer. Once we begin to talk about a way to get out of this, I think then we can accomplish that. I would be more than willing to discuss this with the leadership on my side. As a matter of fact, we have discussed similar situations earlier. I do not have a conclusion that I can report to our colleagues in the House one way or the other, but I would be more than happy to discuss that with the leadership.

Mr. OBEY. I appreciate that. I think that that is probably the only way that we are going to avoid an extended debate which will be frustrating to both sides. I thank the gentleman.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

It is a good time to be speaking because the spirit of the last exchange is something that I am very much in favor of. The sooner that we put the charade that this is an open rule behind us, the better off we will all be. Because yesterday we did debate the rule and some of us felt very strongly that it was not a fair rule and we objected very strenuously. My fellow colleague from Texas kept calling this an open rule when everyone knows that if you were to do as the normal appropriation process around here does, if you object to the spending in a particular appropriation bill, you may stand up under an open rule and strike it.

I want to make it very clear. I support the $27.1 billion that the President requested in order to fund the war on terrorism. I and every Member on this side of the aisle support that. But we get the trivializing of this debate regarding that we are unpatriotic because we object to the process that we have been subjected to, not by the chairman of the Committee on Appropriations or the ranking member but by the leadership of this House that has added $2.4 billion in extraneous spending and also has tried to hide an increase of the debt ceiling in this particular bill, which will be in it once we pass the bill, which is one of the reasons why I will oppose the bill very strongly.

It is very frustrating to me to stand on the floor and to have to object to things that I used to support my friends on the other side when they were in the minority and I voted with them on improving the budget process. Sometimes we won. We took the minority and added with some on this side and we actually won. The gentleman from Texas (Mr. BARTON) yesterday spoke of that. I appreciate him giving credit to me for being a part of that. I give credit to him. I see the chairman of the Committee on the Budget, someone that I believe I could and would work with on this floor on the budget, but his leadership has precluded that at every turn.

Why all of a sudden did we decide to waive the rule that provides that extraneous matters should not be added to an emergency spending bill? We passed it in 1994 with 322 votes, of which all but 4 Republicans joined it. Yet yesterday all of you, 166 of you still here, voted to waive that rule. We can get out of here in 1 hour by agreeing by unanimous consent that we will appropriate the money for the war and strike all of the extraneous matters. It can pass by unanimous consent. The Senate can take it up. It can be on the President's desk by Saturday. Everyone in this body knows that can happen.

But why do we insist on spending more and then cooking the books on paying for it, which you have done in this resolution? And yet my friends on the other side that I used to vote with, and you used to vote with me, are going along with that because your leadership has said that is what we ought to do. I do not understand that. We can get out of here in a heartbeat and do what this is all about, fund the war on terrorism. You can do it by unanimous consent if the leadership will take the gentleman from Wisconsin's request and the gentleman from Florida and the folks on his side of the aisle will go to their leadership and say, "Let's quit this charade."

To those that believe somehow you are going to hide the debt limit, this is what is so funny about us having this. If you believe in a heartbeat that the Senate is going to go along with a $750 billion increase in the debt ceiling in a conference on this bill, you are living in a dream world. All the Blue Dogs have been asking now for the last several weeks, months, just have a clean up-and-down vote on the debt ceiling. Do not jeopardize the faith and good credit of the United States on a political argument that we are having today that you blame us and we blame you and who gives a hoot who is at fault. The fact is that it is happening and at fault in this body is the majority. Not the minority. We cannot do all the bad things you say that we are doing. We are in the minority. But we will gladly join with you in unanimous consent if you will listen to what the gentleman from Wisconsin and the gentleman from Florida would like to do. We will do it in a heartbeat and we can go home for Memorial Day.

But please, please, let us stop insisting that this is a patriotic vote. The patriotic vote is a clean vote, not the one that you are asking us to vote on, not the one that you shoved the rule down our throat yesterday on a pure party line vote in which I know a large number of my colleagues on this side did not like to vote for that rule. You can undo it by unanimous consent. I hope you will go along with us in doing that.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. EDWARDS. Mr. Chairman, let me first make a comment and say that cloaking partisan amendments in the name of the war on terrorism is not patriotism, in my personal opinion.

Mr. Chairman, for citizens watching this debate late last night and today, I can understand why there could be some confusion about what this debate is all about, because much of what has been said has nothing to do with the issue at hand. So let me just go back to the basics.

Fact number one. The bill we are considering is entitled, and I quote, the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States. That is the bill before us.

Fact number two. This bill came out of the Committee on Appropriations on which I serve and vote on a bipartisan basis. Why? Because we all want to support homeland defense and the war against terrorism.

Fact number three. On Tuesday night, the Committee on Rules under the direction of the Republican leadership of this House took a bipartisan bill to fund our war on terrorism and made it a Christmas tree full of partisan ornaments, amendments that have absolutely nothing to do with the title or the subject of this bill.

□ 1245

That is fact number three.

Fact number four. What Democrats are objecting to on the floor today is adding extraneous, unrelated, partisan, controversial amendments to a bill that needs to be passed quickly so that we can efficiently and quickly fund our war on terrorism and needed important homeland defense measures.

Now, what we really are getting down to is one question, and that question is very simple and very direct. I have not heard an answer to this question so far. The question is, will the Republican leadership of this House allow us to strip out of this important bill to fund the war against terrorism those amendments that were partisan and had nothing to do with the title or subject of this bill? It is a simple question, and we Democrats, still, after 2 days of debate, await the answer to that question.

What I am sorry to say, Mr. Chairman, is what this is really all about is politics as usual. I understand politics. We all do. But I believe that politics as usual is not good enough when we are talking about funding a war on terrorism at a time when our Nation's security is at risk.

Now, what is politics as usual? Politics as usual is taking an important bill, a highway bill, an important natural disaster funding bill, knowing that the majority of Americans will want it passed, and then adding extraneous amendments that have nothing to do with that bill because perhaps those amendments may be partisan and could not pass on their own merit. That is exactly what happened on this bill.

I will yield the balance of my time if 1 Member of this House on the Republican side could tell me what the following amendments, added late at night on a partisan basis by the Committee on Rules, have to do with fighting our war on terrorism.

Amendment No. 1 that I referred to, section 1404, treatment of certain counties for purposes of reimbursement under the Medicare program.

I am not quite sure what that has to do with the war on terrorism. Let me continue quoting. "Effective for discharges occurring during fiscal year 2003, for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act to hospitals (A) in Lackawanna, Luzerne, Wyoming, Lycoming, and Columbia Counties, Pennsylvania, such counties are deemed to be located in the Newburgh, New York-Pennsylvania Metropolitan Statistical Area."

Is there a single Member of this House on this floor right now who would like to take the rest of my time and explain what that has to do with fighting the war on terrorism?

I guess not.

Maybe a Member could explain to me why the next part of the amendment has something to do with the title and subject of funding the war on terrorism. "(B) in Mercer County, Pennsylvania, such county is deemed to be located in Youngston-Warren, Ohio Metropolitan Statistical Area."

If there is any Member that can explain to me right now, what this has to do with fighting and funding the war on terrorism I will be happy to yield my time.

Mr. Chairman, I guess apparently no one wants to answer that question.

Well, let us go to amendment No. 3, 4, 5 and 6. Can any Member explain to me how they relate to funding our war against terrorism?

This process is about politics as usual. That is not good enough in fighting a war against terrorism.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is interesting, because to follow my colleague, the gentleman from Texas (Mr. EDWARDS), and then for him to have followed the gentleman from Texas (Mr. STENHOLM), I have a very urban district in Houston, but whether it is central Texas with the gentleman from Texas (Mr. EDWARDS) or West Texas with the gentleman from Texas (Mr. STENHOLM), we are concerned about the procedure that is happening today, because every one of us have voted for funding for the war on terrorism literally since September 11. But the procedure that my Republican colleagues have put us in today in the majority is that what happened yesterday with the rule to the supplemental began to raid the Social Security trust fund. This is a dangerous thing that will return us to the days of deficit spending.

Mr. Chairman, my first term in Congress was 1993–1994, when our debt, being hidden by Social Security every year, increased $250 billion. It is estimated that now our national debt not hidden by Social Security will be $300 billion every year more. So what we are seeing is we are increasing the national charge card.

I have to admit, I am concerned, because whenever we increase our debt limit, like we would on our Visa cards, then sometimes we do at least pay the minimum balances. But we are not even paying the minimum balances. We are just increasing the debt.

My colleagues on the Republican side for my first term when they were in the minority talked to us so much about how bad it was, that we are taxing the future, we are taxing our grandchildren and great-grandchildren. Well, we are doing it today with this and the shoe is on their foot now. They are the ones doing that.

It is not for the war on terrorism. It is not for the war on terrorism. I would stand here today and vote to increase the debt ceiling on a clean vote, like I think a majority of the Democratic Caucus would, if you said we need to increase the debt ceiling and devote that to the war on terrorism, devote that to the military that we need, to investigations we need to make sure our country is safe. That is not the case. That is not the case.

That is what is so frustrating. They are wrapping themselves up in the war on terrorism, yet they will not realize that last year when the economy was taking a downturn, we did not know how much, last year before September 11, we voted one of the biggest tax cuts in history. It took effect last year and will take effect over the next 10 years. Yet they want to make it even permanent after that. That is what is causing this debt ceiling to have to be increased. It is not the war on terrorism. The national debt again will be $300 billion more than it was at the first of this year.

Now, I am just shocked, as a Democrat, who is supposed to be a big spender, to see what my Republican colleagues have done in the years they have been in the majority. This increase cannot be explained by the war against terrorism or even a downturn in the economy. The cost of the war and the downturn in the economy roughly are $800 billion in the increase in the projected debt. Yet this leaves nearly $1.9 trillion in more debt that is not accounted for. The only thing I can say is it is either increased domestic spending, some of which I support, or most of it is the tax cut voted on prior to September 11.

The new debt seriously inhibits our ability to provide a prescription drug benefit, to shore up our Social Security programs or invest in a number of other domestic priorities that we need to have. Instead of sneaking around to increase the debt ceiling, we should be discussing how we got here and what we need to do to avoid getting our Nation further in debt.

I encourage my colleagues to oppose this back-door effort in mortgaging our children's future and find a meaningful solution to our budget woes. Lots of ways could correct this, but not to continue to charge up our national credit card.

We can do what the gentleman from Wisconsin (Mr. OBEY) suggested, a unanimous consent request that we go back to the original bill and take away that rule vote last night that hid the increase in the national debt. Or we could do an up-and-down vote on increasing the national debt ceiling with devoting that increase to the war on terrorism to make sure our country is safe.

Again, I think we could go back to what we saw after September 11, a huge bipartisan majority saying yes, we want to defend our country, we want to defend our community, we want to defend those men and women in Afghanistan and literally all over the world now. We wanted to do that. We wanted to do it based on a tax cut last year passed prior to September 11. That is what is so frustrating. That is why you are going to see Members of the Democratic Caucus from all walks of the party, from every philosophical point of view, who want to vote for an increase in the debt ceiling, for the war on terrorism, to protect our communities, but that is not what my Republican colleagues are allowing us to do.

Mr. KIND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this process is wrong. What is occurring here, starting last night and throughout the course of the day and perhaps into tomorrow and this weekend, is wrong, because it is perpetrating just yet one more fraud upon the American people on an important policy issue, an important debate that we should have in this Chamber, and that is what type of economic policy are we going to be pursuing as a Nation that will have long-term broad implications for virtually every single American in this country?

Today, Mr. Chairman, we have visitors up in the gallery of the House. I see some seniors. I see middle-aged Americans. I see young children and students from around the country. The debate we are having today is an important one because it affects every single life in this Chamber today and every single life throughout the country. What is hidden is a fraud covered under the guise of an emergency supplemental bill under all the patriotic speeches we have been hearing over the course of the last 24 hours, support for troops, support for homeland security, we can stipulate right now that we are in support of the troops, we are in support of investment in homeland security. There is no issue, there is no wedge that divides Republicans and Democrats on that. But it is the extraneous provisions that have been attached to the supplemental bill that is wrong, and it is fraudulent, and it is being done for political purposes, for partisan motivation alone.

It is wrong to have provisions that adjust the Medicare reimbursement so it affects just a few hospitals in this country, excluding the host of other hospitals, including those in my district, that are suffering under inadequate reimbursement rates, but they are being added to the supplemental bill figuring it is something that is going to fly through mainly for political purposes.

But what has me mostly concerned about this supplemental is the important debate we should be having in this Congress and throughout the Nation about raising the debt in this country by over $750 billion. When you talk to people about annual deficits and national debt and the impact it is going to have on the financial markets, people basically say "what?" But what this is about is the national credit card and adding $750 billion more on the national credit card and the interest payments we are going to have to pay for years and years to come.

Now, they are fond on the other side of accusing Democrats of favoring tax-and-spend provisions. But what they are pursuing is even worse in regards to economic policy. They are spend and borrow and borrow and borrow.

I would submit, what is more fair than to ask the current generation of Americans to contribute to the benefits and the programs that we have today through taxes that they should be paying for, or whether we should deliver the benefits of those programs, but delay the pain and burden of paying for them to future generations, to our children and to the next generation of children when these IOUs come due because of the large national debt that is being accumulated and the obligation that our kids are going to have to meet in future years. That is wrong.

Mr. Chairman, I have 2 little boys at home. They are just 3 and 5, and hopefully within a couple of days I am going to be able to return and look them in the eyes. I want to be able to tell them we had the courage and we had the wisdom in this Congress to be thinking about their futures and the future of our country, rather than short-term political gain and what impact this might have on the next election cycle. But by hiding the increase in the national debt ceiling under the guise of a patriotic supplemental bill, we are delaying the day of reckoning and, unfortunately, that burden, that obligation and responsibility, will not be falling upon the current generation who is asking for the programs that need to be paid for, such as the investment in defense spending and homeland security. Instead, it is going to fall on the youngest and most vulnerable in our Nation today, our children and future generations. That is what is so wrong with this process right now.

I understand they do not want to debate the economic policies they passed last year and the fact we are back into annual structural deficits again. It is a replay of the 1980s all over again. But the difference today, Mr. Chairman, is this simple fact: We do not have the luxury of recovering from the failed economic policies of the past by turning the economy around and running surpluses again, because we have 77 million Americans all marching lockstep to their retirement in a few short years.

Now is the time to maintain fiscal discipline. Now is the time to pursue fiscal responsibility, to prepare our country and to prepare future generations to deal with the aging population, with this demographic time bomb that is about to go off. But, unfortunately, that is not what is being considered in this supplemental. Instead, they are trying to increase the debt ceiling, digging a deeper hole, creating a greater financial burden for future generations and our children, and that is what is wrong, and that is why 1 party at least has to stand up and tell the truth to the American people today.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SIMPSON). The Chair would remind all Members that it is inappropriate to address or refer to our guests in the gallery.

Mrs. DAVIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the supplemental appropriations legislation. One of the most important responsibilities our Constitution gives Congress is to maintain a Navy and, among other essential funding provisions, that is what this bill is all about. This supplemental provides needed funding, procurement, operations and maintenance and personnel to allow the Navy to continue its successes.

□ 1300

Mr. Chairman, our Navy has performed magnificently in Afghanistan, and they deserve our support. However, I wish to express my concern about potential efforts to raise the debt limit to spend up our national credit card by $750 billion. This took place during conference committee proceedings on this legislation.

Mr. Chairman, the debt limit of the United States is such an important issue that it deserves a full debate in the Congress and should not be relegated to only conference committee deliberations. It is so important that many of my colleagues, including those on the other side, are supporting efforts to make it harder for Congress to raise the debt limit.

Those outside Washington may wonder, why are we even concerned about the debt limit? There are at least two reasons why this is an important issue. First, the size of the debt affects interest rates. An increase in the debt will likely cause a rise in interest rates, which means working families paying higher monthly house payments, higher monthly car payments, and higher student loan payments. Second, we need to understand the context of a debt limit increase. The message it sends is families must live within a budget, but the government can continue to spend beyond its limits.

Mr. Chairman, just a year ago we had a surplus and today we have a deficit, and we cannot afford to continue our deficits. To be sure, we must, we must pay for the war on terrorism, but we must still have the mechanism to keep spending under control.

Mr. Chairman, I believe that when the circumstances arise, having a debate on raising the debt limit and having a stand-alone vote is a responsible action for Congress to take, but what is so irresponsible is to hide the debate from the American people.

Mr. Chairman, let us be straightforward; and let us consider, as many of my colleagues have suggested, what I would like to call the "grandkid test." A year ago last May I stood in the well of this Chamber and celebrated the birth of my first grandson; and I said then, when we talk about major issues of concern and consequence to our great country that we think about whether it is in the best interests of our children and our grandchildren. On the supplemental, I say yes. The war on terrorism and supporting our military, absolutely. That is in support of my grandkid. But when I think about the unlimited credit card and the impact it has on interest rates, on Social Security and Medicare, well, that requires more notice to the American people.

So let us separate out these issues and subject our assessment of these additions to this good supplemental bill to the grandkid test, is it in that kid's best interests in the future.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to spend a few moments considering how we got here and where we go from here. To do that we have to talk for a bit about the debt and what the debt really is. To understand that, we really have to take a step back and look at our trust funds. There are about 50 or so trust funds, the biggest of which, of course, is Social Security, and then the next biggest one is civil service retirement, and then the Medicare trust fund, the transportation trust fund, and it goes on down. Those trust funds, most of them, are running surpluses and, over the years, those surpluses have accumulated until we now have, order of magnitude, about $2 trillion in surpluses.

Now, by law, the only place that those surpluses can be invested are in nonnegotiable U.S. securities. So what that means, even if we limited our spending to current revenues, we would still be increasing our debt by the amount of the trust fund surpluses, because the only place they can be invested is in nonnegotiable U.S. securities. So until we change that and find something else to do with our trust funds, we will always have an increasing debt.

Now, I mentioned that the trust funds represent about a $2 trillion debt, order of magnitude. The rest of the debt that we owe is what we call the public debt, or the Wall Street debt. That is the amount of money that we have borrowed from stocks and bonds and securities and so forth. That is a total debt then of roughly $6 trillion.

Now, we have told the American people for the last couple of years or so that we were paying down the debt. That was truthful, and that was not truthful. What was truthful was that we were using monies from the Social Security lockbox and the Medicare lockbox, those are surpluses in those two accounts, to pay down the publicly held debt. But I just checked this morning with CBO, and there never was a year in which, in fact, the national debt, which is the sum of these two, $2 trillion in the trust fund debt, $4 trillion in the public debt, there never was a year in which the total of those two debts went down. I asked them, was there a moment in time when that debt went down, the national debt, which is the debt we should have been talking about. Well, he said, probably so, because you see, our outlays are reasonably consistent month by month. But we have a big surge of money that comes in in April when Americans pay their taxes. So for April, there may have been, and he was not sure, he was going to check and call me back, for in April, May 2000, 2001, maybe 1999, there might have been a month when we, in fact, did reduce the debt.

But if we use an accrual method of accounting, and the government requires everybody with more than I think $1 million revenue to use it, and we certainly have more than that in the government, to use accrual methods of accounting, so if we use accrual methods of accounting, there never was a moment in time during these past several years when, in fact, the national debt did not go up.

Now, the national debt is going up a bit faster now than it would have gone up, because we are in a war; and I hope there is nobody who is saying that we ought to spend less money on our military, because we are now not spending enough. I am not sure we have given our military enough money to fight this war. They went into this war with a spear that was very sharp at the tip, but very little in back of that. Readiness was down. I am concerned that we cannot give them enough money, and this in a time when there is an enormous wave of patriotism, enormous support for the military, that we are not going to get it done. So I hope there is no one who would suggest that we are not giving them enough money. I do not think we are giving them enough money.

I just wanted to make it clear, Mr. Chairman, where we are, that we never in fact have paid down the national debt. The debt that we were paying down was the public debt.

Now, that is very good for us, because paying down that public debt means that interest rates drop and we are paying roughly 2 percent less for everything we borrow now. But think of what we have done to do that. We are telling our children and our grandchildren we cannot operate our government on current revenues, so we are borrowing from your future. What you are going to have to do is not only run the government in your day on current revenues, you are going to have to pay back the money that we borrowed from your future, these trust fund dollars.

When I ran for Congress 10 years ago, I promised that I would conduct myself so that my children and grandchildren would not spit on my grave. I still intend to do that.

Mr. TIERNEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill started as a bipartisan committee effort. It was done in order to fund the emergency needs for defense and homeland security. That is why it was so grating to sit here last night and again today while many of our Republican members, including chairpersons and others who want to do the right thing, agree that the original bill was focused on emergencies, but that their leadership hijacked it and changed that bill, still all have the audacity to stand up here and wave the flag and insinuate that other people who want to talk about things that are extraneous to the bill are somehow unpatriotic. They shamelessly join in and make those insinuations, and somehow they want to know that they or their proxies are the ones who are changing the nature of this bill.

Every American knows and every Member of this House knows that Members on both sides of this aisle support and continue to support the security of this country and the protection of our troops. Shame on those who try to hide their shenanigans by implying otherwise. The question is, do they have no shame?

Late last night before the majority abandoned its attempt to move this bill in the dark, we witnessed the shameful spectacle of the Speaker of this House, and others, claim as political those who question the nondefense, nonhomeland security aspects of this bill. That was disgraceful, even for a majority that has made the disparagement of the democratic process an art form.

Let us review the situation again, Mr. Chairman. This committee did bipartisan work. It passed a defense and homeland security emergency spending bill. It went to the Committee on Rules where the majority of Republicans rewrote that bill. Essentially, they took it and they spread the American flag out; they put the Committee on Appropriation's work on it, and then they added things. They added violations to the Caribbean Basin initiative that just happens to have two of their Members, one from South Carolina, one from North Carolina, who took politically harmful votes earlier in the year to be helped in their upcoming elections.

They changed distribution of hospital funds. It just so happened that Members of the Republican Party with tough elections ended up with their hospitals getting more and hospitals around the Nation getting less so that could happen. They reported to put in a deeming in the budget amount that the leadership could not otherwise get through both bodies in this Congress and which forces the rest of the year every other place of education, transportation, housing and so on to be cut, and it raises the debt ceiling, hidden in this bill, tucked in there so that no Member of the majority party will have to stand up and be counted. They did this even though most of the people over there on that side of the aisle have signed a bill saying that it would take three-fifths of this body in an open vote to make such an increase in the debt ceiling.

It is the Speaker's job to represent and uphold the integrity of this House and not to play partisan politics with our security needs. It looks like ours needs to be reminded of that. He took to the floor to participate in the shameful waving of the flag to mask political additions by the Republican majority to this bill.

The debt ceiling in America is America's credit card limit, the maximum that we can charge on our credit cards, if you will. The Republicans are rightfully embarrassed, as they should be, that they took a $5.6 trillion surplus and in one year, they blew it out so that they need to raise the amount that this country can borrow.

Now, we as American families could understand that if they had to raise it to borrow to invest in the future needs of our families and this country. For instance, if they had to borrow for security reasons, but they do not, or for housing, but they do not, or for education, but they do not, or transportation, or each retirement. But these Republicans are not raising the credit limit of this country because they want to invest in those things; they are not borrowing for our security. There is plenty of money in there and both sides of the aisle would vote to have this country secure. They are not helping us secure housing needs. They are not educating our children with the money; in fact, they are cutting the education funding and leaving the children behind. They are not doing it for our retirement, because, in fact, as a result of this, they are going to have to spend the Social Security and Medicare trust funds.

The Republicans are raising the debt of America because they gave our savings away to their wealthy neighbors. What American would take their credit card, increase the debt and use that money to give it to their wealthy neighbors at the expense of their children's education, their parents' retirement and prescription drugs, their communities' needs? But that is exactly what has been done here, and they have the audacity to stand up and call others who question nondefense needs and nonhomeland security needs as political.

The majority wrapped this bad act in the flag together with the bipartisan emergency security funding, and brought it here hoping Americans would be distracted by their waving of the flag. It is a disgrace.

When Webster comes out in the future with a pictorial dictionary, next to "bravery" it is going to have the photos of Americans who fought in Afghanistan, who helped in New York, and who paid their taxes to support the unity, freedoms and civil liberties of this country. Next to the words "political cowardice" it will need space enough to fit a group so large as to encompass the entire Republican caucus, chief among them the so-called moderates who voted for this crummy rule and wring their hands afterwards.

□ 1315

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support this legislation and the language in it to increase the debt. I do have concerns about it, and I believe that my Democrat friends today have shown rare interest in fiscal restraint.

I am glad to see it. I know there are a lot of them, like my friend, the gentleman from Mississippi (Mr. TAYLOR), who is always on the target, and I am glad to see he has growing numbers there. We on the Republican side of the aisle welcome all the help we can get when it comes to fiscal conservativeness.

What I want to say now is that the Treasury is not going to be able to finance the homeland security and the war on terrorism without addressing this issue.

We keep hearing we do not like the process. But if we go back in our book, which is the House rules and manual, on page 945, rule number 49, which was at one time known as the Gephardt rule, it says and I quote, "The vote by which the conference report on the concurrent resolution on the budget was agreed to in the House, or by which the concurrent resolution itself was adopted in the House if there is no conference report, shall be deemed to have been a vote in favor of such joint resolution," and that is concerning the debt ceiling, "upon final passage of the House of Representatives." This was the case for over 20 years as a mechanism designed by the Democrat party to address the issue of raising the debt ceiling.

Now, I want to say let us get off the process issue. This is a standard thing that the Committee on Rules has done. But I also heard the words of the gentleman from Pennsylvania (Mr. TOOMEY) earlier today. I have to say to my Democrat friends, where was their plan? Where was their budget? When we had the budget debate, there was not one.

The words of the gentleman from Missouri (Mr. GEPHARDT) said that it is a problem and they are just going to vote no on it. But as the burden of governing goes to the majority party, we have addressed a lot of debt reduction, $453 billion in debt paid off; in 1998, $451 billion; in 1989, $89 billion; in 2000, $223 billion; and in 2001, $90 billion in debt reduction.

We are very serious about this. We have passed a budget this year that gets us back on this track. We are going to continue to do so.

Here is another chart about what our plans are about it. Here is $3.7 billion, going up to $3.2 billion by 2007. Meanwhile, back to the Democrat ranch: no budget, no submission. There was a plan that one of the leading Democrat Senators said that goes into Social Security. That is something they always try to accuse us of, but here is a news article about how the Democrat plan in the Senate was planning to get into Social Security. The House plan was not, because there was no plan, so they can kind of pick and choose issues here.

Is war free? Did anyone think on 9/11 that this was not going to cost us money? Can we really put a price on defending our freedom? Can we really say that, well, we did not mean it, and we do not like the procedural situation here today, so we are going to take a pass on it? I do not think that anybody in this House, Democrat or Republican, conservative or liberal, would ever want to do this.

Can we put a price tag on defending our freedom? This bill today helps us continue the war in central Asia until we win it. This bill today helps us to defend our homeland, which we need, and our airports, our ports, our EMS, our police officials back home. This bill helps fund that.

This bill also has $5.7 billion for New York City. Now, I am sure if we all looked at it politically and said let New York take care of it on their own, nobody is necessarily going to lose the election because they did not vote for more spending for New York City. But the fact is, the attack was a national attack. Every Member in here, from Hawaii to Maine to Miami, all want to stand up and support, as fellow Americans, side by side, the rebuilding of New York City. This bill today allows us to do this.

War is not free. War is not pleasant. Financing war, financing anything, is not easy, but this is an approach. I support the bill and hope that we can move on from some of the partisan rhetoric that we have been hearing today.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think, given the words of the gentleman who preceded me in the well, there is substantial ground for agreement on homeland security, money for the National Guard; our troops, giving them what they need; the Coast Guard needs more funding; aviation security, I was a principal in writing that bill, and it is going to cost billions of dollars; and money for New York City.

There was tremendous agreement on the Committee on Appropriations. If that bill were brought to the floor, I would venture to say it would get a two-thirds vote. We would probably do it under suspension of the rules, or maybe better.

But that is not what is before us today. That is the problem. This is not an emergency supplemental, it is the early arrival of the Capitol Christmas tree. This bill has been larded down with billions not requested by the President, and extraneous provisions like raising the national debt limit.

In other areas, some of particular concern to my constituents, they have shorted the President's request. I will tell the Members what is an emergency to the people of my district. In addition to fighting the war on terrorism and defending our homeland, it is the fact that we have the highest unemployment rate in the United States of America in my district. This bill shorts the President's request of $550 million for national emergency grants under the Work Force Investment Act to provide unemployment training assistance by $250 million.

That is going to be shuffled elsewhere. They ignored the President there. That is a real crisis, a real emergency to people in my district.

There are other things about this bill that are particularly outrageous: the increase in the debt limit, running up the credit card by spending Social Security trust funds.

What happened to the lockbox? That was a Republican invention. We voted on it 7 times in the House. I voted on it each of the 7 times. I supported the idea of a lockbox for Social Security. Where has it gone? They have blown the door off and pulled the money out.

This year, in this year's budget, $150 billion of money that should be going in the lockbox, that should be there to pay for future generations of Social Security retirees, is going to be spent and replaced with IOUs with this year's projected $307 billion budget. This merits an airing. This merits a debate on this floor.

If we are going to increase the debt of the United States of America by three-quarters of a trillion dollars, if we are going to run $200 billion to $300 billion-a-year deficits as far as the eye can see, half of that money coming out of Social Security, how are we going to pay for the retirement of the baby boom generation?

Will they be better off watching the money flow to the most wealthy Americans with the tax cuts, or would they be better off safeguarding their trust fund, paying down some of the national debt, making us more capable of carrying those burdens when that generation retires? That is a debate we should have. Let us have a debate over the policies that are leading to this request that we increase the debt ceiling of the United States by three-quarters of $1 trillion: $750 billion. It is $750 billion, B, billion dollars. That is a lot of money, even here in Washington, D.C.

Can Members not have the courage of Ronald Reagan? He jammed through huge tax cuts and big spending increases with similar rosy projections. Two years later, he had the courage to admit he was wrong. In fact, we were running huge and growing deficits, and the tax cuts were too big to support. In fact, he rolled them back, very significantly working with a Democratic House and a Republican Senate.

Can Members not have that courage to admit that the $5.6 trillion of rosy scenario, which has now evaporated, which allowed them to put through a tax cut, which is going to absorb about half of that money, that is not here anymore? We are in deficits. Should we borrow money from Social Security to finance tax cuts principally for the wealthiest Americans, or should we safeguard those funds?

We could have a wonderful policy debate here on the floor of the House about raising the debt limit, what is leading to it, and what we should do about it. But that is not going to be allowed. That is being rolled into this bill with little bitty sneaky language so it can come back.

Let us have a fair debate on that issue. Let us strip out all of the extraneous provisions of this bill. If they will do that, I will vote for it. I will support a unanimous consent request to just deem the bill adopted. Just strip out all the extraneous positions out of this bill, and I believe we could get every Democrat to support a motion similar to that.

We support the money that is going in there for the troops, the war on terrorism, the other essentials; but we do not support the Christmas-tree approach that this bill is taking, including avoiding any significant policy discussion about trading off tax cuts for increasing the debt in the United States and raiding the Social Security lockbox.

Mr. SPRATT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the debate we have before us is about a supplemental spending bill, but it is not about supplemental spending for the war on terrorism, not this debate. When it comes to fighting terrorism, we are not going to be stinting about the cost. We want to win. We support our troops. We support our President. We are ready to vote for supplemental spending to win the war on terrorism. Let us make that clear.

But the leadership of this House, knowing that this supplemental would be widely supported, cleverly stuck on it provisions that are totally unrelated to the war on terrorism which we cannot and do not support. One provision in particular sticks in our craw. Members have heard us talk about it. It is seemingly innocuous, just a passing reference to "the debt of the United States." But this passing reference is a coy trick, too clever by half, particularly with a matter of such gravity as the national debt of the United States of America. Because what this bill would do without a direct vote, without open acknowledgment, what this bill would do is open the back door for an increase in the national debt of $750 billion.

Now, we all know that the national debt ceiling will have to be raised by $750 billion, and probably before it is all over with, even more. I voted for it before and I will vote for it again. But if we let it slip by, if we let it pass, buried in this bill, I will tell Members what we will be voting for: We will be voting for 2 more years of avoidance, 2 more years of dodging the issue, 2 more years of not dealing squarely with the problems of our budget, the deficit, and the debt that has put us so far in debt that we now need $750 billion in debt ceiling increase.

Look at this chart. It is just a simple explanation of how far we have sunk in the last 2 years with the administration's budget policies. This was what they projected here, that we would not need to come back for an increase in the debt ceiling for at least 8 years. That is what Secretary O'Neill told us as recently as last year when he testified before the House Committee on the Budget. It would be 2008 before he needs another debt ceiling increase.

Look at what has happened in 2 years. Look at the red line shooting up there. That is because of the budget that we have which is shown on this next chart. The numbers are too small, and it is too bad, but this chart shows graphically, literally and figuratively how far we have sunk.

Look at this bottom line here, the remaining on-budget surplus. We have gone from the first surplus in 30 years, not including Social Security and Medicare, to an expected deficit by our calculation this year of an on-budget deficit of $314 billion, $314 billion.

Look across this line and see what happens to the bottom line. It does not self-correct. It does not get any better. This year we expect $314 billion. Next year it will be $342 billion, without Social Security and without Medicare. The next year it will be $248 billion, $284 billion, and then $238 billion.

Mr. Chairman, what we are avoiding, if we vote for this bill and approve a debt ceiling increase by the back door, is any confrontation with this dire fiscal situation we have on our hands that results from the Bush budget policies. That is the bottom line. That is what the debate is about.

We went to the Committee on Rules and said quite simply and openly, give us an amendment to this bill which would basically provide that before the debt ceiling is increased by more than $250 billion, and we will let you have a $250 billion increase, but before we add the additional amount, let us have in place, let us pass and put in place a budget resolution that would restore us to balance in 5 years, that would put us back on an on-budget surplus in 5 years.

Is that asking for too much? All that is asking for is what we all promised on the 7 occasions in the last 2 or 3 years when we brought to the floor bills we called lockbox bills. Remember those? Everybody got up here and forswore this practice of digging into the Social Security trust fund, digging into the Medicare trust fund and using those trust fund surpluses which are building up for now for ordinary operating purposes of the Federal Government. We all said that now we were in surplus and we are able to do it, we would not do it again.

Well, here we are, Mr. Chairman, back at that practice again as a result of the budgets we have adopted for the last 2 years. What we have tried to say, the amendment we tried to offer and get made in order, simply provided that before we raise the debt ceiling $750 billion and preclude this issue from being considered again for at least 2 years, bypass this debate, let us put in place a budget that will put us back in balance. That is what this debate is all about.

□ 1330

Ms. SOLIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, last night I stood in this very same room with some of you here to argue against the raising of the debt ceiling and from bankrupting our Social Security system for our current senior citizens and future baby boomers like myself and others. I am dismayed that this afternoon I have to return and make the very same argument again, raising the debt ceiling especially in such a backhanded way that unfairly forces us to make choices, choices of priorities. Make no mistake about it, make no mistake about it, Democrats do support our troops. We do support the war on terrorism; but we cannot sit idly by while the Bush administration and the Republican leadership continue to chip away at the support beams of Social Security in the name of patriotism.

I ask, Is it patriotic to steal food and shelter from our seniors? Is it patriotic to force our seniors to choose between nutritious meals and their prescription drugs? Is it patriotic to ask our workers to pay into the Social Security system that may be dissolved before they have an opportunity to benefit from it, like myself?

Mr. Speaker, the U.S. House of Representatives has over 61 women Representatives here now. But the United States is comprised of over 140 million women. And of those women, there are many who will be adversely affected by the radical shift in Social Security. Today women represent about 60 percent of the Social Security recipients and 72 percent of those are beneficiaries aged 85 years and over. More than a quarter of these women depend on Social Security as their sole source of income.

And just like my district where there are many minority women, Latinas and women of Asian descent, they are at risk. Where are they going to go to help pay for their rent, to get their medicine, to take care of themselves? Because all they have is that check that comes maybe once a month. We cannot play with the lives of these women who have given so much to our country. Many are sole survivors now whose husbands have fought in our wars. We should not be forced to choose between democracy and the men and women who worked together to build this mighty country.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. SOLIS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I could not help in listening to the gentlewoman's passionate plea about the status of women, just to share with the gentlewoman in my own district just a few weeks ago I went around to different senior citizen sites and met with a lot of the women who are there now who rely upon Social Security. And one of the difficulties is that they do not have even now enough money to pay for prescription drugs, to be able to pay for their rent and expenses. And if we violate what the gentlewoman has said, the trust of the Social Security, by voting on this bill with an increase in the debt ceiling, the debt limit, we are now putting a heavy burden on these constituents' backs, Hispanic women, Asian women, Anglo women, African American women, elderly and those who are yet to come.

I want to congratulate the gentlewoman for focusing her remarks on women because I saw it firsthand. There are people who told me that I cannot pay for my own food because I do not have enough money to be able to enjoy a quality life.

I thank the gentlewoman for making this very vital point. That is why I am so indignant.

Mrs. McCARTHY of New York. Mr. Chairman, will the gentlewoman yield?

Ms. SOLIS. I yield to the gentlewoman from New York.

Mrs. McCARTHY of New York. Mr. Chairman, I think when the gentlewoman brought up there are 61 women here representing the people of this Nation, I think that we should also remember those people who are on Social Security disability. My son was on Social Security disability, and it got us through some very, very hard times. There are millions and millions of people with disabilities that are counting on Social Security also, and I do not think we should forget them.

Ms. SOLIS. Mr. Chairman, I just want to reiterate again to the Members that we are talking about what is at stake here for millions and millions of people, senior citizens, even young folks that rely so heavily on this check. And what about those widows that now receive that payment? What are we telling them? What are we letting them know about our decisions here tonight?

I would ask we consider rethinking this whole plan because I am not in a position to go home this weekend, Memorial Weekend, to start giving speeches about how patriotic our government is and how much we are doing everything we can; and at the same time, the very people that I am going to be speaking to, most of whom are on Social Security, knowing that we will be taking away from the very folks that deserve to have this support.

Mrs. CUBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have been watching this debate for the most part of the morning, and I have to say it is shameless. And I think it is shameless when women use their gender to try to achieve political goals.

The fact is this bill is about the defense of our country, our national security and our homeland security. We need to get this bill passed so that we can get the proper equipment, training and everything else that our troops need while they are there defending our freedom.

When these young men and women get up every day they button on their jackets. When they do that they are basically saying, I will die for you today to protect your freedom. And what this bill is about is getting the money and the resources that we need for homeland security and for the defense of our country.

We know that we are under threats from terrorism across this country. And to stand up here and refer to starving seniors, and taking drugs away from seniors and from young women, taking checks away, Social Security checks, they know this is not true. They know that is disingenuous; and Mr. Chairman, that is a debate that needs to take place on another day.

Everyone in this Congress on both sides of the aisle are committed to saving Social Security and seeing to it that all of the seniors and all of disabled people in this country have a living and have health care and have food. Now, let us cut with the dramatics and get down to the basics of what this is about. This is about defense and homeland security.

Now, Mr. Chairman, I ask that we cut down on the emotions, get to the facts and get on with the debate of this bill.

Mr. PASCRELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, you know you are in dangerous, dangerous waters when you mess with questioning anybody's patriotism or dedication to our troops. You are in dangerous waters. So I speak today as a veteran. I speak today as a loyal American.

We support our Commander in Chief in the execution of the war. May no one think otherwise. But under the cover of war, do not politically pursue your goals. That is dangerous. American people are smarter than we give them credit for.

Mr. Chairman, this is my Social Security card. I do not need the poster here. This is my Social Security card. And I am not going to show you the number because it is nobody's business, by the way, which is another thing we will debate at another time.

This card, this Social Security card, has become a national credit card. Borrowing off my Social Security card will put us deeper in debt. The excruciating rates of credit companies, credit card companies in this country, will pale in comparison, in comparison to the interest rates every day growing and growing and growing on the Nation's debt. In fact, in the first minute I have spoken, a million dollars. You may choose to ignore this. I do not.

This is the most recent in a series of fiscally irresponsible acts by the majority that you have taken in the last 18 months. First, you push through an offensive tax cut that benefits primarily the very wealthy in this Nation. It is back-loaded so as to hide the effects this will have on our budget. But the worst is yet to come in 2003, in 2004, in 2005 when those other rate cuts plug in.

Just last month you tried to make this permanent, ad infinitum. It was not bad enough to have a 10-year budget. You cannot predict the budget for 10 months. Now they want to raise the debt ceiling by $750 billion.

Mr. Chairman, no one on our side of the aisle has questioned our authenticity. Let us get the record straight. We know what you are dealing with. You know what we are all dealing with. That is not the issue. Prior to this Republican tax cut, according to the Congressional Budget Office, all the Treasury debt held by the public could have been paid off by the year 2008. That is gone. That is serious business. You know that and I know that.

As a result of that tax cut pushed through, the Republicans by 2008, the baby boomers thought to retire, the government will owe $3.49 trillion more than it owes at this very moment. Now, you may dismiss it under the cover of war again; but, again, you cannot borrow off my Social Security card. I do not want you to. The American people do not want you to either. Remember, that is not just the debt we have to worry about. There is also an interest on that debt. Fifteen cents out of every tax dollar we send to Washington automatically goes to paying the interest on the debt before we even sit down and try to respond to the basic needs of American people. That is unconscionable.

According to the President's own numbers, this year alone we will pay $178 billion in interest on our debt; and the payment amounts go up every year. The effect on America's national debt is an additional $396 billion. This is a direct result of what we did last spring in 2001. We will pay off almost $400 billion in additional debt as a direct result of the majority's efforts to make this tax cut permanent.

The majority is always talking about responsibility. You are darn right. There is a values question. This is a values question. I value this card. And so do the American people.

Mr. TANNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I, like all of us here, remember the first day I got here to Congress. I came here to represent my constituents like all of the Members did consistent with the national interest. And we know that over time we lose some of that. And, quite frankly, the leadership on both sides, in the interest of party unity, ask us to vote for rules that we know are wrong and are not in the best interest of our constituents and not in the best interest of our country. That happened yesterday on this floor.

We tried to make a fight of it, but you know in your heart that you are putting party politics above the interests of this country and the people here when you come to the floor under this rule that disguises a raising of the debt limit of our country. This may be the most cynical rule in my 14 years here.

I honestly believe that this is the most cynical rule I have seen in 14 years I have been here. Members on both sides of the aisle I know are called on in the interest of party unity from time to time to vote for rules. That happened yesterday. It was wrong for our country. We know it was wrong when we hide this attempt to raise the national debt like we did.

□ 1345

As has been said many times, we will vote for unanimous consent today, right now, for every dime the President requested to fight this war, but when my colleagues come to the floor and say this is for the war effort, I have read through the bill.

Do my colleagues realize there is $425,000 in here for a school district in this country for after-school activities? There is $250,000 in here for after-school activities for another school district. There is $250,000 to equip a community technology center in this bill. There is $250,000 for a mental health agency for the planning and development of a facility. There is $600,000 for a community enrichment corporation for construction of a facility; $500,000 for an affordable housing program; $100,000 for the renovation of a historic building; $200,000 for construction of another facility; $200,000 for facility improvements; $600,000 for renovation of a facility; another $200,000 for facility construction. It goes on and on.

It has nothing whatsoever to do with the defense of this country, with homeland security, with the troops or anything else. That is what we object to. We object to hiding stuff like this under the guise of the flag and patriotism. It is wrong, and I would just simply ask that the chairman of the Committee on Appropriations again please go to his leadership and say, look, we will pass by unanimous consent every single nickel that the President has asked for the homeland defense of our Nation and for the troops, but do not bring this here and do not pad, under guise of raising the national debt, this cynical rule, the most cynical rule I have seen in 14 years here, and all of us know it.

Surely to goodness we can put partisan politics aside and do what we came here the first day we were sworn in, and that is represent our constituents consistent with this country's interest. That is what all, that is all we are asking our colleagues to do.

Mr. WAMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, while there is still civility and sanity on the floor, let me just come to the well and say that I have found some good in all 435 Members of the House, tried to get to know every one of my colleagues, tried to work with all of them from time to time on different issues, and I see a lot of good in this House.

There are no clean hands, though, completely spotless hands. There are a lot of good areas, but we all have our own little burdens to bear in terms of taking care of our districts from time to time or putting things in bills that do not belong or might not be germane, and so I think this is a time where we need to come together.

My colleagues may have noticed, yesterday I voted present on this rule. I did not like this rule. I am a member of the House Committee on Appropriations, and I frankly think the Committee on Rules went too far. I think rules ought to be more straightforward and a lot cleaner.

But I also watched the board as the rule vote was concluded, and the rule passed, and Winston Churchill once referred to our form of government as the worst form of government imaginable except for every other because it sometimes is sloppy. It sometimes may seem unfair, but majority rules, and the rule passed, and at some point we have got to resolve our differences and pass the bill and go home and honor those that have given so much, and maybe check in with our families a little during a weekend, which would be good.

I am in no hurry, but I think it is important that at some point we go ahead and say we fought the good fight, we stood for whatever we believed in on both sides and then we worked out a compromise and went home, even if it is not what my colleagues want. Make your case and then let us come together because I think we need to do this work. I think there are a lot of difficult issues that are out there, and I know there are a lot of people of goodwill here.

So let us try to do this in a civil way, in a timely manner. State your case. But I have got news for my colleagues. The tax relief was important. We would be in a lot worse economic shape as a Nation today had we not passed that tax relief. So my colleagues can keep arguing that until they are blue in the face, but it was done and it needed to be done. It was the right thing to do, and now we have a whole other set of circumstances in front of us, including a wartime, antiterrorism effort that requires at some point in the coming hours that we meet together at the water's edge.

My friends on the Democratic side have seen me come to the well and defend legislation that they offered this year, but at some point in the coming hours, let us find a way to come together and pass this supplemental and go home and honor those that have given so much to our country.

AMENDMENT OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEPHARDT:

In chapter 14 of title I, strike section 1403.

The CHAIRMAN. For what purpose does the gentleman from Florida (Mr. YOUNG) rise?

Mr. YOUNG of Florida. Mr. Chairman, the gentleman's amendment is subject to a point of order, but at this point, as a courtesy to the gentleman to allow him his 5 minutes, I will reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

The gentleman from Missouri (Mr. GEPHARDT) is recognized for 5 minutes on his amendment.

Mr. GEPHARDT. Mr. Chairman, I appreciate the Chairman giving me the opportunity to explain my position on this amendment and on this point of order.

This bill is being considered under a rule that does not include language on the full faith and credit of the United States until the Committee rises, and then the language comes into the bill at a point too late for this body to consider that language or amendments to that language.

We think that it is in order and should be in order to make an amendment to that language, and we feel it so strongly because we know and believe that if that language persists in the bill, it will be used in a conference to bring about language lifting the debt ceiling, in other words, raising the debt limit for the United States, raising our credit card limit, which will come back in a conference report and be a fait accompli.

This is an important moment in the economic history of this country. We worked our way out of debt over a long period of time in the 1990s in a bipartisan way. The gentleman from Tennessee's comments were well taken. It was bipartisan. After the 1993 budget, we passed a budget in 1997 and worked our way out of debt, in fact, to the point where a year ago we were talking about surpluses.

My friends on the other side of the aisle a year ago insisted on a tax cut, half of which went to the wealthiest people in the country. We can argue it till the cows come home about that tax cut, but that tax cut, in our view, now constitutes at least half of the cause of the reason that we lost the surplus, and we now face huge deficits for as far as the eye can see.

I can certainly understand my colleagues' position. I do not agree with it on cutting taxes to that extent, but I understand that they wanted to do that. I understand that they wanted to articulate that to the American people, but when it comes time to pay the bill for that tax cut, they do not want to be seen. They do not want to have a vote. They do not want to have a discussion.

The reason it is important is that in effect what we are doing is we are raiding the Social Security and Medicare trust funds in order to pay for a tax cut for the wealthiest Americans. Let us be straight about it.

So you bet we want a debate. This is an important moment. I would vote for an increase in the debt ceiling to get us another month of time. I realize we cannot fail to have an increase in the debt ceiling; I know that. When I was in the majority, I worked hard with these Members to get them to vote to increase the debt ceiling, and it was hard to do, but we did it because we have to do it. Of course, we have to do that, but what I want more than that is about a month on the debt ceiling so we can get to what we ought to be doing, and that is, having a budget summit, a budget conference, a budget meeting, with you and the administration and the Senate to come up with a new budget.

You can bet that every family who lost someone on 9/11 has had a budget meeting in their household. They have sat around the kitchen table working on a new budget for their family. Our American family had a tragedy on 9/11 that we are trying to respond to here today, and in all common sense, we should be sitting at a table with trust and respect for one another's viewpoint and adjust our budget for the change in circumstances that our country faces.

When you did the tax cut, we did not know about 9/11. We did not have a war going on in Afghanistan. We did not have all of these needs for homeland defense and homeland security. In the name of common sense, let us pass a debt ceiling today for one month. Let us sit down and have a budget summit. Let us find a budget that will save Social Security and Medicare. We are going to have the baby boomers coming in about 8 years to get their Social Security benefits. How in God's name are we going to take care of them if we have not adjusted the budget?

Now is the time to do it. I ask the chairman of this committee to allow this amendment, let us put in some new language on debt ceiling. Let us get to a budget summit for the American people. Let us save Social Security. Let us do what is right for the American people at this time of peril.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida (Mr. YOUNG) insist upon his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the gentleman's amendment. Under the rule, section 1403 was adopted in the Committee of the Whole and the House. Page 52 of the House Practices states that an amendment that seeks to strike an amendment previously agreed to is not in order, and I insist on my point of order.

The CHAIRMAN. Does any other Member wish to be heard directly on the point of order?

Mr. DOGGETT. Mr. Chairman, I ask to be heard on the point of order.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. DOGGETT. Mr. Chairman, it is very hard to follow such a moving appeal that demonstrates the importance and the urgency of permitting this amendment, but I think it is appropriate to reflect on the parliamentary situation in which we find ourselves at present.

A very odd and strange rule has been imposed on the House.

Mr. YOUNG of Florida. Mr. Chairman, I believe the gentleman's comments are not related to the point of order.

Mr. DOGGETT. And should we not be permitted to offer the amendment and the point of order be sustained, Mr. Chairman, that would deny any opportunity under the rule for us to consider this critical issue of whether we want to raise the limit on the debt and invade Social Security.

The only alternative at that point would be for us to raise this issue by continuing to speak around the clock to defend Social Security and by appealing the ruling of the Chair who I believe has done a very fine job today, but that would be the only way if the point of order were sustained to get this critical issue of whether we want to raise the limit on the Social Security credit card, as it is being treated, my colleagues' Social Security card being treated as a credit card for expenditures on other issues.

□ 1400

We can avoid that problem. We can conclude our business, be home to honor those on Memorial Day who have served our country so well, by simply agreeing by unanimous consent to let this critical matter come up, do it now, do it on a bipartisan basis, cooperatively join to deal with this problem, get us a budget, preserve Social Security and do so in a collegial and appropriate way. Or alternatively we can challenge the ruling of the Chair, and we can stay here for a very long time.

Because it is clear that not just one or two people but all of us are committed to doing what is necessary to preserve Social Security for this unfair rate that is being proposed today.

The CHAIRMAN. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. OBEY. Mr. Chairman, were the Chair to rule that the distinguished minority leader's amendment is nongermane, would in essence be for the Chair to determine that it is fair to operate under a set of rules under which the House can push into an unrelated bill the subject of the debt ceiling, but it is unfair to push it out again in order to get back to the bipartisan wartime supplemental which so many Members of the House today have been suggesting this bill is supposed to be.

We agree that that is what it is supposed to be. And so I would urge the Chair in the interest of fairness, since the majority party leadership brought this issue in in the first place, to rule that it is just as legitimate to take it out as it is to put it in.

The CHAIRMAN. Does the gentleman from Texas wish to be heard directly on the point of order?

Mr. STENHOLM. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. STENHOLM. Mr. Chairman, I have taken the time to review, as best I could, the rules on which the Chair made the decision yesterday, in ruling in favor of the rule, that allowed this rather unusual procedure. I take it that our Parliamentarians and everyone in this body recognize the seriousness of making a precedent ruling. That is what this is, I believe.

I do not believe that we can research the rules of this House from the very beginning of this House and find a ruling made by the Chair that indicates an amendment is not deemed to be in play until it has been voted on in the Committee of the Whole. And this is where I make my appeal to the decision of the Chair.

It seems to me that in making that determination, that denies the opportunity to strike something that is not in the bill, was not in the rule, but was deemed to be passed after we vote in the Committee of the Whole. This is, at best, confusing; but it also, if the decision of the Chair holds that this type of parliamentary procedure shall become the precedent and the ruling of the House, that you might put into a rule language that says, in this case the debt ceiling, hidden in a rather innocuous way, will be considered passed after we vote on the bill; but until you vote on the bill it is never in play.

The minority leader has asked that it be stricken. The gentleman has quoted from the rules in saying it cannot be stricken because it is not in the bill. It was not in the rule. And it was not in the rule because it could not be in the rule until it was passed by the House, and the House has not acted as yet. That is rather confusing to this cotton farmer from Jones County.

I conclude my appeal on the ruling, Mr. Chairman. We are getting on very thin ice in this body when we use sleight of hand and attempting to hide the true intentions of what we do behind a rule, and now a ruling of the Chair that not once but twice has now been held that this will now be perfectly the order of the day. This is not the spirit in which we were all elected to this body, Mr. Chairman. This was not the spirit in which we were elected.

So I would respectfully ask that you reconsider your agreement with the point of order, because this is setting a precedent that I do not think either side will want to go, if you in fact should make that ruling. And I urge you, in fact I implore you, to not sustain the point of order, to allow this vote to proceed, to allow an up-and-down vote on the issue, the issue of whether the debt ceiling should be hidden in the way in which it was hidden.

Mr. TIAHRT. Mr. Chairman, I wish to speak on the Chair's ruling, on the point of order.

The CHAIRMAN. The gentleman will be heard.

Mr. TIAHRT. Mr. Chairman, this phrase that includes the term "full faith and credit of the United States" was first placed in the rule during the Committee on Rules hearing, and there was a vote taken in the Committee on Rules in the past which brought the rule to the floor. The reason we have a rule is so that we can conduct business in an orderly fashion and not repeat procedures over and over and over again. It is a way of avoiding delaying tactics so we can conduct the business of the House. If we repeatedly go through a process of trying to change something that has been voted on several times, it will cause us to backtrack, not move forward.

The House cannot afford to be frozen in time on one particular item. We must address the item and move on. This particular item not only has been addressed in the Committee on Rules, where a vote occurred and it was successful, it then came to the floor where a debate followed. The second vote was taken by the full House, and it was accepted by a majority of the people in the House of Representatives.

Now, to move forward, we have come to the bill. It is now part of the bill. Hopefully, at some point in time today, we will have the opportunity to vote on the bill in its entirety, again addressing this issue with a "yes" or "no" vote.

So I would request that the Chair consider that in order to continue our orderly fashion of moving forward, rather than being frozen in time and repeating again and again a vote on a single issue, that we sustain what the chairman of the Committee on Appropriations has brought forward and continue business as we have conducted it in the past.

Mr. OBEY. Mr. Chairman, I would like to further be heard on the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. OBEY. Mr. Chairman, I note one comment the previous speaker just made, that we should not return to issues upon which we have already voted. The problem is that we have not yet explicitly voted on this provision. This provision was never presented to us in a freestanding up-or-down situation. It was presented only in the rule, where it was encompassed in a package with a number of other items.

The Constitution says that no money may be expended except by vote of the Congress of the United States. And yet through this indirect sleight of hand, were the Chair to rule against the amendment of the gentleman from Missouri, it would mean that in essence we would have paved the way for raising the national debt by $750 billion without ever having had an explicit vote on that.

So I think the gentleman is in error in suggesting that we have already voted on the specific proposal of the gentleman. In fact, we have not. That is the whole point. The House should.

The CHAIRMAN. Does the gentleman from Florida wish to be further heard on the point of order?

Mr. YOUNG of Florida. Yes, Mr. Chairman. Further on my point of order, I would respectfully disagree with my friends on the minority side when they say that this would be a precedent-setting ruling. For on page 52 of the "Guide to the Rules, Precedents and Procedures of the House," using "Deschler's Precedents" as the basis, it simply says it is not in order to offer an amendment merely striking out an amendment previously agreed to. The rule previously agreed to the amendment that was offered on the subject that the gentlemen are concerned about.

So I think this is not a precedent-setting point of order. I believe that it is well established in precedence.

The CHAIRMAN. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. FRANK. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. FRANK. Mr. Chairman, this is not a narrow question of interpreting the rules; it is a fundamental question about democracy.

I am a great believer in the rules. I think Members ought to understand them, because properly applied they structure our debates so that two purposes are served: first, we come to decisions; second, equally important, the American people know what their elected representatives have said on these important questions. And the rules should be interpreted to serve both purposes.

Yes, there is precedent. But precedent is not confining and constraining and controlling. The vote of this House is. I have in the past voted against the majority of my colleagues on my side because I thought the Chair was correct in interpreting a rule and that my colleagues were trying to get a second bite at an apple or bring in something that was not germane. Obviously, this is germane. It was brought forward by the majority.

The question then is, should we set the policy that a very controversial, very important subject can be considered to have been decided when it is hidden in another issue? People have said we have already voted on it. I am sure that Members on the majority side, when asked on the trail, Did you vote for raising the debt limit?, will say, Oh no, I just voted for a rule. I just had to vote for a rule to advance the procedure. And that is a question of the rules.

The question is what should the rules be interpreted to mean? Should we set a new precedent, a precedent that says the harder the issue, the more obscurely we will have that vote? No one believed that the only issue was the vote on the rule. Indeed, we had Members, when we were debating, saying this is not just a vote on the debt limit or this or that; I have heard the debate, this is a vote to help our troops, a subject on which there is no dissent in this House.

You cannot argue when we are debating the rule that it is really about getting the money out for the troops and then later say, oh, but it was really a separate vote on the debt limit. No one really believes that. No one is prepared to argue that. So this is a question of the rules.

The question here is the spirit of the rules and how we should interpret them. We are talking again about democracy. And what troubles me is that we have had an increasing pattern of the rules being manipulated, and I think twisted away from their original intent. I do not think Thomas Jefferson ever thought that they should be used in this fashion. We have a chance to go back to that basic underlying spirit of the rules being there so people know what happened.

We have an increasing set of procedures, the purpose of which is to allow Members to conceal their position from the voters. That is what is at issue. Nothing could be more in conformity with our rules than to say an important issue ought to get a vote. And I do not understand this problem. We are not talking about something that ought to be considered extortionate.

The Members of the House of Representatives say let us vote on this important subject. What are you afraid of, I have to say to my friends on the majority side? If you think this is important, if you think it is so defensible, then why not have a vote on it? Why create a precedent? And let no one think this will be the only time this will happen. Let this go forward unchallenged and increasingly, the more difficult the issue, the less the American people will be allowed to know where their elected representatives stand.

So on behalf of the rules, on behalf of the essential function of creating a structure in which democracy goes forward, let us have this vote on this amendment. That is all we are asking. And if you have the votes, you vote it down. If you think this is an important thing to do, do it. But do not hide.

□ 1415

Do not hide and do not distort the rules of the House of Representatives and degrade democracy.

The CHAIRMAN. The Chair is prepared to rule. Does the gentleman from Missouri wish to be recognized?

Mr. GEPHARDT. Mr. Chairman, I will be very brief and this will wind up our debate on this. I just want to reiterate what the gentleman from Massachusetts has said, because I think it is an extremely important point. If this is ruled against us, this will become another precedent for the House slipping a very important decision under the carpet, avoiding a vote, and doing something that I think the people want to know about, need to know about, and need to be included in, in terms of the debate.

I think raising the debt ceiling is a very important and necessary thing. I know that we have all had the experience of putting things on credit cards. When you get the bill, it sometimes is a surprise and you have got to reorder your priorities to pay the bill. This is a case where the national credit card has been used, and now we are not even considering whether to pay the bill, we are just considering whether to call the credit card company and raise the limit on the card. If we can slip that in without a vote and a discussion, the next thing, we will be able to declare war by putting it in a rule and not having to vote on it, or some other major act of this government.

I plead with the chairman, I plead with the majority to allow us to vote for a 1-month increase in the debt ceiling, let us get a bipartisan budget that is good for our troops, good for our war against terrorism and good for these great United States of America.

Mr. THOMAS. Mr. Chairman, I would like to be heard on the rule.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. THOMAS. Before anyone thinks that this is a decision on a narrow, technical parliamentary discussion, I want you to understand what is at stake. My friend, the gentleman from Massachusetts, said he could not believe that we would be doing this, or that Thomas Jefferson would not comprehend the fact that we were trying to run our business this way. The gentleman from Massachusetts had a popular politician at the time that Thomas Jefferson was a popular politician by the name of Elbridge Gerry. He created the gerrymander, to draw a district so bizarre that it was said, "It looks like a salamander. Let's call it a gerrymander." Why was it drawn that way? To retain political power. They would go to any lengths to retain political power.

If you take the logical argument of the gentleman from Massachusetts and say that we really ought to express ourselves on each and every item, that you should not hide something in a bill, can you imagine what the procedure would be on the floor of the House if each and every item had to be voted on? Because if you did not vote on it, then you are hiding it behind another item. And that when you are in this kind of a structure, i.e., moving a supplemental bill, by its very nature it is supplemental, it means we have picked up some pieces, we have had some things happen we were not aware of and we have had to put them together to respond to the real world. Not the desired world, the real world. And that their problem is they do not want to vote on this. They had a chance and they did. They voted "no" on the rule. But the majority prevailed. They now do not want to vote on this bill so it can go to conference and we can make an adjustment on the fundamental balance sheet of the United States because they do not want to vote on it when it comes back.

So I want everyone to understand, this is not a narrow parliamentary argument. This is simply a resurfacing of the fact that they do not run the place anymore and they do not like it. Because they used to do this routinely. And, guess what? Obviously by the reaction, it is quite true. Because what we are doing here is trying to deal with a situation no one had planned on. And what the friends on the other side of the aisle are concerned about is that we might actually be able to accomplish something. Because every move they make and every word they speak is planned to try to get them to return to power following the elections this fall.

Our job is to run the country as a responsible governing majority and we intend to do just that.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts further directly on the point of order for a brief time.

Mr. FRANK. Yes, very briefly.

The gentleman from California asked what it would be called, what it would be like if our point of order were to prevail. I will answer him. It would be called democracy. I ask that the majority not in the name of defending democracy throughout the world extinguish it here on the floor of the House of Representatives.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Florida raises a point of order that the amendment proposes to strike an amendment previously agreed to.

The Committee is considering the bill under the terms of House Resolution 428. House Resolution 428 provides, in pertinent part, that "the amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole." As indicated on page 240 of the House Rules and Manual, it is not in order to offer an amendment striking out an amendment previously agreed to. The amendment offered by the gentleman from Missouri proposes to strike the language in section 1403 that, by the terms of the rule adopted by the House has been considered adopted in the Committee of the Whole.

The Chair would also note that because House Resolution 428 provides that the amendments be considered as adopted, the text thereby inserted in the bill is not even read for amendment in the Committee of the Whole.

The point of order is therefore sustained.

Mr. STENHOLM. Mr. Chairman, I regretfully rise to appeal the decision of the Chair.

The CHAIRMAN. The question on appeal is: Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 215, noes 203, not voting 16, as follows:

[Roll No. 198]

AYES—215

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Burton
Clay
Combest
Condit
Deutsch
Gutierrez
Jefferson
Linder
Lipinski
Paul
Quinn
Roukema
Rush
Thompson (MS)
Traficant
Vitter

☐ 1443

Mrs. CAPPS and Ms. SANCHEZ changed their vote from "aye" to "no."

Messrs. HEFLEY, LaHOOD, ENGLISH, KNOLLENBERG, BRADY of Texas and Ms. DUNN changed their vote from "no" to "aye."

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

So the point of order was sustained.

☐ 1445

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are on the eve of Memorial Day, a day set aside each year beginning with the war of 1917–1918 to recognize and memorialize those who paid the ultimate price and those who served and, subsequently, those who fought in wars since that time. Mr. Chairman, we are today involved in war.

This bill before us is purported to be a supplemental for the battle against terrorism, one that is purported to support the war against terrorists and to support those wonderful young men and young women in American uniforms. So I think it is proper to measure this legislation before us by giving it the soldier test by asking that soldier who might well be in Afghanistan being shot at or returning fire and in danger as to what help he needs from the Congress of the United States in a supplemental appropriation.

This bill has good things in it. It provides for new protective body armor for the servicemembers. It provides for Global Hawk and Predator unmanned aerial vehicles, which give invaluable intelligence. It provides for remote chemical and biological agent vapor detection systems. It provides for new radios for the F–15 fighter aircraft that have been so instrumental in providing close air support. It provides for CH–47 Chinook helicopters which move soldiers and equipment to the battlefield. It provides for Navy and Air Force JDAMS, that is, smart bombs; and most important, it provides for conventional ammunition for soldiers to use on the battlefield.

But let us further apply the soldier test. Unfortunately, this bill contains a number of items completely unrelated to prosecuting the war on terrorism. Included in this bill are matters that detract from our fundamental purpose of passing legislation, and it tarnishes what we should be doing here on the eve of Memorial Day. Among these provisions are raising the debt limit; a special interest provision requiring textiles to be dyed; a special interest provision providing for changes in reimbursement of Medicare for certain areas of our country; provisions deeming the House-passed budget resolution levels to be applicable to the appropriations bills; a provision relating to the fees charge by the Fish and Wildlife Service at Midway Atoll. Money for YMCA in the Seattle area. Money for low-performing schools in Pennsylvania. Money for American theater, arts and youth.

I ask, Mr. Chairman, what does that or any of these items have to do with fighting terrorism? They do not meet the soldier test.

Coming out of committee, this was a good bill which genuinely and properly provided many good things that are absolutely essential for those troops wearing the American uniform to be able to fight and to win the war on terrorism. Sadly, the inclusion of highly controversial extraneous provisions having nothing to do with our national security on this war have compromised our ability to do what is right for the American troops.

Mr. Chairman, the sole star of our effort today should be providing those young men and young women, our troops, our soldiers, with the equipment, with the systems, with the training that they need to defeat terrorism. That is where it starts, and that is where it ends. Sadly, this bill includes the extraneous material that detracts from this wonderful purpose.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to support this legislation. I think it is extremely important that all of us get behind it, but I want to make a few comments first.

First of all, I want to thank the distinguished chairman of the Committee on Appropriations, who has been a tireless advocate for the firefighters and emergency responders of this country, and who led the effort to make sure that we got $100 million initially to support the firefighter grant program.

Unfortunately, because of the actions of another committee and the Justice Department, money that was supposed to go to those firefighters was circumvented in the form of $175 million to police grants through Justice. Now, I am not against the police, but we give the police departments locally $5 billion a year; $5 billion a year. And to have the Justice Department siphon off $175 million, which would have gone to those 32,000 fire and EMS departments, to me, is outrageous.

I would ask the gentleman from Florida (Mr. YOUNG), my friend and colleague, if he will commit to work with us to right that wrong when we get to conference.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I will respond to the gentleman as I did to an earlier inquiry similar to the gentleman's, and that is yes, the first responders include firefighters, police officers, emergency medical people, and all other types of folks who respond. Anyone that knows anything about September 11, 2001 understands the importance of first responders.

We had originally thought that the $175 million the gentleman talks about should have gone to the Office of Homeland Security. The Administration determined that they did not want that money to go there, and so the gentleman knows why we moved the money to the Department of Justice.

But I agree with the gentleman. We have to make sure that all of the people that provide first response to a tragedy, a disaster, whether it be a terrorist attack or a flood or a hurricane or an earthquake, whatever it is, have to be supported. They are also our first line of defense for homeland security.

So I say to the gentleman, yes, we will work with him to do the very best we can to make whatever is needed to provide the first responders what they need.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman.

I want to say one more thing to my colleagues on the other side. This is my 16th year in this body, and I know my colleagues are upset about this rule and about this process. I guess I have seen this before. It was my first term in Congress when Jim Wright was the Speaker, and to accomplish what the then majority wanted, he did something that only God could do. He declared it to be two separate days on one day to get a package through this body.

Now, all of my colleagues who were here back then ought to remember that famous day, because we were outraged. Only God could declare a new day. But Speaker Wright supported, and my good friend is shaking his head yes, Speaker Wright actually declared it to be two days in one day so that we could accomplish the will of the majority.

So I would say to my colleagues, this bill is important because of the need to support our troops and because of those priorities that we have for this country. Am I happy with everything in it? No. But I would ask my colleagues to get behind this. You have made your point. I hear you. I was just as frustrated back when Jim Wright declared it two days in one day as you are now that we are going to pass an increase in the debt ceiling without ever supposedly voting on it.

So I would say to my colleagues, let us get beyond this and work together. Let us get this done. Let us deal with the issues in conference, and let us move on so that we in fact can accomplish what we need to do, which is to pay for those costs associated with the war on terrorism.

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have served 38 years in a legislative body, 26 here in this House; and I have never seen a gag rule as unfair as the one imposed here today. It is not just a gag on the minority in this House, but upon the American people.

I know that there are some Republicans who are embarrassed over this attempt to do by stealth what their leaders are afraid to do openly, to increase the limit on the national credit card.

Everyone in this great hall is patriotic and supports our military efforts, but there is also an economic patriotism among the American people we represent. We experienced that economic patriotism in the 1990s as we, in a bipartisan way, were balancing our Federal budget and paying off our national debt. The American people felt very good about that.

Today, because of the enormous tax cut of last year, we find ourselves reversing that progress and increasing the limit on our national credit card in a stealthy, unholy manner. This dips into Social Security and shatters the lockbox. We asked the majority leadership to remove the gag so that we could at least have a debate and a public vote on raising the national debt limit.

Let us return this bill to its original intent: to fight the war on terrorism which we all support.

We all support our troops, including my two sons who are captains in the United States Army. Let us strip out the gimmicks and the add-ons and pass a clean supplemental appropriations bill to fight the war on terrorism that threatens our Nation.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the great author James Michener in his book "The Bridges at Toko Ri" described the scenario, when the hero in the book who had gone off to strike these very heavily protected bridges in North Korea and failed to return, he described the captain of the ship on that carrier contemplating the state of affairs of the United States Navy and the people who served there when that pilot failed to return, and he said, and I am paraphrasing, where does America get these people? These people that join the military at great inconvenience, great separation from their families, from their livelihoods; they put themselves in very dangerous and difficult positions for this country. If they are an aircraft carrier pilot, they end up flying off of this small aircraft carrier going off to bomb a heavily defended target thousands of miles away from the United States and then, after they have successfully completed that mission, if they return, they are trying to find that little postage stamp that is out there in the ocean and they try to make a landing on that very difficult night landing, perhaps.

Then he concluded, when he asked himself where do we get these people, where does America get these people? They come from our villages, our cities, our towns; and as long as these wonderful people keep coming to protect our freedom, we are going to be a great Nation.

□ 1500

A few months ago, we had solidarity. The Members of this Congress had solidarity with the people of our Armed Forces. It was something we had not seen since World War II. We were all together. We heard tremendous speeches from both the Democrat side and the Republican side, followed by legislative action. It was quick action, and the action resulted in the material and the tools that we need to get this job done flowing to the military very quickly.

We helped our Commander in Chief because he is the guy on the point of the spear, the 5-star general. We gave him the tools to get the job done. We have to get him more tools. That means we are low on ammunition, we are low on materiel, we are low on monies it takes to repair our ships and aircraft. We have to move those tools to our fighting forces.

Do Members know something about these great people? We all talk about them. We see them at the parades, at the military installations. Members come back from CODELS, Democrats and Republicans, and the one thing we all agree on is that it is remarkable about these wonderful people who protect our freedom.

Do Members know something? They think that we are still going to act with the same solidarity and sense of purpose today that we had 8 months ago, because they are still acting with that same sense of solidarity and purpose. They are carrying out their mission.

Those special operations teams at 10,000 feet elevation up in the elements, getting beaten up by the elements and sniped at by the al Qaeda, they are carrying out their mission. The people on the aircraft carriers knocking those big jets off the decks, they are carrying out their missions. The people in Korea just south of that line, which is loaded with massive artillery and rocket power, which could devastate them if the balloon goes up, they are carrying out their mission.

We are not carrying out our mission. Our mission is to win this war. I know there are lots of things in this bill that particular Members do not like and do not agree with, but we have to regain our sense of mission and our sense of purpose. Let us regain that sense of mission and that sense of purpose, and let us bring back the solidarity that we had only a few months ago. Let us win this war.

Mr. DOGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we now approach Memorial Day, a time to memorialize and honor those who have defended our country. It is appropriate that we also honor those who defend our country today at home and abroad by providing them with the resources they need to get the job done.

But as important as our military strength is, the strength of America also is found in its economic vitality. I fail to see how that economic vitality will be advanced by piling almost $1 trillion of additional debt on top of the trillions of dollars in national debt, that we already have and doing so with no real budget plan in place.

Indeed, the only budget plan being contemplated is one that projects one deficit after another deficit after another deficit, piling up more and more national debt and threatening the vitality of our country and the future of our Social Security and Medicare system.

Guns and caviar: It sounds like a rock band, or a promotion for the National Rifle Association. But I maintain that "guns and caviar" is really an accurate description of the approach the Administration and its House Republican allies are promoting this year. The guns are significantly higher military expenditures; and caviar, well, they have one tax break after another. They cannot find enough tax breaks for those at the top of the economic ladder.

The Republicans offer the elite and the multinational corporations in this country an unequivocal message: You can have all the security you want at home or abroad, anywhere around this globe, and for you, it will not cost much of anything extra. It is free because they promote one tax break after another.

We have, with each passing day, one corporation after another renouncing its American citizenship and moving its mail box to Bermuda or somewhere else to avoid paying for any of these additional expenditures.

Republicans talk about containing federal spending, but they are proposing with this budget the largest increase over a four-year period we have had since the 1960s. Yet to those at the top of the economic ladder, the Republicans turn a blind eye when they move offshore to avoid paying any of the cost of this, when they use the various tax dodges and tax breaks that have been created and proposed, and that they want even more of the same so that the elite tax dodgers can avoid paying their fair share.

So those at the top and the multinational corporations will not pay their fair share of a "guns-and-caviar" budget, how will it be paid? Well, this very bill is the purported Republican solution to that problem that they are offering. That solution is to take our Social Security cards, the ones we all carry in our pockets, the ones Americans have relied on for over 60 years, and make it their Republican national credit card, to use the future of Social Security as their way of paying for today's spending.

They are, through this bill, doing what some families sometimes find they have to do when they are overcome with debt: They are asking to raise the limit on the national credit card. In this case, it is our Social Security card and all the money being paid in by us and our employers for Social Security and Medicare. They want to raise the credit card or debt limit, but they do not have the courage to come out here and face the American people and do it in an honest and direct way. So they have, through combined procedure and recent rulings, we limited our right to even have a vote on their decision to take our Social Security card and use it as their credit card to pay for things they tell these multinational corporations they can dodge, avoid, and evade. But we are going to have to pay for today's spending right out of the Social Security and Medicare trust funds.

We have heard through the years one Republican leader after another tell us that they are really not too excited about Social Security. What better way to undermine our ability to provide Social Security and Medicare in coming decades than to incur mountains of national debt, as is proposed in a very secretive way by this piece of legislation.

Indeed, if we increase, the debt limit, by almost $1 trillion, as is proposed, right out of Social Security and Medicare funds, that means more interest, more debt, and less ability to meet our Social Security and Medicare obligations. It is wrong and it ought to be rejected today.

Mr. HAYWORTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a Chamber where men and women of good will can come to share points of view that from time to time may be at odds.

Mr. Chairman, we recognize that an election is about 160 days away. While passions and tempers may run high, Mr. Chairman, I would hope that we would be able to refrain from the temptation of politics as usual.

Mr. Chairman, I hear derisive laughter from the other side. That is fine and perhaps altogether appropriate, given the exercise we have seen both last night and during the course of this legislative day.

But, Mr. Chairman, the American people understand that we are a nation at war; that the attacks of September 11 forever changed this country. The American people understand we should stand together, even though there are the pressures of the political calendar for some to come in and sloganeer and try to find sound bites and go back to business as usual.

Extraordinary times call for extraordinary measures. Our Commander in Chief has pointed that out repeatedly, that this is a new type of war. Again, even though we rejoice in philosophical differences of opinion, only the most cockeyed of revisionists would have us believe that in previous Congresses, under previous majorities, similar rules were not employed to achieve legislative results.

This becomes the question at the end of the day, Mr. Chairman, or whenever the parade of sound bites and speeches ends: Are we willing to stand and deliver, not as Republicans and Democrats, not in the spirit of one-upmanship, but with the nonpartisanship the American people demand when we are a nation at war; when, in the twinkling of an eye, every American can be called upon to become a citizen soldier, every American can confront the scourge of terror?

Disagreements? Sure, they will continue. They are part of a healthy and free society. They are part and parcel of the fabric of the American people. But, Mr. Chairman, it does the Committee of the Whole House a disservice to be locked in legislative combat and one-upmanship when the business of the people, and the very people my friends who have preceded me in the well talk about, the fighting men and women on the front lines, need material, need equipment.

The American Nation needs to move forward with technological advances for border security, for shipping security, for homeland security. It does not do the American people a service, it does not do this body a service, to become slaves to the minutiae of one-upmanship and what passes for statesmanship by sound bite.

Let us return to the work of the people, appropriate the funds needed for this war effort, discuss our differences in an open fashion in the campaign season, but not use this Chamber for the preening and the prodding and the endless parade of politics that ill serves us at this critical time.

Mr. BOSWELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have followed this debate closely today and last night, and the preparations leading into it. I have noted the reference to years past. Those years past, I was not here. Since when did 2 wrongs ever make a right? So there are some things we acknowledge, but let us move on.

I have some things I want to share. The gentleman from Texas (Mr. EDWARDS) prompted me to think about a couple of things.

First, I want to tell the Members that I am a veteran, as many of the Members are; not all of them. But I am a veteran. I have had the opportunity to face the enemy, as some of the other Members have. I am nobody special. I know that. But do not tell me or us that have served that we do not support the war on terrorism because of this bill. Give us a clean vote on that war on terrorism and we will vote for it in a heartbeat. Let us get real.

Let me tell the Members one of the things that was brought to my attention when the gentleman from Texas (Mr. EDWARDS) ran out of time. On this subject, some of my colleagues from my State certainly share my concern, and across the country.

In this bill there is a provision, I am told, regarding Medicare payments to certain hospitals. What on earth does that have to do with the war on terrorism? As the gentleman from Texas (Mr. EDWARDS) was pointing out, there are several items in there. That one really caught my attention because in this country we have a situation of great disparity in Medicare payments to our citizens. We all get charged the same, we get taxed the same, but we do not get paid the same. That is really ironic. It is going on.

I have carried this question to the previous administration. I carried a copy of this chart and the bill that I am sponsoring, and others are involved in, to try to get some fairness. I have handed it to this President in his office, but nothing happens. Then we come along and see that certain areas are getting a little extra favor in this bill called war on terrorism. I do not understand how this can possibly be.

Mr. Chairman, I would hope that if that is the right thing to do, we might open this up and I could suggest some other places across the country, some of my hospitals and doctors and caregivers, that would like to have a little fairness in the Medicare reimbursement rates.

□ 1515

It runs all the way from $3,000 per capita in my State, up to the State at the top it is over $7,000; and the median for our country is almost $500. But we all pay the same. We all pay the same.

Now, why are not we addressing this? Thirty-five States are below the line of the average; 15 are above. I congratulate those that are above, but what about our folks in the other States? And if you do not know where your State falls, you might want to come and see me and take a look and I will show you the chart. It is for real.

What does that have to do in all seriousness with a vote in the war on terrorism? So I am going to ask all of you to do not use that remark. It is very offensive to those of us would have served, that this is a vote on the war on terrorism. If you again want to limit this vote to that subject, count on me. I will be the first one to drop my card in. But there have been a number of things added to it that have nothing to do with that. It is not right. It is not fair, and it is not the way I have been told historically this House should operate. And I certainly do not want to defend what has happened in the past. Today is today. We are responsible. We are responsible for what is happening today. Let us do it right. We have the opportunity to do it.

Now, Memorial Day weekend is coming up. In my family it is a pretty special thing. People travel a long ways to consider those who have gone before us. It is very special. But I have sent word to my family that I likely will not be there because we are going to be doing this. And it is unfair and it is important, and I may have to stay and stay and stay. I am prepared to do that.

This week's action behind closed doors by the House Leadership and Rules Committee is the most cynical of political dealings. Many of us have been working diligently to bring Medicare Equity to our seniors and allow our health care professionals to provide quality care.

Our constituents pay the same Medicare taxes as any other citizens. Yet, we are penalized with unfair Medicare reimbursement rates. Our dedicated doctors, nurses and hospitals continually struggle to provide the quality care they always have. Each day the inequity is not corrected, this task becomes more difficult.

Now, we see the House Leadership and the Rules Committee, apparently well aware of this discrimination, but unwilling to address it, have found a way to collect a few extra votes by fixing the problem for a few selected areas. If it is important enough to fix for a few, isn't it important enough to fix it for all our seniors.

In a context outside of this chamber, these cynical tactics might just be considered a bribe. I am hopeful this is more than just a cynical political ploy and is just the first signal from the leadership that treating all seniors, all doctors, all nurses equally will be a priority from now on. Our seniors deserve fairness, not fixes for a chosen few.

Mr. WATTS of Oklahoma. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have heard a lot this afternoon, over the last 24 hours I guess, about what this debate is about and what this supplemental appropriations is all about. And I think it is important that I explain this the way I had a friend say to me once. I was talking to him about some legal issue and he said, "Explain it to me like I am an eight year old."

So, Mr. Chairman, I am going to attempt to do that because it has been said that this bill is about taxes for the rich; it has been said that this bill is about Social Security. And it is about procedure and all that we have heard over the last 24 hours. Mr. Chairman, I just want to share with my colleagues in very simplistic terminology here what this bill is about. And I think we have to understand that this bill is about war. And I think when we understand that this bill is about war, then we have to ask ourselves is war free, and I think we all would have to admit that war is not free. There is a cost to fighting a war. There is a cost in giving our soldiers the resources to win, not the resources to play a good game.

We cannot expect our soldiers to go to Afghanistan or anywhere else in the world and fight with a switch or fight with a belt. They need the tools to win, ammunition. They need the proper equipment. Should we put a praise tag on defending our freedom? Freedom is not free. We all enjoy the freedoms here in the United States of America. There is a cost to living in a free country. This bill is about protecting the honor of over 2,800 people who lost their lives in New York City, the people that lost their lives in Pennsylvania, the people that lost their lives here in Virginia at the Pentagon.

Is war free? The United States Government shall take all steps necessary to guarantee full faith and credit of the government. There is a cost to doing that. We will not forget. This Congress should not forget. None of us should forget; the American people will not forget the events of September 11. The Republican Congress has not forgotten those who lost their lives in New York, Washington, and Pennsylvania. There is a cost to that.

This is not about Social Security. This is not about taxes for the rich. Those are gadget plays. This is about fighting a war, the war against terrorism. And we said, and we are saying, in this legislation that, hey, there are some more needs that we did not fund when we did a funding bill before, a supplemental before. We need more tools. We need more dollars. The supplemental appropriations, the bill we are voting on sometime today, will address that. We will not forget. Congress will not stop working on behalf of those victims. We will continue to work with the President to make sure every resource at our command will be available to win the war. I do not understand that some would say, hey, once we get to $1,000, let us do not spend any more. If you need 2,000 let us not spend any more. Let us let those soldiers defend themselves. Let us let them do what they have to do. Let us not spend any more than $1,000. Putting a cap on defending freedom, of fighting a war.

There is a cost to defending freedom. There is a cost to fighting a war. I just would remind us what September 11 was all about. That was an ugly picture. Nobody enjoyed that. We all will have to vote the way we see it. I do not say that anybody is anti-American or anti-war if you do not vote the way I vote. But I am just reminding my colleagues, you cannot have your cake and eat it too. You cannot have it both ways and say, I want to fight the war, but I do not want to pay for it; I want freedom, but I do not want to pay for it.

There is a cost to fighting a war, and we should make sure that we spend what we need to spend so that our soldiers, America's sons, America's daughters, America's grandsons and America's granddaughters, America's husbands and wives who have put their lives on the line for America's interests, for our freedoms, that we give them the resources to win. That is what this appropriations bill is about today.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma (Mr. WATTS) be allowed to discuss how we pay for our war against terrorism. I would like to ask unanimous consent that the gentleman be allowed 2 extra minutes to have an honest, respectful discussion about paying for the cost of our war against terrorism which he discussed.

Mr. LEWIS of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. WATSON of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank you for recognizing me. I would like to thank the Committee on Appropriations for doing a fine job. But I have to say this, I am really sorry that when our children were in these Chambers they saw the most deceptive tactics being used. They saw people trying to paint us as unpatriotic. No one can question my patriotism. I have taught children overseas on Air Force bases. I represented this country as an ambassador; and I always stood tall because I represented America. How dare you question my patriotism.

What I am questioning you about is why did you take a good bill that we could all vote for and show our solidarity, to support our fighting men and women, to take care of those people that suffered losses during September 11, and throw in something that you know we could not support?

I will not abandon the trust my constituents put in me when they sent me here. And I came to this honorable House wanting to do the people's work in the sunlight, not in the darkness of these Chambers. How dare you put that position on all of us? I would like somebody over there who is part of this to answer my question. Why did you take the bill that passed out of appropriations and throw all of this in, throw all of this into it knowing that we would break trust?

Mr. KINGSTON. Mr. Chairman, will the gentlewoman yield?

Ms. WATSON of California. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, this actually is something that the gentleman from Missouri (Mr. GEPHARDT) put into law in 1979.

Ms. WATSON of California. I will not yield.

Mr. KINGSTON. I am just trying to answer your question.

Ms. WATSON of California. Well, answer my question, answer it.

Mr. KINGSTON. In 1979 the majority leader at that time, the gentleman from Missouri (Mr. GEPHARDT) put in rule 49. It is on page 945 in the House Rules and Manual, and it has been done for over 2 decades, actually, until very recent years when the Republican Party quit the practice of it.

Including the debt ceiling question in an appropriations bill was done for many many years. So this was not something that was not invented. It has been part of the House doing business.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentlewoman yield?

Ms. WATSON of California. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, it sounds as though the gentleman over here is trying to tell the right honorable gentlewoman from California (Ms. WATSON) that two wrongs make a right. I guess the gentleman just answered his own question.

The CHAIRMAN. All Members will suspend. The time is controlled by the gentlewoman from California. Members will follow proper parliamentary procedure in yielding to one another and not talking at the same time. The gentlewoman from California controls the time.

Ms. WATSON of California. Mr. Chairman, I would always be happy to yield if I can get my question answered specifically.

You cannot take me back to 1970-something and answer my question. I want to know how that Committee on Rules slipped these provisions in a clean and clear bill to support our fighting forces. That bill would have gone off this floor in a snap. And so I am so disappointed that you are trying to Houdini me into telling me an answer that relates to something that happened way in the past.

I am talking about the bill in front of us that came out of the Committee on Appropriations. And I want to thank the people for acting with integrity and respect. And I might close in saying this, to the people who represent America, I was sent here to represent a constituency of Americans. I am going to do that job. I am not going to play games with it. I am not going to sell them out, not you when you get 65 and older, not our children, not our grandchildren. I will fight if it takes me the rest of this weekend into Memorial Day because I believe that we have said to the people of America, you entrust us. You give us your trust, and you pay into Social Security. I want it there when you get ready to retire. I want you to be able to buy your pharmaceuticals that will help you live. I want to be able to say to our children, we are not mortgaging your future. I want to let you know we are not going to play games with the trust you put in us.

So let us do away with this bill. Let us go back and come back with the bill that came out of appropriations and you will get my vote.

Mr. Chairman, I rise in opposition to the process that brought this bill to the floor. As America faces the twin challenges of terrorism and a weak economy, Americans more than ever need their elected leaders to demonstrate courage. Not much courage is required to do the easy things, like cut taxes. No, true courage is required to do the hard things, like balance the budget, and save for the retirement of today's workers, as well as their children.

Unfortunately, the process used here—to consider what was reported out of the appropriations committee as a bipartisan bill—demonstrates that courage is in short supply among the Republican leadership. Republicans know they can't balance the budget and continue to give tax breaks to the wealthiest individuals and corporations. They know their tax scheme puts the future of Social Security at risk. But rather than face that truth, they have decided to sneak a debt limit increase into this bill, avoiding a debate that will force them to defend their lack of fiscal responsibility.

Mr. Chairman, what is the Republican leadership afraid of? If they believe that America should proceed down the path of deficit spending and more debt, they should permit a debate on a debt limit increase. Instead, they are trying to sneak this debt increase past the American people, and hope they won't notice.

Mr. Chairman, haven't we learned anything over the past year? I thought the events of the past year had taught us that when America's leaders put partisanship aside and work together, our nation can be a powerful force for good. Instead, the Republican leadership has gone out of its way to reject a solid, bipartisan bill with partisan sleight of hand. Mr. Chairman, please do not let this be the legacy that the 107th Congress leaves to the American people.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

There was no objection.

Mr. KINGSTON. Mr. Chairman, I want to thank the gentlewoman for yielding me time a few minutes ago because I think it is very helpful to do that, but I also want to come back to this rule number 49 on page 945 in the House Rules manual that does show that this was something that actually the gentleman from Missouri (Mr. GEPHARDT) put into the rules and it was called the Gephardt rule as a nickname, but it did allow this to happen. For over 2 decades it was a pretty standard procedure.

I am a little shocked that my friend, the gentleman from Rhode Island (Mr. KENNEDY), says two wrongs do not make a right.

I am kind of glad to hear him saying that the distinguished gentleman from Missouri (Mr. GEPHARDT) was wrong on something. But I just want to say, there is a reason why this is here and it is a precedent. It is not some deep sinister thing. And I understand why the gentleman does not like it. We all understand that, but I want to say this is not some midnight procedure. But we are in a genuine position here right now with troops on the ground in Central Asia, and as recently as in the last week a soldier was killed in Bagrahm. And we want to keep those soldiers well armed, well supplied. We want to keep the good intelligence there. We want them to know that we are solidly behind them; and this bill, as you know, does that.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I think the point we are trying to make is we do not want those soldiers used for your agenda. We do not want your agenda to be piggybacked and attached to your special interest.

□ 1530

Mr. KINGSTON. Mr. Chairman, let me reclaim my time and say proudly our agenda is to our support our soldiers. Our agenda is for a homeland security and our agenda is to rebuild New York City, and I am proud of that agenda, and as the distinguished gentleman knows, we have got to address the debt issue, the debt ceiling issue.

All this bill does is says that if the conference committee, between the Democrat-controlled Senate and the Republican-controlled House, gives the instructing on it, it would be allowed in conference, but what does happen is we continue to supply our soldiers in the field, because no one believes, and I know the gentleman and I believe strongly, war is not free. We have got to bite the bullet in this case.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I believe the war is not free and there must be shared sacrifice, and for us to have shared sacrifice we do not cut the top marginal rate on the wealthiest of Americans and put the bill on the future generations to pay for this bill.

Mr. KINGSTON. Mr. Chairman, let me reclaim my time. We disagree with taxes. We understand that. Democrats a lot of time like lots of taxes. They like a punitive tax system. They like a tax system that does not reward incentives and does not help create jobs. We had a good debate about it. In fact, that was about a 6-month debate.

This debate today in this legislation is about supplying the troops to continue the war, $15.77 billion. It is about homeland security, securing our airports, securing our ports.

I live in Savannah, Georgia. I would love my friend to come down and visit me sometime. Last year in Savannah, Georgia, we had 1 million containers come through the port, and only 1 percent were inspected. This bill allows us to inspect those containers. The airport, now everybody flies in this Chamber at some point in time. I want to know that when we get on the airplane that we are secure as possible. This bill allows that to happen.

I will say another thing that is in this bill is $1.6 million, which I think the Democrat party would be interested in, that would allow our bicameral, bipartisan intelligence committees to continue to study 9/11, what went wrong, what went right, how can we do a better job; some very good stuff in there, reaching out to experts in the intelligence community. And I think these things have to go on.

Now, I know we disagree on the debt ceiling vehicle part, and as an appropriator, the gentleman knows that I am not 100 percent in favor of everything that is in this bill, as I know most of us are always in the position of accepting something they do not like in a bill, but for the name of the troops, for the name of homeland security, for the name of rebuilding New York City, I am willing to let this legislation move on, let the Senate hack away at it, if they can improve it. I know there is going to be differences on there, but let us get the process moving so we do not send a mixed signal to the troops.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. Mr. Chairman, how much time do I have left?

The CHAIRMAN. Fifteen seconds.

Mr. KINGSTON. Mr. Chairman, in an abundance of caution, why do we not do this. Why do we not just talk amongst us in the back of the room, unless the gentleman can get some time and yield it back and forth. I know we are going to have some philosophical things we cannot resolve in 15 seconds.

Mr. ALLEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today, first of all, to applaud this bill for what it does for our troops. I am proud of what this bill does for the men and women in our armed services around the world. They should be proud of what we are doing in that part of the bill.

I was over in Afghanistan in early March in the first 3 days of Anaconda, and I have never been prouder of the men and women who are over there doing their best to make sure that this country remains protected and strong. They know, they know that their performance, that our security depends on their performance. They are motivated. They are doing a good job, and this bill, insofar as it provides them the resources they need, is a good bill.

I am not so sure that they can be proud of us. In fact, during this debate I have an image. It keeps coming back.

I cannot help it. I think of the men and women I saw in Afghanistan, and I imagine them armed and ready behind a row of tanks, and behind them I see something else. I see the Republican majority hiding, trying not to be seen, trying not to allow a debate on the fundamental economic issues that are also wrapped up in this bill, not by the language in the bill but by what the bill does not do.

The debate that we need to have over the Federal budget is being hidden, and a debate on the debt limit is one of the very few opportunities we have or will have to have that debate, but it is being hidden, and there will be no clear vote on the debt limit if the majority has its way.

Now, why do we have to do this? We are being asked to raise the national debt limit because in just 1 year the Federal budget has fallen apart. Just 1 year ago we were looking at a $5.6 trillion surplus, and what happened? The new administration took 5 months to do enormous damage to this budget, and when that tax bill was signed, the damage was done. The damage began.

Let us take a good look at what has happened. Just look at the question of how much of the Social Security surplus has had to be used over the last couple of decades. What we see happening here, the line on this chart moving down during the first Reagan-Bush era is the amount by which we were dipping into the Social Security surplus, and when President Clinton was elected, we were dipping into the Social Security and Medicare surpluses by over $300 billion a year, and then we can see what happened.

As the gentleman from Missouri (Mr. GEPHARDT) said, on a bipartisan basis, we fought our way back. We fought our way back, and gradually the line came up, and just before this President Bush took office, we were using none of the Social Security surplus, not any of it, and then look what happened. We are right back down between $300 and $400 billion a year into the Social Security surplus. That is an outrage. That is unacceptable, but that is what this majority is preventing us from talking about.

Why is this important? Because we are now using Social Security dollars to fund our military, for general government expenses, and to pay for a tax cut for the wealthiest people in this country. Look at what is going on. We have a tax cut for the wealthiest Americans and they, according to the majority, must keep their tax cuts. The other side of the aisle wants to make that permanent.

In the meantime, we are going to use the dollars at 6.2 percent. All of our workers are earning less than $80,000 pay; 6.2 percent is going to fund the tax cut and to the general government. That is irresponsible. That is reckless.

In other words, what we are doing, we are not calling for a sacrifice from the wealthiest Americans. We are not calling for sacrifice equally from all Americans. We are saying basically that the young men and women who are over there and are fighting for us now, and their parents, middle income people in this country, they are the ones who should bear the burden of being in the armed services, and they are the ones who should bear the financial burden, not just now, not just this year, not just next year, not just the year after that, but we are saying to our children they shall pay, they shall pay, too. We are not going to pay for this war as it goes along. They will pay, our children, our grandchildren, at a trillion extra dollars alone.

This is failed policy, and to pass it without a vote is outrageous and unacceptable.

Mr. WATKINS of Oklahoma. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this particular legislation, and I thought I would speak from this side of the well of the House. I do that, Mr. Chairman, because for 20 years I have served in this House, and 14 of those years was as a Democrat. For 14 years as a Democrat, I served in the majority.

I love this House. It has been some of the best years of my entire life. I think about the things that can be done, that can be accomplished, and there were a lot of good things that happened.

One of the things that always disturbed me during those years when I came here is that it seemed like we could never balance the budget. It always bothered me, because I was a businessman. I always felt like my personal budget needed to be balanced. I felt like our budget for my business should be balanced, and I always thought for our future, for our children, for our family, for our grandchildren, we should try to work within a balanced budget. But it always bothered me because it was kind of like a gotcha.

I remember full well in the majority we had a big majority. We did very much, but on the Republican side, we had a lot of individuals trying to get to the majority, and I remember so many times we talked about how irresponsible it was that on the Republican side they were attacking, and we would say, well, we are the majority, we had to try to govern, we had to make tough decisions, and sometimes that was raising the debt ceiling because of past debt. For 40 years, we had huge deficits. There is enough blame to go around to everyone, Democrats and Republicans, and that always bothered me. We should not feel like we walk on hallowed ground, whatever political party we are, because we do have that responsibility.

Fourteen years passed, and I was in the majority, and I decided to go home. For 6 years I stepped out. For 6 years, I was an Independent, but I returned 6 years ago as a Republican. I came back as a Republican because I wanted to do some unfinished things, and I am so proud of this body, Democrat and Republican, because we balanced the budget.

Thank goodness we were holding the line on a lot of the budget costs, but also we had a flourishing economy, and that growth in that economy allowed us to move forward. That growth started before the last administration, and the economic downturn started in September of the last administration, if my colleagues look back at the economic indicators, and today, after 6 years as a Republican, I hear the same things being said on that side of the aisle today as we said or had heard from Republicans back then, but I believe when we said it is irresponsible what is happening.

Let me say to the American people, we know what is happening. We all know. One political party is trying to get one leg up on the other. One is trying to get back into power that is out of power. There are some that want to be chairman and not be chairman.

I submit to my colleagues the American thing to do is to move on this legislation, pass this legislation. Let us move forward as Americans in a bipartisan way because the clock will be ticking on their time the next time and we all need to be trying to do what we can to be responsible and deliver this package to move our country forward.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in full support of our troops in the field. They are risking their lives on behalf of the American people and the global community. On the eve of Memorial Day, we honor the dedication of our men and women in uniform, on whom our Nation has always depended and on whom we are depending today to rid the world of the scourge of terrorism.

We must and we will provide the resources needed to support these troops and to shore up our homeland security.

We also must protect our Nation's economic integrity and strength. America can be strong militarily without being weak economically. Yet it is that link, that essential link between military and economic strength, that the Republican budget threatens to break today.

Mr. Chairman, I reject the proposition that our war on terrorism requires or excuses fiscal irresponsibility. And I emphatically reject the notion that those of us who raise critical fiscal issues are somehow being unpatriotic or are not supporting our Nation's cause. That is a scurrilous charge, unworthy of this body.

Mr. Chairman, many of us bear the scars of hard-won budget discipline by which we finally overcame the fiscal follies of the 1980s.

☐ 1545

I remember well the decisive turning point, the budget vote of 1993. That deficit reduction bill was passed without a single Republican vote. I remember well the jeers on this House floor as our Republican friends waved good-bye, good-bye to the courageous Members who had risked their seats by casting that vote. I will never forget that. I will never forget how hard won that budget discipline was after 12 long years.

But the fiscal turnaround was real, it was genuine, and we made steady progress during the 1990s in reducing the deficit and finally achieving a unified budget surplus, and then at last a surplus in the non-Social Security budget. This chart tells the story: steadily reducing deficits, and finally, in the non-Social Security budget, a surplus. Over a three-year period we actually paid down the national debt to the tune of over $400 billion.

Now the reversal has come, a reversal confirmed and accelerated by this Republican budget. No more surplus: 43 percent of the ten-year surplus consumed by the Republican tax cut mainly benefiting the wealthiest Americans. Back into deficit spending. Back into diverting Social Security and Medicare revenues from their intended purpose. No more debt reduction. No more preparation for the day when the baby boomers retire and this Nation must redeem Social Security's promises.

And now, as if to add insult to injury, the Republican leadership of this House has injected into this supplemental appropriations bill a stealth provision to increase the debt limit as a way of sparing Republican Members an embarrassing up-or-down vote on the debt limit and as a way of masking the consequences of their budgetary shenanigans. It is the most cynical kind of partisan tactic. It tarnishes with a deceptive and irresponsible maneuver an appropriations bill that in fact is necessary to carry out our antiterrorism offensive and to strengthen our homeland security.

Mr. Chairman, we can fight terrorism without jeopardizing Social Security. We can build our Nation's defenses without abandoning fiscal responsibility. But in order to do that, we must have an honest, responsible, balanced and bipartisan budget; and we call upon our Republican friends to work cooperatively to bring such a budget into being.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the process that we are involved in here, I think, is most regrettable; and the message being sent is a terrible message. We are involved in a conflict that I think is every bit as serious as any conflict that this country has ever been involved in, particularly when you consider the issues involved and the potential use of weapons of mass destruction in this war.

As I listen to speaker after speaker from the other side get up and proclaim their support for this war effort that is under way, I am reminded of a debate technique. It involves the word but. I am all for supporting this war, but. And I think that is a very regrettable message that this body is sending, hearing those speeches over and over and over again.

In the war on terrorism, the most important thing we can do is to stay together and stay strong. I recently was paid a visit by an Israeli general who recently retired. His name was Effi Eitam. General Eitam was the general who commanded the Israeli forces in southern Lebanon for the last several years that they were engaged in the southern part of that country. And he told me that on the day that the political leadership in Israel decided to withdraw from southern Lebanon, he called the Prime Minister and he said, Sir, with all due respect, I resign. He said, I did not retire, I resigned. I resigned because the worst thing you can do in the war against terrorism is to show indecision and weakness.

This debate is about indecision and weakness, and it is the wrong message to send. We have U.S. troops in the field as well, and the U.S. troops deserve to know that the political leadership on both sides of the aisle stand squarely behind them.

Now, I am in my 18th year in this House; and until 1994, needless to say, I was in the minority. I heard my friend, the gentleman from Pennsylvania (Mr. WELDON), talk about the day the Democrat Speaker declared two days in one so we could get a package through. It happened year after year after year when the Democrat Party was in the majority.

The U.S. troops that we have deployed in various parts of the world deserve my commitment, and they deserve my colleagues' commitment. And I think the debate where we stand up and say I support the troops and I support all of these things that are in this bill, I support $7.2 billion for ongoing military operational costs, I support $4.3 billion for personnel costs, I support $500 million for high-priority munitions, I support $1.6 billion for intelligence and other classified activities, I support $420 million for coalition support, but. There cannot be a but in this debate. We have to stand together, or we will be in the shape that Israel was in and is in after they showed a time of weakness and withdrew their activities, their troops from the southern part of Lebanon.

I also would point to the war on terrorism from another respect. When the two airplanes hit the Twin Towers, and when the third one hit the Pentagon, we got together and we showed what a determined country could do. We went to Afghanistan. We fought that war. We are still fighting that war. We were successful and have been successful because we are together. Today is a very regrettable day because we are no longer together.

Now, my colleagues can say that they do not like something in this because the rule provided for A, B, or C. I was here for many years as a member of the minority. I did not like everything that was in every appropriations bill. Far from it. But today we need to be together. And I ask my colleagues as Members of the U.S. House to come together with us, to pass this bill, and let us get it behind us, go home, and truly, together, together celebrate Memorial Day and those who have served our country so well over the decades before us.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

I wish we could, Mr. Chairman, get to a position where we could move on to discuss some of the issues in this bill; and particularly I would like to get to the amendment process so we can start debating them.

In particular, I have several amendments that I would like to have the opportunity to bring before this body about the assistance in this bill to Israel and to the Palestinian Authority, as well as another amendment that probably will be out of order, but with respect to assistance for Egypt as well.

To give my colleagues some idea of what I am talking about, I have noticed with great admiration today that the gentleman from Georgia has all of these beautiful charts, and I know a lot of my friends on the other side of the aisle also have all these beautiful charts. So I am in the process of getting some charts, too; and I want to point out on those charts the economic conditions in Israel, the United States, and Egypt to give them a reason why I am so adamant about including Egypt in this process, as we have for the last 30 years.

So I am anxious to get to that. I want to talk about unemployment in Egypt, in Israel, and in the United States. I want to look at the cost of living in all three countries to give the American people and my colleagues an opportunity to see what we are really talking about.

Now, I have an institutional knowledge of the history of assistance to the Middle East; and I want to bring out the fact that we have appropriated nearly $100 billion to this process over the last 30 years and to show where maybe this extra $200 million is necessary, maybe it is not. That will be up to the Members to decide. I am not lobbying Members to vote, I just want the opportunity to bring information before this body which will show glaringly that we are making a big mistake if we do not consider all of these factors rather than just a couple.

I want to discuss economic assistance to Arafat. A lot of people say, do not say Arafat. I want to discuss whether or not the Secretary of State or the President of the United States asked for this money. I want to know if Prime Minister Sharon asked for this money, because there have been indications that this is not the case. Neither the Secretary of State nor the President asked for this money or new economic assistance for Israel. Secretary Powell did not.

I was in the committee hearing when we discussed this section of the bill. Secretary Powell did not mention that, and yet some are inferring that this is a request from the Secretary of State. It is my understanding that it is not. Maybe I am wrong and maybe some of my colleagues can bring up some information that will dispute what I think is fact.

So I am anxious to get on with this process, because I want to show some very glaring historical figures of money we have spent. Nearly 40 percent of every dime we have spent on foreign assistance in the past 20 years has been spent in the Middle East, and I want to show how we capped this spending and how all the Members of the House agreed with me that it was time to cap this percentage of spending in the Middle East.

I want to recollect with my colleagues the speech that Prime Minister Netanyahu made right in front of your podium, Mr. Chairman, talking about the fact that it was time for Israel to begin this process of weaning themselves off this dependency of American taxpayer dollars. I want to hear what the Democrats have to say about that, because they are saying that every dime we spend in this bill for this and that is adding to the deficit. They want to say that every dime we spend in this bill is taking money away from Social Security. I want to find out why this section of the bill is not being debated.

And I am sure that there are a lot of people on the other side of the aisle that will have a reasonable explanation why this particular area is different from the area that we are talking about for the war on terrorism. So it is going to be an interesting debate, and I look forward to the opportunity to come before my colleagues to vividly explain my position.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $5,750,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $112,000,000, to remain available until September 30, 2004; *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $102,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment to this section of the bill.

The Clerk read as follows:

Amendment Offered by Mr. OBEY:

Page 6, line 12, after "2004" strike all through "Congress" on page 6, line 23.

Mr. OBEY. Mr. Chairman, we have heard a lot today about the need to pass this bill in order to support our troops in the field, and we have heard a lot about how we need to be tough in fighting terrorism. This amendment is the first of two amendments that I will try to offer, one to this section, the FBI, and another to the Department of Defense budget, which will do the following:

With respect to the FBI, in January, the FBI argued for additional funds for several critical activities to upgrade the security of their new computer system and to make certain that it is backed up and protected against loss in the event of terrorist attack.

□ 1600

The FBI also asked for funds to increase their access to foreign language translators and analysts, because the FBI and other intelligence agencies have huge amounts of paper lying around which they want to sift through for intelligence information but they cannot because they do not have the translators.

What this amendment does with respect to that item is to eliminate the line-item veto which this bill presently contains for the President. There is a clause on line 12 of page 6 which indicates that all of the amounts that we are appropriating to the FBI cannot be spent unless the President designates them all as an emergency. What we are trying to do is to eliminate that language, to make clear that we think that this money to the FBI is a high enough priority that it needs to be provided and should not be blocked by a decision by OMB.

We will also have, when we get to the next section of the bill, a companion amendment. That amendment will add $790 million to the amount that will be spent, not subject to an item veto, to assure that we do not have to demobilize nearly 20 percent of the Guard and Reserves who were called up after the events of September 11. Those Guard and Reserve forces are doing some fundamental work on behalf of this country. It is a poor policy decision that would require us for lack of money to demobilize 20 percent of those forces.

The President has said that we would spend whatever it takes in order to win the war on terrorism. Yet OMB has denied the request of the Department of Defense to appropriate all of the money needed so that they do not have to demobilize these forces. The Secretary of Defense issued an internal memorandum to his senior staff complaining about the high pace of operations on regular forces and saying it was creating a strain on those regular forces. Now we have fresh warnings that a reconstituted al Qaeda is planning an attack in the U.S. bigger than that that we saw on September 11. There is good reason to keep Guard and Reserve personnel on board as long as that is the situation.

I do not believe that we should continue to treat Guard and Reserve as second-class forces. They are an integral part of our military operations today. I think we need to act as such. These amendments are made possible because of the peculiar accounting practice associated with one provision in the bill. I do not particularly care for that accounting practice, but as long as it has been imposed upon us by OMB and by the senior House leadership, I think at least we ought to provide some constructive use for that language and for that provision.

I would say all of you who have been talking all day long about how we need to support the troops, about how we need to be tough on terrorism, you can back up your words with your vote by supporting this amendment and the next amendment that comes along shortly.

Mr. YOUNG of Florida. Mr. Chairman, I rise to speak on the amendment.

Mr. Chairman, we have no opposition to this amendment. It does not add any money to the bill. It does not take any money away from the bill. As the gentleman from Wisconsin said, it strikes the emergency designation for this section dealing with the FBI. When this bill was produced by the committee, we were at our top number. We could not spend any more money. In order to balance this bill, some of the requests were determined to be an emergency and others were offset. So we came out with a really good, clean bill. But now there have been some interesting budgetary changes, I am not exactly sure how they worked, but I understand there were some decisions made that changed the number of dollars available. Because of that, the gentleman from Wisconsin's amendment is perfectly in order and there is enough money in this bill to provide this money without declaring it an emergency.

And so, Mr. Chairman, we have no objection to this amendment. Hopefully we can dispose of it and move on to the next item of business.

Mr. McGOVERN. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

I want to explain one other reason that we need to adopt this amendment. We discovered, and we discussed with the Attorney General in the hearing, the fact that up until September 11, the Justice Department appeared insistent on downplaying the importance of antiterrorism activities.

This is a document which demonstrates the papers that were presented to the Attorney General shortly before the events of September 11. As it was discussed in our hearing, apparently what happened is that the FBI was trying to push to have a higher emphasis on terrorism. Newsweek magazine contains a story discussing the difference between former director of the FBI Louis Freeh and the Attorney General about the relative importance that should be placed on antiterrorist activities. The FBI made it quite clear that they wanted antiterrorism activities to be given a much greater emphasis than the Attorney General was comfortable in giving them.

This chart was a chart given to the Attorney General. He was asked to spell out for the agency staff what his priorities were. He was asked to designate what his priorities were for the department for the coming year. The objectives were listed; fighting violent crime, dealing with illegal drugs, combating terrorist activities by developing maximum intelligence and investigative capacity. The Attorney General declined to indicate that combating terrorism was one of his top priorities and instead insisted that other items be given top priority.

Anyone can make that judgment. I am not saying this today in order to criticize the Attorney General. But I think it does emphasize the need for the amendment, because the relationship of the Justice Department with the FBI shows that consistently the FBI has tried to get a tighter focus on terrorism and they have met considerable resistance in doing that from the Justice Department. So that is another reason why I am offering this amendment today, to make certain that OMB cannot exercise an item veto with respect to these appropriations to the FBI for counterterrorism activities. I think it is essential.

I am also frankly unhappy about the fact that the Attorney General apparently was willing to charter personal planes for himself at the same time that notices were not being given to the general public that there were security reasons that would lead people to be concerned about flying commercial. I think all of this demonstrates a certain lack of judgment at the Department of Justice that in essence got in the way of the FBI's trying to get a tighter focus on terrorism. I think this amendment will help contribute to the ability of the FBI to do its job of putting terrorism at the top of the priority list.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just say on the issue of Mr. Ashcroft, before 9/11 and after 9/11, the world changed tremendously. I think we have to look forward as to what we do. I was the author of the National Commission on Terrorism, the Bremmer Commission. It came up with their report in the year 2001. Many people believe that if those recommendations had been followed, many other things would not have happened. I think the world was not very interested in the issue of terrorism. I say that in defense of Attorney General Ashcroft, I think, as of 9/11.

But let me say, the gentleman has a good amendment. I agree that this funding is crucial to the FBI in its fight against terrorism. All of the funding under the discussion in this amendment directly supports the FBI efforts to upgrade and modernize this technology and better share its intelligence data. The reorganization that the FBI will soon be sending up moves heavily into this area, one, put terrorism at the top; two, deal with the technology which was a major problem in the Timothy McVeigh case. Also, to make sure that whatever data that the FBI has is shared with other agencies, such as the CIA and other government authorities.

The FBI is at a crucial period in their history and I think the Congress ought to do everything they can to help with regard to technology and with regard to upgrades. I think the gentleman from Wisconsin has a good amendment here. I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

The point of no quorum is considered withdrawn.

Mr. BECERRA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I, like I believe every single colleague who has taken to the floor, wish to first begin by saying that I stand here today to support our troops fighting terrorism, not just abroad but certainly here at home, to support all our men and women in law enforcement civilly who are doing the same, to support our medical personnel, our community activists who are doing their utmost to work with our law enforcement and military leaders to make America safer. We are committed, all of us, to once again make America safe and free from harm.

Unfortunately, Mr. Chairman, my friends in the majority are using the battle against terrorism to pass what I believe is a dangerous and cynical provision that allows the Federal Government to break its own spending limit and raid hundreds of billions of dollars from the Social Security and Medicare trust funds.

Mr. Chairman, America can be strong militarily without becoming weak economically. But our friends in the majority are hoping they can escape today's debate without leveling with the American public. The Nation is back into deficit in its budgets and now my friends in the majority plan to use Social Security and Medicare trust fund dollars to pay for other programs unrelated to national defense and to counterterrorism.

Mr. Chairman, I would not be surprised if many people, including Members on this floor or people in the American public who happen to be watching this debate, if they are confused, because as I sat through hours and I sit through hours of this debate, oftentimes you hear conflicting statements by colleagues. But, Mr. Chairman, there is one rule that I believe stands the test of time, and that is that sunshine is the strongest of all disinfectants, particularly when it comes to ensuring that the political and policymaking process is untainted.

□ 1615

The Republican leadership, with this bill today and with the White House, which has endorsed this legislation, are borrowing a page from Enron and using gimmicks and stealth to hide the true nature of their plans for America's future. They are attempting to keep the American people in the dark about our Nation's budget challenges and the growing national debt.

This resort to stealth and secrecy, to me, is tremendously chilling. It is chilling. With this bill, the administration is seeking to raise the debt limit with no strings attached. They have disclosed nothing about their plans to repair our damaged fiscal situation.

Today the American people have told the Federal Government, you are allowed to borrow $5.95 trillion of taxpayer money, and today under this legislation, the administration and my colleagues in the majority are saying we want to raise that amount that we want to borrow. We want to pull this card out, the Federal credit card, and borrow even more.

We have already been told by Secretary of the Treasury O'Neill that he wants to borrow at least another $750 billion more to increase that national debt, a national debt which will have to be paid for exclusively, every single cent of that $750 billion or more in increased debt, from Social Security or Medicare trust fund dollars.

I will say that one more time: Every single penny that would be used to increase the size of the debt and the deficit for this year would come directly out of only two pots, Social Security and Medicare trust fund dollars. Not only are we jeopardizing our seniors, not only are we jeopardizing those who need prescription drug coverage under Medicare, but we are jeopardizing all of our children. I do not intend to use the government's credit card and mortgage my children's future, but that is what we are being asked to do today. But it is being done under the cloak of national defense and antiterrorism.

Every single one of us, I believe, who has taken to this floor has said let us have a clean vote on the issue of antiterrorism and national defense, as this supplemental appropriations for the most part does, and rid it of the pork, and you have got a virtually unanimous vote in this House. But there is an insistence on also stealthily including through secrecy this allowance to increase the size of the national debt.

Now, this does not seem new. Just yesterday this House voted to allow secrecy to continue. It cannot happen. We have subpoenas on the Senate side saying, Mr. President, allow us to see what Enron had to do with the administration at its task force meetings on energy.

Let us stop the secrecy. Let us have a clean vote and not mortgage our children's future.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is a lot that the gentleman from California says that I agree with. We came here in the same year, in 1993. I have been working to try to hold down the increase in spending and thereby hold down the increase in the public debt. I hope that we can have a real debate on just how much debt do we want to leave our kids and our grandkids.

It is a mortgage, after all. I feel, like I am sure many of us, just like any family or any business, if you are going to go deeper into debt and borrow money, there should be some plan to start paying off that debt in the future, not just let it perpetually grow and grow and grow. Of course, that is what happened in the last 40 years in this Congress. Republicans came in and took the majority in 1995, and we came in with vim and vigor and tried to put pressure on the increase in spending.

I have heard some of my colleagues from the other side of the aisle suggest that it is the tax cut that is causing the deficit. Maybe that is true, if you say, look, we have no control over spending and we are just going to increase spending 2 and 3 and 4 times the rate of inflation.

But if we are doing what we should and having spending increases more consistent with inflation in this country, then there would not be any problem of digging into the Social Security trust fund or any of the other trust funds.

Let me say that our current deficit is the result of an explosion of spending. Let me give you this example. In 1998, we passed and executed a plan designed to balance the budget in fiscal year 2002. That budget projected a fiscal year 2002 revenue of just under $1.89 trillion. Actual revenues for this year are going to be slightly over. The CBO now projects $2 trillion, or more than 5 percent above the projection. So revenues, even with the tax cuts, are coming in much stronger than we even anticipated for a balanced budget.

Even if you subtract out the cost of the war on terror and the increased money for defense and this supplemental today, we would still have a balanced budget, if it were not for the outrageous increase in spending that this Congress, the House and the Senate, and the President have passed over the last few years.

The growth in discretionary spending over that period has been explosive. Discretionary outlays will rise at an annual average rate of 7.4 percent between 1998 and 2003. The President's proposal for $789 billion in discretionary spending in 2003 is a full $124 billion, or 18 percent, more than the President Clinton projected for this year in his last budget.

The point is, it is spending. It is not tax cuts, it is not digging into Social Security, but it is the tremendous growth in spending that is our problem.

The $35 billion in increased defense expenditures and $6 billion in expanded homeland defense for fiscal year 2003 are not even half of the total increase since President Clinton left office. Yet we heard complaints that even these gigantic increases are not enough. We need to get serious about controlling spending and deciding how much debt we want to leave to our children and grandchildren.

I am proposing debt ceiling legislation that would do a better job of assessing the government's true liabilities. It would include the debt held by the public and the debt held by government trust funds, as does the current limit, but it would add to that all of the unfunded government liabilities coming due within 10 years. This is going to give us a better position in deciding just how much debt we want to leave to our kids and grandkids. But I say let us not demagogue the tax cuts, let us not demagogue the issue on Social Security and Medicare. Let us face the real problem, and that is the significant increase in spending.

So I would hope I am not hearing from the other side of the aisle as we go through the appropriation process criticizing that there is not enough money for this issue or that issue or this program or that program. This is war. Those programs should have minimal increases or no increases, if we are going to win this war on terror and control spending.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for "Salaries and Expenses, Enforcement and Border Affairs" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $75,000,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $40,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice Assistance" for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and section 1014 of the USA PATRIOT Act (Public Law 107–56) and for other counter-terrorism programs, including first responder training and equipment to respond to acts of terrorism, including incidents involving weapons of mass destruction or chemical or biological weapons, $175,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

RELATED AGENCIES

Office of the United States Trade Representative

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses for increased security requirements, $1,100,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President of the Congress.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Scientific and Technical Research and Services

For an additional amount for "Scientific and Technical Research and Services" for emergency expenses resulting from new homeland security activities and increased security requirements, $4,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

National Oceanic and Atmospheric Administration

FISHERIES FINANCE PROGRAM ACCOUNT

Funds provided under the heading, "Fisheries Finance Program Account" for the direct loan program authorized by the Merchant Marine Act of 1936, as amended, are available to subsidize gross obligations during fiscal year 2002 for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $19,000,000 for Traditional loans.

Departmental Management

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from new homeland security activities, $400,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

THE JUDICIARY

Supreme Court of the United States

CARE OF THE BUILDING AND GROUNDS

For an additional amount for "Care of the Building and Grounds" for emergency expenses for the Supreme Court building, $10,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses to enhance security and to provide for extraordinary costs related to terrorist trials, $6,258,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $3,115,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President of the Congress.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs" for emergency expenses for activities related to combating international terrorism, $51,050,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs" for emergency expenses for activities related to combating international terrorism, $20,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $10,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", for emergency expenses for activities related to combating international terrorism, $200,516,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

International Organizations and Conferences

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations" for emergency expenses for activities related to combating international terrorism, $7,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities" to make United States peacekeeping payments to the United Nations at a time of multilateral cooperation in the war on terrorism, $43,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for emergency expenses for activities related to combating international terrorism, $7,400,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements" for emergency expenses for activities related to combating international terrorism, $7,700,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RELATED AGENCIES

Securities and Exchange Commission

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for additional staffing to respond to increased needs for enforcement and oversight of corporate finance, $20,000,000 from fees collected in fiscal year 2002, to remain available until expended.

In addition, for an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $9,300,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS

SEC. 201. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 15 of the State Department Basic Authorities Act of 1956, as amended, and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 202. Section 286(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(3) is amended—

(1) by striking "is authorized to" and inserting "shall"; and

(2) by striking "authorization" and inserting "requirement".

SEC. 203. (a)(1) During fiscal year 2002 and each succeeding fiscal year, notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crimes associated with the terrorist acts of September 11, 2001, to watch trial proceedings in the criminal case against Zacarias Moussaoui, the trial court in that case shall order, subject to paragraph (3) and subsection (b), closed circuit televising of the trial proceedings to convenient locations the trial court determines are reasonably necessary, for viewing by those victims.

(2)(A) As used in this section and subject to subparagraph (B), the term "victims of crimes associated with the terrorist acts of September 11, 2001" means individuals who—

(i) suffered direct physical harm as a result of the terrorist acts that occurred in New York, Pennsylvania and Virginia on September 11, 2001 (hereafter in this section "terrorist acts") and were present at the scene of the terrorist acts when they occurred, or immediately thereafter; or

(ii) are the spouse, legal guardian, parent, child, brother, or sister of, or who as determined by the court have a relationship of similar significance to, an individual described in subparagraph (A)(i), if the latter individual is under 18 years of age, incompetent, incapacitated, has a serious injury, or disability that requires assistance of another person for mobility, or is deceased.

(B) The term defined in paragraph (A) shall not apply to an individual who participated or conspired in one or more of the terrorist acts.

(3) Nothing in this section shall be construed to eliminate or limit the district court's discretion to control the manner, circumstances, or availability of the broadcast where necessary to control the courtroom or protect the integrity of the trial proceedings or the safety of the trial participants. The district court's exercise of such discretion shall be entitled to substantial deference.

(b) Except as provided in subsection (a), the terms and restrictions of section 235(b), (c), (d) and (e) of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608(b), (c), (d), and (e)), shall apply to the televising of trial proceedings under this section.

SEC. 204. For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (relating to Federal sources of supply, including lodging providers, airlines and other transportation providers), the Eisenhower Exchange Fellowship Program shall be deemed an executive agency for the purposes of carrying out the provisions of 20 U.S.C. 5201, and the employees of and participants in the Eisenhower Exchange Fellowship Program shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY MILITARY PERSONNEL

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $206,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $226,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $119,000,000 shall be available only to the extent that an official budget request for $119,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $53,750,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $17,250,000 shall be available only to the extent that an official budget request for $17,250,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $60,500,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $19,500,000 shall be available only to the extent that an official budget request for $19,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $751,975,000, to remain available for obligation until September 30, 2003, of which $420,000,000 may be used, notwithstanding any other provision of law, for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military support provided to United States military operations in connection with the Global War on Terrorism: *Provided*, That such payments may be made in such amounts as the Secretary may determine, in accordance with standard accounting practices and procedures, in consultation with the Director of the Office of Management and Budget and 15 days following notification to the appropriate Congressional committees: *Provided further*, That amounts for such payments shall be in addition to any other funds that may be available for such purpose: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $12,975,000 shall be available only to the extent that an official budget request for $12,975,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEFENSE EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Defense Emergency Response Fund", $12,693,972,000, to remain available for obligation until September 30, 2003, of which $77,900,000 shall be available for enhancements to North American Air Defense Command capabilities: *Provided*, That the Secretary of Defense may transfer the funds provided in this paragraph only to appropriations for military personnel; operation and maintenance; procurement; the Defense Health Program; and working capital funds: *Provided further*, That notwithstanding the preceding proviso, $100,000,000 of the funds provided under this heading are available for transfer to any other appropriations accounts of the Department of Defense, for certain classified activities, and notwithstanding any other provision of law, such funds may be obligated to carry out projects not otherwise authorized by law: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $1,393,972,000 shall be available only to the extent that an official budget request for $1,393,972,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 23, line 15, strike "$1,393,972,000" and insert $603,972,000" and on line 17 strike "$1,393,972,000" and insert "$603,972,000".

The CHAIRMAN. Does the gentleman from Arizona seek recognition?

Mr. KOLBE. Mr. Chairman, just simply to say that the majority is prepared to accept this amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes on his amendment.

Mr. OBEY. Mr. Chairman, I thank the gentleman.

Mr. Chairman, what this amendment does is to take away the President's line item veto authority of the money that this bill contains to fund full mobilization for the Guard and Reserve.

As I indicated earlier, we had been told that one of the things that held up the administration's request for a supplemental was the argument between OMB and DOD about whether or not full funding should be provided for the mobilization costs associated with Guard and Reserve forces after September 11. DOD lost the argument, and that meant that they did not get the money which would require 20 percent demobilization. That comes despite the fact that the Secretary of Defense on May 13 sent a memorandum to his senior staff reading as follows:

"We have had stop-loss in place for some months preventing people on active duty from leaving the service. In addition, we are extending the assignment of thousands and thousands of Guard and Reserves who have been called away from homes and normal employment to serve on active duty.

□ 1630

The entire force is facing the adverse results of the high pace OPTEMPO and PERSTEMPO."

We are past the point where the Department can, without an unbelievably compelling reason, make additional commitments. Yet if OMB were to be listened to, we would not have all of the funds necessary in this bill to provide for the continued use of Guard and Reserve forces in the post-September 11 activities that they are now engaged in.

Again, we have heard a lot of talk on this floor today about the need to support our troops. Well, this is a concrete way we can do it. This makes certain that every dime that this bill contains will actually be provided for those forces. I think it is the responsible thing to do, given the fact that we have been given fresh warnings that a reconstituted al Qaeda force is planning something even worse than they planned on September 11.

There is good reason to keep these forces active, given the strain that we have on regular forces, and I appreciate the fact that the gentleman has accepted the amendment on behalf of the committee and would support a vote.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thoroughly support this amendment, and I fully support the war against terrorism. I support the bill as reported from the Committee on Appropriations, and I rise to comment on one of the important deficiencies in this bill: funding for our National Guard and our Reserve personnel.

Since September 11, some 83,000 National Guardsmen and Reservists have been called to active duty to support the war on terrorism. These are citizen soldiers, every bit as important as the regular active duty personnel, and these servicemembers are serving around the globe in Afghanistan, Bosnia, Kosovo, Korea and elsewhere. They are helping to prosecute the war against terrorism. We haye a duty to fully support them.

Unfortunately, this bill does not do that. The supplemental requested by the administration includes only $4.1 billion for military personnel modernization and readiness. Because of the size of the National Guard and Reserve call-up, the duration of that call-up, and the use of stop-loss authorities to keep personnel on active duty once they have been mobilized, the bill on this personnel call-up comes to $1.8 billion above the $4.1 billion requested by the administration.

I commend the Committee on Appropriations for partially addressing the funding shortfall. The bill includes an additional $790 million. That still leaves about $1 billion that the Department of Defense will have to absorb in order to pay for those already incurred costs.

I do not know who is to blame, OMB or the Defense Department, but the failure to pay this bill will force unwise deactivation of personnel and harkens back to the days when the National Guard and Reserve were second-class citizens. We cannot and we must not let this happen.

Secretary Rumsfeld and President Bush have said they will do whatever it takes to pay for the war on terrorism. I only wish the budget reality matched that rhetoric.

Our military personnel, National Guard, Reserves, active duty, are being stretched thin with missions around the globe. We have an obligation to provide the funding to make sure they can do the jobs we ask them to do. While I will vote for the bill, I hope we will be able to fully fund these must-pay expenses in conference so that the Department of Defense does not have to compromise other important programs for this war on terrorism.

Let me add, this debate is about the future of Social Security, as many have noted; but it is more than that. We are at war. It is not a war we sought; it is a war that was forced upon us. All of us agree that we need to defeat the terrorists who attacked us, most recently on September 11, and that the antiterrorism and homeland security funding in this supplemental appropriations bill is needed.

In prior wars, we have mobilized and sacrificed to defend freedom and defeat tyranny. I remember the day after Pearl Harbor. I was a boy. Thousands lined up at recruiting offices. Eventually, more than 15 million Americans served in uniform. Millions more worked in defense plants. There was rationing of critical materials needed for the war effort.

To win this war, we have asked a relatively small number of Americans to sacrifice, to endure hardship, or even to die in defense of our freedom. There is no draft; there is no rationing. In fact, the administration has even opposed recruiting more troops to ease the burden on those in the field, and Americans have been urged to live normally and spend more money to stimulate the economy.

So this debate is about a moral question: Who do we ask to sacrifice in time of shared national peril? At least in the War Between the States, the wealthy had to buy their way out of serving. In the War Against Terrorism, the majority proposes to pay the wealthy through a tax cut and send the bill for the war to our grandchildren.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

PROCUREMENT

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $79,200,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $22,800,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $262,000,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $2,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $3,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $129,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $36,500,000 shall be available only to the extent that an official budget request for $36,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $115,000,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $735,340,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $104,425,000, to remain available for obligation until September 30, 2004: *Provided*, That funds may be used to purchase vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles, but not to exceed $175,000 per vehicle: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $4,925,000 shall be available only to the extent that an official budget request for $4,925,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 27, line 1, strike the colon and all thereafter up to the period on page 27, line 11.

Mr. OBEY. Mr. Chairman, this is simply a technical correction to do the same thing for Intelligence that we just did for the Guard and Reserve.

Mr. KOLBE. Mr. Chairman, the majority has no objection to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $8,200,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. ROEMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we get close to 5 o'clock and the dinner hour all across the east coast and back in my home State of Indiana, I want to talk about where we are overall on this piece of legislation.

If this legislation were a bill to support our troops, our brave and courageous men and women overseas, fighting terrorism, it would pass unanimously, right now. If this bill were simply a bill to protect our homeland from terrorists, it would pass right now, unanimously. Instead, we have a piece of legislation with an accompanying rule that denies the minority their rights and thwarts the majority of their principles.

Over the past I have talked at length about the Committee on Rules denying the minority party, the Democrats in this case, denying the minority party the ability on the defense authorization bill, denying the minority party on the Welfare Reform Act our opportunities to change and amend and modify legislation. That is wrong in a lawmaking body.

But today we have gone even a step further than denying the minority their precious rights of participating in this great system. We now have a rule that is tucked in and hidden into this bill that is not just about terrorism or homeland security, it is about the majority party, the Republicans borrowing $750 billion of the taxpayers' money and not wanting to have a vote on it; not wanting to discuss it; not wanting, as Secretary O'Neill is advocating, to talk about the obligations and the faith of the government when we borrow money. That has been denied. That has been hidden.

As the father of four children, we often play games like kick the can. The Republicans, if they have kicked the can down the road on this one, that would be one thing; but they have played hide and seek. Hide and seek. Instead of letting Members vote the way they should vote on a difficult issue in the light of day in bringing this debt ceiling bill up, they have played hide and seek, and they have tucked it away in the bill and given everybody cover and ducked the debate.

They have also not only denied our minority party the right to debate that, they have thwarted the majority party on their principles. They have tucked into this bill, not to fight terrorism, not to protect our homeland security, not to help our troops win the war on terrorism, a trade provision that changes a law that this body passed by a vote of 234 to 163. This body, with the majority, voted on the Caribbean Basin Initiative to send certain products down there for dying. Now we have changed that with a little provision in the rule that is tucked into this bill to help pass another bill to help reward a Member of Congress. That has nothing to do with fighting terrorism, nothing to do with protecting the homeland.

That is what Democrats have a problem with today. We stand in this great Chamber and we look around this Chamber and we have great lawmakers here: Jefferson, who wrote the Declaration of Independence; Mason, who wrote the Bill of Rights; Moses, who thundered down the Ten Commandments from Mount Sinai. Yet, in this great body, we cannot debate these simple issues. And some people make this an issue of patriotism.

If this was defending our homeland, it would be a unanimous vote. If this was helping our troops overseas, it would be a unanimous vote. But, in fact, it is more complicated than that. Tucking provisions in bills, hiding amendments, providing no opportunity for the minority their rights, thwarting the majority their principles.

Mr. Chairman, I would hope that in the future, we will have rules and bills that allow the great justice and freedom that we are fighting for overseas to take place in this great deliberative body.

□ 1645

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today because of my concern. I want to first of all compliment the gentleman from Florida (Mr. YOUNG) and the committee for adding $750 million on this issue of mobilization of the Guard and Reserve. I want to commend my friend, the gentleman from Missouri (Mr. SKELTON), for his earlier statement.

As of yesterday, May 22, a total of 81,403 Guard and Reserve personnel were currently called up on active duty. The President's request for Guard and Reserve mobilization funding in this supplemental was so inadequate that DOD has begun planning to demobilize 14,500 Guard and Reserve personnel.

This funding reduction was imposed by OMB. It was not requested by the Department of Defense. In fact, Secretary of Defense Rumsfeld on March 13 issued a memorandum which reads in part:

> The entire force is facing the adverse results of high-paced OPTEMPO and PERSTEMPO. We are extending the assignment of thousands and thousands of Guard and Reserves who have been called away from homes and normal employment to serve on active duty. And finally, we are past the point where the Department can, without an unbelievably compelling reason, make additional commitments.

Despite the stresses Secretary of Defense Rumsfeld described so eloquently which are on the Armed Forces today, OMB would have us demobilize 14,500 guardsmen, increasing exponentially the burden on the active duty force.

The Committee on Appropriations, as I mentioned, added $790 million to try and avert this disastrous demobilization. I understand the amendment of the gentleman from Wisconsin (Mr. OBEY) was accepted earlier.

I just raise this because when we look at a whole series of items in this supplemental and we see that OMB has intervened to reduce the funding for the Department of Energy, for the Department of Transportation, I mean, here are people coming in with their best estimates of what is needed to do this job, and the money is not winding up in the budget. This is after the President has pledged to all of us and to the American people that the money will not be an obstacle for Homeland Security.

Obviously, we have to be concerned about unnecessary or unwise spending. But in my mind, if we are talking about protecting our forces, if we are talking about having an adequate military force, and the Department of Defense is telling us that they may have to add to the active duty force, if we are going to have to add to the active duty force, why are we in the midst of a demobilization of our Guard and Reserve forces when they are doing an outstanding job?

I just think this is another example of this budget being not adequate to deal with this problem. I worry about my good friend, Tom Ridge, who I think is trying to do a good job. He is hampered by not having an agency around him. I think that the legislation introduced by the gentleman from Texas (Mr. THORNBERRY) and others which creates a new, independent agency is also essential here. We also have to support the Coast Guard.

So I rise today in concern that we are not doing enough here on homeland security. We have gone through a disastrous attack on September 11. I hope it does not take another disastrous attack on the country, which many are today warning us of, before we get serious about creating an agency, about supporting the Guard and Reserve, and about doing what is necessary to make all of this work for our country.

We have a lot of catching up to do, because we have not focused on homeland security for years because we thought we were completely secure. Where we have done a great job in many other areas and have CINCs all around the world, we are in the midst of creating a CINC for the United States and for Canada and Alaska, the Northern Command.

I just want to join my colleagues here in raising these issues. The gentleman from Missouri (Mr. SKELTON) has talked about this. The Guard and Reserve play an incredibly important role in our country, and they are needed, I think, today. I just hate to see OMB continuing to intervene and somehow getting the support of the administration to undercut the decisions that Mr. Rumsfeld and the Department want to make.

We saw this last year on the supplemental, we saw it on the overall request for the 2003 budget. I just hope somebody down at the White House will bring them under control and support what the Department of Defense is asking for.

Mr. BENTSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the debate that we have been having the last day and a half is not about the troops or the commitment of this body to the war on terrorism. I think that is pretty clear, that every Member supports the troops, and that every Member wants to make sure that our troops have everything they need in the field in order to do the job that we have asked them to do for the American people.

But I think, rather, that this debate is about our commitment to being honest with the American people. The Republicans, unfortunately, want to cloud the debate on the issue of the national debt and the budget by hiding behind the war. I think that is a shame.

The Democrats do not seek to forestall the war effort. We simply think that the American people are entitled to the same open and honest debate about the future of our Nation's fiscal policy: How we will save Social Security; how we will pay for a prescription drug program that both parties have said they want under Medicare; how we will pay down the national debt, instead of adding to the national debt, as the majority seeks to do through the sleight-of-hand in the rule for consideration of this bill.

Mr. Chairman, we have seen Members of the majority come down to the floor and admit that, yes, we need to raise the debt limit, and yes, the procedure for considering this bill will allow for that, possibly by as much as three-quarters of a trillion dollars. If that is so, then why not bring a bill down separately to raise the debt limit? Bring it down to the floor of the House and let us debate it out in the open in front of the American people, so we can tell them how we intend to pay off that debt and how we intend to balance the budget.

Ironically, it is the Republicans who do not want to do that. They want the American people to grant them an extension of credit of another $750 billion without any discussion of repayment, without any discussion of restoring the fiscal responsibility, and thus the creditworthiness of the United States, in order to pay for that.

Is it not ironic, Mr. Chairman, that the same majority 8 years ago, when I was a freshman in this body, shut down the government, nearly caused a default on the Nation's debt, and threw the economy into chaos until the President would sit down with them and negotiate with Congress on a plan to balance the budget by 2002?

In fact, back in November of 1995, having shut down the government and failing to lift the debt limit, the Republicans put forth a proposal to allow for only a 1-month debt limit extension in order to bring the President to the table. Now they want $750 billion and far more than a month, far more than what is necessary to give the troops what they need in the field today, tomorrow, a month from now, a year from now, and more than a year from now.

Today, with the Bush administration seeking three-quarters of $1 trillion more in debt, the Republicans want a blank check with no explanation, no questions, no plans on how to balance the budget; none of that. How ironic that 7 years ago it was the same Republican majority that threatened default. Yet, now, having wanted to balance the budget by 2002, they have driven us back into deficits by 2002.

Instead of having the debate that we had a year ago over how much debt we could pay down, they want to raise the debt, but they do not want to talk about it anymore. They do not want to sit down with the White House anymore. They do not want to explain to the American people anymore how we are going to pay for increasing the public debt. That is wrong, and that is what we are upset about.

Bring the supplemental without the debt limit extension in it and we will vote it out, and we can be gone in half an hour. Bring the debt limit extension down as a separate piece of legislation, so we can ask Members and we can ask the President the same questions they wanted to ask the prior President about how we are going to balance the budget again, and how we are going to pay down this debt, and how we are going to fix Social Security and provide for prescription drugs. That is all we want. In a democracy, that is what the American people ought to have.

So, Mr. Chairman, that is what is the problem with this bill. We are tired of seeing the red ink. We are tired of having excuses, and we are tired of seeing our colleagues on the other side with really no answers hide behind a war effort that all of us and all the American people support.

I would hope that we could resolve this impasse by stripping out the debt limit increase part of this bill, bringing it back as a separate bill, and let us get on with our business of providing the troops with what they need and providing the war effort and the American people with what they want. Let us get on with our business.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is no division in this House, or I believe in this country today, over the question of whether we want to fully and vigorously support the war on terrorism. I join what I would believe to be a near unanimous or unanimous body in this House in favor of providing the funds to get that done.

There is a division within this House over the question of accountability. The lack of accountability is one of the real sad phenomena in American culture right now. It is even more sad that what we are doing in the House today is a continuation of that culture that says that it is okay not to be accountable.

The great political scandals of our time at State and Federal and local levels for both Republicans and Democrats are usually about the failure of elected officials to be held accountable.

We had a debate on this House floor within the last 2 weeks about holding welfare recipients accountable when they receive public funds, as I believe we should. There has been discussion in every corner of America about the lack of accountability of the executives of the Enron Corporation seemingly being able to take vast amounts of money from their shareholders, from their employees, from their pension funds, but not be held accountable.

The division between us today is about accountability on the question of raising the national debt, on the question of borrowing $750 billion to run the government.

Mr. Chairman, I readily accept the proposition that there are different views as to whether or not we should do that. There are different views as to how much we should borrow. There are different views as to how we should pay for the way that we run the government.

That is what we are here to do, is to debate those different views. But that is not what divides us today. What divides us today is an unwillingness of the majority to be accountable at all on this question, to put this question up for a vote.

Mr. Chairman, all across America today, Americans are voting on questions that come before community groups. Parent-teacher associations are voting this afternoon on whether to have a car wash or a cookie sale to raise money for the school library. Youth soccer leagues and civic groups and unions are going to vote tonight as to whether or not to spend their money to improve their association a certain way, or to elect someone to lead it. City councils and State legislatures are voting on questions of how to change their law and how to invest their resources.

Voting is what we do in governments and in community organizations around America. What is wrong with what is going on here today is we are not voting. The Members of the majority are refusing to be held accountable for a decision that they made in 2001.

In 2001, the majority rolled the dice on the U.S. economy and we all lost. In 2001, we were faced with the prospect of endless surpluses. The majority leader of the House came to this floor in March of 2001, during the debate over the tax cut, and I quote him as saying, "Over the next 10 years, taxpayers will be overcharged by a staggering $5.6 trillion. Even after paying down the payable debt and funding all our priorities, Washington will still be awash in cash surpluses." So said the majority leader in March of 2001.

Mr. Chairman, with all due respect, he was wrong. Today we are not awash in a cash surplus, we are borrowing money to run the Federal Government. The majority does not want to deal with the consequences of their mistake. They do not want their Members to go home and say when we made the decision to drain the Federal Treasury of $2 trillion in March of 2001, and we said there would be money to pay for all these other expenses, and we would be awash in cash surpluses, we dropped the ball. Now, as a result of it, we have to borrow money to run the government.

That would be the accountable thing to do. That is what the majority refuses to do. We are not asking the majority to adopt our view of what the budget should be. We are not asking the majority to cut spending or raise taxes or to come up with some formula we would come up with.

□ 1700

We are asking the majority, we are demanding that the majority be held accountable for their decisions the way city councils and unions and boards of directors are, hold them accountable.

Ms. DEGETTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am frankly saddened by the tone of this debate. The Republicans say that they are in charge here. They have the majority and they have a duty to pass the military supplemental to continue the war efforts in Afghanistan and against al Qaeda and other terrorist groups. We agree, we do have a responsibility to pass the supplemental; and the thing I am sad about is the majority knows we agree with it. We know we have to pass this supplemental, but what we object to is all of the other things that are tacked onto it because the majority does not have the courage to deal with them head-on, independently.

As the majority party, the Republicans also bear the responsibility for the health of our economy. And frankly, that is why the Republican majority claims that it passed last year the tax cuts which primarily benefit the wealthy. Well, that is fine. They thought that would help the economy. Guess what? They thought wrong. We did have some intervening events. We had a recession. We had the terrorist attacks of September 11, and the need for relief efforts and bioterrorism efforts in this country and we have the war against terrorism.

At that point, to exert leadership, what the majority party should do is say, the combination of our tax cuts for the wealthy and these crises have left us in a position where we have the largest 1-year increase in deficit spending in our Nation's history. But do they do that? No. Instead they shirk their duties of leadership, and they try to sneak language into this very important relief bill to increase the debt ceiling and to allow us to go even deeper in debt instead of working with the majority and the minority to find a way that we can readjust our budget so that we can deal with the very real economic issues.

Then the majority demagogs this issue by blaming it on the minority party by saying we are unpatriotic because we object to just slipping this increase of the debt ceiling into a bill that should pass and should pass unanimously.

I have got to say I, for one, am sick to death of being called unpatriotic. Is it unpatriotic to say that we should face our economic responsibilities as a Congress instead of shrinking into greater and greater debt? Is it unpatriotic to say that we should protect Social Security for the grandparents of the men and women who are fighting overseas against terrorism? I do not think so. Is it unpatriotic to want to deal with our changed economic circumstances as a result of the tax cuts, the recession and the terrorist attacks? I do not think it is unpatriotic. In fact, I think it is the height of patriotism, and that is why I object to this tactic.

Here is why this is such an important issue. As I said, we just had the largest

1-year plunge in our national deficit spending. If we look at this chart, what it shows, we had some deficit spending throughout the 1970s. And when Ronald Reagan's tax cut went in in 1981, we were plunged even deeper into deficit spending which culminated in 1991. Finally, Congress had the guts to do something about it, and they passed legislation to make our economy strong.

As you can see in 2000, for the first time we were actually running surpluses. But once that tax cut for the wealthy was passed, and everything else happened, this year we have been plunged into the largest deficit spending in our Nation's history.

What you do not see on this chart is 2 years out. This goes through 2006. In 2008 the baby boomers will start to retire and when the baby boomers start to retire, the grandparents of our fighting men and women, we will have raided their Social Security and Medicare trust funds, and we will have an economic crisis in this country like you will not believe.

So here is what I think we should do. Let us strip the provision for the debt ceiling out of this bill. Let us pass this bill immediately. Let us pass this bill right now, and then let us come back and let us sit down and have an economic summit. Let us talk about what we can do about these tax cuts for the wealthy. Let us talk about how we are going to pay for a prescription drug benefit so our seniors are not having to choose between paying rent and paying for their medicines. Let us figure out how we are going to fund our economy.

In my personal household, if I went home and said to my husband, I know we have had some economic hard times lately; our roof has been leaking and the kids are sick, so I have decided to go to Saks Fifth Avenue and buy a new wardrobe, my husband would not be too happy. And the Nation should not be happy with this, with what this Congress is doing either.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think I need to clarify something here. I have heard a number of speakers say that we should not be considered unpatriotic because we have a difference of opinion here. I do not think anybody on my side of the aisle suggested that anybody in this House is unpatriotic. To the contrary, I appreciate all of the Members who came together with us after September 11 to provide the supplemental appropriations bill that the President used to get the war started. We appreciate that. We appreciate the way that we work together, and I know that we are going to continue to work together for what is in the best interest of America, what is in the best interest of our troops that are defending America, and what is in the best interest of those who are seeking out terrorism wherever it is in the interest of America. But what is happening here is there are those who are trying to change the direction of what this bill really is all about.

Now, this bill is about providing a defense emergency supplemental appropriations bill. That is the basic bill that we are talking about. And we need to get that money available quickly. Because of the war, the military services have used up money that they would use normally in their fourth quarter. We need to replace that money quickly. We need to replace the missiles and bombs that have been used. We need to replace the airplanes and helicopters that are worn out. We need to do all of these things because we are at war.

I want to say something else, Mr. Chairman. For those who are not old enough to remember Pearl Harbor, that was World War II for us, that was the war that we were fighting because we were attacked. But now count all the other wars after World War II, whether it was Korea, which was next; whether we are talking about Viet Nam, which was a terrible tragic experience for many of our people, especially the military; whether it was Granada; whether it was Panama; whether it was Haiti, Somalia, Rwanda, wherever it might be up to and including Desert Storm, we were fighting somebody else's war. Listen to that. We were fighting somebody else's war.

Today for the first time since World War II we are fighting our war. We were attacked. America was attacked. Our Pentagon, the headquarters of our national defense was attacked. The World Trade Center, the center of our economy was attacked. Thousands of our American people lost their lives in a sneaky terrorist attack. That is what this bill is about. And the attempts to change it into something else just do not fly. This is a national defense emergency bill and we need to get to it. We need to focus on what this bill really is about and how we need to respond quickly to get this bill passed and get it to the President so that, in fact, those funds that have already been spent can be replaced to fight the war and to seek out the terrorists.

MODIFICATION TO AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I ask unanimous consent that the Obey amendment that was adopted to the paragraph that spans pages 26 and 27 be modified by the form that I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. OBEY:

On page 27, line 1, strike "the entire amount" and insert "$99,500,000"; and

On page 27, line 4, strike the colon and all thereafter up to the period on page 27, line 11.

The CHAIRMAN. Is there objection to modifying the amendment after its adoption?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I only do so to allow time for the gentleman from Wisconsin (Mr. OBEY) to give an explanation of exactly what this request is about.

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I appreciate the gentleman doing that.

Mr. Chairman, this is simply a technical fix to the amendment on Intelligence, which was passed just a few moments ago and accepted by the committee.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. Is there objection to adopting the amendment in the modified form?

There was no objection.

The CHAIRMAN. The amendment is readopted in the modified form.

Mrs. THURMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, to the gentleman of Florida (Mr. YOUNG) I would say what he talked about sums up the beginning part of my statement in talking about the fact that we will commemorate Memorial Day this weekend, and the day when we come together to share a special salute to all of those who have paid the ultimate price for our country and to offer prayers of comfort to the family members left behind.

I think we would all agree this Memorial Day will be very different from the last. September 11 changed everything. And since that terrible day, we have all been forced to acknowledge for the first time since Pearl Harbor that the cruelties of war are closer to home than most of us have ever imagined. But I think we would all agree, as well, we will continue to fight terrorism head on, wherever it lives and wherever the perpetrators live and conspire to hurt innocent people, because we have no choice.

It is the only way to preserve our way of life, our freedoms and our liberties. It is the only way to truly honor the thousands who lost their lives on September 11 and the men and women who are currently serving in Afghanistan under very difficult conditions. This Memorial Day is for them.

I am reminded of a famous statement made by Franklin Delano Roosevelt, who once said: "We too born to freedom are willing to fight to maintain freedom. We and all others who believe as deeply as we do, would rather die on our feet than live on our knees."

These are the words I will be speaking on Memorial Day. The American people are intelligent. They know we face many problems as we try to combat terrorism. We are prepared to bear their fair share of the burden. However, this bill does hide one of those burdens, a necessary, but politically unpopular, increase in the debt ceiling. The majority fears, I think, an honest debate on why the debt ceiling must be raised and what impact that action will have on Social Security and Medicare trust funds. So they hid it in an important appropriations bill and hope that people will not learn of it until after it becomes law.

Today we face a fiscal crisis. The government may not be able to pay its bills unless it has the authority to borrow money. A year ago we had projected surpluses. Now we have projected deficits. How did we get to this point? A response to terrorism? Yes. An economic slump that reduced tax receipts? Yes. And especially an ill advised tax cut last year which wiped out our surplus. To keep our government operating, Treasury had to borrow from Federal retirement accounts twice this year. Now the majority will increase the debt ceiling so it can continue to borrow from our Social Security and Medicare trust funds.

On October 24, 2001, the House first debated a tax bill that could have helped pay for this war on terrorism, and I stood here and urged this Congress to act responsibly. For the benefit of my colleagues who were not present at the time, let me repeat one thing. I want to quote from 1917 when Congress was considering how to pay for World War I, Ways and Means Chairman Claude Kitchen said, and I quote, "Your children and mine had nothing to do with bringing on this war. It would be unjust and cruel and cowardly to shift upon them the burden."

Our leaders in World War I and World War II knew that we had to pay for those wars and we could not risk our economic security. Further raising the national debt in the long term makes us vulnerable, which is exactly what the terrorists want, and we cannot let that happen. Now is our time to step up to the plate and prove that we too can be a great generation. Rather than standing tall in the face of the enemy, in this body, we slink away from its duties.

□ 1715

The majority lacks the backbone to pay for the war honestly. Instead, we are passing on the burden to those who are fighting, to those who are fighting the war and to their children. They have to pay more for interest on the debt in the future.

Few of us oppose the objectives in this bill. Quite frankly, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) and the appropriations people and my colleagues have done good work. They have addressed defense and homeland security and veterans' health, and I do not have but a few problems with the specifics, but I could be persuaded to support it if the majority leadership had allowed an open debate on the debt and raids of the Social Security and Medicare trust funds.

Please do not accuse anybody of being weak on terrorism. Do not accuse anybody of not supporting our valiant forces abroad. I support our troops and families. Unlike some here, I also supported the troops when they responded in 1999 to another commander in chief's directive, April 28, rollcall 103. Some of my colleagues ought to check that. My support for our troops does not depend upon who send sits in the Oval Office, and we need to be honest with the military forces.

I am disappointed and I hope that we can get this majority to reconsider its actions.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word.

I will not consume the entire 5 minutes. I know the committee would like to resume its work. Indeed, I came down here earlier to speak and the committee was taking action so I left, went back to my office, and I saw again a lot of what I would describe as political rhetoric.

One of the reasons why I do not buy anything you all say is where is your budget? Where is your budget? Why did not you produce a budget 2 months ago, 3 months ago? Where is your budget? You do not have a budget. How are you going to pay for the war? The troops are in the field. We have raided all of the accounts. We have got to replenish those accounts.

That is what the gentleman from Florida is trying to do in this supplemental. He is trying to put money back in for ammunition. They are out in the field and they have no weapons. They have no ability to continue to fight. We are trying to give the troops what they want.

We put all this in our budget. Where is your budget, I ask you? And then you come to this floor over and over and say you want a straight up-and-down vote on the debt ceiling. Are you saying you will vote for that? I want to ask you all that question. Can I interpret that to mean, if we give you a straight up-and-down vote, you will vote for an increase in the debt ceiling? That is baloney.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. No, I will not yield.

Ms. PELOSI. You were asking a question. You were challenging.

Mr. WELDON of Florida. You guys have been talking for 8 hours straight.

The CHAIRMAN. All Members will suspend.

Mr. WELDON of Florida. Eight hours straight you have been talking.

The CHAIRMAN. All Members will suspend.

Mr. WELDON of Florida. Now I have another question.

The CHAIRMAN. All Members will suspend. The Chair would like to remind all Members to address their remarks to the Chair.

The Chair would further like to remind all Members that once a Member has indicated he or she does not intend to yield, Members should not continue to interrupt.

The time is controlled by the gentleman from Florida. He may proceed.

Mr. WELDON of Florida. Mr. Chairman, I would pose another question to my distinguished colleagues on the other side of the aisle.

The Social Security trust fund, they keep bringing that issue up. Are they trying to say to our troops in the field they consider it more important that we do not raise the debt ceiling, that we do not use the Social Security surplus moneys than put the ammunition in their guns, that we give them the fuel that they need?

We all know what is going on.

Ms. PELOSI. Mr. Chairman, will the gentleman yield so I can answer the gentleman's question?

Mr. WELDON of Florida. You can get your own time.

We all know that under Lyndon Johnson we went under a unified budget. The gentleman from Iowa got up earlier and talked about how he was not here. I was not here either, but the reason I am here, the reason I left my medical practice is year after year, $200 billion being borrowed after you raided the Social Security trust fund. We all know we have a unified budget. We all know that.

I will tell you what I think this is all about. I think this is all about wanting to spend more money. That is the way I interpret it.

Mr. PALLONE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to respond to the gentleman from Florida but in my own way, if I could, during my 5 minutes.

I just wanted to say I have been here for 14 years. I came in 1988, and before that I was in the State legislature and I was a city councilman, and I was actually shocked when I came down here to see how much deficit spending went on. When we were in the city council, we were in the State legislature, we could not do deficit spending. We had to have a balanced budget every year. That is the way we operate.

And I want to say I was almost, I was actually proud of the fact that in those first 6 or 8 years that I was here, that I would see Republican Members of the House, some Democrats, too, but a lot of Republicans who would come down on the floor almost every night during special orders, during one-minutes in the morning and talk about how they had a problem with the deficit and how deficit spending was a bad thing for the country. And I remember some Members had a digital clock that I know would talk about how the deficit kept rising every day, billions of dollars, trillions of dollars. I do not see that anymore on the Republican side of the aisle. I do not see my Republican colleagues coming down here and worrying about the fact that we are $100 billion indebted, now maybe as much as $300 billion in debt this fiscal year.

All of the sudden, the concern on the part of the Republican party for the budget and the deficit and fiscal responsibility has almost disappeared from the floor of the House of Representatives, and I cannot believe how irresponsible you have been in the way you have proceeded.

The gentleman from Florida talked about a budget. If the gentleman listened to what the gentleman from Missouri (Mr. GEPHARDT) said, he said we want to sit down with my colleagues. We know that the situation has changed because of the war against terrorism. We are all very patriotic. I am not going to get into that because there is not anybody here who would not be out there serving their country or helping their country. We are all patriotic. That is not the issue.

The fact of the matter is that the Republican leadership in this House is no longer listening to the concern about the deficit, and where we are going with deficit spending. The Democrats are saying one simple thing here today. You put this tax cut into effect, and that is a big part of the reason why now we are going into a deficit, and it is not acceptable to us.

It is not acceptable to the American people to keep spending and running up this credit card debt and something has got to be done about it, and you cannot just come here in the last minute and sneak in this language about the debt ceiling and act as if it is not there. It is there and the reason it is there is because you realized that in order to continue this deficit spending you had to pass some resolution or some action that raises the deficit, raises the debt, raises the amount of credit card debt, so to speak.

So all we are saying is sit down with us, talk to us about the budget, acknowledge that the budget that you presented a few months ago is not realistic anymore because of the increasing amount of debt, and also acknowledge that if you continue along this path of deficit spending that you are going to dip into the Social Security trust fund, that you are going to dip into Medicare. We are not going to be able to do the things we want to do with prescription drugs, that we are not going to able to do the education programs that the President talks about are so important, none of these things are going to be possible, rather than sit here and talk about who is patriotic. There is not anybody here who is not patriotic. There is not a soul on the floor of this House of Representatives, man or woman, who would not be willing to vote for this bill and for the funding for the war effort.

That is not the issue. The issue is the fact that the Republican leadership has reneged and forgotten its responsibility with regard to the Nation's finances, and we cannot keep running up this credit card debt, because if we do, we are not going to be able to fund Social Security, we are not going to be able to fund Medicare. We are not going to be able to do the educational programs that the President is so proud of. He is proud of it, but where is the money? It is not going to be there.

So let us have the opportunity to basically go back to the drawing board. Bring back a clean bill. Forget about this sneaky language on the debt ceiling. Let us have an up-or-down vote. We are talking about the debt ceiling. Do not crowd it out with all the talk of the war effort. That is not the issue. We are all willing to spend the money for the war. That is not the issue.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I represent over 40,000 Army soldiers at Fort Hood, the largest Army installation in our country. I care deeply, as do all members of this House, about supporting our troops, be they at home, serving our Nation, or be they abroad, or be they today in Afghanistan, and that is exactly why I am so offended by this rule and this process and what has happened to this bill.

Mr. Chairman, for those who have been confused by this debate, let me simply list what has happened.

Fact number one. Under the able leadership of the gentleman from Florida (Mr. YOUNG), the Committee on Appropriations, on which I sit, passed out quickly a bipartisan bill to fund the war against terrorism and provide for essential emergency homeland defense funding.

Then on Tuesday night of this week, the Committee on Rules, directed by the leadership of this House, took a bipartisan bill that was literally flying through this House for the right reasons and turned it into a partisan bill by adding late at night, behind closed doors, amendments that had absolutely nothing to do with fighting our war on terrorism.

Let us look at what is actually in the bill, because I have heard a great deal of discussion about if you want to support our soldiers and troops in the field, vote for this bill. Earlier I offered to yield time. No one took me up on this. I would be glad to reiterate that offer. I will yield time right now if any Member of the Republican majority can explain to me how section 1404 of this bill actually helps fund our war against terrorism.

In case my colleagues do not know what that section says, let me read it: Treatment of certain counties for purposes of reimbursement under the Medicare program. Reclassification of certain Pennsylvania counties, in Lackawanna, Luzerne, Wyoming, Lycoming and Columbia Counties, Pennsylvania, such counties are deemed to be located in the Newburgh, New York-Pennsylvania Metropolitan Statistical area.

I am sure that is very interesting. It may be important to the people of that area. However, can any Member of this House right now use my time to explain what this has to do with funding our troops in Afghanistan? I did not think so.

Well, let us go on in the next paragraph. In Mercer County, Pennsylvania, I am sure there are good people that live in Mercer County, Pennsylvania. This county is now deemed in this bill to be located in Youngston-Warren, Ohio Metropolitan Statistical Area.

Can anybody in this House explain to me how rewriting geographical maps in Pennsylvania has anything whatsoever to do with funding our war on terrorism? Let us go on.

Well, we also do a little geographic rewriting in Orange County, New York in the same section. We make Orange County and Dutchess County, New York, part of the large urban area of New York, New York, for Medicare purposes.

I do not quite understand how this amendment, which was never debated by our Committee on Appropriations, has anything to do with funding our war against terrorism.

I question whether the real goal of funding our war against terrorism perhaps has been undermined by a much less important goal of supporting the reelection of certain Members of this House.

Regarding section 1405, I would be glad to yield time if one Member of this House can tell me how the amendments to the Caribbean Basin Economic Recovery Act, dealing with knit fabrics and woven fabrics, has anything to do with funding our war against terrorism.

I notice, Mr. Chairman, once again nobody in this House has chosen to explain to me what that has to do with homeland defense or war against terrorism. I am not trying to discredit the importance of knit fabrics versus woven fabrics, but I am not really sure we ought to slow down the funding of homeland defense programs and funding our war against terrorism to get into a debate over the Caribbean initiative.

Mr. Chairman, this is politics as usual. The unrelated provision added by the Rules Committee, including a massive $750 billion increase in the national debt ceiling, should be deleted from this bill so we can quickly fulfill our responsibility to provide emergency funding for our war against terrorism and for homeland defense.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, what we do have is $15.7 billion for DOD. That is $1.7 billion over the President's request. If the gentleman is suggesting that supplemental appropriations bills that come to this floor should never be passed if they have anything extraneous, then he is suggesting something that is very unrealistic, and my recommendation is that if the gentleman looks through this, and we have got money, $7.2 billion for ongoing military operational costs, $4.3 billion for personnel costs, $500 million.

Mr. EDWARDS. Absolutely. And reclaiming my time, that is exactly why the bill passed so quickly through the House before these extraneous partisan amendments were added late at night in a secret meeting of the Committee on Rules.

□ 1730

Mr. CUNNINGHAM. Mr. Chairman, some of my colleagues on the other side, the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Washington (Mr. DICKS), who is standing back there, the gentleman from Missouri (Mr. SKELTON), and I think the majority of the Democrats are just as tough in fighting for the defense of this country as most of us.

I am a veteran, and I want to tell my colleagues something. Using our military as White House waiters, to me, is not patriotic. Putting them in harm's way, our rangers in Somalia, and not giving them the tools that they need, and we saw Black Hawk Down, is not. And I would tell my colleagues on the other side, I feel the same way about our Marines that were left in Lebanon that were hurt. To me, that was not patriotic either, and that was under a Republican administration.

It is not patriotic to me to cut veterans' COLAs and military COLAs for those families that fight for us and have to move all over the country. But yet in 1993, the Democrats controlled the White House, the House, and the Senate, and they did just that.

I heard my colleagues talk about, well, in 1993, we had a program, an economic stimulus package, and not a single Republican voted for it. Absolutely right. Why? Because in that bill they cut military COLAs. They cut veterans COLAs. Talk about Social Security, my colleagues increased the tax on Social Security. That is a fact. And all the leadership that is standing up here today and talking about raiding the Social Security trust fund, when the Democrats had control of both bodies and the White House, they raided every dime out of the Social Security trust fund and had a $300 billion debt, plus increased spending.

We inherited nearly a $5 trillion, a billion dollars a day on just nearly the interest. And has the debt gone up? Absolutely. It is kind of hard to pay off $360 billion every year that accrues, and then interest on that.

Then I heard my colleagues say, well, under their leadership there was a surplus. Not one of President Clinton's economic plans passed this House with a Republican majority. Not one. And matter of fact, we restored the veterans' COLAs. We reinstated the military COLAs. President Clinton's gutting of veterans' health care we put back in. We increased it. And we increased the defense of this country, and I would say with bipartisan support with my colleagues on the committees.

But when we look at or talk about the Social Security trust fund, it took me months to collect, and I have a document that I am going to bring to the floor, it is about that thick, it is every single time the Democrat leadership voted to take and steal every dime out of the Social Security trust fund. So when my colleagues talk about it, be careful, because we will point out every single time the Democrats voted to steal the money out of the Social Security trust fund.

Now, was it bad? Not necessarily. Because our country is at war, and there are debts to pay. But do not demagogue here for political reasons and say that we are raising the debt to raid the Social Security trust fund when, in fact, my Democrat colleagues stole the money. We came up with a lockbox. The gentleman in the other body, who I cannot mention on the floor, threatened to filibuster for a Social Security lockbox. We had to fight that.

We had to fight welfare reform on this floor with many of my colleagues. And I will say that there are many of the people on the other side of the aisle here that vote consistently against defense bills, that vote against intelligence bills, that bring amendments to the floor to gut military and intelligence every single year. To me, that is not very patriotic, my colleagues.

Our military today, our kids, are hurting. We are trying to make up over a $250 billion deficit that was built up from 127 deployments: Haiti, Somalia, Bosnia. Billions of dollars. Kosovo. We flew 86 percent of the missions in Kosovo. We paid for 90 percent of that bill. That is wrong. Because who ends up paying for that? We were only keeping in 22 percent of our military under President Clinton because they were so abused in our equipment. We can do better. We can pass this bill, and we can fight for our military.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. All Members are reminded not to make improper references to the Senate during floor consideration.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this weekend we will celebrate Memorial Day, a day to honor our Nation's war heroes. This holiday began during the Civil War, my colleagues, when the women, and many of them widows and daughters of those who fought in the Civil War, made a decision to decorate the graves of soldiers from both North and South, regardless of the side on which they fought, to decorate their graves. It was for many, many years, decades, known as Decoration Day. The act of reconciliation between the North and South that these women initiated is something that is carried on in a tradition to this day. Today, we call it Memorial Day, and it is something that we are very, very proud of.

Many young women are in harm's way today as we speak so that the democratic process can flourish in the world, certainly in our country, and to begin to emerge in Afghanistan.

As the senior Democrat on the Permanent Select Committee on Intelligence, I know full well, as I know we all know in the body, Democrat and Republican alike, that we must make the necessary investments to protect Americans in the Armed Forces and to protect our country. I do not think there is any doubt of that, and I do not think anyone questions the wholehearted commitment of every person in this body to do that.

We all agree, Mr. Chairman, that additional resources are needed to meet our Nation's defense and homeland security needs. We all support that, Democrats and Republicans alike. I want to commend the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, on which I am proud to serve, for his great leadership and the manner in which he conducts the work of our committee. And I want to also commend the ranking member, the gentleman from Wisconsin (Mr. OBEY), for working closely with Chairman Young. They both worked to bring this bipartisan product to the floor.

We had hoped that the priorities that were spelled out in the Committee on Appropriations to meet the necessities of force protection, homeland security, and helping to meet the needs of those who suffered as a result of September 11 would not be a matter of any controversy whatsoever. That is why it was so sad to see the leadership of the Republican Party in this House desecrate, desecrate this important piece of legislation which was committed to protecting our forces, protecting our homeland and helping those, as I said, affected by September 11. This is an act of desecration when we should be acting in a manner to honor those who serve us and those who have suffered.

We all support the President in the war on terrorism. We have been united with him, shoulder to shoulder, since September 11 to that end. But we do not support and cannot support the shameful tactics of the Republican majority to prevent debate and limit democracy. Instead of proposing a bill to meet our legitimate needs to fight terrorism in a fiscally responsible way, the Republican majority has sneaked the second largest increase in the debt limit in this Nation's history without a vote on any debate.

I wonder how they thought that they could get away with such a thing, or why they thought it was even appropriate. As the majority party in the House of Representatives, in the Capital of the United States, a model for the rest of the world, why did they think it would be a good idea and okay to sneak the second largest increase in the debt limit in history in a stealth manner, not even to be voted on on the floor, bypassing the democratic process?

And the chairman of the Committee on Ways and Means shed some light on that earlier. He came to this floor and he said, in essence, how can we expect to vote on every single item, every single piece of legislative business? We do not have time. It would be ridiculous to think that we would have the time to vote on every single little item. Well, we think differently about protecting Social Security for America's seniors. We do indeed.

I did not know we thought as differently until I heard it expressed and Social Security trivialized as just another legislative item that we do not really have time to debate or to vote on separately. That was very enlightening. And I think it probably points out the difference between the Democrats and the Republicans.

We think Social Security is important. We will vote to protect it. We would like to do so in a democratic way. And I am so sad and disappointed that the Republican majority would desecrate this important piece of legislation by undermining Social Security to give a tax break to the wealthiest Americans.

Mr. Chairman, the Republicans are hiding this plan from the American people. They are hoping to take the money and run, without letting the public know their intentions.

Make no mistake about it. They are voting today to authorize taking $750 billion out of the Social Security and Medicare trust funds to pay for other programs.

When you review the Republican proposal, you have to wonder: what happened to all the budget deficit hawks on the Republican side? Have they become an endangered species? Indeed, I think they have become extinct.

Today, without telling anyone, those same Republicans are requesting the second largest increase in the debt limit in our Nation's history to continue their raid on Social Security and Medicare.

We must have an up or down vote on their stealth plan to mortgage our children's future.

Mr. SHAW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, so much has been said on this floor about Social Security that I think somebody has to get up and get the record straight.

There have been errors made on both sides, but particularly on the minority side, when they refer to this bill in any way jeopardizing Social Security for our seniors. It is more and more of the same old thing: scare our seniors, scare our seniors.

Let me give an example which I think absolutely shows 100 percent that this particular bill in no way endangers Social Security. To begin with, we hear time and time again on this floor that the Republicans are raiding the Social Security trust fund. Mr. Chairman, there is no money in the Social Security trust fund. There are only Treasury bills.

The way the Social Security System works is the money that comes into Social Security that is not used to pay benefits goes into the general fund, which is called the surplus, and is replaced in the trust fund with Treasury bills. So anyone getting up and making this statement, it is a great statement to make from a political standpoint, but from a factual standpoint it simply is not true. It is not true.

I ask this question of my Democrat friends: In all of the years, the 40-some years they were in charge of this House, and they had deficit spending as far as the eye could see, and I have looked at the chart up there and it shows all the Presidencies that the Democrats keep putting up, during those periods of time, those were Democrat-controlled Congresses. In most of those cases, on both sides, the Senate and the House, those were Democrat. But no President has ever spent one dime that was not specifically appropriated right here in the House of Representatives. That is a fact.

So when we start talking about the deficits and we start trying to recreate history, let us look at the real facts.

Now, the question comes up, in all of those years did the Democrats raid the Social Security trust fund? No. Did they spend the Social Security surplus? Yes. In part of this are we going to be looking to spend Social Security surplus? Probably so. But that does not in any way endanger Social Security. It simply delays the paying down of the national debt.

Now, when did we finally balance the budget in this House? We balanced the budget after the Republicans took control. That is a simple thing and we cannot rewrite the history. The history is very, very clear.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Washington.

□ 1745

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for getting up and making this statement. I think the rhetoric here has been inaccurate on both sides of the aisle. A gentleman from California on your side of the aisle just got up a few minutes ago and said that Democrats were stealing the money out of the Social Security trust fund when the Democrats controlled the House. The gentleman from Florida, Mr. SHAW has explained this in a way that I think is accurate for the American people. I do not think any of us should be in the business of trying to misinform senior citizens. I do not think it works. I think senior citizens are smart enough to know that it is not accurate. We ought to be honest about how Social Security is funded amongst ourselves and in the debate on the floor. I commend the gentleman for his willingness to correct the record.

Mr. SHAW. I thank the gentleman for those comments. I again would like to repeat what Chairman YOUNG said and I think he said it so eloquently: We are fighting our war. We were attacked.

This is a time of emergency. If we have to spend some of the Social Security surplus, so be it, but we are not spending one dime of the Social Security trust fund. The Social Security trust fund is secure. The FICA taxes are going to be there to pay every benefit through 2017. The retirees and the disabled in this country have the first call on the Social Security money that comes into the trust fund. Let us get an even and balanced argument here. And for God's sake, why does every Member in this House, in this Chamber, not spend a little time and figure out and learn how the Social Security system works in this country and also recognize the fact that we are looking at a $25 trillion deficit in Social Security if we do not move together in a bipartisan way to reform Social Security. My door is open. As soon as we get any cooperation or see any cooperation from the other side of the aisle, or the other side of this Capitol, we will move and we will save Social Security for our kids and our grandkids. That is important. That is key. But right now we have an emergency, we have been attacked, and this country must react and we must react in a bipartisan way.

Mr. PENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the war supplemental.

Some do not remember history, but we do. The gentlewoman from California, for instance, Mr. Chairman, just stood up and said that Memorial Day began during the Civil War. It certainly did not. It actually was the product of an order issued by General John Logan on May 5, 1868. A minor mistake. One of the Democrat Members who spoke today actually came to the floor and said that Memorial Day was a day established in 1916 where we remember veterans in service of our country. An honest mistake, Mr. Chairman. I would not deign to embarrass a colleague by saying who made the error between Memorial Day and Veterans Day. The truth is that in life, some remember history and others do not.

I think that frames very well the arguments that we have heard on this blue carpet today, Mr. Chairman, because while some on the other side do not remember history, we do. And it is my conviction that the overwhelming majority of the American people who join us today do as well.

They argue, for instance, of great anxiety, even using terms like desecration of this war supplemental bill, suggesting that our efforts to meet all of the obligations of the United States of America with full faith and credit by allowing a discussion in the conference committee about debt limit is a desecration of this bill. The gentlewoman again from California says she has no idea where this approach came from. It used to be called the Gephardt rule, and I know the distinguished minority leader is on the floor at this moment. It was in September of 1979 that the distinguished gentleman from Missouri (Mr. GEPHARDT) developed a rule which allowed the Democrats to increase the debt limit virtually automatically whenever they went into red ink overspending the taxpayers' money. And we are to be denounced and accused of desecration by those who created a rule to do surreptitiously what we choose to do in the light of day?

Some do not remember history, Mr. Chairman, but we do. They argue that we are about the business of overspending in this bill. We hear laments on the floor from Democrat colleagues who are worried that conservatives like me have lost our commitment to fiscal restraint. Mr. Chairman, I am astonished by that comment, because I spent a lot of time on the floor in March of 2002 as one Democrat colleague after another came to the floor to explain how much more money needed to be added to our budget resolution. And our effort to deem that budget, to live within the confines of that budget during this time of war, is now being ridiculed as excessive spending by those who wanted to make that budget much, much larger. Some do not remember history, but we do.

And they argue, of course, as I just heard from the gentleman from Florida and my colleague, they argue that by fulfilling our commitments to the veterans that are in the field, the soldiers in the field that are fighting this war on terrorism, both abroad and at home, that we raid Social Security, when we remember, Mr. Chairman, that it was in the 1960s when a Democrat administration decided to borrow from the Social Security trust fund to finance a war. The only distinction there, Mr. Chairman, is they did not stop for 40 years. Long after the Vietnam War was history, the practice of raiding the Social Security trust fund was the practice of a Democrat Congress. Some do not remember history, but we do.

Mr. Chairman, I would offer to you as we continue this debate and its vitriol that I am a guy that believes it is possible to disagree without being disagreeable, but I believe that it is our obligation to speak honestly and candidly on this floor about the issues that we face. The truth is, Mr. Chairman, that they have no budget, they simply have criticisms of our effort to meet the needs of our soldiers, to meet the needs of homeland security and to move legislation forward that will make our country distinctly safer and bolster the confidence of the American people as we go forward in these uncertain days.

It is of them that I close, Mr. Chairman. You see, I know that the majority of the American people know what Memorial Day is about. They also know what a big tax-and-spend liberal Democrat Congress would be all about if they were in charge. They may not remember history, but the American people do.

Mr. DELAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we do not have the luxury of time today. We do not have the time to divert the vitally needed national security enhancements in this bill by taking a dangerous detour into a thicket of secondary issues that have no direct bearing on our urgent need to secure our country and defeat our enemies. We cannot afford to drag out the relief in this bill to serve an unstated political agenda that seeks advantage at the very expense of swift assistance. The people defending America do not deserve a legislative IOU today. They deserve timely action.

On the eve of Memorial Day, this House should not abdicate our mission by dragging out the urgent relief in this bill for our military, our homeland security and our hard-pressed intelligence agencies. As we all know, we have taken great strides since September 11 to enhance our ability to detect, defeat and destroy the international terror networks. We have strengthened our homeland security. We have empowered our military commanders to secure victory. And we are moving aggressively to understand all the lessons from the terror attacks. But we also know that our job is far from over.

Our country has serious ongoing liabilities that we address through the relief in this bill. We cover the cost of our operations in Afghanistan and the call-up of Reserve and National Guard troops. We provide almost a half a billion dollars to firm up our coalition. We speed the elimination of unneeded chemical weapons. We supply the spare parts and replace the high tech munitions that our military needs to keep its edge, and we meet pressing needs for our special operations forces.

On the domestic front, we give the FBI the sophisticated technology systems that they need to coordinate and manage the flow of information. Clearly this improvement is urgently needed. We send resources to the INS to identify those people that are breaking the law by illegally overstaying their visas. We secure our airports with over a billion dollars in assistance to help detect bombs hidden in baggage. We provide substantial funding to harden our nuclear weapons facilities. In addition, we help the Secret Service build partnerships with sophisticated high tech firms to uncover terror's electronic footprints. And we also boost our intelligence capacity by sending the CIA and other agencies substantial resources to win the war on terror.

Today, Democrats, who we are asked to believe are motivated by a newfound passion of fiscal restraint, walked out on our work to provide the resources to improve our national security. They retreated from our responsibility to put politics aside when the time comes to strengthen our country. This campaign of jockeying for domestic political advantages while delaying swift action on our need to send these resources is beneath contempt. It is cut from the same shoddy cloth as the shameful campaign to sow doubt about the President's commitment to protecting the American people.

Following decade after decade of deficit spending when they held the majority, the idea that Democrats could now credibly lecture Republicans on the virtues of fiscal discipline just will not hold water. Their counterfeit fiscal discipline could be the most garish and grotesque case of ideological cross-dressing in the history of American politics.

House Republicans brought fiscal discipline back to Washington. We are the ones who balanced the budget. We cut taxes every year that we have been the majority party. We paid down over $450 billion in debt on our children. And despite the war and the recession, we are still committed to holding the line on spending. We are the true party of fiscal discipline.

Under our budget, we are going to pay down another $180 billion on the debt. And once our economy gains a head of steam, we will pay down much more than that. If Democrats were truly concerned about fiscal discipline, why were they AWOL in March when House Republicans passed our budget by ourselves? They could not even offer a budget, because they did not want to divulge the taxes they are planning to raise or the security spending they are likely to slash.

In time of war, we cannot dawdle around in carrying out our constitutional obligations. This bill carries critical resources to defeat the enemies of freedom and we ought to put them to work today. Anyone who leaves town wondering how deep the Democrats' commitment to fiscal discipline actually runs should consider one salient fact: The House passed the President's budget over 2 months ago, but the Senate has not acted yet. They have not passed a budget.

Pass this bill and let us go home.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have just heard the most bizarre rewriting of fiscal history that I have heard on that side of the aisle in at least the last 5 minutes. Let me try to bring us back to reality and recite what the true record of fiscal discipline has been over the past 25 years.

Up until Ronald Reagan walked into the White House, we never had a deficit larger than $73 billion. Then Ronald Reagan introduced in the Congress the David Stockman wonder bus budget and somehow we were supposed to be able to double military spending, cut taxes by huge amounts, especially for those at the top end of the scale, and we were told that would finally produce balanced budgets. Instead, the deficits quadrupled. The national debt rose from less than $1 trillion to over $3 trillion. So much for Republican fiscal discipline in the 1980s.

We then had an initial effort by the father of the existing President to try to get those deficits under control. He took the first needed steps in order to reduce the rate of increase of the Federal deficit. I congratulate him for his efforts. But that only got us to the point where the size of the deficits were slowing in their rate of increase. It did not turn them downward.

So then Bill Clinton was elected and he proposed a series of economic and fiscal measures to the Congress and over time, over a period of 8 months, we were able to put together the votes to enact that package.

□ 1800

We did so without the vote of a single Republican in either House. Not a single Republican Senator or House Member voted for that package. We were told by Mr. Gingrich, your Speaker, we were told by the gentleman from Texas (Mr. ARMEY), your floor leader, that it would lead to a massive recession and job loss. Instead, just the opposite. We had the longest period of sustained prosperity in the post-war period in this country.

But it cost us, because we had to do unpopular things, and because of that we were attacked by your side, unmercifully so, and we lost our majority. But in the process of losing our majority in this House we were able to put this country back on a sound financial footing, and not a single Democrat on this side regrets that.

Mr. Clinton was succeeded by Mr. Bush, and within 1 year you blew it. You imposed tax cuts that over the next 20 years are going to result in $7 trillion of lost revenue to the Federal Treasury. Then you wonder why we are not going to have enough money in the till to pay down the debt so we can prepare ourselves for the day when the baby-boomers retire and we are going to need to shell out huge amounts under Social Security.

So now, after you did that and after you committed us to massive future tax cuts, you now see that we are facing potentially $300 billion deficits again, and at least half of those deficits are caused by your tax action. So now you come in here and try to sneak through the place a fancy two-stepper, which will enable you to raise the national debt, raise the national credit card limit, by $750 billion, so you can continue to pay off your rich friends with their tax cuts.

That is what this fight is all about. We are resisting that because we care about the future of this country and we are dedicated to fiscal responsibility. No Democrat after the 1980s under Ronald Reagan, the free-lunch-era, no Democrat in either House has to take any lectures from the Republican Party leadership, most especially the gentleman who just talked, about fiscal responsibility. That gentleman himself added an amendment to the bill which added $200 million to the cost of the bill.

So I would say: End of history rewrite! Bring us back to reality. You know what the truth is. Every person in this Chamber does.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the 5 minutes. I have listened for the last day, day and a half, to the arguments on this floor, the finger-pointing and the charges that have gone back and forth. "They are more fiscally irresponsible." "No, they started before." "They want to raise the debt ceiling." "They did it before."

We have raided the trust fund, and they did it before that. It is back and forth with these charges. None of this has been very productive to the legislation that is before us tonight. None of it is productive at all.

We all acknowledge that this Nation is at war against terrorism, and we all acknowledge this supplemental appropriation is needed. We all acknowledge that our troops in the field need to have this done.

Mr. Chairman, there are a number of substantive and real amendments to be considered to this bill that are relevant to the war on terrorism, that are relevant to American foreign policy, and I would just say to my colleagues, I would urge my colleagues on both sides of the aisle, I would hope we could allow this debate to move forward, that we could allow the Clerk to read.

We had started, made a good and honest effort a few minutes ago, to get a start on that. I would hope that we could move forward, begin to read and consider some of the amendments for which there is a legitimate reason for us to debate and consider these amendments that are part of this bill. I say that with all due respect to my good friend on the other side and all of my friends on both sides of the aisle who have very deep feelings about this legislation and the things that were added to it.

I am part of a very tiny minority on this side of the aisle that did not support the rule yesterday. But this is where we are at. This is the bill we have got. It is an important bill, and there are important amendments, and I just hope that this body can now proceed with actually considering some of these so that the American people and our American soldiers, men and women in uniform, will know that we are dealing with the business at hand that affects them in fighting this war on terrorism.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I agree with the gentleman, and I am perfectly willing to ask people on my side of the aisle to withhold their comments so that we can get to additional amendments, if the same thing would happen on that side.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I am making that plea to people on my side of the aisle as well, that we do that and move forward here, I hope, with reading the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $99,800,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $39,000,000 shall be available only to the extent that an official budget request for $39,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $72,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $20,000,000 shall be available only to the extent that an official budget request for $20,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. (a) The appropriation under the heading "Research, Development, Test and Evaluation, Navy" in the Department of Defense Appropriations Act, 2002 (Public Law 107–117) is amended by adding the following proviso immediately after "September 30, 2003": ": *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operations Forces". (b) The amendment made by subsection (a) shall be effective as if enacted as part of the Department of Defense Appropriations Act, 2002.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) shall be available for transfer, obligation and expenditure, consistent with the purposes for which such amounts were contributed and accepted, by the Secretary of Defense to such appropriations or funds of the Department of Defense as the Secretary shall determine, to be merged with and to be available for the same purposes and the same time period as the appropriation or fund to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority.

SEC. 303. During fiscal year 2002, the President may continue to provide assistance to Russia under cooperative threat reduction programs and under title V of the Freedom Support Act (Public Law 102–511; 106 Stat. 3338) without regard to the certification requirements in section 1203(d) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952 (d)) and section 502 of the Freedom Support Act (22 U.S.C. 5852) if the President submits to the Speaker of the House of Representatives and the President pro tempore of the Senate a certification that providing such assistance is vital to the national security interests of the United States.

SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414): *Provided*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations or covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.

SEC. 305. Section 8005 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2247), is amended by striking "May 1, 2002" before the period at the end and inserting "June 15, 2002".

SEC. 306. (a) Funds appropriated to the Department of Defense for fiscal year 2002 for operation and maintenance under the heading "Chemical Agents and Munitions Destruction, Army", may be used to pay for additional costs of international inspectors from the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons, pursuant to Articles IV and V of the Chemical Weapons Convention, for inspections and monitoring of Department of Defense sites and commercial sites that perform services under contract to the Department of Defense, resulting from the Department of Defense's program to accelerate its chemical demilitarization schedule.

(b) Expenses which may be paid under subsection (a) include—

(1) salary costs for performance of inspection and monitoring duties;

(2) travel, including travel to and from the point of entry into the United States and internal United States travel;

(3) per diem, not to exceed United Nations rates and in compliance with United Nations conditions for per diem for that organization; and

(4) expenses for operation and maintenance of inspection and monitoring equipment.

SEC. 307. (a) In fiscal year 2002, funds available to the Department of Defense for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

AMENDMENT NO. 2 OFFERED BY MR. MCGOVERN

Mr. McGOVERN. Mr. Chairman, I offer an amendment, and I ask unanimous consent that it be considered at this time.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. McGOVERN:

In section 307 (relating to Department of Defense assistance to Colombia), strike "to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and".

In section 601 (relating to Department of State assistance to Colombia), strike "to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and".

The CHAIRMAN. Is there objection to considering the amendment at this point in the bill?

Mr. KOLBE. Mr. Chairman, I reserve the right to make a point of order against this amendment.

The CHAIRMAN. The gentleman from Arizona reserves a point of order.

Mr. KOLBE. Mr. Chairman, I will not make a point of order against the amendment. I simply want to say while I oppose the substance of the amendment and a point of order could be made because it considers 2 separate provisions, I will not object to that so that we can have the debate at this time on the entire issue, a very important issue, and that is the issue of the war on terrorism in Colombia and our Plan Colombia down there.

So I withdraw my reservation, and I am pleased to proceed with the debate.

The CHAIRMAN. Is there objection to the amendment being considered at this point in the bill.

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes on his amendment.

Mr. McGOVERN. Mr. Chairman, I rise today to discuss a critical issue of American foreign policy. Tucked quietly into this supplemental is language that will significantly increase United States involvement in the civil war in Colombia. Along with the gentleman from Missouri (Mr. SKELTON), I am offering an amendment to strike that troubling and dangerous language and restore some common sense to our Colombia policy.

The supplemental bill expands our role in Colombia beyond counternarcotics and into counterterrorism. The problem is that in Colombia, counterterrorism means counter-insurgency.

In short, Mr. Chairman, if the Colombia language in the supplemental survives, the United States will be plunging head first into a grinding, violent and deepening civil war that has plagued Colombia for nearly 4 decades. This House should think long and hard before it gives a green light to such a momentous shift in our policy.

For the past several years, the U.S. has invested billions of dollars into counternarcotics efforts in Colombia. It is difficult to argue that our investment has paid any dividends. Indeed, since the inception of Plan Colombia, coca production in that country has actually increased by 25 percent.

Now, having said that, our amendment will not affect our funding for counternarcotics. In addition, our amendment protects language in the supplemental that allows U.S. resources to be used for humanitarian assistance, including rescue operations.

Two weeks ago, this House unwisely voted to grant the Secretary of Defense the ability to waive the cap on the number of U.S. military personnel in Colombia. When you add it all up, increased U.S. troops plus increased involvement in the civil war equals bad policy. But that is the door that this bill will open.

The majority of U.S. aid to Colombia goes to the Colombian military, a military with an abysmal human rights record, a military that continues to maintain ties to paramilitary groups that are listed on the State Department terrorist list. I do not believe that American taxpayer dollars should be used to fund an institution like that, and I certainly do not believe that we should expand American resources beyond fighting drugs and into fighting guerrillas.

Mr. Chairman, I am also deeply troubled by the timing of this Colombia language. On Sunday, Colombians will go to the polls to elect a new president. Polls show that the winner of that election will be Alvaro Uribe. Mr. Uribe has based his campaign on a promise to expand the civil war, and there are widespread indications that the violent right-wing paramilitaries that are responsible for so many of the human rights abuses in Colombia are actually supporting the Uribe campaign.

Now, I believe it would be a huge mistake to pledge additional U.S. troops and resources to the Colombian government before we see what the Uribe government will look like. Indeed, if Colombia decides to increase its own investment in fighting its civil war, it would be a dramatic shift. Right now Colombia spends less than 2 percent of its GDP on the war effort. People with high school diplomas are exempted from serving in combat roles, leaving the dirty work to the poor and uneducated. Our troops and our resources are simply too precious to be used as proxies in Colombia's civil war. If American personnel are not targets now because of our counternarcotic efforts, you will be sure they will be targets when we pick sides against the guerilla force of over 20,000 well-armed fighters.

Mr. Chairman, we all support the efforts to combat the kind of global terrorism that threatens our interests and people. We all support the campaign to dismantle al Qaeda. But Colombia is not Afghanistan. It is the site of a terrible, terrible civil war. Kidnapping and other homegrown acts of terrorism have been part of this war since the very beginning and used by all sides. There is no new war on terrorism to be waged in Colombia, there is only more of the same.

Mr. Chairman, what is our plan? How many U.S. troops? How much money? What is the end game? Colombia is a huge country, three times the size of Montana, 53 times the size of El Salvador. It is a hideously complex place with widespread poverty and social unrest.

Mr. Chairman, this is a defining moment. Getting directly involved in Colombia's civil war is a mistake, plain and simple. Let us demonstrate the good sense to think long and hard before we plunge ahead.

I urge my colleagues to vote for the McGovern-Skelton amendment.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to this amendment. Let me begin by saying what the amendment does. It strikes 2 provisions, and the reason we agreed to the unanimous consent is because it strikes one section dealing with the Defense Department and one much later dealing with the State Department, so a point of order could have been made against this amendment. The McGovern amendment strikes the same language both in Defense and in the State Department chapters that permits the administration to allow U.S. assistance for Colombia to be used in a war against terrorism, not just simply against narcotrafficking.

Mr. Chairman, let me begin by observing that this amendment does undermine a bipartisan compromise that this committee worked very hard to obtain regarding broadened authority for U.S. assistance in Colombia. Similar language with a good deal more conditions is also contained in the Senate bill, so this amendment would negate not only a bipartisan, but a bicameral agreement that has been reached.

The amendment would preclude the U.S. from supporting Colombia's counterterrorism efforts. When the Clinton administration began to seek support for Plan Colombia from Congress about 3 years ago, 1 argument was that the revenues from the narcotics industry were increasing the ability of the FARC, the ELN and the AUC, the guerrilla groups and the terrorist groups that operate in Colombia, to destabilize Colombia.

Now, 3 years later, with Plan Colombia under way, the groups are, unfortunately, stronger than ever, eradication has not kept up with new plantings, and Colombia is facing a more unstable future than it was before. It is time for a change in American policy.

The existing authorities to spend U.S. assistance are narrowly written, too narrowly written, to allow U.S. assets and U.S. trained forces only to be used in counternarcotics activities. I have been to Colombia twice since Plan Colombia was approved, and to me it is patently obvious that we are operating with restrictions that are much too narrow.

□ 1815

The lines between counternarcotics and counterterrorism are not clear anymore; I do not think they ever were. They are certainly not clear today. In today's environment, with terrorists attacking the U.S. and U.S. citizens abroad, this imaginary line between counternarcotics and counterterrorism ought not to be maintained.

With many of my colleagues, I tried to convince the administration a few months ago that by not approaching Congress to clarify the authorities under which the U.S. would provide assistance, they would jeopardize congressional support for U.S. assistance to Colombia. This came after the Colombian Government, President Pastrana, had announced that they were abandoning their plans to try to achieve peace because the many attempts to negotiate with the guerillas had come to naught, and they were going to pursue a military response. And I urged this administration, that if they were going to change U.S. policy, they should come and seek that approval from Congress, and that is exactly what they have done. This is a counterterrorism supplemental, and I commend the administration for requesting in the supplemental the language that we have in it today to allow counternarcotics assets to be used to fight terrorism.

Starting with the President's request, the committee arrived at a bipartisan compromise. And let me tell my colleagues a couple of things it does not do. The bill language does not extend through 2003, which was requested by the President. We are going to get into a markup of the 2003 appropriations bills in not too many weeks, so we decided to address 2003 in the fiscal year 2003, as I think we ought to. We have included report language that states our intent to use this bipartisan approach in the fiscal year 2003 bill, so we are making clear we probably will do so; and we can have this debate again in a few months if we need to have it, and that debate will take place after the elections and perhaps even after the inauguration of the new President. We want to see what the new Colombian administration will do after it is inaugurated in August.

Further, the committee deletes the broad "notwithstanding any other provision of law" provision, which was requested by the President. It was the conclusion by the committee that the authority is simply not needed by the Department of State at this time, given the existing authorities within the international narcotics and law enforcement account. And all existing human rights provisions, the caps on U.S. personnel in Colombia and the prohibitions on visas to individuals with terrorist links, are maintained.

With these conditions in place, with no large increase in the resources requested or provided to the Colombian military, this change in policy is not a major expansion of the U.S. role in Colombia's civil strife. It is a realistic approach to the situation in Colombia to combat terrorists using existing assets.

The Subcommittee on Foreign Operations had a hearing on U.S. assistance for Colombia in March. At that hearing the Under Secretary of State said on the record that the broader use of authorities would primarily make available U.S.-owned helicopters for counterterrorism purposes.

Mr. Chairman, I urge this body to retain the compromise language that is in this bill that has been reached on both sides of the aisle and on both sides of the Capitol building.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the McGovern-Skelton amendment. I am surprised that the gentleman from Arizona omitted a bit of history, because American troops were sent initially to Colombia and a line was drawn and it was drawn to provide training in antidrug activities only. This is a major step. This is a Gulf of Tonkin amendment that is in the bill that we seek to strike.

Now, Mr. Chairman, I speak today having recalled on so many occasions within the Committee on Armed Services and here on the floor, pointing out the fact that our troops are stretched, they are strained, their families are paying a severe sacrifice on their loved ones being gone so much, and that we have to increase the number of troops that we have. So with that in mind, I think that what is in the bill needs to be stricken. The implication is clear, that American servicemembers would become engaged in a broadened United States military effort in Colombia.

My concerns with the bill are several. Expanded American military activities will embroil us in a civil war that has been raging for 40 years. This is no small thing, as the gentleman from Arizona pointed out. This is a major policy change. We could find ourselves engulfed in a morass that would eat up American soldiers like we have not seen in years.

Second, and perhaps the most important, is that our military personnel are performing more overseas missions today than ever. In just the past several months, our forces have been deployed to the Philippines, to Yemen, to Georgia, in addition to the major operations in Afghanistan, Bosnia and Kosovo, not to mention Korea, not to mention the young men and women aboard ships on the seas. If the administration follows through with its plans to invade Iraq, invade Iraq, we simply will not have enough people to perform the missions, at least not to perform them very well.

So we should carefully weigh the consequences before undertaking expanding missions in places like Colombia. The administration has simply not made the case for this expansion of our role. It is well known that the Colombian law allows wealthy and educated youth to avoid military combat. Their own sons are not sent out to fight the insurgence, but American sons can do it. I do not think that is a good policy for the United States of America.

Mr. Chairman, expanding the drug program in Colombia to include terrorist activities is inviting war in Colombia. It runs the risk of embroiling us in an intractable civil war at a time when our military is stretched already. A vote for this amendment is the right policy for Colombia.

The bill says that the Department of Defense funds can be used for a unified campaign. That is a magic phrase. That means, as I interpret it, that it is a license to change the rules of engagement for our troops that allows them to engage in combat or war. If this bill is adopted without this amendment, we could be embroiled in a no-kidding shooting war; and we will know that this is a Gulf of Tonkin effort that we have passed, unless this amendment prevails.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, and I compliment the gentleman from Massachusetts (Mr. McGOVERN) and the gentleman from Missouri (Mr. SKELTON) for bringing this to us. There has been a lot of discussion in the last 2 days, a lot about the deficit; and it strikes me as a bit of an irony, especially because it comes from many, and I have to say on both sides of the aisle, that do a lot to raise the national debt and the spending, and yet the debate went on and on. For some reason, I think there has been a lot of politics in the debate.

The interesting thing about what is going on right now, there is no politics in this. This is about war, and this is important, and this is about policy. It is said that we would like to get things like this through without a full discussion; but this, to me, is a key issue. This amendment is about whether or not we will change our policy in central America and, specifically, in Colombia.

Mr. Chairman, a year or so ago we appropriated $1.6 billion, and we went into Colombia with the intent of reducing drug usage. Instead it is up 25 percent. Drug usage is going up! They sprayed 210,000 acres, and now there are 53,000 more acres than ever before. It reminds me of Afghanistan. We have been in Afghanistan for less than a year and drug production is going up! I just wonder about the effectiveness of our drug program in Colombia.

But the theory is that we will be more effective if we change the policy. Pastrana tried to negotiate a peace and we were going to deal with the drugs, and we were going to have peace after 40 years of a civil war. Now Uribi is likely to become President and the approach is to different. He said, no more negotiations. We will be fighting and we want American help, and we want a change in policy, and we do not want spraying fields; we want helicopters to fight a war. That is what we are dealing with here. We should not let this go by without a full discussion and a full understanding, because in reality, there is no authority to support a military operation in Colombia.

What we are doing is we are appropriating for something for the administration to do without a proper authority. He has no authority to get involved in the civil war down there. We cannot imply that the issue of war is granted through the appropriation process. It is not the way the system works. The constitutional system works with granting explicit authority to wage war. The President has no authority, and now he wants the money; and we are ready to capitulate. Let me tell my colleagues, if we care about national defense, we must reconsider this. This dilutes our national defense, it dilutes our forces, exposes our troops, takes away our weapons, increases the expenditures. If we ignore this issue I guess we can go back to demagoging the national debt limit.

So I would say, please, take a close look at this. We do not need to be expanding our role in Colombia. The drug war down there has not worked, and I do not expect this military war that we are about to wage to work either. We need to talk about national defense, and this does not help our national defense. I fear this. I feel less secure when we go into areas like this, because believe me, this is the way that we get troops in later on. We already have advisory forces in Colombia. Does anybody remember about advisors and then eventually having military follow in other times in our history. Yes, this is a very risky change in policy. This is not just a minor little increase in appropriation.

So I would ask, once again, where is the authority? Where does the authority exists for our President to go down and expand a war in Colombia when it has nothing to do with our national defense or our security? It has more to do with oil than our national security, and we know it. There is a pipeline down there that everybody complains that it is not well protected. It is even designated in legislation, and we deal with this at times. So I would say think about the real reasons behind us going down there.

It just happens that we have spread ourselves around the world; we are now in nine countries of the 15 countries that used to be part of the Soviet Union. And every country has something to do with oil. The Caspian Sea, Georgia, and why are we in the Persian Gulf? We are in the Persian Gulf to protect "our" oil. Why are we involved with making and interfering with the democratically elected leader of Venezuela? I thought we were for democracy, and yet the reports are that we may well have participated in the attempt to have a democratically elected official in Venezuela removed. I think there is a little bit of oil in Venezuela as well. Could that have been the reason.

So I would say, once again, please take a look at this amendment. This amendment is a "yes" vote, and I urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from

Massachusetts (Mr. MCGOVERN), my colleague on the Committee on Rules and good friend, as well as the amendment of the gentleman from Missouri (Mr. SKELTON), my mentor and good friend on military matters.

I do not think anyone is insincere in this House of Representatives about wanting to be involved in doing what is right to protect our country and to maintain the President's vision with reference to the war on terrorism.

□ 1830

All of us are for the same set of circumstances. But my colleagues on the Republican side do not want spending in certain areas in America.

I harken back one night to one of the finest speeches ever made in the House of Representatives by John Kasich in a run-up to a budget. When John finished, I walked up to him and complimented him. I said to him, you know, John, the difference between you and I, and we were only going to spend $1 trillion or $3 trillion at that time, the difference is he wants to spend the money on what he wants to spend it on, and I want to spend it on what I want to spend it on.

I do not think anything has changed very much on that, from that time or any other time. They have the power to do Plan Colombia, but they do not want to spend; they want to cut programs in this country that I consider to be critical.

Some Members do not even have a clue about what is going on in Colombia. Certainly, the gentleman from Massachusetts (Mr. MCGOVERN) does, the gentleman from Massachusetts (Mr. DELAHUNT) does, the gentleman from North Carolina (Mr. BALLENGER) does, and the gentleman from Arizona (Mr. KOLBE) does, but most of the Members in this House, half of them cannot even point out where Colombia is.

Yet, we are going to stand up here and go forward and get ourselves involved in something that could help lead this country to the black oblivion of ignominious defeat. We never won a war on terrorism or on counter-narcotics. We have spent countless dollars in South America and elsewhere around the world that did not bring us to fruition with reference to our wishes.

While we are here doing this debate this evening, the Middle East is raging; India and Pakistan are poised to go to war with each other; Indonesia and Malaysia, and I harken to tell my friends that if Indonesia implodes, we will have eight Afghanistans on our hands; famine and war is all over Africa.

I have been in this body when nobody cared about genocide occurring on the African continent, and yet we come here prepared to involve American troops in our hemisphere, knowing full well that it may lead to further difficulties.

Mr. Chairman, I have been sitting in my office or here on the floor listening to this debate all day. Frankly, I am astonished by the rhetoric and blatant hypocrisy that have come out of the mouths of some of our colleagues here.

As a Democrat, all Democrats over here have been called unpatriotic, undemocratic, irresponsible, and un-American. I heard all of that from the other side. To my friends on the other side of the aisle, all of us and I certainly take offense to those unpatriotic, undemocratic, irresponsible, and un-American comments. Nobody in this House has any lock on patriotism. There are 535 patriots and 5 persons from other areas in this country of ours that serve this country in the best manner that they can. We disserve ourselves when we allude to others being unpatriotic.

I sat in the Committee on Rules Tuesday night and listened to Republicans' plans to increase the debt limit. I think that there should be some measure of increase.

At the time, I figured that the majority just did not get it. Today, I am certain that the majority not only does not get it, but they cannot sell it. They did not sell it to their own members, and they are certainly not going to be able to sell it to the American people.

So the Republican leadership has done what it does best: Rule with an iron fist. Never mind about who did it before them, they are doing it now. The leadership attached controversial and extraneous provisions to a widely supported bipartisan bill, and when the Republican leadership realized they did not have the necessary votes, it reminded its caucus that the bill is blanketed under the highly political title of a wartime emergency supplemental. I guess, Mr. Chairman, old habits are just too hard to break.

Like Americans all over this Nation and Members in this House, I strongly support the expenditure of supplemental funds.

The CHAIRMAN pro tempore (Mr. SIMPSON). The time of the gentleman from Florida (Mr. HASTINGS) has expired.

Mr. HASTINGS of Florida. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SOUDER. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BALLENGER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I just want to say to the gentleman from Florida (Mr. HASTINGS) that no one has suggested tonight that Members of this body are not patriotic. This is a healthy debate, and this is a good debate. It is one that we need to have.

I want to say in response to one point made by my good friend, the gentleman from Missouri (Mr. SKELTON). I think it is a red herring to compare the language in this bill to the Gulf of Tonkin. We are talking about keeping the same number of troops, not expanding the number of troops, and not expanding their authority.

To suggest that we can make a distinction between a shot that is fired from a drug trafficker or a terrorist is ridiculous. When a helicopter takes off and goes into a firefight, how can they determine whether the bullet coming at them is from a drug trafficker or a counterterrorist? That is all we are acknowledging here is that we cannot make that distinction.

Mr. BALLENGER. I thank the gentleman.

First of all, Mr. Chairman, I would like to say that I have been to Colombia many times. I would also like to say that no additional troops to the 400 that we have there at the present time, and it is capped at 400, have been asked for or will be asked for by the Colombian government.

But I rise in opposition to the amendment being offered by the gentleman from Massachusetts which removes the freedom of the Colombian government to use our aid and makes them fight with 2 hands tied behind them. Colombia today is a nation under siege by 3 terrorist organizations. Two of these terrorist organizations, the FARC and ELN, have kidnapped over 50 Americans and murdered at least 10. The third, the United Self-Defense Forces of Colombia, is a vicious, violent terrorist organization that indiscriminately murders Colombians.

All three of these terrorist groups have been designated by the Secretary of State as foreign terrorist organizations because it has been determined that they are a threat to our Nation's security. Terrorism in Colombia is financed by illegal trafficking in narcotics that kills up to 40,000 of our young people in the United States each year.

The largest terrorist organization in Colombia, the FARC, has in essence declared war on the Colombian people. This group is attacking Colombia's democratic institutions. The FARC is holding a presidential candidate, Colombia legislators, and local elected officials as hostages. They also attack police stations and kill innocent people.

The Colombian government is continuing its efforts to negotiate a peace agreement with ELN, and we should support those efforts. No one has done more than President Andres Pastrana, however, to hold that door open to a negotiated political agreement with the FARC. His perseverance and forbearance have made one thing clear: It is the FARC's willful disregard of the rule of law and human rights that led President Pastrana to make the decision to end the FARC's safe haven and send in Colombia's security forces to reestablish legitimate government.

On March 6, this body passed a bipartisan resolution expressing the sense of the House that "The President, without undue delay, should transmit to Congress for its consideration proposed legislation, consistent with United States law regarding protection of human rights, to assist the government of Colombia to protect its democracy from United States-designated foreign terrorist organizations and the scourge of illicit narcotics."

The Bush administration responded to this invitation and included such a proposition, so it is in this bill. The Committee on International Relations and the Committee on Appropriations have both held hearings in which the administration discussed its proposal.

The language that the gentleman from Massachusetts is seeking to strike is itself the product of a bipartisan compromise. We must help the people of Colombia in their darkest hour. Colombia is a democracy and an ally of the United States. It is under attack by terrorist organizations funded by illegal drugs.

Colombia is not asking us to send troops. The democratically-elected government of Colombia is asking that we make it possible for us to help them defend their democracy from these terrorists. The restrictions on the use of aid should be removed.

I urge my colleagues to join me in opposing the amendments being offered by the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as my friend, chairman of the Subcommittee on the Western Hemisphere of the Committee on International Relations indicated, we have traveled together frequently to Colombia, so I am all too familiar with the incredible violence that has plagued Colombia for far too long.

I acknowledge we must accept a certain responsibility, for it is our insatiable demand for cocaine and for heroin that has exacerbated that violence and brought it to a new horrific level.

Assistance and support for Colombia is part of our responsibility, but it is extremely important that we be clear about what kind of assistance we should offer and what we should expect from the Colombians. I believe that what we have been doing recently lacks that clarity.

The U.S. policy is undergoing a sea change in such an incremental fashion so as to be unnoticeable. That, I submit, is unfortunate and very risky. During debate on the original Plan Colombia, which I supported, I rejected the argument that our involvement in Colombia could lead us to a Vietnam-like quagmire, in part because there were clear and bright lines in Plan Colombia as to the limits of our support.

But now we are beginning to blur those lines, Mr. Chairman. We are removing those conditions and restrictions contained in Plan Colombia on a piecemeal basis. We are on the verge of making commitments that quantitatively and qualitatively substantially change our role in Colombia.

There have been recommendations that we increase military assistance and enlarge our direct counterterrorism role in Colombia, and I underscore "direct" role in Colombia, all this without a thoughtful and extensive debate that carefully weighs the implications of such a fundamental shift in American policy.

For example, 2 weeks ago, Plan Colombia contained an explicit ceiling, 500, on the number of U.S. military personnel permitted to enter Colombia. On May 10, this House passed a defense authorization bill that would essentially allow the Pentagon to introduce an unlimited number of American troops into that brutal conflict without any consent or notice to Congress.

Today, the supplemental contains $6 million to protect a single oil pipeline in Colombia. But let us be clear: It really is simply a downpayment, because it is estimated that the full cost to the American taxpayer to protect that one pipeline is $98 million, and I believe that those additional monies will be included in the regular course of the appropriation bills we have to consider.

How much will the next pipeline cost the American taxpayers? One can imagine American taxpayer dollars being utilized to protect all sorts of infrastructure projects in Colombia: bridges, aqueducts. The United States ambassador in Bogota indicated that there are more than 300 strategic infrastructures in Colombia that need protection.

Now we are also considering whether to eliminate the restrictions that limit our current assistance to counternarcotics purposes. As others have said, make no mistake, not only will this result in an increased involvement by American forces in an expanding conflict, but it will be interpreted in Colombia as a willingness on the part of the United States to become directly engaged in actual conflict. That will be the interpretation that the Colombian people will make on their own. Now, do we really want that? Do we really want to chart this course without more debate?

I urge adoption of the amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. DELAHUNT) has expired.

Mr. DELAHUNT. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. SOUDER. I object, reluctantly. I think we should stick to the 5-minute rule.

The CHAIRMAN. Objection is heard.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the comments of my friend, the gentleman from Massachusetts (Mr. DELAHUNT). We have traveled to Colombia together. We have some agreements and some disagreements.

I think it is important that if each one of us got up and extended our remarks, we will not be following House order. It is not from any objection to the comments of the gentleman from Florida (Mr. HASTINGS) or the gentleman from Massachusetts (Mr. DELAHUNT), though I may not agree. I assume that I will stick to my 5 minutes as well; if not voluntarily, then forcibly.

I think the first fundamental question here is do we have a compelling national interest. When we look at an issue like this, if we do not have a compelling national interest in Colombia, where would we have a compelling national interest?

Clearly, it is in our hemisphere, Colombia; clearly, the drugs on our streets that are resulting in deaths from cocaine and heroin in Fort Wayne, Indiana, in Massachusetts, in Florida, and North Carolina, throughout our Nation, are predominantly coming from Colombia.

□ 1845

Clearly we have a threat to the democracy in Colombia. As even the past speaker acknowledged, it is certainly exacerbated by our drugs, and we must accept responsibility. If it were not for our drug habit, quite probably Colombia could handle their problems.

Fourth, we clearly have a terrorist threat as the international terrorist groups interconnect and as the drug money provides support for terrorist groups around the world, not only within their country but in international networks. We have a terrorist threat. Clearly we have a trade threat. In fact, if the pipeline in Colombia collapses, Colombia has less ability with which to defend itself, not because they could not have protected their pipeline themselves, but if it is our cocaine and heroine money that threatens their pipeline, clearly that has complicated their ability to protect themselves and we have multiple products that are critical to trade with Colombia, and it has been one of the more stable countries historically in South America, both democratically and economically.

Clearly there is a threat and a potential threat to the Panama Canal, where now that we have turned it over to the Panamanians which, remember, was cut out of Colombia, and as we have seen the drug traffickers move into the Darien Peninsula and put many of their facilities in Panama, we have a direct threat to potentially cutting off our trade ability if the drug cartels get more control over Panama.

Clearly we have an energy threat. Colombia is either our seventh or eighth largest supplier of oil. Our economy depends on that. We already have instability in the Middle East. We have more compelling reasons to be involved in Colombia than almost anywhere else in the world.

Direct on our streets 16,000 deaths minimum last year because of illegal narcotics compared to the other categories of direct threat to the United States. They all pale in this area. So we have a bill before us today that reflects the truth, which we all have acknowledged and we realize was developing, that is, that there was a revolutionary movement that was, you can argue what their predominant roles were, but it was the FARC and other groups there, they were at one time revolutionary. As they progressed and as they funded themselves, they increasingly started to provide narcotics protection. So did the paramilitaries that were initially designed to protect the people from other revolutionary groups to provide protection to individuals and families and businessmen. As they evolved, they started to look for drug money for protection.

So we have seen the paramilitary groups, we have seen the FARC and other groups basically move to protection for drug cartels and increasingly as we saw in the DMZ to actually protecting the people who were growing it, distributing it and processing it.

So what we are recognizing, increasingly that we just cannot fight narcotics, we have to also be able to fight the terrorist efforts in Colombia if we are going to have an effect on narcotics, if we are going to have an effect on protecting the democracy, if we are going to have an effect on protecting the trade, the Panama Canal, the oil pipelines, and most importantly the people in my neighborhoods who are being attacked by drugs.

This amendment, if it passed, would in effect start the repeal of our ability to help protect American citizens from illegal narcotics and our ability to help our friends in Colombia who have stood with us.

This is not Vietnam. This is not us going in to fight. This is whether we are going to adequately equip them and train them to fight their own battle, a battle they would not be having in Colombia were it not for our drug habits in the United States. They have some drug usage in Colombia, but Western Europe and the United States are the primary places that have funded these terrorist groups.

When they see these different people who are undermining the democracy in terrorizing the communities, they do not say, we are the drug division. We are the terrorist division. They cannot poll each one.

We have worked hard with the government in Colombia, and we will continue in the Subcommittee on Criminal Justice, Drug Policy and Human Resources and the other committees of this Congress, to make sure that they follow human rights, that they follow human rights policies, that we monitor to make sure that they are doing the best they can, that as we work through trying to make sure that these groups follow the human rights and they get vetted units and they make sure that they are fighting both their battle and our battle, if they are successful, it is not just for the people of Colombia, it is for the people of Indiana. It is very important that we continue to support them and acknowledge what is going on on the ground, or we will lose Colombia and this Congress will have sat there and put our kids more at risk and our families at risk if we do not defeat this amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first comment on the gentleman's comments, the last speaker. We have spent close to $1.5 billion in fighting drugs, and coca production is up by over 25 percent. Even in what we are supposed to be doing, we are not succeeding the way we should.

Secondly, I would like to and I am not being sarcastic here, I would like to commend those in the administration who have decided now that every time we are going to get involved somewhere it is to fight terrorism. And so how can you argue against fighting terrorism?

Well, Colombia is not about terrorism. Terrorism is my city. I understand it was the people who attacked the Twin Towers, who attacked the Pentagon, and they wanted to attack the White House. Yes, there are terrorists groups throughout the Nation, throughout the world.

We participate wholeheartedly behind President Bush and this Congress and the Senate in fighting that war. But this is a civil war. It has been going on for over 35 years. And history should tell us that every time we get involved in a civil war, we come out in a very bad situation.

I was thinking as I was listening to the speakers prior to me that there must have been folks, historical figures in this House, who sat here and debated this right before we escalated our involvement in Vietnam. And at that time they were probably questioned too, after all, were they unpatriotic in their desire not to fight Communism at that point, the same way some of us may not be patriotic in our desire not to fight terrorism? But Colombia, I repeat, is a civil war.

With all due respect to the people in Colombia who are the victims of this war, it is very hard on any given day of the week to determine who the good guys are and who the bad guys are in Colombia. No one can stand here and tell us that Colombia's governmental history has been one of stellar behavior. No one can tell us that the FARC is an organization that is respected by anyone. No one can tell us that the right wing paramilitaries are respected by anyone. No one fighting that war at one time or another is respected by anyone because it is very hard to determine who the good guys are and who the bad guys are.

And I suggest to you that to go in as we do in the change of language in this bill, and take sides, is the most dangerous thing we can do at this point.

Let me also make another comment. For many years now the left in Latin America has been pretty dormant. My friends, the sight of American troops in uniform on Latin American soil, as we will surely have as we escalate, would only invite a backlash of anti-American sentiment that we do not need at this point. What we need above all is to continue to help in the peace process of Colombia.

The gentleman from Missouri (Mr. SKELTON) said it best, and I know it upsets some people, this is a Gulf of Tonkin resolution that we are voting on today. Make no mistake about it. We are moving towards a dangerous situation here, and we will not know how to get out of it.

Some people have said that I exaggerate when I say that, when I say Colombia could be a Spanish-speaking Vietnam for us; and that is the difference, the language we will have to learn to be able to stay there for 5, 10, 15 years. But when you have had a situation going on for that long and you cannot get people to agree on anything, how do you determine that we know how to handle this? How do you determine that we are the ones who will solve that problem?

What we should be doing is, one, making sure that we try to force the peace process to continue to take place somehow, somewhere for the Colombian people; and, secondly, that we stay away from any involvement.

Now, I know that some people on this floor are going to try to tie this in to other issues in Latin America. It is a natural for us. Let me just say that there is no involvement here by any other government. This is a civil war. In fact, the Pastrana government has said that he has received help from many other places, including the Cuban Government, on trying to bring about the peace process. And so no one is in favor of continuing this situation in Colombia.

Now, one last thing that we need to also remember. We Americans, I, myself included, refuse every so often to understand that if we use drugs at the alarming rate that we continue to use, someone will always grow it for us, someone will always produce it. So rather than to stand here and bash the Colombian society for what is a major problem and then try to solve that problem by getting involved militarily, that is a mistake.

A couple of years ago I said that we would be back here to expand. I hope I am wrong, but we will be here again to expand. I support this amendment. We should get out right now.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not profess to be an expert on Colombia or any other country. In fact, I do not profess to be an expert on anything, but I have been involved in some of these issues because I chaired the committee that my good friend from Arizona now does so well in chairing, and I was intimately involved when we first created Plan Colombia.

Let me just give my colleagues some insight into what really happened. All of the G–8 nations got together, and they recognized collectively that there was a tremendous problem in Colombia because they were the basis for the supply of narcotics all over the world. The Europeans recognized it. The Japanese recognized it. Everyone recognized the problem. So they had a donor conference and they agreed collectively to come up with $7 billion to fight this problem. So we went to President Pastrana and we said, Mr. President, we are going to participate too. Our participation is going to be $2 billion. And the rest of the nations, according to the Clinton administration, at the time said that they were not going to contribute anything until we did. So we ponied up. We came up with our $2 billion, and we sent our $2 billion mostly in the form of black hawk helicopters. But we sent our $2 billion and we told President Pastrana, here we are. This is the first step towards eliminating the problem in your country and thus helping the United States of America.

What happened then? Well, unfortunately, most of the other nations forgot their obligation. They have not still to this date come up with their contributions. Here is the first 2 billion. There is another 5 billion coming, so you eliminate this problem, only to find that the rest of the world has not contributed what they promised in the donor conference, including most of the nations in Europe who are now complaining about the cocaine that is flowing into Europe originating in Colombia.

So while there has been some fault with all of this program, we cannot blame it all on the Colombian government, we certainly cannot blame it on our government. We cannot blame it on this Congress because we did what we promised at the donor conference.

So what our administration ought to be doing, and I have emphasized this to the Secretary and to the Treasury Department and the Treasury Secretary, that they ought to be going to these countries who made these commitments and tell them to do what they promised they would do; but unfortunately in other circumstances where they all meet in these grand palaces all over the world and they agree that we are going to solve the problems, none of them will do anything such as in Bosnia until we put up our money first. We in good faith put up our money and the rest of the world has not, and they ought to be ashamed.

Mr. DELAHUNT. Mr. Chairman, will the gentleman from Alabama yield?

Mr. CALLAHAN. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I cannot agree more with the gentleman from Alabama (Mr. CALLAHAN). He is correct. The European Union has failed to meet its commitment. Let me also suggest that the Colombian Government in terms of professionalizing and providing the resources necessary for its own military has failed its people. During the course of World War II the American people paid 40 percent of the GDP to the war effort. In Colombia today it is less than 2 percent of the Colombian GDP that is devoted to the military. And I suggest that this is an absolute appropriate rationale for us not to appropriate additional funds until the Colombian and the Europeans stand up to the plate.

I thank the gentleman for yielding.

□ 1900

Mr. CALLAHAN. Mr. Chairman, at the same time, we do not want to leave the President of Colombia out on a limb. He has come back to us. He has told us what the problem is and we are having to fill in a void, but the void has been caused by the failure of the other nations and especially the European nations to fulfill their promise.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I do not disagree. I think it is time we sit down and consult further with the Colombians, but on Sunday the Colombian people will begin the process of selecting a new president, a new president with different ideas, some of which we may embrace, some of which we may reject. What is the rush? I suggest this is risky, that this is premature and this is why the McGovern-Skelton amendment should be supported.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the McGovern-Skelton amendment, and I want to thank my colleagues for their leadership on this important issue.

The Bush administration and the Republicans would have my colleagues believe that a change in our control policy, a shift from the policy of a counternarcotics to that of counterinsurgency is a logical part of our plan to eradicate the global terrorist network.

Last year's supporters of Plan Colombia were promising us that our efforts in Colombia were just about reducing the flow of drugs. They had many Members convinced that the policy was justified and that it was going to be successful. To date, our policy has been a spectacular failure and now it is even less justified.

It is a fact that despite our aggressive drug eradication efforts, coca cultivation has actually increased by 25 percent in Colombia. Despite our efforts, human rights abuses continue. Paramilitary death squads continue to brutalize innocent Colombians, and they operate with impunity from the military, and perhaps most disturbingly, military officials implicated in the deaths of the very people they are supposed to protect remain unpunished and on the Colombian government's payroll.

Anyone who thinks that the links between military and brutal paramilitary forces have been severed are simply ignoring the realities on the ground, which I was able to see myself when I went with the gentleman from Massachusetts (Mr. McGOVERN) to Colombia and listened to the people.

The May 6 Chicago Tribune editorial on this subject had it right. "There is no advantage to the United States getting deeper into the 40-year old Colombian civil war. Money spent on drug interdiction there would be much more productively used for treatment of addicts here. And more American military aid is hardly going to advance chances of a political solution to this multi-headed conflict. This failed foreign policy cannot be salvaged, certainly not by pouring good money after bad. The House has an opportunity to put a stop to this."

In 1999, I stood here in this Chamber and I warned my colleagues that Plan Colombia would be just the first in a series of blank checks for the war, with no foreseeable future.

Along with the sponsors of the amendment, I appreciate that the committee worked to narrow the parameters of the administration's original wide-open request to expand our role in Colombia. However, this bill still opens the door, and we all know that once a door is opened, it is very hard to shut.

This language reaches back and allows all fiscal year 2002 military aid, personnel and equipment to be used for counterterrorism, including any additional aid that might be sent under a continuing resolution later this year. Military escalation is built into this appropriation bill, but an exit strategy is not. Once we cross into counterinsurgency we are committing the might and the resource of the United States to a 4-decade old war that cannot be won militarily.

All of my colleagues should be reminded of President Johnson's agony and his inability to extricate the United States from a jungle quagmire in Vietnam. I would not wish that on a president of any party.

I want to also say in closing that I understand that tonight that the Republican leadership is going to adjourn at midnight, start a new legislative day, and it is just another strategy to shut down debate, and even as we argue the supplemental budget and wave the flag as we should for our military forces around the globe and for strengthening our fight against terrorism here at home, and even as we talk about strengthening democracy in Colombia, the leadership here is working furiously to be able to curtail democracy here on the floor of this House. We should not be so hypocritical as to be waving the flag and promoting democracy in the supplemental and then saying but we cannot have democracy here to debate what is legitimate debate here on this floor of the House of Representatives.

Mr. DIAZ-BALART. Mr. Chairman, I move to strike the requisite number of words.

I am a bit perplexed when I hear the argument that there is no democracy in this Chamber, and hour after hour after hour after hour, we have been hearing debate on multiple issues, and the argument has also brought out that on this issue we are debating at this instance, at this instance, which is the aid that the United States is providing to our democratic ally, the democratically-elected government of Colombia, I am hearing that we cannot debate that as well.

The contradiction makes no sense. We are debating it right now, and we in the Committee on Rules permitted, authorized this debate and it is taking place. So that is one thing that struck me that I was not able to understand how the argument can be made that we are not debating when we are debating. We are debating. We have been debating hour after hour after hour after hour, and now we are debating on the issue, the very important issue of United States assistance to the democratically-elected government of Colombia.

The point was made previously that we do not know who the good guys are and the bad guys are in Colombia. The reality of the matter, that is not an issue to be decided by the United States. There is a democratically-elected government in Colombia that is a friend and an ally of the United States, and it is the democratically-elected government in Colombia that is under attack by 3 major, extremely well-financed terrorist groups that engage in narco-trafficking.

The supplemental that we are debating today is a counterterrorism supplemental, and I think it is appropriate for us to consider not only to debate but in this case to help the democratically-elected government of Colombia in counterterrorism efforts. That is the subject matter that we are dealing with in this supplemental.

Another point was brought out previously incorrectly as though this legislation would raise the cap on the number of American trainers that are in Colombia. There is a number of approximately 500 now, and that is not being affected by the legislation. The legislation, that I am informed by my friends on the Committee on Appropriations is the product of a bipartisan compromise, was voted out with votes on both sides of the aisle, and leaders from the Democratic party, with whom we have very serious differences on many issues, agreed in the Committee on Appropriations to this compromise.

So I think that it is very important, especially when we are 3 days away from a presidential election in that country, that friend and ally Colombia, when all of the major candidates for president agree that assistance from us, from the United States, is required for Colombia to achieve peace, that we at this point continue with the bipartisan compromise that came out of the Committee on Appropriations and that we say in a consensus fashion this evening, again in a bipartisan way, that we realize what is going on in Colombia, that the majority of terrorist attacks in the world are against the people of Colombia. They may not be covered by the media, but the reality of the matter is there is not a day that passes that tragedy does not strike the people of Colombia from the terrorist groups that we are helping the democratically-elected government of Colombia combat, and that we are helping in this supplemental by increasing our assistance to the democratically-elected government of Colombia.

Those 3 terrorist groups have a stranglehold on our democratic ally in Colombia and that ally deserves and has received and must continue to receive our aid because those terrorist groups that are narco-terrorists are massacring, they are killing each day, attacking the fabric of society each day.

So that is why I think that the bipartisan compromise that was worked out is to be commended. I hope that this House this evening supports what the Committee on Appropriations passed and overwhelmingly defeats the McGovern amendment which would in effect tell the Colombian people, just a few days before their election, that we do not care about them and we do not respect their democracy. Vote down McGovern.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Very interesting. I cannot believe what I just heard the gentleman from Florida say. He said we ought to support the bipartisan compromise that has just been worked out in the committee on this product. That is what we have been saying for the last 2 days with respect to the entire bill.

What we have said on the bill is we had a bipartisan bill as it came out of the committee. It has been hijacked by the Republican leadership. If you want to continue bipartisan cooperation, which we ought to have, if this is indeed a war supplemental, then drop the partisan agenda that has been imposed by the Republican leadership of this House and stick to the bipartisan compromise. That is what we have been saying.

We have been ignored all day long until now. Suddenly it meets someone's convenience to utter those same words. Stick to the bipartisan compromise.

Well, I am going to do that. I happen to think that our policy in Colombia is futile. I have been following developments in Colombian society for almost 40 years. I do not for the slightest moment think that they have the capacity either economically or politically or socially to do what is necessary to help themselves against the FARC and the other terrorist organizations in that country, and I do not believe in getting involved in futile exercises. That is why I think the whole policy is stupid and doomed.

Frankly, if I had my way I would flip it. This language that is in the bill does not particularly bother me because the language says if you are already going after FARC and the ELN and the paramilitary groups on the drug front, also go after them on the terrorism and kidnapping front. I do not have a special problem with that. In fact, I wish it were the other way around.

I would be a whole lot more comfortable seeing them focus on terrorism than on drugs because on drugs we are only fighting half a battle. We are sending our troops down to Colombia to advise them how to fight a war on drugs when we are not fighting that same war at home. We have tried consistently, consistently, at home to say that if you are going to invest $500 million or $1 billion in Colombia to fight drugs, do the same thing at home to build enough drug treatment slots so that we take care of the demand here. That is the way to fight drugs, but we have not been able to get the majority party to support that.

There is one difference between me and the leadership of your party. I am going to stick to the bipartisan deals that I sign on to. They have not. They sucker us on each bill. They say put together a bipartisan compromise, work together, and we do, and then they decide to impose a partisan agenda. So I do not have any faith in this policy, but we worked in good faith with the gentleman from Arizona and others to work out language on this bill as part of a bipartisan compromise that would prevent the administration from providing all of the waivers that are in existing law that are protections against excess involvement, and while I am not satisfied with that and I do not think in the end it will work, because I believe on whole I am a person of integrity, I am going to stick to the deal that we made even though I do not think that it will work, and I hope that we can in the Senate work out a different arrangement.

So I am going to take the advice of the gentleman from Florida. I believe on the big questions, as well as the little ones, we should stick to the bipartisan compromise. God, I wish your leadership agreed.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

I heard the gentleman from Florida a few moments ago talk about the importance of debate and democracy, and of course, that is very true.

□ 1915

And of course that is very true. But the essence of democracy is the ability to vote, and we are being deprived of the ability to vote. That is what democracy is all about. Let us have some votes on some of these issues.

I also want to take this opportunity to express my deep respect for the gentleman from Arizona. He is a true humanitarian. I have had an opportunity to observe that firsthand. But the policy that we are arguing about in this bill is contrary to that. We are in the process of getting ourselves into a very deep mess in Colombia. We have already gone too far. But now we are being asked to go even further.

As we learned just a few moments ago from the gentleman from Massachusetts, Colombia's own contribution to its military is limited. It spends less than 2 percent of its gross domestic product on the military, and recruits with high school degrees are exempted from serving in combat. High inequality, gaping urban-rural divisions and government abandonment of poor populations underlie this decades-old conflict in Colombia. U.S. military aid, as we are being asked to provide now, is only going to make this problem worse, reinforcing the inequities that exist in Colombia between the educated and the noneducated, between the poor and the rich.

There is already evidence that the United States aid has not made a dent in the drug war. In fact, things have worsened recently. Coca production rose by 25 percent last year. Killings of civilians rose from 14 per day in 1999 to 20 per day in 2002; 300,000 civilians were forcibly displaced last year. Most recently, on May 2, 117 innocent civilians were killed in the crossfire of the FARC and the United Self-Defense Forces, the AUC. While seeking safety in a church, these people were slaughtered. The Colombian military did nothing to ensure their safety, in spite of numerous calls for help.

According to human rights groups, 85 percent of Colombia's political killings and so-called disappearances and 76 percent of all civilian massacres were committed by the illegal paramilitary groups like the United Self-Defense Forces, which has extensive links with the Colombian military. Despite this, since 1997, 80 percent of U.S. aid to Colombia has been given to the military forces. It makes absolutely no sense to send aid to a military that works with a terrorist group.

If we are really interested in helping Colombia, we should support its civil institutions and effectively implement alternative development programs to support the rural communities which are most adversely affected by the war. We must continue to provide humanitarian aid to internally displaced persons, especially the Afro- Colombian community. We must demand the Colombian military break ties with the paramilitaries.

We must also recognize that our counternarcotics efforts in Colombia have failed to curb domestic drug abuse here in the United States. Instead of aiding and abetting a civil war, we should be spending more money at home on drug treatment and prevention programs to reduce the demand for drugs here in the United States. It is by dealing with the demand side of this problem that we will reach a solution to it. We are never going to reach a solution by focusing all of our attention and energies only on the supply side. Administration after administration has failed in that regard.

Let us not allow U.S. forces to be deployed anywhere in the world under this undefined global war on terrorism. We are being asked over and over again to provide military aid and assistance, to send our troops to places far away, dispersed in the so-called war on terrorism, a war that has not been defined by the administration. We do not know who the enemy is precisely. We do not know who we are fighting. Nevertheless, we are asked to spends billions of dollars on this ill defined, unclear, vague war on terrorism and send our military people out there to do the fighting. It is a serious mistake.

I urge my colleagues to support this McGovern-Skelton amendment before we send more money to known human rights violators and become enmeshed even more deeply in a brutal civil war on the side of the oppressors and against the oppressed.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we heard from the gentleman from Florida a lot of talk about democracy. Today we stand here talking about democracy, and yet we are going to be adding $750 billion to our citizens' credit cards, increasing their credit card debt. And at the same time we fight this war, this war is being paid for by our seniors, the ones that are least capable of doing that, from our Social Security and Medicare fund.

Every single war that we have had, we have had a tax, all the way from the Spanish-American War. And in fact we still have it to this day. Every single war, we have been there and we have been willing to pay that tax to pay for that war. This is the first war that I know of that we have rewarded the corporations by giving them a tax cut to the most wealthy, and we put it on the backs of the ones who least are able to pay. In addition, not only are we doing that, but we put it on the backs of our soldiers that are out there fighting the war. We expect them also to pay the debt later on after we are gone.

The amendment before us, authored by the gentleman from Missouri (Mr. SKELTON), and we all know him to be the ranking minority member on the Committee on Armed Services, is an amendment that I would ask for my colleagues to look at seriously. It is an amendment that talks about the fact that for the longest time in South America we talked and they learned the lingo. In South America, they learned, well, if we talk about Communists down here, we might get some money from the Americans; if we talk about drug dealers, we might get some money from the Americans. And now the lingo is, let us identify them as terrorists, and we might get some money from the Americans.

The reality is that in Colombia the commitment on their part when we look in terms of their expenditures for the military and our expenditures, we are basically funding their war. I know later on we will hear from the gentleman from Mississippi (Mr. TAYLOR) about the haves and a large number of have-nots. So we have a struggle for the last 35 years, a genuine struggle for democracy in that effort; and we have a struggle that we are now deciding to get involved in.

I sit on the Committee on Armed Services; and when they first came to us, I will be honest, I voted for the amendment to go and get involved in Colombia. One of the first questions I asked, because we asked the military for a military response, and that is what we got, we got a military response, and I asked them, how are you going to make a distinction between who the dealers are, who are the good guys and who are the bad guys? Initially, they could not respond. They said they were going to go after the drug dealers.

We recognize that there are both drug dealers on the right, on the left, on the genuine side and even on the government side. They are all over. The key is, who do we go after? The gentleman from Florida talks about the fact that it is a democracy. Yes, it is a democracy, and we need to push it forward. And we can do some things to help them to move forward, but this is not the way to do it.

When they came before us, I also asked them, in dealing with drugs, how do you expect to be able to contain it to just Colombia? We talked about it, and there was analogy made that if we put the squeeze on Colombia, we knew darn well that, like a balloon, when you squeeze the balloon, and if there are drug dealers there, they are going to move elsewhere. And sure enough, now they have come to us and they have said, you know what, this thing has gone into the other surrounding countries. So now we are funding about seven other countries around there because there are also drugs occurring there. That is exactly what we did not want to occur, but we have that happening now. We put the squeeze on them and they are gone.

The reality is in dealing with drugs in this country, and we have to face it, and we know it full well, that we have been unwilling to deal with it here in this country. I worked as a drug counselor, as a social worker for 7 years, with both heroin addicts and adolescent substance abuse. And in the 1970s and 1980s, I recall the district attorneys every election time they would come up and pick up a lot of the heroin addicts. Very few times did they ever pick up the ones who were actually pushing to make the money. Most of those people, as we well know, some are pillars of our community that we have chosen not to go after. We have chosen our scapegoats.

It is better to go spend our resources in South America and elsewhere, because we have chosen not to go after those pillars of our communities after those drugs. And until we decide to do that, and until we decide that is the way we will be able to fight this, this is only going to escalate and go further.

Mr. RYUN of Kansas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while today our colleagues on the other side of the aisle continue their dilatory tactics, our Armed Forces are in combat and the Nation is at war. The bill before us represents Congress' simple role in fighting that war. It provides necessary funds for our ongoing military operations, and it improves our security at home.

The bill provides a total of $15.7 billion for the Department of Defense. These additional funds represent the additional personnel costs associated with force mobilization, the replacement of critical spare parts, and the procurement of essential high-priority munitions. We need to pass this and encourage our troops.

However, our friends on the other side of the aisle are only willing to approve these necessary funds if, and I emphasize if, they are brought to the floor under the terms that they would dictate.

Admittedly, the bill contains funding that would not go to the war effort and homeland security, but that is nothing really new with any kind of supplemental. Nothing new in this Chamber. The reality is each of us can find something wrong with this bill, but overall the bill is necessary and our colleagues know that that is true.

Mr. Chairman, it is now time to end the debate and move on and pass this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this has been an interesting debate, and I believe that it is a crucial debate. I rise to support the McGovern-Skelton amendment, and I raise a number of questions today.

This is an emergency supplemental; and, therefore, the basis of this amendment should be in the context of an emergency. I am concerned that we are creating an emergency.

I had the opportunity to speak to both the president of Colombia and the ambassador. Let me say that I am certainly impressed with the efforts that are being made by this new president. I believe that he is sincere. I am also aware of what Colombians seem to be confronting.

As was said early on the floor, they spend little, if any, on their own military personnel. In addition to the 14 a day that have been killed since 1999, we now know that they are killing 20 per day in 2002. Included in those deaths are elected officials, women who have been assassinated, who have been decapitated, those who are speaking about democracy.

So when we come to the floor with legislation that begins now to pierce further into the dilemma in Colombia, the war that Colombia is having, and we begin to start designating terrorist organizations and funding terrorist organizations, we have to raise this question of whether or not this is the right direction.

I understand they had hearings in the Committee on International Relations, but I am not sure of any resolution that came about as a result of those hearings.

□ 1930

The issue required their deliberation, but the decision was made not to pursue a markup. I would have wanted to hear their input. Because what I view in the present legislation is almost similar to the open rule that I thought we had and would have allowed us to vote on the increase in the debt ceiling. This is smoke and mirrors. We now have language in this emergency supplemental that, one, characterizes this as an emergency in a war supplemental, and so it suggests to me that we are actually going to war and that now we have defined fighting drugs, which have not been that successful in Colombia, to now fighting terrorists. What does that mean? It means that a whole new set of armed forces and military personnel may find themselves, U.S. personnel, to Colombia on the basis of we are fighting the war on terrorism.

Let me just suggest to my colleagues, realizing that I have the gentleman from Michigan (Mr. CONYERS) on the floor, and I know that he has worked on this issue, that this is bad policy in an emergency supplemental to start a whole new war. I am disturbed and believe that the McGovern-Skelton amendment is the right approach to take because what it says is it will narrow us to the work that we were intended to do, to try to be successful on that work, which already has its faults, and not begin to wage war against terrorists without any further investigation of such.

This language in the supplemental would open up sending our young men and women to Colombia to fight a war not thought out and where Colombia sends few of its own to fight. This is bad foreign policy and should not be pursued.

I yield to the gentleman from Michigan.

Mr. CONYERS. I want to thank the gentlewoman from Texas very much for yielding.

To my dear disingenuous friend from Florida who wants to know why the gentlewoman from Illinois (Ms. SCHAKOWSKY) was complaining about the procedure, it is not that we are debating it now. Is there a Member here that does not know that at midnight you are going to run a rule through us and keep us up until 3 or 4 in the morning? Oh. Oh.

To my dear friend the gentleman from Florida (Mr. DIAZ-BALART) who said, "Colombia is a democracy. It is a friend and an ally. What are we doing questioning this?"

The answer is that they only spend 1.9 percent of their GDP for defense. That is why.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

Mr. SOUDER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is not about Colombia. It is about our own military. That is what this bill is about. That is what you people should be talking about.

Freedom is not free. I am standing here before you as a 29-year Air Force veteran. During that time I had the honor of running two military bases. At that level, you know firsthand what it takes to keep our military safe, strong and secure. And when you are in charge, you want to give them the best. They need great planes, tanks, trucks and munitions. This bill helps give our military men and women just that.

America is a whole different country since September 11. A terrorist attack, designed to tear us apart, has actually put our Nation closer together. We cannot desert our troops now.

Despite the ill wishes of our colleagues on the other side of the aisle, this bill shows our military that America cares about them and wants the best for them. This bill would replenish depleted attack munitions. The war will be long. Our troops have been strong. So we must give them more munitions they need if they are going to fight for our freedom.

Sadly, no one knows more than I the horrors of fighting without munitions. I fought in both Korea and Vietnam. When I was in Vietnam, we ran out of munitions because this Congress would not fund them. We are at that same point again. I had to carry munitions on a mission that I was not supposed to carry that munition on. They were cannibalizing airplanes. They are doing that today in our services. And the gun that was cannibalized on my airplane did not fire. Because that gun did not fire, I was shot down. I tried to fire at the enemy, but nothing came out.

It was on that tragic mission, April 16, 1966, that started my 7 years in captivity, more than half of that time in solitary confinement. Please, I urge you not to let that happen to any other member of our military. We must learn from our mistakes. Our men and women in uniform deserve the best America has to offer, not the worst.

Make no mistake, the U.S. military has come to the aid of America. It is time that America came to the aid of our military. We must win the war for freedom. It is not for freedom just for America. It is for the freedom of the world.

Let us help our military. God bless you all. I know you will.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the McGovern-Skelton amendment and I want to particularly salute the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Forces.

Let me begin by saying I believe that every Member here cares about Colombia and wants to see peace for our South American neighbor. There is this disagreement which leads to a discussion about how to get there.

I argue for not rushing to a change of policy. That is all this amendment does. Because if we do, it will be hard to undo. Because in such a short time, Colombia will have a new president and congress. And so, my friends, the prudent and commonsense course of action would be to wait until after the Colombian presidential elections and the new administration is installed in August. Can we not wait until August to find out who is going to be running the country? Of course we can. At that time it would be perfectly appropriate to discuss strategy and commitments that the new government is willing to make regarding human rights, judicial reform, alternative development and peace efforts. Then let the Congress consider it fully after, and not before, we know who will make up the Colombian government, because we have got some problems there. We have got paramilitary getting elected to this democratic form of government.

There is an unknown aspect of this conflict about Afro-Colombians that I would like to raise, not well known. Afro-Colombians, my friends, make up 26 percent of Colombia's 40 million people. There are few in the Congress who are aware that Afro-Colombians have constitutionally protected cultural and territorial rights. Their Federal Law 70 of 1993 sets out a land titling process by which Afro-Colombian communities may be granted collective title to lands that they have traditionally lived on. Yet they suffer immensely and are often neglected. They make up a disproportionate number of displaced persons in Colombia. Some say they make up half of the two million to three million internally displaced persons in that country. They have been forced to flee, mostly by the paramilitaries, sometimes in collaboration with the Colombian military, and sometimes by apparent neglect by the Colombian military. Some question why these Afro-Colombians are being pushed off the land, which brings me to the May 2 church massacre already referred to by the gentleman from New York, the church massacre in Bellavista, Choco, the Colombian province with the greatest percentage of African-descended Colombians. At least 119 people died. A third were children, 95 wounded, 40 missing, and now thousands displaced. All of the victims were of African descent. The bomb that burned the church was thrown by the FARC guerillas in a battle with the AUC paramilitaries. I deplore the actions of both of these illegal and armed groups. But what is disturbing and more alarming was the inaction of the Colombian government. Despite repeated warnings of imminent violence issued by the Colombian Human Rights Ombudsman's office beginning in July 2001 and up until a week in advance of the massacre, the Colombian armed forces did nothing.

The warnings were echoed by the United Nations High Commission for Human Rights in Colombia. Yet the Colombian armed forces did not even arrive until three days after the massacre.

Mr. Chairman, I rise in support of the McGovern-Skelton amendment. Let me begin by saying that I believe that every member cares about Colombia and wants to see peace for our South American neighbor. There is disagreement on how to get there.

First, we should not rush into a change of policy that will later be hard to undo. Why? Because in such a short time, Colombia will have a new president and congress. The prudent and common sense course of action would be to wait until after the Colombian presidential elections and the new administration is installed this August. At that time, it would be appropriate to discuss strategy and the commitments the new government is willing to make regarding human rights, judicial reform, alternative development, and peace efforts. Then let Congress consider it fully, after, not before, we know who will make up the next Colombian government.

Second, the situation of Afro-Colombians is not a well-known aspect of the Colombian conflict. Afro-Colombians make up 26% of Colombia's 40 million people. There are few in the Congress who are aware that Afro-Colombians have constitutionally protected cultural and territorial rights. And, Law 70 of 1993 sets out a land titling process by which Afro-Colombian communities may be granted collective title to lands they have lived on traditionally.

Yet, Afro-Colombians suffer immensely and are often neglected. They make up a disproportionate number the displaced persons in Colombia. Some say they make up more that half of the 2–3 million internally displaced persons in Colombia. Once displaced, many Afro-Colombians face the double discrimination of being black and displaced. They have been forced to flee mostly by paramilitaries, sometimes in collaboration with the Colombian military, and sometimes by apparent neglect by the Colombian military. Some question why the Afro-Colombians are being pushed off their land.

Which brings me to the May 2, church massacre in Bellavista, Choco, the Colombian province with the greatest percentage of African-descendants. At least 119 people died, a third were children, 95 wounded, approximately 40 are missing, and now thousands are displaced. All of the victims were African descendants. Yes, the bomb that burned the church was thrown by the FARC guerillas in a battle with the AUC paramilitaries. I deplore the actions of both of these illegal armed groups. But what was perhaps more alarming was the inaction of the Colombian government. Despite repeated warnings of imminent violence issued by the Colombian Human Rights Ombudsman's office beginning in July 2001, and up until one week in advance of the massacre, the Colombian Armed Forces did nothing. The warnings were echoed by the United Nations High Commission for Human Rights' office in Colombia. Yet, the Colombian Armed Forces did not arrive in the area until after May 5th according to a report in El Tiempo, Colombia's largest daily newspaper.

In fact, 24 members of Congress and I signed a letter to President Pastrana asking him what happened. We give Colombia money to develop an early warning system to prevent such atrocities. But early warning does not work if it is not followed by early action by the Colombian government. Ambassador Anne Patterson called my office immediately upon receiving the letter. We have yet to hear from the Colombian government. This is not an encouraging example of Colombia's commitment to protect its own citizenry. To top it off, there were reports of paramilitary and Colombian military collusion. The Colombian government invited the UN to investigate this tragedy. Then according to El Tiempo, high officials in the Colombian government criticized the UN Commissioner for Human Rights in Colombia, Mr. Anders Kompass, when he mentioned reports of the collusion between the Colombian military and the AUC paramilitaries, who are a US-designated foreign terrorist organization.

The UN High Commissioner for Human Rights, Mary Robinson defended the work of the Commission in Colombia and said it was lamentable that the Colombian government questioned their work. The UN Commission just completed its report and found the FARC and the AUC responsible for the massacre because of their fighting near civilians. The Commission also found the Colombian government responsible due to its inaction and what looks like collusion with the paramilitaries. The paramilitaries traveled by air and boat in the area and were not stopped by government forces.

Again, the situation of Afro-Colombians is not well known. Some question why the Afro-Colombians are being pushed off their lands. Afro-Colombian territories are strategically located and rich in resources. Law 70 requires that Afro-Colombian communities be consulted regarding projects that may impact their lands. This is not happening, if people have had to flee. Also, a number of displacements and massacres occurred shortly after collective titles were granted. This land-terror aspect of the Colombian conflict needs to be investigated. So, before we change our policy in Colombia, I would like to know what commitments the next government will make to protect its citizens, in particular Afro-Colombians. I would like to know how their territorial rights are being protected and if the government has a plan to ensure people's safety so that they can return to their lands. We all know the Colombian government does not have a perfect human rights record. Given the past, there are many important questions to ask of the next administration.

In addition, President Pastrana wrote an op-ed that was published in the Herald on May 1, 2002, the day before the Bellavista massacre. In it he wrote that "for the first time, the Colombian military is capable of defeating the terrorists on the battlefield," and that his administration is spending more money on defense. If that is the case, where is the emergency? And, where was this capable army after the early warnings in Bellavista?

This is a nearly 40 year-old civil conflict. In 1967, 35 years ago, Dr. Martin Luther King spoke of the use of American helicopters against rebels in Colombia in his anti-Vietnam War speech, exactly one year before he died. And this war is still going on. Where is evidence that Colombia has a winning solution now? The House Defense Authorization bill grants Secretary Rumsfeld a waiver allowing him to lift the 500-person cap on US military personnel in Colombia in the name of national security. He then only has to inform Congress within 15 days after the fact. Colombia begins to look like more like Vietnam every day. There are no Al Qaeda cells in Colombia. But, the State Department admits that the Colombian Armed Forces still collaborate with the AUC paramilitaries, a US-designated foreign terrorist organization. Why would we give lethal aid to a government that works with one terrorist group to fight another? Where is the consistency in our policy?

The military leader of the AUC paramilitaries, Salvatore Mancuso, recently claimed that their candidates received more than 35% of the seats in Colombia's March legislative elections. If Mullah Omar claimed that Taliban candidates received more than 35% of the legislative elections in Afghanistan, you can bet that would be investigated. Also, the UN High Commissioner for Human Rights, Mary Robinson has expressed concern about this claim. She also is concerned that the leading candidate has spoken of arming one million civilians and warned that the civilian population should not be dragged into the conflict.

We are told peace is our goal in Colombia, yet the House has not even had one hearing on the Colombian peace process. Why are we seeking a military solution in such haste? What is the hurry in going down what appears to be a slippery slope? And what ever happened to our own homeland security in the War on Drugs? Why is there no money in this bill to fund substance abuse? The administration and some members of congress are obsessed with taking drug money away from guerillas, but don't share the same obsession when it comes to helping the American people who need drug treatment. The Office of National Drug Control Policy spends millions of dollars on television ads trying to persuade our citizenry that those who do drugs in the United States are supporting terrorism. So, in this "Global War on Terrorism", should it not be a priority to help our own people overcome their addictions?

To change our policy before knowing who the next government will be would be premature, imprudent, and naïve. The common sense course of action is to wait until we know who we are dealing with and what commitments they are prepared to make.

Vote yes on McGovern-Skelton.

Note—Even though the authority granted in this bill would run out September 30, 2002, that still would give an unknown government 54 days to wage war. A lot can happen in 54 days.

Mr. OSBORNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment. The reason I do this is that I, along with other members of the Committee on Agriculture, spent time in Colombia in January. We spent quite a bit of time with President Pastrana. We spent quite a bit of time with their ambassador. I do not believe that a lot of people in the United States really fully realize the situation there.

At the present time, the guerrillas and the paramilitary forces control most of the firepower and control most of the money in the country. And so we are concerned about the fact that the government in Colombia is not providing enough aid to the military. The reason is that most of the money is in the hands of the guerrillas.

At the present time there are 600,000 acres of coca plants in Colombia. Out of that 600,000 acres of coca plants, 90 percent of the cocaine coming into the United States comes from those fields. The only way presently that anyone down there knows to control the problem is to bring in gunships, helicopters, which hover over those fields and protect the spray planes that then come in and spray the coca. Without those gunships and without that military aid, they have no chance, because they do not have enough military help and they do not have enough financing to battle this issue.

I certainly agree with one of the previous speakers when that person said that we need to dry up the demand. That is the number one thing that we have to do in this country. Drugs are ruining our young people and we have to fight drugs on every front. Interdiction is part of this.

And so I think that we are missing the point here if we say we just do not want to help Colombia, because they have a significant problem and we are talking about fighting terrorism around the world and the people who are controlling the situation in Colombia right now are terrorists. There is no question. We talked to President Pastrana. He spent one week in the control of those terrorists and escaped miraculously through many fortunate events. Of course, since then they have had other politicians that have been captured by those terrorists and have been killed. So we went to Cartagena, which was the one city we could find in Colombia that was reasonably safe, that was reasonably under friendly control down there. So many other cities were not even safe to attempt to control at that time.

That is why I oppose this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have the greatest respect for, and I am sorry he is not on the floor anymore, the gentleman from Texas (Mr. SAM JOHNSON). I have the greatest respect for the gentleman from Nebraska (Mr. OSBORNE), the former coach. But they have come to the wrong conclusion on this.

I think I have been to Colombia more than any Member of Congress in the past 10 years. I do not know that for a fact, but I think so. I have lost track of the trips. And I do not go to Cartagena and take the carriage ride through the tourist section. I have been to Neva, I have been to San Jose, I have been to where the pipeline is that the President wants to spend $98 million of our tax money to protect a pipeline owned by Occidental Petroleum through which Colombian National Oil Company oil flows and, by the way, they had record profits last year.

☐ 1945

I have got to tell you, every time I come back from Colombia, I come back with the same sick conclusion, and that is that the Colombians are going to do their utmost to get us to fight this civil war for them.

You see, what has not been mentioned yet today is unlike the gentleman from Missouri (Mr. SKELTON) who had two sons in Desert Storm, the Colombians just changed their law to where if you have a high school diploma, you are exempt from their draft. All of us can get the gist of that real quick. The politicians' sons are not going to fight this war. The poor bubba from the countryside, he does not have a high school diploma, so he goes and gets shot.

The Colombians are in the midst of a 38-year civil war, and yet they have cut their own defense budget in the past three years. Now, that is a fact.

Let me tell you what is even worse. When I went to little towns like Neva, it is probably a big deal in a little town like that for an American congressman to show up, so their chamber of commerce came out to meet me. We had a very long visit. We drank a few beers. They were amazingly honest.

I said, "Guys," I was trying to compare their tax load to ours. I said, "What do you all pay in taxes?" These were bankers, these were lawyers, these were the local mayor, the civic leaders. Their answer was, "We don't pay taxes. Yes, they are on the books, but we don't pay them."

You see, Americans do pay taxes, and what I really resent is a country where they pride themselves on not paying taxes, where they pride themselves on their kids avoiding military service, asking people in Mississippi and Alabama and Georgia, whose kids do volunteer to serve our country, to go fight their war for them.

I think the gentleman from Massachusetts (Mr. MCGOVERN) is exactly right. And I will take it a step further. I want to make this as personal as I can. I think it is insane for this Nation to spend $98 million to protect a pipeline that Occidental Petroleum owns with American lives.

I am going to make this as personal as humanly possible. President Bush, I will send my kids to guard that pipeline when you send your kids to guard that pipeline. Because I do not think you are going to see your daughters down there, and I sure as heck do not want to see my daughters or my son down there.

If the Colombians do not take their civil war seriously, then we should not either. My God, all day long we have been talking about being for the troops. Is not the gentleman from Texas (Mr. SAM JOHNSON) proof positive what goes wrong when good kids go off to fight a war that our Nation does not really understand, that a Nation maybe should not be involved in? This is that case.

Guys, this is dead serious. I shut down the House two weeks ago because I wanted a vote on this. I cannot go to a funeral in Wiggins, I cannot go to a funeral in Louisville, I cannot go to a funeral in Waynesboro, and look somebody in the eye and say your son or daughter died doing the best thing for America.

This is not about America. The FARC and the ELN have gone out of their way not to target Americans. In 20 years, only 10 Americans have died in Colombia. They do not want us in their war. It is their war, and it is not worth sending my kids or your kids to die in. They do not even pay their own taxes. Their kids do not serve. So why on good God's good earth are we going to send our tax money and our kids to fight in it? Please support the Skelton-McGovern amendment. Do not waste one American life needlessly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

(b) The provision shall also apply to unexpired balances and assistance previously provided from prior years' Acts available for purposes identified in subsection (a).

(c) The authority in this section is in addition to authorities currently available to provide assistance to Colombia.

SEC. 308. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), $93,000,000, to remain available until September 30, 2004, is hereby appropriated to the Department of Defense for the procurement of three MH–47 Chinook helicopters, as follows: "Aircraft Procurement, Army", $63,000,000; and "Procurement, Defense-Wide", $30,000,000: *Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $93,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, a lot of Members have been asking me about a couple of the amendments that I have pending that no doubt we are going to get to later on tonight, or at least early in the morning. In anticipation of that, I have had my staff try to assemble some charts so I can stand here like so many experts have stood here today and back up my statements with charts. So as we move forward into this evening in anticipating that I certainly will have the opportunity later on tonight to explain my rationale in suggesting that we ought not give Israel and Arafat the $250 million that is encompassed in this bill, I prepared some charts. Actually, I borrowed some.

I prepared some, like this one, that said "we have to do this." It says "President George Bush, August 14." I do not think Mr. Bush was talking about my particular amendment, but it is the only chart I had available to say, among other things, that President Bush did not ask for this money to be put in here to begin with, and I am sure if President Bush were here and I could get him on the telephone he would say so, but, unfortunately, he is in Europe, and, fortunately for us he is there, because he is trying to bring about peace throughout the world.

As we go into the debate on my amendments I want to talk about the economy, and this is another chart that mentions the economy. I had to borrow this one, too. It is not exactly what I wanted with respect to making my point, but, nevertheless, I wanted to talk about the economy and Israel, I wanted to talk about the economy and Egypt, I wanted to talk about the corresponding economy in the United States, to make certain that Members understood that the economy in Israel and the economy in Egypt and the economy in other countries in some cases is better than it is in the United States.

So by the time we get to mid-morning, when I am certain that the Committee on Rules will allow me to bring my amendments up, I will have all of these charts done in such a professional manner that you will be able to readily see my point with respect to what I am trying to say.

So I have got some other charts. This one, I have to use it upside down to make my point. This is a chart that tells about the economy in Israel, about the economy in the United States and, even though it is not exactly what I would have liked to have had, it does personify my point. I will have some more charts for you.

So as we reach this stage and as the Committee on Rules brings a rule tonight that permits my amendments to come up, I will have some real professionally done charts to make my point. I am optimistic that once I make my point, not only will I convince a majority of this House of the merits of my amendment, we will also be able to convince the American people that when you adopt my amendment, you are doing exactly the right thing.

So anticipating that we will be debating this later on tonight, I just wanted to let you all know that I am working feverishly trying to come up with some professional charts. I hope to have some pictures by 1 o'clock when this probably will come up, and I probably will have.

But all of you are asking about these amendments, and especially that aid to Arafat, and I want you to have the opportunity to vote on that, and we are going to bring it up, I am optimistic, in whatever rule the Committee on Rules comes out with, and I will have some charts for you that will prove my point.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Georgia.

Mr. KINGSTON. I just was wondering if you all had some handouts like this one as well?

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I will have handouts as well, too, provided I have the opportunity to bring my amendment up. When I bring my amendment up, I will ask some of you that have been coming up to me telling me all day long, "Sonny, you are doing exactly the right thing," I am going to have some handouts, and I want some of you to take these handouts and stand at the door and give these to the Members as they come in so they can understand exactly what we are talking about.

It is not a question of whether or not we love Israel, because we all do; it is a question of what is right and wrong. So, in any event, to those of you that have been anxiously awaiting all day long, we are on the brink of having this debate, as soon as the Committee on Rules comes back. By the time they come back, I will have the charts that really bring out vividly my points.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, with great respect to my good friend, the gentleman from Alabama (Chairman CALLAHAN), and he is my good friend, because we have worked together on so many issues, I really do not find this issue a laughing matter, and I do hope, my good friend, that when we bring the charts here, we will also show pictures of the devastation, of the lives that have been lost, about the empty hotels, the empty streets. Because of the suicide bombers, people are afraid.

Mr. CALLAHAN. Mr. Chairman, will the gentlewoman yield?

Ms. LOWEY. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, what my amendment would do would prohibit money from going to a terrorist that has been blowing up all of the people in Israel. It denies him the money to use for other things so he can have his money to blow up the people of Israel, and that I am opposed to.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I was aware of several amendments. I am not sure if one amendment is regarding the $200 million for Israel as well. I thought that was one of the amendments.

I think for those of us who are in touch with people who are living there and hear stories of the empty hotels, the lack of commerce, the lack of any kind of interaction in the region, many of us had great hopes, as the gentleman was saying, for the economy to begin booming again, for trade between Egypt and Israel and the other nations in the region, certainly with Jordan. There was a great deal of work done with Israel and in the region in trying to have projects, sewer projects, water projects, to help lift the people up, to educate the people.

So I take this amendment very seriously, and I do not believe that my colleagues should just treat it as an aside.

I just want to say one other thing. The vast majority of funding in this bill was requested by the President and will be granted by Congress to help bolster the war on terrorism, and whether resources go to secure our Nation's borders, improve transportation security, help our men and women in uniform in Central Asia or alleviate the poverty and instability that provides a breeding ground for extremism, all of our oars should be pulling together against terrorism. And providing assistance for Israel, our ally, in that part of the world, is just one part of the campaign.

Mr. CALLAHAN. Mr. Chairman, if the gentlewoman will yield for one other compliment to the gentlewoman, as you will recall, since you sat immediately to my right next to the gentlewoman from California (Ms. PELOSI) when I chaired this committee, together we gave Israel $20 billion during the six-year period that I chaired that committee, more than any amount of money in any six-year history of this country. So we are not talking about aid to Israel that is a shortfall. It is in addition to the $20 billion that we have already given them.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, and I am afraid that I am quickly losing my time, yes, I was there when we were negotiating. The gentleman is talking about the Ne'eman Plan, and we all agreed to it. That was the time when there was interaction in the region. We did not have terrorists in the region blowing people up, blowing innocent children in a marketplace up. That was the time when we had hope for the future.

The President has made it clear that we are united in the war against terrorism. We see what is going on in that region of the world, and that is why I have supported the amount put in the bill.

Let me just say this: I have applauded the gentleman for crafting the plan. We worked together, we supported it. But times have changed. At that time, I would say to my chairman, my former chairman, we did not have a plane go into the World Trade Center. We did not have people dying in the street because of terrorists blowing people up.

So I think this is very different, and I would certainly ask my colleagues, when these amendments come up, unless the gentleman decides not to offer those amendments at 2 in the morning, when they come up, that we understand the difference in the world today and how those people are suffering and how we need to deal with our allies and make sure that we keep that message consistent.

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There is a war on terrorism. We support the war on terrorism whether it is the Middle East, whether it is in Afghanistan, no matter where it is; and that is the position of our President.

So I hope the gentleman will reconsider and not offer those amendments.

Mr. CALLAHAN. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, primarily, we are talking about the assistance to Arafat, the very person that we both despise because of the atrocities he has placed upon the citizens of Israel. How in the world anybody in this House could support giving money to a terrorist so he can use his existing money to do other things is unimaginable?

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I am very pleased that the chairman has withdrawn, as I understand it, one amendment which was funding for Israel, and if the gentleman is talking about the funding for Arafat and withdrawing that money, I agree with the gentleman.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words. I yield to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I will insert in the RECORD at this point my letter to Ambassador Burns confirming my earlier conversation with him in which he represented before the administration that none of the funds provided by this bill will be made available for the United Nations Relief and Works Agency, UNRWA, but would rather go to NGOs and contractors working directly with the United States.

CONGRESSMAN BRAD SHERMAN, 24TH DISTRICT, CALIFORNIA, LAS VIRGENES AND MALIBU, CA.,
May 23, 2002.

Hon. WILLIAM BURNS,
Assistant Secretary of State for the Near East, The State Department, Washington, DC.

DEAR AMBASSADOR BURNS: Thank you very much for your telephone call this evening.

I want to confirm with you that the $50 million in Economic Support Funds for humanitarian and refugee assistance provided for the Palestinian people in HR 4775, the Supplemental Appropriations bill, will be distributed to NGOs and contractors operating in Palestinian areas to help provide for the critical needs of Palestinians.

Thank you for confirming that none of the funds in this bill will be made available by the Administration for the United Nations Relief and Works Agency (UNRWA).

Sincerely,

BRAD SHERMAN,
Member of Congress.

Mr. OBEY. Mr. Chairman, I take this time to inform the House tongue in cheek that I have just been informed by an intelligence agency that the Netherlands are preparing for an invasion by the United States in response to the bill now before us. I have a note from Harry DeWit, counselor of cultural affairs, Netherlands Embassy saying, "We are quite alarmed to hear about the impending invasion of the Netherlands. Our military is on high alert. We would really value you forwarding any news and relevant information as soon as it comes to your attention and, in particular, as it regards the timing. I would like to be able to notify my superiors at the ministry prior to any invasion, and by doing so, I hope to improve my chances for promotion. I would appreciate your contacting me at your earliest convenience."

Mr. Chairman, I assume that is because the DeLay amendment to this bill, which is now part of this bill, gives the President the authority to use military force to extract prisoners from the World Court if they are accused of war crimes, but it does not just apply to U.S. citizens, it also applies to allies. So we could have an appointed official from a foreign country who we are going to use our military force against such as the Netherlands in order to "rescue."

If we did that, I am informed we would also be in violation of the NATO charter, because the NATO charter says, if you make war against one NATO ally, you make war against them all.

I have a chart here which I showed my colleagues yesterday labeled "Tom DeLay's Proposed Invasion of the Netherlands." It shows that perhaps we might do it by sea, we might do it by air, we might involve paratroopers. To make sure that this time, the gentleman from Texas knows where the Hague is, we have listed it on the map. I do not know what military force the Netherlands would use to repel our invasion, but I assume they will use something.

So I would simply say that this appears like a laughing matter, but it is not. The greatest deliberative body in the world, the House of Representatives, for the greatest democracy in the world, the United States of America, ought to approach these issues with more seriousness than was demonstrated by the lack of care in the drafting of the DeLay amendment. I think the DeLay amendment raises a legitimate question with respect to United States citizens, but I think the proper way to deal with that is to allow the President to negotiate changes in the treaty, rather than having Congress ride off like the Lone Ranger, Marshal Dillon, and Daffy Duck at the same time.

So with that, I would urge Members to think soberly about how this proposal as presently constituted makes us look to the world.

MOTION TO RISE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 252, not voting 38, as follows:

[Roll No. 199]

AYES—144

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Berkley
Berman
Berry
Bishop
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
Delahunt
DeLauro
Dingell
Doggett
Doyle
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Harman
Hastings (FL)
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lowey
Lynch
Markey
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Rodriguez
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Schiff
Sherman
Shows
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Taylor (MS)
Thurman
Tierney
Towns
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Wexler
Wu
Wynn

NOES—252

Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boozman
Boswell
Brown (SC)
Bryant
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Osborne
Ose
Otter
Paul
Payne
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo

Portman
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reynolds
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—38

Abercrombie
Aderholt
Bentsen
Boehner
Bonior
Brady (TX)
Burr
Burton
Combest
Condit
Crowley
Deutsch
Dooley
Granger
Gutierrez
Houghton
Hyde
Linder
Lipinski
McIntyre
Nussle
Ortiz
Oxley
Pastor
Petri
Pryce (OH)
Radanovich
Reyes
Riley
Roukema
Sawyer
Thompson (CA)
Thompson (MS)
Toomey
Traficant
Vitter
Whitfield
Wicker

□ 2029

Messrs. GANSKE, COLLINS, SOUDER, WILSON of South Carolina, WELLER, PICKERING, BLUNT, and Ms. DUNN changed their vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

□ 2030

Mr. DELAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before we broke for the last vote, the gentleman from Wisconsin (Mr. OBEY) in his wonderful humor put up a chart claiming that the amendment that I have put into the bill to protect men and women in uniform allows us to invade the Netherlands. The gentleman from Wisconsin (Mr. OBEY) has a wonderful sense of humor and I greatly appreciate that. But this is pretty serious business because an International Criminal Court has been created, a court that the United States has chosen not to participate in. We felt it very necessary to pass a bill that is included in this bill, to make sure that not just our men and women in uniform can be arrested anywhere before the world and brought before this court. But there are certain assurances that will happen or authorities that we give the President.

The thing missing from the gentleman's chart is the picture in the middle of the chart of a soldier or a sailor behind bars, being arrested by a court that is totally unaccountable for. This provision that is the core of the bill, by the way, simply gives the President the authority to do whatever is necessary to free our people who get snatched by this rogue court, arrested anywhere in the world, can be tried anywhere in the world, but could be taken to the Hague to appear before the International Criminal Court. That authority could even include an array of options including providing legal assistance.

Now, at the same time it could make clear that should a country arrest and detain an American, we all should expect that the President would absolutely use the powers at his disposal to free those Americans. Now, if the gentleman from Wisconsin (Mr. OBEY) is suggesting that the Netherlands, which is our ally, would actually arrest and detain an American, because we continually hear from the ICC supporters that this bill is unnecessary, because there are plenty of protections to ensure Americans will not be held, we would certainly hope that our allies do not intend to arrest our military personnel and try them before the International Criminal Court.

The fact that the ICC is centered at the Hague is irrelevant. Trials could take place in any country that is party to the treaty. But more importantly, this is aimed at countries arresting and transporting Americans. Let us just say, for instance, that Iran, who is a party to the court, or even the al Qaeda, could capture an American soldier and could hold them insisting that they were going to turn them over to the ICC. Now, our language says very clearly and I quote, "bring about the release of any person being detained, imprisoned by or on behalf of or at the request of the ICC."

Is there anyone here who would honestly say we should not do everything in our power to free that soldier? This provision also serves to make it very clear to any rogue nation who might want to arrest an American for political purposes, we will not tolerate it and we will take action to stop it.

Mr. Chairman, that person that is behind bars on that chart could be the gentleman from Wisconsin's (Mr. OBEY) own constituent. What are you going to do then? What are you going to do for the men and women in uniform? What are you going to do for Members of Congress that could be arrested and brought before the court? What are you going to do for any person that is in the bill, any covered United States person, any covered allied persons or any individuals detained or imprisoned for official actions taken while the individual was a covered United States citizen or a covered allied person?

This is a very serious provision in the bill. It is serious because it is timely. In one month all of this can proceed. In one month while our soldiers are in Afghanistan, they can be captured and brought before the ICC. In one month any of our soldiers in Bosnia could be captured and brought before the ICC. This is very serious stuff. It is not funny. Let us protect our men and women in uniform and support the provision.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should say at the outset that the provision provided in this legislation by the gentleman from Texas (Mr. DELAY), I will admit is more thoughtful than the propositions which we usually get from him; but nonetheless, I would like to again correct the record, and I would urge the gentleman to read his own amendment.

I indicated in my remarks that I thought the gentleman may have raised a legitimate concern insofar as U.S. citizens are concerned. But I would point out that his language goes far beyond just protecting U.S. citizens. It says, "The President may use all means necessary to bring about the release of any person," of any person, and it says, "the persons authorized to be freed are not only United States citizens but covered allied persons." And then the legislation goes on to describe who those allied persons are: "Elected or appointed officials or other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally, including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, New Zealand or Taiwan."

Clap, if you please. The gentleman says this does not only apply to the geographical region of the Hague, it applies to any other region of the world where one of those allied personnel could be held. I submit to you the large amount of applause from that side of the aisle indicates just how reckless apparently a good many people in this Congress are.

I would suggest, as I did in my earlier remarks, that if you want to deal with this issue in a serious way, you will not, on the basis of a 20-minute debate that took place in the Committee on Appropriations, adopt a multi-page bill which serves as a Gulf of Tonkin Resolution not just to protect our own citizens, but anyone else in the world. It just seems to me that that does indeed make the United States the laughing stock. And I do not think the United States deserves that.

Now, the gentleman from Texas (Mr. DELAY) has a perfect right to offer it, and anyone who wants to support it has a perfect right to support it. I personally think that it is a good concern which in its draftsmanship is ill conceived and over-reaches. And if it is indeed to become law, then it needs substantial repair in order to protect the dignity of the United States, and reflect the common sense which usually is supposed to come from this body.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a very serious matter. I am really concerned. I know that my friend, the gentleman from

Wisconsin (Mr. OBEY), has used that picture, chart, diagram, whatever he referred to it as, to make an interesting observation about this issue. But can you imagine what we would look like if that particular chart showed up on the front page of our friendly newspapers in Europe with our allies or potential allies? I am afraid that it would make us look really bad if a distinguished Member of this Congress was suggesting that another Member was advocating an invasion of an ally. That is what that chart makes it look like. So this is a serious matter, and it deserves serious discussion.

Just a few weeks ago, I had an opportunity to visit with some of our troops in Bosnia. Yes, we are still in Bosnia, and we are still doing things there. And just 2 days before I was with those troops, they had arrested one of the indicted war criminals in Bosnia. They had to use some unusual sources of information. They had to use some very unusual and extreme methods for apprehending this indicted war criminal. They did so.

Now, it was a rather delicate operation. Had they been out there having to worry about doing something that would violate the International Criminal Court or being arrested for something they did, I just wonder how effective their mission might have been. As it was, their mission was very effective.

I will tell another story. We all know about Operation Anaconda in Afghanistan. As part of Operation Anaconda, there were several helicopters with troops. One of the soldiers on board was a Navy SEAL. He was knocked out of the helicopter as it rose from the ground, and he fell to the ground. The troops in the other helicopter went to the ground and began a fire fight that lasted for nearly 8 hours trying to rescue this Navy SEAL who had been knocked out of the helicopter. They did not know if he was alive or dead at the time, but they were either going to bring him back healthy or they were going to bring back his body. One way or another they were going to bring him back.

They were engaged in a tremendous fire fight with the al Qaeda military unit. One of those Rangers on that helicopter that went in was a Ranger named Mark Anderson. I am glad Mark Anderson did not have to worry about something that might get him arrested by the International Criminal Court.

I am really glad this is not one of the things he had to think about at the time when he was trying to rescue his comrades and save his life. But unfortunately, just several weeks ago my wife and I attended the funeral of Ranger Mark Anderson who lost his life in that incident. I am very happy that Mark did not have to worry about being arrested and being taken to the International Criminal Court while he was performing a mission trying to save a fellow trooper. So I think that this is a serious issue, and I think that we need to be concerned about it. But I do not think we should be giving friend or foe around the world an opportunity to reprint a poster like we just saw here that would indicate that Members of this Congress think that we are going to invade an ally.

Ms. HARMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the support of our women and men in uniform is indeed a serious matter. I take a back seat to no one in my support of a strong defense and intelligence budget for fighting and winning the wars of the 21st century.

□ 2045

Throughout my tenure in Congress I have voted to ensure that the women and men defending our Nation have the tools and resources necessary to fight and win the next war, not the last one.

During that same time, I have also voted for the tough choices that led to a balanced budget, beginning with the 1993 budget, then Penny-Kasich, and continuing through the 1997 Balanced Budget Act. I voted to put us on a path that led to the first balanced budget in a generation, and I voted with huge bipartisan majorities of this body to create a lockbox and protect the Social Security and Medicare trust funds.

That is why it is so disappointing that we are considering a supplemental appropriations bill that only continues multibillion dollar deficits as far as the eye can see. Those deficits break our repeated promises to protect Social Security and Medicare and they hurt our fragile economy.

Mr. Chairman, we can do better. Sitting down together to hammer out a plan that returns us to a budget surplus is far better than increasing our debt limit by $750 billion. I am profoundly disappointed that this body is unwilling to make the hard choices necessary to balance the budget and protect the Social Security and Medicare trust funds. Instead, we are choosing imbalance.

What we need, Mr. Chairman, is a wartime budget that fully funds all that is necessary to win the war on terrorism and puts all other spending and tax issues back on the table to be reprioritized in a balanced budget framework. I support tax cuts that we can afford.

Fiscal responsibility is as much a part of our homeland defense as spending on the war on terrorism. Without economic security, we will never truly have national security. The pending bill fails to reflect this reality. Sadly, it only ensures that future generations will be forced to pick up the pieces left by our unwillingness to make tough but balanced budget decisions. We should do better.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to address the issue of Israel money or some aid to Israel that is in this bill, about $200 million, and talk about the need for it.

Earlier a speaker said that the economy in Israel is strong, and I would take exception to that. If my colleagues go down to Ben Yehuda marketplace, entertainment area, it is empty. A person cannot go to Bethlehem because the terrorists have it. A person cannot go to the old city of Jerusalem. One can hardly go to the Western Wall without going through more security than it requires to go to the airport.

The hotels are empty or half full. The shopping areas are as well. If one goes to a mall in Israel right now, it is like driving up to the U.S. Capitol; you have to have your car searched; you have to have it turned off; you have to have bomb dogs sniff it; and then when you park in the parking lot at the mall, you go into the mall and there again you have to go through a metal detector. That is life in Israel.

Also life in Israel is a story of a woman at a shoe store who was an employee there and was asked, when a woman walked in one day with what appeared to be a bottle of water, to bend down and pick up a pair of shoes because the customer was interested in it. When the woman bent down, the customer pulled out this water, which was not water after all, but acid, and poured it on her, burning 50 percent of the surface of her body.

It also means, as the case with three teenagers who went to Sbarro's Pizza to get a snack after studying one day, and they went in there and there was a third young man with him, and he remembered he forgot his wallet and ran out, and when he walked out to get his money, somebody walked in with a guitar case full of explosives and blew up the pizza parlor, killing 16 people, including the two young ladies.

This is a story of a 19-year-old soldier who lived at home, who walked out of her house one day and three minutes later was stabbed just about in her own front yard, stabbed to death, and the terrorist killed three other Israelis in their neighborhood complex before he was captured.

The stories go on and on, and the reason why I mention them is because these statistics are real, and we often look at the statistics, and we hear about Israel and the suicide bombers, but we do not realize there is a lot of other statistics in terrorism that goes on, and these are the numbers just until Tuesday, May 22, that have happened of terrorist attacks in the Gaza Strip and the West Bank.

We hear about Israel's aggression in the town of Jenin. We hear about their aggression against private citizens. Well, here are some of the weapons which myself and the gentleman from Pennsylvania (Mr. HOEFFEL), the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Florida (Mr. DEUTSCH) inspected three weeks ago when we were in Israel. These are the weapons that were taken in the town of Jenin from so-called citizens.

Here is the rocket-propelled grenades that were confiscated by the Israeli Army from these so-called private citizens, and notice the Reynolds Wrap around them where they buried them to hide them from inspectors.

The photos go on and on of munitions after munitions, and this is not to mention the 50 tons of ammunition that was on the Carine A, that was a ship, that was confiscated.

Indeed, Israel is our ally. It is the only democracy in the Middle East, and it is surrounded by very hostile neighbors. Arafat is a terrorist. Arafat is not interested in peace. Arafat could end the violence, but he is incapable of bringing the peace on, and should we have an independent Palestinian State, my colleagues have to ask themselves, are we not creating another Iraq or another Iran? Will the axis of evil become four sets of tires on the road of destruction in the world?

It is in America's interest to stand with Israel. They are a great ally. They are a democracy, but also, in order to keep our soldiers from having to go from Central Asia to the Middle East, leaving Afghanistan and going to fight in the Middle East, we need to stand solidly with Israel. We need to give them financial and economic support and military support at this time. I think it is very much appropriate that it is in this bill, and I hope that others will support it.

I also want to say on a sad note, a personal note, many of my colleagues may have already known this, but the gentleman from Florida (Mr. DEUTSCH) is not with us tonight. He is a strong supporter of Israel, but his father passed away. So during the course of the next couple of hours if my colleagues find some time and feel compelled, keep the gentleman from Florida (Mr. DEUTSCH) in your prayers.

Mr. LANGEVIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are two issues before us today, and on one of them I do not think we will find a hint of dissent. We are at war and we stand united in our support for the President, the war on terrorism and the men and women of our Armed Forces who are fighting valiantly to preserve freedom and democracy.

As a proud member of the House Committee on Armed Services, I have been a passionate advocate for providing whatever support our military needs to win this war and the funding in this bill is critical to meeting that goal. We should have an up-or-down vote on this important issue and we will, but there is another important issue at hand today, Mr. Chairman, and that is the Republicans' attempt to raise the debt limit.

It is this issue that makes today a defining moment for this Congress and this country. Decades from now history will judge us by how we handled the fiscal situation that confronts us right now, and my heart is heavy because I have seen the response of the majority, and this is a travesty.

We should have an up-or-down vote on this important issue of raising the debt limit, but we will not. A year ago the administration claimed there would be no need to increase the statutory ceiling on the public debt until 2008 if the Congress adopted the Republican budget. Last week, Treasury Secretary O'Neill wrote to Congress supporting the very same administration's recent request to raise the debt limit by three quarters of a trillion dollars in order to avoid default on interest payments due by July. These startling developments clearly highlight how responsible the fiscal policy of the administration and the leadership of this House has been.

Last year I joined my Democratic colleagues in cautioning that the administration's budget simply did not add up. Sadly, our warnings were ignored and we were instead continually reassured that we could afford an enormous tax cut, ensure the solvency of Social Security and Medicare, pay down the national debt, fund our domestic priorities and still have a large reserve fund for unanticipated emergencies.

As is now clear to us all, that budget was based on unrealistic surplus projections that never materialized and a misguided tax cut that lavished the vast majority of benefits on the wealthiest Americans.

Not surprisingly, we now face deficits and an ever increasing national debt that stretch far beyond the temporary economic downturn or the costs of the war on terrorism.

Each of us was elected by a majority of the people in our districts to come to our Nation's capital to vote and speak the will of the people. Yet the Republican leadership, in an attack that is becoming all too familiar in this Chamber, has denied an up-or-down vote on an issue that is critical to every one of our constituents.

Let me be perfectly clear on one very important point. Any funds that become available from a debt limit increase come directly from the Social Security and Medicare trust funds. There is simply no other money available, and as we pull out the national credit card and say charge it one more time, we are saddling future generations with massive debt and endangering the future fiscal stability of this Nation.

Mr. Chairman, when the American people are already paying $1 billion in interest-only payments on the debt every day, we have a problem. When a debt ceiling of $5.95 trillion is no longer high enough, we have a problem. When the interest payments on our debt are on a fast track to become our single largest annual expenditure, we have a problem. And when the leadership of this body responds by raising the debt limit by a back door parliamentary maneuver instead of an honest up-or-down vote, we have a problem. That problem is a fiscal policy that does not work and a Republican majority that is willing to dip into the Social Security and Medicare trust funds to make up for a shortfall created by a $1.8 trillion tax cut pushed through the House last year.

This country will not survive economically if we do not get our fiscal house in order. The crisis is upon us now and the time to respond is now. Are we going to continue to mortgage our children's future or are we going to face this challenge with courage and integrity and put America back on the right track?

It is time to leave behind these secretive, shameful, partisan ploys and honor our commitments. We could do this by working together to craft a bipartisan plan that will responsibly address the debt limit issue while protecting the Social Security and Medicare and ensuring the burdens of today's fiscal policies are not placed on the shoulders of our children and grandchildren.

We need light in this Chamber. As President Woodrow Wilson once said, "Wherever any business affecting the public is conducted, wherever any plans affecting the public are laid, over that place a voice must speak with the divine prerogative of the people's will the words 'let there be light.' ".

Mr. Chairman, there is no light in our work today.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we heard some more about spending all the Social Security surplus. I think it is probably prudent that we find out exactly why we are in the situation we are today.

We have a problem with the Democrat leadership in that there has been no budget offered, only criticism. Now there is a body that presides on the north side of the Capitol and one on the south side of the Capitol. The body on the north side of the Capitol is also what some people would call AWOL, absent without leadership.

This rule that we have here is a situation where we have added to the bill section 1403 that provides statutory assurance that the United States Government will take all steps necessary to guarantee the full faith and credit of the Federal Government.

□ 2100

This has been interpreted by the Members on the other side of the aisle that we are going to borrow $750 billion from the Social Security trust fund. Now, there is nothing in the legislation that says $750 billion. It is an assumption made from a statement, just like a rumor on a rumor on a rumor. What the rule does do is it creates a mechanism to allow the conference committee to act on the statutory debt.

We have been repaying the publicly held debt over the last 4 years. In fact, we have paid off nearly $.5 trillion of the nearly $4 trillion of this debt we have inherited from the Democrats who controlled Congress for the previous 40 years prior to 1995. The Republicans have reduced the public debt. The only growth in government debt was from inner-government debt. This is reflected by the bonds that are held in the Social Security trust fund.

Now, the Republicans have set out on a course for the Federal Government to repay all the debt available for redemption over the next decade. There have been charges that the tax cuts are going to drive us into bankruptcy, but that is not true. There are some long-term bonds that will not mature for several decades, and we cannot get to those and pay them off without paying a premium to redeem them early. But we are still on track to meet this goal even after accounting for the President's tax cut.

Now, the tax cut for fiscal year 2002 is $38 billion. That is how much money went back to the American public. What they did with that money was one of three things. You have a few options when you have a little extra money in your pocket. One, they could invest it, which is good for the economy, because it allows corporations to expand and create jobs. They can save it, which is good for the economy, because that creates capital for mortgages and people can go out and buy new homes. Or they can spend it, buying goods, which again creates a demand for jobs. All three things are good for the economy. So what we have done this year in tax relief is provide $38 billion into the economy, which is helping us come out of the recession.

Now, on September 11, our whole system went into shock, our economy into shock. We started a war against terrorism that is worldwide. We have already provided $43 billion to address the needs and respond to the crisis that occurred from September 11. Some of it went to New York to help clean up and rebuild the city; some of it has gone to support our young men and women who are now fighting the war on terrorism across the globe, whether it be in Afghanistan or in the Philippines. So this allegation that this bill has $750 billion worth of debt coming out of the Social Security trust fund is not true. It is a misconception.

Again, let me just refer to section 1403, which is now part of this bill. It says we are going to guarantee the full faith and credit of the government. Now, no one on the other side has really stopped to answer the question what would happen if we do not provide for the full faith and credit of the government. What crisis would then become apparent in our economy? What about those in our districts across the Nation that hold financial instruments from the government, like savings bonds or Treasury bills? What if one of my colleagues' best friends or a relative wanted to cash in a savings bond, and they went to the bank and the bank said, Well, the government does not have full faith and credit, therefore we are not going to honor your financial instrument?

This is a very necessary part of conducting the business of the United States Government. So let us not continue with this facade about spending $750 billion out of the trust fund for Social Security. This is merely an instrument to make us assure the full faith and credit of the United States Government.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair again reminds all Members not to make improper references to the Senate.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if things had gone as planned, we might have passed this bill yesterday, passed it overwhelmingly, because we were united in doing what is right for this country. As a member of the Committee on Appropriations, I was proud of the way we worked together. Members on both sides of the aisle crafted a responsible bill addressing the very real emergency needs of this Nation as we fight a war on terrorism. It includes critical funding for the Pentagon, for airline security, for the economic recovery of New York. It funds our war on terrorism.

Unfortunately, the bipartisan accomplishment was shattered by the Republican leadership's insistence on a backdoor increase in the amount of the debt our Nation can run up. And my colleague who just spoke from the other side of the aisle said it does not say $750 billion in there. That is because they do not want to say it, $750 billion. They do not want to talk about it. My colleagues do not want to talk about what they are doing. They are doing it as something to hide from the American people.

Because of the massive tax cuts for the wealthy, and those are the pockets that that tax cut went into, not into the pockets of middle-class families in this country, the massive tax cuts for the wealthy that the Republicans passed last spring, we are operating again on borrowed money. Increasing our spending limit effectively pays for those tax cuts by raiding the Social Security trust fund. That is where the borrowed money comes from. Further, this gives Republicans a license to continue to do this for years to come.

Put simply, it is like raising the limit on our national credit card and paying for it out of Social Security. Make no mistake, this maneuver has nothing to do with financing our war on terrorism, protecting our Nation, or economic downturn. Only $800 billion of the $2.7 trillion increase in our national debt projected by the administration itself is related to any of those needs.

Where does the $2 trillion of debt come from? That is right, it comes from the Republican tax cut, pure and simple. That is why the administration had been seeking this increase well before September 11, and that is why Republicans refuse to allow a simple up-or-down vote on the issue. They do not want to face the consequences of their tax cut.

This is a raid, pure and simple, on the Social Security trust fund to pay for a fiscally irresponsible plan. Increasing the Nation's spending limit raises interest rates; it amounts to a tax increase on all Americans. It will place the burden on our children for years to come.

You know, this bill is supposed to be about supporting the war effort. It should be about giving our country the tools it needs to defeat terrorism in every corner of the globe. And it is appropriate that we consider this bill on the eve of the holiday during which we honor those who have fought for our country.

We have heard a lot about patriotism on the floor of the House today and impugning people on this side of the aisle and their patriotism. Let me remind the prior speaker and the majority leader and the whip of the Republican Party that on rollcall vote number 103, April 28, 1999, at 8:18 p.m., we had a vote on the floor of this House authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia. That was Serbia and Montenegro. Our planes were in the air, my colleagues, and the people who voted against those troops that night included the gentleman from Texas (Mr. DELAY), the gentleman from Texas (Mr. ARMEY), and the gentleman from Kansas (Mr. TIAHRT). 193 Democrats voted to protect our troops and 192 Republicans voted not to protect our troops. Let us talk about patriotism and put patriotism where it belongs.

Everyone in this Chamber knows that without the extras loaded into this bill, virtually all of us would have supported this bill to help us to win the war on terrorism. I urge the Republican leadership to bring before this House a bill that does not tamper with Social Security. It is a sacred trust between generations.

I have an 89-year-old mother, I have kids who I hope will be working for my Social Security the way I worked for my mother's Social Security. That is what it is about. It is about our values as Americans. It supports our belief that a lifetime of work should guarantee a safe, a secure, and a healthy and dignified retirement. It has nothing to do with this legislation which is about supporting our troops and winning the war on terrorism.

It is time for House Republicans to be straightforward with the American people. The American people are going to hold my Republican colleagues accountable; and it is they, the American people, who will have the final say.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, let me say I rise in very strong support of the DeLay amendment. It is a very serious and necessary amendment that makes clear that the United States will not sit idly by as prosecutors and judges, whose country of origin will be rogue states, bring politically motivated charges against United States servicemen and women around the globe.

I truly believe, Mr. Chairman, that the depiction used by the gentleman from Wisconsin (Mr. OBEY) of this very serious amendment trivializes not only the amendment but the compelling risk to U.S. peacekeepers abroad, U.S. peacekeepers who are likely to be accused by rogue nations, prosecutors who work for countries like the Sudan, Libya, or other countries where human rights are trashed and cruelty is the order of the day. Our people could be held accountable for doing their duty for either peacekeeping or peacemaking. And that, frankly, is absolutely unacceptable.

Let me make it very clear, Mr. Chairman, that I was and I am a very strong supporter of the regional criminal actions that have been taken against those who commit crimes against humanity in Rwanda as well as in the former Yugoslavia. I believe we ought to do it on a regional basis, and not allow this ongoing freestanding court with judges and prosecutors, again, who are from rogue states who will sit in judgment of U.S. peacekeepers and peacemakers.

Let me just also say on those regional courts, when the first tribunal was getting under way, I offered the amendments to significantly increase the amount of the U.S. contribution because of the terrible crimes that were being committed against the Croatians and then the Bosnians. So I take a back seat to no one about my concern in holding accountable the Milosevics of this world. But having said that, this tribunal is rife with mischief and is likely to kill peacekeeping as we know it.

Why would we send our men and women out to be held accountable by a Libyan judge and by a Libyan prosecutor who would bring our people to trial? And I would just note parenthetically that the Clinton administration was against this until the last few weeks of the administration when they signed it, but argued against it in Rome as the Rome Statute, or the ICC, was being considered. At one of our hearings I asked the U.S. State Department to go back to all of our wars, World War II, World War I, the Korean conflict, Vietnam, and look at any battle that we were engaged in, and asked the question, Could a prosecutor take the Dresden bombing or the bombing of Japan or Hiroshima or Nagasaki and bring an action against President Truman, or General Marshall, or President Eisenhower, or any of our other generals, or those who flew the Enola Gay? Or take Vietnam or any other conflict, most recently the Persian Gulf, or any conflict we have engaged in.

This is rife, rife with mischief that rogue nations would bring about against us. And let us not forget as well, although it was rejected, there was an attempt to bring action against General Wesley Clark, who led our efforts in the Serbian conflict. And had we had somebody from one of those rogue nations sitting as a prosecutor, he might have been brought to the Hague or there may have been an attempt to bring him to the Hague to stand in account.

Finally, if you want a glimpse about what the ICC will look like when it comes into force, look just at the U.N. Human Rights Convention in Geneva. I have been there, year in and year out, as has the gentleman from Virginia (Mr. WOLF), and many of us saw countries like the Sudan sitting in judgement to do two things: one, they tried to run interference when actions are brought against them; and, secondly, they sit in judgment and then try to give their friends who commit human rights abuses a pass. They constantly do that.

That is why this is a dangerous game. And again I think the gentleman from Wisconsin (Mr. OBEY) owes the gentleman from Texas (Mr. DELAY) an apology. That little game he played with the Netherlands was way off base. This is a serious amendment, and when our peacekeepers are held accountable, I hope President Bush and any successor President does all that is humanly possible to protect every American service personnel abroad as well as in this country.

Mr. Chairman, first of all, let me say I rise in very strong support of the DeLay amendment. It is a very serious and necessary amendment that makes clear that the United States will not sit idly by as prosecutors and judges, whose country of origin will at times be rogue states, bring politically motivated charges against United States servicemen and women around the globe.

I truly believe, Mr. Chairman, that the depiction used by the gentleman from Wisconsin (Mr. OBEY) of this very serious amendment trivializes not only the amendment but the compelling risk to U.S. peacekeepers abroad, U.S. peacekeepers who are likely to be accused by rogue nations, prosecutors who work for countries like the Sudan, Libya, or other countries where human rights are trashed and cruelty is the order of the day. Our people could be subjected to kangaroo trials for doing their peacekeeping or peacemaking duty. And that, frankly, is absolutely unacceptable.

Let me make it very clear, Mr. Chairman, that I was and I am a very strong supporter of the regional criminal tribunals that have been used to prosecute those who have committed crimes against humanity in Rwanda as well as in the former Yugoslavia. I believe we ought to establish war crimes tribunals on an ad hoc basis, and not allow this freestanding court with judges and prosecutors, who are accountable to none, to sit in judgment of U.S. military personnel.

Let me just say with regards to ad hoc tribunals, that the first tribunal was getting under way, I offered amendments in committee to significantly increase the amount of the U.S. contribution to establish the tribunal. The terrible crimes that were committed against the Croatians and then the Bosnians and even the Serbes, demanded no less. So I take a back seat to no one about my concern in holding accountable the Milosevics of this world. But having said that, the tribunal established by the Rome Statute is rife with mischief and is likely to kill peacekeeping as we know it.

Why would we send our men and women out to be harassed and prosecuted by a Libyan judge and by a Libyan prosecutor who would bring our soldiers to trial? And I would just note parenthetically that the Clinton administration was against the ICC until the last few weeks of the administration when they abruptly signed it, but previously had argued against it in Rome, as the ICC was being considered. At one of several hearings I chaired I asked the U.S. State Department representatives to go back to all of our wars: World War II. World War I, the Korean conflict, Vietnam, and look at any battle that we were engaged in, and I asked the question, Could a prosecutor construe the Dresden bombing or the fire bombing of Tokyo or Hiroshima or Nagasaki and bring an action against President Truman, or General MacArthur or Eisenhower or Marshall, or any of our other generals, or those who piloted or crewed the Enola Gay? Or take Vietnam or any other conflict, most recently the Persian Gulf or the bombing of Serbia or any conflict we have engaged in. Were these actions, in whole or in part, war crimes? I got a big "maybe" from State.

The ICC is rife with mischief that rogue nations would bring actions against us. And let us not forget, as well, although it was rejected by the prosecution arm at The Hague, there was an attempt to bring action against General Wesley Clark and others who led our efforts in the Serbian conflict. And had we had somebody from one of those rogue nations serving as a prosecutor, he might have been brought to The Hague or there may have been an attempt to bring him to The Hague to stand trial.

Finally, if you want a glimpse about what the ICC will look like when it comes into force look just at the U.N. Human Rights Convention in Geneva. I have been there, year in and year out, as has the gentleman from Virginia (Mr. WOLF) and Ms. ROS LEHTINEN, and many of us saw countries like the Sudan sitting on the commission do two things: one, they tried to run interference when actions were brought against them; and, secondly, they sat in judgment and then tried to give their friends who commit human rights abuses, a pass. If given new powers to prosecute Americans—believe me—they will!

That is why this is a dangerous game. I believe the gentleman from Wisconsin (Mr. OBEY) owes the gentleman from Texas (Mr. DELAY) an apology. That little game he played earlier with the Netherlands invasion scenario was way off base. This is a serious amendment, and when our peacekeepers are wrongfully charged, I trust President Bush and any successor President will do all that is humanly possible to protect every American soldier, sailor, or marine abroad.

□ 2115

Mr. McDERMOTT. Mr. Chairman, I move to strike the last word. I would remind the gentleman that he voted against supporting the troops when they went to Kosovo.

Today this House is sort of engaged in watching a great allegory, only I think the Republican leadership has forgotten one of their famous phrases, "Remember the Alamo." Why do I say that? You ask yourself, why would somebody stand in the Alamo and wait and get killed when they knew they were going to die? Or why did the Jews jump off the rock in Masada? Or why did the troopers get surrounded at Little Big Horn and why did they fight till they died?

The people on the other side, the leadership, are not paying attention to what is going on here, because there is a truth in what is going on in this process, and it is this: You have the power. We can talk and talk and talk and we know that we are going to lose. There is no question about that. We have no illusions that we are going to win. But why do people do what they did in the Alamo? Or why do people fly planes into buildings in New York? Or why do people wrap bombs around themselves? Or why do they go into the general post office in Dublin on Easter Sunday in 1916? You can pick a thousand places in history where people have done what makes no sense to people, where if you look at it you would say, "They had no chance."

We know we have no chance here tonight, but we are frustrated, we are powerless, because you have taken all the power. Wonderful allegory. You come out here, you smash us, you will beat us on every single amendment, and we will not be able to save Social Security, we will not be able to save Medicare. We cannot stop you from spending like you had no tomorrow. We have no ability to do that. We can tell the American people we stand against that kind of stuff and we will be beaten tonight.

But the problem with that is, we are coming to the last act in the allegory. I got this little thing that came from the GOP to their members:

"Please note that it is mandatory that all Members stay in town and be available for votes tonight and the early morning hours as we plan to finish the supplemental in the early morning hours. It's possible for your boss to catch a late-morning flight home on Friday."

We know martial law is coming. They knew it in the Warsaw ghetto. They knew it everywhere. Did people give up? No. But this really is not the Alamo. It is not really the end. This is more like Dunkirk. The Nazis pushed the Brits all the way up against the beach and they thought, boy, we are going to be in England in about a month. And at Dunkirk they took off 338,000 people who came back to fight another day.

When they surrounded the American troops at Bastogne in the Battle of the Bulge, they sent in an offer of unconditional surrender to General McAuliffe. He sent back one word written on a piece of paper: Nuts.

What you do not understand is there is an election coming and the American people are going to watch what you have done to Social Security and what you have done with the surplus that started out at $5.6 trillion and you have taken it down below the line and we are down in the depths again, a trillion dollars below. The single biggest reversal in economics in the history of the world. And you guys are still spending. You are still spending. "Let's raise the debt limit. Let's keep spending." It is like if you take your credit card and you give one to your son or daughter and they go to college. They say, "Dad, I've reached the limit. What should I do?" You say, stop spending or get a part-time job or something. But no, not with you guys. You call up the company and say, "Raise our debt limit. We got to have more credit to spend."

We cannot stop you. You are free to do it. But you are also free to pay the price. And do not think this is the last night. I mean, you will win. In about two hours and 40 minutes, you will close this joint down and create a new day and you will come out here and slam bam, thank you, ma'am, and it will be over. We understand that. But do not think it is all over.

Mr. WOLF. Mr. Chairman, I move to strike the last word. I will be brief. I just wanted to rise in support of the DeLay amendment.

I broke with my party. I supported sending troops and being involved in Bosnia and in Kosovo. But I will tell those who cared about that, the first American soldier that is brought before the court, we would lose support from the American public for any involvement around the world. If America is not involved, it is not successful. And if we were not involved, the world would be a much more dangerous place.

The DeLay amendment is really a good amendment. For that I would urge that we would support it.

I yield to the gentleman from California.

Mr. HERGER. I thank the gentleman for yielding.

Mr. Chairman, I have been listening to the Democrats talk about the debt limit. Here are some points Members and the public should bear in mind when considering these arguments from the other side.

Last week on the same floor during the debate on the Nation's welfare policy, the Democrats offered two proposals: One was a substitute welfare reform bill that called for $20 billion more in Federal welfare spending over the next five years and $70 billion more in welfare spending over the next 10 years. The second proposal was a motion to add more than $11 billion in new spending to the Republican bill. In both cases, the Democrats refused to pay for their additional spending.

Let me repeat this, Mr. Chairman. The Democrats did not pay for their proposed increase in government spending. The additional costs would just get added to our national debt. In contrast, the Republican welfare bill was fully paid for within the House-passed budget. I guess the Democrats have a tough time understanding what that means since for the first time in a generation they did not have their own budget in the House. And the Democrat-controlled Senate cannot seem to get a budget done, either. All of this reflects that what is going on today is a charade. The Democrats can sure talk a good game about fiscal responsibility in general, but when it comes to specific bills that reflect their real priorities, like welfare reform last week, being responsible with taxpayers' money is the last thing on their minds.

Mr. SANDLIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is hard to stifle the truth. It has a way of coming out. But our friends on the other side of the aisle have tried all day to gag the United States Congress so that we cannot debate the issues and we cannot discuss the truth. But today the truth has leaked out, drip by drip.

The truth is we all support the United States troops. There is no question about that. But the truth also is that we are poised to invade Social Security trust funds for the next 10 years to the tune of $1.5 trillion through 2012. That is the truth. The truth is the Republican plan is to spend $2.25 billion in trust funds for other programs in 2003 alone. That is the truth. The truth is our friends on the other side of the aisle should hang their heads in embarrassment. They have been caught in a procedural and political shenanigan that they employed to use American taxpayer dollars to target and influence specific political campaigns in New York and Pennsylvania. That is the truth. That has nothing to do with our troops. That has nothing to do with national defense. They are funding programs in rural hospitals in New York and Pennsylvania located in vulnerable Republican districts. The rest of America is excluded. That is the truth. There are 1,300 hospitals in this country that will be disadvantaged by this legislation. The only way to make them whole, to put back the money that they are taking away so that they can be returned to current funding levels, is to raid Social Security funds. That is it. That is the truth.

The current bill runs up America's credit card while stealing from America's senior citizens' Social Security. To compound the problem, the Republican plan will require stealing. It will require stealing additional Social Security funds just to keep hospital funding at current levels. You have to do it. You have to take it. There is no other way. That is the truth.

But Republicans do not want Americans to hear this debate. That is what you have been about all day. They stifled the issues. Now they want to stifle the process. They say they want an open debate, but mark my words, Mr. Chairman, within the next few hours the Republicans will stop all debate on the issues. They will stop all debate on the process. They want to gag America. They do not want America to hear the issues. That is an arrogant use of procedural excess and they should be embarrassed.

Mr. Chairman, in Texas we are known for plain speaking. I want to say this to my friends on the other side of the aisle. This comes straight from the Texas Rangers: No party in the wrong can stand up to a party in the right who keeps on a-coming. And, by golly, we are going to keep on a-coming.

Mr. CALVERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I listen to my colleagues from both sides of the aisle, I stand before you perplexed by the banter going back and forth. In case you have not noticed, we are at war, folks. I do not know about you, but I want to make sure that the dedicated men and women in uniform, our brothers, sisters, husbands, wives, mothers and fathers, are able to fight and win this war. In order to do that, our troops need the resources to win.

On the eve of this Memorial Day weekend, I think about the beautiful yet harrowing tributes to the hundreds of thousands of fellow Americans that have fought to defend our freedom. The Korean Memorial bears a simple sentence: Freedom is not free. It is one of the simplest and most powerful statements ever made. Freedom is not free. Because war is not free, both in material and, sadly, in human lives.

I have heard the talk about hard choices. There are a lot of choices to make. But placing the lives of our soldiers at risk over procedural and jurisdictional bickering should not be an option. If we do not supply them with the necessary resources to win, none of the arguments will matter.

These funds will pay for urgent wartime expenses related to the military actions in Afghanistan and other U.S. operations against global terrorist threats. These funds will improve our homeland security by empowering law enforcement with the tools to track down terrorists and safeguard our aviation systems, nuclear assets, ports and borders. I do not like adding to the national debt and I certainly do not like seeing our Nation at war. But these two emergencies, one economic and one military, were forced upon us. Dealing with both of these emergencies in one vote is fine with me.

American troops need the resources to win. I support this supplemental and urge my colleagues to do the same.

Mrs. THURMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before we go on to this next debate, I do want to say, and I really hope that some of my friends on the other side will look at their rollcall vote 103 in April of 1999, to stand up here in one day with this President to talk about their feelings for the military. I remember this night clearly. My father was a B-52 tail gunner. He was one who fought in this country. The night of April 28, our Commander in Chief, at the time President Clinton, was sending people into Yugoslavia. And this House, with a majority of Republicans voting against our military, tonight come down and talk about their support of the uniformed men and women. I am not suggesting that they are not, but I would just suggest that we ought to make sure that we are consistent.

I will tell you that I am consistent. I voted that night as I have continued to vote, no matter who was in the Oval Office. But tonight again we are considering a $29 billion supplemental appropriations bill. All day long we have talked about this. We all know that we are fighting a war on terrorism.

□ 2130

I do not think there is a Member here who does not support that war effort. However, fighting the war on terrorism is only one of many parts of the bill. There are many things that the American people feel that are crucial to their well-being, and we want to respond to all of these issues responsibly. But how are we going to pay for their solution if we continue to spend the money we do not have? You cannot pass the supplemental bill without invading the trust funds and breaking the promises made to the American people.

Instead of paying down the debt, we are adding to the debt and to the interest payments. Before we increase the debt ceiling by another $750 billion, we need a plan and we need new budget restraints.

You might ask why? Well, you are going to hear from women today about the effects of this bill and the effect they have on women. I think that any family that has tried to plan to send their kids to college, to buy a house, or to perhaps move a loved one out of the workforce to help take care of them, knows they simply cannot call the credit card company and say, "Can you give me an increase in my credit limit?" They do the responsible thing by paying off the family's debt to make room for these expenses.

Families make these decisions every day, and Congress needs to be responsible to the American people as these family members are to one another.

Let us look at how much women, women, your wives, rely on the Social Security program. Let us explore how they would be affected by reductions in benefits due to a $750 billion increase in the debt limit.

Almost two-thirds of all women 65 years and older get at least half of their income from Social Security. For one-third of these women, Social Security makes up 90 percent or more of their income.

Women take time out of the workforce to care for children and elderly parents. As a result, they rely more heavily on their husband's Social Security benefits. Over 60 percent of women on Social Security receive spousal benefits, while only 1 percent of men receive such payments. Women tend to outlive their husbands by an average of seven years. These seven years can be the most vulnerable times of their lives.

Social Security as we know it today continues to pay benefits as long as the beneficiary is alive. Reductions in Social Security payments due to lack of funds would leave women stranded, so one can see that dipping into Social Security by raising the debt limit can cause great harm, especially to women.

Mr. Chairman, what we are doing here today will have an effect on future generations of families. At this moment Congress is sitting down at the kitchen table figuring things out like so many families do every day. Let us be like those families that pay off their credit card debt to make room for future expenses. Adding $750 billion in new debt to America's credit card is the wrong way.

Mr. WAMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I passionately believe that neither party has an exclusive on integrity or ideas or patriotism, but I have to say tonight that the excessive campaign rhetoric of the last 24 hours demeans this process and really falls short of the character of this House.

I want to talk about some of the substantive items in this bill. The International Criminal Court is absolutely a bad idea that Members from both parties should reject every opportunity we get, and the distinguished majority whip should be commended for bringing this amendment forward and trying to stifle the advancement of the International Criminal Court. It is a great threat to innocent Americans and is a terrible precedent for the future, particularly at this dangerous moment in American history.

Relative to Israel, I do not know what the magic number is. I wish there was a better way of assessing how much they need, and, following the request from Israel, our ally, for what they really need, not using an arbitrary number to establish how much we are sending them. I understand that Secretary Powell and the administration have a delicate balance on trying to negotiate some positive step towards peace, but I do not like funding the PLO or any related organization there at all. I think we need to stand by our ally, Israel, for a host of reasons, most of them Biblical, in my heart, and in no way ever turn away from our ally, Israel, because we will pay the price if we do.

But tonight what we have, after all of the rhetoric is out of the way, is an emergency defense supplemental that is absolutely necessary to get the equipment and the funding in the hands of those men and women who are standing between the threat and our civilian population and the advancement of freedom around the world at a time of terror still and a critical time in world history.

We must move this defense supplemental forward. It is not about tax cuts or Social Security. Those obviously are campaign issues that are coming in the months ahead. Let us push them off to the campaign and let us come together in a bipartisan way and do what is right for the men and women in uniform. That is the bottom line.

We are going into Memorial Day. Last Memorial Day the debate on the House floor was a lot different than this campaign year Memorial Day rhetoric, I promise you that.

When I think of Memorial Day, I think of the greatest generation, the World War II veterans. Every time I honor them, which is every chance I get, they say the real heroes are the ones that did not come back. They are the ones we honor this weekend.

I will tell you how encouraged I have been since September 11, because the greatest generation, we stand on their shoulders and honor them, and they are the greatest. But I wonder about my generation, the generation that has been called the "me generation," the one that was so selfish and so absorbed with our own world that we might not be the "giving generation" or the "great generation" of those that came before us.

But following September 11, the events following September 11, when we saw first responders put their lives on the line and die for others, following that Biblical mantra of the greatest show of love is to give your life for your fellow man, for your friend, in this case people you did not even know, we, too, have answered this call to courage in our generation.

The greatest generation veterans are smiling with amazement at what this generation is actually made of. We indeed are becoming a great generation ourselves. That is why we owe it to the men and women who are willing to serve our country to give them what they need and to work through these details we are debating today to make sure that we do not delay moving these billions of dollars into defense and homeland security and intelligence capabilities to protect our country and to honor those that are willing to fight and die for us.

Freedom is not free, and as we head into the Memorial Day weekend, let us come together tonight and put aside our differences. Let us meet at the water's edge as Members of the great U.S. House of Representatives and do what is right for America and send the money to those in the field.

Mrs. CLAYTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, all of us, Democrats and Republicans, support our troops in the field and our fight against terrorism. Since September 11, in fact, all Americans are united to protect our Nation from terrorism. There is a great unity on this issue.

Those who have fought and given their lives for freedom and our country should not be desecrated by action on this floor in an effort to slip in or by dishonest procedure to raise the national debt ceiling without a debate or an up-and-down vote.

This action affects all citizens, especially our seniors, and especially the widows of our veterans, working families, children and grandchildren. Memorial Day should honor those who have fought to protect our freedom, rather than to cover up other devious action that affects millions of seniors.

Our bipartisan support for the war against terrorism here at home and abroad should not be smeared or compromised by an attack of unpatriotism when we question the adding of unrelated special interest items or controversial items to a much-needed supplemental appropriation to support the war against terrorism.

We desecrate our fallen heroes, and especially their families and their widows, especially women of color. More than 80 percent of the non-married elderly African Americans and Latino women rely solely on Social Security for their retirement income and their daily necessities.

Further, for more than half of the elderly Latino and African American women, it provides 90 percent of their total income. We desecrate our current military men and women when we burden a clean supplemental appropriation to support our military forces with an undemocratic, unprecedented and unfair rule.

This rule was unworthy of our consideration. We can and we should do better. This vague, unclear, deceptive rule prevents an honest debate, discussion, explanation or a vote on expanding our national debt. However, in the back rooms, not the appropriation rooms, in the back rooms and only by reference in this bill, we will actually send the national debt ceiling up by more than $750 billion, which will come from, can only come from, Social Security and Medicare trust funds.

Mr. Chairman, the question is not should we raise the national debt. We have no choice but to raise the debt. The question is how we raise the debt. The only way we should respond to this is how we can responsibly and accountably do this and govern our country. The question, therefore, is how we respond appropriately without raiding the Social Security and Medicare trust funds, which will affect the widows and the veterans who are so dependent on their daily resources through the payment of Social Security payments.

The uncontrolled, unlimited expansion of our national debt will affect working families by increasing their interest rate for their home payment, automobile payment, student loans and other financial needs.

Finally, Mr. Chairman, we add a great burden to our children and our grandchildren to pay for our recklessness and our fiscal irresponsibility.

The big tax cut given last year has caused the greatest need for raising the national debt, more than our need to fight the war against terrorists. Yes, we should be honest. We should be honest with the American people in this debate to tell them that our effort to fight this war on terrorism is costly and will continue to cost. But it is a mistake, in fact an untruth, to suggest that the majority of the reason we have to raise the debt ceiling is for those reasons. It is because we gave such a large tax cut to a few Americans and big corporations that we indeed will have a lack of resources in order to respond to the future needs of millions of older Americans to meet their critical needs.

Mr. Chairman, we need to support the supplemental appropriation for our military men and women. We should do no less. But the way we are doing it does discredit to us, and it certainly does not honor our veterans.

Let us vote on the bill that the Committee on Appropriations sent out and recommended to this floor. In a separate vote we need to debate and vote on the national debt. This is what we should do.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I see that a great many Members are not in the Chamber tonight. I do not know where they are but they ought to be here listening to this debate. But just in case any Members do have a sufficient interest in these issues we are debating tonight want to try to contact someone and tell them to come back, we are giving to talk about some very important amendments.

I have already been here tonight talking about my amendment to reduce the foreign aid section of our bill for Israel and Chairman Arafat, and I have already told you that I will have charts ready for you at the appropriate time to make my point.

□ 2145

And being in lockstep with my leadership for the last 18 years in the House, I know full well when we bring that rule back in a little while, they are going to honor all of my requests and all of the amendments that I have filed are probably going to be in that rule.

In anticipation of that, there is one that some of my colleagues have approached me on because they have taken the effort to read what is going on here. There is one that simply says, "making a lump sum payment to individuals born between 1917 and 1921 or their dependents who are currently receiving Social Security retirement benefits."

Now, I know that many of us have town hall meetings we go to, and I have been having town hall meetings for 18 years. And nearly 99 percent of the time, someone asks me the question, when are you going to fix the notch baby problem? I have always told those people when they came to my town hall meetings, when the opportunity came, I would offer the amendment to make certain they would get their rightful due, their just payment, which they have been denied for all of these years, to stop them from having to be called notch babies.

This does not totally correct it, but it gives recognition to the notch baby problem and does tokenize them with a one-time payment. So I know that all of my colleagues have been to their town hall meetings, and I know, because people tell me, that all of the Members of Congress say they are for correcting the notch baby problem, but nobody ever does anything about it.

Well, when this rule comes back tonight, because of my lockstep allegiance to my leadership, I know full well they are going to make my amendment in order, and when they do make it in order, there is going to be limited debate. So I wanted to let my colleagues know tonight, since I will have a limited amount of time to explain my amendment as it should be explained, that I will only have a few minutes to tell my colleagues what we are doing with this amendment.

So anticipating that this amendment is coming and knowing full well that probably 99 percent of this House has told notch babies in their district that they are going to do something when the opportunity came, I am going to give my colleagues that opportunity tonight so my colleagues can go back home during this Memorial Day recess, have your town hall meetings and tell your notch baby constituents that help is coming because you voted for the Callahan amendment to give them that recognition and to give them that one-time payment that they so richly deserve.

I know this amendment is going to be in order, or actually I am optimistic that it is going to be in order, because of my lockstep allegiance to my leadership. I have followed them faithfully for 18 years, and surely after all of this period of time, in the last year of my membership in this House of Representatives, they are going to allow me the opportunity to at least introduce the five amendments that I have here. But we are going to have a limited time to debate it, and I wanted all of my colleagues to call their colleagues and tell them to get back over here, that these things are coming up shortly and they better be here to help us correct this problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am so glad that the distinguished gentleman from Alabama made himself clear, and I look forward to the notch babies amendment in a bipartisan spirit, because we do have a number of those impacted negatively by that formula, and we do want to be helpful with respect to those seniors. I am glad that there is a positive light on this floor.

But I rise today to be able to confront and to debate issues that, unfortunately, have been under cover. By the way, let me also say to the distinguished gentleman from Alabama, I would hope to be able to support his notch babies amendment. Unfortunately, I think that if we are going to have peace in the Mideast, we cannot and absolutely should not eliminate the funding to Israel and to the Palestinians, and we must have the kind of aid that says that we are engaged and that we support the peace process. It would be a disaster for the elimination of any funds to the Mideast, Israel or the Palestinians. Certainly, we would not want to undermine humanitarian aid.

I also want to thank the gentlewoman from Florida (Mrs. THURMAN) for being the leader on the issue of Social Security and laying the groundwork, while women are now here on the floor of the House, debating this bill in the late night hours, because we realize that those who will be most hurt by the passage of this legislation are clearly going to be the women who are most dependent on Social Security. I used this picture just a few hours ago, it seems like a day ago, because a picture is worth a thousand words or more. I wish it was worth thousands upon thousands of dollars. I wish we could hand out pictures and all of a sudden we get money. But it is important to note that just a year ago we had a $5.6 trillion surplus and we had not invaded the Social Security trust fund. Today, we stand here with $400 billion, just a drop in the budget, because our Republican friends have imploded the surplus.

Today I spoke to Randy Rhodes, a talk show host in the great State of Florida. She wanted me to mention that people across the Nation are watching, and they remember in 1993 when not one single Republican stood up and was counted in order to ensure that we have a budget that we could pay our way and begin to build a surplus. Not one single Republican voted. It was the Democrats who sacrificed their majority in order to provide the quality of life for Americans.

Here we go again. In a situation where we thought we had an open rule, where we had the opportunity to debate an issue such as raising the debt ceiling, adding $750 billion more to our Social Security credit card, as they now claim it to be; and yet we find that, one, we do not have an open rule, and, two, we are going to hide the fact that you are imploding and raising the debt ceiling. You are going to hide the fact that you are raising it to $750 billion.

What does that do to the women who are impacted by Social Security? First of all, we well know that women of low income, no matter what racial background they come from, depend most on Social Security. We know now that there are grandmothers who are raising children whose sole support is Social Security. At age 65, African American women have a life expectancy of 17 more years, one year longer than white men, while Latina women on the average live to 87, which is longer than either white women or men. In that instance, as it relates to minority women, African American and Latina, Social Security is their main support system, because they usually have had in the past low-wage service and manufacturing jobs. They have had to rely on Social Security.

Go to any one of our districts to our senior citizens homes and find women and ask the question, Do you have enough to live on? Most will say that I have my Social Security. And if I did not have that, I could not pay rent, I could not pay the prescription drugs which I am stretching for anyhow, I could not buy food.

So tonight what we are doing, and I understand we are going to get a midnight rule that is going to shut all of us down, what we are going to do is sneak out of here in the early morning, raise the debt ceiling $750 billion, and tell those dependent women who depend on Social Security, hey, take a flight, good night, and good-bye; we are using your money tonight.

I would just add another picture. The reason why we do not have any money is because the Republicans have decided to spend 42 percent of any money that we would get on continuing to pay tax cuts to the rich. In fact, we are looking to pay this money up until 2011.

So, Mr. Chairman, I think it is a shame and a sham that we are here tonight doing this disservice to women who are dependent upon Social Security. Let us vote for the women of America and save Social Security.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we prepare to celebrate Memorial Day and to honor those who fought our Nation's past wars, as well as those who are, as we speak, fighting the war on terrorism in Afghanistan and around the world, we should be thanking these men and women for their courageous service on behalf of our Nation by acting on their behalf; and the best way to thank them is to pass this supplemental appropriations bill.

There are many reasons why we should pass this bill and send it to the President for his signature quickly. First and foremost, we should support this bill because it provides $7.8 billion for the Department of Defense to pay for the costs of the war, including the salaries of those who are serving, as well as the ongoing cost to train, equip, and prepare them for battle, and to protect the 270,000 soldiers who are serving abroad on this Memorial Day weekend as we debate this bill.

We should support this bill because it also provides $4.3 billion to pay for the call-up of National Guard and Reserve personnel, the men and women who have put their lives on hold to answer our Nation's call to serve; and there are 85,000 of those on reserve that are now on active duty.

We should also support this bill because it provides $500 million to purchase high-priority munitions to replace those already used in this war; to buy unmanned aerial vehicles, which have proved their value, and to purchase equipment for our Special Forces on the ground in Afghanistan and elsewhere. We should also support this bill because it provides $93 million to replace Special Operations helicopters destroyed during Operation Enduring Freedom. We should also support this bill because it provides $1.5 billion for homeland defense and to strengthen our Nation's intelligence-gathering efforts.

As someone who represents a district in a State that was directly impacted by the tragic events of September 11, we should support this bill because of the additional funding it provides to help rebuild New York City. Members of Congress from New York and New Jersey have worked together to provide our State governments with the necessary resources to rebuild critical transportation and other infrastructure that was destroyed in these attacks. As previous congressional actions have tried to help, and they have, many families have lost loved ones.

Mr. Chairman, we should be standing on this floor tonight united in support of our men and women in uniform, united in support of the war on terrorism, united in our gratitude for those who have served our Nation bravely in the past. Instead, we fight one another.

Let us remember why we are here. Let us pass this bill, let us give each and every one of our men and women in uniform the tools they need to fight and win our Nation's war.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, tonight, it is almost 10 o'clock, and tonight we are reminding our entire country that women in our country really do need to know that by raising the debt ceiling, though sounding very technical, that the debt limit provision in this emergency supplemental appropriations bill will harm Social Security. By putting Social Security at risk, we put women at risk.

This bill will have a devastating impact on women. There are already enormous disparities in income between men and women. These disparities will be much greater if we endanger Social Security. Women rely on Social Security more heavily for a whole variety of economic and social reasons. Poverty among women over 65 is twice as severe as among men in the same age group. Women earn less than men and tend to live longer. Women also lose an average of 14 years of earnings due to time out of the workforce to raise children or to care for an ailing parent. Women are also generally employed more part-time and have less opportunity to save for retirement.

☐ 2200

Let me just briefly give some numbers to show how important Social Security is for women.

For unmarried women over 65, including widows, Social Security comprises 51 percent of their total income, a far higher proportion than is true for married couples or men. Seventy-four percent of unmarried elderly women depend on Social Security for at least one-half of their income. Twenty-six percent of unmarried elderly women depend on it as their only source of income.

As stark as these figures are for all women, they are even more pronounced for African American women and Latinas, who are even more dependent on Social Security because they face even greater economic disadvantages throughout their lives.

Clearly, Social Security is the vital safety net for women. This important program lifted 13 million seniors out of poverty last year, and yet, the Republicans in Congress are depleting the Social Security trust fund to pay for the increase in the debt that they are now incurring. They spent the budget surplus by being irresponsible, and now, after using up all of the funds in the Treasury, are really stealing from Social Security and Medicare to pay for their reckless spending. This is just downright wrong.

This is the same Republican leadership that really rammed through, and I remember this very clearly last year, a very punitive bankruptcy bill that will penalize hardworking people who fall into debt through the loss of a job or an injury. That is an unexpected hardship. This bill is not the result of unexpected hardship, it is the result of a $2 trillion tax cut for the rich.

We should not raid the Social Security trust fund to pay for a blank check. It will bounce, with the notation "insufficient funds." Women have no way to scramble and make this check good, so they will suffer even more in their golden years, after a lifetime of discrimination and injustice. So our wives, mothers, sisters, grandmothers, daughters, and granddaughters certainly will pay and will pay dearly if we pass this bill tonight.

Mrs. JONES of Ohio. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentlewoman from California for yielding to me.

Mr. Chairman, there are a growing number of seniors who are raising grandchildren with their Social Security income. That is a group that we do not often talk about.

Just a couple of weeks ago in this House when we dealt with TANF and welfare reform, these grandmothers and grandfathers raising their grandchildren were left out of the process. There were no additional dollars set forth to assist them in that effort.

That is why it is so difficult as we stand here to talk about this piece of legislation that is before the House this evening, that we would not consider that significant group of people who not only are raising grandchildren, they are required to pay for prescription drugs. Then, in addition to that, they may have to worry about where their next check comes from.

A second group that is often not discussed when we talk about Social Security are those who are beneficiaries of the Supplemental Security Income, those who are disabled for one reason or another, who are often left out of that process. I guarantee Members there are many women involved.

Lastly, I would say that tonight, if we want to raise the debt ceiling limit, let us step up and vote specifically for it and not cloud it in this legislation.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, normally I do not get up and say much about this, but I sit here tonight and I hear all this about Social Security and how we are raiding the trust fund. We are not doing that. We are trying to scare our seniors. The seniors' Social Security money is going to be there. We are not doing anything to take their money away from them.

This bill is about a war that is going on. This bill is about helping our military men and women who are out there on the front lines right now, and we are sitting here doing scare tactics, demagoguing. I am not sure what we are doing on this floor tonight. I sit here and listen to all of this, and I do not quite understand it.

We are not raiding the Social Security trust fund, we are just trying to help our men and women who are out there fighting for us. I just do not understand why we are sitting here arguing like this about something that is not happening. This is about giving the President and giving our men and women in the military the dollars that they need to fight our war on terrorism.

We are not taking dollars away from our seniors, and I think it is shameful, absolutely shameful, that Members are trying to scare them.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

In section 1404, strike subsection (b) and insert the following:

(b) RECLASSIFICATION OF CERTAIN NEW YORK COUNTIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective for discharges occurring on or after October 1, 2002, and before October 1, 2005, for purposes of making payments under subsection (d) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to hospitals in Orange, Dutchess, and Ulster Counties, New York, such counties are deemed to be located in the large urban area of New York, New York.

(2) RULES.—The reclassifications made under paragraph (1) shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (1) of such section 1886(d).

POINT OF ORDER

Mr. CALLAHAN. Mr. Chairman, I make a point of order against the amendment. It seeks to amend language previously agreed to. I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. HINCHEY. I wish to be heard on the amendment, Mr. Chairman.

The CHAIRMAN. The Chair's question is, does any Member wish to be heard on the point of order.

Mr. HINCHEY. Yes.

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) is recognized to speak directly on the point of order.

Mr. HINCHEY. Mr. Chairman, this amendment that I am offering has to do with section 1404, and it strikes subsection (b). Subsection (b) of the legislation, the bill that is before us, deals with the counties of Orange and Dutchess in New York.

This amendment deems that these two counties are eligible for reimbursement under Medicare as if they were located in the metropolitan area of New York City. The effect of the language in the present bill would be to provide more funds to the hospitals in those two counties, Orange and Dutchess, but it would do so at the expense of hospitals in Putnam, in Westchester, in Rockland, and in the five boroughs of New York City itself.

That would be a disservice to those counties adversely affected, so the amendment that I am offering would provide that the hospitals located in Orange, Dutchess, and Ulster counties would be deemed eligible for Medicare reimbursements as if they were located in the metropolitan area of New York City, but it will do so in a way that does not adversely affect the reimbursement rates for the hospitals of Westchester, Putnam, Rockland, or the five counties of the city of New York.

So the amendment that I am offering is much fairer, much more equitable, and does not disadvantage those counties that I have mentioned.

Why do we need to do this? We need to have amendments like this because of the fact that hospitals all across this country are adversely affected by the budget that was passed by this Congress earlier this year, and particularly by the tax cut which was put into effect by this Congress early last year.

The effect of that $1.3 trillion tax cut not only has jeopardized our Social Security system, but is making it clear that as we move forward over the course of the next seven, eight, or nine years, more and more money will be taken out of the Social Security trust fund as a result of the tax cut which was forced through this House of Representatives early last year by the majority party.

Not only will that happen, but also as a result of that tax cut, less money is available for Medicare reimbursement. So not only have we placed in jeopardy the Social Security of our senior citizens, but we have also placed in jeopardy the health care of our senior citizens by that tax cut, as well.

So we see clearly the adverse effects of the $1.3 trillion tax cut, the majority of the benefits of which went to a tiny fraction of the wealthiest people in the country. In order to provide that benefit for the wealthiest people of this country, we are taking money out of the Social Security trust fund and we are also taking money out of the Medicare trust fund, so that our hospitals are disadvantaged in providing health care, not only for senior citizens, but essentially for everyone else who has recourse to use those hospitals.

So, Mr. Chairman, this amendment addresses the problem that has befallen hospitals across this country, and particularly those that are mentioned in the amendment, the adverse effect that has been visited upon these hospitals as a result of the $1.3 trillion Republican tax cut, the majority benefits of which went to the wealthiest people in the country.

This amendment does so, helps those hospitals in those counties, without taking money from the hospitals in the adjacent counties of Putnam, Westchester, and Rockland and the five boroughs of New York City, as is done by the language in the bill that is before us. That is why this amendment is a great improvement over the language that exists in the instant bill.

The CHAIRMAN. If no other Member wishes to be heard on the point of order, the Chair is ready to rule.

As indicated in the ruling on the amendment offered by the gentleman from Missouri (Mr. GEPHARDT) earlier today, the amendment proposes to change text previously inserted by amendment adopted pursuant to H. Res. 428, so the point of order is sustained. The amendment is not in order.

Mr. HINCHEY. Mr. Chairman, I did not hear the ruling of the Chair.

The CHAIRMAN. The point of order by the gentleman from Alabama (Mr. CALLAHAN) was sustained and the amendment is not in order.

Mr. HINCHEY. Mr. Chairman, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The decision of the Chair stands as the judgment of the Committee.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: the amendment offered by the gentleman from Wisconsin (Mr. OBEY); another amendment offered by the gentleman from Wisconsin (Mr. OBEY); and amendment No. 2 offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 213, not voting 23, as follows:

[Roll No. 200]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wolf
Woolsey
Wu
Wynn

NOES—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—23

Bonior
Burton
Combest
Condit
Crowley
Deutsch
Granger
Gutierrez
Hinojosa
Langevin
Linder
Lipinski
Lynch
McIntyre
Radanovich
Reynolds
Riley
Roukema
Thompson (CA)
Thompson (MS)
Traficant
Vitter
Wexler

□ 2239

Mr. BRADY of Texas and Mr. KENNEDY of Minnesota changed their vote from "aye" to "no."

Mr. GREEN of Texas and Mr. MENENDEZ changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 216, not voting 22, as follows:

[Roll No. 201]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush

Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Bonior
Burton
Combest
Condit
Crowley
Deutsch
Granger
Gutierrez
Hinojosa
Langevin
Linder
Lipinski
Lynch
McIntyre
Radanovich
Riley
Roukema
Thompson (CA)
Thompson (MS)
Traficant
Vitter
Wexler

☐ 2248

Mr. LANTOS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. MCGOVERN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 225, not voting 18, as follows:

[Roll No. 202]

AYES—192

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Flake
Ford
Frost
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutknecht
Hall (OH)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pitts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Ross
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Taylor (MS)
Thune
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—225

Ackerman
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Farr
Ferguson
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Graves
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Horn
Houghton
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Manzullo
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Osborne
Ose
Oxley
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Upton
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bonior
Burton
Combest
Condit
Crowley
Deutsch
Granger
Gutierrez
Linder
Lipinski
McIntyre
Radanovich

Roukema
Thompson (CA)
Thompson (MS)
Traficant
Vitter
Wexler

□ 2301

Messrs. BERMAN, REYES and SAWYER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. COSTELLO. Mr. Chairman, I rise in support of the amendment offered by Mr. LATOURETTE and myself that seeks to strike $175 million from the Office of Justice Programs—Justice Assistance and provide those funds to the Federal Emergency Management Agency (FEMA). Unfortunately, the Supplemental Appropriations bill provides $175 million for the Office of Justice Programs within the Department of Justice and that inhibits FEMA's ability to consolidate terrorism preparedness programs and properly administer the First Responder Grant Program.

As we all know, in the past several years in response to various terrorist attacks, the United States has increased its efforts to address preparedness. Nationwide, training programs and response teams were created to assist emergency responders prepare for future terrorist attacks and natural disasters. Although all of the efforts were well intentioned, by 2001, more than 40 different federal agencies were offering over 90 training programs and over 100 response teams were created, which resulted in overlap and duplication of services and resources.

For the past seven years, our Committee has held numerous hearings that have come to the same conclusion as many independent groups, including GAO, the Rand and Gilmore Commission; we must consolidate our terrorism preparedness programs to avoid duplication and overlap to programs. By doing this, we will be better utilize the nation's financial resources. The Administration came to the same conclusion and proposed centralizing "first responder" preparedness responsibilities within the Federal Emergency Management Agency's (FEMA) Office of National Preparedness, and the development of a "First Responder Grant Program.

At our hearing on the First Responders program in April 2002, FEMA provided detailed testimony outlining the Office of National Preparedness. The Department of Justice even voiced their support for the new office and stated on the record that Justice, "is doing everything possible to make this transition smooth, seamless, and effective."

Currently, this bill does not provide FEMA any of the Administration's requested $175 million for first responder grants necessary for effective preparedness in the event of a terrorist attack using a weapon of mass destruction. Not providing FEMA the money they've requested diminishes efforts to coordinate and properly train first responders. In addition, not providing FEMA the amount requested by the Administration in the Supplemental Appropriations bill hampers FEMA's ability to effectively implement the Administration's FY 2003 budget request for first responders.

I urge my colleagues to support this amendment to restore funding for FEMA's First Responder Grant Program. By supporting this amendment you support our efforts to better coordinate federal programs that will help our emergency responders prepare to aid our nation in the event of a terrorist attack.

Mr. KLECZKA. Mr. Chairman, as sure as swallows returning to Capistrano, it seems like every year Congress considers a supplemental spending bill to fatten all the other appropriations bills we pass year. This is just a way to spend more than we said we would in the first place.

While I know there are many fine things the $29 billion in this bill could buy, I have to wonder why these programs can't wait until the regular appropriations process, which is just about to begin. After all, we are already more than halfway through this fiscal year with just four months left to go before Fiscal Year 2003 arrives.

In truth, there are many provisions in this bill which are not really the result of an emergency and do not require "emergency spending." What is really going on, is that, as in previous supplemental appropriations bills, this one will allow Congress to circumvent the very spending caps it has set. In a wave of the magic wand, the $29 billion contained in this bill will not count against those spending limitations. And therefore it will allow certain programs and departments to bulk up now so that there will be less pressure this summer for budget-busting increases in the regular appropriations bills.

Along with all the extra spending in this bill, there are unrelated measures that have been thrown in. This legislation will be used to raise the federal debt limit. With the federal debt nearing its ceiling, the Administration has asked Congress to raise the limit, but no bill has come to the House floor for consideration. We should have an open debate on the need to raise the debt limit, already at nearly $6 trillion.

Also included in the supplemental spending bill is a rider changing how several counties in Pennsylvania are treated for the purpose of making Medicare payments to hospitals, and another that adds rural Orange and Dutchess counties in the urban area designation of New York City for the purpose of Medicare payments. The bill contains a trade measure requiring that knit and woven fabrics be dyed and finished in the U.S. in order to qualify for duty-free treatment under the African and Caribbean Trade Act. And this legislation allows the U.S. Postal Service to continue to use the bypass mail system in Alaska. Clearly, these are not emergencies.

We have criticized Enron and Arthur Andersen for using budget tricks to cook the books. We shouldn't pull the same sleight of hand on the taxpayers while throwing in unrelated policy riders. I ask my colleagues to join me and vote against this $29 billion supplemental appropriations bill.

Ms. WOOLSEY. Mr. Chairman, if the GOP leadership is so sure that their supplementary appropriations bill promotes fiscal responsibility, why are they resorting to sneaky tactics such as the ones what we've seen in this bill?

How many times does the majority have to be called on their false promises to protect Social Security?

What kind of fools do they take the people of this country to be?

When are they going to level with the American public?

We're here arguing about raising the debt ceiling because at this time last year, the Republican leadership and the administration passed a $1.3 trillion tax cut.

The irresponsible nature of that tax cut is made evident by the very fact that we have to raise the debt limit.

And once again, the Republican leadership is pushing for measures that jeopardize the future of the Social Security trust fund.

We've already borrowed from the Social Security trust fund to give the "Bill Gates of the world" a couple extra tax cuts and now we're going to borrow from the trust fund again to finance other programs.

Escalating public debt mortgages away our Social Security trust fund so why wouldn't we question the leadership's less than honest attempts to raise the debt ceiling.

Preserving the Social Security trust fund is not a new idea. At one time we had Republicans and Democrats alike pledging to keep the trust fund off limits. But when it comes down to it, the GOP leadership is not serious about ensuring basic retirement security for American workers.

The Republican's raid on Social Security has particular impact on the future of women. Women truly are the face of Social Security. Today, sixty percent of all Social Security recipients are women. Of recipients over age 85, nearly three-quarters are women.

Most of these women rely on Social Security for nearly 90% of their income. While they tend to live longer than men, women have fewer alternatives, fewer assets. Without Social Security's guaranteed, lifetime, inflation-protected benefits, over half of all elderly women would be poor.

After a lifetime of work, women often find themselves in dire economic straits during what is supposed to be their golden years.

The year is 2002, but women are still earning less than their male counterparts and are the ones expected to leave the workforce so that their children, and elder family members, are taken care of. This being the case, their Social Security benefits are extremely valuable to the quality of their retirement.

Fortunately, the current progressive system does not penalize women for these patterns of work wages and family obligations.

Social Security is structured to help those women with lower lifetime earnings and/or those who have taken time off to care for children.

In order for our daughters and our granddaughters to count on the Social Security benefits as we have come to know them to be, we must back up our pledges to save Social Security with legislative action that does not spend the trust fund.

With the large "Baby Boom generation" getting closer to retirement and their children right behind, it's imperative that we reverse this downward spiral of deficit spending and exercise smart fiscal policy today.

It's time to have an honest debate about where our economy stands and how best to shore up the future of important domestic programs like Social Security.

Mr. Chairman, how this Congress spends our Federal funds says a lot about who we are as a nation—who we are as a people.

Make no mistake, we support the funding necessary to protect our country, but it take more than a strong military to keep this country secure—our people must be strong too. That means we must invest in our children's future; preserve retirement benefits for our seniors and help working families.

Yet, the Republican leadership is asking us to support a supplemental appropriations bill that threatens all of these vital needs—now and far into the future. Talk about Teddy—the Republican plan will raise our Nation's debt ceiling and increase our children's debt. It means the Social Security trust fund will be raided, and domestic spending will be cut to make up the difference. That's just plain wrong!

It's time that my colleagues across the aisle look at the whole picture. National security isn't only about fighting the war on terrorism. It's also about fighting for our children's future. And, leaving them more debt is no way to make them strong.

Yet, with one narrow phrase in the supplemental bill, Republicans are laying the groundwork to endanger our children's future by raising the debt ceiling.

Even worse, we don't know by how much the GOP leadership plans to raise the ceiling.

The debt ceiling now stands at $5.95 trillion. With a U.S. population of 281 million, the debt works out to an average of $21,200 for every man, woman and child. The question is: After they're finished, how much will that amount increase?

Reports indicate Secretary O'Neill wants to increase it by $750 billion, making the debt ceiling more than $6.7 billion. This increases each person's portion to $24,000.

But as far as we know, the House Republicans may be scheming for a debt ceiling that would make it $30,000, $40,000, who knows! All so that they can cover the cost of enacting last spring's fiscally irresponsible tax cut for the Nation's top 2%.

Isn't increasing the debt limit raising taxes but this time on our children and our grandchildren?

It's time for Congress to stop dancing around this issue, and bring the decision to increase the debt limit—for a defined amount into the light—to an open vote. Then we'd know who wants to take care of our children.

Ms. WATERS. Mr. Chairman, today we spent much of the day talking about raising the debt limit. I think for most Americans, much of this debate, was difficult to follow because it focused on House procedure. What I would like to do is try to explain why this debate will have a negative effect on Social Security.

Currently, the Federal government does not have enough money to run its day to day operations. There are many reasons for this, including: a decline in the economy, a reduced tax revenue, the burst of the stock market bubble, and the President's $1.7 trillion tax cut from last year.

In order to meet its obligations, the government borrows money. Much of the borrowing comes from the Social Security and Medicare trust funds, since it currently takes in more money than it pays out in benefits. So the government writes an "IOU" for the trust fund and uses the money to pay for its operations.

Currently, this is not a big deal. However, beginning in 2017, Social Security will pay out more than it takes in. In 2041, the trust funds' reserves are exhausted—in other words there is no more money to pay full benefits. The money the Federal government takes in will only pay for 73 percent of benefits.

Now here is where the debt ceiling comes in to play. The Federal government will need to borrow money so that it can continue paying for the Nation's defense, improvements to the roads, improved schools and teachers and many other things. It will also have to borrow to allow the government to continue paying full benefits for Social Security recipients.

The debt ceiling limits the amount of money the Federal government can borrow. If we raise the ceiling today, we will have to pay off a larger debt, we will have to pay more in interest, we will have to use more of the trust fund to finance the day-to-day operations of the government.

This makes it nearly impossible to address the needs of Social Security that millions of people depend on.

If we do not address Social Security, women will be particularly affected.

Sixty percent of all Social Security recipients are women. And without Social Security, over half of all elderly women would be poor.

Nearly two-thirds of all women 65 and older get half or more of their income from Social Security. Nearly one-third of those receive 90 percent or more of their income from Social Security.

On average, women spend about 14 fewer years in the workforce than men because of pregnancies and raising children. Therefore, our pensions tend to be smaller. But Social Security's spousal benefits protect us, ensuring that we have enough to get through retirement.

Social Security's progressive benefit formula provides women, and others, with benefits that are a higher percentage of their earnings. So despite a lifetime of lower earnings—on average, women earn 73 cents for every dollar that men earn—we will have adequate income for retirement and will live at a comfortable level.

And, since women generally live 6 to 8 years longer than men, we need to receive benefits for a longer period of time.

Under the Social Security's benefit formula, women will receive benefits for as long as they live. We do not need to worry about outliving our personal savings, which is a huge comfort for many us.

In short, Social Security is a vitally important program. It allows millions to retire in dignity and comfort.

Raising the debt ceiling makes it harder for the Federal government to meet its obligations.

We are, in effect, asking that our children and grandchildren increase their taxes, cut benefits and raise the retirement age for millions of potential beneficiaries so that we can avoid taking responsibility.

It is just plain unfair.

Mr. PHELPS. Mr. Chairman, I am offering this amendment today on behalf of the hospitals throughout Central and Southern Illinois. Section 1404 of this bill would fix the Medicare funding problem for a few rural hospitals in Pennsylvania and New York, while the rest of the rural hospitals across America will continue to struggle including those in my district and all of downstate Illinois. It is unfortunate this area of concern is somewhat technical and complicated.

The area wage index is a scale used to adjust Medicare inpatient and outpatient payments to account for varying wage rates paid by hospitals for workers in different market areas across the country. Hospitals in areas with a higher wage index value receive higher Medicare prospective payments than hospitals in areas with a lower wage index value. An area wage index value is calculated for each metropolitan statistical area and rural area in each state. The rule that I opposed today places my hospitals at risk.

Many hospitals, especially those in rural areas, feel that their MSA does not coincide with their actual labor market area. Hospitals in metropolitan areas can afford to offer higher wages directly competing with rural hospitals for health care workers. Hospitals with a low wage index often times cannot afford to pay for the necessary labor in order to ensure quality care for their patients. However, Medicare law does allow hospitals to be reclassified from one MSA to another.

I support Mr. BALDACCI'S amendment to strike Section 1404 of this bill, however, since that is not an option I feel that it is only fair for counties in rural Central and Southern Illinois to receive the same reclassification opportunity as those counties in New York and Pennsylvania. It is absolutely unacceptable to give preferential treatment to a few hospitals without considering the needs of all rural hospitals across America.

I do not have a problem with hospitals receiving a higher base payment rate. However, I do have a problem with this issue being stuck in this appropriations bill in this unfair manner. We need to look out for all of our citizens best interests, not just the interests of a select few.

Mr. Chairman, I know this is going to be ruled out of order. I am very disappointed in the outlandish process today. It reminds me of the Executive Sessions back door Open Meeting Act.

My father of 81 years of age is just recovering from a heart attack. If it were not for a small hospital in my home town, he possibly would not still be with us tonight. We need help just like any other place in the nation—urban or otherwise.

Ms. LOFGREN. Mr. Chairman, remember when Republicans told us we had so much money in the treasury that we would run out of debt to redeem? When their majority leader was worried about a surplus of the surplus? And when our President told us there was plenty of money—enough to protect our country, leave Social Security untouched and still give a huge tax break to top income earners?

It wasn't very long ago that we heard such things, but that isn't what we face now.

We have a war, we have a recession and we have a tax cut. We need to pay for the war, work our way through the recession and take another look at the tax cut. It's just crazy to continue along as if nothing has happened with the budgeted tax cuts for top income earners that were adopted on the premise that we would have surpluses. We need to get together and take another stab at that plan-now that we know the surpluses are gone—to see whether we can manage all three: war, recession and tax cut. One thing we know is that we have to pay for the war efforts.

Where I come from we have a saying: When you find yourself in a hole, the first thing to do is stop digging.

I think this bill may be an attempt to use the war as cover: to pass a provision to allow the federal government to borrow billions of dollars from the Social Security trust fund. This is necessary not because of the war, but because of the earlier tax cuts. Where I come from most people tell me that they don't think it makes sense to borrow money from Social Security to fund that tax cut.

The Center on Budget and Policy Priorities has conducted an analysis. What they found is this: the period for measuring solvency in the Social Security system is 75 years. Over that period the projected revenue loss for the tax cut will be $5 trillion larger than the entire Social Security short-fall.

That, in the end, is why the debt ceiling needs to be raised and why, I believe, Republicans who said so recently "not to worry" don't want to have a recorded vote to borrow money.

America must be militarily strong to face the military challenge. Yet we must also acknowledge we cannot be militarily strong if we allow ourselves to become economically weak.

The people who send us here expect us to be honest with them, in times of war and peace but especially in war. My Democratic colleagues and I are insisting that we level with the American people and we'll continue to oppose this effort to drive America back into deficit spending and diverting the Social Security trust fund.

I've heard some of the older members in the Republican party defend their raid by saying that Democrats did it when they were in charge. Well, I have served in this House since 1995 and have only served in the minority. I served for 14 years in local government where our budgets had to balance each year. When I got here, we agreed—both Democrats and Republicans—that we would balance the budget and create a Social Security "lock box". That's been approved many times by nearly unanimous votes. It is pathetic to hear now that Republicans want to reject that pact we made with each other for the benefit of our country.

Yes, we are in a hole. We will need to raise the debt ceiling until we figure out how to stop digging, perhaps by freezing taxes. I think we should raise the ceiling for 60 days. That would give us time to meet—and get a plan to stop digging the hole. Let's vote the money for the war effort that both Democrats and Republicans supported in the Appropriations Committee, take out the riders that deal with things that have nothing to do with the war and have a separate vote to raise the debt ceiling 60 days. Let's take those 60 days, have a budget summit and get our fiscal act together.

Fighting the war and supporting our troops is something we all agree on. I would hope that we could also agreed that it doesn't make a whole lot of sense to borrow money from Social Security to fund a tax break for the most affluent—a reverse Robin Hood move that takes from the least wealthy to give to the most wealthy.

We need to fund the war, but we don't need to wipe out Social Security to do it. And let's remember that our soldiers and sailors have parents and grandparents too—people who need to count on Social Security being there in their old age.

Ms. DELAURO. Mr. Chairman, last night the Rules Committee amended Section 1404 of this bill to reclassify the location of hospitals for purposes of Medicare Reimbursements. But the Republican Leadership has crafted a rule that allows only certain counties in Pennsylvania and New York to receive adequate reimbursement in this amendment.

Unfortunately the current system for determining the wage index for medicare reimbursement rates for hospitals places some hospitals at a disadvantage. These hospitals may have similar labor costs to nearby hospitals. But because of the geographic classification and the nature of the reclassification system, certain hospitals have an advantage because they receive a higher level of reimbursement for wages and salaries.

There is no question that the hospitals located in the counties mentioned in this bill deserve to be reclassified so that they can receive a fair rate of reimbursement. The inadequate reimbursement rate is one reason why we constantly hear about hospitals going broke.

However, hospitals in my district deserve the same consideration. For this reason I offer this amendment with my colleague from Connecticut, Congressman SHAYS, that would reclassify hospitals in New Haven and Fairfield Counties so that they could qualify for the wage index that is used for nearby New York Metropolitan Statistical Area.

I know there are hospitals in the Chairman's District and also in my colleague across the aisle's district that would like this same consideration. Congressman VISCLOSKY spoke earlier this evening on how hospitals in his district were not included in these selective reclassification provisions even though he had contacted the Ways and Means Committee about this very problem. In fact, there is a list of members who have hospitals that should be eligible for geographic reclassification. Every one of those members could make a valid argument as to why their hospital is the one that should be taken care of in this bill.

This language is not budget neutral language. The amendments that the Rules Committee has allowed to be included will cost tens of millions of dollars—dollars that come at the expense of other hospitals across the nation.

Accordingly to preliminary estimates by the Congressional Budget Office, the geographic reclassification of hospitals in these Pennsylvania counties will cost approximately $34 to $35 million.

The New York Hospital Association predicts the change for certain New York hospitals could cost some where in the range of $34 to $40 million.

So again I ask, why are those counties getting special treatment? Why are certain hospitals in Pennsylvania and New York going to receive help in obtaining more equitable reimbursement for their services and not those in New Haven and Bridgeport, CT?

Hospitals in my district—and in many of my colleagues' districts—need and deserve the same treatment. Mr. Chairman, we should not selectively address the reclassification issue. We need to consider this issue in a fair and comprehensive bill.

AMENDMENT TO H.R. 4775, AS REPORTED

OFFERED BY MS. DELAURO OF CONNECTICUT

Page 110, after line 20, insert the following:

TREATMENT OF A CERTAIN NEW ENGLAND COUNTY METROPOLITAN AREA FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM

SEC. . Notwithstanding any other provision of law, effective for discharges occurring on or after October 1, 2002, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) to hospitals located in the New Haven-Bridgeport-Stamford-Waterbury-Danbury, Connecticut New England County Metropolitan Area, such hospitals are deemed to be located in the New York, New York, Metropolitan Statistical Area.

Mrs. CAPPS. Mr. Chairman, I want to state once again what the controversy engaging us is about. From this member's perspective—it is not whether or not we should pass the Emergency Supplemental bill to help fund the war on terrorism. There is no debate about that; we all agree that we need to get this emergency money to the President to support our troops and beef up homeland security.

Each Member of this House wants to ensure that our men and women in uniform have all the tools and resources they need to win the war against global terrorism. If the debate were simply about whether to provide those resources, we would pass the bill rather quickly.

What is at issue here are the little—and the not so little—provisions attached to this bill.

First and foremost is the majority party's attempt to slip a $750 billion increase in the National Debt through the House with no debate, no vote. I just can't go along with that.

Earlier today my colleague from Utah, JIM MATHESON, made a speech on the floor that particularly struck me. He said that a major problem with this clandestine move to rise the National Debt was the lack of "a plan" on how to regain some fiscal responsibility around this place. I couldn't agree more.

We have to get our fiscal house in order here in Washington. We have to have a plan. But the only plan I see is "Let's keep borrowing against our children's future."

We all come here representing different areas of the country. Often that leads us to having different priorities. But our job here is to find common ground to best represent the country as a whole. That requires that we work together—in a bipartisan way—to craft a fiscally disciplined budget for our country, just as a responsible family, or business does. It means making choices and prioritizing. It means being straight with the American people about what we can afford and what we can't.

I stand here as a Democrat who votes for the tax cut last year. I supported the effort to put more money back into people's pockets, to end the burden of the estate tax. But by making this choice, I knew that this would mean making other tough choices. Because you can't have everything.

So, for example, even though I represent a rural district, I voted against the $200 billion

Farm Bill. Among other problems, I believed it cost too much. Now, some of my colleagues may disagree with both votes. They may have wanted more farm spending or less tax reduction. But the issue for the House as a whole is whether or not we have a plan for balancing these competing priorities. Do we have a schedule to bring back some fiscal sanity? Or are we just going to return to the old ways of endless borrowing against our children's future? Judging by what the majority wants to do with this debt ceiling increase—no plan, just keep borrowing—I would guess it is the latter. Mr. Chairman, that's just wrong.

If we are going to put the American people in debt by up to $750 billion let's be straight about it. Let's tell them what we are doing and why. Let's have a vote on it. Let's be held responsible for the choices we make. Let's not hide behind legislative trickery to cover our tracks.

I am also concerned by another provision slipped into the rule. It will provide a band-aid to a few hospitals in Pennsylvania and upstate New York—without any sort of hearings or Committee consideration. And how are we doing this? We are cutting funds to hospitals across the Nation.

Mr. Chairman, seniors in my district in California are clamoring for help. They are seeing their health care system dissolve before their eyes. And this Congress is using band aids to stop hemorrhaging in a couple of districts for political reasons. You don't have to be a nurse to see that that won't work.

In my district there is a health care crisis partly caused by Medicare. Many doctors in communities are refusing to see new patients and choosing early retirement because their Medicare rates have been cut. Medicare HMOs are cutting benefits, increasing cost sharing for seniors, and pulling out altogether because the Medicare Choice rates are still stagnant. Long Term Care facilities are already struggling to make ends meet and to provide quality care to our parents, grandparents, and great grandparents. And now they are facing a 17% cut in their funds from Medicare.

Clinics and other Medicaid providers are facing terrible cuts because many States can no longer afford to support them. And hospitals in my district are flirting with bankruptcy and disaster because Medicare is scheduled to cut their funds, they cannot find doctors, and the Medicare HMOs cannot, or will not, pay them enough.

Just today, the largest clinic in Santa Maria, California—Sansum Clinic—announced it would be closing its doors this summer. This closure will affect thousands of Santa Marians and have a devastating effect on health care delivery in the area. And to top this all off seniors still do not have prescription drug coverage.

This Congress needs to address the crisis in health care—and not just in the two counties that the House leadership wants to favor.

I would urge the House leadership to pull this bill and bring down the emergency supplemental that the Committee reported. Let's support our troops and leave the legislative maneuvering for another day.

Mr. HONDA. Mr. Chairman, Thomas Jefferson once said: "The whole art of government consists of being honest." I've come here to speak today about transparency in government.

The Republican leadership is attempting to increase the amount the Federal Government can borrow—not through a direct, democratic vote—but by quietly slipping it into the Supplemental Appropriations bill. They're not specifying how much they want, they're not telling us how they plan to spend it, and most importantly, they're not telling us how they plan to pay it back.

Why is telling the truth such a terrible thing to the Republicans? Why is the Republican majority afraid of being open and honest with the American people? I hope it's not about getting elections because this is about being fiscally responsible.

Every Member in this body knows that an increase in the debt limit has a monumental impact on our economy. However, under this Republican procedure, there is no chance to debate or to offer alternatives to one of the most important decisions made by this Congress.

The state of the economy affects the lives of all American families and businesses, not just today, but especially in the future as Baby Boomers begin to retire. We are in danger of placing an unnecessary burden on present and future generations.

The Federal Government is in a deficit, and under a Republican leadership, a $4 trillion surplus has disappeared in one year—the largest fiscal reversal in our Nation's history.

Before approving a substantial increase in our borrowing authority we must review our long-term budget policies.

As elected officials charged with the public trust we must not act without a comprehensive plan. Just as we are clear with the goals of the supplemental appropriations bill, we should also be clear with the specific and transparent action on raising the debt limit. It should be a separate and distinct action.

I've listened to a majority of this debate and all the Republicans continue to say is "Where's your budget?" I sit on the budget committee. I participated in those discussions. And I'm here asking, Where is "your" budget? Where is your plan to restore us to balanced spending? Where is your plan to protect social security and Medicare? And where is your plan to protect the welfare of our children and grandchildren?

In light of the dramatic reversal in our Nation's fiscal condition, spurred in no small part by a reckless Republican tax cut, we should not, as the Republicans are proposing today, blindly pile debt onto future generations.

There is no doubt that this bill contains what we need to fight terrorism. We all agree that some of this spending is necessary. But let's pay for this war on terrorism without attaching extraneous provisions. Never forget that undue patriotism is the last refuge of a scoundrel. Waving the flag for the war on terrorism should not be an excuse to cover mortgaging our future.

Supplemental appropriations bills are designed to be targeted spending in emergencies, not wish lists for proposals that would otherwise never stand the rigors of an open process.

Mr. Chairman, I stand on the floor today in full support of our troops fighting terrorism here and abroad. However, we can be strong militarily without becoming weak economically. We must take care of our people at home. Social Security must be protected, and Medicare for our seniors must be preserved.

It's simple math: The GOP tax cut + increase of the debt limit without a plan = The 1–2 punch to bring us back to an era of Reaganomics and deficit spending.

I heard that we are using the argument on Social Security and prescription drugs to scare seniors. I say we are not scaring seniors. I say that what the Republican want to do with our budget is scary. We're just telling the American people they should be scared straight by the tactics of the Republican leadership.

In Summary: It's time for the House Republicans to be straightforward with the American people. I support an emergency supplemental bill, but we should not use it to bury provisions that would otherwise not see the light of day.

We need transparency within government and an honest and open process.

We need to practice fiscal responsibility.

We must ensure our national security, but we cannot forget our domestic responsibility.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today to decry Republican efforts to use parliamentary gimmickry to sneak through a way to raise our Nation's debt ceiling.

We all know that the only reason that we are even discussing this increase to the Nation's debt is that the Republican economic plan has failed us. So now, the Republicans are refusing to face the music about the consequences of their trillion-dollar tax cut for the wealthy.

The Majority doesn't seem to want to be held accountable—so they are trying to bury this debt increase in our Nation's military supplemental spending bill.

In other words, the Majority wants to run up this Nation's debt to even greater heights without an open debate, and without an up-and-down vote on this issue. Mr. Chairman, this is an outrage!

Now I can't say that I blame my Republican colleagues for wanting to avoid this issue. In January 2001, the Congressional Budget Office was projecting that our Nation's debt ceiling of $5.95 trillion would last for the next six years or more.

Unfortunately, the Republican's economic plan—and its tax cut for the wealthy—put us right back in an era of deficits. So here we are, forced to borrow money to make our Nation's ends meet, and forced to raise the Nation's debt limit again.

However, since my colleagues in the Republican party are trying to avoid discussing what increasing the debt limit will actually mean for America, I'm here to point out the consequences that this vote will have on our Nation's Social Security program.

We have already squandered all of our surpluses, which means that all of the funds from this debt limit increase will come directly from the Social Security and Medicare trust funds.

The future of our Nation's most successful social program is in the balance, and we must let the American people know that the Republican leadership has put forth plans that could jeopardize the very system that so many Americans rely on.

We all know that Social Security is a critical safety net for our Nation's seniors. In my home state of Texas, one out of every ten residents depends on Social Security to provide vital income for themselves and their families. Nationwide, two-thirds of our seniors—women and men—count Social Security benefits as the majority of their income.

We all know that it is women who have the greatest benefit from Social Security. We generally live longer, make less, and have smaller pensions than men do. These benefits are particularly important to women in Texas. Without these vital retirement benefits, 564,000 women in the Lone Star State would fall below the poverty line.

For African American and Hispanic women especially, this program is more than just retirement insurance. Women of color disproportionately rely on this system for its disability and widow benefits. Social Security is also a critical safety net that protects African American children.

For all these reasons, I want to make sure that everyone knows just how much is at stake for our community when we talk about keeping Social Security strong.

Right now, there are proposals before the Congress to alter the structure of Social Security. Yet, no one in the Republican leadership seems to be willing to talk about these plans. Sound familiar? No one on the other side of the aisle wants to talk about raising our Nation's debt, either.

Well, we Democrats are not going to let Republicans keep our Nation in the dark about this. We know that we must protect and strengthen Social Security. We know that America can be strong militarily without becoming weak economically. And we know that the American public deserves open debate on the financial future of our Nation.

Mr. HOLDEN. Mr. Chairman, my amendment would add Schuylkill and Northumberland Counties to the list of six Pennsylvania counties in section 1404 that were arbitrarily moved to Newberg, NY–PA MSA according to a self-enacting provision in the rule passed yesterday.

Section 1404 of this bill directs the Medicare Geographic Classification Review Board to deem certain counties in Northeastern Pennsylvania to be located in a more advantageous Metropolitan Statistical Area for the purposes of computing reimbursement under the Medicare program.

The two counties in my district are adjacent to the six counties listed in Section 1404 and find themselves in similar economic circumstances. My amendment would simply move the counties in my Congressional District to a new MSA along with the six counties already in the bill.

Mr. Chairman, if my amendment has the opportunity to be voted on, I am confident it will pass, based on the success of the amendment adopted earlier today in the rule.

I urge its adoption.

Mr. BALDACCI. Mr. Chairman, I rise to state my opposition to Section 1404 of this bill. While I had considered offering an amendment to strike this provision, I recognize that such an amendment would be out of order. Instead, I want to take this opportunity to state my deep concern over the effects that this measure will have, with the hope that this situation can be improved in the remainder of the legislative process.

Mr. Chairman, this provision would assist a mere handful of hospitals in a few geographic areas, at the expense of every other hospital in the country. Mr. Speaker, we cannot afford to drain funding from any of our nation's hospitals, especially as we debate a bill that is meant to strengthen our ability to respond to medical emergencies that could strike anywhere across the nation.

Mr. Chairman, hospitals in my State of Maine cannot afford any further reimbursement cuts, no matter how small. My state already has the 5th-lowest Medicare reimbursement rate in the country. Our hospitals are operating on razor-thin margins. In a state as geographically large as Maine, we already struggle with access to medical services. Further cuts will only exacerbate the problem.

This provision is a clear case of robbing Peter to pay Paul. In fact, it's even worse because there are just a few select Pauls, and a national full of Peters. Why should the vast majority of Members tell their seniors that their access to care may be jeopardized by a gift to a few select hospitals somewhere else? How can we effectively fight AIDS and infectious diseases through increased spending in this bill, when at the same time we weaken our hospitals? What sense does it make to give money to speed our first response to attacks, while at the same time taking funds from the hospitals who would be on the front line?

Mr. Chairman, I know all too well that the geographic adjustment system for Medicare payment rates needs reform. My State of Maine is among the most egregiously affected by the current system, and I would be happy to work with any of my colleagues who wish to seek reform to make reimbursement rates more equitable. I strongly support improved reimbursement for all our nation's hospitals. However, this provision in this bill only benefits a select few facilities, and will detract from the ability of all others to meet their obligations to Medicare beneficiaries.

Section 1404 is unfair, it's unjust, and it's just plain bad policy. It certainly does not belong in an Emergency Supplemental. Since we cannot remove this provision today, I am hopeful that we can fix the problem in conference. This bill funds vital areas like defense, security and health, and the final bill should not be marred by this destructive measure.

Ms. ROYBAL-ALLARD. Mr. Chairman, I do not in any way question the patriotism of my Republican colleagues. Nor should they question mine. And I most certainly have the greatest respect for Chairman YOUNG who worked with the minority and reported out of committee a bipartisan bill that provides needed funding to support our military and our Nation's fight against terrorism.

It is for this reason that I am absolutely baffled that my Republican colleagues are allowing their leadership to muddy up this bill so critical to the safety of our troops and our Nation's security.

It is unconscionable that the Republican leadership has made it necessary to delay passage of this bill because of their addition of ill-conceived and irresponsible provisions that have nothing to do with supporting our troops or defending our country's security.

I therefore implore my Republican colleagues to insist that the national interests of this country are put before the political interests of their leadership.

Help us strip the bill of this underhanded attempt to burden America's taxpayers and increase the national debt limit by 750 billion dollars . . . which in effect is a 750 billion dollar overdraft of our Nation's checking account.

What makes the actions of the Republican leadership even worse is that we are already in deficit due to the earlier irresponsible economic policies of the majority.

As a result, what the Republican leadership is doing tonight, under the guise of national security, will come at the unnecessary expense of our children's future and the destabilization of the social security and medicare trust funds.

Many of my Republican colleagues have come to the floor and challenged our patriotism for questioning and debating the extraneous additions to this bill.

Such criticism is misplaced and quite offensive.

In fact, it is the Republican leadership that is turning their backs on our military by making a sham of the very democracies and freedoms our troops are fighting for and sacrificing their lives to protect.

Mr. Speaker, yesterday my respected colleague, Chairman YOUNG, stated that this wartime supplemental is a must-pass bill for the security of our troops and our Nation.

I could not agree more.

Therefore I urge my Republican colleagues to put a stop to this ill-conceived and divisive strategy to raise the debt limit and to do the right thing by allowing us to pass a national security bill that Democrats, Republicans, the President and the American people can proudly support.

Mr. REYES. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, as a Member of the House Armed Services Committee, the Intelligence Committee, and the Veterans' Affairs Committee, as a veteran, as a Democrat, as a citizen of this nation, I strongly support the funding in this bill for fighting the war against terrorism and for rebuilding New York. I strongly support the funding in this bill to secure our borders. We all support these provisions. I applaud the Appropriations Committee for putting together a bill that we can all vote for and send to the President.

The Republican leadership decided to take a good bill and play politics. The Republican leadership decided to take a bill that is designed to fight a war, to keep our soldiers safe, to secure our ports-of-entry, and decided to add provisions that they didn't want to deal with and debate on their own merits.

The Republican leadership doesn't want the American people to know that they are seeking to raise the debt limit, to add $750 billion to our nation's credit card, without having a single member of this body vote on raising the debt limit. They don't want the American people to know that they need to raise this debt limit in part because of their fiscally irresponsible tax cuts that mainly benefitted the wealthiest in the country and ignored the needs of the working class.

If we are going to raise the debt limit by $750 billion, we owe it to our constituents to let them know what we are doing and to have an honest and full debate on this floor. Let's stand here and debate the reasons we need to raise the debt limit. If we need to raise this debt limit because we are at war, as the Republicans say, let's talk about it and get all the facts out. I would welcome the opportunity to talk about the fiscal policy of the Republican party that has put us in this situation. Let's confront this issue instead of trying to sneak it into a bipartisan emergency supplemental appropriations bill that we all support.

Last night, the Speaker of the House said that if we voted against this bill, we would be "voting against our military" and we would be "voting against those people in New York." I say to the Speaker and to my friends on the other side of the aisle that you are the ones who made this "war-time" supplemental political. You are the ones politicizing this issue. You should be ashamed of your actions to try and fool the American people.

I am about to depart on a CODEL with a number of my colleagues to visit our troops in Korea and Uzbekistan. I have visited troops in Bosnia, in Germany, in Turkey, and in Afghanistan. I participate in these CODELs so that I will never lose sight of what I am doing in Congress and what those brave young men and women are doing for us each day. This debate, these actions by the Republican leadership, make it clear that too many people in this body have lost sight of what we are supposed to do here. This bill should be about homeland defense, about national security, about taking care of our troops who are spilling their blood for us. Instead, this bill has become a political mess because of the action of the Republican leadership. They should be ashamed.

Mr. BACA. Mr. Chairman, I move to strike the last word. I'm a proud American. We stand together in defense of our nation. I come to the floor today in full support of our troops fighting terrorism here and abroad. House Democrats are fully committed to winning the war on terrorism and once again making America safe from harm.

Unfortunately, House Republicans are using the war to pass a dangerous and cynical provision that allows the Federal Government to break its own spending limit and take hundreds of billions of dollars from the Social Security Trust Fund.

The war is not what we are arguing about today. What we object to is the effort to use this supplemental spending bill to increase the national debt and hide that increase with gimmicks and deception.

In short, Republicans spent all their money before they paid their bills. Would you write a check before you put money in the bank. The Republican budget used up 100 percent of the projected surplus. It left no margin for error, and put us on a course to run up our debt.

Now the Republicans are trying to increase the debt without any debate or vote. Most importantly, the increased debt would be paid for from Social Security trust fund. Every dollar in additional debt incurred is another dollar taken away from Social Security and Medicare.

How is this increase in debt going to affect seniors, children, and other Americans who depend on us to protect them. This is like taking your families hard earned money to a gambling facility and hoping you come away with enough to pay for your future.

Our friends on the other side of the aisle and the president need to understand that we can defeat terrorism without destroying Social Security. I am staunchly opposed to the Republicans' plan to raid social security to pay for other programs that they didn't consider when they passed their tax cut for corporations and the wealthy.

Members on the other side were very willing to stand up and take credit when they passed the tax cut bill that put us in this mess. They should be willing to stand up and be counted now that it has come time to pay the bills by raising the debt limit.

I would like to see four things happen: First, I want a responsible, honest, and bipartisan budget; second, I want to protect and strengthen Social Security; I want to ensure that we meet our obligations today so that our children are not burdened with debt, and; I want a budget summit called so that we can begin to fix this fiscal nightmare that we find ourselves in.

Congress must work with the Administration to put the fiscal house back together again. If American families ran their finances the way the Republicans have run the nations, they'd be living in the dark and taking showers in the rain.

America can be strong militarily without becoming weak economically. Let's work toward achieving that goal.

Mr. Chairman, I yield back the balance of my time.

Mr. MALONEY of Connecticut. Mr. Chairman, this supplemental appropriations bill contains funds urgently needed by our Armed Services to fight the war on terrorism. I support this bill because I believe that we must provide these much needed resources to our armed services as promptly as possible. However, I take this opportunity to address two important issues that should have further debate, and on which the House should vote separately.

A year ago, budget projections were forecasting huge surpluses for many years to come. Today, the federal budget is in deficit, and now the majority wants to borrow more money without having a long-term plan to get us out of the deficit. Whether you think we should raise the debt limit or not, we should at the very least have a long-term budget plan to eradicate the deficit. Without a plan, the majority seeks to finance the deficit by raiding the Social Security and Medicare Trust Funds, which places these funds at long-term great peril, and creates a burden unfairly imposed upon our children and grandchildren.

It is especially disappointing that the House did not have any opportunity to have an up-or-down vote on raising the debt limit. Instead, parliamentary tricks were used to insert the provision in this bill. It is my hope that the Senate will not let this type of gimmickry stand. Both the House and Senate should vote directly on whether or not to raise the debt limit.

There is a second objectionable provision in this bill: it contains language that dramatically weakens the Endangered Species Act. Section 705 exempts the Department of Defense from complying with the Endangered Species Act's requirements that off-base impacts of proposed DoD decisions be considered. This language exempts DoD actions related to off-base water consumption that threaten imperiled species or their habitats. During debate on the 2003 Department of Defense Authorization bill, I objected to similar environmental attacks in Committee and joined Congressman RAHALL in offering an amendment to strike these exemptions for debate on the floor. A blanket environmental legislative exemption to the Department of Defense is not needed. The Secretary of Defense already has the ability to waive provisions of the Endangered Species Act for national security purposes under section 7 of the Endangered Species Act.

Mr. Chairman, while I vigorously support our Armed Services, I reluctantly support this bill and hope that Senate will act quickly to both provide our troops necessary resources to complete their mission, and correct the clear deficiencies in the legislation before us today.

Ms. KILPATRICK. Mr. Chairman, I come to the floor today to voice my support for our war against terrorism here and abroad. However, I stand here today to also voice my strong concerns for our future economic outlook and the outlook for the Social Security Trust Fund.

We have been talking about raising the debt limit to $750 billion that puts us back on track to deficit spending. Instead of debating an honest and clean war-time supplemental bill, we have a disingenuous rule that extends into far reaching areas that poses to raise our debt ceiling level. What is more worrisome is where this money will be coming from—the Social Security Trust Fund.

In order to pay for other programs, the Republican path will force us to raid the Social Security Trust Fund. This presents a bleak outlook for the future of Social Security.

The movement of funds out of the Social Security Trust Fund will have a negative impact on future beneficiaries—specifically women. Women depend disproportionately on Social Security for several key reasons.

Women traditionally have been the caretakers of our families, where many leave their jobs to take care of their children or other family members. Women live longer and earn less than their male counterparts (73 cents to the dollar) and typically are more likely to work in lower-wage service-sector jobs, where retirement planning is not as common. For these reasons, a woman's earning over her lifetime will be significantly less—14 years of less earning in comparison to their male counterparts.

For these reasons, women depend heavily on Social Security benefits. If we drain the Trust Fund of its resources, beneficiaries, and women in particular, will be hard hit. It is obvious that ensuring that the Social Security Trust Fund is strong for our future is essential, especially for women.

This issue is of crucial importance for minority women for the reasons already mentioned, but their dependence is even greater. Women of color have a huge stake in seeing that Social Security is not burdened, as they rely even more heavily on Social Security for their retirement income than do whites of either gender or men of color.

African-American women and Hispanic women tend to have even lower lifetime earnings than other cultural and gender groups, and also have long life spans on average. They tend to work in lower-wage jobs that don't offer retirement or pension plans.

Moreover, they draw disproportionately on Social Security benefits for disabled workers and for families of workers who become disabled or die prematurely. About one in five African-American and Hispanic beneficiaries are under the age of 55, compared to only one in ten whites. African-American women in particularly rely greatly on these non-retirement benefits because they have a higher rate of disability than whites of either gender and they and their families often survive deceased husbands.

One in five African-American married couples rely on Social Security for all of their income in retirement. For 80 percent of nonmarried elderly African-American and Hispanic women, Social Security provides over half of their income in retirement, and over half of older African-American and Hispanic widows depend on Social Security for 90 percent of their retirement income. These statistics ring loudly.

The security of Social Security benefits also extends to children. 23 percent of the children who receive the survivor's benefit are African-American children. In fact, African American children are almost four times more likely to be lifted out of poverty by Social Security than are white children. This is also a children's issue.

Instead of raiding the Social Security Trust Fund, we need to work together to ensure that it is strengthened and not weakened. We need to ensure that each and every dollar in the Social Security Trust Fund is spent on Social Security. We cannot smash the lockbox and raid it blindfolded without weighing the consequences for our future.

Mr. KNOLLENBERG. Mr. Chairman, following the terrorist attacks of September 11th, we face new challenges throughout the world. While we work around the clock to ensure our nation's security, we must also work to ensure that the fundamental principles of democracy, human rights and justice are upheld.

I would like to focus for a moment on the South Caucasus. As my colleagues know, securing open borders and ensuring regional cooperation in the South Caucasus have become increasingly important U.S. policy goals. Achieving these goals is not only critical to the United States and the global war against terrorism, but also for the countries in the region.

As a member of the House Appropriations Subcommittee on Foreign Operations, I am keenly aware of the many challenges facing these countries and the need for open borders, regional stability and peace. Given Turkey's ongoing blockade of Armenia, I welcomed President Bush's April 24th Armenian Genocide commemoration statement whereby he called on Turkey to restore economic, political, and cultural links with Armenia. Once this happens, U.S. legislation such as the Humanitarian Aid Corridor Act will no longer be necessary. As a result of the economic assistance provided to Turkey in this supplemental bill and Turkey's blockade of Armenia, Turkey will be subject to the requirements of the Corridor Act. As many know, the Corridor Act prohibits U.S. economic assistance to any country that prohibits or restricts the transfer or delivery of U.S. humanitarian assistance to another country.

In the South Caucasus, Turkey's blockade of Armenia restricts the delivery of humanitarian assistance to Armenia. Unless President Bush waives the requirements of the Humanitarian Aid Corridor Act, Turkey will not be able to receive the economic assistance provided in this bill.

Therefore, I encourage Turkey to normalize relations with Armenia and urge President Bush to carefully review the waiver of the Humanitarian Aid Corridor Act.

Ms. SLAUGHTER. Mr. Chairman, I rise today to share my concerns about the effect that the supplemental spending bill we debate here today will have on Social Security beneficiaries, and particularly on the women of this country who depend on Social Security for their livelihood.

Without question, this supplemental spending bill is very important, and includes vital funding for the war on terrorism, homeland security and much-needed aid for my home state of New York. However, I am concerned that these priorities are being paid for with the Social Security benefits which are of the utmost importance to countless Americans. The retirement security of both men and women rests on the decisions that Congress must make regarding this vital program.

Women are especially dependent on Social Security. Currently, over 60% of all Social Security beneficiaries are women. Among beneficiaries aged 85 or older, 75% are women. And most of these women rely on Social Security for almost 90% of their income. Unfortunately, women often have less pension income and personal savings than men. Social Security provides women, who live longer and make less money than men, with a secure source of retirement income.

Social Security has allowed generations of women to live with independence and dignity. No plan for increasing defense spending or any other important priority should simultaneously threaten the livelihood of women retirees who, without Social Security would have nowhere else to turn. I urge my colleagues to think carefully about the spending priorities of this Congress, and to preserve Social Security for current beneficiaries and future generations.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise in strong opposition to the supplemental bill under consideration before the House today. My opposition is predicated on the fact that through this bill we are raiding the Social Security System.

The path of deficit spending that this bill maps out will do irreparable harm to current and future retirees who rely on, or will rely on Social Security for retirement income.

I am particularly concerned about the plight of women who rely on Social Security. Last year the President and the House majority leadership promised that every dollar of the Social Security and Medicare surpluses would be saved for Social Security and Medicare. Now, those commitments are being cast aside like useless counterfeit money. Let's examine who will suffer and how they will suffer.

The facts of the matter are: Women constitute the majority of beneficiaries, approximately 60 percent of the recipients over the age of 65, and roughly 72 percent of the beneficiaries above the age of 85 are women. Furthermore, women rely disproportionately on Social Security benefits.

27 percent of women over the age of 65 rely on Social Security for 90 percent of their income.

Among Elderly widows, Social Security provides nearly 75 percent of their income.

The current strategy to raid the Social Security and Medicare lock boxes will spend 93 percent of the Social Security surplus over the next five years! The casualties from this wrong-headed policy will be women and minorities.

Women of this House are resolute in our collective refusal not to be victimized by a supplemental bill that is short sighted, and which will hasten the insolvency of Social Security. Clearly, Social Security is projected to cost more in the future largely because the number of Americans (especially women) over age 65 will grow faster than the number of workers. We must prepare for this eventuality.

Therefore, I call upon my colleagues to stand firm and resist efforts to raid America's trust, our Social Security and Medicare System. We must staunchly defend against those who propose to loot the system and bankrupt it. We must preserve a sacred trust, so that widows and elderly women will have the retirement income they have earned and which has been promised to them.

Ms. LEE. Mr. Chairman, I rise to strike the last word. I rise in opposition to this bill.

There are many provisions in this bill that I support. I strongly believe, for example, that we must increase our investment in security for nuclear facilities.

I also agree that we need funding for enhanced security at U.S. ports and improved airport protections. If those measures, truly emergency issues, were up for a separate vote, I would strongly support them.

However, on the whole I do not believe this bill, as written, serves the interests of the American people.

In its military spending, this bill continues to echo the patterns of the Cold War, including continued support for a weapons system the Secretary of Defense has very clearly stated he neither wants nor needs.

It includes dangerous provisions that dramatically expand the U.S. role in the decades-old Colombian civil war.

It provides millions of dollars to regimes with very dark human rights records with little oversight of how that money will be spent.

It prohibits any U.S. participation in or even cooperation with the International Criminal Court.

This bill is supposed to be about emergency spending, but instead it is loaded with favors to defense contractors, big oil companies, and Republican members from a few areas.

This bill includes millions for protecting a pipeline in Colombia. Since when was an Occidental Petroleum pipeline in Colombia a national emergency?

In contrast, there are real emergencies that this bill fails to address fully, including the global HIV/AIDS pandemic.

While the supplemental appropriations bill does include funding for the global AIDS, TB and Malaria crises, I am extremely disappointed that the amendment offered by my colleague, Ranking Member NITA LOWEY, which would have increased funding to $750 million for this priority, was defeated in the House Appropriations Committee.

In addition to AIDS being the greatest humanitarian crisis of our time, HIV/AIDS has been declared a threat to our national security by the CIA.

AIDS, TB and Malaria kill over 15,000 people each day. That means 5.4 million people each year.

Without stronger U.S. leadership, more and more people will die.

The U.S. can and must do more. This is an emergency. And $200 million is not enough.

While most of the money in this bill isn't paid for or off-set, the Republican leadership is continuing to look for any excuse to cut federal funding for another urgent situation, our housing programs. This bill cuts another $600 million from low-income housing programs. This continues an absurd trend of the GOP rescinding, cutting, or diverting more than $20 billion in housing money since they took over in 1994.

We face a housing crisis in my district in the Bay Area and in many other parts of the country. And yet, these unconscionable cuts continue, putting the dream of home ownership further and further out of the reach of millions.

So with its Cold War approach to defense spending, pork barrel projects, dangerous steps in Colombia and elsewhere, and shortfalls for real emergencies such as AIDS and housing, I cannot support this bill.

Ms. SLAUGHTER. Mr. Chairman, I am stunned that this leadership can take an overwhelmingly popular and important measure, a measure that passed through Committee by voice vote, and load it with so many controversial provisions.

This measure employs procedural gimmicks that silence the voice of both Democrat and Republican alike. Whether the issue is Social Security, defense, budget, taxes, retirement—you name it—we're cut off. Amendments are blocked and debate shut down.

Today, however, this leadership has truly outdone itself. The Leadership has inserted technical language into the Supplemental bill that will allow a huge increase in the debt limit to occur without an up-or-down vote on the floor of the House of Representatives. This stealth maneuver will provide a germane hook so that Republicans can later insert a debt limit increase into the conference report.

This leadership is asking us to ignore its fiscal mismanagement of the budget and its inability to stick to the budget policies that fostered federal budget surpluses—not deficits. This rule does nothing to address the burgeoning public debt and mortgages the Social Security Trust Fund.

This leadership is simply not dealing in reality. There refusal to engage in any debate on raising the debt ceiling is just the latest in a pattern of running roughshod over the rules of the House. Just last month, this leadership gutted an adoption tax credit bill to ensure consideration of legislation making the President's tax cut permanent through this body—without having a real debate. This leadership refuses to acknowledge that making the tax cut permanent will diminish the government's financial standing by $4 trillion just as the Baby Boom retirement reaches full force, between 2013 and 2022.

BUDGET PICTURE

Let's take a step back and really look at how we got here. The deterioration of the budget outlook over the past 12 months is truly stunning. President Bush came to office with an unprecedented budgetary bounty—eight consecutive years of budget improvement yielded four years of surplus and $453 billion in repayment of publicly held debt.

No increase in the debt ceiling has been needed since 1997 and, last year, the Administration predicted that we would not need a debt limit increase until 2008, even with enactment of the President's tax cut. But, by August 2001, well before September 11th, Treasury was indicating that the debt ceiling would need to be raised next year. Thus, assertions that the debt problem is the result of September 11th or the war on terrorism simply don't wash.

Today, the ten-year $5.6 trillion surplus seems like a pipe-dream and we must adjust to a new reality—long-term deficits. The interests of the people of my district or the nation, at large, are not served by moving the goal posts, with respect to debt, and not setting forth a plan to get the budget back on track.

INTEREST RATES

I would also note that by increasing the national debt, we run the risk of raising interest rates and consequently enacting a massive tax cut on all Americans. Over the past year, time and again, the Federal Reserve has reduced short term rates. Nevertheless, long-term rates have remained high, preventing Americans from realizing savings on variable mortgages, new mortgages, auto loans, or credit card payments. Thus, the return to deficits and a growing debt has effectively denied a tax cut to millions of Americans by keeping long-term rates high.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested.

S. Con. Res. 117. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3448.

S. Con. Res. 118. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3448) "An Act to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.".

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at midnight.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–486) on the resolution (H. Res. 431) providing for further consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON FRIDAY, MAY 24, 2002

Mr. ARMEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ARMEY moves that when the House adjourns on the legislative day of Thursday, May 23, 2002 it adjourn to meet at 1:00 a.m. on Friday, May 24, 2002.

The SPEAKER pro tempore. The motion is not debatable.

The question is on the motion offered by the gentleman from Texas (Mr. ARMEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 211, nays 189, not voting 35, as follows:

[Roll No. 203]

YEAS—211

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Crane
Crenshaw
Cubin
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Lynch
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Walden
Walsh
Wamp
Watkins (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (TX)
Harman
Hastings (FL)
Hefley
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—35

Bentsen
Boehner
Bonilla
Bonior
Burton
Combest
Condit
Cox
Crowley
Culberson
Cunningham
DeFazio
Deutsch
Dooley
Doyle
Edwards
Granger
Gutierrez
Hall (OH)
Hinojosa
Hulshof
Linder
Lipinski
McIntyre
Peterson (PA)
Radanovich
Riley
Roukema
Stark
Stearns
Thompson (CA)
Thompson (MS)
Traficant
Vitter
Watts (OK)

□ 0023

Mr. POMEROY, Ms. KILPATRICK, Ms. DEGETTE, and Messrs. SNYDER, DAVIS of Illinois, TURNER, CLAY, DELAHUNT and OWENS changed their vote from "yea" to "nay."

Mr. BAKER, Mrs. JO ANN DAVIS of Virginia, and Mr. BEREUTER changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1644. An act to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on the Judiciary; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3167. An act to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 24 minutes a.m.), under its previous order, the House adjourned until today, Friday, May 24, 2002, at 1 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7037. A letter from the Administrator, Department of Transportation, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7038. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Thomas R. Wilson, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

7039. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Technical Amendments to FDIC Regulation Relating to Forms, Instructions, and Reports (RIN: 3064–AC52) received May 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7040. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Capital Treatment of Recourse, Direct Credit Substitutes and Residual Interests in Asset Sercuritizations [Docket No. 2001–68] (RIN: 1550–AB11) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7041. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule—Home Mortgage Disclosure [Regulation C; Docket No. R–1001] received May 9, 2002, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Financial Services.

7042. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—PBGC Benefit Payments (RIN: 1212–AA82) received May 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7043. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's performance report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2001, pursuant to 21 U.S.C. 379g nt.; to the Committee on Energy and Commerce.

7044. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McCall, Idaho and Pinesdale, Montana) [MM Docket No. 01–93, RM–10076] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7045. A letter from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems: Petition of City of Richardson, Texas [CC Docket No. 94–102] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7046. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (Elk City, Oklahoma and Borger, Texas) [MM Docket No. 01–134, RM–10137] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7047. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Oswego and Granby, New York) [MM Docket No. 00–169 RM–9953] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7048. A letter from the Legal Advisor to Chief, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Satellite Home Viewer Improvement Act of 1999; Broadcast Signal Carriage Issues [CS Docket No. 00–96] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7049. A letter from the Senior Legal Advisor to the Bureau Chief, MMB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Savoy, Texas) [MM Docket No. 01–149; RM–10173; RM–10175] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7050. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96–1–019; Order No. 587–N] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7051. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting a report on economic conditions in Egypt 2000 through 2001, pursuant to 22 U.S.C. 2346 note; to the Committee on International Relations.

7052. A letter from the Defense Security Cooperation Agency, Director, transmitting notice of the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the United Arab Emirates for defense articles and service estimated to cost $245 million (Transmittal No. 02–27) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7053. A letter from the Director, Office of Management, Budget and Evaluation/CFO, Department of Energy, transmitting the Department's Competitive Sourcing Studies, 2002–2003; to the Committee on Government Reform.

7054. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects [FAC 2001–05; FAR Case 2000–016 (stay)] (RIN: 9000–AJ14) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7055. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Explanation and Justification for Revised Form 5 and Schedule E of Form 3X, Regarding Reporting of Independent Expenditures—received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

7056. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV–094–FOR] received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7057. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Recreational Fishery Closure [Docket No. 001226367–0367–01; I.D. 102201A] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7058. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the First Half of 2002 [I.D. 121701E] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7059. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Fisheries Longline-Restrictions and Seasonal Area Closure, and Sea Turtle and Sea Bird Mitigation Measures [Docket No. 010511123–1123–01; I.D. 042001D] (RIN: 0648–AP24) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7060. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Request for Proposals for FY 2002—NOAA Educational Partnership Program with Minority Serving Institutions: Environmental Entrepreneurship Program [Docket No. 020325068–2068–01] (RIN: 0648–AB17) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7061. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281–0369–02; I.D. 110801D] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7062. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Transfer [Docket No. 010208032–1109–02; I.D. 110701E] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7063. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increase [Docket No. 001005281–0369–02; I.D. 011802A] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7064. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Foreign Fishing and Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2002 Specifications and Foreign Fishing Restrictions [Docket No. 011005244–2011–02; I.D. No. 092401D] (RIN: 0648–AP08) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7065. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 110601A] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7066. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reopening of Directed Fishery for Pacific Mackerel [Docket No. 000831250–0250–01; 032602D] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7067. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction

[Docket No. 001005281-0369-02; I.D. 022502C] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7068. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the IFQ Program [I.D. 021402B] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7069. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Grant Fellowships: 1) National Marine Fisheries Service—Sea Grant Joint Graduate Fellowhip Program in PopulationDynamics and Marine Resources Economics; and 2) Sea Grant—Industry Fellowship Program: Request for Applications for FY 2002 [Docket No. 990810211-1294-02] (RIN: 0648-ZA69) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7070. A letter from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Announcement of Funding Opportunity to Submit Proposals for the Coral Reef Ecosystem Studies (CRES-2002) [Docket No. 001102309-2028-02; I.D. 010802D] received May 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7071. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnunson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications; Pacific Whiting [Docket No. 020402077-2077-1; I.D. 032502A] (RIN: 0648-AP85) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7072. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 040102E] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7073. A letter from the Acting Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial performance of each of Amtrak's intercity passenger routes for the fiscal years 2001 and 2000, as calculated in accordance with Amtrak's Route Profitability System, pursuant to 45 U.S.C. 548(b) and 644(1)(B); to the Committee on Transportation and Infrastructure.

7074. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—NOAA Climate and Global Change Program, Program Announcement [Docket No. 00616180-2007-05] (RIN: 0648-ZA91) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7075. A letter from the Deputy Assistant Secretary, VETS, Department of Labor, transmitting the Department's final rule—Annual Report from Federal Contractors (RIN: 1293-AA07) received May 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7076. A letter from the Chief, Regulations Division, Department of Treasury, transmitting the Department's final rule—Delegation of Authority [T.D. ATF-477] (RIN: 1512-AC44) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7077. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disaster Relief Distributions by Charities to Victims of September 11, 2001 Terrorist Attacks (Notice 2001-78) received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7078. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2002-10) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7079. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability (Rev. Proc. 2002-13) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7080. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Split-Dollar Life Insurance Arrangements (Notice 2002-8) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7081. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Procedures for Amending Individual Retirement Arrangements (IRAs), Simplified Employee Pensions, and SIMPLE IRA plans (Rev. Proc. 2002-10) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7082. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Amendment to Section 60501 Cross-Referencing Section 5331 of Title 31 Relating to Reporting of Certain Currency Transactions by Nonfinancial Trades or Businesses Under the Bank Secrecy Act [TD-8974] (RIN: 1545-BA48) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7083. A letter from the Chief, Regulations Unit,, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue Shipping and Air Transport Industries Federal Income Tax Withholding on Compensation Paid to Nonresident Alien Crew Member by a Foreign Transportation Entity [UIL 3401.01-05] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7084. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-Out Inventories (Rev. Rul. 2002-4) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7085. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Losses Reported from Inflated Basis Assets from Lease Stripping Transactions [UIL 9226.01-00] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7086. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2002-25) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7087. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Appeals Industry Specialization Program Coordinated Issue Paper Industry: Maquiladora—received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7088. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Basis of Partner's Interest; Special Rules—received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7089. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Partial Relief from the Substantiation Requirements of Section 170(f)(8) of the Internal Revenue Code for Charitable Contributions Made After September 10, 2001, and Before January 1, 2002 (Notice 2002-25) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7090. A letter from the Secretary, Department of Agriculture, transmitting the Department's Preliminary report on Animal Disease Risk Assessment, Prevention, and Control Act of 2001; jointly to the Committees on Agriculture and Energy and Commerce.

7091. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a letter notifying Congress of the intent to obligate funds in accordance with Title II of the Foreign Operations, Export Financing and Related Programs Appropriations Acts, 2001 and 2002., pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2621. A bill to amend title 18, United States Code, with respect to consumer product protection; with an amendment (Rept. 107-485). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SPRATT (for himself, Mr. CLYBURN, Mr. DEMINT, Mr. GRAHAM, Mr. BROWN of South Carolina, and Mr. WILSON of South Carolina):

H.R. 4830. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes; to the Committee on Resources.

By Mr. TURNER (for himself, Mr. MALONEY of Connecticut, Mr. KANJORSKI, Mrs. MINK of Hawaii, Mr.

Phelps, Mr. Moore, Mr. Ross, Mr. Shows, Mr. Matheson, Mr. Carson of Oklahoma, Mr. Berry, Mr. Waxman, Mr. Doggett, Mr. Neal of Massachusetts, Mr. Pomeroy, Mr. Rodriguez, Mr. Taylor of Mississippi, Mrs. Tauscher, Mr. Boyd, Mr. Stenholm, Mr. Wu, Mr. Baird, Mr. Edwards, Mr. Green of Texas, Mr. Holden, Mr. Evans, Mr. Allen, and Mr. Boswell):

H.R. 4831. A bill to prohibit certain expatriated corporations from being eligible for the award of Federal contracts; to the Committee on Government Reform.

By Mr. ALLEN (for himself, Mr. Berry, Mr. Langevin, Mr. Brown of Ohio, Mr. Stark, Mr. Rangel, Ms. Kaptur, Mr. Baldacci, Ms. DeLauro, and Mr. Waxman):

H.R. 4832. A bill to require the Director of the Agency for Healthcare Research and Quality to conduct studies on the comparative effectiveness and cost-effectiveness of prescription drugs that account for high levels of expenditures or use by individuals eligible for Medicare or Medicaid, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ALLEN (for himself, Mr. Berry, Mr. Langevin, Mr. Brown of Ohio, Mr. Stark, Mr. Rangel, Ms. Kaptur, Mr. Baldacci, Ms. DeLauro, and Mr. Waxman):

H.R. 4833. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish authority for the imposition of civil penalties for direct-to-consumer advertisements that violate such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BALDACCI:

H.R. 4834. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement; to the Committee on Agriculture.

By Mr. CAPUANO (for himself, Mr. Delahunt, Mr. Neal of Massachusetts, Mr. Markey, and Mr. Lynch):

H.R. 4835. A bill to amend the Internal Revenue Code of 1986 to provide that the harbor maintenance tax is applied to certain ports that import cargo exceeding $100,000,000 in value per year; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 4836. A bill to amend title 38, United States Code, to establish policies for any requirement by the Department of Veterans Affairs that veterans be required to split their medications as a cost-saving measure; to the Committee on Veterans' Affairs.

By Mrs. DAVIS of California (for herself, Mr. Reyes, and Mr. Filner):

H.R. 4837. A bill to authorize the Attorney General to fully implement a program which provides for dedicated commuter lanes at land points of entry into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA:

H.R. 4838. A bill to provide that active duty members of the military be able to fully participate in Federal elections in American Samoa by providing that the office of Delegate from American Samoa to the United States House of Representatives shall be elected by a plurality of the votes cast; to the Committee on Resources.

By Mr. GRUCCI:

H.R. 4839. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employers who allow their employees to participate in volunteer firefighter training; to the Committee on Ways and Means.

By Mr. HANSEN (for himself, Mr. Pombo, and Mr. Walden of Oregon):

H.R. 4840. A bill to amend the Endangered Species Act of 1973 to ensure the use of sound science in the implementation of that Act; to the Committee on Resources.

By Mr. HINCHEY (for himself, Mr. McNulty, Mr. Walsh, Mr. Engel, Mr. Gilman, and Mr. Sanders):

H.R. 4841. A bill to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; to the Committee on Government Reform.

By Ms. HOOLEY of Oregon (for herself, Mr. Gibbons, and Mr. Baker):

H.R. 4842. A bill to amend title 10, United States Code, to terminate the requirement that disability compensation payable to a veteran by the Secretary of Veterans Affairs be reduced by the amount of any payment to that veteran under Department of Defense separation programs; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF (for himself, Mr. Pomeroy, Mr. Kennedy of Minnesota, Mr. Nussle, Mr. Tanner, Mr. Weller, Mr. Peterson of Minnesota, Mr. Lewis of Kentucky, Mr. Graves, Mrs. Emerson, Mr. Ganske, and Mr. Boswell):

H.R. 4843. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the use of biodiesel as a fuel; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself, Mr. Dicks, Mr. McDermott, Mr. Smith of Washington, Mr. Inslee, and Mr. Baird):

H.R. 4844. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; to the Committee on Resources.

By Mr. LARSEN of Washington:

H.R. 4845. A bill to amend XVIII of the Social Security Act to establish a Medicare demonstration project under which incentive payments are provided in certain areas in order to stabilize, maintain, or increase access to primary care services for individuals enrolled under part B of such title; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Oklahoma:

H.R. 4846. A bill to amend title 31, United States Code, to clarify the sources of silver for bullion coins, and for other purposes; to the Committee on Financial Services.

By Mr. REYES (for himself, Mr. Hinojosa, Mr. Ortiz, Mr. Filner, Mr. Rodriguez, and Mr. Pastor):

H.R. 4847. A bill to establish the Southwest Regional Border Authority; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas:

H.R. 4848. A bill to amend the Caribbean Basin Economic Recovery Act relating to certain import-sensitive articles; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. Conyers, Mr. Boehlert, Mr. Hall of Texas, Mr. Smith of Texas, Mr. Frank, Mrs. Morella, Mr. Meehan, Mr. Barr of Georgia, Mr. Delahunt, Mr. Gutknecht, Mr. Green of Wisconsin, Mr. Issa, and Mr. Berman):

H.R. 4849. A bill to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Washington (for himself, Mr. Larsen of Washington, Mr. Inslee, Mr. Baird, Mr. Dicks, and Mr. McDermott):

H.R. 4850. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN:

H.R. 4851. A bill to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station"; to the Committee on Government Reform.

By Mr. WELDON of Florida:

H.R. 4852. A bill to amend title 38, United States Code, to provide for the geographic allocation of funds made available to the Department of Veterans Affairs for medical care on a basis that better reflects the veterans population of different regions of the country and that accounts for significant shifts in the veterans populations in those regions, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WEXLER (for himself, Mr. Deutsch, and Mr. Foley):

H.R. 4853. A bill to provide that land which is owned by the Seminole Tribe of Florida but which is not held in trust by the United States for the Tribe may be mortgaged, leased, or transferred by the Tribe without further approval by the United States; to the Committee on Resources.

By Mr. LATHAM:

H.J. Res. 95. A joint resolution designating an official flag of the Medal of Honor and providing for presentation of that flag to each recipient of that Medal of Honor; to the Committee on Armed Services.

By Mr. KNOLLENBERG:

H. Con. Res. 409. Concurrent resolution supporting the goals and ideals of National Community Role Models Week, and for other purposes; to the Committee on Government Reform.

By Mr. HALL of Ohio (for himself, Mr. Royce, Mr. Houghton, Mr. Wolf, and Mr. Payne):

H. Con. Res. 410. Concurrent resolution supporting peace and democracy in the

Democratic Republic of the Congo, and an end to the plunder of its natural resources; to the Committee on International Relations.

By Mr. GOODLATTE (for himself, Mr. Aderholt, Mr. Hoekstra, Mr. Forbes, and Mrs. Jo Ann Davis of Virginia):

H. Con. Res. 411. Concurrent resolution recognizing the exploits of the officers and crew of the S.S. Henry Bacon, a United States Liberty ship that was sunk on February 23, 1945, in the waning days of World War II; to the Committee on Armed Services.

By Mr. STEARNS (for himself and Mr. Sam Johnson of Texas):

H. Con. Res. 412. Concurrent resolution honoring General Bernard A. Schriever, United States Air Force (retired), for his dedication and service to the United States Air Force, for his essential service in the development of the United States ballistic missile program, and for his lifetime of work to enhance the security of the United States; to the Committee on Armed Services.

By Mr. GOODLATTE (for himself, Ms. Eshoo, Ms. Dunn, Mr. Etheridge, Mr. Cannon, Mr. Smith of Washington, and Ms. Lofgren):

H. Res. 430. A resolution expressing the sense of the House of Representatives regarding the use of content labeling for Internet web sites of Members of the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

267. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4021 memorializing the President of the United States and the States Congress join with the state of Washington and other states in honoring the 200th Anniversary of the United States Military Academy at West Point in recognizing that the United States Military Academy is a living testament to the accomplishments of the United States throughout its history, and in recognizing West Point and its graduates as they move forward into the Academy's third century of service to the Nation; to the Committee on Armed Services.

268. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4017 memorializing the United States Congress to assure prompt augmentation of lead federal agencies at the borders by accepting the governors' offer of National Guard forces under state command and control pursuant to 32 U.S.C. Sec. 502(f); to the Committee on Armed Services.

269. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4025 memorializing the United States Congress through its process to reauthorize IDEA, modify the wording regarding "natural environments" to allow for parent choice for assessment and treatmentof their developmentally delayed infants and toddlers at a Neurodevelopment Center such as the seventeen outstanding Neurodevelopment Centers serving children serving children and families in Washington State; to the Committee on Education and the Workforce.

270. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial 8031 memorializing the United States Congress the Northwest congressional delegation and the Bush Administration to reauthorize REPI for an additional ten years, with such modifications as are needed to provide greater certainty of payment and, therefore, greater incentives to qualified renewable energy projects; to the Committee on Energy and Commerce.

271. Also, a memorial of the Legislature of the State of Washington, relative to Substitute House Joint Memorial No. 4026 memorializing the United States Congress to continue its worthy endeavor to designate the former Eagledale ferry landing on Bainbridge Island as a national memorial to remember the unconstitutional interment of Japanese-Americans during World War II; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to the public bills and resolutions as follows:

H.R. 179: Mr. Lynch and Mr. Hefley.

H.R. 239: Mr. Frelinghuysen.

H.R. 595: Mr. Udall of New Mexico and Mr. Bentsen.

H.R. 599: Mr. Dingell.

H.R. 600: Mr. Udall of Colorado, Mr. Chabot, and Ms. Kilpatrick.

H.R. 671: Mr. Davis of Illinois.

H.R. 699: Mr. Tiahrt.

H.R. 877: Ms. Ros-Lehtinen.

H.R. 912: Mr. Oberstar.

H.R. 938: Mr. Baldacci.

H.R. 1011: Mr. Ross and Mr. Peterson of Minnesota.

H.R. 1037: Mr. Lampson.

H.R. 1092: Mr. Carson of Oklahoma, Mr. Kildee, and Mr. Matheson.

H.R. 1109: Mr. Duncan.

H.R. 1262: Mr. McHugh.

H.R. 1296: Mr. Blagojevich.

H.R. 1324: Ms. DeLauro.

H.R. 1387: Mr. Davis of Illinois.

H.R. 1433: Mrs. Tauscher.

H.R. 1541: Mr. Payne.

H.R. 1556: Mr. Jeff Miller of Florida and Mr. Royce.

H.R. 1596: Mrs. Maloney of New York, Mr. Barr of Georgia, Mr. McInnis, Mr. Maloney of Connecticut, and Mr. Mascara.

H.R. 1598: Mr. Davis of Illinois, Mr. Lantos, and Mr. Farr of California.

H.R. 1609: Mr. Rodriguez.

H.R. 1613: Mr. Doggett.

H.R. 1642: Mr. Moore.

H.R. 1682: Ms. Baldwin.

H.R. 1701: Mr. Latham and Mr. Bonilla.

H.R. 1723: Mr. Ferguson, Mr. Menendez, Mr. Latham, and Mr. Hinojosa.

H.R. 1754: Mr. Kolbe.

H.R. 1908: Ms. Pryce of Ohio, Mr. Paul, Mr. Ney, and Mr. Lewis of Kentucky.

H.R. 1962: Mr. Pickering.

H.R. 1983: Mr. Maloney of Connecticut.

H.R. 2111: Mr. McHugh.

H.R. 2117: Mr. Quinn.

H.R. 2118: Ms. McKinney.

H.R. 2173: Ms. Schakowsky and Mr. Murtha.

H.R. 2200: Mr. Boswell.

H.R. 2219: Mr. Grucci.

H.R. 2329: Mr. Maloney of Connecticut and Mr. Dingell.

H.R. 2521: Mr. Brown of Ohio.

H.R. 2527: Mr. Sherman, Mr. Payne, Mr. Hoyer, and Mr. Bonior.

H.R. 2619: Mr. Horn.

H.R. 2621: Mr. Blumenauer and Mr. Hastings of Florida.

H.R. 2637: Mr. Costello.

H.R. 2649: Mrs. Northup, Mr. Shadegg, and Ms. Dunn.

H.R. 2807: Mr. Hayworth.

H.R. 2817: Mr. Kildee and Mr. Hayworth.

H.R. 2966: Mr. Levin and Mr. Brown of Ohio.

H.R. 2974: Mr. Thompson of California.

H.R. 3131: Mrs. Johnson of Connecticut.

H.R. 3132: Mr. Honda, Mr. Weldon of Florida, Mr. Gutierrez, and Ms. Schakowsky.

H.R. 3193: Mr. Matheson.

H.R. 3206: Mr. Ackerman.

H.R. 3250: Mr. Hayworth.

H.R. 3312: Mr. Jefferson.

H.R. 3321: Mr. Burr of North Carolina and Mr. Markey.

H.R. 3450: Mr. Ackerman.

H.R. 3469: Mr. Sanders, Mr. Udall of Colorado, Mr. Matsui, Mr. Moran of Virginia, and Mr. Levin.

H.R. 3482: Mr. Blunt.

H.R. 3512: Mr. Hayworth.

H.R. 3533: Mr. Kanjorski.

H.R. 3585: Mr. Hoeffel.

H.R. 3626: Mr. Bishop, Mr. Payne, and Mr. Grucci.

H.R. 3710: Mr. Hilleary.

H.R. 3713: Mr. Hastings of Florida.

H.R. 3726: Mr. Pickering.

H.R. 3741: Mr. Levin.

H.R. 3831: Mr. McNulty, Mr. Boyd, Mr. Cramer, Ms. McKinney, and Mr. Payne.

H.R. 3834: Mr. Olver.

H.R. 3878: Ms. Ros-Lehtinen.

H.R. 3884: Ms. Woolsey, Mr. Hastings of Florida, and Mr. Nadler.

H.R. 3897: Mr. Pallone, Mr. Maloney of Connecticut, and Mr. Carson of Oklahoma.

H.R. 3913: Mr. Davis of Illinois.

H.R. 3930: Mrs. Kelly, Mrs. Tauscher, Mr. Young of Alaska, Mr. Oberstar, Mr. Boehlert, Mr. Borski, Mr. Quinn, Mr. Rahall, Mr. Gilchrest, Mr. Lipinski, Mr. Horn, Mr. Clement, Mr. Baker, Mr. Costello, Mr. Cooksey, Mr. Menendez, Mr. Johnson of Illinois, Ms. Brown of Florida, Mr. Isakson, Mr. Barcia, Mr. LaTourette, Mr. Filner, Mr. Ehlers, Ms. Eddie Bernice Johnson of Texas, Mr. LoBiondo, Mr. Mascara, Mr. Ney, Ms. Millender-McDonald, Mr. Platts, Mr. Cummings, Mr. Ferguson, Mr. Blumenauer, Mrs. Capito, Mr. Sandlin, Mr. Calvert, Mr. Pascrell, Mr. Ose, Mr. McGovern, Mr. English, Mr. Holden, Mr. Souder, Mr. Lampson, Mr. LaHood, Mr. Baldacci, Ms. Hart, Mr. Berry, Mr. McHugh, Mr. Baird, Mr. Skeen, Ms. Berkley, Mr. Walsh, Mr. Larsen of Washington, Mrs. Emerson, Mr. Thompson of Mississippi, Mr. Sweeney, Mr. Matsui, Mr. Grucci, Mr. Frank, Mr. Gilman, Mr. Baca, Mr. Weller, and Mr. Underwood.

H.R. 3932: Mrs. Tauscher and Mr. LoBiondo.

H.R. 3961: Mr. Matheson.

H.R. 3973: Mr. Ryan of Wisconsin and Mr. Faleomavaega.

H.R. 3992: Mr. Platts, Mr. Weller, and Mr. Terry.

H.R. 4000: Mr. Wilson of South Carolina.

H.R. 4018: Mr. McNulty and Mr. Underwood.

H.R. 4025: Mr. McIntyre.

H.R. 4030: Mr. Latham.

H.R. 4058: Mr. Underwood, Mr. Reyes, and Ms. Lee.

H.R. 4066: Mr. Bentsen, Ms. Lofgren, Mr. Hinojosa, Mr. Boswell, Mr. Doggett, Mr. Weiner, and Mr. Turner, Mr. Mascara, Mr. Barrett, Mr. Boucher, Mr. Clement, Mr. Luther, Ms. McCarthy of Missouri, Mr. Peterson of Minnesota, Mr. Rahall, Mr. Spratt, Mr. Tanner, Ms. Sanchez, and Mr. Thompson of Mississippi.

H.R. 4087: Mr. Hastings of Washington.

H.R. 4152: Mr. Underwood.

H.R. 4169: Mr. Traficant.

H.R. 4187: Mrs. Morella.

H.R. 4481: Mr. Lampson, Mr. Sandlin, and Mr. Hall of Texas.

H.R. 4515: Mr. Bishop and Mr. Jeff Miller of Florida.

H.R. 4575: Mr. Dooley of California, Mr. Hastings of Florida, Mr. Maloney of Connecticut, Mrs. Napolitano, Mr. Serrano, Mr. Frank, Ms. Schakowsky, Mrs. Mink of Hawaii, Mr. Andrews, Mr. Gutierrez, Mr. Filner, Mr. Acevedo-Vilá, Ms. Ros-Lehtinen, Mr. Honda, Mr. Bonior, Ms. Solis, Mr. Pastor, and Mr. Becerra.

H.R. 4582: Mr. Hinojosa.

H.R. 4599: Mrs. Mink of Hawaii, Mr. Sanders, Ms. Kaptur, Mr. Thompson of Mississippi, and Ms. Millender-McDonald.

H.R. 4605: Mr. HILLIARD, Mr. FILNER, Ms. CARSON of Indiana, Mr. CLAY, and Mr. BARRETT.

H.R. 4611: Mr. BARRETT, Mr. DICKS, Mr. FRANK, Mr. LYNCH, Mr. SABO, Mr. WAXMAN, Mr. WEXLER, and Mr. SIMMONS.

H.R. 4620: Mr. ROHRABACHER, Mr. CANNON, Ms. HART, Mr. SCHAFFER, Mr. WATKINS, Mrs. CUBIN, Mr. WALDEN of Oregon, and Mr. YOUNG of Alaska.

H.R. 4622: Mr. CALVERT and Mr. SKEEN.

H.R. 4642: Ms. HART.

H.R. 4671: Mr. HOLT, Mr. GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BACA.

H.R. 4679: Mr. CUNNINGHAM.

H.R. 4685: Mr. PUTNAM and Mr. HOEKSTRA.

H.R. 4701: Mr. BROWN of Ohio, Mr. SHIMKUS, Mr. TERRY, Mr. STRICKLAND, Mr. HORN, Mr. JEFF MILLER of California, Mr. FORBES, Mr. BOOZMAN, Mr. AKIN, Ms. CARSON of Indiana, Mr. JEFFERSON, Mr. DUNCAN, Mr. RUSH, and Mr. UDALL of New Mexico.

H.R. 4704: Ms. ROYBAL-ALLARD and Ms. DELAURO.

H.R. 4709: Mr. HILLIARD, Mr. BROWN of Ohio, Mrs. THURMAN, Mr. BONIOR, and Mr. KILDEE.

H.R. 4720: Mr. TIBERI and Mr. HAYWORTH.

H.R. 4740: Mr. STUPAK, Mr. GUTKNECHT, Mr. RAMSTAD, Mr. PETERSON of Minnesota, Mr. MANZULLO, Mr. HOLT, Mr. JOHNSON of Illinois, Mr. PHELPS, Mr. PETRI, Ms. MCCOLLUM, Mr. EVANS, and Mr. LUTHER.

H.R. 4748: Mr. BARRETT, Mr. KILDEE, Ms. MCKINNEY, Mr. HINCHEY, and Mr. BLUMENAUER.

H.R. 4754: Mr. SANDERS and Mr. UDALL of Colorado.

H.R. 4777: Mr. BISHOP, Mr. HALL of Texas, Mr. JOHN, Mr. SCHIFF, Mr. ACKERMAN, Mr. ENGEL, Mr. CROWLEY, Mr. SHOWS, Mr. CONDIT, Ms. RIVERS, Ms. WOOLSEY, Mr. MORAN of Virginia, Mr. MATSUI, Mr. DICKS, Mr. LEWIS of Georgia, Mr. REYES, Mr. STENHOLM, Mr. PHELPS, Mrs. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. RODRIGUEZ, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. OLVER, Mrs. MALONEY of New York, and Mr. SCOTT.

H.R. 4778: Mr. MCGOVERN, Mr. ENGEL, Mr. ANDREWS, Mr. DAVIS of Illinois, and Mr. KLECZKA.

H.R. 4793: Mr. DINGELL.

H.R. 4795: Mr. BARRETT, Mr. KLECZKA, and Mr. TANCREDO.

H.R. 4798: Mr. ROSS.

H.R. 4812: Mr. BROWN of Ohio.

H.R. 4813: Mr. BROWN of Ohio.

H.R. 4814: Mr. BROWN of Ohio, Mr. HONDA, and Mr. RAHALL.

H.R. 4815: Mr. BROWN of Ohio.

H.R. 4816: Mr. BROWN of Ohio.

H.R. 4825: Ms. ROYBAL-ALLARD, Mr. FILNER, Mr. CLYBURN, Mr. MATSUI, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.J. Res. 86: Mr. TIAHRT, Mr. WELDON of Florida, and Mr. FLAKE.

H.J. Res. 92: Mr. FILNER, Mr. LATOURETTE, Ms. WATERS, and Mr. NADLER.

H. Con. Res. 23: Mr. TRAFICANT.

H. Con. Res. 60: Ms. MCCOLLUM.

H. Con. Res. 345: Mr. LEVIN.

H. Con. Res. 355: Ms. SCHAKOWSKY and Mr. WU.

H. Con. Res. 382: Mr. BONIOR.

H. Con. Res. 385: Mr. PASCRELL, Mr. BALDACCI, and Mr. NADLER.

H. Con. Res. 401: Mr. OXLEY, Mr. FROST, Mr. FOSSELLA, Mr. KILDEE, Mr. LOBIONDO, Mrs. MEEK of Florida, Mr. ENGLISH, Mr. REHBERG, and Mr. GEORGE MILLER of California.

H. Con. Res. 403: Ms. MCKINNEY and Mr. BASS.

H. Con. Res. 404: Mr. HORN, Mr. NCNULTY, Ms. WATSON, Ms. DELAURO, and Mr. FROST.

H. Con. Res. 406: Mr. RAMSTAD and Mr. HUNTER.

H. Con. Res. 407: Mr. BARRETT and Mr. PENCE.

H. Res. 394: Mr. UDALL of Colorado, Ms. MCKINNEY and Ms. ESHOO.

H. Res. 416: Mr. HALL of Texas and Mr. KNOLLENBERG.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4775

OFFERED BY: MR. BALDACCI

AMENDMENT NO. 22: In chapter 14 of title I, strike section 1404 (relating to treatment of certain counties for purposes of reimbursement under the Medicare program).

H.R. 4775

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 23: In chapter 12 of title I, in the item relating to "ELECTION ADMINISTRATION REFORM AND RELATED EXPENSES (INCLUDING TRANSFER OF FUNDS)", after the dollar amount, insert the following: "(increased by $200,000,000)".

H.R. 4775

OFFERED BY: MR. HOLDEN

AMENDMENT NO. 24: In section 1404(a)(1)(A), strike "and Columbia Counties" and insert "Columbia, Northumberland, and Schuylkill Counties".

H.R. 4775

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

TITLE III—ADDITIONAL GENERAL PROVISIONS

SEC. 3001. None of the funds appropriated in this Act may be used to prevent employees of the Department of Justice from preparing a report to the Congress on how they review and act on memoranda that are prepared by Federal Bureau of Investigation agents in district offices and headquarters and that deal with terrorist threats.

H.R. 4775

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

TITLE III—ADDITIONAL GENERAL PROVISIONS

SEC. 3001. None of the funds appropriated in this Act may be used to prevent the Department of Justice from releasing to the Congress the names of those detained pursuant to the September 11, 2001 terrorist attacks or providing an explanation to the Congress for not releasing such names.

H.R. 4775

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 27: At the end of the bill (before the short title), insert the following:

TITLE III—ADDITIONAL GENERAL PROVISIONS

SEC. 3001. None of the funds appropriated in this Act may be used to prevent the Immigration and Naturalization Service from training Border Patrol agents in avoiding racial profiling incidents at stops along the borders.

H.R. 4775

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 28: Page 50, line 7, insert the following after the colon: "*Provided further*, That none of the funds provided under the second proviso of this paragraph shall be available for the United Nations Relief and Works Agency:".

H.R. 4775

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 29: Page 138, after line 12, insert the following:

TITLE III—ADDITIONAL PROVISIONS

SEC. 3001. None of the funds made available in this Act for humanitarian and refugee assistance for the West Bank and Gaza shall be made available for the United Nations Relief and Works Agency.

EXTENSIONS OF REMARKS

OLDER AMERICANS MONTH

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. PAUL. Mr. Speaker, I am pleased to commemorate Older Americans Month by introducing two pieces of legislation to reduce taxes on senior citizens. The first bill, the Social Security Beneficiary Tax Reduction Act, repeals the 1993 tax increase on Social Security benefits. Repealing this increase on Social Security benefits is a good first step toward reducing the burden imposed by the Federal Government on senior citizens. However, imposing any tax on Social Security benefits is unfair and illogical. This is why I am also introducing the Senior Citizens Tax Elimination Act, which repeals all taxes on Social Security benefits.

Since Social Security benefits are financed with tax dollars, taxing these benefits is yet another example of "double taxation." Furthermore, "taxing" benefits paid by the government is merely an accounting trick, a "shell game" which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs, and masks the true size of the Federal deficit.

Instead of imposing ridiculous taxes on senior citizens, Congress should ensure the integrity of the Social Security trust fund by ending the practice of using trust fund monies for other programs. In order to accomplish this goal I introduced the Social Security Preservation Act (H.R. 219), which ensures that all money in the Social Security trust fund is spent solely on Social Security. At a time when Congress' inability to control spending is once again threatening the Social Security trust fund, the need for this legislation has never been greater. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Mr. Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting my Senor Citizens' Tax Elimination Act and my Social Security Beneficiary Tax Reduction Act. I also urge my colleagues to ensure that moneys from the Social Security trust fund are used solely for Social Security benefits and not wasted on frivolous government programs.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Roll Call No. 174, H.R. 3833, the Dot Kids Implementation and Efficiency Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 175, H.R. 1877, the Child Sex Crimes Wiretapping Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 176, H.R. 3375, Embassy Employee Compensation Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 177, H.R 4626, the Encouraging Work and Supporting Marriage Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 178, H. Con. Res. 405, Commemorating the Independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 179, the Lantos Amendment to H.R. 3994, the Afghanistan Freedoms Support Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 180, the Jackson-Lee Amendment to H.R. 3994, the Afghanistan Freedoms Support Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 181, the Waters Amendment to H.R. 3994, the Afghanistan Freedoms Support Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 182, H.R. 3994, the Afghanistan Freedoms Support Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 183, H.R. 4514, the Veterans' Major Medical Facilities Construction Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 184, H.R. 4015, the Jobs for Veterans Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 185, H.R. 4085, the veterans' and Survivors' Benefits Expansion Act. Had I been present I would have voted yea.

PERSONAL EXPLANATION

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Ms. HART. Mr. Speaker, on rollcall No. 184 I was unavoidably detained. Had I been present, I would have voted "yea."

TRIBUTE TO LUZ DOLLY BENAVIDES

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of Luz Dolly Benavides, owner of TransLingual LLC, in the Second Congressional District of West Virginia. Ms. Benavides has achieved the title of Minority Small Business Advocate of the Year. The West Virginia District of the United States Small Business Administration, a leader in the promotion and growth of our state, gives this award annually.

Ms. Benavides began TransLingual LLC in 1994 in the Eastern Panhandle of West Virginia. She offers translation and interpretation services, private tutoring and Spanish courses. To promote a better climate for minority persons to start or operate a business, she volunteers to teach Spanish classes—with information about Hispanic cultures—to the local banks, law enforcement and judicial personnel. Ms. Benavides embodies the values that created the American success story: self-reliance, hard work, perseverance and optimism. I commend her for her contributions to the West Virginia economy.

Successful small businesses not only serve as the backbone of the economy, they anchor communities and promote civic pride. I urge my colleagues to join me in celebrating Ms. Benavides' tremendous achievement as the West Virginia Small Business Administration's Minority Small Business Advocate of the Year.

TRIBUTE TO GROUND ZERO RESCUE, RECOVERY, AND CLEAN-UP WORKERS

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. FOSSELLA. Mr. Speaker, I rise today to recognize that the resolve of our nation was strengthened by the courage of the thousands of brave rescue and recovery workers who used their own hands to remove rubble from

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the site in order to locate those trapped and buried beneath the debris of the World Trade Center for the past eight months. These workers also inspired the American people with their extraordinary bravery and heroism, often risking their own life and limb to help find the remains of those who perished on September 11th. Many rescue and recovery workers were not just searching for a stranger but rather their lost son, daughter, aunt, uncle, brother, sister, husband, wife, mother, father, lifelong friend, or co-worker. Additionally, each of these workers was helping to clear the debris just hoping to come across any of their loved ones.

I want to thank Congresswoman MALONEY, Congressman CROWLEY, Congressman KING, Congressman SERRANO, Congressman MEEKS, Congressman OWENS, Congressman SWEENEY, Congressman TOWNS, and Congressman WEINER for cosponsoring and supporting this legislation. I also want to give special thanks to Congresswoman MALONEY for taking the time out of her busy schedule to come to the floor tonight and speak in favor of this resolution.

COMMEMORATING THE 50TH ANNIVERSARY OF THE INCORPORATION OF THE CITY OF CLUTE, TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. PAUL. Mr. Speaker, I am pleased to commemorate the 50th Anniversary of the incorporation of the City of Clute, Texas, which will be celebrated on June 2, 2002. Clute is a city of just over 10,000 citizens in Brazoria County on the coast of Texas. Clute has a very rich heritage and played an important role in the development of the proud state of Texas.

The City of Clute began as land deeded to Alexander Calvit by Stephen F. Austin when holdings were parceled out to the "Old 300," the first settlers in Texas. These settlers had to be tough as living on the Texas coastland in the early days was not for the weak or faint of heart.

Though the living was hard these early settlers contributed many things to the advancement of our state. The first milled lumber plantation house was built in Clute. Bricks used to build homes and buildings all over the coast of Texas were made from the high grade clay that was found only in Clute. That clay was used to make structures at Ft. Velasco, where in 1832, the Brazoria Militia staged the first battle for Texas Independence.

Now, many years later, Clute is still growing and achieving. Citizens raise their families in quiet and serene neighborhoods while contributing to some of the greatest chemical and industrial achievements in modern America.

The face of Clute has changed but the people are still the same brave, hardworking Texans that helped mold the Republic.

I am pleased to extend my best wishes to the people of Clute as the town celebrates its 50th birthday of incorporation and over 170 years after habitation by the original settlers of Texas. I am sure all my colleagues join me in extending congratulations and wishes for many more years of progress to the community of Clute, Texas.

INDEPENDENCE OF EAST TIMOR

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. WOLF. Mr. Speaker, I rise in support of H. Con. Res. 405, legislation commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor.

Independence for East Timor has been a long time coming. It was ruled by the Portugese for 400 years and then more recently experienced 25 years of Indonesian occupation.

Unfortunately, many East Timorese suffered during the path to independence, particularly when Indonesian military backed militias went on a murderous rampage in 1999, after the people of East Timor voted for independence.

Thousands of innocent East Timorese were killed and hundreds of thousands became refugees because of the violence carried out against the East Timorese who were only seeking freedom.

Fortunately, the East Timorese have benefitted from having solid leaders. I met many of these people when I visited East Timor in 1997—people such as Roman Catholic Bishop Belo, bishop of Dili.

Bishop Belo was awarded the Nobel Peace Prize for his invaluable work on behalf of peace and justice in East Timor. Representative TONY HALL and I nominated Bishop Belo for this award of which he so deservingly was presented several years ago.

I met with many other outstanding East Timorese volunteers, local leaders, NGO staff and religious leaders who also helped forge the way for a peaceful movement of independence. All are to be commended for their contributions that have led to East Timor's independence.

Recently elected President Jose Alexandre Gusmao also appears to be a leader who will serve his new country well.

He is emphasizing reconciliation rather than revenge for the sufferings and atrocities the people suffered at the hands of the pro-Indonesian militias in 1999.

I am hopeful that the new country of East Timor will be a reliable and worthy addition to the international community.

I want to congratulate the people of East Timor, President Gusmao, Bishop Belo, Jose Ramos Horta, and the many other East Timorese who brought their people and their nation to this historic point.

I also want to commend President Bush for his action yesterday recognizing East Timor as a nation and establishing diplomatic relations.

Lastly, I want to thank Representative SMITH for sponsoring this important legislation and for all of his work in this Congress not only on East Timor, but for human rights and religious freedom.

IN RECOGNITION OF A TRUE HERO

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. RILEY. Mr. Speaker, I rise today in recognition of a true American hero, William Arthur Wood of Opelika, Alabama.

At this very special time of the year when we honor those who have so bravely fought for our country, I want to pay special tribute to this valiant soldier who served in the Army Air Corps during World War II and was a POW for 18 months. It is difficult to imagine what he must have had to endure during this time.

Mr. Wood's great niece and her family are bringing Mr. Wood and his wife to Washington, D.C. during this Memorial Day holiday. He is now 81 years of age and totally disabled but continues to be so proud of our country and to have fought to preserve our freedoms during World War II. I salute Mr. Wood for his service to our country.

A DOCUMENTARY RECOGNIZING THE HEROIC ROLE OF TURKISH DIPLOMATS DURING WORLD WAR II

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. WEXLER. Mr. Speaker, since September 11, our newspapers and airwaves have been filled with stories about heroes and ordinary men and women who have performed courageously in times of great peril. We are night to celebrate them and to acknowledge their heroism.

On Monday, May 20, 2002, an extraordinary film was shown in the U.S. Capitol to Members of Congress and their staffers that celebrates heroes of the past. The film, "Desperate Hours," chronicles the heroic efforts of World War II Turkish diplomats who saved hundreds of Jewish people from almost certain death by providing them with the documentation and support necessary to leave Nazi-occupied Europe and enter Turkey safely.

This dramatic hour-long documentary included interviews with Turkish officials who intervened on behalf of the threatened Turkish Jewish community in Europe and those individuals that received the help of these brave diplomats. In their own words, these incredible individuals who survived Nazi persecution continue to tell a moving and uplifting tale of their struggle for freedom and the selfless acts of assistance they received from Turkish diplomats.

Mr. Speaker, it is extremely important that we acknowledge the heroes of today, However, it is equally important that we acknowledge and remember individuals like those Turkish diplomats who had the greatest respect for human life and dignity and acted as heroes during a period of great darkness. The movie "Desperate Hours" justly recognizes the heroism of these brave individuals who saved the lives of thousand of Turkish Jews.

TRIBUTE TO THE ROTARY CLUB OF BELLEVILLE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding organization, the Rotary Club of Belleville, New Jersey.

It is only fitting we recognize this organization, in this, the permanent record of the greatest freely elected body on earth, for it has a long history of caring, leadership, and commitment to its community.

Since receiving its charter from the Rotary International on April 22, 1922, the Rotary Club of Belleville has been an effective coalition of civic leaders, business professionals, and regular citizens dedicated to their neighbors.

The Club has personified its time honored mottos, "Service Above Self" and "He Profits Most Who Serves Best," by sponsoring projects to aid children, the elderly, and the poor, and by sponsoring literacy programs.

An example of their work can be seen in the "Gift of Life Program." This initiative helps children around the world by providing doctor and hospital services to less fortunate kids in need of heart operations.

A major supporter of the Rotary International's PolioPlus program, the Rotary Club of Belleville has also helped to eradicate polio in developing countries worldwide.

Put simply, the Belleville Rotary Club has made its mission the advocacy for those in need. Its members have made a difference in countless lives, with their work serving as a beacon of caring and compassion for eight decades.

On Wednesday, May 22, 2002, the Club celebrated its 80th anniversary with a wonderful concert at the Belleville Public Library and Information Center. Club members, guests, and dignitaries from the Rotary, the Township of Belleville and the State of New Jersey joined in the celebration.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to working with and recognizing the efforts of organizations like the Rotary Club of Belleville.

Mr. Speaker, I ask that you join our colleagues, the Township of Belleville, the members of the Rotary, and me in recognizing the eighty years of outstanding and invaluable service of the Rotary Club of Belleville, New Jersey.

COMMUNITY PROBLEM SOLVING TEAM OF THE QUEST PROGRAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. PAYNE. Mr. Speaker, I rise today to recognize the Community Problem Solving Team of the Quest Program at the Dr. John Howard, Jr. School in East Orange, New Jersey. The September 11th tragedy has made them aware of the tremendous needs that follow a tragedy as well as the vast patriotic spirit that we possess as a country thus they decided to assist people who have experienced a personal tragedy in their lives so that their situation will be improved for a period of time.

This group of 12 fourth and fifth graders has become increasingly concerned about people who are experiencing difficulties in their own lives due to personal loss or economic strain. Thus they have striven to assist these members of the community through various means including: volunteering in an after school program for homeless children, visiting hospital patients, collecting for a toy drive for needy children, collecting canned goods and nonperishable foods for needy families and a food pantry. In addition, this group has received numerous grants and donations from organizations that have recognized the great potential that this group possesses.

These outstanding students will represent New Jersey at the International Competition in Storrs, Connecticut, June 5–11, 2002, having placed first in the New Jersey junior division of the Problem Solving Component of the International Future Problem Solving Program. It is with great pride that I recognize the Community Problem Solving Team of the Quest Program in East Orange, New Jersey. These young people have taken great strides to assist the members of their community and to see that they have a part in securing a healthy future for our country. Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me is wishing the Quest Program continued success.

CONGRATULATIONS TO TUNICA-BILOXI TRIBE OF LOUISIANA

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. KENNEDY of Rhode Island. Mr. Speaker, I wish to insert into the CONGRESSIONAL RECORD my congratulations and praise for the Tunica-Biloxi Tribe of Louisiana and its leaders, including Chairman Earl J. Barbry, Sr. From the time of their first contact with European explorers along the banks of the Mississippi River in the 1500s, the Tunica-Biloxi Tribe has played an important role in the larger community—both as a partner and a friend.

Under Chairman Barbry, Sr.'s leadership, the Tribe has continued to be an integral part of the community of Central Louisiana. The Tunica are doing great things with their recent financial success in both the tribal community and the larger community.

The Tribe has come to this great moment in their history because they have worked well together and will continue in that great tradition of cooperation. The Tribe and its leaders should be commended for their vision and spirit of cooperation among tribal members, civic and governmental leaders and the community at large. I applaud their successful efforts at being good neighbors and economic partners and I wish them continued success.

OFFICERS OF THE UNIFORMED DIVISION AND U.S. PARK POLICE EQUITY PAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. HOYER. Mr. Speaker, today Representative TOM DAVIS and I have introduced a bill to provide the United States Secret Service Uniformed Division and the United States Park Police with the same locality pay adjustments as other Federal employees.

In the FY 2001 Omnibus Appropriations Act, Congress included a bill called the Law Enforcement Pay Equity Act. The purpose of the Act was to improve officer retention within the United States Secret Service Uniformed Division and U.S. Park Police. The Act's aim was to improve officer retention by raising the Uniformed Division and Park Police pay scales so that they were equivalent or similar to other pay scales in the Metropolitan area.

However, Section 903 of the Act froze the rate of locality pay the employees of the Uniformed Division and U.S. Park Police receive at the level in effect in the year 2000. This freeze in locality pay has caused the Uniformed Division and Park Police pay scales to lag behind the compensation scales of other agencies competing for the same workforce.

In the Washington, DC Metropolitan area, Officers of the Uniformed Division and the U.S. Park Police are currently locked into a locality rate of 9.05%, but the standard locality rate for U.S. Government employees in the Washington area is 11.48%, a difference of 2.43%.

By fixing this problem, the median salary of an Officer with thirteen years of service would increase by $1,375 per year.

Mr. Speaker, this bill, in essence, unlocks the freezer door, opens it up, and allows the locality pay to thaw to normal levels. At a time when the Uniformed Division and Park Police are trying to increase morale and maintain top rate officers, this bill is a small but significant signal that Congress cares about their welfare. This bill fixes what I consider an unfair technicality and provides them with equitable locality pay.

HONORING VETERANS PARK CONSERVANCY

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. COX. Mr. Speaker, I rise today to make my colleagues aware of Veterans Park Conservancy, a community group founded in 1986 to help manage Veterans Park, which covers 700 acres of land in West Los Angeles, California. Originally gifted to the Federal Government, Veterans Park is home to a number of historically and culturally significant sites, including the Los Angeles National Cemetery, the Wadsworth Theatre, and several memorials honoring our veterans. It is also one of the last remaining open spaces in West Los Angeles.

The mission of Veterans Park Conservancy is simple: "Honoring our Veterans, Cherishing the Land." The Veterans Park Conservancy was organized to develop and implement a long-term plan to protect the park. Soon after its inception, the group developed a 25-year Master Plan that identifies key restoration projects. In 1998, the Department of Veterans Affairs officially granted Veterans Park Conservancy the authority to carry out these projects. The group's partners include veterans, the Federal Government, local and state agencies, community organizations, and private philanthropists.

Throughout its 16-year history, Veterans Park Conservancy has spearheaded several projects in West Los Angeles and their fine work is a testament to their dedication to America's veterans. Beginning in 1994, the group led the charge to improve a one-mile section of Wilshire Boulevard as "Veterans Parkway," and collaborated with Los Angeles County to improve the parkway with cobblestones, lighting, and 600 new trees. After the September 11th attacks, Veterans Park Conservancy worked with the Federal and local governments to install a permanent memorial of 100 American Flags, which fly proudly on both sides of the boulevard.

In 1998, Veterans Park Conservancy restored the Spanish-American War Memorial, which sits at the entrance of the Los Angeles National Cemetery. In 2000, the group gave the cemetery a stately new entrance, new trees an 7,800 feet of wrought iron perimeter fencing—all of which elevate this beautiful memorial to its rightful status a "The Arlington of the West." Every Memorial Day, the Veterans Park Conservancy works with scout troops to place American flags on each of the 85,000 veterans' graves, creating fields of inspirational red, white and blue.

I also want to commend Veterans Park Conservancy for their effort to pass legislation to name the chapel at the National Cemetery the "Bob Hope Veterans Chapel." I am also pleased to have had the opportunity to work with the group along with the gentleman from California, Mr. Waxman, in creating a lasting honor to our country's most beloved honorary "veteran."

For all these reasons, it is my pleasure to pay tribute to the many good works of the Veterans Park Conservancy and to wish them many more years of success.

PERSONAL EXPLANATION

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. BONIOR. Mr. Speaker, due to prior commitments in my home state of Michigan, I was unable to cast votes yesterday. Had I been present, I would have voted:

"Yes" on rollcall No. 174, H.R. 3833;

"Yes" on rollcall No. 175, H.R. 1877;

"Yes" on rollcall No. 176, H.R. 3375;

"Yes" on rollcall No. 177, H.R. 4626;

"Yes" on rollcall No. 178, H. Con. Res. 405;

"Yes" on rollcall No. 179, Lantos amendment to H.R. 3994;

"Yes" on rollcall No. 180, Jackson-Lee amendment to H.R. 3994;

"Yes" on rollcall No. 181, Waters amendment to H.R. 3994;

"Yes" on rollcall No. 182, H.R. 3994;

"Yes" on rollcall No. 183, H.R. 4514;

"Yes" on rollcall No. 184, H.R. 4015; and

"Yes" on rollcall No. No. 185, H.R. 4085.

A TRIBUTE TO THE NEIGHBOR TO NEIGHBOR PROGRAM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. FARR of California. Mr. Speaker, it is a testament to the courage, strength, and honor of Americans that of the many reactions to the events of September 11, only few were expressions of suspicion and hostility against innocent residents of our nation. However, any reaction reflecting suspicion and hostility, any violence against those targeted because of their religion, country of origin, skin color, language, or dress is shameful, and we all must work diligently to prevent them.

I am proud to recognize the Neighbor to Neighbor program in my district. Volunteers organized this program to protect the safety and dignity of all who live in the multi-ethnic, multi-cultural area of the Central Coast of California.

Neighbor to Neighbor acts as a clearinghouse to pair community members who need help with those who need to help. Volunteers assist neighbors with shopping, running errands, short and long distance travel; they provide shelter, translation, safe companionship, vandalism cleanup, and other needed services. Assistance is free, confidential, and available all hours of the day and night. Collect calls are accepted. All nationalities are welcomed; those who request help need not speak English.

Neighbor to Neighbor also recruits speakers for local schools and community groups to foster discussion, provide education, and attempt to dispel ignorance and fear.

Neighbor to Neighbor asks that we prove to the world, to our children, and to ourselves that we refuse to succumb to hate, ignorance, and that we do not ignore the needs of our neighbors. The ultimate goal of the Neighbor to Neighbor program is the discovery that its existence is no longer needed, that our neighbors are living peacefully with each other. I look forward to this day.

HOLD FEDERAL CONTRACTORS ACCOUNTABLE TO WORKPLACE AND ENVIRONMENTAL LAWS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, I wish to bring to the attention of my colleagues an article by Ken Silverstein appearing in the May/June issue of Mother Jones magazine. The article reports that the Federal Government continues to let billions of dollars worth of contracts to dozens of companies that have been repeatedly cited for serious violations of workplace safety and environmental laws.

Over a six months investigation, Mother Jones identified the 200 corporations that did the most business with government between 1995 and 2000. The magazine then matched that list against two other federal databases identifying companies prosecuted by the Justice Department for environmental violations and companies cited by the Occupational Safety and Health Administration for conditions posing a serious risk of injury or death to workers.

Among the article's findings: forty-six of the 200 largest government contractors were prosecuted by the Justice Department and ordered to pay cleanup costs for dumping hazardous waste and for other environmental violations; fifty-five of the 200 largest contractors were cited for 1,375 violations of workplace safety laws; and thirty-four contractors were penalized for violating both environmental and workplace safety laws. Those thirty-four firms faced total EPA penalties of $12.6 million and OSHA fines of $5.9 million, but received $229 billion in federal contracts over the same period.

Mr. Silverstein documents the following cases in his compelling article: "In 1997, TRW settles criminal charges growing out of violations of workplace safety laws. The same company is later found to have intentionally dumped chemical waste from the same plant in three states. As a consequence, the company pays a record $24 million in civil and criminal penalties. However, even that penalty is pittance compared to the more than $10 billion in taxpayer money that the company received between 1995 and 2000."

"In 2000, Northrup Grumman pays nearly $6.7 million to settle two separate cases involving allegations that the company cheated the government by inflating the costs of parts and materials for warplanes. In 1995, General Dynamics pays nearly $2 million to resolve allegations that it falsified employee time cards. Yet between 1995 and 2000 those two companies received a total $38 billion worth of federal contracts."

"Between 1990 and 1996, nine workers died at the Avondale shipyard, a death rate of three times that of other Navy shipyards. In 1999, OSHA documents hundreds of health and safety violations and fines the company

$717,000. One month after the fines are levied, the government awards Avondale another $22 million contract to work on amphibious assault ships. The following year, three more workers are killed at Avondale, one of whom dies as a result of a repeat scaffolding violation."

Mr. Speaker, I am sure that many of my colleagues would agree with me that federal procurement policy should not reward companies that flagrantly disregard tax law, environmental laws, labor laws, antitrust law, or civil rights laws. Federal procurement law already requires government contractors to have a "satisfactory record of integrity and business ethics." Unfortunately, when President Bush revoked the contractor responsibility rule, he rendered that requirement virtually unenforceable.

As this article shows, by repealing regulations intended to give meaning to the requirement that government contractors demonstrate integrity and business ethics, President Bush has implemented a policy that does not punish big corporations for disregarding the law, but effectively rewards them instead.

I commend the article below to the attention of my colleagues. I also would like to point out that the magazine compiled an extensive database of the violations which can be found on its web site. The article printed below is the version that appears on the magazine's web site. There is a longer version of the story that appears in the actual May-June version of the magazine and I would be happy to provide copies of the complete article to any of my colleagues who may wish to see it.

Thank you, Mr. Speaker.

UNJUST REWARDS

(By Ken Silverstein)

In 1994, an explosion claimed the life of a worker at an Arizona air bag factory run by TRW, the huge Ohio-based manufacturing conglomerate. The company, which had a record of violating federal workplace safety laws at the plant, paid a $1.7 million penalty in order to settle criminal charges brought against it. Later, federal environmental officials discovered that TRW, following a policy described as "clearly approved by management," was illegally dumping chemical waste at landfills in three states. Last year, the company paid a record $24 million in civil and criminal penalties related to the dumping case.

But even as TRW was repeatedly violating workplace and environmental laws, it was still earning billions under contracts awarded by the federal government. Between 1995 and 2000, the company received a total of $10.3 billion in federal business, placing TRW among the nation's 10 largest government contractors despite its record of jeopardizing the safety of its employees and polluting the nation's air and water.

That's not supposed to happen. Federal contracting officers are charged with reviewing the legal records of companies that do business with Washington and barring those that fail to demonstrate "a satisfactory record of integrity and business ethics." But officials are given no guidelines to follow in making such decisions, and there is no centralized system they can consult to inform them of corporate wrongdoing. As a result, a government report concluded in 2000, those responsible for awarding federal contracts are "extremely reluctant" to rule out potential contractors, even when they are aware of violations. And in the rare instances when the rule is enforced, it is almost always against small companies with little clout in Washington.

Shortly before leaving office, President Clinton issued an executive order providing clear guidelines for deciding whether firms should be considered for a share of the roughly $200 billion in federal contracts awarded each year. Clinton's "contractor responsibility rule" specified that federal officials should weigh "evidence of repeated, pervasive, or significant violations of the law." Officials were told to consider whether a company has cheated on prior contracts or violated laws involving the environment, workplace safety, labor rights, consumer protection, or antitrust activities.

The order was never implemented. In one of his first acts as president, after only 11 days in office, George W. Bush put the rule on hold, saying the issue needed further study. With big business suing to block the new guidelines, Bush quietly revoked the rule 11 months later.

Some 80,000 contractors do at least $25,000 in business with the federal government each year, and the great majority comply with the law. But a six-month investigation by Mother Jones of the nation's 200 largest government contractors found that Washington continues to award lucrative contracts to dozens of companies that have been repeatedly cited for serious violations of workplace and environmental laws. The government's own database of contractors was matched with lists of the worst violations documented by the Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA) between 1995 and 2000. Among the findings:

Forty-six of the biggest contractors were prosecuted by the Justice Department and ordered to pay cleanup costs after they refused to take responsibility for environmental violations, including the illegal dumping of hazardous waste. General Electric—which received nearly $9.8 billion from the government, making it the nation's 10th-largest contractor—topped the EPA list with 27 cases of pollution violations for which it was held solely or jointly liable.

Fifty-five of the top 200 contractors were cited for a total of 1,375 violations of workplace safety laws that posed a risk of death or serious physical harm to workers. Ford Motor Company, which between 1995 and 2000 ranked 177th among contractors with $442 million in federal business, led the OSHA list with 292 violations deemed "serious" by federal officials.

Thirty-four leading contractors were penalized for violating both environmental and workplace safety rules. The firms were hit with a total of $12.6 million in EPA penalties and $5.9 million in OSHA fines—costs more than covered by the $229 billion in federal contracts they were awarded during the same period.

Even contractors that commit the most obvious violations are never suspended or debarred. One federal study found that the government continues to award business to defense contractors that have committed fraud on prior contracts. General Dynamics Corp., the nation's fifth-largest contractor, paid the government nearly $2 million in 1995 to resolve charges that it falsified employee time cards, billing the Pentagon for thousands of hours that were never worked on a contract for testing F-16 fighters. Northrop Grumman, the nation's fourth-largest contractor, paid nearly $6.7 million in 2000 to settle two separate cases in which it was charged with inflating the costs of parts and materials for warplanes. Yet the two defense giants continue to receive federal contracts, collecting a combined total of $38 billion between 1995 and 2000.

"It is clear that, in many cases, the government continues to do business with contractors who violate laws, sometimes repeatedly," concludes a 2000 report by the Federal Acquisition Regulatory Council, the agency that oversees federal contractors. Others put it more bluntly.

"Government should not do business with crooks," says Rep. George Miller (D-Calif.), who has demanded that the Bush administration make public any meetings it had with corporate lobbyists during which the contractor responsibility rule was discussed. Bush's decision, Miller says, "sends a message to contractors that the government doesn't care if you underpay your workers, or expose them to toxic hazards, or destroy the public lands—the government will do business with you anyway."

The complete story on federal contractors is available in the May/June issue of Mother Jones magazine.

INTRODUCTION OF THE UNITED STATES WEATHER RESEARCH PROGRAM ACT OF 2002 (H.R. 4791)

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. EHLERS. Mr. Speaker, today, I am introducing a very important piece of legislation, the "United States Weather Research Program Act of 2002." The human toll and dollar loss from severe weather events are staggering. More than 1,500 weather-related fatalities and $15.8 billion in weather-produced damage to property occurs annually.

The Weather Research Program, which is a partnership among academic and commercial communities and several government agencies—the National Oceanic and Atmospheric Administration (NOAA), the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), the U.S. Navy and many others. Led by NOAA, the program supports government and university-based research to improve severe weather forecasts and better utilization by emergency managers as well as the public.

The legislation authorizes $45 million over three years and clarifies the research focus on hurricanes and heavy precipitation events. The bill also incorporates the provisions of Congressman ETHERIDGE's legislation, H.R. 2846, that calls on the U.S. Weather Research Program to develop a new flood warning index that will give the public and emergency management officials more complete, clearer, and accurate information about the risks and dangers posed by expected floods.

I also note that my introduction of this legislation corresponds with President Bush's proclamation that this week is "National Hurricane Awareness Week." With hurricane season quickly approaching, investment in the U.S. Weather Research Program will help provide better forecasts and warnings that will save lives and better prepare our Nation to handle severe weather events.

IN HONOR OF THE 90TH ANNIVERSARY OF THE GIRL SCOUTS OF AMERICA

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mrs. CLAYTON. Mr. Speaker, I rise to honor the Girl Scouts of the USA as they celebrate their 90th Anniversary this year. Girl Scouting began on March 12, 1912, when founder Juliette Gordon Low assembled 18 girls from Savannah, Georgia, for a local Girl Scout meeting. She believed that all girls should be given the opportunity to develop physically, mentally, and spiritually. Ninety years later, few can argue that those goals have not been met. Girl Scouting boosts over 3.8 million members, making it the largest organization for girls in the World.

I have long been in contact with Members of the Girl Scouts. I have been impressed by their poise as well as their plans for a sound future. The message of empowerment has been strongly resonated by the organization. For 90 years, the Girl Scouts organization has had a proven track record of empowering girls to become leaders, helping adults be positive role models and mentors for children, and helping to build solid communities. With the help and dedication of Congress, Girl Scouts is sure to continue this tradition for the next 90 years and beyond.

With time comes change. I have been impressed with the Girl Scouts' goal of reaching out to all girls, regardless of their socioeconomic background. It is my understanding that Girl Scout troops now meet in homeless shelters, migrant farm camps, and juvenile detention facilities. And through one of Girl Scout's signature initiatives, Girl Scouts Beyond Bars (GSBB)—girls meet in prisons where, in instances, their mothers may be incarcerated. It is these types of efforts that must continue to be praised.

I represent a rural area in North Carolina where teen pregnancy and high school drop out rates are higher than many areas of the State and Nation. Young people in my Congressional District and elsewhere need a message of empowerment and organizations that will provide them with a solid direction in their lives. I am proud that the Girl Scouts of America has a strong presence in my district. The Girl Scout Council of Coastal Carolina, Inc. was chartered by the Girl Scouts of the USA to develop and administer Girl Scouting to girls and adults in 25 eastern North Carolina counties. The Girl Scout Council of Coastal Carolina currently serves 6,500 girls and 2,700 adults in Eastern North Carolina.

Congratulations to the Girl Scouts for providing such a tremendous public service to our youth and to the country.

TRIBUTE TO CYNTHIA G. ROTH, 25 YEARS OF SERVICE, GREATER RIVERSIDE CHAMBER OF COMMERCE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well-being of my congressional district of Riverside, California is exceptional. The City of Riverside has been fortunate to have dynamic and dedicated business and community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. Cynthia Roth is one of these individuals. On May 31, 2002, Cindy will be honored by the Greater Riverside Chambers of Commerce for 25 years of dedicated service to the Community.

Cindy Roth is president and chief executive officer of the Greater Riverside Chambers of Commerce. Ms. Roth oversees a budget of $1.3 million and 15 employees. Cindy's career has expanded over 25 years at the Greater Riverside Chambers of Commerce. She attended Riverside Community College, and graduated from the United States Chamber of Commerce Institutes for Organization Management at Stanford University.

The first woman to lead the organization, Cindy became the president of the Chamber in 1999. A person with passion and principles who has strived to have a positive effect upon her local community, Cindy's leadership has been instrumental in strengthening the bonds among the communities of Greater Riverside, along with their business and educational communities.

Actively involved in the community, Cindy is currently a member of the Riverside Raincross Club and Western Association of Chamber Executives. She also serves as the vice president for Southern California Association of Chamber of Commerce Executives.

She received the 1996 Community Service Award from the Rotary Club of Arlington, Alumna of Leadership Riverside and is the recipient of the 2000 Athena Award.

Cindy's tireless, engaged actions have propelled the City of Riverside forward in a positive and progressive manner. Her work to promote the businesses, schools and community organizations of Riverside make me proud to call her a fellow community member, American and friend. I know that all of Riverside is grateful for her contribution to the betterment of the community and salute her for her efforts. I look forward to continuing to work with her for the good of our community in the future.

* * *

REAUTHORIZATION OF THE WATER DESALINATION ACT

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. HORN. Mr. Speaker, I rise today to introduce H.R. 4792 to reauthorize funding for the Water Desalination Act of 1996. The Act has promoted and funded research to reduce treatment costs of previously unusable water sources such as brackish groundwater and coastal waters. These projects have proved to be valuable investments in helping to meet our Nation's future water needs.

Clean water is essential for the health of all Americans. It is needed for drinking water and to satisfy the needs of agriculture and industry throughout the country. As our population continues to grow, so will our need for water. As conventional water supplies become over used, we will need to look at new resources such as sea water to supplement our supply. It is imperative that we do so now and be prepared for the future.

In addition, our nation's drinking water supplies are subject to contamination from pollution from automobile emissions and septic tanks. New technologies being studied and developed under research funded by the Act would remove these contaminants so that once polluted water can be safely used.

The reauthorization of the Water Desalination Act will enable us to continue working toward securing a clean and safe water supply for our nation's future. I urge my colleagues to support and pass this much needed piece of legislation.

H.R. 4792, is printed below with original cosponsors.

107TH CONGRESS, 2D SESSION, MAY 22, 2002

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following sponsors are hereby added to:

(1) KEN CALVERT
(2) SILVESTRE REYES
(3) LUCILLE ROYBAL-ALLARD
(4) SUSAN DAVIS
(5) ROBERT UNDERWOOD
(6) DUNCAN HUNTER
(7) JIM MCGOVERN
(8) BOB FILNER
(9) DANA ROHRABACHER
(10) GRACE NAPOLITANO
(11) KAREN THURMAN
(12) HILDA SOLIS
(13) JUANITA MILLENDER-MCDONALD
Member Signature: STEVE HORN

H.R. 4792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

Section 8 of the Water Desalination Act of 1996 (110 Stat. 3622, 3624; P.L. 104–298; 42 U.S.C. 10301 note) is amended to read as follows:

"SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

"(a) SECTION 3.—There are authorized to be appropriated to carry out section 3 of this Act $5,000,000 per year for fiscal years 2003–2008. Of these amounts, up to $1,000,000 in each fiscal year may be awarded to institutions of higher education, including United States-Mexico binational research foundations and interuniversity research programs established by the two countries, for research grants without any cost-sharing requirement.

"(b) SECTION 4.—There are authorized to be appropriated to carry out section 4 of this Act $25,000,000 for fiscal years 2003 through 2008.".

IN RECOGNITION OF POLICE CHIEF KIM TIERNEY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. SHAW. Mr. Speaker, I rise today in recognition of Lighthouse Point Chief of Police, Kim Tierney. As a member of the Lighthouse Point Police Department in Florida, Kim worked her way up through the ranks in almost every capacity of the department since her start in 1982. Throughout her experiences on the force, Kim did not encounter many other women in her line of work. Regardless, I am proud to say that in 2002, Kim has not only persevered in her pursuit of a career in law enforcement, but more so distinguished herself as one of only 150 female police chiefs out of 30,000 in the country.

During her tenure with the Lighthouse Point Police Department, Chief Tierney has been responsible for numerous innovations that have catapulted the 47-member department into twenty-first century policing. Her leadership has brought about massive improvements in technology, records management, communications, marine patrol, domestic violence investigations, community policing and bike patrol.

Although she began her career at a time when women were not generally accepted into police work, she modeled herself as an exemplary employee and proved her skeptics wrong. Her achievements speak louder than I ever could, here today on her behalf. Mr. Speaker, I am proud to recognize Police Chief Tierney as an outstanding pioneer in her field and in my home district. Let her achievements serve as an example of what is possible for future generations as they consider a career in public service and the noble profession of police work.

30TH ANNIVERSARY OF DIGITAL FLY-BY-WIRE TECHNOLOGY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. THOMAS. Mr. Speaker, I rise today to commemorate the 30th anniversary of the first test flight utilizing digital fly-by-wire flight control systems at NASA Dryden Flight Research Center, located on Edwards Air Force Base in my district.

On May 25, 1972, Dryden's F–8 Digital Fly-By-Wire (DFBW) aircraft, piloted by Gary Krier (now Dryden's Director of Flight Operations), successfully tested the technology that is now used on space shuttles and military and commercial aircraft.

Digital systems revolutionized the way aircraft were designed, built, and flown. These systems made planes safer, less vulnerable to damage from enemy weapons, more maneuverable, and more stable than the former hydraulic systems. In addition, digital systems provide a smoother ride than a hydraulic system—an important application for commercial airliners. Previously pilots controlled aircraft manually, manipulating control sticks linked to cables and rods that moved surfaces on the wings and tails.

The flight testing done at Dryden 30 years ago allowed the engineers of today to develop and fly unconventional plane designs like the B–2 Stealth bomber, and paved the way for the air superiority that America enjoys today—an invaluable asset in the war on terror.

I commend all those who worked on this program and thank them for their dedication. I am confident that the work performed at Dryden today will revolutionize the skies of tomorrow and keep the United States as the world's preeminent aerospace leader.

HONORING THE RETIREMENT OF LIEUTENANT MIKE SHELTON FROM THE UNION CITY POLICE DEPARTMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. STARK. Mr. Speaker, on June 8, 2002, the Union City Police Department will celebrate the retirement of one of its finest officers, Lieutenant Mike Shelton.

In his 31-year law enforcement career, Lt. Shelton has served the Union City Police Department in many capacities, working as a Motor Officer in Traffic, Firearms Instructor, Investigations Division Supervisor, Youth Services Bureau Director, Police Explorer Post Advisor, Personnel and Training Manager, Crime Prevention, Research and Analysis Section Supervisor, and Patrol Division Supervisor.

In addition, Lt. Shelton was instrumental in developing the force's Operational and Procedural Directives, nearly every departmental form in use by the Police Department, and the Watch Commander's Guide. He writes the Department's weekly newsletter, the Crimes Times, and his treatise on the effects of alternative music on children of dysfunctional families was published worldwide. Recently, Lt. Shelton introduced and shared his knowledge of digital photography with the department.

During his off-duty hours, Lt. Shelton served the Union City Police Officer's Association in four consecutive terms as its treasurer and served as its President in 1975. He was chosen as Officer of the Year in 1999 by his peers.

Lt. Shelton served nearly his entire career with the Union City Police Department. He was an Air Policeman with the United States Air Force from December 1964 until becoming an officer with the Fremont Police Department in July 1968. He began his long and distinguished career with the Union City Police Department on January 18, 1971. He was promoted from Officer to Sergeant in December 1975, and from Sergeant to Lieutenant in July 2001.

Michael Shelton graduated from Washington High School in Fremont, the U.S. Air Force Police Technical Course, Chabot College and California State University, Hayward. He has attended the University of Southern California's Delinquency Control Institute, the California Highway Patrol motor school, and the Police Planner's Institute.

I am honored to join the colleagues of Lt. Michael Shelton in commending him for his many years of dedicated and exemplary service to law enforcement. His commitment to excellence has left its irreplaceable mark on the Union City Police Department.

IN HONOR OF DANCEAFRICA'S 25TH ANNIVERSARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. TOWNS. Mr. Speaker, I rise in recognition of the 25th season of DanceAfrica at the Brooklyn Academy of Music.

From Friday, May 24, through Sunday, May 26, BAM will be celebrating 25 years of DanceAfrica with a celebration developed to match the legendary annual festival of African and African-American dance and culture. Founded by Chuck Davis in 1977, DanceAfrica is the Nation's first dance festival devoted solely to the rich legacy of African dance.

For 25 years, DanceAfrica has nurtured and celebrated African artistic, spiritual, and cultural identity with programs that illuminate the social, religious, and ceremonial traditions of people throughout the continent.

Mr. Speaker, DanceAfrica has become an important part of the educational experience, cultural and artistic experience. As such I urge my colleagues to join me in honoring this truly outstanding 25th Anniversary of BAM's DanceAfrica.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 4737, the Republican welfare reform reauthorization bill and in support of the Democratic substitute.

The landmark welfare reform law enacted in 1996 put people to work and reduced the number of those who depend on public assistance. Congress should build on that success in further reforming welfare today.

A good welfare bill must have three components to replace welfare with work successfully. It must provide States with sufficient resources to administer welfare initiatives. It must give recipients access to education and job training. And finally, a good welfare bill must address the most difficult obstacle to getting and keeping a good job, childcare. Regrettably, H.R. 4737 fails to meet these requirements on all accounts.

I strongly support putting people to work to help them obtain self-sufficiency. Unfortunately, while the Republican bill requires more work hours, H.R. 4737 does not provide additional funding to the States to help them implement these additional work requirements.

According to the Congressional Budget Office, it will cost $8–11 billion to comply with these new provisions. North Carolina alone would have to spend $222 million in order to meet the requirements of the new welfare reform bill. North Carolina, like many States, is in the midst of a severe budget crunch. Mr. Speaker, where will North Carolina find the funds to carry out this unfunded mandate?

Welfare reform should not limit a person's opportunity to succeed and care for their families. But that's what the Republican bill does. Under the Republican welfare bill education initiatives that allow welfare recipients to take community college classes or obtain their GED are eliminated. That's unacceptable. As the former Superintendent of North Carolina's public schools, I understand how important education is to finding and keeping a good job in the 21st Century. Education, indeed lifelong education, is the key to a successful future. Many of the folks who remain on the welfare rolls today are the least prepared to enter the workforce. We must provide them with the tools they need to lift themselves and their families out of poverty.

The Republican bill also requires parents to work ten more hours per week, yet it does not provide enough resources for childcare. Finding quality childcare is one of the most daunting challenges with which welfare recipients must contend. Good childcare helps young children develop and keeps older children in positive, productive environments. It keeps children off the streets while their parents are at work. This is common sense. If you require folks to spend more time working, you must give them an avenue for caring for their children. In my State, we have over 25,000 children on the State's childcare waiting list. North Carolina's sons and daughters require funding for childcare. Unfortunately, H.R. 4737 falls to provide adequate childcare funding.

I support the Democratic substitute to H.R. 4737. Our plan also requires more work hours, but our plan provides States with the necessary resources to make these welfare initiatives work. It allows States to count education and job training as a work related activity, so welfare recipients prepare to get good jobs and permanently leave the welfare rolls. And this plan invests significant resources for childcare.

Mr. Speaker, I grew up in rural, eastern North Carolina. I know what it means to be poor, and I understand first hand the value of hard work. Welfare reform should help lift families out of poverty to become self-sufficient. H.R. 4737 will not work. It is reform for politics sake and a bad bill for North Carolina and those across the nation who need help the most.

I urge my colleagues to oppose H.R. 4737 and support the Democratic substitute.

INDEPENDENCE OF EAST TIMOR

SPEECH OF

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. HALL of Ohio. Mr. Speaker, I rise in strong support of H. Con. Res. 405, Commemorating the Independence of East Timor on May 20, 2002. Yesterday's independence of East Timor will make it the first new country of the millennium. I extended my full congratulations to all of the people of East Timor, their new President, Xanana Gusmao, and Nobel Peace Prize Laureates Carlos Xinenes Belo, the Roman Catholic Bishop of Dili, and Jose Ramos-Horta who have both worked tirelessly on behalf of the people of East Timor. Yesterday was a day which many of us thought would never come in our lifetimes.

Mr. Speaker, I want to take this opportunity to acknowledge the extraordinary contributions of one individual—Arnold S. Kohen—who has made a difference in working for peace and justice in East Timor. He is not often recognized but Arnold has worked behind the scenes for over 20 years raising the issue of East Timor within the U.S. Congress and throughout the world. He wrote a book documenting the epic struggles of Bishop Belo. Arnold's work has made a contribution to this historic day and is a model for me on how one individual can truly make a difference in the world. I also want to recognize the hard work and dedication of the East Timor Action Network.

The work in East Timor is not yet finished. However, yesterday was a day in which we all can rejoice because an oppressed people have now been set free.

RECOGNIZING SHENENDEHOWA HIGH SCHOOL GRADUATES

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. SWEENEY. Mr. Speaker, today I rise to recognize the student body of Shenendehowa High School of Clifton Park, New York and to new graduates. These are not your run-of-the-mill graduates, however. These are graduates who gave up their normal time for leaving high school so that they could defend our Nation from evil. Their heroic acts helped preserve the free world and ensured the continual existence of our way of life.

Today's student body, unselfish in their motives, feels that these men deserve lasting recognition. Therefore, they are placing the names of the following people indelibly in the hearts of their fellow citizens by asking me to present them to you in this venue.

Alfred Bristol, Army, of DeWitt Clinton, N.Y.; Mario Gaetano, Sr., Army Air Force, of Mechanicville, N.Y.; Orlie Kent, Army, of Wolcott, N.Y.; George Kohrmann, Navy, Bronx, N.Y.; George Lynch, Navy, Piermont, N.Y.; Kenneth Melia, Navy, Jamaica, N.Y., Potito Sforza, Army, Bronx, N.Y.; Anthony Streppone, Navy, Bronx, N.Y.; and John Tremblay, Army, Troy, N.Y.

Mr. Speaker, please join me in not just congratulating these men on the honor of their graduation, but in thanking them for their sacrifice and efforts. Also, Mr. Speaker, please join me in thanking the students of Shenendehowa High School for their spirited and unselfish act in behalf of these men.

CHEROKEE LIVING MAGAZINE

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. BARR of Georgia. Mr. Speaker, I would like to join in congratulating Jeff and Amber Mette on the 2d anniversary of Cherokee Living Magazine. The inaugural issue was launched in May 2000, and is published bimonthly.

Cherokee Living prides itself on being a true "quality of life magazine" for the Cherokee County community, including Woodstock, Towne Lake, Canton and Waleska. It highlights living and working in Cherokee County and is packed with information on health and wellness, interviews with local individuals, upcoming events, and many other items of interest to residents and visitors. Its list of contributing writers is a showcase of Cherokee's best writers.

Distributed to residents, offices and monthly to newcomers to the area, the Mette's commitment keeping Cherokee residents informed is deeply appreciated. As a Cherokee resident, I am pleased to join in celebrating their 2nd anniversary and wish them many more years of success.

TRIBUTE TO THE INLAND EMPIRE HARLEY OWNERS GROUP

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. CALVERT. Mr. Speaker, I am honored today to pay tribute to the Inland Empire Harley Owners Group as they prepare to promote West Coast Thunder, a large police escorted parade of motorcyclists to the Riverside National Cemetery to honor our military veterans on Memorial Day. In my congressional district of Riverside, California, we are fortunate to have numerous community service organizations that not only unselfishly give their time and talents to the community but find their own lives enriched in return. The Inland Empire Harley Owners Group epitomizes this and more.

The efforts of the West Coast Thunder committee with thousands of parade participants over the years, has brought great recognition, unparalleled resources and multitudes of volunteers to Riverside's Memorial Day Remembrance Ceremony. This event provides a compelling way for people to pay their respects as well as raise funds for the Riverside National Cemetery Support Committee. The visual impact of thousands of motorcycles, led by a full flag-bearing honor-guard, proudly gives those interred at the Riverside National Cemetery the recognition it richly deserves.

The Riverside National Cemetery is currently the second largest resting place for our veterans, with over 150,000 men and women from our armed services standing silent vigil with us today. Within a short time it is expected to be the largest cemetery in the National Cemetery system and within 50 years will have more than 1.4 million honored veterans.

The months of work preceding this event lead to a large gathering of veterans, family and friends desiring to honor those who gave the ultimate sacrifice for our great nation. Their tireless efforts and dedication to honoring our brave veterans is evident as thousands participate in the Memorial Day Ceremonies.

Mr. Speaker, I congratulate the Inland Empire Harley Owners Group for their dedication and service to our Nations veterans.

200TH ANNIVERSARY OF MILTON, NEW HAMPSHIRE

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. SUNUNU. Mr. Speaker, I rise today to honor a truly great American community, the town of Milton, New Hampshire, which will celebrate its 200th Anniversary on June 11, 2002.

Located in Strafford County in eastern New Hampshire, Milton epitomizes the magnificent beauty that dominates the New Hampshire landscape, and Milton's nearly 4,000 residents are quick to boast about the pristine waters of its three ponds and the Salmon Falls River, which is overlooked by scenic Teneriffe Mountain. Milton is also home to one of New England's more unique museums, the New Hampshire Farm Museum, whose historic structures, open spaces, and vast collection of farm tools showcase New Hampshire's rural and agricultural roots.

Originally a part of Rochester, New Hampshire, Milton became incorporated as a new town on June 11, 1802. Milton's town founders held the first formal Town Meeting at the Lieutenant Elijah Horne house on August 30, 1802. Today, Milton continues to adhere to the proud New England tradition of the Town Meeting, where neighbors gather to debate and vote on issues that impact their daily lives.

I congratulate the Town of Milton on its 200th Anniversary, and I extend my best wishes to all the citizens of Milton in celebration of this wonderful milestone.

JOSEPH LIMPRECHT, U.S. AMBASSADOR TO ALBANIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. SMITH of New Jersey. Mr. Speaker, we have received the news that United States Ambassador to Albania, Joseph Limprecht, died suddenly of a heart attack on Sunday, May 19, 2002, while hiking with his wife and colleagues in northern Albania.

Although I did not have the opportunity to meet Ambassador Limprecht, I did correspond with him on an issue of mutual concern—the trafficking of Albanian women and children into sexual slavery in Europe.

With porous borders and more than its share of criminals, Albania is used by traffickers as a key transit point to Italy. As a source country, young Albanian women are lured into the hands of traffickers and even kidnaped from their home towns or villages. The Ambassador was well aware of this tragedy and pressed for greater law enforcement to stop trafficking networks as well as greater assistance to the victims. Indeed, in keeping with the point of my correspondence with him, the Ambassador made sure U.S. assistance would go to a shelter for repatriated Albanian trafficking victims similar to one created for women found in Albania and waiting to be repatriated to their country of origin.

Beyond that, the Ambassador worked hard in the three years he spent in Albania in helping the country recover from its many ills, in particular the civil strife which tore the country apart in 1997. Given Albania's vulnerability to militant Islamic infiltration, I am sure that the war on terrorism was in the forefront of his duties in recent months.

Ambassador Limprecht was a member of the Senior Foreign Service, having served with the U.S. Foreign Service since 1975, with postings in Germany, Pakistan and Uzbekistan as well as in Washington. In the 1980s, he served in the office which handled what was then the Conference on Security and Cooperation in Europe and now the OSCE, and worked with the staff of the Helsinki Commission which I had just joined and now serve as Co-Chairman.

My deepest condolences go to the Ambassador's wife, Nancy, their daughters Alma and Eleanor, friends and colleagues.

HONORING LOPEZ FOODS ON THEIR 10TH YEAR ANNIVERSARY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. PASTOR. Mr. Speaker, I rise to honor John C. Lopez and Lopez Food, Inc. in celebrating their 10th Anniversary of service to their customers and community.

Lopez Foods a "state of the art" meat processing plant, supplies all-beef hamburger patties, pork breakfast sausage and Canadian-style bacon to McDonald's and Walmart, Inc. The business was originally a subsidiary of Wilson Foods. John C. Lopez purchased the company in 1992, and in 1995 changed the name to Lopez Foods, Inc. That change marked a new era in the company's relationship with its customers and community.

Lopez, a 19 year veteran of the McDonald's System, used his experience to make the company more compatible with the McDonald's operation and management philosophies. With this approach, Lopez Foods became a top supplier to the world's restaurant leaders. The Lopez Foods mission is to establish the highest industry standards in food and employee safety, quality production, environmental protection and customer service. These great attributes have not only made Lopez Foods a successful company, but a place that the community can feel proud of.

Mr. Speaker, there is no question that John C. Lopez and Lopez Foods, Inc. have done much not only to establish high industry standards on food production, but also his employee safety and customer service. For all of his hard work and dedication, I join in celebrating with family, friends, and the community 10 years of success for Lopez Foods, Inc.

John, I wish you the best of luck, and much continued success to you and your family.

RICHARD AND LINDA SUE BLAKELY: PILLARS OF THE COMMUNITY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor two very special friends, Richard and Linda Sue Blakely of Caro, Michigan, as they celebrate their retirement after many years of serving their community in their jobs and in their volunteer efforts. Richard, who spent 30 years as a deputy with the Tuscola County Sheriffs Department, and Linda Sue, who most recently worked as a special education para-professional with the Caro school system, have set a high standard of community involvement for others to emulate.

Richard met Linda Sue in the fall of 1959 at a USO dance in Oklahoma and they married on April 20, 1960. Ever since, Richard and Linda Sue have been committed to each other, their family, their church and their community. In particular, their work on behalf of young people deserves special mention.

While a student at Saginaw Valley State University, Richard developed and completed his own curriculum in the study of child and family services. He later used the knowledge to work with Tuscola County's Juvenile Diversion Program and Safetyville Program. In 1988, Richard graduated with the first DARE training class established for law enforcement officers in Michigan and he now teaches DARE on a part-time basis for the Tuscola County Sheriffs Department.

Linda Sue's commitment to children took a different path after the couple's youngest son acquired learning challenges as a result of traumatic brain injuries suffered as an infant. The experience of raising a child with such challenges prompted Linda Sue to take jobs devoted to educating and advocating for parents with children facing mental and physical challenges. She also has coached volleyball and cheerleading.

The Blakely marriage has been blessed with four remarkable children, Michael, David, Mary and Joshua. While Richard and Linda Sue never lost sight of their family responsibilities, their faith also led them to embrace their Christian duty to others.

Mr. Speaker, I ask my colleagues to join me in congratulating Richard and Linda Sue Blakely on their retirements and in honoring them for the fullness of their work and volunteer efforts. I am confident they will continue to find many ways to put their God-given talents to good use to benefit others.

ELDERLY HOUSING QUALITY IMPROVEMENT ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. LAFALCE. Mr. Speaker, today, along with Representative FRANK, I will be introducing the Elderly Housing Quality Improvement Act of 2002. The bill is supported by twenty organizations which are members of the Elderly Housing Coalition.

The Elderly Housing Quality Improvement Act is designed to build on the progress we made last Congress in expanding affordable housing opportunities for senior citizens, providing supportive services for frail elderly, and helping seniors age in place and maintain their dignity while doing so.

As our federally assisted housing stock ages, many projects owned by non-profits lack the resources for critically needed repairs and modernization. Without access to capital, and with no federal program designed to provide funds for repair of such projects, we face the prospect of significant numbers of low-income seniors living in federally assisted housing that will continue to deteriorate in physical terms.

Last Congress, we succeeded in enacting legislation to authorize grants to non-profit owned elderly housing projects to make such needed repairs. This was authorized under newly created Section 202b of the housing code, which also authorized grants for conversion of federally assisted elderly housing to assisted living. Unfortunately, Congress has only funded the assisted living portion of this program. Therefore, Section 2 of the legislation being introduced today authorizes $200 million a year for each of the next five years under the portion of Section 202b which provides for repair grants for non-profit federally assisted elderly housing. Funds would be provided under a competition based on need.

Section 3 of the bill addresses the need for affordable assisted living, by authorizing capital grants to public housing authorities to convert elderly housing units to assisted living. Assisted living provides a broad range of supportive services designed to help seniors with activities of daily living. Provision of these services allow seniors who would otherwise have to move into a nursing home to age in place and maintain their independence of living.

As noted, Congress already provides grants to convert federally assisted elderly housing units to assisted living. It makes just as much sense to make grants to public housing authorities for the same purpose. For larger housing authorities which convert a housing development to assisted living, there is the added benefit that seniors who live in other housing developments and reach the point where they no longer live on their own can move into the assisted living units.

Another important way that we can promote aging in place in our federally assisted and public housing units is through grants to hire and maintain services coordinators. Service coordinators link seniors with community services which are needed to meet their particular needs and maintain independent living. Congress already provides funding for service coordinators for public and assisted housing, but funding levels are inadequate. Section 4 of the bill would authorize funding to renew all expiring service coordinator grants, as well as authorize $50 million to hire additional service providers in public and assisted housing.

Finally, Section 5 of the bill would create a new pilot program to build "mixed-income" elderly housing units under the Section 202 elderly housing program. This would leverage existing federal funding for subsidized units with private funding for market-based apartments. It would also create economies of scale that make it easier to pay for supportive services, as well as expand socialization opportunities for the seniors who live in these units.

As our population ages and as the problem of housing and health care affordability becomes more acute for our nation's low-income seniors, our policies need to keep pace with these needs. The Elderly Housing Quality Improvement Act is an important component of this effort, and I urge its enactment.

RECOGNIZING JAMES R. HART, III ON HIS APPOINTMENT TO THE U.S. COAST GUARD ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, James R. Hart, III of Sandusky, Ohio, who recently accepted his appointment to the U.S. Coast Guard Academy in New London, Connecticut.

Jim will soon graduate from Sandusky High School. During his high school career, he has maintained a superior grade point average, and is a member of the National Honor Society. He is an accomplished athlete, earning varsity letters in basketball and soccer. And, he has clearly demonstrated his leadership ability, serving as co-captain of the basketball and soccer teams.

Jim Hart can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Jim is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Coast Guard. As a USCG Academy Cadet, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that James R. Hart, III has the character and ability to excel at the U.S. Coast Guard Academy. I ask my colleagues to join me in wishing him well as he begins his very important service to our Nation.

ASIAN PACIFIC ISLAND HERITAGE MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. DAVIS of Illinois. Mr. Speaker, May is Asian Pacific American Heritage Month.

The Congress has designated this month as a time to celebrate Americans of Asian and Pacific Island ancestry and their contribution to our culture and history. The theme for 2002 is "Unity in Freedom." Asian Pacific American Heritage Month is a relatively new holiday. President Jimmy Carter signed a Joint Resolution designating an annual celebration in 1978. President George H. W. Bush designated May to be Asian Pacific American Heritage Month in 1990.

However men and women of Asian and Pacific Island heritage have a long and rich story as an integral part of America. Asian Americans, at first mostly from China, were first brought to the United States in large numbers as workers . . . workers on the railroads, workers in the gold fields, workers in the agricultural sector. They were often ruthlessly exploited. Both the public and private sector sought to increase immigration in the early- and mid-1800s in a search for cheap labor as exemplified in the ratification of the Burlingame Treaty which guaranteed the right of Chinese immigration; but which did not, however, grant the right of naturalization.

Our relations with the nations of Asia during this period is a complex one—one too often based on "gun-boat" diplomacy. The combination of racism and competition for jobs led to ugly anti-Asian riots including such shameful events as the 1877 Chico, California riots and the 1885 Rock Springs, Wyoming riots. However, these events resulted in only a brief pause in the rapacious need for cheap labor, and an increasing number of Asian Pacific people were brought or lured to work in Hawaiian and California agriculture—

These new immigrants were increasingly men and women from Japan and the Philippines, especially after the Spanish American War.

The level of anti-Asian racism came into full focus with the internment of Americans of Japanese ancestry during World War II. On February 19, 1942, soon after the beginning of World War II, Franklin D. Roosevelt signed Executive Order 9066. The evacuation order commenced the round-up of 120,000 Americans of Japanese heritage to one of ten internment camps in California, Idaho, Utah, Arizona, Wyoming, Colorado, and Arkansas. Even though many did not speak Japanese or have close ties to Japan, they were nonetheless regarded as wartime threats. Despite the fact that the U.S. was also at war with Germany and Italy, Americans with ancestors from those countries did not face internment. It took almost half a century for us to acknowledge the enormity of the wrong done to Japanese Americans until Congress passed a measure giving $20,000 to Japanese Americans who had been interned during the war in 1988. President George H.W. Bush signed it the following year.

Asian Pacific people continued to find their way to the United States and continued to become citizens despite significant legal barriers.

From 1910 to 1940 Angel Island, off California, was used to process mainly Asian immigrants to the United States, earning it the nickname "Ellis Island of the West." With increasing numbers, and growing political awareness the Asian Pacific American community began to assume their rightful place in our democracy. Filipino American farm workers led pioneering struggles for the unionization of agricultural workers. Dalip Singh was elected to U.S. Congress from the agricultural heartland of California.

In 1962 Hawaii sent DANIEL K. INOUYE to the U.S. Senate and Spark Matsunaga to the U.S. House. Two years later, PATSY TAKEMOTO MINK of Hawaii was elected to the U.S. House, becoming the first Asian-American woman in Congress. Since then, hundreds of Asian Americans have been elected to state legislatures and municipal positions. In the last quarter of the 20th century America became home to millions of new Americans from the nations of Asia and the Pacific rim including China, India, Pakistan, Vietnam, Cambodia, and Laos. Again the search for workers, especially skilled professionals with training in medicine, computer technology, and other specialties, played an important role. Asian Americans are an important part of our diverse American people . . . but they are also a diverse group themselves. According to the 2000 census there are 11.9 million U.S. residents who reported themselves as Asian alone or in combination with one or more other races in Census 2000. They make up 4.2% of our population. They consist of 2.7 million U.S. residents who reported they were Chinese alone or in combination with one or more other races or Asian groups, 2.4 million Filipino residents, and 1.9 million Asian Indian residents. There were 874,400 native Hawaiian and other Pacific Islander according to Census 2000. The median income in 2000 of Asian and Pacific Islander households was $55,525, the highest median income of any racial group.

The poverty rate of Asian Pacific Islanders in the 2000 census was 10.7%, the lowest poverty rate the Census Bureau has ever measured for this race group. 44% of Asians and Pacific Islanders age 25 and over held a bachelor's degree or higher in 2000. The corresponding rate for all adults 25 and over was 26%. One million Asians and Pacific Islanders held an advanced degree in 2000 (that is, a Master's, Ph.D., M.D., or J.D.), representing a ratio of 1 in 7 Asian Pacific Islanders 25 and over.

There were 913,000 Asian Pacific Islander-owned businesses in the United States in 1997. These businesses employed more than 2.2 million people and generated $306.9 billion in revenues. They made up 4% of the nation's 20.8 million nonfarm businesses and 30% of all minority-owned firms.

Mr. Speaker, I could go on with statistics describing Americans of Asian and Pacific Island descent . . . but the point is made: Asian Pacific Islanders are integral to our notions of what America is, and what we want America to be.

Mr. Speaker, over the course of our history we have learned to value our diversity. We have learned that our diversity makes us strong. Asian Pacific Americans are an important and irreplaceable part of our diversity. In every aspect of our culture, our economy, our values, our body politic, our creative energy Asian Pacific Americans are an inseparable part.

Mr. Speaker, let us glory in our diversity. Let us all swell with pride at the contributions of Asian Pacific Americans, not just this month, but every month. Let us reach out and embrace one another, secure in the strength of our multi-racial, multi-ethnic society, and understanding the need to further perfect our unity and eliminate every aspect of inequality and inequity.

And let us move forward together, keeping our eyes on the prize of the great American dream, uplifted by the history and contributions of Americans of Asian and Pacific Island descent now woven into our very being as a Nation.

BUILDING THE KIWANIS CLUB OF BAY CITY FOR 85 YEARS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to the Kiwanis Club of Bay City, Michigan, as its members prepare to celebrate 85 years of exemplary community service, charitable giving and volunteerism.

The Kiwanis Club of Bay City was chartered on January 27, 1917 as the fifth club in the Michigan District and the 38th internationally. The word "Kiwanis" is a Native American term meaning "self-expression" and the Kiwanis organization has always expressed itself as an active and vibrant community builder since its inception. The notion behind the Kiwanis is that a group of individuals devoted to leading and improving their community can achieve more than any one individual working alone.

Under the leadership of President Donna Tiernan and all officers past and present, the Kiwanis Club of Bay City has truly honored and epitomized the essence of their motto, "We Build," by time and again stepping up to the plate to serve the needs of our community. The club has consistently supported so many programs and projects in Bay County, including the River of Time event, the BaySail program, Special Olympics and the State Police Academy for high school students. Kiwanis of Bay City also supports the Salvation Army, sponsors 4–H Fair awards and hosts an annual Mothers Day event where members donate gifts for needy moms.

In addition, the club has illustrated its significant commitment to young people through a variety of programs, including sponsorship of a $25,000 Kiwanis Scholarship Program through the Bay Area Community Foundation. One of the club's more enduring projects is its Kiwanis youth baseball team begun in 1932 in the American Legion League and continuing today through the Northeast Little League in Bay City. Such efforts in education and athletics go a long way toward attaining and maintaining the mental and physical well-being of young people throughout our community. Moreover, the volunteer spirit of Kiwanis should be commended and emulated as a benchmark for all who seek to donate their time and talent to the commonweal.

Mr. Speaker, I ask my colleagues to join me in congratulating the Kiwanis Club of Bay City for 85 years of success and in expressing gratitude for all that its members do for the greater community. I am confident the club will continue its efforts to serve others by building and expanding its network of men and women dedicated to improving the lives of all those around them.

MORTGAGE LOAN CONSUMER PROTECTION ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. LAFALCE. Mr. Speaker, today, I will be introducing the "Mortgage Loan Consumer Protection Act." This legislation will complement a bill I introduced last year, the Predatory Lending Consumer Protection Act (H.R. 1051), as well as the proposal I outlined in my March 26th letter to the HUD Secretary to end abusive practices in conjunction with the use of yield spread premiums. Combined, these initiatives are designed to establish a pro-consumer benchmark for mortgage reform, either with respect to any possible HUD regulatory action, or to legislation that may be enacted by Congress.

For most Americans, obtaining a mortgage loan is the single biggest financial transaction of their life. Typically, mortgage loan closing costs total thousands of dollars, and the loan itself represents a commitment to repay hundreds of thousands of dollars.

The majority of mortgage lenders, brokers, and settlement service providers do a commendable job in helping borrowers through the mortgage loan process, and in providing a good mortgage product. Yet, by loan closing, too many borrowers conclude that the mortgage process is far too confusing than it needs to be. And, too many borrowers close mortgage loans without any clear sense of whether their fees and rates are truly competitive.

The basic Federal law governing mortgage loan settlements is the Real Estate Settlement Procedures Act, also known as RESPA, first enacted in 1974. The "Mortgage Loan Consumer Protection Act" being introduced today modernizes RESPA, in a manner designed to make the mortgage loan process more understandable, more fair, and more competitive.

This legislation would improve and update RESPA by: simplifying and improving the accuracy of mortgage loan disclosures; expanding protections against junk fees and unearned closing costs; enhancing escrow account protections; and creating critically needed enforcement provisions for existing RESPA requirements. A number of provisions in this bill are identical to or derived from recommendations made in a 1998 joint report by HUD and the Federal Reserve Board on reform of the mortgage loan process.

First, the bill simplifies and improves the accuracy of mortgage loan disclosures. A near universal complaint about the current HUD mortgage disclosure forms is that they are far too confusing. Section 2(b) of my legislation would address this problem by directing HUD to revise the HUD-1 Settlement Statement to clearly segregate and provide totals for the following three different types of costs that are paid at settlement: "Closing Costs" (defined as all costs necessary to obtain the loan), "Prepaid Costs" (such as prepaid interest and escrow items), and "All Other Costs Paid at Closing"—that is, everything else.

This would be a dramatic improvement over the current HUD–1 statement, which neither arranges items in a logical order, nor provides totals for these three key types of costs. A clear delineation and a single total for all Closing Costs would be particularly helpful to borrowers analyzing loans, e.g., for the purpose of evaluating whether or not to refinance.

Section 2(c) of the bill directs HUD to harmonize the terms and forms used in the HUD–1 Statement and the Good Faith Estimate (GFE). As a result, the same three types of costs and totals as provided in the HUD–1 would be presented in the GFE. More importantly, harmonization would allow borrowers to track costs throughout the loan process. This is a critical tool to help borrowers evaluate how actual costs compare to preliminary estimates, and to help borrowers hold service providers accountable with respect to any cost increases.

And, Section 2(a) revises the Truth In Lending Act (TILA) to improve the accuracy of the "Finance Charge" for the purpose of calculating the Annual Percentage Rate (APR) for a mortgage loan. Specifically, it requires that the APR calculation include all of the costs that are required to be paid in order to obtain the loan. Currently, a number of charges are excluded by statute from the APR calculation for mortgage loans, an anomaly that creates a misleading APR calculation that was singled out for criticism in the 1998 HUD-Fed report. I would also note that with this change the Finance Charge would equal the sum of loan interest payments, plus "Closing Costs" as identified under Section 2(b) of my legislation.

Secondly, the bill would expand protections against unwarranted mortgage closing costs, including markups and junk fees. A common complaint by borrowers is that the final settlement statement is not made available until the borrower sits down at closing. Under current law, borrowers may request this statement one day prior to closing, but most borrowers are not even aware that this right exists. As a result, it is not uncommon for borrowers to discover additional fees and charges that they were not previously aware of until the very last minute. With pressures or even deadlines to close, the borrower often has no option but to complain, but ultimately accept, such costs, whether warranted or not.

Section 3 of my legislation addresses this problem by requiring lenders to make available the HUD-1 Settlement Statement at least 2 calendar days before closing. This gives borrowers an opportunity to challenge fees and charges, at a time in the process when they can be reasonably challenged. This is crafted in a flexible way that should not hold up loan closings.

Section 4 deals with the practice of markups of closing costs, also sometimes referred to as "upcharges." Section 8 of RESPA generally prohibits the payment or receipt of a portion or split of a settlement service charge other than for services rendered. Historically, HUD has interpreted this to apply to markups of third party services. However, a recent court case, Echeverria v. Chicago Title & Trust Co., concluded that Section 8 does not apply in cases where the third party has no involvement in the unearned fee. In October, 2001, HUD responded by issuing a Policy Statement, "clarifying" that Section 8 does apply to markups.

Section 4 of my bill explicitly reaffirms the HUD position that Section 8 applies to markups of the cost of services provided by a separate service provider, even if that separate provider has no involvement in the markup. Section 4 goes further than the HUD Policy Statement, by amending Section 4 of RESPA to require that all fees collected by a lender be disclosed clearly on the HUD-1 as being collected by such lender. This provides additional protections against the practice of disguising markups by rolling them into one single disclosure item.

Section 4 of my bill also addresses the problem of junk fees. Specifically, it provides that Section 8 applies to fees collected by one settlement service provider where "no, nominal, or duplicative" work is done. In this context, duplicative refers to situations where a service provider is collecting a fee that is itemized separately from a fee charged for services by a third party—allegedly for the same type of service, but without any additional goods or services being provided. The purpose of the prohibition of charges where no services are provided is obvious; the inclusion of the phrase "nominal" in addition to "no" services is intended to circumvent a defense against a Section 8 violation that the service provider is doing something—but where that something is of no real value to the borrower.

Finally, I would note that the October HUD Policy Statement also asserts that Section 8 applies to unearned fees where "the fee is in excess of the reasonable value of goods or facilities provided or the services actually performed." A concern has been raised that such an open-ended application could potentially subject every settlement charge for every loan to a subjective determination of whether such a charge is excessive. The RESPA statute is not intended to be applied so broadly. Similarly, it is not the intent of Section 4 of my bill to subject charges where substantive services are provided by a single service provider to a test of merely whether they are excessive (provided there is no violation of 8(a) kickback or referral fee prohibitions).

Similarly, it is not the intent of Section 4 of my bill to apply the "no, nominal, or duplicative" test to commissions or fees charged by real estate brokers for services related to real estate sales, providing they are negotiated upfront in writing between a broker and the seller (or buyer), and provided that there is no violation of 8(a) kickback or referral fee prohibitions. The purpose of Section 4 of my bill with regard to charges by a single settlement provider is intended to address fees that are part of the mortgage loan process; thus, real estate fees agreed to voluntarily and explicitly by a seller months prior to a mortgage loan being made should not be subject to Section 8 RESPA scrutiny, providing there is no kickback or referral, and the fee is not increased above the agreed-upon amount.

Third, my bill strengthens consumer protections with respect to the administration of escrow accounts, which are commonly required by lenders for the payment of taxes and insurance. Section 6 makes loan servicers liable for fees and penalties arising from their failure to make timely payment of taxes, insurance premiums, and other charges. It also prohibits a servicer from profiting from the failure to make timely payment of insurance charges, by prohibiting such servicer from collecting any fees associated with force-placed hazard insurance.

And, Section 6 deals with the timely return of escrow funds upon loan repayment. As the HUD-Fed report noted, current law does not require return of such funds; it merely requires a final statement be sent out within 60 days of loan payoff. This can be a particular hardship for certain borrowers, especially those who are refinancing or buying a different home.

When a loan is prepaid in full, the borrower pays the lender all outstanding principal and interest. Accordingly, it is not unreasonable to ask the lender to return all escrow funds at the same time, e.g., as an offset. Therefore, Section 8 of my bill requires the lender to return all escrow funds at time of loan repayment, provided the borrower gives 7 calendar days notice of such intent to prepay. If notice is not given, the servicer must return escrow funds within 21 days. Monetary damages are provided for failure to comply with this requirement.

Fourth, the bill beefs up enforcement provisions. The HUD-Fed report noted that requirements relating to the Good Faith Estimate and the HUD-1 Settlement Statement are "not supported by any enforcement authority under RESPA." Thus, while the details and scope of what enforcement provisions should be established is a matter for honest debate, it seems clear that the current lack of any enforcement mechanism is unacceptable.

Therefore, Section 7 provides for a uniform enforcement provision that would apply to violations of Section 4 (HUD-1 Settlement Statement), Section 5 (Good Faith Estimate), Section 6 (loan servicing disclosure requirements), and Section 10 (Escrow Account Statements). Settlement service providers that violate these sections would be liable for actual damages, plus additional damages as the court may award, up to $2,000 per loan, plus court costs in the case of successful legal action. In addition, this section provides for a uniform statute of limitations of three years for all enforcement actions.

Finally, Section 5 of the bill directs HUD to expand the Special Information Booklet required to be given to borrowers at the same time the Good Faith Estimate is provided, to include assistance in two common situations faced by borrowers. First, HUD is required to include an explanation of the issues involved in refinancing a mortgage loan, including the tradeoffs of lower interest rates and closing costs. Secondly, HUD is required to include an explanation that some lenders may offer the option that some loan fees may be paid up front, or in the form of a higher mortgage rate, including assistance in evaluating this type of option.

The "Mortgage Loan Consumer Protection Act" represents a balanced, common-sense approach to beef up consumer protections in our mortgage disclosure laws. I urge its consideration and adoption.

RECOGNIZING JESSE J. WUKIE ON HIS APPOINTMENT TO THE U.S. AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Jesse J. Wukie of Fremont, Ohio, who recently accepted his appointment to the U.S. Air Force Academy.

Jesse will soon graduate from Fremont Ross High School. During his high school career, he has maintained a high grade point average and was named to the honor roll. He is an accomplished athlete, earning varsity letters in wrestling. And, he has clearly demonstrated his leadership ability, serving as captain of the wrestling team, and as Vice President of his 4-H Horse Club.

Jesse Wukie can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Jesse is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Air Force. As a member of the Cadet Air Wing, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Jesse Wukie has the character and ability to excel at the U.S. Air Force Academy. I ask my colleagues to join me in wishing him well as he begins his very important service to our Nation.

HOUSE OF REPRESENTATIVES—*Friday, May 24, 2002*

The House met at 1 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 24, 2002.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God, You have kept Your covenant with every generation. In a world shadowed by the many infidelities and many inconsistencies of frail humanity, grant us faith in Your enduring love and patience with us.

Confirm the Members of the House of Representatives in Your power that they may accomplish the tasks You set before them.

Since You have called them to serve this great Nation, grant them the gifts they need to discern Your holy will and accomplish deeds of justice and integrity, today and every day of their lives. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. THORNBERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. THORNBERRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERSONAL EXPLANATION

Mr. LANGEVIN. Mr. Speaker, on rollcall No. 200, Obey amendment No. 52, and on rollcall No. 201, Obey amendment No. 51, I was unavoidably detained. Had I been present, I would have voted "aye" on both amendments.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 431 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 431

Resolved, That immediately upon the adoption of this resolution further consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, shall proceed in the House. The bill shall be considered as read for amendment. In addition to the amendments considered as adopted pursuant to House Resolution 428, the further amendments adopted in the Committee of the Whole and the amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 431 would provide for the further consideration of H.R. 4775, the 2002 Supplemental Appropriations Act for Further Recovery and Response to Terrorist Attacks on the United States.

The rule provides that in addition to the amendments considered as adopted pursuant to House Resolution 428, the further amendments adopted in the Committee of the Whole and the amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. That simply strikes four provisions in the bill that are in violation of House rule XXI.

The rule further provides that the previous question shall be considered as ordered on the bill as amended to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 4775 is a bipartisan emergency wartime supplemental for the fiscal year 2002. We are here tonight under these extraordinary circumstances due to the urgent need to complete this legislation and ensure that our men and women in uniform have the necessary funding to continue to fight the war on terrorism.

Mr. Speaker, this is, again, an emergency supplemental. To ensure that all of my colleagues understand exactly why we are here tonight, I have brought a dictionary, "Webster's New Collegiate Dictionary," to make sure there is no confusion as to what we are talking about.

Let us look how this dictionary defines "emergency": (1) A serious situation or occurrence that happens unexpectedly and demands immediate attention; (2) A condition of urgent need for action or assistance.

What about "supplemental"? Let us see what the dictionary provides for that definition: (1) Something added to complete a thing, make up for a deficiency, or strengthen the whole.

Clearly all of my colleagues understand that this legislation meets the test on both counts. September 11, 2001, was surely an emergency, and this legislation is urgently needed to supplement the military and ensure that we are able to fight and win this war. And, Mr. Speaker, this is indeed a war.

This rule is necessary due to the extraordinary situation that the House was faced with. The Committee on Rules earlier granted an open rule, as we normally do on appropriations bills, with debate subject to the 5-minute rule. Any amendment that conformed with the regular rules of the House would have been in order.

Unfortunately, we have been debating H.R. 4775 since 6:23 p.m. Wednesday with over 16 hours spent on this debate, and we have disposed of a mere five amendments.

Regrettably, the other side of the aisle, perhaps not understanding the emergency and supplemental nature of this legislation, has slowed down this process. Therefore, we must come forward with a rule to ensure that this emergency legislation proceeds. To continue to delay will place in jeopardy the necessary funds to ensure that our men and women in uniform have the necessary resources to prosecute the war on terrorism, which we all support.

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Accordingly, Mr. Speaker, I encourage my colleagues to support H. Res. 431 and the underlying bipartisan emergency wartime supplemental.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is very late, so I will not mince words. Democrats are as eager to vote for the bill that came out of the Committee on Appropriation as Republicans are. The underlying bill is still a good, bipartisan measure that supports the war on terrorism and homeland security. But by resorting to extraordinary, arrogant, and deceptive procedures tonight, the Republican leadership has sunk to a new low.

Mr. Speaker, the second rule is no better than the first rule the Committee on Rules reported out yesterday. Republicans are still using the war to hide from the American people their raid on Social Security. They are still trying to secretly turn your Social Security card into their credit card. They are still trying to charge billions of dollars more without even putting it through the credit card reader because they do not want a tell-tale receipt for their spending spree.

The only change, Mr. Speaker, is that Republicans have resorted to outrageous procedures to completely shut off debate tonight. Let me say that again: to completely shut off debate. Simply put, they do not like the fact that Democrats are exposing their attempt to politicize the war, drive the Nation into deeper debt, and keep raiding Social Security.

That is right, Mr. Speaker. As America prepares to celebrate Memorial Day, Republican leaders are shutting down democracy in the House of Representatives, and they are so ashamed that they waited until the cover of darkness to do it.

Well, they should be ashamed. Right now, the brave men and women of the U.S. military are halfway across the globe fighting for freedom and democracy in Afghanistan, and tonight the Republican leadership is here in Washington stomping out democracy in the House of Representatives.

But I suppose we should not be surprised, Mr. Speaker. After all, this has been a very bad 10 days for the Republican House. Republican leaders are scared to death by the vulnerability of their slim majority, so scared that they seem to be willing to do anything to cling to power. Last week, the press caught them using as a cheap fundraising prop an official photograph of the President taken on September 11. That, I think we would all agree, was a disgraceful display of political opportunism, one that does a tremendous disservice to the President and the country. But Republicans never apologized to the American people, so I assume they are still selling a piece of September 11 in order to pay for their congressional campaigns.

Then yesterday, Republican leaders brought their strategy of political war profiteering to the House floor. And they got caught once again. That was undoubtedly painful for the Republican leadership, Mr. Speaker; but it was good for the House, because it has given us one more chance to stop them from politicizing the war.

Mr. Speaker, we all know it is wrong to use soldiers and seniors as political pawns. And we all know that that is precisely what this rule does.

So I urge my Republican friends to join me in opposing this rule, to join me in urging Republican leaders to stop holding this wartime spending bill hostage. Then we can all vote together, as a unified House of Representatives, to pass the original bipartisan bill that Democrats and Republicans both support.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, how unfortunate it is that our colleagues on the other side of the aisle are accusing us of, in the words of my friend, the gentleman from Texas (Mr. FROST), "stomping out democracy," by bringing forth a rule to try to get a vote on a wartime supplemental appropriations bill.

After 16 hours of dilatory tactics, after 16 hours of delaying motions, delaying motion after delaying motion, we are accused of stomping out democracy because we want this House before Memorial Day to vote on a wartime supplemental appropriations bill.

I think it is most unfair for our colleagues on the other side of the aisle to adopt the attitude that they have adopted. The underlying legislation is extraordinarily needed. If there has ever been a need for legislation, it is to provide our men and women with the resources to continue to fight successfully, as they have, in defending this Nation, and to see hour after hour of dilatory tactics with absurd arguments, absurd arguments, which do not meet any test of the ridiculous. And to then accuse us, because we wish to get a vote on this wartime supplemental appropriations bill, to accuse us of stomping out democracy, is not serious; and it is not fair.

I am reminded of the words of the Spanish philosopher Ortega y Gassett, who said that "man is man plus his circumstances." I know that it is the circumstances of our friends on the other side of the aisle to be protesting. Perhaps it is the circumstances. The reality of the matter is that I know that our colleagues that are listening on their TV screens know that what we are doing is not only appropriate, but it is fair and it is necessary.

So after 16 hours of dilatory tactics, after 16 hours of wasting the time of our colleagues, what we are telling our friends on the other side of the aisle is that it is time to vote to get the aid to our men and women in uniform.

□ 0115

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, if the country of Cuba had a parliament or a legislature, they would be attempting to do exactly what the Republicans are doing tonight. They would give the dictator of that country the right to prevent that parliament from voting on an issue of whether or not to raise the debt, whether or not to put the country in debt. All we are asking for is the right to vote squarely on whether to put this country deeper in debt.

The Dallas Morning Newspaper in my home city, a very conservative newspaper, editorialized today against what the Republicans are doing, saying, shame on them. The Congress should vote directly on the question of putting this country deeper in debt, something which this rule prohibits us and prevents us from doing, just as they would in the Cuban parliament if there happened to be one.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, since we are pretending that this is a new legislative day, I thought the least I could do is pretend that I had gone home and put on a different set of clothes and freshen up a bit, and I think we might as well continue the pretense for a while.

This bill started out as a bipartisan wartime supplemental supported by both parties. Then, as they had previously done on so many other occasions, on patients' protection, on the energy bill, on airline security, on the Patriots Act, on pension reform and the welfare bill, the majority leadership decided to obliterate the legislative process. They discarded a bipartisan committee product, and they threw in unrelated partisan political items that characterized a full partisan agenda. They imposed a partisan unrelated budget resolution which pretends that they will spend $10 billion less next year than they are asking us to spend in this bill this year. They also slipped in without a vote a sleight-of-hand, hidden debt increase of $750 billion, and then they threw in enough special goodies for a few friends to get the votes to pass this shameful smorgasbord. They did it all to preserve their tax cut promises to the most well-off 2 percent of the population, promises that have turned surpluses into deficits as far as the eye can see, and deprived us of the dollars we need to strengthen Social Security and to make other crucial investments.

Now, the debate the last two days has been to try to get them to make this a real legislative debate about real choices. Instead, they have taken abusive power to a new level. The new rule invents the fiction of a new legislative day to destroy the legislative process even further.

What we are left with is not even a real debate. It is not even a real legislative product. This House is not behaving like a real legislative body. It has been turned into an ATM machine for the most privileged which stays in power by abusing the legislative process to avoid any real voting record.

What a shame, when the legislative process is corrupted to polarize a product that should have been used to forge national unity. It belies the false pieties that we will undoubtedly hear tonight.

Our friends on the other side may say they are doing the best they can. As my old friend, Archy the Cockroach would say, "Hell's bells, Mehitabel. That is only an explanation. It is not an excuse."

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, if I could engage in a brief colloquy here to make a point of information. I know somewhere in that rule, all five of my amendments are included. My question is, are my amendments deemed to be in order?

Mr. HASTINGS of Washington. Mr. Speaker, if the gentleman will yield, I would say to the gentleman from Alabama, we took all amendments under consideration and we have come forward on this floor with what we think is a very fair rule for everybody that submitted an amendment to the Committee on Rules.

Mr. CALLAHAN. Mr. Speaker, a further inquiry here, since the gentleman has his Webster's dictionary here, would he look up and see if possibly I have been "reemed" instead of "deemed."

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds. Before the gentleman from Alabama leaves the floor, I would point out to the gentleman that I know where his amendments are. They are in the wastebasket up there in the Committee on Rules. They did not give the gentleman from Alabama a vote on any of his five amendments.

Mr. Speaker, I yield one minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, on the eve of Memorial Day when we honor the heroes who made the supreme sacrifice for democracy, the Republicans are taking extraordinary efforts to shut off debate and stifle the democratic process. The Republican majority has desecrated a bill designed to support the troops, honor their mission, and help those affected so sadly by September 11. The Republicans dishonored this bill by their stealth attack on the Social Security fund.

It is no wonder the Republicans are ashamed to vote in the light of day in public on their secret $750 billion increase in the debt ceiling, which is necessary, of course, to cover their tax break for the rich at the expense of America's seniors who depend on Social Security.

Mr. Speaker, I urge my colleagues to vote against this closed rule, which is a sign of failure on the part of the Republicans to honor their commitment to the democratic process and to America's seniors.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield two minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, this is a very serious process, and this process did not start here. It started in the battlefield in Afghanistan and in the fleet and in the expeditionary marine units that are engaged in war in a remote part of the world right now on behalf of the United States. What happens is the battlefield commanders send to their headquarters the requirements for those things that they need. They let them know if they need ammunition. They let them know if they need battlefield wound dressings. They let them know if they need spare parts. They send those things up through their chain of command and it comes up through the services and it comes up through the Pentagon and it is worked over by the folks who head the services, and they send it to the Subcommittee on Defense of the Committee on Appropriations, and they review it, and then we produce for the people who wear the uniform of the United States the equipment that they need to win the war.

Now, that is what they have done, and that is what this bill gives them. It gives them bombs and ordnance. It gives them these JDAM munitions which are very accurate. It gives them the Predator attack vehicles which have proved so successful on the battlefields. It gives the infantry ammunition, and they are low on ammunition right now. It gives them M–60 helicopters. It gives them what they need right down to those battlefield wound dressings. That is what we give them.

Now, we have had a great discussion today and every Member has had an opportunity to get up, Democrat or Republican, and give us his general views on the war, on life, on Memorial Day, on how we best remember those people who have served our country. The best way we can celebrate this Memorial Day is very simple. Let us give to our military folks the wherewithal to win this war. That is what we are doing. It is apparent that in doing this, we are going to have to go through a blockade, and this blockade has been a legislative blockade that has been put out here today. Let us roll the blockade. Let us supply the troops. This bill supplies the troops. Let us vote it up.

Mr. FROST. Mr. Speaker, I yield myself 15 seconds. If I understand the last speaker correctly and the other speakers before him, too much democracy in defense of democracy is a bad thing.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I would ask our friend from California what do 29 and one-tenth million dollars in Members' personal projects have to do with the war on terrorism? Like Americans all over this great Nation, I strongly support, as do all of my colleagues, Democrats and Republicans, the expenditure of supplemental funds that will help our military win the battle against terrorism. However, I cannot help but note that in our patriotic fervor, we are jeopardizing the future for our children and grandchildren by passing on an additional $750 billion in debt. I can only hope that when history judges us and the decisions we make today are the bad ones we made yesterday, we are found wise and not ridiculous.

In the area of the ridiculous, I have noticed several items within this supplemental that for the life of me I cannot tie to the war on terrorism. For example, do all of our colleagues know that there are these 25 plus million dollars in Members' projects? Do our colleagues know that the supplemental money that is out here is for certain hospitals and schools, but not for all of them? To paraphrase my good friend from New York (Mr. RANGEL), are there any differences between a sick and uneducated child in Florida and one in Texas? What about the cuts in the bill? Do all of our colleagues realize that on page 99 of the bill, $300 million is authorized for the revitalization of section 8 and section 202 senior housing are being rescinded? How about the cancellation of loan guarantees to our country's airlines? And do not tell me you did something. What you did was you protected grant money that is already gone, and you allowed loan guarantees for something that does not in the final analysis protect them.

What happens to USAir? What happens to Spirit Air and perhaps United? What happens when their employees tomorrow wake up and find that they do not have a job?

We did not get to do anything about election reform. I do not know whether my good friend and the dean of our delegation would have accepted my measure that I would have offered.

What we wound up doing here is adopting a bill that did not allow debate on debt relief, and then adopting a rule that did not allow what we did not adopt. How crazy can you be?

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. FROST. Mr. Speaker, I yield two minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I rise to oppose this undemocratic rule, and I stand here today to honor our troops who are putting their lives on the line to defend our freedom and our way of life. We Democrats support funding the war on terrorism and homeland security, and if Republicans gave us a clean bill to fund just these efforts, we would have a unified House; a unified House.

But instead of supporting our troops, Republicans are playing politics, the very worst type of politics, with the futures of the very people who are protecting us. And yes, there is an emergency here, and that is the $750 billion debt we are placing on America's children, seniors, families, and veterans.

Yes, I stand here today to honor our troops who are on the front line for freedom and those who have fought in the past to secure the freedoms we enjoy. But this House has a responsibility to protect these American heroes, and that is what we intend to do. That is why we Democrats are trying to do everything in our power to prevent Republicans from mortgaging the future of our fighting men and women by saddling them with a debt that will take generations to pay off, a debt that will raid Social Security and Medicare.

If my colleagues believe in this debt limit increase, if they believe in unbridled credit card spending, then vote for it and let those of us who oppose it vote against it and let the American people see who stands on what side.

Yes, our troops are defending our freedom, and freedom is about openness and democracy and responsibility, little of which we are seeing from the Republican side today. Democracy is not about martial law. If you want to honor our troops, then do not saddle them and their families with a mountain of debt. You want to honor our veterans, then do not threaten their Social Security and do not seek cover behind the bravery and valor of our troops to hide your own lack of conviction. Give us a vote up or down on how high America's debt will be and let us see where the people will stand.

Mr. Speaker, I yield back the $750 billion you have saddled on America's future.

☐ 0130

Mr. FROST. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, I have a problem here with the 16-hour delay. This supplemental has been sitting here for 2 months, and we got it up, and we complain about 16 hours' delay?

The thing that worries me as much as anything is we have a shortfall on the National Guard of $1.8 billion. We have those National Guard deployed. We have 78,000 National Guard deployed throughout the country, National Guard and Reserve.

We have taken the money out of that. The committee put it back in. The chairman of the committee could only squeeze back in $800 million. We are now short almost $1 billion for the National Guard. I am talking about the bill actually says we have to cut people on active duty by 14,000 people in order to make up for the shortfall.

Now, we say, okay, we are only talking here, or we are finagling around here in order to get through so we have enough money. But it sends a terrible signal to the troops that we do not have confidence and we are going to cut. In other words, when we vote for this rule, we have eliminated $800 million. We have not funded, I should say, $1.8 billion to take care of people who are on active duty.

The National Guard called and they were bananas about the fact that we were cutting the National Guard by $1.8 billion. We did the best we could do, and we put half the money back in. I am sure between the chairman, the ranking member, the chairmen of both committees, the ranking members, we will get that money back.

But the difficulty is that here we are to get through this thing, to get it over to the Senate, and we are actually voting to cut back on troops that are on active duty right now. Then we get criticized for 16 hours' debate, as if we are unpatriotic.

I have been here 16 hours listening to all this rhetoric about how unpatriotic people are. This is not what this is all about. This is about money for the troops.

The second thing, we have almost 8,000 employees in western Pennsylvania for USAir. I talked to the chairman about it; I talked to the chairman of the Republican political campaign. He has as much interest as I do, and the gentleman from Virginia (Mr. MORAN) has as much interest as I do. We are talking about real people.

We met today with the chairman of USAir. He is going to go bankrupt if this is not settled. Again, what have we done? We have taken money, or we put a limitation on the money. We thought we solved the problem, so USAir went to the banks. The banks said, no, this does not solve the problem. We will not be able to lend them money. So here we are tonight passing legislation which will mean that USAir could go bankrupt tomorrow or the next day.

I am sure if the chairman calls them tomorrow and says, look, we are going to straighten this out in conference, the problem is the Senate has gone home and they have passed the same legislation. The exact same wording in the legislation says that there is a restriction, and the banks will not lend them the money.

So we have a real problem here, for those of us who represent USAir. They have lost tremendous amounts of money in this latest disaster that we had. They shut down National for a long period of time. We restricted the flights all through the United States. We passed originally, when the height of this disaster occurred, we passed all kinds of money and said, this money is going to be available. All at once we put a restriction on when they can apply for a loan. It is disconcerting.

The other thing we have done, when we talk about delaying a supplemental, the military has a difficult time. The chairman of the full committee can tell us this. Every time we delay a supplemental, it means they have to take money out of the fourth quarter, the most inefficient way to operate when we do not get that money to the services on time.

So here we are, and they said they needed the money in April. They are already borrowing money from the last quarter in order to pay the operating expenses for the military, the most inefficient way. Sometimes we cannot help it.

I know there are problems with this bill, but we are sending a terrible signal to 14,000 National Guard people who have been on active duty for a period of time. We are sending a signal to USAir where we have 9,000 or 10,000 people in western Pennsylvania whose jobs may be in jeopardy. I hope we will be able to solve this thing.

Most of the time, we can solve it in conference. But I worry as we go through the process, through the full committee, through the House, and then meeting with the Senate, that we will not be able to solve this problem because of the budgetary problem we have been putting ourselves in. I would ask the Members to vote against this rule and try to solve this problem.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, if we all remember last year, the supplemental was delayed and delayed and delayed; and finally it got up here very, very late. In fact, I introduced a supplemental to try to encourage one to be set up by the administration.

It is my understanding that this supplemental this year was delayed for 2 weeks because of the battle between the Department of Defense and OMB over this funding for the Guard and Reserve. So I would just say that the delay has been more on the side of the administration, its inability to get the supplemental up here on time. I think Congress has a right to debate this issue fully, particularly because of the extraneous matters that were added into this bill which should not have been here and were not here when it left the Committee on Appropriations.

But to try and say that somehow we have delayed this unreasonably is just flat out wrong.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I hope that every Member of this body votes with his or her eyes open on this rule, because I was in discussions when USAirways was assured they would be taken care of. They are taken care of in this rule. This rule prevents our being able to take out language which terminates the loan guarantee program that USAirways has told us they need to prevent insolvency.

Maybe it will not happen; maybe we will luck out. But from any of those Members that represent any one of those more than 200 cities served by this airline, this airline, that could not operate for 1 month out of National Airport, where its headquarters is located, that had only partial service for 8 months, that now has 40,000 employees, many of whom have called Members' offices, wants all Members to know exactly what they are doing if they vote "yes" on this rule. They are voting to put them into jeopardy that may cause the loss of those jobs and the bankruptcy of that airline.

It may not be the biggest issue, but certainly the underhanded way in which the debt ceiling is lifted and any number of the other issues that have been raised may be.

But make no mistake what this rule does: it deliberately protects that provision which terminates the loan guarantee program, knowing that this airline was going to come in to get that loan and needed it by August. Many Members have been in those conversations, and they know exactly what they said. After all those assurances, we have turned our backs on them, and the Senate has, as well. If we go into conference, neither the House nor the Senate has allowed this.

Mr. FROST. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, let us be very clear about what the people on the other side are arguing in favor of. They are arguing in favor of a 3-day week. They are complaining, oh, gee, we have spent 16 hours on that. We just finished Thursday. Most people work on Fridays. These folks do not want to work on Friday. They want a 3-day week, because we came in at 6:30 on Monday evening.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, we find ourselves here in the middle of the night voting on an emergency supplemental to help our brave Armed Forces fight and win a war because we were attacked; and 2,800 people, Americans, were killed in New York and at the Pentagon and in Pennsylvania.

I have offered two amendments this evening on rules to try to get an amendment offered for an independent blue ribbon commission to look at what happened and why.

I know we are going to win the war on terrorism, and I am so proud of the troops overseas. I know our intelligence community is going to continue to help us win this war and put people in jail overseas and freeze assets of the terrorists.

But I think it is also so important for us to look back, figure out what went wrong, and move forward and fix the problems; not to create a political blame game, not to blame the Clinton administration or the Bush administration, but to fix what went wrong yesterday and make it right for tomorrow, so that we do not have 2,800 people lose their lives again.

Eleven days after Pearl Harbor, President Roosevelt appointed a blue ribbon commission. The Senate is asking for an independent blue ribbon commission in a bipartisan way.

Conservative Republican columnists like William Safire say that we need an independent commission. Let us move on it tomorrow. The Weekly Standard, a conservative Republican publication, says that we need one. So does George Will.

As we fight this war in a bipartisan way together, let us fix the broken system, not to point at who dropped the ball, but to fix the system for America tomorrow. I hope we can work on this in a bipartisan way.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, the only emergency addressed by this rule is the one created when they were caught in a sleight-of-hand to greatly accelerate the national debt. Having been caught, our Republican friends have put a new twist on an old maxim: if you cannot say anything good, just do not say anything. Their twist is, they do not have anything to say good in their defense for jeopardizing Social Security and Medicare, so they do not want anyone else to say anything, either.

They have used a harsh rule. They have used a rule and a tactic that is truly worthy of the parliament in some backwater dictatorship. This is really just the latest of outrages in this House, many of them that are best considered here late at night, best considered under the cover of darkness when the Republican leadership has something in which to hide its shame.

Their scheming is so very bad tonight they do not even know what day it is. Indeed, I can tell the Members one thing: for Democrats in this House, it is a new day. We have had enough shenanigans. We have had enough gimmicks. We have had enough antics here in this House, and we are going to be back. We are going to be back throughout this session again and again. We are going to be working together. We are going to stand up and speak out forcefully for America.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, try as I may to believe that this is another day, in fact, this is actually a day of crimes against democracy, a masquerade, with legislation before us that is filled with the privileges of Republicans who have amendments to take back home to shine.

We here today recognize that as we move towards Memorial Day, it will be a significant time for us. After September 11, we will honor both our dead as well as those who lost their lives on September 11. But what we will know most of all is that as we vote for this rule, for those who will, they will just confirm that they will join the raiding of the Social Security surplus, $1.8 trillion to be raided between the years of 2003 and 2012.

□ 0145

That is what this rule stands for, a complete ignoring of the responsibility, not only of Republicans and Democrats, but Members of this House, the responsibility to the people of United States of America to ensure that we save Social Security. And then, as I said, that is crime against democracy.

We had amendments, some two dozen of them. We did not do this bill. We only got up to part of title I to chapter 3, and there happens to be three titles. I had amendments. We seemed to be afraid to find out the facts.

Nobody is pointing the finger at what happened. We would like to know what happened so we can not repeat this in the future. Here we have an FBI memorandum that talks about individuals who are learning in our flight schools across America, but yet we had nothing to occur with that memorandum. I had an amendment that I had hoped would have focused us on getting a report to Congress to find out what happened. And yet even though we know there were FBI memoranda throughout the summer talking about the potential of this horrific and terrible act, no one seems to know what happened to those memoranda. I had amendments to address that question along with many others. And yet the shame and sham against democracy, we have shut it down, and here we are today acting like we are doing some work.

Mr. Speaker, I come before this honored House and the American people with a heavy heart. The questions surrounding what was known prior to September 11th continues to grow and multiply each day. It was discovered that in 1996 Philippine authorities notified the United States that Ramzi Yousef, the man behind the original 1993 World Trade Center bombing, was plotting to hijack an aircraft and crash it into CIA Headquarters in Langley, Virginia.

Consequently the analysis in a recent disclosure that an FBI agent in the Phoenix Office recommended last summer that his superiors look for al Qaeda members training at U.S. flight schools. The memo said bin Laden followers could be planning to use the training for some sort of terrorism. Additionally FBI agents in Minnesota were working on a tip from a Minnesota flight school, arrested Zacarias Moussaoui, a French citizen of Moroccan descent who wanted to learn to fly, but not land, a 747 airliner. The FBI's Minneapolis office was refused permission to search Moussaoui's laptop for clues. In a handwritten message, FBI Special Agent Kenneth Williams wrote that Moussaoui was the "type of person that could fly something into the World Trade Center." On August 16, 2001, the Federal Aviation Administration issued a message on "disguised weapons."

The combination of just these events shows the need for coordination and synchronization of efforts. We cannot leave an investigation of this matter to a behind-closed-doors review by the intelligence community and Intelligence Committees. Our concerns are not ones of public relations or politics, but of substance and a commitment to ensuring that similar errors are prevented in the future.

This amendment will further the goal of requiring the DOJ to explain their procedures to Congress. The amendment does not require the FBI to disclose confidential sources or intelligence gathering techniques. Instead this amendment will provide Congress an opportunity to analyze coordination techniques.

Support this amendment and provide the security these two girls and the American people need.

Mr. FROST. Mr. Speaker, I yield two minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, a few moments ago the gentleman from Florida spoke with great flourish suggesting that the debate on the rules are manufactured and unimportant. Nothing could be further from the truth. In fact, rules are the way a civilized society governs its conduct. We teach our children to play by the rules. We teach them fairness.

Mr. Jefferson saw the rules as a way of protecting the views of the minority against the abuses which the wantonness of power is too often apt to suggest to large and successful majorities, protecting the views of the minority for the good of the democracy against the wantonness of power which suggests itself to the majority.

This may not be a sexy or glamourous topic for the American people, but it has to do with how your government functions. It has to do with the free exchange of ideas. Jefferson did not say the purpose of the rules is to allow the majority party to work its will without resistance. He said the purpose of the rules is to also protect the minority opinion against the wantonness of power of the majority.

For too long, for too long this body has witnessed the wantonness of power manifested in the rules exercised by the majority. You may have the right to do that, but is it right to do that? Is it good for the country?

Mr. Jefferson also asked the following: He asked if it makes sense for one generation to charge the next with a debt, because if it does charge the next generation with a debt larger than it can repay, than the Earth belongs to the dead, not the living.

The rule question today was are we charging the next generation with a debt and thereby giving the Earth to the dead, not the living? Your rule is designed to stop that debate.

Mr. HASTINGS of Washington. Mr. Speaker, how much is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Washington (Mr. HASTINGS) has 20½ minutes remaining. The gentleman from Texas (Mr. FROST) has 1½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been in this House for a while and I seem to remember a former Speaker of this House on the other side of the aisle standing up repeatedly when he was in the minority and talking about the corruption of the majority. Corruption. That was his word, not mine. And I think what we see here today is the exact same situation that Speaker Gingrich complained about repeatedly when talking about Democrats.

We were in power for 40 years. He complained about the way we used our power. The Republicans have only been in power since 1995, for seven years. The Republican leadership, the Republican majority in this House, as evidenced by this rule today, is a corrupt majority.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, to close.

Mr. DREIER. Mr. Speaker, that certainly was a charming assessment of the work product that we have here.

Let me say what we are going to be doing right after we pass this rule with enthusiastic support from our side of the aisle. We are going to have something that did not exist when the wonderful party of Thomas Jefferson controlled this institution for the four decades before we won the majority in 1994. What we are going to have is a motion to recommit that will be offered by the minority party. How can it be called corrupt to guarantee a right to the minority?

James Madison talked about that right as an extraordinarily important right. And I will tell you I was privileged to serve in this institution in the minority for 14 years before we won the majority; and I have been very proud to have fought for minority rights. And I am not going to accuse either side of being corrupt. And I will tell you that I am proud of what it is that we have done. What we did with this rule is we provided an open amendment process so that any germane amendment could be offered. We said that we could have a full and lively debate. Well, it ended up being nothing more lively, Mr. Speaker; and it was lively but not full; and it was not full because we had vote after vote after vote which clearly delayed the opportunities for us to, in fact, have the kind of opportunity to get the assistance to our men and women in uniform who desperately need it.

And, yes, we have addressed a few other issues that we needed to address in this bill. That is what happens. And I do not think that any Member of the now-minority could stand up and say that when they were in the majority they did not address any of the concerns that existed for their Members.

So, Mr. Speaker, I think it is very important for us to, on the eve of the Memorial Day celebration, when most of us will be in our districts going to honor the men and women who have given their lives for the United States of America, to pass this rule and pass this very important wartime supplemental appropriations bill so that we can do what every single American and every freedom-loving human being on the face of the Earth wants to do, and that is to win this war.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 201, not voting 21, as follows:

[Roll No. 204]

YEAS—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—21

Bonior
Burton
Clay
Combest
Condit
Cramer
Crowley
Deutsch
Gutierrez
LaTourette
Linder
Lipinski
McIntyre
Radanovich
Roukema
Thompson (CA)
Thompson (MS)
Traficant
Vitter
Weldon (PA)
Whitfield

□ 0215

Mr. KIND changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 431, the House shall immediately proceed to further consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

□ 0215

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 431, the bill is considered read for amendment. In addition to the amendments adopted pursuant to House Resolution 428, the amendments adopted in the Committee of the Whole and the amendments printed in House Report 107–486 are adopted.

The text of H.R. 4775, as amended pursuant to House Resolution 428 and House Resolution 431, is as follows:

H.R. 4775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", $2,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)", $75,000,000, to remain available until September 30, 2003, which shall be placed in reserve for use in only such amounts, and in such manner, as the Secretary determines necessary, notwithstanding section 17(i) of the Child Nutrition Act.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Animal and Plant Health Inspection Service, Salaries and Expenses", $10,000,000, to remain available until expended, to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and free-ranging animals: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Food and Drug Administration, Salaries and Expenses", $18,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit

Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 102. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the Agricultural Trade Act of 1978, as amended by Public Law 104–127, not more than $28,000,000 shall be available in fiscal year 2002.

CHAPTER 2

DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $5,750,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Legal Activities

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Federal Bureau of Investigation

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $112,000,000, to remain available until September 30, 2004; *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $102,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Immigration and Naturalization Service

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for "Salaries and Expenses, Enforcement and Border Affairs" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $75,000,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $40,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Office of Justice Programs

JUSTICE ASSISTANCE

For an additional amount for "Justice Assistance" for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and section 1014 of the USA PATRIOT Act (Public Law 107–56) and for other counter-terrorism programs, including first responder training and equipment to respond to acts of terrorism, including incidents involving weapons of mass destruction or chemical or biological weapons, $175,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

RELATED AGENCIES

Office of the United States Trade Representative

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses for increased security requirements, $1,100,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President of the Congress.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Scientific and Technical Research and Services

For an additional amount for "Scientific and Technical Research and Services" for emergency expenses resulting from new homeland security activities and increased security requirements, $4,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

National Oceanic and Atmospheric Administration

FISHERIES FINANCE PROGRAM ACCOUNT

Funds provided under the heading, "Fisheries Finance Program Account" for the direct loan program authorized by the Merchant Marine Act of 1936, as amended, are available to subsidize gross obligations during fiscal year 2002 for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $19,000,000 for Traditional loans.

Departmental Management

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from new homeland security activities, $400,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

THE JUDICIARY

Supreme Court of the United States

CARE OF THE BUILDING AND GROUNDS

For an additional amount for "Care of the Building and Grounds" for emergency expenses for the Supreme Court building, $10,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses to enhance security and to provide for extraordinary costs related to terrorist trials, $6,258,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $3,115,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President of the Congress.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs" for emergency expenses for activities related to combating international terrorism, $51,050,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs" for emergency expenses for activities related to combating international terrorism, $20,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the

Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $10,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", for emergency expenses for activities related to combating international terrorism, $200,516,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations" for emergency expenses for activities related to combating international terrorism, $7,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities" to make United States peacekeeping payments to the United Nations at a time of multilateral cooperation in the war on terrorism, $43,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for emergency expenses for activities related to combating international terrorism, $7,400,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements" for emergency expenses for activities related to combating international terrorism, $7,700,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RELATED AGENCIES

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for additional staffing to respond to increased needs for enforcement and oversight of corporate finance, $20,000,000 from fees collected in fiscal year 2002, to remain available until expended.

In addition, for an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $9,300,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS

SEC. 201. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 15 of the State Department Basic Authorities Act of 1956, as amended, and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 202. Section 286(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(3) is amended—

(1) by striking "is authorized to" and inserting "shall"; and

(2) by striking "authorization" and inserting "requirement".

SEC. 203. (a)(1) During fiscal year 2002 and each succeeding fiscal year, notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crimes associated with the terrorist acts of September 11, 2001, to watch trial proceedings in the criminal case against Zacarias Moussaoui, the trial court in that case shall order, subject to paragraph (3) and subsection (b), closed circuit televising of the trial proceedings to convenient locations the trial court determines are reasonably necessary, for viewing by those victims.

(2)(A) As used in this section and subject to subparagraph (B), the term "victims of crimes associated with the terrorist acts of September 11, 2001" means individuals who—

(i) suffered direct physical harm as a result of the terrorist acts that occurred in New York, Pennsylvania and Virginia on September 11, 2001 (hereafter in this section "terrorist acts") and were present at the scene of the terrorist acts when they occurred, or immediately thereafter; or

(ii) are the spouse, legal guardian, parent, child, brother, or sister of, or who as determined by the court have a relationship of similar significance to, an individual described in subparagraph (A)(i), if the latter individual is under 18 years of age, incompetent, incapacitated, has a serious injury, or disability that requires assistance of another person for mobility, or is deceased.

(B) The term defined in paragraph (A) shall not apply to an individual who participated or conspired in one or more of the terrorist acts.

(3) Nothing in this section shall be construed to eliminate or limit the district court's discretion to control the manner, circumstances, or availability of the broadcast where necessary to control the courtroom or protect the integrity of the trial proceedings or the safety of the trial participants. The district court's exercise of such discretion shall be entitled to substantial deference.

(b) Except as provided in subsection (a), the terms and restrictions of section 235(b), (c), (d) and (e) of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608(b), (c), (d), and (e)), shall apply to the televising of trial proceedings under this section.

SEC. 204. For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (relating to Federal sources of supply, including lodging providers, airlines and other transportation providers), the Eisenhower Exchange Fellowship Program shall be deemed an executive agency for the purposes of carrying out the provisions of 20 U.S.C. 5201, and the employees of and participants in the Eisenhower Exchange Fellowship Program shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY PERSONNEL

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $206,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $226,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $119,000,000 shall be available only to the extent that an official budget request for $119,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $53,750,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $17,250,000 shall be available only to the extent that an official budget request for $17,250,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $60,500,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $19,500,000 shall be available only to the extent that an official budget request for $19,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $751,975,000, to remain available for obligation until September 30, 2003, of which $420,000,000 may be used, notwithstanding any other provision of law, for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military support provided to United States military operations in connection with the Global War on Terrorism: *Provided*, That such payments may be made in such amounts as the Secretary may determine, in accordance with standard accounting practices and procedures, in consultation with the Director of the Office of Management and Budget and 15 days following notification to the appropriate Congressional committees: *Provided further*, That amounts for such payments shall be in addition to any other funds that may be available for such purpose: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $12,975,000 shall be available only to the extent that an official budget request for $12,975,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEFENSE EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Defense Emergency Response Fund", $12,693,972,000, to remain available for obligation until September 30, 2003, of which $77,900,000 shall be available for enhancements to North American Air Defense Command capabilities: *Provided*, That the Secretary of Defense may transfer the funds provided in this paragraph only to appropriations for military personnel; operation and maintenance; procurement; the Defense Health Program; and working capital funds: *Provided further*, That notwithstanding the preceding proviso, $100,000,000 of the funds provided under this heading are available for transfer to any other appropriations accounts of the Department of Defense, for certain classified activities, and notwithstanding any other provision of law, such funds may be obligated to carry out projects not otherwise authorized by law: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $1,393,972,000 shall be available only to the extent that an official budget request for $1,393,972,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $79,200,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $22,800,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $262,000,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $2,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $3,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $129,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $36,500,000 shall be available only to the extent that an official budget request for $36,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $115,000,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $735,340,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $104,425,000, to remain available for obligation until September 30, 2004: *Provided*, That funds may be used to purchase vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles, but not to exceed $175,000 per vehicle: *Provided further*, That $99,500,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $8,200,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $9,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $99,800,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $39,000,000 shall be available only to the extent that an official budget request for $39,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $72,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $20,000,000 shall be available only to the extent that an official budget request for $20,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. (a) The appropriation under the heading "Research, Development, Test and Evaluation, Navy" in the Department of Defense Appropriations Act, 2002 (Public Law 107-117) is amended by adding the following proviso immediately after "September 30, 2003": ": *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operations Forces". (b) The amendment made by subsection (a) shall be effective as if enacted as part of the Department of Defense Appropriations Act, 2002.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) shall be available for transfer, obligation and expenditure, consistent with the purposes for which such amounts were contributed and accepted, by the Secretary of Defense to such appropriations or funds of the Department of Defense as the Secretary shall determine, to be merged with and to be available for the same purposes and the same time period as the appropriation or fund to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority.

SEC. 303. During fiscal year 2002, the President may continue to provide assistance to Russia under cooperative threat reduction programs and under title V of the Freedom Support Act (Public Law 102-511; 106 Stat. 3338) without regard to the certification requirements in section 1203(d) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952 (d)) and section 502 of the Freedom Support Act (22 U.S.C. 5852) if the President submits to the Speaker of the House of Representatives and the President pro tempore of the Senate a certification that providing such assistance is vital to the national security interests of the United States.

SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414): *Provided*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations or covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.

SEC. 305. Section 8005 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117; 115 Stat. 2247), is amended by striking "May 1, 2002" before the period at the end and inserting "June 15, 2002".

SEC. 306. (a) Funds appropriated to the Department of Defense for fiscal year 2002 for operation and maintenance under the heading "Chemical Agents and Munitions Destruction, Army", may be used to pay for additional costs of international inspectors from the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons, pursuant to Articles IV and V of the Chemical Weapons Convention, for inspections and monitoring of Department of Defense sites and commercial sites that perform services under contract to the Department of Defense, resulting from the Department of Defense's program to accelerate its chemical demilitarization schedule.

(b) Expenses which may be paid under subsection (a) include—

(1) salary costs for performance of inspection and monitoring duties;

(2) travel, including travel to and from the point of entry into the United States and internal United States travel;

(3) per diem, not to exceed United Nations rates and in compliance with United Nations conditions for per diem for that organization; and

(4) expenses for operation and maintenance of inspection and monitoring equipment.

SEC. 307. (a) In fiscal year 2002, funds available to the Department of Defense for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

(b) The provision shall also apply to unexpired balances and assistance previously provided from prior years' Acts available for purposes identified in subsection (a).

(c) The authority in this section is in addition to authorities currently available to provide assistance to Colombia.

SEC. 308. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), $93,000,000, to remain available until September 30, 2004, is hereby appropriated to the Department of Defense for the procurement of three MH-47 Chinook helicopters, as follows: "Aircraft Procurement, Army", $63,000,000; and "Procurement, Defense-Wide", $30,000,000: *Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $93,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 309. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), $100,000,000, to remain available until September 30, 2003, is hereby appropriated to the Department of Defense under the heading "Chemical Agents and Munitions Destruction, Army" for Research, development, test and evaluation, for the purpose of chemical agent destruction at Department of Defense facilities in Aberdeen, Maryland, and Newport, Indiana: *Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $100,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(RESCISSIONS)

SEC. 310. Of the funds available in Department of Defense Appropriations Acts or otherwise available to the Department of Defense, the following funds are hereby rescinded, from the following accounts in the specified amounts:

"Other Procurement, Air Force", 2001/2003, $29,000,000; and "Procurement, Defense-Wide", 2002/2004, $30,000,000.

SEC. 311. Section 2533a of title 10, United States Code, shall not apply to any transaction entered into to acquire or sustain aircraft under the authority of section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117; 115 Stat. 2284).

SEC. 312. Notwithstanding any other provision of law, not to exceed $100,000,000, from appropriations available to the Department of Defense from the "Defense Emergency Response Fund", may be made available only to reimburse foreign nations for the costs of goods, services, or use of facilities provided in direct support of operations by U.S. military forces in the global war on terrorism: *Provided*, That such reimbursements shall be determined and paid in accordance with standard accounting practices and procedures: *Provided further*, That the Secretaries of Defense and State shall jointly provide a written notification to the Committees on Appropriations of the House of Representatives and the Senate 15 days prior to any proposed commitment and obligation of funds pursuant to this section, describing each proposed use of funds and the proposed sources of funds: *Provided further*, That funds proposed for obligation pursuant to the immediately preceding proviso shall not be made available for obligation without the prior approval of the Committees on Appropriations.

CHAPTER 4

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

GOVERNMENTAL DIRECTION AND SUPPORT

The paragraph under this heading in the District of Columbia Appropriations Act, 2002 (Public Law 107-96) is amended by striking: "*Provided further*, That not less than

$353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance:" and inserting: "*Provided further,* That not less than $353,000 shall be available to the Office of the Corporation Counsel to support attorney compensation consistent with performance measures contained in a negotiated collective bargaining agreement:".

PUBLIC EDUCATION SYSTEM

(RESCISSION)

Notwithstanding any other provision of law, of the local funds appropriated under this heading for public charter schools for the fiscal year ending September 30, 2002, in the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107–96; 115 Stat. 935), $37,000,000 are rescinded.

HUMAN SUPPORT SERVICES

For an additional amount for "human support services", $37,000,000 from local funds: *Provided,* That $11,000,000 shall be for the Child and Family Services Agency and $26,000,000 shall be for the Department of Mental Health.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2002 (Public Law 107–96, 115 Stat. 940), $7,950,000 are rescinded.

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the One Judiciary Square ground lease underlying the building located at One Judiciary Square, $7,950,000 from local funds.

ADMINISTRATIVE PROVISION

Section 119(b) of the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 950) is amended to read as follows:

"(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.—

"(1) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

"(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

"(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

"(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—

"(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

"(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).".

GENERAL PROVISIONS—THIS CHAPTER

SEC. 401. The District of Columbia may use up to 1 percent of the funds appropriated to the District of Columbia under the Emergency Supplemental Act, 2002, approved January 10, 2002 (Public Law 107–117; 115 Stat. 2230), to fund the administrative costs that are needed to fulfill the purposes of that Act. The District may use these funds for this purpose as of January 10, 2002.

SEC. 402. Section 16(d)(2) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4–515(d)(2), D.C. Official Code), as amended by the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107–96; 115 Stat. 928) is amended to read as follows: "(2) 50 percent of such balance shall be transferred from the Fund to the Mayor and shall be used without fiscal year limitation for outreach activities designed to increase the number of crime victims who apply for such direct compensation payments.".

SEC. 403. (a) Notwithstanding any other provision of law, the positive fund balance of the general fund of the District government which remained at the end of fiscal year 2000 (as reflected in the complete financial statement and report on the activities of the District government for such fiscal year under section 448(a)(4) of the District of Columbia Home Rule Act) shall be used during fiscal year 2002 to provide the minimum balances required for fiscal year 2002 for the emergency reserve fund under section 450A of the District of Columbia Home Rule Act and the contingency reserve fund under section 450B of such Act.

(b) To the extent that the amount of the positive fund balance described in subsection (a) exceeds the amount required to provide the minimum balances in the reserve funds described in such subsection, the District government shall use the excess amount—

(1) to address potential deficits in the budget of the District government for fiscal year 2002, subject to the same conditions applicable under section 202(j)(3) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 to the obligation and expenditure of the budget reserve and cumulative cash reserve under such section; or

(2) if the Chief Financial Officer of the District of Columbia certifies that the excess amount is available and is not required to address potential deficits in the budget of the District government for fiscal year 2002, for Pay-As-You-Go Capital Funds.

(c) To the extent that the excess amount described in subsection (b) is used to address potential deficits in the budget of the District government for fiscal year 2002, such amount shall remain available until expended.

(d)(1) The item relating to "District of Columbia Funds—Operating Expenses—Repayment of Loans and Interest" in the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 940) is amended by striking "That any funds set aside" and all that follows through "That for equipment leases," and inserting "That for equipment leases,".

(2) Section 159(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2482), as amended by section 133(c) of the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 956) is amended by striking paragraph (3).

CHAPTER 5

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General" for emergency expenses related to security at Corps of Engineers facilities, $128,400,000, to remain available until September 30, 2003: *Provided,* That the entire amount shall be available only to the extent an official budget request for $128,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That funds made available under this heading in this Act and in Public Law 107–117 may be used to fund measures and activities undertaken by the Secretary of the Army, acting through the Chief of Engineers, to protect and secure any infrastructure owned or operated by, or on behalf of, the U.S. Army Corps of Engineers, including administrative buildings and facilities.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science" for emergency expenses necessary to support safeguards and security activities, $29,000,000: *Provided,* That the entire amount shall be available only to the extent an official budget request for $29,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for emergency expense resulting from the September 11, 2001, terrorist attacks, $125,400,000: *Provided,* That $106,000,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation" for international safeguards activities, $5,000,000: *Provided,* That the entire amount shall be available only to the extent an official budget request for $5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management" for emergency expenses necessary to support safeguards and security activities, $67,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $67,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Defense Facilities Closure Projects

For an additional amount for "Defense Facilities Closure Projects" for emergency expense necessary to support safeguards and security activities, $16,600,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $16,600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Other Defense Activities

For an additional amount for "Other Defense Activities" for emergency expenses necessary to support energy security and assurance activities, $7,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 6

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund" for emergency expenses for activities related to combating AIDS, tuberculosis, and malaria, $200,000,000, to remain available until December 30, 2002: *Provided*, That funds appropriated in this Act and in prior Acts under this heading and under the heading "Child Survival and Disease Programs Fund" and made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria shall not exceed 40 percent of the total resources pledged by all donors to the Global Fund for calendar year 2002: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance" for emergency expenses for activities related to combating international terrorism, $190,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development" for emergency expenses for activities related to combating international terrorism, $7,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund" for emergency expenses for activities related to combating international terrorism, $460,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law.

In addition, for an additional amount for "Economic Support Fund", $250,000,000, to remain available until September 30, 2003: *Provided*, That $200,000,000 of the funds appropriated in this paragraph shall be made available for assistance for Israel for activities relating to combating international terrorism: *Provided further*, That $50,000,000 of the funds appropriated in this paragraph shall be transferred to "International Disaster Assistance" to be made available for humanitarian and refugee assistance for the West Bank and Gaza: *Provided further*, That none of the funds provided in the preceding proviso shall be available for assistance for the Palestinian Authority: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for emergency expenses for activities related to combating international terrorism, $110,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Department of State

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement" for emergency expenses for activities related to combating international terrorism, $120,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance" for emergency expenses for activities related to combating international terrorism, $10,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for emergency expenses for activities related to combating international terrorism, $83,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY ASSISTANCE

Funds Appropriated to the President

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program" for emergency expenses for activities related to combating international terrorism, $366,500,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law: *Provided further*, That not to exceed $2,000,000 of the funds appropriated in this paragraph may be obligated for necessary expenses, including the purchase of passenger motor vehicles for use outside of the United States, for the general cost of administering military assistance and sales.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations" for emergency expenses for activities related to combating international terrorism, $20,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount of designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

SPECIAL PAYMENTS TO THE INTERNATIONAL FINANCIAL INSTITUTIONS

(RESCISSION)

The unobligated balances of funds provided in Public Law 92-301 and Public Law 93-142 for maintenance of value payments to international financial institutions are hereby rescinded.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. (a) In fiscal year 2002, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

(b) This provision shall also apply to unexpired balances and assistance previously provided from prior years' Acts available for the purposes identified in subsection (a).

(c) The authority in this section is in addition to authorities currently available to provide assistance to Colombia.

(RESCISSION)

SEC. 602. Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund" in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as contained in Public Law 106-113) and in prior Acts making appropriations for foreign operations, export financing, and related programs, $60,000,000 are rescinded.

ANDEAN SECURITY STRATEGY

SEC. 603. (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the United States policy and strategy to assist Colombia as well as to achieve a robust security environment in the Andean region.

(b) The report required by subsection (a) shall address the following:

(1) The key objectives of the United States assistance to the Government of Colombia.

(2) The actions required of the United States to support and achieve those objectives, as well as a time schedule and cost estimates for implementing such actions.

(3) The role of the United States in the efforts of the Government of Colombia to provide security within the country.

(4) How the strategy regarding Colombia relates to and affects the strategy of the United States to achieve regional security between, and within, Andean countries, and how those Andean countries are working with Colombia to achieve regional security.

(5) A strategy, time schedule, and cost estimates for providing material, technical, and logistical support to the Government of Colombia to assist it contain and eliminate the threat which the United Self-Defense Forces (AUC) of Colombia poses to the national security of that country.

(6) A strategy to assist the Government of Colombia reach a negotiated political solution to the internal conflict as well as help it facilitate the design and implementation of a comprehensive strategy which addresses the underlying socio-political sources of the insurgencies and paramilitary counter-insurgency.

(c) In this section, the term "appropriate congressional committees means—

(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

CHAPTER 7

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of Lands and Resources", $658,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $1,443,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", $1,173,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for "Construction", $19,300,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $25,700,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Operation of Indian Programs", $134,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

Of the funds provided under this heading in Public Law 107-20 for electric power operations and related activities at the San Carlos Irrigation Project, $5,000,000 is rescinded.

Funds provided under this heading in Public Law 107-20, for electric power operations and related activities at the San Carlos Irrigation Project, and remaining within the account may be used for unanticipated trust reform projects and costs related to the ongoing Cobell litigation or other litigation concerning the management of Indian trust funds: *Provided*, That funds made available herein may, as needed, be transferred to or merged with any account funded in the Interior and Related Agencies Appropriations Act to reimburse costs incurred for these litigation activities.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $905,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

RELATED AGENCY

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", of the Smithsonian Institution, $11,000,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for "Construction", for emergency security expenses, $2,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 701. Within 10 days of enactment of this Act, funds appropriated to the Forest Service under the heading "Wildland Fire Management" in Public Law 107-63 for the following purposes: $5,000,000 for research activities and $10,000,000 for capital improvement and maintenance of fire facilities shall be released and made available for immediate obligation. These funds are not available for transfer for purposes other than those described in this section.

SEC. 702. None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the transfer of any research activities from the Smithsonian Institution to the National Science Foundation.

SEC. 703. In fiscal year 2002 and thereafter, the Secretary of the Interior may charge reasonable fees for services provided at Midway Atoll National Wildlife Refuge, including fuel sales, and retain those fees, to be credited to the United States Fish and Wildlife Service, "Resource Management" account and remain available until expended for operation and maintenance of infrastructure and staffing required for non-refuge specific needs, including the purchase of fuel supplies.

SEC. 704. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements where the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be that provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the firefighter, the sending country or any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 705. Hereafter, for purposes of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), the Secretary of Defense may be held responsible for water consumption that occurs on a military installation (or outside of military installation but under the direct authority and control of the Secretary). The Secretary of Defense is not responsible for water consumption that occurs outside of a military installation and is beyond the direct authority and control of the Secretary of Defense even through the water is derived from a watershed basin shared by the military installation and the water consumption outside of the installation may impact a critical habitat or endangered species outside the installation.

CHAPTER 8

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $300,000,000, to remain available through September 30, 2003; of which not less than $190,000,000 is available for carrying out sections 171(d) and 173 of the Workforce Investment Act of 1998, except that not more than $20,000,000 may be used for carrying out section 171(d); and of which $110,000,000, to remain available through June 30, 2002, is available for carrying out section 132(a)(2)(B) of such Act: *Provided*, That notwithstanding sections 132(b)(2)(B) and 133(b)(2)(B) of such Act, such funds for carrying out section 132(a)(2)(B) shall be allotted and allocated in a manner that restores to the affected States and local workforce investment areas the $110,000,000 that was subject to rescission under Public Law 107-20: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The matter preceding the first proviso under this heading in Public Law 107-116 is amended—

(1) by inserting "IV," after "titles II, III,"; and

(2) by striking "$311,978,000" and inserting "$315,333,000".

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for the Centers for Disease Control and Prevention, "Disease Control, Research, and Training", $1,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request, that designates the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to the Congress.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds provided under this heading in Public Law 107-116, $30,000,000 is rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES AND PROGRAMS

For an additional amount for "Children and Families Services Programs" for carrying out section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416), $500,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

Of the funds provided under this heading in Public Law 107-116 to carry out the Elementary and Secondary Education Act of 1965, $832,889,000 shall be available to carry out part D of title V, and up to $11,500,000 may be used to carry out section 2345.

In the statement of the managers of the committee of conference accompanying H.R. 3061 (Public Law 107-116; H. Rpt. 107-342), in the matter relating to the Fund for the Improvement of Education under the heading "School Improvement Programs"—

(1) the provision specifying $200,000 for Fresno At-Risk Youth Services and the provision specifying $225,000 for the Fresno Unified School District shall be applied by substituting the following for the two provisions: "Fresno Unified School District, Fresno, California, in partnership with the City of Fresno, California, for activities to address the problems of at-risk youth, including afterschool activities and a mobile science unit, $425,000";

(2) the provision specifying $50,000 for the Lewiston-Auburn College/University of Southern Maine shall be deemed to read as follows: "Lewiston-Auburn College/University of Southern Maine TEAMS program to prepare teachers to meet the demands of Maine's 21st century elementary and middle schools, $50,000";

(3) the provision specifying $250,000 for the Wellington Public School District, Wellington, KS, shall be deemed to read as follows: "Wellington Public School District, Wellington, KS, for after school activities, $250,000";

(4) the provision specifying $200,000 for the Vermont Higher Education Council shall be deemed to read as follows: "Vermont Higher Education Consortium to develop universal early learning programs to ensure that at least one certified teacher will be available in center-based child care programs, $200,000";

(5) the provision specifying $250,000 for Education Service District 117 in Wenatchee, WA, shall be deemed to read as follows: "Education Service District 171 in Wenatchee, WA to equip a community technology center to expand technology-based training, $250,000";

(6) the provision specifying $1,000,000 for the Electronic Data Systems Project shall be deemed to read as follows: "Washington State Department of Education for an electronic data systems project to create a database that would improve the acquisition, analysis and sharing of student information, $1,000,000";

(7) the provision specifying $250,000 for the YMCA of Seattle-King-Snohomish County shall be deemed to read as follows: "YWCA of Seattle-King County-Snohomish County to support women and families through an at-risk youth center and other family supports, $250,000";

(8) the provision specifying $50,000 for Drug Free Pennsylvania shall be deemed to read as follows: "Drug Free Pennsylvania to implement a demonstration project, $50,000";

(9) the provision specifying $20,000,000 for the Commonwealth of Pennsylvania Department of Education shall be deemed to read as follows: "$20,000,000 is included for a grant to the Commonwealth of Pennsylvania Department of Education to provide assistance, through subgrants, to low-performing school districts that are slated for potential takeover and/or on the Education Empowerment List as prescribed by Pennsylvania State Law. The initiative is intended to improve the management and operations of the school districts; assist with curriculum development; provide after-school, summer, and weekend programs; offer teacher and principal professional development; and promote the acquisition and effective use of instructional technology and equipment.";

(10) the provision specifying $1,000,000 for State of Louisiana for Louisiana Online shall be deemed to read as follows: "Online Louisiana, Inc., New Orleans, LA, for a K–12 technology initiative, $1,000,000";

(11) the provision specifying $150,000 for the American Theater Arts for Youth, Inc., Philadelphia, PA, for a Mississippi Arts in Education Program shall be deemed to read as follows: "American Theater Arts for Youth, Inc., for a Mississippi Arts in Education program, $150,000"; and

(12) the provision specifying $25,000 for the American Theater Arts for Youth for an Arts in Education program shall be deemed to read as follows: "American Theater Arts for Youth, Inc., in Philadelphia, Pennsylvania for an Arts in Education Program, $25,000".

Student Financial Assistance

For an additional amount for "Student Financial Assistance" for Pell Grants, $1,000,000,000, to remain available through September 30, 2003.

Higher Education

In the statement of the managers of the committee of conference accompanying H.R. 3061 (Public Law 107–116; H. Rept. 107–342), in the matter relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the provision for Nicholls State University, Thibodaux, LA shall be applied by substituting "Intergenerational" for "International"; and

(2) the provision specifying $1,000,000 for Cleveland State University shall be deemed to read as follows: "Cleveland State University, College of Education, Cleveland, Ohio, for a K–16 Urban School Leadership initiative, $1,000,000".

CHAPTER 9

LEGISLATIVE BRANCH

House of Representatives

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the House of Representatives, $1,600,000, as follows:

Committee Employees

Standing Committees, Special and Select

For an additional amount for salaries and expenses of standing committees, special and select, authorized by House resolutions, $1,600,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2002.

Library of Congress

Copyright Office

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Copyright Office, $7,500,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Joint Items

Capitol Police Board

Capitol Police

GENERAL EXPENSES

For an additional amount for the Capitol Police Board for necessary expenses of the Capitol Police, including computer equipment and services, training, communications, uniforms, weapons, and reimbursement to the Environmental Protection Agency, Hazardous Substance Superfund for additional expenses incurred for anthrax investigations and cleanup actions, $16,100,000, to be disbursed by the Capitol Police Board or their delegee: *Provided*, That this amount shall be available only to the extent that an official budget request, that includes designation of the amount as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Administrative Provisions

SEC. 901. (a) There is hereby established in the Treasury of the United States an account for the Architect of the Capitol to be known as "capitol police buildings" (hereinafter in this section referred to as the "account").

(b) Funds in the account shall be used by the Architect of the Capitol for all necessary expenses for the maintenance, care, and operation of buildings of the United States Capitol Police.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year. Any amounts provided to the Architect of the Capitol prior to the date of the enactment of this Act for the maintenance, care, and operation of buildings of the United States Capitol Police during fiscal year 2002 shall be transferred to the account.

SEC. 902. (a) Subject to the approval of the House Office Building Commission and the Senate Committee on Rules and Administration, the Architect of the Capitol is authorized to acquire (through purchase, lease, transfer from another Federal entity, or otherwise) real property, subject to the availability of appropriations, for the use of the United States Capitol Police.

(b) Any real property acquired by the Architect of the Capitol pursuant to subsection (a) shall be a part of the United States Capitol Grounds and shall be subject to the provisions of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 903. (a) Chapter 9 of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2315), is amended—

(1) in section 903 (a), by striking "buildings and facilities" and insert "buildings and facilities, subject to the availability of appropriations,".

(b) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended by redesignating the subsection (b) added by section 903(c)(2) of the Emergency Supplemental Act, 2002, as subsection (c).

(c) The amendment made by this section shall take effect as if included in the enactment of the Emergency Supplemental Act, 2002.

SEC. 904. Nothing in section 1535 of title 31, United States Code (commonly referred to as the "Economy Act"), or any other provision of such title may be construed to prevent or restrict the Chief Administrative Officer of the House of Representatives from placing orders under such section during any fiscal year in the same manner and to the same extent as the head of any other major organizational unit with an agency may place orders under such section during a fiscal year.

SEC. 905. (a) IN GENERAL.—Section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), as enacted by reference in section 1(a)(2) of the Consolidated Appropriations Act, 2001, is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i); and

(2) by inserting after subsection (b) the following new subsection:

"(c) RUSSIAN EXCHANGE PROGRAM FOR AMERICAN LEADERSHIP.—

"(1) IN GENERAL.—In addition to the program established under subsection (b), the Center shall establish a program to carry out activities (including the awarding of grants) to enable emerging political leaders of the Federal Government and State and local governments to visit the Russian Federation to study the operation of political institutions, business organizations, and nongovernmental organizations of the Russian Federation.

"(2) ADMINISTRATION.—The provisions of paragraphs (3) and (4) of subsection (b) shall apply with respect to the program under this subsection in the same manner as such provisions apply to the program under subsection (b).".

(b) CONFORMING AMENDMENTS.—Section 313 of such Act (2 U.S.C. 1151) is amended—

(1) in subsection (b)(1), by striking the period at the end and inserting the following: ", and to establish and administer the program described in subsection (c).".; and

(2) in subsection (i)(2) (as redesignated by subsection (a)(1)), by striking "Subsection (g)" and inserting "Subsection (h)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2001.

SEC. 906. (a) The Librarian of Congress and the Director of the Congressional Research Service shall take such steps as may be necessary to ensure that all materials of the Congressional Research Service which are provided and available to Members of Congress and officers and employees of the House of Representatives and Senate at the United States Capitol and Congressional office buildings (including materials provided through electronic means) may be provided and available to such individuals in the same manner and to the same extent at all other locations where such individuals carry out their official duties.

(b) This section shall apply to materials of the Congressional Research Service which are provided and available at any time after the date of the enactment of this Act.

SEC. 907. (a) The Architect of the Capitol is authorized, subject to the availability of appropriations, to acquire (through purchase, lease, or otherwise) buildings and facilities for use as computer backup facilities (and related uses) for offices in the legislative branch.

(b) The acquisition of a building or facility under subsection (a) shall be subject to the approval of—

(1) the House Office Building Commission, in the case of a building or facility acquired for the use of an office of the House of Representatives;

(2) the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of an office of the Senate; or

(3) the House Office Building Commission in the case of a building or facility acquired for the use of any other office in the legislative branch as part of a joint facility with (1) above, or the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of any other office in the legislative branch as part of a joint facility with (2) above.

(c) Any building or facility acquired by the Architect of the Capitol pursuant to subsection (a) shall be a part of the United States Capitol Grounds and shall be subject to the provisions of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946.

(d) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

CHAPTER 10

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $8,505,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Military Construction, Defense-wide", $21,500,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Under this heading in Public Law 107–87, as amended by section 1106 of Public Law 107–117, delete "$116,023,000" and insert "$128,123,000".

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for emergency expenses arising to implement the Federal takeover of airport security, $3,850,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of the total amount provided herein, the following amounts are available for obligation only for the specific purposes below:

(1) Physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems, including explosive trace detection systems, $850,000,000;

(2) Procurement of explosive detection systems, including explosive trace detection systems, for checked baggage screening, $630,000,000;

(3) Reimbursement of air carriers for installation of intrusion-resistant cockpit doors, $25,000,000;

(4) Competitive grants to critical national seaports to finance the costs of enhancing facility and operational security, $75,000,000;

(5) Reimbursement to airports for State and local law enforcement officers, $75,000,000;

(6) Procurement of air-ground communications systems and devices for the Federal air marshal program, $20,000,000;

(7) Additional funding for the Department of Transportation Crisis Management Center, to improve transportation emergency response coordination, $2,100,000; and

(8) Replacement of magnetometers at airport passenger screening locations in commercial service airports, $20,000,000:

Provided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time permanent positions: *Provided further*, That of such amount, $1,545,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

U.S. COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for emergency expenses for homeland security and other purposes, $210,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, $21,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for emergency expenses for homeland security and other purposes, $78,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, $12,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(TRANSFER OF FUNDS)

For an additional amount for "Operations," up to $25,000,000, to remain available until September 30, 2002, for security activities at Federal Aviation Administration facilities, to be derived by transfer from "Facilities and Equipment (Airport and Airway Trust Fund)".

GRANTS-IN-AID FOR AIRPORTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, notwithstanding any other provision of law, for "Grants-in-aid for airports", to enable the Federal Aviation Administrator to compensate airports for a portion of the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, $200,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the "Emergency Relief Program", as authorized by 23 U.S.C. 125, for emergency expenses to respond to natural disasters or catastrophic failures from external causes, $167,000,000, to be derived from the Highway Trust Fund and to remain available until expended, for the State of New York to respond to the September 11, 2001, terrorist attacks on New York City: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on a Federal-aid highway related to the New York City terrorist attacks shall be 100 percent: *Provided further*, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than $100,000,000 for those projects.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

BORDER ENFORCEMENT PROGRAM

(HIGHWAY TRUST FUND)

For necessary expenses of the Border Enforcement Program to respond to the September 11, 2001, terrorist attacks on the United States, $19,300,000, to be derived from the Highway Trust Fund, of which $4,200,000 shall be to implement section 1012 of Public Law 107-56 (USA Patriot Act); $10,000,000 shall be for drivers' license fraud detection and prevention, the northern border safety and security study, and hazardous material security education and outreach; and $5,100,000 shall be for the purposes of coordinating drivers' license registration and social security number verification: *Provided*, That in connection with such commercial drivers' license fraud deterrence projects, the Secretary may enter into such contracts or grants with the American Association of Motor Vehicle Administrators, States, or other persons as the Secretary may so designate to carry out these purposes: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HAZARDOUS MATERIALS SECURITY

(HIGHWAY TRUST FUND)

For necessary expenses to implement the hazardous materials safety permit program pursuant to 49 U.S.C. 5109, $5,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

FEDERAL TRANSIT ADMINISTRATION

CAPITAL INVESTMENT GRANTS

For an additional amount for "Capital Investment Grants" for emergency expenses to respond to the September 11, 2001, terrorist attacks in New York City, $1,800,000,000, to remain available until expended to replace, rebuild, or enhance the public transportation systems serving the Borough of Manhattan, New York City, New York: *Provided*, That the Secretary may use up to one percent of this amount for oversight activities: *Provided further*, That these funds are subject to grant requirements as determined by the Secretary to ensure that eligible projects will improve substantially the mobility of commuters in Lower Manhattan: *Provided further*, That the Federal share for any project funded from this amount shall be 100 percent: *Provided further*, That these funds are in addition to any other appropriation available for these purposes: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1101. Notwithstanding any other provision of law, projects and activities designated on pages 82 through 92 of House Report 107-308 shall be eligible for fiscal year 2002 funds made available for the program for which each project or activity is so designated.

SEC. 1102. Section 335 of Public Law 107-87 is hereby amended by inserting "or the Transportation Security Administration" after "the Federal Aviation Administration" and by inserting ", aviation security" after "air navigation".

SEC. 1103. After the date of enactment of this Act, no further Federal credit instruments may be issued pursuant to section 101(a)(1) of the Air Transportation Safety and System Stabilization Act in fiscal year 2002.

CHAPTER 12

DEPARTMENT OF THE TREASURY

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for expenses of expanded law enforcement training workload resulting from the September 11, 2001 terrorist attacks against the United States, $15,870,000, to remain available until September 30, 2003: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for expenses of expanded protective and investigative workload following the September 11, 2001 terrorist attacks against the United States, $46,750,000, to remain available until September 30, 2003, *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for "Payment to the Postal Service" for emergency expenses to enable the Postal Service to protect postal employees and postal customers from exposure to biohazardous material and to sanitize and screen the mail, $87,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 107-67, $750,000 are rescinded.

ELECTION ADMINISTRATION REFORM AND RELATED EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the implementation of election administration reform, and related expenses, $450,000,000, to remain available until expended: *Provided*, That such amount shall not be available for obligation until the enactment of legislation that establishes programs for improving the administration of elections: *Provided further*, That, upon the enactment of such legislation, the Director of the Office of Management and Budget shall transfer the specific amounts authorized, for the purposes designated, to the Federal entities specified by such legislation, and according to the provisions established in H.R. 3295, as passed by the House of Representatives on December 12, 2001: *Provided further*, That, within 15 days of such transfers, the Director of the Office of Management and Budget shall notify the Congress of the amounts transferred to each authorized Federal entity: *Provided further*, That the entities to which the amounts are transferred shall use the amounts to carry out the applicable provisions of such legislation: *Provided further*, That the transfer authority provided in this paragraph shall be in addition to any other transfer authority provided in this or any other Act.

INDEPENDENT AGENCIES

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," $750,000 for unanticipated costs associated with implementing the Bipartisan Campaign Reform Act.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount for "Federal Buildings Fund" for building security emergency expenses resulting from the September 11, 2001 terrorist attacks on the United States, $51,800,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1201. (a) RESCISSION.—Of the unobligated balance as of June 30, 2002, of the funds made available for "Financial Management Service, Salaries and Expenses" in chapter 10 of title II of Public Law 107-20, $14,000,000 is rescinded.

(b) EFFECTIVE DATE.—Subsection (a) shall be effective June 30, 2002.

(c) SUPPLEMENTAL APPROPRIATION.—For an additional amount for "Internal Revenue Service, Business Systems Modernization", there is appropriated the amount rescinded pursuant to subsection (a), to remain available until September 30, 2003. Such additional amount may not be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for the expenditure of such additional amount that complies with the requirements as specified in clauses (1) through (6) under such heading in Public Law 107–67.

SEC. 1202. None of the funds appropriated in this or any other Act may be used to transfer the functions, missions, or activities of the United States Customs Service to the Department of Justice.

SEC. 1203. (a) The Federal Law Enforcement Training Center may, for a period ending not later than 5 years after the date of the enactment of this Act, appoint and maintain a cadre of up to 250 Federal annuitants—(1) without regard to any provision of title 5, United States Code, which might otherwise require the application of competitive hiring procedures; and (2) who shall not be subject to any reduction in pay (for annuity allocable to the period of actual employment) under the provisions of section 8344 or 8468 of such title 5 or similar provision of any other retirement system for employees. A reemployed Federal annuitant as to whom a waiver of reduction under paragraph (2) applies shall not, for any period during which such waiver is in effect, be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in paragraph (2)) as may apply.

(b) No appointment under this section may be made which would result in the displacement of any employee.

(c) For purposes of this section—

(1) the term "Federal annuitant" means an employee who has retired under the Civil Service Retirement System, the Federal Employees' Retirement System, or any other retirement system for employees;

(2) the term "employee" has the meaning given such term by section 2105 of such title 5; and

(3) the counting of Federal annuitants shall be done on a full time equivalent basis.

CHAPTER 13

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

MEDICAL CARE

For an additional amount for "Medical care", $417,000,000: *Provided*, That the funds provided herein be allocated using the VERA methodology: *Provided further*, That for the purposes of enabling the collection from third-party insurance carriers for non-service related medical care of veterans, all Department of Veterans Affairs healthcare facilities are hereby certified as Medicare and Medicaid providers and the Centers for Medicare and Medicaid Services within the Department of Health and Human Services shall issue each Department of Veterans Affairs healthcare facility a provider number as soon as practicable after the date of enactment of this Act: *Provided further*, That nothing in the preceding proviso shall be construed to enable the Department of Veterans Affairs to bill Medicare or Medicaid for any medical services provided by the Veterans Health Administration or to require the Centers for Medicare and Medicaid Services to pay for any medical services provided by the Department of Veterans Affairs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Public and Indian Housing

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2002 and prior years, $300,000,000 is hereby rescinded: *Provided*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission.

Community Planning and Development

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community Development Fund" for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $750,000,000, to remain available until expended: *Provided*, That the State of New York, in cooperation with the City of New York, shall, through the Lower Manhattan Development Corporation, distribute these funds: *Provided further*, That such funds may be used for assistance for properties and businesses (including the restoration of utility infrastructure) damaged by, and for economic revitalization directly related to, the terrorist attacks on the United States that occurred on September 11, 2001, in New York City and for reimbursement to the State and City of New York for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes: *Provided further*, That the State of New York is authorized to provide such assistance to the City of New York: *Provided further*, That in administering these funds and funds under section 108 of such Act used for economic revitalization activities in New York City, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of thee funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds or guarantees: *Provided further*, That such funds shall not adversely affect the amount of any formula assistance received by the State of New York, New York City, or any categorical application for other Federal assistance: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974, as amended, no later than five days before the effective date of such waiver: *Provided further*, That the Secretary shall notify the Committees on Appropriations on the proposed allocation of any funds and any related waivers pursuant to this section no later than five days before such allocation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The referenced statement of the managers under the heading "Community development fund" in title II of Public Law 106–377 is deemed to be amended by striking "$2,000,000 is for the Louisville Community Development Bank for the Louisville Neighborhood Initiative" and inserting "$2,000,000 for neighborhood revitalization activities in Louisville, Kentucky, as follows: $170,000 to the Christian Church Homes of Kentucky for facility upgrades at Chapel House, $500,000 to the Louisville Medical Center Development Corporation for expansion of a research park, $400,000 to the Louisville Science Center for construction of a permanent exhibition, $150,000 to the New Zion Community Development Foundation for renovation of a facility, $400,000 to the Presbyterian Community Center for construction of a facility, $180,000 to the St. Stephen Family Life Center for renovation of a facility, and $200,000 to the United Crescent Hill Ministries for renovation of a facility".

The referenced statement of the managers under the heading "Community development fund" in title II of Public Law 107–73 is deemed to be amended by striking "$3,000,000 for the Louisville Community Development Bank for continuation of the Louisville Neighborhood Initiative" and inserting "$3,000,000 for neighborhood revitalization activities in Louisville, Kentucky, as follows: $250,000 to the Bridgehaven Mental Health Agency for planning and development of a facility, $600,000 to the Cable Life Community Enrichment Corporation for construction of a facility, $350,000 to Catholic Charities for renovation of a facility, $500,000 to the Center for Women and Families for an affordable housing program, $100,000 to the Clifton Cultural Center for renovation of a historic building, $200,000 to Harrods Creek Community Development for construction of a facility, $200,000 to the James Taylor Memorial Home for facility improvements, $600,000 to the Kentucky Art and Craft Foundation for renovation of a facility, and $200,000 to the Shelby Park Neighborhood Association for facility construction".

Housing Programs

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 2002 by not more than $300,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations acts: *Provided*, That up to $300,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 2002.

INDEPENDENT AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for "National Institute of Environmental Health Sciences," $8,000,000, to carry out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 in response to the September 11, 2001, terrorist attacks on the United States: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Agency for Toxic Substances and Disease Registry

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $11,300,000, of which $1,800,000 is for additional expenses incurred in response to the September 11, 2001, terrorist attacks on the United States, and of which $9,500,000 is to enhance the States' capacity to respond to chemical terrorism events: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking everything after "$1,000,000" in reference to item number 91 and inserting "for Carrolton Utilities ($500,000), City of Williamston ($100,000) and Pendleton County Industrial Authority ($400,000)".

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by striking everything after "for" in reference to item number 202 and inserting "storm water infrastructure improvements".

Grants appropriated under this heading in Public Law 107–73 for drinking water infrastructure needs in the New York City watershed shall be awarded under section 1443(d) of the Safe Drinking Water Act, as amended.

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking everything after "$2,000,000" in reference to item number 168 and inserting "for the Town of Wallace, North Carolina for a regional wastewater infrastructure improvement project ($1,000,000), and for the Town of Cary, North Carolina for wastewater infrastructure improvements including the treatment of biosolids ($1,000,000).".

The referenced statement of managers under this heading in Public Law 107–73 is deemed to be amended in item 19 by inserting the words "water and" after the word "for".

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief" for necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), and the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), $2,750,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, the Texas Medical Center may be provided FEMA Public Assistance and Hazard Mitigation grants as an agent for eligible applicants.

DISASTER ASSISTANCE FOR UNMET NEEDS

For an additional amount for "Disaster assistance for unmet needs", $23,320,000, to remain available until September 30, 2004, for use by the Director of the Federal Emergency Management Agency (Director) only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal year 2002, only to the extent funds are not made available for those activities by the Federal Emergency Management Agency (under its "Disaster relief" program) or the Small Business Administration; *Provided*, That in administering these funds the Director shall allocate these funds to States to be administered by each State in conjunction with its Federal Emergency Management Agency Disaster Relief program: *Provided further*, That each State shall provide not less than 25 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the State under this heading: *Provided further*, That the Director shall allocate these funds based on the unmet needs arising from a Presidentially-declared disaster as identified by the Director as those which have not or will not be addressed by other Federal disaster assistance programs and for which it is deemed appropriate to supplement the efforts and available resources of States, local governments and disaster relief organizations: *Provided further*, That the Director shall establish review groups within the Federal Emergency Management Agency to review each request by a State of its unmet needs and certify as to the actual costs associated with the unmet needs as well as the commitment and ability of each State to provide its match requirement: *Provided further*, That the Director shall publish a notice in the Federal Register governing the allocation and use of the funds under this heading, including provisions for ensuring the compliance of the States with the requirements of this program: *Provided further*, That 10 days prior to distribution of funds, the Director shall submit a list to the House and Senate Committees on Appropriations setting forth the proposed uses of funds and the most recent estimates of unmet needs: *Provided further*, That the Director shall submit quarterly reports to said Committees regarding the actual projects and needs for which funds have been provided under this heading: *Provided further*, That to the extent any funds under this heading are used in a manner inconsistent with the requirements of the program established under this heading and rules issued pursuant thereto, the Director shall recapture an equivalent amount of funds from the State from any existing funds or future funds awarded to the State under this heading or any other program administered by the Federal Emergency Management Agency: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance" for emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, $151,700,000 to remain available until September 30, 2002: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Notwithstanding the first paragraph of the item in title II of Public Law 107–73 relating to "Federal housing administration, Mutual mortgage insurance program account", during fiscal year 2002, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act shall not exceed a loan principal of $165,000,000,000.

SEC. 1302. Notwithstanding the first paragraph of the item in title II of Public Law 107–73 related to "Federal housing administration, General and special risk program account", any amounts made available for fiscal year 2002 for the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974), shall be available to subsidize total loan principal, any part of which is to be guaranteed, of up to $23,000,000,000.

CHAPTER 14

GENERAL PROVISIONS

SEC. 1401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1402. Notwithstanding any other provision of law, all adjustments made pursuant to section 251(b)(1)(B) of the Balanced Budget and Emergency Deficit and Control Act of 1985 to the highway category and to section 8103(a)(5) of the Transportation Equity Act for the 21st Century for fiscal year 2003 shall be deemed to be zero. This section shall apply immediately to all reports issued pursuant to section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2003, including the discretionary sequester preview report.

SEC. 1403. Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) The United States Government shall take all steps necessary to guarantee the full faith and credit of the Government.".

SEC. 1404. TREATMENT OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) RECLASSIFICATION OF CERTAIN PENNSYLVANIA COUNTIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal year 2003, for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to hospitals (including rehabilitation hospitals and rehabilitation units under such subsection (j))—

(A) in Lackawanna, Luzerne, Wyoming, Lyncoming, and Columbia Counties, Pennsylvania, such counties are deemed to be located in the Newburgh, New York-PA Metropolitan Statistical Area; and

(B) in Mercer County, Pennsylvania, such county is deemed to be located in Youngston-Warren, Ohio Metropolitan Statistical Area.

(2) RULES.—The reclassifications made under paragraph (1) with respect to a subsection (d) hospital shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (10) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)).

(b) LARGE URBAN AREA OF NEW YORK.—Notwithstanding any other provision of law, effective for discharges occurring on or after October 1, 2002, and before October 1, 2005, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) the large urban area of New York, New York is deemed to include Orange County, New York, and Dutchess County, New York.

SEC. 1405. AMENDMENTS TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (title II of Public Law 98-67; 19 U.S.C. 2703(b)(2)(A)) is amended—

(1) in clause (i), by adding at the end the following: "Apparel articles shall qualify under the preceding sentence only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are knit fabrics, is carried out in the United States. Apparel articles shall qualify under the first sentence of this clause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States."; and

(2) in clause (ii), by adding at the end the following: "Apparel articles shall qualify under the preceding sentence only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are knit fabrics, is carried out in the United States. apparel articles shall qualify under the first sentence of this clause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States.".

(b) ANDEAN TRADE PREFERENCE ACT.—Any duty-free or other preferential treatment provided under the Andean Trade Preference Act to apparel articles assembled from fabric formed in the United States shall apply to such articles only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled if the fabrics are knit fabrics, is carried out in the United States. Any duty-free or other preferential treatment provided under the Andean Trade Preference Act to apparel articles assembled from fabric formed in the United States shall apply to such articles only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States.

(c) EFFECTIVE DATE.—Subsection (b) and the amendments made by subsection (a) shall take effect—

(1) 90 days after the date of the enactment of this Act, or

(2) September 1, 2002,

whichever occurs first.

SEC. 1406

Congress shall take all steps necessary to ensure that section 5402 of Title 39, United States Code is amended to allow the United States Postal Service to tender non-priority bypass mail to mainline carriers who carry mainline non-priority bypass mail.

Congress shall take all steps necessary to ensure that section 5402 of Title 39, United States Code is further amended to allow the United States Postal Service to tender non-priority bypass mail to bush carriers, on a route not served by a mainline carriers or between two bush points, Carriers, are encouraged to upgrade their operating certificates and increase passenger service. Carriers who make these changes may be tendered a greater percentage of non-priority bypass mail.

Congress shall take all steps necessary to ensure that The Secretary of the Department of Transportation sets non-priority bypass mail rate as is deemed necessary to continue the bypass mail service.

The requirements of these provisions will only be in effect in the State of Alaska.

TITLE II—AMERICAN SERVICE- MEMBERS' PROTECTION ACT

SEC. 2001. SHORT TITLE.

This title may be cited as the "American Servicemembers' Protection Act of 2002".

SEC. 2002. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court". The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.".

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, "I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied".

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to "determine the existence of any .... act of aggression" would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 2003. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 5 AND 7.—The President is authorized to waive the prohibitions and requirements of sections 2005 and 2007 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees ,that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 5 AND 7.—The President is authorized to waive the prohibitions and requirements of sections 2005 and 2007 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) Authority To Waive Sections 4 and 6 With Respect to an Investigation or Prosecution of a Named Individual.—The President is authorized to waive the prohibitions and requirements of sections 2004 and 2006 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 2005 and 2007 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) Termination of Waiver Pursuant to Subsection (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 2004 and 2006 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 2005 and 2007 expires and is not extended pursuant to subsection (b).

(e) Termination of Prohibitions of This Title.—The prohibitions and requirements of sections 2004, 2005, 2006, and 2007 shall cease to apply, and the authority of section 2008 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 2004. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) Application.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 2008; or

(B) communication by the United States of its policy with respect to a matter.

(b) Prohibition on Responding to Requests for Cooperation.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) Prohibition on Transmittal of Letters Rogatory From the International Criminal Court.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) Prohibition on Extradition to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) Prohibition on Provision of Support to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) Prohibition on Use of Appropriated Funds To Assist the International Criminal Court.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) Restriction on Assistance Pursuant to Mutual Legal Assistance Treaties.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) Prohibition on Investigative Activities of Agents.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 2005. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) Policy.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) Restriction.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) Certification.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

SEC. 2006. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) In General.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) Indirect Transfer.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) Construction.—The provisions of this section shall not be construed to prohibit any action permitted under section 2008.

SEC. 2007. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) Prohibition of Military Assistance.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) National Interest Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) Article 98 Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) Exemption.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 2008. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) Authority.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) Persons Authorized To Be Freed.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) Authorization of Legal Assistance.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) Bribes and Other Inducements Not Authorized.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 2009. ALLIANCE COMMAND ARRANGEMENTS.

(a) Report on Alliance Command Arrangements.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) Description of Measures To Achieve Enhanced Protection for Members of the Armed Forces of the United States.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) Submission in Classified Form.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 2010. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 2011. APPLICATION OF SECTIONS 2004 AND 2006 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) In General.—Sections 2004 and 2006 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) Notification to Congress.—

(1) In general.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 2004 or 2006, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) Exception.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) Construction.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

SEC. 2012. NONDELEGATION.

The authorities vested in the President by sections 2003 and 2011(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 2005(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 2013. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) Classified national security information.—The term "classified national security

information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms "extradition" and "extradite" mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term "International Criminal Court" means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

SEC. 2014. REPEAL OF LIMITATION.

The Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117) is amended by striking section 8173.

This Act may be cited as the "2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States".

The SPEAKER pro tempore. Pursuant to House Resolution 431, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the bill, H.R. 4775, to the Committee on Appropriations with instructions to report the bill forthwith with the following amendment: strike Section 1403.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his motion.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, a lot of people in this Chamber have spent their entire career talking about their opposition to raising the national debt. In fact, the majority of the Members of the Republican Party in this House have sponsored with much fanfare a constitutional amendment requiring an explicit vote by two-thirds of the House in order to raise the debt limit.

This motion simply strikes the provision in the bill that paves the way to raise that debt limit by $750 billion. For my colleagues to vote against this motion to prevent turning the Social Security card into the Nation's credit card would give hypocrisy a bad name.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, finally, after 16 hours of debate, we get an opportunity for a clean up-and-down vote on whether we should increase our national debt ceiling by $750 billion.

This motion to recommit reaffirms our support for the President and our men and women in uniform and the war on terrorism. Every one of us supports providing whatever funding is necessary to fund the war on terrorism. This motion is about the financial condition of our Nation and whether we will continue piling on more and more debt on our children and grandchildren. We should not be delaying action on funding the war on terrorism by trying to use it to hide the second largest increase in the statutory debt limit in the history of our country. The war on terrorism should be too important for political games.

My colleagues on the other side of the aisle were very willing to stand up and take credit for the tax and spending legislation they passed last year that has put us back into debt. They should be willing to stand up and be counted now that the time has come to pay the bills by raising the national debt limit.

We are not threatening to default on the good faith and credit of the U.S. Government. We have repeatedly extended the hand of bipartisan cooperation by offering to support a temporary increase in the debt limit to meet the expenses of the war and allow government to meet its obligations while Congress and the President work together on a plan to again balance our budget. All we are saying with this motion is hold off on the administration's request for a $750 billion increase in the debt until we have a plan in place to return the budget to balance without borrowing from Social Security.

It is fiscally irresponsible, I repeat, it is fiscally irresponsible to provide a blank check for increasing borrowing authority without requiring Congress and the President to come up with a plan to get us out of red ink and return to saving the Social Security surplus. Vote for the motion to recommit by striking the effort to hide the increase in the debt ceiling in this motion.

Mr. OBEY. Mr. Speaker, I yield the final 2 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, which ducked its responsibility to bring a free-standing debt ceiling to the floor of the House.

Mr. RANGEL. Mr. Speaker, this motion to recommit gives us the final opportunity to bring some thread of responsibility to what we are doing this evening, and that is to make certain that we do not jeopardize Social Security; that we do not really make the people pay for the tax cut by taking it out of the Social Security trust fund.

They have hidden in this bill the ability to borrow an additional $750 billion, and shame on them for doing it in the middle of the night. We could have felt so proud, our colleagues could have made us proud. On this Memorial Day they could have made us feel like we were somebody; that we were in the House of Representatives, not Republicans and Democrats, but those who wanted to support our troops overseas, those who wanted to support the President, those who wanted to fight against terrorism. That flag would have flown in every parade in every county, in every city for all of us as Members of the House of Representatives.

Instead of that, our colleagues wanted to save a couple of Republican seats. They determined that there were people more sick in a Republican district than in a Democratic district. They determined they had to pay off for votes that they picked to unravel international trade agreements. They missed one heck of an opportunity to make us all feel proud on this Memorial Day.

The motion to recommit merely says we want fiscal integrity to go with our responsibility in being patriots. And patriots are the people who do not run away from their responsibility. If we yield to this, we yield to the terrorists.

So our colleagues had a chance for bipartisanship. We had that, and we gave it to the President after 9–11. But in the middle of the night my colleagues had to find some way to get some political advantages. Well, my colleagues, we are mad as hell and we are not taking it any more. The American people demand more of us than that.

And no matter where my colleagues go, whatever they have got to do, we are going to protect that Social Security System. When the flag is up, we are going to salute it; but we are going to take care of the people.

The SPEAKER pro tempore. Is the gentleman from Florida opposed to the motion to recommit?

Mr. YOUNG of Florida. Very definitely, Mr. Speaker.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, first I want to thank all of the Members for their very spirited and enthusiastic participation in this great exercise in democracy, where the majority rules.

My only request of the Members is to remember that before they vote, this is a wartime emergency supplemental appropriations bill. My colleagues may not like some of the feathers, but the main body of the product is exactly what I said, a wartime emergency supplemental to support our troops in the field and to make sure that they have whatever they need and that we do not stand down any of our military preparedness.

So what I would ask is that Members will vote for final passage for this bill. On this vote, let us vote "no" and then let us go to the final passage vote.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. TAYLOR of Mississippi. Mr. Speaker, it is all a little fuzzy, probably by intention.

The SPEAKER pro tempore. Does the gentleman have an inquiry?

Mr. TAYLOR of Mississippi. Yes, sir.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, is it my understanding that by the passage of this bill the rule allows the debt limit to be increased by $750 billion?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote followed by a 5-minute vote on final passage.

The vote was taken by electronic device, and there were—ayes 201, noes 215, not voting 19, as follows:

[Roll No. 205]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thurmán
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—215

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Osborne
Ose
Otter

Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Bonior
Burton
Cannon
Combest
Condit
Cramer
Crowley
Deutsch
Gutierrez
Linder
Lipinski
McIntyre
Nussle
Radanovich
Roukema
Thompson (CA)
Thompson (MS)
Traficant
Vitter

□ 0242

Mr. FILNER changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 280, nays 138, not voting 17, as follows:

[Roll No. 206]

YEAS—280

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chambliss
Clement
Coble
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Dicks
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Fattah
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
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Gibbons
Gilchrest
Gillmor
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Gonzalez
Goodlatte
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Green (TX)
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Hall (OH)
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Hart
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Hastings (WA)
Hayes
Hayworth
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Herger
Hilleary
Hinojosa
Hobson
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Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
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Luther
Maloney (CT)
Maloney (NY)
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McNulty
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Morella
Murtha
Myrick
Nadler
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
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Riley
Rodriguez
Roemer
Rogers (KY)
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Ros-Lehtinen
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Sandlin
Saxton
Schaffer
Schiff
Schrock
Scott
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

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Baird
Baldwin
Barrett
Becerra
Berry
Blumenauer
Boswell
Boyd
Brown (FL)
Brown (OH)
Capuano
Carson (IN)
Chabot
Clay
Clayton
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Cummings
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Dooley
Duncan
Eshoo
Farr
Filner
Flake
Ford
Frank
Gephardt
Goode
Gordon
Green (WI)
Gutknecht
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Honda
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kerns
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lynch
Manzullo
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moran (KS)
Moran (VA)
Napolitano
Neal
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Paul
Payne
Pelosi
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Rahall
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Roybal-Allard
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Ryan (WI)
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Sanders
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Schakowsky
Sensenbrenner
Serrano
Slaughter
Smith (MI)
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Solis
Spratt
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Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Wexler
Woolsey

NOT VOTING—17

Bonior
Burton
Combest
Condit
Cramer
Crowley
Deutsch
Gutierrez
Linder
Lipinski
McIntyre
Radanovich
Roukema
Thompson (CA)
Thompson (MS)
Traficant
Vitter

□ 0250

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1372, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

Mr. OXLEY submitted the following conference report and statement on the Senate bill (S. 1372) to reauthorize the Export-Import Bank of the United States:

CONFERENCE REPORT (H. REPT. 107-487)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1372), to reauthorize the Export-Import Bank of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Export-Import Bank Reauthorization Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Clarification that purposes include United States employment.
Sec. 3. Extension of authority.
Sec. 4. Administrative expenses.
Sec. 5. Increase in aggregate loan, guarantee, and insurance authority.
Sec. 6. Activities relating to Africa.
Sec. 7. Small business.
Sec. 8. Technology.
Sec. 9. Tied Aid Credit Fund.
Sec. 10. Expansion of authority to use Tied Aid Credit Fund.
Sec. 11. Annual competitiveness report.
Sec. 12. Annual report.
Sec. 13. Renewable energy sources.
Sec. 14. GAO report on comparative reserve practices of export credit agencies and private banks.
Sec. 15. Human rights.
Sec. 16. Authority to deny application for assistance based on fraud or corruption by any party involved in the transaction.
Sec. 17. Consideration of foreign country helpfulness in efforts to eradicate terrorism.

Sec. 18. Outstanding orders and preliminary injury determinations.
Sec. 19. Requirement that applicants for assistance disclose whether they have violated certain Acts; maintenance of list of violators.
Sec. 20. Sense of the Congress.
Sec. 21. Consideration of enforcement of certain laws.
Sec. 22. Inspector General of the Export-Import Bank.
Sec. 23. Sense of the Congress in tribute to John E. Robson.
Sec. 24. Correction of references and other technical corrections.

SEC. 2. CLARIFICATION THAT PURPOSES INCLUDE UNITED STATES EMPLOYMENT.

Section 2(a)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(1)) is amended by striking the 2nd sentence and inserting the following: "The objects and purposes of the Bank shall be to aid in financing and to facilitate exports of goods and services, imports, and the exchange of commodities and services between the United States or any of its territories or insular possessions and any foreign country or the agencies or nationals of any such country, and in so doing to contribute to the employment of United States workers. The Bank's objective in authorizing loans, guarantees, insurance, and credits shall be to contribute to maintaining or increasing employment of United States workers.".

SEC. 3. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "2001" and inserting "2006".

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) REQUIRED BUDGET SUBCATEGORIES.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

"(34) with respect to the amount of appropriations requested for use by the Export-Import Bank of the United States, a separate statement of the amount requested for its program budget, the amount requested for its administrative expenses, and of the amount requested for its administrative expenses, the amount requested for technology expenses.".

(b) SENSE OF THE CONGRESS ON THE IMPORTANCE OF TECHNOLOGY IMPROVEMENTS.—

(1) FINDINGS.—The Congress finds that—

(A) the Export-Import Bank of the United States is in great need of technology improvements;

(B) part of the amount budgeted for administrative expenses of the Bank is used for technology initiatives and systems upgrades for computer hardware and software purchases;

(C) the Bank is falling behind its foreign competitor export credit agencies' proactive technology improvements;

(D) small businesses disproportionately benefit from improvements in technology;

(E) small businesses need improvements in Bank technology in order to export transactions quickly, with as little paperwork as possible, and with a quick Bank turn-around time that does not over strain the tight resources of such businesses;

(F) the Bank intends to develop a number of e-commerce initiatives aimed at improving customer service, including web-based application and claim filing procedures which would reduce processing time, speed payment of claims, and increase staff efficiency;

(G) the Bank is beginning the process of moving insurance applications from an outdated mainframe system to a modern, web-enabled database, with new functionality including credit scoring, portfolio management, work flow, and e-commerce features to be added; and

(H) the Bank wants to continue its e-commerce strategy, including developing a website, expanding online applications, and establishing a technology partnership between the public and private sectors.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that emphasis should be placed on the importance of technology improvements for the Export-Import Bank of the United States, which are of particular importance for small businesses.

SEC. 5. INCREASE IN AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended to read as follows:

"(a) LIMITATION ON OUTSTANDING AMOUNTS.—

"(1) IN GENERAL.—The Export-Import Bank of the United States shall not have outstanding at any one time loans, guarantees, and insurance in an aggregate amount in excess of the applicable amount.

"(2) APPLICABLE AMOUNT.—In paragraph (1), the term 'applicable amount' means—

"(A) during fiscal year 2002, $80,000,000,000;

"(B) during fiscal year 2003, $85,000,000,000;

"(C) during fiscal year 2004, $90,000,000,000;

"(D) during fiscal year 2005, $95,000,000,000; and

"(E) during fiscal year 2006, $100,000,000,000.

"(3) SUBJECT TO APPROPRIATIONS.—All spending and credit authority provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

SEC. 6. ACTIVITIES RELATING TO AFRICA.

(a) EXTENSION OF ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended to read as follows:

"(iii) The advisory committee shall terminate on September 30, 2006.".

(b) COORDINATION OF AFRICA ACTIVITIES.—Section 2(b)(9)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(A)) is amended by inserting ", in consultation with the Secretary of Commerce and the Trade Promotion Coordinating Committee," after "shall".

(c) CONTINUED REPORTS TO THE CONGRESS.—Section 7(b) of the Export-Import Bank Reauthorization Act of 1997 (12 U.S.C. 635 note) is amended by striking "4" and inserting "8".

SEC. 7. SMALL BUSINESS.

(a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking "10" and inserting "20".

(b) OUTREACH TO CERTAIN SMALL BUSINESSES.—Section 2(b)(1)(E)(iii)(II) of such Act (12 U.S.C. 635(b)(1)(E)(iii)(II)) is amended by inserting after "Bank" the following: ", with particular emphasis on conducting outreach and increasing loans to socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act), small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, and small business concerns (as defined in section 3(a) of the Small Business Act) employing fewer than 100 employees,".

SEC. 8. TECHNOLOGY.

(a) SMALL BUSINESS.—Section 2(b)(1)(E) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)) is amended by adding at the end the following:

"(x) The Bank shall implement technology improvements that are designed to improve small business outreach, including allowing customers to use the Internet to apply for the Bank's small business programs.".

(b) ELECTRONIC TRACKING OF PENDING TRANSACTIONS.—Section 2(b)(1) of such Act (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

"(J) The Bank shall implement an electronic system designed to track all pending transactions of the Bank.".

(c) REPORTS.—The Export-Import Bank of the United States shall include in the annual report required by section 8(a) of the Export-Import Bank Act of 1945 for each of fiscal years 2002 through 2006 a report on the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of such Act, and on how the efforts are assisting small businesses.

SEC. 9. TIED AID CREDIT FUND.

(a) PRINCIPLES, PROCESS, AND STANDARDS.—Section 10(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(b)) is amended—

(1) in paragraph (2), by striking subparagraph (A) and inserting the following:

"(A) in consultation with the Secretary and in accordance with the principles, process, and standards developed pursuant to paragraph (5) of this subsection and the purposes described in subsection (a)(5);"; and

(2) by adding at the end the following:

"(5) PRINCIPLES, PROCESS, AND STANDARDS GOVERNING USE OF THE FUND.—

"(A) IN GENERAL.—The Secretary and the Bank jointly shall develop a process for, and the principles and standards to be used in, determining how the amounts in the Tied Aid Credit Fund could be used most effectively and efficiently to carry out the purposes of subsection (a)(6).

"(B) CONTENT OF PRINCIPLES, PROCESS, AND STANDARDS.—

"(i) CONSIDERATION OF CERTAIN PRINCIPLES AND STANDARDS.—In developing the principles and standards referred to in subparagraph (A), the Secretary and the Bank shall consider administering the Tied Aid Credit Fund in accordance with the following principles and standards:

"(I) The Tied Aid Credit Fund should be used to leverage multilateral negotiations to restrict the scope for aid-financed trade distortions through new multilateral rules, and to police existing rules.

"(II) The Tied Aid Credit Fund will be used to counter a foreign tied aid credit confronted by a United States exporter when bidding for a capital project.

"(III) Credible information about an offer of foreign tied aid will be required before the Tied Aid Credit Fund is used to offer specific terms to match such an offer,

"(IV) The Tied Aid Credit Fund will be used to enable a competitive United States exporter to pursue further market opportunities on commercial terms made possible by the use of the Fund.

"(V) Each use of the Tied Aid Credit Fund will be in accordance with the Arrangement unless a breach of the Arrangement has been committed by a foreign export credit agency.

"(VI) The Tied Aid Credit Fund may only be used to defend potential sales by United States companies to a project that is environmentally sound.

"(VII) The Tied Aid Credit Fund may be used to preemptively counter potential foreign tied aid offers without triggering foreign tied aid use.

"(ii) CONCLUSION.—Once the principles, process and standards referred to in subparagraph (A) are followed, the final case-by-case decisions on the use of the Tied Aid Credit Fund shall be made by the Bank: Provided however, the Bank shall not approve the extension of a proposed tied aid credit if the President of the United States determines, after consulting with the President of the Bank and the Secretary of the Treasury, that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6).

"(C) INITIAL PRINCIPLES, PROCESS, AND STANDARDS.—As soon as is practicable but not later than 6 months after the date of the enactment of this paragraph, the Secretary and the Bank shall submit to the Committee on Financial

Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of the principles, process, and standards developed pursuant to subparagraph (A).

"(D) Transitional principles and standards.—The principles and standards set forth in subparagraph (B)(i) shall govern the use of the Tied Aid Credit Fund until the principles, process, and standards required by subparagraph (C) are submitted.

"(E) Update and revision.—The Secretary and the Bank jointly should update and revise, as needed, the principles, process, and standards developed pursuant to subparagraph (A), and, on doing so, shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of the principles, process, and standards so updated and revised.".

(b) Reconsideration of Board Decisions on Use of Fund.—Section 10(b) of such Act (12 U.S.C. 635i–3(b)) is further amended by adding at the end the following:

"(6) Reconsideration of decisions.—

"(A) In general.—Taking into consideration the time sensitivity of transactions, the Board of Directors of the Bank shall expeditiously pursuant to paragraph (2) reconsider a decision of the Board to deny an application for the use of the Tied Aid Credit Fund if the applicant submits the request for reconsideration within 3 months of the denial.

"(B) Procedural rules.—In any such reconsideration, the applicant may be required to provide new information on the application.".

SEC. 10. EXPANSION OF AUTHORITY TO USE TIED AID CREDIT FUND.

(a) Untied Aid.—

(1) Negotiations.—The Secretary of the Treasury shall seek to negotiate an OECD Arrangement on Untied Aid. In the negotiations, the Secretary should seek agreement on subjecting untied aid to the rules governing the Arrangement, including the rules governing disclosure.

(2) Report to the Congress.—Within 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the successes, failures, and obstacles in initiating negotiations, and if negotiations were initiated, in reaching the agreement described in paragraph (1).

(b) Market Windows.—

(1) In general.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following new section:

"SEC. 15. MARKET WINDOWS.

"(a) Enhanced Transparency.—To ensure that the Bank financing remains fully competitive, the United States should seek enhanced transparency over the activities of market windows in the OECD Export Credit Arrangement. If such transparency indicates that market windows are disadvantaging United States exporters, the United States should seek negotiations for multilateral disciplines and transparency within the OECD Export Credit Arrangement.

"(b) Authorization.—The Bank may provide financing on terms and conditions that are inconsistent with those permitted under the OECD Export Credit Arrangement—

"(1) to match financing terms and conditions that are being offered by market windows on terms that are inconsistent with those permitted under the OECD Export Credit Arrangement, if—

"(A) matching such terms and conditions advances the negotiations for multilateral disciplines and transparency within the OECD Export Credit Arrangement; or

"(B) transparency verifies that the market window financing is being offered on terms that are more favorable than the terms and conditions that are available from private financial markets; and

"(2) when the foreign government-supported institution refuses to provide sufficient transparency to permit the Bank to make a determination under paragraph (1).

"(c) Definition.—In this section, the term 'OECD' means the Organization for Economic Cooperation and Development.".

(2) Report.—Within 2 years after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the rationale for seeking or not seeking negotiations for multilateral disciplines and transparency, the successes, failures, and obstacles in initiating negotiations, and if negotiations were initiated, in reaching an agreement.

(c) Use of Tied Aid Credit Fund To Combat Untied Aid.—Section 10(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by inserting ", or untied aid used to promote exports as if it were tied aid," before "for commercial" the 1st and 3rd places it appears; and

(3) by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following:

"(5) the Bank has, at a minimum, the following two tasks:

"(A)(i) First, the Bank should match foreign export credit agencies and aid agencies when they engage in tied aid outside the confines of the Arrangement and when they exploit loopholes, such as untied aid;

"(ii) such matching is needed to provide the United States with leverage in efforts at the OECD to reduce the overall level of export subsidies;

"(iii) only through matching foreign export credit offers can the Bank buttress United States negotiators in their efforts to bring these loopholes within the disciplines of the Arrangement; and

"(iv) in order to bring untied aid within the discipline of the Arrangement, the Bank should consider initiating highly competitive financial support when the Bank learns that foreign untied aid offers will be made; and

"(B) Second, the Bank should support United States exporters when the exporters face foreign competition that is consistent with the Arrangement and the Subsidies Code of the World Trade Organization, but which places United States exporters at a competitive disadvantage; and".

(d) Definition of Market Window.—Section 10(h) of such Act (12 U.S.C. 635i–3(h)) is amended by adding at the end the following:

"(7) Market window.—The Bank, in consultation with the Secretary of the Treasury, shall define 'market window' for purposes of this section.".

SEC. 11. ANNUAL COMPETITIVENESS REPORT.

(a) In General.—Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended—

(1) in the fourth sentence, by striking "on an annual basis" and inserting "not later than June 30 of each year";

(2) in the fifth sentence, by inserting "(including through use of market windows)" after "United States exporters";

(3) by inserting after the fifth sentence, the following new sentence: "With respect to the preceding sentence, the Bank shall use all available information to estimate the annual amount of export financing available from each government and government-related agency."; and

(4) by adding at the end the following new sentence: "The Bank shall include in the annual report a description of all Bank transactions which shall be classified according to their principal purpose, such as to correct a market failure or to provide matching support.".

SEC. 12. ANNUAL REPORT.

(a) Technology To Assist Small Businesses.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

"(c) Technology to Assist Small Businesses.—The Bank shall include in its annual report to the Congress under subsection (a) of this section for each of fiscal years 2002 through 2006 a report on the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of this Act, and on how the efforts are assisting small business concerns (as defined in section 3(a) of the Small Business Act).".

(b) Number of Small Business Suppliers of Bank Users.—Section 8 of such Act (12 U.S.C. 635g) is further amended by adding at the end the following:

"(d) Number of Small Business Suppliers of Bank Users.—The Bank shall estimate on the basis of an annual survey or tabulation the number of entities that are suppliers of users of the Bank and that are small business concerns (as defined in section 3(a) of the Small Business Act) located in the United States, and shall include the estimate in its annual report to the Congress under subsection (a) of this section.".

(c) Outreach to Certain Small Businesses.—Section 8 of such Act (12 U.S.C. 635g) is further amended by adding at the end the following:

"(e) Outreach to Certain Small Businesses.—The Bank shall include in its annual report to the Congress under subsection (a) of this section a description of outreach efforts made by the Bank to any socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act), small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, and small business concerns (as defined in section 3(a) of the Small Business Act) employing fewer than 100 employees.".

SEC. 13. RENEWABLE ENERGY SOURCES.

(a) Promotion.—Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is further amended by adding at the end the following:

"(K) The Bank shall promote the export of goods and services related to renewable energy sources.".

(b) Description of Efforts To Be Included in Annual Competitiveness Report.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is further amended by adding at the end the following: "The Bank shall include in the annual report a description of the efforts undertaken under subparagraph (K).".

SEC. 14. GAO REPORT ON COMPARATIVE RESERVE PRACTICES OF EXPORT CREDIT AGENCIES AND PRIVATE BANKS.

Within 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that examines the reserve ratios of the Export-Import Bank of the United States as compared with the reserve practices of private banks and foreign export credit agencies.

SEC. 15. HUMAN RIGHTS.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by inserting "(such as are provided in the Universal Declaration of Human Rights adopted by *the United Nations General Assembly on December 10, 1948)'' after ''human rights''.*

SEC. 16. AUTHORITY TO DENY APPLICATION FOR ASSISTANCE BASED ON FRAUD OR CORRUPTION BY ANY PARTY INVOLVED IN THE TRANSACTION.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

''(f) AUTHORITY TO DENY APPLICATION FOR ASSISTANCE BASED ON FRAUD OR CORRUPTION BY PARTY INVOLVED IN THE TRANSACTION.—In addition to any other authority of the Bank, the Bank may deny an application for assistance with respect to a transaction if the Bank has substantial credible evidence that any party to the transaction or any party involved in the transaction has committed an act of fraud or corruption in connection with the transaction.''.

SEC. 17. CONSIDERATION OF FOREIGN COUNTRY HELPFULNESS IN EFFORTS TO ERADICATE TERRORISM.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended in the penultimate sentence by inserting ''(including, when relevant, a foreign nation's lack of cooperation in efforts to eradicate terrorism)'' after ''international terrorism''.

SEC. 18. OUTSTANDING ORDERS AND PRELIMINARY INJURY DETERMINATIONS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended—

(1) in paragraph (2), by striking ''Paragraph (1)'' and inserting ''Paragraphs (1) and (2)''; and

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4) and by inserting after paragraph (1) the following:

''(2) OUTSTANDING ORDERS AND PRELIMINARY INJURY DETERMINATIONS.—

''(A) ORDERS.—The Bank shall not provide any loan or guarantee to an entity for the resulting production of substantially the same product that is the subject of—

''(i) a countervailing duty or antidumping order under title VII of the Tariff Act of 1930; or

''(ii) a determination under title II of the Trade Act of 1974.

''(B) AFFIRMATIVE DETERMINATION.—Within 60 days after the date of the enactment of this paragraph, the Bank shall establish procedures regarding loans or guarantees provided to any entity that is subject to a preliminary determination of a reasonable indication of material injury to an industry under title VII of the Tariff Act of 1930. The procedures shall help to ensure that these loans and guarantees are likely to not result in a significant increase in imports of substantially the same product covered by the preliminary determination and are likely to not have a significant adverse impact on the domestic industry. The Bank shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the implementation of these procedures.

''(C) COMMENT PERIOD.—The Bank shall establish procedures under which the Bank shall notify interested parties and provide a comment period with regard to loans or guarantees reviewed pursuant to subparagraph (B) or (D).

''(D) CONSIDERATION OF INVESTIGATIONS UNDER TITLE II OF THE TRADE ACT OF 1974.—In making any determination under paragraph (1) for a transaction involving more than $10,000,000, the Bank shall consider investigations under title II of the Trade Act of 1974 that have been initiated at the request of the President of the United States, the United States Trade Representative, the Committee on Finance of the Senate, or the Committee on Ways and Means of the House of Representatives, or by the International Trade Commission on its own motion.''.

SEC. 19. REQUIREMENT THAT APPLICANTS FOR ASSISTANCE DISCLOSE WHETHER THEY HAVE VIOLATED CERTAIN ACTS; MAINTENANCE OF LIST OF VIOLATORS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is further amended by adding at the end the following:

''(L) The Bank shall require an applicant for assistance from the Bank to disclose whether the applicant has been found by a court of the United States to have violated the Foreign Corrupt Practices Act of 1977, the Arms Export Control Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979 within the preceding 12 months, and shall maintain, in cooperation with the Department of Justice, for not less than 3 years a record of such applicants so found to have violated any such Act.''.

SEC. 20. SENSE OF THE CONGRESS.

It is the sense of the Congress that, when considering a proposal for assistance for a project the cost of which is $10,000,000 or more, the management of the Export-Import Bank of the United States should have available for review a detailed assessment of the potential human rights impact of the proposed project.

SEC. 21. CONSIDERATION OF ENFORCEMENT OF CERTAIN LAWS.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended in the penultimate sentence by inserting ''the enforcement of the Foreign Corrupt Practices Act of 1977, the Arms Export Control Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979,'' after ''nuclear proliferation,''.

SEC. 22. INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK.

(a) ESTABLISHMENT OF POSITION.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or the Board of Directors of the Tennessee Valley Authority;'' and inserting ''the Board of Directors of the Tennessee Valley Authority; or the President of the Export-Import Bank;''; and

(2) in paragraph (2), by striking ''or the Tennessee Valley Authority;'' and inserting ''the Tennessee Valley Authority, or the Export-Import Bank,''.

(b) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Environmental Protection Agency the following:

''Inspector General, Export-Import Bank.''.

(c) INITIAL IMPLEMENTATION.—Section 9(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''to the Office of the Inspector General,'' after ''(2)''.

(d) TECHNICAL CORRECTIONS.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1)—

(A) by striking the second semicolon after ''Community Service'';

(B) by striking ''and'' after ''Financial Institutions Fund;''; and

(C) by striking ''and'' after ''Trust Corporation;'';

(2) in paragraph (2), by striking ''or'' after ''Community Service,''; and

(3) in paragraph (5), by striking ''section 552(e)'' and inserting ''section 552(f)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2002.

SEC. 23. SENSE OF THE CONGRESS IN TRIBUTE TO JOHN E. ROBSON.

(a) FINDINGS.—The Congress finds that—

(1) from his appointment in 2001 as President and Chairman of the Export-Import Bank of the United States until his death on March 20, 2002, John E. Robson provided powerful leadership for that institution, instilling his spirit of excellence within the Bank and ensuring the Bank's role as a prominent player in the trade and economic policy of the United States; and

(2) during his time at the Export-Import Bank of the United States, John E. Robson served as a role model for all of his colleagues with his dedication to the institution, commitment to excellence, resolute sense of integrity, and desire to leave the Bank a better place than how he found it.

(b) SENSE OF THE CONGRESS.—The Congress is deeply saddened by the death of John E. Robson, President and Chairman of the Board of Directors of the Export-Import Bank of the United States, and expresses to the family of John E. Robson its deep appreciation for the contributions he made and the legacy he leaves behind, and its heartfelt sorrow at his passing.

SEC. 24. CORRECTION OF REFERENCES AND OTHER TECHNICAL CORRECTIONS.

(a) CORRECTION OF REFERENCES.—

(1) Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by striking ''Banking and''.

(2) Each of the following provisions of such Act is amended by striking ''Banking, Finance and Urban Affairs'' and inserting ''Financial Services'':

(A) Section 2(b)(6)(D)(i)(III) (12 U.S.C. 635(b)(6)(D)(i)(III)).

(B) Section 2(b)(6)(H) (12 U.S.C. 635(b)(6)(H)).

(C) Section 2(b)(6)(I)(i)(II) (12 U.S.C. 635(b)(6)(I)(i)(II)).

(D) Section 2(b)(6)(I)(iii) (12 U.S.C. 635(b)(6)(I)(iii)).

(E) Section 10(g)(1) (12 U.S.C. 635i–3(g)(1)).

(b) TECHNICAL CORRECTIONS.—

(1) Clauses (ii) and (iii) of section 2(b)(1)(H) of such Act (12 U.S.C. 635(b)(1)(H)) are each amended by striking ''4'' and inserting ''3''.

(2) Section 2(b) of such Act (12 U.S.C. 635(b)) is amended by aligning the margins of paragraph (12) with the margins of paragraph (11).

(3) Section 2(b)(6)(E) of such Act (12 U.S.C. 635(b)(6)(E)) is amended by striking ''international'' and inserting ''internationally''.

(4) Section 3(d)(2) of such Act (12 U.S.C. 635a(d)(2)) is amended by aligning the margins of subparagraph (B) with the margins of subparagraph (A).

(5) Section 12(a)(1) of such Act (12 U.S.C. 635i–6(a)(1)) is amended by striking ''section'' and inserting ''subsection''.

(6) Section 14(a) of such Act (12 U.S.C. 635i–8(a)) is amended by striking ''principle'' and inserting ''principal''.

And the House agree to the same.

MICHAEL G. OXLEY,
DOUG BEREUTER,
PAT TOOMEY,
GARY G. MILLER,
JOHN J. LAFALCE,
DAN BURTON,
STEPHEN HORN,
HENRY A. WAXMAN,
Managers on the Part of the House.

PAUL SARBANES,
CHRIS DODD,
TIM JOHNSON,
EVAN BAYH,
PHIL GRAMM,
RICHARD SHELBY,
CHUCK HAGEL,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1372, to reauthorize the Export-Import Bank of the United States, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The managers on the part of the House and Senate met on May 21, 2002 (the Senate chairing), and reconciled the differences between the two bills are explained below.

SHORT TITLE

Senate Bill

Section 1 of the Senate bill provides the short title of the bill, the "Export-Import Bank Reauthorization Act of 2001."

House Amendment

Section 1 of the House amendment provides the short title of the bill, the "Export-Import Bank Reauthorization Act of 2002", and provides a table of contents.

Conference Agreement

The Senate recedes to the House, with an amendment consisting of an updated table of contents.

Clarification That Purposes Include United States Employment

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 2 of the House amendment provides that the objects and purposes of the Bank include ensuring the employment of United States workers.

Conference Agreement

The Senate recedes with an amendment stating that the Bank's objective shall be to contribute to maintaining employment of U.S. workers.

EXTENSION OF AUTHORITY

Senate Bill

Section 2 of the Senate bill reauthorizes the Export-Import Bank of the United states (the Bank or Ex-Im) through September 30, 2006.

House Amendment

Section 3 of the House amendment reauthorizes the Bank through September 30, 2005.

Conference Agreement

The House recedes to the Senate. The intention of the conferees was to provide an extension of the authorization for the Bank—2006—that would not coincide with the first year of a President's term. The purpose was not to burden a new Administration with the task of both placing new leadership in the Bank and managing the reauthorization of the Bank.

ADMINISTRATIVE EXPENSES

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 4 of the House amendment authorizes $80 million for the administrative budget of the Bank for FY2002. For FY2003 through 2005, the amount authorized for administrative expenses is $80 million plus an annual inflation index. The following two new budget subcategories are created within the Administrative expenses budget category: technology, and outreach to small businesses with fewer than 100 employees. For FY2002, the bill authorizes $2 million for outreach to small businesses with fewer than 100 employees. For FY2003 to FY2005, this $2 million authorization figure will be indexed annually for inflation. This section also includes sense of the Congress language on the importance of technology improvements at the Bank.

Conference Agreement

The Conferees agree to include budget subcategories in the President's budget relating to administrative expenses and to a sense of the Congress on the importance of technology improvements at the Export-Import Bank.

INCREASE IN AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 5 of the House amendment increases the current statutory ceiling of $75 billion on the total amount of Ex-Im loans, guarantees, and insurance outstanding at any one time to $100 billion in FY 2002, $110 billion in FY 2003, $120 billion in FY 2004 and $130 billion in FY 2005. This statutory ceiling will also be indexed for inflation in each year of the authorization.

Conference Agreement

The Senate recedes with an amendment to increase the Bank's loan, guaranty, and insurance authority to $85 billion in FY 2003, $90 billion in FY 2004, $95 billion in FY 2005, and $100 billion FY 2006.

ACTIVITIES RELATING TO AFRICA

Senate Bill

Section 3 of the Senate bill extends the expiration date for the sub-Saharan Africa advisory committee of the Export-Import Bank from September 30, 2001 to September 30, 2006.

House Amendment

Section 6 of the House amendment reauthorizes the sub-Saharan Africa Advisory Committee for four years until September 30, 2005. The provision requires the Bank to continue to report to Congress annually for each of the four years on steps taken in Sub-Saharan Africa and to consult with the Department of Commerce and the Trade Promotion Coordinating Committee on Africa activities. This section also creates an Office on Africa within the Bank.

Conference Agreement

The House recedes with amendments relating to the Trade Promotion Coordinating Council and reports issued to Congress.

SMALL BUSINESS

Senate Bill

Section 5 of the Senate bill increases from 10 percent to 18 percent the amount the Ex-Im Bank must make available of its aggregate loan, guarantee, and insurance authority each fiscal year to finance exports directly by small business concerns.

House Amendment

Section 7 of the House amendment increases the volume of small business lending the Bank must pursue from the current statutory minimum of 10 percent of all authorizations annually to a minimum of 20 percent of total Bank financing. The Bank is required to set-aside a minimum of 8 percent of the total Bank financing to be used for small businesses with less than 100 employees. The Bank must also conduct outreach and increase loans to businesses owned by socially disadvantaged individuals or women and also must establish an Office of Small Business Exporters.

Conference Agreement

The Senate recedes to the House with an amendment providing for outreach to businesses owned by socially and economically disadvantaged small business concerns, small businesses owned by women and to small businesses employing fewer than 100 employees. The Small Business Administration's definitions of businesses owned by "socially disadvantaged individuals" and women are the definitions to be used by the Bank in the implementation of this provision.

TECHNOLOGY

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 8 of the House amendment requires the Bank to focus on technology improvements, which will improve small business outreach. The legislation directs the Bank to implement both an electronic system designed to track all pending transactions and technology to allow customers to use the Internet to apply for all Bank programs. The Bank is also directed to submit to Congress an interim report and an annual report for each year of the four-year authorization on technological progress made by the Bank and on how this is assisting small businesses.

Conference Agreement

The Senate recedes with an amendment focusing the efforts on small business and mandating an annual report on the Bank's progress.

TIED AID CREDIT FUND

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 9 of the House amendment mandates that the Department of Treasury in cooperation with the Export-Import Bank develop the process and standards governing how the Tied Aid Credit Fund is used. The Department of Treasury must report on this process and standards to the House Financial Services and Senate Banking Committees as soon as possible but no later than 6 months after enactment of this legislation. Any subsequent updates to the process and standards must likewise be reported to Congress. The Export-Import Bank will administer the Tied Aid Credit Fund on a deal-by-deal basis in accordance with these standards. The Department of Treasury will not have the power to veto specific Tied Aid Credit Fund transactions. Until the Department of Treasury has reported back to the House Financial Services and the Senate Banking committees on standards for the Tied Aid Credit Fund, the standards enumerated in the legislation will govern the use of the Tied Aid Credit Fund. Finally, this section also requires the Bank to reconsider a denial of the use of Tied Aid funds if the applicant requests reconsideration within 3 months of the original decision.

Conference Agreement

The Senate recedes to the House with an amendment removing the reference to the ability of the Secretary of Treasury's authority to veto the use of tied aid and stating that the after the principals, process and standards developed by the Department of Treasury and the Export-Import Bank have been followed in a given case, the Export-Import Bank will make the final decision on that case regarding the use of the tied aid credit. However, such credit shall not be approved if the President of the United States determines after consulting with the President of Ex-Im and the Secretary of the Treasury that the extension of such credit would materially impede the enforcement of existing arrangements restricting the use of tied aid or efforts to establish, negotiate or enforce arrangements to restrict the use of tied aid for commercial purposes.

Renaming of Tied Aid Credit Program and Fund as Export Competitiveness Program and Fund

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 11 of the House amendment renames the Tied Aid Credit Program and Fund as the Export Competitiveness Program and Fund. This change is necessary since section 10 of the House amendment allows the Tied Aid Credit Program and Fund to be used to combat untied aid and market windows.

Conference Agreement

The House recedes to the Senate.

Expansion of Authority To Use Tied Aid Credit Fund

Senate Bill

Section 6 of the Senate bill directs the U.S. to seek negotiations for multilateral disciplines and transparency for market windows within the Organization for Economic Cooperation and Development (OECD) Export Credit Arrangement. It also authorizes the Ex-Im Bank to match market windows financing that is inconsistent with the Arrangement if the matching advances OECD negotiations or the market windows financing is offered on terms and conditions more favorable than financing available from private financial markets.

House Amendment

Section 10 of the House amendment directs the Secretary of the Treasury to seek to negotiate agreements or "arrangements" on untied aid and market windows within the OECD. One year after the enactment of the legislation, the Treasury Department must report to the House Financial Services Committee and the Senate Banking Committee on progress in reaching this OECD agreement on untied aid. Two years after enactment of the legislation, the Treasury Department must report to the House Financial Services Committee and the Senate Banking Committee on progress in reaching an OECD agreement on market windows. This section allows the Tied Aid Credit Fund to be used to combat both untied aid and market windows.

Conference Agreement

The Conferees adopt a provision consisting of the House provisions relating to untied aid and the Senate provision relating to market windows with an additional report relating to negotiations on market windows in the OECD.

Annual Competitiveness Report

Senate Bill

Section 4 of the Senate bill requires the Ex-Im Bank to submit its annual competitiveness report to Congress not later than June 30 of each year. Section 4 also specifies that the bank's annual report to Congress on export credit competition should include information on export financing available to foreign competitors through market windows. Finally, section 4 requires the Ex-Im Bank to estimate the annual amount of export financing available from the government and government-related agencies and include that information in Ex-Im's annual competitiveness report.

House Amendment

Section 12 of the House amendment requires the Bank to submit its annual competitiveness report by June 30 of each year. Within this report, the Bank is directed to list the volumes of financing of the different Foreign Export Credit Agencies and classify its transactions according to their principal purpose, such as to correct a market failure or provide matching support.

Conference Agreement

The House recedes to the Senate with an amendment providing for a description of all Bank transactions which shall be classified according to their principal purpose.

Annual Report

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 12 of the House amendment requires the Bank to report on the efforts made by the Bank to assist small business concerns and an estimate on the number of entities that are small business suppliers of users of the Export-Import Bank. This section also requires the Bank's report to include a description of the Bank's efforts on outreach to businesses owned by socially disadvantaged individuals, by women.

Conference Agreement

The Conferees agree to create a new section entitled "Annual Report" which requires the Bank to supply the Congress information relating to technology assistance to small business concerns, and small business suppliers to users of the Bank. The Bank is further required to report on outreach efforts to socially and economically disadvantaged small business concerns, small business concerns owned by women, and small business employing fewer than 100 people.

Renewable Energy Sources

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 13 of the House amendment requires the Bank to promote the export of American goods and services related to renewable energy sources. As part of the Bank's annual competitiveness report requirement, the Bank must report to the House Financial Services and Senate Banking Committees on efforts to promote exports in renewable energy sources.

Conference Agreement

The Senate recedes to the House.

Sense of the Congress Relating to Renewable Energy Targets

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 21 of the House amendment expresses the sense of Congress that no more than 95 percent of Ex-Im's energy related transactions should include fossil fuel projects and not less than 5 percent should be related to renewable energy and energy efficiency projects. For the purposes of this section renewable energy projects include areas such as solar, wind, biomass, fuel cell, landfill gas, and geothermal energy sources.

Conference Agreement

The House recedes to the Senate.

GAO Report

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 14 of the House amendment requires the GAO to submit a report, within one year after enactment, examining the legal merits of potential U.S. cases brought in the WTO seeking relief against untied aid and market windows and examining the scope of penalty tariffs that the United States could impose against imports from countries that united aid or market windows. Second, the GAO must submit a report, by one year after enactment, examining the Ex-Im reserve ratios as compared to the reserve practices of private banks and foreign Export Credit Agencies.

Conference Agreement

The Senate recedes with an amendment removing the GAO report relating to the WTO.

Human Rights

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 15 of the House amendment clarifies that the Universal Declaration of Human Rights, as adopted by the United Nations General Assembly on December 10, 1948, should be used in making the human rights determination under the Chafee procedure.

Conference Agreement

The Senate recedes with an amendment indicating that the assessments of violations of human rights are not limited solely limited to the universal declaration adopted by the U.N.

Authority To Deny Application for Assistance Based on Fraud or Corruption by the Applicant

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 18 of the House amendment gives the authority to the Bank to deny an application for assistance if there is credible evidence that a party to a transaction has committed an act of fraud or corruption regarding a good or service that is either the same or substantially similar to the subject of the application.

Conference Agreement

The Senate recedes to the House with an amendment making the provision applicable only to the transaction for which financing from the Bank has been sought.

Consideration of Foreign Country Helpfulness in Efforts To Eradicate Terrorism

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 19 of the House amendment requires the Bank, when considering whether to guarantee, insure, or extend credit, to take into account the extent to which a nation has been helpful or unhelpful in efforts to eradicate terrorism.

Conference Agreement

The Conferees agree to amend Section 2(b)(1)(B) of the Export-Import Bank Act of 1945, the Chafee Amendment, to include a foreign nation's lack of cooperation in efforts to eradicate terrorism.

OUTSTANDING ORDERS AND PRELIMINARY INJURY DETERMINATIONS

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 20 of the House amendment addresses the effect of outstanding trade orders and preliminary injury trade determinations on the Bank's financing. The Bank is prohibited from providing any loan or guarantee to an entity for the resulting production of substantially the same product that is subject of a countervailing duty or anti-dumping order under title VII of the Tariff Act of 1930 or a determination under title II of the Trade Act of 1974. In the case of countervailing duty or anti-dumping orders, the prohibition applies to each country or firm that is the subject of the final order. The Bank is also directed to establish procedures, within 60 days after enactment of this bill, regarding loans or guarantees provided to any entity that is subject to a preliminary determination of a reasonable indication of material injury under title VII of the Tariff Act of 1930.

Conference Agreement

The Senate recedes with an amendment relating to investigations under title II of the Trade Act of 1974 regarding transactions over $10 million that have been initiated by the President, the United States Trade Representative, the Committee on Finance of the Senate, or the Committee on Ways and Means of the House of Representatives or by the International Trade Commission on its own motion.

REQUIREMENT THAT APPLICANTS FOR ASSISTANCE DISCLOSE WHETHER THEY HAVE VIOLATED CERTAIN ACTS; MAINTENANCE OF LIST OF VIOLATORS

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 22 of the House amendment requires an applicant for assistance from Ex-Im to disclose whether they have been found by a court of the U.S. to have violated the Foreign Corrupt Practices Act, and require Ex-Im to maintain a list of persons who have violated such Act.

Conference Agreement

Conference accepts with an amendment to include the Arms Export Control Act, the International Emergency Economic Powers Act, or the Export Administration Act. Violations of the enumerated Acts must have occurred in the proceeding 12 months of any new application and the finding must be made by a title III court of the United States. The Bank will maintain, in cooperation with the Department of Justice, a record for not less than three years of applicants so found to have violated any of the Acts.

SENSE OF THE CONGRESS

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 23 of the House amendment expresses the sense of Congress that the Ex-Im Bank should have available a detailed assessment of potential human rights impact of the proposed project when considering a project worth $10 million or more.

Conference Agreement

The Senate recedes to the House.

INSPECTOR GENERAL OF THE IMPORT EXPORT BANK

Senate Bill

Section 7 of the Senate bill establishes an Inspector General of the Export-Import Bank and included provisions relating to the Export-Import Bank's audit committee.

House Amendment

The House amendment contains no similar provision.

Conference Agreement

The House recedes with an amendment removing the audit committee provisions.

ADDITIONAL PROVISIONS ADOPTED BY THE CONFERENCE

The Conferees agreed to the following additional provisions related to the Senate bill and House amendment.

First, the Conferees agree to amend Section 2(b)(1)(B) of the Export-Import Bank Act of 1945, the Chaffee Amendment, and provisions of the Bank's charter in order to add the enforcement of the Arms Export Control Act, the Foreign Corrupt Practices Act, the International Emergency Economic Powers Act, or the Export Administration Act to its provisions.

Second, the Conferees agree to add a provision commemorating the contributions of John Robson to the United States and to the Export-Import Bank.

CORRECTION OF REFERENCES

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 17 of the House amendment changes reference to House Banking Committee to House Financial Services Committee.

Conference Agreement

The Senate recedes to the House.

STEEL

Senate Bill

The Senate bill contains no similar provision.

House Amendment

Section 16 of the House amendment requires that the Bank reevaluate its adverse impact test on United States industries as a result of the Benxi Iron and Steel Company Bank loan guarantee in Benxi, Liaoning, China. The Bank must report back to Congress on this reassessment within one year after enactment of this legislation.

Conference Agreement

The House recedes to the Senate.

MICHAEL G. OXLEY,
DOUG BEREUTER,
PAT TOOMEY,
GARY G. MILLER,
JOHN J. LAFALCE,
DAN BURTON,
STEPHEN HORN,
HENRY A. WAXMAN,
Managers on the Part of the House.

PAUL SARBANES,
CHRIS DODD,
TIM JOHNSON,
EVAN BAYH,
PHIL GRAMM,
RICHARD SHELBY,
CHUCK HAGEL,
Managers on the Part of the Senate.

PROVIDING FOR CONDITIONAL RECESS OR ADJOURNMENT OF SENATE AND CONDITIONAL ADJOURNMENT OF HOUSE OF REPRESENTATIVES

The Speaker pro tempore (Mr. SIMPSON) laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 118) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on any day from Thursday, May 23, 2002, through Saturday, May 25, 2002, or from Tuesday, May 28, 2002, through Friday May 31, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, June 3, 2002, or Tuesday, June 4, 2002, or until such other time on either of those days as may be specified in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 23, 2002, through Saturday, May 25, 2002, or on any legislative day from Tuesday, May 28, 2002, through Friday, May 31, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, June 4, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

Mr. TAYLOR of Mississippi. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. Does the gentleman withdraw his reservation of objection?

Mr. TAYLOR of Mississippi. Yes, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 5, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 5, 2002.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, June 4, 2002, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF THE HONORABLE CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 4, 2002

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 23, 2002.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 4, 2002.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INCREASING THE NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank my colleagues who remain awake at 3 o'clock this morning, and for the folks who work for this House, I very much apologize for you keeping awake 5 minutes longer, but I do think that this House has hit what could possibly be the lowest low it has ever hit.

Two weeks ago, the House that claims to be for national security refused to give this Member a vote on whether or not we would prevent another round of base closures, because I think that is incredibly stupid and a waste of money. But what is so much worse than that is that, without an up-or-down vote, without having the guts, the courage, the fortitude, and may I say the honesty to say that you are increasing the debt limit by $750 billion, the House just voted to do so. You wrapped it in a package that would help the troops to the tune of $21 billion, but what you really have done is increased the debt limit and put our Nation another $750 billion in debt.

Let me tell you why I think that is bad. As of the end of last month, our Nation was $5,984,677,357,213.86 in debt. Sometimes that is just mind-boggling. But let us bring it back to reality. Let us bring it back to one lifetime. Let us bring it back to my daughter Sarah's lifetime.

On the day she was born on Christmas, 1978, our Nation was less than $1 trillion in debt. We had gone through the Revolutionary War, the War of 1812, the Mexican-American War, the Civil War, the Spanish-American War, World War I, World War II, the Korean War and the Vietnam War.

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We built the interstate highway system, St. Lawrence Seaway. We have done so many good things for the citizens, and we managed to do it and borrow less than $1 trillion. In 1980 Ronald Reagan became President, made the promise that we could somehow cut taxes and increase spending and it is all going to work, in a Democratic House, but a Republican Senate, a Republican President. At the end of those 8 years, he had doubled the national debt to $2 trillion. That is a fact. And he never lost a veto vote. If he thought it was that bad a deal, he could have vetoed those bills and he would have won, but he did not, and that is a fact.

So what we have now 22 years later is $5 trillion more debt. What is really bad about that debt is folks back home, when you tell them, they say, where does my tax money go? They think it goes to food stamps or they think it goes to welfare, and they are absolutely appalled when we tell them it is squandered on interest on the national debt, $1 billion a day. It does not educate a kid, it does not defend the country, it does not pave a highway. It is just squandered, and a third of that money goes to German and Japanese lending institutions. Mr. Speaker, $100 billion a year leaves this country in interest payments to German and Japanese lending institutions.

So where does it stop? I believed you guys. I really did. I believed the Republicans when they said give us a chance to govern and we will balance the budget, but you lied to me. You were given a chance to govern, and you balanced the budget for 1 year and then you went crazy on tax breaks, because that is where the campaign contributions are. That is what it is all about. Have the honesty to admit it. You passed a so-called death tax repeal because that is where the campaign contributions are. So you reduced revenues, you increased spending, and you are somehow surprised that in 12 months you have increased the national debt by $323,329,559,211.21. And what makes me mad, this son of a television salesman, is that my kids have to pay that bill. I do not like you sticking my kids with your bills.

I am for the troops. I did not ask for the Committee on Armed Services; I begged for it. I chose that committee because that is the best way I can serve them. But the best way I can serve those kids in Afghanistan is not asking them to serve their country and then sticking them for the bill for this war when they get home and their kids with this bill for the rest of their lives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. THOMPSON of Mississippi (at the request of Mr. GEPHARDT) for May 23 and the balance of the week on account of official business in the district.

Mr. LINDER (at the request of Mr. ARMEY) for May 23 and the balance of the week on account of the death of his mother-in-law.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for May 23 after 4:00 p.m. on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TAYLOR of Mississippi) to revise and extend their remarks and include extraneous material:)

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. MCCOLLUM, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4592. An act to name the chapel located in the national cemetery in Los Angeles, California, as the "Bob Hope Veterans Chapel."

H.R. 4608. An act to name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center."

H.R. 4782. An act to extend the authority of the Export-Import Bank until June 14, 202.

ADJOURNMENT

Mr. ARMEY. Mr. Speaker, pursuant to Senate Concurrent Resolution 118, 107th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 118 of the 107th Congress, the House stands adjourned until 2 p.m. on Tuesday, June 4, 2002.

Thereupon, (at 3 o'clock and 3 minutes a.m.), pursuant to Senate Concurrent Resolution 118, the House adjourned until Tuesday, June 4, 2002, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7092. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Tolerance Exemptions for Polymers [OPP-2002-0021; FRL-6834-2] received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7093. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Tolerance Exemptions for Minimal Risk Active and Inert Ingredients [OPP-2002-0030; FRL-6834-8] (RIN: 2070-AC18) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7094. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Pennsylvania; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators [PA-131-4090a; FRL-2205-6] received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7095. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Utah: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7205-9] received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7096. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting [FRL-7214-9] (RIN: 2060-AE41) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7097. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology [FRL-7215-7] (RIN: 2060-AH68) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7098. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing [FRL-7214-7] (RIN: 2060-AG29) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7099. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing [FRL-7214-8] (RIN: 2060-AH11) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7100. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology [FRL-7215-8] (RIN: 2060-AH68) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7101. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions: Site-Specific Treatment Variance to Chemical Waste Management, Inc. [FRL-7217-4] received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7102. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil [FRL-7214-6] (RIN: 2060-AG97) received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7103. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 25-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7104. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 40-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7105. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Mexico [Transmittal No. DTC 055-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7106. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 057-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7107. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pakistan [Transmittal No. DTC 102-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7108. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Dominican Republic [Transmittal No. DTC 058-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7109. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 91-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7110. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan and South Korea [Transmittal No. DTC 20-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7111. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 89-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7112. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 36-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7113. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 47-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7114. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitation Guidelines and New Source Performance Standards for the Construction and Development Category [FRL-7217-1] (RIN: 2040-AD42) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7115. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions (Rev. Proc. 2002-23) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7116. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Relief From Internal Revenue Code Late Filer Penalties (Notice 2002-23) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7117. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 2002-26) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7118. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treaties and Tax Legislation (Rev. Rul. 2002-16) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7119. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 2002- 18) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7120. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of Fringe Benefits (Rev. Rul. 2002-15) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7121. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxpayer Identification Number Rule Where Taxpayer Claims Treaty Rate and Is Entitled to an Immediate Payment [REG-159079-01] (RIN: 1545-BA38) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7122. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxpayer Identification Number Rule Where Taxpayer Claims Treaty Rate and Is Entitled to an Unexpected Payment [TD 8977] (RIN: 1545-BA39) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7123. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2002-5) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[May 24 (legislative day of May 23), 2002]

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 431. Resolution providing for further consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-486). Referred to the House Calendar.

Mr. OXLEY: Committee of Conference. Conference Report on S. 1372. An act to reauthorize the Export-Import Bank of the United States (Rept. 107-487). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

By Mr. HOEKSTRA (for himself, Mr. ROEMER, Mr. BOEHNER, Mr. SHAYS, Mr. KIND, and Mr. ANDREWS) introduced a bill (H.R. 4854) to reauthorize and reform the national service laws; which was referred to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3335: Mr. UNDERWOOD.

H.R. 4374: Ms. CARSON of Indiana, and Mrs. THURMAN.

H.R. 4757: Ms. DEGETTE.

H.R. 4777: Mr. BAIRD, Mr. BECERRA, Mr. RUSH, Mr. WEINER, Mrs. MCCARTHY of New York, Mr. OWENS, Mr. MCDERMOTT, and Mr. MEEKS of New York.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4, by Mr. CUNNINGHAM on House Resolution 271: BRAD CARSON, JAMES A. BARCIA, JIM TURNER.

EXTENSIONS OF REMARKS

JEWELENE SPENCER: A DIAMOND IN THE CLASSROOM

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor my good friend, Jewelene M. Spencer, as she prepares to retire after 40 years as an educator, the past 32 of which were spent with Oscoda Area Schools. Jewel's dedication and demand for excellence has made her an invaluable part of the school system and the entire community for many years. Her influence in the classroom will be sorely missed.

Jewel has always set high standards for herself, her colleagues and her students. Her faithful adherence to those standards has certainly been a key to her own teaching success. More importantly, however, she has provided the launching pad for many of her former students to soar to great heights. Her storied tenure has left its mark on all those who have had the privilege and opportunity to experience her teaching, whether as a student or as a fellow educator.

Over the years, Jewel has earned many awards and honors for her achievements, including recognition in "Who's Who Among America's Teachers," an "Excellence in Education" certificate from the Oscoda Area Schools Board of Education and a nomination as "Educator of the Year" for the Oscoda Area Schools. In addition, her deep sense of obligation to the future of young people has led her to serve as National Honor Society advisor and on various committees.

Jewel also eagerly embraced her responsibility as a caretaker for the teaching profession. Jewel has always sought to find better methods to pass on the lessons she has learned in her career. She also has been a strong advocate for the teaching profession by serving in several leadership roles in the National Education Association, the Michigan Education Association and at the local level. Her husband, Howard; their son, Tyrone; and, their daughter, Sabrina; also deserve our gratitude for the sacrifices they surely made so that Jewel could reach out to others.

Finally, Mr. Speaker, I wish to praise Jewel for giving so much of her time and enormous talent to ensuring our young people reach for the stars. Her former students undoubtedly will remember and point to Jewel their inspiration. I ask my colleagues to join me in expressing gratitude to Jewelene Spencer for giving our children the gift of education and for teaching them the value of hard work. I am confident she will continue to inspire and teach all those around her.

IN HONOR OF COLORADO PRESERVATION, INC.

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the important and continuing contributions that Colorado Preservation, Inc. has made to historic and archeological preservation in Colorado.

Too often our communities can lose their history in pieces, not realizing until it is gone just what they have lost. Colorado Preservation, Inc. works to keep that from happening in our state. And it is very appropriate to recognize their many contributions in May, because that is officially Colorado Archeology and Historic Preservation Month.

Colorado has become a world-class destination for people around the country and around the world who come here to visit and often to make our state their new home. With them they bring many diverse cultural heritages. We welcome this diversity with open arms—and, at the same time, we recognize the importance of preserving the things that have shaped our history and that are uniquely Coloradan. It becomes ever more critical that we take care to ensure the survival of our historic buildings and archaeological sites. We have to honor the cultures of people who no longer live among us, the buildings of our heritage even if they have outlived their original purpose, and landmarks of our history even if they are painful.

Colorado Preservation, Inc. has worked tirelessly to ensure these important cornerstones of our history remain available for generations to come. Here are some examples:

At Camp Apache in Granada thousands of Japanese Americans were exiled during WWII for fear of espionage. This site should be preserved as an important reminder of our nation's tragic internment history. The Shield Rock Art Site in Rio Blanco County dates back to 1200 AD. This site contains some of the oldest Native American pictographs and petroglyphs in Colorado. The Bradford Perley House in Jefferson County is one of the more impressive historic buildings in our state. The sandstone mansion was once a Civil War recruiting station. Colorado Preservation, Inc. hopes to use the site to educate young people about its unique place in Colorado history and is working to raise funds for an archeological study and master plan to preserve the site for the most optimal future use.

As Colorado Preservation, Inc. often says, "it is vital that we remember the future by preserving the past." Mr. Speaker, I ask my colleagues to join with me in thanking Colorado Preservation, Inc. for all of the good and important work they do for Colorado.

ADM. JAMES M. LOY'S RETIREMENT

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. LoBIONDO. Mr. Speaker, I rise today to honor a very special patriot who has committed his entire career to the mission of defending America. Admiral James M. Loy, commandant of the United States Coast Guard, is retiring from duty at the end of May and will bring to a close his remarkable 38-year career.

Admiral Loy, a 1964 graduate of the Coast Guard Academy, spent much of his career on the water. He served aboard a number of Coast Guard cutters and commanded a patrol boat during combat in Vietnam. His experience comes from duty on the front lines, teaming the Coast Guard's traditions and missions from those who served before him, carrying on a tradition that stretches back to 1790. For his service, Admiral Loy has been awarded a number of decorations including two Department of Transportation Distinguished Service Medals, four Coast Guard Distinguished Service Medals, the Defense Superior Service Medal, two Legion of Merit awards, the Bronze Star with Combat "V," the Meritorious Service Medal, the Coast Guard Achievement Medal, the Combat Service Ribbon as well as other unit and campaign awards. This recognition denotes a fine service career in and of itself, but James Loy still had much to give the Coast Guard and America.

While a very experienced sea-going officer, Admiral Loy has also distinguished himself on land as well, earning two masters degrees and winning recognition for himself and for the service through his duty as Commander of the Eighth Coast Guard District, the Chief of Personnel and Training, Commander of the Atlantic Area and as Coast Guard Chief of Staff before becoming Commandant in 1998.

His leadership has helped transform the Coast Guard and improve the service's readiness to serve effectively well into the 21st " Century. He has been a vocal and effective advocate for the Coast Guard and for America's need to keep our shores, ports and waterways safe for the maritime industry and for the millions of Americans who enjoy boating and fishing on our waters. He has also been able to look ahead at the new challenges facing America today. Because of Admiral Loy's leadership and foresight, the Coast Guard was able, during the terrible days of September 2001, to coordinate and carry out the evacuation of I million people from Lower Manhattan and to immediately send recovery teams to New York and Washington while putting in place a security cordon around our nation's port cities. His leadership and the efforts of

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Coast Guard from September 11th up until today demonstrate a living example of the Coast Guard's motto Semper Paratus—Always Ready.

Mr. Speaker, I rise today as Chairman of the House Coast Guard and Maritime Transportation Subcommittee to congratulate Admiral James M. Loy, Commandant of the U.S. Coast Guard on his magnificent career and to thank him for his long service to America. Admiral, we wish you and your wife Kay every happiness as you begin this new posting and thank you both for your dedication to service and duty.

TRIBUTE TO MATTHEW F. RYAN, PRINCIPAL OF THORNDYKE ROAD ELEMENTARY SCHOOL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Matthew F. Ryan, Principal of Thorndyke Road Elementary School in Worcester, Massachusetts. Mr. Ryan has been an educator in the Worcester Public Schools for past 36 years, and he is retiring at the conclusion of the school year.

During his distinguished career with the Worcester Public Schools, Mr. Ryan has served as a teacher, guidance counselor, and principal to thousands of students across the City of Worcester. Indeed, as principal of Thorndyke Road Elementary School, Mr. Ryan worked diligently to instill pride in his school, boosted its reputation and academic achievements, welcomed parent involvement, and most importantly developed a school climate that fostered respect and encouragement for each student. His parting accomplishment is the construction of the Thorndyke Neighborhood Trail, which will be dedicated on May 31, 2002.

Mr. Ryan is also deeply involved in the Worcester community. As a member of St. George's Catholic Church, Mr. Ryan is an active participant of the Diocesan Peace and Justice Committee as well as the Faith Into Action Homeless Coalition.

Mr. Ryan graduated from Worcester State College, received a Master's Degree from Assumption College, and was a Jacob Hiatt fellow at Harvard University's Graduate School of Education. In addition to his educational and professional accomplishments, Mr. Ryan is the father of five and grandfather of four.

Mr. Speaker, I am certain that the entire House of Representatives joins me in congratulating Mr. Ryan on his long career of service to the Worcester Public Schools, and wishes him the best of luck in retirement.

RAISING THE DEBT WITHOUT A DEBATE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. HONDA. Mr. Speaker, due to their poor economic planning, today Republicans are attempting to, increase the amount the Federal government can borrow—not through a direct, democratic vote—but by slipping it quietly into the Supplemental Appropriations bill. They're not specifying how much they want, they're not telling us how they plan to spend it, and most importantly, they're not telling us how they plan to pay it back.

Every Member in this body knows that an increase in the debt limit has a monumental impact on our economy. However, under this Republican procedure, there is no chance to debate or offer alternatives to one of the most important decisions made by this Congress. The state of our economy affects the lives of all American families and businesses, not just today, but especially in future years as the Baby Boomers begin to retire. However, what we know today is that the federal government is in a deficit, and $4 trillion of the surplus has disappeared in one-year—the largest fiscal reversal in our nation's history.

Mr. Speaker, before approving a substantial increase in our borrowing authority, Congress has an obligation to review our long-term budget policies in light of the dramatic reversal in our nation's fiscal condition. We should not, as the Republicans are proposing today, blindly pile debt onto future generations. It is fiscally irresponsible.

VIRGINIA A. SLOAN: TEACHING THE JOY OF READING

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor Virginia A. "Ginny" Sloan upon the occasion of her retirement after 31 years as an educator, all of them for the Oscoda Area Schools. Ginny deserves high praise for her devotion to teaching and her passion for ensuring every student left her classroom equipped with more than just the basic reading skills necessary for a productive life.

Ginny has always recognized the importance of reading as the one educational skill upon which all other learning is based. Throughout her tenure, she continuously sought to improve the methodology and the mechanisms for teaching reading. She was instrumental in establishing and developing the school district's "Right to Read Program," and its "Secondary In-Service Reading Program." Ginny also was a driving force in curriculum development for the district, most notably her work on a committee that reviewed Language Arts texts and materials for elementary grades.

Ginny's pioneering efforts and innovations were vital to implementing a suitable curriculum as the backbone of Oscoda's excellent school system. So many of the hours and effort put forth by Ginny took place long after the work day had ended. It is difficult to fully grasp the commitment of time and energy made by dedicated teachers such as Ginny Sloan, but their families understand. Ginny would be the first to acknowledge that the accommodations made by her husband, Jim, and their family, played an important role in her success.

Achieving success in the teaching profession often comes without much recognition or reward. In Ginny's case, she has earned an "Excellence in Education" certificate from the Oscoda Area Schools Board of Education and was recognized for 8th Grade achievements on the Michigan Educational Assessment Program test. However, those awards serve as only a small measure of her value as a school teacher. The true yardstick of her success is the gift of learning she bestowed upon her students, something that can never be taken away from them.

Finally, Mr. Speaker, I wish to pay tribute to Ginny for all that she has done for students, teachers and the entire community. Top-notch educators like Ginny Sloan are all too rare. I ask my colleagues to join me in congratulating Ginny Sloan for a job well-done and in wishing her a successful and enjoyable retirement.

TRIBUTE TO JACK KOSZDIN AND GEORGIA MERCER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. BERMAN. Mr. Speaker, I rise today to join the Hillel Councils of CA State Northridge University (CSUN) and Valley and Pierce Community Colleges in paying tribute to my good friends, Jack Koszdin and Georgia Mercer, who are being honored this evening at Hillel's Gala Dinner.

Jack Koszdin and Georgia Mercer are very special people who have generously given their time, effort and dedication to Hillel and to our community as a whole. Jack is a practicing attorney with whom I had the privilege of practicing law for nearly six years. He is one of the most skilled and knowledgeable practitioners in the field of worker's compensation in the entire country and is a relentless defender of the judicial rights of our labor force. Before entering the legal field as an attorney, Jack was a great teacher with a huge heart and a wonderful sense of humor. He counts teaching at UCLA and serving as a law a professor at the University of West Los Angeles among his many accomplishments.

Jack is continually striving to resolve issues in our educational and legal systems. He is a member of the Board of the San Fernando Valley Child Guidance Clinic and one of the Board of Directors of the Cerebral Palsy Association. He has been a legal advisor to the Valley Labor Political Education council and has held numerous prestigious judicial positions including Judge pro Tem of the Workers' compensation Appeals Board and Municipal Judge Pro Tem for the San Fernando Valley. He also participates in the State Insurance Commission Study of Workers' Compensation and Medical Benefits.

Georgia has more than 25 years of experience in education, communications and public affairs. Her accomplishments are legion and her energy boundless. She now serves as the Chair of CSUN's Hillel's Board of Directors as well as on the Boards of the CSUN Foundation, Vista Del Mar Child and Family Services, Valley Trauma Center, Valley Alliance of the

Jewish Federation Council, and Friends of the Family. She is also an elected and distinguished member of the Community Board of Trustees. As President of this Board from 2000–2001, she led a campaign for a $1.2 billion facilities bond measure for upgrading the modernizing all nine college campuses that ultimately won 67% voter approval. Georgia is a gifted and dedicated activist who knows how to get things done and who never fails to take on a challenge.

During the past several decades, I have been privileged to work with Jack and Georgia on issues of concern at local, State and Federal levels and have valued their friendship and counsel. It is my distinct pleasure to ask my colleagues to join me in saluting Jack Koszdin and Georgia Mercer for their outstanding contributions to our community and thanking Hillel at CSUN, Valley and Pierce Community Colleges for its great work generally, and for making tonight's Gala Dinner a wonderful success.

NEW YORK'S YMCA CELEBRATES ITS 150TH BIRTHDAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of the YMCA of Greater New York in celebration of its rich and vital 150 year history.

Throughout its history, the "Y", as many of us know it, has spanned three distinct historical periods. The first, from 1852–1902, is marked by a commitment to help newcomers to the city and the creation of programs of social change to help groups impacted by war, population shifts and industrial changes. The New York "Association" was staunchly abolitionist and formed a commission to minister to soldiers in camps and hospitals, and on the battlefields of the Civil War. After the War, new YMCA programs were started for African Americans, railroad workers and young boys from urban centers.

From 1902–1952, the YMCA expanded its scope to all areas of public life and affairs, and women became members. Racial integration was attained nationally in the 1940s and much earlier in many New York City YMCA branches. The YMCA's expertise produced numerous vocational, skills training and job placement programs during these years.

From 1952–2002, the YMCA focused aggressively on urban programs to help girls and boys, and their families, in the city. Programs were developed to deal with poverty, youth unemployment, delinquency and drug abuse, and many programs were put on wheels, such as Jobmobiles and Youthmobiles, in order to be located in the neighborhoods most in need. In New York City, during fiscal crises and national recessions, the YMCA maintained its firm commitment to the city through large-scale childcare and expanded family programs. A growing emphasis on physical fitness led to many new program offerings, such as aquatics, cardiovascular fitness and sports leagues, including two sports invented at the YMCA in the late 19th century—basketball and volleyball.

In the past decade, the YMCA of Greater New York also has become a presence in nearly 200 public schools in every school district in the City. In partnership with the United Way and the New York City Board of Education, the Virtual Y currently enrolls 7,500 children and is expanding. Teen Action NYC, currently operates in five schools and provides academic support, life skills and career planning. Most recently following 9/11, the YMCA of Greater New York has developed programs in response and made its 20 branches available for a variety of community needs. In 2002, the YMCA of Greater New York serves 170,000 youth and 200,000 adults.

Throughout its 150 years, the YMCA of Greater New York has been a model of public/private partnerships with a close connection to the City's business and civic leadership. Early lay leaders, such as William E. Dodge Jr., J. Pierpont Morgan and Cornelius Vanderbilt II, were among the most prominent businessmen and philanthropists of their time. Former elected officials, such as Governor Thomas Dewey and Major John Lindsay, served on the YMCA board. Mayors David Dinkins, Rudolph Giuliani and Michael Bloomberg have all been proactive supporters of YMCA community centers and programs.

The YMCA of Greater New York's fundraising efforts, including its Capital Campaign for Kids, are supported by hundreds of corporations and foundations that recognize the YMCA's major and continuing commitment to the youth and families of New York City. This support is led by the YMCA of Greater New York's 14 Corporate Champions: AT&T,/AXA Financial, Bloomberg, Con Edison, Credit Suisse/First Boston, Deloitte & Touche, Deutsche Bank, JPMorganChase, Merrill Lynch, Metropolitan Life Foundation, New York Life, Pfizer, PriceWaterhouseCoopers and UBS/PaineWebber.

Mr. Speaker, 150 years after the YMCA of Greater New York first came into existence it is now bigger and better than ever before. As such, I urge my colleagues to join me in honoring this truly remarkable organization on the occasion of its 150th Anniversary.

PAYING TRIBUTE TO 9/11 HEROES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mrs. MALONEY of New York. Mr. Speaker, on March 19, 2002, I stood on the House floor to recognize and celebrate the 181st Anniversary of Greece's declaration of independence from the Ottoman Empire.

As I stated on that day, the Hellenic community, as every community in New York and worldwide, was hit heavily by that travesty of 9/11.

Fortunately, we have members of the Fire Department, Police Department, Port Authority, military and other volunteers who will continue to lead this war and to protect us on the homeland and abroad. They are lead by Captain John Casamatis, Nicholas Biancoviso (NYPD), Sgt. Emanuel Vrettos (Triborough Bridge & Tunnel Authority), Paul Pallas (NYPD), Demetrios Kaloudakis (NYPD), Constantine Kaloudakis (NYPD), US Marshall John Svinos, Nicholas Mitsinkos (NYPD), Special Agent Genie Poumpouraas (Secret Service), Steve Savvas (NYPD) and Athanasios Ganosis (NYPD).

We salute the clergy and volunteer heroes, lead by His Eminence Archbishop Demetrios, His Grace Bishop Andonios Parapoulos, His Grace Bishop Savas Zembillas, Fathers John Angel, James Antokas, John Heropulos, Alexander Karloutsos (Port Authority Chaplain), Michael Kontogeorge, Alexander Leondis, James Moskovitis, James Moulketas, Geore Orfanakos, Paul Panos, Angelo Pappas, Nicholas Rafael, John Romas, Elias Villas, and Decons Niktarios Morrow and Panteleimon Papadopoulos. The volunteers include: Sofia Cotzia, George C. Zouvelos, Tony Benezatos, Maria Andriotis, Keana Balahtsis, Marissa Costidis, Jerry Dimitriou, Fran Karivalis, Michael Karloutsos, Xanthi Karloutsos, Ioanna Kekropidou, Theo Nicolakis, Andrea Pappa, Nitsa Sinanis, Gkorge Schira, Nick Terizis, Harry C. Zouvelos and Dina Theodosakis to name a few.

Today, as every day, we pay tribute to the heroes of 9/11. We will not forget you! Zeto E Eleftheria (Long Live Freedom), Se Ollo to Kosmo (In the entire world).

INTRODUCING A JOINT RESOLUTION HONORING THE 102ND FIGHTER WING OF THE MASSACHUSETTS AIR NATIONAL GUARD

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. CAPUANO. Mr. Speaker, without question, September 11th, 2001 was one of the most tragic days in our nation's history. Millions of lives were adversely affected by the terrorist acts that were perpetrated in New York City, Washington, DC and Pennsylvania. However, like so many times before, Americans from across the country rose to the challenge of defending this great nation. Out of this dark period came amazing stories of heroism, patriotism and selflessness. Today, I rise to introduce a joint resolution, on behalf of the Massachusetts Congressional delegation, that pays tribute to a group of men and women who played an indispensable role in defense of the nation during and following September's terrorist attacks.

Before most of America could come to grips with what was happening on the morning of September 11th, the 102nd Fighter Wing of the Massachusetts Air National Guard, located at Otis Air National Guard Base, had assumed its position as the tip of the spear in defense of the nation's skies. Known as the Minutemen, in honor of their Revolutionary War forefathers, the 102nd became the nation's first airborne responders when it scrambled two F-15s just six minutes after being informed of the hijackings. Within the first hour, the wing launched six armed aircraft on Combat Air Patrol over New York City and Boston. Incredibly, with significantly fewer pilots and maintainers than their active duty counterparts, the

102nd generated, loaded and accepted fourteen aircraft in less than seventeen hours for around-the-clock combat operations. As a result of its ability to respond so quickly and effectively, the 102nd Fighter Wing became the country's lead air defense squadron for Operation Noble Eagle.

In the first three days of the national crisis, the 102nd flew forty-six sorties and better than 160 hours protecting every major city in the Northeast Air Defense Sector. During this period, the 102nd was the country's sole clearance and identification authority and their flawless execution expedited the flow of medevac and recovery aircraft to the World Trade Center site. By day sixteen, the squadron had tripled its alert commitment, flying 144 sorties totaling 450 hours, and expanded its area of responsibility to include the entire mid-Atlantic coast.

From September 11th until receiving orders to stand down on February 1, 2002, the 102nd Fighter Wing flew a total of 770 sorties, compiling over 3200 hours in direct support of Operation Noble Eagle and Combat Air Patrols over New York, Washington DC, and Boston. During this nearly five-month period, the unit came close to surpassing their annual flying hour allocation and witnessed an astounding 300 percent increase in operational tempo. The operation tempo increase included such tasking as escorting Air Force 1 and Air Force 2, providing air support when the President addressed the United Nations, and patrolling the skies over New York City during baseball's World Series. Hopefully, that venue will be in Boston this fall!

Especially noteworthy was the twenty-four hours a day, seven days a week aspect of the operation. Normally, major aircraft maintenance can be accomplished during non-flying periods, and all maintenance personnel can concentrate on fixing the jets instead of flying. Naturally, this is not possible with an around-the-clock flying commitment. However, the 102nd's maintenance crews rose to the challenge and were able to provide fully mission capable aircraft that enabled the squadron to meet 100 percent of its Combat Air Patrol and alert tasking. If that were not amazing enough, in addition to fulfilling its own missions, the 102nd, as a result of the superior maintenance efforts, were able to fill in for other units when those units could not meet their tasking.

When you take into account the accomplishments of the unit during this period, you cannot help but have a deep sense of honor and appreciation for the 1000 men and women that make up the 102nd Fighter Wing. No single flying organization has ever been tasked with this level of responsibility for such a long period of time. Make no mistake; every American owes each one of these citizen air-men and women a debt of gratitude to them for their hard work, dedication and tireless commitment to ensuring the operational success of each and every mission.

Earlier this month the 102nd's achievements were properly recognized when the wing was selected as the 2002 recipient of the Winston P. Wilson Trophy, given to the country's most outstanding Air National Guard fighter unit. Additionally, the 102nd is a finalist for the 2002 Hughes award, which recognizes the top fighter unit in the entire United States Air Force. The professional qualities and dedication to duty demonstrated this year by the unit were without equal and it is this Member's opinion the 102nd Fighter Wing is deserving of this honor as well.

Mr. Speaker, in closing, let me say that even before the events of September 11th, the men and women of the 102nd Fighter Wing personified the true meaning of patriotism. The Fighter Wing has a long and distinguished history of service to the people of Massachusetts and the nation. I am extremely honored to have the 102nd Fighter Wing in my state and particularly proud to know that when the nation called for its most capable fighters to protect America's skies, the 102nd Fighter Wing responded in true Minuteman fashion. It is my hope that Congress will acknowledge the tremendous efforts of the 102nd Fighter Wing by considering and ultimately passing this resolution.

GOLDEN ANNIVERSARY OF THE GUAM SOCIETY OF AMERICA, INC.

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. UNDERWOOD. Mr. Speaker, as the nation marks the ninetieth anniversary of the city of Tokyo's original gift of 3,000 cherry trees to the people of Washington, D.C. in 1912, I also would like to take the time to recognize the fiftieth anniversary of an organization centered around the annual celebration of the National Cherry Blossom Festival. Fifty years ago this year, the Guam Territorial Society was organized under the Congressional charter to the Conference of State Societies. The advent of this organization brought together former residents of Guam living in Washington, D.C. and the suburbs of Virginia and Maryland. A special venue for these people was made available to gather through receptions, dinners, picnics, and a host of other events.

Since its inception, the society and its members have been responsible for making sure that Guam was represented by a princess in the National Cherry Blossom festival. On two instances, the Guam princesses were crowned National Cherry Blossom Queens—Angela Alley in 1982 and Tanya Monique Manibusan in 1993. Its affiliation with the National Conference of State Societies (NCSS), enabled two of the organization's past presidents to become NCSS presidents. General Frank Torres as NCSS president during the 1974–75 term while Mr. William Barbee, Jr. served during the 1986–87 term.

Along with its NCSS affiliation, the society has been an active participant of the National Organization of Pacific Island Association (NOPIA) and the Asian Pacific American Heritage Council (APAHC). For years, it has cohosted the annual Pacific Night reception which brings together the various nations from the Pacific region. In addition, the society has supported and established a working relationship with Chamorro Clubs all over the United States and abroad.

The society's commitment to Guam and its people is strongly manifested by the assistance and support it extends to the office of the delegate of Guam, the offices of the governor and lieutenant governor of Guam, the Guam Legislature, and the many Chamorro men and women in the United States Armed Forces. An instrument in bringing people from Guam together, the society hosts the largest Chamorro gatherings in the East Coast during Memorial Day, Liberation Day and the Annual Chamorro Night Ball. Its members put together annual children's Christmas parties for member's children and their guests and hosts receptions for the Guam Close-Up kids who come to visit our nation's capital.

In 1986, the Guam Territorial Society was reorganized to become the Guam Society of America, Inc. (GSA). The organization's name might have undergone a slight change but its commitment to Guam, its people, its culture and its traditions has endured. It has since organized Chamorro Language conversational classes and has established a scholarship fund. The annual Guam Society of America Golf Tournament is a fundraising event that goes towards these worthwhile efforts.

GSA promotes Guam's age-old tradition of placing high regard upon its elders. The blessings we enjoy today were made possible through their labors and their guidance. It is with great pride and pleasure that I join the society's endeavor this year to honor our mañaina. Along with the society's principal organizer, the Honorable Carlos Taitano, special individuals from the D.C. area such as Jose and Bride Bamba, Roman Benavente, Juan and Matilde Cruz, John Flores, Brigida Lizama, Margarita S. Perez, Joseph and Margaret Sablan, Isadora Taitano, Jose Taitano, Vicente Torres, George and Rosita Eustaquio, my predecessor, Ben Blaz, and his wife, Ann, possess the wisdom and pass along the knowledge regarding our culture and traditions on to future generations.

For the past fifty years, the Guam Society of America has developed into a unique civic and social club for individuals in the National Capital region who have retained ties to the island of Guam. The society and its members have brought together friends and family through its efforts towards the preservation and promotion of Chamorro culture. As the Guam Society of America celebrates its golden anniversary, we also take the time to honor our mañaina—esteemed individuals who have laid the foundations and through whose leadership and guidance the society is able to celebrate this milestone today. I also commend Linda Perez, the society's president, Cindy Atoigue, its vice president, Annie Rosario, its secretary and Doris Yanger, its treasurer, who along with the society's many members made this celebration possible. On behalf of the people of Guam, I commend and congratulate the Guam Society of America, its members, and, most especially, the mañaina. The past fifty years have been fruitful, rewarding and beneficial to the friends of Guam in the National Capital region. My wife, Lorraine, and I wish the society many more such years.

IN HONOR OF THE 65TH ANNIVERSARY OF WAKE ROBIN GOLF CLUB, INC.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Ms. NORTON. Mr. Speaker, I rise today to acknowledge the 65th Anniversary of Wake Robin Golf Club, Inc. In noting this milestone, I am particularly pleased to honor the outstanding contributions that the Wake Robin Golf Club, Inc. has made to increase the involvement of African Americans in golf.

Since its beginning in 1937, the Wake Robin Golf Club, Inc. has made many important contributions to expand opportunities for African Americans, particularly for women, in the District of Columbia and our nation. In 1938, members of the Wake Robin Golf Club, Inc. drafted a petition to the Secretary of the Interior requesting the desegregation of public golf courses in Washington, D.C. Three years later, because of their great persistence and energy, the Secretary issued an order honoring this courageous and groundbreaking request.

Members of the Wake Robin Golf Club, Inc. worked alongside other minority clubs to encourage the Professional Golf Association to abandon its "Caucasian-only" rule for eligibility, until the PGA finally integrated. The club also helped to organize and support the United Golfers Association, which hosted tournaments throughout the country for stellar African American golf professionals, including Ted Rhodes, Charlie Sifford and Lee Elder. This country needs many more cutting edge organizations to follow the extraordinary example of Wake Robin Golf Club.

The Wake Robin Golf Club, Inc. endured and prospered while its members fought to end the exclusionary practices in golf. Today, there is still no fancy clubhouse, no driving range, no practice putting green, and no home golf course for members. But the club membership continues to grow with over 50 active members who play weekly in the Washington area. There are weekend matches, monthly tournaments, a five year incremental anniversary tournament and a club championship.

Mr. Speaker, I ask the House to join me in honoring Wake Robin Golf, Inc, whose dedicated and unwavering leadership has made and continues to make a significant impact on African American golf players.

CONCURRENT RECEIPT PART II

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Ms. HOOLEY of Oregon. Mr. Speaker, most of this body is aware of the so-called concurrent receipt penalty affecting our military retirees with service-connected disabilities. While Congress has undertaken gradual steps to remedy this situation, numerous veterans in my home state of Oregon have contacted me about a situation which I feel is equally unfair.

With the conclusion of the Cold War, the Department of Defense employed numerous separation programs to comply with Congressional mandates and decrease the number of active military personnel. The DoD implemented the Special Separation Benefit (SSB), and the Variable Separation Benefit (VSI) which were both designed to award servicemen and women with immediate compensation in return for early retirement from the Armed Services.

What many of these servicemen and women did not know is that by agreeing to leave active duty and accept the SSB or VSI payment, they were effectively signing away the right to receive future service-connected disability payments from the Veterans Administration. As it currently stands, any service member who accepted the SSB payment and is diagnosed with a service-connected disability must repay their payment in full before he or she can receive disability pay. Likewise, members who receive the VSI payment cannot receive the full disability payment to which they would otherwise be entitled.

I find this practice reprehensible. Many service-related disabilities might not become apparent for several months or years after separation. Consequently, everyone who made use of these programs could not have possibly known the way in which they would be affected by the offset provisions. What's more, many service members made the decision to accept the separation pay only because the alternative would be an eventual, forced retirement.

To remedy this problem, I am introducing bipartisan legislation with my colleagues Congressman Richard Baker from Louisiana and Congressman Jim Gibbons from Nevada which would revise current law and allow for full concurrent receipt of separation and disability pay. Additionally, I urge all of my colleagues to join us in ending this objectionable practice.

A TRIBUTE TO WTC WORKERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of the heroic people who have dedicated so much to the clean up of the "Ground Zero". I am pleased that the House passed H. Res. 424 to bring recognition to their sacrifice.

No one will ever forget the horrible events of the morning of September 11, 2001. It seems like just yesterday that I could look across the river from my district in Brooklyn and see those two glimmering towers watching over the city. In the course of a few hours, those symbols of strength and comfort would turn into over three thousand innocent lives lost and a pile of over 1.6 million tons of torn and twisted metal.

From the moment the towers were felled, hundreds of thousands of volunteers and professionals rushed to the scene without regard to their personal well-being. Many of those people stayed at the site for days with barely a moment's rest. They were only interested in doing whatever they could to help in the recovery effort. There was no thought of rest or personal safety as workers looked for potential survivors in the devastated area that we have come to know as "Ground Zero". Many workers remained on site without any respiratory equipment despite fires burning and toxic fumes surrounding them. After it became clear that it would not be possible to find anyone else alive, the workers remained on site as the search evolved from a rescue and recovery effort into a clean-up effort. Throughout the long hard work, the workers remained committed to their work and showing the families of the victims the respect that they deserve. Every victim that was pulled out of the devastation was given a ceremonial burial.

Mr. Speaker, the workers who have spent the last nine months at the WTC-site helped bring our country together. They showed all Americans how important it is to come together, and America responded. People from all across this great nation volunteered and donated whatever was requested. Our country was unified against a common enemy and for a common purpose. There is no way to repair the damage that was caused to our national psyche or our City's glory on September 11. But the hard work and dedication of the "ground zero workers" has given us all hope for the future and an understanding of what is necessary to overcome our enemies. As the clean-up operations draw to a close on May 30, 2002, I urge my colleagues to join me in honoring these truly heroic people who have given so much in the name of their fallen comrades and our national honor.

INTRODUCTION OF A BILL TO AMEND THE HIGHER EDUCATION ACT OF 1965 TO AUTHORIZE GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION SERVING ASIAN AMERICANS AND PACIFIC ISLANDERS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. UNDERWOOD. Mr. Speaker, I rise today to introduce legislation that would provide higher education institutions serving a significant population of Asian American and Pacific Islander American (AAPI) undergraduate students federal funding opportunities. This legislation would authorize the Department of Education to designate Asian American and Pacific Islander Serving Institutions with an undergraduate enrollment of at least 10 percent AAPI students to improve their capacity to provide higher education opportunities to these populations.

Asian American and Pacific Islanders are one of the fastest growing minority populations in the United States, yet many are left behind in numerous programs which help minority students bridge the gap to higher education attainment. Historically Title III and Title V of the Higher Education Act were established to aid colleges and universities to expand educational opportunities for financially needy and minority students. Currently, the Department of

Education has the authority to designate minority serving higher education institutions for Historically Black Colleges and Universities, Hispanic Serving Institutions, American Indian Tribally Controlled Colleges and Universities, Native Hawaiian Serving Institutions, and Alaska Native Serving Institutions, but not for Asian Americans and Pacific Islanders.

Mr. Speaker, this legislation is long overdue and an important issue to Asian American and Pacific Islander communities across the nation. In the January 2001 Interim Report of the President's Advisory Commission on Asian Americans and Pacific Islanders, the Commission recognized the need to establish a designation of Asian American and Pacific Islander Serving Institutions as a focus for outreach, employment recruitment, research, and program development.

During a Congressional Asian Pacific American Caucus Summit on the Higher Education Status of Southeast Asians and Pacific Islanders held on May 18, 2001, the College Board and various federal officials identified a deficiency in the data collection and reporting of Asian American and Pacific Islander students. Their statements concluded that when data for subpopulations are disaggregately reported, the disparities in educational attainment increase dramatically and reveal that subpopulations with higher number of low-income households indeed have fewer opportunities for higher education.

My bill seeks to encourage higher education institutions to address this disparity by improving their capacity to serve these populations. I would like to take the opportunity to thank the original co-sponsors of this legislation, and I look forward to working with my colleagues on this important issue.

JUDY BEAL—SAN DIEGO'S LABOR LEADER OF THE YEAR!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. FILNER. Mr. Speaker, I rise to salute a remarkable woman from my hometown of San Diego, CA.

On Saturday, June 1, 2002, Judy Beal, President of the Communications Workers of America (CWA) Local 9509, will be honored as San Diego's Labor Leader of the Year by the San Diego-Imperial Counties Labor Council.

While a native of National City, CA, in my Congressional District, Judy grew up in a small town 75 miles east of San Diego, Jacumba, CA. She earned her Associate Arts Degree in Criminal Justice Administration at San Diego City College, and then attended the George Meany Center for Labor Studies at Antioch University, earning a B.A. Degree in Labor Studies.

Judy began her career working for Pacific Telephone in El Centro, CA in 1964. Within two weeks of beginning her employment, she joined the Federation of Women Telephone Workers (FWTW) and became an active steward. While in El Centro, she worked with Cesar Chavez to organize migrant workers. She transferred to San Diego and, when FWTW merged with CWA, Judy became actively involved. In CWA, Judy has held many positions including Lobbyist, Organizer, Steward, District Steward, Assistant to the Chief Steward, Chief Steward and Local 9509 President for the past 6 years.

During her Union career, Judy has negotiated approximately 25 labor contracts, plant closure agreements, work share programs and wage re-openers. She has written training material and instructed classes for basic and advanced stewards, collective bargaining, organizing, and labor law for both, the National Labor Relations Act and the Railway Labor Act. She has lobbied in Sacramento, CA and Washington, DC for numerous bills pertaining to the needs of working families.

Judy is a staunch supporter of life long learning and has promoted education by constantly looking for new areas within the technical environment to offer training to members and their families.

Mr. Speaker, thousands of San Diegans enjoy a higher quality of life because of the efforts of Judy Beal—San Diego's Labor Leader of the Year.

REQUESTING THE HOUSE TO HONOR BLACK LESBIAN AND GAY PRIDE DAY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Ms. NORTON. Mr. Speaker, I rise to pay tribute to Washington, DC's 12th Annual Black Pride Festival, May 24 through May 27, 2002, and its organizer Black Lesbian and Gay Pride Day, Inc. (BLGPD).

BLGPD's mission is to build awareness of and pride in the diversity of the Black lesbian, gay, bisexual and transgendered community, as well as to create a funding source and support for organizations that are addressing HIV/AIDS and other health issues adversely affecting the African American community. In keeping with this mission, this year's Black Pride theme is: "A time to heal."

Since its inception in 1991, Black Pride has grown from a single gathering on the Banneker High School Field to the largest Black Gay and Lesbian Festival in the world. Black Pride attracts attendees from every major urban area in the United States as well as participants from Canada, England, Germany and the Netherlands. This year more than 10,000 people will participate in a four-day celebration, which includes over thirty different events including a Youth Party, a Wellness Expo and the first Black LGBT Film Festival to become part of the official schedule of events. Black Pride culminates Sunday with the DC Black Pride Expo at the Washington Convention Center.

The citizens of the District of Columbia and I feel a special affinity for any Americans who do not share all the rights and privileges enjoyed by most citizens of the United States. On Thursday, May 23rd at 2:30 PM, the Senate Governmental Affairs Committee will hold an historic hearing on the "No Taxation Without Representation Act of 2001." My Lesbian, Gay, Bi-sexual, and Transgendered constituents feel the lack of a vote in the House most acutely. They bear the burdens of our democracy, yet they neither have complete access to its power to redress the injustices that befall Lesbian, Gay, Bisexual, and Transgendered Americans, nor do they have full power to redress those special injustices, which we suffer in the District of Columbia.

Furthermore, Congress has not yet protected sexual orientation from discrimination. Despite increasing reports of violence and physical abuse against Lesbian, Gay, Bi-sexual, and Transgendered Americans, Congress has not enacted protections against hate crimes. Congress must pass the Employment Non-Discrimination Act (ENDA). Congress must pass the Hate Crime Prevention Act. Congress must pass the Permanent Partners Immigration Act. Congress must return full voting rights to the District of Columbia.

Mr. Speaker, I ask the House to join me in saluting the 12th Annual Black Pride Festival; its organizers, Black Lesbian and Gay Pride Day, Inc.; its sponsors; and the volunteers whose dedicated and creative energy make Black Pride possible.

TRIBUTE TO MICHAEL WALSH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. LEVIN. Mr. Speaker, I rise today to honor a friend and a distinguished member of the Michigan law enforcement community. Chief of Police, Michael Walsh, is retiring from the City of Clawson after over thirty years of service.

Chief Walsh took pride in keeping the city of Clawson safe and protected from his early days as a patrol officer through his service as a Sergeant, Detective Lieutenant and finally as head of the department. During his tenure as Chief of Police, Walsh also served on the Board of Directors of the Oakland County Chiefs of Police, the Traffic Improvement Association and the Michigan Association of Chiefs of Police.

From the very beginning of his police service, Chief Walsh worked to not only fight crime, but to prevent it. He developed and implemented a school liaison program in order to deter youth from heading down the wrong path. He is also actively involved in the Clawson Community Anti-Drug Coalition.

Chief Walsh's dedication to crime prevention reached far beyond the city of Clawson. In 1993 and 1994, I relied on his advice, and the advice of Chiefs of Police throughout Oakland and Macomb County, to shape federal anti-crime legislation. With their input we were able to create a community-oriented policing program that would most effectively address the needs of suburban communities.

I am honored today to join with the residents of Clawson, the local elected leadership and law enforcement officials throughout Michigan in thanking Chief Walsh for his service and wishing him well in his next endeavor.

GUAM CONTRIBUTES TO THE UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO (UNMIK)

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. UNDERWOOD. Mr. Speaker, I would like to take this opportunity to recognize individuals from my home island of Guam who made contributions toward the United Nations (U.N.) peacekeeping effort in Kosovo. The United Nations Interim Administration Mission in Kosovo (UNMIK) was the result of the Security Council resolution 1244 authorizing the U.N. Secretary-General to establish an interim civilian administration in the war-ravaged province of Kosovo under the auspices of the U.N. Taking effect on June 10, 1999, the resolution called upon UNMIK to perform basic civilian administrative functions and promote the establishment of substantial autonomy and self-government in Kosovo. These foundations were laid toward the facilitation of a political process that was to determine Kosovo's future status. UNMIK was also tasked to coordinate the humanitarian and disaster relief from international agencies as well as the reconstruction of key infrastructure. During this period it was a paramount goal to maintain civil law and order, promote human rights, and assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo. A significant role was played by the UNMIK International Civilian Police in the realization of these goals.

Unlike previous U.N. operations where the major task was to monitor various activities, the UNMIK police was required to maintain order and enforce the law. UNMIK was tasked with establishing and developing a professional, impartial and independent local police, called Kosovo Police Service (KPS). Temporary law enforcement was to be provided by members of this international unit until such time when the local police is able to enforce law and order according to international standards. For the past several years, however, the UNMIK police has been the only law enforcement unit in Kosovo.

Out of the almost five thousand members of the Kosovo Police Service, several individuals hail from my home island of Guam. These individuals—Bob Cruz, Marc Howard, Ferdinand Ibabao, Phil Leddy, Andy Pellacani, Joanne Oliva, Mark Riley, Jay Thornton, Ed Toves, Helen Vibar, and Tracy Volta—made personal contributions toward establishing law and order in Kosovo. In addition to dealing with local crime, these individuals also assisted in providing security for people who are threatened by ethnic violence and political repercussions. Additional duties include the protection of U.N. officials assigned to Kosovo. Ferdinand Ibabao, a distinguished member of this group, won a citation for preventing a potential assassination attempt on an international judge who had earlier refused a bribe from a criminal defendant.

The work of UNMIK is commendable. Also deserving of note are the substantial contributions made by individuals from Guam to this humanitarian mission. In the performance of their duties, these men and women have brought credit to themselves and the people of Guam. I urge them to keep up the good work.

HONORING MARK S. HAYWARD

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to pay tribute to a good friend and noteworthy Rhode Islander, Mark S. Hayward.

Mark S. Hayward was appointed District Director of the Rhode Island Small Business Administration District Office in March 2000. He joined the Rhode Island District Office as Deputy Director in 1991 and served as the Acting District Director beginning in early 1999.

As those of us in Congress know, the Small Business Administration is an independent agency with the goal of providing aid, counsel, assistance to small businesses. SBA protects the interests of small business preserving free competitive enterprise and strengthening our economy through help to small business persons.

Mr. Hayward is responsible for the management and delivery of the SBA's financial and technical assistance programs for the state of Rhode Island. He has initiated and developed outreach programs to enhance the New Markets initiatives, including an expanded Minority Enterprise Development Week, Rhode Island Salute to Small Business, the largest event of its kind in the nation.

He began his career in federal service in 1982 and was appointed the U.S. Small Business Administration's Acting Chief Council for Advocacy in 1990. He has also served our Nation through positions with the Environmental Protection Agency, and Department of Interior.

I ask the House of Representatives to join me today in commending Mark Hayward for his outstanding contribution to the Rhode Island small business community.

IN HONOR OF WILLIAM A. NEWSOM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Justice William A. Newsom as he is recognized by the San Francisco Forum as the "San Franciscan of the Year." The San Francisco Forum, dedicated to preserving the cultural, social, and philosophical values of San Francisco, has made an excellent choice by selecting Bill Newsom for this award. A man with a kind heart, diverse interests, and great abilities, Bill embodies the best of San Francisco.

A native of San Francisco, Bill earned his bachelor's degree in French Literature from the University of San Francisco. Following graduation, he served for two years on active duty as a Second Lieutenant in the U.S. Army Artillery and then for four years on reserve duty as a First Lieutenant. While in the Reserves, he completed his law degree at Stanford University and then stayed at Stanford to receive a Master of Arts degree in English Literature.

His early career as a lawyer included time spent working as an Associate Attorney with Willick, Wheat, Geary, Adams, & Charles, with James Martin MacInnis, and with Getty Oil Italiana, serving as in-house counsel for the corporation's office in Rome. His responsibilities to the Getty Family would later include service as a Trustee for several of the family's trusts and foundations. His current business, Newsom Associates, directs the personal business operation of his longtime friend, Gordon Getty.

Bill became an Attorney at Law in Tahoe City, California. He specialized in environmental litigation, and his clients included the Sierra Club, the League to Save Lake Tahoe, and the Audubon Society. After eight years in private practice, he was elected to the Superior Court of Placer County where he served as a member of the Juvenile Justice Commission and coordinated the creation of a county-wide child abuse prevention program.

His work in Placer County was highly regarded, and in 1978 he was appointed to be an Associate Justice of the California Court of Appeal at San Francisco. He was then elected twice to twelve-year terms. Bill served with distinction on the bench and earned a reputation for fairness, diligence, and his commitment to his principles.

Bill has also been an outstanding environmental champion. He is a Trustee for the Environmental Defense Fund, Sierra Legal Defense, the Sierra Club Foundation, and the Earth Justice Legal Defense Fund. He is a Director of The Wildlife Conservancy and the Mountain Lion Foundation.

Bill Newsom has been a wise judge, a trusted counselor, a great father, and a loyal friend. He is engaged in the issues of his day and always of service to his community. I am proud to join his daughter, Hillary, his son, Gavin, and the San Francisco Forum in saluting him.

A TRIBUTE TO VICTORIA McMURRAY FOR 41 YEARS OF FEDERAL SERVICE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Victoria McMurray for her more than 41 years of service with the federal judiciary. Starting as a temporary bankruptcy clerk in 1961, Ms. McMurray has worked her way up to be chief deputy of operations for the Central District of California, U.S. Bankruptcy Court.

Nicky McMurray, as she is known to her friends and co-workers, began her service as a temporary clerk in the Riverside division, and was made a permanent clerk in 1962. She worked at every position in the office and was promoted to deputy-in-charge in 1974. She worked her way to become assistant chief deputy of operations for the Central District in 1996, while still serving as deputy in charge at the Riverside division.

In her current job, Ms. McMurray manages 65 deputy clerks, who support four federal bankruptcy judges and their chambers staff. She has been highly praised by many co-workers, from judges to clerks, for her efficiency, compassion, sensitivity and consideration for everyone who works in the district.

The Central District, which is largest bankruptcy court in the United States, was once ranked fifth worst among the 91 courts across the nation. Under Ms. McMurray's leadership, it is now ranked second best. She has successfully managed two major relocations of the Riverside Division, as well as two technology conversions.

The Riverside Division under her direction has successfully completed a five-year Judicial Workload Equalization Program, pioneered hearings by video conference, and is now serving as a pilot project for digital court recording for the district.

Ms. McMurray has been an ex-officio member of the board of directors of the Inland Empire Bankruptcy Forum since 1993, and is a member of the Bankruptcy Study Group, the National Council of Bankruptcy Clerks, and the Federal Court Clerks Association.

Mr. Speaker, Nicky McMurray is retiring from the federal bankruptcy court system. I ask you and my colleagues to please join me in thanking her for those 41 years of dedicated public service, and wish her well in her future endeavors.

2002 GUAM BUSINESS HALL OF FAME LAUREATES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. UNDERWOOD. Mr. Speaker, for the past decade, the Guam Business Hall of Fame has paid tribute to outstanding business leaders who have made positive contributions towards the economic growth of the island of Guam. Residents of Guam as well as businesses that have operated on Guam for at least ten years may be nominated for this honor. This year, Frank C. Guzman, the founder of International Distributors, Inc. and Continental Airlines, the parent company of Guam and Micronesia's hometown airline—Continental Micronesia—were named laureates to be inducted to the Guam Business Hall of Fame.

Frank Guzman's first business venture was in the wholesale-retail business. In 1970, at the young age of 23, he became co-owner of Chamorro Sons, Inc. Two years later—in 1972, he co-established Island Creations, Inc., a T-shirt company which emphasized Chamorro themes. That same year, he took control of Chamorro Mart, a local grocery store which he owned and operated until 1980 when he began devoting his energies towards International Distributors, Inc.

In addition to being co-owner of Ocean Pacific Motors, a BMW auto dealership, from 1985 to 1990, Frank also served as International Distributors, Inc.'s president and chief executive officer from 1980 until 2000. During this time, the company became a major importer, wholesaler and supplier of various food products for the island's hotels, restaurants and grocery stores. International Distributors, Inc. additionally supplies food outlets in the neighboring islands of Palau, the Northern Marianas, and the Federated States of Micronesia as well as Defense Commissary Agency (DECA) stores and visiting ships.

A respected member of the business community, Frank has always found time to contribute towards civic and community affairs. He has been a strong supporter of the Boy Scouts of America, the Babe Ruth Baseball League, the Ronald McDonald House in Hawaii, the Make-a-Wish Foundation, and the annual Christmas Drop Project. He has also taken upon the role of mentor to his employees. Through his guidance and support a number of them now own businesses of their own. For his efforts and achievements he has recieved numerous awards from institutions and organizations such as the University of Guam, the Guam Community College, the Santa Barbara Church, the Guam Department of Military Affairs, and the Guam Marianas Lions Club. Frank was also a founding member of the Micronesian Chef's Association whose annual Chef of the Year award is named in his honor.

Frank's efforts and contributions have truly earned him a place in the hearts of the people of Guam. His induction to the Guam Business Hall of Fame is yet another indication of this appreciation.

Also deserving of praise is the largest private employer on Guam, Continental Micronesia and its parent company, Continental Airlines. Continental Airlines established regular air service within Micronesia based on Guam in 1968. Upon overcoming problems with maintenance facilities, aircraft parts, certified technicians and communications infrastructure, the air carrier was able to secure route authority between Japan and the island of Saipan in 1976. Known locally as "Air Mike," the fledgling subsidiary, at the time established a route system that spanned the Pacific from Asia to Micronesia.

As the region's tourism industry flourished, "Air Mike" was able to expand its flight frequencies and flight schedules. Additional aircraft, equipment and ground facilities later contributed to an expanded route including Manila, Nagoya, Port Moresby and, later, Honolulu. "Air Mike's" operations today boasts an all jet fleet and a $184 million budget for supplies, leaseholds and payroll—all spent on Guam benefitting the local economy.

As Continental Airlines was broadening its worldwide prominence, "Air Mike" was cementing its role in the Pacific region. For the past thirty-four years Continental Micronesia has been committed towards providing safe and reliable transportation service with the highest degree of care for their customers. It has now become Guam's largest private employer and the area's premier air carrier with regular flights to a wide number of destinations in the Asia-Pacific region. For three years in a row, the company has been ranked at the top among businesses in Micronesia.

"Air Mike" is also a long-time supporter of several local non-profit groups. Through donations of more than $1 million each year in free and discounted airline tickets as well as cargo transportation, Continental Air Micronesia has touched people's lives has made a huge difference throughout Guam and the region. A founding supporter of the "Ayuda Foundation," the air carrier has provided great assistance towards the group's efforts to provide medical care throughout the Micronesian islands.

Laureates Frank Guzman and Continental Airlines, through its subsidiary Continental Micronesia, have made significant contributions to every aspect of Guam's development for the past few decades. I would like to take this occasion to commend and congratulate them on all their accomplishments and on their well-deserved induction to the Guam Business Hall of Fame. I join the Guam Chamber of Commerce and the people of Guam, in celebrating the extraordinary contributions and accomplishments of this year's laureates.

GUILFORD COLLEGE CELEBRATES GOLF CHAMPIONSHIP

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. COBLE. Mr. Speaker, I will admit to being biased, but I think it is important that we congratulate my alma mater—Guilford College in Greensboro, North Carolina—for winning its first-ever NCAA team championship. On May 16, 2002, the Quakers captured the NCAA Division III men's golf championship conducted at Firethorn Golf Club in Lincoln, Nebraska.

What made winning the championship even more special for those of us who live in the Sixth District of North Carolina, Guilford College edged out cross-town rival Greensboro College to win the title. The two schools, which are just a few miles apart, traveled halfway across the country to duel for Division III's top golf crown. Even the third-place team was from North Carolina—Meredith College in Raleigh. Guilford College shot a 300 on the fourth and final day of the tournament to rally past third-day leader Meredith. Greensboro scored a tournament-best 288 on the last day to vault from seventh place to second. Is there any doubt that North Carolina is the golf capital of the world?

Guilford finished second in the national championship last year, and Head Coach Jack Jensen did not want a repeat in 2002. "It feels so good," Jensen told the (Greensboro) News & Record. "We came so close last year. I really had this feeling before we went out that we would win today. Last year, we had a one-shot lead with one day to go. Every player on the team looked back to one shot and felt like he lost it, and in golf, you can always find one shot."

In fact, Guilford has qualified for the Division III golf championships in 10 of its 11 years of NCAA play. This year, Jensen's Quakers were not to be denied. This was Jensen's and Guilford's first-ever NCAA title, but the coach and school are no strangers to winning national championships. Jack Jensen and Guilford College captured the NAIA national men's basketball championship in 1973 and the NAIA men's golf title in 1989. Guilford joined the NCAA Division III athletic program in 1991.

In addition, Guilford College almost collected the individual player title in Nebraska. Sophomore Dave Patterson finished with a four-day total of 293, two shots off the lead. Patterson had a lot of assistance, however, in leading Guilford to its NCAA team crown. Joining him at Firethorn were Andrew Eversole, Savio Nazareth, Andrew Biggadike, and John Riddle. (Another reason we are slightly prejudiced in favor of the Quakers is that John Riddle is the nephew of Nancy Mazza who operates our district office in High Point, North Carolina.)

Congratulations are in order for every member of the Quaker golf team including Harrison Pinnix, Head Coach Jack Jensen, outgoing athletic director Mike Ketchum, incoming athletic director Marion Kirby and everyone associated with Guilford College. I am proud to be an alumnus of the school and proud that it is located in our congressional district.

CUSTOMS BORDER SECURITY ACT OF 2001

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes:

Mr. BLUMENAUER. Mr. Chairman, I rise to oppose two specific sections of the Customs Border Security Act. Section 141 would provide greatly expanded immunity to Customs officer conducting searches. This is another one of the post "Patriot Act" erosions of constitutional protections and judicial oversight that we should all find particularly troubling. Customs officers, like other federal law enforcement officers, are already entitled to qualified immunity. Judges and juries respect the needs of agents to conduct searches in exigent circumstances.

Especially since Congress has recently expanded law enforcement powers, it should not simultaneously contribute to by-passing the courts' ability to guard against abuses of those powers. Just two years ago, the GAO found disturbing evidence of Customs' use of racial profiling in searching African American citizens nine times more often than their white counterparts, even though they did not discover contraband with any greater frequency. This is not a record upon which we ought to base less redress for the victims of illicit searches.

Section 144 would allow warrantless inspection of outgoing international mail, again circumventing judicial oversight. Even the U.S. Postal Service said of this intrusion: "There is no evidence that eroding these long-established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques." [Letter to Chairman Oxley from the USPS, dated 10/11/01). Postal officials can always hold mail while they wait for a court to issue a warrant.

These two provisions play right into the hands of the terrorists, for whom the "rule of law" was intended as a primary victim of the September 11th attacks. We should not allow that to happen. I hope that my colleagues will join me in opposing these two misguided provisions of H.R. 3129. They will not make our borders any safer.

HONORING COLONEL JAMES W. DELONY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. JONES of North Carolina. Mr. Speaker, I rise today to take this opportunity to honor my friend, Colonel James DeLony, Commander of the Wilmington District, United States Army Corps of Engineers.

After almost 30 years of honorable, distinguished and loyal service to his country, Colonel DeLony has decided to move forward and accept new challenges as the Director of Public Utilities for Collier County, Florida. Collier County is not only getting an accomplished engineer but more importantly a true American patriot.

During his three-year tour in North Carolina, Colonel DeLony was more than just my District Commander, he became a dear friend and confidant of mine. It was not uncommon for us to talk by phone several times a week on things other than civil works projects and water infrastructure needs.

When I review Colonel DeLony's laundry list of achievements from the last three years, my heart swells with pride. Working together as a team, Colonel DeLony, the Wilmington District, the citizens of North Carolina and members of Congress were successful in providing for numerous beach nourishment projects, port operations and maintenance, environmental restoration projects, navigation projects, and flood control projects.

The Army Corps of Engineers is one of the few government agencies that provides tangible benefits for the American public. Without the Corps, America's water infrastructure would be non-existent and civil works projects would grind to a halt.

It seems every year, Congress needlessly debates the role of the Army Corps of Engineers. There are many in Congress who want to rein-in the Corps. I believe these people would change their minds if they had a District Commander like Colonel DeLony. Because of people like Colonel DeLony, I for one think it would be wise to un-leash to Corps and provide them the necessary resources to continue their civil works improvements throughout the nation.

Mr. Speaker, Colonel DeLony has dedicated his life to the defense and security of this nation. It is with a great deal of pride and respect that I bring his career to the attention of this House of Representatives. Colonel DeLony has earned the thanks of a grateful nation for all of his hard work and on behalf of Eastern North Carolina. I thank you for a job well done and wish the very best for you and your family.

BUSH, PUTIN, PROVE REAGAN RIGHT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to point out that less than a week after Ronald Reagan was presented the Congressional Gold Medal, President George W. Bush is in Russia cementing an arrangement Reagan's critics said could never be accomplished. Bush and Russian President Vladimir Putin will sign a landmark arms-control treaty slashing long-range nuclear warheads, while at the same time shredding the flawed 1972 Antiballistic Missile (ABM) Treaty. The pact allows the U.S. to finally build and deploy a comprehensive missile defense system, headquartered in Colorado Springs.

"One of the most important contributions we can make is, of course, to lower the level of all arms, and particularly nuclear arms," Reagan said in his now famous March 23, 1983, missile defense speech. "I am directing a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles."

Reagan's vision was of a future in which U.S. technology would make long-range missiles obsolete—technology that would "pave the way for arms control measures to eliminate the weapons themselves."

Reagan's critics deprecatingly labeled his plan "Star Wars," predicting the earth would be "turned into a gigantic orbiting bomb."

In its account of the speech, Time magazine (April 4, 1983) opined, "As with many of the President's uncomplicated-sounding proposals, the idea of spaceage missile defenses masks a swarm of complexities. It raises the specter of an arms race in space, which ultimately could be more expensive and dangerous than the one taking place on Earth."

To the contrary, Reagan's doctrine of "peace through strength" hastened the demise of the "Evil Empire." The end of the Cold War was finally in sight.

"When President Reagan started this program, Soviet intelligence had already obtained information on the 'Star Wars' program, and they were scared," former Soviet KGB operative Oleg Kalugin would later admit. "They were convinced they would never be able to match the U.S. program for purely financial reasons."

In time, Reagan's passion for peace outpaced the Soviet economy, leading to the collapse of the Berlin Wall, the break up the Soviet empire, and the death of communist totalitarianism.

In January, Bush picked up where Reagan left off, boldly announcing his intention to withdraw the U.S. from the ABM Treaty. Predictably, partisans on the Left prophesied doom. Again, they were wrong.

Rather than escalating an arms race, the specter of a robust missile shield has produced the opposite result. To the astonishment of those who said it could not be done, Bush and Putin will, on May 24, sign an arms-control treaty reducing long-range nuclear warheads from roughly 6,000 on each side to between 1,700 and 2,200.

Exactly three weeks later, the first day the U.S. will be freed from the ABM Treaty, the U.S. Missile Defense Agency will begin construction of underground silos for the first missile interceptors, located at Fort Greely near Fairbanks, Alaska. Once banned by the ABM Treaty, the Fort Greely program will consist of five missile-interceptor silos and related communications systems. Headquartered in Colorado Springs, the missile defense system will involve a sizeable defense investment in Colorado. Currently, the military tracks missile launches around the world from its primary ground station at Buckley Air Force Base near Aurora.

Sadly, Democrats in the Senate are fighting to gut the missile defense program, insisting they know better than the experts how to defend the country from the enemies of the United States. They prefer instead a policy of talking America's enemies out of attacking us.

According to Bush, the land-based intercept program should be only the beginning. America must continue to ignore the whining of liberals still baffled by the success of Reagan's courage. We must fully fund a robust ballistic missile defense program, encompassing a variety of technologies, including spacebased missile-intercepting technology.

Though it has been available for years, the United States has delayed this technology because of treaty restrictions.

Now, thanks to Bush, Americans will soon be free to build and deploy a comprehensive missile defense shield while at the same time achieving an historic anti-proliferation agreement.

In our nation's 226-year history, Congressional Gold Medals have been awarded only 135 times. Beginning with George Washington, each honoree made an important contribution to our nation in the face of skepticism and against the predictions of those who harp "it can't be done."

Ronald Reagan is in good company: No Congressional Gold Medal has ever been awarded to an advocate of a weaker America.

CONGRATULATING LIEUTENANT COLONEL CATHY VITTORIA AS COMMANDER OF THE 773RD MAINTENANCE BATTALION

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. BAKER. Mr. Speaker, I rise to congratulate Lieutenant Colonel Cathy Vittoria who has recently taken command of the 773rd Maintenance Battalion, Louisiana Army National Guard. LTC Vittoria is to be commended for her unselfish and outstanding service to our country and is deserving of our sincere gratitude.

LTC Vittoria began her career defending our country by enlisting in the Connecticut National Guard. After achieving the rank of Staff Sergeant, she attended Officers Candidate School. In January 1985, she received her commission and served as a Platoon Leader in the Virginia National Guard until June, 1986. Upon her transfer to the 123rd Maintenance Company at Fort Irwin, California, she served as the Material Service Officer, Maintenance Control Officer, and Company Commander. In September, 1993, LTC Vittoria was transferred to the 529th Forward Support Battalion in Virginia.

In February, 1998, LTC Vittoria was transferred to Detachment 1, Headquarters STARC where she served as the Administrative Chief until October 1999 when she became the Deputy Commander for the 62nd Weapons of Mass Destruction Team. From August 2000 until January 2002, LTC Vittoria served as the Operations Officer for the 199th Leadership Regiment, LTC Vittoria is a full-time member of the Louisiana National Guard and works as the Operations Officer at the Gillis W. Long Center in Carville, Louisiana.

I am proud that LTC Vittoria is a constituent in Louisiana's Sixth Congressional District and I am proud to have this opportunity to recognize her achievements.

Mr. Speaker, I know you and all my colleagues in the House of Representatives join me in congratulating LTC. Cathy Vittoria upon her promotion as Battalion Commander of the 773rd maintenance Battalion, Louisiana Army National Guard.

3M SPECIALTY MATERIALS DIVISION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. DEMINT. Mr. Speaker, Whereas, 3M was founded 100 years ago in Two Harbors, Minnesota and serves as the world's leading innovative company; and

Whereas, 3M makes and sells thousands of products that improve people's lives; and

Whereas, 3M is a company consisting of 75,000 employees world-wide and 250 at the 3M Specialty Materials Division in Greenville, South Carolina; and.

Whereas, the 3M Specialty Materials Division began operations in Greenville in 1973; and

Whereas, 3M makes valuable contributions to our community through jobs, environmental stewardship, charitable contributions and volunteerism;

Therefore, be it declared that, the 28th day of May 2002, shall be 3M DAY.

CELEBRATING BOB BEIN'S 40 YEARS OF SERVICE

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. COX. Mr. Speaker, I rise today to commemorate Robert W. Bein's 40 years of service and leadership with RBF Consulting, located in Irvine, California. Now the Chief Executive Officer, Bob Bein has dedicated his life to serving his firm and his profession.

RBF Consulting is an engineering, planning, and surveying firm with over 600 employees and offices in California, Arizona, and Nevada. Bob Bein joined RBF in 1962 as a Chief Engineer, and went on to become President of RBF in 1964, and then Chief Executive Officer in 1991. Under Bob Bein's leadership, RBF has provided engineering, planning, and surveying services for land development, urban design, public works, transportation, and water projects throughout the western United States.

In addition to his role as a corporate executive, Bob Bein is a highly respected and nationally known leader in the engineering profession—involving himself extensively in professional, civic, and community organizations at the local and national levels. He is a graduate and distinguished alumnus of the University of Illinois, as well as a United States Navy veteran, and an honorary member of Chi Epsilon. Like his career with RBF, his service to the American Society of Civil Engineers (ASCE) has been extraordinary. With stints as ASCE's national president, district director, and chair of various committees, his value to his colleagues and dedication to his profession can be measured quite simply by his numerous awards.

Bob Bein is truly an asset to his company and a cornerstone of the civil engineering profession. Its been a pleasure working with him in Congress as an advocate for so many of the county's important public works projects, from the Santa Ana River flood control project, to the Ronald Reagan Federal Courthouse and our county's many miles of interstate highways.

His decades of service in Orange County and around the United States are a testament to his character and abilities as a leader and an engineer. I congratulate Bob on his milestone, and I am honored to represent him in the United States Congress.

H. CON. RES. 410

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. HALL of Ohio. Mr. Speaker, I rise today to join Congressmen Ed Royce, Amo Houghton, Frank Wolf, and Don Payne in introducing a resolution supporting peace and democracy in the Democratic Republic of the Congo, and an end to the plunder of its natural resources. H. Con. Res. 410 calls on President Bush to press for a United Nations embargo of Congolese diamonds, which are helping to fund a war that has engulfed the heart of Africa since it began in 1998, and plunged its people into a darkness where disease and misery flourish. As the *Washington Post* reported a few months ago:

> Since a rebellion erupted in 1998, Congo, which is roughly the size of Western Europe, has been effectively partitioned into several autonomous regions, each under the control of a foreign army that systematically loots its area of control. As a result, Congo's plentiful resources enrich the leaders of surrounding countries while providing no benefit to the vast majority of Congolese. . . .

Diamonds are not the cause of what has come to be known as Africa's First World War, but they play a crucial role in sustaining it. The most concentrated form of wealth ever known to mankind, diamonds are one of Africa's most liquid resources, the world's easiest commodity to smuggle, and readily available to anyone with power. From individual soldiers; to military commanders who have reoriented their troops toward full-time pillaging; to regimes that depend on standing armies and the chaos of war to stay in power; to Al Qaeda, Hezbollah, and other radical groups that have used this resource to inflict terror beyond Africa's shores—all have exploited the Congo's diamonds. They have turned a symbol that Americans treasure into a means for torturing countless thousands of people in Africa. They have put an industry that is important to American and African communities alike under a cloud, and they must be stopped.

EFFECT OF RESOLUTION

Under the terms of the Kimberley Process, the international system that aims to block conflict diamonds from the legitimate trade, conflict diamonds are defined as those embargoed by the United Nations. This means that, until the UN imposes sanctions on diamonds originating in a war zone, trade in the diamonds that fuel conflict there is not checked. The fact that diamonds currently mined in the Congo are not, technically, conflict diamonds creates a huge credibility gap for US and international efforts alike. The international system of controls aims to close that gap, but it would be foolish for the UN Security Council to postpone sanctions in reliance on a global system that is just now being devised.

Instead, the United Nations should impose an embargo similar to those on Sierra Leone and Angola's diamonds immediately. That would contribute needed pressure to regularize the trade in Congolese diamonds, combatting the criminal activities that usually accompany smuggling and compelling other countries to stop abetting this illegal trade. Some 85 percent of Congolese diamonds, worth $854 million a year, are smuggled away; if its government collected taxes on them, some $40 million could be added to this beleaguered country's coffers and used to respond to its people's desperate needs.

Another benefit of an embargo on Congolese diamonds would be to close the enormous loophole that the DRC has become for sanctions-busters. Currently, diamonds mined by Sierra Leonean and Angolan rebels, or trafficked by Liberia, can easily be passed off as Congolese diamonds. To leave so vast a country, which produces significant quantities of diamonds, outside scrutiny dooms international efforts to address the problem of conflict diamonds elsewhere.

Beyond these practical benefits, there is a moral reason to act. Curbing the smuggling of Congolese diamonds and other resources is essential to securing a lasting peace. A ceasefire has held since April 2001; a small contingent of UN troops is on the ground; there are persistent efforts to settle combatants' differences through peace talks. But this is not enough. The fighting has created huge, no-go areas where disease, starvation and malnutrition prey, and combatants desire for plunder means the stalemate and periodic violence is likely to continue. Putting diamonds beyond their reach would contribute to work trying to end the Congo's occupation and return its people's lives to normalcy and the possibility of improvement.

OTHER WAR RESOURCES

The war in the DRC is complex: seven nations and several rebel groups are fighting for political reasons and over at least nine natural resources (coltan, gold, diamonds, copper, cobalt, timber, water, tin, and cassiter-ite). That makes it likely that no one approach will be sufficient. Unlike the trade in other war resources, though, conflict diamonds are the focus of on-going international efforts. While far from complete, these may well be a model for work on other resources.

I sometimes have disagreed with the diamond industry's leaders, but I know them to be honorable people. Ending the exploitation of this industry's product by those whose crimes mock all it represents is as important for Africa and it is for the diamond industry, but it will be the industry's continued vigilance that determines whether this effort succeeds or collapses. I must reserve my own evaluation of the industry's promises until they are tested by practice; however, I hope that history will judge kindly its response to this scourge. I hope it will prove to be a model worthy for other industries to use and expand upon. And I want to take this opportunity to congratulate the diamond industry for its commitment to finishing this work.

In addition to the industry's constructive work on conflict diamonds, here is another reason we can be hopeful embodied in organizations like Global Witness, which first exposed the trade in conflict diamonds in 1998. Its recent report on a $300 million conflict timber deal that is currently allowing Zimbabwe's military and political elites to log an area nearly the size of Montana is compelling. It finds that Zimbabwe entered into this deal explicitly to sustain its involvement in the DRC's war, which assures it can continue its exploitation of Congolese diamonds. In addition to tightening its ruler's grip on power, the report found,

> . . . any natural resource exploitation by warring factions, especially foreign-backed ones, will seriously delay if not completely derail the potential for lasting peace and stability in DRC.—From Global Witness's February 2002 report, "Branching Out: Zimbabwe's Resource Colonialism in the DRC."

Ignoring timber's role in sustaining the wars over diamonds undercuts global efforts to end them. In February President Bush committed our country to tackling the problem of illegal logging around the world; and a few weeks ago, the State Department convened a roundtable discussion to focus on this problem.

Logging and mining are activities that go hand-in-hand. The roads built for one are used to open access to the other; the security and labor needs of both commercial activities are well-suited to soldiers' capabilities. Zimbabwe's operations in the DRC confirm this approach to plunder is a way to maximize profits. Likewise, Liberia has diversified its war commerce in a way that exploits both conflict timber and conflict diamonds, using exemption of its timber from comprehensive UN sanctions to sabotage them.

A provision in this resolution urges the United Nations to put its consideration of sanctions against conflict timber on a fast track. I hope the progress made on each of these resources will lead to the comprehensive approach to resource exploitation that is essential to restoring a lasting peace in the Congo.

HUMANITARIAN DIMENSION

Sanctions—whether on diamonds or other resources—are an imperfect tool, but they have proven helpful in Sierra Leone and Angola and they are well worth trying in the DRC, if for no other reason than the magnitude of the Congolese people's suffering. Because large swaths of the Congo have been too dangerous for journalists, aid workers, and others to visit, there has been too little reporting on this battle for the valuable resources of one of the world's poorest countries. But the exposes that have been done are superb.

One of the best examples is ABC's Nightline, which did an extraordinary, week-long series on the Congo's misery early this year. One segment focused on the battle between two allies that demolished the Congo's diamond-mining capital:

> Kisingani was, until not very long ago, a city of 600,000. . . . It was a center of trade. . . . [Now,] this is a city surviving on life support, suffocated by a war. . . . What was it then that set the armies of Rwanda and Uganda against one another, grinding the people of Kisangani between them? Diamonds.—From ABC Nightline's Heart of Darkness," Jan. 23, 2002.

Dr. Bob Amot of NBC's Dateline has also done heroic reporting from the Congo, bringing home to those of us who must watch from afar the tragedy of its forgotten people. The *Washington Post* also has devoted attention to the Congo, including front-page coverage of a study done by the respected International Rescue Committee. It found that 3 million people have died there, but few due to the fighting. As Karl Vick reported:

> The vast majority of deaths have resulted from starvation, disease and deprivation on a scale emerging only as aid workers reach areas that have been cut off by fighting and lack of roads. . . . Villagers in the [Kasai] region—long renowned for its diamonds mines, but now ravaged by hunger—refer to two kinds of gems: white ones and red ones. The red ones are peanuts.
>
> What makes the Congo surveys exceptional is . . . how long the conditions they document have been allowed to persist [Vick reported, quoting a Western epidemiologist, who noted that] mortality rates this high are common in humanitarian emergencies

> . . . but they only last a couple of months . . . because there is some sort of intervention. [But in this vast, war-torn country with few roads,] the hugely elevated mortality rates [have been] steadily racking up deaths by the hundreds of thousands.—From the *Washington Post*, April 2001.

The sad truth is the Congolese now rank among the most miserable—and most endangered people—in the world. In all, at least 2.5 million people have died, another 2 million have been driven from their homes; and one in three is in critical need of food. Among children, the problems are staggering: 75 percent of children born since the war began dying before their second birthday; 66 percent of school-aged children are not being educated; and large numbers of children are forced to serve as soldiers or prostitutes.

Diseases also stalk the populace, whose chaotic lives make precautions against HIV/AIDS and other deadly illnesses virtually impossible. As Mr. Vick described,

> . . . horror stories continue to emerge from a country no longer defined only by war, but also by pestilence. Untreated malaria remains the main killer, accounting for half of reported deaths. But health workers have also documented outbreaks of polio, whooping cough and even bubonic plague, near the center of Congo's rich diamond-mining area, one child out of 25 suffers from cretinism, an iodine deficiency that leaves the child half the normal size and severely retarded.—From the *Washington Post*, August 2001.

Other independent observers have reached similar conclusions:

> The belligerents have no interest to see an end to the current situation in eastern Congo. There is a level of violence they can tolerate because the violence is targeting civilians. ... The end result is that the Congolese will continue to die as [leaders] line their pockets with gold and diamonds. The Congolese are not only facing material losses, they are being crushed in the exploitation of natural resources.—From an interview with a Human Rights Watch expert, November 2001.
>
> Oxfam's primary concern is the humanitarian impact of the war, which has caused the largest number of conflict-related deaths anywhere in Africa in the last four years. While different actors have justified their involvement in the war on the basis of security, it is clear that one of the driving forces behind the conflict is a desire by the warring parties to have access to, and control over, the DRC's vast natural resources. This wealth is not being used to reduce poverty, either in the DRC or in other countries involved in the war. In fact, wealth from natural resources is sustaining the war and bad governance. Such military activity has been described as military commercialism. Natural resource exploitation has become a key factor in determining military deployment, perpetuating the cycle of violence. —From Oxfam's report, "Poverty in the Midst of Wealth," January 2002.
>
> The choices facing children in the eastern Congo today are to join the military, become a street child, or die. The war-affected children of the eastern Congo have no opportunity for education and eat one meal per day, if they are lucky. Many are homeless, forced to flee because of acute poverty. Some have witnessed horrible atrocities committed against their families or their neighbors. Unaccompanied and traumatized, they roam into the big towns or cities.
>
> The brutal war in the Eastern Congo, which has contributed to millions of deaths, driven thousands of people from their homes and helped impoverish a resource-rich country, will not end until the fighting factions learn that they have more to win from peace than they do from war. The most vulnerable in this situation are the children, and they are exploited both as child soldiers and prostitutes.—From the report of Refugees International, "Eastern Congo—A Slow Motion Holocaust," and a discussion of it.

THE UNITED STATES SHOULD CONTINUE TO LEAD

Mr. Speaker, this Congress has been at the forefront of efforts to end the trade in conflict diamonds. Two years ago—before American human rights activists began their campaign against conflict diamonds, and even before the diamond industry moved to protect its self-interest—Mr. Royce and Mr. Payne began taking a hard look at this problem.

Then, six months ago, this House passed compromise legislation designed to begin severing the link between diamonds and war. During negotiation of that bill, H.R. 2722, the President's trade and diplomatic representatives assured us that, if Congress would use the Kimberley Process's definition of conflict diamonds, which are those sanctioned by the United Nations, the Administration would press the UN Security Council to extend its embargo to diamonds mined in other conflict zones, like the Congo.

Today, I urge our colleagues to call that commitment due. Please join me in pressing our government to continue to lead this work—by insisting that the United Nations act against a blood trade that is helping to fuel the world's most deadly war. Please support H. Con. Res. 410.

MICHAEL HENRY DEVLIN MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Mr. Patrick J. Devlin, Sr. of my staff and his wife Helen on the birth of their second child, Master Michael Henry Devlin. Michael was born early in the morning on Monday, May 20, 2002. He weighed 7 pounds and 6 ounces. Faye joins me in wishing Pat, Helen and their first son Patrick great happiness upon this new addition to their family. I know that the gentleman from Kentucky Mr. LEWIS joins me in celebrating Michael's birth as Helen serves on his staff.

As the father of three, I know the joy and pride that Pat and Helen feel at this special time. And I know that Patrick is excited to have a brother with whom he can play. Children remind us of the incredible miracle of life and they keep us young-at-heart. Everyday, they show us a new way to view the world. Indeed, they are one of the most important reasons why we serve in this body, Mr. Speaker.

I welcome Michael into the world, and wish Pat, Helen, and Patrick all the best as they bring Michael into their family.

SOVIET-STYLE ACTIONS IMPERIL FREE TRADE AND RUSSIA

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. ROGERS of Michigan. Mr. Speaker, since the fall of communism and the Soviet Union, the Russian government has made significant strides in promoting free enterprise and free trade. Sometimes, however, old habits die hard.

Bureaucrats at the Russian Ministry of Agriculture seem to be living in the past. In a move reminiscent of the Soviet-era, they have ordered the nationalization of a private company with American trademarks, Stolichnaya Vodka.

These actions run counter to the efforts of Russian President Putin who has repeatedly demanded more property rights and freedom for the Russian people. Unfortunately, bureaucrats in the government have not gotten the message.

The actions against the rightful owner, SPI International, are not isolated incidents. As SPI's counsel, Richard Edlin stated in testimony before the House Committee on Ways and Means there is a "troubling pattern of regression by the Russian government to the tactics and policies of the Soviet era."

These abuses must stop if Russia is going to be considered a reliable trading partner of the United States. It is incumbent upon the Russian government and its trading partners to demand a correction of these abuses. These problems should not be swept under the rug. These actions threaten trade, reform and prosperity for the Russian people.

Mr. Speaker, I ask that the following editorial from the May 16, 2002 Investor's Business Daily be included in the CONGRESSIONAL RECORD.

[From the Investor's Business Daily, May 16, 2002]

MOSCOW'S STICKY FINGERS RISK ECONOMIC FUTURE OF RUSSIA

(By Doug Bandow)

> After years of economic chaos and declines, Russia is advancing. Despite serious challenges to civil liberties, press freedom and the democratic process, the Russian people are finally enjoying a growing economy.
>
> And Moscow's success, including a surprising budget surplus, re-dounds to the benefit of America. A more prosperous Russia is less likely to slide back into its communist past. A more prosperous Russia will offer a better market for U.S. investment and trade.
>
> Yet continued progress requires that Russia move more inefficient state enterprises into private hands. Moscow must also improve its international commercial reputation.
>
> However, Russia unfortunately is moving in the opposite direction, at attempting to reverse previous privatizations.
>
> For instance, vodka is big business, the nation's second largest. (The Russians do love to drink.) One of vodka's most celebrated brand name is Stolichnaya.
>
> SPI International acquired the Stolichnaya name in 1992, and now sells 1.3 million cases in the U.S. alone. But Moscow is trying to strip away SPI's trademark. To

enforce its claim, the Russian Ministry of Agriculture has impounded 180,000 cases of SPI's vodka, currently sitting on the dock in the post of Kaliningrad.

USSR CRUMBLES

SPI's state-owned predecessor first registered its vodka trademark in the U.S. in 1967. PepsiCo bought the right to import Stolichnaya into the U.S. and spent more than $100 million over the years to encourage demand (PepsiCo has since left the alcohol business.)

When the USSR disintegrated at the end of 1991, the successor states, led by Russia, began selling off many state enterprises, SPI became a private company. In October 1992 the Russian government confirmed its right to export vodka under several trademarks.

Two years ago Allied Domecq acquired U.S. distributions rights. In reliance on SPI's property rights, Allied has undertaken a new advertising campaign and launched a new product to compete with Smirnoff. SPI has been shipping Stolichnaya for a decade without complaint from the Russian government, SPI has invested about $20 million to promote the brand and another $50 million to settle the debts of its state-run predecessor.

Yet the government recently decided that it wants to renationalize Stolichnaya. It went to court to claim ownership earlier this year, and a Moscow court sided with the government.

MOSCOW SHORT-SIGHTED

Despite the vulnerability of Russian courts to state manipulation, SPI won two subsequent decisions. These judges barred the agriculture ministry from trying to exercise the trademark and from seizing SPI's vodka.

Yet the government has ignored the courts. It has established a federal enterprise to monopolize vodka sales. Officials have even threatened SPI's employees with criminal prosecution.

Moscow's campaign is curiously short-sighted. Even if the government succeeds in stripping SPI's rights in Russia, it will have no right to export to the U.S. Allied is the registered trademark holder, and SPI is Allied' exclusive supplier.

Unfortunately, Stolichnaya is not the only target of Moscow's commercial aggression. Greenberg Traurig attorney Richard Edlin complained of "a troubling pattern of regression by the Russian government to the tactics and policies of the Soviet era" at a House Ways and Means Committee hearing.

For instance, the U.S. firm Films by Jove purchased Russian copy-rights. It spent $4 million in making animated films. Now the Russian government has set up its own company by the same name as the firm that licenses films to Films by Jove and claims it's the true owner. A U.S. District Court upheld the U.S. company's copyright, opining that the Russian court's contrary decision, perhaps made under government pressure, was "incoherent," "irrelevant" and "shocking."

No wonder Russian Duma member Boris Nemtsov, head of the Union of Right forces, called on President Vladimir Putin to reverse the "dangerous" threat to property rights, one of the "pillars of true progress for Russia." Nemtsov worries that other reforms—Putin has flattened the income tax and legalized the sale of nonagricultural land—"will be for naught if the fundamental weaknesses of the Russian state that undermine property and minority shareholder rights are not addressed."

RULE OF LAW

Individual companies, which have invested in reliance upon property rights granted by Moscow obviously have much to fear from the surreptitious rollback of privatization.

"If Russia is to continue to show economic growth, it must establish a stable investment climate to encourage demands and foreign investment. Commercial certainty is particularly important if the nation is to enter the World Trade Organization.

Putin deserves credit for having halted Russian's slide toward chaos. But real property requires establishment of the rule of law and respect for property rights.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 186, H. Res. 427, Waiving Points of Order Against the Conference Report on H.R. 3448, Public Health Security and Bioterrorism Preparedness and Response Act. Had I been present I would have voted "yea." I was also unavoidably detained for rollcall No. 187, H.R. 1877, on Approving the Journal. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 188, H. Res. 426, Providing for the consideration of H.R. 3129, Customs Border Security Act. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 189, H.R. 3448, Public Health Security and Bioterrorism Preparedness and Response Act. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 190, H.R. 3717, the Federal Deposit Insurance Reform Act. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 191, Paying Tribute to the Workers at Ground Zero in New York. Had I been present I would have voted "yea."

TRIBUTE TO DR. VIRGINIA CAROL DEMCHIK

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mrs. CAPITO. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to and congratulating Dr. Virginia Carol Demchik of Shepherdstown, West Virginia who has been honored by the West Virginia Academy of Science as Science Teacher of the Year.

The West Virginia Academy of Science is an organization meeting and working with professional associates in Biology, Chemistry, Computer Science, Geology, Mathematics, Mining, Physics, Psychology and Education, History and Philosophy of Science and Social Science. It is a corporation chartered by the authority of the West Virginia legislature for the advancement of scientific knowledge and the promotion of scientific work in West Virginia. In receiving the coveted Science Teacher of the Year Award, Dr. Demchik has accomplished no small feat.

Dr. Demchik received her BA from Fairmont State College and her MA and Ed.D from West Virginia University. Based on summer grants she has received, Dr. Demchik has attended the College of Graduate Studies at the University of Maryland, American University, East Carolina University, University of Iowa and Shepherd College.

In honor of Dr. Demchik's hard work, dedication and commitment to her students and community, I ask my friends in Shepherdstown, and my colleagues here in the nation's capital to join me in recognizing May 23, 2002 as a day of celebration and recognition for Dr. Virginia Carol Demchik.

PERSONAL EXPLANATION

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. JENKINS. Mr. Speaker, I was not present to cast my votes on rollcall vote Nos. 171, 172, and 173 on May 20, 2002. Had I been present, I would have voted aye on rollcall Nos. 171, 172, and 173.

MEDICARE PROVISIONS OF THE SUPPLEMENTAL APPROPRIATIONS BILL

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. BALDACCI. Mr. Speaker, I rise to offer an amendment to strike Section 1404 from this bill. This provision would assist a mere handful of hospitals in Pennsylvania and New York, at the expense of every other hospital in the country. Mr. Speaker, we cannot afford to drain funding from any of our nation's hospitals, especially as we debate a bill that is meant to strengthen our ability to respond to medical emergencies that could strike anywhere across the nation.

Mr. Speaker, hospitals in my State of Maine cannot afford any further reimbursement cuts, no matter how small. My state already has the 5th-lowest Medicare reimbursement rate in the country. Our hospitals are operating on razor-thin margins. In a state as geographically large as Maine, we already struggle with access to medical services. Further cuts will only exacerbate the problem.

This provision is a clear case of robbing Peter to pay Paul. In fact, it's even worse because there are just a few select Pauls, and a nation full of Peters. Why should the vast majority of Members tell their seniors that their access to care may be jeopardized by a gift to a few select hospitals somewhere else? How can we effectively fight AIDS and infectious diseases through increased spending in this bill, when at the same time we weaken our hospitals? What sense does it make to give money to speed our first response to attacks, while at the same time taking funds from the hospitals who would be on the front line?

If the Pennsylvania and New York counties that are helped by Section 1404 actually met the criteria for geographic reclassification, they would have been approved by the Medicare Geographic Classification Review Board. Instead, these counties will be boosting their Medicare reimbursement rates by going around the rules—the rules that the rest of us have to live by.

Mr. Speaker, I know all too well that the geographic adjustment system for Medicare payment rates needs reform. My State of Maine is among the most egregiously affected by the current system, and I would be happy to work with any of my colleagues who wish to seek reform to make reimbursement rates more equitable. I strongly support improved reimbursement for all our nation's hospitals. However, this provision in this bill only serves to benefit a select number of facilities, and will detract from the ability of all others to meet their obligations to Medicare beneficiaries.

Section 1404 is unfair, it's unjust, and it's just plain bad policy. It certainly does not belong in an Emergency Supplemental, and therefore I move that we strike this provision from the bill. If we cannot remove this provision today, then I am hopeful that we can fix the problem in conference. This bill funds vital areas like defense, security and health, and the final bill should not be marred by this destructive measure.

CONGRATULATIONS TO THE CITY OF WEST ALLIS ON ITS 100TH BIRTHDAY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. KLECZKA. Mr. Speaker, on June 2, 2002, the city of West Allis, Wisconsin will host the centennial celebration of its incorporation as a village. Happy 100th birthday, West Allis.

Native American mounds, likely left by ancestors of the Ho-Chunk or Potawatomi tribes in the ground near what today is Wisconsin's State Fair Park, provide evidence of some of the earliest residents in the area. But it was not until the 1830s that native tribes began to see New Englanders arrive in the region to farm its fertile lands and establish the area's first settlement, called Honey Creek. It may have remained a farming community for many years to come, had it not been for a rapid growth of heavy industry in the city of Milwaukee in the late 1800s and the extension of a street railway line to the area.

Milwaukee was running out of room for large manufacturing plants, and the Honey Creek area had become a highly desirable location for industry. Companies like Kearney and Trecker and the Rosenthal Cornhusker Company began to make their home in the area that was now called North Greenfield, and soon Edward P. Allis decided that his company also needed room to grow.

In 1900, Allis moved his company, which had become an industry leader in machinery, to the area that would soon bear his name. Workers soon followed, and the population grew so quickly that the area was chartered as the Village of West Allis in 1902, and as a city only 4 years later.

The city of West Allis expanded to become the second largest city in Milwaukee County and seventh largest in the state. Although the region's decline in heavy manufacturing in the past several decades has brought challenges to the community, the city of West Allis and its mayor, Jeannette Bell, have worked tirelessly to bring in new businesses and revitalize West Allis neighborhoods.

West Allis remains a city that is proud of its industrial past and enthusiastic about its future. To the city of West Allis and its citizens, my heartiest congratulations, and my best wishes for a prosperous second century.

SUPPORT OF H.R. 3375—EMBASSY EMPLOYEE COMPENSATION ACT

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 3375, the Embassy Employee Compensation Act. Passage of this bill only makes common sense to me. After the tragic events of September 11, 2002, the United States Government vowed to make sure that the victim's families affected would be taken care of and provided adequate compensation in order to carry on with their lives. I firmly supported the govenment's efforts in securing the futures of these families, but I have always felt that there were other victims as well being overlooked that were affected by cowardly acts of terrorism that also deserved some sort of compensation.

Mr. Speaker, overlooked were the American families who lost loved ones in the American Embassy bombings in Nairobi, Kenya, and Dar es Salaam, Tanzania, Africa. On August 7 of 1998, twelve American families lost a member or members that were dear to them while they proudly served their country abroad. To this date, these families have yet to be taken care of. I am sure that many of my colleagues are aware that back in July of 1999 I introduced legislation that if passed, would have provided $1,500,000 to the survivors of each of the families affected. Unfortunately at time of introduction, many Members of the House of Representatives felt it was unnecessary. Therefore, my legislation never saw the light of day again. It took both the events of September 11th and the tireless efforts of a very brave young lady named Edith Bartley, who lost not one, but two members of her family in the Nairobi bombing to change the sentiments of this Chamber.

I want to commend Ms. Bartley on her persistence. She worked feverishly to see this legislation come to its fruition. She has literally worked on this nonstop for years and talked to countless Members to gain their support. At times, the prospects of this legislation passing this body looked grim. Nonetheless, she kept working and eventually the tides began to turn in her favor. The passage of this legislation is not only testament to your hard work, but a tribute to your father and brother as well. They would be proud.

Although you cannot place a price on a human life, the day for these families to be compensated for their loss has been long in coming and I am once again pleased to vote in favor of this legislation today. We should not only provide for the victim's families of 9/11, but all the families that have lost loved ones at the hands of Al-Qaeda. It's the only fair thing to do.

ATLANTA JOURNAL-CONSTITUTION CRITIQUES WELFARE BILL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, earlier this month the House of Representatives passed a welfare bill in which the Democratic Minority was not permitted to offer a single amendment. That legislation, H.R. 4737, fails to provide millions of families across the Nation with the help they need to get off welfare, stay off welfare, and move out of poverty. If this welfare bill were to become law in its current form, the results would be disastrous, not only for recipients and their families, but for States as well which would suddenly face billions of dollars in new mandates that the House has failed to help pay for.

It is important that we authorize a welfare bill that allows States to develop programs, assess needs, and provide training, education and other appropriate work supports that provides the best opportunity for moving welfare families into sustainable work that will lead to long-term income self-sufficiency. In contrast, the House legislation imposes requirements that will prohibit States from assessing the individual needs of their families or providing the services that will give recipients the best chance to escape poverty.

Restricting training, education, and job readiness, as H.R. 4737 does, is short-sighted and fails to build upon what we have learned since the welfare law was reformed in 1996. The Republican bill also increases the demand on families without sufficient resources for essential work supports like child care.

Our concerns with the impacts of the House-passed bill are reflected in the following editorial.

[From the Atlanta Journal-Constitution, May 22, 2002]

DON'T PENALIZE CHILDREN FOR PARENTS GOING TO WORK

When the U.S. Senate debates welfare reform this month, it will essentially be deciding whether the federal aid program exists to punish adults or protect children.

Last week, the House of Representatives sent a welfare package over to the Senate that calls for stricter work requirements on welfare recipients. However, the House only approved a modest increase in child care funding in its proposal.

In defending the GOP plan, Representative J.C. WATTS, chairman of the House Republican Conference, said the goal was "to replace welfare checks with paychecks, foster independence, boost personal incomes and improve well-being of children."

Those are all admirable goals. Unfortunately, the least likely of them to be realized under the Republican plan is improving the well-being of children.

An increased demand for time on the job without a companion increase in child care dollars places stresses on fragile families. Children suffer in unstable day care arrangements, and their mothers are more likely to land back on welfare. Research shows that day care is often the fence that keeps a woman from making the transition from welfare to work.

Under the welfare reauthorization package approved by the House, 70 percent of a state's welfare recipients must be working or training 40 hours a week. The House gave only a nominal boost to child care funding, which is already so underfunded that it covers only one in seven qualified families.

And many states, forced to meet the higher work requirements, will use their discretionary funding to create makeshift or simulated jobs rather than to enhance child care options.

The Republican bill also stipulates more hours in paid employment and less in training, rehabilitation, vocational training and job readiness programs. The Senate ought to insist that more education and training count toward "work."

Since Congress overhauled welfare in 1996—replacing the old entitlement system with workfare—caseloads have fallen 50 percent. In a flourishing economy, states were able to move millions of people off the public dole and into jobs.

But while welfare reform was effective in getting people off cash assistance, it was less successful in getting them out of poverty. Many recipients ended in low-skilled jobs without any possibility of career advancement.

The welfare recipients who failed to find work in the booming '90s were those with few skills or with substance abuse or mental health problems—hardly a subset likely to do well in a weakened economy. They represent the hardest-to-place cases for whom self-sufficiency will be impossible without drug treatment, training and education, the very things the Republican proposal undercuts.

The Senate Republicans and Democrats are more cordial and more conciliatory than their colleagues in the House. They ought to forge a compromise that puts people to work without putting children at risk.

A TRIBUTE TO THE TEACHERS, PARENTS, ADMINISTRATORS AND STUDENTS OF CHAPARRAL MIDDLE SCHOOL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the parents, students, faculty and staff whose dedication to excellence has earned a school in my district—Chaparral Middle School in Moorpark, California—recognition as a National Blue Ribbon school.

The National Blue Ribbon award honors excellence in leadership, teaching, curriculum, student achievement and parental involvement. Chaparral Middle School is a shining example of what can happen when parents, teachers and administrators collaborate on the best approaches for providing a quality education.

The attitude at Chaparral can best be summed up by the comment Principal Creighton Nicks made to a local newspaper: "We're never satisfied with good enough. We're always trying to be better."

The quality and dedication of teachers at Chaparral are epitomized by earth science teacher Mary Alice Reyburn, who was honored this week as a California State Science Fair Teacher of the Year. Part of the honor is a $2,000 prize, which Mrs. Reyburn plans to donate to the school to purchase science equipment.

I am a product of the public school system, and I put my four children through Ventura County's public schools. One of my children is now a public school teacher. I am acutely aware that the most important tool we can give our children is a good education. Our students are the elected officials, businessmen, artists, scientists, parents and teachers of tomorrow.

Nineteenth century orator and public servant Edward Everett, who shared the speaker's platform with President Lincoln in Gettysburg, once said: "Education is a better safeguard of liberty than a standing army." Those words are equally true during these perilous times, as we fight terrorists for the right to remain free.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our National Blue Ribbon schools. They are the best of the best and a key to our future. I know my colleagues will join me in applauding Chaparral Principal Nicks, his entire staff, and the parents and students of Chaparral for raising the bar and setting a strong example for others to follow.

TRIBUTE TO SGM WILLIAM ROGER LAYMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to SGM William Roger Layman upon his retirement from the United States Army.

SGM Layman has served our nation with honor and distinction for over 30 years, and his performance throughout his career has been characterized by the highest standards of professional ethics and commitment to the military. He was drafted into the United States Army in July 31, 1969, and attended basic training at Fort Leonard Wood, MO. SGM Layman became a Personnel Specialist in June 1970 and was stationed in Heidelberg, Germany. He finished his career as a Logistics Operations SGM with the 3rd BDE, 95th Division.

SGM William Layman received a bachelor of science degree in accounting and is currently the Chief of the Internal Review and Audit Compliance Office, USA MEDDAC, at Fort Leonard Wood, MO.

SGM William Layman's awards include the Army Commendation Medal w/Oak Leaf, Army Achievement Medal, Army Good Conduct Medal, Army Reserve Component Achievement Medal w/Silver Oak Leaf (6th Award), National Defense Service Medal with Service Star, Armed Forces Reserve Medal w/hour glass, NCO Professional Development Ribbon (3), Army Service Ribbon, Overseas Service Ribbon, and Army Reserve Components Overseas Training Ribbon (2nd Award).

Mr. Speaker, I am certain that my colleagues will join me in wishing SGM Layman all the best. We thank him for over 30 years of service to the United States of America.

TACEY GAUTHIER: AN AMBASSADOR FOR HEALING

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Tacey Gauthier of Linwood, Michigan, for her significant contributions in the field of emergency medical services. The tragic events of September 11 reminded us all of just how critical our paramedics and other medical workers are in emergency situations. As a paramedic with Bay Regional Medical Center EMS in Bay City, Tacey time and again has displayed the courage and dedication required to do the job the way it ought to be done.

Tacey began her career in 1989 with Bay Regional Medical EMS. In addition, she volunteered with Northern Bay Ambulance in Pinconning, Michigan, and spent a year with Advance Medical Transport in Pontiac, Michigan. From the start, Tacey went full-throttle in her efforts to learn and develop as an emergency services worker. Later, she expanded her knowledge to become a field training officer and a classroom instructor.

Over the years, the list of Tacey's qualifications and certifications multiplied to a point that they are now too numerous to fully include on her resume. She is certified in advance cardiac life support, pre-hospital trauma life support, automatic external defibrillator and a host of other areas for the treatment of emergency victims. She also is qualified as an EMS instructor and by the American Academy of Pediatrics as an instructor for pediatric emergencies for pre-hospital providers.

While Tacey has certainly saved many lives in her work as a paramedic, her skills and passion for teaching and training others to become emergency medical technicians is perhaps an even greater gift. She has an unparalleled reputation for making difficult subject matter more accessible and more easily understandable for her students. By teaching others, Tacey is leaving a legacy that will improve and expand emergency medical services in Bay County and throughout Michigan well into the future.

Mr. Speaker, I ask my colleagues to join me in expressing gratitude to Tacey Gauthier, Bay Regional Medical Center EMS and all emergency medical workers serving on the front lines in communities all across America. I am confident that Tacey will continue to teach, guide and lead by example so that others will emulate her efforts to become first-rate paramedics or emergency medical technicians.

A TRIBUTE TO MR. BURDETTE ANDREWS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. SMITH of Michigan. Mr. Speaker, it is with great pride that I rise to recognize one of my constituents and a friend, Burdette Andrews, of Jackson, MI, who is retiring as superintendent of Vandercook Lake schools where he served for 56 years. Mr. Andrews is recognized as the longest serving superintendent of schools in the history of our nation. Burdette is well known for having served the people of the school district and the state of Michigan with a dedication unparalleled by any before him.

It is nearly impossible for me to stand before you and do such an inspiring man justice with mere words, however, when I think of this man who played such an important part in the education of so many young people and future leaders, I am moved to try. I think of words such as resilience, honor, dedication, and intensity, warmth, friendliness, and kindness. None of these words, however, are quite enough. One thing I can be sure of though, is that in that part of Michigan's seventh district, Burdette Andrews is a legend.

Fellow representatives, by serving his school district for 56 years, Mr. Andrews has not only set national record for length of service in this profession, but also has brought great honor and distinction to that profession he loved so much. Burdette Andrews is credited with being responsible for the popular feeling among people in his community toward the public school system.

Burdette married Annabel Shafer in 1940. They had four children. Don Edwin Andrews, deceased in 1992, was an accountant and auditor for DOT in Detroit, Dan L. Andrews, partner and member of the operating committee for Roney and Co., a stock brokerage firm Jonathan B. Andrews, high school counselor at Chelsea High School and a private psychotherapist, Judith A. Andrews, controller at ShoTech Presentations in Madison Hgts.

Burdette was born in 1908 and graduated from Greenville College in Illinois in 1930. He then went on to earn a master's degree in administration from the University of Michigan. Before starting his career as the superintendent of schools of Vandercook Lake in the Summer of 46.

Every millage election through the years since 1946 for new school buildings and/or additions and additional millage for operation was always approved by a the people of Vandercook Lake. One reason was that Burdette Andrews was always conservative with the taxpayer's money.

Academically, Vandercook Lake Public Schools have maintained accreditation continuously with the University of Michigan and the North Central Association of Colleges and Schools. Curriculum has been expanded at both the elementary and secondary levels. Special programs have been added to benefit all children. An excellent staff of administrators and teachers has been maintained. The expansion and enrichment of the athletic and activities program for students, including a high school band program, have taken place. All these things were accomplished with Mr. Andrews' guidance. He has served this community well.

Burdette Andrews not only embodies all of the characteristics and qualities that we as legislators desire for all those in public service. By allowing children access to him and the qualities and characteristics he embodies for his 92 years, Burdette Andrews has done a great service to America's youth and, therefore, Burdette Andrews has done a great service to America.

HONORING THE VISALIA AVENUE OF FLAGS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Avenue of Flags Ceremony of Visalia, California, performed on Memorial Day. The Avenue of Flags service is held to remember the fallen veterans of past wars. Prior to the program, the casket flags of these veterans are flown on display at the Visalia Cemetery.

The Avenue of Flags has been a Memorial Day tradition in Visalia for 12 years. This year, 1,292 casket flags will be flown on Monday, May 27. On Saturday May 25, 3,000 small flags will be placed at each of the military grave marker stones at the Visalia Cemetery. Some graves date as far back as the Civil War.

Dr. Manuel Garcia, commander of the Avenue of Flags Veterans Association, along with many groups of volunteers including school groups, service organizations, Boy Scouts, Girl Scouts, Cub Scouts, Sea Scout Cadets, Navy, Marine, and Army personnel are responsible for the success of this memorial celebration.

Mr. Speaker, I rise today to honor the Visalia Avenue of the Flags Memorial Day Ceremony. I invite my colleagues to join me in remembering the fallen veterans of Visalia, and in thanking the Visalia community for their continued dedication to the memory of past veterans.

MEMORIAL DAY MESSAGE

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. PUTNAM. Mr. Speaker, in 1868 Major General John A. Logan established a "Decoration Day" on May 30 as a day of remembrance for the dead of the Civil War. General Logan ordered his posts to decorate the local cemeteries "with the choicest flowers of springtime" to honor the thousands killed during those four terrible years. Today, some 2,847,200 veterans lie in honor in our national military cemeteries. Since the start of Operation Enduring Freedom last year, 22 Americans killed in action in the Afghan theater have joined them.

Freedom's latest hero was a member of the National Guard's 19th Special Forces Unit, Sgt. Gene Arden Vance Jr., 38, of Morgantown, W. Va., who was killed in action on May 19. Citizen-soldiers have always been the foundation of America's military strength, and Sergeant Vance's loss is a sad reminder that your neighbors who serve in the National Guard and Reserves play a unique role in our armed forces.

Today, the men and women of the National Guard and Reserves serve America within and beyond our borders. Just this week National Guard soldiers left the Jacksonville Airport, successfully concluding their airport security mission in Florida. Since the September attack on our country the National Guard provided security at 19 airports in Florida for over nine months and did a magnificent job protecting our airports and other vital installations. Their professionalism, dedication and discipline reassured Americans and contributed mightily to repelling the economic attack the terrorists perpetrated against our country.

General Logan's original Decoration Day proclamation called us to honor those who made the ultimate sacrifice, "We should guard their graves with sacred vigilance . . . Let no neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic." I urge you to take this charge to heart and honor those who made the ultimate sacrifice for our country by stopping what you are doing at 3:00 pm on Memorial Day to participate in the National Moment of Remembrance, but don't stop there.

This year, once Memorial Day has passed, consider what the world might look like if not for the service of generations of Americans. Take time throughout the rest of the year to reach out to the members of our armed services who are fighting freedom's newest enemies. Tell them the citizens of our state and nation are grateful for their service; and thank them and their families for the daily sacrifices that allow them to serve.

POEM BY LT. COL. JOHN McCRAE ON MEMORIAL DAY

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. STUMP. Mr. Speaker, on Memorial Day, the nation will honor, remember and thank those who gave their lives in the service of the nation. I want to commend to my colleagues' attention the well-known poem "In Flanders Field" by Lt. Col. John McCrae, as a reminder of the sacrifices made by service men and women in preserving our freedoms and democracy.

IN FLANDERS FIELD

By Lieutenant Colonel John McCrae, MD
(1872–1918)

In Flanders Field the poppies blow
Between the crosses, row on row,
That mark our place, and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.
We are the Dead. Short two days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders field.
Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders field.

REGARDING THE 27TH INFANTRY DIVISION OF THE UNITED STATES ARMY

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. McNULTY. Mr. Speaker, as we approach Memorial Day, I would like to take this opportunity to clear the air regarding an unwarranted blemish cast upon a unit of the New York National Guard—a unit that enjoys an otherwise illustrious history dating all the way back to the Revolutionary War.

For 56 years, the U.S. Army's 27th Infantry Division, a unit of the New York National Guard, has carried this black mark—as a result of a thoughtless outburst with little basis in fact—by the Marine General commanding the Saipan Invasion in 1944. This situation was further compounded when Time Magazine published the General's remarks without seeking to corroborate their veracity.

In July 1944, the 27th Infantry Division, commanded by Army General Ralph Corbett Smith, was ordered to relieve a division of Marines engaged in fierce fighting on the mountainous island of Saipan in the western Pacific.

The combined force of National Guardsmen and Marines would be led by the top-ranking ground officer on Saipan, commanding the Fifth Amphibious Corps, Marine Lt. Gen. Holland M. "Howlin' Mad" Smith. This proved to be a questionable decision.

The dissimilar training of the Army and Marine Corps units did not prepare them to achieve the expectations of Lt. Gen. Smith and he overreacted. Marine Lt. Gen. Holland Smith relieved Army Gen. Ralph Smith of his command when Lt. Gen. Smith mistakenly charged that Gen. Ralph Smith was incapable of motivating his troops in battle that he said resulted in losses to the Marines.

Officers are relieved in wars for various reasons, and the matter usually remains private within the military. The Smith versus Smith controversy, however, spread from the remote island in the Pacific all the way to the American media and the Pentagon.

Army generals in the Pacific angrily accused Lt. Gen. Holland Smith of bias. While the Army Chief of Staff, George C. Marshall, did not believe Lt. Gen. Holland Smith's allegations, he ordered that no public response be made—in an effort to preserve interservice cooperation. In fact, Marshall was eventually able to smooth things over with his naval counterpart. Gen. Ralph Smith, for his part, was later exonerated by an Army board of inquiry and enjoyed a successful military and diplomatic career.

At the time, however, the American press was quick to choose sides, and Time-Life allied with the Marines. Time Magazine printed an article that maligned the heroism and credibility of the 27th Infantry Division. Marine recruits were told that the Army "wouldn't fight" on Saipan. Lt. Gen. Holland Smith's version of events was repeated without question in numerous histories and memoirs.

Following a complete investigation, the Lt. General's superior, Admiral Chester Nimitz, announced in an official memorandum that the 27th Division had been harshly treated and much maligned. Admiral Nimitz concluded that there was a definite need to remove the stigma attached to the division, by the Navy Department in Washington, by publicly stating their "continued confidence in the courage and battle efficiency of the 27th Division."

At the conclusion of his extensively researched book on the Saipan battle, published in 1986, historian Harry A. Gailey noted that "the slurs cast upon the officers and the men of the 27th Division then and later by [General] H.M. Smith in his articles and books were totally unwarranted and unconscionable. Those who gave a part of themselves to gain victory in the conquest of this important island bastion deserved better—from their commander and their nation."

As more and more of the brave veterans who placed themselves in harm's way for America pass to their final resting places, it is not only appropriate but incumbent on us to correct any miscarriage of judgment and restore any lack of recognition which they, the men of the 27th, truly have earned and deserve. Mr. Speaker, let us, here, in this chamber, take a necessary first step and salute those veterans of the 27th Infantry Division—three of whom were posthumously awarded the Medal of Honor: Capt. Benjamin Salomon and Troy, New York, natives Col. William O'Brien and Sgt. Thomas Baker—in the glorious spirit that has characterized so many in our military, who did what was asked of them with courage and determination, without regard for their own safety, and asking for no special reward but the thanks of their citizens.

Mr. Speaker, had it not been for the men and women who wear the uniform of the United States military through the years, we would not have the privilege of bragging about how we live in the freest and most open democracy on the face of the earth. Freedom is not free. We have paid a tremendous price for it, and I try not to let a day go by without remembering with deep gratitude all of those who, like my brother, Bill, made the supreme sacrifice; and all of those who served and were willing to put their lives on the line—as servicemen and women are doing right now—for all that we hold dear. That is why when I get up in the morning, the first two things I do are to thank God for my life and veterans for my way of life.

Today, Mr. Speaker, and this Memorial Day, I am proud to say "Thank You" to the veterans of the 27th Infantry Division.

TRIBUTE TO MARQUETTE AREA PUBLIC SCHOOLS ON THE OCCASION OF THE SCHOOL DISTRICT'S 150TH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. STUPAK. Mr. Speaker, I rise today to call your attention and that of our colleagues to a special event which took place in my northern Michigan congressional district this past month. In April the Marquette Area Public School District, the largest school district in the Upper Peninsula of Michigan, marked 150 years of service to the local community and to the region.

Here in Congress the debate and discussion of education is often moved to an abstract level, where, we discuss programs and dollars. In northern Michigan, as in much of this young nation, education has traditionally been viewed as a means of personal enrichment, achievement and advancement. In Marquette, a town settled by loggers, miners and the tradesmen who followed them to build a community, education still serves that basic social role.

It remains the belief of the Marquette Area Public School District, as outlined in its mission statement, that "all students can learn and achieve mastery of basic skills." The school district, the board and the administrators, pledge to "teach all students so that they can attain their maximum educational potential and become responsible, contributing members of society."

The Marquette Area Public School District covers an area of 123 square miles and serves a population of approximately 31,000, according to its 2000–2001 annual report. During that period, 246 teachers in six elementary schools, two middle schools and one high school provided public education to more than 4,100 students in grades kindergarten through 12.

Clearly, Mr. Speaker, Marquette Area Public Schools has come a long way as a civic institution since Marquette's first school began in a home in 1849 with just four students. This focus on education is even more important today to prepare students for tomorrow, because Marquette itself has changed. Hallmarks of the community today include a fine university, Northern Michigan University, and a fine hospital, Marquette General Hospital, which as a key resource in a rural area has been working on the cutting edge of telemedicine.

Jacqueline Winkowski, administrative assistant to the superintendent and the school board, noted in a recent document that Marquette Area Public Schools is often called up by other school districts in Michigan's Upper Peninsula to share its practices and procedures and to provide expertise and professional development. Teachers from this district have continued to serve on state-level panels and committees on the topics of reading, literacy, social studies and science.

Dr. Patrick Smith, superintendent of Marquette Area Public Schools, recently told the Marquette Mining Journal that the district was happy to be celebrating its first 150 years and looks forward to the next 150. If this first century and a half are any indication, this school district, ably assisted by community members serving on its board, will continue to provide vision and leadership in the field of education for this region.

REMEMBERING PETE BEIDEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the memory of Pete Beiden on the occasion of the dedication of a statue in his honor at Beiden Field at California State University, Fresno. Beiden served as the baseball coach at Fresno State from 1948–1969 and the field was renamed for him in 1972.

Coach Beiden had an impressive resume with a record of 602–268 in his tenure at Fresno State with winning seasons every year and 10 Conference Championships. Pete was inducted into the Fresno Athletic Hall of Fame in 1964, the College Coaches Hall of Fame in 1972, and the Fresno State University Baseball Hall of Fame in 1991. Coach Beiden's contributions to baseball extended well beyond Fresno State. His extensive understanding of the fundamentals of the game and his talent for teaching the skills to young athletes enabled Pete to reap a harvest of gifted ball players, coaches, and entire teams. His legacy lives on in those he coaches and mentored.

Coach Beiden's legacy goes beyond the baseball diamond, however. Pete is also, and perhaps best, remembered as a devoted husband, father, and friend. He was a farmer who loved his ranch, a reader who loved history, and a music lover. Pete's wife, Martha, died in 1997 after 69 wonderful years of marriage. Their son, Roland, a renowned pianist and teacher, died in 1980.

Coach Beiden passed away on March 6, 2000. A statue, sculpted by William Behrends, will be unveiled at Beiden Field on May 25, 2002, prior to the Fresno State baseball game.

Mr. Speaker, I rise today to remember Coach Pete Beiden and thank Fresno State for commemorating his life and service. I invite my colleagues to join me in honoring Coach Beiden for his service to baseball and his community.

CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Ms. ESHOO. Mr. Speaker, I'm pleased that we have reached an agreement on H.R. 3448, the Bioterrorism Preparedness Act. I commend my colleagues who served on the conference committee for reporting out a strong, effective and balanced bill.

It's critically important that we protect our nation from biological and chemical attacks and this bill takes a number of necessary steps to bolster our defenses in these areas.

As we know, response to any attack against our country begins at the local level. This bill provides significant resources to state and local governments to ensure that they are ready and able to respond to any situation.

Communities must be able to adequately train and equip their first responders.

These block grants will allow communities to purchase supplies, train staff, and upgrade infrastructure—all necessary components of creating safe towns and cities. This bill also provides needed funding for vaccine and pharmaceutical stockpiling and future anti-terrorism medical research efforts. We must continue our efforts to prepare for any eventuality and medical research is a critical component of this plan.

I'm also pleased that the bill takes a number of steps to protect our nation's food supply. Dinner-time should not be a source of worry to the American people.

However, we must continue to evaluate the effectiveness of these provisions. I believe that there is more to be done in this area in order to fully establish safe and effective monitoring of our food supply.

Finally, I'm particularly pleased that the conference committee was able to include language that directs the Centers for Disease Control to consider the use of antiviral products in the National Pharmaceutical Stockpile.

Biological agents such as smallpox and anthrax are significant concerns for our government to address. We must ensure that our stockpile contains vaccines and treatments that are effective for all citizens. Antiviral products are yet another mechanism for treating smallpox and I'm pleased that the CDC will be evaluating the appropriateness of their use.

Again, I thank my colleagues for their hard work on this bill and I commend them for their efforts.

NATIONAL STROKE AWARENESS MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. DAVIS of Illinois. Mr. Speaker, this month has been designated as National Stroke Awareness Month. In this regard, I will focus on the topic of stroke and its prevention.

Stroke is an acute onset of focal neurologic deficits resulting from diminished blood flow. This diminished blood flow can be caused by ischemia (clogging) or hemorrhage (bleeding). In both scenarios, there is not enough oxygenated blood nourishing the brain, hence, a person will have a stroke.

Risk factors for stroke include diabetes, high blood pressure, smoking, atrial fibrillation (fast heart beat), and cocaine.

This disease affects so many citizens in our Nation. Stroke is America's No. 3 killer. This disease kills nearly 170,000 Americans annually. It attacks an American every 53 seconds consequently killing an American every 3 minutes.

When we look at death rates in each State, the State of Illinois's death rate from stroke is ranked No. 23.

This deadly disease costs our economy billions to manage in our hospitals and healthcare facilities. The estimated direct and indirect costs (in billions of dollars) for the management of stroke patients are 49.4 billion in the year 2002. The numbers for Heart disease are even more devastating.

Stroke has no preference for any race or gender. It is one of the cardiovascular diseases, the top killers in each ethnic group. Many citizens of the African-American community deal with high blood pressure and diabetes. These citizens visit family physicians for check-ups infrequently. Education on prevention is not prevalent in many minority communities. Additionally, minorities deal with more stress than other populations. As a result, minorities become likely candidates for having a stroke.

In the midst of these devastating statistics, there are answers. Education on prevention is an excellent route to fright the horrors of stroke. Additionally, we should continue to emphasize heart and stroke research. Heart and stroke research have not kept pace with the burdens of this disease. The NIH only invested $1.6 million on heart research and $240 million for stroke research in fiscal year 2001. Even in this time of increasing funding, the NIH only funds I of every 3 research applications. Hence, two-thirds of potentially lifesaving opportunities are lost.

I urge my colleagues to increase funding to the NIH and CDC for heart and stroke research. It is critical that we act swiftly. I urge society to do their individual part and live healthy lifestyles. An American if capable should exercise three to four times a week, eat low-fat and high-fiber diet mostly throughout the week, perform activities that remove stress, and visit your family practitioner routinely.

In closing, cardiovascular diseases including stroke kill almost as many Americans as the next seven leading causes of death combined. Lets invest in heart and stroke research,

CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

SPEECH OF

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. SHIMKUS. Mr. Speaker, in addition to my statement for the record on May 22, 2002 during floor consideration of H.R. 3448, let me clarify that language included in the Conference Report regarding Section 307 as it relates to food packaging materials. Section 307 dealing with prior notice of imported food shipments should not be construed to apply to food packaging materials or other food contact substances if, at the time of importation, they are not used in food.

VETERANS HONORED BY THE NATIONAL BASEBALL HALL OF FAME

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to inform my colleagues about a very special event that will take place this Monday, May 27th, Memorial Day, in Cooperstown, New York. In a special ceremony, on the day in which we honor America's fallen heroes, the National Baseball Hall of Fame will take time out to honor the 64 members of Baseball's Hall of Fame who served honorably in our nation's armed forces.

Mr. Speaker, as a nation, we remember and honor the dedicated service of all veterans who have worn the uniform of the United States, including those without the famous sobriquets or the notoriety of our baseball legends.

As a fan and amateur player, I have long cherished baseball and those who played the game. As Chairman of the Committee on Veterans' Affairs of the United States House of Representatives, I have the privilege of working every day on behalf of America's veterans. That is why I am so pleased that the Hall of Fame has chosen to hold this remembrance. During a special ceremony on Monday at Cooperstown, a plaque will be erected in the Hall of Fame Gallery to permanently honor these veterans who earned baseball's highest recognition.

In announcing this event, Dale Petroskey, president of the National Baseball Hall of Fame, explained its purpose:

"Since the first pitch was thrown, baseball history has been intertwined with American history . . . during World War II, some 95 percent of all major leaguers registered for active duty, including its biggest stars. Hall of Fame members who put themselves in harm's way and sacrificed some of their most productive baseball years join a special category we call true national heroes. This plaque represents their sacrifice and bravery and reminds us of all Americans who have fought—and are continuing to fight—for freedom."

Mr. Speaker, among the 64 veterans being honored this coming Monday are five veterans of World War II who will be in attendance: Warren Spahn, Bobby Doerr, Bob Feller, Ralph Kiner, and Phil Rizzuto.

Warren Spahn, of Buffalo, New York, was elected to the Hall of Fame in 1973. A left handed batter and pitcher for the Boston-Milwaukee Braves, Mr. Spahn had 363 career wins, led the National League in wins eight times, and was awarded the Cy Young award in 1957 as baseball's most outstanding pitcher. In his 21-year long career, he was voted an all-star 14 times, pitched two no-hitters, and holds the National League record for total number of innings pitched. Mr. Spahn missed the 1943, 1944, and 1945 major league seasons while serving courageously in the United States Army. During his service, he was awarded the Purple Heart and Bronze Star.

Bobby Doerr, known as "the silent captain of the Red Sox", played second base for Boston. He held the American League record for handling 414 plays without errors and was also a prominent leader among second basemen in double plays, putouts, and assists. Following his service in the United States Army, Mr. Doerr returned to baseball in 1946, leading the Red Sox to the World Series where he batted a remarkable .406.

Bob Feller of the Cleveland Indians was known as "Rapid Robert" during his 18 years of professional baseball. In 1940, Mr. Feller led the American League with 27 games won, a 2.61 earned run average, 261 strikeouts, and 31 complete games. Despite the loss of four years in his career due to his time spent serving his country in World War II, Mr. Feller had 2,581 strikeouts and pitched three no-hitters. During his service in the United States Navy, Mr. Feller was awarded five campaign ribbons studded with eight battle stars.

Ralph Kiner played for the Pittsburgh Pirates, debuting in 1946 after his service with the United States Navy. In his 10-year career, Mr. Kiner had 369 homeruns and averaged 7.1 homeruns per 100 at-bats, which places him directly behind Babe Ruth, the all-time leader in this statistical category. In 1951, Mr. Kiner led the National League with a .452 on-base percentage and a .627 slugging percentage. Elected into the Hall of Fame in 1975, Mr. Kiner was known as a true powerhitter who envisioned a home run each time he stepped up to the plate. Following his playing career, he became an announcer for the New York Mets, where he has remained for 40 years, still hosting a popular post-game show called "Kiner's Corner."

And finally, Phil Rizzuto, of Brooklyn, New York, played for the Yankees for 13 seasons. Known as "The Scooter", Rizzuto was a slick fielding shortstop and incredible base runner who ended his baseball career with a .273 batting average. He was named an All-Star five times and was the American League's Most Valuable Player in 1950. As a member of the United States Navy, Phil Rizzuto fought in World War II for three years and missed the 1943, 1944 and 1945 seasons.

As you can see, Mr. Speaker, these gentlemen were extraordinary ball players who earned the title of American heroes on the diamond. More importantly, they were soldiers, sailors and marine, audacious and bravehearted, who answered their country's call. Like the other 59 members of the Hall of Fame, including one Civil War veteran, they interrupted successful careers to defend the freedom and liberties that each of us are privileged to enjoy today.

On a day when we celebrate the heroism and honor the memory of millions of men and women who paid the ultimate sacrifice on behalf of our country, I am pleased to see that these Hall of Famers also honored for their service. It is both fitting and appropriate to pay homage to these special veterans who answered the call to duty when their nation needed them.

Mr. Speaker, I call on all Americans who cherish liberty and freedom to join us this weekend in respectful recognition of all the brave men and women who have worn the uniform, fought and died for our country. God Bless them all.

IN MEMORY OF MR. GEORGE TAGG

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. TANNER. Mr. Speaker, I rise today to remember a very dear friend of mine, Mr. George Canale Tagg, who passed away May 14th of this year.

George's career is the perfect example of how hard work can pay off. Originally from Memphis, he started working at the Federal Express hub there, some 30 years ago. He stayed with FedEx over the years, eventually making his way here to Washington, where he became the company's managing director of Government Affairs. He retired and started his own firm, retaining FedEx as a client.

Although he called Memphis home, he most recently resided in Chevy Chase, Maryland, and was very active in the community here. He was a communicant of the Shrine of the Most Blessed Sacrament in Washington, a member of the Columbia Country Club and the University Club of Memphis.

George was one of my best friends. He was a kind, gentle man who genuinely cared deeply about all his fellow human beings. This unique devotion to goodwill shone through to all who knew and worked with him.

He made a huge and valuable contribution to our country in his all-too-short life. I know I will miss George Tagg tremendously, and I know his presence will be missed on Capitol Hill.

IN MEMORY OF REV. DR. M. MORAN WESTON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to Rev. Dr. M. Moran Weston who passed away on May 18, 2002. Hardly a month went by when I did not hear his soothing baritone voice on the phone, teaching, encouraging, inspiring with his love and concern for our young people, for the elderly, for the poor and forgotten. I will miss him.

The glowing notices in the press will only add to the historical record of the great rector of St. Philips. His name is already enshrined at St. Augustine's College and Columbia University. But those of us who knew him, who live in the neighborhoods he enriched, will forever be reminded of his contributions by just walking the streets of Harlem and Morningside Heights.

He protested injustice, picketed and cajoled. But more than anything, he searched for solutions and achieved results. When the downtown banks refused our people credit, he founded and built Carver Federal Savings into a billion dollar banking institution. So no one would be left homeless, he built housing for seniors, for the mentally ill, and day care facilities for children. He lobbied Congress to make decent, affordable housing a right under the Constitution of the United States.

A true man of God, the only credit he would humbly accept was having been blessed with a gift for encouraging others to action. But we know better, and we are indebted to Moran for his ideas, for his hard work and for his faith that with God nothing is impossible.

With his beloved wife Miriam, and children Gregory and Katherine, and his family I share the pain of loss. But I am deeply grateful that God saw fit to place Moran with us for his long and bountiful life. His memory will be with us always.

AUBURN HILLS AVONDALE YELLOWJACKETS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. KILDEE. Mr. Speaker, I rise today to congratulate the Yellowjackets of Auburn Hills Avondale High School, on winning the 2001–2002 Michigan High School Athletic Association Class B State boys basketball championship. The Yellowjackets defeated the Grand Rapids South Christian Sailors 70–65 in the final game. It was certainly an exciting game that showcased some of the best talent the state of Michigan has to offer.

The Yellowjackets are a true testament of what hard work, determination, and a passionate desire to win can accomplish. Under the guidance of six-year Head Coach Tim Morton, the championship served as a wonderful finish to a remarkable year. This was the team's first visit to the state finals, and they finished their storybook season with a tremendous record of 25–3.

The Yellowjackets roster includes: seniors Jeremiah Handley, Brandon Larvadain, Mike Lewis, Kevin McConnell, Dionte Miller, Greg Riley, Wes Whiteside; juniors Brandon Borden, Steve Ellsworth, Kory Powell; sophomores Justin Bradford, Dave Holston; and freshmen Kerry Cole, Korey Cole. These young men, led by team captains Whiteside and Lewis, proved to be leaders in the classroom, the basketball court, and the community. They are all shining examples of the Avondale School District's strong commitment to success in all aspects of life.

Mr. Speaker, I salute the accomplishments of the Avondale Yellowjackets, and share the joy of their victory with Avondale students and alumni and especially the people of Auburn Hills. I ask my colleagues in the 107th Congress to join me in congratulating these fine gentlemen.

INTRODUCTION OF THE STRENGTHENING A FAST ENTRY AT THE BORDER ACT OF 2002 (SAFE BORDER)

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Ms. DAVIS of California. Mr. Speaker, I rise today to talk about an opportunity to secure our borders and support commerce.

Securing our borders has long been a challenge. Doing so must balance appropriate enforcement without hindering legitimate crossborder travel or commerce, and still protect civil liberties. However, the events of September 11, coupled with daily traffic between the U.S.-Mexico border, have severely overextended our border inspection resources.

My district does not contain ports of entry, but its proximity to the border has affected it. I hear stories from my constituents about waiting in line for hours in the morning to commute to work. Long inspection lines are commonplace, with delays lasting several hours. This border congestion has negatively impacted San Diego area businesses.

In response, I have been working with various organizations in the district to develop a strategy to provide relief for San Diego. I have heard from many about SENTRI, a dedicated commuter lane demonstration project at the border that integrates technology with law enforcement.

SENTRI addresses the issues of congestion and long border delays by quickly moving low risk travelers through the inspection process. Frequent travelers participate in the SENTRI program by undergoing an extensive background check and interview to verify their low risk status. Once approved, the participants and their registered vehicles enter the country through a traffic lane exclusively reserved for them. Transponders in the car retrieve the vehicle and occupant information from the SENTRI database and display it on a screen within the inspection booth for fast identification. A border agent then compares the car's occupants to the pictures on the screen, allowing them to quickly continue on their way.

Demand for SENTRI passes has significantly increased since September 11. However, prospective participants encounter a tremendous application backlog. Applicants face up to a six-month waiting time to receive an appointment with the enrollment center and another three months for approval notification.

As a result, I am introducing the Strengthening a Fast Entry at the Border Act or the SAFE Border Act of 2002. The SAFE Border Act will increase security by pre-screening more people and by allowing agents to focus their enforcement efforts on those who have not passed extensive background checks.

Specifically, my legislation does three things: it gives the Attorney General the authority to fully implement and make programs like SENTRI permanent. Dedicated commuter lanes and PortPASS programs have clearly shown their effectiveness in maintaining security and expediting travel. I believe the nation can only benefit from further expansion of these programs.

The second part allows INS and Customs personnel to devote more resources to prospective applicants by extending the permit renewal period to two years. By design, enrollees are a self-selected population. Focusing more attention on applicants will move more people out of the general commuter lanes and allow more background checks. Extending the renewal period will substantially reduce the waiting time for those seeking SENTRI approval and increase legitimate border traffic.

The last part of my legislation encourages increased staffing and resource allocation to SENTRI. Our borders are protected by a dedicated group of Customs and INS officers. Their constant vigilance constitutes our first line of defense against threats and we owe them our gratitude. However, they need our federal assistance in carrying out their duties.

I urge all of my colleagues in Congress to work with me to pass the SAFE Border Act quickly into law.

EROSION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN KAZAKHSTAN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. MEEHAN. Mr. Speaker, I rise to voice my concern about continuing serious violations of human rights and fundamental freedoms in Kazakhstan, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections.

Kazakhstan has been a participating state of the Organization for Security and Cooperation in Europe (OSCE) since 1992 and has freely accepted all OSCE commitments, including those concerning human rights, democracy, and the rule of law. Kazakhstan has affirmed that every individual has the right to freedom of thought, conscience, religion or belief, expression, association, peaceful assembly and movement, freedom from arbitrary arrest, detention, torture, or other cruel, inhuman, or degrading treatment or punishment, and if charged with an offense the right to a fair and public trial. And, Kazakhstan has committed itself to build, consolidate, and strengthen democracy as the only system of government, and is obligated to hold free elections at reasonable intervals, to respect the right of citizens to seek political or public office without discrimination, to respect the right of individuals and groups to establish in full freedom their own political parties, and to allow parties and individuals wishing to participate in the electoral process access to the media on a nondiscriminatory basis.

Nevertheless, President Nursultan Nazarbaev dissolved parliament in 1993 and again in 1995, when he also annulled scheduled Presidential elections. He has also refused to register opposition parties, and has exited opposition figures and forced members of the media out of the country. On January 10, 1999, President Nazarbaev was reelected in snap Presidential elections from which a leading challenger was excluded for having addressed an unregistered organization, "For Free Elections," and the OSCE assessed the election as falling far short of international standards. Finally, on June 22, 2000, the Kazakhstan parliament approved draft legislation designed to give President Nazarbaev various powers and privileges for the rest of his life.

In March of this year, President Nazarbayev imprisoned two of his leading political rivals, Mssrs. Mukhtar Ablyazov and Mr. Alymzhan Zhakiyanov, and former Prime Minister

Akezhan Kazhegeldin remains in exile. Additionally, the Prime Minister of Kazakhstan recently admitted that more than one billion dollars of Kazakh public monics had been transferred to off-shore bank accounts in President Nazarbayev's name.

President Nazarbayev's family owns and controls all major media outlets in Kazakhstan including television, radio and newspapers. The independent media in Kazakhstan, which used to be fairly free, has been pressured, coopted, or crushed, leaving few outlets for the expression of independent or opposition views, thus limiting the press's ability to criticize or comment on the President's campaign to remain in office indefinitely or on high-level corruption.

I urge this Administration to make a more concerted and stronger effort to raise with President Nazarbayev at every opportunity, the concern about serious violations of human rights, including noncompliance with Organization for Security and Cooperation in Europe (OSCE) commitments on democracy and rule of law. Kazakhstan needs to come into compliance with OSCE commitments on human rights, democracy, and the rule of law, specifically the holding of free and fair elections that do not exclude genuine challengers, to permit independent and opposition parties and candidates to participate on an equal basis with representation in election commissions at all levels, and to allow domestic nongovernmental and political party observers, as well as international observers.

I also encourage the Administration to raise with the governments of other OSCE participating states the possible implications for OSCE participation of any participating state in the region that engages in clear, gross, and uncorrected violations of its OSCE commitments on human rights, democracy, and the rule of law. To that end, Voice of America and Radio Liberty should expand broadcasting to Central Asia especially into Kazakhstan, as needed, with a focus on assuring that the peoples of the region have access to unbiased news and programs that support respect for human rights and the establishment of democracy and the rule of law.

ON THE ACCOMPLISHMENTS OF JO ANN SHAPIRO

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. WEINER. Mr. Speaker, permit me to pay tribute to an individual who has dedicated her life to helping others. Jo Ann Shapiro has been a civic leader for most of her adult life and has lived her life by the axiom "Help people. Help those without a voice. Help those who no one else would have the compassion to assist." Honored Tuesday in New York Newsday's Queens Profile for her work with the local chapter of the American Cancer Society, the Kiwanis Club and other community and political organizations, she has helped improve the quality of life of my constituents in the Rockaways, Broad Channel, Howard Beach and Ozone Park. Last year, as chairwoman of the annual Relay for Life event, she helped raise $70,000 for cancer research. In her capacity as chief of staff to Assemblywoman Pheffer, she has further dedicated herself to serving the community, and helping constituents in need of assistance. I rise today to thank Jo Ann and congratulate her for her many accomplishments.

Mr. Speaker, allow me to submit for the RECORD Tuesday's New York Newsday's Queens Profile which further details Jo Ann's many contributions to our community.

[From New York Newsday, May 21, 2002]

NEWSDAY QUEENS PROFILE—JO ANN SHAPIRO

(Sheila McKenna)

Role—Chief of staff for Assemblywoman Audrey Pheffer (D-Rockaway Beach); chairwoman for the American Cancer Society's Relay for Life, June 8–9 at Beach Channel High School; past president of Kiwanis Club of Rockaway; member of St. Rose of Lima R.C. Church in Rockaway Beach.

Biography—42; native of Plainview, L.I., graduate of SUNY-Old Westbury, changed careers from a paraprofessional for the Board of Education to work for Pheffer, a longtime friend, in 1987; single and has lived in a co-op in Rockaway Beach two years.

Impact—"Ultimately, the goal of the event is to raise money, but it is secondary to what we accomplish in terms of bringing a community together. Relay for Life is really a celebration of those who are currently battling cancer—those who have been successful in their fight against cancer—and in recognition and remembrance of those who have not been successful."

Current Focus—"Relay for Life is an overnight event, and we ask that participants give up one night of sleep. Cancer is a disease that never sleeps, and we ask that for one night, people join us, and if they can't do that, they join us for as much as they want. It's kind of an outdoor pajama party, people bring tents and camp. It's a big sleepover party with games, music, entertainment, scavenger hunt, we even have movies at midnight. This is our second annual event in Rockaway—last year, we raised $70,000."

Why She's Involved—"American Cancer Society's goal is to eliminate cancer as a health care concern for the people of the United States. How could I not be a part of something like that? For information, call 1-800–ACS–2345."

TRIBUTE TO DR. GEORGE RUPP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. RANGEL. Mr. Speaker, I rise today to honor my friend, Dr. George Rupp, who is retiring on May 31 after 9 years of service as the 18th president of Columbia University.

Under Dr. Rupp's leadership, Columbia's long history as one of the nation's leading institutions of higher learning has been successfully extended into the 21st century. Columbia has thrived over the past decade. The accomplishments of its scholars and researchers have soared, as has its endowment. So, too, have the numbers of applicants to its college and many graduate and professional programs. The Columbia community is one of the greatest concentrations of talent and energy in the country, and helps keep New York at the center of the world's intellectual life.

Dr. Rupp's legacy will be measured, above all, by the University's significant and lasting impact on the community around it. Not once has he thought that his responsibilities stopped at the gates to campus. During Dr. Rupp's leadership, Columbia's remarkable pool of talent and energy has been increasingly directed to the duties of good citizenship.

Dr. Rupp has been a particularly forceful and innovative supporter of the University's efforts to address the disparities in opportunity afflicting the areas around it. The University has actively worked to foster economic growth in its neighborhood and has leveraged millions of dollars for community services. It has proven to be an engine of high-tech growth and innovation, translating the scientific advances of its researchers into scores of valuable technologies and a number of start-up firms within New York. Importantly, it has opened the first biomedical research and development park in New York City, a facility which is a keystone to the future of the biomedical enterprise in the region.

Columbia's impact on the economic life of the City extends far beyond high technology. The third largest employer in the City, Columbia became the first non-profit in New York to institutionalize hiring goals on its major construction projects for minorities, women and local residents of the Upper Manhattan Empowerment Zone, UMEZ. Under Dr. Rupp, Columbia actively encouraged the purchase of goods and services from local vendors by the University, its faculty and staff. The University also created a program to offer "forgivable" loans to employees as incentives for homebuying within the Empowerment Zone.

Under Dr. Rupp's leadership, Columbia's relationship with the Empowerment Zone epitomized the University's partnership with the Upper Manhattan community. Empowerment Zone residents are assisted in obtaining jobs at the University through the Morningside Heights Area Alliance's Job Connections program. Dr. Rupp has encouraged all of the University's divisions and departments to provide technological support for local projects and oversaw the establishment of the Urban Technical Assistance Program to provide urban planning assistance to community groups in northern Manhattan. Columbia policy experts played a leading role in the UMEZ's initial proposal and later development, and have continued to provide ongoing technical support to what has emerged as a powerful example of the success of public-private partnerships.

Dr. Rupp has worked tirelessly to make Columbia a good neighbor, involving the community in University decisions that impact them, and encouraging consultation with the community on the design of new University construction projects, on and off campus. In recent years, the University has enhanced its support of the community in other ways, increasing its sponsorship of neighborhood sports teams, and making available space in university facilities for use by community groups and elected officials. The University has strengthened its links to public schools in the area through a number of initiatives, including faculty development and training programs to prepare teachers for certification examinations.

The number of the University's neighbors that have been helped through its service programs has also greatly increased under Dr. Rupp, who has directed the creation of a wide array of initiatives to benefit Morningside Heights, Harlem and Washington Heights.

Columbia now administers academic, professional and service programs that assist thousands of Upper Manhattan residents, school children and businesses. Hundreds of adults have had their skills and employment potential enhanced through a range of educational programs, including computer training, and GED and ESL classes. Thousands of needy individuals and families have been provided with hot meals. And, under the "Power Lunch" program, neighborhood elementary school students are paired with Columbia students for mentoring and reading.

Dr. Rupp's tenure at Columbia was characterized by its sensitivity, spirit of cooperation and commitment to the growth and well-being of the Upper Manhattan community. An ordained Presbyterian minister and a religious scholar, Dr. Rupp has helped create a climate of service, on and off campus, for its students, faculty and staff that was recognized and appreciated by the community. His tenure will serve as a model for the future. He will be deeply missed, and I wish him all the best.

CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. DINGELL. Mr. Speaker, I would like to provide a further explanation of various provisions of H.R. 3448, the Public Health Security and Bioterrorism Response Act of 2002.

TITLE I

Title I of the Act addresses planning, preparation, prevention, and response to acts of bioterrorism and other public health emergencies. As such, many of the programs will have a dual use. They will benefit the fight against terrorism and at the same time support our basic public health infrastructure. The bill will provide needed resources needed by first responders such as hospitals, health care personnel, public health systems, and others. The basic structure for providing these resources is through grants to eligible entities.

One grant program will provide funds to eligible entities including states, political subdivisions of states or consortia of two or more such subdivisions. Another grant program will provide resources to eligible entities consisting of hospitals, clinics, health centers, or primary care facilities and various combinations of states or political subdivisions of states. The conference agreement is a compromise between distinctly different approaches in the Senate and House bills, plus a need to coordinate with the Administration's existing grant programs so that resources that will flow to states and first responders in FY 2002 and FY 2003 are not delayed, diminished, or denied.

In basic terms, the grants are based on a bioterrorism preparedness and response plan that is supposed to include public input and that include criteria for evaluation of the performance of entities that receive funds to assure that they meet benchmarks in the plan. In sum, the bill is designed to provide flexibility and accountability with respect to the use of funds.

The Department of Health and Human Services (HHS) also has flexibility in designating priorities for use of grant funds. Currently the priority is on bioterrorism or acute outbreaks of infectious disease, then other public health threats and emergencies. The priorities provide accountability and the Secretary's ability to modify these priorities allows flexibility in matching scarce resources to needs that vary around the country.

A hallmark of the agreement is its emphasis on planning and coordination among various federal agencies and in turn federal coordination with state of local entities. Another key feature throughout is the use of advisory committees and other means of utilizing public and private sector expertise.

One of the most important federal agencies with responsibility for fighting bioterrorism is the Centers for Disease Control and Prevention (CDC). The agreement acknowledges CDC's essential role in defending against and combating public health threats. It will provide resources for secure and modern facilities, and expanded and improved capabilities related to bioterrorism and other public health emergencies.

In addition to grants, the agreement authorizes a variety of specific activities. These include education of health care personnel with respect to recognition and identification of potential bioweapons, for care of victims, and to recognize the special needs of children and other vulnerable populations. The bill also authorizes resources for the purpose of education and training in any category of health professions for which there is a shortage that the Secretary determines should be alleviated in order to prepare or respond to bioterrorism and other public health emergencies.

The bill also directs research on antimicrobial resistance and other issues with respect to priority pathogens. The bill provides for limited Medicare and Medicaid waivers in appropriate circumstances, basically when providers respond to an emergency.

Another key feature of Title I is the Strategic National Stockpile. This consists of drugs, devices, vaccines, and other products the Secretary determines to be appropriate and practicable, taking into account other sources, to provide for the emergency health security of the United States. Specific reference to the needs of children and other vulnerable populations is included.

The bill also accelerates research and approval of priority countermeasures, establishes a process for evaluation of new and emerging technologies regarding bioterrorist attack, and strengthens programs to address health issues associated with nuclear facilities.

TITLE II

Title II of the Act addresses select agents or hazardous biomaterials and the rules applicable to person with access to them. This provision addresses an area of great concern by increasing accountability for the storage and use of deadly materials and with respect to who has access to them.

Title II requires that all persons, including state and local governmental entities and universities, that have access to select agents and toxins, undergo a screening review to determine if they are restricted persons under the PATRIOT USA Act or are suspected of being a terrorist, being affiliated with a terrorist organization, or are a foreign agent of a country attempting to covertly obtain information.

The screening process is not expected to encompass the complex investigation that would occur prior to issuance of a security clearance, but to be similar to the check for prospective gun owners in its use of electronic databases. It will be carried out by the Department of Justice and limited to using appropriate electronic databases available to the government for this purpose to determine if the persons or individuals being screened are listed in those databases. This would guarantee both a timely response so that research is not delayed and prevent the use of noncredible, nonsubstantiated information. The Conference Report states, however, that other databases or "files" may be used by the Attorney General "to clarify or confirm information obtained during the electronic database search." The Privacy Act establishes the requirement that agencies maintain records on individuals with "such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness: and to "make reasonable efforts" before the dissemination of information about individuals to assure that such records are accurate, complete, timely, and relevant for agency purposes." 5 U.S.C. 552a. It is not the purpose of this provision to permit the Attorney General to do extensive individual investigations or use non-credible, unsubstantiated information that may be contained in those other "files" to deny persons or individuals access to select agents.

Title 11 requires the same screening for non-federal entities, including corporations, public and private universities, and all state and local entities, including public health departments, that may possess select agents. It is expected that both the Department of Health and Human Services and the Department of Agriculture will use common sense in determining the level of screening it will require for universities, drug manufacturers, or others to avoid unnecessary paperwork and delays.

Title 11 also contains exemptions from disclosure under the Freedom of Information Act for the registration documents, the national database compiling the information in the database, and the location (including the name of the registrant) and identification of select agents if contained in inspection reports or notifications of theft, loss, and releases outside of the bio-containment area of a facility. The purpose of these provisions is to protect site-specific information about these agents from being publicly available. It is not expected, however, that federal agencies will use the exemption to keep information that has public health implications from relevant nonfederal parties and the public, particularly if it is already publicly known. For example, there has been extensive media attention to the possible use of anthrax from the U.S. Army's laboratory at Fort Dettrick, Maryland, in the attack last fall. It has been known for many years that anthrax spores were located at Fort Dettrick. It is also known that the remaining smallpox virus in the United States is held by the Centers for Disease Control and Prevention. Releases of select agents from these and other facilities may have significant public health implications. An alert public may be the best method by which exposure to a select agent can be determined. Responses should not be delayed by federal agencies interpreting these FOIA exemptions too broadly.

TITLE III

Title III of the Act deals primarily with food safety, particularly with respect to imported food. The Act has increased the ability of authorities to obtain greater assurances that food that is shipped into this country does not become an instrumentality of terrorism due to tampering. Four provisions, in particular, warrant further comment.

PRIOR NOTICE OF FOOD IMPORTATION

Section 307 requires the Secretary of Health and Human Services to promulgate regulations that establish a period of time in which prior notice of food importations must be provided to HHS. This period of time cannot exceed five days and must be sufficient in length for the Secretary to receive, review, and appropriately respond to such notices. The Secretary may consider many different factors in establishing this period of time, however, the Secretary's responsibility to the American people, as mandated by Congress herein, to "receive, review, and appropriately respond" to these notices is absolute. Since the Secretary will be held accountable for the proper discharge of this important new responsibility, the rule should duly consider this obligation and establish an ample period of time under which that obligation can be discharged.

"CREDIBLE EVIDENCE OR INFORMATION INDICATING"

Throughout this subtitle, the "credible evidence or information indicating" standard is used for various purposes. This standard should be interpreted broadly. The use of the conjunction "or" indicates that either credible evidence, or alternatively, information is sufficient to satisfy this standard. Accordingly, the standard could be read as "credible information or evidence indicating a threat". Moreover, any credible evidence or information only has to "indicate," not prove, that a threat exists. For example, if upon investigation, examination or inspection, FDA only has information that indicates a shipment of food presents a threat of serious adverse health consequences, it may invoke its administrative detention authority. FDA is never required to have traditional "credible evidence" to trigger this standard.

EXPLANATION OF TEMPORARY HOLD

Under this bill, the Secretary must possess credible evidence or information indicating that a specific shipment or article of food presents a serious health threat to exercise his full detention authority. The bill, however, establishes a broader, less stringent standard for the Secretary to exercise a more limited temporary hold authority. Under the temporary hold provision, the Secretary need only have credible evidence or information indicating that an article of food, not a specific article of food, presents a serious health threat. If, for example, the FDA is in possession of credible evidence or information indicating that a category of food or food from a certain geographical region presents such a threat, the Secretary may use this authority to temporarily hold shipments or articles of food (up to 24 hours) based on that information. This will enable the Secretary to appropriately dispatch FDA resources to gather credible evidence or information (based upon FDA inspection, examination or investigation) about specific shipments or articles of food. Once FDA has such evidence or information, the Secretary may then detain any such shipments or articles of food under the detention authority (up to 30 days). The temporary hold authority is intended to function as an investigative tool that enables FDA to use its detention authority more effectively. Accordingly, the circumstances under which temporary hold authority can be invoked are broader than those under which detention authority can be invoked.

REGISTRATION OF FOREIGN FACILITIES

Section 305 requires foreign facilities to register with the Secretary of Health and Human Services if they manufacture, process, pack, or hold food that is exported to the United States without further processing or packaging, The provision clarifies that the addition of labeling, or other similar activities of a de minimis nature, may not be considered to be "further processing or packaging" for purposes of this section. This language was included to ensure that all facilities from the point of exportation back to the true foreign processor or packer would be required to register. Many Conferees were concerned that activities conducted immediately prior to exportation could be considered processing or packaging, even if such activities did not alter or affect the food. If that occurred, then that facility would be the only foreign facility in the chain of custody to register. The "other similar activities of a de minimis nature" language was added to address these concerns.

TITLE IV

Title IV adds a new Section 1433 to the Safe Drinking Water Act that requires community water systems to conduct and complete vulnerability assessments and prepare or revise emergency response plans. These new requirements become requirements of the Safe Drinking Water Act.

The conference agreement requires that a written copy of the vulnerability assessment be submitted to the Administrator. This will ensure that the vulnerability assessments meet the requirements of Section 1433 and that EPA will have the necessary information to determine whether action needs to be taken using the authority of Section 1431 or other relevant authorities to ensure that significant vulnerabilities are addressed to protect the public.

The conference agreement takes a number of measures to protect the copies of the vulnerability assessments submitted to the EPA from unauthorized disclosure. The Administrator, however, may use and disclose the assessment, or information derived therefrom, to any individual, whether a private citizen or government employee, as designated by the Administrator, for the purposes of Section 1445, to take any action under the authority of Section 1431 or for use in any administrative or judicial proceeding to impose a penalty for failure to comply with Section 1433.

In addition, the Administrator is expected to review the vulnerability assessments when providing financial assistance for basic security enhancements or to address significant threats to public health and the supply of drinking water. The agency continues to have available and may use its inspection and enforcement authorities under the Safe Drinking Water Act with respect to community water systems.

The bill also amends Section 1431 of the Safe Drinking Water Act to provide new authority to the Administrator to take actions to assure the safety of the public and protect supplies of drinking water in circumstances of a threatened or potential terrorist attack or other intentional act at a community water system.

Administrator Whitman has informed the Congress by letter dated April 22, 2002, that the EPA has already begun working with states and local utilities to assess the vulnerability of the Nation's public water systems to attack or other intentional acts. Further, the Administrator has stated that the new language amending Section 1431 "provides EPA with adequate authority to respond in situations involving significant vulnerability."

The term "potential terrorist attack" should be interpreted in the context of the President's announcements that the United States is engaged in a war against terrorism and faces "continuing and immediate threats of further attacks." Senior government officials have repeatedly warned that critical infrastructure facilities should remain on a high state of alert due to the possibility of a terrorist attack. Critical infrastructure protection is an issue of importance to economic and national security. Presidential Decision Directive 63 released in May 1998 identified water supply as one of the 12 areas critical to the functioning of the country.

Where the Administrator receives information that critical community water system infrastructures, such as a utility pumping system or chemical storage tanks, are vulnerable to potential terrorist attack that may present an imminent and substantial endangerment, he or she may use the authority provided by Section 1431 to protect the health and safety of the public or prevent the disruption of drinking water supplies.

TITLE V

The Conference was able to resolve all outstanding issues regarding the reauthorization of the Prescription Drug User Fee Act (PDUFA). Reauthorizing PDUFA at this time was necessary to prevent a possible exodus of doctors and other very experienced medical officers at the FDA in anticipation of layoffs that will now be avoided. The Office of Drug Safety, an FDA function long neglected, was given $76 million in new user fee monies and at least $10 million in new appropriated monies to monitor adverse events and post market studies associated with the expedited approval process for drugs and biologics. Also, for fast track drugs, doctors are to be notified if mandated post market studies are not completed in a timely manner.

THE 30TH ANNIVERSARY OF THE CITY OF BURTON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. KILDEE. Mr. Speaker, I rise today to commemorate the 30'h anniversary of the City of Burton. Festivities will be held on Memorial Day to honor the city upon its 30th anniversary.

Originally organized as a township in 1856 the area was named after John Burton, a prominent local farmer. It had grown out of the Atherton Settlement founded by Shubael and Persus Atherton in 1829. Over the years the area gained population and changed from an agricultural community to a thriving suburban community. In 1971, then township supervisor Joseph Uvick and other township leaders made the decision to seek city status for the area. The township residents voted on May 16, 1972 to incorporate as a city and the referendum passed by 25 votes. The city was officially formed later that year.

In 1829 there were a handful of residents living in the Atherton Settlement. The 2000 Census recorded over 30,000 people living in the City of Burton. To keep pace the city government had to expand. The Police Department has grown from 20 part time officers to 41 full time police officers who conduct community and school policing, the DARE program and advise block groups about crime prevention, in addition to their regular duties. The Fire Department, while maintaining the volunteer spirit, requires the firefighters to go through hours of rigorous training and serves the city from three fire stations. The park system includes an outdoor area with a 40-acre facility, containing a lake, nature trails, a picnic pavilion, and a newly asphalted bike path. In addition to this facility there is a 380-acre nature preserve and education center. The Department of Public Works, the City Clerk's office and the Treasurer's office have also grown to meet the needs of Burton's residents. The city boasts of two libraries and three school districts.

Under the leadership of Mayor Charles Smiley, the veterans of Burton dedicated a memorial on May 26, 1997 to honor those who died in combat. This has become a proud addition to the city and testament to the spirit and generosity of its citizens. Burton has prospered into the city it is today through the hard work of its leaders, civic employees and residents.

Mr. Speaker, I ask the House of Representatives to join me in congratulating the City of Burton on celebrating its 30th anniversary. I am very proud to be able to represent the City of Burton in Congress.

FEDERAL ELECTION IN AMERICAN SAMOA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. FALEOMAVAEGA. Mr. Speaker, after consultation with the local leaders of the American Samoa Government and to address the concerns of active duty military members whose home of residence is American Samoa, I rise today to introduce legislation to provide that active duty members of the military be able to fully participate in Federal elections in American Samoa by providing that the office of the Delegate from American Samoa to the United States House of Representatives shall be elected by a plurality of the votes cast.

Since 1977, active-duty service members serving overseas or on the United States mainland have been excluded from fully participating and voting in both general and runoff Federal elections in American Samoa due to several factors, including local law that requires active duty military members to register in person, limited air and mail service between the United States mainland and American Samoa, and delays in the preparation of new ballots in the case of runoff elections.

Despite notice that American Samoa law requiring uniformed and overseas voters to register to vote in person is contrary to the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), American Samoa has not addressed this discrepancy between Federal and territorial law. Therefore, it is necessary to take additional action to ensure that the votes of active-duty service members are counted in Federal elections conducted in American Samoa.

Mr. Speaker, it is also true that since 1980, when the first election for the Congressional Delegate from American Samoa was held, general elections have been held in the first week of November in even-numbered years and run-off elections have been held 2 weeks later. This practice of holding a run-off election two weeks after a general election is outdated, outmoded, and deprives active duty service members of the opportunity to participate in the Federal election process in American Samoa.

Prior to and since September 11, 2001, it remains impossible for absentee ballots to be prepared and returned during a 2-week time period and, as a result, active duty members continue to be deprived the right to vote in American Samoa.

Mr. Speaker, to the best of my knowledge, 49 states elect their Representatives to the United States House of Representatives by plurality and it is in the national interest and in the interest of active duty service members for American Samoa to do the same.

I urge my colleagues to support this legislation and I thank you for your consideration.

HONORING NIKI DE SAINT PHALLE

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mrs. DAVIS of California. Mr. Speaker, I rise to honor the memory of Niki de Saint Phalle, a vibrant lady and an artist whose sculpture has made many areas of San Diego as well as the world more lively and imaginative.

In 1983, her sculpture "Sun God", a bird soaring from 29 feet above the ground, inaugurated the sculpture garden on the campus of the University of California San Diego.

In 1998, children and adults flocked to Balboa Park to enjoy her creative menagerie of larger than life creatures—elephants, camels, and spiders all composed of brightly colored mosaics and stones. Although most of them were eventually transferred to their intended home, a "Noah's Ark" art park in Jerusalem, some have remained to grace our park.

Last October, the city unveiled a work by Niki de Saint Phalle, which was commissioned by the San Diego Unified Port District. The work titled "Coming Together" is a 37-foot-tall metal, ceramic and glass sculpture created in brilliant colors, which resembles two faces joined cheek to cheek.

I had the wonderful opportunity to talk with Niki several times both in her studio and as we toured a park in Mid-City for which I had hoped we would be able to commission her work. In the process, we visited a neighboring school where the children recalled seeing her animal sculptures in Balboa Park and responded eagerly with questions. She took great pleasure in having reached this enthusiastic young audience.

While Ms. de Saint Phalle was born in France of French and American parents, we are fortunate that a career that spanned international sites for her major works—a kinetic fountain in Paris, the Tarot Garden sculpture park in Tuscany, and The Sprengel Museum in Hanover, Germany—ultimately brought her to make her home in La Jolla and to make her later works available to our community.

As a self-taught artist, Niki de Saint Phalle is a wonderful role model for those who have a spirit, a dream, and the inspiration to express themselves innovatively. She celebrated women's freedom and power in her monumental works. Her generosity and spirit graced San Diego, and she will be missed.

NATIONAL STROKE AWARENESS MONTH

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. SHOWS. Mr. Speaker, I rise today to request my Colleagues join me in recognizing May as National Stroke Awareness Month.

Like most Americans, I have seen first hand the devastating effects of strokes. My own mother-in-law suffered a series of debilitating strokes, which left her speechless and severely weakened. She passed away last year, unable to communicate with her family and friends who had loved her for so long.

The statistics on strokes are staggering. Every 53 seconds, someone in America has a stroke. About 600,000 Americans will have a stroke this year and 160,000 of them will die. Furthermore, stroke is our nation's No. 3 killer and is a leading cause of severe, long-term disability. Stroke kills twice as many women as breast cancer each year.

It is critical that we raise awareness so that our family and friends do not ignore the warning signs for stroke. Too often, our natural inclination is to ignore troublesome ailments and hope that they'll go away. Unfortunately, by trying to "sleep it off", people lose valuable time when doctors can be treating their stroke. Every second counts.

We need to make it a matter of course to know that numbness or weakness of the face, arm or leg, especially on one side of the body are serious warning signs for strokes. Sudden confusion, trouble speaking or understanding, trouble seeing in one or both eyes, trouble walking, dizziness, loss of balance or coordination and severe headache with no known cause are also ailments to be carefully considered.

I am proud to stand with 173 of my colleagues in the House of Representatives in strong support of H.R. 3431, the Stroke Treatment and Ongoing Prevention Act. This important legislation will provide programs for the prevention, treatment, and rehabilitation of strokes. Stroke is No Joke. We must act on this legislation today.

TRIBUTE TO W.J. (JERRY) SANDERS III ON THE OCCASION OF HIS RETIREMENT FROM ADVANCED MICRO DEVICES, INC.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American, a proud Californian and a Silicon Valley icon, W.J. (Jerry) Sanders, III, who is retiring as Chief Executive Officer of Advanced Micro Devices, Inc. (AMD) after 33 years of leadership.

Jerry Sanders has had an extraordinary career building an extraordinary company. He started from a modest beginning as a salesman for Motorola, then moved on to hold positions in the Engineering Department of Douglas Aircraft in sales, and in the Semiconductor Division of the Fairchild Camera and Instrument Corporation where he worked as a Sales Manager, Area Sales Manager, Department Head, Director of Marketing, and eventually, as Group Director of Marketing Worldwide from 1967 to 1969.

In 1969, Jerry Sanders left Fairchild Semiconductor to launch AMD out of the living room of one of its co-founders. Today, the Sunnyvale-based company, located in my Congressional District, is a global supplier of integrated circuits for the personal and networked computer and communications markets. Employing 14,000 people worldwide with over $4 billion in annual revenues, AMD today is the world's second largest manufacturer of microprocessors.

Under the able stewardship of Jerry Sanders, AMD has honored its commitment to making our communities better places to live and work. Through its school partnerships, corporate giving, and employee volunteer programs, the company continues to serve as a model of corporate and civic responsibility.

Jerry Sanders has been honored with many awards, including being named the Best Chief Executive Officer in the semiconductor industry for the years 1983, 1984 and 1985 by the Wall Street Transcript. In 1991, under his leadership and guidance, AMD was named Comeback Company of the Year by Electronic Business.

Mr. Speaker, I ask my colleagues to join me in honoring Jerry Sanders for his exceptional leadership, his great determination, his sheer guts and his lasting contributions to our community, to Silicon Valley and to our nation's economy. We're a better country because of him and all he's done.

RECOGNITION OF NANCY GUTHRIE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of Nancy Guthrie, president and owner of Capitol City Communications, in the Second Congressional District of West Virginia. Ms. Guthrie has achieved the title of Home-Based Business Advocate of the Year. The West Virginia District of the United States Small Business Administration, a leader in the promotion and growth of our state, gives this award annually.

Ms. Guthrie began Capitol City Communications in 1996 at her home in Charleston, West Virginia, to provide public relations and advertising services. Capitol City Communications has since grown statewide. Ms. Guthrie embodies the values that created the American success story: self-reliance, hard work, perseverance and optimism. I commend her for her contributions to the West Virginia economy.

Successful small businesses not only serve as the backbone of the economy, they anchor communities and promote civic pride. I urge my colleagues to join me in celebrating Ms. Guthrie's tremendous achievement as the West Virginia Small Business Administration's Home-Based Business Advocate of the Year.

TRIBUTE TO VICE ADMIRAL GEORGE PETER NANOS, JR., COMNAVSEA

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. SUNUNU. Mr. Speaker, I rise today to honor Vice Admiral George Peter Nanos, Jr., United States Navy. Vice Admiral Nanos will retire on Monday, 1 July 2002, after 35 years of faithful service to our nation.

Hailing from my hometown of Bedford, New Hampshire, Vice Admiral Nanos is a graduate of the U. S Naval Academy. At the Academy, he was awarded the 1967 Harry E. Ward Trident Scholar's Prize. Following graduation, he spent two years at sea as Antisubmarine Warfare and Gunnery Officer on USS *Glennon* (DD 840) before entering Princeton University, where he earned a Ph.D. in physics in 1974.

Returning to sea, Vice Admiral Nanos served as Engineer Officer aboard USS *Forrest Sherman* (DD 931) and as Materiel Officer on the staff of Destroyer Squadron Ten. From 1978 to 1982, he was the manager for Technical Development in the Navy's High Energy Laser Program Office (NAVSEA PMS 405). He then served as the Combat Systems Officer in Norfolk Naval Shipyard while also training to become an Engineering Duty Officer. He returned to sea yet again as Chief Engineer for the aircraft carrier USS *America* (CV 66). While on *America*, he participated in Operation Eldorado Canyon and helped to ensure the successful launch of naval airstrikes against Libya after that country was linked to a terrorist bombing of a West Berlin discotheque, which killed 1 American and injured 78 people. Following this tour, he was assigned as the Deputy Director, Warfare Systems Engineering in the Space and Naval Warfare Systems Command.

In 1988, Vice Admiral Nanos reported to Strategic Systems Programs, serving consecutively as Head of the Navigation Branch, Head of the Missile Branch, and Director of the Technical Division. In June 1994, he assumed duties as Director, Strategic Systems Programs, responsible for all aspects of the Navy's Fleet Ballistic Missile Weapon Systems.

In May 1998, Vice Admiral Nanos assumed his rank and duties as Commander, Naval Sea Systems Command, the Navy's largest acquisition organization. Throughout the past four years, he has been responsible for the design, engineering, procurement, integration, construction, in-service support, and maintenance of the Navy's ships, shipboard weapons, and combat systems.

Vice Admiral Nanos' service education includes U.S. Naval Destroyer School at Newport, Rhode Island; Engineering Duty Officer basic and mid-career courses; the Senior Officer Ship Materiel Readiness Course at Idaho Falls, Idaho; and the Program Management Course at the Defense Systems Management College, Fort Belvoir, Virginia. His specialty as an Engineering Duty Officer is ordnance and weapons systems acquisition.

Vice Admiral Nanos successfully led the Command through a brilliant transformation of NAVSEA'S business practices in executing complex acquisition and Fleet maintenance and modernization responsibilities. He expertly managed the resizing, recapitalizing, and realignment of the personnel and technical resources devoted to designing, building, repairing, and modernizing ships and their weapons systems. Displaying bold vision, innovation, and superb leadership, he instituted far-reaching quality initiatives that forged a highly focused, reenergized workforce. These have transformed the Command into a unified corporation that provides world-class technical, acquisition, and life-cycle support leadership to America's Navy. His contributions have had a direct and lasting impact on the overall readiness, effectiveness, and survivability of the United States Armed Forces.

Vice Admiral Nanos' superb leadership, exceptional integrity, engineering expertise, and tireless devotion to duty reflect great credit upon him and are in keeping with the highest traditions of the United States Naval Service. He has done a superb job in leading the Naval Sea Systems Command to fulfill its mission: Keeping America's Navy #1 in the World.

Although Vice Admiral Nanos has worked diligently to increase the efficiency and effectiveness of naval and marine shipbuilding capabilities throughout the United States, he has often shown his dedication to and respect for the men and women of the Portsmouth Naval Shipyard team. He recently visited the Shipyard to personally congratulate and thank the Shipyard team for their record-setting work on two submarines: A record-setting depot maintenance period on USS *Miami*, followed by a record-setting engineering refueling overhaul on USS *City of Corpus Christi*. Thanks in part to his vision, the Shipyard retains its important military-industrial capabilities and continues to provide critical jobs for the region.

Vice Admiral Nanos' innovation has ensured the success of the Naval Sea Systems Command and the United States Navy's ships well into the 21st Century. He is an individual of uncommon character and his professionalism will be sincerely missed. I am proud, Mr. Speaker, to thank him for his honorable service in the United States Navy, and to wish him fair winds and following seas as he closes his distinguished military career.

I suspect Vice Admiral Nanos will continue his adventures, and will bring much credit to his name, as well as our government and our country. He is a true American hero, and his direct contributions to our military will long be remembered with heartfelt gratitude.

RE-INTRODUCTION OF THE SAFE AND FAIR ENFORCEMENT AND RECALL FOR MEAT AND POULTRY ACT

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. BALDACCI. Mr. Speaker, I rise today to reintroduce the Safe and Fair Enforcement and Recall for Meat and Poultry Act—to help strengthen the protection of meat and poultry across the United States. As a member of the House Agriculture Committee, I have long been concerned about the safety of our nation's food and water supplies. My SAFER Meat and Poultry Act would expedite the removal of potentially contaminated products from store shelves and provide greater enforcement authority to protect public health.

This bill calls for more consistent and vigilant implementation of the USDA's Hazard Analysis Critical Control Point (HACCP) program. The legislation will strengthen government accountability and expedite the removal of potentially harmful meat and poultry from store shelves.

Recent reports suggest that USDA properly inspects meat-processing facilities on a daily basis less than 40 percent of the time. Further, a number of plants may have never been tested. I am pleased that the Bioterrorism legislation passed earlier this week will help to alleviate some of USDA's problems with funding plant inspections.

However, this bill to provide greater disclosure of contaminants, increased penalties for knowingly distributing tainted products, and greater authority for the Agriculture Secretary to move swiftly against facilities found to be producing harmful meat and poultry products will lead to a healthier and safer American food supply.

Furthermore, my bill will help alert Americans to the seriousness of food borne contamination, which is estimated to cause approximately 75 million illnesses, 325,000 hospitalizations and 5,000 deaths per year.

Mr. Speaker, given the new and emerging threats to public health and our national security, we must be vigilant in safeguarding our national food supply.

I am pleased to be reintroducing this important legislation, and I strongly urge my colleagues to support it.

A MEMORIAL DAY MESSAGE—A TRIBUTE TO OUR BRAVE SERVICEMEN AND WOMEN

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. CRENSHAW. Mr. Speaker, I wanted to share some thoughts with you today as the nation pauses to honor the men and women who fought and died to preserve our freedom. It is an especially meaningful Memorial Day as we so recently were reminded of the great country that we live in and the burden that goes with protecting our freedoms.

Today, our military is fighting a new kind of war. A war not against a country but against an ideology that would try to destroy the liberties that we have come to enjoy. It is a war fought differently. It is a war fought with new technology in a land that is very old world. It is a war that has Forward Air Controllers riding horseback and calling in strikes from laptop computers. It is a war being fought from our ships stationed 700 miles from targets. It is a war that utilizes B–52s for precision targeting, but it is also a war that calls for our troops to go from cave to cave to seek out the enemy. It is a war whose enemy is difficult to identify. It may be a different kind of war, but war always brings casualties—and this war is no exception.

September 11, 2001, gave us a wake-up call on our own soil not felt since Pearl Harbor. This time the victims were not just sailors and other military personnel. This time the victims were secretaries, clerks, stockbrokers, office workers, and, lots and lots of firefighters. These victims, like our military troops, were fathers, sons, mothers, daughters, aunts and uncles. Some died while performing heroic acts, but most were just ordinary people who perished during a brutal act of war.

So this year, as we remember our war heroes, let us say a prayer for our newest casualties. Let us make room in our hearts for these new recruits to the battle for freedom and peace.

But make no mistake; it will be the military that will shoulder the responsibility of trying to protect us against another attack. It will be our uniformed troops who will serve in distant lands, who will miss their children's graduations and birthdays, who will not be home for Christmas. And, as in the past, they will go into harm's way unafraid and with the determination that draws strength from those who fought and died before them.

I thank you for your service to our country and to your fellow comrades, especially those who paid the ultimate sacrifice. I thank you for the leadership you have shown as you have lived your lives as stalwart soldiers in America's role as freedom's beacon. The young men and women serving today are fighting a new kind of war. But it will take the same type of soldier America has always produced—a soldier, like you, who is willing to put aside self interests for the good of the country. A soldier, like those we honor today, who is willing to die for those ideals.

Thank you for all that you have done for your country and for the memory of those who are no longer with us.

ESSAY CONTEST WINNERS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. HYDE. Mr. Speaker, every year in my district, I ask students in grades 8th and 12th to participate in an essay contest. This year's contest focused on the events of September 11, 2001, and how they shaped our Nation. Specifically, this year's essay question was as follows: "September 11, 2001, was a shock felt around the world. Our country was attacked by suicidal, fanatic terrorists. It must be our resolve to protect America. Eternal vigilance is the price of liberty. How can our government protect us at home and abroad?"

I am pleased that so many students chose to enter this essay contest. Unfortunately, however, there can only be one winner in each group: 8th grade and 12th grade. This year's 8th grade winner was Melissa DeLeo from Chicago. She attends Mary, Seat of Wisdom School in Park Ridge, IL. The 12th grade winner was Karen Differ from Niles, IL. She attends Maine Township High School South in Park Ridge, IL.

Ms. DeLeo's untitled essay is as follows:

> I have been taught that America stands for freedom, equality, liberty and justice for all. I believe this even now more than ever before. This is our America, the America that many men and women fought for, the America that is the land of opportunities and my America, the America where I have the opportunity to write this essay with my right of freedom of speech. Our America was attacked, but there are ways that our government and we, the American people, can protect ourselves. I think that there are three main areas of concern. These three areas are: the coordinating all of the government agencies with sharing information, our readiness for the possibility of future attacks and granting aid to those nations that support us in our effort against terrorism.
>
> The first way I think we can better protect ourselves is with the coordination of all of the government agencies. This cooperation must inform the public not only of possible attacks but also with instructions of how to react and what we should be doing to help with security during these times. Then the government agencies must introduce a new form of coordination applied to the use of their planning, communication and organizations. Such as compatible computer files and disks accessed by the computers shared by the organizations and government agencies. This way we would all have access to the same information and the same amount of details to make the operation, as a whole,

a bigger success. By coordinating all of the government agencies, none of these details or important information will be missed or overlooked. Also, by keeping the American people well informed we would be able to know where our help and our financial aid are needed.

The second way I think we can better protect ourselves is readiness for the possibility of future attacks. This means greater airport security, matching every bag in the airport to a person, patrolling the American borders and the careful consideration of all the information gathered. This may mean longer lines in the airport, more hours of intense labor for the airport and police officials and more of our budget will be consumed by the Army and government agencies. Even though these difficulties may occur, I'm sure that people would understand it is for our safety and security. Also, I think many would believe that waiting in a line for one hour instead of a half of an hour would be worth it knowing that we are going to be better protected and safe.

The third way I think that we can better protect ourselves is by giving aid to the nations that support us. This means that we should send supplies and financial assistance to the nations that are wholeheartedly joining the effort against terrorism in the world. This will help them to continue their effort and this will also inspire other nations to join the effort against terrorism. This will show the terrorists that the United States of America and many other nations are willing and able to stand up and put an end to their intimidation and terrorism on the world. Only then could we put an end to all of this tragedy that has happened for no reason at all. Then by getting more nations involved they would be able to contribute their different areas of knowledge so that we could better see the different aspects of the situation and all of the possibilities of security and planning. Also if every nation tried to eliminate the terrorism located in their areas of the world that would be one step at a time to helping to end all terrorism.

Therefore, the three main areas of concern that I think we should focus on are: coordinating all of the government agencies with sharing information; readiness for the possibility of future attacks; and granting aid to the nations that support us. These are some of the ways that would give us a start on ridding the world of terrorism and making the world a safer, more peaceful and happier place.

I am an eighth grader that already has many hopes, dreams and goals for the future. When the Sept. 11 tragedy occurred, many people thought our nation would be divided. They were wrong. Our nation really put the phrase, "United States of America" into action. People bonded together like no American has ever seen before. All Americans showed respect, love and compassion for each other which once was hidden by greed and selfishness, and now was shown through love, helpfulness and courage. We, or at least I, now have a deeper understanding of the meaning of the great and amazing value of life, and now try to live every day to the fullest. Our nation has learned that what before each person thought of as their own dream can only be reached when we work together and help one another feel the support and strength of the true United States of America. We are Americans and UNITED we STAND FOREVER.

Ms. Differ's essay, entitled "Protection from Within," is as follows:

Right now the United States government is revisiting a question that dates back to the writing of the Constitution—what role should the government play in protecting its citizens? The events of Sept. 11th have made it apparent that the current role of the government no longer ensures national security. So what changes should the government make in order to protect its citizens? This question is very difficult to answer because the government needs to safeguard its citizens from those wishing to inflict harm upon the United States and it also needs to ensure citizens their constitutional rights. While the government of the United States serves to uphold constitutional rights, lead, and protect the people of America, the true strength of the United States of America is found in its people. Since Sept. 11th United States citizens have further demonstrated their commitment to the freedoms and principles the United States is based upon through tremendous waves of patriotism and selfless giving. The United States government's greatest defense in stopping terrorism and protecting its citizens is found in utilizing the resource of its citizens. By creating greater channels of communication between government security agencies and common citizens while also working to monitor possible security threats, the United States government would be able to implement a greater degree of security domestically, nationally, and internationally.

The United States government can protect its residents by drawing upon the knowledge of citizens through a network of security agencies. One of the most effective ways to eradicate crime in a community is through a neighborhood watch program. A neighborhood watch program helps to provide a sense of community in a neighborhood and teaches people to look out for one another. A neighborhood watch also sends the message to criminals in a community that violence and crime are not tolerated. This same type of approach needs to be taken with domestic security. United States citizens need to work together at the local level to spot suspicious activity and possible security threats within their own communities. After all, no one knows better than the resident of a community when something just does not seem right. One way the government could utilize the power of the "neighborhood watch" is through greater channels of communication with individual communities. The government could create a free flow of voluntary security information by creating a network of local government security agencies and making them very accessible to citizens. This national network of local government security agencies would be in conjunction with local police departments and promote the principles of a neighborhood watch. Like police officers, the security agents would be trained in dealing with suspicious behavior and in handling terrorist activity. However, these agents would serve more as mediators in a community and informants to national government security agencies and less as patrolmen. Local security agencies would also have the function of securing public places that could pose specific threats if accessed by the wrong people, like nuclear power plants and airports. Agents could make sure that proper security procedures are taking place in these institutions and could notify national security agencies if something were to go wrong. Local agents would also be responsible for making sure that all visa information for visitors in the United States in their assigned community is kept up-to-date and is legal. If security threats are stopped at a local level there will be a great reduction of security threats at the national level.

In addition to protecting its citizens domestically, the United States government needs to protect its citizens internationally. While creating local neighborhood programs, the United States government could also use the same ideology to create a "national neighborhood watch". This watch would consist of countries devoted to stopping terrorism and providing protection of freedom to all of the world's people. The national neighborhood watch could be formed as a committee through an existing organization that promotes peace—the United Nations. Through the United Nations the world neighborhood committee could effectively monitor possible international security threats and send the message to rogue nations that criminal behavior and terror will not be tolerated in the world community. By forming bonds with other nations committed to the same security goals as the United States, the national neighborhood watch could peacefully identify and stop harmful terrorist activity before it is executed.

Since Sept. 11th every single American has been robbed of the peace and security that once characterized the United States of America. The only way to reclaim our security is through hard work and cooperation with our neighbors and with our government. We need to look out for our neighbors and assist them when they are in need. We need to report activity that "just doesn't seem right." It is our responsibility as the American people and the American government to work together with the world community to restore the peace felt before Sept. 11, 2001. After all, if we as Americans let the terrorists rob us of our peace and security then they have won.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. BECERRA. Mr. Speaker, on Wednesday, May 22, 2002, and Thursday, May 23, 2002, I was unavoidably detained, and therefore unable to cast my floor vote on two procedural votes. The votes I missed include rollcall votes 196 and 197, both Motions that the Committee Rise on the 2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States.

Had I been present for the votes, I would have voted "aye" on rollcall votes 196 and 197.

DONALD R. SANDOR: TEACHING GOD'S MESSAGE FOR 26 YEARS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor Donald Sandor as he prepares to retire after 40 years of faithful, accomplished teaching and music ministry leadership, the past 25 years of which were spent at Immanuel Lutheran Church and School in Bay City, Michigan. Don's devotion and joyfulness in sharing the good news of God's love in Christ with his students and our congregation has made him an invaluable part of Lutheran education in our community.

A native of Akron, Ohio, Don is one of two children born to Mary Sandor and the late Julius Sandor, from whom he received the love and support that helped mold him into the wonderful educator he is today. Don is a product of Lutheran schools in Ohio. He later earned a bachelor's degree from Concordia Teachers College in River Forest, Illinois, and a master's degree from Saginaw Valley State University.

Since 1962, as a Lutheran school teacher, Don has shared with children the basics of reading, writing, arithmetic, music and especially our faith in the Lord our God and Savior. His faith and submission to God's call first led Don to Lutheran schools in Cincinnati, Ohio; St. Louis, Missouri; and, Lincoln Park, Michigan. Don came to Bay City's Immanuel Lutheran Church and School in 1977, first as a seventh-grade teacher and then teacher of the fifth grade. Throughout his 25 years at Immanuel, Don has been active as a leader in both the church's and school's music ministry, serving as parish music coordinator, organist and choir director. He also assisted as a school choir director and organist.

Don has always found ways to use his God-given talent outside his own classrooms and parishes. Organizations including the American Guild of Organists and the Saginaw Valley Chapter of the A.G.O. Executive Board, the Michigan District North and West Teachers Conference Executive Board and the Midland Music Festival Committee have benefited from Don's input and influence. Of course, Don's wife, Kathy, and daughters, Julie, Jill and Laurel, have been a large part of his success and they, too, deserve our thanks.

Finally, Mr. Speaker, I wish to praise Don for setting and maintaining high standards of excellence in education and in his faith. The elementary and middle school years set the groundwork for future success and Don's teaching ministry has served his students and our community well. I ask my colleagues to join me in expressing gratitude to Don Sandor for his dedicated service to our children and in wishing him an enjoyable retirement.

COMMMEMORATING ASIAN PACIFIC AMERICAN HERITAGE MONTH “UNITY IN FREEDOM”

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mrs. MINK of Hawaii. Mr. Speaker, it is a privilege to rise today to commemorate May as APA Heritage Month. It is a time not only to honor the many Asian Americans and Pacific Islanders that have made contributions to our great society. It is also a time to remember that this greatness is based upon the richness and vitality of a culture that embraces diversity.

The month of May was chosen as Asian Pacific American Heritage Month to mark the immigration of the first Japanese to the United States in 1843. The freedoms that were sought and acquired then are the same freedoms that draw the many immigrants to our country today. And it is our welcome that defines the “unity in freedom” we so desire.

If not for our hospitality we would not have Yo-Yo Ma, who, in 1963, attended Julliard School of Music at the age of nine and has since enchanted the world with his brilliance as a cellist. Or we may not have the Viet Nam Memorial designed by architect Maya Ying Lin, whose parents emigrated to our country from China in the 1940s. When, as a student at Yale, she created the memorial's design.

We look at the accomplishments of Asian Americans and Pacific Island athletes who have changed the face of sports with their extraordinary abilities. Duke Kahanamoku, a native Hawaiian, won three gold and two silver medals in swimming over the course of three Olympics in the early 20th century. Tiger Woods, golfer extraordinaire, had the opportunities at a very young age to excel at a sport that was once thought of as elitist. Figure skaters Kristi Yamaguchi, gold medalist in the 1992 Olympics, and Michelle Kwan, the most decorated women skater in history, have turned the Olympian dream into reality. Just recently the world witnessed Apollo Ohno, a Seattle native, take the Winter Olympics by storm as he rose to the top of his sport, short track speed skating, by being the first American to win the gold and silver medal.

Perhaps a name less known to the world is Dr. David Ho, a molecular biologist, who, at the age of three emigrated with his family to our country in search of a better life. Dr. Ho's dedication as an AIDS researcher led to the development the anti-viral drug “cocktails,” that has earned him Time Magazine's 1996 Man of the Year.

The grandeur of our universe is not big enough to hold the heroic deeds of our NASA astronauts. Two Asians have the distinction of being firsts. In 1996, Kalpana Chawla, a mission specialist on the space shuttle STS–87, was the first Indian American woman in space. Lt Colonel Ellison Onizuka, a Japanese American from the Big Island of Hawaii, loomed high as the first Asian American in space. Colonel Onizuka tragically lost his life in the 1986 Challenger explosion.

Lest we not forget the Asian American and Pacific Island veterans who lost their lives in the service of our country. Their courage and gallantry has preserved the freedom and democracy that all Americans enjoy.

RECOGNIZING THE MONTH OF MAY AS ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. ABERCROMBIE. Mr. Speaker, I rise today to recognize and celebrate the month of May 2002 as Asian Pacific American Heritage Month.

In June 1977, Representatives Frank Horton of New York and Norman Y. Mineta of California introduced a House resolution that called upon the President to proclaim the first 10 days of May as Asian Pacific Heritage Week. That was later followed by a Senate bill introduced the following month by Senators DANIEL INOUYE and Spark Matsunaga. On October 5, 1978, President Jimmy Carter signed a Joint Resolution designating the annual celebration. In May 1990, the holiday was expanded further when President George Bush designated May to be Asian Pacific American Heritage Month. The month of May was chosen to commemorate the arrival of the first Japanese immigrants to the United States in May 1843.

H. Res. 408, introduced by my colleague and the Congressional Asian Pacific American Caucus Chair, Representative DAVID WU, recognizes the contributions of Asian Pacific Americans to our Nation. As an original cosponsor of this resolution, I recognize and commend how Asian Pacific Americans have contributed to the prosperity and vitality of our society. Whether in government, business, education, the military, science, technology, or the arts, Asian Pacific Americans bring to our society a rich cultural heritage representing many languages, ethnicities, and religious traditions.

Diversity represents one of our country's greatest strengths. I am honored to represent the State of Hawaii in Congress. Much of the character of my State and district is a result of the great diversity Asian Pacific Americans have brought to our country. I hope all Americans recognize the contributions these groups have made to our national identity and culture.

A TRIBUTE TO FIRST LUTHERAN CHURCH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor First Lutheran Church in Pasadena, CA. On Sunday, June 2, First Lutheran will celebrate its 110th anniversary with a day of prayer and celebration marking the extraordinary history of the church and its congregation.

First Lutheran was convened in 1892 at the Grand Hotel in Pasadena. Originally, due to the German congregation, all church business and services were conducted in German. The church's constitution was even written in German. It wasn't until 1914 that all services were conducted in English and it wasn't until the early 1920s that the church's constitution was translated into English.

Between the 1940s and 1960s, 800 to 1000 parishioners attended weekly Sunday services. The church had grown so large and so popular at one point that the services were broadcast for a time on Glendale radio station KIEV. First Lutheran's popularity was a direct result of the inviting atmosphere of the church's services and congregation. Parishioners from as far away as St. Louis, Missouri chose to attend First Lutheran as they settled in southern California and all of them remark that their decision was based on the feeling of “being home,” that First Lutheran gave to them.

The feeling of "being home" extended to, as the First Lutheran Mission Statement reads, "all people." While many churches around the nation fought against integration, First Lutheran embraced the call to treat all people as equals and it was in the 1940s and 1950s that the congregation began to integrate. Today, First Lutheran looks like America. It has acted and will continue to act as a refuge for all who come to worship together regardless of differences.

I am proud to be able to recognize First Lutheran for its 110 years of offering a place of solemn and joyous worship to the people of the San Gabriel Valley and I ask all Members to join me in congratulating the congregation for the years of remarkable achievement.

HONORING CONGREGATION B'NAI ZION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize a cornerstone of the religious community in South Florida, Key West's Congregation B'nai Zion. Founded in 1887, the B'nai Zion Synagogue has remained an integral part of the Key West community for over 115 years and is the oldest Jewish congregation in Key West, as well as one of the oldest in the state of Florida. I am saddened, however, to report that a fire nearly destroyed the synagogue of Congregation B'nai Zion in the early morning hours of April 16.

I come to the floor today to offer my deepest sympathies to the people of the Congregation. The synagogue, which serves as a sanctuary for 250 worshipers, also included a residence for Rabbi Joseph Hirsch. The fire destroyed the majority of its rooms, leaving Rabbi Hirsch without a home and a Congregation without a place of worship. Authorities determined that this tragedy was the work of arsonists.

The fire of April 16 may have damaged Congregation B'nai Zion's building, but I am pleased to report that it did not damage their spirits. People of all faiths in the Key West community have compassionately reached out to the Congregation and supported them in their time of need. Congregation B'nai Zion continues to have weekly worship services and Rabbi Hirsch has a roof over his head. The Congregation now has renovation plans in place, and Rabbi Hirsch and Congregation President Fred Covan are working hard to ensure B'nai Zion remains a fixture in the Key West community.

While the people of Key West have rallied behind their oldest synagogue, I am deeply troubled by the possibility that this incidence—which occurred on the eve of Israel's Independence Day—reflects the trend of anti-semitism we are witnessing on a global scale. Hate and prejudice rages against the Jewish people in the Middle East and Europe, and the United States must stand before the world as a people united, regardless of faith.

Mr. Speaker, Congregation B'nai Zion's synagogue has been destroyed, but the spirits of the people have endured. Today I wish to recognize the remarkable perseverance of Congregation 'B'nai Zion, and thank the national and local authorities and the people of Key West for their assistance in rectifying this terrible situation and ask for their continued support.

TRIBUTE TO RABBI AVIS MILLER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. WAXMAN. Mr. Speaker, I rise in tribute to Rabbi Avis Dimond Miller in honor of her 18th anniversary as a Rabbi of Adas Israel Congregation in Washington, DC.

I have known Rabbi Miller for many years. She is an accomplished Rabbi, a talented teacher, and a good friend. I have appreciated first-hand the power of her sermons, the impact of her activism, and the great admiration and respect she has earned from congregants, colleagues, and community members.

As the first woman to serve a major Conservative pulpit, and the first woman ever appointed to chair a national committee for the Rabbinical Assembly of the United Synagogue for Conservative Judaism, Rabbi Miller is an impressive role model and a pioneer in the Conservative Jewish movement. In her tenure at Adas Israel, she has been instrumental in developing programs for young adults and young families, and she has authored training manuals to help other synagogues encourage unaffiliated Jewish families to participate in their communities. In her role as chairwoman of the Rabbinical Assembly of the committee on outreach, she has played a tremendous role in helping countless Jewish Americans embrace their Jewish identity.

Rabbi Miller has also inspired the congregation to have an ambitious social action agenda, on issues ranging from the plight of Ethiopian Jewry to the blight of homelessness. She is credited with organizing the congregation's Bikkur Holim Committee, a program for visiting the sick, and publishing the first Jewish guide on the subject. She has lectured extensively on medical ethics issues regarding, genetic discrimination, and she will soon put forth an anthology of sermons she delivered during Adas Israel High Holiday services over the past 18 years.

In Hebrew, the number 18 is the numeric equivalent of the word chai—life, and Rabbi Miller has truly been a lifeline for the synagogue. Through her involvement in life cycle events, births, bar and bat mitzvah ceremonies, marriages, and deaths, she has been a pillar of strength and compassion.

We owe Rabbi Miller a debt of gratitude for her service to Adas Israel Synagogue and the greater Washington Jewish community. On June 2, 2002, when Adas Israel celebrates Rabbi Miler's special 18 year milestone, it will be my pleasure to join Rabbi Wohlberg, her family and friends, and the entire Adas Israel community in paying tribute to her achievements and wishing her continued success in all of her endeavors.

A TRIBUTE TO FREEDOM

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. ROSS. Mr. Speaker, today, I have the honor of sharing with you a touching tribute to the victims of the September 11th attacks, to our Nation, and to our legacy of freedom.

I was visited recently by a gentleman from my hometown, Leo Smith. Leo is a graduate of the University of Central Arkansas and works as a safety manager at a plant in Hope, Arkansas. In his profession, he is concerned with protecting the lives of his coworkers, but after September 11th, he was concerned with the lives of many more.

We have all chosen our own method to deal with the tragedy of the attacks on our Nation. Leo chose to express his anger, helplessness, and also his pride through a poem entitled "Let Freedom Ring." Leo thoughtfully presented me a copy of this poem, and I was very moved upon reading it.

In his poem, Leo recognizes that "the land of the free will never be the same again, not for you or for me." The poem identifies the transformation of our country, the loss, but also the gain of something new. Leo knew that the attacks signified the start of a war to defend freedom, but the sudden display of patriotism, the tribute to those whc have died throughout our nation's history to defend that nation, in his own words, "Let me know the battle has already been won."

It is with pride and gratitude that I share with you and submit to the CONGRESSIONAL RECORD Leo Smith's poetic eulogy to the victims of the attacks. His words lament the loss we all felt that day, but express the hope that soon followed. As he puts it,

What will happen next?
The answer to this only God knows.
But on that Tuesday, September 11th,
Was born a new breed of heroes.

LET FREEDOM RING

(By Leo Smith)

America the Beautiful, the land of the free, will never be the same again, Not for you or for me.

Tragedy struck quickly, It rocked the entire world, Changing many of today's families, To widows and little orphan boys and girls.

Pictures of blood shed and destruction, On television night after night, People filled with compassion, Hearts filled with fright.

What will happen next? The answer to this only, God knows, But on that Tuesday, September 11th, Was born a new breed of heroes.

Everyone who helped was a hero, Giving blood or looking through the rubble, Or just saying a prayer for the victims, Or just telling your someone that you lov'em.

Our nation, one people, all helping for the cause, Made tears come to my eyes, And me to take a long pause.

Red, white and blue forever, U.S. flags flying everywhere as far as the eye can see, Respecting the battles of our fore fathers, Who fought and died for us to be free.

All our people pulling together, Let me know the battle has already been won, All

races uniting and bonding, We are all one nation, just one.
No matter how many buildings are destroyed, And all the destruction that others can bring, The United States will always rise to the top, All Americans unite, and Let Freedom Ring.

CONCURRENT RECEIPT PART II—VETERANS

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Ms. HOOLEY of Oregon. Mr. Speaker, most of this body is aware of the so-called concurrent receipt penalty affecting our military retirees with service-connected disabilities. While Congress has undertaken gradual steps to remedy this situation, numerous veterans in my home state of Oregon have contacted me about a situation which I feel is equally unfair.

With the conclusion of the Cold War, the Department of Defense employed numerous separation programs to comply with Congressional mandates and decrease the number of active military personnel. The DoD implemented the Special Separation Benefit (SSB), and the Variable Separation Benefit (VSI) which were both designed to award servicemen and women with immediate compensation in return for early retirement from the Armed Services.

What many of these servicemen and women did not know is that by agreeing to leave active duty and accept the SSB or VSI payment, they were effectively signing away the right to receive future service-connected disability payments from the Veterans Administration. As it currently stands, any service member who accepted the SSB payment and is diagnosed with a service-connected disability must repay their payment in full before he or she can receive disability pay. Likewise, members who receive the VSI payment cannot receive the full disability payment to which they would otherwise be entitled.

I find this practice reprehensible. Many service-related disabilities might not become apparent for several months or years after separation. Consequently, everyone who made use of these programs could not have possibly known the way in which they would be affected by the offset provisions. What's more, many service members made the decision to accept the separation pay only because the alternative would be an eventual, forced retirement.

To remedy this problem, I am introducing bipartisan legislation with my colleagues JIM GIBBONS from Nevada and Richard Baker from Louisiana. Please, join me in helping bring an end to this reprehensible practice.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mrs. EMERSON. Mr. Speaker, I was attending to a family emergency and missed the following recorded votes. Had I been present, I would have voted, Yes on rollcall vote 171, Yes on rollcall vote 172, Yes on rollcall note 173, Yes on rollcall vote 174, Yes on rollcall vote 175, Yes on rollcall vote 176, Yes on rollcall vote 177, Yes on rollcall vote 178, Yes on rollcall vote 179, Yes on rollcall vote 180, Yes on rollcall vote 181, Yes on rollcall vote 182, Yes on rollcall vote 183, Yes on rollcall vote 184, Yes on rollcall vote 185, Yes on rollcall vote 186, Yes on rollcall vote 187, Yes on rollcall vote 188, Yes on rollcall vote 189, Yes on rollcall vote 190, Yes on rollcall vote 191, No on rollcall vote 192, Yes on rollcall 193, Yes on rollcall 194, No on rollcall 195, No on rollcall 196.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes:

Mr. DEFAZIO. Mr. Chairman, I rise today to continue with my statement against H.R. 4546, the fiscal year 2003 Department of Defense authorization act. In my prior comments, I detailed how some quality-of-life improvements for active duty and retired military personnel that I strongly supported were overshadowed by unnecessary spending on weapons systems like the Crusader artillery system and the Comanche helicopter.

Unfortunately, as I mentioned in two previous statements about H.R. 4546, the House Rules Committee blocked any amendments to reform or eliminate unnecessary weapons systems from being considered. Today, I want to talk about another weapons system of dubious value, the F-22 Raptor fighter jet, that was fully funded in H.R. 4546. There is no threat that justifies the pursuit of this fighter jet program. Particularly when the Pentagon is simultaneously pursuing two other new fighter jet programs, the Joint Strike Fighter and the F-18E/F.

I offered two amendments on the F-22 that came directly out of the recommendations in a March 2002 GAO report. My first amendment would have reduced the number of low rate initial production aircraft from 23 to 13. My second amendment placed two conditions on the program: requiring a reassessment of the costs, and requiring the Air Force to monitor key manufacturing processes of the private contractors. Neither of these amendments was allowed to be debated by this House. In addition to the GAO, a variety of independent analysts have raised concerns about the F-22. Even the House of Representatives has gone on record expressing concerns. In the House report for the fiscal year 2000 Department of Defense appropriations bill, the Armed Services Committee highlighted a number of concerns about the program including various technical problems, the inability to control rising costs, and the questionable need for the aircraft. The House report even mentioned suitable alternatives to the F-22.

The problems highlighted in the House report have only gotten worse. Unfortunately, Congress seems content to bury its collective head in the sand and move forward with procuring F-22s that are too expensive, don't work, and are unnecessary. A March 2002 GAO report identified a number of ongoing problems with the F-22. In summary, GAO found "The F-22 did not meet key schedule goals for 2001, the cost to complete planned development is likely to exceed the $21 billion reported to Congress, and the program is not far enough along in flight testing to confirm Air Force estimates of the aircraft's performance."

The problems identified by GAO include:

Rising cost concerns: In the FY02 DOD authorization bill, Congress removed the development cost cap. Current estimates are the development costs will be $21 billion. However, that cost is likely to rise because flight testing delays may lead to an extension of the development program, and Lockheed Martin's costs, which are borne by taxpayers, have increased. Over the last two fiscal years, Lockheed's costs have exceeded budgets by $218 million. In addition, restructuring the test schedule increased costs by $557 million.

Delays in testing: The Air Force realigned the testing schedule in June 2001 because development test aircraft are taking longer to assemble than anticipated, available test aircraft are not achieving the number of test objectives per flight hour that are specified in the plan, and completion of the test schedule is highly dependent on a single test aircraft rather than the three as originally planned. The Air Force has a goal of ten test points per hour, but the program is only accomplishing seven per hour, 30 percent less than planned. GAO notes, "avionics testing with development test aircraft has been limited." Only around 22 percent of planned avionics test points have been completed. GAO computations show that development flight testing necessary for the planned start of operational testing might not be completed until March 2004, 11 months later than planned.

However, the Air Force now plans to overlap development flight testing with operational flight testing. But, GAO wams "there is an increased risk involved in the concurrency, and there is still a high risk of not completing an adequate amount of development flight testing before operational testing is scheduled to begin."

The Air Force has also decided to dumb down the testing. GAO notes, "the Air Force eliminated and consolidated some test points (specific test objectives conducted during flight testing) and deferred other test points . . . as a result, the combined total flight test points remaining have been reduced by approximately 4,708 points, or 31 percent."

A recent review by the Air Force Operational Test and Evaluation Center concluded there was insufficient testing completed to assess nine of the ten key performance parameters. GAO projects that airframe flight testing will have to continue until February 2008 to accomplish all the remaining 8,199 test points with one aircraft, which is almost four years beyond the current schedule. GAO concludes that the Air Force's cheerleading about the success of the test program is largely overblown. GAO wrote, "the Air Force's estimates are based on limited flight test data, computer models, ground tests, and analyses. Flight test progress has been slower than expected, thus delaying the confirmation that the F-22 will deliver requirement performance."

I am also concerned about quality control problems in the F-22 program. According to the GAO, "The Air Force has estimated that the F-22 should at this point in development be able to complete 1.55 flying hours between maintenance actions . . . However, development aircraft have been completing only .60 flying hours between maintenance."

GAO also identified problems with the compound that helps make the F-22 stealthy. GAO noted that even the new formula has been prone to cracking and swelling. The Air Force is also investigating a problem with the aircraft's vertical tails that could impact performance. GAO warns: "Buying production articles before they can be adequately tested can result in buying systems that require significant, and sometimes costly modifications to achieve satisfactory performance; accepting less capable systems than planned; and deploying substandard systems to combat forces."

Finally, I am concerned about inadequate oversight of private contractors. In November 2000, when the F-22 program office ceased collecting information on the percentage of key processes in control, the contractor had only 44 percent of its manufacturing processes in control. GAO expressed concern about this lack of oversight. "During our current review, the F-22 program officials told us that neither they nor the prime contractors track the status of manufacturing processes in control because of the cost involved in tracking these processes. They rely on subcontractors to manage their own manufacturing processes. Hence, the program office may be committing to increased production quantities without knowing the percentage of key manufacturing processes that are in control. Continuing to increase the F-22 aircraft production quantities in low rate production before 100 percent of the key manufacturing processes are under control increases the risk that manufacturing and assembly problems evident with the development test aircraft will carry over into the production program."

In a strongly worded conclusion, GAO wrote, "The cost involved in correcting manufacturing and assembly problems would most likely exceed the cost of tracking and manufacturing processes." My amendments would have addressed the concerns of the GAO and protected taxpayers. Unfortunately, as I mentioned before, the Rules Committee refused to allow a real debate and blocked my amendments from floor consideration.

PAUL WILBUR KLIPSCH: AN INNOVATOR AND AN INSPIRATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to an extraordinary Arkansan, a great inventor, engineer, and scientist, who left his mark not only on my district, but on our nation's history as well. His name was Paul Wilbur Klipsch.

Paul Klipsch was well known for many things, but was best known for his contributions in revolutionizing the world of audio. From a very young age, he became fascinated with acoustics and radio, and even built his own radio receiver a year before the first public radio broadcast. That fascination would follow him the rest of his life.

His career began in 1926 after graduating from New Mexico State University with a degree in Electrical Engineering, when he was employed by General Electric to work with radio. He went on to earn his Master's Degree in Electrical Engineering at Stanford University, continuing research in audio frequency and efficiency.

After serving in World War II, Paul decided to dedicate his life to building loudspeakers, determined to achieve accurate sound reproduction. From his home in Hope, Arkansas, he spent years researching and conducting experiments, and much of his work was patented. In his lifetime, Klipsch was granted three patents in ballistics, eight in geophysics, and twelve in acoustics. His Heritage Line of speakers are known worldwide for their quality and accuracy that set industry standards. In fact, I enjoy using them in my own home

Paul Klipsch received numerous awards during his lifetime. He has had buildings, lecture halls, and auditoriums named in his honor. Perhaps his most distinguished honor came in 1997, when he was inducted and enshrined in the Engineering and Science Hall of Fame joining members like Thomas Edison, Jonas Salk, and the Wright Brothers. He was recognized as a visionary for improving the quality of life for all humanity.

The same can be said for both his professional and personal life. An avid philanthropist, Klipsch spent his 98 years on this Earth trying to better the lives of his neighbors. He always gave credit to Divine Guidance, and invoked it frequently. He has been described as raw, eccentric, straightforward, controversial, fascinating, whimsical, and extraordinary.

My heart goes out to Paul's wife of nearly 26 years, Valerie, their son, Raymond, and their two grandchildren as they deal with this difficult loss, and I am keeping all of them in my thoughts and prayers. While he may no longer be with us, his life and legacy will be remembered for generations to come.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Ms. PELOSI. Mr. Speaker, I am pleased to join with Mr. WU, Chairman of the Congressional Asian Pacific American Caucus, and other members of the caucus to observe Asian Pacific American Heritage Month. I commend Mr. Wu for his leadership of the Caucus.

The theme this year is "Unity in Freedom." In the wake of the September 11 terrorist attack, our nation has gained a new sense of unity and a new appreciation for our freedoms. Immigrants and ethnic groups are a vibrant and vital part of who we are as a country, and we must use these challenging times to learn about, and to draw strength from, each other.

Asian Pacific Heritage Month provides us with the opportunity to recognize the important contributions of Asian Pacific Americans. In the San Francisco Bay Area, we have three exciting projects underway that will help educate all Americans on the experiences of immigrants from Asia and the Pacific region.

In the Golden Gate National Recreation Area in San Francisco, plans are underway to establish two important links to our past: the Pacific Coast Immigration Museum and the Building 640 Interpretive Center. I am seeking funding this year to advance these two projects.

The immigration museum will serve as a western counterpart or "bookend" to the famous Ellis Island Immigration Museum. It will celebrate the unique experience of Americans who came to the West Coast from Asia, the Pacific Islands, Latin America and other regions. It will be the only museum to present the history of all immigrants who settled on the West Coast. The Pacific Coast Museum will also provide active linkages to other historical sites and institutions throughout the region.

Building 640 at the Presidio was the site of the original all-Nisei language school of the Military Intelligence Service of World War II, the forerunner of the famous Defense Language Institute in Monterey. While their families were living in internment camps, Japanese Americans were trained in Building 640 to assist the U.S. military with translation and battlefield interrogation. The interpretive center will be dedicated to the Military Intelligence Service and to the exploration of the Japanese American experience.

An important related project is the effort underway to preserve the Angel Island Immigration Station in San Francisco Bay. Congresswoman WOOLSEY is leading the drive to obtain federal funding for Angel Island.

Between 1910 and 1940, hundreds of thousand of immigrants from around the world entered the United States through Angel Island. The immigration station is best known for the experience of Chinese immigrants from 1882 to 1943, when the Chinese Exclusion Act prohibited many Chinese from coming to the U.S. and denied citizenship to foreign-born Chinese. Many Chinese were interned at Angel Island for up to two years.

Together, these three projects offer a way to tell stories of great resonance to current and future generations. The contributions of people of different origins to our common heritage and our military security have never been more relevant.

I am pleased to have this opportunity today to honor all of the contributions of Americans of Asian and Pacific Islander heritage.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. MATSUI. Mr. Speaker, I rise today in celebration of Asian Pacific American Heritage Month. It is my pleasure to acknowledge the tremendous achievements and contributions that the Asian Pacific American community has made to our society. Asian Pacific American (APA) Heritage Month provides us with an opportunity to reflect upon the diversity that makes our nation so strong, and the particular accomplishments of the APA community.

I would also like to take this opportunity to thank all those who remain dedicated to advancing the goals of the APA community. I commend all of the APA organizations across America for enhancing the voice of APAs in the political and social arena. Their tireless efforts inspire others to achieve their dreams. All Americans, regardless of their ethnic background and heritage, benefit from their work.

This year, many organizations are choosing to celebrate Asian Pacific American Heritage Month by focusing on theme, "Unity in Freedom." This theme resonates deeply in the wake of September 11th. Following the attacks, the APA community has been a leading voice in the fight to protect the civil liberties of all Americans, regardless of race, ethnicity, or religion. This deep and enduring commitment is a testament to the remarkable resilience of APAs throughout American history.

It is quite fitting that our great nation takes the time each year to honor the exemplary contributions of APAs. This month allows us a moment to reflect on the past successes and struggles of the APA community, as well as the promise the future holds. As we examine and celebrate the distinct heritage of Asian Pacific Americans, it is important to acknowledge that the diverse fabric of our nation is bound together by a shared set of values: freedom, liberty, and equal opportunity. The APA community has long exemplified these values. It is an honor to highlight Asian Pacific American Heritage Month on the floor of the U.S. House of Representatives.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. WU. Mr. Speaker, I rise today in honor of Asian Pacific American Heritage Month. In 1992, President George H.W. Bush signed into law legislation that designated May as Asian Pacific American Heritage Month to recognize and celebrate the contributions of Asian Pacific Americans to our nation. From the building of the transcontinental railroad to the development of the Internet, APAs have played an active and profound role in the development of our country.

Asian Pacific Americans have helped to make tremendous advances in politics, medicine, technology, business, music, literature, film, athletics, and countless other fields. APAs have also honorably served to defend the United States in times of armed conflict, from the Civil War to today. As Chair of the Congressional Asian Pacific American Caucus, I am proud to recognize these achievements.

While many APAs are thriving, we must not forget those who are struggling to overcome obstacles, including language and cultural barriers as well as discrimination.

Mr. Speaker, I cannot stress enough the importance of improving data collection on Asian Pacific Americans. The tremendous diversity within the APA community poses challenges. Most data collections tend to lump various Asian Pacific Americans together in a single category, swallowing up numbers for each distinct group and failing to present an accurate picture of subgroups. It is important that we recognize the distinct cultures, traditions and histories that make up the Asian Pacific American community.

America draws its strength from its tremendous diversity. APAs are one of the fastest growing populations with over 11.9 million people. We have greatly enriched the American landscape. I am honored to take part in Asian Pacific American Heritage Month by celebrating the many achievements of APAs in American history.

MEMORIAL DAY 2002

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. HOYER. Mr. Speaker, I rise today to pay tribute in advance of this Monday's Memorial Day celebrations to the brave men and women who have sacrificed their lives while serving our country in the armed services. Memorial Day, originally founded as Decoration Day in 1868, is the one day a year that all Americans pay their respects to those killed in war.

The day's rituals are rooted in the tradition established by family members and friends who gathered in cemeteries to adorn the grave sites of loved ones who had died in battle with flowers, ribbon, and memorabilia. Today, we continue that tradition and gather as a country at important places of remembrance, such as Arlington National Cemetery or the World War II Normandy American Cemetery and Memorial in France, to demonstrate our appreciation and acknowledge the sacrifice of those who lost their lives in our perpetual fight to maintain our freedom and sovereignty.

This unique holiday is a time to reflect on what those who have died sacrificed on our behalf and give tribute to their selfless spirit. On November 11th, we laud our veterans for their bravery and dedication to duty. We hail our Independence on the 4th of July. On Thanksgiving Day, we give thanks for all that we have. The last Monday in May, however, is set aside to mourn those who died on the battlefield defending our Constitution, our country and our way of life—although we should certainly not confine our recognition to this one day.

We see this recognition and appreciation carried out in acts around the country, such as that of the 1,200 soldiers of the 3rd U.S. Infantry who place small American flags at each of the more than 260,000 gravestones at Arlington National Cemetery and patrol the Cemetery without cessation throughout the weekend to ensure each flag remains standing; or that of the Boy Scouts and Girl Scouts who place a candle at each of the approximately 15,300 grave sites of soldiers buried at Fredericksburg and Spotsylvania National Military Park on Marye's Heights.

Throughout the country, our landscape is embedded with powerful symbols and monuments that reflect our heritage. These symbols strive to keep us aware of all of those who have come before us. In our busy lives however, we often take our veterans and war heroes for granted. But I believe most Americans would agree that their valiant efforts should always be at the forefront of our collective memory and we should be careful to observe this important day to honor our fallen countrymen.

September 11th emphasized the importance of words like liberty, freedom and justice. We lost a tremendous number of men and women through an act of cowardice that caught us offguard. And as so many had done before them, our nation's service men and women responded to our nation's call in the wake of that attack with fervor.

In Congress, we are working to support our troops abroad and strengthen America at home. The Department of Defense Authorization bill that recently passed the House of Representatives authorized over $7 billion to combat terrorism and weapons of mass destruction. The bill also included pay raises of 4.1 percent or more for military personnel, over $10 billion for military construction and family housing projects, and extended pay for certain reservists.

It also mends a disparity for military retirees who have not been able to receive their retiree pay as well as their disability pay. This bill will help improve our defensive readiness and improve the quality of life for all our active duty and veteran service men and women.

The fallen heroes who acted selflessly throughout our history in the face of tyranny and oppression fought a foe that we are still fighting to this very day. President John F. Kennedy once said, "A man does what he must—in spite of personal consequences, in spite of obstacles and dangers—and this is the basis of all human morality." All Americans can learn from the bravery and courage of our lost soldiers. I urge my colleagues to take a moment this Memorial Day and appreciate the freedom we have by remembering our fallen heroes.

PAYING TRIBUTE TO WORKERS IN NEW YORK CITY FOR RESCUE, RECOVERY, AND CLEAN-UP EFFORTS AT SITE OF WORLD TRADE CENTER

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. GILMAN. Mr. Speaker, I rise in strong support of the measure introduced by my friend and colleague from New York, The gentleman from New York, Mr. FOSSELLA, recognizing the heroic efforts of the hundreds of men and women who served in the rescue, recovery, and clean-up operations over the past eight months at ground zero in Manhattan.

On that horrible day in September, our nation witnessed the best and the worst of humanity. The despicable, cowardly, barbaric terrorist acts were valiantly countered with the incredible heroism and courage of our firefighters, law enforcement officers, emergency personnel, and our fellow citizens.

In the hours, days, and months following the attacks, these first responders were joined by steel workers, electricians, construction workers, and a myriad of specialists in the clean-up operation. Their collective and sustained effort has resulted in the successful near-completion of the massive clean-up operation.

Accordingly, let us honor the sacrifices and patriotic valor demonstrated by everyone involved in this unprecedented effort. Accordingly, I urge my fellow colleagues to support this important measure.

HONORING HERMAN J. RUSSELL FOR HIS HARD WORK AND HIS SELECTION AS THE ATLANTA BUSINESS LEAGUE CEO OF THE YEAR

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Ms. MCKINNEY. Mr. Speaker, I rise today in honor of the achievements of Mr. Herman J. Russell of Atlanta, Georgia. Mr. Russell has been selected by the Atlanta Business League as its CEO of the Year for 2002.

Herman Russell transformed his father's small plaster business into a thriving conglomeration of property development and management businesses, which now span throughout Atlanta, Birmingham and the Southeast. Mr. Russell's 43-year old company has sculpted a number of major landmarks that are a part of Atlanta's infamous skyline.

Mr. Russell's accomplishments and influence extend well beyond the boardroom and into the community. He actively serves on several corporate boards and participates in many local, state and national charitable educational organizations. A philanthropist at heart, Mr. Russell provides scholarships for area youth, advice for budding entrepreneurs and support for economic development and empowerment.

Mr. Speaker, I rise today to honor Mr. Herman J. Russell, a pillar of the community. I am especially proud to know him and to have received lessons on the value of honesty and hard work. His unwavering integrity, consistent delivery of quality service, and generous community contributions exemplify the markings of a role model. Our community has been made better by his teachings and demonstrations of preparation, sacrifice, and dedication.

WINDSONG FILM FESTIVAL

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. SOUDER. Mr. Speaker, Windsong Pictures, Inc., an independent, nonprofit motion picture company based in Fort Wayne, Indiana, is holding its Third Annual International Windsong Film Festival.

The Windsong Film Festival, which this year is featuring 25 award-winning independent motion pictures, is unique among film festivals because it specializes not only in showcasing professional independent filmmakers and films, but also in working with students of all ages who are interested in film production. This year the festival will show several motion pictures created by students at Elmhurst High School in Fort Wayne, which is also hosting the festival. College students will also be showing their work.

Holding this festival is a tremendous privilege for Elmhurst. It gives the school national attention while giving students there a rare opportunity to explore the world of filmmaking. It reminds us that even with the financial pressures that are bearing on Elmhurst—and many other schools—it is important to keep fine arts education a part of our children's education.

This film festival, and the tremendous film program at Elmhurst, is due in no small part to Michael Floyd. Floyd is executive producer of the festival and, perhaps more importantly, the leader of Elmhurst Cinema Productions, the club that allows so many students the opportunity to make their own movies.

In addition to showcasing student work, the festival this year includes special screenings of professionally-produced independent movies for students, who after watching the films will be able to talk to the directors and ask them questions about their experiences in creating the films. Also this year, 32 student groups—from elementary age through high school—will receive awards and prizes for their own student productions.

You don't have to be in Hollywood to make movies. As a matter of fact, you don't even have to wait until you graduate from high school. I am proud of our students and our community for holding this festival and displaying once again Fort Wayne's thriving arts community.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. MENENDEZ. Mr. Speaker, because of a commitment to deliver a graduation commencement address in my District, I was unable to be present for all votes on May 21, 2002.

On rollcall no. 174, had I been present, I would have voted Yes. On rollcall no. 175, had I been present, I would have voted Yes. On rollcall no. 176, had I been present, I would have voted Yes. On rollcall no. 177, had I been present, I would have voted Yes. On rollcall no. 178, had I been present, I would have voted Yes. On rollcall no. 179, had I been present, I would have voted Yes. On rollcall no. 180, had I been present, I would have voted Yes. On rollcall no. 181, had I been present, I would have voted Yes. On rollcall no. 182, had I been present, I would have voted Yes.

CONFERENCE REPORT ON H.R. 3448 PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2002

Mr. STUPAK. Mr. Speaker, I rise today to speak out against the procedure used by the majority to consider and pass the Prescription Drug User Fee Act also known as PDUFA.

Yesterday we passed the conference report on bioterrorism almost unanimously.

I voted for it.

However, I did so over my unhappiness with the procedure used to consider PDUFA.

Through PDUFA, the drug industry pays fees to the Food and Drug Administration for timely review of drugs and biological agents.

We have heard a lot about how PDUFA works, but at what cost? What have we sacrificed?

What we have sacrificed under PDUFA is honesty, accuracy, and informative labels. These are the duties and responsibilities that affect every American consumer. Therefore, we must be very careful to make sure that we do not compromise safety or effectiveness that the American public has come to expect.

The FDA reached this agreement in closed-door negotiations with the very industry they are supposed to regulate!

I have many concerns with PDUFA, but I was not able to address them because we in Congress were not allowed to bring these concerns to the floor for a full and open public debate.

We weren't even allowed to have a committee markup on it.

Well, for the record my concerns are as follows.

First of all, the FDA is financially dependent upon an industry it regulates, and because under the new agreement user fees are dramatically increased, dependence will grow dramatically.

Instead of using industry funds, Congress should appropriate enough money to ensure FDA's regulatory authority is completely independent, above reproach, and free of undue pressure from the drug industry.

Second, it is more than clear that the approval of a drug or device based on relatively short-term information does not always give us complete information about a drug.

The number of drugs pulled off the market in the last 4 years is 12.

Now, I agree that 3 were pre-PDUFA but that leaves 9 drugs that raced through an accelerated PDUFA approval process with incomplete information.

This brings me to my third point.

Phase IV studies, also known as post-marketing surveillance, are nightmarishly inadequate and neglected to a shameful extent by both the FDA and the drug manufacturers.

The 1997 reauthorization of PDUFA—called PDUFA 2—ordered a study from FDA that would summarize how well the industry complied over the past 5 years with mandates to do phase IV studies.

The results of this study show the vast majority of drug companies do not do their mandated post-marketing surveillance studies.

Now I understand PDUFA 3 comes a long way towards addressing major concerns with post-marketing surveillance, but without any enforcement, there will be no post-marketing surveillance, as we saw in PDUFA 2.

So I suggest that we put civil monetary penalties pegged to the sales of drugs as one option that we should consider.

Another area of concern is the ability of the drug manufacturers to game the system.

While awaiting requested and required information from a manufacturer, FDA should be able to "stop the clock" on the time constraints PDUFA imposes.

Due to extremely tight decision deadlines in PDUFA, manufacturers know they can delay their response to FDA's requests for information long enough so FDA is forced to make a decision without being able to thoroughly review and doublecheck data.

We had one breast cancer drug, and the FDA got the information one and a half weeks before the PDUFA deadline would run.

My final concern today is that of subpoena power.

The FDA is one of the only health and safety regulatory agencies that does not have subpoena power.

Subpoena power would give FDA the authority it needs to inspect manufacturers' documents.

This is an issue we need to explore, but we couldn't because we weren't allowed to.

And last but not least, safety, adequate labeling, and compliance with federal regulations always seem to fall by the wayside when we rush through PDUFA or whatever it might be.

We did pediatric exclusivity here recently, and we are still waiting for studies.

I recently wrote a letter to Bristol-Myers Squibb in February about a drug called Serzone.

Sixteen other members joined me.

That was a drug that the FDA did a pediatric exclusivity study request in 1994. We are still waiting for the results of that study.

We have young people who have suffered liver damage from this drug, and we can't even get anyone to tell us what the results of that study were, eight years ago. That's ridiculous, and it has to stop.

We want to make sure that drugs are safe, and we want to make sure that we have adequate labeling, and we want to make sure that the FDA has adequate information.

Therefore, Mr. Chairman, from subpoena power to enforcement power, the pediatric labeling under the pediatric exclusivity issue—all these issues we were not allowed to bring up before the House.

I will continue to work to make safety, accuracy, honesty, and labeling is put back in the Food and Drug Administration.

I voted for the bioterrorism conference report because it is too important to not implement.

But what about the terror facing people everyday when they take medications that are not established to be safe?

Mr. Speaker I hope issues as important as this one will be debated fully in the future and not subject to such underhanded tactics in the future.

EXPRESSING OPPOSITION TO THE MEDICARE WAGE ADJUSTMENT PROVISION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in opposition to the Medicare Wage Adjustment Provision. The pure thought of allowing selected hospitals in two states to receive preferential treatment over the hospitals in the other 48 states is simply absurd. Similar to the hospitals in my Colleagues' districts, the 23 hospitals in my district are faced with extreme cuts in funding on the state and federal level and cuts in Medicare and Medicaid reimbursements. By granting the selected hospitals in Pennsylvania and New York a wage adjustment, we are taking more money away from the hospitals in other districts.

We do not need unnecessary funding to this already expensive bill. We do not need to give special treatment to a few hospitals and the members which represent them, who did not seek help or adjustment based on procedure by going to CMS or allowing the policy to be considered or reported by the Ways and Means Committee. Instead, the Members of these hospitals were looking for a political shortcut and are attempting to use this legislation.

Every week, Mr. Speaker, I meet with my hospital constituents to discuss the alarming issues the hospital industry is facing, such as the nursing shortage, the cuts in reimbursements to the hospitals and physicians, the cuts in Medicare Indirect Medical Education Payments and the list sadly continues. This provision will only add to the current feeling of distress among our country's hospitals.

Mr. Speaker, I stand side by side with my Republican Colleagues and my Democrat Colleagues in support of our troops and homeland security. However, this provision is one which I cannot stand behind knowing the amount of damage that will arise. This is not about the War on Terrorism. This is not a fair provision intended to help all Americans.

LIBERTY MEMORIAL WORLD WAR I MONUMENT REDEDICATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to announce that on May 25, 2002 the citizens of Kansas City and dignitaries from around the world will come together for the rededication of the Liberty Memorial, our nation's only recognized World War I Monument. This monument, originally dedicated on November 11, 1926, serves as a lasting beacon to our men and women of the armed services. I am proud that this distinguished historic landmark is located in the district that I represent.

Following the Armistice on November 11, 1918, the citizens of the heartland rallied to build a memorial in honor of the 116,516 Americans who died in the war. The Liberty Memorial Association made up of greater Kansas City's business and political leaders organized a fundraising campaign with the slogan "Lest the Ages Forget." The goal of $2.5 million, $2 million designated to build the monument and museum and $500,000 for Allied charities, was reached in ten days.

On November 1, 1921, more that a hundred thousand people witnessed the site dedication, an event that hosted the five great Allied Commanders of World War I: General John J. Pershing of the United States; Admiral Lord Earl Beatty of Great Britain; General Armando Diaz of Italy; Marshal Ferdinand Foch of France; and Lieutenant General Baron Jacques of Belgium. General Pershing, a native Missourian, noted on the occasion that "The people of Kansas City, Missouri are deeply proud of the beautiful memorial, erected in tribute to 'the patriotism, the gallant achievements, and the heroic sacrifices of their sons and daughters who served in our country's armed forces during the World War. It symbolizes their grateful appreciation of duty well done, an appreciation which I share, because I know so well how richly it is merited." During the parade that followed the ceremony, the American Legion Vice Chairman of Decoration Committee, Honorable Harry S. Truman, presented their country's flags to the Allied Commanders.

Vice President Calvin Coolidge participated as an honored guest during the site dedication and returned as President five years later as honored speaker for the official Liberty Memorial dedication on November 11, 1926, attended by one hundred and fifty thousand people. In his address at the Liberty Memorial dedication, President Calvin Coolidge noted that, "We are attempting to restore the world to a state of better understanding and amity. It is enough for us to know that the side on which we fought was victorious. But we should never forget that we were asserting our rights and maintaining our ideals." His words are especially true today as we rededicate our efforts to fight for our ideals of peace and liberty against those who threaten us through acts of global terrorism.

Forty years later, Kansas City Mayor H. Roe Bartle proclaimed that a rededication of the Liberty Memorial would take place the week of November 10, 1961 to promote international understanding. Mayor Bartle gave purpose to the rededication with the following statement, "This monument encompasses all the individual efforts of the people of the world to live in friendship and fraternity so that all can assist one another in eliminating hunger, poverty, disease and illiteracy so that the world can set aside the hatred, fears, prejudices, and inequities that exist." The ceremonies featured former Presidents Dwight D. Eisenhower and Harry S. Truman along with 57 foreign representatives to emphasize international relations and the establishment of People to People headquarters in Kansas City. On Veterans Day, November 11, 1961, President Truman said, "Those who fought in the war thought it was the war to end all wars. It would have been if we had done our duty as a nation. Our failure to participate in the League of Nations was a factor in World War II . . . I was here in 1921, at the original dedication. It is a wonderful thing when people take on themselves a job that ought to be done . . . I hope this day will be a preliminary to continuing world peace." Today we continue to strive for world peace as we continue the job of what ought to be done.

In 1994 the deterioration of the Liberty Memorial had reached a critical stage and had to be closed. Once again the citizens, corporations and government responded. The State of Missouri appropriated the amount of $15,000,000. The United States Congress approved my request for $5,000,000. Foundations, corporations, private citizens and a Kansas City sales tax have resulted in an additional $55,000,000. The culmination of the restoration project will be at the rededication ceremony this Saturday on May 25, 2002, when the Liberty Memorial will once again be opened to the public. The Liberty Memorial has renewed life from the work of artisan craftsmen, priceless oil paintings restored, bronze light fixtures refurbished, sky light in place, and the monument made structurally sound. This Saturday; May 25, 2002 the flame will once again grace the skyline of Kansas City. Allied leaders, diplomats, international dignitaries and Ambassadors from Italy, France, Belgium and the United Kingdom have been invited to participate in the rededication of this very special monument, which represents the appreciation of those who gave their lives to preserve our freedom, "Less the Ages Forget."

On the base of the Liberty Memorial is an inscription which reads, "In Honor of Those Who Served in the World War in Defense of Liberty and Our Country." The top of the Memorial has four Guardian Spirits: Honor, Sacrifice, Patriotism and Courage. This Memorial Day weekend our prayers should include the brave men and women who serve in defense of Liberty and our Country with honor, sacrifice, patriotism and courage.

Mr. Speaker, please join me in commemorating one of our Nation's most cherished reminder of liberty and freedom, the restored World War I Liberty Memorial in Kansas City Missouri.

HONORING ASIAN-PACIFIC AMERICAN HERITAGE MONTH

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Ms. SCHAKOWSKY. Mr. Speaker, it is my honor and privilege to stand before my colleagues and celebrate Asian-Pacific American Heritage Month. Asian and Pacific Americans have been a part of this country for over 200 years, with one of the first Asian American communities, the Filipino community, being established in the Louisiana Bayou in 1763. Asian and Pacific Americans have quickly established themselves as a strong and thriving community in this country, positively contributing to its industrial, educational and social successes. I am also proud to see the growing number of Asian and Pacific Islander Americans involved in the American political system at the local, state and national levels.

As this community continues to grow, it is important for all of us to continue to learn from each other. In the 9th Congressional District, I am very fortunate to represent a vibrant, productive, and diverse Asian-Pacific American community that totals over 70,000 people. The community is diverse, ranging from Chinese to Indian to Korean to Filipino to Samoan. Each subset of the Asian-Pacific American community has brought a rich culture and strong work ethic to my district. From restaurants to service stations to software companies, the Asian-Pacific American community has provided the services needed to keep the 9th Congressional district an enjoyable, safe and culturally rich place to live.

We recognize and cherish the contributions of the Asian-Pacific American community to our country. The Asian-Pacific American community has come so far in such a short period of time, and I am confident that it will only continue to grow and thrive while maintaining its many cultures and values.

ON WELFARE REFORM AND TANF REAUTHORIZATION LEGISLATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Mr. UDALL of Colorado. Mr. Speaker, I cannot vote for this bill.

In 1996, Congress passed a largely successful welfare reform bill that gave states much more flexibility to manage their own welfare assistance programs as they saw fit. This approach has significantly reduced the number of people who need welfare and put many impoverished people into jobs that have brought their standard of living above the poverty level.

Still, there is more that needs to be done. The 1996 law has helped move people from welfare to work. But it has not had similar success in helping people escape poverty—and there is no reason anyone should live in poverty in the most prosperous country in the world.

And some important things have changed since 1996—right now, our economy is struggling to recover, many businesses have had to lay people off, and other firms even have had to shut down.

So, as we consider whether to renew or revise the 1996 law, we have both important opportunities and serious challenges. But this Republican Welfare reform bill does not rise to the occasion.

Their bill would penalize—not assist—people who are trying to escape poverty. Their bill takes away the flexibility states have had to develop their own programs. It discriminates against legal immigrants. It doesn't provide enough funding for childcare. It doubles the number of work hours required for mothers with children under the age of six and provides a new "superwaiver" authority to the President to waiver almost any Federal requirement in food stamps and housing.

In short, its most important effect would be to make things worse, not better for millions of people—something I cannot support.

And that's not all—the Republican bill would make it harder for the States as well. It has been estimated that this bill dictates up to $11 billion in unfunded mandates. In fact, I have seen estimates that my own state of Colorado might have to pony up an extra $84 million to pay for Federal mandates.

I very much regret that the Republican leadership has insisted on depriving the House of the opportunity to pass a better bill. The substitute offered by the gentleman from Maryland, Mr. Cardin, contained many provisions focused on moving welfare recipients into real, wage-paying jobs. It would have provided the states with the discretion to determine the best mix of activities needed to move recipients toward selfsufficiency. It would have restored the option of states to provide assistance to legal immigrant families with Federal Temporary Aid to Needy Families (TANF) funds and eliminated the current ban on providing Medicaid to legal immigrant pregnant women and children. It would have provided an additional $11 billion for mandatory child care funding over the next five years and would have increased access to education and training for welfare recipients.

And, that substitute did not include the new "superwaiver" authority that the Republican bill gives to the President—a nearly unbounded authority that I think is excessive.

Mr. Speaker, I had hoped it would be possible for me to support balanced, bipartisan legislation to build on and broaden the success of the 1996 welfare reform law. In particular, I had hoped that the House would have the Opportunity to shape a new law that would do more than just get people off welfare roles, but instead would make it more likely that we could achieve the goal of ending poverty. Unfortunately, this bill does not come near to that, and I cannot support it.

CITIZEN SERVICE ACT OF 2002

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Mr. HOEKSTRA. Mr. Speaker, today I am introducing the Citizen Service Act of 2002 to reauthorize programs under the Corporation for National and Community Service. I would like to thank the Ranking Member of the Subcommittee on Select Education, Mr. ROEMER, for working with me to put together a bipartisan bill to reauthorize and reform the national service laws.

On April 9, 2002, President Bush unveiled his "Principles and Reforms for a Citizen Service Act" to guide the reauthorization of the Corporation for National and Community Service and its programs, which include AmeriCorps, Senior Corps, and Learn and Serve America. Since then, the Subcommittee on Select Education has worked in a bipartisan manner with the Administration to craft legislation to reform and enhance national service.

The major federally funded community service and volunteer programs in this country are authorized under two statutes: the National and Community Service Act and the Domestic Volunteer Service Act. The bill I am introducing today provides reforms and improvements to these national service laws. The improvements in the Citizen Service Act of 2002 will allow organizations and volunteers assisted under these acts to maximize their efforts and will greatly benefit those assisted through volunteer efforts.

The Citizen Service Act of 2002 focuses on four major objectives for reauthorization. This legislation will: (1) support and encourage greater engagement of citizens in volunteering; (2) make federal funds more responsive to State and local needs; (3) make federal support more accountable and effective; and (4) provide greater assistance to community-based organizations (which include religious organizations). This legislation also addresses several specific issues that will help to improve national service provisions found in current law.

Prohibition on Grants to Federal Agencies—Prohibits the Corporation from making grants to Federal agencies.

Literacy Programs—Requires literacy programs to be based on scientifically based reading research and ensures that programs provide instruction based on the essential components of reading instruction as defined in P.L. 107–110, the No Child Left Behind Act.

Funding Allocations—Allocates funding for AmeriCorps programs as follows: up to 20 percent of funds for national direct competitive grants; and at least 35 percent of funds for State competitive grants; and 45 percent of funds for States by formula based on population.

Pilot Authority—Authorizes the CEO of the Corporation to reserve funds to support pilot programs, such as member-based national service positions that allow participants to select community service activities.

Referrals for Federal Assistance—Prohibits funding for programs under the national service laws that only refer individuals to Federal and State assistance programs.

Sex Education Programs—Prohibits funding for sex education programs under the national service laws that do not meet the general prohibitions of P.L. 107–110, the No Child Left Behind Act.

Parental Consent—Requires consultation with the parents of children when developing and operating programs that include and serve children and requires the provision of the reason for, and permission of, parents before transporting minor children (consistent with State law).

Accountability Measures—Requires the Corporation to work with grantees to establish performance measures; requires grantees to design corrective plans if they fail to meet performance measures; and provides authority for the Corporation to reduce or terminate grants if corrections are not made.

Limitation on Program Costs—Caps Federal costs for programs under the national service laws at $16,000. Permits the CEO of the Corporation to issue a waiver to assist grantees in meeting compelling needs (up to $18,000 for costs related to such things as the participation of individuals with disabilities and initial start-up costs for religious organizations and up to $20,000 for residential programs). Requires the CEO of the Corporation to report to Congress annually on all waivers granted.

Senior Scholarships—Authorizes a senior scholarship to support tutoring, mentoring, and other service by seniors, who may receive or transfer a $1,000 scholarship.

Senior Corps Income Eligibility—Provides that a stipend may be made available to a Senior Corps participant with an income that is 200 percent of poverty (under current law it is 125 percent of poverty) and allows the Director to use up to 15 percent of funds for participants with incomes above 200 percent of poverty as long as the program, following innovative efforts to recruit, is not able to effectively recruit and place low-income participants.

The spirit of community service in our country is stronger than ever because of the tragedy our Nation has endured. Since so many Americans are looking for a sense of community and looking for ways to contribute constructively to their communities, we must take this opportunity to reform our Nation's service laws. The principles outlined by President Bush and included in the Citizen Service Act of 2002 seek to build on this spirit and will help to sustain it in the future. I urge my colleagues to join me and the other original cosponsors in support of the Citizen Service Act of 2002.

HONORING BUD DAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Mr. JEFF MILLER of Florida. Mr. Speaker, today I would like to honor a man who, on many occasions, has been honored before by this great body. Today, however, after meeting this great man, after hearing so many times his heroic story, it is my privilege, as his Congressman, to present my constituent Colonel George Everett "Bud" Day.

Colonel Day, a prominent attorney in Northwest Florida, a family man, the most decorated military person since General Douglas MacArthur and a Medal of Honor winner will receive another distinction few people ever realize—Sioux City, Iowa, the birthplace of Colonel Day, will become the Sioux Gateway Airport/ Col. Bud Day Field, a fitting tribute to this aviator's 137 flight missions in both Korea and Vietnam.

Mr. Speaker, the events leading to Colonel Day's Medal of Honor award are inspiring. I would like to resubmit, for the purposes of accurately portraying Col. Day's actions, a segment of the 1993 report of the Select Committee on POW/MIA's.

THE REPORT OF THE SELECT COMMITTEE ON POW/MIA'S

(Senate—Feb. 3, 1993)

Col. George Day (U.S. Air Force): Col. George "Bud" Day was shot down over North Vietnam in August 1967. His right arm was broken in three places and his knee badly sprained. He was captured by hostile forces and immediately taken to a prison camp where he was interrogated and severely tortured. After causing the guards to relax their vigilance, Colonel Day escaped into the jungle and began the trek toward South Vietnam. He was the only POW to escape from prison in the north.

Despite injuries inflicted by fragments of a bomb or rocket, he continued southward surviving only on a few berries and uncooked frogs. He successfully evaded enemy patrols and reached the Ben Hai River, where he encountered U.S. artillery barrages. With the aid of a bamboo log float, Colonel Day swam across the river and entered the demilitarized zone. Due to delirium, he lost his sense of direction and wandered aimlessly for several days. After several unsuccessful attempts to signal U.S. aircraft, he was ambushed and recaptured by the Vietcong, sustaining gunshot wounds to the left hand and thigh.

He was returned to the "zoo," the prison from which he had escaped and later was moved to Hanoi after giving his captors false information in response to their questions. Physically, Col. Day was totally debilitated and unable to perform even the simplest task for himself. Despite his many injuries, he continued to resist. Furthermore, 37 months of his 5½ year imprisonment were spent in solitary confinement. Upon his release in 1973, Colonel Day was awarded the Congressional Medal of Honor for his heroic efforts.

Mr. Speaker, it is an absolute honor and privilege to represent Col. Bud Day. I commend the citizens of Sioux City in providing Col. Day this fitting tribute to their favorite son.

TRIBUTE TO INTERNATIONAL ASSOCIATION OF LIONS CLUBS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to the International

Association of Lions Clubs who will observe May 30th as Lions Youth Appreciation Day. Since 1917, Lions have served the world's population through hard work and commitment making a difference in the lives of people everywhere. With 1.4 million members serving in more than 44,600 clubs in 188 countries and geographical areas, Lions are recognized worldwide for their service to the blind and visually impaired. More than 139,000 of these members are young people between the ages of 12 and 28, and I congratulate these youth for their commitment to others.

Lions Club International was founded in Chicago, Illinois in 1917 and is the world's largest service club organization. Since that time, their Code of Ethics has guided the members in their quests to create and foster a spirit of understanding among the peoples of the world, promoting a world of compassion and tolerance. The Lions' International slogan is "Liberty, Intelligence, Our Nation's Safety (LIONS)." With over 15 Lions clubs in my district, the Youth Lions aim to provide young people of the world with opportunities for achievement, learning, and service, individually and collectively, through sponsorship of activities identified as best practices in the field of youth development. Evolving from the founding Lions' steadfast dedication to the blind and visually impaired, the Youth Lions have devoted their energy to a wide variety of philanthropic causes.

The Lions Club of Jackson, Platte, Clay and Cass Counties in Missouri are sponsoring a Youth Appreciation Night on May 30th, with special guest, Lions International President J. Frank Moore. His leadership theme, "Light the Path" focuses on implementation of several youth programs. Among the programs that have been particularly successful include: Leos and the Lions International Peace Poster Contest. Leos are young men and women of good character, ages 12 to 28, who are dedicated to making a difference in their communities. The peace poster contest was created in 1988 to give young people an opportunity to express their feelings and desire for peace. Since then, more than two million children from approximately 65 countries have participated in the annual contest.

The activities the youth Lions have taken part in deserve to be recognized. Cutting across all national, racial and cultural boundaries, Youth Lions activities have included work with the visually impaired, programs including drug education and prevention, diabetes detection and research, and work for international cooperation and understanding.

Mr. Speaker, I ask you to join me in saying "Congratulations and Thank you" to the International Association of Lions Clubs on Lions Youth Appreciation Day. May 30th is the perfect time to commemorate this wonderful organization for its commitment and dedication to making the community and world a better place through activism and service.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Ms. BALDWIN. Mr. Chairman, I rise to oppose the appalling strategy the Majority Party is using to raise our nation's debt limit and raid the Social Security Trust Fund. Our nation's families must make hard decisions to balance their budgets. We, in Congress, must do the same.

It is shameful that the Republican Majority seeks to raise our nation's debt limit by ¾ of a trillion dollars by sneaking it through without a debate and without a vote. Especially when the bill before us addresses critical emergency needs.

Some may ask how the average American is affected by this Republican trick. They may ask why we as Democrats are fighting against this so hard and with such passion. It is because, by raising the debt limit, the Republicans are clearing the way to dip into the Social Security Trust Fund.

I've been listening carefully as my Democratic colleagues have spoken about the impact of this shameful move on our nation's senior citizens and the baby boom generation as its members approach their retirement years. I want to address the way in which this affects our nation's younger adults and our nation's children.

Many of our nation's younger adults are in what has been called the "sandwich" generation . . . balancing the care of their parents (or grandparents) with a new career or a new family of their own. Until she passed away last year at age 94, I was the primary caregiver for my grandmother. I helped her in a variety of ways and one was helping her with her budget, paying her bills and balancing her checkbook. I know how much of a difference her Social Security income made for her. But the independence that Social Security helped my grandmother maintain, didn't only help her, it helped me too.

Protecting Social Security is a commitment we made to our seniors, but it is also commitment we made to families. Who among us would turn our backs on our parents or grandparents? It is just as important to young people that we have Social Security and Medicare as it is to our seniors because it keeps our families and communities strong!

We talk so much about protecting Social Security in the near-term. But what about the youngest generation?

I have two young cousins, Jennifer and David. Jennifer is five years old and David is three. Jennifer will retire in the year 2062 and David will retire in 2064. What will the world look like then? None of us know. But I do know that in Congress, I want to leave a legacy for Jennifer and David, and all the boys and girls of their generation. In addition to wanting Jennifer and David to have the best education, great health care, and a good job, I want them to have a secure retirement that includes Social Security.

The back-handed actions the Majority takes today to raise the debt limit hurts this nation's young children and young adults in yet another way. You've heard the Majority throw around the phrase "tax and spend," often aiming their words at the Minority. Well what we are seeing today is "borrow and spend." Borrow from Social Security and Medicare so you can give big tax breaks to American millionaires and wealthy corporations and don't sweat it . . . because when you borrow, you can leave it to the next generation to pay. It is not fair to young Americans that they will have to suffer and struggle with the consequences of today's actions.

I believe that together we can achieve the goal of preserving the integrity of Social Security for future generations. But we cannot do it together if the Republican Party insists on using surreptitious ways to increase the debt limit by $750 billion without any public debate and without even a straight-forward vote.

We need to work out a bipartisan plan to protect Social Security and responsibly address the debt limit. We need to keep our commitment to all hard-working families to safeguard Social Security. We owe it to our grandparents to protect Social Security. We owe it to our parents to be fiscally responsible. We owe it to our own generation to keep within our means. And we owe it to our children to fulfill the legacy of a secure retirement. If we accept this language on our country's debt limit today without a fair debate and vote, we will owe more than money to future generations—we will owe them an apology for having broken their trust and broken our promises.

I yield back.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. CRANE. Mr. Chairman, time and time again I have heard my colleagues on the minority side assure us of their patriotism. Let me begin by saying that neither I, nor any of my colleagues on the majority side, have called anyone's patriotism into question.

Are Democrats really opposed to raising the debt limit? I submit the answer to that is "of course not." In fact, it was raised a number of times during the 40 years of Democrat leadership in this House. I am quite sure that all, or nearly all of the Members in this body realize we have to raise the debt limit and we have to raise it now. And yet we're told that to do so would be fiscally irresponsible.

Now, during a time in which we face the after effects of an economic slowdown; during a time in which we must spend many billions of dollars fighting a war in Afghanistan, securing our homeland, and rebuilding Manhattan; and during a time in which it is clear to everybody that the debt limit must be raised, our friends cry foul. Fiscally irresponsible, they say.

Never mind that the Republican-controlled Congress spent down the public debt by some $450 billion between Fiscal Year 1997 and Fiscal Year 2001. Never mind that the need to raise the debt limit is mostly attributable to growth, as designed and desired, in debt held by government accounts. Never mind that over the 40 years of Democrat majority we had to raise the debt limit multiple times because the government needed to finance deficits due to out-of-control spending. And never mind that the crisis resulting from the events of 11 September has undoubtedly pushed us right up against the $5.95 trillion debt ceiling allowed under current law. Never mind any of that. We're fiscally irresponsible.

We do seek to increase the debt limit. We do so against a backdrop whereby we have one, a history of fiscal discipline where the minority does not, and two a responsible wartime budget resolution where the minority does not; and three, a plan to save Social Security where the minority has none.

I bring up Social Security for a reason, Mr. Chairman. I am saddened that the minority has spent today in the same manner as they usually choose to spend every other October: scaring our senior citizens. They imply that a vote for this legislation, which devotes nearly $16 billion to the Department of Defense, $5.8 billion to homeland security, and $5.5 billion to assist New York, somehow puts the solvency of the social security trust fund in jeopardy. That is, of course, preposterous.

It is easy for the minority to sit back and cry foul, but I would ask all of my colleagues the following questions: has the minority done anything but attempt to obstruct? Have they come to the table over the last months with any serious budget ideas? The answer to these questions, regrettably, is "no."

That, Mr. Chairman, is unfortunate, because I have worked so often in the past with my Democrat colleagues, who usually have so much to offer in the way of constructive ideas.

If my Democrat colleagues are going to obstruct proceedings because they say raising the debt limit is fiscally irresponsible, well, I will let that excuse speak for itself. The American people know better than that. They know that during this time in our nation's history, a little flexibility is needed. And they know that we will continue passing responsible budgets. In the future, I truly hope we will do so with the support of my Democrat friends.

PROTECTING THE RIGHTS OF THE WOMEN AND GIRLS OF AFGHANISTAN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Ms. SCHAKOWSKY. Mr. Speaker, as our operations continue and we begin to help rebuild Afghanistan, it is important to stress the needs and rights of women and young girls in that nation. Women and young girls in Afghanistan have been suffering incredible abuses ever since the extremist Taliban regime seized control of the country. Although the Taliban have now been removed from control in Afghanistan, it is deeply disturbing to me that women and girls continue to be abducted, raped, and abused within the country. The denial of employment and education rights for most women and girls is equally troubling and we must improve these conditions if equality is to exist between men and women in Afghanistan.

H.R. 3994, the Afghanistan Freedom Support Act, provides the kind of assistance and aid that Afghanistan needs to develop into an economically stable and democratic nation. Equally important is the fact that it seeks to reestablish the participation of women and girls in government, education, and the workplace, as well as provides support for the Ministry of Women's Affairs. This is a very important step in ensuring that the women and young girls of Afghanistan are full, active participants in the building of a new Afghani government. A true democratic government represents all the people of its nation, regardless of race, religion, or gender. The Taliban treated women and girls like second class citizens who were forced to live their lives through the oppressive ideals of others, and this must never happen again.

The persecution of women and girls in Afghanistan must come to an end. Afghanistan will improve its conditions quickly by allowing women and girls to receive an education, to be granted opportunities to gain employment, and to play a role in the governing process of the nation.

Mr. Speaker, I urge my colleagues to support of H.R. 3994, not only to help rebuild a nation but also to help protect the rights of women and girls of Afghanistan because it is time for their suffering to stop.

IN RECOGNITION OF JOANN DITMER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Joanne Ditmer on being awarded the prestigious Dana Crawford Award for Excellence in Historic Preservation. The award is named after Dana Crawford who has been a pioneer in historic preservation since the 1960s. I join all Coloradans today in thanking Ms. Ditmer for her many invaluable contributions to historic preservation in our state.

Joanne Ditmer is a salient example of the power of the written word. Since her colunm, "Raising the Roof" began appearing in The Denver Post in 1962, Joanne Ditmer has used that forum to highlight the importance of preserving Colorado's history for future generations. Without question, she has been an integral part in raising awareness about conservation and preservation-related causes. For over 40 years, the general public and elected officials alike have turned to Ms. Ditmer's column as a gauge for Colorado's conservation climate.

She is a respected columnist and a tireless advocate for preserving our unique Colorado history. Mr. Speaker, I ask my colleagues to join me in congratulating Ms. Ditmer on receiving the Dana Crawford Award for Excellence in Historic Preservation. Her accomplishments in preserving Colorado heritage are invaluable, and I wish her good health and happiness in the future. Provided here is an example of her passion and prose on preservation, from the Denver Post.

BRINGING LIFE TO OLD STRUCTURES

(By Joanne Ditmer)

Sunday, May 19, 2002.—Historic preservation was born in the Battle of the Bulldozer. The wrecking ball was a demolition derby against buildings of Colorado's past, as horrified citizens struggled to keep the historic structures that define a community's soul and spirit.

Three decades later, it's Brains over Brawn. Savvy people craft increasingly ingenious new ways to save and give new life to distinctive old buildings.

These memories particularly surface in May, National Historic Preservation Month. In Denver and other communities, the sense of place and unique character is shown in historic structures.

The impact of preservation goes far beyond saving old buildings. It's the immediacy and liveliness of the efforts. In Colorado, the Historic Gaming Fund, with money from proceeds in the three gambling towns, is inspiring imaginative solutions.

And Colorado Preservation Inc.'s annual list of Endangered Places brings new attention to significant structures that are endangered.

Among the continuing efforts:

When Historic Denver undertook saving the Paramount Theatre in 1978 and formed a separate foundation to continue the work, it saved the last of Denver's opulent downtown movie palaces.

Years later, when a bank called a loan, HD couldn't immediately repay. Ownership went to a private individual and another non-profit foundation was formed. Now there are two petitions on the street: One would prohibit any new theater of more than 5,000 seats—presumably aimed at the tent theater by the Pepsi Center—and another, possibly retaliatory petition demanding that the Paramount owner put in $600,000 of improvements. A pox on both.

Handsome church buildings are the most memorable landmarks of a neighborhood, but when older areas change and church members move to the suburbs, the support dries up.

Faith Action was formed by Historic Denver and others to help find funds and uses for 30 of the most threatened churches, the majority of them more than 100 years old. Look down the 16th Street Mall toward Highlands, and you'll see the beautiful 1890 Asbury

Church. A new congregation numbers only a couple dozen, and can't afford upkeep. Some practical help came from Ron Judish, who moved his contemporary art gallery to the lower floor.

The Masons have given Denver some marvelous buildings, but these, too, face problems. The wonderful El Jebel at 1770 Sherman St., with its absolutely amazing interior spaces, has been endangered in recent years. Current hopes lie with the new owners, who are working to support the building through special events—parties, weddings, etc.—and through a high-rise condominium building to be constructed next door on the parking lot.

Preservation efforts of schools are among the most optimistic. Historic Denver and Denver Public Schools formed a partnership program, with a community committee finding 56 school buildings eligible for landmark designation.

The City Council has designated 23 schools so far. In each school, students in second to 12th grades do the research on the history and architecture, and present the nomination. Some 500 kids have been involved, making scrapbooks, videos and school models. That's certainly bringing new life to old buildings.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. SMITH of New Jersey. Mr. Chairman, as Chairman of the House Veterans' Affairs Committee, I rise to commend the Appropriations Committee, Chairman BILL YOUNG, and particularly Subcommittee Chairman JIM WALSH, for including $417 million in urgently needed funding for veterans medical care.

As most of my colleagues know from listening to their constituents, the demand for VA health care services has risen significantly in the past several years. The Department of Veterans Affairs has had to make mid-year changes to their projections of VA health care usage because of the dramatic increase in veterans seeking to enroll. In fact, the VA's latest budget submission projects that almost 700,000 more veterans will receive VA care in 2003 than they had projected just one year ago.

The dramatic upsurge in demand facing the VA is real and substantial. With hundreds of new VA community outpatient clinics opened in recent years, veterans are now finding that VA health care is available much closer to home.

Prescription drug costs have risen dramatically in the past several years, while seniors' incomes levels have remained level. This has created a great demand for VA-provided prescription drugs.

Mr. Chairman, the response to increased demand for VA health care services should not be to curtail services or limit access for veterans in any way, but rather to provide sufficient resources to pay for veterans' health care. America has a special obligation to care for former soldiers, sailors, airmen and marines who risked their lives to protect our freedoms and this legislation is another step towards meeting that sacred obligation.

The inclusion of $417 million for VA medical care is a responsible and absolutely necessary action that this Congress must take. Again, I want to commend Chairman YOUNG, and Subcommittee Chairman WALSH, for once again demonstrating their commitment to America's veterans.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. OWENS. Mr. Chairman, all members of Congress were ready to debate and pass a supplemental budget in support of the war effort, and for other emergencies. We have been shocked by the addition of a section which raises the national debt ceiling by 750 billion dollars. This giant expenditure without debate is designed to protect the massive Republican tax cut for the rich. This legislation represents a gross abuse of power.

Mr. Chairman, this gross abuse of power must be challenged. The Republican juggernaut is out of control and they must be exposed in the eyes of the American people. Through an undemocratic, autocratic process under the camouflage of parliamentary tricks, the Republicans are staging an economic coup using a tax cut to permanently place the rewards of our economy in the hands of the corporate elite. The supplemental budget process is being abused to protect and enshrine the tax cut for the rich. It is a clear statement that the Republicans claim the nation's resources for the benefit of the rich alone.

Republicans are declaring, that the constitutional infrastructure established by the founding fathers and nurtured by succeeding generations belongs only to the rich elite. The Republicans are seizing for themselves alone all of the wealth that flows from American scientific and technological achievement; from military research and testing; from grants for domestic research. All the wounds and battlefield deaths of American heroes in all the wars are now deemed to be for the sake of only the rich. A massive tax cut for the rich accomplishes the clear purpose of leaving the treasury emptied of all funds that might be used for the benefit of the poorer ninety percent of the population. The Republican action makes more than 200 years of struggle for a more perfect union only for the comfort of the rich. By their actions related to the supplemental budget the Republicans confiscate America the Beautiful as America for the rich and powerful. Will these same rich and powerful recipients of the tax cut volunteer for the front lines if the war against terrorism is prolonged and a draft becomes necessary? Will those who have the most to lose step forward or will the draft again be a vehicle which forces the sons of working families to die to preserve the comforts of the rich? The public must be fully made to understand the cynical, selfish, cold blooded posture of Republican policy. Republicans never voted for social security, medicare or medicaid. Republicans refuse to raise the minimum wage. Currently, as well as in the past, Republicans do not hide their plot to strip the Federal government of programs that benefit working families and the unfortunate poor. More than a decade ago David Stockman wrote a book outlining the plot that Ronald Reagan could not quite complete. With this stealth effort to raise the debt ceiling without debate, the scheme to kidnap the Treasury is given new life. Despite the extra expenditures for the war against terrorism, there would be no necessity to increase the debt ceiling by 750 billion dollars if the Republican tax cut for the rich had not been rammed through in the first year of this session of Congress. Every Democrat has a duty to sound the trumpet and spread the word that an economic takeover, a fiscal coup is underway that will rob our Nation and make it impossible to provide a prescription drug, benefit; increased funds for education and school construction; and adequate day care and children's programs. Every voter must understand that this defiant Democratic initiated debate on the eve of Memorial Day is a landmark battle for the people against the selfish few.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. MEEKS of New York. Mr. Chairman, I come to the floor tonight to voice my utter disgust for what we as Members of Congress, representatives of our great nation, have to do here tonight. We as representatives of our constituencies must voice that we will not stand by idly and let a few destroy everything America's workers have diligently worked for all their lives. Though we may not win this battle, which is rumored not to end until early in the morning, know that we, those who truly represent working Americans, will not stop fighting this legislative battle.

Over the last 15 months, we have experienced the worst fiscal reversal in our nation's history—with $5 trillion in projected surpluses over the next 10 years having disappeared. Last year, it was projected that publicly-held national debt would be completely paid off by 2008. And yet now, due largely to the economic plans put in place last year by the Bush Administration and Congressional Republicans, the publicly-held national debt is going up and not down. As a result, the country is now hitting the current statutory debt limit of $5.95 trillion.

But some of us, those who continue to fight for American workers, children, and seniors saw this coming. In face of a deteriorating economic picture, Democrats pleaded for Republicans to join us at an economic summit so we could put our country back on the path to long-term economic growth and opportunity. Instead of working towards this goal, our attempts were dismissed and now we have experienced a dramatic reversal of continued prosperity, a dramatic reversal of a growing hope to increase education spending, a dramatic reversal of saving seniors from loosing the money they put into social security, and a dramatic reversal of a decreased percentage of unemployed workers to a steadily increasing number of unemployed workers facing more hardships by the dozen.

Today, I stand here fighting a battle with my colleagues. A battle that calls for us to think twice about what we as a governing body will do if this legislation is passed. If the debt ceiling is raised we can no longer envision our plan to leave no child behind. We can no longer envision our plan to continuously provide social security to all of our seniors. We can no longer envision our plan to level off the current unemployment rates. The bottom line is that so much of what America stands for and yearns to become can be washed away with final passage of this supplemental appropriations bill that provides much more than what we can afford. We thought the tax cuts passed by the majority would slowly chip away at the American dream of so many, but we were in for such a surprise. Yes, there was much more in store. What was in store was this supplemental. Think about it. Think about the chipping away of our nation's future. Think about denying Americans what they deserve and have worked for all their lives. Think hard. Think if you want to take the blame for what will surely come. Once every Member in this governing body truly does this, each will know that we should not, cannot, and must not pass this legislation.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. NADLER. Mr. Chairman, I rise today to thank the President, the Speaker, Chairman YOUNG, Ranking Member OBEY and every Member of this House for fulfilling the commitment that was made to New York in the wake of 9/11. While there are many controversial issues in this supplemental, the funding for New York is not one of them. This bill fulfills President Bush's commitment to spend a minimum of $20 billion in New York to help my City recover from the devastating attack of September 11th , and for that I say thank you.

This disaster is like no other in our nations history. An urban area has been devastated due to an act of terrorism. Many federal agencies have stepped in to help New York recover including FEMA, HUD, Department of Health and Human Services, and the Department of Justice. And while we appreciate all they have done, I must ask the Members of this House to continue to stand with New York to ensure that the EPA does a proper environmental clean-up of indoor air and that FEMA continues to exercise maximum flexibility to help the individuals, families and institutions that continue to suffer as a result of 9/11. I must ask this House to be patient if the New York delegation needs to return in the coming months and years to ask that the money in this bill is reprogrammed or redirected to ensure it has a positive impact on New York. I must ask this House to understand that we are grateful for your support, for your generosity, and for your compassion, but please help us finish the job in a proper, efficient, and as cost-effective manner as possible.

Again, thank you to every Member of this House—New Yorkers look forward to your continued support.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. PASTOR. Mr. Chairman, it is with great reluctance that I am voting in favor of this bill.

This supplemental left the Appropriations Committee with strong bi-partisan support after careful consideration and compromise by Members on both sides of the aisle. Then, the leadership presented us with a rule that adds four self-executing provisions which had not been subject to any debate by the Committee. All four of these additions are unrelated to the purpose of this supplemental, which was to meet immediate and critical funding shortfalls, most prominently those related to our military operations in support of the war on terrorism.

Of the four unrelated new provisions, the most troublesome is language which in essence allows increases to the government's debt ceiling without formal consideration by all Members of the Congress. This approach to our nation's fiscal crisis, which will soon be putting us in deficit spending, is unconscionable and irresponsible. Perhaps most disturbing is that the language being introduced is so open-ended, it could be construed as meaning that we will no longer have the opportunity to review debt ceiling changes in the future.

On the other hand, any further delay on passing the crucial funding provisions threatens the well-being of our courageous military forces who are currently dedicating themselves to our national defense in harsh and dangerous environments outside our borders. In addition, the measure provides much needed funding to crucial activities including: homeland security, Pell Grants, September 11th investigations, first responder health precautions, highway funding, the WIC program, and veterans' medical needs. Rather than hold these needs hostage to a partisan effort by the leadership to avoid putting itself on record over raising the debt ceiling, I am voting for this bill with the understanding that this is simply the first step in getting a bill approved and I remain hopeful this entire issue will be stripped from the legislation as it makes it way through the final process.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. SHAYS. Mr. Chairman, I rise in support of Supplemental Appropriations Act. Congresswoman ROSA DELAURO and I would have offered an amendment to reclassify the hospitals in Connecticut's Fairfield and New Haven Counties into the New York City Metropolitan Statistical Area (MSA). Unfortunately, we were not able to offer this amendment, but I hope in the future we will be able to address this issue.

Fairfield County borders the New York state line and is only 30 miles from Manhattan. There are six hospitals in the county, four of which have been periodically reclassified on a temporary basis into the New York MSA.

Despite paying wages which are only 10 percent less than the wages paid by hospitals in the New York MSA, Fairfield County's wage index is 17 percent less than the New York MSA. The Fairfield County hospitals need to be on a level playing field with the New York hospitals to be able to attract and retain highlyskilled clinical staff.

Fairfield County is widely recognized as being part of the New York Metropolitan Area geographically, economically and socially. In fact, the Census Bureau counts Fairfield County in the same Consolidated Metropolitan Statistical Area (CMSA) as New York City. This determination is based on population figures, commuting patterns, employment data, and the overall economic and social integration of the surrounding areas with the City. In fact, fully 11 percent of Stamford Hospital's labor pool resides in New York.

In addition, the Federal Reserve Bank, the Department of Labor, and the Bureau of Transportation Statistics all include Fairfield County with New York City for statistical purposes. A letter from Rae Rosen of the Federal Reserve Bank of New York states, "A significant portion of Fairfield County commutes to New York City where a significant portion of the county's income is earned."

The National Association of Realtors groups Fairfield County housing prices with other New York metropolitan area housing prices because the markets are similar in many ways and provide the housing for the greater New York metropolitan area labor market.

Mr. Chairman, by not reclassifying these hospitals, they are being penalized for efficiency. They have gone to great lengths to control costs, especially personnel costs by revamping their labor skill mix. However, rather than be rewarded for these cost-containment measures, Stamford, Norwalk and Bridgeport are penalized by the Medicare reclassification thresholds.

The six hospitals in Fairfield County are the type of hospital that Congress intended to help when it created the geographic reclassification process.

Mr. Chairman, I support this legislation and I would urge my colleagues to vote in favor of it.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I rise to strike the requisite number of words.

Support from Congress and the President has been essential in recent months in working to secure New York's recovery after 9/11.

The significant funds committed from Congress and the President are deeply appreciated by those in New York who were so personally affected by catastrophic terrorism.

But simply appropriating aid has proven far different than actually delivering these funds in a timely manner to the people who really need help in New York.

Sadly, Mr. Chairman, the agency charged with the disbursement of these funds FEMA—has on several occasions refused to help or stalled in helping specific people and institutions in New York, from the public school system, to utilities and private universities, to the thousands of individuals in lower-Manhattan who were denied aid because they didn't fit into rigid standards adopted by FEMA.

In recent weeks, several of us in the New York delegation, with Chairman YOUNG and Ranking Member OBEY on the Appropriations Committee, have tried to ensure that the needs of New York are addressed as it recovers from the terrorist attacks of September 11th.

And as a representative of New York City, I wish to thank the Appropriations Committee for its work on behalf of New York.

The Committee is truly a friend of New York and we appreciate your work and commitment.

But FEMA has shown a clear inability to streamline the delivery of aid to New York when it is not given clear direction through statements of intent from Congress.

As the supplemental appropriations bill advances today, several concerns remain outstanding about the timeliness of the response from FEMA on a number of issues—including the need for funding for New York City's public school system to make up lost class time, to pay for crisis counseling to students who experienced trauma, and for the reimbursement of several direct expenses to the school system.

In addition, the City of New York faces significant costs in overtime pay to emergency workers, police officers, fire fighters, and law enforcement personnel as a result of 9/11.

FEMA at this time, is not reimbursing the city for these costs and there have been problems with overly restrictive rules as well as interpretations for eligibility for direct assistance.

The lesson is clear—if funds are appropriated for FEMA without clear directives on its use, large portions of 9/11 aid meant for those in need will languish in bureaucratic red tape for months on end.

Recently we have started to see a vast improvement in FEMA's response, particularly with the annulment of its decision that New York University would not qualify for assistance.

We now have a choice: we can hope that this glimmer of good judgment magically reverses a pattern of problems with FEMA, or we can ensure that the aid appropriated by this Congress is actually delivered to those in need, by accepting the Senate version of this bill in conference committee, which specifically directs FEMA to allocate funds for the people and institutions in New York that have been wrongly denied so far.

I would hope that this Congress does everything in its power to ensure that the money we intend to go to the people of New York for recovery, is actually given to the people of New York who need it.

HONORING AN ORANGE COUNTY WAR HERO

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 2002

Mr. COX. Mr. Speaker, I rise today in remembrance of a true American hero and a long time resident of Irvine, California, United States Marine Corps Colonel William E. Barber. Col. Barber passed away at the age of 82 this past April and will be buried today at Arlington National Cemetery with full military honors.

Born in West Liberty, Kentucky, on November 30, 1919, he attended Morehouse State College in Kentucky and enlisted with the Marines in 1940. Col. Barber won distinction on the battlefield in World War II, Korea, and Vietnam. As a young Second Lieutenant fighting on the beaches of Iwo Jima in 1943, Col. Barber was wounded twice, earning himself a Purple Heart as well as a Silver Star for bravery.

Col. Barber is perhaps best known, though, for his valor above and beyond the call of duty, during the Korean War, in one of our military's worst defeats—the battle for the Chosin Reservoir. As 120,000 Chinese troops swept across the Yalu River to aid their North Korean allies, Col. Barber and the U.S. forces were forced to fight through bitterly cold temperatures and to retreat in the face of overwhelming opposition. At the time, Col. Barber was a seasoned Captain in command of F (Fox) Company, 2d Battalion 7th Marines, 1st Marine Division.

Fox Company and its 220 men were assigned to defend a three-mile stretch of mountain pass along the division supply line—the only route of retreat for 8,000 Marines being overrun at Yudam-ni in the Chosin Reservoir and who were attempting to retreat to Hagaru-ri. Outnumbered 5 to 1 by enemy forces for five days and six nights, Col. Barber and the men of Fox Company fought a ferocious battle to keep control over the mountain pass. After two attempts by reinforcements to reach Col. Barber's isolated position were thwarted, he risked complete annihilation by remaining to hold his position rather than abandon the pass and strand the Marines in Yudam-ni. Despite being severely wounded in the leg, Col. Barber continued to lead, often from a stretcher, through the bitter fighting. After almost a week of constant fighting only 82 of the original 220 men of Fox Company could walk out under their own power. They had accounted for approximately 1000 enemy dead and held their position, but suffered dearly for their valiant actions.

With this selfless act of bravery in the face of danger, Col. Barber became one of the only soldiers during the Korean War to be awarded the Congressional Medal of Honor—the highest military award a member of our armed forces can attain.

After retiring from the Army, Col. Barber moved to Orange County, California where he and his wife of 60 years, Ione, lived and worked as proud members of our community, supporting veterans and youth activities at every opportunity. Col. Barber was known by everyone as a humble and unassuming man—a man who did not need to boast of his military exploits or service to his country. He was a regular speaker at Memorial Day events, and often enjoyed leading groups of 5th graders in discussion at the annual "Walk of Honor" events held at the Hall of Administration in Santa Ana, California.

Mr. Speaker, it is an honor to have represented this man of honor, one who so bravely answered his country's call three times. I am also honored to have had the opportunity to remember him today as he is buried in our nation's National Cemetery alongside so many other American heroes. This was a man who truly went above and beyond the call of duty for his country.

SENATE—*Monday, June 3, 2002*

The Senate met at 1 p.m. and was called to order by the Hon. CARL LEVIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, who has made politics a high calling, we praise You for calling the women and men of this Senate to the sacred opportunity of developing and passing legislation to meet the needs of this Nation You have blessed so abundantly. As the Senators return from recess, renew their sense of mission, reignite their passion for patriotism, and remind them of their dependence on You. Be with them in the demanding month ahead. Give them an extra measure of endurance as they strive for excellence and unity as they work together for what's best for America.

We praise You for the caring friendships we develop as we work together as a Senate family. Today, we ask for comfort and courage for our Sergeant at Arms, Al Lenhardt, whose mother, Mary Catherine, recently graduated to heaven. And we ask for Your healing and hope for his sister, Michelle, who is undergoing cancer treatment. Thank You for hearing our prayers for each other. Bless our families and loved ones. You are our Lord, our Saviour, Healer, Comforter, and Friend. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARL LEVIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 3, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, the Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States is now in the Senate, having come from the House. Senator BYRD and Senator COCHRAN, who will manage this bill today, will be here at 2 o'clock to present their opening statements. We hope Senators who have amendments will be in a position to offer those.

Senator BYRD and Senator STEVENS, the two managers of the bill, have suggested we have a cutoff time for the offering of amendments tomorrow. We will work toward that goal after conferring more with the two managers of the bill.

Concerning this very important legislation, we need to move to it, as we will, and also move through it as quickly as we can.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT

This week sometime we will also be able to deliberate on S. 625, the Local Law Enforcement Enhancement Act, which is commonly referred to as the hate crimes bill. Senate consideration of this legislation is much needed and really long overdue. It demonstrates once again, I believe, the change that has taken place in this body since Senator DASCHLE took over as majority leader. We are moving this legislation for that fact alone. We would not be on this legislation but for the fact that Senator DASCHLE is the majority leader.

The present law does not respond to hate crimes motivated by a person's gender, sexual orientation, or disability. In fact, one of these characteristics, sexual orientation, is the third leading motivation behind hate crimes.

By now everyone has heard of some of the most egregious cases of hate crimes, national in scope. Happening just a few years ago, the one we still talk about is Matthew Shephard, a very small man in stature. He was a student at the University of Wyoming. He was gay. He was severely beaten and left for dead, simply because of his being gay.

James Byrd, Jr., an African-American man, was dragged to his death behind a pickup truck in Texas. This man was walking home, simply walking on the street, when these evil people grabbed him, beat him, tied him to the back of a pickup, and dragged him through the streets while he was still alive.

Unfortunately, these appalling tragedies were not isolated events. Incidents continue to be reported all over this country. Nevada is a small State population-wise—big in area—but even in the State of Nevada we have witnessed acts of hatred. A 20-year-old man from Las Vegas struck a Japanese-American girl in the head at a skinhead party. She just happened to be there. Someone set a black family's home on fire in Carson City and wrote the words "White Power" and other racial slurs at the scene. Vandals spray-painted a swastika and other graffiti on a Roman Catholic church in Henderson, NV. Three residents of Las Vegas burned a cross on the lawn of a black family's home. Two white men attacked two Muslim men with a baseball bat outside of a mosque in Sparks.

Condemning these acts is important, but it is not enough. We must act with unbending resolve to legislate against them. These types of crimes not only infringe on the victims' rights, they erode people's sense of security and self-worth and confidence in our system.

This country was founded on the principle that there should be liberty and justice for all. When perpetrators of hate crimes target anyone, they are really targeting against all of us and the principles upon which our diverse Nation was founded. We need those principles to continue to prevail.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. today.

There being no objection, the Senate, at 1:09 p.m., recessed until 2:01 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the supplemental appropriations bill has been received from the House. Is this the appropriate time to report the bill?

The ACTING PRESIDENT pro tempore. Will the Senator withhold for one moment.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 4775, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the text of S. 2551 is inserted in lieu thereof and considered as original text.

The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, in September of 1862, in a sun-drenched cornfield near the Mason-Dixon Line, a devastation called Antietam happened. Twelve thousand young Americans on each side perished. Antietam is a name forever soaked in blood. It has come to symbolize the tragic nature of a domestic conflict called the Civil War—or the War Between the States.

Now this Nation is challenged once again by war on our own shores. Another tragic loss of life on another sunny morning in the September of another century has recalled for us the special trauma of war on our homeland. This time the violence on our own land has roots in a cultural clash of worldwide proportions. It is, at once, a war at home and a war abroad.

While we must fight on both fronts, these are conflicts of a very different nature. The brave men and women who serve in our military volunteer for that duty. They have the unquestioned support of the American people and, through the American people, of their Government. They fight aided by technology which is the envy of the world. Our military personnel accept and understand the discipline imposed on them while they serve for the cause of freedom. The weapons of destruction which engage them are easily discernible and their lethal potential is well understood.

The war on our own shores is much more complex. We know that terrorists live among us and that they traverse our open borders with relative ease. We know the new enemy among us prefers weapons fashioned from the ordinary infrastructure of modern life—trucks, trains, planes, mail delivery systems, ports, energy sources, cyberspace, spent nuclear material. All of these, we are told, can be easily adapted to cause death and destruction, fear and panic. At home, our technology is deficient, with outdated computers in key government agencies unable to easily transmit vital information back and forth. In April and May, the Appropriations Committee heard testimony that indicate that our adversaries could cripple the U.S. economy without great difficulty or enormous cost. Yet we do not know much more. We do not know where this new shadowy enemy will strike, or when.

Within the past few weeks, the concern seems to have grown. The Vice President has warned that a strike is "almost certain." Secretary of Defense Donald Rumsfeld has stated that it is inevitable that terrorists will acquire weapons of mass destruction. Secretary of State Colin Powell has warned that "terrorists are trying every way they can" to get nuclear, chemical, or biological weapons. Security has been tightened around New York City landmarks. The FBI has warned that sites, such as the Statue of Liberty and Brooklyn Bridge, might be attacked.

With all of these warnings in mind, and with a realization of the many gaps in our homeland security network, the men and women of this Congress have an obligation to take immediate steps to protect American lives and to try to prevent future tragedies such as the one we witnessed last September.

After several days of hearings by the Senate Appropriations Committee on the urgent supplemental request for defense and homeland security, what emerges is a picture of a nation conflicted. While united in the goal of fighting terrorism, we are conflicted about how to do so, how to go about it. Finite resources must be stretched to fulfill the mission of a military on a worldwide hunt for terrorists and a less defined, but just as urgent, need to protect our people here at home, which must be executed by layers of bureaucrats responding to hundreds, if not thousands, of vulnerabilities.

When the North wrestled the South for the soul of this Nation in the 19th century, America stood at a crossroads. Then, as now, transcendent and solid leadership was essential to our ultimate success.

In the 1860s, this Nation was blessed, as it often has been in its brief history, with a gifted leader, able to quiet the squabbling generals and calm the bureaucratic struggles that threatened to consume his single-minded effort to preserve the Nation and restore the peace. Abraham Lincoln was a giant. He saved the Nation.

But what we as leaders are now faced with may well be without parallel in U.S. history. I say that because the events surrounding September 11 have underscored a revolutionary blurring of the lines between domestic danger and international danger for our people. We can no longer sit safely in our large and prosperous country, confident that we need not fear foreign attack. True, our military might on the battlefield is the envy of the world, but the enemy now lives and works among us.

He is here. He crosses our borders with relative ease. He boards our airplanes. He rides our trains and hides in our ships. No longer is the enemy only on a far away and distant foreign shore.

The question for all of the leaders of this Government is, Can we adapt? Can we restructure where we need to do so? Can we even fully comprehend at this point the intertwining nature of the dual conflict in which we find ourselves? Can we sustain military action on so many fronts and not shortchange a defense of the homeland? Can we be steady enough to know that, even if public attention strays from the dangers here at home, our attention must not stray from the dangers here at home? In many cases, the answers come down to funding questions.

The Senate Appropriations Committee is doing its part. Senator STEVENS and I are proud of our record on homeland defense. Last fall, we approved $10 billion for homeland defense programs, $4 billion more than had been requested by the President, and that $4 billion has made a difference.

Over 2,200 more INS border agents and Customs inspectors are being hired on the northern and southern borders; the Immigration and Naturalization Service is now implementing a system for tracking foreign students in this country; our police, fire, and medical personnel are getting better training, better equipment for detecting and responding to potential biological, chemical, or nuclear attacks; the FBI is hiring hundreds of new agents; 750 more food inspectors and investigators are being hired; the number of ports with Food and Drug Administration investigators is being doubled; 324 additional protective personnel are being hired to protect our nuclear weapons complex. Additional resources are being spent on efforts to destroy or secure nuclear materials overseas.

However, a great deal remains to be done. In recent weeks, the Appropriations Committee in the Senate held a series of hearings on homeland defense. Senator STEVENS and I joined in identifying and inviting the witnesses. We heard from terrorism experts about the continuing threat to our Nation. We heard from Governors. We heard from mayors. We heard from first responders—our police, fire, and medical personnel. They all testified to a continuing need for resources to expand our capacity to prevent, detect, and respond to terrorist attacks.

We also took testimony from seven Cabinet officers and the Federal Emergency Management Agency. Our former colleagues, Sam Nunn and Warren Rudman, testified on the very real threat this Nation faces. The compelling message from our witnesses was that we need to do more and that we need to do more now. They also stressed the need for better Federal coordination and clearer standards for such efforts as securing our ports and making sure we have interoperable equipment that will allow our first responders to communicate with each other.

The legislation before the Senate today, which totals $31 billion, fully funds the President's $14 billion request for defense programs. It provides over $8.3 billion for homeland defense programs. It provides $5.5 billion to augment the Federal response to New York City in response to the events of September 11. It approves $1 billion for the Pell grant shortfall. It includes $417 million for veterans' medical care. In addition, the bill includes $1.1 billion of mandatory spending for the Veterans Compensation and Pension Program.

This bill contains $8.3 billion for critical homeland security efforts, efforts that we should not delay until the next fiscal year or the next calendar year.

Within the homeland security package, more than $1 billion is directed to first responder programs. These are the people at the local level. They are the people who would be first on the scene. This funding will help to address those gaps that can endanger lives in case of an emergency.

For instance, the Federal Emergency Management Agency has received grant requests from 18,000 fire departments across the country, requests that total more than $3 billion. The Senate legislation would begin to address this critical need for training and equipment. So we have equipment funds providing $300 million for our firefighters.

Another $200 million is in the legislation to improve the ability for first responders to talk with each other. Currently, too many local police and fire departments have radio systems that are incompatible. They simply cannot talk with each other when responding to a crisis.

The Appropriations Committee has included funding for the National Institute of Standards and Technology to establish uniform standards for interoperable equipment. We had several witnesses who testified to the need for such.

Recently, the Brookings Institution released a report critiquing the administration's homeland defense strategy. One of the report's authors, Michael O'Hanlon, stated that the threat posed by terrorists using cargo containers entering our seaports "may be our single greatest vulnerability that we have not yet made much progress towards addressing in this country." We heard from several witnesses to this need.

To take steps to address this danger, the committee has provided $666 million for the Coast Guard for port and maritime security. This funding would expedite vulnerability assessments at our Nation's ports. It would expand the number of port strike teams trained to respond to biological, chemical, and radiation incidents. It would create two new maritime safety and security teams and purchase homeland security response boats, and it would expand surface and aviation assets, as well as the shore facilities to support them.

Two hundred million dollars is included for port security grants. Fifty seven million dollars is provided to the Customs Service to improve cargo container inspections overseas, and $28 million is included to improve our technology on inspecting cargo containers.

We cannot ignore looming gaps in our homeland security efforts. These gaps were exposed during those hearings. The committee listened. The committee has acted. The committee is going to do something about the problems that were brought to our attention by the witnesses who came before the Senate Appropriations Committee.

That is why this legislation provides $387 million for bioterrorism, including funds to improve our toxicology and infectious disease lab capacity at the Centers for Disease Control.

Our committee, the Senate Appropriations Committee, is responding to the needs of the country as expressed by the men and women who appeared recently before the Senate Appropriations Committee in those very important hearings. Congress has approved a $3 billion bioterrorism response authorization bill. This funding will move us toward meeting that bill's goal.

The supplemental bill provides $200 million for security at our nuclear weapons facilities and nuclear labs. The bill provides $154 million for cybersecurity with a special emphasis on helping the private sector defend itself from attack.

No witness before that committee was more impressive than the distinguished Senator from Utah, BOB BENNETT, who testified as to the need for the private sector to be prepared against attack. He emphasized the dangers that confront the Nation. So the committee has responded by, as I say, appropriating $154 million for cyber-security.

Then there is in the bill $125 million for border security, including resources for Immigration and Naturalization Service facilities on the borders of the Nation, and for deploying the system for rapid response criminal background checks to 30 more ports.

The bill provides $100 million for nuclear nonproliferation programs. The bill provides $265 million for airport security, including $100 million to help airports meet the new Federal standards for airport security.

The bill before the Senate provides $200 million to the U.S. Department of Agriculture for food safety labs, additional food inspectors, and for vulnerability assessments for rural water systems.

The bill before the Senate provides $100 million for the EPA to complete vulnerability assessments on the security of our water systems.

The bill before the Senate today provides $286 million for other homeland defense items such as Secret Service efforts to combat electronic crime, FBI counterterrorism efforts, and funds for the Justice Department to develop an integrated information system.

The bill fully funds the President's $4.4 billion request for the new transportation security administration.

The bill includes $1.95 billion for international programs. We have included $200 million for Israel and $50 million for disaster assistance for the Palestinians.

The legislation contains $1.069 billion for nonemergency programs, with offsets to pay for them. The major items include $450 million for election reform grants, $100 million for the global AIDS trust fund, and $75 million for WIC. The bill also provides $110 million for flood relief and $55 million for Amtrak repairs and security.

I could go on, but Senators and the American people already know we are vulnerable, and in many instances they know where we are vulnerable: Anthrax, smallpox, dirty bombs, border security, nuclear labs, powerplants, cyber-security, food safety, airport security, drinking water.

So we do understand the gaps in our security structures. If we know where those gaps are, we can be sure terrorists know where they are.

Many decisions, large and small, lie ahead. One thing is certain: We cannot afford delay. So I urge Senators to offer amendments, debate, vote, and help members of the Appropriations Committee expedite this much-needed assistance for our Nation. We say, "May God bless America," but we can do a lot to help God to bless America.

We must quickly enact this bipartisan effort to bolster our weaknesses, address our shortfalls, and protect American lives.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DORGAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO JUDE LILLY

• Mr. SMITH of New Hampshire. Mr. President, today I congratulate Mrs. Jude Lilly for receiving the Wildwood Programs Volunteer of the Year Award.

Jude has worked for Wildwood programs for more than fourteen years. In that time she has selflessly dedicated herself to help enable children and adults with neurologically-based learning disabilities, autism, and other developmental disorders to lead independent, productive and fulfilling lives.

The presentation of this award recognizes Jude for all that she does outside of the office as a volunteer. Two years ago she began the Pet Therapy Program. The program involves disabled young adults taking dogs to nursing homes to visit with senior citizens. As the creator of the program, Jude has created a means by which these young adults can give back to their community. The program brings immense value to all parties involved as they benefit from the time they spend with one another.

Jude's hard work is a tribute to her profession. Her ability, dedication, and desire to serve all members of the community is commendable. It is an honor and a privilege for me to congratulate her for receiving this award.•

TRIBUTE TO RADIO HOST MIKE MARTEL

• Mr. SMITH of New Hampshire. Mr. President, today I honor a veteran of the radio broadcast industry, Mr. Mike Martel. He will be sorely missed on the "WOKQ Morning Waking Crew."

As a Dover native, Mike has been in the New Hampshire broadcasting field for 30 years. The WOKQ morning show has received two nominations in as many years from the Country Music Association in the small market category for best on air personalities. The award winning WOKQ is heard daily in New Hampshire, Maine, Massachusetts, Vermont and Canada. Mike's witty humor and sense for broadcasting lead him to the creation of the wildly famous "Joke du Jour." Mike's program is at the top of my list for radio listening; the great music and great conversation make for a favorite. The airwaves of New Hampshire will never be the same without Mike.

After retiring on May 31 this year, Mike plans on spending more time with his wife Joanne and will continue serving the community by volunteering for local charities and organizations. It is truly an honor to serve Mike Martel in the U.S. Senate.•

STUDENTS OF MOULTONBOROUGH ACADEMY

• Mr. SMITH of New Hampshire. Mr. President, today I honor the ingenuity of the ten member biology team from Moultonborough Academy upon wining the national portion of a three-part competition in the "Future Car Congress" event.

The direction these students are taking is exactly what is needed to ensure the conservation of our environment. These new forms of fuel that are being developed will be in high demand in the near future.

These 10 bright students are following and perhaps even forging the future of fuel technology. The pressing issues that face us as a civilization will be drastically and positively affected by the advancements from young people like these. It is a wonderful thing to see students working so diligently on projects that have the potential to benefit all of humanity. I commend these young people on a great accomplishment and encourage them to continue in their pursuit of a better technology.

It is an honor representing Michelle Merritz, Jackie Carr, Kristen Berry, Christine Adamczyk, Sarah Nelson, MaryAnn Remson, Jeff Pelligrino, Bryan Burbank, Casey Doyle, Katelyn Adams, and teacher Dave Severance in the U.S. Senate.•

VETERAN MAJOR MAURICE DINNERMAN RECEIVES HONORS

• Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to Major Maurice Dinnerman for his service in the United States Armed Forces. The Major's bravery and dedication to this country are examples of his exemplary character and worthiness for recognition.

For his outstanding service in the Army, from January 10, 1942 until February 4, 1946, Major Dinnerman will be receiving the Asiatic-Pacific Campaign Medal with one bronze star, World War II Victory Medal, Philippine Liberation Ribbon, and Honorable Service Lapel Button. It is doubtless that without the efforts of men like Major Dinnerman Americans would be living a vastly different life. The dedication and heroism displayed is a small indication of the character of this man. We, as a nation, are indebted to Major Dinnerman. We enjoy many freedoms and an enriching life because of the sacrifices he made. It is seldom that we take the time to honor these forgotten heroes. America is what it is today because of the bravery of this man.

It is my distinct honor and privilege to thank and commend Major Maurice Dinnerman on his many accomplishments in serving the U.S. Army.•

VETERAN JAMES COSTA HONORED FOR SERVICE

• Mr. SMITH of New Hampshire. Mr. President, today I pay a very deserved tribute to Veteran James Costa for his service in the U.S. Army. The courage and bravery shown in the face of battle exemplify the spirit of a true American hero.

James Costa entered the service in July of 1943 and fought in the Asiatic Pacific Theater where he was wounded in the line of duty by Japanese rifle fire while sweeping caves. His heroic service was concluded in January of 1946 at the conclusion of the war. The freedom Costa gave while defending his country is commendable and worthy of praise. It is doubtless that the sacrifices he made changed the outcome of the war and the future of the world.

Veteran Costa received many awards while serving in the Armed Forces including a Combat Infantry Badge, Purple Heart, Bronze Star, American Defense, American Campaign, Asiatic Pacific Campaign, World War II Victory Medal, Sharpshooter Badge with Rifle, and Good Conduct to name just a few. Although many years removed from service, Costa still remains active in the support of his fellow comrades as seen by his life membership in the Disabled American Veterans, Veterans of Foreign Wars, and past Commander of Post 31 Penacook American Legion.

I commend Veteran James Costa on his selfless service in the United States Army and on his bravery during a Japanese attack in which he was wounded. America is indebted to you and your family. It is truly an honor to serve you in the U.S. Senate.•

VETERAN PHILIP J. PLOURDE RECEIVES HONORS

• Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to Philip J. Plourde, a veteran of the United States Armed Forces. His outstanding service is what has provided Americans with the freedom we now enjoy.

While serving in the U.S. Army, Mr. Plourde received a certificate of recognition for his service during the Cold War. His dedication to the freedom and protection of our nation deserves the praise of every person in the U.S. Giving of himself for the benefit of those he never met is only an indication of his exemplary character. It is seldom that we take the time to thank and honor those who serve us. Without the heroism and selflessness of Plourde and others like him Americans would be living very differently today. We live today because of his service then. The time is long past to individually honor this man.

I commend Mr. Philip J. Plourde on his many achievements in receiving the Good Conduct Medal, Sharpshooter Badge with Carbine, and Marksman Badge with Rifle. Thank you Mr. Plourde, with heartfelt appreciation for your personal sacrifice in the U.S. Armed Services.

It is a great honor to represent you in the U.S. Senate.•

VETERAN JOSEPH EDWARD SCHULLERY RECEIVES HONORS

• Mr. SMITH of New Hampshire. Mr. President, today I honor Staff Sergeant Joseph Edward Schullery for his bravery and sacrifice of his own life in the Pacific Theater. His offering of life is more than anyone can ask of another human being.

Making the ultimate sacrifice to die for his country Staff Sergeant Schullery is a man worthy of the greatest honor. Serving from October 6, 1941 to July 11, 1945, Staff Sergeant Schullery's sister will be receiving a certificate of Service, a copy of the American Battle Monuments, and a list of casualties on behalf of her fallen brother.

The outstanding conduct and character Staff Sergeant Schullery displayed is recognized with a Purple Heart, Good Conduct Medal, American Defense Service Medal, Asiatic-Pacific Campaign Medal with one bronze service star, World War II Victory Medal, and Honorable Service Lapel Button. There is no doubt in my mind that Americans would be living a vastly different life had it not been for men like Staff Sergeant Schullery. The nation honors and thanks this man for making a positive impact on the lives of so many Americans. It is doubtless that the suffering he endured was purely for our gain.

It is my honor to have the privilege to commend and thank Staff Sergeant Joseph Schullery for his outstanding sacrifice on behalf of all Americans.•

NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS

• Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to the outstanding successes of the recipients of the New Hampshire Excellence in Education Awards. This annual event, which began in 1994, recognizes the hard work of teachers from throughout the State.

This serves as one of the largest ceremonies acknowledging the positive difference these professionals are making in the lives of students. Praiseworthy public schools, programs, and educators are used as incentives for others. These individuals demonstrate their worthiness in six areas: curriculum, teaching/learning process, student achievement, community/parental involvement, leadership/decision-making, and climate.

Teachers with these qualities are exactly what is needed to guide our youth today. With the attitude and hard work brought to the table by these individuals I am confident that they will provide the best education possible lending to a spectacular future for our children. It is an honor and privilege to serve these individuals in the United States Senate.

I commend the following recipients: Art Educator of the Year—Trina Wick-Patnaude; NH Business Education Association Achievement Award—Patricia Tucker; Middle School Principal of the Year—Linda Raines; Elementary School Principal of the Year—Kenneth Williams; Assistant Principal of the Year—Carol Mack; NH Teacher of the Year—Nancy B. Molver; NH Technology Education Association Teacher of the Year—Mark Romano; NH Technology Education Assoc. Program Excellence Award—Hudson Memorial School; NH Association of World Languages Teacher of Excellence Award—Peter L. Lallberte; NH School Nurse of the Year—Maureen Krustapentus; Treat Award—Katherine R. Morgan; Christa McAuliffe Sabbatical Award—Katherine R. Morgan; NH Education Media Association Service Award—Nancy J. Keane; Driver Education Teachers' Association Teacher of the Year—Thomas Aliello; NH School Psychologist of the Year—Barbara Cascadden; D.A.R.E. Officer of the Year—Ronald W. Ketchle; D.A.R.E. Officer of the Year—Howard J. Beaudry, Jr.; NH Assn. of School Administrators Outstanding Service Award—Mark R. Masterson; Superintendent of the Year—Darrell J. Lockwood; English Teacher of the Year—Mark Holding.

NH Environmental Teachers of the Year: Elementary Level—Constance Roberge; Secondary Level—Kathe Cusson; Informal Science Category—Sandra W. Martin.

Presidential Award for Excellence in Mathematics: Elementary Level—Catherine A. Stavenger; Secondary Level—Catherine Brownrigg Burns.

Presidential Award for Excellence in Science: Secondary Level—Diane B. Savage.

NH Council for the Social Studies: Elementary Level—Susan M. Frost; Secondary Level—Theodore R. Miller; NH School Counselor of the Year—Allan LaFleur; NH Assoc. for Supervision & Curriculum Development Award—Mary Elizabeth McNeil; NH School Board Association School Board Excellence Award—Laconia School Board; Special Education Administrator of the Year—Colleen Bovi; Distinguished Music Educator of the Year—Benjamin Greene; Distinguished Music Educator of the Year—Carole Blake; Educator of the Gifted Award—Francia Barksdale; Pat Keyes Technology Educator of the Year—Joshua Gajowski; NH Society for Technology in Education Impact Award—Daniel F. Hudkins; NH Elementary School of Excellence Award—Belmont Elementary School; NH Middle School of Excellence Award—Merricmack Valley Middle School; NH Secondary School of Excellence Award—Hillsboro-Deering High School.•

TRIBUTE TO 20 YEARS OF MILITARY SERVICE

• Mr. MILLER. Mr. President, I rise to recognize Lieutenant Colonel Elizabeth A. Judge, U.S. Marine Corps, on her upcoming retirement from active duty. Upon her retirement on August 31, 2002, Lieutenant Colonel Judge will have served our great Nation and the Marine Corps for more than 20 years.

Lieutenant Colonel Judge is a career public affairs officer, and is known as the preeminent expert within her field. She has been assigned to various locations, bases, and stations in the United States and overseas, to include an extended tour as the 31st Commandant's personal public affairs officer. Most recently, she served as the deputy director of public affairs for the entire Marine Corps, a position normally filled by a full-bird colonel. Lieutenant Colonel Judge's straightforward, no-nonsense approach and uncanny media instincts are renowned throughout the Headquarters Marine Corps Staff, and the Department of Defense public affairs office. There is no doubt that her efforts over the years have been instrumental in helping the news media and the public to better understand the Marine Corps' roles and missions. Although she would be too humble to make this claim, Lieutenant Colonel Judge should justifiably receive a degree of credit for the positive image the Corps enjoys today.

The Marine Corps will sorely miss Lieutenant Colonel Judge's unrivaled professional knowledge and superior work ethic. Her steadfast dedication to Corps and country is uncompromising and impressive, and her unique talents will not be easily replaced.

I wish Betsy and her husband, Marine Lieutenant Colonel Joseph Judge, all the best as they embark on a new life chapter. Semper Fidelis.●

MESSAGES FROM THE HOUSE

Under the authority of the Senate of January 3, 2001, the Secretary of the Senate, on May 29, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 118. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 4592. An act to name the chapel located in the national cemetery in Los Angeles, California, as the "Bob Hope Veterans Chapel".

H.R. 4608. An act to name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center".

H.R. 4782. An act to extend the authority of the Export-Import Bank until June 14, 2002.

Under the authority of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on May 29, 2002.

At 1:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4775. An act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4775. An act making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes:

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7209. A communication from the Regulatory Specialist, Executive Secretariat, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Trust Management Reform: Probate of Indian Trust Estates" (RIN1090–AA78) received on May 22, 2002; to the Committee on Indian Affairs.

EC–7210. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV–094–FOR) received on May 23, 2002; to the Committee on Energy and Natural Resources.

EC–7211. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Annual Wiretap Report for 2001; to the Committee on the Judiciary.

EC–7212. A communication from the Administrator, Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tobacco Inspection; Mandatory Grading" (Doc. No. TB–02–11) received on May 23, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7213. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fludiozonil; Re-establishment of Tolerance for Emergency Exemptions" (FRL7176–8) received on May 23, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7214. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the 2001 annual report on material violations or suspected material violations of regulations relating to Treasury auctions and other offerings of securities upon the issuance of such securities by Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC–7215. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to any significant modifications to the auction process for issuing United States Treasury obligations; to the Committee on Banking, Housing, and Urban Affairs.

EC–7216. A communication from the Deputy Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Western Balkans Transactions Regulations" received on May 24, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7217. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the 2001 annual report to provide that no government securities broker or dealer may receive any advantage, favorable treatment, or other benefit in connection with the purchase upon issuance of securities issued by the Secretary of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC–7218. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Chorizanthe pungens var. pungens (Monterey Spineflower)" (RIN1018–AH04) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7219. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Chorizanthe robusta var. hartwegii (Scotts Valley Spineflower)" (RIN1018–AH82) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7220. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Fiscal Year 2003 Chesapeake Bay Program Activity Grants"; to the Committee on Environment and Public Works.

EC–7221. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Revised Definitions and Recordkeeping of Provisions" (FRL7210–1) received on May 23, 2002; to the Committee on Environment and Public Works.

EC–7222. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permit Program; State of Nebraska" (FRL7218–2) received on May 23, 2002; to the Committee on Environment and Public Works.

EC–7223. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois" (FRL7212–9) received on May 23, 2002; to the Committee on Environment and Public Works.

EC–7224. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Kanawha River Miles 56.0 to 57.0, Charleston, West Virginia" ((RIN2115–AA97)(2002–0081)) received on May 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7225. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port of St. Petersburg, St. Petersburg ,Florida" ((RIN2115–AA97)(2002–0080)) received on May 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7226. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Sandy Hook Bay, Highlands, NJ" ((RIN2115–AA97)(2002–0079)) received on May 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7227. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Lake Champlain Challenge, Cumberland Bay, NY" ((RIN2115–AA97)(2002–0078)) received on May 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7228. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Oceanside Harbor, CA" ((RIN2115–AA97)(2002–0077)) received on May 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7229. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Chelsea River Safety Zone for McArdle Bridge Repairs, Chelsea River, East Boston, Massachusetts" ((RIN2115–AA97)(2002–0076)) received on May 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7230. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Portland Rose Festival on Willamette River" ((RIN2115–AA97)(2002–0075)) received on May 23, 2002 ; to the Committee on Commerce, Science, and Transportation.

EC–7231. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ohio River Miles 307.0 to 308.0, Huntington, West Virginia" ((RIN2115–AA97)(2002–0074)) received on May 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7232. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ohio River Miles 355.5 to 356.5, Portsmouth, Ohio" ((RIN2115–AA97)(2002–0073)) received on May 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7233. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY" ((RIN2115–AE47)(2002–0047)) received on May 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7234. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments on Air Brake Systems; Final Rule" (RIN2127–AI48) received on May 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7235. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; Chicago Harbor, Chicago, Illinois" ((RIN2115–AA98)(2002–0001)) received on May 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7236. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Egypt; to the Committee on Foreign Relations.

EC–7237. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC–7238. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Russia, Ukraine, Norway and Cayman Islands; to the Committee on Foreign Relations.

EC–7239. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract for the amount of $50,000,000 or more to Japan and South Korea; to the Committee on Foreign Relations.

EC–7240. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with Italy; to the Committee on Foreign Relations.

EC–7241. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7242. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7243. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–7244. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–7245. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–7246. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Japan; to the Committee on Foreign Relations.

EC–7247. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–7248. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–7249. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Dominican Republic; to the Committee on Foreign Relations.

EC–7250. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–7251. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7252. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7253. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7254. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7255. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–7256. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Denmark; to the Committee on Foreign Relations.

EC–7257. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: United Kingdom Windfall Tax" (UILN 901.12–00) received on May 17, 2002; to the Committee on Finance.

EC–7258. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—April 2002" (Rev. Rul. 2002–37) received on May 17, 2002; to the Committee on Finance.

EC–7259. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Deemed Substantiation Rule for Employers in the Pipeline Construction Industry" (Rev. Proc. 2002–41) received on May 17, 2002; to the Committee on Finance.

EC–7260. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payments to Employees for Equipment They Are Required to Provide as a Condition of Employment Are Wages for Federal Employment Tax Purposes, Unless Paid Under an Accountable Plan" (Rev. Rul. 2002–35) received on May 17, 2002; to the Committee on Finance.

EC–7261. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2002–41" (NOT–160700–01) received on May 17, 2002; to the Committee on Finance.

EC–7262. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Transfers of Property to Regulated Investment Companies [RICs] and Real Estate Investment Trusts [REITs]" (RIN1545–BA21; TD8975) received on May 17, 2002; to the Committee on Finance.

EC–7263. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2002–9; Impact Fees" (RR–154808–01) received on May 17, 2002; to the Committee on Finance.

EC–7264. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Rev. Rul. 98–1" (Rev. Rul. 2001–51) received on May 23, 2002; to the Committee on Finance.

EC–7265. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Interest Rates, Quarter Beginning January 1, 2002" (Rev. Rul. 2001–63) received on May 23, 2002; to the Committee on Finance.

EC–7266. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Recordkeeping and Reporting for Qualified Tuition Plans" (Notice 2001–81) received on May 23, 2002; to the Committee on Finance.

EC–7267. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2002–2003 Guidance Priority List Comments" (Notice 2002–22) received on May 23, 2002; to the Committee on Finance.

EC–7268. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—April 2002" (Rev. Rul. 2002–17) received on May 23, 2002; to the Committee on Finance.

EC–7269. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Undivided Fractional Interest in Real Estate" (Rev. Proc. 2002–22) received on May 23, 2002; to the Committee on Finance.

EC–7270. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Five-year Net Operating Loss Carryback" (Rev. Proc. 2002–40) received on May 23, 2002; to the Committee on Finance.

EC–7271. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxpayer Identification Number Rule where Taxpayer Claims Treaty Rate and is Entitled to an Unexpected Payment" ((RIN1545–BA38)(REG 159079–01)) received on May 23, 2002; to the Committee on Finance.

EC–7272. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice and Opportunity for Hearing before Levy" (RIN1545–AW90; TD8980) received on May 23, 2002; to the Committee on Finance.

EC–7273. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxpayer Identification Number Rule where Taxpayer Claims Treaty Rate and is Entitled to an Unexpected Payment" (RIN1545–BA39; TD8977) received on May 23, 2002; to the Committee on Finance.

EC–7274. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—February 2002" (Rev. Rul. 2002–5) received on May 23, 2002; to the Committee on Finance.

EC–7275. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice and Opportunity for Hearing upon Filing of Notice of Lien" (RIN1545–AW91; TD8979) received on May 23, 2002; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 252: A resolution expressing the sense of the Senate regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership and the Dalai Lama or his representatives.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLARD:

S. 2574. A bill to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 940

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 1000

At the request of Mr. REED, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1000, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 1549

At the request of Mr. LIEBERMAN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1549, a bill to provide for increasing the technically trained workforce in the United States.

S. 1651

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1651, a bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

S. 1678

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1991

At the request of Mr. HOLLINGS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 2010

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2010, a bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes.

S. 2025

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2025, a bill to amend title 38, United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor.

S. 2049

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2049, a bill to amend the Federal Food, Drug and Cosmetic Act to include a 12 month notification period before discontinuing a biological product, and for other purposes.

S. 2051

At the request of Mr. REID, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2057

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2057, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 2117

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2117, a bill to amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, and for other purposes.

S. 2215

At the request of Mr. SANTORUM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2250

At the request of Mr. CORZINE, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2250, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2490

At the request of Mr. TORRICELLI, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2570

At the request of Ms. COLLINS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. RES. 185

At the request of Mr. ALLEN, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 248

At the request of Mr. CORZINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 248, A resolution concerning the rise of anti-Semitism in Europe.

S. RES. 275

At the request of Mr. SMITH of Oregon, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 275, a resolution expressing the sense of the Senate that the United States should renew its commitment to the world's mothers and children by increasing funding for basic child survival and maternal health programs of the United States Agency for International Development, and for other purposes.

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

AMENDMENT NO. 3459

At the request of Mr. HARKIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3459 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD:

S. 2574. A bill to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek county to dispose of certain lands transferred to the county under the Act; to the Committee on Energy and Natural Resources.

S. 2574

Mr. ALLARD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 5(c)(2) of the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 (Public Law 103–253; 108 Stat. 677) is amended by striking "the date 10 years after the date of enactment of this Act" and by inserting "May 19, 2015".

AMENDMENTS SUBMITTED AND PROPOSED

SA 3549. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 3550. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3551. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3549. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, strike lines 4 through 8.

SA 3550. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

SEC. 307. Of the amount available under this chapter for the Defense Emergency Response Fund, $6,000,000 shall be available for the Army National Guard for information operations, information assurance operations, and training for such operations.

SA 3551. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

SEC. 307. Of the amount available under this chapter for the Defense Emergency Response Fund, $1,000,000 shall be available for the Air National Guard for information operations, information assurance operations, and training for such operations.

PRIVILEGE OF THE FLOOR

Mr. BYRD. Mr. President, I ask unanimous consent that Roger Cockrell and Scott Burnison, Appropriations Committee detailees from the U.S. Corps of Engineers and the Department of Energy, respectively, be granted privileges of the floor for the duration of the consideration of the bill now before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ANDEAN TRADE PREFERENCE ACT

On May 23rd, the Senate amended and passed H.R. 3009, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3009) entitled "An Act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Act of 2002".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 4 divisions as follows:

(1) DIVISION A.—Trade Adjustment Assistance.

(2) DIVISION B.—Bipartisan Trade Promotion Authority.

(3) DIVISION C.—Andean Trade Preference Act.

(4) DIVISION D.—Extension of Certain Preferential Trade Treatment and Other Provisions.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—TRADE ADJUSTMENT ASSISTANCE

Sec. 101. Short title.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Sec. 111. Adjustment assistance for workers.

Sec. 112. Displaced worker self-employment training pilot program.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Sec. 201. Reauthorization of program.

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

Sec. 301. Purpose.

Sec. 302. Trade adjustment assistance for communities.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 401. Trade adjustment assistance for farmers.

TITLE V—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

Sec. 501. Trade adjustment assistance for fishermen.

TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

Sec. 601. Trade adjustment assistance health insurance credit.

Sec. 602. Advance payment of trade adjustment assistance health insurance credit.

Sec. 603. Health insurance coverage for eligible individuals.

TITLE VII—CONFORMING AMENDMENTS AND EFFECTIVE DATE

Sec. 701. Conforming amendments.

TITLE VIII—SAVINGS PROVISIONS AND EFFECTIVE DATE

Sec. 801. Savings provisions.

Sec. 802. Effective date.

TITLE IX—REVENUE PROVISIONS

Sec. 901. Custom user fees.

TITLE X—MISCELLANEOUS PROVISIONS

Sec. 1001. Country of origin labeling of fish and shellfish products.

Sec. 1002. Sugar policy.

TITLE XI—CUSTOMS REAUTHORIZATION

Sec. 1101. Short title.

Subtitle A—United States Customs Service

CHAPTER 1—DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL AND COMMERCIAL OPERATIONS

Sec. 1111. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.

Sec. 1112. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.

Sec. 1113. Compliance with performance plan requirements.

CHAPTER 2—CHILD CYBER-SMUGGLING CENTER OF THE CUSTOMS SERVICE

Sec. 1121. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

CHAPTER 3—MISCELLANEOUS PROVISIONS

Sec. 1131. Additional Customs Service officers for United States-Canada border.

Sec. 1132. Study and report relating to personnel practices of the Customs Service.

Sec. 1133. Study and report relating to accounting and auditing procedures of the Customs Service.

Sec. 1134. Establishment and implementation of cost accounting system; reports.

Sec. 1135. Study and report relating to timeliness of prospective rulings.

Sec. 1136. Study and report relating to customs user fees.

Sec. 1137. Authorization of appropriations for Customs staffing.

CHAPTER 4—ANTITERRORISM PROVISIONS

Sec. 1141. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.

Sec. 1142. Mandatory advanced electronic information for cargo and passengers.

Sec. 1143. Border search authority for certain contraband in outbound mail.

Sec. 1144. Authorization of appropriations for reestablishment of Customs operations in New York City.

CHAPTER 5—TEXTILE TRANSSHIPMENT PROVISIONS

Sec. 1151. GAO audit of textile transshipment monitoring by Customs Service.

Sec. 1152. Authorization of appropriations for textile transshipment enforcement operations.

Sec. 1153. Implementation of the African Growth and Opportunity Act.

Subtitle B—Office of the United States Trade Representative

Sec. 1161. Authorization of appropriations.

Subtitle C—United States International Trade Commission

Sec. 1171. Authorization of appropriations.

Subtitle D—Other Trade Provisions

Sec. 1181. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.

Sec. 1182. Regulatory audit procedures.

Subtitle E—Sense of Senate

Sec. 1191. Sense of Senate.

DIVISION B—BIPARTISAN TRADE PROMOTION AUTHORITY

TITLE XXI—TRADE PROMOTION AUTHORITY

Sec. 2101. Short title; findings.

Sec. 2102. Trade negotiating objectives.

Sec. 2103. Trade agreements authority.

Sec. 2104. Consultations and assessment.

Sec. 2105. Implementation of trade agreements.

Sec. 2106. Treatment of certain trade agreements for which negotiations have already begun.

Sec. 2107. Congressional Oversight Group.

Sec. 2108. Additional implementation and enforcement requirements.

Sec. 2109. Committee staff.

Sec. 2110. Conforming amendments.

Sec. 2111. Report on impact of trade promotion authority.

Sec. 2112. Identification of small business advocate at WTO.

Sec. 2113. Definitions.

DIVISION C—ANDEAN TRADE PREFERENCE ACT

TITLE XXXI—ANDEAN TRADE PREFERENCE

Sec. 3101. Short title; findings.

Sec. 3102. Temporary provisions.

Sec. 3103. Termination.

TITLE XXXII—MISCELLANEOUS TRADE BENEFITS

Sec. 3201. Wool provisions.

Sec. 3202. Duty suspension on wool.

Sec. 3203. Ceiling fans.

Sec. 3204. Certain steam or other vapor generating boilers used in nuclear facilities.

DIVISION D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND OTHER PROVISIONS

TITLE XLI—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

Sec. 4101. Generalized system of preferences.

Sec. 4102. Amendments to generalized system of preferences.

TITLE XLII—OTHER PROVISIONS

Sec. 4201. Transparency in NAFTA tribunals.
Sec. 4202. Expression of solidarity with Israel in its fight against terrorism.
Sec. 4203. Limitation on use of certain revenue.
Sec. 4204. Sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002.
Sec. 4205. No appropriations.

DIVISION A—TRADE ADJUSTMENT ASSISTANCE

SEC. 101. SHORT TITLE.

This division may be cited as the "Trade Adjustment Assistance Reform Act of 2002".

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 111. ADJUSTMENT ASSISTANCE FOR WORKERS.

Chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) is amended to read as follows:

"CHAPTER 2—ADJUSTMENT ASSISTANCE FOR WORKERS

"Subchapter A—General Provisions

"SEC. 221. DEFINITIONS.

"In this chapter:

"(1) ADDITIONAL COMPENSATION.—The term 'additional compensation' has the meaning given that term in section 205(3) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(2) ADVERSELY AFFECTED EMPLOYMENT.—The term 'adversely affected employment' means employment in a firm or appropriate subdivision of a firm, if workers of that firm or subdivision are eligible to apply for adjustment assistance under this chapter.

"(3) ADVERSELY AFFECTED WORKER.—

"(A) IN GENERAL.—The term 'adversely affected worker' means a worker who is a member of a group of workers certified by the Secretary under section 231(a)(1) as eligible for trade adjustment assistance.

"(B) ADVERSELY AFFECTED SECONDARY WORKER.—The term 'adversely affected worker' includes an adversely affected secondary worker who is a member of a group of workers employed at a downstream producer or a supplier, that is certified by the Secretary under section 231(a)(2) as eligible for trade adjustment assistance.

"(4) AVERAGE WEEKLY HOURS.—The term 'average weekly hours' means the average hours worked by a worker (excluding overtime) in the employment from which the worker has been or claims to have been separated in the 52 weeks (excluding weeks during which the worker was on leave for purposes of vacation, sickness, maternity, military service, or any other employer-authorized leave) preceding the week specified in paragraph (5)(B)(ii).

"(5) AVERAGE WEEKLY WAGE.—

"(A) IN GENERAL.—The term 'average weekly wage' means $^{1}/_{13}$ of the total wages paid to an individual in the high quarter.

"(B) DEFINITIONS.—For purposes of computing the average weekly wage—

"(i) the term 'high quarter' means the quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately preceding the quarter in which occurs the week with respect to which the computation is made; and

"(ii) the term 'week' means the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

"(6) BENEFIT PERIOD.—The term 'benefit period' means, with respect to an individual, the following:

"(A) STATE LAW.—The benefit year and any ensuing period, as determined under applicable State law, during which the individual is eligible for regular compensation, additional compensation, or extended compensation.

"(B) FEDERAL LAW.—The equivalent to the benefit year or ensuing period provided for under the applicable Federal unemployment insurance law.

"(7) BENEFIT YEAR.—The term 'benefit year' has the same meaning given that term in the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(8) CONTRIBUTED IMPORTANTLY.—The term 'contributed importantly' means a cause that is important but not necessarily more important than any other cause.

"(9) COOPERATING STATE.—The term 'cooperating State' means any State that has entered into an agreement with the Secretary under section 222.

"(10) CUSTOMIZED TRAINING.—The term 'customized training' means training that is designed to meet the special requirements of an employer (including a group of employers) and that is conducted with a commitment by the employer to employ an individual on successful completion of the training.

"(11) DOWNSTREAM PRODUCER.—The term 'downstream producer' means a firm that performs additional, value-added production processes for a firm or subdivision, including a firm that performs final assembly or finishing, directly for another firm (or subdivision), for articles that were the basis for a certification of eligibility under section 231(a)(1) of a group of workers employed by such other firm, if the certification of eligibility under section 231(a)(1) is based on an increase in imports from, or a shift in production to, Canada or Mexico.

"(12) EXTENDED COMPENSATION.—The term 'extended compensation' has the meaning given that term in section 205(4) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(13) JOB FINDING CLUB.—The term 'job finding club' means a job search workshop which includes a period of structured, supervised activity in which participants attempt to obtain jobs.

"(14) JOB SEARCH PROGRAM.—The term 'job search program' means a job search workshop or job finding club.

"(15) JOB SEARCH WORKSHOP.—The term 'job search workshop' means a short (1- to 3-day) seminar, covering subjects such as labor market information, résumé writing, interviewing techniques, and techniques for finding job openings, that is designed to provide participants with knowledge that will enable the participants to find jobs.

"(16) ON-THE-JOB TRAINING.—The term 'on-the-job training' has the same meaning as that term has in section 101(31) of the Workforce Investment Act.

"(17) PARTIAL SEPARATION.—A partial separation shall be considered to exist with respect to an individual if—

"(A) the individual has had a 20-percent or greater reduction in the average weekly hours worked by that individual in adversely affected employment; and

"(B) the individual has had a 20-percent or greater reduction in the average weekly wage of the individual with respect to adversely affected employment.

"(18) REGULAR COMPENSATION.—The term 'regular compensation' has the meaning given that term in section 205(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(19) REGULAR STATE UNEMPLOYMENT.—The term 'regular State unemployment' means unemployment insurance benefits other than an extension of unemployment insurance by a State using its own funds beyond either the 26-week period mandated by Federal law or any additional period provided for under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(20) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

"(21) STATE.—The term 'State' includes each State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(22) STATE AGENCY.—The term 'State agency' means the agency of the State that administers the State law.

"(23) STATE LAW.—The term 'State law' means the unemployment insurance law of the State approved by the Secretary under section 3304 of the Internal Revenue Code of 1986.

"(24) SUPPLIER.—The term 'supplier' means a firm that produces and supplies directly to another firm (or subdivision) component parts for articles that were the basis for a certification of eligibility under section 231(a)(1) of a group of workers employed by such other firm.

"(25) TOTAL SEPARATION.—The term 'total separation' means the layoff or severance of an individual from employment with a firm in which or in a subdivision of which, adversely affected employment exists.

"(26) UNEMPLOYMENT INSURANCE.—The term 'unemployment insurance' means the unemployment compensation payable to an individual under any State law or Federal unemployment compensation law, including chapter 85 of title 5, United States Code, and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

"(27) WEEK.—Except as provided in paragraph 5(B)(ii), the term 'week' means a week as defined in the applicable State law.

"(28) WEEK OF UNEMPLOYMENT.—The term 'week of unemployment' means a week of total, part-total, or partial unemployment as determined under the applicable State law or Federal unemployment insurance law.

"SEC. 222. AGREEMENTS WITH STATES.

"(a) IN GENERAL.—The Secretary is authorized on behalf of the United States to enter into an agreement with any State or with any State agency (referred to in this chapter as 'cooperating State' and 'cooperating State agency', respectively) to facilitate the provision of services under this chapter.

"(b) PROVISIONS OF AGREEMENTS.—Under an agreement entered into under subsection (a)—

"(1) the cooperating State agency as an agent of the United States shall—

"(A) facilitate the early filing of petitions under section 231(b) for any group of workers that the State considers is likely to be eligible for benefits under this chapter;

"(B) assist the Secretary in the review of any petition submitted from that State by verifying the information and providing other assistance as the Secretary may request;

"(C) advise each worker who applies for unemployment insurance of the available benefits under this chapter and the procedures and deadlines for applying for those benefits and of the worker's potential eligibility for assistance with health care coverage through the trade adjustment assistance health insurance credit under section 6429 of the Internal Revenue Code of 1986 or under funds made available to the State to carry out section 173(f) of the Workforce Investment Act of 1998;

"(D) receive applications for services under this chapter;

"(E) provide payments on the basis provided for in this chapter;

"(F) advise each adversely affected worker to apply for training under section 240, and of the deadlines for benefits related to enrollment in training under this chapter;

"(G) ensure that the State employees with responsibility for carrying out an agreement entered into under subsection (a)—

"(i) inform adversely affected workers covered by a certification issued under section 231(c) of the workers' (and individual member's of the worker's family) potential eligibility for—

"(I) medical assistance under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.);

"(II) child health assistance under the State children's health insurance program established under title XXI of that Act (42 U.S.C. 1397aa et seq.);

"(III) child care services for which assistance is provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

"(IV) the trade adjustment assistance health insurance credit under section 6429 of the Internal Revenue Code of 1986 and health care coverage assistance under funds made available to the State to carry out section 173(f) of the Workforce Investment Act of 1998; and

"(V) other Federal- and State-funded health care, child care, transportation, and assistance programs for which the workers may be eligible; and

"(ii) provide such workers with information regarding how to apply for such assistance, services, and programs, including notification that the election period for COBRA continuation may be extended for certain workers under section 603 of the Trade Adjustment Assistance Reform Act of 2002;

"(H) provide adversely affected workers referral to training services approved under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and any other appropriate Federal or State program designed to assist dislocated workers or unemployed individuals, consistent with the requirements of subsection (b)(2);

"(I) collect and transmit to the Secretary any data as the Secretary shall reasonably require to assist the Secretary in assuring the effective and efficient performance of the programs carried out under this chapter; and

"(J) otherwise actively cooperate with the Secretary and with other Federal and State agencies in providing payments and services under this chapter, including participation in the performance measurement system established by the Secretary under section 224.

"(2) the cooperating State shall—

"(A) arrange for the provision of services under this chapter through the one-stop delivery system established in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) where available;

"(B) provide to adversely affected workers statewide rapid response activities under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)) in the same manner and to the same extent as any other worker eligible for those activities;

"(C) afford adversely affected workers the services provided under section 134(d) of the Workforce Investment Act of 1998 (29 U.S.C. 92864(d)) in the same manner and to the same extent as any other worker eligible for those services; and

"(D) provide training services under this chapter using training providers approved under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) which may include community colleges, and other effective providers of training services.

"(c) OTHER PROVISIONS.—

"(1) APPROVAL OF TRAINING PROVIDERS.—The Secretary shall ensure that the training services provided by cooperating States are provided by organizations approved by the Secretary to effectively assist workers eligible for assistance under this chapter.

"(2) AMENDMENT, SUSPENSION, OR TERMINATION OF AGREEMENTS.—Each agreement entered into under this section shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

"(3) EFFECT ON UNEMPLOYMENT INSURANCE.—Each agreement entered into under this section shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be denied or reduced for any week by reason of any right to payments under this chapter.

"(4) COORDINATION OF WORKFORCE INVESTMENT ACTIVITIES.—In order to promote the coordination of Workforce Investment Act activities in each State with activities carried out under this chapter, each agreement entered into under this section shall provide that the State shall submit to the Secretary, in such form as the Secretary may require, the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b) (8) and (14)).

"(d) REVIEW OF STATE DETERMINATIONS.—

"(1) IN GENERAL.—A determination by a cooperating State regarding entitlement to program benefits under this chapter is subject to review in the same manner and to the same extent as determinations under the applicable State law.

"(2) APPEAL.—A review undertaken by a cooperating State under paragraph (1) may be appealed to the Secretary pursuant to such regulations as the Secretary may prescribe.

"SEC. 223. ADMINISTRATION ABSENT STATE AGREEMENT.

"(a) IN GENERAL.—In any State in which there is no agreement in force under section 222, the Secretary shall arrange, under regulations prescribed by the Secretary, for the performance of all necessary functions under this chapter, including providing a hearing for any worker whose application for payment is denied.

"(b) FINALITY OF DETERMINATION.—A final determination under subsection (a) regarding entitlement to program benefits under this chapter is subject to review by the courts in the same manner and to the same extent as is provided by section 205(g) of the Social Security Act (42 U.S.C. 405(g)).

"SEC. 224. DATA COLLECTION; EVALUATIONS; REPORTS.

"(a) DATA COLLECTION.—The Secretary shall, pursuant to regulations prescribed by the Secretary, collect any data necessary to meet the requirements of this chapter.

"(b) PERFORMANCE EVALUATIONS.—The Secretary shall establish an effective performance measuring system to evaluate the following:

"(1) PROGRAM PERFORMANCE.—

"(A) speed of petition processing;

"(B) quality of petition processing;

"(C) cost of training programs;

"(D) coordination of programs under this title with programs under the Workforce Investment Act (29 U.S.C. 2801 et seq.);

"(E) length of time participants take to enter and complete training programs;

"(F) the effectiveness of individual contractors in providing appropriate retraining information;

"(G) the effectiveness of individual approved training programs in helping workers obtain employment;

"(H) best practices related to the provision of benefits and retraining; and

"(I) other data to evaluate how individual States are implementing the requirements of this title.

"(2) PARTICIPANT OUTCOMES.—

"(A) reemployment rates;

"(B) types of jobs in which displaced workers have been placed;

"(C) wage and benefit maintenance results;

"(D) training completion rates; and

"(E) other data to evaluate how effective programs under this chapter are for participants, taking into consideration current economic conditions in the State.

"(3) PROGRAM PARTICIPATION DATA.—

"(A) the number of workers receiving benefits and the type of benefits being received;

"(B) the number of workers enrolled in, and the duration of, training by major types of training;

"(C) earnings history of workers that reflects wages before separation and wages in any job obtained after receiving benefits under this Act;

"(D) the cause of dislocation identified in each certified petition;

"(E) the number of petitions filed and workers certified in each United States congressional district; and

"(F) the number of workers who received waivers under each category identified in section 235(c)(1) and the average duration of such waivers.

"(c) STATE PARTICIPATION.—The Secretary shall ensure, to the extent practicable, through oversight and effective internal control measures the following:

"(1) STATE PARTICIPATION.—Participation by each State in the performance measurement system established under subsection (b).

"(2) MONITORING.—Monitoring by each State of internal control measures with respect to performance measurement data collected by each State.

"(3) RESPONSE.—The quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)).

"(d) REPORTS.—

"(1) REPORTS BY THE SECRETARY.—

"(A) INITIAL REPORT.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

"(i) describes the performance measurement system established under subsection (b);

"(ii) includes analysis of data collected through the system established under subsection (b);

"(iii) includes information identifying the number of workers who received waivers under section 235(c) and the average duration of those during the preceding year;

"(iv) describes and analyzes State participation in the system;

"(v) analyzes the quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)); and

"(vi) provides recommendations for program improvements.

"(B) ANNUAL REPORT.—Not later than 1 year after the date the report is submitted under subparagraph (A), and annually thereafter, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes the information collected under clauses (ii) through (v) of subparagraph (A).

"(2) STATE REPORTS.—Pursuant to regulations prescribed by the Secretary, each State shall submit to the Secretary a report that details its participation in the programs established under this chapter, and that contains the data necessary to allow the Secretary to submit the report required under paragraph (1).

"(3) PUBLICATION.—The Secretary shall make available to each State, and other public and private organizations as determined by the Secretary, the data gathered and evaluated through the performance measurement system established under paragraph (1).

"SEC. 225. STUDY BY SECRETARY OF LABOR WHEN INTERNATIONAL TRADE COMMISSION BEGINS INVESTIGATION.

"(a) Notification of Investigation.—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation, and the Secretary shall immediately begin a study of—

"(1) the number of workers in the domestic industry producing the like or directly competitive article who have been or are likely to be certified as eligible for adjustment assistance under this chapter; and

"(2) the extent to which the adjustment of those workers to the import competition may be facilitated through the use of existing programs.

"(b) Report.—

"(1) In general.—The Secretary shall provide a report based on the study conducted under subsection (a) to the President not later than 15 days after the day on which the Commission makes its report under section 202(f).

"(2) Publication.—The Secretary shall promptly make public the report provided to the President under paragraph (1) (with the exception of information which the Secretary determines to be confidential) and shall have a summary of the report published in the Federal Register.

"SEC. 226. REPORT BY SECRETARY OF LABOR ON LIKELY IMPACT OF TRADE AGREEMENTS.

"(a) In General.—At least 90 calendar days before the day on which the President enters into a trade agreement under section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002, the President shall provide the Secretary with details of the agreement as it exists at that time and direct the Secretary to prepare and submit the assessment described in subsection (b). Between the time the President instructs the Secretary to prepare the assessment under this section and the time the Secretary submits the assessment to Congress, the President shall keep the Secretary current with respect to the details of the agreement.

"(b) Assessment.—Not later than 90 calendar days after the President enters into the agreement, the Secretary shall submit to the President, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, a report assessing the likely impact of the agreement on employment in the United States economy as a whole and in specific industrial sectors, including the extent of worker dislocations likely to result from implementation of the agreement. The report shall include an estimate of the financial and administrative resources necessary to provide trade adjustment assistance to all potentially adversely affected workers.

"Subchapter B—Certifications

"SEC. 231. CERTIFICATION AS ADVERSELY AFFECTED WORKERS.

"(a) Eligibility for Certification.—

"(1) General rule.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified by the Secretary as adversely affected workers and eligible for trade adjustment assistance benefits under this chapter pursuant to a petition filed under subsection (b) if the Secretary determines that a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and that either—

"(A)(i) the sales or production, or both, of such firm or subdivision have decreased absolutely;

"(ii) the value or volume of imports of articles like or directly competitive with articles produced by that firm or subdivision have increased; and

"(iii) the increase in the value or volume of imports described in clause (ii) contributed importantly to the workers' separation or threat of separation and to the decline in the sales or production of such firm or subdivision; or

"(B) there has been a shift in production by the workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by that firm or subdivision and the shift in production contributed importantly to the workers' separation or threat of separation.

"(2) Adversely affected secondary worker.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified by the Secretary as adversely affected and eligible for trade adjustment assistance benefits under this chapter pursuant to a petition filed under subsection (b) if the Secretary determines that—

"(A) a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

"(B) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility under paragraph (1), and such supply or production is related to the article that was the basis for such certification (as defined in section 221 (11) and (24)); and

"(C) a loss of business by the workers' firm with the firm (or subdivision) described in subparagraph (B) contributed importantly to the workers' separation or threat of separation determined under subparagraph (A).

"(3) Special rule for secondary workers.—Notwithstanding paragraph (2), the Secretary may, pursuant to standards established by the Secretary and for good cause shown, certify as eligible for trade adjustment assistance under this chapter a group of workers who meet the requirements for certification as adversely affected secondary workers in paragraph (2), except that the Secretary has not received a petition under paragraph (1) on behalf of workers at a firm to which the petitioning workers' firm is a supplier or downstream producer as defined in section 221 (11) and (24).

"(4) Special provisions.—

"(A) Oil and natural gas producers.—For purposes of this section, any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas.

"(B) Oil and natural gas imports.—For purposes of this section, any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.

"(C) Taconite.—For purposes of this section, taconite pellets produced in the United States shall be considered to be an article that is like or directly competitive with imports of semi-finished steel slab.

"(b) Petitions.—

"(1) In general.—A petition for certification of eligibility for trade adjustment assistance under this chapter for a group of adversely affected workers shall be filed simultaneously with the Secretary and with the Governor of the State in which the firm or subdivision of the firm employing the workers is located.

"(2) Persons who may file a petition.—A petition under paragraph (1) may be filed by any of the following:

"(A) Workers.—A group of workers (including workers in an agricultural firm or subdivision of any agricultural firm).

"(B) Worker representatives.—The certified or recognized union or other duly appointed representative of the workers.

"(C) Worker adjustment and retraining notification.—Any entity to which notice of a plant closing or mass layoff must be given under section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102).

"(D) Other.—Employers of workers described in subparagraph (A), one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), or State employment agencies, on behalf of the workers.

"(E) Request to initiate certification.—The President, or the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives (by resolution), may petition the Secretary to initiate a certification process under this chapter to determine the eligibility for trade adjustment assistance of a group of workers.

"(3) Actions by governor.—

"(A) Cooperating state.—Upon receipt of a petition, the Governor of a cooperating State shall ensure that the requirements of the agreement entered into under section 222 are met.

"(B) Other states.—Upon receipt of a petition, the Governor of a State that has not entered into an agreement under section 222 shall coordinate closely with the Secretary to ensure that workers covered by a petition are—

"(i) provided with all available services, including rapid response activities under section 134 of the Workforce Investment Act (29 U.S.C. 2864);

"(ii) informed of the workers' (and individual member's of the worker's family) potential eligibility for—

"(I) medical assistance under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.);

"(II) child health assistance under the State children's health insurance program established under title XXI of that Act (42 U.S.C. 1397aa et seq.);

"(III) child care services for which assistance is provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

"(IV) the trade adjustment assistance health insurance credit under section 6429 of the Internal Revenue Code of 1986 and health care coverage assistance under funds made available to the State to carry out section 173(f) of the Workforce Investment Act of 1998; and

"(V) other Federal and State funded health care, child care, transportation, and assistance programs that the workers may be eligible for; and

"(iii) provided with information regarding how to apply for the assistance, services, and programs described in clause (ii).

"(c) Actions by Secretary.—

"(1) In general.—As soon as possible after the date on which a petition is filed under subsection (b), but not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of subsection (a), and if warranted, shall issue a certification of eligibility for trade adjustment assistance pursuant to this subchapter. In making the determination, the Secretary shall consult with all petitioning entities.

"(2) Publication of determination.—Upon making a determination under paragraph (1), the Secretary shall promptly publish a summary of the determination in the Federal Register together with the reasons for making that determination.

"(3) Date specified in certification.—Each certification made under this subsection shall *specify the date on which the total or partial separation began or threatened to begin with respect to a group of certified workers.*

"(4) PROJECTED TRAINING NEEDS.—The Secretary shall inform the State Workforce Investment Board or equivalent agency, and other public or private agencies, institutions, employers, and labor organizations, as appropriate, of each certification issued under section 231 and of projections, if available, of the need for training under section 240 as a result of that certification.

"(d) SCOPE OF CERTIFICATION.—

"(1) IN GENERAL.—A certification issued under subsection (c) shall cover adversely affected workers in any group that meets the requirements of subsection (a), whose total or partial separation occurred on or after the date on which the petition was filed under subsection (b).

"(2) WORKERS SEPARATED PRIOR TO CERTIFICATION.—A certification issued under subsection (c) shall cover adversely affected workers whose total or partial separation occurred not more than 1 year prior to the date on which the petition was filed under subsection (b).

"(e) TERMINATION OF CERTIFICATION.—

"(1) IN GENERAL.—If the Secretary determines, with respect to any certification of eligibility, that workers separated from a firm or subdivision covered by a certification of eligibility are no longer adversely affected workers, the Secretary shall terminate the certification.

"(2) PUBLICATION OF TERMINATION.—The Secretary shall promptly publish notice of any termination made under paragraph (1) in the Federal Register together with the reasons for making that determination.

"(3) APPLICATION.—Any determination made under paragraph (1) shall apply only to total or partial separations occurring after the termination date specified by the Secretary.

"SEC. 232. BENEFIT INFORMATION TO WORKERS.

"(a) IN GENERAL.—The Secretary shall, in accordance with the provisions of section 222 or 223, as appropriate, provide prompt and full information to adversely affected workers covered by a certification issued under section 231(c), including information regarding—

"(1) benefit allowances, training, and other employment services available under this chapter;

"(2) petition and application procedures under this chapter;

"(3) appropriate filing dates for the allowances, training, and services available under this chapter; and

"(4) procedures for applying for and receiving all other Federal benefits and services available to separated workers during a period of unemployment.

"(b) ASSISTANCE TO GROUPS OF WORKERS.—

"(1) IN GENERAL.—The Secretary shall provide any necessary assistance to enable groups of workers to prepare petitions or applications for program benefits.

"(2) ASSISTANCE FROM STATES.—The Secretary shall ensure that cooperating States fully comply with the agreements entered into under section 222 and shall periodically review that compliance.

"(c) NOTICE.—

"(1) IN GENERAL.—Not later that 15 days after a certification is issued under section 231 (or as soon as practicable after separation), the Secretary shall provide written notice of the benefits available under this chapter to each worker whom the Secretary has reason to believe is covered by the certification.

"(2) PUBLICATION OF NOTICE.—The Secretary shall publish notice of the benefits available under this chapter to workers covered by each certification made under section 231 in newspapers of general circulation in the areas in which those workers reside.

"(3) NOTICE TO OTHER PARTIES AFFECTED BY THESE PROVISIONS REGARDING HEALTH ASSISTANCE.—The Secretary shall notify each provider of health insurance within the meaning of section 7527 of the Internal Revenue Code of 1986 of the availability of health care coverage assistance under title VI of the Trade Adjustment Assistance Reform Act of 2002 and of the temporary extension of the election period for COBRA continuation coverage for certain workers under section 603 of that Act.

"Subchapter C—Program Benefits

"PART I—GENERAL PROVISIONS

"SEC. 234. COMPREHENSIVE ASSISTANCE.

"Workers covered by a certification issued by the Secretary under section 231 shall be eligible for the following:

"(1) Trade adjustment allowances as described in sections 235 through 238.

"(2) Employment services as described in section 239.

"(3) Training as described in section 240.

"(4) Job search allowances as described in section 241.

"(5) Relocation allowances as described in section 242.

"(6) Supportive services and wage insurance as described in section 243.

"(7) Health care coverage assistance under title VI of the Trade Adjustment Assistance Reform Act of 2002.

"PART II—TRADE ADJUSTMENT ALLOWANCES

"SEC. 235. QUALIFYING REQUIREMENTS FOR WORKERS.

"(a) IN GENERAL.—Payment of a trade adjustment allowance shall be made to an adversely affected worker covered by a certification under section 231 who files an application for the allowance for any week of unemployment that begins more than 60 days after the date on which the petition that resulted in the certification was filed under section 231, if the following conditions are met:

"(1) TIME OF TOTAL OR PARTIAL SEPARATION FROM EMPLOYMENT.—The adversely affected worker's total or partial separation before the worker's application under this chapter occurred—

"(A) within the period specified in either section 231 (d) (1) or (2);

"(B) before the expiration of the 2-year period beginning on the date on which the certification under section 231 was issued; and

"(C) before the termination date (if any) determined pursuant to section 231(e).

"(2) EMPLOYMENT REQUIRED.—

"(A) IN GENERAL.—The adversely affected worker had, in the 52-week period ending with the week in which the total or partial separation occurred, at least 26 weeks of employment at wages of $30 or more a week with a single firm or subdivision of a firm.

"(B) UNAVAILABILITY OF DATA.—If data with respect to weeks of employment with a firm are not available, the worker had equivalent amounts of employment computed under regulations prescribed by the Secretary.

"(C) WEEK OF EMPLOYMENT.—For the purposes of this paragraph any week shall be treated as a week of employment at wages of $30 or more, if an adversely affected worker—

"(i) is on employer-authorized leave for purposes of vacation, sickness, injury, or maternity, or inactive duty training or active duty for training in the Armed Forces of the United States;

"(ii) does not work because of a disability that is compensable under a workmen's compensation law or plan of a State or the United States;

"(iii) had employment interrupted in order to serve as a full-time representative of a labor organization in that firm or subdivision; or

"(iv) is on call-up for purposes of active duty in a reserve status in the Armed Forces of the United States, provided that active duty is 'Federal service' as defined in section 8521(a)(1) of title 5, United States Code.

"(D) EXCEPTIONS.—

"(i) In the case of weeks described in clause (i) or (iii) of subparagraph (C), or both, not more than 7 weeks may be treated as weeks of employment under subparagraph (C).

"(ii) In the case of weeks described in clause (ii) or (iv) of subparagraph (C), not more than 26 weeks may be treated as weeks of employment under subparagraph (C).

"(3) UNEMPLOYMENT COMPENSATION.—The adversely affected worker meets all of the following requirements:

"(A) ENTITLEMENT TO UNEMPLOYMENT INSURANCE.—The worker was entitled to (or would be entitled to if the worker applied for) unemployment insurance for a week within the benefit period—

"(i) in which total or partial separation took place; or

"(ii) which began (or would have begun) by reason of the filing of a claim for unemployment insurance by the worker after total or partial separation.

"(B) EXHAUSTION OF UNEMPLOYMENT INSURANCE.—The worker has exhausted all rights to any regular State unemployment insurance to which the worker was entitled (or would be entitled if the worker had applied for any regular State unemployment insurance).

"(C) NO UNEXPIRED WAITING PERIOD.—The worker does not have an unexpired waiting period applicable to the worker for any unemployment insurance.

"(4) EXTENDED UNEMPLOYMENT COMPENSATION.—The adversely affected worker, with respect to a week of unemployment, would not be disqualified for extended compensation payable under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) by reason of the work acceptance and job search requirements in section 202(a)(3) of that Act.

"(5) TRAINING.—The adversely affected worker is enrolled in a training program approved by the Secretary under section 240(a), and the enrollment occurred not later than the latest of the periods described in subparagraph (A), (B), or (C).

"(A) 16 WEEKS.—The worker enrolled not later than the last day of the 16th week after the worker's most recent total separation that meets the requirements of paragraphs (1) and (2).

"(B) 8 WEEKS.—The worker enrolled not later than the last day of the 8th week after the week in which the Secretary issues a certification covering the worker.

"(C) EXTENUATING CIRCUMSTANCES.—Notwithstanding subparagraphs (A) and (B), the adversely affected worker is eligible for trade adjustment assistance if the worker enrolled not later than 45 days after the later of the dates specified in subparagraph (A) or (B), and the Secretary determines there are extenuating circumstances that justify an extension in the enrollment period.

"(b) FAILURE TO PARTICIPATE IN TRAINING.—

"(1) IN GENERAL.—Until the adversely affected worker begins or resumes participation in a training program approved under section 240(a), no trade adjustment allowance may be paid under subsection (a) to an adversely affected worker for any week or any succeeding week in which—

"(A) the Secretary determines that—

"(i) the adversely affected worker—

"(I) has failed to begin participation in a training program the enrollment in which meets the requirement of subsection (a)(5); or

"(II) has ceased to participate in such a training program before completing the training program; and

"(ii) there is no justifiable cause for the failure or cessation; or

"(B) the waiver issued to that worker under subsection (c)(1) is revoked under subsection (c)(2).

"(2) Exception.—The provisions of subsection (a)(5) and paragraph (1) shall not apply with respect to any week of unemployment that begins before the first week following the week in which the certification is issued under section 231.

"(c) Waivers of Training Requirements.—

"(1) Issuance of waivers.—The Secretary may issue a written statement to an adversely affected worker waiving the requirement to be enrolled in training described in subsection (a) if the Secretary determines that the training requirement is not feasible or appropriate for the worker, because of 1 or more of the following reasons:

"(A) Recall.—The worker has been notified that the worker will be recalled by the firm from which the separation occurred.

"(B) Marketable skills.—The worker possesses marketable skills for suitable employment (as determined pursuant to an assessment of the worker, which may include the profiling system under section 303(j) of the Social Security Act (42 U.S.C. 503(j)), carried out in accordance with guidelines issued by the Secretary) and there is a reasonable expectation of employment at equivalent wages in the foreseeable future.

"(C) Retirement.—The worker is within 2 years of meeting all requirements for entitlement to either—

"(i) old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) (except for application therefore); or

"(ii) a private pension sponsored by an employer or labor organization.

"(D) Health.—The worker is unable to participate in training due to the health of the worker, except that a waiver under this subparagraph shall not be construed to exempt a worker from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.

"(E) Enrollment unavailable.—The first available enrollment date for the approved training of the worker is within 60 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary.

"(F) Training not available.—Training approved by the Secretary is not reasonably available to the worker from either governmental agencies or private sources (which may include area vocational education schools, as defined in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302), and employers), no training that is suitable for the worker is available at a reasonable cost, or no training funds are available.

"(G) Other.—The Secretary may, at his discretion, issue a waiver if the Secretary determines that a worker has set forth in writing reasons other than those provided for in subparagraphs (A) through (F) justifying the grant of such waiver.

"(2) Duration of waivers.—

"(A) In general.—A waiver issued under paragraph (1) shall be effective for not more than 6 months after the date on which the waiver is issued, unless the Secretary determines otherwise.

"(B) Revocation.—The Secretary shall revoke a waiver issued under paragraph (1) if the Secretary determines that the basis of a waiver is no longer applicable to the worker.

"(3) Amendments under section 222.—

"(A) Issuance by cooperating states.—Pursuant to an agreement under section 222, the Secretary may authorize a cooperating State to issue waivers as described in paragraph (1).

"(B) Submission of statements.—An agreement under section 222 shall include a requirement that the cooperating State submit to the Secretary the written statements provided under paragraph (1) and a statement of the reasons for the waiver.

"SEC. 236. WEEKLY AMOUNTS.

"(a) In General.—Subject to subsections (b) and (c), the trade adjustment allowance payable to an adversely affected worker for a week of total unemployment shall be an amount equal to the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker's first exhaustion of unemployment insurance (as determined for purposes of section 235(a)(3)(B)) reduced (but not below zero) by—

"(1) any training allowance deductible under subsection (c); and

"(2) any income that is deductible from unemployment insurance under the disqualifying income provisions of the applicable State law or Federal unemployment insurance law.

"(b) Adjustment for Workers Receiving Training.—

"(1) In general.—Any adversely affected worker who is entitled to a trade adjustment allowance and who is receiving training approved by the Secretary, shall receive for each week in which the worker is undergoing that training, a trade adjustment allowance in an amount (computed for such week) equal to the greater of—

"(A) the amount computed under subsection (a); or

"(B) the amount of any weekly allowance for that training to which the worker would be entitled under any other Federal law for the training of workers, if the worker applied for that allowance.

"(2) Allowance paid in lieu of.—Any trade adjustment allowance calculated under paragraph (1) shall be paid in lieu of any training allowance to which the worker would be entitled under any other Federal law.

"(3) Coordination with unemployment insurance.—Any week in which a worker undergoing training approved by the Secretary receives payments from unemployment insurance shall be subtracted from the total number of weeks for which a worker may receive trade adjustment allowance under this chapter.

"(c) Adjustment for Workers Receiving Allowances Under Other Federal Law.—

"(1) Reduction in weeks for which allowance will be paid.—If a training allowance under any Federal law (other than this Act) is paid to an adversely affected worker for any week of unemployment with respect to which the worker would be entitled (determined without regard to any disqualification under section 235(b)) to a trade adjustment allowance if the worker applied for that allowance, each week of unemployment shall be deducted from the total number of weeks of trade adjustment allowance otherwise payable to that worker under section 235(a) when the worker applies for a trade adjustment allowance and is determined to be entitled to the allowance.

"(2) Payment of difference.—If the training allowance paid to a worker for any week of unemployment is less than the amount of the trade adjustment allowance to which the worker would be entitled if the worker applied for the trade adjustment allowance, the worker shall receive, when the worker applies for a trade adjustment allowance and is determined to be entitled to the allowance, a trade adjustment allowance for that week equal to the difference between the training allowance and the trade adjustment allowance computed under subsection (b).

"SEC. 237. LIMITATIONS ON TRADE ADJUSTMENT ALLOWANCES.

"(a) Amount Payable.—The maximum amount of trade adjustment allowance payable to an adversely affected worker, with respect to the period covered by any certification, shall be the amount that is the product of 104 multiplied by the trade adjustment allowance payable to the worker for a week of total unemployment (as determined under section 236) reduced by the total sum of the regular State unemployment insurance to which the worker was entitled (or would have been entitled if the worker had applied for unemployment insurance) in the worker's first benefit period described in section 235(a)(3)(A).

"(b) Duration of Payments.—

"(1) In general.—Except as provided in paragraph (2), a trade adjustment allowance shall not be paid for any week occurring after the close of the 104-week period that begins with the first week following the week in which the adversely affected worker was most recently totally separated—

"(A) within the period that is described in section 235(a)(1); and

"(B) with respect to which the worker meets the requirements of section 235(a)(2).

"(2) Special rules.—

"(A) Break in training.—For purposes of this chapter, a worker shall be treated as participating in a training program approved by the Secretary under section 240(a) during any week that is part of a break in a training that does not exceed 30 days if—

"(i) the worker was participating in a training program approved under section 240(a) before the beginning of the break in training; and

"(ii) the break is provided under the training program.

"(B) On-the-job training.—No trade adjustment allowance shall be paid to a worker under this chapter for any week during which the worker is receiving on-the-job training, except that a trade adjustment allowance shall be paid if a worker is enrolled in a non-paid customized training program.

"(C) Small business administration pilot program.—An adversely affected worker who is participating in a self-employment training program established by the Director of the Small Business Administration pursuant to section 102 of the Trade Adjustment Assistance Reform Act of 2002, shall not be ineligible to receive benefits under this chapter.

"(D) Additional weeks for remedial education.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 240, if the program is a program of remedial education in accordance with regulations prescribed by the Secretary, payments may be made as trade adjustment allowances for up to 26 additional weeks in the 26-week period that follows the last week of entitlement to trade adjustment allowances otherwise payable under this chapter.

"(c) Adjustment of Amounts Payable.—Amounts payable to an adversely affected worker under this chapter shall be subject to adjustment on a week-to-week basis as may be required by section 236.

"(d) Year-End Adjustment.—

"(1) In general.—Notwithstanding any other provision of this Act or any other provision of law, if the benefit year of a worker ends within an extended benefit period, the number of weeks of extended benefits that the worker would, but for this subsection, be entitled to in that extended benefit period shall not be reduced by the number of weeks for which the worker was entitled, during that benefit year, to trade adjustment allowances under this part.

"(2) Extended benefits period.—For the purpose of this section the term 'extended benefit period' has the same meaning given that

term in the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"SEC. 238. APPLICATION OF STATE LAWS.

"(a) IN GENERAL.—Except where inconsistent with the provisions of this chapter and subject to such regulations as the Secretary may prescribe, the availability and disqualification provisions of the State law under which an adversely affected worker is entitled to unemployment insurance (whether or not the worker has filed a claim for such insurance), or, if the worker is not so entitled to unemployment insurance, of the State in which the worker was totally or partially separated, shall apply to a worker that files an application for trade adjustment assistance.

"(b) DURATION OF APPLICABILITY.—The State law determined to be applicable with respect to a separation of an adversely affected worker shall remain applicable for purposes of subsection (a), with respect to a separation until the worker becomes entitled to unemployment insurance under another State law (whether or not the worker has filed a claim for that insurance).

"PART III—EMPLOYMENT SERVICES, TRAINING, AND OTHER ALLOWANCES

"SEC. 239. EMPLOYMENT SERVICES.

"The Secretary shall, in accordance with section 222 or 223, as applicable, make every reasonable effort to secure for adversely affected workers covered by a certification under section 231, counseling, testing, placement, and other services provided for under any other Federal law.

"SEC. 240. TRAINING.

"(a) APPROVED TRAINING PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall approve training programs that include—

"(A) on-the-job training or customized training;

"(B) any employment or training activity provided through a one-stop delivery system under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2861 et seq.);

"(C) any program of adult education;

"(D) any training program (other than a training program described in paragraph (3)) for which all, or any portion, of the costs of training the worker are paid—

"(i) under any Federal or State program other than this chapter; or

"(ii) from any source other than this section; and

"(E) any other training program that the Secretary determines is acceptable to meet the needs of an adversely affected worker.

In making the determination under subparagraph (E), the Secretary shall consult with interested parties.

"(2) TRAINING AGREEMENTS.—Before approving any training to which subsection (f)(1)(C) may apply, the Secretary may require that the adversely affected worker enter into an agreement with the Secretary under which the Secretary will not be required to pay under subsection (b) the portion of the costs of the training that the worker has reason to believe will be paid under the program, or by the source, described in clause (i) or (ii) of subsection (f)(1)(C).

"(3) LIMITATION ON APPROVALS.—The Secretary shall not approve a training program if all of the following apply:

"(A) PAYMENT BY PLAN.—Any portion of the costs of the training program are paid under any nongovernmental plan or program.

"(B) RIGHT TO OBTAIN.—The adversely affected worker has a right to obtain training or funds for training under that plan or program.

"(C) REIMBURSEMENT.—The plan or program requires the worker to reimburse the plan or program from funds provided under this chapter, or from wages paid under the training program, for any portion of the costs of that training program paid under the plan or program.

"(b) PAYMENT OF TRAINING COSTS.—

"(1) IN GENERAL.—Upon approval of a training program under subsection (a), and subject to the limitations imposed by this section, an adversely affected worker covered by a certification issued under section 231 may be eligible to have payment of the costs of that training, including any costs of an approved training program incurred by a worker before a certification was issued under section 231, made on behalf of the worker by the Secretary directly or through a voucher system.

"(2) ON-THE-JOB TRAINING AND CUSTOMIZED TRAINING.—

"(A) PROVISION OF TRAINING ON THE JOB OR CUSTOMIZED TRAINING.—If the Secretary approves training under subsection (a), the Secretary shall, insofar as possible, provide or assure the provision of that training on the job or customized training, and any training on the job or customized training that is approved by the Secretary under subsection (a) shall include related education necessary for the acquisition of skills needed for a position within a particular occupation.

"(B) MONTHLY INSTALLMENTS.—If the Secretary approves payment of any on-the-job training or customized training under subsection (a), the Secretary shall pay the costs of that training in equal monthly installments.

"(C) LIMITATIONS.—The Secretary may pay the costs of on-the-job training or customized training only if—

"(i) no employed worker is displaced by the adversely affected worker (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits);

"(ii) the training does not impair contracts for services or collective bargaining agreements;

"(iii) in the case of training that would affect a collective bargaining agreement, the written concurrence of the labor organization concerned has been obtained;

"(iv) no other individual is on layoff from the same, or any substantially equivalent, job for which the adversely affected worker is being trained;

"(v) the employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created by hiring the adversely affected worker;

"(vi) the job for which the adversely affected worker is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of employed individuals;

"(vii) the training is not for the same occupation from which the worker was separated and with respect to which the worker's group was certified pursuant to section 231;

"(viii) the employer is provided reimbursement of not more than 50 percent of the wage rate of the participant, for the cost of providing the training and additional supervision related to the training;

"(ix) the employer has not received payment under subsection (b)(1) with respect to any other on-the-job training provided by the employer or customized training that failed to meet the requirements of clauses (i) through (vi); and

"(x) the employer has not taken, at any time, any action that violated the terms of any certification described in clause (viii) made by that employer with respect to any other on-the-job training provided by the employer or customized training for which the Secretary has made a payment under paragraph (1).

"(c) CERTAIN WORKERS ELIGIBLE FOR TRAINING BENEFITS.—An adversely affected worker covered by a certification issued under section 231, who is not qualified to receive a trade adjustment allowance under section 235, may be eligible to have payment of the costs of training made under this section, if the worker enters a training program approved by the Secretary not later than 6 months after the date on which the certification that covers the worker is issued or the Secretary determines that one of the following applied:

"(1) Funding was not available at the time at which the adversely affected worker was required to enter training under paragraph (1).

"(2) The adversely affected worker was covered by a waiver issued under section 235(c).

"(d) EXHAUSTION OF UNEMPLOYMENT INSURANCE NOT REQUIRED.—The Secretary may approve training, and pay the costs thereof, for any adversely affected worker who is a member of a group certified under section 231 at any time after the date on which the group is certified, without regard to whether the worker has exhausted all rights to any unemployment insurance to which the worker is entitled.

"(e) SUPPLEMENTAL ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), when training is provided under a training program approved by the Secretary under subsection (a) in facilities that are not within commuting distance of a worker's regular place of residence, the Secretary may authorize supplemental assistance to defray reasonable transportation and subsistence expenses for separate maintenance.

"(2) TRANSPORTATION EXPENSES.—The Secretary may not authorize payments for travel expenses exceeding the prevailing mileage rate authorized under the Federal travel regulations.

"(3) SUBSISTENCE EXPENSES.—The Secretary may not authorize payments for subsistence that exceed the lesser of—

"(A) the actual per diem expenses for subsistence of the worker; or

"(B) an amount equal to 50 percent of the prevailing per diem allowance rate authorized under Federal travel regulations.

"(f) SPECIAL PROVISIONS; LIMITATIONS.—

"(1) LIMITATION ON MAKING PAYMENTS.—

"(A) DISALLOWANCE OF OTHER PAYMENT.—If the costs of training an adversely affected worker are paid by the Secretary under subsection (b), no other payment for those training costs may be made under any other provision of Federal law.

"(B) NO PAYMENT OF REIMBURSABLE COSTS.—No payment for the costs of approved training may be made under subsection (b) if those costs—

"(i) have already been paid under any other provision of Federal law; or

"(ii) are reimbursable under any other provision of Federal law and a portion of those costs has already been paid under that other provision of Federal law.

"(C) NO PAYMENT OF COSTS PAID ELSEWHERE.—The Secretary is not required to pay the costs of any training approved under subsection (a) to the extent that those costs are paid under any Federal or State program other than this chapter.

"(D) EXCEPTION.—The provisions of this paragraph shall not apply to, or take into account, any funds provided under any other provision of Federal law that are used for any purpose other than the direct payment of the costs incurred in training a particular adversely affected worker, even if the use of those funds has the effect of indirectly paying for or reducing any portion of the costs involved in training the adversely affected worker.

"(2) UNEMPLOYMENT ELIGIBILITY.—A worker may not be determined to be ineligible or disqualified for unemployment insurance or program benefits under this subchapter because the

individual is in training approved under subsection (a), because of leaving work which is not suitable employment to enter the training, or because of the application to any week in training of provisions of State law or Federal unemployment insurance law relating to availability for work, active search for work, or refusal to accept work.

“(3) DEFINITION.—For purposes of this section the term ‘suitable employment’ means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage.

“(4) PAYMENTS AFTER REEMPLOYMENT.—

“(A) IN GENERAL.—In the case of an adversely affected worker who secures reemployment, the Secretary may approve and pay the costs of training (or shall continue to pay the costs of training previously approved) for that adversely affected worker, for the completion of the training program or up to 26 weeks, whichever is less, after the date the adversely affected worker becomes reemployed.

“(B) TRADE ADJUSTMENT ALLOWANCE.—An adversely affected worker who is reemployed and is undergoing training approved by the Secretary pursuant to subparagraph (A) may continue to receive a trade adjustment allowance, subject to the income offsets provided for in the worker's State unemployment compensation law in accordance with the provisions of section 237.

“(5) FUNDING.—The total amount of payments that may be made under this section for any fiscal year shall not exceed $300,000,000.

“SEC. 240A. JOB TRAINING PROGRAMS.

“(a) GRANT PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to community colleges (as defined in section 202 of the Tech-Prep Education Act (20 U.S.C. 2371)) on a competitive basis to establish job training programs for adversely affected workers.

“(b) APPLICATION.—

“(1) SUBMISSION.—To receive a grant under this section, a community college shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

“(2) CONTENTS.—The application submitted under paragraph (1) shall provide a description of—

“(A) the population to be served with grant funds received under this section;

“(B) how grant funds received under this section will be expended; and

“(C) the job training programs that will be established with grant funds received under this section, including a description of how such programs relate to workforce needs in the area where the community college is located.

“(c) ELIGIBILITY.—To be eligible to receive a grant under this section, a community college shall be located in an eligible community (as defined in section 271).

“(d) DECISION ON APPLICATIONS.—Not later than 30 days after submission of an application under subsection (b), the Secretary shall approve or disapprove the application.

“(e) USE OF FUNDS.—A community college that receives a grant under this section shall use the grant funds to establish job training programs for adversely affected workers.

“SEC. 241. JOB SEARCH ALLOWANCES.

“(a) JOB SEARCH ALLOWANCE AUTHORIZED.—

“(1) IN GENERAL.—An adversely affected worker covered by a certification issued under section 231 may file an application with the Secretary for payment of a job search allowance.

“(2) APPROVAL OF APPLICATIONS.—The Secretary may grant an allowance pursuant to an application filed under paragraph (1) when all of the following apply:

“(A) ASSIST ADVERSELY AFFECTED WORKER.—The allowance is paid to assist an adversely affected worker who has been totally separated in securing a job within the United States.

“(B) LOCAL EMPLOYMENT NOT AVAILABLE.—The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

“(C) APPLICATION.—The worker has filed an application for the allowance with the Secretary before—

“(i) the later of—

“(I) the 365th day after the date of the certification under which the worker is certified as eligible; or

“(II) the 365th day after the date of the worker's last total separation; or

“(ii) the date that is the 182d day after the date on which the worker concluded training, unless the worker received a waiver under section 235(c).

“(b) AMOUNT OF ALLOWANCE.—

“(1) IN GENERAL.—An allowance granted under subsection (a) shall provide reimbursement to the worker of 90 percent of the cost of necessary job search expenses as prescribed by the Secretary in regulations.

“(2) MAXIMUM ALLOWANCE.—Reimbursement under this subsection may not exceed $1,250 for any worker.

“(3) ALLOWANCE FOR SUBSISTENCE AND TRANSPORTATION.—Reimbursement under this subsection may not be made for subsistence and transportation expenses at levels exceeding those allowable under section 240(e).

“(c) EXCEPTION.—Notwithstanding subsection (b), the Secretary shall reimburse any adversely affected worker for necessary expenses incurred by the worker in participating in a job search program approved by the Secretary.

“SEC. 242. RELOCATION ALLOWANCES.

“(a) RELOCATION ALLOWANCE AUTHORIZED.—

“(1) IN GENERAL.—Any adversely affected worker covered by a certification issued under section 231 may file an application for a relocation allowance with the Secretary, and the Secretary may grant the relocation allowance, subject to the terms and conditions of this section.

“(2) CONDITIONS FOR GRANTING ALLOWANCE.—A relocation allowance may be granted if all of the following terms and conditions are met:

“(A) ASSIST AN ADVERSELY AFFECTED WORKER.—The relocation allowance will assist an adversely affected worker in relocating within the United States.

“(B) LOCAL EMPLOYMENT NOT AVAILABLE.—The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

“(C) TOTAL SEPARATION.—The worker is totally separated from employment at the time relocation commences.

“(D) SUITABLE EMPLOYMENT OBTAINED.—The worker—

“(i) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which the worker wishes to relocate; or

“(ii) has obtained a bona fide offer of such employment.

“(E) APPLICATION.—The worker filed an application with the Secretary before—

“(i) the later of—

“(I) the 425th day after the date of the certification under section 231; or

“(II) the 425th day after the date of the worker's last total separation; or

“(ii) the date that is the 182d day after the date on which the worker concluded training, unless the worker received a waiver under section 235(c).

“(b) AMOUNT OF ALLOWANCE.—The relocation allowance granted to a worker under subsection (a) includes—

“(1) 90 percent of the reasonable and necessary expenses (including, but not limited to, subsistence and transportation expenses at levels not exceeding those allowable under section 240(e)) specified in regulations prescribed by the Secretary, incurred in transporting the worker, the worker's family, and household effects; and

“(2) a lump sum equivalent to 3 times the worker's average weekly wage, up to a maximum payment of $1,250.

“(c) LIMITATIONS.—A relocation allowance may not be granted to a worker unless—

“(1) the relocation occurs within 182 days after the filing of the application for relocation assistance; or

“(2) the relocation occurs within 182 days after the conclusion of training, if the worker entered a training program approved by the Secretary under section 240(a).

“SEC. 243. SUPPORTIVE SERVICES; WAGE INSURANCE.

“(a) SUPPORTIVE SERVICES.—

“(1) APPLICATION.—

“(A) IN GENERAL.—The State may, on behalf of any adversely affected worker or group of workers covered by a certification issued under section 231—

“(i) file an application with the Secretary for services under section 173 of the Workforce Investment Act of 1998 (relating to National Emergency Grants); and

“(ii) provide other services under title I of the Workforce Investment Act of 1998.

“(B) SERVICES.—The services available under this paragraph include transportation, child care, and dependent care that are necessary to enable a worker to participate in activities authorized under this chapter.

“(2) CONDITIONS.—The Secretary may approve an application filed under paragraph (1)(A)(i) and provide supportive services to an adversely affected worker only if the Secretary determines that all of the following apply:

“(A) NECESSITY.—Providing services is necessary to enable the worker to participate in or complete training.

“(B) CONSISTENT WITH WORKFORCE INVESTMENT ACT.—The services are consistent with the supportive services provided to participants under the provisions relating to dislocated worker employment and training activities set forth in chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2861 et seq.).

“(b) WAGE INSURANCE PROGRAM.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall establish, and the States shall implement, a Wage Insurance Program under which a State shall use the funds provided to the State for trade adjustment allowances to pay to an adversely affected worker certified under section 231 a wage subsidy of up to 50 percent of the difference between the wages received by the adversely affected worker from reemployment and the wages received by the adversely affected worker at the time of separation for a period not to exceed 2 years.

“(2) AMOUNT OF PAYMENT.—

“(A) WAGES UNDER $40,000.—If the wages the worker receives from reemployment are less than $40,000 a year, the wage subsidy shall be 50 percent of the difference between the amount of the wages received by the worker from reemployment and the amount of the wages received by the worker at the time of separation.

“(B) WAGES BETWEEN $40,000 AND $50,000.—If the wages received by the worker from reemployment are greater than $40,000 a year but less than $50,000 a year, the wage subsidy shall be 25 percent of the difference between the amount of the wages received by the worker from reemployment and the amount of the wages received by the worker at the time of separation.

"(3) ELIGIBILITY.—An adversely affected worker may be eligible to receive a wage subsidy under this subsection if the worker—

"(A) enrolls in the Wage Insurance Program;

"(B) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment;

"(C) is at least 50 years of age;

"(D) earns not more than $50,000 a year in wages from reemployment;

"(E) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

"(F) does not return to the employment from which the worker was separated.

"(4) AMOUNT OF PAYMENTS.—The payments made under paragraph (1) to an adversely affected worker may not exceed $5,000 a year for each year of the 2-year period.

"(5) LIMITATION ON OTHER BENEFITS.—At the time a worker begins to receive a wage subsidy under this subsection the worker shall not be eligible to receive any benefits under this Act other than the wage subsidy unless the Secretary determines, pursuant to standards established by the Secretary, that the worker has shown circumstances that warrant eligibility for training benefits under section 240.

"(6) FUNDING.—The total amount of payments that may be made under this subsection for any fiscal year shall not exceed $50,000,000.

"(7) TERMINATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no payments may be made under this subsection after the date that is 2 years after the date on which the program under this subsection is implemented in the State under paragraph (1).

"(B) EXCEPTION.—Notwithstanding subparagraph (A), a worker receiving payments under this subsection on the date described in subparagraph (A) shall continue to receive such payments for as long as the worker meets the eligibility requirements of this subsection.

"(c) STUDIES OF ASSISTANCE AVAILABLE TO ECONOMICALLY DISTRESSED WORKERS.—

"(1) STUDY BY THE GENERAL ACCOUNTING OFFICE.—

"(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of all assistance provided by the Federal Government for workers facing job loss and economic distress.

"(B) REPORT.—Not later than 1 year after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Comptroller General shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the study conducted under subparagraph (A). The report shall include a description of—

"(i) all Federal programs designed to assist workers facing job loss and economic distress, including all benefits and services;

"(ii) eligibility requirements for each of the programs; and

"(iii) procedures for applying for and receiving benefits and services under each of the programs.

"(C) DISTRIBUTION OF GAO REPORT.—The report described in subparagraph (B) shall be distributed to all one-stop partners authorized under the Workforce Investment Act of 1998.

"(2) STUDIES BY THE STATES.—

"(A) IN GENERAL.—Each State may conduct a study of its assistance programs for workers facing job loss and economic distress.

"(B) GRANTS.—The Secretary may award to each State a grant, not to exceed $50,000, to enable the State to conduct the study described in subparagraph (A). Each study shall be undertaken in consultation with affected parties.

"(C) REPORT.—Not later than 1 year after the date of the grant, each State that receives a grant under subparagraph (B) shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the report described in subparagraph (A).

"(D) DISTRIBUTION OF STATE REPORTS.—A report prepared by a State under this paragraph shall be distributed to all the one-stop partners in the State.

"Subchapter D—Payment and Enforcement Provisions

"SEC. 244. PAYMENTS TO STATES.

"(a) IN GENERAL.—The Secretary, from time to time, shall certify to the Secretary of the Treasury for payment to each cooperating State, the sums necessary to enable that State as agent of the United States to make payments provided for by this chapter.

"(b) LIMITATION ON USE OF FUNDS.—

"(1) IN GENERAL.—All money paid to a cooperating State under this section shall be used solely for the purposes for which it is paid.

"(2) RETURN OF FUNDS NOT SO USED.—Money paid that is not used for the purpose for which it is paid under subsection (a) shall be returned to the Secretary of the Treasury at the time specified in the agreement entered into under section 222.

"(c) SURETY BOND.—Any agreement under section 222 may require any officer or employee of the cooperating State certifying payments or disbursing funds under the agreement or otherwise participating in the performance of the agreement, to give a surety bond to the United States in an amount the Secretary deems necessary, and may provide for the payment of the cost of that bond from funds for carrying out the purposes of this chapter.

"SEC. 245. LIABILITIES OF CERTIFYING AND DISBURSING OFFICERS.

"(a) LIABILITY OF CERTIFYING OFFICIALS.—No person designated by the Secretary, or designated pursuant to an agreement entered into under section 222, as a certifying officer, in the absence of gross negligence or intent to defraud the United States, shall be liable with respect to any payment certified by that person under this chapter.

"(b) LIABILITY OF DISBURSING OFFICERS.—No disbursing officer, in the absence of gross negligence or intent to defraud the United States, shall be liable with respect to any payment by that officer under this chapter if the payment was based on a voucher signed by a certifying officer designated according to subsection (a).

"SEC. 246. FRAUD AND RECOVERY OF OVERPAYMENTS.

"(a) IN GENERAL.—

"(1) OVERPAYMENT.—If a cooperating State, the Secretary, or a court of competent jurisdiction determines that any person has received any payment under this chapter to which the person was not entitled, including a payment referred to in subsection (b), that person shall be liable to repay that amount to the cooperating State or the Secretary, as the case may be.

"(2) EXCEPTION.—The cooperating State or the Secretary may waive repayment if the cooperating State or the Secretary determines, in accordance with guidelines prescribed by the Secretary, that all of the following apply:

"(A) NO FAULT.—The payment was made without fault on the part of the person.

"(B) REPAYMENT CONTRARY TO EQUITY.—Requiring repayment would be contrary to equity and good conscience.

"(3) PROCEDURE FOR RECOVERY.—

"(A) RECOVERY FROM OTHER ALLOWANCES AUTHORIZED.—Unless an overpayment is otherwise recovered or waived under paragraph (2), the cooperating State or the Secretary shall recover the overpayment by deductions from any sums payable to that person under this chapter, under any Federal unemployment compensation law administered by the cooperating State or the Secretary, or under any other Federal law administered by the cooperating State or the Secretary that provides for the payment of assistance or an allowance with respect to unemployment.

"(B) RECOVERY FROM STATE ALLOWANCES AUTHORIZED.—Notwithstanding any other provision of Federal or State law, the Secretary may require a cooperating State to recover any overpayment under this chapter by deduction from any unemployment insurance payable to that person under State law, except that no single deduction under this paragraph shall exceed 50 percent of the amount otherwise payable.

"(b) INELIGIBILITY FOR FURTHER PAYMENTS.—Any person, in addition to any other penalty provided by law, shall be ineligible for any further payments under this chapter if a cooperating State, the Secretary, or a court of competent jurisdiction determines that one of the following applies:

"(1) FALSE STATEMENT.—The person knowingly made, or caused another to make, a false statement or representation of a material fact, and as a result of the false statement or representation, the person received any payment under this chapter to which the person was not entitled.

"(2) FAILURE TO DISCLOSE.—The person knowingly failed, or caused another to fail, to disclose a material fact, and as a result of the nondisclosure, the person received any payment under this chapter to which the person was not entitled.

"(c) HEARING.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a) by the cooperating State or the Secretary, as the case may be, has been made, notice of the determination and an opportunity for a fair hearing has been given to the person concerned, and the determination has become final.

"(d) RECOVERED FUNDS.—Any amount recovered under this section shall be returned to the Treasury of the United States.

"SEC. 247. CRIMINAL PENALTIES.

"Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for that person or for any other person any payment authorized to be furnished under this chapter or pursuant to an agreement under section 222 shall be fined not more than $10,000, imprisoned for not more than 1 year, or both.

"SEC. 248. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Labor, for the period beginning October 1, 2001, and ending September 30, 2007, such sums as may be necessary to carry out the purposes of this chapter, including such additional sums for administrative expenses as may be necessary for the department to meet the increased workload created by the Trade Adjustment Assistance Reform Act of 2002, provided that funding provided for training services shall not be used for expenses of administering the trade adjustment assistance for workers program. Amounts appropriated under this section shall remain available until expended.

"SEC. 249. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this chapter.

"SEC. 250. SUBPOENA POWER.

"(a) IN GENERAL.—The Secretary may require by subpoena the attendance of witnesses and the production of evidence necessary to make a determination under the provisions of this chapter.

"(b) COURT ORDER.—If a person refuses to obey a subpoena issued under subsection (a), a competent United States district court, upon petition by the Secretary, may issue an order requiring compliance with such subpoena.".

SEC. 112. DISPLACED WORKER SELF-EMPLOYMENT TRAINING PILOT PROGRAM.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Small Business Administration (in this section referred to as the "Administrator") shall establish a self-employment training program (in this section referred to as the "Program") for adversely affected workers (as defined in chapter 2 of title II of the Trade Act of 1974), to be administered by the Small Business Administration.

(b) ELIGIBILITY FOR ASSISTANCE.—If an adversely affected worker seeks or receives assistance through the Program, such action shall not affect the eligibility of that worker to receive benefits under chapter 2 of title II of the Trade Act of 1974.

(c) TRAINING ASSISTANCE.—The Program shall include, at a minimum, training in—

(1) pre-business startup planning;

(2) awareness of basic credit practices and credit requirements; and

(3) developing business plans, financial packages, and credit applications.

(d) OUTREACH.—The Program should include outreach to adversely affected workers and counseling and lending partners of the Small Business Administration.

(e) REPORTS TO CONGRESS.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator shall submit quarterly reports to the Committee on Finance and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Ways and Means and the Committee on Small Business of the House of Representatives regarding the implementation of the Program, including Program delivery, staffing, and administrative expenses related to such implementation.

(f) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue such guidelines as the Administrator determines to be necessary to carry out the Program.

(g) EFFECTIVE DATE.—The Program shall terminate 3 years after the date of final publication of guidelines under subsection (f).

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 201. REAUTHORIZATION OF PROGRAM.

(a) IN GENERAL.—Section 256(b) of chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to the Secretary $16,000,000 for each of fiscal years 2002 through 2007, to carry out the Secretary's functions under this chapter in connection with furnishing adjustment assistance to firms. Amounts appropriated under this subsection shall remain available until expended.".

(b) ELIGIBILITY CRITERIA.—Section 251(c) of chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341(c)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) The Secretary shall certify a firm (including any agricultural firm) as eligible to apply for adjustment assistance under this chapter if the Secretary determines that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated, and that either—

"(A)(i)(I) sales or production, or both, of the firm have decreased absolutely, or

"(II) sales or production, or both, of an article that accounted for not less than 25 percent of the total production or sales of the firm during the 12-month period for which data are available have decreased absolutely; and

"(ii) increases in the value or volume of imports of articles like or directly competitive with articles which are produced by such firm contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production; or

"(B) a shift in production by the workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by that firm or subdivision contributed importantly to the workers' separation or threat of separation."; and

(2) in paragraph (2), by striking "paragraph (1)(C)" and inserting "paragraph (1)".

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

SEC. 301. PURPOSE.

The purpose of this title is to assist communities with economic adjustment through the integration of political and economic organizations, the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the provision of economic transition assistance.

SEC. 302. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

"CHAPTER 4—COMMUNITY ECONOMIC ADJUSTMENT

"SEC. 271. DEFINITIONS.

"In this chapter:

"(1) CIVILIAN LABOR FORCE.—The term 'civilian labor force' has the meaning given that term in regulations prescribed by the Secretary of Labor.

"(2) COMMUNITY.—The term 'community' means a county or equivalent political subdivision of a State.

"(A) RURAL COMMUNITY.—The term 'rural community' means a community that has a rural-urban continuum code of 4 through 9.

"(B) URBAN COMMUNITY.—The term 'urban community' means a community that has a rural-urban continuum code of 0 through 3.

"(3) COMMUNITY ECONOMIC DEVELOPMENT COORDINATING COMMITTEE.—The term 'Community Economic Development Coordinating Committee' means a community group established under section 274 that consists of major groups significantly affected by an increase in imports or a shift in production, including local, regional, tribal, and State governments, regional councils of governments and economic development, and business, labor, education, health, religious, and other community-based organizations.

"(4) DIRECTOR.—The term 'Director' means the Director of the Office of Community Trade Adjustment.

"(5) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community certified under section 273 as eligible for assistance under this chapter.

"(6) JOB LOSS.—The term 'job loss' means the total or partial separation of an individual, as those terms are defined in section 221.

"(7) OFFICE.—The term 'Office' means the Office of Community Trade Adjustment established under section 272.

"(8) RURAL-URBAN CONTINUUM CODE.—The term 'rural-urban continuum code' means a code assigned to a community according to the rural-urban continuum code system, as defined by the Economic Research Service of the Department of Agriculture.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"SEC. 272. OFFICE OF COMMUNITY TRADE ADJUSTMENT.

"(a) ESTABLISHMENT.—Within 6 months of the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, there shall be established in the Office of Economic Adjustment of the Economic Development Administration of the Department of Commerce an Office of Community Trade Adjustment.

"(b) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities described in this chapter.

"(c) COORDINATION OF FEDERAL RESPONSE.—The Office shall—

"(1) provide leadership, support, and coordination for a comprehensive management program to address economic dislocation in eligible communities;

"(2) establish an easily accessible, one-stop clearinghouse for States and eligible communities to obtain information regarding economic development assistance available under Federal law;

"(3) coordinate the Federal response to an eligible community—

"(A) by identifying all Federal, State, and local resources that are available to assist the eligible community in recovering from economic distress;

"(B) by ensuring that all Federal agencies offering assistance to an eligible community do so in a targeted, integrated manner that ensures that an eligible community has access to all available Federal assistance;

"(C) by assuring timely consultation and cooperation between Federal, State, and regional officials concerning community economic adjustment;

"(D) by identifying and strengthening existing agency mechanisms designed to assist communities in economic adjustment and workforce reemployment;

"(E) by applying consistent policies, practices, and procedures in the administration of Federal programs that are used to assist communities adversely impacted by an increase in imports or a shift in production;

"(F) by creating, maintaining, and using a uniform economic database to analyze community adjustment activities; and

"(G) by assigning a community economic adjustment advisor to work with each eligible community;

"(4) provide comprehensive technical assistance to any eligible community in the efforts of that community to—

"(A) identify serious economic problems in the community that result from an increase in imports or shift in production;

"(B) integrate the major groups and organizations significantly affected by the economic adjustment;

"(C) organize a Community Economic Development Coordinating Committee;

"(D) access Federal, State, and local resources designed to assist in economic development and trade adjustment assistance;

"(E) diversify and strengthen the community economy; and

"(F) develop a community-based strategic plan to address workforce dislocation and economic development;

"(5) establish specific criteria for submission and evaluation of a strategic plan submitted under section 276(d);

"(6) administer the grant programs established under sections 276 and 277; and

"(7) establish an interagency Trade Adjustment Assistance Working Group, consisting of the representatives of any Federal department or agency with responsibility for economic adjustment assistance, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the Department of Commerce, the Office of the United

States Trade Representative, and the National Economic Council.

“(d) Working Group.—The working group established under subsection (c)(7) shall examine other options for addressing trade impacts on communities, such as:

“(1) Seeking legislative language directing the Foreign Trade Zone (‘FTZ’) Board to expedite consideration of FTZ applications from communities or businesses that have been found eligible for trade adjustment assistance.

“(2) Seeking legislative language to make new markets tax credits available in communities impacted by trade.

“(3) Seeking legislative language to make work opportunity tax credits available for hiring unemployed workers who are certified eligible for trade adjustment assistance.

“(4) Examining ways to assist trade impacted rural communities and industries take advantage of the Department of Agriculture's rural development program.

“SEC. 273. NOTIFICATION AND CERTIFICATION AS AN ELIGIBLE COMMUNITY.

“(a) Notification.—The Secretary of Labor, not later than 15 days after making a determination that a group of workers is eligible for trade adjustment assistance under section 231, shall notify the Governor of the State in which the community in which the worker's firm is located and the Director, of the Secretary's determination.

“(b) Certification.—Not later than 30 days after notification by the Secretary of Labor described in subsection (a), the Director shall certify as eligible for assistance under this chapter a community in which both of the following conditions applies:

“(1) Number of job losses.—The Director finds that—

“(A) in an urban community, at least 500 workers have been certified for assistance under section 231 in the most recent 36-month period preceding the date of certification under this section for which data are available; or

“(B) in a rural community, at least 300 workers have been certified for assistance under section 231 in the most recent 36-month period preceding the date of certification under this section for which data are available.

“(2) Percent of workforce unemployed.—The Director finds that the unemployment rate for the community is at least 1 percent greater than the national unemployment rate for the most recent 12-month period for which data are available.

“(c) Notification to Eligible Communities.—Not later than 15 days after the Director certifies a community as eligible under subsection (b), the Director shall notify the community—

“(1) of its determination under subsection (b);

“(2) of the provisions of this chapter;

“(3) how to access the clearinghouse established under section 272(c)(2); and

“(4) how to obtain technical assistance provided under section 272(c)(4).

“SEC. 274. COMMUNITY ECONOMIC DEVELOPMENT COORDINATING COMMITTEE.

“(a) Establishment.—In order to apply for and receive benefits under this chapter, an eligible community shall establish a Community Economic Development Coordinating Committee certified by the Director as meeting the requirements of subsection (b)(1).

“(b) Composition of the Committee.—

“(1) Local participation.—The Community Economic Development Coordinating Committee established by an eligible community under subsection (a) shall include representatives of those groups significantly affected by economic dislocation, such as local, regional, tribal, and State governments, regional councils of governments and economic development, business, labor, education, health organizations, religious, and other community-based groups providing assistance to workers, their families, and communities.

“(2) Federal participation.—Pursuant to section 275(b)(3), the community economic adjustment advisor, assigned by the Director to assist an eligible community, shall serve as an ex officio member of the Community Economic Development Coordinating Committee, and shall arrange for participation by representatives of other Federal agencies on that Committee as necessary.

“(3) Existing organization.—An eligible community may designate an existing organization in that community as the Community Economic Development Coordinating Committee if that organization meets the requirements of paragraph (1) for the purposes of this chapter.

“(c) Duties.—The Community Economic Development Coordinating Committee shall—

“(1) ascertain the severity of the community economic adjustment required as a result of the increase in imports or shift in production;

“(2) assess the capacity of the community to respond to the required economic adjustment and the needs of the community as it undertakes economic adjustment, taking into consideration such factors as the number of jobs lost, the size of the community, the diversity of industries, the skills of the labor force, the condition of the current labor market, the availability of financial resources, the quality and availability of educational facilities, the adequacy and availability of public services, and the existence of a basic and advanced infrastructure in the community;

“(3) facilitate a dialogue between concerned interests in the community, represent the impacted community, and ensure all interests in the community work collaboratively toward collective goals without duplication of effort or resources;

“(4) oversee the development of a strategic plan for community economic development, taking into consideration the factors mentioned under paragraph (2), and consistent with the criteria established by the Secretary for the strategic plan developed under section 276;

“(5) create an executive council of members of the Community Economic Development Coordinating Committee to promote the strategic plan within the community and ensure coordination and cooperation among all stakeholders; and

“(6) apply for any grant, loan, or loan guarantee available under Federal law to develop or implement the strategic plan, and be an eligible recipient for funding for economic adjustment for that community.

“SEC. 275. COMMUNITY ECONOMIC ADJUSTMENT ADVISORS.

“(a) In General.—Pursuant to section 272(c)(3)(G), the Director shall assign a community economic adjustment advisor to each eligible community.

“(b) Duties.—The community economic adjustment advisor shall—

“(1) provide technical assistance to the eligible community, assist in the development and implementation of a strategic plan, including applying for any grant available under this or any other Federal law to develop or implement that plan;

“(2) at the local and regional level, coordinate the response of all Federal agencies offering assistance to the eligible community;

“(3) serve as an ex officio member of the Community Economic Development Coordinating Committee established by an eligible community under section 274;

“(4) act as liaison between the Community Economic Development Coordinating Committee established by the eligible community and all other Federal agencies that offer assistance to eligible communities, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the National Economic Council, and other offices or agencies of the Department of Commerce;

“(5) report regularly to the Director regarding the progress of development activities in the community to which the community economic adjustment advisor is assigned; and

“(6) perform other duties as directed by the Secretary or the Director.

“SEC. 276. STRATEGIC PLANS.

“(a) In General.—With the assistance of the community economic adjustment advisor, an eligible community may develop a strategic plan for community economic adjustment and diversification.

“(b) Requirements for Strategic Plan.—A strategic plan shall contain, at a minimum, the following:

“(1) A description and justification of the capacity for economic adjustment, including the method of financing to be used, the anticipated management structure of the Community Economic Development Coordinating Committee, and the commitment of the community to the strategic plan over the long term.

“(2) A description of, and a plan to accomplish, the projects to be undertaken by the eligible community.

“(3) A description of how the plan and the projects to be undertaken by the eligible community will lead to job creation and job retention in the community.

“(4) A description of any alternative development plans that were considered, particularly less costly alternatives, and why those plans were rejected in favor of the proposed plan.

“(5) A description of any additional steps the eligible community will take to achieve economic adjustment and diversification, including how the plan and the projects will contribute to establishing or maintaining a level of public services necessary to attract and retain economic investment.

“(6) A description and justification for the cost and timing of proposed basic and advanced infrastructure improvements in the eligible community.

“(7) A description of the occupational and workforce conditions in the eligible community, including but not limited to existing levels of workforce skills and competencies, and educational programs available for workforce training and future employment needs.

“(8) A description of how the plan will adapt to changing markets, business cycles, and other variables.

“(9) A graduation strategy through which the eligible community demonstrates that the community will terminate the need for Federal assistance.

“(c) Grants To Develop Strategic Plans.—

“(1) In general.—The Director, upon receipt of an application from a Community Economic Development Coordinating Committee on behalf of an eligible community, shall award a grant to that community to be used to develop the strategic plan.

“(2) Amount.—The amount of a grant made under paragraph (1) shall be determined by the Secretary, but may not exceed $50,000 to each community.

“(3) Limit.—Each community can only receive 1 grant under this subsection for the purpose of developing a strategic plan in any 5-year period.

“(d) Submission of Plan.—A strategic plan developed under subsection (a) shall be submitted to the Director for evaluation and approval.

"SEC. 277. GRANTS FOR ECONOMIC DEVELOPMENT.

"The Director, upon receipt of an application from the Community Economic Development Coordinating Committee on behalf of an eligible community, may award a grant to that community to carry out any project or program included in the strategic plan approved under section 276(d) that—

"(1) will be located in, or will create or preserve high-wage jobs, in that eligible community; and

"(2) implements the strategy of that eligible community to create high-wage jobs in sectors that are expected to expand, including projects that—

"(A) encourage industries to locate in that eligible community, if such funds are not used to encourage the relocation of any employer in a manner that causes the dislocation of employees of that employer at another facility in the United States;

"(B) leverage resources to create or improve Internet or telecommunications capabilities to make the community more attractive for business;

"(C) establish a funding pool for job creation through entrepreneurial activities;

"(D) assist existing firms in that community to restructure or retool to become more competitive in world markets and prevent job loss; or

"(E) assist the community in acquiring the resources and providing the level of public services necessary to meet the objectives set out in the strategic plan.

"SEC. 278. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Commerce, for the period beginning October 1, 2001, and ending September 30, 2007, such sums as may be necessary to carry out the purposes of this chapter.

"SEC. 279. GENERAL PROVISIONS.

"(a) Report by the Director.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, and annually thereafter, the Director shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report regarding the programs established under this title.

"(b) Regulations.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this chapter.

"(c) Supplement Not Supplant.—Funds appropriated under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.".

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 401. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(a) In General.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following new chapter:

"CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

"SEC. 291. DEFINITIONS.

"In this chapter:

"(1) Agricultural commodity.—The term 'agricultural commodity' means any agricultural commodity (including livestock), except fish as defined in section 299(1) of this Act, in its raw or natural state.

"(2) Agricultural commodity producer.—The term 'agricultural commodity producer' has the same meaning as the term 'person' as prescribed by regulations promulgated under section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 1308(5)). The term does not include any person described in section 299(2) of this Act.

"(3) Contributed importantly.—

"(A) In general.—The term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.

"(B) Determination of contributed importantly.—The determination of whether imports of articles like or directly competitive with an agricultural commodity with respect to which a petition under this chapter was filed contributed importantly to a decline in the price of the agricultural commodity shall be made by the Secretary.

"(4) Duly authorized representative.—The term 'duly authorized representative' means an association of agricultural commodity producers.

"(5) National average price.—The term 'national average price' means the national average price paid to an agricultural commodity producer for an agricultural commodity in a marketing year as determined by the Secretary.

"(6) Secretary.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 292. PETITIONS; GROUP ELIGIBILITY.

"(a) In General.—A petition for a certification of eligibility to apply for adjustment assistance under this chapter may be filed with the Secretary by a group of agricultural commodity producers or by their duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

"(b) Hearings.—If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested person an opportunity to be present, to produce evidence, and to be heard.

"(c) Group Eligibility Requirements.—The Secretary shall certify a group of agricultural commodity producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines—

"(1) that the national average price for the agricultural commodity, or a class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is less than 80 percent of the average of the national average price for such agricultural commodity, or such class of goods, for the 5 marketing years preceding the most recent marketing year; and

"(2) that increases in imports of articles like or directly competitive with the agricultural commodity, or class of goods within the agricultural commodity, produced by the group contributed importantly to the decline in price described in paragraph (1).

"(d) Special Rule for Qualified Subsequent Years.—A group of agricultural commodity producers certified as eligible under section 293 shall be eligible to apply for assistance under this chapter in any qualified year after the year the group is first certified, if the Secretary determines that—

"(1) the national average price for the agricultural commodity, or class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1); and

"(2) the requirements of subsection (c)(2) are met.

"(e) Determination of Qualified Year and Commodity.—In this chapter:

"(1) Qualified year.—The term 'qualified year', with respect to a group of agricultural commodity producers certified as eligible under section 293, means each consecutive year after the year in which the group is certified that the Secretary makes the determination under subsection (c) or (d), as the case may be.

"(2) Classes of goods within a commodity.—In any case in which there are separate classes of goods within an agricultural commodity, the Secretary shall treat each class as a separate commodity in determining group eligibility, the national average price, and level of imports under this section and section 296.

"SEC. 293. DETERMINATIONS BY SECRETARY OF AGRICULTURE.

"(a) In General.—As soon as practicable after the date on which a petition is filed under section 292, but in any event not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 292 (c) or (d), as the case may be, and shall, if the group meets the requirements, issue a certification of eligibility to apply for assistance under this chapter covering agricultural commodity producers in any group that meets the requirements. Each certification shall specify the date on which eligibility under this chapter begins.

"(b) Notice.—Upon making a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register, together with the Secretary's reasons for making the determination.

"(c) Termination of Certification.—Whenever the Secretary determines, with respect to any certification of eligibility under this chapter, that the decline in price for the agricultural commodity covered by the certification is no longer attributable to the conditions described in section 292, the Secretary shall terminate such certification and promptly cause notice of such termination to be published in the Federal Register, together with the Secretary's reasons for making such determination.

"SEC. 294. STUDY BY SECRETARY OF AGRICULTURE WHEN INTERNATIONAL TRADE COMMISSION BEGINS INVESTIGATION.

"(a) In General.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation. Upon receipt of the notification, the Secretary shall immediately conduct a study of—

"(1) the number of agricultural commodity producers producing a like or directly competitive agricultural commodity who have been or are likely to be certified as eligible for adjustment assistance under this chapter, and

"(2) the extent to which the adjustment of such producers to the import competition may be facilitated through the use of existing programs.

"(b) Report.—Not later than 15 days after the day on which the Commission makes its report under section 202(f), the Secretary shall submit a report to the President setting forth the findings of the study described in subsection (a). Upon making the report to the President, the Secretary shall also promptly make the report public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of the report published in the Federal Register.

"SEC. 295. BENEFIT INFORMATION TO AGRICULTURAL COMMODITY PRODUCERS.

"(a) In General.—The Secretary shall provide full information to producers about the benefit allowances, training, and other employment services available under this title and about the petition and application procedures, and the appropriate filing dates, for such allowances, training, and services. The Secretary shall provide whatever assistance is necessary to enable groups to prepare petitions or applications for program benefits under this title.

"(b) Notice of Benefits.—

"(1) In general.—The Secretary shall mail written notice of the benefits available under this chapter to each agricultural commodity producer that the Secretary has reason to believe is covered by a certification made under this chapter.

"(2) Other notice.—The Secretary shall publish notice of the benefits available under this chapter to agricultural commodity producers that are covered by each certification made under this chapter in newspapers of general circulation in the areas in which such producers reside.

"(3) Other federal assistance.—The Secretary shall also provide information concerning procedures for applying for and receiving all other Federal assistance and services available to workers facing economic distress.

"SEC. 296. QUALIFYING REQUIREMENTS FOR AGRICULTURAL COMMODITY PRODUCERS.

"(a) In General.—

"(1) Requirements.—Payment of a trade adjustment allowance shall be made to an adversely affected agricultural commodity producer covered by a certification under this chapter who files an application for such allowance within 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 293, if the following conditions are met:

"(A) The producer submits to the Secretary sufficient information to establish the amount of agricultural commodity covered by the application filed under subsection (a) that was produced by the producer in the most recent year.

"(B) The producer certifies that the producer has not received cash benefits under any provision of this title other than this chapter.

"(C) The producer's net farm income (as determined by the Secretary) for the most recent year is less than the producer's net farm income for the latest year in which no adjustment assistance was received by the producer under this chapter.

"(D) The producer certifies that the producer has met with an Extension Service employee or agent to obtain, at no cost to the producer, information and technical assistance that will assist the producer in adjusting to import competition with respect to the adversely affected agricultural commodity, including—

"(i) information regarding the feasibility and desirability of substituting 1 or more alternative commodities for the adversely affected agricultural commodity; and

"(ii) technical assistance that will improve the competitiveness of the production and marketing of the adversely affected agricultural commodity by the producer, including yield and marketing improvements.

"(2) Limitation.—

"(A) In general.—Notwithstanding any other provision of this chapter, an agricultural commodity producer shall not be eligible for assistance under this chapter in any year in which the average adjusted gross income of the producer exceeds $2,500,000.

"(B) Certification.—To comply with the limitation under subparagraph (A), an individual or entity shall provide to the Secretary—

"(i) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income of the producer does not exceed $2,500,000; or

"(ii) information and documentation regarding the adjusted gross income of the producer through other procedures established by the Secretary.

"(C) Definitions.—In this subsection:

"(i) Adjusted gross income.—The term 'adjusted gross income' means adjusted gross income of an agricultural commodity producer—

"(I) as defined in section 62 of the Internal Revenue Code of 1986 and implemented in accordance with procedures established by the Secretary; and

"(II) that is earned directly or indirectly from all agricultural and nonagricultural sources of an individual or entity for a fiscal or corresponding crop year.

"(ii) Average adjusted gross income.—

"(I) In general.—The term 'average adjusted gross income' means the average adjusted gross income of a producer for each of the 3 preceding taxable years.

"(II) Effective adjusted gross income.—In the case of a producer that does not have an adjusted gross income for each of the 3 preceding taxable years, the Secretary shall establish rules that provide the producer with an effective adjusted gross income for the applicable year.

"(b) Amount of Cash Benefits.—

"(1) In general.—Subject to the provisions of section 298, an adversely affected agricultural commodity producer described in subsection (a) shall be entitled to adjustment assistance under this chapter in an amount equal to the product of—

"(A) one-half of the difference between—

"(i) an amount equal to 80 percent of the average of the national average price of the agricultural commodity covered by the application described in subsection (a) for the 5 marketing years preceding the most recent marketing year, and

"(ii) the national average price of the agricultural commodity for the most recent marketing year, and

"(B) the amount of the agricultural commodity produced by the agricultural commodity producer in the most recent marketing year.

"(2) Special rule for subsequent qualified years.—The amount of cash benefits for a qualified year shall be determined in the same manner as cash benefits are determined under paragraph (1) except that the average national price of the agricultural commodity shall be determined under paragraph (1)(A)(i) by using the 5-marketing-year period used to determine the amount of cash benefits for the first certification.

"(c) Maximum Amount of Cash Assistance.—The maximum amount of cash benefits an agricultural commodity producer may receive in any 12-month period shall not exceed $10,000.

"(d) Limitations on Other Assistance.—An agricultural commodity producer entitled to receive a cash benefit under this chapter—

"(1) shall not be eligible for any other cash benefit under this title, and

"(2) shall be entitled to employment services and training benefits under part III of subchapter C of chapter 2.

"SEC. 297. FRAUD AND RECOVERY OF OVERPAYMENTS.

"(a) In General.—

"(1) Repayment.—If the Secretary, or a court of competent jurisdiction, determines that any person has received any payment under this chapter to which the person was not entitled, such person shall be liable to repay such amount to the Secretary, except that the Secretary may waive such repayment if the Secretary determines, in accordance with guidelines prescribed by the Secretary, that—

"(A) the payment was made without fault on the part of such person; and

"(B) requiring such repayment would be contrary to equity and good conscience.

"(2) Recovery of overpayment.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter.

"(b) False Statement.—A person shall, in addition to any other penalty provided by law, be ineligible for any further payments under this chapter—

"(1) if the Secretary, or a court of competent jurisdiction, determines that the person—

"(A) knowingly has made, or caused another to make, a false statement or representation of a material fact; or

"(B) knowingly has failed, or caused another to fail, to disclose a material fact; and

"(2) as a result of such false statement or representation, or of such nondisclosure, such person has received any payment under this chapter to which the person was not entitled.

"(c) Notice and Determination.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) by the Secretary has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

"(d) Payment to Treasury.—Any amount recovered under this section shall be returned to the Treasury of the United States.

"(e) Penalties.—Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter shall be fined not more than $10,000 or imprisoned for not more than 1 year, or both.

"SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated and there are appropriated to the Department of Agriculture not to exceed $90,000,000 for each of the fiscal years 2002 through 2007 to carry out the purposes of this chapter.

"(b) Proportionate Reduction.—If in any year, the amount appropriated under this chapter is insufficient to meet the requirements for adjustment assistance payable under this chapter, the amount of assistance payable under this chapter shall be reduced proportionately.".

(b) Effective Date.—The amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.

TITLE V—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

SEC. 501. TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN.

(a) In General.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), as amended by title IV of this Act, is amended by adding at the end the following new chapter:

"CHAPTER 7—ADJUSTMENT ASSISTANCE FOR FISHERMEN

"SEC. 299. DEFINITIONS.

"In this chapter:

"(1) Commercial fishing, fish, fishery, fishing, fishing vessel, person, and United States fish processor.—The terms 'commercial fishing', 'fish', 'fishery', 'fishing', 'fishing vessel', 'person', and 'United States fish processor' have the same meanings as such terms have in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

"(2) Producer.—The term 'producer' means any person who—

"(A) is engaged in commercial fishing; or

"(B) is a United States fish processor.

"(3) Contributed importantly.—

"(A) In general.—The term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.

"(B) Determination of contributed importantly.—The determination of whether imports of articles like or directly competitive with a fish caught through commercial fishing or processed

by a United States fish processor with respect to which a petition under this chapter was filed contributed importantly to a decline in the price of the fish shall be made by the Secretary.

"(4) DULY AUTHORIZED REPRESENTATIVE.—The term 'duly authorized representative' means an association of producers.

"(5) NATIONAL AVERAGE PRICE.—The term 'national average price' means the national average price paid to a producer for fish in a marketing year as determined by the Secretary.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(7) TRADE ADJUSTMENT ASSISTANCE CENTER.—The term 'Trade Adjustment Assistance Center' shall have the same meaning as such term has in section 253.

"SEC. 299A. PETITIONS; GROUP ELIGIBILITY.

"(a) IN GENERAL.—A petition for a certification of eligibility to apply for adjustment assistance under this chapter may be filed with the Secretary by a group of producers or by their duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

"(b) HEARINGS.—If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested person an opportunity to be present, to produce evidence, and to be heard.

"(c) GROUP ELIGIBILITY REQUIREMENTS.—The Secretary shall certify a group of producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines—

"(1) that the national average price for the fish, or a class of fish, produced by the group for the most recent marketing year for which the national average price is available is less than 80 percent of the average of the national average price for such fish, or such class of fish, for the 5 marketing years preceding the most recent marketing year; and

"(2) that increases in imports of articles like or directly competitive with the fish, or class of fish, produced by the group contributed importantly to the decline in price described in paragraph (1).

"(d) SPECIAL RULE FOR QUALIFIED SUBSEQUENT YEARS.—A group of producers certified as eligible under section 299B shall be eligible to apply for assistance under this chapter in any qualified year after the year the group is first certified, if the Secretary determines that—

"(1) the national average price for the fish, or class of fish, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1); and

"(2) the requirements of subsection (c)(2) are met.

"(e) DETERMINATION OF QUALIFIED YEAR AND COMMODITY.—In this chapter:

"(1) QUALIFIED YEAR.—The term 'qualified year', with respect to a group of producers certified as eligible under section 299B, means each consecutive year after the year in which the group is certified that the Secretary makes the determination under subsection (c) or (d), as the case may be.

"(2) CLASSES OF GOODS WITHIN A COMMODITY.—In any case in which there are separate classes of fish, the Secretary shall treat each class as a separate commodity in determining group eligibility, the national average price, and level of imports under this section and section 299E.

"SEC. 299B. DETERMINATIONS BY SECRETARY.

"(a) IN GENERAL.—As soon as practicable after the date on which a petition is filed under section 299A, but in any event not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 299A (c) or (d), as the case may be, and shall, if the group meets the requirements, issue a certification of eligibility to apply for assistance under this chapter covering producers in any group that meets the requirements. Each certification shall specify the date on which eligibility under this chapter begins.

"(b) NOTICE.—Upon making a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register, together with the Secretary's reasons for making the determination.

"(c) TERMINATION OF CERTIFICATION.—Whenever the Secretary determines, with respect to any certification of eligibility under this chapter, that the decline in price for the fish covered by the certification is no longer attributable to the conditions described in section 299A, the Secretary shall terminate such certification and promptly cause notice of such termination to be published in the Federal Register, together with the Secretary's reasons for making such determination.

"SEC. 299C. STUDY BY SECRETARY WHEN INTERNATIONAL TRADE COMMISSION BEGINS INVESTIGATION.

"(a) IN GENERAL.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to a fish, the Commission shall immediately notify the Secretary of the investigation. Upon receipt of the notification, the Secretary shall immediately conduct a study of—

"(1) the number of producers producing a like or directly competitive agricultural commodity who have been or are likely to be certified as eligible for adjustment assistance under this chapter, and

"(2) the extent to which the adjustment of such producers to the import competition may be facilitated through the use of existing programs.

"(b) REPORT.—Not later than 15 days after the day on which the Commission makes its report under section 202(f), the Secretary shall submit a report to the President setting forth the findings of the study under subsection (a). Upon making his report to the President, the Secretary shall also promptly make the report public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the Federal Register.

"SEC. 299D. BENEFIT INFORMATION TO PRODUCERS.

"(a) IN GENERAL.—The Secretary shall provide full information to producers about the benefit allowances, training, and other employment services available under this title and about the petition and application procedures, and the appropriate filing dates, for such allowances, training, and services. The Secretary shall provide whatever assistance is necessary to enable groups to prepare petitions or applications for program benefits under this title.

"(b) NOTICE OF BENEFITS.—

"(1) IN GENERAL.—The Secretary shall mail written notice of the benefits available under this chapter to each producer that the Secretary has reason to believe is covered by a certification made under this chapter.

"(2) OTHER NOTICE.—The Secretary shall publish notice of the benefits available under this chapter to producers that are covered by each certification made under this chapter in newspapers of general circulation in the areas in which such producers reside.

"SEC. 299E. QUALIFYING REQUIREMENTS FOR PRODUCERS.

"(a) IN GENERAL.—Payment of a trade adjustment allowance shall be made to an adversely affected producer covered by a certification under this chapter who files an application for such allowance within 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 299B, if the following conditions are met:

"(1) The producer submits to the Secretary sufficient information to establish the amount of fish covered by the application filed under subsection (a) that was produced by the producer in the most recent year.

"(2) The producer certifies that the producer has not received cash benefits under any provision of this title other than this chapter.

"(3) The producer's net fishing or processing income (as determined by the Secretary) for the most recent year is less than the producer's net fishing or processing income for the latest year in which no adjustment assistance was received by the producer under this chapter.

"(4) The producer certifies that—

"(A) the producer has met with an employee or agent from a Trade Adjustment Assistance Center to obtain, at no cost to the producer, information and technical assistance that will assist the producer in adjusting to import competition with respect to the adversely affected fish, including—

"(i) information regarding the feasibility and desirability of substituting 1 or more alternative fish for the adversely affected fish; and

"(ii) technical assistance that will improve the competitiveness of the production and marketing of the adversely affected fish by the producer, including yield and marketing improvements; and

"(B) none of the benefits will be used to purchase, lease, or finance any new fishing vessel, add capacity to any fishery, or otherwise add to the overcapitalization of any fishery.

"(b) AMOUNT OF CASH BENEFITS.—

"(1) IN GENERAL.—Subject to the provisions of section 299G, an adversely affected producer described in subsection (a) shall be entitled to adjustment assistance under this chapter in an amount equal to the product of—

"(A) one-half of the difference between—

"(i) an amount equal to 80 percent of the average of the national average price of the fish covered by the application described in subsection (a) for the 5 marketing years preceding the most recent marketing year; and

"(ii) the national average price of the fish for the most recent marketing year; and

"(B) the amount of the fish produced by the producer in the most recent marketing year.

"(2) SPECIAL RULE FOR SUBSEQUENT QUALIFIED YEARS.—The amount of cash benefits for a qualified year shall be determined in the same manner as cash benefits are determined under paragraph (1) except that the average national price of the fish shall be determined under paragraph (1)(A)(i) by using the 5-marketing-year period used to determine the amount of cash benefits for the first certification. A producer shall only be eligible for benefits for subsequent qualified years if the Secretary or his designee determines that sufficient progress has been made implementing the plans developed under section 299E(a)(4) of this title.

"(c) MAXIMUM AMOUNT OF CASH ASSISTANCE.—The maximum amount of cash benefits a producer may receive in any 12-month period shall not exceed $10,000.

"(d) LIMITATIONS ON OTHER ASSISTANCE.—A producer entitled to receive a cash benefit under this chapter—

"(1) shall not be eligible for any other cash benefit under this title, and

"(2) shall be entitled to employment services and training benefits under part III of subchapter C of chapter 2.

"SEC. 299F. FRAUD AND RECOVERY OF OVERPAYMENTS.

"(a) IN GENERAL.—

"(1) REPAYMENT.—If the Secretary, or a court of competent jurisdiction, determines that any person has received any payment under this chapter to which the person was not entitled, such person shall be liable to repay such amount to the Secretary, except that the Secretary may waive such repayment if the Secretary determines, in accordance with guidelines prescribed by the Secretary, that—

"(A) the payment was made without fault on the part of such person; and

"(B) requiring such repayment would be contrary to equity and good conscience.

"(2) RECOVERY OF OVERPAYMENT.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter.

"(b) FALSE STATEMENT.—A person shall, in addition to any other penalty provided by law, be ineligible for any further payments under this chapter—

"(1) if the Secretary, or a court of competent jurisdiction, determines that the person—

"(A) knowingly has made, or caused another to make, a false statement or representation of a material fact; or

"(B) knowingly has failed, or caused another to fail, to disclose a material fact; and

"(2) as a result of such false statement or representation, or of such nondisclosure, such person has received any payment under this chapter to which the person was not entitled.

"(c) NOTICE AND DETERMINATION.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) by the Secretary has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

"(d) PAYMENT TO TREASURY.—Any amount recovered under this section shall be returned to the Treasury of the United States.

"(e) PENALTIES.—Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter shall be fined not more than $10,000 or imprisoned for not more than 1 year, or both.

"SEC. 299G. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Department of Commerce not to exceed $10,000,000 for each of the fiscal years 2002 through 2007 to carry out the purposes of this chapter.

"(b) PROPORTIONATE REDUCTION.—If in any year, the amount appropriated under this chapter is insufficient to meet the requirements for adjustment assistance payable under this chapter, the amount of assistance payable under this chapter shall be reduced proportionately.".

(b) EFFECTIVE DATE.—The amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.

TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

SEC. 601. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to abatements, credits, and refunds) is amended by inserting after section 6428 the following new section:

"SEC. 6429. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by subtitle A an amount equal to 70 percent of the amount paid during the taxable year for coverage for the taxpayer, the taxpayer's spouse, and dependents of the taxpayer under qualified health insurance during eligible coverage months.

"(b) ELIGIBLE COVERAGE MONTH.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible coverage month' means any month if, as of the first day of such month—

"(A) the taxpayer is an eligible individual,

"(B) the taxpayer is covered by qualified health insurance,

"(C) the premium for coverage under such insurance for such month is paid by the taxpayer, and

"(D) the taxpayer does not have other specified coverage.

"(2) SPECIAL RULES.—

"(A) JOINT RETURNS.—In the case of a joint return, the requirements of paragraph (1) shall be treated as met if at least 1 spouse satisfies such requirements.

"(B) EXCLUSION OF MONTHS IN WHICH INDIVIDUAL IS IMPRISONED.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

"(3) OTHER SPECIFIED COVERAGE.—For purposes of this subsection, an individual has other specified coverage for any month if, as of the first day of such month—

"(A) SUBSIDIZED COVERAGE.—

"(i) IN GENERAL.—Such individual is covered under any qualified health insurance under which at least 50 percent of the cost of coverage (determined under section 4980B) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

"(ii) TREATMENT OF CAFETERIA PLANS AND FLEXIBLE SPENDING ACCOUNTS.—For purposes of clause (i), the cost of benefits—

"(I) which are chosen under a cafeteria plan (as defined in section 125(d)), or provided under a flexible spending or similar arrangement, of such an employer, and

"(II) which are not includible in gross income under section 106,

shall be treated as borne by such employer.

"(B) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

"(i) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

"(ii) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

"(C) CERTAIN OTHER COVERAGE.—Such individual—

"(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code,

"(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code,

"(iii) is entitled to receive benefits under chapter 17 of title 38, United States Code, or

"(iv) is eligible for benefits under the Indian Health Care Improvement Act.

"(4) SPECIAL RULE.—For purposes of this subsection, an individual does not have other specified coverage for any month if such coverage is under a qualified long-term care insurance contract (as defined in section 7702B(b)(1)).

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means an individual who is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002.

"(d) QUALIFIED HEALTH INSURANCE.—For purposes of this section, the term 'qualified health insurance' means health insurance coverage described under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)).

"(e) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment is made by the Secretary under section 7527 during any calendar year to a provider of qualified health insurance for an individual, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under part IV of subchapter A of chapter 1.

"(f) SPECIAL RULES.—

"(1) COORDINATION WITH OTHER DEDUCTIONS.—Amounts taken into account under subsection (a) shall not be taken into account in determining any deduction allowed under section 162(l) or 213.

"(2) MSA DISTRIBUTIONS.—Amounts distributed from an Archer MSA (as defined in section 220(d)) shall not be taken into account under subsection (a).

"(3) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) CREDIT TREATED AS REFUNDABLE CREDIT.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1.

"(5) EXPENSES MUST BE SUBSTANTIATED.—A payment for qualified health insurance to which subsection (a) applies may be taken into account under this section only if the taxpayer substantiates such payment in such form as the Secretary may prescribe.

"(6) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section and section 7527.".

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) REQUIREMENT OF REPORTING.—Every person—

"(1) who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under qualified health insurance (as defined in section 6429(d)), and

"(2) who claims a reimbursement for an advance credit amount,

shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to each individual from whom such payments were received or for whom such a reimbursement is claimed.

"(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of each individual referred to in subsection (a), "(B) the aggregate of the advance credit amounts provided to such individual and for which reimbursement is claimed,

"(C) the number of months for which such advance credit amounts are so provided, and

"(D) such other information as the Secretary may prescribe.

"(c) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(d) ADVANCE CREDIT AMOUNT.—For purposes of this section, the term 'advance credit amount' means an amount for which the person can claim a reimbursement pursuant to a program established by the Secretary under section 7527.".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

"(xi) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking "or" at the end of subparagraph (Z), by striking the period at the end of subparagraph (AA) and inserting ", or", and by adding after subparagraph (AA) the following new subparagraph:

"(BB) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050S the following new item:

"Sec. 6050T. Returns relating to trade adjustment assistance health insurance credit.".

(c) CRIMINAL PENALTY FOR FRAUD.—

(1) IN GENERAL.—Subchapter B of chapter 75 of the Internal Revenue Code of 1986 (relating to other offenses) is amended by adding at the end the following:

"SEC. 7276. PENALTIES FOR OFFENSES RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"Any person who knowingly misuses Department of the Treasury names, symbols, titles, or initials to convey the false impression of association with, or approval or endorsement by, the Department of the Treasury of any insurance products or group health coverage in connection with the credit for trade adjustment assistance health insurance under section 6429 shall on conviction thereof be fined not more than $10,000, or imprisoned not more than 1 year, or both.".

(2) The table of sections for subchapter B of chapter 75 of such Code is amended by adding at the end the following:

"Sec. 7276. Penalties for offenses relating to trade adjustment assistance health insurance credit.".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 6429 of such Code".

(2) The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6429. Trade adjustment assistance health insurance credit.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2001, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(2) PENALTIES.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 602. ADVANCE PAYMENT OF TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) GENERAL RULE.—The Secretary shall establish a program for making payments on behalf of eligible individuals (as defined in section 6429(c)) to providers of health insurance for such individuals for whom a qualified health insurance credit eligibility certificate is in effect.

"(b) QUALIFIED HEALTH INSURANCE CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement certified by a designated local agency (as defined in section 51(d)(11)) (or by any other entity designated by the Secretary) which—

"(1) certifies that the individual was an eligible individual (as defined in section 6429(c)) as of the first day of any month, and

"(2) provides such other information as the Secretary may require for purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7527. Advance payment of trade adjustment assistance health insurance credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

SEC. 603. HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS.

(a) ELIGIBILITY FOR GRANTS.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) from funds appropriated under section 174(c)—

"(A) to a State to provide the assistance described in subsection (f) to any eligible worker (as defined in subsection (f)(4)(B)); and

"(B) to a State to provide the assistance described in subsection (g) to any eligible worker (as defined in subsection (g)(5)).".

(b) USE OF FUNDS FOR HEALTH INSURANCE COVERAGE.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:

"(f) HEALTH INSURANCE COVERAGE ASSISTANCE FOR ELIGIBLE WORKERS.—

"(1) IN GENERAL.—Funds made available to a State under paragraph (4)(A) of subsection (a) may be used by the State for the following:

"(A) HEALTH INSURANCE COVERAGE.—To assist an eligible worker (as defined in paragraph (4)(B)) in enrolling in health insurance coverage through—

"(i) COBRA continuation coverage;

"(ii) State-based continuation coverage provided by the State under a State law that requires such coverage even though the coverage would not otherwise be required under the provisions of law referred to in paragraph (4)(A);

"(iii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a qualified State high risk pool or other comparable State-based health insurance coverage alternative;

"(iv) the enrollment of the eligible worker and the eligible worker's spouse and dependents in the health insurance program offered for State employees;

"(v) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-based health insurance program that is comparable to the health insurance program offered for State employees;

"(vi) a direct payment arrangement entered into by the State and a group health plan (including a multiemployer plan as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37))), an issuer of health insurance coverage, an administrator, or an employer, as appropriate, on behalf of the eligible worker and the eligible worker's spouse and dependents;

"(vii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-operated, State-funded health plan;

"(viii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a State arrangement with a private sector health care coverage purchasing pool; or

"(ix) in the case of an eligible worker who was enrolled in individual health insurance coverage during the 6-month period that ends on the date on which the worker became unemployed, enrollment in such individual health insurance coverage.

"(B) ESTABLISHMENT OF HEALTH INSURANCE COVERAGE MECHANISMS.—To establish or administer—

"(i) a qualified State high risk pool for the purpose of providing health insurance coverage to an eligible worker and the eligible worker's spouse and dependents;

"(ii) a State-based program for the purpose of providing health insurance coverage to an eligible worker and the eligible worker's spouse and dependents that is comparable to the State health insurance program for State employees; or

"(iii) a program under which the State enters into arrangements described in subparagraph (A)(vi).

"(C) ADMINISTRATIVE EXPENSES.—To pay the administrative expenses related to the enrollment of eligible workers and the eligible workers spouses and dependents in health insurance coverage described in subparagraph (A), including—

"(i) eligibility verification activities;

"(ii) the notification of eligible workers of available health insurance coverage options;

"(iii) processing qualified health insurance credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

"(iv) providing assistance to eligible workers in enrolling in health insurance coverage;

"(v) the development or installation of necessary data management systems; and

"(vi) any other expenses determined appropriate by the Secretary.

"(2) REQUIREMENTS RELATING TO HEALTH INSURANCE COVERAGE.—With respect to health insurance coverage provided to eligible workers under any of clauses (ii) through (viii) of paragraph (1)(A), the State shall ensure that—

"(A) enrollment is guaranteed for workers who provide a qualified health insurance credit eligibility certificate described in section 7527 of the Internal Revenue Code of 1986 and who pay the remainder of the premium for such enrollment;

"(B) no pre-existing condition limitations are imposed with respect to such eligible workers;

"(C) the worker is not required (as a condition of enrollment or continued enrollment under the coverage) to pay a premium or contribution that is greater than the premium or contribution for a similarly situated individual who is not an eligible worker;

"(D) benefits under the coverage are the same as (or substantially similar to) the benefits provided to similarly situated individuals who are not eligible workers;

"(E) the standard loss ratio for the coverage is not less than 65 percent;

"(F) in the case of coverage provided under paragraph (1)(A)(v), the premiums and benefits are comparable to the premiums and benefits applicable to State employees; and

"(G) such coverage otherwise meets requirements established by the Secretary.

"(3) AVAILABILITY OF FUNDS.—

"(A) EXPEDITED PROCEDURES.—With respect to applications submitted by States for grants under this subsection, the Secretary shall—

"(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

"(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance, at the request of the State, in a timely manner to enable the State to submit an approved application; and

"(iii) develop procedures to expedite the provision of funds to States with approved applications.

"(B) AVAILABILITY AND DISTRIBUTION OF FUNDS.—The Secretary shall ensure that funds made available under section 174(c)(1)(A) to carry out subsection (a)(4)(A) are available to States throughout the period described in section 174(c)(2)(A).

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) COBRA CONTINUATION COVERAGE.—The term 'COBRA continuation coverage' means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or section 8905a of title 5, United States Code.

"(B) ELIGIBLE WORKER.—The term 'eligible worker' means an individual who—

"(i) is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002;

"(ii) does not have other specified coverage; and

"(iii) is not imprisoned under Federal, State, or local authority.

"(C) OTHER SPECIFIED COVERAGE.—With respect to any individual, the term 'other specified coverage' means—

"(i) SUBSIDIZED COVERAGE.—

"(I) IN GENERAL.—Such individual is covered under any health insurance coverage under which at least 50 percent of the cost of coverage (determined under section 4980B of the Internal Revenue Code of 1986) is paid or incurred by an employer (or former employer) of the individual or the individual's spouse.

"(II) TREATMENT OF CAFETERIA PLANS AND FLEXIBLE SPENDING ACCOUNTS.—For purposes of subclause (I), the cost of benefits which are chosen under a cafeteria plan (as defined in section 125(d) of such Code), or provided under a flexible spending or similar arrangement, of such an employer, and which are not includible in gross income under section 106 of such Code, shall be treated as borne by such employer.

"(ii) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

"(I) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

"(II) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

"(iii) CERTAIN OTHER COVERAGE.—Such individual—

"(I) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code;

"(II) is entitled to receive benefits under chapter 55 of title 10, United States Code;

"(III) is entitled to receive benefits under chapter 17 of title 38, United States Code; or

"(IV) is eligible for benefits under the Indian Health Care Improvement Act.

Such term does not include coverage under a qualified long-term care insurance contract (as defined in section 7702B(b)(1) of the Internal Revenue Code of 1986).

"(D) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a)), section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)), and section 4980B(g)(2) of the Internal Revenue Code of 1986.

"(E) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given that term in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(b)(1)) (other than insurance if substantially all of its coverage is of excepted benefits described in section 2791(c) of such Act (42 U.S.C. 300gg–91(c)) .

"(F) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term 'individual health insurance coverage' means health insurance coverage offered to individuals other than in connection with a group health plan. Such term does not include Federal- or State-based health insurance coverage.

"(G) QUALIFIED STATE HIGH RISK POOL.—The term 'qualified State high risk pool' has the meaning given that term in section 2744(c)(2) of the Public Health Service Act.

"(H) STANDARD LOSS RATIO.—The term 'standard loss ratio', with respect to the pool of insured individuals under coverage described in clauses (ii) through (viii) of subparagraph (A) for a year, means—

"(i) the amount of claims incurred with respect to the pool of insured individuals in each such type of coverage for such year; divided by

"(ii) the premiums paid for enrollment in each such coverage for such year.

"(g) INTERIM HEALTH AND OTHER ASSISTANCE.—

"(1) IN GENERAL.—Funds made available to a State under paragraph (4)(B) of subsection (a) may be used by the State to provide assistance and support services to eligible workers, including health care coverage, transportation, child care, dependent care, and income assistance.

"(2) INCOME SUPPORT.—With respect to any income assistance provided to an eligible worker with such funds, such assistance shall supplement and not supplant other income support or assistance provided under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) or the unemployment compensation laws of the State where the eligible worker resides.

"(3) HEALTH CARE COVERAGE.—With respect to any health care coverage assistance provided to an eligible worker with such funds, the following rules shall apply:

"(A) The State may provide assistance in obtaining health care coverage to the eligible worker and to the eligible worker's spouse and dependents.

"(B) Such assistance shall supplement and may not supplant any other State or local funds used to provide health care coverage and may not be included in determining the amount of non-Federal contributions required under any program.

"(4) AVAILABILITY OF FUNDS.—

"(A) EXPEDITED PROCEDURES.—With respect to applications submitted by States for grants under this subsection, the Secretary shall—

"(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

"(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance, at the request of the State, in a timely manner to enable the State to submit an approved application; and

"(iii) develop procedures to expedite the provision of funds to States with approved applications.

"(B) AVAILABILITY AND DISTRIBUTION OF FUNDS.—The Secretary shall ensure that funds made available under section 174(c)(1)(B) to carry out subsection (a)(4)(B) are available to States throughout the period described in section 174(c)(2)(B).

"(5) DEFINITION OF ELIGIBLE WORKER.—In this subsection, the term 'eligible worker' means an individual who is a member of a group of workers certified after April 1, 2002 under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) and who is determined to be qualified to receive payment of a trade adjustment allowance under such chapter (as so in effect).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 174 of the Workforce Investment Act of 1998 (29 U.S.C. 2919) is amended by adding at the end the following:

"(c) ASSISTANCE FOR ELIGIBLE WORKERS.—

"(1) IN GENERAL.—There are authorized to be appropriated—

"(A) to carry out subsection (a)(4)(A) of section 173—

"(i) $10,000,000 for fiscal year 2002; and

"(ii) $60,000,000 for each of fiscal years 2003 through 2007; and

"(B) to carry out subsection (a)(4)(B) of section 173—

"(i) $50,000,000 for fiscal year 2002;

"(ii) $100,000,000 for fiscal year 2003; and

"(iii) $50,000,000 for fiscal year 2004.

"(2) AVAILABILITY OF FUNDS.—Funds appropriated under—

"(A) paragraph (1)(A) for each fiscal year shall, notwithstanding section 189(g), remain available for obligation during the pendency of any outstanding claim under the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002; and

"(B) paragraph (1)(B), for each fiscal year shall, notwithstanding section 189(g), remain available during the period that begins on the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 and ends on September 30, 2004.".

(d) CONFORMING AMENDMENT.—Section 132(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(a)(2)(A)) is amended by inserting ", other than under subsection (a)(4), (f), and (g)" after "grants".

(e) TEMPORARY EXTENSION OF COBRA ELECTION PERIOD FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the election period for COBRA continuation coverage (as defined in section 6429(d)(2) of the Internal Revenue Code of 1986) with respect to any eligible individual (as defined in section 6429(c) of such Code) for whom such period has expired as of the date of the enactment of this Act, shall not end before the date that is 60 days after the date the individual becomes such an eligible individual.

(2) PREEXISTING CONDITIONS.—If an individual becomes such an eligible individual, any period before the date of such eligibility shall be disregarded for purposes of determining the 63-day periods referred to in section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)), section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)), and section 9801(c)(2) of the Internal Revenue Code of 1986.

TITLE VII—CONFORMING AMENDMENTS AND EFFECTIVE DATE

SEC. 701. CONFORMING AMENDMENTS.

(a) AMENDMENTS TO THE TRADE ACT OF 1974.—

(1) ASSISTANCE TO INDUSTRIES.—Section 265 of the Trade Act of 1974 (19 U.S.C. 2355) is amended by striking "certified as eligible to apply for adjustment assistance under sections 231 or 251", and inserting "certified as eligible for trade adjustment assistance benefits under section 231, or as eligible to apply for adjustment assistance under section 251".

(2) GENERAL ACCOUNTING OFFICE REPORT.—Section 280 of the Trade Act of 1974 (19 U.S.C. 2391) is amended to read as follows:

"SEC. 280. GENERAL ACCOUNTING OFFICE REPORT.

"(a) STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study of the adjustment assistance programs established under chapters 2, 3, 4, 6, and 7 of this title and shall report the results of such study to the Congress no later than January 31, 2005. Such report shall include an evaluation of—

"(1) the effectiveness of such programs in aiding workers, farmers, fishermen, firms, and communities to adjust to changed economic conditions resulting from changes in the patterns of international trade; and

"(2) the coordination of the administration of such programs and other Government programs which provide unemployment compensation and relief to depressed areas.

"(b) ASSISTANCE OF OTHER DEPARTMENTS AND AGENCIES.—In carrying out his responsibilities under this section, the Comptroller General shall, to the extent practical, avail himself of the assistance of the Departments of Labor, Commerce, and Agriculture and the Small Business Administration. The Secretaries of Labor, Commerce, and Agriculture and the Administrator of the Small Business Administration shall make available to the Comptroller General any assistance necessary for an effective evaluation of the adjustment assistance programs established under this title.".

(3) COORDINATION.—Section 281 of the Trade Act of 1974 (19 U.S.C. 2392) is amended by striking "Departments of Labor and Commerce" and inserting "Departments of Labor, Commerce, and Agriculture".

(4) TRADE MONITORING SYSTEM.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended by striking "The Secretary of Commerce and the Secretary of Labor" and inserting "The Secretaries of Commerce, Labor, and Agriculture".

(5) JUDICIAL REVIEW.—

(A) Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended by striking "under section 223 or section 250(c)" and all that follows through "the Secretary of Commerce under section 271" and inserting "under section 231, a firm or its representative, or any other interested domestic party aggrieved by a final determination of the Secretary of Commerce under section 251, an agricultural commodity producer (as defined in section 291(2)) aggrieved by a determination of the Secretary of Agriculture under section 293, or a producer (as defined in section 299(2)) aggrieved by a determination of the Secretary of Commerce under section 299B".

(B) Section 284 of such Trade Act of 1974 is amended in the second sentence of subsection (a) and in subsections (b) and (c), by inserting "or the Secretary of Agriculture" after "Secretary of Commerce" each place it appears.

(6) TERMINATION.—Section 285 of the Trade Act of 1974 is amended to read as follows:

"SEC. 285. TERMINATION.

"(a) ASSISTANCE FOR WORKERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), trade adjustment assistance, vouchers, allowances, and other payments or benefits may not be provided under chapter 2 after September 30, 2007.

"(2) EXCEPTION.—Notwithstanding paragraph (1), a worker shall continue to receive trade adjustment assistance benefits and other benefits under chapter 2 for any week for which the worker meets the eligibility requirements of that chapter, if on or before September 30, 2007, the worker is—

"(A) certified as eligible for trade adjustment assistance benefits under section 231; and

"(B) otherwise eligible to receive trade adjustment assistance benefits under chapter 2.

"(b) OTHER ASSISTANCE.—

"(1) ASSISTANCE FOR FIRMS.—Technical assistance may not be provided under chapter 3 after September 30, 2007.

"(2) ASSISTANCE FOR COMMUNITIES.—Technical assistance and other payments may not be provided under chapter 4 after September 30, 2007.

"(3) ASSISTANCE FOR FARMERS AND FISHERMEN.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), adjustment assistance, vouchers, allowances, and other payments or benefits may not be provided under chapter 6 or 7 after September 30, 2007.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), an agricultural commodity producer (as defined in section 291(2)) or producer (as defined in section 299(2)), shall continue to receive adjustment assistance benefits and other benefits under chapter 6 or 7, whichever applies, for any week for which the agricultural commodity producer or producer meets the eligibility requirements of chapter 6 or 7, whichever applies, if on or before September 30, 2007, the agricultural commodity producer or producer is—

"(i) certified as eligible for adjustment assistance benefits under chapter 6 or 7, whichever applies; and

"(ii) is otherwise eligible to receive adjustment assistance benefits under such chapter 6 or 7.".

(6) TABLE OF CONTENTS.—

(A) IN GENERAL.—The table of contents for chapters 2, 3, and 4 of title II of the Trade Act of 1974 is amended to read as follows:

"CHAPTER 2—ADJUSTMENT ASSISTANCE FOR WORKERS

"SUBCHAPTER A—GENERAL PROVISIONS

"Sec. 221. Definitions.
"Sec. 222. Agreements with States.
"Sec. 223. Administration absent State agreement.
"Sec. 224. Data collection; evaluations; reports.
"Sec. 225. Study by Secretary of Labor when International Trade Commission begins investigation.
"Sec. 226. Report by Secretary of Labor on likely impact of trade agreements.

"SUBCHAPTER B—CERTIFICATIONS

"Sec. 231. Certification as adversely affected workers.
"Sec. 232. Benefit information to workers.

"SUBCHAPTER C—PROGRAM BENEFITS

"PART I—GENERAL PROVISIONS

"Sec. 234. Comprehensive assistance.

"PART II—TRADE ADJUSTMENT ALLOWANCES

"Sec. 235. Qualifying requirements for workers.
"Sec. 236. Weekly amounts.
"Sec. 237. Limitations on trade adjustment allowances.
"Sec. 238. Application of State laws.

"PART III—EMPLOYMENT SERVICES, TRAINING, AND OTHER ALLOWANCES

"Sec. 239. Employment services.
"Sec. 240. Training.
"Sec. 240A. Job training programs.
"Sec. 241. Job search allowances.
"Sec. 242. Relocation allowances.
"Sec. 243. Supportive services; wage insurance.

"SUBCHAPTER D—PAYMENT AND ENFORCEMENT PROVISIONS

"Sec. 244. Payments to States.
"Sec. 245. Liabilities of certifying and disbursing officers.
"Sec. 246. Fraud and recovery of overpayments.
"Sec. 247. Criminal penalties.
"Sec. 248. Authorization of appropriations.
"Sec. 249. Regulations.
"Sec. 250. Subpoena power.

"CHAPTER 3—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

"Sec. 251. Petitions and determinations.
"Sec. 252. Approval of adjustment proposals.
"Sec. 253. Technical assistance.
"Sec. 254. Financial assistance.
"Sec. 255. Conditions for financial assistance.
"Sec. 256. Delegation of functions to Small Business Administration; authorization of appropriations.
"Sec. 257. Administration of financial assistance.
"Sec. 258. Protective provisions.
"Sec. 259. Penalties.
"Sec. 260. Suits.
"Sec. 261. Definition of firm.
"Sec. 262. Regulations.
"Sec. 264. Study by Secretary of Commerce when International Trade Commission begins investigation; action where there is affirmative finding.
"Sec. 265. Assistance to industries.

"CHAPTER 4—COMMUNITY ECONOMIC ADJUSTMENT

"Sec. 271. Definitions.
"Sec. 272. Office of Community Trade Adjustment.
"Sec. 273. Notification and certification as an eligible community.
"Sec. 274. Community Economic Development Coordinating Committee.
"Sec. 275. Community economic adjustment advisors.
"Sec. 276. Strategic plans.
"Sec. 277. Grants for economic development.
"Sec. 278. Authorization of appropriations.
"Sec. 279. General provisions.".

(B) CHAPTERS 6 AND 7.—The table of contents for title II of the Trade Act of 1974, as amended by subparagraph (A), is amended by inserting after the items relating to chapter 5 the following:

"CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

"Sec. 291. Definitions.
"Sec. 292. Petitions; group eligibility.
"Sec. 293. Determinations by Secretary of Agriculture.
"Sec. 294. Study by Secretary of Agriculture when International Trade Commission begins investigation.
"Sec. 295. Benefit information to agricultural commodity producers.
"Sec. 296. Qualifying requirements for agricultural commodity producers.
"Sec. 297. Fraud and recovery of overpayments.
"Sec. 298. Authorization of appropriations.

"CHAPTER 7—ADJUSTMENT ASSISTANCE FOR FISHERMEN

"Sec. 299. Definitions.
"Sec. 299A. Petitions; group eligibility.
"Sec. 299B. Determinations by Secretary.
"Sec. 299C. Study by Secretary when International Trade Commission begins investigation.
"Sec. 299D. Benefit information to producers.
"Sec. 299E. Qualifying requirements for producers.
"Sec. 299F. Fraud and recovery of overpayments.
"Sec. 299G. Authorization of appropriations.".

(b) INTERNAL REVENUE CODE.—

(1) ADJUSTED GROSS INCOME.—Section 62(a)(12) of the Internal Revenue Code of 1986 (relating to the definition of adjusted gross income) is amended by striking "trade readjustment allowances under section 231 or 232" and inserting "trade adjustment allowances under section 235 or 236".

(2) FEDERAL UNEMPLOYMENT.—

(A) IN GENERAL.—Section 3304(a)(8) of the Internal Revenue Code of 1986 (relating to the approval of State unemployment insurance laws) is amended to read as follows:

"(8) compensation shall not be denied to an individual for any week because the individual is in training with the approval of the State agency, or in training approved by the Secretary of Labor pursuant to chapter 2 of title II of the Trade Act of 1974 (or because of the application, to any such week in training, of State law provisions relating to availability for work, active search for work, or refusal to accept work);".

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by this paragraph shall apply in the case of compensation paid for weeks beginning on or after the date that is 90 days after the date of enactment of this Act.

(ii) MEETING OF STATE LEGISLATURE.—

(I) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or regulations in order to comply with the amendments made by subparagraph (A), the amendments made by subparagraph (A) shall apply in the case of compensation paid for weeks beginning after the earlier of—

(aa) the date the State changes its statutes or regulations in order to comply with the amendments made by this section; or

(bb) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date;

except that in no case shall the amendments made by this Act apply before the date described in clause (i).

(II) SESSION DEFINED.—In this clause, the term "session" means a regular, special, budget, or other session of a State legislature.

(c) AMENDMENTS TO TITLE 28.—

(1) CIVIL ACTIONS AGAINST THE UNITED STATES.—Section 1581(d) of title 28, United States Code, is amended—

(A) in paragraph (1), by striking "section 223" and inserting "section 231";

(B) in paragraph (2), by striking "and"; and

(C) by striking paragraph (3), and inserting the following:

"(3) any final determination of the Secretary of Agriculture under section 293 of the Trade Act of 1974 with respect to the eligibility of an agricultural commodity producer (as defined in section 291(2)) for adjustment assistance under such Act; and

"(4) any final determination of the Secretary of Commerce under section 299B of the Trade Act of 1974 with respect to the eligibility of a producer (as defined in section 299(2)) for adjustment assistance under such Act.".

(2) PERSONS ENTITLED TO COMMENCE A CIVIL ACTION.—Section 2631 of title 28, United States Code, is amended—

(A) by amending subsection (d)(1) to read as follows:

"(d)(1) A civil action to review any final determination of the Secretary of Labor under section 231 of the Trade Act of 1974 with respect to the certification of workers as adversely affected and eligible for trade adjustment assistance under that Act may be commenced by a worker, a group of workers, a certified or recognized union, or an authorized representative of such worker or group, that petitions for certification under that Act or is aggrieved by the final determination.";

(B) by striking paragraph (3), and inserting the following:

"(3) A civil action to review any final determination of the Secretary of Agriculture under section 293 of the Trade Act of 1974 with respect to the eligibility of an agricultural commodity producer for adjustment assistance may be commenced in the Court of International Trade by an agricultural commodity producer that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested party that is aggrieved by such final determination."; and

(C) by adding at the end the following new paragraph:

"(4) A civil action to review any final determination of the Secretary of Commerce under section 299B of the Trade Act of 1974 with respect to the eligibility of an producer (as defined in section 299(2)) for adjustment assistance may be commenced in the Court of International Trade by a producer that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested party that is aggrieved by such final determination.".

(3) TIME FOR COMMENCEMENT OF ACTION.—Section 2636(d) of title 28, United States Code, is amended by striking "under section 223 of the Trade Act of 1974 or a final determination of the Secretary of Commerce under section 251 or section 271 of such Act" and inserting "under section 231 of the Trade Act of 1974, a final determination of the Secretary of Commerce under section 251 of that Act, a final determination of the Secretary of Agriculture under section 293 of that Act, or a final determination of the Secretary of Commerce under section 299B of that Act".

(4) SCOPE AND STANDARD OF REVIEW.—Section 2640(c) of title 28, United States Code, is amended by striking "under section 223 of the Trade Act of 1974 or any final determination of the Secretary of Commerce under section 251 or section 271 of such Act" and inserting "under section 231 of the Trade Act of 1974, a final determination of the Secretary of Commerce under section 251 of that Act, a final determination of the Secretary of Agriculture under section 293 of that Act, or a final determination of the Secretary of Commerce under section 299B of that Act".

(5) RELIEF.—Section 2643(c)(2) of title 28, United States Code, is amended by striking "under section 223 of the Trade Act of 1974 or any final determination of the Secretary of Commerce under section 251 or section 271 of such Act" and inserting "under section 231 of the Trade Act of 1974, a final determination of the Secretary of Commerce under section 251 of that Act, a final determination of the Secretary of Agriculture under section 293 of that Act, or a final determination of the Secretary of Commerce under section 299B of that Act".

(d) AMENDMENT TO THE FOOD STAMP ACT OF 1977.—Section 6(o)(1)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o)(1)(B)) is amended by striking "section 236" and inserting "section 240".

TITLE VIII—SAVINGS PROVISIONS AND EFFECTIVE DATE

SEC. 801. SAVINGS PROVISIONS.

(a) PROCEEDINGS NOT AFFECTED.—

(1) IN GENERAL.—The provisions of this division shall not affect any petition for certification for benefits under chapter 2 of title II of the Trade Act of 1974 that was in effect on September 30, 2001. Determinations shall be issued, appeals shall be taken therefrom, and payments shall be made under those determinations, as if this division had not been enacted, and orders issued in any proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) MODIFICATION OR DISCONTINUANCE.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding under the same terms and conditions and to the same extent that the proceeding could have been discontinued or modified if this division had not been enacted.

(b) SUITS NOT AFFECTED.—The provisions of this division shall not affect any suit commenced before October 1, 2001, and in all those suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this division had not been enacted.

(c) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Government, or by or against any individual in the official capacity of that individual as an officer of the Federal Government, shall abate by reason of enactment of this Act.

SEC. 802. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in sections 401(b), 501(b), and 701(b)(2)(B), titles IX, X, and XI, and subsections (b), (c), and (d) of this section, the amendments made by this division shall apply to—

(1) petitions for certification filed under chapter 2 or 3 of title II of the Trade Act of 1974 on or after the date that is 90 days after the date of enactment of this Act; and

(2) certifications for assistance under chapter 4 of title II of the Trade Act of 1974 issued on or after the date that is 90 days after the date of enactment of this Act.

(b) WORKERS CERTIFIED AS ELIGIBLE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a), a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under chapter 2 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on such date, if on or before such date, the worker—

(1) was certified as eligible for trade adjustment assistance benefits under such chapter as in effect on such date; and

(2) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on such date.

(c) WORKERS WHO BECAME ELIGIBLE DURING QUALIFIED PERIOD.—

(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of law, including section 285 of the Trade Act of 1974, any worker who would have been eligible to receive trade adjustment assistance or other benefits under chapter 2 of title II of the Trade Act if 1974 during the qualified period if such chapter 2 had been in effect during such period, shall be eligible to receive trade adjustment assistance and other benefits under chapter 2 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week during the qualified period for which the worker meets the eligibility requirements of such chapter 2 as in effect on September 30, 2001.

(2) QUALIFIED PERIOD.—For purposes of this subsection, the term "qualified period" means the period beginning on January 11, 2002 and ending on the date that is 90 days after the date of enactment of this Act.

(d) ADJUSTMENT ASSISTANCE FOR FIRMS.—

(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of law, including section 285 of the Trade Act of 1974, and except as provided in paragraph (2) any firm that would have been eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act if 1974 during the qualified period if such chapter 3 had been in effect during such period, shall be eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week during the qualified period for which the firm meets the eligibility requirements of such chapter 3 as in effect on September 30, 2001.

(2) QUALIFIED PERIOD.—For purposes of this subsection, the term "qualified period" means the period beginning on October 1, 2001 and ending on the date that is 90 days after the date of enactment of this Act.

TITLE IX—REVENUE PROVISIONS

SEC. 901. CUSTOM USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "September 30, 2003" and inserting "December 31, 2010".

TITLE X—MISCELLANEOUS PROVISIONS

SEC. 1001. COUNTRY OF ORIGIN LABELING OF FISH AND SHELLFISH PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) COVERED COMMODITY.—The term "covered commodity" means—

(A) a perishable agricultural commodity; and

(B) any fish or shellfish, and any fillet, steak, nugget, or any other flesh from fish or shellfish, whether fresh, chilled, frozen, canned, smoked, or otherwise preserved.

(2) FOOD SERVICE ESTABLISHMENT.—The term "food service establishment" means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public.

(3) PERISHABLE AGRICULTURAL COMMODITY; RETAILER.—The terms "perishable agricultural commodity" and "retailer" have the meanings given the terms in section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Agricultural Marketing Service.

(b) NOTICE OF COUNTRY OF ORIGIN.—

(1) REQUIREMENT.—Except as provided in paragraph (3), a retailer of a covered commodity shall inform consumers, at the final point of sale of the covered commodity to consumers, of the country of origin of the covered commodity.

(2) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively harvested and processed in the United States, or in the case of farm-raised fish and shellfish, is hatched, raised, harvested, and processed in the United States.

(3) EXEMPTION FOR FOOD SERVICE ESTABLISHMENTS.—Paragraph (1) shall not apply to a covered commodity if the covered commodity is prepared or served in a food service establishment, and—

(A) offered for sale or sold at the food service establishment in normal retail quantities; or

(B) served to consumers at the food service establishment.

(c) METHOD OF NOTIFICATION.—

(1) IN GENERAL.—The information required by subsection (b) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the covered commodity at the final point of sale to consumers.

(2) LABELED COMMODITIES.—If the covered commodity is already individually labeled for retail sale regarding country of origin, the retailer shall not be required to provide any additional information to comply with this section.

(d) AUDIT VERIFICATION SYSTEM.—The Secretary may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to ensure compliance with the regulations promulgated under subsection (g).

(e) INFORMATION.—Any person engaged in the business of supplying a covered commodity to a retailer shall provide information to the retailer indicating the country of origin of the covered commodity.

(f) ENFORCEMENT.—

(1) IN GENERAL.—Each Federal agency having jurisdiction over retailers of covered commodities shall, at such time as the necessary regulations are adopted under subsection (g), adopt measures intended to ensure that the requirements of this section are followed by affected retailers.

(2) VIOLATION.—A violation of subsection (b) shall be treated as a violation under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.).

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to carry out this section within 1 year after the date of enactment of this Act.

(2) PARTNERSHIPS WITH STATES.—In promulgating the regulations, the Secretary shall, to the maximum extent practicable, enter into partnerships with States that have the enforcement infrastructure necessary to carry out this section.

(h) APPLICATION.—This section shall apply to the retail sale of a covered commodity beginning on the date that is 180 days after the date of enactment of this Act.

SEC. 1002. SUGAR POLICY.

(a) FINDINGS.—Congress finds that—

(1) the tariff-rate quotas imposed on imports of sugar, syrups and sugar-containing products under chapters 17, 18, 19, and 21 of the Harmonized Tariff Schedule of the United States are an essential element of United States sugar policy;

(2) circumvention of the tariff-rate quotas will, if unchecked, make it impossible to achieve the objectives of United States sugar policy;

(3) the tariff-rate quotas have been circumvented frequently, defeating the purposes of United States sugar policy and causing disruption to the United States market for sweeteners, injury to domestic growers, refiners, and processors of sugar, and adversely affecting legitimate exporters of sugar to the United States;

(4) it is essential to United States sugar policy that the tariff-rate quotas be enforced and that deceptive practices be prevented, including the importation of products with no commercial use and failure to disclose all relevant information to the United States Customs Service; and

(5) unless action is taken to prevent circumvention, circumvention of the tariff-rate quotas will continue and will ultimately destroy United States sugar policy.

(b) POLICY.—It is the policy of the United States to maintain the integrity of the tariff-rate quotas on sugars, syrups, and sugar-containing products by stopping circumvention as soon as it becomes apparent. It is also the policy of the United States that products not used to circumvent the tariff-rate quotas, such as molasses used for animal feed or for rum, not be affected by any action taken pursuant to this Act.

(c) IDENTIFICATION OF IMPORTS.—

(1) IDENTIFICATION.—Not later than 30 days after the date of enactment of this Act, and on a regular basis thereafter, the Secretary of Agriculture shall—

(A) identify imports of articles that are circumventing tariff-rate quotas on sugars, syrups, or sugar-containing products imposed under chapter 17, 18, 19, or 21 of the Harmonized Tariff Schedule of the United States; and

(B) report to the President the articles found to be circumventing the tariff-rate quotas.

(2) ACTION BY PRESIDENT.—Upon receiving the report from the Secretary of Agriculture, the President shall, by proclamation, include any article identified by the Secretary in the appropriate tariff-rate quota provision of the Harmonized Tariff Schedule.

TITLE XI—CUSTOMS REAUTHORIZATION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Customs Border Security Act of 2002".

Subtitle A—United States Customs Service

CHAPTER 1—DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL AND COMMERCIAL OPERATIONS

SEC. 1111. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $886,513,000 for fiscal year 2003."; and

(2) in subparagraph (B) to read as follows:

"(B) $909,471,000 for fiscal year 2004.".

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

"(i) $1,603,482,000 for fiscal year 2003."; and

(B) in clause (ii) to read as follows:

"(ii) $1,645,009,000 for fiscal year 2004.".

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2003 and 2004 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the

House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreements Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $181,860,000 for fiscal year 2003."; and

(2) in subparagraph (B) to read as follows:

"(B) $186,570,000 for fiscal year 2004.".

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).".

SEC. 1112. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 1111(a) of this title, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1-MeV).

(D) $7,200,000 for 8 1-MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1-MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1-MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2004.—Of the amounts made available for fiscal year 2004 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 1111(a) of this title, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2003 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 1111(a) of this title, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 1113. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2003 and 2004 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 1121 of this title.

CHAPTER 2—CHILD CYBER-SMUGGLING CENTER OF THE CUSTOMS SERVICE

SEC. 1121. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2003 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 1131. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2003 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 1111 of this title, $25,000,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

SEC. 1132. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 1133. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs

Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 1134. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 1135. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term "prospective ruling" means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 1136. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

SEC. 1137. AUTHORIZATION OF APPROPRIATIONS FOR CUSTOMS STAFFING.

There are authorized to be appropriated to the Department of Treasury such sums as may be necessary to provide an increase in the annual rate of basic pay—

(1) for all journeyman Customs inspectors and Canine Enforcement Officers who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332; and

(2) for the support staff associated with the personnel described in subparagraph (A), at the appropriate GS level of the General Schedule under such section 5332.

CHAPTER 4—ANTITERRORISM PROVISIONS

SEC. 1141. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking "Whenever the President" and inserting "(a) Whenever the President"; and

(2) by adding at the end the following:

"(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

"(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

"(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

"(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

"(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

"(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).".

SEC. 1142. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking "Any manifest" and inserting "(1) Any manifest"; and

(B) by adding at the end the following:

"(2) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.".

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

"(a) IN GENERAL.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission manifest information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

"(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person described in subsection (a), the person's—

"(1) full name;

"(2) date of birth and citizenship;

"(3) gender;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number, as applicable;

"(6) passenger name record; and

"(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.".

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

"(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of enactment of this Act.

SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466, and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (relating to exportation of controlled substances) (21 U.S.C. 953).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a Customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING IN EXCESS OF 16 OUNCES.—

"(1) IN GENERAL.—Mail weighing in excess of 16 ounces sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), if there is reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) LIMITATION.—No person acting under the authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to rule 41 of the Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.

"(d) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING 16 OUNCES OR LESS.—Notwithstanding any other provision of this section, subsection (a)(1) shall not apply to mail weighing 16 ounces or less sealed against inspection under the postal laws and regulations of the United States.".

(b) CERTIFICATION BY SECRETARY.—Not later than 3 months after the date of enactment of this section, the Secretary of State shall determine whether the application of section 583 of the Tariff Act of 1930 to foreign mail transiting the United States that is imported or exported by the United States Postal Service is being handled in a manner consistent with international law and any international obligation of the United States. Section 583 of such Act shall not apply to such foreign mail unless the Secretary certifies to Congress that the application of such section 583 is consistent with international law and any international obligation of the United States.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) CERTIFICATION WITH RESPECT TO FOREIGN MAIL.—The provisions of section 583 of the Tariff Act of 1930 relating to foreign mail transiting the United States that is imported or exported by the United States Postal Service shall not take effect until the Secretary of State certifies to Congress, pursuant to subsection (b), that the application of such section 583 is consistent with international law and any international obligation of the United States.

SEC. 1144. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2003.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

CHAPTER 5—TEXTILE TRANSSHIPMENT PROVISIONS

SEC. 1151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 1152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service. $9,500,000 for fiscal year 2003.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—$60,000 for outreach efforts to United States importers.

SEC. 1153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Of the amount made available for fiscal year 2003 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 1111(b)(1) of this title, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

Subtitle B—Office of the United States Trade Representative

SEC. 1161. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "not to exceed";

(B) in clause (i) to read as follows:

"(i) $30,000,000 for fiscal year 2003."; and

(C) in clause (ii) to read as follows:

"(ii) $31,000,000 for fiscal year 2004."; and

(2) in subparagraph (B)—

(A) in clause (i), by adding "and" at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of.Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.".

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2003 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

Subtitle C—United States International Trade Commission

SEC. 1171. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

"(i) $51,400,000 for fiscal year 2003."; and

(2) in clause (ii) to read as follows:

"(ii) $53,400,000 for fiscal year 2004.".

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

"(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.".

Subtitle D—Other Trade Provisions

SEC. 1181. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking "$400" and inserting "$800".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

SEC. 1182. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

"(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

"(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.".

Subtitle E—Sense of Senate

SEC. 1191. SENSE OF SENATE.

It is the sense of the Senate that fees collected for certain customs services (commonly referred to as "customs user fees") provided for in section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) may be used only for the operations and programs of the United States Customs Service.

DIVISION B—BIPARTISAN TRADE PROMOTION AUTHORITY

TITLE XXI—TRADE PROMOTION AUTHORITY

SEC. 2101. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Bipartisan Trade Promotion Authority Act of 2002".

(b) FINDINGS.—Congress makes the following findings:

(1) The expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity. Trade agreements today serve the same purposes that security pacts played during the Cold War, binding nations together through a series of mutual rights and obligations. Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.

(2) The national security of the United States depends on its economic security, which in turn is founded upon a vibrant and growing industrial base. Trade expansion has been the engine of economic growth. Trade agreements maximize opportunities for the critical sectors and building blocks of the economy of the United States, such as information technology, telecommunications and other leading technologies, basic industries, capital equipment, medical equipment, services, agriculture, environmental technology, and intellectual property. Trade will create new opportunities for the United States and preserve the unparalleled strength of the United States in economic, political, and military affairs. The United States, secured by expanding trade and economic opportunities, will meet the challenges of the twenty-first century.

(3) Support for continued trade expansion requires that dispute settlement procedures under international trade agreements not add to or diminish the rights and obligations provided in such agreements. Nevertheless, in several cases, dispute settlement panels and the WTO Appellate Body have added to obligations and diminished rights of the United States under WTO Agreements. In particular, dispute settlement panels and the Appellate Body have—

(A) given insufficient deference to the expertise and fact-finding of the Department of Commerce and the United States International Trade Commission;

(B) imposed an obligation concerning the causal relationship between increased imports into the United States and serious injury to domestic industry necessary to support a safeguard measure that is different from the obligation set forth in the applicable WTO Agreements;

(C) imposed an obligation concerning the exclusion from safeguards measures of products imported from countries party to a free trade agreement that is different from the obligation set forth in the applicable WTO Agreements;

(D) imposed obligations on the Department of Commerce with respect to the use of facts available in antidumping investigations that are different from the obligations set forth in the applicable WTO Agreements; and

(E) accorded insufficient deference to the Department of Commerce's methodology for adjusting countervailing duties following the privatization of a subsidized foreign producer.

SEC. 2102. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 2103 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trading disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, and promote full employment in the United States and to enhance the global economy;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the International Labor Organization (as defined in section 2113(2)) and an understanding of the relationship between trade and worker rights;

(7) to seek provisions in trade agreements under which parties to those agreements strive to ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement fortrade; and

(8) to ensure that trade agreements afford small businesses equal access to international markets, equitable trade benefits, expanded export market opportunities, and provide for the reduction or elimination of trade barriers that disproportionately impact small business.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE BARRIERS AND DISTORTIONS.—The principal negotiating objectives of the United States regarding trade barriers and other trade distortions are—

(A) to expand competitive market opportunities for United States exports including motor vehicles and vehicle parts and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, with particular attention to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States regarding trade in services is to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(3) FOREIGN INVESTMENT.—Recognizing that United States law on the whole provides a high level of protection for investment, consistent with or greater than the level required by international law, the principal negotiating objectives of the United States regarding foreign investment are to reduce or eliminate artificial or trade-distorting barriers to trade-related foreign investment, while ensuring that foreign investors in the United States are not accorded greater rights than United States investors in the United States, and to secure for investors important rights comparable to those that would be available under United States legal principles and practice, by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) seeking to establish standards for fair and equitable treatment consistent with United States legal principles and practice, including the principle of due process;

(F) providing meaningful procedures for resolving investment disputes;

(G) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims and to deter the filing of frivolous claims;

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(iii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iv) establishment of a single appellate body to review decisions in investor-to-government disputes and thereby provide coherence to the interpretations of investment provisions in trade agreements; and

(H) ensuring the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public;

(II) all hearings are open to the public; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(4) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to meeting enforcement obligations under that agreement; and

(II) ensuring that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;

(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works; and

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms;

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection; and

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.

(5) TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency through—

(A) increased and more timely public access to information regarding trade issues and the activities of international trade institutions;

(B) increased openness at the WTO and other international trade fora by increasing public access to appropriate meetings, proceedings, and submissions, including with regard to dispute settlement and investment; and

(C) increased and more timely public access to all notifications and supporting documentation submitted by parties to the WTO.

(6) ANTI-CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are—

(A) to obtain high standards and appropriate domestic enforcement mechanisms applicable to persons from all countries participating in the applicable trade agreement that prohibit such attempts to influence acts, decisions, or omissions of foreign governments; and

(B) to ensure that such standards do not place United States persons at a competitive disadvantage in international trade.

(7) IMPROVEMENT OF THE WTO AND MULTILATERAL TRADE AGREEMENTS.—The principal negotiating objectives of the United States regarding the improvement of the World Trade Organization, the Uruguay Round Agreements, and other multilateral and bilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and such agreements to products, sectors, and conditions of trade not adequately covered; and

(B) to expand country participation in and enhancement of the Information Technology Agreement and other trade agreements.

(8) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices by foreign governments to provide a competitive advantage to their domestic producers, service providers, or investors and thereby reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost-benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms among parties to trade agreements to promote increased transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes; and

(D) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products.

(9) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization apply to electronic commerce;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible;

(C) to ensure that governments refrain from implementing trade-related measures that impede electronic commerce;

(D) where legitimate policy objectives require domestic regulations that affect electronic commerce, to obtain commitments that any such regulations are the least restrictive on trade, nondiscriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(10) RECIPROCAL TRADE IN AGRICULTURE.—

(A) IN GENERAL.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by—

(i) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(I) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(II) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;

(ii) reducing tariffs to levels that are the same as or lower than those in the United States;

(iii) seeking to eliminate all export subsidies on agricultural commodities while maintaining bona fide food aid and preserving United States agricultural market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

(iv) allowing the preservation of programs that support family farms and rural communities but do not distort trade;

(v) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

(vi) eliminating Government policies that create price-depressing surpluses;

(vii) eliminating state trading enterprises whenever possible;

(viii) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, particularly with respect to import-sensitive products, including—

(I) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(II) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(III) unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(IV) other unjustified technical barriers to trade; and

(V) restrictive rules in the administration of tariff rate quotas;

(ix) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(x) ensuring that the use of import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(xi) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(xii) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(xiii) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(xiv) taking into account the impact that agreements covering agriculture to which the United States is a party, including the North American Free Trade Agreement, have on the United States agricultural industry;

(xv) maintaining bona fide food assistance programs and preserving United States market development and export credit programs; and

(xvi) strive to complete a general multilateral round in the World Trade Organization by January 1, 2005, and seek the broadest market access possible in multilateral, regional, and bilateral negotiations, recognizing the effect that simultaneous sets of negotiations may have on United States import-sensitive commodities (including those subject to tariff-rate quotas).

(B) CONSULTATION.—

(i) BEFORE COMMENCING NEGOTIATIONS.—Before commencing negotiations with respect to agriculture, the United States Trade Representative, in consultation with the Congress, shall seek to develop a position on the treatment of seasonal and perishable agricultural products to be employed in the negotiations in order to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area.

(ii) DURING NEGOTIATIONS.—During any negotiations on agricultural subsidies, the United States Trade Representative shall seek to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in each country's Uruguay Round market access schedule.

(iii) SCOPE OF OBJECTIVE.—The negotiating objective provided in subparagraph (A) applies with respect to agricultural matters to be addressed in any trade agreement entered into under section 2103 (a) or (b), including any trade agreement entered into under section 2103 (a) or (b) that provides for accession to a trade agreement to which the United States is already a party, such as the North American Free Trade Agreement and the United States-Canada Free Trade Agreement.

(11) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that parties to a trade agreement retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other labor or environmental matters determined to have higher priorities, and to recognize that a country is effectively enforcing its laws if a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources and no retaliation may be authorized based on the exercise of these rights or the right to establish domestic labor standards and levels of environmental protection;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 2113(2));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

(12) HUMAN RIGHTS AND DEMOCRACY.—The principal negotiating objective regarding human rights and democracy is to obtain provisions in trade agreements that require parties to those agreements to strive to protect internationally recognized civil, political, and human rights.

(13) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek improved adherence by panels convened under the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes and by the WTO Appellate Body to the standard of review applicable under the WTO Agreement involved in the dispute, including greater deference, where appropriate, to the fact finding and technical expertise of national investigating authorities;

(D) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(E) to seek provisions to encourage the provision of trade-expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(F) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(G) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(14) BORDER TAXES.—The principal negotiating objective of the United States regarding border taxes is to obtain a revision of the WTO rules with respect to the treatment of border adjustments for internal taxes to redress the disadvantage to countries relying primarily on direct taxes for revenue rather than indirect taxes.

(15) WTO EXTENDED NEGOTIATIONS.—The principal negotiating objectives of the United States regarding trade in civil aircraft are those set forth in section 135(c) of the Uruguay Round Agreements Act (19 U.S.C. 3355(c)) and regarding rules of origin are the conclusion of an agreement described in section 132 of that Act (19 U.S.C. 3552).

(16) TEXTILE NEGOTIATIONS.—

(A) IN GENERAL.—The principal negotiating objectives of the United States with respect to trade in textiles and apparel articles is to obtain competitive opportunities for United States exports of textiles and apparel in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in textiles and apparel by—

(i) reducing to levels that are the same as, or lower than, those in the United States, or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports of textiles and apparel;

(ii) eliminating by a date certain non-tariff barriers that decrease market opportunities for United States textile and apparel articles;

(iii) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort textile and apparel markets to the detriment of the United States;

(iv) developing, strengthening, and clarifying rules to eliminate practices that unfairly decrease United States market access opportunities or distort textile and apparel markets to the detriment of the United States;

(v) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(vi) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(vii) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in textiles and apparel; and

(viii) taking into account the impact that agreements covering textiles and apparel trade to which the United States is already a party are having on the United States textile and apparel industry.

(B) SCOPE OF OBJECTIVE.—The negotiating objectives set forth in subparagraph (A) apply with respect to trade in textile and apparel articles to be addressed in any trade agreement entered into under section 2103 (a) or (b), including any trade agreement entered under section 2103 (a) or (b) that provides for accession to a trade agreement to which the United States is already a party.

(17) WORST FORMS OF CHILD LABOR.—The principal negotiating objectives of the United States regarding the trade-related aspects of the worst forms of child labor are—

(A) to prevent distortions in the conduct of international trade caused by the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce; and

(B) to redress unfair and illegitimate competition based upon the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce, including through—

(i) promoting universal ratification and full compliance by all trading nations with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, particularly with respect to meeting enforcement obligations under that Convention and related international agreements;

(ii) pursuing action under Article XX of GATT 1994 to allow WTO members to restrict imports of goods found to be produced with the worst forms of child labor;

(iii) seeking commitments by parties to any multilateral or bilateral trade agreement that is entered into by the United States to ensure that national laws reflect international standards regarding prevention of the use of the worst forms of child labor, especially in the conduct of international trade; and

(iv) seeking commitments by trade agreement parties to vigorously enforce laws prohibiting the use of the worst forms of child labor, especially in the conduct of international trade, through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

(c) PROMOTION OF CERTAIN PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) seek greater cooperation between the WTO and the ILO;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 2113(2)), and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(3) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(4) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 of November 16, 1999 and the relevant guidelines, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such reviews;

(5) review the impact of future trade agreements on United States employment, modeled after Executive Order 13141, taking into account the impact on job security, the level of compensation of new jobs and existing jobs, the displacement of employment, and the regional distribution of employment, utilizing experience from previous trade agreements and alternative models of employment analysis, report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review, and make that report available to the public;

(6) take into account other legitimate United States domestic objectives including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law and regulations related thereto;

(7) have the Secretary of Labor consult with any country seeking a trade agreement with the United States concerning that country's labor laws and provide technical assistance to that country if needed;

(8) in connection with any trade negotiations entered into under this Act, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor rights report of the country, or countries, with respect to which the President is negotiating, on a time frame determined in accordance with section 2107(b)(2)(E);

(9)(A) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(B) address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(10) continue to promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of the GATT 1994;

(11) report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 12 months after the imposition of a penalty or remedy by the United States permitted by a trade agreement to which this title applies, on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement; and

(12) seek to establish consultative mechanisms among parties to trade agreements to examine the trade consequences of significant and unanticipated currency movements and to scrutinize whether a foreign government engaged in a pattern of manipulating its currency to promote a competitive advantage in international trade.

The report required under paragraph (11) shall address whether the penalty or remedy was effective in changing the behavior of the targeted party and whether the penalty or remedy had any adverse impact on parties or interests not party to the dispute.

(d) CONSULTATIONS.—

(1) CONSULTATIONS WITH CONGRESSIONAL ADVISERS.—In the course of negotiations conducted under this title, the United States Trade Representative shall consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Congressional Oversight Group convened under section 2107 and all committees of the House of Representatives and the Senate with jurisdiction over laws that would be affected by a trade agreement resulting from the negotiations.

(2) CONSULTATION BEFORE AGREEMENT INITIALED.—In the course of negotiations conducted under this title, the United States Trade Representative shall—

(A) consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations appointed under section 161 of the Trade Act of 1974 (19 U.S.C. 2211), the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Congressional Oversight Group convened under section 2107; and

(B) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY ROUND AGREEMENTS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

SEC. 2103. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) reduces the rate of duty below that applicable under the Uruguay Round Agreements, on any import sensitive agricultural product; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 2105 and that bill is enacted into law.

(6) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B), (2)(A), (2)(C), and (3) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2102(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(7) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—

(A) DETERMINATION BY PRESIDENT.—Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy; or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect;

and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) AGREEMENT TO REDUCE OR ELIMINATE CERTAIN DISTORTION.—The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) TIME PERIOD.—The President may enter into a trade agreement under this paragraph before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c).

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in section 2102 (a) and (b) and the President satisfies the conditions set forth in section 2104.

(3) BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.—

(A) APPLICATION OF EXPEDITED PROCEDURES.—The provisions of section 151 of the Trade Act of 1974 (in this title referred to as "trade authorities procedures") apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an "implementing bill".

(B) PROVISIONS DESCRIBED.—The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(4) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974 (trade authorities procedures) shall not apply to any provision in an implementing bill being considered by the Senate that modifies or amends, or requires a modification of, or an amendment to, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—

(i) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.);

(ii) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337);

(iii) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.);

(iv) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or

(v) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

(B) POINT OF ORDER IN SENATE.—

(i) IN GENERAL.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and the point of order is sustained by the Presiding Officer, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(ii) WAIVERS AND APPEALS.—

(I) WAIVERS.—Before the Presiding Officer rules on a point of order described in clause (i), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in clause (i) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(II) APPEALS.—After the Presiding Officer rules on a point of order under this subparagraph, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in clause (i) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(III) DEBATE.—Debate on a motion to waive under subclause (I) or on an appeal of the ruling of the Presiding Officer under subclause (II) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees.

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL TRADE AUTHORITIES PROCEDURES.—

(1) IN GENERAL.—Except as provided in section 2105(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2005; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2005, and before July 1, 2007, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before June 1, 2005.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to the Congress, not later than March 1, 2005, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) OTHER REPORTS TO CONGRESS.—

(A) REPORT BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains—

(i) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title; and

(ii) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(B) REPORT BY ITC.—The President shall promptly inform the International Trade Commission of the President's decision to submit a report to the Congress under paragraph (2). The International Trade Commission shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains a review and analysis of the economic impact on the United States of all trade agreements implemented between the date of enactment of this Act and the date on which the President decides to seek an extension requested under paragraph (2).

(4) STATUS OF REPORTS.—The reports submitted to the Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) EXTENSION DISAPPROVAL RESOLUTIONS.—

(A) DEFINITION.—For purposes of paragraph (1), the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the   disapproves the request of the President for the extension, under section 2103(c)(1)(B)(i) of the Bipartisan Trade Promotion Authority Act of 2002, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 2103(b) of that Act after June 30, 2005.", with the blank space being filled with the name of the resolving House of the Congress.

(B) INTRODUCTION.—Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) LIMITATIONS.—It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

(d) COMMENCEMENT OF NEGOTIATIONS.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the principal negotiating objectives set forth in section 2102(b).

SEC. 2104. CONSULTATIONS AND ASSESSMENT.

(a) NOTICE AND CONSULTATION BEFORE NEGOTIATION.—The President, with respect to any agreement that is subject to the provisions of section 2103(b), shall—

(1) provide, at least 90 calendar days before initiating negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific United States objectives for the negotiations, and whether the President intends to seek an agreement, or changes to an existing agreement;

(2) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, such other committees of the House and Senate as the President deems appropriate, and the Congressional Oversight group convened under section 2107; and

(3) upon the request of a majority of the members of the Congressional Oversight Group under section 2107(c), meet with the Congressional Oversight Group before initiating the negotiations or at any other time concerning the negotiations.

(b) NEGOTIATIONS REGARDING AGRICULTURE AND FISHING INDUSTRY.—

(1) IN GENERAL.—Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 2102(b)(10)(A)(i) with any country, the President shall assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(2) SPECIAL CONSULTATIONS ON IMPORT SENSITIVE PRODUCTS.—

(A) IN GENERAL.—Before initiating negotiations with regard to agriculture, and, with respect to the Free Trade Area for the Americas and negotiations with regard to agriculture under the auspices of the World Trade Organization, as soon as practicable after the enactment of this Act, the United States Trade Representative shall—

(i) identify those agricultural products subject to tariff-rate quotas on the date of enactment of this Act, and agricultural products subject to tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994;

(ii) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning—

(I) whether any further tariff reductions on the products identified under clause (i) should be appropriate, taking into account the impact of any such tariff reduction on the United States industry producing the product concerned;

(II) whether the products so identified face unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements; and

(III) whether the countries participating in the negotiations maintain export subsidies or other programs, policies, or practices that distort world trade in such products and the impact of such programs, policies, and practices on United States producers of the products;

(iii) request that the International Trade Commission prepare an assessment of the probable economic effects of any such tariff reduction on the United States industry producing the product concerned and on the United States economy as a whole; and

(iv) upon complying with clauses (i), (ii), and (iii), notify the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate of those products identified under clause (i) for which the Trade Representative intends to seek tariff liberalization in the negotiations and the reasons for seeking such tariff liberalization.

(B) IDENTIFICATION OF ADDITIONAL AGRICULTURAL PRODUCTS.—If, after negotiations described in subparagraph (A) are commenced—

(i) the United States Trade Representative identifies any additional agricultural product described in subparagraph (A)(i) for tariff reductions which were not the subject of a notification under subparagraph (A)(iv), or

(ii) any additional agricultural product described in subparagraph (A)(i) is the subject of a request for tariff reductions by a party to the negotiations,

the Trade Representative shall, as soon as practicable, notify the committees referred to in subparagraph (A)(iv) of those products and the reasons for seeking such tariff reductions.

(3) NEGOTIATIONS REGARDING THE FISHING INDUSTRY.—Before initiating, or continuing, negotiations which directly relate to fish or shellfish trade with any country, the President shall consult with the Committee on Ways and Means and the Committee on Resources of the House of Representatives, and the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate, and shall keep the Committees apprised of negotiations on an ongoing and timely basis.

(c) NEGOTIATIONS REGARDING TEXTILES.—Before initiating or continuing negotiations the subject matter of which is directly related to textiles and apparel products with any country, the President shall assess whether United States tariffs on textile and apparel products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(d) CONSULTATION WITH CONGRESS BEFORE AGREEMENTS ENTERED INTO.—

(1) CONSULTATION.—Before entering into any trade agreement under section 2103(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the Congressional Oversight Group convened under section 2107.

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this title; and

(C) the implementation of the agreement under section 2105, including the general effect of the agreement on existing laws.

(3) REPORT REGARDING UNITED STATES TRADE REMEDY LAWS.—

(A) CHANGES IN CERTAIN TRADE LAWS.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate in writing of any amendments to title VII of the Tariff Act of 1930 or chapter 1 of title II of the Trade Act of 1974 that the President proposes to include in a bill implementing such trade agreement.

(B) EXPLANATION.—On the date that the President transmits the notification, the President also shall transmit to the Committees a report explaining—

(i) the President's reasons for believing that amendments to title VII of the Tariff Act of 1930 or to chapter 1 of title II of the Trade Act of 1974 are necessary to implement the trade agreement; and

(ii) the President's reasons for believing that such amendments are consistent with the purposes, policies, and objectives described in section 2102(c)(9).

(C) REPORT TO HOUSE.—Not later than 60 calendar days after the date on which the President transmits the notification described in subparagraph (A), the Chairman and ranking member of the Ways and Means Committee of the House of Representatives, based on consultations with the members of that Committee, shall issue to the House of Representatives a report stating whether the proposed amendments described in the President's notification are consistent with the purposes, policies, and objectives described in section 2102(c)(9). In the event that the Chairman and ranking member disagree with respect to one or more conclusions, the report shall contain the separate views of the Chairman and ranking member.

(D) REPORT TO SENATE.—Not later than 60 calendar days after the date on which the President transmits the notification described in subparagraph (A), the Chairman and ranking member of the Finance Committee of the Senate, based on consultations with the members of that Committee, shall issue to the Senate a report stating whether the proposed amendments described in the President's report are consistent with the purposes, policies, and objectives described in section 2102(c)(9). In the event that the Chairman and ranking member disagree with respect to one or more conclusions, the report shall contain the separate views of the Chairman and ranking member.

(e) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 2103 (a) or (b) of this title shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 2103(a)(1) or 2105(a)(1)(A) of the President's intention to enter into the agreement.

(f) ITC ASSESSMENT.—

(1) IN GENERAL.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement under section 2103(b), shall provide the International Trade Commission (referred to in this subsection as "the Commission") with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ITC ASSESSMENT.—Not later than 90 calendar days after the President enters into the agreement, the Commission shall submit to the President and the Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) REVIEW OF EMPIRICAL LITERATURE.—In preparing the assessment, the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

SEC. 2105. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 2103(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into an agreement—

(i) notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register; and

(ii) transmits to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the notification and report described in section 2104(d)(3) (A) and (B);

(B) within 60 days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits to the Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 2103(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) SUPPORTING INFORMATION.—The supporting information required under paragraph (1)(C)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this title; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce;

(IV) how the implementing bill meets the standards set forth in section 2103(b)(3);

(V) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in section 2102(c) regarding the promotion of certain priorities; and

(VI) in the event that the reports described in section 2104(b)(3) (C) and (D) contain any findings that the proposed amendments are inconsistent with the purposes, policies, and objectives described in section 2102(c)(9), an explanation as to why the President believes such findings to be incorrect.

(3) RECIPROCAL BENEFITS.—In order to ensure that a foreign country that is not a party to a

trade agreement entered into under section 2103(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(4) DISCLOSURE OF COMMITMENTS.—Any agreement or other understanding with a foreign government or governments (whether oral or in writing) that—

(A) relates to a trade agreement with respect to which Congress enacts implementing legislation under trade authorities procedures, and

(B) is not disclosed to Congress before legislation implementing that agreement is introduced in either House of Congress,

shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(b) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(1) FOR LACK OF NOTICE OR CONSULTATIONS.—

(A) IN GENERAL.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 2103(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

(B) PROCEDURAL DISAPPROVAL RESOLUTION.—(i) For purposes of this paragraph, the term "procedural disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002 on negotiations with respect to   and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to such trade agreement or agreements.", with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i), the President has "failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002" on negotiations with respect to a trade agreement or trade agreements if—

(I) the President has failed or refused to consult (as the case may be) in accordance with section 2104 or 2105 with respect to the negotiations, agreement, or agreements;

(II) guidelines under section 2107(b) have not been developed or met with respect to the negotiations, agreement, or agreements;

(III) the President has not met with the Congressional Oversight Group pursuant to a request made under section 2107(c) with respect to the negotiations, agreement, or agreements; or

(IV) the agreement or agreements fail to make progress in achieving the purposes, policies, priorities, and objectives of this title.

(C) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(i) Procedural disapproval resolutions—

(I) in the House of Representatives—

(aa) may be introduced by any Member of the House;

(bb) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(cc) may not be amended by either Committee; and

(II) in the Senate—

(aa) may be introduced by any Member of the Senate.

(bb) shall be referred to the Committee on Finance; and

(cc) may not be amended.

(ii) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement has previously been considered under such provisions of section 152 of the Trade Act of 1974 in that House of Congress during that Congress.

(iii) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(iv) It is not in order for the Senate to consider any procedural disapproval resolution not reported by the Committee on Finance.

(2) FOR FAILURE TO MEET OTHER REQUIREMENTS.—Prior to December 31, 2002, the Secretary of Commerce shall transmit to Congress a report setting forth the strategy of the United States for correcting instances in which dispute settlement panels and the Appellate Body of the WTO have added to obligations or diminished rights of the United States, as described in section 2101(b)(3). Trade authorities procedures shall not apply to any implementing bill with respect to an agreement negotiated under the auspices of the WTO, unless the Secretary of Commerce has issued such report in a timely manner.

(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (b) of this section and section 2103(c) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 2106. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN.

(a) CERTAIN AGREEMENTS.—Notwithstanding the prenegotiation notification and consultation requirement described in section 2104(a), if an agreement to which section 2103(b) applies—

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with Chile,

(3) is entered into with Singapore, or

(4) establishes a Free Trade Area for the Americas,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 2104(a) (relating only to 90 days notice prior to initiating negotiations), and any procedural disapproval resolution under section 2105(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 2104(a); and

(2) the President shall, as soon as feasible after the enactment of this Act—

(A) notify the Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the committees referred to in section 2104(a)(2) and the Congressional Oversight Group.

SEC. 2107. CONGRESSIONAL OVERSIGHT GROUP.

(a) MEMBERS AND FUNCTIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate shall convene the Congressional Oversight Group.

(2) MEMBERSHIP FROM THE HOUSE.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the House of Representatives which would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this title would apply.

(3) MEMBERSHIP FROM THE SENATE.—In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The chairman and ranking Member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the Senate which would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this title would apply.

(4) ACCREDITATION.—Each member of the Congressional Oversight Group described in paragraph (2)(A) and (3)(A) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this title applies. Each member of the Congressional Oversight Group described in paragraph (2)(B) and (3)(B) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in the negotiations by reason of which the member is in the Congressional Oversight Group. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(5) CHAIR.—The Congressional Oversight Group shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate.

(b) GUIDELINES.—

(1) PURPOSE AND REVISION.—The United States Trade Representative, in consultation

with the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) Content.—The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of the Congressional Oversight Group regarding negotiating objectives, including the promotion of certain priorities referred to in section 2102(c), and positions and the status of the applicable negotiations, beginning as soon as practicable after the Congressional Oversight Group is convened, with more frequent briefings as trade negotiations enter the final stage;

(B) access by members of the Congressional Oversight Group, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(C) the closest practicable coordination between the Trade Representative and the Congressional Oversight Group at all critical periods during the negotiations, including at negotiation sites;

(D) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement; and

(E) the time frame for submitting the report required under section 2102(c)(8).

(c) Request for Meeting.—Upon the request of a majority of the Congressional Oversight Group, the President shall meet with the Congressional Oversight Group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations.

SEC. 2108. ADDITIONAL IMPLEMENTATION AND ENFORCEMENT REQUIREMENTS.

(a) In General.—At the time the President submits to the Congress the final text of an agreement pursuant to section 2105(a)(1)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) Border Personnel Requirements.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) Agency Staffing Requirements.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, and such other agencies as may be necessary.

(3) Customs Infrastructure Requirements.—A description of the additional equipment and facilities needed by the United States Customs Service.

(4) Impact on State and Local Governments.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) Cost Analysis.—An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

(b) Budget Submission.—The President shall include a request for the resources necessary to support the plan described in subsection (a) in the first budget that the President submits to the Congress after the submission of the plan.

SEC. 2109. COMMITTEE STAFF.

The grant of trade promotion authority under this title is likely to increase the activities of the primary committees of jurisdiction in the area of international trade. In addition, the creation of the Congressional Oversight Group under section 2107 will increase the participation of a broader number of Members of Congress in the formulation of United States trade policy and oversight of the international trade agenda for the United States. The primary committees of jurisdiction should have adequate staff to accommodate these increases in activities.

SEC. 2110. CONFORMING AMENDMENTS.

(a) In General.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) Implementing Bill.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended by striking "section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act" and inserting "section 282 of the Uruguay Round Agreements Act, or section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002".

(B) Section 151(c)(1) (19 U.S.C. 2191(c)(1)) is amended by striking "or section 282 of the Uruguay Round Agreements Act" and inserting ", section 282 of the Uruguay Round Agreements Act, or section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002".

(2) Advice from International Trade Commission.—Section 131 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "section 123 of this Act or section 1102 (a) or (c) of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 123 of this Act or section 2103 (a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002,"; and

(ii) in paragraph (2), by striking "section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002";

(B) in subsection (b), by striking "section 1102(a)(3)(A)" and inserting "section 2103(a)(3)(A) of the Bipartisan Trade Promotion Authority Act of 2002"; and

(C) in subsection (c), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002,".

(3) Hearings and Advice.—Sections 132, 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and 2154(a)) are each amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," each place it appears and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002,".

(4) Prerequisites for Offers.—Section 134(b) (19 U.S.C. 2154(b)) is amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002".

(5) Advice from Private and Public Sectors.—Section 135 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002";

(B) in subsection (e)(1)—

(i) by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" each place it appears and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002"; and

(ii) by striking "not later than the date on which the President notifies the Congress under section 1103(a)(1)(A) of such Act of 1988 of his intention to enter into that agreement" and inserting "not later than the date that is 30 days after the date on which the President notifies the Congress under section 5(a)(1)(A) of the Bipartisan Trade Promotion Authority Act of 2002 of the President's intention to enter into that agreement"; and

(C) in subsection (e)(2), by striking "section 1101 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2102 of the Bipartisan Trade Promotion Authority Act of 2002".

(6) Transmission of Agreements to Congress.—Section 162(a) (19 U.S.C. 2212(a)) is amended by striking "or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "or under section 2103 of the Bipartisan Trade Promotion Authority Act of 2002".

(b) Application of Certain Provisions.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and 2137)—

(1) any trade agreement entered into under section 2103 shall be treated as an agreement entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 2103 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 2111. REPORT ON IMPACT OF TRADE PROMOTION AUTHORITY.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the International Trade Commission shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the economic impact on the United States of the trade agreements described in subsection (b).

(b) Agreements.—The trade agreements described in this subsection are:

(1) The United States-Israel Free Trade Agreement.

(2) The United States-Canada Free Trade Agreement.

(3) The North American Free Trade Agreement.

(4) The Uruguay Round Agreements.

(5) The Tokyo Round of Multilateral Trade Negotiations.

SEC. 2112. IDENTIFICATION OF SMALL BUSINESS ADVOCATE AT WTO.

(a) In General.—The United States Trade Representative shall pursue the identification of a small business advocate at the World Trade Organization Secretariat to examine the impact of WTO agreements on the interests of small- and medium-sized enterprises, address the concerns of small- and medium-sized enterprises, and recommend ways to address those interests in trade negotiations involving the World Trade Organization.

(b) Assistant Trade Representative.—The Assistant United States Trade Representative for Industry and Telecommunications shall be responsible for ensuring that the interests of small business are considered in all trade negotiations in accordance with the objective described in section 2102(a)(8). It is the sense of Congress that the small business functions should be reflected in the title of the Assistant United States Trade Representative assigned the responsibility for small business.

(c) Report.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the United States Trade Representative shall prepare and submit a report to the

Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the steps taken by the United States Trade Representative to pursue the identification of a small business advocate at the World Trade Organization.

SEC. 2113. DEFINITIONS.

In this title:

(1) AGREEMENT ON AGRICULTURE.—The term "Agreement on Agriculture" means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(2) CORE LABOR STANDARDS.—The term "core labor standards" means—

(A) the right of association;

(B) the right to organize and bargain collectively;

(C) a prohibition on the use of any form of forced or compulsory labor;

(D) a minimum age for the employment of children; and

(E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(3) GATT 1994.—The term "GATT 1994" has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(4) ILO.—The term "ILO" means the International Labor Organization.

(5) IMPORT SENSITIVE AGRICULTURAL PRODUCT.—The term "import sensitive agricultural product" means an agricultural product with respect to which, as a result of the Uruguay Round Agreements—

(A) the rate of duty was the subject of tariff reductions by the United States, and pursuant to such Agreements, was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or

(B) became subject to a tariff-rate quota on or after January 1, 1995.

(6) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(7) URUGUAY ROUND AGREEMENTS.—The term "Uruguay Round Agreements" has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(8) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(9) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

DIVISION C—ANDEAN TRADE PREFERENCE ACT

TITLE XXXI—ANDEAN TRADE PREFERENCE

SEC. 3101. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Andean Trade Preference Expansion Act".

(b) FINDINGS.—Congress makes the following findings:

(1) Since the Andean Trade Preference Act was enacted in 1991, it has had a positive impact on United States trade with Bolivia, Colombia, Ecuador, and Peru. Two-way trade has doubled, with the United States serving as the leading source of imports and leading export market for each of the Andean beneficiary countries. This has resulted in increased jobs and expanded export opportunities in both the United States and the Andean region.

(2) The Andean Trade Preference Act has been a key element in the United States counternarcotics strategy in the Andean region, promoting export diversification and broad-based economic development that provides sustainable economic alternatives to drug-crop production, strengthening the legitimate economies of Andean countries and creating viable alternatives to illicit trade in coca.

(3) Notwithstanding the success of the Andean Trade Preference Act, the Andean region remains threatened by political and economic instability and fragility, vulnerable to the consequences of the drug war and fierce global competition for its legitimate trade.

(4) The continuing instability in the Andean region poses a threat to the security interests of the United States and the world. This problem has been partially addressed through foreign aid, such as Plan Colombia, enacted by Congress in 2000. However, foreign aid alone is not sufficient. Enhancement of legitimate trade with the United States provides an alternative means for reviving and stabilizing the economies in the Andean region.

(5) The Andean Trade Preference Act constitutes a tangible commitment by the United States to the promotion of prosperity, stability, and democracy in the beneficiary countries.

(6) Renewal and enhancement of the Andean Trade Preference Act will bolster the confidence of domestic private enterprise and foreign investors in the economic prospects of the region, ensuring that legitimate private enterprise can be the engine of economic development and political stability in the region.

(7) Each of the Andean beneficiary countries is committed to conclude negotiation of a Free Trade Area of the Americas by the year 2005, as a means of enhancing the economic security of the region.

(8) Temporarily enhancing trade benefits for Andean beneficiaries countries will promote the growth of free enterprise and economic opportunity in these countries and serve the security interests of the United States, the region, and the world.

SEC. 3102. TEMPORARY PROVISIONS.

(a) IN GENERAL.—Section 204(b) of the Andean Trade Preference Act (19 U.S.C. 3203(b)) is amended to read as follows:

"(b) IMPORT-SENSITIVE ARTICLES.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

"(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

"(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

"(C) tuna, prepared or preserved in any manner, in airtight containers;

"(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

"(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply;

"(F) articles to which reduced rates of duty apply under subsection (c);

"(G) sugars, syrups, and sugar containing products subject to tariff-rate quotas; or

"(H) rum and tafia classified in subheading 2208.40 of the HTS.

"(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

"(A) ARTICLES COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following articles imported directly into the customs territory of the United States from an ATPEA beneficiary country:

"(i) APPAREL ARTICLES ASSEMBLED FROM PRODUCTS OF THE UNITED STATES AND ATPEA BENEFICIARY COUNTRIES OR PRODUCTS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—Apparel articles sewn or otherwise assembled in 1 or more ATPEA beneficiary countries, or the United States, or both, exclusively from any one or any combination of the following:

"(I) Fabrics or fabric components formed, or components knit-to-shape, in the United States, from yarns wholly formed in the United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in the United States), provided that apparel articles sewn or otherwise assembled from materials described in this subclause are assembled with thread formed in the United States.

"(II) Fabric components knit-to-shape in the United States from yarns wholly formed in the United States and fabric components knit-to-shape in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States.

"(III) Fabrics or fabric components formed or components knit-to-shape, in 1 or more ATPEA beneficiary countries, from yarns wholly formed in 1 or more ATPEA beneficiary countries, if such fabrics (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPEA beneficiary countries) or components are in chief weight of llama, or alpaca.

"(IV) Fabrics or yarns that are not formed in the United States or in 1 or more ATPEA beneficiary countries, to the extent such fabrics or yarns are considered not to be widely available in commercial quantities for purposes of determining the eligibility of such apparel articles for preferential treatment under Annex 401 of the NAFTA.

"(ii) KNIT-TO-SHAPE APPAREL ARTICLES.—Apparel articles knit-to-shape (other than socks provided for in heading 6115 of the HTS) in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States.

"(iii) REGIONAL FABRIC.—

"(I) GENERAL RULE.—Knit apparel articles wholly assembled in 1 or more ATPEA beneficiary countries exclusively from fabric formed, or fabric components formed, or components knit-to-shape, or any combination thereof, in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States, in an amount not exceeding the amount set forth in subclause (II).

"(II) LIMITATION.—The amount referred to in subclause (I) is 70,000,000 square meter equivalents during the 1-year period beginning on March 1, 2002, increased by 16 percent, compounded annually, in each succeeding 1-year period through February 28, 2006.

"(iv) CERTAIN OTHER APPAREL ARTICLES.—

"(I) GENERAL RULE.—Subject to subclause (II), any apparel article classifiable under subheading 6212.10 of the HTS, if the article is both cut and sewn or otherwise assembled in the United States, or one or more of the ATPEA beneficiary countries, or both.

"(II) LIMITATION.—During the 1-year period beginning on March 1, 2003, and during each of the 2 succeeding 1-year periods, apparel articles described in subclause (I) of a producer or an entity controlling production shall be eligible for preferential treatment under subparagraph (B) only if the aggregate cost of fabric components *formed in the United States that are used in the production of all such articles of that producer or entity that are entered during the preceding 1-year period is at least 75 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.*

"(III) DEVELOPMENT OF PROCEDURE TO ENSURE COMPLIANCE.—The United States Customs Service shall develop and implement methods and procedures to ensure ongoing compliance with the requirement set forth in subclause (II). If the Customs Service finds that a producer or an entity controlling production has not satisfied such requirement in a 1-year period, then apparel articles described in subclause (I) of that producer or entity shall be ineligible for preferential treatment under subparagraph (B) during any succeeding 1-year period until the aggregate cost of fabric components formed in the United States used in the production of such articles of that producer or entity that are entered during the preceding 1-year period is at least 85 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

"(v) APPAREL ARTICLES ASSEMBLED FROM FABRICS OR YARN NOT WIDELY AVAILABLE IN COMMERCIAL QUANTITIES.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (i)(IV) if—

"(I) the President determines that such fabrics or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner;

"(II) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

"(III) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such actions, and the advice obtained under subclause (II);

"(IV) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclause (III), has expired; and

"(V) the President has consulted with such committees regarding the proposed action during the period referred to in subclause (III).

"(vi) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of an ATPEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

"(vii) SPECIAL RULES.—

"(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, 'bow buds', decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and are used in the production of brassieres.

"(bb) In the case of an article described in clause (i)(I) of this subparagraph, sewing thread shall not be treated as findings or trimmings under this subclause.

"(II) CERTAIN INTERLININGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

"(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, 'hymo' piece, or 'sleeve header', of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

"(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

"(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains yarns not wholly formed in the United States or in 1 or more ATPEA beneficiary countries shall not be ineligible for such treatment if the total weight of all such yarns is not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

"(IV) SPECIAL ORIGIN RULE.—An article otherwise eligible for preferential treatment under clause (i) of this subparagraph shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn) that is classifiable under subheading 5402.10.30, 5402.10.60, 5402.31.30, 5402.31.60, 5402.32.30, 5402.32.60, 5402.41.10, 5402.41.90, 5402.51.00, or 5402.61.00 of the HTS duty-free from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995.

"(V) CLARIFICATION OF CERTAIN KNIT APPAREL ARTICLES.—Notwithstanding any other provision of law, an article otherwise eligible for preferential treatment under clause (iii)(I) of this subparagraph, shall not be ineligible for such treatment because the article, or a component thereof, contains fabric formed in the United States from yarns wholly formed in the United States.

"(viii) TEXTILE LUGGAGE.—Textile luggage—

"(I) assembled in an ATPEA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

"(II) assembled from fabric cut in an ATPEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States.

"(B) PREFERENTIAL TREATMENT.—Except as provided in subparagraph (E), during the transition period, the articles to which subparagraph (A) applies shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels.

"(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (A)(vi), the President shall consult with representatives of the ATPEA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

"(D) PENALTIES FOR TRANSSHIPMENTS.—

"(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel articles from an ATPEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

"(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the ATPEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

"(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (B) has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

"(E) BILATERAL EMERGENCY ACTIONS.—

"(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from an ATPEA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

"(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

"(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

"(II) the term 'transition period' in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

"(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the ATPEA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

"(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

"(A) EQUIVALENT TARIFF TREATMENT.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B), (D) through (F), or (H) of paragraph (1) that is an ATPEA originating good, imported directly into the customs territory of the United States from an ATPEA beneficiary country, shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

"(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

"(iii) CERTAIN FOOTWEAR.—

"(I) IN GENERAL.—Duties on any article described in subclause (II), that is an ATPEA originating good imported directly into the customs territory of the United States from an ATPEA beneficiary country, shall be reduced by 1/15 a year beginning on the date of enactment of the Andean Trade Preference Expansion Act.

"(II) ARTICLES DESCRIBED.—An article described in this subclause means an article described in subheading 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.30, 6402.99.80, 6402.99.90, 6403.91.60, 6404.11.50, 6404.11.60, 6404.11.70, 6404.11.80, 6404.11.90, 6404.19.20, 6404.19.35, 6404.19.50, or 6404.19.70 of the HTS.

"(B) RELATIONSHIP TO SUBSECTION (C) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (c) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

"(C) SPECIAL RULE FOR SUGARS, SYRUPS, AND SUGAR CONTAINING PRODUCTS.—Duty-free treatment under this Act shall not be extended to sugars, syrups, and sugar-containing products subject to over-quota duty rates under applicable tariff-rate quotas.

"(D) SPECIAL RULE FOR CERTAIN TUNA PRODUCTS.—

"(i) IN GENERAL.—The President may proclaim duty-free treatment under this Act for tuna that is harvested by United States vessels or ATPEA beneficiary country vessels, and is prepared or preserved in any manner, in airtight containers in an ATPEA beneficiary country. Such duty-free treatment may be proclaimed in any calendar year for a quantity of such tuna that does not exceed 20 percent of the domestic United States tuna pack in the preceding calendar year. As used in the preceding sentence, the term 'tuna pack' means tuna pack as defined by the National Marine Fisheries Service of the United States Department of Commerce for purposes of subheading 1604.14.20 of the HTS as in effect on the date of enactment of the Andean Trade Preference Expansion Act.

"(ii) UNITED STATES VESSEL.—For purposes of this subparagraph, a 'United States vessel' is a vessel having a certificate of documentation with a fishery endorsement under chapter 121 of title 46, United States Code.

"(iii) ATPEA VESSEL.—For purposes of this subparagraph, an 'ATPEA vessel' is a vessel—

"(I) which is registered or recorded in an ATPEA beneficiary country;

"(II) which sails under the flag of an ATPEA beneficiary country;

"(III) which is at least 75 percent owned by nationals of an ATPEA beneficiary country or by a company having its principal place of business in an ATPEA beneficiary country,' of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of an ATPEA beneficiary country and of which, in the case of a company, at least 50 percent of the capital is owned by an ATPEA beneficiary country or by public bodies or nationals of an ATPEA beneficiary country;

"(IV) of which the master and officers are nationals of an ATPEA beneficiary country; and

"(V) of which at least 75 percent of the crew are nationals of an ATPEA beneficiary country.

"(4) CUSTOMS PROCEDURES.—

"(A) IN GENERAL.—

"(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

"(ii) DETERMINATION.—

"(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

"(aa) has implemented and follows; or

"(bb) is making substantial progress toward implementing and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

"(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is an ATPEA beneficiary country—

"(aa) from which the article is exported; or

"(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (2) or (3).

"(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

"(C) REPORT BY USTR ON COOPERATION OF OTHER COUNTRIES CONCERNING CIRCUMVENTION.—The United States Commissioner of Customs shall conduct a study analyzing the extent to which each ATPEA beneficiary country—

"(i) has cooperated fully with the United States, consistent with its domestic laws and procedures, in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel goods, to establish necessary relevant facts in the places of import, export, and, where applicable, transshipment, including investigation of circumvention practices, exchanges of documents, correspondence, reports, and other relevant information, to the extent such information is available;

"(ii) has taken appropriate measures, consistent with its domestic laws and procedures, against exporters and importers involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

"(iii) has penalized the individuals and entities involved in any such circumvention, consistent with its domestic laws and procedures, and has worked closely to seek the cooperation of any third country to prevent such circumvention from taking place in that third country.

The Trade Representative shall submit to Congress, not later than October 1, 2002, a report on the study conducted under this subparagraph.

"(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

"(B) ATPEA BENEFICIARY COUNTRY.—The term 'ATPEA beneficiary country' means any 'beneficiary country', as defined in section 203(a)(1) of this title, which the President designates as an ATPEA beneficiary country, taking into account the criteria contained in subsections (c) and (d) of section 203 and other appropriate criteria, including the following:

"(i) Whether the beneficiary country has demonstrated a commitment to—

"(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

"(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

"(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

"(iii) The extent to which the country provides internationally recognized worker rights, including—

"(I) the right of association;

"(II) the right to organize and bargain collectively;

"(III) a prohibition on the use of any form of forced or compulsory labor;

"(IV) a minimum age for the employment of children; and

"(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

"(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

"(v) The extent to which the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

"(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

"(vii) The extent to which the country—

"(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

"(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

"(viii) The extent to which the country has taken steps to support the efforts of the United States to combat terrorism.

"(C) ATPEA ORIGINATING GOOD.—

"(i) IN GENERAL.—The term 'ATPEA originating good' means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

"(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 of the NAFTA with respect to an ATPEA beneficiary country for purposes of this subsection—

"(I) no country other than the United States and an ATPEA beneficiary country may be treated as being a party to the NAFTA;

"(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and an ATPEA beneficiary country;

"(III) any reference to a party shall be deemed to refer to an ATPEA beneficiary country or the United States; and

"(IV) any reference to parties shall be deemed to refer to any combination of ATPEA beneficiary countries or to the United States and one or more ATPEA beneficiary countries (or any combination thereof).

"(D) TRANSITION PERIOD.—The term 'transition period' means, with respect to an ATPEA beneficiary country, the period that begins on the date of enactment, and ends on the earlier of—

"(i) February 28, 2006; or

"(ii) the date on which the FTAA or another free trade agreement that makes substantial *progress in achieving the negotiating objectives set forth in section 108(b)(5) of Public Law 103–182 (19 U.S.C. 3317(b)(5)) enters into force with respect to the United States and the ATPEA beneficiary country.*

"(E) ATPEA.—The term 'ATPEA' means the Andean Trade Preference Expansion Act.

"(F) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.".

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 203(e) of the Andean Trade Preference Act (19 U.S.C. 3202(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(1)"; and

(C) by adding at the end the following:

"(B) The President may, after the requirements of paragraph (2) have been met—

"(i) withdraw or suspend the designation of any country as an ATPEA beneficiary country; or

"(ii) withdraw, suspend, or limit the application of preferential treatment under section 204(b) (2) and (3) to any article of any country; if, after such designation, the President determines that, as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 204(b)(5)(B)."; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) If preferential treatment under section 204(b) (2) and (3) is withdrawn, suspended, or limited with respect to an ATPEA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 204(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.".

(c) REPORTING REQUIREMENTS.—Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended to read as follows:

"(f) REPORTING REQUIREMENTS.—

"(1) IN GENERAL.—Not later than December 31, 2002, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

"(A) with respect to subsections (c) and (d), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

"(B) the performance of each beneficiary country or ATPEA beneficiary country, as the case may be, under the criteria set forth in section 204(b)(5)(B).

"(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 204(b)(5)(B).".

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 202 of the Andean Trade Preference Act (19 U.S.C. 3201) is amended by inserting "(or other preferential treatment)" after "treatment".

(B) Section 204(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3203(a)(1)) is amended by inserting "(or otherwise provided for)" after "eligibility".

(C) Section 204(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3203(a)(1)) is amended by inserting "(or preferential treatment)" after "duty-free treatment".

(2) DEFINITIONS.—Section 203(a) of the Andean Trade Preference Act (19 U.S.C. 3202(a)) is amended by adding at the end the following new paragraphs:

"(4) The term "NAFTA" means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

"(5) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).".

(e) PETITIONS FOR REVIEW.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the President shall promulgate regulations regarding the review of eligibility of articles and countries under the Andean Trade Preference Act, consistent with section 203(e) of such Act, as amended by this title.

(2) CONTENT OF REGULATIONS.—The regulations shall be similar to the regulations regarding eligibility under the Generalized System of Preferences with respect to the timetable for reviews and content, and shall include procedures for requesting withdrawal, suspension, or limitations of preferential duty treatment under the Act, conducting reviews of such requests, and implementing the results of the reviews.

SEC. 3103. TERMINATION.

(a) IN GENERAL.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended to read as follows:

"(b) TERMINATION OF PREFERENTIAL TREATMENT.—No preferential duty treatment extended to beneficiary countries under this Act shall remain in effect after February 28, 2006.".

(b) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), the entry—

(A) of any article to which duty-free treatment (or preferential treatment) under the Andean Trade Preference Act (19 U.S.C. 3201 et seq.) would have applied if the entry had been made on December 4, 2001,

(B) that was made after December 4, 2001, and before the date of the enactment of this Act, and

(C) to which duty-free treatment (or preferential treatment) under the Andean Trade Preference Act did not apply,

shall be liquidated or reliquidated as if such duty-free treatment (or preferential treatment) applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(2) ENTRY.—As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

TITLE XXXII—MISCELLANEOUS TRADE BENEFITS

SEC. 3201. WOOL PROVISIONS.

(a) SHORT TITLE.—This section may be cited as the "Wool Manufacturer Payment Clarification and Technical Corrections Act".

(b) CLARIFICATION OF TEMPORARY DUTY SUSPENSION.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by inserting "average" before "diameters".

(c) PAYMENTS TO MANUFACTURERS OF CERTAIN WOOL PRODUCTS.—

(1) PAYMENTS.—Section 505 of the Trade and Development Act of 2000 (Public Law 106–200; 114 Stat. 303) is amended as follows:

(A) Subsection (a) is amended—

(i) by striking "In each of the calendar years" and inserting "For each of the calendar years"; and

(ii) by striking "for a refund of duties" and all that follows through the end of the subsection and inserting "for a payment equal to an amount determined pursuant to subsection (d)(1).".

(B) Subsection (b) is amended to read as follows:

"(b) WOOL YARN.—

"(1) IMPORTING MANUFACTURERS.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of worsted wool fabrics who imports wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(2).

"(2) NONIMPORTING MANUFACTURERS.—For each of the calendar years 2001 and 2002, any other manufacturer of worsted wool fabrics of imported wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(2).".

(C) Subsection (c) is amended to read as follows:

"(c) WOOL FIBER AND WOOL TOP.—

"(1) IMPORTING MANUFACTURERS.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of wool yarn or wool fabric who imports wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).

"(2) NONIMPORTING MANUFACTURERS.—For each of the calendar years 2001 and 2002, any other manufacturer of wool yarn or wool fabric of imported wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).".

(D) Section 505 is further amended by striking subsection (d) and inserting the following new subsections:

"(d) AMOUNT OF ANNUAL PAYMENTS TO MANUFACTURERS.—

"(1) MANUFACTURERS OF MEN'S SUITS, ETC. OF IMPORTED WORSTED WOOL FABRICS.—

"(A) ELIGIBLE TO RECEIVE MORE THAN $5,000.—Each annual payment to manufacturers described in subsection (a) who, according to the records of the Customs Service as of September 11, 2001, are eligible to receive more than $5,000 for each of the calendar years 2000, 2001, and 2002, shall be in an amount equal to one-third of the amount determined by multiplying $30,124,000 by a fraction—

"(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the manufacturers described in subsection (a) who, according to the records of the Customs Service as of September 11, 2001, are eligible to receive more than $5,000 for each such calendar year under this section as it was in effect on that date.

"(B) ELIGIBLE WOOL PRODUCTS.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported worsted wool fabrics described in subsection (a).

"(C) OTHERS.—All manufacturers described in subsection (a), other than the manufacturers to which subparagraph (A) applies, shall each receive an annual payment in an amount equal to one-third of the amount determined by dividing $1,665,000 by the number of all such other manufacturers.

"(2) MANUFACTURERS OF WORSTED WOOL FABRICS OF IMPORTED WOOL YARN.—

"(A) IMPORTING MANUFACTURERS.—Each annual payment to an importing manufacturer described in subsection (b)(1) shall be in an amount equal to one-third of the amount determined by multiplying $2,202,000 by a fraction—

"(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the importing manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the importing manufacturers described in subsection (b)(1).

"(B) ELIGIBLE WOOL PRODUCTS.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported wool yarn described in subsection (b)(1).

"(C) NONIMPORTING MANUFACTURERS.—Each annual payment to a nonimporting manufacturer described in subsection (b)(2) shall be in an amount equal to one-half of the amount determined by multiplying $141,000 by a fraction—

"(i) the numerator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by the nonimporting manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the purchases of imported eligible wool products in calendar year 1999 by all the nonimporting manufacturers described in subsection (b)(2).

"(3) MANUFACTURERS OF WOOL YARN OR WOOL FABRIC OF IMPORTED WOOL FIBER OR WOOL TOP.—

"(A) IMPORTING MANUFACTURERS.—Each annual payment to an importing manufacturer described in subsection (c)(1) shall be in an amount equal to one-third of the amount determined by multiplying $1,522,000 by a fraction—

"(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the importing manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the importing manufacturers described in subsection (c)(1).

"(B) ELIGIBLE WOOL PRODUCTS.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported wool fiber or wool top described in subsection (c)(1).

"(C) NONIMPORTING MANUFACTURERS.—Each annual payment to a nonimporting manufacturer described in subsection (c)(2) shall be in an amount equal to one-half of the amount determined by multiplying $597,000 by a fraction—

"(i) the numerator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by the nonimporting manufacturer making the claim, and

"(ii) the denominator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by all the nonimporting manufacturers described in subsection (c)(2).

"(4) LETTERS OF INTENT.—Except for the nonimporting manufacturers described in subsections (b)(2) and (c)(2) who may make claims under this section by virtue of the enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, only manufacturers who, according to the records of the Customs Service, filed with the Customs Service before September 11, 2001, letters of intent to establish eligibility to be claimants are eligible to make a claim for a payment under this section.

"(5) AMOUNT ATTRIBUTABLE TO PURCHASES BY NONIMPORTING MANUFACTURERS.—

"(A) AMOUNT ATTRIBUTABLE.—For purposes of paragraphs (2)(C) and (3)(C), the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by a nonimporting manufacturer shall be the amount the nonimporting manufacturer paid for eligible wool products in calendar year 1999, as evidenced by invoices. The nonimporting manufacturer shall make such calculation and submit the resulting amount to the Customs Service, within 45 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, in a signed affidavit that attests that the information contained therein is true and accurate to the best of the affiant's belief and knowledge. The nonimporting manufacturer shall retain the records upon which the calculation is based for a period of five years beginning on the date the affidavit is submitted to the Customs Service.

"(B) ELIGIBLE WOOL PRODUCT.—For purposes of subparagraph (A)—

"(i) the eligible wool product for nonimporting manufacturers of worsted wool fabrics is wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States purchased in calendar year 1999; and

"(ii) the eligible wool products for nonimporting manufacturers of wool yarn or wool fabric are wool fiber or wool top of the kind described in heading 9902.51.14 of such Schedule purchased in calendar year 1999.

"(6) AMOUNT ATTRIBUTABLE TO DUTIES PAID.—For purposes of paragraphs (1), (2)(A), and (3)(A), the amount attributable to the duties paid by a manufacturer shall be the amount shown on the records of the Customs Service as of September 11, 2001, under this section as then in effect.

"(7) SCHEDULE OF PAYMENTS; REALLOCATIONS.—

"(A) SCHEDULE.—Of the payments described in paragraphs (1), (2)(A), and (3)(A), the Customs Service shall make the first and second installments on or before the date that is 45 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, and the third installment on or before April 15, 2003. Of the payments described in paragraphs (2)(C) and (3)(C), the Customs Service shall make the first installment on or before the date that is 45 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, and the second installment on or before April 15, 2003.

"(B) REALLOCATIONS.—In the event that a manufacturer that would have received payment under subparagraph (A) or (C) of paragraph (1), (2), or (3) ceases to be qualified for such payment as such a manufacturer, the amounts otherwise payable to the remaining manufacturers under such subparagraph shall be increased on a pro rata basis by the amount of the payment such manufacturer would have received.

"(8) REFERENCE.—For purposes of paragraphs (1)(A) and (6), the 'records of the Customs Service as of September 11, 2001' are the records of the Wool Duty Unit of the Customs Service on September 11, 2001, as adjusted by the Customs Service to the extent necessary to carry out this section. The amounts so adjusted are not subject to administrative or judicial review.

"(e) AFFIDAVITS BY MANUFACTURERS.—

"(1) AFFIDAVIT REQUIRED.—A manufacturer may not receive a payment under this section for calendar year 2000, 2001, or 2002, as the case may be, unless that manufacturer has submitted to the Customs Service for that calendar year a signed affidavit that attests that, during that calendar year, the affiant was a manufacturer in the United States described in subsection (a), (b), or (c).

"(2) TIMING.—An affidavit under paragraph (1) shall be valid—

"(A) in the case of a manufacturer described in paragraph (1), (2)(A), or (3)(A) of subsection (d) filing a claim for a payment for calendar year 2000 or 2001, or both, only if the affidavit is postmarked no later than 15 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act; and

"(B) in the case of a claim for a payment for calendar year 2002, only if the affidavit is postmarked no later than March 1, 2003.

"(f) OFFSETS.—Notwithstanding any other provision of this section, any amount otherwise payable under subsection (d) to a manufacturer in calendar year 2001 and, where applicable, in calendar years 2002 and 2003, shall be reduced by the amount of any payment received by that manufacturer under this section before the enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act.

"(g) DEFINITION.—For purposes of this section, the manufacturer is the party that owns—

"(1) imported worsted wool fabric, of the kind described in heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States, at the time the fabric is cut and sewn in the United States into men's or boys' suits, suit-type jackets, or trousers;

"(2) imported wool yarn, of the kind described in heading 9902.51.13 of such Schedule, at the time the yarn is processed in the United States into worsted wool fabric; or

"(3) imported wool fiber or wool top, of the kind described in heading 9902.51.14 of such Schedule, at the time the wool fiber or wool top is processed in the United States into wool yarn.".

(2) FUNDING.—There is authorized to be appropriated and is appropriated, out of amounts in the General Fund of the Treasury not otherwise appropriated, $36,251,000 to carry out the amendments made by paragraph (1).

SEC. 3202. DUTY SUSPENSION ON WOOL.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—

(1) HEADING 9902.51.11.— Heading 9902.51.11 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(2) HEADING 9902.51.12.— Heading 9902.51.12 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "2003" and inserting "2005"; and

(B) by striking "6%" and inserting "Free".

(3) HEADING 9902.51.13.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(4) HEADING 9902.51.14.—Heading 9902.51.14 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(b) LIMITATION ON QUANTITY OF IMPORTS.—

(1) NOTE 15.—U.S. Note 15 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 3,500,000 square meter equivalents in calendar year 2002, and 4,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(2) NOTE 16.—U.S. Note 16 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 2,500,000 square meter equivalents in calendar year 2002, and 3,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(c) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—The United States Customs Service shall pay each manufacturer that receives a payment under section 505 of the Trade and Development Act of 2000 (Public Law 106–200) for calendar year 2002, and that provides an affidavit that it remains a manufacturer in the United States as of January 1 of the year of the payment, 2 additional payments, each payment equal to the payment received for calendar year 2002 as follows:

(A) The first payment to be made after January 1, 2004, but on or before April 15, 2004.

(B) The second payment to be made after January 1, 2005, but on or before April 15, 2005.

(2) CONFORMING AMENDMENT.—Section 506(f) of the Trade and Development Act of 2000 (Public Law 106–200) is amended by striking "2004" and inserting "2006".

(3) AUTHORIZATION.—There is authorized to be appropriated and is appropriated out of amounts in the general fund of the Treasury not otherwise appropriated such sums as are necessary to carry out the provisions of this subsection.

(d) EFFECTIVE DATE.—The amendment made by subsection (a)(2)(B) applies to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

SEC. 3203. CEILING FANS.

(a) IN GENERAL.—Notwithstanding any other provision of law, ceiling fans classified under subheading 8414.51.00 of the Harmonized Tariff Schedule of the United States imported from Thailand shall enter duty-free and without any quantitative limitations, if duty-free treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) would have applied to such entry had the competitive need limitation been waived under section 503(d) of such Act.

(b) APPLICABILITY.—The provisions of this section shall apply to ceiling fans described in subsection (a) that are entered, or withdrawn from warehouse for consumption—

(1) on or after the date that is 15 days after the date of enactment of this Act; and

(2) before July 30, 2002.

SEC. 3204. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subheading 9902.84.02 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking "4.9%" and inserting "Free"; and

(2) by striking "12/31/2003" and inserting "12/31/2006".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (4), the entry of any article—

(A) that was made on or after January 1, 2002, and

(B) to which duty-free treatment would have applied if the amendment made by this section had been in effect on the date of such entry,

shall be liquidated or reliquidated as if such duty-free treatment applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(3) ENTRY.—As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(4) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

DIVISION D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND OTHER PROVISIONS

TITLE XLI—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

SEC. 4101. GENERALIZED SYSTEM OF PREFERENCES.

(a) EXTENSION OF DUTY-FREE TREATMENT UNDER SYSTEM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "September 30, 2001" and inserting "December 31, 2006".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(c) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—

(A) ENTRY OF CERTAIN ARTICLES.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (2), the entry—

(i) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on September 30, 2001;

(ii) that was made after September 30, 2001, and before the date of enactment of this Act; and

(iii) to which duty-free treatment under title V of that Act did not apply,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—In this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 4102. AMENDMENTS TO GENERALIZED SYSTEM OF PREFERENCES.

(a) ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended by striking the period at the end and inserting "or such country has not taken steps to support the efforts of the United States to combat terrorism.".

(b) DEFINITION OF INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and";

(3) by adding at the end the following new subparagraph:

"(F) a prohibition on discrimination with respect to employment and occupation."; and

(4) by amending subparagraph (D) to read as follows:

"(D) a minimum age for the employment of children, and a prohibition on the worst forms of child labor, as defined in paragraph (6);".

TITLE XLII—OTHER PROVISIONS

SEC. 4201. TRANSPARENCY IN NAFTA TRIBUNALS.

(a) FINDINGS.—Congress makes the following findings:

(1) Chapter Eleven of the North American Free Trade Agreement (NAFTA) allows foreign investors to file claims against signatory countries that directly or indirectly nationalize or expropriate an investment, or take measures "tantamount to nationalization or expropriation" of such an investment.

(2) Foreign investors have filed several claims against the United States, arguing that regulatory activity has been "tantamount to nationalization or expropriation". Most notably, a Canadian chemical company claimed $970,000,000 in damages allegedly resulting from a California State regulation banning the use of a gasoline additive produced by that company.

(3) A claim under Chapter Eleven of the NAFTA is adjudicated by a three-member panel, whose deliberations are largely secret.

(4) While it may be necessary to protect the confidentiality of business sensitive information, the general lack of transparency of these proceedings has been excessive.

(b) PURPOSE.—The purpose of this amendment is to ensure that the proceedings of the NAFTA investor protection tribunals are as transparent as possible, consistent with the need to protect the confidentiality of business sensitive information.

(c) CHAPTER 11 OF NAFTA.—The President shall negotiate with Canada and Mexico an amendment to Chapter Eleven of the NAFTA to ensure the fullest transparency possible with respect to the dispute settlement mechanism in that Chapter, consistent with the need to protect information that is classified or confidential, by—

(1) ensuring that all requests for dispute settlement under Chapter Eleven are promptly made public;

(2) ensuring that with respect to Chapter Eleven—

(A) all proceedings, submissions, findings, and decisions are promptly made public; and

(B) all hearings are open to the public; and

(3) establishing a mechanism under that Chapter for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(d) CERTIFICATION REQUIREMENTS.—Within one year of the date of enactment of this Act, the U.S. Trade Representative shall certify to Congress that the President has fulfilled the requirements set forth in subsection (c).

SEC. 4202. EXPRESSION OF SOLIDARITY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Israel are now engaged in a common struggle against terrorism and are on the frontlines of a conflict thrust upon them against their will.

(2) President George W. Bush declared on November 21, 2001, "We fight the terrorists and we fight all of those who give them aid. America has a message for the nations of the world: If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends.".

(3) The United States has committed to provide resources to states on the frontline in the war against terrorism.

(b) SENSE OF CONGRESS.—The Congress—

(1) stands in solidarity with Israel, a frontline state in the war against terrorism, as it takes necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas;

(2) remains committed to Israel's right to self-defense;

(3) will continue to assist Israel in strengthening its homeland defenses;

(4) condemns Palestinian suicide bombings;

(5) demands that the Palestinian Authority fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas;

(6) urges all Arab states, particularly the United States allies, Egypt and Saudi Arabia, to declare their unqualified opposition to all forms of terrorism, particularly suicide bombing, and to act in concert with the United States to stop the violence; and

(7) urges all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace in the Middle East.

SEC. 4203. LIMITATION ON USE OF CERTAIN REVENUE.

Notwithstanding any other provision of law, any revenue generated from custom user fees imposed pursuant to Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) may be used only to fund the operations of the United States Customs Service.

SEC. 4204. SENSE OF THE SENATE REGARDING THE UNITED STATES-RUSSIAN FEDERATION SUMMIT MEETING, MAY 2002.

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush will visit the Russian Federation May 23-25, 2002, to meet with his Russian counterpart, President Vladimir V. Putin;

(2) the President and President Putin, and the United States and Russian governments, continue to cooperate closely in the fight against international terrorism;

(3) the President seeks Russian cooperation in containing the war-making capabilities of Iraq, including that country's ongoing program to develop and deploy weapons of mass destruction;

(4) during his visit, the President expects to sign a treaty to significantly reduce deployed American and Russian nuclear weapons by 2012;

(5) the President and his NATO partners have further institutionalized United States-Russian security cooperation through establishment of the NATO-Russia Council, which meets for the first time on May 28, 2002, in Rome, Italy;

(6) during his visit, the President will continue to address religious freedom and human rights concerns through open and candid discussions with President Putin, with leading Russian activists, and with representatives of Russia's revitalized and diverse Jewish community; and

(7) recognizing Russia's progress on religious freedom and a broad range of other mechanisms to address remaining concerns, the President has asked the Congress to terminate application to Russian of title IV of the Trade Act of 1974 (commonly known as the "Jackson-Vanik Amendment") and authorize the extension of normal trade relations to the products of Russia.

(b) SENSE OF THE SENATE.—The Senate—

(1) supports the President's efforts to deepen the friendship between the American and Russian peoples;

(2) further supports the policy objectives of the President mentioned in this section with respect to the Russian Federation;

(3) supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner; and

(4) looks forward to learning the results of the President's discussions with President Putin and other representatives of the Russian government and Russian society.

SEC. 4205. NO APPROPRIATIONS.

Notwithstanding any other provision of this Act, no direct appropriation may be made under this Act.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent it be in order to consider the following calendar items en bloc and the Senate proceed to their consideration: Calendar No. 397, H.R. 3789; Calendar No. 392, S. 1983; Calendar No. 395, H.R. 1366; Calendar No. 399, H.R. 4486; Calendar No. 396, H.R. 1374; Calendar No. 398, H.R. 3960; the bills be read three times, passed, the motions to reconsider be laid upon the table en bloc, without any intervening action or debate, and consideration of these items appear separately in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

TENO RONCALIO POST OFFICE BUILDING

The bill (H.R. 3789) to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

JOHN A. "JACK" SHEA POST OFFICE BUILDING

The bill (S. 1983) to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the "John A. 'Jack' Shea Post Office Building," was considered, ordered to be engrossed for a third reading, read read the third time, and passed; as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN A. "JACK" SHEA POST OFFICE.

(A) DESIGNATION.—The facility of the United States Postal Service located at 201 Main Street in Lake Placid, New York, shall be known and designated as the "John A. 'Jack' Shea Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the John A. "Jack" Shea Post Office Building.

HECTOR G. GODINEZ POST OFFICE BUILDING

The bill (H.R. 1366) to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

CLARENCE B. CRAFT POST OFFICE BUILDING

The bill (H.R. 4486) to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

PHILIP E. RUPPE POST OFFICE BUILDING

The bill (H.R. 1374) to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

JOSEPH W. WESTMORELAND POST OFFICE BUILDING

The bill (H.R. 3960) to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

MEASURES INDEFINITELY POSTPONED

Mr. REID. I ask unanimous consent the following calendar items be indefinitely postponed: Calendar Nos. 391, 393, and 394.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 4, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, June 4; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4775; further, the Senate recess from 12:30 to 2:15 tomorrow for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3 p.m., adjourned until Tuesday, June 4, 2002, at 10 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 4, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 5

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Steven Robert Blust, of Florida, to be a Federal Maritime Commissioner.

SR–253

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

10 a.m.

Environment and Public Works

To hold hearings on S. 1586, to amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees; and S. 1746, to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities.

SD–406

Appropriations

Defense Subcommittee

To hold hearings to examine issues surrounding service academy superintendents.

SD–192

2:30 p.m.

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings to examine Federal responses to lead based paint poisoning.

SD–538

Intelligence

To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

S–407, Capitol

JUNE 6

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the Individuals with Disabilities Education Act, focusing on accountability.

SD–430

Judiciary

To hold oversight hearings on counterterrorism issues.

SH–216

10 a.m.

Environment and Public Works

Clean Air, Wetlands, and Climate Change Subcommittee

To hold hearings on wetlands, focusing on the impacts of the revisions to the Clean Water Act regulatory definitions of "fill material" and "discharge of fill material.".

SD–406

Banking, Housing, and Urban Affairs

Financial Institutions Subcommittee

To hold oversight hearings to examine capital investments in Indian country.

SD–538

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 2003 for the U.S. Forest Service, Department of Agriculture.

SD–116

Intelligence

To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

S–407, Capitol

11:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Labor.

SD–192

2 p.m.

Veterans' Affairs

Business meeting to markup pending calendar business.

SR–418

2:30 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine penalties for white collar offenses.

SD–226

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 1310, to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, Nevada; S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; S. 1385, to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 1824/H.R. 2828, to authorize payments to certain Lama Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's irrigation works for 2001, to authorize funds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001; S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon; S. 1999, to reauthorize the Mni Wiconi Rural Water Supply Project; and H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico.

SD–366

Intelligence

To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

S–407, Capitol

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine difficulties and solutions concerning nonproliferation disputes and export controls between Russia and China.

SD–342

JUNE 7

9:30 a.m.

Joint Economic Committee

To hold hearings to examine employment-unemployment situation for May.

1334, Longworth Building

JUNE 11

9:30 a.m.

Appropriations

District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the government of the District of Columbia, focusing on the Anacostia Waterfront Initiative.

SD–192

10 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine cruise missiles and unmanned aerial vehicle threats to the United States.

SD–342

JUNE 12

9:30 a.m.

Governmental Affairs

To hold hearings to examine the status of childhood vaccines.

SD–342

JUNE 13

10 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of the Interior.

SD–124

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—*Tuesday, June 4, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, today we celebrate the Senate's passage of the 19th amendment in 1919 giving women the right to vote. We thank You for the impact of women on American history. We praise You for our founding Pilgrim Foremothers and for the role they had in establishing our Nation, for the strategic impact of women in the battle for independence, for the incredible courage of women who helped push back the frontier, for the suffragettes who fought for the right to vote, and for the role of women in our society, for the dynamic women who have given crucial leadership in each period of our history.

Today, Gracious God, we give You thanks for the women who serve in our Senate: for the outstanding women Senators, for the women who serve as officers of the Senate, for women who serve in strategic positions in the ongoing work of the Senate, and for the many women throughout the Senate family who glorify You in their loyalty and their excellence.

Our prayer today, gracious Lord, is that the presence of women in the Senate exemplify to the American people the importance of the leadership of women in every level of our society.

And, Gracious God, as we acknowledge the presence of the Navajo talkers, who assured victory in World War II, we thank You for their heroism and their gallantry.

In Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD J. DURBIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 4, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DURBIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to be working today, tomorrow, and the next day on the Supplemental Appropriations Act. We hope to enter into agreements, one of which would require that all first-degree amendments be filed today before 5 p.m. I have talked to Senator BYRD about this. I understand he and Senator STEVENS are in agreement that this should be the case. We will be in recess from 12:30 p.m. to 2:15 p.m. today for the weekly party conferences.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4775, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

THE NAVAJO TALKERS

Mr. REID. Mr. President, We as Senators have so many opportunities to meet people—but I have to say I had such a warm feeling today when I was able to meet four of the code talkers, the wind talkers, the Navajo who were so instrumental in our victorious efforts in World War II.

These old men, I told the lead actor of this movie a number of years ago, were just like him: Young, powerful, physically strong men, who fought in World War II.

In talking to two of these Navajos this morning—two of these heroes—I asked them where they went during World War II. And they both started with Guadalcanal, and went through the various islands, including Guam. One of them said: At Tarawa, my buddies were killed right in front of me. With tears in his eyes he said this.

We have to remember the sacrifices of the people who died in World War II, the people who fought in World War II.

These brave Indians deserve all the accolades they are going to get with this movie. I have spoken to those who have seen the movie, and it is a spellbinding movie. The reason it is so good is it is based on facts, based on truth and reality.

But the reason we should never forget the sacrifices of the soldiers, sailors, and airmen of World War II is that our freedoms today are based upon the sacrifices they made. And students should always be reminded of that in the history books of this country.

Mr. President, 1,000 World War II veterans are dying every day. The average age of a World War II veteran now is 80 years. I, and all Senators, have returned from our respective States. We all attended Memorial Day services. I did that a week ago yesterday. Frankly, I have been attending these services for many years. The crowds are smaller than they used to be because the World War II heroes are passing away, they are leaving the scene.

So I want the RECORD spread with the fact that it was a real honor for me to meet these brave men today and to meet some of the actors who are in this movie.

Again, I want the RECORD to reflect what sacrifices these men made. I am glad that finally their story is going to be made public to the world.

TERRORISM INSURANCE

Mr. REID. Mr. President, the Senate, as has been announced, is considering the emergency supplemental bill. Of course, anyone with amendments should come to the floor. We have so much work to be done this legislative year. We need to complete action on many important matters. One issue we must seek to work on quickly, expeditiously, is getting a bill out of this body to address the growing problem of a lack of insurance coverage due to the threat of terrorist attacks.

Moody's Investors Service, which is a world famous organization, recently placed the ratings of 14 commercial mortgage-backed transactions on watch for possible downgrade due to concerns about terrorism insurance coverage.

Moody's states that either the lack of or insufficiency of, or near-term expiration of terrorism insurance coverage is the cause for these reviews for downgrade.

In each case, terrorism insurance coverage has expired or will expire by the end of the third quarter of 2002.

A Moody's spokesman stated:

> We believe that ignoring the risks would be inappropriate given the events of Sept. 11 and continued government warnings of the likelihood of future terrorist attacks. While the probability of a major downgrade or default because of a terrorist attack remains fairly remote, the overall risk in these transactions has clearly increased.

Moody's stated that it will take into account any Federal backstop for terrorism insurance put into effect by Congress.

The majority—Senator DASCHLE—has been trying since December 2001 to reach agreement on bringing up legislation to deal with this growing problem. Unfortunately, every time we try, we have been blocked from bringing this up by the minority. Senators DODD, SARBANES, and SCHUMER have put together a solid proposal that addresses this problem.

The desire to move this quickly necessitates a unanimous consent agreement on the number of amendments that would be in order to this legislation. We have repeatedly modified our proposal to accommodate amendments that individual Senators seek to offer to the Dodd proposal.

Over the recess, I have heard that Senators GRAMM of Texas and MCCONNELL have put together a new proposal on terrorism insurance.

While I believe we should have addressed this issue a long time ago—they have every right to propose something new. I hope that whether it is controversial or not, it will help in moving this matter forward. Under our proposed consent request, they would be able to offer this proposal as an amendment. We have suggested that each side have four amendments, originally two; they said they wanted more, we doubled that.

The issue is too important to be caught up in political agendas at this stage. There are some who seek to impose greater restrictions on insurance companies. There are others who seek to use this legislation as the way to have tort reform as part of the bill's consideration. I encourage everyone to come to the middle and not let perfection become the enemy of the good.

It is important we do something. I encourage the White House to engage on this issue and assist us in moving this important legislation. As the famous football coach, George Allen, said: The future is now.

The future is now. Moody's recent expected down-gradings are disturbing. All over America, whether it is New York, Chicago, Las Vegas, Dallas, or any of the big cities in Florida, there are significant building projects that, if not on hold, will be on hold pending resolution of this issue.

This is not about tort reform. It is about maintaining the stability of our economic infrastructure. I hope we can, with this legislation, perhaps move forward to have something to deal with terrorism insurance. If not, I hope there is a way we can move forward soon, this week, to have this matter brought before the body with reasonable time agreements on the amendments, which would be appropriate; but if not, then let's just move forward on the legislation with no time agreements on any amendments.

The Republican manager is here. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

Mr. BYRD. Mr. President, yesterday I made a statement on the floor concerning the contents of the supplemental appropriations bill.

The bill is a good bill. It was reported out of the Senate Appropriations Committee by a vote of 29 to 0. That unanimous vote could not have been possible without the cooperation, the support, and the leadership of the distinguished Senator from Alaska, the ranking member of the Appropriations Committee, Mr. TED STEVENS.

As I indicated yesterday, the Appropriations Committee held extensive hearings on the President's supplemental request and on the needs for homeland defense. The able Senator from Alaska, Mr. STEVENS, and I joined in issuing the request for witnesses for these hearings.

Every witness that came before the committee had been agreed upon jointly by the Senator from Alaska and myself. We heard from terrorism experts about the continuing threat to our Nation. We heard from Governors. We heard from mayors. We heard from the first responders: Our police, fire, and medical personnel. They all testified to a continuing need for resources to expand our capacity to prevent, detect, and respond to terrorist attacks.

We took testimony from seven Cabinet members and the head of the Federal Emergency Management Agency. Our former colleagues in this body, Sam Nunn and Warren Rudman, testified to the very real threat that this Nation faces. Those hearings were important, productive, and they brought forth exceedingly valuable information to the members of the committee. That information is reflected in the makeup of this appropriations bill.

The principal components of this supplemental bill are $14 billion for the Department of Defense; $1.9 billion for international emergencies; $8.3 billion for homeland defense, including $4.4 billion for the newly established Transportation Security Administration; $5.5 billion for New York in response to the events of September 11; $1 billion for the Pell grant shortfall; and $417 million for VA medical care.

Mr. President, Senator STEVENS and I will join, hopefully, in opposing amendments that require offsets. Senator STEVENS is in the Chamber. He will speak for himself and I look forward to his remarks.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have come to the Senate floor this morning to join our distinguished chairman of the Appropriations Committee in recommending the committee substitute to H.R. 4775.

This bill reflects the priorities requested by the President which were to fight the war on terrorism, protect our Nation from future attack, and support the recovery of New York.

The bill provides slightly more money than requested by the House bill, as our committee utilized the time available to conduct a series of hearings that addressed many challenges in our homeland defense efforts, and that is one of the reasons for the differences between the Senate bill and the House bill.

In addition, hearings that begin today by the Intelligence Committees may generate additional requirements for moneys in this bill to ensure the effective cooperation by our intelligence and law enforcement agencies in our homeland defense.

Most importantly, the bill provides funds vital to sustain military operations in the war against terrorism.

Our bill meets the commitment made by the President and the Congress to the victims of the September 11 attacks.

This bill enables the Transportation Safety Agency and the Coast Guard to perform and expand their mission to ensure the safety of American travelers and trade.

I endorse the increases provided in this bill for the Transportation Security Agency, the Coast Guard, FBI, INS, FEMA, and several other categories.

While these amounts exceed the level requested by the President, we believe the funds are needed by those who undertake these difficult and dangerous jobs. These are people who deserve our support.

In addition, the bill responds to the serious needs overseas as we try to support the President's efforts in the war on terrorism and to work for peace in the Middle East.

The $250 million for the Middle East peace effort matches the House-reported level and sends a very important signal to our ally, Israel.

The $100 million included in this bill for the fight against AIDS in Africa is very deserving. We are informed that some Members may advocate an even higher level for this item.

Finally, I personally appreciate that the full $16 million sought by the President for Indonesia is included in this bill. Senator INOUYE and I have recently returned from a trip to Indonesia, and we know firsthand the needs of that country.

For all of these reasons, as I have stated, I recommend the Senate advance this bill to a conference with the House as rapidly as possible. There are several issues I hope the Senate, in the conference with the House, will see fit to modify in the bill.

We have in the bill section 2002 that mandates that all nondefense emergencies must be so designated by the President at the same time. I don't believe that provision is necessary, but I am not going to oppose it.

Section 1102 of the bill makes the Director of the Office of Homeland Security subject to Senate confirmation. I have joined Senator BYRD in seeking Governor Ridge's testimony before our committee. I further believe that position would be strengthened by a structure and a director with authorities defined in the law, as this amendment would provide.

Hopefully, an acceptable agreement can be reached over time between the Congress and the President on the issue of that office.

In the defense chapter, I regret that the authorities sought by the Secretary to respond to unforeseen requirements in working with our allies were not included, but the provision in the House bill, section 312, will be in conference and will be debated there quite heavily, I am sure.

The bill doesn't include the $100 million sought by the Army and included in the House bill for a new initiative to destroy our stockpile of chemical weapons. This is another matter that we will have to address in conference. It is just a matter of how we can find the money to do all of these things at the same time.

I welcome the Senate proceeding to act on this bill today. It is my hope that we will reach an agreement on all first-degree amendments being filed today. There is no reason the Senate should not complete its work on this bill as rapidly as possible and be able to go to conference this week.

As soon as we complete this measure, we can turn to the fiscal year 2003 bills, and I remind colleagues that we have 13 separate bills to enact before the end of September. I hope Senators will assist us as members of this committee and reserve amendments that are more appropriately addressed in the fiscal year 2003 appropriations bills and not raise them on this supplemental.

As of today, we have only 117 days remaining in this fiscal year. There are very few days to take the initiatives that would be required to complete the 13 bills, and there are very few initiatives that can be realistically accomplished in that time, other than proceeding with our 13 bills.

Mr. President, I commend the chairman for bringing this bill to the floor. I thank him for his cooperation and kindness to me and to our staff in the consideration of this measure. It is a bipartisan measure. I am pleased to be in the Chamber with Senator BYRD to urge the Senate to complete action on it as rapidly as possible. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. REID. Madam President, we have heard for weeks, if not months, how important this legislation is. This is an emergency bill, an emergency supplemental. It deals with terrorism. The title of the bill is the supplemental appropriations act for further recovery from and response to terrorist attacks on the United States.

In spite of its emergency nature, nothing is happening. There are no amendments being offered. We are doing absolutely nothing on the floor. I have spoken to the majority leader and I will confer with the two managers of the bill. At 3 this afternoon, or thereabouts, when the party conferences end, there should be Senators present, whether from the majority or the minority. We are going to move to third reading. If someone does not want us to move to third reading, they will have to object.

This is an emergency bill, the supplemental appropriations act for further recovery from and response to terrorist attacks on the United States. If someone doesn't like something in this bill, try to get rid of it. I heard speeches the day we recessed that Members didn't like certain provisions in the House bill. Well, move to get rid of them. Let's not sit around in the Senate doing nothing.

I hope the White House will call those Senators with whom they have a line of communication and tell them what they don't like about the bill. The President has indicated how important this bill is. Let's move it. We are ready to move it. This afternoon we are going to move to third reading. If Members do not want to go to third reading, come and object.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MILLER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. I also ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG BENEFITS FOR MEDICARE

Mr. MILLER. Madam President, let me read a few recent comments from the media, always a jaded and cynical bunch, but in this case let's hope their pessimism is wrong. Our senior citizens certainly pray that it is.

From the National Journal, May 25:

> It is becoming increasingly unlikely that Congress this year will approve compromise legislation providing prescription drug benefits for Medicare recipients.

The Wall Street Journal, June 3:

> President Bush and Congress are unlikely to agree this year on a promised Medicare benefit for prescription drugs.

World Market's Research Centre, May 20:

> Neither party wants the other to be seen by the electorate to have found the solution. Blocking the other's proposals will continue to take precedence in the run-up to November.

Cox News Service, June 3:

> Slim chances for agreement on prescription drugs.

And the L.A. Times:

> Few on Capitol Hill think . . . they'll produce a bill this year.

Columbus [Ohio] Dispatch:

> Time is running out. . . .

The legislative year effectively ends when lawmakers leave for the August recess.

Madam President, I could go on and on. There are dozens of articles like this, but I think you get the idea. Hardly anyone thinks we are going to do anything serious about prescription drug costs and prescription drug coverage. Let us pray they are wrong—

that they are not right. But if the past is prologue, that is exactly the partisan blame game that smells up this place sometimes.

I am interested in doing something now. I want results, not a campaign issue. Time is running out, and I hate to tell you but some people want it to run out. That is their game. They want to shuffle and slouch and go through the motions while the clock does run out. That is why I think I am going to bring a calendar in here, and just like we count the shopping days left until Christmas, I am going to count the days left until the August recess.

It would look just like this: 39 days left. I don't think we are going to do anything today—another day shot.

Madam President, I know some may call that undignified. I hope they do. I would like to get the meaning of dignity into this debate, into this discussion. I will tell you what is undignified—an old woman with trembling hands, trying to cut a pill in half so her medicine will last a little longer. I will tell you about losing dignity—an old man proud and self-sufficient all his life, admitting in whispered tones to his pharmacist: I didn't know it was going to cost that much and I sure don't want my check to bounce. I'll come back later.

I will tell you what undignified is—a couple who have lived together for 55 years, using coffee grounds from the day before to stretch it further because mama has to have her medicine.

So I don't want anybody talking to me about the loss of dignity, not in this debate.

By the way, there is a difference between what is undignified and what is obscene. What is obscene is making an 18.5-percent profit margin—more than four times that of all other industries—and raking in that kind of profit on the backs of our seniors.

I will tell you what is obscene—the giant pharmaceutical companies spending three times more on advertising than they do on research. Their ads are everywhere. How many times do we have to watch that woman who has—got to go, got to go, got to go?

What is obscene is having 650 lobbyists to make sure we keep shuffling and slouching—650 lobbyists. That is more than one for every Member of Congress.

There are towns in Georgia that do not have that big a population. I live in one.

I will tell you what is obscene—these lobbyists each make an average of over $12,000 a month. That is three times more than what an average schoolteacher or a registered nurse makes. We talk about predatory lending, predatory lenders—what about predatory businesses that protect their bottom lines at the expense of millions of people who cannot afford drugs they have to have?

I know we have been told we are going to take this up sometime—sometime this summer, sometime after hate crimes, sometime after this bill, sometime after another bill, sometime later. There is an old country saying. Probably nobody in this body has ever heard it, except maybe the senior Senator from West Virginia and the two Senators from South Carolina, somebody like us who has been around chickens in the yard and knows about setting hens. There is an old saying that goes like this: I hear you clucking but I can't find your nest.

It means I hear you talking, but I don't see any action.

I will tell you this, I don't want to be associated with any political party that cannot comprehend the urgency of this stark need of our seniors; that is unwilling to take some risks and that is unwilling to compromise to get some results. If we fail to get some results on this issue, we should be so ashamed that all incumbents going into November—Democrats and Republicans alike—should have to go around with a paper sack over their heads like sports fans sometimes do when they are embarrassed by their team's performance.

We have to do something and we have to do something soon, Madam President, and I know you share those desires.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 3557

(Purpose: To strike section 1004 of the bill)

Mr. BYRD. Madam President, Senator STEVENS and I have an amendment to strike section 1004 of the bill. This section serves to cap the amount of loan guarantees that would be available to the Nation's airlines for the duration of the current fiscal year. The section also caps the total amount of loan guarantees available through the life of the program. These loan guarantees were first authorized in Public Law 107-42, the Air Transportation Safety and System Stabilization Act, which was enacted to bail out the airlines just 11 days after the tragedies of September 11. The committee included the provision capping the volume of available loan guarantees for the sole reason of reducing the overall cost of the bill as determined by the Congressional Budget Office.

The CBO estimates that section 1004 of the bill serves to lower the total cost of the bill in fiscal year 2002 by $393 million. A similar provision was included in the House version of the supplemental. There has been a lot of concern voiced by various Senators, to me and to Senator STEVENS and especially Senator HOLLINGS, the chairman of the Appropriations Subcommittee on Commerce.

And the concern has been that the effect of this provision would especially be heavy on US Airways and other airlines. But that particular airline is hopeful it might receive a Federal loan guarantee in the current fiscal year. There may be reason to question whether any sizable new loan guarantees will be executed by the stabilization board within the current fiscal year, but it is not the desire or intent of the committee to work a hardship on US Airways or any other airline. US Airways is the principal air carrier serving my own State.

Madam President, I send the amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

> The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 3557:
>
> Strike section 1004 of the bill.

Mr. BYRD. Madam President, that should read: the amendment as proposed by Mr. BYRD, on behalf of himself and Mr. STEVENS.

The PRESIDING OFFICER. The RECORD will so reflect.

Mr. BYRD. I thank the Chair.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I am in support of the amendment offered by Senator BYRD for himself and for me. I ask that it be adopted. I understand the Senator from Arizona would like a rollcall vote. I have no objection to that. We join him in that request.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3557.

Mr. MCCAIN. Madam President, I ask unanimous consent that the time for the vote be set by the majority leader in consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Madam President, I rise in support of the amendment offered by the Senator from West Virginia. I thank him and Senator STEVENS for moving forward quickly with the amendment to alleviate any question in the minds of the airline industry, but in particular, as Senator BYRD alluded, US Airways and US Airways employees. Over the last week, having been in my State of Pennsylvania, I have heard everywhere I go, traveling through the airports, the grave concern that employees of US Airways have with respect to this loan fund and the availability of the loan fund resources to help this company get through what is a very treacherous time in the company's history, treacherous in terms of trying to negotiate a very difficult environment for the airline industry generally but a much more complicated one for US Airways as a result of probably being more impacted by the events of 9/11 than any other airline in the country.

I can tell you, after the events, they had no intention of ever having to access this fund. They were hoping they would survive on $1 billion in cash, and they have burned through most of that as a result of the losses they have suffered over the past 7 or 8 months. Now under new leadership, they have a new vision for restructuring this company to try to make a go of it as a more efficient carrier.

They will need, I have been told, these resources, these loans, and their application will probably be forthcoming within the next weeks or months. So this original provision in this bill which would have made this money unavailable until October 1 would have been certain death for this company. They have simply run out of money and no bank would have lent them the money. They are in the process now of negotiating with their employees. I can tell you, I have heard from employees—the folks on the lines, pilots, folks at the reservation desks, and the flight attendants—that the negotiations are vigorous, but there is a new spirit in the airline, and I am very excited about it. We have over 25,000 employees of US Airways in Pennsylvania. It is a big deal in Pennsylvania.

This amendment allows the program to continue. It will not remove money from the program. What it does not do is guarantee that US Air will get the loan guarantees. What it does is say that the program is still going to be here, and US Airways would be able to apply. But there is still the question of whether there will be sufficient reorganization of the airline so they can then go to the board and get this kind of loan.

In the Senate, we have included the first step. I hope that provision will not be in the conference report. I know Senators BYRD and STEVENS will work hard to make sure that occurs. I thank them for this amendment. I certainly fully support it.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I appreciate the statement of the Senator from Pennsylvania. We in Nevada, in Arizona, and in the Western United States have experience with this loan fund. We had an airline that had been going since the late 1950s. Because of what happened on September 11—they had a large line of credit that was available. When September 11 hit, it was gone. They could not recoup in time to stay in business had it not been for this loan program.

I believe America West is the only airline that has received the actual approval of a loan. It has been lifesaving to the airline. The airline is now thriving and doing well, and they established direct flights from Washington National to Phoenix and Las Vegas. They are doing very well.

I appreciate the statement of the Senator from Pennsylvania, and I am especially grateful to the managers of this bill for making this the first amendment.

I ask unanimous consent the vote on the pending amendment occur at 2:15 p.m. today and that no amendments to the language proposed to be stricken be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I find myself in support of the Byrd amendment. The reason I wanted a recorded vote is because we need to send a strong signal to the other body, when this bill goes to conference, that we cannot destroy the Aviation Loan Guarantee Program, which would have been the effect of this legislation.

The question, of course, is why would the appropriators again take it upon themselves to make a fundamental policy change, which was recently authorized by a 98-to-0 vote in this body? The arrogance of the Appropriations Committee almost overwhelms me. This legislation was about to be emasculated—the Aviation Loan Guarantee Program—without a hearing before the Appropriations Committee that I know of, without any discussion on the floor of this body; it was going to be destroyed.

The reason, obviously, we know—I will state the obvious—the Byrd amendment is now going to pass is because of the incredible outcry all over the country from employees, management, and from those who understand the absolute criticality of the aviation industry in this Nation.

So I hope this amendment is passed by 100 to 0. But how they could take it upon themselves to fundamentally alter and micromanage the Aviation Loan Guarantee Program passed just 8 months ago, of course, without any consultation with the committee of jurisdiction over this program and which was responsible for the bill we passed just a few months ago creating the Aviation Loan Guarantee Program.

Madam President, let me explain this program. The overarching purpose behind the Air Transportation Safety and Stabilization Act was to address the financial condition of the airline industry. The tragic events that occurred on September 11, 2001, had far-reaching effects on the airline industry. Commercial air carriers were used as weapons of mass destruction with devastating results. The resulting Federal-Government-ordered shutdown of the air transportation system resulted in a total loss of revenue for the airline industry for several days. This loss of revenue, through no fault of the airlines, mandated an appropriate shutdown of the airline industry and the resulting slowdown in air travel and issues regarding potential liability all lead to placing the airline industry in an extremely precarious financial situation.

As a result, Congress acted quickly—through the authorizing committee, I might add—to stabilize the airline industry by setting forth assistance on three fronts. It offered a cash infusion to reimburse the airlines for losses ensuing from the Government shutdown of the airways. It offered loan guarantees to allow those carriers that lost the ability to obtain financing due to a more conservative lending market after the terrorist attacks to obtain Government-guaranteed loans. It offered a limitation on liability to address the problem faced by several airlines that were unable to obtain financing due to their perceived potential liability.

The action taken by Congress was to ensure that all airlines—I emphasize "all airlines"—were given an equal opportunity to return to their financial positions prior to September 11, 2001. In the interest of full disclosure, some of the airlines, prior to September 11, 2001, were not in good shape. We all recognize that. But Congress believed it needed to act in an equitable manner to try to prevent the human catastrophe from becoming a severe economic one that could alter the Nation's transportation system, at a minimum.

It was never our purpose, and still is not, to provide a taxpayer-funded bailout for airlines that were doomed to fail even before the events of September 11. However, it was also not our intention for the Federal Government to become the architect of a new aviation economy, effectively picking winners and losers and, in doing so, contributing to the further consolidation of the airline industry.

Yet here we were with the appropriators attempting to circumvent the work of the authorizing committee and fundamentally altering the act's loan guarantee program because, after all, they know best.

Under section 1004 of the supplemental measure, the Aviation Loan Guarantee Program would be limited to $429 million for this fiscal year. Interestingly, the only loan guarantee approved this year was for $429 million. In other words, no further loan guarantees can be issued this year, according to the appropriators' directive. There apparently is some report language that is intended to allow the board to continue to review and approve applications, but it would not be able to issue Federal credit instruments. We are told by the financial markets and the airlines this language may not deal with the appropriate issue. If the loan guarantees cannot actually be issued, then the financial markets may not be willing to extend credit.

The bill then reduces the loan program from $10 billion to $4 billion—a whopping 60-percent reduction by a stroke of the appropriators' pen. You might say $4 billion is a lot of money, and it is a lot of money; but my understanding is that there is grave concern in the industry that if the number of carriers that are expected to apply do so, a $4 billion level would not be sufficient and, in turn, there would be significant consequences throughout the airline industry.

Let me be very clear. I do not support any particular airline's application under this program. It is the stabilization board's discretion to determine if a particular airline is eligible. But there are numerous applications currently pending, and if their applications are approved, they will need the loan guarantees this year.

Let me note that the competition in the aviation industry has always been precarious. Since deregulation, national and regional competitive low-cost carriers have sprung up and are considered the driving force behind the benefits of airline deregulation. While some have failed, the entry of low fare competition has been shown to reduce fares and enhance service for the flying public. Any attempt by the Federal Government to predetermine which airline should survive and which should not would upset this precarious balance and could result in detrimental results for the traveling public.

Effectively halting this program for the year and cutting it by 60 percent is fundamentally wrong and would have had devastating consequences. We would be changing the rules midstream and impacting fundamental business decisions that companies made based on the existing rules. Let me say that this was avoidable. Any amount of due diligence or communication with the authorizing committee, or the stabilization board, would have alerted the appropriators that their actions could significantly alter the playing field in the airline industry.

I believe in the free market perhaps even more so than others, but the events of September 11 were not foreseeable. We made a commitment to the airline industry that we would address their needs collectively, not piecemeal. Yet here we are, 8 months later, pulling the rug out from under them, and the financial markets are reacting and pulling back.

This provision, I am sure, will be taken out with a vote that will take place this afternoon. But if airlines had gone under and Members lost service or, more importantly, low-cost competition, I do not think we could complain about the lost jobs in the economy or high airline fares because any Members supporting this provision would only have themselves to blame.

I want to speak about the bill for the fiscal year 2002. Before the Memorial Day recess, I stated my strong opposition to moving to consideration of this supplemental appropriations bill without first providing sufficient time for a thorough review of its provisions to ensure that we are acting in a responsible manner.

The bill before us today contains $31 billion in Federal spending. That is about $1.6 billion more than the House bill and $4.1 billion over the President's budget request. There is at least $3.1 billion in new spending above the President's request that is not paid for and will only add to our mounting deficits.

The Government is already running a deficit of $66.5 billion for the first 7 months of the budget year, a reversal from the $165 billion surplus recorded for the same period a year ago. It does not take an economist to conclude that at the rate we are increasing spending, we will not only post a sizable deficit for the entire fiscal year but in the years to follow. The budget shortfall could total $100 billion or more, perhaps even approaching $150 billion.

The bulk of this bill does contain provisions that have been designated as emergencies in response to the terrorist attacks of September 11, and I fully support them, but the story does not end there.

Can anyone say with a straight face that everything in this bill, which is officially titled "The 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States," is directly related to this bill's stated purpose? For example, this bill provides $2 million in emergency funding for the planning and design of an alcohol collection storage facility for the Smithsonian; $10 million in emergency assistance for the State of Texas to provide assistance to agricultural producers with farming or ranching operations along the Rio Grande for economic losses; $6.5 million in emergency assistance for flood control of the Mississippi River and tributaries: Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

Regretfully, nonemergency pork-barrel spending continues unabated. For example, this bill contains $2.5 million provided in one of last year's appropriations bills dedicated for a cooperative agreement with the National Defense Center of Excellence for Research in Ocean Services to conduct coral mapping—coral mapping—in the waters of the Hawaiian Islands and the surrounding exclusive economic zone; $10 million for flood recovery efforts due to flooding in southern West Virginia, eastern Kentucky, and southwestern Virginia; of the $100 million for watershed and flood prevention operations, $73 million is for recovery activities related to disasters occurring during fiscal year 2002, up to and including flooding in Illinois, Kentucky, Michigan, Virginia, and West Virginia; and $50 million for building and facilities construction of the National Animal Disease Laboratory at Ames, IA. Let me repeat that one: $50 million for building and facilities construction of the National Animal Disease Laboratory naturally designated at Ames, IA.

The surpluses we relied on last year have largely disappeared due to the recession, the war on terrorism, and the tax cuts enacted last year.

It is unfortunate that in a time of war, my colleagues cannot curb their appetite for nonemergency, wasteful spending. At this moment, the national interest must prevail over State or local parochial concerns, but as the farm bill attests, this message has not gotten through to Congress.

Let there be no doubt that this will be a long war. Therefore, we should not frivolously spend today as if there is no tomorrow. When tomorrow comes, we must have the fiscal resources to fight this war to victory.

As a member of an authorizing committee, I have several concerns about this bill. One is the Aviation Loan Guarantee Program, which I have previously discussed.

The bill takes $100 million out of the airport and airway trust fund to reimburse airports for costs associated with new security requirements imposed on or after September 11. There was no statutory authorization to use the trust fund for such purposes, and this funding was not requested by the President.

Again, without authorization, we will shift $100 million out of the airport and airway trust fund to reimburse airports for costs associated with new security requirements imposed on or after September 11.

The reason there is no statutory authorization for this is that the airports are planning to use this money and have already probably designated a lot of it for airport improvements.

The bill also provides $15 million to rehabilitate and extend the service life of the FAA's inventory of certain long-range radars. Although the Appropriations Committee asserts this appropriation is in response to a Department of Defense request, this funding has not been requested by the President and should not be included in this bill.

Continued funding for these radars, which were scheduled to be decommissioned this year, is a significant policy change. It should be examined by the agency of jurisdiction and the FAA before funding is allocated.

In the aftermath of September 11, Congress made a commitment to the airline industry that we would address their needs collectively, not piecemeal, as I described.

This bill includes several other items that are more appropriately within the Senate Commerce Committee's jurisdiction. However, the relationship between funding these items and fighting the war on terrorism is also questionable.

Under the Fisheries Finance Program account, this bill provides $5 million for individual quota fishing loans and $19 million for traditional loans under the Direct Loan Program authorized by the Merchant Marine Act of 1926. These authorizations were not even considered by the Commerce Committee. With some limited exceptions, individual quota programs are not allowed under current law. Therefore, this funding will only help fisheries where a quota program already exists, such as a halibut fishery in Alaska.

If someone can explain to me how fishing loans have anything to do with responding to the terrorist attacks on our Nation, as this bill suggests, please do so. I eagerly await the explanation.

In fact, there is a moratorium on any new quota program being put in place before October 1. So there is not even a need for this authorizing provision. While this was included in the President's request, further investigation has shown that this provision is not needed.

This bill also amends the Oceans Act of 2000 to extend the deadline of the ocean commission's report by an additional 11 months. The Oceans Act was drafted by the Commerce Committee, and any amendments to it should have originated there. But, again, the committee was not even consulted.

Furthermore, this bill gives $55 million to Amtrak for "emergency expenses." Of that amount, $23 million is earmarked for fleet overhauls and repairs, $20 million is earmarked for repairs of railcars damaged in a series of recent accidents, and $12 million is earmarked to cover security costs incurred by Amtrak since September 11. None of this funding was requested by the administration.

Moreover, while the Senate Commerce Committee approved S. 1550, the Rail Security Act of 2001, that measure has yet to be considered by the full Senate. That bill is intended to address Amtrak security and emergency tunnel life safety needs.

While funding for legitimate safety and security expenditures is appropriate, funding for fleet overhauls and repairs is not emergency funding. In fact, most of this funding, $43 million of the $55 million, is included in Amtrak's grant request for the next fiscal year, so the funding is obviously not an emergency that should be addressed as part of this bill.

Overhauls of passenger equipment are a standard part of Amtrak's maintenance program. In fact, in Amtrak's grant request to Congress for fiscal year 2003, Amtrak describes overhauls as "a basic level of maintenance to its fleet to ensure that repairs are made for normal wear and tear on nonsafety critical fleet components." Amtrak requested these funds for next year. Funds needed in a future year are not an emergency and should not be in this bill.

Of the amount for damaged passenger equipment repairs which would cover 51 cars and 5 locomotives, most of the equipment damage was incurred years ago. In one case, it occurred over 10 years ago. How can a train or wreck more than 10 years ago constitute an emergency repair need? In fact, over half the money requested for emergency repairs is for equipment wrecked before 2001.

The most egregious fact about this Amtrak funding is that to pay for a portion of it, the appropriators are rescinding $25 million from the State Department's budget for international peacekeeping activities. Get this: We are now taking $25 million from international peacekeeping, at a time when there are enormous problems and challenges throughout the world, to devote that money to routine repairs for Amtrak cars. Remarkable.

These funds would otherwise be released with congressional passage of the State Department reauthorization bill to support worldwide peacekeeping activities. I find it impossible to understand how the appropriators can consider nonemergency funding for Amtrak to be a higher priority than funds for international peacekeeping already appropriated in fiscal year 2001.

The bill provides $200 million to the Secretary of Transportation to make grants to improve security at our Nation's seaports. This funding would be in addition to the $93.3 million that was already provided in the Emergency Supplemental Appropriations Act 2002 that was enacted last fall.

While the Senate has passed S. 1214, the Port and Maritime Security Act, to authorize $80 million annually for port security grants, that legislation has not yet been enacted.

This bill provides $27.9 million for the deployment of Operation Safety Commerce, an unauthorized program that is intended to address security vulnerabilities associated with intermodal containers. I strongly support increased security at our Nation's seaports. This program is duplicative of other efforts currently underway at the Department of Transportation and U.S. Customs.

The bill also directs pilot projects to be carried out involving, quote, the three largest container load centers in the United States, which are assumed by the appropriators to be the port centers of Seattle-Tacoma, New York-New Jersey, and Los Angeles-Long Beach. This directive fails to give any consideration to which ports are most vulnerable or pose a risk to national security.

The bill provides $20 million for intercity bus security. While legislation has been approved by the Commerce Committee to authorize funding for intercity bus security, it has not been considered by the full Senate. This bill ensures that funding distributed under the highway trust fund for the upcoming fiscal year will be increased by at least $4.4 billion over the President's request for fiscal year 2003. I think we knew this funding would be provided even though the President's budget request actually fulfilled the requirements that so many Members voted for when the Transportation Equity Act for the 21st Century was passed in 1998. But why does this provision need to be included in this supplemental?

A sample of other items under the Commerce Committee's jurisdiction that significantly exceed the President's request include the following: $85 million for emergency expenses resulting from the new homeland security activities and increased security standards at the National Institute of Standards and Technology, NIST. Of that funding, the bill directs $40 million for a cyber-security initiative. The President requested $4 million for NIST; $281.7 million over the President's request for the Coast Guard's acquisition, construction and improvements account, but the appropriators have only provided a meager explanation of this allocation which after review could not total $281.7 million; $300 million over the President's request for transportation security administration; $745 million for emergency expenses for FEMA in response to the September 11 attack. The President requested $327 million, less than half the amount provided.

A snapshot of items not requested by the President for the fiscal year 2002 supplemental includes the following: $450 million for election reform grants; $23.4 million to address critical mapping and charting backlog requirements with the National Oceanic and Atmospheric Administration, NOAA;

and $3 million to enhance the National Water Level Observation Network. Even though it falls within the jurisdiction of the Commerce Committee, the Commerce Committee was not consulted and the provision's relation to emergency homeland security needs is suspect; $16 million for economic assistance to New England fishermen and fishing communities in response to unforeseen circumstances resulting from a Federal court order which restricts the number of days fishermen can fish; $10 million for NOAA for such things as backup capability of satellite services and a supercomputer backup.

The bill changes the Advanced Technology Program which currently imposes a ceiling of $60.7 million on the amount of new grants that can be awarded by the end of the fiscal year to establishing a floor of $60.7 million that can be awarded in any new grants by the end of the fiscal year; $1.725 million for the International Trade Administration. ITA has already received a substantial increase in funding during the last few appropriations cycles.

The appropriators' practice of legislating on items within the jurisdiction of the Commerce Committee knows no bounds. This bill would prohibit the use of funds to implement, enforce, or otherwise abide by the memorandum of understanding between the Federal Trade Commission and the Department of Justice that was signed March 5, 2002.

Again, the test whether we are acting responsibly is simple. Just read the title of the bill. This bill is the "Further Recovery From and Response to Terrorist Attacks on the United States." Any item that is not for this purpose should not be in this bill.

Using the guise of responding to the terrorist acts of September 11 to spend Federal funds on items that obviously have nothing to do with fighting terrorism is war profiteering, pure and simple. Such actions do not help the war effort but only do a disservice to the honorable men and women who are on the front line fighting this war.

Again, I am very pleased that one of our first actions is to remove one of the most egregious aspects of this bill, and that is the basic emasculation of the Aviation Loan and Stabilization Program. Why it was ever in the bill, of course, escapes my understanding. Perhaps it was going to be one of those deals that would be done, as is so often on these appropriations bills, in such a way that no one would notice, which is the general way that porkbarrel spending ends up enacted into law. So I am pleased we are going to act on it and, of course, we need to have a recorded vote on it to ensure that the will of the Senate is clearly expressed as this bill would go to conference with the other body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, at the outset, let me say I agree with my distinguished colleague from Arizona about striking section 1004. The purpose for my seeking recognition has been to address that subject.

The Congress acted promptly, after September 11, to provide for $10 billion in loan guarantees because the airlines were hit in a very drastic manner. Obviously, after the attack on the World Trade Towers, the striking of the Pentagon, and the plane which went down in Somerset County, PA, my home State, air traffic stopped instantly. In fact, for several days you could not fly at all. The FAA grounded all the planes.

With the closing of Reagan National Airport, a major airport in the United States, US Airways, which is hubbed in my State, Pennsylvania, was very heavily impacted. It was very difficult. So Congress acted to provide for $10 billion in loan guarantees.

When this provision was put in section 1004, which limited the guarantees to $4 billion and not more than $429 million from being spent in fiscal year 2002, it sent shudders through the airline industry, including US Airways in Pennsylvania.

US Airways is a great national and international carrier, very important for the United States generally, but of particular importance to Pennsylvania where there are some 17,000 US Airways employees, with hubs in Pittsburgh and in Philadelphia. When US Airways was having problems immediately after September 11, Mr. Stephen Wolf, Chairman of US Airways, called me and others in the Pennsylvania delegation to secure our help, which we provided. US Airways had not planned to make an immediate request for a loan but decided to defer until this summer when they are moving to reorganize the company.

Yesterday, while I was traveling in Pennsylvania, I received a call that US Airways had asked me to introduce the amendment to strike section 1004. I immediately agreed to take the lead. Later in the day, I heard that the amendment would be authored by Senator HOLLINGS, the chairman of the Commerce Committee, and Senator MCCAIN, ranking member, with the Aviation Subcommittee chairs joining to give it the impact of the full Commerce Committee which has authorization and jurisdiction. I am pleased to note this morning that Senator BYRD, chairman of the Appropriations Committee, and Senator STEVENS, the ranking member, have undertaken the amendment, which shows how the issue has escalated in a very brief period of time.

For a while it was very onerous and very worrisome. Last week, during the recess, I traveled the State. I was in Pittsburgh, where 11,000 of the 17,000 Pennsylvania employees work. There was great consternation as to what would happen to US Airways. When I was in Erie, there was a similar concern. There was a similar concern in Altoona, a concern in Allentown, a concern in Wilkes-Barre, and a concern in Scranton.

That is good news indeed, and not just to US Airways, but also other carriers, with the expectation that United may be applying for a substantial loan guarantee of $2 billion, and US Airways at $1 billion. Had this loan guarantee not been available, it would have been at a particularly bad time to US Airways, which is trying to restructure the entire airline. There has been a very difficult situation regarding cashflow this year.

I am very pleased to see this amendment has been offered by the chairman and ranking member of the Appropriations Committee. That has been done with their awareness of the tremendous impact it would have on the Nation when we had legislation to provide $10 billion in loan guarantees, that it should stand, and there had been reliance by the airline industry on those loan guarantees being available. So this amendment will obviously solve that problem.

We still have to go to conference with the House, which, as I understand it, prohibits loan guarantees until fiscal year 2003, but would not reduce the overall amount of the loan guarantees available.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, in the absence of any other Senator in the Chamber, if no one is seeking recognition to talk about the bill, I ask unanimous consent I may proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES-SYRIA RELATIONS

Mr. SPECTER. Madam President, I have sought recognition to talk briefly about a United States-Syria dialogue, which was held two weeks ago at the James A. Baker III Institute for Public Policy at Rice University in Houston, Texas. I attended the conference, characterized as a dialogue. It was directed at trying to find some way of improving United States-Syria relations. Quite naturally, the conversation focused on terrorism.

I have had the opportunity to visit Syria on many occasions since the mid-1980s and have always believed that Syria was a key to a comprehensive settlement in the Middle East. During the course of those visits, I came to know President Hafez al-Assad. I saw, with almost yearly visits from the late 1980s until I attended President Assad's funeral in June 2000, a subtle but decisive shift in Syrian thinking so that Syria did attend the Madrid Conference in 1991. Syria was engaged in very extensive discussions with Israel at a time when Prime Minister Rabin was in office. Those negotiations were conducted in a somewhat curious way, through President Bill Clinton. Syrians would not talk directly to the Israelis. The Israelis made efforts to talk directly to the Syrians. However, whatever format those negotiations took, they came very close to an agreement, with Israel committing to a return of the Golan Heights. Security arrangements had not been quite worked out and the precise boundary form had not been laid, but they were very close.

Regrettably, with the assassination of Prime Minister Rabin and with other leadership in Israel, there was a time when the relationship was very difficult. In 1996, the Syrians had some maneuvers on their border near Israel at a time when Prime Minister Netanyahu said that Israel would hold Syria accountable for what was happening with Hezbollah in southern Lebanon. At any rate, the peace talks disintegrated.

When I had a chance to visit the new President, Bashar al-Assad, in March 2002, I suggested to him while the time might be not exactly right now, with the problems with Israel and the Palestinian Authority, those negotiations ought to be resumed at an early date. I reported that conversation to President George W. Bush and made the suggestion that President Bush might be determinative and influential, as President Clinton had been. While no commitment was made, that is something that would be considered by the Bush Administration when the time was right.

Edward Djerejian had been Ambassador to Syria, and when he visited President Bashar al-Assad early this year, he had a discussion with President al-Assad about having this United States-Syrian dialogue, and the James A. Baker III Institute hosted it. Former Ambassador Djerejian is the executive director there. Their plan is to have another Syrian-United States dialogue in the fall. I made the suggestion to the Syrians in attendance, former Secretary of State James Baker, who attended, and also former Ambassador Djerejian, that a good time to schedule another dialogue would be right after the elections this November, perhaps the Thursday following the Tuesday election. That is about the only time Members of Congress are somewhat uncommitted. I received a comment that they might be willing to consider that. So, in addition to the Presiding Officer, any of my colleagues who may be listening on C-SPAN, may reserve the Thursday after the elections to join a congressional delegation to travel to Syria and participate in these important discussions.

Regrettably, Damascus has not been a hot spot on congressional travel. However, I think that visits there could be very useful.

At the conference two weeks ago, the focus was in trying to define terrorism. It seems to me pretty clear that when civilians are targeted, that constitutes terrorism and that is unacceptable. There is a disagreement on that subject, a disagreement which I had with the Iranian Ambassador to the United Nations, who visited Washington. I hosted a small dinner for him several months ago as part of an effort to have a visit by Parliamentarians from the House and Senate with the Iranian Parliamentarians, a suggestion which goes on again, off again. It is a little difficult right now with President Khatami responding in somewhat of an unfriendly tone to some of what the administration has had to say about Iran being part of the "axis of evil."

At any rate, the Iranian Ambassador to the UN emphasized the point that he thought Hezbollah had a right to undertake military activities against the Israelis because of what he terms "the occupation." It is a discussion which needs a lot of work. I think ultimately there can be a definition of terrorism to include attacks on civilians.

However, the issue of having a dialogue is one which is very important. The three-day session in Houston was closed to the press, but I think it is within the bounds to comment that terrorism was the focus of attention. It is always salutary when people get together and talk. It is my hope that we can have some influence on Syrian activities, having Hamas and Hezbollah and other organizations, which we consider terrorist organizations and on the terrorist list, to have them ultimately ousted.

There has been a recognition by the State Department about Syria's help on al-Qaida. There has been a recognition that Syrian assistance has, in fact, saved American lives. Much, much more needs to be done, but the dialogue at the James Baker Institute is a good start. If we could get a significant congressional delegation to go to Damascus in the fall, I think it would help that very important effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

AMENDMENT NO. 3557

Mr. BOND. Madam President, when the shocking events of September 11 hit us, we all realized that major changes had occurred. The devastation and the death that was visited by the terrorists were truly shocking. But there was collateral damage as well in many areas. We are seeing small businesses that have been put out of business. We have worked hard to try to help them.

But, obviously, one of the most severely affected areas of our economy—really, the lifeline of our Nation's transportation system—the airline industry, was severely hurt by this action. Not only did we shut down flights for a period of days, which cost the airlines literally billions of dollars, their insurance rates skyrocketed and put them at risk. And when you put the airline industry at risk, you put all of us at risk because ours is a very mobile country that depends upon a healthy, competitive airline industry.

I came to the floor on September 13 to urge my colleagues to take immediate action. Well, people in both Houses shared that view, and we did act. We adopted critical legislation to ensure that our airlines could continue to operate even as their insurance rates skyrocketed. This was a successful approach.

Then we embarked on another approach. We said we would set up a $10 billion loan guarantee program to provide assistance to airlines that were doing well, that were "taking off," so to speak, but whose cash shortfall was exacerbated by the shutdown and the slow return of airline passengers. That $10 billion loan guarantee program sounded like a good idea.

We should support this amendment that tries to preserve the full commitment we made to our airlines and to the traveling American public.

Now, we have a problem, specifically with the ATSB—that fine group of Federal servants—that decide what airlines get the money. So far, I think there have been seven applications; and they have only granted one. Even if all the applications were granted, I understand that $10 billion would be more than enough to cover them.

I have had a real problem because we have a fine, growing airline, a new airline in Kansas City, called Vanguard Airlines. So far, the ATSB has formally denied three loan applications submitted by Vanguard. Actually, they have only approved one. That was for America West. We are very glad that our colleagues who fly on America West and the people served by America West will be helped.

The intent of this program was to help airlines such as America West and, I believe, such as Vanguard. When you look at the facts, Vanguard actually stacks up better than America West when you consider the necessary criteria. The airline was growing rapidly and consistently prior to September 11. The airline is trying to get back on its feet, has recently made new hires, is getting back on a growth track. It is increasing routes and hiring people. They wanted a private loan package that would allow them to purchase more aircraft, more Boeing MD–90s.

When I talked with one of the officials at ATSB, they said: Well, we don't have any collateral. If you don't have collateral, and you are going to use the loan to buy an airplane, guess from where the collateral is going to come? They are even bringing in equity funding that would come in with the loan if it were granted. If we fail to do that, the potential ripple effect will not only be on the airline industry but on the entire Kansas City metropolitan area where Vanguard has become a major employer in the area.

I am reminded of a very old and very troubling definition. A friend of mine once said: A banker is a guy who loans you an umbrella and takes it back when it rains. If this loan fund were to be made available solely on the criteria by which a bank would issue a loan, we would not need it. If these airlines are healthy enough to go out and get loans—and many of them are—then they do not need the loan guarantee package.

We set up criteria which should be observed, but somehow those criteria have resulted in denying everybody except America West a loan.

I hope we adopt this amendment by the distinguished chairman and ranking member of the Appropriations Committee to knock out the rescission because we want to make sure airlines that are healthy, that have a good record, that have the potential to grow, are not killed in their infancy because of the cashflow problems, the insurance problems, and the short-term lack of confidence in airline travel that came about as a result of September 11.

I say to our friends who serve on the ATSB, we appropriated this money, we made available these loan guarantees for one simple purpose; and that is, to loan the money to airlines that could otherwise not stay in business and that would not meet bankable loan standards.

This is extremely important to the airline industry. It is important to my constituents in Kansas City. I hope we will support the amendment, and I strongly hope that one of these days they will figure out how to provide money to airlines that may not have bankable loan capabilities but which have the growth and which have the potential to get back on their feet after the tragedy of September 11.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to speak in favor of the amendment. I had the same amendment already drafted. I am the ranking member of the Aviation Subcommittee of the Commerce Committee. I was alarmed when I heard what had happened with regard to the fund that we set aside to stabilize the aviation industry. So I thank Senator BYRD and Senator STEVENS for making this accommodation, for offering this amendment. And I certainly want to be made a cosponsor of the amendment.

Madam President, I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, our aviation industry lost thousands of jobs right after September 11, but it could have been hundreds of thousands if we had not come in and stabilized that industry. Because of repercussions in other parts of the tourism industry—in the hotel industry, the rental car industry—so many other parts of our economy that are dependent on tourism would also have fallen. So we did the right thing.

It is essential that Congress keep its commitment. The deadline is June 28. And there can be applications. US Airways is said to be looking at perhaps making an application. America West already has a loan. There may be other airlines. They need to know that when Congress passes a law, they have the right to believe that law is going to be carried out and deadlines will be met.

If we revoked that deadline and said, if you have not come in now, we are going to take the money away, I think it would be a tragedy. So I think this is definitely the right approach.

It is also essential that the traveling public and the banking community know that the airline industry is going to be secured. Today, most airports are reporting about 90 percent of the traffic they had at this time last year. That is phenomenal after what happened on September 11: the cataclysmic event and the impact on our economy. That we are back to 90 percent I believe is the result of the airlines, the airports, the people of our country supporting our economy, and also Congress stabilizing the airlines, and then, secondly, coming in with the aviation security that assured the traveling public that everything was going to be done to secure these airlines. We are well on the way to securing airports and airlines. We have a way to go; there is no doubt about that. Those two factors have stabilized the industry.

We are not out of the woods. June 28 is 3 weeks away. We need to allow that time for companies already in the process of making their applications. It is a pretty arduous process. We are not just guaranteeing loans that don't have any substantiation or any reason to believe that they would be able to be repaid, but we are guaranteeing loans, as we said we would, for a company that meets the very stringent criteria.

I hope this amendment passes overwhelmingly. I believe it will. I certainly appreciate that we have gone forward to put this amendment in place. I thank Senator BYRD and Senator STEVENS for immediately acting when it became known that this was actually going to cut off companies that were in the process that could then go into bankruptcy and cause a rippling effect throughout the economy.

We want to support US Air and any other airlines that might want to come in that meet the criteria. We want to try to keep our aviation industry stable as we go into vacation time, the summer months, so that hopefully by September 11, 2002, we will have a good report for the people of America that our economy has been stabilized and that the aviation and tourism industry are a part of that. This amendment will be one more step in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I ask unanimous consent to speak for up to 5 minutes on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Madam President, I rise in support of the amendment. The amendment, introduced by Senators BYRD and STEVENS, is a logical one relating to the aviation loan guarantee language in the emergency supplemental appropriations bill. As my colleagues might recollect, last year we voted unanimously to extend an immediate cash infusion and loan guarantees to airlines struggling as a result of the September 11, 2001 attacks and the resulting closure of the nationwide aviation network. I wish to associate myself with the remarks of Senator HUTCHISON of Texas and Senator BOND of Missouri in their views and statements on the history.

Access to these funds is necessary for many airlines to continue operation and vital to the future of our nationwide aviation network.

My colleagues might recollect that all of our airports were shut down for several days, but one in particular, Reagan National Airport, stayed closed for an extended period of time. Even today, commercial aviation is still getting up to full capacity and general aviation is still shut down. I hope that soon will change with some reasonable regulations for private or general aviation.

With the phased reopening over many months of Reagan National Airport, there was one airline, US Airways, which was particularly adversely affected. US Airways intends to work through all of the requirements they have with labor and management and put forward an application for the loan guarantee program in an effort to avoid bankruptcy.

The proposed language, in limiting the total funds available and eliminating any more loans for 2002, would be truly detrimental to the survival of this airline and very possibly other major carriers. The language in the bill, in this present form, represents a broken promise.

There was a time frame for which airlines, if they wanted to avail themselves of this assistance, would be able to make that effort. It is not easy to go through the whole loan guarantee process. To change the deadline at this point would clearly be a breach of trust and very unwise. When we passed the stabilization bill, the airlines were given until June 28, 2002 to apply for these loans. The funds were to be available through the end of the year.

I applaud the work of my colleagues in addressing this proposed injustice and appreciate the amendment offered by the chairman, Senator BYRD, and Senator STEVENS. I urge all Senators to vote for the amendment.

The amendment will not only correct an error, but will also provide the opportunity for our nation's air carriers, as they try to address the aviation security quandary in a much better way than is currently being done, to protect the jobs of tens of thousands of hardworking Americans. We are also trying to keep competition in aviation and trying to get Americans and America's airways flying again.

I thank my colleagues and urge their support for this very important amendment for jobs, for the commercial aviation industry, and for the traveling public. This amendment also puts the Senate on record as keeping our word to this very important part of our economy.

Thank you and I yield the floor.

Ms. SNOWE. Mr. President, I rise in support of the Byrd-Stevens amendment that would protect the funding for the airline financial support program established by the Air Transportation Safety and System Stabilization Act of 2001.

Congress and the President moved swiftly after September 11, 2001 terrorist attacks to provide the airline industry with critical financial support to avoid a crisis in our national transportation network and in our economy.

The Air Transportation Safety and System Stabilization Act signed into law on September 22, 2001 was designed to give airlines access to up to $15 billion in assistance. It included $5 billion for direct aid to pay for industry losses associated with the results of the World Trade Center and Pentagon attacks. It also included $10 billion for loan guarantees.

The Fiscal Year 2002 supplemental appropriations bill which we are debating this week would have reduced the size of the loan guarantee provision to $4 billion. The Byrd-Stevens amendment before the Senate for consideration this afternoon would strike the provision in the supplemental and restore the program to the full $10 billion level.

I voted for the legislation that established this important financial assistance program in order to ensure the financial viability of the airline industry—which generates 3 percent of the gross domestic a product, almost $273 billion. There is no question as to the significance of airline service not only to our quality of life, but also our national economy. In my home state of Maine, over 56,000 jobs, $1.29 billion in payroll, and $3.73 billion in sales are tied to the availability of scheduled commercial air service.

In the wake of the attacks of September 11, thousands of airline employees lost their jobs and remain laid-off. Most major airlines continue to operate more limited schedules than before September 11. United Airlines and American Airlines both announced layoffs of 20,000 personnel and schedule reductions of about 20 percent.

The airlines have begun to re-hire some employees and restore service, but we are still not where we were prior to September 11. Approximately 750 to 1,000 aircraft that were in operation before the terrorist attacks are out of service to this day.

According to the Air Transport Association, the airlines suffered losses of about $1.4 billion during the aviation system lockdown that followed the tragic events of September 11. And they have continued to lose money. Before September 11, the airline industry was expected to lose $1 to $2 billion in 2001. In the aftermath of September 11, the losses exceeded $7 billion, and could have been even worse if not for the financial assistance package passed by Congress and signed by the President.

US Airways, the only commercial carrier to serve all six of Maine's commercial airports, warns that without the loan guarantees, it may be forced into bankruptcy. US Airways is a major carrier providing service along the Northeast corridor, and with some hub operations based at Ronald Reagan Washington National Airport, suffered significantly as a result of increased security requirements and reduced service levels to Washington.

I think the numbers speak for themselves. I believe it is critical that we restore this funding, and I urge my colleagues to join in a strong show of support of this amendment.

Mr. KENNEDY. Mr. President, I wish to thank our distinguished chairman of the Appropriations Committee, Senator BYRD, and Senator STEVENS for this amendment, which is so very important to tens of thousands of airline industry employees across the country.

This amendment will restore the integrity of the loan guarantee fund we established in the Air Transportation and System Stabilization Act of 2001, and ensure that airlines suffering from the continued effects of September 11 will be able to remain strong and competitive.

I greatly appreciate the efforts of Senator BYRD and STEVENS to put the U.S. Senate on record with this issue as the fiscal year 2002 emergency supplemental appropriations bill moves to conference with the House of Representatives. Their leadership is so very important, because the House bill has a provision that would cripple the loan guarantee fund, a provision that may well bankrupt more than one major U.S. air carrier.

I also want to recognize the thousands of airline industry workers who made their voices heard on this issue over the Memorial Day recess. These workers united in a most impressive way to lobby on behalf of their companies. I found their commitment inspiring, and I want to congratulate them on this great victory they have won on the Senate floor today.

Mrs. CARNAHAN. Mr. President, I support the Byrd-Stevens amendment, which will preserve the loan guarantee program that we established last year.

We acted swiftly and in a bipartisan fashion to respond to the September 11 attacks.

We authorized the use of force, we appropriated funds to start rebuilding, we bolstered security efforts, and we took important action to assist the aviation industry.

As part of our initiative to promote the ongoing stability of the aviation industry, we created the Air Transportation Stabilization Board, ATSB, to ensure that airlines would continue to have access to capital.

Now, after the ATSB has approved just one airline's application, the bill before us is seeking to impose new limits on this extremely important program.

I think this is unwise, and I am supporting this amendment to strike these new limits from the bill.

When we enacted the airline stabilization bill last year we essentially made a promise of assistance to struggling airlines.

Limiting this program now would be unfair to airlines that are counting on it to help them in their efforts to regain sound financial footing.

One airline that is particularly in need of assistance is Kansas City-based Vanguard Airlines.

As a member of the Senate Commerce Committee, I understand how important low-fare competitors are in our aviation system.

As a low-fare airline operating out of Kansas City, Vanguard contributes substantially to keeping airfares competitive in Kansas City and throughout the Midwest.

Not only did September 11 have a devastating financial impact on Vanguard, but it severely limited the company's ability to obtain private financing as well.

Vanguard's approximately 1,000 employees have been fighting diligently to improve the company's financial standing.

But securing additional capital is absolutely essential to the company's long-term health.

I have been extremely frustrated and disappointed by the ATSB's reluctance to approve Vanguard's application.

I am committed to ensuring that the loan guarantee program is maintained in its current form.

Moreover, I plan to continue working with Vanguard as it re-submits its application in an effort to achieve a positive outcome.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:35 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

VOTE ON AMENDMENT NO. 3557

The PRESIDING OFFICER. The question is on agreeing to the Byrd-Stevens amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—91

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—4

Enzi
Fitzgerald
Gramm
Thomas

NOT VOTING—5

Domenici
Helms
Inouye
Murkowski
Rockefeller

The amendment (No. 3557) was agreed to.

Mr. REID. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent all first-degree amendments on H.R. 4775 be filed by today at 5 p.m. except a managers' amendment, an amendment by Senator BYRD, and an amendment by Senator STEVENS, or their designee; and any second-degree amendments be relevant to the first degree to which offered, or deal with offsets for the first degree; that upon disposition of all amendments the bill be read the third time, the Senate vote on passage of the bill, and upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, without intervening action or debate.

Mr. MCCAIN. Reserving the right to object, I will be objecting for several reasons. One is that just today we received from the administration a statement of administration policy. I will read from it: If the supplemental appropriations bill were presented to the President in its current form, the senior advisers would recommend that he veto the bill.

In this message, there are a number of specific items that the President mentions in his message. We will—at least I and the Senator from Texas and others will—try to come forward with a package of amendments that comports with the President's statements. There are a number of specifics in there, many of which we already discovered, some we haven't.

Mr. REID. Will the Senator yield?

Mr. MCCAIN. I am happy to yield.

Mr. REID. Would the Senator be able to have that letter from the administration made a part of the RECORD?

Mr. MCCAIN. I ask unanimous consent that the President's statement of administration policy dated 4 June 2002 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 4, 2002.

STATEMENT OF ADMINISTRATION POLICY

S. 2551—MAKING SUPPLEMENTAL APPROPRIATIONS FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES, FY 2002

This Statement of Administration Policy provides the Administration's views on the FY 2002 Emergency Supplemental Bill as reported by the Senate Appropriations Committee.

While the Senate Committee bill funds the Defense request at the President's level, it exceeds the President's request for other programs by more than $4 billion and funds numerous lower priority non-emergency programs as "emergency" needs. The Administration strongly opposes this bill and also would strongly oppose any amendment to further increase spending above the President's request. For instance, the recently enacted Farm Bill provides an historically high level of agriculture spending that can accommodate funding for emergencies, economic assistance, rural development, and other purposes. The Administration supported the Farm Bill to ensure farmers have the resources they need. The Farm Bill breaks the bad fiscal habit of needing to pass emergency agricultural spending bills including drought assistance and other supplemental payments that make it difficult for Congress to live within its budget leading to uncertainty for farmers, ranchers and their creditors. The Administration strongly opposes any new agriculture spending.

In addition, the bill severely constrains the President's ability to fund emergency homeland requirements by compelling him to release non-emergency money provided in the bill. If the supplemental appropriations bill were presented to the President in its current form, his senior advisers would recommend that he veto the bill.

Overall Funding Level

The proposals for emergency funding included in the President's request were crafted to provide critical resources to support the war on terrorism, secure the homeland, and help dislocated workers as the Nation continues to recover and rebuild following the September 11, 2001, terrorist attacks. It is important to note that Congress has already provided $40 billion since September 11th and only half of those funds have been spent. The President's FY 2002 emergency supplemental request was targeted at this year's immediate emergency needs and funding in addition to this request is not warranted at this time.

The Senate bill includes scores of unneeded items that total billions of dollars—all classified as an "emergency." The bill adds unrequested funds for numerous programs and projects throughout nearly all of the Federal agencies. While some of these items relate to homeland security, many do not, including: $11 million to the National Oceanic and Atmospheric Administration (NOAA) for economic assistance to New England fishermen and fishing communities; $26.8 million for the U.S. Geological Survey for urban mapping activities; $2 million for the Smithsonian to begin design of an alcohol storage facility for specimens away from the Mail (President's FY 2003 Budget already includes funding for this project in FY 2003); and, a directive for the Department of Energy to construct duplicate waste treatment plants in Ohio and Kentucky that will cost at least $100 million more than necessary. In addition, without regard to the quality of the awards, the bill requires $26 million more new Advanced Technology Program awards than the Administration recommends for 2002. These awards are not related to homeland security needs, may not meet the Federal Government's standard of peer review, and over their duration are likely to cost the government over $75 million.

While the Administration is pleased that the Senate Committee provided $1 billion of the $1.3 billion needed to finance the Pell grant shortfall, the Administration objects to the provision that designates these funds as an "emergency." The Administration urges the Senate to follow the House's lead and offset this funding. The Administration will continue to work with Congress to identify offsets necessary to finance this and any other non-emergency activities that have not been fully paid for in the bill.

The Administration believes the funding requested for assistance to Colombia is crucial to support the struggle against drugs and terrorism in that country. The reductions in funding and the restrictions on the requested expansion of counternarcotics authorities in Colombia will impede the Administration's prospects of defeating these twin threats.

Homeland Security Needs

While the Senate Committee bill fully funds the President's request for the Transportation Security Administration (TSA), the Senate version of the bill provides $2.6 billion more than the Administration requested for homeland security-related funding. This funding could not possibly be obligated in the remaining months of this fiscal year, and therefore is not an emergency.

The Senate bill provides $175 million in new, unrequested funding for the Agriculture Department for research, inspection, and monitoring activities related to bioterrorism. Significant resources have already been provided through the Emergency Response Fund (ERF) as well as in the FY 2003 President's Budget request. For example, funding provided for the construction and renovation of an Ames, Iowa facility is redundant because a total of $90 million has been provided for FY 2002 as part of the ERF and regular appropriations, so that additional funding is not needed in FY 2002 and FY 2003.

The Senate Committee also added $100 million for nuclear non-proliferation activities for the National Nuclear Security Agency (NNSA). It is not possible for NNSA to use these funds in the remaining four months of the current fiscal year. The Senate bill also provides $315 million in unrequested funds for Centers for Disease Control and Prevention (CDC) buildings and facilities, including $278 million for accelerated planning, design, and construction of new facilities, of which $28 million is designated as bioterrorism-related. CDC will not be able to obligate this additional funding in FY 2002 since they may not even be able to obligate all of the $250 million they already received in FY 2002 for buildings and facilities. To date, CDC has obligated approximately $18 million (7 percent) of its FY 2002 funding. In addition, the appropriate analyses have not yet been completed for many of these activities making it unlikely that these funds would be spent until well into FY 2003.

The bill also includes $85 million for the Justice Department's COPS program to create a new grant program to finance communications equipment for local first responder agencies. Communications equipment is a major focus of the $3.5 billion first responder initiative the President has proposed for FEMA in his FY 2003 budget. The creation of a new grant program for these purposes in the Department of Justice runs counter to the Administration's proposal to consolidate First Responder programs in FEMA, and in any event is duplicative of efforts currently underway in the Office of Justice Programs and FEMA.

The Administration also objects to the proposed creation of a Principal Associate Deputy Attorney General for Counter-terrorism. While well-intentioned, the creation of this position would hinder, rather than enhance, the Administration's counter-terrorism efforts by creating another unnecessary layer of bureacracy. In addition, this program would complicate recently announced restructuring plans by the Federal Bureau of Investigation to enhance counterterrorism efforts.

Restrictions on Presidential Authorities

The Senate version of the bill also unduly restricts the President's prerogatives in numerous areas. First, it requires the President to designate "all or none" of the non-defense funding contained in the bill as an emergency. The Budget Enforcement Act provides that the President retain control over the release of emergency funds added by the Congress to ensure that the funds respond to critical emergency needs. By contravening this long-established budget enforcement mechanism, the Senate would require the President to waste taxpayers' dollars on low-priority, non-emergency items in order to access vital high-priority homeland security and recovery funding.

The Senate version of the bill also requires payment of $34 million to the United Nations Population Fund (UNFPA) by July 10, 2002. On May 26, 2002, a three-member team returned from a two-week investigation of UNFPA activities in China, designed to provide information relevant to the determination whether UNFPA is in compliance with the Kemp-Kasten law barring support for any program involving coercion. The team is in the process of completing a report outlining their findings. Thus the Senate version would remove the flexibility provided to the President under P.L. 107–115, the FY 2002 Foreign Operations Appropriations Act, to weigh the report's findings in his consideration of funding levels. As has been U.S. policy and law since 1985, no support should be provided to UNFPA if that organization's programs in China support coercion.

In addition, the bill requires that the Director of Homeland Security be confirmed by the Senate, and makes the provision of $5 million in homeland security funding for the White House contingent upon that confirmation. The Administration recognizes Congress' need to receive information on homeland security, and the Administration to take all steps possible to ensure that this is the case while protecting the confidentiality of Presidential counsel. The President has said that the initial structure for organizing and overseeing homeland security may evolve over time and the National Strategy Review now underway may recommend an arrangement different from the current one. The Administration does not want to prejudge the outcome of the review process and strongly urges the Senate to drop this objectionable provision.

The Administration appreciates the Committee's support for the $420 million in military assistance to Pakistan and Jordan. However, we urge the Senate to provide these funds to the Defense Department, as requested, to allow the Defense Department to compensate coalition partners for costs incurred directly related to support of U.S. military operations in the way on terror. The Administration does not believe the State Department should be held accountable for managing or disbursing funds directly related to military operations.

Assistance to Dislocated Workers

The Administration appreciates that the Committee provided $400 million of the President's $750 million request to help dislocated workers return to work. However, the Administration is concerned that the Committee provided insufficient funds for National Emergency Grants (NEGs); provided an unrequested $80 million for State Dislocated Worker formula grants; and did not provide adequate funds for community economic adjustment and a targeted, high-growth job training demonstration. The Administration looks forward to working with the Senate to ensure that adequate assistance is available to displaced workers, through National Emergency Grants, and distressed communities to address higher unemployment levels resulting from the recession.

New York

The Administration appreciates the Senate support for the request for additional disaster relief efforts for New York in response to the September 11th terrorist attacks. However, we are concerned about language that expands FEMA's Mortgage and Rental Assistance program and proposes to redirect $90 million from FEMA to the Centers for Disease Control. The Administration believes that the program expansion is unnecessary because FEMA has sufficient authority to address the needs of homeowners and renters and that the President's full $2.75 billion request for FEMA is needed.

Funding for Global HIV/AIDS

The Administration appreciates the intent of the Senate in recognizing this very important issue. The United States is committed to providing a total of $500 million to the Global Fund to fight AIDS, Tuberculosis and Malaria (Global Fund) and we look forward to continuing to work with the Congress on this issue.

The Administration is committed to working with the Congress to enact an emergency supplemental appropriations bill as expeditiously as possible. The Administration looks forward to working with the Senate to address its concerns.

Mr. McCAIN. Mr. President, I am always intrigued by a managers' amendment. Some of the greatest damage done around here is a "managers' amendment."

The rest of the Members around here are supposed to file our amendments but not managers' amendments. I will not agree to any unanimous consent agreement at any time unless a managers' amendment is filed at the same time as everyone else's amendment. The worst damage, the worst pork-barreling, the egregious stuff done around here is in managers' amendments.

The Senator from Texas and I spent several hours late at night last year going through stacks of "managers' amendments" that amounted to billions of dollars in porkbarrel spending.

I obviously disagree with that, as well.

Managers' amendments should be filed at the same time that all other amendments should be filed.

Finally, I don't know how the amendment process is going to go, but we are going to go after this porkbarrel spending and we are going to go after it and after it and after it because there is going to be plenty of votes and we may want additional amendments presented in different packages before we agree to any unanimous consent agreement.

The PRESIDING OFFICER. Does the Senator object?

Mr. GRAMM. Reserving the right to object, I will be brief. We have several problems. We just got back into town and we have a complicated piece of legislation before the Senate. We want an opportunity to go through it.

Second, we have the problem that not only is the bill over the President's bill by some $3.8 billion, but there is $10 billion the President asked for that is not given in the bill. There is $14 billion he did not ask for that is provided, and with something this complicated I think to ask Members to limit our ability to offer amendments in 2 hours and 15 minutes on the first day we get back is unreasonable.

On that basis, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. Mr. President, I appreciate and understand the objections of my two friends, but this is the time they should make some suggestions. The President and the administration have been pushing this legislation now for many weeks. We understand the importance of it. The two managers of the bill understand the importance of it. We want to move this bill along.

I was happy to hear the Senator from Arizona citing the problems he has with the bill and amendments will be offered. That is appropriate. That is what we want. If someone has a problem with this legislation, that is what they should do—offer amendments, a motion to strike, whatever is appropriate, rather than as we did this morning, when this body was basically in a quorum call, doing not much of anything. This is important legislation.

I repeat, the title of this legislation is "Supplemental Appropriations Act for Further Recovery From the Response to Terrorist Attacks in the United States." That is the name of the bill. That is why the two managers, two of the most senior Members, the most senior Members and one of the most senior Members, Senator BYRD and Senator STEVENS, have worked so hard to move it forward.

Mr. MCCAIN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. MCCAIN. I wonder why there should be an exception made for a managers' amendment and an amendment by Senator BYRD and an amendment by Senator STEVENS. Shouldn't all Members be treated the same in this scenario? Why couldn't it be amended to say that all first-degree amendments be filed by whatever date we agreed to, rather than adding a managers' amendment at any time, when we know the havoc that can wreak, in an amendment by Senator BYRD and Senator STEVENS; why not add Senator GRAMM, Senator MCCAIN and the other 96 Senators, as well?

Mr. STEVENS. Will the Senator yield?

Mr. REID. Please.

Mr. STEVENS. I would like to answer that.

Mr. President, the request for Senator BYRD and myself is because of absent Members who have an interest in this legislation. We had asked for an amendment to protect those absent Members, particularly with regard to the budget.

From my point of view, I would be happy to have an agreement that all amendments must be filed by 5 p.m. without regard to anything else, and we would proceed. We would be happy with that.

As far as the managers' amendment is concerned, those primarily are technical amendments that are brought to us as the day goes along. Sometimes people disagree with them and laugh about them, but it is very important that people bring them forward, and I remind the Senate they are adopted by unanimous consent.

Any one Senator could have objected in the past or now to such a process. I am happy to leave that out. We can get the votes on the managers' amendment any time we want. We don't need unanimous consent to get a managers' package adopted.

I would be happy to have an agreement that everything has to be filed by 5 o'clock. I ask the majority whip to change the request so that all amendments must be filed by 5 o'clock.

Mr. MCCAIN. Including the managers' amendment?

Mr. STEVENS. Including the managers' amendment.

Mr. REID. Mr. President, this shows the wisdom of the two managers of this legislation. I don't have nearly the experience the two managers have, but I have had some experience. There are always things that go wrong with legislation, most of which are technical in nature, and that is why you need a managers' amendment.

These two experts on Senate procedure have asked that I propound a unanimous consent request, just as I have done, except eliminate the fact that there would be any other amendments in order.

The two managers have more knowledge than I do, but I know the former chairman of the Budget Committee, the ranking member in the subcommittee of appropriations with whom I work, Senator DOMENICI, is not here today. They have a very important primary election in New Mexico. He is not here. I was happy to offer this request, keeping in mind that we would be protecting Senator DOMENICI, who is a person who has some knowledge of things that happen around here. But if the two managers are willing to go forward, I would be happy to do that.

So I propound this unanimous consent request again, indicating—in fact, I will just read it.

I ask unanimous consent all first-degree amendments to H.R. 4775 be filed by 5 p.m., Tuesday, June 4; that any second-degree amendments be relevant to the first degree to which offered or deal with offsets on the first degree; and that upon disposition of all amendments, the bill be read the third time and the Senate vote upon passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

Mr. REID. I wonder, while the Senator from Texas is on the floor, would the Senator agree, on behalf of the minority, to having a time tonight, say, 5 o'clock, 5:30, for a finite list of amendments? The two managers would be given, by their respective cloakrooms, a finite list of amendments. This has worked well in the past as we proceed to getting a finite list of amendments.

Mr. GRAMM addressed the Chair.

Mr. REID. I am sorry to interrupt. If we could get a finite list of amendments, then we could proceed to getting a cutoff of amendments at some subsequent time.

Mr. GRAMM. Mr. President, I have high regard for the Senator. I understand he is trying to do his job.

We just had a luncheon with the OMB Director, representing the President. We were given, at the luncheon, and Senator MCCAIN put it in the RECORD so it will be immediately available to everybody—I am sure everybody will get a copy of it—an outline of why the President opposes the bill, why he will veto it if it is adopted.

This bill is 115 pages long. Just looking through it, there are provisions of which I was unaware. We need time to sit down and read it.

On that basis, we are not going to agree to limit amendments on this bill this day. What we will do tomorrow, I think, depends on where we are when people have had the time to look at it.

For the people who are on the committee who studied these issues, obviously they are up on them; they know them. Most Members are not members of the Appropriations Committee. So in reading through here, I see we have $2.5 million to train journalists in Egypt. That may be a very good idea. I don't know.

Or that, of the funds appropriated in this paragraph, not less than $3.5 million shall be made available to programs and activities which support the development of the independent media in Pakistan.

I would have to say, I may be exhibiting my ignorance, but I don't know whether or not that is a good expenditure of the taxpayers' money. I don't know if the President requested it in his bill. We have just gotten on this bill today.

We are going to have to look at this to know where we are going and what we are doing. There are some very controversial amendments that are going to be offered. I think we are going to have to see what they are before we are going to be ready to limit our amendments.

I think there is a hope that this bill might be finished this week. I know our leader has that objective. But it is going to take us time to get through the bill and look at it and see to what extent we are going to want to offer amendments.

Again, having just gotten the administration's position, given their strong opposition to the bill, I think it is going to take a day or 2 days or so for us to get through the bill and decide how we want to go about it.

I know the Senator wants the trains to run on time, but there may be people who decide to blow the train up. They would have a very different objective.

It is going to take us time to absorb the bill and decide what we want to do.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will sit down very shortly. My friend from Texas is one of the smartest people in the Senate. He is an academic, he has a Ph.D., taught in college, and I certainly have every respect for not only his academic brilliance but also his common sense.

Common sense dictates that this bill, which has been available since May 23—it has been available. Staffs had it; my staff had it. Other staffs have had an opportunity to look at it. There may be a lot of reasons why the Senator from Texas doesn't want to go forward with this legislation, but it is not that this bill just got here, because the bill has been here since May 23. It was reported out May 22.

By Senate standards, it is a pretty thin bill. It is 117 pages. But in this there are a number of issues about which people have complained.

The Egyptian journalists section was not requested by Senator BYRD; it was requested by Senator MCCONNELL. That is why it is in the bill. The $3.5 million for the independent media in Pakistan about which my friend complained, that was not requested by Senator BYRD; it was requested by Senator MCCONNELL.

So I appreciate the concern of the Senator from Texas and others. But he is right. We want to move this train. We have so many important things to do and this is the most important thing we have to do now.

I repeat, this is a bill for further recovery and response to terrorist attacks in the United States. Every time we slow the train down, there are resources not going to agencies and entities and people throughout America that they desperately need.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I don't want to get into lengthy debate here. I raised the question about the journalists because I didn't know. I could have spent our recess reading this bill. I did not. Maybe many of my colleagues did. I doubt it.

We are not going to get this bill passed by passing it in a form that the President has already said he is going to veto. It seems to me if we are really in a hurry to pass this bill, that we need to figure out what we need to do to put it in a form so the President can and will sign it.

I think we have three clearly identifiable problems. One, it spends $3.8 billion more than the President requested. No. 2, it does not fund $10 billion of emergency programs the President did request. And No. 3—what the administration says——

Mr. STEVENS. If the Senator will yield, that statement is really just not correct. We just didn't fund it in the way he requested it, but we funded what he requested.

Mr. GRAMM. All I know is if you take the programs he requested and you take the programs that are funded here, that there is $10 billion of programs, as he defined them, that are not funded in this bill. That is the second problem.

The third problem is there are $14 billion of programs that he did not request, that he did not designate as emergencies, that are funded in the bill.

So you have three major problems: It spends too much money, it leaves out $10 billion that the President asked for to fight the war on terrorism, and then it spends $14 billion for which the President did not ask.

It may very well be that the way he asked and the way you provided are subtly different. I think that is one of the reasons we need to look at it.

Mr. STEVENS. Will the Senator yield?

Mr. GRAMM. All I am saying is that is what the administration is saying in these letters they are giving us. I appreciate the job of the Senator from Nevada. He does it well. But if our objective is to get the money passed for the war on terrorism so it becomes law and the money can be spent, we are not going to do that by passing a bill the President today, in writing, is saying he will veto.

If we are in a hurry to get the money, what we ought to do is find a way to fix those three problems: No. 1, we are spending way too much money as compared to what the President requested. No. 2, $10 billion he asked for in some form that we didn't provide. And then $14 billion he didn't ask for, didn't say that they were emergencies, but we are calling them emergencies.

Then we have a provision in the bill that says he cannot spend any of the money as an emergency unless this $14 billion is deemed as an emergency, even though he doesn't think it is an emergency.

So I just think we are a long way from home. And if our objective is to get something the President will sign and will become law, there are going to have to be dramatic changes in the bill. If I knew how to fix the bill today, I would do it; but I do not know how. It is just going to take time for us to figure it out. And that is what this is about.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Alaska.

Mr. STEVENS. Mr. President, the President asked for this money as an emergency. The committee has made it a contingent emergency. And in terms of the accounting process, that turns up in one column or the other, but it is $10 billion in each column.

Now, it is true we do allocate some of that money in ways the President did not seek to allocate it. And there is a difference in whether we want money to go to one Department or the other for homeland defense, but it is all still there as in terms of the budget.

I understand the comments of the Senator from Texas about vetoes. If every time we had a veto threat, since I have been in the Senate, we just stood still for 2 days, we would never pass any bills. The appropriations process always faces veto threats—until we come out of conference. And guess what. With very few exceptions, in the 30 years I have been on the committee, we have not had vetoes of the appropriations bills. It is just a tactic of the administration that tells us: If you don't do this and that, we are going to veto the bill. We will work this out, and eventually we will get the President's agreement to a bill.

We have to deal with the House, too. The House bill itself was finally deemed acceptable after it passed, but it faced a veto threat before it passed. As far as I am concerned, the difficulty is we have to sit around for 2 days to wait for people to read a bill that has been here since May 22. I would like to find some way to get people to come here and offer amendments to a bill that was here before we left for the recess.

Now, it is high time that people start thinking about what they are saying. They want 2 days to study this bill?

I think maybe tomorrow we will make a motion to proceed to third reading and see where the votes are. Let's see where the votes are. If the Senate wants to get this bill to the President, what they need to do is let us go to conference. And I will guarantee you, the bill that comes out of conference will be a bill the President will accept because we do not want a supplemental emergency bill to be vetoed. But we have to get to conference to work the matter out with the House and not sit around here to wait for people, in 2 days, to tell us what they object to in this bill that is going to the House for conference in any event.

So I want to serve notice, tomorrow afternoon, unless the chairman disagrees, I think we ought to have a test vote and see who wants to delay the supplemental appropriations bill. We ought to go to third reading tomorrow and take this bill to conference on Thursday. And if we did, we would have it back here next Tuesday so the matter would be settled as far as the President is concerned.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I support the statements that have been made by the distinguished ranking member of the Appropriations Committee, the former chairman.

We had lengthy hearings on the bill. Those hearings were well attended by Members on both sides of the aisle. The witnesses who came before the committee were witnesses who were agreed upon by both the ranking member, Mr. STEVENS, and myself.

Everything was done that could have been done to try to ascertain what the true needs of the country are. We had seven Department heads. We had the Director of FEMA. We had mayors, Governors, local responders, the people who are first on the scene: the firemen, health personnel, law enforcement people. And we assiduously studied the hearings results as we prepared the bill.

Now, it is easy to sit around and carp and complain and criticize, but there are some around here who believe they have to do some things to help this country. We have to move a bill. It is easy to find fault, but it is not so easy to try to develop the kind of support that this bill justifies. I think we have gone a long way to try to meet the true needs of this country.

I have respect for the President, but he is not the fountain of all wisdom. I would hope that the President would take time to look at the bill, to study it. I think he will find there are provisions in it that he did not request but which are justified. So I have faith that he would be reasonable in that respect.

We appropriated the $14 billion the President requested for the Department of Defense. We appropriated the $5.5 billion for New York the President requested. We appropriated the $1.6 billion for foreign aid. And we appropriated the money for homeland defense in the amount of—we approved his $5.3 billion request. He saw a need for that.

We conducted the hearings. We are the representatives of the people. We are the elected representatives of the people. We come here to represent the people. I do not come here by virtue of any President, Democrat or Republican. No President sends me here, and no President is going to send me home. That is up to the people of West Virginia.

Mr. REID. Will the Senator yield for a question?

Mr. BYRD. Yes, I yield.

Mr. REID. I was here in the Chamber when we went out a week ago last Friday, and there were people complaining about this bill. Remember, they had the bill then. And people are complaining about it today, nitpicking it, for lack of a better description.

I say to my friend, the manager of the bill, people within the sound of our voices should understand that there is $6.7 billion in this bill to conduct military operations to continue the fight against terrorism. That is there. There is $4.1 billion for National Guard and Reserve personnel. People, including my friends in Nevada, have been called up. A Capitol policeman here, one person I know very well, left today for 6 months of active duty. He is leaving the Capitol Police, leaving his family, going off to fight for us, to protect us. We have to provide money to take care of that—$4.1 billion.

There is $2.7 billion for personnel, command, control, and communications, intelligence, and to replace munitions they are blowing up every day over in Afghanistan and other places.

I also say to my friend, it is true, is it not, there is money in this bill for embassy security and other State Department activities related to the effort to respond to, deter, prevent international terrorism? That is in the bill.

We have $4.4 billion for the Transportation Security Administration—and I am certain we need that—to improve airport perimeter security, fund research for air cargo inspections.

There is $1 billion for first responders.

Mr. President, firemen, policemen, paramedics died going into those Twin Towers. People died. We need to have better training facilities around this country to help first responders. That is what this money is for, to make my family, as well as all families, all over this country, safer. So I am kind of tired of people coming over and nitpicking this bill.

We have $990 million for port security, $387 million for bioterrorism and to improve lab capacity at the Centers for Disease Control.

I went to the Centers for Disease Control with MAX CLELAND. That place is an embarrassment. They do wonderful work, but they are in hundreds of buildings—little buildings, shacks. Some of them go back to before World War II. This money is to help them become more efficient. This is emergency money.

I say to my friend, I appreciate the work that has been done. I say this not for me but for the people of Nevada, I appreciate the work that you and the Senator from Alaska have done—providing $200 million for security at nuclear weapons facilities.

Senators LIEBERMAN and CLINTON and I are holding hearings tomorrow in the full Committee on Environment and Public Works because we believe—and there is a large segment of our society that believes—that our nuclear reactors are not secure. The Senator from West Virginia provides money to help this, to make them safer; money for food safety; cyber-security; border security. There is money in the bill so that the EPA can complete vulnerability assessments of water systems. That is what they are telling us might happen; these evil people are going to come in and poison our water so we can't drink it or, if we drink it, everybody will get sick. There is money in here to take care of that. There is money to make sure the Postal Service can respond to bioterrorism attacks.

It is time we understand that this bill is important. It is emergency funding for the programs I have mentioned. I am, for lack of a better word, kind of tired of people coming in, criticizing Senator BYRD and Senator STEVENS for the brilliant work that was done getting the bill here in the first place.

Mr. BYRD. Mr. President, if the Senator will yield, this is a defense bill. This is for the defense of our homeland. This is for the defense of our people, our schoolchildren, our people who go to church, our people who work in the mines and in the fields and the shipyards. We are talking about homeland defense. We can't get any closer to home.

Why some people would come to the floor and attempt to be critical over moneys that are for the defense of our homeland, for the defense of our own people, and in the many areas that have been explained by the distinguished Democratic whip, Mr. REID, is beyond me.

Last year, the President requested $6 billion for homeland defense. The Congress appropriated $10 billion for homeland defense, $4 billion more than the President requested. The President signed that legislation.

The President made a request last year. The Congress, in its wisdom, in its collective wisdom, saw a need to appropriate more money. Those additional moneys that Congress appropriated last year over the President's request have made a difference.

With all due respect to the President, I would say the distinguished ranking member, Mr. STEVENS, and I have worked together, and the other Republicans on that committee, to report the bill; 14 Republicans, 15 Democrats. That is a pretty good indication that this bill is a worthwhile piece of legislation.

I hope Members will stop complaining. If they have any amendments they want to offer, offer them. Let's get on with the legislation and get it to conference and be prepared. We don't know what will happen 5 days from now, a week from now. I hope Members will restrain their appetites to criticize, find fault and complain, and help us to put across this legislation that is for the benefit of the Nation.

I yield the floor.

Mr. REID. Mr. President, if there are complaints about specific items in this bill, offer an amendment to get rid of them. Don't come here and carp and complain about it. If they don't like the suggestion of Senator MCCONNELL to have moneys for training journalists in other countries, then move to strike it, have a vote. We could have a debate on that in 15 or 20 minutes and move on to something else. If there is something else they don't like, move to strike it. These bills are not perfect by any sense of the word.

I hope, rather than trying to slow down the train, as my friend from Texas said, we will try to move the train along. This is important legislation dealing with the peace and safety and security of the American people.

We are back where we were this morning with a lot of talk and no amendments. This morning there wasn't even much talk. I hope people will come forward and offer amendments to this legislation. We are open for business. It is too bad we don't have people here. I have had a number of people come to me and tell me they have amendments they want to offer. We hope they will come forward and do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I request permission to speak on the bill.

The PRESIDING OFFICER. The Senator has that right.

Mr. NELSON of Florida. Mr. President, I thank you for recognizing me. I wanted to come and add my voice to the many that have supported the supplemental appropriations bill, and I want to give a unique perspective, that of Florida law enforcement, as to why we need this bill and not the House bill or the President's request.

It is most timely that we examine the question of what we are asking local and State law enforcement personnel to assume in the way of responsibilities for investigation of crime and now terrorist activity. As we face the realistic fact of the threats to our society, not only do we look at the threats from organized crime, drug crime, white-collar crime, all of those kinds of activities on which the FBI has traditionally done its investigation and worked with State and local law enforcement and worked with the U.S. attorneys and State attorneys, now with the additional requirement to protect the homeland, we have to also marshal considerable law enforcement investigative resources to go after the element that would try to tear down our society by terrorist acts. It also adds a much greater burden as we go about the process of investigating the activity of these people we otherwise would call bad guys who are trying to destroy our way of life in this country.

So then we get to the point of last week's announcement by the FBI Director that he is going to take 400 of his approximately 11,000 agents and shift them from going after normal criminal investigative procedures and shift them specifically to terrorists. I don't think there is any Member who disagrees.

We have to pause and ask: How are we going to go about the normal job of investigating all the other bad guys besides the terrorists? If we shift this resource of 400 agents, who typically have gone after drug crime and white-collar crime, to going only after terrorists, does that mean we will shift all of that burden of investigation to State and local law enforcement organizations?

Unfortunately, I come from a State that has one of the most active criminal investigations, particularly in the Southern District of Florida. The U.S. attorney in the Southern District of Florida is one of the most active in the country, in large part because we have to prosecute so much drug crime in Florida.

I spoke with one of my advisers this past week during the recess, the sheriff of Broward County, the second largest county in our State; he is an elected official. All the sheriffs in our 67 counties are elected. I asked his opinion. He clearly said, who does not support the shifting of these assets in going after the terrorists. In particular the sheriff of Broward County had a tremendous working relationship with the FBI, the DEA, and all the other Federal agencies that work with State and local law enforcement.

He wanted to encourage that. However, he pondered how he could have the needed resources for that burden of criminal investigation that the FBI was shifting to State and local law enforcement, particularly a very big police force, a sheriff's department.

That is what brings me to the floor today, to speak in favor of this bill, not the House bill and not the President's position. This is a big amount of money in a supplemental appropriations bill, $31 billion; the President requested $27 billion; the House passed $29 billion. There is a $2 billion difference.

What are some of the major differences? One of the major differences in the two bills and why we ought to accept the Senate bill is $1 billion for first responder efforts, including firefighting, State and local law enforcement agencies, emergency medical personnel, and particularly in emergency responding to biological, chemical, and nuclear threats. That is important. And there is more funding here than from the House.

If this will give law enforcement organizations such as my 67 sheriffs in Florida, our hundreds of police chiefs in Florida, our excellent Florida Department of Law Enforcement, headed by Tim Moore—and I have had the privilege of working with him for years—if it will give them the resources if the FBI is going to temporarily be pulled over to the bad guy terrorists, that is why we need to pass this Senate bill.

Furthermore, it is instructive, when you see the Web site of the FBI, to see what the FBI lists as its priorities. The first three priorities have to do with going after and investigating the activities of terrorists. Priority No. 4 is public corruption and priority No. 5 is civil rights. It is priority No. 6 that involves drug crimes and going after the national and international criminal enterprise, including lots of activities of the mob.

Therefore, I want to make sure there is not one Member who does not support these priorities of the FBI. I want to make sure that in the process of supporting the Director as he reorients these 400 agents we have not put an unbearable burden of investigation on State and local law enforcement to the point they cannot handle it and they get overworked and overextended, or that they have to retrench and that those kinds of criminal activities in America go uninvestigated. That would be unacceptable.

That is why I come to the floor today, to say to my colleagues that we need to pass this Senate version of the supplemental appropriations bill which passed by a unanimous bipartisan vote out in the Appropriations Committee, led in great bipartisan fashion, as they so often do, by Senator BYRD and Senator STEVENS, the two leaders of their respective parties on this Appropriations Committee. We need to pass this bill and get it to a conference committee to iron out the differences with the House and insist on the priorities.

There is one other priority that needs to be attended to. I come from Florida. We have 14 deepwater ports in Florida. Fortunately, we are finally waking up to the fact that terrorist activity may well happen in, at, or through one of those ports. Of the myriad containers that come into this country through our ports, only about 3 percent are inspected. Those who want to do bad things clearly have an avenue. Thus, we have to beef up our port security.

Within this appropriations bill, there is $970 million that will help increase our security at these ports. That includes, clearly, Coast Guard surveillance. Can we get the Coast Guard to do everything? No. Do we need the Coast Guard to have increased surveillance in our ports? Yes. Do we need the Coast Guard continuing to do drug interdiction on the high seas? Yes. How are we going to do it? We have to provide more resources.

I submit to the Senate that this supplemental appropriations bill is a way to do that. I urge my colleagues to get on with it; stop standing around. Don't make us go to a cloture motion to have to cut off debate. Let's get this supplemental appropriations bill passed and into a conference so we can go about the business of the country.

I yield the floor.

AMENDMENT NO. 3570

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3570.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Secretary of Agriculture to carry out a certain transfer of funds)

On page 7, between lines 12 and 13, insert the following:

SEC. 102. Not later than 14 days after the date of enactment of this Act, the Secretary of Agriculture shall carry out the transfer of funds under section 2507(a) of the Food Security and Rural Investment Act of 2002 (Public Law 107–171).

Mr. REID. Mr. President, my amendment simply requires the U.S. Department of Agriculture to take action on a recently enacted farm bill conservation provision. The conservation provision is important. It is already in the farm bill. I am simply asking that they do what they are already required to do.

As many of my colleagues know, the farm bill is 1,000 pages long. The Department of Agriculture just met with the Senate staff to talk about their plans to implement this mammoth bill. It is taking the Department a long time to work out the details of all the programs and provisions of this bill. The provision to which this amendment pertains requires USDA to transfer conservation funds to the Bureau of Reclamation. This amendment does not in any way change the underlying farm bill.

This is in there. They are required to do it. It requires the USDA to carry out a mandatory congressional directive by a date certain so that a small provision does not get lost in a sea of larger programs and priorities.

I want the two managers to have time to look at this amendment. I want others to, if they have any question about it. It is a fairly simple thing, requiring the Department of Agriculture to do something that the farm bill directs them to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I rise today to speak in support of the $417 million in additional fiscal year 2002 funding for veterans health care contained in this supplemental appropriation bill. First, let me give a little background.

In November of last year, Secretary of Veterans Affairs Anthony Principi identified a roughly $400 million shortfall in the VA medical care appropriation for FY2002. This shortfall, driven by increased demand for VA services as well as rising medical costs, threatened to force the Secretary to stop enrolling new veterans into the VA system.

This was not something the Secretary wanted to do, but he is someone who tries to face challenges honestly and he determined that he couldn't maintain services for veterans already enrolled in the VA and serve new veterans at the same time. But rather than have that happen, the White House told the Secretary that they would find him additional money.

But Mr. President, when the administration sent their supplemental request to Congress in March they only asked for $142 million for the VA—$258 million below the level the Secretary said he needed. To add insult to injury, the VA was then told that it had to make up the difference through "management efficiencies."

Well, Mr. President, I think we all know that "management efficiencies" is just inside the beltway talk for balancing the budget on the backs of veterans. I was at any number of joint veterans committee hearings over on the House side where the veterans were talking about the importance of leaving no veteran behind. And remember, this occurs in the context of half a decade in the mid-nineties of cost cutting and belt tightening at the VA. There really isn't much more fat to trim.

I knew that the administration's request was a non-starter. I knew based on what I was hearing from veterans in Minnesota and the VA both here and in Minnesota. I know that you, the Presiding officer, was hearing that in South Dakota as well. Already this year's shortfall has had a tremendous impact in Minnesota and throughout VISN 23:

Higher waiting times generally for care at both hospitals and community based outpatient clinics—28 days for current patients seeking primary care, 30–150 days for new patients seeking primary care, 4 to 170 days for specialty care at the medical centers.

A freeze on new CBOCs.

A freeze on new patients at some of our medical centers.

The closing of clinics at our hospitals—specifically, for example, the night clinics at the Minneapolis facility—the flagship hospital in our network. And at St. Cloud, the caregivers there tell me they have never seen it so bad, in terms of the cuts they are having to make in personnel and the way it is affecting quality of services.

But these problems are not unique to Minnesota, they are happening all over the country. That's why these additional funds are so critical. Something had to be done.

I, Senator JOHNSON, now the Presiding Officer, and Senator COLLINS drafted a bipartisan letter to the Appropriations Committee asking that the committee include at least $400 million for VA health care in the supplemental. Altogether, 27 Senators signed our letter—Republicans and Democrats. The veterans organizations that put together the Independent Budget endorsed our effort. I ask unanimous consent that a copy of each of those letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. WELLSTONE. Mr. President, I am pleased to say that the committee agreed to our request. In particular I want to thank Chairman BYRD and

Senator STEVENS as well as Senator MIKULSKI and Senator BOND, the chair and ranking member of the VA/HUD subcommittee. They all care deeply about our veterans and they know better than anyone the challenges that the VA faces.

The $417 million for veterans health care in this bill will mean that Minnesota's Network, VISN 23, will get an additional $21.4 million to reduce waiting times, keep clinics open, open new clinics, and improve the quality of healthcare. This is very badly needed.

Mr. President, this bill has drawn criticism for going beyond the President's request. Well, at least on veterans health care the President didn't ask for enough. The VA is straining to serve more veterans while spending much less per patient. The VA is our back-up health care provider for the U.S. military. It is the back up provider for our public health care system should there be—heaven forbid—another terrorist attack on U.S. soil. This is money that will be well spent. I am proud to support it.

I say to the Chair, Senator JOHNSON from South Dakota, it has been an honor to be involved with you in this joint effort. The Senate Appropriations Committee got it right. We need to get this bill to the President as quickly as possible.

I have seen the same pattern again and again. I will just tell you that there are incredibly powerful and important claims by veterans who believe they are being left behind because they are not able to access the kind of health care we promised we would deliver to them, because of the budget constraints. This supplemental will help, though it is not a whole answer to the problem.

I have heard it and seen it with the education community. My State of Minnesota is still waiting for the $2 billion our State deserves—if the Federal Government had lived up to its commitment on special education over 10 years. I think it would have been an additional $40 million this past year. It would have made all the difference in the world. Half of it would have been for special education, but the other half could have been applied to other programs that we had to take money from in order to fund special education.

I have had people come into my office to talk about the need for more research money for cancer, all kinds of cancer. This morning we were talking about pancreatic cancer. Of course, we have talked about breast cancer and all kinds of cancer.

I have had people, more recently, come in and talk to me about the need for more money for MS, muscular dystrophy, muscular dystrophy that affects children, Parkinson's disease, diabetes. Frankly, the list goes on and on. The last thing we want is for one group of people struggling with an illness to be pitted against another group. The concern is, will there be enough money to dramatically continue with the research effort within NIH?

By the way, I would argue that ultimately a healthy Medicare recipient makes for a better Medicare system. And to the extent we can find a cure for some of these disabling diseases—including Alzheimer's—we will all be much better. There is the old adage: But for the grace of God go I or my parent or my grandparent.

I have heard from people in Minnesota—elderly people, but not just senior citizens, others as well—about what we talk about all the time—and the majority leader said, indeed, we will bring this to the floor of the Senate—affordable prescription drug legislation. But just as important as that is, our health care delivery system in Minnesota is in crisis. The Medicare reimbursement, which was dramatically cut in the Balanced Budget Act of 1997, has just been devastating to our rural hospital system and, frankly, to metro as well—whether it be our hospitals, our nursing homes, our home health care providers, whether it be the whole issue of physician reimbursement vis-a-vis Medicare recipients, whether it be the County Medical Center, which is one of the best public hospitals in the United States. In Medicare and Medicaid, we are faced with some severe problems of underfunding.

To go back to the issue of veterans' health care, when I visit veterans in our medical centers, and then maybe spend some time talking to their spouses, their spouses do not have a clue about what they are going to do when their husbands get home. Maybe one of the veterans has had hip surgery, and he is 75 or 80 years old. We don't know what to do about home health care, how we can support people so they can stay at home.

But that does not affect just veterans; it affects all of us as we get older or, God forbid, it affects others who struggle with disabilities at a much younger age.

I have been hearing from small businesses more in recent years. Although I have always believed our failure to finance, organize, and deliver health care in our country in a way that makes sense most seriously affects, obviously, people with no insurance and people who are underinsured, my gosh, the self-employed and small businesspeople are getting killed by these spiraling health care costs. This is a system that is imploding.

Frankly, I think we ultimately have to get back to health security for all. I think we have to get back to comprehensive health care coverage.

I remind my colleagues about some of the reports in the New York Times about nursing home conditions. These are elderly people who have built a country, who are infirm, who wind up in nursing homes with inadequate staffing and some pretty horrendous conditions. And it is not because the people in the nursing homes are cruel; it is that they do not have adequate funding.

I could not believe the New York Times front page story, a three-part series. I think the journalist should receive a Pulitzer for his work on adult care for people struggling with mental illness, people who jump out of windows and take their lives because they never received pharmacological treatment, people who have died in heat, people who wear the same urine-soaked and urine-smelling clothing day after day because they have received no care.

This is in the United States of America in the year 2002. Surely we can do better.

By the way, this Thursday there will be maybe as many as 2,000 men and women, who will have come to Washington, DC, from all across the country, who are basically going to say: When are you going to pass a mental health parity bill? When are you going to end the discrimination? We are here to meet with you, Representatives.

They are going to focus most of their effort on the House side. We passed this as an amendment last year in the appropriations bill. We have 66 cosponsors. Senator DOMENICI has done a great job taking the lead. It has been an honor to be his partner in this effort.

But these are people who are just getting tired of waiting, tired of the delay. It is their loved ones or themselves who are affected.

My only point is, I really do think we are on a collision course between tax cuts, tax cuts, tax cuts—too much of this, of course, focused on the wealthiest citizens or multinational corporations—and not having, therefore, any of the revenue or the funding to make any investment in these other areas.

I do not think, when it comes to education and health care, when it comes to the question of conditions in nursing homes, and when it comes to the question of whether we are going to do everything we can to do the research and find the cure for horrible diseases, that we should basically be put in a position of not making the investment. How can we do that? We will not be a better nation if that is the case.

So I really believe these tax cuts have put us in a straitjacket. When I look at what is being asked for the Pentagon, and then look at what is being asked—and probably there should be more—for homeland defense, and then I look at these other compelling needs, and then I look at all the tax cuts, I ask myself the question: How can you do all of it at the same time? And you can't.

So I hope we will sort that out and make some of these decisions. That is part of what this battle has been about—veterans' health care. Everybody is for veterans. No Senator would ever make a speech saying they were not for veterans. But veterans are saying: Look, when push comes to shove, there is the Fourth of July, there is Memorial Day, and there is Veterans Day. We appreciate the parades and we appreciate the ceremonies, but the truth is, the best way you can honor us is by, please, living up to your commitment to give us the very best health care, by honoring us when we are in the later years of our lives, if we are World War II veterans, by making sure we are not tucked away in some nursing home; if we are Vietnam veterans and we are homeless, and we are struggling with PTSD, try to give us care; if we are Persian Gulf veterans trying to figure out what happened to us, make sure we get the health care.

I think this supplemental bill is, at least in part, a recognition of that. I appreciate the work of all involved, and I especially appreciate the work of the Presiding Officer, Senator JOHNSON. The Presiding Officer has been a real leader in this area. I know veterans in South Dakota thank Senator JOHNSON as well. And I thank Senator COLLINS for her good work also.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, May 8, 2002.

Hon. ROBERT C. BYRD,
Chairman, Senate Committee on Appropriations, The Capitol, Washington, DC.
Hon. TED STEVENS,
Ranking Member, Senate Committee on Appropriations, The Capitol, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR STEVENS: We write to urge you to include $400 million for veterans medical care in the FY2002 Supplemental Appropriations bill. This is the minimum amount necessary to allow the Department of Veterans Affairs (VA) to maintain current services in the current fiscal year without impairing veterans' access to quality, timely health care.

The VA in recent years has stretched their appropriation as far as possible, even as the number of veterans seeking VA care has risen dramatically. In November of last year, Secretary of Veterans Affairs Anthony Principi identified a $400 million shortfall in the VA medical care appropriation for FY2002. This shortfall, driven by increased demand for VA services as well as rising medical costs, threatened to force the Secretary to restrict enrollment of new veterans into the VA system.

The Administration has requested a $142 million supplemental appropriation for the VA—$258 million below the level the Secretary said he needed. While we appreciate that the President included veterans medical care in his supplemental request, we are concerned that it will not cover the entire shortfall. VA has said the Veterans Health Administration will make up the difference through "management efficiencies." However, such steps will severely undermine the VA's ability to deliver quality, timely health care to America's veterans. The impact of this budget gap has already affected many veterans in the form of longer waiting times for medical appointments, stressed and overworked VA staff, closing of clinics, moratoriums on new Community Based Outpatient Clinics and frozen enrollment at existing CBOCs.

We know that the fiscal strains on the federal budget are significant. However, the crisis in the veterans health care system requires that it be made a top priority. To avert further hardship on veterans, the supplemental should reflect VA's actual need and include $400 million for medical care.

Thank you for your attention to this request. We know of your commitment to our veterans and look forward to working with you as the appropriation process moves forward.

Sincerely,

Paul D. Wellstone; Susan Collins; James M. Jeffords; Byron L. Dorgan; Harry Reid; Max Baucus; Barbara Boxer; Dick Durbin; Robert G. Torricelli; John F. Kerry; Mark Dayton; Patty Murray; Patrick Leahy; Tim Johnson; Jay Rockefeller; Debbie Stabenow; Kent Conrad; Bill Nelson; Tom Daschle; Max Cleland; Zell Miller; Gordon Smith; Ted Kennedy; Olympia Snowe; Tom Harkin; Jean Carnahan.

THE INDEPENDENT BUDGET,
A BUDGET FOR VETERANS BY VETERANS,
Washington, DC, April 29, 2002.

DEAR SENATOR: Last Autumn, Secretary of Veterans Affairs Anthony Principi stated that the Department of Veterans Affairs (VA) was facing a shortfall of $400 million in this fiscal year. In fact, the VA came perilously close to curtailing the enrollment of veterans seeking health care in order to meet this deficit. The co-authors of The Independent Budget, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars, urge you to sign-on to the Dear Colleague letter being circulated by Senators Paul Wellstone, Susan Collins and Tim Johnson seeking $400 million in FY 2002 supplemental funding for veterans' health care.

The Administration has requested only $142 million in supplemental funding for veterans' health care, $258 million below the demonstrated need. Because of inadequate funding, the VA health care system is in crisis and veterans are facing de facto health care rationing. In fact, almost 175,000 veterans are waiting months and months for basic appointments. This is why The Independent Budget has recommended a $3.1 billion increase in FY 2003, and why we urge you to help us achieve the $400 million in supplemental funding veterans' health care needs this year.

Again, we urge you to support the funding levels needed by veterans' health care.

Sincerely,

RICK JONES,
National Legislative Director, AMVETS.
RICHARD B. FULLER,
National Legislative Director, Paralyzed Veterans of America.
JOSEPH A. VIOLANTE,
National Legislative Director, Disabled American Veterans.
DENNIS CULLINAN,
National Legislative Director, Veterans of Foreign Wars of the United States.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

Mr. REID. Can the Presiding Officer tell me when is the last time an amendment was offered; what time was that?

The PRESIDING OFFICER. At 3:47 p.m.

Mr. REID. At 3:47 p.m., Mr. President. It is now 4:47 p.m. That is an hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. The debate on that amendment took approximately 2 minutes. So following the vote this afternoon, there was some dialog as to what we should do on this bill. We asked unanimous consent to move forward, having expedited time for filing amendments. At that time, there were a number of people who said they did not like certain provisions in the bill. There was an example of some money that had been suggested by Senator MCCONNELL for training journalists in the Middle East and in Pakistan. Some colleagues said they did not like that part of the bill.

I would hope we would do what we are supposed to do. If Senators do not like what is in the bill, let's do something about it. We are waiting around here doing nothing on a bill that is called by title the "Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States," and nothing is happening.

People complain about the bill. There are major programs in this bill that are not being funded. The President has told us on numerous occasions this is an important bill to move along. We are trying to do that. But for his own party, we cannot do that.

I talked with Senator BYRD today publicly about some of the items in this legislation: $6.7 billion to conduct military operations to continue the fight against terrorism. I do not think anyone would dispute that is necessary; $4.1 billion for National Guard and Reserve personnel who have been called up to active duty, and I used the example of one of the police officers who is part of the plain clothes detail. He has very important duties on Capitol Hill. He has been called away for 6 months. There are thousands and thousands of people, just as James Proctor, who have been called to active duty.

We have to pay for this activity, and that is part of what Senator BYRD and Senator STEVENS are trying to do with this bill they are managing.

There is $.3 billion for combat air patrol missions within the United States for obvious reasons. Because of September 11, we need these air patrol missions; $200 million for Guantanamo Bay support, fuel, and miscellaneous costs. We have ongoing activities that certainly have become more difficult with the war on terrorism and because of what Castro has done in the past and also what he has threatened to do and the fact we have moved al-Qaida and Taliban from Afghanistan to a protective facility at Guantanamo Bay. There is $200 million in this bill to take care of those activities.

In this legislation, there are moneys requested by the President to better protect our embassy personnel, to prevent international terrorism, as well as for military and economic assistance programs to strengthen the ability of other countries to fight terrorism.

In this bill there is $4.4 billion for the Transportation and Security Administration which funds their request. The bill includes $265 million in additional airport security funds. These monies would help airports meet the new Federal security standards. Local governments are eating these costs now.

We need to move forward. If there is something in the bill that people do not like, let them move to take it out, have a debate, and an up-or-down vote. If it is not necessary to have something in the bill, they can make their case. I am sure Senator STEVENS and Senator BYRD would be happy if that were done.

There are things in this bill for port security. These funds would improve security at our ports, allow for increased surveillance by the Coast Guard, improve container inspections by the Customs Service, as well as improve inspection technology generally. In this bill, there is $387 million for bioterrorism, including funds to improve lab capacity at the Centers for Disease Control and security at the National Institutes of Health; $200 million for security at nuclear weapons facilities and nuclear laboratories.

I traveled with Senator DOMENICI and Senator BINGAMAN in recent months to the Los Alamos and Sandia Laboratories, something of which this country should be very proud, but the problem is they have inadequate security. Maybe we should not announce that on the Senate floor, but that is a fact. Some of the most sensitive work done in this Government is done in New Mexico at those two laboratories. We are trying to get more money so that these laboratories are not subject to terrorist attack as easily as they might be.

I spoke to a Member of the House of Representatives today and I spoke yesterday to Senator LUGAR. They traveled to Russia during the break, spent almost a week there. I am so happy we have improved our relationship with Russia. It is so important we have done that. I am so happy we have this treaty where each country is going to cut back by two-thirds the number of nuclear warheads, but we are a country that has the means to help the former Soviet Union, Russia, get rid of some of those materials. They need help. There are biological weapons and nuclear weapons stored in facilities that one cannot believe how inadequate they are.

There is money in this bill—not very much, in my opinion, compared to what is needed, but in this bill there is $100 million for nuclear nonproliferation programs. That is important money. That is money well spent. One hundred fifty-four million dollars is for cyber-security.

This funding would help the private sector and Federal agencies defend themselves from cyber-attack; $125 million for border security; $100 million so the EPA can complete vulnerability assessments of water security systems; $286 million for miscellaneous home and defense needs, Secret Service efforts to combat electronic crime, FBI counterterrorist efforts, courthouse security, Department of Justice information systems. We even have to look at security for visitors to Federal monuments and museums.

So there is more in this legislation than I have outlined, but I am dumbfounded why people who oppose this legislation are, as my friend from Texas said, slowing down the train. This is not hurting the Democrats. It is hurting our country. We need not slow down the train. If there is something on the train that people do not like, have them try to remove it.

This bill would provide the money that has been promised, that is, $5.5 billion to assist New York City for the response to the September 11 terrorist attacks. These funds would be channeled through FEMA for disaster relief. The Transportation Department will help replace, rebuild, or enhance mass transit systems and restore or reconstruct roads; the Department of Housing and Urban Development for grants to rebuild utility infrastructure.

We heard last week, the day before the event that was to commemorate the removal of the last load of rubbish from the terrorist attack, that in New York City manhole covers were being blown into the sky. They were being blown into the sky because the utility infrastructure that is now in existence is overworked. They need to repair that and replace what was damaged and demolished by virtue of that terrorist attack. We need to do that. That is what this money is all about.

I hope, and I guess this is a cry upon deaf ears, that somebody would come, if they have amendments, and offer them. It is 5 p.m. All day long we have done nothing. There was an amendment that was called up that passed 95 to 4 or something like that. I do not know the vote, but it was basically an unnecessary vote. That is all we have done today, something the House put in the bill that everyone wanted out dealing with making sure the airlines remain sound, secure, and strong financially. That is all we have done.

I think it is too bad that people who oppose something as much as people say they oppose this emergency legislation for further recovery from and response to terrorist attacks in the United States are not willing to come forward. We know it is only a few people, but a few people can stop this body from moving sometimes.

Senator STEVENS said he was going to move to third reading tomorrow, and if people did not want to go to third reading, they would have to respond. That really is a debatable motion. People need to come over and tell us why they do not want to move forward.

I can understand that in this bill there may be parts of it people do not like. If they do not like part of it, I repeat, try to get rid of it. It is not as if we are working on insignificant legislation. The President has devoted his weekly Saturday address to how important this legislation is. He has given press conferences about how important this legislation is, and for people to say the President is going to veto it, the President is not going to veto this legislation. We have a statement of administration policy, unsigned, of course, and we all know it came from some staff. The President certainly has not had anything to do with this, or if he has, it is general in nature.

If we pass something out of here, there is nothing for the President to veto. It goes to conference with the House, and then we would do as we always do on something this important: We would work with the House, as we have to; work with the administration, as we have to; and work out differences if indeed there is something at that time that he does not like.

Remember, this bill is going to pass by a wide margin anyway, so the President also has to be very careful as to what happens.

I heard a statement today from the Senator from Georgia, Mr. MILLER, who has just come into the Chamber. Having been Governor and being, as some say, a legend in his own time as to popularity in the State of Georgia for all the good things he has done in education and other things, he was lamenting the fact how can this body, the Senate, on something that is this important do nothing? He was talking about prescription drugs. How can we keep going day by day and do nothing?

I say to my friend from Georgia, we have a bill for further recovery from the response to terrorist attacks in the United States and nobody is here. I have been here all day. Nothing has happened. We had some meaningless vote that everybody supported basically, passing 94 to 4, or whatever it was. I am not too sure of the—anyway, I do not need to give an editorial comment.

I think the Senator is so right. The only thing I would say to the Senator from Georgia is the Senator from Georgia said that it seems that people who are a little older—and he mentioned specifically the Senator from West Virginia and the Senators from South Carolina and the Senator from Georgia—may understand how important it is to move forward. More than those Members with white hair understand the importance of this, but a small minority are stopping the Senate from moving forward on legislation, not only on this but other areas.

I did not have the chance at our luncheon to discuss the remarks of Senator MILLER because time was short as Senators spoke on this subject, but I wanted to propound before all the Democratic Senators how good I thought the statement was this morning. I say now to the Presiding Officer, the Senator from Georgia, how good that statement was. I underscore, underline, and put exclamation marks on everything the Senator said.

How can we take up the time of this country and do nothing? We are doing nothing. If Members do not like this bill or something in it, give a speech, offer an amendment, do something. Staff sits around here staring into space like I have all day.

Mr. JOHNSON. Will the Senator yield?

Mr. REID. I yield to my friend from South Dakota.

Mr. JOHNSON. I ask the Senator from Nevada, is there any parliamentary obstacle to anyone bringing an amendment to the floor at any time? Is there anything the leader, or you, would do to interfere with our right to offer an amendment, have a debate, and vote up or down on any amendments?

Mr. REID. The answer is no.

I speak from pretty good information: I bet the minority leader, the Republican leader, wants the bill passed. His President wants the bill passed. A few people are stopping us. We were told they want to slow down the train.

I repeat to my friend from South Dakota, if they don't like something on the train, take it off.

Mr. JOHNSON. If I may continue, I am struck that it is one thing to slow down the train on noncontroversial legislation, but is this not the very legislation that our troops in uniform are relying on so they can continue to be equipped, continue to have ammunition, continue to have resources they need to fight in Afghanistan and around the world?

Mr. REID. I say to my friend from South Dakota, I remember a very emotional time when the son of the Senator from South Dakota was called into harm's way in Bosnia, the Balkans, wearing a uniform, carrying a gun, representing the United States. I remember that. I remember the emotion the Senator from South Dakota felt in expressing to me how concerned the Senator was but at the same time proud of his son.

There are hundreds of thousands of American troops like your son, all over the world, waiting for the items included in this bill.

Part of this is to replace munitions. There is no endless supply. They have to be manufactured in the United States and taken over there. This legislation calls for part of this money to replenish our munitions supply.

I say to my friend from South Dakota, the Senator is absolutely right. This bill is a supplemental appropriation for further recovery from and response to terrorist activities. There are major provisions, including $14 billion for the Department of Defense.

Mr. JOHNSON. My oldest son returned from Afghanistan with the 101st Airborne just this week. We are proud to have him back.

I wish Members obstructing this legislation could go to Afghanistan and look at our forces in the north, at Baghram, our forces in the south in Kandahar, look them in the eye and tell them: We have other things to do; we don't want to pass this legislation that allows you to have the resources to conduct our war against terror, to defend American families all over this Nation.

I cannot imagine what the Members obstructing this legislation must be thinking or how they could look in the eye our law enforcement officers, our firefighters, our first responders, our military, all of whom it appears to me are going to be suffering from the lack of passage of this legislation, not to mention the fact, as Senator WELLSTONE said so ably on the floor earlier today, this also contains the funding necessary to keep our Veterans' Administration health care program going through the remainder of this year, for the people who in the past have fought so hard to preserve our liberty, to preserve our democracy.

We have a handful who apparently are going to renege on those obligations, as well. This strikes me as truly an outrage. I certainly hope Senator LOTT will do all he can and that the President of the United States will do all he can to prevail on those Members of their political party to allow this legislation to move forward, to allow free up-or-down votes. Perhaps the Senator from Nevada and I will have provisions in this bill which will be defeated. So be it. We will have a fair up-or-down vote and debate.

To have no debate and no opportunity to move the legislation forward, win or lose, is truly an outrage.

I commend the Senator from Nevada for being on the floor today to clarify why this needed legislation, which frankly should have passed weeks ago, is still floundering.

Mr. REID. I apologize to my friend. I did not know that your son also not only has served in a combat role in the Balkans but also in Afghanistan. Is that the same son?

Mr. JOHNSON. Same son, just returned from the 101st this past week.

Mr. REID. I saw the pictures of this very young man who I knew as a boy, as an athlete. I am glad he is home.

The Presiding Officer proudly wears his marine pin. He has written a book about the Marines.

I mentioned briefly, I attended a reception across the floor this morning and met four of the wind talkers, the Navajo Indians who did so much. Here these old men were, finally after all these years, 4 of 29 wind talkers, getting recognition, value for what they did.

I also mentioned on the floor this morning, I talked to them and asked them where they went. They talked about Guadalcanal and Guam. One of the Navajo Indians spoke in the native Tarawa: That is where I lost a lot of my buddies. He had tears in his eyes.

Mr. President, I don't want to be overly dramatic, but we had 3,000 people killed at the Pentagon and New York City. That is what this legislation is all about. It is about the war we have going on with terrorists. The next bill we will bring up is the hate crimes bill. We should get this done and move to that. Why not legislate?

I have said it 10 times today, and I will say it for the 11th time. If there is something in this bill that somebody does not like, move to strike it. Get rid of it. Instead, nothing is happening. I don't understand how anyone can do that to our troops; the Senator is absolutely right.

Part of this legislation provides $1.1 billion for payment of veterans' disability compensation. Veterans are not freeloaders. Talk about something they need—disability compensation.

Mr. JOHNSON. I am sure the Senator from Nevada finds the same circumstances when he returns home to his State. We talk to our veterans, we talk to our military, we talk to our firefighters, we talk to our law enforcement officers, our ambulance people, our first responders. These are all people willing to put their lives in harm's way, willing to work at very modest wages. They are willing to disrupt their families. They are willing to do a great deal. All they ask is that the American people and the Senate stand behind them, reinforce them, and show support.

What kind of signal does this inaction, this obstruction—what kind of signal does this send to those men and women in uniform who do so very much for our Nation during this difficult time? This must be dispiriting to each and every one of them the longer this goes on. I wonder if the Senator has any observations from the people he has talked to in his State about their expectation, that they will do these hard tasks and put their lives on the line but they do expect their Nation to stand behind them.

Mr. REID. I confirm what the Senator said, of course, from my trip to Nevada. I also traveled during the break and went to other places doing some work as relates to the Senate—Utah, various parts of California, and Colorado. All over the country, not only Nevada and South Dakota, all over the country people want our soldiers, sailors, airmen, coastguardsmen, to have enough resources to do their job. But also, as the Senator from South Dakota has said, it is important that those people who are first responders know they have the necessary equipment and the resources.

The problem we have is, every minute this bill does not pass, people in Georgia, South Dakota, and Nevada are having moneys paid out of their own budgets for issues that are the responsibility of the Federal Government. So the people of Nevada are being hurt as we speak because programs that must be provided for first responders—fire, police, paramedics, and medical personnel—are being paid for out of their own budgets. This will relieve them of some of that responsibility.

So the Senator is absolutely right. It is a shame. I do not understand why we are here doing nothing—I mean nothing. If somebody doesn't like the bill, let them have the intestinal fortitude to come and tell us what they are going to do about it.

I say to my friend from South Dakota, we even tried: OK, if you don't like the bill, let's have a time for a finite number of amendments. They responded: No, we can't agree to that. We haven't had a chance to look at the bill.

This bill, by Senate standards, is pretty small. I could sit down and read this bill from cover to cover in 10 to 12 minutes. It is 167 pages, but it is great big print—let's say a half-hour. I think somebody could find, from May 22 to today, a half-hour to read the bill. If not, if you are really slow, maybe assign several staff members and they could divide it up, 25 pages each, and give a report.

We could not get amendments. They said they needed more time to study the bill. Then when I said why don't we try having a time when the two cloakrooms' staff would exchange amendments, we would have a finite list of amendments—you may not want to offer all those, but we would have a finite list, we could cut the amendments off, maybe 25, maybe 250—whatever, they said: No, can't do that. We have to have time to study the bill.

But they did say the President had already studied it and sent us a statement of administration policy. So some of the moles down in the administration—I do not say that negatively, I mean people who work in the bowels of the White House—have had a chance to look at this bill. From May 22 until today, they found a half-hour to look over it.

I would also say the threat of a veto doesn't work. If we passed the bill 10 minutes from now, the President would not have anything to veto. It has to go to conference with the House. That, I repeat, is where the House will work with us, work with the administration, and come up with something the President will not veto.

Senator BYRD, Senator STEVENS, some of the most senior Members of the Senate, have said they cannot remember an appropriations bill they could not work out with a President. Senator BYRD I think has been here since President Truman.

Mr. JOHNSON. Would the Senator concur as a member of the Appropriations Committee, as this Senator is—I recall the hearings, which were substantial, that went into the formulation of this legislation. Then I seem to recall a markup in the Appropriations Committee where I believe this bill was passed something like 19 to 0.

Mr. REID. Every Member of the Senate who is on the committee voted for the bill.

Mr. JOHNSON. This is not some legislation which the Democratic Party is somehow trying to shove past our colleagues on the other side of the aisle. In fact, Senator STEVENS voted for this bill. We had unanimous bipartisan support in the Appropriations Committee by the people who focused very closely on this and attended the many hearings that went into the legislation.

If I understood the Senator correctly, Senator LOTT as well would just as soon see this legislation move forward now.

I think it does need to be clear that this is not some sort of partisan, one-party-against-the-other gridlock. This is an instance where a small handful of people are using and manipulating the rules of the Senate to thwart the will, not just of one political party but the large overall majority of the Senate who would wish to go forward.

So we have heard references to obstructionism around this Chamber over the course of this past year. I ask the Senator, what is the source of the obstruction on this legislation and why are we not proceeding with it and the whole array of additional legislation which the majority leader has outlined for us just today, which is daunting in terms of the scope and breadth of legislation this body is obligated to deal with in the coming couple of months. But we cannot begin to even move on that unless we take care of this urgent matter. That obstructionism appears to me to be not only a political tactic but one that is a disservice to the men and women in the uniform of this Nation, a disservice to those of us who believe this Nation needs to move aggressively to prepare itself against terror.

Mr. REID. Mr. President, I have said and I believe Senator LOTT supports this legislation. I have not spoken to him in that regard. I have spoken to those who have spoken to him, and that is my understanding. I do not want to put words in Senator LOTT's mouth, but I do believe he wants this legislation passed.

I say to my friend from South Dakota, I very much appreciate his statements. I think the perspective he has added dealing with his son speaks volumes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, this is our first full day back. We were in session yesterday. We are not off to a very strong start. I was hoping we could have a vigorous debate today on the supplemental; we could offer amendments; we could move the process forward.

For those who may not be aware, we are now debating the supplemental appropriations for further recovery from and response to terrorist attacks on the United States. Let me repeat that because people ought to be cognizant of the gravity of the bill we are considering. It is the supplemental appropriations act for further recovery from and response to terrorist attacks on the United States.

It includes $14 billion requested by the President of the United States for the Department of Defense; $8 billion for homeland security efforts. It includes $5 billion for recovery in New York City. It includes money for the global AIDs trust fund, and a number of very high priorities.

This legislation passed on a unanimous basis in the Appropriations Committee.

We are told by some of our colleagues on the other side that—I think the phrase was—they wanted to "slow walk" this. For the life of me, I don't understand why our colleagues would want to slow walk a request by the President of the United States to address the supplemental needs on an emergency basis for homeland defense and for the defense of our country under these circumstances. I don't understand that. But it is clear that is what is underway.

We must get this legislation passed. It must go to conference. We have to get this done. We have virtually wasted an entire day. Senators have not come to the floor to offer their amendments, and the calendar pages are turning. I have shared a list of additional legislation with our caucus and with Senator LOTT, and I must say that list is ambitious. The Presiding Officer talked about the importance of getting prescription drug benefits passed. I said I would like to get that done before we complete our work this summer.

But it is hard to see how we can take on any priorities unless we can complete our work on an emergency supplemental appropriations bill. We have been negotiating with a number of other colleagues with regard to the budget and the deeming resolution that has been the subject of some discussion over the last several weeks.

We also must pass, at some point in the not-too-distant future, a debt limit increase. That is not something anybody relishes. I indicated to Senator LOTT this morning that if we cannot put a deeming mechanism in the supplemental—and I am told there is opposition on the other side to doing that—we will have no choice but to file a freestanding debt limit resolution with the deeming language associated with it. I intend to rule XIV—that is, put the legislation on the calendar this week—as early as tomorrow. So we will do it one way or the other. We will do it in concert with the supplemental appropriations bill or we will do it in a freestanding resolution. But it will be done. I hope our colleagues on both sides of the aisle will work to achieve what we know must be done. So I hope we can find a way to resolve whatever other outstanding questions there are with regard to the deeming and the supplemental budget so we can move forward.

Mr. President, I must say that this has been a very unproductive day, and it is not a good beginning to what I hoped would be a very productive week.

In order to expedite our consideration of the supplemental, I intend to send a cloture motion to the desk today so we might accelerate and bring to a close the debate on this bill so we can move to the other pieces of legislation that must be considered, attended to, and addressed in a meaningful way in the short period of time we have during the work period this month.

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send that cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the supplemental appropriations bill, H.R. 4775:

Harry Reid, Patty Murray, Barbara Boxer, Dianne Feinstein, Jack Reed, Dick Durbin, Tim Johnson, Jeff Bingaman, Robert Torricelli, Tom Harkin, Daniel Akaka, Byron Dorgan, Joe Lieberman, Tom Carper, Bill Nelson, Maria Cantwell, Barbara Mikulski.

Mr. DASCHLE. Mr. President, I had not intended to offer a cloture motion this soon, but when I hear colleagues on the other side of the aisle saying they intend to "slow the train down"—those were the words used on the Senate floor—on a bill to provide funding for defense, for homeland security, and for New York City, we have no choice but to accelerate the debate and bring this bill to a successful close.

I am hopeful that, on a bipartisan basis, my colleagues will support cloture and that we can get this bill done this week.

I, very regrettably, announce that there are no more votes tonight. But those Senators who are concerned about amendments are invited to come to the floor early tomorrow and proceed with offering, considering, and voting on their amendments prior to the cloture vote on Thursday. I know that on both sides there are amendments to be offered. Let's get on with that debate, get these amendments on the floor, and let's have these votes.

Let's complete our work so we can move to the other pieces of legislation that I know so many colleagues anticipated we would consider this month and next.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD).

• Mr. ROCKEFELLER. Mr. President, the airline stabilization program is vitally important to my State, and I am pleased that we have reached agreement to strike a potentially threatening provision in the supplemental appropriations bill.

Last September, we created the Airline Stabilization Loan Guarantee program to prevent a collapse of our airline industry in the wake of the September 11th terrorist attacks. Such a collapse would have had a disastrous effect on the national economy, and on communities throughout America.

The loan program is a last alternative to bankruptcy for airlines struggling to recover after September 11. The Air Transportation Stabilization Board has been a strict guardian of public funds with respect to the terms it has required of applicants. The program was intended to be a last resort for airlines and passengers when they have no place else to go.

We established the airline loan guarantee program less than 2 weeks after September 11 because a number of airlines faced crushing losses and the threat of losing their insurance altogether. The law gives the airlines until June 28 to apply for loans because we knew the full effects of September 11 would take at least that long to be realized. The airlines' continuing poor financial health has proven the case.

It is essential that we not undermine the industry's slow recovery by freezing funding for the remainder of this fiscal year. Absent this amendment, the supplemental would have prevented applicants from obtaining loan guarantees until October 1. Some major carriers, including West Virginia's most prominent airline, just can't wait that long for relief. Here is why.

First, a freeze would have sent negative signals to the financial markets. Airline stocks are low already, and the only reason they aren't even lower is because Wall Street is reasonably expecting support of the airlines from the loan guarantee program. Eliminating funding—even if only temporarily—could signal Wall Street that the program is unstable and subject to changes in each Congress. Given the financial predicament of many airlines, these signals alone could be devastating.

Second, airlines would not have been able to obtain commercial bridge loans between now and October. I know from hard experience in my efforts to help the steel industry that lenders do not offer bridge loans without a reliable Federal guarantee. Anything short of actual issuance of the credit instrument would be insufficient for the private market. A freeze on the loan board would have prevented this from happening.

Without this important amendment, we were almost certain to see more airline bankruptcies. This would have been a terrible result, not just for the airlines, but for the hundreds of communities that depend on them.

My State of West Virginia would have been particularly hard hit, as would rural regions throughout America—regions which frequently have little or no choice of airlines. The predominant airline serving West Virginia is US Airways, and it is expected to apply for a critically-needed loan guarantee within the next couple of weeks.

As of March 31, US Airways had cash reserves of $561 million and was losing $3.5 million per day. Airline officials said in a recent SEC filing that, without the loan program, they will be forced to declare bankruptcy as early as this summer.

In Beckley, Bluefield, Parkersburg, and Morgantown, WV, US Airways is the only provider of passenger air service. US Airways is the only way to fly from Clarksburg to Pittsburgh. It is the only way to fly from Huntington to Charlotte or Pittsburgh. It is also the only way to fly from Lewisburg to Charlotte or Pittsburgh. And it is the only way to fly from Charleston to Baltimore, Charlotte, Philadelphia, or Pittsburgh.

For people all across West Virginia, US Airways is a critical connection to the rest of the world, and a major force in our local economy. If US Airways were to go under, the result would be a serious blow to my state.

Today's amendment is not about any one airline or state. It is about communities across the country that will suffer if airlines go bankrupt.

Last September, we decided that we could not permit the attacks of September 11 to bring down our entire airline industry. That was the right decision then. And I am glad that my colleagues recognize that it is also the right decision today. I urge my colleagues to vote for the amendment.

I should also note that today is a very proud day for my family as we gather for my youngest son's college graduation. I am confident the amendment will pass by a large margin, and had I been present, I would have cast my vote in support of the amendment. I am grateful for everyone's hard work in recent weeks to achieve this good result.●

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring of S. 2551, the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States.

The Senate bill provides $31 billion in net, new discretionary budget authority, of which $13.9 billion is for defense activities and $17.1 billion is for nondefense activities. That additional budget authority will increase outlays by a total of $8.43 billion in 2002. Of the total spending authority provided, the Appropriations Committee has designated $31.007 billion as emergency spending, which will increase outlays by $8.243 billion in 2002. In accordance with standard budget practice, the Budget Committee will adjust the Appropriations Committee's allocation for emergency spending at the end of conference. The Senate bill is within the committee's revised section 302(a) and 302(b) allocations for budget authority and outlays. In addition, it provides more than $1 billion less in net, nonemergency spending authority than either provided by the House Appropriations Committee or requested by the President.

The Senate bill violates section 205 of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001, by including a number of emergency designations for spending on nondefense activities.

I ask unanimous consent that two tables displaying the Budget Committee scoring of this bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—S. 2551, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

[Spending comparison—302(a) Allocations to Appropriations Committee (in millions of dollars)]

	Current level plus supplemental	Senate allocations	Difference
General Purpose:			
BA	704,234	704,240	−6
OT	686,966	692,717	−5,751
Highways:			
BA			
OT	28,489	28,489	
Mass Transit:			
BA			
OT	5,275	5,275	
Conservation:			
BA	1,758	1,760	−2
OT	1,392	1,473	−81
Mandatory:			
BA	358,567	358,567	
OT	350,837	350,837	
Total:			
BA	1,064,559	1,064,567	−8
OT	1,072,959	1,078,791	−5,832

Notes: Details may not add to totals due to rounding. The Senate-reported bill includes $31,007 million in emergency BA and $8,243 million in emergency outlays. The Senate Budget Committee increases the committee's 302(a) allocation for emergencies when a bill is reported out of conference.

The Senate Appropriations Committee has allocated its remaining room under its 302(a) allocation as follows: (1) $1 million in BA and $6 million in outlays to the Commerce, State, Justice subcommittee for the conservation category, (2) $1 million in BA and $75 million in outlays to the Interior subcommittee for the conservation category, and (3) $6 million in BA and $5,751 million in outlays to the full committee. All other subcommittees are exactly at their allocations for each category.

Prepared by SBC Majority Staff, June 3, 2002.

TABLE 2.—S. 2551, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

	Defense	Nondefense	Mandatory	Total
Senate-reported bill:				
Emergency:				
Budget Authority	13,932	17,075		31,007
Outlays	5,286	2,957		8,243
Nonemergency:				
Budget Authority		−7		−7
Outlays		187		187
Total:				
Budget Authority	13,932	17,068		31,000
Outlays	5,286	3,144		8,430
House-passed bill:[1]				
Emergency:				
Budget Authority	16,079	12,955		29,034
Outlays	5,632	2,441		8,073
Nonemergency:				
Budget Authority	−59	1,112		1,053
Outlays	−7	261		254
Total:				
Budget Authority	16,020	14,067		30,087
Outlays	5,625	2,702		8,327
President's request:[2]				
Emergency:				
Budget Authority	14,048	13,095		27,143
Outlays	5,310	2,491		7,801
Nonemergency:				
Budget Authority		1,262		1,262
Outlays	35	232		267
Total:				
Budget Authority	14,048	14,357		28,405
Outlays	5,345	2,723		8,068
SENATE-REPORTED BILL COMPARED TO:				
House-passed bill:				
Emergency:				
Budget Authority	−2,147	4,120		1,973
Outlays	−346	516		170
Nonemergency:				
Budget Authority	59	−1,119		−1,060
Outlays	7	−74		67
Total:				
Budget Authority	−2,088	3,001		913
Outlays	−339	442		103
President's request:				
Emergency:				
Budget Authority	−116	3,980		3,864
Outlays	−24	466		442
Nonemergency:				
Budget Authority		−1,269		−1,269
Outlays	−35	−45		−80
Total:				
Budget Authority	−116	2,711		2,595
Outlays	−59	421		362

[1] The table removes directives of the House Budget Committee to the Congressional Budget Office on how to score certain provisions in the House-passed supplemental bill. The adjustments provide comparability between the House and Senate numbers. In addition to its increase in spending, the House-passed bill also would decrease revenues by $60 million in 2003 and approximately $800 million over 10 years.

[2] Includes the President's request, transmitted with his 2003 budget, to provide supplemental funding in 2002 for Pell grants.

Notes: Details may not add total due to rounding. The committee is within both its 302(a) and 302(b) allocations and the statutory caps on discretionary spending on 2002. The Senate Budget Committee increases the committee's 302(a) allocation for emergencies when a bill is reported out of conference.

Prepared by SBC Majority Staff, June 3, 2002.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak therein for a period of up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO KEITH E. BAILEY

Mr. NICKLES. Mr. President, I rise today to honor a true friend of Oklahoma and the energy industry and a true friend of mine. Keith Bailey, chairman of the Williams Companies, retired last month after leading that company for the last 29 years. Keith is a man of energy, of generosity and compassion, whose values have shaped Williams and set a tone of integrity, creativity and vision for the industry throughout his career. From his office in Tulsa, OK, Keith has run a global energy company with a full spectrum of energy products, services and operations. He has also championed innovation in the telecommunications industry, overseeing the building of a nationwide communications network, which sprang from the use of the company's former oil pipeline assets.

Keith is a respected leader in the energy industry and in the Tulsa community. His view of corporate and personal success has always included support for people, education and charitable causes. He has energetically gone about the business of supporting his community and his neighbors in a quiet way, but in a measurable one. His contributions of time, money and expertise have benefited hundreds in Tulsa, in Oklahoma and thousands nationally. Keith has also provided leadership serving the United Way, both as campaign and board chair of the Tulsa area, and on the United Way of America's Board of Governors. He has also served as the chair of the Board of Trustees at the University of Tulsa, board chair for the Philbrook Museum of Art and the Board of the National Cowboy and Western Heritage Museum. Recently, he sponsored the buffalo mural project, which now adorns the capitol building in Oklahoma City.

Keith places a high value on education. He served as a member of President George W. Bush's transition team on education. He has served on the Education Task Force of the Business Roundtable and is currently the chair of the National Alliance of Business and on the Board of AEGIS. He was actively engaged in promoting the President's education reform package. Three of his four children are educators, one of them teaching in Oklahoma.

Keith has been instrumental in the growth of Williams. He joined Williams in 1973 and was named Chairman of the Board in 1994, when the company's assets totaled $5 billion. Today assets stand at $38 billion. Shareholders have enjoyed a 790 percent return from 1990 to 2001. The company is listed at number 174 on the "Fortune 500" list this year. On Bailey's watch, the company has grown to be the Nation's third largest marketer of natural gas; a top 10 power marketer; North America's second largest natural gas gatherer and producer; possessor of the largest petroleum storage facilities in North America; a top 10 independent energy producer; and second largest gas pipeline transporter in the Nation.

I know that for all his business achievements, shareholder return and asset growth, Keith Bailey clearly would like to be remembered in more humanistic terms. Bailey has said, "when I think of my time at Williams, I don't think of the deals. I think of people." Keith Bailey lives the core values and beliefs of the company every day. I know he will be missed.

SYRIA ACCOUNTABILITY ACT

Mr. LEVIN. Mr. President, this act recognizes the role that Syria continues to play in promoting instability and terrorism in the Middle East. Syria's support for terrorism, its occupation of Lebanon and efforts toward the development of weapons of mass destruction threaten to hinder efforts to encourage democracy, the rule of law and a lasting peace in the region. As such, this bill represents an effort by Congress to express its outrage with these actions and urge President Bush to take the needed steps that will prod Syria to halt these actions.

Syria has long been on the State Department's list of terrorist nations, and is known to support numerous terrorist organizations including Hizballah, Hamas and the General Command of the Popular Front for the Liberation of Palestine. Just as importantly, the presence of Syrian troops thwarts the democratic aspirations of the Lebanese people. The Taif accords which mapped out a security program for Lebanon included Syria's commitment to the "security independence and unity of Lebanon" and its opposition to any action that "threatens security independence or [the] sovereignty" of Lebanon. The current Syrian military presence in Lebanon and its influence in domestic Lebanese politics runs counter to these commitments.

This legislation seeks to address the more pernicious elements of Syria's foreign policy, and I support that goal. That being said, this legislation is not perfect. I am concerned that this legislation does not grant the President a waiver that he might need "in the interest of national security." In addition, some of the certification requirements contained in the bill may need to be revised. When this legislation comes to the floor, I will offer an amendment that addresses these concerns.

While Syria is a nation whose actions are of grave concern to me, Syria supported the Saudi Peace Initiative which recognized the right of the State of Israel to exist, and recently Syria's representative to the United Nation's Security Council voted in favor of smart sanctions which will alleviate the suffering of the Iraqi people while hindering Saddam Hussein's ability to obtain the materiel needed to support this efforts to obtain, develop and use weapons of mass destruction.

These are useful steps but pale in significance to the negative actions of Syria that have earned it the dubious distinction of being one of the world's rogue states.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

This report shows the effects of congressional action on the 2002 budget through May 21, 2002. The estimates, which are consistent with the technical and economic assumptions of H. Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2002, show that current level spending in 2002 is below the budget resolution by $11.6 billion in budget authority and by $18.8 billion in outlays. Current level revenues are equal to the revenue floor in 2002.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 22, 2002.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2002 budget and are current through May 21, 2002. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2002.

Since my last report dated February 13, 2002, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, and revenues for 2002: the Job Creation and Worker Assistance Act of 2002 (P.L. 107-147) and the Farm Security and Rural Investment Act of 2002 (P.L. 107-171). In addition, the Congress has cleared for the President's signature the Clergy Housing Clarification Act of 2002 (H.R. 4156), which changed revenues for 2002. The effects of these actions are identified in Table 2.

Sincerely,

DAN L. CRIPPEN,
Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2002, AS OF MAY 21, 2002

[In billions of dollars]

	Budget resolution	Current level [1]	Current level over/under (−) resolution
On-Budget:			
Budget Authority	1,680.6	1,668.9	−11.6
Outlays	1,646.0	1,627.2	−18.8
Revenues	1,629.2	1,629.2	....
Off-Budget:			
Social Security Outlays	356.6	356.6	....
Social Security Revenues	532.3	532.3	....

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2002, AS OF MAY 21, 2002

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,671,726
Permanents and other spending legislation [1]	991,545	943,568	n.a.
Appropriation legislation	1,008,487	996,258	n.a.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2002, AS OF MAY 21, 2002—Continued

	Budget authority	Outlays	Revenues
Offsetting receipts	−322,403	−322,403	n.a.
Total, enacted in previous sessions	1,677,629	1,617,423	1,671,726
Enacted this session:			
An act to amend the Higher Education Act of 1965 to establish fixed interest rates (P.L. 107–139)	−195	−180	
Job Creation and Worker Assistance Act of 2002 (P.L. 107–147)	6,049	5,820	−42,526
Farm Security and Rural Investment Act of 2002 (P.L. 107–171)	2,464	1,610	
Total, enacted this session	8,318	7,250	−42,526
Passed pending signature: Clergy Housing Clarification Act of 2002 (H.R. 4156)			(2)
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−17,019	2,489	n.a.
Total Current Level	1,668,928	1,627,162	1,629,200
Total Budget Resolution	1,680,564	1,645,999	1,629,200
Current Level Over Budget Resolution	n.a.	n.a.	
Current Level Under Budget Resolution	11,636	18,837	
Memorandum: Emergency designations for bills in this report	30,184	30,939	39,465

[1] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[2] Less than $500,000.

Sources: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

H.R. 3009, ANDEAN TRADE PREFERENCE ACT

Mr. LUGAR. Mr. President, I wish to take a moment to discuss a security problem that exists in the Andean Trade Preference Act extension contained in H.R. 3009, as amended and passed by the Senate, and which must be addressed. The problem is that, in an understandable effort to support Andean economies by providing tuna export preferences, this bill unfairly harms the economies of Thailand, Indonesia, and the Philippines. Providing trade preferences to one ally, or regional bloc, at the expense of others is patently unfair.

The problem this bill creates for the Philippines, and for American interests in the Philippines, is particularly troublesome. The entire tuna industry in the Philippines is located in the southern region of Mindanao. It is in Mindanao that Muslim terrorist cells, with reported ties to al-Quaeda, are operating. In order to combat the terrorist threat in the southern Philippines, American troops have recently been deployed to Mindanao and are training Philippine forces to track down terrorists. Damaging the Philippines' tuna export market by tipping the scale in favor of other countries will damage the single largest employer and increase instability in the exact area where U.S. troops are deployed to help create stability.

If that were not enough, Mindanao's tuna industry was largely created by U.S. and other donor nations' assistance as a means to increase opportunities and provide jobs for former guerrillas. This effort succeeded and the majority of Muslim separatists in Mindanao have laid down their arms. Disrupting Mindanao's tuna industry will not only create economic instability in a strategically sensitive region, it will waste past investments of U.S. taxpayer money and could return some former Muslim fighters to their violent ways.

I see my colleague from Alaska, the ranking member of the Appropriations Committee on the floor. He may wish to say a word about this matter since he was responsible for bringing this issue to the attention of many Senators.

Mr. STEVENS. I thank my colleague and I agree with him about he seriousness of this matter. Senator INOUYE and I became aware of this problem on a recent trip to Asia during which we met with officials in Beijing, Singapore, Jakarta, and Manila. All of our meetings had one common element—terrorism. Since that trip, Senator INOUYE and I have been working to find a solution to this national security problem.

As many of my colleagues may know, radical elements in Indonesia are currently trying to dominate the political and business communities in that country. In Singapore, we were made aware of terrorist attempts to attack the American Embassy with a plot involving 100 tons of explosives. The federal building in Oklahoma City was destroyed with only 3 tons of explosives.

The major area of concern, however, is the Philippines, and in particular the province of Mindanao where the notorious Abu Sayyaf Group is kidnapping innocent people and wreaking havoc through bombings and murders. The general populace does not support this element, and have therefore been victimized. Currently at the invitation of the Philippine Government, American troops are in Mindanao advising and training Philippine troops to more effectively combat this terrorist threat. The Philippines is clearly on the frontline in the war against terror.

Now, the major employee in Mindanao is the canned tuna industry. The bill before us will do significant harm to this industry. If the major employer in Mindanao is not able to maintain economic stability, the chaos in Mindanao will be exacerbated. Damaging the economy of Mindanao, as this bill will do, undermines the ongoing U.S.-Philippine counter-terrorism operation. To harm an ally in the war on terror in this manner clearly is not in the national security interest of the United States.

I strongly urge that a solution to this problem be found before the conference report is presented to this body.

Mr. LUGAR. I thank my colleague for that explanation and for bringing this matter to the Senate's attention. I certainly will join him in seeking a solution to this important national security matter. The only fair solution is to maintain tariff parity for our anti-terrorism allies who compete in this market. I believe my colleague from Missouri would like to make a comment.

Mr. BOND. I thank my friend for yielding. I, too, would like to express my concern over the dire consequences extending preferential tariff treatment of packed tuna to the Andean region will have on our ASEAN allies. I believe maintaining stability in Mindanao is of utmost importance and I do not want to see our war on drugs succeed at the expense of our war on international terrorism. I urge our colleagues to address this issue during conference deliberations.

Mr. SARBANES. Mr. President, I rise today to join my colleagues in expressing concerns about the effects, however unintended, that the proposed duty-free status for Andean nations would have on the canned tuna industry in the Philippines. I refer specifically to the status that would be accorded to canned tuna imports from Ecuador. I spoke during the debate on the harm the current provisions will do to the Philippine economy and how seriously it will undermine the anti-terrorist efforts in the Philippines and elsewhere in Southeast Asia. But I want to point out again that the tuna industry in the Philippines is located in precisely the area where anti-terrorist efforts are most urgently needed.

Clearly a multitude of issues are involved in any trade legislation. This issue is too important to be ignored and it is my hope that this serious problem will be resolved in the conference report when it comes before us for final passage.

Mr. LUGAR. For the benefit of our colleagues, I will ask that two recent articles from the New York Times and one from the Asian Wall Street Journal be printed in the RECORD at the end of this colloquy. These articles detail the importance of the tuna industry to Mindanao and its strong connection to counter-terrorism efforts.

Mr. TORRICELLI. I appreciate my colleagues raising this national security issue today. The unintended consequences of biasing our tuna tariffs against the Philippines were brought to my attention by both the Philippine Ambassador, as well as through the work of my distinguished colleagues. I am deeply concerned about how this bill will undermine America's counterterrorism work in Mindanao and fully support the view that this issue must be resolved before the conference report is presented to the Senate.

Enough has already been said about how undermining Mindanao's largest employer will spread instability, harm America's image, and waste past taxpayer investment in a critically important region. I do not need to elaborate further on those points. I would like to take just a moment, however, to highlight for my colleagues how this ill-advised provision came to be. The House Ways and Means Committee initially added it to their Andean trade bill. It was not part of the administration's request for Andean counter-narcotics legislation. It was added without a hearing and without examination of the national security implications of making this change in trade law.

When the bill came before the Senate Finance Committee, the committee voted to limit the extent of the preference granted to the Andean countries. I supported that change as an improvement in the bill, but it did not go far enough to resolve the matter. I was hopeful that suggestions made by Senators INOUYE and STEVENS might be included into this bill to actually solve the problem created by this tuna provision. Fixing this provision on the floor, however, will not now be possible. Therefore, I join my colleagues in urging that parity be maintained for all America's friends seeking to participate in our tuna market. Tipping the balance of this market toward one group and away from another is unfair, wasteful, shortsighted, and counter to America's broader international interests.

Mr. BIDEN. Mr. President, assisting Andean countries combat illicit narcotics is an important national security goal for the United States. The Foreign Relations Committee has heard considerable testimony from the administration and other witnesses as to the importance of this issue, both for the United States and for the maintenance of democracy in South America. Much effort and resources are already being devoted to this important goal, and the Administration plans to do still more. The Andean Trade Preferences Act extension passed by the Senate adds important additional support to this effort.

At the same time, however, the United States and our allies are also engaged in a war against terrorism. Defeating global terrorism is a goal no less important than eradicating narcotics trafficking. One of the frontline States in the war against terrorism is the Philippines where, at the invitation of the Philippine Government, U.S. troops have been deployed to train the Armed Forces of the Philippines in counterterrorism. The reason our joint counterterrorism mission with the Philippines is relevant to discussion of the Andean trade bill is because one provision contained in this bill, in a laudable effort to support the legitimate economies of Andean countries, will seriously damage our counter-terrorism effort in the Philippines.

The problematic provision is one that would give preference to Andean countries that export tuna to the United States. The primary loser in the tuna market would be countries in the Asia-Pacific region, especially our close treaty allies Thailand and the Philippines. Moreover, the Philippines' tuna industry is based in the southern province of Mindanao, precisely the region in which we are engaged in our counterterrorism mission. Indeed, Mindanao's tuna industry is in part the result of a successful U.S. foreign assistance program which helped develop economic alternatives for Muslim insurgents that have been active in the region for many years. I say this economic development program has been successful in Mindanao because most of the former insurgents have laid down their weapons and joined mainstream life in the Philippines. Only the most radical remain terrorists.

So, in the Philippines today we have a successful counterterrorism effort underway that incorporates both economic incentives to give people a reason to participate in civil society, and military action against the few extremists who remain committed to violence. We cannot afford to remove one of the pillars of this effort by giving a competing trade advantage to Andean countries. This must be corrected as this bill moves to conference.

Mr. LUGAR. As stated at the beginning of this colloquy, in addition to the Philippines, the economies of Thailand and Indonesia may also be impacted by this bill. We are hoping the points expressed in this colloquy will be addressed in conference.

Mr. President, I ask unanimous consent that the newspaper articles to which I referred earlier be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 21, 2002]

REDUCED TARIFFS FOR SOME NATIONS STRAINS RELATIONS WITH OTHERS

(By Keith Bradsher)

GENERAL SANTOS CITY, the PHILIPPINES, May 16.—How should the United States set its tariffs and trade rules, globally or country-by-country?

It is no arid academic debate to the tuna fishermen of this knockabout port city on the south coast of Mindanao, nor to sugar cutters in the Caribbean or garment workers in Pakistan. Faraway changes in American fine print can have very real, sometimes unintended consequences.

A move in Congress to extend trade preferences to Andean nations, in part to help wean their economies off coca production, could lead to the layoff of thousands of Muslim workers in the tuna industry here, even as American troops help the Philippine army fight Abu Sayyaf Muslim insurgents in this region.

In Pakistan, officials have struggled to win a larger quota for textile shipments to the United States as a reward for Islamabad's help during the conflict in Afghanistan. And in the Caribbean, the emergence of any especially pro-American government brings a request for a larger quota to ship sugar to the high-priced, highly protected American market.

By returning to the pre-1922 practice of awarding preferential trade treatment to certain countries and regions, often for political rather than economic reasons, Washington now finds itself constantly badgered for trade concessions by whatever friendly nation is in the news at any given moment.

This is the problem that "most favored nation" status was supposed to solve. When countries won that status—as nearly all of America's trading partners did in recent decades—they were assured that their exports would get the same tariff treatment as any other, and that generally, concessions awarded to one would be awarded to all.

After the ruinous bilateral trade competition in Europe in the 1930's, the United States backed a global adoption of the same approach, leading in the decades after World War II to the international trade rules enshrined in the General Agreement on Tariffs and Trade and later to the creation of the World Trade Organization.

"The history of trade negotiations basically was that, because of the bilateral special deals that inevitably made other nations unhappy, we came around to most-favored-nation treatment and GATT negotiations," said William Cline, a senior economist at the Institute for International Economics in Washington.

Up through the 1980's, most economists criticized regional trade agreements as just as bad as bilateral deals. Beyond making winners of some countries and losers of others, regional blocs can be bad for global efficiency, by promoting importers to favor a higher-cost producer within the bloc over a lower-cost producer outside whose goods are still subject to high tariffs and quotas.

Global trade agreements minimize such drawbacks, because these days very few countries remain outside them. But global treaties are becoming increasingly difficult to conclude. The last was wrapped up in Geneva in 1993; talks meant to produce the next one did not get under way until last November in Doha, Qatar, and are expected to take years.

But the regional free trade concept has become fashionable again, in great part because of the success of the European Union, which hugely increased trade among its 15 members by eliminating tariffs and trade barriers. It helped inspire the 1992 North American Free Trade Agreement—joining the United States, Canada and Mexico—as well as several other regional groupings.

One provision of the Nafta treaty helped set off the dispute now roiling American efforts to retain the support of the Philippines in the war on terrorism.

Among the tariffs to be eliminated within North America by the treaty is the American duty on canned tuna imported from Mexico. It will not disappear until 2008, and for the moment it means little because Mexico, well north of the equatorial waters where the best fishing grounds are found, has a tiny tuna industry. But tuna from other countries is subject to duty of up to 35 percent, creating a big incentive for Mexico to build up its tuna fleet, despite the high labor and fuel costs for the long journeys to where the tuna swim.

Several smaller Central American and Caribbean nations also have small tuna fleets; three years ago, Congress agreed to phase out tuna duties for them on the same timetable.

To the Andean nations of South America, these concessions posed a serious threat—that preferential access to the United States would soon make big new competitors out of Mexico and Central America. The United States had lower tariffs on many products from Andean nations like Ecuador and Colombia in 1991, but canned tuna was not among them. When the 1991 concessions came up for renewal last year, the Andean nations, supported by Starkist, demanded that they be expanded to include canned tuna.

Ecuador has a huge tuna fishing fleet, and Colombia a smaller one; both countries are eager to create jobs that do not depend on narcotics trafficking. That persuaded the House of Representatives to approve a bill earlier this year that would immediately eliminate duty on Andean tuna.

A more limited bill that would phase out duty on about a third of current shipment is before the Senate as part of a broader trade bill. If it passes, differences between the provisions would be worked out in a conference of senators and representatives.

Now it is the Philippines' turn to feel threatened. Letting Ecuador and Colombia, but not the Philippines, ship tuna to the United States duty free would be both unfair and unwise, officials in Manila are warning, because of the hardship it would create in this poor, Muslim and sometimes rebellious part of the country, where terrorists are believed to be active. "We understand you want to do this because of narcotics," said Manuel A. Roxas II, the country's secretary of trade and industry, "but terrorism is just as important."

Washington has been on notice for some time that this kind of chain reaction of anger and demands for relief was likely to develop. An influential report by the United States Tariff Commission foresaw that special deals for some countries would "lead to claims from states outside the agreement which, if granted, defeat the purpose of the treaties, and which, if not granted, occasion the preferring of a charge of disloyalty to treaty obligations."

The report was published in 1919.

[From the New York Times, May 16, 2002]

DRUGS, TERROR AND TUNA: HOW GOALS CLASH

(By Keith Bradsher)

GENERAL SANTOS CITY, THE PHILIPPINES, MAY 15.—This industrial city on the southern coast of Mindanao Island illustrates how America's various strategic aims in the wars on drugs and terrorism can clash, alienating important allies engaged in battling terrorism.

Among leaders of the Philippines' important tuna industry here, resentment is running high over trade legislation now on the Senate floor in Washington. The bill includes a provision to eliminate steep import taxes on canned tuna from Andean nations while keeping taxes in place for other countries like the Philippines.

The provision has attracted Congressional support because it is seen as bolstering America's war on drugs. The idea is that the bill help create well-paid jobs in Ecuador and Colombia as an alternative to the drug trade.

But in another war—the one against terrorism—the legislation is causing anger in a country that has become an important part of the administration's plans.

It comes at a time when 600 American soldiers are helping the Philippine Army track Abu Sayyaf Muslim insurgents in the southernmost Philippines, and President Gloria Macapagal Arroyo has staked much political capital on helping the United States fight terrorism.

Virtually all of the tuna industry of the Philippines is located here and it employs thousands of migrant workers from small Muslim fishing communities that used to be bastions of various Muslim insurgencies. Local officials warn that the legislation could wipe out the tuna industry.

President Arroyo said that passage of the trade provision would deal a severe blow to the economy here while handing a propaganda victory to the Abu Sayyaf movement.

The combination would create heavy domestic pressure for the Philippines to retreat from its active support for the American war on terrorism, she warned in a telephone interview tonight.

"I will try very hard not to, but I will be under tremendous pressure," she said.

In much of the developing world, including Latin America and Africa, trade restrictions on tariffs on products ranging from steel to textiles are causing growing resentment toward the United States. The perception that the Bush administration is a projectionist one is growing.•

President Arroyo argued that General Santos, the main city on the southern coast of Mindanao and home to most of the Philippines' tune fishing fleet and canneries, was central both to the economic future of this region and to the fight against terrorism.

A powerful pipe bomb with nails exploded on a crowded sidewalk outside a supermarket here on April 21, killing 15 people and wounding dozens. A second pipe bomb was safely defused before it exploded at another supermarket the same day, and two shopping complexes have recently burned down here in the middle of the night in separate, unexplained incidents.

Police detectives here say that they are still unsure whether the attacks were terrorist incidents, criminal attempts at extortion or some combination of the two. But President Arroyo expresses no such doubts, saying tonight, "The Abu Sayyaf has been trying to get into General Santos and it has been very difficult for us to justify our support for the United States."

In a city where tunas festoon everything from billboards to restaurant signs, and where even the golf tournament is the Tuna Cup, the fishing industry's influence is impossible to miss.

Workers heave baskets of fish onto crude steel carts, which they then pull by hand over to a long open-sided shed. Women wash and sort the fish on long tables, the concrete floor beneath them dark and slippery with fish blood. A few larger tuna, some the size of a man, are carried individually to large, white boxes packed with half-melted ice, to be shipped directly to Japan to be turned into sashimi.

Renato Alonzo, 47, a fisherman in a ragged T-shirt and flip-flops whose boat had just docked after two weeks at sea, said that he had sold his tiny farm and joined a boat crew 10 years ago after learning he could nearly double his income, to roughly $4,000 a year. Now he can afford to send his two sons, aged 12 and 8, to school.

The bustling fishing port here and the nearby row of tuna canneries contrast sharply with most of Mindanao, where peasants still toil on subsistence farms and on large pineapple and coconut plantations. Years of drought, coupled with inadequate irrigation, have crippled agriculture while the global glut of low-priced steel has forced the closing of a big steel mill in northern Mindanao.

The tuna industry here barely existed until the late 1980's when the United States led Japan, Italy and other donor nations in an ambitious foreign aid program aimed at rebuilding the Philippines after the fall of Ferdinand Marcos.

A full-scale guerrilla war being waged in Mindanao then, a far broader conflict than the handful of kidnappings and possibly bombings linked to Abu Sayyaf now. General Santos City was nearly surrounded by several very large insurgences that attracted poor youths from the island's Muslim minority. The city had a small fishing fleet, but it mostly caught fish for local consumption.

But the world's richest fishing grounds lay between here and Indonesia, although boats from Thailand mainly fished them then. Foreign donors built the fishing port here as well as a large cargo airport, a container port, extensive roads and a modern phone system, hiring security guards from rebel forces and buying sand, gravel and other construction materials from rebel leaders' businesses.

With ready transportation to foreign markets, six big canneries were built, each employing more than 1,000 workers. The only two other tuna canneries in the Philippines are in Zamboanga City in southwestern Mindanao, the staging area for American troops pursuing Abu Sayyaf. Some 30,000 fishermen now supply the canneries.

The tuna boom has helped persuade all of the rebel movements except the Abu Sayyaf splinter group to lay down their arms under armistices with the government. Many former rebel commanders and foot soldiers have taken jobs at the canneries, which have had no problem with the bombings that have afflicted shopping centers.

Abuhasan Jama is a former major in the Moro National Liberation Front who studied guerrilla warfare in Malaysia in 1979 and 1980 and then spent 13 years fighting the Philippine government in the jungles of Mindanao.

Now he is the security chief at Ocean Canning here, his eldest daughter is in college and he has found jobs at the same cannery for three cousins who are also former guerrillas. "I like to work," said Mr. Jama, 41, recalling that in the jungle "sometimes you'd just eat leaves, the roots."

Mariano M. Fernandex, the general manager of Ocean Canning, said that he used to carry two Smith & Wesson handguns, one strapped on each hip. "It was like the Wild West here," he said, adding that he carries only a cellphone now.

Most of the tuna canned her is sold in the United States under less famous brands like Keisha and Dagim. Bumble Bee and Starkist used to buy large quantities of tuna here but have recently begun relying on Ecuador instead, allowing that country to edge past the Philippines last year to become the second-largest foreign supplier of tuna to the United States, after Thailand.

Starkist in particular is now pushing for the elimination of import tariffs on canned tuna from Ecuador.

[From the Asian Wall Street Journal, May 17, 2002]

Poor Countries Find Free Trade Brings Few Gains; Tariffs on Tuna Trade Snag; Philippine Fishing City: 'We Were Very Naive'

(By James Hookway)

The gospel of free trade is wearing thin in this remote fishing city.

Freshly caught deep-sea tuna are so inexpensive here that visitors buy them whole and check them in as luggage at the bustling little airport. Back in Manila, passengers crowd round the baggage claim, hoping for an early glipmse of their catch emerging on the conveyors belt trussed up in yards of plastic wrap.

Being so close to the rich tuna belt in the tropical waters separating the Philippines and Indonesia gives General Santos City a head start that is hard to beat in the fish business. Sashimi and sushi aficionados in Japan prize Philippine tuna for its high quality and low price. Free trade and the advent of the World Trade Organization were supposed to help the town build on that advantage by opening more markets for its fish. Instead, Europe and the U.S. are putting up tariff barriers that threaten the jobs of cannery workers here, stunting economic growth in one of the most volatile corners of Southeast Asia—a place where U.S. soldiers have recently brought the war on terrorism.

And, along with a slew of recent restrictions from rich nations, several of which are headed for the WTO's dispute-resolution process, the tariffs are starting to sour many Filipinos on the free-trade agenda their government enthusiastically signed on to in the 1990s. "We thought the WTO was an idealistic thing, but nobody is abiding by its true spirit," says Domingo Teng, who leads the local tuna federation in between fishing trips. "We were very naive."

That's a perception many poorer countries are beginning to share. A ground-swell of skepticism about the WTO has been building steadily since the pied piper of free trade, the U.S., imposed duties of as much as 30% on steel imports in February. Thailand and Indonesia quickly followed suit, and a month later, Malaysia imposed its own 50% steel tariff. Developing countries, especially India, Pakistan and Egypt, bitterly complained that the WTO hadn't done enough to improve access for their products to rich markets at the body's ministerial meeting in Doha, Qatar, in November. The tension eased somewhat when richer countries agreed to further open key agricultural, fishery and textile markets in the next round of trade talks, due to conclude by the end of 2003.

Still, disappointment is rife in Asia, even among committed free traders. "There is a lot of disenchantment," says Alex Magno, president of the Manila-based Foundation for Economic Freedom. "Free trade hasn't produced a lot of winners. What we have here in the Philippines are losers, particularly in garments and other labor-intensive industries. They can't compete with more inexpensive producers such as China." This resentment could worsen soon. President George W. Bush signed a new U.S. farm bill this week that will boost crop and dairy subsidies for American farmers. An 18-nation group of agricultural exporters warns that the scale of the $180 billion six-year farm-aid program will hurt farmers around the world and threatens negotiations for freer world trade. "The impact will be particularly damaging on developing countries," the group said in a statement released in Geneva on Wednesday.

Of all the developing economies in Asia it was perhaps the Philippines that most enthuisiastically embraced free trade in the latter half of the 1990s. While Malaysia carefully protected its car industry and Thailand and Indonesia nurtured their cement markets, the Philippines accelerated a series of tariff reductions. Despite foot-dragging on opening up its retail industry to foreign hypermarkets, among other stalled pledges, the Philippines has generally been keen to shake off the shackles of a protectionist economy that left the country dawdling during Asia's boom years.

Yet while the Philippines has benefited from investments geared toward call centers and microprocessors, more traditional industries that employ the bulk of the country's work force have struggled. In Manilia's Divisoria market, the piles of T-shirts and jeans stacked in the stalls arrive from China; just a few years ago, most were made locally. Facing rising unemployment at home, more and more Filipinos are joining the line for visas at the U.S. Embassy in the hope of joining relatives in America. "The orthodoxy that more free trade will lead to better lives has been severely challenged," says Philippine Trade Secretary Manuel Roxas II.

The Philippines is particularly upset with new tariff barriers to the European Union. While tuna from former European colonies in Africa, the Caribbean and the Pacific is levy-free, canned tuna from the Philippines is slapped with a bruising 24% tariff. Mr. Roxas can hardly believe it. "We were a Spanish colony for 300 years," he says. "What more do they want?" EU officials deny that the tariff waiver hurts the Philippine tuna industry.

U.S. legislators, meanwhile, are moving toward reviving 10-year-old reductions in import tariffs on packaged tuna, textiles and cut flowers as a way to wean Ecuador, Bolivia, Peru and Colombia off the drug trade. Senators are being lobbied hard by H.J. Heinz Co.'s StarKist Foods to cut the tariffs. StarKist fishes and cans tuna in Ecuador, and cutting the Latin American tariffs will be a shot in the arm for its business. It would also make Philippine tuna look much more expensive.

Ignoring trade agreements is nothing new, of course, and the WTO hasn't proven to be particularly speedy at resolving trade disputes. Trade Secretary Roxas, however, is still keen on giving it a go, at least for the time being. "Let's see where it gets us," he says. He will soon have his chance. The Philippines' tuna row with Europe is headed for the WTO, as is a dispute with Australia over bananas. Manila is anxious to increase fruit exports to Australia, but farmers there have successfully lobbied the government to keep restrictions in place. Politicians in Canberra explain that scientists haven't finished checking whether Philippine bananas are disease-free and safe to import. The country harbors five diseases, collectively known as the Black Plague. Australian farmers worry that such imports could decimate their crops, and government quarantine officials now are conducting a risk analysis on importing the bananas, which isn't likely to be completed soon. Meanwhile, Philippine President Gloria Macapagal Arroyo finds it difficult to contain her frustration. "Sad to say, sanitary requirements and technical standards now seem to be the weapon of choice for protectionists," she told business leaders in Malaysia.

But it is the tuna industry that stirs the strongest passions. General Santos City, carefully mapped out just before World War II, features broad, quite avenues instead of the packed and pot-holed roads found in most Philippine cities. But this sleepy backwater is also a place where fortunes are made.

The source of those riches lies in the natural deep-water bay the town straddles. Scores of tuna boats steam in every morning to unload their cargo at the town's gleaming port, sometimes after three months at sea. A kilometer or two down the road, the General Tuna Corp. cannery churns out more than 300,000 cans of tuna a day for brands such as Chicken of the Sea, Century Tuna and Fresca. Other factories line the coast nearby. Outrigger boats meanwhile, head out to deeper waters in the hope of landing a bluefin tuna. In Tokyo, bluefin retail for around the price of a Toyota Corolla.

"When I first came here in 1991, there wasn't much of anything," recalls Neil del Rosario, plant manager at the General Tuna cannery. "Now there are hardware stores, beauty parlors, restaurants. McDonald's is coming here soon. The tuna industry has made such a big impact on the community."

More than half of General Santos's 400,000 citizens are dependent on tuna in one form or another. Mr. Teng, the head of the fishing federation, says many more jobs would be created if the tariffs are dropped quickly. "This place could really take off," he says.

The tuna industry can also help stabilize one of the more volatile corners of Southeast Asia. Not far from General Santos, about 1,000 U.S. special forces are training Philippine troops to track down a Muslim guerrilla group linked to Osama bin Laden's al-Qaeda network. The Abu Sayyaf has kidnapped scores of foreigners over the past few years, and is currently holding hostage an American missionary couple and a Filipino nurse. To the north, a larger but less violent rebel army is in peace talks with the Philippine government.

The 30-year-old uprising has killed more than 120,000 people and severely retarded Mindanao's economy. The tuna industry, however, helps provide jobs for Muslims who might otherwise be tempted to join the decades-old rebellion against Christian domination.

Government officials argue that if the U.S. is willing to waive tariffs in Latin America to aid its war on drugs, then it should also lift barriers on the Philippine tuna trade to help the war on terrorism. For the time being, though, General Santos will have to tighten its belt. General Tuna has cut back to running at 75% capacity; other canneries are running at just half-time. And if there isn't any work, there isn't any pay. Mr. Teng is beginning to worry about the consequences of the trade war.

"We need development before there is peace," he says. "Let's give these rebels the chance to come down out of the hills. Maybe they can become millionaires too."

SIXTIETH ANNIVERSARY OF THE BATTLE OF MIDWAY

Mr. LUGAR. Mr. President today marks the 60th anniversary of the first day of a battle that is regarded as the turning point of the war in the Pacific and that many historians list as one of the two or three most significant naval battles in recorded history. I am speaking, of course, about June 4, 1942, the beginning of the 3-day naval engagement known as the Battle of Midway.

At 10:25 a.m. a Japanese armada including four carriers was steaming east toward Midway Island, 1,150 miles west of Pearl Harbor in the Central Pacific. Its objectives: Invade the strategically situated atoll, seize the U.S. base and airstrip, and (if possible) destroy what remained of our Pacific fleet after the surprise attack on Pearl Harbor the preceding December.

At 10:30 a.m. three of the four Japanese carriers and their aircraft were a flaming shambles. Moments before, Japanese fighter cover had swatted down torpedo bomber squadrons from the U.S. carriers *Enterprise, Hornet,* and *Yorktown,* the final, fatal mission for 35 of 41 American planes and 68 of 82 pilots and gunners. But their courageous attack had drawn the fighters down to deck level, leaving the skies nearly empty for the 37 U.S. dive bombers who then appeared and, in five fateful minutes, changed the course of history. By nightfall, the fourth Japanese carrier, too, was a blazing wreck, a fitting coda to a day that reversed forever the military fortunes of Imperial Japan.

"So ended," wrote Churchill, "the battle of June 4, rightly regarded as the turning point of the war in the Pacific." "The annals of war at sea," he intoned, "present no more intense, heart-shaking shock" than Midway and its precursor in the Coral Sea, battles where "the bravery and self-devotion of the American airmen and sailors and the nerve and skill of their leaders was the foundation of all."

Few today pause to remember Midway, now six decades past. And I call the Senate's attention to this for it was indeed a turning point in a war that to that point had few bright spots, and which launched us on the road to eventual victory.

I'd also like to call attention to one American who's nerve and skill were paramount in leading American forces to this pivotal victory which saw the demise of the four carriers that had attacked Pearl Harbor six months earlier. Raymond Ames Spruance was an unlikely figure, a little-known, soft-spoken, publicity-averse 56-year-old Rear Admiral from Indiana. Yet it is doubtful that any other American in uniform contributed more than this quiet Hoosier to our World War II triumph—a foundation for every blessing of peace and prosperity we now enjoy.

When I was 13, I heard Admiral Spruance speak. He was visiting Shortridge High School in Indianapolis, his alma mater and soon to be mine. Only years later did I really understand how important he had been to achieving victory in the Pacific and subsequent victories, including 1945's hard-fought invasion of Iwo Jima. It was Spruance who made the crucial decision at Midway to launch all available aircraft, which led to devastation of the enemy carriers. He then preserved the victory, instinctively resisting Japanese attempts during the next two days to lure the American fleet into a trap.

Throughout Spruance's 45-year Navy career, he maintained the unassuming attitude that downplayed his own role at Midway. And, unlike some of his contemporaries, Spruance avoided self-promotion. One consequence was that he forwent levels of recognition accorded others.

As you may be aware, near the end of the war, Congress authorized four five-star positions each in the Army and Navy. The new Generals of the Army were George Marshall, Douglas MacArthur, Dwight Eisenhower and Henry "Hap" Arnold. The first three five-star Admirals were Chester Nimitz, Ernest King, and William Daniel Leahy. But an internal battle raged for months over whether the fourth Fleet Admiral would be the colorful William "Bull" Halsey (who was ultimately selected) or his less flamboyant colleague, the victor at Midway. Later, when Congress authorized another five-star post for the "GI General," Omar Bradley, it overlooked creating a fifth Navy five-star opening, which unquestionably would have gone to Bradley's ocean-going counterpart, Raymond Spruance.

Among all the War's combat admirals "there was no one to equal Spruance," wrote famed Navy historian Samuel Morison. "He envied no man, regarded no one as rival, won the respect of all with whom he came in contact, and went ahead in his quiet way winning victories for his country."

As some of you know, I introduced legislation to correct this oversight. Some of you have joined me in sponsoring S. 508, and I encourage my other colleagues to do the same because what we choose to honor says a great deal about who we are. Like many of the veterans of the Battle of Midway, Raymond Spruance's humility and character stand in contrast to much of what our political and popular culture "honors" today. Much of what our political and popular culture "honors" today, with celebrity and fortune and swarms of media attention, is the foolish and flighty, the sensational and self-indulgent. Too often, the pursuits made possible by freedom are unworthy of the sacrifices that preserved freedom itself.

No one lived the values of freedom and service more fully or nobly, and with less thought of personal fame, than Raymond Spruance. On any list of the great Allied military leaders of World War II, his character and his contributions stand in the very first rank. It is fitting and proper for us now to award him rank commensurate with his character and contributions.

When complimented on Midway years after the War, Spruance said, "There were a hundred Spruances in the Navy. They just happened to pick me for the job." Herman Wouk's masterful "War And Remembrance" has the best rejoinder, which the author puts in the mouth of a fictional wartime adversary: "In fact, there was only one Spruance and luck gave him, at a fateful hour, to America."

In June 1942, all of America drew strength from the victory at Midway. Today, the nation and the Naval service celebrate that victory and we continue to draw strength from the brave contributions of the men who nobly fought 60 years ago and those who there made the ultimate sacrifice as they turned the tide of a very perilous war.

ADDITIONAL STATEMENTS

TRIBUTE TO TIBURON FIRE PROTECTION DISTRICT FIRE CHIEF ROSEMARY BLISS

• Mrs. BOXER. Mr. President, today I recognize and pay tribute to Rosemary Bliss, fire chief for Tiburon Fire Protection District in my home county of Marin, CA, as she prepares to retire after 30 years in firefighting.

Chief Bliss is truly a credit to firefighting. When highlighting the career of Chief Rosemary Bliss, the word "first" features prominently. Chief Bliss joined the Tiburon Fire Protection District as fire marshal in 1981. She was the first female fire marshal for Marin County. When she was promoted from fire marshal to fire chief in 1993, she became California's first woman career fire chief. And, notably, in 1973 when she began her career in firefighting, she was the first woman firefighter with the Chatauqua Volunteer Fire Department in New York. Chief Bliss set an example from the very beginning of her career that paved the way for many other women in firefighting.

During her time with the Tiburon Fire Protection District, she worked to ensure the completion of the new fire headquarters on Tiburon Boulevard. Before the new headquarters, the firefighters worked out of an old gas station and an old railroad building. Chief Bliss' dedication and achievements are truly exceptional and worthy of recognition.

I am honored to congratulate and pay tribute to her, and I invite my colleagues to join me in conveying best wishes to Fire Chief Rosemary Bliss as she closes one remarkable chapter of her life and embarks on a new path.•

NORTH KOREA

• Mr. BROWNBACK. Mr. President, I ask that the following article by Robert Cohen, a senior fellow at the Brookings Institution, regarding the humanitarian crisis in North Korea be printed in the RECORD. This article should have been referenced in my floor statement of May 20, 2002, also on North Korea.

The article follows:

[From the New York Times, May 16, 2002]

AID MEANT FOR THE HUNGRY

(By Roberta Cohen)

WASHINGTON.—Hunger still threatens millions in North Korea, and one symptom of the harsh conditions is the desperation of North Korean refugees trying in the past few days to elude Chinese police and seek asylum at American and Japanese consulates in China. As the Bush administration prepares to restart talks with North Korea, food, as well as weapons and troops, should be on the agenda. Despite the tense relationship between the two countries, the United States is the leading donor of food to North Korea, which cannot feed its 22 million people. American negotiators should insist on assurances that this aid is reaching those most in need.

Since 1995, the United States has provided more than $500 million in food and other commodities to North Korea—up to 350,000 metric tons of food each year. This year this aid is down to 155,000 metric tons because of demands for aid in Afghanistan; other countries are also sending less to North Korea. But American deliveries of food and fuel remain critical to Pyongyang. Sending food aid has helped the United States persuade the North Koreans to engage in talks on military-strategic issues. The aid also shores up the Pyongyang regime, which Washington would rather see improve than collapse, since sudden disintegration could overwhelm South Korea with refugees and create political and economic turmoil. But there is also an overriding humanitarian imperative. More than 2 million North Koreans are reported to have died from starvation and related diseases between 1994 and 1998, and large pockets of hunger and starvation remain. At least 40 percent of children under 5 are malnourished, according to the World Food Program, a United Nations agency.

No one really knows, however, how much donated food is diverted to the North Korean military, police, Communist Party officials, essential workers and those loyal to the regime. The World Food Program argues that food aid is not going to the military because the military has the first cut from national harvests. But the agency has no evidence because there is no independent monitoring of donated food. As the main conduit of American aid, the World Food Program has managed to increase the number of North Korean counties it can visit to 163, but its staff is barred from more than 40, and its visits everywhere are supervised. It cannot make random spot checks or bring its own Korean-language interpreters or visit farmers' markets where it could find out whether its food aid is being sold on the black market. At a Congressional hearing this month, the World Food Program claimed to have a "reasonable degree of assurance" that the food was getting to those who need it. But others at the hearing strongly disagreed. "Anyone who has sat and talked to the North Korean refugees would find it really difficult to believe the assurances of the W.F.P.," Sophie Delaunay, North Korean project representative for Doctors Without Borders, told Congress. In interviews by humanitarian groups and journalists in the past few years, refugees among the 100,000 to 200,000 who fled to China in search of food have said that they never got any donated food in North Korea and that the regime has denied food aid to those whose loyalty it questions.

It is time for the United States to set some standards. America must not be complicit in food distribution that favors some and discriminates against others. In the coming negotiations, the United States should insist upon unrestricted access to all areas of the country where food is delivered. It should require lists of the actual institutions to which food and medicines are going and uncontrolled access for the World Food Program. It should press the North Korean government to allow international aid groups to set up feeding stations of their own that are accessible to all hungry North Koreans. The precarious situation of the North Koreans who have crossed into China should also be on the table. These desperate people foraging for food are treated as illegal immigrants and hunted down. When forcibly returned to North Korea, they may face imprisonment.

North Korea wants economic aid and investment, and it desperately needs machinery, fertilizer and technical assistance to improve its agriculture and reform its inefficient collective farms. Equitable distribution of food aid should be a prime condition for such assistance.•

IN RECOGNITION OF JAMES JOHNSON'S RETIREMENT

• Mr. CARPER. Mr. President, today I recognize James Johnson upon his retirement from DaimlerChrysler and as president of UAW Local 1183 in Newark, Delaware after more than thirty-eight years of dedicated service. Known to friends and colleagues alike as "JJ," he is a man with a kind heart, diverse interests and great abilities. JJ embodies the best of Delaware, the UAW and the America worker.

JJ joined Chrysler as an assembler in 1964 and affiliated with UAW Local 1183. Over time, he began to work his way up through the leadership ranks of his local. By the 1980's, he had been elected a committeeman, and he served as a facilitator for the negotiation of the assembly plant's historic Modern Operating Agreement. His leadership ability apparent, he continued to climb the leadership ladder. Beginning in the early 1990's, his brothers and sisters of Local 1183 elected him as their vice-president three times, a post that he held for eight years. Then, in June of 2001, JJ assumed the post of president of his local, a leadership position that he has held until his retirement.

I have had the privilege of knowing JJ for more than two decades. We first worked together when I was Delaware's state treasurer in 1980 and negotiated the state's loan to Chrysler during the company's darkest hours. Right from the start, JJ impressed me as one who possessed the qualities of a leader. He was interested in doing what was right. He believed in doing things well. He followed the Golden Rule, treating others the way he wanted to be treated. He was adept at hammering out compromises, but when he knew he was right, he was loath to give up. Never boisterous or overbearing, JJ's quiet confidence helped to make him an effective advocate for his members and won the respect of Chrysler's management team at their Newark, Delaware assembly plant. I especially respected his willingness to share the credit when things went right, while assuming the blame when things went wrong.

JJ deserves a good deal of the credit for helping to foster the positive relationship between labor and management that is the hallmark of DaimlerChrysler's Newark assembly plant. The rapport he helped to establish has served to preserve the plant during an era when many other automotive plants were closed due to overcapacity. Under his leadership, an atmosphere of cooperation emerged to replace the atmosphere of confrontation that had earlier existed. Under his watchful eye, quality products were built and productivity was enhanced as labor and management learned to work together towards common goals.

JJ has been a respected colleague for over half of his life, and he remains a trusted friend to many. He takes pride in his work and has made thousands of autoworkers proud to work alongside of him. I thank him for his friendship, congratulate him on a successful first career and wish him and his family only the very best in all that lies ahead for him and for them.•

TRIBUTE TO FARMERS NATIONAL BANK OF LEBANON

• Mr. BUNNING. Mr. President, I rise among my colleagues today to duly honor Farmers National Bank of Lebanon, KY. For well over a century, Farmers National Bank has provided the people of Lebanon with quality financial and social services.

Founded in 1890 by T.S. Edelen and a group of local citizens, Farmers National Bank officially opened its doors to the public on April 1, 1890 with a capitalization of $50,000. In 1914, the bank joined the Federal Reserve System, and in 1917 it purchased the property it had rented on Main Street since its opening morning. During the depression of the 1930s, banks across the Nation and Kentucky were forced to close their doors to their respective communities due to a lack of financial assets. Farmers National Bank of Lebanon stayed financially strong during even the darkest days of the great depression and remained open throughout. Today, led by president Gene Spragens who took over control in 1950 after serving 28 years as bookkeeper for the bank, Farmers National Bank has 26 employees and assets of $88 million; pretty impressive for a bank which started off with a mere $50,000.

Besides the financial services it has provided since 1890, Farmers National Bank of Lebanon has also worked extremely hard to promote the performing arts in the local community. Over the years, programs have included pianists, string quarters and even a chorus with an orchestra. Gene Spragens firmly believes that a bank has a responsibility to the people to make a community as prosperous financially and socially as possible. Whether it be a much needed home loan or a aesthetically moving piano recital, Farmers National Bank is working for the people of Lebanon.

In this day and age, locally owned, community oriented businesses are few and far between. For over 100 years now, Farmers National Bank of Lebanon has remained just this. They have been through good times and bad times. They have gone blow-for-blow with the hands of time and survived even the most difficult of circumstances. I ask that my colleagues join me in thanking everyone involved with Farmers National Bank of Lebanon over the last 112 years for their dedicated service to the betterment of the Lebanon community.•

IN HONOR OF DR. NORMAN SAMUELS

• Mr. TORRICELLI. Mr. President, today I recognize Dr. Norman Samuels, who has served as the Provost of the Newark Campus of Rutgers, the State University of New Jersey for the past 20 years. Dr. Samuels is retiring from his position as Provost after 20 years of outstanding service.

Dr. Samuels has been a member of the Rutgers-Newark family since 1967, when he first joined the university as an assistant professor of Political Science. He then proceeded to serve as Associate Dean for Academic Affairs at the Rutgers Newark College of Arts and Sciences, NCAS, from 1971–76; as Dean of NCAS from 1976–82; and as Provost since 1982.

During his tenure as Provost, Dr. Samuels has directed the development of the Newark campus into a major national research university center with extensive undergraduate, graduate, professional and outreach programs. It has been Dr. Samuels' vision and dedication to create an inspiring new atmosphere in Newark, along with his commitment to establish an imaginative urban educational enterprise that has led to Rutgers-Newark becoming what it is today. As a result of his many fine efforts, Rutgers-Newark is ranked first among national universities in diversity by U.S. News and World Report and has held that title ever since the magazine created that category.

Dr. Samuels, a native of Montreal, Quebec, received his B.A. from McGill University, and his M.A. and Ph.D. from Duke University. He currently resides in West Orange with his wife Sandra, a physician in the Rutgers-Newark's student health center. In his post-retirement life, Dr. Samuels plans a return to teaching as a political science professor at Rutgers-Newark.

So I join with Newark Campus of Rutgers University in recognizing Dr. Norman Samuels, a visionary who helped steer the University from its difficult days of civil unrest to its current burgeoning resurgence. On the campus of Rutgers-Newark, no one person has had a greater hand in Rutgers' commitment to its students and the City than Dr. Samuels. He is to be saluted.•

LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 7, 1991 in New York, NY. A gay man was attacked and beaten with a bottle. The assailant shouted anti-gay epithets toward the victim and his companion. Lahosha Duggins, 19, was arrested in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

IN MEMORY OF SHARON MONSKY

• Mrs. BOXER. Mr. President, I would like to take this moment to reflect on the life of Sharon Monsky. I feel proud and fortunate to have known Sharon, who was a wonderfully effective advocate for those who suffer from scleroderma. Scleroderma is an autoimmune disease that affects primarily women.

As a strong supporter of her important mission, I was profoundly saddened to learn that, at the age of 48, Sharon Monsky died of complications from scleroderma on May 11 in Santa Barbara, CA. Her strong passion for finding a cure for scleroderma has helped raise awareness and has made a tremendous impact on the lives of many of those living with this devastating disease.

Born in Omaha, NE, Sharon Monsky was a nationally ranked figure skater during her teenage years, and later graduated at the top of her class from Pitzer College in Claremont. After earning a BA in economics, she began a career at McKinsey & Co., an international management-consulting firm in San Francisco, and received an MBA from Stanford University. However, her career took a different path when Monsky developed scleroderma in 1981.

Determined to win her battle with scleroderma and help others suffering from the disease, Sharon Monsky decided to devote her life to finding a cure. In 1986, she found the Scleroderma Research Foundation, which has raised more than $14 million and funds two research centers: the San Francisco Bay Area Scleroderma Center at the University of California at San Francisco and the East Coast Scleroderma Research Center at John Hopkins University. Monsky received many awards for her work, including Research America's National Volunteer Advocacy Award, the America's Award and the American Medical Association's International Health and Medical Film Award.

Sharon Monsky's tragic death represents a great loss for California and the Nation. She served as a powerful voice for those stricken with scleroderma, and will be deeply missed by me and by all those who were privileged to have known her. Although Sharon Monsky ultimately lost her battle with this disease, she has helped make it possible to prevail against this disease. I will never forget her moving words, compassionate heart and enduring strength. Her spirit will continue to inspire us all for generations to come.

I owe her a great debt for involving me in the fight against scleroderma. My heart goes out to her beautiful family.•

IN RECOGNITION OF DR. ANNEMARIE ROEPER AND THE ROEPER SCHOOL

• Mr. LEVIN. Mr. President, I would like to congratulate Dr. Annemarie Roeper on her seven decades of making a difference in the field of education including the success of The Roeper School for 60 years of academic excellence. Dr. Roeper and her school have given selflessly to the Michigan community.

As the horrors of World War II ravaged Europe, Annemarie Roeper and George (deceased) fled their native Germany for America in 1941; a year later they founded The Roeper School. Prescient in its design, the mission of The Roeper School was groundbreaking in 1942 and is especially relevant in the aftermath of September 11 as an institution dedicated to teaching the values of basic human rights, membership in a global community, and awareness of self. The curriculum fosters a compassionate environment in grades K–12, that seeks to form students into curious and socially responsible citizens and respectful adults.

Today, America faces challenges unforseen by its founding fathers. One of the keys to meeting and conquering these challenges lies in the institutions that have the great task of formulating dynamic and relevant methods to educate our youth. In that regard, The Roeper School has been a resounding success. This year, six seniors have been selected as finalists in either the National Merit Scholarship Awards, National Achievement Scholarship Awards, or the National Hispanic Scholarship Award. These achievements would have been impossible without the hard work and conviction of Dr. Annemarie Roeper.

As Dr. Roeper enters her seventh decade of education, she has created a legacy of positive achievement. The Roeper School stands as a testament to her contributions in forming an environment of mutual respect and understanding. That testament grows even to this day as the school's Capital Campaign seeks to expand Dr. Roeper's dream to enlarge the school. Her selfless dedication has built The Roeper School into an institution that not only educates our children but challenges them to take hold of their future and design a truly multi-cultural and peaceful society.

I am sure that the staff, teachers, students, and family of Dr. Annemarie Roeper are extremely proud of her accomplishments. In addition I would like to give my own heartfelt congratulations and thanks. I know that my Senate colleagues join me in celebrating the hard work of Dr. Roeper.●

"WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" NATIONAL FINALS

● Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate students Jaime Bentley, Alexis Bertsch, Wes Bouska, Taylor Dykes, Grant Feterl, Kirsten Graslie, Jamie Hahn, Deming Haugland, Jessica Henry, Jayni Lueders, Teresa Martinez, Derek Meyers, Erin Nelson, Sydni Richey, Sydney Schempf, Jeremy Smith, John Steele, Kaija Swisher, Kyle Triplett, Cami Tripp, Jackie Vosler, Caleb Wells, John Williams, Adam Ziegler of Spearfish High School, in Spearfish, South Dakota. Under the direction of teacher Patrick Gainey, these students had an outstanding performance in the "We the People . . . The Citizen and the Constitution" national finals held in Washington, D.C. May 4–6, 2002.

This program, which is administered by the Center for Civic Education, is the most extensive of its kind, reaching more than 26.5 million students at elementary, middle, and high schools throughout the Nation. These outstanding young people competed against 50 other classes from all across the Nation. Their extraordinary interest and dedication to learning and studying are demonstrated in their remarkable understanding of the fundamental ideals and values of American constitutional government.

The national finals competition simulates a congressional hearing in which high school students testify as constitutional experts before a panel of judges. Not only does this program encourage learning, but it also gives the students a chance to articulate what it is they have learned. In order to speak intelligently about any subject, it is important to be well-prepared, and these students have done just that. They have dedicated time and hard work, and have committed themselves to performing to their best abilities.

The preparation and dedication the students of Spearfish High School committed to the national final competition is to be commended. All of South Dakota is proud of their performance. They represented our state with tremendous poise and motivation. Their success is an example for other talented young people to emulate.

Again, congratulations to Spearfish High School for their outstanding performance in the "We the People . . . The Citizen and the Constitution."●

IN RECOGNITION OF BELINDA GUADARRAMA

● Mrs. BOXER. Mr. President, I take this opportunity to share with the Senate the accomplishments of one of my constituents, Belinda Guadarrama, of Petaluma.

It is my great pleasure to honor the tremendous contributions Ms. Gudarrama has made to our economy. She has been recognized by the Small Business Administration as the California Small Business Person of the Year for 2002.

In 1986, Ms. Guadarrama started GC Micro with two employees, $20,000 and some money from a retirement account. Through her hard work, diligence and business acumen, the firm is now one of the Nation's leading suppliers of computer hardware and software products to the defense and aerospace industries. Today the company employs 28 people and sales last year topped $34 million.

Building GC Micro from the ground up was not easy. When Ms. Guadarrama applied for a $5,000 loan for her company, a bank laughed at her lack of collateral. However, Ms. Guadarrama persevered.

Through hard work and a passion for customer service, Belinda overcame the perception that a minority woman couldn't make it in the competitive field of technology and marketing to defense-related contractors. She never gave up and her success is a testament to her determination.

Ms. Guadarrama has been a strong advocate for minority business development in America. In working with the National Association of Small Disadvantaged Businesses, the Hispanic Chamber of Commerce, and the Hispanic Business CEO Roundtable, she effectively brings the concerns of the minority business community to the attention of the media and policy makers.

Belinda's story has been an inspiration to many Latinas. Her enthusiasm and drive are evident to anyone who has had the pleasure of meeting her.

I send my warmest congratulations to Belinda on her recognition by the Small Business Administration as the Small Business Person of the Year for 2002, representing California.●

TRIBUTE TO THE ARKANSAS GUNSLINGERS NATIONAL GUARD UNIT

● Mrs. LINCOLN. Mr. President, today I pay tribute to the Arkansas Army National Guard Task Force 2–153—or as they're more commonly known, the Arkansas Gunslingers.

The Gunslingers were mobilized on October 8, 2001. After a brief period of training in Fort Carson, Colorado, the 529-member unit was deployed to Sinai, Egypt, as the first pure National Guard unit in history to serve as part of a "Multinational Force and Observer" mission in this region. In this peacekeeping capacity, the Gunslingers task force is responsible for observing and reporting activity along the eastern side of the Sinai peninsula. This zone includes the desert mountains and coastal areas from Eilat, Israel, to the southern tip of the peninsula along the Gulf of Aqaba.

Time does not permit me to recognize by name each of the dedicated men and women of the Gunslingers Task Force, though they all deserve such recognition for the sacrifices they make in service to their country. However, I do want to take a moment to pay special tribute to Task Force Commander Lieutenant Colonel Steve Womack. When not serving with the Task Force, Steve also serves as mayor of the city of Rogers, Arkansas. His commitment to public service, both in uniform and as a civilian, sets an example for all of us, and he stands as a wonderful representative of the values that animate the entire Gunslingers unit. I am proud to recognize him and his fellow Guardsmen on the floor of this body today.

Today we face tremendous challenges in the world arena, as the threat of international terrorism has brought heightened tensions both at home and abroad. In such an uncertain time, it is reassuring to know that we have dedicated soldiers such as the Gunslingers to ensure a stable and peaceful international order. I ask that all my colleagues in the U.S. Senate join me in expressing our gratitude to the Gunslingers Task Force.•

IN MEMORY OF RICHARD SYLBERT

• Mrs. BOXER. Mr. President, I rise to reflect on the rich life and memory of Richard Sylbert, an admired and talented production designer, whose work made a tremendous impact on the entertainment industry and on the lives of so many.

At the age of 73, Richard Sylbert died on March 23, 2002 of cancer in Woodland Hills, CA. Richard, through his remarkable creativity and imagination, helped bring more than 40 stories to the screen, including "Chinatown," "Dick Tracy," "The Graduate" and "Who's Afraid of Virginia Woolf." He was a true visionary.

Born in Brooklyn in 1928, Sylbert served our country in Korea and attended the Tyler School of Art at Temple University before returning to his home state of New York. In 1954, he got a job painting scenery at NBC. He started working on films 2 years later, and collaborated with his twin brother Paul as an art director for "Baby Doll." In 1975, he became the vice president in charge of production at Paramount, marking the first and only time a production designer headed production at a major motion picture studio. After he left Paramount, the two-time Academy Award winner continued to work in film and television, making each piece of work compelling and moving.

I extend my deepest condolences to Richard's family, friends, and all those touched by his work. His career spanned four decades, and was extremely versatile and varied in scope. Although Richard is no longer with us, his lasting contributions to entertainment are forever documented in works we will enjoy for generations to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 2000—PM 88

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for the fiscal year ending September 30, 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 4, 2002.*

MEASURE REFERRED

The Committee on Armed Services was discharged from further consideration of the following measure which was referred to the Committee on Commerce, Science, and Transportation:

S. 2546. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

S. 2578. A bill to amend title 31 of the United States Code to increase the public debt limit.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7276. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law; the report of a rule entitled "Brokerage Loans and Lines of Credit" received on May 30, 2002; to the Committee on Rules and Administration.

EC-7277. A communication from the Deputy Commissioner for Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the annual statistical report of the National Center for Education Statistics for 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-7278. A communication from the Assistant Director, Office of General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "National Security; Prevention of Acts of Violence and Terrorism" (RIN1120-AB08) received on June 3, 2002; to the Committee on the Judiciary.

EC-7279. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Vinclozonlin; Tolerance Revocations and Notice of Channels of Trade Provision Guidance" (FRL6835-6) received on May 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7280. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methyl Parathion and Ethyl Parathion: Tolerance Revocations" (FRL7179-9) received on May 30 , 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7281. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyhalofop-butyl; Time-Limited Pesticide Tolerance" (FRL7178-5) received on May 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7282. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Estonia with Regard to Rinderpest and Foot-and-Mouth Disease" (Doc. No. 01-041-2) received on May 31, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7283. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relative to interest payments on student loans for service in the Armed Forces; to the Committee on Armed Services.

EC-7284. A communication from the Assistant to the Secretary of Defense, Nuclear and Chemical and Biological Defense Programs, transmitting, pursuant to law, the Annual Report on Chemical and Biological Defense Program dated April 2002 and a report on the Chemical and Biological Defense Program for Fiscal Years 2001 through 2003; to the Committee on Armed Services.

EC-7285. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the Independent Study of Secondary Inventory and Parts Shortages Report; to the Committee on Armed Services.

EC-7286. A communication from the Assistant Secretary of Defense, Command, Control, Communications, and Intelligence, transmitting, pursuant to law, the Fiscal Year 2001 Department of Defense Chief Information Officer Annual Information Assurance Report; to the Committee on Armed Services.

EC-7287. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Joint Medial Executive Skills Program Report; to the Committee on Armed Services.

EC-7288. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Air Force pursuing a multiyear contract for the C-17 aircraft to the Boeing Company and a multiyear contract to the United Technologies Corporation, Pratt and Whitney Aircraft Group for the engines; to the Committee on Armed Services.

EC-7289. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, a report relative to the Navy pursuing a multiyear contract for F/A-18E/F aircraft engines for Fiscal Years 2002 through 2006; to the Committee on Armed Services.

EC-7290. A communication from the Assistant Secretary of the Interior, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Locating , Recording, and Maintaining Mining Claims or Sites" (RIN1004-AD52) received on May 30, 2002; to the Committee on Energy and Natural Resources.

EC-7291. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (KY-235-FOR) received on

May 31, 2002; to the Committee on Energy and Natural Resources.

EC–7292. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting pursuant to law, the report of a rule entitled "Standards for Business Practices of Interstate Natural Gas Pipeline" (Doc. No. RM96–1–019) received on June 3, 2002; to the Committee on Energy and Natural Resources.

EC–7293. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards" (RIN1904–AA77) received on June 3, 2002; to the Committee on Energy and Natural Resources.

EC–7294. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production" (FRL7222–4) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7295. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to Regulations Implementing the Federal Permits Program in Areas for Which the Indian Country Status is Question" (FRL7221–6) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7296. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Modifications to Reformulated Gasoline Covered Area Provisions" (FRL7222–5) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7297. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards" (FRL7222–3) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7298. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Air Pollution from New Motor Vehicles; Second Amendment to the Tier 2/Gasoline Sulfur Regulations" (FRL7221–9) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7299. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Air Pollution from New Motor Vehicles; Amendment to the Tier 2/Gasoline Sulfur Regulations" (FRL7221–5) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7300. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval of Revisions to Operating Permits Program in Oregon" (FRL7223–5) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7301. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act, Section 112(1), Delegation of Authority to the Oregon Department of Environmental Quality and Lane Regional Air Pollution Authority" (FRL7223–3) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7302. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL7213–5) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7303. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County, Air Pollution Control District" (FRL7219–2) received on May 30, 2002; to the Committee on Environment and Public Works.

EC–7304. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Notice of Modification of Beneficiary Assessment Requirements for Skilled Nursing Facilities" (CMS–1209–N) received on May 30, 2002; to the Committee on Finance.

EC–7305. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Insurance Reform: Standard Unique Health Identifier for Health Care Providers" (RIN0938–AH99) received on May 30, 2002; to the Committee on Finance.

EC–7306. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Annual Report of the Supplemental Security Income Program for 2002; to the Committee on Finance.

EC–7307. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Loss Limitation Rules" (RIN7545–BA74) received on May 31, 2002; to the Committee on Finance.

EC–7308. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Loss Limitation Rules" (RIN1545–BA52) received on May 31, 2002; to the Committee on Finance.

EC–7309. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2002–30" (RP–124153–02) received on May 31, 2002; to the Committee on Finance.

EC–7310. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Plan Amendment as a Result of Final and Temporary Minimum Distribution Regulations" (Rev. Proc. 2002–29) received on May 31, 2002; to the Committee on Finance.

EC–7311. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Carryback of Consolidated Net Operating Losses to Separate Return Years" (RIN1545–BA76; TD6997) received on May 31, 2002; to the Committee on Finance.

EC–7312. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Importation of Distilled Spirits, Wines, and Beer; Recodification of Regulations" (RIN1512–AC47) received on June 3, 2002; to the Committee on Finance.

EC–7313. A communication from the President of the United States, transmitting, pursuant to law, Presidential Determination Number 2002–21, relative to the Republic of Belarus; to the Committee on Finance.

EC–7314. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Clinical Preventive Services for Older Americans"; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–246. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to the Island Municipality of Vieques; to the Committee on Armed Services.

S.R. 1508

STATEMENT OF MOTIVES

The Constitution of the Commonwealth of Puerto Rico, in its Section 4 of Article II, establishes that "no law shall be made abridging the freedom of speech . . . or the right of the people peaceably to assemble and to petition the government for a redress of grievances." It further provides that "persons may join with each other and organize freely for any lawful purpose". Article II, Section 6 of the Constitution of the Commonwealth of Puerto Rico.

It has been recently reported that Navy personnel used tear gas and fired rubber bullets against persons assembled in front at the gates of Camp García on the Island Municipality of Vieques. According to the information reported, the Navy of the United States of America used unreasonable and disproportionate force and violence against the protestors who—in the full exercise of the above stated rights—were expressing their opposition to the occupation of the land and to the military practices conducted by the Navy in Vieques.

All the members of this Body, the Senate of the Commonwealth of Puerto Rico, took an oath to defend the constitutional postulates cited above and the laws of Puerto Rico when sworn into office. This entails the use of the available mechanisms to watch over and protect the rights recognized for all our citizens in our code of laws. Therefore, this Senate emphatically censures the use of unreasonable and disproportionate force and violence in order to limit or restrict the right of all U.S. citizens to freely express themselves and to assemble peacefully.

This Senate rejects the use of force and violence without reasonable justification for the purpose or effect of limiting or restricting the rights recognized by the constitution or by our laws. The violence displayed by navy officers should have the effect of reaffirming in the people of Puerto Rico their desire to achieve the ceasing of military practices and the prompt return of the occupied lands on the Island Municipality of Vieques. The cause of Vieques is for peace; not for violence: Now, therefore, be it

Resolved by the Senate of Puerto Rico:

SECTION 1.—The Senate of the commonwealth of Puerto Rico emphatically rejects the use of force and violence by the United States Navy without reasonable justification for the purpose or effect of limiting or restricting the right of all U.S. citizens to freely express themselves and to assemble peacefully against the occupation and the military practices of said branch of the Armed Forces of the United States of America. The cause of Vieques is for peace; not for violence.

SECTION 2.—This Resolution shall be translated into the English language and remitted to the President of the United States of America, the Secretary of Defense of the United States of America, the Secretary of the United States Navy, the President and Floor Leaders of the Senate of the United States of America, the Speaker and the Floor Leaders of the House of Representatives of the United States of America, the Secretary General of the United Nations, Amnesty International, the International Civil Rights Commission, and the Civil Rights Commission of Puerto Rico, and to the Human Rights Commission in Geneva, as well as to the media.

SECTION 3.—This Resolution shall take effect immediately after its approval.

POM–247. A resolution adopted by the House of the Legislature of the State of Michigan relative to the Federal Prison Industries Competition in Contracting Act; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 409

Whereas, In 1934, Federal Prison Industries (FPI) was created as a wholly owned government corporation. Today, FPI operates 103 factories, with over 21,000 inmate workers and annual sales of more than $500 million per year. The operation offers over 150 products. FPI enjoys significant advantages over private manufacturers making similar products because of government procurement policies, including a "mandatory source" requirement for government agencies; and

Whereas, With obvious personnel and benefits advantages over private sector firms, there is a clear penalty to employers and workers under the current situation. Some of the most respected companies in many fields suffer significantly from the unfair competition from FPI; and

Whereas, In Michigan, the impact of current FPI policies has been strongly felt by many working families. Last year, Michigan lost thousands of manufacturing jobs; and

Whereas, Congress is presently considering a measure that would bring comprehensive reforms to the operations of FPI. The Federal Prison Industries Competition in Contracting Act would address directly the present unfair government purchasing policies. This legislation, H.R. 1577, includes specific requirements that FPI would have to follow to achieve fairness and promote the training of inmates. Under the Federal Prison Industries Competition in Contracting Act, FPI would compete for contracts in a manner that minimizes unfair advantages and ensures that government agencies get the best value for taxpayer dollars. The legislation also includes numerous accountability measures, increased emphasis on preparing inmates for a return to society, and enhanced restitution for victims of crime; and

Whereas, A more appropriate approach to prisoner-based manufacturing will not only bring fairness to the marketplace and thousands of America's working families, but it also will enhance the federal corrections system; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Federal Prison Industries Competition in Contracting Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–248. A substitute joint memorial adopted by the Legislature of the State of Washington relative to designate the former Eagledale ferry landing on Bainbridge Island as a national memorial to remember the unconstitutional internment of Japanese-Americans during World War II; to the Committee on Energy and Natural Resources.

SUBSTITUTE HOUSE JOINT MEMORIAL 4026

Whereas, during World War II on February 19, 1942, President Franklin Delano Roosevelt signed Executive Order 9066, setting in motion the forced exile of more than one hundred ten thousand Japanese-Americans from Washington, Oregon, and California; and

Whereas, in Washington state, twelve thousand eight hundred ninety-two men, women, and children of Japanese ancestry—most of them United States citizens—experienced three years of unconstitutional internment, deprived of their rights granted under Amendment XIV of the United States Constitution to protect their life, liberty, and property through due process of law; and

Whereas, on March 30, 1942, two hundred twenty-seven Bainbridge Island men, women, and children of Japanese ancestry—most of them United States citizens—where escorted by United States Army soldiers to the former Eagledale ferry landing where they solemnly boarded the ferry Kehloken and departed on a lonely journey with an unknown destination and fate; and

Whereas, with only six days' notice they would be taken away and only allowed to bring whatever they could carry or wear, they were forced to hastily sell, store, or make arrangements for all of their possessions, businesses, and property; and

Whereas, the two hundred twenty-seven people from Bainbridge Island were the first Japanese-Americans in United States history to be forcibly removed from their homes by the United States Army and sent to the Manzanar internment camp located in a remote California desert; and

Whereas, not every Japanese-American from Bainbridge Island boarded that fateful ferry; some were drafted into the military, some were unjustly imprisoned, and some moved away, but all were forced to leave; and

Whereas, their only crime was being Nikkei—persons of Japanese ancestry; and

Whereas, to commemorate this momentous and tragic event in United States history, the Bainbridge Island WWII Nikkei Exclusion Memorial Committee, a joint endeavor of the Bainbridge Island/North Kitsap Interfaith Council and the Bainbridge Island Japanese-American Community, is working with members of Washington state's federal delegation and appropriate federal authorities to designate the former Eagledale ferry landing as a national memorial; and

Whereas, it is the vision and hope that the proposed national memorial will honor those who suffered, cherish the friends and community who stood beside them, and inspire all Americans to not repeat the mistakes of the past by safeguarding constitutional rights for all; and

Whereas, the proposed national memorial could become an international treasure, attracting, informing, and inspiring people from around the world by telling an important and timeless story for future generations; and

Whereas, it is vital that all Washington citizens remember and learn from this period of our nation's history;

Now, therefore, Your Memorialists respectfully pray that Congress continue its worthy endeavor to designate the former Eagledale ferry landing on Bainbridge Island as a national memorial to remember the unconstitutional internment of Japanese-Americans during World War II;

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Goerge W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–249. A resolution adopted by the Common Council of the City of Buffalo, New York relative to the Clean Air Act; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. BREAUX, from the Committee on Aging:

Special Report entitled "Developments in Aging: 1999 and 2000" (Rept. No. 107–158).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH of New Hampshire:

S. 2575. A bill to preserve the sovereignty of the United States over property owned by the United States, to preserve State sovereignty over and private property rights in non-Federal property surrounding Federal Property, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 2576. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. DEWINE, Mr. BINGAMAN, Ms. COLLINS, Mr. NELSON of Florida, Mr. MCCAIN, Mr. JEFFORDS, Mr. TORRICELLI, and Mrs. CLINTON):

S. 2577. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime; to the Committee on Finance.

By Mr. DASCHLE:

S. 2578. A bill to amend title 31 of the United States Code to increase the public debt limit; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, and Mrs. MURRAY):

S. Res. 280. A resolution designating June 5, 2002, as "National Hunger Awareness Day" and authorizing that the Senate office of Senator Richard J. Durbin be used to collect donations of food from June 5, 2002, until June 14, 2002, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area; considered and agreed to.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 538

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 538, a bill to provide for infant crib safety, and for other purposes.

S. 550

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 677

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 812

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1242

At the request of Mr. SCHUMER, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1242, a bill to amend the Fair Credit Reporting Act to provide for disclosure of credit-scoring information by creditors and consumer reporting agencies.

S. 1339

At the request of Mr. CAMPBELL, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Wisconsin (Mr. KOHL), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 1339, supra.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1383

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1383, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchases.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1446

At the request of Mr. ALLEN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain terorist attack zone compensation of civilian uniformed personnel.

S. 1712

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1712, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 1806

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1806, a bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

S. 1839

At the request of Mr. ALLARD, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1973

At the request of Mr. HAGEL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1973, a bill to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of a member of a uniformed service from the determination of eligibility for free and reduced price meals of a child of the member.

S. 1978

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1978, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

S. 1984

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1984, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes.

S. 2010

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2010, a bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes.

S. 2028

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 2028, a bill to authorize the President to award the Medal of Honor posthumously to Henry Johnson, of Albany, New York, for acts of valor during World War I and to direct the Secretary of the Army to conduct a review of military service records to determine whether certain other African American World War I veterans should be awarded the Medal of Honor for actions during that war.

S. 2035

At the request of Mr. JEFFORDS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2035, a bill to provide for the establishment of health plan purchasing alliances.

S. 2135

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2135, a bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain medicare rural grants.

S. 2184

At the request of Mr. BREAUX, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2184, a bill to provide for the reissuance of a rule relating to ergonomics.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2194, supra.

S. 2215

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

At the request of Mrs. BOXER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2215, supra.

S. 2239

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2239, a bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

S. 2268

At the request of Mr. MILLER, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Texas (Mr. GRAMM), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2271

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2271, a bill to provide for research on, and services for, individuals with post-abortion depression and psychosis.

S. 2392

At the request of Mr. EDWARDS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2392, a bill to amend the National and Community Service Act of 1990 to establish a Community Corps, and for other purposes.

S. 2426

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2426, a bill to increase security for United States ports, and for other purposes.

S. 2447

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2447, a bill to amend title XVIII of the Social Security Act to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2492

At the request of Mr. CLELAND, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2492, a bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

S. 2534

At the request of Mr. BIDEN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2534, a bill to reduce crime and prevent terrorism at America's seaports.

S. 2558

At the request of Mr. REED, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2558, a bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

S. 2570

At the request of Ms. COLLINS, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S.J. RES. 37

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S.J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002.

S. RES. 253

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. Res. 253, a resolution reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe.

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

S. RES. 272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 272, a resolution expressing the sense of the Senate regarding the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly.

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH of New Hampshire:

S. 2575. A bill to preserve the sovereignty of the United States over property owned by the United States, to preserve State sovereignty over and private property rights in non-Federal property surrounding Federal Property, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SMITH of New Hampshire. Mr. President, I would like to take this opportunity to introduce the Senate version of the American Land Sovereignty Act of 2002. Quite simply, this legislation would help to ensure American sovereignty over property and private property rights will be part of the World Heritage Program and the United Nations Man and Biosphere Program. The two programs referenced in this legislation are international land conservation programs in which the U.S. is a signatory and active participant. As written, these international agreements could impose international land use policy on the United States and have a terrible consequence on private property owners by prohibiting or limiting the use of private land located near any designated sites. Put simply, the intent of my legislation is to protect private property rights.

The purpose of the World Heritage Convention is to identify and list worldwide natural and cultural sites and monuments considered to be of such exceptional interest and such universal value that their protection is the responsibility of all mankind. Each country adopting the Convention, which the United States did in 1973, pledges to protect listed sites and monuments within its borders. Twenty U.S. sites are listed, including many of our own natural wonders like Yellowstone and Grand Canyon National Parks.

The purpose of the Biosphere Reserve Program is to promote cooperation and communication among a worldwide network of areas that would include all major ecosystems. Under the Program, countries can nominate an area for inclusion into the Program based on the area's significance for ecological research and study of representative biological regions of the world. There are currently 47 biosphere reserves in the U.S., including Everglades and Dry Tortugas National Parks, Glacier National Park, and the New Jersey Pinelands.

While the intentions of both of these programs are admirable, the United States should not participate without assurances that American sovereignty and private property rights are protected above all else. I have been deeply concerned with the erosion of U.S. sovereignty by various international agreements for some time and have grave concerns with any action by the United Nations, or any other body, that would infringe upon private property rights.

The American Land Sovereignty Protection Act aims to protect the sovereignty of the U.S. and the rights of private property owners by requiring congressional approval before any area within the borders of the United States is made a part of an international land reserve. In so doing, this bill asserts the constitutional power of Congress to exercise its right and responsibility to preserve and protect the rights of individual property owners, and create laws that govern lands belonging to the United States.

Given that inclusion of an area into one of these programs could cause an adverse impact on the value or use of private property in the area and on the local and regional economy, the legislation also requires that any nominations made to these two programs undergo public comment. Additionally, I will be giving full consideration to adding a provision that will allow States, local governments, or private property owners a veto right over any nomination. I look forward to exploring this possibility as the legislation moves through the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Land Sovereignty Protection Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the power to dispose of and make all necessary rules governing property belonging to the United States is vested in Congress under section 3 of article IV of the Constitution;

(2) some Federal property designations under international agreements concern land use policies and regulations for property belonging to the United States that, under section 3 of article IV of the Constitution, can be implemented only by an Act of Congress;

(3) some international property designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, that have no legislative directive or authorization from Congress;

(4) actions by the United States in making such designations may affect the use and value of nearby non-Federal property;

(5) the sovereignty of the States is a critical component of our Federal system of government and a bulwark against the unwise concentration of power;

(6) private property rights are essential for the protection of freedom;

(7) actions by the United States to designate property belonging to the United States under international agreements in some cases conflict with congressional constitutional responsibilities and the sovereign powers of the States; and

(8) actions by the President in applying certain international agreements to property owned by the United States diminish the authority of Congress to make rules respecting the property.

(b) PURPOSES.—The purposes of this Act are—

(1) to reaffirm the power of Congress under section 3 of article IV of the Constitution over international agreements that concern disposal, management, and use of property belonging to the United States;

(2) to protect State powers not reserved to the Federal Government under the Constitution from Federal actions designating property under international agreements;

(3) to ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal action designating property under an international agreement for the purpose of imposing restrictions on use of the property;

(4) to protect private interests in property from diminishment as a result of Federal action designating property under international agreements; and

(5) to provide a process under which the United States may, when it is desirable to do so, designate property under an international agreement.

SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN WORLD HERITAGE SITE LISTING.

Section 401 of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1) is amended—

(1) by striking "SEC. 401. (a)" and inserting the following:

"SEC. 401. PARTICIPATION BY THE UNITED STATES.

"(a) IN GENERAL.—";

(2) in the first sentence of subsection (a)—

(A) by striking "The Secretary of the Interior" and inserting "Subject to subsections (b), (c), (d), and (e), the Secretary of the Interior (referred to in this section as the 'Secretary')"; and

(B) by inserting "(referred to in this section as the 'Convention')" after "1973";

(3) in subsection (b)—

(A) by striking "(b) The Secretary of the Interior" and inserting "(b) NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.—The Secretary"; and

(B) in the fourth sentence—

(i) by striking "Representatives and" and inserting "Representatives,"; and

(ii) by inserting before the final period ", and the appropriate State and local governments";

(4) in subsection (c), by striking "(c) No non-Federal property may be nominated by the Secretary of the Interior" and inserting "(c) NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE COMMITTEE.—No non-Federal property may be nominated by the Secretary"; and

(5) by adding at the end the following:

"(d) REQUIREMENTS FOR NOMINATION OF PROPERTIES.—The Secretary shall not nominate a property under subsection (b) unless—

"(1) the Secretary publishes a proposed nomination in the Federal Register and conducts a proceeding under sections 555, 556, and 557, of title 5, United States Code;

"(2) the Secretary, in carrying out the proceeding described in paragraph (1)—

"(A) considers—

"(i) natural resources associated with the property proposed to be nominated and other property located within 10 miles of the property to be nominated; and

"(ii) the impact that inclusion of the property proposed to be nominated on the World Heritage List would have on existing and future uses of the property proposed to be nominated or other property located within 10 miles of the property to be nominated; and

"(B) determines that commercially viable uses (in existence on the date of the nomination) of the property proposed to be nominated and of other property located within 10 miles of the property proposed to be nominated will not be adversely affected by inclusion of the property on the World Heritage List; and

"(3) the Secretary submits to Congress a report that—

"(A) contains the information described in subparagraphs (A) and (B);

"(B) describes the necessity for including the property on the list; and

"(C) proposes legislation authorizing nomination of the property; and

"(4) the nomination is specifically authorized by an Act of Congress enacted after the date of the report.

"(e) OBJECTION TO INCLUSION OF PROPERTY.—The Secretary shall object to the inclusion of property in the United States on the list of World Heritage in Danger established under Article 11.4 of the Convention, unless—

"(1) the Secretary submits to Congress the report required under subsection (d)(1)(C); and

"(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list by an Act of Congress enacted after the date of submission of the report under paragraph (1).

"(f) DECISIONMAKING.—Notwithstanding any provision of the Convention, all land management decisions with respect to any Federal or State land shall remain the responsibility of the land management agency that administers the land.".

SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHORIZED UNITED NATIONS BIOSPHERE RESERVES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a-1 et seq.) is amended by adding at the end the following:

"SEC. 403. PROHIBITION AND TERMINATION OF UNAUTHORIZED UNITED NATIONS BIOSPHERE RESERVES.

"(a) IN GENERAL.—No Federal official may nominate property in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization unless—

"(1) the Secretary of State publishes a proposed nomination in the Federal Register and conducts a proceeding under sections 555, 556, and 557, of title 5, United States Code;

"(2) the Secretary of State, in carrying out the proceeding described in paragraph (1)—

"(A) considers—

"(i) natural resources associated with the property proposed to be nominated and other property located within 10 miles of the property to be nominated; and

"(ii) the impact that inclusion of the property proposed to be designated as a Biosphere would have on existing and future uses of the property proposed to be nominated or other property located within 10 miles of the property to be nominated;

"(B) determines that commercially viable uses (in existence on the date of the nomination) of the property proposed to be nominated and of other property located within 10 miles of the property proposed to be nominated will not be adversely affected by designation of the property as a Biosphere; and

"(3) the Secretary of State submits to Congress a report that—

"(A) contains the information described in subparagraphs (A) and (B);

"(B) describes the necessity for including the property in the program; and

"(C) proposes legislation authorizing nomination of the property; and

"(4) the nomination is specifically authorized by an Act of Congress enacted after the date of the report.

"(b) OBJECTION TO INCLUSION OF PROPERTY.—The Secretary of State shall object to the designation of property in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization, unless—

"(1) the Secretary of State submits Congress the report required under subsection (a)(1)(C); and

"(2) the Secretary of State is specifically authorized to assent to the inclusion of the property on the list by an Act of Congress enacted after the date of submission of the report under paragraph (1).

"(c) PROPERTIES DESIGNATED BEFORE DATE OF ENACTMENT.—Any designation of property in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization made before the date of enactment of this section shall terminate on December 31, 2003, unless the Biosphere Reserve—

"(1) is specifically authorized by a law enacted after the date of enactment of this section and before December 31, 2003;

"(2) consists solely of property that on the date of enactment of this section is owned by the United States; and

"(3) is subject to a management plan that specifically ensures that the use of nearby non-Federal property is not limited or restricted as a result of the designation.".

"(c) DECISIONMAKING.—Notwithstanding any provision of the Convention, all land management decisions with respect to any Federal or State land shall remain the responsibility of the land management agency that administers the land.".

SEC. 5. TECHNICAL AMENDMENTS.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a-1 et seq.) is amended—

(1) in the last sentence of section 401(b), by striking "Committee on Natural Resources" and inserting "Committee on Resources"; and

(2) in section 402, by striking "SEC. 402. Prior to the approval" and inserting the following:

"SEC. 402. MITIGATION OF ADVERSE EFFECTS OF FEDERAL UNDERTAKINGS OUTSIDE THE UNITED STATES.

"Prior to the approval".

By Mr. BINGAMAN:

S. 2576. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to establish the Northern Rio Grande National Heritage Area in northern New Mexico. The national heritage area will be established as part of a collaborative effort between local residents, Indian tribes, businesses, and local governments, who are coming together to preserve the area.

By establishing the Northern Rio Grande National Heritage Area, I hope to commemorate the significant but complex heritage of northern New Mexico communities and Indian tribes, from the pre-Spanish colonization period to present day. Establishing a national heritage area will benefit the northern New Mexico communities, local residents, students, and visitors, as well as help the local protection and interpretation of the unique cultural, historical, and natural resources of northern New Mexico. By introducing this legislation, it is my hope that we will not only honor the past, but also inspire the future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Rio Grande National Heritage Area Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including several Indian tribes and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "heritage area" means the Northern Rio Grande Heritage Area; and

(2) the term "Secretary" means the Secretary of the Interior.

SEC. 4. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos in the State of New Mexico.

(c) MANAGEMENT ENTITY.—The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

SEC. 5. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this Act.

(4) If the management entity fails to submit a management plan to the Secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this Act until such time as a plan is submitted to the Secretary.

(5)(A) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission.

(B) If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefor and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt land use policies consistent with the goals of the management plan;

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sites in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this Act.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—(1) For any year in which the management entity receives Federal funds under this Act, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 6. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 7. SAVINGS PROVISIONS.

(a) NO EFFECT ON PRIVATE PROPERTY.—Nothing in this Act shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to regulate any use of privately owned lands; or

(2) to grant the management entity any authority to regulate the use of privately owned lands.

(b) AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(2) to authorize the management entity to assume any management authorities over such lands.

SEC. 8. SUNSET.

The Secretary may not make any grant or provide any financial assistance under this Act after September 30, 2017.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $10,000,000 to carry out this Act. Not more than $1,000,000 may be appropriated for any fiscal year. The Federal share of the costs for any activity funded under this Act shall not exceed 50 percent.

By Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. DEWINE, Mr. BINGAMAN, Ms. COLLINS, Mr. NELSON of Florida, Mr. MCCAIN, Mr. JEFFORDS, Mr. TORRICELLI, and Mrs. CLINTON):

S. 2577. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime; to the Committee on Finance.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Holocaust Restitution Tax Fairness Act of 2002".

SEC. 2. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXCLUSION FROM FEDERAL INCOME TAX FOR RESTITUTION RECEIVED BY VICTIMS OF NAZI REGIME.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to section 803 (relating to no federal income tax on restitution received by victims of the Nazi regime or their heirs or estates).".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 280—DESIGNATING JUNE 5, 2002, AS "NATIONAL HUNGER AWARENESS DAY" AND AUTHORIZING THAT THE SENATE OFFICE OF SENATOR RICHARD J. DURBIN BE USED TO COLLECT DONATIONS OF FOOD FROM JUNE 5, 2002, UNTIL JUNE 14, 2002, FROM CONCERNED MEMBERS OF CONGRESS AND STAFF TO ASSIST FAMILIES SUFFERING FROM HUNGER AND FOOD INSECURITY IN THE WASHINGTON, D.C. METROPOLITAN AREA

Mr. DURBIN (for himself, Mr. LUGAR, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 280

Whereas food insecurity and hunger are a fact of life for millions of low-income Americans and can produce physical, mental, and social impairments;

Whereas recent census data show that almost 13,000,000 children in the United States live in families experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban America, touching nearly every American community;

Whereas although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans remain vulnerable to hunger and the negative effects of food deprivation;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the United States Government, through Federal food assistance programs like the Federal Food Stamp Program, child nutrition programs, and food donation programs, provides essential nutrition support to millions of low-income people;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations, including America's Second Harvest, the United States Conference of Mayors, and other organizations have documented substantial increases in requests for emergency food assistance over the past year; and

Whereas all Americans can help participate in hunger relief efforts in their communities by donating food and money, by volunteering, and by supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 5, 2002, as "National Hunger Awareness Day";

(2) requests that the President issue a proclamation calling upon the people of the United States to observe "National Hunger Awareness Day"—

(A) with appropriate ceremonies, volunteer activities, and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) with the year-round support of programs and public policies that reduce hunger and food insecurity in the United States; and

(3) office of Senator Richard J. Durbin is authorized to collect donations of food from June 5, 2002, until June 14, 2002, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3552. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 3553. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3554. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3555. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3556. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3557. Mr. BYRD (for himself, Mr. STEVENS, Mrs. HUTCHISON, Ms. SNOWE, and Mr. EDWARDS) proposed an amendment to the bill H.R. 4775, supra.

SA 3558. Mrs. MURRAY (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3559. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3560. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3561. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3562. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3563. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3564. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3565. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3566. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3567. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3568. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3569. Mr. GRAHAM (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3570. Mr. REID proposed an amendment to the bill H.R. 4775, supra.

SA 3571. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3572. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3573. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3574. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. WARNER, Mr. KERRY, and Mr. DEWINE)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3575. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3576. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3577. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3578. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3579. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3552. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —EMERGENCY AGRICULTURE ASSISTANCE

SEC. 01. CROP LOSS ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the "Secretary") shall use $1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001, including losses due to army worms.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) Use of Funds for Cash Payments.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments for crop disasters.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) In General.—The Secretary shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

SEC. 03. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 04. ADMINISTRATIVE EXPENSES.

(a) In General.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this title $50,000,000, to remain available until expended.

(b) Receipt and Acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 05. REGULATIONS.

(a) In General.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) Procedure.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 06. EMERGENCY REQUIREMENT.

The entire amount necessary to carry out this title is designated by Congress as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)).

SA 3553. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 18, strike "*Provided,*" and insert "*Provided*, That $5,000,000 is for the Louisiana State University System, to establish, in coordination with other universities, the National Center for Biological and Chemical Warfare Medicine, for the purpose of conducting research and education to prevent, detect, warn, and treat the newly emerging threats to humans, animals, and crops caused by biological and chemical warfare agents: "*Provided further,*".

SA 3554. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, strike lines 4 through 8.

SA 3555. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, beginning on line 4, strike "flooding in" and all that follows through the end of line 6 and insert "flooding in eastern Kentucky, the western Upper Peninsula of the State of Michigan, southwestern Virginia, and southern West Virginia.".

SA 3556. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 3 and 4, insert the following:

Sec. 807. Notwithstanding any other provision of law, effective for discharges occurring and services furnished during fiscal year 2003 and subsequent fiscal years, for purposes of making payments under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to—

(1) hospitals in the Jackson, Michigan, Metropolitan Statistical Area, such Metropolitan Statistical Area is deemed to be located in the Ann Arbor, Michigan, Metropolitan Statistical Area;

(2) hospitals in the Hillsdale, Michigan, Metropolitan Statistical Area, such Metropolitan Statistical Area is deemed to be located in the Kalamazoo-Battle Creek, Michigan, Metropolitan Statistical Area; and

(3) hospitals in the Saginaw-Bay City-Midland, Michigan, Metropolitan Statistical Area, such Metropolitan Statistical Area is deemed to be located in the Flint, Michigan, Metropolitan Statistical Area.

The reclassifications made in this section shall be treated as decisions of the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

SA 3557. Mr. BYRD (for himself, Mr. STEVENS, Mrs. HUTCHISON, Ms. SNOWE, and Mr. EDWARDS) proposed an amendment to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike section 1004 of the bill.

SA 3558. Mrs. MURRAY (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, between lines 4 and 5, insert the following:

Sec. 210. Section 286(e) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(3)) is amended by striking paragraph (3) and inserting the following:

"(3)(A) Except as provided in subparagraph (B), the Attorney General is authorized to charge and collect $3 per individual for the immigration inspection or preinspection of each commercial vessel passenger whose journey originated in the United States or in any place set forth in paragraph (1).

"(B) The authorization described in subparagraph (A) shall not apply to immigration inspection at designated ports of entry of passengers arriving by the following vessels, when operating on a regular schedule:

"(i) Great Lakes international ferries.

"(ii) Great Lakes Vessels on the Great Lakes and connecting waterways.

"(iii) International ferries operating between Canada and—

"(I) the State of Alaska; or

"(II) the State of Washington.".

SA 3559. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On pages 6 and 7, strike section 101 and insert the following:

SEC. 101. ASSISTANCE TO AGRICULTURAL PRODUCERS THAT HAVE USED WATER FOR IRRIGATION FROM RIO GRANDE RIVER.

(a) In General.—The Secretary of Agriculture shall use $10,000,000 of the funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande River that have suffered economic losses during the 2001 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington on February 3, 1944 (59 Stat. 1219; TS 944).

(b) Amount.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of actual losses described in subsection (a) that were incurred by the producers.

(c) Emergency Requirement.—

(1) In general.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that

includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SA 3560. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 307. (a) INCREASE IN APPROPRIATION FOR OPERATION AND MAINTENANCE, AIR FORCE.—The amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, AIR FORCE" is hereby increased by $19,300,000.

(b) AVAILABILITY FOR MILITARY CONSTRUCTION AT BARKSDALE AIR FORCE BASE, LOUISIANA, IN RESPONSE TO NATURAL DISASTER.—Of the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, AIR FORCE", as increased by subsection (a), $19,300,000 shall be available for a military construction project to reconstruct the Headquarters for the 8th Air Force at Barksdale Air Force Base, Louisiana, which was damaged by natural disaster.

SA 3561. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. (a) APPROPRIATION FOR GULF STATES INITIATIVE.—(1) There is hereby appropriated $12,000,000 for the Gulf States Initiative.

(2) The amount appropriated by paragraph (1) is in addition to any other amounts appropriated by this Act for the Gulf States Initiative.

(b) AVAILABILITY FOR COUNTER-DRUG AND COUNTER-TERRORISM OPERATIONS.—Of the amount appropriated by this Act for the Gulf States Initiative, as increased (if at all) by subsection (a), $12,000,000 shall be available under that Initiative for counter-drug and counter-terrorism operations.

(c) OFFSET.—(1) The amount appropriated by Public Law 107–115 under the heading "ANDEAN COUNTERDRUG INITIATIVE" (115 Stat. 2130), and by this Act for assistance for the Colombian Armed Forces and the Colombian National Police, is hereby reduced in aggregate by $12,000,000.

(2) The President shall allocate among the amounts referred to in paragraph (1) the amount of the reduction required by that paragraph.

SA 3562. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, add the following:

SEC. 10 . ELIGIBILITY OF CERTAIN PROJECTS AND ACTIVITIES TO RECEIVE FUNDS FOR FISCAL YEAR 2002.

Notwithstanding any other provision of law, projects and activities designated on pages 82 through 92 of House Report No. 107–308 shall be eligible for fiscal year 2002 funds made available for the program for which each project or activity is so designated.

SA 3563. Ms. LANDRIEU (for herself and Mr. Breaux) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 5, before the colon, insert the following: ", of which not less than $1,300,000 shall be used for emergency watershed protection in Lincoln Parish, Louisiana."

SA 3564. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 25, strike "$181,650,000" and insert "$171,650,000".

On page 51, line 10, strike "$7,000,000" and insert "$17,000,000, of which $10,000,000 shall be used by the Secretary of Energy to pay 100 percent of the total cost of making upgrades to critical oil and gas energy infrastructure, providing to critical oil and gas energy infrastructure security against hostile threats and natural threats, and carrying out any public service or transportation activities that are necessary, as determined by the Secretary, to the safety and operation of critical oil and gas energy infrastructure (of which not less than $7,000,000 shall be used for upgrades, security, and related public service and transportation activities for the Louisiana Highway 1 Corridor, a high priority corridor on the National Highway System in Lafourche Parish, Louisiana)".

SA 3565. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 5, insert ", of which $2,000,000 shall be made available to the Association of Metropolitan Water Agencies for establishment of the Water Information Sharing and Analysis Center" before the colon.

SA 3566. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 26, insert the following:

COMMODITY CREDIT CORPORATION

AMERICAN INDIAN LIVESTOCK FEED PROGRAM

For an additional amount to make and administer payments for livestock losses to producers under the American Indian livestock feed program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51) for 2001 losses in a county under the jurisdiction of an Indian tribe that has received an emergency designation by the President or the Secretary after January 1, 2001, $12,000,000: *Provided:* That the entire amount is designated by Congress as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(e)).

SA 3567. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 3 and 4, insert the following:

SEC. 807. (a) CONDITIONAL RECLASSIFICATIONS OF CERTAIN MICHIGAN HOSPITALS.—Notwithstanding any other provision of law, if this Act includes reclassifications of certain hospitals located in Pennsylvania for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww), and deems the large urban area of New York, New York to include Orange County, New York, and Dutchess County, New York, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) then, with respect to discharges occurring and services furnished during fiscal year 2003 and subsequent fiscal years, for purposes of making payments under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to—

(1) hospitals in the Jackson, Michigan, Metropolitan Statistical Area, such Metropolitan Statistical Area is deemed to be located in the Ann Arbor, Michigan, Metropolitan Statistical Area;

(2) hospitals in the Hillsdale, Michigan, Metropolitan Statistical Area, such Metropolitan Statistical Area is deemed to be located in the Kalamazoo-Battle Creek, Michigan, Metropolitan Statistical Area; and

(3) hospitals in the Saginaw-Bay City-Midland, Michigan, Metropolitan Statistical Area, such Metropolitan Statistical Area is deemed to be located in the Flint, Michigan, Metropolitan Statistical Area.

(b) RULES.—The reclassifications made in paragraphs (1), (2), and (3) of subsection (a) shall be treated as decisions of the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

SA 3568. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) The Senate finds that—

(1) the Federal Bureau of Investigation is the principle investigative arm of the Department of Justice;

(2) the Federal Bureau of Investigation has the authority and responsibility to investigate specific crimes assigned to it, including violations concerning organized crime and drugs, civil rights, violent crimes, financial crimes, counterterrorism, and foreign counterintelligence; and

(3) the mission of the Federal Bureau of Investigation is—

(A) to uphold the law through the investigation of violations of Federal criminal law;

(B) to protect the United States from foreign intelligence and terrorist activities;

(C) provide leadership and law enforcement assistance to Federal, State, local, and international agencies; and

(D) to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.

(b) It is the sense of the Senate that—

(1) the reorganization of the Federal Bureau of Investigation is a positive and important response to challenges posed by the increased threat of terrorism and that continued constructive dialog between FBI Director Robert Mueller and Congress will help make the reorganization a success;

(2) the Federal Bureau of Investigation shall continue to allocate adequate resources for the purpose of investigating all crimes under its jurisdiction;

(3) the reallocation of agents and resources to counterterrorism investigations should not hamper the ability of the Federal Bureau of Investigation to investigate crimes involving drugs; and

(4) sufficient homeland security resources should be made available to State and local law enforcement and public safety officials to enable them to meet their responsibilities as the Nation's first responders.

SA 3569. Mr. GRAHAM (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 307. (a) AVAILABILITY OF FUNDS FOR ASSISTANCE FOR COLOMBIA.—In fiscal year 2002, funds described in subsection (b) shall be available for the following purposes:

(1) To support a unified campaign against narcotics trafficking and against activities by organizations designated as terrorist organizations, including the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC).

(2) To take actions to protect human health and welfare in emergency circumstances, including rescue operations.

(b) FUNDS.—The funds described in this subsection are as follows:

(1) Funds available to the Department of Defense in this Act for assistance to the Government of Colombia.

(2) Funds available to the Department of Defense in appropriations Acts enacted before the date of the enactment of this Act for assistance to the Government of Colombia that remain available for obligation.

(c) CONSTRUCTION.—The authority in subsection (a) is in addition to any other authority under law regarding the availability of assistance to the Government of Colombia.

SA 3570. Mr. REID proposed an amendment to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. Not later than 14 days after the date of enactment of this Act, the Secretary of Agriculture shall carry out the transfer of funds under section 2507(a) of the Food Security and Rural investment Act of 2002 (Public Law 107–71).

SA 3571. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, between lines 17 and 18, insert the following:

DISASTER ASSISTANCE FOR MISSOURI

For an additional amount for assistance to the State of Missouri for use in responding to damage caused by ice storms and tornadoes, $13,201,075, of which—

(1)(A) $4,900,000 shall be made available to Kansas City, Missouri, for use in replacing trees along streets and in parks and other public property that were felled as a result of ice storms that occurred in the city in January 2002;

(B) $4,280,000 shall be made available to Kansas City, Missouri, and surrounding municipalities and counties for use in carrying out projects and activities (other than projects and activities described in subparagraph (A)) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to damage caused by ice storms described in subparagraph (A); and

(C) $2,850,000 shall be made available to the State of Missouri for use in carrying out projects and activities under that Act with respect to damage caused by ice storms described in subparagraph (A); and

(2)(A) $667,000 shall be made available to Bollinger, Butler, Carter, Howell, and Madison Counties in the State of Missouri for use in carrying out projects and activities under that Act with respect to damage caused by tornadoes that occurred in those counties in April 2002; and

(B) $504,075 shall be used by the State of Missouri to carry out projects and activities with respect to damage in the State of Missouri caused by tornadoes that occurred in April 2002:

Provided, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3572. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. WARNER, Mr. KERRY, and Mr. DEWINE)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 20, strike "$15,000,000, to remain available until September 30, 2003" and insert "$20,000,000, to remain available until September 30, 2003, of which not less than $5,000,000 shall be used to establish, and carry out projects and activities relating to food security through, an interdisciplinary center for food security at the University of Missouri, Columbia, Missouri".

SA 3573. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 4, after "flooding in", insert "Missouri,".

SA 3574. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike lines 10 through 19, and insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, may be made available for a project or activity only if such funds are matched at least equally, including on an in-kind basis, from sources other than the United States Government: *Provided further*, That funds appropriated by this paragraph may be made available notwithstanding any other provision of law, including section 10 of Public Law 91–672: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3575. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 6 and 7, insert the following:

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount to carry out the Developmental Disabilities Assistance and Bill of Rights Act of 2000, in addition to amounts already appropriated for fiscal year 2002, $2,590,533, for the purpose of eliminating the need to recover funds from States (or repaying recovered funds to States) that received overpayments under subtitle B of title I of that Act for fiscal years 2001 and 2002, in the following amounts:

(1) For Alabama, $91,709.
(2) For Alaska, $3,626.
(3) For Arkansas, $25,849.
(4) For Colorado, $36,547.
(5) For Connecticut, $126,810.
(6) For Delaware, $3,626.
(7) For the District of Columbia, $3,626.
(8) For Hawaii, $3,626.
(9) For Idaho, $3,626.
(10) For Illinois, $119,542.
(11) For Indiana, $15,537.
(12) For Iowa, $120,529.
(13) For Kansas, $12,297.
(14) For Kentucky, $90,248.
(15) For Louisiana, $219,989.
(16) For Maine, $3,626.
(17) For Massachusetts, $107,858.
(18) For Mississippi, $68,539.
(19) For Missouri, $1,166.
(20) For Montana, $3,626.
(21) For Nebraska, $9,104.
(22) For Nevada, $3,626.
(23) For New Hampshire, $3,626.
(24) For New Jersey, $2,530.
(25) For New York, $631,640.
(26) For North Dakota, $3,626.
(27) For Ohio, $130,898.
(28) For Oklahoma, $39,826.
(29) For Pennsylvania, $400,847.
(30) For Rhode Island, $3,626.
(31) For South Dakota, $3,626.
(32) For Tennessee, $27,398.
(33) For Texas, $25,633.
(34) For Vermont, $3,626.
(35) For West Virginia, $221,412.
(36) For Wisconsin, $13,861.
(37) For Wyoming, $3,626.

On page 89, between lines 3 and 4, insert the following

SEC. 807. (a) Section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15022(a)) is amended—

(1) in paragraph (3)(A), by striking clauses (i) and (ii) and inserting the following:

"(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than the greater of—

"(I) $210,000; or

"(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year; and

"(ii) to any State not described in clause (i) may not be less than the greater of—

"(I) $400,000; or

"(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year."; and

(2) in paragraph (4)(A), by striking clauses (i) and (ii) and inserting the following:

"(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than the greater of—

"(I) $220,000; or

"(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year; and

"(ii) to any State not described in clause (i) may not be less than the greater of—

"(I) $450,000; or

"(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year.".

(b) The amendments made by subsection (a) take effect on October 1, 2002.

SA 3576. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 3 and 4, insert the following:

SEC. 807. PARTICIPATION IN STUDENT ASSISTANCE PROGRAMS.

Notwithstanding section 101(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(5)), a public 2-year institution established by the State of Louisiana between July 1, 1998, and December 31, 2001, in furtherance of a settlement agreement entered into between the State of Louisiana and the United States, shall be eligible to participate in student assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) during the period that such institution continues to make progress towards preaccreditation status with an accrediting agency recognized by the Secretary of Education.

SA 3577. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. ASSISTANCE FOR LOSSES RESULTING FROM CITRUS CANKER INFECTION.

The Secretary of Agriculture shall use $40,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to provide assistance to commercial citrus and lime producers in the State of Florida for losses resulting from, as determined by the Secretary—

(1) the removal, on or after September 30, 2001, of citrus and lime trees in order to control citrus canker; and

(2) the quarantine of nursery stocks of such trees located within citrus canker quarantine areas.

SA 3578. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Add at the end the following:

( ) CONTINGENT PROHIBITION ON AVAILABILITY OF FISCAL YEAR 2003 FUNDS FOR SUPPORT OF PALESTINIAN AUTHORITY.—(1) Notwithstanding any other provision of law, no funds available to any department, agency, or other element of the Federal Government for fiscal year 2003 may be obligated or expended for the purpose, or in a manner which would have the effect, of supporting—

(A) the Palestinian Authority;

(B) any entity supported by the Palestinian Authority;

(C) any successor entity to the Palestinian Authority or an entity referred to in subparagraph (B); or

(D) any private, voluntary organization for—

(i) projects related to the Palestinian Authority; or

(ii) projects located in Palestine that would otherwise be undertaken by the Palestinian Authority or an entity referred to in paragraph (2) or (3).

(2) The prohibition in paragraph (1) shall cease to be effective upon the submittal by the President to Congress of a certification that neither the Palestinian Authority, nor any entity supported by the Palestinian Authority, has engaged in planning or carrying out any terrorist act during the six-month period ending on the date of the certification.

(3) For purposes of this subsection, support shall include direct and indirect support, whether such support is financial or otherwise, including support for the Holst Fund of the World Bank and the United Nations Relief and Works Agency.

SA 3579. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . LANCASTER AIRPORT.

Notwithstanding section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000, (Public Law 106-69; 49 U.S.C. 41731 note), section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181; 49 U.S.C. 41731 note), or any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall grant assistance for essential air service under subchapter II of chapter 417 of title 49, United States Code, to Lancaster, Pennsylvania for an initial period of not less than 2 years, and thereafter Lancaster, Pennsylvania shall be treated as an eligible place under such chapter 417.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, June 12, 2002, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills:

S. 1257 and H.R. 107, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the cold war;

S. 1312 and H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System;

S. 1944, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes;

H.R. 38, to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes;

H.R. 980, to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System; and

H.R. 1712, to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact David Brooks of the committee staff at (202-224-9863).

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 4, 2002, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the protection of Native American sacred places as they are affected by undertakings and activities of the military services of the Department of Defense.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, June 4, 2002, at 9:45 a.m. in SD-366.

The purpose of the hearing is to receive testimony on the nomination of Kyle McSlarrow to be Deputy Secretary of Energy, Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday June 4, 2002, at 9 a.m. to conduct a hearing, entitled "Kennedy Center," to focus on the proposed Kennedy Center plaza project.

The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday June 4, 2002, at 12:30 p.m. to conduct a business meeting to consider S. 1917, the Highway Funding Restoration Act, a bill to address highway infrastructure investment.

The meeting will be held in S-216 of the capitol (The President's Room).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 4, 2002 at 2:30 p.m. to hear testimony on Small Business and Rural Economic Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 4, 2002 at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the protection of Native American sacred places as they are affected by undertakings and activities of the military services of the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 4, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, June 4, 2002 at 2:30 p.m. for a hearing entitled "Half a Loaf—The Impact of Excluding Surplus Commodities from America's Response to Global Hunger" to examine the structure, scope and effectiveness of U.S. food aid programs, including the role therein of surplus commodities, and the likely impact of changes now under consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GREGG. Mr. President, I ask unanimous consent that Senator McCAIN's legislative fellow, Navy LCDR Paul Gronemeyer, be granted the privilege of the floor during the consideration of the 2002 Supplemental Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following calendar numbers: No. 389, S. Res. 182; No. 390, S. Res. 253; No. 402, S. Res. 263.

I further ask that the committee amendments, where applicable, be agreed to; the resolutions, as amended, where applicable, be agreed to; the preambles and any amendments, where applicable, be agreed to; the title amendment, where applicable, be agreed to; that the consideration of these items appear separately in the Record; and that any statements relating to the items be printed in the RECORD as if given, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD ALLOCATE SIGNIFICANTLY MORE RESOURCES TO COMBAT GLOBAL POVERTY

The Senate proceeded to consider the resolution (S. Res. 182) expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty, which had been reported from the Committee on Foreign Relations with an amendment, an amendment to the preamble, and an amendment to the title.

[Omit the parts in black brackets and insert the parts printed in italic.]

S. RES. 182

[Whereas the World Bank estimates that 1,200,000,000 people in the world live on less than $1 a day, and of these, more than 550,000,000 are in South Asia, which is 40 percent of the South Asian population, and more than 290,000,000 are in sub-Saharan Africa, which is approximately 50 percent of the sub-Saharan population;

[Whereas 3,000,000,000 people, about half the world's population, live on approximately $2 a day;

[Whereas 1,200,000,000 people lack access to safe drinking water;

[Whereas 2,900,000,000 people have inadequate access to sanitation;

[Whereas at least 1,000,000,000 people in developing nations are unemployed or underemployed;

[Whereas according to a Congressional Budget Office report entitled "The Role of Foreign Aid in Development", United States spending on foreign assistance has fluctuated from year-to-year but has been on a downward path since the 1960's;

[Whereas in 1962, more than 3 percent of the Federal budget was spent on foreign assistance;

[Whereas in 2001, foreign assistance amounts to 0.79 percent of the Federal budget, less than half of what it was 15 years ago, and less than a third of what it was 40 years ago;

[Whereas United States foreign economic and development assistance represents less than 0.60 percent of the Federal budget;

[Whereas United States foreign assistance amounts to only slightly more than 0.10 percent of Gross Domestic Product, or approximately $30 per American citizen per year;

[Whereas according to the Organization for Economic Cooperation and Development, the United States in recent years has ranked next to last among 21 industrialized donor countries in per capita foreign assistance spending; and

[Whereas reducing poverty, promoting equitable economic growth, and developing democratic institutions advances United States national security interests, and the failure to address these issues, and the resulting social, economic, and political instability and violence, places United States national security interests and the welfare and safety of United States citizens at risk: Now, therefore, be it]

Whereas the World Bank estimates that 1,200,000,000 people in the world live on less than $1 a day, and of these, more than 550,000,000 are in South Asia, which is 40 percent of the South Asian population, and more than 290,000,000 are in sub-Saharan Africa, which is approximately 50 percent of the sub-Saharan population;

Whereas 3,000,000,000 people, about half the world's population, live on approximately $2 a day;

Whereas 1,200,000,000 people lack access to safe drinking water;

Whereas 2,900,000,000 people have inadequate access to sanitation;

Whereas at least 1,000,000,000 people in developing nations are unemployed or underemployed;

Whereas President Bush, by announcing the establishment of a Millennium Challenge Account committed the United States to spending significantly more money on foreign assistance beginning fiscal year 2004;

Whereas United States foreign assistance amounts to approximately $30 per American citizen per year, not including the President's recently announced increases;

Whereas according to the Organization for Economic Cooperation and Development, the United States in recent years ranks next to last among 21 industrialized donor countries in per capita foreign assistance spending;

Whereas economic assistance can only be effective if it is linked to sound policies in developing nations;

Whereas open markets and free trade are important forces for economic development and poverty reduction;

Whereas the United States is a top importer of goods from developing countries, importing $450,000,000,000 in 2000 which was 8 times greater than all official development assistance to developing countries from all donors;

Whereas the United States is the top source of private capital to developing countries, averaging $36,000,000,000 annually between 1997 and 2000; and

Whereas reducing poverty, promoting equitable economic growth, and developing democratic institutions advances United States national security interests, and the failure to address these issues, and the resulting social, economic, and political instability and violence, places United States national security interests and the welfare and safety of United States citizens at risk: Now, therefore, be it

Resolved,

[That it is the sense of the Senate that—

[(1) widespread poverty in developing nations contributes to social, economic, and political instability and violence which can lead to failed states and the conditions in which terrorist recruitment and terrorist organizations flourish;

[(2) United States bilateral assistance programs and contributions to multilateral assistance programs must be robust enough to effectively address development needs;

[(3) the United States, the world's wealthiest, most powerful Nation, in order to promote its humanitarian, economic, and security interests around the world, should increase foreign assistance spending by at least 25 percent per year for the next 5 years, and with the goal of reaching an amount equal to or exceeding 3 percent of the Federal budget by 2010; and

[(4) the Administrator of the United States Agency for International Development should—

[(A) conduct a top-to-bottom evaluation of current foreign assistance efforts to evaluate effectiveness;

[(B) work with private voluntary organizations, foundations, and corporations to identify areas where increased, targeted foreign assistance could help reduce poverty, and promote equitable economic growth and the development of democratic institutions; and

[(C) not later than 6 months after the date of adoption of this resolution, submit a report to the appropriate committees in Congress describing the Administrator's findings and recommendations for foreign assistance funding and policies to reduce poverty, and promote equitable economic growth and the development of democratic institutions.]

That it is the sense of the Senate that—

(1) widespread poverty in developing nations contributes to social, economic, and political instability and violence which can lead to failed states and the conditions in which terrorist recruitment and terrorist organizations flourish;

(2) United States bilateral assistance programs and contributions to multilateral assistance programs must be robust enough to effectively address development needs;

(3) the United States, as the world's wealthiest, most powerful nation, should build on the idea behind President Bush's proposal for the Millennium Challenge Account and increase foreign assistance spending by at least 25 percent for the next 5 years with the goal of reaching an amount equal to or exceeding 3 percent of the Federal budget by 2010 in order to promote its humanitarian, economic, and security interests around the world; and

(4) the Administrator of the United States Agency for International Development should—

(A) conduct a top-to-bottom evaluation of current foreign assistance efforts to evaluate effectiveness;

(B) work with private voluntary organizations, foundations, and corporations to identify areas where increased, targeted foreign assistance could help reduce poverty and promote equitable economic growth and the development of democratic institutions; and

(C) not later than 6 months after the date of adoption of this resolution, submit a report to the appropriate committees in Congress describing the Administrator's findings and recommendations for foreign assistance funding and policies to reduce poverty and promote equitable economic growth and the development of democratic institutions.

Amend the title so as to read: "A resolution expressing the sense of the Senate that the United States must allocate significantly more resources to combat global poverty and that the President's decision to establish the Millennium Challenge Account is a step in the right direction.".

The committee amendment was agreed to.

The resolution (S. Res. 182), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The title amendment was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 182

Whereas the World Bank estimates that 1,200,000,000 people in the world live on less than $1 a day, and of these, more than 550,000,000 are in South Asia, which is 40 percent of the South Asian population, and more than 290,000,000 are in sub-Saharan Africa, which is approximately 50 percent of the sub-Saharan population;

Whereas 3,000,000,000 people, about half the world's population, live on approximately $2 a day;

Whereas 1,200,000,000 people lack access to safe drinking water;

Whereas 2,900,000,000 people have inadequate access to sanitation;

Whereas at least 1,000,000,000 people in developing nations are unemployed or underemployed;

Whereas President Bush, by announcing the establishment of a Millennium Challenge Account committed the United States to spending significantly more money on foreign assistance beginning fiscal year 2004;

Whereas United States foreign assistance amounts to approximately $30 per American citizen per year, not including the President's recently announced increases;

Whereas according to the Organization for Economic Cooperation and Development, the United States in recent years ranks next to last among 21 industrialized donor countries in per capita foreign assistance spending;

Whereas economic assistance can only be effective if it is linked to sound policies in developing nations;

Whereas open markets and free trade are important forces for economic development and poverty reduction;

Whereas the United States is a top importer of goods from developing countries, importing $450,000,000,000 in 2000 which was 8 times greater than all official development assistance to developing countries from all donors;

Whereas the United States is the top source of private capital to developing countries, averaging $36,000,000,000 annually between 1997 and 2000; and

Whereas reducing poverty, promoting equitable economic growth, and developing democratic institutions advances United States national security interests, and the failure to address these issues, and the resulting social, economic, and political instability and violence, places United States national security interests and the welfare and safety of United States citizens at risk: Now, therefore, be it

Resolved,

That it is the sense of the Senate that—

(1) widespread poverty in developing nations contributes to social, economic, and political instability and violence which can lead to failed states and the conditions in which terrorist recruitment and terrorist organizations flourish;

(2) United States bilateral assistance programs and contributions to multilateral assistance programs must be robust enough to effectively address development needs;

(3) the United States, as the world's wealthiest, most powerful nation, should build on the idea behind President Bush's proposal for the Millennium Challenge Account and increase foreign assistance spending by at least 25 percent for the next 5 years with the goal of reaching an amount equal to or exceeding 3 percent of the Federal budget by 2010 in order to promote its humanitarian, economic, and security interests around the world; and

(4) the Administrator of the United States Agency for International Development should—

(A) conduct a top-to-bottom evaluation of current foreign assistance efforts to evaluate effectiveness;

(B) work with private voluntary organizations, foundations, and corporations to identify areas where increased, targeted foreign assistance could help reduce poverty and promote equitable economic growth and the development of democratic institutions; and

(C) not later than 6 months after the date of adoption of this resolution, submit a report to the appropriate committees in Congress describing the Administrator's findings and recommendations for foreign assistance funding and policies to reduce poverty and promote equitable economic growth and the development of democratic institutions.

Amend the title so as to read: "A resolution expressing the sense of the Senate that the United States must allocate significantly more resources to combat global poverty and that the President's decision to establish the Millennium Challenge Account is a step in the right direction.".

REITERATING THE SENSE OF THE SENATE REGARDING ANTI-SEMITISM AND RELIGIOUS TOLERANCE IN EUROPE

The Senate proceeded to consider the resolution (S. Res. 253) reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe, which was reported from the Committee on Foreign Relations with an amendment.

[Omit the parts in black brackets and insert the parts printed in italic.]

S. RES. 253

Whereas many countries in Europe are protectors of human rights and have stood as shining examples of freedom and liberty to the world;

Whereas freedom of religion is guaranteed by all Organization for Security and Cooperation in Europe (OSCE) participating states;

Whereas the 1990 Copenhagen Concluding Document declares all participating OSCE States will "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;

Whereas anti-Semitism was one of the most destructive forces unleashed during the last century;

Whereas there has been a startling rise in attacks on Jewish community institutions in cities across Europe in the last 18 months;

Whereas these violent incidents have targeted youth such as an assault on a Jewish teen soccer team in Bondy, France on April 11, 2002, and the brutal beating of two Jewish students in Berlin, Germany, the burning of Jewish schools in Creteil and Marseille, France and even the stoning of a bus carrying Jewish schoolchildren;

Whereas attacks on Jewish houses of worship have been reported in many cities including Antwerp, Brussels, and Marseille and as recently as April 22 an automatic weapon attack on a synagogue in Charleroi, Belgium;

Whereas the statue in Paris of Captain Alfred Dreyfus, who was the victim of anti-Semitic accusations and became a symbol of this prejudice in the last century, was defaced with anti-Jewish emblems;

Whereas the French Ministry of Interior documented hundreds of crimes against Jews and Jewish institutions in France in just the first two weeks of April, 2002;

Whereas the revitalization of European right wing movements, such as the strong showing of the National Front party in France's presidential election, reaffirm the urgency for governments to assert a strong public stance against anti-Semitism, as well as other forms of xenophobia and intolerance;

Whereas some government leaders have repeatedly dismissed the significance of these attacks and attributed them to hooliganism and Muslim immigrant youth expressing solidarity with Palestinians;

Whereas the legitimization of armed struggle against Israeli civilians by some governments voting in the U.N. Commission on Human Rights has emboldened some individuals and organizations to lash out against Jews and Jewish institutions;

Whereas hostility, frustration and disaffection over violence in the Middle East must never be permitted to justify personal attacks on Jewish citizens;

Whereas when governments have raised a strong moral voice against anti-Semitism and worked to promote and implement educational initiatives which foster tolerance, we have seen success; and

Whereas Congress recognizes the vital historical alliance between nations of Europe and the United States and has high regard for the commitment of our allies to fighting discrimination, hatred, and violence on racial, ethnic, or religious grounds: Now, therefore, be it

Resolved,

[(a) That it is the sense of the Senate that Congress calls upon European governments to—

[(1) acknowledge publicly and without reservation the anti-Semitic character of the attacks as violations of human rights; and to utilize the full power of its law enforcement tools to investigate the crimes and punish the perpetrators;

[(2) decry the rationalizing of anti-Jewish attitudes and even violent attacks against Jews as merely a result of justified popular frustration with the conflict in the Middle East; and

[(3) take measures to protect and ensure the security of Jewish citizens and their institutions, many of whom suffered so grievously in Europe in the past century.

[(b) Further, it is the sense of the Senate that—

[(1) both Congress and the Administration must raise this issue in its bilateral contacts;

[(2) the State Department's Annual Country Reports on Human Rights should thoroughly document this phenomenon, not just in Europe but worldwide; and

[(3) the Commission on International Religious Freedom should continue to document and report on this phenomenon in Europe and worldwide.]

That (a) the Senate calls upon European governments to—

(1) acknowledge publicly and without reservation the anti-Semitic character of the attacks as violations of human rights;

(2) utilize the full power of their law enforcement tools to investigate the crimes and punish the perpetrators;

(3) decry the rationalizing of anti-Jewish attitudes and even violent attacks against Jews as merely a result of justified popular frustration with the conflict in the Middle East;

(4) take measures to protect and ensure the security of Jewish citizens and their institutions, many of whom suffered so grievously in Europe in the past century; and

(5) make a concerted effort to cultivate an atmosphere of cooperation and reconciliation among the Jewish and non-Jewish residents of Europe.

(b) Further, it is the sense of the Senate that—

(1) both Congress and the Administration should raise this issue in their bilateral contacts;

(2) the State Department's Annual Country Reports on Human Rights should thoroughly document this phenomenon, not just in Europe but worldwide; and

(3) the Commission on International Religious Freedom should continue to document and report on this phenomenon in Europe and worldwide.

Mr. BIDEN. I rise today to support S. Res. 253, which condemns the growing intolerance and acts of persecution against Jews in many European countries.

The Resolution urges European governments to own up to this growing evil, to reject any excuse for it, to use every tool at hand to combat these crimes, and to punish the criminals.

Finally, the Resolution calls upon European governments to cultivate an atmosphere of cooperation and reconciliation among the continent's Jewish and non-Jewish residents.

Making Jews scapegoats for societal ills has an ominous history. The Nazis' Holocaust was preceded by centuries of gradually increasing anti-Semitism—first by religious dogma, then by racial pseudo-theories—spread through preaching, villainous written propaganda, exclusionary laws, and finally pogroms and massacres.

The so-called civilized governments of the twentieth century largely remained silent and failed to confront the rising tide of anti-Jewish persecution. As a result, they set the stage for the murder of the vast majority of European Jewry.

Some of the individuals committing anti-Semitic acts today are the affluent beneficiaries of unprecedented Western European prosperity. Some may be bigots. Others may simply be ignorant of the hideous causality of the Holocaust, now more than fifty years in the past. Still others are mindless thugs.

In France, where a large number of violent attacks have occurred, many of the perpetrators are young anti-Israel Arab immigrants from North Africa who feel alienated from their host country.

Nearly all European leaders have condemned physical violence against Jews, although occasionally politicians have tempered their criticism with ill-considered advice. An unfortunate example of this was the well-intentioned Mayor of Berlin who, after a vicious attack on an Orthodox Jewish American tourist, warned Jewish Berliners that if they didn't want to be similarly beaten up on the street, they shouldn't wear clothing identifying them as Jews.

Rhetorical anti-Semitism has been met with even less principle. Instead, verbal expressions of anti-Semitism in Europe are increasingly being trivialized.

For example, we might consider the recent London dinner party at which the French Ambassador to the U.K. made a demeaning, scatological reference to the State of Israel. What happened when the story was leaked to the press? The major scandal was the so-called "indiscretion" of other guests for having revealed the French Ambassador's crude, bigoted, and amateurish behavior!

Or we might note the wife of Wim Duisenberg, the President of the European Central Bank, who after flying the PLO flag from her house in Amsterdam complained that "Israel is being kept going by those rich Jews in America." Her highly respected husband removed the PLO flag but remained silent on her incendiary political commentary.

A similar example of objectivity came from Oslo where a member of the Norwegian Nobel Committee declared that she would like to rescind Shimon Peres's Nobel Peace Prize. Needless to say, she didn't choose to mention, let alone criticize, Yasser Arafat or the suicide bombers whom he aids and abets.

Even venerable European political institutions no longer seem immune to the anti-Semitic virus. Consider the blatant attempt to woo right-wing voters by Juergen Moellemann, one of the top officials of Germany's Free Democrats, a party with a proud history of liberalism and tolerance. Moellemann explained that the Deputy Director of the Central Council of Jews in Germany had brought on anti-Semitism himself by his supposedly aggressive behavior as a television talk-show host! If this weird argumentation weren't so dangerous, it might almost be funny. But it's not.

To Germany's credit, Moellemann's warped demagoguery has come in for massive public criticism, including from both Chancellor Gerhard Schroeder and his conservative challenger Bavarian Minister-President Edmund Stoiber.

I want to believe that most Europeans reject the nauseating anti-Semitism of the last several months. I want to believe that a trans-Atlantic community of shared values still links us with the continent.

But without continuous efforts by European statesmen to combat anti-Semitism, my optimism may prove to be naive.

Instant communication means that how Europe responds to these acts of hatred matters around the world. Europe must make bigots, not Jews, its outcasts. No temporizing, no rationalizing, and no excuses.

Toward that end, I urge my colleagues to vote for S. Res. 253.

The committee amendment was agreed to.

The resolution (S. Res. 253), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. Res. 253

Whereas many countries in Europe are protectors of human rights and have stood as shining examples of freedom and liberty to the world;

Whereas freedom of religion is guaranteed by all Organization for Security and Cooperation in Europe (OSCE) participating states;

Whereas the 1990 Copenhagen Concluding Document declares all participating OSCE States will "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;

Whereas anti-Semitism was one of the most destructive forces unleashed during the last century;

Whereas there has been a startling rise in attacks on Jewish community institutions in cities across Europe in the last 18 months;

Whereas these violent incidents have targeted youth such as an assault on a Jewish teen soccer team in Bondy, France on April 11, 2002, and the brutal beating of two Jewish students in Berlin, Germany, the burning of Jewish schools in Creteil and Marseille, France and even the stoning of a bus carrying Jewish schoolchildren;

Whereas attacks on Jewish houses of worship have been reported in many cities including Antwerp, Brussels, and Marseille and as recently as April 22 an automatic weapon attack on a synagogue in Charleroi, Belgium;

Whereas the statue in Paris of Captain Alfred Dreyfus, who was the victim of anti-Semitic accusations and became a symbol of this prejudice in the last century, was defaced with anti-Jewish emblems;

Whereas the French Ministry of Interior documented hundreds of crimes against Jews and Jewish institutions in France in just the first two weeks of April, 2002;

Whereas the revitalization of European right wing movements, such as the strong showing of the National Front party in France's presidential election, reaffirm the urgency for governments to assert a strong public stance against anti-Semitism, as well as other forms of xenophobia and intolerance;

Whereas some government leaders have repeatedly dismissed the significance of these attacks and attributed them to hooliganism and Muslim immigrant youth expressing solidarity with Palestinians;

Whereas the legitimization of armed struggle against Israeli civilians by some governments voting in the U.N. Commission on Human Rights has emboldened some individuals and organizations to lash out against Jews and Jewish institutions;

Whereas hostility, frustration and disaffection over violence in the Middle East must never be permitted to justify personal attacks on Jewish citizens;

Whereas when governments have raised a strong moral voice against anti-Semitism and worked to promote and implement educational initiatives which foster tolerance, we have seen success; and

Whereas Congress recognizes the vital historical alliance between nations of Europe and the United States and has high regard for the commitment of our allies to fighting discrimination, hatred, and violence on racial, ethnic, or religious grounds: Now, therefore, be it

Resolved,

That (a) the Senate calls upon European governments to—

(1) acknowledge publicly and without reservation the anti-Semitic character of the attacks as violations of human rights;

(2) utilize the full power of their law enforcement tools to investigate the crimes and punish the perpetrators;

(3) decry the rationalizing of anti-Jewish attitudes and even violent attacks against Jews as merely a result of justified popular frustration with the conflict in the Middle East;

(4) take measures to protect and ensure the security of Jewish citizens and their institutions, many of whom suffered so grievously in Europe in the past century; and

(5) make a concerted effort to cultivate an atmosphere of cooperation and reconciliation among the Jewish and non-Jewish residents of Europe.

(b) Further, it is the sense of the Senate that—

(1) both Congress and the Administration should raise this issue in their bilateral contacts;

(2) the State Department's Annual Country Reports on Human Rights should thoroughly document this phenomenon, not just in Europe but worldwide; and

(3) the Commission on International Religious Freedom should continue to document and report on this phenomenon in Europe and worldwide.

CONGRATULATING THE REPUBLIC OF CROATIA

The Senate proceeded to consider the resolution (S. Res. 263) congratulating the Republic of Croatia on the 10th anniversary of its recognition by the United States, which had been reported from the Committee on Foreign Relations with an amendment.

[Omit the parts in black brackets and insert the parts printed in italic.]

S. Res. 263

Whereas the United States recognized the Republic of Croatia on April 7, 1992, acknowledging the decision of the Croatian people to live in an independent, democratic, and sovereign country;

Whereas, during the 10 years since the recognition, the people of Croatia have overcome the legacy of the autocratic Tudjman government and persevered in building a democratic society, based on the rule of law, respect for human rights, and a free market economy, as shown by the democratic parliamentary and presidential elections held in January and February 2000;

Whereas the people and Government of the Republic of Croatia share the democratic values of the international community and the responsibility to uphold them, actively promoting democratic values in international organizations;

Whereas Croatia, cooperating on the basis of partnership and solidarity, participates in the Vilnius Group, which is committed to the common values of security and democratic stability through future North Atlantic Treaty Organization membership;

Whereas Croatia is a reliable friend and ally of the United States, actively contributing to the stabilization of South Central Europe; and

Whereas Croatia immediately positioned itself within the antiterrorism coalition of nations, sharing the common interests and values of the free and democratic world: Now, therefore, be it

Resolved, That the Senate—

[(1) commends the Republic of Croatia for the significant progress it has made during the past decade, and encourages its democratic orientation and further strengthening of respect for human rights, the rule of law, and the free market;

[(2) supports the Republic of Croatia's aspirations to become a member of the North Atlantic Treaty Organization (NATO), welcomes its commitment to the reforms required for NATO membership, acknowledges the importance of its continued commitment to those reforms, and recommends its acceptance into the Membership Action Plan at the NATO Ministerial in Reykjavik, Iceland in May 2002;

[(3) encourages Croatia's continued contributions in bringing peace, stability, and prosperity to the region of South Central Europe, including continuing its cooperation with the International Criminal Tribunal for the former Yugoslavia; and

[(4) recognizes the important role of the Croatian-American community in supporting the strengthening of bilateral relations between the United States and the Republic of Croatia.]

(1) commends the Republic of Croatia for the significant progress it has made during the past decade, and encourages its democratic orientation and further strengthening of respect for human rights, the rule of law, and the free market;

(2) supports the aspirations of the Republic of Croatia to become a member of the North Atlantic Treaty Organization (NATO), welcomes its commitment to the reforms required for NATO membership, acknowledges the importance of its continued commitment to those reforms, and congratulates it on its acceptance into the Membership Action Plan at the NATO Ministerial in Reykjavik, Iceland;

(3) encourages Croatia's continued contributions in bringing peace, stability, and prosperity to the region of South Central Europe, including continuing its cooperation with the International Criminal Tribunal for the former Yugoslavia; and

(4) recognizes the important role of the Croatian-American community in supporting the strengthening of bilateral relations between the United States and the Republic of Croatia.

The committee amendment was agreed to.

The resolution (S. Res. 263), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. Res. 263

Whereas the United States recognized the Republic of Croatia on April 7, 1992, acknowledging the decision of the Croatian people to live in an independent, democratic, and sovereign country;

Whereas, during the 10 years since the recognition, the people of Croatia have overcome the legacy of the autocratic Tudjman government and persevered in building a democratic society, based on the rule of law, respect for human rights, and a free market economy, as shown by the democratic parliamentary and presidential elections held in January and February 2000;

Whereas the people and Government of the Republic of Croatia share the democratic values of the international community and the responsibility to uphold them, actively promoting democratic values in international organizations;

Whereas Croatia, cooperating on the basis of partnership and solidarity, participates in the Vilnius Group, which is committed to the common values of security and democratic stability through future North Atlantic Treaty Organization membership;

Whereas Croatia is a reliable friend and ally of the United States, actively contributing to the stabilization of South Central Europe; and

Whereas Croatia immediately positioned itself within the antiterrorism coalition of nations, sharing the common interests and values of the free and democratic world: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Republic of Croatia for the significant progress it has made during the past decade, and encourages its democratic orientation and further strengthening of respect for human rights, the rule of law, and the free market;

(2) supports the aspirations of the Republic of Croatia to become a member of the North Atlantic Treaty Organization (NATO), welcomes its commitment to the reforms required for NATO membership, acknowledges the importance of its continued commitment to those reforms, and congratulates it on its acceptance into the Membership Action Plan at the NATO Ministerial in Reykjavik, Iceland;

(3) encourages Croatia's continued contributions in bringing peace, stability, and prosperity to the region of South Central Europe, including continuing its cooperation with the International Criminal Tribunal for the former Yugoslavia; and

(4) recognizes the important role of the Croatian-American community in supporting the strengthening of bilateral relations between the United States and the Republic of Croatia.

EXPRESSING THE SENSE OF THE SENATE REGARDING HUMAN RIGHTS VIOLATIONS IN TIBET

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 406, S. Res. 252.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 252) expressing the sense of the Senate regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership and the Dalai Lama or his representatives.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with an amendment and an amendment to the preamble.

[Omit the parts in black brackets and insert the parts printed in italic.]

S. Res. 252

[Whereas Hu Jintao, Vice President of the People's Republic of China and former Party Secretary of the Tibet Autonomous Region, will visit the United States in April and May of 2002;

[Whereas Gedhun Choekyi Nyima was taken from his home by Chinese authorities on May 17, 1995, at the age of 6, shortly after being recognized as the 11th incarnation of the Panchen Lama by the Dalai Lama;

[Whereas the forced disappearance of the Panchen Lama violates fundamental freedoms enshrined in international human rights covenants to which the People's Republic of China is a party, including the Convention on the Rights of the Child;

[Whereas the use of religious belief as the primary criteria for repression against Tibetans reflects a continuing pattern of grave human rights violations that have occurred since the invasion of Tibet in 1949–50;

[Whereas the State Department Country Reports on Human Rights Practices for 2001 states that repressive social and political controls continue to limit the fundamental freedoms of Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage, and that repeated requests for access to the Panchen Lama to confirm his well-being and whereabouts have been denied; and

[Whereas the Government of the People's Republic of China has failed to respond positively to efforts by the Dalai Lama to enter into dialogue based on his proposal for genuine autonomy within the People's Republic of China with a view to safeguarding the distinct identity of Tibet and protecting the human rights of the Tibetan people: Now, therefore, be it]

Whereas Gedhun Choekyi Nyima was taken from his home by Chinese authorities on May 17, 1995, at the age of 6, shortly after being recognized as the 11th incarnation of the Panchen Lama by the Dalai Lama;

Whereas the forced disappearance of the Panchen Lama violates fundamental freedoms enshrined in international human rights covenants to which the People's Republic of China is a party, including the Convention on the Rights of the Child;

Whereas the use of religious belief as a criterion for repression against Tibetans reflects a continuing pattern of grave human rights violations that have occurred since the invasion of Tibet in 1949–50;

Whereas the State Department Country Reports on Human Rights Practices for 2001 states that repressive social and political controls continue to limit the fundamental freedoms of Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage, and that repeated requests for access to the Panchen Lama to confirm his well-being and whereabouts have been denied;

Whereas the releases of political prisoners Ngawang Choephel, a 36-year-old ethnomusicologist on January 20, 2002, after 6 years in prison, and Tanak Jigme Sangpo, a 76-year-old schoolteacher on March 31, 2002, after 32 years in prison, were facilitated in part by diplomatic efforts of the United States Government and are welcome, modest developments in the campaign to encourage the Chinese Government to respect human rights, including religious freedom, and to release remaining prisoners of conscience;

Whereas the appointment of the Under Secretary of State for Global Affairs, Paula J. Dobriansky, as the Special Coordinator for Tibetan Issues is a sign of the high priority the United States Government places on the political and religious liberties of the people of Tibet; and

Whereas the Government of the People's Republic of China has failed to respond positively to efforts by the Dalai Lama to enter into dialogue based on his proposal for genuine autonomy within the People's Republic of China with a view to safeguarding the distinct identity of Tibet and protecting the human rights of the Tibetan people: Now, therefore, be it

Resolved,

[That it is the sense of the Senate that—

[(1) Vice President Hu Jintao should be made aware of congressional concern for the Panchen Lama and the need to resolve the situation in Tibet through dialogue with the Dalai Lama or his representatives; and

[(2) the Government of the People's Republic of China should—

[(A) release the Panchen Lama and allow him to pursue his traditional role at Tashi Lhunpo monastery in Tibet; and

[(B) enter into dialogue with the Dalai Lama or his representatives in order to find a negotiated solution for genuine autonomy that respects the rights of all Tibetans.]

That it is the sense of the Senate that the Government of the People's Republic of China should—

(1) release the Panchen Lama and allow him to pursue his traditional role at the Tashi Lhunpo monastery in Tibet; and

(2) enter into dialogue with the Dalai Lama or his representatives in order to find a negotiated solution for genuine autonomy that respects the rights of all Tibetans.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to; the resolution, as amended, be agreed to; the amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 252), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 252

Whereas Gedhun Choekyi Nyima was taken from his home by Chinese authorities on May 17, 1995, at the age of 6, shortly after being recognized as the 11th incarnation of the Panchen Lama by the Dalai Lama;

Whereas the forced disappearance of the Panchen Lama violates fundamental freedoms enshrined in international human rights covenants to which the People's Republic of China is a party, including the Convention on the Rights of the Child;

Whereas the use of religious belief as a criterion for repression against Tibetans reflects a continuing pattern of grave human rights violations that have occurred since the invasion of Tibet in 1949–50;

Whereas the State Department Country Reports on Human Rights Practices for 2001 states that repressive social and political controls continue to limit the fundamental freedoms of Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage, and that repeated requests for access to the Panchen Lama to confirm his well-being and whereabouts have been denied;

Whereas the releases of political prisoners Ngawang Choephel, a 36-year-old ethnomusicologist on January 20, 2002, after 6 years in prison, and Tanak Jigme Sangpo, a 76-year-old schoolteacher on March 31, 2002, after 32 years in prison, were facilitated in part by diplomatic efforts of the United States Government and are welcome, modest developments in the campaign to encourage the Chinese Government to respect human rights, including religious freedom, and to release remaining prisoners of conscience;

Whereas the appointment of the Under Secretary of State for Global Affairs, Paula J. Dobriansky, as the Special Coordinator for Tibetan Issues is a sign of the high priority the United States Government places on the political and religious liberties of the people of Tibet; and

Whereas the Government of the People's Republic of China has failed to respond positively to efforts by the Dalai Lama to enter into dialogue based on his proposal for genuine autonomy within the People's Republic of China with a view to safeguarding the distinct identity of Tibet and protecting the human rights of the Tibetan people: Now, therefore, be it

Resolved,

That it is the sense of the Senate that the Government of the People's Republic of China should—

(1) release the Panchen Lama and allow him to pursue his traditional role at the Tashi Lhunpo monastery in Tibet; and

(2) enter into dialogue with the Dalai Lama or his representatives in order to find a negotiated solution for genuine autonomy that respects the rights of all Tibetans.

DESIGNATING JUNE 5, 2002, AS "NATIONAL HUNGER AWARENESS DAY"

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 280, submitted earlier by Senators DURBIN, LUGAR, and SMITH of Oregon.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 280) designating June 5, 2002, as "National Hunger Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and its preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 280) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 280

Whereas food insecurity and hunger are a fact of life for millions of low-income Americans and can produce physical, mental, and social impairments;

Whereas recent census data show that almost 13,000,000 children in the United States live in families experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban America, touching nearly every American community;

Whereas although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans remain vulnerable to hunger and the negative effects of food deprivation;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the United States Government, through Federal food assistance programs like the Federal Food Stamp Program, child nutrition programs, and food donation programs, provides essential nutrition support to millions of low-income people;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations, including America's Second Harvest, the United States Conference of Mayors, and other organizations have documented substantial increases in requests for emergency food assistance over the past year; and

Whereas all Americans can help participate in hunger relief efforts in their communities by donating food and money, by volunteering, and by supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 5, 2002, as "National Hunger Awareness Day";

(2) requests that the President issue a proclamation calling upon the people of the United States to observe "National Hunger Awareness Day"—

(A) with appropriate ceremonies, volunteer activities, and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) with the year-round support of programs and public policies that reduce hunger and food insecurity in the United States; and

(3) office of Senator Richard J. Durbin is authorized to collect donations of food from June 5, 2002, until June 14, 2002, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area.

DISCHARGE AND REFERRAL—S. 2546

Mr. REID. Mr. President, I ask unanimous consent that S. 2546, Arming Pilots Against Terrorism Act, be discharged from the Armed Services Committee and then referred to the Committee on Commerce, Science, and Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2578

Mr. REID. Mr. President, I understand that S. 2578, introduced earlier today by Senator DASCHLE, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2578) to amend title 31 of the United States Code to increase the public debt limit.

Mr. REID. I now ask for its second reading and object to my own request on behalf of the Republicans.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, JUNE 5, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:15 a.m., Wednesday, June 5; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 10:15 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Republican leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; that at 10:15 a.m. the Senate resume consideration of the supplemental appropriations bill; further, that with respect to the cloture motion filed, the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As a reminder, Mr. President, cloture was filed on the supplemental appropriations bill today. Therefore, all first-degree amendments must be filed before 1 p.m. tomorrow, Wednesday, June 5.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate—and I believe there is not—I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Wednesday, June 5, 2002, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 4, 2002:

DEPARTMENT OF STATE

RICHARD L. BALTIMORE III, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES TO THE SULTANATE OF OMAN.

MARTIN GEORGE BRENNAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

VICKI HUDDLESTON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

DONALD C. JOHNSON, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

JIMMY KOLKER, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

GAIL DENNISE THOMAS MATHIEU, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE W.S. READ, 1278

To be brigadier general

COL. LARRY KNIGHTNER, 5133

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EDWIN E. SPAIN III, 8277

To be brigadier general

COL. DENNIS E. LUTZ, 9078

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. REX E. THOMPSON, 7954

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL DORIAN T. ANDERSON, 0294
BRIGADIER GENERAL GUY M. BOURN, 3022
BRIGADIER GENERAL JOHN M. BROWN III, 0258
BRIGADIER GENERAL RONALD L. BURGESS JR., 2986
BRIGADIER GENERAL WILLIAM B. CALDWELL IV, 8600
BRIGADIER GENERAL KEVIN T. CAMPBELL, 6308
BRIGADIER GENERAL ANN E. DUNWOODY, 4139
BRIGADIER GENERAL JEANETTE K. EDMUNDS, 9426
BRIGADIER GENERAL DENNIS E. HARDY, 6357
BRIGADIER GENERAL GALEN B. JACKMAN, 4626
BRIGADIER GENERAL RONALD L. JOHNSON, 8452
BRIGADIER GENERAL JOHN F. KIMMONS, 1861
BRIGADIER GENERAL JAMES A. MARKS, 6071
BRIGADIER GENERAL STANLEY A. MCCHRYSTAL, 3565
BRIGADIER GENERAL DAVID F. MELCHER, 8170
BRIGADIER GENERAL THOMAS G. MILLER, 3543
BRIGADIER GENERAL ROBERT W. MIXON JR., 6735
BRIGADIER GENERAL JAMES W. PARKER, 8655
BRIGADIER GENERAL ELBERT N. PERKINS, 0786
BRIGADIER GENERAL KENNETH J. QUINLAN JR., 0015
BRIGADIER GENERAL FRED D. ROBINSON JR., 0142
BRIGADIER GENERAL STEPHEN M. SPEAKES, 9036
BRIGADIER GENERAL CARL A. STROCK, 1502
BRIGADIER GENERAL ANTONIO M. TAGUBA, 8375
BRIGADIER GENERAL ALAN W. THRASHER, 6690
BRIGADIER GENERAL RANDAL M. TIESZEN, 5163
BRIGADIER GENERAL BENNIE E. WILLIAMS, 1311
BRIGADIER GENERAL WALTER WOJDAKOWSKI, 0958

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

TIMOTHY C * BEAULIEU, 8411
DAVID R * BRAND, 9507
PASTINA D DE, 4108
GUY A DESMOND, 4752
KAREN L GEISLER, 3686
SANDRA HARRISONWEAVER, 6345
VIVIAN T HUTSON, 6481
PEGGY P JONES, 0750
TERESA M KEMMER, 7839
ROBERT L MATEKEL, 0482
REBECCA L MCCOLLAM, 5559
JOSEPH M MOLLOY, 5320
LAURIE E SWEET, 5188
WILLIAM E WHEELER, 7226

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

DUANE A BELOTE, 7947
MARK E BOHANNON, 0448
KELVIN C * BUCHANAN, 2417
DON A * CULVER, 1497
TERRY L * GOSCH, 4219
THOMAS * LARSEN, 0866
JO L * RAYMOND, 9453
DANA P * SCOTT, 2504
TIMOTHY H STEVENSON, 7602
ERIK H * TORRING III, 6998
RONALD S * WALTON, 7457
PAUL E WHIPPO, 8906
NORMAN D WILTSHIRE, 3679
NEAL E * WOOLLEN, 7385

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOHN C AUPKE, 9695
STEVEN L BERRY, 5895
KENNETH W BUSH, 3837
ROBERT M COFFEY, 8297
ROGER D CRINER, 5584
ANIBAL CRUZBAEZ, 6594
KAREN J DIEFENDORF, 8722
RANDALL C DOLINGER, 8245
MICHAEL W DUGAL, 8407
JOHN M FOXWORTH, 5082
GUY E GLAD, 2582
ERIC R KELLER, 7729
RODNEY A LINDSAY, 3520
ALLEN K LOWE, 8150
DENNIS W MADTES, 7784
ROBERT T MEEK, 3186
DANIEL J MINJARES, 8953
RICHARD G MOORE, 6175
CHRISTOPHER C NG, 1044
GARY L NORRIS, 8587
DAVID R NORVELL, 1284
MICHAEL C PAYNE, 3134
WILLIAM H PHILLIPS JR., 2484
JOHN D POTTER, 0229
JERRY D POWELL, 8466
DIETER E SCHWARTZ, 8828
KENNETH W STICE, 4005
LYNDELL E STIKE JR., 3809
VICTOR C TADEO, 8543
RONALD H THOMAS, 2338
JON P TIDBALL, 0007
CAROL A VANSCHENKHOF, 0869
PHILLIP F WRIGHT, 6446
ROBERT K WRIGHT JR., 9013
STEVEN R YOUNG, 0523

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

ANN M ALTMAN. 9808
RACHEL A ARMSTRONG. 5281
ALPHA A ASHBY. 2609
JAMES R AYLOR. 6507
SHERRI L BAKER. 8862
JANE M BEHREND. 6867
JOHN P * BEILMAN. 3182
MONA O BINGHAM. 5130
JOY D * BLACK. 0677
ANN M BLUNT. 8405
LORIE A BROWN. 3649
MARIA M BURGOS. 8847
RICHARD M CALDWELL. 9472
IRVIN H CARTY III. 5184
TAMMIE W CHANG. 3382
GERALYN K CHERRY. 1664
ANNA I CORULLI. 0437
DENISE K COSTA. 4159
LAWRENCE E CROZIER. 5945
KAREN J CULBERTSON. 7386
THOMAS A DARISSE. 6977
CHERYL R * DAVIS. 9105
SYLVIA R DENNIS. 5065
STEVEN R DRENNAN. 8799
KATHLEEN M FORD. 5178
CYNTHIA S FRENCH. 3578
MORSE E FUDGE. 4737
MARILUZ GONZALEZ. 9526
PETRA GOODMAN. 1250
VINETTE E GORDON. 3315
PENNY P GOULART. 8501
KAREN T GRACE. 6536
TONY B HALSTEAD. 4269
COLLEEN M HART. 4180
ANGELENE HEMINGWAY. 0787
STEVEN R HENDRIX. 6865
WALT HINTON. 6431
VICTORIA L HOLBROOKEMMONS. 1902
THERESA A HORNE. 2708
SHERI A * HOWELL. 7159
CHRISTINE D JOHNSON. 2741
ROMONA JOHNSON. 8066
LINDA N JOLLEY. 5559
RENE C KATIAL. 8951
ELIZABETH O KELLY. 7899
PAUL A KENNEDY. 3285
GRETA L KRAPOHL. 0732
CAPONERA P * KREKLAU. 6124
SHAUN L KUETER. 9084
DIANE L LAGESSE. 1801
CATERINA E LASOME. 0395
JUDITH A * LEE. 6399
MARLA R LORING. 1071
PATRICIA A MALLEY. 5304
KATHIE D MCCROARY. 5706
PATRICIA L MCKINNEY. 8800
CHRISTINE M MERNA. 2056
MARY R MILES. 4076
KAREN S MORRIS. 7858
REYNOLD L MOSIER. 1462
PENNY M MOUREAU. 8942
MICHAEL W NEFT. 1375
SHELLEY V PALUCH. 6005
DIANA M PARHAM. 7678
KRISTIN B PHILLIPS. 8743
LEGRAND E POUND. 1177
REBECCA J PREZA. 1735
OWENS K PRUE. 3870
JANE B * PYTLEWSKI. 4526
PRISCILLA ROBINSONSMALLS. 5323
CATHERNINE F RYAN. 9110
DIANE D SCHERR. 6660
JACQUELINE A STARK. 6041
MAUREEN A STORCH. 4010
JANE A SUBLETTE. 5257
MARY E TENHET. 0676
VERONICA A THURMOND. 3662
ANGELIA L * WHERRY. 9542

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY AND THE UNITED STATES ARMY NURSE CORPS (AN). CHAPLAIN CORPS (CH). DENTAL CORPS (DE). JUDGE ADVOCATE GENERAL'S CORPS (JA). MEDICAL CORPS (MC). MEDICAL SERVICE CORPS (MS). MEDICAL SPECIALIST CORPS (SP) AND VETERINARY CORPS (VC). AS INDICATED. UNDER TITLE 10. U.S.C.. SECTIONS 531 AND 3064:

To be colonel

RYO S CHUN. 9977 MC
JAMES F SHUMAKE. 4623 CH

To be lieutenant colonel

LINDA R ATTEBERRY. 6047 MC
HOWARD DETWILER. 9886 MC
CLIFFORD D FRIESEN. 4412 MC
WALTER S LORING. 4542 MS
WALTER J MEIVES JR.. 7390 DE
JEROME B MYERS. 8682 MC
MARK H SMITH. 3652 MC
SAMUEL J SMITH JR.. 6587 JA
RICHARD W THOMAS. 8042 MC

To be major

JAMES R BEAN. 7907 SP
THOMAS S CLARK. 1804 AN
TAMI Z FLETCHER. 3502 VC
JOHN J GUARDIA. 3104 MS
FERNANDO B GUERENA. 3713 MC
BRYAN P KALISH. 9220 DE
LINDA R LEBEDOVYCH. 3817 AN
EDWARD P PFEFFER. 7444
CHERYL M RILEY. 2352 DE
GARY A SEAL. 2699 MS
DEAN VLAHOPOULOS. 0336 JA
ANDREW R WIESEN. 4009 MC
DIANE M ZIERHOFFER. 9609 MS
DONALD G ZUGNER. 5183 SP

To be captain

CHRISTINE B AJJAN 9. 9087 MS
MIKE ANDERSON. 9623 MS
JARED M ANDREWS. 8418 MS
JEREMY A BALL. 4722 JA
SHANE E BARTEE. 3595 JA
STEVEN R BELK. 8193 MS
ROBERT A BORCHERDING. 7039 JA
BRANDON D BROWN. 2527 MS
CHRISTIAN L CARLSON. 6889 MS
ERIK L CHRISTIANSEN. 7032 JA
JACOB F COLLEN. 8468 MS
JOHN M CSOKMAY. 6907 MS
GAIL A CURLEY. 9838 JA
DEREK L CURTIS. 0098 AN
PATRICK D DEAN. 0401 MS
CLEO M DELLASANDRO. 2148 SP
RICHARD P DIMEGLIO. 7471 JA
JUSTIN P DODGE. 3075 MS
KATHRYN A DONNELLY. 3230 JA
JEREMY M EAGER. 9132 MS
TRACY L EICHEL. 4889 MS
DAVID N ESCOBEDO. 8312 MS
PAUL M FAESTEL. 9354 MS
DAVID S FARLEY. 1729 AN
DEAN R FELLABAUM. 3934 MS
ELIZABETH Y FLANIGAN. 9533 MS
MATTHEW R GRAFENBERG. 8161 MS
HARKIRTIN K GYDEE. 0943 MS
VALENCIA G HALL. 9598 MS
JASMINE J HAN. 3211 MS
WENDY T HARSHA. 2445 MS
JOSHUA D HARTZELL. 2578 MS
NIDAL M HASAN. 0777 MS
MARK A HASSLER. 0182 AN
MICHAEL A HAWKINS. 3606 AN
SUSAN L HAWLEY. 3298 MS
CHAD S HENDRICKSON. 6380 MS
CLYDE L HILL JR.. 3745 AN
MICHAEL C HJELKREM. 9014 MS
MICHAEL R HOLLEY. 3855 JA
JOHN R HUGHES. 6736 MS
ADAM L HUILLET. 8288 MS
ROBERT L HUTTON. 5767 MS
CHRISTOPHER S JOHNSON. 1378 MS
EDWARD A KALPAS. 7146 MS
DAVID S KAUVAR. 3654 MS
SAMEER D KHATRI. 8489 MS
STEVEN W KHOO. 5403 MS
JEFFREY S KUNZ. 3225 MS
ROBERT E KUTSCHMAN. 7122 AN
BENJAMIN W LACY. 6890 MS
MATTHEW A LAUDIE. 9537 MS
JEFF L LOGAN. 4299 AN
ERIK K LUNDMARK. 3519 MS
DION LYONS. 6123 JA
DAVID P MARANA. 3825 AN
RODD E MARCUM. 7132 MS
GARY E MEANS. 3678 MS
RANDALL L MOORE. 3550 AN
ANDREW R MORGAN. 7419 MS
TINA J MURRY. 4491 AN
KEITH P MYERS. 4838 MS
ANICETO J NAVARRO. 7771 MS
REMINGTON L NEVIN. 5440 MS
VUQ O NGUYEN. 0086 MS
NICHOLAS J NOCE. 9770 MS
DANA R ORVIS. 7399 MS
JAMES J PARK. 7893 MS
MARY PENA. 4505 AN
CHRISTOPHER T PERRY. 9981 MS
PETER A PETRUKITAS. 0711 AN
WESLEY H PIERCE. 4515 AN
CHARLES C POCHE. 8557 JA
ERIC W RAWIE. 0658 MS
JASON A REGULES. 1796 MS
NICOLE M RICHARD. 9960 MS
VINA D RIVERA. 0070 AN
FELECIA M RIVERS. 0844 AN
JEFFREY L ROBERTSON. 4282 MS
JOHN D RODGERS. 2635 AN
DAVID J SCHWARTZ. 4245 MS
DEREK K SEAQUIST. 9618 MS
ROSELYNN W SIM. 8218 MS
CARL G SKINNER. 3873 MS
ANJALI N SRIDHAR. 5343 MS
BRENDA L STRYJEWSKI. 4661 MS
TIMOTHY L SWITAJ. 0490 MS
ARTIN TERHAKOPIAN. 0731 MS
ROY F THOMAS. 3945 MS
SARA B THOMSON. 9123 MS
JUAN A TORRESRODRIGUEZ. 7260 MS
VAHAG VARTANIAN. 2108 MS
JOEL H VINCENT. 9224 AN
KATRINA A WALTERS. 4425 MS
SEAN M WATTS. 3023 JA
MICHAEL D WELKER. 1304 AN
RAMEY L WILSON. 2679 MS
JOHN K ZAUGG. 6592 MS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10. U.S.C.. SECTION 531:

To be first lieutenant

DEREK M ABBEY. 3877
BERCH H ABBOTT. 1617
VICTOR M ABELSON. 7564
DAVID G ADAMS. 9838
ERNEST E ADAMS. 9208
STEPHEN A ADEGBITE. 8791
OLUGBENRO M ADEYEMI. 9780
PETER L AGDAMAG JR.. 7798
MICHAEL AGUILAR. 0676
SALVADOR AGUILAR. 8298
CLAYTON T AIENA. 1697
OSCAR ALANIS JR.. 3368
RORY L ALDRIDGE. 4743
NORRIS J ALEXANDER. 3780
CURTIS H ALLEN III. 4869
JON P ALLEN. 5929
ENRIQUE A ALMANZA. 0940
MARK R AMSPACHER. 1384
AARON D ANDERBERG. 9120
MARY E ANTONELLI. 1977
JEREMY D ANZEVINO. 8293
ANDREW B APPLETON. 4859
MARIO A ARELLANO. 9909
CHRISTOPHER J ARMES. 1702
MICHAEL W ARMISTEAD. 1022
VERNICE G ARMOUR. 4149
BRYCE T ARMSTRONG. 8582
LAWRENCE R ARNOLD. 8670
WILLIAM B ARTHUR. 1263
ERNEST L ASHLEY. 4971
DANIEL J ATKINSON. 3342
NICOLE V AUNAPU. 7600
BENJAMIN P AUSBROOKS. 9042
CHARLES N AUSTIN. 6696
MELISSA Y AYRES. 9679
MICHAEL J BABB. 3185
HARRY A BAILEY JR.. 0129
MATTHEW D BAIN. 1215
CLARANCE H BAINES JR.. 5311
MEGAN A BALL. 9250
JOHN C BANTON. 9047
DAVID L BARIL. 8457
CHRISTOPHER R BARNARD. 8027
ROBERT D BARRETT. 9093
TINEKA M BARRS. 1771
ERIC W BARTON. 4996
BRETT M BATICK. 7785
GREGORY S BATTAGLIA. 1466
JAMES W BAUCH. 7506
GEOFFREY H BAUM. 0562
ESTEBAN F BEAMON. 0109
JABARR D BEAN. 9715
BENJAMIN A BEARD. 1195
KRISTIN Y BECHDEL. 7297
ROBERT D BECHTOLD. 3951
RUSSELL W BECKER. 0627
MICHAEL A BECKHART. 9268
JEFFREY S BEELAERT. 6797
PAUL G BEEMAN. 0410
JOSEPH E BEIDLE. 2619
PETER C BELEJ. 9401
KERRY W BELL. 5810
MATTHEW J BELLAVER. 3740
CHRISTOPHER S BENFIELD. 2958
CRAIG M BENNETT. 8703
DAVID J BENNETT. 5920
LARA A BENNETT. 3447
MICHELLE A BENNETT. 9537
ANDREW A BENNINGTON. 1121
JEFFREY P BENTZ. 6811
DONALD S BERG. 6778
JASON B BERG. 5392
ERWIN BERRIOS. 7087
GUY J BERRY. 7048
TIMOTHY P BERRYHILL. 4883
DANIEL L BERZACK. 7887
OTTO J BETZ IV. 1572
MORGAN J BEVAN II. 4383
DEREK C BIBBY. 7157
JONATHAN E BIDSTRUP. 1273
EDWARD M BIEL. 4448
SEAN D BIELAT. 5451
NICOLAS A BIELE. 6541
BRENT R BINIEK. 7485
RYAN A BISHOF. 0080
DUSTIN S BLACK. 8131
MICHAEL G BLACKFORD. 2291
LIONEL B BLACKMAN. 2420
STEPHEN W BLACKMARR. 9464
MICHAEL D BLAKEMORE. 1627
CHRISTOPHER G BLALOCK. 5823
RUSSELL A BLAZER. 3278
ROBERT H BLEDSOE JR.. 9060
GRANT R BLEVINS. 6797
DONALD B BLUME III. 1496
MARK D BLYDENBURGH. 2900
HUNTLEY J BODDEN. 1052
ANTHONY A BODNAR. 8211
JASON J BOGDEN. 5076
SHAWN K BOHANNON. 8461
RYAN B BOLLING. 4697
TED A BONANNO. 4758
JONATHAN J BONAR. 8033
PHILLIP R BONINCONTRI. 6304
KEITH K BORDEN. 2818

JACKLYNN BORREGO, 4333
BRADFORD L BOTANES, 4556
CRAIG R BOTTIGLIERI, 4628
MAXWELL D BOUCHER, 3622
STEVEN B BOWDEN, 9217
RICHARD J BOWER, 1029
JASON R BOYCE, 7557
MICHAEL G BRADFORD, 2957
JOSHUA F BRADSTREET, 2874
DANIEL D BRECHWALD, 8522
MATTHEW S BREEN, 5814
MICHAEL P BRENNAN, 6587
JARROD H BRETT, 7972
MICHAEL K BRIDGES, 3629
ROBERT J BRIGANTI, 4507
BRIAN P BRIGGS, 9987
JEFFREY J BROADDUS, 4932
SEAN L BROCK, 4212
JOSHUA J BROCKETT, 0391
JEFFREY S BROCKMEIER, 5636
JEREMY D BROCKMEIER, 9847
BRIAN J BRODERICK, 1936
KRISTIAN A BROST, 3182
ALAN S BROWN, 9398
BRICE A BROWN, 2250
CHRISTOPHER P BROWN, 1641
JASON S BROWN, 8297
JOHN H BROWN III, 7070
KEVIN P BROWN, 8165
LAFAYETTE J BROWN, 3305
LAMONT A BROWN, 7317
MARANDA D BROWN, 5553
MARVEN W BROWN, 8585
ROBERT B BROWN, 2225
WILLIAM P BROWN JR., 0862
DANIEL M BUCKLAND, 8387
TATE A BUNTZ, 1963
JONATHAN P BURGESS, 3768
THOMAS J BURGETT, 4392
ANTHONY W BURGOS, 9824
TODD M BURKE, 7638
WILLIAM J BURKHART, 9710
BRENDAN C BURKS, 3363
GARTH W BURNETT, 4541
MARK S BURNS, 2172
MARK W BURNS, 3865
CARRIE S BUSCH, 3324
ALBERT P BUSH IV, 2810
KIRK J BUSH, 9977
JAMES BUSTAMANTE JR., 5481
LEROY B BUTLER, 5617
PATRICK J BUTLER, 7196
TRAVIS L BUTTS, 1991
LAMONTE G BYNUM, 1749
DOMINICK J BYRNES, 6177
HECTOR I CABAN JR., 2127
GINA L CABRALES, 6016
PABLO J CABRERA, 0079
ANA C CACERES, 5678
DONALD A CAETANO, 9336
DAVID A CALDWELL JR., 2482
MICHAEL C CALLAGHAN, 5641
TROY D CALLAHAN, 4393
JONATHAN L CAMARILLO, 1089
MARK C CAMERON, 3280
KEVIN A CAMPBELL, 6581
PATRICK B CAMPBELL, 4210
DUSTIN J CANESTORP, 7037
CHRISTIAN T CANNON, 1154
CHRISTOPHER J CANNON, 1492
CHRISTOPHER J CANNON, 2126
PATRICK R CANTWELL, 5134
ALPHONSO CAPERS JR., 1694
STEPHEN J CARL JR., 8197
ROBERT S CARLBORG, 3920
BRODIE R CARMICHAEL, 8557
EDWARD H CARPENTER, 5884
ARNOLD I CARRILLO, 6664
SEAN P CARROLL, 9412
BRIAN S CARTER, 3714
CHRISTOPHER D CARTWRIGHT, 2157
PATRICK C CASTELLO, 0746
DANIEL T CELOTTO, 2305
MATTHEW P CERADINI, 1935
MICHAEL J CERRONI, 1358
WILLIAM S CHAIRSELL III, 4892
ADRIAN R CHAMBERS, 1828
MATTHEW C CHAMBLISS, 0655
JASON A CHARKOWSKI, 0906
BRIAN P CHASE, 9630
BRADLEY J CHATLOS, 4158
TUNG T CHAU, 5198
JOHNNY CHENG, 4796
GREGORY J CHESTER, 0707
MELISSA D CHESTNUT, 6542
RODD V CHIN, 6788
ANTHONY P CHING, 6212
YOUNG H CHOE, 9931
JOSEPH CHOI, 5420
SUNG B CHOI, 2028
EDWARD B CHRISTIAN, 4574
MICHAEL D CHRISTIE JR., 4815
RICHARD C CHRISTY, 3868
KEVIN M CHUNN, 2366
BRIAN G CILLESSEN, 2134
CHAD B CIPPARONE, 0563
GREGORY J CLANCY, 4002
CHRISTOPHER T CLARK, 4601
JEFFREY J CLARK, 9311
CRAIG M CLARKSON II, 8594
ANDREW J CLELAND, 5835
FRANCES J CLEMENS, 4767
WILLIAM G CLESTER, 9651
BENJAMIN I CLOSS, 3439
JEFFREY S CLOUD, 6229
BENJAMIN R CLOUGH, 0705
CHRISTOPHER M COBLE, 2035
JAMES S COBLE, 0785
JAMES D COLE, 1826
MARC V COLE, 9323
DONALD L COLEMAN III, 0303
SCOTT T COLEMAN, 2117
VANNIE L COLES III, 6812
KIMBERLY L COLEY, 0302
PATRICK B COLLINS, 3248
TOBY J COLLINS, 6570
RIGOBERTO G COLON, 7836
RYAN B COLVERT, 5854
BRETT A COLVIN, 8314
JAMES R COMPTON, 7384
STEPHEN J CONLEY, 2739
MICHAEL B CONNALLY JR., 1977
NATHANIEL W CONNOR, 3080
JEREMY L CONRAD, 2617
ADAM W CONRADY, 0590
NICHOLAS W COPLIN, 5055
CALEB T COPPENGER, 8622
PAUL J CORCORAN, 4111
RICARDO J CORDEROTORRES, 8264
JEFFERY N COSTA, 5718
SHANE P COTE, 8841
JAHOSAME COTTO, 7081
ERIK G COUNSELMAN, 0730
CRISTON W COX JR., 7882
GARY D COX JR., 5488
ROBERT K COX JR., 6428
ERIC B CRAIG, 3077
EUGENE A CRAMER, 6424
KEITH R CRAW, 3138
ADAM S CRECION, 5305
CHRISTOPHER F CRIM, 5814
ALEX M CROSS, 7432
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JASON S CRUMBACHER, 6639
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CHRISTOPHER N DAVIS, 6806
JAMES M DAVIS, 8241
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ROBERT M DAVIS, 0258
SHANNON L DAY, 4386
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JOHNNY E DEAS, 5459
RYAN E DEBOUCHEL, 5457
JEFFREY S DECKER, 8889
RICHARD C DEGUZMAN, 4320
LISA A DEITLE, 5409
KEVIN M DELANEY, 8668
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DANA S DEMER, 8015
VARPAS S DESAPEREIRA, 6690
MATTHEW S DESMOND, 8199
TONIO D DESORRENTO, 3103
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JEREE L DEVISSER, 2897
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RAVI S DHARNIDHARKA, 8831
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ROBERT F DINERO, 4461
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FRANKLIN J DIXON JR., 7376
VINCENT K DIXON, 3406
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KATHARINE M DOYLE, 1512
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OLIVER B DREGER, 1015
DANIEL J DROSTE, 1619
STEVEN W DUKE, 9612
BRIAN J DUNLAP, 6656
JAYSON L DURDEN, 9941
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JOHN B DYER, 6095
MICHAEL J EASTER, 5292
ANDREW M EASTWICK IV, 8795
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PHILIP W EFAW, 1786
JASON D EGAN, 6039
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KIELLY A EHRET, 9767
PATRICK F ELDRIDGE, 0346
WILLIAM W ELLIOTT III, 5530
BRADFORD C ELLIS, 9437
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DARRELL M ELZY, 0289
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THOMAS D ESSLINGER, 9346
CHARLES D EVANS, 7481
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BRIAN M FAUSETT, 6780
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NATHAN L FENELL, 0689
AARON A FENN, 9811
FOSTER C FERGUSON, 2503
GREGORY B FERRANDO, 3056
BRADLEY G FESSLER, 8020
ANTHONY J FIACCO, 7646
MARCOS A FIGUEROA, 0293
JOSEPH W FINNIGAN, 3218
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NIGEL A FISCHER, 6737
JOHN M FISHER, 5419
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MARK E FISHER, 7828
THOMAS J FISHER, 8872
MATTHEW B FLACK, 2000
CHAD M FLEMING, 0540
JASON L FLEMING, 4064
JOHN T FLEMING, 9336
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BRANDON G FLOOD, 3772
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JOHN F FLOURNOY JR., 5707
BRENDAN C FOGERTY, 0876
CHRIS M FOLEY, 5650
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JOSEPH S FONTANELLI, 0658
GERARD V FONTENOT, 1480
STEPHEN K FORD, 7381
ANTHONY V FORTE, 4488
DIONNE V FOSTER, 9940
WENDELL E FOSTER JR., 1520
HARRY L FOWLER III, 4553
MARY C FOWLIE, 3398
ANTHONY A FRANK, 9474
HENRY J FRANK, 9484
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CYNTHIA R FREDERICK, 6090
FRANKLIN H FREEMAN, 8725
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CHARLES W FRETWELL, 8514
SHAYNE M FREY, 5306
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JOSE L FUENTES, 6492
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MARTIN D GALE, 4188
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MARTIN J GALLAGHER, 5569
JOSEPH M GARAUX, 5871
JOHN T GARCIA, 8362
DANIEL J GASKELL, 2402
BRANDON J GAUDREN, 0126
MICHAEL A GAVIN, 9984
KENNETH C GAWRONSKI, 4010
BERT W GAWTHORP JR., 5920
DAN S GELMAN, 4803
STEPHEN A GENTILE, 3075
ALFRED J GEOFFRION III, 9280
KELLY A GEORGE, 9390
WILLIAM P GHILARDUCCI, 1686
JOHN M GIANNELLA, 3621
JOHN C GIANOPOULOS, 9857
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BRANDON K GILBERT, 4438
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RYAN M GILCHRIST, 4946
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CHAD M GINDER, 8758
KIRBY J GOGGANS, 1276
PAUL J GOGUEN, 8892
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DEBRA R GOMEZ, 5030
IRASEMA GOMEZ, 4891
ANDREW C GONZALEZ, 9068
ERIC M GONZALEZ, 5617
TIFFANY A GOODALL, 9807
ANTHONY R GOODE, 9070
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KEVIN J GOODWIN, 1665
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SVEN L GOSNELL, 6288
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CHRIS A GRAHAM, 1614
MARK D GRANGER, 6905
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BENJAMIN J GRASS, 4623
JAMES W GREEN III, 4704
JEFFREY S GREEN, 5889
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BRYAN A GREY, 8037
JASON R GRIFFIN, 3071
SCOTT M GRIFFIN, 0522
ERIC L GRIGGS, 0931
JOHN M GRIMM, 1795
KEVIN S GRINDEL, 4904
JULIE A GRINNELL, 0393
SHANE A GRODACK, 8741
DANIEL H GROELING, 8577
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STEPHEN F GRUSENMEYER, 0403
TARA K GUALANDI, 0771
MIGUEL A GUERRA, 4874
ANTHONY J GUESSJOHNSON, 0066
KERRY W GUMP JR., 8593
DAVID J GUSTAFSON, 6486
ADAM M GUTSHALL, 3000
DOUGLAS W GWINN, 4614
MICHAEL J HABBA, 0394
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JASON E HALE, 7199
SELDEN B HALE IV, 9920
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JAISUN L HANSON, 4985
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CHRISTOPHER G HARRIS, 5601
DAMON R HARRIS, 9161
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FRANCIS G HARRIS, 2695
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BRIAN T HASHEIDER, 0823
DOUGLAS C HATCH, 9240
JOHN F HAVENER III, 6127
KENNETH V HAWKINS, 2568
MATTHEW C HAWKINS, 1789
SCOTT A HAWKINS, 5909
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THEODORE M HEADLEY, 1479
CHRISTOPHER A HEDGES, 5076
GRANT R HEINRICHS, 1691
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DANIEL C HENCH, 7160
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JOHN K HENDERSON, 5493
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JEFFREY W HENDRIKS, 5074
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WILLIAM E HERNANDEZ, 4731
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PETER G HERRMANN, 7132
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JONATHAN S HEY, 0606
CORNELIUS D HICKEY, 4133
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MICHAEL K HICKS, 8441
ANDREW J HIGGINS, 3125
WILLIE L HIGH JR., 0236
DANIEL R HILL, 8721
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NATHAN J HILL, 9282
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KELLY C HINZ, 4640
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MARIA HRUBIK, 0069
JOYCE HSIA, 9067
RANDALL P HSIA, 3196
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JOSEPH M HUBERT, 3430
MELANIE R HUDSON, 3099
PAUL C HUDSON, 8339
JOHN W HUGHES III, 8569
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MATTHEW G HUMPHREY, 4377
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HEATH B JAMESON, 5648
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DANIEL R JARL, 6502
JAMES D JARVIS, 9988
JEREMY E JEFFREY, 0401
GERMAINE S JENKINS, 8729
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LARRY E JOHNSON JR., 8720
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DAVID L JONES, 9831
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KEVIN A JONES, 4382
PAUL W JONES IV, 4251
REX G JONES JR., 4468
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RENEE B JOSEPH, 4326
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ALLEN J KASHUBA, 7656
JASON P KAUFMANN, 8930
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CHAD A KENNEDY, 2432
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TRAVIS M KING, 4460
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ANDREW T KIRKPATRICK, 9458
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HYONSU KO, 0529
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PAUL D KORNFUEHRER, 0081
MICHAEL J KREIZENBECK, 9571
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JEREMY S LABORE, 7205
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WACO LANE, 7501
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GREGORY P LANZA, 6074
JAY A LAPPE, 5620
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STEPHEN K LUCKING, 7719
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SETH W MACCUTCHEON, 3632
JOHN R MACFARLANE IV, 2995
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ALASDAIR B MACKAY, 5931
ERIN H MACKIN, 5326
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JOHN C MACMURRAY, 0621
DANIEL F MADDEN JR., 5237
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NICHOLAS A MARTZ, 2522
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RAFAEL MARYAHIN, 0066
DOMINIC R MASON, 9532
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MICHAEL D MCCARTHY, 6793
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JEFFREY A MCCLUNG, 9581
DONALD M MCCOWAN, 3553
DANIEL S MCDONOUGH, 1002
IAN K MCDUFFIE, 3378
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THOMAS B MCGEE, 0641
BRETT T MCGINLEY, 8453
SARA E MCGRATH, 5233
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SEAN P MCGRAW, 3885
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AARON P MCGREW, 5832

SCOTT M MCGUCKIN, 0026
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BRIAN D MCLEAN, 4164
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PATRICK M MCMAHON, 6704
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JOHN J MCNAMARA JR., 5347
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DANIEL J MCSWEENEY, 2871
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JENNIFER A MERCER, 0109
THOMAS G MEREDITH, 7290
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RONNIE D MICHAEL, 4329
WILLIAM D MIDGETT, 1493
WILLIAM M MIHOK, 0352
MICHAEL P MILBURN, 4370
ANDREW J MILLER, 5136
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CARRIE A MILLER, 4458
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STEVEN A MILLER, 0764
ANDREW H MILLS, 8242
JOHN J MIRGEAUX, 9014
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JEFFREY M MONAGHAN, 0968
ERIC D MONTALVO, 9898
SUNNY M MONTAS, 9031
FRANCIS J MONTERISI JR., 5321
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VINCENT M MONTGOMERY, 6436
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FRANK L MOORE, 0247
JEFFREY A MOORE, 5548
STEVIE T MOORE, 8860
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BRENT L MOREL, 4961
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JASON D MORGAN, 9999
JULIE A MORGAN, 1182
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TRACEY A MORRIS, 5308
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NOLAN L MOXEY, 7943
PATRICK F MULLEVEY, 2016
MATTHEW K MULVEY, 1699
MICHELLE M MUMMERS, 6422
CORRY P MURPHY, 3901
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ERIN C NALEPA, 8942
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WILLIAM H NASH, 5955
GEORGE H NAVARRO JR., 4494
KEVIN D NAVAS, 7397
LISA A NEWKIRK, 3128
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MATTHEW R NIKLAS, 5473
ERICH F NITZSCHE, 9291
DANIEL M NOLAN, 0776
ANDREW W NORD, 3441
JONATHAN A NORRIS, 3491
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JOEL D NORTHEY, 8074
BRIAN P NUTTER, 8885
MICHAEL J OAR JR., 2610
ALPHONSO D OATES II, 0377
CHRISTOPHER J OBRIEN, 2026
DAVID M OBRIEN, 5039
AMY K ODONNELL, 6061
STEPHEN E OERTLE, 1052
MICHAEL D OHNSTAD, 9053
LELAND J OLESEN, 5710
CHRISTOPHER W ONEIL, 4684
CHARLES S ONEILL, 8433
SEAN M ONEILL, 6025
MICAH C OSGOOD, 1977
JOHN W OSTMAN, 6175
RICHARD W OWEN III, 6039
TOMOMI J OWENS, 9443
STEPHEN W PAAP, 6631
ERIC C PALMER, 1554
JASON A PANDAK, 1240
JOHN C PAPPAS, 8951
CHRISTOPHER A PARENTE, 6800
CHI H PARK, 6794
EDELEN A PARKER, 8008
LISA M PARROTT, 6930
TEJAS M PATEL, 0698
KATRINA D PATILLO, 6127
BRYAN H PATON, 9242
JOHN M PAULSEN, 8604
JAMES C PAXTON III, 8200
ANDREW T PAYNTER, 9463
STEPHAN M PAZIENZA, 8176
JACK D PEARCE JR., 8911
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JASON M PELT, 7415
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JONATHAN R PELTON, 5306
CESAR H PENARIVERA, 5980
JASON L PERCY, 5263
TRACY A PERRY, 0702
BENJAMIN D PERYAM, 0025
NEIL A PETERSON, 6456
KURT W PFEFFER, 5984
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MICHAEL C PHERSON, 8862
STEVEN A PHILIPP, 6236
MARIANELA PICKETT, 5711
CORY M PICTON, 7951
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ERIC J PIPER, 7943
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ANTHONY E PREBE, 2065
DANIEL T PRENDERGAST, 7785
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HENRY R PROKOP, 0987
ALEXANDER B PUDOL, 7515
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DENNIS J PYSZCZYMUKA, 7388
JENNIFER E RADCLIFF, 4484
MICHAEL E RAIFF, 3928
RICARDO RAMIREZ, 6406
MARK J RAMOTOWSKI, 4959
ALAN L RAMSEY, 9890
JOHN M RANDALL, 4055
JOSHUA J RANDALL, 0369
ERIC P RANNENBERG, 3110
GARRICK D RARD, 8634
DEAN C RASCO, 4267
RICHARD A RASMUSSEN, 9470
KRAIG M RAUEN, 0287
GEORGE R RAUSCH, 0804
HAYNE D RAWLS, 8356
JOSEPH W RAY, 5515
JONATHAN D RAYMOND, 3913
TIMOTHY J REAZOR, 3200
SCOTTIE S REDDEN, 5063
CARL B REDDING JR., 2861
THEODORE T REDDINGER, 1002
RONALD E REED, 3677
JASON A REHM, 6922
JEREMY E REINFELD, 6521
MICHAEL W REINKE, 4795
GEORGE F RENIERS, 1588
JOSEPH L REPPERT JR., 8562
CARLOS A REYES, 1685
DAVID S REYNOLDS, 2558
MARCUS J REYNOLDS, 6555
BOBBY R RHODES, 7975
BRIAN N RICE, 1126
MEGAN R RICE, 1466
THOMAS E RICHARDS III, 1742
TRAVIS R RICHIE, 1080
KARIN R RIECKHOFF, 7472
ERIK R RIKANSRUD, 4720
MATTHEW T RING, 4128
REYES J RIVAS, 9811
KENT D ROBBINS, 2668
ANTHONY M ROBERTS, 8663
CHRISTIAN M ROBERTSON, 1282
JACOB Q ROBINSON, 3979
GEORGE L RODNEY JR., 6422
ADAN R RODRIGUEZ, 7414
ALEJANDRO RODRIGUEZ, 4683
EDNA RODRIGUEZ, 0970
FLOY P RODRIGUEZ, 5554
JUAN C RODRIGUEZ, 1053
ROBERTO RODRIGUEZ, 1719
RODNEY C RODRIGUEZ, 5537
DAVID T ROEN II, 3451
JOSHUA J ROGERS, 1400
BENJAMIN C ROHN, 7419
ERIC Q ROSE, 6735
JOSHUA D ROSEN, 5319
CHARLES E ROUNDS III, 3568
WILLIAM M ROWLEY, 4742
CHRISTOPHER P ROY, 4814
MITCHELL F RUBINSTEIN, 1563
JUSTIN L RUIZ, 4749
DEVIN A RULLMAN, 6169
KEVIN L RUSCH, 5408
ROBERT E RUSCHENBERG JR., 9146
JOSHUA G RUSHING, 5541
BRYAN A RUTH, 3151
ROBERT P RUTTER IV, 2506
KEVIN M RYAN, 8038
MATTHEW W RYAN, 3015
CHRISTIAN E RYHOLT, 0475
ELIZABETH A SAGER, 7353
JEREMIAH SALAME, 8194
ARMANDO SALINAS, 2313
MICHAEL L SALISBURY, 6419
DANE A SALM, 5342
MUSA A SAMAD, 4454
BRADLEY J SAMS, 5596
FRANK L SANCHEZ, 3430
BENJAMIN D SANDERS, 9933
TODD M SANDERS, 2720
JUSTIN G SANTARIGA, 3098
IAN P SANTOS, 4068
BRIAN P SANTUCCI, 9866
CLAYTON R SARGEANT, 1528
JOHN M SARTO, 6614
RYAN B SATHER, 9800
GLENN D SAVAGE, 7650
JEREMY N SAVAGE, 8201
PATRICK S SAVAGE, 7972
SCOTT D SCHAIPER, 0740
ERIC X SCHANER, 9467
RODERICK A SCHENKER, 6867
BYRON V SCHERMERHORN JR., 7587
JASON A SCHEWE, 4764
MARK T SCHNAKENBERG, 1368
JONATHAN L SCHNEIDER, 5186
PETER L SCHNURR, 2042
TREA H SCHOCKEN, 9688
JESSE C SCHOSSOW, 3902
MATTHEW T SCHRAMM, 5370
STEVEN M SCHREIBER, 4301
TOD A SCHROEDER, 2498
ALAN L SCHULLER, 0873
STEVEN E SCHULTZE, 0305
JOSEPH F SCHUMACHER, 9306
AARON J SCHWARTZ, 7193
WAYNE B SCOTT, 6738
BRAD R SEAVER, 6466
ROBERT M SECHER, 5648
JON C SEE, 0155
JOHN P SEEGER, 4249
CHRISTOPHER W SELLARS, 3009
RAYMOND Z SERVANO III, 6267
STEVEN R SHANTZ, 6926
JASON A SHARP, 4346
JAMISON C SHAVER, 8901
CASEY D SHEA, 5222
KEVIN A SHEA, 0910
STACIE B SHERWOOD, 5403
NATHAN P SHULL, 4993
JEREMY S SIBERT, 1582
THOMAS N SIBLEY, 1618
JEFFERY A SIERPIEN, 9756
JON M SIEVERS JR., 8875
CHRISTOPHER D SILER, 7496
CHRISTOPHER B SILVERN, 2807
JOSEPH C SILVIO II, 8480
DEWAYNE SIMMONS, 4207
JACQUES SIMS, 6373
CARL E SITHER, 4884
MICHAEL J SKINKLE, 2656
WILLIAM G SLACK, 9791
EDEN S SLEZIN, 9411
BRYAN R SMITH, 4103
CURTIS SMITH JR., 4831
JAMIE L SMITH, 6674
JASON R SMITH, 3230
JOSHUA M SMITH, 0579
MONTI S SMITH, 7221
SHAWN L SMITH, 6633
STUART C SMITH JR,. 3120
WILLIAM F SMITH JR., 9818
BRADFORD T SNIDER, 4634
DANIEL H SNYDER, 1307
SHARIF A SOKKARY, 4252
DOUGLAS C SOLINSKY, 5994
TEMITOPE O SONGONUGA, 2657
ROBERT P SORRELLS, 3004
PAUL A SOTOMAYOR, 7558
MARK D SPALDING, 7044
NOAH M SPATARO, 7357
MICHAEL A SPEARS, 2834
SPENCER M SPEER, 9483
AMMIN K SPENCER, 5620
JASON A SPITALETTA, 9656
THOMAS D SPRADLIN, 4299
CHARLES S SPRIETSMA, 6266
KIRK SRIPINYO, 2952
CHARLES M STAB, 5024
SCOTT A STAHL, 1209
JEREMY M STALNECKER, 8473
GEOFFREY M STANDFAST, 5910
MAX STAPP JR., 6249
JASON A STEAR, 2719
MATTHEW L STEELE, 1368
BRIAN S STEIDLE, 4398
BRIAN D STEMPIEN, 8475
MARCUS M STENNETT, 7202
JARVIS C STEPHENS, 1786
PHILIP H STEUBER, 1371
JEFFREY H STEWART, 2702
ALICIA E STICKLE, 2699
JEFFREY T STIFF, 2694
STEVEN P STJOHN, 5665
JUSTIN B STODGHILL, 3393
JASON R STOJKA, 8181
JARED K STONE, 1592
ROBERT M STORCK, 8040
JOHN D STOUT, 0286
JEROME A STOVALL, 2854
BRIAN L STRACK, 0865
MARK A STRATTON, 9949
JAMES I STRICKLER, 4614

MARK W STROM, 7740
SANDERSON S STYLES, 1375
JAMES SUH, 7529
RAMZI S SULAYMAN, 8681
BRENDAN P SULLIVAN, 0704
EDMUND S SULLIVAN, 2490
DARRICK D SUN, 9369
JUAN P SVENNINGSEN, 5782
CHRISTOPHER R SWAFFER, 9281
GREGORY T SWARTHOUT, 9394
TIMOTHY J SWENSON, 0785
JEFFREY M SYKES, 1931
ALLEN E SZCZEPEK JR., 4791
SPENCER A SZEWCZYK, 6166
DEREK A SZOPA, 3213
KOICHI TAKAGI, 6272
JASON D TANNER, 4091
JOHN J TAROLI JR., 0303
BENJAMIN J TAYLOR, 6942
MICHAEL R TAYLOR, 2419
RYAN M TAYLOR, 3226
JOHN J TEBBETTS, 9516
STEPHEN R TENNES, 2652
KOHTARO TERAHIRA, 8696
DANIEL J THOMAS, 9888
ROBERT B THOMAS, 1922
THEODORE R THOMAS IV, 9724
FARRAH M THOMPSON, 8343
JEREMY W THOMPSON, 7592
JOSEPH A THOMPSON, 3740
RICHARD J THOMPSON, 7426
DUSTIN R THORN, 9532
JEFFREY A THORPE, 0979
BRIAN F TICE, 4892
ANDREW B TIDBALL, 1224
CHAD R TIMMONS, 6326
CHRISTOPHER B TIMOTHY, 5902
KARL TINSON, 3733
JOHN C TODD, 6747
CHRISTOPHER D TOLLIVER, 9304
JASON C TORBENSEN, 7306
TIMOTHY L TORMEY, 2519
RICHARD B TOSCHIADDI, 0357
RODNEY L TOWERY, 8862
WYETH M TOWLE, 0254
SARAH E TRAGORD, 3359
MANDALA M TREADAWAY, 9139
DENNIS C TROGUS, 2022
BRAD E TROXEL, 4737
JOSEPH P TROYAN III, 0945
JON C TRUJILLO, 5105
JOSE C TRUJILLO, 4144
NGUYEN K TSAN, 4377
JASON K TUBBS, 5949
TADD J TURCZYN, 4576
DAVID A TURNER, 5507
JEFFREY T TURNER, 4877
ARON M TVER, 7424
PHILIP A TWEED, 0838
ANGELA A UCHYTIL, 6553
ANTHONY G UNITE, 4503
CESAR A UNZUETA, 1542
JAMES R VALLARIO, 7488
KRISTEN R VANCE, 4777
TYLER T VANCE, 3372
ALLAN E VANDALINDA, 5501
THOMAS J VANDERHORST, 8331
JONATHAN H VAUGHN, 6562
LUIS VAZQUEZ, 2989
JAVIER E VEGA, 0633
CHRISTAIN R VELASCO, 3807
ALLAN J VIENS, 8385
MICHAEL L VILLAMIZAR, 0857
LUIS VILLANUEVA, 2479
GABRIEL M VILLARONGA, 2918
MARK A VINCENT, 7363
LARRY W VINES, 2456
MAURIZIO VISANI, 8164
KRISTIAN A VONHEIMBURG, 8385
SHAWN R WADE, 3225
SUZANNE W WADSWORTH, 0023
DAVID J WAGNER, 1356
JAMIE L WAGNER, 0426
JONATHAN C WAITE, 5876
KENNETH R WALDEN, 6760
BYRON E WALKER, 6109
DEANNA L WALKER, 6052
JAMES A WALKER, 7943
JUSTIN B WALKER, 0459
KAREN M WALKER, 9662
RYAN M WALKER, 7897
THOMAS A WALKER, 4188
PHILLIP A WALTER, 4499
BRADLEY W WARD, 8303
MAMIECOLEE O WARD, 5834
RYAN B WARD, 1226
MATTHEW R WARNICK, 5795
KEITH P WARREN, 6853
DION E WATERS, 2968
PERRY D WATERS, 4905
STEPHEN C WATERS, 9438
LUKE T WATSON, 0913
TERRANCE D WATSON, 7653
ANDREW L WEBB, 3235
LONNY W WEBB, 6526
CLINTON J WEBER, 8258
MICHAEL B WEBER, 6035
WILLIAM D WEBER, 8816
ANDREA E WEDAN, 5861
MARTY D WEED, 5877
DANIEL J WEIDENSAUL, 7870
CASEY J WEINER, 5921
YINON WEISS, 8421
RYAN D WELKEN, 6014
CHRISTOPHER F WELSH, 5313
CHRISTOPHER H WESTERHEIDE, 0271
CHRISTOPHER E WHITE, 5522
KENNETH A WHITE, 4079
TAYLOR P WHITE, 9704
CHRISTOPHER M WHITLEY, 5783
MICHAEL J WIERSON, 5679
DAVID A WILEMON JR., 3277
WALTER A WILKIE, 4835
BRUCE K WILLIAMS III, 2904
DERICK C WILLIAMS, 6015
JACOB R WILLIAMS, 9884
MALCOLM A WILLIAMS, 5425
MATTHEW P WILLIAMS, 5812
VAUGHN R WILLIAMS, 5023
ERIC J WILLIAMSON, 7921
CHRISTOPHER D WILLS, 4260
CHRISTOPHER M WILSEY, 2471
LAWRENCE E WILSON II, 8490
RICHARD W WILSON, 3931
SEAN M WILSON, 2773
DANIEL R WINKELER, 7234
JEFFREY P WITHERELL, 2241
SETH WOLCOTT, 1948
DAVID A WOMACK JR., 9609
MAISIE M WONG, 5127
JENNIFER L WOODMANSEE, 5391
JOSEPH A WORRELL JR., 3716
DAVID J WRIGHT, 9020
KAWANSKI L WRIGHT, 7149
KHARI C WRIGHT, 4570
WILLIAM N WRIGHT II, 2269
JEFFREY D WROBEL, 5438
DANIEL J WRYNN, 8861
ERWIN J WUNDERLICH, 9411
JIAN XU, 0821
FLOY A YATES JR., 1662
CARLOS YBARRA, 8184
JOSEPH L YOSKOVICH, 0480
ALAN T YOUNG, 0343
ANDREW W YOUNG, 8245
DERON R YOUNG, 2035
DARON A YOUNGBERG, 5048
PAUL A YOUNT, 4395
STEVEN L YOUSTEN, 4390
JON C ZACKARY, 8054
DOMINICK ZAMARLIK, 5055
MARK E ZARNECKI, 8043
MICHAEL G ZAWADZKI, 9304
TIMOTHY R ZELEK, 5661
MARK D ZIMMER, 2624

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID B AUCLAIR, 1921
MATTHEW E AUGER, 3022
JOHN H BENNETT, 3755
ROBERT C BLAKE, 8223
SALVADOR A DOMINGUEZ, 1432
GENEVIEVE M FAHERTY, 3726
MARY A FLYNN, 2622
THOMAS M GALLAGHER, 9711
VIRGINIA S GREBASCH, 8454
DAVID C IGLESIAS, 9046
PAUL W JONES, 1851
DIANE L KARR, 0077
VINCENT J MATANOSKI, 7359
JOHN J MULROONEY II, 3124
ALBERTO MUNGUIA, 5027
JAMES R REDFORD, 1288
FRANK B ROBARDS III, 1837
BRADFORD H ROBERTS, 7099
BRIAN N ROBERTS, 9990
RANDALL D RUSSELL, 4168
STEPHEN R SARNOSKI, 3286
JEFFREY M WASILESKI, 7397
RYAN M WILSON, 4833

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KENNETH C ALEXANDER, 2792
PAULA C BROWN, 6136
STEPHEN E ELROD, 1637
TIMOTHY W HAMBERG, 2001
LARRY A HIBNER, 7860
ROBERT V HUFFMAN, 6858
ROBERT H KELLY, 9678
MARK E KISTNER, 1422
HERVE M KOPCIAK, 8613
DONALD E KUELLMER, 1147
TERRENCE M MAHONEY, 2775
ROBERT S MEYER, 0181
DAVID K MORI, 9897
SCOTT A MORRIS, 6194
THOMAS P NEWDOME, 4703
H PROBST JR., 2934
RICKY V RICHARDS, 3728
GREGORY R RISMILLER, 5529
CHARLES E SILVA II, 8320
JOEL E SINN, 2698
THEODORE E SPEAR, 5706
DAVID L SULLIVAN, 9837
DOUGLAS P TAYLOR, 2872
MICHAEL G WARD, 0275
WILLIAM R WHITTENBERG, 5434
TERRY L WILKERSON, 8159
JAMES R WOOD, 1264
TIMOTHY G ZAKRISKI, 2429

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAVID F BAUCOM, 4656
BRAD A BELLIS, 6793
ROBERT C BRONSON JR., 9451
CARLOS D BUZON, 4326
WILLIAM R DAWSON, 0144
RICHARD A ELLIS, 8572
JOSEPH A ERLER, 4676
GUY A ETHRIDGE, 9811
MICHELE R D JACKSON, 5288
ROBERT L JACOBS, 6892
TODD D KIRST, 5303
LEONARD R KOJM JR., 6901
KURT L KUNKEL, 4359
JAMES L LEPSE, 6517
FRANK A LINDELL, 2328
CAROL D MARCINEK, 0204
ROBERT D MARCINEK, 6336
ALAN R MCCOSH, 1392
JEREMIAH X MCENERNEY, 4631
THOMAS A MUSICK, 9152
GORDON L PERKINS JR., 8747
WILLIAM H PORT, 9125
JAMES G POUND, 8817
JOHN F QUA, 5369
KARL F RAU, 5464
JOHN I ROGGEN, 5295
WALTER D RUEHLIN, 0911
ROBERT K SCOTT, 6286
THOMAS C TRAAEN, 3372
THOMAS F WIECHELT, 6496
RICHARD L WILSON, 8939
ROBERT E WILSON, 4185
JONATHAN A YUEN, 7460

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT D BECHILL, 7133
SAMUEL L BOGLE, 6645
DENNIS P COBURN, 4424
DAVID M CODERRE, 1896
RONALD D CONRAD, 0557
WILLIAM J CURRAN III, 0006
CRAIG CURTIS, 4058
THOMAS M DEPAOLI, 9903
JACK L DYSART, 4326
STEPHEN A ETHRIDGE, 8082
PATRICK L FOSTER, 6012
WILLIAM M FULLER, 2058
RICHARD A GUERNSEY, 9811
ALAN L GUNN, 3671
BRADLEY G GUTCHER, 7511
MARIA E HECKELMAN, 1528
VALERIE K HUEGEL, 6014
KATHLEEN JENSEN, 1332
STEVEN M JONES, 0369
JAMES R KENNEDY III, 1781
GARY R MACK, 0850
MAIREAD H MELIS, 9169
MARGARET METZGER, 2027
ROBERT H MILBURN JR., 5983
TERRENCE RONAN, 2715
RANDALL L SENF, 9938
TYLER D SERVIES, 7519
LORENA A SMITH, 9995
ROBERT C SNYDER, 8068
CARL J STEWART, 2251
BARBARA M THIBADEAU, 4137
PATRICIA E WOLFE, 6159
PHILIP H WRIGHT, 4690

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LYNN P ABUMARI, 3841
ESTHER K ALEXANDER, 0401
BENNETT V BOCCUZZI, 2696
JUDITH A BROOKS, 4849
ARLENE E CHRISWELL, 1664
ROBERT CONTINO, 0072
MARY T COUNTS, 9218
ATHERINE W COX, 9213
LINDA M DETRING, 8295
ANDREA C DIETRICH, 1981
CATHERINE U DISCHNER, 4274
DEBORAH L ENIS, 8625
MARJORIE A FONZA, 9474
NANCY E GRIFFIS, 9238
DORIS V HANNA, 9337
CAROLYN B HARGROVE, 5380
KENNETH L HUFFMAN II, 7658
SHARON P IGNAT, 6536
ANITA L JACKSON, 7203
SUSANA P JUAREZLEAL, 4791
TERESA A KENNARD, 9860
LAURETTA A KOENIGSEDER, 1650
KIMBER D MARTIN, 0197
DIANE G MARVIN, 9655

MARTINE R MYERS, 4194
KATHERINE L RUSSELL, 6595
MARGARET A RYKOWSKI, 4345
SHARON L SIMS, 0805
NANCY L SMITH, 8487
KAY B STEPLER, 1442
PAMALA K THOMPSON, 1333
BARBARA A TUBBESING, 8112
LOUISE C WASZAK, 9988
THOMAS A WILSON, 0576
LORI WILSONHOPKINS, 2694
SUSAN YOKOYAMA, 6598

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID W ANDERSON, 0270
WILLIAM AUBUCHON, 9004
BRAD A BERNSTEIN, 9156
DANIEL G BOSSO, 9486
VICTOR J CATULLO, 5876
PAUL R COLAVINCENZO, 2344
ROBERT P COLLIGAN, 6116
WILLIAM L DAHUT JR., 6123
WILLIAM V J DOLAN, 4582
JOHN A DUNCAN III, 3431
HARRY D ELSHIRE III, 2079
TIMOTHY W FLEMING, 2161
JAMES F GOLDSZER, 8923
JOHN P HEFFERNAN, 5665
GEORGE M HUDSON, 6535
MARK J INTEGLIA, 7065
LAWRENCE F JINDRA, 1428
THOMAS M KUNCIK, 5797
JEFFREY A LEE, 2336
STEVEN V LEWINSKI, 3116
WAYNE F LITTLE, 9853
JAMES J LITYNSKI, 9588
ROBERT D MATTHEWS, 6126
THOMAS G MERRY, 4072
ROBERT A MEVORACH, 3150
JAMES D MURRAY, 5198
WILLIAM F NELSON, 7091
WILLIAM W OCONNOR, 8918
CHRISTOPHER A OHL, 2143
STEVEN L OREBAUGH, 1451
JENNIFER B OTA, 1000
WILLIAM F I POMPUTIUS, 6862
EFREN E RECTO, 5983
SHERI L ROLF, 2550
CARLOS E RUBIO, 6612
ALAN L SCHILLER, 4670
JAMES M SHEEHY, 4288
RICKY L SNYDER, 9716
STEPHEN R STEELE, 8649

HOUSE OF REPRESENTATIVES—*Tuesday, June 4, 2002*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 4, 2002.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You know our comings and our goings, You create an awareness of the inner world, as well as the mystery of everything external that contains the energy of life.

As Members of Congress return today to do their work, be with them in every decision which will guide our Nation's health and purpose.

Bent over by our memorializing this past week, we lean into Your mercy. For to remember brings to mind our bloody past as well as the victory of freedom over oppression. Images of planes, cemeteries and graduations combine to raise questions regarding the fulness of life and the weight of justice.

Distant memory of war-filled veterans dance with near vibrant figures of 9–11's victims as the House re-members itself. Make us a living body of hope in a world gripped by fear of numbers beyond zero, disgusted by continuing retaliations and rumors of mountain war.

May memorial bring to life Your steadfast love to guide our destiny now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. ROEMER) come forward and lead the House in the Pledge of Allegiance.

Mr. ROEMER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1366. An Act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building".

H.R. 1374. An Act to designate the facility of United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building".

H.R. 3789. An Act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building".

H.R. 3960. An Act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building".

H.R. 4486. An Act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building".

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3009. An Act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1983. An Act to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the "John A. 'Jack' Shea Post Office Building".

S. Con. Res. 109. Concurrent resolution commemorating the independence of East Timor, and for other purposes.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMANENT DEATH TAX REPEAL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in politics, money often equals power. When Washington takes more money from the American people, the government becomes more powerful and the people lose just as much control over their own lives.

A year ago, Congress took the dramatic step of returning power to the people. We passed the largest tax relief package since the Reagan administration, and it was relief that benefitted every American taxpayer. But because there was liberal opposition in the Senate, we had to agree to a sunset provision. In 10 years, the marriage penalty, the death tax, and a whole host of other taxes will shoot right back up to where they were unless we make them permanent.

This week, we will be voting to make the death tax repeal permanent. For years, the death tax has taken as much as 55 to 60 percent of the value of a family farm or small business just to pay the taxes. This is a terrible tax and we should get rid of it for good.

I encourage my colleagues to support this bill, return power to the American people, and get rid of the death tax once and for all.

PRESCRIPTION DRUG BENEFIT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, we all know that today prescription drugs are a fact of life and a fact of death. The average American senior uses 18 prescription drugs each year, and the cost of those lifesaving drugs keeps going up.

That is why it is our responsibility as Members of Congress to enact a comprehensive prescription drug benefit plan, but it must be a plan that benefits all seniors and that it is not the kind of plan that our GOP leadership has proposed. Under their plan, only some seniors in limited scenarios will actually benefit.

Seniors should be spending time with their grandchildren, not trying to figure out how to pay for the medicines they need to live. Let us not make

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Americans' golden years, when they are seniors, into their darkest years, forcing them to choose between paying for food and paying for their medication. Seniors deserve better than that.

My Republican colleagues need to stop stalling. They need to come up with a meaningful proposal. They need to start helping seniors by providing a real prescription drug benefit.

HUNTINGTON'S DISEASE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to draw attention to a disease which affects thousands of people in the United States. Approximately 30,000 people in the United States suffer from Huntington's Disease. Each child of a parent with Huntington's Disease has a 50 percent risk of inheriting the illness, meaning that there are more than 200,000 individuals who are at risk today.

Huntington's Disease results from a genetically programmed degeneration of nerve cells in certain parts of the brain. While medication is available to help control symptoms of Huntington's Disease, there is no treatment to stop or reverse the course of the disease.

I would like to commend Dr. Ruth Abramson of Columbia, South Carolina, for her leadership and dedication in the fight against Huntington's Disease.

I encourage the American people to be aware of their own family histories, to be aware of the issues in genetic testing, and to advocate for families with Huntington's Disease in their communities, such as the Wayne and Ouida Dell family of Ridgeland, South Carolina. I also call on my colleagues in the House to join me in this effort to find a cure for those suffering from this disease.

MAKE TAX RELIEF PERMANENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today this House will consider two bills under suspension which will make parts of the tax relief package that we passed last year permanent. I encourage all my colleagues to support these bills and to support making last year's tax relief bill permanent in its entirety.

By not doing so, we will force thousands of married couples to once again pay the unfair marriage penalty tax beginning in 2010. We will force thousands of small business owners to sell their companies for fear that they will not be able to afford the estate tax that will be reinstated.

Americans approved of last year's tax relief package. Now it is time to make it permanent to ensure that Americans do not face the largest tax increase in history in just a few years.

Mr. Speaker, this past week I met with many Nevadans, and this was the message they wanted me to bring back to Washington: Make tax relief permanent.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from The Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 28, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 24, 2002 at 2:31 pm.

That the Senate passed without amendment H. Con. Res. 356.

Appointment:

N.A.T.O. Parliamentary Assembly.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON
(For Jeff Trandahl, Clerk of the House).

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 28, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on May 22, 2002 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION: DOCKET 2659—SAN FRANCISQUITO CREEK WATERSHED, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, in accordance with Section 4 of the Flood Control Act of 1941, is hereby requested to conduct a study of the Guadalupe River and Tributaries, California, to determine whether flood damage reduction, environmental restoration and protection, storm water retention, water conservation and supply, recreation and other allied purposes are advisable in the interest of the San Francisquito Creek Watershed, including San Francisquito Creek, Santa Clara and San Mateo Counties, California.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2660—PORT HUENEME, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on Port Hueneme, California, published as House Document 362, 83rd Congress, 2nd Session, and other pertinent reports, to determine whether modifications to recommendations contained therein are advisable time in the interest of shoreline protection, storm damage reduction, navigation improvements, environmental restoration and protection and other allied purposes along the shores of the City of Port Hueneme and adjacent areas, Ventura County, California.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2661—LITTLE WABASH RIVER WATERSHED, INDIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Comprehensive Study of Wabash River Basin, published as House Document 100, 73rd Congress, 1st Session, and other pertinent reports, to determine the feasibility of providing flood damage reduction, environmental restoration and protection, and related purposes in the Little Wabash River Basin, Indiana.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2662—COYOTE CREEK WATERSHED, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on Coyote and Berryessa Creeks, California, published as House Document 101–126, 101st Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, environmental restoration and protection, water conservation and supply, recreation, and other allied purposes in the Coyote Creek Watershed, including Coyote Creek, Santa Clara County, California.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2663—HANCOCK COUNTY SEAWALL, MISSISSIPPI

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers of the Mobile District, dated June 1995, on Hancock, Harrison, and Jackson Counties, Mississippi, Comprehensive Reconnaissance

Study, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, shoreline restoration, and environmental restoration and protection.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

Resolution: Docket 2664—Keith Creek, Illinois

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Rock River, Rockford, Illinois, published as Senate Document 142, 87th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, environmental restoration and protection, and related purposes along Keith Creek, Rockford, Illinois, including repairs and improvements to Alpine Dam and its spillway.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

Resolution: Docket 2665—Goffle Brook and Tributaries, New Jersey

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Passaic River Main Stem, New Jersey and New York, published as House Document 163, 101st Congress, 1st Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of water resources development, including flood damage reduction, environmental restoration and protection, streambank restoration and other allied purposes for the Goffle Brook and Tributaries, New Jersey.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

Resolution: Docket 2666—Neshannock Creek, Pennsylvania

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Ohio River and Tributaries, Pennsylvania, Ohio and West Virginia, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable for potential improvements to Neshannock Creek in the New Castle, Pennsylvania area. This review should include a determination of the feasibility of measures to address environmental restoration and protection, flood damage reduction, streambank protection, and other water resources needs along Neshannock Creek in the vicinity of the city of New Castle, Lawrence County, Pennsylvania.

Adoted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

Resolution: Docket 2667—Fourmile Run, Virginia

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on Fourmile Run, Virginia, published as House Document 358, 91st Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, environmental restoration and protection, floodplain management, and other allied purposes for Fourmile Run, Virginia.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

Resolution: Docket 2668—Holmes Run, Virginia

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Potomac River and Tributaries in Maryland, Virginia and Pennsylvania, published as House Document 622, 79th Congress, 2nd Session, and other pertinent reports, in cooperation with the City of Alexandria, Fairfax County, the Commonwealth of Virginia and other Federal agencies and entities, to determine whether modifications of recommendations contained therein are advisable in the interest of environmental restoration and protection, flood damage reduction, and other allied purposes for the Holmes Run, Virginia watershed.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

Resolution: Docket 2669—Lavaca and Navidad Rivers, Texas

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Lavaca and Navidad Rivers, Texas, published as House Document 659, 77th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, watershed management, environmental restoration and protection, water quality, water supply and allied purposes on the Lavaca and Navidad Rivers, Texas.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

Resolution: Docket 2670—Pearl River Basin, Louisiana and Mississippi

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Pearl River Basin, Mississippi and Louisiana, published as House Document 282, 92nd Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction, navigation, bank stabilization, water supply, hydropower, recreation and environmental restoration and protection in the lower Pearl River Basin in the vicinity of Bogalusa, Louisiana and Mississippi.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

Resolution: Docket 2671—Youghiogheny River, McKeesport, Pennsylvania

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Youghiogheny River, Pennsylvania and Maryland, published as House Document 644, 78th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of flood damage reduction (especially damage due to ice jams), environmental restoration and protection and other water resources needs along the Youghiogheny River from its confluence with the Monongahela River at the City of McKeesport, Pennsylvania, upstream to the Youghiogheny River Lake Dam, Pennsylvania.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

Resolution: Docket 2672—California Coastal Sediment Master Plan

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, in accordance with Section 110 of the River and Harbor Act of 1962, the Secretary of the Army is requested to develop a comprehensive plan for the management of sediment in coastal California for purposes of reducing shoreline erosion and coastal storm damages, providing for environmental restoration and protection, increasing natural sediment supply to coast, restoring and preserving beaches, improving water quality along coastal beaches, beneficially using material dredged from ports, harbors and other opportunistic sediment sources, and related purposes.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

Resolution: Docket 2673—Willamette River Basin, Oregon

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers, published as House Document 403, 87th Congress, 2nd Session, House Document 531, 81st Congress, 2nd Session, and House Document 544, 75th Congress, 3rd Session, and other pertinent reports, to determine the feasibility of providing comprehensive watershed restoration, environmental restoration and protection, and other water and related land resources in the Willamette River Basin with particular emphasis on the watersheds in and around Springfield and Eugene, Oregon.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2674—DISMAL SWAMP AND DISMAL SWAMP CANAL, CHESAPEAKE, VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers, on the Atlantic Intracoastal Waterway, Boston, Massachusetts to Beaufort, North Carolina Section published as House Document 391, 62nd Congress, 2nd Session, and other pertinent reports, to determine whether modifications to the existing project are advisable to address flooding problems, environmental restoration and protection, and related water resources needs in the vicinity of the Dismal Swamp and Dismal Swamp Canal in Chesapeake, Virginia.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2675—LAKE MONTAUK HARBOR, EAST HAMPTON, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army is requested to review the report of the Chief of Engineers, published as House Document 369, 76th Congress, 1st Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein in the interest of navigation improvements, to include beneficial uses of dredged material and sand-bypassing, in accordance with Section 110 of the River and Harbor Act of 1962, to determine the need for measures to address storm damage reduction, shoreline protection, environmental restoration and protection and other allied purposes in the vicinity of Lake Montauk Harbor, East Hampton, New York.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2676—FLAGLER COUNTY, FLORIDA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that in accordance with Section 110 of the River and Harbor Act of 1962, the Secretary of the Army is requested to review the feasibility of providing shoreline erosion protection, hurricane and storm damage reduction, and related purposes to the shores of Flagler County, Florida.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2677—STREETS RUN WATERSHED, ALLEGHENY COUNTY, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Ohio River, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports, to determine the modifications contained therein are advisable in the interest of flood damage reduction, environmental restoration and protection, and related purposes in the Streets Run Watershed of Allegheny County, Pennsylvania.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2678—LAKE EMILY DAM, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Youghiogheny River, Pennsylvania and Maryland, published as House Document 644, 78th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of repair and rehabilitation of the Lake Emily Dam for stability, aquatic restoration, and other water and related land resources needs, in the vicinity of the City of McKeesport, Pennsylvania.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2679—GRAND RIVER AT LANSING, MICHIGAN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Grand River at Lansing, Michigan, published in Senate Document 132, 84th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable, with particular reference to preparing a master plan to identify and develop measures for flood control, shoreline protection, environmental restoration and protection, recreation and associated purposes at and in the vicinity of Lansing, Michigan.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2680—EAST RIVER SEAWALL, QUEENS COUNTY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the East River, New York (Spur Channel to Astoria Waterfront), published as Senate Document 60, 91st Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of water and related land resources needs, including restoration of shoreline protection measures in the Queensbridge area along the East River, New York.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2681—LITTLE SARASOTA BAY, FLORIDA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Intracoastal Waterway from Caloosahatchee River to Withlacoochee River, Florida, published as House Document 371, 76th Congress, 1st Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of environmental restoration and protection, and water quality restoration related to circulation in Little Sarasota Bay, Florida.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2682—CITY PARK/UNIVERSITY LAKES, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers on the Amite River and Tributaries, Louisiana, published as House Document 419, 84th Congress, 2nd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of ecosystem and environmental restoration and protection, water quality and sediment control, and recreational enhancement in the City Park/University Lakes area of Baton Rouge, Louisiana.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

RESOLUTION: DOCKET 2683—SUSQUEHANNA AND DELAWARE RIVER BASINS, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that the Secretary of the Army is requested to review the report of the Chief of Engineers on the Susquehanna River and Tributaries, New York, Pennsylvania and Maryland, published as House Document 702, 77th Congress, 2nd Session, the report of the Chief of Engineers on the Delaware River Basin, New York, New Jersey, Pennsylvania and Delaware published as House Document 522, 87th Congress, 2nd Session, and other pertinent reports to determine the need for improvements in the interest of aquatic ecosystem restoration and protection, particularly as related to abandoned mine drainage abatement, floodplain management, flood control, water supply, and other allied purposes for the watersheds of the Susquehanna and Delaware River Basins lying within the Southern Anthracite Coal Region of the Commonwealth of Pennsylvania.

Adopted: May 22, 2002.

ATTEST:

DON YOUNG,
Chairman.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000 AND FOREIGN ASSISTANCE ACT OF 1961 AMENDMENTS ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4073) to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO THE MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000.

(a) PURPOSES.—Section 103 of the Microenterprise for Self-Reliance Act of 2000 (Public Law 106–309) is amended—

(1) in paragraph (3), by striking "microentrepreneurs" and inserting "microenterprise households";

(2) in paragraph (4), by striking "and" at the end;

(3) in paragraph (5)—

(A) by striking "microfinance policy" and inserting "microenterprise policy";

(B) by striking "the poorest of the poor" and inserting "the very poor"; and

(C) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(6) to encourage the United States Agency for International Development to develop, assess, and implement effective outreach methods and tools to ensure that all microenterprise assistance authorized under this title, and the amendments made by this title, is used to assist the greatest absolute number of economically viable clients among the very poor, and that at least 50 percent of all microenterprise assistance authorized under this title, and the amendments made under this title, is used in support of programs or lines of service that target the very poor.".

(b) DEFINITIONS.—Section 104 of such Act is amended—

(1) in paragraph (2), by striking "for microentrepreneurs" and inserting "to microentrepreneurs and their households"; and

(2) by adding at the end the following:

"(5) VERY POOR; POOREST PEOPLE IN DEVELOPING COUNTRIES.—The terms 'very poor' and 'poorest people in developing countries' mean those persons living either in the bottom 50 percent below the poverty line as established by the national government of the country or on less than the equivalent of $1 per day.".

SEC. 2. AMENDMENTS TO THE MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS PROGRAM UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

(a) FINDINGS AND POLICY.—Section 108(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f(a)(2)) is amended by striking "the development of the enterprises of the poor" and inserting "the access to financial services and the development of microenterprises".

(b) PROGRAM.—Section 108(b) of such Act (22 U.S.C. 2151f(b)) is amended to read as follows:

"(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of financial services to microenterprise households lacking full access to credit, including through—

"(1) loans and guarantees to microfinance institutions for the purpose of expanding the availability of savings and credit to poor and low-income households;

"(2) training programs for microfinance institutions in order to enable them to better meet the financial services needs of their clients; and

"(3) training programs for clients in order to enable them to make better use of credit, increase their financial literacy, and to better manage their enterprises.".

(c) ELIGIBILITY CRITERIA.—Section 108(c) of such Act (22 U.S.C. 2151f(c)) is amended—

(1) in the first sentence of the matter preceding paragraph (1)—

(A) by striking "credit institutions" and inserting "microfinance institutions"; and

(B) by striking "micro- and small enterprises" and inserting "microenterprise households"; and

(2) in paragraphs (1) and (2), by striking "credit" each place it appears and inserting "financial services".

(d) ADDITIONAL REQUIREMENT.—Section 108(d) of such Act (22 U.S.C. 2151f(d)) is amended by striking "micro- and small enterprise programs" and inserting "programs for microenterprise households".

(e) AVAILABILITY OF FUNDS.—Section 108(f)(1) of such Act (22 U.S.C. 2151f(f)(1)) is amended by striking "for each of fiscal years 2001 and 2002" and inserting "for each of fiscal years 2001 through 2004".

(f) CONFORMING AMENDMENT.—Section 108 of such Act (22 U.S.C. 2151f) is amended in the heading to read as follows:

"SEC. 108. MICROENTERPRISE DEVELOPMENT CREDITS.".

SEC. 3. AMENDMENTS TO THE MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE PROGRAM UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

(a) FINDINGS AND POLICY.—Section 131(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a(a)) is amended to read as follows:

"(a) FINDINGS AND POLICY.—Congress finds and declares that—

"(1) access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;

"(2) it is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries;

"(3) access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial and non-financial services; and

"(4) given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.".

(b) AUTHORIZATION.—Section 131(b) of such Act (22 U.S.C. 2152a(b)) is amended—

(1) in paragraph (3)—

(A) in the first sentence of the matter preceding subparagraph (A), by striking "targeted to very poor entrepreneurs" and all that follows and inserting "used in support of programs or lines of service under which 50 percent or more of the incoming or prospective clients are initially very poor."; and

(B) in subparagraph (A)(i) , by striking "entrepreneurs" and inserting "clients"; and

(2) in paragraph (4)(D)—

(A) in clause (i), by striking "very small loans" and inserting "financial services to poor entrepreneurs"; and

(B) in clause (ii), by striking "microfinance" and inserting "microenterprise".

(c) MONITORING SYSTEM.—Section 131(c) of such Act (22 U.S.C. 2152a(c)) is amended by striking paragraph (4) and inserting the following:

"(4) adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive needed microenterprise credits, loans, and assistance."

(d) DEVELOPMENT AND APPLICATION OF POVERTY MEASUREMENT METHODS.—Section 131 of such Act (22 U.S.C. 2152a) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

"(d) DEVELOPMENT AND CERTIFICATION OF POVERTY MEASUREMENT METHODS; APPLICATION OF METHODS.—

"(1) DEVELOPMENT AND CERTIFICATION.—(A) The Administrator of the United States Agency for International Development, in consultation with appropriate microfinance institutions, microenterprise institutions, and other appropriate entities shall develop no fewer than two low-cost methods for measuring the poverty levels of the current or prospective clients of microenterprise organizations for purposes of assistance under this section. In developing such methods, the Administrator shall give consideration to methods already in use by practitioner institutions.

"(B) The Administrator shall field-test the methods developed under this paragraph, and as part of the testing, institutions and programs may use these methods on a voluntary basis to demonstrate their ability to reach the very poor.

"(C) Not later than October 1, 2004, the Administrator shall, from among the low-cost poverty measurement methods developed under this paragraph, certify no fewer than two of such methods as approved methods for measuring the poverty levels of the current or prospective clients of microenterprise organizations for purposes of assistance under this section.

"(2) APPLICATION.—Beginning on and after October 1, 2004, assistance furnished under this section to a program or to a line of service within an institution shall qualify, in whole or in part, as targeted assistance to the very poor if one or more of the measurement methods approved under paragraph (1), or one or more of the measurement methods approved in accordance with paragraph (1) after October 1, 2004, verifies that at least 50 percent of the incoming or prospective clients of the program or line of service are initially among the very poor.".

(e) LEVEL OF ASSISTANCE.—Section 131(e) of such Act, as redesignated by subsection (d), is amended by inserting "and $175,000,000 for fiscal year 2003 and $200,000,000 for fiscal year 2004" after "fiscal years 2001 and 2002".

(f) DEFINITIONS.—Section 131(f) of such Act, as redesignated by subsection (d), is amended by adding at the end the following:

"(5) VERY POOR; POOREST PEOPLE IN DEVELOPING COUNTRIES.—The terms 'very poor' and 'poorest people in developing countries' mean those persons living either in the bottom 50 percent below the poverty line as established by the national government of the country or on less than the equivalent of $1 per day.".

SEC. 4. REPORT TO CONGRESS.

Not later than July 1, 2004, the Administrator of the United States Agency for International Development shall submit to Congress a report that contains—

(1) a description of the interim poverty measurement methods developed and implemented pursuant to section 131(d)(1) of the Foreign Assistance Act of 1961, as added by section 3(d);

(2) an analysis of the results of the application of such interim poverty measurement methods to sustainable poverty-focused programs under such section; and

(3) a description of the proposed final poverty measurement methods to be implemented beginning on October 1, 2004, in accordance with section 131(d)(2) of such Act, as added by section 3(d).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4073, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to present H.R. 4073, the Microenterprise Enhancement Act of 2002, to the House. This important anti-poverty legislation reforms, enhances, and expands microenterprise programs throughout the world and authorizes $375 million over 2 years for this incredible initiative.

I would like to thank the gentleman from Illinois (Mr. HYDE) for his very strong and steadfast support of this legislation and commend him for the great leadership that he has shown on so many foreign policy and humanitarian issues, especially since September 11.

I would also like to thank my good friend and colleague, the gentleman from Indiana (Mr. ROEMER), our leading Democratic cosponsor, whose tremendous efforts greatly influenced and helped shape this important piece of legislation. This has been a great team effort, and again I want to thank him for his extraordinary work and leadership.

The support of both the gentleman from California (Mr. LANTOS), our committee's ranking member, and the gentleman from New York (Mr. GILMAN), the chairman emeritus, have also been important. I would also like to thank the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New York (Mr. HOUGHTON), and the nearly 80 other cosponsors for their support of this endeavor.

Mr. Speaker, the impact of microenterprise on entrepreneurs and borrowers in the developing world cannot be estimated and overstated. Over 2 million clients are currently benefitting from AID-assisted programs, and since its inception, millions more have been empowered by microenterprise services.

Like many of my colleagues, and like I think Members of the other body, I have been at times critical of some of our Nation's foreign aid programs, because some of the money never really ends up reaching the people that that money is intended to reach. One of the reasons I am so enthusiastic about microenterprise programs is because they are fundamentally different than traditional foreign aid programs. They are based on a bottom-up, grass roots approach rather than a top-down model.

Microenterprise programs have demonstrated very impressive results. An estimated 97 percent of the loans are actually repaid. Contrast that to some of our own domestic lending programs, and the difference is rather stark.

Studies on the effects of microenterprise programs find they promote higher household income and increased family well-being, including improved nutrition and education among children.

□ 1415

In the past 2 fiscal years, we have spent $155 million, which has been authorized by Congress for microfinance. I am proud to say that this legislation we are considering today will expand that to $175 million for fiscal year 2003, and $200 million for fiscal year 2004. Our legislation will also ensure that more funds go to the poorest of the poor, or as we now define it, the very poor, including those living on less than $1 a day.

Although previous legislation has stipulated that 50 percent of the funds will go to the poorest of the poor, efforts to target funding to the neediest persons has been insufficient because AID essentially uses only a single measurement tool to evaluate its poverty outreach efforts, and that is to say, average loan size.

With currency values varying from country to country, and loan size dependent on the type of business a person is attempting to start, this has not been a sufficient measure, has not been an accurate barometer of poverty.

Mr. Speaker, H.R. 4073, as amended, would require AID to devise new, more meaningful poverty-assessment tools and give consideration to low-cost, easy-to-implement tools already in use by the microfinance institutions. Moreover, AID will have a deadline of October 1, 2004, to certify and utilize at least two additional poverty-assessment techniques that can better evaluate who the poorest actually are and ensure that they receive their fair share of the funds provided under this act.

A main reason for the success of the microenterprise programs is that the assistance goes directly to those who need our help. It provides vital capital for small business owners to strive and achieve their dreams. It helps build sound financial institutions on the grassroots level that foster self-sufficiency. A loan of several hundred dollars or less, which by our standards might be considered quite small, is often a substantial portion of a person's yearly earnings in the developing world. Such a loan can help an entrepreneur businessman or businesswoman increase their profits manyfold, making a better life for themselves and their families for many years to come.

Take the example of Baulia Parra Pruneda of Monterrey, Mexico, one of the many successful recipients of a microenterprise loan. When her husband lost his job in 1998, she was determined to support her six children. Even though she had never worked before and could not read or write, she taught herself to sew by following designs that she saw in magazines. A $150 loan from a lending institution supported by ACCION, one of the leading microfinance institutions in the Americas, provided capital for her to purchase the necessary supplies to launch her endeavor into self-sufficiency. After building her small business through a series of microloans, she now sells over 100 items per week. The money she earns and continues to make not only provides food for her children, but has also enabled her to install a toilet and a shower, as well as a second floor in her home.

As inspiring as Braulia's story is, it is not unique. When given the opportunity and the seed capital to produce, people can turn their economic situation around in a dramatic way. The goal now is to build on past successes that have reached tens of thousands of people and apply lessons learned to devising a better program.

Mr. Speaker, it is worth noting that approximately 70 percent of microenterprise beneficiaries are women, so this initiative is key to reversing the feminization of poverty. I would note that later today, probably by early tomorrow, the report on trafficking will be issued pursuant to the trafficking legislation that we passed last year. I was the prime sponsor of that bill. We worked very hard in a bipartisan way. The gentleman from California (Mr. LANTOS) worked on it, and so many others, to ensure that we crack down on this terrible scourge called trafficking. But one of the core reasons why women can be preyed upon and trafficked into prostitution and other involuntary servitude has been poverty. They have been exploited because they are vulnerable.

This legislation is part of the effort to give women the opportunity to take care of themselves, as well as their families.

Mr. Speaker, let me say finally, the greatest antipoverty program will always be a job. This is all about job creation, one village at a time, one community at a time, one family at a time. It is a very important piece of legislation, it is bipartisan at the outset; and I hope all Members will support it.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation, H.R. 4073, which amends and reauthorizes the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961.

Mr. Speaker, this is a bipartisan compromise bill that truly improves upon the original legislation, and I want to thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from Indiana (Mr. ROEMER) for their extraordinary efforts in crafting this legislation as well as recognizing the support of our colleagues, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New York (Mr. HOUGHTON). I also want to acknowledge the pioneering work on the microenterprise that was done by the former chairman and ranking member of the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and Mr. GEJDENSEN, who introduced the Microenterprise for Self-Reliance Act of 2000, which was signed into law by President Clinton.

Microenterprise programs have proven to be an effective means of providing poor households with the financial tools needed to generate income, create savings, and develop businesses to help alleviate poverty. We have seen the transforming impact of these programs in every country and on every continent where development work is being done.

Microenterprise is founded on the very basic premise that by providing poor households with the tools to manage their finances better, be it through the provision of small loans or even the ability to open a savings account, we can help to improve their lives and even lift them out of poverty. This principle is illustrated so dramatically in Bangladesh by the Grameen Bank that has been so successfully replicated around the globe and provides an effective tool for poverty alleviation and reduction.

Therefore, I am very pleased that we are not only reauthorizing microenterprise legislation, but we are also increasing the amount of funding for these programs. Our legislation seeks to improve targeting of assistance to the poorest of the poor by requiring the administration to develop more precise tools to measure poverty, and it creates better means of reaching the very poor in every country where this program operates.

Specifically, our legislation ensures that at least half of all microenterprise funding authorized be specifically set aside for programs or services in which half of the incoming clients are among the very poor. I hope that by passing this legislation we will be providing the tools and the resources needed to continue this most important work. I urge all of my colleagues to support H.R. 4073.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER), who has done so much work on this issue.

Mr. ROEMER. Mr. Speaker, I want to say in the beginning of my remarks, the U2 rock star Bono sang "It's a Beautiful Day," and there is no better day in the House of Representatives when Democrats and Republicans can join together to successfully encourage a bipartisan bill which promotes free markets, which promotes entrepreneurship, which promotes economic aid that gains results, especially for women and poor in poor countries like Africa. I am very proud and very enthusiastic to stand on the floor today and hopefully see this legislation fly through the House of Representatives in a bipartisan vote later today.

Much thanks go to many members on the committees of oversight. I want to start there and thank the gentleman from New Jersey (Mr. SMITH), who has been a pleasure to work with on this issue, who has helped craft the legislation and worked towards successful passage of this legislation from his perch on the Committee on International Relations and built bipartisan support for it. It has been a pleasure to work with the gentleman, and I know that we have work to do yet with the appropriators to get money appropriated for this act.

I thank the gentleman from California (Mr. LANTOS), who has a lifetime of service toward these kinds of programs which benefit the truly poor people in the world. I thank the gentleman for his year-after-year fight for increases in these programs. I thank the gentleman from Illinois (Chairman HYDE) and the gentleman from New Jersey (Mr. PAYNE), the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. GILMAN), and the gentleman from New Mexico (Mr. UDALL). I also thank the bipartisan staff members on the Democratic and Republican side, and my staff member, Jed D'Ercole for his help and support on this bill.

Last week, for those following this issue from Africa and in our press from the New York Times to our local papers, it was a curious mix of individuals touring Africa, our Secretary of Treasury, Paul O'Neill, with the rock star from U2, Mr. Bono. Everywhere the two of them went, Mr. Bono would say, "We need more resources. We must spend more money on the plight of the poor." As he saw the plight of the poor, especially in Africa, where in the world over a billion people live on less than a dollar a day, this moved him to devote 11 days off tour making money to try to devote resources to helping the poor. Everywhere he went, it was resources, resources, money. Everywhere the Secretary of Treasury went it was, "We have to have results. We must have efficiency. We have to see the practice really benefit the people."

Well, here we have it: H.R. 4073, where we say for a highly successful program for microenterprise loans, loans for the poorest people driven primarily by women as the head of households, getting loans that they repay at 98 percent rates, that this kind of program can elevate people out of poverty and help not only women, not only their families but their children, and scores of people that live on less than a dollar a day.

Mr. Speaker, this bill says that when these programs are effective and these loans are repaid, we are going to devote more money to this successful program, and we ask for an increase from $155 million to $175 million in 2003 and up to $200 million in 2004. I would hope that the appropriators would not only do that, that supporters like the gentleman from Arizona (Mr. KOLBE), the gentlewoman from New York (Mrs. LOWEY), the gentlewoman from California (Ms. PELOSI), and Senator LEAHEY will devote those resources in the upcoming appropriations cycle to what this bill allocates and authorizes.

Why do results plus new resources equal success? Well, the gentleman from New Jersey (Mr. SMITH) talked about an example in Mexico. I would like to talk about an example straight from Malawi, a woman by the name of Flora Matiasi. Flora Matiasi lives in Malawi in a one-room hut with six children. She struggled to feed these children, to clothe these children, to get her children an education. With the help of a small loan through this microenterprise program the United States government provides, she has been able to develop and sell oil cakes, doughnut-like confections that are called mandazis. She sells these on a regular basis. She sells them, saves the money, feeds her children; and she has been able to save $540 which is 10 times her original loan to save to educate her children.

□ 1430

So for her original loan of maybe $40 or $50, we are not only helping her with a small job, an entrepreneurial job to sell these doughnut cakes, we are helping her six children, and if it keeps growing, she will employ an employee next year. This grows and grows and grows. It grows to the extent that we are hopeful that, we now serve through microenterprise loans about 32 million people, we want to grow that to 100 million people. We want to grow to 100 million people in the world that we serve through microenterprise loans that we can help and benefit and lift out of poverty.

The Wall Street Journal wrote an editorial that was lukewarm about Mr. Bono's and Mr. O'Neill's visit but it said, "Mr. O'Neill has been reminding everyone the only route to economic growth is private enterprise, free markets and the rule of law."

That is exactly what this is, private enterprise, entrepreneurship, loans that guarantee more loans that are repaid and generate more loans for children's education and help people buy products eventually that we sell overseas in our markets. That is exactly what Mr. Bono and Mr. O'Neill are trying to do.

I am very happy to support this bill. I am very proud to have worked with the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) and others. I also want to thank Sam Daley Harris of RESULTS and Chris Dunford of Freedom from Hunger. I want to again thank my colleagues for their support and their bipartisan accomplishments here. I want to encourage successful appropriation for this bill in the future. If we are really going to have a beautiful day in the future, if we are really going to fight terrorism effectively in the future, it is going to take more than satellites and soldiers, it is going to take free trade and successful microenterprise loans for the poor.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for his comments and his contribution to this legislation.

Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, first of all I want to thank the gentleman for yielding the time to me, and I particularly want to thank him for developing this legislation. I certainly rise in support of H.R. 4073, the Microenterprise for Self-Reliance Act and the Foreign Assistance Act Amendments. I also want to thank the gentleman from Indiana (Mr. ROEMER) who just made comments on it who has helped with the bill, Chairman HYDE, Ranking Member LANTOS, and the gentleman from New York (Mr. HOUGHTON) for all their support for this legislation.

Our foreign aid has never been more necessary than it is today in improving our relationships with developing countries. From Bangladesh to Guatemala, one of the most exciting strategies for fighting poverty in developing countries is the development of microenterprise projects. For poor women especially, the practice of extending very small loans and improving access to financial services has revolutionized the lives of so many impoverished people, and the way in which we think about poverty-focused development has also been revolutionized. Microenterprise is a method of making very small loans available to the world's poorest people. These loans are typically in amounts as low as $100, but they enable individuals living in impoverished economic conditions to experience free enterprise. Microfinance has touched the lives of over 20 million people in the poorest regions of the world. And this form of foreign aid has a very strong payback rate.

Mr. Speaker, women account for nearly 74 percent of the 19.3 million of the world's poorest people that are now being served by microfinance institutions. Most of these women have access to credit to invest in businesses that they own and operate themselves. The vast majority of them have excellent repayment records in spite of the daily hardships that they face. Contrary to conventional wisdom, they have shown that it is a very good idea to lend to the poor and to women.

While women's access to financial services has increased substantially in the past 10 years, their ability to invest in, and to benefit from, this access is often still limited by the disadvantages they experience because of their gender. Increasingly, the average loan for women is smaller than those of men, even when they are in the same credit program, the same community and the same lending group. As the industry becomes more sophisticated in developing targeted products and services, I really think it makes sense to look at both targeting women and empowering women.

Many studies have proven that international development investments in women and girls bring the greatest gains for economic growth and national development. When women increase their incomes, they directly invest this additional capital in the education, health and welfare of their children, potentially breaking the cycle of poverty.

Some of my colleagues have mentioned examples. I would like to mention one, too, the story of Razia Begum. Razia Begum lives in a village in northeast Bangladesh, an area of verdant hills, paddy fields and ponds. Most of Razia's district lacks electricity. The literacy rate is 16 percent and half of the 46,000 households in her area eke out a living from plots of land of a half acre or less. This is typical of Bangladesh, among the world's poorest 15 countries. At 35, Razia has taken out two loans from the United Nations development program, one, a $65 loan to buy her own piece of land, and a second, a $108 loan to buy seeds and fertilizer through the Bhaturpura East Female Village Organization. For the first time, UNDP reports, Razia can picture a secure future for herself, her three school-aged children and her husband, a shopkeeper. Razia is happy and says, "I can look forward to a steady income by selling vegetable seedlings from this plot of land." She is growing spinach, cauliflower, cabbage, eggplant and papaya.

Microenterprise is at work in the United States, right here as well. In 2000, the Aspen Institute and the Association for Enterprise Opportunity estimated that there were an estimated 2 million microentrepreneurs in the United States, of which 78 percent are women. My own home State of Maryland is home to several local microenterprise programs. For example, the Foundation for International Community Assistance (FINCA) USA, lends to 200 clients. Since it began in 1994, it has impacted the lives of hundreds of entrepreneurs in the Greater Washington, D.C. and Baltimore areas. Michele Green, just one of the many who have benefited from FINCA's work, is a single parent who supports four children. Michele has taken out two loans from FINCA and in just 4 months doubled her income from selling handmade crafts. She reports an increase in household income from $2,200 to $2,600.

The United States must also substantially increase the amount of attention and resources it contributes to implement commitments made at the United Nations Fourth World Conference on Women in 1995 and at the United Nations Special Assembly Session on Women in 2000 in its foreign policy, development assistance programs and international economic policies.

The expansion of this microfinance program, which has the potential to transform relations and empower the poor, has become a central component of our foreign aid program. I support the Microenterprise for Self-Reliance Act. I want to again thank those who have put it together, the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), and I am proud that we continue to build on that microfinance program.

Mr. LANTOS. Mr. Speaker, before yielding to my good friend from New Mexico, I feel compelled to recognize the fact that the distinguished member of his family, the late Mo Udall, gave this body so much wit and wisdom and judgment and service. His own father served with great distinction as our Secretary of the Interior.

Mr. Speaker, we do not have an aristocracy of birth or an aristocracy of wealth in our country, but we do have an aristocracy of public service. I am pleased to yield such time as he may consume to my good friend, the gentleman from New Mexico (Mr. UDALL), a member of that aristocracy.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman very much for those very kind words.

Let me first say that I very much appreciate the bipartisan leadership on this piece of legislation. Ranking Member LANTOS and Chairman HYDE, I think, have done an excellent job on making sure this gets through the House of Representatives. Clearly Chairman SMITH and the gentleman from Indiana (Mr. ROEMER) have worked very hard on this piece of legislation and made sure that it is on the floor today.

It gives me great pleasure to rise today in strong support of H.R. 4073. This is extremely important legislation that holds great promise for improving the lot of many of the world's poorest individuals. According to the World Bank, more than 1.3 billion people in the developing world, or one-fifth of the world's population, subsist on less than $1 a day. Last year, nearly 10.5 million children under the age of 5 died from largely preventable malnutrition and disease and more than 100 million children of primary school age remain out of schools in developing countries throughout the world. These children and their families are some of the poorest people in the world who lack access to many of the most basic necessities that we in the United States often take for granted.

One tool that has proven to be an effective remedy is microcredit loans. These very small loans and other financial services, available to the poorest people, allow them to start and expand tiny businesses without depending on money lenders who demand exorbitant interest rates. In addition, the access to these small loans allows the poor to reap the benefits of their hard work.

Mr. Speaker, I have heard firsthand the stories of women from Pakistan and India, who as a result of these important loans, which often average around the small sum of $150, were able to pull them and their families out of poverty. They spoke of the incredible returns to their families and communities, stating that almost 90 percent of the return they were able to generate from the loan went to paying for better living conditions, better food, and better education for their children. In addition, communities that have had numerous individuals receive these microloans have experienced an increase in more responsible family planning.

The U.S. has been a major provider of funding for international microenterprise programs, providing $155 million for fiscal year 2002. Through the funding provided by the U.S., many microenterprise institutions are now operating independently of foreign aid. Their existence would have been impossible without previous grants for start-up and expansion. I am extremely pleased to see that H.R. 4073 increases microenterprise authorization to $175 million for fiscal year 2003 and $200 million for fiscal year 2004.

Microcredit helps borrowers improve the quality of their lives and the futures of their children. I strongly support this legislation and urge my colleagues to do so as well. A vote in favor of H.R. 4073 will help provide hope and assistance to corners of the world greatly in need of both. I want to once again thank the Members on both sides of the aisle who have worked so hard on this piece of legislation. They have created a good example of how we should work with each other.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH).

□ 1445

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me offer an analogy, a Biblical quotation, and I paraphrase: Give a man a fish and he will eat for a day; teach that person to fish, and he will have food for a lifetime.

This is the kind of venture that has not only worked well in other countries, but has worked well in Michigan, in Illinois and many other States. I only wish we would expand this kind of program, that takes an individual that has the willingness to venture into enterpraneurship and the hard work that is required in any capitalistic movement, and give funding to that individual so that they can develop a business that is not only going to help them, but going to help their community.

Again, to the gentleman from New Jersey (Mr. SMITH) and the colleagues on the other side of the aisle that helped with this legislation, this is probably a more efficient way to help more people in more countries than a lot of the foreign aid that we have pursued in prior years.

Mr. Speaker, in closing, let me say I urge my colleagues to vote for H.R. 4073.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding back the balance of my time, there are a number of people to thank again. I mentioned the Members earlier on. I would like to thank Peter Smith of our distinguished staff; Joseph Rees; Andy Napoli and George Phillips, who worked on this legislation; Nisha Desai, who also worked very hard on the bill; Jed D'Ercole, from the staff of the gentleman from Indiana (Mr. ROEMER), for his work as well; and also Mr. Dan Freeman, who is our parliamentarian extraordinaire, who was also very, very helpful in crafting this legislation.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 4073 and I commend chairman HYDE and Ranking Minority Member TOM LANTOS for bringing this measure to the Floor for a vote. Microcredit is a key anti-poverty tool. With one fifth of the world's population struggling to survive on less than $1 a day, it is vital that we expand opportunities for the poor to help themselves. This can be done by more effectively utilizing our micro-enterprise resources.

H.R. 4073 would reprioritize USAID efforts in the micro-enterprise arena to ensure that resources are spent more effectively and with the greatest return rate.

We know the capabilities of micro-enterprise development assistance programs. However we can take better advantage of their potential. Specifically, the U.S. Agency for International Development should better track poverty-lending money and report whether it has been complying with the Congressional priority. We also need to mandate that at least half of all micro-enterprise resources be directed to programs serving the very poor. Additionally, USAID should be better able to ensure that its programs for the poor are reaching a majority of very poor clients and better reward programs upfront for reaching the poorest more effectively. H.R. 4073 attempts to do accomplish all these worthy goals.

Accordingly, I thank Chairman HYDE and Ranking Member LANTOS for their leadership, and my colleagues, CHRIS SMITH, DONALD PAYNE, AMO HOUGHTON and TIM ROEMER for their efforts to craft this legislation. Hopefully, as our Senate counterparts take up the micro-enterprise issue in the coming days, they will also include the key poverty provisions contained in this bill. I urge my colleagues to support H.R. 4073.

Mr. KIRK. Mr. Speaker, I rise today in strong support of H.R. 4073, the Micro-enterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 Amendments Act. This legislation is absolutely critical in the fight against global poverty, and serves as a reminder of the importance of our nation's continued foreign aid.

As a staffer for the House International Relations Committee under Chairman GILMAN, I worked to craft the original legislation that helped establish micro-enterprise grant assistance. Now, as we consider reauthorizing and increasing funding levels for these critical programs, I strongly urge my colleagues to join me in support of this legislation.

Despite the overall growth of the international economy over the last twenty years, billions of people throughout the world continue to live on less than one dollar per day. The world's poorest people do not have the appropriate resources to start small businesses despite the fact that in many areas, starting a business requires as little as $100. As a proven method of foreign aid, micro-enterprise has successfully paved the way for nearly 20 million people to achieve economic independence and a better way of life. Small business is the lifeblood of our thriving American economy. We must make every effort to ensure that our friends abroad are given the same opportunities to start and maintain their own businesses.

Micro-financing stimulates growth, generates new employment, and can help raise the income of others. Additionally, these programs promote higher household income and increased family welfare. While micro-enterprise has been proven to enhance the lives of the world's poorest people, it has also played a specific role in bettering the lives of poor women throughout the world. Studies indicate that the majority of those who benefit from micro-enterprise are women.

Please join me in supporting this bill, which would responsibly increase funding for micro-enterprise programs to $175 million in FY 2003 and $200 million in FY 2004. As the world's leader in foreign aid contributions and as a beacon of freedom and prosperity, the United States must continue to guide the world out of the darkness of poverty, and micro-enterprise is one effective avenue to accomplish this goal.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of H.R. 4073, the Microenterprise For Self Reliance Act of 2000 and the Foreign Assistance Act of 1961 Amendments Act. Microenterprise is the provision of small loans that average less than $150 dollars at competitive interest rates and other financial services to the poorest individuals in developing countries, especially women, in order to start or expand self employment ventures and pull themselves out of poverty. Microenterprise is a solution to the poorest people's inability to find satisfactory employment and obtain needed credit. While microenterprise has spread to countries in Asia, Africa, and Latin America reaching approximately 30 million clients, tens of millions of very poor families who could use microenterprise still do not have access to this effective route out of poverty. This legislation, which increases assistance through microenterprise organizations, is a step in the right direction to expanding this successful program.

Microenterprise is an economically sound method of fighting poverty. In developing countries, the rate of repayment of well established microenterprise programs ranges from 95 to 99 percent. Due to a system of peer support used in many microenterprise models, repayment rates are high as borrowers are responsible for each other's success to ensure that every member of their group is able to pay back their loans. With support to grow and become efficient, microenterprise programs in developing countries need less grant money, can utilize loan and loan guarantees, and eventually get linked into the formal financial system. Microenterprise organizations have been able to cover 100 percent of operational costs with the interest income generated by the loans.

Women greatly benefit from the microenterprise organizations. Most of the 1.2 billion people living on less than a dollar a day are women. Women are often responsible for the upbringing of the world's children. Poverty may result in the physical and social underdevelopment of their children. Experience shows that women are good credit risk. Many women invest their income toward the well being of their families. Simultaneously, women themselves benefit from the higher social status they achieve within the home when they are able to provide income. The Women's Empowerment Program in Nepal, for example, conducted a study that showed an average of 89,000 out of 130,000 or 68 percent of women in its program experienced an increase in their decision making roles in the areas of family planning, children's marriage, buying and selling property, and sending their daughters to school, all areas of decision making traditionally dominated by men.

Mr. Speaker, in may developing countries, the self employed comprise more than 50 percent of the labor force. Access to small amounts of credit with reasonable interest rates allows poor people to move from tiny initial income generating activities to small microenterprises. In most cases, microenterprise programs offer a combination of services and resources to their clients including savings facilities, training, networking, and peer support. In this way, microenterprise allows families to work to end their own poverty with dignity.

I urge my colleagues to support this measure.

Mr. ROEMER. Mr. Speaker, last week U.S. Treasury Secretary Paul O'Neill and Irish rock star Bono on a tour of Africa called attention to the need for international development to alleviate world poverty and suffering. As their trip demonstrated, impoverished communities in the Third World will benefit greatly from an increase in U.S. foreign aid funding toward programs that can maintain stable accountability measures.

Now more than ever, Congress must achieve a bipartisan compromise in enacting new and innovative foreign aid programs that effectively meet the needs of impoverished people throughout the world. Microenterprise, the lending of very small loans to the world's poorest people that serve to start and expand small business typically in amounts as low as $100, is a U.S. foreign aid program that fosters hope and opportunity, and counters the fear and desperation that is exploited among the masses of unemployed and impoverished people around the world by terrorist organizations like al-Qaeda. The war on terrorism will not be won by satellites and soldiers alone; our arsenal must include humanitarian assistance that promotes freedom and opportunity for the world's poorest people. Undeniably, microenterprise programs fullfill this role in the developing world.

Mr. Speaker, today I rise to voice my strong support for H.R. 4073, a bipartisan bill that increases funding for microenterprise programs. This important legislation ensures that our investment in the world's small business owners in well-spent. Specifically, this legislation calls for targeting at least half of all microenterprise resources to the world's poorest people and provides greater accountability measures that ensure effective poverty-targeting.

Take for example the story of Violet Mutoto of Uganda. Violet, a mother of four young children, lives and works out of her small house in the tiny hamlet of Mooni, Uganda. Her mud dwelling contains no plumbing; yet she pays roughly $18 a month in rent. Out of the front of her home, Violet operates a rudimentary store. Since receiving her first loan of $43 from the international development organization, Freedom from Hunger, Violet has been able to pay her rent and expand her stock of supplies in her store. Now she sells cooking oils, cheese, salt, sugar, malaria pills, and other items. The diversified stock of supplies has increased her business and has afforded her the opportunity to end her older children to school. After repaying her first loan, Violet was able to assume second and third loans to begin accumulating a savings account.

H.R. 4073 is the product of a bipartisan effort to create effective foreign aid. Earlier this year, my colleague and friend, AMO HOUGHTON of New York, and I introduced H.R. 4209, the "Promoting Self-Reliance for the Worlds Poorest People Act of 2002." This bill called for three essential mandates: (1) increasing U.S. investment in microenterprise globally; (2) ensuring that at least half of these resources reach the poorest people, especially poor women; and (3) creating poverty assessment tools ensuring that microcredit loans reach the poorest people.

Working closely with our colleagues of the International Relations Committee and particularly with the gentleman from New Jersey, CHRIS SMITH, we were able to forge a strong compromise microenterprise bill. This legislation, H.R. 4073, thoughtfully addresses key microenterprise poverty issues and, accordingly, was passed unanimously by the committee in May. The Smith Roemer microenterprise bill, increases funding for Microenterprise programs from $155 million to $175 million in FY 2003 and to $200 million in FY 2004 in the Foreign Operations budget.

I would like to thank the International Relations Committee Chairman, Mr. HYDE, and Ranking Member, Mr. LANTOS, and their respective committee staff members, Peter Smith and Nisha Desai, for their leadership on this bill. I would also like to thank Representatives AMO HOUGHTON, CHRIS SMITH, DONALD PAYNE, BEN GILMAN, and my other colleagues who lent their support and expertise to the formulation of the final bill.

Mr. Speaker, in conclusion, I strongly encourage my colleagues to vote for H.R. 4073 this afternoon. Today, Congress has the opportunity to support a foreign aid program that equips the world's poorest people with the tools to empower themselves. Microenterprise organizations such as Freedom from Hunger provide these vital empowerment tools in the form of tiny microcredit loans. As the story of Violet Mutoto demonstrates, by devoting greater resources to effective humanitarian programs, U.S. foreign aid can provide hope and empowerment to the world's poorest people and demonstrate that the United States is committed to spreading the rewards that can grow in a free-enterprise system.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 4073, important legislation that increases assistance for the poorest people in developing countries under microenterprise assistance programs.

This legislation focuses on the lending of very small foreign loans to start businesses in highly impoverished areas. A recent World Bank report indicates that approximately 1.3 billion worldwide live on less than $1 a day. When targeted properly and effectively, such foreign assistance can help stop poverty, disease, and other serious threats to international communities. H.R. 4073 increases current funding to $175 million in fiscal year 2003, and $200 million in fiscal year 2004 in the Foreign Operations budget.

More importantly, microcredit provides a valuable and much-needed resource to many of our allies and their citizens, an important and vital goal for the United States. Here today, we have the chance to show our support for promising small business efforts worldwide, and the positive impact such enterprises have within their nations. Microcredit currently reaches 30 million people, 19 million of whom are among the very poor and live in extreme poverty. H.R. 4073 builds on efforts to prevent these tragic circumstances by ensuring a stronger loan support system, along with the funds to help international business growth efforts to succeed.

As this program is already in place and is a proven success, I encourage my colleagues to join me in support of this bill. Working with the Administration and my colleagues in the House, I look forward to enacting thoughtful loan assistance legislation and battling global poverty and suffering.

For all these reasons, Mr. Speaker, I urge my colleagues to join me in support for H.R. 4073, to support business development efforts on a global scale, and to help build new communities worldwide.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4073, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2002

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4466) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004 and 2005, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Transportation Safety Board Reauthorization Act of 2002".

TITLE I—NTSB REAUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEARS 2003-2005.—Section 1118(a) of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by striking "such sums to" and inserting the following: "$73,325,000 for fiscal year 2003, $84,999,000 for fiscal year 2004, and $89,687,000 for fiscal year 2005. Such sums shall".

(b) EMERGENCY FUND.—Section 1118(b) of such title is amended by striking the second sentence and inserting the following: "In addition, there are authorized to be appropriated such sums as may be necessary to increase the fund to, and maintain the fund at, a level of not to exceed $6,000,000.".

(c) NTSB ACADEMY.—Section 1118 of such title is amended by adding at the end the following:

"(c) ACADEMY.—There are authorized to be appropriated to the Board for necessary expenses of the National Transportation Safety Board Academy, not otherwise provided for, $3,347,000 for fiscal year 2003, $4,896,000 for fiscal year 2004, and $4,995,000 for fiscal year 2005. Such sums shall remain available until expended.".

SEC. 102. ACCIDENT AND SAFETY DATA CLASSIFICATION AND PUBLICATION.

Section 1119 of title 49, United States Code, is amended by adding at the end the following:

"(c) APPEALS.—

"(1) NOTIFICATION OF RIGHTS.—In any case in which an employee of the Board determines that an occurrence associated with the operation of an aircraft constitutes an accident, the employee shall notify the owner or operator of that aircraft of the right to appeal that determination to the Board.

"(2) PROCEDURE.—The Board shall establish and publish the procedures for appeals under this subsection.

"(3) LIMITATION ON APPLICABILITY.—This subsection shall not apply in the case of an accident that results in a loss of life.".

SEC. 103. SECRETARY OF TRANSPORTATION'S RESPONSES TO SAFETY RECOMMENDATIONS.

Section 1135(d) of title 49, United States Code, is amended to read as follows:

"(d) REPORTING REQUIREMENTS.—

"(1) ANNUAL SECRETARIAL REGULATORY STATUS REPORTS.—On February 1 of each year, the Secretary shall submit a report to Congress and the Board containing the regulatory status of each significant safety recommendation made by the Board to the Secretary (or to an Administration within the Department). The Secretary shall continue to report on the regulatory status of each such recommendation in the report due on February 1 of subsequent years until final regulatory action is taken on that recommendation or the Secretary (or an Administration within the Department) determines and states in such a report that no action should be taken.

"(2) FAILURE TO REPORT.—If on March 1 of each year the Board has not received the Secretary's report required by this subsection, the Board shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the Secretary's failure to submit the required report.

"(3) SIGNIFICANT SAFETY RECOMMENDATION DEFINED.—For the purposes of this subsection, the term 'significant safety recommendation' means a recommendation included in the Board's 'most wanted list'.

"(4) TERMINATION.—This subsection shall cease to be in effect after the report required to be filed on February 1, 2007, is filed.".

SEC. 104. ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—Section 1136 of title 49, United States Code, is amended by adding at the end the following:

"(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

"(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to an aircraft accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

"(2) BOARD ASSISTANCE.—If this section does not apply to an aircraft accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.".

(b) REVISION OF MOU.—Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this section and title II and shall submit a copy of the revised agreement to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 105. TECHNICAL AMENDMENTS.

Section 1131(a)(2) of title 49, United States Code, is amended by moving subparagraphs (B) and (C) 4 ems to the left.

SEC. 106. ADVERSE EFFECTS OF CARRY-ON BAGGAGE.

(a) STUDY.—The National Transportation Safety Board shall conduct a study to identify the adverse effects, including passenger injuries or other safety problems, associated with carry-on baggage stored in overhead bins aboard passenger aircraft and sufficient ways to deal with such problems.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Board shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the study.

TITLE II—RAILROAD FAMILY ASSISTANCE

SEC. 201. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

"§ 1138. Assistance to families of passengers involved in rail passenger accidents

"(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

"(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

"(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

"(b) Responsibilities of the Board.—The Board shall have primary Federal responsibility for—

"(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

"(2) communicating with the families of passengers involved in the accident as to the roles of—

"(A) the organization designated for an accident under subsection (a)(2);

"(B) Government agencies; and

"(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

"(c) Responsibilities of Designated Organization.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

"(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

"(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

"(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

"(4) To arrange a suitable memorial service, in consultation with the families.

"(d) Passenger Lists.—

"(1) Requests for passenger lists.—

"(A) Requests by director of family support services.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

"(B) Requests by designated organization.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

"(2) Use of information.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

"(e) Continuing Responsibilities of the Board.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

"(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

"(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

"(f) Use of Rail Passenger Carrier Resources.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

"(g) Prohibited Actions.—

"(1) Actions to impede the board.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

"(2) Unsolicited communications.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

"(3) Prohibition on actions to prevent mental health and counseling services.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

"(h) Definitions.—In this section, the following definitions apply:

"(1) Rail passenger accident.—The term 'rail passenger accident' means any rail passenger disaster occurring in the provision of—

"(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

"(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

"(2) Rail passenger carrier.—The term 'rail passenger carrier' means a rail carrier providing—

"(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

"(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

"(3) Passenger.—The term 'passenger' includes—

"(A) an employee of a rail passenger carrier aboard a train;

"(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

"(C) any other person injured or killed in the accident.

"(i) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(j) Relinquishment of Investigative Priority.—

"(1) General rule.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

"(2) Board assistance.—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.".

(b) Conforming Amendment.—The table of sections for such chapter is amended by inserting after the item relating to section 1137 the following:

"1138. Assistance to families of passengers involved in rail passenger accidents.".

SEC. 202. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 251—FAMILY ASSISTANCE

"Sec.

"25101. Plans to address needs of families of passengers involved in rail passenger accidents.

"§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) Submission of Plans.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

"(b) Contents of Plans.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

"(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

"(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1138(a)(2) of this title or the services of other suitably trained individuals.

"(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

"(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1138(a)(1) of this title, and to the organization designated for the accident under section 1138(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

"(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

"(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

"(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

"(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

"(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(10) An assurance that the rail passenger carrier will work with any organization designated under section 1138(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

"(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1138(a)(2) of this title for services provided by the organization.

"(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

"(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

"(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

"(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

"(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

"(d) DEFINITIONS.—In this section—

"(1) the terms 'rail passenger accident' and 'rail passenger carrier' have the meanings such terms have in section 1138 of this title; and

"(2) the term 'passenger' means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.".

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

"251. FAMILY ASSISTANCE .... 25101".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise this afternoon in support of H.R. 4466. This legislation is the National Transportation Safety Board Reauthorization Act of 2002. It is necessary from time to time to reauthorize agencies, and it is our responsibility as the Subcommittee on Aviation of the Committee on Transportation and Infrastructure to reauthorize this agency, which this bill does, through the year 2005.

The National Transportation Safety Board is a relatively small agency; however, it has a large and significant mission. Its responsibility is to determine the probable cause of traffic and transportation accidents and also to promote transportation safety.

To fulfill this important mission, the NTSB investigates accidents, and, based on those investigations, makes safety recommendations to Federal, State and local government agencies. The NTSB also advises the transportation industry regarding actions that should be taken to prevent accidents.

The NTSB, I must say, has an absolutely outstanding reputation for its work, its professionalism, its independence, and the manner in which it conducts its transportation accident investigations.

The NTSB, however, has no authority to require implementation of its recommendations. While it has an excellent track record in working with agencies to ensure that its recommendations are implemented, some of the important safety recommendations remain open for years, and this is one of the changes that our committee wanted to make as we reauthorized this important agency.

One of the problems, again, is we have not had these recommendations closed. They have been open for years. For example, the NTSB's recommendation to improve airport runway safety, their recommendations have been on the NTSB's most wanted list of safety improvements each year since the inception of the list in 1990.

Also on the most wanted list is the Board's recommendation to reduce fuel tank flammability. This important recommendation was issued in December of 1996 after the terrible tragedy of TWA Flight 800. Over five years later, this recommendation is still in the category of "open." While we cannot expect instant results on such complex and complicated issues and investigations, neither can we afford to wait five to 10 years or more to address important aviation safety problems.

To address this problem, this reauthorization legislation, H.R. 4466, requires that the Secretary of Transportation submit an annual report to the Congress, and that report must include the regulatory status of each recommendation made by the NTSB to the Secretary of Transportation that is included in the NTSB's most wanted list of safety improvements. We would expect the Secretary's report to state not only whether the Secretary agrees with the recommendation, but, more importantly, what actions are necessary to implement the recommendations, including target dates for these specific actions.

The most wanted list is important because it is established by the NTSB each year and it is reviewed and considered in an open session. The list represents the Board's best judgment regarding which of its recommendations should in fact be expedited. This new provision will bring, we feel, needed attention to those recommendations that will have the very greatest impact on transportation safety. It will also encourage the timely implementation of those recommendations. I strongly support this provision, as well as other statutory changes that we have included in this reauthorization of the NTSB.

Mr. Speaker, I want to thank Chairman Marion Blakey and the entire NTSB for their tireless effort to improve our transportation safety. I want to thank the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation; and our full committee chairman, the gentleman from Alaska (Mr. YOUNG), for their work and cooperation in bringing this important reauthorization forward in a bipartisan and timely manner.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4466, the reauthorization of the National Transportation Safety Board. The gentleman from Florida (Chairman MICA) has articulated already in very detailed and, I think, very thoughtful fashion much of the splendid work that the NTSB accomplishes year in and year out. But we are here today in support of legislation to advance the cause of the Nation's premier transportation investigative agency; not only the Nation's premier investigative agency in the arena of transportation, but for the entire world, for the NTSB has served as a model for other countries to develop similar independent transportation investigative agencies, and particularly investigative agencies in the field of aviation.

The NTSB Board and their professional staff, career staff, have traveled throughout the world to help other countries establish, organize, write the legislative, charter and launch similar independent safety board investigative entities. It behooves us to always do our utmost through the legislative process and through the appropriations to keep the NTSB in the forefront of transportation safety.

Since we last authorized the board in the year 2000, it has investigated 6,240 aviation accidents, 112 highway accidents, 62 railroad accidents, 28 pipeline and hazardous material accidents, 17 marine accidents, and issued a total of 652 safety recommendations. It has played a major role in helping other nations do their investigations, such as recently with the China Air tragedy.

To maintain that role, we have to assure that NTSB will continually have the personnel and the funding it needs to undertake increasingly complex accident investigations. It seems that as our technology progresses in both aviation and surface transportation, as well as maritime transportation, the accidents that result become more complex, more challenging to investigate and more difficult to understand. For that purpose, the NTSB has realized that it too has needed to stay ahead of the state of the art, and recently broke ground for a new training academy to house the teaching of state-of-the-art investigative techniques for transportation accidents. The funding that we provide in this legislation will help the NTSB to provide the personnel and the resources for those personnel at headquarters, as well as at the academy, with the $247.7 million authorization over the next three years.

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The bill also authorizes an increase in the size of the emergency fund for NTSB from $2 million to $6 million to cover the ever-increasing costs of these increasingly complex accident investigations that the board must undertake.

One of the core functions is to assist families of passengers who have been victims of an aviation accident. In previous legislation, when the presiding officer who has just left the Chair, the gentleman from Illinois (Mr. LAHOOD), was on our Committee on Transportation and Infrastructure, he led the way to extend the authority of the NTSB to help the families of accident victims. We have extended that authority in this legislation to families of rail accident victims.

Title II of the bill incorporates the provisions of the Rail Passenger Disaster Family Assistance Act, requiring that interstate passenger railroads submit to the Secretary of Transportation and to the Chair of the NTSB a plan to address the needs of the families of passengers involving any railroad accident involving major loss of life.

The plan must address publication of a toll-free number to handle calls from family members, procedures for developing passenger lists, the process for notifying family members, and other provisions we need not detail at this time.

One element of the legislation that I think is particularly important is a prohibition against unsolicited communication by attorneys until at least 45 days following an accident. This is a matter that had unanimous support within our committee.

In times of tragedy, the families of victims are particularly vulnerable to unscrupulous persons who inevitably want to prey upon family loss. The bill will make that kind of shameless behavior illegal. It will give rail passengers the same protections as those we provided for airline passengers. We provided this same protection a few years ago in NTSB reauthorization.

Another provision for protection of families is that in accidents caused by intentional criminal acts, in the year 2000 the Congress authorized the transfer of investigative priorities for such cases from the NTSB to the Federal Bureau of Investigation to avoid the confusion that results in a case where there are overlapping factors, as occurred in TWA 800. It was not clear at the outset whether this was a classic aviation accident or whether it was an incident caused by a terrorist act.

The FBI at first treated it as a criminal act, and there was confusion as to who had authority. We attempted to clarify that authority and transferred the investigative priority from NTSB to the FBI for cases in which there is an intentional criminal act, but there was no mechanism to transfer the responsibility for family affairs from the NTSB to the FBI. Following the events of September 11, the NTSB concluded that when the FBI gets investigative responsibility for an aircraft accident, family affairs responsibilities should transfer as well. So this legislation makes that transfer of authority in both aviation and rail accidents.

It addresses another matter of significant importance, and that is the notoriously slow response by other modal entities in the Department of Transportation to the NTSB safety recommendations. It was a matter of great concern when I chaired the Subcommittee on Aviation, and the gentleman from Florida (Chairman MICA) has articulated that concern just previously in his statement.

There should be no delay. The Department of Transportation and other modal agencies should respond promptly. This bill requires DOT to report annually on the regulatory status of significant safety recommendations made by the NTSB, regardless of the year in which the recommendation was made. That will enable us in the Congress, on behalf of the public, to keep better tabs on the progress the sister agencies in DOT are making in response to these very important safety recommendations.

This is a critically important piece of legislation. The NTSB does not get public attention until a board member or an investigator is standing in front of a camera crew at the site of a tragedy, responding methodically, thoughtfully, and objectively to endless reporter questions about this tragedy and how it occurred and what will be the future of safety in surface or air transportation. We must give the board all the resources it needs to continue to do its job impassively, objectively, and effectively.

I express my great appreciation to the chairman, the gentleman from Florida (Mr. MICA), for the work he has done; to our ranking member, the gentleman from Illinois (Mr. LIPINSKI); and to my good friend, the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG); and also to the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Railroads; and to our colleague, the gentleman from Tennessee (Mr. CLEMENT).

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

In support of this bill, I would like to relay to my colleagues my personal experience with the National Transportation Safety Board. Last week, there was a train wreck in Potterville, Michigan, in my congressional district. Thirty-five of the 58 cars of the Canadian National Train going through Potterville were derailed; and, of course, the question that is asked of legislators is why did it happen and what are the health and safety issues.

So I called the National Transportation Safety Board. It was interesting, all of the information they had. They knew that the track was manufactured in 1976, that it was laid in 1977, that certain portions of the track were welded at the factory, and how much welding was on site. They were extremely helpful investigating and analyzing and sharing some of the information that was available in that Potterville train wreck.

I think we are all somewhat concerned with the additional visibility of train wrecks that we have seen in Florida, in California, in Detroit, and last week in Potterville, Michigan. It was an extremely nervous situation in Potterville because of the 35 derailed cars. There were nine tankers of propane and two tankers of sulphuric acid. So it was an immediate concern to the community; 2,200 individuals were evicted from their homes, all wondering about safety, why it happened and if it might happen again.

I just would like to commend the NTSB and the Federal Railroad Administration, the community, our first responders and Rick Jones, the county sheriff, for all having the kind of cooperation that minimized risk and now has totally eliminated any danger or any health problems; I also commend Canadian National, who was very, very quick to be on the spot to minimize any health hazards, and agreeing to pay for damages caused by that railroad accident.

I would summarize in saying that probably the National Transportation Safety Board might even need more support as we prepare for the future challenges of rail safety.

Mr. OBERSTAR. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to associate myself with the words of the last speaker. We in Baltimore had a train derailment not very long ago, and I had an opportunity to arrive at the scene not long after that derailment. When I got there, the National Transportation Safety Board was already present and doing an outstanding job.

The NTSB is charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation: railroad, highway, marine pipeline.

Since its inception in 1967, the NTSB has investigated more than 110,000 aviation accidents and thousands of surface transportation accidents. It is now recognized as one of the world's premier accident investigative agencies.

Although the NTSB has no regulatory or enforcement empowers, we increasingly rely on it in our efforts to prevent accidents and ensure the safety of all the traveling citizens. Heightened security is obviously a national priority, especially now. Therefore, our reliance on the NTSB in determining the probable cause of transportation accidents has greatly increased.

I had the opportunity to see it again in my district, and I think the amazing thing was the time that these ladies and gentlemen took in painstaking details. They had to work under some very difficult circumstances when several trains derailed inside a tunnel; and it was very, very clear to us in Baltimore, we waited with bated breath for information coming from them.

Although we had other people working at the scene, and our local people were working and working very hard, it was the NTSB that clearly was taking the lead in helping us to try to figure out how do we go along slowly; do we have hazardous materials.

So while we are still waiting for a final determination, the fact is, they were very helpful to us all along the way.

So often, what happens in circumstances is that we take so much for granted when we have an organization like the National Transportation Safety Board and just assume they are always going to be there, that they have enough money, that everything is going to be okay, and that we are not going to need them.

The fact is that these things do happen. No one would have guessed that in the middle of Baltimore's downtown area, right at the stadium site, our two stadium sites, we would have had this incident happen, which basically closed down our downtown for several days. But thank God that the NTSB was there.

Therefore, I stand with the gentleman from Florida (Chairman MICA) and certainly our ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and all the members of our Committee on Transportation and Infrastructure in supporting this very, very important reauthorization.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am pleased today, on behalf of the gentleman from Alaska (Chairman YOUNG), chairman of the full Committee on Transportation and Infrastructure, to bring to the floor for reauthorization the National Transportation Safety Board legislation. It is vital, as we have heard from the previous speakers, to continue the good work, the professionalism, and the investigative authority to this agency.

It is also a pleasure for me to help reauthorize a rather lean, well-run Federal agency that does, again, an excellent job with a limited number of staff.

With those remarks, Mr. Speaker, I am also pleased to compliment Marion Blakey, who has assumed the chairmanship last year of this important investigative arm of our government, and also compliment her on the outstanding job she has done in communicating with me since her taking office. This has continued from the horrible events of November 12, when the American airliner crashed in Long Island, through the very serious and fatal accident we had in my district in Florida involving the Amtrak auto train. So I thank the Chair of this agency for her cooperation, and I thank those involved with the agency for their work.

Finally, again, I thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI), and the gentleman from Alaska (Mr. YOUNG) for their bipartisan effort to move H.R. 4466 for reauthorization of the NTSB to the floor.

Mr. CLEMENT. Mr. Speaker, I rise today in strong support of H.R. 4466, the National Transportation Safety Board (NTSB) Reauthorization Act of 2002. In addition to the many positive attributes already mentioned by my colleagues regarding the NTSB and their excellent service to our country, I want to particularly note the provisions in H.R. 4466 included from the Rail Passenger Disaster Family Assistance Act. These provisions allow the NTSB to provide needed assistance to the families of victims of catastrophic railroad accidents, similar to the role that the NTSB already plays in aviation accidents. Additionally, it requires intercity passenger railroads to submit a plan to the Secretary of Transportation and the Chairman of the NTSB to address the needs of families of passengers involved in accidents resulting in major loss of life. The plan must include procedures for notifying family members, developing passenger lists, and coordinating information to family members regarding an accident.

By passing this bill, we send the message that the safety of our transportation system is of the utmost importance to our citizens and Nation. I urge the adoption of this piece of legislation and extend my compliments to Chairman YOUNG, Chairman MICA, and Ranking Member OBERSTAR for their good work on this important bill.

Mr. MICA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4466, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous matter on the bill, H.R. 4466, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

☐ 1515

HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4823) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

The Clerk read as follows:

H.R. 4823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Holocaust Restitution Tax Fairness Act of 2002".

SEC. 2. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXCLUSION FROM FEDERAL INCOME TAX FOR RESTITUTION RECEIVED BY VICTIMS OF NAZI REGIME.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to section 803 (relating to no federal income tax on restitution received by victims of the Nazi regime or their heirs or estates).".

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to be the sponsor of this important piece of legislation, H.R. 4823, the Holocaust Restitution Tax Fairness Act. It exempts Holocaust survivors from taxation of any restitution claims they received for the crimes committed against them by Nazi Germany.

The bill permanently extends a provision of The Economic Growth and Tax Reconciliation Act that makes such claims tax-free. Like the rest of the tax cut signed into law by President Bush last year, this provision sunsets in 2010. Today we are taking action to provide that for as long as the victims and their heirs receive Holocaust-related claims, they will be tax-free.

In recent years settlement agreements worth billions of dollars for Holocaust survivors have been reached. Although no amount of money could ever compensate the victims of the Holocaust for the crimes committed against them, it would be wrong for the United States Tax Code to treat these modest settlements as some sort of financial windfall. Current estimates are that there will be 88,000 Holocaust survivors in 2010 when the tax cuts sunset, many of whom reside in my South Florida district. Congress should be prepared to give these survivors the security of at least knowing that their settlement claims will not be subject to the hands of the Internal Revenue Service.

Mr. Speaker, it is as simple as this: When something is stolen from you, you should not be taxed when it is returned. The idea that Uncle Sam might take a bite out of these claims because of the tax cut sunset is real appalling. This bill is supported by the Jewish Council for Public Affairs, the Conference of Jewish Material Claims Against Germany, the Jewish Community Relations Council of Greater Miami, the American Jewish Committee, the American Gathering/Federation of Jewish Holocaust Survivors, and the International Commission on the Holocaust Era Insurance Claims.

I submit these letters of support from the organizations that I have mentioned.

Mr. Speaker, this provision must be made permanent, not because it will simplify the tax code, nor will it stimulate our recovering economy, nor do we need to do this because it will directly affect millions of Americans' pocketbooks. This needs to be done because it is right.

With that in mind, I urge my colleagues to send a strong message of support to the victims of the Holocaust and their families by voting for this bill.

JEWISH COUNCIL FOR PUBLIC AFFAIRS,
New York, May 31, 2002.

Hon. E. CLAY SHAW,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN SHAW: On behalf of the Jewish Council for Public Affairs, I am writing to thank you for introducing legislation to repeal the sunset provisions in the last tax package that provides exclusion from federal income tax for restitution payments received by victims of the Nazi regime (H.R. 4823). As you know, the Jewish Council for Public Affairs is the public affairs arm of the organized American Jewish community and serves as the national coordinating body for the 13 national and 122 local agencies comprising the field of Jewish community relations.

Holocaust survivors have been receiving various types of compensation payments from Germany and Austria since the 1950s. Although the Internal Revenue Service had issued several rulings exempting certain Holocaust compensation payments from taxation, (such as Rev. Rul. 56–518 and Rev. Rul. 69-212), until last year the Congress had never passed legislation that would provide broad tax exemption for all Holocaust-related payments.

Recent efforts to secure compensation payments for former slave and forced laborers who suffered under the Nazi regime, and to obtain restitution of stolen Holocaust-era assets, have and will continue to result in survivors receiving additional payments over the next several years. In light of these developments, there is a need to ensure forever that all compensation and restitution payments received by Holocaust survivors and/or their heirs are not subject to federal taxation.

No amount of money can ever compensate Holocaust survivors for the horrors they endured. However, this legislation would at least enable survivors to benefit fully from the token compensation and restitution payments they will receive in the future.

Sincerely,

HANNAH ROSENTHAL,
Executive Director.

THE AMERICAN JEWISH COMMITTEE,
Washington, DC, May 28, 2002.

U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The American Jewish Committee, the nation's premier human relations organization, with some 110,000 members and supporters and offices in 32 cities nationwide, urges you to support H.R. 4823, the Holocaust Restitution Tax Fairness Act of 2002, introduced by Representative Clay Shaw.

The Holocaust Restitution Tax Fairness Act would remove sunset provisions currently applicable to legislation enacted last year that grants tax relief to Holocaust survivors. With the passage of H.R. 1836, the Economic Growth and Tax Relief Act, the Congress decided last year that Holocaust restitution payments should not be a part of a beneficiary's taxable income. Between 1933 and 1945, Nazi Germany systematically stripped European Jews of their property. Given the complications resulting from the Jewish people's displacement following World War II, compensatory payments to Holocaust survivors have been slow in coming. In recent years there have been important developments in this area, but there are still may survivors who have not received restitution.

Because the tax relief offered to Holocaust survivors was enacted as part of H.R. 1836, it is subject to a sunset provision. Because of this, property and monetary compensation received by Holocaust survivors after 2001 will no longer be tax-free. The Holocaust Restitution Tax Fairness Act of 2002 would remove the sunset clause from H.R. 1836 insofar as it is applicable to Holocaust compensation payments. Instead of arbitrarily ending tax relief for Holocaust survivors. H.R. 4823 will continue the status quo so that this compensation will continue to be tax-free. Additionally, H.R. 4823 ensures that Holocaust survivors who receive property through restitution will not have to pay capital gains taxes should they immediately sell this newly received capital.

We strongly urge you to support the Holocaust Restitution Tax Fairness Act. Passage of this bill will demonstrate Congress' commitment to preserving principles of just compensation for all Holocaust survivors, so that all families will receive the modicum of justice that these tax-free payments reflected, no matter how long it may take. Thank you for considering our views.

Sincerely,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

THE INTERNATIONAL COMMISSION ON HOLOCAUST ERA INSURANCE CLAIMS,
Washington, DC, May 31, 2002.

Hon. E. CLAY SHAW,
United States House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SHAW: As Chairman of the International Commission on Holocaust Era Insurance Claims (ICHEIC), I would like to voice my support for H.R. 4823.

One of the greatest tragedies of history is that so many victims of the Holocaust and their families were denied the justice they deserved.

One area where the U.S. Government can attempt to ease the burdens felt by Holocaust survivors and their families is to permanently remove the tax burden of restitution payments. This is not justice, nor should it be considered as such. It is simply the least that can be done to ease some of the ongoing suffering that still remains from the Holocaust.

I fully support your efforts to permanently make Holocaust restitution payments tax-exempt. It is impossible for anyone to say at this point if some of the claims funds or humanitarian funds will still be functioning after December 2010. But in the event that they are, why should we allow an issue of taxation to tarnish the many efforts that are being made currently to bring final resolution to this matter?

Sincerely,
LAWRENCE S. EAGLEBURGER,
Chairman.

AMERICAN GATHERING/FEDERATION OF JEWISH HOLOCAUST SURVIVORS,
New York, NY, May 31, 2002.

Representative CLAY SHAW,
Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SHAW: The United States Congress created an important provision for Holocaust survivors in this country receiving compensation and restitution payments from Germany and other countries when it passed legislation last year exempting such payments from taxation.

I ask you now to help ensure that this legislation becomes permanent. Exempting these payments from taxes sends a strong statement that the United States government believes that victims of Nazism are entitled to the full amount paid to them. As Chairman of the American Gathering of Jewish Holocaust Survivors, I can tell you that these payments are an acknowledgment of the indescribable suffering endured by Jews under the Nazis, and as such should not be treated as normal income.

As you are aware, the legislation enacted last year expires in 2010. There are thousands of survivors in the U.S. who will continue to receive payments after that date. It is important that this taxation exemption continue as long as there are Holocaust survivors alive and receiving compensation and restitution.

Sincerely,
ROMAN KENT.

JEWISH COMMUNITY RELATIONS COUNCIL,
Miami, FL, May 31, 2002.

Hon. E. CLAY SHAW,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SHAW: Thank you for sponsoring H.R. 4823, a bill that will make permanent the exclusion from taxes of proceeds from Holocaust restitution payments. As you know, South Florida is home to one of the largest Holocaust survivor communities in the United States and the Miami Jewish community has actively advocated on their behalf for many years.

We know that no amount of money can ever compensate Holocaust survivors for the horrors they endured. However, your tax-exempt legislation would at least enable survivors to benefit fully from the token compensation and restitution payments they will receive.

We support your efforts to permanently exempt restitution payments received by victims of the Nazi regime from federal income tax.

Sincerely,
SAMUEL J. DUBBIN,
Chairman.
JUDY GILBERT-GOULD,
Director.

CONFERENCE ON JEWISH MATERIAL CLAIMS AGAINST GERMANY, INC.,
New York, NY, May 28, 2002.

Representative CLAY SHAW,
Committee on Ways and Means, House of Representatives, Congress of the United States, Washington, DC.

DEAR REPRESENTATIVE SHAW: The Claims Conference was founded in 1952 by twenty two Jewish organizations and since that date has both negotiated Holocaust restitution and compensation agreements on behalf of the Jewish people and has played a pivotal role in the distribution of funds to individuals and allocating funds to institutions that assist Nazi victims.

The Claims Conference actively supported section 803 of the Economic Growth and Tax Relief Reconciliation Act of 2001 as this provision is of great benefit to Holocaust survivors. Consequently, the Claims Conference would like to express its support for section 1 of H.R. 4823 that repeals the sunset provision of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to exclusion from Federal Income Tax for restitution received by victims of the Nazi regime.

As you are aware, the provision enacted last year expires in 2010. Thousands of holocaust survivors in the United States currently receive pensions related to their persecution under the Nazi regime and these survivors will continue to receive such pensions as long as they are alive, which we anticipate in the case of some survivors will be beyond 2010.

It is important for thousands of holocaust survivors and their families that the sunset clause be repealed in order that the benefit to Holocaust survivors of this legislation can continue during the lifetime of survivors.

Sincerely yours,
ISRAEL SINGER,
President.
GIDEON TAYLOR,
Executive Vice President.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, let me thank the gentleman from Florida (Mr. SHAW) for bringing forward this bill.

I strongly support H.R. 4823, the Holocaust Restitution Tax Fairness Act of 2002. The gentleman from Florida (Mr. SHAW) has explained the purpose of this legislation and I just want to underscore on the importance of making sure that the funds that the Holocaust survivors receive in restitution are not subject to taxes here in the United States.

We know that the victims and their families have already paid a terrible price. No amount of money can compensate for their suffering, but Congress can guarantee that the survivors can keep the full amount of the money that they receive in partial restitution. Many families are depending upon those funds and they do not know now that 10 years from now what Congress will do as far as extending the tax law. It is important that we clarify it now, and I strongly support this legislation.

As a member of the Commission on Security and Cooperation in Europe, commonly referred to as the Helsinki Commission, I have been fortunate to help a number of my constituents reclaim their family property that has been seized by Nazi or communist regimes during and immediately after World War II.

As we continue to press Europe and former Soviet Republic governments to enact nondiscriminatory property restitution laws, Congress should take this step to ensure that the United States Government does not benefit from the restitution claims.

The Conference on Jewish Material Claims Against Germany is overseeing the distribution of an estimated 60,000 restitution payments to individuals residing in the United States. Mr. Speaker, I might add that there are other governments and institutions that are now participating in restitution claims for the victims of Nazi Germany.

Mr. Speaker, this bill has a nominal fiscal impact on government revenues, and I urge my colleagues to support the legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN) who is a distinguished member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I thank the gentleman for yielding me time, my colleague and good friend.

In a real sense there cannot be restitution, but this is a small way that a small part can be restored where people, survivors or their heirs lost assets, they were either expropriated or stolen or in other ways lost. There is argument over making permanent some provisions of the tax bill that was passed earlier in this session. I trust there is no dispute about making permanent this provision. It is a small step that we can take to bring a small measure of justice when full justice cannot begin to be restored. So I would very much rise in support of this proposal and urge its unanimous support.

Mr. SHAW. Mr. Speaker, I yield two minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Florida (Mr. SHAW) for yielding me time.

Mr. Speaker, I rise today in support of H.R. 4823, the Holocaust Restoration Tax Fairness Act. Mr. Speaker, in recent years settlement agreements worth millions of dollars have been reached to compensate Holocaust survivors. Many of these survivors who live in the United States receive small payments from these restoration agreements. Currently, Holocaust victims are exempt from paying income tax on the restoration payments they receive. But a provision in the tax code sunsets this exemption on January 1, 2011.

This heroic group of Holocaust survivors is an aging population and current estimates show that there will only be 88,000 living Holocaust survivors by the year 2011. If we fail to pass this legislation, many of the victims who suffered directly at the hands of the Nazis will be forced to share up to one-third of their restoration payments with the Internal Revenue Service.

Mr. Speaker, let us pass this legislation and allow the survivors of the Holocaust to fully keep what was and is rightfully theirs.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 4823 and I commend the gentleman from Florida, my friend and colleague Congressman SHAW, for introducing it. I strongly urge my colleagues to adopt this worthy legislation.

This act will prevent government taxation from incurring on any payments of restitution to holocaust survivors after 2010. This is a significant beneficial provision for the Economic Growth and Tax Relief act. it is imperative that we make this provision permanent. if not, it is possible that holocaust survivors could lose one third of their restitory income.

These payments are quite modest to begin with and by 2010 the majority of beneficiaries will be elderly members of the population who are already in need of economic aid. The loss of one third of their compensation would greatly deprive them. These payments are compensation for pain and suffering and should be off limits to the government. The IRS has no right in profiting from the pain of others and therefore, the act before us should be passed.

We have a moral obligation to help those who suffered at the hands of evil regimes during world war two. It is only fair that these unfortunate souls be compensated for their pain without government taxation. Accordingly, I urge my colleagues to fully support this measure.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 4823, important legislation that permanently excludes taxable income all forms of restitution payments to victims of the Nazi regime.

This legislation is a small but important step in recognizing the suffering that the Holocaust inflicted on millions of families, including several who live in my district, the 25th Congressional District of Texas. These individuals, in addition to being displaced from their homes, families, and communities, also suffered devastating economic loss when the Nazi regime pillaged their finances and assets. As the appropriate entities have made necessary restitution payments to these victims, it is important to protect these funds that the recipients have payed dearly for.

This is the essence of H.R. 4823, which makes permanent the tax protection offered in the Economic Growth and Tax Relief Reconciliation Act, H.R. 1836, which excluded these assets from taxable income for the fiscal year 2001 to 2011 period, and was enacted into law last June. I am also pleased to note that H.R. 4823 is similar to legislation I cosponsored in the 106th Congress, H.R. 3511, which unfortunately did not become law. Today, however, we can rectify that effort and successfully pass the current bill, and help compensate the enormous losses suffered by victims of the Holocaust.

For all these reasons, Mr. Speaker, I urge my colleagues to join me in support for H.R. 4823.

Mr. WELLER. Mr. Speaker, I appreciate the opportunity to offer my support for H.R. 4823, a bill which repeals the sunset of a provision in the Economic Growth and Tax Relief Reconciliation Act of 2001 which provides a Federal income tax exclusion for restitution payments received by victims of the Nazi Regime.

During the 106th Congress, Congressman ROBERT MATSUI and I introduced a bill, H.R. 1292, which would have excluded from gross income any amount received by an individual, or any heir of the individual from any person as a result of any moral or legal injustice experienced by such individual as a Holocaust victim persecuted for racial or religious reasons by Nazi Germany. Many of the provisions included in H.R. 1292 were included in the tax bill signed by President Bush last year, we are working to make these provisions permanent today.

In August 1998, after many years of effort, Holocaust survivors who had assets withheld by Swiss banks or others finally received justice through a $1.25 billion settlement. These settlements continue to be distributed to Holocaust survivors and their heirs world-wide.

The settlements return assets to their rightful owners and their heirs more than 50 years after they were first entrusted to their care. Funds have been established by banks and corporations in France, Austria, Italy and Germany to return assets such as bank accounts and insurance policies to Holocaust survivors. With the enactment of the Economic Growth and Tax Relief Reconciliation Act last year, and with H.R. 4823, which we are considering today, we can ensure that any payment, from Swiss banks or other similar sources, will not be taxed. This is clearly the right thing to do because they are receiving back what was always theirs to begin with.

With the average age of Holocaust survivors at 80, the time left to debate these payments is slipping away. Certainly, these payments will make life more comfortable for these survivors in their remaining years. To tax them on these long overdue payments would simply be wrong.

Mr. Speaker, I encourage my colleagues to support this important legislation and I thank you for the opportunity to speak in favor of H.R. 4823.

H.R. 4823—HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

H.R. 4823 will make permanent provisions in the Economic Growth and Tax Relief Reconciliation Act (EGTRRA) that exclude from gross income any restitution payments received by victims of the Nazi Regime or their heirs or estates.

This bill is supported by Conference of Jewish Material Claims Against Germany (Claims Conference), Jewish Community Relations Council of Greater Miami (JCRC), American Jewish Committee (AJC), American Gathering of Jewish Holocaust Survivors, the Jewish Council for Public Affairs (JCPA), United Jewish Communities (UJC), the Religious Action Center of Reform Judaism (RAC) and International Commission on Holocaust Era Insurance.

These tax relief provisions expire or "sunset" on December 31, 2010. After that any restitution payments could be subject to federal taxation.

The sunset (i.e. expiration) of the tax provisions in EGTRRA creates significant risk and uncertainty for tax planning and other important personal decisions for victims of the Holocaust and their families.

HOLOCAUST RESTITUTION SETTLEMENTS

In recent years, settlement agreements worth billions of dollars have been reached to compensate Holocaust survivors. It is unknown what future agreements will occur but U.S. tax law should ensure that any and all future payments be excluded from federal taxation.

In addition, millions of dollars of restitution payments are made every year to thousands of survivors of the Holocaust in the form of monthly payments. If this tax provision is not made permanent, thousands of Holocaust survivors could lose over one-third of their restitution to the IRS when EGTRRA expires.

Holocaust survivors are an aging population but current estimates are that there will be 88,000 Jewish Holocaust survivors in 2010 and 37,000 in 2020. A large fraction of these survivors are receiving reparation payments. If this provision is not made permanent, those who suffered at the hands of the Nazis will be forced to share their modest payments with the government.

Not exempting this income from taxation is tantamount to the federal government "profiting" from restitution payments that are compensation for the pain and suffering of Holocaust survivors and their families.

INTERNATIONAL CONSIDERATION

The U.S. provision has served as a model for similar legislation in other countries. Specifically, the Russian government has studied and been influenced by the U.S. legislation when crafting a similar provision exempting Holocaust payments to Russian citizens.

Mrs. MALONEY of New York. Mr. Speaker, the United States has a long tradition of recognizing the importance of tax exemptions for the restitution of assets lost during World War II. The tradition began with military law 59 in 1947 and was continued by three treaties with Germany. While I voted against last year's H.R. 1836, I did support the provision exempting restitution payments for Holocaust survivors. That provision proves that the United States has retained its sensitivity to the extraordinary nature and penitent purpose of Holocaust restitution payments.

H.R. 4823 seeks to continue this proud tradition. This bill makes permanent the provision in H.R. 1836 excluding payments to Holocaust victims from taxable income. Without this bill, the exclusion for holocaust restitution payments, like all aspects of H.R. 1836, will expire on December 31, 2010.

While no amount of money can truly compensate Holocaust survivors for the horrors they endured, in a world where Holocaust denial lives, it is crucial to make strong statements of support for Holocaust survivors. The increase over the past year of Anti-Semitic incidents in Europe makes it an especially important time to stand with those who refuse to condone Anti-Semitism.

Many of the restitution payments have maximum income qualifications. Therefore, much of the restitution goes to individuals with yearly incomes under $20,000. Furthermore, according to the Jewish Council for Public Affairs, as many as 1.4 million people may receive claims, cutting the payments to individuals to a relatively small amount. For this money to have any real, rather than merely token, significance, the tax exemption must remain.

Australia, Canada, Finland, France, Greece, Hungary, The Netherlands, The United Kingdom, and Israel currently exempt restitution payments from taxation. So do 46 out of the 50 dates. The Federal government must continue to lead the way in supporting Holocaust Survivors. H.R. 4823 ensures that the support will not disappear in 2010.

Mr. CRANE. Mr. Speaker, I rise today in support of H.R. 4823. I am glad that we are moving forward to make permanent the provisions in the Economic Growth and Tax Relief Reconciliation Act.

The Holocaust was one of the worst atrocities committed by man against man. This simple provision will exclude compensatory payments made to victims and their heirs from taxation. Given the fact that an entire generation was nearly wiped out and that those who survived will never fully recover from the emotional horrors of the Holocaust, this is a small way of compensating the victims. The current tax provisions are due to, "sunset," or expire on December 31, 2010. This instability makes it difficult for Holocaust victims and their families to plan their financial futures.

I find it deplorable to think that the Federal Government would seek to profit from restitution payments that are meant to compensate Holocaust victims and their families. These people have suffered enough. They must not be subjected to legislation that would rob them of over one-third of their rightful compensation.

Mr. Speaker, my brother-in-law and best friend, Andy Ross, survived the Holocaust. He was imprisoned in Belsen concentration camp until being freed by the Allied Forces. I'm not certain if he's eligible for compensation under the agreements worked out in Europe, and quite frankly, that doesn't really matter. What does matter is that while there is absolutely nothing we can do to ever erase the horrors of the Holocaust that are imbedded in the minds and hearts of those, like Andy, who survived this tragedy, we can avoid making it worse by taxing their compensation.

The thought of us promoting such a scheme as taxing these payments makes me absolutely ill.

Today, we are making a decision that might very well be the model for other nations. Therefore, I urge you, to be a role model and vote in favor of H.R. 4823

Mr. CARDIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 4823.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 4823.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REPEALING SUNSET OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXPANSION OF CERTAIN ADOPTION PROGRAMS

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4800) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

The Clerk read as follows:

H.R. 4800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4800, a bill I introduced to make permanent the adoption tax credit of the Economic Growth and Tax Relief Act of 2001.

While the enactment of the Tax Relief Act was a monumental step forward for the families who wish to adopt and the children they will take home, the bill only completed half the job. The adoption provision of that bill limits the tax credit to 10 years. This temporary extension of the tax credit will cause uncertainty in adoption planning in years to come. By eliminating the 10-year limitation, we will make adoptions easier for all families for generations to come.

Currently there are more than half a million children in foster care, of which only 27,000 are adopted each year. This bill is vital for the protection and well-being of foster care children, a majority of whom are in protective custody due to neglect and abuse. We need to provide these children and future foster children where there is no hope of family reunification a permanent home and a safe environment in which to bond and grow with loving parents. With H.R. 4800 we will permanently put the health and safety of children first and give our Nation's foster children a fighting chance.

Many do not realize just how costly adoption can be. After paying legal fees, doctor bills and travel expenses, a family can easily incur expenses of up to $20,000 or even more. We owe it to the thousands of waiting children to make adoption an option for all working families. By repealing the 10-year sunset enacted last year, Congress will make one of the most important events in a foster child's life and the life of his or her new family financially attainable.

If H.R. 4800 is not enacted, then beginning in 2011 the adoption tax credit will be cut overnight from a maximum of $10,000 to $5,000. Families who adopt special needs children will no longer receive a flat $10,000 credit. Instead they will be limited to a maximum of $6,000. The credit will no longer be permanent. It will have to be extended each year, causing uncertainty for families. Families claiming the credit may be pushed into the alternative minimum tax. The income caps will fall from $150,000 in annual income to $75,000 so that fewer families will be eligible for the credit. We cannot allow this credit to lapse.

Over half a million children are counting on us to finish the job we started over a year ago. Temporary is not an option for adoption and should not be for this tax credit either. I urge my colleagues to support this vital piece of legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1530

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is broad bipartisan support for assisting adoptive families in meeting their expenses. Helping families afford the cost of adopting children into loving homes is clearly a worthwhile policy, and targeted tax relief can help promote that goal. I, therefore, support this effort to eliminate the sunset provision in the current adoption tax credit.

I think the gentleman from Michigan (Mr. CAMP) has explained the substance of the removal of the sunset of last year's tax bill, which only was effective for 10 years. This removes that sunset in last year's tax bill. However, let me make two general points about the majority's effort to eliminate the expiration dates for specific provisions in last year's tax bill.

This is not the first, but there have been several efforts to remove the sunset provision, many of which have been supported on a bipartisan basis. My first point is that if the majority had agreed to a more modest and balanced tax bill that did not provide such a huge windfall to the wealthy, there would not have been a need for a sunset provision on such worthwhile tax changes, such as increasing the adoption tax credit. For example, by the year 2006, last year's tax bill would have spent $44 billion to reduce taxes for individuals earning over $200,000 a year while spending only $8 billion for families earning $30,000 and $40,000 a year.

Second, Mr. Speaker, by bringing this bill up on the suspension calendar, the majority has prevented any Member from offering an amendment to offset the future cost of extending the adoption tax credit. There are bills now pending in Congress to stop companies and individuals from evading U.S. taxes by transferring assets to foreign countries.

Such legislation could pay for the extension of the adoption tax credit and other provisions that we would like to pass to remove these sunsets in last year's tax legislation.

By preventing any consideration of budget offsets for today's bills and much more expensive legislation to be considered in the future, the majority will continue the trend of forcing our children to pay for our bills.

Before I conclude, I want to mention an important improvement in the adoption tax credit which I raised as an amendment in the committee consideration of the bill and was eventually included in the conference report. Starting next year, the adoption tax credit will provide a guaranteed $10,000 tax credit for the adoption of special-needs children, who are classified as being more difficult to place for adoption because of certain factors including a physical, mental or emotional impairment.

This means the parents adopting special-needs children are not required to itemize qualified adoption expenses which are limited to court costs and attorneys' fees. Since State foster care programs cover most of these legal expenses, many adoptive families of special-needs children have had few qualified adoption expenses.

For this reason, only 15 percent of all special-needs adoptions received any benefit from the former adoption tax credit, despite the fact that these families may have other significant adoptive-related expenses, such as homes and vehicle modifications and out-of-pocket expenses.

The new enhanced adoption tax credit addresses these problems by providing a $10,000 tax credit to families adopting special-needs children without any requirement that they itemize specific expenses.

Mr. Speaker, there are roughly 122,000 special-needs children now waiting to be adopted out of our Nation's foster care system. These are the children waiting in line to be adopted, whereas other healthy babies and young children have prospective parents waiting in line for them. I am glad that the adoption tax credit now recognizes that reality by providing some additional assistance to families adopting special-needs children.

By passing this legislation that is before us today, we make those provisions permanent. I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW), the former chairman of the Subcommittee on Human Resources.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time, and I would like to congratulate the gentleman from Michigan (Mr. CAMP). In his former life as an attorney, he spent a lot of time placing kids out of foster care into loving homes, permanent homes.

There is nothing more important I think than to do everything we can to encourage adoption in this country. One of the saddest things that we can possibly see is a child who is not loved, a child that does not have a home to go to or the security of its own room within that particular home; and I applaud the gentleman. I applaud the bipartisanship that we are getting on this bill.

I do want to, however, correct one statement that my friend from Maryland made because otherwise he was very practical and very straightforward. The reason that this and the previous bill, Holocaust tax relief, the reason these two pieces of legislation as well as the entire tax bill that they were part of was sunsetted was because it was going over to the Senate on a budget reconciliation bill which required a straight up and down vote, and it was a question of the technicalities of the Byrd rule. The requirement was not put on permanent. It had nothing to do with the size of the entire bill.

So I do want to clarify that particular issue, but it is a rare moment and all too rare in matters pertaining to taxes that this House finds itself in total agreement.

Mr. CAMP. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, it gives me great joy to stand here today to celebrate the thousands of moms, dads, and children who have become bigger and stronger families because of adoption.

I introduced the Hope for Children Act last year, along with my colleagues on both sides of the aisle in the Hope Coalition, to ensure enactment of several important adoption provisions. The Hope for Children Act extended and doubled the adoption tax credit to $10,000 for all adoptions. Additionally, the bill extended and doubled the tax exclusion allowed for employer-provided adoption benefits and included a $10,000 flat credit for special-needs adoption, which has been mentioned.

The Hope for Children Act was included in the tax package signed into law by President Bush last year; but unfortunately, the Senate included a sunset provision in the new law to comply with the Senate procedural rules.

Without this bill today, H.R. 4800, the new adoption law will expire after December 31, 2010, and thousands of adoptive parents will see their taxes raised overnight. Mr. Speaker, that cannot happen; and that is why we must pass the legislation today.

One of the greatest titles in the world is that of parent, and one of the biggest blessings in life is to be called mom or dad. We hope this bill will help unite children with parents and build strong, stable families in our country. This bill will guarantee tax relief for future generations of adoptive parents. I urge all my colleagues to support this bill.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

I just want to explain that there is no question, I just want to underscore the points that my colleagues have been making, that the adoption credit, the expansion of the adoption credit and now making it permanent is a bipartisan effort. We think it is extremely important to encourage families to adopt children, particularly special-needs children. So this legislation is one that we look forward to the permanent enactment.

Going back though to the last year just one more time, I know my friend from Florida and I have talked about this frequently. There is no question that if the tax bill last year had not been $1.35 trillion but more affordable to the fiscal condition of this country, and I think we have now seen with the large deficits that are being projected that our concerns expressed last year have become real, there is no question that if we had a more modest bill that was before us last year we would have made those provisions permanent last year, and we would have had the support of the other body. We would not have to worry about extraordinary votes in the other body, that we could have made all these provisions permanent, and we would not have been here this year piece by piece looking at specific provisions trying to remove the 10-year sunset.

When we work together as Democrats and Republicans, we usually come up with good policy. Today we are on the adoption credit. I regret that we did not do that in the past so we would not have to go through this exercise on a tax-provision-by-tax-provision basis.

Mr. Speaker, I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman for support of this bill and this issue. We are both on the Committee on Ways and Means, and I know he has been working on this for some time, clearly with the special-needs adoption area; and this is a bipartisan effort.

I would just finally urge support of this bill and say that all provisions in the tax bill in 2001 were sunset, and this is one area where I think that there is general agreement that should become permanent, and it was all sunset because of the Senate rules which would have required 60 votes otherwise. So, on that, I urge support of the bill.

Mrs. MALONEY of New York. Mr. Speaker, I am honored to rise in support of H.R. 4800, a bill that would extend the $10,000 adoption tax credit and the $10,000 employer adoption assistance exclusion so that they are not subject to the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001.

This bill is a significant step toward ensuring that every child has a loving family. I am proud to come to the floor in support of families who wish to bring another child into their lives.

Like many of my colleagues, children's issues and legislation that increases adoption are very important to me. I am honored to represent a pro-adoption constituency. New York has traditionally adopted at one of the highest rates in the country. Unfortunately, 134,000 children across the Naiton are still waiting for homes. All parents are familiar with the rising costs of raising children. Too many potential parents resist adopting because of this substantial economic burden. It is imperative that we take additional steps to relieve this financial weight on these families.

Every Member of Congress is accustomed to lobbylists continually seeking tax benefits for specific special interests. Children in need of adoption have no high-priced lobbyists and no political action committees, so their voices often fail to be heard in today's Washington. I am pleased that this House will hear their voices today.

Mr. CAMP. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4800.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CAMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of H.R. 4800, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for the fiscal year ending September 30, 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 4, 2002.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 3 o'clock and 43 minutes p.m.), the House stood in recess for approximately 10 minutes.

□ 1556

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 3 o'clock and 56 minutes p.m.

BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2941) to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields, as amended.

The Clerk read as follows:

H.R. 2941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brownfields Redevelopment Enhancement Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) returning the Nation's brownfield sites to productive economic use could generate more that 550,000 additional jobs and up to $2,400,000,000 in new tax revenues for cities and towns;

(2) redevelopment of brownfield sites and reuse of infrastructure at such sites will protect natural resources and open spaces;

(3) lack of funding for redevelopment is a primary obstacle impeding the reuse of brownfield sites;

(4) the Department of Housing and Urban Development is the agency of the Federal Government that is principally responsible for supporting community development and encouraging productive land use in urban areas of the United States;

(5) grants under the Brownfields Economic Development Initiative of the Department of Housing and Urban Development provide local governments with a flexible source of funding to pursue brownfields redevelopment through land acquisition, site preparation, economic development, and other activities;

(6) to be eligible for such grant funds, a community must be willing to pledge community development block grant funds as partial collateral for a loan guarantee under section 108 of the Housing and Community Development Act of 1974, and this requirement is a barrier to many local communities that are unable or unwilling to pledge such block grant funds as collateral; and

(7) by de-linking grants for brownfields development from section 108 community development loan guarantees and the related pledge of community development block grant funds, more communities will have access to funding for redevelopment of brownfield sites.

(b) PURPOSES.—The purpose of this Act is to provide cities and towns with more flexibility for brownfields development, increased accessibility to brownfields redevelopment funds, and greater capacity to coordinate and collaborate with other government agencies—

(1) by providing additional incentives to invest in the cleanup and development of brownfield sites; and

(2) by de-linking grants for brownfields development from community development loan guarantees and the related pledge of community development block grant funds.

SEC. 3. BROWNFIELDS DEVELOPMENT INITIATIVE.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

"SEC. 123. BROWNFIELDS DEVELOPMENT INITIATIVE.

"(a) In General.—The Secretary may make grants under this section, on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545), only to eligible public entities (as such term is defined in section 108(o) of this title) and Indian tribes for carrying out projects and activities to assist the environmental cleanup and development of brownfield sites, which shall include mine-scarred lands.

"(b) Use of Grant Amounts.—Amounts from grants under this section shall—

"(1) be used, as provided in subsection (a) of this section, only for activities specified in section 108(a); and

"(2) be subject to the same requirements that, under section 101(c) and paragraphs (2) and (3) of section 104(b), apply to grants under section 106.

"(c) Availability of Assistance.—The Secretary shall not require, for eligibility for a grant under this section, that such grant amounts be used only in connection or conjunction with projects and activities assisted with a loan guaranteed under section 108.

"(d) Applications.—Applications for assistance under this section shall be in the form and in accordance with procedures as shall be established by the Secretary.

"(e) Selection Criteria and Leveraging.—The Secretary shall establish criteria for awarding grants under this section, which may include the extent to which the applicant has obtained other Federal, State, local, or private funds for the projects and activities to be assisted with grant amounts and such other criteria as the Secretary considers appropriate. Such criteria shall include consideration of the appropriateness of the extent of financial leveraging involved in the projects and activities to be funded with the grant amounts.

"(f) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 2003, 2004, 2005, 2006, and 2007.".

SEC. 4. CLARIFICATION OF BROWNFIELDS REDEVELOPMENT AS ELIGIBLE CDBG ACTIVITY.

(a) Technical Correction.—The penultimate proviso of the first undesignated paragraph of the item relating to "Community Development Block Grants Fund" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204; 110 Stat. 2887) shall be treated as having amended section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) to read as such section was in effect on September 30, 1995.

(b) Brownfields Redevelopment Activities.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)), as in effect pursuant to subsection (a) of this section, is amended—

(1) in paragraph (24), by striking "and" at the end;

(2) in paragraph (25), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(26) environmental cleanup and economic development activities related to brownfield projects in conjunction with the appropriate environmental regulatory agencies.".

SEC. 5. PILOT PROGRAM FOR NATIONAL REDEVELOPMENT OF BROWNFIELDS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following new paragraph:

"(5) Pilot program for national redevelopment of brownfields.—

"(A) In general.—Using any amounts made available under this subsection, the Secretary may establish a pilot program under which grants under this subsection are used to develop, maintain, and administer (including the payment of an entity or entities selected pursuant to subparagraph (B)) a common loan pool of development loans for brownfield redevelopment projects made on behalf of eligible public entities with the proceeds of obligations guaranteed under this section, including related security and a common loans loss reserve account, for the benefit of participants in the pilot program.

"(B) Selection of program managers and contractors.—The Secretary may select an entity or entities on a competitive or noncompetitive basis to carry out any of the functions involved in the pilot program.

"(C) Terms for participation.—Participation by eligible public entities in the pilot program shall be under such terms and conditions as the Secretary may require.

"(D) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary—

"(i) for grants under this subsection to be used only in conjunction with the pilot program under this paragraph; and

"(ii) for costs of carrying out the pilot program under this paragraph and ensuring that the program is carried out in an effective, efficient, and viable manner.".

SEC. 6. TECHNICAL AMENDMENT TO ALLOW USE OF CDBG FUNDS TO ADMINISTER RENEWAL COMMUNITIES.

Section 105(a)(13) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(13)) is amended by inserting "and renewal communities" after "enterprise zones".

SEC. 7. APPLICABILITY.

The amendments made by this Act shall apply only with respect to amounts made available for fiscal year 2003 and fiscal years thereafter for use under the provisions of law amended by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Massachusetts (Mr. FRANK) will each control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank our chairman, the gentleman from Ohio (Mr. OXLEY), for setting this bill up and sending it to the floor, and I rise today in strong support of H.R. 2941, the Brownfields Redevelopment Act.

Brownfields redevelopment is an issue of critical importance to our Nation as a whole. One of my priorities in Congress has been the need for saving green spaces. A key to saving open space is directing new growth to those areas that we have already developed, where we have already got infrastructure, and where established communities are looking for revitalization: Our brownfields. Too many communities are growing like trees, with ever expanding rings of outward growth but very often the community in the middle falls out of that growth pattern. We need to revitalize our existing communities. This saves valued green spaces from uncontrolled growth and gives us much more pleasant communities in which to live.

A large part of this effort must focus on the spaces that we can rehabilitate for human habitation. This helps communities by returning these properties as tax ratables to the tax rolls. It should be our goal to ensure that any planned growth of communities has as a goal the greatest possible cleanup and redevelopment of their contaminated properties. Otherwise growth will continue the trend of sacrificing more and more of our open spaces as we simply abandon areas that have been harmed.

The Brownfields Redevelopment Act is simple and clear. First, it makes HUD's Brownfield Economic Development Initiative Fund work better for local communities by taking off the strings of cumbersome Federal loan requirements. The law which this provision changes has prevented my home county of Westchester County, New York, from applying for a Brownfields Redevelopment grant because they could not meet these requirements.

Second, it creates a pilot program to promote more brownfields locations with HUD support. In addition, the legislation makes brownfield redevelopment a qualified use for community development block grants. These provisions will assist our communities in addressing brownfields problems.

We know that blighted brownfields are more than an environment-only problem. These are places that need investments of infrastructure and economic development and business growth. HUD is well suited to give local governments the tools they need to invest in the revitalization of brownfields properties in partnership with other Federal agencies, the States, and the private sector.

This legislation represents an important step toward the ultimate goal of cleanup and redevelopment of brownfields sites. I believe making progress on this issue is something that will require local as well as State and Federal cooperation and partnerships. The gentleman from California (Mr. GARY G. MILLER) has introduced his Brownfields Redevelopment Act in an effort for the Federal Government to play a larger part in assisting localities in this effort. This legislation makes a good step in the right direction, and as a cosponsor it has my full support.

Mr. Speaker, I want to thank the gentleman from California for championing this issue, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Massachusetts (Mr. FRANK) for working in a strong bipartisan effort to move this legislation, and I thank the chairman, the gentleman from Ohio (Mr. OXLEY), for his efforts to ensure the legislation is moved quickly through this process.

□ 1600

Mr. Speaker, I ask all of my colleagues to join us in strong support of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from New York (Mrs. KELLY) having accurately described this bill, I will not repeat what the gentlewoman said. I will point out that this is an important example of the need for us to act through government to clean up some of the mistakes made by the private sector. We have brownfields because we used to underregulate. We have brownfields because there used to not be appropriate environmental protections.

Today, now that we have environmental rules, we are much less likely to get new brownfields, that is, new areas in cities that have been rendered uninhabitable by industrial excesses. But we have the industrial excesses of the past from a time when we did not have environmental regulation. For those who think there is somehow an opposition between the private sector and the public sector, and if the private sector does well and we do not need a public sector, this bill shows exactly the opposite to be the case.

We need a flexible, well-financed and vigorous public sector so that the current residents can literally clean up the mess that they inherited from private sector activities, not because the people in the private sector were bad people or trying to be hurtful, but because in the absence of the sensible environmental regulation, what they did left this residue behind. I think this is a reasonable way to make a good government program even more flexible. I hope this legislation is approved.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill, H.R. 2941, as amended.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. GARY G. MILLER) to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 2941, the Brownfield Development Enhancement Act of 2001, is to provide communities with new options when it comes to financing brownfields redevelopment projects.

The best way to explain this bill is to begin by describing how the U.S. Department of Housing and Urban Development's section 108 loan program and the Brownfields Economic Development Initiative, or BEDI, grant programs work. If a local community wishes to pursue cleanup and redevelopment funds from HUD, first, they must apply for a section 108 loan. In order to secure this loan, they must put up a portion of their Community Development block grant money as collateral. After obtaining the section 108 loan, cities may then apply for a BEDI grant.

Unfortunately, many cities are extremely hesitant to tie up their CDBO funds as loan collateral. Further, some States actually prohibit their cities from doing this. Because these cities are locked out of the section 108 loan program, they are locked out of the BEDI grant application process as well.

H.R. 2941 offers a fundamental change to the status quo by delinking the BEDI grant program from the section 108 loan program. Additionally, this bill also creates a pilot program for a revolving loan pool. As a result, cities will have new options, they can proceed, as under current law, by applying for a section 108 loan, to be secured by a portion of their CDBO funds, and then apply for a BEDI grant; cities can simply apply for a BEDI grant; cities can apply for pilot program funds; or any combination of the above which best meets their project needs.

Before I continue, I would like to thank HUD Secretary Mel Martinez and his staff for their assistance and insight on this program. I also appreciate the support I received from the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, and the gentlewoman from New Jersey (Mrs. ROUKEMA), the chairwoman of the Subcommittee on Housing and Community Opportunity. In addition, I would like to thank the gentlewoman from New York (Mrs. MALONEY), who has worked tirelessly on this issue since H.R. 2941 was introduced.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in strong support of H.R. 2941, the Brownfields Redevelopment Enhancement Act.

Brownfields are abandoned, idled, or under used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination. Cleaning up these sites and redeveloping them could generate 550,000 additional jobs and up to $2.4 billion in new taxes revenues for cities and towns.

This bill will help our communities clean up the estimated 500,000 brownfield sites, including Kansas City, Missouri's Central Industrial District (CID). Also known as the "West Bottoms," Kansas City's historic Central Industrial District is a cradle of commerce and industry. It is the centerpiece of the City's Brownfields Program which has been the target for infrastructure investment by the City of Kansas City due to its development potential and central location. The City's Brownfields program has been successful in its efforts to work with a number of private sector entities to create a number of new development opportunities. Past infrastructure improvements have included storm water facilities, roads, and streetscape rehabilitation. This bill will provide for further investment, development, and environmental restoration at formerly used industrial sites, salvage yards, and other chemically contaminated sites such as the Blue River Industrial Corridor and the Missouri Riverfront Heritage Trail.

Although the Housing and Urban Development's Section 108 loan program encourages site cleanup, cities are required to pledge their community development block grant (CDBG) funds as partial collateral for the loan guarantee. Few small cities can afford to tie up their CDBG funds this way. Moreover, under current law, the Section 108 loan program is tied to the Brownfield Economic Development Initiative (BEDI) grant program. As a result, if cities cannot obtain the loan, they can't obtain the grant. H.R. 2941 provides cities with more options by delinking the BEDI grant program from the Section 108 loan guarantee program.

Empowering cities to clean up our nation's brownfields will reap many benefits for our communities. Cleaning up these sites will create a healthier environment and help preserve existing green spaces. When cities work with developers and builders to revitalize existing sales, they create an incentive for reuse as opposed to new development.

This bill will help communities redevelop contaminated sites by encouraging economic development. H.R. 2941 will help clean up our environment, revitalize the economy, and create livable communities for our children and future generations.

The passage of this bill is essential to the Kansas City Blue River Industrial Corridor, West Bottoms/Central Industrial District, and the Missouri Riverfront Heritage Trail.

I urge my colleagues to invest in our future and vote in support of H.R. 2941.

Mr. KANJORSKI. Mr. Speaker, I rise in support of H.R. 2941, the Brownfields, Redevelopment Enhancement Act. This important legislation will assist in the redevelopment of abandoned contaminated industrial sites in our nation's communities. During debate on this legislation within the Financial Services Committee, however, the lack of a definition of what constituted brownfields concerned me. More specifically, I wanted to ensure that the

Department of Housing and Urban Development would consider the cleanup of mine-scarred land eligible for funding within its brownfields program.

Within my congressional district, we have significant amounts of abandoned mine land, some of it located in or near town or city centers, and therefore ripe for economic development opportunities. Some of this land is also contaminated or potentially contaminated, sometimes having become a dumping ground for other waste, and it often contributes to water pollution, particularly acid-mine drainage. The redevelopment of this under-used land through HUD's brownfields program could help to improve the economic climate of the region.

Additionally, when Congress considered the brownfields law last year affecting the Environmental Protection Agency's programs, we provided for the eligibility of mine-scarred land. I therefore wanted to ensure parity between the agencies' programs to facilitate the efficient use of government resources to reclaim land. As a result of my concerns, I worked with the Chairman of the Financial Services Committee during our deliberations on H.R. 2941 to specifically include mine-scarred land within the bill.

From my perspective, the expansion of the definition to include excavation of culm banks and the removal of other mining waste at abandoned mine sites will benefit business, generate jobs, improve the environment, and improve the health and economy of thousands of communities across the nation. In closing, I thank the Chairman and the Committee and my colleagues on both sides of the aisle for recognizing the importance of this issue and urge my colleagues to vote in favor of this bill.

Mr. LaFALCE. Mr. Speaker, I rise in support of H.R. 2941, the "Brownfields Redevelopment Enhancement Act." This legislation includes two important provisions which will enhance the ability of localities to promote economic development and redevelopment.

First, the bill removes an unnecessary impediment to the use of HUD brownfields redevelopment funds. Redevelopment of brownfields sites is an important economic development activity in many older regions of the country, and HUD brownfields grant funds provide sorely needed funds to localities for this purpose. However, under current law, a locality may not apply for such grants unless it also agrees to use a CDBG Section 108 loan in conjunction with the proposed project.

This loan requirement is a significant impediment to full and effective use of the HUD brownfields program. It is awkward to use loans for brownfields projects, since repayment is linked to land re-sales, which are uncertain and uneven. Since localities must pledge future CDBG funds to repay Section 108 loans, many are reluctant to even apply for brownfields grants, for fear of jeopardizing critically needed economic development funds. Therefore, appropriately, H.R. 2941 "de-links" HUD brownfields grants and Section 108 loans; that is, it removes the requirement that a brownfield grant applicant must also commit to use a Section 108 loan.

Secondly, the bill includes an amendment that I authored, and which the majority agreed to during committee consideration, to explicitly allow CDBG funds to be used for the administration of Renewal Communities.

Currently, the code permits CDBG funds to be used to administer Empowerment Zones, designated areas which enjoy economic development tax incentives. Recently, Congress authorized, and HUD designated, 40 Renewal Community areas, under a program similar to Empowerment Zones. My amendment, included in H.R. 2941, would permit localities to use CDBG funds to administer Renewal Communities, in the same way they are already permitted to administer Empowerment Zones. This will help ensure that Renewal Communities are able to achieve their full potential.

Finally, I would like to address a concern raised by some environmental groups that the legislation does not include a definition of brownfields.

These groups have suggested that the bill should include the "brownfields" definition used in the recently passed Public Law 107–118. The purpose of incorporating a definition into the code is to prevent use of brownfields funds [or CDBG funds used for brownfields purposes] to pay for cleanups where there is a viable polluter associated with the site, or at heavily contaminated sites to pay for remediation under state voluntary cleanup programs.

This is a valid concern. During committee consideration of the bill, this issue was raised, and efforts were made between committee and floor consideration to agree on a definition that would prevent the types of use cited above. Ultimately, we could not agree on a definition with the majority. However, with these environmental concerns in mind, I believe we should move forward with the legislation at this time, for a number of reasons.

First, I would like to point out that this bill does not create any concerns that do not already exist. That is because neither the HUD brownfields program nor the CDBG program (which permits brownfields use) include a statutory definition of brownfields. Enacting no bill this Congress will only ensure that the statutory lack of a brownfields definition will continue to exist.

Secondly, I would note that, at the request of the minority, the Committee Report includes language that states that "The Committee intends that HUD will continue its current practice of consulting with other Federal agencies in carrying out the Department's remediation and redevelopment activities, under its brownfields program." The report further states that HUD will continue to defer to the EPA and other federal agencies with regard to highly contaminated areas, and will continue to respect orders by the EPA and other agencies in such areas in carrying out the HUD brownfields program.

The clear intent is that HUD brownfields funds will continue to be used for economic redevelopment activities, as opposed to being used to relieve private parties of liability or to substitute for cleanup under federal environmental laws. However, if and when this bill goes to conference with the Senate, it would be appropriate to develop a brownfields definition which addresses these environmental concerns.

For all these reasons, I urge passage of the legislation.

Mr. DINGELL. Mr. Speaker, in the Detroit Metropolitan area alone, which has been home to our country's industrial strength for over 100 years, brownfields cover tens of thousands of acres of land once occupied by mighty manufacturing facilities and thriving communities. Last December, Congress passed H.R. 2869, the Small Business Liability Relief and Brownfields Revitalization Act which originated from the Committee on Energy and Commerce and provided a $200 million authorization each year for 5 years for the Environmental Protection Agency's successful brownfields loan and grant program. That bill became Public Law 107–118 with President Bush's signature on January 11, 2002.

The bill under consideration today, H.R. 2941, provides increased access for local entities to brownfield redevelopment funds from the Department of Housing and Urban Development (HUD). It does so by de-linking section 108 loan guarantees from HUD's Brownfield Economic Development Initiative (BEDI) grants.

Mr. Speaker, while the goal of this legislation is worthy, and one I support, its failure to include the definition of the term "brownfields" contained in Public Law 107–118 is a serious deficiency that could lead to mischief with public revenues. I note that the environmental community has also raised concerns about the absence of an appropriate definition in a letter to Members of Congress dated April 26, 2002.

The brownfield definition in Public Law 107–118 was designed to ensure that grants and loans using public funds did not go to seriously contaminated sites that fall within the purview of other cleanup authorities such as the Superfund program, the Solid Waste Disposal Act, the Toxic Substances Control Act, the Clean Water Act, the Safe Drinking Water Act, and others where the polluters could be held responsible for the cleanup. The absence of a statutory definition of the term "brownfields" in H.R. 2941 creates a potential for overlapping federal programs in conflict with one another, or at best a lack of coordination in the use of federal funds.

The remedy is an easy one and should be noncontroversial since the Congress and President Bush have already agreed on a definition of "brownfields" in Public Law 107–118.

While the Committee report accompanying H.R. 2941 urges HUD to continue to defer to federally directed and funded remedial cleanup activities of the Environmental Protection Agency, and other applicable Federal Agencies, I believe that a statutory definition of the term "brownfields" is necessary to avoid conflict between competing federal agency programs and potential misuse of taxpayer funds.

Today I will support this legislation with the expectation that any bill emerging from a conference between the House and Senate will contain a definition of the term "brownfields" consistent with Public Law 107–118.

AMERICAN PUBLIC HEALTH ASSOCIATION; FRIENDS OF THE EARTH; NATURAL RESOURCES DEFENSE COUNCIL; PHYSICIANS FOR SOCIAL RESPONSIBILITY SIERRA CLUB; US PIRG,

April 26, 2002.

Re H.R. 2491, Brownfields Redevelopment Enhancement Act:

Hon. MICHAEL OXLEY,
U.S. House of Representatives,
Hon. JOHN LAFALCE,
U.S. House of Representatives.

DEAR REPRESENTATIVES: We are writing on behalf of our more than one million members to urge the House of Representatives to ensure that H.R. 2941 contains a definition of the term "brownfields" that is consistent with existing law. H.R. 2941 could threaten public health and weaken the polluter-pays principle at heavily contaminated toxic waste sites if its definition of "brownfields" does not track the definition contained in Public Law 107–118, the Small Business Liability Relief and Brownfields Revitalization Act of 2001 ("Brownfields Act"). Therefore, we urge the House of Representatives to ensure that H.R. 2941 incorporates by reference the definition of brownfields contained in section (39) of the Brownfields Act. Codifying this definition would prevent current or future administrations from arbitrarily weakening existing protections.

Members of the Senate and House negotiated for years over an appropriate definition of the term "brownfields." This issue was vital for two reasons. First, an overly broad definition could allow federal agencies to use taxpayer funds to pay for cleanups even when there was a viable polluter associated with a site. This would weaken the polluter-pays principle, which is the foundation of federal cleanup programs. This principle ensures that polluters, rather than taxpayers, pay to clean up their contamination. It provides an incentive to reduce the use of and responsibly manage toxic chemicals, thereby decreasing the chance of creating future toxic waste sites.

Second, a broad definition could allow federal agencies to use taxpayer funds at heavily contaminates sites to pay for remediation under state voluntary cleanup programs. Data on state voluntary cleanup programs demonstrate that such programs have inconsistent cleanup standards, public participation requirements, technical expertise and oversight authorities. These failings can threaten public health, particularly at sites containing high levels of contamination.

Congress agreed on a definition of the term "brownfields" in the Brownfields Act, which President Bush signed into law on January 11, 2002. The Brownfields Act initially broadly defines the term, but then excludes many heavily contaminated toxic waste sites from the definition. This ensures that cleanup officials can continue to use the polluter-pays principle to enforce federal laws that incorporate tough cleanup standards. The law permits an expansion of this definition—on a site-by-site basis—where doing so would not endanger public health.

H.R. 2941's definition of "brownfields" contains none of these protections. Instead, it contains a very broad definition of the term "brownfields" that would allow federal agencies to use taxpayer funds to pay for remediation under state voluntary cleanup programs at heavily contaminated sites. H.R. 2941 could also allow federal agencies to use taxpayer funds to cleanup sites that have viable businesses that caused the contamination.

The Department of Housing and Urban Development's Brownfields Economic Development Initiative ("BEDI") could provide significant taxpayer funding for activities that could threaten public health and weaken application of the polluter-pays principle. While BEDI contains only about $25 million, state and local government use BEDI funds to access hundreds of million of dollars in low-interest loans under the federal Community Development Block Grant Program ("CDBG"). The CDBG and BEDI programs allow funded entities to use the federal taxpayer funds on remedial activities. (*See* www.hud.gov/bedifact.cfm.) In fact, HUD's webpage states "[t]he most common use of CBDG funds for brownfields has been for remediation, followed by site assessment and redevelopment." This means taxpayers could pay for cleanups, rather the parties responsible for the contamination.

Incorporating the definition from the Brownfield Act into H.R. 2941 should be noncontroversial. The House, Senate, and administration all agreed on a definition of the term "brownfields" in 2002. Representatives of HUD have stated that the agency does not fund cleanups at heavily contaminated sites and that HUD supports the polluter-pays principle. Staff for members on the House Financial Services Committee concurred with the HUD representatives. Members of the environmental community urged the staff to modify the definition of brownfields consistent with this shared understanding. Unfortunately, some staff opposed codifying this understanding because they claimed that it would increase red tape. However, codifying agency practice should not increase regulatory burden.

Expediting the cleanup of brownfields is a priority for our groups and should be a priority for federal and state governments. However, government should not create avenues for development that could endanger public health or reduce incentives for polluters to manage their toxic wastes responsibly. We urge the House of Representatives to help ensure that people can safely use new residential, commercial and other developments, and that polluting industries do not create new toxic waste sites.

Sincerely,

DON HOPPERT,
Director of Federal Affairs, American Public Health Association.
SARA ZDEB,
Legislative Representative, Friends of the Earth.
ALYS CAMPAIGNE,
Legislative Director, Natural Resources Defense Council.
DEBBIE SEASE,
Legislative Director, Sierra Club.
SUSAN WEST MARMAGAS, MPH,
Director, Environment and Health Program, Physicians for Social Responsibility.
GRANT COPE,
Staff Attorney, US PIRG.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 2941, the Brownfields Redevelopment Enhancement Act. The primary purpose of this legislation is to increase the flexibility of the HUD Brownfields Economic Development Initiative (BEDI) and make the program available to more local governments.

Since its inception the larger brownfields program has proven an effective government response to a serious environmental problem. Brownfields spot our country from coast to coast, especially in areas with high or formerly high levels of industrial activity. Brownfields are abandoned, or under-used industrial and commercial facilities where further redevelopment is impeded by environmental contamination.

The locations have potential for economic development but are held back by the environmental problems created by former or current users. The EPA program has successfully used a variety of financial and technical assistance to restore these sites which would otherwise be doomed to further decay.

The Brownfields program was established by the EPA by regulation. Earlier this year Congress expressed its strong bipartisan support for brownfields cleanup by passing the Small Business Liability Relief and Brownfields Revitalization Act. Today's legislation builds on this effort by increasing the access to brownfields dollars.

The Brownfields Redevelopment Enhancement Act, of which I am the lead Democratic sponsor, de-links Brownfields Economic Development Fund grants from the HUD Section 108 loan program. In its current construction, this linking requires that communities set aside Community Development Block Grant (CDBG) funds as collateral for these loans. The delinking accomplished by our legislation will greatly increase the availability of brownfields cleanup funds for localities across the country.

One of the reasons that the brownfields programs has been so successful is that it combines support from the environmental community with that from a strong coalition of local governments and developers. Some environmental groups have expressed concern that the definition of "brownfields" in H.R. 2941 does not sufficiently track the definition in the Small Business Liability Relief and Brownfields Revitalization Act and could threaten the principle that polluters pay for their damage. While I support this legislation today, it is my intention to work with these groups to satisfy these concerns as this legislation moves forward.

It has been my pleasure to work with my colleagues on the Financial Services Committee on this legislation which was introduced by Representative GARY MILLER. I also want to thank Housing Subcommittee Ranking Member BARNEY FRANK and his staff for their work on this bill.

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

Mr. GARY G. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 2941, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess until approximately 6 p.m.

☐ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 p.m.

COMMUNICATION FROM THE HONORABLE KEN CALVERT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable KEN CALVERT, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 2002.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have been served with civil subpoena for documents issued by the San Bernardino County, California Superior Court.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

KEN CALVERT,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 4823, by the yeas and nays;

H.R. 4800, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4823.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 4823, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 1, not voting 41, as follows:

[Roll No. 207]

YEAS—392

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Stenholm

NOT VOTING—41

Abercrombie
Bachus
Blagojevich
Bonior
Callahan
Calvert
Coyne
Deal
Doolittle
Evans
Ganske
Gilchrest
Goode
Graves
Hansen
Hilliard
Kilpatrick
Lewis (CA)
Lipinski
McDermott
McKinney
Menendez
Millender-McDonald
Mollohan
Murtha
Payne
Peterson (PA)
Riley
Rothman
Roukema
Rush
Saxton
Schiff
Slaughter
Solis
Souder
Terry
Thompson (MS)
Traficant
Velázquez
Watson (CA)

☐ 1827

Mr. CROWLEY and Mr. COBLE changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 207 on H.R. 483, Repealing the sunset of the exclusion from the federal income tax for restitution received by victims of the Nazi regime, I was unavoidably detained due to airplane delays. Had I been present, I would have voted "yea."

☐ 1830

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to House Resolution 378, the official picture of the House while in session will be taken immediately after the approval of the Journal when the House convenes tomorrow.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

REPEALING SUNSET OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXPANSION OF CERTAIN ADOPTION PROGRAMS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4800.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4800, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 1, not voting 42, as follows:

[Roll No. 208]

YEAS—391

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
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Boyd
Brady (PA)
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Brown (FL)
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Buyer
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Cannon
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Capito
Capps
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Cardin
Carson (IN)
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Combest
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Cox
Cramer
Crane
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Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
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Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
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Doggett
Dooley
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Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
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Johnson, E. B.
Johnson, Sam
Jones (NC)
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Kanjorski
Kaptur
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Kennedy (MN)
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Kingston
Kirk
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Knollenberg
Kolbe
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LaFalce
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Lampson
Langevin
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Larsen (WA)
Larson (CT)
Latham
LaTourette
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Lewis (GA)
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Linder
LoBiondo
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Lowey
Lucas (KY)
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Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
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Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
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Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Petri
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Pickering
Pitts
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Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
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Ramstad
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Royce
Ryan (WI)
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Sabo
Sánchez
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Sawyer
Schaffer
Schakowsky
Schrock
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Sensenbrenner
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Sessions
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Sherman
Sherwood
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Simmons
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Skelton
Smith (MI)
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Snyder
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Weller
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Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Stenholm

NOT VOTING—42

Abercrombie
Bachus
Blagojevich
Bonior
Callahan
Calvert
Coyne
Deal
Doolittle
Edwards
Evans
Ganske
Gilchrest
Graves
Green (TX)
Hansen
Hilliard
Kilpatrick
Lewis (CA)
Lipinski
McDermott
McKinney
Menendez
Millender-McDonald
Mollohan
Murtha
Payne
Peterson (PA)
Riley
Rogers (KY)
Rothman
Roukema
Rush
Saxton
Schiff
Slaughter
Solis
Souder
Terry
Thompson (MS)
Traficant
Watson (CA)

☐ 1838

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 208 on H.R. 4800, Repealing the sunset of expansion of the adoption credit and adoption assistance programs, I was unavoidably detained due to airplane delays.

Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DEAL of Georgia. Mr. Speaker, on June 4, 2002, I was unable to record my vote for both H.R. 4823 and H.R. 4800. Had I been here to record my vote, I would have voted in the affirmative for both bills by voting "yea."

PERSONAL EXPLANATION

Mr. GRAVES. Mr. Speaker, I was unavoidably detained.

Had I been present I would have voted in the affirmative for H.R. 4823, Holocaust Restitution Tax Fairness Act of 2002. A "yea" vote would have also been cast for H.R. 4800, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 207 and 208. Had I been present, I would have voted "yea" on both.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3479

Mr. SMITH of Washington. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3479.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4664, INVESTING IN AMERICA'S FUTURE ACT

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-489) on the resolution (H. Res. 432) providing for consideration of the bill (H.R. 4664) to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1372, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-490) on the resolution (H. Res. 433) waiving points of order against the conference report to accompany the Senate bill (S. 1372) to reauthorize the Export-Import Bank of the United States, which was referred to the House Calendar and ordered to be printed.

CORRECTING TECHNICAL ERRORS IN ENROLLMENT OF H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

Mr. TAUZIN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 117) to correct technical errors in the enrollment of the bill H.R. 3448, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 117

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R.3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, the Clerk of the House shall make the following corrections, stated in terms of the page and line numbers of the official copy of the conference report for such bill that was filed with the House:

(1) On page 1, after line 6, insert before the item relating to title I, the following:

Sec. 1. Short title; table of contents.

(2) On page 40, line 3, insert before the semicolon the following: "(including private response contractors)".

(3) On page 75, line 18, strike "subsection (c)(1)" and insert "subsection (c)".

(4) On page 75, line 25, strike "paragraph (3)(B)" and insert "paragraph (3)(C)".

(5) On page 87, strike lines 11 and 12 (relating to a redundant section designation and section heading for section 143).

(6) On page 264, line 11, insert before the period the following: "and with respect to assessing and collecting any fee required by such Act for a fiscal year prior to fiscal year 2003".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

URGING INCREASED FEDERAL FUNDING FOR JUVENILE TYPE 1 DIABETES RESEARCH

Mr. TAUZIN. Madam Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 36) urging increased Federal funding for juvenile (type 1) diabetes research.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. GREEN of Texas. Madam Speaker, reserving the right to object, I will not object; but I would ask the gentleman from Louisiana (Mr. TAUZIN), the chairman of our full committee, to give an explanation of the bill.

Mr. TAUZIN. Madam Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Madam Speaker, I thank the gentleman for yielding to me.

As the gentleman knows, at this time, more than 1 million Americans have type 1 diabetes. Type 1 diabetes is a disease which strikes children suddenly. It makes them insulin-dependent for life, and it carries a constant threat of life-threatening complications. Someone is diagnosed with type 1 diabetes every hour. This devastating disease also afflicts adult populations.

Madam Speaker, I want to applaud the efforts of the gentleman from Texas (Mr. GREEN) to raise awareness about juvenile (type 1) diabetes and the need to find a cure for this disease.

I ask my colleagues to support this very worthwhile resolution.

Mr. GREEN of Texas. Continuing my reservation of objection, Madam Speaker, I know the gentleman has been a long-time advocate for increasing funding for juvenile diabetes, and he has been recognized many times by the health care industry.

I think all of us have been touched by someone with diabetes. Throughout my life, I have met many courageous people who have struggled with this disease every day.

I want to especially mention the Balthazars. They are not only constituents, but live in my hometown of Houston. They had come to a town hall meeting a couple of years ago to tell me about the struggle their family faces with their son, Larry, who has juvenile diabetes.

Larry Balthazar was diagnosed with this horrible disease when he was 2 years old. He has no memory of life without insulin shots, blood glucose tests, hypoglycemia, or the fear of dreaded complications. He has never had the chance to live a carefree life that every child deserves. Instead, he is tied to a regimen of painful shots, finger pricks, and a strictly controlled diet, which is not a way to spend a childhood.

Unfortunately, Larry's childhood is no different than that of 1 million other Americans with juvenile diabetes. This serious disease restricts the ability of these people and their families to live normal lives. Instead, they are forced to give themselves multiple insulin injections each day, test their blood sugar frequently, and be prepared for the high and low blood sugars that ravage their bodies.

If their blood sugar is too high, they face the possibility of blindness, heart disease, stroke, nerve damage, kidney failure, and lower-limb amputation.

□ 1845

With low blood sugar, people with diabetes suffer disease, dizziness, hunger, seizure, coma and even death. This disease forces its victims into a careful balancing act that is almost impossible to achieve. While this is all very sobering, we have never been closer to finding a cure for this horrible disease. Research in islet cell transplantation has shown great potential for individuals with diabetes and has already freed many people with diabetes from their syringes and their glucose meters. Stem cell research also holds incredible promise for recreating these cells that are destroyed by diabetes. Further advancement in this field almost certainly could cure juvenile diabetes forever. But like any other disease, these advancements will never be realized unless we invest the resources necessary to find a cure.

That is why myself and 127 other Members of the House have cosponsored and introduced H. Con. Res. 36, the important resolution to fully fund diabetes research, and urge this Congress to invest the amount recommended by the Diabetes Research Working Group.

The DRWG was appointed by the Congress in 1998 to develop a comprehensive plan for diabetes research.

The findings of this group were very compelling. They recommended several different approaches to finding a cure and improving treatments for diabetes.

But these recommendations are meaningless if they are not backed up by an increase in funding.

While there has been some increases in diabetes funding at the NIH, much more needs to be done. This year, diabetes will receive $769 million in funding at the NIH—only slightly more than half the amount recommended by the DRWG.

If we are serious about finding a cure for this serious disease, then we must make the necessary investment to find a cure.

H. Con. Res. 36 with 127 co-sponsors expresses the sense of Congress that federal funding for diabetes research should be increased in accordance with the recommendations of the Diabetes Research Working Group.

By passing this resolution on the floor today, we are reaffirming our commitment to win the battle against juvenile diabetes.

Madam Speaker, I yield to the gentlewoman from Colorado (Ms. DEGETTE), the cochair of the Diabetes Caucus.

Ms. DEGETTE. Madam Speaker, I thank the gentleman from Texas (Mr. GREEN) for this wonderful concurrent resolution. As cochair of the Diabetes Caucus and the mother of an eight-year-old child with Type I diabetes, I rise in support of this legislation.

Madam Speaker, thank you for allowing me to speak today about diabetes and the need to continue to fund research at a high level as this topic holds a great personal value to me.

Over one million people are juvenile diabetics. That number is increasing every day as 13,000 children a year—35 each day—are diagnosed with juvenile diabetes and 17,000 adults a year—46 each day—are diagnosed with juvenile diabetics.

Last June I was pleased to serve as Honorary Co-Chair of the 2001 Juvenile Diabetes Research Foundation's Children's Congress, during which 200 children with juvenile diabetes came to Washington to advocate for juvenile diabetes research. While in Washington these children asked for our help to ensure that they will soon be free from the burden of finger pricks, insulin injections, hypoglycemia and the fear of complications such as nerve damage, heart attack, blindness and amputation. There is great reason to believe that this hope will be realized.

Researchers are closing in on a cure for this disease. As many of you are aware, clinical trials are underway involving the transplantation of insulin producing cells into individuals with juvenile diabetes. 80% of the patients who have received these transplants have been cured of juvenile diabetes and no longer need insulin injections. However, there are two obstacles to this research.

The first is that the recipients of the transplanted insulin-producing cells must undergo immunosuppressive therapy to prevent rejection of the cells. This problem is being addressed by the research of the NIH-funded Immune Tolerance Network, the goal of which is to develop a way to transplant organs and tissue, including islet cells, without subjecting the recipients to a lifetime of immunosuppressive therapy. The progress of this research would not only help children with juvenile diabetes, but also patients with a wide variety of autoimmune diseases and disorders, such as Lupus, Rheumatoid Arthritis, and Multiple Sclerosis.

The second obstacle is of greater concern to researchers. There is a serious shortage of cadaver pancreases from which the insulin producing cells must be derived for transplant. Less than 2000 pancreases are available each year for both whole organ transplants and the derivation of insulin producing cells for the experimental trials. Therefore, if and when these transplants are ready to be applied to everyone who suffers from juvenile diabetes, only a very small fraction will benefit.

Researchers are currently looking for alternate supplies of insulin producing cells. One of the most promising potential sources is embryonic stem cells. Researchers are demonstrating that embryonic stem cells can be turned into insulin producing cells, which could lead to a virtually unlimited supply for transplant into all patients with juvenile diabetes.

All Americans suffering from diabetes are in a race against time. Their future could hold deadly complications such as kidney failure, blindness, nerve, amputation and stroke. We owe it to those 17 million Americans—1 million, which are juvenile diabetics—to ensure that all promising avenues of diabetes research, are pursued with adequate resources.

Mr. GREEN of Texas. Madam Speaker, I yield to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Speaker, I rise in support of the resolution.

Mr. GREEN of Texas. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 36

Whereas over one million Americans suffer from juvenile (type 1) diabetes, a chronic, genetically determined, debilitating disease affecting every organ system;

Whereas 13,000 children a year—35 each day—are diagnosed with juvenile diabetes;

Whereas 17,000 adults a year—46 each day—are diagnosed with juvenile diabetes;

Whereas juvenile diabetes is one of the most costly chronic diseases of childhood;

Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations; and

Whereas the Diabetes Research Working Group, a nonpartisan advisory board established to advise Congress, has called for an accelerated and expanded diabetes research program at the National Institutes of Health and has recommended an increase in Federal funding for diabetes research at the National Institutes of Health over each of the next five years: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Federal funding for diabetes research should be increased annually as recommended by the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. TAUZIN

Mr. TAUZIN. Madam Speaker, I offer an amendment to the text.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. TAUZIN: strike out all after the resolving clause and insert:

Resolved by the House of Representatives (the Senate concurring), That Federal funding for diabetes research should be increased annually as recommended by the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

Mr. TAUZIN (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Louisiana (Mr. TAUZIN).

The amendment in the nature of a substitute was agreed to.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. TAUZIN

Mr. TAUZIN. Madam Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. TAUZIN: strike out the preamble and insert:

Whereas over one million Americans suffer from juvenile (type 1) diabetes, a chronic, genetically determined, debilitating disease affecting every organ system;

Whereas 13,000 children a year—35 each day—are diagnosed with juvenile diabetes;

Whereas 17,000 adults a year—46 each day—are diagnosed with juvenile diabetes;

Whereas juvenile diabetes is one of the most costly chronic diseases of childhood;

Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations; and

Whereas the Diabetes Research Working Group, a nonpartisan advisory board established to advise Congress, has called for an accelerated and expanded diabetes research program at the National Institutes of Health and has recommended an increase in Federal funding for diabetes research at the National Institutes of Health over each of the next five years: Now, therefore, be it

Mr. TAUZIN (during the reading). Madam Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Louisiana (Mr. TAUZIN).

The amendment to the preamble was agreed to.

The title of the concurrent resolution was amended so as to read: "A concurrent resolution urging increased Federal funding for juvenile (type 1) diabetes research.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Madam Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks on H. Con. Res. 36.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

Mr. LoBIONDO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3983) to ensure the security of maritime transportation in the United States against acts of terrorism, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Maritime Transportation Antiterrorism Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MARITIME TRANSPORTATION SECURITY

Sec. 101. Port security.
Sec. 102. Clarification of Coast Guard authority to control vessels in territorial waters of the United States.
Sec. 103. Extension of seaward jurisdiction.
Sec. 104. Suspension of limitation on strength of Coast Guard.
Sec. 105. Extension of Deepwater Port Act to natural gas.
Sec. 106. Assignment of Coast Guard personnel as sea marshals and enhanced use of other security personnel.
Sec. 107. Automatic identification system.
Sec. 108. Mandatory advanced electronic information for cargo.

TITLE II—MARITIME POLICY IMPROVEMENT

Sec. 201. Short title.
Sec. 202. Vessel COASTAL VENTURE.
Sec. 203. Expansion of American Merchant Marine Memorial Wall of Honor.
Sec. 204. Discharge of agricultural cargo residue.
Sec. 205. Recording and discharging notices of claim of maritime lien.
Sec. 206. Tonnage of R/V DAVIDSON.
Sec. 207. Miscellaneous certificates of documentation.
Sec. 208. Exemption for Victory Ships.
Sec. 209. Certificate of documentation for 3 barges.
Sec. 210. Certificate of documentation for the EAGLE.
Sec. 211. Waiver for vessels in New World Challenge Race.
Sec. 212. Vessel ASPHALT COMMANDER.

TITLE III—COAST GUARD PERSONNEL AND MARINE SAFETY

Sec. 301. Short title.

SUBTITLE A—PERSONNEL MANAGEMENT

Sec. 311. Coast Guard band director rank.
Sec. 312. Compensatory absence for isolated duty.
Sec. 313. Accelerated promotion of certain Coast Guard officers.

SUBTITLE B—MARINE SAFETY

Sec. 321. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.
Sec. 322. Preservation of certain reporting requirements.
Sec. 323. Oil Spill Liability Trust Fund; emergency fund advancement authority.
Sec. 324. Merchant mariner documentation requirements.
Sec. 325. Penalties for negligent operations and interfering with safe operation.

SUBTITLE C—RENEWAL OF ADVISORY GROUPS

Sec. 331. Commercial Fishing Industry Vessel Advisory Committee.
Sec. 332. Houston-Galveston Navigation Safety Advisory Committee.
Sec. 333. Lower Mississippi River Waterway Advisory Committee.
Sec. 334. Navigation Safety Advisory Council.
Sec. 335. National Boating Safety Advisory Council.
Sec. 336. Towing Safety Advisory Committee.

SUBTITLE D—MISCELLANEOUS

Sec. 341. Patrol craft.
Sec. 342. Boating safety.
Sec. 343. Caribbean support tender.
Sec. 344. Prohibition of new maritime user fees.
Sec. 345. Great Lakes lighthouses.
Sec. 346. Modernization of National Distress and Response System.
Sec. 347. Conveyance of Coast Guard property in Portland, Maine.
Sec. 348. Harbor safety committees.
Sec. 349. Miscellaneous conveyances.

TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

Sec. 401. Short title.
Sec. 402. Extension of Coast Guard housing authorities.
Sec. 403. Inventory of vessels for cable laying, maintenance, and repair.
Sec. 404. Vessel escort operations and towing assistance.
Sec. 405. Search and rescue center standards.
Sec. 406. VHF communications services.
Sec. 407. Lower Columbia River maritime fire and safety activities.
Sec. 408. Conforming references to the former Merchant Marine and Fisheries Committee.
Sec. 409. Restriction on vessel documentation.
Sec. 410. Hypothermia protective clothing requirement.
Sec. 411. Reserve officer promotions.
Sec. 412. Regular lieutenant commanders and commanders; continuation upon failure of selection for promotion.
Sec. 413. Reserve student pre-commissioning assistance program.
Sec. 414. Continuation on active duty beyond thirty years.
Sec. 415. Payment of death gratuities on behalf of Coast Guard auxiliarists.
Sec. 416. Align Coast Guard severance pay and revocation of commission authority with Department of Defense authority.
Sec. 417. Long-term lease authority for lighthouse property.
Sec. 418. Maritime Drug Law Enforcement Act amendments.
Sec. 419. Wing-in-ground craft.
Sec. 420. Electronic filing of commercial instruments for vessels.
Sec. 421. Deletion of thumbprint requirement for merchant mariners' documents.
Sec. 422. Temporary certificates of documentation for recreational vessels.
Sec. 423. Marine casualty investigations involving foreign vessels.
Sec. 424. Conveyance of Coast Guard property in Hampton Township, Michigan.
Sec. 425. Conveyance of property in Traverse City, Michigan.
Sec. 426. Annual report on Coast Guard capabilities and readiness to fulfill national defense responsibilities.
Sec. 427. Extension of authorization for oil spill recovery institute.
Sec. 428. Miscellaneous certificates of documentation.
Sec. 429. Icebreaking services.
Sec. 430. Fishing vessel safety training.
Sec. 431. Limitation on liability of pilots at Coast Guard Vessel Traffic Services.
Sec. 432. Assistance for marine safety station on Chicago lakefront.
Sec. 433. Tonnage measurement for purposes of eligibility of certain vessels for fishery endorsement.
Sec. 434. Extension of time for recreational vessel and associated equipment recalls.

TITLE V—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

Sec. 501. Short title.
Sec. 502. Authorization of appropriations.
Sec. 503. Authorized levels of military strength and training.

TITLE I—MARITIME TRANSPORTATION SECURITY

SEC. 101. PORT SECURITY.

(a) IN GENERAL.—Title 46, United States Code, is amended by adding at the end the following new subtitle:

"Subtitle VI—Miscellaneous

"Chap.	Sec.
"701. Port Security	**70101**

"CHAPTER 701—PORT SECURITY

"Sec.

‘‘70101. Definitions.
‘‘70102. United States facility vulnerability assessments.
‘‘70103. Catastrophic emergency planning.
‘‘70104. Antiterrorism response.
‘‘70105. Transportation security cards.
‘‘70106. Maritime antiterrorism teams.
‘‘70107. Grants.
‘‘70108. Foreign port assessment.
‘‘70109. Notifying foreign authorities.
‘‘70110. Actions when foreign ports not maintaining effective antiterrorism measures.
‘‘70111. Crew and passenger manifests.
‘‘70112. Civil penalty.

‘‘§ 70101. Definitions

‘‘For the purpose of this chapter:

‘‘(1) The term ‘Area Maritime Transportation Antiterrorism Plan’ means an Area Maritime Transportation Antiterrorism Plan prepared under section 70103(b).

‘‘(2) The term ‘catastrophic emergency’ means any event caused by a terrorist act in the United States or on a vessel on a voyage to or from the United States that causes, or may cause, substantial loss of human life or major economic disruption in any particular area.

‘‘(3) The term ‘facility’ means any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States.

‘‘(4) The term ‘National Maritime Transportation Antiterrorism Plan’ means the National Maritime Transportation Antiterrorism Plan prepared and published under section 70103(a).

‘‘(5) The term ‘owner or operator’ means—

‘‘(A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and

‘‘(B) in the case of a facility, any person owning or operating such facility.

‘‘(6) The term ‘Secretary’ means the Secretary of Transportation.

‘‘(7) The term ‘Under Secretary’ means the Under Secretary of Transportation for Security.

‘‘§ 70102. United States facility vulnerability assessments

‘‘(a) IN GENERAL.—The Secretary shall conduct a port vulnerability assessment, including an assessment of the vulnerability of each facility in a port, for each port in the United States for which the Secretary believes there is a high risk of catastrophic emergency.

‘‘(b) FACILITY ASSESSMENTS.—(1) An assessment under this section for a port shall include an assessment of each facility in the port.

‘‘(2) Upon completion of an assessment under this section for a port, the Secretary shall provide to the owner or operator of each facility in the port a copy of the assessment of the facility under this subsection.

‘‘(c) ACCEPTANCE OF EXISTING ASSESSMENT.—In lieu of conducting such a port vulnerability assessment under this section, the Secretary may accept an assessment conducted by or on behalf of a port authority or marine terminal operator.

‘‘§ 70103. Catastrophic emergency planning

‘‘(a) NATIONAL MARITIME TRANSPORTATION ANTITERRORISM PLAN.—(1) The Secretary shall prepare a National Maritime Transportation Antiterrorism Plan for deterring a catastrophic emergency.

‘‘(2) The National Maritime Transportation Antiterrorism Plan shall provide for efficient, coordinated, and effective action to deter and minimize damage from catastrophic emergencies, and shall include the following:

‘‘(A) Assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local governmental agencies.

‘‘(B) Identification of security resources.

‘‘(C) Establishment of procedures for the coordination of activities of—

‘‘(i) Coast Guard maritime antiterrorism teams established under this chapter; and

‘‘(ii) Federal Maritime Antiterrorism Coordinators.

‘‘(D) A system of surveillance and notice designed to safeguard against as well as ensure earliest possible notice of catastrophic emergencies and imminent threats of catastrophic emergencies to the appropriate State and Federal agencies.

‘‘(E) Establishment of criteria and procedures to ensure immediate and effective Federal identification of a catastrophic emergency, or the substantial threat of a catastrophic emergency.

‘‘(F) Designation of—

‘‘(i) areas for which Area Maritime Transportation Antiterrorism Plans are required to be prepared under subsection (b); and

‘‘(ii) a Coast Guard official who shall be the Federal Maritime Antiterrorism Coordinator for each such area.

‘‘(3) The Secretary may, from time to time, as the Secretary considers advisable, revise or otherwise amend the National Maritime Transportation Antiterrorism Plan.

‘‘(4) Actions to deter and minimize damage from catastrophic emergencies shall, to the greatest extent possible, be in accordance with the National Maritime Transportation Antiterrorism Plan.

‘‘(b) AREA MARITIME TRANSPORTATION ANTITERRORISM PLANS.—(1) The Federal Maritime Antiterrorism Coordinator designated under subsection (a)(2)(F) for an area shall—

‘‘(A) submit to the Secretary an Area Maritime Transportation Antiterrorism Plan for the area; and

‘‘(B) solicit advice from local harbor safety advisory committees to assure preplanning of joint terrorism deterrence efforts, including appropriate procedures for deterrence of acts of terrorism.

‘‘(2) The Area Maritime Transportation Antiterrorism Plan shall—

‘‘(A) when implemented in conjunction with the National Maritime Transportation Antiterrorism Plan, be adequate to deter a terrorist act in or near the area to the maximum extent practicable;

‘‘(B) describe the area covered by the plan, including the areas of population or special economic, environmental or national security importance that might be damaged by a terrorist act;

‘‘(C) describe in detail how the plan is integrated with other Area Maritime Transportation Antiterrorism Plans, and with facility antiterrorism plans and vessel antiterrorism plans under this section;

‘‘(D) include any other information the Secretary requires; and

‘‘(E) be updated at least every five years by the Federal Maritime Antiterrorism Coordinator.

‘‘(3) The Secretary shall—

‘‘(A) review and approve Area Maritime Transportation Antiterrorism Plans under this subsection; and

‘‘(B) periodically review previously approved Area Maritime Transportation Antiterrorism Plans.

‘‘(c) VESSEL AND FACILITY ANTITERRORISM PLANS.—(1) Before January 1, 2003, an owner or operator of a vessel or facility described in paragraph (2) shall prepare and submit to the Secretary a antiterrorism plan for the vessel or facility, for deterring a catastrophic emergency to the maximum extent practicable.

‘‘(2) The vessels and facilities referred to in paragraph (1) are vessels and facilities that the Secretary believes may be involved in a catastrophic emergency.

‘‘(3) A antiterrorism plan required under this subsection shall—

‘‘(A) be consistent with the requirements of the National Maritime Transportation Antiterrorism Plan and Area Maritime Transportation Antiterrorism Plans;

‘‘(B) identify the qualified individual having full authority to implement antiterrorism actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to subparagraph (C);

‘‘(C) identify, and ensure by contract or other means approved by the Secretary, the availability of antiterrorism measures necessary to deter a catastrophic emergency or a substantial threat of such a catastrophic emergency;

‘‘(D) describe the training, periodic unannounced drills, and antiterrorism actions of persons on the vessel or at the facility, to be carried out under the plan to deter a catastrophic emergency, or a substantial threat of a catastrophic emergency;

‘‘(E) be updated at least every five years; and

‘‘(F) be resubmitted for approval of each significant change.

‘‘(4) The Secretary shall—

‘‘(A) promptly review each such plan;

‘‘(B) require amendments to any plan that does not meet the requirements of this subsection;

‘‘(C) approve any plan that meets the requirements of this subsection; and

‘‘(D) review each plan periodically thereafter.

‘‘(5) A vessel or facility for which a plan is required to be submitted under this subsection may not operate after January 1, 2003, unless—

‘‘(A) the plan has been approved by the Secretary; and

‘‘(B) the vessel or facility is operating in compliance with the plan.

‘‘(6) Notwithstanding paragraph (5), the Secretary may authorize a vessel or facility to operate without a antiterrorism plan approved under this subsection, until not later than 1 year after the date of the submission to the Secretary of a plan for the vessel or facility, if the owner or operator certifies that the owner or operator has ensured by contract or other means approved by the Secretary to deter a catastrophic emergency or a substantial threat of a catastrophic emergency.

‘‘(7) The Secretary shall require each operator of a vessel or facility located within or adjacent to waters subject to the jurisdiction of the United States to implement any necessary interim security measures until the antiterrorism plan for that vessel or facility operator is approved.

‘‘(d) NONDISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, information developed under this chapter is not required to be disclosed to the public, including—

‘‘(1) facility antiterrorism plans, vessel antiterrorism plans, and port vulnerability assessments; and

‘‘(2) other information related to antiterrorism plans, procedures, or programs for vessels or terminals authorized under this chapter.

“(e) Performance Standards.—By not later than June 30, 2003, the Under Secretary, in consultation with the Transportation Security Oversight Board, shall—

“(1) develop and maintain a antiterrorism cargo identification, tracking, and screening system for containerized cargo shipped to and from the United States either directly or via a foreign port; and

“(2) develop performance standards to enhance the physical security of shipping containers, including standards for seals and locks.

“§ 70104. Antiterrorism response

“(a) Coordination.—The Secretary shall cooperate with the Director of the Federal Emergency Management Agency to ensure that Federal, State, and local terrorism response resources are coordinated as part of the Director's terrorism response plan for United States ports and waterways.

“(b) Vessel Response Plan System.—Before January 1, 2003, the Secretary shall establish a system of antiterrorism response plans for vessels that may be involved in a catastrophic emergency.

“§ 70105. Transportation security cards

“(a) Prohibition.—(1) An individual shall not enter an area of a vessel or facility that is designated as a secure area in an antiterrorism plan for the vessel or facility that is approved by the Secretary under section 70103(c) unless the individual—

“(A) holds a transportation security card issued under this section and is authorized to be in the area in accordance with the plan; or

“(B) is accompanied by another individual who holds a transportation security card issued under this section and is authorized to be in the area in accordance with the plan.

“(2) A person shall not admit an individual into such a secure area unless the entry of the individual into the area is in compliance with paragraph (1).

“(b) Issuance of Cards.—(1) The Secretary shall issue a transportation security card to an individual specified in paragraph (2), unless the Secretary decides that the individual poses a terrorism security risk warranting denial of the card.

“(2) This subsection applies to—

“(A) an individual allowed unescorted access to a secure area designated in a maritime transportation antiterrorism plan;

“(B) an individual issued a license, certificate of registry, or merchant mariners document under part E of subtitle II of this title;

“(C) a vessel pilot;

“(D) an individual engaged on a towing vessel that pushes, pulls, or hauls alongside a tank vessel; and

“(E) an individual engaged on a vessel that may be involved in a catastrophic emergency.

“(c) Determination of Terrorism Security Risk.—(1) An individual may not be denied a transportation security card under subsection (a) unless the Secretary determines that individual—

“(A) has been convicted of a felony that the Secretary believes could be a terrorism security risk to the United States;

“(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

“(C) otherwise poses a terrorism security risk to the United States.

“(2) In making a determination under paragraph (1), the Secretary shall give consideration to the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors from which it may be concluded that the individual does not pose a terrorism security risk warranting denial of the card.

“(3) The Secretary shall establish an appeals process under this section for individuals found to be ineligible for a transportation security card that includes notice and an opportunity for a hearing.

“(4) Upon application, the Secretary may issue a transportation security card to an individual if the Secretary has previously determined, under section 5103a of title 49, that the individual does not pose a security risk.

“(d) Background Records Check.—(1) On request of the Secretary, the Attorney General shall—

“(A) conduct a background records check regarding the individual; and

“(B) upon completing the background records check, notify the Secretary of the completion and results of the background records check.

“(2) A background records check regarding an individual under this subsection shall consist of the following:

“(A) A check of the relevant criminal history databases.

“(B) In the case of an alien, a check of the relevant databases to determine the status of the alien under the immigration laws of the United States.

“(C) As appropriate, a check of the relevant international databases or other appropriate means.

“(D) Review of any other national security-related information or database identified by the Attorney General for purposes of such a background records check.

“(e) Restrictions on Use and Maintenance of Information.—(1) Information obtained by the Attorney General or the Secretary of Transportation under this section may not be made available to the public under section 552 of title 5.

“(2) Any information constituting grounds for denial of a transportation security card under subsection (c)(1) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

“(f) Definition.—In this section, the term ‘alien’ has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

“§ 70106. Maritime antiterrorism teams

“(a) In General.—The Secretary shall establish maritime antiterrorism teams to safeguard the public and protect vessels, ports, facilities, and cargo on waters subject to the jurisdiction of the United States from terrorist activity.

“(b) Mission.—Each maritime antiterrorism team shall be trained, equipped, and capable of being employed to deter, protect against, and rapidly respond to threats of terrorism.

“(c) Coordination With Other Agencies.—To the maximum extent feasible, each maritime antiterrorism team shall coordinate its activities with other Federal, State, and local law enforcement agencies.

“§ 70107. Grants

“(a) Financial Assistance.—The Under Secretary may provide financial assistance for enhanced facility security—

“(1) to implement a maritime antiterrorism plan approved by the Secretary; or

“(2) to implement an interim measure required by the Secretary under section 70103(c)(7).

“(b) Matching Requirements.—(1) Except as provided in paragraph (2), Federal funds for any project under this section shall not exceed 75 percent of the total cost of such project.

“(2)(A) There are no matching requirements for grants under subsection (a) for projects costing not more than $25,000.

“(B) If the Under Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Under Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

“(c) Project Proposals.—Each proposal for a grant under this section shall include the following:

“(1) The name of the individual or entity responsible for conducting the project.

“(2) A comprehensive description of the need for the project, and a statement of the project's relationship to the Area Maritime Transportation Antiterrorism Plan that applies to the location where the project will be carried out.

“(3) A description of the qualifications of the individuals who will conduct the project.

“(4) An estimate of the funds and time required to complete the project.

“(5) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

“(6) Any other information the Under Secretary considers to be necessary for evaluating the eligibility of the project for funding under this section.

“(d) Authorization of Appropriations.—(1) To carry out this section there is authorized to be appropriated to the Secretary $83,000,000 for each of fiscal years 2003, 2004, and 2005.

“(2) Of amounts available under this section, $7,500,000 shall be used for proof-of-concept technology grants, including proposals from a national security laboratory referred to in section 3281(1)(C) of division C of Public Law 106-65 (50 U.S.C. 2471(1)(C)).

“(3) Of the amounts available under this section, $7,500,000 shall be used to reimburse a port for enhanced facility security measures undertaken in the period beginning September 11, 2001, and ending September 30, 2003.

“(4) Amounts appropriated under this section may remain available until expended.

“(e) Maritime Security Training Grants.—(1) The Under Secretary may make a grant of not more than $500,000 for each of fiscal years 2003, 2004, and 2005, to each of the following educational institutions for development and implementation of a comprehensive port and maritime security education program:

“(A) Each of the 6 State maritime academies.

“(B) The United States Merchant Marine Academy.

“(C) The Appalachian Transportation Institute.

“(2) There is authorized to be appropriated, $4,000,000 for grants made under this subsection.

“§ 70108. Foreign port assessment

“(a) In General.—The Secretary shall assess the effectiveness of the antiterrorism measures maintained at—

“(1) a foreign port—

“(A) served by vessels documented under chapter 121 of this title; or

“(B) from which foreign vessels depart on a voyage to the United States; and

“(2) any other foreign port the Secretary believes poses a high risk ofintroducing terrorism to international maritime commerce.

“(b) PROCEDURES.—In conducting an assessment under subsection (a), the Secretary shall assess the effectiveness of—

“(1) screening of containerized and other cargo and baggage;

“(2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;

“(3) additional security on board vessels;

“(4) licensing or certification of compliance with appropriate security standards;

“(5) the security management program of the foreign port; and

“(6) other appropriate measures to deter terrorism against the United States.

“(c) CONSULTATION.—In carrying out this section, the Secretary may consult with—

“(1) the Secretary of Defense and the Secretary of State—

“(A) on the terrorist threat that exists in each country involved; and

“(B) to identify foreign ports that pose a high risk of introducing terrorism to international maritime commerce;

“(2) the Secretary of the Treasury;

“(3) appropriate authorities of foreign governments; and

“(4) operators of vessels.

“§ 70109. Notifying foreign authorities

“If the Secretary, after conducting an assessment under section 70108, finds that a port in a foreign country does not maintain effective antiterrorism measures, the Secretary shall notify the appropriate authorities of the government of the foreign country of the finding and recommend the steps necessary to improve the antiterrorism measures in use at the port.

“§ 70110. Actions when foreign ports not maintaining effective antiterrorism measures

“(a) IN GENERAL.—If the Secretary finds that a foreign port does not maintain effective antiterrorism measures, the Secretary may—

“(1) prescribe conditions of entry into the United States for any vessel arriving from that port, or any vessel carrying cargo originating from or transshipped through that port; and

“(2) deny entry into the United States to any vessel that does not meet such conditions.

“(b) EFFECTIVE DATE FOR SANCTIONS.—Any action taken by the Secretary under subsection (a) for a particular port shall take effect—

“(1) 90 days after the government of the foreign country with jurisdiction over or control of that port is notified under section 70109 unless the Secretary finds that the government has brought the antiterrorism measures at the port up to the security level the Secretary used in making an assessment under section 70108 before the end of that 90-day period; or

“(2) immediately upon the finding of the Secretary under subsection (a) if the Secretary finds, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the port.

“(c) STATE DEPARTMENT TO BE NOTIFIED.—The Secretary immediately shall notify the Secretary of State of a finding that a port does not maintain effective antiterrorism measures.

“(d) ACTION CANCELED.—An action required under this section is no longer required if the Secretary decides that effective antiterrorism measures are maintained at the port.

“§ 70111. Crew and passenger manifests

“(a) IN GENERAL.—The operator of each commercial vessel arriving in the United States from a foreign port shall provide to the Under Secretary by electronic transmission a passenger and crew manifest containing the information specified in subsection (b).

“(b) INFORMATION.—A passenger and crew manifest required under subsection (a) for a vessel shall contain the following information:

“(1) The full name of each passenger and crew member.

“(2) The date of birth and citizenship of each passenger and crew member.

“(3) The sex of each passenger and crew member.

“(4) The passport number and country of issuance of each passenger and crew member if required for travel.

“(5) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

“(6) Such other information as the Under Secretary determines is reasonably necessary to ensure maritime safety.

“(c) TRANSMISSION OF MANIFEST.—Subject to subsection (d), a passenger and crew manifest required for a vessel under subsection (a) shall be transmitted to the Under Secretary in advance of the vessel arriving in the United States in such manner, time, and form as the Under Secretary prescribes.

“(d) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—Upon request, information provided to the Under Secretary under this section may be shared with other Federal agencies for the purpose of protecting national security.

“§ 70112. Civil penalty

“Any person that violates this chapter or any regulation under this chapter shall be liable to the United States for a civil penalty of not more than $25,000 for each violation.”.

(b) CONFORMING AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by adding at the end the following:

“VI. MISCELLANEOUS .... 70101”.

(c) APPLICATION OF CREW AND PASSENGER MANIFEST REQUIREMENT.—Section 70111 of title 46, United States Code, as enacted by the amendment made by subsection (a), shall apply with respect to any vessel arriving in the United States after the 60-day period beginning on the date of the enactment of this Act.

(d) RULEMAKING REQUIREMENTS.—

(1) INTERIM FINAL RULE AUTHORITY.—The Secretary may issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code.

(2) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

SEC. 102. CLARIFICATION OF COAST GUARD AUTHORITY TO CONTROL VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DIRECTION OF VESSELS BY COAST GUARD.

“(a) NOTIFICATION OF COAST GUARD.—Under regulations prescribed by the Secretary, a commercial vessel entering the territorial sea of the United States shall notify the Secretary by electronic transmission not later than 96 hours before that entry and provide the following information regarding the vessel:

“(1) The name of the vessel.

“(2) The route and port or place of destination in the United States.

“(3) The time of entry into the territorial sea.

“(4) Any information requested by the Secretary to demonstrate compliance with applicable international agreements to which the United States is a party.

“(5) If the vessel is carrying dangerous cargo, a description of that cargo.

“(6) A description of any hazardous conditions on the vessel.

“(7) Any other information requested by the Secretary.

“(b) DENIAL OF ENTRY.—The Secretary may deny entry of a vessel into the territorial sea of the United States if—

“(1) the Secretary has not received notification for the vessel in accordance with subsection (a); or

“(2) the vessel is not in compliance with any other applicable law relating to marine safety, security, or environmental protection.

“(c) DIRECTION OF VESSEL.—The Secretary may direct the operation of any vessel in the navigable waters of the United States as necessary during hazardous circumstances, including the absence of a pilot required by State or Federal law, weather, casualty, vessel traffic, or the poor condition of the vessel.

“(d) IMPLEMENTATION.—The Secretary shall implement this section consistent with section 4(d).”.

SEC. 103. EXTENSION OF SEAWARD JURISDICTION.

(a) DEFINITION OF TERRITORIAL WATERS.—Section 1 of title XIII of the Act of June 15, 1917 (50 U.S.C. 195) is amended—

(1) by striking “The term ‘United States’ as used in this Act includes” and inserting the following:

“In this Act:

“(1) UNITED STATES.—The term ‘United States’ includes”; and

(2) by adding at the end the following:

“(2) TERRITORIAL WATERS.—The term ‘territorial waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”.

(b) CIVIL PENALTY FOR VIOLATION OF ACT OF JUNE 15, 1917.—Section 2 of title II of the Act of June 15, 1917 (50 U.S.C. 192), is amended—

(1) by inserting “(a) IN GENERAL.—” before “If” in the first undesignated paragraph;

(2) by striking “(a) If any other” and inserting “(b) APPLICATION TO OTHERS.—If any other”; and

(3) by adding at the end the following:

“(c) CIVIL PENALTY.—A person violating this Act, or any rule, regulation or order issued under this Act, shall be liable to the United States Government for a civil penalty of not more than $25,000 for each violation. Each day of a continuing violation shall constitute a separate violation.”.

SEC. 104. SUSPENSION OF LIMITATION ON STRENGTH OF COAST GUARD.

(a) PERSONNEL END STRENGTHS.—Section 661(a) of title 14, United States Code, is amended by adding at the end the following: “If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.".

(b) OFFICERS IN COAST GUARD RESERVE.—Section 724 of title 14, United States Code, is amended by adding at the end thereof the following:

"(c) DEFERRAL OF LIMITATION.—If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard Reserve, for a period not to exceed 6 months after the end of the war or termination of the national emergency.".

SEC. 105. EXTENSION OF DEEPWATER PORT ACT TO NATURAL GAS.

(a) IN GENERAL.—The following provisions of the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) are each amended by inserting "or natural gas" after "oil" each place it appears:

(1) Section 2(a) (33 U.S.C. 1501(a)).

(2) Section 3(9) (33 U.S.C. 1502(9)).

(3) Section 4(a) (33 U.S.C. 1503(a)).

(4) Section 5(c)(2)(G) and (H) (33 U.S.C. 1504(c)(2)(G) and (H)).

(5) Section 5(i)(2)(B) (33 U.S.C. 1504(i)(2)(B)).

(6) Section 5(i)(3)(C) (33 U.S.C. 1504 (i)(3)(C)).

(7) Section 8 (33 U.S.C. 1507).

(8) Section 21(a) (33 U.S.C. 1520(a)).

(b) DEFINITION OF NATURAL GAS.—Section 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502) is amended—

(1) by redesignating paragraphs (13) through (18) as paragraphs (14) through (19) respectively; and

(2) by inserting after paragraph (12) the following:

"(13) 'natural gas' means either natural gas unmixed, or any mixture of natural or artificial gas, including liquefied natural gas;".

(c) FACILITY APPROVAL.—

(1) Section 5(d) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(d)) is amended by adding at the end the following:

"(4) This subsection shall not apply to deepwater ports for natural gas.".

(2) Section 5(i) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(i)) is amended by adding at the end the following:

"(4) The Secretary shall approve or deny any application for a deepwater port for natural gas submitted pursuant to this Act not later than 90 days after the last public hearing on a proposed license. The Secretary shall not consider paragraphs (1), (2), and (3) of this subsection for an application for a deepwater port for natural gas.".

(d) FACILITY DEVELOPMENT.—Section 8 of the Deepwater Port Act of 1974 (33 U.S.C. 1507) is amended by adding at the end the following:

"(d) MANAGED ACCESS.—Notwithstanding subsections (a) and (b), a licensee may exclusively utilize the entire capacity of the deepwater port and storage facilities for the acceptance, transport, regasification, or conveyance of natural gas produced, processed, marketed, or otherwise obtained by agreement by such licensee or its affiliates. The licensee may make unused capacity of the deepwater port and storage facilities available to other persons, pursuant to reasonable terms and conditions imposed by the licensee, if such use does not otherwise interfere in any way with the acceptance, transport, regasification, or conveyance of natural gas produced, processed, marketed, or otherwise obtained by agreement by such licensee or its affiliates.

"(e) JURISDICTION.—For the purpose of this Act, the acceptance, transport, regasification, or conveyance of natural gas shall be subject to regulation exclusively under this Act until the natural gas from a deepwater port is delivered out of the deepwater port facilities of the licensee.".

(e) REGULATIONS.—

(1) Not later than 30 days after the date of the enactment of this Act, the heads of Federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the construction or operation of deepwater ports for natural gas shall transmit to the Secretary of Transportation written comments as to their expertise or statutory responsibilities pursuant to the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) or any other Federal law.

(2) As soon as practicable after the date of the enactment of this Act, the Secretary of Transportation shall issue additional final rules that, in the discretion of the Secretary, are determined to be necessary under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) for the application and issuance of licenses for a deepwater port for natural gas.

SEC. 106. ASSIGNMENT OF COAST GUARD PERSONNEL AS SEA MARSHALS AND ENHANCED USE OF OTHER SECURITY PERSONNEL.

(a) IN GENERAL.—Section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)) is amended—

(1) by striking "and" after the semicolon in paragraph (1);

(2) by striking "terrorism." in paragraph (2) and inserting "terrorism; and"; and

(3) by adding at the end the following:

"(3) dispatch properly trained and qualified armed Coast Guard personnel on facilities and vessels to deter or respond to acts of terrorism.".

(b) REPORT ON USE OF NON-COAST GUARD PERSONNEL.—The Secretary of Transportation shall evaluate and report to the Congress on—

(1) the potential use of Federal, State, or local government personnel, and documented United States Merchant Marine personnel, to supplement Coast Guard personnel under section 7(b)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)(3));

(2) the possibility of using personnel other than Coast Guard personnel to carry out Coast Guard personnel functions under that section and whether additional legal authority would be necessary to use such personnel for such functions; and

(3) the possibility of utilizing the United States Merchant Marine Academy, State maritime academies, or Coast Guard approved maritime industry schools in the United States, to provide training under that section.

SEC. 107. AUTOMATIC IDENTIFICATION SYSTEM.

(a) TRANSPONDER REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with a position indicating transponder and an appropriate situation display or other device suitable for accessing information made available by the transponder system, in accordance with regulations prescribed by the Secretary of Transportation:

(A) Vessels subject to Public Law 92–63.

(B) Small passenger vessels carrying more than a number of passengers determined by the Secretary of Transportation.

(C) Towing vessels while towing astern or pushing ahead or alongside, except commercial assistance towing vessels rendering assistance to disabled small vessels.

(2) EXEMPTION.—The Secretary may exempt a vessel from paragraph (1) if the Secretary finds that a transponder is not necessary for the safe navigation of the vessel on the waters on which the vessel operates.

(b) REGULATIONS.—The Secretary of Transportation shall issue regulations implementing subsection (a), including requirements for the operation and maintenance of transponders required under subsection (a).

(c) APPLICATION.—Subsection (a) shall apply as follows:

(1) On and after December 31, 2002, to—

(A) any vessel built after that date; and

(B) notwithstanding paragraphs (2) and (3), any vessel operating within the geographic boundaries of a Vessel Traffic Service.

(2) On and after July 1, 2003, to any vessel built before the date referred to in paragraph (1) that is—

(A) a passenger vessel;

(B) a tanker; or

(C) a towing vessel engaged in moving a tank vessel.

(3) On and after December 31, 2004, to all other vessels built before the date referred to in paragraph (1).

SEC. 108. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO.

(a) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(1) in the first sentence, by striking "Any manifest" and inserting "(1) Any manifest"; and

(2) by adding at the end the following:

"(2)(A) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. In issuing such regulations, the Secretary shall consult with other appropriate Federal departments and agencies as part of an interagency process, including, but not limited to, the Department of Transportation, the Department of Justice, and the Department of Defense. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

"(B) The Secretary shall provide to appropriate Federal departments and agencies cargo information obtained pursuant to subparagraph (A). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy and property rights with respect to the cargo involved.".

(b) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

TITLE II—MARITIME POLICY IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Maritime Policy Improvement Act of 2002".

SEC. 202. VESSEL COASTAL VENTURE.

Section 1120(g) of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3978) is amended by inserting "COASTAL VENTURE (United States official number 971086)," after "vessels".

SEC. 203. EXPANSION OF AMERICAN MERCHANT MARINE MEMORIAL WALL OF HONOR.

(a) FINDINGS.—The Congress finds that—

(1) the United States Merchant Marine has served the people of the United States in all wars since 1775;

(2) the United States Merchant Marine served as the Nation's first navy and defeated the British Navy to help gain the Nation's independence;

(3) the United States Merchant Marine kept the lifeline of freedom open to the allies of the United States during the Second World War, making one of the most significant contributions made by any nation to the victory of the allies in that war;

(4) President Franklin D. Roosevelt and many military leaders praised the role of the United States Merchant Marine as the "Fourth Arm of Defense" during the Second World War;

(5) more than 250,000 men and women served in the United States Merchant Marine during the Second World War;

(6) during the Second World War, members of the United States Merchant Marine faced dangers from the elements and from submarines, mines, armed raiders, destroyers, aircraft, and "kamikaze" pilots;

(7) during the Second World War, at least 6,830 members of the United States Merchant Marine were killed at sea;

(8) during the Second World War, 11,000 members of the United States Merchant Marine were wounded, at least 1,100 of whom later died from their wounds;

(9) during the Second World War, 604 members of the United States Merchant Marine were taken prisoner;

(10) 1 in 32 members of the United States Merchant Marine serving in the Second World War died in the line of duty, suffering a higher percentage of war-related deaths than any of the other armed services of the United States; and

(11) the United States Merchant Marine continues to serve the United States, promoting freedom and meeting the high ideals of its former members.

(b) Grants To Construct Addition to American Merchant Marine Memorial Wall of Honor.—

(1) In general.—The Secretary of Transportation may make grants to the American Merchant Marine Veterans Memorial Committee, Inc., to construct an addition to the American Merchant Marine Memorial Wall of Honor located at the Los Angeles Maritime Museum in San Pedro, California.

(2) Federal share.—The Federal share of the cost of activities carried out with a grant made under this section shall be 50 percent.

(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this section $500,000 for fiscal year 2002.

SEC. 204. DISCHARGE OF AGRICULTURAL CARGO RESIDUE.

Notwithstanding any other provision of law, the discharge from a vessel of any agricultural cargo residue material in the form of hold washings shall be governed exclusively by the provisions of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) that implement Annex V to the International Convention for the Prevention of Pollution from Ships.

SEC. 205. RECORDING AND DISCHARGING NOTICES OF CLAIM OF MARITIME LIEN.

(a) Liens on Any Documented Vessel.—

(1) In general.—Section 31343 of title 46, United States Code, is amended as follows:

(A) By amending the section heading to read as follows:

"§ 31343. Recording and discharging notices of claim of maritime lien".

(B) In subsection (a) by striking "covered by a preferred mortgage filed or recorded under this chapter" and inserting "documented, or for which an application for documentation has been filed, under chapter 121".

(C) By amending subsection (b) to read as follows:

"(b)(1) The Secretary shall record a notice complying with subsection (a) of this section if, when the notice is presented to the Secretary for recording, the person having the claim files with the notice a declaration stating the following:

"(A) The information in the notice is true and correct to the best of the knowledge, information, and belief of the individual who signed it.

"(B) A copy of the notice, as presented for recordation, has been sent to each of the following:

"(i) The owner of the vessel.

"(ii) Each person that recorded under section 31343(a) of this title an unexpired notice of a claim of an undischarged lien on the vessel.

"(iii) The mortgagee of each mortgage filed or recorded under section 31321 of this title that is an undischarged mortgage on the vessel.

"(2) A declaration under this subsection filed by a person that is not an individual must be signed by the president, member, partner, trustee, or other individual authorized to execute the declaration on behalf of the person.".

(D) By amending subsection (c) to read as follows:

"(c)(1) On full and final discharge of the indebtedness that is the basis for a notice of claim of lien recorded under subsection (b) of this section, the person having the claim shall provide the Secretary with an acknowledged certificate of discharge of the indebtedness. The Secretary shall record the certificate.

"(2) The district courts of the United States shall have jurisdiction over a civil action to declare that a vessel is not subject to a lien claimed under subsection (b) of this section, or that the vessel is not subject to the notice of claim of lien, or both, regardless of the amount in controversy or the citizenship of the parties. Venue in such an action shall be in the district where the vessel is found, or where the claimant resides, or where the notice of claim of lien is recorded. The court may award costs and attorneys fees to the prevailing party, unless the court finds that the position of the other party was substantially justified or other circumstances make an award of costs and attorneys fees unjust. The Secretary shall record any such declaratory order.".

(E) By adding at the end the following:

"(e) A notice of claim of lien recorded under subsection (b) of this section shall expire 3 years after the date the lien was established, as such date is stated in the notice under subsection (a) of this section.

"(f) This section does not alter in any respect the law pertaining to the establishment of a maritime lien, the remedy provided by such a lien, or the defenses thereto, including any defense under the doctrine of laches.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 313 of title 46, United States Code, is amended by striking the item relating to section 31343 and inserting the following:

"31343. Recording and discharging notices of claim of maritime lien.".

(b) Notice Requirements.—Section 31325 of title 46, United States Code, is amended as follows:

(1) In subsection (d)(1)(B) by striking "a notice of a claim" and inserting "an unexpired notice of a claim".

(2) In subsection (f)(1) by striking "a notice of a claim" and inserting "an unexpired notice of a claim".

(c) Approval of Surrender of Documentation.—Section 12111 of title 46, United States Code, is amended by adding at the end the following:

"(d)(1) The Secretary shall not refuse to approve the surrender of the certificate of documentation for a vessel solely on the basis that a notice of a claim of a lien on the vessel has been recorded under section 31343(a) of this title.

"(2) The Secretary may condition approval of the surrender of the certificate of documentation for a vessel over 1,000 gross tons.".

(d) Technical Correction.—Section 9(c) of the Shipping Act, 1916 (46 App. U.S.C. 808(c)) is amended in the matter preceding paragraph (1) by striking "Except" and all that follows "12106(e) of title 46," and inserting "Except as provided in section 611 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1181) and in section 12106(e) of title 46,".

(e) Effective Date.—This section shall take effect July 1, 2002.

SEC. 206. TONNAGE OF R/V DAVIDSON.

(a) In General.—The Secretary of Transportation shall prescribe a tonnage measurement as a small passenger vessel as defined in section 2101 of title 46, United States Code, for the vessel R/V DAVIDSON (United States official number D1066485) for purposes of applying the optional regulatory measurement under section 14305 of that title.

(b) Application.—Subsection (a) shall apply only when the vessel is operating in compliance with the requirements of section 3301(8) of title 46, United States Code.

SEC. 207. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) LOOKING GLASS (United States official number 925735).

(2) YANKEE (United States official number 1076210).

(3) LUCKY DOG of St. Petersburg, Florida (State of Florida registration number FLZP7569E373).

(4) ENTERPRIZE (United States official number 1077571).

(5) M/V SANDPIPER (United States official number 1079439).

(6) FRITHA (United States official number 1085943).

(7) PUFFIN (United States official number 697029).

(8) VICTORY OF BURNHAM (United States official number 663780).

(9) R/ADVENTURE II (United States official number 905373).

(10) ANTJA (State of Florida registration number FL3475MA).

(11) SKIMMER, manufactured by Contour Yachts, Inc. (hull identification number QHG34031D001).

(12) TOKEENA (State of South Carolina registration number SC 1602 BJ).

(13) DOUBLE EAGLE2 (United States official number 1042549).

(14) ENCOUNTER (United States official number 998174).

(15) AJ (United States official number 599164).

(16) BARGE 10 (United States official number 1101368).

(17) NOT A SHOT (United States official number 911064).

(18) PRIDE OF MANY (Canadian official number 811529).

(19) AMAZING GRACE (United States official number 92769).

(20) SHEWHO (United States official number 1104094).

SEC. 208. EXEMPTION FOR VICTORY SHIPS.

Section 3302(l)(1) of title 46, United States Code, is amended by adding at the end the following:

"(D) The steamship SS Red Oak Victory (United States official number 249410), owned by the Richmond Museum Association, located in Richmond, California.

"(E) The SS American Victory (United States official number 248005), owned by Victory Ship, Inc., of Tampa, Florida.".

SEC. 209. CERTIFICATE OF DOCUMENTATION FOR 3 BARGES.

(a) Documentation Certificate.—Notwithstanding section 12106 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), and subject to subsection (c) of this section, the Secretary of Transportation may issue a certificate of documentation with an appropriate endorsement for employment in the coastwise trade for each of the vessels listed in subsection (b).

(b) Vessels Described.—The vessels referred to in subsection (a) are the following:

(1) The former Navy deck barge JIM, having a length of 110 feet and a width of 34 feet.

(2) The former railroad car barge HUGH, having a length of 185 feet and a width of 34 feet.

(3) The former railroad car barge TOMMY, having a length of 185 feet and a width of 34 feet.

(c) Limitation on Operation.—A vessel issued a certificate of documentation under this section may be used only as a floating platform for launching fireworks, including transportation of materials associated with that use.

SEC. 210. CERTIFICATE OF DOCUMENTATION FOR THE EAGLE.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), chapter 121 of title 46, United States Code, and section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), the Secretary of Transportation shall issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EAGLE (hull number BK-1754, United States official number 1091389) if the vessel is—

(1) owned by a State, a political subdivision of a State, or a public authority chartered by a State;

(2) if chartered, chartered to a State, a political subdivision of a State, or a public authority chartered by a State;

(3) operated only in conjunction with—

(A) scour jet operations; or

(B) dredging services adjacent to facilities owned by the State, political subdivision, or public authority; and

(4) externally identified clearly as a vessel of that State, subdivision or authority.

SEC. 211. WAIVER FOR VESSELS IN NEW WORLD CHALLENGE RACE.

Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), beginning on April 1, 2002, the 10 sailboats participating in the New World Challenge Race may transport guests, who have not contributed consideration for their passage, from and around the ports of San Francisco and San Diego, California, before and during stops of that race. This section shall have no force or effect beginning on the earlier of—

(1) 60 days after the last competing sailboat reaches the end of that race in San Francisco, California; or

(2) December 31, 2003.

SEC. 212. VESSEL ASPHALT COMMANDER.

Notwithstanding any other law or agreement with the United States Government, the vessel ASPHALT COMMANDER (United States official number 663105) may be transferred to or placed under a foreign registry or sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

TITLE III—COAST GUARD PERSONNEL AND MARITIME SAFETY

SEC. 301. SHORT TITLE.

This title may be cited as the "Coast Guard Personnel and Maritime Safety Act of 2002".

Subtitle A—Personnel Management

SEC. 311. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking "commander" and inserting "captain".

SEC. 312. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) In General.—Section 511 of title 14, United States Code, is amended to read as follows:

"§ 511. Compensatory absence from duty for military personnel at isolated duty stations

"The Secretary may grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.".

(b) Clerical Amendment.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

"511. Compensatory absence from duty for military personnel at isolated duty stations.".

SEC. 313. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

"(c)(1) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

"(2) The Secretary shall conduct a survey of the Coast Guard officer corps to determine if implementation of this subsection will improve Coast Guard officer retention. A selection board may not make any recommendation under this subsection before the date on which the Secretary publishes a finding, based upon the results of the survey, that implementation of this subsection will improve Coast Guard officer retention.

"(3) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.";

(2) in section 260(a), by inserting "and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title" after "promotion"; and

(3) in section 271(a), by inserting at the end thereof the following: "The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.".

Subtitle B—Marine Safety

SEC. 321. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking "United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended." and inserting "United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

SEC. 322. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Coast Guard Operations and Expenditures.—Section 651 of title 14, United States Code.

(2) Summary of Marine Casualties Reported During Prior Fiscal Year.—Section 6307(c) of title 46, United States Code.

(3) User Fee Activities and Amounts.—Section 664 of title 46, United States Code.

(4) Conditions of Public Ports of the United States.—Section 308(c) of title 49, United States Code.

(5) Activities of Federal Maritime Commission.—Section 208 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118).

(6) Activities of Interagency Coordinating Committee on Oil Pollution Research.—Section 7001(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(e)).

SEC. 323. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND ADVANCEMENT AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting "To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may obtain an advance from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance. Amounts advanced shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.".

SEC. 324. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

(a) INTERIM MERCHANT MARINERS' DOCUMENTS.—Section 7302 of title 46, United States Code, is amended—

(1) by striking "A" in subsection (f) and inserting "Except as provided in subsection (g), a"; and

(2) by adding at the end the following:

"(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

"(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

"(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

"(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.".

(b) EXCEPTION.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon in paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

"(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and".

SEC. 325. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

Section 2302(a) of title 46, United States Code, is amended by striking "$1,000." and inserting "$5,000 in the case of a recreational vessel, or $25,000 in the case of any other vessel.".

Subtitle C—Renewal of Advisory Groups

SEC. 331. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting "**Safety**" in the heading after "**Vessel**";

(2) by inserting "Safety" in subsection (a) after "Vessel";

(3) by striking "(5 App. U.S.C. 1 et seq.)" in subsection (e)(1)(I) and inserting "(5 App. U.S.C.)"; and

(4) by striking "of September 30, 2000" and inserting "on September 30, 2005".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

"4508. Commercial Fishing Industry Vessel Safety Advisory Committee.".

SEC. 332. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by striking "September 30, 2000." and inserting "September 30, 2005.".

SEC. 333. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by striking "September 30, 2000" in subsection (g) and inserting "September 30, 2005".

SEC. 334. NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "September 30, 2000" in subsection (d) and inserting "September 30, 2005".

SEC. 335. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended by striking "September 30, 2000" in subsection (e) and inserting "September 30, 2005".

SEC. 336. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled "An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation" (33 U.S.C. 1231a) is amended by striking "September 30, 2000." in subsection (e) and inserting "September 30, 2005.".

Subtitle D—Miscellaneous

SEC. 341. PATROL CRAFT.

Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC–170 patrol craft from the Department of Defense if it offers to transfer such craft.

SEC. 342. BOATING SAFETY.

(a) FEDERAL FUNDING.—Section 4(b)(3) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(3)) is amended by striking "$82,000,000" and inserting "$83,000,000".

(b) STATE FUNDING.—Section 13102(a)(3) of title 46, United States Code, is amended by striking "general State revenue" and inserting "State funds, including amounts expended for the State's recreational boating safety program by a State agency, a public corporation established under State law, or any other State instrumentality, as determined by the Secretary".

SEC. 343. CARIBBEAN SUPPORT TENDER.

(a) IN GENERAL.—The Coast Guard may operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

(b) MEDICAL AND DENTAL CARE FOR CARIBBEAN SUPPORT TENDER PERSONNEL AND DEPENDENTS.—

(1) PROVISION.—The Commandant may provide medical and dental care to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States—

(A) on an outpatient basis without cost; and

(B) on an inpatient basis if the United States is reimbursed for the costs of providing such care.

(2) CREDITING OF PAYMENTS.—Payments received as reimbursement for the provision of such care shall be credited to the appropriations against which the charges were made for the provision of such care.

(3) INPATIENT CARE WITHOUT COST.—Notwithstanding paragraph (1)(B), the Commandant may provide inpatient medical and dental care in the United States without cost to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States if comparable care is made available to a comparable number of United States military personnel in that foreign country.

SEC. 344. PROHIBITION OF NEW MARITIME USER FEES.

Section 2110(k) of title 46, United States Code, is amended by striking "2001" and inserting "2006".

SEC. 345. GREAT LAKES LIGHTHOUSES.

(a) FINDINGS.—The Congress finds the following:

(1) The Great Lakes are home to more than 400 lighthouses. 120 of these maritime landmarks are in the State of Michigan.

(2) Lighthouses are an important part of Great Lakes culture and stand as a testament to the importance of shipping in the region's political, economic, and social history.

(3) Advances in navigation technology have made many Great Lakes lighthouses obsolete. In Michigan alone, approximately 70 lighthouses will be designated as excess property of the Federal Government and will be transferred to the General Services Administration for disposal.

(4) Unfortunately, the Federal property disposal process is confusing, complicated, and not well-suited to disposal of historic lighthouses or to facilitate transfers to nonprofit organizations. This is especially troubling because, in many cases, local nonprofit historical organizations have dedicated tremendous resources to preserving and maintaining Great Lakes lighthouses.

(5) If Great Lakes lighthouses disappear, the public will be unaware of an important chapter in Great Lakes history.

(6) The National Trust for Historic Preservation has placed Michigan lighthouses on their list of Most Endangered Historic Places.

(b) ASSISTANCE FOR GREAT LAKES LIGHTHOUSE PRESERVATION EFFORTS.—The Secretary of Transportation, acting through the Coast Guard, shall—

(1) continue to offer advice and technical assistance to organizations in the Great Lakes region that are dedicated to lighthouse stewardship; and

(2) promptly release information regarding the timing of designations of Coast Guard lighthouses on the Great Lakes as excess to the needs of the Coast Guard, to enable those organizations to mobilize and be prepared to take appropriate action with respect to the disposal of those properties.

SEC. 346. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

(a) REPORT.—The Secretary of Transportation shall prepare a status report on the modernization of the National Distress and Response System and transmit the report, not later than 60 days after the date of enactment of this Act, and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) CONTENTS.—The report required by subsection (a) shall—

(1) set forth the scope of the modernization, the schedule for completion of the System, and information on progress in meeting the schedule and on any anticipated delays;

(2) specify the funding expended to-date on the System, the funding required to complete the System, and the purposes for which the funds were or will be expended;

(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess

direction-finding, asset-tracking communications, and digital selective calling service;

(4) identify areas of high risk to boaters and Coast Guard personnel due to communications gaps;

(5) specify steps taken by the Secretary to fill existing gaps in coverage, including obtaining direction-finding equipment, digital recording systems, asset-tracking communications, use of commercial VHF services, and digital selective calling services that meet or exceed Global Maritime Distress and Safety System requirements adopted under the International Convention for the Safety of Life at Sea;

(6) identify the number of VHF–FM radios equipped with digital selective calling sold to United States boaters;

(7) list all reported marine accidents, casualties, and fatalities occurring in areas with existing communications gaps or failures, including incidents associated with gaps in VHF–FM coverage or digital selected calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels during calendar years 1997 forward;

(8) identify existing systems available to close identified marine safety gaps before January 1, 2003, including expeditious receipt and response by appropriate Coast Guard operations centers to VHF–FM digital selective calling distress signal; and

(9) identify actions taken to-date to implement the recommendations of the National Transportation Safety Board in its Report No. MAR–99–01.

SEC. 347. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation, or a designee of the Secretary, may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land.

(2) IDENTIFICATION OF PROPERTY.—The Secretary, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) CONDITION OF CONVEYANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) IDENTIFICATION OF LEASED PREMISES.—The Secretary, in consultation with the Commandant, may identify and describe the leased premises and rights of access, including the following, in order to allow the Coast Guard to operate and perform missions from and upon the leased premises:

(A) The right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to Coast Guard vessels and performance of Coast Guard missions and other mission-related activities.

(B) The right to berth Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense.

(C) The right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes.

(D) The right to occupy up to 3,000 gross square feet at the Naval Reserve Pier property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(E) The right to occupy up to 1,200 gross square feet of offsite storage in a location other than the Naval Reserve Pier property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(F) The right for Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than 30 vehicles shall be located on the Naval Reserve Pier property.

(3) RENEWAL.—The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) LIMITATION ON SUBLEASES.—The United States may not sublease the leased premises to a third party or use the leased premises for purposes other than fulfilling the missions of the Coast Guard and for other mission related activities.

(5) TERMINATION.—In the event that the Coast Guard ceases to use the leased premises, the Secretary, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) IN GENERAL.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) FURTHER IMPROVEMENTS.—In addition to the improvements described in paragraph (1), the Commandant may to further improve the leased premises during the lease term, at the United States sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTENANCE OBLIGATIONS.—

(1) UTILITIES.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) MAINTENANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Secretary considers necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the leased premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Secretary, shall revert to the United States and be placed under the administrative control of the Secretary, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this title or any agreement of the parties.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term "aid to navigation" means equipment used for navigational purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors

power source, or other related equipment which are operated or maintained by the United States.

(2) Corporation.—The term "Corporation" means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

SEC. 348. HARBOR SAFETY COMMITTEES.

(a) Study.—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) Prototype Committees.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) Effect on Existing Programs and State Law.—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) Nonapplication of FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) Harbor Safety Committee Defined.—In this section, the term "harbor safety committee" means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

SEC. 349. MISCELLANEOUS CONVEYANCES.

(a) Authority To Convey.—

(1) In general.—The Secretary of Transportation may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Coast Guard Slip Point Light Station, located in Clallam County, Washington, to Clallam County, Washington.

(B) The parcel of land on which is situated the Point Piños Light, located in Monterey County, California, to the city of Pacific Grove, California.

(2) Identification of property.—The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) Limitation.—The Secretary may not under this section convey—

(A) any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance; or

(B) any interest in submerged land.

(b) General Terms and Conditions.—

(1) In general.—Each conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Secretary may consider appropriate, including the reservation of easements and other rights on behalf of the United States.

(2) Reversionary interest.—In addition to any term or condition established under this section, each conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States, if—

(A) the property, or any part of the property—

(i) ceases to be available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation, or other similar purposes specified for the property in the terms of conveyance;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this title; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (4) established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Secretary provides written notice to the owner that the property is needed for national security purposes.

(3) Maintenance of navigation functions.—Each conveyance of property under this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with this subsection; and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) Maintenance of property.—(A) Subject to subparagraph (B), the owner of a property conveyed under this section shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the conveying authority pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable laws.

(B) The owner of a property conveyed under this section is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

(c) Special Terms and Conditions.—The Secretary may retain all right, title, and interest of the United States in and to any portion of any parcel referred to in subsection (a)(1)(B) that the Secretary considers appropriate.

(d) Definitions.—In this section:

(1) Aids to navigation.—The term "aids to navigation" means equipment used for navigation purposes, including a light, antenna, radio, sound signal, electronic navigation equipment, or other associated equipment which are operated or maintained by the United States.

(2) Commandant.—The term "Commandant" means the Commandant of the Coast Guard.

(3) Owner.—The term "owner" means, for a property conveyed under this section, the person identified in subsection (a)(1) of the property, and includes any successor or assign of that person.

(4) Secretary.—The term "Secretary" means the Secretary of Transportation.

TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Omnibus Maritime and Coast Guard Improvements Act of 2002".

SEC. 402. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

(a) Housing Contractors.—Section 681(a) of title 14, United States Code, is amended by inserting ", including a small business concern qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a))," after "private persons".

(b) Budget Authority Limitation.—Section 687(f) of title 14, United States Code, is amended by striking "$20,000,000" and inserting "$40,000,000".

(c) Demonstration Project.—Section 687 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(g) Demonstration Project Authorized.—To promote efficiencies through the use of alternative procedures for expediting new housing projects, the Secretary—

"(1) may develop and implement a Demonstration Project for acquisition or construction of military family housing and military unaccompanied housing at the Coast Guard installation at Kodiak, Alaska;

"(2) in implementing the Demonstration Project shall utilize, to the maximum extent possible, the contracting authority of the Small Business Administration's section 8(a) program;

"(3) shall, to the maximum extent possible, acquire or construct such housing through contracts with small business concerns qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) that have their principal place of business in the State of Alaska; and

"(4) shall report to Congress by September 1 of each year on the progress of activities under the Demonstration Project.".

(d) Extension.—Section 689 of title 14, United States Code, is amended by striking "2001" and inserting "2006".

SEC. 403. INVENTORY OF VESSELS FOR CABLE LAYING, MAINTENANCE, AND REPAIR.

(a) INVENTORY.—The Secretary of Transportation shall develop, maintain, and periodically update an inventory of vessels that are documented under chapter 121 of title 46, United States Code, are 200 feet or more in length, and have the capability to lay, maintain, or repair a submarine cable, without regard to whether a particular vessel is classified as a cable ship or cable vessel.

(b) VESSEL INFORMATION.—For each vessel listed in the inventory, the Secretary shall include in the inventory—

(1) the name, length, beam, depth, and other distinguishing characteristics of the vessel;

(2) the abilities and limitations of the vessel with respect to the laying, maintaining, and repairing of a submarine cable; and

(3) the name and address of the person to whom inquiries regarding the vessel may be made.

(c) PUBLICATION.—The Secretary shall—

(1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a current inventory developed under subsection (a); and

(2) every six months thereafter, publish an updated inventory.

SEC. 404. VESSEL ESCORT OPERATIONS AND TOWING ASSISTANCE.

(a) IN GENERAL.—Except in the case of a vessel in distress, only a vessel of the United States (as that term is defined in section 2101 of title 46, United States Code) may perform the following vessel escort operations and vessel towing assistance within the navigable waters of the United States:

(1) Operation or assistance that commences or terminates at a port or place in the United States.

(2) Operation or assistance required by United States law or regulation.

(3) Operation provided in whole or in part for the purpose of escorting or assisting a vessel within or through navigation facilities owned, maintained, or operated by the United States Government or the approaches to such facilities, other than facilities operated by the St. Lawrence Seaway Development Corporation on the St. Lawrence River portion of the Seaway.

(b) DEFINITIONS.—In this section—

(1) the term "towing assistance" means operation by an assisting vessel in direct contact with an assisted vessel (including hull-to-hull, by towline, including if only pretethered, or made fast to that vessel by one or more lines) for purposes of exerting force on the assisted vessel to control, or to assist in controlling, the movement of the assisted vessel; and

(2) the term "escort operations" means accompanying a vessel for the purpose of providing towing or towing assistance to the vessel.

(c) PENALTY.—A person violating this section is liable to the United States Government for a civil penalty of not more than $10,000 for each day during which the violation occurs.

SEC. 405. SEARCH AND RESCUE CENTER STANDARDS.

(a) IN GENERAL.—Title 14, United States Code, is amended by adding at the end of chapter 17 the following new section:

"§ 676. Search and rescue center standards

"(a) The Secretary shall establish, implement, and maintain the minimum standards necessary for the safe operation of all Coast Guard search and rescue center facilities, including with respect to the following:

"(1) The lighting, acoustics, and temperature in the facilities.

"(2) The number of individuals on a shift in the facility assigned search and rescue responsibilities (including communications), which may be adjusted based on seasonal workload.

"(3) The length of time an individual may serve on watch to minimize fatigue, based on the best scientific information available.

"(4) The scheduling of individuals having search and rescue responsibilities to minimize fatigue of the individual when on duty in the facility.

"(5) The workload of each individual engaged in search and rescue responsibilities in the facility.

"(6) Stress management for the individuals assigned search and rescue responsibilities in the facilities.

"(7) The design of equipment and facilities to minimize fatigue and enhance search and rescue operations.

"(8) Any other requirements that the Secretary believes will increase the safe operation of the search and rescue centers.

"(b) An individual on duty or watch in a Coast Guard search and rescue center facility, including a communications center, may not work more than 12 hours in a 24-hour period except in an emergency.".

(b) APPLICATION.—Section 676(b) of title 14, United States Code (as enacted by subsection (a) of this section) shall apply beginning on July 1, 2002.

(c) PRESCRIPTION OF STANDARDS.—The Secretary shall prescribe the standards required under section 676(a) of title 14, United States Code, as enacted by subsection (a) of this section, before July 1, 2002.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"676. Search and rescue center standards.".

SEC. 406. VHF COMMUNICATIONS SERVICES.

The Secretary of Transportation may authorize a person providing commercial VHF communications services to place commercial VHF communications equipment on real property under the administrative control of the Coast Guard (including towers) subject to any terms agreed to by the parties. The Secretary and that commercial VHF communications service provider also may enter into an agreement providing for VHF communications services to the Coast Guard (including digital selective calling and radio direction finding services) at a discounted rate or price based on providing such access to real property under the administrative control of the Coast Guard. Nothing in the section shall affect the rights or obligations of the United States under section 704(c) of the Telecommunications Act of 1996 (47 U.S.C. 332 note) with respect to the availability of property, or under section 359(d) of the Communications Act of 1934 (47 U.S.C. 357(d)) with respect to charges for transmission of distress messages.

SEC. 407. LOWER COLUMBIA RIVER MARITIME FIRE AND SAFETY ACTIVITIES.

There is authorized to be appropriated to the Secretary of Transportation not more than $987,400 for lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Maritime Fire and Safety Association, to remain available until expended.

SEC. 408. CONFORMING REFERENCES TO THE FORMER MERCHANT MARINE AND FISHERIES COMMITTEE.

(a) LAWS CODIFIED IN TITLE 14, UNITED STATES CODE.—(1) Section 194(b)(2) of title 14, United States Code, is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(2) Section 663 of title 14, United States Code, is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(3) Section 664 of title 14, United States Code, is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(b) LAWS CODIFIED IN TITLE 33, UNITED STATES CODE.—(1) Section 3(d)(3) of the International Navigational Rules Act of 1977 (33 U.S.C. 1602(d)(3)) is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(2) Section 5004(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2734(2)) is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(c) LAWS CODIFIED IN TITLE 46, UNITED STATES CODE.—(1) Section 6307 of title 46, United States Code, is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(2) Section 901g(b)(3) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241k(b)(3)) is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(3) Section 913(b) of the International Maritime and Port Security Act (46 App. U.S.C. 1809(b)) is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

SEC. 409. RESTRICTION ON VESSEL DOCUMENTATION.

Section 12108(a) of title 46, United States Code, is amended by—

(1) amending paragraph (2) to read as follows:

"(2) was built in the United States;";

(2) striking "and" at the end of paragraph (3);

(3) inserting after paragraph (3) the following:

"(4) was not forfeited to the United States Government after July 1, 2001, for a breach of the laws of the United States; and"; and

(4) redesignating paragraph (4) as paragraph (5).

SEC. 410. HYPOTHERMIA PROTECTIVE CLOTHING REQUIREMENT.

The Commandant of the Coast Guard shall ensure that all Coast Guard personnel are equipped with adequate safety equipment, including hypothermia protective clothing where appropriate, while performing search and rescue missions.

SEC. 411. RESERVE OFFICER PROMOTIONS.

(a) Section 729(i) of title 14, United States Code, is amended by inserting "on the date a vacancy occurs, or as soon thereafter as practicable, in the grade to which the officer was selected for promotion, or if promotion was determined in accordance with a running mate system," after "grade".

(b) Section 731(b) of title 14, United States Coast Code, is amended by striking the period at the end of the sentence and inserting ", or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he or she completes the following amount of service computed from the date of rank in the grade in which he or she is serving:

"(1) two years in the grade of lieutenant (junior grade);

"(2) three years in the grade of lieutenant;

"(3) four years in the grade of lieutenant commander;

"(4) four years in the grade of commander; and

"(5) three years in the grade of captain.".

(c) Section 736(a) of title 14, United States Code, is amended by inserting "the date of rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event" after "subchapter,".

SEC. 412. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS; CONTINUATION UPON FAILURE OF SELECTION FOR PROMOTION.

Section 285 of title 14, United States Code, is amended—

(1) by striking "Each officer" and inserting "(a) Each officer"; and

(2) by adding at the end the following new subsections:

"(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified to advance the needs and efficiency of the Coast Guard. When the recommendations of the board are approved by the Secretary, the officers recommended for continuation shall be notified that they have been recommended for continuation and offered an additional term of service that fulfills the needs of the Coast Guard.

"(c)(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period that extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period that extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

"(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b) but is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed.".

SEC. 413. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 21 of title 14, United States Code, is amended by inserting after section 709 the following new section:

"§709a. Reserve student pre-commissioning assistance program

"(a) The Secretary may provide financial assistance to an eligible enlisted member of the Coast Guard Reserve, not on active duty, for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to—

"(1) a baccalaureate degree in not more than five academic years; or

"(2) a post-baccalaureate degree.

"(b)(1) To be eligible for financial assistance under this section, an enlisted member of the Coast Guard Reserve must—

"(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

"(B) enter into a written agreement with the Coast Guard described in paragraph (2).

"(2) A written agreement referred to in paragraph (1)(B) is an agreement between the member and the Secretary in which the member agrees—

"(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

"(B) to serve on active duty for up to five years; and

"(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Coast Guard Reserve until the eighth anniversary of the date of the appointment.

"(c) Expenses for which financial assistance may be provided under this section are—

"(1) tuition and fees charged by the institution of higher education involved;

"(2) the cost of books;

"(3) in the case of a program of education leading to a baccalaureate degree, laboratory expenses; and

"(4) such other expenses as deemed appropriate by the Secretary.

"(d) The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed $25,000 for any academic year.

"(e) Financial assistance may be provided to a member under this section for up to five consecutive academic years.

"(f) A member who receives financial assistance under this section may be ordered to active duty in the Coast Guard Reserve by the Secretary to serve in a designated enlisted grade for such period as the Secretary prescribes, but not more than four years, if the member—

"(1) completes the academic requirements of the program and refuses to accept an appointment as a commissioned officer in the Coast Guard Reserve when offered;

"(2) fails to complete the academic requirements of the institution of higher education involved; or

"(3) fails to maintain eligibility for an original appointment as a commissioned officer.

"(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required to be eligible for financial assistance under this section, the financial assistance shall be terminated. The member shall reimburse the United States in an amount that bears the same ratio to the total cost of the education provided to such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty. An obligation to reimburse the United States imposed under this paragraph is for all purposes a debt owed to the United States.

"(2) The Secretary may waive the service obligated under subsection (f) of a member who is not physically qualified for appointment and who is determined to be unqualified for service as an enlisted member of the Coast Guard Reserve due to a physical or medical condition that was not the result of the member's own misconduct or grossly negligent conduct.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (b) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

"(h) As used in this section, 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 21 of title 14, United States Code, is amended by adding the following new item after the item relating to section 709:

"709a. Reserve student pre-commissioning assistance program.".

SEC. 414. CONTINUATION ON ACTIVE DUTY BEYOND THIRTY YEARS.

Section 289 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(h) Notwithstanding subsection (g) and section 288 of this title, the Commandant may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under subsection (g) or section 288 of this title. An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that promotion year in which no action is taken to further retain the officer under this subsection.".

SEC. 415. PAYMENT OF DEATH GRATUITIES ON BEHALF OF COAST GUARD AUXILIARISTS.

Section 823a(b) of title 14, United States Code, is amended by inserting the following new paragraph following paragraph (8):

"(9) On or after January 1, 2001, Public Law 104–208, section 651.".

SEC. 416. ALIGN COAST GUARD SEVERANCE PAY AND REVOCATION OF COMMISSION AUTHORITY WITH DEPARTMENT OF DEFENSE AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended—

(1) in section 281—

(A) by striking "**three**" in the section heading and inserting "**five**"; and

(B) by striking "three" in the text and inserting "five";

(2) in section 283(b)(2)(A), by striking "severance" and inserting "separation";

(3) in section 286—

(A) by striking "**severance**" in the section heading and inserting "**separation**"; and

(B) by striking subsection (b) and inserting the following:

"(b) An officer of the Regular Coast Guard who is discharged under this section or section 282, 283, or 284 of this title who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

"(c) An officer of the Regular Coast Guard who is discharged under section 327 of this title, who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10 as determined under regulations promulgated by the Secretary.

"(d) Notwithstanding subsections (a) or (b), an officer discharged under chapter 11 of this title for twice failing of selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer requested in writing or otherwise sought not to be selected for promotion, or requested removal from the list of selectees.'';

(4) in section 286a—

(A) by striking "**severance**" in the section heading and inserting "**separation**" in its place; and

(B) by striking subsections (a), (b), and (c) and inserting the following:

"(a) A regular warrant officer of the Coast Guard who is discharged under section 580 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

"(b) A regular warrant officer of the Coast Guard who is discharged under section 1165 or 1166 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10, as determined under regulations promulgated by the Secretary.

"(c) In determining a member's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded."; and

(5) in section 327—

(A) by striking "**severance**" in the section heading and inserting "**separation**";

(B) by striking subsection (a)(2) and inserting in its place the following:

"(2) for discharge with separation benefits under section 286(c) of this title.";

(C) by striking subsection (a)(3);

(D) by striking subsection (b)(2) and inserting in its place the following:

"(2) if on that date the officer is ineligible for voluntary retirement under any law, be honorably discharged with separation benefits under section 286(c) of this title, unless under regulations promulgated by the Secretary the condition under which the officer is discharged does not warrant an honorable discharge."; and

(E) by striking subsection (b)(3).

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended—

(1) in the item relating to section 281, by striking "three" and inserting "five" in its place; and

(2) in the item relating to section 286, by striking "severance" and inserting "separation" in its place;

(3) in the item relating to section 286a, by striking "severance" and inserting "separation" in its place; and

(4) in the item relating to section 327, by striking "severance" and inserting "separation" in its place.

(c) EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), (4), and (5) of subsection (a) shall take effect four years after the date of enactment of this Act, except that subsection (d) of section 286 of title 14, United States Code, as amended by paragraph (3) of subsection (a) of this section shall take effect on enactment of this Act and shall apply with respect to conduct on or after that date. The amendments made to the table of sections of chapter 11 of title 14, United States Code, by paragraphs (2), (3), and (4) of subsection (b) of this section shall take effect four years after the date of enactment of this Act.

SEC. 417. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end a new section 672b to read as follows:

"§ 672b. Long-term lease authority for lighthouse property

"(a) The Commandant of the Coast Guard may lease to non-Federal entities, including private individuals, lighthouse property under the administrative control of the Coast Guard for terms not to exceed 30 years. Consideration for the use and occupancy of lighthouse property leased under this section, and for the value of any utilities and services furnished to a lessee of such property by the Commandant, may consist, in whole or in part, of non-pecuniary remuneration including, but not limited to, the improvement, alteration, restoration, rehabilitation, repair, and maintenance of the leased premises by the lessee. Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b) shall not apply to leases issued by the Commandant under this section.

"(b) Amounts received from leases made under this section, less expenses incurred, shall be deposited in the Treasury.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding after the item relating to section 672 the following:

"672b. Long-term lease authority for lighthouse property.".

SEC. 418. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENTS.

(a) Section 3 of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903) is amended—

(1) in subsection (c)(1)(D) by striking "and";

(2) in subsection (c)(1)(E) by striking "United States." and inserting "United States; and"; and

(3) by inserting after subsection (c)(1)(E) the following:

"(F) a vessel located in the contiguous zone of the United States, as defined in Presidential Proclamation 7219 of September 2, 1999, and (i) is entering the United States, (ii) has departed the United States, or (iii) is a hovering vessel as defined in 19 U.S.C. 1401(k).".

(b) The second section 3 of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1904) is amended—

(1) by inserting "(a)" before "Any property"; and

(2) by adding at the end the following:

"(b) Practices commonly recognized as smuggling tactics may provide prima facie evidence of intent to use a vessel to commit, or to facilitate the commission of, an offense under this chapter, and may support seizure and forfeiture of the vessel, even in the absence of controlled substances aboard the vessel. The following indicia, inter alia, may be considered, in the totality of the circumstances, to be prima facie evidence that a vessel is intended to be used to commit, or to facilitate the commission of an offense under this chapter:

"(1) The construction or adaptation of the vessel in a manner that facilitates smuggling, including—

"(A) the configuration of the vessel to ride low in the water or present a low hull profile to avoid being detected visually or by radar;

"(B) the presence of any compartment or equipment which is built or fitted out for smuggling, not including items such as a safe or lock-box reasonably used for the storage of personal valuables:

"(C) the presence of an auxiliary tank not installed in accordance with applicable law, or installed in such a manner as to enhance the vessel's smuggling capability;

"(D) the presence of engines that are excessively over-powered in relation to the design and size of the vessel;

"(E) the presence of materials used to reduce or alter the heat or radar signature of the vessel and avoid detection;

"(F) the presence of a camouflaging paint scheme, or of materials used to camouflage the vessel, to avoid detection; or

"(G) the display of false vessel registration numbers, false indicia of vessel nationality, false vessel name, or false vessel homeport.

"(2) The presence or absence of equipment, personnel, or cargo inconsistent with the type or declared purpose of the vessel.

"(3) The presence of excessive fuel, lube oil, food, water, or spare parts, inconsistent with legitimate vessel operation, inconsistent with the construction or equipment of the vessel, or inconsistent with the character of the vessel's stated purpose.

"(4) The operation of the vessel without lights during times lights are required to be displayed under applicable law or regulation, and in a manner of navigation consistent with smuggling tactics used to avoid detection by law enforcement authorities.

"(5) The failure of the vessel to stop or respond or heave to when hailed by government authority, especially where the vessel conducts evasive maneuvering when hailed.

"(6) The declaration to government authority of apparently false information about the vessel, crew, or voyage, or the failure to identify the vessel by name or country of registration when requested to do so by government authority.

"(7) The presence of controlled substance residue on the vessel, on an item aboard the vessel, or on a person aboard the vessel, of a quantity or other nature which reasonably indicates manufacturing or distribution activity.

"(8) The use of petroleum products or other substances on the vessel to foil the detection of controlled substance residue.

"(9) The presence of a controlled substance in the water in the vicinity of the vessel, where given the currents, weather conditions, and course and speed of the vessel, the quantity or other nature is such that it reasonably indicates manufacturing or distribution activity.".

SEC. 419. WING-IN-GROUND CRAFT.

(a) Section 2101(35) of title 46, United States Code, is amended by inserting "a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and" after the phrase "'small passenger vessel' means".

(b) Section 2101 of title 46, United States Code, is amended by adding at the end the following:

"(48) wing-in-ground craft means a vessel that is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water's surface.".

SEC. 420. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS FOR VESSELS.

Section 31321(a)(4) of title 46, United States Code, is amended—

(1) by striking "(A)"; and

(2) by striking subparagraph (B).

SEC. 421. DELETION OF THUMBPRINT REQUIREMENT FOR MERCHANT MARINERS' DOCUMENTS.

Section 7303 of title 46, United States Code, is amended by striking "the thumbprint,".

SEC. 422. TEMPORARY CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS.

(a) Section 12103(a) of title 46, United States Code, is amended by inserting ", or a temporary certificate of documentation," after "certificate of documentation".

(b)(1) Chapter 121 of title 46, United States Code, is amended by adding after section 12103 the following:

"§12103a. Issuance of temporary certificate of documentation by third parties

"(a) The Secretary of Transportation may delegate, subject to the supervision and control of the Secretary and under terms set out by regulation, to private entities determined and certified by the Secretary to be qualified, the authority to issue a temporary certificate of documentation for a recreational vessel, if the applicant for the certificate of documentation meets the requirements set out in sections 12102 and 12103 of this chapter.

"(b) A temporary certificate of documentation issued under section 12103(a) and subsection (a) of this section is valid for up to 30 days from issuance.".

(2) The table of sections at the beginning of chapter 121 of title 46, United States Code, is amended by inserting after the item relating to section 12103 the following:

"12103a. Issuance of temporary certificate of documentation by third parties.".

SEC. 423. MARINE CASUALTY INVESTIGATIONS INVOLVING FOREIGN VESSELS.

Section 6101 of title 46, United States Code, is amended—

(1) by redesignating the second subsection (e) as subsection (f); and

(2) by adding at the end the following new subsection:

"(g) To the extent consistent with generally recognized practices and procedures of international law, this part applies to a foreign vessel involved in a marine casualty or incident, as defined in the International Maritime Organization Code for the Investigation of Marine Casualties and Incidents, where the United States is a Substantially Interested State and is, or has the consent of, the Lead Investigating State under the Code.".

SEC. 424. CONVEYANCE OF COAST GUARD PROPERTY IN HAMPTON TOWNSHIP, MICHIGAN.

(a) Requirement To Convey.—

(1) In general.—Notwithstanding any other law, the Secretary of Transportation (in this section referred to as the "Secretary") shall convey to BaySail, Inc. (a nonprofit corporation established under the laws of the State of Michigan; in this section referred to as "BaySail"), without monetary consideration, all right, title, and interest of the United States in and to property adjacent to Coast Guard Station Saginaw River, located in Hampton Township, Michigan, as identified under paragraph (2). No submerged lands may be conveyed under this section.

(2) Identification of property.—The Secretary, in consultation with the Commandant of the Coast Guard, shall identify, describe, and determine the property to be conveyed under this section.

(3) Survey.—The exact acreage and legal description of the property conveyed under paragraph (1), as identified under paragraph (2), and any easements or rights-of-way reserved by the United States under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by BaySail.

(b) Terms and Conditions of Conveyance.—The conveyance of property under this section shall be made subject to any terms and conditions the Secretary considers necessary, including the reservation of easements and other rights on behalf of the United States.

(c) Reversionary Interest.—

(1) In general.—During the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the real property conveyed pursuant to this section, at the option of the Secretary, shall revert to the United States and be placed under the administrative control of the Secretary, if—

(A) BaySail sells, conveys, assigns, exchanges, or encumbers the property conveyed or any part thereof;

(B) BaySail fails to maintain the property conveyed in a manner consistent with the terms and conditions under subsection (b);

(C) BaySail conducts any commercial activity at the property conveyed, or any part thereof, without approval of the Secretary; or

(D) at least 30 days before the reversion, the Secretary provides written notice to the owner that the property or any part thereof is needed for national security purposes.

(2) Additional period.—The Secretary may, before the completion of the 5-year period described in paragraph (1), authorize an additional 5-year period during which paragraph (1) shall apply.

SEC. 425. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.

Section 1005(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3957) is amended by striking "the Traverse City Area Public School District" and inserting "a public or private nonprofit entity for an educational or recreational purpose".

SEC. 426. ANNUAL REPORT ON COAST GUARD CAPABILITIES AND READINESS TO FULFILL NATIONAL DEFENSE RESPONSIBILITIES.

Not later than February 15 each year, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, prepared in conjunction with the Commandant of the Coast Guard, setting forth the capabilities and readiness of the Coast Guard to fulfill its national defense responsibilities.

SEC. 427. EXTENSION OF AUTHORIZATION FOR OIL SPILL RECOVERY INSTITUTE.

Section 5001(i) of the Oil Pollution Act of 1990 (33 U.S.C. 2731(i)) is amended by striking "10 years" and all that follows through the end of the sentence and inserting "September 30, 2012.".

SEC. 428. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of the following vessels:

(1) LAUDERDALE LADY (United States official number 1103520).

(2) SOVEREIGN (United States official number 1028144).

(3) CALEDONIA (United States official number 679530).

SEC. 429. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement, or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, that sufficient replacement capability has been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

SEC. 430. FISHING VESSEL SAFETY TRAINING.

(a) In General.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

(1) assistance in developing training curricula;

(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;

(3) sharing of appropriate Coast Guard informational and safety publications; and

(4) participation on applicable fishing vessel safety training advisory panels.

(b) No Interference With Other Functions.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.

SEC. 431. LIMITATION ON LIABILITY OF PILOTS AT COAST GUARD VESSEL TRAFFIC SERVICES.

(a) In General.—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:

"§2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots

"Any pilot, acting in the course and scope of his or her duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice, or communication assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.".

(b) Clerical Amendment.—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

"2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots.".

SEC. 432. ASSISTANCE FOR MARINE SAFETY STATION ON CHICAGO LAKEFRONT.

(a) Assistance Authorized.—The Secretary of Transportation may use amounts authorized under this section to provide financial assistance to the City of Chicago, Illinois, to pay the Federal share of the cost of a project to demolish the Old Coast Guard Station, located at the north end of the inner Chicago Harbor breakwater at the foot of Randolph Street, and to plan, engineer, design, and construct a new facility at that site for use as a marine safety station on the Chicago lakefront.

(b) Cost Sharing.—

(1) Federal share.—The Federal share of the cost of a project carried out with assistance under this section may not exceed one third of the total cost of the project or $2,000,000, whichever is less.

(2) Non-federal share.—There shall not be applied to the non-Federal share of a project carried out with assistance under this section—

(A) the value of land and existing facilities used for the project; and

(B) any costs incurred for site work performed before the date of the enactment of this Act, including costs for reconstruction of the east breakwater wall and associated utilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, for providing financial assistance under this section there is authorized to be appropriated to the Secretary of Transportation $2,000,000 for fiscal year 2002, to remain available until expended.

SEC. 433. TONNAGE MEASUREMENT FOR PURPOSES OF ELIGIBILITY OF CERTAIN VESSELS FOR FISHERY ENDORSEMENT.

Section 12102(c)(5) of title 46. United States Code, is amended by striking "of more than 750 gross registered tons" and inserting "of more than 750 gross tons as measured under chapter 145 or 1900 gross tons as measured under chapter 143".

SEC. 434. EXTENSION OF TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.

Section 4310(c) of title 46, United States Code, is amended—

(1) in paragraph (2)(A) and (B) by striking "5" each place it appears and inserting "10"; and

(2) in paragraph (1)(A), (B), and (C) by inserting "by first class mail or" before "by certified mail" .

TITLE V—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

SEC. 501. SHORT TITLE.

This title may be cited as the "Coast Guard Authorization Act for Fiscal Year 2002".

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2002 for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard, $4,205,838,000, of which—

(A) $25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(B) $5,500,000 is authorized to be available for the commercial fishing vessel safety program; and

(C) $623,000,000 is authorized to be available for domestic maritime homeland security.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $717,823,000, of which—

(A) $20,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(B) $58,500,000 is authorized to be available for domestic maritime homeland security vessels and detection equipment; and

(C) $338,000,000 is authorized to be available to implement the Coast Guard's Integrated Deepwater System.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,722,000, to remain available until expended, of which $3,500,000 is authorized to be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $876,346,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,466,000, to remain available until expended, of which $1,750,000 may be available for a new Chelsea Street bridge in Boston, Massachusetts.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $16,927,000, to remain available until expended.

SEC. 503. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2002.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2002, 1,500 student years.

(2) For flight training for fiscal year 2002, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2002, 300 student years.

(4) For officer acquisition for fiscal year 2002, 1,000 student years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LoBIONDO) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. LoBIONDO).

Mr. LoBIONDO. Madam Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee.

Mr. YOUNG of Alaska. Madam Speaker, I rise in strong support of the Maritime Transportation Anti-terrorism Act of 2002; but I would also like to rise in appreciation for the chairman, the gentleman from New Jersey (Mr. LoBIONDO) for the work that he has done on this legislation, to the gentlewoman from Florida (Ms. BROWN) for her work on this legislation.

Madam Speaker, I would suggest respectfully that this is about the best we can do at this time. It is badly needed, but I would also like to suggest that we have to make sure as we pass this legislation that the intent of what we are trying to do is implemented and does not go far beyond what we are suggesting in this legislation.

It is crucially important that our ports are protected, and we must protect them without interfering with commerce, and we will do so. One of the goals of this legislation is to make sure that we will have the ability to not only look at what is on our ships, what is inside our containers, but also the crews of those ships and those that work within our ports.

I would also like to suggest that a port is a likely target and we have to accept that fact. The disruption that would occur, the damage that would happen, the interference with our commerce, lord only knows how much devastation would occur. This bill is a step in the right direction. But, again, I must suggest, Madam Speaker, that what we do here is not necessarily the end result. It is the result of what the agencies do and how they work together.

I want to suggest respectfully that those agencies that have the responsibility, TSA, Immigration, Customs, et cetera, have a responsibility to work together and to share information together so we can make sure that we have a secure port system within our Nation. I hope the American people realize that this is an attempt to make sure that no ports will suffer what happened on September 11, that we will protect our constituencies, we will protect our trade, we will protect this great United States with this legislation.

Ms. BROWN of Florida. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I rise today in strong support of H.R. 3983, the Maritime Transportation Anti-Terrorist Act of 2002.

The events of September 11, 2001 have changed America forever. Every committee in Congress is examining the programs and policies within its jurisdiction to determine what they need to do to help protect the United States from terrorist acts. I just returned from a trip with the gentleman from Pennsylvania (Mr. WELDON). We traveled to Russia, China and Korea, and in every single country I brought up the issue of port security. We are working hard to protect our ports and waterways, but we will not be able to do that without protecting and looking into the port of origin.

Each year 95 percent of the United States' imports and exports are moved by ships. U.S. consumers are dependent upon foreign oils for their gas in their cars. U.S. manufacturers are dependent on the just-in-time delivery system of container ships to resupply their manufacturing line. Each year thousands of Americans enjoy cruises out of the ports of my home State of Florida.

On October 3, 2001, I introduced H.R. 3013, the Port and Maritime Security Act of 2001. This legislation is very similar to S.1214 which passed the Senate in December. H.R. 3983 is similar to the approach contained in H.R. 3013. They both require assessments of our Nation's ports. They both require terminal security plans, and they both establish a new grant system to help ports and terminal operators to pay for security improvements.

I believe that H.R. 3983 will lead to a significant improvement in securing the international maritime transportation system from threat of terrorists and from being used to deliver a weapon of mass destruction to the United States.

In addition, H.R. 3983 contains the text of H.R. 3507, the Coast Guard Authorization Act for fiscal year 2002. This noncontroversial legislation passed the House on December 20. The leadership has added it to H.R. 3983 in order to facilitate a conference with the Senate with these matters. I fully support the inclusion of H.R. 3507. To me, the Coast Guard is homeland security, and I am glad to see that we are getting closer to providing them the resources they need to do their job. Working together with Customs and other agencies, we can begin to move forward in protecting our ports and waterways.

I would like to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from New Jersey (Mr. LOBIONDO), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for the bipartisan efforts they have used to develop this legislation. I look forward to working closely with all of them as this bill moves into conference.

Madam Speaker, I urge my colleagues to support H.R. 3983.

Madam Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3983, the Maritime Transportation Anti-Terrorism Act of 2002. This bill establishes a comprehensive national system to increase anti-terrorism security for our ports and waterways. This legislation was developed to prevent a terrorist attack along our Nation's largest and perhaps our most vulnerable border.

Consisting of 95,000 miles of coastline with hundreds of ports, the United States' maritime industry contributes in excess of $742 billion to the gross domestic product each year. The goal of H.R. 3983 is to deter terrorist attacks against ocean shipping without adversely affecting the flow of U.S. commerce through our ports.

This bill is the second transportation security bill reported by the Committee on Transportation and Infrastructure. H.R. 3983 was developed in a bipartisan manner in close cooperation with the gentleman from Minnesota (Mr. OBERSTAR) and the gentlewoman from Florida (Ms. BROWN) and their staffs in response to the terrorists' threats to our ports and waterways. I appreciate their hard work in support for this important piece of legislation and thank them for the strong cooperation we have received during this bill.

H.R. 3983 requires the Coast Guard to conduct vulnerability assessments of U.S. ports. The results of the assessments will be used to implement a national maritime transportation planning system consisting of a comprehensive national plan, specific area plans, as well as local vessel and marine facility plans, all tailored to deter a catastrophic terrorist event to the greatest extent possible.

H.R. 3983 also establishes a requirement for the Coast Guard to assess the effectiveness of security systems in certain foreign ports and to deny entry to vessels from foreign ports that do not maintain effective security.

Under H.R. 3983, individuals who enter secure areas on vessels or facilities will be required to have transportation security cards issued by the Secretary of Transportation. The Secretary may only deny transportation security cards to an individual found to be a terrorist security risk.

The Maritime Transportation Anti-Terrorism Act authorizes $83 million annually in grants for enhanced facility security at U.S. ports for the next three fiscal years. These grants will help cover the cost of port anti-terrorism improvement and fund proof-of-concept projects to determine which technologies will improve port security the best.

Shipping containers are particularly adaptable to use by terrorists, and H.R. 3983 contains several provisions to include the security of containers. The bill requires the Under Secretary of Transportation to maintain a cargo tracking identification and screening system for shipping containers shipped to and from the United States directly through a foreign port. H.R. 3983 also requires the Secretary of Transportation to establish performance standards to enhance the physical security of shipping containers, including standards for container seals and locks.

Madam Speaker, this bill contains other important security enhancements concerning vessel crew and passenger manifests, Coast Guard sea marshals, vessel transponders, to track the movement of vessels in the United States water, and some other measures.

The committee amended H.R. 3983 to contain several additional security enhancements and other Coast Guard provisions previously passed by the House. The Coast Guard, as one of the Nation's five armed services, has a key role in homeland security, particularly as it relates to port security and defense readiness. These provisions strengthen the authority of the Coast Guard and the Department of Transportation to confront the terrorist threat that is facing us today.

Strong maritime homeland security requires a strong Coast Guard with the resources it needs to protect our Nation from the terrorist attack. The Coast Guard has proven to have done a magnificent job throughout our Nation's history, but we are all particularly proud of the job they have done since September 11, starting on that fateful day where they oversaw the evacuation of over a million people from Lower Manhattan. The Coast Guard can do their job in an exceptional way if we give them the resources necessary, the manpower, the operating dollars and the assets to do this job.

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This bill will help us along that way. I urge all Members to support this important piece of legislation.

Madam Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Madam Speaker, I yield as much time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

Mr. OBERSTAR. Madam Speaker, I thank the gentlewoman for yielding me the time.

Enactment of this Maritime Transportation Security Act, otherwise known as the Port Security bill, will close another hole in the security network of the United States, and a critical one.

We have already dealt effectively with aviation security, and implementation of provisions of that legislation is well underway; but we have 95,000 miles of coastline in the United States. Ninety-five percent of the volume of U.S. international trade, both inbound and outbound, comes by the water. We have to protect that coastline and our ports.

Our ports are major cities. Most of our cities were ports before they were cities. America has grown up around the water; 75 percent of the population of this Nation lives along the water, either the inland waterways or the coastal regions of the United States, including the Great Lakes; but we have not adequately protected our ports and our major cities against terrorist acts.

This legislation will move us in the right direction. It will create the processes by which the Coast Guard is the preeminent entity in protecting America's coastline, will take the steps, the inspections, set up the processes by which we will protect America's waterways, our ports, our coastal regions. But as in aviation security, there must be a continuum of security protection that will start with the shipper, with the product that is being shipped to the United States. It must be inspected. We must know what it is before it goes into the container and before that container goes on board a ship; and after it arrives in the United States, it must be again inspected to be sure that what was put on board the ship is actually what comes off that ship.

We have learned in aviation safety that there must be redundancy and overlapping systems that protect aviation safety, that make flying as safe as we know it; and so in security there must be an interlocking web of protective measures that begin from the origin of the shipment to its destination.

That is what we must provide in this legislation here and in the conference to come, as the chairman said. When we get this bill through conference, we want to make sure that it is the strongest protective measure that we can provide for our fellow citizens, not just those in the coastal regions but those in the inland cities to which cargo is destined.

I compliment the chairman of the full committee for working together with us on the minority side, the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee, and the gentlewoman from Florida (Ms. BROWN), our ranking member on the subcommittee. Members have worked hard. Staff have worked hard. We have worked cooperatively in the best national interest to produce the best bill that we can foresee. I urge its enactment. I urge its passage.

Madam Speaker, I rise today in strong support of H.R. 3983, the "Maritime Transportation Antiterrorism Act of 2002". Last fall, Congress enacted critical legislation to help protect the aviation industry from terrorist attacks. Today, we move forward on legislation to help secure U.S. ports, vessels, and our intermodal transportation system from terrorist attack.

There are more than 95,000 miles of coastline in the United States. Over 6 million shipping containers arrive in the United States each year from foreign ports carrying goods that are vital for consumers and manufacturers. Virtually all of the oil imported into the United States arrives by ship. We are a nation dependent upon international shipping.

Yet this transportation system can also be used as a means of delivering a weapon of mass destruction to the heartland of America. It would be far easier for a country to put a nuclear bomb in a container and ship it to the United States and have it detonated by a Global Positioning System receiver, than it would be to build a missile system to deliver a nuclear warhead.

The task of securing America's seaports and the cargo we import against terrorist attack is a daunting task. One only has to look at the volume of illegal drugs imported each year by sea to see just how porous our borders are. However, it is a challenge we must address.

H.R. 3983 is modeled on the successfully implemented Oil Pollution Act of 1990 (OPA). OPA established a strong command and control system for emergencies. It clarified that there is ultimately one person to make the decision on how to clean up an oil spill, the Coast Guard on-scene coordinator. H.R. 3983 establishes a similar system to develop and implement plans to deter terrorist attacks on our ports, and on vessels operating in and out of our ports.

However, protecting the United States must begin overseas. By the time that a weapon of mass destruction in a container is delivered to a U.S. port on a ship it is too late. We must begin profiling and screening containers overseas—before cargo is loaded on a ship. H.R. 3983 requires shippers, carriers, and freight forwarders to provide the Transportation Security Administration with information on container contents, the inland truck and rail carriers, the consignee, and other information needed to analyze whether the container may pose a risk to the United States. This information must be provided at least 24 hours before the container is loaded on a ship bound for the United States. That will give our agencies sufficient time to profile the container and work with the foreign government to screen its contents, if that is necessary.

H.R. 3983 also helps protect our marine terminals by establishing a transportation security card system for those individuals that have "unescorted access" to marine facilities. The Department of Transportation currently envisions four levels of security access that can be granted by the card. Level 1 Access simply identifies a person as someone who can have unescorted access to the unsecured areas of a terminal. A Level 4 Access means a person has had a security background check to ensure that he or she is not a "terrorist security threat" and, therefore, that person may have access to areas in a terminal that could cause a catastrophic emergency. On vessels such as a passenger vessel, the bridge and engine room areas may also be designated as a secure area, to ensure that passengers do not try to take control of the vessel.

H.R. 3983 also contains the text of H.R. 3507, the Coast Guard Authorization Act for Fiscal Year 2002, which was passed by the House on December 20, 2001, under Suspension of the Rules. I am hopeful that this will allow the House and Senate to reach an agreement on a current authorization bill for the Coast Guard.

I would like to commend Chairman YOUNG, Subcommittee Chairman LOBIONDO, and Subcommittee Ranking Member BROWN for the cooperative effort that they have put forth to develop bipartisan port security legislation. Together, we will succeed in having meaningful legislation enacted this session to improve the security of the marine transportation system from terrorist acts.

I urge my colleagues to support the bill.

Ms. HARMAN. Madam Speaker, as the representative of the Port of Los Angeles, the nation's busiest container port with more than 5.183 million container shipments last year, I rise in strong support of H.R. 3983, the Maritime Transportation Antiterrorism Act.

The attacks of September 11 underscored the vulnerability of our ports to potential acts of terrorism. The sheer volume of goods shipped in containers, their unsecure ports of origin, the volatility of many of the goods stored at ports, and the wide expanses which comprise our posts present terrorists with targets and conduits for terror and local officials and law enforcement with formidable challenges.

Given this threat, I first want to say how impressed I was at the speed with which the maritime agencies of our federal, state and local governments responded following September 11.

The women and men of the Coast Guard, Customs, INS, LA and San Pedro Police, the LA County Sheriff, Port Police, National Guard, reservists and auxiliary personnel, and other emergency responders demonstrated their coolness and professionalism in securing the Port of Los Angeles.

They showed unprecedented coordination and courage and, on behalf of the community, I want to extend a "thank you for a job well done". I would also like to give a very special acknowledgement to the leadership of Coast Guard Captain John Holmes, captain of the Port of Los Angeles/Long Beach.

The bill before us provides much-needed resources to the work of these first responders.

In addition to requiring new vulnerability assessments at our ports, the bill also requires the imposition of new transportation security cards for workers with access to secure areas at ports. I compliment the chairman and ranking member for working with maritime labor to ensure that background checks used in issuing the security cards target true risks and I echo the view that any information collected on workers be used solely for security purposes.

The bill also includes several provisions designed to reduce the ability of terrorists to use cargo containers to smuggle terrorists or weapons into the US. In particular, the bill requires security assessments at foreign ports.

But I want also to highlight container security and the need for effective supply chain security measures. Though not addressed in this bill, it is increasingly evident that supply chain security is critical to ensuring that the contents of container cargo are not tampered with during shipment.

Shipment, of course, does not begin with the placing for a container aboard a vessel but, rather with it being loaded—something that often occurs in another country far from the port of embarkation to the United States.

The bill requires the Transportation Department to develop performance standards for improving the physical security of containers, which should go well beyond seals and locks and include supply chain security. Some innovative tracking and detection technologies are under development and incorporating them in containers will further secure both cargo and our ports.

Madam Speaker, I strongly support this bill. It takes important steps in helping us secure our ports in the fight against terrorism.

The key factor to improved security is the dedication and hard work of thousands of workers employed in and around our ports. From the federal agencies involved to state and local law enforcement, port officials, vessel operators and crew, shippers, dock workers and truckers—security begins with their continued vigilance and I commend them for a job well done and am proud to help provide them with more tools to continue the job.

Mr. LARSEN of Washington. Madam Speaker, I rise in support of H.R. 3983, the Maritime Transportation Anti-terrorism Act.

In the wake of September 11th we must ensure that we are showing vigilance on the topic of port security. Any attacks on our ports could cripple the country economically and disrupt our nation's trade.

Ports serve our key national interests by facilitating the flow of trade and supporting the mobilization and deployment of U.S. Armed Forces. 95% of overseas international trade enters or exits through our nation's ports. In the next twenty years, the amount of trade going through our ports is expected to double. Ports must continue to update and modernize their facilities, not only to accommodate this growth but to preserve their safety and security.

While I do support this legislation, I am concerned that it does not fully address meaningful container security. I believe that H.R. 3893 should mandate that port workers who receive containers inspect the outside seal on each container and that it require mandatory inspection for "empty" containers, which regularly move on and off ships each day.

I am proud to represent the Ports of Everett and Bellingham, both of which greatly contribute to the economic vitality of my district. Their presence makes port security an especially important issue to my constituents and myself. Again, Madam Speaker, I support H.R. 3983 and look forward to its speedy passage.

Mr. SHAW. Madam Speaker, I rise in support of this legislation, which represents the next crucial step in improving America's transportation security. This bill coordinates various federal law enforcement efforts with local port authorities, provides better communications, and helps pay for technology upgrades and other security infrastructure at our ports.

This legislation is of particular importance to the 14 publicly owned deepwater seaports in the State of Florida, including Port Everglades, Port of Palm Beach, and Port of Miami in South Florida. The challenge of protecting against potential threats to security in Florida is unique due to the state's extensive coastline, vigorous international trade, and passenger cruise activities. Our geography dictates that we must be prepared as a front-line homeland defense point against terrorism, as well as illegal immigration, and drug trafficking.

Florida seaports represent some of the busiest bulk cargo and container ports in the nation, and improved security at our seaports is critical for protection of the state's citizens and millions of visitors, as well as the state's continued economic vitality.

The threat of terrorism and other crimes to Florida seaports has already been documented by the State of Florida as well as each of the Florida seaports. A 1999 state-commissioned study found that the Florida ports are highly vulnerable and recommended comprehensive seaport security plans at each Florida seaport. In 2000, the State of Florida enacted legislation mandating that such plans be undertaken.

As the Chairman of the Florida Congressional delegation, I am pleased that this bill does not penalize the Florida ports that have been pro-active in taking the necessary steps to improve security. A shining example of such a port is Port Everglades in my district. Even before September 11, Port Everglades had laid out a comprehensive security improvement plan. Since that day, the port has expedited its efforts, turning a 48 month plan to improve security into an impressive, 12 month, $25 million plan that is now halfway completed.

As one of the first House members to introduce seaport security legislation, and the sponsor of the companion to the bill that passed the Senate, I am gratified that the House is taking up this critically important issue. I would like to thank Chairman YOUNG for all his hard work to this point and I look forward to working with him further as we begin discussions with the other chamber. I urge my colleagues to support the bill.

Mr. GOSS. Madam Speaker, the United States has always been fortunate in its history to have two large oceans separating it from many of the troubles that exist elsewhere in the world. This has meant that until recently, the American Homeland had been protected from foreign hostilities for the better part of two centuries. However, the rise of global commerce in combination with a new type of foreign enemy now threatens to undermine this blissful pax americana. The United States has 95,000 miles of open shoreline. Along this breadth of shoreline are located 361 ports and into them pours six million marine containers annually. The scale of the shipping industry is simply stunning. Unfortunately, on any one of these ships or in any of the containers may be unexpected stowaways with deadly plans or weapons. Representing a coastal district in southwest Florida, I know first hand that the Coast Guard does a heroic job of watching over our borders. But they need help and they need it now. H.R. 3983 is a good first step in this direction. The bill requires that the Secretary of Transportation do a comprehensive review of our vulnerabilities and prepare plans to reduce risk of attack. Further, the bill requires a plan to better coordinate Federal, state, and local efforts in the prevention of maritime terrorism.

I urge my colleagues to support this legislation that will help to better protect our Nation's shoreline and ports.

Mrs. BIGGERT. Madam Speaker, I rise today in support of H.R. 3983, the Maritime Transportation Antiterrorism Act.

I also rise to thank Chairman YOUNG, Coast Guard and Maritime Transportation Subcommittee Chairman LOBIONDO, and the subcommittee staff for all heir hard work on this bill.

In June of 2001, they agreed to work with the U.S. Coast Guard, the State of Illinois, the City of Chicago, and me on the project to improve safety and security along Chicago's lakefront. Needless to say, this project became significantly more important after the events of September 11th.

Thanks to the committee's cooperation and assistance, this bill authorizes funding for the construction of a Marine Safety Station on Chicago's lakefront.

This new Chicago Safety Station will house resources and personnel of the U.S. Coast Guard, the Chicago Marine Police, and the Illinois Department of Natural Resources Conservation Police. With Coast Guard, state, and city resources stretched thin by the need for heighted security in Chicago and other U.S. ports, this project will signficantly improve public safety and law enforcement efforts in one of the busiest recreational areas in the country.

On behalf of the City of Chicago, the State of Illinois, and all of us who enjoy Chicago's lakefront, I again want to thank the Chairman for working with me to bring this project to fruition.

Mr. BENTSEN. Madam Speaker, I rise today in support of H.R. 3983, the Maritime Transportation Antiterrorism Act of 2002. I commend the work of the House Transportation Committee on port security, but I also want to clearly state that much more remains to be done to secure our coastal areas from maritime threats. As a representative of a district that includes parts of the Port of Houston, the nation's 2nd largest port, I am proud that this House has set aside jurisdictional squabbles and is taking this important action.

First, H.R. 3983 directs the Department of Transportation to conduct security assessments at every one of the nation's 361 seaports. The legislation authorizes $225 million in grants through 2005 to enhance port security. I would note that the Senate has passed port security legislation with a $1.1 billion grant program, and I support increasing the House number significantly in conference committee.

Central to H.R. 3983 is the provision directing the newly created Transportation Security Administration (TSA) to develop an identification and screening system for maritime cargo entering the United States. Currently the official papers accompanying cargo manifests are rampantly inaccurate, and I believe Congress needs to remain vigilant after the passage of this legislation to ensure that the TSA does, in fact, develop an effective system. Interests do exist that desire the least amount of accountability for international cargo, and they must not be allowed to derail TSA's regulatory action directed by this legislation.

In the end, I do not believe that it makes much difference whether the development of a cargo container tracking system is undertaken by TSA or the Customs Service, but it does make a difference if those who are more concerned with jurisdiction and turf are allowed to dominate the process at the expense of those who are singly committed to long-overdue security improvements at our nation's extremely busy international ports. I understand that the conference committee on port security legislation (H.R. 398/S. 1214) will be the decisive forum for this issue, and I urge all future conferees not to delay Congressional action on port security action any longer. If House and Senate committee jurisdictional disputes are allowed to delay maritime terrorism preparedness legislation, it will be a low point in Congressional behavior post-September 11th.

In addition to potential TSA and Customs involvement in new port security measures, this legislation also contains new port security initiatives for the U.S. Coast Guard (USCG), an admirable security force that I have worked closely with on a number of security issues in my district pre- and post-September 11th. I strongly support the provisions of H.R. 3983 establishing USCG anti-terrorism teams and "sea marshals," both of which will act as preventive and first response forces for maritime security. Provisions establishing port employee identification requirements for secure port areas and improved passenger and crew manifest notification are also vitally important. I am pleased that H.R. 3983 authorizes $5.9 billion for the USCG, over $800 million more than requested by the Administration in March, as a result of these new tasks and responsibilities the American people are entrusting to their Coast Guard.

Despite the port security progress promised by H.R. 3983, much work will still remain. The security assessments at 361 seaports will certainly uncover a myriad of unanticipated, but glaring needs around the country. The House bill is providing merely $623,000 in grant authority per port, whereas the Senate bill provides a healthier, but still likely inadequate $3,047,000 in grant authority per port.

As an example of how expensive this undertaking will be, mobile cargo container scanners cost roughly $1 million. Only the larger 18 ports in America currently have these devices and most of these ports only have one. In addition to a lack of screening equipment is a lack of Customs personnel necessary to thoroughly examine incoming cargo manifests for high-risk shipments and man the equipment to scan the cargo. Our port security gap is as simple as not enough equipment, men, and inspections. Improving this security situation will cost a large amount of money, probably even more than the $1.1 billion authorized in the Senate-passed legislation.

I applaud all those that have worked hard on port security legislation this year, especially the USCG, Customs, local law enforcement, and Port of Houston Authority personnel on active security duty in the Houston-Galveston area. I also encourage TSA, Customs, USCG to set aside any disputes and work together for the imperative common good of port security. However, Congress and the American people must not forget that much remains to be done. I implore future Congresses to continue to revisit the issue of maritime security to see that Congressional improvements, once enacted, are made, and that any new necessary improvements are vigorously pursued. I thank the Speaker, and urge my colleagues to support H.R. 3983.

Ms. BROWN of Florida. Madam Speaker, I yield back the balance of my time.

Mr. LOBIONDO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 3983, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PORT AND MARITIME SECURITY ACT OF 2001

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1214) to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Port and Maritime Security Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PORT AND MARITIME SECURITY

Sec. 101. Findings.
Sec. 102. National Maritime Security Advisory Committee.
Sec. 103. Initial security evaluations and port vulnerability assessments.
Sec. 104. Establishment of local port security committees.
Sec. 105. Maritime facility security plans.
Sec. 106. Employment investigations and restrictions for security-sensitive positions.
Sec. 107. Maritime domain awareness.
Sec. 108. International port security.
Sec. 109. Counter-terrorism and incident contingency plans.
Sec. 110. Maritime security professional training.
Sec. 111. Port security infrastructure improvement.
Sec. 112. Screening and detection equipment.
Sec. 113. Revision of port security planning guide.
Sec. 114. Shared dockside inspection facilities.
Sec. 115. Mandatory advanced electronic information for cargo and passengers and other improved customs reporting procedures.
Sec. 116. Prearrival messages from vessels destined to United States ports.
Sec. 117. Maritime safety and security teams.
Sec. 118. Research and development for crime and terrorism prevention and detection technology.
Sec. 119. Extension of seaward jurisdiction.
Sec. 120. Suspension of limitation on strength of Coast Guard.
Sec. 121. Additional reports.
Sec. 122. 4-year reauthorization of tonnage duties.
Sec. 123 Definitions.

TITLE II—ADDITIONAL MARITIME SAFETY AND SECURITY RELATED MEASURES

Sec. 201. Extension of Deepwater Port Act to natural gas.
Sec. 202. Assignment of Coast Guard personnel as sea marshals and enhanced use of other security personnel.
Sec. 203. National Maritime Transportation Security Plan.
Sec. 204. Area maritime security committees and area maritime security plans.
Sec. 205. Vessel security plans.
Sec. 206. Protection of security-related information.
Sec. 207. Enhanced cargo identification and tracking.
Sec. 208. Enhanced crewmember identification.

TITLE I—PORT AND MARITIME SECURITY

SEC. 101. FINDINGS.

The Congress makes the following findings:

(1) There are 361 public ports in the United States which have a broad range of characteristics, and all of which are an integral part of our Nation's commerce.

(2) United States ports conduct over 95 percent of United States overseas trade. Over the next 20 years, the total volume of imported and exported goods at ports is expected to more than double.

(3) The variety of trade and commerce that are carried out at ports has greatly expanded. Bulk cargo, containerized cargo, passenger transport and tourism, intermodal transportation systems, and complex domestic and international trade relationships have significantly changed the nature, conduct, and complexity of port commerce.

(4) The United States is increasingly dependent on imported energy for a substantial share of supply, and a disruption of supply would seriously harm consumers and our economy.

(5) The top 50 ports in the United States account for about 90 percent of all the cargo tonnage. Twenty-five United States ports account for 98 percent of all container shipments. Cruise ships visiting foreign destinations embark from 16 ports. Ferries in the United States transport 113,000,000 passengers and 32,000,000 vehicles per year.

(6) In the larger ports, the activities can stretch along a coast for many miles, including public roads within their geographic boundaries. The facilities used to support arriving and departing cargo are sometimes miles from the coast.

(7) Ports often are a major locus of Federal crime, including drug trafficking, cargo theft, and smuggling of contraband and aliens. The criminal conspiracies often associated with these crimes can pose threats to the people and critical infrastructures of port cities. Ports that accept international cargo have a higher risk of international crimes like drug and alien smuggling and trade fraud.

(8) Ports are often very open and exposed and, by the very nature of their role in promoting the free flow of commerce, are susceptible to large scale terrorism that could pose a threat to coastal, Great Lake, or riverain populations. Port terrorism could pose a significant threat to the ability of the United States to pursue its national security objectives.

(9) United States ports are international boundaries, however, unlike United States airports and land borders, United States ports receive no Federal funds for security infrastructure.

(10) Current inspection levels of containerized cargo are insufficient to counter potential security risks. Technology is currently not adequately deployed to allow for the nonintrusive inspection of containerized cargo. Additional promising technology is in the process of being developed that could inspect cargo in a nonintrusive and efficient fashion.

(11) The burgeoning cruise ship industry poses a special risk from a security perspective.

(12) Effective physical security and access control in ports is fundamental to deterring

and preventing potential threats to port operations, and cargo shipments.

(13) Securing entry points, open storage areas, and warehouses throughout the port, controlling the movements of trucks transporting cargo through the port, and examining or inspecting containers, warehouses, and ships at berth or in the harbor are all important requirements that should be implemented.

(14) Identification procedures for arriving workers are important tools to deter and prevent port cargo crimes, smuggling, and terrorist actions.

(15) On April 27, 1999, the President established the Interagency Commission on Crime and Security in United States Ports to undertake a comprehensive study of the nature and extent of the problem of crime in our ports, as well as the ways in which governments at all levels are responding.

(16) The Commission has issued findings that indicate the following:

(A) Frequent crimes in ports include drug smuggling, illegal car exports, fraud (including Intellectual Property Rights and other trade violations), and cargo theft.

(B) Data about crime in ports has been very difficult to collect.

(C) Internal conspiracies are an issue at many ports, and contribute to Federal crime.

(D) Intelligence and information sharing among law enforcement agencies needs to be improved and coordinated at many ports.

(E) Many ports do not have any idea about the threats they face from crime, terrorism, and other security-related activities because of a lack of credible threat information.

(F) A lack of minimum physical, procedural, and personnel security standards at ports and at terminals, warehouses, trucking firms, and related facilities leaves many ports and port users vulnerable to theft, pilferage, and unauthorized access by criminals.

(G) Access to ports and operations within ports is often uncontrolled.

(H) Coordination and cooperation between law enforcement agencies in the field is often fragmented.

(I) Meetings between law enforcement personnel, carriers, marine terminal operators, and port authorities regarding security are not being held routinely in the ports. These meetings could increase coordination and cooperation at the local level.

(J) Security-related equipment such as small boats, cameras, and vessel tracking devices is lacking at many ports.

(K) Detection equipment such as large-scale x-ray machines is lacking at many high-risk ports.

(L) A lack of timely, accurate, and complete manifest (including in-bond) and trade (entry, importer, etc.) data negatively impacts law enforcement's ability to function effectively.

(M) Criminal organizations are exploiting weak security in ports and related intermodal connections to commit a wide range of cargo crimes. Levels of containerized cargo volumes are forecasted to increase significantly, which will create more opportunities for crime while lowering the statistical risk of detection and interdiction.

(17) United States ports are international boundaries that—

(A) are particularly vulnerable to threats of drug smuggling, illegal alien smuggling, cargo theft, illegal entry of cargo and contraband;

(B) may present weaknesses in the ability of the United States to realize its national security objectives; and

(C) may serve as a vector or target for terrorist attacks aimed at the population of the United States.

(18) It is in the best interests of the United States—

(A) to be mindful that United States ports are international ports of entry and that the primary obligation for the security of international ports of entry lies with the Federal government;

(B) to be mindful of the need for the free flow of interstate and foreign commerce and the need to ensure the efficient movement of cargo in interstate and foreign commerce and the need for increased efficiencies to address trade gains;

(C) to increase United States port security by establishing a better method of communication amongst law enforcement officials responsible for port boundary, security, and trade issues;

(D) to formulate requirements for physical port security, recognizing the different character and nature of United States ports, and to require the establishment of security programs at ports;

(E) to provide financial incentives to help the States and private sector to increase physical security of United States ports;

(F) to invest in long-term technology to facilitate the private sector development of technology that will assist in the nonintrusive timely detection of crime or potential crime;

(G) to harmonize data collection on port-related and other cargo theft, in order to address areas of potential threat to safety and security;

(H) to create shared inspection facilities to help facilitate the timely and efficient inspection of people and cargo in United States ports;

(I) to improve Customs reporting procedures to enhance the potential detection of crime in advance of arrival or departure of cargoes; and

(J) to promote private sector procedures that provide for in-transit visibility and support law enforcement efforts directed at managing the security risks of cargo shipments.

SEC. 102. NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) is amended by adding at the end the following:

"(d) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish a National Maritime Security Advisory Committee, comprised of not more than 21 members appointed by the Secretary. The Secretary may require that a prospective member undergo a background check or obtain an appropriate security clearance before appointment.

"(2) ORGANIZATION.—The Secretary—

"(A) shall designate a chairperson of the Advisory Committee;

"(B) shall approve a charter, including such procedures and rules as the Secretary deems necessary for the operation of the Advisory Committee;

"(C) shall establish a law enforcement subcommittee and, with the consent of the Secretary of the Treasury and the Attorney General, respectively, include as members of the subcommittee representatives from the Customs Service and the Immigration and Naturalization Service;

"(D) may establish other subcommittees to facilitate consideration of specific issues, including maritime and port security, border protection, and maritime domain awareness issues, the potential effects on national energy security, the United States economy, and the environment of disruptions of crude oil, refined petroleum products, liquified natural gas, and other energy sources; and

"(E) may invite the participation of other Federal agencies and of State and local government agencies of State, including law enforcement agencies, with an interest or expertise in anti-terrorism or maritime and port security and safety related issues.

"(3) MATERIAL AND MISSION SUPPORT.—In carrying out this subsection, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public or private entities, by contract or other arrangement, if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this paragraph as miscellaneous receipts in the general fund of the Treasury.

"(4) FUNCTIONS.—The Advisory Committee shall—

"(A) advise, consult with, report to, and make recommendations to the Secretary on ways to enhance the security and safety of United States ports; and

"(B) provide advice and recommendations to the Secretary on matters related to maritime and port security and safety, including—

"(i) longterm solutions for maritime and port security issues;

"(ii) coordination of security and safety operations and information between and among Federal, State, and local governments and area and local port security committees and harbor safety committees;

"(iii) conditions for maritime security and safety loan guarantees and grants;

"(iv) development of a National Maritime Transportation Security Plan;

"(v) development and implementation of area and local maritime security plans;

"(vi) protection of port energy transportation facilities; and

"(vii) helping to ensure that the public and area and local port security committees are kept informed about maritime security enhancement developments.

"(5) TERMINATION.—The Advisory Committee shall terminate on September 30, 2005.".

(b) FUNDING FOR FYS 2003–2005.—Of the amounts made available under section 122(b) there may be made available to the Secretary of Transportation for activities of the National Maritime Security Advisory Committee established under section 7(d) of the Ports and Waterways Safety Act (33 U.S.C. 1226(d)) $1,000,000 for each of fiscal years 2003 through 2005, such sums to remain available until expended.

(c) AUTHORIZATION OF APPROPRIATIONS FOR FY 2002.—There are authorized to be appropriated to the Secretary of Transportation $1,000,000 for fiscal year 2002 for activities of the Advisory Committee, such sums to remain available until expended.

SEC. 103. INITIAL SECURITY EVALUATIONS AND PORT VULNERABILITY ASSESSMENTS.

(a) IN GENERAL.—Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as amended by section 102, is further amended by adding at the end the following:

"(e) INITIAL SECURITY EVALUATIONS AND PORT VULNERABILITY ASSESSMENTS.—

"(1) DEVELOPMENT OF STANDARDS.—The Secretary, in consultation with appropriate public and private sector officials and organizations, shall develop standards and procedures for conducting initial security evaluations and port vulnerability assessments.

“(2) INITIAL SECURITY EVALUATIONS.—The Secretary shall conduct an initial security evaluation of all port authorities, waterfront facilities, and public or commercial structures located within or adjacent to the marine environment. The Secretary shall consult the local port security committee while developing the initial security evaluation, and may require each port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment to submit security information for review by the local port security committee.

“(3) PORT VULNERABILITY ASSESSMENTS.—The Secretary shall review initial security evaluations and conduct a port vulnerability assessment for each port for which the Secretary determines such an assessment is appropriate. If a port vulnerability assessment has been conducted within 5 years by or on behalf of a port authority or marine terminal operator, and the Secretary determines that it was conducted in a manner that is generally consistent with the standards and procedures specified under this subsection, the Secretary may accept that assessment rather than conducting another port vulnerability assessment for that port.

“(4) REVIEW AND COMMENT OPPORTUNITY.—The Secretary shall make each initial security evaluation and port vulnerability assessment for a port available for review and comment by the local port security committee, officials of the port authority, marine terminal operator representatives, and representatives of other entities connected to or affiliated with maritime commerce or port security as the Secretary determines to be appropriate, based on the recommendations of the local port security committee.

“(5) UNAUTHORIZED DISCLOSURE.—The Secretary shall ensure that all initial security evaluations, port vulnerability assessments, and any associated materials are properly safeguarded from unauthorized disclosure.

“(6) MATERIAL AND MISSION SUPPORT.—In carrying out responsibilities under this Act, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this section as miscellaneous receipts in the general fund of the Treasury.”.

(b) FUNDING.—Of the amounts made available under section 122(b) there may be made available to the Secretary $10,000,000 for each of fiscal years 2003 through 2006 to carry out section 7(e) of the Ports and Waterways Safety Act (33 U.S.C. 1226(e)), such sums to remain available until expended.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $20,000,000 for fiscal year 2002 to carry out section 7(e) of the Ports and Waterways Safety Act (33 U.S.C. 1226(e)), such sums to remain available until expended.

SEC. 104. ESTABLISHMENT OF LOCAL PORT SECURITY COMMITTEES.

(a) IN GENERAL.—Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as amended by section 103, is further amended by adding at the end the following:

“(f) LOCAL PORT SECURITY COMMITTEES.—

“(1) ESTABLISHMENT.—The Secretary shall establish local port security committees.

“(2) FUNCTIONS.—A local port security committees established under this subsection shall—

“(A) help coordinate planning and other port security activities;

“(B) help make use of, and disseminate the information made available under this section;

“(C) make recommendations concerning initial security evaluations and port vulnerability assessments by identifying the unique characteristics of each port;

“(D) assist in the review of port vulnerability assessments promulgated under this section;

“(E) assist in implementing the guidance promulgated under this section;

“(F) annually review maritime security plans for each local port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment; and

“(G) assist the Captain-of-the-Port in conducting a field security exercise at least once every 3 years to verify the effectiveness of one or more maritime security plans for a local port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment.

“(3) USE OF EXISTING COMMITTEES.—In establishing these local port security committees, the Secretary may use or augment any existing port or harbor safety committee or port readiness committee, if the membership of the port security committee includes representatives of—

“(A) the port authority or authorities;

“(B) Federal, State and local government;

“(C) Federal, State, and local law enforcement agencies;

“(D) longshore labor organizations or transportation workers;

“(E) local port-related business officials or management organizations;

“(F) shipping companies, vessel owners, terminal owners and operators, truck, rail and pipeline operators, where such are in operation; and

“(G) other persons or organizations whose inclusion is deemed beneficial by the Captain of the Port or the Secretary.

“(4) CHAIR.—Each local port security committee shall be chaired by the Captain-of-the-Port.

“(5) JURISDICTION.—Each port may have a separate port security committee or, at the discretion of the Captain-of-the-Port, a Captain-of-the-Port zone may have a single port security committee covering all ports within that zone.

“(6) QUARTERLY MEETINGS.—The port security committee shall meet at least 4 times each year at the call of the Chairperson.

“(7) FACA NOT APPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a port security committee established under this subsection.

“(8) MATERIAL AND MISSION SUPPORT.—In carrying out responsibilities under this Act, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this section as miscellaneous receipts in the general fund of the United States Treasury.”.

(b) FUNDING.—Of the amounts made available under section 122(b) there may be made available to the Secretary $3,000,000 for each of fiscal years 2003 through 2006 to carry out section 7(f) of the Ports and Waterways Safety Act (33 U.S.C. 1226(f)), such sums to remain available until expended.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2002 and 2003 to carry out section 7(f) of the Ports and Waterways Safety Act (33 U.S.C. 1226(f)), such sums to remain available until expended.

SEC. 105. MARITIME FACILITY SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act, (33 U.S.C. 1226), as amended by section 104, is further amended by adding at the end the following:

“(g) MARITIME FACILITY SECURITY PLANS.—

“(1) REGULATIONS TO ESTABLISH REQUIREMENT.—The Secretary, after consultation with the Secretary of the Treasury and the Attorney General, shall issue regulations establishing requirements for submission of a maritime facility security plan, as the Secretary determines necessary, by each port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment (as defined in section 2101(15) of title 46, United States Code). The Secretary shall ensure that the local port security committee is consulted in the development of a maritime facility security plan under those regulations.

“(2) PURPOSE; SPECIFICITY; CONTENT.—

“(A) PURPOSE.—A maritime facility security plan shall provide a law enforcement program and capability at the port that is adequate to safeguard the public and to improve the response to threats of crime and terrorism.

“(B) SPECIFICITY.—Notwithstanding other provisions of this Act, the Secretary may impose specific, or different requirements on individual ports, port authorities, marine terminal operators or other entities required to submit a maritime facility security plan under regulations promulgated under this subsection.

“(C) CONTENT.—A maritime facility security plan shall include—

“(i) provisions for establishing and maintaining physical security for port areas and approaches, including establishing, as necessary, controlled access areas and secure perimeters within waterfront facilities and other public or commercial structures located within or adjacent to the marine environment;

“(ii) provisions for establishing and maintaining procedural security for processing passengers, cargo, and crewmembers, and security for employees and service providers;

“(iii) a credentialing requirement to limit access to waterfront facilities and other public or commercial structures located within or adjacent to the marine environment, designed to ensure that only authorized individuals and service providers gain admittance;

“(iv) a credentialing requirement to limit access to controlled areas and security-sensitive information;

“(v) provisions for restricting vehicular access, as necessary, to designated port areas or facilities;

“(vi) provisions for restricting the introduction of firearms and other dangerous weapons, as necessary, to designated port areas or facilities;

“(vii) provisions for the use of appropriately qualified private security officers or qualified State, local, or private law enforcement personnel;

"(viii) procedures for evacuation of people from port areas in the event of a terrorist attack or other emergency;

"(ix) a process for assessment and evaluation of the safety and security of port areas before port operations are resumed after a terrorist attack or other emergency; and

"(x) any other information the Secretary requires.

"(3) INCORPORATION OF EXISTING SECURITY PLANS.—The Secretary may approve a maritime facility security plan, or an amendment to an existing program or plan, that incorporates—

"(A) a security program of a marine terminal operator tenant with access to a secured area of the port, under such conditions as the Secretary deems appropriate; or

"(B) a maritime facility security plan of a port authority that incorporates a State or local security program, policy, or law.

"(4) APPROVAL PROCESS.—

"(A) IN GENERAL.—The Secretary shall review and approve or disapprove each maritime facility security plan submitted under regulations promulgated under this subsection.

"(B) RESUBMISSION OF DISAPPROVED PLANS.—If the Secretary disapproves a maritime facility security plan—

"(i) the Secretary shall notify the plan submitter in writing of the reasons for the disapproval; and

"(ii) the submitter shall submit a revised maritime facility security plan within 180 days after receiving the notification of disapproval.

"(5) PERIODIC REVIEW AND RESUBMISSION.—Whenever appropriate, but no less frequently than once every 5 years, each port authority, marine terminal operator or other entity required to submit a maritime facility security plan under regulations promulgated under this subsection shall review its plan, make necessary or appropriate revisions, and submit the results of its review and revised plan to the Secretary.

"(6) INTERIM SECURITY MEASURES.—The Secretary shall require each port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment, to implement any necessary security measures, including the establishment of a secure perimeter and positive access controls, until the maritime facility security plan for that port authority, waterfront facility operator, or operator of a public or commercial structure located within or adjacent to the marine environment is approved.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $3,500,000 for each of fiscal years 2002 through 2006 to carry out section 7(g) of the Ports and Waterways Safety Act (33 U.S.C. 1226(g)), such sums to remain available until expended.

SEC. 106. EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS FOR SECURITY-SENSITIVE POSITIONS.

Section 7 of the Ports and Waterways Safety Act, (33 U.S.C. 1226), as amended by section 105, is further amended by adding at the end the following:

"(h) DESIGNATION OF CONTROLLED ACCESS AREAS; PROTECTION OF SECURITY-SENSITIVE INFORMATION; EMPLOYMENT INVESTIGATIONS AND CRIMINAL HISTORY RECORD CHECKS.—

"(1) ACCESS AREAS; RESTRICTED INFORMATION REGULATIONS.—The Secretary, after consultation with the Secretary of the Treasury and the Attorney General, shall prescribe regulations to—

"(A) require, as necessary, the designation of controlled access areas in the maritime facility security plan for each waterfront facility and other public or commercial structure located within or adjacent to the marine environment; and

"(B) limit access to security-sensitive information, such as passenger and cargo manifests.

"(2) SCREENING; BACKGROUND CHECKS.—In prescribing access limitations under this section, the Secretary may—

"(A) require that persons entering or exiting secure, restricted, or controlled access areas undergo physical screening;

"(B) require appropriate escorts for persons without proper clearances or credentials; and

"(C) require employment investigations and criminal history record checks to ensure that individuals who have unrestricted access to controlled areas or have access to security-sensitive information do not pose a threat to national security or to the safety and security of maritime commerce.

"(3) DISQUALIFICATION FROM NEW OR CONTINUED EMPLOYMENT.—An individual may not be employed in a security-sensitive position at any waterfront facility or other public or commercial structure located within or adjacent to the marine environment if—

"(A) the individual does not meet other criteria established by the Secretary; or

"(B) a background investigation or criminal records check reveals that—

"(i) within the previous 7 years the individual was convicted, or found not guilty by reason of insanity of an offense described in paragraph (4); or

"(ii) within the previous 5 years was released from incarceration for committing an offense described in paragraph (4).

"(4) DISQUALIFYING OFFENSES.—The offenses referred to in paragraph (3)(B) are the following:

"(A) Murder.

"(B) Assault with intent to murder.

"(C) Espionage.

"(D) Sedition.

"(E) Treason.

"(F) Rape.

"(G) Kidnaping.

"(H) Unlawful possession, sale, distribution, importation, or manufacture of an explosive or weapon.

"(I) Extortion.

"(J) Armed or felony unarmed robbery.

"(K) Importation, manufacture, or distribution of, or intent to distribute, a controlled substance.

"(L) A felony involving a threat.

"(M) A felony involving willful destruction of property.

"(N) Smuggling.

"(O) Theft of property in the custody of the United States Customs Service.

"(P) Attempt to commit, or conspiracy to commit any of the offenses referred to in subparagraphs (A) through (O).

"(5) ALTERNATIVE ARRANGEMENTS.—Notwithstanding paragraph (1), an individual may be employed in a security-sensitive position although that individual would otherwise be disqualified from such employment if the employer establishes alternate security arrangements acceptable to the Secretary.

"(6) APPEALS PROCESS.—The Secretary shall establish an appeals process under this section for individuals found to be ineligible for employment under paragraph (3) that includes notice and an opportunity for a hearing.

"(7) ACCESS TO DATABASES.—Notwithstanding any other provision of law to the contrary, but subject to existing or new procedural safeguards imposed by the Attorney General, the Secretary is authorized to access the Federal Bureau of Investigation's Integrated Automatic Fingerprinting Identification System, the Fingerprint Identification Record System, the Interstate Identification Index, the National Crime Identification System, and the Integrated Entry and Exit Data System for the purpose of conducting or verifying the results of any background investigation or criminal records check required by this subsection.

"(8) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

"(A) SECRETARY MAY GIVE RESULTS OF INVESTIGATION TO EMPLOYERS.—The Secretary may transmit the results of a background check or criminal records check to a port authority, marine terminal operator, or other entity the Secretary determines necessary for carrying out the requirements of this subsection.

"(B) FOIA NOT TO APPLY.—Information obtained by the Secretary under this subsection may not be made available to the public under section 552 of title 5, United States Code.

"(C) CONFIDENTIALITY.—Except to the extent necessary to carry out this subsection, any information other than criminal acts or offenses constituting grounds for ineligibility for employment under paragraph (3) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

"(9) EFFECTIVENESS AUDITS.—The Secretary shall provide for the periodic audit of the effectiveness of employment investigations and criminal history record checks required by this subsection.

"(10) USER FEES.—

"(A) IN GENERAL.—The Secretary and the Attorney General shall establish and collect reasonable fees to pay expenses incurred by the Federal government in carrying out any investigation, criminal history record check, fingerprinting, or identification verification services provided for under this subsection.

"(B) DEPOSIT OF AMOUNT RECEIVED.—Amounts received by the Attorney General or Secretary under this section shall be credited to the account in the Treasury from which the expenses were incurred as offsetting collections and shall be available to the Attorney General and the Secretary upon the approval of Congress.

"(11) SUBSECTION NOT IN DEROGATION OF OTHER AUTHORITY.—Nothing in this subsection restricts any agency, instrumentality, or department of the United States from exercising, or limits its authority to exercise, any other statutory or regulatory authority to initiate or enforce port security standards.".

SEC. 107. MARITIME DOMAIN AWARENESS.

(a) IN GENERAL.—The Secretary shall conduct a study on ways to enhance maritime domain awareness through improved collection and coordination of maritime intelligence and submit a report on the findings of that study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) SPECIFIC MATTERS TO BE ADDRESSED.—In the study, the Secretary shall—

(1) identify actions and resources necessary for multi-agency cooperative efforts to improve the maritime security of the United States;

(2) specifically address measures necessary to ensure the effective collection, dissemination, and interpretation of maritime intelligence and data, information resource management and database requirements, architectural measures for cross-agency integration, data sharing, correlation and safeguarding of data, and cooperative analysis to identify and effectively respond to threats to maritime security;

(3) estimate the potential costs of establishing and operating such a new or linked database and provides recommendations on what agencies should contribute to the cost of its operation;

(4) evaluate the feasibility of establishing a joint interagency task force on maritime intelligence;

(5) estimate of potential costs and benefits of utilizing commercial supercomputing platforms and data bases to enhance information collection and analysis capabilities across multiple Federal agencies; and

(6) provide a suggested time frame for the development of such a system or database.

(c) Participation of Other Agencies.—The Secretary shall consult with the Director of Central Intelligence, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Energy, the Director of the Federal Emergency Management Agency, and the heads of other departments and agencies as necessary and invite their participation in the preparation of the study and report required by subsection (a).

(d) Deadline.—The Secretary shall submit the report required by subsection (a) within 180 days after the date of enactment of this Act.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $500,000 in fiscal year 2002 to carry out this section.

SEC. 108. INTERNATIONAL PORT SECURITY.

(a) In General.—Part A of subtitle II of title 46, United States Code, is amended by adding at the end the following:

“CHAPTER 25. INTERNATIONAL PORT SECURITY.

“Sec.
“2501. Assessment.
“2502. Notifying foreign authorities.
“2503. Actions when ports not maintaining and carrying out effective security measures.
“2504. Travel advisories concerning security at foreign ports.
“2505. Suspensions.
“2506. Acceptance of contributions; joint venture arrangements.

“§ 2501. Assessment

“(a) In General.—At intervals the Secretary of Transportation considers necessary, the Secretary shall assess the effectiveness of the security measures maintained at—

“(1) a foreign port—

“(A) served by vessels of the United States;

“(B) from which foreign vessels serve the United States; or

“(C) that poses a high risk of introducing danger to United States ports and waterways, United States citizens, vessels of the United States or any other United States interests; and

“(2) any other foreign port the Secretary considers appropriate.

“(b) Procedures and Standards.—The Secretary shall conduct an assessment under subsection (a) of this section—

“(1) in consultation with appropriate authorities of the government of the foreign country concerned and operators of vessels of the United States serving the foreign port for which the Secretary is conducting the assessment;

“(2) to establish the extent to which a foreign port effectively maintains and carries out internationally recognized security measures; and

“(3) by using a standard based on the standards for port security and recommended practices of the International Maritime Organization and other appropriate international organizations.

“(c) Consultation.—In carrying out this section, the Secretary shall consult with—

“(1) the Secretary of State—

“(A) on the terrorist or relevant criminal threat that exists in each country involved; and

“(B) identify foreign ports that—

“(i) are not under the de facto control of the government of the foreign country in which they are located; and

“(ii) pose a high risk of introducing danger to international maritime commerce; and

“(2) the Secretary of the Treasury and coordinate any such assessment with the United States Customs Service.

“§ 2502. Notifying foreign authorities

“(a) Dissemination of Information About the Program.—The Secretary shall work with the Secretary of State to facilitate the dissemination of port security program information to port authorities and marine terminal operators in other countries.

“(b) Specific Notifications.—If the Secretary of Transportation, after conducting an assessment under section 2501, finds that a port does not maintain and carry out effective security measures, the Secretary, through the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the finding and recommend the steps necessary to bring the security measures in use at the port up to the standard used by the Secretary of Transportation in making the assessment.

“§ 2503. Actions when ports not maintaining and carrying out effective security measures

“(a) In General.—If the Secretary of Transportation finds that a port does not maintain and carry out effective security measures—

“(1) the Secretary shall—

“(A) in consultation with the Secretaries of State, Treasury, Agriculture, and the Attorney General, develop measures to protect the safety and security of United States ports from risks related to vessels arriving from a foreign port that does not maintain an acceptable level of security;

“(B) publish the identity of the port in the Federal Register;

“(C) have the identity of the port posted and displayed prominently at all United States ports at which scheduled passenger carriage is provided regularly to that port; and

“(D) require each United States and foreign vessel providing transportation between the United States and the port to provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the port;

“(2) the Secretary may, after consultation with the Secretaries of State and of the Treasury, prescribe conditions of port entry into the United States for any vessel arriving from a port determined under this subsection to maintain ineffective security measures, or any vessel carrying cargo originating from or transshipped through such a port, including refusing entry, inspection, or any other condition as the Secretary determines may be necessary to ensure the safety of United States ports and waterways; and

“(3) the Secretary may prohibit a United States or foreign vessel from providing transportation between the United States and any other foreign port that is served by vessels navigating to or from a port found not to maintain and carry out effective security measures.

“(b) Effective Date for Sanctions.—Any action taken by the Secretary under subsection (a) for a particular port shall take effect—

“(1) 90 days after the government of the foreign country with jurisdiction or control of that port is notified under section 2502 unless the Secretary finds that the government has brought the security measures at the port up to the standard the Secretary used in making an assessment under section 2501 before the end of that 90-day period; or

“(2) immediately upon the determination of the Secretary under subsection (a) if the Secretary finds, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the port.

“(c) State Department To Be Notified.—The Secretary immediately shall notify the Secretary of State of a finding that a port does not maintain and carry out effective security measures so that the Secretary of State may issue a travel advisory.

“(d) Congressional Notification Required.—The Secretary promptly shall submit to Congress a report (and classified annex if necessary) identifying any port that the Secretary finds does not maintain and carry out effective security measures and describe any action taken under this section with regard to that port.

“(e) Action Canceled.—An action required under this section is no longer required if the Secretary, in consultation with the Secretary of State, decides that effective security measures are maintained and carried out at the port. The Secretary shall notify Congress when the action is no longer required.

“§ 2504. Travel advisories concerning security at foreign ports

“(a) In General.—Upon being notified by the Secretary of Transportation that the Secretary has determined that a condition exists that threatens the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port which the Secretary has determined under this chapter to be a port which does not maintain and administer effective security measures, the Secretary of State shall immediately issue a travel advisory with respect to the port. The Secretary of State shall take the necessary steps to publicize the travel advisory widely.

“(b) When Travel Advisory May Be Canceled.—The travel advisory required to be issued under subsection (a) of this section may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port with respect to which the Secretary of Transportation had made the determination.

“(c) Congressional Notification.—The Secretary of State shall immediately notify Congress of any change in the status of a travel advisory imposed pursuant to this section.

"§ 2505. Suspensions

"(a) IN GENERAL.—The President, without prior notice or a hearing, shall suspend the right of any vessel of the United States, and the right of a person to trade with the United States, to provide foreign sea transportation, and the right of a person to operate vessels in foreign sea commerce, to or from a foreign port, if the President finds that—

"(1) a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from that port; and

"(2) the public interest requires an immediate suspension of trade between the United States and that port.

"(b) DENIAL OF ENTRY.—If a person operates a vessel in violation of this section, the President may deny the vessels of that person entry to United States ports.

"(c) PENALTY FOR VIOLATION.—A person violating this section is liable to the United States Government for a civil penalty of not more than $50,000. Each day a vessel utilizes a prohibited port shall be a separate violation of this section.

"§ 2506. Acceptance of contributions; joint venture arrangements

"In carrying out responsibilities under this chapter, the Secretary may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately. The Secretary shall deposit any funds accepted under this section as miscellaneous receipts in the general fund of the United States Treasury.".

(b) CONFORMING AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting the following new item in part A after the item for chapter 23:

"25. International Port Security .... 2501".

(c) REPEALS.—Sections 902, 905, 907, 908, 909, 910, 911, 912, and 913 of the International Maritime and Port Security Act (46 U.S.C. App. 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, and 1809), are repealed.

(d) FOREIGN-FLAG VESSELS.—Within 6 months after the date of enactment of this Act and every year thereafter, the Secretary, in consultation with the Secretary of State, shall provide a report to the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate, and the Committees on Transportation and Infrastructure and International Relations of the House of Representatives that lists the following information:

(1) A list of all nations whose flag vessels have entered United States ports in the previous year.

(2) Of the nations on that list, a separate list of those nations—

(A) whose registered flag vessels appear as Priority III or higher on the Boarding Priority Matrix maintained by the Coast Guard;

(B) that have presented, or whose flag vessels have presented, false, intentionally incomplete, or fraudulent information to the United States concerning passenger or cargo manifests, crew identity or qualifications, or registration or classification of their flag vessels;

(C) whose vessel registration or classification procedures have been found by the Secretary to be noncompliant with international classifications or do not exercise adequate control over safety and security concerns; or

(D) whose laws or regulations are not sufficient to allow tracking of ownership and registration histories of registered flag vessels.

(3) Actions taken by the United States, whether through domestic action or international negotiation, including agreements at the International Maritime Organization under section 902 of the International Maritime and Port Security Act (46 U.S.C. App. 1801), to improve transparency and security of vessel registration procedures in nations on the list under paragraph (2).

(4) Recommendations for legislative or other actions needed to improve security of United States ports against potential threats posed by flag vessels of nations named in paragraph (2).

SEC. 109. COUNTER-TERRORISM AND INCIDENT CONTINGENCY PLANS.

(a) IN GENERAL.—The Secretary, in coordination with the Director of the Federal Bureau of Investigation, shall ensure that all area maritime counter-terrorism and incident contingency plans are reviewed, revised, and updated no less frequently than once every 3 years.

(b) LOCAL PORT SECURITY COMMITTEES.—The Secretary shall ensure that port security committees established under section 7(f) of the Ports and Maritime Safety Act (33 U.S.C. 2116(f)) are involved in the review, revision, and updating of the plans.

(c) SIMULATION EXERCISES.—The Secretary shall ensure that—

(1) simulation exercises are conducted annually for all such plans; and

(2) actual practice drills and exercises are conducted at least once every 3 years.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $1,000,000 for each of fiscal years 2002 through 2006 to carry out this section, such sums to remain available until expended.

SEC. 110. MARITIME SECURITY PROFESSIONAL TRAINING.

(a) IN GENERAL.—

(1) DEVELOPMENT OF STANDARDS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop standards and curriculum to allow for the training and certification of maritime security professionals. In developing these standards and curriculum, the Secretary shall consult with the National Maritime Security Advisory Committee established under section 7(d) of the Ports and Maritime Safety Act (33 U.S.C. 2116(d)).

(2) SECRETARY TO CONSULT ON STANDARDS.—In developing standards under this section, the Secretary may, without regard to the Federal Advisory Committee Act (5 U.S.C. App.), consult with the Federal Law Enforcement Training Center, the United States Merchant Marine Academy's Global Maritime and Transportation School, the Maritime Security Council, the International Association of Airport and Port Police, the National Cargo Security Council, and any other Federal, State, or local government or law enforcement agency or private organization or individual determined by the Secretary to have pertinent expertise.

(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include the following elements:

(1) The training and certification of maritime security professionals in accordance with accepted law enforcement and security guidelines, policies, and procedures, including, as appropriate, recommendations for incorporating a background check process for personnel trained and certified in foreign ports.

(2) The training of students and instructors in all aspects of prevention, detection, investigation, and reporting of criminal activities in the international maritime environment.

(3) The provision of off-site training and certification courses and certified personnel at United States and foreign ports used by United States-flagged vessels, or by foreign-flagged vessels with United States citizens as passengers or crewmembers, to develop and enhance security awareness and practices.

(c) TRAINING PROVIDED TO LAW ENFORCEMENT AND SECURITY PERSONNEL.—The Secretary is authorized to make the training opportunities provided under this section available to any Federal, State, local, and private law enforcement or maritime security personnel in the United States or in foreign ports used by United States-flagged vessels with United States citizens as passengers or crewmembers.

(d) USE OF CONTRACT RESOURCES.—The Secretary shall employ existing Federal and contract resources to train and certify maritime security professionals in accordance with the standards and curriculum developed under this Act.

(e) ANNUAL REPORT.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the training under this section.

(f) FUNDING.—Of the amounts made available under section 122(b), there may be made available to the Secretary to carry out this section—

(1) $2,500,000 for each of fiscal years 2003 and 2004, and

(2) $3,000,000 for each of fiscal years 2005 and 2006,

such sums to remain available until expended.

(g) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $5,500,000 for fiscal year 2002;

(2) $3,000,000 for each of fiscal years 2003 and 2004; and

(3) $2,500,000 for each of fiscal years 2005 and 2006.

SEC. 111. PORT SECURITY INFRASTRUCTURE IMPROVEMENT.

(a) IN GENERAL.—The Merchant Marine Act, 1936 (46 U.S.C. App. 1101 et seq.) is amended by adding at the end the following:

"TITLE XIV—PORT SECURITY INFRASTRUCTURE IMPROVEMENT

"SEC. 1401. LOAN GUARANTEES FOR PORT SECURITY INFRASTRUCTURE IMPROVEMENTS.

"(a) IN GENERAL.—The Secretary of Transportation, subject to the terms the Secretary shall prescribe and after consultation with the United States Coast Guard, the United States Customs Service, and the National Maritime Security Advisory Committee established under section 102 of the Port and Maritime Security Act of 2001, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for port security infrastructure improvements for an eligible project at any United States port.

"(b) LIMITATIONS.—Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws, requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under title XI, except that—

"(1) guarantees or commitments to guarantee made under this section are eligible for not more than 87.5 percent of the actual cost of the security infrastructure improvement;

"(2) notwithstanding section 1104A(d), determination of economic soundness for a security infrastructure project shall be based upon the economic soundness of the applicant and not the project;

"(3) guarantees or commitments to guarantee may be made under this section to persons who are not citizens of the United States as defined in section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802).

"(c) Transfer of Funds.—The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of making guarantees or commitments to guarantee loans entered into under this section.

"(d) Eligible Projects.—A project is eligible for a loan guarantee or commitment under subsection (a) if it is for the construction or acquisition of new security infrastructure that is—

"(1) equipment or facilities to be used for port security monitoring and recording;

"(2) security gates and fencing;

"(3) security-related lighting systems;

"(4) remote surveillance systems;

"(5) concealed video systems; or

"(6) other security infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

"SEC. 1402. GRANTS.

"(a) Financial Assistance.—The Secretary may provide financial assistance for eligible projects (within the meaning of section 1401(d)).

"(b) Matching Requirements.—

"(1) 75-percent federal funding.—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

"(2) Exceptions.—

"(A) Small projects.—There are no matching requirements for grants under subsection (a) for projects costing not more than $25,000.

"(B) Higher level of support required.—If the Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

"(c) Allocation.—The Secretary shall ensure that financial assistance provided under subsection (a) during a fiscal year is distributed so that funds are awarded for eligible projects that address emerging priorities or threats identified by the National Maritime Security Advisory Committee established under section 7(d) of the Ports and Waterways Safety Act (33 U.S.C. 1226(d)).

"(d) Project Proposals.—Each proposal for a grant under this section shall include the following:

"(1) The name of the individual or entity responsible for conducting the project.

"(2) A comprehensive description of the need for the project, and a statement of the project's relationship to the security plan.

"(3) A description of the qualifications of the individuals who will conduct the project.

"(4) An estimate of the funds and time required to complete the project.

"(5) Evidence of support of the project by appropriate representatives of States or territories of the United States or other government jurisdictions in which the project will be conducted.

"(6) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

"(7) Any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this title.

"SEC. 1403. ALLOCATION OF RESOURCES.

"In carrying out this title, the Secretary may ensure that not less than $2,000,000 in loans and loan guarantees under section 1401, and not less than $6,000,000 in grants under section 1402, are made available for eligible projects (as defined in section 1401(d)) located in any State to which reference is made by name in section 607 of this Act during each of the fiscal years 2002 through 2006.".

(b) Annual Accounting.—The Secretary of Transportation shall submit an annual summary of loan guarantees and commitments to make loan guarantees under section 1401 of the Merchant Marine Act, 1936, and grants made under section 1402 of that Act, to the Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and the Advisory Committee through appropriate media of communication, including the Internet.

(c) Funding.—Of amounts made available under section 122(b), there may be made available to the Secretary of Transportation—

(1) $9,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006 as guaranteed loan costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990; 2 U.S.C. 661a(5)) under section 1401 of the Merchant Marine Act, 1936,

(2) $10,000,000 for each of such fiscal years for grants under section 1402 of the Merchant Marine Act, 1936, and

(3) $1,000,000 for each such fiscal year to cover administrative expenses related to loan guarantees under section 1401 of the Merchant Marine Act, 1936, and grants under section 1402 of that Act,

such amounts to remain available until expended.

(d) Additional Appropriations Authorized.—In addition to the amounts made available under subsection (c)(2), there are authorized to be appropriated to the Secretary of Transportation—

(1) $26,000,000 for each of fiscal years 2002 through 2006 to the Secretary as guaranteed loan costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990; 2 U.S.C. 661a(5)) under section 1401 of the Merchant Marine Act, 1936;

(2) $70,000,000 for each of fiscal years 2002 through 2006 to the Secretary for grants under section 1402 of the Merchant Marine Act, 1936; and

(3) $4,000,000 for each of fiscal years 2002 through 2006 to the Secretary to cover administrative expenses related to loan guarantees and grants under paragraphs (8) and (9),

such sums to remain available until expended.

SEC. 112. SCREENING AND DETECTION EQUIPMENT.

(a) Funding.—Of amounts made available under section 122(b), there may be made available to the Commissioner of Customs for the purchase of nonintrusive screening and detection equipment for use at United States ports—

(1) $15,000,000 for fiscal year 2003,

(2) $16,000,000 for fiscal year 2004,

(3) $18,000,000 for fiscal year 2005, and

(4) $19,000,000 for fiscal year 2006,

such sums to remain available until expended.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Commissioner $20,000,000 for each of fiscal years 2002 through 2006 to the Commissioner of Customs for the purchase of non-intrusive screening and detection equipment for use at United States ports, such sums to remain available until expended.

(c) Funding for Fiscal Year 2002.—There are authorized to be appropriated $145,000,000 for the United States Customs Service for fiscal year 2002 for 1,200 new customs inspector positions, 300 new customs agent positions, and other necessary port security positions, and for purchase and support of equipment (including camera systems for docks and vehicle-mounted computers), canine enforcement for port security, and to update computer systems to help improve customs reporting procedures.

SEC. 113. REVISION OF PORT SECURITY PLANNING GUIDE.

The Secretary of Transportation, acting through the Maritime Administration and after consultation with the Advisory Committee and the United States Coast Guard, shall publish a revised version of the document entitled "Port Security: A National Planning Guide", incorporating the requirements promulgated under section 7(g) of the Ports and Waterways Security Act (33 U.S.C. 2116(g)), within 3 years after the date of enactment of this Act, and make that revised document available on the Internet.

SEC. 114. SHARED DOCKSIDE INSPECTION FACILITIES.

(a) In General.—The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Transportation, the Attorney General, and the Administrator of the General Services Administration shall work with each other, the Advisory Committee, and the States to establish shared dockside inspection facilities at United States ports for Federal and State agencies.

(b) Funding.—Of the amounts made available under section 122(b), there may be made available to the Secretary of the Transportation, $1,000,000 for each of fiscal years 2003, 2004, 2005, and 2006, such sums to remain available until expended, to establish shared dockside inspection facilities at United States ports in consultation with the Secretary of the Treasury, the Secretary of Agriculture, and the Attorney General.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation $1,000,000 for fiscal year 2002 to establish shared dockside inspection facilities at United States ports in consultation with the Secretary of the Treasury, the Secretary of Agriculture, and the Attorney General.

SEC. 115. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS AND OTHER IMPROVED CUSTOMS REPORTING PROCEDURES.

(a) Cargo Information.—

(1) In general.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking "Any manifest" and inserting "(1) Any manifest"; and

(B) by adding at the end the following new paragraph:

"(2)(A) In addition to any other requirement under this section, for every land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information described in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of land, aircraft, or vessel for which he concludes the requirements of this subparagraph are not necessary.

"(B) The information described in this subparagraph is as follows:

"(i) The port of arrival or departure, whichever is applicable.

"(ii) The carrier code, prefix code, or both.

"(iii) The flight, voyage, or trip number.

"(iv) The date of scheduled arrival or date of scheduled departure, as the case may be.

"(v) The request for permit to proceed to the destination, if applicable.

"(vi) The numbers and quantities from the carrier's master air waybill, bills of lading, or ocean bills of lading.

"(vii) The first port of lading of the cargo.

"(viii) A description and weight of the cargo or, for a sealed container, the shipper's declared description and weight of the cargo.

"(ix) The shippers name and address from all air waybills and bills of lading.

"(x) The consignee's name and address from all air waybills and bills of lading.

"(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities, except that a carrier is not required by this clause to verify boarded quantities of cargo in sealed containers.

"(xii) Transfer or transit information for the cargo while it has been under the control of the carrier.

"(xiii) Warehouse or other location of the cargo while it has been under the control of the carrier.

"(xiv) Any additional information that the Secretary by regulation determines is reasonably necessary to ensure aviation, maritime, and surface transportation safety pursuant to those laws enforced and administered by the Customs Service.

"(3) The Secretary by regulation shall require nonvessel operating common carriers to meet the requirements of subparagraphs (A) and (B).".

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting "or subsection (b)(2)" before the semicolon.

(b) DOCUMENTATION OF CARGO.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

"SEC. 431A. DOCUMENTATION OF WATERBORNE CARGO.

"(a) APPLICABILITY.—This section shall apply to all cargo to be exported moving by a vessel common carrier from a port in the United States.

"(b) DOCUMENTATION REQUIRED.—(1) No shipper of cargo subject to this section (including an ocean transportation intermediary that is a nonvessel-operating common carrier (as defined in section 3(17)(B) of the Shipping Act of 1984 (46 U.S.C. App. 1702(17)(B)) may tender or cause to be tendered to a vessel common carrier cargo subject to this section for loading on a vessel in a United States port, unless such cargo is properly documented pursuant to this subsection.

"(2) For the purposes of this subsection, cargo shall be considered properly documented if the shipper submits to the vessel common carrier or its agent a complete set of shipping documents no later than 24 hours after the cargo is delivered to the marine terminal operator.

"(3) A complete set of shipping documents shall include—

"(A) for shipments for which a shipper's export declaration is required a copy of the export declaration or, if the shipper files such declarations electronically in the Automated Export system, the complete bill of lading, and the master or equivalent shipping instructions including the shipper's Automated Export System instructions; or

"(B) for those shipments for which a shipper's export declaration is not required, such other documents or information as the Secretary may by regulation prescribe.

"(4) The Secretary shall by regulation prescribe the time, manner, and form by which shippers shall transmit documents or information required under this subsection to the Customs Service.

"(c) LOADING UNDOCUMENTED CARGO PROHIBITED.—

"(1) No marine terminal operator (as defined in section 3(14) of the Shipping Act of 1984 (46 U.S.C. App. 1702(14))) may load, or cause to be loaded, any cargo subject to this section on a vessel unless instructed by the vessel common carrier operating the vessel that such cargo has been properly documented in accordance with this section.

"(2) When cargo is booked by one vessel common carrier to be transported on the vessel of another vessel common carrier, the booking carrier shall notify the operator of the vessel that the cargo has been properly documented in accordance with this section. The operator of the vessel may rely on such notification in releasing the cargo for loading aboard the vessel.

"(d) REPORTING OF UNDOCUMENTED CARGO.—A vessel common carrier shall notify the United States Customs Service of any cargo tendered to such carrier that is not properly documented pursuant to this section and that has remained in the marine terminal for more than 48 hours after being delivered to the marine terminal, and the location of the cargo in the marine terminal. For vessel common carriers that are members of vessel sharing agreements (or any other arrangement whereby a carrier moves cargo on another carrier's vessel), the vessel common carrier accepting the booking shall be responsible for reporting undocumented cargo, without regard to whether it operates the vessel on which the transportation is to be made.

"(e) ASSESSMENT OF PENALTIES.—Whoever violates subsection (b) of this section shall be liable to the United States for civil penalties in a monetary amount up to the value of the cargo, or the actual cost of the transportation, whichever is greater.

"(f) SEIZURE OF UNDOCUMENTED CARGO.—

"(1) Any cargo that is not properly documented pursuant to this section and has remained in the marine terminal for more than 48 hours after being delivered to the marine terminal operator shall be subject to search, seizure, and forfeiture.

"(2) The shipper of any such cargo is liable to the marine terminal operator and to the ocean carrier for demurrage and other applicable charges for any undocumented cargo which has been notified to or searched or seized by the Customs Service for the entire period the cargo remains under the order and direction of the Customs Service. The marine terminal operator and the ocean carrier shall have a lien on the cargo for the amount of the demurrage and other charges.

"(g) EFFECT ON OTHER PROVISIONS.—Nothing in this section shall be construed, interpreted, or applied to relieve or excuse any party from compliance with any obligation or requirement arising under any other law, regulation, or order with regard to the documentation or carriage of cargo.".

(c) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930, as amended by subsection (b), is further amended by inserting after section 431A the following new section:

"SEC. 431B. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR CARRIERS.

"(a) IN GENERAL.—For each person arriving or departing on an air or land carrier or vessel required to make entry or obtain clearance under the customs laws of the United States, the pilot, master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission manifest information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

"(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person:

"(1) Full name.

"(2) Date of birth and citizenship.

"(3) Gender.

"(4) Passport number and country of issuance.

"(5) United States visa number or resident alien card number, as applicable.

"(6) Passenger name record.

"(7) Such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.".

(d) DEFINITION.—Section 401 of the Tariff Act of 1930 is amended by adding at the end the following new subsections:

"(t) LAND, AIR, AND VESSEL CARRIER.—The terms 'land carrier', 'air carrier', and 'vessel carrier' mean a carrier that transports by land, air, or water, respectively, goods or passengers for payment or other consideration, including money or services rendered.

"(u) VESSEL COMMON CARRIER.—The term 'vessel common carrier' has the meaning given the term 'ocean common carrier' in section 3(16) of the Shipping Act of 1984 (46 U.S.C. App. 1702(16)) and the term 'common carrier by water in interstate commerce' as defined in section 1 of the Shipping Act, 1916 (46 U.S.C. App. 801).".

(e) OTHER REQUIREMENTS FOR IMPROVED REPORTING PROCEDURES.—In addition to the promulgation of manifesting information, the United States Customs Service shall improve reporting of goods arriving at United States ports—

(1) by promulgating regulations to require, notwithstanding sections 552 and 553 of the Tariff Act of 1930 (19 U.S.C. 1552 and 1553), at such times as Customs may require prior to the arrival of an in-bond movement of goods at the initial port of unlading, that—

(A) information shall be filed electronically identifying the consignor, consignee, country of origin, and the Harmonized Tariff Schedule of the United States 6-digit classification of the goods; and

(B) such information shall be to the best of the filer's knowledge, and shall not be considered the entry for the goods under section 484 of that Act (19 U.S.C. 1484) or subject to section 592 or 595a of that Act (19 U.S.C. 1592 or 1595a); and

(2) by distributing the information reported under the regulations promulgated under paragraph (1) or section 431(b)(2), 431A, or 431B of the Tariff Act of 1930 on a real-

time basis to any Federal, State, or local government agency that has a regulatory or law-enforcement interest in the goods.

(f) EFFECTIVE DATE.—The amendments made by subsections (a) through (d) of this section shall take effect 45 days after the date of enactment of this Act.

(g) PILOT PROGRAM FOR PRECLEARING INBOUND SHIPMENTS OF WATERBORNE CARGO.—

(1) IN GENERAL.—If the Commissioner of Customs determines that information from a pilot program for inspecting, monitoring, tracking, and preclearing inbound shipments of waterborne cargo would improve the security and safety of ports, the Commissioner may develop and implement such a pilot program.

(2) PROGRAM CHARACTERISTICS.—

(A) IN GENERAL.—Any such pilot program shall—

(i) take into account, and may be organized on the basis of, prearrival information that commercial vessels entering the territorial waters of the United States or destined for United States ports are required to transmit under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) and the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.); and

(ii) be designed to meet the requirements of United States customs laws and other laws regulating the importation of goods into the United States and to accommodate mechanisms for the collection of applicable duties upon entry or removal from warehouse of such goods.

(B) CUSTOMS CLEARANCE WAIVER.—The Commissioner may grant a waiver of any United States Customs Service post-arrival clearance requirement for goods inspected, monitored for security and integrity in transit, tracked, and precleared under any such pilot program.

(3) CONSULTATION WITH OTHER INTERESTED AGENCIES.—In developing and implementing a pilot program under paragraph (1) the Commissioner of Customs shall consult with representatives of other Federal agencies with responsibilities related to the entry of commercial goods into the United States to ensure that those agencies' missions are not compromised by the preclearance.

(4) PILOT PROGRAM TO BE TESTED AT MULTIPLE PORTS.—Any such pilot program developed and implemented by the Commissioner may be conducted at several different ports in a manner that permits analysis and evaluation of different technologies and takes into account different kinds of goods and ports with different harbor, infrastructure, climatic, geographical, and other characteristics.

(5) REPORT TO THE CONGRESS.—Within a year after a pilot program is implemented under paragraph (1), the Commissioner of Customs shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(A) evaluates the pilot program and its components;

(B) states the Commissioner's view as to whether any procedure, system, or technology evaluated as part of the program offers a higher level of security than requiring imported goods to clear customs under existing procedures;

(C) states the Commissioner's view as to the integrity of the procedures, technology, or systems evaluated as part of the pilot program;

(D) makes a recommendation with respect to whether the pilot program, or any procedure, system, or technology should be incorporated in a nationwide system for preclearance of imports of waterborne goods;

(E) describes the impact of the pilot program on staffing levels at the Customs Service and the potential effect full implementation of the program on a nationwide basis would have on Customs Service staffing level; and

(F) states the Commissioner's views as to whether there is a method by which the United States could validate foreign ports so that cargo from those ports is preapproved for United States Custom Service purposes on arrival at United States ports.

SEC. 116. PREARRIVAL MESSAGES FROM VESSELS DESTINED TO UNITED STATES PORTS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended—

(1) by striking "environment" in section 2(a) (33 U.S.C. 1221(a)) and inserting "environment, and the safety and security of United States ports and waterways,";

(2) by striking paragraph (5) of section 4(a) (33 U.S.C. 1223(a)) and inserting the following:

"(5) require—

"(A) the receipt of pre-arrival messages from any vessel destined for a port or place subject to the jurisdiction of the United States;

"(B) the message to include any information the Secretary determines to be necessary for the control of the vessel and the safety and security of the port, waterways, facilities, vessels, and marine environment; and

"(C) the message to be transmitted in electronic form, or otherwise as determined by the Secretary, in sufficient time to permit review before the vessel's entry into port, and deny port entry to any vessel that fails to comply with the requirements of this paragraph.";

(3) by striking "environment" in section 5(a) (33 U.S.C. 1224(a)) and inserting "environment, and the safety and security of United States ports and waterways,"; and

(4) by adding at the end of section 5 (33 U.S.C. 1224) the following:

"Nothing in this section interferes with the Secretary's authority to require information under section 4(a)(5) before a vessel's arrival in a port or place subject to the jurisdiction of the United States.".

SEC. 117. MARITIME SAFETY AND SECURITY TEAMS.

(a) IN GENERAL.—To enhance the domestic maritime security capability of the United States, the Secretary shall establish such maritime safety and security teams as are needed to safeguard the public and protect vessels, harbors, ports, waterfront facilities, and cargo in waters subject to the jurisdiction of the United States from destruction, loss or injury from crime, or sabotage due to terrorist activity, and to respond to such activity in accordance with security plans developed under section 7 of the Ports and Waterways Safety Act (33 U.S.C. 2116).

(b) MISSION.—Each maritime safety and security team shall be trained, equipped and capable of being employed to—

(1) deter, protect against, and rapidly respond to threats of maritime terrorism;

(2) enforce moving or fixed safety or security zones established pursuant to law;

(3) conduct high speed intercepts;

(4) board, search, and seize any article or thing on a vessel or waterfront facility found to present a risk to the vessel, facility or port;

(5) rapidly deploy to supplement United States armed forces domestically or overseas;

(6) respond to criminal or terrorist acts within the port so as to minimize, insofar as possible, the disruption caused by such acts;

(7) assist with port vulnerability assessments required under this Act; and

(8) carry out other such missions as are assigned to it in support of the goals of this Act.

(c) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.

SEC. 118. RESEARCH AND DEVELOPMENT FOR CRIME AND TERRORISM PREVENTION AND DETECTION TECHNOLOGY.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Committee, shall establish a grant program to fund eligible projects for the development, testing, and transfer of technology to enhance security at United States ports with respect to security risks, including—

(A) explosives or firearms;

(B) weapons of mass destruction;

(C) chemical and biological weapons;

(D) drug and illegal alien smuggling;

(E) trade fraud; and

(F) other criminal activity.

(2) MATCHING FUNDS REQUIRED.—The maximum amount of any grant of funds made available under the program to a participant other than a department or agency of the United States for a technology development project may not exceed 75 percent of costs of that project.

(b) ELIGIBLE PROJECTS.—A project is eligible for a grant under subsection (a) if it is for the construction, acquisition, testing, or deployment of surveillance equipment and technology capable of preventing or detecting terrorist or other criminal activity as determined by the Secretary.

(c) ANNUAL ACCOUNTING; DISSEMINATION OF INFORMATION.—The Secretary shall submit an annual summary of grants under subsection (a), together with a general description of the tests and any technology transfers under the program, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 2002 through 2006, such sums to remain available until expended.

SEC. 119. EXTENSION OF SEAWARD JURISDICTION.

(a) DEFINITION OF TERRITORIAL WATERS.—Section 1 of title XIII of the Act of June 15, 1917 (50 U.S.C. 195) is amended—

(1) by striking "The term 'United States' as used in this Act includes" and inserting the following:

"In this Act:

"(a) UNITED STATES.—The term 'United States' includes"; and

(2) by adding at the end the following:

"(b) TERRITORIAL WATERS.—The term "territorial waters of the United States" includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

(b) CIVIL PENALTY FOR VIOLATION OF ACT OF JUNE 15, 1917.—Section 2 of title II of the Act of June 15, 1917 (50 U.S.C. 192), is amended—

(1) by striking "IMPRISONMENT" in the section heading and inserting "IMPRISONMENT; CIVIL PENALTIES";

(2) by inserting "(a) IN GENERAL.—" before "If" in the first undesignated paragraph;

(3) by striking "(a) If any other" and inserting "(b) APPLICATION TO OTHERS.—If any other"; and

(4) by adding at the end the following:

"(c) CIVIL PENALTY.—

"(1) IMPOSITION.—A person who is found, after notice and an opportunity for a hearing, to have violated any rule, regulation or order issued under this Act, or found to have knowingly obstructed or interfered with the exercise of any power conferred by this Act, shall be liable to the United States for a civil penalty, not to exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary's designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

"(2) COMPROMISE, ETC.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection.

"(3) COLLECTION.—If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.".

SEC. 120. SUSPENSION OF LIMITATION ON STRENGTH OF COAST GUARD.

(a) PERSONNEL END STRENGTHS.—Section 661(a) of title 14, United States Code, is amended by adding at the end the following: "If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength and grade distribution limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.".

(b) OFFICERS IN COAST GUARD RESERVE.—Section 724 of title 14, United States Code, is amended by adding at the end thereof the following:

"(c) DEFERRAL OF LIMITATION.—If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength and grade distribution limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard Reserve, for a period not to exceed 6 months after the end of the war or termination of the national emergency.".

SEC. 121. ADDITIONAL REPORTS.

(a) ADDITIONAL SECURITY NEEDS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the need for any additional security requirements or measures under this title in order to provide for national security and protect the flow of commerce.

(b) ANNUAL STATUS REPORT TO CONGRESS.—

(1) IN GENERAL.—Notwithstanding section 7(c) of the Ports and Waterways Safety Act (33 U.S.C. 1226(c)), the Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of port security in a form that does not compromise, or present a threat to the disclosure of security-sensitive information about, the port security vulnerability assessments conducted under this Act. The report may include recommendations for further improvements in port security measures and for any additional enforcement measures necessary to ensure compliance with the port security plan requirements of this title.

(2) SPECIFIC PORT EVALUATION.—The Secretary shall select a port for the purpose of evaluating security plans and enhancements and, in the first annual report under this subsection, the Secretary shall report on the progress and enhancements of security plans at that port and on how this Act has improved security at that port. The Secretary shall provide annual updates for that port in subsequent annual reports.

(c) ANNUAL REPORT ON MARITIME SECURITY AND TERRORISM.—Section 905 of the International Maritime and Port Security Act (46 U.S.C. App. 1802) is amended by adding at the end thereof the following: "Beginning with the first report submitted under this section after the date of enactment of the Port and Maritime Security Act of 2001, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on port security against acts of terrorism.".

(d) ANNUAL REPORT OF EXPENDITURE OF FUNDS FOR TRAINING OF MARITIME SECURITY PROFESSIONALS.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the development of training and certification programs under section 111 of this title.

(e) ACCOUNTING.—The Commissioner of Customs shall submit a report for each of fiscal years 2002 through 2006 to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of funds appropriated pursuant to section 113 of this title.

(f) REPORT ON TRAINING CENTER.—The Commandant of the United States Coast Guard, in conjunction with the Secretary of the Navy, shall submit to Congress a report, at the time they submit their fiscal year 2004 budget, on the life cycle costs and benefits of creating a Center for Coastal and Maritime Security. The purpose of the Center would be to provide an integrated training complex to prevent and mitigate terrorist threats against coastal and maritime assets of the United States, including ports, harbors, ships, dams, reservoirs, and transport nodes.

SEC. 122. 4-YEAR REAUTHORIZATION OF TONNAGE DUTIES.

(a) IN GENERAL.—

(1) EXTENSION OF DUTIES.—Section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121), is amended by striking "through 2002," each place it appears and inserting "through 2006,".

(2) CONFORMING AMENDMENT.—The Act entitled "An Act concerning tonnage duties on vessels entering otherwise than by sea", approved March 8, 1910 (36 Stat 234; 46 U.S.C. App. 132), is amended by striking "through 2002," and inserting "through 2006,".

(b) AVAILABILITY OF FUNDS.—Amounts deposited in the general fund of the Treasury as receipts of tonnage charges collected as a result of the amendments made by subsection (a) shall be made available, only to the extent provided in advance in appropriations Act, in each of fiscal years 2003 through 2006 to carry out this title, as provided in sections 102(b), 103(b), 104(b), 110(f), 111(c), 112(a) and 114(b) of this title.

(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, duties collected under section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121) as amended by subsection (a)(1) of this section—

(1) shall be credited as offsetting collections to the account that finances the activities and services authorized by sections 110, 112, and 114 of this Act, section 7(d), (e), and (f) of the Ports and Waterways Safety Act (33 U.S.C. 2116(d), (e), and (f)) (as added by sections 102, 103, and 104 of this Act), and sections 1401 and 1402 of the Merchant Marine Act, 1936 (as added by section 111 of this Act);

(2) shall be available for expenditure only to pay the costs of such activities and services; and

(3) shall remain available until expended.

(c) LIMITATION; DEPOSIT OF FEES.—No amounts may be collected under section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121) as amended by subsection (a)(1) of this section, or credited as provided by subsection (b), except to the extent provided in advance in appropriations Acts. Such amounts shall be used in each of fiscal years 2003 through 2006 as provided in sections 102(b), 103(b), 104(b), 110(f), 111(c), 112(a) and 114(b) of this title.

SEC. 123. DEFINITIONS.

In this title:

(1) CAPTAIN-OF-THE-PORT.—The term "Captain-of-the-Port" means the United States Coast Guard's Captain-of-the-Port.

(2) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Transportation.

(4) ADVISORY COMMITTEE.—The term "Advisory Committee" means the National Maritime Security Advisory Committee established under section 7(d) of the Ports and Waterways Safety Act (33 U.S.C. 1226(d)).

(5) MARINE TERMINAL OPERATOR.—The term "marine terminal operator" has the meaning given that term in section 1702(14) of title 46, United States Code.

TITLE II—ADDITIONAL MARITIME SAFETY AND SECURITY RELATED MEASURES

SEC. 201. EXTENSION OF DEEPWATER PORT ACT TO NATURAL GAS.

The following provisions of the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) are each amended by inserting "or natural gas" after "oil" each place it appears:

(1) Section 2(a) (33 U.S.C. 1501(a)).

(2) Section 3(9) (33 U.S.C. 1502(9)).

(3) Section 4(a) (33 U.S.C. 1503(a)).

(4) Section 5(c)(2)(G) and (H) (33 U.S.C. 1504(c)(2)(G) and (H)).

(5) Section 5(i)(2)(B) (33 U.S.C. 1504(i)(2)(B)).

(6) Section 5(i)(3)(C) (33 U.S.C. 1504 (i)(3)(C)).

(7) Section 8 (33 U.S.C. 1507).

(8) Section 21(a) (33 U.S.C. 1520(a)).

SEC. 202. ASSIGNMENT OF COAST GUARD PERSONNEL AS SEA MARSHALS AND ENHANCED USE OF OTHER SECURITY PERSONNEL.

(a) IN GENERAL.—Section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)) is amended—

(1) by striking "and" after the semicolon in paragraph (1);

(2) by striking "terrorism." in paragraph (2) and inserting "terrorism;" and

(3) by adding at the end the following:

"(3) dispatch properly trained and qualified armed Coast Guard personnel aboard government, private, and commercial structures and vessels to deter, prevent, or respond to acts of terrorism or otherwise provide for the safety and security of the port, waterways, facilities, marine environment, and personnel; and

"(4) require the owner and operator of a commercial structure or the owner, operator, charterer, master, or person in charge of a vessel to provide the appropriate level of security as necessary, including armed security.".

(b) REPORT ON USE OF NON-COAST GUARD PERSONNEL.—The Secretary of the department in which the Coast Guard is operating shall evaluate and report to the Congress on—

(1) the potential use of Federal, State, or local government personnel, and documented United States Merchant Marine personnel, to supplement Coast Guard personnel under section 7(b)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)(3));

(2) the possibility of using personnel other than Coast Guard personnel to carry out Coast Guard personnel functions under that section and whether additional legal authority would be necessary to use such personnel for such functions; and

(3) the possibility of utilizing the United States Merchant Marine Academy or State maritime academies to provide training carrying out duties under that section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating **$13,000,000** in each of the fiscal years 2002–2006 to carry out section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)), all such funds to remain available until expended.

SEC. 203. NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as amended by section 106 of this Act, is amended by adding at the end the following:

"(i) NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.—

"(1) IN GENERAL.—The Secretary, in consultation with appropriate Federal agencies, shall prepare and publish a National Maritime Transportation Security Plan for prevention and response to maritime crime and terrorism. The Secretary shall consult with the National Maritime Security Advisory Committee in preparation of the National Maritime Transportation Security Plan.

"(2) CONTENTS OF PLAN.—The Plan shall provide for efficient, coordinated, and effective action to prevent and respond to acts of maritime crime or terrorism, and shall include—

"(A) allocation of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) procedures and techniques to be employed in preventing and responding to acts of crime or terrorism;

"(D) establishment of procedures for effective liaison with State and local governments and emergency responders including law enforcement and fire response;

"(E) establishment of criteria and procedures to ensure immediate and effective Federal identification of, and response to, acts of maritime crime or terrorism, that result in a substantial threat to the welfare of the United States;

"(F) designation of a Federal official to be the Federal maritime security coordinator for each area for which an area maritime security plan is required to be prepared;

"(G) establishment of procedures for the coordination of activities of—

"(i) Coast Guard maritime safety and security teams established under this section;

"(ii) Federal maritime security coordinators;

"(iii) area maritime security committees;

"(iv) local port security committees; and

"(v) the National Maritime Security Advisory Committee.

"(3) REVISION AUTHORITY.—The Secretary may, from time to time, as the Secretary deems advisable, revise or otherwise amend the National Maritime Transportation Security Plan.

"(4) PLAN TO BE FOLLOWED.—After publication of the Plan, the planning and response to acts of maritime crime and terrorism shall, to the greatest extent possible, be in accordance with the Plan.

"(5) COPY TO THE CONGRESS.—The Secretary shall furnish a copy of the Plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.".

SEC. 204. AREA MARITIME SECURITY COMMITTEES AND AREA MARITIME SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as amended by section 203, is further amended by adding at the end the following:

"(j) AREA MARITIME SECURITY COMMITTEES AND AREA MARITIME SECURITY PLANS.—

"(1) IN GENERAL.—There is established for each area designated by the Secretary an area maritime security committee comprised of members appointed by the Secretary. The Secretary may designate any existing local port security committee as an area maritime security committee for the purposes of this subsection. The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to an area maritime security committee.

"(2) FUNCTION.—Each area maritime security committee, under the direction of the Federal maritime security coordinator for its area, shall—

"(A) prepare an area maritime security plan for its area; and

"(B) work with State and local officials to enhance the contingency planning of those officials and to assure pre-planning of joint response efforts, including appropriate procedures for prevention and response to acts of maritime crime or terrorism.

"(3) AREA MARITIME SECURITY PLAN REQUIREMENT.—Each area maritime security committee shall prepare an area maritime security plan for its area and submit it to the Secretary for approval. The area maritime security plan shall—

"(A) when implemented in conjunction with the national maritime transportation security plan, be adequate to prevent or rapidly and effectively respond to an act of maritime crime or terrorism in or near the area;

"(B) describe the area covered by the plan, including the areas of population or special economic, environmental or national security importance that might be damaged by an act of maritime crime or terrorism;

"(C) describe in detail how the plan is integrated with other area maritime security plans, facility security plans, and vessel security plans under this section;

"(D) include any other information the Secretary requires; and

"(E) be updated periodically by the area maritime security committee.

"(4) REVIEW BY SECRETARY.—The Secretary shall—

"(A) review and approve area maritime security plans under this subsection; and

"(B) periodically review previously approved area maritime security plans.".

SEC. 205. VESSEL SECURITY PLANS.

(a) IN GENERAL.—Section 4(a) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)) is amended—

(1) by striking "and" after the semicolon in paragraph (4);

(2) by striking "environment." in paragraph (5) and inserting "environment; and"; and

(3) by adding at the end the following:

"(6) may issue regulations establishing requirements for vessel security plans and programs for vessels calling on United States ports.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating **$2,000,000** for each of fiscal years 2002 through 2006 to carry out section 4(a)(6) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(6)), such sums to remain available until expended.

SEC. 206. PROTECTION OF SECURITY-RELATED INFORMATION.

Section 7(c) of the Ports and Waterways Safety Act (33 U.S.C. 1226(c)) is amended to read as follows:

"(c) NONDISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, information developed under this section, and vessel security plan information developed under section 4(a)(6) of this Act (33 USC 1223(a)(6)), is not required to be disclosed to the public. This includes information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act, and any other information, including maritime facility security plans, vessel security plans and port vulnerability assessments.".

SEC. 207. ENHANCED CARGO IDENTIFICATION AND TRACKING.

(a) TRACKING PROGRAM.—The Secretaries of the Treasury and Transportation shall establish a joint task force to work with ocean shippers and ocean carriers in the development of performance standards for systems to track data for shipments, containers, and contents—

(1) to improve the capacity of shippers and others to limit cargo theft and tampering; and

(2) to track the movement of cargo, through the Global Positioning System or other systems, within the United States, particularly for in-bond shipments.

(b) PERFORMANCE STANDARDS FOR ANTI-TAMPERING DEVICES.—The Secretaries of the Treasury and Transportation shall work with the National Institutes of Standards and Technology to develop enhanced performance standards for in-bond seals and locks for use on or in containers used for water-borne cargo shipments.

SEC. 208. ENHANCED CREWMEMBER IDENTIFICATION.

The Secretary of Transportation, in consultation with the Attorney General, may require crewmembers aboard vessels calling on United States ports to carry and present upon demand such identification as the Secretary determines.

MOTION OFFERED BY MR. LOBIONDO

Mr. LoBIONDO. Madam Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. LoBiondo moves that that House strike all after the enacting clause of S. 1214, and insert the text of the bill H.R. 3983, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3983) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1214, PORT AND MARITIME SECURITY ACT OF 2001

Mr. LoBIONDO. Madam Speaker, I ask unanimous consent that the House insist on its amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. Young of Alaska, Kolbe, LoBiondo, Oberstar and Ms. Brown of Florida.

From the Committee on Ways and Means, for consideration of sections 112 and 115 of the Senate bill, and section 108 of the House amendment, and modifications committed to conference: Messrs. Thomas, Crane and Rangel.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. Osborne). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

13TH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Pelosi) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, today we mark the 13th anniversary of one of this century's most brutal attempts to silence the voices of freedom and liberty. Thirteen years ago today, the Chinese regime shocked the world as it rolled out the tanks and crushed the pro-democracy movement taking shape in Tiananmen Square.

The authoritarian leaders of China still do not acknowledge the massacre of those brave young souls. We have not forgotten those who lost their lives for the cause of freedom. We must not forget those who are still imprisoned. Imagine that, people are still in prison 13 years later for speaking out for freedom. They have lost their liberty and the pursuit of basic human rights.

Today, we renew our call for the Chinese Government to acknowledge the massacre, free all of those who are in prison because of peaceful expression of their political and religious beliefs.

China must also allow the return and free expression of those who have been forced into exile. Mr. Speaker, in China if one speaks out for freedom, they are either imprisoned or in exile. One of those imprisoned, Wenli, founder of the China Democracy Party, is serving a 13-year sentence in a Chinese prison. Mr. Xu is one of China's bravest, most eloquent and most measured advocates of democracy. He is not calling for the downfall of the Communist Party; he is just asking for the establishment of a democratic party in China. Yet he remains behind bars, despite being gravely ill from hepatitis contracted in prison.

Mr. Speaker, the brave men and women who demonstrated for democracy in Tiananmen Square are the legitimate heirs to the legacy of our Founding Fathers. They quoted Thomas Jefferson. They built a monument fashioned after our Statue of Liberty. They looked to the United States as a beacon of hope and freedom. We looked, and still look, to them for their courage, their idealism, and their dedication to the establishment of basic human rights.

The spirit of Tiananmen Square lives on. The seeds of democracy sown in 1989 have taken root, and they will inevitably burst forth in full flowering. I really wish that we could help them.

In 1989, when many of us were concerned about the plight of those who were killed or arrested at the time of Tiananmen Square and a couple of years after that, we tried to have the U.S. weigh in. We were told at the time that we could not weigh in in favor of human rights because trade was going to improve human rights in China. Part of our complaint was indeed China's blocking of our products going into China.

At that time, the trade deficit with China was about $2 billion a year. We thought that gave us great leverage to free the prisoners. Today, it is nearly $2 billion a week. So for all of those who said trade was going to improve human rights in China, sadly it has not; but we really have given away the store when it comes to trade with China because they have now a nearly $100 billion trade deficit. Think of the leverage that would have given us.

In addition to that, one of our other concerns was China's proliferation of weapons of mass destruction. Our main concern was China's proliferation of nuclear technology to Pakistan and China's transfer of missile technology for the delivery of such a weapon to Pakistan. The administration, Democrats and Republicans alike, told us that China was going to be helpful in defusing the nuclear issue in south Asia; but, indeed, that was not the case.

Indeed, China helped build Pakistan's nuclear program. China has contributed to the explosive situation that exists in south Asia today; but at the time when we were asking for the U.S. to use its leverage to promote democratic values, to promote our exports by having fair trade policy and to use our leverage to stop China's proliferation of weapons of mass destruction, we were told that the status quo would make everything right. Certainly it has not.

I want to get back to those who are in prison, some still because of Tiananmen Square and others for their activities since. As we look to those people in China and we talk about the promotion of democratic values being a pillar of our foreign policy, they have to wonder what it means about being a pillar of our foreign policy when it comes to China. I know that there are many people in our country who, despite the policy of our government, still believe that we are a great country and that we want to promote democratic values.

Mr. Speaker, I wish I could tell my colleagues human rights in China have gotten better since 1989, but the sad fact is they have not. According to our own State Department report, authorities are still quick to suppress any person or group, whether religious, political or social, that they perceive to be a threat to government or to national stability, that is what they always say; and the citizens who sought to express openly dissenting political and religious views continue to live in an environment filled with repression.

Mr. Speaker, I just want to tell my colleagues that, call attention of our colleagues, to the lone man before the tank. The world will long remember the lone man before the tank, but I want to say here tonight that as much as the Chinese authorities may say to those in prison that they have not been forgotten, we know that in the Congress of the United States and that this country of ours, those prisoners are long remembered, and they are remembered by name, and we will mention those names as long as they are being repressed by the Chinese regime.

□ 1915

So again, Mr. Speaker, I am thankful for the opportunity to observe the June 4 massacre in China.

JUNE 13 HEARING ON FILIPINO WORLD WAR II VETERANS' BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I want to remind the Members of this House that on Thursday, June 13, at 3 p.m. in the afternoon, there will be a hearing before the Subcommittee on Health of the Committee on Veterans' Affairs, conducted by the honorable gentleman from Kansas (Mr. MORAN), who happens to be in the room tonight, who is the chairman of that subcommittee, on the issue of health care for Filipino World War II veterans within the Department of Veterans Affairs.

This is not a normal hearing, Mr. Speaker, but it is the culmination of almost 60 years, 60 years, of a struggle for justice and honor. During World War II, the brave Filipino soldiers were drafted into our Armed Forces by President Franklin Roosevelt. After being called into service, the soldiers served side by side with forces from the United States mainland, exhibited great courage at the epic battles of Bataan and Corregidor, and were instrumental in contributing to the successful outcome of the war. They held up the Japanese advance far beyond their calendar so we were able to prepare and harass the Japanese with guerrilla warfare during the whole time of the Japanese occupation. And what did we do after we won the war in the Pacific and in Europe? We unceremoniously deprived these soldiers of the veterans' benefits due them by the Congressional Rescissions Act passed in 1946.

Whereas there was almost a quarter of a million soldiers involved in that war from the Philippines, today there are only 60,000 who are still alive. Their last wish, Mr. Speaker, is to have the honor and dignity of being recognized by the United States as a veteran of World War II.

At this hearing on Thursday, June 13, literally a living American history will be presented to the American public. We will have testimony, both oral and written, from Filipino World War II veterans, some of whom are survivors of the infamous Death March of Bataan. We will hear testimony from Filipino veterans' organizations and from veterans' service organizations, like the American Legion, the Vietnam Veterans of America, and the Disabled American Veterans. The ambassador from the Philippines, the Honorable Albert Del Rosario, will be a witness, as will several Members of Congress from both sides of the aisle.

A special guest witness will be Lou Diamond Phillips, born in the Philippines, and an international star, with roles in movies, television and theater. Phillips is most well-known for his role in "La Bamba," for which he received great critical acclaim. He has also starred in "Stand and Deliver," "Young Guns," and "Courage Under Fire." We welcome him and all the others who will be testifying to the need to provide Filipino World War II veterans with the recognition that is their due.

Mr. Speaker, let us recognize the bravery and gallantry of Filipino veterans. Let us give them equity, because their bravery helped us win World War II.

Mr. Speaker, I thank the chairman of the Subcommittee on Health of the Committee on Veterans' Affairs, the gentleman from Kansas (Mr. MORAN), for having this hearing, and I invite all the Members of this House to attend the historic June 13 meeting.

FORT HAYS STATE UNIVERSITY CELEBRATES CENTENNIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, first of all, I commend the gentleman from California (Mr. FILNER) for his long-term commitment and his firm dedication to the recognition of the veterans of the Philippines and look forward to that June 13 hearing in which we hope to address the issues that the gentleman from California has fought to have addressed in this Congress.

Mr. Speaker, tonight we are approaching a significant event in the history of my State and in my hometown community. Later this month, Fort Hays State University, located in Hays, Kansas, will celebrate its centennial. I wish to recognize this milestone and honor those who have contributed to the university's success over the past century.

One hundred years ago, 34 students and two faculty members gathered on the grounds of an abandoned military post to undertake an endeavor that would have consequences for generations to come. Unaware of the historical significance of their meeting, or the thousands of students that would follow in their footsteps, these early Kansans met to form the first class of what today is known as Fort Hays State University.

Years before this first class met, industrious Kansans committed themselves to the idea of transforming the former frontier fort into an educational institution. This required the passage of legislation, which was introduced by the Kansas congressional delegation and signed into law by President William McKinley, which then transferred the ownership of the former military post to the State of Kansas and paved the way for the birth of this university.

From these simple beginnings, the university has flourished, growing to 6,000 students and 300 faculty members. Today, students learn and live in a technology-rich environment that retains a heritage of close and collegial relationships. They come to the university for a multitude of reasons, but none more compelling than the university's reputation for academic excellence and a caring faculty and staff.

Throughout the university's history, students and faculty have distinguished themselves through academic achievement. This year, students claimed national championships in debate and financial planning competitions. The university is also home to one of the most successful intercollegiate athletic programs of any school its size, boasting numerous all-American athletes and national championships.

Culturally, Fort Hays State University serves the region by offering an array of fine and performing arts and is home to the nationally renowned Sternberg Museum of Natural History.

For the past century, graduates have served the needs of Kansas, as well as influenced the Nation and the world through significant achievements, compassion, and dedication. The university has improved the lives of many by enlightening minds, serving, in the words of former University President Rarick, as a lighthouse to the people of the Great Plains.

As Fort Hays State University begins its second hundred years, I am confident that it will continue to produce graduates who, like its founders, will help society achieve its best in Kansas and beyond. Congratulations, Fort Hays State University.

TRADING AWAY OUR FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for five minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight to highlight the flaws in the Bush administration's trade policy, a plan to trade away even more of America's jobs, our national security, and even our sovereignty.

Word came today that the administration will once again try to bring back to this House an irresponsible fast track bill and seek its passage. This proposal obviously is not the road to a prosperous future for working families in our country, because throughout our country we see the fruits of NAFTA: Closed factories, a jobless recovery, and downward pressure on wages.

From Iowa to New Hampshire to the Carolinas and everywhere in between, NAFTA has killed thousands of jobs and left working families without hope. For a multinational corporation with the ability to move production to low-wage countries like Mexico and China, NAFTA and fast track are made to order. For a textile worker in the Carolinas, a farmer in Florida or California, or an auto worker in the Great Lakes, NAFTA and fast track can spell disaster.

NAFTA passed almost eight years ago. Ask any American worker standing in an unemployment line, "How has NAFTA affected you?" It has been almost two years since Congress passed permanent normal trade relations with China. Ask any American worker standing in an unemployment line, "How has trade with China affected you?" The answer to both questions is the same: More layoffs, more factory shutdowns, and more plants being moved to China and Mexico.

If the fast track conference bill passes the House, President Bush will push Congress to pass a whole new NAFTA: NAFTA for the Americas. Basically this would mean a free trade region encompassing 34 nations in our hemisphere. To the produce-producing States like Florida and California, instead of just Mexico they will have to face an onslaught from more countries, 31 to be exact, with low wages and no environmental regulations. To our beef producers, imagine beef from Argentina imported tariff-free. Grains, citrus fruits, cut flowers, and just about every other good available in the world will be flooding our markets tariff-free.

The Founding Fathers gave Congress the power to regulate all international commerce. It is right in our Constitution. Some of our colleagues on the other side of the aisle may not know this, or worse, may not care. Our constituents did not send us here to sign over our constitutional duties to the executive branch. That is not why we were elected. They elected us to represent their interests, not only those of multinational corporations hoping to report another penny or two on their quarterly profits at the expense of America's workers.

Pick up a paper in just about any city on any given day and the report reads, "IBM to Cut 1,500 Jobs in Microelectronics Unit." Or how about this one: "Hewlett Packard CEO Carly Fiorina Sees 15,000 Job Cuts," or "Williamson-Dickie Becomes Latest Textile Employer to Close Factory." How will America defend herself without any manufacturing infrastructure? Do you really believe we should import the goods from China, Pakistan or Indonesia as substitutes for our own?

The other body fiercely debated something called Chapter 11 of the NAFTA agreement as it considered its bill. That little clause would allow a corporation from another country to sue a city, a State, or even the United States Government in an attempt to undermine our environmental, food safety, and consumer protection laws.

Take the case of a Canadian company that recently sued the State of California over a State environmental law. California banned MTBE because it was contaminating groundwater. Federalism at work; right? Not under NAFTA. Using chapter 11, the Canadian company sued the State. Not in court, but before a secret NAFTA tribunal, claiming the law was trade-restrictive.

If we cannot protect our own health and safety, we give our rights to multinational corporations. What kind of sovereignty is that? It is ridiculous that the Bush administration wants to give more power to just a few foreign companies and ignore our local communities. What kind of a trade policy is it that leads to more unemployment, more pollution, and a deterioration of our constitutional rights of sovereignty?

I would ask my colleagues to say no to more fast tracks, say no to NAFTA for the Americas, say yes to a future for working families and jobs in our own communities.

PUBLICATION OF THE RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE—107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for five minutes.

Mr. GOSS. Mr. Speaker, pursuant to clause 2(a)(2) of Rule XI of the Rules of the House of Representatives, I hereby submit the rules of the Permanent Select Committee on Intelligence for the 107th Congress for publication in the CONGRESSIONAL RECORD.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

1. SUBCOMMITTEES

(a) Generally.

(1) Creation of subcommittees shall be by majority vote of the Committee.

(2) Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct.

(3) Subcommittees shall be governed by these rules.

For purposes of these rules, any reference herein to the "Committee" shall be interpreted to include subcommittees and the working group, unless otherwise specifically provided.

(b) Establishment of Subcommittees.

The Committee establishes the following subcommittees:

(1) Subcommittee on Human intelligence, Analysis, and Counterintelligence;

(2) Subcommittee on Technical and Tactical Intelligence;

(3) Subcommittee on Intelligence Policy and National Security; and,

(4) Subcommittee on Terrorism and Homeland Security.

For purposes of these rules, any reference herein to the "Committee" shall be interpreted to include subcommittees, unless otherwise specifically provided.

(d) Subcommittee Membership.

(1) Generally. Each Member of the Committee may be assigned to at least one of the four subcommittees.

(2) Ex Officio Membership. In the event that the Chairman and Ranking Minority Member of the full Committee do not choose to sit as regular voting members of one or more of the subcommittees, each is authorized to sit as an ex officio Member of the subcommittees and participate in the work of the subcommittees. When sitting *ex officio*, however, they—

(A) shall not have a vote in the subcommittees; and

(B) shall not be counted for purposes of determining a quorum.

2. MEETING DAY

(a) Regular Meeting Day for the Full Committee.

(1) Generally. The regular meeting day of the Committee for the transaction of Committee business shall be the first Wednesday of each month, unless otherwise directed by the Chairman.

(2) Notice Required. Such regular business meetings shall not occur, unless Members are provided reasonable notice under these rules.

(b) Regular Meeting Day for Subcommittees.

There is no regular meeting day for subcommittees.

3. NOTICE OF MEETINGS

(a) Generally.

In the case of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every Member of the Committee. Such notice shall provide the time and place of the meeting.

(b) Definition.

For purposes of this rule, "reasonable notice" means:

(1) written notification;

(2) delivered by facsimile transmission or regular mail, which is

(A) delivered no less than 24 hours prior to the event for which notice is being given, if the event is to be held in Washington, DC; or

(B) delivered no less than 48 hours prior to the event for which notice is being given, if the event is to be held outside Washington, DC.

(C) Exception.

In extraordinary circumstances only, the Chairman may, after consulting with the Ranking Minority Member, call a meeting of the Committee without providing notice, as defined in subparagraph (b), to Members of the Committee.

4. PREPARATIONS FOR COMMITTEE MEETINGS

(a) Generally.

Designated Committee Staff, as directed by the Chairman, shall brief Members of the Committee at a time sufficiently prior to any Committee meeting in order to:

(1) assist Committee Members in preparation for such meeting; and

(2) determine which matters Members wish considered during any meeting.

(b) Briefing Materials.

(1) Such a briefing shall, at the request of a Member, include a list of all pertinent papers, and such other materials, that have been obtained by the Committee that bear on matters to be considered at the meeting; and

(2) The staff director shall also recommend to the Chairman any testimony, papers, or other materials to be presented to the Committee at any meeting of the Committee.

5. OPEN MEETINGS

(a) Generally.

Pursuant to Rule XI of the House, but subject to the limitations of subsection (b), Committee meetings held for the transaction of business, and Committee hearings, shall be open to the public.

(b) Exceptions.

Any meeting or portion thereof, for the transaction of business, including the markup of legislation, or any hearing or portion thereof, shall be closed to the public, if:

(1) the Committee determines by record vote, in open session with a majority of the Committee present, that disclosure of the matters to be discussed may:

(A) endanger national security;

(B) compromise sensitive law enforcement information;

(C) tend to defame, degrade, or incriminate any person; or

(D) otherwise violate any law or Rule of the House.

(2) Notwithstanding paragraph (1), a vote to close a Committee hearing, pursuant to this subsection and House Rule XI shall be taken in open session—

(A) with a majority of the Committee being present; or

(B) pursuant to House Rule X, clause 11(d)(2), regardless of whether a majority is present, so long as at least two Members of the Committee are present, one of whom is a member of the Minority, and votes upon the motion.

(c) Briefings.

All Committee briefings shall be closed to the public.

6. QUORUM

(a) Hearings.

For purposes of taking testimony, or receiving evidence, a quorum shall consist of two Committee Members.

(b) Other Committee Proceedings.

For purposes of the transaction of all other Committee business, other than the consideration of a motion to close a hearing as described in rule 5(b)(2)(B), a quorum shall consist of a majority of Members.

7. REPORTING RECORD VOTES

Whenever the Committee reports any measure or matter by record vote, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of, and the votes cast in opposition to, such measure or matter.

8. PROCEDURES FOR TAKING TESTIMONY OR RECEIVING EVIDENCE

(a) Notice.

Adequate notice shall be given to all witnesses appearing before the Committee.

(b) Oath or Affirmation.

The Chairman may require testimony of witnesses to be given under oath or affirmation.

(c) Administration of Oath or Affirmation.

Upon the determination that a witness shall testify under oath or affirmation, any Member of the Committee designated by the Chairman may administer the oath or affirmation.

(d) Interrogation of Witnesses.

(1) Generally. Interrogation of witnesses before the Committee shall be conducted by Members of the Committee.

(2) Exceptions.

(A) The Chairman, in consultation with the Ranking Minority Member, may determine that Committee Staff will be authorized to question witnesses at a hearing in accordance with clause (2)(j) of House Rule XI.

(B) The Chairman and Ranking Minority Member are each authorized to designate Committee Staff to conduct such questioning.

(e) Counsel for the Witness.

(1) Generally. Witnesses before the Committee may be accompanied by counsel, subject to the requirements of paragraph (2).

(2) Counsel Clearances Required. In the event that a meeting of the Committee has been closed because the subject to be discussed deals with classified information, counsel accompanying a witness before the Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present.

(3) Failure to Obtain Counsel. Any witness who is unable to obtain counsel should notify the Committee. If such notification occurs at least 24 hours prior to the witness' appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel, however, will not excuse the witness from appearing and testifying.

(4) Conduct of Counsel for Witnesses. Counsel for witnesses appearing before the Committee shall conduct themselves ethically and professionally at all times in their dealings with the Committee.

(A) A majority of Members of the Committee may, should circumstances warrant, find that counsel for a witness before the Committee failed to conduct himself or herself in an ethical or professional manner.

(B) Upon such finding, counsel may be subject to appropriate disciplinary action.

(5) Temporary Removal of Counsel. The Chairman may remove counsel during any proceeding before the Committee for failure to act in an ethical and professional manner.

(6) Committee Reversal. A majority of the Members of the Committee may vote to overturn the decision of the Chairman to remove counsel for a witness.

(7) Role of Counsel for Witness.

(A) Counsel for a witness:

(i) shall not be allowed to examine witnesses before the Committee, either directly or through cross-examination; but

(ii) may submit questions in writing to the Committee that counsel wishes propounded to a witness; or

(iii) may suggest, in writing to the Committee the presentation of other evidence or the calling of other witnesses.

(B) The Committee may make such use of any such questions, or suggestions, as the Committee deems appropriate.

(f) Statements by Witnesses.

(1) Generally. A witness may make a statement, which shall be brief and relevant, at the beginning and at the conclusion of the witness' testimony.

(2) Length. Each such statements shall not exceed five minutes in length, unless otherwise determined by the Chairman.

(3) Submission to the Committee. Any witness desiring to submit a written statement for the record of the proceedings shall submit a copy of the statement to the Chief Clerk of the Committee.

(A) Such statements shall ordinarily be submitted no less than 48 hours in advance of the witness' appearance before the Committee.

(B) In the event that the hearing was called with less than 24 hours notice, written statements should be submitted as soon as practicable prior to the hearing.

(g) Objections and Ruling.

(1) Generally. Any objection raised by a witness, or counsel for the witness, shall be ruled upon by the Chairman, and such ruling shall be the ruling of the Committee.

(2) Committee Action. A ruling by the Chairman may be overturned upon a majority vote of the Committee.

(h) Transcripts.

(1) Transcript Required. A transcript shall be made of the testimony of each witness appearing before the Committee during any hearing of the Committee.

(2) Opportunity to Inspect. Any witness testifying before the Committee shall be given a reasonable opportunity to inspect the transcript of the hearing, and may be accompanied by counsel to determine whether such testimony was correctly transcribed. Such counsel:

(A) shall have the appropriate clearance necessary to review any classified aspect of the transcript; and

(B) should, to the extent possible, be the same counsel that was present for such classified testimony.

(3) Corrections.

(A) Pursuant to Rule XI of the House Rules, any corrections the witness desires to make in a transcript shall be limited to technical, grammatical, and typographical.

(B) Corrections may not be made to change the substance of the testimony.

(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witness.

(D) Any questions arising with respect to such corrections shall be decided by the Chairman.

(4) Copy for the Witness. At the request of the witness, any portion of the witness' testimony given in executive session shall be made available to that witness if that testimony is subsequently quoted or intended to be made part of a public record. Such testimony shall be made available to the witness at the witness' expense.

(i) Requests to Testify.

(1) Generally. The Committee will consider requests to testify on any matter or measure pending before the Committee.

(2) Recommendations for Additional Evidence. Any person who believes that testimony, other evidence, or commentary, presented at a public hearing may tend to affect adversely that person's reputation may submit to the Committee, in writing:

(A) a request to appear personally before the Committee;

(B) a sworn statement of facts relevant to the testimony, evidence, or commentary; or

(C) proposed questions for the cross-examination of other witnesses.

(3) Committee's Discretion. The Committee may take those actions it deems appropriate with respect to such requests.

(j) Contempt Procedures. Citations for contempt of Congress shall be forwarded to the House, only if:

(1) reasonable notice is provided to all Members of the Committee of a meeting to be held to consider any such contempt recommendations;

(2) the Committee has met and considered the contempt allegations;

(3) the subject to the allegations was afforded an opportunity to state, either in writing or in person, why he or she should not be held in contempt; and

(4) the Committee agreed by majority vote to forward the citation recommendations to the House.

(k) Release of Name of Witness.

(1) Generally. At the request of a witness scheduled to be heard by the Committee, the name of that witness shall not be released publicly prior to, or after, the witness' appearance before the Committee.

(2) Exceptions. Notwithstanding paragraph (1), the Chairman may authorize the release to the public of the name of any witness scheduled to appear before the Committee.

9. INVESTIGATIONS

(a) Commencing Investigations.

(1) Generally. The Committee shall conduct investigations only if approved by the full Committee. An investigation may be initiated either:

(A) by a vote of the full Committee;

(B) at the direction of the Chairman of the full Committee, with notice to the Ranking Minority Member; or

(C) by written request of at least five Members of the full Committee, which is submitted to the Chairman.

(2) Full Committee Ratification Required. Any investigation initiated by the Chairman pursuant to paragraphs (B) and (C) must be brought to the attention of the full Committee for approval, at the next regular meeting of the full Committee.

(b) Conducting Investigations.

An authorized investigation may be conducted by Members of the Committee or Committee Staff members designated by the Chairman, in consultation with the Ranking Minority Member, to undertake any such investigation.

10. SUBPOENAS

(a) Generally. All subpoenas shall be authorized by the Chairman of the full Committee, upon consultation with the Ranking Minority Member, or by vote of the Committee.

(b) Subpoena Contents. Any subpoena authorized by the Chairman of the full Committee, or the Committee, may compel:

(1) the attendance of witnesses and testimony before the Committee; or

(2) the production of memoranda, documents, records, or any other tangible item.

(c) Signing of Subpoenas. A subpoena authorized by the Chairman of the full Committee, or the Committee, may be signed by the Chairman, or by any Member of the Committee designated to do so by the Committee.

(d) Subpoena Service. A subpoena authorized by the Chairman of the full Committee, or the Committee, may be served by any person designated to do so by the Chairman.

(e) Other Requirements. Each subpoena shall have attached thereto a copy of these rules.

11. COMMITTEE STAFF

(a) Definition.

For the purpose of these rules, "Committee Staff" or "staff of the Committee" means:

(1) employees of the Committee;

(2) consultants to the Committee;

(3) employees of other Government agencies detailed to the Committee; or

(4) any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.

(b) Appointment of Committee Staff.

(1) Chairman's Authority. The appointment of Committee Staff shall be by the Chairman, in consultation with the Ranking Minority Member. The Chairman shall certify Committee Staff appointments to the Clerk of the House in writing.

(2) Security Clearance Required. All offers of employment for prospective Committee Staff positions shall be contingent upon:

(A) the results of a background investigation; and

(B) a determination by the Chairman that requirements for the appropriate security clearances have been met.

(c) Responsibilities of Committee Staff.

(1) Generally. The Committee Staff works for the Committee as a whole, under the supervision and direction of the Chairman of the Committee.

(2) Authority of the Staff Director.

(A) Unless otherwise determined by the Committee, the duties of Committee Staff shall be performed under the direct supervision and control of the staff director.

(B) Committee Staff personnel affairs and day-to-day Committee Staff administrative matters, including the security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

(3) Staff Assistance to Minority Membership. The Committee Staff shall assist the Minority as fully as the Majority of the Committee in all matters of Committee business, and in the preparation and filing of supplemental, minority, or additional views, to the end that all points of view may be fully considered by the Committee and the House.

12. LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE

(a) Prohibition.

(1) Generally. Except as otherwise provided by these rules and the Rules of the House of Representatives, Members and Committee Staff shall not at any time, either during that person's tenure as a Member of the Committee or as Committee Staff, or anytime thereafter, discuss or disclose:

(A) the classified substance of the work of the Committee;

(B) any information received by the Committee in executive session;

(C) any classified information received by the Committee from any source; or

(D) the substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.

(2) Non-Disclosure in Proceedings.

(A) Members of the Committee and the Committee Staff shall not discuss either the substance or procedure of the work of the Committee with any person not a Member of the Committee or the Committee Staff in connection with any proceeding, judicial or otherwise, either during the person's tenure as a Member of the Committee, or of the Committee Staff, or at any time thereafter, except as directed by the Committee in accordance with the Rules of the House and these rules.

(B) In the event of the termination of the Committee, Members and Committee Staff shall be governed in these matters in a manner determined by the House concerning discussions of the classified work of the Committee.

(3) Exceptions.

(A) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose those matters described in subsection (a)(1) with—

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chairman of that committee;

(ii) the chairmen and ranking minority members of the House and Senate Committees on Appropriations and staff of those committees designated by the chairmen of those committees; and

(iii) the chairman and ranking minority member of the Subcommittee on Defense of the House Committee on Appropriations and staff of that subcommittee as designated by the chairman of that subcommittee.

(B) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose only that budget-related information necessary to facilitate the enactment of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committees on Armed Services and the staff of those committees designated by the chairmen of those committees.

(C) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee staff may discuss with and disclose to the chairman and ranking minority member of a subcommittee of the House Appropriations Committee with jurisdiction over an agency or program within the National Foreign Intelligence Program (NFIP), and staff of that subcommittee as designated by the chairman of that subcommittee, only that budget-related information necessary to facilitate the enactment of an appropriations bill within which is included an appropriation for an agency or program within the NFIP.

(D) The Chairman may, in consultation with the Ranking Minority Member, upon the written request to the Chairman from the Inspector General of an element of the Intelligence Committee, grant access to Committee transcripts or documents that are relevant to an investigation of an allegation of possible false testimony or other inappropriate conduct before the Committee, or that are otherwise relevant to the Inspector General's investigation.

(E) Upon the written request of the head of an Intelligence Community element, the Chairman may, in consultation with the Ranking Minority Member, make available Committee briefing or hearing transcripts to that element for review by that element if a representative of that element testified, presented information to the Committee, or was present at the briefing or hearing the transcript of which is requested for review.

(F) Members and Committee Staff may discuss and disclose such matters as otherwise directed by that Committee.

(b) Non-Disclosure Agreement.

(1) Generally. All Committee Staff must, before joining the Committee, agree in writing, as a condition of employment, not to divulge any classified information, which comes into such person's possession while a member of the Committee Staff, to any person not a Member of the Committee or the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(2) Other Requirements. In the event of the termination of the Committee, Members and Committee Staff must follow any determination by the House of Representatives, with respect to the protection of classified information received while a Member of the Committee or as Committee Staff.

(3) Requests for Testimony of Staff.

(A) All Committee Staff must, as a condition of employment, agree in writing to notify the Committee immediately of any request for testimony received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee staff.

(B) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(C) In the event of the termination of the Committee, Committee Staff will be subject to any determination made by the House of Representatives with respect to any requests for testimony involving classified information received while a member of the Committee staff.

13. CLASSIFIED MATERIAL

(a) Receipt of Classified Information.

(1) Generally. In the case of any information that has been classified under established security procedures and submitted to the Committee by any source, the Committee shall receive such classified information as executive session material.

(2) Staff Receipt of Classified Materials. For purposes classified information, the

Committee Staff is authorized to accept information on behalf of the Committee.

(b) Non-Disclosure of Classified Information.

Generally. Any classified information received by the Committee, from any source, shall not be disclosed to any person not a Member of the Committee or the Committee Staff, or otherwise released, except as authorized by the Committee in accord with the Rules of the House and these rules.

14. PROCEDURES RELATED TO HANDLING OF CLASSIFIED INFORMATION

(a) Security Measures.

(1) Strict Security. The Committee's offices shall operate under strict security procedures administered by the Director of Security and Registry of the Committee under the direct supervision of the staff director.

(2) U.S. Capitol Police Presence Required. At least one U.S. Capitol Police officer shall be on duty at all times outside the entrance of Committee offices to control entry of all persons to such offices.

(3) Identification Required. Before entering the Commission's office all persons shall identify themselves to the U.S. Capitol Police officer described in paragraph (2) and to a Member of the Committee, or Committee Staff.

(4) Maintenance of Classified Materials. Classified documents shall be segregated and maintained in approved security storage locations.

(5) Examination of Classified Materials. Classified documents in the Committee's possession shall be examined in an appropriately secure manner.

(6) Prohibition on Removal of Classified Materials. Removal of any classified document from the Committee's offices is strictly prohibited, except as provided by these rules.

(7) Exception. Notwithstanding the prohibition set forth in paragraph (6), a classified document, or copy thereof, maybe removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of any classified documents removed from the Committees' offices.

(b) Access to Classified Information by Members.

All Members of the Committee shall at all times have access to all classified papers and other material received by the Committee from any source.

(c) Need-to-know.

(1) Generally. Committee Staff shall have access to any classified information provided to the Committee on a strict "need-to-know" basis, as determined by the Committee, and under the Committee's direction by the staff director.

(2) Appropriate Clearances Required. Committee Staff must have the appropriate clearance prior to any access to compartmented information.

(d) Oath.

(1) Requirement. Before any Member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the Committee or the House of Representatives.

(2) Copy. A copy of such executed oath shall be retained in the files of the Committee.

(2) Registry.

(1) Generally. The Committee shall maintain a registry that:

(A) provides a brief description of the content of all classified documents provided to the Committee by the executive branch that remain in the possession of the Committee; and

(B) lists by number all such documents.

(2) Designation by the Staff Director. The staff director shall designate a member of the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability. Such registry shall be available to all Members of the Committee and Committee Staff.

(f) Requests by Members of Other Committees. Pursuant to the Rules of the House, Members who are not Members of the Committee may be granted access to such classified transcripts, records, data, charts, or files of the Committee, and be admitted on a non-participatory basis to classified hearings of the Committee involving discussions of classified material in the following manner:

(1) Written Notification Required. Members who desire to examine classified materials in the possession of the Committee, or to attend Committee hearings or briefings on a non-participatory basis, must notify the Chief Clerk of the Committee in writing.

(2) Committee Consideration. The Committee shall consider each such request by non-Committee Members at the earliest practicable opportunity. The Committee shall determine, by roll call vote, what action it deems appropriate in light of all of the circumstances of each request. In its determination, the Committee shall consider.

(A) the sensitivity to the national defense or the confidential conduct of the foreign relations of the United States of the information sought;

(B) the likelihood of its being directly or indirectly disclosed;

(C) the jurisdictional interest of the Member making the request; and

(D) such other concerns, constitutional or otherwise, as may affect the public interest of the United States.

(3) Committee Action. After consideration of the Member's request, the Committee may take any action it may deem appropriate under the circumstances, including but not limited to:

(2) approving the request, in whole or part;

(3) denying the request; or

(A) providing the requested information or material in a different form than that sought by the Member.

(4) Requirements for Access by Non-Committee Members.

Prior to a non-Committee Member being given access to classified information pursuant to this subsection, the requesting Member shall—

(A) provide the Committee a copy of the oath executed by such Member pursuant to House Rule XXIII, clause 13; and

(B) agree in writing not to divulge any classified information provided to the Member pursuant to this subsection to any person not a Member of the Committee or the Committee Staff, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(5) Consultation Authorized. When considering a Member's request, the Committee may consult the Director of Central Intelligence and such other officials it considers necessary.

(6) Finality of Committee Decisions.

(A) Should the Member making such a request disagree with the Committee's determination with respect to that request, or any part thereof, that Member must notify the Committee in writing of such disagreement.

(B) The Committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, the Committee will take.

(g) Advising the House or Other Committees.

Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. §413), and to the Rules of the House, the Committee shall call to the attention of the House, or to any other appropriate committee of the House, those matters requiring the attention of the House, or such other committee, on the basis of the following provisions:

(1) By Request of Committee Member. At the request of any Member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee's possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) Committee Consideration of Request. The Committee shall consider the following factors, among any others it deems appropriate:

(A) the effect of the matter in question on the national defense or the foreign relations of the United States.

(B) whether the matter in question involves sensitive intelligence sources and methods;

(C) whether the matter in question otherwise raises serious questions affecting the national interest; and

(D) whether the matter in question affects manners within the jurisdiction of another Committee of the House.

(3) Views of Other Committees. In examining such factors, the Committee may seek the opinion of Members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) Other Advice. The Committee may, during its deliberations on such requests, seek the advice of any executive branch official.

(h) Reasonable Opportunity to Examine Materials.

Before the Committee makes any decision regarding any request for access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, Members of the Committee shall have a reasonable opportunity to examine all pertinent testimony, documents, or other materials in the Committee's possession that may inform their decision on the question.

(i) Notification to the House.

The Committee may bring a matter to the attention of the House when, after consideration of the factors set forth in this rule, it considers the matter in question so grave that it requires the attention of all Members of the House, and time is of the essence, or for any reason the committee finds compelling.

(j) Method of Disclosure to the House.

(1) Should the Committee decide by roll call vote that a matter requires the attention of the House as described in subsection (i), it shall make arrangements to notify the House promptly.

(2) In such cases, the Committee shall consider whether:

(A) to request an immediate secret session of the House (with time equally divided between the Majority and the Minority); or

(B) to publicly disclose the matter in question pursuant to clause 11(g) of House Rule X.

(k) Requirement to Protect Sources and Methods.

In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(l) Availability of Information to Other Committees.

The Committee, having determined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chairman and ranking minority member of such other committee.

(m) Provision of Materials.

The director of Security and Registry for the Committee shall provide a copy of these rules, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined by the Committee to be made available to such other committee of the House or Member (not a Member of the Committee).

(n) Ensuring Clearances and Secure Storage.

The Director of Security and Registry shall ensure that such other committee or Member (not a Member of the Committee) receiving such classified materials may properly store classified materials in a manner consistent with all governing rules, regulations, policies, procedures, and statutes.

(o) Log.

The Director of Security and Registry for the Committee shall maintain a written record identifying the particular classified document or material provided to such other committee or Member (not a Member of the Committee), the reasons agreed upon by the Committee for approving such transmission, and the name of the committee or Member (not a Member of the Committee) receiving such document or material.

(p) Miscellaneous Requirements.

(1) Staff Director's Additional Authority. The staff director is further empowered to provide for such additional measures, which he or she deems necessary, to protect such classified information authorized by the Committee to be provided to such other committee or Member (not a Member of the Committee).

(2) Notice to Originating Agency. In the event that the Committee authorizes the disclosure of classified information provided to the Committee by an agency of the executive branch to a Member (not a Member of the Committee) or to another committee, the Chairman may notify the providing agency of the Committee's action prior to the transmission of such classified information.

15. Legislative Calendar

(a) Generally.

The Chief Clerk, under the direction of the staff director, shall maintain a printed calendar that lists:

(1) the legislative measures introduced and referred to the Committee;

(2) the status of such measures; and

(3) such other matters that the Committee may require.

(b) Revisions to the Calendar.

The calendar shall be revised from time to time to show pertinent changes.

(c) Availability.

A copy of each such revision shall be furnished to each Member, upon request.

(d) Consultation with Appropriate Government Entities.

Unless otherwise directed by the committee, legislative measures referred to the Committee shall be referred by the Chief Clerk to the appropriate department or agency of the Government for reports thereon.

16. Committee Travel

(a) Authority.

The Chairman may authorize Members and Committee Staff to travel on Committee business.

(b) Requests.

(1) Member Requests. Members requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request directly to the Chairman.

(2) Committee Staff Requests. Committee Staff requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request through their supervisors to the staff director and the Chairman.

(c) Notification to Members.

(1) Generally. Members shall be notified of all foreign travel of Committee Staff not accompanying a Member.

(2) Content. All Members are to be advised, prior to the commencement of such travel, of its length, nature, and purpose.

(d) Trip Reports.

(1) Generally. A full report of all issues discussed during any Committee travel shall be submitted to the Chief Clerk of the Committee within a reasonable period of time following the completion of such trip.

(2) Availability of Reports. Such report shall be:

(A) available for the review of any Member or Committee Staff; and

(B) considered executive session material for purposes of these rules.

(e) Limitations on Travel.

(1) Generally. The Chairman is not authorized to permit travel on Committee business of Committee Staff who have not satisfied the requirements of subsection (d) of this rule.

(2) Exception. The Chairman may authorize Committee Staff to travel on Committee business, notwithstanding the requirements of subsections (d) and (e) of this rule—

(A) at the specific request of a Member of the Committee; or

(B) in the event there are circumstances beyond the control of the Committee Staff hindering compliance with such requirements.

(f) Definitions.

For purposes of this rule the term "reasonable period of time" means:

(1) no later than 60 days after returning from a foreign trip; and

(2) no later than 30 days after returning from a domestic trip.

(C) Disciplinary Actions

(a) Generally.

The Committee shall immediately consider whether disciplinary action shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any Rule of the House of Representatives or to these rules.

(b) Exception.

In the event the House of Representatives is:

(1) in the recess period in excess of 3 days; or

(2) has adjourned *sine die*;

the Chairman of the full Committee, in consultation with the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

(c) Available Actions.

Such disciplinary action may include immediate dismissal from the Committee Staff.

(d) Notice to Members.

All Members shall be notified as soon as practicable, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chairman pursuant to subsection (b).

(e) Reconsideration of Chairman's Actions.

A majority of the Members of the full Committee may vote to overturn the decision of the Chairman to take disciplinary action pursuant to subsection (b).

18. Broadcasting Committee Meetings

Whenever any hearing or meeting conducted by the Committee is open to the public, a majority of the Committee may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

19. Committee Records Transferred to the National Archives

(a) Generally.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with the Rules of the House of Representatives.

(b) Notice of withholding.

The Chairman shall notify the Ranking Minority Member of any decision, pursuant to the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the full Committee for a determination of the question of public availability on the written request of any Member of the Committee.

20. Changes in Rules

(a) Generally.

These rules may be modified, amended, or repealed by vote of the full Committee.

(b) Notice of Proposed Changes.

A notice, in writing, of the proposed change shall be given to each Member at least 48 hours prior to any meeting at which action on the proposed rule change is to be taken.

LOW VOTER TURNOUT AMONG THE YOUTH OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for five minutes.

Mr. SANDERS. Mr. Speaker, one of the untold and unspoken-about crises facing this country is that in many respects we are losing our democratic traditions. As you know, France recently had an election, and 80 percent of the people voted in that election. We are going to have an election in November, and the estimate is that 35, 36 percent of the American people are going to vote in our election. And, in fact, we end up having by far the lowest voter turnout of any industrialized and major nation on earth.

What makes the situation even scarier is that as low as the voter turnout in general is, it is especially low among young people, people 25 years of age or younger. And the estimates are that about 80 percent of those people do not vote. And what sociologists tell us that as these people get older, they are less likely to vote, which means the voter turnout will go down and down and down. And it is not just voter turnout, Mr. Speaker, it is that poll after poll shows that millions of Americans do not know how government functions, do not know anything about the major issues facing our country, and I think that this is a very scary situation.

With these concerns in mind, Mr. Speaker, on April 8, 2002, I held a town meeting geared toward young people, high school students. I wanted these high school students to understand that as citizens of the United States of America, they have the right to ask their Member of Congress questions and they have the right to voice their opinions about some of the most important issues facing our State and our country. And I am proud to tell you that we had about 14 different schools and youth organizations participate in that process.

I think the American people would have been extremely proud to have heard the intelligent comments and analysis and questions that these young people asked. I am very grateful that the University of Vermont allowed us to use their facilities. I am very grateful that we had many faculty members at high schools throughout the State helping us in this project.

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Mr. Speaker, what I would like to do now is provide for the RECORD some of the very excellent testimony that we heard on that occasion.

Is NATO Necessary?

(On behalf of Hailey Davis)

HAILEY DAVIS: America is a great nation. It is a great nation with great abilities. Fighting distant wars just happens to be one of them. When it comes to equipment and technology needed to fight its wars, America has it all. The United States has become so independent and self-sufficient militarily and intellectually speaking, that it can put up a great fight alone. So the question arises: Do we need NATO anymore?

The fact that the United States is so much more technologically advanced than any of its NATO allies brings about an answer of: No. Frankly, we don't. We have increasingly lost every and any need for the NATO alliance, due not only to our technology but to the unilateralism of the Bush administration. He and his team tend to dislike fighting with aid from allies who might get in the way or limit America's room for military exercises.

Will the NATO nations ever fight together again? I'm quoting New York Times journalist Thomas L. Friedman here when I say that "to fight a modern war today you need four key issues: Many large transport aircraft to deploy troops to far-flung battlefields; precision-guided bombs and missiles that can hit enemy targets with a high degree of certitude, hence lowering number of civilian casualties; a large amount of special teams that can operate at night with the proper equipment; and secure and cryptic communications, so that ground and air troops can be connected in a high-tech war without the enemy listening in."

Now, America has all four of these Assets. No other nation does. Although Britain comes close, with Germany, France and Italy right behind it, the United States stands alone in its military stature. The fact that the European defense industries are not nearly as sophisticated as America's today, constitutes primarily for their dependence on the NATO alliance. Adding to this is the idea Europeans don't really feel threatened by the U.S.'s enemies, such as Bush's Axis of Evil, which includes Iraq, Iran, and North Korea, and therefore don't have much interest in spending a lot on defense. So if the Europeans really want NATO to last, perhaps they should invest more in military technology so that they can potentially fight a war alone, much like the U.S. can.

If the NATO alliance deals with countries helping each other fight wars, and America doesn't need this help, then I ask you to consider the question: Is NATO really necessary for the United States?

Change of Leadership in Middle East

(On behalf of Timothy Plante)

TIMOTHY PLANTE: Okay. The current aggression in Israel and its occupied territories represent a clash between two people, the Palestinians and the Israelis, and the leadership of these two states or people represent a clash of values, and the leaders of the two people—that would be Arafat and Sharon—are both very radical in their views, and they are opposing. In order to come to an agreement and to peace, something has to change, and that is what I'm going to deal with.

Ariel Sharon epitomizes the political views of his Likud party. This party's motto is: Don't give an inch. Negotiations with the Palestinians will never happen as long as Ariel Sharon is in power. He has no intention to negotiate for peace. Sharon has actually used violence as a campaign to get into his position.

One thing that he did during the run for the election of prime minister was that he went to the Temple Mount, and he basically did it to provoke violence from the Palestinians, to make Ehud Barak look like he didn't have control over the situation in Israel. As soon as we went up there, he—although he didn't do anything, he just went up there and looked around, he did that because he knew it would tick off the Palestinians. And they started a campaign of violence in retaliation, and this made Barak look bad, and therefore Ariel Sharon came into power.

In order for Arafat to continue his campaign against the Palestinians, he has now started to be extremely aggressive against the Palestinians. The Palestinians have many martyrs, as they call them, which have been—they have been killed by the Israeli army as collateral damage, and these are women and children and men, and these people didn't intend any violence to the Israelis, but they died because the Israelis were being aggressors.

And then the Palestinians take these martyrs, and they say: Look what happens to us. We want to retaliate. So they retaliate with suicide bombers, and then Ariel Sharon wants to retaliate against the suicide bombers, and this creates a cycle of violence and destruction.

I believe the only way to end this cycle is through our allies the Israelis. Not many people know the U.S. gives, as Tim said earlier, the .1 percent—or whatever the number was, one-third of that money goes directly to the Israelis. So one-third of our foreign aid goes to the Israelis, and of that figure, $2.04 billion is in military aid, and $720 million is in economic aid. This is obviously showing that we are as belligerent as Sharon is, and as the Israeli Likud party is.

The only way to stop the aggression is by us altering the funding that we give to the Israeli people. If we tell Sharon that he needs to stop being violent and belligerent, he needs to stop invading these territories and stop killing people, and have his army stop doing all the negative things he is doing, he might laugh. But if we say, We are funding your country, and threaten to take away the funding, he won't have an army anymore. He will have nothing to attack with. So if we play hardball with Sharon, we will be able to influence him into bringing along peace.

Now, on the other side is Yasar Arafat. And this guy is a waffle. He picks one side that is the most popular, to stay in power. He has been in power for a very long time. He started out as a terrorist or as a freedom fighter, he did terrorist acts, and he gained popularity. And he has changed his views on the position several times. But he does this to stay in power.

And the popular thing right now is to go against the Israelis and the Americans. So what Yasar Arafat says to the American press in English is not what he says to his own people in his language. It is completely different. and he is sending mixed messages to the world. He and his people are using the international media as a way of showing their side of the story, to gain sympathy in the international field, and this is creating problems for Israel, making them look bad, and this is creating problems for America, which has been referred to as "the big Satan."

To recap, if we force the Israelis to come to a peace agreement with the Palestinians by either giving up the occupied territories or coming to some sort of agreement, a cease-fire, the Palestinian people will find peace, they won't have as many martyrs. This will be a good thing. Because Yasar Arafat goes on popular opinion, and as popular opinion will turn towards peace instead of violence, that will bring an end to the problem in Israel.

Bettering Education

(On behalf of Elizabeth Christolini)

ELIZABETH CHRISTOLINI: Middle East conflict. Just as I wish that someday there will be peace between the Israelis and Arabs, I wish also that there were peace in the workings of the education system within the United States. The question, then, which I propose, perhaps foolishly, is how to go about achieving this peace.

By traveling 45 minutes twice a day, five days a week to a parochial high school in Burlington. I am going to school not so much for the religious faith but rather because my parents and I felt that my local high school was not a place from which I could create a solid future.

Our assessment of both schools was done much in the same way that one's college choices may be established, by research concerning a wide variety of things, the most important of which was teacher accountability or lack thereof, the lack of accountability—by that, I mean the disregard on behalf of a teacher for his or her student, or where a student is passed through a grade despite the fact that he or she has not truly completed work satisfactorily enough to be granted admission to the next grade.

While the school I currently attend is a far cry from perfect, I feel that I have learned more than I would have had I attended my local high school. As pleased as I am to say that my education has done something to me and will enable me to do more in the future, I, at the same time, find myself thinking of the students who do attend my local high school, who are, as I am, nearly finished with their high school careers, and who may be wishing their own education had been better or different.

My belief is that, if education is to work as it ought to, there should be no need for private and public schools. There should, instead, be the same form of education available in each and every institution. In saying this, I do not mean for the creation of a flat-out equality where what is right for one is right for all, but, rather, the kind of education that I received in my high school should be given to all of the students; and vice versa, those classes and options which are not available today in my school should be maintained.

Such a sharing could be done through the creation of a new institution where a public school is interconnected or combined, whether a private or parochial school, while still retaining the government funds, as well as the right of separation of church and state. In essence, such an institution would provide students everywhere for a better and cheaper education, thus enabling more families to have the funds needed to pay for cost of college tuition.

Within the shared schools, advanced placement, honors, remedial and other classes which catered towards a person's strengths and weaknesses would not only be available, but, as well, each would hold to a strictly followed set of prerequisites such as tests, shared recommendation for prior classes, on which admission to such a class could be based, allowing for the classes to be taught at a level specified to students who truly meet this level.

Payment of teachers would be increased, in conjunction with the more demanding set of stipulations on which these teachers would be hired. Rather than giving the position to a person simply for the fact that he or she showed up for the interview and had achieved a minimal degree, a teacher's performance in achieving this degree, as well as to their overall talent and work ethic, would be considered.

With the hiring of these qualified as well as motivated people—and I know there are some out there, as I have had the privilege to work with a few of them—there would not be the need for the constant testing as is proposed by President Bush's No Child Left Behind Act, where each child from the third to eight grade would be tested every year in areas of math, science and English. If a teacher does his or her job not just adeptly, but, as well, enthusiastically, it stands to reason that, in combination with up-to-date facilities, the testing of students each year to ensure the continued progression of the student body would not be needed. It would be an accurate assumption to say that both teaching and learning are occurring at or above the standard level.

This new institution should be formed through the right kind of slow but effective change. The place at which to start these changes is in our current schools, public and parochial as well as private. Reform should be made to encompass a strict non-toleration rule concerning drugs and alcohol. This action should include suggestions toward rehabilitation centers as well as the intervention programs. The following of this rule will alleviate the various student behavioral problems, and leave within each school only those truly willing to learn.

From this point, the reevaluation and decisions concerning positions held and ability of each teacher should be tested in a manner similar to the no-tolerance rule for students, whereas those teachers who do not wish to, should not, and, consequently, would not be teaching. Lastly, evaluation for the remaining teachers as well as students should be made concerning classes. A decision should be informed not only by those classes which are had and not needed, but as well as by those needed and not had.

With these changes put into effect, it is my belief that the creation of a quality high school education for each and every student in each and every institution would be on its way.

MULTINATIONAL IMPACT

(On behalf of Rebecca Lee Marquis)

REBECCA LEE MARQUIS: I would like to speak today on the subject of fast food and how it is permeating our society, promoting an unhealthy way of life, costing a tremendous amount of money in healthcare, and the immoral way in which it targets young children around the world in its advertising. Ray Crock, the founder of McDonald's, said, "A child who loves our television commercials and brings her grandparents to a McDonald's gives us two more customers."

We are a nation of instant gratification. We live in a time when everyone moves at a fast pace. The act of eating, whether it is breakfast, lunch or dinner, is no longer a social time for families. Our society used to be much more aware of what it was eating and where the food came from. As we become more isolated from food production, we become ignorant of how it is grown, processed and marketed.

Many people today consider themselves too busy to take the time to think about and prepare healthy meals. For breakfast, lunch or dinner, we quickly pull into variously shaped but strategically located buildings and emerge with breakfast sandwiches, hamburgers, fish sandwiches, fried chicken, tacos, pizza, fries, shakes, soda, and all the promotional gadgets that accompany this food. Seesaws, slides, and rainbow-colored balls are attractive, but when it gets down to brass tacks, a brand new article on fast food notes, the key to attracting kids is toys, toys, toys.

But what do we get for this trade-off of time for convenience? We get overly priced, highly processed, high-calorie, high-fat, low-nutritional food. We get food with manufactured flavors that will taste exactly the same from Boston to San Francisco to Tokyo. These types of eating habits have led us to our national problem of obesity, which translates into countless related health problems, costing millions of dollars in healthcare.

The original Ronald McDonald was a man by the name of Willard Scott. He was later deemed too overweight; McDonald's wanted someone thinner to sell it burgers, shakes and fries. These facts are well-known, and, as adults, we have the ability to make informed decisions. What is appalling is that we allow these massive corporations to direct huge national advertising campaigns at our youth.

Three billion dollars a year is spent on just television advertising. That number does not include the countless other ways that advertisements are ingrained into our minds. These corporations bribe our school systems with cash payments so that they can market products to captive audiences. Instead of schools being places of exploration and learning, they risk becoming warehouses for corporations to sell products and brainwash future consumers.

We allow the same corporations to develop movies and cartoons that are nothing more than continuous advertisements. The corporation's goal is to hook its customers at younger ages so that they can create consumers for life. The chains often distribute numerous versions of a toy, encouraging repeat visits by small children.

What can we do to counter these less-than-admirable situations? We can begin to slow down and take time to learn where our food comes from and how it is processed. We can become better educated about nutrition and try to buy only foods that are grown, processed and marketed responsibly. We can learn to grow small gardens, to become better acquainted with our own health. We can lobby our government leaders to outlaw the marketing in schools and the marketing to young children. We need to stop being passive consumers or we risk becoming captive consumers.

U.S. AID TO THIRD WORLD COUNTRIES

(On behalf of Tim Fitzgerald)

TIM FITZGERALD: Foreign aid, began by the United States starting in 1941 and continued after the Second World War. This plan for rebuilding war-torn nations became known as the Marshall Plan. About $12 billion dollars was distributed under this plan, and it was responsible for helping the nations of Europe regain some financial stability.

Longer-reaching reconstruction was funded by the World Bank. Later, aid was given to strengthen countries' militaries, and less humanitarian aid was provided. In the late 1990s, less than one percent of the gross national product of the United States of America was used for foreign aid.

A simple analogy can be used to understand this percentage. Imagine a man who possesses 100 ears of corn, each with 100 kernels. Now, the man has many neighbors who are starving to death on a yearly basis, but the man gives away only a total of twelve kernels of corn in 1998. Not only is the percent minuscule, but part of this amount never reaches these people doe to the corruption in their governments.

This may seem ridiculous, but it is what is happening with U.S. foreign aid. Instead of giving military aid to nations, it would be much more conducive to provide food and supplies to developing nations. Especially those in sub-Saharan Africa, with the AIDS epidemic continuing to plague this part of the world, this minuscule amount of financial support being given seems ludicrous.

Even with President Bush' s provmise of $5 billion extra in foreign aid, there are problems. Distribution of funds and aid is a major problem. Giving aid directly to the unstable regimes which govern the poorer states is not a good policy. Work of this kind should be done directly with the population. This would be more efficient for governments that are unable to distribute aid and prevent corrupt ones from stealing it.

An important part of foreign aid is healthcare. Many African nations are unable to take care of giving children basic inoculations, let alone the staggering number of individuals living with HIV AIDS. In some places, about 35 percent of the adult population has contracted the disease. Education is also needed to help these developing nations.

But the key to healthcare is efficiency. Private healthcare organizations are leading the way with this. Vaccines often go bad while on route to those who need them, so a new type of indicator was developed to tell those containers that still retain potency from those that are past their prime. This development helps to waste as little as possible of supplies that are often in short supply anyway.

Education is an important part of foreign aid, which is often ignored. This includes people from all sections of society—men, women, children, and all ethnicities. An example of this is the amount of children being born in sub-Saharan Africa. Traditionally, families in Africa has many children, as a sign of prestige and help with work. If these families were informed how having more children is both a strain on family and country, they might have less children, thus freeing more aid and bettering the chances for survival of their child. With resources being strained less, there might be a better chance for the development of a strong body of workers who would in turn improve the economy, and ultimately the government.

Foreign aid is an important part of foreign policy and must be utilized in order to truly secure the United States of America. States in poverty are often unstable and this can translate into a hatred of the United States. For example, the average income of an individual in certain states could be under $500. That is not to say it is the only factor involved, in certain situations. Far from it. But perhaps, if the standard of living was increased, there would be less of a sense of unrest.

Aid must, however, be reformed in two main ways. First, more must be spent by the United States on foreign aid in general. Secondly, distribution must be looked at. It is not helpful to send aid to a foreign country which does not have the means to distribute it or withholds it for some other reason. A $5 billion increase will help, but so will increasing efficiency so that money goes further.

So, Congressman Sanders, I would ask you that, when and if legislation on foreign aid reform comes up, you work for and vote for foreign aid reform.

Arab-Israel Conflict

(On behalf of Pierson Booher)

PIERSON BOOHER: The increasing violence in the Middle East led many people to question our nation's policy in the region. Since the creation of the state of Israel in 1948, the United States has had fluctuating relations with Middle Eastern countries.

It took heavy convincing by President Jimmy Carter to persuade Anwar Sadat to recognize Israel and form good relations with the country and Prime Minister Menachem Begin. The Camp David accords of 1979 stirred up the Arab world, eventually resulting in the assassination of Sadat in 1981.

The Middle East is not a liberal region, but rather a land of Islamic extremists ready to defend their faith to block the spread of westernization. Back in time before the Gulf War, before Lebanon, before the Six Day War, and even before the creation of Israel, the world has been saturated with the Middle East, not because of their culture or the beauty of the land, but rather because of a prosperous natural product that floods the region: Oil.

Our nation's dependency on oil has led us to base our relations in the region solely on the influence of oil in regards to a particular problem. President Bush has attempted to find alternative sources of oil by improving relations with Russian President Vladimir Putin, and pushing for drilling in the Alaskan wildlife refuge.

The increasing numbers of suicide bombings in Israel has led many to question the definition of the word "terrorism." Terrorism can be defined as an act of violence done to a group of persons. Although there are many similarities between President Bush's terrorists and Ariel Sharon's terrorists, Bush has shifted his stance.

He recently sent envoy Anthony Zinney back to the region to help ease tensions and push for peace. Bush also sent Secretary of State Colin Powell to Israel last Thursday to bid an end to the conflict. Israeli Prime Minister Ariel Sharon recently declared war on Yasar Arafat and the PLO. Unwilling to resume peace talks until Arafat helps put an end to terrorism existing in Israel. In response Arab leaders have said that ending occupation will lead to the end of terrorism.

President Bush's war on terrorism came as a result of the September 11th tragedies, while Sharon's war on terrorism stems from the suicide bombings that have taken place for a few years, the bombings being a result of the 35-year occupation of Palestinian territories. Diplomats have said that the Arab world is looking to the United States to draw red lines for Israel, for it to withdraw its forces from Palestinian territories. In response, columnist Friedman has said, if Arab leaders have only the moral courage to draw lines around Israel's behavior, but no moral courage to decry the utterly corrupt and inept Palestinian leadership for the depravity of suicide bombers in the name of Islam, then we're going nowhere.

Sharon probably wishes he had dealt with Arafat in Beirut when he had the chance. But he did not do anything more than allow the PLO to regroup and regain momentum. In order for the United States to have an impact on the current Arab-Israeli conflict, the country must begin working from the bottom up. We have from the Iran Contra issue that there are other anti-Israeli countries supplying Palestinian militant groups with weapons.

Unlike the Israel army, the U.S. must seek to cut off the suppliers, such as Iran. In doing so, the U.S. will destroy the lifelines of the militant groups in the region, most notably Hamas, Islamic Jihad, the Al Aqsa Brigade and another group. After the militant group's suicide bombings, all that is left is the heart of the people. Yes, no one will be able to destroy the foundation of the Palestinian struggle (inaudible) nationalism. But the destruction of those who facilitate the cause would be a decisive and crushing blow.

At a meeting with British Prime Minister Tony Blair over the weekend, the President said that Iraq would be a better place without Saddham Hussein. The same can be said about Palestine and Israel with regards to Yasar Arafat. One could also say the same about the world with regard to Osama bin Laden. But what President Bush needs to understand is that there could very well be an even more persuasive, powerful Napoleonic man looming in the background waiting for his moment to take over in a coupless revolution.

If Hussein refuses to meet the demands of the U.N. weapons inspectors, there could very well be a U.S. return to Iraq and a more dangerous successor. The United States needs to understand that our nation has become too reliant on the Middle East oil. We live in a country that is enormously dependent on a natural resource that is found in a hostile region. The U.S. must reduce their dependence on the region's oil and look elsewhere, something Bush has already begun to do.

Because of our new relations with Russia and the access of oil that is in circulation, gas prices have fallen 7.1 cents since last year, to an average of $1.32 per gallon. A decrease in dependency on the Middle East oil reserves will help give the country more confidence and less to lose.

In the past we have based many of our diplomatic relations and war strategies around the impact it would have on our ability to obtain oil. Along with the exporting of oil, Russia could serve as a possible coalition member down the road. As a result of this retraction, the United States gives itself more leeway in the Arab world and begins to lose the title of taker.

There may never be a conclusion to the conflict between Israelis and Palestinians. The fighting has gone for so long, there does not seem to be an end in sight. The second Intifada has proven many wrong when they said that the Palestinians had no chance against the might of the Israeli defense forces.

The disciplined Israeli army is scared to work in the occupied territories, fearful that they will be killed by a suicidal Palestinian. The Massad, Israel's renowned intelligence bureau, and arguably the best in the world, has failed in providing pivotal information.

The United States' success in the Middle East begins with the successful defense of the Israeli policy of withdrawal of dependency on the region's oil. But our diplomacy in the region has been suspect in the past. We cannot handle relations in Iran. We give foreign aid to Turkey, who turns around and uses the money to oppress the Kurds. And we have angered many of the Muslims who live in the world.

The United States needs to sit down and decide exactly what stance it wants to take in the region, and deal with the problems that result from their decision. The question now is, can the United States step up to the plate and prove that we are the most powerful country in the world?

Alternate Energy Vehicles

(On behalf of Jack Fleisher and Elden Kelly)

JACK FLEISHER: We are going to be talking about alternative energy vehicles today.

Motor vehicle transportation is invaluable to people across the globe. In Vermont alone, fossil fuel comprises 65 percent of total petroleum energy use. In today's industrial society, the lifestyles of most humans depend on automotive transportation.

Unfortunately, the operation of such vehicles requires the combustion of fossil fuels that release greenhouse gases as carbon dioxide. Acting essentially as a heat-trapping gas when released into the atmosphere, carbon dioxide could potentially contribute to a rise in the global temperature. The global warming is a serious environmental concern that will significantly impact the entire world's ecology. That is why we must begin to act now by taking advantage of currently available alternative energy vehicles in Vermont as a step toward a mode of transportation that is at once environmentally sound as well as readily accessible.

ELDEN KELLY: I am going to discuss three types of alternative energy vehicles, that being electric, hybrid, and biodiesel.

First, we will direct your attention to electric vehicles. For a motor vehicle that runs on gasoline, approximately 85 cents of every dollar are consumed by smoke and heat alone, which leaves only 15 cents out of every dollar to be used in actual operation. But for the electric car, with the efficiency of a battery, 55 cents are used at the actual driving wheels.

Batteries are only getting more efficient for electric vehicles. Lithium batteries have increased the mileage capacity from 120 miles from each charge to over 300 miles. an electric car can be 97 percent cleaner than a car that runs on fossil fuels if the pollution of the electric power plants are eliminated. Electric cars will meet this efficiency standard as Vermont moved towards utilizing more alternative energy sources, such as wind and geothermal power, which Dean has mentioned as possible litigation. Over 90 percent of the daily trips made in the U.S. are under 50 miles. This is well within the range of most electric vehicles, that are about 40 to 60 miles.

JACK FLEISHER: A second type of alternative energy transportation are hybrid vehicles, which is a combination of electricity and gasoline. There are primarily two hydrocars available in the U.S., the Honda Insight and Toyota Prias. The power source of the Insight is called a parallel hybrid system. The car possesses a fuel tank that supplies gasoline to an engine, as well as batteries that supplies power to an electrical energy motor. Both the engine and the motor can activate the transmission at the same time, setting the wheels in motion.

As opposed to an electric vehicle, these two hybrid models never have to recharge from an external electrical power source. Instead, a set of batteries harnesses the energy dispelled from the engine, as well as the energy released from braking. The Insight, on the other hand is capable of fuel efficiency at 70 miles per gallon. The Toyota Prias is slightly different. It is comprised of a series hybrid system. In this case, a gasoline engine is used to power a generator that supplies energy to the battery's electric motor.

The Prias is equipped with a gear box that allows the vehicle to run solely on the electric motor, the gas engine, or both simultaneously. Both hybrid cars exceed the fuel efficiency of all vehicles that run solely on gasoline, and cut greenhouse-gas emissions in half.

ELDEN KELLY: Next, we'll discuss biodiesel.

This ingenious concept springs from the fact that the oils used in modern day petroleum come from the same plants that are still around today, such as soy and palm oil. The essential oils that, after much time, produce petroleum are available immediately from nearly any vegetable substance. The oils obtained can only be used as a fuel source for diesel vehicles, due to a fundamental difference between the operation of diesel- and gasoline-powered engines.

A diesel system uses high heat and pressure for combustion, which a gasoline-powered engine cannot provide. Biodiesel requires conditions of high heat and pressure in order to burn effectively. Fortunately, in order to use biodiesel, no modification is necessary for the working diesel engine.

The production of biodiesel is incredibly simple compared to the complex process of refining petroleum. Biodiesel is composed of only a simple mixture of vegetable oil, lye and methanol. The transglycerides present in the acids of the vegetable oil are combined with sodium and potassium hydroxide of the lye and methanol, which produces the compound methyloxide. The triglycerides react with methyloxides resulting in the formation of methyl esters, which is burnable by biodiesel, and also a by-product, glycerin.

Using biodiesel in vehicles is probably the single most inexpensive manner of operating a fuel-burning vehicle, in that its sources, vegetable oils, can be reused. Used soybean oil, for example, from a fast-food restaurant that is throwing away millions of gallons daily can be recycled in the engine of the car burning clear of greenhouse-gas emissions.

The little carbon dioxide that is released from the combusion of biodiesel is reduced by the plants in respiration. So the very sources of biodiesel plants have what help to reduce these minor emissions. A plant by-product in this way completes the natural role that plants already play in a cycle of conservation. Unlike petroleum fuel, biodiesel originates from the renewable sources that ensure a supply of energy for vehicles in the future.

Moreover, the oils used in biodiesel are available right now for usage in vehicles. 3.5 billion gallons of vegetable oil are used in the U.S. every day, and already, biodiesel companies are receiving soybean oil free, because of the current surplus of soybean oil. Excitingly, this wasted resource can be utilized in the vehicles that are now unreasonably inefficient.

No longer will we have to worry about the dwindling supply of petroleum resources, taking advantage of the more easily produced and more readily available biodiesel.

JACK FLEISHER: In conclusion, we must assert that alternative energy vehicles are not merely a scientist's gadget or a new gimmick. As responsible human beings, we must look towards ways in which we can better our actions, in order to make the world a better place for future generations. One of the ways in which we can do that is by reducing our reliance on fossil fuels, which, when consumed, result in various hazardous effects.

In recent months, concern over reliance on Middle East oil has spread because of the attacks of September 11th. Many speculated that money generated from Middle Eastern oil sales to the United States has financed terrorist operations such as the attack on the World Trade Center. Unfortunately, many politicians have responded to this concern with a renewed fervor for drilling domestically, such as in Alaska.

However, we wish to refocus this issue in terms of alternative energy vehicles, which would rid our dependence on oil altogether, ensuring that gas money doesn't end up in Al Qaeda's pockets, and that the Earth is a cleaner, cooler place for years to come.

This takes us to our next area of concern, the rise in global temperature on Earth. Throughout history, major shifts in temperature——

CONGRESSMAN SANDERS: I will ask you to try to tighten it up.

ELDEN KELLY: All right.

Lastly, we will close with possible ways to institute alternative energy vehicles in Vermont. To place emphasis on improved efficiency of such vehicles, tax incentives to be supplied for owners of biodiesel, electric and hybrid vehicles.

An active public campaign needs to be launched, with the goal in mind and educate motorists of the environmental impact of cars that run on fossil fuel, and to make them aware of the attainability of these greatly affordable, available and simple vehicles that do not impact the environment negatively.

Already, alternative energy vehicles are in promotion across the U.S. The organization E-Vermont has been testing the viability of the vehicles in colder climates, and finding great success. There was concern that the vehicles would have difficulty remaining heated, since there is no direct heat source, but space heaters have been installed to solve the problem. Right here in UVM, a bus runs on biodiesel. Isn't that a testament already to the real practicality of alternative energy?

To continue our vision as concerned citizens, we wish that the government of Vermont realizes the potential of alternative-energy vehicles by making a conscious decision to make energy efficiency a top priority in transportation, and in doing so, to help the realization of alternative-energy vehicles come to fruition.

RANDOM DRUG TESTING OF STUDENTS

(On behalf of Lindy Stetson)

LINDY STETSON: I am here to discuss random drug testing throughout high schools for students participating in extracurricular activities. This is an action being taken throughout the United States.

Even though most students prefer that it wasn't an option for school authorities, I believe this is a good idea, because, as a varsity sports participant and a band member of my high school, I think that overall performance is important in athletics and in music. Everyone should be on top of their game, so to speak, which can't happen if someone on the team is using drugs throughout the game or during the season.

But I think that, if random drug testing is going to be an option, it is important about what happens once the athlete or student who participates in extracurricular activities has tested positive. I think that, at my school, we have a school policy that addresses this issue, saying, if caught using drugs or alcohol, the student is dismissed from the team for 14 calendar days, and must go through counseling.

I think this is a good start, but there needs to be a stronger form of punishment, because if a student uses drugs, then there is obviously something wrong, and they need help, which should be more than counseling. Not only has the participant harmed himself or herself, they also could cause damage to the rest of the team.

For example, look at the recent events that have happened in this winter sports season, especially at Middlebury High School, where four varsity members were caught using alcohol during the season. They were then forced to miss ten days of the basketball season. This incident not only affected the four athletes as individuals, but it forced the team to forfeit four games, because these players were very important players on the team. But what surprised me even more was that these four athletes were still allowed to practice, but could not participate in the games.

Even though many complain random drug testing violates civil rights, I believe that you have signed a contract stating that you will not use alcohol or other drugs while participating in a sport event. I mean, look at the Olympics. Many medals have been stripped from athletes because of using drugs to enhance their performance. They have volunteered to participate in the Olympics and have been selected by their country to represent them there. And it is the same in high school athletics. You have been chosen to show your high school your ability, and other high schools throughout the state.

CIVIL RIGHTS

(On behalf of Vanessa Hinton and Thomas Lawson)

VANESSA HINTON: In the events of September 11th, we, the citizens of America, have helped expose an unsafety in America. In order to prevent any event related to terrorism, the American government has passed the Patriot's Act that allows them to take anyone into custody without reliable evidence to back up their reasons.

This is dangerous for those who criticize the government, giving the government officials the right to arrest anyone at will. The U.S. is abusing domestic liberties by detaining people suspected of terrorism and police surveillance of those who oppose government policies. The military is also holding private hearings of suspected persons without releasing information. The government is violating human rights by doing this, and are becoming terrorists themselves.

No war has been declared. So why are we going to such extreme measures as this? There has been a significant increase of law enforcement to monitor technology and the Internet. Government files have been released to lower-ranking law enforcement, but not the public. They have also been given the right to tap phone lines without probable cause. How can we trust a government who doesn't give us reasons or evidence as to why they are going to such extreme measures?

THOMAS LAWSON: For example, Sieem Al Aran (phonetic) a Muslim professor at the University of South Florida, was fired for reasons officials said was because of his speeches presented to a class on Muslim views. The superintendent of the school said that they felt a threat if Sieem stayed, and wished they had fired him sooner. Does this not go against the First Amendment of the Constitution, freedom of speech?

Another example takes place on an American flight from Baltimore to Dallas, Wendel Shattner (phonetic) was told to leave the plane for more checks because of his dark skin and the fact that he was a federal agent carrying a gun. He had previously filled out the proper form stating that he was a federal agent, and, indeed, had a weapon. Yet Shattner got off the plane, and a flight attendant found a book labeled The Crusade through Arab Eyes. This was enough evidence to take him back to headquarters, where he was further questioned.

Maybe in order for our rights not to be violated, we should, in turn, question our leaders. If we turn our heads, we are just as guilty as the condemned.

Thank you.

NATIONAL CIVIL UNIONS

(On behalf of Chastity Norris and Kim Lunna)

CHASTITY NORRIS: We are here today to talk about civil unions. We believe that there should be a national one. I know that when Vermont passed civil unions, there were a lot of people who put up signs saying "Take Back Vermont." People didn't feel it was right for homosexuals to have the same tax benefits and marriage benefits. No matter what you call it, marriage, holy union, commitment ceremony, it's about the love between two people, no matter whether heterosexual or homosexual.

KIM LUNNA: Of course, civil union marriages have the same consequences as a hetrosexual marriage. Parties to a civil union shall be responsible for the support of one another to the same degree and in the same manner as married people. The law of domestic relations, including separation and divorce, child custody, and support, and property division and maintenance, the rights of parties to a civil union with respect to a child of whom either becomes the natural parent during the term of a civil union shall be the same as those of a married couple.

CHASTITY NORRIS: From the Internet, we got summaries of talks about civil unions in other states. In November of 1998, the constitutional amendment added to Alaska's state constitution, to be valid or recognized, a marriage must exist between a man and a woman. In 1996, Arizona declared that marriage between persons of the same sex is void or prohibited, and that same-sex marriage from other states are not valid.

KIM LUNNA: According to the Declaration of Independence, we hold these truths to be self-evident, that all men created equal, that they are endowed by their creator with certain unalienable rights, that cannot be taken away, that among these are life, liberty and the pursuit of happiness. How can someone pursue happiness if they are not allowed to live their lives the same way as everyone else and show their commitment forever through marriage? We don't think that everyone is being treated equal.

CHASTITY NORRIS: Ed Flanagan is the only openly gay state auditor. His sexual orientation was not a problem five years ago, but now it is. "It is an issue in every race in Vermont," said Flanagan, a Democrat. This is about quality and fairness, and nothing more.

When people think of civil unions, they often only think of gays and lesbians. They don't think of the benefits that come from marriage, benefits such as estate, medical insurance, social security and retirement. The decision of the marriage should be up to those in the relationship, not outside people.

A solution we had was to suggest a constitutional amendment to force each state to vote on whether they believed in civil unions or not.

Thank you.

AFFORDABLE CHILDCARE

(On behalf of Amy Downs and Anissa Martin)

AMY DOWNS: We are here to make a presentation on affordable child care for everybody. We are just here to make sure that both single moms and struggling couples, whether if they're married or single, receive proper child care assistance, and for it to be a safe and educational environment.

As a person who doesn't have any kids, as opposed Anissa here, I see that some families need assistance, including those who are not on welfare and that have people working making eight dollars an hour, and that's like $800 to $900 a month they are just bringing in. That doesn't count the bills they have to pay or the food to buy for their families, and other necessities to support their kids.

People are having kids at a younger age, and in order to get proper assistance they would basically have to be on welfare to be able to afford it. And if they're not on welfare, they will have to wait just a pay off their day care bills. It is not worth it to some, and they just end up falling back on welfare, and basically the whole point of the system is to get people off of welfare. That is why it is only like a five-year agreement now.

And you can't really do that if you have kids to look out for all the time. Basically, in the long run, it isn't worth dealing with the system. It doesn't help you out. It is just a waste of time, and they don't have the time, when they have kids, to worry about just it. They would rather just stay home and collect welfare, and do nothing and get everything paid for.

ANISSA MARTIN: Before I go on, kids need to stop having kids. Thank you.

Child care cost about $468 a month in a licensed day care with no assistance. Because people are having babies at a younger age, they drop out of school and take care of them. Now, when they decide to go back to school, they are going to need help. Most get assistance, if they are single moms, to help to meet their needs. Most get assistance if they are single moms, but when you have one person that works and one person that wants to go back to school, like me, you don't get as much assistance as others would.

The system says to you, it's too much. When you are only making $8 an hour, that is not enough. We want to make sure that there is more assistance available for those who want to work and go back to school, as well as those single moms that are out there, who are struggling to get off welfare.

And it is real hard. Me and my fiance, I volunteered from New York to move down here to better my life, and when I went down to welfare, they did not help me. They said, well, it was a voluntary move. And I had to struggle on my own to go to school, finish my education and for my fiance to find a good-paying job in order for us to survive. It is just me and him; I don't have no family or no one. I expected for the welfare to help me out, which they didn't. I had to do it on my own. And I am only receiving food stamps up to this day. But now we figured out, forget them, we are going to have to do it on our own. It would be really helpful if they do help me, which I am not receiving help.

TAXATION OF MINORS

(On behalf of Keith Blow, Jessica Oakes, Jessica Davis, Shirlaine Miller, and Ruhin Yuridulla)

KEITH BLOW: We are here to raise the issue of tax withdrawal from minors' paychecks. We feel it is unnecessary to withdraw federal and state taxes from people under the age of 18. We, as working teens, believe there is no need for our money to be taken away from us before we are adults.

JESSICA OAKES: In today's society of high-priced items, it is difficult for us to balance schoolwork and personal possessions such as a car, school, gas, insurance, et cetera. We work hard for the little money we earn. The reality is that we only get minimum wage, and then should be able to keep the little amount of money that we do earn. We feel we should be able to keep this money to save up for higher education, motor transportation and our personal expenses.

JESSICA DAVIS: My friend works as a cashier receiving only 5.50 per hour. This is not even minimum wage. Juggling schoolwork and a social life, he is also trying to pay off a truck. It is taking him longer to make payments because of his small paycheck, not to mention the taxes being taken away from it. If the government took out less or no taxes from his paycheck until he was 18, he would be able to pay the truck off more efficiently and have more time to concentrate on other important issues, without worrying about not having enough money to pay for the truck.

SHIRLAINE MILLER: At this age, we are not old enough to vote, fight in the military, drink, or sign a legal document for ourselves. Therefore, the law still considers us children. With the government taking money out of our paychecks, they are taking money away from their children. If we aren't even allowed to vote, and if we have no say in what the government does, why should we pay taxes towards that?

RUHIN YURIDULLA: Thank you, Congressman Sanders. I am not a U.S. citizen, but as far as my experience is concerned, living in the other countries far from the

United States, this thing of income taxes from a minor's check seems very unfair to me. Because if they did not take taxes out of our paychecks, it is likely they can get it from the food that we eat, from the utilities that we use, and from all the things we use in daily life.

So those taxes can be taken out and they can go to the government, but unlikely if they take that check, I mean, money from out of the paychecks of minors. That is like nothing, because minors have to save some money for their future. I mean, they are going to go to college, or they have to build their own lives. I think it should be, I mean, a low should be passed on this, in order to regard it as not to be taking money out of minors' paychecks.

Thanks.

KEITH BLOW: So in conclusion, we feel the government should not take out any taxes from people's paychecks that are under the age of 18. It is unfair how the government still considers us children if we are not 18, but it is hypocritical of them when they take the taxes away from us, because we can't even vote, so why should they take taxes away from us if we can't have a say in what they do with it.

JESSICA DAVIS: Taxation without representation, pretty much.

INVESTING IN CHILDREN

(On behalf of Megan Sullivan and Alex McKenzie)

MEGAN SULLIVAN: Representative Sanders, Mr. Gutman, and fellow students. Good afternoon.

My name is Megan Sullivan. I come before you now as a representative of a group of students at Harwood Union High School, in a class called Other Voices. This is a course that focuses on the suppressed and forgotten voices of past and present. We read part of a book by Jonathan Kozol entitled Savage Inequalities.

In this book, Mr. Kozol addresses the issues of the lack of responsibility that we as a society show for other peoples' children. Children who are not even given a chance to fail, let alone to succeed, but are put in the situation because of their financial and, many times, racial backgrounds. As a class, we explored the concept of other peoples' children, and the social implications that such a concept holds.

We are here today because we reject that concept. The children of the nation are the responsibility of the nation. We should, as citizens of these United States, provide the same opportunities to succeed in education, regardless of one's ability to pay.

We live in a state that recognizes the right to equitable education regardless of the ability to pay. Vermont's solution to the problem of inequalities between schools in the state was Act 60. Though this is a very controversial issue among Vermonters, and a complicated act, the results cannot be denied: Act 60 is making significant and steady progress in reducing inequalities in student resources.

Prior to Act 60, property-rich towns spent an average of 37 percent more per pupil compared to the poorest towns. In the fiscal year of 2002, the spending gap was less than 13 percent. Bearing in mind how well this has worked in a mere few years in Vermont, we reason that setting up a system much like Act 60 on a national level could have similar effect on a much grander scale.

The right to an equitable education is not one that is promised in the United States Constitution. However, the federal government is putting mandates on schools, ranging from funding of special education to national testing. It is not ethical to make education reform without providing adequate resources. The government does appropriate money towards education, but it is not nearly enough.

The House Minority Report, Education in Crisis, notes that, nationwide, state education cuts already total $11.3 billion. The educational reforms included aim high by expecting all students to meet challenging standards and holding schools accountable when they fail. But if the federal government is going to hold states accountable for student performance, it must also provide the resources needed to meet new federal goals.

Failing schools cannot be turned around with decreasing funds. Federal funding is needed in schools where other peoples' children have been left behind as second-class citizens. Before we can expect them to succeed on national standardized testing, we need to level the playing field.

Mr. Sanders, as concerned students and current and future voters, we call on you and the U.S. Congress to appropriate a larger portion of the federal budget to education, and to use this funding to bring all our schools up to a collective and equitable higher standard.

ALEX McKENZIE: Earlier in the day, students from Proctor and Brattleboro high schools spoke of the exploitation of children throughout the world as though these children are partly our responsibility. We agree. Beyond our state, beyond our nation, we seek to extend the principle that children of the world are our responsibility. We call upon our Congress to set an example for all wealthy nations of the world, to address the inequity of the public spending on the children of the world.

The issue of where our nation draws the line on who we are responsible for is one that is argued feverishly all over the world. The Declaration of Independence closes with, "We mutually pledge to each other our lives, our fortunes, and our sacred honor." And today, we make another pledge. These men felt that the people were being oppressed, so they did what they knew they must and fought back. We have come a long way since these people wrote this document, and the words they closed with should have the same meaning, purpose and dedication for everyone, but with a broader worldwide perspective.

In the past fifteen years, the world has grown significantly closer. Communication and trade is but a click of the mouse away. People are traveling more, cultures are mixing, and countries growing. Globalization, like it or not, is real and is here to stay. As our relationships with other countries grow deeper, we're creating a new community, a global community. The community is profiting a few of the larger industrialized nations, but is failing very many undeveloped countries.

Nearly half of the people in the world live on less than two dollars a day, and a few survive on one dollar or less. Most of the people in Latin America, the Middle East and central Asia are poorer than at the Cold War's close. Africans live no longer and have no higher incomes than they did 40 years ago.

These facts are very disturbing and hard to understand. Understanding is one-dimensional. It is the comprehension of the intellect; it leads to knowledge, which we all hope we have more of now. Realization, on the other hand, is three-dimensional. It is the simultaneous comprehension of the whole body—the head, heart and physical instincts. It comes only from experiences. Life requires more than knowledge, though; life demand right action if knowledge is to come alive.

So in other words, we all know these injustices now, which leads us to the question: What are we going to do about it? If we leave it alone and continue to ignore the suffering, what use is the knowledge I have shared with you? But there are caring people in the world who are disturbed by these facts, people who feel they are part of the global community and feel it is their duty to help the people in the world by pledging their lives, their fortunes, and their sacred honor.

What needs to be addressed is how we are going to relieve these people from oppression and suffering. The answer seems to point towards a global developing project for the poor nations of the world. Right now, the World Bank wants rich countries to double their foreign aid. They have linked poverty to terrorism, as well, concluding that the security of rich nations depends on a more just distribution of wealth.

Is it right to live in a community where so many people are hungry and starving in a world with enough food for all? Where so many seek a real education and only get trained in anger and hatred? Where so many are in chains but aren't given the freedom to demand it? These people live as part of our global community, neglected to say the least.

President Bush agrees that poverty and terrorism are linked, but has taken a different approach to aid. While asking for huge increases in the military budget, his administration proposes devoting far smaller amounts to combat poverty and AIDS. A World Health Organization study concluded that, by spending $27 million more each year to fight infectious diseases like AIDS, tuberculosis and malaria, would save 8 million lives a year in the developing world. Washington seems more interested in stamping out terrorism, rather than solving the roots of terrorism. Smart bombs have their place, but smart development assistance can be much more effective.

Many of these issues were brought up in a world leaders meeting on March 17. Development of poor nations seems to be the right way to bring the global community to a stronger, more stable position. The main concern on a lot these richer nations' minds was wealth. Essentially, it all does come down to the issue of wealth. What is wealth if not a means to a greater end? Aren't peoples' lives worth more than building weapons? Wouldn't it be smarter to invest in the children of the world to create a stronger, more stable future for the new generations to come? I guess it all comes down to the question: Would we rather pay now or pay later?

IMPACT OF TOBACCO USE

(On Behalf of Heidi Neil and Martha Mack)

HEIDI NEIL: We are going to start with a couple of facts first.

MARTHA MACK: Five hundred million people alive today will eventually be killed by tobacco. Another four million people died from tobacco-related illnesses in 2000. By the year 2030, ten million people will die each year of tobacco. Smoking-related diseases are responsible for one in ten adult deaths worldwide.

Tobacco will soon become the leading cause of death worldwide, causing more deaths than HIV mortality, automobile accidents, homicide and suicide combined.

HEIDI NEIL: Every day, approximately 80,000 to 100,000 young people around the world become addicted to tobacco. If this trend continues, 250 million children alive today will die from tobacco-related diseases.

We are speaking today on the impact of tobacco on Vermont, the United States, and, most importantly, teenagers. Teenagers are the most important and integral part of big tobacco's manipulation. The companies' advertising plan markets cigarettes directly towards teenage consumers. Millions and millions of dollars are spent annually by tobacco companies to convince teens that smoking is glamorous and hip and cool.

Cigarettes are a very interesting product to market. It's one of the few products which, if used correctly, is actually designed to kill the consumer. As we said before, four million people died in tobacco-related deaths in the year 2000. That is more than 10,000 dying each day. The tobacco companies would go out of business if they didn't pursue additional consumers to replace the customers who are dying each day.

In short, for each person who dies a tobacco-related death, tobacco companies have to replace the person. Why replace that person with another 40-year old who will die in a matter of 40 years or less?

MARTHA MACK: Tobacco companies are much smarter and more cunning than that. They market teenagers. If you start smoking as a teenager, become addicted and smoking for your entire life, big tobacco makes a lot of money off of your life and your health.

There is, however, another very important reason that younger and younger teens are the target group being marketed by the tobacco corporations. Studies have also found that if people do not start smoking cigarettes by the time they reach the age of 20, it is very unlikely they will ever start.

HEIDI NEIL: There are informed and concerned teens out there like us who are desperately trying to bring down tobacco companies, using knowledge as our weapon, to educate the masses. Margaret Mead said, "Never doubt a small group of thoughtful citizens can change the world; indeed it is the only thing that ever has."

We're trying to change the world and asking the help of Vermont legislature. We're looking to the legislature to pass the cigarette tax. While the 67-cent tax helps, we are sure that we here in Vermont can do much better. We are sure that we should do better. For the sake of the teens in Vermont and for the long-term health costs associated with smoking, help us change the world and Vermont.

PRESCRIPTION DRUG BENEFIT UNDER MEDICARE

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, just as I finished before the Memorial Day break talking about the need for a Medicare prescription drug benefit, and was very critical at the time about the fact that the Republican leadership in the House had failed to bring up a bill to address the need for a Medicare prescription drug benefit, I come back here today after the Memorial Day recess and the district work period believing stronger than ever that there is a need to pass such legislation.

We had during the course of the Memorial Day recess, a number of Members had forums, opportunities to be back in our respective States and talk to our constituents. When I came back to the floor of the House today for the votes this afternoon, I had so many colleagues come up to me, particularly on the Democratic side of the aisle, and point out this was the concern that was raised most by their constituents during the Memorial Day recess. I do not understand how the Republican leadership continues to delay and not address this issue and not bring legislation into committee and onto the floor of the House that provides for a prescription drug benefit.

We heard over a month ago that this was going to be addressed on the floor before the Memorial Day recess. Of course, that time passed. Now we hear today that they are going to address it next week. I frankly doubt it. I would not be surprised if they never address it. But I certainly intend to call upon them to address it, to basically lay out what their proposal is. But every indication we have had is that their proposal is not something that is going to be beneficial to perhaps anyone. It is not a Medicare benefit. It is basically premised on the idea that we are going to throw some money, almost like a voucher, to private insurance companies and hope that they will come up with some type of Medicare benefit, primarily for low-income seniors, not for the average senior.

We hear nothing on the Republican side that would address the issue of cost, which is what most of my constituents were asking about. They cannot afford the prices of prescription drugs, and something needs to be done about that. I have a number of colleagues here tonight that want to address this issue, and I will just start out by mentioning two editorials on the issue. One was in the New York Times, and the other was in the Star Ledger, which is our major daily in the State of New Jersey. The Star Ledger sums up how I feel. This was from May 21, and it talks about the Republican plan and it basically says what I feel about the Republican plan, although we do not have a plan, we hear rumors and press conferences about what they might do. We do not have a bill.

The editorial from the Star Ledger is titled, "An Unrealistic Drug Plan," and if I can read parts of it: "Prescription drug coverage for Medicare is something almost every politician agrees is absolutely necessary. From the beginning, the effort to create a drug program should have been part of a comprehensive effort to update and reform Medicare. The way medicine is practiced with drugs a greater and greater share of treatment options, it is ludicrous to continue Medicare without a prescription benefit. Providing a genuine one means offering more than what the Bush administration and the House Republican leadership have been discussing. From the start, they have looked only for solutions routed in the private sector, and have continued to side step one of the most important issues, how to demand pharmaceutical price breaks worthy of Medicare's massive bargaining power.

"If Congress had ever planned to do the job right, no one would have promised what the House Republican leaders did, a quick fix that they could vote on by Memorial Day. They will not make that unreasonable deadline because Congress cannot decide which part of Medicare will get cut to beef up another part enough to cover drugs. GOP leaders are looking for $350 billion over 10 years for their drug program, a sum that many Medicare advocates say is inadequate."

I will skip down to the end. It says: "The President took time on two occasions last week to urge congressional action on a Medicare drug plan. He reminded representatives that they face another election this November, and that their constituents will not be happy if the hottest domestic political issue, Medicare drug coverage, has not been addressed. Since the President set aside only $190 billion over 10 years in his budget for that drug benefit, his remarks sound more like political cover than a pep talk.

"There has been enough talk and enough promises. The thing that has been lacking is candid, determined leadership."

Mr. Speaker, I could not have said it better. The main goal of our Special Order, for both myself and my colleagues, tonight is to demand that the Republicans address this issue. They say they are going to, and they have not. With that I yield to the gentlewoman from Florida (Mrs. THURMAN), who has accompanied me many nights on this issue.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE). I accompany the gentleman on these many nights because this is an issue that I feel very strongly about, as the gentleman does; and he has invested much time in this issue. Quite frankly, it is not for us, it is for our constituents who, as the gentleman suggested, when we go home over breaks like this where we are out in the communities, and sometimes we are not even there to talk about this issue, but no matter where we go or what the issue is that we are there to talk about, this is just absolutely on people's minds, and their concerns are getting even greater.

I hope that the gentleman from Maine (Mr. ALLEN) will join in with this because I think it is important to understand that we are now getting at that point where people are finding out whether or not their Medicare+Choice programs in fact are going to be staying in for the year, and there is a twofold reason that is of concern. It is the only part of Medicare+Choice right now that provides a prescription drug. How ironic that they are getting paid out of the trust fund just like traditional Medicare fee-for-service, but fee-for-service does not get a prescription drug benefit, but under Medicare+Choice they do. That is uncertainty; and quite frankly, it is my dollars as everybody else's dollars that goes into that trust fund. We need a playing field that addresses the Medicare population through Medicare, and not just so a few people in fact can have this coverage.

In fact, in "Families U.S.A." there is a special report, and I hope that people will look at this, there is a big concern out there about what potentially this bill is that I understand is kind of floating out there because we have not seen it, so we do not know all of the details of it.

Today I heard there is a good possibility this will not go through the committee; it will directly come to the floor, probably through some kind of a rule that limits our ability to debate this. It will be covered with a lot of other issues because it is going to deal with are we cutting hospitals, are we going to do anything about reimbursement to doctors, what kind of technology issues we might have in speeding up the ability for technology to meet the marketplace. There is just a widespread of issues that will be contained in this Medicare bill, but the issue that becomes most important to our constituents is the issue on prescription drugs.

What this special report basically says is that the pending bill, which is similar to what was done last year which many of us voted against because of these very reasons, was that the insurance industry, acting through the Health Insurance Association of America, made clear that it had no intention of offering drug-only policies. The industry reasoned that drug-only insurance policies would be subject to adverse risk selection, that is, they would disproportionately attract consumers who have existing health conditions, are sick or disabled, and are among the oldest of the old. The failure to attract beneficiaries with low drug costs would further drive up premium prices, and lead to an increasingly unaffordable price spiral.

It also went on to say, and something that I touched on a few minutes ago in the traditional Medicare program, beneficiaries, and one thing that all of us agree with, at least here, can count on a uniform benefit no matter where they live, as the following analysis demonstrates, rely on private insurance companies to deliver drug coverage for Medicare beneficiaries rather than incorporating a drug benefit into the Medicare program, virtually guarantees that coverage will be uneven in availability, cost and value, which is what we have right now under the Medicare+Choice program. That is just unacceptable.

I would say we have the experiences out there, look at Medigap and the costs there, most of those plans, up in the top tier are costly, and their benefits for prescription drugs are going down; they are not going not up.

Medicare+Choice, premiums are going up, benefits are going down, particularly in the area of a drug benefit and prescription drugs benefits. They are limiting them and saying we can only give generic. There may not be a generic out there because we have a problem with drug manufacturers in just being able to extend their patents. This is just a mess I think that we are in; and I think quite frankly the only reliable drug benefit that we can give to our seniors is through a Medicare plan.

Mr. Speaker, I might just say that I hope, because we are going to hear about the cost of this, I hope as we go through this week's agenda and as we start talking about the estate tax for those multimillionaires, we are going to try to figure out a way to limit it to small farmers and small businesses, make sure that they have an opportunity to continue to do business as they have been doing and to pass that business and that farm on to their families.

But let me say, if we look at the rest of the cost of that over a 10-year period of time, if it should go to repeal, pays for a drug benefit, a benefit that will help 42 million people in this country. I hope that our constituents and others will continue to look at this. I am proud to stand here with my colleagues about an issue that is probably the highest priority for Americans.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman. I think what the gentlewoman is stressing is that the whole Republican strategy of essentially privatizing a benefit, in other words saying that we will give some insurance companies some money and hopefully they will come up with a benefit, prescription drug benefit for some seniors, does not make sense. If we look at HMOs, it is essentially what we did sort of on an experimental basis a few years ago, was to say to the HMOs if they cover some prescription drugs benefits, we will give you some money to do it. But they have not been able to do it. It is not uniform. A lot of them have dropped the coverage. I think if anything, the HMO experience shows that we cannot rely on that to provide a real prescription drug benefit.

Yet we hear from the Republican leadership constantly that they want to expand HMO options, that HMOs are still the answer to provide a prescription drug benefit, or look at other means of using the private sector. We are not opposed to the private sector, but Medicare is not a private sector program; it is a government program. It works very well, and the logical thing to do is to expand Medicare to include a prescription drug benefit for everyone and address the cost by having the Health and Human Services Secretary basically negotiate to bring costs down.

Mrs. THURMAN. Mr. Speaker, before Medicare, we had private insurance. We have Medicare because there was no coverage under private insurance.

Mr. PALLONE. Exactly.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN), who probably has drawn more attention to the cost issue than any other Member of Congress. I agree with the various proposals that he has to try to bring prices down.

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Mr. ALLEN. I thank the gentleman from New Jersey for yielding. I am pleased to be back here again with him talking about the high cost of prescription drugs and what we should do about it.

One thing that strikes me is that this is an issue that is hard to understand. This really is not a contest between the parties over the number of times we can mention the words prescription drugs, but there is a fundamental difference and the gentlewoman from Florida mentioned it. We have on the agenda this week a bill to make permanent the estate tax repeal. In other words, once again, tax cuts take a higher priority, particularly tax cuts for the wealthiest Americans, take a higher priority than providing prescription drugs at an affordable price to seniors on Medicare who simply cannot afford to take the drugs that their doctors tell them they have to take.

We saw it with the original tax cut. So much money was taken out; in fact, all of the non-Social Security surplus was taken out for the next 5 or 6 years. So when we look at which party is likely to provide real relief for prescription drugs, it will not be the party that says all the time, smaller government, lower taxes. It will be the party that says, we have a plan that will help all Medicare beneficiaries with the high cost of their prescription drugs, and that is what we are trying to do.

So here we are again revisiting a plan that the majority in this House has still not brought forward, but that we know is coming forward and we know it will be the same old, same old story. Essentially it will say, the way to provide prescription drugs for seniors is to rely on the private sector, to rely on HMOs. HMOs, Medicare managed care, otherwise known as Medicare+Choice, does not operate everywhere in the country. In fact, there are 15 States where there is no Medicare+Choice plan at all that covers prescription drugs. In another seven States, there is one Medicare+Choice plan. Where you have one of the major insurance companies providing coverage for prescription drugs to Medicare beneficiaries, every year we see that the premium goes up and the cap on coverage goes down. There is no future here. There is no future here for the same reason that Medicare was passed in 1965. The private insurance companies do not want to cover people who are old and sick and poor. If we are going to cover everybody, and I do not mean just the very poor, I mean just ordinary retirees who are living mostly on their Social Security, that group is simply not going to get covered by these private sector plans.

But what is fundamental in my mind is the Republican plan is really an assault on rural American seniors. The reason I say that is that the 15 States which are not covered tend to be rural States in this country, the places where it is not economic for the large insurance companies to go and provide Medicare+Choice, managed care, HMO coverage. They are rural States. But all those people who live in those States, like mine, in Maine, they are all part of Medicare. When it comes to part B, the physicians services, they get treated the same way as people in other States. Why should it be that people in at least certain parts of New York and Florida and California and Texas get treated one way, but people in Maine and Vermont and Montana and Wyoming, North Dakota, Iowa, Wisconsin, Nebraska, Utah, and Arkansas get treated differently? There is no good reason for doing that. That is why we need a Medicare benefit.

I have advocated one thing you could do in the short term is simply pass the legislation that I have introduced which would provide about a 35 percent discount for all Medicare beneficiaries on all their prescription drugs at no cost to the Federal Government. It would essentially give Medicare the power to bargain with these large insurance companies and set rates that are no higher than the average in the rest of the industrialized countries, the six major industrialized countries.

If that is too simple for the other side, then we go to a Medicare benefit. And, sure, a Medicare benefit costs some money, but seniors are obviously going to be paying a significant amount, anyway. They need a benefit that is worth signing up for, that virtually everyone will sign up for, but we are not likely to see that. We are not likely to see that brought forward by the Republican majority in this House because it involves strengthening in a major way an important government program.

If you believe in smaller government and lower taxes and that is always the priority, there will always be another tax you want to cut before you take care of our seniors, and that is the dilemma that we are facing. I believe that what we are really looking for is a Medicare benefit which applies to all our seniors, which is voluntary but which is appealing, which people will sign up for and pay the monthly premium in order to get the benefit. That is the only way to make this work. That is what the Democratic plan would do. But it will not work to create the illusion of a plan and call it a Medicare prescription drug benefit when by its very terms seniors will not sign up for it because it does not make economic sense for them to sign up for it.

We really come back to this issue we talked about last time. It was quite a spectacle last year and will be, I suspect, quite a spectacle this year. The largest and most powerful lobby in Washington, the pharmaceutical industry, will say to the Republican majority, what we need in this country is drug-only insurance policies offered by the major insurance companies, and we should provide those companies with a subsidy to encourage them to offer that kind of policy. And the insurance companies will say, We don't like that idea. There's no way we are going to offer drug-only insurance policies.

That is why it is all smoke and mirrors. That is why it is all an illusion. They have developed a plan for private insurance, private prescription drug coverage, which will not be offered and if it were in fact offered, it would not cover everybody. Rural States would be left out. Other beneficiaries would find it ineffective. This resistance, this fear of taking Medicare, the most cost-effective health care plan we have in this country, and not simply using it as the vehicle for improving the assistance to seniors on prescription drugs, it just is staggering. But that is what we are contending with. There is no question in my mind that if we are going to have equity, if we are going to have a plan that actually works in the real world, if people are going to be able to get their prescription drugs at a cost they can afford, the Republican plan that will be presented to us will not do the trick.

I want to thank the gentleman from New Jersey for organizing this Special Order and being here once again to talk through the issues, because it is not easy. Americans can often hear the words over and over again and think we are talking about the same thing, but we are not. There is a huge, fundamental difference between the two types of approaches; and what we need is to give America's seniors the same type of coverage that people working when they have prescription drug coverage get from their insurance company. American workers get their prescription drug coverage through their health insurance company. America's seniors should get their prescription drug coverage through their health care plan. It is called Medicare. It works, it is cost effective, and it is how we ought to approach this problem.

Mr. PALLONE. I want to thank the gentleman. Again, I appreciate all his efforts, particularly when he brings up the cost issue. I just wanted to say two things to comment on what he said. First of all, part of the problem that we face, and again this was happening during the Memorial Day recess, is that the drug companies start these campaigns where they pretend and try to get the public to think that what the Republicans and the President are proposing are somehow going to be beneficial to them. We have this multimillion-dollar TV ad campaign now by a front group, United Seniors Association, that basically the drug companies have been sponsoring. Ads were running during the Memorial Day recess. I was pleased to see that a couple of weeks ago some of the groups that are concerned about seniors got together to try to expose this.

I just wanted to mention, apparently some of these groups filed a formal complaint at the Federal Trade Commission over deceptive advertising. What they point out is that what you are seeing with the drug companies now is that they are using money to basically go on TV and try to tell the American public that the Republican prescription drug proposal is a good one. Then they use money to try to essentially influence Congressmen through their campaigns to support the Republican proposal, and then they do all the advertising in general with regard to the drugs. And who is paying for it? The consumer. It is just a sad thing. It is very hard, I think, as the gentleman says, to explain to our constituents the difference between what the Democrats and the Republicans, are proposing because they hear all these conflicting ads on TV.

I just wanted to say briefly and then I will yield to the gentlewoman from New York, what the Democrats have been saying is that we would like to simply add a prescription drug benefit to Medicare, to the very successful government program called Medicare that we now have that covers your hospital bills and your doctor bills. What the Democrats are proposing is very similar to what is now called part B of Medicare, which covers your doctor bills. You pay a fairly low premium, I think for your doctor bills now it is about $40 or so a month. The amount that you would probably pay for a prescription drug benefit would be even less than that under the Democratic proposal. You have a very low deductible under part B right now. It is $100 a year. Eighty percent of your costs are paid for by the Federal Government.

And there would be a fairly low catastrophic. In other words, after you spend a certain amount of money for that 20 percent copay, all the costs would be paid for by the Federal Government. So we are not reinventing the wheel here. We are basically saying we want a prescription drug benefit under Medicare very similar to what you have now under part B Medicare to pay for your doctor bills. And for those who cannot afford a premium just like part B, the premium is simply waived for those who are below a certain income. And then we have a cost containment measure which says that the Secretary of Health and Human Services is mandated to bring the cost down, to bring prices down because he has the power to negotiate for these 40 million seniors that would be part of the Medicare program.

I have no doubt that that would go far towards reducing the cost of prescription drugs. It is a very simple thing. This is what we as Democrats are proposing. It is vastly different from the privatization that the Republicans are proposing. With that, I yield to a health care professional, the gentlewoman from New York (Mrs. McCARTHY), who is a nurse by background and who is very familiar with the issue at hand. I thank her for being here.

Mrs. McCARTHY of New York. I thank my colleague from New Jersey for taking such leadership on this. As he had mentioned, I have spent over 30 years of my life as a nurse, so I would like to talk about why it is so important that we have a prescription drug benefit under Medicare. I am going to try and cover this a little bit widely why some people that are even younger, that are not on Medicare, on why it is so important to support this because they are going to be there one day, and I think that is important. Nobody talks about that.

I will say to you, I am only 58 years old. I am a healthy person. Yet, of course, once I turned 55, you start going for your physicals and I discovered that I had extremely high cholesterol. There is a drug on the market to help me reduce that. I tried exercise, did the diet; but apparently my problems with cholesterol are hereditary and there is nothing that can be done except being on this medication. I have been taking the medication faithfully, my cholesterol is down very low; but March 1 of this year, my prescription drugs went up 100 percent. Like I said, I am healthy and I am only taking one drug right now.

But the reason I talk about this, because our seniors were also hit with those increases, especially those in New York and in many parts of this country. That is why as a health care professional who happens to be in Congress, I am fighting to make sure that our seniors get the medication that they need to have a healthy life. Why? If our seniors are taking the medications mainly because it prolongs our life, makes our life more productive and, by the way, a lot of times these seniors because they are productive are continuing to work.

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I think that is important to look at. But if they do not take their medications because they cannot afford it, what happens? They end up in the hospital, sicker than before, because the medications that they were taking, they choose to either take a half a dose or skip a day.

Now, people that are on medications have to follow the directions that the doctor or the health care provider tells them to do. But when it comes down to our seniors that might not be able to afford prescription drugs on a monthly basis, because I have to tell the gentleman, a year and a half ago I asked all my seniors in my district to send me their prescriptions. I wanted to see how much they were paying. I wanted to really see what was going on, just in my district alone.

I was astounded by what the majority of my seniors were paying on a monthly basis. A lot of them are on fixed incomes, and a lot of them said "I do not take my medication every day." We are not talking about one drug, two drugs, three drugs; we are talking about $700 to $800 a month just on their medications. Some of them have absolutely no choice. They could be having a reaction to a heart medication, so they are taking that, and a lot of times it takes a lot of balance.

But it comes down to this, it really, really does. I want the American people to really understand why we as Democrats are fighting for a good prescription drug plan. We will be keeping America healthier. By the way, I cannot tell you, when I was back in my district in the last couple of weeks, how many people, young people, people that are taking care of their parents, are saying to me, "I cannot afford to help my parents anymore to pay for their prescription drugs." So not only are we hurting the elderly people, we are now seeing that, because our mothers and fathers are living longer, we are also seeing now the families being affected, because they have to help chip in to pay for their medication.

This is why it is important. If we were rewriting Medicare today, I do not even think that we would think twice about whether to put a prescription drug benefit in with it. So, again, with the amount of monies that we spend here to try certainly to keep everybody healthy, why we would not be doing something with prescription drugs, I have no idea. Let us remember, our hospitals right now are under a crunch time, and the more times that they can help their patients stay out of the hospital, that is what they want to do. Prescription drugs are the answer.

I think we have to start looking also at other ways of reducing prescription drug costs. Of course, that has to do with looking at genetic medication also. Again, here we have the pharmaceutical companies fighting us on this. All they have to do is change one little molecule in a medication and it makes it a whole new drug and it stops it from getting it on to the market. We can do things to make the American people and our seniors healthier, and, in the end, we will have a more productive society in many ways.

So I am hoping to be very honest with you. Here we are in June. We might break by the end of September, maybe October, with the legislative work that we have ahead of us. I do not know whether we are going to get to this issue now. It is really a shame, because since I have been here in Congress, which is going on 6 years, we have been talking about doing something with prescription drugs, and here we are ending another session, the 107th Congress, without really doing something.

I do not want people to be fooled. If something does get passed in this House, is it going to help the American people? Is it going to help our seniors? I think that is something that people and consumers have to be smart about.

This is where, in my opinion, seniors can get involved. They should be calling their Congressperson, they should be calling their Senators, to say to get involved and to have a prescription drug policy that they can afford. I think that is the most important thing.

Again, I thank the gentleman for his leadership, who has been talking about this issue many a night by himself.

I have to say, when I talked to health care providers, when I talked to doctors, when I talked to pharmacists, they said "we make no money on these prescription drugs," because they know that they have to make sure that their seniors get their medications. A lot of times they give it to them at cost, or a lot of times they will give them an extra couple of pills, because they know the patient is not taking it.

We are in America. We are in America. We should not even be discussing this. This is a no-brainer. It is the Federal Government's job to make sure that we keep our seniors healthy as long as possible, and that is by having good medication and making sure that our seniors can afford to take it.

With that, we should be looking at Medicare, at getting a good prescription drug plan out there. As far as I am concerned, if we do not do the right thing, we have let the American people down. I mean that with all my heart.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman. She points out as a nurse and as a health care professional one thing that I think we need to stress, and maybe I have not and a lot of us have not stressed, and that is the whole preventive aspect.

In other words, here we have all these miracle drugs that have been created in the United States, and if they are available, then people are taking them and they do not have to go to a hospital, they do not have to go to a nursing home. If they are not taking the drugs, a lot of times they are going to end up sicker, and, in the long run, because the Medicare program does provide for hospital care and for doctor care, it ends up costing the Federal Government even more money.

Even if you just look at it from a monetary point of view, one of the things we never factor in when we do a cost analysis of legislation is what the long-term savings or the long-term financial implication is. I guess the way we operate with the Congressional Budget Office, they cannot look at the 10 or 20 years over the life of the program to see what the nature of the preventative nature of something is.

I forget a lot of times that prescription drugs are a preventative measure, and if people are able to take the drugs, they do not have to be institutionalized.

Mrs. McCARTHY of New York. If the gentleman will yield, that is something else a lot of people, especially here in Washington, do not talk about. Like I said earlier, looking at it holistically on what the cost evaluation is, I can tell the gentleman that the longer we keep someone healthier and the less time they have to spend in the hospital, overall we are going to be bringing down our costs as far as stays in the hospital go. That is the most important thing. I think it is every health care professional's dream to be put out of business. We love our job in the health care profession, but we also know that so many things can be prevented.

As the gentleman said earlier, we have these wonderful, wonderful miracle drugs out there, but if you cannot afford to take them, they are not doing anybody any good. When these drugs come on the market, our seniors that need these medications should have the right, the absolute right, to be able to get the medications that the doctor prescribes.

By the way, let us not forget, it is the doctor that is prescribing the medication to save the patient. So, again, let us let the doctors do the job that they were trained to do and not be dictated by a lot of the pharmaceutical companies.

It is amazing. When you fly down here to Washington, I only have like a 40-minute flight, it does not matter what magazine I have anymore, there are pages and pages of advertisements about new drugs.

I think people misunderstand. We, the Federal Government, give the pharmaceutical companies a lot of money for research and development. None of us that are trying to get a Medicare prescription drug plan are trying to stymie the pharmaceutical companies from research and development. We are not, because we need to have that stimulation there to keep coming up with bigger and better drugs.

But, again, I say, are we going to go into a two-class system, where only those that can actually afford to buy the best medication that is out there do, and those that cannot do not? That is wrong. That is not what America is about.

As far as health care goes, everyone should be able to be treated equally and get the same treatment. We as nurses do not care if you are rich or poor. All we want to do is make sure that you are taken care of, the same as whether you are on one side of the room or the other side of the room.

It should come down to the same thing with prescription drugs. Everyone should be able to have their medication; everyone.

Mr. PALLONE. I thank the gentlewoman. The other thing she points out is, why are we here? Why do we come here on the floor of the House after the votes and bring this up?

I think there is a sort of dual fear on my part, and I am sure the gentlewoman's and the Democrats in general, that either the Republicans are not going to bring up anything, which is a possibility, because it keeps getting postponed, or, if they do bring something up, that the danger is it is just there for political purposes. In other words, it maybe passes this House, but never passes the Senate because there is no effort to bring up something that everyone can agree on, or it is something that sounds good, but does not really help the average person. Because, as the gentlewoman points out, who is it out there that is complaining to us? Not the very wealthy; not the poor who are on Medicaid and get prescription drugs under Medicaid; but the vast middle class. Your average person, who, right now, because their income is not low enough, they are not eligible for Medicaid and they cannot afford to pay the high prices. They are like 90 percent of the seniors who need this benefit.

I have been critical of the Republicans and I have been very partisan about it, because everything I hear is that their proposals they have been airing essentially do not cover prescription drugs for most of that middle income or middle class group. It seems like they are saying, okay, we will give some money, almost like a voucher, to insurance companies, and they will cover prescription drugs for people that are just above the poverty line, or they will see if an HMO will cover it.

But, as we know, in many parts of the country, HMOs simply are not available and they have cut back on the level of prescription drugs or how much you have to pay or what kind of benefit you get. So there is a real concern on my part that if we do get a bill, that it not be just a hoax, just a sham; that it be something that is really meaningful in terms of people's lives.

So I started this evening talking about two editorials. One was the Star Ledger. But I did not mention the one from The New York Times. I am not going to read the whole thing.

If I could just conclude, this was actually on May 28 in The New York Times during the break. The title is "Paralysis in Health Care." It says, "Early this year Congress and the White House entertained dreams of passing all kinds of health care legislation. President Bush and Senator KENNEDY were working on a Patients' Bill of Rights. There was even talk of enacting a prescription drug benefit for the elderly. But such talk has vanished. Lawmakers seem to be betting that voters will not punish them for inaction. But they cannot put off the issue forever.

"A decade ago, when the cost of health care was also soaring, many experts were sure they had a solution, managed care and competition. But HMOs turned out to be no magic.

"Elderly people who came out of the last election with the impression that they would inevitably get help with the cost of prescription drugs may be in for a disappointment. The Bush administration proposed spending less than $200 billion over the next 10 years, a ridiculously low sum given the public's expectations.

"Congress Members had better take the time to listen to voters. They are likely to discover their patience is diminishing. Sooner or later the demand for health care is going to be high on the agenda, and it could happen before the election in November."

The New York Times is talking the political aspects of it because we know our constituents are demanding a prescription drug benefit. But it is, as I said, important for the Republicans, who are in charge here and have the obligation to, we as Democrats cannot, we do not have the majority, to not only bring up something, but bring up something that is going to be meaningful in terms of seniors' lives.

We will go at this every night until we see a proposal brought up and an opportunity to debate this on the House floor, which we have not had so far.

I yield to the gentlewoman from New York.

Mrs. McCARTHY of New York. Mr. Speaker, again I would like to stress why it is so important. In my 30 years working as a nurse, I have seen so many different changes in our health care system. But one thing I do know is the same is that each and every person in our senior citizens, who certainly are some of our most vulnerable people, when it comes to their health care, we should make sure that they can get the best.

I have to say, I did not want to see this country go down the way where we have a two-class system. When the gentleman had mentioned the middle income, I would be considered middle income on Long Island, and yet I am certainly concerned, will I be able to afford the drugs that I might need to keep me healthy as I get older?

So that is why I am fighting. I am fighting as a health care provider, but I am also fighting because I am going to be a senior citizen one day.

I thank the gentleman again for his leadership.

BEING FISCALLY RESPONSIBLE

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, having heard the previous speakers, it is interesting that, time after time after time, we have my colleagues, like the gentlewoman from New York that stands up and talks about prescription care for all people, and I am quoting here, "everyone should be able to have their prescription needs met."

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But what the gentlewoman fails to come up with, the question she fails to answer, is how are we going to pay for it? It was not 1½ weeks ago when we were talking about the supplemental appropriation bill here on this House floor, on which the Democrats were giving stalling motion after stalling motion, alleging that the Republicans were going to spend the United States Congress into oblivion.

On one hand they complain about the spending, and on the other hand they stand up in front of the cameras and promise all good things.

In my State, in the State of Colorado, I have recently seen promises from the Democratic side of the aisle that we are going to have mass transit and that we are going to have full prescription care for all people in the State of Colorado, for all people in this country.

Look, that sounds grand, but we ought to ask of every person, every Congressman or elected representative or anybody representing either of the parties that stands up in front of us and promises us the Moon, promises us the golden key: Who pays for it?

What the gentlewoman from New York (Mrs. MCCARTHY) fails to bring up in her comments, and I say this with all due respect, but the fact is, business is business, and somebody has to pay for this. What she fails to bring up is right now in the United States, we are in a deficit situation. We are not creating new wealth. There is no new wealth that is being created in this country on the net bottom line for the Nation, which means that anytime we offer additional benefits to somebody, we have to transfer them from somebody else.

I would like to say to the gentlewoman that her salary as a Congresswoman does not put her in the middle class; it probably puts her in the upper middle class. The fact is that a lot of these transfer payments, and that is what has to happen, when we promise somebody that needs prescription care, and it sounds good, and I think there are cases where we have to provide prescription care, but to promise it en masse to the population, there is only one way we can pay for it: we have to take it from somebody and transfer it to somebody else.

So we cannot stand up here, and it just happened, I just saw it from the gentlewoman from New York, we cannot stand up here and on one hand promise people prescription care so that all their prescriptions are cared for, and on the other hand, talk about the middle-income taxpayer and about how the middle-income taxpayer is going to worry how they can pay for their prescription services.

Of course they are going to worry about it, because under these kinds of programs that they are proposing, which really are a type of socialism, equal treatment across the board, what happens when we make those kinds of promises is there is only one place we are going to get the money. The bulk of the money is going to come from the very class of people that they stand up here and profess to protect. That is the middle class.

Prescription care is a high priority for all of us. I do not know any Democrat or any Republican that would not like everybody in this Nation to have their prescriptions paid for. The pharmaceutical industries in this country have really done a pretty remarkable job with the assistance of the people in this country who have provided those grants and have provided research.

So now, for example, I was at some town meetings in the last week. I mentioned about how just 10 or 12 years ago, when one had diarrhea, they had to drink that Kaopectate stuff, that gray liquid in the white plastic thing, or drank that Pepto Bismol or something, and hopefully after 2 or 3 or 4 hours the diarrhea would slow down. Today if one gets that, they pop a little tiny pill not much bigger than an eraser on a pencil and it is gone in 20 minutes, so we have made progress in that regard.

But we cannot get it for free. We cannot promise the American people that all their prescription needs are going to be for free. That is exactly what happened in the preceding statement.

Then, on top of that, it is easy when people are not the ones making budget decisions, so it is easy for the Democrats in the minority party to go out and make all of these promises because they know that it is the Republicans who have to provide it. And then it is the Republicans that get put on the defensive when they show up.

For example, after the gentlewoman from New York goes into a meeting and makes all these promises, and happens to walk out the door before telling how she is going to pay for it, then we walk in the door and we are the ones that have to come up with the funds. We are the ones that have to be the bearers of bad news.

If Members want to talk about fiscal responsibility, it requires that every one of us on this floor, including Republicans and Democrats, when we propose a benefit, we ought to be able to also tell the people we are promising how we are going to pay for it.

Nothing is free, and do not let the Democratic Party tell us up here from this House floor, do not let them tell us that prescription care can be given to everyone without a very, very significant cost.

I can tell the Members who is going to end up paying that cost. Anybody that is listening, anyone who is working, the working people of this country, regardless of what their job is, they are the ones who are going to pick up the costs of these promises being made by the Democratic Party.

Now, we hope, within the confines of our budget, that there are certain benefits that we can offer to the elderly. We think that is important. But what concerns me is this just opens the door for the promise to become broader and broader and broader.

Two weeks ago, the Democrats over here were talking about prescription care for seniors only. Tonight, we see what has happened, just in a 2-week period of progression: tonight we hear the gentlewoman from New York, and again I say this respectfully, but we hear the gentlewoman from New York promising prescription care services for everyone. We cannot afford to do that.

On a typical day in my office over in the Cannon Office Building, we will have people coming in all day long, people with special interests; all day long coming in, special interests, whether it is with seniors; special interests, whether it is with education; special interests, whether it is with highway construction, or military apparatus. All day long we have people who come into my office. All of them have ideas. All of their ideas, almost without exception, cost money.

These people are not proposing to pay for the project; they are proposing to use the money for their project. Their proposal is that we pay for the project.

The problem at the end of a day, in a typical day, we will get requests on an average day I would say of $6 billion in a day is what they have requested in assistance for their new programs, day after day after day after day. At the end of the day, the difficulty with these programs is that almost without exception, again, every program that is proposed to us is a good program. It makes sense. It has some benefits to it.

So our choices down here are not choices between good and bad programs, and they are generally not choices between Republican wishes and Democratic wishes; but our choices are between good and good programs.

The key and the bottom line comes down, okay, we have a good program here, we have a good program there; but we only have enough money for one, or we can do both of them halfway. What do we do? My preference is we do the one and do it right the first time, which means we also have to say no.

There are lots of programs that are being proposed by the Democrats this year. It is of interest, I know, that in the last several weeks, the Democrats, because we are in budget time back here, the more partisan Democrats continually hammer away at the Republicans on our budget. They hammer away on one hand about spending, and on the other hand, they show up here on the House floor and promise the country prescription services for everybody.

I should add that the gentlewoman from New York did not just stop at prescription services for everyone; she also talked about health care, that there should not be a two-tiered division in this country of those who have health care and those who do not have health care; that everybody should have, notice the word, I am quoting her, everybody should have equal health care.

First of all, that is a socialized system. That is government-provided health care. That is the only way you can do it and there is no other way around it; it is a socialized type of program. Our country has continuously, continuously, time after time after time, said they will not accept or they do not want socialized medicine. They do not want the government running everything for everybody on an equal basis. That is not the concept of a democratic government.

This is not a socialist government; it is a democratic government. Yet, some of my colleagues continue to stand up here and get away with this kind of rhetoric, because it is real easy to stand up here and promise the American people, tell them we want every one of them to have prescription care services. But where leadership comes in is to say to these same people that we have to figure out how to pay for it. If we cannot figure out how to pay for it, some of us have to have enough guts to say we cannot get something for nothing. We cannot do it. It does not mean we do not want to do it; it means we cannot do it because we cannot afford to do it.

Who do we owe that obligation to, the obligation of saying that we just do not have the money, we cannot give it to you for free? We owe that obligation not just to the taxpayers of this country, to whom we have a fiduciary responsibility to represent their interests, but we also owe that obligation to the next generations that are really going to have to foot the bill for this kind of thing.

Take a look at what has been promised in the past. Take a look at how our system has broken down. I can tell the Members that when I go to town meetings in my district, which is in Colorado, I hear at town meeting after town meeting after town meeting complaints about programs that happen to be run by the Federal Government: the veterans' associations talk about problems we have with the veterans administration and the health care they deliver; problems with Social Security; problems with SSI; problems, problems, problems. The government does not run an efficient system.

I think it is high time around here that my colleagues, and I will say for the last hour I have heard this from the Democratic side of the aisle, and it is not my intent here tonight to approach this in a partisan Democrat-Republican type of approach, but the fact is that the Democrats continually, continually profess all of these benefits that sound wonderful; and the fact is the reason they sound wonderful is because they are wonderful.

Who in America would not like full prescription services, and, by the way, somebody else to pay for it? What they fail to point out to us is that if you happen to be the person sick out there, you are going to get a lot of benefit out of these prescription services; but if you are the person that is not sick, you are the person that is working out there, watch what happens to your taxes to provide for this never-ending benefit.

Now, I think the American people as a whole are willing to provide prescription care services for certain classes, for example, the elderly people. There are ways, and we have to figure out, whether it is mass buying, whether it is pooling, there are ways we can figure out to assess or assist the American people with their prescription care costs. That includes cracking down on pharmaceutical companies that are involved in antitrust actions or pharmaceutical companies which get together and make sure the generic brands never come to the market.

As far as I am concerned, if we catch a pharmaceutical company attempting to keep a generic brand off the market, we ought to take the executives of that company and put them in jail. It is wrong. They are trying to take advantage of the American people, not in the capitalistic freedom-of-market type of approach, but in a very sinister type of approach.

But that is a far cry from standing up in front of the American people on this House floor, standing up in front of our colleagues, and saying that we need equal health care for everybody. There should not be two tiers, two tiers of health care in this country, those who get it and those who do not get it. Instead, everybody should have equal, again, equal health care, and everybody should have prescription care services, so whatever prescriptions they need, they get paid for.

I will just tell the Members today, I have kind of a cold, so I use a nose spray, which was a prescription nose spray, because I have allergies. I took folic acid this morning, which was prescription. I am trying to think what else. I took some vitamins. I took a pill for my knee this morning, which was prescription.

Why should the Members or anybody else in this room pay for my prescriptions? I am able-bodied. I am capable of working. I would like it very much if you would pay for my prescription services, but the fact is simple: there is not enough money to go around. That is the reality that we have to face here.

We have to be honest with the American public. We have to look them right in the eye and say, look, we would like to give everybody prescription care services, but somebody ought to answer the question: How do we pay for it? When we promise people a rose garden, we had better figure that out. We owe it to them to say, nothing is free. I can give this to you, but this is what it is going to cost you. I can do this, but in the future, this is what is going to happen to this program.

When we start a program with the Federal Government, it never stops, it just grows and grows. It does not grow proportionately, by the way, i.e., as the population grows by 10 percent and the program would grow 10 percent. Take a look at Social Security. The population grew probably like this, and Social Security grew like this. There is a huge gap in there that has to be paid for.

What happens is I have colleagues, like the one who just spoke in the last hour, the gentlewoman from New York, who stand at the podium and make very pleasant promises, very nice rose garden promises to the American people, and then we have to come in and be the bad guys by saying, look, you know, it is a nice promise, it is a great program, but we have to pay for it.

□ 2030

So I would challenge, and with all due respect, I would challenge my colleague from New York (Mrs. McCarthy) to tell us how we are going to pay for it; tell me exactly what constituents in your congressional district are going to pay for it; and tell me how often you have returned to your congressional district, which you say is a 90-minute ride back to your district so it is easy to get there, tell me when the last time it was when you stood up in front of your constituents back there and told them, you will pay for these services, across-the-board prescription care services, across-the-board medical care. My guess is that what is said here is often not what is said back in the district.

The fact is you ought to be honest with these people. And I am not implying that the gentlewoman from New York (Mrs. MCCARTHY) is not being honest, but I am saying directly to the gentlewoman from New York (Mrs. MCCARTHY), how are we going to pay for it? I want prescription Medicare. I would like the prescription that I took today, I would love it if somebody else would have paid for it. How can I say no to that? Somebody comes up and says, here, we are going to pay for your prescriptions today for your nose spray and for your knee, to help rebuild your muscle in your knee. We will have somebody else pay for it.

It sounds great, but it does not happen that way. And we owe it to the American people to be straight with them, to say to them we do have a problem with prescription care. Prescriptions, while they have advanced tremendously, the pharmaceuticals, while they have advanced tremendously in the capability that they have, they have also advanced tremendously in cost. And I think, frankly, the gentlewoman from New York (Mrs. MCCARTHY) her energy would much better be exerted instead of standing on the House floor and promising the American people that we should provide prescription care for everybody across the board, that our energies would be much better expended going after the pharmaceutical companies that are trying to drive off generic drugs or trying to keep generic drugs off the drugstore market shelf. That is where we ought to focus. Promises to give everybody everything they want are empty promises. And too often, if this government has ever gotten into deficit problems, or if you can ever track how we get into budget problems, it is because not enough of us stand up here in front of the people we represent and say we cannot do it all for you. If we do do this for you, this is what it will cost you.

You cannot go down to the car dealership and get a free car with somebody else having to pay for it. The dealership does not give away free cars, and the government cannot continue to provide 300 million citizens with their prescription care costs. So I think we need to keep that in mind.

Mr. Speaker, I want to talk about another issue tonight. I just came off CNN and had a very interesting discussion about "profiling," "racial profiling." The American Civil Liberties Union apparently today filed a lawsuit on behalf of five or six plaintiffs who allege that they were racially profiled by airlines in the process of going through security to get onto these aircraft of these particular airlines. And we had a discussion and, of course, the plaintiffs in this case talk about the fact that they were asked to leave the plane or they were questioned, they are convinced, because of their race or their color. And one of them said, it broke my heart and I will never be the same.

You can see the kind of language in there. I mean, in my opinion, as I said on CNN tonight, the American Civil Liberties Union goes out there and hunts for these kinds of people and then races to the court and then runs to the national TV and has national press conferences about how horrible the security system is in this country, how racial profiling should never be allowed.

I can tell you that the American Civil Liberties Union racially profiles, schools racially profile, CNN racially profiles, the Democrat party racially profiles, political parties do that. Now, what do I mean? Back it up with a little substance. The Democratic party, take a look at the discussions about Florida. Take a look at what the Democratic party does, as do all political parties, as do insurance companies, as does CNN to figure out who their viewers are. They will go in, based strictly on a person's race or color, they will go in and say, how will this person vote. If they will vote Democratic, if this particular race tends to vote Democratic, let us spend more money here to get them to vote our way, Democratic.

It is the same thing if CNN goes into an area and says, who are our viewers? What age are they? What income bracket are they? Do blacks watch more than whites? All of this is done. Now when it comes to security, I think we have to take a step back. I do not think we should have what is called and what is trying to be directed towards the ACLU or the ACLU is trying to say to society that we are trying to justify, I do not think a person should be pulled off an airplane or given any extra scrutiny for the sole reason of their race background.

I am Irish and I have got some Scottish. I do not think just because of the fact that I am Irish with no other risk factors in there, that is the key buzz word, risk factors, with no other risk factors in there, just because I am Irish, to pull me aside, to exclude me from an airplane.

Now, keep in mind that with the plaintiffs that the ACLU is representing, this happened one time. And the representative for the American Civil Liberties Union tonight on CNN said these people are not looking for money. Because I said, look, all you are trying to do is it is a rush for the courts, to take what you can get. It is like a slot machine, let us see if we can get some money out of this deal. The ACLU answers and says, we do not take any money. We are here to make these people whole.

Well, it happened one time to these people. Out of the thousands and thousands and thousands of times a day that people go through security, the ACLU goes out and somehow finds six of them that feel offended by the security and are now demanding that security not take into consideration at all a person's ethnic profile, even if it is in combination with other factors. I am here to say to you, look, we have a responsibility in this country to provide for security when you get on an airplane. I can assure you, in my opinion, that those six plaintiffs, had something gone wrong on that airplane and they had been the victim of it, they would probably have had a national news conference today, not with the American Civil Liberties Union but with a group of plaintiffs' attorneys, to sue the airline or to sue the government.

My point is this, we have to provide security on those airplanes. Our country is very dependent, our economy is very dependent on those aircraft flying. A lot of us use airplanes and we want to know when we get on that airplane that we are safe. That requires some inconvenience on our part. In my opinion, it does not violate the Constitution, but it does require you, for example, when your suitcase is going through security they may open your suitcase, they may go through your underwear, they may go through your shaving kit. That is an inconvenience. It is not an unconstitutional strike against your basic human rights. And based on a risk profile, take a look at what hit us on September 11. It was not 11 Irishmen between the age of 40 and 45 years old who had jobs and et cetera, et cetera, et cetera, of the Catholic religion. That is not what happened.

We had a profile, not just the ethnic background, but it had their ethnic background; it had their age; it had their religion; it had their past history or some of their past history. I can build what is called a risk profile. And for the ACLU or for any of the political left to advocate that we should compromise the security of our airplanes or compromise the security of the American people so that we are politically correct and we do not offend somebody, and I can tell you there are people that are offended that you lift their underwear out of a suitcase to look at things. But that does not mean that just because it is politically offensive to them that we should compromise security to make them happy, and it is the same thing here.

We do have constitutional protections that we have an obligation to recognize, that the airport people have an obligation to recognize. But the fact that they have used a person's ethnic background in combination with the other risk elements, it is not an evil attempt to be prejudiced towards a person. It is a very legitimate attempt to protect the security of the people, including that person who wants to get on that airplane.

Now, what happens if you are a police officer? I used to be a police officer. And I can tell you if they give me a call that says, hey, we just had a white man rob a bank, he just robbed a bank, this white man, I can tell you we did not go into the black neighborhood questioning black or African Americans. We did not question them whether they just robbed a bank. No. We used our profile. We knew the bank robber was white. We knew the bank robber was about 5′6″. We knew the bank robber was say between 19 and 27 years old, so there was no use going stopping Caucasian or white females that are 60 years old and questioning them to see whether they robbed a bank. We used a risk profile.

Now, I am the first one to stand up and say this has its boundaries and it can be abused. And when it is abused, we should stop the abuse. But that is not what the American Civil Liberties Union is doing. The American Civil Liberties Union is pressing so hard that what is happening at our airports, and at some time pull an airport security person aside and say, do you ever not search someone or do you ever not ask questions because you will be accused of being racially motivated. And I bet you the answer on a lot of them will be yes. That is what they said to me. I have asked one another day. I said, I do not get it. I got on an airplane. There was a lady. She was about 75 years old and her baggage was all laid out on the table and they are going through it item by item. Then there were some people ahead of me. They were of Arab descent, but the interesting thing was they had packages. I am surprised they could get them in the overhead. And the woman had a veil over her face. You could not see whether it was a female or a male. I am assuming that it was a female. And they were both, I could not tell with her because of the veil, and I guess it was a her. He was about 19 or 20 years old. They boarded the plane and that was fine.

Then they came to me and stopped me. I asked the person, I said, I do not mind being searched at all. I think it is good. I do not mind if you search everybody on this airplane, but why did you pick me out?

Well, because you are a Congressman, the person said, and people will think we have special treatment of Congressmen if we do not search you when you go through. So we picked you out just to show other people, look, just because the fact that he is a Congressman does not mean he gets searched. I said, how about that lady up there? Why would a lady like that be searched? Well, again, to show we are not focusing on a high risk group or a group of a particular ethnic background. I said, wait a minute. What if you have somebody that fits the risk profile? They are the right age, they are from a country that is questionable as far as the relationship with the United States, they meet other risk criteria in there, but they happen to be, say, Irish or they happen to be Arab; just based on the race thing does it cause you any reluctance to ask them any questions?

Absolutely, he says. I do not want to get in any trouble. This person told me that. The person told me they felt very intimidated to step forward and ask somebody, especially somebody of Arabic ethnic background or of ethnic color, to ask them any of those type of questions because they are afraid they would be accused of racial profiling or racism.

At that point I said to the person, you know the best way to trick the United States is look the part because you probably will not get stopped and questioned. In fact, what I said to the ACLU tonight, I think the opposite is happening. Some of these people that are so politically correct and putting security second and third and fourth seat back are in fact opening a big gap in our security blanket in this country by making our security checkers intimidated, concerned about, oh, my gosh, I better not ask that person because they are not white and Caucasian, or I better not ask that person because they are African American. I do not want to offend this person because they are Irish. That is one of the problems we have got.

So I do not know any of my colleagues on the House floor, I do not know any of them that would advocate profiling somebody based on race alone. I think that goes, I do not understand the boundaries and I think there is a constitutional argument there. But when you combine that with other risk factors or other factors known to you, I do not think that should be excluded from that list. I think it should be included in that list.

Let me tell you, in my opinion, I cannot think of a responsibility that the United States Congress or any elected official in the United States, I cannot not think of a responsibility we have that is more inherent to the obligation for us to the American people in our hearts and souls, it is more inherent to us than providing security for the American people. What we have seen in the last 10 years and what we have seen in the last 10 months and the further and further we get away from September 11, what we are beginning to see is the grip of political correctness has once again come into our cookie jar, frankly, and locked it up. That is what is happening. We are so concerned about political correctness that once again we are going to get hit hard.

Now there is a balance out there and it is called common sense, and I think political correctness has gone too far off the track. It is not on the common sense track. And I would venture to say that most Americans want you searched when you get on an airplane if you meet certain risk factors. Americans want security on those airplanes.

□ 2045

I did not complain about the fact that I was searched and this group ahead of me was not searched; but boy, if somebody fit what I would consider a profile, considering what we had on September 11, 19 people, all male, all within a certain range, all within a certain ethnic background, all with a particular religion, most with passports from a particular area of the country, I mean that is a profile, and if somebody fits that profile, we ought to go after it, regardless of their ethnic background. It does not benefit our country to put handcuffs on the very people that we are placing the responsibility to provide us security with.

Clearly we have to give them direction. We do have things like the Miranda rights when you arrest somebody. We have certain things that are observed but because a person, or because somebody at the airport says, ma'am, we are going to have to open a suitcase or someone says, Congressman, we are going to have to open your suitcase and look at your dock kit and your underwear and your jeans and your running shoes, that is not unconstitutional. Sure, it is an inconvenience, but it is what we have to have for security on our airlines.

So tonight on CNN, I found it very interesting, many in my opinion the American Civil Liberties Union could not wait to race to the courtroom, could not wait to file a lawsuit against all of these airlines, again using the age-old plaintiff's favorite statement racial preferences or racial prejudice against the airlines. Go for the deep pockets, accuse them of racism and see how many of them we will get to fold.

That is exactly what I perceive this lawsuit to be about, race to the courts by the American Civil Liberties Union, have a national press conference. They did not write the airlines and say maybe they had some misbehavior here, they would like to have an apology and we would like the airline to fix their ways. They should stop what they did to this particular plaintiff. They did not do that. They do not want to do that.

Their mission is not to correct a wrong. Their mission is, one, to get attention; two, to drive this political correctness so that it fits their agenda;

and, three, to enrich the plaintiffs here.

Our country has become lawsuit happy. No matter how we cut it, no matter what angle we look at it, whether we want to talk about malpractice, whether we want to talk about asbestos, whether we want to talk about racism, they are not alleging, the American Civil Liberties Union, whatever it is they think they can get the slot machine to kick out some change, they are going to go to the court and do it.

In the long run it hurts those plaintiffs. In the long run it hurts our society as a whole. If someone has truly, truly been wronged, they ought to be made whole, no argument there; but I can tell my colleagues that a lot of people allege to have been wronged, exaggerate just how badly wronged they were, and being made whole is not their idea. Being made rich is their goal, and so we can see this cycle. It was a very interesting debate on CNN this evening.

I have covered a couple of areas tonight. One of them, of course, prescription care and the fact that we want to provide prescription care to the extent that we can afford it, and we want to do things that can help hold the costs down. For example, allow generic drugs, encourage generic drugs, encourage competition out there among the pharmaceuticals; but it is wrong for us to make a promise to the American people, which was made on this House floor tonight, and we should provide all Americans with prescription care service. We cannot pay for it. We do not have the money. Nice, the empty promise. It is an empty promise.

They have promised a rose garden. By the way, they did not tell my colleagues that they are not only going to have to plant their roses, they are going to have to plant everybody's roses, and the rose garden does not have any water and nothing in it when they get into it.

The second thing we talked about was whether or not a person's ethnic background, whether they are Irish, Arabic, whatever they are, is that an appropriate element to fit a risk profile. My belief is that it is, that when we combine it with other factors, we can build pretty good profiles, and profiles help us.

Keep in mind, these profiles are used by our local schools. For example, our local schools might say, hey, in this neighborhood, we have a particular minority and this minority is scoring lower, this minority has lower math grades than this group over here. So by doing that, by profiling, by going in there and determining what is affecting this group versus this group, we say, all right, we need to focus more money or more resources or more help to bring this minority's math grades up to par.

It is a tool. It is a legitimate tool. It is a tool that we use in our schools. As I said earlier, it is a tool that the media networks use to determine who reads their paper. It is a tool that the political parties use to determine who is going to vote for them. Why would we, on God's Earth, why would we eliminate it as a tool to provide ourselves with security against acts of terrorism or acts of our enemies that want to do us harm? Why would we say to somebody, oh, you are Irish, I cannot ask you if you are Irish; it is unconstitutional by meshing with these other factors. So you go ahead even though it may compromise our security? So that is a debate all on its own.

In the few remaining minutes that I have left I want to talk about something entirely different, and that is, first of all, the fire season that we have got out there. I want to commend our firefighters, our national firefighters, our Federal firefighters, our State firefighters, our volunteer firefighters, our district firefighters across the Nation.

In my particular district in the mountains of Colorado, and this district by the way is larger than the State of Florida, we have had fire after fire after fire. This is a drought the likes of which we have not seen in a hundred years. It is classified as an extreme drought. That is exactly what it is. The latest fire we had over the weekend took 83 or 85 homes, burned their homes, destroyed these people's possessions. Fortunately, we had no injuries in the fire.

I want to commend our firemen, and when I say firemen, I say that generically, plural, firemen and firewomen. Those firepeople out there are courageous people; and what is interesting is last year we put in a fire plan, and my colleagues can take credit for this because it was an act of Congress in coordination with our Federal agencies to really beef up our firefighting capabilities last year.

We hired thousands and thousands of new firepeople to fight these fires. We went out and purchased capital, purchases of thousands and thousands of pieces of new equipment. We really geared up for this year's fires, not knowing how serious the start it would get off to, and now our benefits are paying off.

This fire in Canyon City, while it was a horrible fire, we should have it 100 percent contained within the next 2 days. The many, many fires, and I probably had five or six major fires in the last 3 weeks in my district, major fires, type I fires, break out in my district, were all contained in a pretty quick period of time because of the investment that we and those Federal agencies and most importantly those firemen on the scene on the line put into this effort.

So I want to publicly acknowledge from the House floor those firepeople from across the country and all those Federal agencies that are helping fight these horrible fires that we are seeing besiege us this year.

In the next couple of days or perhaps next week, I want to take an entire hour and speak about the water situation in the West. As many of my colleagues know, I have had a series of discussions here talking about the public lands and what impacts us that is different in the West than the East.

I am continuing to make a very conscious effort at trying to educate and work with my colleagues to tell them how the geographical difference, the public land location difference in our country has significant, significantly different needs, for example, in the western United States than we have in the eastern United States; and I want to spend a good hour talking about the issue of water, defining and making clear the difference between what is surface water, the water that originates on the surface or is accumulated on the surface, versus the water that is subsurface, that we dig a well down into.

Many in the East get their water from wells. Where I live most of our water is surface water. In fact, in Colorado 80 percent of our water that we use in Colorado is dependent upon the snow pack. Colorado happens to be the highest place on the continent, and our mountains reach high into the skies, and they gather that snow; but water storage is very critical for us, and just the same as I have seen an effort in health care towards a socialized type of system, i.e., the government takes care of all of it, the government pays for all of it, do not worry about the prescription costs, the government will pay for all of it, we are seeing the same kind of effort being made in the West in regards to water.

Right now water in the West is a private property. This country was built on the premise of private property. If we were to list some of the freedoms, say the top 10 freedoms that Americans feel so strongly about, that were the foundation of the founding of this country and the foundation of the greatness of this country, in those top 10 items we would find private property listed by almost everyone who listed those top 10, private property; and in the West water is a property issue.

Generally what we see is those who do not have it or did not buy it or did not think to get it make a very conscious effort of saying, wait a minute, those who have it ought to share it with us. That is exactly the premise upon which socialism was built, and we are seeing it in the West; and it is being seen in the West by something called the public interest doctrine, i.e., when it comes to water, we do not consider the individual's private property rights. We do not consider the individual's rights of usage. What we consider is what is good for the public as a whole.

So in other words, it might be that someone has owned these water rights out in the Colorado mountains for a long time, and it might be that that family is dependent upon ranching; but the fact is, since in Colorado agriculture is only a small percentage of the entire economy, but yet uses a larger percentage of the water in proportion to the size of its economy, public interest demands that we take water from them.

That is exactly the effort that is being made, and frankly, I think this year in Colorado under a populist type of banner, they are going to attempt to put a question on our ballot, should a person's water rights have to take backseat to the public interest doctrine. It is a very, very dangerous move towards a socialistic society. I can tell my colleagues that there are some people's water I would like to have, some people's property I would like to have, but it is not my private property. It is their private property. They earned it, they paid for it, they worked it or whatever; but it is their property.

For us to begin to move this country in a direction that because we as a public think we can put it to a better use, that the public interest doctrine should be introduced and the property should be taken from them is the wrong approach. So next week I fully intend to spend a full hour talking about the special needs of water, the special needs in the West.

In the West water is like blood. That is what they say. Water runs thicker than blood, in fact, they say in the West. We will talk about where it originates, the importance of storage in Colorado and the West. We will talk about the public lands that are primarily located in the West and not located in the East. We will talk about gravity, how gravity has a lot to do with the situation that we are in today.

We will talk about those who do not want water being utilized for their home or for no development, for example, and see it as a way to control or stop development. Frankly, in some regards, I think the abuse of water has been ignored. We will talk about that, too.

We will talk about the environmental issues of water. Water is a very boring subject by the way. It only becomes interesting to all of us when all of the sudden we are in a drought or when we turn on the faucet and the water does not come out; but in fact, when we look at the future generations, what issue is so, so important to sustain life, to sustain agriculture, to sustain recreation, to sustain the environment, we are almost always going to come back to water.

Colorado politicians and Colorado citizens throughout its hundred-plus years of being a State have recognized the importance of water. If we go in the State capital of Denver, we see in every painting in the rotunda somewhere depicts someone doing something with water. It is very, very important.

The Colorado River is called the mother of all rivers. Why? Is it a big river? No. It does not look like the Mississippi. In fact, I grew up understanding how important the Colorado River was, but I also thought it was the biggest river.

□ 2100

I about fainted when I saw the Mississippi River, the first time I saw a picture of it. It was huge.

The importance of the Colorado and what makes the Colorado the mother of all rivers is the fact that it is the only water available for many of the people out there. Whereas when you get into the Mississippi, in fact, in a lot of the East, the difficulty is getting rid of water. In the West, it is the capability of being able to store water.

So I look forward to visiting with my colleagues next week, Mr. Speaker.

CONSTITUTIONAL ISSUES AND SPENDING HABITS OF THE CONGRESS

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, there are a number of issues, of course, that come to mind today for purposes of a discussion for a period of time here. Something brought to mind when I was listening to my colleague, the gentleman from Colorado (Mr. MCINNIS), and he was talking about the propensity of this body especially to spend money in ways that I think we could call profligate.

It is true, unfortunately, whether one party is in charge or the other, it seems like it hardly matters, we do spend a great deal of money, sometimes without benefit, I think, of enough analysis and enough debate. And a constituent of mine e-mailed us a couple of days ago concerned about everything he had been hearing with regard to the proposals on both sides of the aisle for support of a new program for Medicare, a program that provides for insurance and/or some subsidy in some way or other for prescription drugs. As my colleague from Colorado said, it is a compelling argument.

We have all heard from constituents who over and over again explain to us the need for some help in procuring their prescription drugs, and our heart goes out to them because we recognize, just as I do with my own parents, and certainly I think everybody has someone who they can think of who is in desperate need for medication, the cost of which is skyrocketing. It seems like almost every week it goes up again and it becomes an incredible burden. And, naturally, that kind of thing happening out there will result in pressure here on this floor and in this body to do something about it to respond.

The reaction that most of us have is to say, well, what is it that the Federal Government can do. But unfortunately I think the reaction that most of us should have, but do not, is what is it that the Federal Government is empowered to do, empowered by the Constitution. Day in and day out we confront issues here on this floor that are severe, they are significant, they matter to millions of people in this country, and because they matter and because people are interested in them and there are pressure groups that develop, we find ourselves responding over and over again to the political pressure that boils up.

People say, well, is that not the purpose of a democracy? But, of course, this is a republic and not a democracy. This is a republic. And what that means is that we elect people to represent the interests of our constituents. We do not have a majority rule of the population of the country, which is what a true democracy is; everybody meeting all over the country on every issue and deciding the fate of that issue on an up-or-down vote. That is not what the Framers of the Constitution gave us and that is not what we should be about. It is mobocracy, perhaps would be a better way of describing it.

A republican form of government charges us, the people who are elected, to come here and analyze the issue and cast our vote in the best way we think that will fit our constituency and our responsibilities as a Member of this Congress. And this is always a challenging experience because we are torn, every human being on this floor, every human being in the Congress of the United States is torn between doing what political pressure pushes them toward doing on the one hand, and on the other what the Constitution prevents them from doing.

The Constitution cannot speak for itself. It has no voice here except that given to it by those of us who are concerned about it. It is just words. It is just words on a piece of paper, on a piece of parchment, actually, and, therefore, it can be interpreted, broadly, widely, liberally to say that everything we do here in this body is constitutionally approved. Well, of course, I think that if that were the case, we would not need a Constitution. We would not need a written document.

Britain has, for centuries now, existed without a written constitution. Everybody sort of understands what the parameters are and tries to deal with it. But, of course, Britain is a far more socialistic economy than ours and far more down the path towards socialism than we are, thank goodness. And that is inevitable. Without the constraints of a constitution, it is inevitable that it will lead to a government that will respond to all political pressures by taking away someone's hard-earned money and giving it to someone else that we deem appropriate.

This e-mail that I received had such a logical way of approaching it that I thought I would bring it to the floor for our edification. I received this from Randal Morgan, who lives in Aurora, Colorado. And he said, "Are you willing to insert the Boortz amendment, the Boortz resolution in all legislation you introduce and/or support? It is as follows:" And I must admit to you, Mr. Speaker, I had not heard of this particular resolution, that has evidently come up in the past, but I just did not know of it. It says: "Every sponsor or cosponsor over this legislation hereby affirms his or her belief that the need for the Federal Government of the United States to spend taxpayer funds on the purposes outlined herein is of greater importance and urgency than the spending needs which the party or parties who actually earned these funds may have. Such needs being, but not necessarily limited to, spending for medical care, child care, housing, food, clothing, transportation, education, insurance, savings and retirement planning."

Well, I think that is a great amendment to add to any bill that is passed by this House or introduced by any Member. Certainly I will be happy to do so if I am ever in the position of actually introducing legislation that spends money. So far, in my tenure in this Congress, I have been able to avoid that particular distinction. But should I ever find myself in that situation, I will be happy to add this particular resolution as an amendment.

I think it is a great statement. It is saying what we all are in fact doing. It is saying, clearly, that we are making a decision, we as a body, that everyone here believes and understands that whatever we decide is the important cause for which we are on the floor imploring our colleagues to support is more important than the concerns and the needs of the people from whom we are taking the money. I mean that is exactly what we do here time and time again.

Now, if we use the constraints of the Constitution as our guideline, then we will say that, yes, there are some things that we will take money away from all people in this republic to fund. Because we are charged with the responsibility of doing such. We are charged with the responsibility of maintaining the republic intact. And that is just my interpretation, now. I mean, I recognize that there are 534 other Members of the Congress who make their interpretation, but what it means to me is this; that the primary responsibility of the Federal Government is not education, it is not health and human services, it is not transportation, it is not energy policy. None of those things are the primary responsibility, yet we have committees and we have appropriation bills for all of these. We have 13 appropriation bills for 13 separate activities, and they encompass every imaginable activity, by the way, and some unimaginable, I should say.

But if we were to analyze the Constitution and think of that as the template over which we overlay the proposal that we use to determine how we should vote on any particular issue, I think that we would all walk away from here after having voted no on about 99 percent of the things that confront us. Because if our primary responsibility is, as I believe it to be, the preservation of the republic, then the defense appropriation bill that comes before us every year is of primary concern to me.

□ 2115

It is my responsibility to make a determination as to whether or not it is enough, but not whether or not it is the appropriate thing for the Federal Government to do. Of course it is. That is understood. It is understood that an agency like the Federal Government needs to be there for the coinage of money and for the regulation of the transportation of goods and services across State lines. There are a lot of things that the Federal Government has a responsibility for that the States do not.

Mr. Speaker, I am more than willing to vote to take money away from people in this Republic and give it to others for the purpose of meeting the constitutional requirements placed upon us. Individuals cannot defend the country. They may hopefully be able to defend themselves if we let them keep their firearms, but they cannot defend the country. We have to organize for that, and that is the purpose of the appropriations bill for defense. So our only question at that point in time is: Is it right, is it enough, is it too much, and should we support it on that basis? But really not whether it is appropriate. But all of the other things we do here that do not fit into the constitutional framework can be called into question and they are, I think, by the e-mail to us from Mr. Morgan. I agree we do far, far too much. I also believe, Mr. Speaker, that we have gone far too far in the direction of federalizing crimes.

The Constitution again gives us certain responsibilities, and we can interpret them in various ways, but it is difficult for me to understand how or why we can impose Federal statutory limitations on certain actions throughout the Nation that are not directly related to our role as the Federal Government and the Congress of the United States.

I think that we have so strained the resources available to us, especially in the FBI, for instance, giving them now over 3,000 laws that they have to enforce, 3,000 criminal laws that they have to enforce. We have so overstrained their resources they find themselves in the position of not being able to do their primary job, and that is to protect the United States from those who will do us harm from internal or external threats as a Nation, not a bank robber, someone who has taken a hostage, taken a drug, something that they are now responsible for getting involved with because we have passed laws here forcing them to do so.

And then we say how is it that we could have possibly missed so many clues, so many signs that there were people in the United States of America that were here to do us harm, and we should have known and done better. The FBI got information from the CIA. Did they not interpret it right?

Frankly, they are doing a million things, and I am glad to see that the Attorney General has determined that there is going to be a priority for the Federal Government, especially FBI involvement, and it is going to start with threats to the Nation. That is where it should end. That is where it should end because we have this thing called States rights. We have this thing called the federalist system of government which delegates to States all of the responsibilities for law enforcement of other activities.

Yet people come to us constantly and ask us, and it is hard to turn down a request to make a law against certain activities, to make a law against pedophilia and child molestation. I do not know anyone who supports that activity. But is that our role? Is that what the Constitution says the Federal Government should be doing?

I suggest that because there have been so many attempts to federalize criminal statutes and federalize certain crimes, I should say, that we have now become bogged down in that quagmire of activity that could frankly take all of the resources that we could possibly devote and would never, ever solve the problem.

We all need to know what our role is. What is the job of the Federal Government when it comes to enforcement of criminal statutes? What is the job of the counties and the cities? When each one knows what they are supposed to do, they can devote their resources to accomplishing that goal. But we have done far, far too much because we have responded, as is natural, to the requests, the demands, the political pressure, to make certain things a Federal crime.

Guns, guns. Now, I happen to represent a constituency that has suffered through one of the most traumatic events that can possibly be described. Columbine High School haunts our memories. It is replayed even today on television stations, in the newspaper with charges of malfeasance, with charges of ineptness on the part of various officials who were responsible for dealing with the issue.

Parents will actually never, ever feel the healing salve of forgiveness when it comes to this issue, and when it comes to what happened to their children, both those killed at Columbine High School and those who remain or were injured, both physically and mentally. The tragedy is horrendous. So what happens then is political pressure develops. People come to the Congress of the United States and demand action. Certainly I felt that pressure. People demanded that we take dramatic steps in trying to restrict someone's ability to own firearms.

Mr. Speaker, I believe, let me say first of all and clearly, I believe there are people in this country that should not be able to own a firearm. Maybe that puts me in direct confrontation with those who say the second amendment says everyone should be able to own firearms. I disagree. We do not go through the penitentiary system in this country offering catalogues for people to order firearms. We restrict a lot of people from being able to own firearms, and logically so. We do not want felons, criminals, especially violent criminals, to be able to easily access a firearm. And I must tell Members that seems completely logical to me. We do not allow people who have certain mental instabilities to obtain firearms. That seems logical to me.

But what is the Federal role? That is the question that one must ask themselves. What is the Federal Government's role in this prohibition? Now, there are people who are federally licensed to sell firearms, and because they have chosen individually and voluntarily to in fact make that determination as a federally licensed dealer, then they must be regulated by the Federal Government. They must accept that regulation. That is their decision. They chose to be federally licensed. That gives them certain responsibilities and certain abilities that other people do not have. It is a privilege, in a way. So we regulate it. I can understand that, and I can even support it.

And I understand the desire of many, even here, to go far beyond that and regulate the ownership of firearms to anyone, regulate the ownership of various kinds of firearms and number, all those things that we are able to do. Where in the Constitution does it give us that responsibility?

That is just one example; and as I say, believe me, I want to keep firearms out of the possession of people who should not get them to the extent we are able. We cannot create a perfect society. We cannot guarantee against every kind of risk, yet that is the constant pressure we face in the United States Congress. People want a risk-free society, and they expect us to deliver it.

All of this comes about as a result of a misunderstanding of the form of government that we have, and the blame can be placed at least partially, if not squarely on the shoulders of our public education system that does not do a very good job of telling children who we are, what we are, and what this Nation was founded on, what principles we were founded on.

Without that knowledge, Mr. Speaker, we are at a loss to understand what we should be doing here and what State legislatures and county and local governments should be doing. We would think, without the knowledge of the Constitution, we would think that we here should be doing everything. That we are the ultimate authority, and I suggest that it is a misinterpretation. It is a lack of knowledge of the Constitution and of basic American history that has placed us in that situation, along with just the dynamics of human nature that when they see a problem look to a legislative body for resolution of that problem.

But we have to tell people that we have certain responsibilities, and those responsibilities are limited, limited by this thing we call the Constitution of the United States; and there is an important reason why we have such a document: it is to curtail power of the Federal Government. The Constitution is not something that is designed to broaden the power of the Federal Government; it is designed to limit the power of the Federal Government. And we should understand and appreciate that, and we should teach our children about that to the extent we are able, both as parents and as schools. Schools should be the reflection of these values and attitudes and ideas about our system of government. After all, although there are a lot of reasons why we should argue about what should be taught in a public school system with regard to morality and everything else, the fact is we are talking about a system of government that we all share, that we all have a responsibility for looking into and voting, and a variety of other things that demand our participation.

When we do that, we should demand the participation of intelligent voters, people who understand what this process is all about. If we do that, Mr. Speaker, it would come naturally to mind the next, I guess, topic of my Special Order tonight, the issue of what is the proper Federal role in the government of this country.

I will suggest that there is one area that is uniquely Federal in responsibility, and that is of course the area of determining who comes into this country, how many, for what purpose, from what countries, and how long they stay.

□ 2130

We call that an immigration policy and no State can adopt one. The State of Ohio cannot determine who comes or goes across its borders, but the Federal Government can and should and has an absolute right to do so. There is a philosophy of government referred to often as libertarianism that suggests that borders are meaningless and that they should be erased for the purpose of advancing economic activity, that borders are anachronisms, that they do not in fact reflect today's reality and should be erased. This philosophy would suggest that the European Union is a good example of the elimination of borders, at least partially, and that everything that comes about as a result of that is good and that is a way of looking at life through strictly economic lenses, and there is something to be said for that. I mean certainly the philosophy has merit. The gentleman who wrote to us, who I referred to earlier, Mr. Morgan, tells me later on in this e-mail that he is in fact a libertarian. I guess I would challenge a libertarian's view of this particular issue. I would suggest that although an ideal world is one in which all movement of goods and services can flow without interdiction, the real world in which we live requires the existence of borders and there are a lot of good reasons why borders should exist, not the least of which is the fact that people coming across borders without permission of the country they are entering can do nasty things, do do nasty things if they do not like that country's government, if they do not like what that nation stands for. So of course we have seen this happen on September 11. We know that 19 people, actually several more came into the United States for the purposes of destroying as much of the country's governmental infrastructure as they possibly could, killing us here, killing civilians in the World Trade towers, crashing their planes into the Pentagon, hoping to crash them into the White House and, as I say, the Capitol.

We face that dilemma. Libertarians face that dilemma. How do they rationalize their desire for a borderless world with a world in which people exist for the sole purpose of destroying others, in this case us? And that the economic system, whatever grows out of this dismantled world that would be the result of the elimination of borders, would not be one in which free enterprise would thrive, in which capitalist ideals would be upheld. It would be one, if it were democratic at all, in which the masses of people would vote if they had the opportunity to vote, for some sort of world government. I assure my colleagues that right now, knowing what we know about human nature and the lack of information and understanding we have in our own country about what a republic is designed to do, can we imagine what would happen if we overlaid that template across the world and said everyone is to vote for some sort of world government to control various aspects of human behavior which would, of course, be necessary? Even if we eliminated borders, there would be a world government that would be necessary.

Does anyone think for a moment, Mr. Speaker, that that world government would be one that would advance the concepts of liberal, small L, democracy? And of private enterprise? And of capitalism? Does anybody believe for a moment that it would be that, as opposed to a world government in which everything would be taken from those who have and given to those who have not?

I think it is simple and pure and it is again an ideal, but it is an ideal to which I do not aspire. Therefore, I say, Mr. Speaker, we need borders. This country, all countries, need borders. We need borders to distinguish who we are, where we are and why we are. It is true, I think, Mr. Speaker, that there are distinctions among countries, among governments. I believe with all my heart that there are differences among cultures and among political philosophies, and I believe some are better than others. I know that that is a frightening thing to say to some people, and they would see that as very chauvinistic. But the reality is if we raised all of the gates all over the world, where would people come? To what country would they come?

How many people, do you think, Mr. Speaker, if all of the gates in the world were raised, would go to China? How many would go to Russia? How many would go to Mexico? That is a test of this theory that all cultures are the same, essentially, all systems are essentially the same, no real difference and, therefore, why should we worry about things called borders? I suggest that we should worry about it because we are different. The United States of America is different. It is, in fact, unique, and I will say unequivocally it is better. Because if we raised those gates, Mr. Speaker, they would all come here. There is, I think, no question about it. Millions of people every year attempt to come to the United States legally. Millions more come into the United States illegally. We for the most part have abandoned our borders at the present time. We have abandoned the borders for a variety of reasons, some of them purely cynical and purely political, some of them quite philosophical in nature, as I say, a libertarianesque attitude about the need for and importance of borders. But regardless of the reason we have done it, we have done it. For all intents and purposes, we really do not have borders.

I was recently in Arizona in the Coronado National Forest that has a 60-mile coterminous border with Mexico. The forest manager there had asked for help because he has a total of four people to patrol that border of his forest, a 60-mile border with Mexico, and we are now getting hundreds of thousands of people coming across, some looking just for jobs, some looking for a better way of life that would be provided them even if they did not work because of the welfare system in the United States, and some of them coming across to carry the illegal drugs that are provided them by the cartels in Mexico. Regardless of their purpose or intent, they are coming in illegally and they are essentially destroying the forest. In a microcosm, what is happening in the Coronado forest could be said to be happening throughout the country, to our Nation in a way. We are essentially destroying the forest, the Coronado forest, because the human traffic through there is at such a level as to actually negatively affect the ecology. There are thousands of footpaths that have been worn into the ground by people coming across in a very fragile environment. There are thousands and thousands of water bottles that have been strewn. There are clothes. There are other aspects of human movement through there, human participation in the movement through that forest and it is degrading to the forest itself. People coming through there illegally at night start campfires to stay warm and in the daytime walk away from them and now over 50,000 acres this year have been destroyed through fire. If this were happening in any other forest in the Nation, the Sierra Club, Friends of the Earth, a variety of other environmental organizations, would be up in arms. Well, they do not like arms. They would be irate. They would be chaining themselves to the scrub oak that comprise the forest. But there is not a word said about this forest degradation because, of course, it is a result of illegal immigration and something that many of these organizations, the Sierra Club, Friends of the Earth and the rest, are averse to trying to criticize, essentially because of political correctness.

So States look to us, the forest manager in the Coronado looks to the Federal Government and says, "Help me do something about this." We turn a blind eye to it. I used to say all the time that the logo for the INS, the Immigration and Naturalization Service, should be a guy who simply is shrugging his shoulders. That should be on the top of the page, a guy going, "I don't know. Don't ask me. I have no idea," because every time we ask the INS about anything, any questions you have of them, no matter what it is, they give you that kind of an answer. But now there is another way I would like to describe the reaction of the Congress of the United States, the President of the United States to the issues of massive immigration, illegal and legal, and that is the classic see no evil, hear no evil, speak no evil, the three-monkey sort of statue we have seen before. That is the logo we should have here. No one wants to talk about this because it gets a little antsy. Are we actually talking about racial issues? Are we talking about just one country? Plus there are all those votes that are here in the United States. If we talk about trying to secure our borders, which is a Federal role, a uniquely Federal role as opposed to all the other things we do that I mentioned earlier in my discussion here tonight, the uniquely Federal role of immigration is disregarded because of the fear of the political backlash that would occur in this country from voters, from certainly minority groups and the desire on the part of the Democrats to enhance their numbers by a large pool of immigrants into the country. They recognize that they vote often for the Democratic party, so they are averse to doing anything that would stop the flow.

We, on the other hand, are averse to doing anything because we are afraid of the economic ramifications of businesses coming to us and saying, "I need cheap labor and I don't care if they are coming here legally or illegally." And there is that libertarian flow through the body that says we should just simply open the borders. So we have all of those converging pressures here that stops us from doing anything about this tragedy.

□ 2145

It is a tragedy in the Coronado. It is a tragedy also for the United States. Any country that cannot define its own borders and cannot actually protect and defend them is not a nation. Any country that says we recognize that there is massive violation of our laws, of our immigration laws, but we choose not to do anything about it, does not deserve to be called a country, and one wonders for how long it can be called a country.

Interestingly, this issue of elimination of borders and sort of a world economic system, or at least in this case a North and South American economic and political system that converges, this is not something that is a hidden agenda. There used to be people that I know, and the Speaker knows of many people, who would confront us at various meetings, town meetings and the like, with this world economic order, a new world order, and it is all very conspiratorial; and they feel that it is all in the hands of certain people who have economic interests. Well, this is not conspiratorial. This is out in the open. It is absolutely clear for anyone to see and hear.

For instance, not too long ago, less than a week ago, I think, the President of Mexico, Vincente Fox, was speaking in Spain, and he said that all of his efforts, all of the government's efforts to try and liberalize immigration policy, were really devoted to one goal. This was incredibly insightful, hearing what he had to say. This is the President of Mexico, and he has said something similar on many occasions, but he said just the other day that his goal is to end up with a system that allows for the free flow of goods, of services, and he stopped for a minute, and he said of people, not inhibited by borders. He has said in the past that he believes in a relatively short time there will be no borders between the United States and Mexico.

The gentleman who is the head of an agency of the Mexican Government that is called the Ministry for Mexicans Living Outside of Mexico said earlier, told me personally in Mexico, that there were, when I was questioning him about the use of his term of "migration," and I said it is really immigration, and when they cross the border illegally it is called illegal immigration, and this is Mr. Juan Hernandez, who is, by the way, both a Mexican and an American citizen, he said to me, "Congressman, it is not two countries; it is just a region."

This, I suggest, Mr. Speaker, is the end goal of this game we are playing. It is debatable as to whether it is good or bad. I think it is bad. At least it deserves a debate, a national debate. Should we eliminate our borders, or not? That is where we are going. I want it to happen in a de jure way as opposed to a de facto way. Actually, I do not want it to happen at all, but, if it does, it has to be through a legal process and not one where we just several years from now look around and say, how did this happen to us? We lost our sovereignty as a Nation. I do not want to say I was responsible or had no part to play in that process.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVANS (at the request of Mr. GEPHARDT) for today on account of travel delays at O'Hare Airport.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of mechanical airline problems.

Mr. MENENDEZ (at the request of Mr. GEPHARDT) for today on account of the New Jersey primary election.

Mr. THOMPSON of Mississippi (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. DEAL of Georgia (at the request of Mr. ARMEY) for today and until 12:00 noon on June 5 on account of a death in the family.

Mr. GRAVES (at the request of Mr. ARMEY) for today on account of travel delays.

Mr. PETERSON of Pennsylvania (at the request of Mr. ARMEY) for today and June 5 on account of family business.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material):

Ms. PELOSI, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. ORTIZ, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material):

Mr. PAUL, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. WILSON of South Carolina, for 5 minutes, June 5.

Mr. GEKAS, for 5 minutes, June 5.

Mr. SHIMKUS, for 5 minutes, June 6.

Mr. GOSS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1983. An act to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the "John A. 'Jack' Shea Post Office Building"; to the Committee on Government Relations.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 29, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 3167. To endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

H.R. 4592. To name the chapel located in the national cemetary in Los Angeles, California, as the "Bob Hope Veterans Chapel".

H.R. 4608. To name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center".

H.R. 4782. To extend the authority of the Export-Import Bank until June 14, 2002.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 5, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7124. A letter from the Secretary, Department of Agriculture, transmitting a report required by the Grain Standards and Warehouse Improvement Act of 2000, Public Law 106–472; to the Committee on Agriculture.

7125. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerance [OPP–2002–0052; FRL–7178–6] received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7126. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred to the Federal Emergency Management Agency (FEMA) from the Emergency Response Fund (ERF); (H. Doc. No. 107–220); to the Committee on Appropriations and ordered to be printed.

7127. A communication from the President of the United States, transmitting his request for an FY 2003 budget amendment for the Department of Defense; (H. Doc. No. 107–219); to the Committee on Appropriations and ordered to be printed.

7128. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7129. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7130. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7131. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7132. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7133. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7134. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7135. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7136. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Dominican Republic, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7137. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's “Major” final rule—Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards [Docket No. EE–RM–98–440] (RIN: 1904–AA77) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7138. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District, and Ventura County Air Pollution Control District [CA247–0325a; FRL–7201–6] received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7139. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prohibition on Gasoline Containing Lead or Lead Additives for Highway Use: Fuel Inlet Restrictor Exemption For Motorcycles [FRL–7215–3] (RIN: 2060–AJ76) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7140. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Sweden and South Africa [Transmittal No. DTC 026–02], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

7141. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) in 1992 and 1998, are to continue beyond May 30, 2002 and June 9, 2002, respectively, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 107–223); to the Committee on International Relations and ordered to be printed.

7142. A communication from the President of the United States, transmitting a combined six month periodic report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) declared in Executive Order 12808 on May 30, 1992 and Kosovo in Executive Order 13088 on June 9, 1998, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 107–224); to the Committee on International Relations and ordered to be printed.

7143. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Denmark [Transmittal No. DTC 059–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7144. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to United Kingdom [Transmittal No. DTC 053–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7145. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India [Transmittal No. DTC 42–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7146. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India [Transmittal No. DTC 41–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7147. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India [Transmittal No. DTC 48–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7148. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 90–02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7149. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 054–02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7150. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Egypt [Transmittal No. DTC 144–01], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

7151. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India [Transmittal No. DTC 04–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7152. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India [Transmittal No. DTC 05–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7153. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Israel [Transmittal No. DTC 52–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7154. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Taiwan [Transmittal No. DTC 031–02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7155. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fiscal Year 2001 annual report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act, pursuant to 22 U.S.C. 5474(c); to the Committee on International Relations.

7156. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7157. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report of the Inspector General for the period October 1, 2001, through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7158. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–375, “Housing Notice Temporary Amendment Act of 2002” received June 3, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7159. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–373, “Procurement Practices Small Purchase Amendment Act of 2002” received June 3, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7160. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–372, “Closing of Edson Place, N.E. adjacent to Square 5080, S.O. 01–808 Act of 2002” received June 3, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7161. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–371, “Closing of a Portion of a Public Alley in Square 5228, S.O. 98–195 Act of 2002” received June 3, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7162. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–370, “Uniform Custodial Trust Act of 2002” received June 3, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7163. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–369, “Prompt Pay Act of 2002” received June3, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7164. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–368, “Bonus Depreciation De-coupling from the Internal Revenue Code Temporary Act of 2002” received June 3, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7165. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–367, “Georgetown Project Temporary Amendment Act of 2002” received June 3, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7166. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–366, “Bond Requirement for New Residential Property Construction on Unstable Soil Temporary Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7167. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–365, "Service Improvement and Fiscal Year 2000 Budget Support Temporary Amendment Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7168. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–364, "Unemployment Compensation Terrorist Response Temporary Amendment Act of 2002" received June 3, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7169. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Fiscal Year 2001 Annual Program Performance Report; to the Committee on Government Reform.

7170. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries Regulations; Pacific Tuna Fisheries; Establishment of Incidental Catch Limit for Yellowfin Tuna Taken by the U.S. Purse Seine Fishery in the Eastern Pacific Ocean [Docket No. 011005243–1243–01; I.D. 102401B] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7171. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustment for Dover Sole in the Limited Entry Trawl Fishery [Docket No. 001226367–0367–01; I.D. 111901c] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7172. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2002 Specifications [Docket No. 011005245–2012–02; I.D. 092401C] (RIN: 0648–AP37) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7173. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery; Framework Adjustment 1 [Docket No. 011221308–1308–01; I.D. 112101A] (RIN: 0648–AP44) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7174. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281–0369–02; I.D. 012502C] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7175. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pelagic Fisheries; Prohibition on Fishing for Pelagic Management Unit Species; Nearshore Area Closures Around American Samoa by Vessels More Than 50 Feet in Length [Docket No. 010710171–2013–02; I.D. 051401B] (RIN: 0648–AL41) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7176. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program [Docket No. 010823213–2078–02; I.D. 071701C] (RIN: 0648–AK70) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7177. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administrator's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures and 2002 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska; Amendment and Correction [Docket No. 011218304–2062–02; I.D. 121701A] (RIN: 0648–AP69) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7178. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2001, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

7179. A letter from the Acting Assistant Secretary of the Army, Department of Defense, transmitting a report in compliance with the Water Resources Development Act of 1999; to the Committee on Transportation and Infrastructure.

7180. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for Vietnam will substantially promote the objectives of section 402, of the Trade Act of 1974, (Presidential Determination 2002–22), pursuant to 19 U.S.C. 2432; (H. Doc. No. 107–221); to the Committee on Ways and Means and ordered to be printed.

7181. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402, of the Trade Act of 1974, (Presidential Determination 2002–21), pursuant to 19 U.S.C. 2432; (H. Doc. No. 107–222); to the Committee on Ways and Means and ordered to be printed.

7182. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Ridge and Marjory Harlan V. Commissioner [T.C. Dkt. Nos. 21214–92; 24609–92] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7183. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in Annual Accounting Period (Announcement 2002–53) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7184. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reporting Required Minimum Distributions from IRAs (Notice 2002–27) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7185. A letter from the Chief, Regulations Unit, Internal Revenuse Service, transmitting the Service's final rule—Capitalization and Inclusion in Inventory Costs of Certain Expenses (Rev. Rul. 2002–9) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7186. A letter from the Secretary, Department of Energy, transmitting a report as directed in Section 3134 of the Fiscal Year 2002 Defense Authorization Act, Public Law 107–107; jointly to the Committees on Armed Services and Energy and Commerce.

7187. A letter from the Acting Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHLERT: Committee on Science. H.R. 4664. A bill to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes; with an amendment (Rept. 107–488). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 432. Resolution providing for consideration of the bill (H.R. 4664) to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes (Rept. 107–489). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 433. Resolution waiving points of order against the conference report to accompany the bill (S. 1372) to reauthorize the Export-Import Bank of the United States (Rept. 107–490). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GIBBONS:

H.R. 4855. A bill to restore the traditional day of observance of Memorial Day; to the Committee on Government Reform.

By Mrs. LOWEY:

H.R. 4856. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATSUI:

H.R. 4857. A bill to amend part D of title IV of the Social Security Act to modify the calculation of the child support automation penalty and provide for the reinvestment of any such penalty; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. Towns, Mr. Stenholm, Mr. McIntyre, and Mr. Houghton):

H.R. 4858. A bill to improve access to physicians in medically underserved areas; to the Committee on the Judiciary.

By Mr. NETHERCUTT:

H.R. 4859. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Resources.

By Ms. NORTON:

H.R. 4860. A bill to establish the United States Commission on an Open Society with Security; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 4861. A bill to secure the Federal voting rights of certain qualified ex-offenders who have served their sentences; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

H.R. 4862. A bill to amend title 18, United States Code, to provide that sexual predators on release start treatment and remain in treatment and incarcerated until cured or determined no longer to be a threat to society; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. Sherman, Mr. Faleomavaega, Mr. Ackerman, and Mr. Berman):

H. Res. 434. A resolution condemning the continued sponsorship of international terrorism by Iran, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

272. The SPEAKER presented a memorial of the Senate of the State of Georgia, relative to Senate Resolution 493 memorializing the United States Congress to support the implementation of a national missle defense system; to the Committee on Armed Services.

273. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 22 memorializing the United States Congress to request the appropriate officials at the United States Department of Education to review the federal laws and guidelines with respect to assuring that the approved use of Title I funds to address the educational needs of students is not jeopardized in cases in which the management and implementation of such funds by a local education agency are being examined; to the Committee on Education and the Workforce.

274. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 573 memorializing the United States Congress to appropriate impact aid funds to compensate school districts whose territories include U.S. military installations or bases for not receiving property tax revenues from the U.S. military installations or bases; to the Committee on Education and the Workforce.

275. Also, a memorial of the General Assembly of the State of Wisconsin, relative to Assembly Resolution No. 46 memorializing the United States Congress that the members of the Wisconsin assembly request that the U.S. Congress and the President of the United States enact legislation that would define the political status options available to the U.S. citizens of Puerto Rico and authorize a plebiscite to provide for Puerto Ricans to make an informed decision regarding the island's future political status; to the Committee on Resources.

276. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 483 memorializing the United States Congress to applaud the selfless and heroic efforts of the thousands of firefighters and police officers across the United States who have aided the rescue efforts in New York, Arlington, Virginia, and Pennsylvania; to the Committee on the Judiciary.

277. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Joint Resolution 12 memorializing the United States Congress that we hereby ratify the Seventeenth Amendment to the United States Constitution; to the Committee on the Judiciary.

278. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Joint Resolution 13 memorializing the United States Congress that we hereby ratify the Twenty-Third Amendment to the United States Constitution; to the Committee on the Judiciary.

279. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Joint Resolution 14 memorializing the United States Congress that we hereby ratify the Twenty-fourth Amendment to the United States Constitution; to the Committee on the Judiciary.

280. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 556 memorializing the United States Congress to pass important and much-needed legislation allocating funding locally to help combat the scourge of terrorism; to the Committee on Transportation and Infrastructure.

281. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Joint Resolution No. 54 memorializing the United States Congress to recognize the importance of inland waterway transportation to Illinois agriculture and to industry in the State, the region, and the nation, and that we urge Congress to authorize funding to construct 1,200-foot locks on the Upper Mississippi and Illinois River System; to the Committee on Transportation and Infrastructure.

282. Also, a memorial of the General Assembly of the State of Wisconsin, relative to Assembly Resolution 56 memorializing the United States Congress that the Wisconsin assembly formally recognizes the upper Mississippi River as a river of statewide of significance for natural, navigational, and recreational benefits; to the Committee on Transportation and Infrastructure.

283. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 482 memorializing the United States Congress to support the permanent repeal of the estate tax; to the Committee on Ways and Means.

284. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 496 memorializing the United States to support the permanent repeal of the estate tax; to the Committee on Ways and Means.

285. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 27 memorializing the United States Congress to provide a tax credit to companies for the cost of converting from groundwater to reclaimed water and provide interest free loans to municipalities to constuct waste water treatment/reclamation projects; to the Committee on Ways and Means.

286. Also, a memorial of the General Assembly of the State of Wisconsin, relative to Assembly Resolution 52 memorializing that the members of the Wisconsin assembly respectfully request the U.S. Congress to leave the tax cuts in the Economic Growth and Tax Relief Reconciliation Act of 2001 (H.R. 1836) intact, to allow the implementation or acceleration of the the relief therein, and to add further tax relief measures if needed; to the Committee on Ways and Means.

287. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 48 memorializing the United States Congress that the Alaska State Legislature expresses gratitude to President George W. Bush, to the President's cabinet, and to the men and women of the United States armed forces for their leadership and sacrifice; jointly to the Committees on International Relations and Armed Services.

288. Also, a memorial of the Legislature of the State of Wyoming, relative to House Joint Resolution No. 5 memorializing the United States Congress that the Wyoming State Legislature endorses the establishment of a tribal health care services pilot program to study these areas of concern; jointly to the Committees on Resources and Energy and Commerce.

289. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1826 memorializing the United States Congress that the Senate respectively urges the Congress of the United States to adopt legislation requiring the Medicare program to cover all oral cancer drugs; jointly to the Committees on Ways and Means and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. JONES of Ohio introduced a bill (H.R. 4863) for the relief of Rodney Allan Green and Wendy Sharon Green; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. Keller, Mr. Weldon of Florida, Mr. Davis of Florida, Mr. Barr of Georgia, and Mr. Isakson.

H.R. 122: Mr. Culberson, Mr. Stearns, and Mr. Hostettler.

H.R. 144: Ms. DeLauro.

H.R. 179: Mr. Rogers of Michigan, Mr. Waxman, and Mr. George Miller of California.

H.R. 270: Mr. Hoeffel.

H.R. 303: Mr. Hoekstra.

H.R. 339: Mr. LaFalce.

H.R. 356: Mr. Rogers of Michigan and Mr. Lucas of Kentucky.

H.R. 440: Mr. Wilson of South Carolina and Mr. Hinchey.

H.R. 482: Mr. Jones of North Carolina.

H.R. 488: Mr. Rahall, Mr. Frost, Mr. Clyburn, Mr. Crowley, and Mr. Becerra.

H.R. 582: Mr. Peterson of Pennsylvania.

H.R. 599: Mr. Filner, Ms. McKinney, and Mr. Wamp.

H.R. 638: Ms. Harman.

H.R. 654: Mr. Farr of California.

H.R. 664: Mr. Dingell, Mr. Kingston, Mr. Pickering, and Mr. Lynch.

H.R. 792: Mrs. Clayton.

H.R. 839: Mr. Jackson of Illinois.

H.R. 877: Mr. Hostettler.

H.R. 1073: Mr. Dingell.

H.R. 1090: Mr. Foley, Mr. Barton of Texas, and Mr. Lipinski.

H.R. 1108: Ms. Millender-McDonald.

H.R. 1127: Mr. Bishop and Mr. Payne.

H.R. 1182: Mr. Doolittle, Mr. Ramstad, Ms. Pryce of Ohio, Mr. Ehlers, and Mrs. Kelly.

H.R. 1296: Mr. Lucas of Kentucky.

H.R. 1304: Mr. Peterson of Pennsylvania.

H.R. 1305: Mr. Walden of Oregon.

H.R. 1324: Mr. Tierney.

H.R. 1452: Ms. Carson of Indiana and Ms. Ros-Lehtinen.

H.R. 1475: Mr. Becerra and Mr. Wynn.

H.R. 1532: Mr. Israel.

H.R. 1541: Mr. Hastings of Florida.

H.R. 1555: Mr. Simmons.

H.R. 1556: Mr. Blumenauer, Mrs. Capps, and Mr. Mollohan.

H.R. 1609: Ms. McKinney.

H.R. 1624: Mr. Fattah, Mr. Hoeffel, Mr. McKeon, Mr. Johnson of Illinois, and Ms. DeGette.

H.R. 1701: Ms. Hart and Mrs. Jo Ann Davis of Virginia.

H.R. 1723: Mr. Bass, Mr. Fattah, Mr. Wexler, Mr. Hoeffel, Mr. Becerra, and Mr. Bryant.

H.R. 1769: Mr. Peterson of Pennsylvania.

H.R. 1808: Mr. Carson of Oklahoma.

H.R. 1823: Ms. Ros-Lehtinen and Mr. Kingston.

H.R. 1862: Mr. Thune.

H.R. 1935: Mrs. Christensen, Mr. Pitts, Mr. Grucci, Mr. Ehrlich, and Ms. Norton.

H.R. 1950: Mr. Chambliss and Mr. Crane.

H.R. 1966: Mr. Hayes, Mr. Linder, and Mr. Crane.

H.R. 1987: Ms. DeLauro.

H.R. 2117: Mr. Clyburn.

H.R. 2125: Mr. Meehan, Mr. Shows, and Mr. Gonzalez.

H.R. 2143: Ms. Hart and Mr. Berry.

H.R. 2222: Ms. Millender-McDonald.

H.R. 2235: Mr. Shimkus.

H.R. 2254: Mr. Peterson of Pennsylvania.

H.R. 2290: Mr. McDermott and Mr. Becerra.

H.R. 2316: Ms. Ros-Lehtinen, Mr. Peterson of Pennsylvania, and Mr. Issa.

H.R. 2355: Mr. Moran of Virginia, Mr. Wolf, and Mrs. Morella.

H.R. 2487: Mr. Tiahrt, Mr. Lynch, Ms. Kaptur, and Mr. Payne.

H.R. 2520: Ms. Slaughter, Mr. Maloney of Connecticut, Mr. Farr of California, Ms. DeLauro, Mr. Faleomavaega, Ms. Solis, and Ms. Baldwin.

H.R. 2570: Mr. Traficant and Mr. Conyers.

H.R. 2573: Ms. DeLauro, Mr. Moran of Virginia, and Mr. Lewis of Georgia.

H.R. 2638: Mrs. Thurman, Mr. Moran of Virginia, Mr. Jefferson, Mr. Meehan, Mr. Mollohan, and Mr. Jackson of Illinois.

H.R. 2677: Mr. Markey.

H.R. 2692: Mr. Oberstar.

H.R. 2765: Ms. Waters.

H.R. 2777: Ms. McKinney and Mr. Payne.

H.R. 2807: Mr. Markey.

H.R. 2837: Mr. Hoeffel.

H.R. 2874: Mr. Etheridge, Mr. Matheson, Mr. Mollohan, Mr. Engel, and Mr. Gordon.

H.R. 2878: Mrs. Kelly.

H.R. 2957: Mr. Duncan.

H.R. 3037: Mr. Pascrell and Mr. Jackson of Illinois.

H.R. 3109: Mr. Markey, Mr. Gutknecht, Mr. Sanders, Mr. Gary G. Miller of California, Mr. Ehlers, Mr. Filner, and Ms. Woolsey.

H.R. 3131: Mr. Lynch.

H.R. 3206: Mr. Kennedy of Minnesota.

H.R. 3223: Mr. Ney.

H.R. 3230: Mr. Peterson of Pennsylvania.

H.R. 3312: Mr. Lewis of Kentucky.

H.R. 3320: Mr. Kirk and Mr. Tancredo.

H.R. 3324: Ms. Berkley, Mr. Holden, and Mr. Clement.

H.R. 3337: Mr. Engel, Mr. Strickland, Mr. LoBiondo, Mr. Graham, Mr. Maloney of Connecticut, Ms. Berkley, Mr. Kanjorski, Mr. Luther, Ms. McCarthy of Missouri, Mr. Brown of Ohio, Mr. LaFalce, Mr. Rogers of Michigan, Ms. DeLauro, and Mr. McDermott.

H.R. 3414: Mr. Meehan, Mr. Neal of Massachusetts, Ms. Millender-McDonald, Mr. Frank, and Mr. Capuano.

H.R. 3430: Mr. Souder, Mrs. Morella, Mrs. Kelly, and Mr. Isakson.

H.R. 3521: Mr. Foley and Ms. Carson of Indiana.

H.R. 3524: Mr. Fattah and Mr. Delahunt.

H.R. 3581: Mrs. Clayton.

H.R. 3594: Mr. Filner and Mr. Sanders.

H.R. 3710: Mr. Matsui and Mr. Ford.

H.R. 3719: Mr. McGovern.

H.R. 3741: Mr. Ballenger, Mr. Moore, Mr. Frank, and Mr. Hall of Ohio.

H.R. 3777: Mr. Payne and Mr. Castle.

H.R. 3804: Mr. LoBiondo, Mr. Sherman, Mr. Lantos, Ms. Eddie Bernice Johnson of Texas, Ms. DeLauro, and Mr. Farr of California.

H.R. 3808: Mr. Simpson.

H.R. 3831: Mr. Costello and Mr. John.

H.R. 3834: Mrs. Capps, Mr. Hall of Ohio, Mr. Delahunt, Mr. Honda, and Mr. Clement.

H.R. 3883: Mr. Regula.

H.R. 3884: Mr. Doggett.

H.R. 3911: Mr. Lucas of Kentucky.

H.R. 3912: Mr. Olver and Ms. McKinney.

H.R. 3917: Mr. Kanjorski.

H.R. 3973: Mr. McHugh, Mr. Crane, Mr. Kolbe, Mr. Costello, and Mr. Rangel.

H.R. 3992: Mr. Baca.

H.R. 3995: Mr. Holden.

H.R. 4003: Mr. Sanders.

H.R. 4014: Ms. Schakowsky and Mr. Kennedy of Rhode Island.

H.R. 4018: Mr. Baldacci, Mr. Abercrombie, Ms. Rivers, Mr. Payne, and Mr. Paul.

H.R. 4026: Mr. Duncan.

H.R. 4032: Mr. Rothman, Mr. Kennedy of Rhode Island, Ms. Waters, Mr. Mascara, and Ms. McKinney.

H.R. 4066: Mr. Underwood, Mr. Baca, Mr. Berman, and Mr. Wilson of South Carolina.

H.R. 4071: Mr. Dan Miller of Florida and Mr. Pence.

H.R. 4072: Mr. Quinn, Mr. McHugh, Ms. DeLauro, Ms. Millender-McDonald, and Mr. Houghton.

H.R. 4100: Mrs. Lowey.

H.R. 4180: Mr. Cardin, Mr. Becerra, Mrs. Thurman, Mr. Snyder, Mr. Olver, Mr. Frank, Mr. Frost, Mr. Farr of California, and Ms. Rivers.

H.R. 4205: Ms. Kaptur, Ms. Lee, Mr. Conyers, Mr. Frost, Mr. Price of North Carolina, Mr. Owens, Ms. Woolsey, and Mr. Frank.

H.R. 4210: Mr. Markey.

H.R. 4373: Ms. Kilpatrick.

H.R. 4477: Mr. Pickering.

H.R. 4481: Mr. DeFazio and Mr. Gibbons.

H.R. 4483: Mr. Calvert, Mr. Callahan, Mr. Farr of California, Mr. Cramer, Mr. Maloney of Connecticut, and Mr. Gordon.

H.R. 4555: Mr. Paul, Mr. Dan Miller of Florida, Mr. Saxton, and Mr. Hostettler.

H.R. 4561: Mr. Calvert.

H.R. 4573: Mr. Olver

H.R. 4582: Mr. Owens and Mr. Kennedy of Rhode Island.

H.R. 4589: Mr. Calvert.

H.R. 4598: Mr. Hayworth, Mr. Crowley, and Mrs. Roukema.

H.R. 4604: Ms. Carson of Indiana.

H.R. 4620: Mr. Gallegly.

H.R. 4634: Mr. Sanders.

H.R. 4635: Mr. Hansen, Mr. Wilson of South Carolina, and Mr. Kolbe.

H.R. 4643: Ms. Woolsey.

H.R. 4646: Ms. Baldwin, Ms. Woolsey, Mr. Luther, Ms. Norton, Mr. Markey, Mr. Wexler, Ms. Waters, Mr. Andrews, Mrs. Clayton, Mr. Crowley, Mr. Owens, and Mr. Lewis of Georgia.

H.R. 4655: Mrs. Meek of Florida, Mr. Payne, and Mrs. Mink of Hawaii.

H.R. 4658: Mr. Bachus and Mrs. Jo Ann Davis of Virginia.

H.R. 4664: Mr. Larson of Connecticut, Mr. Moore, and Mr. Gutknecht.

H.R. 4687: Mr. McNulty.

H.R. 4698: Mr. Langevin.

H.R. 4701: Mr. Platts, Mr. LaHood, Mr. Simpson, Mr. Carson of Oklahoma, Mr. Jenkins, Mr. Sullivan, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Tiahrt, Mr. Sherwood, Mr. Herger, Mrs. Cubin, Mrs. Wilson of New Mexico, Mr. Green of Wisconsin, Mr. Ryan of Wisconsin, Mrs. Biggert, Mr. Weller, Mr. Kirk, Mrs. Jo Ann Davis of Virginia, Mr. Ramstad, Mr. Coble, Mr. Kennedy of Rhode Island, Mr. Hayworth, and Mrs. Capps.

H.R. 4704: Mr. Hinchey.

H.R. 4709: Mr. Ackerman, Mr. Sanders, and Ms. Lee.

H.R. 4715: Ms. Roybal-Allard and Mr. Sanders.

H.R. 4719: Mr. Doolittle and Mr. Faleomavaega.

H.R. 4728: Mr. Blagojevich, Mr. Hastings of Florida, and Ms. McKinney.

H.R. 4730: Mrs. Jones of Ohio, Mrs. Mink of Hawaii, Ms. Roybal-Allard, Mr. Pallone, Mr. Sanders, and Ms. Kaptur.

H.R. 4754: Mr. Payne, Mrs. Cubin, Mr. Hilliard, Mrs. Mink of Hawaii, and Mr. Baldacci.

H.R. 4755: Mr. Kucinich.

H.R. 4760: Mr. Graves, Ms. Kilpatrick, and Mr. Kildee.

H.R. 4761: Mr. Honda and Mr. Pascrell.

H.R. 4768: Ms. Kaptur, Mr. Owens, and Mr. Frank.

H.R. 4793: Mr. Cooksey.

H.R. 4795: Mr. Osborne, Mr. Petri, Mr. Sensenbrenner, Ms. Baldwin, and Mr. Kanjorski.

H.R. 4799: Mr. Sanders and Mr. Berman.

H.R. 4810: Mr. Crane, Mr. Neal of Massachusetts, Ms. Dunn, and Mr. Collins.

H.R. 4843: Mr. Latham, Mr. Shimkus, and Mr. Berry.

H.J. Res. 23: Mr. Duncan.

H.J. Res. 92: Mr. Becerra, Mr. Neal of Massachusetts, and Ms. Roybal-Allard.

H.J. Res. 93: Mr. Akin.

H. Con. Res. 3: Mr. Moore.

H. Con. Res. 119: Mr. Shimkus.

H. Con. Res. 181: Mr. Costello and Mr. Doolittle.

H. Con. Res. 197: Mr. Baldacci and Mr. Barrett.

H. Con. Res. 238: Mr. Sandlin.

H. Con. Res. 291: Mr. Smith of New Jersey and Mr. Becerra.

H. Con. Res. 333: Mr. Pascrell.

H. Con. Res. 340: Ms. McKinney.

H. Con. Res. 350: Mrs. Capito.

H. Con. Res. 355: Mr. Frelinghuysen and Mr. Doyle.

H. Con. Res. 364: Mr. Oxley, Mr. Frost, Mr. King, Mr. Terry, Mr. Schrock, Mr. Gary G. Miller of California, Mr. LoBiondo, Mr. Cunningham, Mr. Faleomavaega, Mrs. Myrick, Mr. Hall of Texas, Mr. Kolbe, and Ms. Hart.

H. Con. Res. 385: Mr. McDermott, Mr. Hoyer, Mrs. Napolitano, Ms. Rivers, Ms. Roybal-Allard, Mr. Visclosky, Mr. Larson of Connecticut, Mr. Baird, Mr. Allen, Mr. Jackson of Illinois, Mr. Conyers, Mr. Inslee, Ms. Berkley, Mr. Olver, Mr. Frank, Mr. Edwards, Mr. Murtha, Mr. McGovern, Mrs. Tauscher, and Ms. Waters.

H. Con. Res. 394: Mr. Lantos, Mr. Davis of Florida, and Mr. Leach.

H. Con. Res. 401: Mr. Boozman, Ms. Solis, Mrs. Jones of Ohio, Mr. Kirk, Mr. Weiner, Mr. Payne, Ms. McKinney, Mr. Holt, and Ms. DeLauro.

H. Con. Res. 402: Mr. Gordon.

H. Con. Res. 403: Mr. Sanders, Mr. Baldacci, Mr. Tierney, and Mr. Frank.

H. Con. Res. 404: Ms. Millender-McDonald, Ms. Jackson-Lee of Texas, Ms. McKinney, Mr. Sanders, Mr. Stark, Mr. Waxman, Mrs. Jones of Ohio, and Mr. Brown of Ohio.

H. Con. Res. 406: Mr. Petri.

H. Res. 17: Mr. Hastings of Florida.

H. Res. 145: Mr. Hostettler, Mr. Weldon of Pennsylvania, and Mrs. Morella.

H. Res. 393: Mr. Rothman.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3479: Mr. Smith of Washington.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE EDMONDS COMMUNITY COLLEGE CENTER FOR FAMILIES GROUNDBREAKING

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. INSLEE. Mr. Speaker, balancing work and family has become increasingly difficult for families across America. One of the greatest challenges that many families face is finding safe, affordable childcare. It is with these challenges in mind that I am delighted to announce that a week from today, on June 11, 2002, Edmonds Community College will officially begin construction on their new Center for Families. The Center for Families, scheduled to open in September 2003, will triple the college's on-site childcare center from about 5,000 to 15,000 square feet. The Center will also triple its childcare capacity for the children of students, including students who are retraining for new jobs after unemployment and those participating in welfare-to-work programs.

Moreover, this new center will serve as a training facility for future professionals in early childhood education and as a model of best practices in parent education, childcare, preschool education (including Head Start), and family support. The Center for Families will have a Family Resource Center providing a "one stop" reference service for parents and professionals. Here, families can find the resources they need to stay in school and find the best care for their children, as well as parenting resources, professional help, and support groups.

The Edmonds Community College Foundation successfully raised $4 million dollars for this exciting new center from a combination of federal, state, county, city, and private funds. The center will bring together children from all backgrounds—some have parents who are new immigrants, other parents are professionals seeking new job skills, while others are transitioning from welfare. As a community resource, it will create more graduates who are successful and, ultimately, a more educated community.

Mr. Speaker, I encourage my colleagues to join me in congratulating Edmonds Community College on their wonderful Center for Families. The Center for Families will truly be, "Expanding Childcare, Educating Families, Enhancing Community."

IN RECOGNITION OF THE POPULATION COUNCIL ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to the Population Council, which is celebrating its 50th anniversary. Its headquarters are located in the 14th Congressional district which I represent. The Population Council strives to improve the well-being and reproductive health of people around the world and works to achieve a humane, equitable and sustainable balance between people and resources.

Established in 1952, the organization conducts high-quality, objective, policy-relevant research in biomedicine, public health and social science. It also offers evidence-based technical assistance and capacity building through collaborative research, awards, fellowships, and training.

Founder John D. Rockefeller III believed that the reason to care about population was "to improve the quality of people's lives, to help make it possible for individual's everywhere to develop their full potential." Although the circumstances facing the world have changed substantially over the past 50 years, that vision has motivated the organization throughout its history. Today the Council remains in the forefront of its field, anticipating problems, doing the research, and providing the results that inform the debate and facilitate the development and implementation of science-based solutions. The Council's research agenda now includes HIV/AIDS, urbanization, adolescents, and aging, along with its long-standing work in contraceptive development, improving access to high-quality reproductive health services, and understanding the causes and consequences of population change.

The Population Council began as a funding agency with a professional staff of fewer than ten and an annual budget of less than 1 million dollars. This fiscal year the Council will operate on a budget of $86 million, with offices in 18 countries and on four different continents. It conducts research and programs in more than 70 countries. The Council's extensive various offices and programs employ nearly 600 people worldwide and includes citizens from more than 40 countries.

The Population Council Board of Trustees is comprised of leaders in the fields of biomedicine, business, economic development, health, the media, philanthropy, and social science.

The organization receives funding from the government as well as private foundations, corporations and individuals. In all of its endeavors, the Population Council has aspired to the highest professional and ethical standards and has earned a worldwide reputation for excellence and integrity. Policymakers, program managers and others concerned with population issues turn to the Population Council for rigorous research results—results that help improve people's lives.

Mr. Speaker, I ask that my colleagues join me in commending the Population Council for 50 years of groundbreaking research, and wishing them continued excellence in the next 50 years.

RETIREMENT OF ROBERT E. MELICAN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to join the community of Northborough, Massachusetts in honoring Robert E. Melican, Superintendent of Schools, as the Northborough Middle School is renamed the Robert E. Melican Middle School.

Mr. Melican is representative of all the hardworking and dedicated educators in Central Massachusetts. He has been a part of the Northborough School District since 1969, serving the children of Northborough and Southborough as a sixth grade teacher, math teacher, Assistant to the Superintendent, Assistant Superintendent, Acting Superintendent, and finally as Superintendent for the Northborough, Southborough and Northborough-Southborough School Districts since 1996. For 33 years, Mr. Melican has dedicated himself to the children fortunate to live in these communities.

Additionally, Mr. Melican has deeply committed himself to those outside of the school community, serving as a member of the Worcester County Superintendents' Association, the Massachusetts Superintendents' Association, the Worcester Vocational School District, and the Advisory Board at Worcester State College. Currently, Mr. Melican serves as Vice President of the Massachusetts Association of School Superintendents and in that capacity has earned the respect of his peers throughout the state.

Mr. Speaker, I am certain that the entire U.S. House of Representatives joins me in congratulating Mr. Melican for his accomplishments.

TRIBUTE TO PATRICK NAGLE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Patrick Nagle for being recognized with the Pennsylvania Financial Services

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Advocate award given by the Small Business Administration (SBA). This award, which recognizes his ongoing service in the banking industry, made Mr. Nagle the state winner in addition to being the winner in the Western Pennsylvania District for 2002. Mr. Nagle serves as the Vice President and Small Business Manager/SBA Coordinator for Central Bank, a division of First Commonwealth Bank. In this position he is responsible for the expanding portfolio of SBA loans for Central Bank as well as the entire First Commonwealth system.

When Mr. Nagle first accepted the responsibility for this program in 1994, the portfolio contained only three SBA loans. Since that time remarkable progress has been made. At the end of the most recent fiscal year, September 30, 2001, First Commonwealth's portfolio contained 144 SBA loans making them the second largest originator of SBA loans in Western Pennsylvania. Much of this progress is attributed solely to the hard work and dedication Pat Nagle has invested in his work. He helped make many people's dreams of owning their own business come true. With the addition of new businesses, vitality and growth are made possible for communities' consumers and entrepreneurs.

In addition to being a member of the First Commonwealth system, Mr. Nagle is also active in the SBA Community Express loan program and various local economic development agencies. He is known by many to be helpful by sharing his knowledge and expertise at small business seminars in his and surrounding communities. By sharing what he knows, he makes it possible for others to provide a helping hand in starting new businesses. This creates a chain reaction of community growth and in turn the opportunity for prosperity for everyone. Many of this country's small businesses were made possible because someone cared enough to believe in another person's vision. Pat Nagle has embodied this spirit in his work and community activism.

As a small businessman myself, I know exactly how hard it is to make payroll, schedule, keep inventory, and all the other responsibilities that fall under being a small business owner. I also know that in this country small businesses are the number one creators of jobs—and the more we help small businesses, the stronger our local economies will be.

I would like to congratulate Mr. Nagle once again on this tremendous award he has received and thank him for all of his hard work. I wish him the very best of luck in all of his future endeavors.

CHANGE OF COMMAND AT WHITEMAN AIR FORCE BASE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. SKELTON. Mr. Speaker, on Monday, April 22, a Change of Command was held at Whiteman Air Force Base in Knob Noster, MO. Col. Douglas L. Raaberg succeeded BG Anthony Przybyslawski as the Commanding Officer of the 509th Bomb Wing. BG Przybyslawski will continue his outstanding military career as the assistant director of operations for Air Combat Command headquarters in Langley Air Force Base, VA. Lt. Gen. Keck oversaw the change of command.

Col. Douglas L. Raaberg has had an exemplary military career. Col. Raaberg graduated from the U.S. Air Force Academy in 1978 with a BA in aeronautical engineering. He also holds two masters degrees in systems management and national security strategy. Col. Raaberg has served at Vance Air Force Base, training Navy, Marine Corps and allied pilots. While commanding the Ninth Bomb Squadron, Col. Raaberg's unit set a world record for flying around the world in nearly 36 hours without re-fueling.

Mr. Speaker, as Col. Douglas L. Raaberg takes command of the 509th Bomb Wing at Whiteman Air Force Base, I know that the Members of the House will join me in wishing him the best in the days ahead.

HONORING THE SAFETY OF STANDARD REGISTER'S MURFREESBORO PLANT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. GORDON. Mr. Speaker, I rise today to honor the hard work and dedication of the employees of Standard Register Company's Murfreesboro, Tennessee, plant. The strong work ethic the Standard Register associates share have led them to achieve a milestone—five years with no lost-time accidents. This five-year period represents 690,500 hours of working safely.

In 1978, a site in my hometown of Murfreesboro became the fourteenth Standard Register plant. Murfreesboro was chosen because of its proximity to the interstates, railroads and airports. Today, the plant employs 80 people.

The Murfreesboro plant manufactures continuous business forms and checks. Employees in the Stanfast Section produce booklets, notepads and more. The Murfreesboro plant fills orders from local sales offices and ships its products all over the United States and internationally.

Founded in 1912 in Dayton, Ohio, Standard Register currently employs 6,000 people in the United States, has annual revenues exceeding $1 billion and serves companies in 40 countries. In addition to producing business forms, the company also offers its clients electronic documents, as well as consulting and e-business services.

I congratulate each and every Standard Register employee at the Murfreesboro plant for a job well done and wish each one many more successes in the future.

IN RECOGNITION OF THE YMCA OF GREATER NEW YORK CITY, ON THE OCCASION OF ITS 150TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to the YMCA of Greater New York City, which is celebrating 150 years of remarkable service to New Yorkers. Through a variety of programs and initiatives the YMCA has demonstrated an unwavering commitment to serving those in need, and to strengthening the community at large.

Founded in 1852, the YMCA distinguished itself as an institution committed to aiding those emigrating to New York City. It also garnered a reputation as an institution firmly committed to social justice, and throughout its existence has advocated on behalf of a number of historically significant causes. During the 19th century the YMCA was identified as staunchly abolitionist. In addition, it formed a commission to minister to soldiers in the camps, hospitals and battlefields of the Civil War. Upon the conclusion of the Civil War, the YMCA initiated new programs to serve African-Americans, railroad workers and young urban boys.

During the first half of the 20th century the YMCA continued to emerge as a pioneer on social issues. While racial integration was not obtained nationally until the mid 20th century, many New York City YMCA programs were integrated much earlier. During this time women also became members.

In the latter half of the 20th century the YMCA began to focus on addressing the needs of the rapidly growing urban population. In particular, it began to initiate programs targeted at aiding adolescents and their families. A number of these programs addressed poverty, delinquency, and drug abuse, including Jobmobiles and Youthmobiles, which allowed YMCA programs to be mobile and travel into communities in need. A growing emphasis on physical fitness led to the introduction of sports programming including two sports invented at the YMCA—basketball and volleyball.

During New York City's fiscal crisis, the YMCA worked to assist families affected by expanding childcare and family programs. Over the last decade the YMCA has continued to demonstrate a commitment to serving youth. Through partnerships with the United Way and the New York City Board of Education, the YMCA has become a presence in nearly 200 public schools in every school district in New York City through the "Virtual Y." The "Virtual Y" currently enrolls 7,500 students. It also operates Teen Action NYC which currently operates in five schools and provides life skills and career planning.

During its existence, the YMCA has also demonstrated a commitment to public and private partnerships. Early YMCA supporters from the private sector included William E. Dodge, Jr., J.P. Morgan, and Cornelius Vanderbilt II. It has also received substantial support from some of New York City's most influential leaders, including Governor Thomas

Dewey, Mayor John Lindsay and Mayors David Dinkins, Rudolph Giuliani and Michael Bloomberg.

During 2002 the YMCA of Greater New York will serve 170,000 youth and 200,000 adults. The YMCA of Greater New York will commemorate its 150th anniversary with a book entitled, "The YMCA at 150: A History of the YMCA of Greater New York, 1852–2002."

I ask that my colleagues join me in saluting the YMCA of Greater New York on 150 years of outstanding service to the community.

IN HONOR OF THE FERREIRO FAMILY, HARRISONFEST'S 2002 FAMILY OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Ferreiro family, Harrisonfest's 2002 Family of the Year. The family was honored on May 31st, at the annual Harrisonfest in Harrison, New Jersey. This festival, consisting of a marathon race, an array of vendors, fun family games, dazzling floats, fireworks, and performances by folk groups and musical bands, lasted through the weekend to raise scholarship funds for the students of Harrison Public Schools.

In 1905, at the age of nine, Louis Ferreiro, along with his mother, father, four brothers, and two sisters arrived in America and settled in Harrison, New Jersey. It was to be the beginning of a prosperous and wholesome life for his entire family in the community of Harrison.

Louis Ferreiro married Angelina Forte in 1925, and together they raised five sons. This blossoming family ran a landmark store known as "Louie the Sausage King" at 7 North 3rd Street for over 50 years. The store was known for its delicious Italian-style hotdogs, and many Harrison citizens continue to reminisce about the good old days when you could catch up with friends, while enjoying the store's speciality.

The Ferreiro family also had many talented athletes participate at Harrison High School: Tom Jr., a Football and Girls Basketball Coach; Vin, a star Basketball player; Michelle and Donna, exceptional players on the Girls Basketball team; and Jim Jr., an outstanding Football and Baseball player.

The five Ferreiro sons and their families, as well as their children's families, have created a legacy of 21 grandchildren and 22 great grandchildren. And today, four generations of the Ferreiro family—29 individuals—continue to live in Harrison.

I ask my colleagues to join me in honoring the Ferreiro family, who, through their strong sense of family values, and their commitment and dedication, helped shape today's beautiful community of Harrison, New Jersey.

TRIBUTE TO LOUIS BERTHIAUME

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to recognize Louis Berthiaume of Rutland, Massachusetts who has announced his retirement after many years of dedicated service as a rural carrier for the Rutland Post Office.

Mr. Berthiaume was born in Worcester, Massachusetts on May 24, 1942, attended public schools in Worcester and Shrewsbury and graduated from Shrewsbury High School.

In November 1960, Mr. Berthiaume served in the United States Army for six years with the 101st Airborne and the 1st Division. While in the Army, Mr. Berthiaume's tours included Korea and Vietnam. Following his service, Mr. Berthiaume was honorably discharged in 1966.

In addition to his service to our nation as a civil and military employee, Mr. Berthiaume has been deeply involved with the Special Olympics, and he has volunteered for many years in the annual Post Office food drive.

It is a pleasure to acknowledge such a fine individual, and I am certain the entire House of Representatives joins me in extending our very best wishes to him and his family for a happy and healthy retirement.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Roll Call No. 199, on the Motion that the Committee Rise. Had I been present I would have voted no.

I was also unavoidably detained for Roll Call No. 200, the Obey of Wisconsin Amendment to H.R. 4775, 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States. Had I been present I would have voted no.

I was also unavoidably detained for Roll Call No. 201, the Obey of Wisconsin Amendment to H.R. 4775, 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States. Had I been present I would have voted no.

I was also unavoidably detained for Roll Call No. 202, the McGovern of Massachusetts Amendment to H.R. 4775, 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States. Had I been present I would have voted no.

I was also unavoidably detained for Roll Call No. 203, Adjourning to Time Certain. Had I been present I would have voted yea.

TRIBUTE TO ERNIE WISSINGER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Ernie Wissinger for earning the Blair County Chamber of Commerce's Lifetime Achievement Award for Business Advocacy. Mr. Wissinger is the first ever to receive this award and set a high standard of excellency for other entrepreneurs to follow.

Mr. Wissinger resides in Blair County, Pennsylvania where he owned and operated a retail grocery store for 42 years. In addition to focusing on his own business, he was always available to assist others within the business community. By lending a helping hand where one was needed, he has played a crucial part in helping to make Blair County businesses thrive and grow. For years he took it upon himself to act as an unofficial ambassador and advocate for the people and the businesses of Blair County whenever he traveled across Pennsylvania or to other states.

In addition to being an insightful businessman he is also a generous volunteer. Mr. Wissinger provided financial support to organizations such as Easter Seals, the Altoona Area Public Library, and the Altoona Campus of Penn State to name just a few. In addition to donating resources, he donated his time to the Blair County youth. His involvement in volunteering for community organizations has made a positive impact on those around him. Blair County is a better place because of Ernie Wissinger's professional and personal investments in his community.

I congratulate Mr. Wissinger on all his business accomplishes and thank him for his involvement in the local community. By being the first to receive this award Mr. Wissinger set a standard for businessmen and women to strive to achieve. This award signals that he began a tradition of excellence that will be hard to duplicate. President George W. Bush, in his last State of the Union Address, challenged all of us to give two years or 4,000 hours of service over our lifetimes. If the President were here today I am positive he would shake Mr. Wissinger's hand and hold him up as an example for others to follow. I, too, would like to encourage others to follow in Mr. Wissinger's footsteps by being active volunteers and thoughtful entrepreneurs. One person can impact a community in many wonderful ways, and Blair County's example is Ernie Wissinger. I wish him the very best of luck in the years to come.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. BURTON of Indiana. Mr. Speaker, on May 10th, my wife died after a long battle with cancer. During her final weeks and in immediate aftermath of her death, I was unable to depart Indianapolis, and consequently, I missed several roll call votes. Had I been here I would have voted Yea on roll call votes 171–191; No on roll call vote 192; Yea on roll call vote 193–194; No on roll call votes 195–197; Yea on roll call vote 198; No on roll call votes 199–202; and Yea on roll call votes 203–206.

CONGRESS SALUTES BRIGADIER GENERAL DONALD P. PETTIT

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. WELDON of Florida. Mr. Speaker, I rise to recognize Brigadier General Donald P. Pettit, Commander of the 45th Space Wing in Florida, who will retire on July 31, 2002, after 32 years of distinguished service to the Air Force and his nation.

For the past three years, Brigadier General Pettit has served as the Director of the Eastern Range responsible for the safe and secure access to space of America's manned and unmanned space vehicles. During this time, he achieved a perfect 70 for 70 launch record with many of the satellites deployed used to fight the war on terror and for scientific research to expand our knowledge of the universe.

General Pettit entered the Air Force as an enlisted man during the Vietnam conflict and served four years as an aircraft electronics technician. He earned his commission as a distinguished graduate from the University of Miami's Reserve Officer Training Corps in 1974.

During his early years of service, he served as a Minuteman Missile Combat Crew commander and strategic missile planner. During tours at Headquarters, Strategic Air Command (SAC) and the Pentagon, he was instrumental in developing, acquiring and deploying the Peacekeeper (MX) Intercontinental Ballistic Missiles (ICBM) now at F.E. Warren Air Force Base, Wyoming.

As a field grade and general officer, he distinguished himself by serving in numerous capacities, including commanding a Minuteman ICBM squadron selected as "Best in Strategic Air Command," and subsequently our nation's largest ICBM wing.

As the Director of Plans and Programs at Headquarters, Air Force Space Command, Colorado Springs, Colorado, he created the command's Strategic Master Plan.

While in Moscow, he negotiated with the Soviet Union "The Reduction of Dangerous Military Activities Agreement." Since its 1989 signing, it has allowed Russian and American forces to operate in proximity to one another and precludes an involuntary act or miscalculation by either military force—whether land, air or sea—to escalate into a combat or war situation.

Brigadier General Pettit's final command was at the 45th Space Wing, overseeing America's eastern space launch range. The Eastern Range encompasses a 15 million square mile area.

Brigadier General Pettit's education accomplishments include an undergraduate degree from the University of Miami, Master of Arts degree from Pepperdine University, and graduating from the Marine and Air Force command and staff colleges and the Air War College.

His awards and decorations include the Legion of Merit, Defense Superior Service Medal, and Joint Defense Meritorious Service Medal with oak leaf cluster and Air Force Meritorious Service Medal with two oak leaf clusters.

Brigadier General Pettit is married to the former Carol Worley, of Miami, Fla., and they have a son Michael, a 2002 University of Colorado graduate.

I am honored to rise in support of General Pettit's service to our nation, and I am proud of his commitment to the cause of liberty and freedom.

TRIBUTE TO JUSTIN WELLS

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mrs. NORTHUP. Mr. Speaker, I rise today to congratulate and honor a very brave young man from my district in Kentucky. Mr. Justin Wells is a hero in the truest sense of the word. While driving home from the hardware store, Justin and his father came upon a near fatal car accident. Taking the first aid kit from his father's trunk, Justin rushed to help the injured man, who was bleeding profusely and whose leg had been pinned down by the steering wheel of the car. Holding a compression bandage to the man's wounds while trying to keep the victim calm, Justin used the skills he had gained as both a Medical Trainer at St. Xavier High School and as a First Aid Instructor for Boy Scout Troop 380 to attend to the injuries. Justin was not deterred by the danger of the situation, or the possibility of an electric fire from the sparks emanating from the dashboard. Instead, he courageously tended to the injured man until the rescue squad arrived.

It is my great honor to pay tribute to Justin Wells, and to thank him for his courage, resourcefulness, and desire to help those in need. Justin is a very special young man, and I hardily applaud his commitment to his fellow citizens, even in the face of danger. His actions show that one person can make a great difference. Again, I offer my congratulations to Justin for his courage and good will.

HONORING ELNER G. OVERDEER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. GEKAS. Mr. Speaker, I rise today to congratulate Elner G. Overdeer who was honored as the winner of the 2002 Dauphin County Senior EXPO Outstanding Senior Award. She has dedicated her life to the service of others and for this she must be both appreciated and congratulated.

Ms. Overdeer clearly demonstrates a spirit of unconditional giving through her many initiatives that have benefited our community. She is a sterling example of kindness and integrity. Throughout the years she has been affiliated with a number of charitable and selfless organizations. These include the Middletown Historical Restoration Commission where she has served on the board since 1980, the Middletown Historical Society, the Regent of Swatara Pine-Ford Chapter of the Daughters of the American Revolution, the Middletown Senior Citizens Center, the Middletown Area Alumni Association, the Presbyterian Congregational Church where she has served as an ordained ruling elder, and the Middletown Borough Authority where she has been the secretary for the past thirteen years.

It is with great honor, Mr. Speaker, that I call on all Members to join me in congratulating and thanking Elner G. Overdeer. Her years of service to the community have benefited many people in more ways than these mere words can express.

HOUSE OF REPRESENTATIVES—*Wednesday, June 5, 2002*

The House met at 10 a.m.

Bishop Neff Powell, the Episcopal Diocese of Southwestern Virginia, Roanoke, Virginia, offered the following prayer:

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth, we beseech You so to guide and bless our Representatives in Congress assembled, that they may lead this Nation and enact such laws as shall please You, to the glory of Your name and the welfare of the people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. UPTON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UPTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kansas (Mr. TIAHRT) come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME GUEST CHAPLAIN, BISHOP FRANK NEFF POWELL

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I am pleased to welcome Bishop Frank Neff Powell, bishop of the Episcopal Diocese of Southwestern Virginia, and one of my constituents, who has been chosen to serve as Guest Chaplain this morning.

Bishop Powell was born in Salem, Oregon. He was baptized at Saint Paul's Episcopal Church in Salem, Oregon, in 1948. Growing up in Salem he met his future wife, Dorothy Houck. He attended Claremont Men's College, in Claremont, California, graduating with a degree in history in 1970. During college, he was active at Christ Church Parish, Ontario, California.

Immediately following graduation, he married Dorothy and enrolled in the Episcopal Theological School in Cambridge, Massachusetts. While there, he completed his field education at Church of our Savior in Milford, New Hampshire, and at St. Dunstan's in Ellsworth, Maine, graduating in 1973.

Bishop Powell began his ordained ministry as the curate at Trinity Parish in his home State of Oregon before being appointed vicar at Saint Bede's, Forest Grove, in 1975. These were fruitful years for the Powell family, marked by the birth of their three children, Charles Neff, Dorothy Louise, and Robert Bingham.

Bishop Powell was called to the diocese of New York in 1983 to serve as archdeacon and deputy for program, with a special emphasis on Christian education, stewardship, and small churches. He helped to develop the Carolinas and Virginia Small Church Leadership Training Program.

In 1991, he was called back to Oregon to serve as executive assistant to the bishop of Oregon. Most recently, on June 22, 1996, he was elected the fifth bishop of Southwestern Virginia. He is presently an associate of the Society of Saint John the Evangelist, a member of the Council of Associated Parishes for Liturgy and Mission, and a fellow of the College of Preachers. In addition, he was appointed to the Church Deployment Board of the National Episcopal Church in 1997.

Bishop Powell's life has been marked by continual service and dedication to the Episcopal Church and to the dictates of his personal faith. It is a distinct pleasure to welcome him to Washington today to open the United States House of Representatives in prayer, one of the finer traditions of this institution in which we humbly seek divine guidance and wisdom for the difficult tasks before us.

Mr. Speaker, I am pleased to welcome Bishop Frank Neff Powell, Bishop of Southwestern Virginia and one of my constituents, who has been chosen to serve as guest chaplain this morning.

Bishop Powell was born December 28, 1947, in Salem, OR. He was baptized at St. Paul's Episcopal Church, in Salem, OR, on November 28, 1948.

Growing up in Salem he met his future wife, Dorothy Houck, in the church youth group. He attended Claremont Men's College, in Claremont, CA, graduating with a degree in history in 1970. During college, he was active at Christ Church Parish, Ontario, CA, and in the Episcopal students group.

Immediately following graduation, he married Dorothy, and enrolled in the Episcopal Theological School, in Cambridge, MA. While there he completed his field education at Church of Our Savior in Milford, NH, and at St. Dunstan's in Ellsworth, ME, graduating in 1973.

Powell began his ordained ministry as the curate at trinity parish in his home state of Oregon, before being appointed vicar of St. Bede's forest grove, in 1975. While at St. Bede's the liturgy was redesigned, Christian education expanded, the congregation began to actively engage the community, and a new church was built. These were fruitful years for the Powell family as well, marked by the birth of their three children, Charles Neff, Dorothy Louise, and Robert Bingham.

Bishop Powell was called to the diocese of North Carolina in 1983 to serve as archdeacon and deputy for program, with a special emphasis on Christian education, stewardship, and small churches. He helped to develop the Carolinas and Virginia small church leadership training program.

In 1991, he was called back to Oregon to serve as executive assistant to the bishop of Oregon, attending to administration, vocations, deployment, and secretary of convention and council.

Most recently, on June 22, 1996, he was elected the fifth bishop of southwestern Virginia during a special council held at St. John's Church, in Roanoke. He was ordained and consecrated at Burris auditorium on the campus of Virginia Tech, later that year.

He is presently an associate of the society of St. John the evangelist, a member of the council of associated parishes for liturgy and mission, and a fellow of the college of preachers. In addition, he was appointed to the church deployment board of the national Episcopal Church in 1997.

Bishop Neff's life has been marked by continual service and dedication to the Episcopal Church and to the dictates of his personal faith. It is a distinct pleasure to welcome him to Washington today to open the United States House of Representatives in prayer, one of the finer traditions of this institution in which we humbly seek divine guidance and wisdom for the difficult tasks before us.

JOURNAL

The SPEAKER. Pursuant to clause 8, rule XX, the pending business is the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WATTS of Oklahoma. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 40, answered "present" 2, not voting 29, as follows:

[Roll No. 209]

YEAS—363

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Stupak
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—40

Baldwin
Borski
Brady (PA)
Capuano
Costello
Crane
Cummings
DeFazio
English
Fattah
Filner
Fletcher
Gutknecht
Hart
Hefley
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
Matheson
McDermott
McGovern
Menendez
Obey
Olver
Peterson (MN)
Ramstad
Sabo
Schaffer
Stark
Strickland
Taylor (MS)
Thompson (CA)
Udall (CO)
Visclosky
Waters
Watts (OK)
Weller
Wu

ANSWERED "PRESENT"—2

Lipinski
Tancredo

NOT VOTING—29

Bachus
Ballenger
Blagojevich
Bonilla
Callahan
Deal
Ganske
Gephardt
Gilchrest
Gutierrez
Hall (OH)
Herger
Hilliard
Hinchey
Hunter
Larson (CT)
Miller, Dan
Murtha
Peterson (PA)
Riley
Roukema
Rush
Sánchez
Saxton
Slaughter
Thompson (MS)
Traficant
Weldon (PA)
Young (AK)

☐ 1027

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to House Resolution 378, this time has been designated for the taking of the official photo of the House of Representatives in session. The House will be in a brief recess while the Chamber is being prepared for the photo.

As soon as these preparations are complete, the House will immediately resume its actual session for the taking of the photograph. About 5 minutes after that, the House will proceed with the business of the House. One-minutes will be taken when the House reconvenes for business following the taking of the official photo.

For the information of the Members, when the Chair says, the House will be in order, we are ready to take our picture. That will be in just a few minutes.

RECESS

The SPEAKER. Pursuant to clause 12 of rule I, the Chair declares the House in recess while the Chamber is being prepared.

Accordingly (at 10 o'clock and 30 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1031

AFTER RECESS

The recess having expired, the House was called to order at 10 o'clock and 31 minutes a.m.

(Thereupon, the Members sat for the official photograph of the House of Representatives for the 107th Congress.)

RECESS

The SPEAKER. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 10:45 a.m. today.

Accordingly (at 10 o'clock and 34 minutes a.m.), the House stood in recess until approximately 10:45 a.m.

☐ 1045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 10 o'clock and 45 minutes a.m.

PERSONAL EXPLANATION

Mr. CROWLEY. Madam Speaker, on Thursday, May 23, 2002, and Friday May 24, 2002, I was absent for several rollcall votes. Had I been here, I would like the RECORD to reflect that I would have voted "yes" on rollcall vote 199, "yes" on rollcall vote 200, "yes" on rollcall vote 201, "yes" on rollcall vote 202, "no" on rollcall vote 203, "no" on rollcall vote 204, "yes" on rollcall vote 205 and "yes" on rollcall vote 206.

FINISH INS REFORM LEGISLATION

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, in the last several days, there has been a lot of finger pointing and accusations about our agencies, the FBI and CIA. There is no question, we will do a thorough and complete review of what was known and what could have been done to thwart the terrorists on September 11. But the kind of cynical sniping at these fine agencies has to stop.

Our collective resolve against terrorism must remain united. We must stand beside our President and our leaders in order to extradite and remove these terrorists from our soil.

I strongly support major restructuring of the INS. We have passed a bill in this Chamber and sent it to the other end of the hall. That bill languishes on the Senate desk, and I urge the majority leader to start proceedings to hold a hearing or at least have a vote on that bill.

This past week in New York City, four Syrians arrested who had deportation orders against them, were released because they were not available to process them on Memorial Day. What a tragedy, that these criminals were in our country and were not sent back to their own native country. They had the orders. They should have been deported.

I urge the Senate to adopt the INS reform bill and do so urgently.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that they should not urge the other body to take any actions.

PROVIDING CRITICAL INFORMATION TO PREVENT ABDUCTIONS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Madam Speaker, I generally give my 1-minutes each day on the issue of missing children, whether it is to talk about Ludwig Koons, who has been abducted by his noncustodial mother to Italy, or whether it is talk about the Missing Children's Day, which we observed only a couple of weeks ago.

During that time, there was a survey that was done, it was done by the National Center for Missing and Exploited Children and ADVO, and it showed that many parents lack information critical to recovering children who have been abducted. The survey results show that many parents are missing opportunities to help prevent abductions.

Law enforcement tells us that information such as height, weight, eye color, and a recent photograph are critically important when searching for a child. However, the survey shows that 22 percent of parents do not know the height, weight, and eye color for all of their children; and in the event of an emergency, it is critical for parents to have readily available their child's accurate physical description and a recent photograph so that law enforcement can act immediately and effectively.

So, parents, take the time to get a good portrait ID-type photograph of each child, not just a low-quality snapshot. Parents need to take the responsibility of knowing about their children and being able and ready to respond in the event that something terrible happens such as that. Let us work to take care of our children.

DEATH TAX AND FARMERS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, in my district in Pennsylvania we have some of the most productive farmland in America. In fact, it is known as the "Garden Spot" of America. Many of these farms have been in the same family for generations. A few of them date back to William Penn.

But these farms are in trouble. Taxes on the land are simply too high. Part of the problem lies right here in Washington. The estate tax, what some of us like to call the "death tax," takes as much as 60 percent of the farm's value when it passes from one generation to the next. Many times families have to sell half of the farm just to pay the death tax. That is not right.

Last year we voted to repeal the death tax; but unless we vote to get rid of it permanently, it will come back in 10 years.

Let us vote to kill the death tax for good and help Pennsylvania's and America's family farmers and small businesses stay in business.

CREATING A MEDICARE PRESCRIPTION DRUG BENEFIT

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Madam Speaker, I rise today to talk about the pressing need to create a prescription drug benefit under Medicare.

For almost a decade, Congress has been talking about a Medicare prescription drug benefit, and every time this issue comes up, excuses are made that it is just too expensive and we cannot afford it. Meanwhile, seniors are struggling every day to find ways to afford their life-saving medicines. They pay some of the highest prices in the world for their prescriptions; but because Medicare lacks a prescription drug benefit, 40 percent of the seniors pay for their prescriptions entirely out of pocket.

Last year, the Congressional Budget Office was projecting surpluses well into the next decade. We had the opportunity to do something about this. But instead of using the surpluses to create a Medicare drug benefit, we passed a bloated tax cut that eroded these surpluses and sent us back into an era of deficit spending.

This week we are going to take another vote to further extend these tax cuts. We have deficits as far as the eye can see, but the majority wants to dig that hole even deeper and pass tax cuts that will cost almost $1 trillion over 10 years and will benefit less than 2 percent of the American people. Yet we tell seniors we cannot afford a prescription drug benefit.

COMMENDING SUNSET OF OUR MEMORIES EXHIBIT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, today I recognize the students of Sunset High School's Holocaust Studies class and their instructor, Mr. Irv Madnikoff. Their hard work and dedication in remembering the Holocaust through their class's exhibit "Sunset of Our Memories" should be commended.

This amazing class is one of its kind in Florida and has brought to our community this important presentation so that we can always remember the brave victims of the most deplorable time in the world's history. Over the past 3 years, 9,000 people have visited Sunset High School's interactive exhibit. One visitor commented that it was the best exhibit, next to the one in Washington, D.C., that he had ever seen.

I again want to express my sincere gratitude to Mr. Irv Madnikoff and his students at Miami's Sunset High School for taking an active role in keeping alive the memories of innocent Holocaust casualties.

CONDEMNING TERRORIST MURDERS IN ISRAEL

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Madam Speaker, while America slept, another suicide bomber hit in Israel. Sixteen innocent people were killed, over 50 people were wounded, many of them critically. Our population is 50 times that of Israel. On a comparable scale, this would be like reading in our morning paper that 800 American citizens were massacred overnight, with some 2,500 wounded, many critically.

In his speech at West Point, the President clearly stated, "The only way to deal with terrorists is by preemptive action." We will have to do this wherever terrorists are planning to hit us, and the Israelis have to do it to protect their own citizens. This pattern of murder must come to an end.

ELIMINATING THE UNFAIR DEATH TAX

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Madam Speaker, 2 decades ago Ronald Reagan reminded America that government does not tax to get money it needs, but will always find a need for the money it gets.

The death tax is an unfair burden designed to punish families that work to leave a better future for the next generation, and it is a tax the government can do without. Despite the class warfare being waged by some in this Chamber, eliminating the estate tax is not a tax cut for the rich; it is a desperately needed reform to save thousands of family businesses, farms and homes.

Madam Speaker, death should not be a taxable event. I urge my colleagues to abandon the gains of class warfare and send the Grim Reaper home empty handed this year by eliminating the death tax.

PROVIDING A FAIR PRESCRIPTION DRUG PLAN FOR SENIORS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, the Bush administration wants to give seniors a prescription drug card that may save you 15 percent on your prescription drugs. "May save you."

Prescription drug charges are manipulated by the pharmaceutical companies. Take a look at this chart here in my district. When they bought their drugs with their card, they saved 12 cents. They advertised 30 to 40 percent savings, but actually saved 12 cents. When they came down here to buy their Combivent and their Diltiazem, if you take a look at it, with their card, they paid $81.43. The cash price was $47.49. There was no savings. The actual out-of-pocket increase was $33.94. The drug companies manipulate these prices with or without a card.

The Democrats have a real plan. We believe every senior should have a prescription drug plan covered underneath Medicare and lower prices of the prescription drugs that we all need and use. So I would urge this body to reject any of the other plans that provide a card which is manipulated by the pharmaceutical companies and actually costs us money.

CONGRATULATING THE U.S. MEN'S SOCCER TEAM

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Madam Speaker, early this morning while most Americans were sound asleep, about 1 billion people from all over the globe, myself included, watched a group of talented young American athletes do something truly remarkable.

Against all odds, the U.S. Men's Soccer Team defeated Portugal in the first game of the 2002 World Cup. The Portuguese were one of the favorites to win the World Cup outright, but our team prevailed 3 to 2. And it was no fluke. We took them apart in the first half with slashing attacks, and wore them down with tough defense in the second half. It was a balanced effort with everyone contributing under Coach Bruce Arena's guidance.

The win gave the U.S. the opportunity to move into the quarter finals, but they have more work to do. They play the host team Korea and then Poland, with the two best teams from the group moving on.

These young men have already exceeded expectations. They are off to the best start for any American team in history. Please tune in. Set the alarm clock for an early rise, brew some strong coffee and enjoy a great spectacle. They deserve our support.

SALUTING THE CITY OF CLEVELAND ON NEW SCHOOL

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Madam Speaker, this morning I rise to salute the city of Cleveland; the CEO of the Cleveland Municipal School District, Barbara Byrd-Bennett; former mayor, Michael White; current mayor, Jane Campbell, because yesterday we broke ground on the first brand new school in the city of Cleveland in more than 20 years, AJ Rickoff Elementary School.

□ 1100

It will not only be a school center, but it will also have a library, and hopefully opportunities for parents to train from CCC College or Kiowa Community College.

It is just a wonderful thing, after Issue 14 passed last year, that we were able to break ground on a new school. We anticipate that we will build more than 40 new schools in the city of Cleveland over the next 5 years. Here is for education, here is for the Cleveland Board of Education, the Cleveland School Board, and here is for the children of the city of Cleveland.

I am thankful for the opportunity to be supportive. Let us build more schools.

OPPOSING RESURRECTION OF THE DEATH TAX

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Madam Speaker, I rise today to speak out against resurrecting the death tax. This tax allows the Federal Government to take up to 55 percent of the assets of an individual or small business when the owner dies, and this simply is not fair. These people have already paid taxes on everything they own. The death tax is simply a double taxation at the rate of nearly 50 percent higher than the highest income tax.

Countless farmers and small business owners in Kansas have urged me to do all I can to end this unfair tax. Who can blame them for wanting to leave their hard-earned businesses to their children?

I am proud that last year we voted to phase out the death tax, but this will become a hollow victory if a Senate provision allowing the death tax to be resurrected at the end of 7 years is allowed to stand. I am forced to tell my farmers and small businessmen that the death tax will not affect them, but only if they die in the year 2010.

Death should not be a taxable event. Let us finish what we started and kill the death tax once and for all.

PRESCRIPTION DRUGS

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Madam Speaker, today I rise once again to ask for us to look at the prescription drug plan that would provide our seniors with immediate relief. As prices continue to soar out of control, our seniors struggle on fixed incomes. They struggle to pay for their blood pressure prescriptions, they struggle to pay for their anti-inflammatory medication that costs over $1,800 a year.

Our seniors deserve better. They deserve to live their lives in dignity and without anxiety over whether they can eat or pay for their medication, or whether they can turn their heaters on or their air conditioners on. It is with great frustration that I continue to ask the Republicans to do the right thing, but they continue to push a limited plan that will not work. It will leave too many seniors behind.

Madam Speaker, it is time for us to bring a real prescription drug plan to the floor, one that is voluntary, one that is universal, one where every senior would have access, no matter where they live or what they do. Let us do the right thing and respond to our seniors.

CONGRATULATIONS TO THE U.S. SOCCER TEAM

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I would like to join my colleague, the gentleman from New York (Mr. WALSH), in extending congratulations to the U.S. Soccer Team.

Clearly, the greatest upset of the World Cup tournament has been this win of the U.S. team over Portugal. Coach Arena was extraordinarily bold in putting two great 20-year-olds in to ensure that they would have the chance to play a role in leading this team to victory.

Landon Donovan and DaMarcus Beasley are two new players who are obviously fighting very, very hard on behalf of the United States. As we head into the quarter finals, as the gentleman from New York (Mr. WALSH) said, there are a billion people around the world who are following the World Cup, and I hope very much that more Americans are among them as we see a spectacular U.S. victory.

MIRANDA GADDIS AND ASHLEY POND FROM OREGON ARE STILL MISSING

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Madam Speaker, on June 3 People Magazine featured two young women. I come before this House again today to alert those who may be watching in Oregon and across the Nation to the tragic plight of two young teenagers from my district.

Miranda Gaddis and Ashley Pond, both 13 years of age, students at Gardiner Middle School in Oregon City and teammates on the school dance team, have been missing now for almost 3 months and 5 months. Ashley disappeared January 9; Miranda, March 8. Oregon City was shocked by the abduction of Ashley in January, and paid extra attention to keeping their children safe. Two months later and with their guard still up, the unthinkable happened and Miranda disappeared.

Both Ashley and Miranda were last seen by their mothers early in the morning as they left their homes at the Newell Village Creek apartments to catch the school bus. The FBI has confirmed that the disappearances appear to be related and that foul play is likely to be involved.

If Members have any information regarding Ashley or Miranda's whereabouts, I ask them to please contact their local FBI office. Let us not forget about our children. Let us not give up hope about our missing children.

PRESCRIPTION DRUG COVERAGE

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Madam Speaker, I stand in support of a comprehensive prescription drug plan. We need to do something for our seniors. Seniors are the ones that made our country great, and too often we forget their contribution and what they have done.

We have a responsibility. Today many of them are faced with a crisis, and I say with a crisis, because now they have to pay an abundance of dollars on a fixed income. It becomes so difficult for our seniors to put food on the table when they have to decide what to do: "Do I pay for medication that will relieve the pain and agony that I have?"

Some of these seniors have 15 to 30 prescription drugs that they have to pay for. It is too high. It has gotten ridiculous. This is not about profit, this is about taking care of the American people. This is about taking care of our seniors. We need to make sure that we come up with a comprehensive medical plan that covers them. We owe it to our seniors and we owe it to Americans, we owe it to this country.

I say, let us get behind a good, comprehensive plan that covers our seniors. They have suffered enough. Let us help them.

CONFERENCE REPORT ON S. 1372, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

Mrs. MYRICK. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 433 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 433

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1372) to reauthorize the Export-Import Bank of the United States. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Madam Speaker, yesterday the Committee on Rules met and granted a normal conference report rule for the Senate bill, S. 1372, the Export-Import Bank Reauthorization Act of 2002. The rule waives all points of order against the conference report and against its consideration.

In addition, the rule provides for 1 hour of debate, equally divided and controlled between the chairman and ranking minority member of the Committee on Financial Services.

Madam Speaker, this should not be a controversial rule. It is the type of rule we grant every time for every conference report we consider in this House. The conference report itself is a strong step forward to help American manufacturers, American workers, and the American economy.

Madam Speaker, the Export-Import Bank Reauthorization Act of 2002 reauthorizes the bank for 4 years. The Ex-Im Bank plays a key role of promoting U.S. exports overseas and levelling the playing field of international trade, which is especially important to my area in North Carolina. The bank is an important tool for American manufacturers, enabling them to reach markets in which they would otherwise be closed out.

By reauthorizing the Ex-Im Bank, we demonstrate our commitment to promoting U.S. goods throughout the world and the U.S. economy at home. It has important provisions that encourage small business transactions by increasing the small business mandate for Ex-Im from the current statutory minimum of 10 percent to a minimum of 20 percent of total Ex-Im financing, and that will help small business. It gives them a bigger share of the pie.

It also requires Ex-Im to conduct outreach and increase loans to socially-disadvantaged individuals, our women, and to businesses which employ fewer than 100 employees; again, a big help, especially when so many corporations and small businesses in our country are starting to do more export.

That is especially true in my area. We have a lot of small businesses that are exporting in the last couple of years North Carolina products that had never done that before, so we are always looking for ways to encourage that.

S. 1372 also contains strong provisions relating to the U.S. trade laws that will ensure Ex-Im does not contribute to the overcapacity or dumping of goods on U.S. markets. Again, that is an area that we have had a lot of problems with, with steel and with textiles, which is very, very important in my area of North Carolina, in South Carolina, and some of the other southern States.

I want to commend my colleague, the gentleman from Pennsylvania (Mr. TOOMEY), for his leadership in crafting this important provision.

Finally, I am pleased that this legislation requires that the bank, when considering whether to guarantee, ensure, or extend credit, will take into account the extent to which a nation has been helpful or not in efforts to eradicate terrorism. We must stop the flow of money from going to countries which support terrorism, and specifically those identified by the President as comprising the axis of evil.

To that end, I urge my colleagues to support this rule and to support the commonsense legislation it underlies.

Madam Speaker, I reserve the balance of my time.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased this conference report is on the floor today. It has strong bipartisan support, and I expect that it will pass overwhelmingly.

Since 1934, the Export-Import Bank has played a vital role in creating and sustaining millions of high-paying American jobs by supporting more than $400 billion in U.S. exports. As American business and jobs have become more dependent on trade over the years, the importance of the Ex-Im Bank has only increased.

In today's world of global trade, the Export-Import Bank serves as an indispensable lender of last resort, filling financial gaps that would otherwise hurt many American businesses and their employees. Perhaps most importantly, the bank levels the playing field for many U.S. companies, allowing them to compete with foreign companies that have significant support from their own governments.

But Ex-Im Bank financing does more than support jobs at exporting companies. It helps sustain and create jobs at tens of thousands of U.S. suppliers around the country who participate indirectly in Export-Import Bank-financed exports. These indirect exporters, many of which are small businesses, supply components, services, and technology to U.S. exporters of a wide range of products and services as diverse as environmental technology, construction and agricultural equipment, amusement park rides, aircraft, furniture, and computer and telecommunications technology.

Export-Import Bank financing has a ripple effect. It sustains jobs at companies large and small throughout the U.S. economy in almost every State and the great majority of congressional districts. Moreover, the bank makes good, sound investments for America. In fiscal year 2000, for example, the Ex-Im Bank used $759 million as leverage to support more than $15.5 billion in U.S. exporters. That has a tremendous bang for the buck.

In my north Texas district, where tens of thousands of jobs are directly dependent on exporting quality American products, we have seen firsthand just how important the Ex-Im Bank is to America's economy. For all these reasons, I am pleased that this conference report reauthorizes the bank for 5 years. That will provide U.S. companies and their workers with the certainty they need.

I urge the passage of this rule and of the underlying conference report.

Madam Speaker, I reserve the balance of my time.

Mrs. MYRICK. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, I want to congratulate the conferees, particularly my subcommittee chairman and friend, the gentleman from Nebraska (Mr. BEREUTER), for coming up with a good bill that will support our Nation's small manufacturing exporters.

Ex-Im is one of the few government programs that actually serves small businesses. Last year, 90 percent of Ex-Im's transactions and 18 percent of the dollar volume went to small exporters. As chairman of the Committee on Small Business, I am proud of what the conferees have done to further enhance exports from small firms. Many of our markets are saturated in this country. Ninety-six percent of the world's consumers live outside the U.S. This conference report recognizes this reality by helping provide small business exporters access to these tough but critical markets.

The conference report agreed with the House to double Ex-Im's set-aside for small businesses from 10 percent to 20 percent. This conference report directs more of Ex-Im's resources to small business outreach, including the very small businesses, those employing 100 workers or less, and women and minority-owned firms.

Finally, this conference report focuses on the importance of technology for small businesses, and directs Ex-Im to put out more of its applications process online and track its documents electronically to speed up its work.

This 5-year reauthorization bill is one piece of the puzzle to help manufacturers in the district I am proud to represent recover from the economic downturn. We are suffering immensely with an unemployment rate higher than the national average. Manufacturing has lost over 2 million jobs in the past 3 years, and northern Illinois has not been immune.

Compounding an already weak economy is the high value of the American dollar, stiff foreign competition, high prices for steel, and tightening of credit, particularly for export finance. This conference report provides one tool to help offset the effect of the difficulty of obtaining trade finance for small business exporters.

Madam Speaker, I urge my colleagues to support this conference report. It will help ensure that quality and price, not the lack of adequate export financing, is the key for a small business exporter to win a sale abroad.

□ 1115

Mr. FROST. Madam Speaker, I yield 8 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Madam Speaker, I rise in very strong opposition to the Export-Import Bank, and I do that as the ranking member of the Subcommittee on International Monetary Policy and Trade.

Madam Speaker, there is growing anger and frustration in this country at the increasing greed and illegal activities in corporate America. The American people are sick and tired of CEO salaries in the tens of millions of dollars, in the hundreds of millions of dollars that are now on average 500 times greater than what the average American worker receives. The American people and workers are sick and tired of CEOs slashing pension programs and health benefits for their retirees while corporate profits are soaring. The workers of this country are sick and tired of corporate America shutting down American plants, throwing American workers out of the street and taking our jobs to China, to Mexico where desperate people are forced to work for 20 cents an hour.

The American people are sick and tired of accounting gimmicks that cheat investors and employees. They are tired of CEOs setting up phony post office box companies in Bermuda so while the middle class pays more and more in taxes, CEOs and their corporations avoid their responsibilities in terms of taxes. And basically the American people are tired of corporate welfare. We are going to hear a whole lot in this body about making poor people responsible when it comes to corporate welfare. What about the CEOs and the major multinational corporations who get tens and tens of billions of dollars from the working families of this country? Some of my colleagues are going to tell us Export-Import Bank creates jobs, it does some good. Sure, it does. We give them a billion dollars a year, and we put at risk through loan guarantees some $15 billion a year; and if one sat out on a street corner and one gave away a billion dollars a year, he would also do some good.

But the issue is are we getting value for the amount of money that we are spending, and the answer is obviously no. Madam Speaker, the outrage of the Export-Import Bank is that we are giving billions of dollars to the major job cutters in America. Yes, that is true. The largest corporations who come into Export-Import to get their corporate welfare laugh all the way to the bank because these are precisely the people who lay off American workers and then say, thank you, workers, for subsidizing our efforts.

Let us look at these desperate companies that are getting the corporate welfare from Export-Import. It is Boeing, General Electric, Caterpillar, Mobil Oil, certainly in need of taxpayer support, Westinghouse, AT&T, Motorola, Lucent Technologies, IBM, Enron. Enron getting helped from Export-Import. The irony here is that not only should the taxpayers of this country not be supporting profitable multinational corporations but the irony is we give them money and they say thanks, we are moving to China, we are moving to Mexico. General Electric, a major recipient of export import, we give them a lot of money. What is the result? From 1975 to 1995, GE reduced its workforce from 667,000 American workers to 398,000. Boeing, the same thing, huge job layoffs.

Jack Welch, interestingly enough, the former CEO of GE, when he gets on the welfare line he said, "Ideally what you would have is to put every company on a barge." In other words, what he says is thank you for the money; but we are going to go anyplace in the world where we can get cheap labor.

In addition to its being corporate welfare, in addition to our, through Ex-Im, giving money to companies who have contempt for American workers, what also must be understood is that Export-Import is part of a failed trade policy. The United States trade deficit was $346 billion in 2001, and the trade deficit in goods was $426 billion. Let us wake up and understand that the permanent normalized trade relations with China is a failure. Yes, we gained some export jobs; but we are losing far, far more in terms of jobs being lost because companies have taken our jobs to China.

Over the past 4 years we have lost a total of 2 million factory jobs, representing 10 percent of our manufacturing workforce.

So the point here is Export-Import is part and parcel of a failed trade policy. Whether it is the most favored nation status with China, permanent normalized trade relations with China, NAFTA, that policy is failing. And it is time that we say we cannot continue to hemorrhage American jobs. Let me repeat. Under this great trade policy which Republican leaders talk about, some Democratic leaders talk about, corporate America and editorial boards say it is great; if it is so great, why between 1994 and 2000 have more than 3 million decent-paying manufacturing jobs been lost?

In 2001, the manufacturing sector lost 1.3 million jobs. In my own State of Vermont, a small rural State, small plant after small plant after small plant is closing down because they cannot compete against imports coming in from China where workers are being paid 20 or 25 cents an hour. And it is time that this body finally said enough is enough. Yes, we get millions and millions of dollars from corporate America for our campaigns; yes, that is great that they come to $25,000-a-plate fund-raising dinners. But what about the workers in rural Vermont, in California, in Illinois, in Ohio, who have lost their jobs? Maybe somebody should stand up for them. What about the high school graduates who used to be able to go out in the workforce and get a manufacturing job and make a living wage who today flip hamburgers at Burger King or McDonald's. Maybe they need a decent job even if they cannot contribute huge sums of money to this institution in terms of campaign contributions.

Our trade policy is a failure. Ex-Im is part of that trade policy. Let us defeat it for that reason. Let us end corporate welfare. Where are all of my conservative friends who want a balanced budget? Do you really want to give a billion dollars a year to some of the largest, most profitable corporations in America?

There are many reasons to defeat Ex-Im, but it is time that we stood up for the American taxpayer. It is time we stood up for the American worker. And it is time we told corporate America get off the welfare train. Start respecting American workers. Start respecting the United States of America. Do not sell our country out. Do not sell our workers out. Let us defeat Ex-Im.

Mrs. MYRICK. Madam Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER). He is the chair of the Subcommittee on International Monetary Policy and Trade of the Committee on Financial Services.

Mr. BEREUTER. Madam Speaker, this Member rises today in support of H. Res. 433, the rule under which the conference report of the Export-Import Bank or Ex-Im Bank Reauthorization Act of 2001, S. 1372, will be considered.

As is customary for conference reports under this privileged rule, there will be an hour of debate divided between the majority and minority with no amendments being made in order, of course.

As the chairman of the House Subcommittee on International Monetary Policy and Trade of the Committee on Financial Services, which has jurisdiction over this effort, the Member, of course, has a special interest in the Ex-Im Bank legislation. And, therefore, this Member would like to thank the distinguished gentleman from California (Mr. DREIER), the chairman of the House Committee on Rules; the distinguished gentleman from Texas (Mr. FROST), the ranking member of the House Committee on Rules; and the gentlewoman from North Carolina (Mrs. MYRICK), who is managing the time on our side of the aisle, for their efforts in bringing this rule before the House floor. In addition, I want to thank the distinguished gentleman from Ohio (Mr. OXLEY), the chairman of the House Committee on Financial Services, for his leadership on the Ex-Im issues, and the distinguished gentleman from New York (Mr. LAFALCE), the ranking member of the House Committee on Financial Services, and the distinguished gentleman from Vermont (Mr. SANDERS), who he and I worked together on this legislation in compatible fashion, for their efforts on the reauthorization of the Export-Import Bank.

In contrast to what we have just heard, this is legislation which actually creates jobs in America, a great number of jobs.

The Ex-Im Bank is an independent U.S. Government agency that creates and sustains American jobs by providing direct loans to buyers of U.S. exports, guarantees to commercial loans to buyers of U.S. products and insurance products which greatly benefit short-term small business sales. So we are talking about American exports going abroad, things that are produced here by our American workers or farmers.

The Ex-Im Bank finances exports such as civilian aircraft, electronics, engineering services, vehicles, agricultural products; and the list is just as broad as you can possibly imagine.

To illustrate the importance of the Ex-Im Bank, in fiscal year 2000 the bank supported over $15.5 billion in U.S. exports through an appropriation of $759 million. It is important, however, to remember that the loans and loan guarantees that the bank issues, the transactions, are risk-based costs and insurance fees, so no Export-Import Bank is charging for the money loaned or loans guaranteed. And in almost every year in its 60-year existence, Ex-Im has produced a net profit for the Treasury over the appropriations given. Last year that net profit was over $1 billion.

Madam Speaker, in the past 60 years, the Ex-Im Bank has supported more than $300 billion in U.S. exports. Of course the Export-Import Bank is only intended to be a lender of last resort and not intended to compete with private lenders. Therefore, only about 2 percent of our exports use Ex-Im Bank transactions. For example, the Ex-Im Bank supports U.S. exporters in risky markets, and private financial institutions sometimes are unwilling or unable to do that. Yet the net default rate is less than 2 percent.

In fact, over the last 20 years, the Ex-Im Bank has an average loan default rate, as I said, of less than 2 percent of its total authorization. This bank was last reauthorized in 1997 for a 4-year period that initially expired on September 30. By extension, it will now expire on June 14 of this year. And the legislation which will be brought to this floor under the rule will be for a 5-year reauthorization.

When drafting the Export-Import Bank, the Member utilized the suggestions and recommendations of the distinguished chairman of the full committee and the ranking members of the committee and subcommittee and those of other members of the committee. We had a very democratic process in the subcommittee which extended into the committee deliberations. And many items in this important reform legislation, in many respects, came from the Members on both sides of the aisle.

Madam Speaker, on May 1, we passed this House legislation by voice vote; but we are now at the point where we are prepared to take up the conference report. After a conference of only about 4½ hours, we reached numerous important decisions to bring the Congress this conference report. Importantly, we also clarified and resolved the dispute between the Export-Import Bank and the Treasury Department. I have every indication that the President will sign this legislation, and I thank the Committee on Rules and the House leadership for bringing this important legislation to the floor today.

Mr. FROST. Madam Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Madam Speaker, foreign trade has long been a critical component of our economy. So long, in fact, that it predates the founding of our Nation. And despite the ups and downs of the local global market, there is absolutely no doubt that the American economy is dependent on trade. Yes, we import far more goods than any other nation; and, yes, we have a trade deficit. I do not like it. No one likes it. But the only way to remedy it is to enhance our export sector. But when we examine the trade deficit, let us remember that we already export more goods and services than any other nation.

Those exports represent 10 percent of the United States' GDP; and they support 12 million jobs, including one in five manufacturing jobs. They are not all huge multinational conglomerates like a General Motors. The overwhelming majority, 97 percent, are small- and medium-sized businesses. In Oregon, these businesses and family farms are the backbone of our economy. They provide good paying and rewarding jobs, and it is my goal to make sure that there are a lot more of them.

If there is a company that wants to sell its goods to a new market, particularly one that poses some degree of risk as well as profitability, then all too often the only financing for them is from the Export-Import Bank.

□ 1130

Furthermore, Ex-Im financing does more than support jobs at exporting companies. It creates an enormous ripple effect in the supply chain.

For many companies that export, tens of thousands of U.S. suppliers around the country are indirect exporters, many of which are small businesses, supply component services and technology providers.

Madam Speaker, the evidence is clear. Overseas sales are no longer optional for most U.S. companies. To compete and succeed, they must play on a global stage, and Ex-Im Bank can provide the U.S. companies with the financing tools they need to accomplish this.

While not perfect, it is the best tool for the job at hand, and I ask my colleagues to support the conference agreement.

Mrs. MYRICK. Madam Speaker, I reserve the balance of my time.

Mr. FROST. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman from Texas (Mr. FROST) for yielding me the time. I thank the proponents of this legislation and those who have brought this compromise or conference report to the floor, I thank them for their work.

Madam Speaker, the business of America is creating jobs and it is business, and frankly I think it is realistic to understand the global markets that we now live in. When we think of countries like Germany and France and England, there is a large proponent or a large part of their economic framework that is supported by the government, companies owned by the particular nation, giving them the upper hand. That is the global market or the global business world of which many of our companies compete with.

Although I may have some concerns about the whole issue of trade without regulation, I believe the Export-Import Bank is a good balance because what it does is it gives an even playing field or maybe even a leg up, a reasonable leg up to the businesses of America who are trying to compete internationally, competing against the major discounts and the major waivers that are given to corporations owned by the particular country of which they have to compete with.

I am very glad that in this legislation we have the tied aid credit fund which then requires those donor countries who are receiving benefit from the Export-Import Bank to buy resources from the United States. That creates jobs.

I am also pleased how this impacts our agricultural community, giving them the opportunity to have a two-way street.

The Advisory Committee for Sub-Sahara Africa, having been a supporter of the African Growth and Opportunity Act, and listening now to ambassadors from Africa and presidents from Africa, in the sub-Sahara continent they are saying that it is working, but they are also looking for added enhancement, and this advisory committee should get busy by creating opportunities for businesses in the United States to do more business in sub-Sahara Africa. This will generate these countries from being dependent to independent, along with, of course, the balance of debt relief which I so strongly support.

We also are very pleased that there is an anti-dumping order in this legislation; that the legislation includes issues on human rights, anti-terrorism, renewable energy and, of course, anti-fraud and corruption. That is key because we have seen over the last couple of months and the last year a falling from grace of many of our corporations that have not been following the rule of law or the ethics of which we would expect for them to do.

This should not be a wasteful legislative initiative. This should not be where we are taken advantage, but it should open the doors of opportunity.

My last point, however, Madam Speaker, is my concern. Yes, it is good that we move from 10 percent to 20 percent in assisting small businesses, but I believe we should move to 30 and 40 percent. Small businesses are the backbone of America. I would like to see them engage in international activities and trade and business. They can do so with the Export-Import Bank at a higher percentage of participation for them.

I would encourage my colleagues respectfully to consider that, and finally, Madam Speaker, I would simply say we must create businesses and lessen corruption. We can do that by supporting international businesses and jobs in America with supporting this legislation.

Madam Speaker, the Export-Import Bank has a very specific mission related to the promotion of American exports. This mission is to create and sustain American jobs by helping to finance American exports that would otherwise not be available in over 150 countries.

The Bank is required to not compete with the private sector, but rather steps in where commercial bank financing is insufficient or unavailable. They support exports that, due to the absence of competitive financing, otherwise would not take place—meaning loss of a sale and an impact on American jobs.

The Ex-Im Bank operates in a very competitive international environment, in which export credit agencies in other countries are increasingly aggressive in supporting the exports of our competitors. The Bank is critical in countering these transactions, by providing leverage for the U.S. to negotiate a gradual reduction in export subsidy activities among OECD members.

In a word, absent the Export-Import Bank, American exporters would find themselves competing against foreign exporters who receive government subsidies. Consequently, with the loss of key export markets, American exporters would lose export-oriented jobs. These jobs pay 18% more on average than non-export jobs.

The Ex-Im Bank does more than just provide a level playing field for American exports. The Bank has the charge of providing critical export financing in cases where there is a market failure in private lending. Frequently, these failures relate to the nature of the exporter. For example, small businesses often face problems attaining private credit for export transactions. For this, the Ex-Im Bank has been a critical source of support for small business exporters nationwide.

The Export-Import Bank does not exist to promote exports by subsidizing American companies who are engaged in fair and open practices for business. The Ex-Im Bank does exist to defend American companies engaged in non-competitive markets. Therefore, the Bank's ultimate goal is to discourage these non-competitive practices.

In fiscal year 2001, the Ex-Im Bank supported $12.5 billion of American exports to emerging markets around the world, enabling many American companies to maintain and even expand their workforces. And 90 percent of the total number of Ex-Im Bank-supported transactions in fiscal year 2001 were in direct support of small business. Ex-Im Bank financing has a ripple effect that sustains jobs at companies large and small throughout the American economy, in almost every state and the great majority of congressional districts.

Ex-Im Bank steps in where the competition is toughest for American exporters, where they must compete to win export sales against foreign companies backed by their government's official export credit agencies.

Market failures are related to the nature and location of the export market. Markets in Sub-Saharan Africa and elsewhere in the developing world are frequently overlooked by private export credit. Ex-Im goes where private lenders are unwilling to go, to the ultimate benefit of these developing countries, the United States, and the global economy.

Ex-Im's charge to go into under-served markets is particularly relevant today, when economic engagement with other countries is an essential element of foreign policy and national security. In the months since last September, we have had to move very quickly to determine how best to reach out to countries and people who were previously of too little interest to the United States and other wealthy countries. Certainly, much has been achieved already in the war on terrorism by high-level engagement between the Bush Administration and foreign leaders. But top-level diplomacy will ultimately fail if it is not supported by bottom-up engagement in the political, social and economic spheres.

Here is where institutions like the Ex-Im Bank have a critical role to play. With each export transaction supported by the Bank, we have made a new connection and developed a new familiarity with a market, a people, and a country that had previously been slightly more foreign to us. With thousands of these transactions, we take a thousand steps forward toward a world of interdependence and prosperity—in short, a world in which terrorism finds it hard to exist.

S. 1372 emphasizes the need to expand outreach to small businesses. There are barriers to the Ex-Im Bank assistance for small business. Technology enhancements are critical to any meaningful effort to expand services for small businesses. However, for small businesses, working with the Ex-Im Bank may be a daunting prospect. This legislation can go a long way toward bringing in new small businesses and serving them better by expanding the use of technology throughout the transaction process. As a result, the legislation expands the budget authority for technology upgrades and provides guidance to the Ex-Im Bank on the implementation of new technologies.

The Ex-Im Bank has supported $1 billion in American exports to sub-Saharan Africa during the last two years, covering products and services ranging from bread-making equipment and agricultural machinery to commercial aircraft and construction equipment.

The Ex-Im Bank is an integral part of the American government's initiative to expand our country's economic engagement with sub-Saharan Africa.

In 2001, the Ex-Im Bank expanded its Sub-Saharan Africa pilot program to 16 countries in the region, allowing the Bank to support exports to certain markets in which the Bank would not otherwise be open for business. The program provides short-term insurance coverage to help businesses in the region buy American goods such as spare parts, raw materials, and agricultural commodities.

The Ex-Im Bank is working hard with African banks such as the PTA Bank in Nairobi and African regional development banks such as the ECOWAS Fund in Togo, pursuing agreements and partnerships to encourage these financial institutions to lend to customers purchasing American goods and services.

There is probably no market in the world where the Ex-Im Bank has worked harder during the last two years than Nigeria. The Bank has financed exports ranging from solar-powered billboards and printing equipment to cement bagging equipment, a metal frame warehouse and dredging equipment for the Port of Lagos.

By providing guarantees for South African rand and CFA franc-denominated loans, the Ex-Im Bank has made it easier for American exporters to sell their products to Southern and West Africa.

As we require the Ex-Im Bank to expand its assistance and outreach to small businesses in developing societies, we should provide more, not less, funding for the administrative expenses that will come with this effort.

I support this bill and urge my colleagues to support it as well.

Mrs. MYRICK. Madam Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Madam Speaker, I thank the gentlewoman for yielding me this time, and I want to compliment the gentlewoman from Texas (Ms. JACKSON-LEE) for her statement. She has described some of the very important new reforms in the legislation, and I would just say to the gentlewoman that I, too, and the whole subcommittee and committee and the conferees of both Houses would like to see more small business involvement in the Ex-Im Bank.

I would say this. Over half the transactions of the Export-Import Bank do involve small business. We would like to see more than 18 percent of total resources going to small business, and that is why we are pushing them a little higher to a figure of 20 percent.

We started out, at the gentleman from Vermont's (Mr. SANDERS) initiative, aiming for an even higher level. I would like to see that at a higher level, but over half the transactions do involve small businesses.

Ms. JACKSON-LEE of Texas. Madam Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman for his work and I appreciate that.

Whenever I have gone into the district, as my colleague well knows, all of us probably have a higher percentage of small businesses in our respective communities than maybe our large corporations, so we appreciate them both, and I have always sought to encourage them to see the world in a larger viewpoint. I think these kinds of very valuable resources should help them.

I am glad to know that a large percentage are participating, and I hope that as we work through that increase, 20 percent can go up higher as well, and I thank the gentleman very much for his leadership.

Mr. BEREUTER. Madam Speaker, I thank the gentlewoman for her comments.

One more thing I might say. We found that the technology in the office of the Export-Import Bank was very obsolete. They recognized that fact but they have not spent enough money to improve it. If we make that situation better, small business is going to have better access to the Bank. Currently small businesses do not have the capacity to work the Ex-Im Bank process as easily as some of the larger firms. So we think by mandating improvement in this area, setting aside a separate budget category for updating the technology in the office, the Ex-Im Bank will be more accessible to small business. That, too, I think is an advance.

Ms. JACKSON-LEE of Texas. Madam Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Speaker, I would simply say, as my colleague well knows, the vice chair of the Export-Import Bank is Eduardo Aguirre who hails from Texas and knows that he has a balancing concern about small businesses. I applaud the technology issue, and I would encourage, I do not know how many times they have done this, I would encourage the Export-Import Bank to get out on the road as well, do a little bit more of that and do some educational outreach to our small business community around the Nation.

Mr. BEREUTER. Madam Speaker, that is good advice, and I thank the gentlewoman for her comments.

Mr. FROST. Madam Speaker, we have no further requests for time. I urge adoption of the rule, and I yield back the balance of our time.

Mrs. MYRICK. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. OXLEY. Madam Speaker, pursuant to House Resolution 433, I call up the conference report on the Senate bill (S. 1372) to reauthorize the Export-Import Bank of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 24, 2002 at page 9028.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE) each will control 30 minutes.

Mr. SANDERS. Madam Speaker, under clause 8 of rule XXII, I seek to control one-third of the time in opposition to the conference report.

The SPEAKER pro tempore. Does the gentleman from New York (Mr. LAFALCE) favor the conference report?

Mr. LAFALCE. Madam Speaker, I favor the conference report.

The SPEAKER pro tempore. Under the rule, the time will be divided three ways. The gentleman from Ohio (Mr. OXLEY), the gentleman from New York (Mr. LAFALCE) and the gentleman from Vermont (Mr. SANDERS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I rise today to urge passage of the conference report to accompany S. 1372, the Export-Import Bank Reauthorization Act of 2002. This is a sound piece of legislation that will help U.S. exporters reach markets overseas, will maintain U.S. manufacturing jobs and will help the economy grow.

We have worked in a bipartisan manner throughout this process, and the House measure passed the Committee on Financial Services by voice vote and also passed on the floor of the House on May 1 by a voice vote, also. It is important to note that this support carried through to the conference report which was signed by every conferee, save one.

Madam Speaker, I would like to take this opportunity to thank the chairman of the Subcommittee on International Monetary Policy and Trade of the Committee on Financial Services, the gentleman from Nebraska (Mr. BEREUTER); the gentleman from New York (Mr. LAFALCE), the ranking member of the Committee on Financial Services; the gentleman from Pennsylvania (Mr. TOOMEY), my esteemed colleague; and the distinguished gentleman from California (Mr. GARY G. MILLER) for their hard work on the conference committee. Without the dedication and hard work of these Members, this reauthorization would not have reached the floor today.

Madam Speaker, our manufacturers face stiff competition from foreign companies seeking to expand the sale of their goods overseas. There is little argument that goods made in the U.S. are the highest quality and are in great demand. However, foreign companies receive significant assistance from their export credit agencies in finding markets and negotiating prices for their goods.

Without the Ex-Im Bank, U.S. exporters would be forced to compete in this international marketplace with one hand tied behind their backs. Ex-Im levels the playing field of international trade by allowing U.S. companies to compete on the quality of their products.

In a perfect world, we would not need export credit agencies, and the free market would operate without distortions. Because foreign manufacturers receive aid through export credit agencies, the United States must have a strong Ex-Im Bank in order to fight fire with fire.

Currently, some 70 governments around the world have export credit agencies like Ex-Im providing more than $500 billion a year in government-backed financing. Madam Speaker, as long as foreign governments are financing export credit agencies, we must support Ex-Im to ensure that our manufacturers and workers remain competitive in the global marketplace.

This conference report is about U.S. jobs. Without the Ex-Im Bank, many companies would lose bids to supply U.S. manufactured goods overseas or would simply move their production operation to other countries where they could receive export credit financing.

In testimony before the Committee on Financial Services last year, the president of a division of Case New Holland, Richard Christman, stated that when the company was deciding whether to construct a combine assembly plant in the U.S. or in Brazil, one of the primary factors they took into consideration was whether export credit financing would be available to sell their goods overseas. Because there was the possibility of Ex-Im Bank financing for the goods produced in the plant in the United States, Case decided to build their plants in the U.S.

This one decision created hundreds of jobs in our country and ensured that suppliers and other businesses affected by the operation of a major assembly plant would continue to benefit as a result of the Ex-Im Bank. These are real jobs and real exports that directly affect our economy.

Critics of Ex-Im claim that it is corporate welfare for the largest companies in the United States. That charge is simply not accurate for several reasons. First, approximately 90 percent of Ex-Im's transactions are with small businesses. Those businesses rely on Ex-Im to help them access overseas markets that they would otherwise not be able to reach. This conference report seeks to continue to increase the exposure of small businesses to Ex-Im Bank products by doubling the minimum dollar value of small business financing that the bank must pursue.

Second, while many of Ex-Im Bank's higher dollar transactions do go to larger companies, we should remember that those large companies utilize supplies from many small- and medium-sized businesses in order to create those products.

Third, Ex-Im serves as the lender of last resort for U.S. exports when commercial financing is not available for export sales. Without the Ex-Im Bank supplying this kind of high risk financing, many sales would not be made, and many U.S. workers would be without jobs.

Finally, let me make it clear that Ex-Im financing is not free. Ex-Im charges interest on its direct loans and premiums for its guarantees and insurance costs that the U.S. exporter usually passes through to its overseas customer. From the exporter's and customer's point of view, the bank does not subsidize the cost of financing an export transaction. Ex-Im is no less expensive to use than a commercial bank or other financial intermediary.

The opponents of this conference report have been trying to paint this as a giveaway for U.S. corporations, and it is most certainly not. This conference report goes a long way to protect workers, to encourage more small business transactions, to aid the environment and to protect human rights. I encourage my colleagues who may instinctively be opposed to this measure to take a good hard look at this conference report, think about how it will benefit U.S. business and the economy, and then support it.

Madam Speaker, I reserve the balance of my time.

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Mr. LAFALCE. Madam Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of the conference report authorizing the Export-Import Bank through 2006. I want to commend the full committee chairman, my good friend, the gentleman from Ohio (Mr. OXLEY), most especially the chairman of the relevant subcommittee, the gentleman from Nebraska (Mr. BEREUTER), who has worked on these issues so arduously over the years, but also very especially my friend, the gentleman from Vermont (Mr. SANDERS), for his diligence in focusing attention on workers' issues and the role that the bank should play in job creation. Especially as a result of his efforts, this legislation clearly establishes that the bank's objective in all of its transactions shall be to contribute to maintaining or increasing the employment of workers in the United States.

The conference report contains many strong provisions, and I would like to highlight just a few. The legislation doubles the share of small business transactions that must be undertaken by the bank. It also emphasizes outreach to women and minority-owned businesses as well as businesses employing 100 or fewer workers. The bank will be required to report on progress toward increasing transactions and expanding outreach in each of these areas on an annual basis.

With the active participation of members of the steel caucus, we were able to strengthen language that prohibits Ex-Im transactions in areas where there has been a violation of our trade laws. The language also raises the bar for consideration of transactions when preliminary determinations of economic injury have been made. As a whole, this language will ensure that Ex-Im does not support projects, steel-related or otherwise, that would contribute to the oversupply of a good in a way that would cause harm to our domestic economy.

The legislation also establishes new requirements and guidelines on renewable energy, human rights and efforts to combat terrorism, fraud and corruption in foreign markets. I would like to recognize a handful of Democratic Members for the role they played in helping to craft many of these provisions: the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Ohio (Mr. KUCINICH) for their work on the fraud and corruption provisions; the gentlewoman from California (Ms. LEE) for her efforts on outreach to women and minority-owned businesses; the gentleman from California (Mr. SHERMAN) for his efforts on antiterrorism measures; and the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her work on improving human rights assessments in Ex-Im transactions.

In sum, though it is long overdue, this is a strong reauthorization bill that benefited from substantial input from Democratic Members, and I believe it will enable the Ex-Im Bank to fulfill its mission in the years ahead.

Finally, let me respond directly to the charges of corporate welfare that are often leveled against the Ex-Im Bank. First, it is a simple fact that each export transaction supported by the bank either supports existing American jobs or creates new American jobs. Absent Ex-Im support, thousands of export transactions would go unfunded each year, transactions involving big companies and small businesses, as well as those involving large export markets, like Mexico, and small export markets like that of Namibia.

As much as we hear about Ex-Im support for very large companies, the fact is that fully 90 percent of the bank's transactions last year directly supported small businesses and, as a result, helped to support thousands of small businesses and their workers in communities both urban and rural across the entire United States.

Madam Speaker, I reserve the balance of my time.

Mr. SANDERS. Madam Speaker, I yield myself such time as I may consume.

Our current trade policy is an absolute disaster. Export-Import Bank is an inherent part of that disastrous trade policy. The gentleman I am going to ask to speak in a moment comes from the State of Ohio, as does the chairman of the full committee, and they should know that between 1994 and 2000, under our disastrous trade policy, in Ohio alone 135,000 jobs were lost because of our disastrous trade policy.

Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH), who has been a strong fighter for the working people of his State and his country.

Mr. KUCINICH. Madam Speaker, I thank the gentleman from Vermont for yielding me this time, and I rise in opposition to the conference report.

Madam Speaker, when the Export-Import Bank Reauthorization Act was considered on the House floor on May 1, I offered an amendment that requires this bank to have applicants for financing disclose whether they have been found to have violated the Foreign Corrupt Practices Act. Critically, the amendment also requires Ex-Im to maintain its own list of entities that have violated this act.

Under my amendment, I stated on the floor of the House that Ex-Im would request that applicants report whether or not they have been found guilty by a U.S. court to have been in violation of the Foreign Corrupt Practices Act. Ex-Im would also independently keep a list of companies that have violated the act.

This independent list is crucial in order to deter applicants from withholding information about prior violations of the Foreign Corrupt Practices Act. Now, upon offering this amendment, the distinguished chairman of the Subcommittee on International Monetary Policy and Trade of the Committee on Financial Services expressed his support for the measure. From the CONGRESSIONAL RECORD of May 1, 2002, his words were, and I quote, "The gentleman's amendment, I think, is highly appropriate. This kind of information should be made available and, in fact, generated, if necessary, within the Export-Import Bank."

Clearly, then, the distinguished chairman understood the intent of my amendment, information on Foreign Corrupt Practice Act violators would be gathered both by requiring applicants to disclose prior violations and by requiring the Export-Import Bank itself to independently and internally compile a list of violators.

Unfortunately, Madam Speaker, the report has come out of the House-Senate conference on this bill, and it thoroughly guts this critical provision. Rather than require the Ex-Im Bank to independently search court records and compile a list of FCPA violators, the report only requires the bank to maintain a record of all applicants that have volunteered information on their Foreign Corrupt Practices Act history. Moreover, an applicant for Ex-Im financing only need disclose the violations that have occurred in the prior 12 months.

Consider what this means. The only way the Export-Import Bank can find out whether an applicant has violated the Foreign Corrupt Practices Act is if the company volunteers this information. And if the violation occurred more than a year before a company seeks Ex-Im funding, the company does not even have to mention it. So if a company lies about prior violations of the Foreign Corrupt Practices Act, if they lie about it, the Export-Import Bank would never know it.

Madam Speaker, the Enron debacle should make it clear to all of us that certain corporations will do absolutely anything to increase their profits. So what is the net result of the amendment that I offered and that the distinguished chairman of the Subcommittee on International Monetary Policy and Trade supported on May 1? Nothing.

I urge my colleagues to take a stand against allowing the Enrons of the world to continue to bilk the American taxpayer for enormous sums of money; and perhaps more importantly, I urge my colleagues to take a stand in favor of the rules of this hallowed House. I offered an amendment, the intent of which was made perfectly clear in my floor statement, was clearly understood and supported by the chairman of the relevant committee, and approved by the Members of this body. And the result, after conference, is the wholesale gutting of the provision's intent.

Conferees do not have the authority to read duly passed legislative provisions any which way they please, in gross contradiction of the duly established legislative history of the measure.

I strongly urge a "no" vote on the conference report.

Mr. OXLEY. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on International Monetary Policy and Trade, who has been a force throughout this whole process.

Mr. BEREUTER. Madam Speaker, I thank the chairman for yielding me this time.

This is important legislation. Furthermore, the conference report makes very important, very substantial, highly desirable changes and reforms to the transaction ability of the Export-Import Bank. I am pleased to see that so many Members have made contributions.

The gentleman from New York has mentioned a number, appropriately, on his side of the aisle that have specific provisions which resulted in this legislation being advanced and improved; and I would like to also mention, of course, the gentleman from Pennsylvania (Mr. TOOMEY), who will be speaking shortly about his provisions that are extremely important and make sure that we are not helping by providing assistance to American exporters to increase steel production abroad, for example. He will enlarge on that issue. I also want to thank the gentleman from Illinois (Mr. MANZULLO) for his effort on behalf of small business.

If we have problems for our workers because of what some people deem to be inadequacies in our trade law, or because of the competition we face from foreign export credit agencies, well, we should not cut off the hand of one of our workers in the process and expect we are going to do better. If we would defeat this legislation to disarm the Export-Import Bank, that is exactly what we would do.

This legislation, indeed, as the chairman said, is about jobs. It has created an extraordinary number of jobs; and it turns a profit for the American Treasury on top of it, last year over $1 billion of net income to the United States. Why? Because not only did we expand our exports, and that results in revenue, but this bank charges risk-based transaction fees and costs. Overall, of course, we want the private sector to provide the credit, and they have. Only 2 percent of our exports are financed with the loans or loan guarantees of this entity.

We have made important reforms and clarifications in the relationship between the Treasury and the Export-Import Bank that will assure that in those small number of cases, but very important cases, where we face unfair competition, subsidies from export credit agencies of other major exporting companies, that we have a chance to assist our exporters. That is about 2 percent of the total provisions. Actually, we have only used it two or three times a year and probably underutilized the so-called "war chest."

I would like to address specifically the comments of the gentleman from Ohio (Mr. KUCINICH). I remember well that colloquy, and in fact section 19 addresses important information to be considered by the Export-Import Bank in considering their transactions. While it is true that we rely to some extent upon the information provided to the Export-Import Bank for their determinations, section 21 also enlarges the Chafee amendment to ensure that we have enforcement of the Foreign Corrupt Practices Act, the Arms Export Control Act, the International Emergency Economic Powers Act, and the Export Administration Act. All of these are new reforms, additions to the Chafee language.

And I will say there are a very small number of violations of the Foreign Corrupt Practices Act that are pursued in our country, and we know which ones they are. So it is not just that we are relying on the information provided by the applicant for a transaction. That information is readily available. There are not that many, fortunately, violations of the Foreign Corrupt Practices Act. I wish we could say the same for other countries whose export credit agencies we face in competition.

I would say that the resources we make available focus to a major extent on small businesses, and we are trying to improve that, are really very inadequate compared to our gross national product. In fact, in absolute terms, six countries, major export countries, including our neighbor Canada, provide much more in the way of resources for assistance to their exporters than we do. But this is a step forward, a big step forward.

The advisory committee on sub-Saharan Africa is reauthorized. We provided additional assistance to try to make sure American exporters do focus on exports to Africa. We have made a number of other initiatives that make sure that minority-owned businesses are given special consideration. And those things are due to a bipartisan effort on the part of the subcommittee and committee members.

So Members of the House, this is good legislation. We have worked out our difficulties in a conference with the Senate. It creates an IG at the insistence of the Senate. We welcome that kind of addition. We want to make sure that the resources of the Federal Government, even though they are repaid and redoubled, are spent well and in a manner that Members can feel good about. And that is what this legislation does.

Madam Speaker, this Member rises today in support of the conference report for S. 1372, the Export-Import Bank Reauthorization (Ex-Im Bank) Act of 2001, which is being considered under a Rule. This important legislation extends the authorization of the Ex-Im Bank until September 30, 2006, and makes other appropriate changes to the charter of the Ex-Im Bank. The authorization of the Ex-Im Bank is set to expire on June 14, 2002. This Member, as the Chairman of the House Financial Services Subcommittee on International Monetary Policy and Trade, has a special interest in the Ex-Im Bank, which has jurisdiction over this subject.

This Member would like to thank the distinguished gentleman from Ohio, the Chairman of the House Financial Services Committee, (Mr. OXLEY) for his leadership on Ex-Im Bank issues. This Member would also like to thank both the distinguished gentleman from New York, the Ranking Member of the House Financial Services Committee, (Mr. LAFALCE) and the distinguished gentleman from New York, the Ranking Member of the House Financial Services Subcommittee on International Monetary Policy and Trade, (Mr. SANDERS) for their efforts in bringing this conference report to the House Floor.

This Member would also like to thank all the other conferees of this legislation, including the distinguished gentleman from Maryland, the Chairman of the Senate Banking Committee, (Mr. SARBANES) and the distinguished gentleman from Texas, the Ranking Member of the Senate Banking Committee (Mr. GRAMM).

As this Member mentioned earlier during the discussion of the rule for this conference report, the Ex-Im Bank is an independent U.S. Government agency that creates and sustains American jobs by providing direct loans to buyers of U.S. exports, guarantees to commercial loans to buyers of U.S. products, and insurance products which greatly benefit short-term small business sales. It is also important to note that the Ex-Im Bank charges risk-based interest and fees on the users of its products. As a result, last year, the Ex-Im Bank generated $1 billion of net income to the Treasury of the U.S. Government.

On September 10, 2001, this Member introduced the Export-Import Bank Reauthorization Act of 2001 (H.R. 2871). On October 31, 2002, the House Financial Services Committee passed this legislation by a voice vote. Thereafter, on May 1, 2002, this legislation was passed by the House Floor by voice vote. Furthermore, a conference committee was then convened with the Senate on their version of the Ex-Im Bank legislation. On May 21, 2002, the conferees met and resolved the remaining outstanding issues in the conference report. On May 24, 2002, the conference report for the Export-Import Bank Reauthorization Act of 2001 was filed with the signatures of 15 of the 16 conferees.

This Member would like to briefly summarize the following seven provisions of this conference report:

1. Reauthorization of the Ex-Im Bank;
2. Reauthorization of the Sub-Saharan Africa Advisory Committee and added emphasis on Africa;

3. Small business;

4. Increase in Ex-Im Bank statutory ceiling for loans, grants, and insurance;

5. The Ex-Im Bank/Treasury relationship over the Tied Aid War Chest becoming explicit;

6. The $18 million guarantee approved by the Ex-Im Bank to support the sale of computer software by American exporters to Benxi Iron and Steel Co. in China; and

7. The inspector general.

First, the conference report of S. 1372 reauthorizes the Ex-Im Bank until September 30, 2006. As a result of this provision, the program budget, which supports the loans, guarantees, and insurance products of the Ex-Im Bank, and the administrative budget, which pays for all salary and overhead expenses, are both effectively authorized for such sums as are appropriated through FY2006.

Moreover, during the Subcommittee's first hearing on this subject, the Ex-Im Bank personnel testified that they were in desperate need of a technology upgrade which would particularly benefit small business users of the Ex-Im Bank. As a result, this conference report creates a technology budget subcategory within the Administrative budget.

Second, this conference report focuses on the efforts of the Ex-Im Bank in Sub-Saharan Africa. For example, the 1997 Ex-Im Authorization Act required the expansion of its financial commitments in Sub-Saharan Africa and reauthorized an advisory committee on this subject to make recommendations to the Board of Directors on how the Ex-Im Bank can encourage and facilitate greater support for American trade with Africa. This conference report would reauthorize the Sub-Saharan Africa Advisory Committee until September 30, 2006.

Third, this conference report makes very important changes which will encourage additional small business transactions with the Ex-Im Bank. It would require that the Ex-Im Bank earmark at least 20 percent of its total financing for small businesses. Under current law, the Ex-Im Bank is required to use only 10 percent of its total financing for small businesses. As of FY2000, the Ex-Im Bank provided about 18 percent of its total financing for small business. In addition, this conference report requires the Ex-Im Bank to focus on technology improvements, including allowing customers to use the Internet to apply for the Ex-Im Bank's small business programs. These efforts will greatly improve small business outreach.

Fourth, the Ex-Im Bank has a current $75 billion statutory ceiling on its portfolio of loans, guarantees, and insurance that are outstanding at any one time. Under this conference report, this statutory ceiling would be increased to $100 billion by FY2006. Increasing the Ex-Im statutory portfolio ceiling is one of the remedies needed to authorize the financial resources for the Ex-Im Bank to enable it to protect American exporters against unfair competition from the much more generous resources of our major export competitors. For example, according to the latest available data, the U.S. Export-Import Bank has a substantially lower level of export credit resources than the following seven countries: Japan, France, Korea, Canada, Germany, and the Netherlands.

Fifth, you will be interested to know that this legislation also would make very important clarifications in the administration of the Tied Aid War Chest which finances tied aid transactions. The Tied Aid War Chest was intended to be used by the Ex-Im Bank to protect American exporters by matching the concessionary financing of foreign export credit agencies. Unfortunately, the Tied Aid War Chest has been grossly under-utilized, which is due in part to the disagreements between the Ex-Im Bank and the Department of Treasury on how to use the Fund. In recent applications for the Tied Aid War Chest, there has been an obvious communication and organizational breakdown between the Ex-Im Bank and the Treasury Department. Moreover, the Ex-Im Bank and the Department of Treasury have had different legal interpretations as to their current statutory role over the use of the Tied Aid War Chest. The Conference Report resolves that issue.

Therefore, this legislation would address these past problems by creating a new definitive step-by-step process to be followed by the Ex-Im Bank and the Treasury Department regarding how the Tied Aid War Chest is to be administered. This conference report requires the Department of Treasury and the Ex-Im Bank to set the principles, process and standards on how the Tied Aid War Chest is used. It requires Ex-Im Bank, not the Treasury Department, to make case-by-decisions on the use of the Tied Aid War Chest. This conference report strikes the current language in the Ex-Im charter which states that the use of the Tied Aid War Chest "must be in accordance with the Secretary of the Treasury's recommendations . . ."

It is important to note that an addition was made to the Tied Aid War Chest section. The conference report explicitly states that the Ex-Im Bank will not approve a use of the Tied Aid War Chest if the President determines, after consulting with the Ex-Im Bank and the Secretary of the Treasury, that the extension of tied aid would materially impede the enforcement of existing Organization for Economic Cooperation and Development (OECD) arrangements or future negotiations within the OECD. Giving the President an opportunity to stop any transaction is entirely appropriate and only makes explicit powers the President already has. This Member was pleased to endorse this change as were the House and Senate conferees who accepted it. The legislative language in the conference report is clear that such presidential power is not transferable to the Treasury Department or any other agency.

The industry groups continue to be in strong support of this tied aid clarification. U.S. exporters have a vested interest in the tied war chest becoming a viable tool in fighting and deterring concessionary financing by foreign export credit agencies.

Sixth, the distinguished gentleman from Pennsylvania (Mr. TOOMEY) successfully offered an amendment at the House full Committee markup of the Export-Import Bank Reauthorization Act of 2001, which passed by voice vote, that addressed the $18 million guarantee approved by the Ex-Im Bank on December 19, 2000, to support the sale of computer software by American exporters to Benxi Iron & Steel Co. in Benxi, Liaoning, China. The Toomey amendment conforms Ex-Im lending to current U.S. trade laws by barring any Ex-Im loan or guarantee to an entity for the production of substantially the same product that is the subject of a countervailing duty or anti-dumping order or a Section 201 determination by the International Trade Commission. In addition, this conference report also requires the Ex-Im Bank to develop procedures and set up a comment period for loans or loan guarantees to a business which is subject to a preliminary countervailing trade duty or anti-dumping determination of material injury.

The conference report includes the exact language of the Toomey amendment with one addition which was offered by the distinguished gentleman from Pennsylvania and accepted by the conferees. This addition requires the Ex-Im Bank to consider, for transactions over $10 million, Section 201 investigations that have been initiated at the request of the President, the USTR, the Senate Committee on Finance, the House Committee on Ways and Means, or by the International Trade Commission. Also, the conference agreement requires the Ex-Im Bank to conduct a comment period for these types of transactions.

Lastly, it is important to note that the House conferees did accept the provision from the Senate Ex-Im bill which creates a Presidentially appointed inspector general for the Ex-Im Bank. According to a General Accounting Office (GAO) report on this subject dated September 6, 2001, the Ex-Im Bank has the largest budget authority of any Federal entity currently that does not have an inspector general.

Madam Speaker, in conclusion, over the last sixty years, the Ex-Im Bank has supported more than $300 billion in U.S. exports. Because the Ex-Im Bank creates and sustains American jobs, it needs to be reauthorized. Moreover, this Member fully expects the President to sign this conference report into law when it is presented to him.

For the reasons stated and many others, this Member urges his colleagues to pass the conference report to the Export-Import Bank Reauthorization Act of 2001.

Mr. LAFALCE. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from New York City (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Speaker, I thank our ranking member, the gentleman from New York (Mr. LAFALCE), for yielding me this time and for his leadership on this important bill.

I am pleased to rise today in support of the conference report for the Export-Import Bank through 2005. Today's vote has been a very long time in coming. Over the past year, Congress has passed a 6-month extension and a series of 30-day extensions to keep the bank in business as work on the conference report moved forward.

□ 1200

Madam Speaker, this final conference report represents the sum of all that work, and I believe it sets the bank on a strong course for the next couple of years. As some of my colleagues have stated, the Ex-Im Bank is a successful government entity that facilitates and supports American businesses and worker interests by making exports possible to areas of the world that would otherwise be closed to U.S. companies.

The conference report builds on the past successes of the bank which supported $12.5 billion of U.S. exports in 2001, and has supported a total of over $400 billion of U.S. exports in its 68-year history. It is very important to the district that I represent. Since 1995, the Export-Import Bank has supported over $1 billion in exports out of my district alone.

While outreach to small businesses has been an increasing emphasis for the bank in recent years, the conference report strengthens this program. It directs the bank to improve its customer service and technology interface with small businesses, and doubles the value of bank support that must go to small businesses from 10 to 20 percent of the bank's total. Having recently met with a group of small business leaders and exporters in my district, I can tell Members this is a positive step and I would certainly support, as some of my colleagues have mentioned, a greater proportion going to small businesses.

Members concerned about small businesses should also be aware that this language in the conference report coincides with the signing of a memorandum of cooperation between the bank and the Small Business Association last month. Under this agreement, a new joint marketing campaign will be launched to attract small businesses to the bank. The report also builds on the bank's existing mandate to support exports to Africa, and it imposes new safeguards on transactions that may fall under an existing countervailing duty, antidumping or section 201 ruling.

Finally, the conference report retains an amendment I offered in committee giving the bank explicit authority to turn down an application for Ex-Im Bank support for companies that have a history of engaging in fraudulent business practices. One of the main reasons that I believe the bank is important to the U.S. is that it allows us to compete with foreign export credit agencies such as those in Japan, Germany, France, Canada, and other countries. There are over 70 different ECAs that we must compete with. I believe in this global economy, the U.S. must not fall behind our international competitors. I praise the bipartisan leadership in getting to the point we are today, and I support the conference report and urge a yes vote.

Mr. SANDERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, opposition to the Export-Import Bank is not a progressive idea, it is not a conservative idea, it is an idea that should be supported with today's vote by any Member of Congress who wants to protect our taxpayers and protect American workers.

Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL), who occasionally has different philosophical points of view from me, but I am pleased to have him speak in opposition to the Export-Import Bank.

Mr. PAUL. Madam Speaker, I rise in opposition to this bill. This bill is nothing more than subsidies for big corporations. If one were to look at the Constitution and look for authority for legislation of this sort in article I, section 8, it would not be found. That in itself should be reason to stop and think about this, but we do not look at that particular article too often any more.

Also for moral reasons, I object to this. Even if we accepted the idea that we should interfere and be involved in this type of activity, it is unfair because the little guy gets squeezed and the big guy gets all of the money. It is not morally fair because it cannot be.

One thing that annoys me the most is when Members come to the floor and in the name of free trade say we have to support the Export-Import Bank. This is the opposite of free trade. Free trade is good. Low tariffs are good, which lead to lower prices; but subsidies to our competitors is not free trade. We should call it for what it is. We have Members who claim they are free traders, and yet support managed trade through NAFTA and WTO and all these special interest management schemes, as well as competitive devaluation of currencies with the notion that we might increase exports. This has nothing to do with free trade.

I am a strong advocate for free trade, and for that reason I think this bill should not be passed. There are good economic reasons not to support this. Because some who favor this bill argue that some of these companies are doing risky things and they do not qualify in the ordinary banking system for these loans and, therefore, they need a little bit of help. That is precisely when we should not be helping. If there is a risk, it is telling us there is something wrong and we should not do it. It is transferring the liability from the company to the taxpayer. So the risk argument does not hold water at all.

The other reason why economically it is unsound, is that this is a form of credit allocation. If a bank has money and they can get a guarantee from the Export-Import Bank, they will always choose the guarantee over the nonguarantee, so who gets squeezed. The funds are taken out of the investment pool. The little people get squeezed. They do not get the loan, but they are totally unknown. Nobody sees those who did not get a loan. All we see is the loan that benefits somebody on the short run. But really on the long run, it benefits the big corporations. Many times it doesn't even do that.

Take a look at Enron. We have mentioned Enron quite a few times already. If we add up all of the subsidies to Enron, it adds up to $1.9 billion. That is if we add up the subsidies from OPIC as well. And look at what Enron did. They ran a "few" risks, and then they lost it. Who was left holding the bag? The taxpayers.

Madam Speaker, I strongly urge a no vote on this bill. If Members are for free trade, they will vote against this bill, and will vote for true free trade.

Mr. OXLEY. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), a member of the conference committee.

Mr. TOOMEY. Madam Speaker, I thank the gentleman for yielding me this time.

I commend the gentleman from Ohio (Mr. OXLEY) and the gentleman from Nebraska (Mr. BEREUTER) for crafting a good bill, which I believe is going to make the Ex-Im Bank more accountable to the taxpayers. Specifically I thank the gentleman from Nebraska (Mr. BEREUTER) for working closely with me to ensure that the Ex-Im Bank is not in a position to reward foreign countries or industries that are in violation of U.S. trade law, and thank the gentleman for including me as a conferee on this report.

This is an important bill which reauthorizes the bank through 2006. There are several significant changes, one I would like to focus on in particular. To illustrate this provision that I wanted to focus on, I want to review very briefly the crisis that is facing the American steel industry. I think we are aware that the American steel industry has been devastated by a flood of imports. Foreign governments subsidize steel production, which creates a glut of steel, and prices in turn are depressed. The result has been devastating.

Over 33 American steel companies have been forced into bankruptcy. Bethlehem Steel, headquartered in my district, filed Chapter 11 last year. This is having a devastating impact on steel workers, their families, their communities and retirees who depend on these steel companies for their health care benefits.

In the face of this huge, global overcapacity, shockingly to me in late 2000, the Ex-Im Bank unfortunately provided financing for a project which would actually increase global capacity, specifically financing an $18 million project to increase by 1.5 metric tons the steel-making capacity at a Chinese steel company. This action was taken despite the recommendations to the contrary by the Treasury, the Secretary of Commerce, the Congressional Steel Caucus and others.

The good news is in this conference report we have a provision for the first time which would prevent a similar situation from ever recurring. There is a provision which prohibits the Ex-Im Bank from extending any loan or guarantee to any foreign company found in violation of U.S. trade law. Specifically, it would prohibit the Ex-Im Bank from providing a transaction to an entity for the resulting production of a product which is already subject to a countervailing duty or antidumping order, and prevent any loan or guarantee for an entity which is subject to an affirmative injury determination by the ITC under section 201. The bottom line is that we would not grant loans to companies that are already proven to be violating U.S. trade laws, and taxpayer funds could not be used to assist foreign corporations in aggravating an existing American economic problem.

While this provision was inspired by this Chinese steel company transaction, it is not specific to any industry or product; rather it would apply to any product or commodity for which there are violations of U.S. trade laws.

Again, I commend the leadership of this committee on both sides of the aisle for the hard work they have done in crafting a good bill. I would also like to thank the American Iron and Steel Institute, the American Steelworkers of America and the Congressional Steel Caucus for their support, and urge my colleagues to vote yes on this conference report.

Mr. LAFALCE. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Madam Speaker, I rise in strong support of the conference report, and I commend the chairman and ranking member of the full committee as well as the chairman and ranking member of the subcommittee for putting together what I think is a very well-balanced bill.

The bill has been through a number of iterations from the subcommittee to the full committee, and then through the conference. A number of the proposals, such as what the gentleman from Pennsylvania just discussed with respect to funding of industries where we have either dumping or countervailing duty issues at play have been addressed in the underlying bill. I think it shows that the Congress is willing to respond to criticisms which have been raised with respect to our various aid programs, including export finance programs.

A lot of critics will get up and argue that this bill is either unnecessary for libertarian reasons and that we ought to allow for free market to rule in worldwide trade; and others will argue that this does nothing other than really export U.S. jobs.

I would argue that both of those arguments are flawed. With respect to the free market aspect, over the years we have found that the United States, when compared to other export-oriented nations, funds export finance at a much smaller margin than most of our competitors do. So all we are doing in this instance through the Export-Import Bank is providing a modest amount of support when compared to other competing nations. I think it is something that we should not cede the field.

With respect to my colleague from Vermont and others, and I think the gentleman from Vermont is very well meaning in his approach, but I think his approach is unworkable. I think it takes the viewpoint that this is a zero sum game. Either we have jobs domestically or jobs abroad; whereas I think in the economy and what we are trying to accomplish through export finance is to expand the base of jobs that we have in the United States and abroad. I hope my colleagues support this bill. I think it is well drafted, and I rise in strong support of it.

Mr. SANDERS. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Speaker, if we are going to extend a Federal tax benefit, if we are going to take the money of the American working people and give it to corporations, should we ask something in return? Just a little something? The answer in this legislation is, no. We should not. Here is the subsidy, do whatever is desired.

Let us take a no-brainer here which was knocked out. Should companies that set these new triangular tax scams to avoid both taxes on their overseas production and on their U.S.-based production by doing the Bermuda Triangle, should they be prohibited from receiving this subsidy? That is, they are not paying any taxes any more in the United States of America. They have set up a scam which the wonderful accounting companies have figured out. Should they receive these subsidies? The answer in this report is, yes. There was language in there to prohibit this that was taken out. These companies are not paying any U.S. taxes, but we will give them a subsidy.

We hear a lot about small businesses. Yes, a large number of the transactions do involve small businesses. That is true. But the real measure is what percentage of the U.S. taxpayers' dollars in subsidies are going to the small businesses. It is less than 10 percent.

So what we are saying here is a large number of transactions and a tiny amount of the money are going to help small businesses, and the largest amount of the money, more than 80 percent, is going to the largest corporations in the world. All Fortune 500. Could we have just a little bit more of a restriction there and a real direction towards small business? This conference report says no.

□ 1215

Then we just heard, we have prohibited in this bill a repeat of the Benxi Steel Company. Well, guess what? No, this bill does not prohibit that. The original version might have prohibited it, but the language that has now been adopted in the conference report is so watered down that, indeed, I would challenge either the ranking member or the Chair to stand up and say definitively that the language in this bill would prohibit a repeat of that travesty, U.S. taxpayer money going to fund a corporation in China to steal jobs from United States workers. It will not.

Then finally, we can go to the issue of future here. AT&T, they are going to get an $87.6 million loan under the condition of the Chinese Government that they can begin to sell telecommunications products in China. Good news for U.S. workers? Well, it might have been, except that the Chinese Government also said that within 5 years, all of the production for all the equipment sold in China must be based in China. We are going to subsidize that. United States workers, taxpayers, are going to subsidize this.

A colleague stood up before me and said this should not be about the measure of where the jobs are, U.S. or overseas, that it does not matter. It matters a hell of a lot to me and the people I represent and to the U.S. taxpayers. Yes, the jobs should be based here in the United States of America.

Mr. OXLEY. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. GARY G. MILLER), also a member of the conference committee.

Mr. GARY G. MILLER of California. Madam Speaker, I would like to commend Chairmen OXLEY and BEREUTER for their leadership in crafting a very reasonable bill, and I rise in support of H.R. 2871.

California is the fifth largest economy in the world, but it benefits from the strategic role of the Export-Import Bank.

During fiscal years 1996 to 2000, 722 companies from California benefited from the assistance; 225 communities benefited; total value of exports were $8.3 billion; and 120,403 jobs were sustained. Most importantly, regardless of the rhetoric we have heard on the floor today, 72 percent of the transactions assisted small businesses; and that is most important, for small businesses are the engine that keeps this economy moving.

Far too often when we talk about numbers and figures, we do not apply it to a name and a face. Services provided by the Export-Import Bank to small businesses are overlooked, really; and that is a big issue today. But there are a lot of success stories, including ZMG Enterprises in Walnut, California, owned by Mr. Joe Gomez. ZMG Enterprises is a long-standing user of the bank's short-term, multibuyer insurance policy to cover the sale of nearly $11 million in annual sales of canned vegetables, fruits and table sauces, primarily to Mexico. For a small company, a family-owned business, $11 million is a lot of revenue to generate for a company. Mexico has traditionally been a COD country. This insurance policy backed by the bank enables Mr. Gomez to offer short-term credit to Mexican supermarkets so that the grocers can purchase more of his product in a single sale and there are reasonable guarantees. There is no money being lost. It is benefiting entrepreneurs in this country, specifically in California, the State and the district I represent. This is a good bill. I would encourage any individuals who have questions to take time to read the bill before they listen to some of the rhetoric on this floor.

Mr. LAFALCE. Madam Speaker, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Madam Speaker, I would like to preface and qualify my remarks by saying that I am not at all opposed to the comments that emanated from the gentleman from Vermont (Mr. SANDERS) and the gentleman from Oregon (Mr. DEFAZIO) because losing jobs overseas is indeed an acute problem, especially in my district where Indiana alone has lost over 90,000 jobs to foreign corporations.

I am going to speak in favor of this legislation in terms of reauthorizing the Export-Import Bank. If it passes today, of course it reauthorizes the sub-Saharan Africa Advisory Committee until September 30, 2006. It requires the bank to continue to report to Congress annually for each of the 4 years on steps taken in sub-Saharan Africa to increase U.S. exports and to consult with the Commerce Department and the Trade Promotion Coordinating Council on the bank's Africa activities.

In the year 2000, trade with sub-Saharan Africa was 2 percent of total U.S. exports and 1 percent of total U.S. imports. Three-fourths of total U.S. trade with sub-Saharan Africa is with just three countries: Nigeria, South Africa, and Angola.

When the 106th Congress passed major legislation to improve economic relations between the U.S. and sub-Saharan Africa, known as the African Growth and Opportunity Act, I supported that enthusiastically and thought that this country was taking a major step forward in terms of the enhancement of our partnership with Africa and African business.

So I think that this bill for Indianapolis where we just celebrated a major exporter of businesses, the George F. Cram Global Company in Indianapolis just received a major award for outpacing others in terms of exporting this globe.

Mr. SANDERS. Madam Speaker, under our disastrous trade policy from 1994 to 2000, we lost over 3 million jobs due to our trade policies. The State and the country which has suffered the most is California, which lost over 300,000 jobs due to our trade policy.

I am proud to yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, I rise in strong opposition to this 5-year reauthorization of the Export-Import Bank. First and foremost, let us recognize that this Congress has been very forceful in welfare reform aimed at getting poor Americans off of government subsidies and off of government handouts and into their self-sufficiency. Why is it that we cannot do for big American corporations what we have been doing to America's poorer people, insisting that they be self-sufficient? No, let us get America's biggest corporations off the dole. If we are going to focus on poorer Americans, let us make sure we also get these big American corporations off the dole.

According to the supporters of this bill, the Export-Import Bank sustains free trade. That, of course, pulls that definition way beyond any of the boundaries of logic. The reality is that the bank allows for privileged trade. Certain corporations are given the privilege of taxpayer-guaranteed investments so that they will have the privilege of moving their production out of the United States, making deals with another company in another country in order to set up a manufacturing unit in the other country, financed by the U.S. taxpayers no doubt.

The gentleman from Pennsylvania (Mr. TOOMEY), who suggested in his remarks that he will now vote for the Export-Import Bank, during the last debate on this issue, went into excruciating detail how thousands, 72,000 steelworkers' jobs had been lost and in the middle of this overproduction of steel there was, yes, an Export-Import Bank guarantee for a Chinese company to add even more, 1.5 million metric tons more of steel production in China, and how he is going to vote for the Export-Import Bank because there has been a guarantee in this bill that no more money will go to foreign companies that violate U.S. trade laws.

The question we must ask ourselves is, Why is any U.S. money, our taxpayer money, going to set up corporations in foreign countries in the first place? What is going on here? Oh, yeah, it is not going to go to companies now that violate U.S. trade laws that are setting up manufacturing units overseas. Why are we spending American tax dollars to build up manufacturing units in other countries when our own people need the jobs? What is going on here? As I say, we are too interested instead of getting poorer people off of welfare than we are to look at something like that.

Yes, and the fact is that if we have all those jobs going overseas that we are subsidizing, there will be more people on welfare. Who are the companies that will actually benefit from this? The companies that are being helped, yes, Boeing Corporation is being helped and a few other major companies that we have heard about, AT&T. But the gentleman from Oregon (Mr. DEFAZIO) pointed out that quite often what happens in these companies, it is not just that they are selling their product and then we have jobs here; but instead China and these other countries are insisting that they set up manufacturing units in those countries in order to get the deal. Yes, we have just about created an aerospace industry in China that will now be competing with our aerospace workers in my district. AT&T has created an electronics industry in order to make that sale. And part of the sale, of course, is a guarantee by the taxpayers that that manufacturing unit is going to be financed so that we can set up that job-producing company in China.

This makes no sense whatsoever. It makes no sense for us to subsidize these large companies in order to set up manufacturing units. That is what is going on with the Export-Import Bank. Do not let anybody kid you. I would vote against reauthorization and ask my colleagues to join me.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from New York (Mrs. KELLY), Chair of the Subcommittee on Oversight and Investigations.

Mrs. KELLY. Mr. Speaker, I rise in strong support of this bill. This report must be passed for one simple reason and that is the support for U.S. jobs. It is really easy to characterize this as a handout for big businesses. Well, those businesses mean jobs. They are the people who hire. In our global economy, U.S. companies must constantly be seeking new markets for our products. Our government needs to support these efforts because it supports U.S. jobs. Unfortunately, we do not live in a world in which our trading partners play fair. Our businesses must compete with businesses which are directly subsidized by the nations in which they operate. To add some level of fairness to this competitive disadvantage, the U.S. created the Export-Import Bank. In my area of New York, this has translated into over $70 million which has benefited both large and small businesses involving thousands of jobs in my district alone and tens of thousands of jobs in New York State.

The international market presents many problems for United States businesses seeking new opportunities. We must work to alleviate these problems for U.S. employers so the incentive to move jobs overseas will not be there. In this present economy, every one of us has to make a commitment to ensure more products bearing the "Made in the USA" label get to the markets abroad by supporting this legislation.

I urge my colleagues on both sides of the aisle to support this conference report.

In this committee's review of the Ex-Im's performance we determined that a greater effort must be made to increase the amount of funds which go to small businesses. This Conference Report requires a ten percent increase in the volume of funds going to small businesses.

Ex-Im provides an invaluable service for U.S. workers. Many U.S. products and services would never have been able to find new buyers in the global market place without the assistance of Ex-Im.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I join with the gentleman from Vermont in opposing the disastrous trade policies that the United States has employed over the last decade. They have led to the largest trade deficit in the history of mammalian life.

The trade deficit affects people; $300 billion and more of trade deficit with a rough approximation of 40,000 jobs lost for every $1 billion of deficit.

We do not live in a perfect world. We live in a world in which Europe and Japan subsidize their exporters, and the only thing worse than us subsidizing ours through the Export-Import Bank, would be our failure to do so to partially balance what Japan and Europe do for theirs.

I also want to commend the conference committee for leaving a provision that was added by amendment in the House bill to require that when the Export-Import Bank makes its decisions, it include as an important criteria: whether the country involved is one that is cooperating with us in the war on terror. I think increasingly in all of our trade and foreign aid, we ought to ask that question.

I might add that the Export-Import Bank has to be contrasted with the World Bank, which is planning right now to loan $755 million to Iran. Iran was branded just two weeks ago by the State Department as the number one sponsor of terrorism among all the governments in the world.

□ 1230

So let us support the reauthorization of the Export-Import Bank, and let us be wary when the World Bank appropriation comes to this floor.

Mr. SANDERS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR), one of the outstanding fighters in this Congress for American workers.

Ms. KAPTUR. Mr. Speaker, I have watched this Import-Export Bank for years, and the idea when it was set up in 1934 was to promote U.S. exports. I have even been questioning the name Export-Import Bank because it seems to me it has been much more successful at increasing imports into this country, displacing our manufacturing base year after year after year, than promoting exports. Look back to the loan that was made in the 1970s in Brazil to mine ore and help to create a Latin American steel industry that has contributed to the global steel overcapacity that her now swamped this Nation's industry. Not only is something fundamentally wrong with the way this organization functions but with our trade policy in general. America's trade deficits have never been larger. Why should we approve a bill for an organization for 5 more years that has helped to spawn our competitors? They are not creating export markets for us. They are creating export platforms where steel and electronics and apparel and aerospace products are U-turned back into this country displacing U.S. jobs. We should reject the reauthorization of the Export-Import Bank. I urge my colleagues to vote "no" on its final reauthorization today.

Mr. OXLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. NEY), a valuable member of our committee.

Mr. NEY. Mr. Speaker, I rise today to speak in support of the Export-Import Bank conference report. We are considering legislation necessary to help level the playing field for American exporters by guaranteeing that the Export-Import Bank will be there to help our Nation's companies compete against exporters subsidized by foreign governments. As our Nation has become a leader in advanced technologies, exports have become an increasingly important part, of course, to our economy. The Ex-Im Bank is critical in making sure that our companies are able to compete effectively in global markets. This institution levels what would otherwise be a tilted playing field and make sure that the debate is over the quality of the products of services, not who has the most subsidized prices.

Mr. Speaker, it is no secret that in the past I have always been critical of the Ex-Im Bank. Past actions have cast doubt over whether it was truly taking into consideration the needs of America's workers and our national security. For example, just a couple of years ago, Ex-Im made a loan for Benxi Steel in China to expand its steel-producing capacity when at the same time China was being investigated for dumping steel.

But the bottom line is that I am pleased to have had the opportunity to work with Chairman OXLEY, who has done a wonderful job, and the gentleman from Pennsylvania (Mr. TOOMEY). There are guarantees in here that make sure that our businesses are not hurt, and I would urge support of the conference report.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to rise today in support of the conference committee report. I think we have heard already on the floor of this Chamber that the Ex-Im Bank is good for American business and it is not free money. It charges interest and it is overwhelmingly a net benefit to the United States Treasury. I have had the pleasure previously to talk about how it is good for my State, which is definitely an export-dependent State, in Oregon.

We have seen in the last 5 years Ex-Im finance a quarter billion dollars in Oregon exports, supporting 59 businesses, 44 of which are small businesses: in my community, Danner Boot, a small high-quality boot product; Calbag Metals Company, an outstanding family-owned environmentally sensitive metals and recycling company. I talked previously about the freightliner company that pays union family wages to machinists and painters that help create high-quality trucks. Without Ex-Im they would not have had an opportunity to sell these high-end units in Latin America.

But my special interest as a Member of Congress deals with protection of the environment, and I have been pleased to watch the work that has been done here demonstrating the evolution of the Ex-Im Bank in environmental exports programs. Last year Ex-Im supported $12.5 billion dollars of United States exports, almost a half billion of which were environmentally-beneficial goods and services. Environmental technology in this country is a $200 billion industry, but only 11 percent of that is currently exported.

Our competitors export almost twice as much of that. I have seen in my own community and around the country that this is an emerging market. With the help of the Ex-Im Bank, we will be able to help American business with critical environmental services that will improve the quality of life around the world. I urge support for the conference report.

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Vermont (Mr. SANDERS) has 4½ minutes, the gentleman from New York (Mr. LAFALCE) has 5½ minutes remaining, and the gentleman from Ohio (Mr. OXLEY) has 2 minutes remaining and the right to close.

Mr. SANDERS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, there are at least three good reasons to oppose the reauthorization of the Export-Import Bank.

First, the Export-Import Bank is an integral part of a failed trade policy. If you like the fact that between 1994 and

2000 the U.S. has lost more than 3 million decent-paying manufacturing jobs in Ohio, in Indiana, in New York State, all over the country, in my small State of Vermont, if you like and want to continue a failed trade policy, vote for the Export-Import Bank.

The second reason to oppose the reauthorization is corporate welfare. This country has a $6 trillion national debt and a growing deficit. We cannot take care of our veterans, we cannot take care of education, we cannot take care of affordable housing. But, yes, we do have hundreds of millions and billions of dollars available to subsidize the largest, most profitable corporations in America, corporations which shut down plants in this country and move to China and Mexico, corporations which pay their CEOs huge salaries while they lay off their employees.

Lastly, I think it is time to tell the CEOs of America they have to get off of the corporate welfare line; they have to produce jobs in America, not in China; they have to protect the taxpayers of this country.

Those are at least some of the reasons to oppose the Export-Import Bank.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, indeed there is a basic trade policy issue involved in this debate, and that is whether we want to shape trade policy, whether we want to shape the terms of competition, or we do not. Do we believe that trade as it expands is always better, regardless of its nature and its terms? I do not think it is. I think we have to shape trade policy.

Ex-Im is part of that picture. In competing with other nations who help their companies in terms of their exports, those other nations do so, and the question is, are we going to effectively compete with those nations? We are not going to help keep jobs in the United States by destroying the Ex-Im Bank. That is just not the way to do it.

There is talk about downsizing, for example, at Boeing. Ask the machinists who work at Boeing whether they want us to end the Ex-Im Bank. Their answer is no. Ex-Im Bank helps Boeing. It helps them produce goods in the United States that are exported to other places.

There have been problems with Ex-Im in terms of small business. There has been an effort to address those. We can probably still do better.

There has been a problem in terms of companies that violate U.S. trade laws. There is an effort to address this in this bill. We can probably still do better.

But the answer in terms of an effective shaped American trade policy, which I believe in, is not to eliminate the Ex-Im Bank. We can do better, surely, in terms of shaping our trade policy, and I have been active in the efforts to do that. But it is misguided to say, those of us who believe you shape American trade policy, that you eliminate the Ex-Im Bank. I rise in support of the conference report.

Mr. SANDERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as you may recall, when this Ex-Im Bank was debated on the floor of the House, I offered an amendment that received 135 votes, including a majority of the Democrats and 22 Republicans, and that very simple amendment said that a company receiving Ex-Im funds must not lay off a greater percentage of U.S. workers than workers abroad. Frankly, during the conference committee, I was not surprised that that amendment was rejected. We did not win it on the floor of the House.

But let me tell you about another amendment that I offered. I offered an amendment that would simply require companies that receive assistance, now, we are talking about billions of dollars for corporate America, that those companies that receive this assistance sign a pledge, a nonbinding pledge, that they believe in employing U.S. workers at livable wages.

Now, imagine that: corporate America comes in, they get billions of dollars, and we want them to sign a nonbinding pledge that does no more than says they believe in employing American workers at a livable wage. I could not even get that amendment past the conference committee. I do want to thank the gentleman from New York (Mr. LAFALCE) for that amendment, but we could not get the majority to support it.

So the issue comes down to the fact that when you give billions of dollars to the largest corporations in America, what do the working families of this country have a right to expect? I think at a minimum when you are giving money to Boeing, when you are giving money to General Electric, when you are giving money to AT&T, you simply cannot have them accept this money from American taxpayers and say, Thank you very much. By the way, I am on my way to China because we just shut down a plant in your district, throwing American workers out on the street, and we are opening a factory in China. Thank you very much, suckers, in the United States for that taxpayer support.

I think the time is long overdue for the American people to be able to say that, corporate America, you finally have got to have some responsibility to the workers of this country, to the taxpayers of this country, and we should oppose the Ex-Im Bank.

Mr. LAFALCE. Mr. Speaker, I yield 15 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, let me just say little evidence exists that the Ex-Im Bank's credit assistance creates jobs. The Ex-Im Bank is a prime example of corporate welfare. The majority of the Ex-Im subsidies go to Fortune 500 companies. It is time to derail this kind of effort that selects favorites and distorts free trade.

Mr. Speaker, I rise to address the issue of corporate welfare. As we eliminate the fat from the federal budget, we should recommit ourselves to making sure all projects and programs are closely examined—not just the politically easy ones.

The Export-Import Bank (Eximbank) subsidizes loans and loan guarantees to American exporters. The experts agree; Eximbank should be abolished.

The Congressional Budget Office makes the following observation: Eximbank has lost $8 billion on its operations, practically all in the last 15 years; and little evidence exists that the Eximbank's credit assistance creates jobs.

The Congressional Research Service writes that: Most economists doubt that a nation can improve its welfare over the long run by subsidizing exports; and at the national level, subsidized export financing merely shifts production among sectors within the economy, rather than adding to the overall level of economic activity; export financing subsidizes foreign consumption at the expense of the domestic economy; and subsidizing financing will not raise permanently the level of employment in the economy. The Heritage Foundation recommends Congress "close down the Export-Import Bank."

Heritage further states: Subsidized exports promote the business interest of certain American businesses at the expense of other Americans; and little evidence exists to demonstrate that subsidized export promotion creates jobs—at least net of the jobs lost due to taxpayer financing and the diversion of U.S. resources into government-favored export activities at the expense of non-subsidized businesses. According to Heritage, phasing out subsidies will save 2.3 billion over 5 years.

The former Director of Regulatory studies at the Cato Institute calls the subsidy activity of Eximbank "corporate pork." He stated, "Even in the face of unfair international competition, the U.S. government doesn't have a right to use tax dollars to match equally stupid subsidies."

Export financed by Eximbank actually hurt competitive U.S. exporters not selected for subsidies. The bank chooses winners and losers in the economy. The winners are selected foreign consumers and selected U.S. corporations.

The Eximbank is a prime example of corporate welfare. The majority of Eximbank subsidies go to Fortune 500 companies that could easily afford financing from commercial banks: Boeing, McDonnell Douglas, Westinghouse Electric, General Electric, and AT&T.

To raise funds for its lending and guarantee programs, Eximbank puts additional pressure on Treasury borrowing, driving up interest rates for private borrowers. That's all of us. From a corner barbershop wanting to expand to a young family trying to finance their first home. We all pay the price. Sadly, there's more.

Eximbank appears to have wasted money on frivolous items as well. After 50 years with the same agency logo, Eximbank decided it needed a new one. Designing a new logo—including creation, copyright search, and the redesign of bank brochures and literature—cost nearly $100,000 last year. And in 1993, Eximbank spent $30,000 to train 20 employees how to speak in public—including chairman Kenneth Brody. An outside consultant was paid $3,000 a day for this task.

Mr. Speaker, I believe government shouldn't choose winners in the economy. With Eximbank the big winners are foreign consumers, large corporations and professional speech coaches. The losers are the American taxpayers.

Mr. LAFALCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me simply say that in a theoretical world that we might develop, there should be no need for an Ex-Im Bank, because no country should be engaging in subsidies of its exports. But we do not live within that theoretical world, we live within the real world; and within the real world, virtually every country in the world, most especially our major trading competitors, engage in the subsidization of their exports. That being the case, were we not to reauthorize Ex-Im Bank, we would be engaging in unilateral disarmament; and I, for one, do not favor unilateral disarmament.

Having said that, let me also say that it has always been my hope that administrations, both Democrat and Republican, would have been much more aggressive in negotiating a reduction or an elimination of export subsidies.

☐ 1245

This is difficult to do with other countries, and it is difficult to do domestically. Other countries have been quite critical of our own Congress because of the recent agricultural bill that we passed saying that we have raised the bar considerably through the exports of our crops and agricultural products in a manner that they believe violates international law.

So we have to look to ourselves, too, but we should be negotiating a reduction or elimination so we could have multilateral disarmament rather than unilateral disarmament.

One more point, too. The Ex-Im Bank is a misnomer. Some individuals will say, well, they do more to help imports than they do exports. The fact is they do zero, nothing, to enhance imports; they do everything, 100 percent of all their programs, all their products, all of their services, all of their assistance, to promote exports of goods, products, and services made in the United States of America and sold abroad.

So one of the things we always should have done and I always favored is to simply strike the word "import" because of the misleading impressions that could be created. One Member got up on the floor and gave evidence of the misleading impression that has been created.

Having said that, in order for the United States to compete internationally within the trading arena, passage of today's reauthorization bill, a very good one, a balanced one, one with Democratic and Republican input, is imperative. I would commend all Members to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I want to thank my friend, the gentleman from New York (Mr. LAFALCE), for his stellar efforts throughout this process; and also particularly the gentleman from Nebraska (Mr. BEREUTER). He would perhaps deflate a couple of rather incongruous statements made during the course of the debate.

Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding time to me.

Yes, indeed, this agency focuses exclusively on exports, despite the name. I want to say definitively that now, when we have a 201 determination or a final order under Title VII, no American exporters may export products to those sectors abroad that are in violation of those two parts of our trade law. That is a major advance offered by the gentleman from Pennsylvania (Mr. TOOMEY). There was no retreat from that; in fact, in conference it was actually strengthened. We traded a very important procedure for a report; a very big advance.

Another point here: Ten percent of the resources of the Export-Import Bank do not go to small business, as suggested; 18 percent. Over 90 percent of all the tax credits are for small business, and we are pushing them to go even much further by the mandate here.

I do not like American exports of jobs, jobs going abroad; but this legislation actually keeps American exporters producing products here, products, manufactured goods and services, and helps our exporters compete, sometimes against subsidized tax credits transactions, by other foreign export credit agencies. Yet, only 2 percent of all of the loans ever go into default.

The Export-Import Bank has a net return of resources year after year after year to the U.S. Treasury. Why? Because we charge risk-based insurance and fees. So the idea of this being a large corporate giveaway or a huge subsidy is just not the case.

I would say to the gentleman from California, for example, or the gentleman from Texas, California is number two in terms of exports abroad coming out of that State because of the Export-Import Bank, and Texas is number three. Think about those aerospace workers and what it means to California, Washington State, and other States involved.

Mr. Speaker, I urge support of the conference report.

Ms. KILPATRICK. Mr. Speaker, I rise today in support of S. 1372, the Export-Import Bank Conference Report. The Export-Import Bank has, as its main goal, the focus of helping businesses compete in the global arena. Since its creation in 1934, the Export-Import Bank has been successful in supporting U.S. businesses by providing needed assistance that allows these businesses to expand and promote their goods in other countries. Without this assistance, many of these businesses would not see this goal realized. Furthermore, as many countries provide higher levels of export financing subsidies to their companies than the U.S., the Export-Import Bank plays a crucial role in helping to even out this imbalance for U.S. firms in the international market.

The Export-Import Bank has to its credit many positive outcomes. It has not only been able to sustain vital U.S. jobs in both small and large companies, but it has also created many jobs around the country. In FY 2001 alone, the bank supported over $12.5 billion in U.S. exports to markets all over the world. Companies across the country see the benefits of working with the bank, as more than 2,000 American companies of all sizes utilize its services each year. In my home state of Michigan, the value of exports supported by the bank since October 1997 is well over $500 million.

The conference report strengthens the ability of the Export-Import Bank to continue its commitment to assisting U.S. companies. The report increases the loan ceiling for the bank each year, culminating in $100 billion in FY 2006. It also contains other important provisions, including anti-dumping, antiterrorism, and human rights provisions that are important factors when considering possible transactions with other countries. The conference report also requires the Export-Import Bank to improve its technical capacity that will strengthen its ability to touch more small businesses and will facilitate the usage of the bank's services for all companies.

The conference report increases the bank's small business requirement to 20 percent from its current level of 10 percent. While this represents a positive step forward, I join with my colleagues in urging a higher percentage level of support in years to come and encourage the bank to do all it can to expand its outreach effort to small businesses, specifically minority and women-owned businesses. The report also strengthens U.S. export efforts in Africa, which I strongly support.

I thank my colleagues, particularly Chairman OXLEY and Ranking Member LAFALCE, for their hard work and commitment in putting forth a strong bill that will enhance the Export-Import Bank's ability to assist U.S. companies of all sizes as they look to expand and compete in the global market.

Mrs. ROUKEMA. Mr. Speaker, I have been a strong supporter of the Ex-Im Bank since coming to Congress in 1981. The Bank plays a very significant role in US trade policy. It ensures that U.S. businesses will not be denied access to overseas markets because of market imperfections that prevent them from obtaining financing from the private sector or because of unfair competition from foreign export agencies. Ex-Im has initiated thousands of transactions in foreign markets that commercial banks deem too risky to enter. Because of the Ex-Im, U.S. businesses export more goods and develop new and stronger trading relationships abroad.

The world of finance and the international trading system are changing fast. Other countries are finding more sophisticated ways of assisting their exporters and new financing mechanisms are being developed. Instead of placing restrictions on the Ex-Im and cutting its funding, we should be working to enhance the banks capabilities to assist business abroad my making sure they have the tools necessary to assist US exporters in this changing global economy.

If fiscal year 2001 Ex-Im Bank financed nearly $12.5 billion of US exports world wide which supported millions of US jobs. Nearly 90 percent of Ex-Im Bank's transaction in fiscal year 2001 was on behalf of small businesses.

In New Jersey alone, the Ex-Im Bank has supported over 214 companies and 138 communities. It is estimated that over 44,974 jobs are sustained by Ex-Im efforts. For example, JB Williams Company located in Glen Rock, New Jersey, is a small, 45-employee manufacturer of specialty soaps and bath products that has been using Ex-Im Bank's short-term export credit insurance since 1998 to expand its exports to Saudi Arabia, Poland, Korea, Colombia, and other counties.

This legislation extends the charter of the U.S. Export-Import Bank for 4 years and creates offices on Small Business Exporters within the Bank. It also increases the value of transactions that the Bank can hold in its portfolio at any time, raises the percentage of small business transactions the Bank should pursue, and improves the operation of the Tied Aid Credit Program. This measure further mandates that the Bank take into consideration U.S. trade laws when considering a transaction, examine whether a recipient company has been involved in any corrupt practices prior to a transaction's approval. And, in the context of our need to fight a war on terrorism, this bill requires the Bank to assess whether a country has been helpful in U.S. efforts to combat terrorism.

This bill raises the level of total Ex-Im portfolio (loans, guarantees, and insurance) outstanding at any one time from the current level of $75 billion to $100 billion by FY 2006. The mandate for small business activity will be raised from 10 percent to 20 percent of the total value of Ex-Im transactions, with 8 percent of the total going to businesses with less than 100 employees.

The Ex-Im Bank improves America's competitiveness overseas, promotes small business and creates and sustains U.S. jobs. I urge my colleagues to support this Conference Report.

Mr. KNOLLENBERG. Mr. Speaker, I rise today in support of the Export-Import Bank, and in support of this conference report.

For nearly eight years, I've been a member of the Appropriations Subcommittee on Foreign Operations. This Subcommittee provides the funding for Ex-Im's program budget. During this time I've become very familiar with the Bank's operations and the important role it plays in supporting U.S. jobs, assisting small U.S. businesses, and helping to finance development in emerging markets around the world.

Support for Ex-Im means real jobs for real people. In its 68-year history, Ex-Im Bank has supported over $400 billion of U.S. exports, sustaining and creating millions of high-paying U.S. jobs. In fiscal year 2001 alone, Ex-Im Bank supported $12.5 billion of U.S. exports to developing countries, enabling many U.S. companies to maintain and even expand their workforces.

Ex-Im's impact is felt throughout America and affects companies of every size, but the Bank's positive impact is particularly strong on small businesses. Ninety percent of the total number of Ex-Im Bank supported transactions in fiscal year 2001 was in direct support of small businesses.

Ex-Im Bank aggressively reaches out to small businesses through a variety of partnerships with lenders, city and state trade offices, small business associations, Congressional offices, and other federal agencies such as the Small Business Administration. I commend Ex-Im for this effort.

Exports are crucial to the U.S. economy. Overseas sales are no longer optional for most U.S. companies. Exports accounted for over one-quarter of U.S. economic growth over the last decade and support an estimated 12 million American jobs. In order to grow the U.S. economy and increase the number of jobs, export opportunities need to grow as well. The Export-Import Bank has a critical role to play in this effort.

I urge my colleagues to join me in supporting the Export-Import Bank and supporting this conference report.

Ms. WATERS. Mr. Speaker, I rise to oppose the conference report on S. 1372, the Export-Import Bank Reauthorization Act.

The purpose of the Export-Import Bank is to create American jobs for American workers. Unfortunately, the Bank has a history of providing assistance to companies that have been exporting American jobs and hiring cheap, foreign labor. For example, the Export-Import Bank insured a $3 million loan to help General Electric build a factory where Mexican workers will make parts for appliances that will be exported back to the United States. As a result, 1,500 American workers will lose their jobs to Mexican workers who will be paid only two dollars per hour.

When the House of Representatives considered its version of the Export-Import Bank Reauthorization Act, an amendment was offered to ensure that the Bank does not subsidize companies that are exporting American jobs instead of American-made products. Unfortunately, this amendment was not adopted.

I am especially concerned by the fact that the Conference Committee deleted the Office on Africa provision from the Export-Import Bank Reauthorization Act. The House version of this legislation included a requirement that the Export-Import Bank establish an Office on Africa to monitor Export-Import Bank lending for projects in African countries. This provision was supported by both the Financial Services Committee and the full House of Representatives, and there was no reason for the Conference Committee to delete it.

I urge my colleagues to oppose S. 1372, the Export-Import Bank Reauthorization Act.

The SPEAKER pro tempore (Mr. LINDER). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SANDERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 344, nays 78, not voting 12, as follows:

[Roll No. 210]

YEAS—344

Abercrombie
Ackerman
Aderholt
Allen
Baca
Baird
Baker
Baldacci
Ballenger
Barrett
Barton
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)

Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Stump
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—78

Akin
Andrews
Armey
Baldwin
Barcia
Barr
Bartlett
Bass
Bilirakis
Bonior
Brown (OH)
Burton
Chabot
Coble
Condit
Conyers
Cox
Crane
Cubin
Culberson
Davis, Jo Ann
Deal
DeFazio
DeLay
DeMint
Doolittle
Duncan
Everett
Filner
Flake
Forbes
Goode
Hayes
Hayworth
Hefley
Hilleary
Hoekstra
Hostettler
Hunter
Jackson (IL)
Jones (NC)
Kaptur
Kerns
Kucinich
Matheson
McInnis
McKinney
Miller, Jeff
Mink
Mollohan
Nadler
Norwood
Oberstar
Otter
Owens
Pallone
Paul
Pence
Peterson (MN)
Petri
Platts
Rivers
Rohrabacher
Royce
Sanders
Schaffer
Sensenbrenner
Shadegg
Smith (MI)
Stark
Stearns
Strickland
Stupak
Sullivan
Sununu
Tancredo
Wamp
Waters

NOT VOTING—12

Bachus
Bentsen
Blagojevich
Ganske
Gilchrest
Hilliard
Miller, Dan
Peterson (PA)
Riley
Roukema
Slaughter
Traficant

☐ 1313

Messrs. KERNS, BARTLETT of Maryland, CRANE, HEFLEY, SULLIVAN and Mrs. CUBIN changed their vote from "yea" to "nay."

Mr. GEKAS and Mr. HERGER changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INVESTING IN AMERICA'S FUTURE ACT OF 2002

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 432 and ask for its immediate consideration.

☐ 1315

The Clerk read the resolution, as follows:

H. Res. 432

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4664) to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour..

Mr. REYNOLDS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 432 is a fair, open rule providing for consideration of H.R. 4664, the Investing of America's Future Act. The purpose of this legislation is to authorize appropriations for fiscal year 2003, 2004 and 2005 for the National Science Foundation.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule waives all points of order against consideration of the bill.

Additionally, the rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill be considered as an original bill for the purpose of amendment, and provides that the bill shall be considered for amendment by section. The Chairman of the Committee of the Whole has the authority to accord priority in recognition of Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule provides for one motion to recommit, with or without instructions.

As an independent Federal agency, the National Science Foundation's mission is to support science and engineering among all disciplines. Currently, the NSF funds research and education activities at more than 2,000 universities, colleges, schools, businesses and other research institutions throughout the United States.

Federal investment in educating America's youth in the foundation areas of math, science and technology is the only way to maintain our competitive edge in a global economy and to create economic prosperity here at home. The ever changing world of science demands that the research behind it keep pace with the times.

This legislation will provide a 15 percent annual increase for NSF through fiscal year 2005, providing critical financial support that will ensure our Nation's continued advancement in science, education and research. Much like this Republican-led Congress has kept its commitment to double funding for the National Institutes of Health, this legislation will initiate a plan to double NSF moneys over a 5-year period.

This kind of increase is consistent with President Bush's focus on education improvements, such as the Math and Science Partnership Act and the Undergraduate Math and Science Education Improvement Act. This increase will also supply dollars for the countless major research equipment projects that have been approved but simply await funding.

Technology, science and research are powerful components in our development of society. Continually advancing science and research will discover new cures for diseases, improve our quality of life and create jobs and economic growth across America. As someone who hails from a State and region that has fully embraced the value and potential this type of scientific research offers, I can attest to how important this investment is to our future.

NSF-funded projects often bring national and even international attention to towns and cities across America, and sustained research efforts and collaborations have meant growth and new employment opportunities in those areas. This ripple effect energizes communities and attracts young Americans to fields and job markets like science and engineering, areas that are key to making American industry more competitive across the globe.

The long-time president of Massachusetts Institute of Technology, physicist Karl Taylor Compton, once said, "Modern science has developed to give mankind a way of securing a more abundant life." Through this important investment in science, technology and research, this Congress can help ensure for the American people and communities across our Nation a more abundant life.

Mr. Speaker, I urge my colleagues to support this fair and open rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the customary 30 minutes.

Mr. Speaker, this is a fair and open rule for a noncontroversial bill. H.R. 4664, Investing in America's Future Act, will reauthorize the National Science Foundation, including an increase in funding for the NSF by 15 percent for each of the next three fiscal years. This increase will result in the doubling of the NSF budget over the next 5 years.

NSF is a critical institution whose mission is to promote the progress of science; to advance the national health, prosperity and welfare; and to secure the national defense.

In doing so, NSF has worked with and funded research institutions all across the country. For example, NSF has granted over $311 million to Massachusetts last year, including $3.3 million to the Worcester Polytechnic Institute, and $1.9 million to the University of Massachusetts at Dartmouth to fund very, very important projects that are vital to our national security and our national defense.

This reauthorization bill was unanimously referred to the House by the Committee on Science. The funding level called for in this legislation is above the President's request, and it addresses the growing imbalance between Federal support of biomedical research and physical sciences research. It also helps to ensure that America's present and future scientists and engineers are globally competitive.

The 21st century holds a great deal of promise, but there are also serious challenges ahead. Fortunately, the United States has some of the finest researchers and research institutions in the world. We must ensure that the scientific community in this country has the resources they need to meet our challenges.

The bill before us today I think is an important step in that effort. Mr. Speaker, I commend the members of the Committee on Science for their bipartisan work on this important bill. I ask Members to support this open rule and to support the Investing in America's Future Act.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH), the sponsor of this important legislation.

Mr. SMITH of Michigan. Mr. Speaker, let me just say, this legislation is named the Investing in America's Future Act because that is really what it is. Basic research is what is needed to develop new ideas for products that the world demands. It is how we develop ways to increase the efficiency and productivity in the way we produce those certain products. Basic research, which NSF has done such a tremendous job in its peer review, is really key to not only our economic security but our national security. Smart weapon technology come from basic research.

Let me for just a moment quote a previous statement from NIH, the National Institutes of Health. They said if you do not do more research, basic research coming from NSF, we are going to have to set up our own division for basic research in NIH. Adequate basic research is key to our health, key to our economy, key to our national security.

Mr. McGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me the time.

In preparation for the discussion of the bill itself, I would just like to offer some general comments about the nature of basic research and the importance of funding basic research because that often raises questions in the mind of the public and, consequently, questions in the minds of the Congress.

Basic research is that research which is done to understand the basic underpinnings of science, the basic underpinnings of the nature of our universe and how it operates. It is very broadly based. It is not specifically directed toward any particular problem in society and sometimes not even toward a problem in the sciences. It is an effort to really learn more about the universe and how it and all its composite parts work.

That makes it very difficult to defend in the political process, but let me simply point out to my colleagues some of the results of basic research that we take for granted today.

In the 1930s, there was some research done on a very esoteric topic called stimulated coherent emission of radiation. This was theoretical work. It was very low cost work. The National Science Foundation did not exist. It was done by a professor and a few others working together, and they deduced that it was possible to have stimulated emission of light where one would have one photon, one particle of light, hitting an atom in an excited state, and one would have another photon come out that was exactly like the one that came in, and yet the one that came in would be unaffected. So one obtains double the amount of light and the light was coherent; that is, the wavelengths matched and the light was in phase.

This was essentially an unremarkable result in 1930 because no one had yet imagined a way in which it could be done, but after World War II, during which we learned a lot about more advanced physics, and researchers began investigating this with microwave radiation and discovered, in fact, it did work; this work was done by Charles Townes, a good friend of mine, a good physicist, who is now at Berkeley. He discovered that he could direct a microwave photon at an excited atom and get two microwave photons out that were coherent, traveling in exactly the same direction, in phase, and with identical frequencies.

He immediately recognized that this could also lead to light amplification by stimulated emission of radiation, and so the laser was developed about 1960, or in that time frame. It was a laboratory curiosity.

I remember the first time I saw a laser and played with it. It was almost a toy, and we had fun with it. What an amazing thing, that one could amplify light! And yet everyone today is familiar with lasers; They have become ubiquitous. We use them for everything from lining up sewers to making certain that the tiles in the ceiling of a building are level, to conducting surgery of various types, on to many other uses, cutting metals and cutting cloth. Most likely the dresses and suits that are being worn here today were cut by laser initially before they were sewn together. All of this is based on the initial research work done in 1930.

Let me take another example, nuclear magnetic resonance, an esoteric bit of research which occurred while I was in graduate school. Who really cared about the nuclear spins and magnetic moments of hydrogen nuclei? Yet that nuclear magnetic resonance work which forms the basis for what we today call magnetic resonance imaging, a fantastic medical advance. diagnostic tool, the MRI, which look inside our bodies and tell us whether we have cancer, or a torn muscle, or something else. Similarly, the CT scan came out of research in high-energy elementary particle physics, an esoteric topic as far removed from everyday life as we can imagine.

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The question is, so what? The point is simply that during the past decade the marvelous economic expansion we enjoyed was, according to Alan Greenspan and other experts, almost entirely based on the basic research that we funded some 30 to 50 years ago. If we want to continue to enjoy economic growth and expansion, if we want to continue to lead the world, we have to also continue leading the world in basic research.

That is what this bill is all about, continuing to lead the world in basic research so that our children and grandchildren are going to have the same economic advantages that we enjoy today, just as our parents and our grandparents invested in basic research so that we could enjoy the fruits of that today. That is what this bill is about.

That is why the Congress must pass this bill so that we adequately fund basic research and continue the economic base and growth that we enjoy today, and so that we can continue to expand our basic understanding of the universe and all it contains, and learn about the scientific processes that constantly occur.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time. And this is the first time I have had him yield to me in his capacity as a member of the Committee on Rules. We are all very proud of that accomplishment for him and thank him for his great leadership there and on this bill, which is a very important one.

Mr. Speaker, I rise in support of the rule and in support of the legislation, and I commend the Committee on Science for their excellent work on this reauthorization for the National Science Foundation funding. For a long time, our colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), has sponsored a bill and given us all the opportunity to register our support for drastically increasing the funding of the National Science Foundation. I am so pleased now that the Committee on Science has taken up that leadership, and the considerable leadership of the chairman, et cetera, of the committee to make this a possibility; that we would be on a path to doubling the National Science Foundation budget.

Mr. Speaker, I serve as a member of the House Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations. A number of years ago, we set off on this path to double the funding for the National Institutes of Health. We are in our last year of that doubling effort. It was very important to the health of the American people. So, too, is the doubling of the National Science Foundation. Not only do we have to do this, but we should do more.

We had the Tech Talent Act, which encourages young people and mentors them in studying math and science so that we have the seed corn for us to have the scientists who will maintain and improve and enhance our technological base, and as well, as the gentleman from Michigan (Mr. EHLERS) said, our economic base as well.

Our progress in the National Institutes of Health, the Human Genome Project and other progress, really springs from the improved instrumentation that came from the technology side of it, the hard sciences, physical sciences side of it, the nonbiomedical science. So we all benefit across the board in terms of biomedical research, which is so important to the American people; the economic success, which is so important to our country; and also the fulfillment of the young people who have the talent and should be encouraged to study math and science and become scientists.

So I am absolutely delighted today that in this bipartisan way we can come to the floor. I commend the distinguished chairman of the committee and the subcommittee, as well as the Members on both sides of the aisle, for making this a reality for the Congress to take this vote and make it a reality for our country; and I will do everything in my power working with them to ensure that this can be translated not only into an authorization but an appropriation as well.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in support of the rule and as a cosponsor and strong supporter of H.R. 4664, the National Science Foundation Authorization Act, or Investing in America's Future Act.

I want to commend the members of the Committee on Rules for this open rule, and the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT); and the ranking member, the gentleman from Texas (Mr. HALL) of the Committee on Science; as well as the chairman of the Subcommittee on Research, the gentleman from Michigan (Mr. SMITH); and the ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for expeditiously ushering this bill through that committee and to the floor.

Mr. Speaker, a distinguished committee, chaired by Senators Gary Hart and Warren Rudman, released a report on national security at the beginning of 2001. While it did not receive a lot of public attention at the time, the Hart-Rudman report has been revisited often since September 11. One aspect of the report with particular relevance to the bill we are considering today is its finding and recommendation on the importance of basic research. According to the Hart-Rudman report on national security, and I quote, "The U.S. Government has seriously underfunded basic scientific research in recent years. The quality of the U.S. education system, too, has fallen well behind those of scores of other nations. The inadequacies of our systems of research and education pose a greater threat to U.S. national security over the next quarter century than any potential conventional war that we might imagine."

The report goes on to recommend doubling the Federal Government's investment in science and technology research and development by 2010. Mr. Speaker, the bill we pass today takes an important step in the right direction.

In addition to supporting basic research at colleges and universities nationwide, the NSF works to ensure that American teachers and professors have the skills, training, and equipment to prepare future scientists and researchers. This is critical as science and technology become increasingly important to our economy, our health, our environment, and our national security.

Mr. Speaker, I urge my colleagues to support this rule and this bill.

Mr. McGOVERN. Mr. Speaker, I yield myself the balance of my time to say that this is a good rule. It is an open rule. It is nice to have an open rule. More importantly, this is a good bill and deserves the support of all our colleagues.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself the balance of my time.

Since the dawn of man, the human race has been ingrained with a fascination and need to slip beyond its boundaries and explore the unknown. From across the continents to the depths of the ocean and to the far reaches of space, that pioneer spirit continues to this day.

The National Science Foundation embraces that spirit with its record of excellence in research, education, technological advancement, and discovery. They make possible the pioneer spirit within us all.

I ask my colleagues to join me in supplying the necessary tools to the National Science Foundation so they can continue along the path of important contributions to America and to mankind. Their programs are an important demonstration of how efficient government investment can return great dividends to society. There is no better time to invest in America's future.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to House Resolution 432 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4664.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4664) to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes, with Mr. ISAKSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proud to bring to the floor today H.R. 4664, the Invest in America's Future Act, which was approved unanimously by the Committee on Science. This landmark bill would put the National Science Foundation on a track to double its budget over the next 5 years, while, at the same time, imposing strict new management requirements to ensure that the National Science Foundation continues to spend our money wisely.

This Congress has already demonstrated its faith in and reliance on the National Science Foundation several times in recent months, and I hope and expect that we will continue to do so today. Earlier this year, by the overwhelming margin of 400 to 12, we passed a cybersecurity bill that relied on NSF to fund the research needed to protect our Nation's computer systems and networks. At this time last year, we passed by voice vote a bill to initiate the President's math and science education partnerships, a program that NSF is now beginning to carry out; and we have passed appropriation bills that have included generous, if still insufficient, increases for the National Science Foundation.

So the 107th Congress is already on record as acknowledging the vital role played by NSF in both research and education, and we have already recognized the Foundation's need for additional funds. Today, we take the next logical step.

The scale of NSF's budget today is simply not commensurate with the breadth and importance of its mission. Congress reached that same conclusion about the National Institutes of Health, and we have followed through by doubling that research agency's budget. But health research is not the only kind of research on which our Nation depends. And, indeed, even health research itself depends on advances outside of biomedicine, the kinds of advances that produce new research tools and new understandings of chemistry and physics.

So it is time to give NSF, a much smaller agency than NIH, a budget commensurate with its mission. When we look at the new fields of science and engineering that will boost our economy in this new century, fields like nanotechnology, where do we turn to ensure that our Nation's researchers stay at the cutting edge? The National Science Foundation. When we look at the field of information technology, which facilitates every activity in today's economy, where do we turn to ensure that the U.S. remains at the cutting edge? NSF. When we consider our even more urgent need for a highly skilled technologically-literate workforce, where do we turn to ensure that our education system, from kindergarten through postgraduate work, is preparing the people we need? You guessed it, the National Science Foundation.

We turn to the National Science Foundation to solve some of our most pressing problems. We cannot turn from NSF when we decide where to invest Federal funds. It is time to give NSF the money it needs.

But do not take my word for it. Do not even take the word of all the university and research groups that have endorsed this bill. They are the obvious beneficiaries. Instead, listen to the major industrial entities that are backing this bill, groups like the National Association of Manufacturers, the Semiconductor Industry Association, and Technet. They understand that federally funded basic research, research which industry has little incentive to fund, is needed to keep the American economy humming.

But some may still wonder, despite the support for raising NSF's budget, whether the agency can handle such a significant increase. I would argue that there is no agency better placed to handle it. NSF is a lean agency that spends little of its budget on administration. It is the only agency in the entire Federal Government that received a green light rating from the Office of Management and Budget for the quality of its operations. It is repeatedly cited as a model of how Federal agencies should be run.

But despite NSF's stellar record, this bill will not allow the agency to rest on its laurels. The bill imposes several new management requirements to ensure that Federal taxpayer dollars are wisely spent.

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There is a new report NSF must submit to Congress explaining how it decided to allocate its funding. There is a new requirement to ensure that the public has greater access to National Science Board meetings. There is a new joint NSF-NASA advisory committee on astronomy research.

Most importantly, there is a new process to prioritize major equipment projects and to manage them more consistently. Right now, there is no way for anyone outside the foundation to understand how these large projects, like new telescopes and research stations, are selected or ranked.

Under our bill, the director and the board will have to agree on a list of projects in priority order that will be submitted to the Congress. Actual budget proposals may still have to depart from that order, but at least we will all be starting with the same information in evaluating such budget proposals.

Mr. Chairman, this is a responsible bill, it is a needed bill, it is a bill that has garnered widespread support in committee and outside this Chamber, and it deserves support from all of us today. In passing this bill, we do nothing more, and nothing less, than reaffirm some basic principles: That being the world leader in research is important to our Nation's health, defense, and economic well-being; that improving science and math education is critically important; that a great Nation should not skimp on its investments to improve human understanding of natural phenomena.

It is through NSF that we turn those principles into actions. To paraphrase Daniel Webster, it is a small agency, but there are those of us who love it. I urge support for this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of Investing in America's Future Act of 2002, H.R. 4664, a 3-year reauthorization bill for the National Science Foundation.

The bill represents a bipartisan effort by the Committee on Science to provide the level of resources necessary to sustain the important work of the National Science Foundation in science and engineering research and education.

I want to congratulate the chairman of the Subcommittee on Research, the gentleman from Texas (Mr. SMITH) and the ranking Democratic member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for their efforts to craft this bill. I also thank the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT) for his leadership in working closely with this side of the aisle in developing the bill.

NSF is our premier agency for support of basic research at academic institutions in the physical sciences and the nonmedical biological sciences, in mathematics, and in engineering. Basic research discoveries launch new industries that bring returns to the economy far exceeding the original public investment.

The Internet, which emerged from the research projects funding by DOD and NSF, strikingly illustrates the payoff potential of such research expenditures. In fact, over the past 50 years, half of U.S. economic productivity can be attributed to the technological innovation and the science that has supported it.

Unfortunately, the simple truth is that during the 1990s we underinvested in the fields that NSF supports.

A recent report from the National Academy of Sciences provides specific examples that make this case. The report shows that between 1993 and 1999 Federal research support at academic institutions fell by 14 percent in mathematics, by 7 percent in physics, by 2 percent in chemistry, and by 12 percent in electrical engineering.

Inadequate funding for basic research in such important fields imposes a price on society, because new ideas are lost that would otherwise underpin future technological advances.

Of even more importance, anemic funding of academic science and engineering research reduces the numbers of new young scientists and engineers who constitute the essential element necessary to ensure the Nation's future economic strength and security.

H.R. 4664 authorizes funding growth for NSF of 15 percent per year for 3 years, bringing the total authorization level to $7.3 billion by the third year. This follows a funding path to double NSF's budget over 5 years, as was proposed by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) in the NSF authorization bill she introduced, and I cosponsored, last year.

We were not alone in calling for substantial funding increases. Such prominent figures as Federal Reserve Chairman Greenspan, former House Speaker Gingrich, and former presidential science advisor Allan Bromley have pointed out the importance of increasing support for basic research in science and engineering.

The coalition for National Science Funding, a group of 80 scientific, engineering, and professional societies, universities, and corporations, specifically called for providing a 15 percent funding increase for the NSF this year as the next step in doubling the NSF budget.

The funding growth proposed by H.R. 4664 will enable the foundation to expand its investment in cutting-edge research initiatives and shore up its core research programs.

Equally important, the bill will increase efforts to improve the skills of K–12 science and math teachers, develop better science and math curricular materials, and attract more women and minorities to careers in science and engineering.

H.R. 4664 is an important bill that will help ensure the Nation maintains a vigorous basic research enterprise, which is an essential component for a strong economy for our national security.

Mr. Chairman, I commend this measure to my colleagues and ask for their support and its passage in the House.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentlewoman from California (Ms. WOOLSEY) to control the time for the remainder of the debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I support this legislation to increase the National Science Foundation budget by 15 percent for next year. This bill will put us on the path to double the NSF budget over the next 5 years.

Science inspires us to conquer the unknown, invent what does not exist, and improve what already exists. It all begins with research.

President Bush's budget proposal recognized the importance of science funding with a 9 percent increase in science and technology spending. That is the good news. But among the various science agencies, the increases in amounts varied greatly.

The National Institutes of Health, NIH, received the lion's share of funding under the administration's proposal. The NIH budget has increased to a point where it is now larger than the rest of the budgets of the science agencies put together, and the proposed increase alone in NIH funding is larger than the research budget of the National Science Foundation.

Biomedical research is important and the NIH should receive adequate funding. The administration's proposed budget rightly recognized the importance of our physical health. But, Mr. Chairman, our citizens' economic health is just as important as their physical health.

The NSF funds the cutting edge research that allows the U.S. to dominate the high technology field. Our commitment to the funding in the bill ensures that our technological preeminence will continue. Scientific research at the NSF has greatly enhanced our lives and has advanced science and technology. Consider the benefits of better weather forecasting, the saved lives that result from MRIs, the promise of faster semiconductors, and breakthroughs in nanotechnology that will drive our scientific efforts in the new century.

Mr. Chairman, H.R. 4664 improves the quality of math and science education with $200 million in funding for the Math and Science Partnerships Initiative, which encourages more students to enter graduate level science studies.

In our technology-driven economy, math and science skills are essential. If we want to prepare the next generation with the skills they need for success, we must increase their knowledge of science. Either we continue to invest in the sciences, or risk losing the ability to lead the world in research. This legislation recognizes the priority of research and development, and I urge my colleagues to support it.

Ms. WOOLSEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I would like to take this opportunity to commend the gentleman from New York (Mr. BOEHLERT), the gentleman from Texas (Mr. HALL), the gentleman from Texas (Mr. SMITH), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and the gentlewoman from California (Ms. WOOLSEY) for allowing me to share this time, and for their leadership and imagination in bringing H.R. 4664, the Investing in America's Future Act of 2002 before us today for our consideration.

I am proud to be an original cosponsor of this important piece of legislation. I have long been a passionate advocate for the National Science Foundation and the work they oversee. This work begins the laudable goal of doubling NSF's budget over the next 5 years.

Competition for NSF grant funding is very intense. Every year NSF receives about 30,000 proposals for research in education projects. Of these, about one-third only are funded. These grants usually go to colleges, universities, academic consortia, nonprofit institutions, and small businesses. The NSF also supports collaborative projects between universities and industry, as well as U.S. participation in international cooperative research and education efforts.

By increasing the amount of money available for grants, the NSF will be able to greatly enhance opportunities for scientific inquiry, and will generate invaluable progress in a wide range of fields. The resulting discoveries will help drive economic growth and enhance the quality of life for all Americans.

NSF is the second largest source of federal funds for academic research. Students of mathematics, science, the environment and engineering will be better able to compete in the global marketplace because the investments made by NSF will generate exciting opportunities to enhance their studies.

I believe our Nation is well served by increasing the resources available for NSF. For these and many other reasons, I am proud to support this bill and I know this measure will pass the House today with overwhelming bipartisan support. This day will mark a day when we make the future of this country immeasurably brighter and bigger because investing in science is always a good investment.

Mr. BOEHLERT. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA), the angel of NIST.

Mrs. MORELLA. Mr. Chairman, I thank the guardian of the Committee on Science for yielding the time to me.

It is with great pleasure that I rise as a very proud cosponsor to speak on behalf of H.R. 4664, the National Science Foundation Reauthorization Act. I thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. SMITH) and the ranking members for their leadership on this issue. This committee has had a congenial disposition; but the bipartisan nature under which we have operated to produce this bill is a true tribute to the leadership and consensus-building skills on both sides of the aisle. I hope we can continue to work together to produce this kind of legislation.

Mr. Chairman, 5 years ago we made a historic pledge to double the budget of the National Institutes of Health. It took a lot of hard work to get the initial commitment, and even more to see it through. Despite a war on terrorism and an economic downturn, Congress and the administration kept its word and fulfilled that promise. The NIH is funding twice the work it did a mere 5 years ago. That is a tremendous accomplishment. In the 21st century, revolutions in our understanding of biology will rival those of physics in the 20th, and work sponsored by the NIH must continue to be a priority.

However, their initiatives cannot and must not be pursued exclusively. Science has become intricately interconnected; discoveries in one drive innovations in others. Without adequate research into the underlying fields of physics and chemistry, advancements in biology and medicine will stall. If we expect the myriad achievements of recent years to continue, we must support the underpinning science and engineering more robustly. As such, I believe we need a more balanced portfolio and need to champion the traditional areas of research, as well as the exciting new projects that have generated so many headlines of late.

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In addition, we must do a better job of training the next generation of scientists and engineers. Fewer and fewer Americans are undertaking technical careers, accepting the torch from elder scientists and building on the accomplishments of generations past. We have made up for this shortfall largely by relying on foreign students and post-docs to fill the ever widening void. This is a poor long-term solution, and we must find ways to arrest the decline of American scientists.

The National Science Foundation is uniquely positioned to accomplish both of these goals. As the premier supporter of the overall scientific enterprise, the NSF has the exclusive ability to balance research and education dollars. They already reach across the entire scientific spectrum, touching all of the major disciplines, and can ensure underfunded areas of science and technology receive adequate support.

They are also the primary Federal agency when it comes to science education. They more than anyone else are responsible for supporting new scientists in all of the physical disciplines, and they are prepared to target traditionally underrepresented groups to fill the gaps.

I myself had the opportunity to work with NSF on the Congressional Commission on the Advancement of Women, Minorities and Persons with Disability in terms of recognizing the important contribution that they can make to the development of our next generation of scientists and engineers. As our society becomes more and more technologically focused, we must ensure that our educational system is training our youth to meet the rigorous demands of the future. The NSF has a vital role to play. I know that they are up to the task.

What is more, the NSF has consistently scored at the top of all government agencies when it comes to efficient and effective use of resources. The GAO routinely gives them favorable evaluations. They are one of only a few agencies to successfully comply with GPRA requirements. They have all the tools, and they know how to use them. All they need are the resources. With this bill, they will have them.

I have been a consistent advocate of an increased science portfolio. This is the way to go. The NSF deserves our support. I urge my colleagues to support this bill.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the NSF reauthorization. H.R. 4664 is a good bill, it is a bipartisan bill; and I want to compliment Chairman BOEHLERT, Chairman SMITH, and the ranking members for closely working together so that both sides are well represented in this legislation. Even during these tight budget times, investing in basic research like that at NSF is a wise and fiscally-prudent decision. I strongly believe we must make significant long-term investments in this Nation's sciences. This bill does just that.

The need for increased funding at NSF is clear. Recent data published by the National Academy of Sciences on Federal funding for basic research shows us that we are not meeting today's challenges. Sadly, there is strong evidence of declining basic research funding in many of the physical science areas. However, since NSF is the source of 36 percent of the Federal funding for basic research that is performed at universities and colleges in the physical sciences, we now have a chance to reverse course.

In my home State of California, NSF partners with the University of California on numerous research proposals in the physical sciences. I know that this bill will continue to support those needed partnerships for our long-term science and research needs. It is clear that in this instance, the returns to the Federal Government far exceed our public investment. That is why I urge my colleagues to support this bill to increase the NSF budget.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me this time. I would like to add to the comments I made a moment ago under the discussion for the rule but apply those comments specifically to the National Science Foundation.

Over the past decade, we have had some interesting trends in the funding of scientific research in the United States. However, we have failed to keep pace with that of other nations. At the moment, we are spending less on research compared to GDP in the United States than Japan does and the gap is increasing, not decreasing. Even worse, we are spending less compared to our GDP than Germany does. Even worse, we are rapidly being overtaken by South Korea. We are losing ground. Yet we are supposed to be the superpower, the world's leader, not only in military might but also in research and advancement. We have to change that trend. We made a good step in that direction a few years ago when we doubled the NIH budget over a period of 5 years. It is high time we do precisely the same for the National Science Foundation.

Just to illustrate the impact of what has happened and how things have gotten out of balance, I have here a very small chart, which I hope my colleagues can read, and at least see the trend lines, which shows very clearly what has happened to NIH, as shown on the top line. A few years ago NIH was bundled fairly closely to NASA and Department of Energy research. We decided to double it, and it has shot up exponentially as happens when you double things, whereas NASA is holding its own or slightly down, and DOE, the Department of Energy, has gone down.

We are spending less on research in the Department of Energy now than we did 10 years ago, in real dollars. The National Science Foundation, our most important basic research entity, is struggling along at the bottom of the chart. It had slight increases over the past decade, but very slight. I maintain that that is out of balance. As the rate of NIH goes up, NSF should also go up, because the National Institutes of Health builds its research on the basic research that is done under the auspices of the National Science Foundation. They go to the well of this basic research periodically and build on what has been developed there. But if they go to the well and the well is empty, all the money that we have spent for NIH is not going to count for much. It is essential that we proceed with the doubling that is proposed in this bill for the National Science Foundation. I commend Chairman BOEHLERT and Chairman SMITH for leading the charge in this effort. It is something that we must do and that we can do.

To those who are worried about budget busting, let me simply point out that this year's increase in the National Institutes of Health is greater than doubling the NSF budget will be. In other words, this year's increase in NIH is greater than the total current budget of the National Science Foundation. At the very least, we can easily afford to double the NSF budget; and by doing that over 5 years, we are spending one-fifth of what we have been spending each year to increase NIH.

This is a good bill. I urge that my colleagues vote for it. I urge that we pass this bill and put this doubling program into effect.

Ms. WOOLSEY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I thank the gentlewoman for yielding me this time and Chairman BOEHLERT and Ranking Member HALL and the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for their efforts in getting this bill. I am proud to be a cosponsor as well.

I rise in strong support of H.R. 4664, Investing in America's Future Act. This legislation, that will increase the funding for the National Science Foundation, is critical and it is probably more critical at this time than anyone can imagine. I believe that maintaining our Nation's global scientific and economic leadership provides the best justification for funding basic research, and that is really what we are talking about here. I also believe that a solid academic foundation in math and science education is critical to our success as a Nation in the 21st century.

As the lead source of Federal funding for basic research at colleges and universities, NSF supports research and educational programs that are crucial to technological advances in the private sector and for training our next generation of scientists and engineers. NSF funds cutting-edge research in science and technology that is critical in the United States. The research funded by the foundation has played a pivotal role in raising the standards of living in the United States as well as around the world.

As we have already heard from others, with a very small portion of Federal spending, the National Science Foundation has had a powerful impact on national science and engineering. Every dollar invested in this agency returns manifold in its worth in economic growth. For example, over 25 percent of the Federal support for academic institutions for basic research is provided through the National Science Foundation and almost 50 percent of the funding for nonmedical research at universities is provided through the National Science Foundation. NSF also provides 46 percent of the basic research in engineering performed at colleges and universities and also helps train more than 25,000 graduate students each year. I am pleased with the accomplishments that NSF has made in research and education initiatives, and I strongly support the doubling of NSF's budget by the proposed increase of 15 percent over the next 3 years in pursuit of this effort.

As the former superintendent of schools of my home State of North Carolina, I have worked for many years to improve science and mathematics education in our schools. We need better science and mathematics education in the K–12 classrooms if we are going to have it in university students. Quality instruction is the key to helping students learn in these critical fields. At a time when we are trying to improve the quality and quantity of science and mathematics in America, appropriate investments in NSF is critical to enabling our students to compete in today's knowledge-based economy. This increase in NSF budget will help ensure that improving science and mathematics education remains a national priority. I urge the vote and signature by the President.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Chairman, I rise today to express my support for H.R. 4664, the Investing in America's Future Act. This bill would reauthorize the National Science Foundation at its highest level for the next 5 years, placing it in an unprecedented doubling track. I thank Chairman SMITH and Chairman BOEHLERT for the time on the floor today to speak on this very important issue and for their leadership on this increasingly important issue.

I am proud to be a cosponsor of this important legislation. H.R. 4664 not only takes a decisive step to doubling the funding for the National Science Foundation but also is a clear example of the support of this House in scientific discovery and growth. Now more than ever science and technology are leading the way to not only expand America and make it the best it can be but also to protect our citizens and improve our homeland security. Technologies such as radiation detectors and highest-level x-ray are keeping our homes, our businesses, and our transportation systems safe every day. But these critical technologies originate from the same place, from the Federal laboratories and university research that benefit from the National Science Foundation. Basic research is key to generating these ground-breaking and important technologies that we utilize in our lives every day.

My district is the home to leaders in basic research, the Brookhaven National Laboratory and the State University of New York at Stony Brook. These great institutions have benefited greatly from the support and funding from the National Science Foundation, advancing their endeavors and educational opportunities for students and scientists alike.

□ 1415

I am pleased that the bill includes important language clarifying the selection process of the Major Research Equipment Account. These large scale research projects are some of the best science our Nation has to offer, and it is imperative that a clear selective process is in place with congressional oversight. I thank the gentleman from New York (Chairman BOEHLERT) for his leadership on this issue and for including this language in the bill.

The National Science Foundation represents the best in math and science education. In order for our Nation to remain a world leader in discovery and innovation, we must strive to educate our younger generation, engaging them in math and science activities.

It is no surprise that the bill is entitled the Investing in America's Future Act, because that is exactly what we will succeed in doing by passing this legislation. Educational programs funded by the National Science Foundation offer students opportunities for exciting studies in innovative fields of learning. From as early as grade school through to the post-doctoral level, the National Science Foundation provides the much-needed support to those students striving to achieve in the science field.

Again, I am proud to be a cosponsor of this very important legislation and thank the gentleman from New York (Chairman BOEHLERT) for the time to speak here today. I look forward to the passage of this exciting bill and urge a "yes" vote from my colleagues.

Ms. WOOLSEY. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I rise in support of H.R. 4664, to authorize funds for the National Science Foundation. As a proud cosponsor of this legislation, I want to thank the gentleman from New York (Chairman BOEHLERT) and the ranking members for their excellent work on this; but I also want to reinforce my strong support for the $50 million funding for the Advanced Technological Education Program in FY 2002 and $55 million for the program in 2003.

The Advanced Technological Education Program is an NSF program designed to help community colleges train high-tech workers. It is the only NSF program focused solely on community colleges. This program provides funds for both existing and new ATE programs.

These programs will become increasingly important as our economy becomes more dependent on technologically skilled workers. In fact, every single one of the top 10 fastest-growing occupations identified by the Department of Labor will require specialized knowledge in the fields of math and science. ATE programs will fund technology, math and science programs that will directly contribute to student success in those fields.

A few weeks ago my colleague the gentleman from North Carolina (Mr. PRICE) and I introduced H.R. 4680, the Science Undergraduate Community College Education Enhancement Act, or, as we call it, SUCCEED. This bill will further direct ATE money to important science, math and technology two-year education programs.

Almost half of all college students in America are enrolled in community colleges, but many of the core math and science programs at these institutions are now severely underfunded. This is unacceptable, especially at a time when our knowledge-based economy depends on a workforce with a solid grounding in math and science.

The SUCCEED Act will function in several areas. First of all, it will expand the scope of existing grant programs to not only focus on the advanced upper division courses, but on the basics in math and technology skills and science skills that are necessary for success in more advanced course work.

In addition and importantly, it will expand partnerships between 2-year and 4-year institutions. Increasingly, our 2-year community colleges are partnering with 4-year institutions, and the SUCCEED Act will provide funding for integrated research between community and 4-year colleges.

This bill will also provide access to state-of-the-art equipment for our classrooms. We cannot expect our students in the community colleges to learn the kind of advanced skills they need if we do not have the fundamental infrastructure and equipment for them to learn those skills.

Finally, this bill will establish an external advisory committee to study how the effectiveness of this legislation is proceeding and to disseminate critical information to share that with other 2-year institutions.

Again, I want to thank the staff of the Committee on Science for their outstanding work, and my own staff member, Ms. Kate Sinner, for her work on this. Thanks again to the gentleman from New York (Chairman BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank everyone involved with this, but none more than the gentleman I am about to introduce to consume the balance of our time. The gentleman from Michigan (Chairman SMITH) is the spark plug behind this legislation. He is serving with great distinction on that very important Subcommittee on Research, and he constantly reminds us every single day about the importance of the work we are about.

Before yielding the balance of my time to the gentleman from Michigan (Chairman SMITH), I would like to note that we have a staff that is second to none on the Committee on Science, Republicans and Democrats, all professionals working well together to fashion the type of product that we can bring to the floor with a great deal of pride. This is one such product, and the man most responsible for it is the gentleman from Michigan (Mr. SMITH).

Mr. Chairman, I ask unanimous consent that the gentleman from Michigan (Mr. SMITH) be allowed to control the balance of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. SMITH) is recognized for 9 minutes.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from New York (Chairman BOEHLERT) for those gracious remarks.

Mr. Chairman, I feel privileged to be allowed to be the sponsor of this legislation, H.R. 4664. But, as we all know, we have a fantastic scientific community out there, and NSF is one of the lead agencies that has done such a tremendous job. In our committee, it has been a bipartisan support, right from the get-go, with the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member of the Subcommittee on Research.

The last time this agency was authorized was in 1998 as part of a 3-year bill that expired at the end of fiscal year 2000. That is why I think it is so important that we move ahead with this legislation today, to make sure that the House has the kind of oversight of all agencies of government, as it is destined to do.

Let me just say that it is so clear from every evaluation and every economic analysis that the Federal investment in science and technology is about as good an investment as you can possibly make with the Americans' taxpayer money to make sure that we have the basic research for national security. Smart bombs and smart weapons and the technological ability of our economic security come from this kind of basic research.

It is also important for our economy, and we have been credited by Mr. Greenspan and many others that our economic strength is derived from the basic research that we have worked on over the last 50 years, and certainly not the least is the strength of the health in the United States.

I would like to give one quote that is very interesting, and that is from Harold Varmus, the former director of NIH. He said, "Congress is not addressing with significant vigor the compelling needs for adequately funding the National Science Foundation, which is the basis of a lot of the research and a lot of the tools they are using at NIH."

This bill is the product of 2 years of hearings and examinations of NSF activities by the Committee on Science and our Subcommittee on Research; and during this time the committee received input from prominent scientists, economists, government officials and from other experts with an interest in improving federally funded basic research.

In the end, we arrived at three principal conclusions. One, NSF is a model government agency with an exemplary record of supporting basic research within a peer-reviewed, competitive grant process that funds only the best cutting-edge research, and does so using under 5 percent of the total budget in overhead costs.

Second, as a relatively small Federal agency responsible for just 4 percent of the total Federal research development expenditures, NSF-funded research has led to a myriad of discoveries that have improved, as I mentioned, public health, strengthened our economy, and enhanced our lives and well-being in many ways we could not have imagined 30 years ago.

Three, a number of areas within NSF programs require additional funding to assure continued advancements in the Nation's scientific enterprise. Among them are funding new education initiatives, alleviating grant pressure within a system that cannot fund over 30 percent of highly rated research proposals.

Again, of all of these highly rated research proposals, we only end up being able to fund 30 percent of the excellent ideas that are coming in from all of the universities and research facilities. It is for these reasons that the gentleman from New York (Chairman BOEHLERT), the gentleman from Texas (Mr. HALL), I and every member of the Committee on Science called for significant increases in support for NSF in this legislation.

I say this is a true fiscal conservative that strongly supports the President's efforts to keep nondefense discretionary spending in check so we can fully focus our budget on the Federal Government's number one priority of defending our Nation, and basic research is part of that responsibility.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this bill today. Let me say this about research and what we do in the United States, and I think it needs to be said. Research is a very important part of what we do here in the United States, and it is a very important part of our economic growth.

About half of the economic growth in the United States today is as a result of research which has been funded in the past. We represent about 4 percent of the world's population, but we represent about 44 percent of the money that is spent on basic research. That is important, and there is a correlation.

I was fortunate to go and visit some of our national labs. They truly are national treasures. What they do through the National Science Foundation, not only through our labs but our universities around the country, makes a big, big difference.

A few years ago I was privileged to meet with a fellow by the name of Gene Fry. Now, Gene Fry is a researcher at a little company called 3M. Now, this probably was not original, but he said something very important that day. He said if we knew what we were doing, it would not be research.

There is a lot of truth to that. A lot of the projects that we fund at the beginning it is hard to defend. But ultimately the reason that we live in the world we live in today is because brave legislatures in the past and brave business people in the past have been willing to invest in projects that may not have made a lot of sense at the time.

I think we have to have the courage to stand up and say research is a very important responsibility to the Federal Government. We get a huge rate of return on the money that we invest in research, and we will determine today what kind of a world our children will live in. This is an important bill. I am happy to rise in support of it.

Ms. WOOLSEY. Mr. Chairman, I am honored to yield 6 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member of the Subcommittee on Research.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in strong support of H.R. 4664, the National Science Foundation Authorization Act of 2002. I want to thank the gentleman from New York (Chairman BOEHLERT); the ranking member, the gentleman from Texas (Mr. HALL); and the gentleman from Michigan (Chairman SMITH) for working with me and the rest of the committee in a bipartisan manner on this important piece of legislation that makes a strong statement about our commitment to invest in America's future.

H.R. 4664 places the National Science Foundation on the path to double its budget in 5 years, which was the goal of H.R. 1472, the NSF authorization bill that I introduced last April 2001. I introduced H.R. 1472 because I strongly believed that investing in basic research, math and engineering research is essential to the future economic prosperity and global competitiveness of our country. Even after September 11, what we are depending on most now will be the kinds of technology that the research from the National Science Foundation has brought to the forefront.

The National Science Foundation plays a leading role in educating our youth in math and sciences and training the scientists and engineers of tomorrow, and the agency is working to ensure that tomorrow's high-tech workers reflect a diversity of America. It is my sincere hope that my colleagues will recognize the importance of basic research to our Nation's future and will pass H.R. 4664.

The National Science Foundation expends only 3.8 percent of the Federal research and development funds, yet this relatively small amount belies the importance of the agency to our country. The National Science Foundation provides 23 percent of the basic research funding at academic institutions. For specific research areas, the National Science Foundation's role at universities is even larger. It funds 36 percent of research in the physical sciences, 49 percent of research in the environmental sciences, 50 percent of research in engineering, 72 percent of research in mathematics, and 78 percent of research in computer science. So, clearly, the National Science Foundation plays a disproportionately important role in funding some of the most basic research areas that have implications far beyond their own academic area.

□ 1430

To give an idea of the quality and importance of the NSF-funded research to our Nation, consider the fact that over 100 Nobel prizes have been awarded to scientists supported by the National Science Foundation research in the fields of physics, chemistry, physiology and medicine and economics. In nearly every field of science and engineering are examples of outstanding research supported by the National Science Foundation. This research leads to critical advances in the understanding of our world and in technology that improves our lives.

For example, the National Science Foundation support at the National Center for Supercomputing Applications at the University of Illinois developed the first Internet browser that led to the explosive growth of the World Wide Web. The National Science Foundation-funded research in atmospheric chemistry identified the ozone depletion over the Antarctic, the ozone hole, as it has come to be known. NSF-funded research on mathematics and solid modeling led to the widespread use of computer-aided design and computer-aided manufacturing that has revolutionized industry and enhanced workplace productivity. These are but a few examples of the scientific breakthroughs that have been funded by the NSF in recent years, and this and other research supported by NSF ultimately strengthens our economy. The connection between research funding and the strength of the economy has been expounded by such diverse sources as former presidential science advisor Allen Bromley, Federal Reserve Chairman Alan Greenspan, former Speaker of the House Newt Gingrich, and the Hart-Rudman Commission for National Security. Yet despite the importance of basic research to the future economic health and well-being of our country, NSF now must decline more than $1 billion worth of high quality research proposals each year. Why? Because NSF's budget is insufficient to meet the demands of our Nation's vibrant research sector.

Mr. Chairman, while it is true that everyone must learn to live within their budget, and NSF has, it is a shame that top-notch proposals go unfunded for lack of resources. It is essential that our Nation's premier science research agency has the resources it needs to fund advances that could lead to the next World Wide Web or deciphering the genome of a critically important crop. Our generation has benefitted enormously from the investment of our parents and grandparents made in basic research decades ago, and we owe it to our children to see that they enjoy the same pace of technological advancement that we have enjoyed. It is critical that we invest in basic research today that will lead to better life tomorrow.

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In addition to funding basic research at our Nation's laboratories, the National Science Foundation makes essential investments in training the scientists and engineers of tomorrow. NSF research awards and direct research fellowships help train over 24,000 graduate students each year, the future scientists and engineers essential to our high-tech economy. The bill before us today seeks to strengthen NSF's graduate research fellowships by funding more research grants and increasing the average grant size and duration.

NSF programs also help to improve science education for all students and to prepare them for citizenship in a world increasingly dominated by technology. Today we continue to have manpower shortages in many high technology fields, and many industries rely on the labor and brain power of foreign nationals. The ideal way to alleviate the shortages is by ensuring that our Nation's children of all races and both genders receive the basic grounding in science and mathematics that will prepare them to pursue careers as scientists, engineers and technologists. Now, more than ever, we need to ensure that an adequate number of Americans choose careers in the sciences and engineering. We cannot allow inadequate funding to cripple NSF's efforts in this area.

Mr. Chairman, over the past few months, there has been a great deal of debate about the appropriate level of funding for the National Science Foundation. Some have proposed essentially flat levels of funding, while others have proposed a small 8.8% increase for one fiscal year. These levels are simply not enough for an agency as highly regarded and as critical to the future well-being of our Nation as the National Science Foundation. I say that we must double the budget of NSF and invest in our Nation's future. H.R. 4664 was developed in a bipartisan fashion and enjoys the strong support of the Science Committee. I urge my colleagues to vote in favor of this legislation.

Ms. WOOLSEY. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I want to commend the Committee on Science for its work in putting together this reauthorization for the National Science Foundation. This bill shows us the path we must take to ensure that our Nation continues to lead the world in technological innovation and in scientific capacity, by doubling Federal funding for the NSF over the next 5 years, just as we have done for the National Institutes of Health.

In a widely-circulated letter last year, Dr. Harold Varmus, the former director of the NIH, made it clear that we do health research no favors when we underfund basic research in the physical sciences. Physical science disciplines are often the key not only to providing the tools used in conducting health research, but in delivering the benefits of health research to the public.

Just take a walk through any hospital surgical unit or emergency room, where you will be surrounded by more pieces of medical technology than you can count, and you will quickly understand this point.

I also want to draw the attention of Members to the bill's reauthorization of the National Science Foundation's Advanced Technology Education program. The ATE program is the only NSF program targeted to community colleges.

Associate-degree-granting colleges educate the vast majority of the three to five technicians that support each engineer, scientist, and medical doctor across this Nation.

Meeting the demand for high-tech workers by both our modernizing manufacturing sector and our new-economy enterprises requires strengthening undergraduate education in science, mathematics, and technology at associate-degree-granting colleges, where nearly half of all undergraduate college students are enrolled. That is the purpose of the ATE program, which provides grants to 2-year institutions to develop new curricula and teaching methods and materials in advanced technology fields.

I have worked on our Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations to increase ATE funding, and we have enjoyed some successes. However, current funding is still under $40 million a year, and cut of $950,000 has been recommended by the administration for the next fiscal year. A more adequate authorization would offer considerable help.

Fortunately, the Committee on Science accepted an amendment offered by my good friend, the gentleman from Washington (Mr. BAIRD), to authorize the ATE program at $50 million for fiscal year 2003, with a $5 million increase for each of the next 2 fiscal years.

In fact, the gentleman from Washington (Mr. BAIRD) and I have introduced legislation to more broadly expand and strengthen the ATE program.

In addition to increasing funding for the program, the Science Undergraduate Community College Education Enhancement Development Act, the SUCCESS Act, H.R. 4680, would give community colleges more flexibility to develop innovative core math and science curricula, and would provide more opportunities for community college students to have research experiences at 4-year institutions.

Our bill would also establish an advisory committee, comprised of representatives from industry and academia, to evaluate the effectiveness of the ATE program and to make recommendations on how it can be improved. Also, it would promote the dissemination of ATE results to community college systems across the Nation.

While the increased authorization level for the ATE program is included in the bill before us now, the gentleman from Washington (Mr. BAIRD) was successful in adding the remaining provisions of H.R. 4680 to the Undergraduate Science, Mathematics, Engineering, and Technology Improvement Act, which was also recently approved by the Committee on Science.

I again congratulate the Committee on Science and our colleagues on both sides of the aisle for the fine work they have done today in bringing H.R. 4664 to the House floor. I urge all of our colleagues to support it.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank my friend, the gentlewoman from California, for yielding time to me.

Mr. Chairman, I am pleased to support this legislation. It is, I think, very important, and I think the committee, under the leadership of the gentleman from New York (Mr. BOEHLERT) and the gentlewoman from Connecticut (Mrs. JOHNSON), has done an excellent job.

We heard that the National Science Foundation provides only a few percent of the total Federal research and development budget, but it provides a large fraction of the support for mathematics, biological sciences, earth sciences, social sciences, and engineering.

We have all heard about the many things that have come out of NSF research: the work in thin film technology, in genetics, in magnetic resonance imaging, CD players, printers, Taxol, and so forth.

It is also important to recognize the return on investment to this Federal investment. Economists will argue about whether the return on investment in research and development is 20 percent, 40 percent, or 60 percent. Whatever it is, it is extraordinarily high. This is one of the best things that we as a Congress can do who have been entrusted with the worthwhile expenditure of taxpayer money.

As one Member of Congress who himself has conducted NSF-funded research, and who every year that I have been in Congress has worked to see the NSF budget increased, I am very pleased to see the NSF on this faster growth path, because we can talk about funding the National Institutes of Health and other health-related research here in the United States, but unless we invest in the research that leads to improved techniques and instrumentation and the training of scientists, that investment in health research will not yield the returns that we should be getting from it.

Just today I have been having some briefings with investigative and intelligence organizations. They have reminded me just today how much they are dependent on research that is coming out of the National Science Foundation for their work in dealing with anthrax and other pathogens.

Finally, I would say the most important work that the National Science Foundation is doing is the work in our schools, particularly in the pre-college setting. The members of the committee are to be commended for putting together such a good authorization bill.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I thank the gentlewoman for yielding time to me. I would like to commend the chairman and the ranking member of the Committee on Science and the chairman and ranking member of the Subcommittee on Research for their leadership on this issue.

Investment in research and development is one of the single largest contributing factors to the Nation's past, present, and future economic growth. The U.S. high technology industry spends more on R&D than on any other industry, but because corporations feel acute pressure to focus scarce research dollars on market-driven product development, the Federal Government must play an integral role in the longer-term basic research that leads to fundamental innovations.

Federal support for basic research has contributed to the development of the internet, personal computers, the silicon chip, lasers, fiber optics, supercomputers, and magnetic resonance imaging. The first graphical web browser, high-speed networks, artificial intelligence, databases, and the graphical user interface all have their roots in government-sponsored research.

Over the past few years, funding for research in the physical sciences has declined as a fraction of overall R&D spending. Funding for the National Institutes of Health now makes up over half of all non-defense research, and the proposed research at NIH funding this year is as large as NSF's entire budget.

This funding imbalance threatens long-term research at a time when we are quickly approaching the physical limits to semiconductor performance. A new technological revolution is needed if we are going to continue improving computer performance like we have in the past few years. It is essential that we invest in basic research to provide the scientific basis for this technological revolution so that we can maintain the gains in productivity that lead to economic growth.

A sustained public and private investment in R&D will also foster a skilled American work force, stimulate new technologies, and maintain U.S. dominance in vital industries, elements critical to retaining the United States' global economic leadership in the new millennium.

The 2001 report of the Hart-Rudman Commission on National Security for the 21st Century determined that "the scale and nature of the ongoing revolution in science and technology . . . pose critical national security challenges to the United States."

To address the challenge, the commission recommended a doubling of all Federal funding for science and technology research and development by 2010. I believe we should strive to achieve this goal, and I recommend and urge my colleagues to support H.R. 4664.

Ms. WOOLSEY. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say that it would be nice just to include myself in the good remarks made by both sides of the aisle on the importance of basic research.

One area that we have not talked about that I think is so important in NSF is it keeps young, quality minds at that university staying in research, so it encourages the talented young people in our university systems to stay on, to get their Master's degrees and their Doctor's degree.

Just in terms of sort of proving that point, if we are looking at all the Nobel Laureates in physics, in chemistry, and in economics, most every one of those individuals at one time in their career had an NSF grant. So part of the tremendous success of the program is keeping these talented young people in that research arena to do what is necessary to strengthen our economy, to improve our public health, and certainly to add to our ability to defend ourselves and our national security.

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America's position as a world leader in science and education is a key element to our national security. Let me just mention in the report on national security in the 21st century, the Hart-Rudman Commission noted that and, I will quote, "The inadequacies of our systems of research and education pose a greater threat to U.S. national security over the next quarter century than any potential conventional war that we might imagine."

It is important that we move ahead, that we improve our education system, that we work more diligently than we ever have before, keeping more students in the math and sciences as they move their careers through high school and into the college arena.

With that, Mr. Chairman, I would like to summarize by saying that I believe we have put together a strong piece of legislation that will allow Congress to demonstrate its commitment to continuing the economic gains and technological advances of recent years through support of fundamental basic research. The increase in this legislation is a sound investment and is brought by bipartisan support, was passed through both the Subcommittee on Research and the full Committee on Science by a unanimous vote.

Mr. Chairman, I urge all Members to support the bill.

I would like to point out that NSF-funded research has also directly benefited America's effort in response to the events of 9/11—supporting emergency grants pioneering the use of genomics as a tool in forensic analysis of microbes after last October's anthrax attacks. Also, an NSF-funded robotics grant led to the development of software-guided robots that were used successfully to search the rubble and locate victims at the World Trade Center Disaster site.

NSF research has also led to faster computer Magnetic Resonance Imaging the Internet, Doppler radar, discoveries of new planets, new polymers materials that are used in products ranging from clothing to automobiles, and most recently, fundamental plant genomics research that will lead to improved crop varieties that increase yields while better protecting the environment. These are just a few examples, but the list goes on and on.

I want to reiterate that NSF has supported these achievements with an efficiency that is almost unheard of in the Federal Government. NSF has been recognized for it's strong management—as the only cabinet agency to receive a "green light" rating in the President's budget. Mitch Daniels, the Director of the Office of Management and Budget, has hailed NSF as "one of the true centers of excellence in government."

Let me summarize by saying that I believe we have put together a strong piece of legislation that will allow Congress to demonstrate its commitment to continuing the economic gains and technological advancements of recent years through support of fundamental basic research. The increase in this legislation is a sound investment and has broad bipartisan support, was passed through both the Research Subcommittee and the full Science Committee by voice vote, and I urge all members to support the bill.

NSF has supported the research of more than half of the United States Nobel laureates in physics, chemistry, and economics. Since 1989, 80% of NSF-funded Nobel prize winners were funded by NSF before winning the prize.

Research supported by the National Science Foundation has led to a myriad of discoveries, technologies, and products that improve our daily lives, including: a greater understanding of bacteria, viruses, and the structure of DNA; medical diagnostic tools, such as Magnetic Resonance Imaging (MRI); the Internet, web browsers, and fiber optics, which have revolutionized global communication; automated DNA sequencing machines; polymer materials used in products ranging from clothing to automobiles; Doppler radar used for accurate weather forecasting; artificial skin that can help recovering burn victims; economic research in game and decision theory which has led to a greater understanding of economic cycles; and discoveries of new planets, black holes, and insights into the nature of the universe.

More recently, NSF-funded research has benefited America's effort in response to the events of 9/11. An NSF-funded grant led to the development of software-guided robots that were used successfully to search the rubble and locate victims at the World Trade Center disaster site. Also, NSF supported emergency grants pioneering the use of genomics as a tool in forensic analysis of microbes after last October's anthrax attacks.

These advances have all come from an agency that receives only 4% of the total annual Federal spending for R&D.

NSF has also been the lead Federal agency in a number of national science initiatives, such as those in information technology, plant genomics, and nanotechnology.

The National Science Foundation's innovative education programs work to ensure that every American student receives a solid foundation in science and math through support for the training and education of teachers, the public, and students of all ages and backgrounds, and by supporting research into new teaching tools, curricula, and methodologies.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise to voice my concern over this legislation that will double the National Science Foundation's (NSF) budget in five years. I feel that while we have taken the effort to double the National Institutes of Health (NIH) and now NSF, this committee has neglected NASA. I am supportive of our commitment to NSF and have a history of such support. At this time, however, given the lack of attention this committee has given NASA, I cannot support this particular piece of legislation.

NASA's budget has been neglected for over a decade. When one considers inflation, the NASA budget is not keeping pace. This sends the wrong message. As a medical doctor and scientist, I very much appreciate the work that NIH and NSF do, but to keep NASA out in the cold I feel is the wrong approach. No other agency has such a daring, exciting and public mission. It is time we treated NASA as a valued Federal agency instead of letting it wither on the vine.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 4664, the Investing in America's Future Act. Past investment in fundamental scientific research has fueled growth of our economy, trained our technological workforce, and provided the research needed for national and homeland security. It is time to ensure our future prosperity and security by recognizing the important work performed by the National Science Foundation (NSF), the only agency devoted to supporting basic science research in science, math, and engineering across all fields and science and math education at all levels.

This legislation will double the NSF's budget over the next five years. Increasing funding for the NSF demonstrates the recognition of the lasting benefits that basic research provides to our economic and national security. The increase would also be used to expand core science programs to fund highly ranked grant proposals, pursue new initiatives like nanotechnology and biocomplexity, and fully fund K–12 education programs that have been authorized by the House of Representatives. In addition, the bill provides greater transparency to the process through which major research and facilities construction projects are evaluated, prioritized, and selected for funding by requiring the Director to develop a list of proposed projects, ranking the relative priority of each for funding. This will allow Congress and NSF to expand its investments in cutting-edge research initiatives and to preserve its core research and education programs.

Mr. Chairman, I strongly believe that investing in basic science, math, and engineering research is essential to the future economic prosperity and global competitiveness of our country and an important investment for the future. For these reasons, I support this legislation and urge my colleagues to do the same.

Mr. UDALL of Colorado. Mr. Chairman, as a cosponsor of H.R. 4664, I rise in support of this important bill that will put the National Science Foundation on a track to double its budget in five years.

I thank Chairman BOEHLERT and my colleagues in the Science Committee for their hard work on this bill.

I think we all recognize that investing in basic research is critical for a strong economy and national security. In the past 50 years, half of U.S. economic productivity can be attributed to technological innovation and the science that has supported it. Despite this fact, over the last two decades Federal investment in R&D has fallen by one-third as a share of the GDP.

This bill will help put us on the right track. Federal investment in science underpins our global competitiveness and our prosperity. NSF-funded research made possible the discovery of the "ozone hole," developed the first Web browser, advanced the field of molecular genetics, and funded much of the early research leading to the development of speech activation and recognition technology. Less directly but no less importantly, NSF is often the major source of support for education and training of Ph.D. scientists and engineers, many of whom have gone on to make major private-sector contributions in the development of cell phones, fiber optics, and computer assisted design.

NSF provides fully 23% of total Federal support for university research—or nearly half excluding NIH sponsored biomedical research. From sources such as former science advisor to the first President Bush, Allen Bromley, and Federal Reserve Chairman Alan Greenspan, to the Hart-Rudman Commission on National Security, we hear that Federal funding for research is a necessary precondition for continued economic success and security in our high technology economy.

I think former Speaker Newt Gingrich said in best in a 1999 Washington Post op-ed. He wrote that "Out of our sense of patriotism and our own enlightened self-interest, we should . . . insist that Federal investment in scientific research be doubled over the next five years. . . . Anything less will weaken the future for all of us."

Mr. Chairman, I agree, and I urge support of this important bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to thank the Members of the Science Committee, subcommittee, sponsor, and all the Members who worked so hard on H.R. 4664, the Investing in America's Future Act of 2002.

I would like to take this opportunity today to voice my strong support for this legislation.

This legislation authorizes additional funding to a very important organization, the National Science Foundation.

The bills directs NASA to jointly establish an Astronomy and Astrophysics Advisory Committee to assess and provide recommendations regarding the coordination of astronomy and astrophysics programs at each agency.

This is one of the several provisions in this bill that would strengthen NASA. NASA plays a huge role in the 18th Congressional District, as many of my constituents are employed there.

The continued development of this nation's science program ought to be one of this nation's top priorities. By establishing a joint committee on astronomy to assess coordination of astronomy programs between the agencies and to assess the activities of the agencies relative to recommendations of the surveys conducted by the National Academy of Sciences, this bill would further make the science program accountable to Congress.

As a member of the Science Committee, I can attest to the fact that we have held numerous hearings investigating and asking relevant questions on how to best fund the NSF and how to best make it accessible and accountable to Congress.

By focusing directly on the research initiatives such as information technology, nanoscale science and engineering, and mathematical sciences, as well as the Major Research Instrumentation program, H.R. 4664 further enhances the research and education departments of the National Science Foundation.

Let me also voice my strong support for the funding of minority institutions in science education. This provision will open the door for many future scientists to carry the torch for many years to come.

I urge my colleagues to support this legislation.

Ms. BALDWIN. Mr. Chairman, I rise in strong support of this legislation, which will reauthorize the National Science Foundation for the next three years. This bill is of the highest priority to me and to many colleges and universities in my district. I've already heard from students, professors and administrators from the University of Wisconsin who have told me that a lack of serious commitment to science funding and research would not only stunt the growth and education of many qualified students, but would also seriously cripple some of their most critical research efforts. This is why I'm delighted with the commitment in this legislation to increase NSF funding by 15 percent each year for the next three years. This commitment is similar to the highly successfully funding commitment that doubled the National Institutes of Health budget over the past five years.

The NSF funds 25% of the basic research conducted in universities across the nation, and a considerably higher percentage in selected fields. The NSF funds 425 grants for well over $60 million at the University of Wisconsin-Madison alone, helping to make UW-Madison one of the top research universities in the country. NSF grants and fellowships also help train over 24,000 graduate students each year, many of whom go on to make major contributions in academia and industry. University research funded by the NSF trains new generations of scientists and engineers, but without the type of funding increase outlined in this legislation, universities will be forced to limit the number of graduate students that they are able to admit to these programs.

One example of a thriving NSF project in my district is the IceCube Neutrino telescope, which is headed by UW-Madison. When completed, this groundbreaking new telescope will look deep into our universe in ways that traditional telescopes cannot. It is truly on the cutting edge of astronomical research and will allow us to view the universe in an entirely new and innovative manner. Furthermore, IceCube has been subjected to exhaustive peer review and is one of many shining examples of the sound science and basic research that the NSF successfully fosters.

It is my sincere hope that funding levels outlined in this legislation are met when it comes time to fund the NSF. Science funding for research should be and often is a result of bipartisanship. I am pleased that this is the case today. In that spirit, I urge a yes vote on this legislation and urge appropriators to fully fund the NSF at these new levels.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in strong support of a bill designed to improve the security, economy, and standard of living of all Americans, the Investing in America's Future Act, H.R. 4664. The bill accomplishes this by putting the nation's premier science agency, the National Science Foundation, on track to double its budget in five years.

Mr. Chairman, it is no secret that America has long recognized that its long-term strength and security, and its ability to recover and sustain high levels of economic growth, depends on maintaining its edge in scientific achievement and technological innovation. Biomedical advances have permitted us to live longer, healthier, and more productively. Advances in agriculture technology have permitted us to be able to feed more people at a cheaper cost. The information revolution can be seen today in the advanced instruments schools are using to instruct our children and in the vast information resources that are opened up as a result of the linkages created by a networked global society. Our children today can grow up to know, see, and read more, be more diverse, and have more options in their lives for learning and growing. Other emerging technologies—such as nanotechnology—have untold potential to make our lives more existing, secure, prosperous, and challenging.

Many companies also recognize this and they, therefore, focus their industrial, economic, and security policies on the nurturing and diffusion of technological advancement through all levels of society in a deliberate fashion. Countries that follow this path of nurturing innovation focus a lot of their efforts into recruiting and training the very best engineers and scientists, ensuring that a pipeline which pumps talented and imaginative minds and skills is connected to the needs of the country's socio-economic and security enterprise.

It always pays to be mindful of the fact—especially in the wake of the September 11 events—that there is a strong and tight linkage between our national security and the level of science and technology proficiency in America. Our strength and leadership in the world is based on the might of our defense, strength of our economy, and the quality of our education system. Without any one of these three components the global preeminence of the nation suffers. These three components are, in turn, maintained on a foundation of strong leadership in the business of scientific and technological innovation, which keeps the engines of progress moving forward.

To remain a strong nation, we must ensure that the single most important element that keeps us dynamic, innovative, prosperous, and secure—and therefore strong—is there for us: our science and technology enterprise. In short, we need to support the NSF and we need to support this bill.

I am honored to be a sponsor of this important legislation in the United States House of Representatives and I urge my colleagues to support it.

Mr. SCHIFF. Mr. Chairman, I rise today in support of H.R. 4664, the "Investing in America's Future Act." This bill reauthorizes the National Science Foundation (NSF) for three years, increasing its funding by 15% each year. Today we are taking an important step forward by enhancing our commitment to our nation's science enterprise and setting a long-term goal of doubling the budget of NSF.

The National Science Foundation is the only Federal agency devoted to supporting basic research in science, math, and engineering across all fields and science and math education at all levels. In fact, NSF funds 25% of the basic research conducted in U.S. universities, and a considerably higher percentage in selected fields. NSF grants and fellowships help train over 24,000 graduate students each year, many of whom go on to make major contributions in academia and industry.

My district is home to one of our nation's premier scientific research institutions, the California Institute of Technology (Caltech), and one of the most prominent beneficiaries of NSF grant funding. In fiscal year 2001, Caltech received 31% of its total federal agency research support from NSF, totaling near $44 million. And Caltech is not alone. In fiscal year 1999, NSF provided 16% of the total federal research and development funds provided to ALL California universities, an impressive sum of $367 million.

By increasing NSF funding, we will enable this fine institution to expand core science programs, fund highly ranked grant proposals that would otherwise go unfunded, and pursue new initiatives such as nanotechnology and biocomplexity. We must continue to support the backbone of our new economy—fundamental scientific research and education—by supporting the National Science Foundation and its many groundbreaking endeavors.

I urge my colleagues to support H.R. 4664 and to remain steadfast in our commitment to our nation's science enterprise.

Mr. SMITH of Michigan. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BONILLA). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investing in America's Future Act of 2002".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Mr. EHLERS. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" means the National Science Board established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(3) FOUNDATION.—The term "Foundation" means the National Science Foundation.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) NATIONAL RESEARCH FACILITY.—The term "national research facility" means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States.

(6) UNITED STATES.—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2003.—

(1) IN GENERAL.—There are authorized to be appropriated to the National Science Foundation $5,515,260,000 for fiscal year 2003.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $4,138,440,000 shall be made available to carry out Research and Related Activities, of which—

(i) $704,000,000 shall be for networking and information technology research;

(ii) $238,450,000 shall be for the Nanoscale Science and Engineering Priority Area;

(iii) $60,090,000 shall be for the Mathematical Sciences Priority Area; and

(iv) $75,900,000 shall be for Major Research Instrumentation;

(B) $1,006,250,000 shall be made available for Education and Human Resources, of which—

(i) $50,000,000 shall be for the Advanced Technological Education Program established under section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i); and

(ii) $30,000,000 shall be for the Minority Serving Institutions Undergraduate Program;

(C) $152,350,000 shall be made available for Major Research Equipment and Facilities Construction;

(D) $210,160,000 shall be made available for Salaries and Expenses; and

(E) $8,060,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 2004.—

(1) IN GENERAL.—There are authorized to be appropriated to the National Science Foundation $6,342,550,000 for fiscal year 2004.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $4,735,600,000 shall be made available to carry out Research and Related Activities, of which—

(i) $774,000,000 shall be for networking and information technology research;

(ii) $286,140,000 shall be for the Nanoscale Science and Engineering Priority Area;

(iii) $90,090,000 shall be for the Mathematical Sciences Priority Area; and

(iv) $85,000,000 shall be for Major Research Instrumentation;

(B) $1,157,190,000 shall be made available for Education and Human Resources, of which $55,000,000 shall be for the Advanced Technological Education Program established under section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i);

(C) $225,000,000 shall be made available for Major Research Equipment and Facilities Construction;

(D) $216,460,000 shall be made available for Salaries and Expenses; and

(E) $8,300,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2005.—

(1) IN GENERAL.—There are authorized to be appropriated to the National Science Foundation $7,293,930,000 for fiscal year 2005.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5,445,940,000 shall be made available to carry out Research and Related Activities;

(B) $1,330,770,000 shall be made available for Education and Human Resources;

(C) $285,710,000 shall be made available for Major Research Equipment and Facilities Construction;

(D) $222,960,000 shall be made available for Salaries and Expenses; and

(E) $8,550,000 shall be made available for the Office of Inspector General.

SEC. 4. OBLIGATION OF MAJOR RESEARCH EQUIPMENT FUNDS.

(a) FISCAL YEAR 2003.—None of the funds authorized under section 3(a)(2)(C) may be obligated until 30 days after the first report required under section 7(a)(2) is transmitted to the Congress.

(b) FISCAL YEAR 2004.—None of the funds authorized under section 3(b)(2)(C) may be obligated until 30 days after the report required by June 15, 2003, under section 7(a)(2) is transmitted to the Congress.

(c) FISCAL YEAR 2005.—None of the funds authorized under section 3(c)(2)(C) may be obligated until 30 days after the report required by June 15, 2004, under section 7(a)(2) is transmitted to the Congress.

SEC. 5. ANNUAL PLAN FOR ALLOCATION OF FUNDING.

Not later than 60 days after the date of enactment of legislation providing for the annual appropriation of funds for the Foundation, the Director shall submit to the Committee on Science of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Health, Education, Labor, and Pensions of the Senate, a plan for the allocation of funds authorized by this Act for the corresponding fiscal year. The portion of the plan pertaining to Research and Related Activities shall include a description of how the allocation of funding—

(1) will affect the average size and duration of research grants supported by the Foundation by field of science, mathematics, and engineering;

(2) will affect trends in research support for major fields and subfields of science, mathematics, and engineering, including for emerging multidisciplinary research areas; and

(3) is designed to achieve an appropriate balance among major fields and subfields of science, mathematics, and engineering.

SEC. 6. PROPORTIONAL REDUCTION.

(a) OVERALL AMOUNTS.—If the amount appropriated pursuant to section 3(a)(1), (b)(1), or (c)(1) is less than the amount authorized under that paragraph, the amount available under each subparagraph of paragraph (2) of that subsection shall be reduced by the same proportion.

(b) RESEARCH AND RELATED ACTIVITIES AMOUNTS.—If the amount appropriated pursuant to section 3(a)(2)(A) or (b)(2)(A) is less than the amount authorized under that subparagraph, the amount available under each clause of that subparagraph shall be reduced by the same proportion.

SEC. 7. NATIONAL RESEARCH FACILITIES.

(a) PRIORITIZATION OF PROPOSED MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION.—

(1) DEVELOPMENT OF PRIORITIES.—

(A) LIST.—The Director shall develop a list indicating by number the relative priority for funding under the Major Research Equipment and Facilities Construction account that the Director assigns to each project the Board has approved for inclusion in a future budget request. The Director shall submit the list to the Board for approval.

(B) UPDATES.—The Director shall update the list prepared under paragraph (1) each time the Board approves a new project that would receive funding under the Major Research Equipment and Facilities Construction account and as necessary to prepare reports under paragraph (2). The Director shall submit any updated list to the Board for approval.

(2) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and not later than each June 15th thereafter, the Director shall transmit to the Congress a report containing—

(A) the most recent Board-approved priority list developed under paragraph (1);

(B) a description of the criteria used to develop such list; and

(C) a description of the major factors for each project that determined its ranking on the list, based on the application of the criteria described pursuant to subparagraph (B).

(3) CRITERIA.—The criteria described pursuant to paragraph (2)(B) shall include, at a minimum—

(A) scientific merit;

(B) broad societal need and probable impact;

(C) consideration of the results of formal prioritization efforts by the scientific community;

(D) readiness of plans for construction and operation;

(E) international and interagency commitments; and

(F) the order in which projects were approved by the Board for inclusion in a future budget request.

(b) FACILITIES PLAN.—

(1) IN GENERAL.—Section 201(a)(1) of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862l(a)(1)) is amended to read as follows:

"(1) IN GENERAL.—The Director shall prepare, and include as part of the Foundation's annual budget request to Congress, a plan for the proposed construction of, and repair and upgrades to, national research facilities, including full life-cycle cost information.".

(2) CONTENTS OF PLAN.—Section 201(a)(2) of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862l(a)(2)) is amended—

(A) in subparagraph (A), by inserting ", including costs for instrumentation development" after "described in paragraph (1)";

(B) by striking "and" at the end of subparagraph (B);

(C) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(D) by adding at the end the following new subparagraphs:

"(D) for each project funded under the Major Research Equipment and Facilities Construction account—

"(i) estimates of the total project cost (from planning to commissioning); and

"(ii) the source of funds, including Federal funding identified by appropriations category and non-Federal funding;

"(E) estimates of the full life-cycle cost of each national research facility;

"(F) information on any plans to retire national research facilities; and

"(G) estimates of funding levels for grants supporting research that will make use of each national research facility.".

(3) DEFINITION.—Section 2 of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862k note) is amended—

(A) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) FULL LIFE-CYCLE COST.—The term 'full life-cycle cost' means all costs of development, procurement, construction, operations and support, and shut down costs, without regard to funding source and without regard to what entity manages the project.".

(c) PROJECT MANAGEMENT.—No national research facility project funded under the Major

Research Equipment and Facilities Construction account shall be managed by an individual whose appointment to the Foundation is temporary.

SEC. 8. MAJOR RESEARCH INSTRUMENTATION.

The Foundation shall conduct a review and assessment of the Major Research Instrumentation Program and provide a report to Congress on its findings and recommendations within 1 year after the date of the enactment of this Act. The report shall include—

(1) estimates of the needs, by major field of science and engineering, of institutions of higher education for the types of research instrumentation that are eligible for funding under the guidelines of the Major Research Instrumentation Program;

(2) the distribution of awards and funding levels by year and by major field of science and engineering for the Major Research Instrumentation Program, since the inception of the Program; and

(3) an analysis of the impact of the Major Research Instrumentation Program on the research instrumentation needs that were documented in the Foundation's 1994 survey of academic research instrumentation needs.

SEC. 9. ASTRONOMY AND ASTROPHYSICS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Foundation and the National Aeronautics and Space Administration shall jointly establish an Astronomy and Astrophysics Advisory Committee (in this section referred to as the "Advisory Committee").

(b) DUTIES.—The Advisory Committee shall—

(1) assess, and make recommendations regarding, the coordination of astronomy and astrophysics programs of the Foundation and the National Aeronautics and Space Administration;

(2) assess, and make recommendations regarding, the status of the activities of the Foundation and the National Aeronautics and Space Administration as they relate to the recommendations contained in the National Research Council's 2001 report entitled "Astronomy and Astrophysics in the New Millennium", and the recommendations contained in subsequent National Research Council reports of a similar nature; and

(3) not later than March 15 of each year, transmit a report to the Director, the Administrator of the National Aeronautics and Space Administration, and the Congress on the Advisory Committee's findings and recommendations under paragraphs (1) and (2).

(c) MEMBERSHIP.—The Advisory Committee shall consist of 13 members, none of whom shall be a Federal employee, including—

(1) 5 members selected by the Foundation;

(2) 5 members selected by the National Aeronautics and Space Administration; and

(3) 3 members selected by the members selected under paragraphs (1) and (2).

(d) SELECTION PROCESS.—Initial selections under subsection (c)(1) and (2) shall be made within 3 months after the date of the enactment of this Act. Initial selections under subsection (c)(3) shall be made within 5 months after the date of the enactment of this Act. Vacancies shall be filled in the same manner as provided in subsection (c).

(e) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among its members.

(f) COORDINATION.—The Advisory Committee shall coordinate with the advisory bodies of other Federal agencies, such as the Department of Energy, which may engage in related research activities.

(g) COMPENSATION.—The members of the Advisory Committee shall serve without compensation, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) MEETINGS.—The Advisory Committee shall convene, in person or by electronic means, at least 4 times a year.

(i) QUORUM.—

(1) IN GENERAL.—Except as provided in paragraph (2), a majority of the members serving on the Advisory Committee shall constitute a quorum for purposes of conducting the business of the Advisory Committee.

(2) EXCEPTION.—The selection of a member under subsection (c)(3) shall require a vote of ¾ of the members appointed under subsection (c)(1) and (2).

(j) DURATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 10. BOARD MEETINGS.

(a) PURPOSE.—The purpose of this section is to ensure that the Board complies with the requirements of section 552b of title 5, United States Code, that all meetings, with the exception of specific narrow statutory exemptions, be open to the public.

(b) COMPLIANCE AUDIT.—The Inspector General of the National Science Foundation shall conduct an annual audit of the compliance by the Board with the requirements described in subsection (a). The audit shall examine the extent to which the proposed and actual content of closed meetings is consistent with those requirements.

(c) REPORT.—Not later than February 15 of each year, the Inspector General of the National Science Foundation shall transmit to the Congress the audit required under subsection (b) along with recommendations for corrective actions that need to be taken to achieve fuller compliance with the requirements described in subsection (a), and recommendations on how to ensure public access to the Board's deliberations.

AMENDMENT OFFERED BY MS. RIVERS

Ms. RIVERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. RIVERS:

At the end of the bill, insert the following new section:

SEC. 11. SCHOLARSHIP ELIGIBILITY.

The Director shall not exclude part-time students from eligibility for scholarships under the Computer Science, Engineering, and Mathematics Scholarship (CSEMS) program.

Ms. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Ms. RIVERS. Mr. Chairman, this is a very simple amendment that will offer relief in some very complicated lives. The NSF currently administers the Computer Science, Engineering and Mathematics Scholarships program, which was established by the American Competitiveness and Workforce Improvement Act of 1998.

This program assists students training to enter the high-tech workforce in computer science, computer technology, engineering, engineering technology. or mathematics. Unfortunately, NSF requires that students be enrolled full time as students, precluding working students, especially older students who have full time jobs and families, from qualifying for these scholarships. As someone who attended college and law school while juggling work and family obligations, I know firsthand how much good a change like this would do for folks who are working so hard.

The data clearly shows that traditional full-time students are no longer the overwhelming majority of those attending undergraduate institutions. The U.S. Department of Education's National Center for Education Statistics found in 1999, the most recent data available, that of the 15 million students here in the United States, nearly 6 million, or 41 percent, were attending on a part-time basis. According to the current population survey conducted by the Census Bureau, the greatest percentage rise in college attendance was by women 30 and over, 2.3 million new students. Approximately 23 percent of all male college and graduate students were age 30 or older.

The National Center for Education Statistics has estimated that in 2000, students 25 or older outnumbered those younger than 25. And according to the American Association of Community Colleges, community colleges in this country enroll over 10 million students, that is 44 percent of all United States undergrads, and 63 percent of those attending community college are part-time students.

The average age of a student at a community college is now 29 years old. Furthermore, more than 80 percent of community college students balance studies with full-time or part-time work.

My amendment simply states that NSF's CSEMS program would be open to students enrolled in appropriate programs less than full time. The expansion of the CSEMS program will open the doors of opportunity to those who want to acquire or finish degrees in the very fields we need the most workers, high technology. Add flexibility to the program and allow university administrators the discretion to help those who need the help most, regardless of whether they are an 8-, 10-, 12-, or 16-credit student per quarter. It would also enable NSF to administer all of the scholarship funds it currently has available under this program.

I understand that much of this money sits unused due to lack of advertising, which is compounded due to the exclusion of part-time students. This amendment would fix the problem.

In my home State of Michigan, several schools have received CSEMS program grants, including the University of Michigan that I represent, Grand Valley State University, Western State University, Central Michigan University, Kettering University, Lake Superior State University, and the University of Detroit. All of these institutions enroll part-time students, but none of those students are eligible for this program.

We should extend the same assistance to them as their full-time colleagues receive. Having access to the CSEMS scholarship can make a significant difference when it comes to making a choice about pursuing a degree or not. The availability of Federal help in financing my education allowed me to go from being a teen mom working in low-wage jobs to being a Member of this august body. Education made the difference.

Let us open the door to success just a little bit wider so more Americans can walk through it.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Ms. RIVERS. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, the gentlewoman is correct. More and more of our students are adult and are part-time. It is a good amendment, and we accept the amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of my colleague from Michigan's amendment. This amendment seeks to expand educational opportunities for working Americans in the sciences, mathematics, and engineering.

NSF's Computer Science, Engineering, and Mathematics Scholarship (CSEMS) Program was established to support financially needy post-secondary students pursuing careers in the high-tech sector. The acute shortage of trained scientists and engineers in our country is well documented, and critical sectors of our economy find it necessary to import high-tech labor from other countries under the H–1 B visa program.

NSF is doing a great deal to address the shortage of home-grown scientists and engineers, but currently, the CSEMS program is only eligible to full-time students. The expansion of the eligibility of the CSEMS program to include part-time students will have two important results. The first is that it addresses our nation's need for more scientists and engineers in key sectors of our economy. The second is that it provides talented, motivated, and economically needy students with the resources they need to improve their quality of life and fulfill their dreams.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Michigan (Ms. RIVERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. WOOLSEY:

At the end of section 3, add the following new subsection:

(d) BIOSAFETY RESEARCH.—Of the amount authorized under subsection (a)(2)(A), $15,000,000, and of the amount authorized under subsection (b)(2)(A), $20,000,000, shall be available for support of fundamental research in areas related to assessing biosafety. For purposes of this subsection, the term "biosafety" means safety with respect to the effects of biological research on organisms and the environment.

Ms. WOOLSEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Chairman, my amendment would create a research program within the National Science Foundation to address a significant gap of knowledge on biosafety, a gap of knowledge that must be filled. The amendment establishes the Biosafety Research Program, so we can understand in scientific terms the effects of altering biological systems. It funds the basic science needed to understand the effects of introducing new plant and animal varieties through both traditional breeding techniques and through new methods of biotechnology in our agriculture, horticulture and aquaculture systems.

For thousands of years we have experimented with plants, animals, microbes, and ecological systems in an effort to survive and prosper through the development of food and fiber sources, medicines and other materials essential to our well-being.

Essentially, we have been moving our biological system around, sometimes intentionally, sometimes not intentionally.

Here I use the term "biological systems" in the broadest sense. A biological system could be a set of genes, a whole organism, an ecosystem, or a group of ecosystems that co-exist in the landscape. It is no secret, Mr. Chairman, that a contentious debate has surrounded the introduction of biotechnology products. The debate has been characterized more by statements of hope by the advocates and fear from opponents than by science-based information. It is time we replace the rhetoric, the rhetoric on both sides, with a firm understanding of how these varieties are likely to operate in the real world.

With the adoption of my amendment, the Biosafety Research Program will provide an identifiable pool of research funds for scientists to ask the basic research questions that could prevent unintended scenarios. I want my colleagues to know that this program will not fund risk assessment. It will not fund monitoring or the development or evaluation of risk-management strategies. Those activities in the area of applied research are not within the NSF mission. They are and should be supported by programs at USDA, EPA, and FDA, the entities charged with reviewing and regulating products being introduced into the market.

The program my amendment creates in NSF is not a substitute for increased funding in these other agencies; however, I do believe that the applied research programs of these agencies need to be increased also to address the questions the public is asking about these new products.

Before I close, Mr. Chairman, I want to call attention to several recent reports from the National Academy of Sciences on invasive species and agriculture biotechnology that have called for more research in this areas, including one released earlier this year. My amendment closely follows the recommendations contained in these academy reports. I also have a series of excerpts from these recent reports that I will insert into the RECORD at this time.

QUOTATIONS FROM NAS REPORTS

"The committee realizes that there remain some uncertainties regarding the use of pest-protected plants, including transgenic pest-protected plants. These uncertainties can lead to ambiguities in regulation and often force agencies to base their decisions on minimal data sets. Additional research should continue to refine and improve risk assessment methods and procedures and continue to develop additional data on both conventional and transgenic pest-protected plant products." (p. 139, NAS 2000)

"Research to increase our understanding of the population biology, genetics, and community ecology of the target pests should be conducted, so that more ecologically and evolutionary sustainable approaches to pest management with pest-protected plants can be developed. Knowledge of pests' roles in the larger biological community (for example, their role as food sources for non-target organisms or their roles as predators of other agriculturally relevant pests) will allow us to anticipate better the indirect effects of declines in the pests due to both conventional and transgenic pest-protected plants. Knowledge of the pest population biology will enable prediction of the types of pest-protection mechanisms that would most efficiently reduce a target organism's pest status and would help us to design more accurate resistance management plans.

Research to assess gene flow and its potential consequences should be conducted . . . more ecological and agricultural research is needed on the following: weed distribution and abundance (past and present), key factors that regulate weed population dynamics in managed and unmanaged areas, the likely impact of specific, novel resistance traits on weed abundance in managed and unmanaged areas, and rates at which resistance genes from the crop would be likely to spread among weed populations." (p. 140–141 NAS 2000)

RECOMMENDATIONS

"In cases when crucial scientific data are lacking about the potential impacts of gene flow on wild or weedy relatives, the committee recommends delaying approval of deregulation pending sufficient data, establishing a scientifically rigorous monitoring program in key areas to check for undesirable effects of resistance transgenes after the transgenic pest-protected plant is commercialized, or restricting the initial areas where the plants can be grown." (p. 141–142 NAS 2000)

"APHIS jurisdiction has been restricted to the U.S. borders. However, in an era of globalization, environmental effects of transgenic crops on the ecosystems of developing countries will be an important component of risk analysis. As exemplified by the effects of the Green Revolution varieties of wheat and rice, novel crop genes often have indirect effects on the environment. These indirect effects can occur because the new crop traits enable changes in other agricultural practices and technologies that impact the environment. They also can indirectly affect vertical integration of agriculture and equality of access to food. Society cannot ignore the fact that people who lack food security often cause major effects on both agricultural and nonagricultural environments, so in a broad context the positive or negative effects of transgenes on human well-being can be seen as an environmental effect.

"Environmental concerns raised by some of the first transgenic crops (e.g. gene flow, disruption of the genome, non-target effects) could be ameliorated by expanding our knowledge base in specific areas of molecular biology, ecology, and socioeconomic. Furthermore, such an expanded knowledge base could lead to the production of transgenic plants that would improve the environment. To increase knowledge in relevant areas the committee recommends substantial increases in public-sector investment in the following research areas: (1) improvement in precommercialization testing methods; (2) improvement in transgenic methods that will minimize risks; (3) research to identify transgenic plants traits that would provide environmental benefits; (4) research to develop transgenic plants with such traits; (5) research to improve the environmental risk characterization processes; and (6) research on the social, economic, and value-based issues affecting environmental impacts of transgenic crops." (p. 16 NAS 2002)

"The committee cannot presently judge whether extensive commercialization of transgenic—and other crops bearing novel traits—will significantly perturb agroecosystems or neighboring ecosystems because of major gaps in our knowledge of these systems." (p. 23 NAS 2002)

"The committee finds, . . . that specific types of transgenic and conventional crops can pose unique environmental hazards. Also, the committee finds that there are good arguments for regulating all transgenic crops. To be effective such a regulatory system must have an efficient and accurate method for rapidly evaluating all transgenic plants to separate those that require additional regulatory oversight from those that do not." (p. 52 NAS 2002)

"Perhaps more than anything else, the experience with commercialization of transgenic crops has revealed gaps in the knowledge base for understanding and measuring the environmental risks of crop production, irrespective of whether recombinant DNA technologies have been applied." p. 254 NAS 2002

"Formal research support in the United States for the study of environmental impacts of transgenic plants has been sparse." p. 255 NAS 2002

In reference to USDA's Biotechnology Risk Assessment Research Grants program:

". . . The program has allocated no more than a few million dollars for research each year. Recently, the USDA's Initiative for Future Agriculture and Food Systems (IFAFS) program has included a competition for funding research, education, and extension on the management of environmental risks of agricultural biotechnology. Both funding programs have substantial limitations—BRARGP because its focus is only on assessment and because the total amount of funding is so low; IFAFS because the focus is only for risk management and the funding program itself is anticipated to have a short life. Neither program funds monitoring or research related to monitoring.

"Research on the environmental impacts of transgenic plants can be accomplished through other funding sources if the research questions asked have general significance. For example, issues directly associated with the impacts of transgenic plants may often be associated with critical, but largely unanswered, questions in other fields. For example, whether or not the introgression of pest resistance transgenes into wild populations will result in the evolution of weediness or invasiveness is directly associated with important questions in population biology regarding the genetic and ecological causes and correlates of invasiveness (Traynor and Westwood 1999)." (p. 255 NAS 2002)

"Recommendation 7.3: Significant public-sector investment is called for in the following research areas: improvement in risk analysis methodologies and protocols; improvement in transgenic methods that will reduce risks and improve benefits to the environment; research to develop and improve monitoring for effects in the environment; and research on the social, economic, and value-based issues affecting environmental impacts of transgenic crops." (p. 259 NAS 2002)

National Research Council. 2002. "Environmental Effects of Transgenic Plants: The Scope and Adequacy of Regulation," National Academy Press, Washington, DC.

National Research Council 2000. "Genetically Modified Pest-Protected Plants: Science and Regulation." Washington, DC National Academy Press.

Mr. Chairman, we all live in a world in which we move things around with increasing frequency and speed. So we must make at least a modest investment in understanding how those movements are likely to affect our world. That is why I am asking my chairman and my colleagues to support this amendment, because it is the right thing to do.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we must reluctantly rise in opposition to the amendment from my very good friend from California. I certainly agree with the gentlewoman that the National Science Foundation should conduct basic research that will enable us to understand better the impacts of biotechnology and other biological research on organisms and on the environment. In fact, NSF already conducts such research. Indeed, this House passed a bill just a few weeks ago that charged NSF, again, with conducting such research. That bill introduced by myself and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), had been approved by the Committee on Science. So I wholeheartedly endorse the idea that NSF should fund this kind of research and they will.

My problems with the amendment are narrower, but still significant. First the numbers in the amendment are entirely arbitrary. They may be too large; they may be too small. We have no idea. We have never looked into it. In an area this important, I do not think we should be pulling numbers out of thin air.

Second, NSF funds a lot of different scientific disciplines and subdisciplines. We chose not to pick out many of these specific areas in this bill for congressionally or politically targeted spending levels because once we go down that road, there is no end to it. We want to give the foundation, the scientific community the maximum flexibility that has served us so well.

So generally we have limited ourselves to initiatives proposed by the President in areas on which the House has previously acted. The kind of research that the gentlewoman from California (Ms. WOOLSEY) is highlighting is important, but not necessarily more important than areas of research we are not citing by name in this bill. We need to limit the number of areas of science that we single out for set-asides in this bill.

Let me say in conclusion, and maybe thirdly, I have a process problem with this amendment.

□ 1500

We have worked on this bill in a bipartisan manner for almost 2 years. The bill passed unanimously in committee because of lengthy bipartisan discussions. I am not eager to add new issues on the House floor. We are poised now to pass a bill that can move swiftly through both the House and the other body, and I think many of us do not want to add anything that has even the potential to slow our progress.

So I urge my colleagues to oppose this amendment. It is unnecessary and could slow passage of an important measure, and I will work with the gentlewoman to ensure that the area of science she is seeking to protect continues to receive its due from the National Science Foundation.

Ms. WOOLSEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, two things. First, this would have been part of the debate in the committee had I not been asked not to bring it up in committee but to bring it as an amendment to the floor, and I was asked by the majority party to do that. So please be clear, this is not something I did not want to bring to the committee.

Second of all, when my colleague talks about the funding being arbitrary, our decision on this funding came from the same place that our whole committee's decision to double the funding for NSF came from. We do not know how much money we need. We know we need more, and I know with my amendment we need something. So I want to get started and the public wants to get started so that we can scientifically decide what is good and what is not good.

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time, to make it clear, it is somewhat of a different amendment than the gentlewoman submitted in the Committee on Science, but even more and above that, it seems to me like we should agree that if we can leave NSF and the scientific community and the peer review process to do and decide on these initiatives and how much is reasonable, the legislation that we passed recently by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and myself does not say we are going in one area or the other. It says do more research. Let us leave that up to the scientific community in deciding how much money should be spent in any particular area of this biological research.

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this particular amendment, but I would like to ask a specific question relative to an area of research that might be related to this program, and so I offer to the sponsor this question. Is it the gentlewoman from California's (Ms. WOOLSEY) anticipation that this particular biosafety research program would provide research that would better understand why plants and animals become invasive pests when they are introduced in new habitats?

Ms. WOOLSEY. Mr. Chairman, will the gentlewoman yield?

Ms. RIVERS. I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, that is exactly my intention.

Ms. RIVERS. Mr. Chairman, I thank the gentlewoman for her response.

I note that the National Academy of Sciences recently released a report called Predicting Invasions of Nonindigenous Plants and Plant Pests. In that document they state, "In spite of a long history of interest in biological invasion, scientific inquiry in invasion is still nascent. Progress in understanding and predicting invasions will depend on how well the insights of investigators with diverse training can be coalesced and directed to decipher the myriad combinations of immigrant species, new ranges, and novel circumstances that can produce a biological invasion. The last 10 years has seen the emergence of a broad consensus that the prediction of biological invasion is a field presenting national need. It will take some time, however, to generate the predictive principles on which policy-makers, regulators, the scientific community, and the public can have confidence."

They go on to say that, "The challenge of constructing a scientific basis for predicting the risk associated with nonindigenous species needs to be met by a significant national effort, including other agencies within the USDA, other branches of the Federal Government responsible for research and land management, agricultural and natural resource agencies of State governments and the scientific community at large."

I am very pleased to support this bill, with emphasis on invasive species, because in Michigan we have a terrible problem. When the zebra mussels hitched a ride in ship ballast water and were introduced to the Great Lakes and other bodies of water, their populations exploded. These animals are continuing to cause serious ecological and economic damage in my region, and I believe we need much more research to understand the basic biology and ecology of this organism if we are ever to hope to control it.

I also believe that we need much more information to help us identify potentially invasive species before they are introduced to new ecosystems. We could avoid a great deal of harm and expense if we were able to devise means to evaluate the potential invasiveness of new plants and animals.

I believe that the gentlewoman from California's (Ms. WOOLSEY) proposal is a sound one that will bring us forward in the debate around invasive species and understanding our ecology in general. I urge Members to support this amendment.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, the gentleman from Minnesota (Mr. GUTKNECHT) might also be relating to this, but in the bioterrorism bill that we passed a couple of weeks ago, we did include over $190 million to USDA, additional funding to the Department of Energy, specifically for this purpose. So that bioterrorism bill included a lot of the goals that I hear some of my colleagues on the other side of the aisle suggest we need.

Mr. GUTKNECHT. Mr. Chairman, reclaiming my time, I rise in opposition to the amendment, and I know that the author and the supporters of this amendment are very sincere. They feel very strongly about the issues, but I want to clarify something here for the rest of the Members.

We are really not talking about zebra mussels in this amendment, and we are not talking about purple loosestrife. What we are really talking about is whether or not we are going to take actions on the floor of the House of Representatives to limit the amount of research that can be done on biology and new plant species and things that are happening in biotechnology.

What that says is we are not spending enough on that area now, and the truth of the matter is there is nothing in this authorization today that would limit the amount that the National Science Foundation could spend on these kinds of programs, but it is, in fact, a way of tinkering. So this is redundant. It is unneeded and, worse than that, it is politicizing what I think has been a very nonpolitical markup and as we have worked through this process.

Historically, we in Congress, I think, have done a very good job of not trying to politicize or get our fingers into these kinds of decisions. We have had an awful lot of research about biology and new biotechnology, and all of it has come to this same conclusion, and that is, that the work that is being done in both the government-funded labs, as well as in private labs, is both safe and has no detrimental impact on the environment.

We have had all kinds of scares. What the authors are trying to do really is they are once again introducing the idea that we can somehow disprove the negative. They know that that cannot happen, and this is a toe in the door for some of these researchers to say, well, the answer, of course, is we have to have more money, but understand that when those particular researchers, attempting to disprove a negative which cannot be disproved, when they take more money, it comes at the expense of other important research.

I believe this research has to go forward. I think the USDA, the National Science Foundation, other groups that are doing this kind of research, they are doing it with very good scientists who understand that there are consequences, but more importantly, if we try to limit the work that is done in biotechnology, what we are working on today is developing plant species that can actually cure diseases.

That is amazing. It is wonderful. We should not try to stymie that kind of research. We are developing new plant species which are much more resistant to pests and other problems they might encounter so we can use less in terms of pesticides on those plants. That again is a wonderful discovery.

And also understand, most of the food that we eat today is a result of biotechnology. The Native Americans did a wonderful job in creating what we now know is corn. They actually developed that from what was formerly known as maize. The potato was something that was actually crossbred and developed by the American Indian. All that we enjoy, much of what we enjoy today in terms of things that we take for granted, were developed with biotechnology.

This is a thinly veiled attempt to politicize what has been a very nonpolitical markup, and the way that the Congress has dealt with it, I think it is a bad idea. It sets a very bad precedent because if this amendment is adopted, I promise my colleagues we will see more and more amendments by Members attempting to advance a political cause they believe in. I think it is a very big mistake, and I hope the Members will join me in opposing this amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I thank the gentlewoman from Texas for yielding to me. I have two responses to the gentleman from Michigan's (Mr. SMITH) objections to my amendment.

First, in talking about the changes that differed from what my amendment was in committee and to what we have brought to the floor, my changes were based on the committee's objections. So I came here prepared to improve upon what we had talked about earlier.

In the amendment in committee, we had the funding come from a small account in the plant genome program, and now my amendment would allow the NSF director to decide where within an $11 billion research account my $35 million program could be funded. That is not a lot of money within a large account, and so I wanted to make sure my colleague knew why that had changed.

It is $15 million in the first year of the bill, $20 million in the second year of the bill, and nothing specified in the third year because we have required a report from the NSF with their recommended levels for future years. So we are not assuming beyond the first 2 years.

The gentleman from Michigan (Mr. SMITH) has said that his bill already covers this, his bill that I voted for, H.R. 2051, to establish plant genome research centers which also authorizes research on basic research and dissemination of information on the ecological and other consequences of genetically engineered plants. His does that. My amendment expands upon the gentleman's bill, and my program covers plants and animals that would not be restricted to research on genetically engineered plants and animals. So it expands his good ideas but makes it larger.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, a couple of reactions, one supporting this concept. I am informed that the language of the gentlewoman's amendment limits the amount that can be spent on this effort, and who is to say it should be more, and I just suggest rather than let politicians deciding, let us let the scientific community make that decision, not limit it or pre-guess what is the right amount.

I thank the gentlewoman for yielding.

Ms. WOOLSEY. Mr. Chairman, I would like to respond that I think I am sitting on the wrong side of the aisle when it is this side of the aisle who would limit a budget, and it is the gentleman's side of the aisle challenging that.

So this is the beginning of something that the public wants us to do, and I think we are making a great mistake if we do not vote for this because it is the right thing to do, and it is the environmentally friendly thing to do, and it would help our public know what is safe and what is not safe by having scientific studies, not emotional rhetoric, about what is going on with these programs.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

I rise to enthusiastically support the distinguished gentlewoman from California's (Ms. WOOLSEY) amendment, and let me say to the proponents, this is a good bill, and I appreciate the leadership of the Committee on Science for the collaborative way in which this bill, the authorization of the National Science Foundation, has been done.

Let me comment that the importance of science in America could not be more important now. When we begin to talk about homeland security and the new challenges that we will face in the 21st century to ensure safety in our community, science is important. Training of girls and boys and the training of minorities in science, preparing them for the 21st century, funding those kinds of institutions, providing such programs is important.

That is why I connect the value of the gentlewoman from California's (Ms. WOOLSEY) amendment because it is a simple, common sense amendment. If we could sort of move away from issues of politicizing and depoliticizing, let me say what this amendment does.

It simply provides a steady stream of funding to study the impact of biotechnology on plants and ecosystems where there is not.

□ 1515

I would say to the gentleman from Michigan (Mr. SMITH) that we all supported his legislation that was recently passed: 2051. In that legislation, the gentleman did in fact earmark, and that is simply what is going on here. What we are responding to, however, is our instructor, our instructor is the National Academy of Sciences, which has called for implicit and significant increased funding for the particular aspect of the Woolsey amendment.

So, in fact, what is occurring is that the Woolsey amendment supports the National Academy of Sciences to provide monies for this kind of research. In fact, it has recommended this kind of research to study the ecological impact of plants bred conventionally and through biotechnology.

I would also simply say to my good friend from Minnesota that depoliticizing the issue is what we are doing. We are not politicizing it. What we are simply trying to do is to give the funding stream to get good science in order to be able to regulate properly. And that means if we get the research, the basic research, we know how to do the job.

I believe the American public is more than prepared now to understand that this is not a question of limiting the funds. The Woolsey amendment does not limit it; it gives it a funding stream. If we need more monies, I am sure that with an intelligent response by the Congress we can add more money. So this is not a limit. This is providing a continuous funding stream in order to be able to do the kind of research.

Might I just restate the utilization of H.R. 2051, the bill of the gentleman from Michigan (Mr. SMITH), was to establish plant genome research centers and which authorize research on basic research and dissemination of information on the ecological and other consequences of genetically engineered plants. This program would cover plants and animals and would not be restricted to research on genetically engineered plants and animals. This, however, has to be expanded; and the Woolsey amendment, I am very glad to say, goes a step further and begins to do the research that is necessary, the impact of biotechnology on plants and the ecosystems.

I close this by simply saying this, Mr. Chairman. It is interesting how as we mature and learn we find out that what we used to ridicule we find is truth. It is interesting that the present administration and others who support their policies ridiculed global warming, but just the other day those representatives of this administration put forward a report that said, you know what, global warming exists. Good science tells us that global warming exists and we have a problem. Interestingly enough, the present administration had to concede. And, of course, we understand that it was refuted and that individuals who put forward the report were called a bunch of bureaucrats. But truth will find a way.

This is what the Woolsey amendment offers to do, gives us the truth and the information that allows us to go forward and make an effective determination on how we can regulate this particular issue. And I would believe that our instructor, the National Academy of Sciences, could not be wrong in insisting that we need a significant increase in funding. I would ask my colleagues to support this amendment.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment. I do not even rise reluctantly to oppose it, because I think it is ill advised.

It is ill advised for several reasons. The type of research that is being outlined here is already being conducted, not just in the NSF but in various other agencies that are interested in it, the Department of Agriculture, the EPA; and I am sure NIH is looking at some aspects of it as well.

But my main reason for objection has to do with the history of the National Science Foundation. The National Science Foundation arose out of a report written by Vannevar Bush at the request of Franklin Delano Roosevelt in 1945. That report set out the basic structure of the National Science Foundation, and the basic idea of that report was that this would be an agency that would do scientific research, the priorities would be set by the scientists based on the scientific evidence, and that the research to be conducted would be peer reviewed by other scientists so that we would have good science done in this country.

It has an outstanding record. We have heard already that we have had over 100 Nobel prizes awarded to people who have received National Science Foundation grants. The basic idea is that the Congress would keep its hands off of specific appropriations for specific projects. It is very disappointing that this bill, which received unanimous support in committee and appears to have received unanimous support in debate on the floor, has this introduced where we are trying to earmark money for a specific pet project.

I can tell my colleagues that I can quickly list 20 pet projects that I think the NSF should be conducting research on and that they should be spending more money on. But the idea behind the NSF is that we do not allocate that money here, particularly in authorization bills; that, in fact, the work done there is based on the scientific judgments collectively gathered from the scientific community in this Nation.

It is entirely inappropriate for us to sit here on the House floor in an authorizing bill and try to designate funding for a particular project which a few Members of this body believe is important above and beyond all the other scientific research that we are considering in this Nation.

I object to this amendment. I hope that it is defeated, and I urge my colleagues to vote against it.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words.

Ms. WOOLSEY. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding to me, and I would like to point out, in responding to the statement that we are doing this already, that I have a quote on page 255 of the National Academy of Sciences Report of 2002, and I quote "Formal research support in the United States for the study of environmental impacts on transgenic plants has been sparse." In other words, we are not doing enough.

And in responding to the statement of my good friend, the gentleman from Michigan (Mr. EHLERS), that we do not identify how we spend NSF funds, we just give them a big pot of money, we do have other programs that are identified. We spend money on advanced technological education, on Noyce scholarships, math and science scholarship programs, minority-serving institutions and undergraduate programs, and the Presidential Science Teacher awards, for example. That is just a list of the few things that we do.

Mr. EHLERS. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Chairman, the items the gentlewoman has mentioned are all, if I heard them correctly, are all in the educational area, and are not directing research within the agency.

Ms. WOOLSEY. Mr. Chairman, will the gentleman continue to yield?

Mr. CARDIN. I yield once again to the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, I would respond that they are still in NSF, and that is what we are saying. The gentleman is saying we do not identify programs that we invest money in other than just general funds. We do decide what is important under NSF when we choose to.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment, and let me just say that I have a great deal of fear that the money that is going into science is quite often politicized, and there is evidence of that around. I think the amendment that the gentlewoman is suggesting would lead in that direction and we should be very wary of these types of earmarks.

What I think the gentlewoman would actually do is create a situation where money was earmarked for this particular biotechnology type of research and the word would go out that if anyone wants to create scares about biotechnology they should come and get their grant because this is what this money is for.

We have seen the same sort of thing happen before. We saw it happen with global warming. My fellow colleague and friend, the gentlewoman from Texas (Ms. JACKSON-LEE), suggested there has been a "change" in administration policy on global warming. Well, I am not sure what that change in policy is, but it is very clear that that issue has been so politicized by the introduction of tax dollars through the various National Science Foundation, NASA, et cetera, that the public has not been getting pure science, but it has been getting politicized science.

In the early 1980s, there was a consensus, and in fact there were hearings in this Congress, in our committee, reaffirming the great threat that the global climate change posed to humankind. In fact, we had hearings in which the Democratic leaders of the committees at that time, because the Democrats controlled the House, they controlled the committees, made statements about the horrible threat of this global climate change. The only trouble was the climate change they were talking about and the scientists they brought in to verify it were warning us of global cooling.

Some of those scientists, I might add, are now on the payroll advocating that we have to fear global warming. Now, all of that in a 20-year time period. They reversed themselves on this important issue in a 20-year period. Now, supposedly the global warming trend and the global cooling trend, whatever it is, has been going on for thousands and thousands of years, yet they reversed themselves in a 20-year period as to what the government had to emphasize in order to save humankind.

If we had taken their prescriptions, obviously we would have been going in exactly the wrong direction. And I would predict in about 5 years from now there will be some other major revelation to the scientific community, as government grants are given in this way or that way; and we might find that it is neither global warming nor global cooling, but something to do with the Earth on its axis or something going towards the Moon or the sun, or something else we deserve to spend billions of dollars and direct it towards the scientists who will be able to warn us about it.

Let me just note that we have seen the glaciers in our country and other countries receding for about 100,000 years now. There has been climate change in the world, and it has been getting warmer for hundreds of thousands of years. Yet in order to prove that humankind in the last 5,000, or actually the last 500 years is causing this global climate change, we are spending billions and billions of science dollars.

We have got to quit politicizing science. This amendment, I believe, goes in exactly the wrong direction. But let me note this. Politicized science is probably the worst threat that we have right now to understanding the actual perils that might face us in the future.

I still remember the "Global 2000 Report," and I would recommend that my colleagues read the "Global 2000 Report" that was put out in 1980, financed of course by tax dollars. The "Global 2000 Report," I believe, warned us against global cooling, but my colleagues can check into that. I do not remember that precisely, but I do remember they said we would be totally out of oil by the year 2000 and that gasoline would cost about $150 a gallon, or something like that, and all of our natural resources would be depleted. In other words, there was this great threat, this great scare that was put out in the "Global 2000 Report," and every one of their conclusions were wrong, now that we have passed the year 2000. Do my colleagues know why it was wrong? It is because it was politicized science.

I think that we have to, and we are dealing with this committee and we are dealing with our expenditures, we have to go out of our way, bend over backwards to ensure that we are not politicizing science; that we are not taking up a trendy issue and asking the scientific community to verify it in order to get government grants. That is why I would oppose the Woolsey amendment.

Mr. FRANK. Mr. Chairman, I move to strike the requisite number of words.

Ms. WOOLSEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding to me, and I would like to respond to the gentleman from California when he talks about biotechnology research and global climate reports that our President and his administration put forth a report this weekend to the U.N. acknowledging global climate change, and telling the world to adapt, just get used to it.

□ 1530

Mr. Chairman, what are we going to tell the monarch butterflies when they are having to adapt to genetically modified corn? They cannot adapt. They are dying. We have to look into what we can do about that, and that is what this amendment is about. It is about good science, not about emotions.

Mr. FRANK. Mr. Chairman, reclaiming my time, I generally agree with the gentlewoman from California (Ms. WOOLSEY), but I do have to correct one thing the gentlewoman said, the President and the administration put out a report. Actually, the administration put out a report. The President seemed to be quite surprised by it, not to the point of actually reading it, because I think it would take more than that to get him to read it; but I was struck by the President's bemusement by the report.

So just because the EPA and a group of scientists have said something does not mean that the President chooses to associate himself with it. That does not detract from the validity of the report, but it did seem to me to be a rather interesting precedent being set of a President expressing his surprise that a report issued in his administration's name ought to be noted.

The CHAIRMAN pro tempore (Mr. BONILLA). The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count for a quorum.

Does the gentlewoman withdraw the point of order?

PARLIAMENTARY INQUIRY

Mr. FRANK. Mr. Chairman, parliamentary inquiry. Is an insufficient number standing, in your opinion, for a recorded vote?

Ms. WOOLSEY. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN pro tempore. The gentlewoman withdraws her point of order.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 259, not voting 10, as follows:

[Roll No. 211]

AYES—165

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Becerra
Bentsen
Berkley
Berman
Bishop
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Dicks
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Frost
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Mink
Mollohan
Moran (VA)
Nadler
Napolitano
Neal
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—259

Aderholt
Akin
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Blagojevich
Gilchrest
Hilliard
LaFalce
Meeks (NY)
Morella
Peterson (PA)
Riley
Slaughter
Traficant

☐ 1557

Messrs. SAXTON, HALL of Ohio, SIMMONS, SHOWS, CRAMER, Mrs. THURMAN and Messrs. RYUN of Kansas, CRENSHAW and COX changed their vote from "aye" to "no."

Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Florida and Mr. ORTIZ changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BONILLA). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. BONILLA, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4664) to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes, pursuant to House Resolution 432, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. WOOLSEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 397, noes 25, not voting 12, as follows:

[Roll No. 212]

AYES—397

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, George
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—25

Collins
Deal
Flake
Herger
Hostettler
Hyde
Jones (NC)
Kerns
Kingston
Miller, Gary
Mollohan
Norwood
Paul
Peterson (MN)
Petri
Rohrabacher
Royce
Sensenbrenner
Shadegg
Stearns
Stump
Tancredo
Taylor (MS)
Terry
Weldon (FL)

NOT VOTING—12

Blagojevich
Callahan
Gilchrest
Hilliard
LaFalce
Meeks (NY)
Morella
Ortiz
Peterson (PA)
Riley
Slaughter
Traficant

☐ 1615

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ORTIZ. Mr. Speaker, on final passage of H.R. 4664, Investing in America's Future Act, I was on the House Floor and cast an "aye" vote for H.R. 4664.

I later learned my vote was not recorded. I wanted to advise the House that had my vote been recorded, I would have voted "aye" on final passage for H.R. 4664.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 209, 210, 211, and 212. Had I been present, I would have voted "aye" on each of them.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4664, the bill just passed.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Washington?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2143, PERMANENT DEATH TAX REPEAL ACT OF 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–494) on the resolution (H. Res. 435) providing for consideration of the bill (H.R. 2143) to make the repeal of the estate tax permanent, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Mr. Speaker, I give notice of my intention to raise a question of the privileges of the House under rule IX of the rules of the House.

The form of the resolution is as follows:

> Whereas the President's constitutional duty is to faithfully execute the laws of the United States, and
>
> Whereas, under the Constitution, treaties have the status of "supreme law of the land," equally with other laws, and
>
> Whereas, the President does not have the authority to repeal laws, and
>
> Whereas, the President is not authorized to withdraw unilaterally from treaties in general, and the Anti-Ballistic Missile Treaty in particular, without the consent of Congress, and
>
> Whereas, the President unilaterally withdrew the United States of America from the Anti-Ballistic Missile Treaty of 1972 without seeking or obtaining the consent of either house of Congress;
>
> Therefore be it resolved,
>
> That the President should respect the Constitutional role of Congress and seek the approval of Congress for the withdrawal of the United States of America from the Anti-Ballistic Missile Treaty.

The SPEAKER pro tempore. Under rule IX, a resolution that is offered from the floor by a Member other than the majority leader or minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Ohio will appear in the RECORD at this point.

The Chair does not at this point determine whether or not the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

AUTHORIZING SPEAKER TO DECLARE RECESS ON WEDNESDAY, JUNE 12, 2002, FOR PURPOSE OF RECEIVING IN JOINT MEETING THE HONORABLE JOHN HOWARD, PRIME MINISTER OF AUSTRALIA

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, June 12, 2002, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in joint meeting the Honorable John Howard, Prime Minister of Australia.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNIZING WOMEN WHO HAVE SERVED IN THE ARMED FORCES THROUGHOUT AMERICA'S HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, recently, back in my district in central Pennsylvania, I had occasion in connection with the armed services holidays and celebrations to appear with a group of women right in the center of the action of Harrisburg, at the capital area, who were celebrating long service on the part of women in the Armed Forces of the United States.

What was brought to bear at that function was the memory of Oveta Culp Hobby, who was from Texas and who was the first Women's Army Corps general; she did not make general, but she was commander of the Women's Army Corps. That is one of the first visions we have had of actual women serving in the service in the modern era.

But women have served in the Armed Forces ever since the Revolution. Many of them served, of course, as nurses throughout all the conflicts, and they were Army and Navy and Air Force nurses, actually, so they were part of the Armed Forces. But we have had many, many different examples in the Revolutionary War, in the Mexican War, in the Civil War, and all the modern wars, so to speak, of women posing as men for the sole privilege on their part of wielding a weapon and engaging in fierce combat. Hundreds and maybe thousands of such cases can be found in the history of armed conflict in the United States.

The remainder of the function in which we participated was to give recognition to modern day women participants in the current ranks of the Armed Forces, so it was a splendid day.

One thing that was evident throughout all of this was that the women exhibited extreme pride in their current status as members of the Armed Forces and in the reverence with which they spoke about their predecessors, and the same women about whom I have made reference in the history of armed conflict in the history of our country.

So we ought to know that when we celebrate the national holidays, like the one now coming up, Independence Day on July 4, that we include in our celebration the thought and memory of the gallant women, as well as our men; the women who, from the Declaration of Independence until the current season of the war on terrorism, when women are flying combat missions, women are participating in practically every form of armed conflict or preparation therefor; and that we should not anymore, throughout the remainder of the history of the Nation, conduct the holiday and celebrate our history without due concern and mention and recordation of the deeds of the women of our society who plunged themselves into armed conflict along with the men that we have honored for so many years.

INNOVATIVE SOLUTION TO PROBLEM OF SCARCITY OF NATIONAL BURIAL SPACE FOR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I want to speak for a few minutes to a problem that I know faces congressmen all over this Nation. That is the lack of national burial space for our veterans of our Armed Forces.

I live in San Diego County, where we have almost 300,000 veterans. The national cemetery at Fort Rosecrans is out of space. There is no place for an honorable burial of a veteran in his or her hometown. We have to drive 100 miles or so to Riverside County, and that is just not what most families want to do with their loved ones.

We have figured out an innovative solution in San Diego County that I want to share with my colleagues and hope that they help us pass a resolution from this Congress which would instruct the Department of Veterans Affairs to help us with this innovative solution.

I have introduced H.R. 4806, the Honorable Burial for Veterans Act, along with my colleagues and the San Diego County delegation, the gentleman from California (Mr. CUNNINGHAM), the gentlewoman from California (Mrs. Davis), and the gentleman from California (Mr. ISSA).

Each and every veteran in our county is concerned that upon his or her demise, interment may become a source of frustration for family and close friends. Many families are left with an impossible dilemma: cremation, where only a few spaces actually exist in the columbarum, or a ground burial at a cemetery a 2-hour drive away.

We should not force this decision on the families of our Nation's veterans. When we called on them to serve, they did not hesitate. Now, in their last hour, a grateful Nation should not hesitate to assist their families.

My colleagues and I want to build a second National Cemetery in San Diego, and we are on the list to do that. In fact, it may take a decade or more before we get around to doing that cemetery on the VA list. In the meantime, we should not abandon our veterans' families in their time of grief.

My bill would provide San Diego with an interim solution. A local effort among the private sector and local authorities and veterans' organizations has produced what I would consider to be an excellent pilot program. Two parcels of land, about 20 acres each, have been identified in the northern and southern parts of our county in what are now private cemeteries. They have offered this land to the Veterans Administration free of charge to become what we will call satellite cemeteries to the National Cemetery in our county.

We have a generous offer of land from the Service Corporation International which would be donated to a 501(c)(3) organization, the Veterans Memorial Center and Museum in San Diego, who will then turn that over to the Department of Veterans Affairs.

I thank all the folks who have tried to come up with this solution back in San Diego: the general manager of the Glen Abbey Memorial Park; the regional president, western regional president of Service Corporation International, Richard Sells; and to Colonel Jesse Ugade, Brigadier General Robert Cardenas, Captain Tom Splitgerber, and David Brown, co-publisher and editor of the Veterans Journal of San Diego County, because they have devoted enormous hours in an attempt to find a solution for San Diego's veterans.

My bill would authorize the establishment of this satellite cemetery pilot project. It is not the ideal solution, but we have to wait for two decades to get that ideal solution for families who have served our Nation. With our limited Federal budget, families can in fact be helped by an innovative and creative effort to meet our national needs.

The Veterans Administration had a negative reaction when this first was broached to them. Any bureaucracy, it seems, does not look at innovative ideas with a very encouraging light.

□ 1630

So I hope to get a bill passed by Congress which would direct the VA to do this. Certainly providing a final resting place for our brave veterans must be one of our top priorities. I hope my colleagues will support this bill to see how it works in San Diego because it might be useful in their own communities also.

BEWARE DOLLAR WEAKNESS

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I have for several years come to the House floor to express my concern for the value of the dollar. It has been, and is, my concern that we in the Congress have not met our responsibility in this regard. The constitutional mandate for Congress should only permit silver and gold to be used as legal tender and has been ignored for decades and has caused much economic pain for many innocent Americans. Instead of maintaining a sound dollar, Congress has by both default and deliberate action promoted a policy that systematically depreciates the dollar. The financial markets are keenly aware of the minute-by-minute fluctuations of all the fiat currencies and look to these swings in value for an investment advantage. This type of anticipation and speculation does not exist in a sound monetary system. But Congress should be interested in the dollar fluctuation not as an investment but because of our responsibility for maintaining a sound and stable currency, a requirement for sustained economic growth.

The consensus now is that the dollar is weakening and the hope is that the drop in its value will be neither too much nor occur too quickly; but no matter what the spin is, a depreciating currency, one that is losing its value against goods, services, other currencies and gold, cannot be beneficial and may well be dangerous. A sharply dropping dollar, especially since it is the reserve currency of the world, can play havoc with the entire world economy.

Gold is history's oldest and most stable currency. Central bankers and politicians hate gold because it restrains spending and denies them the power to create money and credit out of thin air. Those who promote big government, whether to wage war and promote foreign expansionism or to finance the welfare state here at home, cherish this power.

History and economic law are on the side of the gold. Paper money always fails. Unfortunately, though, this occurs only after many innocent people have suffered the consequences of the fraud that paper money represents. Monetary inflation is a hidden tax levied more on the poor and those on fixed incomes than the wealthy, the bankers, or the corporations.

In the past 2 years, gold has been the strongest currency throughout the world in spite of persistent central banks selling designed to suppress the gold price in hopes of hiding the evil caused by the inflationary policies that all central bankers follow. This type of depreciation only works for short periods; economic law always rules over the astounding power and influence of central bankers.

That is what is starting to happen, and trust in the dollar is being lost. The value of the dollar this year is down 18 percent compared to gold. This drop in value should not be ignored by Congress. We should never have permitted this policy that was deliberately designed to undermine the value of the currency.

There are a lot of reasons the market is pushing down the value of the dollar at this time. But only one is foremost. Current world economic and political conditions lead to less trust in the dollar's value. Economic strength here at home is questionable and causes concerns. Our huge foreign debt is more than $2 trillion, and our current account deficit is now 4 percent of GDP and growing. Financing this debt requires borrowing $1.3 billion per day from overseas. But these problems are ancillary to the real reason that the dollar must go down in value. For nearly 7 years the U.S. has had the privilege of creating unlimited amounts of dollars with foreigners only too eager to accept them to satisfy our ravenous appetite for consumer items. The markets have yet to discount most of this monetary inflation. But they are doing so now; and for us to ignore what is happening, we do so at the Nation's peril. Price inflation and much higher interest rates are around the corner.

Misplaced confidence in a currency can lead money managers and investors astray, but eventually the piper must be paid. Last year's record interest rate drop by the Federal Reserve was like pouring gasoline on a fire. Now the policy of the past decade is being recognized as being weak for the dollar; and trust and confidence in it is justifiably being questioned.

Trust in paper is difficult to measure and anticipate, but long-term value in gold is dependable and more reliably assessed. Printing money and creating artificial credit may temporarily lower interest rates, but it also causes the distortions of malinvestment, overcapacity, excessive debt and speculation. These conditions cause instability, and market forces eventually overrule the intentions of the central bankers. That is when the apparent benefits of the easy money disappear, such as we dramatically have seen with the crash of the dot-coms and the Enrons and many other stocks.

It is back to reality. This is serious business, and the correction that must come to adjust for the Federal Reserve's mischief of the past 30 years has only begun. Congress must soon consider significant changes in our monetary system.

Congress must soon consider significant changes in our monetary system if we hope to preserve a system of sound growth and wealth preservation. Paper money managed by the Federal Reserve System cannot accomplish this. In fact, it does the opposite.

AMERICA SHOULD NOT INSTIGATE WAR AGAINST IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, ever since the Gulf War ended in 1991, the U.S. has been spending about $4 million a day enforcing a no-flight zone in Iraq, $4 million a day. This has been a tremendous waste of money and manpower.

I believe almost all Americans would have preferred that this $12 or $13 billion that has been spent over these years would have been spent in almost any other good way. Most Americans have not even noticed that we have been dropping bombs and still shooting at missile sites all these years in Iraq. I remember reading a front page lengthy story about a group of Iraqi boys we accidentally killed there.

Now there are some people here in Washington who seem to be clamoring for us to go to war against Iraq. I represent a very patriotic pro-military district in Tennessee. My people will strongly support our troops if we go to war. But I can assure you that as I go around my district I hear no clamor or even a weak desire to go to war against Iraq.

Saudi Arabia had much more to do with the September 11 tragedies than Iraq did. I heard yesterday that one of the main financial backers of the terrorists is from Kuwait. Yet we are not talking about going to war against Saudi Arabia or Kuwait, nor should we. We have been too quick to get involved in ethnic or religious disputes around the world. We have been too quick to drop bombs on people who want to be our friends. We turned NATO from a defensive organization into an offensive one in Bosnia.

Chris Matthews on "Hard Ball" the other night said, "In the past we always had the world on our side because we did not go to war unless we were attacked."

He strongly questioned this eagerness to go to war against Iraq. He said in a recent column that the American people are being "herded into war." A war that he says will just lead to more hatred of the U.S.

David Ignatius, the nationally syndicated columnist for the New York Herald Tribune and The Washington Post wrote on March 15: "How can the United States sell a war against Iraq to skeptical Arabs and Europeans? A good start would be to level with them and admit there is no solid evidence linking Baghdad to Osama bin Laden's terrorists attacks against America."

The Joint Chiefs of Staff have questioned this eagerness to go to war against Iraq. Yesterday, William Raspberry, the very highly respected columnist for The Washington Post, in a nationally syndicated column repeated words he had written a dozen years ago. He wrote: "The prospect of a bloody war with no price worth the tens of thousands of American lives it would cost can make you a little nervous. I am getting a little nervous. It is not that I doubt the ability of America's fighting forces to take out a third-rate power like Saddam Hussein's Iraq. My doubts concern the purpose for doing so. Saddam is being described as a ruthless and power-mad tyrant bent on achieving political control of the Arab world. I do not question the description, but it does seem to me that most of the current saber rattling is coming from Washington, not Bagdad." And Mr. Raspberry continued: "I wrote those words a dozen years back when the first President Bush was contemplating the invasion of Iraq. Why are we rattling sabers now? The reason I recall my earlier doubts is that they are so much a carbon copy of my present ones." Mr. Raspberry says: "Maybe it was a mistake not to wipe out the last scrap of Iraq's military power back then, not to mow down the surrendering republican guard like shooting fish in a barrel. But surely the failure to do so then cannot justify a unilateral attack now."

Mr. Raspberry said: "We should not become the playground bully of the word." In 1990, Saddam Hussein, who I am not praising or defending in any way, had invaded Kuwait and was threatening to go further.

We had to act and I voted for the original Gulf War. However, we later found out the Iraqi military strength had been greatly exaggerated. The so-called "elite" Praetorian Guards were surrendering to CNN camera crews or anybody who would take them. Hussein has been greatly weakened since then in almost every way. Let us not exaggerate his strength this time. If he starts to attack us, I will be the first to support a war effort, but please let us not provoke war. Let us not change the name of the Department of Defense into the War Department once again. We should not try to be the policemen of the world. We should try as hard as we can to reestablish our reputation as the most peace-loving Nation on the face of the Earth.

PRESCRIPTION DRUG BENEFIT

(Ms. WATSON of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON of California. Mr. Speaker, Medicare does not cover the cost of prescription drugs, and as a result, approximately 10 million medical recipients nationwide lack any prescription drug coverage. It is estimated by the Kaiser Foundation that seniors spend on average $1,756 per year for prescription drugs.

Due to the extraordinary cost of prescription drugs, millions of seniors will, A, have to choose between proper medication and rent; B, have to choose between proper medication and groceries; or, C, have to suffer because of improper doses of unaffordable medicines.

Mr. Speaker, I challenge this Congress. How dare we. How dare we affect the quality of life for our seniors by withholding funding for prescription drugs. How dare we dismiss our seniors with a poorly funded mandate that will not cover their needs. How dare we allow our Medicare seniors to be squeezed by an industry lobby when life and death is on the line.

Mr. Speaker, I urge my colleagues to honor our seniors, respect their age and wisdom and their contributions to America. Fully fund medical prescription drug coverage.

PERMANENT ESTATE TAX REPEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, tomorrow the House of Representatives will consider a proposal by the Republican majority to permanently repeal the estate tax.

Now, we had a vigorous debate over the estate tax last year; and I along with many others supported a reform of the estate tax that would lead to the exemption of 99½ percent of the estates in the United States of America. But to take and permanently repeal the tax as will be proposed tomorrow for the largest estates will be an extraordinarily expensive measure and add dramatically to the deficit of the United States and ultimately undermine the Social Security trust fund of the United States.

Permanent repeal would cost $740 billion, B, billion dollars, over the next decade after 2012. But if we were to instead say, well, let us exempt the first $5 million of everybody's estate, now that seems like a pretty reasonable step. We do not want people, for instance, in my district or in Oregon who own forestry, tree farms, to go out and prematurely harvest the trees so they have to pay their estates taxes. We do not want people to have to break up their small businesses so they can pay their estates taxes. Those things are well and good. We could do that. We could easily do that.

The current law will exempt by the year 2009 the first $3.5 million of each estate. So let us just round that up to $5 million. So if we did that, that would reserve $400 billion in taxes or $400 billion of money that would not be drained from the Social Security trust fund to help pay for the retirement of the baby boom.

Now, it is true that there would be some 4 or 500 estates a year worth more than $5 million who would have to pay taxes to support the 53 million people on Social Security.

□ 1645

I believe that they can afford that burden. Some say, well, we know they should not pay taxes twice. Well, guess what, most of them will not pay taxes twice. In fact, the way the current laws are set up, many of these estates have unrealized capital gains, and if those estates are exempt from taxation, not even the lower rate of capital gains will be paid.

The American working people have to pay day in, day out a substantial portion of their income to Social Security, day in, day out a substantial portion of their income in income taxes, but these people with the estates worth more than $5 million would never, ever pay a penny in taxes. The unrealized capital gains would be rolled over into the estates, the estates would be tax-exempt, all at a cost of $400 billion to the rest of the United States of America, the rest of the taxpayers in this country.

This is not fair. It is not fiscally prudent, and the Republican majority should be ashamed of pushing this through at this time of financial crisis. We are looking at a $300 billion deficit this year. The Social Security lock box that they had us vote on seven times, which I voted for seven times, has been busted open and depleted. There is nothing, nothing going into it over the next 10 years, and for the next 10 years after that; if they permanently repeal the estate tax for estates worth more than $5 million, in fact, the Social Security trust fund will continue to be drained.

So we will threaten the benefit of 53 million Americans' Social Security benefits to benefit a handful of extraordinarily wealthy families. This is not the America that I know and I love.

The estate tax was put in place nearly a century ago by a Republican president because the accumulation of wealth generation to generation was creating extraordinary disparities in our society, and the idea was, well, those people should help carry a little bit more of the burden, but if this becomes law, if they are successful tomorrow, as I suspect they might be, then many of these estates, many of these families will never, ever contribute to the collective burdens of citizenship in the United States, much as many corporations are now setting up phony overseas offices in Bermuda and Luxembourg to avoid paying taxes on overseas or U.S. earnings.

We will ultimately, if they are successful, be a country where only wage-earning Americans pay taxes and those that live off the accumulated wealth of their predecessors and the largest corporations will not contribute a penny. This is not right, and my colleagues should vote against this legislation tomorrow for fiscal prudence and for fairness.

PRESCRIPTION DRUG COSTS

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to talk about outrageously high drug prices and what we pay for drugs in the United States compared to what the rest of the world is paying.

There is a group down in Florida, and they have been doing this research for a number of years, called the Life Extension Foundation or the Life Extension Network, and they have been doing research in terms of what Americans pay for prescription drugs and what the average European price for those same drugs, made in the same FDA-approved facilities, under the same FDA-approved methodology. These are the exact same drugs, and let us look at some of these.

One that we became very familiar with in the last several months is a drug that is made in Germany. It is called Cipro. We bought an awful lot of Cipro when we started having anthrax mailed to places in Washington and New York. Cipro is a very effective antibiotic. The average United States price for a 30-day supply is $87.99. That same drug in Germany sells for $40.75.

The story gets worse when we look at some of the more expensive drugs. Let us take the drug Claritin, for example, which is going off patent here in the United States, but it still sells for about an average of $89 for a 30-day supply in the United States. That exact same drug sells for $18.75 over in Europe.

A drug that is technically off patent in the United States, the FDA has approved what they call a special extension of the patent, Glucophage, one of the most commonly prescribed drugs for diabetes sufferers, which is one of the most common diseases in the United States, but Glucophage, a 30-day supply in the United States sells for $124.65. That same drug in Geneva, Switzerland, sells for $22.

Mr. Speaker, as we look down this list, it becomes almost embarrassing that we allow this situation to exist, and the real culprit is not so much the pharmaceutical industry. They are doing what any industry would do, and that is, taking advantage of market opportunities. No, the real problem is that our own FDA stands between Americans and lower drug prices. It is not so much shame on them. It is shame on us.

Now we passed a very important amendment last year on a vote of 324 to 101 saying that as long as it is an FDA-approved drug made in an FDA-approved facility, that those drugs can be imported and reimported by both consumers and wholesalers and a local pharmacist.

Let me show my colleagues one other drug that is fairly near and dear to my heart. It is a drug that my 85-year-old father takes. It is called Coumadin. When I first started putting these charts up a few years ago, the average price for a 30-day supply of Coumadin was about $38. In just a little over 2 years, that price is now over $64.

Now, we asked the drug companies what has changed. I mean, do we have new doctoring regulations or new lawsuits that they have to settle? Have they had to spend more money getting approval? The answer is no, nothing has changed, except the price. It has gone from about $38 to about $64, almost $65 in the United States, but here is what really frosts me. The price over in Europe averages only $15.80 for the same drug.

We are going to have some pitched debates over the next several weeks about prescription drugs, whether or not we should extend coverage, and I believe that we need to do something to help people who are currently falling through the cracks, but if we fail to deal with the critical issue of price, then it is shame on us.

Let me explain how this gets important. Let me first of all show this chart. This is according to the Bureau of Labor Statistics and the National Institutes of Health Care Management, the last year we have full numbers for the average Social Security recipient in the United States got a 3½ percent increase in their COLA on their Social Security. At the same time, prescription drug prices in the United States went up by 19 percent. Nineteen percent. That is unsustainable, and ultimately, we in Congress need to do something about it.

My answer is let us open markets, let us allow some competition to exist, and we will see a real change.

I think it is important that we do address the issue of prescription drugs, but according to the Congressional Budget Office, and they are our official scorekeepers, they are the ones who are bean counters, prognosticators, they tell us over the next 10 years their best estimate is that seniors, people over the age of 65, and look at all these numbers, this is how much they estimate seniors will pay for prescription drugs over the next 10 years. That is $1.8 trillion. There is not enough money in the Federal Treasury to come up with that and continue to fund the other legitimate needs of people here in the United States of America.

The reason I put 35 percent under that, to give a point to why it is important that we do something on reimportation this year, is that I estimate we can save at least 35 percent. Here in Washington a billion dollars gets lost once in a while. In fact, the old expression, a billion here, billion there, pretty soon you are talking about real money, but if we multiply the 35 percent minimum savings that I think we can get with reimportation times $1.8 trillion over the next 10 years, we can save American consumers $630 billion. That is real money, and that is real money out of the pockets of either our seniors or the taxpayers here in the United States.

I believe that we as Americans ought to pay our fair share of the research cost for pharmaceuticals. I am not here to beat up on the pharmaceutical industry because they have done a lot of wonderful things. There are millions of American that are alive today and living better lives because of what they have done with their research. I think we should pay our fair share, but shame on us if they continue to force us to subsidize the starving Swiss.

PRESIDENT'S EDUCATION BUDGET IS A BROKEN PROMISE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this evening to question the fiscal responsibility of the current administration and to question their priorities.

On May 23, I came to this great House floor to vote for positive sweeping changes to our Nation's education programs, along with 384 of our colleagues who passed H.R. 1, the Act to Leave No Child Behind. H.R. 1 passed this House and it also passed the other body and was signed by the President this past January. Members of Congress on both sides of the aisle stood next to the President to sign the legislation we believed would finally make education what it should be, a number one priority.

Mr. Speaker, I come to the floor this evening because the administration's budget, its budget for next year, does not make education a priority. The President's education budget is a broken promise. President Bush has stated that he is the education president. Yet resources in his education budget did not match his rhetoric.

Last month, President Bush visited my home State of Ohio and told a crowd of citizens in Cleveland that we must make sure every child in America gets educated. However, the President's rhetoric does not match the resources in his budget.

President Bush did not mention the education programs that would not receive funding in the State due to his budget cuts. Indeed, the education budget that President Bush sent to Congress falls $7.2 billion, not million, billion short of the funds needed to implement programs that we passed in H.R. 1.

The most troubling aspect of the President's budget to me is that it spends 50 times more on tax cuts for the wealthiest 1 percent of Americans than the total of new education spending, 50 times more for those that already have extremely difficult choices for school districts across this country.

The President's budget cuts 57 education programs authorized in H.R. 1, 57 programs are cut, and his budget will fall short by $4.7 billion needed to support most academically needy students in our country, $4.7 billion short.

So one can rightly ask the question, is President Bush's education budget a broken promise?

Mr. Speaker, education must continue to be a priority. Couple this with the impact of the recession on State budgets which currently have deficits in aggregate of over $40 billion and there is no doubt that our governors are going to be forced to place major cuts on State education and spending at the elementary and secondary levels as well as the post-secondary. We already have seen this in States like Ohio.

State colleges are facing the worst State budget crunch in a decade. Frankly, I cannot understand why the college students across this country are not organizing to impact legislation in their State houses and here at the national level because we are witnessing the largest tuition hikes on our college students in recent history. Why are they so satisfied when, in fact, most of them are graduating with a debt of nearly $17,000 and in medical school over $100,000 debt for a new doctor coming out of med school?

A congressional survey found that 49 States made $1.5 billion in mid-year cuts to higher education funding. Public and private universities share a grim budget outlook indeed as public support dwindles during a faltering economy.

Ohio students will pay prices for higher education because the State of Ohio, as are many other States, is cutting support for higher education. Some State campuses, in fact, are facing increases in tuition of 3 to 15 percent.

□ 1700

In the wake of this news, it did not make any sense then for President Bush to propose ending the fixed-rate consolidations of Federal student loans earlier this spring. The administration stated that the funds, once allocated for the student loan program, would be used to cover the current $1.3 billion shortfall this year in the budget for the Pell grant program, so important for our lower-income students. But then the administration, after substantial criticism, rescinded that proposal.

Members of Congress continue to believe that education should be a number one priority. As a member of the Committee on Appropriations, I very much want to keep it a top priority, but we need the cooperation of the White House in this endeavor. And the barbecue tonight will not solve the problems of students and school districts across this country. Seven hundred thousand borrowers consolidate or refinance their total Federal student loans each year.

It is important to ask what other programs are going to be slashed, what other promises are going to be broken. Education should remain a number one priority.

REPEAL SUNSET PROVISION OF INHERITANCE TAX REPEAL

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Florida. Mr. Speaker, I rise to address the body regarding the very, very critical issue of repealing the sunset provision of the inheritance tax repeal. As many Americans know, last year we passed a very, very important tax bill. It reduced taxes on working families, it reduced marginal tax rates, it increased the child tax credit, and it had many, many, very, very good provisions.

Indeed, I have been hearing from constituents, particularly parents, in my congressional district about how the tax reductions, even though they are phased in and, for example, the child tax credit only went from $500 to $600 in the first year, are helping. They tell me, particularly parents, where one spouse works, typically the father, and the mother is home with small children, struggling with the burden of trying to raise a family, that these tax reductions are really helping them make ends meet.

Naturally, of course, with the Nation in a recession, these tax reductions have been very helpful in blunting the severity of the recession. Many economists claim that if our tax reductions had not gone into place, this recession would have been much, much worse. We just heard from the gentlewoman from Ohio how State income taxes being down because of the decline in the economy are hurting education expenses. Imagine where we would be as a

Nation if this recession was much, much worse. And I think the tax reductions have been very, very helpful in putting more money into the economy and, therefore, helping create jobs and in protecting jobs.

But, Mr. Speaker, I rise tonight specifically to address one particular feature of that bill. In the other body there is a rule that says we cannot make any provisions of the Tax Code permanent unless we have 60 votes. So all of these tax reductions which are phased in over several years essentially sunset in 2011. This is an unfortunate feature, and I was disappointed that we were not able to get the necessary votes to make it permanent. Essentially, it is a tax increase that is hanging out there over the heads of the American people, somewhat like the Sword of Damocles.

For most Americans, I do not think it affects behavior. I do not think people will not have a child because their child tax credit might decline from $1,000 to $500 per child in 2011. I do not think that because marginal rates could potentially go up in 2011 that people will change their behavior in the sense that they will not pursue personal gain or they will not pursue career enhancements. But the one feature I think that is the most pernicious in all of this is the impact on the inheritance tax. The inheritance tax affects behavior now.

People, today, who are affected by the inheritance tax, engage in extensive planning to mitigate the severity of the inheritance tax on their business and on their family. This was driven home loud and clear to me when I called a constituent of mine who is an auto dealer. Bruce Deardorf is his name. Shortly after we passed the tax cuts of last year, I called Bruce and he said to me, I am glad you passed it, it is a great step; but, he said, I do not know what to do about my estate planning.

Bruce is like hundreds of thousands, probably millions, of small businessmen all over the country. He started out really with nothing. He scrimped and saved and managed to save up $60,000 and used that as the downpayment, then took out a big loan to open his first auto dealership many, many years ago. He has been successful and was able to acquire a second, a third, and now a fourth auto dealership. He employs 400 people. He has sent millions and millions of tax dollars to Washington, D.C., both from his personal withholding and all the jobs that he has created. All those 400 people of course pay Social Security tax.

Now, this is not a story that is unique to my congressional district in central Florida; it is common all over the country. Really, the prosperity that enables us to pay for all the features of our government, from defense to education programs to local taxes that are collected is generated by entrepreneurs and family farmers that are going out working every day and creating jobs and creating prosperity.

And Bruce Deardorf said to me over the phone, I do not know what to do with the estate plan I have established. This feature of the bill, this sunset provision, which basically repeals the inheritance tax by 2010 and then brings it back in 2011, makes it impossible for me to retire all the estate planning that I have generated, and I am going to have to keep it all in place.

This is very, very inefficient. Most of the estate planning, granted, generates work for estate planners, accountants, and lawyers; but it is not in the productive side of our economy. And, indeed, I think this is an inefficiency that we have burdened our economy with. So I believe very, very strongly that we need to make the repeal of the inheritance tax permanent. It is impossible for people to plan, and I think it is the right thing to do.

Now, I supported the bill that we passed last month that made all of the sunset provisions on all the features of the tax bill go away. If we cannot get that enacted into law, I think minimally we need to enact this provision.

Mr. Speaker, I would like to now recognize my colleague, the gentleman from South Carolina (Mr. BROWN). I understand that the gentleman wanted to speak to this issue on the inheritance tax repeal, and so I yield to the gentleman.

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman from Florida for yielding; and I rise in support of making the death tax relief permanent and, quite frankly, with much puzzlement that we really need to debate this on the House floor today.

On the one hand, it is simply a matter of fairness. The taxes being wrenched from the families is money that has already been taxed before. As an issue of morality, it is hard enough for a family to lose a loved one without having to endure the additional grief and burden that the Federal Government delivers to them. Too often business owners are forced to sell their businesses, and family farms are broken up so families can come up with the cash they need to pay the death tax.

Moreover, as a practical matter, when people are planning their estates, it creates tremendous uncertainty when one does not know whether or not the death tax will resurrect itself within 10 years. Surely the Congress would never tell the American people that it is much more economic to die in the year 2010 than in the year 2011. But if nothing is done to make this relief permanent and the death tax is allowed to rise again, that is the sad reality of the policy we have created.

We must be decisive on this issue and continue the good work we did in enacting the President's tax cuts. Not acting to make this relief permanent would be a dereliction of duty to the constituents we represent.

Mr. Speaker, I would hope that the Congress would do the right thing and make this death tax relief permanent.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from South Carolina for his very important input; and I believe the gentleman's colleague, the gentleman from South Carolina (Mr. WILSON), also would like to add to the gentleman's statement on this very important issue; and so I yield to the gentleman.

Mr. WILSON of South Carolina. Mr. Speaker, it is a real honor for me to be here with my colleague, the gentleman from Florida (Mr. WELDON), and an honor to be here with my colleague, the gentleman South Carolina (Mr. BROWN). I was very honored to serve with him in the General Assembly of South Carolina. He served as the chairman of the Committee on Ways and Means in the House of Representatives, which was one of the highest positions of our State, and we are just very fortunate that he was elected 2 years ago to serve here in Congress. Those of us from South Carolina are proud of the gentleman from South Carolina (Mr. BROWN).

I am very happy and honored to have been elected more recently. I ran in the primary last October. I was elected on December 18; and, in fact, I am the second most recent Member of Congress. I am number 434 out of 435. And with that distinction, the point I want to make is that I also have the most recent experience, some of us would call it real-life experience, of being with the public in a private position in my job. And I was very proud of my employment as an attorney. I served as a real estate attorney, and I was a probate attorney until December 18 last year when I was elected to Congress.

My experience in civilian life of being a real estate attorney, probate attorney, is that I heard so much about death taxes and that is why I want to commend my colleague, the gentleman from Florida, for his leadership in working to eliminate death taxes in the United States. This needs to be done. Because I know firsthand how this has chilled the value of real estate, it has chilled development, it has chilled home building, and it has had a negative effect for businesses, particularly small businesses in our country.

Additionally, I know that it has created confusion for those of us who work in preparing wills and assisting people in preparation of wills. But the ultimate confusion has been a law which will provide, as the gentleman correctly indicated, a tax increase. That tax increase will take place on January 1, 2011, when it just kicks in. So what we have is an indeterminate law, in effect, which is the worst kind.

I know from being recently in campaigns, talking with people, meeting with people in their businesses, in their homes, on the street, at meetings, that this is a key issue. And I want to commend the gentleman for bringing this up, and I really look forward to the vote tomorrow.

I also had the experience of looking back at the debate involving a wonderful colleague, the gentleman from Arizona (Mr. HAYWORTH), who spoke on this last year. And I want to commend the membership for passing the tax cuts last year. It was a year ago, on June 6, 2001, when the reforms were put in place to eliminate the death taxes and reduce other taxes.

The way this tax cut would work that was passed provides that there would be a phase-out of the death taxes over the next 9 years, and then it would completely disappear in the 10th year. However, the sunset provision that the gentleman explained provides that after December 31, 2010, on the very next day, the taxes would be fully put back into place, a tax increase, as the gentleman has said correctly. So persons would almost have to plan, which cannot be done, and we do not want it to be done, to pass away on December 31, 2010. It is not only just illogical, it is immoral.

In other words, unless we want to make the tax elimination permanent, we need to vote positively tomorrow, and I look forward to doing so. What we have is a situation where if people did pass away prior to December 31, 2010, they would not pay a death tax. But if they live 1 day more, to January 1, 2011, they would pay a tax, possibly equal to 60 percent of all their assets.

I believe that the death tax is possibly the most ethically disgraceful tax which is levied by the Federal Government; and then, in fact, most States also have adopted this tax through tax conformity.

□ 1715

So this can really be beneficial. Not only what we are doing on the Federal level; the impact will be to eliminate death taxes at the Federal and State level. You have tax on assets already taxed. We need to vote tomorrow to permanently eliminate the death tax.

Another definition of the death tax would be taxes on the property owned at the date of death. When someone dies, the surviving family, not the deceased, and there is some debate, we can call it an inheritance tax, but the general term is death tax. The surviving family pays a tax up to 60 percent on all assets currently over $675,000.

When we hear about $675,000, I know from personal experience working with people who are of average means, they do not realize that their homes have appreciated substantially. They could immediately be put into a taxable situation. Many people do not realize that insurance is included within the estate and provides immediately for taxes to be assessed.

For the past 20 years, as a member of the Army National Guard, I have been traveling all over South Carolina with legal counseling teams assisting people in preparing wills and powers of attorney in the event that they were mobilized. Person after person has had property that has appreciated. It is real estate which was formerly in rural areas, and is now in resort areas. This could result in people having to cut timber early, which would be negative. Timber has been a phenomenal resource which appreciates in value so quickly that immediately people who are of average means become taxed upon the death of a loved one.

I think that another point that needs to be made is that the Federal death tax was enacted in 1916 to provide for funds to fight World War I. We heard a few minutes ago that it needs to be reformed and not eliminated. I will say that reform is simply a code word for keeping the door open for abuse.

The best way to handle any tax is to eliminate the tax. It may sound good that we would reform it and it would apply to a very tiny percentage, but we all know that that is leaving it alive so that in the future it could be increased and they could come back and have it on the books and simply say this is a technical amendment, we understand what that means, and suddenly we have taxes which are increased in all directions.

The real question on this is in regard to grandparents. They should be encouraged to save for their children and for their grandchildren. To me this is an assault on grandparents who have worked hard all their lives. They want to provide for their families and want to pass it on. Tomorrow I will be looking forward to voting on this for the grandparents of America.

The bottom line, a good question, is that normally government will tax gains. That is assets that are appreciating by gains. But why does the government have a right to tax the ultimate loss, which is someone's life?

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for the leadership he is providing on this issue. I want to just underscore that this is also a jobs issue. This poster I have here says it quite clearly. More than 70 percent of family businesses do not survive to the second generation. I was talking earlier about an auto dealer in my district. He has created his dealership and three others, and 70 percent of family businesses passed from the founder to the children do not survive. Eighty-seven percent did not make it to the third generation.

Mr. Speaker, why is that? One of the principal reasons is the inheritance tax. When businesses go under, it means a loss of jobs. Sixty percent of small business owners report that they would create new jobs over the coming year if the estate tax were permanently repealed. Why is that? It is directly related to what I was talking about earlier.

My friend has estate planning in order to mitigate his death tax when he tries to pass his business on to his son. If he did not have to do that, to employ those kinds of vehicles, he would have more money, and most of his money is tied up in his business, what would he probably do? He would probably sow it back into the business and create more jobs, which generates more taxpayers.

The theme of the evening is the permanent repeal of the inheritance tax or death tax. Before we go on with that and before I recognize the gentleman from Arizona (Mr. HAYWORTH), and I deeply respect his leadership on the Committee on Ways and Means. The gentleman has been instrumental in bringing this permanent repeal to the floor of the House, but I know that the gentleman from California (Mr. CUNNINGHAM) wanted to speak to some of the education issues that were brought up earlier this evening.

Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM) to speak to this issue.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for letting me go out of order to speak on education. I would tell the gentleman I grew up in Missouri, and many of the folks who pass away, they try to pass down their farms, and they have to sell off the farm that they have had in their family for 200 years because they cannot afford to pay the taxes on it, up to 55 percent.

Mr. Speaker, this is the silly season. It is election time. We hear tax breaks for the rich. We hear the Republicans are cutting education. The White House is cutting education. Do not let the facts get in the way of the truth. The gentlewoman from Ohio (Ms. KAPTUR) just spoke, and I would like to address some of the things that the gentlewoman said.

I was in the committee hearing with the gentlewoman when Secretary Paige came and she made the same accusations. The Secretary, point by point, refuted every single claim that the gentlewoman from Ohio was making that we are cutting education, or that the President's budget cuts education.

We here on the House floor had a very bipartisan H.R. 1 vote. The President's primary concern is that no child is left behind. My wife is a special assistant to the Secretary for Education for Management, a position that the Clinton administration totally did away with and caused a lot of the fraud, waste and abuse. The Secretary told the gentlewoman from Ohio (Ms. KAPTUR) point by point where the gentlewoman is wrong. The Democrats have a number for education, an increased number for education. No matter what it is, the Democrats will add to that number. They claim to be the great fiscal responsibility party; but when we look, every single budget, except for defense, they want to increase it out here beyond the budget and actually take money out of Social Security.

We came up with an increase in education. We increased Pell Grants. We increased money for IDEA. The maximum amount that my colleagues on the other side of the aisle ever funded IDEA for was 6 percent. We quadrupled that.

Pell Grants, all the way down the line, we have increased dollars. And something else that the President did and now that the Department of Education is in Republican hands, what they are doing, they are driving the money to the local school districts so that the parents, the teachers, and the administrators can control those dollars instead of the bureaucrats that the Democrats want to control the money. They want more money in an election cycle so they can pass it down and have bigger bureaucracies. We want to get it down to the classrooms.

The President is also making sure that there is accountability with those dollars. My wife sits on the management team over there in the Department of Education. Do Members realize under the Clinton administration the folks that worked over there had over $400,000 on their credit cards? There were over 40 of them that charged houses and furniture and personal items on their credit cards. There is one lady still working with her job. The department may be afraid to go after her, but I am going to go after her donkey, and she is not going to have that job after I am through with her. It is fraud, waste and abuse.

Mr. WELDON of Florida. Mr. Speaker, did I hear the gentleman correctly to say that there are employees at the Department of Education that have used government credit cards to charge personal items?

Mr. CUNNINGHAM. Personal items, furniture, housing equipment, personal items, movies, all kinds of things. One of them still is working over there, and I am going to make sure that she is not working there in the future.

But the bottom line is the President is not cutting education. Tax breaks for the rich, we will hear over and over. Again, do not let the facts get away with the truth. Alan Greenspan said the Democrats tried to go after the President for the recession and the economy. Guess what, tax relief helped stop that. That is not the Republicans talking, that is OMB, that is Alan Greenspan, our economist.

All Democrats want is an item for the election, and they cannot do it. They tried to get the President on Enron, and it did not work. They said he should have helped with Enron on the other end. That did not work. The majority leader in the Senate went after the President on the war, and that did not work. They are trying everything they can in this election year to have leverage and make an issue.

Mr. Speaker, we are not cutting education. The Secretary pointed out to the gentlewoman from Ohio point by point that her statements were false.

I would like to thank the gentleman. I ran over here because I serve on that committee, and it is upsetting in an election year to make false claims that the President is doing something when he is not. We may not be adding as much as the gentlewoman wants, but we are staying within the budget.

Mr. WELDON of Florida. Mr. Speaker, that is precisely the issue at hand. Many Democrats want to increase it 10 percent, and we put through an increase of 5 percent or 4 percent, and they call that a cut. Indeed, we saw that for years and years and years in this body. I know the gentleman from Arizona (Mr. HAYWORTH) got elected with me in 1994. That was one of the things in 1994 that I campaigned on. For years politicians in Washington would increase something by 5 percent, but the bureaucrats at the agency would say that they needed a 10 percent funding increase.

Mr. CUNNINGHAM. If the gentleman would yield, not only was the money increased, but the accountability was not there. The Department of Education had $50 million in student loans that they could not account for. Their books were unauditable. The Democrats and their group at the Department of Education, $12 million in direct student loans went to the wrong students, and so they then had to give another $12 million up. We are shoring that up. We are not only increasing the money for education, we are making sure that it gets down to the children, and that the parents have control of it.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for the critical leadership he is providing on education. Educating our children is perhaps one of the most important issues that we perform here in Washington, although I believe that is really a priority for parents and local school districts, although we need to do everything that we can to try to help.

The issue of the evening is the very important debate we will be having tomorrow. Tomorrow the House of Representatives will take up a piece of legislation that I introduced last year. It is to make the repeal of the estate tax permanent. It is H.R. 2143. It would not have been possible to get this piece of legislation moved to the floor if we did not have the support of a lot of people. Obviously the leadership of the Speaker of the House of Representatives, the majority leader, and all of our leadership team. Critical as well was the chairman of the Committee on Ways and Means, and on that committee one of the people actively pushing to bring this bill to the floor was the gentleman from Arizona (Mr. HAYWORTH). I now yield to the gentleman.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for allowing us to share this time. I thank the gentleman from California (Mr. CUNNINGHAM) who again talked about education and the importance, yes, of dollars, but also the importance of accountability. It is very interesting the differences we see. My son is now 8 years of age, and I remember when he came home from school at 7, and he was talking about the concept of infinity.

□ 1730

And he said, You know, Dad, you will never reach it because you can always add more to it. And indeed it seems, sadly sometimes, along partisan lines the notion is whatever figure is arrived at, oh, no, we can always spend more. The key of course is not just the right allocation of resources. It also of course is accountability. And, Mr. Speaker, now it is time to become accountable to the American family, to family-owned businesses, to ranches and farms and so many different concerns where the scourge of the death tax has come like a thief in the night, not only death robbing people of their lives but the death tax robbing families of their future.

Our good friend who sadly is departing this Chamber, the gentleman from Colorado (Mr. SCHAFFER), once borrowed Patrick Henry's admonition. Said my good friend, "No taxation without respiration," and I think that is evocative not only of history but something very practical. It was one of our great founders, Ben Franklin, gifted in so many different ways, almost with the incredible prescience to see what would come in this constitutional Republic, but even Dr. Franklin with his incredible foresight never predicted that the constitutional Republic he helped to found would tax people upon their death. Remember his days as a humorist writing in "Poor Richard's Almanac," he said: "There are only two certainties in life, death and taxes."

But even Dr. Franklin did not foresee that this Republic would one day tax a person upon the event of his death and of course realty does not affect that person but that person's family. And lest anyone think this is a partisan issue, Mr. Speaker, we would thank those across the aisle who have joined with us to understand how this unfair tax should be eliminated; and we should point out for those, Mr. Speaker, who wonder why we are returning to this, it is because my colleague from Florida very capably pointed out that a rule difference, and again I am not directing this at the other body, but a rule difference did not allow for the implementation on a permanent basis of this particular repeal.

And so we have the curious situation, while we made a profound move to repeal the death tax, to roll it back, as my friend from South Carolina outlined, as my friend from Florida recognizes, we have almost an absurd situation now where if one is going to die, he had better do it in the year 2010 to realize the complete benefit of repeal of the death tax. For if we do nothing, whoom, here it is back again in the year 2011. That is why I salute my friend from Florida bringing forward this notion, serving as a catalyst to make this repeal permanent.

And again lest anyone think this is a partisan concern, I would point out that the one-time standard bearer of the Democratic Party in the State of Arizona for the office of Governor back in 1994 approached me 2 years ago saying "Congressman, you have got to get rid of this death tax." Why? Whatever political disagreements we had in other areas, the gentleman correctly understood his business, his livelihood, of family-owned enterprise, of grocery stores, the capital involved in that business, the fact that so much of the assets are tied up in bricks and mortar and quite literally in the groceries on the shelves, and unless the death tax is repealed, then a business that had been in his family would be in danger of having to be sold off to pay the taxman.

It is even more pronounced in the rural communities I have been honored to represent for the better part of a decade, with farmers and ranchers and so many small businesses owned by families but especially when we come to the whole notion of agriculture and farms and ranches and how quite literally so many families are land rich and cash poor. So much of their assets are tied up in real estate, tied up in farm machinery, tied up in those very tangible assets; and so often we have a situation where, to satisfy this tax bill, people were forced to liquidate their assets, to sell off the family farm, to sell off the family business to satisfy the tax needs of Uncle Sam.

While we are thinking about this, Mr. Speaker, something else we should point out, over the years it has become painfully apparent that the American people do not rely on this death tax. Indeed, as we look back over the last few years, the death tax on an annual basis only accounts for about 1 percent of the revenue that comes in to the Federal Government. Yet three-quarters of that 1 percent is spent pursuing the families of the farmers and ranchers who pass away, the families of the people who created these small businesses, to have them pay a bill that for them is insurmountable, it seems, but in the scheme of things only accounts for about 1 percent of the revenue that comes in to the Federal Government on an annual basis.

No, Mr. Speaker, we can be smarter. This House in a bipartisan way took that important step toward that great day with eventual repeal of the death tax, but we need to make it permanent. Permanency is important, for if we fail to do that, you will have the absurdity of in 2010 seeing it completely repealed but in 2011 the Grim Reaper comes back with a vengeance. I know none of us here advocate state-sponsored euthanasia; yet that is the absurdity we would have if we failed to move to enact permanent death tax relief.

Mr. Speaker, lest you think this is exclusively the domain of family-owned businesses, farmers and ranchers, certainly it is important and perhaps it is more pronounced there, but I would tell you the story of a lady I encountered in Tucson, Arizona. Down on a visit there to that part of our State, a lady came up and spoke of her father's experience. Here was a man who worked hard, indeed, in a career that very seldom do we see anymore with the modern marketing techniques, but he was a milkman. He worked for a dairy. He came back from World War II and worked hard delivering milk every day, not exactly a highbrow occupation. Certainly there is dignity in every form of work, but very few people would think about that gentleman as being a captain of industry or someone with vast financial resources, but what that gentleman did was incredibly exemplary and so symptomatic of the American experience. The money he made, he was able to save judiciously. He made some wise investments coming home from World War II, getting involved, working as a milkman. His hard work and wise investments paid off in an estate that was worth millions of dollars.

But there is just one catch here. As wise as he was with investments, he did not understand that, oh, gee, you have got to work on estate planning. He did not seek out a team of lawyers to sit down and make all the proper machinations to change the situation to save the funds. And so when he contracted a terminal illness, only then in the twilight of his days did he realize, despite such an exemplary life, hard work, thrift, industry, doing the right thing for his family, only then did he come to the shocking realization that somehow, despite that hard work and industry, his planning had been incomplete.

His daughter told me the story how her father called her in and her sibling in and not only the challenge and the pain of a terminal illness but the realization that he was leaving them in essence with a gigantic tax bill to pay because of this death tax.

Mr. Speaker, if you work hard and play by the rules, must we all be captains of high finance? I understand a modicum of estate planning. I understand the importance of insurance. Certainly having moved from broadcasting, into that profession before coming into public life, I understand the importance of life insurance and financial planning, but must we ask everyone to deal with the machinations and brain power and inner workings of complicated financial measures? No, it should be simple and this should be repealed permanently because it is wrong.

Mr. WELDON of Florida. Mr. Speaker, the story the gentleman told was very, very moving. Before I yield to my good friend from the great State of Nebraska, I want to tell another real-life story. I think it is so important when we make things like this understandable from real-life experiences.

I want to talk about a florist in Kissimmee, Florida. His name is Danny Sexton. A lot of people on the east coast have passed through Kissimmee because it is right outside Disney World. Danny started out with a floral shop. His uncle had been established in the floral business in Kissimmee for many years, had a much bigger shop; he had about 20 employees and his uncle died, and Danny was the sole heir. Danny inherited his uncle's floral shop.

Danny, like so many small businessmen, employed just a small number of people, five or six people. He had been involved in his community for years, giving to the United Way and other charitable programs. He really knew nothing about the death tax. Suddenly he found himself in charge of not only his floral shop, but his uncle's floral shop, which had been established many years earlier, was much bigger, had a lot of commercial accounts and he inherited all these employees. Lo and behold, he discovered that he was going to have to pay a tax bill, and the death tax was $160,000. But what was the real shocker, what was the real corker in all this is that you do not just take the floral shop and just give it to Danny, you have got to do a lot of other things. Lawyers got involved. There were $60,000 in lawyers' fees, there was $14,000 of accountants fees, there was a $15,000 bill for just miscellaneous expenses. And then this one here I thought was really kind of interesting, an IRS fee. I think that was to appraise the value of this floral business.

If anybody knows, if you run something like a floral shop, the margins are kind of tight and he had to go out and borrow $253,000 to be able to pay for all of this. It was a real burden on him. He ended up having to lay off, I think, two or three of the employees in the shop. He additionally had to ask a number of the employees that he retained to take a cut in salary. Indeed, it was so bad for him initially that they went the whole summer in the office without the air conditioner. The air conditioner broke. If any of you have ever spent a summer in Florida, you know it is very humid. It is not only hot, it is very humid. And they had to totally cut off charitable contributions and helping out the Boy Scouts and the United Way when they would come around and they would have a special banquet or an event.

Danny is pulling out of this. I know he is going to be okay. But this is really what it is all about. Danny's uncle had employed 20 people for years. Danny's uncle had paid a lot of money to the Federal Government in personal, Federal withholding, in the FICA tax. What is even more so is that all the employees who worked for him were also paying their taxes, their Social Security, their Medicare tax year after year after year. The Federal Government had actually gotten probably millions of dollars of revenue off of the enterprise that had been created by his uncle. And then for him to die and then for the Federal Government to come along and say, No, you've got to give us some more, I think, is taxing that is immoral. It is immoral to tax after you have taxed.

Mr. Speaker, I yield to my good friend from Nebraska, another Member whom I believe has played a critical role in helping us bring this issue to the floor of the House making the repeal of the inheritance tax permanent law, because until you do that, you are not going to affect really all the estate planning that has to go on to prevent people from being burdened with this tax on their death.

□ 1745

Mr. TERRY. I thank the gentleman from Florida for yielding.

Mr. Speaker, our good friend from Arizona here, he has been a great leader, like the gentleman from Florida has, on this important issue. It is important to a lot of people in Nebraska now.

Before I talk about some of the stories that I have heard as I have gone around and talked to businesses in Omaha, small businesses, family-owned businesses, and share our similar experiences, the gentleman from Arizona mentioned that in the totality of our budget, the revenue that is received from the death tax is less than 1 percent, but yet there are a lot of our colleagues here that just fight to keep that money in.

I think it exemplifies why all three of us ran for this office and why we fight to come back every year, is to stop that type of mentality, which is "we need more money, more money, more money." So when we try and reduce spending here by reducing taxation, because it is the only principle here, that budgets fill the money that we have, that if we tax more, we will spend more, but if we tax less, we will spend less, it is a simple proposition.

So of the greater taxing policies of the Nation, I think it is important that we realize the simple premise that the more money we take in from people, the more we are going to spend. So I appreciate the gentleman bringing up that important point.

Now, why? We have all said in our own words why it is bad policy. Why is the death tax bad policy? Well, think about the very principles that this country was founded on, the principles of independence and freedom and entrepreneurship, where people worked hard to build their little businesses, and some worked day and night, day and night, seven days a week, and they were able to build it up and build it up, and maybe even the next generation of family members were able to help build it up as well. I mean, that is the American spirit, is working hard and realizing, you realizing, the rewards of your work.

So, what is the policy? The U.S. Government comes, and many States, by the way, have followed suit, and said, you know, because of our spending habits and our need for more revenues, upon the death and the transfer we are going to confiscate, and I use that word, confiscate a portion of what you have worked hard to build up in your lifetime.

I would say to the gentlemen, I believe that people should keep the rewards. Yes, we have to pay our taxes, but, my gosh, just taking up to 55 percent of somebody's wealth that they have built up through hard work, through the American dream, and just taking it for our spending needs, is absolutely wrong.

Mr. HAYWORTH. If the gentleman from Florida will yield, I just wanted to point out again that observation that our friend from Florida made. There is a situation at work here that is so myopic, it is almost to be penny wise and pound foolish. Because, as was pointed out in the case of Mr. Sexton and the flower shop, 20 employees, payroll taxes, people paying their income taxes, though this was a considerable hardship, the money devoted to handle all the details and red tape and the death tax itself in the long term, did it not cost the government more revenue?

You see, here is the difference. And I appreciate the concept that my friend from Nebraska brings forward about taxing more, spending more; taxing less, spending less. But there is something else at work here that we have to understand about the reduction of the tax bill. When the American people have more money to put to work, when the death tax is repealed and more people are at work, guess what? Revenues to the Federal Government will actually increase, because more money is being put to work. It is called the principle of growth.

So we have to be very careful here, and that is the myopia; in addition to the unfairness and injustice, lack of justice, injustice of the death tax, is that really in the long term it actually costs revenue. It is inefficient, as well as immoral.

Mr. TERRY. Mr. Speaker, I appreciate that. I have just become so focused. As the gentleman from Florida (Mr. WELDON) said, the morality of just confiscating one's work product for the sake of having revenues, we leave out the economic component of in essence taking away a business.

We hear speakers, and we are going to hear them tomorrow when the bill comes up, that say that this is not real; that people do not really have to sell their businesses to meet the death tax; that it is a phony argument.

Well, I want to read an article from the Omaha World-Herald from December 11, 2001. So it is not like we have to go back to the archives of years past to come up with an article that is relevant to our discussion today. But it is about a ranch in western Nebraska, of which kind of the theme of it was Ted Turner buying another ranch in Nebraska.

Let me just read some highlights from this article in the Omaha World-Herald, and I will give them their copyright credits here. It is talking about media mogul Ted Turner added another 12,300 acres of Cherry County grazing land to his bison ranching empire. The purchase was to be finalized on Monday. It gives Turner about 234,000 acres in three counties in Nebraska, making him the largest private landowner in Nebraska, as he is in the United States, owning about 1.75 million acres in New Mexico, Montana, South Dakota and Nebraska.

The Coble family, I am going to get to and read this verbatim from the Omaha World-Herald article, Bill Coble of Leewood, Kansas, a grandson of the Cobles, said that the death in August of Doris Coble precipitated the sale. It was necessary to pay off the inheritance taxes, Bill Coble said. The only way you can make it work is with an added amount of life insurance and to work the ranch yourself, Coble said. The purchase ends a 100-year Sand Hills operation of the Coble family. A 100-year tradition of the Coble family gone, because when the operator, Doris Coble, the last of the parents, died, the grandson could not take over the property. He had to sell it to pay off the inheritance taxes. This is a family that did not purchase the millions of dollars of life insurance policy to protect itself. My family buys life insurance to protect our family. Here you buy life insurance to pay your taxes. That is wrong.

Mr. WELDON of Florida. Mr. Speaker, reclaiming my time, I am glad the gentleman brought this up, because I wanted to get at some of the arguments we are going to hear on the floor tomorrow from the opposition. What the gentleman was just talking about, I think, segues very nicely into that.

They are going to put forward an alternative proposal. The inheritance tax repeal we passed last year phases in over 8 or 9 years, and then the reason why we have got this bill on the floor tomorrow is in the 10th year it just comes back in its full force.

What the minority will put forward is the notion we should just have a $3 million exemption and we could enact that immediately. They may point to the farmers and the ranchers and say if we just had this $3 million exemption, the Coble family that the gentleman cited is a good example, they would be covered, and they could pass the ranch on. Danny Sexton would not have encountered the problem he had. He could have inherited the floral shop from his uncle.

The problem with that is that if your asset is worth more than $3 million, then everything over $3 million gets taxed at something like a 50 percent tax rate. We have inflation, and these farms and ranches that they say now are valued at less than $3 million, what are they going to be worth 10 years from now, what are they going to be worth 15 years from now?

It obviously picks winners and losers, and that is the main gripe that I have. It is basically saying, well, if you have created a small business and it is only worth $3 million or less, then we will not tax you. But if you have been really successful, or if you have farmland in, say, Napa, California, where it is valued at incredible prices, no, we are going to tax you. I just think that is totally wrong.

Let me also point out, 60 percent of the top black-owned businesses today in America are valued at over $2 million. That means in another 5 or 7 years, those assets are going to be worth probably over $3 million, and, boom, they are going to get hit by the inheritance tax.

Another point is a point that I think the gentleman from Arizona (Mr. HAYWORTH) was alluding to earlier, that they look at making the inheritance tax repeal permanent and they say we are going to lose $99 billion. That does not take into consideration at all the fact that if you leave that money in the economy, you are going to put more money in the economy and it is going to create jobs and it is going to create wealth and that we would be able to then tax that.

Indeed, it is estimated by economic analysts that the inheritance tax actually costs, and this is what the gentleman said earlier, I believe, it actually costs us, because it takes money out of the economy, money that would be flowing around the economy; it forces people to sell small businesses; it forces small business owners to take out a loan to pay the inheritance tax; and then their small business does not operate sufficiently.

I yield to the gentleman from Arizona. I think we have about 5 minutes left.

Mr. HAYWORTH. Mindful of that as a broadcaster, the old time clock on the wall, it is important for us to pass permanent repeal, no matter the siren song of seduction saying "let us set a temporary level that will accommodate some folks." Maybe this is a fundamental philosophical difference.

When you get in the realm of targeted tax cuts, you are asking this Federal Government to pick winners and losers, and you do nothing for the business owners, the grocery store owners, the farm machinery dealership owners, the automobile dealership owners, who have significant capital sunk into that business, who literally are asset-rich and cash-poor. You exacerbate the problem. Our purpose is not to set American against American, not to get wrapped up in the I believe ultimately misguided notion of class warfare, but to allow everyone to succeed.

There is one other note undergirding all of this. It is especially pronounced in Arizona, where one of our local newspapers is concerned about the price of sprawl at an acre an hour. Why do you think farms are being sold off? To satisfy the death tax. Gone is a lot of our agricultural land. That is a real problem in States like Arizona and Florida and across the country. That is another reason to make this repeal permanent.

Mr. WELDON of Florida. I thank the gentleman for his input on this special order. I yield to the gentleman from Nebraska for the last word.

Mr. TERRY. Well, I will let the gentleman have the last word, and thank him for bringing this to the floor. One of the other points, though, I want to make with that is the cost of the machinery. When we talk about our farms and ranches, we have a plant that manufactures farm equipment. The price of some of that equipment coming out is several hundred thousand dollars.

Mr. WELDON of Florida. Like a combine.

Mr. TERRY. $200,000 to $300,000, and even more if you go to some of the other equipment. A small family-owned printing company that I toured last summer when I was home, one printer runs hundreds of thousands of dollars, half a million dollars for a printer. So when you talk about what level do you set this, if you do not eliminate it, and picking the winners and losers, you fail to recognize that they are eking out a small living with very expensive equipment, but yet we tax on the value of that equipment, not the living that a father and mother and maybe a son and a daughter can make off of that. That is why it remains fundamentally unfair.

Mr. WELDON of Florida. Mr. Speaker, reclaiming my time, I thank both of my colleagues for their input on this very important issue.

Let me just close with one very important point. We will also hear that making the inheritance tax repeal permanent will hurt donations to charity.

□ 1800

The assumption there in that argument is that people are only giving to charity so they do not have to give it to the Federal Government.

I just think that is not true. If we look at what happened after the Reagan tax cuts in the 1980s, giving to charity skyrocketed. I think wealthy people are motivated by the best intentions when they give. If they do not have to give as much money at death, I think they will give even more money to charity, and that America's charities will benefit from the permanent repeal of the inheritance tax.

EDUCATION DETERMINES THE FUTURE OF AMERICA

The SPEAKER pro tempore (Mr. OTTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, I want to take this time, and I will be joined by some of my colleagues a little later, I hope, to talk on this special order on the floor this evening about a very important issue facing this country today, maybe one of the key issues.

Everyone talks about my issue is more important, or that issue is more important. But the truth is, when we are talking about the future of America, that issue is education, because that is the one issue that not only helps us this week, this year, next year, but really secures our future when we are headed into the 21st century and the challenges we face. This group of young people in our schools today will determine the kind of future we are going to have.

So many times I get perplexed when I have my colleagues come to this floor, and I really sense, number one, that they have not visited a school recently; or if they have been to a school, that they did not go into the classrooms; and if they went into a classroom, they probably did not pay attention to what they were seeing or listening to from the teacher, or they were not looking into the eyes of some of the very bright children who were in those classrooms struggling to learn in conditions, in many cases, that Members of this body would not want to be in every day.

They are overcrowded, and in the summertime they are hot, and in the wintertime they may be cold. Or they are in a trailer outside, and if it is raining, they walk through the rain to get to the classroom, or walk through any kind of inclement weather.

First, this evening, let me talk about some very positive things, some good things that are happening in our public schools. As this hour goes on, I will talk about more of them.

Let me first talk about some schools in my district, something I know about, and in North Carolina. I had the occasion over the last couple of weeks, and I make an effort to visit schools about every week, but I went to a school down in part of my district, Anderson Creek Elementary, and visited with the principal, Ms. Cobb, and an awful lot of the teachers and students.

They have a program where they encourage children to read. It is really a kindergarten through about fourth grade reading program. Some of the schools I am going to mention actually do it in the higher grades.

She got those young people so excited about reading by giving them certificates and tee shirts, and getting the parents involved through kindergarten, that those youngsters in that school, and there are about roughly 700 elementary school students, over 545 of them read at least 100 books. They had read a total of over 155,000 books this year; probably more than that by now.

When we talk about good things, those are the kinds of things that make a difference. Because if a youngster learns to read and they learn to do math and they learn to communicate, that will make a difference. They will be successful students.

I went to North Harnett Elementary the same day, where the leading reader in that school had read 410 books. It is amazing to me that a youngster would read 410 books and still do his or her homework.

At Anderson Creek, they had one student who read 545 books. The children in that school had read a substantial number. It is sort of contagious. These are good things happening in Harnett County.

Lafayette Elementary, the same thing. They went in, had an assembly, and they honored the students. Their program was titled Reading Around the World, where they actually put flags of nations around the world about which the youngsters had read. They got involved. They had tee shirts and they got certificates, and they honored top readers.

These are the things we do not hear a lot about, but we always hear people critical of those people who are giving so much time in the classroom who really are creative, innovative, and thinking about how do we make things better for children.

Then I went to Cleveland Elementary School, a school in the community I grew up in. The same kind of thing: a very caring principal and assistant principal, with an awful lot of hardworking, focused teachers. They were doing the program not only in reading, but in a number of other areas, and they were giving out certificates. Children were really and truly getting ready to build a strong foundation for the future, things we were not doing 10 or 20 years ago.

I went over to East Clayton Elementary School over near Clayton, and the same kind of thing: a very focused principal providing great leadership, and teachers who were caring, creative, and making a difference.

I only mention these schools because they are representative not only of just schools in my congressional district or in my State of North Carolina, but I happen to think they are representative of teachers and students and principals and administrators all across this country.

Do we have problems? Sure. Do we need to improve? Absolutely. But they are about making a difference. This is the way we improve it. I have learned a long time ago that if we want to improve education, we lay out a plan, we work with the people, and we give them encouragement. It is awful easy to be critical.

It is a lot like a little poem I use many times, and I think my colleagues would benefit from that, because it reminds me of being an architect. It takes a long time to go to school to be an architect. It takes a number of years. But the last time I checked, if we want to hire somebody to tear a building down, we can put them in a machine and put a ball at the end of a chain and we can knock it down pretty quick.

"I watched them tear a building down,
A gang of men in a busy town.
With a ho heave ho and a lusty yell,
They swung a beam and a side wall fell.
I asked the foreman, are these men skilled,
The kind you would hire if you had to build?
He smiled and said, 'No, indeed,
Common labor is all I need,
For I can wreck in a day or two
What people have taken years to do.'
And I thought to myself as I went my way,
Which of these roles have I tried to play?
Have I been a builder who builds with care,
Carefully measuring the world by the rule or
a square,
Or have I been content to roam the town,
Content with the business of tearing down?"

Too many times we have people who unfortunately are willing to tear down, but are not willing to help be architects. We not only need architects to build buildings, we need architects in our classrooms. We have them in teachers; we need more. Yes, we need resources to help train them better, because the needs for our teachers are changing every day.

I think that is the key issue in education, is that we give encouragement where it is needed. Certainly, we give counsel when it is not working out. If we have people who are not doing the job, then we need to take appropriate action, like we would do in any other area. But we ought to acknowledge when our teachers and our administrators and people who work with our children every day are doing a good job.

Let me just share with Members, if I may, before I get to some prepared remarks, I read an article recently that I want to just read some pieces out of. It is by Gerald Bracey, and it was in The Washington Post. I think it is right on target when we are talking about education.

It says, "Why do we scapegoat the schools?" I could not help but think, there is a lot of truth in this. I think I know a little bit about this. I said to my colleagues when they came here, I served as State superintendent of schools of North Carolina for 8 years. That is an elective office in North Carolina, like the governor and some others.

There is one thing I learned. We may not know all the answers of what to do, but I know some of the things that do not work. Sometimes that is worth an awful lot.

Gerald Bracey made this point: "There is no pleasing some people, even when they get what they want. So why do we keep listening to them? For more than 20 years now, people have been bashing our schools."

He goes all the way back to the time when the Russians put up the Sputnik, and we got all carried away in this country and said our math and science programs are in shambles, our schools are failing us, our schools need to be fixed, so we put together a program. Lo and behold, with President Kennedy's focus and commitment, and yes, this Congress, the House and Senate put in resources behind it, and I emphasize, resources, and translated, that is money behind it, we put a man on the moon before the end of the decade.

But Bracey goes on to say, we didn't say to the public schools, you are no longer in crisis, you have done a good job. You make this happen. Then all of a sudden, we walked along, and they did not get credit for what they had done. We stayed quiet. All of a sudden, after that happened, he said that there was no declaration that the crisis in education was over, and the question was raised, do pigs fly? Translated, that is that we did not give them the credit; it was assumed they had to do it.

He goes on to talk about, again, he says, "I don't mean to suggest, of course, that America's public schools are perfect. The dreary state of some urban and poor rural school systems is well documented." I would agree with that. He said, "But I have been following the anguish over our competitive capabilities since the '83 report, and I've noticed the same pattern. In the early nineties, as the economy tanked and the recession set in, many variations of 'Lousy schools are producing a lousy work force and it is killing us in the global market' could be heard, but those slackards somehow managed to turn things around. By early 1994, many publications featured banner headlines about the recovery that later became the longest sustained period of economic growth in the Nation's history. And then, 'The American economy, back on top,' was the way that The New York Times summed up the turnaround in February of 1994."

Well, did the public schools have anything to do with that? Were the people that were employed in those businesses all of a sudden better 2 years later than they were 2 years before? Did we give them any credit for that happening? No. They continued to be hammered.

He goes on to say, "Looking at a number of the different rankings of schools and school reports, the United States looked particularly bad in one DEF category: the difference in quality between rich and poor schools. We finished 42nd lower than any other developed nation, which is shameful for a rich nation."

So if 26 nations had better schools, how did we wind up being number 2 in competitive ranking of all the nations in the world? The DEF used dozens of variables in many sectors, and the United States ranks well across the board.

One important consideration is the brain drain factor. Our scientists and engineers stay here, earning us a top ranking in that category. Other nations of the world who send young people to the United States to be educated, and certainly we have received or we have been the beneficiary of that for a number of years, they come here and many of them stay in the United States, and they make their contributions here. We as a society and as a people have been beneficiaries of their coming to America and getting their educations here. It has made a difference.

I only share this because I think this article is a good article for me to segue into the comments I want to make this evening, because I think there are some good things. There are a lot of good things about our public schools. I think the American public cares very deeply about our public schools.

We have roughly 53 million young people in this country in the public schools of America. Depending on what State one is in, that may range from roughly 93 or 94 percent in North Carolina to where some States, maybe a little lower, we probably have 95 instead of 94, and some States less because they have more parochial schools. The bottom line is, the bulk of the students in this country are in the public school sector, and historically they have gotten a good education.

The challenge we face today in the 21st century is a much different challenge than we faced 50 or even 100 years ago, or even 25 years ago, for that matter. The world is a different place. We are technology-driven, by and large. We want every child to be able to make it. We do not have the luxury that we had 30 or 40 years ago where we could educate the top 20 percent, the rest of them could get a job on the production line.

Those jobs in industry, wherever it may be, or even on the farm, for that matter, wherever they work, are really tied to technology.

□ 1815

Many of the jobs around this country and increasingly around the globe are tied to technology; and that is why we need our young people better educated today than ever in history. And that is why we look to the public schools and we are challenging them. Parents are, rightly so, looking at their community. That is why when you see survey after survey, if you look at the rankings, and I have had occasion to follow them for a number of years now, by and large parents tend to rate the schools that their children attend fairly high. They usually get a B or higher for the schools their children attend. And if you look at schools, in general, they tend to get a much lower ranking.

Why is that so? I think the reason is that parents and the people in that community are familiar with those schools where their children go. They know the teachers. They know what happens in that school, so they get a much higher ranking. They do not know about all these other schools. What they hear about these schools is general information that is shared, be it accurate or inaccurate, so they tend to process it. If they tell them schools are bad and they hear public officials continue to say it, they will say, My school is good.

I think it has a lot to do with the same kind of ranking with Members in this body. They say Congress in general, we really do not have that high of numbers; but if you ask about a Member that represents in a district, he is a pretty good guy or lady. I know him. They represent us well. I think that is reflected in that as well.

Let me move now to some of the issues I want to talk about, and I am joined now by some of my colleagues, and I will call on them in just a minute, the gentleman from Chicago, Illinois (Mr. DAVIS), who really has been a tremendous leader in education in this body. But I would like to begin tonight by talking about why education is such an urgent national issue, and it really is.

Since September 11 we have all been heavily focused on the issues regarding our national security, and I think that is appropriate, and on homeland security specifically. And that focus is completely appropriate as we have become aware of threats to our security in this new era of terrorist attacks. I mean,. if we pick up a newspaper, we read a magazine, we turn on the TV, it is in front of us. So it is appropriate we deal with it. But we make a huge mistake, I think, if we fail to recognize and act on the reality that increasing the investment in education is imperative but it is absolutely critical to our Nation's security. It is as important, maybe more important, but it is equally as important as protecting our borders, both in the immediate sense and in the long term.

You know, it is a lot like a child developing. It is awful hard for a child to develop healthy if we do not feed them the proper food. And if you give them food to develop the bodies, we have to give them the right education and opportunities to develop their minds, to be a well-rounded person. In the 21st century, America's economic growth and prosperity depend more and more on a knowledge-based economy and on the skills of our people. And we have seen that over the last many years.

Working Americans are beginning to understand that their level of earning is tied directly to their level of learning. Let me repeat that again. Their level of earning is directly tied to their level of learning. And it will be more so in the 21st century. And we really do not think about it; a lot of us as adults think of learning as academic being in the classroom. Let me remind my colleagues that all of us learn every day in the people we come in contact with, the interactions, the bulletins we read, whatever we do. It is things that we pick up. And it really perplexes me when I hear people talk about, and sometimes they do not think before they speak sometimes, they talk about how a student made little of this and a little of that.

I used to go to civic clubs. I specifically remember one Rotary Club, and I will not call the name of where it was because somebody might be watching from that town. We had an eighth grade exit math exam for our students in North Carolina. I thought, I will have some fun. So I carried that math exam with me to the civic club. I will not even call the name of it. I handed it out.

I said, I have read in this local paper how this exit exam is not even an eighth grade level. So I passed it out to the people who had come to lunch. Now, I was not so dumb as to not carry the answer sheet with me. I carried it with me. So I watched their faces as they were working on it. Finally as we got near the end of the meeting I said, if anybody wants to raise their hand and give me the answer, and I would read the question. And I could tell by looking at their face some of them had not done too good on getting their answers right.

The point is we have some of the brightest young people in our public schools today we have ever had. But our challenge today in this body as we develop policy and across this country is to make sure that every child gets that opportunity, and we are trying. I want to talk about it as the evening goes on about the bill of No Child Left Behind and why it is important that, if we are going to do legislation, we have to put the resources behind it.

An educated populace is also critical to the survival of a free people and the sustaining of our democracy. Our Nation's experiment with self-governance can only endure if our people know and understand their stake in its success. And I will talk more later about the long-term challenges we face in education, but I want to now talk about the immediate challenges we face in America's schools. And I think before I do that, though, I want to talk about some infrastructure needs; but before I do, let me turn to my colleague from Chicago, Illinois (Mr. DAVIS), who has been a champion for education in this body. But he has really been a fighter for young people since he has been here.

Mr. Speaker, I yield to the gentleman.

Mr. DAVIS of Illinois. Mr. Speaker, let me thank the gentleman from North Carolina (Mr. ETHERIDGE). I was sitting there thinking and recalling that North Carolina is recognized as having one of the best public education systems in the country; and as I have observed the gentleman over the last several years, I kind of smiled to myself and said, yes, I know why. And one of the reasons is because they have had great advocates like the gentleman over the years, even before he came to the Congress, who seriously promoted and functioned as an advocate, who kept pushing and kept recognizing how valuable and how important education is. And so I simply want to commend the gentleman for the kind of leadership that he has displayed in the State of North Carolina and in the United States Congress, pushing the concept that we really cannot afford to leave any child, that we cannot leave any of our children behind, especially as we continue to try and make America become the Nation that it has the potential of being.

So I thank the gentleman for giving me the opportunity to share a bit of the time with him this evening to talk about how important education is because it has always been a priority for me. And I, too, believe that the best way to preserve the safety of our country is to educate our Nation's youth so that they can continue to grow and develop and help be in a position to confront the issues and solve the problems that we continue to face.

I was thinking of the fact that we spend and we are going to spend, because we have no choice except to, billions of dollars to protect our Nation from future terrorist attacks and to rebuild what has already been torn down. And I support this kind of spending and know that it is vital to the success of our country. But I also think that we cannot afford to lose sight of the fact that, as we increase military spending, we also need to protect the future by continuing to invest in the education of our children.

I am fortunate to come from a congressional district that has some of the very best public schools as well as private schools. I mean, I have got schools like Whitney Young High School, which has won the academic decathlon every year for the last 10 years. It is known as the best college prep school in the Nation. This is a public high school. Yes, it is a magnet school; but it is also a public high school. Then I have got other schools like the Oak Park and River Forest High School, like Trinity Lutheran. All of these schools have super records.

Then I have got a little school like Providence St. Mel, which is a little private black school in the heart of the inner city where 99 percent of all the young people who graduate from there go to college. And this school has a tremendous program of discipline where every young person has to comply with whatever the rules and regulations are. If not, you just cannot go there. Paul Adams does not allow it. Then I have got St. Ignatius Prep, one of the top prep schools in the country.

And then I also have schools that turn out great athletes, people like Mark Maguire, Kevin Garnett. All of these individuals came out of my schools, schools in my community. Westinghouse just won the boys' championship this year. And Marshall High School has the best woman basketball coach in the Nation. I mean, Dorothy Gaters has won more championships and has had more offers to go to universities and go to the pros, but she will stay right there at Marshall; and that is where she is going to probably end her career.

But we also have to recognize that there is still a tremendous amount of unmet need. And that is to say, far too many of our young people do not have the resources made available to them so that they too can actualize all of the potential that they have, and so we have to keep putting in the resources. I mean, it is not good enough to talk about leaving no child behind. We also have to put the money in where it is necessary. We have to have standards that are high. There must be accountability, and there must be adherence to standards that have been set. And so I agree with everything that I have heard you talking about here earlier this evening. And I certainly want to keep commending you for keeping education on the front burner, out in the forefront.

Let me just tell you as I end and go back and do some other work, I went to a one-room school when I first started school. As a matter of fact, there was one woman, Ms. Beadie King was the teacher, and she taught eight grades plus what we called then the little primer and the big primer. And much of whatever it is that I know today and much of what I can recall, I am a person who likes to use poetry when I am talking and use vignettes, and most of those I learned from Ms. Beadie King, and I can still remember them. Today I could not remember anything, but I remember them.

So there is nothing greater than good teachers, and we need to make sure that our teachers are well compensated, that they are paid for the work that they do so that the quality of their lives can also be what it should be.

So I commend the gentleman and thank him for the leadership that he has displayed, and it has just been a pleasure to be here these few moments and join with the gentleman.

□ 1830

Mr. ETHERIDGE. I thank my colleague, the gentleman from Illinois (Mr. DAVIS), and I would say to him that his comments here on the floor and the comments as Members speak and acknowledge great teachers that made a difference in their lives, honors those teachers in a very special way, and all of us could stand up and acknowledge those people who have made a difference.

As the gentleman from Illinois (Mr. DAVIS) mentioned about compensating teachers, it is important that we do a better job of it because they want their children to go to college. They want to own a home. They would like to have a nice car. And in some places in this country, they who are some of the more educated people in the communities cannot even send their children to the schools where the people who educate their children do. And that is not right in America and we have got to change that and we can do better.

The number one security threat, though, to our schools is a lack of adequate infrastructure. Let me talk about that just for a minute. My colleague from Illinois (Mr. DAVIS) alluded to it a few moments ago talking about the communities that really have some of the resources and others who do not because in many of America's communities, school buildings are old and unfortunately because of the resources of those communities, they are neglected and falling apart and they do not have the kind of quality infrastructure that would make a difference. We send in children into buildings, and I have often said in my communities as I have moved around, and I think it is still true, that we have prisons in this country that we as members of this United States Congress helped build and pay for that are a whole lot nicer than the buildings we send our children to. That is wrong. It is not wrong that we have the prisons.

It is wrong that we have better facilities for them than we do for our children. We have it within our power to do something about that, and I am going to talk about that more in a minute because we come on this floor and argue about issues and policies, and many of them are short term, built to get to the next election, but I am here to tell everyone this issue is far beyond the next election. This is about the next generation and the future of this country, and I think the American people are going to hold some folks accountable for not living up to this part of the bargain because the average school in this country is over 40 years old. If the average is 40, then one can imagine how old some of those buildings are. Some of them were built shortly after the turn of the century and some are approaching 100 years of age. The age is not the issue. The condition is what is the problem. Fifteen million American children currently attend what has been classified as substandard facilities. If these were prisons in the country or if they were jails, because of the codes we have in America, we close prisons and we close jails and we are forced to build them, but there is nothing that says we cannot send a child to a substandard facility, and children, in my opinion, are not as safe as they can be in substandard schools. And they certainly are inviting targets for would-be terrorists, either foreign or domestic, in some of these cases, and let me tell why, and I am going to use my congressional district, which I think is a very progressive district and I am sure other members would probably say the same thing, but certainly they are. Our State passed a $6.2 billion State bond issue in 1996 and the counties that I am getting ready to cite have raised revenue and built buildings every year, I know, for the last 10 or 12 years, and part of their challenge is they are growing so rapidly, they cannot keep up. The biggest challenge is school overcrowding, certainly in my congressional district, and I am sure it is true in a number of the others, and use of temporary trailers or substitutes for quality classrooms.

Why is that an issue? There are several reasons. One is they are isolated from the rest of the building. In many cases they do not have shelters. They go out to the classrooms in the morning or the afternoon and it is raining or it is cold in the wintertime, they are losing instruction time. The teachers have children put a coat on to go to the bathroom or to go to the cafeteria or to the library. Members get the idea. It is just a challenge, and there are not many businesses in this country that allow their business to operate under those conditions, and yet we send our children to them and we say to the teachers we want them to send them back to us all A students, and if they do not, we are going to hold them accountable. I do not have any problem holding people accountable for the job they do. I think we ought to hold them accountable and we ought to have high standards, but we ought to have the gumption, as some of my friends would say, to put the quality facilities there to get the job done and put the resources there so they will have the tools to teach with.

Mr. Speaker, in and around the Triangle region of the Raleigh area where I represent, our schools are literally bursting at the seams. Despite the best effort of local, as I have already said, and State officials, our school systems are finding themselves swamped by rapidly increasing enrollment forced on by growth. Many people have moved to the area to find good jobs because we have seen a lot of growth over the last several years, and they have had to put children in trailers.

In my home county, as an example, Western Harnett High School now packs students and teachers into 22 trailers, 22. Multiply that by 25 to 28 students, and my colleagues get an idea of how many young people are outside the main building. They have to go somewhere else to go to bathroom. They have to go to the cafeteria, anywhere else they want to go, and in high school, remember, they change classes every hour if they are on a regular schedule. If they are on a block schedule, it may be every hour and a half or two hours. So there is a lot of movement and a lot of people outside the building.

Think of the security challenges that a high school principal faces in those conditions. They just are not big enough to handle the load. These young people are really young adults, and they are in facilities that are not what they ought to be.

Next year, school leaders on this campus, now it already has 22, are going to have to add six more because the community is growing so rapidly. Someone said, well, are they doing anything? They are getting ready to build a new high school, but the point is that is happening all across our States and many places in America.

Among all the schools in Harnett County, we have 122 trailers. Next door in Johnston County, a county that I grew up in, the school leaders have been forced to employ 169 trailers. That is how fast they are growing, and they are building new schools every year. Four Oaks Elementary alone has 16 trailers. Three-fourths of the schools in Johnston County have at least one trailer, and the story is the same all across the district because it is growing so rapidly.

Local and State leaders have stepped up to the plate and they have built new schools, but the enrollment growth is so rapid that many of these new schools are overcrowded the day they open. Across the State of North Carolina, we have more than 1,500 trailers today in use, and that number is growing, despite the best efforts of local governments and State government to put money in at a time when they are really feeling the pinch with the economic downturn.

Overcrowded schools and trailers, they are not as safe as brick and mortar, we know that. I do not want to send anyone into a panic because their children attend school in a trailer, but any principal, if he is being honest, will tell someone that security is severely diminished by the use of trailers because they are outside the main building, they do not have the kind of control, and certainly they raise the risk of security around the building.

As Congress thoroughly examines our Nation's security needs in the wake of September 11, we must not fail now because we did and we have spent money and we continue to do as we should have. We must not fail to provide assistance to get students out of trailers and into more safe and secure permanent buildings, and we can do it.

Some of my colleagues say, well, Congress ought not to do it. Let me remind them. We spend money on a lot of stuff. We build schools overseas. We build prisons here at home. I just want somebody to tell me why we cannot build school buildings because there is a bill to do it. In our State and in our local areas, we have issued a record number of bonds to finance school construction in recent years. We did it when I was superintendent.

Congress and the administration now can help provide the kind of leadership to deal with this pressing issue if they will only decide to do it across this country. At a similar time in our Nation's history where we were seeing tremendous growth and the challenge to our public schools, America faced unprecedented school age population growth with the onset of the baby boomers, and when did this happen? It really happened in the 1950s, after World War II, and at that time there was a Republican president who had been an American general that led us through World War II. He responded to the challenge with a proposal worth of $9 billion in current dollars for the Federal Government to assist with school construction.

So I do not want my colleagues on either side of the aisle saying this Congress is unprecedented, and we spend money. This was a Republican president. It was not a Democratic president. He understood there was a need. It was not about party. It was about ideology. It was about building a future for America, and there are a lot of young men and women in this country who are today adults who went to school in these buildings that were paid for by the Federal Government.

President Dwight David Eisenhower really was an American hero. That is why both parties tried to recruit him. The Republicans got him. He ran for president, but he was not afraid to provide the needed leadership on the domestic front. He understood it. Let me repeat it again. He understood that if we are going to be a strong Nation and we are going to be prepared for the future, we had to have a strong domestic economy, and on school construction, President Eisenhower said, "Without impairing in any way the responsibilities of our States, localities, communities or families, the Federal Government can and should serve as an effective catalyst in dealing with this problem." The president was right then, and we now need that same kind of leadership once again.

Here in the U.S. House, my colleagues and I are working to provide that same kind of leadership. We have endorsed H.R. 1076, the America's Better Classroom Act. This legislation will provide Federal tax credits to the holders of school construction bonds to help leverage precious resources at the local level. H.R. 1076 will help provide more than $22 billion in school construction bonds across this country, and this is a bipartisan piece of legislation. It is not partisan. It will work to build new school buildings, alleviate overcrowding, strengthen security and improve education in the United States of America.

Mr. Speaker, my colleagues and I have worked for several years to pass a similar piece of legislation. We now have 226 cosponsors on this piece of legislation, and I implore the Republican leadership of this House tonight to allow this bill to come out of the committee and come to the House floor. It is an urgent national problem, and it needs to be addressed.

President Bush, who is doing a fine job on the war against terrorism and has shown leadership on other education issues, has unfortunately ignored the school construction crisis facing this country. Mr. Speaker, the American people deserve better. The American people deserve quality schools for their children. Their children are the most precious resource they have.

Talk is cheap. It takes action and it takes responsibility, and the American people deserve the peace of mind that quality, secure schools will provide. I am proud to work with my Democratic colleagues, and yes, Republican colleagues who will join us, to support innovative solutions to this important issue. School construction is an important part of this agenda.

In addition to school construction, there are a great many other educational issues that this Congress needs to address. Over the last several weeks, we have challenged several proposals, one that floated out of the administration, to change college students' loan rates. To their credit, they pulled it back after we raised the issue, that it would cost those students and their parents considerably more.

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I have had the great privilege to serve at the local level, the State level, and now at the national level. And it never fails that whenever budgets get tight, some people insist on putting education on the chopping block. That is distressful because that truly is our future. But I know too well that you cannot strengthen education on the cheap.

Also, it would be less than honest if I did not acknowledge that there are areas that we need to pay attention to. Where there are areas that need to have trimming and cutting back, we should do that. Everyone should acknowledge that; and we should not allow anyone, I do not care who they are, what position they hold, or where they are, to misspend public education money for our children and misrepresent the funding sources that they would be using. Because I happen to believe that when you cut education, you pay a heavy price.

I grew up in a rural farm community; and I always say that when you cut education, it is as dumb as eating your seed corn. Because you always save the best corn to plant the next year. Some people in this town may not understand that reference, but back home, folks understand that eating your seed corn is not a smart idea if you hope to have a crop next year. And the same is true with our children. It is sort of an old cliche, but it is so true when we talk about our children, that they are our future.

I expect if you ask most parents, they would, if they were open and honest, and most of them are, they would say to us that they could get along with a whole lot less than they do, if they had to. Because we all really, I think it is true of me and my wife, most of us want things better for our children. And that is why we work hard, because we want to make sure they are successful and they have the opportunity for a bright future.

That is why the budget resolution that the majority pushed through this body a couple of months ago now contained many; I think, very misguided proposals and misplaced priorities that I think were wrong for this country. And education was caught in that crossfire. The Republican leadership's budget resolution cut $90 million in education funds from President Bush's own proposal that was just recently enacted, the No Child Left Behind Act. If you are going to have a program and you are going to ask people to live by high standards, and I think we need to have that, if we are going to ask them to do the kind of assessment to know where children are and help them get better, we have to give them the tools to get the job done, especially at a time when we are seeing almost 40 States, I think over 40 States in this country, facing budget crisis. If we do not live up to our part of the bargain, they are probably going to figure out right quick that we did not really mean it. Because they are not going to do it, and then we will be worse off than we were when we started. And I think that budget was misguided.

The budget resolution also cut Pell grants for colleges, cut safe and drug-free schools by $200 million, improving teacher quality by $105 million, education technology by $134 million, and also eliminated 28 important educational efforts, such as dropout prevention, rural education, an area that is really hurting because of the disparate resources there, civics education, and numerous technology and training programs.

It is important that we live up to our commitment at this level. Because if we do not, even though the Federal Government only puts in, depending on the local jurisdiction, 6 to 7 percent, and in North Carolina it is probably no more than about 7 percent of the total budget because the bulk of it is State and local, that is an important piece of money because it sends a powerful signal. It says that this is a priority at the national level; we really do believe in what you are doing, and here is how we want to help those who have fallen behind.

Historically, Federal monies have been to help those who had needs in specific areas, by and large children with special needs, which we really are not meeting that obligation. We originally said we were going to pay a substantial amount more than we are now paying. We are paying 20 percent, and we should be paying more like 60 that we committed to. But these kinds of shortsighted cuts are wrong for our children, and they really are wrong for my home State and I think for the other States who are struggling to meet the needs and who really want to make a difference in children's lives.

I just hope that as this session moves on, and we are now getting into moving into the appropriations process of the budget, which will be coming up in the next several weeks, that we will correct some of these problems; that we will put the resources in that are needed so that teachers can teach and they will have the resources to meet their needs. Because if we do not put in the resources that we need and we put the mandates in for the things we want them to do, and then we threaten to hold back other monies if they do not live up to that obligation, what we do, the people we hurt the most are not the wealthy school systems in this country. They may be getting few of the resources on a percentage basis to the budget than a lot of others, but the ones who are really getting hurt are the children, in most cases, who are the most vulnerable, those in the poorest school systems, the children with special needs who get some of the money.

All those areas that are on the edge are the very youngsters that we are going to need to help. So I think sometimes we do not really understand when we pull the cord and not put the resources in place. Mr. Speaker, it has been my experience in the few years I have been here that we put together a lot of words, and talk is awful cheap. But at a time when we spend a lot of time back and forth about appropriations and budgets and so on, a lot of stuff gets lost in the sound and fury of the debate. But at the end of the day it really is about budget and spending choices that we have to make that really defines the kinds of priorities that we ought to have, and they really express our values as a Congress and as a people.

I trust that in the next several weeks that we will show that we really do value education, because we know that lifetime learning is the key to the American dream for every family, middle class, wealthy, and those who are struggling to get into the middle class. As I said earlier, in today's global economy, America's international competitiveness is absolutely dependent on our people's ability to perform knowledge-based jobs that produce the best products and services in the world. And if we are going to continue to compete, we had better be about making sure the next generation of Americans in this new economy of this Information Age can be able to earn based on what they have learned.

And it is so true. It is as true today as it was last year; but it will be more so over the next 10, 20, 30, 40, 50 years. And so we have been trying to get Congress to give higher priority to strengthening our public schools, really our neighborhood schools; and by doing that they will demonstrate how much we value the education of our children and how much we care about the communities we live in. It is irresponsible, in my opinion, to talk about how much we value education and how much we care about the future and about our children when we come to this floor and squander the opportunity to make a difference and not put the resources in place to help our children be successful.

In conclusion, Mr. Speaker, let me say that both our immediate and our long-term security needs depend on our investment in education. It is as critical today as it has ever been in the history of this country. You have heard others talk earlier about a number of things, but it is about looking at the future and how do we, as Members today, help those teachers in the classroom and the administrators teach our children to make decisions for tomorrow. We cannot allow children to be continually placed at risk by being condemned to less than quality facilities, and that same thing would be true for curriculum and instruction. That means we have to put the resources in where we can.

We cannot put them all in. We will never have enough, I realize that. But it has to be a partnership, and a true partnership with State, locals, and, yes, with the private sector to make sure that teachers get the skilled training they need and the ongoing training. Too many times we say to these professionals, you are professionals, we believe in you; and yet, when they walk out of the classroom and they need to get their certificates renewed or upgraded, they have to take it out of their own meager salaries to pay for it. We do not do that in any other profession I am aware of that pays that kind of wage in this country, but we do it to teachers. And that is wrong. We can do better, and we ought to be doing better.

I think America is looking to Congress to provide leadership on these urgent national priorities, and I trust that not only my Democratic colleagues but my Republican colleagues will also join me. I certainly can say to you that I stand ready to help deliver on that because I think it is critical to the future of this country. We will not get many more opportunities. Even though these are challenging times and resources are tight, if we spend them wisely, we can have a very bright tomorrow. Our children will inherit a better country, and our democracy will be safe and secure. I really believe that an educated citizenry is important to maintaining a democracy. We have seen it around the world. When we do not have quality education, we are in trouble.

I will close with this, Mr. Speaker. If we want to look at Afghanistan as a place, the first thing they did was shut down the schools. Of course, the first thing they did was oppress the women and then they shut down the schools. But the truth is if you poison the minds of young people and do not give them an opportunity, your future is pretty grim. We are not going to let that happen in America. We are going to work together to make it better. We have the chance, we have limited resources, but we can target them, we can build better schools, we can help those teachers in the classrooms who are telling children about the better world they will have. Someone has said if you want a better world, tell a child, they will build it.

RECENT BIPARTISAN TRIP TO RUSSIA, CHINA, UZBEKISTAN AND NORTH KOREA

The SPEAKER pro tempore (Mr. OTTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I will perhaps not take the entire hour, but I want to take this opportunity to review a recent congressional delegation trip that I led over the Memorial Day recess.

Mr. Speaker, this was a historic trip, and one that has laid the groundwork for, I think, some future historic activities for this Nation in a number of areas. The trip was to basically countries involving Russia, a visit to Moscow and then on to Tashkent, Uzbekistan; on to Beijing, China; Seoul, Korea; visiting military sites along the way. And the only disappointment of our trip was that we had planned to be the first large bipartisan delegation into Pyongyang, North Korea, to begin a dialogue with the leadership of that nation to lower the tension and the rhetoric and to see if we could not find some common ground in comparison to the recent negative feelings between the U.S. and the North Korean leadership.

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Unfortunately, despite our best efforts to try throughout the entire trip, we were not successful, and I will talk about that effort over the next several minutes.

The bipartisan delegation consisted of 13 Members of the House. We had 7 Democrats and 6 Republicans. The delegation represented almost every one of our major committees in the Congress, but had a heavy emphasis of the Committee on Armed Services. The delegation was interested in a number of issues, but in particular cooperative threat reduction, ways that we could decrease the threat posed by nuclear weapons and stockpiles, ways that we could retrain, help retrain those individuals, especially in Russia, that were involved in nuclear and weapons activities, issues involving counterproliferation of weapons of mass destruction, and ways that we could work with former Soviet states and other nations to continue our counterproliferation efforts, dealing with the issue of nuclear waste and contamination and other environmental issues, energy production and distribution, cooperative efforts in the war on terrorism, Sino-American relations, and North and South Korean relations.

In addition to meetings that we had formally, we met with a number of our military troops and I will talk about some of the findings that we came away with as we visited troops throughout the region.

Mr. Speaker, we left Washington a week ago this past Friday on May 24, and traveled initially to Moscow. In Moscow, we were met by both our embassy officials and other Russia leaders that had been advised of our visit. On the first day, despite a very long trip, we spent some time with our embassy officials and got a briefing on an American company that is based in the district of the gentlewoman from Florida (Ms. BROWN). The gentlewoman of suggested that we visited with officials of the Atari Corporation, which we did, and got an overview of the kinds of activities that they are involved with, including the presence of that company here in America.

We continued our visit over the weekend with a trip to the American University in Moscow, an institution that was started over 10 years ago. Their director assembled a group of academics and leaders in the educational area, and briefed us on a whole new series of initiatives relative to the training and education of young Russian leaders with American institutions, and in this case the American University in Moscow.

We have a continuing dialogue with the American University, and in fact the exchange process has already started in terms of cooperation on academic programs with the American University.

Also on Sunday we met with the leadership of the Kurchatov Institute. Dr. Evgheny Velikhov is the head of Kurchatov. Kurchatov is the largest and most prestigious nuclear institute in Russia, named after its founder, who was the developer of the atomic weapon for the Soviet Union. Today Kurchatov, which is smaller than it was in the Soviet era, has a number of nuclear scientists that are in need of work. Part of the efforts of our government through the Department of Energy and the Cooperative Threat Reduction Program has been to find ways to have those nuclear scientists and weapons scientists work in a productive way for both Russian and American corporations, and take them away from the former work that they did, which was all military-related.

Our discussions with Kurchatov centered around a number of very specific projects and programs, programs that involve American corporations, American NGOs, and American governmental entities. They were very positive meetings, and we discussed everything from fusion energy, disposition of fissile materials, nuclear sites, clean fuel cycles, magnetic fusion, low-yield nuclear warheads, ballistic missile defense interceptors, and a number of other issues. We came away with a number of ideas of how we can further engage the folks at Kurchatov in a cooperative way to benefit both the United States and Russian people peacefully.

In addition to that meeting, we met with leaders of the petroleum industry and the oil and gas industry in Russia, and talked about the efforts of many of us to steer America away from our reliance on Middle Eastern crude, and to work with the Russians, who have huge deposits of energy, to allow us to help them develop that energy, thereby giving us a new source of fossil fuels and gas, reducing our dependency on Middle Eastern crude, and at the same time helping Russia grow its economy. Those meetings were very positive, and I think will be fruitful in the future.

In addition, at that meeting, I invited the North Korean commercial attache in Moscow, Mr. Ku Song Bok, to attend an evening event with us. I did that as a gesture of good faith toward the North Korean government, the DPRK government, to show them that this delegation was interested in starting a positive initiative to work to establish a framework for discussion between the leaders in DPRK and those of us in the Congress that want to pursue this new avenue of dialogue with North Korea's leaders, both their president or chairman, as well as the members of their high parliament.

Mr. Speaker, we also had meetings with the Moscow and the Russian Duma. The Duma is the lower body of the Russian parliament, the Federation Council the other body. In our meetings, we had probably some 40 Duma deputies and Federation Council members interact with us. We had a number of discussions relating to a variety of issues. But the key issue was a document that many of us in this body produced last fall, a document that I have addressed on this floor in the past.

This document, 45 pages long with 108 specific recommendations, was prepared to provide President Bush and President Putin a new format for relations between our two nations, with 11 key areas involving energy, the environment, health care, local government, culture and education, science and technology, agriculture, and defense and security, among others; recommendations that we could undertake to bring the Russian people and the American people, Russian institutions and American institutions, closer together.

This document, as I have explained to my colleagues in the past, was given to both President Bush and President Putin over the signatures of over one-third of the House and the Senate, members of both political parties equally divided, signed on to say to our President before the most recent summit that we want to change the nature of our relationship with Russia.

Perhaps one of the highlights of our trip, Mr. Speaker, was during a lunch that we had on Monday afternoon, two of the top leaders of the Russian Duma both said publicly that the Russian approach to the most recent Bush-Putin summit was largely based on this document.

This was significant because this was the first time that Russia publicly acknowledged that the work of our Congress and our Senate in producing this document actually was the basis for the Russian lead-up to the summit between President Bush and President Putin. We knew that they had taken this document seriously because they had produced a document in Russian in response to what we had produced. This document is the Russian Academy of Sciences' response to our proposal for these new initiatives.

My understanding is that the Academy of Sciences is setting up 11 task forces to work on the specific areas that we identified as key areas for America and Russia to work together. So our meetings in Moscow were extremely fruitful. They were positive. They were building on the success of President Bush and President Putin for a new relationship that in fact is much broader and much more engaging than our past relationship, which was largely based on agreements of strategic weapons.

The contention here by many in this body is for us to have even greater success in strategic and defense issues, we have to work aggressively to build more confidence.

One other interesting offer made by the Russians at our final luncheon meeting in Moscow, Mr. Speaker, I bring forward to this body and ask for our consideration and help, and it shows the state and the change of our relationship. Ten years ago a meeting between Russian officials and American officials would probably have had some screaming and shouting and accusations against each other. Our meetings today are totally changed. Over the past 10 years we have established a major new positive dialogue so that the last discussion we had before we left Moscow and in the spirit of the goodwill games currently being held in Japan and South Korea was a challenge by our Russian Duma colleagues to have a series of athletic events between members of the Duma and Members of the House.

So, Mr. Speaker, I challenge our colleagues to work with me, having played in a number of congressional baseball games where our Democrat teams play our Republican teams and we raise money for charity, and being aware of our congressional basketball games and our golf matches where Republicans play Democrats and other events, we now have a new challenge. Members of the Russian Duma have challenged this body to a series of athletic contests in the spirit of goodwill both in Moscow and Washington, where we can get together and have some friendly fun and also agree to a series of what hopefully will become annual events between the leaders of two parliaments.

Mr. Speaker, I look forward to establishing a task force on the American side, hopefully comprised equally of Democrats and Republicans. We will look at what types of competition we want to have because some that we would do would be favorable to America, some the Russians might want to do would be favorable to them. We want to find the middle ground. We will start a whole new era of cooperation in the same spirit that we have in this city in basketball and baseball and other competitions between our two parties. In the spirit of friendship and goodwill, we will now take the same atmosphere to our colleagues in the Russian Duma.

Mr. Speaker, we left Moscow on Monday afternoon and flew again on military transport to Tashkent, Uzbekistan. We wanted to visit Uzbekistan because it is a prominent former Soviet state, a Central Asian nation that has stepped up and played a critical role in our battle against terrorism. In that country, after having met with the officials of the Uzbeki embassy here in Washington, we were greeted with a meeting with President Karimov. It was an extremely positive, 2-hour meeting as we discussed a new level of cooperation with Uzbekistan, efforts to bring more focus on the Central Asian nations, and to thank the people of Uzbekistan for allowing America to use a base in their country with the cooperation of their military to fight the war on terrorism.

In fact, when we met with President Karimov, as we did in our meeting with the foreign minister, Mr. Kamilov, our U.S. embassy country team, we also extended an invitation through members of their parliament to establish a bilateral parliamentary exchange, much like we started with the Russian Duma. We now challenged the Uzbekistan parliament to establish a formal relationship between the House and the parliament, the lower body, actually the only body in Uzbekistan. They accepted overwhelmingly, and very eagerly anticipate the first meetings of the delegation that will start an annual series of meetings both in Tashkent and Moscow to find ways to work closer together with the people of Uzbekistan.

Our ultimate goal is to produce a document similar to this document, outlining ways that we can bring the people and the institutions of Uzbekistan closer to the people and institutions of America.

In addition to our visit with the President and the foreign minister, which were separate meetings, we traveled to one of our primary military bases in Uzbekistan at Karshi-Khanabad, more commonly known as K–2. This military base is down fairly close to the Afghan border. We have right now approximately 3,000 troops at that site. They are doing a variety of work, and represented most of the services.

The purpose of our visit was to assess the spirit and morale of our troops, and to let them know how proud we are of their work. In fact, we carried with us almost 7,000 cards and letters from school children across America who are writing to individual members of our military to thank them for the services that they are providing to our country. We also took from my home State of Pennsylvania cases of TastyKakes and Hershey bars, and boxes of homemade cookies made by individuals and families and the spouses of Members of Congress to give to the troops to thank them from the people back home for the job that they are doing.

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I can tell you, Mr. Speaker, the morale of our troops at the K–2 base was unbelievably positive. The morale was so evident in everyone that we met with. Their needs are being met. They obviously would like to be home with their families, but they are there to do a mission, they understand that mission, and they are committed to follow through and complete the task assigned to them by our President and by our military command officers.

We did have a problem with one of the engines on our cargo plane that took us into the K–2 base. While I bring up this not to embarrass our military, I bring it up to show that we are having success because the starter would not work on one of our engines as we prepared to leave. But because we have taken great efforts in this body to provide additional funds for spare parts and training, and that has been supported by both Democrats and Republicans, within 2 hours a spare part was made available and the men and women of the unit in K–2 were able to replace that so that we could take off in time to make our meeting with President Karimov back in Tashkent.

So our military, in fact, is doing a fantastic job. We are proud of them, and we were there to say thank you on behalf of not only Congress and the House but all America. Following our 1-day trip to Tashkent, having achieved our objectives to work with the President and a commitment to follow on with the parliament of that nation, we traveled and arrived late at night in Beijing, China, starting on May 29.

In the People's Republic of China, in Beijing, we met with President Jiang Zemin, a very historic opportunity for us to meet with the top leader of the People's Republic. The meeting was extremely interesting because President Jiang spoke to us not just in Chinese but also in English, which showed the level of comfort that he had with our delegation. He was very much interested in hearing our views. He put forth his commitment to work with America in trying to provide some stability in the current conflict between India and Pakistan, and he reiterated his commitment to work with us to provide peace for the world.

We discussed the issue of Taiwan. We heard his strong feelings toward that independent entity, and we again reaffirmed to President Jiang that we are committed to a one-China policy, and we are committed to the peaceful process of bringing China and Taiwan together. We also reiterated the fact that the Congress would not tolerate any armed hostilities in an attempt to bring Taiwan back in, and he assured us that that was not China's intent, that they were certainly totally committed to a peaceful resolution of the independent status of the two nations so they in fact could become one China again.

In addition to those meetings, the gentleman from Texas (Mr. TURNER) and the gentleman from Alabama (Mr. BACHUS) had been in China for approximately 4 days. They were a part of the delegation but did not formally join us until we arrived and they had been there in advance. They were there for a very historic purpose and opportunity. Mr. Speaker, they went to a suburban city outside of Beijing. The purpose of their visit with a group of UPS officials was to help build a new school for a small Chinese community to bring the Internet and computers to that village and to that institution. As we all know, China's income level for their average person in that country is about $300 per year. So when you get outside of Beijing and Shanghai, there is not much in the way of modern technology.

UPS, United Parcel Service, with 40 of their employees and two Members of Congress, set up a process to build a new school, which they did, and to equip that school with computers for the children that live in this community. It was an outstanding success and, in fact, the gentleman from Texas (Mr. TURNER) and the gentleman from Alabama (Mr. BACHUS) on the day after that we met with President Jiang Zemin, along with the gentleman from Texas (Mr. SESSIONS), the three of them were given an audience with Premier Zhu Rongji. President Zhu expressed his thanks to the people of America, to UPS and to our three Members of Congress for their outstanding work in helping to provide this new resource for the children of the community in China known as Zunhua.

Mr. Speaker, also in China we met with the Deputy Foreign Minister Zhou. It was a very positive meeting regarding economic reforms in China. He gave us an overview of the economic program that is in place. We talked about how America and China must work together to open new markets for American companies to allow that balance of trade to become more equal. He talked to us specifically about Taiwan, and we discussed again as we did with President Jiang Zemin the need for us to have a peaceful dialogue and a peaceful resolution of the Taiwan-China situation.

We were hosted on our visit to China by the Chinese People's Institute for Foreign Affairs. President Mei was our host. He had a luncheon arranged for us. In fact, the discussion there was broad ranging and discussed everything from economic cooperation to advancements in science and technology. It was very positive, and again they were the host that allowed us to arrange the meetings that took place in China.

Mr. Speaker, one of the highlights for me of our trip to China was the opportunity for me to speak for the second time at the National Defense University of the People's Liberation Army. It was a real eye opener. I had spoken at this university back 5 years ago. I believe I was the first elected official invited to speak at what is the premier military training institution for their mid- and senior-level officers. This invitation came before I went to Beijing to again address senior military officers in the PLA.

What was interesting about this trip was that it was not just me going to the National Defense University. In fact, eight of our colleagues who were with the delegation went with me. We drove for about 1 hour out of downtown Beijing until we arrived at the compound that is the major training site for China's mid- and senior-level officers. On the way, we talked to our defense attache who briefed us on what to expect. He told us to expect the Chinese officers to have canned questions, not to have any ability to go off the party line, and to be very stern and strict in terms of the way that they asked questions of me once I had finished my presentation.

Mr. Speaker, I told our defense attache on the way in that I was going to do something different this time, that I was going to break this large group of officers into subgroups and have Members of Congress directly interact with them. Our defense attache said, "That will never happen. The Chinese will never go for that. They are not used to doing things in an ad hoc way."

Mr. Speaker, what a great surprise we had in store for us. When our bus arrived at the front door of the main building of the National Defense University, after having driven through the entranceway, there was a full Chinese PLA military band and orchestra. In fact, it was all female, all dressed up in their military uniforms, which were white in color; and there they were playing for us a series of military musical selections, welcoming us to the premier training center for the Chinese military. As we departed the bus and walked up the stairway, a number of generals and top leaders greeted us to welcome us to the National Defense University. It certainly was a good start to our meeting.

Inside, I was taken aside and allowed to meet with the general in charge of the National Defense University, where I explained to him that following my presentation, which would last about 40 minutes, instead of me answering questions, I wanted to divide the group up and allow Members of Congress to directly interact with the soldiers and leaders of the Chinese military. He looked at me in some bewilderment, but did not object.

So we went into the room, and there in the auditorium were some 300 senior military leaders of the Chinese People's Liberation Army. As they sat in the room and were extremely attentive, I was introduced, and I made my presentation which I did not have in writing but basically gave from my own feelings about the need to improve our relations with China, and I went through the entire context of why we were there. I discussed the meeting we had had with President Jiang Zemin, and I challenged them to help us find new areas of common concern where we could bring our military together with the Chinese military to reduce the potential for conflict and misunderstanding.

Mr. Speaker, following my presentation, I told the assembled group that I wanted to divide them up into four groups and have two Members of Congress each set aside with those individual groups and have a dialogue. Within 5 minutes, the group divided itself into four, the Members of Congress broke up into groups of two, we had interpreters at each group, and for the next 45 minutes, something happened that I would never have thought could occur. American Members of Congress were interacting not in a formal way but informally in answering questions and asking questions of the next generation of Chinese military leaders.

Mr. Speaker, I must tell you, the comments were all positive. The tone was positive. And there were no canned questions or canned responses. It was an absolutely unbelievable opportunity to see American Members of Congress, our colleagues, interacting in an informal, sit-down way with Chinese military leaders around them in kind of a small-group setting asking questions and responding about American-China relations.

Mr. Speaker, this gave me a great deal of encouragement and leads me to believe that we must do more of this. We must continue to reach out, to tear down the barriers of misunderstanding and find ways to engage and be candid in the process where we have disagreements but also let these people know that we want to be friendly with them. We are not looking to have animosity or tension, but rather find ways that we can address common concerns together.

Mr. Speaker, leaving China, we had planned to go into North Korea. Unfortunately, all along the way, despite numerous attempts, we were getting nowhere with the DPRK leadership. In fact, I even at one point in time, one morning in Beijing had a call from Kofi Annan at the U.N., whom I had asked to assist us. Kofi Annan from the U.N., the Secretary-General, and five other groups were working aggressively with us to convince the DPRK leadership that it was in their best interest that this delegation be allowed in, not to criticize the North Korean leaders but to begin a dialogue, to talk, to try to break down the barriers and discuss common areas of concern and opportunity. Unfortunately, that was not to be.

But throughout our trip in Moscow, again in Uzbekistan and throughout our stay in China, we sent faxes, e-mails, telephone calls, had meetings with representatives of groups that were working in North Korea but were not having success, so finally we decided to leave Beijing and travel directly to South Korea. In Seoul, South Korea, our first stop was at the Yongsan U.S. Army air base. There we spent time with the troops. They were having a picnic on Saturday afternoon. We visited with the family members. We thanked them for the work they are doing, and we spent time letting them know that we wanted to hear about the concerns that they had being stationed in that country.

Mr. Speaker, this is something that we heard throughout our stop in South Korea with all of our military: this body and the other body and the Pentagon has got to do more to increase the pay level, to provide more incentives and decrease the amount of time that our troops have to spend when they are assigned to South Korea. We learned from our military leaders, from our top generals, and from our CINC in that region that South Korea is the least desirable stay that any member of the military has when they are given an assignment. In fact, in many cases, a young soldier would rather go to a theater where there is active hostility than they would to South Korea because the tour of duty is longer, usually a year, and the pay rates are significantly lower because of added incentives in going to Japan or other theaters. They are significantly lower when our military is assigned to South Korea.

Mr. Speaker, as you well know, we have 37,000 troops in South Korea. It is a major location for our troops overseas. This Congress has got to respond by changing the way that we are currently operating so that young people who are serving in Korea can bring their families with them, because today the bulk of them cannot get the pay level they should get when they serve in other parts of the world, and find ways to reduce the level of commitment in terms of the time they have to serve there. The commanding officers in that theater understand what steps they have to take.

And so our delegation came back to America convinced that we are going to work to commit to that military to change those requirements, to change those support mechanisms, so that our military when it is assigned to South Korea does so with pride, wants to go there, and does not feel that being assigned to South Korea is the least possible priority that they would have as a part of their military career and tenure.

Mr. Speaker, we spent time with Ambassador Hubbard. He gave us an overview of Korea. We had an in-team briefing with our leaders, both on South Korea, and they also gave us a briefing on the North.

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We talked about the upcoming elections. We were scheduled to meet with the candidates for the presidency, but because they were off campaigning with elections coming up next week, we were not able to have those meetings. We did meet with Foreign Minister Choi. We met him at his home. We talked for over 1 hour about our relations between the South and America, and we talked about our interests in going to the DPRK, or North Korea.

He, along with the Japanese, along with the Chinese, along with the Russians and the Uzbekistanis, all said that our intent to go to North Korea is extremely important. President Jiang Zemin encouraged us to pursue entrance to North Korea, the leadership in Moscow encouraged us to pursue our entry into North Korea, and so did the South Koreans. That was articulated by the foreign minister of South Korea. We talked about programs that we have together between our two nations, and we talked about ways that we could work even closer together, assuming we can break down the barrier by gaining entrance into North Korea.

Mr. Speaker, we met with Members of the National Assembly of the Republic of Korea. We talked about the importance of our forces there. They are unequivocal in saying that they want America to maintain a presence. It is extremely important to deter conflict on the peninsula.

We talked about cooperation in the war on terrorism, political and military stability in the Korean peninsula, the strong desire for unification of the two Koreas, and we talked about e-government and the need to bring our government and their governments into the new digital divide and the way we can in fact bring information technology to all the people in South Korea.

We also met with the Senior Combatant Commander for United Nations Command Forces, General Leon LaPorte, to get a detailed assessment of the current operations of the United Nations' efforts in South Korea.

We had meetings with the American Chamber of Commerce in Seoul. They also told us that they had tried to take a delegation into North Korea. Mr. Speaker, they had had a group of American companies that are prepared to go to Pyong Yang and announced they were going to invest significant new dollars in North Korea. Despite being assured by the North Korean leadership that they would be given entrance, as they went to get their visas, they were told they were denied and they should come back later.

It is extremely frustrating, Mr. Speaker, to try to open doors in a positive way with a regime so closeted and isolated from the rest of the world. So I appeal today, Mr. Speaker, that those leaders in the Democratic Republic of Korea, the DPRK, that they understand that we want to go to their country not to cause problems, not to blame, not to cast negative statements against them, but, rather, to simply open a dialogue, because having a dialogue is a way to eventually ease tensions and find ways to deal with common concerns and common opportunities.

While also in South Korea, Mr. Speaker, the delegation was given an opportunity to travel to the DMZ, or Demilitarized Zone. Traveling up to Panmunjom, members were able to meet with our military once again, engage with the various military officials, and the gentleman from Ohio (Mr. CHABOT) took on a personal crusade to engage our military on the issue of the remains of Corporal Edward Gibson who has been missing in action since November 26, 1950.

The gentleman from Ohio (Mr. CHABOT) raised the issue that so many Americans continue to be concerned about, the lack of a full accounting of those who are missing in action from the Korean conflict, the Korean War.

As an indication of the support of the gentleman from Ohio (Mr. CHABOT) and the honor that Corporal Gibson gave to his Nation by paying the ultimate price, he had an American flag flown over the DMZ in honor of Corporal Gibson. In fact, every member of Congress had the same flown. Corporal Gibson's family will be given that flag by the gentleman from Ohio (Mr. CHABOT) back in Ohio.

We discussed the issue with the leadership along the DMZ about that very hostile environment, perhaps the most tense environment today in the world, where American and North Korean forces and allied and North Korean forces stare each other down across this boundary line of barbed wire and concrete, that differentiates the North from the South. It really gives one a full perspective of the need, the absolute need, for us to find a way to begin a dialogue with the leadership of North Korea.

Mr. Speaker, the delegation's trip was exciting. It was almost without flaw. Unfortunately, the final part of our mission, the trip into North Korea and Pyong Yang, did not occur. But, Mr. Speaker, we are not giving up. We are renewing our efforts.

We have already started work on another visit. This visit will go into Pyong Yang, we will meet with their leaders and we will begin a positive dialogue, so we reduce the tensions and find ways that we can find common ground.

Hopefully President Bush's envoy, Ambassador Pritchart, will travel to Pyong Yang very shortly to open the door that the administration has in fact offered, and following that visit, I am extremely optimistic that a congressional delegation that I will be a part of will travel to Pyong Yang in an historic way so we can begin a process, much like we began 15 years ago in the Soviet Union. Look at where we are today with Russia's leaders. Today, we have just completed a major thrust of new initiatives. We are challenging each other to athletic contests and we are now considered good friends.

Hopefully that same process can occur and grow in China as we saw in our meetings at the National Defense University, and will also begin to grow in North Korea as we reach out to the people, as we reach out to show them that America wishes no harm, America only wants to find ways to understand, to have a dialogue, and to reduce the threats that come from the kind of actions that the North Korean leadership have taken over the past 20 years in building up a vast military complex, while denying many of their citizens the most basic human needs.

Mr. Speaker, I will insert the entire CODEL report in the CONGRESSIONAL RECORD at this point, to make it available for the public to see all of the various actions I have described, the delegation members, the various contacts, the people that we interacted with, because I think it is important that we take these kinds of trips, and that we have total transparency in terms of our purpose, our actions, and the results that we achieved.

I want to thank all of my colleagues who went with me. It was an outstanding trip. We truly have an unbelievable institution. Thirteen members of Congress, seven Democrats and six Republicans, working together with a common agenda, working together to achieve peace and harmony, in those nations that in the past have been our adversaries, or in the future might become our adversaries.

So I thank my colleagues for their cooperation, I thank you, Mr. Speaker, and the staff for sticking around long enough for me to make this report to our colleagues and the American people on the congressional delegation trip that took place from May 24 to June 3, 2002.

U.S. CONGRESSIONAL DELEGATION (CODEL WELDON) TO RUSSIA, UZBEKISTAN, PEOPLES REPUBLIC OF CHINA AND REPUBLIC OF KOREA, MAY 24–JUNE 3, 2002

OVERVIEW

A bipartisan congressional delegation of 13 Members of the House of Representatives, led by Representative Curt Weldon, "CODEL WELDON," visited Moscow, Russia; Tashkent and Karshi-Khanabad, Uzbekistan; Beijing, China; Seoul, Yongsan (U.S. Army) Base, and the Demilitarized Zone, Republic of Korea, May 24 through June 3, 2002. The delegation also made considerable efforts prior to departure from Washington, D.C., to arrange meetings with the leadership of the Democratic Peoples Republic of Korea (DPRK). These efforts continued throughout the delegation's travel, to no avail. Given the major issues of mutual concern, the delegation was disappointed that the DPRK leadership did not accept the opportunity to open a dialogue and engage such a large delegation of the Congress.

Delegation members included Representatives Curt Weldon (R–PA), Solomon Ortiz (D–TX), Roscoe Bartlett (R–MD), Jim Turner (D–TX), Silvestre Reyes (D–TX), Joe Wilson (R–SC), Steve Horn (R–CA), Eni Faleomavaega (Del-American Samoa), Corrine Brown (D–FL), Alcee Hastings (D–FL), Carrie Meek (D–FL), Steve Chabot (R–OH), and Brian Kerns (R–IN).

In each of the countries visited, the delegation met with the senior executive branch and legislative branch officials; political leaders and organizations, educational groups and technical institute officials; U.S. and foreign military officers; and U.S. and foreign business leaders for the purpose of furthering greater communication; expanding inter-parliamentary exchanges and information sharing; and addressing common concerns on issues vital to international economic growth, human rights, peace and stability. Issues addressed included:

- Cooperative Threat Reduction (CTR):

—Securing nuclear stockpiles and materials in Russia.

—Retraining human resources.

- Counterproliferation of Weapons of Mass Destruction:

—Protecting, reducing and/or Eliminating Weapons of Mass Destruction.

- Nuclear Waste and other environmental issues.
- Energy Production and Distribution.
- Cooperative Efforts in the War On Terrorism:

—Furtherance of trade through better inspection methods at ports of debarkation and embarkation.

- Sino-American Relations.
- North and South Korean Relations.

The Members also took the opportunity to visit with U.S. military personnel based in Karshi-Khanabad ("K–2"), Uzbekistan serving in the war on terrorism in Afghanistan; military personnel in Seoul and the DMZ; and their families in the Republic of Korea supporting peace and stability in Southeast Asia. Representatives Bartlett, Ortiz, Turner, Reyes, and Wilson visited Morale, Welfare, and Recreations sites and facilities in the Seoul area.

The delegation visits coincided with a number of international events and crises that reinforced the critical nature and timeliness of the purpose of its meetings and discussions. The delegation arrived in Moscow the day following the historic signing of the strategic arms reduction treaty and declaration of strategic partnership by Presidents George W. Bush and Vladimir V. Putin. Shortly thereafter the NATO nations met in Rome and agreed to Russian limited membership in NATO. India and Pakistan experienced increased tension and cross-border firings resulting in casualties on both sides. Pakistan completed several medium range ballistic missile tests. The war on terrorism continued in Afghanistan. And suicide bombings and reprisals continued the cycle of violence between the Israelis and Palestinians.

Moscow, Russia (May 25–27)

State Duma

In Moscow, the delegation had several opportunities to meet with their legislative counterparts, Members of the State Duma, in furtherance of the objectives of the Duma-Congress Study Group—the official inter-parliamentary exchange that engages U.S. and Russian lawmakers in meetings and discussions. The delegation also met with Russian business leaders, many of whom are involved in gas and oil exploration and energy production; Kurchatov Institute officials, to discuss energy and counterproliferation issues; and American University in Moscow officials.

Discussions with Members of the State Duma were in furtherance of the issues address in "U.S.-Russia Partnership," (see attachment 1), coauthored by Representative Weldon, supported by a bipartisan group of one-third of the U.S. Congress, and presented to the Duma in September of 2001, that provides over 100 recommendations in 11 subject areas for U.S.-Russian engagement. The delegation was advised by State Duma representatives that the recommendations made in this document had been used as the foundation for the Russian initiatives to President Bush during his visit. The State Duma Members indicated that the Speaker of the Duma had prepared a response to "U.S.-Russia Partnership." Representative Weldon stated his desire to establish U.S.-Russia co-chairs at the earliest opportunity in each of 11 subject areas addressed in the study.

International Republican & National Democratic Institutes

A meeting sponsored by the International Republican Institute, with National Democratic Institute participation, allowed Member-to-Member/House-Duma dialogue on a number of subjects, including the status of the repeal of Jackson-Vanik (Cold War legislation that conditions U.S. trade relations on Russian Jewish emigration); combating international terrorism; using academic research and science to address political problems; joint environmental efforts; WTO; steel and poultry imports/exports; the Bush-Putin statement on the U.S.-Russian strategic partnership; and engaging the youth of both countries in issues of mutual interest, including cultural and sports events. Members on both sides demonstrated their belief that there is a new basis for working together on issues of common interest and concern because for the first time there is mutual agreement on goals and values and a sharing of vision on the security threats of the 21st Century.

Kurchatov Institute

The delegation also visited the Russian Research Center, the Kurchatov Institute. The Institute was established to design the Soviet Union's first nuclear weapons. Its current mission is research on safe and environmentally friendly nuclear fission and fusion power generation and fundamental physical research and development. The staff of the Institute is down to approximately 5,000 people from a Cold War high of 11,000. A goal of the Institute's Cooperative Threat Reduction (CTR) and counterproliferation programs has been to provide productive training and employment training and employment for many of the Institute's personnel. The Institute's President, Evgheny Velikhov, and his staff engaged the Members in briefings and discussions of counterproliferation; CTR; nuclear site physical security; disposition of fissile materials, fusion energy, nuclear medicine; safe, clean fuel cycles; magnetic fusion; electromagnetic pulse effects; low yield nuclear warhead, Russian-like, ballistic missile defense interceptors; a thorium-based nuclear fuel cycle (the Institute claims that the Department of Energy won't agree to consider programs that provide an alternative to Yucca Mountain); joint NAS-Institute programs for nuclear energy based space programs; software technologies for counter-terrorism; information technology training programs for former nuclear weapons scientists and engineers; and a visit to a nuclear power reactor being used for testing of thorium-based fuel.

American University in Moscow

The delegation also met with the staff and supporters of the American University in Moscow to demonstrate support for their program. Representative Weldon and the delegation were presented a copy of the "Russian response" to "U.S.-Russia Partnership." Other discussion topics included the transportation of nuclear waste and initiation of U.S.-Russia Exchange Centers (information exchange using the internet) between cities in the U.S. and Russia.

Moscow Petroleum Club

The delegation met with senior Russian government officials, Members of the Federation Assembly, and business leaders from the oil and gas industry. Victor Chernomerdrin, the former Prime Minister, led the Russian delegation. Also included, at the request of the U.S. delegation, were KU Song Bok, commercial attaché of the Democratic Peoples Republic of Korea, and his assistant, KIM Jong-Do.

Tashkent & Karshi-Khanabad, Uzbekistan (May 27–28)

In Tashkent, the delegation met with President Karimov; Foreign Minister Kamilov; the U.S. Embassy country team; and visited U.S. military personnel at Karshi-Khanabad. The delegation expressed to the President, U.S. appreciation for Uzbekistan's support for the war on terrorism. For his part, the President acknowledged his nation's shortcomings in human rights and economic reforms, but indicated he is taking actions in these areas in making reforms. The President provided an assessment of the regional geo-political environment and his views on the campaign in Afghanistan. He emphasized a desire for a long-term U.S. presence in Central Asia and Afghanistan and expressed a concern over the long-term intentions of Russia, Iran and particularly China. He was supportive of Representative Weldon's proposal to establish a joint U.S. Congress-Uzbek parliamentary working group. President Karimov sees the U.S. as a political, legal, and economic model he would like to replicate.

American Embassy officials noted their concerns about the long term economic health of the country, citing the 50 percent inflation rate over the past year and the unwillingness of most foreign companies to invest in Uzbekistan because of the lack of convertability of the currency.

The delegation was transported via an Air Force C–130 cargo aircraft to Karshi-Khanabad in southeastern Uzbekistan, near the Afghanistan border, to visit with U.S. forces personnel deployed in support of Operation Enduring Freedom. All Members had an opportunity to meet with constituents and took the opportunity to make the military members fully aware of the total support of the American people for the job that they are all doing.

The President, acknowledging fully "what wars can cause on the main continent, briefly digressed, citing China's experience with a number of wars—"Japan against China"—and mentioned his personal participation in Japan's war against China. "China and the U.S. were on the same side against Japan in Japan's War of Aggression." He further mentioned his visit to Hawaii and the Arizona War Memorial—"I shared the same feeling as your Commander of the Pacific Fleet. If you look at history and major events, you see history evolves in cycles. People unify then fall apart. Now Japan and the U.S. get along well . . . Maintenance of the imperial system in Japan had a lot to do with General MacArthur."

"My advice to the U.S. is that not every place in the world can follow the U.S. model. In the world, each place has its own model, but that should not stop contacts and communication . . . The first principle should be to seek common ground while putting aside differences . . . Do not let differences interfere with communication . . . We have more in common than divergences."

Premier Zhu Rongii

Representative Turner, accompanied by Representative Spencer Bachus (R–AL) and Arnie Welman, Vice President of Commercial Affairs for the UPS Corporation, met with Premier Zhu at the Purple Light Pavilion for over an hour.

Representatives Turner and Bachus, along with Representative Pete Sessions (R–TX) had participated in the construction of a computer laboratory with 40 UPS government affairs employees in the City of Zunhua, located northeast of Beijing in Hebei Provice.

Premier Zhu expressed his appreciation to the representatives' and the UPS employees' for their tangible contribution to the children of Zunhua and was pleased that the group had experienced rural China.

Premier Zhu stated the importance of the "one China" policy and stated that the PRC does not desire to use force against Taiwan to achieve reunification. He cited Hong Kong as a successful example of reunification and said reunification with Taiwan would not require a change in Taiwan's economic system. Representative Turner expressed his support for the "one China" policy and indicated that his support for permanent normal trade relations and the PRC's admission to the WTO was based on his belief that the ability of the U.S. and the PRC to build a strong bond of friendship and cooperation is critical to world peace and prosperity over the next 25 years.

Assistant Foreign minister Zhou

In a later meeting, Assistant Foreign minister Zhou outlined China's plan to "intensify" its economic reform program. "With 25 million people entering the work force each year, if we are to avoid problems, we need to speed up reform." He stated

Beijing, China (May 29–June 1)

In the Peoples Republic of China (PRC), the delegation met with President Jiang and senior foreign ministry officials; met officials of the Chinese Peoples Institute of Foreign Affairs; engaged the U.S. Country team in discussions; and visited the National Defense University, where Representative Weldon addressed the student body and delegation members met in breakout sessions with the PLA students attending the University. There was also a side-group meeting by Representatives Turner and Bachus with Premier Ju.

President Jiang

In the delegation meeting with President Jiang, Representative Weldon expressed the desire of the majority of the American people for a productive long-term relationship with the PRC.

President Jiang indicated that China and the U.S. have more interests in common than differences and encouraged mutual respect and moderation. He urged that the U.S. should accept that there are other acceptable models than that of the U.S. for political and economic development. President Jiang stated that the most important and sensitive issue in Sino-American relations is Taiwan. He cited the importance of continuing the "one China" policy. "The Chinese relationship boils down to one question: Taiwan . . . The question is a very simple one . . . We have already agreed (citing normalization, the three joint communiqués, and "three no's") . . . we don't understand why the U.S. is sending weapons to Taiwan . . . We place much hope in you as representatives that we can get much done."

Representative Weldon indicated he supported the "one China" policy. "Arms sales take place when there is a perception, right or wrong, that a threat exists to the people of Taiwan . . . I am the Chairman responsible for authorizing the procurement of all our military systems. But I am a teacher by profession. I would like to spend money on education, not weapons . . . We do not want conflict with China in any form."

Representative Hastings, citing the importance to both China and the U.S. of engaging the DPRK, asked President Jiang if he would consider having his officials contact the DPRK on the delegation's behalf to arrange a visit. He also asked the President what China is doing to ease tensions between India and Pakistan. The President encouraged the delegation visit to the DPRK, but "whether they allow the visit must be totally up to them . . . We cannot take decisions in their place. North Korea will have to decide. China is China. North Korea is North Korea." On India and Pakistan, the President indicated that both countries are "China's neighbors" and said he hoped the Kashmir problem can be solved peacefully. "Although people are of a view that we are closer to Pakistan, we are trying to get each side to work together. Our relationship with India has fluctuated, but more recently we have had a constantly improving relationship with India." He also said that because of the U.S. need to fight terrorism, he believed that "the U.S. attitude toward Pakistan has changed." the purpose of their foreign policy is world peace and common development. "China is not a threat to anyone and should not be perceived as a threat . . . perception is important . . . China is an important force in the region for peace . . . In our relationship, we have accomplished a lot . . . the only problem is Taiwan . . . The issue of Taiwan should be left to the Chinese to work out. The U.S. should not become involved . . . Our policy goal of peaceful reunification remains. If they (Taiwanese) accept one China, we can be very patient. I hope you will not send signals that can be misinterpreted."

Representatives Bartlett suggested that Taiwan is a "tiny island" with relatively small population and that China and the U.S. should focus on the 90 percent of what we have in common. Representative Horn indicated that "it would be the biggest mistake ever made for China to invade Taiwan." Mr. Horn also expressed his concern over a quote attributed to a Chinese admiral citing "missiles over LA" as a Chinese option. Minister Zhou indicated that such a quote was incorrect.

In response to Representative Brown, Minister Zhou agreed there are both obligations and benefits to entry into the World Trade Organization (WTO). "We will honor our words." He indicated there would be challenges for China as a WTO member, but also opportunities. In acknowledging the $100 billion annual trade imbalance between the U.S. and China, Minister Zhou said that "China wishes to buy more, but that there are too many restrictions." Also in response to Representative Brown, he cited the need for the Three Gorges Dam project as primarily for flood control, acknowledged the importance of environmental protection, and said that electricity production is secondary.

In response to a question from Representative Hastings on India and Pakistan, Minister Zhou indicated that the Foreign Ministers involved had talked and cited the need "to be cautious and avoid escalation . . . The President of Pakistan said he would not use force. We have encouraged them to talk together."

Minister Zhou concluded that "China will not commit to not use force in the case of Taiwan because we don't want to use force . . . If we make such a commitment (Taiwan) separatists will push for a proclamation of independence, which would be a disaster for everyone." Representative Hastings indicated that the issue of Taiwan would likely take care of itself over time because of the large and increasing investment by Taiwan interests in mainland China.

Chinese Peoples Institute for Foreign Affairs (CPIFA)

President Mei indicated that the CPIFA had worked for 50 years doing exchanges, sponsoring research on international affairs, and hosting high level delegations to promote mutual understanding and bilateral relationships. He cited the importance of economic development and discussed the wide variance within China of economic well-being, with per capita GDP in cities like Shanghai being $4,000, while in many regions it is $300/person. He stated that last year began a policy of developing China's west (12 provinces, two-thirds of China's land area) and cited the need for a stable international environment for economic development. He also discussed the Taiwan issue, citing all of the same factors mentioned by President Jiang and Assistant Foreign Minister Zhou.

In response to a question from Representative Horn, President Mei said China had three domestic goals: develop the west economically, achieve sustained growth throughout the country, and advance education in science and technology. "The quality of human resources is key to China's development."

National Defense University

Representative Weldon addressed the military students at the National Defense University for the Peoples Liberation Army on Sino-American relations; America's policy toward Taiwan; the need for increased dialogue and cooperative programs between the PLA and U.S. military; the common threat to China and the U.S. posed by the proliferation of weapons of mass destruction and drug trafficking; and the role the Congress plays in the U.S. system of government. After Representative Weldon's address, Members of the delegation had the opportunity to participate in small group discussions with the military students. Taiwan was again a topic of discussion. Also of interest to the students, was the Members' views on international terrorism and the Falun Gong.

Seoul, Yongsan U.A. Army Base, and the DMZ, Korea (June 1–3)

In Korea the delegation met with the foreign minister; the U.S. Ambassador, Thomas C. Hubbard; Members of the National Assembly; senior U.S. and Korean military officials; Korean business leaders; and family members of U.S. military personnel.

Ambassador Hubbard

Ambassador Hubbard provided the delegation an overview of the Republic of Korea (ROK) political and economic situation, indicating that the South Korean economy continues its recovery from the 1997 economic crisis, currently growing at five-to-six percent a year, making its growth second only in the region, to China. He also advised the delegation of the significant and prompt support provided by the ROK to the events of 9/11. The ROK "stepped up quickly to our war against the Taliban and al-Queda in Afghanistan, and provided shipping, aircraft, and a field hospital to support U.S. operations. . . . In addition they have provided $40 million in aid to Afghanistan." The Ambassador further highlighted the critical importance of local and provincial elections taking place in June and the national election in December 2002. He indicated that the South Koreans continue to make major strides in political and democratic reforms.

Foreign Minister Choi

In the delegation meeting with Foreign Minister Choi, Representative Weldon expressed his appreciation for all that the ROK had done and continues to do in support of the international war on terrorism. He also reaffirmed our total commitment to the defense of the ROK. Foreign Minister Choi indicated that his country's prompt support for the U.S. led war on terrorism was an expression of the importance of the effort as well as its appreciation for all the U.S. has done on the Korean Peninsula.

Foreign Minister Choi highlighted the rather significant contribution to ROK-Japanese relations made by the joint sponsorship of the on-going World Cup. He commented that the opening ceremonies were the first time that the Japanese national anthem had been played at an official event in the ROK. He also noted that at the opening ceremonies, in a spontaneous sign of friendship, the two Presidents stood and raised clasped hands, signaling the friendship between their two countries. Foreign Minister Choi described the event as a "spectacular moment" for the two countries—the "first time this has happened in a thousand years."

Representative Weldon also expressed to the Foreign Minister, the delegation's consternation with the North Korean, DPRK, failure to approve the delegation's visit request. The delegation had hoped to visit the DPRK to open a dialogue with the North, to express the interest of the legislative branch of the U.S. Government in addressing food aid, agriculture, health, education and other humanitarian assistance. The delegation had hoped to deliver a "totally positive" message to the North—that as a coequal branch of the U.S. government, Congress could work with the DPRK to further peace and stability on the Peninsula and help the people of North Korea.

Foreign Minister Choi indicated that the ROK continues its efforts to maintain the dialogue with the North, but the pace of discussions is much slower than what had been hoped for. He expressed considerable concern over the state of the DPRK economy and the well-being of its people. "Our interest is to try and engage, help them improve their situation, to try and increase cooperation." The foreign minister indicated the North is in desperate need of food, health care, and electrical power. He also indicated that the next year will be a critical period because of ROK elections, potential instability in the North due to its dysfunctional economic system, the issue of the DPRK nuclear power reactor and related required inspections by the international community.

National Assembly

The delegation later met with Members of the ROK National Assembly. Discussions related to trade; the importance to the ROK of U.S. Forces in Korea for deterrence purposes; the war on terrorism; political and military stability on the Korean Peninsula; the strong desire for eventual reunification of the DPRK and ROK; internet voting in the ROK; "e" government; and the "digital divide."

United Nations/Combined Forces Command

The Members of the delegation also met with the senior combatant commander, General Leon LaPorte, and his staff to get a detailed assessment of the military balance, force readiness, personnel morale, and classified issues.

American Chamber of Commerce

Regarding the difficulty and frustration the Delegation experienced in attempting to arrange a visit with DPRK leadership, American Chamber of Commerce officials the delegation met with indicated a similar frustration with the "on again, off again" nature of visits they had attempted to arrange.

Demilitarized Zone (DMZ)

Delegation Members were provided the opportunity to visit the DMZ. Representative Chabot was able to engage military officials on behalf of the relatives of Corporal Edward Gibson, who has been missing in action since November 26, 1950. Representative Chabot acquired an American flag which had been flown at the DMZ in honor of Corporal Gibson and will present the flag to the Gibson family. During the course of the CODEL, Representative Chabot also stressed to Foreign Minister Choi, Ambassador Hubbard, and other U.S. Embassy personnel the importance of making every effort to recover the remains of Corporal Gibson and other U.S. servicemen missing in action.

U.S.-Russia Partnership—A New Time, A New Beginning

SUMMARY OF RECOMMENDATIONS

Agricultural development

Assist in agricultural production.

Expand private-sector investment.

Enhance capacity to purchase essential agricultural inputs, commodities and equipment.

Cultural/educational development

Expand cultural ties outside the major cities.

Assist regional museums in generating tourism.

Provide for more Russian language and cultural studies in U.S. schools.

Defense and security

Initiate new bilateral talks similar to the Ross-Mamedov talks on a Global Protection System.

Move forward with joint talks on a new nonproliferation regime.

Encourage progress on the RAMOS program and restructure the Nuclear Cities Initiative.

Economic development

Help facilitate Russia's accession to the WTO and its acceptance of all WTO agreements.

Increase funding for OPIC and EX-IM Bank projects in Russia.

Work with Russia to improve intellectual property rights.

Energy/natural resources

Foster cooperative pilot projects, starting with oil and gas exploration in Timan Pechora.

Convene bilateral task force to discuss the energy ramifications of the war on terrorism.

Eliminate bureaucratic obstacles to joint cooperation on energy.

Environmental cooperation

Develop a revolving fund to assure development of promising Russian technologies.

Expand debt for nature swaps.

Dramatically expand cooperation on marine science research.

Health care

Increase emphasis on chronic diseases like cardiovascular disease and diabetes.

Develop more extensive physician exchange programs.

Augment existing cooperation between NIH and appropriate Russian research institutes.

Judicial/legal systems

Support expansion of jury trials into all Russian regions.

Expand Environmental Public Advocacy Centers into Russia.

Encourage a doubling of the number of legal clinics.

Local governments

Propose ways to expand the tax base available to local governments.

Encourage political participation by increasing local partisan affiliations.

Encourage the gradual devolution of services to the local level.

Science and technology

Increase cooperation in the area of nuclear fuel cycles.

Expand cooperative fusion research on nonpolluting energy solutions.

Involve Russian industry in embryonic U.S. nanotechnology efforts.

Space and aeronautics

Utilize commercial joint ventures to enable Russia to meet its Space Station obligations.

Increase joint projects on space solar power, propulsion technology, and weather satellites.

Cooperate on mutually-beneficial planetary defense tracking technologies.

Delegation

MEMBERS OF CONGRESS

Rep. Curt Weldon (R–PA), Rep. Solomon Ortiz (D–TX), Rep. Roscoe Bartlett (R–MD), Rep. Jim Turner (D–TX), Rep. Silvestre Reyes (D–TX), Rep. Joe Wilson (R–SC), Rep. Steve Horn (R–CA), Delegate Eni Faleomavaega (D–American Samoa), Rep. Corrine Brown (D–FL), Rep. Alcee Hastings (D–FL), Rep. Carrie Meek (D–FL), Rep. Steve Chabot (R–OH), and Rep. Brian Kerns (R–IN).

COMMITTEE STAFF

Mr. Pete Steffes, Mr. Carl Commenator, Mr. Ryan Vaart, and Mr. Doug Roach.

DEPARTMENT OF STATE

Mr. John Merrill and Mr. Mark Cameron.

DREXEL UNIVERSITY

Dr. Roy Kim.

MEDICAL STAFF

Dr. Michael Keith.

U.S. AIR FORCE ESCORTS

Colonel Pete Bunce, Lt. Colonel Laura Shoaf, Senior Master Sergeant JJ Cook, and Staff Sergeant Dave Scieszka.

KEY CONTACTS

MOSCOW, RUSSIA

Victor Chernomerdrin, Former Prime Minister.

Andrey Kokoshin, Member, Chairman of the Committee on Industry, Construction Industries, and High Technologies, State Duma, and former National Security Advisor to President Yeltsin.

Vladimir Lukhin, Member, State Federation Council.

Grigory Vavlinsky, Vice Speaker, State Duma.

Andrey V. Skoch, Member, State Duma, Metallurgy and Mining Caucus.

Valdimir Rushkov, State Duma.

Svetlana Gvozdeva, Member, State Duma.

Boris Nadezhdin, Member, State Duma, Union of Right Forces.

Alexander Burataeva, Member, State Duma.

Evgheny Velikhov, President, Kurchatov Institute.

Nikolai Ponomarev-Stepnoi, Vice President, Kurchatov Institute.

Ku Song Bok, Commercial Attache, DPRK.

Seth Grae, Thorium Corporation (USA).

Dr. Edward Lozansky, President, American University, Moscow.

Karen Aguilar, U.S. Embassy.

U.S.-Russia Business Council.

International Republican Institute.

National Democracy Institute.

American Chamber of Commerce.

Moscow Petroleum Club.

TASHKENT, UZBEKISTAN

Islam Karimov, President.

Abdulaziz Kamilov, Minister of Foreign Affairs.

John E. Herbst, U.S. Ambassador, Uzbekistan.

Larry Memmott, Chief Political-Military Section, U.S. Embassy.

KARSHI-KHANABAD, UZBEKISTAN ("K–2")

Colonel Lovelad.

BEIJING, CHINA

Jiang Zemin, President, PRC.

Ju Ryang Zi, Premier, PRC.

Zhou Wenzhong, Assistant Foreign Minister.

Mei, Zhaorong, President, Chinese People's Institute of Foreign Affairs.

Clark T. Randt, U.S. Ambassador, PRC.

Brigadier General Gratton Sealock, Defense Attache, U.S. Embassy.

James Wayman, U.S. Embassy.

National Defense University.

SEOUL, KOREA

Sung Hong, Choi, Foreign Minister.

Jay Kun Yoo, Member of National Assembly, ROK, Chairman of U.S.-Korea Interparliamentary Exchange Council.

Dai-Chul Chyung, Member of the National Assembly, PhD.

Unna Huh, Member of National Assembly, ROK, Information Technology Committee.

Joo Hong Nam, Professor of Unification and National Security, Kyounggi University.

Un Yong Kim, Executive Board, International Olympic Committee.

Kyung Soon Chang, Chairman, Senior Council, The Parliamentarians Society.

Thomas C. Hubbard, U.S. Ambassador, South Korea.

General Leon LaPorte, Commander In Chief, United National Command (UNC), Combined Forces Command (CFC), and U.S. Forces Command (USFC).

Lt General Dan Zanini, Chief of Staff, USFC.

Brigadier General John Defreintas, J–2 (Intelligence), USFC.

Colonel Bud Redmond, J–5 (Plans), USFC.

H. CON. RES. 36

Whereas over one million Americans suffer from juvenile (Type 1) diabetes, a chronic, genetically determined, debilitating disease affecting every organ system;

Whereas 13,000 children a year 35 each day are diagnosed with juvenile diabetes;

Whereas 17,000 adults a year 46 each day are diagnosed with juvenile diabetes;

Whereas juvenile diabetes is one of the most costly chronic diseases of childhood;

Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations;

Whereas the Diabetes Research Working Group, a non-partisan advisory board established to advise Congress, has called for an accelerated and expanded diabetes research program at the National Institutes of Health and has recommended a $4.1 billion increase in Federal funding for diabetes research at the National Institutes of Health over the next five years; and

Whereas a strong public private partnership to fund juvenile diabetes exists between the Federal Government and the Juvenile Diabetes Foundation, a foundation which has awarded more than $326 million for diabetes research since 1970 and will give $100 million in fiscal year 2001: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Federal funding for diabetes research should be increased in accordance with the recommendations of the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

CORRECTION TO THE CONGRESSIONAL RECORD OF JUNE 4, 2002, AT PAGE H3102.

The following version of H. Con. Res. 36 and the amendment in the nature of a substitute was inadvertently printed in the RECORD incorrectly. The correct versions are as follows:

The Clerk read the concurrent resolution, as follows:

AMENDMENT IN THE NATURE OFFERED BY MR. TAUZIN

Mr. TAUZIN. Madam Speaker, I offer an amendment to the text.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. TAUZIN: strike out all after the resolving clause and insert:

That Federal funding for diabetes research should be increased annually as recommended by the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. WILSON of South Carolina, for 5 minutes, June 6.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1366. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building".

H.R. 1374. An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building".

H.R. 3448. An act to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

H.R. 3789. An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building".

H.R. 3960. An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building".

H.R. 4486. An act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building".

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Thursday, June 6, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7188. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 107–225); to the Committee on Appropriations and ordered to be printed.

7189. A letter from the Directors of Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the National Defense Function (050) outlays for Fiscal Year 2003, pursuant to 10 U.S.C. 226(a); to the Committee on Armed Services.

7190. A letter from the Deputy Commissioner for Education Statistics, Department of Education, transmitting the annual statistical report of the National Center for Education Statistics entitled, "The Condition of Education 2002," pursuant to 30 U.S.C. 9005; to the Committee on Education and the Workforce.

7191. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions: Granting of Two Site-Specific Treatment Variances to U.S. Ecology Idaho, Incorporated in Grandview, Idaho and CWM Chemical Services, LLC in Model City, New York [FRL-7214-4] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7192. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; New CTGs [ME-066-7015a; A-1-FRL-7171-7] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7193. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA 245-0311a; FRL-7202-1] received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7194. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permit Program Revisions; Indiana [IN004a; FRL-7212-6] received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7195. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan; Utah; Revisions to Air Pollution Regulations [UT-001-0034a, UT-001-0035a; FRL-7201-3] received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7196. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia [Transmittal No. DTC 124-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7197. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia, Ukraine, Norway and Cayman Islands [Transmittal No. DTC 123-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7198. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7199. A letter from the Secretary, Department of Labor, transmitting the semiannual report of the Department of Labor's Inspector General covering the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7200. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-377, "Government Attorney Certificate of Good Standing Filing Requirement Amendment Act of 2002" received June 5, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7201. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-380, "Omnibus Anti-Terrorism Act of 2002" received June 5, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7202. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7203. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7204. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7205. A letter from the Assistant Director for Executive and PoliticalPersonnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7206. A letter from the Director, Executives Resources and Special Programs Division, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7207. A letter from the Secretary/CAO, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7208. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2001 through March 31, 2002 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7209. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on September/October 2001, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

7210. A letter from the Chair, United States Sentencing Commission, transmitting the Commission's amendments to the sentencing guidelines, policy statements, and official commentary, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

7211. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Award of Infrastructure Grants to Implement the Long Island Sound Comprehensive Conservation and Management Plan—received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7212. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Award of Grants for Counter-Terrorism Coordination Activities by States and Territories—received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7213. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Allocation of Fiscal Year 2002 Operator Training Grants—received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7214. A letter from the Commissioner, Social Security Administration, transmitting the 2002 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

7215. A letter from the Comptroller General of the United States, Commercial Activities Panel, transmitting the final report of the Commercial Activities Panel prepared in accordance with Section 832 of the Floyd D. Spence National Defense Authorization Act of 2001; jointly to the Committees on Armed Services and Government Reform.

7216. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2002-14 concerning waiver and certification of statutory provisions regarding the Palestine Liberation Organization; jointly to the Committees on International Relations and Appropriations.

7217. A letter from the Chairman, Federal Election Commission, transmitting 23 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); jointly to the Committees on House Administration, the Judiciary, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 3380. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park (Rept. 107-491). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4609. A bill to direct the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie/Spokane Valley Aquifer, located in Idaho and Washington (Rept. 107-492). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 3969. A bill to enhance United States policy diplomacy, to reorganize United States international broadcasting, and for other purposes; with an amendment (Rept. 107-493). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 435. Resolution providing for the consideration of the bill (H.R. 2143) to make the repeal of the estate tax permanent (Rept. 107-494). Referred to the House Calendar.

Mr. BOEHLERT: Committee on Science. H.R. 2486. A bill to authorize the National Weather Service to conduct research and development, training, and outreach activities relating to tropical cyclone inland forecasting improvement, and for other purposes; with amendments (Rept. 107–495). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself, Mr. Conyers, and Mr. Smith of Texas):

H.R. 4864. A bill to combat terrorism and defend the Nation against terrorist acts, and for other purposes; to the Committee on the Judiciary.

By Mr. INSLEE (for himself, Mr. Boehlert, Mr. Rahall, Mr. Greenwood, Mrs. Clayton, Mrs. Morella, Mr. George Miller of California, Mr. Leach, Mr. Wu, Mrs. Johnson of Connecticut, Mr. Hinchey, Mr. Horn, Mr. McGovern, Mr. Pallone, Mr. McDermott, Mr. Filner, Ms. DeLauro, Mr. Holt, Mr. Lynch, Mr. Frank, Mr. Olver, Ms. McKinney, Mr. Acevedo-Vilá, Ms. Baldwin, Mr. Moran of Virginia, Ms. Lee, Mr. Hoeffel, Mr. Serrano, Mr. Blumenauer, Mr. Shays, Mr. Borski, Ms. Rivers, Mr. Gilchrest, Mr. Schiff, Ms. DeGette, Mr. Kleczka, Ms. Eshoo, Mr. Udall of Colorado, Mr. Kennedy of Rhode Island, Mr. Langevin, Mr. Brown of Ohio, Mr. Bonior, Mrs. Maloney of New York, Mr. Sherman, Mrs. Davis of California, Mr. Capuano, Ms. Schakowsky, Mrs. Mink of Hawaii, Mrs. Napolitano, Mr. Honda, Ms. Kilpatrick, Mr. Towns, Ms. McCollum, Ms. Velázquez, Mr. Payne, Mr. Waxman, Mr. Kirk, Mr. Clay, Mr. Kildee, Mr. Ford, Ms. Solis, Mr. Clement, Mr. Wexler, Mr. Hastings of Florida, Mr. Lantos, Ms. Woolsey, Mr. Weiner, Mr. Boucher, Mr. Neal of Massachusetts, Mrs. Meek of Florida, Mr. Levin, Ms. Millender-McDonald, Mrs. Capps, Mr. Rothman, Mr. Conyers, Mr. Blagojevich, Mr. Allen, Mr. Berman, Mr. Simmons, Mr. DeFazio, Mr. Rangel, Mr. Baldacci, Mr. Larsen of Washington, Mr. Gutierrez, Mr. Hall of Ohio, Ms. Norton, Mr. LoBiondo, Ms. Lofgren, Mr. Kucinich, Mr. Delahunt, Ms. Kaptur, Mr. Deutsch, Ms. Carson of Indiana, Ms. Brown of Florida, Mrs. Tauscher, Mr. Smith of Washington, Mr. Price of North Carolina, Mr. Hill, Mr. Rush, Mr. Moore, Mr. Stark, Ms. Eddie Bernice Johnson of Texas, Mr. Markey, Ms. McCarthy of Missouri, Mr. Matsui, Mr. Gordon, Ms. Harman, Mrs. Roukema, Mr. Pascrell, Ms. Slaughter, Mr. Ferguson, Mr. Menendez, Mr. Lewis of Georgia, Mr. Cardin, Mr. Meehan, Mr. Maloney of Connecticut, Mr. Green of Texas, Mr. Crowley, Mrs. Kelly, Mr. Engel, Mr. Nadler, Mr. Fattah, Mr. Jefferson, Mr. Ackerman, Mr. Israel, Mr. Watt of North Carolina, Ms. Sánchez, Mr. Wynn, Mr. Bentsen, Mr. Davis of Florida, Mr. Evans, Mr. Pastor, Mr. Platts, Mr. Scott, Mr. Andrews, Mr. Jackson of Illinois, Mr. Cummings, Mr. Tierney, Mr. Luther, Mr. Becerra, Mr. LaFalce, Mr. Smith of New Jersey, Mr. Reyes, Mr. Farr of California, Ms. Watson, Mr. McNulty, Ms. Pelosi, Mr. Condit, Mr. Davis of Illinois, Mr. Kind, Ms. Roybal-Allard, Mr. Quinn, Mr. Gonzalez, Mrs. Lowey, Ms. Waters, Mr. Doggett, Ms. Berkley, Mr. Thompson of Mississippi, Mr. Ramstad, Mr. Baca, Mr. Owens, Mr. Meeks of New York, Mr. Sabo, Mr. Sanders, Mr. Hilliard, Mr. Larson of Connecticut, Ms. Hooley of Oregon, Mrs. McCarthy of New York, Mr. Clyburn, Mr. Sawyer, Ms. Jackson-Lee of Texas, Mr. Lampson, Mrs. Jones of Ohio, and Mr. Hoyer):

H.R. 4865. A bill to protect inventoried roadless areas in the National Forest System, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON (for himself, Mr. Boehner, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Petri, Mrs. Roukema, Mr. Kildee, Mr. Sam Johnson of Texas, Mr. Andrews, Mr. Graham, Ms. Woolsey, Mr. Tancredo, Mr. Hinojosa, Mr. Isakson, Mr. Tierney, Mr. Goodlatte, Mr. Kind, Mr. Keller, Mr. Osborne, Mr. Shays, Mr. Hayworth, Mr. Calvert, Ms. Millender-McDonald, and Mr. Rogers of Michigan):

H.R. 4866. A bill to make technical amendments to the Higher Education Act of 1965 incorporating the results of the Fed Up Initiative; to the Committee on Education and the Workforce.

By Mr. HUNTER:

H.R. 4867. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on International Relations.

By Mr. CROWLEY:

H.R. 4868. A bill to make the diversity of the American people a resource to promote national security; to the Committee on Education and the Workforce.

By Mr. TOM DAVIS of Virginia:

H.R. 4869. A bill to preempt of local taxation with respect to satellite digital audio radio services and to provide for determining State authority for taxation of satellite digital audio radio service; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 4870. A bill to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes; to the Committee on Resources.

By Ms. HART:

H.R. 4871. A bill to designate Pennsylvania State Route 60 and United States Routes 22 and 30 as part of the Dwight D. Eisenhower National System of Interstate and Defense Highways; to the Committee on Transportation and Infrastructure.

By Mr. JONES of North Carolina:

H.R. 4872. A bill to amend section 124(a) of the Department of Justice Appropriations Act, 1999 to permit criminal background checks for nursing facility and home health agency personnel involved in indirect patient care; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 4873. A bill to amend the Higher Education Act of 1965 to establish a scholarship program to recognize scholar athletes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. OTTER:

H.R. 4874. A bill to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey; to the Committee on Resources.

By Mr. PAUL:

H.R. 4875. A bill to amend the Internal Revenue Code of 1986 to waive the employee portion of Social Security taxes imposed on individuals who have been diagnosed as having cancer or a terminal disease; to the Committee on Ways and Means.

By Mr. WELDON of Florida:

H.R. 4876. A bill to modify the project for shoreline protection, Brevard County, Florida, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WALSH:

H. Con. Res. 413. Concurrent resolution honoring the invention of modern air-conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. Schiff and Ms. Woolsey.

H.R. 40: Ms. Rivers.

H.R. 218: Mrs. Johnson of Connecticut and Ms. Hooley of Oregon.

H.R. 250: Mr. Boyd.

H.R. 287: Mr. Lantos.

H.R. 360: Ms. Lee.

H.R. 425: Mr. Green of Texas.

H.R. 481: Mr. Kennedy of Rhode Island.

H.R. 563: Mr. Pombo.

H.R. 633: Mr. Owens, Mr. Holden, Mr. Jackson of Illinois, Mr. Coyne, Ms. Woolsey, and Mr. Wynn.

H.R. 638: Ms. Lofgren.

H.R. 699: Mr. Platts.

H.R. 902: Mr. Kind, Mr. Rahall, and Mr. Traficant.

H.R. 952: Mr. Moore and Mr. Baldacci.

H.R. 975: Mr. Cannon, Mr. Schrock, Mr. Rush, and Mr. Hoeffel.

H.R. 984: Mr. Barr of Georgia.

H.R. 1109: Mr. Ramstad and Mr. Crenshaw.

H.R. 1184: Mr. Souder and Mr. Jackson of Illinois.

H.R. 1274: Mr. Nethercutt, Mr. Cunningham, Mr. Stump, Mr. Owens, and Mr. Schaffer.

H.R. 1307: Mr. Kanjorski.

H.R. 1322: Mr. Maloney of Connecticut.

H.R. 1433: Mr. Levin.

H.R. 1452: Mr. Lantos.

H.R. 1487: Mr. Sweeney.

H.R. 1671: Mr. George Miller of California.

H.R. 1683: Mr. Payne.

H.R. 1808: Mr. BALDACCI.

H.R. 1810: Mr. NUSSLE.

H.R. 1812: Mrs. NAPOLITANO.

H.R. 1859: Mr. DAVIS of Illinois.

H.R. 1904: Mr. ALLEN.

H.R. 1911: Mrs. MCCARTHY of New York.

H.R. 1990: Mr. WEXLER.

H.R. 2012: Mr. WILSON of South Carolina.

H.R. 2014: Mr. ROGERS of Michigan.

H.R. 2055: Mr. CRANE.

H.R. 2074: Mr. BERMAN.

H.R. 2118: Mr. KILDEE.

H.R. 2125: Mr. BALLENGER, Mr. HOBSON, Mr. JACKSON of Illinois, and Mr. THUNE.

H.R. 2143: Mr. HANSEN.

H.R. 2173: Mr. KING, Ms. DELAURO, and Mr. CAPUANO.

H.R. 2219: Mr. JACKSON of Illinois.

H.R. 2284: Mr. ROSS, Mr. TOWNS, Mr. KINGSTON, and Mr. FROST.

H.R. 2337: Mr. PETERSON of Pennsylvania.

H.R. 2588: Mr. WAXMAN.

H.R. 2592: Ms. KILPATRICK.

H.R. 2641: Ms. MCKINNEY.

H.R. 2788: Mr. FATTAH.

H.R. 2800: Mr. HOSTETTLER.

H.R. 2820: Mr. BALDACCI and Mr. DOYLE.

H.R. 2874: Mr. EVANS and Mr. BORSKI.

H.R. 2953: Mr. MCKEON and Ms. WOOLSEY.

H.R. 2966: Mrs. DAVIS of California.

H.R. 3027: Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, and Mr. GIBBONS.

H.R. 3132: Mr. DAVIS of Florida, Ms. LOFGREN, Mrs. CLAYTON, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. MANZULLO, and Mr. FARR of California.

H.R. 3185: Mr. UDALL of Colorado and Mr. LARSEN of Washington.

H.R. 3278: Mr. HOEFFEL, Mr. MURTHA, and Mr. LANGEVIN.

H.R. 3340: Mr. MICA.

H.R. 3360: Mr. KILDEE and Mr. SIMMONS.

H.R. 3430: Mrs. LOWEY and Mr. SWEENEY.

H.R. 3496: Mr. HOUGHTON, Mr. LUCAS of Oklahoma, Mr. GILMAN, Mr. CROWLEY, Mr. SERRANO, Mr. LAFALCE, Mr. WALSH, and Mr. ANDREWS.

H.R. 3533: Ms. HART and Mr. LUCAS of Kentucky.

H.R. 3545: Mrs. CAPITO, Mr. BROWN of Ohio, Mr. SANDERS, and Mr. FILNER.

H.R. 3569: Mr. HALL of Ohio.

H.R. 3606: Mr. SIMPSON.

H.R. 3618: Mr. WILSON of South Carolina.

H.R. 3659: Mrs. CHRISTENSEN, Mr. LINDER, Mr. SERRANO, Mrs. CAPITO, Mr. CAMP, and Mr. ROGERS of Michigan.

H.R. 3661: Mr. MCINTYRE, Mr. LIPINSKI, Mr. KELLER, and Mr. WELDON of Florida.

H.R. 3686: Mr. WELDON of Florida.

H.R. 3741: Mr. SCHROCK.

H.R. 3794: Ms. HARMAN, Mr. HONDA, and Mrs. JO ANN DAVIS of Virginia.

H.R. 3814: Mr. LUTHER.

H.R. 3831: Mr. LANGEVIN, Mr. BALDACCI, Mr. WEXLER, Mr. MICA, Mr. ROSS, and Mrs. MORELLA.

H.R. 3884: Mr. OBEY.

H.R. 3912: Ms. DELAURO.

H.R. 3974: Mr. PASTOR.

H.R. 4012: Mr. TIBERI.

H.R. 4013: Mr. OLVER, Ms. SCHAKOWSKY, and Mr. KENNEDY of Rhode Island.

H.R. 4019: Mr. SESSIONS, Mr. AKIN, Mr. BEREUTER, Mr. KOLBE, and Mr. ENGLISH.

H.R. 4043: Mr. GALLEGLY and Mr. DUNCAN.

H.R. 4446: Ms. MILLENDER-MCDONALD.

H.R. 4481: Mrs. JO ANN DAVIS of Virginia.

H.R. 4483: Mr. BRYANT, Ms. HART, Mr. SHAW, Mr. HOLT, and Mr. LEVIN.

H.R. 4515: Mr. TIAHRT.

H.R. 4524: Mr. SHAYS.

H.R. 4575: Mr. UNDERWOOD, Mr. BACA, Mr. SCHIFF, Mr. MARKEY, Mrs. CHRISTENSEN, and Mrs. MEEK of Florida.

H.R. 4600: Mr. HAYWORTH, Mr. SHAYS, Mr. STUMP, Mr. OTTER, Mr. PLATTS, Mr. CRENSHAW, Mr. LOBIONDO, Mr. SIMMONS, Mr. HAYES, Mr. CANNON, Mr. BARR of Georgia, Mr. EVERETT, Mr. CUNNINGHAM, Mr. NEY, Mr. PENCE, Mr. BARTLETT of Maryland, Mr. SHUSTER, Mr. LATHAM, Mr. TIBERI, Mr. BROWN of South Carolina, Mr. WELLER, Mr. TANCREDO, and Mr. KINGSTON.

H.R. 4635: Mrs. JO ANN DAVIS of Virginia, Mr. SESSIONS, and Mrs. CUBIN.

H.R. 4642: Mr. CUNNINGHAM, Mr. SCHAFFER, and Mr. HANSEN.

H.R. 4646: Mr. ORTIZ, Mr. LOBIONDO, and Mr. RANGEL.

H.R. 4653: Mr. UNDERWOOD, Ms. DELAURO, Mr. SCHROCK, and Mr. FORBES.

H.R. 4654: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4668: Mr. KILDEE, Mr. WAMP, and Mr. MATSUI.

H.R. 4669: Mr. FATTAH.

H.R. 4676: Mr. GOODE, Mr. CARSON of Oklahoma, Mr. EHRLICH, and Mr. BAKER.

H.R. 4683: Mr. HOLT, Mr. BLUMENAUER, Mr. GILCHREST, Mr. BROWN of Ohio, Mr. SANDERS, Mrs. JOHNSON of Connecticut, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. HASTINGS of Florida, Mr. BARRETT of Wisconsin, Mr. KILDEE, Mrs. DAVIS of California, and Mr. PAYNE.

H.R. 4754: Mr. DAVIS of Florida and Ms. KILPATRICK.

H.R. 4757: Mr. CROWLEY and Mr. LANTOS.

H.R. 4763: Mr. OWENS.

H.R. 4784: Mr. BARR of Georgia and Mr. SULLIVAN.

H.R. 4792: Mr. ORTIZ.

H.R. 4795: Mrs. CUBIN.

H.R. 4796: Mrs. JO ANN DAVIS of Virginia, Mr. MCGOVERN, and Ms. HART.

H.R. 4839: Mr. PAUL, Mrs. JONES of Ohio, Mr. MCGOVERN, and Mr. GILMAN.

H. Con. Res. 17: Ms. MCKINNEY.

H. Con. Res. 42: Mr. STRICKLAND.

H. Con. Res. 164: Mr. MALONEY of Connecticut.

H. Con. Res. 197: Ms. MCKINNEY.

H. Con. Res. 253: Mr. VISCLOSKY.

H. Con. Res. 346: Ms. SCHAKOWSKY and Mr. WAXMAN.

H. Con. Res. 385: Mr. SERRANO.

H. Con. Res. 401: Mr. LUTHER, Mr. PASTOR, and Mr. SHUSTER.

H. Con. Res. 408: Mr. ISAKSON, Ms. MCCARTHY of Missouri, Mr. KLECZKA, and Mr. WAMP.

H. Res. 410: Mr. GREEN of Wisconsin.

H. Res. 416: Mr. CANTOR and Mr. CRANE.

SENATE—*Wednesday, June 5, 2002*

The Senate met at 9:15 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we behold Your majesty and we praise You. You are the Creator, Sustainer, and Lord of all; You are omnipotent, omniscient, and omnipresent. Especially today, we are filled with awe and wonder over Your prevenience, Your beforehand presence and provision. You are always ahead of us; You have answers to our questions before we ask; You have solutions to our problems waiting for us to grasp. There is nowhere we can go where You have not preceded us and no person You have not prepared for us to communicate affirmation, encouragement, and hope.

Therefore, we press on with the work of the day, alert to feel Your hand upon our shoulder, Your Spirit flowing into our minds, and Your guidance to help us know and do Your will. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 5, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, this morning the Chair will announce we will be in a period for morning business for the next hour, with the first half under the control of the Republican leader or his designee, and I see the Senator from Ohio is ready to go. The second half of the time is under the control of the Democratic leader or his designee. It is my understanding Senator KENNEDY will be present at that time.

At approximately 10:15, the Senate will again resume consideration of the Supplemental Appropriations Act. Cloture was filed on the supplemental. Therefore, all first-degree amendments must be filed prior to 1 p.m. today.

MEASURE PLACED ON THE CALENDAR—S. 2578

Mr. REID. Madam President, I understand that S. 2578 is at the desk and is due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask that S. 2578 be read a second time, and then I would object to any further proceeding.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

> A bill (S. 2578) to amend title 31 of the United States Code to increase the public debt limit.

The ACTING PRESIDENT pro tempore. Objection having been heard, under the rule the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Ohio.

TRIBUTE TO LORNA PALAGYI

Mr. DEWINE. Madam President, this is the time of year when our children across the country are getting out of school. It is also the time of year when many of our great teachers are leaving the classroom for the last time and retiring. I rise today to honor a very special educator from my home State of Ohio, Lorna Palagyi. Lorna is retiring this month after 25 years of dedication to Ohio students.

When I think about her commitment to education, I am reminded of something Oliver Wendell Holmes once said:

> The main part of intellectual education is not the acquisition of facts but rather learning how to make facts live.

For a quarter of a century now, Lorna Palagyi has been doing just that—making facts come alive for the elementary school children in Madison, OH. She is a graduate of Kent State University. She has taught grades 3 through 7 and tutored students afterschool, served as a mentor for teachers just starting, and helped secure funds for several school projects; one in particular that allowed her students to make a large colored map of the United States on their playground.

Not only has she been very dedicated to her children at school, but she has also been a terrific mother to her children at home. The mother of three children—one of whom happens to be my legislative director, Paul Palagyi—Lorna once said the main reason she taught was to help her kids through college. But I also suspect the reason she taught was because she loved to teach and she loved the students.

She is certainly dedicated to her family and maintains that she simply could not have done it, could not have taught as long as she has, without the love and support of her husband, Jim. We should all be truly proud of Lorna for her commitment, her dedication to quality education. As my own high school principal, Mr. John Malone, said many years ago when I was in high school: There really are only two things that matter in education: One is a student who wants to learn; the other is a good teacher. Lorna is certainly more than just a good teacher.

Over the next decade we will need, it is estimated, at least 2.5 million new teachers. That is an unbelievable figure. That represents a real challenge but also an opportunity for this great Nation of ours to get more teachers like Lorna into our school systems, into the classrooms, teaching our young people. That is certainly how we will prepare our children for their great future.

Today, we thank Lorna and we also thank teachers throughout our country for the great work they do every day for our children. We say to Lorna, you are a shining example of exactly the kind of teachers we need educating our children. Enjoy your retirement. You certainly earned it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, yesterday we spent a great deal of time doing nothing. We spent most all the day in a quorum call.

The ACTING PRESIDENT pro tempore. Under the previous order, this time is under the control of the Republican leader or his designee. Is the Senator seeking unanimous consent at this time?

Mr. REID. Madam President, we were in a quorum call. This is the time for Republicans. There is no Republican here, so when they show up I will be happy to sit down. Until they get here, I will use their time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE BUSINESS

Mr. REID. Madam President, we spent most all of yesterday doing nothing. Senator DASCHLE came on the floor late in the day and filed a petition for cloture because he recognized they were going to slow-walk this legislation on the supplemental appropriations bill, and then referred specifically to what one of the Republican Senators said yesterday, that they were going to slow down the train.

Today's publication of the Congressional Quarterly Monitor suggests they are doing what the majority leader said: Senate Republicans say they will not hesitate to slow-walk legislation important to Democrats, while aggressively pushing their own agenda.

The problem is, at this stage I don't know what "their" agenda is. We have tried to move forward on legislation that is important to their President; namely, this legislation dealing with the supplemental. The supplemental appropriations bill is very important, as we discussed on a number of occasions yesterday. This legislation is entitled: "Supplemental Appropriation Act for Further Recovery From and Response to Terrorist Acts in the United States." If that is not important, I don't know what is. They are slow-walking that. They are slowing down the train.

We read further in the article that a GOP leadership aide said the amendments to this hate crimes bill and this legislation now before us, that Senator Daschle has not seen fit to bring up, include defense authorization, a terrorism insurance proposal, and cloning.

Madam President, as we all know, there was an arrangement to bring up cloning. The majority leader agreed to do that. Of course, Republicans would not let us because they were slow-walking the legislation we had before the break.

I spoke to the Senator from Kansas yesterday about cloning. Senator BROWNBACK feels very strongly about it. He has indicated he would show us his proposal. That is something we want to do. We have offered a number of unanimous consent requests that we can move forward on, terrorism insurance. We, the majority, have tried every way possible to bring terrorism insurance before this body. The people who say they want it cannot take yes for an answer. The Republicans simply do not want this brought up. Some do not believe there is a need for it.

Anyplace in New York, go to people in Illinois, or people in Nevada, all over this country, business communities certainly believe there is a need for terrorism insurance. We want to do that.

I am very disappointed we are now in a predicament that we cannot move forward on the supplemental appropriations bill the President believes is important; we can't move forward on prescription drug benefits, which he says is important, although looking at the proposals we have had from the White House, they are a prescription drug benefit in name only. There doesn't seem to be much interest in that.

The things we need to do are very important to the people of this country. It is something as simple sounding as minimum wage. But for years we have not been able to increase the minimum wage for the people who need it. This is important, not to young people who are flipping hamburgers at McDonald's but to people raising families. Madam President, 60 percent of those drawing the minimum wage are women, and for 40 percent, that is the only money they get for themselves and their families. We need to do this.

Instead of going to these issues, we are having everything slow-walked. I do not understand the reason for that. It seems to me for the good of the country we should move forward.

This is a closely divided Senate. There is plenty of blame to go around if things do not go forward, if we do not make progress. But there is lots of credit to go around if we are able to accomplish things. I hope my friends will decide to move forward with legislation, allow us to legislate rather than hesitate, which we have been doing for the last several weeks.

The legislation before us is so important. We have talked about it on a number of occasions, how important it is for the troops we have in the field. It is important for creating homeland security—something as simple as $200 million for security for nuclear facilities. The Presiding Officer and Senator LIEBERMAN and I have thought it important to do something to beef up security at our nuclear reactor sites. We need to do that because we have rules now at one site for a certain degree of security but at another site there is another degree of security. Even having been given 6 months' notice that there would be a surprise exercise to show how ready they were for an attack, even given 6 months for this so-called surprise, over 50 percent of the reactor sites failed in this security issue.

There will be a hearing before the Environment and Public Works Committee beginning in a half hour to deal with security of nuclear reactor sites.

There are things that need to be done to protect our homeland. I hope we can get to that. I hope the effort to slow-walk, slow down the train, stops immediately.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 2579 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, as I understand, we have time now until 10:15; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Madam President, I yield myself such time as I may use.

HIGHER EDUCATION AND PELL GRANTS

Mr. KENNEDY. Madam President, over the period of these past weeks I have tried, with other of our colleagues, to bring attention to what is happening across the country in terms of the funding of education.

Many of us took pride in supporting the No Child Left Behind Act. Yet we are finding increasing information showing that more and more children across the Nation are being left behind. We are finding that daily in the reports.

In a little while this morning, I and others will be offering an amendment to try to address some of the special needs in the summer programs which are so important to children, in providing supplementary services to these children.

But I will focus on the overall issue we are facing of funding education, and, in particular, with regard to the availability of higher education for children from working families and from middle-income families and low-income families, and the availability and accessibility of the Pell grant program to help fund their education.

As we have all seen, there have been increasing reductions in support even in the areas of higher education.

First, I want to talk about the effect of the Bush budget on the overall investment in children and in teachers.

This chart shows the overall education program. The proposal was for a 3.5-percent increase last year. We got it up to 20 percent last year. That was really as a result of working together. That is what we all wanted to do, to work together with our colleagues and work with the administration. But working together is a two-way street. Part of it is reform but also investing in education. That is what we were able to do last year. Yet, this year, we see the administration proposal is only a 2.8-percent increase, which is completely unsatisfactory. It does not even meet the cost of living.

Of course, there are increasing numbers of children who are eligible for particularly the title I programs. So we will be, as we move through the appropriations battle, trying to meet our responsibilities to these children.

I will bring to the attention of the Members of the Senate what happened just yesterday in New York City. Madam President, 100,000 teachers and students in New York City gathered to protest the drastic school budget cuts. There are $358 million in cuts proposed by the mayor. One-hundred thousand students and teachers crammed eight blocks outside City Hall to protest the drastic school budget cuts proposed by the mayor.

Parents want their children educated. They want the Federal Government to work with the States and local communities to get the job done. If they see they are not getting it done in one area, there ought to be support for it in another area. They are tired of excuses.

We had the great national debate in terms of K through 12 just this last year. We made some commitments. We have some sense of expectation about what we are asking young people to do. We have some important accountability. But if we are going to ask the children to be accountable, we ought to be accountable. That is the key issue. If we are asking the young children who are going to school every single day to be accountable for the work they are to do, it is not too much to ask whether we are going to be accountable to make sure they are going to have the kind of support they need.

What is happening now is we are failing to do that. Although money does not answer all of the problems, it is a clear indication of a nation's priorities. When you see that we have a virtual abandonment of the commitment in terms of investing in children, and leaving millions of children behind because of budget considerations, it is not satisfactory.

We are, over the period of the remaining time in the Congress, going to be raising this issue. We are putting our friends and colleagues on notice that we are going to insist on accountability in the Senate.

Now, I want to mention an item in the supplemental which is very important, and that is the $1 billion for the Pell shortfall. We are grateful to the appropriators for ensuring that that $1 billion of shortfall was included in the supplemental. That is enormously important.

But as we are looking at the shortfall, we have to look at where we have been and what we are looking forward to. If you look at where we have been in terms of the funding of the Pell grants over the period of the recent years, you can look back from 1993 to the year 2001, and the average increase was $167.

During the Democratic administration, they raised the Pell grants from $2,300 to $3,750. That is an increase of $1,450.

Last year, it was requested that it be raised by $100. The Congress raised that to $250. Look what the administration has requested for this year: zero; virtually zero in their budget in terms of the Pell grants. This is at a time when you have 640,000 more children living in poverty, and hundreds of thousands of those children are going to be eligible for the program, which means there is going to be a further withering away of the Pell grant program. That is fundamentally wrong.

If we are talking about trying to improve K through 12—and we intend to do so—then we are going to have to have better qualified children who will have an interest in going on to college. Some of those young people will not come from wealthy families. There ought to be a system that is available to them, where if they are of limited income they can get the Pell grants, they can get some loans, they can get a work study program, they can work during the course of the summer, and they can put together a package so they can go to a fine public or private university.

It was the intention of this Congress over a long period of time to say to the young people of this Nation that college was going to be available and affordable. It goes back to the 1860s and the Morrill Act, when we had the land-grant colleges. It was repeated at the time of the GI bill in the post-World War II period. It was repeated in the early 1960s, when we had grants and loans. At that time, the grants were about 75 percent, the loans 25 percent, and the system worked.

But we have seen since that time increasing numbers of young people from working families, who have the skills, the talent, and the intellect to be able to go on to college, are denied that opportunity because the Pell grant just does not provide the resources and support. That is enormously important.

We have seen where the administration has failed to fight for increased funding for K through 12. We are saying that the administration is failing to fight for those young people who want to go to our colleges. This, we believe, is absolutely wrong. We are going to go to battle and fight for that.

Let me just review, very quickly, the recent experience on Pell grants.

In fiscal year 1996, the House Republicans cut President Clinton's request for a $2,600 maximum Pell grant by $180, to $2,420. Congress later enacted a $2,470 maximum award. So even though it was cut during the negotiations, in the final negotiations, the macro-negotiations with the administration, they were able to get a very modest increase.

In 1997, the House Republicans again cut President Clinton's request for a $2,700 maximum Pell grant by $200, to $2,500. Due to the pressure, again, from the President, the House Democrats enacted a $2,700 maximum award.

In 1998, a bipartisan year, President Clinton proposed and Congress enacted a $3,000 maximum Pell grant.

In 1999, fiscal year 2000, the House Republicans proposed a token increase over the Clinton request for Pell grants by $50 in 1999 and $25 in the year 2000.

In 2001, President Clinton proposed a $3,500 maximum Pell grant, which was recommended by House Republicans. Led by House Democrats, however, the maximum Pell grant was later increased to $3,750, providing a $450 increase over the previous year and the largest increase in more than 25 years.

Again, in 2002, President Bush proposed a $100 increase for the maximum Pell, the smallest increase in 7 years. The President proposed the smallest increase—this is last year—in 7 years. With a bipartisan effort, Congress enacted a $250 increase, raising the maximum level to $4,000. And because of anticipated enrollment increases, the budget fell short and would have resulted in an actual cut in the Pell grant. In fiscal year 2003, President Bush proposes to freeze the maximum Pell grant at $4,000. However, the Congressional Budget Office estimated that this will result in a cut of the maximum award to $3,900.

When we are talking about trying to give a helping hand to young people of talent, ability, and intellectual capability to go to the fine schools and colleges of this country after they have gone through the high schools, many of these young people need the kind of financial package which includes some grants, some loans, work study, and other programs. For those in this body who don't understand what a difference $100 can make, if you increase fees by $100 or $200 in most community colleges, you will find a reduction in the number of applications of 5 or 10 percent; $200 to $300 will reflect a reduction of young people being willing to commit to that kind of indebtedness. That is what this is about.

We have tried to show, and we are going to address, the issue of the summer funding programs later on when we have the supplemental. We have been trying to show in the past weeks the failure to invest in K through 12.

We thank the appropriators for the increase of $1 billion they have provided to make sure the Pell grant is not going to fall behind. But as we are thankful to the appropriators for not falling further behind, we are mindful that this administration has requested absolutely zero in this budget. They are proposing $600 billion in tax cuts that will affect the wealthiest individuals and zero in terms of education for Pell grants that offer educational opportunities. Those are the choices being made.

We on this side of the aisle find that that is an intolerable and unfair choice for millions of hard-working families and their children who have the ability. They don't get the grant unless they are able to be accepted into the schools and colleges. We are demanding excellence of those children who go from K through 12. Then when they want to continue their education, what happens? We have an administration that says: Zero.

We want to give the American people the assurance that those of us on this side are going to work with our colleagues and others who are interested, but we will not stand for this kind of indifference in terms of support for young people to attend schools and colleges with Pell grants.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. DURBIN. I was listening to his speech off the floor. Back home in Illinois, we have just gone through a bruising budget battle at the State level. As a result of that battle, they have increased tuition at colleges and universities, meaning that families, particularly working families that already are trying to save so their kids can go to college, are facing even higher indebtedness for their children going to college, greater cost in tuitions and fees. And if I understand the Senator from Massachusetts, on the Federal side of the equation where we help students with Pell grants, for example, the Bush administration is proposing cuts in terms of the Pell grants.

What I would like to ask the Senator from Massachusetts is, isn't this coming at the families in both directions: On the one hand, the States raising the tuitions and costs; on the other hand, the amount of money available through the Bush budget for families across America is being reduced? This seems as if it will create really an incredible hardship on a lot of these families. Is that the point the Senator is addressing?

Mr. KENNEDY. The Senator is quite correct. First of all, the general estimate at this time is that the budget deficits for States across the country is somewhere between $48 and $50 billion. The general rule of thumb is about a third of that is education cuts. That is being reflected in higher fees or tuition. In my State, it is higher fees. That just means the fees will go directly to that particular school. If it were tuition, it would go into the State education funds.

As far as the student is concerned and the families, they are still paying it out of their pocket. It is an increase in taxes. It is an increase in taxes effectively. It is money they will have to pay so that this administration can give tax breaks to the wealthiest individuals. We are interested in its impact in terms of education.

What we are seeing is that there is an increasing number of young people of talent, ability, desire, individuals who can contribute to this Nation, to make it a stronger Nation, who can add to the economy, add to the essence of the elements of a democracy, who are being effectively shut out. The best estimate we have is that there will be 100,000 young people with this budget who would otherwise be eligible who will be excluded if we do nothing at all.

I don't see how that reflects what the administration has suggested; that is, education is their most important priority.

Mr. DURBIN. If the Senator will continue to yield, if I could follow up, we know that he and others, Democrats and Republicans, worked with the President for this education plan, Leave No Child Behind. One of the cornerstones of that plan was making certain we had quality teachers in the classroom.

Frankly, we are fighting a battle that is pretty tough. With more teachers retiring, with the demands on teachers increasing, with the number of teachers who are lured away to other private sector jobs increasing, we find ourselves struggling to maintain teacher quality.

I ask the Senator from Massachusetts, how much easier is it going to be to recruit the next generation of teachers when we are making the cost of college education higher? How much easier will it be if those young students graduating from college have a greater college debt as they come out of school to make the choice to go teach where we want them to teach, K through 12, high school, where we need their skills? How can we maintain teacher quality at a time when the Bush administration's budget is cutting back assistance to colleges, thereby increasing the debt for some students and discouraging others from pursuing higher education?

Mr. KENNEDY. I want to answer the question in two ways:

First, to underline the point being made by the Senator from Illinois, if it is going to cost more to go, if the children are going to borrow more and it will cost more, it will be a disincentive to those who want to have additional degrees in teaching. We want a well-qualified teacher in every classroom. This will be a financial disincentive for them to get their degrees, and it will be a disincentive for nurses to continue their education in order to become better nurse specialists, as it will in terms of child care, to try to strengthen those individuals who are trying to get some degrees to increase their ability to deal with the Nation's children. In those three areas, this will be a further disincentive.

Second, as the Senator will see from this particular chart I have before me, the administration's budget does nothing to improve teacher quality and reduce class sizes. We had final appropriations of $742 million last year. The proposed budget is zero for this year. These funds can be used in terms of recruitment, in terms of developing a mentoring system which has been so successful, as we found in the hearings. In terms of retention, it gives flexibility to local communities. They need these additional funds to provide financial help for salaries in local communities.

We have given maximum flexibility to communities to ensure that we have a well-qualified teacher in every classroom. We want to provide the incentive to help local communities. We can't do the whole job, but we are committed to trying to do our part.

The Senator raises the issue of where we are in the budget for this year in terms of recruitment and maintaining professional development for teachers who want to upgrade their skills. We find that in this administration's budget it is effectively zero over the previous year. I am troubled by both of these factors when we say we are serious about enhancing education.

Mr. DURBIN. Let me ask the Senator from Massachusetts this question. He was the negotiator, the one who put together this legislation with President Bush and the White House. Aren't we also imposing some obligations on school districts across America to have more teachers certified in certain subjects so that they will teach math and science, for example, computer skills, because they also have the skills and training to do it? Aren't we saying to school districts in the next few years, we want you to have more and more certified teachers, qualified teachers, standing in the classrooms?

I hear that when I get back to Chicago in the State of Illinois. They say: That is a good goal. We want to meet that goal. But understand that takes an investment in teacher education and training; that takes resources for the school district to attract these good teachers and keep them. Aren't we, in the Bush bill, Leave No Child Behind, creating a goal of more certified teachers in the classroom and then in the Bush budget not putting in the money to achieve that goal?

Mr. KENNEDY. The Senator is absolutely correct.

There are many important parts of this No Child Left Behind. But for me the point of having a well-qualified teacher in front of every child in this country and doing that over a 4-year period—we gave the priorities to the areas where we had the neediest children, where you have the highest numbers of teachers who have not gotten their degrees. You have to admire these people anyway; they are teaching in difficult circumstances, and the best information we have is many of them want to continue teaching in these underserved areas if they will have an opportunity to get a degree and enhance their education.

But does the Senator know that there will be 18,000 fewer teachers who will be trained this year over last year because we have failed to provide the resources? I ask the Senator what possible sense that makes as well.

Mr. DURBIN. I say to the Senator from Massachusetts that we can't have it both ways. We cannot establish standards and say to school districts across America that we want you to have accountability and testing and the very best teachers in the classroom, we want you to prove you can educate our young people so they can produce for the 21st century, and then have the President send us a budget that doesn't provide the resources.

We had the press conferences. Everybody was patting one another on the back and smiling and saying we were all committed to education. Now comes the sorry part of the picture, when the budget itself is not presenting the resources the school districts need. As I see it, over the past several years we have made dramatic increases in education, increasing our commitment as a nation to better schools and better students. Now we seem to have taken a dramatic step behind. I might add, the Senator from Massachusetts understands, as I do, that to do this is terrible, but to do it in order to generate another tax cut for the wealthiest people in America makes no sense at all in terms of investing for our future.

I ask the Senator, haven't we had a long run here of increases in spending for education that is now, in the Bush budget, being broken?

Mr. KENNEDY. Well, the Senator is absolutely correct. If you take the past years of expenditures, the increases, we show that from 1997 to 2001, in terms of education, it went up 13 percent. In 2002, total education is 16 percent. If you look at the budget request by the administration—I draw this to the attention of my colleagues. Look at the budget projections over the future. From 2003 to 2010, it is virtually zero. It is the cost of living, which in this bill the request is not—but it is not any increase whatsoever in terms of children. As a result, we are going to find out the number of children who are going to be left behind.

These are the facts. You are going to find out all the way out to 2007 that you are still going to have—current projections—over 6.5 million children left behind. If we had funded the legislation—No Child Left Behind—which the President signed, we have gone from 6.3 million down to 3.9 million over that period of time. If we are going to say we are not going to leave any children behind, we ought to have this number zero. This is the best we could do in terms of the legislation. This is what the rhetoric is. This is what the reality is. That is what is happening in this country not only in funding this legislation but in school budgets.

I would like to inquire of my colleague and friend, does he not find in Illinois that parents want their children to be able to go to a good school and learn? They are less interested about what the funding stream is going to be from the local, State, or Federal. Obviously, we have a responsibility to meet our obligations as to States and local communities. The parents want to be sure children are——

The PRESIDING OFFICER (Mr. REED). The time of the Senator has expired.

Mr. KENNEDY. I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Now we are putting it at risk—both the kinds of reforms we have gotten out here and in terms of the assurances to those parents that we are going to do our business. Doesn't the Senator agree with me?

We heard so much about accountability, that we ought to be accountable, as well as these children in local schools, and by doing that meet our responsibilities in investing in the children.

Mr. DURBIN. I think the Senator is correct. At this time, parents sending their children to school are less concerned about the sources of the money going into the schools. They want to make certain that the children coming out of the school are well educated.

Here we have a President who really did some historic things. He made an announcement that there was going to be a Federal commitment to education. His political party had said in years gone by they wanted to eliminate the Federal commitment to education. He said: I am going to take a different course. We are going to make a Federal commitment to schools and education and funding. We applauded him, and the Senator from Massachusetts did. We voted with him and gave him a bipartisan, strong vote. We said we will stand with you because every level of government should make a commitment to this most basic issue in America: educating our children.

And now comes the first budget. The promise of the Federal commitment to education is disappearing before our eyes. So for the parents in Illinois, and in Massachusetts, and in Wisconsin, who are concerned about the quality of schools, they have to feel they have been misled by a President who said he wanted to make this commitment but then presents a budget that does not.

We have to make the difference here in Congress. We have to put in the resources, and I think this Democratic Senate has to lead the way.

I thank the Senator from Massachusetts for his leadership.

Mr. KENNEDY. Our time is expiring, but we are going to take time every week to go over these figures and give a report to the American people and our colleagues on what is happening in real terms. We are giving the assurances that we are going to fight in these remaining weeks and months to make sure we are going to invest in the children. We are very hopeful we will get the support of our colleagues in doing so.

I thank the Senator and I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4775, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Reid Amendment No. 3570, to direct the Secretary of Agriculture to carry out a certain transfer of funds.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending Reid amendment be temporarily set aside in order that I may offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I wonder if the Senator will amend the request to provide that after the disposition of the amendment of the Senator from Massachusetts that the Senator from New Hampshire, Mr. GREGG, be recognized to offer an amendment.

Mr. KENNEDY. I amend my request.

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. What is the request, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has requested permission to set aside the pending amendment to bring up his amendment. The Senator from Wisconsin has requested permission, at the conclusion of the Kennedy amendment, to offer the Gregg amendment.

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, is there objection to temporarily setting aside the Reid amendment?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I object to Senator FEINGOLD's request to add the Gregg amendment in sequence until we can see that. May I ask Senator KENNEDY to repeat his request?

The PRESIDING OFFICER. Will the Senator from Massachusetts repeat the request?

Mr. KENNEDY. I had asked that the pending Reid amendment be temporarily set aside, and then I was going to send my amendment to the desk, if that was agreed to. Then I understood Senator FEINGOLD asked unanimous consent to go after I conclude my amendment. That is what I had understood was going to be the process. I am glad to work out whatever arrangement.

Mr. STEVENS. So far as I understand the position of this side, we have no objection to Senator KENNEDY setting aside the Reid amendment and proceeding with his amendment, but I do object to the sequencing of any amendment after that.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I object to the request of the Senator from Massachusetts. I do not want to object, but I do, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard. The Senator from Massachusetts still has the floor.

Mr. KENNEDY. Mr. President, I then offer——

Mr. FEINGOLD addressed the Chair.

Mr. KENNEDY. I think I still have the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is correct; he has the floor.

AMENDMENT NO. 3583 TO AMENDMENT NO. 3570

Mr. KENNEDY. Mr. President, I offer a second-degree amendment to the Reid amendment.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, Mr. REID, Mrs. MURRAY, and Mr. DURBIN, proposes an amendment numbered 3583 to amendment No. 3570.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection to the request to ask for termination of the reading of the amendment? Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide emergency school funding)

At the appropriate place, insert the following:

SEC. ___. EMERGENCY SUMMER SCHOOL FUNDING.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Under the amendments made by the No Child Left Behind Act of 2001, students and schools rightly are held accountable for meeting challenging State academic content and student academic achievement standards in mathematics, reading or language arts, and science.

(B) Summer programs and activities supported under the 21st Century Community Learning Centers program are critical to providing supplemental academic services and academic enrichment activities designed to help students meet local and State academic standards.

(C) Summer programs and activities supported under the 21st Century Community Learning Centers program help children and the children's families in the areas of youth development, drug and violence prevention, and character education.

(D) During the summer of 2002, school districts throughout the Nation will confront more than $200,000,000 in cuts to summer school programs, eliminating services and academic support to more than 150,000 struggling children.

(2) PURPOSE.—The purpose of this section is to provide opportunities for communities to provide summertime activities in community learning centers that—

(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics; and

(B) offer students an array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students.

(b) FUNDING FOR SUMMER SCHOOL PROGRAMS.—

(1) IN GENERAL.—Provided that, in addition to amounts otherwise available to carry out section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)), $200,000,000 shall be available to carry out activities described in section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)) during the 2002 summer recess period.

(2) AWARDING OF GRANTS.—

(A) IN GENERAL.—Notwithstanding section 4202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7172), the Secretary of Education shall award grants with funds made available under paragraph (1) on a competitive basis to eligible entities serving communities whose local educational agencies are not able to meet fully the communities' need for summer school programs.

(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary of Education shall give priority to an eligible entity that is a local educational agency or who serves a community whose local educational agency—

(i) serves high concentrations or numbers of low-income children;

(ii) before June 6, 2002, announced that the local educational agency is canceling or reducing summer school services in 2002; or

(iii) is located in a State whose State educational agency, before June 6, 2002, announced that the State educational agency is canceling or reducing summer school funding for 2002.

(3) APPLICATION AND OBLIGATION.—

(A) APPLICATION.—Notwithstanding sections 4203 and 4204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7173 and 7174), an eligible entity that desires a grant under this section shall submit an application to the Secretary of Education at such time and in such manner as the Secretary of Education may require.

(B) OBLIGATION.—Not later than 4 weeks after the date of enactment of this section, the Secretary of Education shall obligate funds made available under this section.

(4) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" has the meaning given the term in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171).

(5) EMERGENCY DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Kennedy amendment be withdrawn and the Reid amendment No. 3570 be agreed to; that immediately after adoption of the Reid amendment, Senator KENNEDY be recognized to offer a first-degree amendment, and that there be 60 minutes of debate with respect to the amendment prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form, with no second degree amendment in order to the Kennedy amendment prior to a vote in relation to the amendment; that upon disposition of the Kennedy amendment, the next amendment in order be one offered by Senators GREGG and FEINGOLD; that there be 60 minutes of debate prior to a vote in relation to the amendment, with no second-degree amendment in order prior to the vote, with the time divided as follows: 15 minutes each for Senators GREGG and FEINGOLD and 30 minutes under the control of Senator CONRAD or his designee; that if the amendment is not disposed of by a Budget Act point of order, then it be subject to further debate and second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object, did I hear the Senator from Nevada say there will be 15 minutes each for Senator GREGG and Senator FEINGOLD?

Mr. REID. Yes, that is true.

Mr. FEINGOLD. I thank the Senator. I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, before Senator KENNEDY moves forward and we dispense with amendment No. 3570, I extend my appreciation to my counterpart, the Republican whip, who has worked this very hard. It has been extremely difficult to get to where we are today, but we are moving forward. It could not have been accomplished without the help of my friend from Oklahoma.

AMENDMENT NO. 3583 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the Kennedy amendment No. 3583 is withdrawn.

AMENDMENT NO. 3570

The PRESIDING OFFICER. Under the previous order, the Reid amendment is agreed to.

The amendment (No. 3570) was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3608

Mr. KENNEDY. Mr. President, the amendment is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, Mr. REID, Mrs. MURRAY, Mr. DURBIN, and Mr. REED, proposes an amendment numbered 3608.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide emergency school funding)

On page 89, between lines 3 and 4, insert the following:

SEC. 807. EMERGENCY SUMMER SCHOOL FUNDING.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Under the amendments made by the No Child Left Behind Act of 2001, students and schools rightly are held accountable for meeting challenging State academic content and student academic achievement standards in mathematics, reading or language arts, and science.

(B) Summer programs and activities supported under the 21st Century Community Learning Centers program are critical to providing supplemental academic services and academic enrichment activities designed to help students meet local and State academic standards.

(C) Summer programs and activities supported under the 21st Century Community Learning Centers program help children and the children's families in the areas of youth development, drug and violence prevention, and character education.

(D) During the summer of 2002, school districts throughout the Nation will confront more than $150,000,000 in cuts to summer school programs, eliminating services and academic support to more than 150,000 struggling children.

(2) PURPOSE.—The purpose of this section is to provide opportunities for communities to provide summertime activities in community learning centers that—

(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics; and

(B) offer students an array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students.

(b) FUNDING FOR SUMMER SCHOOL PROGRAMS.—

(1) IN GENERAL.—That, in addition to amounts otherwise available to carry out section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)), $150,000,000 shall be available to carry out activities described in section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)) during the 2002 summer recess period.

(2) AWARDING OF GRANTS.—

(A) IN GENERAL.—Notwithstanding section 4202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7172), the Secretary of Education shall award grants with funds made available under paragraph (1) on a competitive basis to eligible entities serving communities whose local educational agencies are not able to meet fully the communities' need for summer school programs.

(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary of Education shall give priority to an eligible entity that is a local educational agency or who serves a community whose local educational agency—

(i) serves high concentrations or numbers of low-income children;

(ii) before June 6, 2002, announced that the local educational agency is canceling or reducing summer school services in 2002; or

(iii) is located in a State whose State educational agency, before June 6, 2002, announced that the State educational agency is canceling or reducing summer school funding for 2002.

(3) APPLICATION AND OBLIGATION.—

(A) APPLICATION.—Notwithstanding sections 4203 and 4204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7173 and 7174), an eligible entity that desires a grant under this section shall submit an application to the Secretary of Education at such time and in such manner as the Secretary of Education may require.

(B) OBLIGATION.—Not later than 4 weeks after the date of enactment of this section, the Secretary of Education shall obligate funds made available under this section.

(4) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" has the meaning given the term in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171).

Mr. KENNEDY. Mr. President, as I understand, we have an hour's time limit to be divided equally. I will make some very brief opening comments and then yield to my colleague and cosponsor, Senator SMITH from Oregon.

I offer this amendment on behalf of myself, Mr. SMITH of Oregon, Mrs. BOXER, Senator DODD, Senator REID, Senator MURRAY, and Senator DURBIN.

Very briefly, this amendment provides $150 million in emergency funding for fiscal year 2002 to communities to provide students who have fallen behind in their schoolwork the opportunity to catch up with their peers. The second area of education is to award emergency grants to communities that have unmet needs for the summer school programs. Priority in funding will be given to communities that have had to eliminate or cut back their summer school programs due to local and State budget reductions and have high poverty rates. Funding is to be provided on a one-time basis to ensure there are safe learning opportunities this summer for the neediest children.

The bill before us provides urgently needed resources to fight against terrorism, and this is vitally important to the Nation. But just as we must address needs on the war front, we must also turn to urgent priorities at home. There is no greater priority than ensuring a good education for our children. Good schools are critical to the Nation's future, and they are critical to our national security and national defense.

We want our service men and women to be well trained, well led, and with the latest in terms of technology. In order to be able to do that and perform to secure our Nation, they have to be able to have a good education.

We have learned in recent days that schools across the country are cutting back on their summer school programs, creating an emergency for our schools, for our parents, and for schoolchildren. I know the Senator from Oregon has a schedule to keep, so I will yield to him and then I will come back and give the Members an idea about what is happening with the cuts in summer school programs and the value of the summer school programs, reaching the conclusion of all who were involved in the No Child Left Behind Act, if we are going to ask our children to perform, we have to make sure they are given the kind of support they need.

The 300,000 children who are going to have their summer school eliminated will not graduate from their schools without this kind of assistance because they are the ones who are involved in this program, and then we will be faced with what their futures will be without completing their education.

In our education program, we put a strong requirement on the students to perform, on schools to support those efforts, on teachers to be qualified, and also we have a part as well to make sure those children are not going to be left behind.

I yield 10 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I thank Senator KENNEDY for yielding this time to me. I am pleased to join him in this amendment he has offered in the spirit of no child being left behind. It is obvious to anyone that the effect of the recession in many of the States, my own included, is that education is suffering devastating cuts and these are manifest particularly as to programs such as summer school.

Specifically, in my State, Portland has eliminated summer school entirely for elementary school. It has cut its middle and high school programs in half, leaving more than 1,000 students unserved. Similar cuts are being made in Eugene, Beaverton, Salem, and in other schools across my State. These cuts are being made in States across the country as well, and preliminary reports indicate that as many as 300,000 students nationwide will not benefit from summer school this year.

I emphasize that this amendment is for any school that has unmet summer school needs. In Oregon, it means reversing summer school cuts, but in other States it may mean expanding their limited programs to reach more low-income and underserved students. If we do not step in and help our schools now, thousands of students across Oregon and across the country will not get the extra attention they need this summer. There are thousands of students who will suffer next year if we do not act to help them today. Let's give our school districts the resources they need to help students who need it most. I urge my colleagues to support this effort.

It is my experience as a father, that summer school is a very valuable tool in the home to motivate better academic performance by the children. Just the threat to one's children that if they do not buckle down now, they will be going to summer school, I have observed does create some degree of terror and dread and better performance.

I hate to see this eliminated because my children have shared with me later that it was a good experience and highly motivational to go to summer school. As a Senator, I can, with great enthusiasm, support what Senator KENNEDY has offered because we have, with the very best of intentions, tried to get our economy moving with the stimulus package, with which we tried to backfill the impact of State budgets. That was taken out in a conference committee, against my objections, but it was done, and we passed it.

This has created shortfalls in States. This is being manifest not only in health care programs and other cutbacks, but in education programs. It seems to me we have a role because we helped create a short-term deficit so we would have a long-term surplus, that we can, with this package today, help in a critical area by restoring summer school funding.

I have seen it work as a dad. I think we need it to work as Senators, and I urge my colleagues to join Senator KENNEDY and myself in passing this very needed amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 5 additional minutes.

Once again, I give this information to our colleagues about the value of the summer school programs and give some examples of the studies that have been done and what the results have been. The most recent review of educational research shows that summer school programs make a difference for students. A recent review of 39 studies shows that the academic test scores declined over summer school vacation. The 13 more recent studies show summer school loss is equal to 1 month of learning at grade level. In addition, summer break was more detrimental to math computation and spelling, and the neediest students lost the most. Middle-class students gained during the summer on grade level reading tests while high-poverty students lost ground.

Our efforts with the ESEA are to target the neediest students. Research indicates quite clearly what happens to them without any summer school, but listen to what happens to them with it. The Chicago public schools initiated the summer school program in 1996 to help children who had fallen behind catch up. Eighty-three percent of the 9,700 Chicago third graders required to attend summer school last year had met their grade level criteria by the end of the summer. That is absolutely extraordinary progress. Seventy-five percent of sixth graders and 71 percent of eighth graders made the grade by the end of the summer. Without summer school, these students would not have been promoted to the next grade.

Listen to what has happened in Ohio. Ohio test scores for fourth graders show that children in summer school and afterschool programs exceeded the statewide percentages of students meeting proficiency standards in every subject area tested: writing, reading, mathematics, citizenship, and science. Sixth graders exceeded the statewide percentages of students meeting proficiency standards in four of the five areas: writing, reading, mathematics, and citizenship. School absences and tardiness were reduced for participating students.

Look at Fulton County schools in Georgia, operating a summer accelerated learning experience that provides full-day summer school for 1st through 12th grade, including the breakfast and lunch for all students in the community, as well as participating students. In 1999, they provided half-day programs with only 3,000 student participants; in 2000, they expanded to full day and attracted twice as many students; in 2001, they had 10,000 students. This year, they predicted 11,000 students. The district tested students at the beginning and end of the summer and found great improvement.

The value of the summer school programs has been defined for students across this country.

Against that, we have the schools that are canceling the programs. I refer to an excellent story in the Gannette News Service regarding what is happening to summer schools across the country. It points out that summer schools have been a lifeline for students who struggle to meet higher academic standards and face repeating grades. In No Child Left Behind, we have tried to eliminate social promotion. Children have to measure up.

Great numbers of children now are required to take summer school in order to be able to meet the academic challenges we have included in the program.

Now we see the canceling of the programs. This is very modest, costing about $1,000. It varies in different parts of the country but is basically about $1,000 for the summer program per student. What is happening is, 39 States have made midyear budget cuts during the fiscal year. A May analysis by the National Association of State Budget Offices shows they are cutting students from kindergarten through high school in the summer. Expectations are rising, but the funds are not. Something has to break. The programs that could be singled out, such as summer school, are getting the ax, according to Michael Griffith, policy analyst with the Denver Education Commission.

Across the country, budget cuts imperil summer classes. In Washington, DC, educators slice student enrollment at the District 5-week summer program by 50 percent—a reduction in Washington, DC, by 50 percent of summer school programs that children otherwise are required to take in order to try to meet the standards.

In Indiana, more than $470 million in budget cuts forced education to cut 15 percent of the money for the summer school programs. As a result, some school districts are limiting classes to key academic studies such as reading and math.

In South Carolina, districts have trimmed or eliminated summer school programs. "You cannot cut textbooks; that money was spent the first day of school," said a spokesman for the South Carolina Department of Education, Jim Foster. One of the few things left to cut—something not done yet—is summer school.

I will mention some of the reductions. In Florida, in Dade County, 19,000 students are cut out of summer school programs; in Hillsborough County, FL, 36,000 students have lost the summer school program; in Broward County, 40,000 students have lost summer programs; in my State, Massachusetts: Worcester County, MA, 6,000; more than 25,000 in the State of Michigan. Even in smaller communities, in South Carolina, in Laurens County, $100,000 for 280 students is eliminated. In Marion County, SC, $50,000 was eliminated, and 200 students, needy in terms of education requirements, saw their program eliminated.

In Wisconsin, $60,000 in Mequon; 1,200 students. This is over 300,000 students according to the latest information.

This is an emergency. We have provided in the program that the Secretary obligate the funds within 4 weeks or sooner. If we are able to get it, there is every expectation that the appropriators will move this conference rapidly. The differences are minimal. There are some differences with the House, not great. They will move it rapidly, I expect in a matter of days, and we will get the final outcome with the inclusion of this amendment. All that has to happen, from our conversations with school superintendents, school boards across the country, is if the Secretary obligates the money, they will have the resources and they can reinstate these summer programs.

The Department at the present time has on file $150 million in worthy, highly regarded 21st century summer school and afterschool applications—already ranked and already peer-reviewed, on the Secretary's desk. He could approve $150 million worth of those this afternoon. They have been peer-reviewed and ranked. All that needs to be done is to give greater targeting to the needy students. We give discretion to the Secretary to be able to do that. That would be manageable.

The Department can promise the funds to those districts placing a priority on those canceling the summer school programs or so the districts can borrow money to resume the summer programs, and the Department can then reimburse.

States contemplate more summer school cuts right now. My own State is considering a $40 million additional cut. This is a barebones amendment to deal with an emergency. If we do not do this, these summer school programs are headed for the chop block. We made a commitment to the students that we would not leave them behind. The school districts now are saying to the students: Look, you have to make the grade in these schools, in terms of the tests, and you have to stay and do the work over the course of the summer and raise your grades because we are eliminating social promotion from these States and these local communities. So the students are prepared to go. And now we are saying the resources will not be there.

This is an emergency. It does relate to our security in a very important way in terms of the education of our children. It seems to me the Senate should be willing to accept this amendment.

How much time remains?

The PRESIDING OFFICER (Mr. JOHNSON). Twelve and a half minutes.

The Senator from California.

Mrs. BOXER. Mr. President, I am very grateful to have 6 minutes to try to put into words my strongest support for this very important amendment which has been put forward by our leader on education, Senator KENNEDY, with the strong endorsement of Senator GORDON SMITH, making it a very bipartisan amendment.

There is some confusion about what an emergency supplemental bill is. I have been in the Congress—hard to believe it—20 years, 10 in the House and 10 in the Senate, and we take up emergency supplementals all the time because there are unmet needs and we need to act.

Senator KENNEDY is pointing out a crucial unmet need. I was very delighted when he asked me to speak because I have worked hard with him, with the Presiding Officer, and others on afterschool programs for our children.

The funding will go into the afterschool programs. We all think of afterschool programs as occurring at the end of the day when kids could go home to empty houses, and so on. That is the usual way to think of it. But Senator KENNEDY is doing something interesting. What he is basically saying is afterschool ends and for some kids there is no summer school. That is afterschool in the broadest sense. So I support these funds going through the 21st Century Learning Centers.

When President Bush speaks about education, he talks about leaving no child behind. As a mother, as a grandmother, as a Senator from the largest State in the Union, I know that when you leave a child home alone in the summertime, you are really giving a new meaning to "left behind." We know during the regular school year what happens. The FBI has shown us the crime rate going dramatically upward after school hours. We know what happens when a child has all day to sit alone at home, without having the chance to have activities funneled into something positive, without having the chance to hone their skills for the rest of the year.

As Senator KENNEDY has stated so eloquently many times, we are putting much more of a burden on our youngsters to step up to the plate and achieve high standards. I support that. But at the same time, to deprive them of summer school this summer just as we are putting all these standards in place is a cruel hypocrisy. If we do not support this amendment, I think we are doing something very cruel indeed to those children.

This amendment will benefit every single State in the Union. The way it is worded, it will go to States that have a shortfall, but it will also go to areas where there is an unmet need. In my home State of California, summer school is a very high priority. But even with that, and even with the fact that in our State you cannot cut it back, in terms of State funds, we have a tremendous unmet need. Many of our children are left behind; 6,000 California students who are eligible for summer school will go without.

So I say to Senator KENNEDY: Thank you very much on behalf of those 6,000 children. This is not some theoretical debate. This is a real emergency for many of our families who do not have the wherewithal, who do not have the ability to ensure their children are protected from being alone after the school year is over. I believe with this amendment we will be making a very strong statement.

Again, it is important for colleagues to recognize that this is an emergency supplemental. Yes, it has much in it that deals with homeland security, and I support every dollar for that. But, again, as Senator KENNEDY has stated, and as former President Dwight Eisenhower stated—because he was the first one to call attention to this—if we do not educate our children, we are taking a national security risk.

It is not a stretch in my mind to say that for kids home alone who should have an effective summer school program, that is, in fact, an emergency. That is, in fact, something we must address in this bill. It is an emergency.

Again, I believe the definition of afterschool certainly should apply to this situation. After school is over, what happens to our children? Many of them will be fortunate, they will have summer school; their energies will be channeled; their talents will be invigorated. They will do better in the school year following. But many of them are left behind.

If our President means what he says—and I know in his heart he means it—he ought to support this.

I thank my colleague from Massachusetts for his leadership on this.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, how much time now remains?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. KENNEDY. On the other side, Mr. President?

The PRESIDING OFFICER. Thirty minutes.

Mr. KENNEDY. Mr. President, I will take 2 minutes. I mentioned earlier the impact on some of the counties. I want to point out this is not just large communities or small communities, it is in all communities. I will use, for example, what some cuts mean to children. Just for the minute or two, I will use some of the counties in the State of Florida, but these are replicated in other communities.

In Hillsborough, around Tampa, a $6.2 million cut, which is the entire program canceled for 36,000 students not served; Lee County, $1.3 million cut, all summer school services have been cut, except for those for the IDEA students. That is 2,500 high school students will not be served.

In Leon County, they have $1 million for their summer school program. They have now decided not to serve any of the 3,600 they intended to serve.

In Manatee County, $1.4 million was cut from their summer program leaving just $275,000, so that entire program is canceled, except for the students who need only one credit to graduate.

This is being replicated in rural areas, urban areas, all across the country—300,000 children were depending upon summer school in order to meet their obligations to try to meet the rigors of academic challenges in school. If we do not provide the resources here in this legislation in a timely way, those programs will be canceled and those children are in very serious risk of not being able to move to another grade or to graduate. I think that falls into the definition of an emergency.

AMENDMENT NO. 3608, AS MODIFIED

Mr. KENNEDY. Mr. President, I ask the modification that Senator SMITH and I described be made at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, what is the modification?

The PRESIDING OFFICER. The modification of an emergency designation.

Mr. BYRD. I have no objection to the Senator being able to do that.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 3608), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY SUMMER SCHOOL FUNDING.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Under the amendments made by the No Child Left Behind Act of 2001, students and schools rightly are held accountable for meeting challenging State academic content and student academic achievement standards in mathematics, reading or language arts, and science.

(B) Summer programs and activities supported under the 21st Century Community Learning Centers program are critical to providing supplemental academic services and academic enrichment activities designed to help students meet local and State academic standards.

(C) Summer programs and activities supported under the 21st Century Community Learning Centers program help children and the children's families in the areas of youth development, drug and violence prevention, and character education.

(D) During the summer of 2002, school districts throughout the Nation will confront more than $200,000,000 in cuts to summer school programs, eliminating services and academic support to more than 150,000 struggling children.

(2) PURPOSE.—The purpose of this section is to provide opportunities for communities to provide summertime activities in community learning centers that—

(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics; and

(B) offer students an array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students.

(b) FUNDING FOR SUMMER SCHOOL PROGRAMS.—

(1) IN GENERAL.—Provided that, in addition to amounts otherwise available to carry out section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)), $150,000,000 shall be available to carry out activities described in section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)) during the 2002 summer recess period.

(2) AWARDING OF GRANTS.—

(A) IN GENERAL.—Notwithstanding section 4202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7172), the Secretary of Education shall award grants with funds made available under paragraph (1) on a competitive basis to eligible entities serving communities whose local educational agencies are not able to meet fully the communities' need for summer school programs.

(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary of Education shall give priority to an eligible entity that is a local educational agency or who serves a community whose local educational agency—

(i) serves high concentrations or numbers of low-income children;

(ii) before June 6, 2002, announced that the local educational agency is canceling or reducing summer school services in 2002; or

(iii) is located in a State whose State educational agency, before June 6, 2002, announced that the State educational agency is canceling or reducing summer school funding for 2002.

(3) APPLICATION AND OBLIGATION.—

(A) APPLICATION.—Notwithstanding sections 4203 and 4204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7173 and 7174), an eligible entity that desires a grant under this section shall submit an application to the Secretary of Education at such time and in such manner as the Secretary of Education may require.

(B) OBLIGATION.—Not later than 4 weeks after the date of enactment of this section, the Secretary of Education shall obligate funds made available under this section.

(4) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" has the meaning given the term in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171).

(5) EMERGENCY DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, regrettably, I must oppose the amendment offered by my friend from Massachusetts. I do not like to oppose this amendment. I would be very supportive of this amendment were it under different circumstances and not being offered to this bill. The amendment would provide $150 million in emergency funding for fiscal year 2002 to support community summer school programs.

Last December, Congress approved and the President signed the Labor-

HHS Education Appropriations Act for fiscal year 2002. That act contains significant resources for the summer school program. Currently, the Federal Government provides $1 billion in funding for the 21st Century Afterschool Program. In fiscal year 2002, the funding increased by $150 million.

Senator KENNEDY makes a very strong case for this program, and I certainly agree with him in the concept, but I cannot support this amendment as it is being offered to this supplemental bill.

This supplemental appropriations bill is focused on providing the resources necessary to support the war on terrorism and to secure our homeland.

In the supplemental bill, we funded the President's request for $14 billion for the Department of Defense. We have provided $8.3 billion for homeland defense programs.

I believe it is essential that the Senate move forward quickly in approving this bill so that Federal agencies and State and local governments have the resources they need now—not later—to prevent, to detect, and to respond to potential terrorist attacks. Funding homeland defense must be our highest priority.

Sadly, in the Statement of Administration Policy, delivered to the Senate yesterday, I believe it was, the President's senior advisers indicated they would recommend that he veto this bill because it contains what the administration characterizes as "lower priority, nonemergency programs."

It is not clear which of our homeland defense programs the administration was referring to in their statement. Was it the funding to train and equip firefighters? Was it the funding to enhance law enforcement? Was it the funding to enhance port security? Was it the funding for airport security? Was it the security funding that the Department of Energy believes is essential to prevent terrorists from getting their hands on nuclear material but that OMB turned down?

Regardless, we are facing a veto threat because the advisers to the President at least, apparently, believe we have too much funding in the bill for homeland defense and other programs.

I believe the President and his advisers are fundamentally wrong when it comes to homeland defense.

The Vice President has said we can expect another terrorist attack—that it is almost certain. When might that happen—tomorrow, or next week, or next year? Yet the administration opposes critical homeland defense programs that our recent Appropriations Committee hearings demonstrated were necessary to fill in the cracks in the security of our homeland.

Having said all of this, I do not believe we should add fuel to the fire by adding funding to this bill for a program that was well funded in the Labor-HHS Education Act. Was it because the summer school programs used more funds? Senator KENNEDY and other Senators make a good case that it could be. But it is not an emergency.

I regret having to oppose this amendment. I think I can say without any feeling that anyone can question my statement that I have been as great a supporter of education as any Senator in this Chamber. I have supported education all through the years. I support summer school programs. But I don't support adding $150 million to this bill when the threats of veto downtown indicate we would simply be adding fuel to the fire.

This is a tough bill. It has been very difficult to bring it thus far. We conducted hearings which were extremely substantive. We had good witnesses. We had witnesses from all over the country—Governors, mayors, and people who are at the local level, firefighters, policemen, and health officials. We had former Senator Sam Nunn and former Senator Warren Rudman come before the committee. We had seven Federal Department heads. We went into matters very thoroughly on this committee. We were concerned about homeland defense. We wanted to provide the moneys that could be used in a protective way and in a way that would make our people safe. These moneys are for schoolchildren—for the safety of schoolchildren, for safety in schools, and for the safety of the children and their parents in their homes.

I just do not want to do anything that would give the administration any assistance in arguing that we are going beyond what we should do in this particular bill. We are having a hard enough time with the administration as it is. The Homeland Defense Director, Mr. Ridge, would not come before the committee. The President would not let him come before the committee. So we had to make do with what we could. We had very good hearings even though he did not appear before the committee.

So we are doing the best we can to protect the people of this country in the face of imminent threats, if we are to pay any attention to what the administration has said about threats.

I hope we will not add this amendment to this bill. It would be difficult enough in conference to carry the bill as it is written.

We think what is in the bill, generally speaking, has been the product of our hearings. The hearings have been studied assiduously by the staff of both sides. And Senator STEVENS and I have labored hard to bring this bill thus far. I don't want to see this bill vetoed. I hope we can convince the President not to veto it. But I think we ought to be very careful not to be adding amendments on this floor that will make it easier for the administration to make its case.

I shall yield the floor at this point. I yield 5 minutes to the distinguished Senator from Alaska, Mr. STEVENS.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the distinguished chairman of our committee.

I regret that I must take the position we have to take on this amendment. It provides emergency funding for communities that have summer school programs. But as we look at it, the priority is given to communities that have had to eliminate or cut back on programs due to State or local budget reductions.

We increased the money in the budget for 2002 by $150 million above the 2001 budget in this area. Having increased it $150 million, the State and local governments reduced their effort. And now the Senator wishes us to make up the reduction brought about by local and State reductions which they took because we had provided Federal money to assist them in the area. It is a never ending cycle if we do that.

But beyond that, I call attention to the fact that we are already in June. There is no way in God's heaven we are going to get this bill to the President before July. The normal processes of releasing money would not get the money to them before September, when the school year has started. This is no way to treat our emergency bill that is before us now to deal with emergencies of homeland defense, emergencies in defense, and other emergencies. There are emergencies. The Oklahoma bridge is an emergency. But this is not an emergency. They are not needed on an emergency basis. They cannot be spent this summer.

I am compelled to oppose the amendment because of the circumstance we face.

I want to tell the Senate that this is the test. Everybody comes to us saying, you two big spenders are going to spend all the money around the place.

The Senator from West Virginia and I have the job of trying to urge the Senate to get this bill to conference. As I said yesterday, I would like to see just a motion to go to third reading and take the bill we brought out of committee to conference, and bring the bill back by Tuesday so it might even get to the President before July 4. But under the procedure we are now following, I seriously doubt this bill will be on the President's desk before the July 4 recess, which is a travesty.

This amendment adds to that delay because, I can assure you, the House will not accept this amendment. It is going to be opposed by the President and add to the bundle of sticks already there that brought about this threat of a veto.

So I want to ask the Senate to support the leadership of our committee and refuse to accept this amendment because it is not an emergency, to vote against this concept of waiving the point of order that the Senator from West Virginia is compelled to make. He, as I do, believes very much in children. We believe in providing the money that is necessary.

I am alarmed at the process that is underway whereby as we increase Federal spending, the State and local entities decrease theirs, so there is no net benefit to the beneficiaries we are trying to assist by bringing some additional Federal money into the areas previously occupied totally by State and local funds.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is an emergency. If we do not provide the resources to these States, we are going to see an increased number of children who are not going to get the help they need.

I will point out, before we get all excited about this being an emergency, there are a number of items that are included as emergencies in this supplemental: National Park Service construction at $18 million; fire claims for New Mexico for $80 million. I am going to support that and vote for it. But let's not leave the impression this is only for homeland security. I will not go into the several hundred million dollars for additional items in the bill.

If we are going to take care of the fire claims in the Southwest and provide funding for the National Park Service, I think we ought to provide money for children to go to school in the summer. That is an emergency, too. I hope that we would do that.

The principal money that was increased last year starts in July and is for the next fiscal year. These schools and many of the school districts did not understand the emergency. But the requirements we put on the schools were not only for the poor children, they were for every child in this country. We ought to be concerned about the emergency that every child in this country is facing when they are being knocked off assistance to meet certain standards which our bill last year required them to meet. That is why this is an emergency and why I think it is important.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from West Virginia controls 16½ minutes.

Mr. BYRD. How much time does the opposition have?

The PRESIDING OFFICER. Two minutes 15 seconds.

Mr. BYRD. Mr. President, I know it is easy to point to a bill that is a $31 billion bill. We increased that bill yesterday by $393 million. So it is $31,393,000,000.

Now, it is easy to look at that, easy to pick at little items—pick, pick—but I think that if those items are considered and studied and all the facts are known, they are justified. They are justified.

We do the best we can with a big bill. I do not take a back seat to anybody in support for the people of this country: the education of our children, young people, and adults.

Last year, the President requested $44.5 billion for discretionary education programs. This level was woefully inadequate. Through negotiations with the White House, I was able to reach agreement on a ceiling for discretionary spending that was high enough to provide a $4.4 billion increase for our Nation's education programs.

Following that agreement with the White House, I provided, as chairman of the Appropriations Committee, an allocation to the Labor-HHS Education Subcommittee that was large enough for Chairman HARKIN to approve a $4.4 billion increase over the President's request and $6.7 billion, or 16 percent, above the prior fiscal year.

So if you are looking for "Mr. Education" around here, I will stay in the ring; I will fight for that as hard as anybody else. I got my education the hard way. I started out in a two-room schoolhouse in southern West Virginia. I graduated in 1934 in a class of 28 persons. I was the valedictorian. If there had been 29 persons, I might not have been valedictorian. But it was 16 years after I completed high school before I was able to start college.

So don't talk to me about education. You are looking at somebody who typifies the effort to study and to learn and the effort to help others to learn.

I went to school 10 years at night in this city to get my law degree, not that I ever expected to be a lawyer, but I wanted to learn. I am still learning.

I chose this past Sunday to travel miles into the mountains of West Virginia to address a commencement. I had several commencement invitations from West Virginia high schools and colleges. I chose one. I chose to address the commencement at a high school in Pickens, WV, near Helvetia, a little town that was founded by Swiss immigrants in the early 1800s.

How many students were in that whole school? Thirty-seven from kindergarten through the senior class. How many students were in the senior class? Three—not 300; two young men and one young woman.

Why did I choose them? I wanted to go to that little school to let those little people back there in the hills, who might feel that they are off the beaten path, that somebody was interested, somebody was paying attention to them.

That little school has won several of the Statewide academic awards. They don't go in big for athletics—I don't, either—they concentrate on academics, and they won several awards. A little school with one ten-thousandths of the whole school population in West Virginia has won 11 percent of the academic awards in that State.

So I am for education. I want to help our young people. Years ago, I fought for summer jobs for young people in this District of Columbia so they could work and, hopefully, stay out of trouble.

So I can shout as loud as anybody, and I can believe what I am saying as conscientiously as can anybody else. I am doing what I can for education. Education is one of my priorities; it always has been. But this is a different bill. We are talking about the safety of young people who attend schools at Pickens, Sophia, or here in Washington, DC. We are talking about the safety of people.

This administration tells us that we might see a repeat of what happened on September 11; it is almost certain.

This bill needs to pass. We need to get it to conference. We need to get it to the President. And I hope that the President will not veto it. It is a worthwhile bill—not that the amendment that the distinguished Senator is proposing is not worthwhile. I support that amendment but not on this bill—not on this bill.

I have a job to do here, and it is to try to get the bill through.

How many minutes remain?

The PRESIDING OFFICER. Ten minutes remain.

Mr. BYRD. I thank the chair, and I yield the floor for now.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. I yield 3 minutes to Senator GREGG.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the chairman of the committee. I rise in opposition to this amendment which is obviously well intentioned but unfortunately is not affordable at this time, and certainly not on this bill. It is inconsistent with some of what we have already done in the area of summer school education.

First, the reason it is inconsistent is that there is no way this bill is going to pass in time for this money to get out for the summer school activities. As a practical matter, although it would be a nice vote and obviously would be politically attractive, its impact on summer school will be negligible, if any at all, because the money simply will not get there.

Secondly, it is important to remember that in the ESEA bill, we have given the authority to local school districts to spend title I money for the purposes of summer school, which makes a great deal of sense, and the President has increased funding for title I by $1.6 billion last year and asked for another $1 billion this year. Those are significant dollar increases.

If a local school district desires, it can use those moneys for the purpose of extending the school year or aggressively promoting summer school. The money is in place, already appropriated. As a practical matter, it is following a path which we set under ESEA, which was the bill we passed, No Child Left Behind, and is part of that entire package.

Although this additional money is certainly well intentioned, I don't see it having much effect because it is not going to get to the schools by this summer because the money will not be available in that timeframe.

Secondly, we have already funded these programs through the dramatic increase in title I which has come about as a result of the President's leadership.

For that reason, I oppose the amendment. I yield back my time.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. Two minutes 10 seconds.

Mr. KENNEDY. And on the other side?

The PRESIDING OFFICER. Eight minutes.

Mr. KENNEDY. Mr. President, I will yield the remaining time to myself.

While taking care of the war front, we also must take care of the home front. Summer school is an emergency for 300,000 schoolchildren who may not graduate without this amendment. It is just as deserving as other emergency items in this bill. There are other emergency items: National Park Service construction, $18 million; Bureau of Indian Affairs, department management, $7 million; Forest Service capital improvements, $4 million; fire claims, $80 million. These are all under the emergency provisions. I believe $150 million for summer school programs for children is as deserving as those programs.

In the end, this is about families, it is about children, it is about who we are as a nation. Can we protect our interests abroad and also help our children here at home?

I know a point of order will be made. I hope we would add this as an amendment to meeting emergency requirements such as those other items I indicated have been included. Children, summer school programs, ought to be included as well.

Mr. President, I am prepared to yield back the remainder of my time, or I will withhold the time depending on the opposition.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield myself such time as I may require.

Mr. President, the supplemental also contains $1 billion for the Pell grant shortfall. That is a key education program. I want the record to show that the bill is certainly not devoid of moneys that are to be spent in the interest of education.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seven and one-half minutes.

Mr. BYRD. Mr. President, would the distinguished Senator from Massachusetts like some of my time?

Mr. KENNEDY. I thank the Senator. I think we have had a good discussion. I am prepared to yield back the time. I am very grateful to the Senator. We are prepared to yield back the time and move ahead. I would retain that time if others were going to speak, but I am prepared to move to the vote on what will probably be a point of order. If the Senator cares to, I will yield back my time, if those in opposition will yield back their time.

Mr. BYRD. How much time does the Senator from Massachusetts have remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. BYRD. That would be a good tradeoff.

I consider the Senator from Massachusetts to be not only a fine Senator, but he is my friend. He is very interested in fostering education and providing good legislation and good funding. If he wants another 3 minutes, I will be glad to yield him 3 minutes of my time. I am ready to make a point of order, but I don't want to do it without giving the Senator or any other Senator who wishes to speak time on his behalf.

Mr. KENNEDY. As I mentioned, we are prepared to move ahead with the resolution. I will yield back my 30 seconds. I understand when all time has expired, then a point of order will be made. We will let the Senate make a decision. I thank the Senator very much for extending me the time. We have had other Senators who have spoken. I think we are prepared to move ahead.

Mr. BYRD. Very well. Mr. President, I am constrained to recall a little poem which I think the distinguished Senator from Massachusetts will like. I like it very much. I think we are both interested in the same cause, the education of our young people.

As a Senator who has great-grandchildren, I certainly hope for the best for these great-grandchildren and the great-grandchildren of all other great-grandparents in the country.

I guess I will close my opposition to this amendment with this brief recapitulation of verse:

I took a piece of plastic clay
And idly fashioned it one day—
And as my fingers pressed it, still
It moved and yielded to my will.

I came again when days were past
The bit of clay was hard at last.
The form I gave it, still it bore,
And I could change that form no more!

I took a piece of living clay,
And gently fashioned it day by day,
And molded with my power and art
A young child's soft and yielding heart.

I came again when years were gone:
It was a man I looked upon.
He still that early impress bore,
And I could fashion it never more.

I think that pretty well sums up my feeling toward our young people, our children, the education of our young people. Now is the time, the formative period in their youth when we can shape and mold them to our will. Now is the best time for the learning process, while they are young and they don't have the other cares that they will have later.

I compliment the distinguished Senator for his offering of this amendment. I oppose it with apologies. But I can't help it. This bill is not the bill on which we should attach this amendment, however worthy the amendment.

With those apologies, I will make the point of order. I yield back my time.

Mr. KENNEDY. Mr. President, if I may have 30 seconds, I thank my friend from West Virginia. He can make a speech in favor of education, name every one of his elementary and secondary schoolteachers, give all of their background, and convince this body of the importance of funding. I am looking forward to standing with him, hopefully shoulder to shoulder, as we move on into these appropriations to try to do what needs to be done for the children of this country. I always enjoy the chance of working with him. My time has expired, I understand.

Mr. BYRD. I thank the Senator. I assure him we will be standing shoulder to shoulder in many instances.

Mr. President, section 205 of H. Con. Res 290, the fiscal year 2001 concurrent resolution on the budget, created a point of order against an emergency designation on nondefense spending. The amendment contains nondefense spending with an emergency designation.

Pursuant to section 205 of H. Con. Res 290, the fiscal year 2001 concurrent resolution on the budget, I make a point of order against the emergency designation contained in the amendment.

Mr. KENNEDY. Mr. President, I move to waive section 205 of H. Con. Res 290, the concurrent resolution on the budget for fiscal year 2001 for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. KENNEDY. Mr. President, parliamentary inquiry: The "yea" vote will be interpreted as waiving the Budget Act for the purpose of this amendment, is that correct?

The PRESIDING OFFICER. A "yea" vote is in favor of waiving the Budget Act.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 60, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—38

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Corzine
Daschle
Dodd
Dorgan
Durbin
Edwards
Feinstein
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
*Rockefeller
Sarbanes
Schumer
Smith (OR)
Specter
Stabenow
Wellstone
Wyden

NAYS—60

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Dayton
DeWine
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Kyl
Leahy
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Helms
Torricelli

The PRESIDING OFFICER. The yeas are 38, the nays are 60.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

AMENDMENT NO. 3608, AS MODIFIED, WITHDRAWN

Mr. KENNEDY. Madam President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I ask unanimous consent that I be allowed to speak for up to 2 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I ask unanimous consent to follow the Senator from Wisconsin with two amendments to be called up.

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I have no personal objection; however, I believe we should consult with the Republican leader, Senator STEVENS. At this time, I am constrained to object.

The PRESIDING OFFICER. The objection is heard.

Ms. LANDRIEU. Let me inquire if I could call them up and lay them aside before a decision to vote.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I have to object.

The PRESIDING OFFICER. The objection is heard.

AMENDMENT NO. 3687

The PRESIDING OFFICER. Under the previous order, the next amendment is the Gregg-Feingold amendment.

Mr. GREGG. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. FEINGOLD, Mr. CHAFEE, Mr. KERRY, Mr. VOINOVICH, and Mr. MCCAIN, proposes an amendment numbered 3687.

Mr. GREGG. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend and strengthen procedures to maintain fiscal accountability and responsibility)

At the appropriate place, insert the following:

PART —BUDGET ENFORCEMENT

SECTION 1. SHORT TITLE.

This Part may be cited as the "Budget Enforcement Act of 2002".

SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901) is amended by striking paragraphs (7) through (16) and inserting the following:

"(7) with respect to fiscal year 2003—

"(A) for the discretionary category: $766,169,000,000 in new budget authority and $758,880,000,000 in outlays;

"(B) for the highway category: $27,728,000,000 in outlays;

"(C) for the mass transit category: $6,256,000,000 in outlays; and

"(D) for the conservation spending category: $1,920,000,000 in new budget authority and $1,872,000,000 in outlays;

"(8)(A) with respect to fiscal year 2004 for the discretionary category: $784,425,000,000 in new budget authority and $814,447,000,000 in outlays; and

"(B) with respect to fiscal year 2004 for the conservation spending category: $2,080,000,000, in new budget authority and $2,032,000,000 outlays;

"(9)(A) with respect to fiscal year 2005 for the discretionary category: $801,968,000,000 in new budget authority and $833,246,000,000 in outlays; and

"(B) with respect to fiscal year 2005 for the conservation spending category: $2,240,000,000, in new budget authority and $2,192,000,000 in outlays;

"(10)(A) with respect to fiscal year 2006 for the discretionary category: $819,740,000,000, in new budget authority and $845,056,000,000 in outlays; and

"(B) with respect to fiscal year 2006 for the conservation spending category: $2,400,000,000, in new budget authority and $2,352,000,000 in outlays;

"(11) with respect to each fiscal year 2002 through 2006 for the Federal and State Land and Water Conservation Fund subcategory of the conservation spending category: $540,000,000 in new budget authority and the outlays flowing therefrom;

"(12) with respect to each fiscal year 2002 through 2006 for the State and Other Conservation subcategory of the conservation spending category: $300,000,000 in new budget authority and the outlays flowing therefrom;

"(13) with respect to each fiscal year 2002 through 2006 for the Urban and Historic Preservation subcategory of the conservation spending category: $160,000,000 in new budget authority and the outlays flowing therefrom;

"(14) with respect to each fiscal year 2002 through 2006 for the Payments in Lieu of Taxes subcategory of the conservation spending category: $50,000,000 in new budget authority and the outlays flowing therefrom;

"(15) with respect to each fiscal year 2002 through 2006 for the Federal Deferred Maintenance subcategory of the conservation spending category: $150,000,000 in new budget authority and the outlays flowing therefrom;

"(16) for the Coastal Assistance subcategory of the conservation spending category:

"(A) with respect to fiscal year 2002: $440,000,000 in new budget authority and the outlays flowing therefrom;

"(B) with respect to fiscal year 2003: $480,000,000 in new budget authority and the outlays flowing therefrom;

"(C) with respect to fiscal year 2004: $520,000,000 in new budget authority and the outlays flowing therefrom;

"(D) with respect to fiscal year 2005: $560,000,000 in new budget authority and the outlays flowing therefrom;

"(E) with respect to fiscal year 2006: $600,000,000 in new budget authority and the outlays flowing therefrom; and

"(17) with respect to fiscal year 2007 for the discretionary category: $840,993,000,000, in new budget authority and $858,266,000,000 in outlays.".

(b) REPORTS.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking "2002" and inserting "2007".

(c) Expiration.—

(1) Gramm-Rudman-Hollings.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended—

(A) by striking "2002" and inserting "2007"; and

(B) by striking "2006" and inserting "2011".

(2) Congressional budget act.—Section 904(e) of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended by striking "2002" and inserting "2007".

SEC. 3. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(1) in subsections (a) and (b)(1), by striking "enacted before October 1, 2002," and inserting "enacted before October 1, 2007"; and

(2) in subsection (b) by inserting at the end thereof the following:

"(3) Exception.—Notwithstanding any other provision of law, there shall be no sequestration under this section for any fiscal year in which a surplus exists (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990).".

SEC. 4. POINT OF ORDER TO REQUIRE COMPLIANCE WITH THE DISCRETIONARY SPENDING LIMITS AND PAY-AS-YOU-GO.

Section 312(b) of the Congressional Budget Act of 1974 (2 U.S.C. 643(b)) is amended to read as follows:

"(b) Discretionary Spending Limit and Pay-as-you-go Point of Order in the Senate.—

"(1) In general.—Except as otherwise provided in paragraph (6), it shall not be in order in the Senate to consider any bill or resolution or any separate provision of a bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would—

"(A) exceed any of the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 or any suballocation of such limits among subcommittees under section 302(b); or

"(B) for direct spending or revenue legislation, would cause or increase a deficit (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990) for any one of the following three applicable time periods:

"(i) the first year covered by the most recently adopted concurrent resolution on the budget;

"(ii) the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

"(iii) the period of the 5 fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

"(2) Budget resolutions.—Except as otherwise provided in paragraph (6), it shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on that concurrent resolution) that would exceed any of the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(3) Point of order against a specific provision.—If the Presiding Officer sustains a point of order under paragraph (1) with respect to any separate provision of a bill or resolution, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

"(4) Form of the point of order.—A point of order under this section may be raised by a Senator as provided in section 313(e).

"(5) Conference reports.—If a point of order is sustained under this section against a conference report the report shall be disposed of as provided in section 313(d).

"(6) Exceptions.—This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.".

SEC. 5. ENFORCEMENT AGAINST BUDGET EVASION.

(a) In General.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

"BUDGET EVASION POINT OF ORDER

"Sec. 316. (a) Discretionary Spending Limits.—It shall not be in order to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the spending limits set forth in that section.

"(b) Pay-as-you-go.—It shall not be in order to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the balances of the pay-as-you-go scorecard pursuant to that section.

"(c) Directed Scoring.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that directs the scorekeeping of any bill or resolution.

"(d) Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.".

(b) Table of Contents.—The table of contents for the Congressional Budget Act of 1974 is amended by inserting after the item for section 315 the following:

"316. Budget evasion point of order.".

Mr. GREGG. I offer this amendment on behalf of myself, Senator FEINGOLD, Senator CHAFEE, Senator KERRY, Senator VOINOVICH, and Senator MCCAIN.

Essentially, this amendment does two things. It reinstitutes the caps and it reinstitutes the pay-go language. It puts back in place budgetary discipline as we move through this process of appropriations bills.

Recently, we have seen the budget discipline within the Congress has eroded rather dramatically. We have seen the Agriculture bill and the trade adjustment bill both adding massive new entitlement programs. We know as we look down the road we will have very significant costs in the area of fighting terrorism and in the area of natural defense. It is absolutely critical in this context that we start to put some budget discipline in place.

We are facing, regrettably, a deficit, something we hoped would not happen, but it has happened as a result of the economic slowdown and as a result of the effects of terrorism. The deficit is growing rather radically, unfortunately. Our job as legislators is to make sure we do not aggravate that deficit by not being fiscally responsible as we bring forward appropriations bills and other bills which might have entitlement spending included.

Unfortunately, the disciplining mechanism which actually exists out there, or has existed for the last 5 or 6 years, is about to lapse; that is, the ability to have a fixed number beyond which if we are going to spend we have to have a supermajority to do that. That is called caps.

The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses.

This language which Senator FEINGOLD and I have put together and which failed on a very close vote in the Budget Committee, a tie vote, in fact—it would have passed with one more vote—reinstitutes the same traditional approach—so 5-year caps, 5-year pay-go, and, as a result, put in place some discipline.

There are some subtleties to our bill about which I want to be open. Some people have looked at them and said they are interested in them and some said they are concerned about them. One is the way we enforce this mechanism by saying the bill which exceeds the caps allocated to it by the chairman of the Appropriations Committee, the 302(b) allocation, that if a bill exceeds that cap, that bill is subject to a point of order on specific parts of that bill, depending on what part of that bill is unable to be sustained with 60 votes. So it becomes a targeted approach of trying to bring that bill back into proper perspective as far as appropriations and the budget are concerned.

Second, the basis for the cap is the Democratic budget proposal as it passed the committee. So the numbers are for the 5 years. Those were the gross numbers. Those numbers are higher than those of the President this year by $9 billion, but over the 5-year period they are actually about the same as the President's number. In fact, I think they are within a couple of billion dollars of each other. As a practical matter, there is a path toward maintaining fiscal responsibility.

If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress, and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

I hope my colleagues will support this effort. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I rise today to join with my colleague from New Hampshire, Senator GREGG, as well as my colleagues Senators CHAFEE, KERRY, VOINOVICH, and MCCAIN to offer this amendment, which I believe is a commonsense budget process amendment, the Budget Enforcement Act of 2002.

Let me especially thank the Senator from New Hampshire, who has been a terrific leader on this issue. As he said, we made a real effort in the Budget Committee, had an excellent debate with the chairman of the Appropriations Committee and only lost on a 9-to-9 vote. We were hoping for a good result today, but we are both devoted to returning some budget rules because we both believe this is one of the main reasons we were able to have some success in the 1990s in bringing the budget under control and actually getting to the point where we had a surplus for a brief period of time.

In the 1990s, we took fiscally responsible actions that led to balancing the budget in 1999 and 2000, without using Social Security, which was a tremendous achievement. Last year, the Government returned to the bad habit of using the Social Security surplus to fund other Government activities. I believe we have to put an end to that practice. The Government will not have these Social Security surpluses to use forever. In the next decade, the baby boom generation will begin to retire in large numbers. Starting in 2016, Social Security will start redeeming the bonds that it holds, and the non-Social Security government will have to start paying for those bonds from non-Social Security surpluses.

The bottom line is that, starting in 2016, the Government will have to show restraint in the non-Social Security budget so we can pay the Social Security benefits that Americans have already earned or will have already earned by that time.

That is why we cannot continue to enact either tax cuts or spending measures that push the Government further into deficit. Before we enter new obligations, we need to make sure we have the resources to make our Nation's commitment to our seniors under Social Security. I believe we need to return to the priority of protecting the Social Security trust fund. We should, as President Bush said in a March 2001 radio address, "keep the promise of Social Security and keep the Government from raiding the Social Security surplus."

Yes, September 11 changes priorities and how the Government spends money, but September 11 does not change the oncoming requirements of Social Security. As an economist has said: Demographics is destiny; we can either prepare for that destiny or we can fail. To get the Government out of the business of using Social Security surpluses to fund other Government spending, we need to strengthen our budget process. That is what this amendment does and that is why we urge our colleagues to support it.

The history of budget process changes teaches that realistic budget enforcement mechanisms work. The Budget Enforcement Act of 1990, enacted with bipartisan support, with a Democratic Congress and a Republican President, deserves much credit for helping to keep the Government on that path to reduce and eventually eliminate the deficit.

A central feature of the 1990 act was the creation of caps on appropriated spending. Of course, in recent years, Congress has blown through those caps, when those caps were at unrealistic levels, and when the Government was running surpluses. But in most years of their history, appropriations caps helped to constrain the politically understandable appetite to spend without limit.

Congress has repeatedly endorsed the idea of spending caps. Congress renewed and extended the caps in the budget process laws of 1993 and 1997. And six of the last eight budget resolutions have set enforceable spending caps. If budget numbers are to have any meaning—if they are not to be just wishes and prayers—then we need to have enforcement.

Our amendment would reinstate and extend the caps on discretionary spending, and would do so at a realistic baseline. It would simply set those levels at those in the budget resolution reported by the Budget Committee on March 22. And our amendment maintains, without change, the separate subcaps created in the Violent Crime Act of 1994 and the Transportation Equity Act of 1998.

Like the 1990 budget law that it extends, our amendment would apply budget enforcement to entitlements and taxes. It would extend the pay-as-you-go enforcement mechanism. All parts of the budget would thus be treated fairly.

Our amendment would also improve the points of order that enforce the caps and pay-as-you-go enforcement. It would allow Senators to raise a point of order against specific provisions that cause the caps or pay-as-you-go discipline to be violated. This part of the amendment will work very much like the important Byrd rule that governs the reconciliation process, which is of course named after the distinguished senior Senator from West Virginia.

Under our amendment, if a piece of legislation violates the caps or pay-as-you-go discipline, any Senator could raise a point of order and force a vote on any individual provision that contributes to the budget violation. If the point of order is not waived, then the provision would be stricken from the legislation.

The amendment would also shut back-door ways around the caps and pay-as-you-go enforcement, by requiring 60 votes to change the caps, alter the balances of the pay-as-you-go scorecard, or direct scorekeeping.

Our amendment would limit the exceptions to the point of order against emergency designations in the fiscal year 2001 budget resolution, so that all emergencies would be treated alike. Our amendment would thus treat emergencies as they were treated in the text of that budget resolution when the Senate passed it on April 7, 2000, rather than in the watered-down form it had when it came back from conference with the House of Representatives.

Finally, our amendment would extend for 5 years the requirement for 60 votes to waive existing points of order that enforce the Congressional Budget Act. The 60-vote requirement that gives these points of order teeth expires on September 30 this year under current law.

This is sensible budget process reform, in keeping with the best, most effective budget process enforcement that we have enacted in the past. It would make a significant contribution toward ending the practice of using the Social Security surplus to fund other government activities. That is something that we simply must do, for our seniors, and for those in coming generations who will otherwise be stuck with the bill. I urge my colleagues to support this amendment.

Madam President, I ask unanimous consent that a summary of the amendment be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

GREGG-FEINGOLD-CHAFEE-KERRY AMENDMENT—BUDGET ENFORCEMENT ACT OF 2002

Appropriations Caps—The amendment would reinstate and extend for 5 years the caps on discretionary spending, keyed to the levels in the budget resolution reported by the Budget Committee. Points of order and the threat of across-the-board cuts would continue to provide enforcement.

Pay-as-You-Go Entitlements and Taxes—The amendment would reinstate and extend the pay-as-you-go discipline that controls entitlement spending and tax law changes. Points of order and the threat of across-the-board cuts would continue to provide enforcement.

Point of Order Against Specific Provisions that Violate the Caps or Pay-as-You-Go—If legislation violated the caps or pay-as-you-go enforcement, the amendment would allow any Senator to raise a point of order against (and thus force a vote on) any individual provision that contributed to the budget violation. If the Senate did not waive the point of order, then the provision would be stricken from the legislation. This point of order would work just like the Byrd Rule against extraneous matter in reconciliation legislation.

Guarding Against Budget Evasions—The amendment would shut back-door ways around the caps and pay-as-you-go enforcement, by requiring 60 votes to change the discretionary caps, alter the balances of the pay-as-you-go scorecard, or direct scorekeeping.

Extending Existing Points of Order—The amendment would extend for 5 years the requirement for 60 votes to waive existing points of order that enforce the Congressional Budget Act. The 60-vote requirement that gives these points of order teeth expires on September 30 this year under current law.

Mr. FEINGOLD. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged proportionately against the Senators who control time.

The Senator from New Hampshire.

Mr. GREGG. I yield 4 minutes to the Senator from Rhode Island, Mr. CHAFEE.

Mr. CHAFEE. Madam President, I rise today in support of the amendment sponsored by Senators GREGG, FEINGOLD, KERRY, VOINOVICH, MCCAIN, and myself.

This is a commonsense amendment that extends existing appropriations caps and pay-as-you-go rules for another 5 years. In addition, the amendment strengthens some budget enforcement mechanisms.

The Senators that have spoken before me have done an admirable job of explaining the provisions in the bill. I want to stress the necessity of fiscal discipline.

Every day constituents and experts talk to me about spending programs that are vitally important to them, asking me to support increased spending. Just as often I hear from people who want to do away with some tax, or lower a tax. They all have excellent arguments, and there is much merit to the initiatives they would like me to support. The problem is that if I were to support each of them, I would be supporting an agenda of cutting taxes and increasing spending. Such an agenda would directly result in deficit spending, which would increase the already enormous Federal debt.

In good conscience, I cannot support such an agenda. Therefore, often I must tell visitors that I cannot be supportive of their cherished initiative. As all in this body know, telling constituents that you do not support their project is a difficult job, especially when the reason that I give them is that "The money just isn't there." Because they respond by saying, "The money always seems to be there."

The problem is that they are right. In a time of war, and deficits, we have approved new tax cuts, which I opposed. We are contemplating permanently extending other tax cuts, which I will oppose. As if that were not enough, we also have added a raft of new spending—including the farm bill and the stimulus—which I opposed. There is no end in sight.

We have gone from record surpluses straight back to deficits. We approved a massive tax cut last year, which limits the amount of money available. We know that the war on terrorism will be very costly. We know we are facing unprecedented demographic changes that will result in staggering costs to sustain Social Security and Medicare. Added to all that, we have a $6 trillion debt, which costs $200 billion in interest payments each year. And we practice no restraint. We continue to spend money, deepening the hole we are in.

This amendment is a step towards reestablishing fiscal discipline in this body. It alone will not ensure the return of balanced budgets—but it is a step in the right direction. Therefore, I urge all my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 30 minutes.

Mr. CONRAD. How much time remains on the other side?

The PRESIDING OFFICER. The Senator from New Hampshire has 8 minutes; the Senator from Wisconsin, 9.

Mr. CONRAD. Madam President, I ask the Chair to advise me when I have consumed 10 minutes.

Madam President, the amendment offered by our colleagues is well intentioned. In fact, I share many of the goals they have enunciated today. We have an enormously serious problem with the fiscal condition of the country. This chart shows that we are now headed for a return to an era of deficits that is going to continue long into the future. This chart goes back to 1992, back to the time when we were deep in deficit. Many of us know the extraordinary efforts that were required to lift us out of deficit, back into surplus, which we enjoyed for just a few short years.

Last year, a series of decisions were made on a massive tax cut. Then, of course, the attack on the country occurred that led to increased spending for defense and homeland security. At the same time, there was an economic slowdown. We experienced those three events—the massive tax cut, the attack on this country that led to increased spending, and, of course, the economic slowdown. Those three, led by the tax cut—the tax cut was the biggest contributor to returning to deficit—has plunged us back into deficit by very large amounts that are going to continue the rest of the decade. That is the circumstance we face.

The proposal by our colleagues has a very serious set of problems attached to it. They have gone to what is an enforcement mechanism that we have seen in the past. If you liked Gramm-Rudman, you will love Gregg-Feingold because they have returned to the notion of enforcement based on projections; not what actually happens but based on projections of what will happen.

This is a fatal flaw. In fact, it could undermine the very budget discipline they are seeking to support. Have we forgotten what happened under Gramm-Rudman? Have we forgotten the endless game playing and gimmicks that resulted from Gramm-Rudman?

Have we forgotten the rosy scenario? Let us go back to 1990 and look at what could happen under the proposal of our colleagues to now again rely on forecasts and projections rather than real results.

Back in 1990, OMB told us at the beginning of the year that we were going to have a $100 billion deficit. They were right on track with the deficit reduction plan that was in place. That is what they said.

What actually occurred? It wasn't a $100 billion deficit. It was a $221 billion deficit.

All projections, all false; all that lead to a circumstance under the proposal from the Senator from New Hampshire and the Senator from Wisconsin that could lead a Congress to have more tax cuts, more spending, based on a projection that everything was OK. Later in the year, when reality sets in, their answer is to only deal with half of the equation that leads to budget deficits. Budget deficits are a result of an imbalance between spending and revenue. Their only answer is on the spending side of the equation. That is, I think, a mistake.

Let us look at what it took to get us back into balance. Back in the 1980s—here is the blue line, the revenue line, and the red line is the spending line. We can see for a very long period that spending exceeded revenues, and by large amounts. The result was a quadrupling of the debt of the United States.

What happened in 1993? We passed a plan to cut spending and to raise revenue. It was that combination that led us back to fiscal responsibility, that led us back to balance, that eliminated deficits, and that reduced debt.

Have we forgotten that worked?

I hope very much that we don't go down this slippery slope of a whole new enforcement mechanism based on projections rather than real results. That way leads to real trouble.

In addition to those problems, our friends who are coming before us with this amendment—well intentioned as it is—I think do underestimate the uncertainty of our time.

When this headline appeared on September 12, everything changed. This headline says, "U.S. Attacked."

We all remember that somber day when there were two strikes at the

World Trade Center and passenger airliners turned into flying bombs, and what happened shortly thereafter with the attack on the Pentagon. That changed everything. We are now in a period of extraordinary uncertainty.

Here are recent headlines that talk about uncertainty. This is the Vice President of the United States warning of future attacks:

> Possibility of another al-Qaida strike "almost certain," the Vice President says.

In this circumstance, we should not be tying the hands of the Congress and the administration for the next 5 years. None of us are wise enough to know what demands may be made on this country. None of us can know what is in the next 24 hours, much less the next 5 years.

We ought to be ready to respond to any attack and any strike against this country. We ought not to be in a fiscal straitjacket that makes a response more difficult.

It is not just the Vice President of the United States. This is the head of the FBI: "Warns of Suicide Bombs."

> Calls U.S. attacks akin to those on Israel inevitable.

Our friends who are sponsoring this amendment will say we have a way around that for defense spending. We only have a simple majority vote for additional defense spending.

Those are not typical defense expenditures that are being used to respond to terrorist attacks. Defense is part of it, but another part is called "homeland security." Homeland security funding is not off in the defense budget. It is in the budget of the FBI, it is in the budget of the INS, it is in the budget of the FAA, it is in the budget of the Transportation Department, and it is in the budget of the Department of Health and Human Services to respond to attacks and to bioterrorism. The money needed to defend this Nation is not just in the defense budget.

Have we forgotten the response of this Congress to the attacks of September 11? Was it just defense spending that we increased? Absolutely not. We also responded with money for homeland security because we understood a terrorist threat to this country could not be just defended in the traditional way.

The uncertainty goes to other areas as well. This is a headline of Tuesday of this week in USA Today:

> Nuclear Clash Would Batter World Financial Markets.

They are talking about what would happen if a nuclear exchange occurred between India and Pakistan. They alert us to the fact that it would batter world financial markets.

> Nuclear war would spark a sell-off and send world stock markets tumbling.

This is a period of uncertainty, and we ought not to be tying the hands of the Congress being able to respond.

The uncertainty is not just on the spending side of the equation. It is also on the revenue side of the equation.

This is a headline of April 26 in the Los Angeles Times:

> Lower Tax Receipts Could Double the United States Budget Deficit . . .

In this year alone.

I agree with that analysis. I think we are headed for a budget deficit this year of perhaps $160 billion and next year an even larger budget deficit.

That is why enforcement provisions are critically important. But they have to be enforcement provisions that will actually work and not make the situation worse.

I wish to announce my intention now to offer the budget enforcement provisions that have worked, and to do so after the disposition of this amendment.

Let me add one other observation about the amendment that is being offered.

The Gregg-Feingold proposal extends the statutory pay-as-you-go enforcement procedures for 5 years, but it substantially amends the current pay-go law to allow direct spending increases or tax cuts to be enacted without being paid for if the Office of Management and Budget projects that there will be a surplus without Social Security.

That is the Achilles' heel of this amendment. It is based on projections and not real results.

We have been down that road before. It was a disaster for fiscal responsibility. Let us not repeat it.

I thank the Chair. I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Madam President, I yield 5 minutes to the Senator from Arizona.

Mr. McCAIN. Madam President, I rise in support of the Gregg-Feingold-Kerry amendment. I believe there is no perfect solution. There is no perfect answer to the problem we face. Perhaps some may argue that the caps for the first year are too high. Perhaps if I had written this amendment I might have made them lower. The fact is, without this amendment, there is no fiscal discipline. There is no fiscal discipline that can be imposed on a process which has lurched out of control.

To state the obvious, we have gone from estimates of $50 or $60 billion surpluses at the beginning of this year, to somewhere around $100 billion, $150 billion deficits, and we have not even passed the first appropriations bill. And if this emergency supplemental, which is $4 billion higher than the President's, is any indicator, we are going to be in a sea of red ink.

I think it is a bipartisan effort. It extends discretionary spending caps and the pay-go requirement for entitlement expansions and tax cuts.

These mechanisms have helped to impose fiscal discipline since they were first enacted in 1990, but they obviously expire this year. It would be ironic and irresponsible to let the caps and the pay-go expire just when the budget is punching back into deficit.

There are a lot of organizations around the country. One that I respect, and I know my colleague from New Hampshire respects, is the Concord Coalition.

The Concord Coalition is chaired by former U.S. Senators Warren Rudman and Bob Kerrey. They serve as the Concord Coalition's cochairs. And former Secretary of Commerce Pete Peterson serves as president.

They issued some grades. They are a fiscal responsibility organization. And the Concord Coalition just released this report on fiscal responsibility:

Overall: Progress toward short, medium, and long-term fiscal responsibility, D;

Short-Term: Enacting measures that maintain fiscal responsibility, C−;

Medium-Term: Enacting measures that are fiscally responsible over the next 10 years, D−;

Long-Term: Enacting measures that deal with the entitlement financing gap and ensure fiscal sustainability, D−.

They begin their report by saying:

> Crocodile tears are flowing over the return of budget deficits—now likely to exceed $100 billion this year and next. Nearly everyone says they want the dip back into red ink to be brief. But almost no one is willing to give up anything to ensure that result. Indeed, the attitude seems to be: if deficits are back, let's make the most of them and blame someone else for the result.

They go on to say:

> The bottom line—obscured but not altered by the events of 2001—is that our nation's greatest fiscal challenge remains the need to finance the huge unfunded retirement benefits and health care costs of a permanently older population.

Madam President, I ask unanimous consent that this release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Concord Coalition, June 2002]

THE CONCORD COALITION'S REPORT ON FISCAL RESPONSIBILITY

DEFICITS ARE BACK, AND THE BUDGET BAZAAR IS OPEN FOR BUSINESS

It is now clear that the appropriate loosening of fiscal policy undertaken in response to the mild recession and devastating terrorist attacks of 2001 is turning into a headlong retreat from long-term fiscal responsibility. Crocodile tears are flowing over the return of budget deficits—now likely to exceed $100 billion this year and next. Nearly everyone says they want the dip back into red ink to be brief. But almost no one is willing to give up anything to ensure that result. Indeed, the attitude seems to be: if deficits are back, let's make the most of them and blame someone else for the result.

Tax cut advocates, defense hawks, farmers, educators, health care providers and beneficiaries, transportation planners, and veterans groups all insist that deficits are no reason to scale back their claims on a surplus that no longer exists. Each interest group has a grassroots constituency and an army of lobbyists. And each is prepared to threaten political retribution if every dime of its wish list is not funded. This may be an attractive short-term political strategy, but it's a terrible long-term fiscal policy.

The bottom line—obscured but not altered by the events of 2001—is that our nation's greatest fiscal challenge remains the need to finance the huge unfunded retirement benefits and health care costs of a permanently older population. The Baby Boomers' retirement costs will begin to impact the budget in just six years, and there is no plan for dealing with them other than to run up the debt. Surpluses would help by either reducing the debt, which provides needed savings and fiscal flexibility, or by providing resources to help pay the transition costs of Social Security and Medicare reform. Deficits can be acceptable as a short-term fiscal stimulus, but returning to chronic deficit spending would make the long-term challenge far more difficult.

Washington policymakers should focus on regaining budget surpluses as soon as is practicable. Instead, the recent breakdown in fiscal discipline, the refusal to acknowledge many likely expenses, and the wavering commitment to any particular goal—be it a unified balanced budget or balance excluding Social Security—signal that a prolonged period of deficits far in excess of official projections is probable. The question now being tested is whether the political will exist to reverse this trend. The preliminary answer is a decided: no.

THE FISCAL RESPONSIBILITY REPORT CARE

The Concord Coalition has graded Washington's performance on fiscal policy in three key time frames: the short-term (next 1–2 years), the medium-term (next 10 years), and the long-term (beyond the next 10 years). Each category is graded on a scale of A to F, with A signifying great improvement, and F signifying great harm. There is a necessary overlap in the consequences of policy decisions throughout the time frames.

Category and Grade

Overall: Progress toward fiscal responsibility: D.

Short-Term: Enacting measures that maintain fiscal responsibility over the next 1–2 years: C−.

Medium-Term: Enacting measures that are fiscally responsible over the next 10 years: D.

Long-Term: Enacting measures that deal with the entitlement financing gap and ensure fiscal sustainability: D−.

SHORT-TERM GRADE: C−

For reasons largely beyond the control of policymakers, the short-term outlook has gone from projected surpluses in excess of $300 billion to probable deficits in excess of $100 billion. (See table on Page 4.) Fiscal policy decisions in the current environment are more difficult than usual because actions to stimulate the economy and beef-up security, while legitimate in the short-term, create the risk of higher deficits in the long-term.

Given the circumstances, the test of fiscal responsibility is not whether the budget falls into deficit for a year or two but whether actions that subtract from the bottom line are carefully designed to meet legitimate immediate needs while minimizing costs in later years.

Even using this lenient standard, policymakers rate a polite C minus for the short-term. The "economic stimulus" bill enacted in March came to the rescue of an economy that was already recovering on its own. And even if a stimulus was justified as insurance, there was no need to extend the bill's costly accelerated depreciation provision for three years—well beyond any immediate need. Moreover, the assumption that the depreciation break will be allowed to "sunset" in September of 2004—two months before Election Day—is absurd. This provision will likely become a permanent new tax break at a cost of around $200 billion over the next decade.

As for spending, President Bush acknowledged in his Budget Message that the government "will have new bills to pay." Paying these bills is not fiscally irresponsible. What is fiscally irresponsible is refusing to make trade-offs or using the current crisis atmosphere as a smoke screen for a generalized spending spree. Particularly susceptible to unscrutinized growth are the defense budget and the new loosely defined category of homeland security. Unfortunately, the President's budget proposed very few trade-offs and Congress has shown no inclination to accept any of them.

The appropriations process is just getting started so it cannot be said that the short-term situation has turned into a fiscal rout. But the signs are not promising. Congress has failed to adopt a budget resolution, failed to agree on FY 2002 supplemental spending, failed to extend expiring budget enforcement mechanisms, and failed to deal with the statutory debt limit in a timely or straightforward manner. Finally, the specter of "rosy scenario" is back, with the Administration (OMB) and the House using baseline projections that are more optimistic than CBO numbers by $35 billion in 2003 and $180 billion over the next five years. If these issues are not resolved quickly the result could be a huge year-end omnibus appropriations bill—in other words, fiscal chaos.

MEDIUM-TERM GRADE: D

More harmful than the return of budget deficits in the short-term is the fact that President Bush and Congress have done very little to prevent deficits from extending well into the decade. The rapid disappearance of the projected $3.1 trillion 10-year non-Social Security surplus should be a yellow light of caution for policymakers advocating further tax cuts and new entitlements. But their response has been to step on the gas. The Concord Coalition gives Washington policymakers a medium-term grade of D.

The new farm bill, if graded alone, would surely warrant an F. The bill increases spending by $86 billion over 10 years and reverses the attempt under the 1996 Freedom to Farm Act to get away from Depression-era farm subsidies that distort markets, burden taxpayers, and harm the environment. Instead, subsidies are extended for major crops while new ones are created. The farm bill is a textbook case of an entitlement that survives because it is politically attractive, not because it is good policy.

Much more expensive than the farm bill are various proposals to add a prescription drug benefit to Medicare and delay or cancel scheduled reductions in provider payments. Last year, Congress set aside $314 billion in a reserve fund for Medicare expansion. This year, despite a drop of nearly $4 trillion in projected surpluses, the House budget resolution and the Senate Budget Committee plan (not yet considered on the floor) increase Medicare set asides to $350 billion and $500 billion respectively.

Adding a prescription drug benefit to Medicare, without comprehensive cost-saving reform, would not only pressure the budget in the medium-term but would make the program's long-term funding gap even wider. None of the respective plans conditions new money on such reform. Moreover, other entitlement expansions have been proposed. Overall, the Senate Budget Committee plan allows for an increase in entitlement spending of nearly $670 billion.

The series of escalating tax cuts enacted last year is also poised to drain the budget over the medium-term by $1.6 trillion. The phased-in nature of these tax cuts, and the "sunset" provision that cancels them all in 2010, give policymakers a valuable opportunity to reprioritize in view of new circumstances by permanently extending some of the tax cuts and delaying the effect of others until a non-Social Security surplus is achieved again. Unfortunately, the Administration and the House leadership have been pushing to lock in the entire package of tax cuts at a cost of nearly $400 billion over 10 years. They have also proposed new tax cuts even as they call for higher spending on defense, homeland security, and Medicare. It is a recipe for sustained deficits.

Such imprudence is compounded by attempts to obscure the full budgetary effects of fiscal decisions. This year saw the return to five-year budget plans by the Administration and the House. By itself, this development is not problematic. However, last year's tax plan was based on highly uncertain 10-year projections, and its huge costs come at the end of the 10 years. The shift now to a shorter budget window seems designed mainly to disguise those costs.

Finally, the medium-term outlook is threatened by the absence of any mechanism, procedural or rhetorical, for defining and enforcing a fiscal policy goal. Both parties' pronouncements about the inviolability of the Social Security surplus are long forgotten. While the respective budget plans of the Administration, House, and Senate Budget Committee all contemplate the return of surpluses no later than 2005, none of them would produce a non-Social Security surplus before 2012. Meanwhile, the discretionary spending caps and the PAYGO rules of the 1997 Balanced Budget Act expire this year. Without any markers for discipline, politicians have little incentive to scale back budget busting promises. Instead, they have shown a troubling comfort with using the Social Security surplus to either offset tax cuts or expand other government programs—new entitlements have even popped up in the trade and defense authorization bills.

LONG-TERM GRADE: D−

Rampant denial is the best way to describe Washington's response to the long-term fiscal challenge. While much has changed in the past year, two things remain depressingly consistent—the unsustainable path of long-term fiscal policy and the unwillingness of most political leaders to do anything about it. Concord's grade for the long-term is a D minus.

While President Bush campaigned on the need for Social Security reform, he has not followed through with a specific proposal. At his request, the commission he appointed last year did not produce a recommendation but instead came back with three illustrative models for adding personal accounts to the system. Two of the plans contained explicit provisions to improve the fiscal sustainability of the program, which personal accounts alone do not. Even though these provisions were designed to avoid any impact on current beneficiaries, political leaders of both parties reacted with horror, and the Administration has kept the commission's report firmly planted on the shelf.

Social Security has been reactivated as the third rail of American politics—touch it and die. Without any plan of their own, many Democrats have restored to scare tactics by accusing Republicans of having a "secret plan to privatize Social Security." For their part, many Republicans implausibly insist that personal accounts can be added to the current system without costing anyone anything.

Neither party is discussing the tough choices that are needed to make the program sustainable over the long-term. Instead, they are jockeying for short-term political advantage by offering free lunch solutions that rely on such diversions as an imaginary "lockbox" or meaningless benefit guarantee certificates. Regardless of the long-term challenge, the House even voted 418–0 for a small benefit expansion.

The demographic and fiscal challenges go well beyond Social Security. Medicare poses an even more difficult challenge. Together, Social Security, Medicare and Medicaid are expected to double as a share of the economy by 2030.

It will take a combination of fiscal discipline and cost saving reform to put Social Security and Medicare on a sustainable path for all generations. Washington policymakers are not pursuing either strategy. They are pursuing The Do Nothing Plan, which ultimately leads to crushing debt, burdensome taxes or broken promises.

OVERALL GRADE: D

Good policy and political expediency are often at odds, but so far in 2002, politics is trouncing policy. Surpluses "as far as the eye can see" have vanished, yet policymakers remain intent on delivering more government spending—including entitlement expansions—and more tax cuts. With the midterm elections looming, no particular fiscal goal in place, and no procedural mechanisms to rein in spending, Congress is reverting to its old "spend and borrow" habit. Worse, the debate on how to finance the unfunded retirement costs of the coming demographic transformation has dramatically degenerated from an already low level.

Congress and the Administration can still re-establish fiscal discipline this year. But they cannot do so unless they confront the hard choices. Deficits are back and it is time to close the budget bazaar.

THE MYSTERY OF THE DISAPPEARING FY 2002 SURPLUS

[In billions of dollars]

January 2001 CBO Baseline Unified Surplus Projection	313
Changes:	
Tax act w/interest	−42
New Spending w/interest	−49
Economic and Technical w/interest	−242
Total Change	−333
January 2002 CBO Baseline Unified Deficit Projection	−21
Re-estimate in CBO Baseline since January 2002	+26
Economic Stimulus Package (P.L. 107–147)	−51
Farm Bill Outlays: (P.L. 107–171)	−2
Supplemental Outlays: (H.R. 4775)[1]	−8
Lower Than Expected Tax Receipts	−75
Debt Service	−2
Total Change	−112
Tentative FY 2002 Unified Deficit	−133
Tentative On-Budget Deficit	−290
Tentative Off-Budget Surplus	157

[1] The Senate Appropriations Committee version of the bill, S. 2551, is slightly higher.

Note: Numbers may not add due to rounding.

FISCAL FACTS

[Dollars in billions]

CBO March Baseline: Fiscal Years 2003–2012:	
Projected Unified Surplus	$2,380
On-Budget Deficit	−102
Off-Budget Surplus	$2,483
Percentage of Surplus in First Five Years	21%
Percentage of Surplus in Last Five Years	79%
Percentage of Surplus in Last Two Years	47%
Discretionary Spending:	
Average Annual Growth Rate Assumed in CBO Baseline	2.6%
Average Annual Growth Rate 1998–2002	7.6%
Decrease in Surplus if Spending Continues to Grow at 7.6%	−$2,719
Decrease in Surplus if Spending Grows at the Rate of GDP (5.3%)	−$1,442
Change in Projected Surplus Over the Next 10 Years Since January 2001:	
Causes of Reduction in Surplus (As a Percentage of Decrease):	
Tax Cuts	42%
Economic and Technical Changes	40%
Increased Spending	18%
National Debt:[2]	
Gross Debt	$6,019
Increase over the past year	$363
Debt Held by Public	$3,433
Increase over the past year	$157
Intergovernmental Debt	$2,585
Increase over the past year	$206
Net Interest on National Debt in FY 2001	$206
Net Interest as a Percentage of the Budget in FY 2001	11%

[1] Includes costs of increased debt service.

[2] As of May 31, 2002: Note: The gross debt figure of $6.019 trillion exceeds the statutory debt limit of $5.950 trillion because a small portion of the gross debt is not subject to the debt limit.

Mr. McCAIN. This amendment by Senator GREGG and Senator FEINGOLD is an effort to at least pose some kind of fiscal brakes, caps, that have worked fairly well in the past—not perfectly. But I also worry that without the enactment of this amendment, we may find ourselves continuing this hemorrhaging of spending, which is really quite almost unprecedented in the time that I have had in Congress.

In the name of the war on terrorism, we are now endangering the financial future of this Nation, and every spending issue seems to be somehow related to the war on terrorism. And clearly it is not.

I congratulate the sponsors of this amendment. I look forward to voting for it.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Arizona. I am delighted to have his support on this important amendment.

Madam President, I yield 4 minutes of my time to the distinguished Senator from Ohio, Mr. VOINOVICH, who is a cosponsor of the amendment as well.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I rise today in support of the Gregg-Feingold amendment.

I realize that some of my colleagues will say that this is not the right time or place to consider budget process reforms. I strongly disagree. In fact, I wonder if my colleagues realize how bad the budget situation has become.

According to the most recent calculations from the Senate Budget Committee, the budget outlook has swung dramatically in the past year. Last year, CBO predicted a $313 billion surplus for fiscal year 2002. Now, instead of a surplus, we face a tremendous deficit. We will borrow and spend the entire $163 billion Social Security surplus and on top of that we are going to have to borrow an additional $137 billion from the private markets. To sum it up, we are going to borrow $300 billion in the 2002 budget.

This is new debt, on top of the staggering $6 trillion debt we already owe. The budget outlook for fiscal year 2003 is just as bad. The way things look now, we will borrow and spend the entire $179 billion Social Security surplus projected for next year. And on top of that we will have to borrow at least another $100 billion to fund the Government next year.

Some people might think a surge in economic growth is going to bail us out of our budget problems. It won't. These skyrocketing deficit figures are based on CBO's assumption that the economy will grow by 5.4 percent next year. If that does not happen, the 2003 budget deficit is even going to be worse. My point is: these deficits will not go away on their own. We must prioritize. We must make hard choices. Unfortunately, our record on making hard choices is not encouraging. Just look at the farm bill. It speaks volumes about the lack of fiscal discipline in this body. We need to put our foot down and recognize the obvious. In order to be fiscally responsible we have to live within our means and we must rein in spending.

That is why I am cosponsoring this amendment. The amendment won't solve all our budget problems. As everyone in this Chamber knows, we regularly circumvent budget rules, and I have no doubt that we will push in some instances to do the same thing this time. Nonetheless, we need to do something. This amendment marks an important first step to regain control. I am working with my friend from Wisconsin and other Senators on other legislation to improve the budget process. And we hope to introduce that legislation soon. But in the meantime, this amendment would help keep the national debt in check. We cannot wait. We have to act now. We have a moral obligation to our children and grandchildren. Remember, at the end of the day, it is their future we are mortgaging away.

I urge my colleagues to join me in supporting this very important amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, momentarily I am going to yield time to my colleague on the Senate Budget Committee, Senator DOMENICI. Before I do that, I want to respond quickly to something the Senator from Arizona said.

I am in agreement with virtually everything the Senator from Arizona said. I am going to be offering the budget disciplines that are expiring at the end of September after this amendment. I think it is absolutely critical, as the Senator from Arizona indicated, that we continue those budget disciplines. It would be a profound mistake in this country to let those lapse.

But I say to my colleagues, the amendment being offered by the Senator from New Hampshire, the Senator from Wisconsin, and others, I believe, has enormous loopholes in it, such that would actually make our circumstance worse rather than make them better.

Madam President, I hope my colleagues are listening. Under the current pay-go law, if mandatory spending or tax cuts would increase the deficit, it triggers a sequester at the end of the year. Under this amendment, it would allow projected surpluses—hear me; projected surpluses—to be used to pay for additional spending and more tax cuts, without triggering a sequester.

Are colleagues listening? They are talking about fiscal discipline, and they are backing an amendment that would impose fiscal discipline based on projections? We tried that before. It did not work because what we got were gimmicks and rosy projections.

My colleagues are well intended. I am absolutely on their side with respect to the fundamental question of fiscal discipline. But this amendment, I believe, opens a major loophole because it is based on projections rather than real results.

How much time does the Senator from New Mexico want?

Mr. DOMENICI. Is the Senator short on time?

Mr. GREGG. Will the Senator yield on that point?

Mr. CONRAD. I yield 5 minutes to the Senator from New Mexico, and then I would be happy to engage the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I hope I do not use that much time.

In the end, after I am through analyzing it, I am not going to vote with the proponents. I am going to vote against the waiver that is before us and return us to the position we were in before this amendment, if it had passed.

First, I want to, nonetheless, congratulate Senator GREGG and Senator FEINGOLD on their amendment. I think I understand why they have offered this amendment on this supplemental bill.

The amendment was offered in the Senate Budget Committee back in March, and it failed by a tie vote. But it probably would not have mattered if it had been added to the Senate Budget Committee reported resolution because, of course, the Senate has not yet considered a budget resolution, and it certainly has not considered that one.

This brings us to my second point. The failure to adopt in the Senate a budget resolution, let alone a conference on a budget with the House, has put the Congress in a unique position of not having a budget for the first time in 27 years. The one time we did not achieve a conference agreement between the House and Senate, in 1998, we nevertheless did add a so-called deeming resolution in the Senate so that the process could proceed based on a Senate-passed budget resolution in that year. We are now seeing the problems of not having any blueprint. Whether it is good or medium or not so good, we are not going to have any blueprint, and I fear as we proceed through the summer and the fall that the problems will only increase, not decrease.

I don't think I am overstating it when I say the budget process in Congress is hanging by a thread. There are some here who might say "good riddance," but with no budget resolution, no spending limits, no way to set priorities, not even some indication that we are interested in fiscal discipline, those who would do away with the budget process will live to regret the direction in which we seem to be headed and what it will yield.

That is why, absent a good and agreed-upon budget for next year, particularly as it relates to the level of appropriations I have been pressing for, at a minimum, a fiscal year 2003 spending cap, extension of expiring Budget Act enforcement provisions, including certain points of order, and other provisions that will maintain some discipline throughout the year, that is the way of supporting a major portion of the amendment you plan to offer if this one does not pass. That does not mean I approve of all of them, but they are among the provisions I think we must have if we are going to have any kind of enforcement.

I have been working with the chairman of the Budget Committee, the chairman and ranking member of the Appropriations Committee, and our leadership to develop an amendment that would provide for this needed discipline. At this time, it is unclear that we will be able to offer this amendment or if it would have the 60 votes needed to waive the Budget Act in order that it be raised because it, too, would require a hearing before the Budget Committee and a report to escape the 60-vote requirement.

This brings me to the Gregg-Feingold amendment. Absent an alternative, I support their amendment in order to lay down a marker to establish some discipline absent a budget resolution in place. But at this time I cannot support a waiver of the Budget Act.

There are parts of their amendment with which I disagree. I am not sure we need 5-year spending caps if we are not going to have a budget resolution. I don't agree with the procedure that is being recommended in the amendment to remove provisions from an appropriations bill in a rifleshot manner. But, in general, except for the 5-year spending caps and the individual appropriations procedures, their proposal captures the major provisions of extending the pay-go provisions and the Budget Act points of order that expire this year.

Again, I prefer to continue to work on an alternative 1-year cap proposal, and that is why I will not vote in favor of the Budget Act waiver that is required for this amendment. But if an alternative is not found, then the problems and the chaos I portend for this summer are certain to prevail in this Chamber. Maybe we still have a little time to correct it before it ends up as what I have just predicted.

I thank those who have spent a lot of time trying to figure out what to do. It is difficult. In conclusion, the reason I will not vote for this is that there is $36.8 billion more in spending than the President's total appropriations, $26 billion less in Defense appropriations, and $63 billion more in other mandatory spending.

I yield the floor and thank the Senator for graciously yielding me 5 minutes.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from North Dakota.

Mr. CONRAD. I thank the distinguished ranking member of the Budget Committee. I agree with every word he said. We have a budget process that is hanging by a thread. That is exactly right. We desperately need to put in place the budget disciplines that can allow us to keep the spending from spinning out of control as we go into the budget process.

The amendment by the Senators from Wisconsin and New Hampshire, which is completely well intended, will not accomplish the result they seek. I believe that is the case because it is dependent upon OMB projections of surpluses. We tried that. It didn't work. Why didn't it work? Because what occurred was a rosy scenario.

I put up the chart for 1990. They said the deficit was right on target. It was going to be reduced to $100 billion. It wasn't reduced to $100 billion. It was $221 billion. Let's not have a massive loophole like that put back into the budget law of the Congress.

I yield the floor and retain the remainder of my time.

Mr. KERRY. Madam President, the amendment before us, the Gregg-Feingold-Chafee-Kerry Budget Enforcement Act of 2002, is critical to restoring a sense of fiscal responsibility to the congressional budget process. I urge my colleagues to support it.

The amendment reinstates and extends for 5 years the caps on discretionary spending, keyed to the levels in the Senate Budget Committee-passed budget resolution. The caps are scheduled to expire at the end of fiscal year

2002. The amendment also reinstates and extends for 5 years the pay-as-you-go rules for tax cuts and entitlement changes. The pay-as-you-go rule would apply to legislation which increases the non-Social Security budget deficit. The rule would not apply when the budget is running a surplus outside of Social Security. Sixty-vote points of order and the threat of sequestration would continue to provide enforcement for both the discretionary caps and pay-as-you-go violations.

To guard against budget evasions, the amendment would shut back-door ways around the caps and pay-as-you-go enforcement by requiring 60 votes to change the discretionary caps, alter the balances of the pay-as-you-go scorecard, or direct scorekeeping. All emergency designations would require 60 votes.

I was one of the first cosponsors of the Gramm-Rudman-Hollings deficit reduction legislation in the late 1980s. I understand the importance of fiscal responsibility and budget discipline. The discretionary caps and PAYGO rules have helped impose a sense of fiscal discipline since they were first enacted in 1990. Budget enforcement mechanisms played a key role in stemming the tide of runaway deficit spending. As individuals such as Federal Reserve Chairman Alan Greenspan and former Treasury Secretary Robert Rubin have recognized, the benefits of spending and fiscal restraint are enormous. The remarkable turn-around in the Federal budget during the 1990s contributed to a virtuous cycle of lower inflation, lower interest rates, and higher economic growth.

Unfortunately, the budget enforcement mechanisms are scheduled to expire this year. As the Concord Coalition has noted, it would be particularly ironic and careless to let the caps and PAYGO rules expire just when the budget is plunging back into deficit. Our bipartisan amendment would prevent that from happening. It will also encourage a discussion of the tough choices that must be made, regardless of procedural mechanisms, to restore fiscal responsibility.

As quickly as surpluses appeared, they have disappeared. We must not allow ourselves to return to the previous days of cutting taxes, increasing spending, consuming the Social Security surplus, and running up debt. Beginning in 10 years when the Baby Boomers retire, Congress will face huge unfunded retirement and health care costs. Congress and the President lack a strategy for dealing with these liabilities or for returning to budget balance. Our amendment represents a crucial step for reversing a rapidly deteriorating budget outlook. Formal budgetary restraints are needed to balance the competing claims on the Federal budget.

Some opponents express concern that the amendment would place overly restrictive limitations on appropriations. Others outright suggest that the legislation will result in domestic appropriations cuts. In reality, the legislation fully funds the appropriations levels requested in the Senate Budget Committee-passed budget resolution. The amendment exceeds the spending levels requested by the President, allows for more spending on education, health care and other priorities. For fiscal year 2003, the bill would allow $768 billion in discretionary spending. This is a figure commonly cited in current budget negotiations, and considerably higher than the House budget level of $759 billion. If this should prove insufficient, Congress can either raise the caps or declare the spending as emergency spending to avoid enforcement consequences.

Finally, some opponents criticize the amendment's pay-as-you-go entitlements/tax rule because it allows spending or tax cuts when the government is running a surplus outside of Social Security. This exception is important because it will facilitate the funding of national priorities when the Federal Government is not facing major budgetary deficits. In addition, it allows for a more flexible response to the budget situation. It recognizes that the will for strict pay-as-you-go enforcement may not exist when government is running a substantial surplus.

Overall, the Gregg-Feingold-Chafee-Kerry Budget Enforcement Act of 2002 is an important safeguard against runaway deficit spending. It will provide an important super-majority obstacle against fiscally irresponsible tax cuts. It is flexible enough to allow spending on critical national investments regardless of the budget situation, provided there is sufficient support. Perhaps most importantly, it will force a national dialogue on priorities and reestablish deficit reduction as a strategic goal. I urge my colleagues to support the amendment.

Mr. LEVIN. Madam President, I cannot support the Gregg amendment regarding caps on annual appropriations and modifying the so-called "pay-as-you-go" provisions controlling entitlement spending and the costs of tax cut legislation. The Gregg amendment, while well-intentioned, bases budget enforcement mechanisms on unreliable budget projections by the Office of Management and Budget. If there were an OMB projection upon which tax cuts were based, and then the projections proved overly optimistic as is often the case, Medicare and other critically important program cuts would be automatically triggered to pay for those tax cuts.

I will support an alternative budget enforcement mechanism amendment which will be offered by Senator CONRAD, the Chairman of the Senate Budget Committee which will extend rules controlling annual appropriations, entitlement spending, and the costs of tax cuts. The Conrad amendment would extend procedures which proved successful since their adoption in 1990 in eliminating deficits.

Mr. KYL. Madam President, I rise to offer support for the Gregg/Feingold amendment and urge my colleagues to vote in favor of that amendment. Fundamentally, the amendment would make two changes. First, it would extend discretionary spending caps for five years, and second, it would make legislation that fails to pay for itself with appropriate offsets subject to points of order and mandatory enforcement mechanisms.

Although I appreciate the assurances that an alternative scheme for budget enforcement will be offered if this amendment is defeated, I remain concerned that the vote on this amendment will provide the only opportunity to ensure real fiscal discipline after the current protections expire later this year.

The spending levels provided for in this amendment are more than generous. In fact, I would prefer to see the caps keyed to the spending levels in the President's budget, rather than to those set forth in the budget resolution reported by the Senate Budget Committee in March. But that is not the choice before us. The choice before us is whether there will be any limits at all on spending and whether there will be any enforcement mechanisms to restrain spending.

If we head into this year's appropriations process without any such tools, we will set the stage for a monumental dereliction of duty. The sky will be the limit in terms of spending. Any notion of priorities in wartime will be cast aside. All of the rhetoric about ensuring that Social Security Trust Fund surplus revenues be held sacrosanct will be rendered hollow. This amendment provides a means, however imperfect, of keeping us focused on trade-offs and priorities. Accordingly, I urge the waiver of the Budget Act and the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire.

Mr. GREGG. What is the present status of the time?

The PRESIDING OFFICER. The Senator from New Hampshire controls 4 minutes; the Senator from Wisconsin, 6 minutes; the Senator from North Dakota, 8½ minutes.

Mr. GREGG. Madam President, let me respond quickly to the comments made relative to the technical aspects of the amendment. First, I am impressed that it has received such adulation but so little support. The Senator from New Mexico, whom I immensely respect, said it is a wonderful idea except for a couple little points but he thinks it might be a good marker. The Senator from North Dakota appears to be saying essentially the same thing with a little more intensity. I am glad we have put something out here that appears to be pretty close to what we need.

Why do we need it? We need it because without any budget disciplines in place, we will be in serious trouble as we move down the road, as was highlighted by a number of speakers. We need to have something in place that we can look to at least to give us some guidance, some signposts.

On the issue of pay-go, obviously you don't need pay-go if you are in surplus. It makes no sense to have pay-go if you are in surplus. In fact, we have shown that every time we have been in surplus, with the last appropriations bill coming out across the floor, we have basically put a hold on or stopped the application of pay-go.

This bill makes it very clear. The language says:

> There shall be no sequestration under this section for any fiscal year in which a surplus exists.

It is very specific. There must be a surplus in order for pay-go to be withdrawn. But if there is not a surplus, clearly pay-go exists, and it is available.

How do you find out if there is a surplus? You have to have scorekeeping, and that is the way we work around here. We have scorekeeping for lots of spending.

Rosy scenarios, I seriously doubt it. In fact, I suspect just the opposite is going to be the case for the next few years. That is a bit of a straw dog. Nobody is projecting any surpluses. I point to the chart of the Senator from North Dakota. He is not projecting any surpluses out there. Nobody else is for the foreseeable future. It is important we have pay-go in place during this period of that red ink.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I would like to respond to some of the arguments of the chairman of the Budget Committee as well.

The chairman argues that what Senator GREGG and I are proposing is new and radical. In large part what we are doing is merely extending the Budget Enforcement Act of 1990. Let me tell my colleagues what would be radical: If we go through this process without any budget rules at all. Based on my 10 years here, that would be radical and dangerous and harmful to Social Security and to the future of our budget. As far as I am concerned, we are on the precipice of going back to the bad old 1980s in terms of the budget process. This is a good-faith, bipartisan effort to try to keep some rules in place.

The chairman speaks, fairly, of course, with great knowledge about the new deficits and the new problems we face, especially in the last couple of years, especially since 9–11.

Let me remind everyone that we used the chairman's numbers, not pre-9–11 numbers, but his post-9–11 numbers, with regard to his 5-year scenario. That is what this is based on. It is based on our knowledge about the tragedy and difficulties that occurred.

I find it hard to understand when the chairman argues for flexibility that somehow Senator GREGG and I don't recognize the need for flexibility. He, too, apparently, if we don't prevail, intends to offer caps. He intends to offer limits. The fact is that the chairman acknowledges that even in difficult times such as these, there have to be rules and there have to be limits.

There is nothing irresponsible about proposing limits even in difficult times, such as a war against terrorism. In fact, I argue that the worst that can happen, at a time when we are fighting terrorism and other crises in the world, is to have no rules at all. Then it is more likely that legislation such as the farm bill will pass with unlimited amounts of inappropriate action and provisions. Some of the provisions in the energy bill and some in this bill are more likely to happen with no rules at all.

For the sake of our national security, for the sake of the fiscal integrity of our country, at this time it is more important than at any other time that we have some rules and procedures so the American public can know we are wisely using their tax dollars to proceed with this war against terrorism, and to protect them, and that we are not using it for pork projects at home.

The chairman complains that our amendment would not have budget enforcement at times when we are running a surplus without counting Social Security. Yet his idea guarantees us no discipline at all. I wish him well if we end up going with his amendment and considering that, but, obviously, I hope ours prevails. There is no guarantee. Defeating this amendment would leave us with no enforcement at all if these current rules expired in September, as they are expected to do. He says we only have constraints on spending. We followed the same constraints on taxes as they exist in current law. Taxes and entitlements are constrained in our amendment, as well as by the pay-as-you-go procedure.

He also seeks to argue that somehow we are doing something different or something radically inappropriate with regard to the OMB. The amendment gives the OMB the job of calculating whether we have complied with the caps or the pay-as-you-go discipline. But this is exactly as it has been since 1987. Nothing is new about this provision.

When Congress first enacted the Gramm-Rudman-Hollings bill in 1985, it gave the job of calculating compliance to the Comptroller General, head of the General Accounting Office. But the Supreme Court ruled, in 1986 in the case of Bowsher v. Synar, that Congress could not constitutionally give that power to anybody outside of the executive branch of Government. That is why we do it. That is why Congress gave the job of calculating compliance to the OMB in the rewriting of the budget laws and continued that process in the 1990 Budget Enforcement Act. This argument doesn't hold water. Our amendment merely continues the same rule for the OMB.

As to the chairman's argument that we erred by not requiring pay-as-you-go enforcement in times of budget surplus, we disagree as a matter of policy. We believe that when the Government is taking in more tax revenues than it needs to fund existing programs, even after putting all Social Security surpluses aside, then it is altogether appropriate for Congress to consider fiscal choices, such as updating Medicare to include a prescription drug benefit. Do we want a 60-vote requirement in times of surplus to provide the American people with a prescription drug benefit? I hope not. If you are listening to your constituents, they desperately need this. So that doesn't seem to be appropriate.

Finally, I think this is a critical test on this vote. Are we serious about protecting Social Security, even in these difficult times? Are we going to go forward with no rules and continue down the road we are heading in—the road of a $100 billion deficit already? Especially after 9–11, the American people have a right to know that we are being especially careful with their dollars, that we can track it, and that they can follow the caps and the rules and enforcement procedures to see if we are doing their bidding and if we are truly putting our priorities straight—with the war on terrorism at the top, but also guaranteeing the safety and security of Social Security, which is very dear to them.

I yield my time.

Mr. CONRAD. Madam President, let me respond to the Senator from Wisconsin. The alternative is not their proposal versus no rules. That is not the alternative. I will offer an amendment that will extend the supermajority enforcement of budget points of order that extends the Budget Enforcement Act provisions—all of them—and that restores the Senate pay-go rules—in fact, toughens them. That is the alternative: serious budget discipline versus the proposal before us by Senators who are absolutely well intentioned. They have the diagnosis right, which is that we have deficit and debt problems, but their solution takes us back to a provision that did not work in the past and will not work in the future.

Have we forgotten 1990? When you base budget discipline and enforcement on projections, you are basing your discipline on quicksand. What could be more evident? In 1990, the Office of Management and Budget told us we were meeting our deficit projections, that the deficit was only going to be $100 billion. It turned out to be $221 billion because the whole budget discipline process was based on projections.

That is what this budget proposal does. It won't work. It didn't work then; it won't work now. It is absolutely misleading and will take us down a road not to budget deficits, through budget deficit elimination, not to reduce debt, but to more gimmicks, more game playing, more rosy scenarios.

After this amendment I will offer an amendment that has real budget discipline.

I retain the remainder of my time.

Mr. GREGG. Madam President, what is the status on the time?

The PRESIDING OFFICER. The Senator from New Hampshire has 2 minutes. The Senator from North Dakota has 6 minutes.

Mr. GREGG. Will the Senator allow us to close since it is our amendment? I will yield our last 2 minutes to the Senator from Washington.

Mr. CONRAD. The Senator has used his time, and I am going to use mine.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield to the Senator from Washington 1 minute 45 seconds.

Ms. CANTWELL. Madam President, I rise today in support of the Gregg-Feingold amendment. The premise underlying this amendment—and its extension of the budget enforcement procedures—is that we as a body must be fiscally responsible.

We have real responsibilities and real priorities on which we have to make decisions, but we also must have fiscal discipline. In order to accomplish this it is important for us to have a framework by which this body can make these fiscal decisions.

This amendment helps us at a time when we have seen a surplus of $5.6 trillion over ten years disappear and turn into a $2.7 trillion deficit. And we know that the current deficit is a result of last year's tax cut, the recession, and the tragic events of September 11, 2001.

Having spent time in the private sector, I can tell you this: No private sector organization thinks it can spend its way out of problems; nor can we as a country.

I believe one of the most important actions we can take for the nation's future economic stability, is to pay down the national debt. According to Chairman of the Federal Reserve Board, Alan Greenspan, paying down the national debt lowers interest rates and keeps the capital markets and investment going. In January, he told the Senate Budget Committee that one of the reasons long-term rates have not come down is the sharp decrease in the surplus and the diminishing prospects for paying down the debt.

Our total budget must be crafted within the need to maintain fiscal discipline, and stimulate economic growth through continued federal investment in education and job training, while also protecting the environment. Furthermore, we need to invest in our nation's economic future by making a commitment to public research and development in science and technology—maintaining our status as a global leader.

It is a balance. We need to make these investments, but within a framework that ensures we don't spend beyond our means. If we want our economy to be strong, if we want revenues, and if we want to make the right decisions, we need to keep paying down the debt.

We must have fiscal discipline in budget and appropriations process. We cannot focus solely on the individual items and programs in our budget, but must look at the whole picture. The budget enforcement procedures help us do this, and help us keep a reign on our spending. These procedures worked successfully as we struggled to get out of deficit spending in the 1990s, and they will work as we struggle to get out of the current recession and deficit financing.

The PRESIDING OFFICER. The Senator has used her time.

Who yields time? The Senator from North Dakota.

Mr. CONRAD. Madam President, I hope people are listening and paying very close attention. There is a lot at stake in the series of votes that are going to occur. The Senators have made the case that we are back in an era of budget deficits. I say to them, I warned our colleagues that is where we were headed. I did not do it this year. I did it last year. And I begged our colleagues not to go down the road that was taken. I warned them that we would be back to raiding Social Security, Medicare, and every other trust fund in sight, but they cast all caution aside and went down that road.

Today there is a fundamental question of whether or not we are going to have budget disciplines in place as we go through this year's appropriations process. I will offer an amendment that extends those budget disciplines. Every colleague is going to have a chance to be recorded as to whether or not they want budget discipline.

The amendment before us has very serious defects. It is not the budget disciplines that worked in the nineties that helped us get back on track. It is not those. It is a new scheme, and it is a scheme that has an enormous loophole. The loophole is that discipline is based on projections of what is going to happen.

Have we learned nothing? Last year, we were told there was going to be $5.6 trillion available in surplus over the next decade. That was a projection. Do you know what it is now? Nothing. Zero. The money is all gone. Let's not base budget discipline on projections.

Does the Senator from New Mexico seek time?

Mr. DOMENICI. Yes, I would like 2 or 3 minutes.

Mr. CONRAD. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes 50 seconds.

Mr. CONRAD. I yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I thank the Senator. I failed to call him chairman. He has been chairman for 6 more months. In any event, we wish the Senator well next year in whatever capacity.

I wish to discuss not so much the amendment because I have explained why I do not think we should waive the Budget Act. We have to do better in trying to put discipline into what is currently a totally undisciplined situation with reference to goals and priorities.

Appropriations will have no responsibilities on the various bills. There will be no total dollar number that flows. This amendment will not help that.

I close my few remarks talking about, once again, the mistake we are making—and we are making it for whatever reason—in not passing a budget resolution. I am not filled with acrimony, but I do believe that in the over 27 years of serving, I felt a responsibility to get a budget, and actually we could have gotten a corner after an extremely tough year 3 years ago and said: Let's not do it. The Senator from New Hampshire could have been with me trying to keep discipline in this process. We could have said: Let's not do a budget resolution. It did some good. Some people are saying it did not.

I would personally look at the area of entitlements and how many had caps which precluded passage of more than we spent. It is the same on appropriations. Obviously, there is friction against those two institutions, but we did some good.

We happened to budget based upon an extremely powerful American economy which was with us for 10 years, and we got clipped in the 11th and 12th year when the economy did not stay strong. That is all that happened.

If we could have kept the budget resolution, it would have forced it or would have done something better, and we would probably be right back to moving close to a balanced budget in the next 5 years. I am not sure we are going to get there without something like a budget resolution, something to shoot with each year.

That is why I am saying we ought to do better than the Gregg amendment. He is on the right track. Maybe we can include him and his cosponsor with a group of us trying to do a little bit better.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Madam President, would you alert us as to the time situation?

The PRESIDING OFFICER. The Senator from North Dakota has 50 seconds. The Senator from New Hampshire has 15 seconds.

Mr. CONRAD. Madam President, in conclusion, I agree absolutely with what motivates the sponsors of this amendment. We need budget disciplines. I will offer those as a package, all of the budget disciplines—every one; in fact, a strengthened pay-go provision—after we dispose of the amendment that is before us.

Madam President, I say to my colleagues, I believe the amendment before us has a giant loophole, unintended I am sure, but it is based on projections, not real results. We have seen what happens with that kind of budget approach.

I go back again to 1990 when we had a similar scheme in place based on projections from the Office of Management and Budget.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. CONRAD. Madam President, does the Senator from New Hampshire still have time?

The PRESIDING OFFICER. Fifteen seconds.

The Senator from New Hampshire.

Mr. GREGG. Madam President, I thank my colleague from Wisconsin and my other cosponsors for offering this amendment. This amendment is going to be our best opportunity to put in place long-term, effective budget enforcement mechanisms. There are no significant loopholes in this amendment.

The PRESIDING OFFICER. All time has expired.

The Senator from North Dakota.

Mr. CONRAD. Madam President, I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable section of that act for the consideration of the pending Gregg-Feingold amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Madam President, I wonder if Senators will permit me to speak for 30 seconds on another matter?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I am sending an amendment to the desk. If I can have the attention of Senator CONRAD, I am sending a copy of the amendment he is going to propose following the disposition of this amendment, if we defeat it, so Senators can look at it and we can get rid of some delays. They can study it during the next 30 minutes or so.

Mr. CONRAD. Is the Senator filing the amendment?

Mr. DOMENICI. I am sending it to the desk so anybody who wants to may look at it. If the Senator has concerns, I will not do it.

Mr. CONRAD. I will be constrained to object because I am told Senator BYRD would object if he were here. But I am very hopeful we can accomplish that same purpose momentarily.

Mr. DOMENICI. I do not want to argue, but I am not sending an amendment to be operative. I can put in a letter. If I want somebody to look at a proposed bill, why would anyone object?

Mr. CONRAD. No one will object to that.

Mr. DOMENICI. I am sure they cannot if they wanted to. It is not intended as anything other than for Senators to look at. If they are interested in how we might fix this situation, they might look at what is being recommended by the chairman.

I thank the chairman.

Mr. CONRAD. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—49

Allard
Bayh
Bennett
Brownback
Bunning
Burns
Cantwell
Carper
Chafee
Cleland
Collins
Craig
Crapo
DeWine
Edwards
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hatch
Hutchinson
Hutchison
Inhofe
Kerry
Kyl
Lieberman
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Voinovich

NAYS—49

Akaka
Allen
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Byrd
Campbell
Carnahan
Clinton
Cochran
Conrad
Corzine
Daschle
Dayton
Dodd
Domenici
Dorgan
Durbin
Feinstein
Hagel
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Stevens
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—2

Helms
Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3764

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. DASCHLE. I ask unanimous consent the reading of the amendment be dispensed with.

Mr. MCCAIN. I object. I want the amendment read.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3764.

Mr. MCCAIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . BUDGET ENFORCEMENT.

(a) EXTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(2) in subsection (d)(3)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(3) in subsection (e), by striking "2002" and inserting "2007".

(b) Extension of Budget Enforcement Act Provisions.—

(1) In general.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

"(b) Expiration.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011.".

(2) Striking expired provisions.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) Congressional budget act.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) Extension of Discretionary Caps.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended

(1) in the matter before subparagraph (A), by striking "2002" and inserting "2007";

(2) by striking subparagraphs (C), (D), (E), and (F); and

(3) by redesignating subparagraph (G) as subparagraph (C).

(d) Extension of Pay-As-You-Go.—

(1) Enforcement.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking "2002" and inserting "2007"; and

(B) in subsection (b), by striking "2002" and inserting "2007".

(2) Pay-as-you-go rule in the senate.—

(A) In general.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended in subsection (g), by striking "2002" and inserting "2007".

(B) Senate pay-as-you-go adjustment.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) Pay-as-you-go enforcement during on-budget surplus.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the president believes are appropriate when there is an on-budget surplus.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, this amendment is to provide the fiscal discipline that I think we all seek, at least the framework for it.

This amendment extends the supermajority enforcement of budget points of order. It extends the Senate's 60-vote Budget Act points of order for 5 years. These points of order, including points of order that protect Social Security——

Mr. REID. Will the Senator yield without losing the floor?

Mr. CONRAD. I am happy to yield.

Mr. REID. I would like to say—the Republican whip is on the floor and the Republican leader—when this amendment is completed, we will go back to the procedure we have always followed. If there appears to be no disagreement, we will have a Democratic amendment and Republican amendment and go back and forth.

Mr. NICKLES. If the Senator will yield, I appreciate that because there is some angst on our side. People thought we were in line to do an amendment. I appreciate your accommodation with the recognition, and we will have an amendment ready when we conclude this amendment.

Mr. REID. The last two amendments have been offered by both Democrats and Republicans, but this is offered by a Democrat, so we will go to a Republican. The leaders have agreed on that.

Mr. CONRAD. Madam President, when we debated the last amendment, the point was made, and the point was made correctly, that the various budget disciplines are going to expire on September 30 of this year. That could allow budget discipline to go right out the window.

What I am offering today is a continuation of the budget disciplines that have worked—the budget disciplines that allowed us to move from deficit to surplus. It is critically important that those budget disciplines be extended. I think there is strong support in this body for that proposition.

As I have indicated, these points of order, including points of order that protect Social Security, limit total spending and total tax cuts, enforce discretionary spending limits, and committee and subcommittee spending allocations are scheduled to expire on September 30.

The Senate has had Budget Act points of order that require 60 votes to waive since 1985. But unless action is taken starting October 1, it will only take 51 votes to waive most Budget Act points of order. Only 51 votes would be required to raid Social Security, or to exceed discretionary spending limits, or to increase total spending above agreed upon levels, or to cut taxes below agreed upon levels, or to exceed committee spending allocations.

Without the extension of these 60-vote points of order, it will become much more difficult to enforce budget discipline in the Senate. Senators who favor spending, or tax cuts, or exceed agreed upon budget limits would not be deterred by the need to convince 60 of their colleagues that the limits should not apply to their proposals.

In addition, the amendment I am offering extends Budget Enforcement Act provisions. The amendment extends for 5 years the Budget Enforcement Act procedures that limit discretionary spending and requires increases in mandatory spending or tax cuts to be offset. The discretionary spending limits are scheduled to expire on September 30 of this year. The pay-as-you-go procedures that control mandatory spending and tax cuts will cease to apply to newly enacted legislation after September 30, although pay-as-you-go sequestrations will continue to apply to legislation enacted before that date.

Under the amendment, the pay-as-you-go enforcement will expire earlier than scheduled if an actual non-Social Security surplus is reported before fiscal year 2007. Although it has not been evident for the past several years, the discretionary cap and pay-as-you-go enforcement actions of the Budget Enforcement Act of 1990 have proved to be very effective tools for budget enforcement.

Let us put up the chart that shows the long-term budget surplus standards we face.

Here is the long-term relationship between spending and revenues. This goes back to 1980. The red line is the spending of the Federal Government. The blue line is the revenue. We had this very significant gap between the two—spending exceeding revenue—back in the 1980s, and that led to a quadrupling of the national debt.

In 1993, we passed historic legislation that cut spending and raised revenue to eliminate this gap between spending and revenue—to eliminate deficits and to begin to allow us to pay down debt. We did that. The lines cross. Spending went below the revenue line. And in 1997 we passed additional legislation that led to budget surpluses. The revenue line was above the spending level.

That has all changed. Now we are back to deficits. After making all that progress, after moving out of deficits into surplus, after the fiscal mistakes of last year, the President proposed a massive tax cut with a major defense buildup and said we could have it all, said we could have all of the spending and all of the tax cuts, and that we would still have surpluses. He was wrong by a country mile. Instead of surpluses as far as the eye can see, we have deficits as far as the eye can see. The question is, Are we going to reinstitute the budget discipline to provide the framework for the appropriations process?

From the time the budget disciplines were enacted through 1998, they helped to control spending, limit tax cuts, and played an important role in the dramatic turnaround in our budget circumstance.

That is what this chart shows. We lifted this country out of deficits and put it in surplus. Then, unwisely, last year, a whole new fiscal policy was put in place. That policy has plunged us back into deficits as far as the eye can see. We are going to be facing red ink throughout the entire next decade.

Without these tools which expire on September 30, it is unlikely the budget would have gone from a record total deficit of $290 billion in 1992 to a surplus in 1998. After 1998, these enforcement tools fell victim to the unrealistic, low discretionary caps that were set in the 1997 Balanced Budget Act.

It is the reason I opposed the last amendment. It was going to repeat the mistakes of the past, put in unrealistic numbers in light of the attack on this country, and base budget enforcement on projections rather than real results.

These budget enforcement provisions are based on actual results, not projections, and don't leave us vulnerable to the office of Management and Budget going back to the rosy scenario days in which they told us there were surpluses even when that was highly unlikely.

We are back in deficit now and for the foreseeable future. We should extend and enforce the Budget Enforcement Act procedures, not let them expire and either give up on fiscal discipline or pretend there are some other procedures that might work better than these proven procedures.

In addition, my amendment extends the Senate pay-as-you-go rule. The amendment extends through 2007 the Senate pay-as-you-go point of order that prohibits surpluses from being used to pay for new mandatory spending or tax cuts.

Let me repeat that because I think it is critically important.

The pay-go provision will protect us from using Social Security money for other tax cuts or other spending. We must have this discipline put in place or else we risk losing control of the entire spending process.

I hope my colleagues will think very carefully about the circumstance we face. We have put in here the framework for budget caps. We have not put in the number for this year. We have negotiations going on right now to determine whether or not we can agree now on a number for this year. As you know, we are very close. After weeks of discussion, we were very close yesterday to agreeing on a number. Perhaps this can give us an opportunity to achieve an agreement. Even if we don't today reach agreement on what the budget numbers should be for this year, it is critically important that we put in place the budget enforcement framework. We cannot let that lapse. Even if we don't agree on a cap number for spending today, we can agree on the budget enforcement framework. We can then settle on a number if not today, sometime in the near future so that these disciplines have something to apply to.

It is critically important that this budget enforcement mechanism not be allowed to lapse. That would be a serious mistake given the fiscal condition of the country. Literally, for weeks we have engaged in good-faith negotiations with people on the other side of the aisle.

I thank Senator DOMENICI, the ranking member of the Budget Committee, and his staff. They have played a very constructive role in these discussions. That can be said of the chairman and ranking member of the Appropriations Committee as well. Senator BYRD, the chairman, and Senator STEVENS, the ranking member, have worked for many days to try to agree to a set of provisions that would allow us to provide a budget framework and to also provide for a continuation of these budget disciplines.

Unfortunately, those talks hit a bump in the road yesterday. We have a chance now to get back on track. We have an opportunity now to extend these budget discipline provisions. We have an opportunity now to agree on a budget limit, an appropriations limit for this year.

I do not know if we can agree on that in the next few hours, but perhaps we can. It would allow us, then, to go into the appropriations process with not only the budget disciplines intact but with an agreement on what total appropriations will be for this year. That would be a very positive development. We would then have a budget for the year, and we would have the budget disciplines so that we could, with greater confidence, ensure we stay within the limits agreed to.

At the very least, we ought to put in place those budget disciplines. We ought to put in place that framework. We ought to be ready for when the negotiations achieve a result and we are able to agree on a number. We can do that today, at a minimum. It would be even better if we could agree to an amount as well. But at the very least, let's send a signal that we are not going to have chaos in the budget process.

Senator DOMENICI, the distinguished ranking member, has served on the Budget Committee for a long time. He has been chairman and ranking member. He warned us: Look, we are in uncharted waters; this is dangerous ground; we should have a budget in place.

This is an opportunity to have a budget framework so that disciplines that are set to expire on September 30 continue. This is also an opportunity to agree on a budget amount.

I very much hope that people who are discussing this issue at this moment think very carefully about what is at stake. I hope they will think very carefully about what we need to consider.

If we allow these budget disciplines to lapse, and we go into the appropriations process without an agreed-upon budget amount, it does not take much imagination to think of what could occur. We could have spending spin out of control. I do not think anybody wants that to happen. Think of the implications. Think of the signal that would send to the financial markets of this country. Think of what that could mean to the economy of this country.

We have already seen that the equity markets are extremely vulnerable. We have already seen the stock market go down 200 points in a day. If the markets got the sense that we were not going to take serious action on the budget deficits that now confront the country, that could further destabilize equity markets and put us in an even more vulnerable position.

(Mr. CARPER assumed the chair.)

Mr. McCAIN. Will the Senator yield for a question?

Mr. CONRAD. I will be happy to yield.

Mr. McCAIN. I thank the Senator.

I don't often like to expose my ignorance of certain issues on the floor of the Senate, but I preface my question with the assumption that I am not an expert on the budget, as is the Senator from North Dakota. I don't know the nuances and the ins and outs of the budget process, nor have I ever quite understood the different categories and what falls in and what falls out of it.

Would the Senator explain to me, according to the amendment proposed by the Senator, from North Dakota, as I read it, there is no budget number associated with the Senator's amendment; is that correct?

Mr. CONRAD. The Senator is absolutely correct. We are awaiting additional discussions that are going on right now, that the Senator may be aware of, to see if we could reach agreement on that critical component. Obviously, that would be a very important part of this package.

I say to the Senator, there are really two parts to this. One is the budget number for this year. The other is the budget enforcement mechanisms. Both of them are necessary. Neither is sufficient. They are both necessary.

Even though we do not have yet an agreed-upon number, the reason I am offering this amendment is that at least we would then have the framework and discipline when a number is agreed to.

Mr. McCAIN. If the Senator will yield for a further question.

Mr. CONRAD. Yes.

Mr. McCAIN. I do not quite understand. Since there is no number, then enforcement would basically be meaningless because you do not have a number to enforce.

Why wouldn't we wait until we had an agreed-upon number and then present the amendment as such? Because it seems to me, if you pass this, it may do more damage than good, because then the conferees, who are appropriators, well known for their sense of fiscal discipline, would be the ones who would decide what the cap is.

My question to the Senator from North Dakota is, without an agreement on what the cap would be, we are now putting in rules that are basically unenforceable because there is nothing to enforce. Why wouldn't we wait and see if there was some agreement on the overall budget number instead of proposing that at this time? That is my question.

Mr. CONRAD. The Senator asks a very good question. There are really two pieces to this puzzle. We need a number for this year. We also need the budget disciplines reinstated because they expire on September 30. This may be one of our best opportunities, I say to the Senator, to reinstate those budget disciplines.

We may also have an opportunity to have the number agreed to today. That would be a full package. That would be a very desirable outcome, I say to the Senator. But at the very least, I think we want to get the budget disciplines put in place.

Let's say we do not agree. Let's say we are not able to reach agreement on a number for this year. Does that mean we have lost all opportunity? No. Because, I say to the Senator, then certain of the numbers that were in last year's budget resolution serve as a basis for the disciplines that we would now be extending. In other words, even if we did not reach agreement, at least we would have the structure of budget disciplines that could agree to certain spending levels that come from the budget resolution of last year.

Mr. McCAIN. I thank the Senator for his courtesy in allowing me to question him and for his responses. I am still not quite clear why we would pass an amendment without something to enforce. But I certainly appreciate the courtesy of the Senator from North Dakota, and again I applaud his knowledge of the intricacies of a very complicated process which I have been unable to master in the years I have been in Congress. I thank the Senator from North Dakota.

Mr. CONRAD. Let me say to the Senator, for example, even if we were not able to agree on a discretionary spending amount for this year, if we have these budget disciplines in place, they would apply to the mandatory numbers from last year's budget. As the Senator knows, we have two pots of money. We have mandatory spending, and we have discretionary spending.

In the best of all worlds, what many of us would like to achieve is a discretionary limit agreed to for this year—in effect, a budget for this year. But we also have mandatory spending, and, in fact, mandatory spending is a bigger part of Federal spending than is discretionary. Even if we are not able to agree on a discretionary limit, if we have this budget discipline framework in place, we would have a way of disciplining mandatory spending.

In the best of all worlds, we get a discretionary spending limit, and we have these budget disciplines that apply on both sides of the equation, mandatory spending and discretionary spending. But at the very least, if we passed these budget disciplines, if we extend them, we have some way of disciplining mandatory spending. That is the biggest part of Federal spending.

It would also be very useful and important and certainly my goal to have a discretionary spending limit as well.

Mr. McCAIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder, does the Senator still control the time?

Mr. CONRAD. I still control the floor. I would be glad to yield.

Mr. DOMENICI. I would ask for about 3 or 4 minutes, and I will yield back.

The PRESIDING OFFICER. Without objection, the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wanted to have a few moments with the chairman and Senator GRAMM and others who are interested, building off your current amendment, which is pending—and I thank you for the accommodations that you have made to it—one which is very important to our side, very important to everyone, as we have come to know it, with the understanding that you know these enforcement provisions are not, for the most part, found in the Budget Act. These enforcement provisions were designed principally by a huge conference that was presided over by former White House OMB Director Darman—remember him—and Senator ROBERT BYRD—you know him—and a few other people. We were about 2 weeks out there at Andrews Air Force Base when we tried to negotiate a budget.

It fell apart in terms of numbers, most interestingly. Some people didn't get treated well politically, and others did. Those who know have said the most important thing we did in 1990 or 1991 were the enforcement provisions. We were doing something rather significant. It turned out the tax part didn't work out as well for the President as it should have, but these enforcement provisions survived.

The principal author of those was Senator ROBERT BYRD, because we were giving, in a sense, many things he wanted, and in exchange he was trying to make sure that if they didn't do their job, something could happen to them, including his committee.

Today the distinguished Senator, on an appropriations bill, is trying to see if we can save some of those. I want to say, I have looked at them. I think the language I have used for the last 2 or 3 minutes means that I like them. In particular, they have been changed a little bit. I like them. I think we would have changed them a little bit, whether we were down here or not, from 1990 because a couple of the provisions don't work too well.

I regret that I can't seem to get a consensus on what else ought to belong in this. I think it is good, but it is half a measure because we ought to have some numbers in it. We ought to have some numbers for defense and some numbers for the rest of Government. Clearly, without any question, we don't need 5-year numbers at this point in the process.

The process is questionable mostly because of the number assumptions, not these enforcement provisions, speaking in the past.

But adults are going to sit down and arrive at this total; if not here, in a vote. If not tomorrow morning in a vote, they will go to a meeting someplace, and they are going to vote on how much we are going to allow for expenditures. We could go back to the day I arrived in the Senate, with Senator Nunn, Senator HELMS, and others. We never knew what we spent until all the bills were added up. Nobody bothered to give you any interim reports on six committees that reported and six bills. We were new. We said: How can you run a government where nobody knows until you are finished, and by then you have already spent it all?

About 6 months later, the Budget Act was born on a premise that Senators JOHNSON and DOMENICI, heads of the freshman class, sent out a letter saying: Next year we will vote against all the measures together, 13 of us, if we don't have some process that tells us the pieces before we start. That was the beginning. So it has some pretty good history.

I have been there and enforced it a lot of times. You know about 35 percent of the votes of the Senate are points of order, and most of those points of order are 60-vote points of order, which is the only effective means this Congress has found to make it difficult to spend money. That is the only one. Because when it is controversial and you are seeking something with a lot of money, it is not easy to get 60 votes. So you ought to have that around here next year, too, and the year after; right?

The question is, how are you going to have it if you don't adopt it? Then to what are you going to make it applicable? I would have hoped that we could have gotten together beyond what is proposed and that we would go ahead and put the numbers in and get it done and then take a look, with our leadership, at where we go next. We still have a lot of amendments, but at least we could conceivably be through with this part.

I am trying as best I can in my few comments to put a little life into this debate; otherwise, who wants to talk about budgets. I do because when you live them, it is interesting to talk about them. How did you get this thing done?

Even the issue raised here, if we don't get one, we will deem one. I kept wondering, if that is the case, why in the world didn't we deem them when they were all so darned difficult? It is because when you finally go to look and see, what is that, it ain't so. We deemed a budget resolution that the Senate had adopted. That is what we deemed done.

Incidentally, we deemed a budget resolution that had been done by the Senate but wasn't getting adopted, and so we said, rather than let this whole year go with nothing, we will have a deeming resolution. And what do we deem up against? A budget resolution. So even when we were in foxholes shooting at each other because we couldn't agree on anything, clearly we chose to get something that said the Budget Act is being enforced.

As to the numbers I am giving you and others who want to be part of this, if they do, I am more than willing to come back and talk about them and see if we can put them together. Our leader will have them very shortly, and we will see where we go.

I thank you very much for yielding.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me, first, thank the distinguished Senator from New Mexico, the ranking member of the Budget Committee. I think he has done something very constructive because it kind of leads us to the point of all the decisions that need to be made. The Senator from New Mexico is saying, yes, we need the budget enforcement mechanism and framework. We also need a budget. We need a budget. The Senator from New Mexico has come forward with numbers that are very close numbers that I could agree to, I say to the Senator.

Mr. DOMENICI. I had them there because they are close to what the Senator has agreed to before.

Mr. CONRAD. That is exactly right. The Senator basically has the President's number, which the President proposed for outlays—not the President's policy, I am quick to acknowledge. Really, the significant difference—there is not a difference on the budget authority number. It is the President's number. We have said all along that we could agree to the President's number for spending this year. We would not agree to this so-called accruals policy that would say that retirement funding of Federal employees is somehow discretionary rather than mandatory spending. It doesn't seem to us that that is realistic. When you have Federal employees, you have costs for their retirement. That has always been mandatory spending because, obviously, it is required. It is not discretionary. But the overall President's number is one to which I would agree. It is in the budget resolution that passed the Senate Budget Committee.

The Senator from New Mexico has provided a number for outlays that is very close to a number to which I could agree. He has also provided a defense firewall. Well, I think the realistic outcome in the Senate is that if we had a vote, there would be a commitment to spend that amount of money for defense. I think that would probably be the overwhelming vote.

I say to my colleagues, the Senator from New Mexico has come forward with the other part of the package. We have the budget discipline framework and he has now provided the numbers, provided a budget for this year that is very close to the numbers we have discussed for days.

I hope my colleagues will think about the need to get a budget and budget discipline in place for this year. We can do it now.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 3765 TO AMENDMENT NO. 3764

Mr. SANTORUM. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 3765 to amendment No. 3764.

Mr. SANTORUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To adopt the concurrent resolution on the budget for fiscal year 2003 reported by the Committee on the Budget for the Senate)
>
> At the end of the amendment add the following:
>
> SEC. . The provisions of S. Con. Res. 100 (107th Congress) as reported by the Committee on the Budget and placed on the calendar is adopted by the Senate and the House of Representatives as the concurrent resolution on the budget for fiscal year 2003 in accordance with section 301 of the Congressional Budget Act of 1974.

Mr. SANTORUM. Mr. President, what I have sent up is the Democrat budget that was passed out of the Senate Budget Committee.

We heard the chairman lecture the Senate that we need to have budget discipline and we need a budget. Yet for the first time in the history of the Senate, since the Budget Enforcement Act was put in place in 1974, we have no budget. We have not even been offered a budget.

The chairman of the Budget Committee, whose responsibility it is to bring a budget to the floor, has not brought a budget to the floor. This is the same chairman of the Budget Committee who, back in 1998, after we passed a budget but it had not gotten a conference report, said:

> The budget resolution was due by April 15—

He said this in October.

> The President plays no role in the budget resolution. That is the responsibility of this Senate and of the House of Representatives. These bodies have failed in their responsibilities.

He made that comment after we passed a budget here, but we were not able to agree between the House and Senate. In this case, the Senate has not even brought up the issue. We are in a situation where we are now, after a few years of surplus, heading into a deficit and we have no budget discipline in place. We have not even had a debate on the floor of the Senate as to the future of the budget of the United States of America.

Every single family in America has to budget. It is our responsibility—in fact, it is an obligation under the law that we pass a budget. But the chairman and the majority party in the Senate have refused to consider the budget, refused to bring this resolution to the floor.

We have seen all these amendments back and forth about why we are going to create psuedobudgets and deeming resolutions and sort of psuedobudget enforcement, skimming around the issues of the budget, without being serious with the public as to what the budget really is. That is disingenuous on the part of the Senate. We should have a full and fair debate on a budget and see whether we can get a compromise.

Last year we had a divided Senate. We did something historic, and I give credit to the chairman and ranking member for putting together a bipartisan budget for the first time in a long time that actually passed the Senate. It was tough. I am sure if you ask the Senator from New Mexico, he would say it was one of the hardest things he ever did. He had a 50–50 Senate. It was not easy to craft a budget that could get votes on both sides of the aisle. It is hard when it is divided. It was a difficult task, but it was one that the Republican majority and Senator DOMENICI took on because we knew it was important for the future of the country to have fiscal discipline, to have a budget in place, so enforcement mechanisms could be put into place, so we could put some sort of caps on discretionary spending and have enforcement mechanisms for taxes and mandatory programs. It is an important framework to governing this country. It is not even a discussion that we have had.

We are almost 2 months past the time we were supposed to have this budget, and this is the first day I can remember we even have had this discussion, much less had the bill before us. So I thought it was important, since we are having this sort of kabuki dance here about budgets, that we actually put a budget on the floor. So that is what is on the floor now. We have on the floor the budget passed out of the Senate Budget Committee. If we adopt it, if the majority can get the votes to adopt their budget, then we can have a budget resolution on the floor and we can go through the process of amending the budget resolution, coming up with what is important for this country, which is setting forth the framework of operating the Government of the United States. It is our responsibility.

The President has sent a budget. He sent up a budget that was very specific. The House has passed a budget. It was hard to do with the very narrow majority over there, but they were able to pass a budget. The fact that we had not even brought a budget up, almost 2 months after the date which it was due to be here, is something we should not be proud of. We set a precedent that is not a good one. It is a precedent that says we are going to leave things to chance in the Senate at a time when the appetite for spending is always very high.

What does this budget do? Well, it does several things. The President laid out in his budget three priorities: national security, increasing defense spending so we can address not only the threats that we have had for many years, which are sort of the conventional threats that we have had to deal with—we were potentially going to be involved in some sort of conflict with a large deployment of our troops, which is what our military has been geared to fight. We have a lot of equipment and trained men and women who are there to do that. But as you know from recent events—and even before recent events—the military was going through a transformation process—now accelerated because of these asymmetric threats to America. Not only do we have to maintain the existing force, but we have to deal with another security threat on Americans here and in the world at large. So in this environment, in a war against terrorism, faced with different threats, we need to dramatically increase defense spending. It is not really that dramatic; it is less than 10 percent in spending. They fund the President's priorities, as far as defense, for the next 2 years. After that, it does not. In fact, it reduces defense spending back basically to the rate of inflation, or below, but it dramatically increases and continues to allow the increase in domestic spending.

At the same time, it takes even more money that was due for tax reductions by making the President's tax cuts permanent and puts that money back and, of course, spends that money, too—not on defense spending but on domestic spending—in a time of war, a time of reshaping our military to protect this country. It reshapes the budget into more porkbarrel projects for Members of Congress. That is what this budget does. It takes money out of your pockets and puts it—

Mr. CONRAD. Will the Senator yield?

Mr. SANTORUM. Yes.

Mr. CONRAD. The Senator makes an assertion about the Senate Budget Committee that is flatly untrue.

The budget I offered that passed the Senate Budget Committee fully funded defense for 2003 and 2004. After that, it increased defense by the rate of inflation and set all of the additional defense spending aside that the President has requested in a defense reserve account. Every penny of that money that is not needed for defense goes to debt reduction. The Senator has said it goes to porkbarrel projects. That is absolutely false. Every penny of that money—every penny—either goes for defense or it goes for debt reduction.

When the Senator makes statements, I hope the Senator will at least be constrained by the facts.

Mr. SANTORUM. Reclaiming my time, I suggest that given the way this body operates and the Congress has operated over the past several years since I have been in Congress, we have not seen very many reserve accounts set aside for debt reduction that are not raided continually for spending in Washington, DC.

The Senator can say that money is set aside, and that is a nice little accounting mechanism, but the fact is we will spend that money and then some increases—whether it is supplemental appropriations without caps, since we do not have caps now, we would be flying through that money and we would be blowing through caps as we have in the past.

Second, I did say the tax dollars would not be given to the American public. They would be back in the budget and, yes, they would be used to increase spending in Washington, DC.

The fact is, it does not fund the President's priorities or the Nation's priorities with respect to national security, No. 1.

No. 2, it does take money that was targeted hopefully for the pockets of the American taxpayers and brings it back to Washington to be spent.

No. 3, and I quote the Washington Post headline, "Senate Democrats Tap Social Security in Budget Plan." I hear over and over how these horrible Republicans want to raid Social Security and raid the Social Security trust fund.

The budget we have before us, in the words of those who use this lingo, "raids the Social Security trust fund." It is horrible to suggest that, but it does. It does not fund the Nation's priorities with national security. It does increase spending in Washington, DC, for more and more domestic spending programs. It does raise taxes vis-a-vis the President's budget, and it does raid the Social Security trust fund.

Given what this budget does, I can understand why it might be difficult or why many Members, the leader, and the chairman of the Budget Committee did not want to bring this bill to the floor because such a budget would be very difficult to pass because it does not please very many Members on either side of the aisle.

There was no attempt in the process to try to form a bipartisan budget. Every effort by Senator DOMENICI and the budget Republicans was thwarted by the majority. So there was no attempt to build a bipartisan budget. Faced with very difficult fiscal realities, including raiding the Social Security trust fund, which this budget does, it is very difficult to get votes on a bipartisan basis when we have a very closely divided Senate.

I am not saying this would not be a very difficult political task—it would be—but it is one the Senate is required to do. This is a debate that we should have. This is a debate that has been denied to the Senate, has been denied to the American public, and, as a result we are going into waters very much uncharted, uncertain waters when it comes to setting spending priorities over the next few months through the appropriations process and whatever other bills that may be coming through that require expenditure of funds.

I understand there are attempts being made to create mechanisms to do other things that are sort of quasibudget in nature. That is all well and good. But the fact is, the chairman of the Budget Committee and the majority leader had a responsibility and obligation under the act to bring a bill before the Senate and debate a budget, and they have abdicated their responsibility. They have abdicated their responsibility to the Senate and to the American public.

I am going to give them an opportunity. We have waited 2 months. Many on our side were suggesting: Why don't we offer this on April 15? Because many of us thought: Let's see if we can work out something; let's see if we can, in fact, get some bipartisan resolution; maybe the chairman of the Budget Committee will bring forth a budget resolution. Senator DASCHLE continually in his dugout said: We will get to that budget resolution; we will get to it; we will get to it.

I was willing to hold off longer. Now there are all these phony budget talks going on in this Chamber where we are going to do all these machinations to look like we are doing a budget. I thought: I am willing to put off while people have good-faith negotiations to get something done. But when we come out to the Chamber in the context of a supplemental and start playing games like we are doing a budget, let's call a spade a spade. Let's do a budget. You have not done a budget. Let's do a budget. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from Pennsylvania must have missed what has been going on. He has not been party to any of these discussions, any of these talks, but people on his side of the aisle have been, including the ranking member of the Budget Committee and the Republican leader. We have even involved the White House in an attempt to get a budget for this year.

The fact is, the Senate passed a budget resolution through the Budget Committee, a budget that is a 10-year budget as required under the law. The President presented a 10-year budget, and we will give our colleagues a chance to vote on that budget as well, just as we did in the Budget Committee.

Interestingly enough, some Republicans did not support that budget. We will see if they want to support that budget on the floor.

The Senator from Pennsylvania talks about raiding Social Security. The President's budget really raids Social Security. We will give the Senator from Pennsylvania the opportunity to vote on that budget and see if he wants to raid it by $500 billion more. That is what the President's budget does.

How are we in this deficit situation? Is it because we have not considered a budget resolution on the floor of the Senate? The Senator from Pennsylvania knows the answer to that question. We are in deficit for as far as the eye can see before a budget has been considered for fiscal year 2003, and I remind the Senator that the new fiscal year does not start until October 1. We have time to get a budget in place for this year.

The Senator perhaps has forgotten that the Senate has been involved in the election reform bill, the energy bill, the trade bill—all of these the administration requested us to take up. Now we are on the supplemental bill which the President also asked us to take up and dispose of. So the budget kept getting pushed back.

On the fundamental question of how we got in this circumstance where we see deficits as far as the eye can see, the facts are very clear. The Senator from Pennsylvania and his colleagues bear substantial responsibility. They are the ones who put a budget in place last year that plunged us back into deficits. We opposed it.

It was the Senator from Pennsylvania and his colleagues who said we can have it all, who said we can have a massive tax cut, we can have a major defense buildup, that we can have maximum paydown of the Federal debt. That is what they told us last year. And now they are here, after saying they were going to have maximum paydown of the Federal debt, asking for the second biggest increase in the debt in the history of the country.

This is their fiscal policy that is in place. It is their fiscal policy that has put us back into deficit. It is their fiscal policy that has put this country back into accumulating debt at a record rate.

No budget has yet been acted upon for the year 2003. It is their budget, the budget they passed last year, that they offered in both Chambers of the Congress, that they passed that has put us in this deep ditch. That is the fact.

Last year, we were told there would be nearly $6 trillion of surpluses over the next decade.

In fact, the President's Office of Management and Budget told us there was going to be $5.6 trillion of surpluses over the next 10 years. Now we are told maybe $400 billion, and that is before the revenue shortfall of this filing season.

The fact is the money is all gone. Where did it go? More than 40 percent went to the tax cut that the Senator from Pennsylvania and his colleagues pushed through this Congress. Twenty percent of the disappearance of the surplus went from increased expenditures as a result of the attacks on this country, 20 percent, and every Republican supported those expenditures.

Twenty percent of the disappearance of the surplus happened because of the economic slowdown. About 20 percent occurred as a result of underestimations of the cost of Medicare and Medicaid. That is where the money went.

So if the Senator from Pennsylvania is wondering how the money disappeared and who is responsible, he can look in the mirror because it was his fiscal policy, his budget, his plan, his promises that put us back into deficit and back into debt. That is where we are.

I warned against that fiscal policy. I warned that it would put us in danger of raiding Social Security and raiding Medicare and every other trust fund in sight. But, oh, no, the Senator from Pennsylvania and his colleagues said: We know better. There is going to be even more money than has been projected. That is what they said then, and now we reap the whirlwind and the devastation of deficits and debt as far as the eye can see.

We have an opportunity to get a budget framework in place. We have an opportunity to put in place the budget disciplines that are necessary to prevent spending from spinning out of control, but this kind of ad hominem attack is not going to solve those problems.

We presented a 10-year budget. I am proud of that budget. The budget I presented, that passed through the Budget Committee, did the following: No. 1, fully funded the President's defense request for 2003 and 2004, and for the years beyond put the money in a reserve account so that every penny would be available for the defense of this country if needed. But in those future years, where none of us can say with certainty what might be required for defense, to the extent any of that money is not needed for that purpose, it goes to reducing the debt of America. That is a good policy. It is one we ought to adopt.

In the budget I have offered our colleagues, we fully fund all of the money the President has requested for homeland security because we believe everybody in this Chamber understands our first obligation is to defend this Nation.

The budget I have offered also has greater debt reduction than the President has offered in his budget, $500 billion more in debt reduction than what the President proposed, if the defense reserve fund is not needed for defense. If it is all required for defense, we still are paying down the debt by $230 billion more than the President's proposal.

On the other key issues before us, the budget I offered my colleagues said there would be no additional tax cuts unless they are paid for because we are now in deficit. It contains no tax increases, and it also has no delay of the scheduled tax cuts.

The budget I offered also attempts to address the priorities of the American people because it rejects certain of the cuts the President proposed. The President proposed cutting the highway construction program in this country by 27 percent. The President's budget proposes a $9 billion cut in highway and bridge construction funding. I do not think that is the priority of the American people.

Mr. SANTORUM. Will the Senator yield for a question?

Mr. CONRAD. Since the Senator has presented the budget I offered, I would like to complete the description of that and then I would be happy to yield.

I do not think it is wise to reduce the highway and bridge construction budget of the United States by 27 percent. No. 1, it would cost over 350,000 jobs in America. No. 2, it would reduce the efficiency of the transportation system in our country. What sense would that make?

It does not end there. The other major difference in the priorities of my budget from the President's budget is in education. Everybody says education is their priority, but the President's budget actually cut his signature education proposal, No Child Left Behind. The President, with great fanfare, went across the country drawing attention to the No Child Left Behind Act, but in the first budget he proposed, he cut the funding for No Child Left Behind.

I also, in my budget, kept the Federal promise that was made long ago to the States with Disabilities Act funding for education. Educators all across

America told us this was the single highest priority. It is the one thing that would help school districts across America the most, if the Federal Government would keep its commitment to fund 40 percent of the costs of the Disabilities Act. That is a promise we have not kept. Under the budget I have proposed, we would keep it.

We have some additional funding for education, some additional funding for law enforcement as well. The President cut dramatically the funding for the COPS Program. What sense does that make, when we face a terrorist threat, to cut cops on the street? This is a program that has put tens of thousands of policemen on the streets of America. So we restored that cut.

We also dealt with some of the other priorities of the Nation. In addition to education, in addition to law enforcement, we dealt with the health care needs of America.

The President had about $250 billion set aside for a prescription drug benefit and to expand health care coverage. The House in their budget resolution set aside $350 billion for a prescription drug benefit and for adjustments to providers. They did not pick up the President's proposal for expanding health care coverage.

In the budget I have proposed, we have a $500 billion reserve fund for health care, for prescription drugs, for the President's proposal on expanding health care, and for the third category of adjusting for providers, the Medicare cuts that are in place that endanger the health care of the people of the country because there are additional cuts to hospitals, additional cuts to doctors that go beyond what was anticipated when the 1997 Deficit Reduction Act was put in place.

Some have asked, how can it be that there are fewer cuts than the President proposed but on the other hand there is more debt reduction? How can that be? The way we achieved that result was not to adopt the President's proposal of additional tax reductions on top of the stimulus package that has already been put in place this year, and on top of the massive tax cut that was put in place last year that extends over the next 10 years. We say, yes, there can be additional tax cuts, absolutely, but they have to be paid for.

I think that is a pretty reasonable budget. Those are principles that ought to be adopted. Those are things that make sense.

I want to review how we got in the circumstance we are in today. It was not the fact that we have not yet adopted a budget for 2003 that put us into deficit.

I conclude by saying we got in this soup because of the fiscal policy put in place last year by the Senator from Pennsylvania and his colleagues. They are the ones who told the American people: You can have it all; it all adds up, massive tax cut, major increases in spending. They will have maximum paydown of the Federal debt, they will do all these things based on a 10-year forecast that even the people who made the forecast warned was uncertain. But they bought it hook, line, and sinker, and they sold it to the American people.

What is the result? Before we have a budget for fiscal year 2003, massive deficit is the result, deficit not just for this year but next year and the next year and the next year and the next year, because that party that claims to be the party of fiscal responsibility put us right back into the soup of deficits, debt, and decline. Their plan did not add up. Now we have an opportunity and an obligation to try to agree on a budget for this year.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I want to make sure everyone understands what it is we are debating on the Senate floor.

The President made a request of the Senate to pass an emergency appropriation that would directly respond to the terrorist attacks in the United States. He asked for more money for defense. He asked for more money for homeland security. He asked for more money for New York. That is the pending legislation.

Our colleagues on the other side of the aisle have said this bill is on a slow train to nowhere. Mr. President, it is disconcerting, at best, that on an issue of this import—dealing with troops overseas while the nation is on high alert after being told repeatedly in the last 3 weeks about the inevitability of a further attack—somebody has unconscionably come to the floor and slow-trained this important bill, slow-walked it, stopped it, brought it to a grinding halt. But that is exactly what is happening.

We need to get this legislation passed. There ought to be a good debate about budget. We have been trying to do that. We will have one. But to offer a budget resolution on the amendment that is currently pending is inexcusable. It is politics. It has everything to do with slowing this bill down to a screeching halt and ignoring the plea of the President of the United States to enact this legislation as quickly as we can. That is what we are doing.

Members of his party have said: We don't care what the President is requesting, we are going to slow-walk this, we are going to put this on a slow train, and we are not going to pass this legislation this week. We will vote against cloture tomorrow. We are actually going to continue to filibuster a bill the President has requested to deal with homeland defense, to deal with aid to New York, and to deal with the defense needs of this country. That is inexcusable.

I move to table the second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—4

Bingaman
Helms
Rockefeller
Torricelli

The motion was agreed to.

Mr. REID. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The deputy majority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I want to reflect for a moment on the events of today and say to my colleagues, we have to find a way to break the gridlock. The bill that is before us is for defense, for homeland security, for dealing with the tragedy of the attack on New York, and to deal with some other urgent needs, including the shortfall in Pell grants and VA medical care.

The bill before us is a $31 billion bill. Fourteen billion dollars is for defense, money requested by the President to respond to the continuing terrorist threat to this country; $8.3 billion is for homeland security, again funds requested by the President to respond to the continuing threat against our Nation; $5.5 billion is to respond to the needs of New York after the attack of September 11; $1.9 billion is for foreign security assistance to strengthen our embassies against terrorist attacks; $1 billion to deal with the shortfall in Pell grants; $400 million for VA medical care. That is the bill that is before us. Those are requests of the President of the United States.

I want to make clear that what is at stake is spending items requested by the President of the United States to respond to the threats against our country and the devastation that occurred as a result of those attacks. I think it also must be said that we need to have a budget put in place for this year. It is needed. Now we are being told by some on the other side, they will block any attempt to have a vote on a budget framework for this year.

There are others on both sides who want to work together to achieve that result. There are others on both sides who believe it is important to have a budget put in place for this year, to have the budget disciplines extended for this year. I hoped we could do that before we conclude work on this supplemental. This is one of the best alternatives, one of the best options we will have to put in place a budget framework for this year.

I might say that people on both sides of the aisle have worked very hard to do that, are very close to an agreement to do that, but we have to have an opportunity to vote before cloture is invoked or that effort will fail.

That is the hard reality. We have an opportunity to put in place a budget for this year, to extend the budget disciplines for this year, and to provide some order to this process. That is in the interest of all of us. That is in the interest of the Nation. I would hope very much that tomorrow we would have the opportunity to vote on that on a bipartisan basis.

Ms. STABENOW. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Ms. STABENOW. I ask the Senator, who is the chair of our Budget Committee, about issues that are in that budget which I think are so critical for all of us, and I share with the Senator his frustration about the lack of willingness or ability to move ahead in order to pass this supplemental and to be able to pass the budget. One of the important provisions that we have worked on together relates to the question of prescription drugs and putting forward a comprehensive Medicare prescription drug benefit that I know the Presiding Officer has been deeply involved in leading and advocating as well.

Would the Senator not agree that it is critically important that we be able to move ahead with this budget so we can address the issue of Medicare prescription drugs and be able to address the spiraling costs of medications, affecting every part of our economy and that our budget resolution, in fact, puts in place the ability to do that?

Mr. CONRAD. I would like nothing better than to have the opportunity to have a full plan. At this moment, what is at stake is having any plan just for this year. That is clearly in the Nation's interests. It is in the interest of an orderly appropriations process to have a budget for this year and to have the various budget disciplines put in place for this year. That is now what is at risk, much less having a longer term plan. What is at risk at this moment is having any plan. That is what is at risk.

There are some Members who do not want any plan, some Members who want chaos. They think somehow they benefit by not having a discipline in this entire process. That is regrettable. I say to my colleague, who is a very valuable member of the Senate Budget Committee. We voted out a resolution, a blueprint on how to proceed, one that was fiscally responsible, that had substantially more debt paydown than the President proposed, one that has no tax increases, one that has no delay of the scheduled tax cuts, one that provides everything the President requested for the defense of this Nation, both in terms of the defense budget and the budget for homeland security. We did that.

We are asking for at least the opportunity to vote on one year of that plan so we meet the defense needs, so we meet the needs for homeland security, so we get this supplemental budget in place that the President has requested, so that, yes, we have the budget disciplines continue past September 30 when they expire. We do not want to see a circumstance where spending spins out of control. Just be here in October with no budget disciplines available and see what real chaos can be.

I say to my colleagues, I know there are people who have strong feelings on all of these issues. I do, as well. We ought to let the Senate work its will. We ought to have a chance to vote. That is how we determine outcomes here.

I have been told there are some who have the idea of preventing the Senate from voting. They do not want a chance to vote because they think they would lose, although there is a 60-vote requirement. They are right. They would lose. We would then have the opportunity to have not only a budget for this year and also the budget disciplines continue, that is very much in the public interest.

I hope some of my colleagues overnight will think about the consequences of the failure to act. I thank the Senator from Michigan for her contributions on the Budget Committee.

Ms. STABENOW. I commend the Senator from North Dakota for his ongoing leadership on the Budget Committee. These are challenging times. He has forecast for over a year great concerns about an evaporating surplus and what could happen with a downturn and other pressures on the budget. He has continued to advocate fiscal discipline. I join the Senator in that and in setting the right priorities for the country, the right priorities for our families.

ASSISTANCE FOR ISRAEL

Mr. BYRD. Mr. President, I want to take a moment to discuss the amendment of the Senator from Kentucky, the ranking minority member of the Foreign Operations Subcommittee, Senator McCONNELL, concerning assistance for Israel.

This amendment would permit the transfer of all or a portion of the funds in the supplemental for Israel, to the "Nonproliferation, Anti-Terrorism, Demining and Related Programs" account (NADR), to be used for "defensive, non-lethal anti-terrorism assistance." It is my understanding that the purpose of this amendment is to provide the authority to utilize these funds to purchase bomb detection equipment, x-ray machinery, body armor, and similar types of border security and other defensive equipment to prevent acts of terrorism. Am I correct?

Mr. McCONNELL. I thank the chairman of the Appropriations Committee for his question. Yes, he is correct. That is exactly what these funds would be available for. The recent bombings in Israel—including one this morning that killed 16 people—have only demonstrated the urgent need for this type of assistance.

Mr. BYRD. I thank the Senator. I want to be certain that there is no ambiguity about what these funds are for. We are all aware that there was never any intention that these funds would be available for lethal assistance or for the expansion of settlements, but I think it is important to reaffirm that understanding. These NADR funds would not be available for offensive purposes, or for any purpose unrelated to the purchase of defensive, non-lethal anti-terrorism equipment, and the Senator from Kentucky has confirmed that.

Mr. McCONNELL. Let me thank the chairman for including the assistance for Israel in his mark.

WAIVER OF THE LOCAL MATCH FOR THE COMMUNICATIONS INTEROPERABILITY FUNDING

Ms. LANDRIEU. Mr. President, I would like to engage my colleague, the distinguished chairman of the Commerce, Justice, State appropriations Subcommittee, Senator HOLLINGS, in a colloquy on the local match requirements for Federal grant funding. This pressing concern was raised by the local elected officials we heard from during the Appropriations Committee homeland security hearings. One of them testified that in many of these grant programs, particularly in the public safety area, our larger cities with the greatest needs cannot afford to meet a local requirement, while wealthier area with relatively fewer needs are able to take full advantage of these funds.

I hope the distinguished chairman will join me in this colloquy at this time.

Mr. HOLLINGS. I would be happy to speak with my colleague from Louisiana on this important issue.

Ms. LANDRIEU. I thank the Senator. I believe that local match requirements are an important shared investment in Federal grant making. So there is a need for it and I think my colleague would agree.

Mr. HOLLINGS. I certainly do agree. By giving the local jurisdiction "buy-in" to a grant, the local match adds an incentive for communities to use Federal funding effectively. A wide variety of grant programs have them. I also share in the Senator from Louisiana's concern that many of our communities may not be able to afford that match. Many grant programs provide waivers of the match in certain cases.

Ms. LANDRIEU. I would like to talk to the Senator about the $80 million in interoperable communications funding in the Department of Justice title of the bill. In the District of Columbia Subcommittee we have held hearings on the emergency preparedness needs for Washington, DC. During 9-11, District fire and police personnel had to have the ability to communicate with multiple jurisdictions that responded to the Pentagon. So interoperability is crucial for public safety officials.

The funding in the bill would be administered by the COPS program at the Department of Justice. You have been a leader in the Senate in your support of that program. COPS grants require a 25 percent local match for its grants. The COPS program does allow for a full or partial waiver of the local match for communities that are facing severe fiscal distress. Communities can qualify for a waiver in a wide variety of ways. Some qualify because they have been declared a FEMA disaster area or have been placed in receivership or bankruptcy. Communities can also get a waiver if they have had a recent large, one-time financial expense, like replacing a water treatment facility. The COPS program will also grant waivers to communities that had to make across-the-board budget cuts as a result of difficult economic circumstances.

Mr. HOLLINGS. Congress designed the COPS program to meet the specific law enforcement needs of individual communities. This is true not only with the waiver of the local match, but in how communities can use COPS funding in general.

Ms. LANDRIEU. Is it your understanding that the COPS interoperable communications funding in the bill will be administered in the same manner as the other COPS grant programs regarding the local match and the waiver process?

Mr. HOLLINGS. Yes. These funds will be administered in the same manner as other COPS grants funds regarding both the matching requirements and the waiver process.

Ms. LANDRIEU. I thank the chairman of the subcommittee. I look forward to working with you on this issue.

Mr. GRAHAM. Mr. President, I rise today in support of the funding for the U.S. Coast Guard aviation programs in the pending supplemental appropriations bill.

On February 20, I spent a day at Coast Guard Air Station Clearwater in St. Petersburg, Florida. I observed first hand some very impressive Coast Guard aviation operations, but also several helicopters that were inoperative due to problems associated with a shortage of spare parts. I am pleased that the pending supplemental will help restore adequate funding for the Coast Guard aviation program, including spare parts, and get these aircraft flying and operational again soon.

The Coast Guard needs this assistance to cover their basic operational expenses. According to the Coast Guard, the first supplemental this year provided funding to operate seven additional aircraft (4 HU-25 Falcon jets and 3 HH-65 helicopters) and provided a 15 percent increase in flight hours. The pending supplemental contains approximately $22 million to continue to operate the entire aviation fleet for the remainder of the fiscal year, with an adequate inventory levels of repair parts. I am also pleased that the Coast Guard reports that the President's fiscal year 2003 budget request contains the necessary recurring funding to support the additional aircraft and flight hours brought on by fiscal year 2002 supplemental funding, as well as continues to resolve the Service's aviation parts shortfalls.

I do recognize that some of the HH-60 helicopter problems that I saw in February are due to aging aircraft issues that affect the entire U.S. H-60 fleet, including those owned by the Department of Defense, and are not just the Coast Guard specific issues.

As one of the nation's first lines of defense in stemming the flow of illicit drugs and illegal immigration into the United States, it is imperative that the U.S. Coast Guard be appropriated the resources that they require to carry out their critical missions on behalf of the American people. And we must remain committed to ensuring that our Coast Guard has adequate resources not just now, but well into the future. The U.S. Coast Guard is important to Florida and important to the nation.

I urge my colleagues to join me in support for the Coast Guard's supplemental funding for fiscal year 2002 as well as for their annual appropriations in fiscal year 2003.

Mr. McCONNELL. Mr. President, I very much enjoyed Thomas Friedman's op-ed in today's New York Times entitled "Land of Denial." I could not agree more with his assertion that Egypt can—and should—be doing more to be a leader in the Arab world.

Egypt is a land of missed opportunities, and it has forfeited its historical place in Middle Eastern history as a progressive and pluralistic country. Friedman points out that while other countries—Jordan, Bahrain, Qatar, and even Tunisia—have forged ahead with democratic, free press, and economic reforms, Egypt "has been stagnating."

I could not agree more with Friedman's assertion that "[t]he intellectual air has gone stale in Egypt from too many years of controlled press and authoritarian politics."

In the past, I have taken issue with Egypt's cold peace with Israel, its jailing of democracy advocates, its suspicious involvement with North Korean missiles and weapons technicians, and its reckless and irresponsible government-controlled press that fuels extremism on the streets of Cairo and throughout the Arab world.

It is not too late for President Hosni Mubarak to embark on a reform path that will ensure a stable and prosperous Egypt. It is in our interests—as well as those of the Egyptian people—that Mubarak invests in the development of functioning democratic institutions and political processes.

In the supplemental bill I carved out a portion of assistance provided in the Economic Support Fund account for the professional training of Egyptian and other Middle Eastern journalists. I did so because I firmly believe that a free and independent media in Egypt will contribute to our war against terrorism, peace in the region, and the political, legal, and economic development of that country.

The abuses of the government-controlled Egyptian press are legendary, and include personal attacks against

Secretary of State Colin Powell and National Security Adviser Condoleezza Rice. America has been repeatedly tarred and feathered, Israel vilified, and Hitler criticized for not killing all the Jews "so that the world could sigh in relief without their evil and sins."

Such inflammatory nonsense fuels ideological extremism that has repercussions on our shores and throughout the world.

Let me assure my colleagues that in my capacity as ranking member of the Foreign Operations Subcommittee, I will continue to examine the assistance America provides to Egypt. I have already suggested to Secretary Powell that we reassess our assistance to Egypt to ensure that it effectively promotes critically needed reforms, and I look forward to working with the administration on this matter.

MORNING BUSINESS

Mr. REID. Mr. President, I have spoken to both the majority and the Republican leader and told them that we were going to go into a period for morning business for the rest of the evening, and they both are aware of what we were going to do. Therefore, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for a period up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, for the information of all Members, I have spoken with the two leaders, and what we would like to do this evening is propound a unanimous consent request that we be in morning business in the morning from 9:30 until 10:30, with the time from 10:30 until 11 equally divided with the proponents and opponents of the motion to invoke cloture.

We, of course, will be on cloture whether there is an agreement or not. That is the rule. So that is what I am going to propose later on. As I have said, I have explained that to both leaders, and I think that is what they want.

Of course, Mr. President, there are no more rollcall votes today.

CRITICAL ISSUES

Ms. STABENOW. Mr. President, I rise to ask our colleagues to move beyond the obstructionist position, to work together to get the supplemental passed so we can move on to other critical issues that affect our families. This is one. It is important. There are important pieces in this bill that deal with our issues of homeland security and certainly, representing the great State of Michigan, issues of border security are critical. We are very concerned about making sure we have the resources in place. There are other important resources in this supplemental bill.

However, I am equally concerned about the ability to move beyond this, to get this completed on a bipartisan basis and move beyond this to the rest of the agenda that has to happen.

The Presiding Officer has spoken eloquently about the sense of urgency families feel about medicine and the inability to afford critical lifesaving medicine, whether you have cancer, a heart condition, high blood pressure, or a disabled child and you need to be able to provide that child with medicine that is needed.

We have the ability and, within our budget resolution, the capacity to pass a Medicare prescription drug benefit that will update Medicare and make sure there is a voluntary universal plan in place for those who need it, to be able to afford their prescription drugs.

We also have the ability to lower prices across the board. Our side of the aisle has put forward a strategy to provide a way to lower prices for our business community, large and small. I have seen the business communities come forward, small businesses that are losing the ability to provide health care for their employees because premiums are going up 30 and 40 percent this year.

The big three automakers shared some statistics with me. I came from a weekend-long event on Mackinaw Island, which I invite the Presiding Officer and my colleagues to come and enjoy during the beautiful summer months. There is a wonderful gathering of business and political leaders and university educators who come together once a year to discuss challenges facing the economy in southeastern Michigan and across Michigan and the business concerns. High on their list, if not at the very top, was the rising costs of health care, predominantly due to the explosion of the prices on prescription drugs.

We heard a presentation from DaimlerChrysler that indicated on a SUV today priced at $18,600 the cost of employee health care is $1,300, and that the fastest growing part of that is prescription drug costs. We not only need to be providing Medicare prescription drug coverage for seniors and for the disabled, but we need to close the loopholes which allow the companies to stop compensation through generics that go on to market or are supposed to go on to market once the patents run out where the formula is available to other countries to use and to produce prescription drugs at a lower cost.

We also need to open our borders to Canada. Two weeks ago, we passed fast-track trade authority, but the only thing we could not trade between the United States and Canada is prescription drugs, which makes absolutely no sense. We know, and we will be demonstrating next week in bus trips from a number of States across to Canada, that you can lower your prices at least in half.

I am pleased to have joined with Senator DORGAN from North Dakota, Senator JEFFORDS from Vermont, Senator WELLSTONE from Minnesota, and many others, in an effort to open the border so we can have that competition, and our pharmacists, our hospitals, our businesses can have business relationships with the Canadians, bringing back American made drugs sold to them at lower prices. We have that bill. If we had the opportunity, we could complete the supplemental and bring up that bill and lower prices immediately.

We have been able to put forward a bill that caps the amount the taxpayers subsidize in excessive advertising costs. The drug companies are spending 2.5 times more to advertise a drug than to create a new lifesaving drug, and we have a bill—and the Presiding Officer has joined in the effort—to cap the amount that can be written off on advertising and marketing costs to the same level that research costs are rip-offs on taxes, so taxpayers are subsidizing no more for advertising and marketing sales than we do for research. That would cut costs immediately.

We also have a bill to allow more flexibility for States using innovative techniques as in Maine and Vermont, where they are being sued by the drug companies for coming up with creative ways to lower prices.

We have an agenda to lower prices. We have an agenda that includes a comprehensive, voluntary, Medicare prescription drug benefit. If we can get beyond the current stalemate, we will have the time and opportunity to bring forward these issues that directly affect every single American—every business, every farmer, every worker, every family, every senior. It is an issue whose time has come.

People in our States are saying it is time to act. It is past time to act. We have been talking about this. You would think, given all the time we spent talking about it, on both sides of the aisle, we could have funded a prescription drug benefit.

The reality is we need to act. We need to do it now. I am deeply concerned that we are seeing, day after day, stalemate on moving forward on critical issues such as the supplemental that are so important to us and that are blocking us.

Mr. REID. Will the Senator yield for a question?

Ms. STABENOW. I am happy to yield to the distinguished Senator.

Mr. REID. I say to the Senator from Michigan how much I appreciate her leadership on this issue. Yesterday the Presiding Officer gave a speech, right close to where the Senator was standing. It was one of the most significant speeches I have heard since I have been here. He illustrated, in the mind of anyone who was listening, why we cannot wait.

I say to my friend from Michigan, I was on an elected board of trustees from a hospital district in 1966 when Medicare came into being. Prior to Medicare coming into being, 40 percent of the seniors who came into our hospital—it was a county hospital—had no health insurance. We were brutal. That is just the way it was all over America. We would go after whoever brought their mother or father, son or daughter in the hospital. We would go after them for their wages; we would attach their homes. That was the way it was all over America.

Medicare is imperfect, but now virtually every senior citizen who comes into a hospital has some health insurance.

In 1966, I think the Senator would agree, there really was not a paramount need for a health insurance plan that covered seniors for prescription drugs. That was not really a part of the therapy at the time. But now the Senator would also acknowledge the average senior citizen has 18 prescriptions filled every year. They are lifesaving. They make people more comfortable. They prevent disease. How can we, the only superpower in the world, not have a prescription drug benefit for the program we call Medicare to take care of seniors? Would the Senator respond to that?

Ms. STABENOW. I thank the Senator very much for those comments. I could not agree more. When Medicare came into being, as the Senator from Nevada knows, it provided coverage for the way health care was provided at the time. You went into the hospital, you had an operation, and it covered the medications in the hospital. But we all know that health care has dramatically changed, and we are proud of that. We are proud that we have these new lifesaving drugs that stop someone from having to have the operation. We know most health care now involves prescriptions.

The problem we have is that this great American success story called Medicare that was put into place does not cover prescriptions. So effectively, now, we are not providing the health care that we promised our seniors and the disabled.

So for me and I know for the Presiding Officer and for our leader from Nevada, it is common sense. It is past time to update Medicare. I know we are urgently trying to make that happen.

I thank my friend for raising that. I know we have a tremendous amount of support all across this country for getting this done. I often think, in the debate on health care and this debate on prescription drugs, if we only had the same sense of urgency on this issue from a policy standpoint that we have when someone in our family gets sick or we get sick. When you find you are diagnosed with cancer and you have to have cancer medication, you can't say, "This is too tough. We will do it next year. You can have your medicine next year." Or when your child gets sick, you can't say, "You can't get sick this year. You can get sick next year."

Yet we put off this issue year after year after year. We need this kind of urgency that our families feel. I know our leader from Nevada feels that. Certainly the majority leader of the Senate and the Presiding Officer from Georgia have eloquently stated this. We are going to keep coming to the floor, day after day after day, creating this sense of urgency, urging people to get involved with us to create the sense of urgency that we need to get this done.

Mr. REID. I know the Senator from Michigan has a schedule to meet. But will she yield for one more question?

Ms. STABENOW. I would be honored, yes.

Mr. REID. Having listened to the Senator and having listened to the Presiding Officer yesterday, I am—I can't say depressed; maybe in a legislative sense I am, but I am terribly concerned that we are wasting so much time. Everyone knows this bill that is being slow-walked here is going to pass. It has to pass.

This bill making supplemental appropriations for further recovery from the response to terrorist attacks on the United States—we know it is going to pass.

There are things in it that people may not like. But rather than waste 2 days' time here, why don't they file motions to strike what they don't like. It is a shame we have to invoke cloture.

We have spent Monday, we have spent Tuesday, we have spent Wednesday doing basically not much, when we could have been working on this legislation about which the Senator is speaking now, about which the Senator from Georgia spoke yesterday. We are wasting time.

I can be as partisan as a lot of people, but the State of Nevada is equally divided between Democrats and Republicans. I represent the Republicans of the State of Nevada just as I represent the Democrats. We in the Senate have to respond, in my opinion, in that same manner. The people about whom you speak are not Democrats; there are just as many Republicans as Democrats who need Medicare. We have to approach this in that manner. Would the Senator agree?

Ms. STABENOW. I could not agree more. I was thinking as the Senator was speaking, we have seniors who got up this morning and literally sat at the kitchen table and said: Do I eat today or do I get my medicine? Do I pay my utility bill or do I get my medicine? They didn't check to see if their registration card was Democrat or Republican. That is not what this is about. This is about real people's concerns.

People expect us to work together. They expect us to rise above those kinds of partisan efforts and work together to get things done for them in a meaningful way.

So I share the same concern. Every day this week that we are not able to address this is another day where thousands, probably millions of people across this country, are trying to decide how to put their pennies together to be able to afford the medicine that they or their family need. I would say enough is enough. It is time to get on with it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

SUPPLEMENTAL APPROPRIATIONS

Mr. REID. Mr. President, I appreciate the statement of the Senator from North Dakota, the chairman of the Budget Committee, and certainly the statement just made by my friend, the distinguished Senator from Michigan, Ms. STABENOW.

I spend a lot of time in the Chamber, and I really enjoy it. That is my job. I appreciate my ability to do that, that other Senators give me that responsibility. But there are days such as today and yesterday and Monday that I am concerned we are not doing enough in this body. I don't know why this is being slow-walked, as has been described in today's press. I am not making this up. It is right here in the Congressional Quarterly:

> Senate Republicans say they will not hesitate to slow walk legislation important to Democrats.

But as the Senator from Michigan stated, if we passed a prescription drug benefit for seniors—it would be great if we could do it for everyone, but let's say we do it for seniors on Medicare—they wouldn't know to whom to give credit, whether it be Democrats or Republicans, but they would be happy they got something. Conversely, our doing nothing, the blame goes to both parties. There is no advantage that anyone gets by not moving forward on legislation.

Pick up the newspaper anytime you want—today. I don't have a clip from today's paper, but it is easy to find one. Here is one, May 23. It was in my desk. I was cleaning out my desk as the Senator was speaking:

> The Department of Transportation has issued a warning about attacks on rail and transit systems across the country, law enforcement officials said on Thursday. The Department's warning, sent out Wednesday,

was consulted by the Department of Transportation.

The reason that is important is this bill that we are now working on has a provision in it for security. We have almost $1 billion for port security. We have $200 million for security at nuclear weapons facilities. We have $154 million for cyber-security, and border security.

I am a member of the Appropriations Committee. I voted for the bill that came out of committee. But as with all Senators, you don't have an opportunity to read everything in a bill. The bill that came out is not a very big bill. It is 117 pages. I could read the bill easily in a half hour and really understand everything in it. If there is something that people do not like in the bill, they should try to get rid of it.

I think we are doing a disservice to the people of my State of Nevada and the country by not moving forward on this. There is no political advantage. I don't know if we can get cloture tomorrow. If we don't get cloture tomorrow, we will go again and try it some other time.

I don't know what benefit there is of the big stall that is taking place. I think it is a disservice to the country. I have tried on various occasions during the last several days, I have offered unanimous consent requests that we limit the number of amendments. I have offered unanimous consent requests that we have a finite list of amendments. It doesn't matter how many, but let us know how many so the managers can work to cut this down.

I am very disillusioned with what is happening. I say to the American people that they should send a message to their Senators to move forward on this legislation. This legislation is for further recovery in response to the terrorist attacks on the United States.

I will bet the State of Georgia is hurting for money as a result of some of the spending on antiterrorism, and the State of Nevada. There were a lot of things we were spending money on prior to September 11. We did it to make it a safer place. But for our ports, highways, schools, and other things, we are doing more. Nevada and Georgia and other States are eating those costs themselves.

There is money in this bill to help States, as there should be. We are spending lots of money in Nevada training first responders. There is $1 billion in this bill, including funds for firefighting grants, State and local law enforcement grants, grants to help State and local police to better coordinate their operations, fire and medical personnel, emergency planning grants, and search and rescue training. There is much that will help my State.

Frankly, time is of the essence. We would be much better off if this bill had passed last week. We would be better off if it had passed before we took our break for the Memorial Day recess. With each day that goes by, the hard-earned money of the taxpayers of Nevada is being spent. They need help on programs. What is another day? Another day means one more firefighter who is not trained. It means one more police officer who needs additional training. This is not done in a vacuum.

On September 11, the actions of evil people killed about 3,000 men, women, and children—women who were pregnant.

What has happened here is a clear illustration of: Do we really care about those people who are dead? I can't in my mind's eye understand the terror that went through the minds of those innocent people on this airplane who died in an awful way.

That is what this legislation is all about. Can we stop some of that? Of course we can.

There is $125 million for border security. There is $100 million so the Environmental Protection Agency can check the vulnerability and assessment of water systems. We have water in Nevada, as we have everyplace. You just pull it out of the lake. We have reservoirs. We can pull the water out of the reservoir. If these evil people would fly an airplane into a building killing not only the people on the airplane but the people in the building, certainly they wouldn't hesitate in a second to poison water and sicken and kill people.

We need to move forward. I am terribly disappointed that we are not moving forward.

I don't know why the President isn't involved. They came down here yesterday with a Statement of Administration Policy. The Statement of Administration Policy indicates that there are five or six provisions they don't like in the bill. I have no problem with that. The President of the United States has a right to tell us what he doesn't like. But what I don't like is people coming in saying the President is going to veto this bill. There is nothing to veto. If we pass this bill at 6 o'clock tonight, there will be nothing to veto. There is no bill. There is no legislation. We want to get to the House of Representatives so that we can meet and come up with a bill that he can then veto, if he wants to. But as Senator STEVENS said yesterday, it doesn't happen.

We are going to work something out to make the President happy. That is the way it works. We are not going to send him an appropriations bill—especially an emergency supplemental bill—that he doesn't like. He can't use this as an excuse.

My friend from Minnesota is in the Chamber. I am grateful that he came here tonight. I hope tomorrow cloture will be invoked and that we can move forward on this bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague from Nevada.

First of all, I assume tomorrow there will be time to talk about the supplemental bill. I will not use a lot of time, but we want to finish this work. I am anxious to make a statement on Colombia. Tonight, I would like to talk about this delay. Am I correct there will probably be time to talk about this bill tomorrow?

Mr. REID. If cloture is invoked, there will be 30 hours, of which you will have an hour of your own.

Mr. WELLSTONE. I hope we will not have to do that.

The only thing I would like to say about this supplemental and where we are is I will refer to an article that the Presiding Officer, Senator MILLER, wrote in the New York Times. There is a lot of work to do here. I think people are becoming increasingly impatient because we are supposed to be here to advocate people, and help and work for people. I think the supplemental bill is a really good bill.

I was here the other day talking about one of the most important features that Senator REID was talking about—homeland defense and bumping up veteran health care to the tune of about $240-plus million. There are gaping holes in this VA health care. It is serious. It is very serious. We have very long waiting lines right now for primary care and for specialty care. We have a moratorium on any additional community clinics. Everybody says they are for the veterans.

Frankly, if you get beyond the Fourth of July and Memorial Day and Veterans Day, the way to speak for veterans is to live up to our commitment to make sure they get good health care coverage which they and their families deserve and expect. That is just one feature in this bill. It is important.

What bothers me the most is this strategy of delay. It is 10 to 6. We are not going to have any more votes. Our colleagues on the other side of the aisle have pretty much blocked everything for now. We should be having debate and votes, and we should be moving forward. We should pass this bill. People can vote up or down. We have a lot of other priorities.

Again, the Presiding Officer has talked about prescription drugs. In Minnesota, about as important an issue as I can think of is affordable prescription drugs.

Frankly, I also like the proposal, and I am part of this work of reimportation from Canada because there, by strict FDA safety guidelines, you are helping seniors and other working families who cannot afford the price.

But let's get on with the work. Let's have the debate relevant to people's lives, vote up or down, be held accountable—representative democracy at its very best, not at its worst.

Our colleagues on the other side of the aisle are just delaying and delaying, slowing the Senate. The Senate machinery is geared to grind slowly, but what is going on is just an effort to make the Senate a nondecisionmaking body. I do not think we do well for people when we are not a decisionmaking body.

There are those—I am a big advocate—who want to raise the minimum wage. I understand we are going to be dealing with hate crimes legislation, which I think we should.

For my own part, I would put right up there with affordable prescription drugs wanting to get back to funding education because my State of Minnesota believes they have been cheated out of $2 billion they should have had for the next 10 years. We did it in the Senate: it got blocked in conference committee. The House Republican leaders and the White House opposed it. That would have been a glidepath, full funding for the special education program over the next 5 years, then maintaining that for the next 5 years past that. It would have been $2 billion more for Minnesota.

Since a lot of our school districts have had to take money from other programs to fund special education because they have not gotten Federal money, 50 percent of it would have been fungible for special education, afterschool, more teaching assistants to help kids who are not doing as well in reading or math, being better able to recruit teachers, being better able to keep teachers, there is important work to do here.

We are not the main player in K–12, but this is a place where we could really make a commitment, and should.

I am anxious to get on with the appropriations process. I am anxious to get funding for education. I am anxious to talk about education and kids. Frankly, I am anxious to talk about education, prekindergarten all the way through age 65, because I think that is the way we should define education. A lot of our students in Minnesota are 55 and going back to school. They have lost their jobs. They worked for the taconite industry on the range. LTV shut down, and they are going back to school so they can get different sets of skills for different employment opportunities to support their families.

So I would put it to you this way: As I see it, the early years, starting with the little ones, who are all under 4 feet tall and beautiful—we should be nice to them. That is prekindergarten and the early elementary school years. We want to make sure every kid in our country has an equal opportunity. Education is so important.

Then, when people get older, out of school, it is the jobs, decent wages, health care coverage. Then, when people get older than that, it is Medicare, it is Social Security, it is not losing your pension. There is the whole issue of pension reform so we do not see more people cheated and some of them financially destroyed with more Enron kinds of situations.

All of this is before us: pension reform legislation, getting it right for health care, reimbursement, Medicare. A lot of our hospitals in rural Minnesota are being killed right now from inadequate Medicare reimbursement. Hospital people have been here talking about what is going to happen to our ability to deliver care. Children's Hospital here—what is going to happen with cuts in medical education?

Other people are talking about more funding, expanding health care coverage, prescription drugs, education, raising the minimum wage, going after hate crimes, ending the discrimination.

I will finish this way. Tomorrow, we are going to have close to 2,000 people here from around the country; families who have struggled with mental illness. By the way, I do not know that there is a person in the Senate who does not know someone in their own family or a friend who has to struggle with this illness, saying: Treat it like any other illness. End the discrimination in this coverage. Don't tell us that if our daughter is struggling with depression, and we are scared to death she might take her life, that the health insurance plan will cover a couple of days in the hospital and that is it; a couple visits to the doctor and that is it. Treat this illness as any other illness. End the discrimination.

We want to bring this bill to the floor of the Senate. It is bipartisan. Senator DOMENICI has been the leader. I have been fortunate enough to join him. We have 66 Senators. We have the majority of the House on board.

There is a lot of important legislation we can pass that will lead to the improvement of the lives of people we represent.

I come to the floor tonight just to express some indignation at this delay, delay, delay strategy, slowing the Senate up, making it a nondecisionmaking body, because I think we are not at our best when we operate that way.

I just as soon have at it, have the debate, have the amendments, bring the legislation up for votes; vote yes, vote no. If you want to filibuster, filibuster; have the votes or don't have the votes. But what colleagues are doing now, at 6 o'clock at night—all gone, and will not let us vote on anything else—is making the Senate a nondecisionmaking body.

Frankly, there is a whole lot we could do to help people. The reason we are here is to help people. We might have different definitions of what it means to help people, so then let's have a debate about that. But, for God's sake, let's deal with the relevant legislation that affects people's lives. And let's do it now. Let's not just continue to grind away and slow everything down and block everything and make it impossible for us to move forward.

Mr. REID. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. The Senator would agree, would he not, that doing nothing does not meet the needs of the people of Minnesota, the people of Nevada, or anyplace in this country?

Mr. WELLSTONE. I say to my colleague from Nevada, only if you believe that we are here to do nothing is doing nothing defensible in any way, shape, or form. And that is what we are doing right now. Because if you want to gum up the works here in the Senate and block everything and basically make it impossible for us to move forward—which is what our Republican colleagues have done—you can do that. But I will tell you, the people we represent will not be pleased with us if we operate this way.

Mr. REID. Does the Senator know that in this morning's Daily Monitor there is a quote from a Republican—in fact, that is not true. It says: “Senate Republicans say they will not hesitate to slow-walk legislation important to Democrats.”

Mr. WELLSTONE. I am sorry. They will not——

Mr. REID. “ . . . they will not hesitate to slow-walk legislation important to Democrats.” Is the Senator aware of that statement that was made?

Mr. WELLSTONE. Well, see, I would say to my colleague—and he might disagree about this—there are two different issues here. Listen, if you think a piece of legislation is egregious, and you know the rules, have at it, slow it up. Fine. I have done that. I do not want to be inconsistent.

But when you have a statement like this, which says: We will not be reluctant to slow up legislation that is important to Democrats, then you are playing a different kind of game. Then it is straight partisanship. It has nothing to do with whether you feel strongly about it. It has more to do with a strategy of basically being able to say: Aha, a majority in a Democrat-run Senate can't get the job done because we will make sure they can't get the job done.

That is not acceptable. Do you know what that is? That is inside party strategy, total reelection stuff, which then means we do not pass affordable prescription drug legislation, we do not get it right for education, we do not get it right on a whole bunch of other issues that are important to people.

Mr. REID. Finally, would the Senator agree that this legislation now before the Senate that is being slow-walked, as the distinguished Senator from Texas said yesterday, and he reminded me he said it today, he felt it was important to “slow the train down"—would the Senator agree that it is not good for the country to slow-walk or "slow the train down," the Supplemental Appropriations Act for further recovery from and response to terrorist attacks on the United States?

This is an emergency supplemental bill. Does the Senator believe this is something we should be moving expeditiously?

Mr. WELLSTONE. I will just say this to my colleague from Nevada. There are two sets of issues people have, and both of them deal with security. There is an uneasiness about economic security, about the future, about jobs, pensions, good education for kids, health care. It is all there.

The other thing is that people—and with considerable justification—are really worried about physical security. Look what we have been through. People want to make sure that we are going to be able to do everything possible to best defend ourselves, everything possible to head off any kind of attack, everything possible to protect them, to protect their children.

So all of the money for Minnesota and all the other States in the country, for homeland defense, I do not think the people view as a waste. I do not know what the problem is in moving this matter forward. I think people in Minnesota and the people in the country—if they know; and we will make sure they know—disapprove, and for good reason.

I came to the floor to call on my colleagues to get going. Let's do the work. Let's get involved in the work of democracy. Let's not just do delay, delay, delay, all for the sake of some party strategy.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Washington.

TRANSPORTATION SECURITY

Mrs. MURRAY. Mr. President, as the chairman of the Appropriations Subcommittee on Transportation, I rise this evening in strong support of the Senate amendment to H.R. 4775, the supplemental appropriations bill for 2002.

During our debate, I have heard complaints from some colleagues that this bill is beyond the President's request. Members are asking why this bill is larger than the administration's request and why it is larger than the House-passed bill. Our bill is larger because it makes the critical investments we need to make in transportation security.

We have spent months listening to the experts and finding out what investments we need to make. We did that in my own subcommittee, and through Senator BYRD's leadership we discovered the needs through full committee hearings on homeland defense. The President's budget and the House budget do not make the necessary investments in transportation security. Our bill does. That is why it is larger than the President's request.

I want to spend a few minutes explaining what is in our bill because it will prove that these are critical investments that the President and the House have not been willing to make.

For example, our bill funds the Transportation Security Administration. It will improve cargo security. It will enhance the security in and around our Nation's airports. It will improve security on inner-city buses. It will allow the Coast Guard to assess the vulnerability of our seaports. It will ensure that the FAA can meet the staffing needs at our Nation's control towers this summer without stealing from the budget for modernization and safety improvements. It will better reimburse our Nation's airports for the considerable expenses they have incurred due to our new security requirements. Overall, it will address the security challenges we all know are out there.

Before I talk about some of the specifics of the bill, I want to correct the record on one point. I have heard some claim that our bill is $2.2 billion larger than the House-passed bill. That is simply not accurate. While some in the House claim their bill is $28.8 billion, it is actually $30.1 billion when we use traditional, customary Congressional Budget Office scorekeeping. Instead of using that method, they have used accounting gimmicks. For some items in their bill they have actually chosen to use OMB scorekeeping; for example, concerning the delays in the availability of airline loan guarantees.

That point aside, the Senate bill is larger than the President's request and the House request, and one of the largest differences is in the area of transportation security. In this area, the funding level in our bill is $928 million or 20 percent higher than the administration's request.

It is important to point out that the House of Representatives actually cut the President's request for transportation security. That is why the Senate bill is $1.244 billion or 29 percent higher than the House-passed bill.

The centerpiece of the transportation chapter of this bill is the $4.7 billion the committee has included for the new Transportation Security Administration, or TSA. That amount is more than $300 million higher than the level requested by the administration and more than $850 million more than what is provided in the House bill.

First and foremost, the funding provided for the TSA will fully cover the administration's request to implement the recently enacted Aviation and Transportation Security Act that the President signed into law.

The House version of the bill imposes several cuts to the administration's request just at the time that the administration is aggressively seeking to meet the deadlines imposed by the Transportation Security Act. The most daunting of these deadlines is the requirement to screen all checked baggage for explosives by the end of this calendar year.

As many of our colleagues, I have been frustrated with the performance of the Transportation Security Administration in implementing those requirements. There has not been sufficient consultation with the Nation's airports or with Congress, and there has not been a sufficient amount of hiring at the TSA of individuals with transportation backgrounds. But still I don't think the solution to these problems is to impose significant cuts on the resources the administration itself has requested.

As with most of my colleagues, I do a lot of flying. I have witnessed the long lines of passengers seeking to get through airport security checkpoints. I have shared the frustration of clearing the security checkpoint only to be screened at the gate again. Our aviation industry is already suffering due to the fact that the high revenue business travelers who provide 40 percent of the airline's revenues are not returning to the skies.

If the Transportation Security Administration does not succeed at its stated goal of providing high-quality customer service and a short wait to clear airport security, our aviation industry is going to suffer a great deal further.

Secretary Mineta and Transportation Under Secretary Magaw have committed themselves to a national standard where no passenger will wait longer than 10 minutes to clear airport security. Frankly, many of us question whether they will ever achieve that goal. That is why the bill before us contains a requirement that the TSA publish on a monthly basis the actual wait times at each airport. I intend to monitor the TSA's performance in this area on a regular basis.

Another area of great concern to me is that air passengers are treated with dignity as they pass through our Nation's airports. If passengers can be expected to be treated as criminals from the moment they walk into the airport, they are not going to fly. Treating air passengers as criminals is not a formula for helping our airlines get back on their feet.

The administration's TSA budget has gone through a very torturous path. A full month passed from the time the Bush administration submitted its $4.4 billion supplemental budget request for TSA to the time Secretary Mineta could sit down with members of our committee and discuss what funds could be used for.

That was not necessarily Secretary Mineta's fault. He was spending that month arguing with the President's Office of Management and Budget on how much money we needed to implement the requirement to screen all checked baggage for explosives. When the noise finally quieted down between the DOT and OMB, the results were, frankly, very disappointing. Rather than deploy a significant number of explosive detection system, EDS, machines that can be easily integrated at the airports' luggage distribution system, the administration has chosen to take a cheaper route. They want to deploy only trace detection machines at three-quarters of our Nation's airports. These trace detection machines are effective at detecting explosives, but they were never designed or intended to be primary explosive detection mechanisms at our airports.

What I find most troubling is the TSA's plan to require more than half of passengers' bags to be opened by Federal enforcement personnel at three-quarters of our Nation's airports. I don't believe the flying public is going to be very warm to the idea that more than half of their luggage will be checked by Federal personnel who will rifle through their baggage in the airports.

As such, the committee has included directives to the TSA to ensure that this regime is implemented with dignity and privacy in mind so passengers will not have to open their baggage in full view of all the other passengers with whom they are traveling.

The committee appropriation for the TSA includes a $35 million initiative in the area of aviation safety and security that was not requested by the administration. Those funds are to be used exclusively for enhanced perimeter security and terminal security. Unfortunately, it is not necessary to get through the security checkpoints to attack our Nation's aviation system.

A terrorist can do a great deal of damage to our aviation system merely by performing a terrorist act within a crowded airport terminal.

I believe we need a stronger surveillance regime in our airport terminals, and the funding entered by this committee will be used for that purpose.

Also, the record indicates that more needs to be done to ensure that only those individuals who are properly credentialed and qualified are granted access to the secure areas of our airports.

Over the last few months there has been a spate of indictments and arrests of individuals who used falsified documents to gain access to secure areas of our airports. The additional funding provided by our committee will ensure better protection of those areas.

Now, perhaps these are improvements that the OMB considers to be unnecessary security add-ons, but I recommend that Director Daniels review the testimony of both Secretary Mineta and Under Secretary Magaw before making these complaints. Both of those gentlemen identified perimeter security as an area of significant need. That is not adequately funded under the President's proposal.

In the area of port and maritime security, the committee has included several new funding initiatives over and above those requested by the administration.

In the last supplemental appropriations bill, the committee included $93 million for a new advanced program to beef up security in our Nation's seaports. That $93 million appropriation elicited almost $700 million in applications.

In order to better meet that demand, the Senate bill includes an additional $200 million in the bill and also includes a $28 million initiative to deploy Operation Safe Commerce.

During our full committee's hearings on homeland defense in April and May, we heard testimony from ADM Richard Larrabee. Admiral Larrabee recently retired from the Coast Guard and became the director of commerce for the ports in New York and New Jersey. He was sitting in his office in the World Trade Center when the terrorists attacked and he lost dozens of his colleagues on that day.

Admiral Larrabee, along with CDR Stephen E. Flynn, Coast Guard, Retired, testified before our Appropriations Committee about the urgency of establishing a security regime to security cargo containers from the point of origin to their domestic destination.

In addition to the work of the full committee on this issue, the subcommittee has held 2 hearings on this issue, hearing from the administration, labor, industry, port authorities, and others in the field. It is difficult to overstate the importance of beginning to deal with this set of issues now.

Over 30 million intermodal containers enter our Nation's seaports each year and, frankly, we know very little about what is in them.

Between the Coast Guard and Customs Service, fewer than 2 percent of those containers are ever physically inspected. The Customs Service has only recently begun to beef up the reporting requirements regarding the content of those containers.

The Operation Safe Commerce initiative in our bill will be deployed at the three largest container load centers in our country. Together, those port areas take in more than 50 percent of the containers that enter our country every year.

It is impossible to exaggerate the damage that could be done to our economy if we are suddenly required to slow down the trade lanes into and out of our country because of security concerns.

This initiative will demonstrate the art of the possible when it comes to improving security of container shipping.

Also, within the amount provided for the TSA, the committee provided $20 million for improved security for over-the-road bus operators.

I wish to particularly commend the leadership of my colleague from Georgia, Senator MAX CLELAND, on this issue. As he notes, intercity bus transportation is part of our country's vital infrastructure. The Nation's intercity bus operators are just beginning to use the most rudimentary methods to better ensure security of bus passengers. Given the frequency with which we see terrorists overseas use buses as a venue for horrific acts of terrorism, this is the minimal investment we should be making in this area.

The Senate bill provides slightly more than $666 million for the U.S. Coast Guard. Those funds will be used to accelerate the Coast Guard's planned vulnerability assessments of our Nation's seaports.

Funds will also be used to expedite procurement of critical surface and aviation assets and to launch a new maritime domain awareness program to dramatically improve the Coast Guard's readiness to deal with domestic terrorist threats.

During our committee's hearing with Admiral Larrabee, we were disappointed to hear that the Coast Guard doesn't plan to conduct its vulnerability assessment of the second largest shipping port in the United States for 2 years. The committee did not consider that to be a satisfactory plan. So our bill grants the Coast Guard funds to expedite these port vulnerability assessments across the country so we can better secure these gateways of the globe.

The bill also includes $115 million that was not requested by the administration for the emergency funding needs of the Federal Aviation Administration. Since September 11, the FAA has had to spend at least $100 million to dramatically enhance security around its own critical air traffic control towers.

As a result, the FAA now finds itself $100 million short of the amount it needs to provide critical overtime expenses for air traffic controllers as we enter the busy summertime travel season.

Senators will remember, as I do, that during the two summers prior to September 11, air transportation in our country was rife with delays. If we don't adequately fund the shortfall in overtime at the FAA, we can expect to experience those delays again.

The administration's budget proposed to meet this $100 million shortfall by transferring funds already appropriated to improve air traffic control equipment, safety, and capacity. To me, that is not a responsible solution. We are years, if not decades, behind where we need to be in modernizing our air traffic control system, and we have huge, unmet needs at our airports.

That is why our bill provides the $100 million needed to pay for the air traffic controllers without stealing from those other accounts.

The Senate bill also includes an additional $100 million to better compensate the Nation's airports for the security costs they have incurred since September 11. Last year, the committee appropriated $175 million for that purpose.

But the airports committed almost $500 million in costs to the FAA for this funding. This additional $100 million will better reimburse the Nation's small, medium, and large hub airports for the costs associated with the security directives issued by the FAA since September 11.

Finally, separate from the issue of homeland defense, the bill includes a provision drafted by Senator HARRY REID and myself authorizing a higher obligation ceiling for the Federal Aid Highway Program for fiscal year 2003.

As Members should be aware, the administration's budget proposes that overall highway funding to the States be drastically slashed by $8.6 billion next year. That represents a cut of more than 27 percent.

Senator REID serves as the chairman of the authorizing subcommittee for highways, and the provision he and I drafted will ensure that, as part of the appropriations process for 2003, the Appropriations Committee will restore at least $4.5 billion of the President's cut and perhaps as much as $5.7 billion.

I believe my colleagues will agree that during this uncertain time in our economy, we must do our best to avoid the President's proposal to slash thousands of jobs and cut our investment in our Nation's transportation infrastructure.

The provision included in this bill—authorized by Senator REID and myself—will go a long way toward that goal.

I also thank my colleague from Alabama, Senator SHELBY, the ranking member of the Appropriations Subcommittee on Transportation, for his assistance in developing the transportation chapter of this bill.

I also thank Senator BYRD and Senator STEVENS for the bipartisan leadership of the Appropriations Committee and for their receptive approach to the views of our subcommittee. Both leaders demonstrated needed vision and commitment to exploring and understanding these issues of critical importance to our Nation's security and prosperity.

I believe the transportation chapter of this bill represents a strong, comprehensive approach to our homeland security needs, and I look forward to arguing for every dollar of this funding when we go to conference with the House of Representatives.

Each item was developed with thought and care. Each item represents an investment that needs to be made. Each item will help build a more secure America.

The critics of this bill, and those who are impeding progress, put those investments at risk. I ask: What investment in airport security don't you want to make? What investment in seaport security don't you want to make? What will you say to the American people—our soldiers and sailors who are defending the Nation—when we don't make these needed investments?

This is a reasonable bill. It takes a reasonable approach to investing in America's security needs.

It was reported unanimously by our committee, and I hope the Senate can dispense with the delays and get on with passing this very important bill. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I wish to briefly speak about the legislation before us and to lend my support to the supplemental appropriations bill. I commend Chairman BYRD and Senator STEVENS for a job well done. They took extensive testimony in many hearings to determine the needs for homeland security, as well as many other needs, and they have incorporated those provisions in this bill.

I also salute and commend my colleague from Washington State, Senator MURRAY, for giving an excellent discussion of the transportation aspects of this bill. She indicated the detailed and the careful deliberation that went into the crafting of this legislation and suggested also the reality that was confronted by the committee in hearing testimony from witnesses who indicated it might take up to 2 years to do a survey of a port when, in fact, the American people are demanding action immediately, not 2 years from now—when the threat is immediate, not hypothetical or 2 years removed.

As a result, I find it ironic, to say the least, that opponents of this bill would simply say we will sacrifice all the needed expenses because the total that we recommend is higher than that recommended by the President of the United States.

Frankly, if you asked most Americans, they would say we are not spending enough on homeland security. If you asked them how much they would want us to spend, it would be: Spend as much as you need to ensure not just one port or one airfield but every port and every airfield, and to ensure every community in America is protected. That is what this bill attempts to do.

This is a downpayment on a much larger bill because the issues and threats we confront will not be banished within a few weeks or a few months. It is long term, ongoing, requiring a tremendous commitment of resources. This is a good downpayment and one that I support wholeheartedly.

The legislation includes within its provisions $14 billion for the cost of our operations in Afghanistan. To delay this bill any longer because of some objections or some overall objection and compromise for delaying funds for Afghanistan, to me, is inconceivable. We have those resources which we must commit and we must spend immediately.

The bill also includes $5.5 billion for the recovery of New York City—again, expenses that we cannot ignore, cannot defer. We have to respond.

There is $4.4 billion for aviation security, once again, a critical aspect of our response to the very real threats we face today because of terrorist attacks on the United States.

The bill contains $1.95 billion for international programs to aid the war on terrorism. These are important complements to our military operations. The administration speaks often, and correctly, about draining the swamp where the terrorists reside. That cannot be done by wishing it away. We have to have resources to deal with profound problems across the globe—inadequate education systems, the overall threat of poverty, lack of economic development—all of those factors that contribute directly sometimes, but certainly indirectly, to the atmosphere that encourages terrorism, encourages those who attack us.

I just returned, with some of my colleagues, from a conference of defense ministers in Singapore. If we look across the globe, this threat is very real and very sobering. We need resources to mount a counteroffensive. Those resources are not just military, they also involve assistance to local governments that are assisting us by intelligence operations, by using their military forces and their intelligence apparatus to help us in this war on terror. For all these reasons, we need to pass this bill and do it promptly.

One of the major provisions of the bill is $3 billion for homeland defense, and that incorporates many issues—first responders, police and fire—to make sure these very brave men and women have the materials and the know-how to confront a wholly different threat. I do not think anyone conceived even a year ago that our police and fire departments would be at the front lines of sophisticated attacks by terrorists against the United States, involving mass casualty operations and massive destruction, yet they are. We have to give them the tools to do the job, to protect themselves, and to protect the communities they serve so well. Those provisions are within this bill also.

We have to protect our nuclear facilities. It was shocking to me—and again this goes to the credibility of the administration saying they oppose this bill because we are spending too much. It was reported recently in the press that the authorities responsible for protecting our nuclear facilities asked for considerably more money and were told by OMB: No, we cannot afford it.

We are not going to accept that answer. We want those facilities protected. Where there are nuclear powerplants, where there are nuclear facilities of the Department of Energy throughout this country, we want those facilities guarded, protected to prevent a catastrophic terrorist attack. That is one aspect of this bill which is important also.

We also have to recognize the issue of biological terror. We witnessed firsthand in this Senate a biological attack. It is expensive, and we simply cannot wait for the next attack. We have to anticipate and, through our wise preventive actions, we hope preclude any type of attack. But that is not the result of wishful thinking and hoping it will not happen. That is putting real resources into prevention, into response, into those things that will prepare us for any type of mass casualty attack—biological, nuclear, or even a conventional weapon that is deployed against our people.

I believe the chairman, the ranking member, and the subcommittee chairmen and women and their counterparts, the ranking members, have done a very good job responding to the concerns.

In the Appropriations Committee when I sat and listened to this testimony from the people who are responsible in the Federal Government, at the State level, and in the local communities, I did not hear: You are spending too much. I heard: We need more help; we have to be responsive. Their position is not sitting here in Washington, it is literally on the front lines of this war on terror.

If we listened to the men and women who are directly responsible for protecting the American people from terrorist threats, I think they would say in a very strong and uniform chorus: Pass this bill now. It is not too expensive. In fact, it is simply a downpayment on significant costs we will face in the foreseeable future.

Our enemies are implacable. They are determined. They are reorganizing to strike again, and if we do not seize the moment and put the resources into a concerted, deliberate, expeditious effort to protect the American people, we will regret it and the American people will suffer the consequences. I urge we pass this legislation as quickly as possible.

I yield the floor.

SENATOR AND MRS. BYRD'S 65TH WEDDING ANNIVERSARY

Mr. BYRD. Mr. President, a week ago today, on the 29th of May, I was fortunate to celebrate 65 years of marriage, 65 years of wedded bliss—in this day and age, a somewhat uncommon occurrence. I am sorry this is so, for I wish that more people could know the joy I have had in finding one's soulmate early in life and then sharing that deep companionship over many happy years.

In the 16th century, John Ford wrote:

The joys of marriage are the heaven on
earth,
Life's paradise, great princess, the soul's
quiet,
Sinews of Concord, earthly immortality,
Eternity of pleasures; no restoratives
Like to a constant woman.

Mr. President, my strength, my comfort, was born Erma Ora James, the daughter of a West Virginia coal miner. She was my childhood sweetheart. We married in 1937, in a time of great hardship and trial. Together, we have seen great changes in the world—a world war and numerous other conflagrations around the globe, the dawn of the nuclear age, the advent of space exploration, the collapse of communism, breathtaking medical advances, astounding technological growth, rapid social changes, and resurgent terrors. We have known the highs of life and we have known the lows of family life—the delight of two fine daughters growing up, marrying, and having children of their own; the tragedy of the loss of a grandson; the indescribable love of holding newborn great granddaughters in our arms. For two hillbillies—that is what we are, two hillbillies—from West Virginia, it has been an exciting and wild ride, and I am glad I have had Erma to share it.

In my mind's eye, Erma Byrd will always be that sweet, young girl who allowed me to woo her with candy and chewing gum that were given to me by another schoolmate. She is a strong woman, but she is a quiet woman—even somewhat shy. I know she would rather that I were not speaking right now, and that is just the way she is—never seeking the limelight, keeping her focus on her family and her home. Being the wife of a Senator has never impressed her. She never developed any airs of self-importance, and she has never let me develop any airs either—although some people may think otherwise. She keeps me grounded, or, as my old mom used to say, she never lets me "get above my raising." When I start to get a bit too proud, puffed up with my own accomplishments, she doesn't pop my balloon but, rather, knows how to gently deflate it before it swells too large. But she has always been there for me, helping me to campaign, always making herself available to the people of West Virginia. She is my biggest cheerleader and she is my kindest critic.

Erma has always been an equal partner in our marriage. Her domain is the home, where she rules as a benevolent dictator. There I am not Senator, just ROBERT. I mop the kitchen floor for her each Saturday morning—or I used to up until about a month ago. She will admit that I don't do the windows. When the duties of the Senate filled all my waking hours, and when I was going to school at night to earn my law degree, Erma kept the home fires burning. She took the lead in bringing up our two daughters, teaching them to be the fine women, mothers, and grandmothers they are. Without her help and her support, I could not have put the level of effort into my work that the people of West Virginia deserve and have come to expect; I would not have a law degree. Erma proves the old adage that "behind every successful man is a successful woman." Perhaps Alfred Lord Tennyson put it better when he wrote in "The Princess" as follows:

> The woman's cause is the man's: they rise or sink together.

Mr. President, together, Erma and I are complete and whole, a total that is more than the sum of its parts.

The 65th wedding anniversary is, by tradition, a diamond anniversary. In my life, Erma Ora Byrd is the diamond. She is my strength in times of fear, my comfort in times of sorrow, my perfect complement. She is a priceless treasure, a multifaceted woman of great insight and wisdom, of quiet humor and common sense. She is the reservoir of serenity at which one can slake the thirst of a stressful day.

I can only thank her and thank the Creator that she has put up with me for 65 years and now 1 week.

Mr. President, I would like to close with the words of Charles Jeffreys in a poem he titled "We Have Lived and Loved Together." I dedicate it to my wife Erma and to all the lucky, happy couples who have, like us, been fortunate to spend a lifetime together. To the young married people who work for me, to all who are starting on their married lives together, I wish them well, and I hope that someday this poem will speak for them as well.

We have lived and loved together
Through many changing years;
We have shared each other's gladness
And wept each other's tears;
I have known ne'er a sorrow
That was long unsoothed by thee;
For thy smiles can make a summer
Where darkness else would be.

Like the leaves that fall around us
In autumn's fading hours,
Are the traitor's smiles, that darken
When the cloud of sorrow lowers;
And though many such we've known, love,
Too prone, alas, to range,
We both can speak of one love
Which time can never change.

We have lived and loved together
Through many changing years,
We have shared each other's gladness
And wept each other's tears.
And let us hope the future,
As the past has been will be:
I will share with thee my sorrows,
And thou thy joys with me.

Mr. President, I yield the floor.

JUDGE EUGENE SULLIVAN

Mr. THURMOND. Mr. President, I rise today to pay tribute to Judge Eugene R. Sullivan of the U.S. Court of Appeals for the Armed Forces.

Since his graduation from West Point, Judge Sullivan has worked diligently to ensure the betterment of our National being. He first proved himself as an Airborne Ranger in Vietnam. His gallantry earned him the Bronze Star and the Air Medal, to name just a few of his decorations.

Upon leaving the Army, Judge Sullivan has led a most amazing life. He first graduated from the Georgetown University Law Center. Following his time at Georgetown, Judge Sullivan went on to work for the law firm of Patton-Boggs. During his tenure there, he had the privilege of serving on the Defense Team for President Richard Nixon.

In the years following, Judge Sullivan returned to public service as an attorney for the Justice Department and as the General Counsel for the United States Air Force. In addition to his duties as General Counsel, the Judge also served as the Chief Legal Advisor to the National Reconnaissance Office and eventually as the Governor of Wake Island. His service was most exemplary.

Since 1986, Judge Sullivan has served as a member of the Federal bench. Many of us had the privilege of presiding over his appointment and his subsequent confirmation as the chief judge of the Court of Appeals for the Armed Forces.

In closing, I want to publicly thank Judge Eugene Sullivan for his service and dedication to our Nation. Moreover, I thank him for being my friend and wish him all the best in his future endeavors.

ENERGY BILL CONFERENCE

Mr. BINGAMAN. Madam President, about 2 weeks ago I urged that the House leadership go ahead and appoint conferees for the energy bill on which we should be in conference at this point.

As Senators will remember, we passed the energy bill in the Senate on April 25. The respective leaders of the two parties appointed conferees on May 1. Since then, we have not seen any action on the House side to appoint conferees so we could begin a conference with the House of Representatives on this very important bill.

The House bill is in excess of 500 pages. The bill we passed in the Senate after 6 weeks of floor debate is nearly 1,000 pages in length. It will take several weeks to come to agreement on a joint proposal we can take back to the two Houses and, hopefully, to the President.

The sooner we can get started, the better for everyone's point of view. It is in the country's interests that we try to resolve the differences between the House and the Senate and try to enact an energy bill this year. As long as we do not have conferees named on the House side, that makes it extremely difficult. I, again, urge the leadership on the House side to appoint their conferees.

When I raised this issue last month, one of my colleagues announced he had heard that the House of Representatives was going to appoint its conferees on the first day back after the recess. Well, that would have been yesterday, and we still don't have any forward motion. I am getting ready to borrow Senator LOTT's bloodhounds to go looking for the House conferees.

We have an immense undertaking before us in terms of getting a balanced and comprehensive energy bill to the President's desk. The House bill is over 500 pages and the Senate bill is nearly 1000 pages. There are some similarities between the bills, but some very important differences, as well.

Conferences on authorizing legislation are never easy. The bioterrorism bill, for example, took months to conference. The bankruptcy bill has been in conference for over a year. To have a successful conference on the energy bill will take a lot of careful planning on the part of the leadership on both sides in both Houses of Congress. As I mentioned before the recess, even the most elementary questions, such as who should chair the conference, seem to be in dispute, although I think that the precedents are clearly in the Senate's favor.

We need to get going, and the actual naming of conferees by the House of Representatives, whenever it happens, will only be a start to a process of figuring out how the conference will be structured, whether there will be subconferences, and which issues to address first. I am anxious to start to work with whomever the House of Representatives decides will be my counterpart to initiate the organizational discussions.

To be most effective with the use of our time, we may have to think about taking on the big issues first to see if there is an overall energy bill that can achieve a critical mass of support on both sides of both House and Senate. If we adopt an incremental approach of working on minor issues first, and leaving all the hard issues to the end, we may be still working on clearing the legislative underbrush in December.

I hope that we can see some progress soon on starting the energy conference.

SUPPLEMENT TO RULES OF PROCEDURE

Mr. GRAHAM. Mr. President, pursuant to rule XXXVI, paragraph 2 of the Standing Rules of the Senate, I am submitting for publication in the CONGRESSIONAL RECORD a supplement to the Rules of Procedure of the Select Committee on Intelligence for purposes of the joint inquiry into the events of September 11, 2001, being conducted by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.

I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE SELECT COMMITTEE ON INTELLIGENCE—SUPPLEMENTAL JOINT INQUIRY RULES

In connection with the Joint Inquiry with the House Permanent Select Committee on Intelligence into the events of September 11, 2001, authorized by the Senate Select Committee on Intelligence ("SSCI") pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, and Rule 6 of the SSCI's Rules of Procedure, and pursuant to Rule XXVI.2 of the Standing Rules of the Senate, the SSCI adopts the following Joint Inquiry Rules to supplement the SSCI's Rules of Procedure for purposes of the Joint Inquiry only:

JOINT INQUIRY RULE 1. JOINT PROCEEDINGS

1.1. The SSCI may conduct hearings jointly with the House Permanent Select Committee on Intelligence. All joint hearings shall be considered hearings of both Committees.

1.2. The Rules of Procedure of both the SSCI and the House Permanent Select Committee on Intelligence shall apply in all hearings and other proceedings of this Joint Inquiry, except where superseded by these Joint Inquiry Rules, provided that, at any joint hearing, if any rules of the two Committees are inconsistent, the rules of that Committee whose Chairman or his designee is presiding shall apply.

1.3. For the purposes of the proceedings of this Joint Inquiry, all employees on the staff of either Committee working on the Joint Inquiry shall be considered to be acting on behalf of both Committees.

JOINT INQUIRY RULE 2. HEARINGS

2.1. All testimony at hearings shall be taken under oath or affirmation.

2.2. Subpoenas for the attendance of witnesses, or the production of documents, records, or other materials, at hearings may be authorized by vote of the SSCI pursuant to SSCI Rule 2, or by the SSCI's Chairman and Vice Chairman, acting jointly.

JOINT INQUIRY RULE 3. DEPOSITIONS

3.1. All testimony taken, and all documents, records, or other materials produced, at a deposition of the SSCI shall be considered part of the record of both Committees.

3.2. Subpoenas for depositions and notices for the taking of depositions may be authorized by vote of the SSCI pursuant to SSCI Rule 2, or by the SSCI's Chairman and Vice Chairman, acting jointly, and shall be issued and served as provided in SSCI Rule 7. Deposition notices shall specify a time and place of examination and the name or names of Committee members or staff who will take the deposition. Depositions shall be in private and shall, for purposes of the rules of both Committees, be deemed to be testimony given before the Committees in executive session.

3.3. Witnesses shall be examined upon oath administered by a member of the SSCI or by an individual authorized by local law to administer oaths. Questions may be propounded by members or staff of either Committee. If a witness objects to a question and refuses to testify, the Committee members or staff present may proceed with the deposition, or may, at that time or subsequently, seek a ruling on the objection from the Chairman of the SSCI or any member of the SSCI designated by the Chairman. The SSCI shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after having been ordered and directed to answer by the Chairman or a member designated by the Chairman.

3.4. Procedures for the attendance of counsel for witnesses at, and for the inspection, correction, and filing of transcripts of, depositions shall be as provided in SSCI Rules 8.4 and 8.7.

PROFESSIONAL BOXING AMENDMENTS ACT OF 2002

Mr. McCAIN. Mr. President, on May 22, I was joined by my colleague, Senator DORGAN, in introducing the Professional Boxing Amendments Act of 2002. This legislation would strengthen existing Federal boxing laws by making uniform certain health and safety standards, establish a centralized medical registry to be used by local commissions to protect boxers, reduce arbitrary practices of sanctioning organizations, and provide uniformity in ranking criteria and contractual guidelines. This legislation would also establish a Federal regulatory entity to oversee professional boxing and set uniform standards for certain aspects of the sport.

Since 1996, Congress has acted to improve the sport of boxing by passing two laws, the Professional Boxing Safety Act of 1996, and the Muhammad Ali Boxing Reform Act of 2000. These laws were intended to establish uniform standards to improve the health and safety of boxers, and to better protect them from the sometimes coercive, exploitative, and unethical business practices of promoters, managers, and sanctioning organizations.

While the Professional Boxing Safety Act, as amended by the Muhammad Ali Act, has had some positive effects on the sport, I am concerned by the repeated failure of some State and tribal boxing commissions to comply with the law, and the lack of enforcement of the law by both Federal and State law enforcement officials. Corruption remains endemic in professional boxing, and the sport continues to be beset with a variety of problems, some beyond the scope of the current system of local regulation.

Therefore, the bill we are introducing today would further strengthen Federal boxing laws, and also create a Federal regulatory entity, the "United States Boxing Administration", USBA, to oversee the sport. The USBA would be headed by an Administrator, appointed by the President, with the advice and consent of the Senate.

The primary functions of the USBA would be to protect the health, safety, and general interests of boxers. More specifically, the USBA would, among other things: administer Federal boxing laws and coordinate with other Federal regulatory agencies to ensure that these laws are enforced; oversee all professional boxing matches in the United States; and work with the boxing industry and local commissions to improve the status and standards of the sport. The USBA would license boxers, promoters, managers, and sanctioning organizations, and revoke or suspend such licenses if the USBA believes that such action is in the public interest. No longer would a boxer like Mike Tyson be able to forum-shop for a State with a weak commission if he is undeserving of a license.

The fines collected and licensing fees imposed by the USBA would be used to fund a percentage of its activities. The USBA would also maintain a centralized database of medical and statistical information pertaining to boxers in the United States that would be used confidentially by local commissions in making licensing decisions.

Let me be clear. The USBA would not be intended to micro-manage boxing by interfering with the daily operations of local boxing commissions. Instead, the USBA would work in consultation with local commissions, and the Administrator would only exercise his/her authority should reasonable grounds exist for intervention.

The problems that plague the sport of professional boxing compromise the safety of boxers and undermine the credibility of the sport in the eyes of the public. I believe this bill provides a realistic approach to curbing these problems, and I urge my colleagues to support this proposal.

TUNA PROVISION IN THE ANDEAN TRADE PREFERENCES ACT

Mr. AKAKA. Mr. President, I rise today to express my deep concern with the tuna provision in the Andean Trade Preferences Expansion Act (ATPEA) portion of the Trade Act of 2002. The purpose of ATPEA is to encourage economic opportunities other than drug production and trade in Andean nations. Previously, canned tuna has not been included in the list of items given preferential tariff treatment. The provision included in the Trade Act would authorize the President to extend duty-free treatment to a specified level of imports of canned tuna from Andean nations.

The Philippines, an important ally in the war on terrorism, is likely to be harmed economically by the unintended consequences of this action. The canneries and most of the tuna fishing fleet of the Philippines are based on the island of Mindanao. The tuna industry directly accounts for 45,000 jobs on Mindanao and approximately 105,000 people are employed in supporting industries. These jobs are being risked by the Andean Trade Preferences Act.

It is also important to note that the Abu Sayyaf, which is believed to be linked to the al-Qaida terrorist network, operates in the Mindanao region. The Abu Sayyaf organization has been responsible for kidnappings, executions, and bombings. U.S. Armed Forces are assisting the Philippines in combating the terrorist group. Providing preferential tariff treatment to tuna from Andean nations has the possibility of destabilizing a region in which we have U.S. troops involved in anti-terrorism operations.

It is my hope that the conferees can effectively address this important national security issue and prevent economic disruption in a region where a war on terrorism is being fought.

The tuna tariffs reveal a need for enhanced coordination of trade preferences. A thoughtful strategy of balancing trade preferences must be developed to prevent future policy inconsistencies in the future.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 7, 1993 in Azusa, CA. A gay man was beaten to death. The attackers, Joshua Swindell, 21, and Steven Matus, 17, were charged with murder and committing a hate crime in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

INITIAL SCOPE OF JOINT INQUIRY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Initial Scope of the Joint Inquiry into the events of September 11, 2002, being conducted by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PREAMBLE

To reduce the risk of future terrorist attacks; to honor the memories of the victims of the September 11 terrorist attacks by conducting a thorough search for facts to answer the many questions that their families and many Americans have raised; and to lay a basis for assessing the accountability of institutions and officials of government.

THE SENATE SELECT COMMITTEE ON INTELLIGENCE AND HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE ADOPT THIS INITIAL SCOPE OF JOINT INQUIRY

Pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, Rule 6 of the Rules of Procedure of the Senate Select Committee on Intelligence, Rule XI(1)(b) of the Rules of the House of Representatives, and Rule 9 of the Rules of Procedure of the House Permanent Select Committee on Intelligence, the two Committees have authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks on the United States. The Committees have undertaken this Joint Inquiry pursuant to their responsibility to oversee and make continuing studies of the intelligence activities and programs of the United States Government and all other authority vested in the Committees.

The purpose of this Joint Inquiry is—

(a) to conduct an investigation into, and study of, all matters that may have any tendency to reveal the full facts about—

(1) the evolution of the international terrorist threat to the United States, the response of the United States Government including that of the Intelligence Community to international terrorism, from the creation of the Director of Central Intelligence's Counterterrorist Center in 1986 to the present, and what the Intelligence Community had, has, or should have learned from all sources of information, including any terrorist attacks, or attempted ones, about the international terrorist threat to the United States;

(2) what the Intelligence Community knew prior to September 11 about the scope and nature of any possible attacks against the United States or United States interests by international terrorists, including by any of the hijackers or their associates, and what was done with that information;

(3) what the Intelligence Community has learned since the events of September 11 about the persons associated with those events, and whether any of that information suggests actions that could or should have been taken to learn of, or prevent, those events;

(4) whether any information developed before or after September 11 indicates systemic problems that may have impeded the Intelligence Community from learning of or preventing the attacks in advance, or that, if remedied, could help the Community identify and prevent such attacks in the future;

(5) how and to what degree the elements of the Intelligence Community have interacted with each other, as well as other parts of federal, state, and local governments with respect to identifying, tracking, assessing, and coping with international terrorist threats; as well as biological, chemical, radiological, or nuclear threats, whatever their source (such as the Anthrax attack of 2001)

(6) the ways in which the Intelligence Community's responses to past intelligence problems and challenges, whether or not related to international terrorism, have affected its counterterrorism efforts; and

(7) any other information that would enable the Joint Inquiry, and the Committees in the performance of their continuing responsibilities, to make such recommendations, including recommendations for new or amended legislation and any administrative or structural changes, or other actions, as they determine to be necessary or desirable to improve the ability of the Intelligence Community to learn of, and prevent, future international terrorist attacks; and

(b) to fulfill the Constitutional oversight and informing functions of the Congress with regard to the matters examined in the Joint Inquiry.

BROWNBACK-CORZINE AMENDMENT TO THE ENERGY BILL

Mr. BROWNBACK. Mr. President, I want to engage the Senator from New Jersey in a colloquy regarding our amendment, Senate amendment number 3239, which was adopted by the Senate and became Title XI of the final Senate energy bill. In particular, I would like to clarify the intended role of the Department of Commerce in implementing the greenhouse gas reporting system and registry that our amendment would create.

Mr. CORZINE. I believe the intent of the amendment in this regard is that the Department of Commerce would primarily be involved in developing measurement standards for monitoring of emissions, as well as verification technologies and methods to ensure the maintenance of a consistent and technically accurate record or emissions, emission reductions and atmospheric concentrations of greenhouse gases for the database. This is clearly stated in Sections 1103(b)(2) and 1106(a)(2)(D) of the bill. Within the Department of Commerce, it is my intent that these functions would primarily be carried out by the National Institute of Standards and Technology, or NIST. Is this also the intent of the Senator from Kansas?

Mr. BROWNBACK. I concur with my colleague that NIST is the intended organization within the Department of Commerce that would primarily be responsible for carrying out the Department's role in implementing Title XI of the energy bill. I thank the Senator from New Jersey for joining me in this colloquy.

Mr. CORZINE. I thank the Senator from Kansas for his work on this important issue.

ADDITIONAL STATEMENTS

TOWN OF DUBLIN CELEBRATES 250TH ANNIVERSARY

• Mr. GREGG. Mr. President, I rise today in honor of the great town of Dublin, New Hampshire. This year, as our Nation observes the 226th anniversary of our independence, Dublin will celebrate the 250th anniversary of its founding. It is therefore timely and appropriate that we recognize this unique New Hampshire community.

Dublin's rich history is closely entwined with that of our country's. Its first settler was William Thornton whose brother, Matthew Thornton, was a delegate to the Continental Congress and one of the signers of the Declaration of Independence. In fact, Matthew Thornton, although he never lived there, was one of the original proprietors of what was then called Monadnock No. 3 but soon became known as Dublin after the Irish city. Although the "winds are often strong." as described in the official history of Dublin, the air "is pure and bracing" and the location proved to be ideal. By the year 1775, the town's population had rapidly increased to 305 people. Many came from the Colony of Massachusetts seeking greater economic opportunities and were undoubtably drawn by the area's natural beauty, dominated most notably by Mount Monadnock.

As our country strived to build a government free of British control, so too did Dublin. In a tradition that continues to this day, the citizens elected Thomas Morse, Henry Strongman and Benjamin Mason to the Town's first Board of Selectmen. Of course, New Englanders, and New Hampshirites in particular, are known for their fierce independence. It is no surprise then that twenty-six Dublin residents fought in the American Revolution. At least four town residents were at the Battle of Bunker Hill—Jonathan Morse, Richard Gilchrist, Thomas Green and John Swan. Richard Gilchrist vividly demonstrated the ideals of courage and honor by carrying upon his back from the field of battle Thomas Green, who had been severely wounded in that fight. Jonathan Morse later served at the battles of Bennington, Ticonderoga and Monmouth. He was later described by a friend as being "so humane and honest, so rough and ready that, had he lived to this time, he might have been President of the United States." I am sure that such a sentiment could describe many other past and present citizens of Dublin.

To this day, Dublin continues to be a vibrant community with a population of over 1400 people. Dublin is home to Yankee Magazine, which wonderfully chronicles New England's culture, and the Old Farmers Almanac. As a side note, I would point out that since it was first published in 1792, the Almanac has never given an incorrect weather forecast. Because of how this town perfectly embodies this way of life, it became a well-known summer resort for artists and families from around the country. One of the most famous visitors was Mark Twain who spent the summers of 1905 and 1906 here. His love of the town was clearly evident. His response to a reporter's question that "Dublin is the one place I have always longed for, but never knew existed in fact till now" best captures the special feeling Dublin has on those who live there and those who simply pass through its borders.

So, on this the 250th anniversary of Dublin, we salute its citizens and honor their accomplishments, their love of country and their overwhelming spirit of independence.•

WE THE PEOPLE

• Ms. CANTWELL. Mr. President, on May 4-6, 2002, students from Tahoma High School in Washington State joined more than 1,200 students from across the United States in Washington, D.C. to compete in the national finals of the We the People: The Citizen and the Constitution 2002 National Competition.

As a result of their hard work and preparation, the team from Tahoma High won an honorable mention award in the national finals, becoming one of just 22 schools from all across America to come away from the national finals with an award. I congratulate all the students who participated: Heather Aldrich, Laura Baily, Andy Bauer, Travis Beckett, Lance Bishop, Jonathan Bongard, Sheena Clark, Aimee Craig, Mike DeSisto, Casey Dillon, Kiran Garcha, Tyler Hawks, Katie Kennedy, Rebecca Kennedy, David Knotts, Alissa Loudiana, Julia Lowe, Ryan Marsh, Jamaica Morris, Michaela Soldano, Kellie Stendal, Stefanie Waldron; Emily Walters, Ryan Wells, and Jessica Woodell.

This competition marks the eighth consecutive year that students from Tahoma High School have represented the State of Washington at the national finals. I recognize the dedication of the Tahoma High School faculty, particularly Stephanie Davis, the team's advisor, as well as the hard work and commitment of the students who have made this tremendous accomplishment possible.

Successful participation in the We the People program requires students to achieve a high caliber of constitutional knowledge. During the three-day national competition, the students presented oral arguments on constitutional topics before a panel of judges. Their testimony was followed by a period of questioning by the judges, who probed the depth of their understanding and ability to apply their constitutional knowledge.

Again, I applaud the accomplishments of the Tahoma High School team. I am confident that their success in the national competition will prove to be a useful tool later in their lives as they continue to participate in the governance of our Nation.•

WOMAN OF MONTANA ESSAY WINNERS

• Mr. BURNS. Mr. President, I would like to congratulate the winners of the American Association of University Women "Woman of Montana" essay contest, Gina Young. Her essay is entitled "Rehbein." I also congratulate Maureen Sullivan. Her essay is entitled "Effie Dockstander Holmes: A Woman for All Seasons."

The essays follow:

REHBEIN

When I think of a woman who has dedicated most of her life helping Montana citizens, I think of my grandmother, Mary Alice Rehbein. For fifty years, she has served the state of Montana in the field of public health. During her years of work and dedication, she has earned the respect of people all-over Montana, including myself. From her I have learned how to set goals, to accept the differences of others, and to be responsible for myself.

R represents responsibility. Mary Alice Rehbein was born in Jamestown, North Dakota, July 20, 1918, to Ed and Mary Louise Barnhart. She had only nine short years to learn the responsibilities and lessons of life from her mother. At the age of nine, Mary Alice lost her mother to breast cancer. After that tragic death, her father could not stand the loss and moved away from Jamestown leaving Mary Alice to be raised by very strict, practical, but loving grandparents. Her grandparents felt that an education was an absolute must. Mary Alice knew that an education was the only way she would be able to survive in the future.

E stands for her life-long education. Mary Alice Rehbein graduated from high school in 1937. She attended business college for two years while selling insurance. Mary Alice realized that she was not going to be very successful at this career because she was a woman. This was the time in Mary Alice's life that she needed to re-evaluate her career choice and money situation. She finally withdrew the last seventy-five dollars remaining of her mother's life insurance policy. Mary Alice found that she could enroll in nursing school for exactly that amount, so she jumped at the chance of a lifetime and invested her last penny in her education. Mary Alice's lifetime of nursing and honors began upon the completion of her nursing degree in 1943.

H symbolizes Mary Alice Rehbein's various honors. She has been recognized and received numerous awards throughout her years of service. Some of her honors include Sidney's "Woman of the Year" award; the Montana State Department of Health's Public Health Nursing Award for Outstanding and Meritorious Work; an award from the Montana State Mental Health Association; an award from the National League of Nursing Board; and the Dr. Mary Souls Nursing Award, which is the highest honor bestowed on a nurse in Montana and North Dakota. Mary Alice has also held many prestigious offices. She served as a representative to the National League of Nursing Advisory Board for the Western Region of the United States; held the position of the vice-president for the State Nurses Association; and is currently the President of the Montana Nursing League and a member of the Governor's Advisory Board for Aging. Each honor and position has recognized her leadership and the services she has given to public health for the state of Montana. Mary Alice Rehbein is proud of her honors and offices, but she feels the greatest reward has been to provide beneficial health care to the citizens of the community.

B portrays how beneficial Mary Alice has been to people of Montana. She was the Richland County Health Nurse for forty-five years. During her years of working she saved lives, helped deliver babies, gave shots to patients for illness and immunizations, checked children's posture and teeth, administered medical attention to the rural areas with orders from the doctors, provided nursing care to schools, monitored blood pressures, and provided home health care for those in need. She has traveled to every state, with the exception of Maine and Alaska, as well as to hospitals in Australia, New Zealand, and Russia. In each of her expeditions she studied, shared information, and acquired knowledge about the availability and kinds of community health. Mary Alice Rehbein has enjoyed her nursing career.

E denotes all of her efforts and enjoyment. Mary Alice has spent a lifetime providing nursing service and teaching people about health care. Nothing has been more fulfilling than to see the joy of people, at any age, caring about their health, says Mary Alice, and to employ new nursing ideas.

I exemplifies the innovative nursing ideas Mary Alice has brought to Eastern Montana. Besides the general health program that Mary Alice Rehbein ran, she was responsible for the Alcohol and Drug Abuse program until it had funding of its own. She ran the monthly, blood pressure clinics for Richland County and was active in finding ways to provide immunization clinics to isolated residents. In the 1950's, she began encouraging the Mental Health professionals of Montana to provide services to people in outlying areas of Eastern Montana. She has been instrumental in providing home health care to many people who could not get or afford health care. In addition, she provided hospice care. Mary Alice says that nursing is one profession that will not be replaced with total technology, since people will always need "hands on" nursing care.

N depicts the profession of nursing. Mary Alice Rehbein is the oldest, insured, and licensed nurse in the state of Montana. After her numerous years devoted to helping the residents of Montana, she has retired as Richland County Public Health Nurse. In her free time she visits lonely people who do not have families to talk to, she looks in on people who need nursing care, she continues to stay up-to-date on the latest nursing trends, and she still makes time to take blood pressures in her small community.

Out of all of the women who have helped the state of Montana, Mary Alice Rehbein has been one of the most remarkable. She has dedicated her life to helping the people of Montana and has instilled in me the belief that the true treasure of life is a person's health. Therefore, I believe Mary Alice REHBEIN is one of the Great Montana Women.

EFFIE DOCKSTADER HOLMES, A WOMAN FOR ALL SEASONS

The door flew open after a sharp knock and a young man burst in. "Effie, come quick! There's been a terrible accident." My grandmother, Effie Clark Dockstader Holmes, quickly gathered up her medical bag and some clean sheets and set out on a run with the young man. My grandma was a registered nurse, the original one woman QRU for Bigfork. Townsfolk came to Effie with all sorts of medical problems, especially for emergencies or accidents. Over the years Effie dispensed comfort, consolation and healing, saving lives and improving the quality of life for many Bigfork residents. Effie never failed to respond.

One tragic incident is still very much alive in her memory. "The little girl just lay there. It didn't look good; it was very serious." The child had been accidentally run over by a family friend. My grandma could see that there was little she could do herself for the child's massive injuries. But it would be too late when an ambulance got to Bigfork. So Effie started to Kalispell with the little girl in her car. However the journey was short when the child died on the way to the hospital. My grandmother delivered the devastating news to the family. "It was very hard, and I shouldn't have been the one to do it, but no one else wanted to . . . ." My grandma received the Bigfork Citizen of the Year Award in recognition of her contributions to her community.

In 1917, my grandmother and her family left Kansas for their new home in Montana. The long, arduous trek in a Model-T Ford took almost a year. The Clarks homesteaded a parcel of land on the east shore of Flathead Lake. After attending grade school in Bigfork, Effie had to live with a family in Kalispell during the week while going to Flathead High School since the trip from Bigfork was too long to make each day.

My grandma went on to college at Sacred Heart School of Nursing in Spokane, Washington after high school. Bigfork held a dance at the Town Hall to celebrate the momentous event of Effie's departure for college. She was a trailblazer for her time. After graduation, she took a nursing position in Missoula, returning to her beloved Montana. When her Aunt Effie became seriously ill, my grandma quit her job to care for her aunt in Bigfork, staying on with her uncle after her aunt's death. Amazingly, my grandmother still lives in that same house on Electric Avenue where she took care of her Aunt Effie.

My grandmother was introduced to James Dockstader at a dance. When Effie taught Jim to dance, she had no idea this would be the man who would teach her the many lessons of love. My grandparents settled into a farming life, close to the earth and raised three children in Bigfork, each of whom still lives in the area with their families. My grandfather died from cancer on November 20, 1988 at home.

Few people get the chance to revisit their past and to choose the "road not taken," but my grandma did. It all began when the day of Bigfork's Whitewater Festival in 1995 proved to be filled with shock, memories of a past romance, and the promise of true love rekindled.

My grandma recalls the day when Ernest Holmes swept her off her feet for the second time in amazingly vivid detail. Effie was standing outside her house in downtown Bigfork when a stranger asked if she knew Effie Clark. My grandmother replied, "I'm Effie." "I'm Prunie," Ernest responded, using his old high school nickname. Without hesitation, the two embraced repeatedly and began joyously reminiscing right on Electric Avenue. Their reunion continued over lunch.

From that day my grandma was a different person, happier and more full of life than I had ever seen her. This man had long before left a mark on my grandmother's life and heart. Prunie and Effie had been sweethearts when she attended high school in Missoula for one year while her father was working there. Effie returned to Bigfork when her father's job ended the next June. Effie and Prunie were pinned, going steady, and promised to remain true to one another despite the distance. However, an unfortunate misunderstanding broke the two apart, seemingly forever. Ernie was determined to mend the situation and get Effie back, making the long, difficult trip from Missoula to Bigfork in his Model T. However, my grandmother's mind was set and she refused even to come to the door and hear his explanation and apology. Her resolve led to a separation of sixty-six years that was finally bridged that Whitewater Day.

After years of raising their own families, Effie and Prunie were finally together again. A whirlwind romance rekindled their love and passion. My grandmother married Ernest Holmes on August 4, 1995, her 85th birthday, and I was the maid of honor! The day was beautiful, the church was filled to overflowing with friends, family and townsfolk, my grandmother was stunning, and it was one of the happiest days of both of our lives. My new grandfather spent five wonderful years with us before he died in April of 2000.

Sitting in her chair among the many dolls she has made and collected over the years, with antiques younger than she, my grandmother smiles and laughs with the ease of a child and the wisdom of experience. She has lived through much and seen great changes, learning from it all. Effie Dockstader Holmes is a treasure of Montana, a woman to be remembered always. An intelligent, independent woman who fought against the odds at a time when females usually stayed home, my grandmother is truly a modern pioneer woman. She melded the life of homemaker with the career of caretaker of the sick and injured, her only rewards the thanks of those she helped and the knowledge that she had made a difference.●

HEROES AMONG US

● Mr. KENNEDY. Mr. President, in 1997, the Boston Celtics established the Heroes Among Us program to honor outstanding individuals in New England who have made an overwhelming impact on the lives of others. The "Heroes Among Us" award is designed to honor and recognize members of society that stand tall in their commitment to their community. The extraordinary achievements of the honorees include: individual acts of courage, saving lives, sacrificing for others, overcoming obstacles to achieve their goals, and a lifelong commitment to bettering the lives of those around them. We have recognized those of all ages and from all walks of life, including students, clergy, community leaders, non-profit founders, and even Nobel Prize and Academy Award winners.

At each home game during this 5-year span, the Boston Celtics and their fans have saluted the exemplary efforts of these citizens during a special in-game presentation on the team's legendary parquet floor. To date, more than 200 individuals have received the Heroes Among Us Award. We are all very proud of this program, which has become one of the most recognized and respected initiatives in the city of Boston.

On Friday, June 14, 2002 at 2:00 p.m., the Celtics will host the 4th Annual Heroes Among Us ceremony in the Great Hall at the Massachusetts State House. Heroes from the 2001–2002 season will attend the event, along with Heroes from past seasons. Boston Celtics players, legends, and front office staff will join dignitaries and politicians from all over New England to salute these special individuals.

The following outstanding community leaders have been honored this year:

The Massachusetts Urban Search and Rescue Task Force (Beverly, MA); Erin Rosen-Watson (Natick, MA); William Pease (Gardner, MA); Dawn McNair (Natick, MA); Francis Bok (Boston, MA); Billy Ketchen (Scituate, MA); Raymond Nunez (Lawrence, MA); Lynn Donohue (Marion, MA); Ralph True (Uxbridge, MA); Darin Conley (Uxbridge, MA); Jim Stevens (Uxbridge, MA); Paul Flaherty (Stoughton, MA); Bridget Shaheen (Lawrence, MA); Brian McLaughlin (North Easton, MA); Rachael Levy (Wayland, MA); The Ranieri Family (Bellingham, MA); Chris Curran (Carver, MA); Iris Rivera (Roxbury, MA); Yon Hanlon (Hanson, MA); Sandy Aiello (Waltham, MA); Agnes Lynch (Braintree, MA); Detective Lee Grasso (Melrose, MA); Danny Ricard (West Boylston, MA); Terri Pechner (Revere, MA); Steven Smith (Swampscott, MA); Raymond Piccinni (Marblehead, MA); John Gilpatrick (Hanover, MA); Irene Smalls (Boston, MA).

Frieda Garcia (Boston, MA); Julia Tripp (Randolph, MA); Terri Sarno (Ashland, MA); Dario Espino (Natick, MA); Matthew Gilman (Framingham, MA); Jennifer Dallaire (East Bridgewater, MA); Doreen Morrison (Brockton, MA); Catherine D'Amato (Boston, MA); Jennifer and Stuart Siedman (Wellesely, MA); Tony Lalicata (Reading, MA); Carie Miele (Acton, MA); Professor Charles Ogletree (Cambridge, MA); Peter Badavas (Brockton, MA); Chris Norwood (Brockton, MA); Mark Norwood (Brockton, MA); Alexandra Oliver-Davila (Roxbury, MA); Tony Richards (Dorchester, MA); Cam Neely (Lincoln, MA); Rosemary Bowers (Warwick, RI); The Ginley Family on behalf of Lt. John Ginley (Warwick, NY); Dr. Roseanna Means (Wellesley, MA); Rev. Dr. Gloria White Hammond (Boston, MA); Dana Laurendeau (Boston, MA); Darrin Dawley (Boston, MA); Eddie Andelman (Lynnfield, MA); Anthony Bibbo (Newton, MA); Liz Walker (Boston, MA); Robert Lewis, Jr. (Boston, MA); Judy and Jim Langmead (Walpole, MA); Clementina and Joseph Chery (Dorchester, MA).

We pay tribute to them for their service.●

TRIBUTE TO HATHAWAY & CLARK FUNERAL HOME

● Mr. BUNNING. Mr. President, I rise today to pay tribute to Hathaway & Clark Funeral Home of Louisville, KY. For over 100 years now, Hathaway & Clark Funeral Home has served the local community in a warm and caring manner.

Hathaway & Clark Funeral Home has been soulfully dedicated to serving the needs of the Louisville community since the early part of the 20th century. It is the oldest black-owned and operated funeral business in Louisville. The founder was a man by the name of James H. Hathaway. Mr. Hathaway officially opened the Hathaway mortuary on Burnett Avenue in the Fort Hill area in 1901. After Hathaway's death, his daughter and son-in-law, Columbia and Chester Clark, took over the business, adding Clark to the name.

In 1964, Hathaway & Clark built a new facility in the west end area at 2718 Virginia Avenue. In doing so, they became the first black Louisville funeral home to erect its own building.

Currently, Hathaway & Clark is operated by husband and wife duo, Lawrence and Violet Montgomery. Lawrence Montgomery, who currently serves as the company's president, has worked on and off at Hathaway for about fifty years. His wife Violet has been a full-time employee and secretary-treasurer since 1992. They both have worked extremely hard to build upon the foundation of service and professionalism that Hathaway & Clark was built on. During times of grief and sorrow, families can feel more secure knowing that Hathaway & Clark will be there to take care of all of their immediate needs. Many of their customers have been noted as saying how much they like and appreciate the warm feeling and atmosphere created by the staff and management of Hathaway & Clark.

We have all heard the old saying, "nothing is inevitable except death and taxes." While, I am quite certain that no individual or group will ever make us feel good about paying our taxes, I do know that families in Louisville can put their loved ones peacefully to rest with the help of Hathaway & Clark. I ask that my fellow colleagues join me in thanking Hathaway & Clark for serving Kentucky families since 1901.●

IN RECOGNITION OF LANSING COMMUNITY COLLEGE'S SOFTBALL WORLD SERIES CHAMPIONSHIP WIN

● Mr. LEVIN. Mr. President, I ask that the Senate join me today in congratulating the Lansing Community College Stars softball team for its win at the National Junior College Athletic Association World Series Championship in Phoenix, AZ. This was Lansing's third straight trip to the World Series, and their first win.

The Stars' season was nothing short of stellar. The Lady Stars broke their 2001 team record for home runs by sending 83 out of the stadium this year. They also batted a .368 team batting average, the highest in the nation. Finishing the season ranked number two in the nation, the Lady Stars finished the season with 49 wins and just seven losses. In the three years of the Lansing Community College program, the team boasts an overall record of 142 wins and just 25 losses.

These statistics don't win a championship on their own, though. The Lady Stars had to battle through 100 degree temperatures and formidable opposition to win three games and the championship on the final day of the series. Great defense, solid pitching, and timely hitting coupled with an experienced ball club made third time the charm for Lansing.

This Championship win is a great accomplishment, and I trust that my Senate colleagues will join me in congratulating the Lansing Community College Lady Stars softball team on this commendable triumph. I wish them the best in repeating next year.

I ask that the names of the team members, their position, college year and high school be printed in the RECORD.

The material follows:

Monica Kingsley, Pitcher, Sophomore, Fowlerville, MI.

Amanda Hixson, Outfield/Infield, Sophomore, Lansing Everett, MI.

Amy Dollarhite, Outfield, Freshman, St. Johns, MI.

Kim Horanburg, Infield, Sophomore, Grand Ledge, MI.

Casey Gorman, Pitcher, Sophomore, Haslett, MI.

Larissa Kequom, Outfield, Sophomore, Charlotte, MI.

Nicole Beasley, Outfield, Freshman, Grand Ledge, MI.

Mary Ann Brooks, Catcher/Infield, Sophomore, East Jordan, MI.

Erin Curtice, Outfield, Sophomore, Grand Ledge, MI.

Bridge Hixson, Outfield, Freshman, Lansing Everett, MI.

Jennifer Olds, Pitcher/Infield, Sophomore, Suncoast, FL.

Sarah Paape, Infield, Freshman, Sandusky, MI.

Nicole Dashkovitz, Infield, Sophomore, Cadillac, MI.

Janet Russman, Infield, Sophomore, Portland St. Patrick, MI.

Kari Munson, Infield, Sophomore, Lansing Eastern, MI.

Jessica Pick, Catcher, Freshman, Lansing Eastern, MI.

Mary Mauro, Pitcher, Freshman, De Witt, MI.

Danett Waller, Catcher, Freshman, Morrice, MI.●

TRIBUTE TO DR. LAURISTON S. TAYLOR

● Mr. DOMENICI. Mr. President, I rise to pay tribute to a truly great American on the occasion of his 100th birthday.

Dr. Lauriston S. Taylor was born on June 1, 1902. Dr. Taylor (or Laurie as he likes to be called) is one of the major contributors to our knowledge of radiation safety, not only in the United States but worldwide as well.

Laurie published his first paper in 1922 while a student at Cornell and has contributed to radiation safety over a span of 80 years, publishing over 150 papers, and has written or contributed to over 16 books.

Laurie served as Chairman of the National Committee on Radiation Protection (NCRP), the organization he helped establish and led for nearly 50 years and the organization now Chartered by the U.S. Congress as the National Council of Radiation Protection and Measurements.

In addition, his accomplishments include serving as: President of the Health Physics Society, Chairman of the International Commission on Radiation Units and Measurements, President of the International Conference on Medical Physics, Chairman of the Civil Service Commission, and Special Assistant to the President of the National Academy of Sciences.

A few of the many awards bestowed upon Laurie include: The Presidential Bronze Star and the Medal of Freedom from the United States Air Force, The Gold Medal from the Royal Swedish Academy of Sciences, and The Janeway Medal from the American Radium Society.

It is with pleasure that I note that Dr. Taylor's decades of contributions to improving radiation safety throughout the World have been documented by the Health Physics Society in an edition of their international journal Health Physics, and their Newsletter.

Laurie is, indeed, a person for all seasons: teacher, mentor, scholar, leader and visionary.

I deeply appreciate all that Laurie Taylor has contributed to this Nation and the world. I invite my colleagues to join in wishing him a very happy 100th birthday.●

TRIBUTE TO JACQUELINE BEAN

● Mr. BURNS. Mr. President, today I recognize a very special woman from the State of Montana who has recently retired from the Burns Telecommunications Center. Jacqueline Bean has made a tremendous difference at the Burns Telecommunications Center during her tenure. Her level of influence in the telecommunications industry and Montana has been instrumental in promoting, maintaining and establishing a base to expand upon the Center and extend its longevity. I cannot tell you how many times Jacqueline stressed the need to ensure the center's long-term impact.

Jacqueline's commitment and loyalty to the Burns Telecommunications Center and to the goals I established have helped lead to the success of the Center. Jacqueline never lost sight of the vision I had in mind, to promote opportunities in education, healthcare, and business especially in rural States like Montana, to work for increased individual opportunity through telecommunications and support Montana telecommunications projects, involving cutting edge technology for education based distance learning programs, telemedicine initiatives, and e-commerce across secure computer networks in the global economy. Jacqueline put forth a whole-hearted effort to increase these opportunities for students, teachers, administrators, individuals, and employees across Montana by advancing the Burns Telecommunications Center and its mission.

Jacqueline has always gone above and beyond the call of duty. She is not only a woman I admire and respect, she is a close, personal friend and I want to extend my personal thanks for all of her support and effort on behalf of the Burns Telecommunications Center. I truly appreciate Jacqueline's loyalty, dedication and commitment and all that she has accomplished on behalf of the Burns Telecommunications Center. We bid farewell, but not good-bye, to a woman that has brought so much integrity to the Burns Telecommunications Center.●

HARLEM GLOBETROTTERS

● Mr. KYL. Mr. President, I note with pleasure that the Harlem Globetrotters basketball team was honored in April by the Arizona chapter of the National Conference for Community and Justice.

The world-renowned Harlem Globetrotters, who have made their home in Phoenix since 1995, have given joy to basketball fans in America and around the world for three quarters of a century. In over 20,000 games of basketball, played in some 115 countries, the team's stellar showmen and athletes have been ambassadors for their country and their sport. Especially impressive is the tenacity of owner and former player Mannie Jackson, who took a franchise on the wane and revived it. He and his athletes have given something of value to Arizonans, Americans, and basketball lovers everywhere.

Arizona is proud to be the home of the 21st century Globetrotters, recipients of a richly deserved humanitarian award.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1372) to reauthorize the Export-Import Bank of the United States.

The message also announced that the House insists upon its amendment to the bill (S. 1214) to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. COBLE, Mr. LOBIONDO, Mr. OBERSTAR, and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of sections 112 and 115 of the Senate bill, and section 108 of the House amendment, and modifications committed to conference: Mr. THOMAS, Mr. CRANE, and Mr. RANGEL.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 117. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3448.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 36. Concurrent resolution urging increased Federal funding for juvenile (type 1) diabetes research.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2941. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

H.R. 4073. An act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

H.R. 4466. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes.

H.R. 4800. An act to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

H.R. 4823. An act to repeal the sunset of Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2941. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4073. An act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on Foreign Relations.

H.R. 4466. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 36. Concurrent resolution urging increased Federal funding for juvenile (Type 1) diabetes research; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2578. A bill to amend title 31 of the United States Code to increase the public debt limit.

ENROLLED BILLS SIGNED

At 5:06 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1366. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building."

H.R. 1374. An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building."

H.R. 3448. An act to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

H.R. 3789. An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building."

H.R. 3960. An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building."

H.R. 4486. An act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7315. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–7316. A communication from the Secretary of Labor, Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–7317. A communication from the Chief Executive Officer, Corporation for National Service, transmitting, pursuant to law, the report of the Office of the Inspector General for the period September 30, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–7318. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for Fiscal Year ending September 30, 2001; to the Committee on Governmental Affairs.

EC–7319. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–7320. A communication from the Chair of the Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–7321. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–364, "Unemployment Compensation Trust Response Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–7322. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–365, "Service Improvement and Fiscal Year 2000 Budget Support Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–7323. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–366, "Bond Requirement for New Residential Property Construction on Unstable Soil Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC–7324. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–367, "Georgetown Project Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–7325. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–368, "Bonus Depreciation Decoupling from the Internal Revenue Code Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC–7326. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–369, "Prompt Pay Act of 2002"; to the Committee on Governmental Affairs.

EC–7327. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–370, "Uniform Custodial Trust Act of 2002"; to the Committee on Governmental Affairs.

EC–7328. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–371, "Closing of a Portion of a Public Alley in Square 5228, S.O. 98–195 Act of 2002"; to the Committee on Governmental Affairs.

EC–7329. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–372, "Closing of Edson Place, N.E., adjacent to Square 5080, S.O. 01–808 Act of 2002"; to the Committee on Governmental Affairs.

EC–7330. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–373, "Procurement Practices Small Purchase Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–7331. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–375, "Housing Notice Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–7332. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the State Department Delegation of Authority No. 245 of April 23, 2001 to allow the Export Import Bank to finance the sale of defense articles to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC–7333. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations as a Result of the September 2001 Missile Technology Control Regime (MTCR) Plenary Meeting" (RIN0694–AC55) received on May 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7334. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions and Clarifications to the Export Administration Regulations—Chemical and Biological Weapons Controls: Australia Group; Chemical Weapons Convention" (RIN0694–AC62) received on May 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7335. A communication from the Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction evolving U.S. exports to the Dominican Republic; to the Committee on Banking, Housing, and Urban Affairs.

EC–7336. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of emergency with respect to The Federal Republic of Yugoslavia (Serbia and Montenegro); to the Committee on Banking, Housing, and Urban Affairs.

EC–7337. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Assessment of Fees" (12 CFR Part 8) received on May 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7338. A communication from the President of the United States, transmitting, pursuant to law, the periodic report on the National Emergencies with Respect to the Federal Republic of Yugoslavia (Serbia and Montenegro); to the Committee on Banking, Housing, and Urban Affairs.

EC–7339. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report on the imposition of foreign policy controls on certain dual-use chemical and biological items; to the Committee on Banking, Housing, and Urban Affairs.

EC–7340. A communication from the Director of the Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Risk Based Capital Standards: Claims on Securities Firms" (RIN3064–AC17) received on June 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7341. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Corporate Governance" (RIN2550–AA20) received on June 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7342. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6–80E1A2 Turbofan Engines" ((RIN2120–AA64) (2002–0249)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7343. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120–AA64) (2002–0250)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7344. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Model 58P, 60, A60, B60, and 65–88 Airplanes" ((RIN2120–AA64) (2002–0251)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7345. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT9–D Turbofan Engines" ((RIN2120–AA64) (2002–0252)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7346. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–90–30 Airplanes" ((RIN2120–AA64) (2002–0246)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7347. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757 Series Airplanes" ((RIN2120–AA64) (2002–0247)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7348. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), MD–88, and MD–90–30 Airplanes" ((RIN2120–AA64) (2002–0248)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7349. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL–600–2B19 Series Airplanes" ((RIN2120–AA64) (2002–0243)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7350. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and MD–88 Airplanes" ((RIN2120–AA64) (2002–0244)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7351. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" ((RIN2120–AA64) (2002–0245)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7352. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc. Tay Model 650–15 and 651–54 Turbofan Engines" ((RIN2120–AA64) (2002–0239)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7353. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SOCATA–Groupe AEROSPATIALE Model TBM 700 Airplanes" ((RIN2120–AA64) (2002–0240)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7354. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Model C90 Airplanes" ((RIN2120–AA64) (2002–0241)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7355. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F, and DC–10–30F (KC10A and KDC–10) Airplanes" ((RIN2120–AA64) (2002–0242)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7356. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes" ((RIN2120–AA64) (2002–0256)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7357. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6–80E1 Turbofan Engines" ((RIN2120–AA64) (2002–0253)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7358. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes" ((RIN2120–AA64) (2002–0254)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7359. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" ((RIN2120–AA64) (2002–0255)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7360. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Admt. to Norton KS Class E Airspace Area" ((RIN2120–AA66) (2002–0088)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7361. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 47 Admt." ((RIN2120–AA65) (2002–0033)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7362. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 28 Amdt." ((RIN2120–AA65) (2002–0034)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7363. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace, Newport, OR" ((RIN2120–AA66) (2002–0089)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7364. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Admt. of Class E5 Airspace; Liberty, NC" ((RIN2120–AA66) (2002–0090)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7365. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 52 Admt. No. 3002" ((RIN2120–AA65) (2002–0032)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7366. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Admt. of Honolulu Class E Airspace Area Legal Description" ((RIN2120–AA66) (2002–0092)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7367. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace at Sharon, PA" ((RIN2120–AA66) (2002–0091)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7368. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Annual Marine Events in the Eighth Coast Guard District" ((RIN2115–AE46) (2002–0011)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7369. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: Western Branch, Elizabeth River, Portsmouth, VA" ((RIN2115–AE46) (2002–0012)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7370. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Siesta Drive Drawbridge, Gulf Intracoastal Waterway, Sarasota, Florida" ((RIN2115–AE47) (2002–0048)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7371. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Darby Creek, Pennsylvania" ((RIN2115–AE47) (2002–0049)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7372. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Gulf Intracoastal Waterway, Boca Grande, Charlotte County, Florida" ((RIN2115–AE47) (2002–0050)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7373. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters" ((RIN2115–AE84) (2002–0006)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7374. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Cape Fear River and Northeast Cape Fear River, Wilmington, North Carolina" ((RIN2115–AE84) (2002–0007)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7375. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels" ((RIN2115–AF87) (2002–0001)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7376. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Boston Marine Inspection Zone and Captain of the Port Zone" ((RIN2115–AA97) (2002–0082)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7377. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Permits for the Transportation of Municipal and Commercial Waste" (RIN2115–AD23) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7378. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Requirements for Notification of Arrival in U.S. Ports" (RIN2115–AG24) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7379. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Wearing of Personal Flotation Devices (PFDs) by Certain Children aboard Recreational Vessels" (RIN2115–AG04) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7380. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Inspection Under, and Enforcement of, Coast Guard Regulations for Fixed Facilities on the Outer Continental Shelf by Minerals Management Service" (RIN2115–AG14) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7381. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tire Pressure Monitoring Systems" (RIN2127–AI33) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7382. A communication from the Senior Regulatory Analyst, Transportation Security Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Imposition and Collection of Passenger Civil Aviation Security Service Fees" (RIN2110–AA01) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7383. A communication from the Deputy Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Distribution and Use of Denatured Alcohol and Rum" (RIN1512–AB57) received on June 3, 2002; to the Committee on Finance.

EC–7384. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority (Parts 44)" (RIN1512–AC36) received on June 3 , 2002; to the Committee on Finance.

EC–7385. A communication from the Assistant Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7386. A communication from the Administrator, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the Administration's report on commercial motor vehicle border staffing standards; to the Committee on Commerce, Science, and Transportation.

EC–7387. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Visiting Committee on Advanced Technology of the National Institution of Standards and Technology (NIST) for 2001; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Kyle E. McSlarrow, of Virginia, to be Deputy Secretary of Energy.

*Guy F. Caruso, of Virginia, to be Administrator of the Energy Information Administration.

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Brig. Gen. Kenneth L. Farmer, Jr.

Army nomination of Maj. Gen. Edward Soriano.

Army nomination of Lt. Gen. David D. McKiernan.

Marine Corps nominations beginning Col. Ronald S. Coleman and ending Col. Edward G. Usher III, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2001.

Marine Corps nomination of Maj. Gen. Richard L. Kelly.

Navy nomination of Rear Adm. (lh) Mark M. Hazara.

Navy nomination of Capt. David J. Venlet.

Navy nomination of Rear Adm. Richard J. Naughton.

Navy nomination of Vice Adm. James W. Metzger.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Amy J. Altemus and ending Thomas F. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Air Force nominations beginning Jorge Acevedo and ending Keith W. Zuegel, which nominations were received by the Senate and appeared in the Congressional Record on May 6, 2002.

Army nomination of Shawn E. Connors.

Army nomination of James E. Agnew.

Army nominations beginning Michael J. Hamilton and ending James W. Youker, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2002.

Army nominations beginning Robert T. Aarhus, Jr. and ending Scott C. Wright, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2002.

Marine Corps nomination of Jeffrey A. Knudson.

Navy nomination of George B. Parisi.

Navy nominations beginning Peter C. Bondy and ending Theodore G. Pacleb, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 2579. A bill to amend the Clean Air Act to limit access to off-site consequences analysis information in order to reduce the risk of criminal release from stationary sources, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WELLSTONE:

S. 2580. A bill to amend title 49, United States Code, to require the National Transportation Safety Board to investigate all fatal railroad grade crossing accidents; to the Committee on Commerce, Science, and Transportation.

By Mr. MILLER:

S. 2581. A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

By Mr. LIEBERMAN:

S. 2582. A bill to require a report to Congress on a national strategy for the deployment of high speed broadband Internet telecommunications services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself and Mrs. CLINTON):

S. 2583. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

By Mr. ALLARD (for himself, Mr. MILLER, and Mr. CRAPO):

S. 2584. A bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnerships Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2585. A bill to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mr. KYL):

S. 2586. A bill to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism; to the Select Committee on Intelligence pursuant to section 3(b) of S. Res. 400, 94th Congress for a period not to exceed 30 days of session.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2587. A bill to establish the Joint Federal and State Navigable Waters Commission of Alaska; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2588. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United states border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI:

S. 2589. A bill to provide for the prohibition of snow machines within the boundaries of the "Old Park" within the boundaries of Denali National Park and Preserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. FRIST, Mr. BREAUX, and Mr. GREGG):

S. 2590. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself, Ms. SNOWE; Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mrs. HUTCHISON, Mrs. MURRAY, Ms. COLLINS, Mrs. BOXER, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. CANTWELL, Mrs. CLINTON, and Mrs. CARNAHAN):

S. 2591. A bill to reauthorize the Mammography Quality Standards Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. DEWINE, and Ms. STABENOW):

S. 2592. A bill to provide affordable housing opportunities for families that are headed by grandparents and other relatives of children, and for other purposes; to the Committee on Banking, Housing , and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself, Ms. COLLINS, Mrs. CLINTON, Ms. CANTWELL, Mr. BAYH, Mr. CORZINE, Mr. SPECTER, Mr. SMITH of Oregon, Mr. INOUYE, Ms. LANDRIEU, Mr. BREAUX, Mr. TORRICELLI, Mr. BUNNING, Mr. AKAKA, Mr. HAGEL, Mr. CRAIG, Mr. DEWINE, Mr. DURBIN, and Mr. CAMPBELL):

S. Res. 281. A resolution designating the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 442

At the request of Mr. CAMPBELL, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 442, a bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

S. 677

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from New York (Mr. SCHUMER), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 776

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 776, a bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002.

S. 841

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 841, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1005

At the request of Mr. JEFFORDS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1005, a bill to provide assistance to mobilize and support United States communities in carrying out community-based youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens, and for other purposes.

S. 1016

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1016, a bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the medicaid and State children's health insurance program, and for other purposes.

S. 1038

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to improve access to tax-exempt debt for small nonprofit health care and educational institutions.

S. 1103

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1103, a bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates in any case in which there is an absence of effective competition, and for other purposes.

S. 1309

At the request of Mr. DOMENICI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1309, a bill to amend the Water Desalination Act of 1996 to reauthorize that Act and to authorize the construction of a desalination research and development facility at the Tularosa Basin, New Mexico, and for other purposes.

S. 1339

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. COLLINS), the Senator from New Hampshire (Mr. GREGG), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1549

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1549, a bill to provide for increasing the technically trained workforce in the United States.

S. 1626

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1679

At the request of Mr. CONRAD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1679, a bill to amend title XVIII of the Social Security Act to accelerate the reduction on the amount of beneficiary copayment liability for medicare outpatient services.

S. 1840

At the request of Mr. COCHRAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1840, a bill to amend title XVIII of the Social Security Act to remove the 20 percent inpatient limitation under the medicare program on the proportion of hospice care that certain rural hospice programs may provide.

S. 1851

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1851, a bill to amend part C of title XVIII of the Social Security Act to provide for continuous open enrollment and disenrollment in Medicare+Choice plans and for other purposes.

S. 1934

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1934, a bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United Stats Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act.

S. 1995

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1995, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 2006

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2006, a bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit.

S. 2025

At the request of Mr. HUTCHINSON, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2025, a bill to amend title 38, United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor.

S. 2038

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2038, a bill to provide for homeland security block grants.

S. 2067

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2067, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 2135

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. COLLINS), the Senator from Montana (Mr. BURNS), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2135, a bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain medicare rural grants.

S. 2211

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2211, a bill to amend title 10, United States Code, to apply the additional retired pay percentage for extraordinary heroism to the computation of the retired pay of enlisted members of the Armed Forces who are retired for any reason, and for other purposes.

S. 2221

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2245

At the request of Mr. BURNS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2245, a bill to amend title 49, United States Code, to enhance competition between and among rail carriers, to provide for expedited alternative dispute resolution of disputes involving rail rates, rail service, or other matters of rail operations through arbitration, and for other purposes.

S. 2430

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2430, a bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2480, supra.

S. 2490

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2492

At the request of Mr. CLELAND, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2492, a bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

S. 2512

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. WYDEN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2528

At the request of Mr. DOMENICI, the name of the Senator from Louisiana

(Mr. BREAUX) was added as a cosponsor of S. 2528, a bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 2533

At the request of Mr. SMITH of Oregon, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2533, a bill to amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes.

S. 2544

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2544, a bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes.

S. 2545

At the request of Mr. DOMENICI, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 2545, a bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes.

S. 2569

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2569, a bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation.

S. 2570

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2577

At the request of Mr. FITZGERALD, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2577, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

S.J. RES. 10

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 242

At the request of Mr. THURMOND, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from California (Mrs. BOXER), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 242, a resolution designating August 16, 2002, as "National Airborne Day."

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

AMENDMENT NO. 3561

At the request of Ms. LANDRIEU, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Mississippi (Mr. LOTT), the Senator from Georgia (Mr. CLELAND), the Senator from Georgia (Mr. MILLER), the Senator from Alabama (Mr. SESSIONS), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of amendment No. 3561 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3562

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 3562 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 2579. A bill to amend the Clean Air Act to limit access to off-site consequences analysis information in order to reduce the risk of criminal release from stationary sources, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOND. Madam President, today I am introducing a bill to help protect communities in Missouri and across the Nation from terrorist attack. Chemical plants in communities across America are perfect terrorist targets. Right now, the U.S. Government provides a virtual blueprint for attacks on these facilities to any member of the public who requests the information—on any terrorists frankly. The Community Protection From Chemical Terrorism Act will help protect communities from terrorists who would use sensitive information made public to destroy those communities.

There are 15,000 chemical facilities across the country. Facilities store and use potentially dangerous chemicals to make consumer products and keep us healthy. Chlorine, for example, is used by every family to whiten and brighten our clothes. Every child, every senior person, every family across America is able to drink clean water and avoid getting sick because of chlorine treatment.

However, we know that chlorine is a dangerous chemical if misused or abused. According to EPA, at least 123 plants each keep amounts of chemicals that if released, could form deadly vapor clouds that would put more than one million people in danger. A plant outside of Detroit projects that a rupture of one of its 90-ton rail cars of chlorine could endanger three million people. Even worse, an accident at a New Jersey plant in suburban New York City could cover a 14 mile radius affecting 12 million people.

Missouri is not spared from these dangers. In the Kansas City metropolitan area alone, there are over 100 plants filing reports to EPA on their potential chemical accidents.

I am holding back on the names and addresses of these facilities, but their identity and location is no secret to those who want to look. In fact, the law currently requires EPA to make this information available to the public. You do not even have to look, because the newspapers are publishing this information. Here is the front page of the Kansas City Star with a story "Chemical Plants Ordered to Prepare for the Worst." The story describes how information on worst-case scenario accidents is publicly available to anyone who bothers to look.

The San Francisco Chronicle published a story entitled "If All Hell Broke Loose." Here you see the newspaper not only describes the chemical facilities in Northern California, but provides a map of the location of the facilities and the radius of potential damage from a toxic release. This newspaper published not only the names and addresses of the facilities, but drew a map with their location and the radius of destruction from a release. It helps the terrorists by showing just what radius of death and destruction would occur. This is the front page of a newspaper that is out there for anybody who wants to make a terrorist strike in San Francisco. This is published in May of 1999. I wonder, after September 11, they would still be so helpful.

The reason this is a problem is that this is exactly the type of information terrorists would use to plan and carry-out an attack. Families in suburban San Francisco and across the country have a bulls eye on their communities because terrorists can use this publicly available information to target their attacks.

By law, the government requires chemical facilities to report to the government the hazardous chemicals they have on site and then predict the worst-case scenario for an accident with those chemicals. These Offsite

Consequence Analysis or OCA reports include the type of chemical, the conditions under which a worst-case accident would occur, the distance a toxic cloud of chemicals might travel, the environmental or public receptors such as hospitals, schools or national parks in danger's way, and the number of people who would be harmed by an attack.

According to the FBI, this publicly available chemical facility information provides a "blueprint for potential terrorist attack." A DOJ report analyzing the threat from terrorists abusing OCA information says:

> The distance that a toxic cloud might travel, the numbers of people who might be harmed, and the environmental or public receptors that could be affected are precisely the types of factors that a terrorist weighs when planning an attack.

Chemical facilities are exactly the type of target terrorists would attack to create mayhem and destruction. According to DOJ:

> Certain types of facilities that are required to submit OCA information are preferred terrorist targets. Many such facilities exist in well-populated areas, where a chemical release could result in mass casualties and would result in widespread destruction.

In a chilling confirmation of this, copies of U.S. chemical trade publications were found in one of the cave holes where Osama bin Laden had hidden. They found it with the other rat infestations in December.

Terrorists would have little problem searching through government collected OCA. According to DOJ, this data provides "one-stop shopping for refined targeting information, allowing terrorists or other criminals to select the best targets from among the 15,000 chemical facilities that have submitted OCA data." Indeed, accessing this publicly available information is easy. In a single afternoon, my staff was able to search and find the top ten facilities across my home state of Missouri where terrorist attacks would produce the greatest number of casualties. By the end of the day, my staff had the names of the facilities, their street address, the name of the vulnerable chemicals, the conditions under which a worst-case scenario release would occur, the radius of harm caused by the attack, any safety or mitigation measures plants might use to control the release, and the number of people in the affected area who could be hurt.

It was shocking to me that Federal law makes information which terrorists could use to destroy communities available to any member of the public.

The argument goes that communities want to know about dangerous chemicals used and stored in their neighborhoods. That is a legitimate desire. The law further intends that members of the public use this information to pressure chemical facilities to remove dangerous chemicals or change their ways so that neighboring communities are not in danger from an accidental release. That also is a very legitimate concern.

Unfortunately, the terrorist attacks of September 11th show us that times are not so simple anymore. The threat from terrorist attack now outweighs the benefits of making this information public. We should be concerned about chemical facilities in our communities. However, our greatest concern must be protecting those communities from terrorist attack.

In a different time, the environmental policy concerns of making worst-case scenario chemical accidental data available to the public might have outweighed the security threats to our communities. Sadly, those times have passed. According to the Department of Justice, OCA worst-case scenario data continues to present a security threat. The threat from terrorists using OCA worst-case scenario data is even greater after the September 11th terrorist attacks. DOJ believes that legislation is necessary to further limit public access to dangerous OCA information.

Unfortunately, the current law does not protect our communities from terrorist attack. Congress amended the law concerning OCA information in 1999. That legislation, entitled the Chemical Safety Information and Site Security Act reversed EPA plans to post OCA information on the Internet. However, the law left the task of establishing specific regulations for publicizing OCA information to EPA and DOJ. Admittedly, the last administration did its work before the terrorist attacks of September 11th. It was a different time then. A legitimate argument was made that environmental policy concerns outweighed the need to protect communities from terrorist attacks.

However, even the restrictions EPA and DOJ devised to limit access to sensitive OCA information were quickly overcome by advocacy groups. This story in the New York Times describes how environmental advocates put OCA disaster data on the Internet. The caption here is, "Getting around a law intended to avoid helping terrorists." My staff used one of these sites to help them determine the communities in Missouri most at risk from a terrorist attack. This is not fair to the communities that wish to avoid terrorist attacks. Further restrictions are necessary to protect our communities from terrorist attack.

The legislation I propose today strikes the best balance between allowing the public to monitor the actions of the chemical industry and protecting individual communities from terrorist attack. Official users engaged in official protection activities will have unrestricted access to OCA information. However, my bill will allow members of the public to view OCA data on chemical facilities without knowing their specific name and location. This will allow advocates to continue watching and pressuring the chemical industry at-large to make safety improvements without placing specific communities at risk of terrorist attack. For those environmental advocates that wish to play a role in a given community, this legislation specifically expands local emergency planning committees to include members of local and national environmental organizations. I recognize that these groups have a role to play in making our communities safer and hope they will accept this invitation to join in formal community protection activities.

Communities have much to fear from terrorist attack. According to DOJ, the risk of terrorists attempting in the foreseeable future to cause an industrial chemical release is both real and credible. We must not help those terrorists who want to destroy our communities. I urge my colleagues to support the Community Protection From Terrorism Act and look forward to working with you on its passage.

I ask unanimous consent that the bill be appropriately referred.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. WELLSTONE:

S. 2580. A bill to amend title 49, United States Code, to require the National Transportation Safety Board to investigate all fatal railroad grade crossing accidents; to the Committee on Commerce, Science, and Transportation.

Mr. WELLSTONE. Mr. President, I rise today to introduce the Fatal Grade Crossing Accident Investigations Act. The bill would require the National Transportation Safety Board, NTSB, to investigate the facts, circumstances and causes of all accidents at railroad grade crossings in which there is a fatality or substantial property damage.

With this bill, we can correct an important gap in our efforts to reduce such accidents. Under current law, NTSB investigations of grade crossing accidents are undertaken only in select cases, as highway accident investigations. The bill would consider grade crossing accidents instead to be railroad accidents, which under current law already must be investigated if there is a fatality or substantial property damage.

We need better information on fatal grade crossing accidents so we can do more to prevent unnecessary loss of life. According to National Railroad Administration Safety Statistics, more than 4,000 accidents per year occur at grade crossings. In 2000, 425 of these resulted in fatalities. Most fatalities occur at what are called passive grade crossings, those offering no warning or signal to a motorist of an oncoming train. Of Minnesota's more than 8,000 railroad grade crossings, three-fourths are passive crossings. The safety of such passive crossings is substantially dependent on such factors as physical layout and the adequacy of the view for drivers of approaching trains. To make good safety choices, communities, transportation agencies and departments at the local, state and federal levels need better information. That is one reason site-specific accident information is so necessary.

NTSB investigations are essential not only to prevent future accidents, through recommendations on operating rules such as speed limits, warning or separation devices, improved signaling, signage, improvements for driver visibility and increased enforcement of stop signs at passive crossings. But their investigations often are also the only means of addressing the role of railroads and their personnel in accidents.

This important issue has been brought to my attention by two passionate rail safety advocates in Minnesota, Lillian and Gerry Nybo. I have worked closely with the Nybos, who have been at the forefront of a national movement, “Citizens Against Railroad Tragedies.” Their 18-year-old son, Gerry, Jr., was killed three years ago this week at an unguarded rail grade crossing in Audubon Township in Becker County, Minnesota. He had just graduated from high school, and his life was full of promise. His friend Ryan Nelson was killed in the same accident. This legislation is needed to give families such as the Nybos, who have lost family members, the results of investigation into the facts and causes of these accidents. It is in memory of Gerry Nybo, Jr. that I introduce this legislation today.

My hope in introducing this bill is to give communities the information they need to improve safety at dangerous intersections. I urge my colleagues to support the bill, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fatal Grade Crossing Accident Investigations Act”.

SEC. 2. GRADE CROSSING ACCIDENTS.

Section 1131(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking “, including a railroad grade crossing accident,”; and

(2) in subparagraph (C), by inserting “, including a railroad grade crossing accident,” after “railroad accident”.

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

The amendments made by section 2 shall take effect on the date of the enactment of this Act and shall apply with respect to railroad grade crossing accidents that occur on or after that date.

By Mr. LIEBERMAN:

S. 2582. A bill to require a report to Congress on a national strategy for the deployment of high speed broadband Internet telecommunications services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, in 1943, the chairman of a famous American electronics company said, “I think there is a world market for maybe five computers.” Good guess. Industry has repeatedly exceeded expectations like that one, and helped the American economy as a whole exceed expectations

New questions are now reverberating from Silicon Valley to Pennsylvania Avenue. How do we catch the next great wave of innovation and ingenuity to unleash the next great boom of productivity and opportunity? How do we find new ways to translate our enormous technological prowess into real economic progress for the American people?

I rise today to introduce what I believe will be a roadmap to revitalization. It's premised on the extraordinary promise of high-speed Internet to help us return to high-intensity growth; by revolutionizing the way we communicate and live our lives. Its goal is to highlight the challenges we face in tapping the transformative potential of broadband technology, to spur agreement on a national strategy for accelerating its development and deployment, and ultimately to help bring on what we all hope will be the broadband boom.

Our country's last big boom was fueled by the most reliable, resilient, and renewable source of energy around: America's creative genius. Government paved the road, first with R&D funding, then in the 1990s with sound budget policies, but it was our innovation industries that made it happen. In fact, the information technology sector, which made up only 4 percent of GDP, was responsible for a remarkable 30 percent of all economic growth between 1995 and 2000.

Today, America's high-tech industries, which have survived the big bust that followed the big bang of the 1990s, haven't lost their edge. Information technology and the innovation economy, for example, are still among our greatest national resources. But as we've emerged from recession, many businesses across the country have been increasingly concerned about our recovery. How strong will it be? How long will it last?

Many in Washington have recognized that broadband can and must be a big part of the solution. But most policymakers have been focusing on short-term obstacles to the next small jump in speed. I think we need a larger and longer vision here. We need to look over the horizon and ask what it will take to usher in advanced broadband that will make speeds of 10 to 100 megabits per second available all across the country, so that we can truly unleash the tremendous economic potential of this technology.

The science fiction writer Arthur C. Clarke once said, “Any sufficiently advanced technology is indistinguishable from magic.” Well, the next generation Internet passes that test. It has the ability to levitate productivity, make millions of jobs appear, and transport our economy into the future. And there won't be any sleight of hand involved. Sometimes, there won't even be wires attached.

In education, for example, universities, school districts, and private companies have already started rolling out impressive applications of advanced broadband. We're not just talking about streaming video with questions sent through instant messenger. Broadband can transform the very nature of instruction, right at the time when schools need more flexible and more powerful learning tools to meet higher standards.

In healthcare, the possibilities are equally exciting: hospitals without walls, instantaneous remote monitoring of patient vitals, comprehensive informatics databases that are available to professionals everywhere. We even saw the first remote surgery pioneered last fall, when two surgeons in New York operated on a patient in Strasbourg, France.

Indeed, advanced broadband's ability to both increase economic opportunities and improve society in so many fields, from law to finance, from entertainment to agriculture, and from homeland defense to international defense, are just astounding.

These days, computing power is expanding at an incredible rate. But networking speed is way behind computing speed. Industry can't make the best use of the computing potential that's available without the pipes that bring it home to consumers and businesses—including and especially small businesses. While we have some good arteries, we don't have the capillaries to carry data all the way.

I stand here today to say that we in government can't let this potentially fertile field of technology lie fallow. We need to make the most of this moment, in which the high-speed Internet is on the cusp of catalyzing a quantum leap in our economy. Which is to say, we need to lead, and seed.

Unfortunately, the case for making broadband deployment a priority of a national economic strategy has yet to be understood adequately by government. The broadband buck is still stuck on the government's desk, and with it, thousands of new opportunities and millions of new jobs. Decisions are piling up: on spectrum, competition, rights management, spam, privacy, child protection, and more. These are important issues that need to be resolved, and they need to be resolved comprehensively, with an overarching vision.

Last week I released a white paper entitled Broadband: A 21st Century Technology and Productivity Strategy and today I introduce the National Broadband Strategy Act of 2002. The white paper analyzes the challenges. The legislation will compel us to meet them, requiring the Administration to develop a national broadband strategy within six months of passage.

Taken together, and working in conjunction with insightful leaders and groups in the tech community, I am confident these measures can spark the development and implementation of a coherent, cross-agency strategy to eliminate obstacles, create incentives, and encourage industry innovation.

In the upcoming months, I'll follow up this report and legislation with proposals on how to reach truly advanced broadband, the speed I mentioned before, upwards of 10 megabits per second. There is no focus on this need now, and that's where government particularly needs to lead and seed.

The follow-up legislation I'll propose in the coming months will call on the FCC to develop a regulatory framework to meet the challenges of the next generation Net: propose tax credits for the deployment of advanced broadband, encourage research and development on advanced broadband infrastructure that will enable this technology to reach into all the corners and crevices of the country, and present a program to incentivize research and development on major applications in areas where government plays a central role, including education, healthcare, and e-government.

The public sector cannot and should not manage this effort. Our future will fortunately be in the hands of thousands of individual innovators. Nor should the government be choosing winners and losers. To benefit consumers, government must be pro-broadband, but technology neutral about how business gets there, by encouraging innovation and maximizing competition. Government must clear the path so that business innovators can march forward.

I urge my colleagues to join me in supporting this important piece of legislation. I request unanimous consent that the introductory materials to my whitepaper and the text of the bill be printed in the RECORD. I note to my colleagues that the full text of the whitepaper is available on my web site, http://lieberman.senate.gov.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Broadband Strategy Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States needs to develop a long-term investment and growth strategy that will restore the unprecedented gains in structural economic productivity with high employment growth experienced by the United States in the late 1990s.

(2) The gains in structural productivity with high employment growth in the late 1990s resulted from unprecedented investments in information and communication technology.

(3) It was the precipitous decline in these investments that took the United States economy into recession before September 11, 2001.

(4) The United States needs to focus on stimulating resurgence in these investments to regain vibrant growth in structural productivity and high employment growth.

(5) If productivity increases at the rate of 1.5 percent per year, the standard of living will double about every 46 years, or about every two generations. On the other hand, if productivity increases at the rate of 3 percent per year, the standard of living will double about every 23 years, or about every generation. This difference results from the so-called miracle of compounding. To take advantage of compounding, a long-term economic strategy for the United States must focus on structural productivity growth.

(6) Productivity growth has enabled American workers to produce 30 times as much in goods and services in 1999 as they produced in 1899, with only 5 times as many workers. This growth in productivity has increased the standard of living in the United States from $4,200 in 1899 to $33,740 in 1999 (expressed in 1999 dollars). Growth in structural productivity will bring about growth in wages and salaries, profits, and government tax receipts.

(7) The productivity gains of the United States in the late 1990s broke a 25-year trend. From the early 1970s to the mid-1990s, United States productivity grew sluggishly, at an annual rate of about 1.5 percent. During the final 5 years of the 20th Century, it grew at nearly double that rate.

(8) The high cyclical productivity growth the United States has experienced in 2001 and 2002 results for the most part from a reduction in employment and increased utilization of existing capacity.

(9) The United States needs a strategy to generate structural productivity growth arising from the development and deployment of new technology that enhances both efficiency and employment.

(10) The United States needs to prepare now for the retirement of the Baby Boom generation. If the United States does nothing regarding Social Security, it is estimated that by 2030 the annual shortfall between amounts in the Social Security Trust Fund and the amount required to meet obligations of the Fund will reach $814,000,000,000 (in 1999 dollars). The United States has approximately $7,4000,000,000,000 in obligations coming due, and it is advisable to have our fiscal house in order, hopefully with no national debt, when these obligations must be paid. Restoring structural productivity and high employment growth is essential to ensure that the United States can honor these obligations.

(11) Making affordable, high speed broadband Internet connections of 10 Mbps-100 Mbps available to all American homes and small businesses has the potential to restore structural productivity and employment growth.

(12) High speed broadband Internet applications for voice, data, graphics, and video will revolutionize many aspects of life at home, school, and work. High speed broadband Internet will transform health care, commerce, government, and education. The benefits of a successful high speed broadband Internet deployment strategy to the quality of life and economy of the United States will be immeasurable.

(13) Traditionally, the United States is considered the world leader in the development and commercialization of new innovations and technologies. However, the United States lags far behind other countries in broadband deployment, including South Korea, Canada, and Sweden. By 2005, the United States is projected to fall to ninth place in broadband deployment, surpassed by Asian markets in Hong Kong and Singapore, the Scandinavian countries Denmark and Norway, and the Netherlands.

(14) The United States will need high speed broadband Internet for public health, education, and economic welfare, just as the United States now needs universal telephone service. High speed broadband Internet applications are capable of revitalizing the economy and solving countless problems for average Americans. The applications fall into the areas of e-education, e-health, e-commerce, e-government, and e-entertainment.

(15) The benefits that will arise from development and implementation of a national high speed broadband Internet strategy amply justify a priority for such a strategy. The Federal Government will act one way or another on many of the key policy issues affecting broadband deployment. The only question is whether it acts in accordance with a strategy, or piecemeal.

(15) Adopting a national strategy for broadband deployment is consistent with the strategies the United States has adopted to speed deployment of other essential infrastructure, including railroads, electric power, telephone service, and radio and television. Each of those technologies has been the focus of a national economic strategy. There is a consensus that the Northwest Ordinance, Morrill Land-Grant Act, and GI bill, and laws for transcontinental railroads, rural electrification, and the interstate highway system, embodied useful and successful strategies for the future of the United States.

(16) In facilitating high speed broadband Internet deployment, the United States should rely on markets and entrepreneurs and minimize the intrusion of government. Americans need to be creative and innovative when government acts to make sure that it provides value added.

(17) In crafting a comprehensive strategy to advance deployment of high speed broadband Internet, a broad range of policy options should be addressed, and the Administration needs to provide leadership in developing these options and establishing a priority among them.

SEC. 3. NATIONAL STRATEGY FOR HIGH SPEED BROADBAND INTERNET DEPLOYMENT.

(a) STRATEGY FOR INCREASING STRUCTURAL PRODUCTIVITY AND EMPLOYMENT GROWTH.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting forth a strategy for the nation-wide deployment of high speed broadband Internet telecommunications services.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A goal for the deployment of broadband telecommunications services nationwide, including a goal regarding the speeds necessary to facilitate applications needed to stimulate structural productivity and employment growth.

(2) A proposal for policies to foster and maintain competition among firms offering broadband telecommunications service, including competition to deploy high speed broadband Internet of 10 Mbps-100 Mbps.

(3) A proposal for incentives to enhance demand for high speed broadband Internet telecommunications service, including demand for purposes of serving Federal mission areas such as homeland security, distance learning, health, scientific collaboration, and electronic commerce.

(4) A proposal for incentives to facilitate and enhance the supply of high speed broadband Internet telecommunications service.

(5) A proposal to enhance global electronic commerce.

(6) A proposal for the optimal allocation of Federal Government resources on research and development regarding high speed broadband Internet telecommunications service, including recommendations for the allocation and prioritization of Federal funds.

(7) A proposal for the optimal allocation of spectrum in furtherance of the deployment of high speed broadband Internet telecommunications service.

(8) An assessment of various limitations to the deployment of high speed broadband Internet telecommunications service, including matters relating to taxation, privacy, security, spamming, content, intellectual property, and rights-of-way, and proposals for eliminating or alleviating such limitations.

(9) An assessment of the impact of the proposals under this subsection on structural productivity and employment growth in the United States and on the international economic competitiveness of the United States.

(10) Any other proposals or matters on the deployment of high speed broadband Internet telecommunications services that the President considers appropriate.

(c) FORM.—The report under subsection (a) shall include a draft proposal of any legislation required to implement the goal described in paragraph (1) of subsection (b), and of any of the proposals set forth under paragraphs (2) through (8) and (10) of that subsection (b).

BROADBAND: A 21ST CENTURY TECHNOLOGY AND PRODUCTIVITY STRATEGY

(From the Office of Senator Joseph I. Lieberman, May 2002)

Over one hundred and fifty years ago, a new technology emerged that grabbed the imaginations of the public and the purse strings of investors. It was a technology that promised to bring people closer together and to greatly stimulate the economy of that time. In order to succeed, that new technology required that the land be crisscrossed with a network upon which news could be carried and goods could be traded.

Bankers funded hundreds of startup companies that were built to take advantage of the new network. Investors clamored to purchase shares at rapidly rising prices. And then, after little more than a decade of overbuilding the infrastructure, it all fell apart as shares plunged 85% and hundreds of businesses and banks went under.

The technology was steam-driven railroad and this is the story told in the May 13th issue of Business Week. The analogies to the Information Technology boom of the 1990s are unmistakable and the lessons are invaluable. But the most important part of the story is what happened after the railroad bubble burst.

Within two decades, railroads were carrying four times as many people as they had at the height of the boom. The tracks were cleared, leaving the most solid companies and the best of the rail technologies to survive. According to W. Brian Arthur, an economist at the Santa Fe Institute, the survivors then developed new strategies that resulted in the industry's greatest growth and had the greatest impact on business and society of that time.

We now find ourselves in the same situation that the railroads were in as they developed their new strategies, except the technology is now broadband. It is clear that broadband will revolutionize business and society in our time, just as the railroads did in theirs. But it is also a confusing time, as many different interests emerge with many different agendas. The issues to be faced are many and they are complex. For some, there will be no easy answers. But it is time for us to have a national strategy that addresses these issues in a coherent and comprehensive manner.

My staff has assembled this report over the past ten months with extensive input from industry, academia, and government. It was no small undertaking and I particularly thank Skip Watts and Chuck Ludlam of my office. While there have been numerous bills offered in Congress dealing with isolated components of broadband policy, this report is the first to identify the full range of issues that must be considered as part of a national broadband strategy designed to stimulate economic expansion.

As the first in a series of legislative initiatives, I will introduce the National Broadband Strategy Act of 2002 next week. This bill highlights the need for a carefully planned national strategy to provide universal availability of broadband and to motivate research and advances in broadband applications and content. It calls upon the Administration to recommend a coherent, cross-agency national broadband strategy in a series of key government policy areas, to Congress.

I want to emphasize that while there is an ongoing competitive scramble to reach the lower broadband speeds, we need to also pay real attention to advanced broadband and to attaining those much higher speeds. The report's Executive Summary identifies four key elements that will be integral to advanced broadband deployment. The elements include an FCC regulatory plan, tax incentives, research on advanced infrastructure technology, and deployment of applications.

As with the railroads of the mid-1800s, broadband is now poised to whistle in a new period of economic growth. We must do all that we can to nurture this emerging technology and to stimulate the development of new killer applications in the fields of education, medicine, government, and science. Commerce and entertainment will not trail far behind. The tracks of rail are now the "pipes" of broadband.

EXECUTIVE SUMMARY

Broadband deployment must become a national priority. Major economic growth and productivity gains can be realized by making affordable high-speed broadband Internet connections—which are already enjoyed by many universities and large businesses—widely available to American homes, schools, and small businesses.

In a soft economic climate with limited prospects for near-term recovery, broadband deployment is a necessary condition for the restoration of capital spending in the information technology sector. Such investments were the critical drivers of the non-inflationary growth that characterized the late 1990s. Broadband, which can play a pivotal role in encouraging investments in information technology, has the potential to transform education, health care, government, entertainment, and commerce.

Of course, embracing broadband as a vehicle for economic growth raises the question, "How fast is fast enough for truly advanced emerging applications?" The telecom, cable, and satellite industries are now providing Internet access at speeds typically less than 1.5 megabits per second (Mbps). A review of existing and likely technologies, however, suggests that we have only achieved the first level of broadband speeds. On the foreseeable horizon are technologies that offer advanced broadband speeds of 10 Mbps in the near-term, and 100 Mbps in the medium-term. A national strategy needs to focus on this advanced broadband opportunity. Arguably, it will be at these advanced speed ranges that the greatest benefits from broadband will come.

A successful strategy to accelerate the deployment of broadband will lead to immeasurable benefits to the quality of life and economy of the American people. But a successful strategy must encompass various issues in a comprehensive and coherent manner, and the debate must not become mired in any one debate. What we need is a sensible, intelligent approach that addresses the full range of issues within the context of an interrelated framework, not the piecemeal process that has brought us to the present confusion and controversies.

This strategy must recognize a truth that sometimes becomes lost in the multiplicity of debates over such issues as the regulation of telephone and cable companies. What is overlooked—and must be recognized—is that demand will drive the next phase of broadband expansion. Strong demand from consumers, smaller businesses, and even big businesses that currently have high-speed Internet connectivity, will produce a cycle of innovation and growth. But demand, in turn, requires that applications of real value be developed. It requires, in other words, "killer applications" that justify, in the minds of consumers, the price of progressively faster broadband connections.

The private sector will need to invest hundreds of billions of dollars before widespread broadband access becomes a reality. Government nevertheless has an important role to play as broadband suppliers face novel challenges in the areas of Internet privacy, security, spam, copyright protection, spectrum allocation, and rights-of-way. It is vital that, in these and other areas, government remain "technology-neutral" and that competition between the delivery technologies exist alongside competition within the technologies. This will allow the best and most cost-effective delivery systems to emerge, meeting the varied needs of different people and different regions across this diverse country.

There are, however, many ways that government, through a national strategy, can accelerate the life cycle of development and competition for emerging broadband technologies. It can do so by stimulating both the demand and supply side of broadband deployment. On the demand side, government should lead the way in generating demand by expanding e-government services to the public and to businesses, and by supporting the development of broadband tools for e-education and e-healthcare. E-entertainment and e-commerce will be quick to take advantage of the expanded services, and renewed economic growth will surely follow. On the supply side, government can consider such tools as tax credits, loans, and grants for a wide variety of research, deployment, and broadband utilization activities.

As the first in a series of legislative initiatives, Senator Lieberman will introduce the National Broadband Strategy Act of 2002. This bill highlights the need for a coherent and comprehensive national strategy for providing widespread availability of broadband and for motivating research and advances in broadband applications and content. Because broadband implementation has been piecemeal, and stalled in significant part because numerous government agencies have failed to act quickly in deciding a wide range of broadband issues now pending before them, the bill calls upon the Administration to recommend a coherent, cross-agency national broadband strategy in a series of key government policy areas.

Parallel to that, and focusing on how we will get to truly advanced broadband speeds (in the range of 10 Mbps and 100 Mbps), Senator Lieberman will introduce over the next few months a series of substantive pieces of legislation addressing four key elements integral to a national strategy for advanced broadband deployment. The key elements are:

(1) FCC Regulatory Framework: Direct the FCC to explore all of the broadband deployment and delivery technology options to enable us to reach advanced broadband speeds. Retaining technological neutrality, the FCC will be asked to develop the regulatory framework to enable and implement a plan to deploy this advanced Internet capability.

(2) Tax Credits: Establish tax credits and incentives for a range of advanced broadband deployment and broadband utilization efforts. These could include credits for infrastructure deployment, equipment implementation, employee utilization, installation in atypical settings, and innovative applications.

(3) Advanced Infrastructure R&D: Ensure that fundamental R&D issues are tackled in a coordinated manner to overcome the scientific and technological barriers to advanced widespread broadband deployment. The U.S. has already established successful interagency and interdisciplinary initiatives under the National Information Technology Research & Development Program to advance critical IT technologies. We must leverage our existing expertise in these programs to resolve fundamental obstacles to effective broadband deployment and hasten the next generation of technologies. A cooperative R&D program, including government, industry and universities, will be critical to advanced broadband.

(4) Application R&D and Deployment: Require federal agencies to undertake R&D and promote the development and availability of major applications in areas where government plays a central role, including e-education, e-medicine, e-government, e-science and homeland security. This could stimulate demand for broadband and promote bridging of the digital divide consistent with the missions of government agencies. And the government should lead by example in moving to expand opportunities for broadband-based e-commerce in federal procurement, bidding, and contracting.

While time and technology will not stop, and our nation's eventual transformation into a broadband society will occur regardless of what steps are taken today, it is ours to choose whether we will be dragged into the next digital age resisting change, or whether we lead others into a new era of economic promise. If we are to take control of our future, we must begin by harnessing the power of broadband as a necessary tool for navigating a world increasingly defined by the speed with which information changes and grows.

By Mr. CORZINE (for himself and Mrs. CLINTON):

S. 2583. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

Mr. CORZINE. Mr. President, I rise today along with Senator HILLARY RODHAM CLINTON to change the way the Veteran's Administration defines low-income veterans by taking into account variations in the cost of living in different parts of the country. The Corzine-Clinton legislation would make the Veteran's Equitable Resource Allocation just that: Equitable.

More specifically, this bill would replace the national income threshold for consideration in Priority Group 5, currently $24,000 for all parts of the country, with regional thresholds defined by the Department of Housing and Urban Development. This simple but far-reaching proposal would help low income veterans across the country afford quality health care and ensure that Veterans Integrated Service Networks or VISNs receive adequate funding to care for their distinct veterans populations.

Our Nation's veterans have made great sacrifices in defense of American freedom and values, and we owe them a tremendous debt of gratitude. The United States Congress must ensure that all American veterans, veterans who have sweated in the trenches to defend liberty, have access to quality health care.

In 1997, Congress implemented the Veterans Equitable Resource Allocation system, or VERA, to distribute medical care funding provided by the VA. The funding formula was established to better take into account the costs associated with various veteran populations. Unfortunately, the VERA formula that was created fails to take into account regional differences in the cost of living, a significant metric in determining veteran healthcare costs. This oversight in the VERA formula dangerously shortchanges veterans living in regions with high costs of living and elevated health expenses.

To allocate money to the Veterans' Integrated Service Networks, VISNs, VERA divides veterans into seven priority groups. Veterans who have no service-connected disability and whose incomes fall below $24,000 are considered low income and placed in Priority Group 5, while veterans whose incomes exceed this national threshold and qualify for no other special priorities are placed in Priority Group 7c.

Using a national threshold for determining eligibility as a low-income veteran puts veterans living in high cost areas at a decided disadvantage. In New Jersey, HUD's fiscal year 2002 standards for classification as "low-income" exceed $24,000 per year in every single county. And some areas exceed the VA baseline by more than 50 percent. Similarly, HUD's "low-income" classification for New York City is set at $35,150 and for Nassau and Suffolk Counties, at $40,150.

As a result, regions that have a high cost of living, like VISN 3, which encompasses substantial portions of New Jersey and New York, tend to have a reduced population of Priority Group 5 veterans and an inflated population of Priority Group 7c veterans.

The fundamental inequity of the VERA formula is apparent when you consider that VERA allocations do not take into account the number of veterans classified in Priority Group 7c. With the costs associated with veterans in Priority Group 7c not considered as part of the VERA allocation, and with high cost of living areas possessing inflated populations of Priority Group 7c vets, high cost regions must provide care to thousands of veterans without adequate funding.

This additional financial burden on VISNs with large populations of veterans in Priority Group 7c has had a tremendous impact on VISN 3. Since FY 1996, VISN 3 has experienced a decline in revenue of 10 percent. As a result of the tremendous shortfall in the VISN 3 budget, the VA cannot move forward with plans to open clinics in various locations, including prospective clinics in Monmouth and Passaic Counties. Consequently, veterans in VISN 3 are forced to wait for unreasonably long periods to receive medical care and travel long distances to existing clinics.

Furthermore, miscategorizing which vets qualify as Priority Group 5 unjustifiably reduces access to medical care for thousands of veterans. Under existing rules, veterans placed in Priority Group 7c must provide a copayment to receive medical care at a VA medical facility; Veterans placed in Priority Group 5 receive medical care free of charge. Under the existing framework, low-income vets in high cost areas are often inappropriately placed in Priority Group 7c, and are forced to provide a copayment.

Recent studies by both the Rand Institute and the General Accounting Office identify this flaw in the VERA formula and recommend a geographic means test like the one provided in our legislation to improve the allocation of resources under VERA. Such a test would ensure that the VERA formula allocation better reflects the true costs of VA healthcare in the various VISNs in the United States.

Our legislation would make a simple adjustment to the VERA formula to account for variations in the cost of living in different regions. The bill would help veterans in high cost areas afford VA health care and guarantee that VISNs across the country receive adequate compensation for the care they provide.

I hope my colleagues will join Senator CLINTON and me in supporting this important bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PRIORITY FOR CERTAIN LOW-INCOME VETERANS BASED UPON REGIONAL INCOME THRESHOLDS.

(a) CHANGE IN PRIORITY CATEGORY.—Section 1705(a) of title 38, United States Code, is amended—

(1) in paragraph (5)—

(A) by inserting "(A) who are" after "Veterans";

(B) by inserting "and" after "through (4)"; and

(C) by inserting before the period at the end the following: ", or (B) who are described in section 1710(a)(3) of this title and are eligible for treatment as a low-income family under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) for the area in which such veterans reside, regardless of whether such veterans are treated as single person families under paragraph (3)(A) of such section 3(b) or as families under paragraph (3)(B) of such section 3(b)";

(2) by striking paragraph (7); and

(3) by redesignating paragraph (8) as paragraph (7) and in that paragraph by striking "paragraph (7)" and inserting "paragraph (5)(B)".

(b) CONFORMING AMENDMENT.—Section 1710(f)(4) of such title is amended by striking "section 1705(a)(7)" and inserting "section 1705(a)(5)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 2, 2002.

Mrs. CLINTON. Mr. President, I rise today, along with Senator CORZINE, to introduce legislation to remedy the gross disparity in the distribution of Federal dollars to provide health care services to our nation's veterans around the country.

The source of the gap is a formula that does not sufficiently take into account the needs of all facilities, effectively unfairly penalizing states in the Northeast and Midwest. And New York has lost tens of millions of dollars as a result. The bill we're introducing today would provide increased funding for networks in high-cost of living areas, like New York and New Jersey, and help low-income veterans afford quality health care.

In 1997, to repair geographic inequities in the distribution of VA allocations, the Federal government put in place the Veterans Equitable Resource Allocation, VERA, system. As I noted in a letter I sent to VA Secretary Anthony Principi on this issue in March, the VERA formula was intended to better meet the needs of the large number of veterans who flocked to the South. As a General Accounting Office, GAO, report released in February 2002 makes clear, however, the 6-year-old formula has resulted in disparities and cutbacks in health services for veterans in the Northeast and Midwest. Veterans' hospitals in these regions lost a staggering $921 million.

The VERA formula is flawed for a number of reasons. First, the formula, which is based on the number of veterans, does not take into account the differences in various patient health care needs within different networks. As the GAO report states, the formula "excludes about one-fifth of VA's workload in determining each network's allocation." These are veterans who do not have service-related disabilities and whose incomes fall within a low-priority range, called "Priority 7".

Although this group is considered a low-priority, these individuals represent a growing percentage of the veteran population who seek care at VA facilities. From fiscal year 1996 through fiscal year 2001, the number of veterans with incomes within this range increased from 4 percent to 22 percent of the total caseload. However, the formula has not been adjusted to reflect the dramatic increase in these "Priority 7" cases, leaving many networks without the resources to meet the growing demand.

Further, the formula does not accurately reflect the higher cost of medical care in the Northeast. Because VA hospitals in New York City, and Nassau and Suffolk counties are situated in a high cost of living area, they tend to have an inflated number of Priority Group 7 veterans. VA health networks in high cost regions provide care to thousands of veterans without sufficient funding to do so. Additionally, taking into account the regional cost of living would relieve many Priority 7 veterans of the burden of making a copayment.

Finally, the number of veterans treated nationally over the last several years rose 47 percent, with all VA networks contributing to that increase. As I noted to Secretary Principi, a rise in patient caseloads spread across the health network should dictate an equitable distribution of funding. The GAO's recommendations can be reduced to one simple goal: "comparable resources for comparable workloads." Any delay in fixing this formula, the GAO stated, means that approximately $200 million in veterans' health funding annually would be allocated unjustly.

One of my State's newspapers, the Poughkeepsie Journal, reported that Secretary Principi agreed with the GAO's assessment of the formula but wanted to conduct another study of hospital workloads and patient needs before taking action. I strongly believe sufficient time has already been devoted to studying this issue. I urge Secretary Principi to take specific actions now to carry out the recommendations outlined in the GAO's report.

The courageous service and sacrifice of our Nation's veterans in defense of our nation and our democratic values should never be forgotten. Fulfilling our promise to provide for their health care needs is an important part of the enduring bond that we share. I urge my colleagues to support our legislation to remedy this unfair formula so that all of our nation's veterans have access to the health services they deserve.

By Mr. ALLARD (for himself, Mr. MILLER, and Mr. CRAPO):

S. 2584. A bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnerships Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I rise to introduce the American Dream Downpayment Act, which will help thousands of families achieve the American Dream of homeownership. The rate of homeownership in the United States has risen steadily over the past few years. However, for many working families, low-income families, women-headed households, minorities, urban dwellers and young families the dream of homeownership remains elusive.

While Americans enjoy the world's greatest opportunities for becoming homeowners, only 46 percent of African-American and Hispanic families own their homes as compared to 74 percent of non-Hispanic whites who own their homes. For many of these families, the biggest barrier to homeownership is their inability to afford downpayment requirements and closing costs.

To help eliminate the gaps in homeownership achievement, I am introducing the American Dream Downpayment Act. This legislation will help 40,000 families annually, focusing on low-income families who are first-time homebuyers. The American Dream

Downpayment Fund will provide communities across America with $200 million in grants to help homebuyers with the downpayment and closing costs.

The American Dream Downpayment Fund, which will be administered as a part of HUD's existing HOME Investment Partnerships Program, HOME, will make more than 400 State and local governments eligible to receive the $200 million in grant funding to help more families achieve the American Dream of homeownership.

The positive effects of homeownership exist on many levels: homeownership has public benefits in the form of neighborhood stability, individual benefits in the form of the financial rewards that come from the appreciation of equity in a home over time, and personal benefits that stem from the satisfaction of attaining a goal, the pride of ownership, and a greater sense of security. In addition to these affirmative impacts of homeownership, the Homeownership Alliance released findings of a study revealing that children living in owned homes had nine percent higher achievement in mathematics and seven percent higher achievement in reading.

I look forward to working with my colleagues in the Senate on the American Dream Downpayment Act. I believe this legislation will be critical in helping more families achieve the American Dream of homeownership.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Dream Downpayment Act”.

SEC. 2. DOWNPAYMENT ASSISTANCE INITIATIVE UNDER HOME PROGRAM.

(a) DOWNPAYMENT ASSISTANCE INITIATIVE.—Subtitle E of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821) is amended to read as follows:

“Subtitle E—Other Assistance

“SEC. 271. DOWNPAYMENT ASSISTANCE INITIATIVE.

“(a) GRANT AUTHORITY.—The Secretary may make grants to participating jurisdictions to assist low-income families to achieve homeownership, in accordance with this section.

“(b) ELIGIBLE ACTIVITIES.—

“(1) IN GENERAL.—Grants made under this section may be used only for downpayment assistance toward the purchase of single family housing by low-income families who are first-time homebuyers.

“(2) DEFINITION.—For purposes of this subtitle, the term ‘downpayment assistance’ means assistance to help a family acquire a principal residence.

“(c) HOUSING STRATEGY.—To be eligible to receive a grant under this section for a fiscal year, a participating jurisdiction shall include in its comprehensive housing affordability strategy submitted under section 105 for such year, a description of the use of the grant amounts.

“(d) FORMULA ALLOCATION.—

“(1) IN GENERAL.—For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this section for the fiscal year in accordance with a formula, established by the Secretary, that considers a participating jurisdiction's need for and prior commitment to assistance to homebuyers.

“(2) ALLOCATION AMOUNTS.—The formula referred to in paragraph (1) may include minimum and maximum allocation amounts.

“(e) REALLOCATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if any amounts allocated to a participating jurisdiction under this section become available for reallocation, the amounts shall be reallocated to other participating jurisdictions in accordance with the formula established pursuant to subsection (d).

“(2) EXCEPTION.—If a local participating jurisdiction failed to receive amounts allocated under this section and is located in a State that is a participating jurisdiction, the funds shall be reallocated to the State.

“(f) APPLICABILITY OF OTHER PROVISIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this section, grants made under this section shall not be subject to the provisions of this title.

“(2) APPLICABLE PROVISIONS.—In addition to the requirements of this section, grants made under this section shall be subject to the provisions of title I, sections 215(b), 218, 219, 221, 223, 224, and 226(a) of subtitle A of this title, and subtitle F of this title.

“(3) REFERENCES.—In applying the requirements of subtitle A referred to in paragraph (2)—

“(A) any references to funds under subtitle A shall be considered to refer to amounts made available for assistance under this section; and

“(B) any references to funds allocated or reallocated under section 217 or 217(d) shall be considered to refer to amounts allocated or reallocated under subsection (d) or (e) of this section, respectively.

“(g) ADMINISTRATIVE COSTS.—Notwithstanding section 212(c), a participating jurisdiction may use funds under subtitle A for administrative and planning costs of the jurisdiction in carrying out this section, and the limitation in section 212(c) shall be based on the total amount of funds available under subtitle A and this section.

“(h) FUNDING.—

“(1) FISCAL YEAR 2002.—This section constitutes the subsequent legislation authorizing the Downpayment Assistance Initiative referred to in the item relating to the ‘HOME Investment Partnerships Program’ in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Public Law 107–73; 115 Stat. 666).

“(2) SUBSEQUENT FISCAL YEARS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2003 through 2006.”.

(b) RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.—Subtitle F of title II of the Cranston-Gonzalez National Affordable Housing Act is amended by inserting after section 290 (42 U.S.C. 12840) the following:

“SEC. 291. RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.

“The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 shall not apply to downpayment assistance under this title.”.

SEC. 3. REAUTHORIZATION OF SHOP PROGRAM.

Section 11(p) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by striking “such sums as may be necessary for fiscal year 2001” and inserting “$65,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal year 2004”.

SEC. 4. REAUTHORIZATION OF HOPE VI PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 24(m)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437v(m)(1)) is amended by striking “$600,000,000” and all that follows through “2002” and inserting the following: “$574,000,000 for fiscal year 2003”.

(b) SUNSET.—Section 24(n) of the United States Housing Act of 1937 (42 U.S.C. 1437v(n)) is amended by striking “September 30, 2002” and inserting “September 30, 2003”.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2585. A bill to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, today I introduce this bill, Spirit Lake and Twin Lakes Omitted Lands Act of 2002 to help resolve a land ownership problem that affects over 400 private property owners and homeowners located around Spirit Lake and Twin Lakes in Kootenai County, ID.

In 1880, a public land survey prepared under contract with the General Land Office, grossly misrepresented portions of the actual lakeshore of the two lakes. The surveys show the meander lines along the lakes up to one-half mile away from their actual location. The errors were not discovered until recently. Over the years, the shorelines of these popular lakes have become heavily developed and property owners have purchased their property and held it in good faith ownership. Most of the property owners affected by this situation have a chain of title that goes back over 100 years. Due to the inaccuracy of the original government survey, county officials have expressed concern regarding their inability to approve and regulate new developments, surveys, permits, etc. The Bureau of Land Management, the responsible Federal agency, has determined that it has no interest in the affected land and wishes only to remove the cloud on the titles.

Under current federal law the Bureau of Land Management (BLM) would be required to conduct a resurvey to properly describe the land. Much of this land would then become “omitted land” and would revert to federal ownership. Landowners who already paid fair market value for the land would then have to re-purchase it, along with paying a $50 application fee, and paying for the appraisal, survey, and conveyance costs.

Obviously, this is not an acceptable solution and does not provide the most equitable benefit to the public, so Senator CRAPO and I are introducing this legislation. A companion bill is being offered in the House of Representatives by Mr. OTTER. This legislation will authorize funds for the BLM to resurvey the land and direct the BLM to issue disclaimers of interest to all of the affected property owners. This is the only acceptable solution and one that keeps the landowners whole.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The meander lines in the original surveys by John B. David, deputy surveyor, of two lakes in the State of Idaho, Spirit Lake, formerly known as Lake Tesemini, located in T. 53 N.:, R. 4 W., Boise Meridian, and Twin Lakes, formerly known as Fish Lake, located in T. 52 N. and T. 53 N., R. 4 W., Boise Meridian, do not reflect the current line of ordinary high water conditions.

(2) All lands adjacent to the original meander lines have been patented.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to issue a recordable disclaimer of interest by the United States to any omitted lands or lands lying outside the record meander lines in the vicinity of the lakes referred to in subsection (a).

SEC. 2. DEFINITIONS.

In this Act:

(1) RECORDABLE DISCLAIMER OF INTEREST.—The term "recordable disclaimer of interest" means a document recorded in the county clerk's office or other such local office where real property documents are recorded, in which the United States disclaims any right, title, or interest to those lands found lying outside the recorded meander lines of the lakes referred to in section 1(a)(1), including omitted lands, if any.

(2) OMITTED LANDS.—The term "omitted lands" means those lands that were in place on the date of the original surveys referred to in section 1(a)(1) but were not included in the survey of the township and the meander lines of the water body due to gross error or fraud by the original surveyor.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. SURVEYS.

The Secretary shall—

(1) conduct a survey investigation of the conditions along the lakeshores of Spirit Lake and Twin Lakes in the townships referenced in section 1(a); and

(2) after the completion of the survey investigation, resurvey the original meander lines along the lakeshores, using the results of the survey investigation.

SEC. 4. DISCLAIMER OF INTEREST IN LANDS ADJACENT TO SPIRIT LAKE AND TWIN LAKES, IDAHO.

Upon acceptance and approval of the surveys under section 3 by the Secretary, the Secretary shall—

(1) prepare a recordable disclaimer of interest with land descriptions, using the lot or tract numbers of the omitted lands, if any, and lands lying outside the record meander lines, as shown on the survey plats; and

(2) record such recordable disclaimer of interest simultaneously with the filing of the surveys.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $400,000 to carry out this Act. Funds appropriated to carry out the purposes of this Act may be available without fiscal year limitation.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2587. A bill to establish the Joint Federal and State Navigable Waters Commission of Alaska; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill that will help rectify a long-standing problem that adversely affects an array of citizens, landowners, and government entities in Alaska. The Alaska Navigable Waters Commission legislation will create a joint Federal-State commission to establish a process to facilitate determinations of the navigable status of lakes, rivers, and streams in Alaska. This is a vital step in determining the ownership of the riverbanks and submerged lands.

Under the Equal Footing Doctrine and the Submerged Lands Act, every state gains title to the submerged lands that underlie navigable waterways within its borders upon entering the Union. Or, I should say, is supposed to gain title. For decades now, the State of Alaska has been in the unique position of having unresolved navigability determinations for tens of thousands of waterways around the state. This leaves not only the ownership status in limbo but causes unnecessary jurisdictional problems and headaches. This is an intolerable position for Alaskans.

In fact, since Alaska became a State in 1959, only 13 of its more than 22,000 rivers have been determined to be navigable, and the status of well over one million lakes has been left in question. The only recourse available to the State has been to pursue litigation against the United States, a time-consuming, expensive, and unwarranted requirement.

To date, the Federal Government has been unwilling to sit down with the State and make these determinations, even though for the vast majority of these waterways, no reasonable person could disagree as to the navigability of the waters under well-established legal standards.

I want to stress to my colleagues that this bill does not change in any way the legal criteria for navigability determinations. Those have been well settled in a body of Federal case law, led by the Gulkana decision, that stands undisturbed by this legislation. What the bill does is create a joint, Federal-State body to engage in dialogue that will help to resolve these long-standing disputes, and bring Alaska the same legal rights enjoyed by its 49 sister States.

Creating a joint commission to resolve thorny Federal-State issues is not a novel concept. In 1971, the Congress and the State of Alaska created a joint commission to assist in the land-use planning process created under the Alaska Native Claims Settlement Act. This process streamlines communication between the State and Federal governments, and creates an infrastructure for ongoing negotiation over difficult issues. It also obviates the need for litigation over the status of those waterways where agreement can be reached. I think we all can agree that anything that reduces the need for litigation is a good thing.

The Alaska legislature has considered companion legislation, introduced by the Senate President, Rick Halford, and the Speaker of the Alaska House, Brian Porter. That legislation has now been approved by both houses of the legislature. We should enact Federal legislation so that we may join the State of Alaska in seeking to rectify the problem.

I encourage my colleagues to support this bill. Under the Equal Footing Doctrine, Alaska is supposed to enjoy the same rights and privileges as all other states. This bill is another important step in making that national principle a reality.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2588. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to protect those living along the California-Mexican border from harmful power plant emissions.

This bill, which Congressman DUNCAN HUNTER is also introducing today in the House of Representatives, will prevent power plants built in Mexico from using natural gas from the United States, unless firms operating these plants agree to comply with California's air pollution standards.

Currently there are two new power plants planned for Mexicali, Mexico, a city right across the border from Imperial County, California. Imperial County is the region in Southern California impacted most by pollution in Mexico. And since the county has some of the worst air quality in the United States and one of the highest childhood asthma rates in the State, I believe these new plants must meet California emission standards.

One of the Mexicali plants, which is being built by Sempra Energy, will have pollution mitigation technology to minimize the impact of air pollution on the residents of the Imperial Valley. However, the other plant, to be built by InterGen, will not.

I am introducing this legislation today to make sure any plant that comes online along the California-Mexican border meets the same air quality standards as plants in California.

The residents of Imperial County and the entire Southern California region deserve nothing less.

I have heard from many constituents in Southern California concerned about the InterGen plant and local officials in Imperial County are adamantly opposed to the InterGen plant because the company has refused to install pollution control devices on all four operating units.

This legislation will ensure energy plants along the border employ the best technology available to control pollution and protect the public health for residents of Southern California and other border regions in a similar situation.

The bill will prohibit energy companies from exporting natural gas from the United States for use in Mexico unless the natural gas fired generators south of the border meet the air standards prevalent in the United States. This will effectively cut power plants off from their natural gas supply if they do not meet higher emissions standards.

This legislation will not constrain power plants that were put online prior to January 1, 2002. It will apply to plants built after the new year and projects that come online in the future.

This bill will only apply to power plants within 50 miles of the U.S.-Mexican border.

And the legislation will only apply to power plants that generate more than 50 megawatts of power. We do not want to block any moves to replace dirty diesel back-up generators with cleaner natural-gas fired small power sources.

The bill calls for collaboration between the Secretary of Commerce and the Administrator of the Environmental Protection Agency to determine if a power plant is in compliance with relevant emission standards.

I support the development of new energy projects for California because I believe we need to bring more power online. However, I do not believe the fact that we need more power in California should allow companies to take advantage of this need and use it as an excuse to devote less attention to clean air and public health.

It is not unreasonable to ensure that companies making money in the California energy market meet strict environmental standards. This legislation is meant to strike a balance between promoting new sources of energy south of the border and protecting the environment throughout the border region. It is not a final resolution of these cross-border issues, but I believe it is a good first step.

By Mr. MURKOWSKI:

S. 2589. A bill to provide for the prohibition of snow machines within the boundaries of the "Old Park" within the boundaries of Denali National Park and Preserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, today I am introducing legislation to resolve the issue of snowmobile access in Denali National Park in my home State of Alaska.

Denali National Park and Preserve encompasses just under 5 million acres in the interior of Alaska, including North America's highest mountain, 20,320-foot Mount McKinley. Large glaciers of the Alaska Range, caribou, Dall sheep, moose, grizzly bears and timber wolves live within this great landscape.

The original Mt. McKinley National Park was created on February 26, 1917 and additional acreage was added in 1922 and 1932, bringing the park size to 1.9 million acres. In September of 1978 a separate Denali National Monument was proclaimed. In 1980, Congress enacted the Alaska National Interest Lands Conservation Act, ANILCA. ANILCA incorporated Mt. McKinley National Park and the National Monument to create the 4.7, plus million acre Denali National Park and Preserve.

Section 1110(a) of ANILCA, mandates motorized vehicle access for the purpose of engaging in traditional activities in specific conservation system units. However, the National Park Service recently redefined "traditional use," and instead ordered the "old Mt. McKinley National Park closed to snowmobiles, which common sense dictates are motorized vehicles.

For the past two years, this closure has been before the Federal Courts in Alaska in litigation filed by the International Snowmobile Manufactures Association and the Alaska State Snowmobilers Association against the Department of the Interior and the National Park Service.

A few months ago, the plaintiffs dismissed their suit against the Government, and, with the approval of the Department of Justice, both parties are seeking a more reasoned legislative solution to address the access issue once and for all.

This legislation provides such a solution, it addresses snowmobile access in the 1.9 million acre "Old Park" by permanently excluding approximately 1.5 million acres north of the Alaska Range from snow machine access while reaffirming the applicability to Section 1110(a) access for this actibviey in approximately 400,000 acres south of the Alaska Range. In short, this solution eliminates conflict between the various user groups, and the many issues relating to wildlife and natural resource protection.

I thank the Alaska State Snowmobile Association, Inc. and the International Snowmobile Manufactures Association, for their actions to dismiss the legal challenge involving the used of snow machines in Denali National Park and Preserve. I look forward to working with the Associations; the Department of the Interior; the National Park Service; my colleagues on both sides of the Capitol; as well as other interested parties, for their assistance in developing environmentally and scientifically sound decisions and solution that will achieve both reasonable access and protection for the wildlife and valuable natural resources found in this outstanding unit of the National Park System.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SNOWMOBILE CLOSURE.

(a) Notwithstanding any other provision of law, those portions of Denali National Park and Preserve depicted as "Area A", within the exterior boundaries of the former Mt. McKinley National Park, on map numbered 222 and entitled Denali National Park and Preserve, dated "revised 1999", shall not be considered a conservation system unit for the purposes of access by snowmachines pursuant to Section 1110(a) of Public Law 96–487 nor subject to the Departmental regulations implementing that subsection.

(b) The Statement of Finding, dated June 2000; the Environmental Assessment, revised June 6, 2000; the Finding of No Significant Impact, dated June 6, 2000; and the regulations promulgated by the National Park Service on June 19, 2000 that are codified at 36 Code of Federal Regulations 13.63(h)(1)–(3), all relating to the closure of portions of Denali National Park and Preserve to snowmobile use, are hereby revoked, and the use of snow machines shall be permitted within "Area B" as depicted on the map referenced in subsection (a).

By Mr. JEFFORDS (for himself, Mr. FRIST, Mr. BREAUX, and Mr. GREGG):

S. 2590. A bill to amend title IX of the Public Heath Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I am pleased to join today with my colleagues Senators JEFFORDS, BREAUX, and GREGG in introducing crucial legislation, the Patient Safety and Quality Improvement Act.

Each year, as many as 98,000 people in the United States die as a result of medical errors. More Americans die each year from medical errors than from breast cancer, AIDS, or motor vehicle accidents. As a physician who has taken the Hippocratic oath "To do no harm," the status quo is simply unacceptable. As the Institute of Medicine wrote in its landmark 1999 report, To Err is Human: "[I]t is simply not acceptable for patients to be harmed by the same health care system that is supposed to offer healing and comfort."

The legislation we are introducing today will go a long way toward preventing many of these tragedies. Although a variety of patient safety initiatives are underway in the private sector as well as within the Department of Health and Human Services, and in the states, Congress has an important role to play in reinforcing, encouraging, and enhancing these efforts.

The major contribution of this legislation is to foster an open, collaborative environment where doctors, nurses, and other health professionals can share information freely and analyze it thoroughly. Health care providers should not be punished for trying to learn from their mistakes, reduce medical errors, and improve the quality of care they deliver to patients.

As a physician and a scientist, I know first hand about the enormous complexities of medicine today and the intricate system in which providers deliver care. I also recognize the need to examine medical errors closely in order to determine where the system has failed patients, and how it can be improved. Yet, adequate protections do not exist today to foster this type of learning and improvement environment. For example, hospitals currently rely upon Mortality and Morbidity Conference to share information about medical errors that occur with respect to individual patients. Unfortunately, because these conferences are focused on events involving individual patients within a single hospital, it is impossible to address system-wide quality and safety problems that may exist across hospital systems and within broader communities. Fear of litigation is the primary barrier to sharing and analyzing information that could save lives and improve treatment within the broader health care community.

We have seen this type of non-punitive reporting model work to vastly improve safety in other situations. In 1975, the Federal Aviation Administration established the Aviation Safety Reporting System, ASRS, to encourage pilots, controllers, flight attendants, mechanics, and the public to voluntarily report actual or potential discrepancies and deficiencies involving the safety of aviation operations. Because this information was widely shared and analyzed, the ASRS helped to significantly improve aviation safety in the United States. The risk of dying in a domestic jet flight decreased from one in two million in 1967 to 1976 to only one in eight million in the 1990s.

The Institute of Medicine, as well as many experts who have testified before Congress during the past few years, have strongly recommended that Congress provide the same type of legal protections for information gathered and reported to improve health care quality and increase patient safety. Without these protections, patient safety improvements will continue to be hampered by fears of retribution and recrimination. If we are to change the health care culture from "name, shame, and blame" to a culture of safety and continuous quality improvement, we must provide these basic protections.

In extending these protections, we have tried to encourage widespread voluntary error reporting while continuing to allow access to medical records and other information that should be available to patients for litigation or other purposes. Protecting data reported to a certified patient safety reporting system does not mean that such information cannot be obtained through other avenues if it is important to securing redress for harm. At the same time, information generated by this new reporting system designed specifically to reduce errors and broadly benefit patients should not become fodder for increased litigation. Moreover, the legislation expressly allows for patient safety information to be disclosed in the context of a disciplinary proceeding or criminal case where it is 1. material to the proceeding; 2. within the public interest; and 3. not available from any other source.

I want to thank Senators JEFFORDS, BREAUX, and GREGG for their support, and input into this legislation. I look forward to working with them, Senator KENNEDY, and my other colleagues in both the House and Senate, to pass legislation that will advance patient safety efforts.

I also value the leadership of the Bush Administration on this critical issue. The Administration's efforts to improve patient safety are underscored by the commitment, support and direct involvement of both Secretary Thompson of the Department of Health and Human Services and Secretary O'Neill of the Department of Treasury in helping to shape this legislation.

Americans take pride in offering the most advanced medical care in the world. A bounty of new devices, new treatments, and new techniques offer the hope of living longer and healthier than ever before. Yet, medical mistakes continue to take thousands of lives and cost billions of dollars each year. We must not let the miracle of modern medicine be extinguished by medical errors. This bill will make the changes in culture and communications that are needed to increase the safety of America's health care system, and improve the quality of care delivered to America's patients.

Mr. JEFFORDS. Mr. President, I am happy to have the opportunity today to speak on the vital issue of patient safety and medical errors, and to introduce legislation that will ensure better health care for all Americans. In 1999, the Institute of Medicine published a classic reference book titled To Err is Human, which reported that hospital medical errors contribute to approximately 100,000 deaths a year.

This troubling statistic has been verified by research done by the Commonwealth Foundation and reviewed by articles in the Journal of the American Medical Association, the Annals of Internal Medicine, and the New England Journal of Medicine. This statistic shows that medical errors are a more common cause of death than motor vehicle accidents or breast cancer, and it puts medical errors as the eighth leading cause of death in the United States.

This is totally unacceptable and it need not be occuring at all. Today, I am pleased to introduce legislation with my colleagues Senators FRIST, BREAUX, and GREGG, the "Patient Safety and Quality Improvement Act," that will put us on the path to correcting these medical errors.

The "Patient Safety and Quality Improvement Act" lays the groundwork for preventing these unnecessary deaths and injuries. Only by providing a framework through which medical errors can be reported and analyzed will we be able to make changes, strengthen and improve our health-care system and reduce morbidity and mortality.

Since the 106th Congress, the Senate Health, Education, Labor, and Pensions Committee has held five hearings on this important issue. The testimony given during these hearings reflected an overwelling agreement with the IOM report and the "Patient Safety and Quality Improvement Act," acts upon the IOM's findings and recommendations

Key elements of To Err is Human call for improvements in patient safety by developing a learning, rather than a punitive environment; legal protections of privacy and privilege that would foster care systems to be reviewed and appropriate collaborations to occur in developing and implementing patient safety improvement strategies.

Our legislation addresses all of these concerns. Currently, adequate legal protections and a non-punitive environment do not exist to foster the exchange of information and the analysis that is needed to deal with the complex issues of improving patient safety. Our measure creates opportunities for higher standards of continuous safety improvement, and encourages a new culture of patient safety dialogue to insure that safety information will be shared voluntarily and that appropriate collaboration and analysis will occur. It can not be overly stress that an environment where information, data, process, and recommendations enjoy legal protection and privilege it is essential to any safety organization.

These are the key elements of what the "Patient Safety and Quality Improvement Act" will do. It promotes a "culture of safety" in our health care system by providing for the legal protection of information reported voluntarily for the purposes of quality improvement and patient safety. It creates incentives for creating voluntary reporting systems that are non-punitive and promote learning. It recognizes that to be effective, these systems must have the buy-in, trust, and cooperation of the health care providers. It recognizes the Agency for Healthcare Research and Quality (AHRQ) as the leader in patient; safety for funding research and for dissemination of information learned about improving patient safety: and finally, it complements many ongoing patient safety initiatives in the public and private sector.

Finally, I want to point out what the bill does not do: It does not change existing remedies available to injured patients or limit a patient's access to their medical record; it does not "shield" or put patient information that is otherwise available beyond the reach for the purposes of disciplinary, civil or criminal proceedings; it does not change current regulatory processes or add new regulatory requirements; and it does not create mandatory, punitive reporting systems.

Our bill enjoys widespread endorsement by over 40 hospital, patient, doctor, and consumer advocacy organizations, and this degree of support underscores the broad appeal and essential nature of this proposed legislation. It is my strong desire that this bill receive the prompt attention that the issue clearly deserves.

All of us are justifiably proud of our hospital system and the wonders of medicine and technology. But we can no longer ignore the well documented incidence of medical errors, which waste needed medical resources and cause excessive medical complications and unacceptable loss of life. Without attention to this matter, it is reasonable to expect that thousands of innocents will suffer unnecessarily in our hospitals. We simply must not allow this to happen.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mrs. HUTCHISON, Mrs. MURRAY, Ms. COLLINS, Mrs. BOXER, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. CANTWELL, Mrs. CLINTON, and Mrs. CARNAHAN):

S. 2591. A bill to reauthorize the Mammography Quality Standards Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Mammography Quality Standards Reauthorization Act of 2002. This important bipartisan bill will continue a valuable program that helps save women's lives. I am proud that my good friend, Senator SNOWE, and other colleagues have joined on a bipartisan basis to introduce this legislation.

Mammography is not perfect, but it is the best screening tool we have now. Mammograms must be as safe and accurate as possible. A mammogram is worse than useless if it produces a poor-quality image or is misinterpreted. That's why I have fought over the last 10 years to make them even better.

The Mammography Quality Standards Act, MQSA, that I authored has improved the quality of mammograms in this country over the last 10 years. MQSA has brought facilities nationwide into compliance with Federal quality standards. Before MQSA, tests were misread, women were misdiagnosed, and people died as a result of sloppy work. This year Congress must reauthorize the Mammography Quality Standards Act, because women must continue to have safe, quality mammograms. Until there are more effective screening tools, mammography is still the front line against breast cancer.

Ten years ago before the Mammography Quality Standards Act, MQSA, first became law, there was an uneven patchwork of standards for mammography in this country. Image quality of mammograms varied widely. The first rule of all medical treatment is: Above all things, do no harm. And a bad mammogram can do real harm by leading a woman and her doctor to believe that nothing is wrong when something is. The result can be unnecessary suffering or even a death that could have been prevented. That is why this legislation is so important.

What MQSA does is require that all facilities that provide mammograms meet key safety and quality-assurance standards in the area of personnel, equipment, and operating procedures. Before the law passed, tests were misread, women were misdiagnosed, and people died as a result of sloppy work. Since 1992, MQSA has been successful in raising the quality of mammography services that women receive.

What are these national, uniform quality standards for mammography? Well, facilities are required to use equipment designed specifically for mammography. Only radiological technologists can perform mammography. Only qualified doctors can interpret the results of mammography. Facilities must establish a quality assurance and control program to ensure reliability, clarity and accurate interpretation of mammograms. Facilities must be inspected annually by qualified inspectors. Finally, facilities must be accredited by an accrediting body approved by the Secretary of Health and Human Services.

MQSA also ensures that women receive direct written notification of their mammogram results. Women will not assume that "no news is good news" when this is not always the case. They know what their results are, so that they can get any follow up care they need.

The bill that I am introducing today extends the successful MQSA program for another five years. It also allows the Secretary of Health and Human Services to issue a temporary certificate to a mammography facility if certain conditions have prevented the facility from completing the reaccreditation process before its certificate expires. What does this mean? If a facility acquires new mammography equipment and this prevents the facility from meeting reaccreditation time frames, the facility could get a temporary certificate that would allow it to continue to perform mammograms for up to 45 days. The temporary certificate can only be issued if the facility's accreditation body has issued a 45-day accreditation extension. This will provide protection in the law, so that in certain circumstances a mammography facility will not have to close its doors when its certificate expires before it is reaccredited.

This bill also brings to bear the expertise of the Institute of Medicine and the General Accounting Office to further improve MQSA and provide Congress with expert recommendations to consider during the next reauthorization of MQSA.

I look forward to working with my colleagues to reauthorize this important program this year. Last year, an estimated 192,200 women were diagnosed with breast cancer in this country and about 39,600 women died from breast cancer. Early detection and treatment are essential to reducing breast cancer deaths. I urge my colleagues to cosponsor this important bill, and I look forward to its enactment this year.

By Ms. LANDRIEU (for herself, Mr. DEWINE, and Ms. STABENOW):

S. 2592. A bill to provide affordable housing opportunities that are headed by grandparents and other relatives of children, and for other purposes; to the

Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I am sure that each and every member of the United States Senate, if asked, could share fond memories of times they spent with their grandparents. I know that for me many of my most memorable childhood memories were spent with my grandmother and grandfather. Summer vacations, Christmas dinners and school recitals were all the more special because Grandma or Grandpa were there. Grandparents are always there to share words of wisdom and windows to the past with their grandchildren. They provide unconditional love and support to parents and their children as they prepare to become our Nation's next generation.

Today, over 4 million grandparents in America are doing more than attending birthday parties and buying their grandchild's first bicycle. The US Census bureau reports that over 4 million grandparents are serving as a full time parent to their grandchildren. In my own State, Louisiana, over 150,000 grandparents are filling these roles. Many of these children have parents who have died, are in prison, or are suffering from substance abuse or mental illness. Others have been taken out of abusive homes. These "grandfamilies" come in all shapes and sizes. Some live in rural areas, some live in cities, others in suburbs. They come from all races, ethnicities and social status and they live in every single State in the Nation.

Grandparents raising children face many barriers, especially if they do not have legal custody of the children, as is the case with a large portion of these caregivers. Most of these grandparents were at a point in their life when the major decisions faced by their peers are surrounding prescription drug coverage and retirement plans. Instead, these seniors are faced with questions about homework, the cost of baby formula and diapers, and where to find safe and affordable housing big enough for the whole family. While this bill does not address all of these barriers, it does attempt to address the critical need for affordable housing.

These families often live in small apartments, assisted living communities or houses that are not suitable for the children they care for. If the grandparent is living in public senior housing, where children are disallowed, they are often subject to eviction if the children are discovered. Furthermore, if a housing development is constructed for seniors, these apartments are often not "child proofed" and there are often no places for the children to play safely. If these grandparents can afford to move to housing that is more suitable for the children, they are often forced to give up some of the amenities that improve an elderly person's quality of life, such as ramps and bathroom rails.

Many programs throughout the Nation have tried to address the need to provide safe and affordable housing for these families. One program, Grandfamilies House, in Massachusetts provides 26, two, three and four bedroom apartments that come equipped with the safety features needed by the older and younger residents it hopes to serve. In addition, they provide on site services to residents, including support groups, exercise programs and a before and after school program. This program is serving as a model to other communities that are hoping to create such an environment for their intergenerational families. There are many localities that have begun the process of implementing programs like the Grandfamilies House in: Baltimore, MD; Buffalo, NY; Chicago, IL, Detroit, MI, Nashville, TN; New York City, NY; Cleveland, OH and Philadelphia, PA.

This bill would allow these programs to grow and prosper as well as encouraging other public and private partners to engage in developing these types of programs. Specifically, this bill authorizes the Secretary of the Housing and Urban Development to provide grants under a demonstration program that would be targeted toward meeting the housing and service needs of grandparent headed households. Furthermore, it clarifies key sections of federal housing law to ensure that grandparents raising grandchildren are able to access the federal assistance provided under federal housing programs. Finally, it directs the Secretary of HUD to provide specialized training to HUD personnel focused on grandparent-headed and relative-headed families.

With 4 million children living solely with grandparents or other relatives, safe and affordable housing for these families is a concern that must be addressed. This is a simple and cost efficient way to begin to address this important question. I would like to thank my colleagues, Senator DEWINE and Senator STABENOW, for their support of this legislation. I urge my colleagues to join us in support of this bill and hope that it will become law this year.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 281—DESIGNATING THE WEEK BEGINNING AUGUST 25, 2002, AS "NATIONAL FRAUD AGAINST SENIOR CITIZENS AWARENESS WEEK"

Mr. LEVIN (for himself, Ms. COLLINS, Mrs. CLINTON, Ms. CANTWELL, Mr. BAYH, Mr. CORZINE, Mr. SPECTER, Mr. SMITH of Oregon, Mr. INOUYE, Ms. LANDRIEU, Mr. BREAUX, Mr. TORRICELLI, Mr. BUNNING, Mr. AKAKA, Mr. HAGEL, Mr. CRAIG, Mr. DEWINE, Mr. DURBIN, and Mr. CAMPBELL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 281

Whereas perpetrators of mail, telemarketing, and Internet fraud frequently target their schemes at senior citizens because seniors are often vulnerable and trusting people;

Whereas, as victims of such schemes, many senior citizens have been robbed of their hard-earned life savings and frequently pay an emotional cost, losing not only their money, but also their self-respect and dignity;

Whereas perpetrators of fraudulent schemes against American seniors often operate outside the United States, reaching their victims through the mail, telephone lines, and the Internet;

Whereas the Deceptive Mail Prevention and Enforcement Act increased the power of the United States Postal Service to protect consumers against those who use deceptive mailings featuring games of chance, sweepstakes, skill contests, and facsimile checks;

Whereas the Postal Inspection Service responded to 66,000 mail fraud complaints, arrested 1,691 mail fraud offenders, convicted 1,477 such offenders, and initiated 642 civil or administrative actions in fiscal year 2001;

Whereas mail fraud investigations by the Postal Inspection Service in fiscal year 2001 resulted in over $1,200,000,000 in court-ordered and voluntary restitution payments;

Whereas the Postal Inspection Service, in an effort to curb cross-border fraud, is involved in 3 major fraud task forces with law enforcement officials in Canada, namely, Project Colt in Montreal, The Strategic Partnership in Toronto, and Project Emptor in Vancouver;

Whereas consumer awareness is the best protection from fraudulent schemes; and

Whereas it is vital to increase public awareness of the enormous impact that fraud has on senior citizens in the United States, and to educate the public, senior citizens, their families, and their caregivers about the signs of fraudulent activities and how to report suspected fraudulent activities to the appropriate authorities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week"; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate activities and programs to—

(A) prevent the purveyors of fraud from victimizing senior citizens in the United States; and

(B) educate and inform the public, senior citizens, their families, and their caregivers about fraud perpetrated through mail, telemarketing, and the Internet.

Mr. LEVIN. Mr. President, I rise today to submit a resolution designating the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week." This legislation will bring increased awareness to mail, Internet and telemarketing schemes that frequently target elderly Americans. These schemes rob America's seniors not only of their hard-earned savings, but also of their self respect and dignity. Recognizing that increased awareness, especially on the part of seniors, their families and caregivers, is the best defense, this resolution highlights the efforts being made to protect our nation's elderly.

Last June, the Permanent Subcommittee on Investigations held two days of hearings that focused on the growing problem of Internet, mail and telemarketing fraud. The Subcommittee found that in this age of international communications, foreign countries have unfortunately become a major point of origin for lottery, sweepstakes, and advance-fee-for-loan scams that prey upon Americans through telemarketing. Worse yet, the Subcommittee found that such schemes often specifically target the elderly, who are often the most vulnerable and least able to afford being defrauded.

Last year, alone, the U.S. Postal Inspection Service, USPIS, responded to 66,000 mail fraud complaints, arrested nearly 1700 mail fraud offenders, and convicted nearly 1500 such offenders. Moreover, mail fraud investigations resulted in over $1.2 billion in court-ordered restitution and voluntary restitution payments.

The USPIS has joined with the Senior Action Coalition, a grassroots multi-agency organization, to develop a national multi-media fraud prevention campaign. The campaign will include public service announcements as well as newspaper advertisements, mailing inserts and poster displays. Designating National Fraud Against Senior Citizen Awareness Week will highlight these efforts and help reach a wide segment of the elderly population and those who care for them.

I would like to thank Senator SUSAN COLLINS for cosponsoring this legislation as well as all of the other original cosponsors. I hope the rest of my colleagues will consider cosponsoring this resolution and that we can enact it well before the August recess so we can commemorate the week for the first time this year.

Ms. COLLINS. Mr. President, I join Senator LEVIN in submitting a resolution that will designate the week of August 25, 2002, as National Fraud Against Senior Citizens Awareness Week. This designation of this week will increase public awareness of mail, Internet and telemarketing schemes that target elderly Americans. It is through increased awareness on the part of seniors, their families, and their caregivers that such schemes, which rob seniors not only of their hard-earned savings but of their dignity and self respect, can best be prevented.

This kind of fraud, unfortunately, is pervasive. Last year alone, the U.S. Postal Inspection Service responded to 66,000 mail fraud complaints, arrested nearly 1,700 mail fraud offenders, and secured nearly 1,500 convictions.

The elderly are often especially vulnerable, and they are frequently among the least able to afford being defrauded. The AARP, the National Association of Attorneys General, and the Federal Trade Commission have estimated that 85 percent of the victims of telemarketing fraud are age 65 or older. During hearings of the Permanent Subcommittee on Investigations that I chaired last June on mail, Internet and telemarketing fraud, several elderly witnesses testified about how they had been defrauded of thousands of dollars and the resulting hardships caused by the loss of their life savings.

Mrs. Ann Hersom of Acton, for example, testified that her 80-year-old husband, formerly a successful businessman, had fallen prey to devious telemarketers and clever mail solicitations. She estimated that he lost $20,000 to these schemes, and described how devastating these losses had been to their family.

The telemarketing fraud industry is a highly mobile, sophisticated racket that very often involves "boiler rooms" in which hundreds of people make high pressure calls, sometimes 16 hours a day, seven days a week. These fraudulent telemarketers often gear their pitches to elderly citizens living alone and fearful of not having sufficient funds for their remaining years. In fact, it appears that some unscrupulous telemarketers may select their elderly victims by using lists to target those who have recently placed a spouse in a nursing home. Thus, the friendship and compassion these telemarketers appear to offer come when the elderly are particularly vulnerable to such enticements.

Foreign countries have unfortunately become a source of entry for lottery, sweepstakes and advance-fee-for-loan scams that prey upon Americans through direct mail and telemarketing. According to Federal Trade Commission figures, U.S. consumers filed nearly 13,000 complaints against foreign companies during calendar year 2001. Similarly, the dollar value of losses reported by consumers against these companies is nearly $25 million. In the first quarter of 2002, U.S. consumers have filed nearly 7,000 complaints against foreign companies.

How do we fight such fraud? The first line of defense against mail, Internet and telemarketing fraud is to promote public awareness of the dangers of such crimes, the types of schemes in which criminals are likely to engage, and what consumers can do to report fraudulent overtures and help law enforcement officials catch up with the con artists.

National Fraud Against Senior Citizens Week is designed to do just that. During the week of August 25, 2002, the U.S. Postal Inspection Service, together with the Senior Action Coalition, a grassroots multi-agency organization based in Pittsburgh, will launch a national multi-media fraud prevention campaign. The campaign will be kicked off with events in Washington, DC, Maine, and elsewhere.

The campaign will include radio and television public service announcements by national spokesperson Betty White. On Sunday, August 25, announcements in newspapers will run in the 13 states that recorded the most complaints of fraud by seniors, including Maine. Poster displays highlighting the problem and what seniors and their caregivers can do to protect themselves and report fraud will be displayed in post office lobbies and other public areas, and mailers are planned to be sent to seniors. Designating National Fraud Against Senior Citizens Awareness Week will help reach a wide segment of America's elderly and those who care for them with the time-honored advice of: "If it sounds too good to be true, it probably is too good to be true."

AMENDMENTS SUBMITTED AND PROPOSED

SA 3580. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 3581. Ms. LANDRIEU (for herself, Mr. BREAUX, and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3582. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3583. Mr. KENNEDY (for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, Mr. REID, Mrs. MURRAY, and Mr. DURBIN) proposed an amendment to amendment SA 3570 proposed by Mr. REID to the bill (H.R. 4775) supra.

SA 3584. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3585. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3586. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3587. Mr. BOND (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3588. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3589. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3590. Mr. HOLLINGS (for himself, Mr. BREAUX, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3591. Mr. BIDEN (for himself, Mr. CARPER, Mr. TORRICELLI, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3592. Mr. BAYH (for himself, Ms. MIKULSKI, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3593. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3594. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3595. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3596. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3597. Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3598. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3599. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3600. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3601. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3602. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3603. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3604. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3605. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3606. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3607. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3608. Mr. KENNEDY (for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, Mr. REID, Mrs. MURRAY, Mr. DURBIN, and Mr. REED) proposed an amendment to the bill H.R. 4775, supra.

SA 3609. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3610. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3611. Mr. THOMPSON (for himself and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3612. Ms. COLLINS (for herself, Mr. NELSON of Nebraska, Mr. SMITH of Oregon, Mr. HUTCHINSON, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3613. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3614. Mr. WYDEN (for himself, Mr. SMITH of Oregon, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3615. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3616. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3617. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3618. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3619. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3620. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3621. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3622. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3623. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3624. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3625. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3626. Mr. BOND (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3627. Mr. BYRD (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3628. Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3629. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3630. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3631. Mr. KYL (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3632. Mr. KYL (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3633. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3634. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3635. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3636. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3637. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3638. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3639. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3640. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3641. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3642. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3643. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3644. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3645. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3646. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3647. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3648. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3649. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3650. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3651. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3652. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3653. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3654. Mr. SESSIONS (for himself and Mr. Hutchinson) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3655. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3656. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3657. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3658. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3659. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3660. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3661. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3662. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3663. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3664. Ms. SNOWE (for herself and Ms. Collins) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3665. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3666. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3667. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3668. Mr. STEVENS (for himself and Mr. Campbell) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3669. Mr. KERRY (for himself and Mr. Cleland) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3670. Mr. REID (for himself and Mr. Kyl) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3671. Mr. REID (for himself and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3672. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3673. Mr. REID (for himself and Mr. Gregg) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3674. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3675. Mrs. CLINTON (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3676. Mr. LEAHY (for himself and Mr. McConnell) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3677. Mr. LEAHY (for himself and Mr. McConnell) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3678. Mr. LEAHY (for himself and Mr. McConnell) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3679. Mr. LEAHY (for himself and Mr. McConnell) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3680. Mr. LEAHY (for himself and Mr. McConnell) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3681. Mrs. CLINTON (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3682. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3683. Mr. SCHUMER (for himself and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3684. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3685. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3686. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3687. Mr. GREGG (for himself and Ms. Cantwell) proposed an amendment to the bill H.R. 4775, supra.

SA 3688. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3689. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3690. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3691. Mr. BYRD (for himself, Mr. Stevens, and Mrs. Murray) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3692. Mr. BYRD (for himself, Mr. Stevens, and Mrs. Murray) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3693. Mr. BYRD (for himself, Mr. Stevens, and Mrs. Murray) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3694. Mr. BYRD (for himself, Mr. Stevens, and Mrs. Murray) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3695. Mr. BURNS (for himself, Mr. Baucus, and Mr. Enzi) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3696. Mr. LEAHY (for himself and Mr. McConnell) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3697. Mr. LEAHY (for himself and Mr. McConnell) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3698. Mr. LEAHY (for himself and Mr. McConnell) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3699. Mr. JEFFORDS (for himself and Mr. Smith of New Hampshire) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3700. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3701. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3702. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3703. Mr. McCAIN (for himself and Mr. Feingold) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3704. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3705. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3706. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3707. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3708. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3709. Mr. INHOFE (for himself and Mr. Nickles) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3710. Mr. BROWNBACK (for himself, Mr. Gramm, Mr. Helms, Mr. Fitzgerald, and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3711. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3712. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3713. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3714. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3715. Mr. LEAHY (for himself and Mr. McConnell) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3716. Mr. LEAHY (for himself and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3717. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3718. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3719. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3720. Mr. FRIST (for Mr. Helms (for himself, Mr. Frist, Mr. Kerry, Mr. Warner, Mr. DeWine, Mr. Smith of Oregon, and Mr. Biden)) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3721. Mr. FRIST (for Mr. Helms (for himself, Mr. Frist, Mr. Kerry, Mr. Warner, Mr. DeWine, Mr. Smith of Oregon, and Mr. Biden)) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3722. Mr. FRIST (for Mr. Helms (for himself, Mr. Frist, Mr. Kerry, Mr. Warner, Mr. DeWine, Mr. Smith of Oregon, and Mr. Biden)) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3723. Mr. FRIST (for Mr. Helms (for himself, Mr. Frist, Mr. Kerry, Mr. Warner, Mr. DeWine, Mr. Smith of Oregon, and Mr. Biden)) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3724. Mr. FRIST (for Mr. Helms (for himself, Mr. Frist, Mr. Kerry, Mr. Warner, Mr. DeWine, Mr. Smith of Oregon, and Mr. Biden)) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3725. Mr. FRIST (for Mr. Helms (for himself, Mr. Frist, Mr. Kerry, Mr. Warner, Mr. DeWine, Mr. Smith of Oregon, and Mr. Biden)) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3726. Mr. DeWINE (for himself and Mr. Cleland) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3727. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3728. Mr. KENNEDY (for himself, Ms. Collins, and Ms. Landrieu) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3729. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3730. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3731. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3732. Mr. DURBIN (for himself, Mr. Specter, Mr. Leahy, Mr. DeWine, Mr. Kerry, Mr. Kennedy, Mrs. Boxer, Mr. Sarbanes, Mrs. Feinstein, Ms. Mikulski, Mrs. Clinton, Mr. Dodd, Mr. Lieberman, Mr. Torricelli, Mr. Levin, Mr. Schumer, and Ms. Landrieu) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3733. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3734. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3735. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3736. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3737. Mr. ENZI (for himself, Mr. Grassley, and Mr. Hagel) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3738. Mr. ENZI (for himself, Mr. Grassley, and Mr. Hagel) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3739. Ms. LANDRIEU (for herself and Mr. Breaux) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3740. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3741. Mr. SCHUMER (for himself and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3742. Mrs. CLINTON (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3743. Mrs. CLINTON (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3744. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3745. Mr. SARBANES (for himself and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3746. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3747. Mr. GRAHAM (for himself and Mr. Nelson of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3748. Mr. GRAHAM (for himself and Mr. Nelson of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3749. Mr. GRAHAM (for himself and Mr. Nelson of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3750. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3751. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3752. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3753. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3754. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3755. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3756. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3757. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3758. Mr. MILLER submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3759. Mr. HATCH (for himself, Ms. Mikulski, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3760. Mr. REID (for himself and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3761. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3762. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3763. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3764. Mr. DASCHLE (for himself and Mr. CONRAD) proposed an amendment to the bill H.R. 4775, supra.

SA 3765. Mr. SANTORUM proposed an amendment to amendment SA 3764 proposed by Mr. DASCHLE (for himself and Mr. CONRAD) to the bill H.R. 4775, supra.

SA 3766. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4755, to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the "Clarence Miller Post Office Building"; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3580. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 16, after the semicolon insert the following: "$15,870,000 shall be made available to the Federal Law Enforcement Training Center for additional instructors, facilities, and equipment required to train new law enforcement staffing required following the September 11, 2001, terrorist attacks, in particular for basic training for the new Transportation Security Administration;".

SA 3581. Ms. LANDRIEU (for herself, Mr. BREAUX, and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 22, strike "$72,000,000" and insert "$69,463,000".

On page 79, between lines 6 and 7, insert the following:

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for fiscal year 2002 for "Children and Families Services Programs", $2,537,000, which shall be available, without regard to paragraph (3) or (4) of section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15022(a)), to support activities carried out in fiscal years 2001 and 2002 by State Councils on Developmental Disabilities, through grants only to States adversely affected for fiscal years 2001 and 2002 by the omission from such Act of the provisions of section 125(a)(3)(A)(ii)(II) of the Developmental Disabilities Assistance and Bill of Rights Act (as in effect on October 29, 2000).

On page 89, between lines 3 and 4, insert the following

SEC. 807. (a) Section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15022(a)) is amended—

(1) in paragraph (3)(A), by striking clauses (i) and (ii) and inserting the following:

"(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than the greater of—

"(I) $210,000; or

"(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year; and

"(ii) to any State not described in clause (i) may not be less than the greater of—

"(I) $400,000; or

"(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year."; and

(2) in paragraph (4)(A), by striking clauses (i) and (ii) and inserting the following:

"(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than the greater of—

"(I) $220,000; or

"(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year; and

"(ii) to any State not described in clause (i) may not be less than the greater of—

"(I) $450,000; or

"(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year.".

(b) The amendments made by subsection (a) take effect on October 1, 2002.

SA 3582. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. SUDDEN OAK DEATH SYNDROME.

The Secretary of Agriculture shall use $5,000,000 of funds of the Commodity Credit Corporation to arrest, control, eradicate, and prevent the spread of sudden oak death syndrome, of which—

(1) $1,500,000 shall be provided to the Animal and Plant Health Inspection Service;

(2) $1,500,000 shall be provided to the Agricultural Research Service;

(3) $1,500,000 shall be provided to the Forest Service; and

(4) $500,000 shall be provided to the Cooperative State Research, Education, and Extension Service.

SA 3583. Mr. KENNEDY (for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, Mr. REID, Mrs. MURRAY, and Mr. DURBIN) proposed an amendment to amendment SA 3570 proposed by Mr. REID to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY SUMMER SCHOOL FUNDING.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Under the amendments made by the No Child Left Behind Act of 2001, students and schools rightly are held accountable for meeting challenging State academic content and student academic achievement standards in mathematics, reading or language arts, and science.

(B) Summer programs and activities supported under the 21st Century Community Learning Centers program are critical to providing supplemental academic services and academic enrichment activities designed to help students meet local and State academic standards.

(C) Summer programs and activities supported under the 21st Century Community Learning Centers program help children and the children's families in the areas of youth development, drug and violence prevention, and character education.

(D) During the summer of 2002, school districts throughout the Nation will confront more than $200,000,000 in cuts to summer school programs, eliminating services and academic support to more than 150,000 struggling children.

(2) PURPOSE.—The purpose of this section is to provide opportunities for communities to provide summertime activities in community learning centers that—

(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics; and

(B) offer students an array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students.

(b) FUNDING FOR SUMMER SCHOOL PROGRAMS.—

(1) IN GENERAL.—Provided that, in addition to amounts otherwise available to carry out section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)), $200,000,000 shall be available to carry out activities described in section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)) during the 2002 summer recess period.

(2) AWARDING OF GRANTS.—

(A) IN GENERAL.—Notwithstanding section 4202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7172), the Secretary of Education shall award grants with funds made available under paragraph (1) on a competitive basis to eligible entities serving communities whose local educational agencies are not able to meet fully the communities' need for summer school programs.

(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary of Education shall give priority to an eligible entity that is a local educational agency or who serves a community whose local educational agency—

(i) serves high concentrations or numbers of low-income children;

(ii) before June 6, 2002, announced that the local educational agency is canceling or reducing summer school services in 2002; or

(iii) is located in a State whose State educational agency, before June 6, 2002, announced that the State educational agency is canceling or reducing summer school funding for 2002.

(3) Application and obligation.—

(A) Application.—Notwithstanding sections 4203 and 4204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7173 and 7174), an eligible entity that desires a grant under this section shall submit an application to the Secretary of Education at such time and in such manner as the Secretary of Education may require.

(B) Obligation.—Not later than 4 weeks after the date of enactment of this section, the Secretary of Education shall obligate funds made available under this section.

(4) Definition of eligible entity.—In this section, the term "eligible entity" has the meaning given the term in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171).

(5) Emergency designation.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3584. Ms. STABENOW (for herself and Mr. Levin) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, insert the following:

Sec. 1008. Using up to $300,000 of the amount appropriated for fiscal year 2002 for the Department of Transportation for the Coast Guard for acquisition, construction, and improvements by title I of Public Law 107–87 (115 Stat. 836), the Secretary of Transportation shall, by grant, reimburse the City of Escanaba, Michigan, for the costs incurred by the City for the repair of the North wall of the municipal dock, Escanaba, Michigan, a facility used by the Coast Guard.

SA 3585. Ms. STABENOW (for herself and Mr. Levin) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 18, after "That" insert "of this amount, $10,000,000 is for reimbursing State and local law enforcement agencies that have provided necessary Federal assistance to personnel of the Immigration and Naturalization Service, and of the United States Customs Bureau Service, along the Northern Border of the United States: *Provided further*, That".

SA 3586. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 19 and 20, insert the following:

STATE WILDLIFE GRANTS

(RESCISSION)

Of the amounts made available for "United States Fish and Wildlife Service, State Wildlife Grants" under title VIII of the Department of the Interior and Related Agencies Appropriation Act, 2001 (114 Stat. 1025), $2,000,000 is rescinded.

On page 73, between lines 2 and 3, insert the following:

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for exhibits and other activities relating to the events of September 11, 2001, $2,000,000, to remain available until expended.

SA 3587. Mr. BOND (for himself and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 19, strike "$10,000,000" and insert "$22,200,000".

On page 49, beginning on line 4, strike "flooding in" and all that follows through the end of line 6 and insert "flooding in eastern Kentucky, Illinois, Missouri, southwestern Virginia, and southern West Virginia: *Provided*, That the $22,200,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).".

SA 3588. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2002 of the bill.

SA 3589. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 10 of title I under the heading "Transportation Security Administration", insert before the period the following: ": *Provided further*, That no amount appropriated by this heading shall be available for prescribing regulations to implement the aviation security program for charter air carriers required by section 132(a) of the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 635; 49 U.S.C. 44903 note) unless such regulations include pre-boarding screening requirements (including a search of passengers and their accessible baggage) for aircraft with a maximum certificated take off weight of 12,500 pounds or more".

SA 3590. Mr. HOLLINGS (for himself, Mr. Breaux and Mr. Lott) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . CONTAMINATED SEAFOOD.

(a) In General.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by—

(1) redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) inserting after subsection (a) the following:

"(b) Contaminated Seafood.—

"(1) Refusal of entry.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood originating from a country or exporter if the Secretary determines, on the basis of evidence that the Secretary finds reliable and applicable, that shipments of such seafood are likely to contain 1 or more animal drugs listed in section 530.4(a) of title 21, Code of Federal Regulations. Such evidence may include—

"(A) the detection of such animal drugs by the Secretary;

"(B) the detection of such animal drugs by an entity commissioned to carry out examinations and investigations under section 702(a) of this Act (21 U.S.C., 372(a));

"(C) findings from an inspection team formed under paragraph (4); or

"(D) the detection by other importing countries of such animal drugs in shipments of seafood that originate from such country or exporter.

"(2) Allowance of individual shipments from exporting country or exporter.—Notwithsteanding an order under paragraph (1) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

"(A) the exporter or importer presents evidence from a laboratory certified by the Secretary under paragraph (5) that a shipment does not contain a drug listed in section 530.41(a) of title 21, Code of Federal Regulations; or

"(B) the Secretary, or an entity commissioned to carry out examinations and investigations under section 702(a) of this Act (21 U.S.C. 372(a)), has inspected the shipment and has found that the shipment does not contain such a drug.

"(3) Cancellation of order.—The Secretary may cancel an order under paragraph (1) with respect to seafood exported from a country or exporter— if

"(A) an inspection team formed under paragraph (4) has determined that the prohibited drug at issue is no longer sold for use, or being used, in food-producing animals in the country in which the seafood originated; or

"(B) all shipments into the United States under paragraph (2) of seafood originating in that country or from that exporter more than 1 years after the date on which the Secretary issued the order have been found, under the procedures described in paragraph (2), not to contain such a drug.

"(4) Inspection team.—The Secretary may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates to assess whether any such drug is sold for use, or is being used in, food-producing animals in that country. The inspection team shall prepare a report for the Secretary with its findings. The Secretary shall cause the report to be published in the Federal Register no later than 90 days after the inspection team makes its final report. The Secretary shall notify the country or exporter through appropriate means as to the findings of the report no later than the date on which the report is published in the Federal Register.

"(5) Certified labs.—Within 90 days after the date of enactment of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, the Secretary shall publish in the Federal Register a list of laboratories certified by the Secretary for purposes of paragraph (2)(A). The Secretary shall update the list, and publish the updated list, no less frequently than annually.".

"(b) CONFORMING AMENDMENTS.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended by subsection (a), is amended by—

(1) striking "subsection (b)" in subsection (a) and inserting "subsection (c)";

(2) striking "subsection (b)" in subsection (d) and inserting "subsection (c)";

(3) striking "subsection (e)" in subsection (g)(1) and inserting "subsection (f)";

(4) striking "section 801(a)" in subsection (h)(1)(A)(i) and inserting "subsection (a) of this section";

(5) striking "section 801(a)" in subsection (h)(1)(A)(ii) and inserting "subsection (a) of this section"; and

"(6) striking "section 801(d)(1);" in subsection (h)(1)(A)(iii) and inserting "subsection (d)(1) of this section;"

SA 3591. Mr. BIDEN (for himself, Mr. CARPER, Mr. TORRICELLI, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 307. The Secretary of the Army shall obligate and expend the $2,000,000 appropriated for the Army by Public Law 107–117 for procurement of smokeless nitrocellulose under Activity 1, instead under Activity 2, Production Base Support Industrial Facilities, for the purpose of preserving a commercially owned and operated capability of producing defense grade nitrocellulose at the rate of at least 10,000,000 pounds per year in order to preserve a commercial manufacturing capability for munitions precursor supplies for the High Zone Modular Artillery Charge system and to preserve competition in that manufacturing capability.

SA 3592. Mr. BAYH (for himself, Ms. MIKULSKI, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 3 of title I, insert after the matter under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE" the following:

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United states stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $100,000,000, of which $100,000,000 shall be available for accelerated neutralization of chemical weapons: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3593. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, line 10, after "Israel" insert the following: ", all or a portion of which may be transferred to, and merged with, funds appropriated by this Act under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for defensive, non-lethal anti-terrorism assistance in accordance with the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961".

SA 3594. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 94, line 19, after "Commerce" insert "*Provided further*, That the Under Secretary for Transportation Security shall report to the Committee on Appropriations of each House (1) the amount of funds dedicated to improving public transportation security, (2) the number of full-time Transportation Security Administration personnel engaged in improving public transportation security, (3) a plan for improving the security of our Nation's public transportation systems, and (4) recommendations of any policy changes required to ensure Transportation Security Administration, Department of Transportation, and the Federal Transit Administration can effectively improve security for our Nation's transit riders not later than 30 days after the date of enactment of this Act".

SA 3595. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 94, line 19, after "Commerce" insert "*Provided further*, That not later than 30 days after the date of enactment of this Act, the Under Secretary for Transportation Security shall report to Congress (1) the amount of Transportation Security Administration funds dedicated to improving public transportation security, (2) the number of full-time Transportation Security Administration personnel engaged in improving public transportation security, (3) a plan for improving the security of our Nation's public transportation systems".

SA 3596. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, after line 6 insert the following new proviso:

CENTERS FOR MEDICARE AND MEDICAID SERVICES

PROGRAM MANAGEMENT

": *Provided further*, That of the funds made available under this heading in Public Law 107–116, $3,000,000 shall be awarded to the Johns Hopkins School of Medicine for activities associated with an in-home study of self-administered high frequency chest oscillation therapy for patients with chronic obstructive pulmonary disease".

SA 3597. Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 116, after line 24, add the following:

TITLE III—AMERICAN SERVICEMEMBERS' PROTECTION ACT

SEC. 3001. SHORT TITLE.

This title may be cited as the "American Servicemembers' Protection Act of 2002".

SEC. 3002. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court". The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the

United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.".

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, "I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied".

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to "determine the existence of any .... act of aggression" would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 3003. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) Authority To Initially Waive Sections 3005 and 3007.—The President is authorized to waive the prohibitions and requirements of sections 3005 and 3007 for a single period of 1 year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) Authority To Extend Waiver of Sections 3005 and 3007.—The President is authorized to waive the prohibitions and requirements of sections 3005 and 3007 for successive periods of 1 year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) Authority To Waive Sections 3004 and 3006 With Respect to an Investigation or Prosecution of a Named Individual.—The President is authorized to waive the prohibitions and requirements of sections 3004 and 3006 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 3005 and 3007 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) Termination of Waiver Pursuant to Subsection (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 3004 and 3006 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 3005 and 3007 expires and is not extended pursuant to subsection (b).

(e) Termination of Prohibitions of This Title.—The prohibitions and requirements of sections 3004, 3005, 3006, and 3007 shall cease to apply, and the authority of section 3008 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 3004. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) Application.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 3008; or

(B) communication by the United States of its policy with respect to a matter.

(b) Prohibition on Responding to Requests for Cooperation.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) Prohibition on Transmittal of Letters Rogatory From the International Criminal Court.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) Prohibition on Extradition to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) Prohibition on Provision of Support to the International Criminal Court.—

Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) Prohibition on Use of Appropriated Funds To Assist the International Criminal Court.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) Restriction on Assistance Pursuant to Mutual Legal Assistance Treaties.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) Prohibition on Investigative Activities of Agents.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 3005. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) Policy.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) Restriction.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) Certification.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

SEC. 3006. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) In General.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) Indirect Transfer.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) Construction.—The provisions of this section shall not be construed to prohibit any action permitted under section 3008.

SEC. 3007. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) Prohibition of Military Assistance.—Subject to subsections (b) and (c), and effective 1 year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) National Interest Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) Article 98 Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) Exemption.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 3008. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) Authority.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) Persons Authorized To Be Freed.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) Authorization of Legal Assistance.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) Bribes and Other Inducements Not Authorized.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 3009. ALLIANCE COMMAND ARRANGEMENTS.

(a) Report on Alliance Command Arrangements.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a

party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) Description of Measures To Achieve Enhanced Protection for Members of the Armed Forces of the United States.—Not later than 1 year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) Submission in Classified Form.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 3010. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 3011. APPLICATION OF SECTIONS 3004 AND 3006 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) In General.—Sections 3004 and 3006 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) Notification to Congress.—

(1) In general.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 3004 or 3006, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) Exception.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) Construction.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

SEC. 3012. NONDELEGATION.

The authorities vested in the President by sections 3003 and 3011(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 3005(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 3013. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) Classified national security information.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) Covered allied persons.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) Covered united states persons.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) Extradition.—The terms "extradition" and "extradite" mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) International criminal court.—The term "International Criminal Court" means the court established by the Rome Statute.

(7) Major non-nato ally.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) Participate in any peacekeeping operation under chapter vi of the charter of the united nations or peace enforcement operation under chapter vii of the charter of the united nations.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) Party to the international criminal court.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) Peacekeeping operation under chapter vi of the charter of the united nations or peace enforcement operation under chapter vii of the charter of the united nations.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) Rome statute.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) Support.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) United states military assistance.—The term "United States military assistance" means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

SEC. 3014. REPEAL OF LIMITATION.

The Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117) is amended by striking section 8173.

SA 3598. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 3 and 4, insert the following:

SEC. 807. LOCAL EDUCATIONAL AGENCY SERVING NEW YORK CITY.

Notwithstanding section 1124(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(2)), for fiscal year 2002, if the local educational agency serving New York City receives an allocation under section 1124 of the Elementary and Secondary

Education Act of 1965 (20 U.S.C. 6333) in an amount that is greater than the amount received by the agency under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for fiscal year 2001, then—

(1) the agency shall distribute any funds in excess of the amount of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)); and

(2) each county in New York City shall receive an amount from the agency that is not less than the amount the county received in fiscal year 2001.

SA 3599. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. EXEMPTION OF MARKET LOSS ASSISTANCE FOR APPLE PRODUCERS FROM ADMINISTRATIVE OFFSET.

Section 10105 of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) ADMINISTRATIVE OFFSET.—Payments under this section shall not be subject to administrative offset, including administrative offset under chapter 37 of title 31, United States Code.".

SA 3600. Mrs. TORRICELLI (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 23, insert after "security." the following: "$651,000 shall be for reimbursement of the Robert Wood Johnson Hospital in Hamilton, New Jersey for expenses related to the testing and treatment of United States Postal Workers who were exposed to the anthrax virus at the Hamilton Township Postal Facility in October of 2001."

SA 3601. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, between lines 14 and 15, insert the following:

INDEPENDENT AGENCY

NUCLEAR REGULATORY COMMISSION

Funds made available under the heading "NUCLEAR REGULATORY COMMISSION" under the heading "INDEPENDENT AGENCY" in chapter 5 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (115 Stat. 2309), shall be used to reimburse the State of New Jersey for the costs incurred by the State, as certified by the Governor of the State, in providing increased security for the Oyster Creek and Salem-Hope Creek nuclear power plants in the State since September 11, 2001.

SA 3602. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, insert the following:

SEC. 1008. Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report—

(A) explaining how the Administrator will address the air traffic controller staffing shortage at Newark International Airport; and

(B) providing a deadline by which the airport will have an adequate number of air traffic controllers.

SA 3603. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, insert the following:

SEC. 1008. It is the sense of the Senate that—

(1) Newark International Airport has an inadequate number of air traffic controllers;

(2) there is cause for concern about passenger safety at Newark International Airport as a result of the inadequate number of air traffic controllers at the airport;

(3) the number of passengers using air transportation is expected to continue to increase, and will eventually equal or exceed the number of passengers using air transportation prior to September 11, 2001;

(4) an increase in passenger volume will exacerbate the effects of the air traffic controller shortage at Newark International Airport;

(5) Newark International Airport was the busiest airport in the New York Metropolitan Area in 2001, with more than 30,000,000 passengers arriving at or departing from the airport;

(6) Newark International Airport provides substantial economic benefits to its region including—

(A) the direct employment of more than 24,000 people at the airport; and

(B) contributing $11,300,000,000 in economic activity to the New York-New Jersey Metropolitan Region, including $3,300,000,000 in wages for some 100,000 jobs derived from airport activity; and

(7) the Administrator of the Federal Aviation Administration should act expeditiously—

(A) to determine the number of the air traffic controllers needed at Newark International Airport to ensure—

(i) safe travel for passengers; and

(ii) the continued smooth operation of the airport; and

(B) to ensure that the number of air traffic controllers described in paragraph (A) are in place at the Newark International Airport.

SA 3604. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 19, before the period insert the following: ": *Provided further*, That of the amount appropriated under this heading in Public Law 107–117, $6,400,000 shall be for infrastructure and network requirements of the Federal Bureau of Investigation Laboratory".

SA 3605. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, between lines 3 and 4, insert the following:

SEC. 505. That portion of the former Charleston, South Carolina, Naval Base (including all associated improvements and fixtures) on which is situated a law enforcement training facility for the Department of Justice shall not be transferred to, or transferred for the direct or indirect use or benefit of, the State of South Carolina or any locality or subdivision thereof.

SA 3606. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following:

SEC. . TREATMENT OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) RECLASSIFICATION OF CERTAIN PENNSYLVANIA COUNTIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, subject to paragraph (3), effective for discharges occurring during fiscal year 2002, for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to hospitals (including rehabilitation hospitals and rehabilitation units under such subsection (j))—

(A) in Columbia, Lackawanna, Luzerne, Wyoming, and Lycoming Counties, Pennsylvania, such counties are deemed to be located in the Allentown-Bethlehem-Easton, Pennsylvania Metropolitan Statistical Area;

(B) in Mercer County, Pennsylvania, such county is deemed to be located in Youngstown-Warren, Ohio Metropolitan Statistical Area; and

(C) in Northumberland County, Pennsylvania, such county is deemed to be located in the Harrisburg-Lebanon-Carlisle, Pennsylvania Metropolitan Statistical Area.

(2) RULES.—The reclassifications made under paragraph (1) with respect to a subsection (d) hospital shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (10) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)).

(3) LIMITATION ON APPLICATION DURING FISCAL YEAR 2002.—With respect to fiscal year 2002, this subsection shall apply only to discharges occurring on and after July 1, 2002.

(b) IMPLEMENTATION OF PROVISIONS.—The Secretary of Health and Human Services shall implement the provisions of subsection (a) by program memorandum. In implementing such provisions, the Secretary shall recalculate new standardized amounts, weighting factors, rates, and wage indices by July 1, 2002, in a manner that assures overall budget neutrality.

SA 3607. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, after line 2 insert the following:

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking everything after "$1,000,000" in reference to item 91 and inserting "to the Northern Kentucky Area Development District for Carroll County Wastewater Infrastructure Project ($500,000), City of Owenton Water Collection and Treatment System Improvements and Freshwater Intake Project ($400,000), Grant County Williamstown Lake Expansion Study ($50,000), and Pendleton County Williamstown Lake Expansion Study ($50,000)".

SA 3608. Mr. KENNEDY (for himself, Mr. Smith of Oregon, Mrs. Boxer, Mr. Dodd, Mr. Reid, Mrs. Murray, Mr. Durbin, and Mr. Reed) proposed an amendment to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 89, between lines 3 and 4, insert the following:

SEC. 807. EMERGENCY SUMMER SCHOOL FUNDING.

(a) Findings; Purpose.—

(1) Findings.—Congress finds the following:

(A) Under the amendments made by the No Child Left Behind Act of 2001, students and schools rightly are held accountable for meeting challenging State academic content and student academic achievement standards in mathematics, reading or language arts, and science.

(B) Summer programs and activities supported under the 21st Century Community Learning Centers program are critical to providing supplemental academic services and academic enrichment activities designed to help students meet local and State academic standards.

(C) Summer programs and activities supported under the 21st Century Community Learning Centers program help children and the children's families in the areas of youth development, drug and violence prevention, and character education.

(D) During the summer of 2002, school districts throughout the Nation will confront more than $150,000,000 in cuts to summer school programs, eliminating services and academic support to more than 150,000 struggling children.

(2) Purpose.—The purpose of this section is to provide opportunities for communities to provide summertime activities in community learning centers that—

(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics; and

(B) offer students an array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students.

(b) Funding for Summer School Programs.—

(1) In general.—That, in addition to amounts otherwise available to carry out section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)), $150,000,000 shall be available to carry out activities described in section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)) during the 2002 summer recess period.

(2) Awarding of grants.—

(A) In general.—Notwithstanding section 4202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7172), the Secretary of Education shall award grants with funds made available under paragraph (1) on a competitive basis to eligible entities serving communities whose local educational agencies are not able to meet fully the communities' need for summer school programs.

(B) Priority.—In awarding grants under subparagraph (A), the Secretary of Education shall give priority to an eligible entity that is a local educational agency or who serves a community whose local educational agency—

(i) serves high concentrations or numbers of low-income children;

(ii) before June 6, 2002, announced that the local educational agency is canceling or reducing summer school services in 2002; or

(iii) is located in a State whose State educational agency, before June 6, 2002, announced that the State educational agency is canceling or reducing summer school funding for 2002.

(3) Application and obligation.—

(A) Application.—Notwithstanding sections 4203 and 4204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7173 and 7174), an eligible entity that desires a grant under this section shall submit an application to the Secretary of Education at such time and in such manner as the Secretary of Education may require.

(B) Obligation.—Not later than 4 weeks after the date of enactment of this section, the Secretary of Education shall obligate funds made available under this section.

(4) Definition of eligible entity.—In this section, the term "eligible entity" has the meaning given the term in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171).

SA 3609. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "Water and Related Resources" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That using the funds appropriated herein, the Commissioner of the Bureau of Reclamation shall lease the use of up to 38,000 acre feet of emergency water for the Rio Grande in New Mexico, in compliance with the existing biological opinion: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3610. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, line 22, strike "$30,000,000", and replace it in lieu thereof "$34,000,000".

At the appropriate place, insert the following:

Sec. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "Water and Related Resources" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That using the funds appropriated herein, the Commissioner of the Bureau of Reclamation shall lease the use of up to 38,000 acre feet of emergency water for the Rio Grande in New Mexico, in compliance with the existing biological opinion.

SA 3611. Mr. THOMPSON (for himself and Mr. Frist) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, between lines 2 and 3, insert the following:

"(5) the provision specifying $835,000 for the Benjamin L. Hooks Institute for Social Change shall be deemed to read as follows: 'The Benjamin L. Hooks Institute for Social Change in Memphis, Tennessee for an endowment to pursue a broad programmatic agenda that emphasizes the continued importance of the Civil Rights Movement and encourages academic research and community outreach, $835,000'.".

SA 3612. Ms. COLLINS (for herself, Mr. Nelson of Nebraska, Mr. Smith of Oregon, Mr. Hutchinson, and Mr. Murkowski) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 3 and 4, insert the following:

Sec. 807. (a) Temporary Increase of Medicaid FMAP.—

(1) Permitting maintenance of fiscal year 2001 FMAP for last 2 calendar quarters of fiscal year 2002.—Notwithstanding any other provision of law, but subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2002 is less than the FMAP as so

determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for the third and fourth calendar quarters of fiscal year 2002, before the application of this subsection.

(2) Permitting maintenance of fiscal year 2002 FMAP for fiscal year 2003.—Notwithstanding any other provision of law, but subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2003, before the application of this subsection.

(3) General 1 percentage point increase for last 2 calendar quarters of fiscal year 2002 and fiscal year 2003.—Notwithstanding any other provision of law, but subject to paragraphs (5) and (6), for each State for the third and fourth calendar quarters of fiscal year 2002 and each calendar quarter of fiscal year 2003, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 1 percentage point.

(4) Increase in cap on medicaid payments to territories.—Notwithstanding any other provision of law, but subject to paragraph (6), with respect to the third and fourth calendar quarters of fiscal year 2002 and each calendar quarter of fiscal year 2003, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 2 percent of such amounts.

(5) Scope of application.—The increases in the FMAP for a State under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4); or

(B) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(6) State eligibility.—

(A) In general.—A State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on January 1, 2002.

(B) Rule of construction.—Nothing in subparagraph (A) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) Definitions.—In this subsection:

(A) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) State.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(8) Repeal.—Effective as of October 1, 2003, this subsection is repealed.

(b) Additional Temporary State Fiscal Relief.—

(1) In general.—Title XX of the Social Security Act (42 U.S.C. 1397–1397f) is amended by adding at the end the following:

"SEC. 2008. ADDITIONAL TEMPORARY GRANTS FOR STATE FISCAL RELIEF.

"(a) In General.—For the purpose of providing State fiscal relief allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $4,430,280,000. Such funds shall be available for obligation by the State through June 30, 2004, and for expenditure by the State through September 30, 2004. This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under this section.

"(b) Allotment.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

"State	Allotment (in dollars)
Alabama	$48,732,000
Alaska	$12,715,000
Amer. Samoa	$126,000
Arizona	$67,139,000
Arkansas	$36,666,000
California	$459,264,000
Colorado	$40,650,000
Connecticut	$61,497,000
Delaware	$11,920,000
District of Columbia	$17,700,000
Florida	$185,836,000
Georgia	$98,525,000
Guam	$193,000
Hawaii	$13,378,000
Idaho	$15,587,000
Illinois	$156,504,000
Indiana	$76,215,000
Iowa	$38,784,000
Kansas	$31,843,000
Kentucky	$65,707,000
Louisiana	$75,795,000
Maine	$27,392,000
Maryland	$65,445,000
Massachusetts	$155,344,000
Michigan	$133,966,000
Minnesota	$83,144,000
Mississippi	$48,596,000
Missouri	$102,266,000
Montana	$11,590,000
Nebraska	$24,095,000
Nevada	$14,595,000
New Hampshire	$15,423,000
New Jersey	$126,921,000
New Mexico	$32,476,000
New York	$693,453,000
North Carolina	$127,427,000
North Dakota	$8,382,000
N. Mariana Islands	$71,000
Ohio	$171,776,000
Oklahoma	$45,262,000
Oregon	$49,868,000
Pennsylvania	$231,978,000
Puerto Rico	$11,702,000
Rhode Island	$24,185,000
South Carolina	$57,178,000
South Dakota	$9,177,000
Tennessee	$119,003,000
Texas	$232,167,000
Utah	$18,074,000
Vermont	$11,545,000
Virgin Islands	$189,000
Virginia	$63,699,000
Washington	$96,068,000
West Virginia	$29,260,000
Wisconsin	$68,664,000
Wyoming	$5,123,000
Total	**$4,430,280,000**

"(c) Use of Funds.—Funds appropriated under this section may be used by a State for services directed at the goals set forth in section 2001, subject to the requirements of this title.

"(d) Payment to States.—Not later than 30 days after amounts are appropriated under subsection (a), in addition to any payment made under section 2002 or 2007, the Secretary shall make a lump sum payment to a State of the total amount of the allotment for the State as specified in subsection (b).

"(e) Definition.—For purposes of this section, the term 'State' means the 50 States, the District of Columbia, and the territories contained in the list under subsection (b).".

(2) Repeal.—Effective as of January 1, 2005, section 2008 of the Social Security Act, as added by paragraph (1), is repealed.

(c) Emergency Designation.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3613. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

Sec. 307. The Secretary of Defense shall transfer to the Secretary of the Interior, from amounts appropriated by this chapter for operation and maintenance, Defense-wide, $4,000,000, to support the conversion of the Naval Security Group, Winter Harbor (the naval base on Schoodic Peninsula), Maine, to utilization as a research and education center for Acadia National Park, Maine, including the preparation of a plan for the reutilization of the naval base for such purpose that will benefit communities in the vicinity of the naval base and visitors to Acadia National Park and will stimulate important research and educational activities.

SA 3614. Mr. WYDEN (for himself, Mr. SMITH of Oregon, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . FISHING CAPACITY REDUCTION PROGRAM FOR THE PACIFIC COAST GROUNDFISH FISHERY.

In addition to amounts appropriated or otherwise made available by this Act, there are appropriated to the Secretary of Commerce $500,000 to be made available until expended for the cost of direct loans, not to exceed $50,000,000, as authorized by section 1111 of Merchant Marine Act, 1936 (46 U.S.C. 1279f) to carry out a fishing capacity reduction program for the Pacific Coast groundfish fishery under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)).

SA 3615. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, at the end of line 23, strike the "." and insert the following: ": *Provided,* That the Secretary of Agriculture shall draft and submit to Congress legislation implementing the agreement recently reached between the interested parties, including the Department of Justice and the Department of Agriculture, regarding management of the Black Hills National Forest which shall include actions for protection of resources and communities from fire."

SA 3616. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 12, insert the following:

SEC. . SENSE OF THE SENATE ON COMPENSATION TO PRODUCERS OF POULTRY AFFECTED BY AVIAN INFLUENZA.

It is the Sense of the Senate that the Secretary of Agriculture act expeditiously to provide compensation through the Commodity Credit Corporation to producers of poultry that have been affected by outbreaks of avian influenza in Virginia, West Virginia, and other states which have resulted in the destruction of poultry flocks in order to contain this disease.

SA 3617. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 5, strike "$100,000,000" and insert "$102,500,000, of which $2,500,000 shall be made available for infrastructure security improvements to be carried out by the Providence Water Supply Board in Providence, Rhode Island".

SA 3618. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, between lines 9 and 10, insert the following:

For an additional amount for infrastructure security improvements to be carried out by the Providence Water Supply Board in Providence, Rhode Island, $2,500,000.

SA 3619. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 14, strike "$315,333,000" and insert "$318,333,000, of which $3,000,000 shall be available for the redesign and expansion of the emergency department at Rhode Island Hospital in Providence, Rhode Island".

SA 3620. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 3 of title I under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", insert before "That" the following: "That of the funds appropriated by this paragraph, $5,000,000 shall be available for a high speed vessel demonstration project to test American-made vessels as part of the Joint Venture HSV—XI experimentation series of the Naval Warfare Development Command: *Provided further*,".

SA 3621. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 3 and 4, insert the following:

SEC. 8 . PEDIATRIC LABELING.

No funds made available under this Act or any other Act for fiscal year 2003 shall be used to terminate or suspend implementation of sections 201.23, 314.55, 601.27, and 601.37 of title 21, Code of Federal Regulations, as promulgated by the Secretary of Health and Human Services in the final rule dated November 24, 1998 (63 Fed. Reg. 66632 (December 2, 1998)), or the amendments made in that final rule to sections 312.23, 312.47, 312.82, 314.50, and 314.81 of that title, requiring manufacturers of drugs and biological products to assess the safety and effectiveness of new drugs and biological products in pediatric patients.

SA 3622. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. (a) APPROPRIATION FOR GULF STATES INITIATIVE.—(1) There is hereby appropriated $12,000,000 for the Gulf States Initiative.

(2) The amount appropriated by paragraph (1) is in addition to any other amounts appropriated by this Act for the Gulf States Initiative.

(b) AVAILABILITY FOR COUNTER-DRUG AND COUNTER-TERRORISM OPERATIONS.—Of the amount appropriated by this Act for the Gulf States Initiative, as increased (if at all) by subsection (a), $12,000,000 shall be available under that Initiative for counter-drug and counter-terrorism operations.

(c) OFFSET.—The amount appropriated by chapter 6 of title I under the heading "FOREIGN MILITARY FINANCING PROGRAM" is hereby reduced by $12,000,000.

SA 3623. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . Notwithstanding section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e), the $300,000,000 in funding for the Low-Income Home Energy Assistance program provided by the Supplemental Appropriations Act, 2001 (Public Law 107–20), shall be distributed as provided for by section 2604(a) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8623(a)) upon the date of enactment of this Act.

SA 3624. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . AVAILABILITY OF NON-FAT DRY MILK.

(a) IN GENERAL.—Pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall make available, for fiscal years 2002 and 2003, a total of 100,000 metric tons of non-fat dry milk to private voluntary organizations and cooperatives to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (referred to in this section as "HIV/AIDS") on heavily impacted communities.

(b) USE OF AVAILABLE MILK.—Of the amount of non-fat dry milk made available for each fiscal year under subsection (a), the Secretary shall—

(1) use 30 percent of such milk for direct distribution—

(A) through programs that address mother-to-child transmission of HIV to boost nutrition in hospitals, clinics, schools, and home health care and related programs and activities;

(B) to households and institutions in communities heavily affected by HIV/AIDS, particularly for HIV/AIDS activities related to the needs of HIV/AIDS orphaned children; and

(C) through school feeding programs in affected school systems and communities; and

(2) monetize the remaining 70 percent of such milk and use such funds for—

(A) programs to increase the nutritional status of HIV-positive mothers through home care, clinics, hospitals, and community programs;

(B) programs to create and restore sustainable livelihoods for HIV-positive mothers, children, and others directly affected through the loss of family incomes due to HIV/AIDS; and

(C) programs that fund school nutrition activities that are targeted to communities that are adversely affected by HIV/AIDS in order to assist, educate, and provide nutrition to HIV/AIDS orphans, children, and families adversely affected by HIV/AIDS.

(c) LIMITATION.—None of the commodities or funds made available under this section shall be used to provide or promote dairy products as a substitute for breast feeding.

(d) APPROPRIATIONS.—In addition to other amounts appropriated or made available under this section—

(1) $10,000,000 shall be made available for fiscal years 2002 and 2003, to be used for ocean and inland transportation and related activities necessary to carry out this section;

(2) $3,000,000 shall be made available for fiscal years 2002 and 2003, to be used for accounting, monitoring, and evaluation expenses incurred by the Secretary of Agriculture in carrying out this section; and

(3) $5,000,000 shall be made available for fiscal years 2002 and 2003, to be used for expenses incurred by private and voluntary organizations and cooperatives related to market assessments, project design, fortification, distribution, and other project expenses.

SA 3625. Mr. COCHRAN submitted an amendment intended to be postponed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following:

SEC. . Of the funds made available under the heading "Courts of Appeals, District Courts, and Other Judicial Services, Salaries, and Expenses" in title III of Public Law 107–77, $1,000,000 shall be transferred to, and merged with, funds available for "Repairs and Alterations" under the heading "General Services Administration: Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue" in title IV of Public Law 107–67, to be available only for the repair and alteration of the space designated for use by the U.S. Marshals Service in Natchez, Mississippi.

SA 3626. Mr. BOND (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 19, strike "$10,000,000" and all that follows through line 6 on page 49 and insert in lieu thereof the following: "$22,200,000, to remain available until expended: *Provided*, That using funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers is directed to repair, restore and clean-up Corp's projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure (including sewer and water facilities), document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers due to the May 2002 flooding in eastern Kentucky, Illinois, Missouri, southwestern Virginia, and southern West Virginia: *Provided*, That the $22,200,000 is designated by the Congress as an Emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).".

SA 3627. Mr. BYRD (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

On page 48, line 19, strike "$10,000,000" and insert in lieu thereof "$32,000,000".

On page 49, line 4, strike "the May 2002".

On page 49, line 5, strike "and" and insert in lieu thereof ",".

On page 49, line 6, before the ".", insert ", Western Illinois, Eastern Missouri, and the Upper Peninsula of Michigan".

SA 3628. Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 116, between lines 8 and 9, insert the following:

TITLE —EMERGENCY AGRICULTURAL ASSISTANCE

Subtitle A—Assistance

SEC. 01. INCOME LOSS ASSISTANCE.

(a) MANDATORY FUNDING.—The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall use $1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001, including losses due to army worms.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) MANDATORY FUNDING.—The Secretary shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105–277; 114 Stat. 1549A–51).

SEC. 03. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

SEC. 04. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this subtitle $50,000,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 05. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) PROCEDURE.—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle B—Offsets

SEC. 11. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsection (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(4) COST-OF-LIVING-ADJUSTMENT.—

"(A) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2002, the $600,000 amount under paragraph (3) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING RULES.—If any amount after adjustment under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2)(A) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) SECTION NOT TO APPLY TO CERTAIN PROPERTY.—This section shall not apply to the following:

"(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

"(B) FOREIGN PENSION PLANS.—

"(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

"(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed $500,000.

"(3) SPECIFIED PROPERTY.—Any property or interest in property not described in paragraph (1) or (2) which the Secretary specifies in regulations.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULE.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

"CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

"SEC. 2801. IMPOSITION OF TAX.

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt, and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the covered gifts and bequests received during the calendar year exceed the amount determined under section 2503(b)(2).

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, was a covered expatriate, and

"(B) any property acquired by bequest, devise, or inheritance directly or indirectly from an individual who, at the time of death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) TRANSFERS IN TRUST.—Any covered gift or bequest which is made in trust shall be treated as made to the beneficiaries of such trust in proportion to their respective interests in such trust (as determined under section 877A(f)(3)).

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(c)."

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"Chapter 15. Gifts and bequests from expatriates."

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country."

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is determined by the Attorney General, after consultation with the Secretary of the Treasury, not to be in compliance with sections 877A and 2801 of such Code (relating to expatriation)."

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(i) (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by adding at the end the following new paragraph:

"(8) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Except as provided in paragraph (6), upon written request of the Attorney General, the return of an individual or return information with respect to such individual shall be open to inspection by, or disclosure to, officers and employees of the Federal agency responsible for making a determination under section 212(a)(10)(E) of the Immigration and Nationality Act for the purpose of, and to the extent necessary in, making such determination with respect to such individual.”

(B) CONFORMING AMENDMENT.—Section 6103(i)(6) (relating to confidential informants; impairment of investigations) is amended by striking “(5), or (7)” and inserting “(5), (7), or (8)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

“(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of first passage by the Senate of legislation adding section 877A to this title.”

(2) Section 2107 is amended by adding at the end the following new subsection:

“(f) APPLICATION.—This section shall not apply to any expatriate to whom section 877A applies.”

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

“(F) APPLICATION.—This paragraph shall not apply to any expatriate to whom section 877A applies.”

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting “or 877A” after “section 877”.

(B) The second sentence of section 6039G(e) is amended by inserting “or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))” after “877(a))”.

(C) Section 6039G(f) is amended by inserting “or 877A(e)(2)(B)” after “877(e)(1)”.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of such Code is amended by inserting after the item relating to section 877 the following new item:

“Sec. 877A. Tax responsibilities of expatriation.”

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the first passage by the Senate of this section.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the first passage by the Senate of this section from an individual or the estate of an individual whose expatriation date (as so defined) occurs on or after such date.

SEC. 12. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following:

“(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

“(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

“(i) at least 25 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2003; and

“(ii) at least 50 percent of all such determinations that are made in fiscal year 2004 or thereafter.

“(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.”.

SA 3629. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, between lines 16 and 17, insert the following:

CONSTRUCTION, GENERAL

For an additional amount for “Construction, General”, $15,408,000, which shall be used to carry out flood control projects in southeast Louisiana: *Provided*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3630. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, between lines 18 and 19, insert the following:

For an additional amount for “Operation and Maintenance, General”, $14,000,000, which shall be used for the Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana: *Provided*, That the $14,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3631. Mr. KYL (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, between lines 4 and 5, insert the following:

SEC. 210. (a) Subject to subsection (b), the Attorney General shall, out of appropriations available to the Department of Justice made in Public Law 107-77, transfer to, and merge with, the appropriations account for the Immigration and Naturalization Service entitled “Salaries and Expenses” the following amounts for the following purposes:

(1) $4,900,000 to cover an increase in pay for all Border Patrol agents who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332; and

(2) $3,800,000 to cover an increase in pay for all immigration inspectors who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332.

(b) Funds tranferred under subsection (a) shall be available for obligation and expenditure only in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 798).

(c) Not later than September 30, 2002, the Justice Management Division of the Department of Justice shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives describing the progress made in the development of the Chimera system.

(d) No funds available to the Immigration and Naturalization Service for technology activities in the fiscal year 2003 may be obligated or expended unless the program manager of the Chimera system approves the obligation or expenditure of those funds and so reports to the Attorney General.

SA 3632. Mr. KYL (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 19, before the period insert the following: “: *Provided*, That of the amount appropriated under this heading, $500,000 shall be for the Center for Identification Technology Research at the West Virginia University for the purpose of developing interoperability standards and an application profile for technology neutral, portable, and data independent biometrics, in accordance with section 403(c)(2) of The USA PATRIOT Act (Public Law 107-56) and sections 201(c)(5) and 202(a)(4)(B) and title III of the Enhanced Border Security and Visa Reform Act (Public Law 107–173), and the amendments made by those provisions”.

SA 3633. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, beginning with line 18, strike through line 2 on page 21.

SA 3634. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, beginning with line 12, strike through line 4 on page 26.

SA 3635. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, strike lines 1 through 11.

SA 3636. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, beginning in line 1, strike "$3,000,000 is to enhance the National Water Level Observation Network and".

SA 3637. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, beginning with line 24, strike through line 8 on page 87.

SA 3638. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, beginning with line 22, strike through line 4 on page 88.

SA 3639. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, beginning with line 10, strike through line 22 on page 54.

SA 3640. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, beginning with line 15 strike through line 10 on page 78.

SA 3641. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, beginning with line 24, strike through line 8 on page 116.

SA 3642. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, beginning in line 8, strike "cities, and of which $6,776,000 is for data storage infrastructure upgrades and emergency power supply system improvements at the Earth Resources Observations Systems Data Center:" and insert "cities:".

SA 3643. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 14, strike "$3,125,000," and insert "$2,360,000,".

SA 3644. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 9 through 16.

SA 3645. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, beginning with line 14, strike through line 5 on page 77.

SA 3646. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, beginning with line 16, strike through line 2 on page 99.

SA 3647. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 102, line 11, strike "$59,000,000," and insert "$57,000,000,".

SA 3648. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, beginning with line 18, strike through line 6 on page 49.

SA 3649. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, strike lines 11 through 17.

SA 3650. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, beginning with "of" in line 13, strike through "That" in line 17.

SA 3651. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 2, strike "Santa Fe, New Mexico" and insert "any State determined by the Secretary of the Interior to be affected by the drought".

SA 3652. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 20, after "expenses" insert "(as determined by the Secretary of Transportation)".

On page 98, line 23, strike "to repair" and insert "for emergency repairs (as determined by the Secretary) to".

On page 98, line 24, strike "safety needs" and insert "safety and security needs (as determined by the Secretary)".

On page 99, line 1, strike "heavy overhaul" and insert "emergency heavy overhaul (as determined by the Secretary)".

SA 3653. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 23, add the following:

SEC. 605. Of the amounts appropriated to the President for the United States Agency for International Development (USAID) for the fiscal year 2002 and made available for the Ocean Freight Reimbursement Program of USAID, $300,000 shall be made available to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.

SA 3654. Mr. SESSIONS (for himself and Mr. HUTCHINSON) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT AND OUTPATIENT HOSPITAL SERVICES.

(a) INPATIENT PPS.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting "(i) IN GENERAL.—" before "The Secretary", and adjusting the margin two ems to the right;

(2) by striking "The Secretary" and inserting "Subject to clause (ii), the Secretary"; and

(3) by adding at the end the following new clause:

"(ii) Floor on area wage adjustment factor.—Notwithstanding clause (i), in determining payments under this subsection for discharges occurring on or after October 1, 2002, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

"(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

"(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t)) to which the factors established under clause (i) apply.".

(b) Outpatient PPS.—Section 1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: "For purposes of subparagraph (D) for items and services furnished on or after October 1, 2002, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.".

SA 3655. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, line 9, after the word assistance, strike all through the word Gaza on line 12.

SA 3656. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 503 and insert the following:

Sec. 503. Section 1 of Public Law 105–204 (112 Stat. 681) is amended—

(1) in subsection (b), by striking "until the date" and all that follows and inserting "until the date that is 30 days after the date on which the Secretary of Energy awards a contract under subsection (c), and no such amounts shall be available for any purpose except to implement the contract."; and

(2) by striking subsection (c) and inserting the following:

"(c) Contracting Requirements.—

"(1) In general.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code), the Secretary of Energy shall—

"(A) not later than 10 days after the date of enactment of this paragraph, request offerors whose proposals in response to Request for Proposals No. DE–RP05–010R22717 ('Acquisition of Facilities and Services for Depleted Uranium Hexalfluoride (DUF6) Conversion Project') were included in the competitive range as of January 15, 2002, to confirm or reinstate the offers in accordance with this paragraph, with a deadline for offerors to deliver reinstatement or confirmation to the Secretary of Energy not later than 20 days after the date of enactment of this paragraph; and

"(B) not later than 30 days after the date of enactment of this paragraph, select for award of a contract the best value of proposals confirmed or reinstated under subparagraph (A), and award a contract for the scope of work stated in the Request for Proposals, including the design, construction, and operation of—

"(i) a facility described in subsection (a) on the site of the gaseous diffusion plant at Paducah, Kentucky; and

"(ii) a facility described in subsection (a) on the site of the gaseous diffusion plant at Portsmouth, Ohio.

"(2) Contract terms.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code) the Secretary of Energy shall negotiate with the awardee to modify the contract awarded under paragraph (1) to—

"(A) require, as a mandatory item, that groundbreaking for construction occur not later than July 31, 2004, and that construction proceed expeditiously thereafter;

"(B) include as an item of performance the transportation, conversion, and disposition of depleted uranium contained in cylinders located at the Oak Ridge K–25 uranium enrichment facility located in the East Tennessee Technology Park at Oak Ridge, Tennessee, consistent with environmental agreements between the State of Tennessee and the Secretary of Energy; and

"(C) specify that the contractor shall not proceed to perform any part of the contract unless sufficient funds have been appropriated, in advance, specifically to pay for that part of the contract.

"(3) Certification of groundbreaking.—Not later than 5 days after the date of groundbreaking for each facility, the Secretary of Energy shall submit to Congress a certification that groundbreaking has occurred.

"(d) Right of Action for Failure To Comply.—Any aggrieved person or entity may bring a civil action in United States district court for an injunction compelling the Secretary of Energy to comply with this section.

"(e) Funding.—

"(1) In general.—For purposes of carrying out this section, the Secretary of Energy may use any available appropriations, or any nonappropriated funds (including the unexpended amounts of funds transferred to the Department of Energy under any memoranda of agreement between the Secretary of Energy and the United States Enrichment Corporation relating to depleted uranium).

"(2) Authorization of appropriations.—There are authorized to be appropriated, in addition to any funds made available under paragraph (1), such sums as are necessary to carry out this section.".

SA 3657. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 after line 12, insert the following:

Sec. . (a) Rescission.—The unobligated balance of authority available under section 2108(a) of Public Law 107–20 is rescinded as of the date of the enactment of this Act.

(b) Appropriation.—There is appropriated to the Secretary of Agriculture an amount equal to the unobligated balance rescinded by subsection (a) for expenses through fiscal year 2003 under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721–1726a) for commodities supplied in connection with dispositions abroad pursuant to title II of said Act.

SA 3658. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 after line 12, insert the following:

"Sec. . Section 416(b)(7)(D)(iv) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(iv)) is amended by striking "subsection." and inserting in lieu thereof the following: 'subsection, or to otherwise carry out the purposes of this subsection.'".

SA 3659. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 18, after "*Provided*, That" insert "of the amount available under this paragraph, $2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations: *Provided, further*, That".

SA 3660. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, strike all from line 1 through line 11.

SA 3661. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On pages 86 and 87, strike sections 801 and 802.

SA 3662. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On pages 114 through 116, strike section 1203.

SA 3663. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike from page 20, line 19 through page 21, line 2.

SA 3664. Ms. SNOWE (for herself, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, add the following:

SEC. 10 . ELIGIBILITY OF CERTAIN PROJECTS AND ACTIVITIES TO RECEIVE FUNDS FOR FISCAL YEAR 2002.

Notwithstanding any other provision of law, projects and activities designated on pages 82 through 92 of House Report No. 107-308 shall be eligible for fiscal year 2002 funds made available for the program for which each project or activity is so designated.

SA 3665. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 806 and inserting in lieu thereof the following new section:

SEC. 806. None of the funds provided by this or any other Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.

SA 3666. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, at the end of line 3, add a new section as follows:

SEC. . In the statement of the managers of the committee of conference accompanying the fiscal year 2001 Labor, Health and Human Services, and Education appropriations bill (Public Law 106–554; House Report 106–1033), the provision specifying $464,000 for the Bethel Native Corporation worker demonstration project shall be deemed to read as follows: "for the Alaska CHAR vocational training program, $100,000 and $364,000 for the Yuut Elitnauvriat People's Learning Center in Bethel, Alaska for vocational training for Alaska Natives".

SA 3667. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

SEC. . In subsection (e)(4) of the Alaska Native Claims Settlement Act created by section 702 of P.L. 107–117.

(a) paragraph (B) is amended by—

(1) striking "subsection (e)(2)" and inserting in lieu thereof "subsections (e)(1) of (e)(2)"; and

(2) striking "obligations under section 7 of P.L. 87–305" and inserting in lieu thereof "small or small disadvantaged business subcontracting goals under section 502 of P.L. 100–656, provided that where lower tier subcontractors exist, the entity shall designate the appropriate contractor or contractors to receive such credit"; and

(b) paragraph (C) is amended by striking "subsection (e)(2)" and inserting "subsection (e)(1) or (e)(2)".

SA 3668. Mr. STEVENS (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. . Of the amount appropriated in Public Law 107–117 under the heading "OPERATION AND MAINTENANCE, ARMY", $4,000,000 shall be available only for environmental cleanup activities as the Jeep Demolition Area on the Former Lowry Bombing and Gunnery Range, Aurora, Colorado.

SA 3669. Mr. KERRY (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. Amounts appropriated by title V of Public Law 107–77 under the heading "NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION" (115 Stat. 795) shall remain available until expended.

SA 3670. Mr. REID (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . HOOVER DAM BYPASS BRIDGE.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide funding for construction of a Hoover Dam bypass bridge under the Federal lands highways program under chapter 2 of title 23, United States Code.

(b) METHODS OF FUNDING.—The agreement entered into under subsection (a) shall provide for funding in accordance with—

(1) title 23, United States Code (including subchapter II of chapter 1 of that title); and

(2) section 350 of the National Highway System Designation Act of 1995 (23 U.S.C. 101 note; 109 Stat. 618).

SA 3671. Mr. REID (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 7, strike "$10,000,000" and all that follows through the period and insert the following: "$20,000,000, to be derived from amounts made available for this purpose in Public Law 107–77 and Public Law 107–117: *Provided further*, That of the funds appropriated under this heading, $10,000,000 shall be made available to accelerate the collection of publicly available personal information on individuals from nations known to harbor or sponsor terrorists.".

SA 3672. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 5 of title I under the heading "DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT", strike "$40,000,000: *Provided*," and insert "$67,000,000: *Provided*, that of the amount appropriated by this paragraph $47,000,000 shall be available for activities at the Savannah River Site, Aiken, South Carolina: *Provided further*,".

SA 3673. Mr. REID (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At an appropriate place, insert the following:

SEC. . (a) Congress makes the following findings:

(1) Electronic personal assistive mobility devices employ energy-efficient advanced technologies to fully and safely integrate users with pedestrian transportation.

(2) The devices enable individuals to travel significant distances and carry significant loads without use of traditional vehicles.

(3) The devices promote gains in efficiency, minimize adverse environmental impacts, and facilitate improved use of the public ways.

(4) Uniform Federal standards for the devices would avoid conflicting State and local requirements and would, thereby, promote the use of the devices in interstate commerce.

(b) The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end the following:

"ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICES

"SEC. 38. (a) Notwithstanding any other provision of law, an electronic personal assistive mobility device is a consumer product for the purpose of this Act and is subject to regulation by the Commission.

"(b) For the purposes of this section, the term 'electronic personal assistive mobility device' means a self-balancing, nontandem-wheeled device that—

"(1) is powered solely by an electric motor propulsion system; and

"(2) has a maximum motor-powered speed that does not exceed 20 miles per hour.

(c) Section 30102(6) of title 49, United States Code, is amended by inserting before the period at the end the following: "or an electronic personal assistive mobility device (as defined in section 38 of the Consumer Product Safety Act)".

SA 3674. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 after linen 12, insert the following:

"SEC. . Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance for projects in the Embarras River Basin, Lake County Watersheds, and DuPage County, Illinois, from funds available for the Watershed and Flood Prevention Operations program: *Provided*, That of funds made available in Public Law 107-76, $3,750,000 shall be used to carry out this section."

SA 3675. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 2. INCOME LOSS ASSISTANCE.

(a) MANDATORY FUNDING.—The Secretary of Agriculture shall use $100,000,000 of funds of the Commodity Credit Corporation to make income loss assistance available to producers of labrusca grapes on a farm that have incurred qualifying income losses in calendar years 2001 and 2002.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SA 3676. Mr. LEAHY (for himself and Mr. McCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, line 19, strike "established" and inert in lieu thereof "committed to support".

SA 3677. Mr. LEAHY (for himself and Mr. McCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, line 17, strike "inaugurated" and insert in lieu thereof "elected".

SA 3678. Mr. LEAHY (for himself and Mr. McCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, line 15, strike "certify" and insert in lieu thereof "report".

SA 3679. Mr. LEAHY (for himself and Mr. McCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, line 12, after "or" insert "United States".

SA 3680. Mr. LEAHY (for himself and Mr. McCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, line 6, strike "dedicated" and insert in lieu thereof "committed to support".

SA 3681. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 2. ASSISTANCE FOR LABRUSCA GRAPE PRODUCERS.

(a) IN GENERAL.—The Secretary of Agriculture may use $100,000,000 of funds of the Commodity Credit Corporation to make payments, as soon as practicable after the date of enactment of this Act, to producers of labrusca grapes for quantity loss, quality loss, and severe economic loss to the 2001 and 2002 crops of labrusca grapes due to damaging weather or related conditions.

(b) PAYMENT QUANTITY.—The payment quantity of labrusca grapes for which the producers on a farm are eligible for payments under this section shall be equal to the average quantity of the 1996 through 2000 crop of labrusca grapes produced by the producers on the farm, as determined by the Secretary.

(c) LIMITATIONS.—The Secretary shall not establish a payment limitation, or gross income eligibility limitation, with respect to payments made under this section.

(d) APPLICABILITY.—This section applies only with respect to the 2001 and 2002 crops of labrusca grapes and producers of those crops.

SA 3682. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 12, insert the following:

"SEC. . Notwithstanding any other provision of law and effective on the date of enactment of this Act, the Secretary may use an amount not to exceed $12,000,000 from the amounts appropriated under the heading Food Safety and Inspection Service under the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001 (Public Law 106-387) to liquidate over-obligations and over-expenditures of the Food Safety and Inspection Service incurred during previous fiscal years, approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture."

SA 3683. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TREATMENT OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective for discharges occurring on or after October 1, 2002, and before October 1, 2005, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), the large urban area of New York, New York is deemed to include Orange County, New York, Dutchess County, New York, Ulster County, New York, and Sullivan County, New York.

(b) RULES.—The reclassifications made under subsection (a) with respect to a subsection (d) hospital shall be treated as a decision of the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

SA 3684. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

DIVISION—CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003.

(a) DECLARATION.—Congress determines and declares that the concurrent resolution on the budget for fiscal year 2002 is revised and replaced and that this resolution is the concurrent resolution on the budget for fiscal year 2003 including the appropriate budgetary levels for fiscal years 2004 through 2012 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2003.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—BUDGETARY RESTRAINTS, RESERVE FUNDS, AND RULEMAKING

Subtitle A—Budgetary Restraints

Sec. 201. Congressional discretionary spending limits for 2003 through 2007.
Sec. 202. Emergency designation point of order in the Senate.
Sec. 203. Restrictions on advance appropriations in the Senate.
Sec. 204. Pay-as-you-go point of order in the Senate.

Subtitle B—Reserve Funds

Sec. 211. Reserve fund for Medicare.
Sec. 212. Reserve fund for health insurance for the uninsured.
Sec. 213. Reserve fund for Family Opportunity Act.
Sec. 214. Reserve fund for IDEA.
Sec. 215. Reserve fund for highways and highway safety.
Sec. 216. Amtrak reserve.

Subtitle C—Miscellaneous Provisions

Sec. 221. Application and effect of changes in allocations and aggregates.
Sec. 222. Exercise of rulemaking powers.

TITLE III—SENSE OF THE SENATE

Sec. 301. Sense of the Senate regarding estimates of the cost of small business credit programs.
Sec. 302. Sense of the Senate regarding Federal employee pay.
Sec. 303. Sense of the Senate on mental health parity.
Sec. 304. Sense of the Senate on Medicaid Commission.
Sec. 305. Sense of the Senate regarding PILT funding.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2002 through 2012:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2002: $1,443,401,000,000.
Fiscal year 2003: $1,493,902,000,000.
Fiscal year 2004: $1,596,172,000,000.
Fiscal year 2005: $1,723,595,000,000.
Fiscal year 2006: $1,817,735,000,000.
Fiscal year 2007: $1,907,948,000,000.
Fiscal year 2008: $2,013,211,000,000.
Fiscal year 2009: $2,125,874,000,000.
Fiscal year 2010: $2,234,542,000,000.
Fiscal year 2011: $2,340,774,000,000.
Fiscal year 2012: $2,475,687,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2002: $-44,244,000,000.
Fiscal year 2003: $-46,608,000,000.
Fiscal year 2004: $-39,584,000,000.
Fiscal year 2005: $-16,089,000,000.
Fiscal year 2006: $981,000,000.
Fiscal year 2007: $-14,000,000.
Fiscal year 2008: $-1,670,000,000.
Fiscal year 2009: $-5,042,000,000.
Fiscal year 2010: $-10,466,000,000.
Fiscal year 2011: $-135,470,000,000.
Fiscal year 2012: $-232,766,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2002: $1,716,775,000,000.
Fiscal year 2003: $1,804,288,000,000.
Fiscal year 2004: $1,864,345,000,000.
Fiscal year 2005: $1,963,648,000,000.
Fiscal year 2006: $2,051,109,000,000.
Fiscal year 2007: $2,149,260,000,000.
Fiscal year 2008: $2,248,037,000,000.
Fiscal year 2009: $2,351,802,000,000.
Fiscal year 2010: $2,460,142,000,000.
Fiscal year 2011: $2,581,295,000,000.
Fiscal year 2012: $2,679,841,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2002: $1,664,729,000,000.
Fiscal year 2003: $1,780,271,000,000.
Fiscal year 2004: $1,846,159,000,000.
Fiscal year 2005: $1,937,114,000,000.
Fiscal year 2006: $2,016,860,000,000.
Fiscal year 2007: $2,105,868,000,000.
Fiscal year 2008: $2,211,283,000,000.
Fiscal year 2009: $2,316,094,000,000.
Fiscal year 2010: $2,424,942,000,000.
Fiscal year 2011: $2,552,267,000,000.
Fiscal year 2012: $2,643,085,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2002: $-221,328,000,000.
Fiscal year 2003: $-286,369,000,000.
Fiscal year 2004: $-249,987,000,000.
Fiscal year 2005: $-213,519,000,000.
Fiscal year 2006: $-199,125,000,000.
Fiscal year 2007: $-197,920,000,000.
Fiscal year 2008: $-198,072,000,000.
Fiscal year 2009: $-190,220,000,000.
Fiscal year 2010: $-190,400,000,000.
Fiscal year 2011: $-211,493,000,000.
Fiscal year 2012: $-167,398,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2002: $6,054,062,000,000.
Fiscal year 2003: $6,451,622,000,000.
Fiscal year 2004: $6,853,330,000,000.
Fiscal year 2005: $7,238,975,000,000.
Fiscal year 2006: $7,616,271,000,000.
Fiscal year 2007: $7,998,005,000,000.
Fiscal year 2008: $8,384,734,000,000.
Fiscal year 2009: $8,771,425,000,000.
Fiscal year 2010: $9,166,305,000,000.
Fiscal year 2011: $9,589,629,000,000.
Fiscal year 2012: $9,980,661,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2002: $3,423,900,000,000.
Fiscal year 2003: $3,553,200,000,000.
Fiscal year 2004: $3,634,600,000,000.
Fiscal year 2005: $3,668,700,000,000.
Fiscal year 2006: $3,675,900,000,000.
Fiscal year 2007: $3,667,900,000,000.
Fiscal year 2008: $3,645,800,000,000.
Fiscal year 2009: $3,601,800,000,000.
Fiscal year 2010: $3,542,900,000,000.
Fiscal year 2011: $3,489,100,000,000.
Fiscal year 2012: $3,378,500,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2002: $518,249,000,000.
Fiscal year 2003: $545,386,000,000.
Fiscal year 2004: $573,537,000,000.
Fiscal year 2005: $602,159,000,000.
Fiscal year 2006: $630,920,000,000.
Fiscal year 2007: $660,899,000,000.
Fiscal year 2008: $692,320,000,000.
Fiscal year 2009: $726,627,000,000.
Fiscal year 2010: $764,167,000,000.
Fiscal year 2011: $802,485,000,000.
Fiscal year 2012: $842,255,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2002: $354,349,000,000.
Fiscal year 2003: $365,168,000,000.
Fiscal year 2004: $375,478,000,000.
Fiscal year 2005: $388,064,000,000.
Fiscal year 2006: $401,450,000,000.
Fiscal year 2007: $416,186,000,000.
Fiscal year 2008: $431,988,000,000.
Fiscal year 2009: $451,149,000,000.
Fiscal year 2010: $472,439,000,000.
Fiscal year 2011: $494,177,000,000.
Fiscal year 2012: $519,806,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2002 through 2012 for each major functional category are:

(1) National Defense (050):

Fiscal year 2002:
(A) New budget authority, $361,485,000,000.
(B) Outlays, $353,311,000,000.
Fiscal year 2003:
(A) New budget authority, $392,837,000,000.
(B) Outlays, $385,411,000,000.
Fiscal year 2004:
(A) New budget authority, $394,842,000,000.
(B) Outlays, $389,058,000,000.
Fiscal year 2005:
(A) New budget authority, $415,433,000,000.
(B) Outlays, $406,429,000,000.
Fiscal year 2006:
(A) New budget authority, $436,142,000,000.
(B) Outlays, $420,340,000,000.
Fiscal year 2007:
(A) New budget authority, $457,643,000,000.
(B) Outlays, $433,623,000,000.
Fiscal year 2008:
(A) New budget authority, $469,700,000,000.
(B) Outlays, $454,915,000,000.
Fiscal year 2009:
(A) New budget authority, $482,034,000,000.
(B) Outlays, $469,738,000,000.
Fiscal year 2010:
(A) New budget authority, $494,731,000,000.
(B) Outlays, $484,172,000,000.
Fiscal year 2011:
(A) New budget authority, $507,736,000,000.
(B) Outlays, $502,155,000,000.
Fiscal year 2012:
(A) New budget authority, $521,046,000,000.
(B) Outlays, $508,203,000,000.

(2) International Affairs (150):

Fiscal year 2002:
(A) New budget authority, $25,130,000,000.
(B) Outlays, $22,219,000,000.
Fiscal year 2003:
(A) New budget authority, $25,142,000,000.
(B) Outlays, $22,054,000,000.
Fiscal year 2004:
(A) New budget authority, $26,019,000,000.
(B) Outlays, $22,425,000,000.
Fiscal year 2005:
(A) New budget authority, $26,830,000,000.
(B) Outlays, $22,536,000,000.
Fiscal year 2006:
(A) New budget authority, $27,453,000,000.
(B) Outlays, $22,807,000,000.
Fiscal year 2007:
(A) New budget authority, $28,187,000,000.
(B) Outlays, $23,743,000,000.
Fiscal year 2008:
(A) New budget authority, $28,891,000,000.
(B) Outlays, $24,346,000,000.
Fiscal year 2009:
(A) New budget authority, $29,517,000,000.
(B) Outlays, $25,029,000,000.
Fiscal year 2010:
(A) New budget authority, $30,505,000,000.
(B) Outlays, $25,678,000,000.

Fiscal year 2011:
(A) New budget authority, $31,254,000,000.
(B) Outlays, $26,275,000,000.
Fiscal year 2012:
(A) New budget authority, $31,764,000,000.
(B) Outlays, $26,902,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2002:
(A) New budget authority, $22,087,000,000.
(B) Outlays, $20,984,000,000.
Fiscal year 2003:
(A) New budget authority, $22,749,000,000.
(B) Outlays, $21,837,000,000.
Fiscal year 2004:
(A) New budget authority, $23,397,000,000.
(B) Outlays, $22,640,000,000.
Fiscal year 2005:
(A) New budget authority, $23,915,000,000.
(B) Outlays, $23,316,000,000.
Fiscal year 2006:
(A) New budget authority, $24,473,000,000.
(B) Outlays, $23,834,000,000.
Fiscal year 2007:
(A) New budget authority, $25,052,000,000.
(B) Outlays, $24,404,000,000.
Fiscal year 2008:
(A) New budget authority, $25,646,000,000.
(B) Outlays, $24,981,000,000.
Fiscal year 2009:
(A) New budget authority, $26,252,000,000.
(B) Outlays, $25,571,000,000.
Fiscal year 2010:
(A) New budget authority, $26,876,000,000.
(B) Outlays, $26,176,000,000.
Fiscal year 2011:
(A) New budget authority, $27,515,000,000.
(B) Outlays, $26,799,000,000.
Fiscal year 2012:
(A) New budget authority, $28,046,000,000.
(B) Outlays, $27,437,000,000.

(4) Energy (270):
Fiscal year 2002:
(A) New budget authority, $2,342,000,000.
(B) Outlays, $433,000,000.
Fiscal year 2003:
(A) New budget authority, $2,745,000,000.
(B) Outlays, $931,000,000.
Fiscal year 2004:
(A) New budget authority, $2,900,000,000.
(B) Outlays, $1,133,000,000.
Fiscal year 2005:
(A) New budget authority, $2,743,000,000.
(B) Outlays, $1,075,000,000.
Fiscal year 2006:
(A) New budget authority, $2,291,000,000.
(B) Outlays, $949,000,000.
Fiscal year 2007:
(A) New budget authority, $2,145,000,000.
(B) Outlays, $885,000,000.
Fiscal year 2008:
(A) New budget authority, $2,687,000,000.
(B) Outlays, $1,175,000,000.
Fiscal year 2009:
(A) New budget authority, $2,766,000,000.
(B) Outlays, $1,248,000,000.
Fiscal year 2010:
(A) New budget authority, $2,848,000,000.
(B) Outlays, $1,517,000,000.
Fiscal year 2011:
(A) New budget authority, $2,929,000,000.
(B) Outlays, $1,640,000,000.
Fiscal year 2012:
(A) New budget authority, $2,956,000,000.
(B) Outlays, $1,811,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2002:
(A) New budget authority, $30,855,000,000.
(B) Outlays, $29,073,000,000.
Fiscal year 2003:
(A) New budget authority, $31,999,000,000.
(B) Outlays, $30,456,000,000.
Fiscal year 2004:
(A) New budget authority, $32,768,000,000.
(B) Outlays, $31,470,000,000.
Fiscal year 2005:
(A) New budget authority, $33,635,000,000.
(B) Outlays, $32,381,000,000.
Fiscal year 2006:
(A) New budget authority, $33,262,000,000.
(B) Outlays, $33,570,000,000.
Fiscal year 2007:
(A) New budget authority, $32,397,000,000.
(B) Outlays, $33,712,000,000.
Fiscal year 2008:
(A) New budget authority, $33,282,000,000.
(B) Outlays, $33,854,000,000.
Fiscal year 2009:
(A) New budget authority, $34,686,000,000.
(B) Outlays, $34,522,000,000.
Fiscal year 2010:
(A) New budget authority, $35,822,000,000.
(B) Outlays, $35,340,000,000.
Fiscal year 2011:
(A) New budget authority, $36,846,000,000.
(B) Outlays, $36,322,000,000.
Fiscal year 2012:
(A) New budget authority, $37,771,000,000.
(B) Outlays, $37,206,000,000.

(6) Agriculture (350):
Fiscal year 2002:
(A) New budget authority, $33,229,000,000.
(B) Outlays, $31,459,000,000.
Fiscal year 2003:
(A) New budget authority, $29,328,000,000.
(B) Outlays, $28,305,000,000.
Fiscal year 2004:
(A) New budget authority, $23,749,000,000.
(B) Outlays, $22,161,000,000.
Fiscal year 2005:
(A) New budget authority, $24,655,000,000.
(B) Outlays, $23,326,000,000.
Fiscal year 2006:
(A) New budget authority, $21,816,000,000.
(B) Outlays, $20,563;000,000.
Fiscal year 2007:
(A) New budget authority, $21,567,000,000.
(B) Outlays, $20,501,000,000.
Fiscal year 2008:
(A) New budget authority, $20,064,000,000.
(B) Outlays, $18,956,000,000.
Fiscal year 2009:
(A) New budget authority, $19,022,000,000.
(B) Outlays, $17,933,000,000.
Fiscal year 2010:
(A) New budget authority, $18,642,000,000.
(B) Outlays, $17,631,000,000.
Fiscal year 2011:
(A) New budget authority, $18,530,000,000.
(B) Outlays, $17,520,000,000.
Fiscal year 2012:
(A) New budget authority, $18,518,000,000.
(B) Outlays, $17,511,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2002:
(A) New budget authority, $3,193,000,000.
(B) Outlays, $649,000,000.
Fiscal year 2003:
(A) New budget authority, $5,831,000,000.
(B) Outlays, $1,523,000,000.
Fiscal year 2004:
(A) New budget authority, $5,715,000,000.
(B) Outlays, $1,117,000,000.
Fiscal year 2005:
(A) New budget authority, $6,858,000,000.
(B) Outlays, $2,685,000,000.
Fiscal year 2006:
(A) New budget authority, $6,415,000,000.
(B) Outlays, $2,148,000,000.
Fiscal year 2007:
(A) New budget authority, $7,552,000,000.
(B) Outlays, $3,257,000,000.
Fiscal year 2008:
(A) New budget authority, $7,982,000,000.
(B) Outlays, $3,430,000,000.
Fiscal year 2009:
(A) New budget authority, $8,858,000,000.
(B) Outlays, $4,053,000,000.
Fiscal year 2010:
(A) New budget authority, $13,126,000,000.
(B) Outlays, $7,536,000,000.
Fiscal year 2011:
(A) New budget authority, $7,912,000,000.
(B) Outlays, $4,631,000,000.
Fiscal year 2012:
(A) New budget authority, $7,862,000,000.
(B) Outlays, $4,161,000,000.

(8) Transportation (400):
Fiscal year 2002:
(A) New budget authority, $71,101,000,000.
(B) Outlays, $64,872,000,000.
Fiscal year 2003:
(A) New budget authority, $64,633,000,000.
(B) Outlays, $66,500,000,000.
Fiscal year 2004:
(A) New budget authority, $59,765,000,000.
(B) Outlays, $64,122,000,000.
Fiscal year 2005:
(A) New budget authority, $65,881,000,000.
(B) Outlays, $64,057,000,000.
Fiscal year 2006:
(A) New budget authority, $67,093,000,000.
(B) Outlays, $65,247,000,000.
Fiscal year 2007:
(A) New budget authority, $68,351,000,000.
(B) Outlays, $66,304,000,000.
Fiscal year 2008:
(A) New budget authority, $69,775,000,000.
(B) Outlays, $67,494,000,000.
Fiscal year 2009:
(A) New budget authority, $71,214,000,000.
(B) Outlays, $68,599,000,000.
Fiscal year 2010:
(A) New budget authority, $72,686,000,000.
(B) Outlays, $70,132,000,000.
Fiscal year 2011:
(A) New budget authority, $74,193,000,000.
(B) Outlays, $71,761,000,000.
Fiscal year 2012:
(A) New budget authority, $75,732,000,000.
(B) Outlays, $73,332,000,000.

(9) Community and Regional Development (450):
Fiscal year 2002:
(A) New budget authority, $23,465,000,000.
(B) Outlays, $14,672,000,000.
Fiscal year 2003:
(A) New budget authority, $15,505,000,000.
(B) Outlays, $16,763,000,000.
Fiscal year 2004:
(A) New budget authority, $15,759,000,000.
(B) Outlays, $18,089,000,000.
Fiscal year 2005:
(A) New budget authority, $16,024,000,000.
(B) Outlays, $17,798,000,000.
Fiscal year 2006:
(A) New budget authority, $16,387,000,000.
(B) Outlays, $16,707,000,000.
Fiscal year 2007:
(A) New budget authority, $16,662,000,000.
(B) Outlays, $16,315,000,000.
Fiscal year 2008:
(A) New budget authority, $17,060,000,000.
(B) Outlays, $15,713,000,000.
Fiscal year 2009:
(A) New budget authority, $17,456,000,000.
(B) Outlays, $15,946,000,000.
Fiscal year 2010:
(A) New budget authority, $17,860,000,000.
(B) Outlays, $16,261,000,000.
Fiscal year 2011:
(A) New budget authority, $18,266,000,000.
(B) Outlays, $16,626,000,000.
Fiscal year 2012:
(A) New budget authority, $18,691,000,000.
(B) Outlays, $17,028,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2002:
(A) New budget authority, $78,945,000,000.
(B) Outlays, $68,943,000,000.

Fiscal year 2003:
(A) New budget authority, $83,037,000,000.
(B) Outlays, $79,393,000,000.
Fiscal year 2004:
(A) New budget authority, $84,933,000,000.
(B) Outlays, $83,402,000,000.
Fiscal year 2005:
(A) New budget authority, $86,928,000,000.
(B) Outlays, $85,243,000,000.
Fiscal year 2006:
(A) New budget authority, $89,145,000,000.
(B) Outlays, $86,814,000,000.
Fiscal year 2007:
(A) New budget authority, $91,375,000,000.
(B) Outlays, $88,888,000,000.
Fiscal year 2008:
(A) New budget authority, $93,533,000,000.
(B) Outlays, $90,991,000,000.
Fiscal year 2009:
(A) New budget authority, $95,710,000,000.
(B) Outlays, $93,103,000,000.
Fiscal year 2010:
(A) New budget authority, $97,633,000,000.
(B) Outlays, $94,974,000,000.
Fiscal year 2011:
(A) New budget authority, $99,877,000,000.
(B) Outlays, $97,148,000,000.
Fiscal year 2012:
(A) New budget authority, $102,168,000,000.
(B) Outlays, $99,366,000,000.
(11) Health (550):
Fiscal year 2002:
(A) New budget authority, $201,167,000,000.
(B) Outlays, $195,140,000,000.
Fiscal year 2003:
(A) New budget authority, $228,656,000,000.
(B) Outlays, $224,779,000,000.
Fiscal year 2004:
(A) New budget authority, $261,286,000,000.
(B) Outlays, $257,807,000,000.
Fiscal year 2005:
(A) New budget authority, $277,999,000,000.
(B) Outlays, $277,377,000,000.
Fiscal year 2006:
(A) New budget authority, $286,397,000,000.
(B) Outlays, $285,580,000,000.
Fiscal year 2007:
(A) New budget authority, $307,461,000,000.
(B) Outlays, $305,655,000,000.
Fiscal year 2008:
(A) New budget authority, $329,055,000,000.
(B) Outlays, $327,394,000,000.
Fiscal year 2009:
(A) New budget authority, $352,116,000,000.
(B) Outlays, $350,854,000,000.
Fiscal year 2010:
(A) New budget authority, $378,044,000,000.
(B) Outlays, $376,597,000,000.
Fiscal year 2011:
(A) New budget authority, $405,934,000,000.
(B) Outlays, $404,207,000,000.
Fiscal year 2012:
(A) New budget authority, $436,075,000,000.
(B) Outlays, $434,458,000,000.
(12) Medicare (570):
Fiscal year 2002:
(A) New budget authority, $227,232,000,000.
(B) Outlays, $227,324,000,000.
Fiscal year 2003:
(A) New budget authority, $237,998,000,000.
(B) Outlays, $237,850,000,000.
Fiscal year 2004:
(A) New budget authority, $251,634,000,000.
(B) Outlays, $251,914,000,000.
Fiscal year 2005:
(A) New budget authority, $275,333,000,000.
(B) Outlays, $275,247,000,000.
Fiscal year 2006:
(A) New budget authority, $302,373,000,000.
(B) Outlays, $302,138,000,000.
Fiscal year 2007:
(A) New budget authority, $332,059,000,000.
(B) Outlays, $332,317,000,000.
Fiscal year 2008:
(A) New budget authority, $362,401,000,000.
(B) Outlays, $362,265,000,000.
Fiscal year 2009:
(A) New budget authority, $398,190,000,000.
(B) Outlays, $397,937,000,000.
Fiscal year 2010:
(A) New budget authority, $431,065,000,000.
(B) Outlays, $431,334,000,000.
Fiscal year 2011:
(A) New budget authority, $471,863,000,000.
(B) Outlays, $471,702,000,000.
Fiscal year 2012:
(A) New budget authority, $505,297,000,000.
(B) Outlays, $505,027,000,000.
(13) Income Security (600):
Fiscal year 2002:
(A) New budget authority, $311,571,000,000.
(B) Outlays, $313,803,000,000.
Fiscal year 2003:
(A) New budget authority, $321,185,000,000.
(B) Outlays, $323,553,000,000.
Fiscal year 2004:
(A) New budget authority, $318,332,000,000.
(B) Outlays, $318,641,000,000.
Fiscal year 2005:
(A) New budget authority, $324,955,000,000.
(B) Outlays, $325,756,000,000.
Fiscal year 2006:
(A) New budget authority, $336,427,000,000.
(B) Outlays, $335,427,000,000.
Fiscal year 2007:
(A) New budget authority, $344,237,000,000.
(B) Outlays, $342,693,000,000.
Fiscal year 2008:
(A) New budget authority, $357,742,000,000.
(B) Outlays, $356,174,000,000.
Fiscal year 2009:
(A) New budget authority, $369,345,000,000.
(B) Outlays, $367,799,000,000.
Fiscal year 2010:
(A) New budget authority, $382,103,000,000.
(B) Outlays, $380,349,000,000.
Fiscal year 2011:
(A) New budget authority, $399,930,000,000.
(B) Outlays, $397,965,000,000.
Fiscal year 2012:
(A) New budget authority, $402,117,000,000.
(B) Outlays, $399,887,000,000.
(14) Social Security (650):
Fiscal year 2002:
(A) New budget authority, $12,938,000,000.
(B) Outlays, $12,937,000,000.
Fiscal year 2003:
(A) New budget authority, $13,429,000,000.
(B) Outlays, $13,429,000,000.
Fiscal year 2004:
(A) New budget authority, $14,404,000,000.
(B) Outlays, $14,404,000,000.
Fiscal year 2005:
(A) New budget authority, $15,317,000,000.
(B) Outlays, $15,317,000,000.
Fiscal year 2006:
(A) New budget authority, $16,223,000,000.
(B) Outlays, $16,223,000,000.
Fiscal year 2007:
(A) New budget authority, $17,398,000,000.
(B) Outlays, $17,398,000,000.
Fiscal year 2008:
(A) New budget authority, $18,779,000,000.
(B) Outlays, $18,779,000,000.
Fiscal year 2009:
(A) New budget authority, $20,465,000,000.
(B) Outlays, $20,465,000,000.
Fiscal year 2010:
(A) New budget authority, $22,404,000,000.
(B) Outlays, $22,404,000,000.
Fiscal year 2011:
(A) New budget authority, $25,620,000,000.
(B) Outlays, $25,620,000,000.
Fiscal year 2012:
(A) New budget authority, $28,107,000,000.
(B) Outlays, $28,107,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2002:
(A) New budget authority, $50,639,000,000.
(B) Outlays, $50,038,000,000.
Fiscal year 2003:
(A) New budget authority, $56,395,000,000.
(B) Outlays, $55,838,000,000.
Fiscal year 2004:
(A) New budget authority, $58,518,000,000.
(B) Outlays, $58,138,000,000.
Fiscal year 2005:
(A) New budget authority, $62,696,000,000.
(B) Outlays, $62,367,000,000.
Fiscal year 2006:
(A) New budget authority, $62,335,000,000.
(B) Outlays, $61,982,000,000.
Fiscal year 2007:
(A) New budget authority, $61,837,000,000.
(B) Outlays, $61,394,000,000.
Fiscal year 2008:
(A) New budget authority, $65,814,000,000.
(B) Outlays, $65,592,000,000.
Fiscal year 2009:
(A) New budget authority, $67,631,000,000.
(B) Outlays, $67,330,000,000.
Fiscal year 2010:
(A) New budget authority, $69,534,000,000.
(B) Outlays, $69,208,000,000.
Fiscal year 2011:
(A) New budget authority, $74,041,000,000.
(B) Outlays, $73,738,000,000.
Fiscal year 2012:
(A) New budget authority, $71,865,000,000.
(B) Outlays, $71,461,000,000.
(16) Administration of Justice (750):
Fiscal year 2002:
(A) New budget authority, $36,227,000,000.
(B) Outlays, $34,334,000,000.
Fiscal year 2003:
(A) New budget authority, $40,089,000,000.
(B) Outlays, $39,127,000,000.
Fiscal year 2004:
(A) New budget authority, $40,878,000,000.
(B) Outlays, $41,423,000,000.
Fiscal year 2005:
(A) New budget authority, $39,623,000,000.
(B) Outlays, $39,772,000,000.
Fiscal year 2006:
(A) New budget authority, $40,559,000,000.
(B) Outlays, $40,299,000,000.
Fiscal year 2007:
(A) New budget authority, $41,536,000,000.
(B) Outlays, $41,110,000,000.
Fiscal year 2008:
(A) New budget authority, $42,532,000,000.
(B) Outlays, $42,095,000,000.
Fiscal year 2009:
(A) New budget authority, $43,566,000,000.
(B) Outlays, $43,088,000,000.
Fiscal year 2010:
(A) New budget authority, $44,622,000,000.
(B) Outlays, $44,128,000,000.
Fiscal year 2011:
(A) New budget authority, $45,698,000,000.
(B) Outlays, $45,200,000,000.
Fiscal year 2012:
(A) New budget authority, $46,797,000,000.
(B) Outlays, $46,289,000,000.
(17) General Government (800):
Fiscal year 2002:
(A) New budget authority, $17,284,000,000.
(B) Outlays, $16,648,000,000.
Fiscal year 2003:
(A) New budget authority, $17,234,000,000.
(B) Outlays, $17,015,000,000.
Fiscal year 2004:
(A) New budget authority, $17,324,000,000.
(B) Outlays, $17,434,000,000.
Fiscal year 2005:
(A) New budget authority, $17,730,000,000.
(B) Outlays, $17,591,000,000.
Fiscal year 2006:
(A) New budget authority, $18,178,000,000.
(B) Outlays, $17,935,000,000.
Fiscal year 2007:
(A) New budget authority, $18,641,000,000.

(B) Outlays, $18,296,000,000.

Fiscal year 2008:

(A) New budget authority, $18,688,000,000.

(B) Outlays, $18,432,000,000.

Fiscal year 2009:

(A) New budget authority, $19,191,000,000.

(B) Outlays, $18,726,000,000.

Fiscal year 2010:

(A) New budget authority, $19,713,000,000.

(B) Outlays, $19,208,000,000.

Fiscal year 2011:

(A) New budget authority, $20,253,000,000.

(B) Outlays, $19,729,000,000.

Fiscal year 2012:

(A) New budget authority, $20,812,000,000.

(B) Outlays, $20,406,000,000.

(18) Net Interest (900):

Fiscal year 2002:

(A) New budget authority, $245,415,000,000.

(B) Outlays, $245,415,000,000.

Fiscal year 2003:

(A) New budget authority, $259,963,000,000.

(B) Outlays, $259,963,000,000.

Fiscal year 2004:

(A) New budget authority, $288,978,000,000.

(B) Outlays, $288,978,000,000.

Fiscal year 2005:

(A) New budget authority, $306,107,000,000.

(B) Outlays, $306,107,000,000.

Fiscal year 2006:

(A) New budget authority, $318,427,000,000.

(B) Outlays, $318,427,000,000.

Fiscal year 2007:

(A) New budget authority, $330,005,000,000.

(B) Outlays, $330,005,000,000.

Fiscal year 2008:

(A) New budget authority, $341,412,000,000.

(B) Outlays, $341,412,000,000.

Fiscal year 2009:

(A) New budget authority, $352,613,000,000.

(B) Outlays, $352,613,000,000.

Fiscal year 2010:

(A) New budget authority, $363,095,000,000.

(B) Outlays, $363,095,000,000.

Fiscal year 2011:

(A) New budget authority, $376,391,000,000.

(B) Outlays, $376,391,000,000.

Fiscal year 2012:

(A) New budget authority, $390,086,000,000.

(B) Outlays, $390,086,000,000.

(19) Allowances (920):

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $5,000,000.

Fiscal year 2003:

(A) New budget authority, $0.

(B) Outlays, $10,000,000.

Fiscal year 2004:

(A) New budget authority, $1,350,000,000.

(B) Outlays, $8,000,000.

Fiscal year 2005:

(A) New budget authority, $1,350,000,000.

(B) Outlays, $98;000,000.

Fiscal year 2006:

(A) New budget authority, $50,000,000.

(B) Outlays, $205,000,000.

Fiscal year 2007:

(A) New budget authority, $50,000,000.

(B) Outlays, $265,000,000.

Fiscal year 2008:

(A) New budget authority, $50,000,000.

(B) Outlays, $340,000,000.

Fiscal year 2009:

(A) New budget authority, $0.

(B) Outlays, $370,000,000.

Fiscal year 2010:

(A) New budget authority, $0.

(B) Outlays, $370,000,000.

Fiscal year 2011:

(A) New budget authority, $0.

(B) Outlays, $330,000,000.

Fiscal year 2012:

(A) New budget authority, $0.

(B) Outlays, $275,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2002:

(A) New budget authority, $−37,530,000,000.

(B) Outlays, $−37,530,000,000.

Fiscal year 2003:

(A) New budget authority, $−44,467,000,000.

(B) Outlays, $−44,467,000,000.

Fiscal year 2004:

(A) New budget authority, $−58,205,000,000.

(B) Outlays, $−58,205,000,000.

Fiscal year 2005:

(A) New budget authority, $−61,364,000,000.

(B) Outlays, $−61,364,000,000.

Fiscal year 2006:

(A) New budget authority, $−54,337,000,000.

(B) Outlays, $−54,337,000,000.

Fiscal year 2007:

(A) New budget authority, $−54,895,000,000.

(B) Outlays, $−54,895,000,000.

Fiscal year 2008:

(A) New budget authority, $−57,056,000,000.

(B) Outlays, $−57,056,000,000.

Fiscal year 2009:

(A) New budget authority, $−58,831,000,000.

(B) Outlays, $−58,831,000,000.

Fiscal year 2010:

(A) New budget authority, $−61,167,000,000.

(B) Outlays, $−61,167,000,000.

Fiscal year 2011:

(A) New budget authority, $−63,493,000,000.

(B) Outlays, $−63,493,000,000.

Fiscal year 2012:

(A) New budget authority, $−65,869,000,000.

(B) Outlays, $−65,869,000,000.

TITLE II—BUDGETARY RESTRAINTS, RESERVE FUNDS, AND RULEMAKING

Subtitle A—Budgetary Restraints

SEC. 201. CONGRESSIONAL DISCRETIONARY SPENDING LIMITS FOR 2003 THROUGH 2007.

(a) Definition.—In this section, for purposes of enforcement in the House of Representatives and the Senate, the term "discretionary spending limit" means—

(1) for fiscal year 2003—

(A) for the nondefense category, $375,262,000,000 in new budget authority and $372,224,000,000 in outlays;

(B) for the defense category, $392,757,000,000 in new budget authority and $380,228,000,000 in outlays;

(C) for the highway category, $28,922,000,000 in outlays;

(D) for the mass transit category, $6,030,000,000 in outlays; and

(E) for the conservation category, $1,922,000,000 in new budget authority and $1,872,000,000 in outlays;

(2) for fiscal year 2004—

(A) for the nondefense category, $387,110,000,000 in new budget authority and $425,296,000,000 in outlays; and

(B) for the defense category $394,916,000,000 in new budget authority and $390,236,000,000 in outlays;

(3) for fiscal year 2005—

(A) for the nondefense category, $394,989,000,000 in new budget authority and $432,168,000,000 in outlays; and

(B) for the defense category $415,556,000,000 in new budget authority and $406,855,000,000 in outlays;

(4) for fiscal year 2006—

(A) for the nondefense category, $402,873,000,000 in new budget authority and $439,161,000,000 in outlays; and

(B) for the defense category $436,202,000,000 in new budget authority and $420,599,000,000 in outlays; and

(5) for fiscal year 2007—

(A) for the nondefense category, $413,763,000,000 in new budget authority and $449,430,000,000 in outlays; and

(B) for the defense category $457,708,000,000 in new budget authority and $433,847,000,000 in outlays.

(b) Point of Order.—

(1) In general.—It shall not be in order in the House of Representatives and the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this section.

(2) Exception.—This subsection shall not apply if a declaration of war by Congress is in effect.

(c) Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 202. EMERGENCY DESIGNATION POINT OF ORDER IN THE SENATE.

(a) Designations.—

(1) Guidance.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) Criteria.—

(A) In general.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) Unforeseen.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) Justification for failure to meet criteria.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) Point of Order.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(c) Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) Definition of an Emergency Requirement.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced

Budget and Emergency Deficit Control Act of 1985.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

SEC. 203. RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE SENATE.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(b) EXCEPTION.—An advance appropriation may be provided—

(1) for fiscal year 2004 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,159,000,000 in new budget authority; and

(2) for the Corporation for Public Broadcasting.

(c) APPLICATION OF POINT OF ORDER IN THE SENATE.—

(1) WAIVER AND APPEAL.—In the Senate, subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) FORM OF THE POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) CONFERENCE REPORTS.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(d) DEFINITION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2002 that first becomes available for any fiscal year after 2002.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Budget Enforcement Act of 1990 should be amended to address procedures for advance appropriations for fiscal years beginning with fiscal year 2004.

(f) PROHIBITION ON DIVERTING CRIME VICTIMS FUND.—

(1) PURPOSE.—The purpose of this section is to ensure that amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending when such offset devices produce no permanent budgetary or economic effects.

(2) BUDGETARY RULE.—In the Senate, for purposes of points of order under this resolution and the Congressional Budget Act of 1974, provisions contained in any bill, resolution, amendment, motion, or conference report that perpetuate or resemble section 619 of Public Law 107–77 shall not be scored with respect to the level of budget authority, outlays, or revenues contained in such legislation.

SEC. 204. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) PURPOSE.—The Senate declares that it is essential to continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection the term "applicable time period" means any one of the three following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first five fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the five fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, then it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A).

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 2007.

SEC. 205. EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE SENATE.

Notwithstanding any provision of the Congressional Budget Act of 1974, sections 904(c)(2) and 904(d)(3) of the Congressional Budget Act of 1974 shall remain in effect as rules of the Senate through September 30, 2007.

Subtitle B—Reserve Funds

SEC. 211. RESERVE FUND FOR MEDICARE.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto, or a conference report thereon is submitted, which reforms the Medicare Program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and improves the access of beneficiaries under that program to prescription drugs, and that repeals the 15 percent reduction in payments under the Medicare Program to home health agencies enacted by the Balanced Budget Act of 1997 and now scheduled to go into effect on October 1, 2002, the chairman of the Committee on the Budget, in consultation with the ranking member, may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $0 for fiscal year 2003, and $349,682,000,000 for the period of fiscal years 2003 through 2012, of which $16,182,000,000 shall be made available only with respect to the repeal of the 15 percent reduction to home health agencies.

SEC. 212. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that provides health insurance for the uninsured (including a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance from their employers), the chairman of the Committee on the Budget, in consultation with the ranking member, may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) and may revise the revenue aggregates and other appropriate budgetary aggregates and allocations in this resolution by the amount provided by that measure for that purpose, but not to exceed $116,989,000,000 in new budget authority and outlays for the period of fiscal years 2003 through 2012 or $116,989,000,000 in revenues for the period of fiscal years 2003 through 2012 or any combination of budget authority and outlays or revenues as long as the sum of all revisions does not exceed $116,989,000,000.

SEC. 213. RESERVE FUND FOR FAMILY OPPORTUNITY ACT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides States with the opportunity to expand Medicaid coverage for children with special needs, allowing families of disabled children with the opportunity to purchase coverage under the Medicaid Program for such children (commonly referred to as the "Family Opportunity Act of 2002"), the chairman of the Committee on the Budget, in consultation with the ranking member, may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $142,000,000 in new budget authority and $95,000,000 in outlays for fiscal year 2003, and $8,390,000,000 in new budget authority and $7,940,000,000 in outlays for the period of fiscal years 2003 through 2012.

SEC. 214. RESERVE FUND FOR IDEA.

(a) RESERVE FUND FOR 2003.—In the Senate, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides in excess of $8,529,000,000 in new budget authority for fiscal year 2003 for grants to States authorized under part B of the Individuals with Disabilities Education Act (IDEA), the chairman of the Committee on the Budget, in consultation with the ranking member, may revise the appropriate allocations for such committee and other appropriate levels in this resolution by the amount provided by that measure for that purpose, but not to exceed $9,482,000,000 in new budget authority for fiscal year 2003 and outlays flowing therefrom.

(b) ADDITIONAL RESOURCES AVAILABLE FOR REFORM.—

(1) FINDINGS.—The Senate finds that—

(A) the Individuals with Disabilities Education Act (IDEA), which since 1975 has guaranteed the Nation's disabled school children the right to a free and appropriate public education, is under consideration for reauthorization and reform by the 107th Congress;

(B) special education enrollment (as a share of total enrollment) continues to grow, and the cost of educating the average disabled student is nearly twice that of the average non-disabled student, according to the Department of Education; and

(C) the President has established a Commission on Excellence in Special Education to identify areas of needed reform and improvement in IDEA, to be reported to the President no later than July 1, 2002.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that this budget resolution provides substantial additional funding for IDEA programs in 2003, and that future budget resolutions will provide additional resources in a manner consistent with the Commission's report and reforms and reauthorization of IDEA enacted into law.

SEC. 215. RESERVE FUND FOR HIGHWAYS AND HIGHWAY SAFETY.

(a) IN GENERAL.—In the Senate, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes an obligation limitation in excess of $23,285,000,000 for fiscal year 2003 for programs, projects, and activities within the highway category (under section 251(c)(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985), the chairman of the Committee on the Budget, in consultation with the ranking member, may increase the allocation of outlays and other appropriate budgetary aggregates, including the discretionary spending limits set out in this resolution for such committee by the amount of outlays resulting from such excess, but—

(1) only if the chairman of the Committee on the Budget determines, in consultation with the ranking member, that the bill or joint resolution, or amendment thereto or conference report thereon, that establishes such obligation limitation provides that such increase to the obligation limitation is made available solely for programs, projects, or activities as distributed under section 1102 of the Transportation Equity Act for the 21st Century; and

(2) not to exceed $1,180,000,000 in outlays for fiscal year 2003.

(b) RULE OF ENFORCEMENT.—In the Senate, section 302(f)(2) of the Congressional Budget Act of 1974 shall be deemed to apply to the applicable allocation of outlays in the case of any bill or joint resolution that establishes an obligation limitation for fiscal year 2003 for programs within the highway category, or amendment thereto or conference report thereon.

SEC. 216. AMTRAK RESERVE.

(a) IN GENERAL.—In the Senate, if the Committee on Commerce, Science, and Transportation reports a bill or joint resolution which restructures and reforms the national passenger rail system and such measure is enacted and if the Committee on Appropriations reports a bill or joint resolution, or amendment is offered thereto, or a conference report thereon is submitted that provides in excess of $531,000,000 in new budget authority for fiscal year 2003 for a national passenger rail system, then the Chairman of the Committee on the Budget, with the concurrence of the ranking member, may revise the section 302(a) allocation to the Committee on Appropriations and other appropriate budgetary aggregates, including the discretionary spending limits set out in this resolution, but such revisions shall not exceed $987,000,000 in new budget authority and $171,000,000 in outlays for fiscal year 2003.

Subtitle C—Miscellaneous Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committees on the Budget of the House of Representatives and the Senate; and

(2) such chairman, and in the Senate, (in consultation with the ranking member), as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 222. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE SENATE

SEC. 301. SENSE OF THE SENATE REGARDING ESTIMATES OF THE COST OF SMALL BUSINESS CREDIT PROGRAMS.

(a) FINDINGS.—The Senate finds the following:

(1) Small businesses play a critical role in our Nation and our economy, and the Federal Government assists that role by providing small businesses with loans and loan guarantees.

(2) Since the enactment of the Federal Credit Reform Act of 1990, the Small Business Administration and Office of Management and Budget have repeatedly reestimated downward the subsidy cost for the Small Business Administration's 7(a) and 504 credit programs. For the 7(a) program alone, SBA and OMB have reestimated more than $1,000,000,000 in subsidy costs.

(3) These overestimates have resulted in borrowers and lenders in both programs having to pay higher than necessary fees to participate in the programs.

(4) In addition, these overestimates have diverted more than $1,000,000,000 in resources from other discretionary programs.

(5) In its 2003 budget, the Administration expects to further revise downward in fiscal year 2002 the estimated cost of small business loan programs.

(6) The Administration has begun working on substantially revising its model for the section 7(a) program, but was unable to complete its work in time for the 2003 budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the performance of the SBA and OMB in administering the Federal Credit Reform Act for small business credit programs has been unsatisfactory;

(2) the Administration should expeditiously complete its work on the new model for the section 7(a) program and share the results of that work with the Budget and Small Business Committees by no later than this August;

(3) the Administration should immediately begin work on similarly improving its subsidy model for the section 504 program; and

(4) the Administration should work with Congress to ensure that adequate funding is provided in fiscal year 2003 for small business credit programs.

SEC. 302. SENSE OF THE SENATE REGARDING FEDERAL EMPLOYEE PAY.

(a) FINDINGS.—The Senate finds the following:

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists—

(A) a 32 percent gap between compensation levels of Federal civilian employees and compensation levels of private sector workers; and

(B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President's budget proposal for fiscal year 2003 includes a 4.1 percent pay raise for military personnel.

(4) The Office of Management and Budget has requested that Federal agencies plan their fiscal year 2003 budgets with a 2.6 percent pay raise for civilian Federal employees.

(5) In almost every year during the past 2 decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

SEC. 303. SENSE OF THE SENATE ON MENTAL HEALTH PARITY.

It is the sense of the Senate that in providing for mental health parity—

(1) nothing in this budget resolution shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act);

(2) the Secretary of the Treasury will annually estimate the impact of enactment of such a policy on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401); and

(3) that if the Secretary of the Treasury estimates that the enactment of mental health parity has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of this policy.

SEC. 304. SENSE OF THE SENATE ON MEDICAID COMMISSION.

It is the sense of the Senate that Congress should establish a National Commission on Medicaid and State-Based Health Care Reform to study and make recommendations to Congress, the President, and the Secretary of Health and Human Services with respect to the program under title XIX of the Social Security Act.

SEC. 305. SENSE OF THE SENATE REGARDING PILT FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) if certain Federal lands are not to become part of the local tax base, then compensation should be offered to local governments to make up for the presence of nontaxable land within their jurisdictions;

(2) PILT funds are critical to the budget of local governments, which supply many valuable local social services, such as law enforcement, road maintenance and firefighting, as well as services for adjacent Federal lands such as search and rescue operations;

(3) the Administration has proposed funding PILT at $165,000,000 for fiscal year 2003, which is 22 percent less than the current funding level—of $325,000,000; and

(4) many counties with high percentages of Federal land ownership that rely on PILT payments have higher than average unemployment and poverty.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that within the discretionary allocation provided to the Committee on Appropriations that the Payment in Lieu of Taxes program should be fully funded.

SA 3685. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . The provisions of S. Con. Res. 100 (107th Congress) as reported by the Committee on the Budget and placed on the calendar is adopted by the Senate and the House of Representatives as the concurrent resolution on the budget for fiscal year 2003 in accordance with section 301 of the Congressional Budget Act of 1974.

SA 3686. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —BUDGET ENFORCEMENT

SEC. 01. BUDGET DISCIPLINE AND ENFORCEMENT FOR FISCAL YEAR 2003.

(a) STATUTORY DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraph (7) and inserting the following:

"(7) with respect to fiscal year 2003—

"(A) for the nondefense discretionary category: $363,017,000,000 in new budget authority and $365,541,000,000 in outlays;

"(B) for the defense discretionary category: $392,754,000,000 in new budget authority and $380,226,000,000 in outlays;

"(C) for the highway category: $27,742,000,000 in outlays;

"(D) for the mass transit category: $1,445,000,000 in new budget authority and $6,030,000,000 in outlays; and

"(E) for the conservation spending category: $1,922,000,000 in new budget authority and $1,872,000,000 in outlays;".

(b) REPEAL OF OBSOLETE PROVISIONS.—

(1) CONGRESSIONAL BUDGET ACT OF 1974.—Section 314(b) of the Congressional Budget Act of 1974 is amended—

(A) by striking paragraphs (2) through (5); and

(B) by redesignating paragraph (6) as paragraph (2).

(2) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended

(A) by striking subparagraphs (C) through (F); and

(B) by redesignating subparagraph (G) as subparagraph (C).

(c) CONFORMING AMENDMENTS.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended

(1) in subsection (c)(2), by striking "2002" each time it appears and inserting "2003"; and

(2) in subsection (f)(2)(A), by striking "2002" each time it appears and inserting "2003".

SEC. 02. ENFORCEMENT EXTENSIONS.

(a) EXTENSION OF ENFORCING DISCRETIONARY SPENDING LIMITS.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 251 of that Act shall expire on September 30, 2003.

(b) EXTENSION OF ENFORCING PAY-AS-YOU-GO.—

(1) IN GENERAL.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 252, except as provided in paragraph (2), and sections 254, 255, 256, 257, 258, 258A, and 258C of that Act shall expire on September 30, 2011.

(2) EXCEPTION FOR ON-BUDGET SURPLUSES.—If prior to September 30, 2007, the Final Monthly Treasury Statement for any of the fiscal years 2002 through 2006 reports an on-budget surplus, section 252 shall expire at the end of the following fiscal year and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the President believes are appropriate when there is an on-budget surplus.

(3) CONFORMING AMENDMENT.—Subsections (a) and (b)(1) of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "2002" each place it appears and inserting "2007".

(c) EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE SENATE.—Section 904(e) of the Congressional Budget Act of 1974 is amended by striking "2002" and inserting "2007".

SEC. 03. SENATE ENFORCEMENT.

(a) ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS OF THE SENATE.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(b) RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(2) EXCEPTION.—An advance appropriation may be provided—

(A) for fiscal year 2004 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this Act under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,159,000,000 in new budget authority; and

(B) for the Corporation for Public Broadcasting.

(3) APPLICATION OF POINT OF ORDER IN THE SENATE.—

(A) WAIVER AND APPEAL.—In the Senate, paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(B) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(C) CONFERENCE REPORTS.—If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(4) DEFINITION.—In this subsection, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for

fiscal year 2002 that first becomes available for any fiscal year after 2002.

(5) PROHIBITION ON DIVERTING CRIME VICTIMS FUND.—

(A) PURPOSE.—The purpose of this paragraph is to ensure that amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending when such offset devices produce permanent budgetary or economic effects.

(B) BUDGETARY RULE.—For purposes of points of order under the Congressional Budget Act of 1974 with respect to fiscal year 2004 and any subsequent fiscal year, provisions contained in any bill, resolution, amendment, motion, or conference report that perpetuate or resemble section 619 of Public Law 107–77 shall not be scored with respect to the level of budget authority, outlays, or revenues contained in such legislation.

(c) PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

(1) PURPOSE.—The Senate declares that it is essential to continue the pay-as-you-go enforcement system.

(2) POINT OF ORDER.—

(A) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured in subparagraphs (E) and (F).

(B) APPLICABLE TIME PERIODS.—For purposes of this subsection the term "applicable time period" means any 1 of the 3 following periods:

(i) The budget year.

(ii) The period of the budget year and the following 4 fiscal years.

(iii) The period of the 5 fiscal years following the 5 fiscal years described in clause (ii).

(C) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in subparagraph (D), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(D) EXCLUSION.—The terms "direct-spending legislation" and "revenue legislation" do not include—

(i) any concurrent resolution on the budget; or

(ii) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(E) BASELINE.—Estimates prepared pursuant to this subsection shall—

(i) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(ii) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by subparagraph (B).

(F) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, then it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under subparagraph (E)(i), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(3) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(4) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(5) DETERMINATION OF BUDGET LEVELS.—For purposes of this subsection, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(d) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of this section—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each house, or of that house to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either house to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as in the case of any other rule of that house.

(e) SUNSET.—Subsections (a) through (d) shall cease to be effective upon the adoption of a concurrent resolution on the budget for fiscal year 2003.

(f) ADDITIONAL ENFORCEMENT.—Section 205(g) of H. Con. Res. 290 (106th Congress) is repealed.

SEC. 04. REPEAL OF OBSOLETE PROVISIONS.

(a) IN GENERAL.—Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—Section 312 of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(A) by repealing subsection (c); and

(B) by redesignating subsections (d) through (f) as subsections (c) through (e).

(2) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in section 251(a)(1), by striking "and section 253";

(B) in section 252(b)—

(i) in paragraph (1), by striking "or section 253"; and

(ii) in paragraph (2)(B), by striking "or section 253".

SA 3687. Mr. GREGG (for himself and Ms. CANTWELL) proposed an amendment to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

PART —BUDGET ENFORCEMENT

SECTION 1. SHORT TITLE.

This Part may be cited as the "Budget Enforcement Act of 2002".

SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901) is amended by striking paragraphs (7) through (16) and inserting the following:

"(7) with respect to fiscal year 2003—

"(A) for the discretionary category: $766,169,000,000 in new budget authority and $758,880,000,000 in outlays;

"(B) for the highway category: $27,728,000,000 in outlays;

"(C) for the mass transit category: $6,256,000,000 in outlays; and

"(D) for the conservation spending category: $1,920,000,000 in new budget authority and $1,872,000,000 in outlays;

"(8)(A) with respect to fiscal year 2004 for the discretionary category: $784,425,000,000 in new budget authority and $814,447,000,000 in outlays; and

"(B) with respect to fiscal year 2004 for the conservation spending category: $2,080,000,000, in new budget authority and $2,032,000,000 outlays;

"(9)(A) with respect to fiscal year 2005 for the discretionary category: $801,968,000,000 in new budget authority and $833,246,000,000 in outlays; and

"(B) with respect to fiscal year 2005 for the conservation spending category: $2,240,000,000, in new budget authority and $2,192,000,000 in outlays;

"(10)(A) with respect to fiscal year 2006 for the discretionary category: $819,740,000,000, in new budget authority and $845,056,000,000 in outlays; and

"(B) with respect to fiscal year 2006 for the conservation spending category: $2,400,000,000, in new budget authority and $2,352,000,000 in outlays;

"(11) with respect to each fiscal year 2002 through 2006 for the Federal and State Land and Water Conservation Fund subcategory of the conservation spending category: $540,000,000 in new budget authority and the outlays flowing therefrom;

"(12) with respect to each fiscal year 2002 through 2006 for the State and Other Conservation subcategory of the conservation spending category: $300,000,000 in new budget authority and the outlays flowing therefrom;

"(13) with respect to each fiscal year 2002 through 2006 for the Urban and Historic Preservation subcategory of the conservation spending category: $160,000,000 in new budget authority and the outlays flowing therefrom;

"(14) with respect to each fiscal year 2002 through 2006 for the Payments in Lieu of Taxes subcategory of the conservation spending category: $50,000,000 in new budget authority and the outlays flowing therefrom;

"(15) with respect to each fiscal year 2002 through 2006 for the Federal Deferred Maintenance subcategory of the conservation spending category: $150,000,000 in new budget authority and the outlays flowing therefrom;

"(16) for the Coastal Assistance subcategory of the conservation spending category:

"(A) with respect to fiscal year 2002: $440,000,000 in new budget authority and the outlays flowing therefrom;

"(B) with respect to fiscal year 2003: $480,000,000 in new budget authority and the outlays flowing therefrom;

"(C) with respect to fiscal year 2004: $520,000,000 in new budget authority and the outlays flowing therefrom;

"(D) with respect to fiscal year 2005: $560,000,000 in new budget authority and the outlays flowing therefrom;

"(E) with respect to fiscal year 2006: $600,000,000 in new budget authority and the outlays flowing therefrom; and

"(17) with respect to fiscal year 2007 for the discretionary category: $840,993,000,000, in new budget authority and $858,266,000,000 in outlays.".

(b) REPORTS.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking "2002" and inserting "2007".

(c) EXPIRATION.—

(1) GRAMM-RUDMAN-HOLLINGS.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended—

(A) by striking "2002" and inserting "2007"; and

(B) by striking "2006" and inserting "2011".

(2) CONGRESSIONAL BUDGET ACT.—Section 904(e) of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended by striking "2002" and inserting "2007".

SEC. 3. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(1) in subsections (a) and (b)(1), by striking "enacted before October 1, 2002," and inserting "enacted before October 1, 2007"; and

(2) in subsection (b) by inserting at the end thereof the following:

"(3) EXCEPTION.—Notwithstanding any other provision of law, there shall be no sequestration under this section for any fiscal year in which a surplus exists (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990).".

SEC. 4. POINT OF ORDER TO REQUIRE COMPLIANCE WITH THE DISCRETIONARY SPENDING LIMITS AND PAY-AS-YOU-GO.

Section 312(b) of the Congressional Budget Act of 1974 (2 U.S.C. 643(b)) is amended to read as follows:

"(b) DISCRETIONARY SPENDING LIMIT AND PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as otherwise provided in paragraph (6), it shall not be in order in the Senate to consider any bill or resolution or any separate provision of a bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would—

"(A) exceed any of the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 or any suballocation of such limits among subcommittees under section 302(b); or

"(B) for direct spending or revenue legislation, would cause or increase a deficit (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990) for any one of the following three applicable time periods:

"(i) the first year covered by the most recently adopted concurrent resolution on the budget;

"(ii) the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

"(iii) the period of the 5 fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

"(2) BUDGET RESOLUTIONS.—Except as otherwise provided in paragraph (6), it shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on that concurrent resolution) that would exceed any of the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(3) POINT OF ORDER AGAINST A SPECIFIC PROVISION.—If the Presiding Officer sustains a point of order under paragraph (1) with respect to any separate provision of a bill or resolution, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

"(4) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e).

"(5) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report the report shall be disposed of as provided in section 313(d).

"(6) EXCEPTIONS.—This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.".

SEC. 5. ENFORCEMENT AGAINST BUDGET EVASION.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

"BUDGET EVASION POINT OF ORDER

"SEC. 316. (a) Discretionary Spending Limits.—It shall not be in order to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the spending limits set forth in that section.

"(b) PAY-AS-YOU-GO.—It shall not be in order to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the balances of the pay-as-you-go scorecard pursuant to that section.

"(c) DIRECTED SCORING.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that directs the scorekeeping of any bill or resolution.

"(d) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.".

(b) TABLE OF CONTENTS.—The table of contents for the Congressional Budget Act of 1974 is amended by inserting after the item for section 315 the following:

"316. Budget evasion point of order.".

SA 3688. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —BUDGET ENFORCEMENT

SEC. 01. BUDGET DISCIPLINE AND ENFORCEMENT FOR FISCAL YEAR 2003.

(a) STATUTORY DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraph (7) and inserting the following:

"(7) with respect to fiscal year 2003—

"(A) for the nondefense discretionary category: $371,965,000,000 in new budget authority and $372,224,000,000 in outlays;

"(B) for the defense discretionary category: $392,757,000,000 in new budget authority and $380,228,000,000 in outlays;

"(C) for the highway category: $28,922,000,000 in outlays;

"(D) for the mass transit category: $1,445,000,000 in new budget authority and $6,030,000,000 in outlays; and

"(E) for the conservation spending category: $1,922,000,000 in new budget authority and $1,872,000,000 in outlays;".

(b) REPEAL OF OBSOLETE PROVISIONS.—

(1) CONGRESSIONAL BUDGET ACT OF 1974.—Section 314(b) of the Congressional Budget Act of 1974 is amended—

(A) by striking paragraphs (2) through (5); and

(B) by redesignating paragraph (6) as paragraph (2).

(2) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended

(A) by striking subparagraphs (C) through (F); and

(B) by redesignating subparagraph (G) as subparagraph (C).

(c) CONFORMING AMENDMENTS.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended

(1) in subsection (c)(2), by striking "2002" each time it appears and inserting "2003"; and

(2) in subsection (f)(2)(A), by striking "2002" each time it appears and inserting "2003".

SEC. 02. ENFORCEMENT EXTENSIONS.

(a) EXTENSION OF ENFORCING DISCRETIONARY SPENDING LIMITS.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 251 of that Act shall expire on September 30, 2003.

(b) EXTENSION OF ENFORCING PAY-AS-YOU-GO.—

(1) IN GENERAL.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 252, except as provided in paragraph (2), and sections 254, 255, 256, 257, 258, 258A, and 258C of that Act shall expire on September 30, 2011.

(2) EXCEPTION FOR ON-BUDGET SURPLUSES.—If prior to September 30, 2007, the Final Monthly Treasury Statement for any of the fiscal years 2002 through 2006 reports an on-budget surplus, section 252 shall expire at the end of the following fiscal year and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the President believes are appropriate when there is an on-budget surplus.

(3) CONFORMING AMENDMENT.—Subsections (a) and (b)(1) of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "2002" each place it appears and inserting "2007".

(c) EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE SENATE.—Section 904(e) of the Congressional Budget Act of 1974 is amended by striking "2002" and inserting "2007".

SEC. 03. SENATE ENFORCEMENT.

(a) ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS OF THE SENATE.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(b) RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(2) EXCEPTION.—An advance appropriation may be provided—

(A) for fiscal year 2004 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this Act under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,159,000,000 in new budget authority; and

(B) for the Corporation for Public Broadcasting.

(3) APPLICATION OF POINT OF ORDER IN THE SENATE.—

(A) WAIVER AND APPEAL.—In the Senate, paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(B) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(C) CONFERENCE REPORTS.—If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(4) DEFINITION.—In this subsection, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2002 that first becomes available for any fiscal year after 2002.

(5) PROHIBITION ON DIVERTING CRIME VICTIMS FUND.—

(A) PURPOSE.—The purpose of this paragraph is to ensure that amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending when such offset devices produce permanent budgetary or economic effects.

(B) BUDGETARY RULE.—For purposes of points of order under the Congressional Budget Act of 1974 with respect to fiscal year 2004 and any subsequent fiscal year, provisions contained in any bill, resolution, amendment, motion, or conference report that perpetuate or resemble section 619 of Public Law 107–77 shall not be scored with respect to the level of budget authority, outlays, or revenues contained in such legislation.

(c) PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

(1) PURPOSE.—The Senate declares that it is essential to continue the pay-as-you-go enforcement system.

(2) POINT OF ORDER.—

(A) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured in subparagraphs (E) and (F).

(B) APPLICABLE TIME PERIODS.—For purposes of this subsection the term "applicable time period" means any 1 of the 3 following periods:

(i) The budget year.

(ii) The period of the budget year and the following 4 fiscal years.

(iii) The period of the 5 fiscal years following the 5 fiscal years described in clause (ii).

(C) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in subparagraph (D), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(D) EXCLUSION.—The terms "direct-spending legislation" and "revenue legislation" do not include—

(i) any concurrent resolution on the budget; or

(ii) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(E) BASELINE.—Estimates prepared pursuant to this subsection shall—

(i) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(ii) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by subparagraph (B).

(F) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, then it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under subparagraph (E)(i), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(3) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(4) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(5) DETERMINATION OF BUDGET LEVELS.—For purposes of this subsection, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(d) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of this section—.

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each house, or of that house to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either house to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as in the case of any other rule of that house.

(e) SUNSET.—Subsections (a) through (d) shall cease to be effective upon the adoption of a concurrent resolution on the budget for fiscal year 2003.

(f) ADDITIONAL ENFORCEMENT.—Section 205(g) of H. Con. Res. 290 (106th Congress) is repealed.

SEC. 04. REPEAL OF OBSOLETE PROVISIONS.

(a) IN GENERAL.—Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—Section 312 of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(A) by repealing subsection (c); and

(B) by redesignating subsections (d) through (f) as subsections (c) through (e).

(2) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in section 251(a)(1), by striking "and section 253";

(B) in section 252(b)—

(i) in paragraph (1), by striking "or section 253"; and

(ii) in paragraph (2)(B), by striking "or section 253".

SA 3689. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, between lines 3 and 4, insert the following:

SEC. 5. WESTERN AREA POWER ADMINISTRATION.

Title III of the Energy and Water Development Appropriations Act, 2002, is amended in the matter under the heading "CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION" (115 Stat. 507) by striking "Fund:" and inserting "Fund, and of which $400,000 shall be for transmission studies to carry out the functions under section 302(a)(1)(E) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(1)(E)) and shall be non-reimbursable:".

SA 3690. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, after line 24, add the following:

SEC. 905. CONSENT TO AMENDMENTS TO CERTAIN SESSION LAWS OF THE STATE OF HAWAII.

As required by section 4 of Public Law 86-3 (73 Stat. 4), the United States consents to the following amendments to the Act adopted by the State of Hawaii in the manner required for State legislation:

(1) Act of 110 of the Session Laws of Hawaii, 2001;

(2) Act 122 of the Session Laws of Hawaii, 2001;

(3) Act 302 of the Session Laws of Hawaii, 2001.

SA 3691. Mr. BYRD (for himself, Mr. STEVENS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, line 19, strike "$200,000,000 are rescinded." and insert "$320,000,000 are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the "EMERGENCY RELIEF PROGRAM", as authorized by 23 U.S.C. 125, $120,000,000, to be derived from the Highway Trust Fund and to remain available until expended."

SA 3692. Mr. BYRD (for himself, Mr. STEVENS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, line 19, strike "$200,000,000 are rescinded." and insert "$220,000,000 are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the "EMERGENCY RELIEF PROGRAM", as authorized by 23 U.S.C. 125, $20,000,000, to be derived from the Highway Trust Fund and to remain available until expended."

SA 3693. Mr. BYRD (for himself, Mr. STEVENS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike all beginning after the second comma on page 96, line 24, through the comma on page 97 line 2, and insert the following: "$287,000,000 to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That "$167,000,000 of the amount provided shall be for emergency expenses to respond to the September 11, 2001, terrorist attacks on New York City, for the State of New York: *Provided further*,".

SA 3694. Mr. BYRD (for himself, Mr. STEVENS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike all beginning after the second comma on page 96, line 24, through the comma on page 97 line 2, and insert the following: "$187,000,000 to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That "$167,000,000 of the amount provided shall be for emergency expenses to respond to the September 11, 2001, terrorist attacks on New York City, for the State of New York: *Provided further*,".

SA 3695. Mr. BURNS (for himself, Mr. BAUCUS, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 1 of title I, add the following:

SEC. 103. INCOME LOSS ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture shall use $1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 104. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105–277; 114 Stat. 1549A–51).

SA 3696. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, line 15, strike "or subsequent Acts".

SA 3697. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 4, strike "and equipment" and insert in lieu thereof ", equipment and related assistance".

SA 3698. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, line 19, strike "may" and everything that follows through "Initiative" on line 20, and insert in lieu thereof "shall be made available for nay of the programs and activities identified in clause (i) to improve the lives of the Colombian people".

SA 3699. Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, strike lines 13 through 19.

SA 3700. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

SEC. 307. None of the funds appropriated by this or any other Act may be used to convert the 939th Combat Search and Rescue Wing of the Air Force Reserve, based in Portland, Oregon, to an Air Refueling Wing or to transfer any of the aircraft from the 939th Combat Search and Rescue Wing out of such Wing.

SA 3701. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. .—Notwithstanding any other provision of law, the Secretary of the Army may carry out fencing and access control projects in support of installation-wide control measures not otherwise authorized by law using appropriations made available in Public Law 107–117 under the heading "Operation and Maintenance, Army".

SA 3702. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the text of S. 1713 as ordered favorably reported by the Committee on Governmental Affairs of the United States Senate on May 22, 2002.

SA 3703. Mr. MCCAIN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 1 through 11.

SA 3704. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 24 through 26.

SA 3705. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, strike lines 4 through 9.

SA 3706. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 5 of title I, add the following:

SEC. 505. The President shall select the location of the National Center for Combatting Terrorism to be constructed using amounts appropriated by this chapter.

SA 3707. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 5 of title I, add the following:

SEC. 505. Notwithstanding any other provision of this chapter, the amount appropriated by this chapter for construction of the National Center for Combatting Terrorism, or any portion of such amount, may be obligated and expended instead, at the election of the President, for purposes as follows:

(1) Critical force protection.

(2) Homeland defense.

SA 3708. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 5 of title I, add the following:

SEC. 505. (a) AVAILABILITY OF NATIONAL CENTER FOR COMBATTING TERRORISM FUNDS FOR FORCE PROTECTION AND HOMELAND DEFENSE.—Nothwithstanding any other provision of this chapter, the amount appropriated by this chapter for construction of the National Center for Combatting Terrorism, or any portion of such amount, may be obligated and expended instead, at the election of the President, for purposes as follows:

(1) Critical force protection.

(2) Homeland defense.

(b) LOCATION FOR NATIONAL CENTER FOR COMBATTING TERRORISM.—If the President elects to construct the National Center for Combatting Terrorism using amounts appropriated by this chapter, the President shall select the location of the National Center for Combatting Terrorism.

SA 3709. Mr. INHOFE (for himself and Mr. NICKLES) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 5, strike "$100,000,000" and insert "$80,000,000".

On page 97, between lines 12 and 13, insert the following:

For an additional amount for emergency relief under section 125 of title 23, United States Code, $23,000,000, of which $12,000,000 shall be used for reconstruction of the portion of Interstate Route 40 spanning the Arkansas River in the State of Oklahoma that was destroyed as a result of a barge collision that occurred on May 26, 2002.

SA 3710. Mr. BROWNBACK (for himself, Mr. GRAMM, Mr. HELMS, Mr. FITZGERALD, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —COMMISSION ON THE ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES

SEC. 01. SHORT TITLE.

This title may be cited as the "Commission on the Accountability and Review of Federal Agencies Act".

SEC. 02. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission on the Accountability and Review of Federal Agencies (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall consist of 12 members, all of whom shall be appointed by the President within 90 days after the date of enactment of this Act.

(2) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate a chairperson and vice chairperson from among the members of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 03. DUTIES OF THE COMMISSION.

(a) DEFINITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the term "agency", as used in this section, has the meaning given the term "executive agency" under section 105 of title 5, United States Code.

(2) EXCEPTION.—The term "agency" does not include the Department of Defense or its subdivisions.

(b) IN GENERAL.—The Commission shall—

(1) evaluate all agencies and programs within those agencies, using the criteria under subsection (c); and

(2) submit to Congress—

(A) a plan with recommendations of the agencies and programs that should be realigned or eliminated; and

(B) proposed legislation to implement the plan under subparagraph (A).

(c) CRITERIA.—

(1) DUPLICATIVE.—If 2 or more agencies or programs are performing the same essential function and the function can be consolidated or streamlined into a single agency or program, the Commission shall recommend that the agency or program be realigned.

(2) WASTEFUL OR INEFFICIENT.—The Commission shall recommend the realignment or elimination of any agency or program that has wasted Federal funds by—

(A) egregious spending;

(B) mismanagement of resources and personnel; or

(C) use of such funds for personal benefit or the benefit of a special interest group.

(3) OUTDATED, IRRELEVANT, OR FAILED.—The Commission shall recommend the elimination of any agency or program that—

(A) has completed its intended purpose;

(B) has become irrelevant; or

(C) has failed to meet its objectives.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that includes—

(A) the plan described under subsection (b)(1) with supporting documentation for all recommendations; and

(B) the proposed legislation described under subsection (b)(2).

(2) USE OF SAVINGS.—The proposed legislation under paragraph (1)(B) shall provide that all funds saved by the implementation of the plan under paragraph (1)(A) shall be used to support other domestic programs.

(3) RELOCATION OF FEDERAL EMPLOYEES.—The proposed legislation under paragraph (1)(B) shall provide that if the position of an employee of an agency is eliminated as a result of the implementation of the plan under paragraph (1)(A), the affected agency shall make reasonable efforts to relocate such employee to another position within the agency or within another Federal agency.

SEC. 04. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this title—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as any member of the Commission considers advisable;

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses as any member of the Commission considers advisable; and

(3) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(b) Issuance and Enforcement of Subpoenas.—

(1) Issuance.—Subpoenas issued under subsection (a) shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) Enforcement.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 05. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—

(1) Non-federal members.—Except as provided under subsection (b), each member of the Commission who is not an officer or employee of the Federal Government shall not be compensated.

(2) Federal officers or employees.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In general.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) Compensation.—Upon the approval of the chairperson, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS–15 of the General Schedule under section 5332 of such title.

(3) Personnel as federal employees.—

(A) In general.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) Members of commission.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(d) Detail of Government Employees.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 06. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the report under section 03(d).

SEC. 07. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.

(a) Definitions.—In this section—

(1) the term "implementation bill" means only a bill which is introduced as provided under subsection (b), and contains the proposed legislation included in the report submitted to Congress under section 03, without modification; and

(2) the term "calendar day" means a calendar day other than 1 on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) Introduction; Referral; and Report or Discharge.—

(1) Introduction.—On the first calendar day on which both Houses are in session, on or immediately following the date on which the report is submitted to Congress under section 03, a single implementation bill shall be introduced (by request)—

(A) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate; and

(B) in the House of Representatives by the Speaker of the House of Representatives, for himself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(2) Referral.—The implementation bills introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate and any appropriate committee of jurisdiction in the House of Representatives. A committee to which an implementation bill is referred under this paragraph may report such bill to the respective House without amendment.

(3) Report or discharge.—If a committee to which an implementation bill is referred has not reported such bill by the end of the 15th calendar day after the date of the introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from the committee, such bill shall be placed on the appropriate calendar.

(c) Floor Consideration.—

(1) In general.—When the committee to which an implementation bill is referred has reported, or has been discharged under subsection (b)(3), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the implementation bill, and all points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the implementation bill shall remain the unfinished business of the respective House until disposed of.

(2) Amendments.—An implementation bill may not be amended in the Senate or the House of Representatives.

(3) Debate.—Debate on the implementation bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(4) Vote on final passage.—Immediately following the conclusion of the debate on an implementation bill, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the implementation bill shall occur.

(5) Rulings of the chair on procedure.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to an implementation bill shall be decided without debate.

(d) Coordination With Action by Other House.—If, before the passage by 1 House of an implementation bill of that House, that House receives from the other House an implementation bill, then the following procedures shall apply:

(1) Nonreferral.—The implementation bill of the other House shall not be referred to a committee.

(2) Vote on bill of other house.—With respect to an implementation bill of the House receiving the implementation bill—

(A) the procedure in that House shall be the same as if no implementation bill had been received from the other House; but

(B) the vote on final passage shall be on the implementation bill of the other House.

(e) Rules of the Senate and the House of Representatives.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the

rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 08. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2002 through 2005 for carrying out this title.

SA 3711. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike all from page 98, line 19 through page 99, line 2 and insert the following:

"For an additional amount for the National Railroad Passenger Corporation for emergency expenses to ensure the safety of rail passenger operations, $12,000,000 shall be used for emergency security needs."

SA 3712. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike all from line 24 through line 26.

SA 3713. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike all from line 16 through line 23.

SA 3714. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, strike all from the comma at the end of line 8 through the word "Center" on line 12.

SA 3715. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, line 12, strike "ownership share of" and insert in lieu thereof "financial interest in".

SA 3716. Mr. LEAHY (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 23, add the following:

SEC. 605. Not later than 45 days after the date of the enactment of this Act, the President shall transmit to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate a report setting forth a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

SA 3717. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike lines 10 through 19, and insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President shall make at least a $100,000,000 contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, may be made available for a project or activity only if such funds are matched at least equally, including on an in-kind basis, from sources other than the United States Government: *Provided further*, That funds appropriated by this paragraph may be made available notwithstanding any other provision of law, including section 10 of Public Law 91–672: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3718. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . (a) For the purpose of section 101(a)(1) of the Air Transportation Safety and System Stabilization Act of 2001 (P.L. 107–42), the term "air carrier" as defined in that Act and in title 49 USC 40102 shall include manufacturers of small jet turbofan aircraft that will—

(1) have 8 passenger seats or fewer,

(2) will be certified by the Federal Aviation Administration under 14 C.F.R. Part 23,

(3) utilize avionics compatible with the latest Federal Aviation Administration air traffic control technology initiatives, and

(4) be designed to provide service to rural, small and medium-sized underserved communities.

(b) For purposes of this section, and subject to such terms and conditions as the Secretary deems necessary, the Secretary of the Treasury shall, within amounts available to carry out the Air Transportation Safety and System Stabilization Act of 2001, issue credit instruments to the manufactures of small jet turbofan aircraft as defined in subsection (a) that do not in the aggregate, exceed $50,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)

SA 3719. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . LOAN GUARANTEE.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to such terms and conditions as the Secretary deems necessary, there are hereby appropriated such sums as may be necessary, the Secretary shall issue credit instruments to manufacturers of small jet turbofan aircraft that do not in the aggregate, exceed $50,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) The Secretary shall enter into agreements with 1 or more obligors to issue Federal credit instruments under subsection (a) if the Secretary determines, at his discretion, that—

(1) the obligor is a manufacturer of small jet turbofan aircraft for which credit is not reasonably available at the time of the transactions; and

(2) the intended obligation by the obligor is prudently incurred.

(c) TERMS AND LIMITATIONS.—

(1) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under subsection (a) in such form and on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(2) PROCEDURES.—Not later than 14 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplied by the Secretary at his discretion, for the issuance of Federal credit instruments under subsection (a).

(d) FINANCIAL PROTECTION OF GOVERNMENT.—

(1) IN GENERAL.—To the extent feasible and practicable, as provided in paragraphs (2) and (3), the Secretary shall ensure that the Government is compensated for the risk assumed in making guarantees under this Act.

(2) GOVERNMENT PARTICIPATION IN GAINS.—To the extent to which any participating corporation accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this Act, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating corporation, would participate in the gains of the participating corporation or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) DEPOSIT IN TREASURY.—All amounts collected by the Secretary of the Treasury under this subsection shall be deposited in the Treasury as miscellaneous receipts.

(e) DEFINITIONS.—In this Act, the term "small jet turbofan aircraft manufacturer" means a person that manufactures small jet turbofan aircraft that will—

(1) have 8 passenger seats or fewer,

(2) will be certified by the Federal Aviation Administration under 14 C.F.R. Part 23,

(3) utilize avionics compatible with the latest Federal Aviation Administration air traffic control technology initiatives, and

(4) be designed to provide service to rural, small and medium sized underserved communities.

(f) *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3720. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until March 31, 2003: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3721. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until March 31, 2003: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3722. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3723. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of

State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3724. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike lines 10 through 19, and insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until March 31, 2003: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3725. Mr. FRIST (for Mr. HELMS (for himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike lines 10 through 19, and insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3726. Mr. DEWINE (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEDUCTION OF CERTAIN EXPENSES OF MEMBERS OF THE RESERVE COMPONENT.

(a) DEDUCTION ALLOWED.—Section 162 of the Internal Revenue Code of 1986 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business during any period for which such individual is away from home in connection with such service.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(D) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. ___. CREDIT FOR EMPLOYMENT OF RESERVE COMPONENT PERSONNEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45G. RESERVE COMPONENT EMPLOYMENT CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the reserve component employment credit determined under this section is an amount equal to the sum of—

"(1) the employment credit with respect to all qualified employees of the taxpayer, plus

"(2) the self-employment credit of a qualified self-employed taxpayer.

"(b) EMPLOYMENT CREDIT.—For purposes of this section—

"(1) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 50 percent of the amount of qualified compensation that would have been paid to the employee with respect to all periods during which the employee participates in qualified reserve component duty to the exclusion of normal employment duties, including time spent in a travel status had the employee not been participating in qualified reserve component duty. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

"(2) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the employee participates in qualified reserve component duty, the term 'qualified compensation' means compensation—

"(A) which is normally contingent on the employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the employee were present and receiving such compensation, and

"(B) which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the employee.

"(3) Qualified employee.—The term 'qualified employee' means a person who—

"(A) has been an employee of the taxpayer for the 21-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

"(c) Self-Employment Credit.—

"(1) In general.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 50 percent of the excess, if any, of—

"(A) the self-employed taxpayer's average daily self-employment income for the taxable year over

"(B) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

"(2) Average daily self-employment income and average daily military pay and allowances.—As used with respect to a self-employed taxpayer—

"(A) the term 'average daily self-employment income' means the self-employment income (as defined in section 1402) of the taxpayer for the taxable year divided by the difference between—

"(i) 365, and

"(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

"(B) the term 'average daily military pay and allowances' means—

"(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

"(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

"(3) Qualified self-employed taxpayer.—The term 'qualified self-employed taxpayer' means a taxpayer who—

"(A) has net earnings from self-employment (as defined in section 1402) for the taxable year, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

"(d) Credit in Addition to Deduction.—The employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee during any period the employee participates in qualified reserve component duty to the exclusion of normal employment duties.

"(e) Limitations.—

"(1) Maximum credit.—

"(A) In general.—The credit allowed by subsection (a) for the taxable year—

"(i) shall not exceed $7,500 in the aggregate, and

"(ii) shall not exceed $2,000 with respect to each qualified employee.

"(B) Controlled groups.—For purposes of applying the limitations in subparagraph (A)—

"(i) all members of a controlled group shall be treated as one taxpayer, and

"(ii) such limitations shall be allocated among the members of such group in such manner as the Secretary may prescribe.

For purposes of this subparagraph, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as members of a controlled group.

"(2) Disallowance for failure to comply with employment or reemployment rights of members of the reserve components of the armed forces of the united states.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(A) any taxable year in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(B) the two succeeding taxable years.

"(3) Disallowance with respect to persons ordered to active duty for training.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period for which the person on whose behalf the credit would otherwise be allowable is called or ordered to active duty for any of the following types of duty:

"(A) active duty for training under any provision of title 10, United States Code,

"(B) training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code, or

"(C) full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

"(f) General Definitions and Special Rules.—

"(1) Military pay and allowances.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

"(2) Qualified reserve component duty.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

"(3) Normal employment and self-employment duties.—A person shall be deemed to be participating in qualified reserve component duty to the exclusion of normal employment or self-employment duties if the person does not engage in or undertake any substantial activity related to the person's normal employment or self-employment duties while participating in qualified reserve component duty unless in an authorized leave status or other authorized absence from military duties. If a person engages in or undertakes any substantial activity related to the person's normal employment or self-employment duties at any time while participating in a period of qualified reserve component duty, unless during a period of authorized leave or other authorized absence from military duties, the person shall be deemed to have engaged in or undertaken such activity for the entire period of qualified reserve component duty.

"(4) Certain rules to apply.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.".

(b) Conforming Amendment.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended—

(1) by striking "plus" at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting ", plus", and

(3) by adding at the end the following new paragraph:

"(16) the reserve component employment credit determined under section 45G(a).".

(c) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45F the following new item:

"Sec. 45G. Reserve component employment credit.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SA 3727. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 9 of title I, insert after the text relating to the Library of Congress the following:

OFFICE OF TECHNOLOGY ASSESSMENT

For necessary expenses of the Office of Technology Assessment, as authorized by section 12(a) of Public Law 92–484 (2 U.S.C. 481(a)), $1,000,000, to be available for assessments of the technology requirements and priorities of the committees of Congress with respect to the war on terrorism and homeland security, with such assessments to be carried out in consultation with the committees of Congress and under the guidance of the Technology Assessment Board: *Provided*, That the amount appropriated by this paragraph shall remain available until expended: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3728. Mr. KENNEDY (for himself, Ms. Collins, and Ms. Landrieu) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EDUCATION FIRST.

(a) Statement of Purpose; Findings.—

(1) Statement of purpose.—It is the purpose of this section to dedicate a portion of unexpected, additional Federal resources to—

(A) assist disadvantaged children, teachers, and schools in meeting the additional academic challenges posed in the No Child Left Behind Act of 2001 (Public Law 107–110);

(B) provide for full funding of Federal financial commitment to children with disabilities and local communities as identified in the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(C) ensure that every student with the talent, desire, and drive to pursue postsecondary training at a school of their choice is not inhibited by family financial need; and

(D) grow to 10 percent over time, the share of the Federal discretionary budget dedicated toward education.

(2) FINDINGS.—Congress finds the following:

(A) In fiscal year 2003, funding for the No Child Left Behind Act of 2001 (Public Law 107–110) is authorized at $31,100,000,000. In fiscal year 2002, the No Child Left Behind Act of 2001 (Public Law 107–110) was funded at $22,200,000,000. The Budget of the United States Government for Fiscal Year 2003, as submitted to Congress, proposes to fund the No Child Left Behind Act of 2001 (Public Law 107–110) at $22,100,000,000.

(B) In 1975, the Federal Government promised to contribute to local communities 40 percent of the additional costs necessary to ensure that each child with a disability receives the free and appropriate public education to which they are entitled. The Budget of the United States Government for Fiscal Year 2003, as submitted to Congress, proposes that the Federal Government contribute only 17 percent of the additional costs associated with educating each child with a disability.

(C) The size of the maximum Federal Pell Grant is authorized to be $5,800, but because of insufficient funding, in fiscal year 2002, the maximum Federal Pell Grant was only $4,000.

(D) In fiscal year 1946, the share of the Federal budget dedicated to education was 10.4 percent. In fiscal year 2002, the share of the Federal budget dedicated to education was 2.5 percent. On March 23, 1994, the United States Senate unanimously resolved to increase to 10 percent by 2004 the share of the Federal budget dedicated to education.

(b) ADJUSTMENT.—If the report provided pursuant to section 202(e) of the Congressional Budget Act of 1974 (2 U.S.C. 602(e)) (the budget and economic outlook: update (for fiscal years 2003 through 2012)), estimates on-budget Federal revenues for fiscal year 2002 through 2012 that exceed estimated on-budget Federal revenues set forth in the Congressional Budget Office's March 2002 budget and economic outlook for fiscal year 2003 (adjusted for the enactment of the Job Creation and Worker Assistance Act of 2002 (Public Law 107–147) and the Farm Security and Rural Investment Act of 2002 (Public Law 107–171)), then the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate shall—

(1) in an amount equal to the increase in estimated on-budget Federal revenues for fiscal year 2003 that is not more than $5,000,000,000, increase the amount of discretionary budget authority and outlays flowing therefrom allocated under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to carry out Function 500 education programs;

(2) in an amount equal to 20 percent of the increase in estimated on-budget Federal revenues for fiscal year 2003 that is remaining after subtracting the amount described in paragraph (1), increase the amount of discretionary budget authority and outlays flowing therefrom allocated under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to carry out Function 500 education programs; and

(3) in an amount equal to 80 percent of the increase in estimated on-budget Federal revenue for fiscal year 2003 that is remaining after subtracting the amount described in paragraph (1), reduce the deficit and level of publicly held debt in order to better secure the integrity of the Federal Old-Age and Survivors Insurance Trust Fund under section 201 of the Social Security Act (42 U.S.C. 401), unless there is a national emergency related to the war on terrorism.

(c) LIMITATION.—Amounts made available under subsection (a) shall—

(1) not exceed ½ of 1 percent of on-budget Federal revenues for fiscal year 2003; and

(2) supplement, and not supplant, amounts allocated under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) and any other amounts used to carry out the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for the previous fiscal year for which amounts are provided under this section.

(d) CONFORMING CHANGES.—The Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate shall make all necessary conforming changes to the functions and aggregates included in any applicable resolution as a result of adjustments under this section.

(e) NON-REDUCTION.—If the report described in subsection (b) estimates on-budget Federal revenues for fiscal year 2002 through 2012 that are less than estimated on-budget Federal revenues set forth in the Congressional Budget Office's March 2002 budget and economic outlook for fiscal year 2003 (adjusted for the enactment of the Job Creation and Worker Assistance Act of 2002 (Public Law 107–147) and the Farm Security and Rural Investment Act of 2002 (Public Law 107–171)), then the amount of discretionary budget authority and outlays flowing therefrom allocated under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) that was dedicated in accordance with section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) to carry out Function 500 education programs shall not be reduced.

(f) SENSE OF THE SENATE.—In each fiscal year after fiscal year 2003, if the report provided pursuant to section 202(e) of the Congressional Budget Act of 1974 (2 U.S.C. 602(e)) (the budget and economic outlook: update) estimates on-budget Federal revenues for that fiscal year that exceed estimated on-budget Federal revenues set forth in the Congressional Budget Office's spring budget and economic outlook for that fiscal year, it is the sense of the Senate that Congress should, in an amount equal to the amount and percentages described in subsection (b)—

(1) increase the amount of discretionary budget authority and outlays flowing therefrom allocated under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to carry out Function 500 education programs; and

(2) reduce the level of publicly held debt in order to better secure the integrity of the Federal Old-Age and Survivors Insurance Trust Fund under section 201 of the Social Security Act (42 U.S.C. 401).

SA 3729. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, beginning on line 13, strike "$100,000,000" and all that follows through "*Provided*," on line 17 and insert the following: "500,000,000, to remain available until March 31, 2003, which may be made available as a United States contribution to the Global Fund to Combat AIDS, Tuberculosis, and Malaria: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*,".

SA 3730. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, beginning on line 13, strike "$100,000,000" and all that follows through "*Provided*," on line 17 and insert the following: "700,000,000, to remain available until March 31, 2003, which may be made available as a United States contribution to the Global Fund to Combat AIDS, Tuberculosis, and Malaria: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*,".

SA 3731. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, beginning on line 13, strike "$100,000,000" and all that follows through "*Provided*," on line 17 and insert the following: "600,000,000, to remain available until March 31, 2003, which may be made available as a United States contribution to the Global Fund to Combat AIDS, Tuberculosis, and Malaria: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*,".

SA 3732. Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KERRY, Mr. KENNEDY, Mrs. BOXER, Mr. SARBANES, Mrs. FEINSTEIN, Ms. MIKULSKI, Mrs. CLINTON, Mr. DODD, Mr. LIEBERMAN, Mr. TORRICELLI, Mr. LEVIN, Mr. SCHUMER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike line 9 through 19 and insert the following:

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", $700,000,000: *Provided*, That not less than $200,000,000 of the funds appropriated under this heading shall be made available for a United States contribution to the Global Fund to Combat AIDS, Tuberculosis and Malaria: *Provided further*, That of the funds appropriated under this heading (other than funds allocated under the first proviso)

$100,000,000 shall be transferred to, and merged with, appropriations available under "Department of Health and Human Services; Centers for Disease Control and Prevention" for activities related to the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That the funds appropriated under this heading (other than funds allocated by the first proviso or transferred under the second proviso) shall be made available for child survival, maternal health, and other disease programs, including programs to combat tuberculosis, and for development activities to address the impact and consequences of HIV/AIDS: *Provided further*, That any funds allocated under the preceding proviso may be made available to increase the amount of the United States contribution to the Global Fund to Combat AIDS, Tuberculosis and Malaria made under the first proviso: *Provided further*, That funds appropriated under this heading may be made available notwithstanding section 10 of Public Law 91–672 or any other provision of law: *Provided further*, That, in addition to funds otherwise available for such purposes, not to exceed seven percent of the funds appropriated under this heading may be made available for administrative costs of the United States Government agencies in carrying out programs under this heading. *Provided further*, That the additional amount appropriated under this heading is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3733. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

Sec. 307. Of the amount available for fiscal year 2002 for the Army National Guard for operation and maintenance, $2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations.

SA 3734. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

The Secretary of Transportation is directed to make $300,000 of the funds appropriated for job access and reverse commute grants programs in Idaho, administered by the Federal Transit Administration, available to the State of Idaho for job training and support services in accordance with the provisions of 23 U.S.C. 140(b).

SA 3735. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Insert the following at the end of Title II:

SEC. 3001. GENERAL AVIATION INDUSTRY REPARATIONS.

(a) In General.—Notwithstanding any other provision of law, the President shall take the following actions to compensate general aviation entities for economic injuries incurred by such entities as a result of the terrorist attacks on the United States that occurred on September 11, 2001:

(1) Subject to such terms and conditions as the President deems necessary and subject to subsection (b), issue Federal credit instruments to such entities that do not, in the aggregate, exceed $100,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) Compensate such entities in an aggregate amount equal to $250,000,000 for direct losses incurred beginning on September 11, 2001 and ending December 19, 2001, by such entities as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order.

(b) Limitation on Aggregate Amount of Credit Instruments.—The aggregate amount of Federal credit instruments that may be issued under section 101(a)(1) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note; 115 Stat. 230) shall be reduced by the aggregate amount of Federal credit instruments issued under subsection (a)(1) of this section.

(c) Deadline for Applications.—Not later than 14 days after the date of enactment of this Act, the President shall establish and publish in the Federal Register a deadline for the issuance of Federal credit instruments under this section and a deadline for the submission of applications for payments of compensation under this section.

SEC. 3002. STABILIZATION BOARD.

(a) Federal Credit Instruments.—

(1) Operating plan.—An obligor seeking issuance of a Federal credit instrument under section 2(a)(1) shall submit to the Air Transportation Stabilization Board, established under section 102(b) of the Air Transportation Safety Stabilization Act (49 U.S.C. 40101 note; 115 Stat. 231), an operating plan (including budget and cash flow projections) and financial plan for the period of time that the instrument will be in effect. Such plans shall demonstrate to the satisfaction of the Board the ability of the obligor to continue operations as an ongoing general aviation entity during and after the period of time the instrument will be in effect.

(2) Issuance.—The Board, in consultation with the Small Business Administration, may enter into agreements with 1 or more obligors to issue Federal credit instruments under section 2(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is a general aviation entity for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudently incurred;

(C) the obligor has furnished reasonable assurance that it will be able to repay all loans and other debt obligations covered by the Federal credit instrument in accordance with the terms of such loans and other obligations;

(D) the obligor intends to continue to operate as a general aviation entity, and the operating and financial plan submitted by the obligor under paragraph (1) satisfies the demonstration required by paragraph (1); and

(E) the type of aviation services or products (or both) provided by the obligor are an important part of a safe, efficient, and viable general aviation system.

(b) Terms and Limitations.—

(1) Forms; terms and conditions.—A Federal credit instrument shall be issued under section 2(a)(1) in such form and on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Board determines appropriate. The Board may issue a Federal credit instrument under section 2(a)(1) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued to the obligor.

(2) Procedures.—Not later than 14 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplemented by the Board in its discretion, for the issuance of Federal credit instruments under section 2(a)(1).

(c) Financial Protection of Government.—

(1) In general.—To the extent feasible and practicable, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this Act.

(2) Government participation in gains.—To the extent to which any participating entity accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this Act, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating entity, would participate in the gains of the participating entity or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) Deposit in treasury.—All amounts collected by the Government under this subsection shall be deposited in the Treasury as miscellaneous receipts.

SEC. 3003. SPECIAL RULES FOR COMPENSATION.

(a) Limitation on Amount of Compensation.—

(1) Documentation.—Subject to subsection (b), the amount of compensation payable under section 2(a)(2) to a general aviation entity may not exceed the amount of losses described in such section that such entity demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that such entity incurred.

(2) Audits.—The Secretary of Transportation and the Comptroller General of the United States may audit statements referred to in paragraph (1) and may request any information that the Secretary and the Comptroller General deem necessary to conduct such audit.

(b) Priority.—The President shall give priority for compensation under section 2(a)(2) to a general aviation entity—

(1) based on the length of time that the entity has been unable to operate as a result of the terrorist attacks on the United States that occurred on September 11, 2001; and

(2) if the entity is a small business concern (as defined under section 3 of the Small Business Administration Act (15 U.S.C. 632(a))).

(c) Amount of Compensation.—In order to ensure that compensation provided under section 2(a)(2) is distributed equitably among general aviation entities that have substantiated losses described in section 2(a)(2), the President may provide compensation under section 2(a)(2) to a general aviation entity that is an amount less than the amount of losses incurred by the entity and substantiated by the entity as losses for which compensation may be made under section 2(a)(2).

(d) PAYMENTS.—The President may provide compensation under section 2(a)(2) to general aviation entities in 1 or more payments up to the amount authorized by this Act.

SEC. 3004. REPORT.

Not later than the 180th day following the date of enactment of this Act, the President shall transmit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the amount of assistance provided under this Act to each general aviation entity and the financial status of such entity.

SEC. 3005. DEFINITIONS.

In this:

(1) FEDERAL CREDIT INSTRUMENT.—The term "Federal credit instrument" means by guarantee or other pledge by the Air Transportation Stabilization Board issued under section 2(a)(1) of this Act to pledge the full faith and credit of the United States to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(2) GENERAL AVIATION ENTITY.—The term "general aviation entity" means any person (other than an air carrier or foreign air carrier) that—

(A) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(B) manufacturing nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(C) provides services necessary for nonmilitary operations under such part 91; or

(D) operates an airport, other than a primary airport (as such terms are defined in section 40102 of title 49, United States Code), that—

(i) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(ii) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed-based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

On page 57 line 12, delete "700,000,000" and insert "450,000,000."

SA 3736. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 23, add the following:

SEC. 605.

(a) FINDINGS.—Congress makes the following findings:

(1) Despite the removal of the Taliban from power, Afghan women continue to experience a violation of their human rights, generally outside of Kabul where warlords are re-exerting control.

(2) Strong and continued United States support can ensure that the advances made by Afghan women since the fall of the Taliban will continue and grow, rather than recede.

(3) The United States has made a substantial contribution to the emergency relief and humanitarian efforts for Afghanistan. Completing the United States mission in Afghanistan will also require significant and long-term investments in development and reconstruction assistance.

(4) The maternal mortality rate in Afghanistan is one of the highest in the world, with recent reports estimating that every 30 minutes an Afghan woman dies (about 15,000 women every year) of pregnancy-related causes. The estimated maternal mortality rate of 1,700 deaths per 100,000 live births can be significantly and rapidly reduced through access to primary health care services, including safe birthing supplies, emergency obstetric care, prenatal and postnatal care, contraception, and prevention and treatment for the effects of sexual coercion and rape.

(5) Women make up 75 percent or more of the refugees and internally displaced in camps, urban areas, and villages.

(6) Eighty-five percent of Afghanistan's population lives in rural areas. The women in rural areas perform vital roles in food production, processing, and preparation. Successful reconstruction and development assistance must target rural women as part of any agricultural intervention.

(7) Within Afghanistan and outside of Afghanistan, local women's organizations are delivering critical services and have the knowledge and experience to assist the United States in delivering effective relief aid.

(8) The Afghan Ministry for Women's Affairs is an important new ministry that is essential for reestablishing women's human rights, ensuring that women are included in all development efforts, and delivering critical legal, health, education, and economic services to women throughout Afghanistan's 30 provinces.

(9) Afghan women are taking the initiative to reach across the conflict divide and foster peace. Women's perspectives and experiences in seeking solutions to conflicts are necessary to ensure lasting peace.

(10) Adequate security in both urban and rural areas is essential if women and girls are to exercise their human rights, work, attend school, and otherwise participate in and benefit from humanitarian and development programs sponsored by the United States.

(b) ALLOCATION OF FUNDS.—Of the amounts appropriated by this chapter under the heading "Bilateral Economic Assistance", funds should be used for, but not limited to, the following:

(1) Financial and programmatic support of Afghan women's organizations operating in the United States, Pakistan, and Afghanistan to deliver services to women, lead reconstruction efforts, and build the capacities of nascent nongovernmental organizations.

(2) An increase in women's access to and ownership of productive assets such as land, water, agricultural inputs, microfinance, and property.

(3) A provision of financial assistance to build health infrastructure and to deliver women-centered health programs, particularly maternal, reproductive, and mental health care;

(4) The maintenance of a strong financial commitment to developing the education and training systems of Afgnanistan.

(5) The ensurance that female refugees and internally displaced persons can return to their homes voluntarily, safely, and with the protection for their human rights.

(6) Combating and preventing trafficking in persons and assisting victims.

(7) Emphasizing the importance of upholding human rights and women's rights in particular, in training for the Afghan army and police force.

SA 3737. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

(c) PAYMENT LIMITATIONS.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking "$40,000" each place it appears and inserting "$17,500";

(2) in subsection (c), by striking "$65,000" each place it appears and inserting "$32,500"; and

(3) by adding at the end the following:

"(e) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

"(1) LOAN COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

"(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the loan commodity under that subtitle.

"(ii) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(B) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

"(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

“(2) OTHER COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

“(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for peanuts, wool, mohair, or honey under subtitle B or C of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the commodity under those subtitles.

“(ii) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(B) Any loan deficiency payments received for peanuts, wool, mohair, and honey under those subtitles.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for peanuts, wool, mohair, and honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles.

“(f) SINGLE FARMING OPERATION.—Notwithstanding subsections (b) through (e), if an individual participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the operation, the total amount of payments or gains (as applicable) covered by this section that the individual may receive during any crop year may not exceed twice the dollar amount prescribed in this section.”.

SA 3738. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

(c) PAYMENT LIMITATIONS.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking “$40,000” each place it appears and inserting “$17,500”;

(2) in subsection (c), by striking “$65,000” each place it appears and inserting “$32,500”; and

(3) by adding at the end the following:

“(e) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

“(1) LOAN COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

“(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the loan commodity under that subtitle.

“(ii) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(B) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

“(2) OTHER COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

“(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for peanuts, wool, mohair, or honey under subtitle B or C of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the commodity under those subtitles.

“(ii) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(B) Any loan deficiency payments received for peanuts, wool, mohair, and honey under those subtitles.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for peanuts, wool, mohair, and honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles.

“(f) SINGLE FARMING OPERATION.—Notwithstanding subsections (b) through (e), if an individual participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the operation, the total amount of payments or gains (as applicable) covered by this section that the individual may receive during any crop year may not exceed twice the dollar amount prescribed in this section.”.

SA 3739. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 5, before the colon, insert the following: “, of which not less than $1,300,000 shall be used for emergency watershed protection in Lincoln Parish, Louisiana”.

SA 3740. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

SEC. 307. That portion of the former Charleston, South Carolina, Naval Base (including all associated improvements and fixtures) on which is situated a law enforcement training facility for the Department of Justice shall not be transferred to, or transferred for the direct or indirect use or benefit of, the State of South Carolina or any locality or subdivision thereof.

SA 3741. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Chapter 1 of title I add the following:

SEC. 1. . MILK VENDING MACHINE PILOT PROGRAM.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall use fiscal year 2002 funds of the Agriculture Marketing Service to, in consultation with appropriate State agencies, establish a pilot program to make available to students in public schools milk vending machines, and to demonstrate and evaluate their effect on student performance and nutrition.

(b) IN GENERAL.—The Secretary of Agriculture shall promulgate such regulations as necessary to carry out this program.

(c) FUNDING.—The Secretary of Agriculture shall use $40,000,000 of the funds listed in paragraph (a).

SA 3742. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, line 10, insert after the semicolon the following: “*Provided further*, That community disaster loans to New York City related to the revenue loss resulting from the disaster on September 11, 2001, authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), shall not exceed $650,000,000:”.

SA 3743. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, line 10, insert after the semicolon the following: “*Provided further*, That community disaster loans to New York City related to the revenue loss resulting from the disaster on September 11, 2001, authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), shall not exceed $650,000,000: *Provided further*, That if the revenues of New York City during the 3-year period beginning on September 11, 2001 are insufficient to meet the operating budget of New York City, including additional expenses relating to the disaster on September 11, 2001, the Federal Emergency Management Agency is authorized to use alternative methods of conversion for the community disaster loans to New York City related to the revenue loss resulting from the disaster on September 11, 2001:".

SA 3744. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 after line 12, insert the following:

"SEC. . Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance for projects in the Embarras River Basin, Lake County Watersheds, and DuPage County, Illinois, totaling $3,750,000 from funds appropriated for the Watershed and Flood Prevention Operations program by Public Law 107–76."

SA 3745. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, line 14, after "*Provided*," insert the following: "That, notwithstanding any other provision of law, of the amounts provided under this head, not more than $5,000,000 may be made available to compensate Suburban Airport in Laurel, Maryland, Freeway Airport in Bowie, Maryland, Maryland Airport in Indian Head, Maryland, College Park Airport in College Park, Maryland, Potomac Airpark in Ft. Washington, Maryland, and Washington Executive/Hyde Field in Clinton, Maryland, and the providers of general aviation services (such as aircraft rental, flight training, repair and other fixed base services) that are located at such airports for losses of incomes and revenues resulting from the airspace closures that occurred due to the September 11, 2001, terrorist attacks on the United States: *Provided further*, ".

SA 3746. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 307. Of the amount available under this chapter for the Defense Emergency Response Fund, $5,000,000 shall be available for the Army National Guard in support of Weapons of Mass Destruction Civil Support Teams (WMD–CSTs) for training of individual team members, unit and team training, simulation-based command and control training, scenario-based exercises, and sustainment training all within a facility at Kirtland Air Force Base, New Mexico, dedicated for such purposes.

SA 3747. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, after line 12 insert the following:

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount under this heading for hiring 200 additional Deputy United States Marshals for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs, $19,967,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3748. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, line 12 strike "$700,000,000" and replace with "$680,033,000."

On page 9, after line 12 insert the following:

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount under this heading for hiring 200 additional Deputy United States Marshals for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs, $19,967,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3749. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 5 strike "$4,702,525,000" and replace with "$4,682,558,000".

On page 9, after line 12 insert the following:

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount under this heading for hiring 200 additional Deputy United States Marshals for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs, $19,967,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3750. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Response Tax Exemption Act".

SEC. 2. EXCLUSION OF CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 112 the following new section:

"SEC. 112A. CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

"(a) IN GENERAL.—Gross income does not include compensation received by a civilian uniformed employee for any month during any part of which such employee provides security, safety, fire management, or medical services in a terrorist attack zone.

"(b) DEFINITIONS.—For purposes of this section—

"(1) CIVILIAN UNIFORMED EMPLOYEE.—The term 'civilian uniformed employee' means any nonmilitary individual employed by a Federal, State, or local government (or any agency or instrumentality thereof) for the purpose of maintaining public order, establishing and maintaining public safety, or responding to medical emergencies.

"(2) TERRORIST ATTACK ZONE.—The term 'terrorist attack zone' means any area designated by the President or any applicable State or local authority (as determined by the Secretary) to be an area in which occurred a violent act or acts which—

"(A) were dangerous to human life and a violation of the criminal laws of the United States or of any State, and

"(B) would appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation, or affect the conduct of a government by assassination or kidnapping.

"(3) COMPENSATION.—The term 'compensation' does not include pensions and retirement pay.".

(b) CONFORMING AMENDMENTS.—

(1) Section 3401(a)(1) of the Internal Revenue Code of 1986 is amended by inserting "or section 112A (relating to certain terrorist attack zone compensation of civilian uniformed personnel)" after "United States)".

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 112 the following new item:

"Sec. 112A. Certain terrorist attack zone compensation of civilian uniformed personnel.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SA 3751. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, insert the following:

SEC. 1008. The President may make Federal credit instruments available under section 101(a)(1) of the Air Transportation Safety and System Stabilization Act to general aviation on the same terms and conditions as such instruments are made available to air carriers under that section, or on appropriately modified terms and conditions, except that such instruments made available to general aviation may not exceed 5 percent of the total amount available under that section.

SA 3752. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 4 through 15.

On page 2, strike lines 24 through 26.

Beginning on page 14, strike line 22 and all that follows through page 15, line 9.

Beginning on page 48, strike line 18 and all that follows through page 49, line 6.

Beginning on page 70, strike line 3 and all that follows through page 71, line 15.

On page 72, strike lines 1 through 13.

On page 73, strike lines 1 through 11.

On page 97, strike lines 13 through 19.

Beginning on page 98, strike line 16 and all that follows through page 99, line 2.

SA 3753. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 18 and all that follows through page 4, line 21.

On page 97, strike lines 13 through 19.

SA 3754. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 20 through 24.

SA 3755. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ESTABLISHING A SINGLE STANDARDIZED AMOUNT UNDER MEDICARE INPATIENT HOSPITAL PPS.

(a) IN GENERAL.—Section 1886(d)(3)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(A)) is amended—

(1) in clause (iv), by inserting "and ending on or before September 30, 2002," after "October 1, 1995,"; and

(2) by redesignating clauses (v) and (vi) as clauses (vii) and (viii), respectively, and inserting after clause (iv) the following new clauses:

"(v) For discharges occurring in the fiscal year beginning on October 1, 2002, the average standardized amount for hospitals located in areas other than a large urban area shall be equal to the average standardized amount for hospitals located in a large urban area.

"(vi) For discharges occurring in a fiscal year beginning on or after October 1, 2003, the Secretary shall compute an average standardized amount for hospitals located in all areas within the United States equal to the average standardized amount computed under clause (v) or this clause for the previous fiscal year increased by the applicable percentage increase under subsection (b)(3)(B)(i) for the fiscal year involved.".

(b) CONFORMING AMENDMENTS.—

(1) UPDATE FACTOR.—Section 1886(b)(3)(B)(i)(XVII) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XVII)) is amended by striking "for hospitals in all areas," and inserting "for hospitals located in a large urban area,".

(2) COMPUTING DRG-SPECIFIC RATES.—

(A) IN GENERAL.—Section 1886(d)(3)(D) of such Act (42 U.S.C. 1395ww(d)(3)(D)) is amended—

(i) in the heading by striking "IN DIFFERENT AREAS";

(ii) in the matter preceding clause (i)—

(I) by inserting "for fiscal years before fiscal year 1997" before "a regional DRG prospective payment rate for each region,"; and

(II) by striking "each of which is";

(iii) in clause (i)—

(I) by inserting "for fiscal years before fiscal year 2003," after "(i)"; and

(II) by striking "and" at the end;

(iv) in clause (ii)—

(I) by inserting "for fiscal years before fiscal year 2003," after "(ii)"; and

(II) by striking the period at the end and inserting "; and"; and

(v) by adding at the end the following new clause:

"(iii) for a fiscal year beginning after fiscal year 2002, for hospitals located in all areas, to the product of—

"(I) the applicable average standardized amount (computed under subparagraph (A)), reduced under subparagraph (B), and adjusted or reduced under subparagraph (C) for the fiscal year; and

"(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.".

(B) TECHNICAL CONFORMING SUNSET.—Section 1886(d)(3) of such Act (42 U.S.C. 1395ww(d)(3)) is amended in the matter preceding subparagraph (A) by inserting "for fiscal years before fiscal year 1997" before "a regional DRG prospective payment rate".

SEC. . FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT AND OUTPATIENT HOSPITAL SERVICES.

(a) INPATIENT PPS.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting "(i) IN GENERAL.—" before "The Secretary", and adjusting the margin two ems to the right;

(2) by striking "The Secretary" and inserting "Subject to clause (ii), the Secretary"; and

(3) by adding at the end the following new clause:

"(ii) FLOOR ON AREA WAGE ADJUSTMENT FACTOR.—Notwithstanding clause (i), in determining payments under this subsection for discharges occurring on or after October 1, 2002, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

"(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

"(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t)) to which the factors established under clause (i) apply.".

(b) OUTPATIENT PPS.—Section 1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: "For purposes of subparagraph (D) for items and services furnished on or after October 1, 2002, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.".

SA 3756. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. (a) APPROPRIATION FOR GULF STATES INITIATIVE.—(1) There is hereby appropriated $12,000,000 for the Gulf States Initiative.

(2) The amount appropriated by paragraph (1) is in addition to any other amounts appropriated by this Act for the Gulf States Initiative.

(b) AVAILABILITY FOR COUNTER-DRUG AND COUNTER-TERRORISM OPERATIONS.—Of the amount appropriated by this Act for the Gulf States Initiative, as increased (if at all) by subsection (a), $12,000,000 shall be available under that Initiative for counter-drug and counter-terrorism operations.

(c) OFFSET.—(1) The amount appropriated by chapter 6 of title I under the heading "FOREIGN MILITARY FINANCING PROGRAM" is hereby reduced by $6,000,000.

(2) The amount appropriated by chapter 6 of title I under the heading "INTERNATIONAL DISASTER ASSISTANCE" and available for humanitarian, refugee, and reconstruction assistance for the West Bank and Gaza is hereby reduced by $6,000,000.

SA 3757. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . CONTAMINATED SEAFOOD.

(a) IN GENERAL.—Section 801 of the Federal Food, Drugs, and Cosmetic Act (21 U.S.C. 381) is amended by—

(1) redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) inserting after subsection (a) the following:

"(b) CONTAMINATED SEAFOOD.—

"(1) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood originating from a country or exporter if it appears that shipments of such seafood are likely to contain 1 or more compounds listed in section 530.41(a) of title 21, Code of Federal Regulations. The Secretary may consider—

"(A) the detection of such compounds by the Secretary;

"(B) the detection of such compounds by a person commissioned to carry out examinations and investigations under section 702(a) of this Act;

"(C) the detection by other importing countries of such compounds in shipments of seafood that originate from such country or exporter; or

"(D) other evidence or information as determined by the Secretary."

"(2) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under paragraph (1) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if the exporter or importer presents evidence acceptable to the Secretary that a shipment does not contain a compound listed in section 530.41(a) of title 21, Code of Federal Regulations.

"(3) CANCELLATION OF ORDER.—The Secretary may cancel an order under paragraph (1) with respect to seafood exported from a country or exporter if—

"(A) the country or exporter has shown to the satisfaction of the Secretary that the compound at issue is no longer sold for use, or being used, in food-producing animals in the country in which the seafood originated; or

"(B) all shipments into the United States under paragraph (2) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in paragraph (2), not to contain such a compound.

(b) CONFORMING AMENDMENTS.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended by subsection(a), is amended by—

(1) striking "subsection (b)" in subsection (a) and inserting "subsection (c)";

(2) striking "subsection (b)" in subsection (d) and inserting "subsection (c)";

(3) striking "subsection (e)" in subsection (g)(1) and inserting "subsection (f)";

(4) striking "section 801(a)" in subsection (h)(1)(A)(i) and inserting "subsection (a) of this section";

(5) striking "section 801(a)" in subsection (h)(1)(A)(ii) and inserting "subsection (a) of this section"; and

(6) striking "section 801(d)(1);" in subsection (h)(1)(A)(iii) and inserting "subsection (d)(1) of this section;"

SA 3758. Mr. MILLER submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) The Senate finds that—

(1) S. 2551, the Senate's fiscal year 2002 supplemental bill, was scored at $30,900,000,000 or approximately $3,800,000,000 over the President's request of $27,100,000,000;

(2) there is a general acknowledgement that a short-term budget deficit may be necessary to provide the appropriate resources to fight the war on terrorism, it is in our best interest to balance the Federal budget as quickly as possible;

(3) the Senate may approve additional resources in this bill over the President's request, these additional funds should be considered in conjunction with the fiscal year 2003 appropriations process and this consideration would promote fiscal discipline and eventual solvency; and

(4) the bill recognizes the need to fund emergency homeland requirements, at the same time the impact of this supplemental appropriations bill on domestic spending and our budget deficit should also be recognized.

(b) It is the sense of the Senate that the fiscal year 2003 appropriations bills should be lowered by the amount determined by CBO that any fiscal year 2002 supplemental enacted in fiscal year 2002 is over the President's proposed $27,100,000,000 request for the supplemental appropriations bill.

SA 3759. Mr. HATCH (for himself, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 104, insert between lines 23 and 24 the following:

PROCEEDS OF CONSENT DECREE FOR FACILITY

For the General Services Administration, for planning, building, and equipping the Food and Drug Administration consolidated campus in White Oak, Maryland, an amount equal to all amounts deposited in the United States Treasury before, on, or after the date of enactment of this Act under the consent decree entered pursuant to United States v. Schering Plough Corp. et. al.; number c. 02397 (JAP), signed on May 20, 2002, not to exceed $675,000,000, to remain available until expended.

SA 3760. Mr. REID (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 7, strike "$10,000,000" and all that follows through the period and insert the following: "$20,000,000, to be derived from amounts made available for this purpose in Public Law 107–77 and Public Law 107–117: *Provided further*, That of the funds appropriated under this heading, $10,000,000 shall be made available to accelerate the collection of publicly available personal information on individuals from nations known to harbor or sponsor terrorists: *Provided further*, That the percentage specified in section 16(d)(2) of the Victims of Violent Crime Compensation Act of 1996, as amended by this Act, shall be deemed to be 10 percent in lieu of 50 percent.".

SA 3761. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 12, after "$000,000," insert: "of which $2,100,000 shall be used to develop the curriculum, purchase training materials and equipment, and pay instructor salaries to train, in the State of Utah, at the Inter-Mountain Western Regional Training Center, 400 law enforcement first responders from across the United States as the initial part of a 'Train the Trainer' program to combat terrorism,".

SA 3762. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

PARKING APRON REPAIR

Of the amounts available in Public Law 107–117 under the heading "Operation and Maintenance, Air Force," an additional $5,700,000 shall be available for completion of emergency repairs to the main parking apron (C-Ramp) at Grand Forks AFB, North Dakota, and shall remain available until expended.

SA 3763. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . BUDGET ENFORCEMENT.

(a) EXTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(2) in subsection (d)(3)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(3) in subsection (e), by striking "2002" and inserting "2007".

(b) EXTENSION OF BUDGET ENFORCEMENT ACT PROVISIONS.—

(1) IN GENERAL.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

"(b) EXPIRATION.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011.".

(2) STRIKING EXPIRED PROVISIONS.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) EXTENSION OF DISCRETIONARY CAPS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended

(1) in the matter before subparagraph (A), by striking "2002" and inserting "2007";

(2) by striking subparagraphs (C), (D), (E), and (F); and

(3) by redesignating subparagraph (G) as subparagraph (C).

(d) EXTENSION OF PAY-AS-YOU-GO.—

(1) ENFORCEMENT.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking "2002" and inserting "2007"; and

(B) in subsection (b), by striking "2002" and inserting "2007".

(2) PAY-AS-YOU-GO RULE IN THE SENATE.—

(A) IN GENERAL.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended—

(i) in subsection (b)—

(I) in paragraph (1), by inserting after "would" the following: "decrease the on-budget surplus,"; and

(II) in paragraph (6), by striking all after the dash and inserting "If direct spending or revenue legislation decreases the on-budget surplus, increases the on-budget deficit, or causes an on-budget deficit when taken individually, then it must also decrease the on-budget surplus, increase the on-budget deficit, or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A)."; and

(ii) in subsection (g), by striking "2002" and inserting "2007".

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON-BUDGET SURPLUS.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the president believes are appropriate when there is an on-budget surplus.

SA 3764. Mr. DASCHLE (for himself and Mr. CONRAD) proposed an amendment to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . BUDGET ENFORCEMENT.

(a) EXTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(2) in subsection (d)(3)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(3) in subsection (e), by striking "2002" and inserting "2007".

(b) EXTENSION OF BUDGET ENFORCEMENT ACT PROVISIONS.—

(1) IN GENERAL.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

"(b) EXPIRATION.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011.".

(2) STRIKING EXPIRED PROVISIONS.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) EXTENSION OF DISCRETIONARY CAPS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended

(1) in the matter before subparagraph (A), by striking "2002" and inserting "2007";

(2) by striking subparagraphs (C), (D), (E), and (F); and

(3) by redesignating subparagraph (G) as subparagraph (C).

(d) EXTENSION OF PAY-AS-YOU-GO.—

(1) ENFORCEMENT.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking "2002" and inserting "2007"; and

(B) in subsection (b), by striking "2002" and inserting "2007".

(2) PAY-AS-YOU-GO RULE IN THE SENATE.—

(A) IN GENERAL.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended in subsection (g), by striking "2002" and inserting "2007".

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON-BUDGET SURPLUS.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the president believes are appropriate when there is an on-budget surplus.

SA 3765. Mr. SANTORUM proposed an amendment to amendment SA 3764 proposed by Mr. DASCHLE (for himself and Mr. CONRAD) to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of the amendment add the following:

SEC. . The provisions of S. Con. Res. 100 (107th Congress) as reported by the Committee on the Budget and placed on the calendar is adopted by the Senate and the House of Representatives as the concurrent resolution on the budget for fiscal year 2003 in accordance with section 301 of the Congressional Budget Act of 1974.

SA 3766. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4755, to designate the facility of the United States Postal Service located at 204 south Broad Street in Lancaster, Ohio, as the "Clarence Miller Post Office Building"; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

The $300,000 made available to the State of Idaho under the matter under the heading "JOB ACCESS AND REVERSE COMMUTE GRANTS" under the heading "FEDERAL TRANSIT ADMINISTRATION" in title I of the Department of Transportation and Related Agencies Appropriations Act, 2002 (Public Law 107-87; 115 Stat. 852), shall be deemed to have been made available to the State of Idaho to carry out a job training and supportive services program under section 140(b) of title 23, United States Code.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday June 5, 2002, at 10 a.m. to conduct a hearing, entitled "Nuclear Security," to receive testimony concerning S. 1586, "a bill to amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees, and for other purposes" and S. 1746, "a bill to amend the Atomic Energy Act of 1974 to strengthen security at sensitive nuclear facilities."

The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 5, 2002 at 10 a.m. to hold a hearing on Cuba.

Agenda

Witness: The Honorable Carl Ford, Jr., Assistant Secretary for Intelligence and Research, Department of State, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 5, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 5, 2002 at 2:30 p.m. to conduct an oversight hearing on "Lead-Based Paint Poisoning: Federal Responses."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BOND. Madam President, I ask unanimous consent a legislative fellow in my office, John Stoody, be granted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, I ask unanimous consent that for the duration of the bill a legislative fellow in Senator WYDEN's office, Gerhard Kuska, be granted Senate floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

Mr. REID. Mr. President, I ask unanimous consent that we return to the Supplemental Appropriations Act for further recovery from and response to terrorist attacks in the United States.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

> A bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on calendar No. 405, H.R. 4775, the supplemental appropriations bill:

Hillary Clinton, Harry Reid, Jack Reed, Evan Bayh, Debbie Stabenow, Blanche Lincoln, Maria Cantwell, Daniel Akaka, Daniel Inouye, Joseph Lieberman, Byron Dorgan, Tom Carper, Tom Daschle, Tim Johnson, Patty Murray, Barbara Mikulski.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the Foreign Service nominations placed on the Secretary's desk; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; that any statements relating to the nominations be printed in the RECORD; and that the Senate return to legislative session, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

FOREIGN SERVICE

PN1543 Foreign Service nominations (5) beginning Stephan Wasylko, and ending Charles Kestenbaum, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002

PN1544 Foreign Service nominations (7) beginning Suzanne K. Hale, and ending Maurice W. House, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002

PN1545 Foreign Service nominations (152) beginning Gary V. Kinney, and ending James E. Stephenson, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, JUNE 6, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, June 6; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; and there be a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Republican leader or his designee; that at 10:30 a.m. the Senate resume consideration of the Supplemental Appropriations Act, with 30 minutes of debate equally divided between the chairman and ranking member of the Appropriations Committee, or their designees, prior to the vote on cloture on the act; further, that Senators have until 10:30 a.m. to file second-degree amendments to the Supplemental Appropriations Act, and that the live quorum with respect to the cloture motion filed earlier today be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Thursday, June 6, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 5, 2002:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

CAROLYN W. MERRITT, OF ILLINOIS, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE PAUL L. HILL, JR.

CAROLYN W. MERRITT, OF ILLINOIS, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE PAUL L. HILL, JR.

DEPARTMENT OF STATE

JAMES IRVIN GADSDEN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

JOHN RANDLE HAMILTON, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

MICHAEL KLOSSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

LARRY LEON PALMER, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

RANDOLPH BELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR HOLOCAUST ISSUES.

ASIAN DEVELOPMENT BANK

PAUL WILLIAM SPELTZ, OF TEXAS, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR, VICE N. CINNAMON DORNSIFE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT SURGEON GENERAL/CHIEF OF THE DENTAL CORPS, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3039:

To be major general

BRIG. GEN. JOSEPH G. WEBB JR., 9082

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES MILITARY ACADEMY, UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be lieutenant colonel

MICHAEL J. MEESE, 6695

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

STEVEN A. BEYER, 2037
MATTHEW L. MURPHY, 0109
JASON K. PSALTIDES, 5448
JAMES F. ROTH, 9573

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAY A. JUPITER, 1641

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ANDREW D. MAGNET, 8635

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BERNARD COLEMAN, 0228
LARRY D. FOSTER, 7246
CHARLES E. JACKSON, 7965
EDELTRAUD K. LAMAR, 7122
HARRY E. MEADE, 8359
ROY I. NOMEY JR., 7409
JERRY D. PARKER, 2694
JOSEPH G. SCHMITZ, 2940
MICHAEL A. STONE, 4275

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

BARNEY R BARENDSE, 1813
CHRISTINE BOLTZ, 0510
DENISE M BOREN, 8676
PATRICIA H CRADDOCK, 1378
SAMUEL E DIXON, 0058
MARY K JACKSON, 7627
DENNIS L JEPSEN, 9501
JAMES E KOHL, 0951
REBECCA J MCCORMICKBOYLE, 4954
DENISE S MCDOWELL, 6193
KAREN T MCKINSEY, 6493
JOSEPH F MURRAY, 8879
HELEN V PEARLMAN, 3115
FAYE M PYLES, 8498
MARIE S SENZIG, 6637
NANCY A SIMMONS, 8624
KATHERINE A SURMAN, 7886
SHEILA M WEIBERT, 0881
KRISTIANE M WILEY, 0084

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL J BOOCK, 0611
MARTIN J EVANS, 5599
JONATHAN E FINK, 7445
ERIC E GEISER, 0961
ALAN G KAUFMAN, 4969
MARK D LAWTON, 1359
FREDERICK D MITCHELL, 1370
MOIRA D MODZELEWSKI, 0650
DANIEL E OTOOLE, 8016
RAUL A F PEDROZO, 6482
MICHAEL I QUINN, 0160
MICHAEL A WATERS, 5901
ALEXANDER W WHITAKER IV, 1204

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEPHEN T AHLERS, 2582
WILLIAM K ALEXANDER, 7401
JOHN K BAIRD, 6105
MARK F BERNIER, 3165
MARK E BROUKER, 8634
RODERICK L CLAYTON, 7351
LEE L CORNFORTH, 2597
MU YING H DOW, 2211
ANDREW T ENGLE, 5340
CARROLL D FORCINO, 0529
SCOTT E FOSTER, 2684
RUFUS E GODWIN, 5441
CELIA H HORTON, 2082
GRAHAM D ININNS, 7715
PATRICIA W IRELAND, 3361
DAVID B MILLER, 1583
DONNA M MURDOCH, 1405
PAUL R SCHRATZ JR., 3683
RICHARD F STOLTZ, 8874
KERRY R THOMPSON, 6596 Q02

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DANIEL C ALDER, 2746
CHARLES F BAXTER JR., 1616
MONTE L BIBLE, 2616
DAVID A BRADSHAW, 1962
HARPREET S BRAR, 2188
ANTHONY J CAMEROTA, 1730
FRANK J CARLSON, 7267
RONALD F CENTNER, 9685
FRANK A CHAPMAN, 5957
SUSAN L CHITTUM, 2148
LAUREL B S CLARK, 8681
BRUCE COHEN, 0765
WALTER J COYLE, 9641
CRAIG L CUPP, 0077
MICHAEL J CURRAN, 8321
DAVID L DAUGHERTY, 2647
MURRAY S DONOVAN, 7727
TERRENCE X DWYER, 2601
RICHARD C EDWARDS, 6067
DANIEL R ELIZONDO, 6787
SCOTT D FLINN, 9599
MICHAEL J FRANCIS, 2207
KEVIN L GALLAGHER, 3426
SCOTT J GRAHAM, 6012
THOMAS M GUDEWICZ, 3074
TERRY A HARRISON, 7698
ROBERT E HERSH, 3972
BRIANA M HILL, 4958
MARK P HONIG, 0636
PETER A JOHNSTONE, 6865
KELLY S KEEFE, 6024
RANDALL KELLEY, 3656
KERRY J KING, 2670
KENNETH D KLIONS, 4313
JOHN J LEE, 1882
PETER E LINZ, 3697
ERIC R LOVELL, 8088
PAUL A LUCHA, 0093
RANDALL C MAPES, 2323
MARTIN MCCAFFREY, 8641
MICHAEL C MCCARTHY, 2341
SCOTT K MCCLATCHEY, 5065
ROBERT J MENDEZ, 9220
BRUCE C MENELEY, 5268
BRIAN P MONAHAN, 6073
VERNON D MORGAN, 0647
MICHAEL MULDOON, 5700
CHRISTOPHER L OLCH, 3339
JOHN C OLSEN, 2377
JOHN S PARRISH, 6277
JEFFERY W PAULSON, 7727
PAUL PEARIGEN, 7444
PABLO D PIZARRO, 1979
CRAIG C POWELL, 9403
TERRY L PUCKETT, 5902
RAYMOND M PUMAREJO, 4109
EDWARD V ROSS JR., 7843
JOSEPH E SARACHENE, 5369
ANN R SECORD, 5495
WYATT S SMITH, 4397
ROBERT J SUCSY, 6990
THOMAS K TANDY III, 6836
GARY A TANNER, 1609
STEVEN M TEMERLIN, 2899
JON K THIRINGER, 6547
GEORGE G ULRICH, 8116
AMY G WANDEL, 3310
LYNN E WELLING, 8307
JERRY W WHITE, 9504
HENRY C WONG, 0740
EDWARD A WOODS, 7864
ERIC J ZINTZ, 3832

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ALAN T BAKER, 5911
HAROLD W BURRELL, 7357
WILLIAM F CUDDY JR., 3869
JOHN S EVANS, 6956
JAMES R FISHER JR., 2748
BRIAN F KELLY, 4126
RONNIE C KING, 1194
DAVID G KLOAK, 6395
PETER W MCGEORY, 7140
DALE W PARKER, 8004
MARK L TIDD, 9343
DOUGLAS J WAITE, 7068

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL L BLOUNT, 5385
DAVID M BOONE, 7597
DAVID M BURNES, 1135
FRANCIS P CASTALDO, 5773
MASON CRUM, 7977
DAVID L FLEISCH, 3500
PAUL T FULIGNI, 3607
KATHERINE L GREGORY, 8247
APRIL F HEINZE, 8919
HUGH R HEMSTREET, 3598
KEVIN A LINDSEY, 7784
BARRY K LOVELESS, 9930
GERALD R MANLEY, 9830
ROGER M NATSUHARA, 6235
MICHAEL J OCONNOR, 3536
ERIC S ODDERSTOL, 0187
ROBERT P WALDEN, 4229

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES T. CONEN, 6954

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOSEPH D. CALDERONE, 9924
JOHN M. HACKWORTH, 0387
JOHN D. HENDERSON, 1198
MICHAEL J. INOUYE, 9767
ARNOLD C. JOHNSON, 1420
RONALD M. KLOSE, 7683
RICHARD A. WILLIAMS, 9249

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

TIMOTHY G. ALBERT, 8086
DAVID E. BEARDMORE, 0360
JAMES E. CAMPBELL II, 7004
FRANKLIN B. CARVER, 9284
NANCY J. CATHEY, 9138
JOHNNY L. DODD, 0807
JANICE M. STACYWASHINGTON, 8513

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WARREN WOODWARD RICE, 7922
MARK J. SAKOWSKI, 3012

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BARBARA S. BLACK, 3824
PAUL T. BROERE, 6840
THOMAS A. CORWIN, 0486
ROBERT A. GANDOLA, 6853
DANIEL J. NEUMANN, 3745
DAVID A. OBRIEN, 5365
JOHN H. WATTS, 1915
DOUGLAS D. WRIGHT, 1448

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL R. BONNETTE, 0356
DAVID C. PHILLIPS, 4420

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOSE R ALMAGUER, 3937
DEAN A BEATTY, 9148
GEORGE J BINGHAM, 0460
DAVID A BITONTI, 6409
MICHAEL R BRENYO, 7871
NATHANIEL C BRYANT, 0526
THOMAS A CADE, 9485
DANIEL G EHRICH, 1544
BYRON C ESCOE, 7872
PAUL W GERHARDT, 6982
JAMES H GHERARDINI JR., 5602
LYNDA D GROSSMAN, 2671
GARY J HAMMOND, 0297
RICHARD A JORALMON, 8143
JAMES V KEENAN, 7236
RANDALL W KULNIS, 2663
JOHN P LABANC, 5176
JOHN J LAUTEN JR., 4376
THOMAS M LEIENDECKER, 3760
WILLIAM J LEONARD, 0191
CLARA Y LLODRA, 6904
JAMES C MARTIN, 6154
JOHN L MCGINLEY, 9691
ALICE P MORAN, 3622
BLAINE E MOWREY, 2232
JOHN H MUMFORD, 1947
TOM R NEIHART, 1292
LEE E NIEMEYER, 9276
STEPHEN M PARKER, 7149
JOHN P PIERCE JR., 1369
MATTHEW W POMMER JR., 9440
PAUL D REAGAN, 3880
DAVID N RICKEY, 4054
DEBRA M RYKEN, 5330
TIMOTHY J SHEA, 4126
THOMAS R SPRADLIN, 0470

LOREN J STEENSON, 9142
KENNETH M STINCHFIELD, 6829

CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 5, 2002:

FOREIGN SERVICE NOMINATIONS BEGINNING STEPHAN WASYLKO AND ENDING CHARLES KESTENBAUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 20, 2002.

FOREIGN SERVICE NOMINATIONS BEGINNING SUZANNE K. HALE AND ENDING MAURICE W. HOUSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 20, 2002.

FOREIGN SERVICE NOMINATIONS BEGINNING GARY V. KINNEY AND ENDING JAMES E. STEPHENSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 20, 2002.

EXTENSIONS OF REMARKS

HONORING EUGENE N. BALL UPON HIS RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Eugene N. Ball, upon his retirement from the Pentagon Federal Credit Union after nearly 25 years of distinguished and dedicated service.

Mr. Ball was born and raised in Waterloo, IA. He served for 20 years in the United States Army in various command and staff assignments including as a Transportation Corp officer. Following his retirement from the Army's active service in 1963, Ball went to work as Chief of Finance in the Department of the Army. In 1967 he joined the Department of Defense, Per Diem Travel and Transportation Allowance Committee. Fifteen years later, in February 1982, he was detailed to the office of the Deputy Assistant Secretary of Defense (Logistics and Material Management), with the responsibility of organizing and leading an Interagency Team to implement changes in Federal travel policies and practices, as directed by the President.

Ball has been active in the Credit Union movement for over a quarter century. He was first elected to the Board of Directors of Pentagon Federal Credit Union in 1975, and subsequently served as Secretary from 1977–1978, Vice President from 1978–1982, and President since 1982. During his tenure on the Board he has been Chairman of the Marketing and Education, and Nominating Committees.

In June 1984, under Ball's direction, the Pentagon Federal Credit Union formed three holding companies to provide management information, software, and insurance services.

Based on his leadership at the credit union, contributions to other credit unions and credit union organizations, professional development and education, and community service, Mr. Ball was awarded the DEF 1999 Director of the Year honor by CUES. He is revered as a remarkable leader by his colleagues, and is renowned for his dedication to teamwork.

Mr. Ball is also known by all of his Credit Union colleagues for his generosity. From dressing up as Santa Claus for the credit union's Christmas party to serving on the board of several prominent organizations, Mr. Ball is involved in nearly all Credit Union activities, as he is in his Northern Virginia community. He is very active in his church at all levels, serving as chairman of the board of trustees and leading Sunday school discussions. He is a member, and past President, of the Advisory Council for the Lupus Foundation of Greater Washington and has served as president of the National Cherry Blossom Festival. These, along with his many other acts of selflessness, both for the Pentagon Federal Credit Union and for his community, make Ball worthy of his title amongst those who know him, "A Role Model of Humanity."

Mr. Speaker, in closing, I wish the very best to Mr. Ball as he is recognized for service to his community and to the Pentagon Federal Credit Union. During his twenty-five years of service, he certainly has earned his recognition, and I call upon all of my colleagues to join me in applauding his tenure.

THE CHILD SUPPORT REINVESTMENT ACT OF 2002

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. MATSUI. Mr. Speaker, today I am offering a bill to modify the way in which penalties are imposed on states that are attempting to comply with child support system computer automation requirements.

Child support automation penalties provided an effective and necessary impetus for my home state of California to make important changes in their child support program. But, now these penalties have become an obstacle to meeting the objectives of the revamped system and should be modified.

The Child Support Reinvestment Act would do two important things. First, it would change the base year that the penalty is calculated on. This would remove the disincentive for states to increase investments in their child support program because these increases would no longer be reflected in the calculation of the penalty. Second, the bill would allow increasing amounts of these penalties to be reinvested in the child support program if the state increases spending by specified percentages.

My bill is supported by the National Women's Law Center and the Center for Law and Social Policy. In addition, ACES, the Association for Children for Enforcement Support, and the California Chapter of the National Organization for Women is supporting this legislation. Mr. Speaker, I would like to include the letters of support from these organizations in the record.

California has made significant strides and is on target to have a fully automated child support system in 2005. They have also invested considerable money in improving collections and customer service. Last year, California collected $2 billion in child support, sending two-thirds of this money directly to families. This progress, however, is being jeopardized by ongoing and increasing federal penalties. Unfortunately, it is the children in families who receive child support that suffer. My bill would correct this problem.

THE ASSOCIATION FOR CHILDREN
FOR ENFORCEMENT OF SUPPORT, INC.,
Toledo, OH, June 4, 2002.

HON. ROBERT MATSUI,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MATSUI: The Association for Children of Support (ACES) would like to offer its support for your proposed modifications to the current calculation of child support automation penalties. Your legislation, the Child Support Reinvestment Act of 2002, would remove the disincentive to states, like California, to invest additional dollars in their child support system. The penalties imposed on the child support program in California were necessary and provided the encouragement needed by the state to change the system. We believe that California's significant progress, increasing collection rates, and improved customer service warrant reasonable changes in the child support computer automation statute. Particularly, we support your bill, because it would change the way penalties are calculated by redefining the penalty base to avoid penalizing the sate for their increased investment in the child support program. We also support the provision that would permit the reinvestment of a portion of the penalties in the child support system.

ACES believes that it is mothers and children who ultimately suffer if the bill is not enacted. Thank you for your leadership.

Sincerely,

GERALDINE JENSEN,
President, Association for Children for Enforcement of Support.

NATIONAL ORGANIZATION FOR WOMEN,
Sacramento, CA, May 14, 2002.

HON. WILLIAM M. THOMAS,
Chair, House Ways and Means Committee,
Washington, DC.

DEAR CONGRESS MEMBER THOMAS: The California National Organization for Women (CANOW) urges you to help alleviate a situation which, if left unmitigated, will lead to injury of thousands of California's families. We are asking for your help in easing the penalties imposed upon California because of missed deadlines on child support automation.

The penalties imposed upon the child support program in California were necessary and acted as a catalyst for change in the system. In 1999, California's child support system faced a major reform. Since the change, policies in the state are innovative and collections are on the rise. Customer service efforts have improved tenfold and greater efforts to reduce automation problems have resulted in record high collections in some counties. These heroic efforts were made in response to the public scrutiny of state child support policies and procedures. Public scrutiny of the system resulted directly from imposition of federal penalties. Therefore, the penalties served their purpose and change has resulted.

Now that California has revamped its child support system and is spending nearly $1 billion to automate, child support penalties are becoming obstructive. Because of the penalty structure, the state is being penalized

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for spending more money to improve child support. Instead, we need the penalty system to be flexible—at least allowing penalties to serve the purpose of motivating positive change rather than imposing punishment just because it was observed and although it no longer makes sense.

If we allow the penalty structure to remain as is, we will see a loss of these newly gained services. The new child support department will lose too many resources as money from the program is siphoned to pay penalties. Mothers and children will be the ultimate losers as less effort is put into collecting and enforcing child support. CANOW supports a policy that would establish a penalty base that does not increase when more money is spent by the state to improve the program. Also, CANOW believes that an allowance for reinvestment of the penalty dollars to improvement of child support enforcement is a worthwhile venture.

Please help CANOW to alleviate the potential suffering of millions by restoring equity to the child support automation computer penalty structure. Current economic times demand that we rethink the effects of punitive measures from years past.

Sincerely,

MELANIE SNIDER,
CANOW Legislative Advocate.

CENTER FOR LAW AND SOCIAL POLICY AND NATIONAL WOMEN'S LAW CENTER,
March 5, 2002.

Hon. WILLIAM THOMAS,
U.S. Representative, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: The Center for Law and Social Policy and the National Women's Law Center support the State of California's request for modifications in the computer penalties incurred by the state—and we support reform of the child support distribution rules—in order to continue the significant progress that California has made in recent years to improve its child support program and get more child support to families.

As explained in more detail below, we recommend a change in the way penalties are calculated, by redefining the penalty base to avoid penalizing California for having increased its investment in its child support program. We also support a change that would permit California to reinvest in its child support program the computer penalties incurred by the state because of its delay in implementing a statewide system under the Family Support Act of 1998 (FSA). We believe that California's progress in restructuring its child support program and implementing a new generation of computer technology are unique circumstances that justify reasonable modifications in the FSA computer penalty statute. However, we do not support forgiveness or waiver of the penalty, nor do we support reinvestment of child support penalties incurred for reasons other than noncompliance with FSA computer requirements.

We also hope you will cosponsor S. 916 and S. 918, which would reform child support distribution rules, simplify California's systems development, and get more child support to former and current welfare families. We urge you to get help get child support distribution reform passed this year.

Modifying Computer Penalties

In 1998, Congress enacted an alternative computer penalty in lieu of withdrawing full federal funds from state TANF and child support programs for states that fail to meet child- support computer system deadlines. The statute creates an alternative penalty available to states making good faith to comply with the automated system requirements and submitting a corrective action plan. The penalties escalate over time: the first year penalty is 4 percent of federal child support matching funds; the second year penalty is 8 percent; the third year penalty is 16 percent; the fourth year penalty is 25 percent, and the fifth and subsequent years' penalty is 30 percent. The percentage is applied to the "penalty base": the amount payable to the state in the previous year as federal reimbursement for state administrative expenditures in the child support program (the 66% federal match). Thus, a state like California that substantially increased its investment in the child support program each year faces not only escalating percentages, but an increasing penalty base.

We each provided extensive technical assistance to the House Committee on Ways and Means as it developed the penalty language. The specific intent of the alternative penalty was not to punish noncompliant states, but instead to spur those states to address political issues within the states that were impeding system development. Congress did not anticipate that states would incur penalties for more than three or four years. To date, all but two states, California and South Carolina, have received or requested certification of Family Support Act systems compliance.

Although California is not yet in compliance, it responded to the alternative penalty in the way intended by Congress. After Congress adopted the alternative penalty, the California legislature restructured the state child support program by (1) creating an independent state child support agency, (2) reorganizing the program at the county level, (3) engaging in an ambitious top-to-bottom review of child support policies and practices, (4) revamping its computer development and procurement plans, and (5) substantially increasing state funding levels. We think these changes are producing positive and enduring results for families. However, because California has not yet completed its computer system, it will continue to face computer penalties for several years to come.

We support two changes in the alternative penalty applicable to FSA system requirements. First, we agree with California that the statutory definition of the base unintentionally penalizes the state for increased investments in the child support program. As the state puts more money into the program, the penalty base and penalty increase. We think the base should be adjusted to reflect a fixed year.

Second, we support a change that would allow the state to reinvest the penalty in its child support program in a fair and reasonable way. Given California's strenuous efforts to improve its child support program since enactment of the alternative penalty, we think it is counterproductive to continue to withdraw penalty funds from the program, particularly at a time when state budgets are experiencing severe shortfalls. Several studies establish a direct link between child support program performance and adequate finding levels. We are particularly concerned that California's system development decisions could be compromised if the state is required to continue to pay its substantial penalties to the federal government.

Child Support Distribution Reform

It is also important that California have the authority to avoid programming existing distribution rules in the development of its new system. Problems with automating complicated rules have been cited by federal and state administrators as a cause of system development delays and costs. And one expert, Policy Studies, Inc., estimates that once the rules are implemented, 6 to 8 percent of all child support program costs—up to $360 million per year—are spent maintaining them.

About half of the support arrears collected for families who have left welfare are not paid to the families, but instead are kept by the government as reimbursement for welfare costs. By paying the support to families, distribution reform would help families make the transition off of welfare and stay off. Research from the Wisconsin pass-through demonstration finds that when child support directly benefits their children and is not kept by the government, fathers are more willing to establish paternity and pay support for their children.

We urge you support both California penalty relief and distribution reform this year.

Sincerely,

VICKI TURETSKY,
Senior Staff Attorney,
Center for Law and Social Policy.
JOAN ENTMACHER,
Vice President, Family Economic Security,
National Women's Law Center.

IN RECOGNITION OF AGNES GUND

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Agnes Gund on the occasion of the 34th Annual Museum of Modern Art Party in the Garden. Ms. Gund's extraordinary contributions to The Museum of Modern Art and the art community have made contemporary art accessible to countless people. It is a pleasure to pay tribute to this great educator, activist and philanthropist.

Ms. Gund has been a trustee of The Museum of Modern Art (MOMA) since 1976, and has served as President since 1991. Throughout that time, she has worked to expand the museum's services to a larger, more diverse public and has led MOMA to prominence both as a major tourist attraction and a standard-bearer for cultural institutions everywhere.

An advocate for arts education, she founded the Studio in a School Association in 1971, a program that places artists as teachers in New York City public schools. For her pioneering work in this innovative program, she received the Doris C. Freeman Award from the City of New York and the New York State Governor's Arts Award in 1988. With the Studio in a School program, Ms. Gund forged a new partnership between professional artists and public schools and introduced children to the joys of creative expression.

For her outstanding commitment to the 'excellence, growth, support and availability of the arts in the United States', Ms. Gund was awarded the prestigious 1997 National Medal of Arts by President Clinton. One of 11 recipients of the nation's highest award for achievement in the arts in 1997, she was the only patron of the arts to receive such recognition. Ms. Gund also received the College Art Association Women in the Arts award in 1996 and was elected as a fellow to the American Academy of Arts and Sciences in 1995.

As an eminent leader of the arts community, Ms. Gund was recognized as one of Crain's 75 Most Influential Women in Business in 1996, and has received four honorary doctorates throughout her career. She has also devoted time to public service, particularly in issues surrounding AIDS research, arts programs and education, and has served as a benefactor to museums, art organizations, social and environmental groups and women's issues.

Ms. Gund is bringing MOMA into the 21st century with a $1 billion expansion. The museum has taken the bold step of moving to Queens while the massive building project is underway. Prior to the move, she initiated a series of revolutionary exhibits, MOMA 2000, mixing genres and blending mediums of expression to encourage visitors to take a new look at MOMA's collection.

A prominent collector of postwar art, Ms. Gund grew up surrounded by art and as a young women became one of the foremost collectors of modern painters, eventually amassing 400 works of art. Generous with her collection, she has given some of her most important pieces to museums. After the birth of her 4 children, she returned to school and received a master's degree in art history. Ms. Gund has been a lifelong champion of the arts, and has succeeded in sharing her passion with the American people.

In recognition of these outstanding achievements, I ask my colleagues to join me in honoring Agnes Gund. Ms. Gund's generous spirit, devotion to arts education and love of creative genius will continue to benefit our nation for generations.

TRIBUTE TO BASEBALL GREAT LARRY DOBY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. PAYNE. Mr. Speaker, it is a great honor to rise today to recognize a legend in baseball history, Larry Doby, on the occasion of the dedication of the Larry Doby Baseball Field in Eastside Park in Paterson, New Jersey.

Larry Doby has made history as the first African American to play in the American League when he joined the Cleveland Indians in 1947, and finished his career as a member of the Baseball Hall of Fame. Always an exceptional athlete, Larry Doby grew up in Paterson, New Jersey participating in four Varsity sports: baseball, football, basketball, and track. At this poignant start to his career he was an "All State" athlete in three out of his four competitive sports, displaying his clear athletic ability at an early age.

Larry Doby was an inspiring power-hitting center fielder and a key member of the Indian's pennant winners in 1948 and 1954. Preceding his breaking the color line with the Indians, Doby also starred with the Negro National League's Newark Eagles taking them to win the 1946 Negro League World Series. In later years, Doby was a nine time All-Star player, leading the American league twice in homers. Since the culmination of his baseball career, Doby has worked within his community, establishing a basketball league in Paterson, New Jersey for young people within the school system, grades six through nine.

My first visit to the Baseball Hall of Fame in 1998 was for Larry Doby's induction ceremony, which I was pleased to attend because of my great respect for him. As a youngster growing up in Newark I looked forward to seeing him play at Rupert Stadium from 1942–43 and 1946–47, in the years surrounding his military experience. His career exemplifies what can be done with hard work and determination, having risen through prejudice and poverty to becoming a world-renowned athlete. He serves as a role model to all young people and especially to those aspiring athletes in our home state of New Jersey.

Mr. Speaker, I know that my colleagues here in the United States House of Representatives join me today in recognizing this great athlete and his innumerable contributions to society and send their very best wishes to him for a healthy and prosperous future.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the amendment offered by my colleague, Mr. MORAN, to prevent the potential bankruptcy of the Nation's 6th largest and the eastern seaboard's second largest airline, US Airways.

As the representative of New York's LaGuardia Airport, I know how important the preservation of this airline is, not only to the traveling public, but to the men, women and children in my district.

Following the events of September 11, our Nation's airlines took a tremendous financial hit, resulting in the dismissal of approximately 100,000 airline employees. As members of Congress, we felt we needed to do something to stop the bleeding. To that end, we passed a $15 billion aid package to save America's airline industry. This package included $10 billion in loan guarantees. Not recommendations, but guarantees.

Now in one fell swoop, the commitments made by Congress have been undermined by a select few members of this House without the consultation or consent of a majority of the members. US Airways has dedicated itself to preparing documentation, including a new business plan, with contributions from its employees, communities and vendors, which should be finalized later this month to meet the imposed deadline. US Airways has followed the law in good-faith, expending money and energy, to meet the requirements set out by the Loan Stabilization Board, the Department of Transportation and the Office of Management and Budget. For Congress to suspend this line of credit and arbitrarily suspend the loan guarantee program runs counter to Airline Stabilization Act that President Bush signed into law just six months ago.

This is not just about saving an airline; this is about protecting the livelihood of 40,000 American families. We must do everything we can to live up to our commitments, and stand by the hard working airline employees and their families during this difficult time.

Therefore, I urge all my colleagues to support this amendment.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. STUPAK. Mr. Chairman, I move to strike the last word. What I say tonight, I am sure has already been said by other Democrats over the past two days . . . because this fight is not over a procedure, but rather over principles and beliefs that we Democrats believe in and are willing to fight for today, tonight and tomorrow—as long as it takes.

We believe you must be honest with the American people. No gimmicks, no tricks, no procedural shenanigans. A straight up and down vote.

Be honest with the American people. If this Republican resolution passes, we as a nation will be $300 billion more in debt this year and $200 to $300 billion more each year for the next nine years.

In this resolution, the Republican leadership has hidden from the American people the second largest debt increase in our nation's history—$750 billion!—and they will raid the Social Security Trust Fund to pay for it, because the Republican leadership has maxed out our country's credit card! I stand on the floor tonight in full support of our troops fighting terrorism here and abroad. House Democrats are fully committed to winning the war on terrorism and once again making America safe from harm.

Unfortunately, House Republicans are using the war to pass a dangerous and cynical provision that allows the federal government to break its own spending limit and take hundreds of billions of dollars from the Social Security Trust Fund!

America can be strong militarily without becoming weak economically.

The Republicans are hoping they can escape today's debate without leveling with the public; they have driven the nation back into deficit and now plan to raid the Social Security Trust Fund to pay for other programs.

Democrats are staunchly opposed to this plan. Democrats support a responsible budget that makes needed investments in national security, protects Social Security and Medicare, and does not burden our children and grandchildren with an enormous national debt.

We can defeat terrorism without destroying Social Security. Democrats stand on the principle of a responsible, honest and bipartisan budget; protecting and strengthening Social Security; and ensuring that we meet our obligations today so that our children are not burdened with debt.

We should have an economic summit between the president, Republicans and Democrats. Let's come together to address the national debt without this sham of a resolution the Republican leadership has presented to the American people!

We should learn from the American people. I received a letter today with these cards, made in Janie Tavener's kindergarten class. The letter says: "Dear Mr. Stupak. My daughter's kindergarten class made a poster that we made into this card. I am proud that they have already learned the Pledge of Allegiance, and they are learning to be proud Americans. Sincerely, Nancy Stanwick."

Democrats are standing up for Mrs. Tavener's kindergarten class we won't saddle these children with a huge debt. We won't leave them with this GOP credit card.

Democrats will leave them with Principles and Beliefs. We will tell them to stand up for what they believe in, and not to rely on or fall for gimmicks or tricks when it comes to our fiscal responsibility! Let's stand with these kids! Vote no on this supplemental appropriations.

RECOGNIZING CONSTITUENT SURVEY RESULTS FROM COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. SCHAFFER. Mr. Speaker, today I rise to speak about Colorado's Fourth Congressional District and the opinions of the constituents I serve concerning the direction of their country. I would like to share with you the thoughts of thousands of citizens from Eastern Colorado by reporting the results of an opinion survey I sent to each household.

Among its several questions, the survey asked, "What is the single most important issue facing our country today?" Respondents came back with a host of answers including preserving social security, a strong national defense, our country's moral deterioration, and the lack of immigration law enforcement.

Unsurprisingly, an overwhelming majority of Colorado's Fourth Congressional District constituents believe tax relief and education are the two most important issues facing American families today. In separate questions, they voiced opinions citing problems and solutions to these tough issues.

With regards to education, parents cited the need for parental involvement and school choice, smaller classroom sizes, more direct school funding to reach the classroom, eliminating drugs and violence in schools, and more local control. While the answers were varied, the message is the same: Parents expect quality and choice in their children's education, and deservingly feel as though they should get the most for their tax dollars by decreasing the bureaucracy that currently exists.

Eastern Coloradans are also concerned with the burden of taxes and are interested in reform. Last year I fought to repeal the death tax and marriage penalty taxes along with many other tax-relief provisions in the bill signed by President Bush. However, due to an unfortunate Senate amendment, these taxes will be increased again in 2011. This is an unfair and punitive measure, and the people of Colorado expect these provisions to be made permanent.

As has always been the case since first being elected to the Congress, my constituents expect me to vote to balance the federal budget, provide needed tax relief, increase parent choice in education, eliminate government waste, and save Social Security. Coloradans believe they should keep more of their hard-earned money for themselves and their children's futures, and thus I will continue to fight for this just cause.

Mr. Speaker, I would also like to point out Fourth District Coloradans, more than two-to-one, oppose partial birth abortions and overwhelmingly oppose any restriction on Second Amendment gun rights. In addition, they also are concerned about our providing care for the elderly and veterans.

Finally, national defense and protection against terrorism are repeated concerns. The tragic events of September 11th were not only aimed at our financial and political centers, but more importantly the freedom Americans enjoy and the values we espouse. Dedication to family and love of community are displayed in these responses, and all Coloradans I serve demand no less than personal protection.

Mr. Speaker, I am grateful for the opinion survey responses I received. I consider this valuable input and commend these results to our colleagues. The voice of the people is the cornerstone of our political system and I encourage all Americans to share their opinions to their elected officials.

TRIBUTE TO REVEREND JAMES SCHALKHAUSER

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. ROGERS of Michigan. Mr. Speaker, Reverend James Schalkhauser accepted the appointment as the Lansing Fire Department's first chaplain in February 1973. Throughout the past 29 years, he has maintained his full-time position as senior pastor at Bethlehem Lutheran Church in Lansing. Juggling both commitments has often taken him away from his family in order to meet the needs of others.

Throughout his tenure, Reverend Schalkhauser has provided countless hours of counseling and advice to the Lansing firefighters on family matters, marital challenges or other personal issues. He has always been available with a listening ear, friendship and advice.

In 1990, Reverend Schalkhauser was a founding member of the Capitol Area Critical Incident Stress Management (CACISM) team. This group is comprised of professional counselors and clergy formed for the purpose of providing critical incident stress services to local firefighters, police officers, and EMS providers following a traumatic event.

The 29 years of service Reverend Schalkhauser has provided the Lansing firefighters will never be forgotten. On behalf of my constituents of Michigan's Eighth Congressional District, I am pleased to honor him in Congress in recognition of his official retirement on June 18.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. McDERMOTT. Mr. Speaker, I was unable to be in Washington, DC today because I was attending a memorial service for Marc Lindenberg. Mr. Lindenberg was the dean at the University of Washington's Daniel Evans School of Public Affairs. Throughout his life, he was a passionate and potent leader in international relief work. Those that knew him, or were touched by his work, will truly miss Mr. Lindenberg, but we find solace knowing that the legacy he leaves behind will endure.

Mr. Speaker, I missed six votes.

Had I been able to vote, I would have voted in support of: H.R. 4800, H.R. 4823, H.R. 4466, H.R. 3983, H.R. 4073, and H.R. 2941.

PAYING TRIBUTE TO ROBBY SHELTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate a young student from my district, Mr. Robby Shelton. His hard work and dedication have been rewarded with the great honor of being named to the All-USA College Academic Team for undergraduate students who have made a significant impact on society. Robby has not only overcome his challenges with deafness, but he has met the hurdles that were put before him. I would like to commend him for his determination and self-sacrifice in achieving this honor. He is certainly a well deserving recipient of this award, and I am honored to bring forth his accomplishments before this body of Congress and this nation.

Robby is a student at the University of Denver, where he has made remarkable strides in medical technology. He is well known on campus and throughout the nation for being extraordinarily gifted in science and its applications. By the end of his sophomore year, Robby had finished his senior honors thesis. His next big project, with the help of the Denver Police Department, was to use cancer diagnostic instruments to perform DNA tests on police suspect blood samples. His project was a great success and his invention produced results faster and cheaper than other available methods. After the devastating September 11 attacks on the Pentagon and the World Trade Center, the U.S. Department of Justice looked to Robby to aid his country and its citizens in the monumental task of identifying the victims of the attacks. Robby was up to the challenge, and he worked day and night in preparation for the assignment.

Mr. Speaker, the innovation and commitment demonstrated by Robby Shelton certainly deserves the recognition of this body of Congress, and this nation. Robby's achievements serve as a symbol to aspiring science students and for anyone facing adversity. The recognition that Robby has received is proof that hard work, determination, and a passionate pursuit of your goals can lead to great rewards and success. Congratulations Robby, and good luck in your future endeavors. You are a future leader in this country, and I, on behalf of this nation, thank you for all that you have done thus far and look forward to seeing what you will undoubtedly achieve in the future.

HONORING WHALEY CHILDREN'S CENTER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. KILDEE. Mr. Speaker, I rise today to congratulate the Whaley Children's Center for the presentation of an endowment garden. There will be a ceremony to unveil the garden on June 5, in my hometown of Flint, Michigan.

Whaley Children's Center was the dream of Robert J. Whaley to honor the memory of his son, Donald M. Whaley. Robert Whaley conceived the idea for a home that would support the social, emotional, and physical growth of neglected and homeless children. His original idea was to provide a place where the children could live until they reached maturity. In 1924 under the control of the vestry of St. Paul's Episcopal Church, the Whaley Foundation was organized. Under the direction of its first president, Charles S. Mott, and the guidance of the Child Welfare League of America, the memorial home was built in 1926. Today the focus of care is to nurture the child and restore the youngster to a family setting.

Over the past seven decades the Whaley Children's Center has cared for more than 7,500 children. It has four group homes within the community that care for 6 children each between the ages of 5 and 12. On it's main campus Whaley provides additional care for 24 other children. To achieve the goal of effectively placing a child with a family, the staff work closely with both the families and the children. Whether it is with the original family, foster parents, or if the children are being adopted, special attention is given to ensure a smooth transition and a successful placement. The purpose is to maintain a positive influence on the children so that they can grow to be contributors within the community.

The Whaley Children's Foundation has added many new facilities and programs since the conception of the children's memorial home. In 1955 a recreational facility was built with a gym, classrooms, and a craft room on the campus. In 1977 the Foundation was one of the few who offered a treatment foster care program with a specially trained family. During that same year an educational facility was built that had five new classrooms, a meeting room, and several offices. In 1982 Whaley's Special Needs Adoption program was started. In 1984 a board of directors was established to take over daily control of the Foundation. Since then they have expanded their fundraising efforts through the Whaley golf outing, the "World's Greatest Office Party", and a "Whaley of an Auction."

Their newest project was made possible by the ideas and direction of the board members to build a garden to recognize those who have worked with the neglected children in the past, present, and future. To thank the contributors of the Whaley Foundation there will be plaques with their names in the garden. Each year the names of new contributors will be added in the garden. The garden is 80 feet long and is located in the center of the campus.

Mr. Speaker, I ask the House of Representatives to join me in congratulating the Whaley's Children Center for the construction of a garden that honors those who contributed time and money to underprivileged children.

TRAFICANT TRIAL: A RAILROAD OF JUSTICE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. TRAFICANT. Mr. Speaker, the government presented a ten-count indictment against me on May 4, 2001. And convicted me on those ten counts, Thursday, April 11, 2002.

Initially, the two most significant accusations were a contract murder scheme and a purported $150,000 barn to have been built on the Traficant Family Farm for supposed favors. Both matters made national headlines poisoning the jury voir dire, but after the government's intimidation tactics were exposed, I was charged with neither.

The following affidavit by Mrs. Sandy Ferrante, the supposed target, outlines the saga of the alleged murder-for-hire:

AFFIDAVIT OF SANDRA FERRANTE, TUESDAY, APRIL 30, 2002

I hereby swear that the following is a true and accurate statement.

In middle to late August, 2000, three males arrived at my ex-husband's residence on Applegrove Road in North Canton, Ohio. They identified themselves as agents of the F.B.I., Rich Deholm, Chuck Perkins and Mike Pecunis, and requested that we go into the house so that they may talk to me on a matter of great importance. I suggested that we go to a public location. We, my ex-husband, myself and the three agents met at a nearby Wendy's restaurant.

The agents proceeded to play a 40-minute tape for me, which intimated that Jim Traficant wanted to have me murdered. On the tape I heard three voices, Clarence Broad, and two unknown individuals which I was told were an undercover agent of the F.B.I. and another male who dropped the agent off to meet with Broad.

I proceeded to ask if this was something they were using to get me to say something against Jim Traficant. The agents stated that they were only there to protect me. They never stated that Jim Traficant was responsible but led me to believe that he was involved in this conspiracy to take my life.

After this meeting with the agents, I received a phone call from an F.B.I. agent who suggested that to ensure my own safety that I should go public with this information and announce the conspiracy.

At some point afterward, an F.B.I. agent notified me that Clarence Broad was moved to Elkton Prison, in Elkton, Ohio and it was unusual that he was moved to this facility. Also, the agent insinuated that his move could have been done at the request of Jim Traficant.

I testified before a grand jury on two occasions in the matter regarding Jim Traficant. During this time the F.B.I. paid $800 to house my dogs in kennels and also paid for my two round trips to Louisville, Kentucky to testify.

After testifying truthfully and when the government didn't hear what they wanted to hear the U.S. Attorney, Craig Morford proceeded to demean me in front of the grand jury. In addition, at the time of my testimony in front of the grand jury I publicly apologized to Jim (Traficant) and his wife for allowing the government to trick me into believing this conspiracy.

When the indictment came down, I discovered that there were no charges filed in association with the murder issue. In addition, I read news articles that had information that were never on the tape.

Since the time of the first meeting with the F.B.I. agents, my husband has suffered a debilitating stroke and requires constant care and my health continues to deteriorate due to the stress and the traumatic nature of the events in this case.

Signed and sworn before a notary public on April 30, 2002.

Then, Henry Nemenz, a man with a conscience, surprised me at a local restaurant where I was having lunch with a friend, John Innella. At that meeting, Mr. Nemenz apologized for untrue statements he had made to the government to avoid indictment. I asked Mr. Nemenz to sit down and proceeded to ask him questions regarding the so-called $150,000 barn deal and at the completion of that meeting, I did the following two things, (1) secured an affidavit summarizing what John Innella had witnessed take place between myself and Henry Nemenz and (2) telephoned Ms. Robin Best, Henry Nemenz's girlfriend, the next day, who confirmed that "Henry told me everything about the meeting and the government was furious and hauled him up to Cleveland."

The following affidavit by John Innella describes the conversation I had with Henry Nemenz:

STATE OF OHIO, COUNTY OF MAHONING,
AFFIDAVIT OF JOHN INNELLA

After being duly cautioned on my oath in accordance with the law, I, John Innella, hereby depose and say:

At approximately 1:00 p.m. on Monday, April 30, 2001, I was in the company of James A. Traficant, Jr. and was unexpectedly interrupted by Henry Nemenz.

1. Henry Nemenz voluntarily told James Traficant in my company "Morford was trying to put words in his mouth."

2. His (Nemenz) attorney told him to "tell Morford what they wanted to hear so that he would not be indicted."

3. In my presence, James Traficant and Henry Nemenz talked about their original deal, which was $17,000 for the barn and additions because Jim Traficant already had the poles and metal for the building.

4. In my presence, they discussed that the construction man said he would bring in twenty (20) Amish and they would get the job done in a week.

5. Nemenz said that he eventually got rid of his construction man because of faulty construction and poor management.

6. Nemenz and Traficant discussed the fact they legitimately came to a reasonable business settlement that Nemenz would have made with anyone under similar circumstances.

7. Nemenz told Traficant that he was told by Morford "not to talk to Traficant."

8. Nemenz told Traficant that all money Traficant owed, was paid in full, including the truck.

9. In my presence, Traficant and Nemenz agreed that the stretching out of the work to be performed was the cause of the cost overruns, and that it was not the fault of James Traficant, which they had mutually agreed to be $17,000.00 in addition to the truck.

10. Traficant and Nemenz agreed in my presence that Traficant had settled the accounts in full.

11. Nemenz stated in my presence that when Morford interviewed him, he had four assistants, and the situation was intimidating. He said that they did not want to hear what he was saying. He said that he basically "told them what they wanted to hear."

12. In my presence, Nemenz also said that the conversation was "bull shit."

13. Nemenz said that he had agreed to sell Traficant a black corvette. He said that he had realized that Traficant had invested money in the car to make repairs because it had sat so long unused. He further stated that he realized Traficant put hardly any miles on the corvette. But when the flap developed over the barn Nemenz decided he wanted the car back, saying that he would give credit for any of the expenses. The real reason he wanted the car back was that it was purchased as a graduation present for his son, and his son was upset because Henry had sold it. Henry also said that he was also upset over the problems that had developed concerning the construction work at the farm. Nemenz admitted that he agreed to sell the car to Traficant, and thanked Traficant for returning the car.

14. I was present during this entire conversation at Bruno's Restaurant in Poland, Ohio.

Signed and sworn before a notary public on June 13, 2001.

In summary, the government had to back off the big barn hoax, but by that time the damage had already been done to poison the jury pool. Tomorrow, stop one. . . . I mean count one on the government's railroad regarding the charges involving Anthony Bucci, who was in the process of the 3rd federal plea agreement and perjured himself with his testimony against me.

ON THE 25TH BIRTHDAY OF ISRAELI MIA GUY HEVER

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. WEINER. Mr. Speaker, I rise today to mark the 25th birthday of Israeli MIA Guy Hever. This is the fifth consecutive year that the Hever family has marked this occasion since Guy disappeared after leaving his base in the Golan in August 1997. While Israeli authorities have been unable to unearth any substantive clue as to Guy's fate, there is growing suspicion that the answers lie in Syria. The Syrians to date, have refused to answer any questions on the topic.

Syria's reticence in this matter comes as no surprise. Over the past twenty years Syrian intransigence has obstructed the efforts of the international community to resolve the cases of both Arabs and Jews who have been held captive in Syria and in Lebanon under Syrian control. In particular, American efforts to secure the release of American citizen, and my former constituent, Zachary Baumel, have been repeatedly stymied by Damascus since his capture in a battle with Syrian forces in 1982.

The Hevers and the other MIA families have not given up hope that their loved ones will come home alive, nor should they. Given Syria's record of holding prisoners incommunicado for as long as twenty years before releasing them, it is not at all inconceivable that live Israelis are being held under Syrian tutelage.

Mr. Speaker, our government should be far more aggressive in demanding the release of Israel's missing men. Israel, the only true democracy in the Middle East, is our closest ally in that region. In 1991, when Americans were held hostage in Lebanon, Israel went to extraordinary lengths to help secure the release of those hostages. As Syria and others in the region who have benefitted from American aid and military assistance equivocate as to whether to assist America in its war on international terror, Israel has always been by our side. Israel's steadfast reliability as an ally should not be forgotten.

The time has come Mr. Speaker, to strike a blow at the hostage industry that Syria and its terrorist proxies have utilized so effectively against Israel and the West over the past twenty years. The events of September 11th have made it abundantly clear to Americans that yesterday's terror in Israel will become tomorrow's tragedy in America—unless we act. And if we allow Syria or other states to remain unaccountable for holding Israeli hostages, we are simply inviting more hostage taking in the Middle East and throughout the world. We cannot be complacent—if Elchanan Tannenbaum, an Israeli taken hostage by Hizbullah in October 2000, can be abducted from Europe, so can any American citizen. If Guy Hever, who was reportedly last seen near the Syrian border, can disappear off the face of the earth without a trace, so can any American traveling in the Middle East. Unless we act more forcefully, Zachary Baumel will not be the last American hostage to be held in Lebanon or Syria, and in the aftermath of September 11th, we will not be able to claim that it could not be foreseen.

Mr. Speaker, in 1999 I cosponsored HR 1175—A Bill to Locate and Secure the Release of Zachary Baumel an American Citizen and other Israeli Soldiers Missing in Action. The bill was passed by Congress and signed by President Clinton. But not enough has been done to ensure compliance with the legislation. H.R. 1175 is the law and it must be upheld. This June, as Syria assumes the rotating Presidency of the United Nations Security Council and Zachary Baumel marks the twentieth anniversary of his capture, I urge the President to stringently apply the provisions of H.R. 1175, which is now Public Law 106-89. I also call on my colleagues to support the Syrian Accountability Act, which will force Syria to end its role in the taking and holding of hostages. And I call on the leadership of this House to bring this bill to a vote.

At this time I also ask my colleagues to join me in support of Guy's parents Rina and Eitan, and Guy's twin siblings Shir and Or, who continue to turn over the world in search of information regarding Guy. Their nobility and determination during these five sleepless years of doubt and terror, should be matched by our own vigilance in enacting initiatives to deprive terrorists and their sponsors of this most cruel weapon of kidnaping. Guy Hever—Eifo Ata? (Where are you, in Hebrew.)

PAYING TRIBUTE TO WAYNE HARBERT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I take this opportunity to pay tribute to the life of Wayne Harbert. After 81 full years of life, Wayne finally succumbed after a long battle with a difficult illness. Wayne was not only a pillar of the Granby, Colorado community, but also embodied the pioneering spirit of my district. As his family mourns his loss, I think it is appropriate to remember Wayne and pay tribute to him for his contributions to his community.

Wayne was born in a sod house on the plains of Eastern Colorado in January of 1921. In 1942, Wayne left Colorado to join the Navy where he proudly served his country in World War II on several submarine missions. Wayne returned in 1944 on short leave and married his high school sweetheart, Marjorie. In his lifetime, Wayne was a rancher, proprietor of the local general store and equipment dealer, but one thing has remained the same—his work ethic and his gentle nature. No one knows this better than the family who survives him. Wayne was known as a loving husband, devoted father of two, and grandfather of two.

Wayne has long been known in his community as one always willing to give his time to a worthy cause. He was a member of the Middle Park Stockgrowers, the Colorado Hereford and Cattlemen's Association, the VFW, and the American Legion. In service to his community, Wayne gave his time to the Kiwanis Clubs and provided his leadership to the Granby Fire Department Board of Directors and as chairman of the Grand County Republicans. A true Coloradan, Wayne could often be found in the outdoors enjoying the splendor of our state snowmobiling, hunting, fishing, hiking, backpacking, and camping.

Mr. Speaker it is my privilege to bring the life of Wayne Harbert to the attention of this body of Congress. His journey from such humble beginnings, rising to become a pillar of the community, stands as example to us all. His dedication to his family, friends, work, and community certainly deserves recognition. Although Wayne has left us, his good-natured spirit lives on through the lives of those he touched. I would like to extend my thoughts and deepest sympathies to Wayne's family and friends during this difficult time.

HONORING PONTIAC NORTHERN HUSKIES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. KILDEE. Mr. Speaker, I rise today to congratulate the Huskies of Pontiac Northern High School, on winning the 2001–2002 Michigan High School Athletic Association Class A State boys basketball championship. The Huskies defended their 2000–2001 championship by defeating the Detroit Redford Huskies 66–58 in the final game, becoming the 15th team in state history to win consecutive titles. It was certainly an exciting game that showcased some of the best talent the state of Michigan has to offer.

The Huskies are a true testament of what hard work, determination, and a passionate desire to win can accomplish. Under the guidance of Head Coach Robert Rogers and Assistant Coaches Craig Covington, Phillip Dada, Kevin James, and Tim Webb, the championship served as a wonderful finish to a remarkable year, marked with a tremendous record of 23–4.

The Huskies' roster includes: seniors Sean Moore, Dominique Hardiman, Derrick Ponder, David Stephens, Lester Abram, Debon Johnson; juniors Anthony Rogers, Bates Gay, Antonio Bones, Quan Dillahunty, James Smith, Mike Morris, Brian Abram; and sophomore John Cantrell. These young men, led by team captains Abram and Ponder, proved to be leaders in the classroom, the basketball court, and the community. They are all shining examples of the Pontiac School District's strong commitment to success in all aspects of life.

Mr. Speaker, I salute the accomplishments of the Northern Huskies, and share the joy of their victory with Northern students and alumni and especially the people of Pontiac. I ask my colleagues in the 107th Congress to join me in congratulating these fine gentlemen.

TRIBUTE TO COUNCILLOR BILL PIKE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. MEEHAN. Mr. Speaker, I rise to pay tribute to Councillor Bill Pike for his lifetime contributions to the newspaper industry, the City of Haverhill and the Commonwealth of Massachusetts.

Councillor Bill Pike was a lifelong resident of Haverhill, Massachusetts, a highly respected political activist and a longtime newspaper reporter. Bill also served on countless boards, including a recent appointment by Governor Jane Swift to the Massachusetts Workforce Investment Board—a business-led, policy-setting board that oversees workforce development initiatives throughout Massachusetts.

Bill demonstrated his passion for the City of Haverhill through his participation in countless social, civic, religious, professional and political associations. He was an active member of St. James Parish, the Lodge of Elks and the American Legion. He also served as former Chairman of the Haverhill Republican City Committee and was an active Board Member of the Haverhill Boys Club.

He established a highly successful professional career as a newspaper reporter, working as a correspondent for the Boston Globe and a reporter for the Beverly Times, Manchester Union Leader and Haverhill Independent. He also dedicated 29 years of service to the Daily Evening Item in Lynn where he retired. He further demonstrated his love for the city by working as a former Editor of the Haverhill Gazette.

Bill is survived by his loving wife Patricia, his four sons William, Robert, Michael and Jeffrey, and his three daughters, Kathleen Jaggers, Elizabeth Shanahan and Sandra Faraci, as well as sixteen grandchildren and several nieces and nephews. Bill was truly a magnificent man who cared about his community. His memory will live in the minds and hearts of his loving family, and his legacy will leave the City of Haverhill a far better place.

A TRIBUTE TO JACK AND WENDY STEVENS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. FARR. Mr. Speaker, I rise today to honor two of my constituents on the occasion of their retirement. Jack and Wendy Stevens have given a combined total of more than fifty years of distinguished service to public education in Santa Cruz County. Jack has taught Sociology at Cabrillo College for thirty-four years, and served as Chair of the Social Sciences Division for a decade. Wendy has been a Special Education teacher for thirteen years, helping students with learning disabilities succeed in school. Jack and Wendy have loved their jobs and taught with dedication and devotion. They retire together this June, when they will also celebrate their thirty-sixth wedding anniversary.

After graduating Phi Beta Kappa from the University of Georgia, Jack moved to California, where he met Wendy, a native of Stockton and a San Jose University student. They fell in love and were married in June 1966. Jack then earned a Master's degree in Sociology at the University of California, and later served in the U.S. Army as a First Lieutenant. Upon completion of his service, Jack and Wendy relocated to Santa Cruz County, where he had received a job offer to teach at Cabrillo College.

Jack and Wendy have three sons, John, David, and Michael. After staying home with her children through their early childhood, Wendy began teaching as an aide, and subsequently earned her teacher's credentials. She presently teaches at Harbor High School, from which John, David, and Michael graduated.

Travel lovers, Jack and Wendy twice took sabbaticals to Europe with their children. They plan to continue traveling during their retirement, while maintaining their home in Santa Cruz and their cabin in the Idaho mountains. They also plan to visit extensively with their children and grandchildren in Idaho, Colorado and Washington, D.C. Jack and Wendy will also continue to be active participants in St. John's Episcopal Church in Capitola, where they are known for their compassion, sense of humor, and welcoming attitudes. Supportive of their friends in times of joy and of need, Jack and Wendy have opened their home for many community gatherings and holiday celebrations.

Jack and Wendy Stevens have dedicated their professional lives to education and public service. I offer them my deep appreciation for their years of service, and best wishes for their retirement.

PAYING TRIBUTE TO RICHARD BRUCE CROWELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Richard Bruce Crowell who recently passed away in Grand Junction, Colorado on April 26, 2002. Bruce, as he was commonly referred to, left a legacy of devotion and dedication that will be cherished by his community and loved ones. Grand Junction mourns the loss and celebrates the life of a wonderful citizen, father, grandfather, and husband.

Bruce's accomplishments and achievements exemplify his upstanding character. First, Bruce was an accomplished academic at the College of William and Mary and he accepted, with honor, the James Frederick Carr Memorial Cup for leadership and upstanding character. After completing his PH.D in English literature, he accepted the position as the assistant dean at the University of Arizona. Bruce later became the dean of Liberal Arts at the University of Wisconsin/Platteville, and concluded his accomplished academic career as a Professor of English Literature at Mesa State College. Next, Bruce became the assistant Minister of the First Congregational Church, and strengthened the community's spiritual foundation, deeply touching the lives of numerous children, family, and friends.

Mr. Speaker, Richard Bruce Crowell will be missed tremendously, and although we will grieve the loss of this incredible individual, we'll rejoice over a man of great character and conduct. I would like to express my condolences toward his family including, his son Richard, grandsons Daniel, and Ryan, daughter Nancy, and his beloved wife Frances. Bruce was a kind-hearted man, and he will be greatly missed.

FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2002

SPEECH OF

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. BAKER. Mr. Speaker, after considerable work and consideration by the Financial Services Committee, the House considered and passed FDIC reform legislation, H.R. 3717. I supported and voted for the bill; however, I am concerned about the potential effects of possible FDIC actions to develop and implement risk-based assessment standards under sections 4 and 7 of the legislation. My concern is that the FDIC may give excessive weight to Federal Home Loan Bank advances in the assessment process so that insured institutions with certain amounts or percentages of such advances would be classified as more risky and, therefore, pay higher deposit insurance premiums.

My concern arises from the FDIC's report on deposit insurance reform, issued in April 2001, which indicated that, under a risk-based assessment system, the FDIC could use a sample risk "scorecard" that would result in institutions with increased amounts of FHLB advances paying higher risk-based insurance assessments.

In my opinion, the use by the FDIC of risk-based assessment authority in this way would be contrary to Congress' clear intent to broaden access to FHLB advances in the Gramm-Leach-Bliley Act of 1999. In the Gramm-Leach-Bliley Act, we wanted to ensure that community institutions and housing lenders would be able to obtain adequate, reasonably priced FHLB advances as a source of funds to serve the borrowing needs of their customers. Providing this source of liquidity may actually reduce risk. I would anticipate, should the FDIC place undue weight on FHLB advances for its risk-based assessment system, the agency will likewise account for the risks associated with depository institutions holding U.S. agency debt and securities.

As the principal House sponsor of the FHLB provisions in the Gramm-Leach-Bliley Act, I will follow very closely the FDIC's implementation of any new risk-based assessment standards to ensure such standards do not adversely affect the prudent use or cost of advances.

HONORING THE SAN LUIS OBISPO VOCAL ARTS ENSEMBLE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mrs. CAPPS. Mr. Speaker, I rise today to ask my colleagues to Join me in honoring the San Luis Obispo Vocal Arts Ensemble for the significant contributions their performances have made to the international community for a quarter of a century. This year marks the 25th Anniversary of the founding of this remarkable group. Their singing has created memorable experiences for countless listeners in America and around the globe.

Founded in 1977, the Vocal Arts Ensemble's first international concert was held in 1985 at Canterbury Cathedral. During this tour, the group was awarded third place at the Llangollen International Musical Eisteddfod in Wales. The group participated in a tour throughout Eastern Europe during which Ensemble members lived in the homes of Polish hosts for one week, gaining a greater insight into the lives of Eastern Europeans.

The San Luis Obispo Vocal Arts Ensemble was chosen by audition to be one of the world's finest choirs selected to represent their countries at the 35th Austrian Invitational Choral Competition. Out of eighty choirs from thirty different countries, the Vocal Arts Ensemble proudly placed fourth in this event.

The Vocal Arts Ensemble is comprised of singers throughout the San Luis Obispo County. Singers come from San Luis Obispo, Morro Bay, Creston, Pasȯ Robles, Cambria, Santa Margarita, Atascadero, Santa Maria, Arroyo Grande, Grover Beach, Lompoc and Pismo Beach.

The San Luis Obispo Vocal Arts Ensemble has been funded in part by the California Arts Council and the National Endowment for the Arts. The California Arts Council Grant Evaluation and Selection Committee described the music of the Vocal Arts Ensemble as ". . . truly superior and extremely fine quality." The Committee said the Ensemble's music demonstrated "an extraordinary breadth of repertory, an eclectic variety of choral styles." On June 1 and 2, the Vocal Arts Ensemble performed music from the Renaissance to the present to commemorate their 25th Anniversary. I am proud to congratulate them on this remarkable record of achievement.

PAYING TRIBUTE TO KITTY ROBERTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Superintendent Kitty Roberts, who is an individual who has selflessly led efforts to establish rules and regulations, that we abide by today. I applaud Kitty's efforts, and it is an honor to recognize her as a thoughtful, upstanding citizen, who gives so selflessly to our nation.

Kitty spent eight years of her career as the National Park Service's Assistant Director, actively involved with legislative and Congressional affairs. Her leadership provided a boost to many legislative programs, and her administration successfully created 230 laws, 15 of which were enacted by Congress. Kitty moreover, served as the NPS inaugural coordinator and she supervised the development of the East Executive Park, White House Visitor's Entrance. Since she arrived at the National Park Service in 1979, Kitty has excelled in many areas, and provided all she worked with the pleasure of experiencing her excellence.

Kitty deservingly received the Andrew Clark Hecht Memorial Public Safety Achievements Award, because she was influential in informing boaters about the threat of carbon monoxide poisoning. She illustrates the upstanding character of an individual who reaches out to help the community. Since 1994, Kitty has been at the forefront in providing ideas and solutions on how to eradicate boating fatalities due to carbon monoxide poisoning, and she has worked diligently with the United States Congress, Coast Guard, and the National Parks Service, to successfully alert the nation of this problem. In part because of her efforts, boating fatalities involving carbon monoxide have recently fallen. She illustrates the upstanding character of an individual who reaches out to help the community.

Mr. Speaker, it is with great pleasure that I praise the hard work and concern Kitty has exhibited in her work before this body of Congress, and this nation. Her attentiveness to many issues has helped enhance our communities and neighborhoods. Congratulations Kitty, thank you, and good luck in you future endeavors.

A TRIBUTE TO GRACE HAREWOOD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Grace Agard Harewood, a remarkable woman in the senior citizen community, who is being honored at my Ecumenical Seniors Day.

Grace Agard Harewood was born in Barbados, West Indies, but pursued her education in the United States. Grace holds a Bachelor's degree in Sociology from Long Island University, and a Master's of Science Degree in Social Work from Columbia University.

Grace's accomplishments do not cease with her educational pursuits, but extend into the senior community. In 1973 at the conception of the Fort Greene Senior Citizens Center, Ms. Harewood was appointed by the Fort Greene Senior Citizens Council to become the Director. She was later appointed to the position of Executive Director and Chief Operation Officer of the Council, where she is responsible for the supervision of senior centers, day care centers and a family day care program. Approximately 2500 elderly and children benefit from these programs.

Mr. Speaker, the woman that I am honoring today has been an exemplary example of leadership in the community, in which she has unselfishly extended a helping hand. Grace has served on numerous state commissions, including the Statewide Committee on Minority Participation in Aging Network Services and the Commission on Nutrition and Poverty. In 1981 she was a State Delegate to the White House Conference on Aging.

In addition to holding a number of positions, Grace is a member of the National Caucus on the Black Aged. She is a former member of the Board of Directors of the Council of Senior Centers and Services, and secretary of the Advisory Board for the Center for Nursing and Rehabilitation. She has also made historical strides to be one of the founding members of her high school association, the Harrison College/Queen's College Alumni (USA) Association.

Grace serves not only her neighborhood but her spiritual community as well. As a member of the St. Augustine's Episcopal Church, she serves as the Warden as well as a Lay Reader and Eucharistic Minister. I thank Grace for her diligence in serving the community and being a great leader. I am proud to honor her altruistic character this year at my Ecumenical Seniors Day.

NEWTON MINOW'S "THE WHISPER OF AMERICA"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. HYDE. Mr. Speaker, recently the former Chairman of the Federal Communications Commission, Newton Minow delivered the Morris I. Liebman lecture at Loyola University in Chicago.

Mr. Minow's address are entitled "The Whisper of America," and is focused on the need for the United States to significantly increase the resources it devotes to international broadcasting.

I believe Mr. Minow makes a very thoughtful case for expanding our efforts in this area. In order that it may be available to a wider audience, and to call it to the attention of my colleagues, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHISPER OF AMERICA

In World War II, when the survival of freedom was still far from certain, the United States created a new international radio service, the Voice of America. On February 24, 1942, William Harlan Hale opened the German-language program with these words: "Here speaks a voice from America. Every day at this time we will bring you the news of the war. The news may be good. The news may be bad. We will tell you the truth."

My old boss, William Benton, came up with the idea of the Voice of America. He was then Assistant Secretary of State and would later become Senator from Connecticut. He was immensely proud of the Voice of America. One day he described the new VOA to RCA Chairman David Sarnoff, the tough-minded and passionate pioneer of American broadcasting. Sarnoff noticed how little electronic power and transmitter scope the VOA had via short-wave radio, then said, "Benton, all you've got here is the whisper of America."

Although The Voice of America, and later other international radio services, have made valuable contributions, our international broadcasting services suffer from miserly funding. In many areas of the world, they have seldom been more than a whisper. Today, when we most need to communicate our story, especially in the Middle East, our broadcasts are not even a whisper. People in every country know our music, our movies, our clothes, and our sports. But they do not know our freedom or our values or our democracy.

I want to talk with you about how and why this happened, and what we must do about it.

First, some history:

At first, the Voice of America was part of the Office of War Information. When the war ended, the VOA was transferred to the Department of State. With the beginning of the Cold War, officials within the government began to debate the core mission of the VOA: Was it to be a professional impartial news service serving as an example of press freedom to the world? Or was it an instrument of U.S. foreign policy, a strategic weapon to be employed against those we fight? What is the line between news and propaganda? Should our broadcasts advocate America's values—or should they provide neutral, objective journalism?

That debate has never been resolved, only recast for each succeeding generation. In August 1953, for example, our government concluded that whatever the VOA was or would be, it should not be part of the State Department. So we established the United states Information Agency, and the VOA became its single largest operation.

A few years ago, Congress decided that all our international broadcasts were to be governed by a bi-partisan board appointed by the President, with the Secretary of State as an ex-officio member.

This includes other U.S. international broadcast services which were born in the Cold War, the so-called "Freedom Radios." The first was Radio Free Europe, established in 1949 as a non-profit, non-governmental private corporation to broadcast news and information to East Europeans behind the Iron Curtain. The second was Radio Liberty, created in 1951 to broadcast similar programming to the citizens of Russia and the Soviet republics. Both Radio Free Europe and Radio Liberty were secretly funded by the Central Intelligence Agency, a fact not known to the American public until 1967, when the New York Times first reported the connection. The immediate result of the story was a huge controversy, because the radios had for years solicited donations from the public through an advertising campaign known as the Crusade for Freedom. Such secrecy, critics argued, undermined the very message of democratic openness the stations were intended to convey in their broadcasts to the closed, totalitarian regimes of the East.

In 1971, Congress terminated CIA funding for the stations and provided for their continued existence by open appropriations. The stations survived and contributed to American strategy in the Cold War. That strategy was simple: to persuade and convince the leaders and people of the communist bloc that freedom was better than dictatorship, that free enterprise was better than central planning, and that no country could survive if it did not respect human rights and the rule of law. Broadcasting into regimes where travel was severely restricted, where all incoming mail was censored, and all internal media were tools of state propaganda, Radio Free Europe and Radio Liberty communicated two messages that conventional weapons never could—doubt about the present and hope for the future.

They did so against repeated efforts by Soviet and East European secret police to sabotage their broadcast facilities, to create friction between the stations and their lost governments, and even to murder the stations' personnel. In 1962, I personally witnessed an effort by Soviet delegates to an international communication conference in Geneva to eliminate our broadcasts to Eastern Europe. Because I was then Chairman of the Federal Communications Commission, the Soviets assumed I was in charge of these broadcasts. I explained that although this was not my department, I thought we should double the broadcasts.

Listening to the radios' evening broadcasts became a standard ritual throughout Russia and Eastern Europe. Moscow, no matter how hard it tried, could not successfully jam the transmissions. As a result, communism had to face a public that every year knew more about its lies. In his 1970 Nobel Prize speech, Aleksander Solzhenitsyn said of Radio Liberty, "If we learn anything about events in our own country, it's from there." When the Berlin Wall fell, and soon after the Soviet Union crumbled, Lech Walesa was asked about the significance of Radio Free Europe to the Polish democracy movement. He replied, "Where would the Earth be without the sun?"

Radio Free Europe and Radio Liberty continue to broadcast, from headquarters in downtown Prague, at the invitation of Valclav Havel. The studios are not guarded by tanks in the street to protect against terrorists.

With very little money, Congress authorized several new services: Radio Free Asia, Radio Free Iraq, Radio Free Iran, Radio and TVA Marti, Radio Democracy Africa, and World net, a television service that broadcasts a daily block of American news. After 9/11, Congress approved funding for a new Radio Free Afghanistan. What most people don't know is that this service is not new—Congress authorized funds for Radio Free Afghanistan first in 1985, when the country was under Soviet domination. Even the service was minimal—one-half-hour a day of news in the Dari and Pashto languages. When the Soviets withdrew, we mistakenly thought the service was no longer needed. We dismantled it as the country plunged into chaos. We are finally beginning to correct mistakes with a smart new service in the Middle East called "The New Station for the New Generation."

Indeed, as the Cold War wound down, we forgot its most potent lesson: that totalitarianism was defeated not with missiles, tanks and carriers, but with ideas—and that words can be weapons. Even though the Voice of America had earned the trust and respect of listeners for its accuracy and fairness, our government starved our international broadcasts. Many of the resources that had once been given to public diplomacy—to explaining ourselves and our values to the world—were eliminated. In the Middle East, particularly, American broadcasting is not even a whisper. An Arab-language radio service is operated by Voice of America, but its budget is tiny and its audience tinier—only about 1 to 2 percent of Arabs ever listen to it. Among those under the age of 30—60 percent of the population in the region—virtually no one listens.

As we fell mute in the Cold War's aftermath, other voices grew in influence.

AL JAZEERA

In the past few months, Westerners began to learn about Al Jazeera as a source of anti-American tirades by Muslim extremists and as the favored news outlet of both Osama bin Laden and the Taliban. The service had its beginnings in 1995, when the BBC withdrew from a joint venture with Saudi-owned Orbit Communications that had provided news on a Middle East channel. The BBC and the Saudi government clashed over editorial judgments, and the business relationship fell apart. Into the breach stepped a big fan of CNN, Qatar's Emir, Sheikh Hamed bin Khalifa Al Thani. He admired CNN's satellite technology and decided to bankroll a Middle East satellite network with a small budget. He hired most of the BBC's anchors, editors and technicians, and Al Jazeera was born. Jazeera means "the peninsula" in Arabic, and the name is fitting. Just as Qatar is a peninsula, the station's programming protrudes conspicuously into the world of state-controlled broadcasting in the Middle East. Several commentators, including many Arabs, have sharply criticized the service for being unprofessional and biased. CNN and Al Jazeera had a dispute this year and terminated their cooperative relationship.

Well before September 11, Al Jazeera had managed to anger most of the governments in its own region. Libya withdrew its ambassador from Qatar when Al Jazeera broadcast an interview with a critic of the Libyan government. Tunisia's ambassador complained to the Qatari foreign ministry about a program accusing Tunisia of violating human rights. Kuwait complained after a program criticized Kuwait's relations with Iraq. In Saudi Arabia, officials called for a "political fatwa" prohibiting Saudis from appearing on any Al Jazeera programming. In March 2001, Yasser Arafat closed Al Jazeera's West Bank news bureau, complaining of an offensive depiction of Arafat in a documentary. Algeria shut off electricity to prevent its citizens from watching Al Jazeera's programs. Other countries deny Al Jazeera's reporters entry visas.

And of course, our own country has plenty to complain about Al Jazeera.

Al Jazeera came to our notice first because a 1998 interview with Osama bin Laden called upon Muslims to "target all Americans." Al Jazeera broadcast the tape many times. As the only network with an office in Afghanistan, Al Jazeera was the only one the Taliban allowed to broadcast from the country. On October 7, 2001, the network's Kabul office received a videotape message from Osama bin Laden, which it transmitted around the world. Hiding in caves, Osama could still speak to the world in a voice louder than ours because we allowed our story to be told by our enemies.

Forty years ago, I accompanied President Kennedy on a tour of our space program facilities. He asked me why it was so important to launch a communications satellite. I said, "Mr. President, unlike other rocket launches, this one will not send a man into space, but it will send ideas. And ideas last longer than people do." I never dreamed that the ideas millions of people receive every day would come from Al Jazerra.

THE GLOBAL MEDIA MARKETPLACE

Whatever one thinks of Al Jazeera, it teaches an important lesson: The global marketplace of news and information is no longer dominated by the United States. Our own government, because it has no outlet of its own in the area, is looking into buying commercial time on Al Jazeera to get America's anti-terrorism message out. And because of privatization and deregulation in the international satellite business, a huge number of Americans now have direct access to Al Jazeera through the EchoStar satellite service.

The point is simply this: Whether the message is one of hate or peace, in the globalized communications environment it is impossible either to silence those who send the message, or stop those who want to receive it. Satellites have no respect for national borders. Satellites surmount walls. Like Joshua's Trumpet, satellite blow walls down.

That was the last lesson of the Cold War. In Beijing, the Chinese government would not begin its brutal sweep through Tianamen Square until it thought the world's video cameras were out of range. In Manila, Warsaw and Bucharest, dissenters first captured the television station—the Electronic Bastille of modern revolutions. In Prague, a classic urban rebellion became a revolution through television. The Romanian revolution was not won until television showed pictures of the Ceaucescus' corpses and scenes of rebels controlling the square in Bucharest. In the final days of the Soviet Union, the August 1991 coup against President Mikhail Gorbachev failed when video of the supposedly ill president was broadcast by satellite around the world. Those satellites, Gorbachev later said, "prevented the triumph of dictatorship." Now, we have the newer technologies of the internet and e-mail—technologies the Voice of America and the Freedom Radios use with enthusiasm without adequate support.

What we have failed to realize is that the last lesson of the Cold War is also the first lesson of the new global information age. We live now in a world where we are the long superpower, and the target of envy and resentment not just in the Middle East but elsewhere. Terror is now the weapon of choice.

But if you believe we are only in a war against terrorism, you are only half-right. Nation-states can sponsor terrorism and provide cover to terrorists, but the war against terrorism is asymmetric. This is my friend Don Rumsfeld's favorite word—asymmetric. This means that war is not waged by a state against another state per se, but against an ideology. Think of the campaign of the past few moths. The enemy has been a band of religious zealots and the Al-Qaida terrorists they harbor, not the people of Afghanistan. President Bush has been emphatic and effective on this point, as have Prime Minister Tony Blair and other world leaders.

Asymmetry also refers to the strategies and tactics used by those who cannot compete in a conventional war. In an asymmetric war, it is not enough to have Air Forces to command the skies, Navies to roam the seas, or Armies to control mountain passes. Although the Cold War led to staggering advances in military technology to win the battles, there is not a corresponding change in our government's use of communications technology to win the peace.

Asymmetry, in other words, is not limited to what happens on the battlefield. While U.S. Special Operations forces in Afghanistan use laptops and satellites and sophisticated wireless telecommunications to guide pilots flying bombing missions from aircraft carriers in the Arabian Sea, we still use obsolete, clumsy and primitive methods, such as short-wave radio, to communicate to the people.

Here is another incongruity: American marketing talent is successfully selling Madonna's music, Pepsi Cola and Coca Cola, Michael Jordan's shoes and McDonald's hamburgers around the world. Our film television and computer software industries dominate their markets worldwide. Yet, the United Stats government has tried to get its message of freedom and democracy out to the 1 billion Muslims in the world and can't seem to do it. How is it that America, a nation founded on ideas—not religion or race or ethnicity or clan—cannot explain itself to the world?

In the months since September 11, Americans have been surprised to learn of the deep and bitter resentment that much of the Muslim world feels toward us. Our situation is not just a public relations problem. Anyone who has traveled the world knows that much anti-American sentiment springs from disagreements with some of our economic and foreign policies. Our support of authoritarian regimes in the Muslim world has not endeared us to the people who live there. And there is no more poisonous imagery than that of Palestinians and Israelis locked in mortal and what seems to be never-ending combat.

Still, the United States has an important story to tell, the story of human striving for freedom, democracy and opportunity. Since the end of the Cold War, we have failed to tell that story to a world waiting to hear it on the radio and see it on television. We have failed to use the power of ideas.

Within days of the Taliban's flight from Kabul, television was back on the air in the country. The Taliban had not only banned television broadcasts, but confiscated and destroyed thousands of TV sets. They hung the smashed husks of TV sets on light poles, along with videocassettes and musical instruments, as a warning to anyone who might try to break the regime's reign of ignorance. And yet no sooner were the Taliban driven from the city than hundreds of TV sets appeared from nowhere. Even in the midst of a totalitarian, theocratic regime, there had been a thriving underground market for news and information. Television antennas were quickly hung outside of windows and on rooftops. The antennas are like periscopes, enabling those inside to see what is happening outside.

Where were we when those people needed us? Where were we when Al Jazeera went on the air? It was as if we put on our own self-created burka and disappeared from sight. The voices of America, the voices of freedom, were not even a whisper.

THE NEW CHALLENGE

I believe the United States must re-commit itself to public diplomacy—to explaining and advocating our values to the world. As Tom Friedman put it in his New York Times column not long ago: "It is no easy trick to lose a PR war to two mass murderers—(Osama bin Laden and Saddam Hussein) but we've been doing just that lately. It is not enough for the White House to label them 'evildoers.' We have to take the PR war right to them, just like the real one."

There are two leaders of both parties who need our support in this fight for aggressive, vigorous public diplomacy. Illinois Republican Congressman Henry Hyde, chairman of the House International Relations Committee, wants to strengthen the Voice of America and the many Freedom Radio services that broadcast from Cuba to Afghanistan. Democratic Senator Joseph Biden, Chairman of the Senate Foreign Relations Committee, is on the same page. He has developed legislation known as "Initiative 911" to give special emphasis to more programming for the entire Muslim world, from Nigeria to Indonesia. In November, Congress finally set aside $30 million to launch a new Middle East radio network. The AM and FM broadcasts (not short wave) will offer pop music—American and Arabic—along with a mix of current events and talk shows. The proposal to fund Radio Free Afghanistan is for $27.5 million this year and next, and will allow about 12 hours a day of broadcasting into the country. The goal is to make our ideas clear not just to leaders in the Muslin world, but to those in the street, and particularly the young, many of whom are uneducated and desperately poor, and among whom hostility toward the United States is very high.

These efforts are late and, in my view, too timid. They are tactical, not strategic. They are smart, not visionary. The cost of putting Radio Free Afghanistan on the air and underwriting its annual budget, for example, is less than even one Commanche helicopter. We have many hundreds of helicopters which we need to destroy tyranny, but they are insufficient to secure freedom. In an asymmetric war, we must also fight on the idea front.

Bob Schieffer put the issue well not long ago on CBS' "Face the Nation": "The real enemy is not Osama, it is the ignorance that breeds the hatred that fuels his cause.". This is what we have to change. I realized what an enormous job that was going to be the other day when I heard a young Pakistani student tell an interviewer that everyone in his school knew that Israel was behind the attacks on the Twin Towers and everyone in his school knew all the Jews who worked there and stayed home that day.

What we have all come to realize now is that a large part of the world not only misunderstands us but is teaching its children to hate us. Steve Forbes, who once headed the Broadcasting Board of Governors, put the issue even more bluntly: "Washington should cease its petty, penny-minded approach to our international radios and give them the resources and capable personnel to do the job that so badly needs to be done right. . . . What are we waiting for?"

THE PROPOSAL

What are we waiting for? I suggest three simple proposals. First, define a clear strategic mission and vision for U.S. international broadcasting. Second, provide the financial resources to get the job done. Third, use the unique talent that the United States has—all of it—to communicate that vision to the world.

First, and above all, U.S. international broadcasting should be unapologetically proud to advocate freedom and democracy in the world. There is no inconsistency in reporting the news accurately while also advocating America's values. The real issue is whether we will carry the debate on the meaning of freedom to places on the globe, where open debate is unknown and freedom has no seed. Does anyone seriously believe that the twin goals of providing solid journalism and undermining tyranny are incompatible? As a people, Americans have always been committed to the proposition that these goals go hand in hand. As the leader of the free world, it is time for us to do what's right—to speak of idealism, sacrifice and the nurturing of values essential to human freedom—and to speak in a bold, clear voice.

Second, if we are to do that, we will need to put our money where our mouths are not. We now spend more than a billion dollars each day for the Department of Defense. Results in the war on terrorism demonstrate that this is money well invested in our national security.

Whatever Don Rumsfeld says he needs should be provided by the Congress with pride in the extraordinary service his imaginative leadership is giving our country. As President Bush has proposed, we will need to increase the defense budget. When we do, let's compare what we need to spend on the Voice of America and the Freedom Radio services with what we need to spend on defense. Our international broadcasting efforts amount to less than two-tenths of one percent of Defense expenditures. Al Jazeera was started with an initial budget of less than $30 million a year. Now Al Jazeera reaches some 40 million men, women and children every day, at a cost of pennies per viewer every month.

Congress should hold hearings now to decide what we should spend to get our message of freedom, democracy and peace into the non-democratic and authoritarian regions of the world. One suggestion is to consider a relationship between what we spend on defense with what we spend on communication. For example, should we spend 10 percent of what we spend on defense for communication? That would be $33 billion a year. Too much. Should we spend 1 percent? That would be $3.3 billion, and that seems about right to me—one dollar to launch ideas for every $10 we invest to launch bombs. This would be about six times more than we invest now in international communications. We must establish a ratio sufficient to our need to inform and persuade others of the values of freedom and democracy. More importantly, we should seek a ratio sufficient to lessen our need for bombs.

Third, throwing money alone at the problem will not do the job. We need to use all of the communications talent we have at our disposal. This job is not only for journalists. As important as balanced news and public affairs programming are to our public diplomacy mission, the fact is that we are now in a global information marketplace. An American news source, even a highly professional one like the VOA, is not necessarily persuasive in a market of shouting, often deceitful and hateful voices. Telling the truth in a persuasive, convincing way is not propaganda. Churchill's and Roosevelt's words—"never was so much owed by so many to so few"—"The only thing we have to fear is fear itself"—were as powerful as a thousand guns.

When Colin Powell chose advertising executive Charlotte Beers as Under Secretary of State for public diplomacy and public affairs, some journalists sneered. You cannot peddle freedom as you would cars and shampoo, went the refrain. That is undoubtedly so, and Beers has several times said as much herself. But you can't peddle freedom if no one is listening, and Charlotte Beers is a master at getting people to listen—and to communicate in terms people understand.

So was another visionary in this business, Bill Benton. Before he served as Assistant Secretary of State, Benton had been a founding partner in one of the country's largest and most successful advertising firms, Benton and Bowles. To win the information war, we will need the Bentons and Beers of this world every bit as much as we will need the journalists. We have the smartest, most talented, and most creative people in the world in our communications industries—in radio, television, film, newspapers, magazines, advertising, publishing, public relations, marketing. These men and women want to help their country, and will volunteer eagerly to help get our message across. One of the first people we should enlist is a West Point graduate named Bill Roedy, who is President of MTV Networks International. His enterprise reaches one billion people in 18 languages in 164 countries. Eight out of ten MTV viewers live outside the United States. He can teach us a lot about how to tell our story.

In 1945, a few years after the VOA first went on the air, the newly founded United Nations had 51 members. Today it has 189. In the last decade alone, more than 20 countries have been added to the globe, many of them former Soviet republics, but not all. Some of these new countries, as with the Balkan example, have been cut bloodily from the fabric of ethnic and religious hatred. Some of these countries are nominally democratic, but many—especially in Central Asia—are authoritarian regimes. Some are also deeply unstable, and thus pose a threat not only to their neighbors, but to the free world. Afghanistan, we discovered too late, is a concern not only to its region, but to all of us.

In virtually every case, those whose rule is based on an ideology of hate have understood better than we have the power of ideas and the power of communicating ideas. The bloodshed in the Balkans began with hate radio blaring from Zagreb and Belgrade, and hate radio is still common in the region today. The murder of 2 million Hutus and Tutsis in central Africa could not have happened but for the urging of madmen with broadcast towers at their disposal. The same has been true of ethnic violence in India and Pakistan.

I saw this first hand in the Cuban Missile Crisis of 1962. President Kennedy asked me to organize eight American commercial radio stations to carry the Voice of America to Cuba because the VOA was shut out by Soviet jamming. We succeeded, and President Kennedy's speeches were heard in Spanish in Cuba at the height of the crisis. As we kept the destroyers and missiles out of Cuba, we got the Voice of America in because we had enough power to surmount the jamming. On that occasion, our American broadcasts were more than a whisper.

Last spring—well before the events of September 11—Illinois Congressman Henry Hyde put the need eloquently. I quote him: "During the last several years it has been argued that our broadcasting services have done their job so well that they are no longer needed. This argument assumes that the great battle of the 20th century, the long struggle for the soul of the world, is over: that the forces of freedom and democracy have won. But the argument is terribly shortsighted. It ignores the people of China and Cuba, of Vietnam and Burma, of Iraq and Iran and Sudan and North Korea and now Russia. It ignores the fragility of freedom and the difficulty of building and keeping democracy. And it ignores the resilience of evil."

Fifty-eight years ago, Albert Einstein returned from a day of sailing to find a group of reporters waiting for him at the shore. The reporters told him that the United States had dropped an atomic bomb on Hiroshima, wiping out the city. Einstein shook his head and said, "Everything in the world has changed except the way we think."

On September 11 everything changed except the way we think. It is hard to change the way we think. But we know that ideas last longer than people do, and that two important ideas of the 20th century are now in direct competition: the ideas of mass communication and mass destruction. The great question of our time is whether we will be wise enough to use one to avoid the other.

HONORING BUNNY AND JERRY FRANKEL FOR THEIR CONTRIBUTIONS TO THE HOLLIS HILLS JEWISH CENTER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. ACKERMAN. Mr. Speaker, I want to ask the House to join me in recognizing Bunny and Jerry Frankel. Bunny and Jerry represent a true New York mixed marriage: She's from the Bronx, he's from Brooklyn and, for the sake of *shalom bayit* (peace in the home), they reside in Queens.

For the past twenty-eight years they have given unstintingly of themselves to the Hollis Hills Jewish Center and the Jewish community in Queens. Currently, Bunny is serving her second term as Administrative Vice President of the Center. Previously, she served for fourteen years as the synagogue's executive director and during those years, thanks to her expertise and her tireless work, the Center has flourished.

In addition to her extraordinary business sense and management skills, Bunny's insight, sensitivity and gracious personality made her especially effective in dealing with the many people needed to keep the Center operating: clergy, officers, trustees, committee chairpersons, professional staff, assorted *machers* and *yentas,* and synagogue members at large. Bunny always found ways to enable each of them make their own unique contribution to the synagogue.

With Jerry's constant support, insight and encouragement, Bunny has been a calm, cool leader with a special gift for problem resolution. And all of these contributions have been made while they were raising three extremely active, bright children, their twin daughters, Sheryl and Wanda, and their son, Scott. All three have gone on to become leaders in their own respective professions of marketing, education, and computer technology.

To note all of Bunny's incredible achievements for the Hollis Hills Jewish Center is impossible—the list is endless. But just to begin, it would have to include implementing superior budgetary controls; facilitating synagogue programs; organizing, tracking and managing all of the many fund raising activities, like the Dinner Dance, the Goods and Service Auction, the Bazaar and the Art Auction, among others; writing grants; administering personnel procedures and policies; negotiating vendor contracts; and supervising the office staff.

Bunny has been responsible for administering every aspect of the Center. For the religious school, Bunny interviewed staff, helped plan and coordinate programs, such as consecration, graduation, Purim carnivals, religious science fairs, high school seminars, and out-of-state trips for teens; and arranged for housing, transportation and touring. She coordinated all the committees, the nursery school, the summer camp, the junior congregation, the nursery parent rap groups, the college outreach, the adult education programs, the Holocaust Torah Scroll renewal, the *Selichot* service, the Sukkah-mobile, the lunch-and-learn sessions, the blood drives, the Russian clothing and food drives, the singles program, the groundbreaking ceremony, the room rental requests, and the list goes on and on.

Bunny's track record of creativity and competence brought her to the attention of the National Association of Synagogue Administrators. At their national conferences, Bunny delivered papers and led seminars which earned her a national reputation for professional excellence.

Following her employment in the synagogue, Bunny went on to work for State Senator Leonard Stavisky as head of his administrative staff. After two years of exciting work in government service, Bunny was invited to join the Solomon Schechter School of Queens as its executive director. In short order, Bunny revolutionized the administration and management of the flagship day school of the Conservative Movement.

As a citizen Bunny has not neglected her civic responsibilities. She is an active member of the Franklin D. Roosevelt Democratic Association of Queens where she has served in numerous executive board committee positions, including two terms as president. Currently , she is chairperson of the board.

Jerry is a longtime member of the executive board of the FDR Association where he has served as vice president of programming and is currently vice president of administration.

Jerry's work in the community is beautifully represented by his service as a docent at the Ridder Museum in Roslyn, where some of his own masterworks in the art of miniaturization have been displayed to the general public.

Jerry have given freely and fully of his time to the Center in his own capacity as a caring, committed Center member who has impacted powerfully on the good work of the *Bikur Cholim* Committee and other committees as well as serving as in-house videographer for countless Center programs.

Mr. Speaker, Bunny and Jerry Frankel are a model American couple who have provided exemplary service to the Hollis Hills Jewish Center and the Jewish community in Queens. I know the whole House of Representatives joins me in thanking them for their years of dedication and commitment.

TRIBUTE TO ERNANI C. FALCONE

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. GONZALEZ. Mr. Speaker, I rise today in honor of a man of conviction and honor, Ernani C. Falcone. Regretfully, Ernani Falcone passed away on Monday, May 13, 2002, but his strong, booming voice that always embraced the downtrodden and defended democratic ideals, will resonate with us forever.

Ernani, who many affectionately called "Nani", was many things at once, both a commander and a warrior; both a dedicated Democratic leader respected by the political elite, and a champion of the little guy; both a revered member of the San Antonio community and an activist who fought for local environmental preservation. He was colorful, charismatic, controversial, and always willing to stand up against special interests. San Antonio Mayor Ed Garza said of "Nani" who was a close friend and advisor, "He often spoke in a loud roar, but he did so thinking with his big heart."

A native Philadelphian by birth, but a Texan by nature, Ernani was a graduate of Princeton University who always made a point of challenging the status quo and on occasion, unleashing a devilish laugh. He gained widespread recognition when, 10 years ago, he began positioning himself at the center of all major policy debates in San Antonio.

Ernani's political career began in Delaware County, a Philadelphia suburb, where he was the chair of the Delaware Democratic Party for 12 years. In 1987, he moved his family south, where he embroiled himself in Texas politics. Brash and flamboyant, he took San Antonio politics by the reins—becoming the founder of the Northwest Neighborhood Alliance and president of the Braun Station West Community Improvement Association.

A lover of nature, Ernani helped develop San Antonio's 1996 tree-preservation ordinance and later fought to make the ordinance stronger. It is difficult to think of someone who has worked harder, and with more devotion, to protect the environment of our ever growing city. Ernani was the kind of guy who, facing a city of growing skyscrapers, would notice even the smallest trees.

Most recently, Ernani was serving on a technical advisory committee that monitored revisions of San Antonio's Unified Development Code and was a member of the Zoning Commission. He never gave up. When decisions were being made that affected the San Antonio people that he loved so much, Ernani was there. Dressed flamboyantly in his bright shirts and ties that matched his personality, he was never a silent bystander.

It would be unwise, and perhaps impossible to forget Ernani Falcone. More than a president, commissioner, founder, or educator, he was an apotheosis for all politicians. He came to San Antonio with a bang, and the memory of his humanitarianism will not leave quietly. I stand here today to bid a farewell to "Nani" for all to hear. It is a fitting way to say goodbye.

HONORING DEPUTY SHERIFF DENNIS PHELPS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today in memory of Fresno County Deputy Sheriff Dennis Phelps. Deputy Phelps was killed in the line of duty on May 19, 2002.

Dennis was born in Leon, Iowa, on October 11, 1954. His family moved to Fresno, California, where he graduated from McLane High School in 1972.

Deputy Phelps began his career in law enforcement in the early 1980s as a special guard/bailiff assigned to the courts in Fresno County. After some time away from the department, he returned as a reserve deputy sheriff in June of 1999. He was hired as a full-time peace officer on October 30, 2000. Deputy Phelps successfully completed field training and was promoted to Deputy Sheriff Two on January 7, 2002. Dennis was Deputy Sheriff on Patrol of the Northeast Field Services.

In this time of unyielding resolve in our support of those who protect our nation both internally and externally, I offer my deepest sympathy and heartfelt appreciation to Deputy Phelps' wife, Dana, and children, Nicole and Kenny. I also thank the Fresno County Sheriff's Department for the services they provide and extend my condolences to them as they grieve the loss of their colleague. Deputy Phelps is a hero for his service and his sacrifice and we honor him for both.

Mr. Speaker, I rise today in memory of Deputy Sheriff Dennis Phelps. I invite my colleagues to join me in a moment of silence and in honoring Deputy Phelps for his service to the community.

TRIBUTE TO CEDAR INTERNATIONAL FELLOWSHIP

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to the Cedar International Fellowship, of Brooklyn New York, and the visionary whose efforts have made this whole endeavor possible, Reverend Robert L.A. Reaves.

In the fall of 2001, while at the Cedar of Lebanon Baptist Church, located at 220 Hegeman Avenue, Brooklyn, New York, Reverend Reaves conducted a meeting for the express purpose of organizing a new church. On November 17, 2001, with the purpose of equipping the new church for the perfecting of saints for the work of the ministry, Reverend Reaves organized a church growth symposium at the Seaview Diner.

The new church was born on January 26, 2002, at 400 Thatford Avenue, in Brooklyn. Reverend Reaves resigned his position in the old Cedar Church, and assumed the role of founder and Senior Pastor of the new church, which was to be called the Cedar International Fellowship. The first worship service, attended by 108 members as well as by numerous visitors, was held on February 3, 2002. The spirituality of this ecstatic service reached such a peak, that the members joyously proclaimed: "Thus Saith the Lord, I will also take off the highest branch of the high cedar, and will set it; I will crop off from the top of his young twigs a tender one, and will plant it upon a high mountain."

But this was not a one-time occurrence. The International Fellowship has been described as a place "where the worshipers worship and the word comes alive." It focuses on Evangelism through the expository preaching of the word of God and the discipling of its members. Subsequently, the Church's vision statement is "winning one to win one to win another." This atmosphere of outreach has caused the Church's membership to multiply to the extent that, only several months after its inception, the Church can now boast of having 1000 members.

Therefore, I urge my colleagues to recognize the achievements of Reverend Reaves and the Cedar International Fellowship Church.

A PROCLAMATION RECOGNIZING LUCAS JEFFREY CIFRANIC

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. NEY. Mr. Speaker,

Whereas, Lucas Jeffrey Cifranic has devoted himself to serving others through his membership in the Boy Scouts of America Troop 811; and

Whereas, Lucas Jeffrey Cifranic has shared his time and talent with the community; and

Whereas, Lucas Jeffrey Cifranic has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Lucas Jeffrey Cifranic must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with the entire 18th Congressional District of Ohio in congratulating Lucas Jeffrey Cifranic for his Eagle Scout Award.

CONGRESS HALL IN CAPE MAY, NEW JERSEY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. LoBIONDO. Mr. Speaker, I rise today to recognize the reopening of Congress Hall, a very special historic landmark in Cape May, New Jersey.

Opened in 1816, Congress Hall was originally built by Thomas Hughes as a boarding house for summer visitors to the Cape May area. The house was a success and, in 1828, when Hughes was elected to Congress, it was renamed Congress Hall in his honor. An 1878 fire destroyed the Hall but within a year it was rebuilt.

As the hotel and its surrounding city became more popular, it attracted an even more diverse stream of visitors. Presidents Ulysses S. Grant, Franklin Pierce and James Buchanan all chose to vacation here. President Benjamin Harrison deemed Congress Hall his "summer White House." Composer John Phillip Sousa conducted concerts on the lawn of the Hall and, in 1882, composed the "Congress Hall March."

Closed during the Great Depression and reopened after the end of the Second World War, it seemed that the days of Congress Hall and the grandeur it had been associated with had passed. From 1968 until 1995, Congress Hall was protected from demolition when it became the home of the Cape May Bible Conference led by Reverend Carl McIntire. Then, in 1995, the property was purchased and prepared for extensive renovation.

Today, Congress Hall is reopened, recalling its original splendor, fit for Presidents, dignitaries and visitors the world over. I am pleased to claim Congress Hall as part of my Congressional District's proud history and welcome a new generation of vacationers to visit the historic hotel. Best wishes to all the people involved with Congress Hall and to the citizens of Cape May as they celebrate this special milestone in their community's history.

THE SPOKANE TRIBE OF INDIANS OF THE SPOKANE RESERVATION GRAND COULEE DAM EQUITABLE COMPENSATION SETTLEMENT ACT

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. NETHERCUTT. Mr. Speaker, I am honored today to introduce legislation that will provide an equitable settlement of the meritorious claims of the Spokane Tribe of Indians concerning its contribution to the production of hydropower by the Grand Coulee Dam.

Similar settlement legislation was enacted in 1994 to compensate the neighboring Confederated Colville Tribes as a consequence of the Grand Coulee Dam. That legislation, P.L. 103–436, provided for a $53 million lump sum payment for past damages and roughly $15 million annually from the ongoing proceeds from the sale of hydropower by the Bonneville Power Administration. The Spokane settlement legislation, which I am introducing today, would provide a settlement of the Spokane Tribe of Indians claims directly proportional to the settlement afforded the Colville Tribes based upon the percentage of lands appropriated from the respective tribes for the Grand Coulee Project, or approximately 39.4 percent of the past and future compensation awarded the Colville Tribes pursuant to the 1994 legislation. Though the proposed Spokane settlement is proportionately less, the losses sustained by the Spokane Tribe are substantially the same as those sustained by the Colville Tribes and arise from the same actions of the United States Government. The difference being that the Spokane Tribe lost its entire salmon fishery, the base of its economy.

Grand Coulee Dam is the largest concrete dam in the world, the largest electricity producer in the United States, and the third largest electricity producer in the world. It produces four times more electricity than Hoover Dam on the Colorado River and is three times its size. Grand Coulee is one mile in width; its spillway is twice the height of Niagara Falls. It provides electricity and water to one of the world's largest irrigation projects, the one million acre Columbia Basin Project. The Grand Coulee Project is the backbone of the Northwest's federal power grid and agricultural economy.

For more than half a century, the Grand Coulee Project has produced enormous revenues for the United States Government and brought prosperity to the Pacific Northwest. The construction of the dam and the electricity it produced, helped pull the Northwest out of the Great Depression. It provided electricity to the aluminum plants that built the air force that helped to defeat Germany and Japan in World War II.

To the Spokane Tribe of Indians, however, the dam is a monument to the destruction of their way of life. The Dam flooded their reservation on two sides. The Spokane River—the ancestral umbilical cord to Spokane existence and the heart of their reservation—was changed from a free flowing waterway that supported plentiful salmon runs,. to barren slack water that now erodes away the southern lands of the Reservation with every change in the reservoir level. The enormous benefits that accrued to the Nation and the Northwest were made possible by uncompensated and irreparable injury to the Native Americans of the Columbia and Spokane Rivers.

From 1927 to 1931, at the direction of Congress, the U.S. Army Corps of Engineers investigated the Columbia River and its tributaries. In its report to Congress, the Corps identified a number of potential sites and recommended the Grand Coulee site for hydroelectric development by either the State of Washington or private concerns. Shortly thereafter, the Columbia River Commission, an agency of the State of Washington applied for and, in August 1933, was granted a preliminary permit from the Federal Power Commission for the water power development of the Grand Coulee site. However, on November 1, 1933, Harold Ickes, Secretary of the Interior and Director of Public Works Administration, federalized the project under the National Industrial Recovery Act of 1933. Excavation for the dam commenced on December 13, 1933. However, its legal authorization was in question and Congress reauthorized the Dam in the Rivers and Harbors Act of 1935. In 1940, very belatedly and inadequately (at the urging of the Department of the Interior), Congress did enact a statute to authorize the Secretary of the Interior to designate whichever Indian lands he deemed necessary for Grand Coulee construction and to receive all rights, title and interest the Indians had in them in return for his appraisal of its value and payment of compensation by the Secretary. The only land that was appraised and supposedly compensated for was the newly flooded lands. Pursuant to this legislation, 54 Stat. 703 (1940), the Spokane Tribe received the grand total of $4,700. There is no evidence that the Department advised or that Congress knew that the Tribes' water rights were not extinguished. Nor had the Indian title and trust status of the Tribal land underlying the river beds been extinguished. No compensation was included for the power value contributed by the use of the Tribal resources nor the loss of the Tribal fisheries or other damages to tribal resources.

Although the Department of the Interior and other federal officials were well aware of the flooding of Indian trust lands and other severe impacts the Grand Coulee Project would have on the fishery and other critical resources of the Spokane and Colville Tribes, no mention was made of these impacts or the need to compensate the Tribes in either the 1933 or 1935 authorizations. Federal inter-departmental and intra-office correspondence of the Department of the Interior from September 1933 thru October 1934 clearly demonstrate that the Federal government knew that the Colville and Spokane Tribes should be compensated for the flooding of their lands, destruction of their fishery and other resources, destruction of their property and annual compensation from power production for the use of the Tribes' land and water resources contributing to such power production. As pointed out in a 1976 Opinion of Lawrence Aschenbrenner, the Acting Associate Solicitor, Division of Indian Affairs, Department of the Interior:

> The 1940 act followed seven years of construction during which farm lands, and timber lands were flooded, and a fishery destroyed, and during which Congress was silent as to the Indian interests affected by the construction. Both the Congress and the Department of the Interior appeared to proceed with the Grand Coulee project as if there were no Indians involved there.
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> . . . . .
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> The Department correspondence and memoranda on the subject of Indian rights apparently came to an abrupt halt [after 1934]. There is no tangible evidence, currently available, to indicate that the Department ever consulted with the tribes during the 1933–1940 period concerning the ongoing destruction of their land and resources and proposed compensation therefore."

The Opinion goes on to point out:

> It is our conclusion that the location of the dams on tribal land and the use of the water for power production, without compensation, violated the Government's fiduciary duty toward the Tribes.
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> . . . . .
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> The situation at hand involves a conflict-of-interest on the part of the Department of the Interior. . . . The Department of the Interior has responsibility for protecting the Tribes' Winters Rights [water rights] as well as its property rights in the bed of the river. Recognizing the value of the river as a power production and irrigation site, the Department of the Interior . . . has used this land and the water for its own purposes, without ensuring that consideration and benefit from the development of those resources flowed to the Tribes who own part of them. The case fits squarely into the reasoning of Manchester Band, Navajo Tribe and Pyramid Lake cases, where ". . . a fiduciary who learns of an opportunity, prevents the beneficiary from getting it, and seizes it for himself." (Citations omitted)
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> . . . . .
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> Throughout the construction, the Department's apparent failure to communicate with the Tribes concerning their land and water rights is appalling. No case law grants executive agencies authority to unilaterally abrogate Indian rights. [T]he posture of the Department can be described not as . . . an exercise of guardianship, but an act of confiscation." (Citations omitted).

Why did the 1994 Colville settlement legislation not also include a settlement of the claims of the Spokane Tribe of Indians? The Colville settlement legislation ratified a settlement agreement reached between the United States and the Colville Tribes to settle the claims of the Tribes to a share of the hydropower revenues from the Grand Coulee Dam. This claim was among the claims which the Colville Tribes filed with the Indian Claims Commission (ICC) under the Act of August 13, 1946 (60 Stat. 1049) and later transferred to the U.S. Court of Claims. Pursuant to that Act, there was a five year statute of limitations to file claims before the Commission which expired August 13, 1951. Prior to the statute of limitations deadline, the Colville Tribes had already been formally organized with a functioning tribal government for more than 15 years. The Spokane Tribe, however, did not formally organize and receive approval of its constitution until June 27, 1951—only 16 days prior to the ICC statute of limitations deadline. The Tribe's attempt to retain legal counsel to file its claims before the ICC was delayed due to the then Commissioner of Indian Affairs, Dillion Meyer's efforts to impose restrictive conditions on attorney contracts with the tribes nationwide. While these conditions were subsequently repudiated by the Secretary of the Interior, significant and precious time had elapsed and the Tribe's legal counsel was left with insufficient time to fully investigate the full range of potential claims of the Tribe prior to the filing deadline. Additionally, the ICC Act imposed a duty on the Bureau of Indian Affairs to apprise the various tribes of the provisions of the Act and the need to file claims before the Commission. While the BIA was well aware of the potential claims of the Spokane Tribe to a portion of the hydropower revenues generated by Grand Coulee, there is no evidence that the BIA ever advised the Tribe of such claims. As stated in the testimony of the Assistant Secretary for Indian Affairs, concerning the 1994 Colville Settlement legislation: "Over the next several years the Federal Government moved ahead with the construction of the Grand Coulee Dam, but somehow the promise that the Tribe would share in the benefits produced by it was not fulfilled."

In 1974 the Solicitor of the Department of the Interior issued an Opinion which concluded, among other things, that the Spokane and Colville Tribes each retained ownership of the lands underlying the Columbia River and, in the case of the Spokane Tribe, the lands underlying the Spokane River. The Opinion suggested that the resource interests of the Tribes were being utilized in the production of hydroelectric power at Grand Coulee.

In 1976, in response to this Opinion, the Senate Appropriations Committee directed the Secretary of the Interior and the Secretary of the Army to "open discussions with the Tribes to determine what, if any, interest the Tribes have in such production of power, and to explore ways in which the Tribes might benefit from any interest so determined." (S. Rept. 94–505 at 79). A technical team was subsequently composed of representatives of various federal agencies, BPA and the Tribes. On May 7, 1979, the Solicitor for the Department of the Interior forwarded to OMB a lengthy memorandum proposing legislative resolution of the claims of both the Colville Tribes and Spokane Tribe. However, no further action occurred.

When the Colville settlement legislation was moving forward in 1994, the Spokane Tribe pressed for an amendment to waive the statute of limitations and allow the Spokane Tribe to seek just and equitable compensation resulting from the construction of the Grand Coulee Dam. Fearful that the Spokane Tribe's efforts might delay and jeopardize final enactment of the Colville settlement legislation, the

Colville Tribes and others requested that the Spokane Tribe defer its efforts to seek settlement of its claims. The Spokane Tribe honored that request. During the joint House and Senate hearings on the Colville legislation, the Assistant Secretary for Indian Affairs did commit in her testimony that she would study the merits of the Spokane claim. The day after the hearings, the Solicitor of the Department committed the Department to examine, independent of the Colville Bill, the Spokane Tribe's claims. The House Resources Committee Report accompanying the Colville legislation stated that the Spokane claim was "identical in many respects" to the harm suffered by the Colville Tribes. The Committee noted "that the Spokane Tribe has a moral claim and requests that the Department of the Interior and the Department of Justice work with the Spokane Tribe to develop a means to address the Spokane's claim." In the Senate, Senators INOUYE, Bradley, MURRAY, MCCAIN and Hatfield joined in a colloquy expressing their concern that the claims of the Spokane Tribe should be addressed and urged the Administrative agencies to work with the Spokane Tribe to resolve the Tribe's claims.

Following a subsequent commitment from Associate Attorney General, John R. Schmidt, that the Department and other federal agencies would undertake an "earnest" and "fair evaluation" of the Tribe's claims, the Tribe committed a great deal of time, resources and funding to fully research and document its claims. By late 1995, the Tribe was prepared to formally request that the Interior and Justice Departments establish a federal "negotiating team". In a meeting with Interior Department officials in December 1995, Tribal representatives were astounded when they were advised that the Tribe should return to Congress and renew the Tribe's request for a waiver of the statute of limitations.

On July 9, 1996, Senators MURRAY, MCCAIN, INOUYE, Bradley and I sent a letter to Secretary Bruce Babbitt stating the federal/tribal negotiations urged by Congress in 1994 were not predicated on the Tribe's first obtaining a waiver of the statute of limitations; that the requirement for such an undertaking was "totally contrary to the understanding of the Tribe and to the direction of Congress"; and urged that the Interior Department "proceed as soon as possible to negotiate with the Tribe on its power value and fishing claims as previously directed by Congress." Unfortunately, viable and equitable settlement negotiations have not materialized.

Enactment of settlement legislation addressing the meritorious claims of a Tribe, claims otherwise barred by a statute of limitations, is neither new or precedent setting. There is ample precedent for Congressional recognition of the moral claims of Indian tribes and provision of appropriate compensation. Several tribes within the Missouri River Basin suffered very significant damage because of inundation of reservation bottom lands through construction of the Pick-Sloan Project dams. In recognition of these damages, Congress has provided substantial compensation to the Affiliated Tribes of the Fort Berthold Reservation and the Standing Rock Sioux Tribe (P.L. 102–575), the Crow Creek Sioux Tribe (P.L. 104–233), and the Lower Brule Sioux Tribe (P.L. 105–132). Compensatory legislation for the Cheyenne River Sioux Tribe (S. 964) and the Santee Sioux and Yankton Sioux Tribes (S. 1148) are currently pending before this Congress and are expected to move through the Senate Committee on Indian Affairs shortly.

The Federal Government, by its own admission, had a conflict of interest and blatantly breached its fiduciary trust responsibility to the Spokane Tribe. Having breached that trust by converting the Tribe's resources to its own benefit, it also failed to advise the Tribe in a timely manner of its potential claims and frustrated and critically delayed the Tribe's attempt to secure independent legal counsel to research and file such claims. Now, it seeks to avoid fair and honorable negotiations with the Tribe it betrayed because the Tribe failed to timely file its claims before the expiration of the statute of limitations. As quoted by the Assistant Secretary for Indian Affairs in her testimony on the Colville settlement legislation:

> . . . I am reminded of the words of Justice Black . . . in litigation about another dam flooding the lands of another tribe's territory: "Great nations, like great men, should keep their word." When the Congress enacts and the President signs this legislation, we can all be proud that we are, at last, acting as a great nation should.

I urge my colleagues to keep the word of our Nation and act expeditiously and favorably on this legislation as it proceeds through the Congress.

CODEL WELDON, OBSERVATIONS AND DIRECTION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. ORTIZ. Mr. Speaker, I rise to join my colleagues tonight to talk about what we have seen in a part of the world that has vexed American policy makers for generations.

First I want to commend Chairman WELDON for his high-energy, unyielding approach to seeing as much as possible on these delegation trips. Our focus is always on bringing back information that will enlighten and inform U.S. policy makers, both in the Congress and in the Administration.

At this difficult moment in the world, our trip was a good opportunity to speak to our legislative colleagues in the Russian Duma. We arrived in Moscow in the wake of the historic signing of the strategic arms reduction treaty by Presidents Bush and Putin. While we were there, NATO nations met in Rome to agree to limited membership for Russian in NATO, India and Pakistan danced dangerously close to a nuclear confrontation, the cycle of violence continued between the Israelis and the Palestinians, and the war on terrorism continued in Afghanistan. So there was a great deal on our plate with which to deal.

We last went to Russia in September 2001, after the attacks on the United States and after the war began, and came away with a real partnership with many of our colleagues in the Russian Duma. We began then to talk about areas of commonality through which members of our respective legislatures (the U.S. Congress and the Russian Duma) could work. In our last visit, we presented a document entitled: "U.S.-Russia Partnership."

In our visit this time around, we were told that our document's recommendations were the basis for the Russian initiatives presented to President Bush during his recent visit in Russia. Discussions in Russia generally followed concerns such as: combating international terrorism, using academics and science to address political problems, joint environmental—and economic—efforts, and engaging young people of both countries in issues of mutual interest (such as sports and cultural events).

Russia is an important strategic partner for the United States and for NATO. After entering the 21st Century through columns of fire, our relationship with Russia is on a considerably stronger foundation. For the first time, there is mutual agreement on goals and values, and on a shared vision for the security threats we both face in this world.

When we met with Uzbekistani President Karimov, I was impressed with the geopolitical environment of the region. He, too, supported Chairman WELDON'S proposal to establish a joint U.S. Congress-Uzbek parliamentary working group, based on the success of the U.S. Congress-Duma work of last year.

The best part of being in Uzbekistan was seeing the satisfaction on the faces of the young men and women serving in support of Operation Enduring Freedom in Afghanistan. They are the ones carrying our battle to our enemies, and they are gung-ho about their mission. We got a good deal of intelligence on the ground—literally—intelligence about the daily activities of our troops and how they see their jobs every day. We had the privilege of distributing homemade cookies baked by people here at home for these brave men and women. They very much enjoyed the special gifts from home.

As always, I saw a host of Texans stationed in Uzbekistan doing then-duty for the United States, including Specialist Harwig from Corpus Christi, Texas.

We also went to Beijing, China, to talk with senior officials about a host of defense-related and economic-related topics. With China, as always, the topic of Taiwan was paramount in the minds of the Chinese. They continually expressed the importance of the "one-China" policy. We emphasized the wide breath of things on which the United States and China agree, and urged both nations to find agreement rather than disagreement.

Several members of our delegation surmised that the issue of Taiwan will diminish as a divisive issue over time due to the large—and increasing—investment by Taiwan interests in mainland China.

India and Pakistan are adjoining neighbors, and the nuclear saber-rattling in the subcontinent is unnerving all the nations of the world . . . most noticeably the Chinese. Both nations are China's neighbors, and they continue to hope the difference over Kashmir can be solved peacefully. This is no place for a hair-trigger on a nuclear weapon.

The CODEL also met with members of the government of the Republic of Korea (ROK, South Korea) and thanked the ROK for their prompt and significant support for the United

States after 9–11. The ROK stepped up quickly to support our war against the Taliban and al Queda in Afghanistan, providing shipping, aircraft and a field hospital to support U.S. operations in the area.

We were particularly disappointed that the North Koreans refused to meet with us. The ROK, we were told by the foreign ministry, continues to talk of peace with North Korea, but the pace of discussions was extraordinarily slow.

Chiefly, discussions with the ROK centered on trade, U.S. forces in Korea in the DMZ, our war on terrorism, political and military stability on the Korean Peninsula, and the strong desire—on their part—for reunification. We even had significant discussions about internet voting in the ROK, "E" government initiatives, and the digital divide in the ROK.

There are also a number of Texans serving in uniform as we visited the Demilitarized Zone (DMZ). The DMZ never ceases to amaze me . . . it stands as a tribute to the standoff between ideologies along the Pacific Rim, and on the south side of it is the best reason for the conflict in the first place: democracy and free commerce in the highly developed south, with the north side practicing communism and starving their citizens and their economy.

Our trip proved, once again, the importance of going beyond our borders to see first hand, and hear first hand, the particular situations in the nations of our friends and those whom we hope to make our friends.

HONORING FLINT POWERS CATHOLIC CHARGERS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. KILDEE. Mr. Speaker, I rise today to congratulate the Chargers of Flint Powers Catholic High School, on winning the 2001–2002 Michigan High School Athletic Association Class B State girls basketball championship. The Chargers defended their 2000–2001 championship in a repeat of last year's final game, defeating the Detroit Country Day Yellowjackets 54–53. It was certainly an exciting game that showcased some of the best talent the state of Michigan has to offer.

The Chargers are a true testament of what hard work, determination, and a passionate desire to win can accomplish. Under the guidance of 26-year Head Coach Kathy McGee, and Assistant Coaches Brad Terebinski, Betsy Kreston, and Kae Edison, the championship served as a wonderful finish to a remarkable year, marked with a perfect record of 28–0. In addition, the Michigan High School Coaches Association named Coach McGee Women's Basketball Coach of the Year.

The Chargers' roster includes: seniors Rachael Carney, Rebekah Sirna, Ellen Tomek; juniors Brittney Brindley, Elizabeth Flemming, Jessica Guilbault, Michelle Landaal, Victoria Lucas-Perry, Shannon Rettenmund, Ann Skufca; sophomores Erin Carney, Lauren Goggins, Maddison Snow; and freshmen Tia Duncan, Cari Pigott. These young women, led by team captains Carney, Lucas-Perry, and Tomek, proved to be leaders in the classroom, the basketball court, and the community. They are all shining examples of the Lansing Diocese's strong commitment to success in all aspects of life.

Mr. Speaker, I salute the accomplishments of the Powers Chargers, and share the joy of their victory with Powers students and alumni and especially the people in my hometown of Flint. I ask my colleagues in the 107th Congress to join me in congratulating these fine ladies.

MOURNING THE LOSS OF HALA SALAAM MAKSOUD

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. RAHALL. Mr. Speaker, a memorial service honoring the work and achievements of Hala Salaam Maksoud will be held on Wednesday, June 5 at Georgetown University. Hala Maksoud was a great champion for civil rights and human rights. It was truly a sad day on Friday, April 26, 2002, when she lost her hard-fought battle with cancer.

Hala Maksoud was a passionate and vital advocate for Arab American concerns. As president of the American-Arab Anti-Discrimination Committee (ADC) from 1996–2001, she helped propel the concerns of Arab Americans to the forefront of our national debates. She led ADC in combating defamation and negative stereotyping of Arab Americans in the media and wherever else it is practiced. Her commitment to defending the rights of Arab Americans and promoting Arab-American cultural heritage was not only visionary but necessary. I would like to share with my colleagues the ADC Press Release mourning the loss of Hala Salaam Maksoud.

[From ADC Press Release, Apr. 26, 2002.]

ADC MOURNS LOSS OF HALA SALAAM MAKSOUD

It is with a profound sense of loss and sadness that the Board of Directors and the national office staff of the American-Arab Anti-Discrimination Committee (ADC) mourn the passing of Dr. Hala Salaam Maksoud, who died today after a long illness. Funeral arrangements will be announced by the family after they are finalized.

One of the most influential and important leaders in ADC's history, Dr. Maksoud served as ADC President from 1996 to 2001. Dr. Maksoud had been actively involved with ADC since its inception in 1980, and was a member of the Executive Committee of the Board of Directors for many years.

Dr. Maksoud held a Ph.D. in political theory and an M.A. in government from Georgetown University, and an M.A. in mathematics from the American University of Beirut. She taught courses at George Mason University and at Georgetown. In addition to her academic career, Dr. Maksoud was a prominent Arab-American leader and participated in the founding of several organizations, including the American Committee on Jerusalem, the Association of Arab-American University Graduates, and the Arab Women's Council. Dr. Maksoud was a nationally recognized advocate of civil and human rights, and was the recipient of a lifetime achievement award from the American Immigration Law Foundation in March 2002.

Dr. Maksoud is survived by her husband, Dr. Clovis Maksoud, former Ambassador of the League of Arab States to the United States and the United Nations, and current professor of international relations at American University.

ADC President Ziad Asali said "this is a devastating loss for the entire Arab-American community, as well as for me personally. Hala was a visionary leader who charted a path to empowerment we will be following for many years to come. Her extraordinary command of politics was matched by exceptional compassion and a genuine commitment to human rights. She had a remarkable ability to communicate effectively with and inspire people of very different cultural and political backgrounds and across lines of religion and social class. Leaders of Hala's caliber are exceedingly rare and we shall miss her guidance and wise counsel. Our task now at ADC is to try to live up to the standard she set for us all."

FISCAL YEAR 2003 NATIONAL DEFENSE AUTHORIZATION ACT, PART IV

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. DeFAZIO Mr. Speaker, today I rise to conclude my remarks about H.R. 4546, the fiscal year 2003 Department of Defense authorization act. As I outlined previously, H.R. 4546 continues to fund, to the tune of hundreds of billions of dollars, weapons that have little or no relevance to the threats our nation faces in the 21 st century.

My previous remarks detailed the amendments I offered to eliminate or reform the Crusader artillery system, the Comanche helicopter and the F–22 Raptor fighter jet program.

I want to switch gears a little bit and move away from my concerns about unnecessary weapons systems. I'd like to conclude my remarks on the defense authorization bill by focusing on the most solemn obligation of Congress, our constitutional powers to decide issues of war and peace,

The final amendment I offered to H.R. 4546 was a "Sense of Congress" amendment relating to congressional war powers under the U.S. Constitution. This was a bipartisan amendment I offered with Representative Ron Paul of Texas.

Our amendment was in response to the public musings of members of the Bush Administration about where the United States should project our military force next in the campaign against terrorism. Iraq is the most talked about target, but several other countries have been mentioned as well.

I am concerned that the Administration believes it can wage war anywhere, at any time, for any reason, at any cost. The executive branch seems to forget that the sole authority to declare war is reserved under the U.S. Constitution for Congress.

The amendment I drafted noted that the U.S. Constitution grants Congress the power "to declare war," to lay and collect taxes to "provide for the common defense" and general welfare of the United States, to "raise and support armies," to "provide and maintain a navy," to "make rules for the regulation for the land and naval forces," to "provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions," to "provide for organizing, arming, and disciplining, the militia," and to "make all laws necessary and proper for carrying into execution . . . all . . . powers vested by this Constitution in the Government of the United States." Congress is also given exclusive power over the purse. The Constitution says, "No money shall be drawn from the Treasury but in consequence of appropriations made by law,"

By contrast, the war powers granted to the executive branch through the President are limited to naming the President "commander-in-chief" of the armed forces. While this means the President conducts the day-to-day operations of a given military campaign, the President does not have the authority to send U.S. troops into hostile situations without prior approval from Congress.

This right was recognized by the earliest leaders of our nation. In 1793, President George Washington, when considering how to protect inhabitants of the American frontier, instructed his Administration that "no offensive expedition of importance can be undertaken until after [Congress] have deliberated upon the subject, and authorized such a measure."

In 1801, President Thomas Jefferson sent a small squadron of frigates to the Mediterranean to protect against possible attacks by the Barbary powers. He told Congress that he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense." He further noted that it was up to Congress to authorize "measures of offense also."

John Jay, generally supportive of executive power, warned in Federalist paper number four that "absolute monarchs will often make war when their nations are to get nothing by it, but for purposes and objects merely personal, such as a thirst for military glory, revenge of personal affronts, ambition, or private compacts to aggrandize or support their particular families or partisans. These and a variety of other motives, which affect only the mind of the sovereign, often lead him to engage in wars not sanctified by justice or the voice and interests of his people."

Henry Clay said, "A declaration of war is the highest and most awful exercise of sovereignty. The convention which framed our Federal constitution had learned from the pages of history that it had been often and greatly abused. It had seen that war had often been commenced upon the most trifling pretexts; that it had been frequently waged to establish or exclude a dynasty; to snatch a crown from the head of one potentate and place it upon the head of another; that it had often been prosecuted to promote alien and other interests than those of the nation whose chief had proclaimed it, as in the case of English wars for Hanoverian interests; and, in short, that such a vast and tremendous power ought not to be confined to the perilous exercise of one single man . . . Congress, then in our system of government, is the sole depository of that tremendous power."

During congressional consideration of a war with Mexico, Daniel Webster said, "It must be admitted to be the clear intent of the constitution that no foreign war would exist without the assent of Congress. This was meant as a restraint on the Executive power." He went on to say, "If we do not maintain this doctrine; if it is not so—if Congress, in whom the war-making power is expressly made to reside, is to have no voice in the declaration or continuance or war; if it is not to judge of the propriety of beginning or carrying it on—then we depart at once, and broadly, from the Constitution."

Abraham Lincoln outlined the rationale for placing the war-making power in the Congress. He wrote to a friend, "Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention [U.S. Constitutional Convention] understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the constitution that no man should hold the power of bringing this oppression upon us."

Senator Robert LaFollette made a similar point during the floor debate on whether to enter World War I. He said, "We all know from the debates which took place in the constitutional convention why it was that the constitution was so framed as to vest in the Congress the entire war-making power. The framers of the Constitution knew that to give to one man that power meant danger to the rights and liberties of the people. They knew that it mattered not whether you call the man king or emperor, czar or president, to put into his hands the power of making war or peace meant despotism. It meant that the people would be called upon to wage wars in which they had no interest or to which they might even be opposed. It meant secret diplomacy and secret treaties. It meant that in those things, most vital to the lives and welfare of the people, they would have nothing to say."

While early presidents deferred to Congress, later presidents have latched on to the fact that the Constitution declares the president commander-in-chief of the armed forces to justify their use of the military without prior authorization from Congress. This led Congress to enact the War Powers Resolution of 1973 to further clarify that the solemn duty to decide when to send U.S. troops into hostilities belonged to Congress.

According to Section 2(c) of the War Powers Resolution the President can introduce U.S. forces into hostile situations "only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces."

In the aftermath of the terrorist attacks on September 11, 2001, Congress approved a resolution authorizing President Bush to take action against the parties responsible for the heinous attacks. However, the authorization was limited in scope.

Specifically, the joint resolution stated:

"That the President is authorized to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

In other words, Congress only authorized the President to take action against those responsible for the horrific attacks of September 11, 2001. The President must have compelling evidence of the complicity of another nation in the September 11 attacks in order to use the U.S. military to take action against that nation. Absent such evidence, the President would be required under the Constitution to come back to Congress seeking an additional authorization of force resolution before expanding the military campaign.

This interpretation was confirmed by Mr. Louis Fisher, Senior Specialist in Separation of Powers at the Congressional Research Service, who recently testified before the Senate Judiciary Committee that "military operations against countries other than Afghanistan can be appropriately initiated only with additional authorization from Congress."

It is critical, as a representative democracy, that profound decisions on war and peace rest with the branch closest to the people—the legislative branch.

The amendment I offered with Representative PAUL was intended to send the message that the President has a constitutional obligation to return to Congress to seek authorization before expanding the military campaign against terrorism. Unfortunately, the Rules Committee refused to allow a discussion on this, one of the most difficult and solemn issues that confronts our nation.

Mr. Speaker, I am disappointed that my Republican colleagues were unwilling to go on record in support of the DeFazio-Paul amendment, which was intended to defend congressional war powers from encroachment by the executive branch.

THE POWER OF STEEL

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mrs. WILSON of New Mexico. Mr. Speaker, today is a heartfelt day for people from one of the most historic neighborhoods in my district. They are involved in something very special this morning in New York City. The Sacred Heart Roman Catholic Church, where as many as 800 people meet weekly to worship and give thanks, is in Barelas, one of Albuquerque's oldest neighborhoods. In the 1970's the church, including two prominent bell towers, was razed because the structure was unsound. Parishioners then moved across the street, into the existing Church gymnasium. The bells were lost until recently, when one was found in somebody's backyard.

Now that one of those bells has reappeared, the Parish and members of the community hope to once again sound the bells throughout Barelas.

This need and an inspired idea were the beginning of a wonderful journey that has brought together the people of New Mexico and the citizens of New York.

Leaders in the community asked Archbishop Michael Sheehan and others, including me, to ask the City of New York for two steel beams from the World Trade Center. Those beams, the hope was, would be incorporated into the design of the new bell tower in a manner that would respect and remember the terrible terrorist attacks against our country the morning of September 11, 2001.

A delegation from New Mexico, including Father Moore, John Garcia, Sosimo Padilla, Stan Tinker, and a member of my staff, are in New York this morning at Ground Zero. They are meeting with construction workers to pick up two 20-foot beams, remnants of the World Trade Towers and very generous gifts from the people of the City of New York. Father Moore will bless the beams for their safe journey to a new beginning.

Those bells rang when World War II ended. They rang for weddings and funerals. They rang every Sunday morning over the City of Albuquerque to call people to worship. We are pleased in Albuquerque and thankful to the people of New York that the bell towers will be rebuilt and the bells will ring again. They will ring as a call to prayer, and they will now ring in remembrance.

We saw the face of evil on September 11th. And in the aftermath, we saw the depth of America's goodness and a return to simple faith. We are a strong, loving people and a faithful people. New Mexico will rebuild this bell tower and remember. This bell tower will remind us and call us to worship for many years to come.

President Bush said that terrorism cannot dent the steel of American resolve. I agree. These beams, this parish, this community, represent the strength of our American character and all the best our Nation has to offer. I'm honored to be a part of this.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. KOLBE. Mr. Speaker, I was absent during the votes of the following measures considered on May 15, 2002:

1. Final passage of H. Res. 420, allowing the House to consider a report from the Rules Committee on the same day it is presented to the House. Had I been present, I would have voted "aye" (#164).

2. On ordering the previous question for H. Res. 422, allowing the House to consider H.R. 4737 to reauthorize and improve the program of block grants to States for temporary assistance for needy families and improve access to quality child care. Had I been present, I would have voted "aye" (#165).

3. Final passage of H. Res. 422, allowing the House to consider H.R. 4737 to reauthorize and improve the program of block grants to States for temporary assistance for needy families and improve access to quality child care. Had I been present, I would have voted "aye" (#166).

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. GUTIERREZ. Mr. Speaker, I was briefly absent from this chamber on May 22, 2002 and missed voting on rollcall vote 196. I want the record to show that had I been present in this chamber, I would have voted "yea" on rollcall vote 196. Also, due to a family situation, I was unavoidably absent from this chamber on May 23, 2002 and I would like the record to show that had I been present in this chamber, I would have voted "yea" on rollcall vote 197, "no" on rollcall vote 198, "yea" on rollcall vote 199, "yea" on rollcall vote 200, "yea" on rollcall vote 201, "yea" on rollcall vote 202, "no" on rollcall vote 203, "no" on rollcall vote 204, "yea" on rollcall vote 205 and "no" on rollcall vote 206.

A TRIBUTE TO NANCY T. SUNSHINE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. TOWNS. Mr. Speaker, I am honored today to recognize Nancy T. Sunshine as she is inducted as president of the Brooklyn Bar Association. Her climb to the top of this association is a fine example for us all.

Currently, Ms. Clark is the Chief Clerk in the Appellate Term, Second Department, where she oversees the daily functions of the second, ninth, tenth, and eleventh judicial districts and is a confidential assistant to the Court. Among her responsibilities are long-term planning, budgeting, and personnel issues including interviewing candidates for non-judicial positions. Part of her professional success is attributable to the valuable experience that she obtained working first as an Assistant District Attorney in New York County and later as a Principal Law Clerk to a Justice of the Supreme Court and the Associate Justice of the Appellate Term in Kings County.

In addition, Ms. Sunshine has been an active member in the Brooklyn Bar Association for seven years while simultaneously serving as a member of the New York Bar Association. Prior to becoming President of the Brooklyn Bar Association, she was recognized in 2001 by former Mayor Rudy Guiliani. He appointed her to his Advisory Committee on the Judiciary. Also, she has been honored with the Distinguished Service Award from the Brooklyn Bar Association. I know that she is an excellent person for this job.

Even with all this activism, Ms. Sunshine still maintains a full family life. She is married to Jeffrey S. Sunshine, the Acting Justice of Richmond County Supreme Court, with two daughters. I am glad to see that though her work and activities are demanding, she is still able to demonstrate the value and importance of family life. I commend her for her ability to achieve.

From the awards, to her public appointment, to her presidential induction, Ms. Sunshine is an all around achiever. I urge my colleagues to join me in honoring this truly remarkable Brooklynite.

HONORING ANTONIA PANTOJA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. RANGEL. Mr. Speaker, I rise today to honor and remember Dr. Antonia Pantoja, who died in New York on May 24th. As a central figure of the Puerto Rican Civil Rights Movement, Dr. Pantoja's kind heart and brilliant leadership will always be remembered.

Dr. Pantoja was born in 1922 to an impoverished Puerto Rican family. Though she spent much of her childhood hungry and diseased, Dr. Pantoja invested all her efforts in education and politics. She fought for a decent education and, in 1940, was accepted to the University of Puerto Rico. Two years later she received a degree in education and became a schoolteacher.

After teaching for a few years in Puerto Rico, Dr. Pantoja moved to New York City. Working as a welder in a lamp factory, Dr. Pantoja suffered racism against Puerto Ricans at its worst. To fight back, she spread information on civil rights and how to organize a union. From that point on she dedicated her life to empowering the Puerto Rican community through organization, leadership, and, above all, education.

Dr. Pantoja really did do what she set out to do. She completed a Bachelor's Degree of the Arts at Hunter College of New York, received a Masters of Social Work from Columbia, and was awarded Ph.D from the Union of Experimental Colleges and Universities in Yellow Springs, Ohio. Meanwhile, she founded a number of Puerto Rican-American organizations including ASPIRA, PRACA, and the National Puerto Rican Forum. She was responsible for the creation of the bilingual college, Universidad Boricua, and the Puerto Rican Research Center, each promoting youth education. In Puerto Rico, Dr. Pantoja set up PRODUCIR to help the rural community build up its economy.

In recognition of her outstanding contributions to Puerto Ricans, Dr. Pantoja received numerous awards. In addition to the Hispanic Heritage Award, the Julia de Burgos Award and the National Mujer Award, Dr. Pantoja received the Presidential Medal of Freedom, the highest civilian honor bestowed by the United States of America.

Dr. Antonia Pantoja truly was the highest example for the Puerto Rican community. As a model leader, she valued education, civil rights, and equality of opportunity. Her memory will live forever in respect and dignity.

A TRIBUTE TO BALTIMORE SUN REPORTER KAREN HOSLER: A GOOD JOURNALIST, A GOOD FRIEND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to my friend, Karen Hosler, an outstanding reporter at the Baltimore Sun.

Over three decades, Karen has chronicled the political system from small town Maryland to the Nation's Capital, with the Sun as her outlet since 1977.

She and I have traveled through Maryland state and national politics together, although on different sides of the street as reporter and politician.

We both graduated from the University of Maryland, albeit a number of years apart.

After a short stint as a staffer on Capitol Hill, she began her career as a journalist covering county government and politics at a weekly newspaper in the Maryland suburbs of Washington, the Prince George's County News, shortly after my own career in politics had begun in that county as a state senator.

The first time that we met I was a little bit less than friendly to the new reporter at the Prince George's County News. I was frustrated by an unbalanced story written by her predecessor just before the election. But Karen held her ground and we embarked on a relationship based on respect for the other's role in the democratic process that eventually would become a friendship.

Three years later, she joined the staff of a historic daily newspaper in Maryland's capital city of Annapolis, the Capital. Karen covered state politics, including the governor and the state legislature, for the Capital from 1974 to 1977 which matched my election to the presidency of the Maryland State Senate in 1975.

She was always a tough interrogator of a politician. She asked the hard questions that we didn't always like to answer, but she always got it out of us. Karen asked not just what but why. She took her responsibility as a reporter very seriously and her readers were the better for it. They were better informed and better able to make judgments about their representatives, their government and its policies.

In 1977, Karen joined the Sun, one of our country's preeminent newspapers. She began at the Sun where she originally started her career—covering local government.

Two years later, she was back in Annapolis covering politics and state government.

In 1983, Karen moved from Annapolis politics to national politics—after four years on the state political beat, Karen was assigned to cover the Maryland congressional delegation on Capitol Hill. I had been elected to Congress in a special election two years before.

For the next twenty years, she reported from Washington for the Sun from numerous vantage points, while I worked hard to represent the Fifth Congressional District well, and our paths crossed often.

After five years of following the congressional delegation she moved to the White House. Five years later, in 1993, she was back on Capitol Hill as the national congressional correspondent. I was in my fourth year as Chairman of the Democratic Caucus.

In 1998 she became the acting Deputy Washington Bureau Chief directing national, international and Washington regional coverage until January 1999, when she returned to the national political beat.

Now, after thirty years of outstanding political reporting at all levels, Karen is leaving her friends and colleagues in Washington to join the Sun's editorial board in Baltimore.

Karen will bring to the Editorial Board a perspective shaped by three decades of observation and analysis of every level of government.

Thomas Jefferson, who both used the press to proselytize and suffered under opponents' vicious attacks delivered through newspapers, said the following: ". . . were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."

Jefferson knew that the press is an essential cog in democracy's engine, without which our country would not enjoy the quality of government and freedoms it has. It is the men and women behind the newsprint who perform the vital role of examiner of government and act as a crucial source of information for citizens.

Without the hard work and intellect of reporters and editors the vaunted principle of the freedom of the press would surely wither and die.

Karen Hosler, as one such reporter, has contributed immensely to educating the citizenry on local, state and national politics throughout her career at the Baltimore Sun.

I have great respect for Karen, the journalist, who through her political reporting has done more than her share to keep our democracy vital. And, as her friend, I wish her great success in the exciting new challenge on which she now embarks.

I wish Karen Hosler the best of luck in her new position at the Sun, where she will have a broader opportunity than ever before to shape opinion and inform her readers.

HONORING THE TENTH ANNIVERSARY OF THE AMERICAN CHAMBER OF COMMERCE IN UKRAINE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. SCHAFFER. Mr. Speaker, on June 6, 2002, the American Chamber of Commerce in Ukraine will celebrate the tenth anniversary of its founding. It is with a tremendous amount of respect and admiration that I rise today, both to congratulate it on the longevity and success of the organization, and recognize the true spirit of American enterprise and capitalism this institution provides in Ukraine.

The founding of "AmCham Ukraine" was inspired by a June 1992 meeting of U.S. Ambassador to Ukraine, Roman Papadiuk and the American business community having operations or financial interests in Ukraine. During the meeting, all participants agreed upon the overwhelming need to create a private, non-governmental organization, under which companies could strengthen themselves through one common voice, and achieve designated goals to further advance American business interests in Ukraine. As a result, the decision was made to formally establish the American Chamber of Commerce in Ukraine. Its two principle objectives are to provide cohesive support for member companies, and promote the entrance of new foreign investors.

The success of AmCham Ukraine has been monumental. Member companies currently represent a majority of the foreign direct investment in Ukraine and provide Ukrainian citizens with more than 300,000 jobs. In addition, AmCham Ukraine members contribute a large share of tax revenues to Ukraine's budget each year. The group also promotes new foreign investors in the Ukrainian market by assisting them in gathering information and making the appropriate contacts, thereby enabling the advancement of strategic business plans.

As a founding member of our Congressional Ukrainian Caucus, and Co-Chairman, I have found AmCham Ukraine to be an indispensable partner in our efforts to strengthen the relationship between the United States, this House, and the Ukrainian people. AmCham's leadership in identifying key issues and providing timely research has been invaluable in promoting prosperity among Ukraine's citizens and cooperation between the two countries.

Mr. Speaker, the American Chamber of Commerce in Ukraine is an institution founded on the basic American principles of free-markets, competition, and democracy through capitalism. I am proud to speak before the entire House of Representatives today to mark such a worthy occasion, and extend my sincere congratulations to all AmCham Ukraine administrators and the member companies. While I cannot be in Ukraine to personally attend the scheduled celebration there, I extend my personal thanks to my good friend, Prime Minister Antoliy Kinakh, Deputy Head of the Presidential Administration, Palov Haydutsky, and all my friends in the Verkhouna Rada for their attendance and support.

Thank you, Mr. Speaker.

SHEER ENERGY'S $80 MILLION CONTRACT WITH IRAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. LANTOS. Mr. Speaker, today I am introducing a resolution condemning Iran's continued support for international terrorism, its efforts to acquire weapons of mass destruction and the means to deliver them, and a recent investment that supports these heinous activities, which are of utmost concern to the national security interests of the United States and to the war on terrorism. In particular, this resolution addresses the Canadian oil company Sheer Energy and the National Iranian Oil Company recent announcement of an $80 million contract for development of an Iranian petroleum field.

I am appalled that a Canadian oil company would aid and abet Iran's campaign of international terrorism by cutting a deal with the regime's oil exploration and development arm. The $80 million contract to develop oil fields in Iran shows conspicuous contempt for the terrorist threat that Iran clearly represents. Furthermore, Iran is clearly embarked on a policy of developing weapons of mass destruction with oil profits such as those to be gained through this deal. I call on the Administration to impose the stiffest sanctions on this rogue company in accordance with the law of the land. We cannot permit greedy multinational corporations to lubricate the machinery of terrorism operating in Iran and elsewhere through such corrupt and inhumane oil deals.

Mr. Speaker, this oil deal flouts much more than United States law. It flouts every principle America and all civilized nations are fighting for in the war against terrorism. It flouts the memory of all those innocent men and women that perished on September 11th, including a number of Canadian nationals. The profits reaped from this deal by the ayatollahs in Iran will be used to bankroll terrorist organizations, such as Hizbollah, that target U.S. citizens and interests abroad. I am introducing a resolution today which urges the Bush Administration to punish the Canadian company with economic and financial sanctions in accordance with the Iran-Libya Sanctions Act. We must shut off the spigot of blood money to Iran now—or pay the price in lives lost later.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 6, 2002, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 7

9:30 a.m.
Joint Economic Committee
To hold hearings to examine employment-unemployment situation for May.
1334 Longworth Building

JUNE 11

9:30 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the government of the District of Columbia, focusing on the Anacostia Waterfront Initiative.
SD–192

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine spectrum management, focusing on improving the management of government and commercial spectrum domestically and internationally.
SR–253

10 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine cruise missiles and unmanned aerial vehicle threats to the United States.
SD–342

Judiciary
To hold hearings to examine the criminal justice system and mentally ill offenders.
SD–226

2:30 p.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings to examine the prevention of elderly falls.
SD–430

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings on S. 2541, to amend title 18, United States Code, to establish penalties for aggravated identity theft.
SD–226

Foreign Relations
African Affairs Subcommittee
To hold hearings to examine U.S. policy in Liberia.
SD–419

JUNE 12

9:30 a.m.
Governmental Affairs
To hold hearings to examine the status of childhood vaccines.
SD–342

Environment and Public Works
To hold hearings to examine the costs and benefits of multi-pollutant legislation.
SD–406

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider S. 710, to require coverage for colorectal cancer screenings; S. 1115, to amend the Public Health Service At with respect to making progress toward the goal of eliminating tuberculosis; S. 2184, to provide for the reissuance of a rule relating to ergonomics; S. 2558, to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries; S. 2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality; and the nominations of Thomas Mallon, of Connecticut, Wilfred M. McClay, of Tennessee, and Michael Pack, of Maryland, each to be a Member of the National Council on the Humanities, National Foundation On the Arts and the Humanities.
SD–430

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine Internet corporations for assigned names and numbers.
SR–253

Judiciary
Constitution Subcommittee
To hold hearings to examine issues with respect to reducing the risk of executing the innocent, focusing on the Report of the Illinois Governor's Commission on Capital Punishment.
SD–226

JUNE 13

10 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of the Interior.
SD–124

Foreign Relations
To hold hearings on the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, and signed on behalf of the United States of America on July 17, 1980 (Treaty Doc. 96 53).
SD–419

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine cross border trucking issues.
SR–253

JUNE 19

10:30 a.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine penalties for white collar offenses.
SD–226

HOUSE OF REPRESENTATIVES—*Thursday, June 6, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 6, 2002.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Rabbi Dov Hazdan, The Ner Tomid K, Staten Island, New York, offered the following prayer:

Our Father who art in Heaven, we stand before Thee as the world faces very dangerous and troubling times. We seek Thy blessing and guidance for peace and tranquility for all mankind.

Bless Thou our glorious land of liberty, our leaders and these representatives who are charged with the great responsibility of directing the affairs of our Nation. May Thy spirit dwell richly within them as they manifest abiding courage and sincere faith, in the cherished traditions of our Founding Fathers, to work for freedom, justice and peace. Grant them loving kindness and patience, understanding and foresight so that they will ever be warmed by Thy love and nurtured by Thy teachings.

May the United States of America under God remain a symbol of freedom and a watchtower from which rays of light and hope shall be beamed to those who are now living in darkness and despair. Hasten the day when the great hope of universal peace will prevail throughout the world with justice and freedom for all people. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HYDE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. HASTINGS) come forward and lead the House in the Pledge of Allegiance.

Mr. HASTINGS of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

Mr. KUCINICH. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 37, nays 363, not voting 34, as follows:

[Roll No. 213]

YEAS—37

Becerra
Bishop
Capuano
Carson (IN)
Clay
Conyers
Delahunt
Doggett
English
Evans
Filner
Hastings (FL)
Hinchey
Honda
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kucinich
Langevin
Lee
Markey
Matsui
McDermott
McNulty
Miller, George
Mink
Olver
Rangel
Rodriguez
Sanders
Simmons
Stupak
Tierney
Velázquez
Waters
Woolsey

NAYS—363

Abercrombie
Ackerman
Aderholt
Akin
Allen
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
LaFalce
LaHood
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Rivers
Roemer
Rogers (KY)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—34

Andrews
Armey
Barton
Blunt
Callahan
Combest
Cooksey
Cubin
DeLay
Ehrlich
Engel
Gilchrest
Gordon
Goss
Gutierrez
Hilleary
Houghton
Kaptur
Kirk
Kolbe
Lantos
Lewis (GA)
Lowey
Meek (FL)
Moran (VA)
Rahall
Reynolds
Riley
Towns
Traficant
Walsh
Watts (OK)
Wexler
Young (AK)

□ 1028

Messrs. GILMAN, DAN MILLER of Florida, LARSON of Connecticut, POMEROY, UDALL of New Mexico, QUINN, KILDEE, AKIN, BERRY, BOEHLERT, SHAW and Mrs. CAPPS changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. KAPTUR. Mr. Speaker, the following Members were unavailable for rollcall vote 213 this morning, on the Motion to Adjourn, due to a meeting we were holding with President of Egypt Hosni Mubarak at Blair House relating to the Middle East Peace Process:

The gentleman from Alabama (Mr. Callahan), the gentleman from Arizona (Mr. Kolbe), the gentleman from Florida (Mr. Goss), the gentleman from California (Mr. Lantos), myself, the gentlewoman from Ohio (Ms. Kaptur), the gentleman from West Virginia (Mr. Rahall), the gentleman from Virginia (Mr. Moran), and the gentlewoman from New York (Mrs. Lowey).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood). The Chair announces that 1-minutes will be postponed until the end of the day.

□ 1030

PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Mr. Speaker, under rule IX, I rise to a question of the privileges of the House, and I offer a resolution.

The SPEAKER pro tempore (Mr. LaHood). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

> Whereas the President's constitutional duty is to faithfully execute the laws of the United States, and
>
> Whereas, under the Constitution, treaties have the status of "supreme law of the land," equally with other laws, and
>
> Whereas, the President does not have the authority to repeal laws, and
>
> Whereas, the President is not authorized to withdraw unilaterally from treaties in general, and the Anti-Ballistic Missile Treaty in particular, without the consent of Congress, and
>
> Whereas, the President unilaterally withdrew the United States of America from the Anti-Ballistic Missile Treaty of 1972 without seeking or obtaining the consent of either house of Congress; therefore be it
>
> *Resolved*, That the President should respect the Constitutional role of Congress and seek the approval of Congress for the withdrawal of the United States of America from the Anti-Ballistic Missile Treaty.

POINT OF ORDER

Mr. HYDE. Mr. Speaker, I make a point of order that the resolution does not constitute a question of privilege under rule IX of the rules of the House.

Mr. Speaker, I would like to speak specifically to the parliamentary issue before the House, whether the resolution offered by the gentleman from Ohio constitutes a question of privilege. The starting point for this inquiry is the rules of this institution, and in particular rule IX which governs questions of privilege.

Rule IX states that in order for a resolution to constitute a question of privilege of the House, it must deal with matters "affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings" or "affecting the rights, reputation and conduct of the Members, Delegate or the Resident Commissioner, individually, in their representative capacity only."

An important clarification of this rule is set forth in section 702 of the House Rules and Manual. That section states that, under applicable House precedents, "rule IX is concerned not with the privileges of the Congress, as a legislative branch, but only with the privileges of the House, as a House."

Mr. Speaker, in this connection I think it is important to emphasize the gentleman's resolution relates to the termination of a treaty. As we all know, the Constitution gives the House of Representatives no role in the approval of treaties. Under article 2, section 2, clause 2 of the Constitution, the Senate alone has the prerogative to review treaties and approve their ratification by the President. Until the Senate grants its approval, a treaty may not be ratified and enter into force.

In the case of the antiballistic missile, or ABM, treaty, which is the subject of this resolution, the Senate approved ratification of the treaty on August 3, 1972, and President Nixon ratified it 2 months later. Once this happened, the ABM treaty became the supreme law of the land pursuant to article 6, clause 2 of the Constitution. All of this happened without any involvement by the House of Representatives, which is as it should be under the Constitution. In addition, the treaty itself under article 15 states that "each party shall, in exercising its national sovereignty, have the right to withdraw from this treaty."

The sponsor of this resolution argues that even though the House of Representatives had no role in bringing the ABM treaty into force, we somehow have an indispensable constitutional role in deciding whether to approve the termination of the treaty. I could understand someone in the Senate making such an argument about the prerogative of the Senate in such matters, but I am mystified how anyone could read such a prerogative into the Constitution for the House of Representatives.

More to the point, the Supreme Court has told us that not even the Senate has such a prerogative. In 1979 in the case of Goldwater v. Carter, the Supreme Court rejected a claim by former Senator Goldwater that President Carter had acted unconstitutionally by abrogating our mutual defense pact with Taiwan without first obtaining the Senate's permission to do so. I happen to share some of Senator Goldwater's reservations about President Carter's action with regard to our commitments to Taiwan. But disagreeing with the substance of the action is very different from claiming that the action itself was unconstitutional. That is in effect what the Supreme Court told Senator Goldwater when it threw his case out of court.

I would urge the sponsor of this resolution to take that lesson to heart. He certainly has the right to disagree with President Bush's decision, and I would welcome a debate on any properly framed legislation he might want to offer addressing that decision, or questions of missile defense more generally. But it ill serves this institution, to say nothing of the Constitution, to accuse the President of violating the Constitution when Supreme Court precedent and 215 years of practice make clear that the President was fully within his rights to act as he did.

Out of respect for this institution and our Constitution, I would urge the gentleman to withdraw his resolution. Failing that, I would urge the Chair to rule the resolution out of order, and I would urge my colleagues to sustain that ruling if appealed.

The SPEAKER pro tempore. Does the gentleman from Ohio wish to be heard?

Mr. KUCINICH. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. KUCINICH. Mr. Speaker, I would like to begin by thanking my good friend from Illinois and letting him know that this is not about the ABM treaty. This is really about the role that this institution has in a democracy. Mr. Speaker, almost 226 years ago, the Founders of this great Nation cast off the yoke of imperialism and declared their independence from the tyranny of King George III. Soon after, these United States weaved from the sturdy threads of justice and democracy a Constitution to serve as the ultimate guardian of rule by the people and for the people. Over two centuries later, these documents still comprise the fabric of our Republic.

Unfortunately, Mr. Speaker, this fabric is today being steadily frayed by an executive that does not respect the constitutionally protected role of this Congress in the governance of our Nation. The President insists that he has the unilateral authority to terminate treaties; but article 1, section 1 of our Constitution clearly states, quote, "all legislative powers shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives."

The Constitution empowers Congress to establish laws and charges the President with carrying out these laws. Nowhere in this Constitution does it give the President the authority to repeal laws. Only Congress has the authority to undo its legislative work. Yet this is exactly what the President has done, unilaterally repeal a law, the ABM treaty, that was constitutionally enacted by joint action of the legislature and executive, Senate ratification and Presidential signature.

The Constitution sets up the legislature and the executive as coequal and separate branches of government. Allowing the President to execute only those laws he agrees with obliterates our carefully constructed system of checks and balances. If the President acts both as the maker and the executor of laws, why have a Congress at all? Such action was so offensive to liberty that Thomas Jefferson cited it in the Declaration as a grievance warranting disaffiliation with Britain. Thomas Jefferson chafed at the actions of King George and others, quote, "suspending our legislatures and declaring themselves vested with power to legislate for us in all cases whatsoever."

Mr. Speaker, your decision today to grant privilege to this motion should take into consideration the grave challenge to the Constitution the President has made in his unilateral withdrawal from a treaty; but your decision, Mr. Speaker, will and must turn on House precedent. My motion to raise a question as to the privileges of this House under rule IX falls under section 702 of the rule and, Mr. Speaker, section 702 of this rule, which I have highlighted here in green in the Jefferson manual, and I would ask my colleagues to look at this because these are the rules that we play by. Section 702 of this rule states, "The constitutional prerogatives of the House also include its function with respect to treaties." I am going to read that again. The constitutional prerogatives of the House, also include its function with respect to treaties.

Hind's notations in this book contains 36 precedents. Thirty-five of them do not have any bearing on this issue today, but one of them does, Mr. Speaker, and I believe that one establishes the precedent for my motion today. I refer specifically to notation 1505. On March 2, 1835, the House agreed to the following resolution which read in part, "Resolved, that in the opinion of this House, the treaty with France of the 4th of July, 1831, should be maintained."

Why did the House pass a resolution stating that a treaty should be maintained? The treaty with France was done to settle claims by the U.S. against France for the confiscation of American vessels and cargo. At the time France confiscated American property, our two countries were hostile towards each other. The treaty of 1831, then, was an act of diplomacy intended to prevent the resumption of hostilities through the diplomatic resolution of claims. President Andrew Jackson was unhappy with French compliance with the treaty, which in his opinion was too slow. President Jackson, according to "A Diplomatic History of the American People" by Thomas Bailey, was thoroughly aroused. "The French," he was reported to have shouted, "won't pay unless they're made to." He declared that Congress should authorize the Federal Government to seize French property.

According to another source, "A Diplomatic History of the United States" by Samuel Flagg Bemis, "Further negotiation," Jackson declared, "was out of the question." In other words, Mr. Speaker, President Jackson wanted to withdraw from the treaty with France. The House, wanting to support the President, gave the President the authority to make contingent preparations to meet any emergency growing out of relations with France. But, and this is a critical point, Mr. Speaker, the House did not authorize the President to withdraw from the treaty. Rather, the House asserted the opposite, that the treaty should be maintained. Congress insisted that the President not rule out of question further negotiation with France as his rhetoric and actions suggested he wanted to.

□ 1045

Instead, Congress in effect told him he had to continue negotiating with France.

Now, I ask my colleagues today, who here has the courage, like our vaunted predecessors in this hallowed body, to assert Congressional prerogative? Who here will challenge a power grab by the chief executive?

The world's geopolitical trash bin is already littered with treaties and agreements unilaterally discarded by the United States under this administration. Congressional requests for testimony and information are routinely ignored. Our insistence on our oversight role is scoffed at. We must assert our role in this treaty withdrawal in order to prevent further erosion of constitutional authority.

Mr. Speaker, in 1835 the House of Representatives asserted its prerogative with respect to treaties, and that law is why this reference is in this manual. It did not permit the President to unilaterally withdraw from the treaty with France as he clearly intended to do and as he stated his intention to do so. Instead, through action in this House, Congress affirmed that the treaty with France be maintained. This episode, Mr. Speaker, set a precedent for this House that bears directly on this resolution today.

My resolution states, "Resolved, that the President should respect the constitutional role of Congress and seek the approval of Congress for the withdrawal of the United States of America from the Antiballistic Missile Treaty." In other words, before the President unilaterally withdraws the United States from a treaty, he should seek approval of the Congress, as the Congress of 1835 asserted.

Mr. Speaker, it is my belief that the privileges of this House as set forth by a precedent in 1835 have been violated by the President. My motion claims that a privilege of this House has been violated, and it is a privilege that sits on 167 years of precedent.

Mr. Speaker, indeed, in more than two centuries, only a handful of treaties have been unilaterally terminated by the President. In the vast majority of those cases, one or both of the Houses of Congress consented.

My motion, Mr. Speaker, deserves to be heard today. Supreme Court Justice Frankfurter ruled 50 years ago, "The accretion of dangerous power does not come in a day. It does come, however, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority."

Mr. Speaker, at issue today are not the specifics of the ABM treaty, the merits of missile defense or any other policy considerations. At issue is whether this House of Representatives, this Congress, will stand up to an imperial President.

"The history of the present king of Great Britain," wrote Thomas Jefferson in this declaration, "is a history of repeated injuries and usurpations."

How many injuries and usurpations must this Congress endure before it fights back? How much longer will we allow this executive to trample on our Constitution? I urge the Speaker to allow this motion to be heard, and I urge my colleagues to defend this document, our Constitution of the United States, which establishes the centrality of the role of this Congress.

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from Illinois (Mr. HYDE) wish to be heard further on the point of order?

Mr. HYDE. I would like to be heard further on my point of order.

Mr. Speaker, if the gentleman from Ohio, who is my good friend and someone for whom I have the utmost respect, but if his theory has any substance, then the Mutual Defense Treaty with Taiwan which President Carter abrogated unilaterally must have undergone resurrection. It was improperly terminated then, and how many treaties over the years have been terminated without the involvement of the House that have now experienced Easter?

Now, it is a matter of fact that the treaty itself provided a means for revocation and the Senate ratified the treaty in all of its verbiage in all the four corners of the document, and article 15, section 2, as ratified by the United States Senate pursuant to the Constitution, says, "Each party shall in exercising its national sovereignty have the right to withdraw from this treaty," et cetera, et cetera.

The President was required to give 6 months notice, he did give 6 months notice, and June 13 of this year equals the 6-month period where the revocation becomes final.

So the Congress was involved in the treaty ratification pursuant to the Constitution, which gives the House no role in ratifying treaties. The rule the gentleman referred to talks about the House's role in implementing treaties through legislation. Yes, we have that role, we always have. But that is a far cry from saying we must approve a termination of a treaty which, by its terms, provided a process for revocation by the President.

Mr. KUCINICH. Mr. Speaker, may I respond.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. KUCINICH. Mr. Speaker, my good friend from Illinois would be interested to hear the words of a constitutional law scholar who wrote in the New York Times on August 29, 2001, and this is from Professor Bruce Ackerman, he said, "Presidents can't terminate statutes they don't like. They must persuade both houses of Congress to join in a repeal. Should the termination of treaties operate any differently? The question first came up in 1798. As war intensified in Europe, America found itself in an entangling alliance with the French under treaties made during our own revolution. But President John Adams did not terminate these treaties unilaterally. He signed an act of Congress to declare the treaties heretofore concluded with France no longer obligatory on the United States. The next case was in 1846. As the country struggled to define its northern boundary with Canada, President James Polk specifically asked Congress for authority to withdraw from the Oregon Territory Treaty with Great Britain and Congress obliged with a joint resolution. Cooperation of the legislative and executive branches remained the norm, despite some exceptions, during the next 125 years."

That is from constitutional scholar Bruce Ackerman.

Furthermore, citing my good friend from Illinois who spoke of Goldwater versus Carter, another constitutional scholar, Peter Weiss, said in a work called The President, the Constitution and the ABM Treaty, "It is generally believed that Congress lost this case, Goldwater versus Carter, precluding further challenges to unilateral presidential termination. But as a vast number of commentators have pointed out and as the following analysis will show, this is a vast oversimplification of the extraordinary complex set of judicial rulings. In fact, Congress' role in treaty termination is very much alive. As Chief Judge Wright of the D.C. Circuit, quoted with approval by Justice Rehnquist of the Supreme Court, said in the Goldwater case, Congress has a variety of powerful tools for influencing foreign policy decisions that bear on treaty matters. In the first stage of the constitutional debate between 24 members of Congress and President Carter, Judge Oliver Gasch of the District Court of the District of Columbia District found that the plaintiffs had standing to invoke the aid of his court and their suit was not barred by the political question doctrine. In approaching the substantive question of treaty termination authority, on which the Constitution is silent, Judge Gasch first reviewed the history of two centuries of treaty termination. He found that, while there have been some apparently unchallenged instances of unilateral termination by the President, most of these involved 'commercial situations where the need for the treaty or the efficacy of it was no longer apparent.'"

More significantly, Mr. Speaker, he found out that "The great majority of the historical precedents involved some form of mutual action whereby the President's notice of termination received the affirmative approval of the Senate or of the entire Congress."

I want to conclude by stating this. He says, "The President invoked his foreign affairs power in support of his position," citing the famous, or infamous, depending on one's views, dictum in Curtiss-Wright, that he is "the sole organ of the Federal Government in the field of international relations."

But that case involved an executive agreement, not a treaty, and Judge Gasch dismissed the argument in the following terms: "While the President may be the sole organ of communication with foreign government, he is clearly not the sole maker of foreign policy. In short, the conduct of foreign relations is not a plenary executive power."

Mr. HYDE. Mr. Speaker, may I be heard further?

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HYDE. Mr. Speaker, the Constitution, section 2, says he shall have the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

I have looked through this document. It does not say a single blessed thing about revocation or termination of treaties. It talks about the making of them, and it is the Senate who advises and consents, with two-thirds in support.

Now, I would like to ask my dear friend if there is any merit or substance to his position, how many votes of the House will it take to ratify a termination and where do you find that?

The SPEAKER pro tempore. The Chair will hear the gentleman from Illinois, but Members should not be yielding back and forth.

Do any other Members wish to be heard?

Mr. KUCINICH. Mr. Speaker, I would like to answer the gentleman from Illinois.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. KUCINICH. Mr. Speaker, the gentleman from Illinois speaks to the Senate's ability to make treaties.

Mr. HYDE. Ratify.

Mr. KUCINICH. Ratify treaties. But it does not speak to the President's authority to break treaties which he has no authority to do, as the treaty is a law.

Mr. HYDE. Mr. Speaker, if I may be heard further, but the treaty itself, Mr. Speaker, provides a mechanism for terminating the treaty, and that treaty was ratified by a two-thirds vote of the Senate, which involved the House constitutionally. So, I just do not see what the gentleman's complaint is.

The SPEAKER pro tempore. The Chair would remind Members that they are to make their points to the Chair.

Mr. KUCINICH. Mr. Speaker, my good friend, the gentleman from Michigan (Mr. KILDEE), points out that in article VI it says, "This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made," and all treaties made, "or which shall be made under the authority of the United States, shall be the supreme law of the land."

It is a law and the President cannot unilaterally break a law. It is not his right under the Constitution.

The SPEAKER pro tempore. Does the gentleman from Illinois wish to be recognized?

Mr. KIRK. Mr. Speaker, I seek to be recognized on the point of order.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. KIRK. Mr. Speaker, I rise to support the gentleman from Illinois (Chairman HYDE) in his objection on this motion.

The gentleman from Ohio refers to House rule 9 preserving the integrity of the House, but he does not refer to article II of the Constitution, which clearly places the power to ratify treaties not in this body, but in the Senate.

□ 1100

He does not refer to the text of the ABM treaty, which reads as follows, in article 15, part 1: "Each party shall, exercising its national sovereignty, have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interest. It shall give notice of its decision to the other party 6 months prior to the withdrawal from the treaty," which the President has done.

This power is given directly to the President to respond to increased threats from missiles by withdrawing from the outdated 1970s document.

This motion by the gentleman from Ohio (Mr. KUCINICH) ignores settled Supreme Court decisions regarding the abrogation of the treaty with Taiwan. This motion does not refer to the SHAHAB III Iranian missile program, the Iraqi Scud program, the North Korea No Dong missile program, all pointed at the U.S. Armed Forces. It makes no reference to the 39 Scud missiles that fell on Israel and the growing missile threat to our Israeli allies.

Under the terms of the Constitution, giving this power to the Senate, not to the House, in a treaty which specifically allows the President to withdraw from it, and relevant Supreme Court decisions regarding the abrogation of the treaty, and in light of the growing missile threat from rogue nations to the United States and our allies, the President has duly executed this authority and the House has no role.

In sum, Mr. Speaker, this is a treaty, not a law. A treaty should be regarded as a statute, especially with regard to implementing legislation requiring House action. That is not present here, and the motion should be ruled out of order.

The SPEAKER pro tempore (Mr. LAHOOD). Does any other Member wish to be heard?

Mr. NADLER. I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this is a very, very important debate. I want to commend the gentleman from Ohio (Mr. KUCINICH) for bringing this resolution before the House.

I would direct my remarks particularly to my friend, the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations.

There are two texts that are key here. One is the provision in article 6 of the Constitution that the gentleman from Ohio read a few minutes ago: "The Constitution and the laws of the United States, which should be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land."

A treaty is a law, in exactly the same sense as any other law made pursuant to the Constitution of the United States. It is treated exactly the same. That is the first point.

The gentleman from Illinois read from the ABM treaty, and he read a sentence that says, and I do not have the exact words, and the gentleman from Illinois may wish to give me the exact words, but the parties shall have the authority to withdraw from the treaty. I think that is what the gentleman read, that the "parties" shall have the authority to withdraw from the treaty.

But who are the parties? The party is the United States, not the President. Indeed, the President, who signed it, Richard Nixon, I think, would we say that only Richard Nixon has the authority to withdraw from the treaty, or Richard Nixon's successors? No, the parties to the treaty are a country. The United States signs the treaty. Someone may sign on behalf of the United States, but the United States is the party to a treaty; so the United States may, according to its constitutional processes, whatever they may be, and that is what we are discussing here, withdraw from a treaty.

So that language in the treaty is not particularized to the President. The question is: How does the United States withdraw from a treaty? I submit this is a very important debate and should not be ruled out of order. It may be the resolution, it may be that we need further study of this.

Maybe one could make a case, I do not think so, but maybe one could make a case that rather than a vote of both Houses to withdraw from the treaty, we should need a two-thirds vote of the Senate, because that is how we got into it. I would not think so, but it may be.

But the fact is, it is the law. The Constitution in article 6 says that the treaty which shall be made under the authority of the United States shall be the supreme law of the land. We cannot permit, in a democratic society, the President by himself or any other person by himself to repeal a law. That is not our system.

It is, frankly, puzzling to me, it has been puzzling for a long time, and I think this opens a number of questions, that we have various trade treaties which do not get two-thirds votes in the Senate and require votes in the House and Senate. I do not understand why they are not treaties. There are provisions in the Constitution that we seem to have conveniently forgotten about.

I think that this provision is very clear: a treaty is a law, exactly the same as any other law. It can be repealed in the same way, and the language of the gentleman from Illinois, that the distinguished chairman cited in the treaty itself, simply says the parties may withdraw from the treaty; but the party in this case is the United States.

The parties it refers to are the United States and Russia and China; China did not sign it, but France, and whoever else signed the treaty. A party to a treaty has always been held in law to be the country, not the individual who signed on behalf of the country.

The SPEAKER pro tempore. The gentleman recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, the gentleman reminds us that a treaty is the supreme law of the land, and then says that the President cannot abrogate the law unilaterally without some legislative action.

I suggest that the President has followed the law to the letter. The law is in the treaty. The treaty itself provides a mechanism for withdrawing from the treaty: "Each party shall, in exercising its national sovereignty. . . . " How do we exercise our national sovereignty? The gentleman would suggest a plebiscite throughout the country.

The very words of the treaty, which are the supreme law of the land, have been observed by the President. So that argument is a nullity.

Secondly, do all Members, and I am asking this rhetorically, do all Members concede the Taiwan defense treaty as still valid and that President Carter's termination of it was illegal, and of no force and effect? They have to hold that position if they hold the position they are arguing today.

I submit this is not a privilege of the House.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me acknowledge the distinguished gentleman from Illinois (Mr. HYDE) for his recounting of the past history with the Taiwan agreement. I might not be quoting specifically from the Constitution, but past errors do not suffice for allowing us to continue in that path.

What we have not done, Mr. Speaker, is to focus on the language that the distinguished gentleman from Ohio (Mr. KUCINICH) has offered. The language specifically said: "Resolved, that the President should respect the constitutional role of Congress and seek the approval of Congress for the withdrawal of the United States of America from the antiballistic missile treaty." Nowhere does it distinguish between House and Senate. The gentleman is only asking that the President not unilaterally withdraw from the ABM treaty.

If we look to the Constitution, we will find that there are three articles that begin our Constitution: article I, the legislative branch; article II, the executive branch; and article 3, the judicial branch. None of those branches are elevated higher than the next branch. These are three equal branches of government.

What we argue today is section 9 does allow a privileged resolution, if I might use the quote from rule IX of the privileged motion, ". . . must deal with the rights of the House and the dignity of the House."

The House is a reflection of the American people. The right of the House is to be part of a Congress that, in joint collaboration with the executive, then makes a determination as to whether the people of the United States withdraw from the ABM treaty.

The resolution does not ask for the House to act. It simply says it seeks the approval of Congress. We are asking that the President seek the approval of Congress; that before he moves forward with the final decision on the ABM treaty, he does not make a unilateral decision.

I believe, Mr. Speaker, this comes within the privileged motion. It comes within the rights of the House, the House being a reflection of the American people. I believe that it is clear that between the three branches of government, there is no superior branch.

As we know, those who escaped persecution and came to found the 13 Colonies in the United States of America decided to try to escape despotism and the oppression of a single ruler. Specifically, the Founding Fathers established three equal branches of government.

I believe we are abdicating our responsibilities as a House of Representatives, and therefore, the Congress of the United States, by suggesting that a President can unilaterally withdraw from a treaty as important as the Antiballistic Missile Treaty.

I would argue that rule IX does stand and does comply, or at least the motion of the gentleman from Ohio (Mr. KUCINICH) does comply with rule IX. It is a privileged motion. It protects the rights of the House. It should be adhered to, and we should be allowed to debate this very important statement and resolution on behalf of the dignity of the House, on behalf of the rights of the House, on behalf of the rights of the people of the United States of America and in reflection of the Constitution of the United States that indicates article 1, 2, and 3 are equal; and that, if by some error, we allow an erroneous action to take place under President Carter, that we should not continue such and we should begin to turn the tide by suggesting that the Congress has a viable role in ensuring that a unilateral decision as important as the ABM treaty should not be made by a single branch of the government, and that is the executive.

The SPEAKER pro tempore. Are there other Members who wish to be heard?

The Chair intends to recognize the gentleman from Pennsylvania (Mr. WELDON), the gentlewoman from California (Ms. LEE), and the gentleman from Ohio (Mr. KUCINICH), and the gentleman from Illinois (Mr. HYDE). That should conclude debate on the point of order and the Chair will be prepared to rule.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I support the position of the distinguished chairman. He is absolutely correct.

I would be happy to debate the merits of the President's decision in this body any day under an open process. But the gentlewoman from Texas just said that this House has the prerogative and that no one of our three branches is, in fact, greater than the other. I agree with her.

In fact, let us look at our constitutional history. When a Senator, a Member of the other body, challenged the actions of President Carter in his abrogation of the treaty with Taiwan, a Senator, who was part of the ratification of that treaty, went to the Supreme Court.

Now, the Supreme Court is the third branch of our government. As the gentlewoman said, none of the three branches are above the other. The Supreme Court would not even hear the case. The Supreme Court said that there is no standing of the Senator.

The Supreme Court is that third branch of our government that interprets the Constitution, not some scholar from Harvard, not some independence analyst. The Supreme Court issued an order saying to a Member of the other body: You have no standing. You have no standing to bring an action against the President, even though he in fact abrogated a treaty, which was allowed within the terms of the treaty.

So this debate has no basis. It has no substance. In fact, my colleagues on the other side have not even answered the question if they would in fact agree with what the gentleman from Illinois (Mr. HYDE) said, that, therefore, the treaty of Taiwan is still in place, because this issue is about the substance of the ABM treaty.

Let us have that debate. The gentleman can offer a bill, and we will debate it on the floor of the House as a sense of the Congress. But there is no standing, as determined by the Supreme Court.

Mr. Speaker, I include for the RECORD this brief one-paragraph statement by the Supreme Court in their opinion that the Senator had no standing in objecting to what President Carter did.

The SPEAKER pro tempore. Members may insert materials in the RECORD following disposition of the point of order.

The SPEAKER pro tempore. The gentlewoman from California (Ms. LEE) is recognized briefly.

Ms. LEE. Mr. Speaker, I want to commend the gentleman from Ohio for this very important debate with regard to our constitutional duties and our responsibilities.

Of course, I rise in support of the question of the privileged resolution, for this resolution. The rules actually state that a motion may be considered as a privilege when the integrity of the House is in question, so this integrity, I believe, is at stake when the President seeks to unilaterally revoke the laws of this Nation by single-handedly withdrawing from the ABM treaty.

The Constitution, and we have heard the debate this morning, it does not give the President the authority to repeal laws. That is a congressional function.

Article 1, section 1 of the Constitution says: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives." Foreign policy is not the exclusive domain of the executive. Congress has the right and the duty to fulfill its share of the balance of powers. That is what this is about.

I strongly support this privileged resolution to uphold the ABM treaty to protect American citizens and to uphold congressional authority. This is central to our democracy. The privileges of the House also reinforce these principles. Rule IX states that the constitutional prerogatives of the House also include its function with respect to treaties.

The treaty with France of July 4, 1835, and the House resolution stating that the treaty should be maintained is also precedent for today's motion. So we must stand up for these rights and for the public interest. That is what this debate is about.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KUCINICH) is recognized briefly.

Mr. KUCINICH. Mr. Speaker, I want to thank the Speaker for his indulgence in this extremely important debate.

If my colleagues' arguments are correct, then the House of Representatives in 1835 acted unconstitutionally when it passed the resolution stating that the Treaty of France "should be maintained." But, Mr. Speaker, in fact, no court has ever found that, in 167 years, that the House acted unconstitutionally in 1835. It is, therefore, not for opponents to say that the House has no role in treaty termination today.

My motion is therefore both constitutional, Mr. Speaker, and within the rules of the House. A party to a treaty is the country, not a specific President. In a democracy, a President is not sovereign. In America, the people are sovereign.

The SPEAKER pro tempore. The Chair is prepared to rule on whether the resolution offered by the gentleman from Ohio (Mr. KUCINICH) presents a question of the privileges of the House under rule IX.

The resolution offered by the gentleman from Ohio asserts a congressional prerogative over withdrawal from treaties by the United States and resolves that the President should not withdraw from a certain treaty absent the approval of the Congress.

The gentleman from Ohio argues that the Constitution has delegated to the Congress specific responsibility with regard to treaties. As argued by the gentleman from Illinois (Mr. HYDE) and as stated in section 702 of the House Rules and Manual, however, rule IX does not support a resolution as a question of privilege when the constitutional prerogatives of the Congress, as a legislative branch, are involved. Rather, it is properly involved only with regard to the privileges of the House, as a House.

□ 1115

The Chair was presented with an analogous situation on May 6, 1921. On that occasion, Speaker Gillett held that a resolution presenting a legislative proposition as a question of constitutional privilege under the 14th Amendment did not qualify as a question of the privileges of the House.

Speaker Gillett's rationale bears repeating: "The whole question of a constitutional privilege being superior to the rules of the House is a subject which the Chair has for many years considered and thought unreasonable. It seems to the Chair that where the Constitution orders the House to do a thing, the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses."

Before Speaker Gillett's ruling in 1921, Speaker Reed in 1898 had also ruled that the ordinary rights and functions of the House under the Constitution are exercised in accordance with the rules, without precedence as matters of privilege.

The Chair has evaluated similar resolutions in more recent years and determined in each case that a question of privilege was not presented. On February 7, 1995, a resolution invoking several Constitutionally-derived Congressional powers and prerogatives and resolving that an investigation be undertaken into Presidential actions allegedly infringing on such powers was offered as a question of privilege. In ruling that the resolution did not present a question of privilege, Speaker Gingrich stated: "Although the resolution may address the aspect of the legislative power under the Constitution, it does not involve a constitutional privilege of the House. Were the Chair to rule otherwise, then any alleged infringement by the executive branch, even, for example, through the regulatory process, on a legislative power conferred on Congress by the Constitution would give rise to a question of the privileges of the House."

On November 4, 1999, the Chair again ruled that a resolution alleging a certain imbalance in trade, invoking the Constitutionally-derived Congressional power to regulate interstate and foreign commerce, and resolving that the President act to alleviate the imbalance did not present a question of the privileges of the House.

Thus the Chair will continue today to adhere to the same principles enunciated by Speaker Gillett. The Chair holds that an assertion that the Constitution has reserved for Congress certain power with respect to treaties does not render a measure purporting to address the executive branch's exercise of such power a question of the privileges of the House.

The gentleman from Ohio (Mr. KUCINICH) has cited page 400 of the House Rules and Manual in support of his argument that resolutions invoking constitutional prerogatives with respect to treaties involve questions of the privileges of the House. The citations listed on page 400 of the Manual are from the second volume of Hind's Precedents at sections 1502 through 1537. The Chair would note that these examples, including section 1505, are merely instances where the House voted on or debated its proper or desired role in certain matters arising under the Constitution with respect to treaties. They are not occasions where resolutions on such topics were presented as questions of privilege. In particular, the example recorded in section 1505 involved a joint resolution reported by the Committee on Foreign Affairs and not considered as privileged on the floor.

The Chair would also note that the relief sought in the resolution offered by the gentleman from Ohio (Mr. KUCINICH) is in the nature of a desired policy objective. It does not seek to vindicate "the rights of the House collectively, its safety, dignity, or the integrity of the proceedings."

Accordingly, the Chair rules that the resolution offered by the gentleman from Ohio (Mr. KUCINICH) does not constitute a question of privileges of the House under rule IX, and may not be considered at this time.

Mr. KUCINICH. Mr. Speaker, I respectfully appeal the ruling of the Chair.

The SPEAKER pro tempore (Mr. LAHOOD). The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HYDE

Mr. HYDE. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Illinois (Mr. HYDE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KUCINICH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 169, not voting 11, as follows:

[Roll No. 214]

AYES—254

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berman
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor

Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—169

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berry
Blagojevich
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rangel
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Sherman
Shows
Skelton
Slaughter
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Boucher
Combest
Gilchrest
Greenwood
Houghton
Kingston
Lewis (GA)
Riley
Serrano
Smith (WA)
Traficant

□ 1143

Mr. WYNN and Ms. SCHAKOWSKY changed their vote from "aye" to "no."

Messrs. SANDLIN, COSTELLO, OTTER, BLUMENAUER, BAIRD and MOORE changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WELDON of Pennsylvania. Mr. Speaker, I include for the RECORD this brief one-paragraph statement by the Supreme Court in their opinion that the Senator had no standing in objecting to what President Carter did.

[GOLDWATER ET AL. v. CARTER, PRESIDENT OF THE UNITED STATES, ET AL.]

[444 U.S. 996; 100 S. Ct. 533; 62 L. Ed. 2d 428; 1979 U.S. Lexis 4144]

[**533] Certiorari granted, judgment vacated, and case remanded with directions to dismiss the complaint. Mr. Justice Marshall concurs in the result. Mr. Justice Powell concurs in the judgment [*997] and filed a statement. Mr. Justice Rehnquist concurs in the judgment and filed a statement in which The Chief Justice, Mr. Justice Stewart, and Mr. Justice Stevens join. Mr. Justice White and Mr. Justice Blackmun join in the grant of the petition for writ of certiorari but would set the case for argument and give it plenary consideration. Mr. Justice Blackmun filed a statement in which Mr. Justice White joins. Mr. Justice Brennan would grant the petition for writ of certiorari and affirm the judgment of the Court of Appeals and filed a statement. Reported below.—U.S. App. D.C. , F.2d .

□ 1145

GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks with respect to the debate on the point of order just concluded.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, those remarks will appear after the proceedings in the RECORD.

There was no objection.

PERMANENT DEATH TAX REPEAL ACT OF 2002

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 435 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 435

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2143) to make the repeal of the estate tax permanent. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 435 is a modified closed rule providing for the consideration of H.R. 2143, the Permanent Death Tax Repeal Act of 2001. The rule provides 1 hour of debate to be equally divided between the chairman and ranking minority member of the Committee on Ways and Means. The rule provides for consideration of the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying the resolution, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be debatable for 1 hour equally divided by a proponent and an opponent.

The rule waives all points of order against the substitute and provides for one motion to recommit with or without instructions.

Mr. Speaker, when Congress passed the Economic Growth and Tax Relief Reconciliation Act of 2001, providing for the phaseout and eventual repeal of Federal death taxes on American families, an arcane rule applicable only in the other body required that these long overdue reforms be abandoned after 10 years, in 2011.

The original version of the legislation, passed here in this Chamber, contained no such time limitation, and for good reason. That is because the ability of a family or business to plan for the future is seriously undermined whenever major uncertainty exists about the likely tax impact of important financial decisions. In truth, the net effect of the other body's decision to "sunset" the death tax repeal is to tell anyone planning to die 10 or more years from now that they might want to reconsider speeding things up. That is not an attempt to be funny, Mr. Speaker, it is the cold hard truth.

The issue of death tax repeal has been debated in this Chamber for decades, and the arguments are well known. Last year, when justice was finally done for America's farmers, small businessmen, death tax supporters found a loophole giving them one last chance to prevent America's hard-working families from passing on to their children what they have built up during their lifetimes. Today, Mr. Speaker, thanks to the author of this legislation, the gentleman from Florida (Mr. WELDON), we have a chance to close that unfair loophole once and for all.

It will be said here today that we have no authority to bind future Congresses and, of course, that is correct. We do, however, have the authority and the responsibility to act on behalf of this Congress and the farmers, the families and the small business people we represent. We should do this, Mr. Speaker, loudly and clearly by adopting this rule and passing the underlying bill, H.R. 2143.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 5½ minutes, and I would first like to thank the gentleman from Washington, on the basis of age the junior Mr. HASTINGS, for yielding me the time.

Mr. Speaker, today, this body has the opportunity to send a message loud and clear to Republicans: Playing politics with Americans' lives is no longer an acceptable practice. When this body passed a $1.6 trillion tax cut that disproportionately benefitted the wealthiest of Americans, it laid the foundation for the deterioration of our strong economy which previously had been capable of coping with even the most dire of circumstances.

We were wrong when we passed the tax cut then, and we are wrong today in trying to make a huge portion of it permanent. This is fiscal mismanagement of the highest order and rank politics of the lowest kind. Go ahead and call me a modern day Robin Hood, looking out for all the human needs of all Americans, or just call me fiscally responsible; but repealing the sunset for the estate tax is the next phase in the majority's efforts to provide tax cuts to the wealthy at the expense of 99 percent of this country who will not benefit by this legislation.

Realize, Mr. Speaker, that less than one-half of 1 percent of all estates would be helped by a repeal of the estate tax. And even these estates would pay significantly less in taxes because of the lower rates and higher exemption that is already in place. Those who would benefit, and I impute no motive if this bill passes today, on present-day income, President Bush's family stands to gain $5 million, Vice President CHENEY's family stands to benefit anywhere from $9 to $40 million, the former Enron chairman Kenneth Lay's family stands to benefit $59 million, and the families of the entire Bush cabinet together stand to gain as much as $332 million.

According to the Wall Street Journal, not a paper that I frequently cite or that I am frequently cited in, the Republicans could make permanent any of the other tax cuts included in last year's tax bill and they would help more people and cost Social Security less than the total cost of repealing the estate tax.

Mr. Speaker, if our economy was growing like it was before last year's obese, obtuse, and downright obnoxious tax cut, I would be the first one to support cutting taxes. But our economy is not growing. In fact, it is hurting. So I ask this: How can we possibly continue to fund a war on terrorism that may never end, ensure the solvency of Social Security, keep our schools from crumbling, provide adequate care coverage for all children, and cut taxes at the same time?

The simple answer is that we cannot. It is just not fiscally possible. As a matter of fact, today President Bush will make an address to the Nation in which he will call for the establishment of the Homeland Office of Security as a Cabinet-level position. I advocated this in legislation as many as 8 months ago, but President Bush, in order to achieve this as I did when I advocated it, is going to require more resources.

8.1 million Americans are unemployed, and more than 116,000 people lose their jobs every month, 9,000 in the last 2 days. Equally, displaced workers, as a result of September 11, still have no health care coverage, and the unemployment insurance coverage that Congress extended last year is once again about to expire. How about helping the unemployed?

Other pressing needs? The uninsured. Currently 38.7 million-plus Americans, or more than 14 percent of all our total population, have zero access to health care. The majority of them are children and seniors, and more than two-thirds of them fall under the poverty line. How about helping the uninsured?

Want more? What about a prescription drug plan for seniors? Last year Congress authorized $300 million for such a plan. However, it never delivered. How about helping seniors?

Still not convinced? Do not even get me started on what we did not do for election reform.

Mr. Speaker, we have got serious problems in this country that demand serious solutions. Tax cuts to the rich never have been and never will be the solution to our problems.

Aiding the poor, the young, the elderly, the infirm should be the role and the responsibility of each political party. Rather, helping those who need help is a role of a responsible and decent government.

If this body fails to recognize this guiding principle, then we are failing those that we are here to serve.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and in strong support of this legislation. It is all about fairness. And I listened to my friend from Florida (Mr. HASTINGS) talk about the issue of job loss. Mr. Speaker, it is interesting to note that 70 percent of the family-owned businesses in this country don't make it to the second generation; 87 percent of the family-owned businesses do not make it to the third generation. And, Mr. Speaker, when you focus on the issue of job creation and economic growth, seeing small family-owned businesses fail in large part due to the very punitive death tax that exists in this country is one of the things that costs jobs. And as we talked about the very important need for a flow of revenues to deal with what the President will call for tonight, and that is the establishment of the Homeland Security position as a Cabinet-level post, we are going to need revenues for that, and that is why economic growth is so important.

Mr. Speaker, it was preposterous when we saw the plan put into place for the phaseout of the death tax over a 10-year period require at the end a reversion to what is current law. What will that mean? That will mean that anyone today, any member of this body today who votes against making permanent repeal of the death tax, will be voting in favor of one of the largest tax increases in the history of this country. Why? Simply because when this measure does in fact phase out in 2011, we revert, as I said, to current law. That is wrong. And what is it doing? It is jeopardizing the ability of the American people to plan, to make long-term plans. People have said, gosh, let us wait for 5 years and see what the budget situation will be like at that point.

Mr. Speaker, people engage in estate planning. People look towards the future. People plan for their children and their grandchildren, and that is why the idea of saying you have to live with this uncertainty over the next decade is a gross disservice to the American people who are out there working hard, trying to get this economy growing.

Mr. Speaker, I believe that it is very important for us to take this step. It is very important for us to allow those who are creating jobs and creating opportunity for Americans to have the chance to plan. So I urge a yes vote for this very fair rule which does in fact provide a substitute for the Democrats and a motion to recommitting so they will have two bites of the apple, and at the end of the day I am convinced that we should defeat their measure that is a substitute and, of course, the previous question, and overwhelmingly pass this very important and very fair proposal.

□ 1200

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I say to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, that this measure affects less than one-half of 1 percent of all taxpayers.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. DREIER) to respond.

Mr. DREIER. Mr. Speaker, when we talk about those who are directly impacted by repeal of the death tax, if we think about those men and women who are middle-income wage earners whose jobs are jeopardized because of a loss of estates because of that tax, they are the ones that are being hit most by this. And that is why to say that it is a very small portion is misleading.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I rise in opposition to the rule. The rule does allow our substitute, and I will speak about our substitute in a moment.

Unfortunately, the pay-for feature of our substitute placed into the bill to avoid loss of revenue to the general fund was struck on a point of germaneness. Our preference would have been to have a rule that made in order the pay-for and waived objection on germaneness rule. Plain speak, they could have allowed our pay-fors had they wanted to. Why did they not want the pay-fors?

The other side of the aisle did not want the pay-fors in this bill because they do not want this House to vote on disallowing U.S. corporations seeking tax shelters by relocating in the Bahamas or offshore in other tax havens across the world. The pay-for we sought would have disallowed those corporations moving offshore after September 11.

We think it is pretty disgusting at a time when the country was rallying together in the wake of the terrorist attack, there were some in corporate tax planning departments trying to revoke the citizenship status of their corporation and redomicile offshore for purposes of getting that tax status. That is the vote we wanted. That is why we will be having the vote on the previous question, what the vote on the previous question will represent. Should we allow corporations to flee our shores for purpose of attaining citizenship in tax havens? We think not. We think that was a good pay-for for this measure.

Let me talk about the substitute, and I commend the Committee on Rules for making the substitute in order. I would have preferred the pay-fors, and urge a vote against the rules because it did not allow the pay-fors. The substitute will allow an important discussion today. This is not about estate tax versus no estate tax. The issue before this body is reform of the estate tax now versus repeal next decade. Reform January 1, 2003, versus repeal in the year 2011, four Congresses from now.

The substitute will bring the estate tax exclusion to $6 million for a couple. That means $6 million or below, no estate tax. It takes care of the estate tax problem for 99.7 percent of the families in this country. What does the majority proposal do about this group? Nothing. In the year 2003 under their proposal, an estate over $2 million per couple, it will be taxed. For us, 2003, if an estate below $6 million, no tax. It is immediate relief.

Mr. Speaker, 2004, $6 million and below under the Democrat substitute, no tax; under the Republican bill, $3 million there is a tax. That is half the relief of ours. The year 2005, $6 million for the substitute, again half the relief under the Republican plan.

Mr. Speaker, we are going to hear all afternoon about family farmers and small businesses. Make no mistake about it, it is the Democrat substitute that gives relief and gives relief now effective January 1, 2003. Through the year 2008, our relief is better. Why should the majority plan leave that estate exposure at their lower levels for the next 6 years when the Democrat substitute brings it up to $6 million now?

Our plan makes 99.7 percent of the families in this country have no estate worries whatsoever. Why not take the approach of reform today? Let us deal with this problem now and not go the repeal route later.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in very strong support of this rule. People do not choose when they die; but under the current law, they only have a 1-year window of dying free from the estate tax.

I know all Members believe that is not right. It cannot be right. We have to vote to make permanent repeal of the death tax included in last year's historic tax relief bill.

It is the small businesses and family farms that must be sold to pay the estate tax. And even more people sell their assets before they die so the burden of the death tax is not left to their loved ones.

Permanently repealing the death tax removes unfair double taxation on American families. Even with the repeal of the death tax, all assets transferred from one generation to the next would still be subject to capital gains tax when they are sold.

Simply put, there is no need for the unfair death tax, and every single Member in this body should vote for its permanent repeal. Just look at the diverse organizations that are supporting the repeal: the National Black Chamber of Commerce; the Hispanic Business Roundtable; National Federation of Independent Businesses; National Association of Counties; National Indian Business Association; National Association of Women Business Owners; Black Women Enterprises; the Latino Coalition and there are many, many more.

Mr. Speaker, let us make the death tax repeal permanent. I urge all Members to support the rule and the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise today in support of the substitute being offered by the gentleman from North Dakota (Mr. POMEROY) on behalf of the Democrats. This is not about a death tax; this is about pure greed. The ranking member mentioned Mr. Ken Lay of Enron because his estimated estate tax savings will be $59 million. The second in command, Jeffrey Skilling, he will get $55 million. This is about greed; that is what it is about. We are not backing off.

This substitute raises the personal exemption for estate taxes to $3 million per person, $6 million per couple. The gentleman from North Dakota (Mr. POMEROY) just mentioned this will assist 99.7 percent of those who pay estate taxes. Who are those three-tenths of a percent that we left out? In other words, it will help small businesses and farmers without exploiting their circumstances to provide yet another perk for the very, very wealthiest of Americans. There is a reason we have to be responsible here. There is a reason we cannot simply usher through drastic tax cuts for the wealthy, and that reason is our national debt. In the 2 minutes that I will speak here, the national debt interest, the interest on that debt will rise $2 million, just the interest on the debt. These are wasted dollars paying interest on debt rather than paying down the debt. Who has become the party of austerity, I would like to know.

These are wasted dollars, paying interest on debt rather than paying down the debt. Today the national debt is well over $6 trillion. Today's estate tax proposal would cut revenues by $55.8 billion in 2012. The estimated impact of making the repeal permanent would total $109 billion.

Mr. Speaker, this is pure greed. We cannot accept it. We must accept the Pomeroy substitute.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. WELDON), the author of this legislation.

Mr. WELDON of Florida. Mr. Speaker, let me start out by first saying that this is a fair rule. It gives the minority an opportunity for a substitute. I think they can also do a motion to recommit.

I am certainly very pleased and honored that the Committee on Rules and our leadership has sought to bring this bill to the floor for a vote. We passed the tax relief package last year, and there was a provision in the bill that sunsetted all of the provisions in this bill. I think that was most unfortunate, but I understand the nature of the problem, although I do not support it over in the Senate. But the political realities of that body were such that this is what we ended up with.

I think it is very unfortunate to have a sunset provision in any of the tax relief packages. I am hearing today from working-class families in my district, and in particular I spoke to a gentleman who works at Kennedy Space Center who just had a second baby. He discussed how the tax reductions, the increase in the child tax credit is really helping him and his family.

The concern I had about the inheritance tax sunset was very, very specific in that I heard from people, indeed right after we passed that bill, I talked to a small businessman in my congressional district who told me he did not know what to do with his estate plan. Of course as we all know, we have this inheritance tax, and many, many Americans engage in very complicated estate planning to avoid paying the estate tax.

I personally think that is very, very inefficient. I also think the death tax is immoral. If someone has worked all their life and paid their taxes, and been a small businessman creating jobs, and we in the Federal Government have been collecting Federal withholding and Social Security tax for years, to come along and tax the after-tax assets of those people, I think it is morally wrong.

My good friend said what do I do with my estate planning? If I die in 2010, it would be okay for me to eliminate my estate plan. I am paying all these lawyers and accountants. But if I die after 2011, the estate tax comes roaring back. I am going to just keep my complicated estate plan. This guy has 400 employees. He has created hundreds of jobs. We as a Nation are benefiting from his work. Millions of dollars are collected in taxes every year off him and the people who work in his business.

Mr. Speaker, I felt very, very strongly. We specifically had to repeal, if the inheritance tax repeal was going to work properly as we intended, if we want to create jobs and enable small businesses to be passed from the person who started that small business to their sons or daughters, we needed to get rid of the sunset provision; and that is why I introduced the bill.

Mr. Speaker, I want to say a few words about the Democratic substitute. I note today it is true if we pass the Democratic substitute we will cover the vast majority of people. But as we all know, with inflation in time we will no longer be covering the vast majority of people.

The other concern I have about that is we create an environment where there is no tax on the first $3 million, but then like a 50 percent tax on every dollar after that which is a huge marginal rate. As we know, every person with an estate will do everything possible to develop an estate plan so that their estate is less than $3 million at the time of their death.

In the short run it may solve the problem, but in the long run I think it is going to perpetuate the problem. It is really picking winners and losers. I do not think we should do that. I think the estate tax is immoral, and I applaud the Committee on Rules for bringing forth a fair rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I say to the gentleman from Florida (Mr. WELDON) that the moral argument falls on deaf ears from this gentleman from Florida when we have hungry children, seniors and people that are infirm that are unable to proceed in life in a meaningful way.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

□ 1215

Ms. ESHOO. Mr. Speaker, I rise today in opposition to the rule and to speak on the choices that are before us. I think that they are really two very distinct choices and they are different. They both deal with the death tax, the estate tax, but they are different in terms of what they accomplish. My constituents have said to me over and over and over again that they support an elimination of the death tax when it comes to them. This is a debate about how to accomplish it. They want it to be immediate and they want it to be permanent. They want it to be fair. They understand that there are the Bill Gateses of the country that have benefited enormously from our system and our economy and our democracy. So there is a fairness to those huge, huge, huge sums of money that are passed down from one generation to another and that our country should be paid something.

The Pomeroy legislation addresses permanency, fairness, fiscal responsibility and immediacy. For a married couple, $6 million. So if you have an estate of $6 million or less, you do not pay a dime in taxes. That resolves 99.7 percent of the problems and the irritations and the complaints that people have registered with us. It does not have any capital gains tax in it. My Republican friends, under their bill, your house increases, if you paid $50,000 and when you die your home is worth $1 million, you are going to pay a capital gains tax on that.

So under the Pomeroy bill, families, family farms, businesses are all going to win and we are not going to have to pay over $1 trillion in the next decade out of our Federal budget. This makes eminent sense. It is fair. I urge my colleagues to vote for the Pomeroy bill. It is the best one to come down the pike.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I have a family in San Diego. They are not in my district. I called him a Hispanic American and he corrected me and said, "I'm a Mexican American, Congressman." That gentleman has since passed away. When he immigrated to California over 60 years ago, his family bought a piece of dirt down along the border. It is rock. You still look at it today and it looks like rock and dirt and you cannot grow anything on it and it was basically worthless. But that family worked and saved to buy that piece of land. Like most urban sprawl areas, that land became very valuable. The gentleman died. They had six children. When the tax bill on that property came up, because he did not have money to hire lawyers and to set their estate and probate and all the different things that you can do today, they tried to split the land and sell half of it just because of the interest on the default for the tax, and it did not even cover the penalty. Then they had to sell the rest of it. So those six children ended up with nothing. This is a low-income Hispanic family that had some valuable property that they wanted to hang on to for the family, and the estate tax did away with it.

I am from California, but I grew up in a little town in Shelbina, Missouri. Right there, farmers are having second and third jobs just to hang on to their property. The property, the farm, if they sold it, is probably worth a lot of money, but they sure do not make a lot of money. When that family member dies, that valuable property, the government wants to come in and tax it above 55 percent, and those families cannot afford to pay that tax so they have to sell it off, and all of that 200 years of work into a piece of land, the government takes it, and that is wrong.

Does anybody know where the death tax reared its early head? Not to pay for a war but it was Karl Marx's and Engels' Communist Manifesto. Fact: Karl Marx knew that if you took property away from people and the benefits and things that they had, you could control the bourgeoise, the rich versus the poor, just as my colleagues, day after day, tax breaks for the rich, use class warfare every day. The Democrat socialists of America mantra is government control of health care, government control of education, government control of private property, the highest tax possible and higher socialized spending and cut military. That is in their agenda.

That is what they are trying to do. They want higher taxes. They have never found a tax that they do not like. Yet they want to take private property away from farmers and the rest of the people. I think that is wrong.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 10 seconds.

The Democratic substitute helps people right now. The Republican bill might help people 10 years from now. The chairman of the House Committee on Ways and Means admitted as much to the Committee on Rules Tuesday night.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, we are here today because the Republicans say, well, there was a glitch in the estate tax repeal last year, some kind of a loophole. Well, guess what? The Republicans controlled the House, the Senate and the presidency, and they wrote the entire bill. The reason the estate tax is sunset was because even last year when they were projecting a $5.6 trillion surplus, they could not afford to finance the full repeal of the estate tax on the most wealthy families in America. And guess what? Now with a $300 billion deficit, the Social Security lockbox looted and no prospect except deficits for the future, they are saying, "Oh, it was a glitch, it was a loophole, we couldn't anticipate it," and they want to pass a bill today that will go to 3,000 families a year instead of 53 million Social Security recipients starting in the year 2010. Yes, families, those 3,000 whose estates are worth more than $6 million.

There is an alternative. We have it before us, a fair, affordable and permanent alternative that would take care of every small business, family farm and family forestry operation that I know about. I am concerned about them. I do not want them to prematurely harvest the trees or break up the farms or sell the family business.

The gentleman from California talked about the small businesses would lose their jobs because of the estate tax on estates over $6 million. Like perhaps Ken Lay's small business? He already cost thousands of people their jobs and he will get $59 million under their proposal. Ken Lay, the thief, gets $59 million more.

Then, of course, the small businesses that are being run by Secretary O'Neill. He will get $51 million under this. I am not aware that he is running a small business. This is a huge windfall being taken directly from the broken-open Social Security lockbox and being transferred into the pockets of the most wealthy Americans.

They say, "Well, they've already paid taxes." No, Bill Gates has not paid taxes on his $50 billion fortune. It is unrealized capital gains. If he died today under this bill, there would never be any taxes paid on that $50 billion.

What you are doing is not fair, it is not affordable, it loots Social Security. What we are offering is a fair alternative for family farms, small businesses and other individuals. $6 million is enough of an exemption.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. LINDER), a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, there was a time in this country that if someone went into business in some of the urban areas, they would get a visit by someone from a crime family who would say something like this: "We'll let you go in business, and if you lose everything, it's your loss. But if you make profits, I want 35 percent of your profit every year. If you sell this business, we are going to take 20 percent of the sale price."

If the government found that out, they would arrest them, indict them and put them in jail. But even the Mafia would not come along and say, "If you die we are going to value your company and take half of it." That is exactly what the Federal Government is doing. The Mafia would realize if you kept that business moving to a new generation, it would generate more revenues, maintain more jobs and in the long run they would be better off.

The death tax is a job-killer, but more than anything, it is immoral.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I rise today to recognize the hard-working people of America who have played by the rules and have paid their fair share. Decent, law-abiding, tax-paying Americans are the backbone of this country, Mr. Speaker, and the salt of the earth. They are the farmers of southwest Georgia, the family business owners all across this country from the Atlantic to the Pacific. All across this land are Americans who have paid taxes their entire lives, only to face a final taxing event at death. They paid the taxes during their lifetimes and should not be charged again because they happen to die.

The death tax represents all that is unfair and unjust about the tax structure in America because it undermines the life work and life savings of Americans who want only to pass on to their children and grandchildren the fruits of their labor and the realization of their American dream.

In my State of Georgia, farmers, many of whom are widowed women and the children of deceased farmers, are faced with losing their family farms because of this harsh tax. Employees of small and medium-size family businesses, many of whom are minorities, are at risk of losing their jobs because their employers are forced to pay the unfair and exorbitant death taxes levied upon them. Funeral homes, newspaper publishers, radio station owners and garment manufactures are all affected, all across the demographic spectrum.

Mr. Speaker, although reasonable minds can differ on this issue, I believe that the death tax is politically misguided, morally unjustifiable and downright un-American. Let us vote today to finally eliminate the death tax and return to the American people and their progeny the hard-earned fruits of their labor.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, let me first associate myself with the remarks just made by my friend from Georgia. He is exactly right, as we both rise to support the bill later today, and I rise to support the rule right now. This is a tax that needs to be eliminated and this law needs to be taken totally off the books.

We will hear today many other proposals of how we might change it here or change it there or set a new limit nonindexed for inflation at some time in the future. This law needs to be taken off the books. This tax was put on American families, American businesses, to pay for World War I in 1918. We won World War I. We paid for the war. All the bonds have long since been paid off, but this tax is still on the books. Leaving any portion of it in the law allows future Congresses to come back and once again ensure that more and more families have to see the undertaker and the IRS at the same time. It is unconscionable. It should not be what happens to families at the end of a productive career. It should not be what happens to the families that run the kind of businesses, run the kind of farms that the gentleman from Georgia just mentioned. These businesses have been built over years of labor. These farms have been put together over years of labor and hard work. Taxes have been paid on the money that came in. There is no reason for the Federal Government to come in one final time and make it impossible for a family business to continue to be a family business. There is no reason for us to continue to have a law on the books that was designed to pay for a war that has long since been over, has long since been paid for.

This is the day we have a chance to send a specific message to the American people and to our friends in the other body that we want this tax eliminated.

Mr. HASTINGS of Florida. I yield myself 30 seconds, Mr. Speaker. Let me see if I can set this thing straight. I represent an area that has 50 percent of all of the winter vegetables grown. Not one single family farmer has indicated to me that this measure is going to benefit them in any way. I also represent the third highest number of small businesses in the United States of America who receive the first highest number of grants. Government investment is helpful in stimulating this economy. Enough of this foolishness.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

□ 1230

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the American middle class is getting angry. At a time when the richest 1 percent of the population already owns more wealth than the bottom 95 percent, what we are seeing is the CEOs of large corporations who contribute huge sums of money into the political process giving themselves giant compensation packages worth hundreds of millions of dollars, and then they cut back on the wages and health benefits of their workers. These CEOs take tax breaks from the government, corporate welfare, and they move our jobs to China. They are setting up offshore accounts in Bermuda so they do not have to pay any taxes into our government. They are cooking their books through Arthur Andersen and others so they do not have to pay their fair share of taxes.

What this whole bill is about is nothing more than absolute greed. The richest people in this country, who hold $25,000-a-plate fund-raising dinners here in Washington, they are saying to Congressmen, "Give us huge tax breaks. We do not care about veterans, who now are wait-listed when they need to get into the VA health system. Forget about them. We need giant tax breaks."

Let us blow up Social Security. Let us forget about the elderly people, who cannot find doctors who will treat them through Medicare or Medicaid. Let us not worry about the middle class, who cannot afford college education because the Federal Government has not kept pace in financial aid in those programs.

What we are looking about now is ugliness, is greed, is the richest people in this country, who already own so much of this Nation, saying to Congress, give us more, give us more, give us more. Forget about the middle class, forget about working families, forget about the poor.

Mr. Speaker, I am strongly opposed to the Republican proposal.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 15 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would tell you, I am a veteran, the gentleman that just spoke is not, and I would say that the gentleman's party over there in 1993 talked about decreasing the tax for the middle class. They could not help themselves. When they controlled the House, the White House and the Senate, they increased even the tax on the middle class.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 10 seconds to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, would my friend from California deny that today veterans all over the United States are being wait-listed, cannot get into the VA system because of lack of adequate funding for our veterans, and, at the same exact time, Congress gives huge tax breaks to the rich?

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I represent Malibu, California, and surrounding towns that are even better off. We pay the estate tax, and I am proud that my district would send me here to oppose this rule and to oppose this bill.

America is under attack. Patriotism is not watching fireworks, it is sacrificing for your country. Our men and women in uniform are doing that, and it would seem to me that if we are going to ask for sacrifice, it should include asking the wealthiest one-half of 1 percent of Americans to pay taxes, as they have even under Ronald Reagan. The generations that fought World War I and fought World War II were patriotic enough to pay this tax, and yet we are told our generation lacks that patriotism. I am here to say that is not true.

But speaking of patriotism, what about these corporations that flee our shores, that tap into our markets and will not pay our taxes, that are Enroning the people of America and incorporating in the Cayman Islands? Vote against this rule, because it will not allow our colleague, the gentleman from North Dakota (Mr. POMEROY), to include in his substitute provisions that would impose tax on those companies that are fleeing our shores.

One of my colleagues from California stood in this well and said that the estate tax should be repealed because Karl Marx was in favor of an estate tax. What an interesting argument.

Mr. Speaker, they, the Republicans, are getting ready. They are waiting for next year, because they will be down here on this floor pointing out that Karl Marx was in favor of social insurance and said so in his writings, and they will tell you that we must repeal Social Security to prove we are not Marxists. And they will have an additional argument. They will tell us we cannot afford Social Security because, after all, we just reduced our revenues by over $1 trillion over a 10-year period by repealing the estate tax.

Vote against the rule and against the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I am here to stand for our elderly, our sick, our poor, our workers, America's middle class, who do not benefit from a regressive tax system.

The purpose of the estate tax is to mitigate the accumulation of wealth by family lineage. That makes for a fairer society in which future generations all start with more or less the same opportunities. Democracy needs an estate tax. By contrast, monarchies are characterized by not having estate taxes.

The estate tax is the most progressive of any of the Federal taxes. According to the Internal Revenue Service, out of the approximately 2.3 million deaths in 2000, only 1.9 percent of estates pay the estate tax. These numbers can be contrasted with the income tax, where about 70 percent of families and single individuals owe tax.

The concept of an estate tax goes far back into history. There is evidence of a 10 percent tax on transfers of property at death in ancient Egypt, as early as 700 B.C. Later the Greeks and Romans adopted estate death taxes.

My good friend, the gentleman from California (Mr. CUNNINGHAM), will be glad to know that the perpetuation of large estates within the new monied royalty during the Industrial Revolution led, not Karl Marx, but a Republican President, Theodore Roosevelt, to call for a progressive tax on all beyond a certain amount, either given in life or devised or bequested upon death, to any individual, a tax so framed as to put it out of the power of the owner of one of these enormous fortunes to hand on more than a certain amount to any one individual.

Without the estate tax, the tax burden is more squarely placed on middle and low income workers and their wages. The estate tax ensures that inherited wealth bears more tax burden than earned wages that are the result of work and effort. Estate taxes reduce the concentration of wealth and foster our democracy.

Mr. Speaker, I offered an amendment to preserve the progressive tax system and to repeal all estate tax provisions in the Economic Growth and Tax Relief Reconciliation Act of 2001 so the money would go for a prescription drug benefit.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, let us call this bill for what it is. Unfortunately, it is another Republican raid on Social Security and Medicare. This bill will raid the Social Security and Medicare trust funds at the exact moment the baby-boomers begin to retire. When increased interest on the debt is factored in, this bill will cost nearly three-quarters of a trillion dollars in the decade after 2012, at the same time when Social Security must absorb a huge increase in retirees. In the year 2012 alone, this bill will cost $56 billion, and the cost just keeps growing from there.

This bill begins at the very top and takes a decade to bring relief to small businesses and family farms at the bottom. Most of the benefits of estate tax repeal go to the wealthiest 1 percent of people, a number that is now running at 23,000 estates per year. While this bill repeals the estate tax for the wealthiest first, it provides no immediate relief for small family-owned estates, which are the ones most in need.

This bill is really a disaster. People need to pay their fair share. We need not to take care of the wealthiest people, we need to take care of the people with the family farms and others. We ought not to be raiding Social Security and Medicare.

I oppose the rule and I oppose the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, last year this Congress passed one of the largest tax increases in history. That was during the spring. What we have seen, though, is at that time they said, "We have surpluses projected. We can afford it."

Well, first came the economic downturn, and then came September 11, and here we are a year later, the surpluses have evaporated, the Congressional Budget Office is projecting deficits as far as the eye can see, and we are at the bottom of the hole, but now we keep digging it with this bill today.

But it seems people just do not realize that. If we permanently repeal the estate tax, it will cost as much as $1 trillion over 10 years. To make matters worse, most of the $1 trillion will go only to the estates of one-half percent of all estates. So we are providing this tax cut not to people who are no longer with us, but to their estates.

It seems to me it would be better to provide a tax cut to two-member working families out there that would be permanent, instead of worrying about the estate, which only affects a very small percentage of the people in the country.

Why are we talking about passing a tax cut that will benefit the wealthiest 2 percent of Americans when we have deficits as far as the eye can see? What happened to our fiscal responsibility? We are already tapping the Social Security trust fund surplus every year for the next 10 years, and my colleagues will say, oh, we are using it for defense and the anti-terrorism war.

Well, that is just not true. It is because of the tax cuts that were passed last year and because now we are going to try to make them permanent.

Again our fiscal responsibility is out the window. Unless we address the problem of revenue shortfalls, that invasion by the tax cut of the Social Security trust fund will get deeper and longer lasting. We should be putting our financial house in order and stopping the raid on Social Security, but here we are taking up another piece of legislation that further threatens the solvency of the Social Security program and the economic health of our Nation. That is so true.

We have a projected $250 billion deficit next year. It is going to grow for the next 10 years. Yet we are providing a permanent tax cut? Where is the reason on this?

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida is recognized for 2 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, if the previous question is defeated, I will offer an amendment to this rule that makes in order the Corporate Patriot Enforcement Act, offered by the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Connecticut (Mr. MALONEY), who have worked hard on this measure, which was stripped from the bill in the Committee on Rules. Their amendment would prevent corporations from fleeing overseas to avoid paying their rightful share of income tax.

It is outrageous, Mr. Speaker, that we are allowing American companies to move offshore strictly for the purposes of avoiding their tax obligation. They are not moving their entire company to Bermuda, Mr. Speaker, they are just planting a post office box in the middle of some sunny desert isle and calling themselves an overseas company.

But are they relying on the Bahamian navy to defend them if they are attacked? Of course not. Are they relying on Bermuda to build roads that bring business to their doors or for the police to keep their companies safe at night? Of course not. Those public services they want to keep right on enjoying courtesy of the United States taxpayer. Well, that is wrong, and the majority knows it, and all Americans know it.

We are in a time of war, Mr. Speaker. That is a fact. And if we are going to give this huge tax break to one-half of 1 percent of all the estates, then the least that we can do is to ask of the beneficiaries of this tax break to fulfill their lawful corporate tax responsibility.

All of the money to pay for this tax break, Mr. Speaker, $99 billion over 10 years, is coming out of the Social Security trust fund. The majority does not think it has to be paid for. Well, that is wrong, and we want to give the Republicans one last chance to do the right thing.

By defeating the previous question, we can tell the tax evaders to come home and protect Social Security. We can make everyone in this country proud knowing that we are all pulling together to pay our fair share. I urge a no vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1245

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me remind my colleagues that this is a fair rule. It allows for a Democrat substitute, and we can debate that, and if desired, we can vote on that substitute. It also allows for a motion to recommit. We can have a vote on that.

But the fact is, this body has spoken on the issue of a death tax several times. It is time to make this death tax relief permanent. It is time to adopt this rule and defeat the previous question and the underlying remarks.

Mr. Speaker, let me conclude that the previous question is an exercise in futility because the minority wants to offer an amendment that would otherwise be ruled out of order as nongermane. So the vote is without substance. The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive or policy implications whatsoever.

Mr. Speaker, I include for the RECORD an explanation of the previous question.

The material referred to is as follows:

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XIX ("Previous Question") provides in part that: "There shall be a motion for the previous question, which, being ordered, shall have the effect to cut off all debate and bring the House to a direct vote on the immediate question or questions on which it has been ordered."

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

H.R. 2143—PERMANENT DEATH TAX REPEAL OF 2001

In the resolution strike "and (3)" and insert the following:

"(3) the amendment printed in Sec. 2 of this resolution if offered by Representative Rangel or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4)"

Sec. 2.

At the end of the bill, add the following title:

TITLE—PROVISIONS CURBING ABUSIVE TAX SHELTERS

Subtitle A—Clarification of Economic Substance Doctrine

SEC. 201. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

"(1) GENERAL RULES.—

"(A) IN GENERAL.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

"(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—A transaction has economic substance only if—

"(I) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

"(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

"(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

"(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

"(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

"(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

"(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

"(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction are substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

"(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

"(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

"(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(D) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law referred to in section 6662(i)(2), and the requirements of this subsection shall be construed as being in addition to any such other rule of law."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

Subtitle B—Penalties

SEC. 211. INCREASE IN PENALTY ON UNDERPAYMENTS RESULTING FROM FAILURE TO SATISFY CERTAIN COMMON LAW RULES.

(a) IN GENERAL.—Section 6662 of the Internal Revenue Code of 1986 (relating to imposition of accuracy-related penalty) is amended by adding at the end the following new subsection:

"(i) INCREASE IN PENALTY IN CASE OF FAILURE TO SATISFY CERTAIN COMMON LAW RULES.—

"(1) IN GENERAL.—To the extent that an underpayment is attributable to a disallowance described in paragraph (2)—

"(A) subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent', and

"(B) subsection (d)(2)(B) and section 6664(c) shall not apply.

"(2) DISALLOWANCES DESCRIBED.—A disallowance is described in this subsection if such disallowance is on account of—

"(A) a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(m)(2),

"(B) a lack of business purpose for such transaction or because the form of the transaction does not reflect its substance, or

"(C) a failure to meet the requirements of any other similar rule of law.

"(3) INCREASE IN PENALTY NOT TO APPLY IF COMPLIANCE WITH DISCLOSURE REQUIREMENTS.—Paragraph (1)(A) shall not apply if the taxpayer discloses to the Secretary (as such time and in such manner as the Secretary shall prescribe) such information as the Secretary shall prescribe with respect to such transaction.".

(b) MODIFICATIONS TO PENALTY ON SUBSTANTIAL UNDERSTATEMENT OF INCOME TAX.—

(1) MODIFICATION OF THRESHOLD.—Subparagraph (A) of section 6662(d)(1) of such Code is amended to read as follows:

"(A) IN GENERAL.—For purposes of this section, there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

"(i) $500,000, or

"(ii) the greater of 10 percent of the tax required to be shown on the return for the taxable year or $5,000."

(2) MODIFICATION OF PENALTY ON TAX SHELTERS, ETC.—Clauses (i) and (ii) of section 6662(d)(2)(C) of such Code are amended to read as follows:

"(i) IN GENERAL.—Subparagraph (B) shall not apply to any item attributable to a tax shelter."

"(ii) DETERMINATION OF UNDERSTATEMENTS WITH RESPECT TO TAX SHELTERS, ETC.—In any case in which there are one or more items attributable to a tax shelter, the amount of the understatement under subparagraph (A) shall in no event be less than the amount of understatement which would be determined for the taxable year if all items shown on the return which are not attributable to any tax shelter were treated as being correct. A similar rule shall apply in cases to which subsection (i) applies, whether or not the items are attributable to a tax shelter."

(c) TREATMENT OF AMENDED RETURNS.—Subsection (a) of section 6664 of such Code is amended by adding at the end the following new sentence: "For purposes of this subsection, an amended return shall be disregarded if such return is filed on or after the date the taxpayer is first contacted by the Secretary regarding the examination of the return."

SEC. 212. PENALTY ON PROMOTERS OF TAX AVOIDANCE STRATEGIES WHICH HAVE NO ECONOMIC SUBSTANCE, ETC.

(a) PENALTY.—

(1) IN GENERAL.—Section 6700 of the Internal Revenue Code of 1986 (relating to promoting abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) PENALTY ON SUBSTANTIAL PROMOTERS FOR PROMOTING TAX AVOIDANCE STRATEGIES WHICH HAVE NO ECONOMIC SUBSTANCE, ETC.—

"(1) IMPOSITION OF PENALTY.—Any substantial promoter of a tax avoidance strategy shall pay a penalty in the amount determined under paragraph (2) with respect to such strategy if such strategy (or any similar strategy promoted by such promoter) fails to meet the requirements of any rule of law referred to in section 6662(i)(2).

"(2) AMOUNT OF PENALTY.—The penalty under paragraph (1) with respect to a promoter of a tax avoidance strategy is an amount equal to 100 percent of the gross income derived (or to be derived) by such promoter from such strategy.

"(3) TAX AVOIDANCE STRATEGY.—For purposes of this subsection, the term 'tax avoidance strategy' means any entity, plan, arrangement, or transaction a significant purpose of the structure of which is the avoidance or evasion of Federal income tax.

"(4) SUBSTANTIAL PROMOTER.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'substantial promoter' means, with respect to any tax avoidance strategy, any promoter if—

"(i) such promoter offers such strategy to more than 1 potential participant, and

"(ii) such promoter may receive fees in excess of $500,000 in the aggregate with respect to such strategy.

"(B) AGGREGATION RULES.—For purposes of this paragraph—

"(i) RELATED PERSONS.—A promoter and all persons related to such promoter shall be treated as 1 person who is a promoter.

"(ii) SIMILAR STRATEGIES.—All similar tax avoidance strategies of a promoter shall be treated as 1 tax avoidance strategy.

"(C) PROMOTER.—The term 'promoter' means any person who participates in the promotion, offering, or sale of the tax avoidance strategy.

"(D) RELATED PERSON.—Persons are related if they bear a relationship to each other which is described in section 267(b) or 707(b).

"(4) COORDINATION WITH SUBSECTION (a).—No penalty shall be imposed by this subsection on any promoter with respect to a tax avoidance strategy if a penalty is imposed under subsection (a) on such promoter with respect to such strategy."

(2) CONFORMING AMENDMENT.—Subsection (d) of section 6700 of such Code is amended—

(A) by striking "PENALTY" and inserting "PENALTIES", and

(B) by striking "penalty" the first place it appears in the text and inserting "penalties".

(b) INCREASE IN PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—The first sentence of section 6700(a) of such Code is amended by striking "a penalty equal to" and all that follows and inserting "a penalty equal to the greater of $1,000 or 100 percent of the gross income derived (or to be derived) by such person from such activity."

SEC. 213. MODIFICATIONS OF PENALTIES FOR AIDING AND ABETTING UNDERSTATEMENT OF TAX LIABILITY INVOLVING TAX SHELTERS.

(a) IMPOSITION OF PENALTY.—Section 6701(a) of the Internal Revenue Code of 1986 (relating to imposition of penalty) is amended to read as follows:

"(a) IMPOSITION OF PENALTIES.—

"(1) IN GENERAL.—Any person—

"(A) who aids or assists in, procures, or advises with respect to, the preparation or presentation of any portion of a return, affidavit, claim, or other document,

"(B) who knows (or has reason to believe) that such portion will be used in connection with any material matter arising under the internal revenue laws, and

"(C) who knows that such portion (if so used) would result in an understatement of the liability for tax of another person,

shall pay a penalty with respect to each such document in the amount determined under subsection (b).

"(2) CERTAIN TAX SHELTERS.—If—

"(A) any person—

"(i) aids or assists in, procures, or advises with respect to the creation, organization, sale, implementation, management, or reporting of a tax shelter (as defined in section 6662(d)(2)(C)(iii)) or of any entity, plan, arrangement, or transaction that fails to meet the requirements of any rule of law referred to in section 6662(i)(2), and

"(ii) opines, advises, represents, or otherwise indicates (directly or indirectly) that the taxpayer's tax treatment of items attributable to such tax shelter or such entity, plan, arrangement, or transaction and giving rise to an understatement of tax liability would more likely than not prevail or not give rise to a penalty,

"(B) such opinion, advice, representation, or indication is unreasonable,

then such person shall pay a penalty in the amount determined under subsection (b). If a standard higher than the more likely than not standard was used in any such opinion, advice, representation, or indication, then subparagraph (A)(ii) shall be applied as if such standard were substituted for the more likely than not standard."

(b) AMOUNT OF PENALTY.—Section 6701(b) of such Code (relating to amount of penalty) is amended—

(1) by inserting "or (3)" after "paragraph (2)" in paragraph (1),

(2) by striking "subsection (a)" each place it appears and inserting "subsection (a)(1)", and

(3) by redesignating paragraph (3) as paragraph (4) and by adding after paragraph (2) the following:

"(3) TAX SHELTERS.—In the case of—

"(A) a penalty imposed by subsection (a)(1) which involves a return, affidavit, claim, or other document relating to a tax shelter or an entity, plan, arrangement, or transaction that fails to meet the requirements of any rule of law referred to in section 6662(i)(2), and

"(B) any penalty imposed by subsection (a)(2),

the amount of the penalty shall be equal to 100 percent of the gross proceeds derived (or to be derived) by the person in connection with the tax shelter or entity, plan, arrangement, or transaction."

(c) REFERRAL AND PUBLICATION.—If a penalty is imposed under section 6701(a)(2) of such Code (as added by subsection (a)) on any person, the Secretary of the Treasury shall—

(1) notify the Director of Practice of the Internal Revenue Service and any appropriate State licensing authority of the penalty and the circumstances under which it was imposed, and

(2) publish the identity of the person and the fact the penalty was imposed on the person.

(d) CONFORMING AMENDMENTS.—

(1) Section 6701(d) of such Code is amended by striking "Subsection (a)" and inserting "Subsection (a)(1)".

(2) Section 6701(e) of such Code is amended by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)".

(3) Section 6701(f) of such Code is amended by inserting ", tax shelter, or entity, plan, arrangement, or transaction" after "document" each place it appears.

SEC. 214. FAILURE TO MAINTAIN LISTS.

Section 6708(a) of the Internal Revenue Code of 1986 (relating to failure to maintain lists of investors in potentially abusive tax shelters) is amended by adding at the end the following: "In the case of a tax shelter (as defined in section 6662(d)(2)(C)(iii)) or entity, plan, arrangement, or transaction that fails to meet the requirements of any rule of law referred to in section 6662(i)(2), the penalty shall be equal to 50 percent of the gross proceeds derived (or to be derived) from each person with respect to which there was a failure and the limitation of the preceding sentence shall not apply."

SEC. 215. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

"SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE TAX SHELTER INFORMATION WITH RETURN.

"(a) IMPOSITION OF PENALTY.—Any person who fails to include with its return of Federal income tax any information required to be included under section 6011 with respect to a reportable transaction shall pay a penalty in the amount determined under subsection (b). No penalty shall be imposed on any such failure if it is shown that such failure is due to reasonable cause.

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—The amount of the penalty under subsection (a) shall be equal to the greater of—

"(A) 5 percent of any increase in Federal tax which results from a difference between the taxpayer's treatment (as shown on its return) of items attributable to the reportable transaction to which the failure relates and the proper tax treatment of such items, or

"(B) $100,000.

For purposes of subparagraph (A), the last sentence of section 6664(a) shall apply.

"(2) LISTED TRANSACTION.—If the failure under subsection (a) relates to a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011, paragraph (1)(A) shall be applied by substituting '10 percent' for '5 percent'.

"(c) REPORTABLE TRANSACTION.—For purposes of this section, the term 'reportable transaction' means any transaction with respect to which information is required under section 6011 to be included with a taxpayer's return of tax because, as determined under regulations prescribed under section 6011, such transaction has characteristics which may be indicative of a tax avoidance transaction.

"(d) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under section 6662."

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 of such Code is amended by inserting after the item relating to section 6707 the following:

"Sec. 6707A. Penalty for failure to include tax shelter information on return."

SEC. 216. REGISTRATION OF CERTAIN TAX SHELTERS WITHOUT CORPORATE PARTICIPANTS.

Section 6111(d)(1)(A) of the Internal Revenue Code of 1986 (relating to certain confidential arrangements treated as tax shelters) is amended by striking "for a direct or indirect participant which is a corporation".

SEC. 217. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this subtitle shall apply to transactions after the date of the enactment of this Act.

(b) SECTION 211.—The amendments made by subsections (b) and (c) of section 211 shall apply to taxable years ending after the date of the enactment of this Act.

(c) SECTION 212.—The amendments made by subsection (a) of section 212 shall apply to any tax avoidance strategy (as defined in section 6700(c) of the Internal Revenue Code of 1986, as amended by this subtitle) interests in which are offered to potential participants after the date of the enactment of this Act.

(d) SECTION 216.—The amendment made by section 216 shall apply to any tax shelter interest which is offered to potential participants after the date of the enactment of this Act.

Subtitle C—Limitations on Importation or Transfer of Built-In Losses

SEC. 221. LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.

(a) IN GENERAL.—Section 362 of the Internal Revenue Code of 1986 (relating to basis to corporations) is amended by adding at the end the following new subsection:

"(e) LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.—

"(1) IN GENERAL.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in paragraph (2) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

"(2) PROPERTY DESCRIBED.—For purposes of paragraph (1), property is described in this paragraph if—

"(A) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

"(B) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

"(3) IMPORTATION OF NET BUILT-IN LOSS.—For purposes of paragraph (1), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in paragraph (2) which is transferred in such transaction would (but for this subsection) exceed the fair market value of such property immediately after such transaction."

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) of such Code (relating to liquidation of subsidiary) is amended to read as follows:

"(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

"(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

"(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(2) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

SEC. 222. DISALLOWANCE OF PARTNERSHIP LOSS TRANSFERS.

(a) TREATMENT OF CONTRIBUTED PROPERTY WITH BUILT-IN LOSS.—Paragraph (1) of section 704(c) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) if any property so contributed has a built-in loss—

"(i) such built-in loss shall be taken into account only in determining the amount of items allocated to the contributing partner, and

"(ii) except as provided in regulations, in determining the amount of items allocated to other partners, the basis of the contributed property in the hands of the partnership shall be treated as being equal to its fair market value immediately after the contribution.

For purposes of subparagraph (C), the term 'built-in loss' means the excess of the adjusted basis of the property over its fair market value immediately after the contribution."

(b) ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY ON TRANSFER OF PARTNERSHIP INTEREST IF THERE IS SUBSTANTIAL BUILT-IN LOSS.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 743 of such Code (relating to optional adjustment to basis of partnership property) is amended by inserting before the period "or unless the partnership has a substantial built-in loss immediately after such transfer".

(2) ADJUSTMENT.—Subsection (b) of section 743 of such Code is amended by inserting "or with respect to which there is a substantial built-in loss immediately after such transfer" after "section 754 is in effect".

(3) SUBSTANTIAL BUILT-IN LOSS.—Section 743 of such Code is amended by adding at the end the following new subsection:

"(d) SUBSTANTIAL BUILT-IN LOSS.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in a partnership if the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds 110 percent of the basis of such partner's interest in the partnership."

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 743 of such Code is amended to read as follows:

"SEC. 743. ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BUILT-IN LOSS."

(B) The table of sections for subpart C of part II of subchapter K of chapter 1 of such Code is amended by striking the item relating to section 743 and inserting the following new item:

"Sec. 743. Adjustment to basis of partnership property where section 754 election or substantial built-in loss."

(c) ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY IF THERE IS SUBSTANTIAL BASIS REDUCTION.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 734 of such Code (relating to optional adjustment to basis of undistributed partnership property) is amended by inserting before the period "or unless there is a substantial basis reduction".

(2) ADJUSTMENT.—Subsection (b) of section 734 of such Code is amended by inserting "or unless there is a substantial basis reduction" after "section 754 is in effect".

(3) SUBSTANTIAL BASIS REDUCTION.—Section 734 of such Code is amended by adding at the end the following new subsection:

"(d) SUBSTANTIAL BASIS REDUCTION.—For purposes of this section, there is a substantial basis reduction with respect to a distribution if the sum of the amounts described in subparagraphs (A) and (B) of subsection (b)(2) exceeds 10 percent of the aggregate adjusted basis of partnership property immediately after the distribution."

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 734 of such Code is amended to read as follows:

"SEC. 734. ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BASIS REDUCTION."

(B) The table of sections for subpart B of part II of subchapter K of chapter 1 of such Code is amended by striking the item relating to section 734 and inserting the following new item:

"Sec. 734. Adjustment to basis of undistributed partnership property where section 754 election or substantial basis reduction."

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

(3) SUBSECTION (c).—The amendments made by subsection (a) shall apply to distributions after the date of the enactment of this Act.

Subtitle D—Prevention of Corporate Expatriation To Avoid United States Income Tax

SEC. 231. PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) In General.—Paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) is amended to read as follows:

"(4) Domestic.—

"(A) In general.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

"(B) Certain corporations treated as domestic.—

"(i) In general.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

"(ii) Corporate expatriation transaction.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

"(iii) Lower stock ownership requirement in certain cases.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

"(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

"(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

"(iv) Partnership transactions.—The term 'corporate expatriation transaction' includes any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

"(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

"(v) Special rules.—For purposes of this subparagraph—

"(I) a series of related transactions shall be treated as 1 transaction, and

"(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

"(vi) Other definitions.—For purposes of this subparagraph—

"(I) Nominally foreign corporation.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

"(II) Expanded affiliated group.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b))."

(b) Effective Dates.—

(1) In general.—The amendment made by this section shall apply to corporate expatriation transactions completed after September 11, 2001.

(2) Special rule.—The amendment made by this section shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

Amend the title so as to read: "A bill to amend the Internal Revenue Code of 1986 to restore the estate tax, to limit its applicability to estates of over $3,000,000, and for other purposes."

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LaHood). The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 223, nays 201, not voting 10, as follows:

[Roll No. 215]

YEAS—223

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz

Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Brown (FL)
Chambliss
Combest
Gilchrest
Houghton
Lewis (GA)
Napolitano
Serrano
Simpson
Traficant

□ 1309

Mr. RUSH and Mr. CUMMINGS changed their vote from "yea" to "nay."

Mr. TANCREDO changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 195, not voting 12, as follows:

[Roll No. 216] .

YEAS—227

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Coble
Collins
Condit
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Carson (OK)
Chambliss
Combest
Gilchrest
Harman
Houghton
Lewis (GA)
Lynch
Sandlin
Serrano
Smith (MI)
Traficant

□ 1319

Mr. ISRAEL changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 435, I call up the bill (H.R. 2143) to make the repeal of the estate tax permanent, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 435, the bill is considered read for amendment.

The text of H.R. 2143 is as follows:

H.R. 2143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent Death Tax Repeal Act of 2001".

SEC. 2. ESTATE TAX REPEAL MADE PERMANENT.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(1) in subsection (a) by striking "shall not apply—" and all that follows and inserting "(other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.", and

(2) in subsection (b) by striking ", estates, gifts, and transfers".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in House Report 107–494, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered read and shall be debatable for 1 hour, equally divided and controlled by a proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Dying has been euphemistically called "buying the farm," but for many Americans today, reality is that when they die, they have to sell the farm. The argument that two iron clad rules of life are death and taxes are currently linked in the law today in the most bizarre fashion, and that is, although we still have the certainty of death and taxes, the interrelated consequence of each is timed unfortunately to the question of when someone dies.

How in the world have we gotten ourselves into this particular situation? The House has voted twice to repeal the death tax, not just for 10 years, permanent repeal. However, in dealing with the other body, given the arcane rules of the other body, we currently have the situation in which the death tax is reduced, then ended and then reinstated.

Providing real tax relief today currently has a hook tomorrow, and one of the things we need to do is to make sure that we move the permanency of the estate tax repeal so that those who awaken on New Year's Day 2011 are not faced with a massive tax increase.

Mr. Speaker, I reserve the balance of my time, and I yield the remainder of my time to the gentlewoman from Washington (Ms. DUNN) of the Committee on Ways and Means and ask unanimous consent that the gentlewoman control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the chairman of the committee for allowing us to adjourn the full committee hearing that really dealt with runaway corporations trying to avoid their legal tax liability and going to foreign countries. The chairman agreed that our full committee should be here on the floor to deal with this important piece of legislation, rather than have our full committee over there in a hearing room listening to testimony when we did not intend to legislate. It was not his fault that we had a conflict of a major bill in the committee and a major bill on the floor. So his acceptance of the motion to adjourn means a great deal to us on the Committee on Ways and Means, and I would like to thank him for it.

As he said, yes, death and taxes are with us; but he omitted saying, but so was politics, because the only reason that this bill is on the floor is not just because this is an election year, but because we are nearing the election and who are the ones that make the campaign contributions? It is not those people who are the low-income people. It is not our old folks that are looking for prescription drugs, and it certainly is not our kids who are looking for a decent education.

I would say that if anyone looked and found out who the beneficiaries would be, it would be less than 1 percent of the taxpayers of the United States of America, those who are blessed not only with high income and great estates, but those who are blessed with a whole lot of great Republican friends that would like to have them even extend benefits.

Some of the Members of the House who have thought to do this at a time of war, to take a bill that is going to cost over the next 10 years, including the debt service, close to $1 trillion, to do this without making permanent the 10 percent tax cut or the child credit, to do this when we do not even have a decent prescription drug bill is just immoral, indecent and obscene; but it is an election year. We should have expected that this would happen, and so we accept what the Republican leadership would want to do, and that is, to bring this to the floor at a time when our Nation is at war and certainly not demanding this.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN), chairman-to-be, one of the outstanding members of the House. He is not on the Committee on Ways and Means, but I assure my colleagues that what he has to say should be of great benefit, not only to this august body, but to the people of the United States of America who are dedicated to winning this war against terrorism, but not at the expense of our commitment to the people of the United States.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman very much for yielding the time to me.

Last fall, the House passed legislation that contained a $254 million tax break for Enron, and the public was so amazed that some people refused to believe what this House had done. Well, guess what? Today we are trying to do it again.

This legislation is even more generous to Enron executives than last year's retroactive repeal of the corporate alternative minimum tax. This bill would give tax breaks worth over $300 million to the estates of Enron executives. The same people that looted the company, deceived the public, cooked the books, and bankrupted thousands of employees are going to get hundreds of millions of dollars under today's legislation.

This bill is not about protecting family farms and small businesses. They are all well protected by the gentleman from North Dakota's (Mr. POMEROY) amendment. It is about doing favors for well-connected campaign contributors, like Enron CEO, Ken Lay.

The repeal of the estate tax made no sense last year when we had surpluses; but now we are facing mounting deficits, and it is an insane policy. The people who will pay for this tax break for the super-rich are working families. No matter what the Republicans say, there is only one source of money for a tax break of this magnitude, the Social Security trust fund.

Here is a picture, if I might show it to my colleagues, of one of the many major beneficiaries of this bill, Jeffrey Skilling. His estate will receive a $55 million tax break under this bill. As some analysts have calculated, this will be paid for by raiding the Social Security contributions of 30,000 American workers. No one can justify that policy.

Enron executives are not the only ones who make out like bandits under this bill. So does the Bush Cabinet. At the same time that President Bush is calling on the Nation to make shared sacrifices, he is pushing legislation that would give his estate and the estates of the wealthiest members of his cabinet $100 million or more in tax breaks.

□ 1330

That is not a cabinet that reflects American diversity. That is a cabinet that reflects American millionaires, and this bill will give them even more money.

Vice President CHENEY's family alone will make up to $40 million if this bill passes.

This is craziness. We are in a war, and we cannot afford to be giving money to the super rich at the expense of those who are working to pay for the costs of that tax break. And no one can justify giving Mr. Skilling a $55 million tax break or Mr. CHENEY a $40 million one. In fact, the Republicans ought to be too ashamed to even try.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to fulfill a pledge we made a year ago. The Congress succeeded last year in phasing out the death tax by 2010. Unfortunately, due to a quirk in budget rules on the other side of the Capitol, it will snap back to life January 1, 2011. We believe this is unfair and that it is unacceptable. It is bad tax policy and it must be changed.

It is important to recognize the lack of permanence has real consequences, Mr. Speaker, for small business owners and family farms. Without permanence, they will continue to have to spend thousands of dollars every single year to put together expensive estate plans and to purchase life insurance policies just to ensure that business can survive to the next generation.

The sudden reappearance of the death tax in 2011 creates the ridiculous situation where a person who dies on December 31, 2010 would not be subject to death taxes, but if he had lived one more day his heirs would be forced to pay death taxes of up to 55 percent.

The opponents of the repeal parade the same tired reasons for keeping the death tax. They say it only helps the super wealthy. Not true. According to the IRS, 85 percent of the estates that paid the tax in 1999, our most recent figures, were valued at between $2.5 million, and many of these were small businesses. Any capital-rich, cash-poor business, like a trucking company, for example, or a hardware store or construction company or a family-owned newspaper, would undoubtedly be valued at more than $2.5 million.

Why not simply provide a special exemption for small businesses and farms? We have already tried that, Mr. Speaker, and we have been shown that it does not work. The formula for applying the exemption is far too onerous and it is too complicated. It was so unworkable that the American Bar Association recommended that we repeal it because it was only taking into consideration between 1 and 3 percent of small businesses, small farms, and small estates. It did not work.

More importantly, a carve-out of that sort of exemption affirms the flawed notion that it is fair to tax somebody at the end of their life because they were successful. These are assets that already have been taxed once, and many times more than that.

Death tax repeal attracts support from both sides of the aisle and from a diverse group of interests. Conservation organizations, like the Nature Conservancy, support repeal because they are very worried about the forced sale of valuable property to developers. In one fell swoop a parcel of land that has been in the family for generations is sold simply to pay that death tax and must be paid in cash within 9 months of the death of the owner.

Minority business groups, like the Black Chamber of Commerce and the Hispanic Business Roundtable support repeal because they understand it takes more than one generation to build a business that will be in the family. Why should the death tax stand in the way of their attempt to realize the American Dream?

Women business owners support repeal. They are well aware of the threat the death tax poses to their hard work. According to one recent survey, 40 percent of women business owners claim that the death tax would force the sale of all or part of their businesses.

Opponents also claim that repealing the death tax will entrench our Nation's wealthy elite. They maintain that the tax represents the best intentions of meritocracy, in which citizens begin life without financial advantages. But their populist sentiments are simply misguided.

The death tax is an insult to hardworking Americans and it penalizes entrepreneurs for their successes. Mr. Speaker, we spend a huge amount of time and energy encouraging Americans to save for retirement, to save for the unexpected, to save for their children. We should not punish them at the end of their life for doing the right thing. The death tax has no moral, economic, or social justification and it should be repealed completely.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I ask unanimous consent to control the remainder of the time of the gentleman from New York (Mr. RANGEL).

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of California (Mr. STARK), a member of the Committee on Ways and Means.

Mr. STARK. Mr. Speaker, let us understand and cut through all this nonsense about small businesses and small farms. Many of us in this Congress pay a lot of income tax. I do. I have been very fortunate. My children will perhaps inherit from me when I pass on money in the amounts that they may have to pay in an estate tax.

But the fact is, and I am joined in this observation by the Buffet and the Gates families, who hardly can be called liberals, and who have a lot, lot more money than most of us in Congress, and they find it abhorrent that we should try and protect children and give children millions of dollars.

Now, no one is in any danger of losing a business, because the Code currently, first of all, allows people with small businesses that are privately held to pass those on at a deep discount, sometimes 30 and 40 percent off their value because they are illiquid. Secondly, it gives 15 years at very low interest rates, even less than 6 percent, for these beneficiaries to pay off any estate tax.

So I have always said, and my children are getting a little sick of hearing me say it, that when I move on and they get a chance to inherit our family business, if they can get a business with about a 50 percent downpayment given to them free, and the other 50 percent that they only have to pay off over 15 years at less than 6 percent, if they cannot operate that business and make enough money to pay off their fair share of taxes, they are too dumb to get the business, and I did not do the right thing and their mother did not do the right thing in raising them.

So it is a matter of fairness. This is an attempt by the Republicans to create a nobility, a group of people who have never earned anything in this country, as most of my Republican colleagues on the Committee on Ways and Means have not. None of them ever had a business. They have either worked at the public trough all their lives or inherited a business. So when we hear about free enterprise and passing on businesses, they are really talking about pandering to the very rich, who they hope will contribute to keep them in office.

Let us get behind this. It is not to protect the family farms, it is not to protect the small businesses, it is there to protect a stream of campaign contributions from the very rich who will benefit most from this bill. I urge my colleagues to vote "no."

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume to remind the gentleman from California that the death tax extracts $4 billion from the State of California to the Federal Government, money that might be used to assist him in the problems in the State of California.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON), who is the author of the bill we debate today.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Colleagues, let us remember what this debate is really all about. There are a lot of people who want to reopen the whole issue of the inheritance tax, but we already passed a phaseout of the inheritance tax in this body last year. I think it was fairly overwhelming, the vote, and I think a lot of Democrats voted for phasing out the inheritance tax. Because of a quirk in the rules in the other body, the inheritance tax is phased out and then in 2011 it comes back.

The reality is that for many people, small business owners in particular, and they are the group this tax most adversely affects, when they try to pass their small business to their heirs, 67 percent of them fail. And one of the biggest reasons they fail is because they get hit by this inheritance tax. They frequently have to lay off employees. And those people right now do not know what to do because the inheritance tax comes back in 2011. Many of them are maintaining elaborate estate plans specifically because of the feature in our bill.

This really does affect jobs. Most of the job growth in my district over the last 7½ years has been from small businesses. And the only way to deal with this is to get rid of that sunset provision. That is why I introduced this bill. An economic analysis has been done on this, and getting rid of this feature can add up to $150 billion to our economy over the next 10 years. It can affect 200,000 jobs.

I personally believe that if we leave these resources in the economy and create jobs out there, the Federal Government will actually take in more money, not less money, by getting rid of this very onerous tax.

The other thing I want to say is that these people have already paid their taxes. They paid their taxes all of their lives, they created jobs, and the people in those companies paid the Federal withholding, paid the FICA tax, yet after they are dead we would tax them again. It is wrong.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Washington (Mr. McDERMOTT), a member of the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Speaker, the chairman asked how did we get here. Well, actually, we got here by people in this country who led it who said this is the proper policy that we have, to have an estate tax.

Thomas Jefferson outlawed primogenitor and he did it in saying we are taking an axe to the foot of America's pseudoaristocracy. The decision was made in the very beginning that we did not want to have an aristocracy in this country.

Now, Theodore Roosevelt, who signed this into law, and I remind everyone here he was a Republican, said, "The man of great wealth owes a particular obligation to the State because he derives special advantages from the mere existence of government."

In this debate, in my State, Mr. Gates, Sr. spoke to the law school on this issue and he said this: "One day a child was about to be born, and it was brought to God. And God said to the child, you are either going to be born in Zimbabwe or in the United States. You can choose. But when you die, I have many works and I need money. So if you go to the United States, you have to give half of it back when you die." Now what do you think the child would choose?

We live in the best country in the world, with the most opportunity, with the most freedom. And we have that because we give people a continuing chance. We do not allow the accumulation of aristocracy and wealth that we have had in Europe and other parts of the world. It was a decision at the very beginning. We did not want a king, we did not want lords and nobles and earls and so forth that could keep their lands forever.

That is why most of us are in this country, because we came from countries where we were serfs. Mine were Irish and they were German. Some were Polish, some were Italian, some were Japanese. All of them came here because of the opportunity. And when we start having an aristocracy that controls it all, we do real damage to America as we know it.

Now, even more important is what will happen to the giving, the charitable giving in this country. Seattle University had a consultant look at this issue and he said that more than half of the giving to the Seattle University will dry up if we get rid of the inheritance tax. Now, everybody said, of course, these people are going to pile it all up and they will give more. Come on. Why would my colleagues be pushing to get hold of it all if you were going to give more? You can give more now and actually deal within your taxes, but they are not.

This is a way of saying to everybody in this country we all have an opportunity. We all can do very well here. But when you die, you give back to the society that made it possible. Vote "no" on this bill.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume to remind my colleague and good friend from Washington State that it was, in fact, Woodrow Wilson, a Democrat president, who in 1916 signed the death tax into law, not Teddy Roosevelt.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), who is a very strong member of the House Committee on Ways and Means and who is very involved in this debate.

Mr. SAM JOHNSON of Texas. Mr. Speaker, only in our government are you given a certificate at birth, a license at marriage, and a bill at death. It is tax, tax, tax. It is the grim reaper every day.

Death taxes can wipe out a lifetime of work. That is why this House should vote to end this unfair tax once and for all. Permanentize it.

For many small businesses, death taxes are a death sentence. We have already voted to repeal the tax, and I want to empower small business owners to go on making their businesses successful instead of planning for their own demise. But unlike a villain in a bad movie, this tax brings back to life in a few years the grim reaper.

□ 1345

Tax, tax, tax. This House did not pick up the rules that prevented permanent repeal of the death tax. Today we will overwhelmingly pass permanent repeal. Many of our Democrat colleagues are arguing for something less than full repeal. Class warfare does not work on this issue. Americans strive to be successful, and when they share the fruits of their labor with their children, Americans support full repeal of the death tax. They do not want a toll booth on the road to meet their maker. Mr. Speaker, just as you cannot be a little bit dead, the death tax cannot be a little bit gone. Imposing taxes on the value of a lifetime of work is just plain wrong, and we must end this unfair tax permanently.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Maryland (Mr. CARDIN), a member of the Committee on Ways and Means and the Subcommittee on Health.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, I rise in opposition to the legislation we are considering and in support of the Democratic substitute. Mr. Speaker, this is first a matter of fairness. Currently only 2 percent of estates are subject to estate taxes and of that only .3 percent to the family farms and family businesses. A very small number today are subjected to tax. Under the Democratic substitute 99.7 percent of all these estates will avoid any estate tax. This is not about family farms and family businesses. We all agree that they should be able to avoid the estate tax for a modest wealth upon death. What this is about is what Forbes Magazine said. The 400 richest families in America will avoid somewhere between 200 to $300 billion, that is billion dollars, in taxes under the bill. It is for the super-rich; it is not even for the rich.

The second is affordability. When this legislation passed last year, we had a $5.6 trillion projected surplus. Mr. Speaker, we are now projecting large deficits. We are in a war effort. We cannot afford the extra hundred billion dollars that this legislation will cost. There is a better alternative. The Democratic substitute, about 5 percent of that cost.

Yes, reform is needed. The Democratic substitute raises the unified credit to 3 million per individual, 6 million per family, takes care of the problems immediately, not 5 years from now or 10 years from now, but does it in a responsible, affordable and fair way.

Mr. Speaker, this is a matter about priorities. What are the priorities of this Congress? When the estate tax repeal is fully implemented, it costs about $75 billion a year or $750 billion over the next decade. That is $750 billion. That is what our Congressional Budget Office says. We are going to be debating prescription medicines for our seniors. That costs about $750 billion if you want a good plan. What is more important, a permanent repeal of the estate tax or helping our seniors with prescription medicines? Helping people with wealth over $6 million or helping seniors try to deal with the costs of their prescription medicines? At the same time that the estate tax repeal comes into full effect, we need the money for the baby boomers in the Social Security system. What is more important, the repeal of the estate tax for estates over $6 million or preserving our Social Security system for America's future? Mr. Speaker, this is a matter of priority. We cannot have everything. We have to make hard choices. This is the wrong decision. I urge my colleagues to reject the bill.

Ms. DUNN. Mr. Speaker, I remind the previous speaker, the gentleman from Maryland (Mr. CARDIN), that the State of Maryland sent $582 million to the Federal Government in payment that is not used in their own State.

Mr. Speaker, I yield 2 minutes to the gentleman from the State of Arizona

(Mr. HAYWORTH), a very effective member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, later today we will take a vote to make the death tax repeal permanent. It will be a bipartisan vote, despite some of the preceding rhetoric in the well of the House, and I do not want anyone to be deceived or misled.

One of the leading proponents of permanent death tax repeal in my State happened to be the standard bearer for the Democratic Party in 1994 for the office of Governor. He came to me and said, "When are you going to repeal this death tax?" The reason he did so was not because he fits into the realm of the super-rich. The reason he did so, he is an owner of grocery stores and he employs hundreds of Arizonians.

Mr. Speaker, people of goodwill can have a fundamental disagreement. Either we can come to this floor and attempt to demonize and drive wedges and claim that it is always us versus them, or we can understand some simple facts: keeping businesses in business makes good sense for America. More than 70 percent of family businesses do not survive to the second generation. Eighty-seven percent do not make it to the third generation. Sixty percent of small business owners report that they would create new jobs over the coming year if estate taxes are eliminated. We move to do that.

Now the question becomes are we willing to make this permanent to deal with the arcane rules from elsewhere on Capitol Hill to make this permanent for job creation. We all want to save Social Security. We want to have people paying payroll taxes. The best social program is a job. The best way to ensure that the backbone of America, small businesses, stay in business, is to ensure that family-owned businesses can continue to operate. That is why it is vital for all Americans, Republicans, Democrats, Libertarians, vegetarians, all Americans to have the chance to keep their business in the family. There should be no taxation without respiration. Let us keep business alive.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), a distinguished member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, this really is not about farmers and small businesses. The Pomeroy substitute addresses 99 percent who would be excluded from estate taxes. This is not about class warfare unless it is warfare on behalf of 1 percent of the very wealthy against 99 percent. It is not about a quirk in the bill last year. If we eliminate the sunset, essentially we are further sunsetting fiscal responsibility, a trillion dollars the second 10 years for a few thousand families.

We are not just mortgaging the future, we are throwing it away. We are throwing away the chance to address Social Security needs, Medicare needs. In a few words, this is not about death taxes; it is about deficits, more deficits, and more, more deficits.

There has been a reference here to supply-side economics. This is supply-side economics run amuck. Those who vote "yes" today will live to regret it, if not tomorrow, some years from now.

Mr. Speaker, I urge a "no" vote on the final vote, and "yes" on the substitute.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I remind the gentleman from Michigan (Mr. LEVIN) that $711 million are taken from his State to give to the Federal Government as a result of the estate tax.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I rise today again to recognize the hard-working people of America who have played by the rules and have paid their fair share. Decent, law abiding, tax paying Americans are the backbone of this country, and they are the salt of the earth. They are the farmers of southwest Georgia, the family business owners across the country, from the Atlantic to the Pacific. All across this land are Americans who have paid taxes their entire lives, only to face the final taxing event at death. They paid their taxes during their lifetimes and should not be charged again because they happen to die.

The death tax represents all that is unfair and unjust about the tax structure in America because it undermines the life work and the life savings of Americans who want only to pass on to their children and grandchildren the fruits of their labor and the realization of their American dream.

And besides, it generates only 1.5 percent of our Nation's revenue. Farmers in my State of Georgia, many of whom are widowed women and the children of deceased farmers, are faced with losing their family farms because of this harsh tax. Employees of small and medium-sized family businesses, many of whom are minorities, are at risk of losing their jobs because their employers are forced to pay the unfair, exorbitant death tax levied upon them. Funeral homes, newspaper publishers, radio station owners, garment manufacturers, grocery owners, and real estate owners are all affected, all across the demographic spectrum.

Mr. Speaker, although reasonable minds may differ on this issue, I believe that the death tax is politically misguided, morally unjustifiable, and downright un-American. Let us vote today to finally eliminate the death tax and return to the American people and their progeny the hard-earned fruits of their labor.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, let us put this debate into some perspective. First of all, we do not have a death tax in this country. Nowhere in the statute does it mention the word "death tax." What we have and have had since 1916 is an inheritance tax paid to the government by the most wealthy.

Why do we have it? Well, to fund this government. To fund the military, to fund the expensive farm programs we passed 2 weeks ago, we need revenue. What the country decided long before I was in Congress was a tax code like a three-3-legged stool. One leg will be the income tax for which everybody pays. Then we have another leg for the business people, which is a business, or corporate tax, and the third is an inheritance tax. And that was fair.

What has happened since 1916, small businesses and farmers have flourished. Look just at the 1990s when the stock market went through the ceiling. The Gateses of the world were created.

But now we are being told by my Republican friends that the country is going to hell in a handbasket unless we repeal this tax. How does it affect Americans? Currently, 2 percent of the American public will pay it. In the gallery before me are about 100 people. Under this tax, two people will pay it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members not to refer to people in the gallery.

Mr. KLECZKA. Mr. Speaker, two people sitting in the gallery will pay it. Well, how about the 98 other bodies in the gallery?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is again reminded not to refer to people in the gallery.

Mr. KLECZKA. Mr. Speaker, the fact of the matter is, 98 percent of those who might be in the gallery will pay the additional income taxes to make up for this loss.

Where are we as a country? Two years ago we were awash in surplus, and we were told by my Republican friends that as far as the eye can see, we will have surpluses. These same folks have tax-cutted this country back into a deficit. This year we are looking at a $300 billion deficit.

□ 1400

As we all know, this country is on a war footing, a war on terrorism. We just passed a bill last week for $29 billion for the military and other homeland security items. Is now the time to repeal the tax paid by the 2 percent wealthiest of this country? Should they not help us with the war effort?

They are the beneficiaries. Not you. The Cabinet of the current administration will see a windfall of millions of dollars if we take this bad action today.

I ask my colleagues to defeat this measure. Quit kidding the American people and saying that this applies to everyone. The fact is 2 percent.

Ms. DUNN. Mr. Speaker, I remind the gentleman from Wisconsin that his State sends $380 million to Washington, D.C.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. COX), a strong proponent of the repeal of the death tax over a period of years.

Mr. COX. Mr. Speaker, I have been waiting for this day since 1993 when I first introduced the bill to repeal the death tax. The following year by 1994, we had some 29 sponsors, over 100 sponsors in the next Congress, over 200 sponsors in the following Congress. Due to the efforts of the chairman of the Committee on Ways and Means, the gentlewoman from Washington (Ms. DUNN), the gentleman from Tennessee (Mr. TANNER), that bill was eventually signed into law.

Four times this House has voted to repeal the death tax. And for good reason. By the way, I refer to it as the death tax because that is in fact what it is called in the Internal Revenue Code. For example, in section 2014 and section 2015, you will see the words, unlike the comments of the preceding speaker, death tax. That is the proper name for this code because it is a tax that applies on death. Its purpose when it originally was put into place was to confiscate the wealth of the super rich. Much of the discussion today has been focused on the nobility of that cause, confiscating the wealth of the super rich. But we have now a century of experience and we know that it does not succeed, or come close to succeeding, in that effort. It does not break up concentrations of wealth. To the contrary, it is the engine for concentrations of wealth.

Ask yourself: How could it be after a century of experience with a tax such as this designed to break up great concentrations of wealth that the great-grandchildren of John D. Rockefeller could be themselves so wealthy, but the wealth of John D. Rockefeller is well known to all of us who work in this Congress, as is the wealth of Joe Kennedy, the wealth of a lot of people who are no longer with us, because the super rich can afford the lawyers, the trusts, the bollix accounting schemes that are needed to avoid this ultimately elective tax. For the super rich, they do not pay it.

Who does pay it? Those people who work in businesses that are too small to have enough cash to do the expensive tax planning. The compliance cost associated with this tax, according to the Joint Economic Committee, may be more than enough to eclipse all the revenue that it raises. So most of the figures that we are hearing about how much money this might bring to Washington are looking at only half the story. You have got to look at how much it costs us to squeeze that blood out of the turnip. Even more to the point, look who supports repeal of the death tax. The National Black Chamber of Commerce, the Black Women Enterprises, Hispanic Business Round Table, Latino Coalition. This is not a coalition of the super rich. To the contrary, this is working America.

The tax that you pay when you lose your job because the owner dies without an adequate estate plan is 100 percent. The low wage worker in a non-public company pays 100 percent when his or her job is liquidated. And most of the estates where there are significant collections for the Federal Government are thrown into litigation because there is always an argument about what the estate is worth. Therefore, it is an inordinately expensive tax to collect. Over 80 pages of the Internal Revenue Code have been repealed with our repeal of the death tax. It is the biggest blow we have struck for tax simplification thus far.

But now we have to make it permanent. I mentioned that this House has voted four times for repeal. I mentioned the President has signed it into law. But as a result of an anomaly in Senate rules, nothing that this House voted for, our repeal, which takes full effect 7 years from now, is undone after only 12 months. So if 7 years from now you or a member of your family or the owner of your business dies on December 31, there is no burdensome estate tax to deal with, no death tax forms to fill out. If the same person, you or the same person, dies the following morning, then 55 percent is the rate that applies. The full burden of the death tax, even before the stepdown in rates that will have taken place over the next 7 years, is revisited.

That is why the New York Times referred to the current situation as the Throw Momma From the Train Act because only in 2010 is there actual repeal and the full tax comes back the following year. Only if you support this anomaly that imposes compliance costs on everyone in America should you vote against permanency.

I say vote "yes" on making death tax repeal permanent. It is time to throw the death tax from the train.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from South Carolina (Mr. SPRATT), the ranking Democrat on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, we all know the circumstances last year when we voted to repeal temporarily the estate tax. OMB was predicting a surplus of $5.6 trillion over the next 10 years. Today that surplus is gone, vanished, thanks to tax cuts, terrorists and recession, and overestimation of the surplus in the first place.

This year we expect a budget in deficit by $314 billion, excluding Social Security. Over the next 10 years we expect that deficit to be $2.6 trillion. We will consume all of the Social Security surplus and all of the Medicare surplus if that is true.

Even last year, estate tax repeal had to be shoehorned into the budget to hold the tax cut to no more than $1.3 trillion. That is why there was a repeal one year, reinstatement the next year. Even this year those who favor repeal do not favor it until 2010, 2011. They are putting it off. And they are understating the cost because the near-term cost seems low, but look at this chart and you will see what the long-term cost is. The long-term revenue loss in the second decade of this century resulting from the repeal of the estate tax will be $1.1 trillion.

How much is $1.1 trillion? That is one-third of the cost, 40 percent of the cost of making Social Security solvent. That is enough to pay for a robust, full-fledged Medicare prescription drug package. That is the opportunity cost of what we are doing.

Last year you needed a shoehorn to get it into the budget. This year you will need a shovel. What you will do is dig a hole in the budget that is deeper than ever. You will put us back in structural deficit like never before.

This is ill-advised. Vote for the substitute. Exonerate those small businesses by voting for the substitute from any kind of estate tax and keep the budget intact.

Ms. DUNN. Mr. Speaker, I remind the gentleman who just completed his talk from South Carolina that $231 million goes from his State that could be used to cover health care coverage for small businesses.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, we hear over and over again how the repeal of the death tax is another tax break for the exceptionally wealthy. This does not reflect my personal experience. I have been privileged to know a few very wealthy people and at no time have I ever heard from any of those people any discussion about the death tax. The reason for this is that nearly all of them have foundations, they have trusts, they have offshore investments, and none of them will leave money to the government in the form of inheritance tax.

The segment of the population that is affected most by the death tax consists of those individuals who have a single fixed asset that has appreciated significantly over time. In my district, which is largely rural, many small businesses, ranches and farms fit in this category. The farmer who bought land at $100 an acre 40 years ago that is worth $2,500 an acre today and the rancher who purchased grazing land at $20 an acre 50 years ago that is currently valued at $300 an acre would be examples. Nearly all of the profits from those farms and ranches have been put back into the property. Most farmers and ranchers are land-rich but cash-poor.

Yesterday I spoke with a cattle feeder who bought cattle from 100 ranch families in the Sandhills of Nebraska. I asked him what his number one concern was. He said that it was the death tax. He said that six of those 100 ranches were sold last year because the heirs could not pay the death tax. Most of those farms and ranches are sold to wealthy absentee landlords.

Ted Turner is currently the largest landowner in Nebraska. Ted Turner's property will not be subject to inheritance tax upon his death. This process takes wealth and population from rural areas. Currently the death tax nets slightly more than 1 percent of total government tax revenue, yet it costs almost one-third of every dollar recovered just to collect the tax. The net effect to the economy is negative when one considers lost jobs, lost productivity and loss of local control of businesses, farms and ranches.

I urge permanent repeal of the death tax.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY), a member of the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, life is full of choices. The choice before us involves repeal of the estate tax versus the choice of maintaining full benefit payments to the Social Security program.

There will be 78 million Americans that will turn 65 sometime in the next decade. At that point in time, their draw on Social Security will be profound. You can see Social Security revenues dropping dramatically as these 78 million leave the workforce. That same decade, however, if the majority plan passes, the costs explode on the lost revenue due to the estate tax. This X-marks-the-spot on this chart foretells fiscal disaster resulting in Social Security benefit cuts and payroll tax increases on our children.

We cannot just think about this in today's terms. We have to look long term. The long term is a fiscal catastrophe for our country, a tax obligation to our children and beneficiary cuts for Social Security recipients if we take the action urged by the majority.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. I thank the gentlewoman for yielding me this time.

Mr. Speaker, it always interests me when I see people talk about the fact that we are going to have a lower income, a lower revenue based on certain tax policy that leaves money within the economy. What I keep wondering and hoping to hear, though, is how we are going to reduce the outgo. This town is not known for cutting spending, but that is the number one problem in this town is the appropriations, not the taxation.

Mr. Speaker, even during an economic slowdown, our Nation still has one of the most vibrant economies in the world. We have the highest GDP of any Nation and the engine of this economy is small and medium-sized family-owned businesses. These businesses employ more than half of the workers in this country, generate more than 50 percent of the GDP and are responsible for more than 30 percent of our exports. These small and medium-sized businesses are the driving force of America's economic power.

Yet throughout our excessive and complex tax system, we place every conceivable obstacle in their path toward success. In many cases, despite the best efforts of our government to hinder these economic drivers, they somehow manage through sweat, blood, tears and grit to succeed. However, there is a troubling statistic about these businesses, Mr. Speaker. Less than one-third of them survive after they are inherited by the second generation, and less than 15 percent make it into the third generation.

Mr. Speaker, can you guess the number one reason for the failure of these businesses? It is lack of capital. You can further guess that the main controlling factor that leads to the lack of capital is the death tax.

Mr. Speaker, most of the wealth in this Nation has been generated since World War II. Between now and the year 2040, it is estimated that American family-owned businesses will transfer more than $10 trillion of assets to their heirs. It was a wise decision for the President and this Congress to repeal this horrendous tax burden.

□ 1415

The only problem with the repeal is that it will sunset in the year 2011. This makes it impossible for businesses to plan for the transition of ownership from one family member to another.

In order for the temporary repeal to be effective, the owner would have to die in the year 2010. As a small businessman for 39 years, I have seen some pretty good business plans. But I have never seen one that had a vision in it that the owner must die at a certain time and date.

I urge my colleagues to support this measure and support the small and medium-sized businesses for which this Nation is the envy of by the rest of the industrialized world.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from the State of California (Mr. FARR), a Member of the Committee on Appropriations.

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think the debate here is one where the Republicans are trying to make it sound good, but if you implement the law, it feels really bad. Let me explain. The law that they implemented trickles down the inheritance tax until the year 2010, and then it sunsets and comes all the way back. So any of you who are trying to plan an estate, you have no idea what you are going to have to pay, particularly unless somebody dies in the year 2010.

Now they come in and say, well, let us just make it permanent. What they want to make permanent is obviously a very bad law, because the one thing they do not do is they do not step up the basis, and if you do not step up the basis, then the people who inherit that property when they have to sell it have to pay a humongous capital gains tax.

There is a better provision here, and it is the Pomeroy provision, and I hope everybody and the Republicans listen to it, because it does a better job. It makes it more effective. You will have a better repeal next year, in the year 2003, than you do under the Republican proposal, and it does have a step-up basis. It is so tax-smart that the tax attorneys will tell you that the Pomeroy substitute is better law. It is better law for tax planners, it is better law for people who have to pay inheritance tax, and it is better for those who have to inherit.

Ms. DUNN. Mr. Speaker, I will remind the gentleman from California that $4 billion goes from the State of California as a result of the death tax, dollars that could be used by small business people to increase employment.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I stand in very strong support of repealing permanently the death tax. I personally know ranchers and farmers in my great State of Wyoming who have had to liquidate, had to sell their property, in order to pay the death taxes on their property. These are sometimes fifth-generation families, where they have done nothing but ranch or farm for five generations, and that is all they ever wanted to do. Sometimes they will sell half of their ranch, but they still end up having to sell the whole thing, because they cannot make a living with only half of the property.

We are not talking about wealthy people here. We are talking about small businessmen. We are talking about people who feed this country. We simply cannot afford to have our food supply controlled by big insurance companies who are able to afford to buy the ranches in the first place and then pay taxes on them, insurance companies, people like Ted Turner.

We need to have middle class, hardworking farmers and ranchers that love the land, on the land, working the land. Unless we repeal the death tax, that concept will not survive in the United States of America.

According to the National Federation of Independent Businesses, one-third of small business owners will have to outright sell or liquidate their businesses to pay the death tax. Half of those will have to lay off 30 or more people. So it is not just farmers and ranchers that suffer from having to pay these exorbitant death taxes, it is small businesses all across this country.

We all know small businesses are the backbone of this country, and we need to protect them. We need to allow them to expand their businesses and create more jobs, instead of paying the money to the government to be spent on other things.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, only one percent of all the estates in this country are assessed any estate tax. I have already voted to repeal the tax for most of those who are subject to it, and to do so immediately, not seven or ten years from now. But this vote today is a vote that is only the latest variation of the one-note symphony that is the Republican call for more and more tax breaks, each and every week, for the economic elite.

This bill is a key part of a $4 trillion package of tax breaks for the privileged few that they would saddle the rest of this country with paying for. This vote is more than a decision about the legacy of the heirs of Steve Forbes, Ken Lay and Ross Perot; it is a vote on the legacy for the future of America.

Today we are concerned with the Republican leaderships decision to, once again, never find a tax break for the wealthy that it does not like. They will indeed leave a lasting legacy. Yes, the heirs of Steve Forbes will get a windfall, but all the other children of America, they will get something also, a growing mountain of public debt, an undermined Social Security system, and a bleaker economic future.

Our children will inherit a shrinking pool of Federal funds to meet the expanding security needs our Nation now faces; and our children will be forced to pay higher taxes tomorrow because some were unwilling to pay their fair share today. While the Republican leadership is so greatly concerned about the legacy of the top one percent, I ask, what about the other 99 percent of America's children? What about their future and the fate of our country?

It was a Republican, Teddy Roosevelt, in 1906 who was among the first proponents of the tax that they propose to repeal today. He feared the power of an economic aristocracy that we see dominating America today. He feared "inherited economic power" and said that it was as inconsistent with the ideals of this generation in America as inherited political power was inconsistent with the ideals of the generation which established our government.

That concern is still true today. Would that we only had on this floor joining us one Teddy Roosevelt Republican who would stand up, in a bipartisan way, and express that concern about the future of American democracy and the future of our ability to meet our needs.

I will have to give them credit for one thing, that they call this the "death tax," because if they are successful today, and if they are successful in implementing this entire $4 trillion tax package for the privileged elite of this country, it will be the death of Social Security and Medicare as we have known them for decades and upon which so many Americans vitally depend, because there is absolutely no way that we can fulfill our obligations under Social Security and Medicare and give the privileged elite of America a $4 trillion tax break.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), one of the newer members of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership on eliminating the death tax. The gentlewoman from Washington (Ms. DUNN) has been a tireless leader in this effort.

What we are hearing today from the other side are two emotions: Fear and envy. Every issue that seems to come to the floor these days, they try to tap into the emotions of fear and envy, using bogus statistics like a $4 trillion tax cut, using these emotional attributes that the super rich are going to get away with murder.

Mr. Speaker, the super rich are going to stay rich even with the death tax in place. What happens with the death tax is we lose jobs in America. The greatest killer of the transfer of businesses from one generation to the next is the death tax.

Take into consideration what is going to happen on New Year's Day 2011 after New Year's Eve 2010 if this bill is not passed. On New Year's Eve, the estate tax on a small business or a family farm in value of $3 million will be zero. On New Year's Day, the next day, in 2011, that farmer, that small business person who may happen to pass away at 12:01 a.m. rather than 11:59 p.m. will have an $800,000 tax bill.

This is a killer of jobs. This is a killer of small businesses. More than 70 percent of family businesses do not survive the second generation, Mr. Speaker; 87 percent do not make it to the third generation. Sixty percent of small business owners report that they would create new jobs over the coming year if the estate taxes were eliminated.

This is about fairness, this is about doing the right thing, and it is about making sure that when you die, you do not visit the undertaker and the IRS agent on the same day. This is an issue about fairness. This is an issue about jobs. We are trying to appeal to the emotions of hope and opportunity and fairness on this side of the aisle, not the emotions of fear, envy and hyperbole.

Mr. MATSUI. Mr. Speaker, I yield 15 seconds to the distinguished gentlewoman from Florida (Mrs. THURMAN), a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I just want to point out to the gentleman from Wisconsin that for 1999 tax returns under the IRS statistics of income, there would have been 790 people who ended up paying the estate tax. Under the Pomeroy-Thurman amendment, there would be 50. By the way, that would be January 1, 2003, not 2010.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR), a member of the Committee on Appropriations.

Ms. KAPTUR. Mr. Speaker, this chart shows how much money Republicans have already raided from the Social Security trust fund this year. Was the trust fund not supposed to be in a lockbox and off limits to tampering? Well, they have raided it to the tune of over $207 billion as of the first week of this June.

In 1935, not one single Republican on the Committee on Ways and Means voted for the original Social Security Act. They have always had a problem believing in it.

Now they are raiding Social Security to pay for their tax cuts for the super rich, both living and dead! So long as they do, I will be here on this floor clocking their raid from the Social Security Trust Fund with this Debt Clock. I will be here to tell the truth to the American people. And that truth is that Democrats will fight to save your Social Security. For us, it is a compact of trust between generations for all Americans, senior citizens and disabled, not just the super rich.

Ms. DUNN. Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Indiana (Mr. ROEMER), a member of the Committee on Education and the Workforce.

Mr. ROEMER. Mr. Speaker, I rise in strong support of repealing the death tax. I think that we need to make sure that the hard-working Americans in this country get tax relief. They work hard, they sweat hard, and they need to pass on money back to their families and their children.

But the question today is do you repeal the death tax for the person that has made $500 million or $50 billion, or do you repeal it for everybody that has made up to $6 million, as the Democratic substitute does, for that hardworking family in my State of Indiana who has saved money year after year for their children and want to pass on $500,000 to their kids? We do not tax a penny of that for the farmer in Indiana that has seen their acreage grow in value and their farm grow to $5 million in value. We do not tax a penny of that. For the small business person who has grown their grocery store to $4 million in value, we do not tax a penny of that.

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But now it comes down to what Theodore Roosevelt talked about in 1906 when he spoke of a progressive inheritance tax on "fortunes swollen beyond all healthy limits," and he talked about the Vanderbilts or Rockefellers at 60 and $100 million dollars. Now we have families at $10 billion. Should they not have to pay any kind of tax when passing on their inheritance to their children when somebody out there working every day and making $50,000 a year has to pay a 15 percent rate on their taxes?

Mr. Speaker, let us make sure that we are fair in the American tradition, that we are fair when we are at war, that we are fair when States and the Federal Government have huge deficits in our tax structure.

Mr. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would just have to say in conclusion here on general debate that if the Pomeroy-Thurman bill, which will be offered as a Democratic substitute, became law, it would actually create a situation where only 10,000 estates in the entire country, 10,000 estates of 260 million people, would be taxed. So we are basically talking about, in the Republican bill, 10,000 individuals or 10,000 estates that we are talking about. That is what the tragedy of this debate is.

I have frankly never, in my entire 23 years in this institution, seen a larger transfer of wealth than on the floor of the House of Representatives today. The reason for this is we have no surplus. The $5.6 trillion surplus is zero. It is gone. It is totally eliminated. As a result of that, whatever we use to pay for this estate tax repeal will come out of the payroll taxes of the average American, the 6.2 percent payroll tax that every American pays.

We calculated this. In order to pay $103 billion a year, which it is over a 10-year period once it is fully in effect, the estate tax relief, we are talking about 55 million Americans that are making $30,000 a year, 55 million Americans, their FICA tax that they think is going into the Social Security trust fund, that money is actually going to pay some of the richest Americans and their estates in this country. It is a huge transfer of wealth that we are talking about. It is unconscionable.

Mr. Speaker, it would be my hope that my colleagues on both sides of the aisle would see this for what it is: a transfer of wealth from the middle class, from the suburban Americans, to the very wealthiest of Americans.

Mr. Speaker, I urge a "no" vote on this and a vote in favor of the Pomeroy-Thurman substitute.

Ms. DUNN. Mr. Speaker, I yield the remainder of our time to the gentleman from Oklahoma (Mr. WATTS), our conference chairman.

Mr. WATTS of Oklahoma. Mr. Speaker, I appreciate the gentlewoman from Washington yielding me time.

Mr. Speaker, this has almost been a hilarious debate. What I have heard here over the last hour or so, the debate that I heard, is that it is okay to be unfair to certain people. If we have the death tax that is going to affect 2 percent of the people and we have 1,000 people that are affected by the death tax, we are only going to be unfair to 20, so it should not be any big deal. It is okay for the government to be unfair to someone, as long as it is certain people that we are being unfair with.

I do not think the government should make those kinds of decisions. I am somewhat baffled by that, that we would say, let us just be unfair to these few people right here. Why should we repeal the death tax? This is about fairness. It is about being fair with the American taxpayers.

I want Members to look at the diverse group of organizations supporting permanent appeal: the National Black Chamber of Commerce. Why does the National Black Chamber of Commerce support repealing the death tax? Because in the black community, it takes sometimes three to four generations to create wealth, and then the owner of that business, the owner of that farm, dies and then they lose the farm. They lose the business.

The Hispanic Business Roundtable, the National Federation of Independent Businesses, the National Indian Business Association, the National Association of Counties, the Latino Coalition, the National Association of Women Business Owners. Why do they support repealing this unfair tax? Because they do not think that we should live 50 years, 55 years, get taxed, then die and then get taxed again. They think it is unfair.

Repeal the death tax. The economic advantages of doing this: it adds as much as $150 billion over the next 10 years to the economy. That is $15 billion per year. That creates a lot of jobs, and it puts money back into the economy. It adds as many as 200,000 jobs per year. It increases household savings due to lower prices by $800 to $3,000 per year in savings.

We need to repeal this tax. There is double-dipping going on right now. Under the current system, under the death tax, we are taxed once and then again we die and are taxed again. That is double-dipping.

As I have heard my colleague, the gentlewoman from Washington (Ms. DUNN), say, she has said her friends on the Democratic side, they are concerned about helping the rich, helping Bill Gates. Mr. Speaker, if Bill Gates dies, and she might have mentioned to us, reminded us of this today, if Bill Gates dies, this is not going to help Bill Gates because he is dead.

It is the American way to say hopefully some day we can leave something for our kids and grandkids. If one owns one McDonald's franchise or 50, it is not the government's money, it is our money. Let us repeal this unfair death tax. Let us put it to rest and bury it once and for all. Vote "yes" on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose the adoption of H.R. 2143. At a time when the country's economic power is waning and the deficit is burgeoning the country does not need a major loss of revenue. The Budget Committee staff now estimates that this year's deficit, excluding the Social Security trust fund surplus, will be $314 billion. Over the next 10 years, deficit, excluding the Social Security trust fund surplus, will be $314 billion. Over the next 10 years, the non-Social Security deficit will total $2.6 trillion.

Examining this chart on the cost of the repeal of the estate tax, one can see the sharp rise in loss revenue. In 2010 the revenue loss takes a vertical rise to over $55 billion in 2012, the first year in which the estate tax repeal would have full effect. The budget is on a course that will consume both the entire Social Security surplus and the entire Medicare surplus between now and 2012. The revenue impact of making the estate tax repeal permanent would total $109 billion over 2003–2012, and then soar to $1.033 trillion over the following decade.

The Center on Budget and Policy Priorities conducted an analysis of the estate tax repeal. Only 2 percent of the estates in the United States are subject to an estate tax. Of the estates subject to the tax very few include family-owned farms or businesses. The Democratic alternative to the Republican estate tax repeal extension bill offers immediate and permanent estate tax relief beginning on January 1, 2003, by increasing the exemption to $3 million for individuals and to $6 million for couples. Full repeal of the estate tax would be effective for people who die in calendar year 2009 and years after that. Moreover, the cost of repealing the estate tax will not be fully felt until after the 10-year period covered by the revenue estimate by the Republican repeal.

Under the current provisions of the Federal estate tax, estate taxes levied by States generally do not impose any additional burden on estates. Repeal of the estate tax would provide massive benefits solely to the wealthiest and highest-income taxpayers in America. Subsequently, the Federal revenue loss would be about $60 billion a year when the repeal is fully in effect a decade from now and States around the country would lose another $9 billion in estate tax revenues.

The estate tax is an integral part of our tax system. If it is repealed, large amounts of income, unrealized capital gains income of very high-income taxpayers, would never be taxed at all. Repealing the estate tax would open up new loopholes that would encourage many new schemes for income tax avoidance. Research suggests that repeal of the estate tax would cause a significant decline in charitable giving. In short, there is little reason to repeal the estate tax, and many reasons to retain it. The economy will eventually crumble due to the overwhelming debt the Nation will incur due to the repeal of the estate tax. Say no to H.R. 2143.

Mr. JONES of North Carolina. Mr. Speaker, there is a saying that only in America can an individual be given a certificate at birth, a license at marriage, and a bill at death. Americans should not have to visit the undertaker and the IRS on the same day.

Unfortunately, small businesses and family farms, like those in eastern North Carolina, are particularly vulnerable to the death tax. At the time of their death, Americans are taxed on the value of their property, often at rates as high as 55 percent.

Mr. Speaker, this places a tremendous burden on families who are already grieving the loss of a loved one. While small businesses and family farms are typically rich in assets, they often do not have the liquid resources to settle this size of bill with the Federal Government.

Too often, they are forced to sell some or all of their land or business, which often serves as their family's livelihood. Over the years, the death tax has devastated family-owned businesses throughout our Nation's towns and cities. Today, less than half of family businesses are able to survive the death of a founder.

What could be more un-American? Under current law, 70 percent of family businesses do not survive the second generation and 87 percent do not make it to the third generation. The death tax discourages savings and investment, and punishes those Americans who work hard throughout their lives to pass on something to their children.

Mr. Speaker, the estate tax does not serve as a significant source of revenue for the Federal Government. The Treasury Department reported that in 1998, the estate and gift tax raised only $24.6 billion, which amounts to only 1.3 percent of total Federal revenues.

In addition, economic studies conducted by former Secretary of the Treasury Lawrence Summers show that for every dollar in transfer taxes taken at death, $33 in capital formation is lost from the economy. Despite its little value to the government, the death tax undermines the idea that hard work and fiscal responsibility will be rewarded.

Thankfully, this Congress provided a phase-out of the estate tax beginning in 2002 by eliminating the 5 percent surtax and the rates in excess of 50 percent and increases the exemption to $1 million. Today, we need to take steps to ensure this phase-out is permanent and does not sunset in 2011. If H.R. 2143 is not signed into law, the death tax will reappear, almost overnight on New Year's Eve, 2011.

Mr. Speaker, this Congress has done an admirable job of guaranteeing tax relief for every working American. Let's pass this bill now and finish the job we started when we took back the people's House in 1995.

Mr. UDALL of Colorado. Mr. Speaker, I support reform of the estate tax—that is why I voted for the substitute.

But I do not support repeal of the estate tax—and so I cannot vote for this bill as it stands.

For me, this is not a partisan issue. Instead, it is an issue of reasonableness, fairness, and fiscal responsibility.

While I did not vote for last year's bill that included changes in the estate tax, there were parts of that bill that I think should be made permanent. That is why I am cosponsoring the bill to make permanent the elimination of the "marriage penalty" and why this week I voted to make permanent the provisions of last year's bill related to the adoption credit and the exclusion from tax of restitution to Holocaust survivors.

And, as I said, I support reform of the estate tax. I definitely think we should act to make it easier for people to pass their estates—including lands and businesses—on to future generations. This is important for the whole country, of course, but it is particularly important for Coloradans who want to keep ranch lands in open, undeveloped condition by reducing the pressure to sell them to pay estate taxes.

Since I have been in Congress, I have been working toward that goal. I am convinced that it is something that can be achieved—but it should be done in a reasonable, fiscally responsible way and in a way that deserves broad bipartisan support.

That means it should be done in a better way than by enacting this bill, and the substitute would have done that.

That alternative would have provided real, effective relief without the excesses of the Republican bill. It would have raised the estate tax's special exclusion to $3 million for each and every person's estate—meaning to $6 million for a couple—and would have done so immediately.

So, under that alternative, a married couple—including but not limited to the owners of a ranch or small business—with an estate worth up to $6 million could pass it on intact with no estate tax whatsoever.

And since under the alternative that permanent change would take effect on January 1 of next year—not in 2011, like the bill before us—it clearly would be much more helpful to everyone who might be affected by the estate tax.

At the same time, the alternative was much more fiscally responsible. It would not run the same risks of weakening our ability to do what is needed to maintain and strengthen Social Security and Medicare, provide a prescription drug benefit for seniors, invest in our schools and communities, and pay down the public debt.

The tax bill signed into law last year included complete repeal of the estate tax for only one year, 2010, but contains language that sunsets all of the tax cuts, including changes in the estate tax after 2001. This bill would exempt repeal of the estate tax from the general sunset provisions. It would reduce federal revenues by $109 billion between 2002 and 2012, $99 billion in lost revenue and $10 billion in interest charges, and more than $1.2 trillion in the decade between 2013 and 2022—the time when the baby boomers will be retiring.

But, as we all know, the budget outlook has changed dramatically since last year. In the last year, $4 trillion of surpluses projected over the next 10 years have disappeared—because of the combination of the recession, the cost of fighting terrorism and paying for homeland defense, and the enactment of last year's tax legislation. And now the proposal is to make the budgetary outlook even more difficult, making it that much harder to meet our national commitments—all in order to provide a tax break for less than 0.4 percent of all estates. I do not think this is responsible, and I cannot support it.

And, as if that were not bad enough, this bill does nothing to correct one of the worst aspects of the estate-tax provisions in last year's bill—the hidden tax increases on estates whose value has increased by more than $1.3 million, beginning in 2010, due to the capital gains tax.

Currently, once an asset, such as a farm or business, has gone through an estate, whether any estate tax is paid or not, the value to the heirs is "stepped up" for future capital gains tax calculations. However, last year's bill—now enacted into law—provides for replacing this with a "carryover basis" system in which the original value is the basis when heirs dispose of inherited assets. That means they will have to comply with new record keeping requirements, and most small businesses will end up paying more in taxes. That cries out for reform, but this bill does not provide it.

Mr. Speaker, I am very disappointed with the evident determination of the Republican leadership to insist on bringing this bill forward. Just as they did last year, they have rejected any attempt to shape a bill that could be supported by all Members.

Since I was first elected, I have sought to work with our colleagues on both sides of the aisle on this issue to achieve realistic and responsible reform of the estate tax. But this bill does not meet that test, and I cannot support it.

Mr. MOORE. Mr. Speaker, I rise in opposition to H.R. 2143, Permanent Death Tax Repeal Act and the Democratic substitute.

I have long been a supporter of providing estate tax relief to American families, small business owners, and farmers who have worked their entire lives to transfer a portion of their estates upon their death. I have also been an advocate, however, for ensuring that we transfer to our children and grandchildren a healthy economy and a government that maintains its commitment to Social Security and Medicare.

In the last Congress, I voted to repeal the estate tax and later voted to override President Clinton's veto of that legislation, Again, in the 107th Congress, I voted to repeal the estate tax as a stand-alone measure and later voted for President Bush's $1.35 trillion tax cut, which contained a provision to phase out and ultimately repeal the estate tax.

When I voted for the president's tax bill last year, I did so with his assurance that we would have the money to pay for it without dipping into the Social Security surplus. Unfortunately, due to the recession and the war on terrorism, the budget surpluses projected last year did not materialize and we are now borrowing money from Social Security Trust Funds to pay for even our most basis needs, including the war on terrorism.

While I agree that we should fix provisions of last year's tax cut to increase certainty in the Tax Code that will help people plan for their financial future, we should also make sure that we are not borrowing money—particularly from the Social Security trust funds—to pay for these cuts while we are simultaneously trying to enhance our national security needs. We should also ensure that we aren't raising other taxes to pay for provisions that are, quite frankly, political in nature and have nothing to do with ensuring that the estate tax burden is reduced on our small businesses and farms.

For example, Mr. Speaker, the underlying bill contains a hidden tax on all decedents. By fully repealing the estate tax, this bill would have the effect of repealing a provision in the Code, referred to as the "step up in basis," that protects heirs from paying capital gains on estates.

Anyone who has ever sold a "capital" assets, such as real estate, stocks, bonds, mutual funds, know that cost basis in what the gain or loss on the sales price is measured against. Generally speaking, cost basis is the purchase price of property subject to certain adjustments upward or downward. For example, if property was purchased in 1950 at a cost of $10,000 and sold in 2001 at $100,000, an individual would have a taxable capital gain of $90,000. The step-up basis interacts with estates such that when this property passes by reason of death, the heir inherits the asset with a new cost basis equivalent to the market value of the asset on the date of the benefactor's death. Taking the example above, if the property were transferred in 2001 at a value of $100,000 and the heir sold the property in 2006 for $120,000, the heir would only have a taxable capital gains of $20,000 instead of $110,000.

Should this bill become law, an owner of farmland, stocks, mutual funds, or even a personal residence would have lost the opportunity to pass the asset to the next generation without passing along the owner's cost basis, thus reducing the future capital gains bill that will have to be paid when the heirs sell the asset. In short, this amounts to a tax increase on all estates due simply to the increased cost basis of the estate.

Furthermore, I will also oppose the Democratic substitute to this bill. While I believe that the relief provided in this substitute—relief that is substantial and immediate—is important, like the majority plan the Democratic substitute also has a negative budgetary effect.

The Democratic substitute, in an effort to seek out ways to pay for its provisions, would raise taxes on some individuals by reinstating the 5 percent surcharge on highly-valued estates that I voted to repeal last year. That's not fair.

Mr. Speaker, the best alternative here today is to support the motion to recommit, which states that we should not fund the permanent repeal of the estate tax with Social Security surplus dollars. The motion to recommit will allow the estate tax repeal to take effect—which will not become an issue for over nine years—if we are able to afford it without deficit spending and using Social Security surplus dollars.

Again I have supported previous efforts to provide estate tax relief because, in the past, we have been able to afford it. I am concerned, however, that the total costs of these bills will continue to drive our nation into debt, and reduce our ability to deal with the long-term challenges facing Social Security and Medicare. Until we deal with the long term financial problems facing Social Security, we need to be very careful about any tax or spending bills that would place a greater burden on the budget in the next decade, effectively transferring these costs and burdens to our children and grandchildren.

Ms. KILPATRICK. Mr. Speaker, I rise today in opposition to H.R. 2143, which would permanently repeal the estate tax in FY 2011. The bill, if passed, will prove to be fiscally irresponsible in the short-and long-term. In reference to the short-term irresponsibility, the bill would immediately bring more wealth to the wealthy. This particular tax is one of the only ways for the Federal Government to tax on accumulated wealth. Each year, it raises a large sum of money for the government without affecting 98 percent of its citizens—only the wealthiest 2 percent are taxed. By eliminating the estate tax, we not only fill the pockets of the wealthy, but we take away the portion of federal revenue that readily assists the government in funding other efforts, such as the war on terrorism, education, Social Security, and Medicare.

My colleagues on the other side of the aisle claim that we need to immediately help the small businesses and farmers sustain their livelihoods by eliminating the estate tax. Well, Mr. Speaker, contrary to the majority's belief, the repeal of the estate tax is not needed to protect the small businesses and farms. A Treasury Department study found that estates, which comprised of small businesses or farms, paid less than 1 percent of estate taxes in total. Additionally, the estate tax currently offers breaks for estates with small businesses and farms. Modifying the estate tax can help the small number of estates that will possibly be affected by the estate tax, but repealing it would only do harm.

The long-term effects of the estate tax repeal are disastrous. Permanent repeal would cost the Federal Government over $50 billion of revenue in 2012 alone. This can be a huge blow for our economy in years to come, especially considering the estimated 75 million baby boomers that are due to retire in 2011 and 2012. Social Security, Medicare, and Medicaid will be negatively affected by a repeal and working Americans will be expected to pay for it with an increased tax burden.

H.R. 2143 is not a good bill for our Nation in the short-term or long-term. However, the Democratic substitute offered by my esteemed colleagues, Representative POMEROY and Representative THURMAN, is more fitting considering America's state and the future fiscal status. The substitute would increase the tax credit to $3 million for individuals and $6 million for couples starting immediately in January 1, 2003. By raising the tax credit level to that amount, 00.6 percent of the small businesses and farms will be exempt for the estate tax starting in January 2003. The substitute will also freeze the maximum estate tax at 50 percent, the current rate, and reinstates the 5-percent surtax for the estates that soar past a total value of $10 million. One of the most important aspects of this bill is that it will only cost $5.3 billion in 2012, a grave difference from the majority's bill.

While we attempt to rectify tax burdens, we need to be on alert of the short-term and long-term consequences of our actions. To be extreme in our attempts to fix the estate tax without thinking it through intelligently can ultimately draw the blueprint for our nation's demise. I cannot be a part of that effort. For that reason, Mr. Speaker, I am standing in strong opposition to the passage of H.R. 2143 and in full support of the Democratic substitute.

Mr. BLUMENAUER. Mr. Speaker, this Congress should delay any further tax cuts until we establish a budget that allows us to recognize current fiscal realities while we: ensure our security at home and abroad; meet our domestic priorities; and fulfill our Social Security and Medicare commitments.

That said, this is a frustrating process for me. I have advocated reform of the estate tax since, as a state legislator, I worked with the late Representative Mary Rieke to fix Oregon's tax. There is no reason we cannot reform the existing system to be more equitable and protect closely held businesses.

Again, the Republican leadership chose to play politics rather than make the system better. Instead of adopting immediate and much greater permanent relief now, the choice was to make most people pay more tax for 9 years, be subject to a capital gains tax and onerous recordkeeping, and trust that the ever-larger deficit doesn't unravel the whole program.

I voted for the Democratic substitute, which would have given more relief, sooner to 99.6 percent of estates.

I hope that we will someday stop playing politics to fashion a bipartisan solution that works and is fiscally responsible.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of the Democratic substitute to reform the estate tax. I say "reform" as opposed to "repeal" because there is a difference in the two ideas. The Democratic substitute would help individuals and small businesses in a variety of ways while still preserving the Social Security Trust Funds.

The Democratic substitute would increase the estate tax exclusion to $3 million, effective January 2003. The substitute would also place limits on corporations to prevent incorporations in tax havens that avoid taxation. It would also place limits on corporate tax shelters.

Last year's tax cut lowered the top estate tax rate to 45 percent by 2007, increased the estate tax exemption to $3.5 million—$7 million for a couple—by 2009 and repealed the estate tax altogether in 2010. Like the other tax provisions, the estate tax repeal is set to expire at the end of 2010. At that time, the estate tax reverts to what it was before, with an exemption of $1 million and a top rate of 55 percent.

In the past year, budget projections have deteriorated. The Congressional Budget Office has estimated that the projected budget surplus for the years 2002 through 2011 has declined by 3.9 trillion dollars over the past year. Outside Social Security, the budget is estimated to be at a deficit through 2009.

The most significant effect of eliminating rather than reforming the estate tax would come in the years beyond the current ten-year budget window, when the baby boom generation begins to retire and the Social Security and Medicare systems come under increasing pressure. Permanent repeal would lose approximately $740 billion in revenue.

What does this mean for the Treasury?

Well, there is something out of balance. Recently, the Administration sought to reduce the availability of student loans at the same time as it is seeking estate tax reductions for the highest-level millionaires . . . at the same time that the ranks of people without health insurance are growing . . . at the same time that seniors are without a prescription drug benefit.

Repealing the estate tax in its entirety makes it impossible to strengthen Social Security without raising other taxes. Fewer than 5000 of the wealthiest people, with estates valued at more than $6 million will be helped—at the expense of 53 million who will need to rely on Social Security benefits in 2011 and later.

In comparison, the Democratic substitute would lower or eliminate estate taxes for 99.7 percent for all Americans beginning in January 2003. No individuals with estates worth less than $3 million or $6 million for a couple will pay any estate tax under the Democratic substitute. 99 percent of farms would pay no estate tax. Unlike the Republican bill, the Democratic substitute repeals the capital gains tax on increases in the value of property.

In short, the Democratic reform of the estate tax would benefit 99.6 percent of decedents. This is a better choice for Americans, and it is a fairer reform by far.

I urge my colleagues to reject the underlying bill, and vote for the much fairer Democratic substitute.

Mr. SMITH of Washington. Mr. Speaker, fiscal responsibility must be a guiding principle of our government. My constituents have told me again and again that government must live within its means and balance the budget. I agree and have consistently fought for more fiscal discipline.

That is why I am voting against permanent repeal of the estate tax. I have always supported estate tax cuts—I authored legislation to completely eliminate the estate tax for all family farms and businesses, and have consistently voted to cut and even eliminate it altogether in years past.

However, this vote today is simply another step down the path of fiscal irresponsibility. In the past year and a half, our economy has been in recession and was further damaged by the terrorist attacks surrounding September 11. Instead of responding with tough choices and fiscal discipline, however, Congress and the Administration have responded by passing a $15 billion airline bailout bill, a $30 billion supplemental appropriations bill, a very wasteful and bloated farm bill, and a tax cut that will cost $2 trillion over the next ten years. Even though I voted against these things, the truth is that they have all been signed into law by the President or will be very soon, and so their fiscal impact is now a reality and must be taken into account.

There has been no serious effort by Congressional Leaders or the White House to design and implement a bipartisan balanced budget plan. The result has been a staggering reversal from the once-large budget surplus projections to large budget deficit projections. Budget deficits mean we use Social Security and Medicare revenues from other programs, putting us in a terrible position to deal with the entitlement crises that are coming in a decade due to demographic changes and the escalating costs of health care. We are falling further and further into debt, and interest payments on that debt will eat up an increasingly large share of taxpayer dollars—currently about 12 cents of each tax dollar.

We're moving in the wrong direction, and I cannot vote for legislation that will have such a large fiscal impact on our budget without a corresponding plan to return to fiscal discipline and get our budget balanced again within the next few years. Let me be clear: if the permanent repeal of the estate tax were part of a long-term balanced budget strategy, I would support it. Unfortunately, in this context, it is one more example of Congress and the Administration's lack of fiscal responsibility, and I cannot support it at this time.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.R. 2143, a bill to make repeal of the estate tax permanent. House Republicans need to wake up to reality. Our budget is in deficit, our security is in shambles, and our people, specifically our seniors and the poor, are suffering. Facing these astronomical problems, what do the Republicans want to do? Give more money to the rich! It's truly astonishing. The Republicans are so beholden to the wealthy that they either don't see or are willing to ignore the real problems our country faces. I say to my Republican colleagues, wake up! The rich are doing just fine. They don't need any more government handouts.

There are several more important priorities where we could invest this money. I'd like to concentrate on just one: America's seniors.

Today's bill sends the message to our seniors that a Medicare prescription drug benefit isn't nearly as important as securing tax-free estates for the wealthiest one percent of taxpayers. There are 40 million Medicare beneficiaries—virtually all of whom need help with their prescription drug costs. In contrast, repeal of the estate tax will only help the wealthiest one percent of descendants, or around 23,000 estates per year. At a time when we have scarce Federal resources, are we going to help 40 million elderly and disabled individuals who depend on Medicare or are we going to help the richest families in our Nation who are affiliated with those 23,000 estates? My priority is to help the 40 million seniors.

A May 2002 poll by NPR, Kaiser Family Foundation, and the Kennedy School of Government found that 64% of people would support rolling back the tax cut that Congress passed last year to provide a Medicare prescription drug benefit for seniors. Only 25% opposed this idea. I'm certain most of these people would also oppose spending $56 billion more per year on a small handful of wealthy taxpayers.

This bill is another Republican gift to the rich people who fill their campaign coffers. Meanwhile, the seniors, the poor, and the uninsured are left out in the cold. I urge my colleagues to vote no on H.R. 2143. It's time to get our priorities straight.

Ms. LEE. Mr. Speaker, I rise today in strong opposition to yet another irresponsible tax bill, which raids Social Security and Medicare. The cost of the phaseout and ultimate repeal of the estate tax is much more than billions of future tax dollars. The purpose of the estate tax is to mitigate the accumulation of wealth by family lineage. Democracy needs an estate tax to make a fairer society in which future generations all start with more or less the same opportunities. Most of the benefits of estate tax repeal go to the wealthiest one percent of descendants, with only 1.9% of estates actually paying the estate tax, according to the Internal Revenue Services. Can we really afford a $60 billion a year gift to multi-millionaires?

At the expense of this "gift" is Social Security, Medicare, Education, and Homeland Security. By making tax cuts permanent, H.R. 2143 would reduce revenues by about $4 trillion, resulting in "raids" on the Social Security trust fund and taking away resources for a Medicare prescription drug benefit. This new bill clearly ignores budget reality, just like its predecessor H.R. 586.

Taxing dead multi-millionaires is eminently more fair than taxing the not-so-rich living. The intergenerational transfer of wealth is projected to reach between $41 trillion and $136 trillion, and the estate tax should remain in place as an increasingly significant progressive source of revenue in the coming decades.

Permanent repeal of the estate tax has significant long-term cost, yet would benefit only a few, very large estates. Without the estate tax, the tax burden is more squarely placed on middle and low income workers. Estate tax reform offers a more sustainable approach than repeal. I urge Congress to explore the possibility of linking estate tax revenue to the Social Security trust fund. Congress should then reject the notion of wholesale repeal because it is simply another tax bill that benefits only the wealthiest of this country.

Mr. BEREUTER. Mr. Speaker, as stated on the record many times, this Member continues his strong opposition to the total elimination of the estate tax on the super-rich. The reasons for this Member's opposition to this terrible idea have been publicly explained on numerous occasions, including past statements in the CONGRESSIONAL RECORD.

This Member has every expectation that this legislation is going nowhere in the other body. Furthermore, on March 18, 2002, this Member noted in his statement on the House Floor for H.R. 536 that he had every reasonable assurance in this unpredictable place that eventually there would be a straight up-and-down vote specifically on the total elimination of the inheritance tax. This Member further noted that at that time that he will most assuredly vote "no" on the total repeal of the inheritance tax. Therefore, this Member rises today to express his strong opposition to H.R. 2143, which would make permanent the repeal of the Federal estate tax.

It must also be noted, however, that this Member is strongly in favor of substantially raising the estate tax exemption level and reducing the rate of taxation on all levels of taxable estates, and that he has introduced legislation, H.R. 42, to this effect. This Member believes that the only way to ensure that his Nebraska and all American small business, farm and ranch families and individuals benefit from estate tax reform is to dramatically and immediately increase the Federal inheritance tax exemption level, such as provided in H.R. 42.

This Member's bill (H.R. 42) would provide immediate, essential Federal estate tax relief by immediately increasing the Federal estate tax exclusion of $10 million effective upon enactment. (With some estate planning, a married couple could double the value of this exclusion to $20 million. As a comparison, under the current law for year 2001, the estate tax exclusion is only $675,000.) In addition, H.R. 42 would adjust this $10 million exclusion for inflation thereafter. The legislation would decrease the highest Federal estate tax rate from 55% to 39.6% effective upon enactment, as 39.6% is currently the highest Federal income tax rate. Under the bill, the value of an estate over $10 million would be taxed at the 30.6% rate. Under current law, the 55% estate tax bracket begins for estates over $3 million. Finally, H.R. 42 would continue to apply the stepped-up capital gains basis to the estate, which is provided in current law. In fact, this Member has said on many is. provided in current law. In fact, this Member has said on many occasions that he would be willing to raise the estate tax exclusion level to $15 million.

Since this Member believes that H.R. 42 or similar legislation is the only responsible way to provide true estate tax reduction for our nation's small business, farm and ranch families, this Member must use this opportunity to reiterate the following reasons for his opposition to the total elimination of the Federal estate tax. First, to totally eliminate the estate tax on billionaires and mega-millionaires would be very much contrary to the national interest. Second, the elimination of the estate tax also would have a very negative impact upon the continuance of very large charitable contributions for colleges and universities and other worthy institutions in our country. Finally, and fortunately, this Member believes that actually it will never be eliminated in the year 2010.

At this point it should be noted that under the previously enacted estate tax legislation (e.g., the Economic Growth and Tax Relief Reconciliation Act), beginning in 2011, the "stepped-up basis" is eliminated (with two exceptions) such that the value of inherited assets would be "carried-over" from the deceased. Therefore, as noted previously by this Member, the Economic Growth and Tax Relief Reconciliation Act could result in unfortunate tax consequences for some heirs as the heirs would have to pay capital gains taxes on any increase in the value of the property from the time the asset was acquired by the deceased until it was sold by the heirs—resulting in a higher capital gain and larger tax liability for the heirs than under the current "stepped-up" basis law. Unfortunately, the bill before us today (H.R. 2143) apparently would also make the stepped-up basis elimination permanent resulting in a continuation of the problems just noted by this Member—higher capital gains and larger tax liability for heirs.

In closing, Mr. Speaker, while this Member is strongly supportive of legislation to substantially raise the estate tax exemption level and to reduce the rate of taxation on all levels of taxable estates, and as such introduced legislation to this effect (H.R. 42), this Member cannot in good conscience support the total elimination of the inheritance tax on the super-rich.

Mr. FORBES. Mr. Speaker, I rise in strong support of H.R. 2143, the Permanent Death Tax Repeal Act of 2001. There are two things certain in life: death and taxes. With estate taxes, Washington has figured out a way to marry these two certainties. fortunately, last year President Bush singed into law the Economic growth and Tax Relief Reconciliation Act of 2001, which represents the largest tax cut in twenty years. The new tax law reduces marginal rates across the board, provides for marriage penalty relief, expands the child tax credit, increases contribution limits for IRAs and 401(k) plans, and repeals the death tax.

Unfortunately, because of the other body's acrane rules, the Economic Growth and Tax Relief Reconciliation Act will sunset in 2011. This is because under the Byrd Rule a point of order may be raised in the Senate against any tax reduction contained in a reconciliation bill that reduces taxes beyond the window of the reconciliation bill, in this case ten years. The point of order can only be waived with the vote of 60 Senators.

Congress should not allow the Estate Tax to rear its ugly head again because of the Senate's bureaucratic rules. The sunset provision of the tax relief package defies the original intent of the legislation and makes it virtually impossible for people and small businesses to plan ahead from a tax standpoint. Taxpayers should not pay the consequences ten years from now because of an esoteric Senate rule.

I also support this legislation because the Estate Tax is bad policy. Families should be allowed to keep more of what they have earned throughout their lives. There is no other tax more offensive than that levied on the deceased and their families. Not only is it a double taxation, but also its very name is a misnomer. Rather than failing on "estates," its most egregious effects are on small businesses and farms, which have been built over generations, only to be destroyed upon an individual's death in order to pay federal taxes. Clearly, this oppressive tax should be eliminated.

America has a strong and rich tradition of entrepreneurship and self-reliance. The Estate Tax, however, insults our values by forcing families to destroy a lifetimes work to feed the largess of the government. Rather, Congress should support policies that encourage the generational transfer of wealth. We should see that family farms and business are kept in business, not taxed out of existence because of the government. In the end, Mr. Speaker, the bottom line is that families should never have to visit a funeral parlor and the IRS in the same week.

Mr. Speaker, I urge my colleges to support H.R. 2143 and finally put an end to this misguided tax.

Ms. BROWN of Florida. Mr. Speaker, today is another sad example of why it matters who is in charge. We see today what the priorities are for this house leadership. For Republicans, the answer to every problem we have in this nation, and we have plenty, is tax cuts. The military and Coast Guard are underfunded, tax cuts. Seniors can't afford to buy the drugs they need, tax cuts. Veterans are being denied health care and benefits, tax cuts. Children are taking classes in trailers, tax cuts. Thousands of voters losing their right to be heard, tax cuts. We're struggling to find money to fight the war on terrorism, protect U.S. soil, rebuild New York, and keep peace in the Middle East. And the most important thing on the agenda for the Republicans is tax cuts for their country club friends that fund their campaigns.

The full repeal of the estate tax does nothing for the vast majority of Americans, and similar to most republican tax cuts, the lion's share of the benefits go to the super rich. If we have to deal with another tax cut, lets make it fair and immediate. The Democratic substitute will increase exemptions for small businesses and family farms, without jeopardizing the money we need to protect all our citizens from harm.

Mr. ADERHOLT. Mr. Speaker, last June, I had the privilege of attending the ceremony at which President Bush signed last year's historic tax cuts into law. This was quite an event, because it marked the enactment of the largest tax relief package in the last two decades.

It was also an accomplishment because it reversed the backwards way that Washington often views tax dollars as belonging to federal government bureaucrats, not to working family farmers and small business people. This backwards view is particularly stressful to families when a family member has passed away.

When someone who has paid taxes all of his life passes away, the death tax will still force surviving family members to pay up to 50 percent on the value of property of the deceased for tax year 2002. Fifty percent, even though the deceased spent a lifetime paying taxes on that very property. This is double taxation. With this high rate of taxation, families can be forced from their houses, off of their farms, and out of their businesses.

Thanks to last year's tax cut, the death tax will be gradually phased out by tax year 2010. However, because of a procedural rule in the other body, the death tax will come back to life in tax year 2011. To keep the death tax in the grave where it belongs, I am pleased to serve as an original cosponsor of H.R. 2143, the Permanent Death Tax Repeal Act, sponsored by Rep. DAVE WELDON of Florida, and urge my colleagues to support this important legislation.

Mr. ETHERIDGE. Mr. Speaker, I rise today to voice my reluctant opposition to H.R. 2143. Mr. Speaker, I own a small farm and at one time was a small business owner. Therefore, I am fully aware of how estate taxes make it harder for parents to leave a legacy to their children, whether it is in the form of money, land, or a business.

Throughout my service in Congress, I have been a strong supporter of estate tax relief for family farmers and small business owners. The first bill I introduced as a Member of Congress was a bill to raise the inheritance tax exemption from $600,000 to $1.5 million and indexed it to inflation for the first time. When a similar provision was included in the Taxpayer Relief Act of 1997, I introduced another proposal to provide further estate tax relief for those who inherit family owned farms and small businesses, by providing an estate tax exemption of $4 million. Last year, I even voted for H.R. 8, the Death Tax Elimination Act of 2001, to repeal the estate tax entirely by 2010.

When I supported H.R. 8, our country was expecting continuing budget surpluses for years to come. However, the unfortunate reality of our situation is that we have witnessed—in just one year—the most dramatic fiscal reversal in the history of our nation. Last year's projected budget surpluses have disappeared, and our nation is now drowning in red ink with ever-growing budget deficits and increasing federal debt.

Certainly, the severe economic downturn and the cowardly terrorist attack our nation experienced contributed to our country's dire fiscal position. However, the primary culprit is the risky, irresponsible tax scheme the Republican Congress enacted last year; the same plan that provided for only a one-year repeal of the estate tax. According to the Administration's own budget figures, that tax scheme is responsible for the nearly two trillion dollars in new debt the country faces within the next 10 years.

As my record shows, I support providing estate tax relief, but not at the expense of our senior citizens who benefit from Social Security and Medicare. The only way to pay for this bill before us is by taking more money out of the Social Security and Medicare Trust Funds and replacing it with more IOUs. Making the repeal permanent at this time will compound the fiscal mistakes Congress made last year and make it nearly impossible for us to ensure that Social Security and Medicare will still be available when the baby boom generation retires.

In addition, instead of truly eliminating the inheritance tax, the bill imposes new capital gains taxes and record-keeping requirements on individuals acquiring inherited property. This bill requires the increased value of estates to be tracked over time so that capital gains taxes can be paid. This will place enormous capital gains taxes and record-keeping burdens on the heirs of estates that may be decades old.

We need to come together and chart a new path toward fiscal responsibility. That is why I am supporting the Democratic substitute authored by Rep. POMEROY. This substitute provides an estate tax exemption of $3 million for individuals and $6 million for couples beginning January 1, 2003. This plan will exempt 99.7% of estates from the estate tax and cost less than half than a full repeal. In addition, the substitute repeals the Republican capital gains provisions that impose new burdens upon heirs.

Working together, we can move toward balanced budgets and away from bigger budget deficits; pay down the national debt; save Social Security and Medicare funds for older Americans and not for other purposes; maintain America's leadership in science and technology; invest in education, health care and other initiatives that enable people to make the most of their lives; and provide for a permanent estate tax repeal. Passing H.R. 2143 at this time is inconsistent with these goals and fiscal responsibility; therefore, I oppose the bill and will wait for the day that fiscal sanity returns to Congress.

Mr. SANDLIN. Mr. Speaker, I rise today in support of this legislation.

The elimination of the Estate Tax has been a priority of mine since I first got elected to Congress.

In 1997, as a freshman Congressman, one of the first pieces of legislation I introduced was a bill to eliminate the estate tax. In every Congress since then I have reintroduced this legislation and I am committed to legislation to permanently end the estate tax.

All over Northeast Texas I have heard horror stories from many family members who have been forced to sell all or part of their family business or family farm just to pay the estate taxes. Family-operated farms, ranches and businesses are the backbone of the Northeast Texas economy and the estate tax threatens their continued existence. Currently, only about 30 percent of family businesses make it beyond one generation and that isn't what America is all about.

In 1997, I also supported the Taxpayer Relief Act, which increased the unified credit—the general estate tax exemption allowed under most circumstances—from $600,000 to $1 million over 10 years between 1998 and 2008. It also included a new exemption for family-owned farms and small businesses, ensuring that the total amount exempt from tax credits for these family-owned businesses would total $1.3 million. That was a good first step toward the American dream of building a business and passing it on to future generations. But, we still needed to do more.

Last year, on April 4, 2001, I voted for legislation that would phase out the estate, gift, and generation-skipping taxes over the next 10 years. However, as we all know, the version that was signed into law—as part of the overall tax cut package—re-establishes the estate tax in 2011. This is simply not acceptable to me or to the family business-owners and family-farmers who are hurt by the estate tax. I believe we have made great strides over the last 7 years to help family businesses and farms escape from the burden of the estate tax. However, the sunset is a setback for true, long-term relief.

Earlier this year, on April 15, a day when all Americans are focused on the taxes they pay, I introduced legislation to permanently repeal the estate tax. I wanted to signal the need to do more.

Today, I am pleased that we have the opportunity to vote once again on permanent repeal—making sure that the estate tax will not rear its ugly head again in 2011.

I believe, that no matter what, we must make the estate tax repeal permanent and that doing so is good for economic growth and is good for the American dream.

I urge my colleagues to support this important legislation and I yield back the balance of my time.

Mr. BALDACCI. Mr. Speaker, I rise today in opposition to H.R. 2143, the Estate Tax Repeal Act, and in support of the substitute amendment.

Mr. Speaker, no one wants to see family farms and businesses jeopardized by the estate tax. I am a small business owner myself, and I share the desire of many hard-working Americans who want to build prosperous businesses and farms, and then pass them on to their children in the knowledge that they will be secure.

However, this vote is not about saving family farms and businesses—if that were the issue, it would be easy enough for this House to protect them. The substitute bill before us today creates a high exemption that would protect almost every farm and business in America. Instead, this vote is a choice between enacting a generous exemption that safeguards family businesses, and enacting an outright repeal that gives a tax break to those with the highest incomes.

This makes a real difference to people. In my home state of Maine, only about 1 percent of estates would fall above the $3 million exemption. In high revenue years like 1999, the top 10 estates alone accounted for $30.6 million in state revenue. This is equal to the entire budget for the Maine Department of Public Safety. It is also equal to all of the growth in state medical care payments to providers in the state of Maine. If we were to pass an outright repeal of the estate tax, Maine would lose this desperately needed income, and would be forced to cut such vital services.

I do not believe it is worth trading our public safety activities, especially in the midst of a fight against terrorism, to give a tax cut to the top 10 estates in Maine. I do not believe it is worth cutting medical care in hospitals to give a tax cut to the top 10 estates in Maine.

Mr. Speaker, many states are currently facing the budget crises that is affecting my home state. Our Federal Government is now facing deficits as far as the eye can see. Why endanger our priorities in health, security, and education when a much better alternative is right here before us? Voting for the substitute will protect family farms and businesses, but preserve our fiscal stability and our ability to fund some of our most important needs.

I urge my colleagues to support the substitute, and to vote against H.R. 2143.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to express my strong support for the Democrat substitute which provides immediate, permanent estate tax reform, but in opposition to H.R. 2341. Small businesses and farm owners should not be penalized for their success, nor should they need to worry about their ability to pass the family business on to future generations, and the substitute addresses these concerns. I continue to oppose complete repeal as proposed in the measure before us because it disproportionately benefits a small number of extremely wealthy individuals and runs our Nation's budget into deeper deficits.

In its current form, the estate tax affects less than 2 percent of the wealthiest Americans. As of January 1, 2003, the substitute will immediately increase the estate tax exclusion to $3 million for a single person and $6 million for a married couple. The substitute permanently exempts 99.7 percent of Americans, leaving the tax burden entirely on the wealthiest 0.3 percent of estates. This substitute updates our most progressive tax to affect even fewer families. I continue my support for immediate, permanent estate tax reform, unlike the Republican bill, which will not provide relief until 2011.

The Democratic substitute offsets the cost of the estate tax increase, but the Republican bill to totally repeal the estate tax, which costs more than $50 billion per year, comes at the cost of a prescription drug benefit, our children's education, and paying down the debt. I have worked too hard balancing budgets during my 25 years of public service to permit such irresponsible fiscal policy to prevail.

Totally repealing the estate tax is contrary to the wishes of two Republican Presidents, Teddy Roosevelt and William Howard Taft, who put this tax in place. In 1907, Theodore Roosevelt said the following regarding this progressive tax, "Such a tax would be one of the methods by which we should try to preserve a measurable quality of opportunity for the people of the generation growing to manhood." During his Inaugural Address in 1909, William Howard Taft said, "New kinds of taxation must be adopted, and among these I recommend a graduated inheritance tax as correct in principle and as certain and easy of collection." Historically, the richest in our society are the ones who pay the majority of the estate tax, and the original justification for this progressive tax is still applicable today, but reform is needed as our economy and times change.

Rick Mos is a small business owner in Kansas City, and he has concerns about the future. His company, High Life Sales Company, is a beer distributor in my district. He supports the reform that has already taken place to raise the exemptions and decrease the tax rates, and he supports permanent reform. He does not, however, support permanent repeal. He told me that if it were not for the estate tax, the wealthiest Americans would lose a necessary incentive to create charitable foundations which help all of our communities. Two of the largest charitable foundations in my district, the Kauffman foundation and the Hall foundation, have donated millions of dollars to the Kansas City community, including the construction of a state-of-the-art concert hall which is scheduled to be completed in 2007. Would there be as much money available if the estate tax was repealed? It is unlikely. Ewing Kaufman and Joyce Hall were great philanthropists, but they were also businessmen, and they recognized the tax benefits of giving to charity under the estate tax. Voting for H.R. 2341 repeals this charitable incentive.

Mr. Mos supports the Democratic substitute, but not a total repeal. We are hearing a lot of Members today talk about small business owners and farmers, but how many of you have spoken to small business owners in your district? I am sure you will find many constituents with the same beliefs as Mr. Mos.

Many of our Nation's billionaires have bonded together to form an organization called Responsible Wealth. Warren Buffet, one of the group's founders, argues that repealing the estate tax would be equivalent to "choosing the 2020 Olympic team by picking the eldest sons of the gold medal winners in the 2000 Olympics."

Let's do what is responsible for America and permanently reform the estate tax but not repeal it.

Mr. DINGELL. Mr. Speaker, I rise in opposition to a bald political move by my Republican colleagues.

Just a month and a half ago, on April 18, this body voted to make last year's tax cut permanent. Though I voted against it, it passed by a vote of 229–198. Why are we taking a piecemeal approach and voting on it again?

I would ask the Republican Leadership the same thing I asked when we voted on H. Con. Res. 312, on February 6. For those of you who don't remember, that was a bill that "expressed the sense of Congress that the tax cut should not be repealed." Have we no real work to do?

Just over a year ago, this body voted on the President's tax cut. This tax cut, you'll remember, benefited only the wealthiest Americans. In order to cook the books and give tax breaks to their fat-cat buddies, my Republican colleagues put a 10-year sunset on that tax cut.

That brings us up to April 18, when this body voted to make the President's irresponsible tax cut permanent.

Yet here we are, we have no prescription drug benefit for our seniors, there are people earning a measly $5.15 an hour and we still don't have a patient protection bill. We do, however, have the time to debate and discuss whether or not we should make each aspect of that foolish tax cut permanent—even though we have already done so.

Mr. Speaker, I keep hoping that one day my colleagues on the other side of the aisle will cease to amaze me. But they never do. There is not a problem or crisis that they cannot address with a simple tax cut. And I would note that it is all the more appealing to my Republican colleagues if it benefits the wealthy.

I will not waste time here talking about the fact that we cannot pay for this tax cut, that further tax cuts will only serve to put us deeper in debt, and that we have other priorities that need to be dealt with. I have said it all before. I would simply ask my colleagues to vote against this redundant farce. Take this opportunity to send a message that there really are other things we should be doing. Vote no on this bill.

The SPEAKER pro tempore (Mr. Simpson). All time for general debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. Pomeroy:

Strike all after the enacting clause and insert the following:

SECTION 1. RESTORATION OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) In General.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(b) Sunset Not To Apply.—

(1) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "this Act" and all that follows and inserting "this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.".

(2) Subsection (b) of such section 901 is amended by striking ", estates, gifts, and transfers".

(c) Conforming Amendments.—Subsections (d) and (e) of section 511 of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subsections, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsections, and amendments, had never been enacted.

SEC. 2. MODIFICATIONS TO ESTATE TAX.

(a) Increase in Exclusion Equivalent of Unified Credit to $3,000,000.—

(1) In general.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to applicable credit amount) is amended by striking all that follows "the applicable exclusion amount" and inserting ". For purposes of the preceding sentence, the applicable exclusion amount is $3,000,000.".

(2) Earlier termination of section 2057.—Subsection (f) of section 2057 of such Code is amended by striking "December 31, 2003" and inserting "December 31, 2002".

(b) Maximum Estate Tax Rate To Remain at 50 Percent; Restoration of Phaseout of Graduated Rates and Unified Credit.—Paragraph (2) of section 2001(c) of such Code is amended to read as follows:

"(2) Phaseout of graduated rates and unified credit.—The tentative tax determined under paragraph (1) shall be increased by an amount equal to 5 percent of so much of the amount (with respect to which the tentative tax is to be computed) as exceeds $10,000,000. The amount of the increase under the preceding sentence shall not exceed the sum of the applicable credit amount under section 2010(c) and $224,200."

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2002.

SEC. 3. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.

(a) In General.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

"(d) Valuation Rules for Certain Transfers of Nonbusiness Assets.—For purposes of this chapter and chapter 12—

"(1) In general.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

"(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

"(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

"(2) Nonbusiness assets.—For purposes of this subsection—

"(A) In general.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

"(B) EXCEPTION FOR CERTAIN PASSIVE ASSETS.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

"(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

"(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

"(C) EXCEPTION FOR WORKING CAPITAL.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

"(3) PASSIVE ASSET.—For purposes of this subsection, the term 'passive asset' means any—

"(A) cash or cash equivalents,

"(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

"(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

"(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

"(E) annuity,

"(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

"(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

"(H) commodity,

"(I) collectible (within the meaning of section 401(m)), or

"(J) any other asset specified in regulations prescribed by the Secretary.

"(4) LOOK-THRU RULES.—

"(A) IN GENERAL.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

"(B) 10-PERCENT INTEREST.—The term '10-percent interest' means—

"(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

"(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

"(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

"(5) COORDINATION WITH SUBSECTION (b).—Subsection (b) shall apply after the application of this subsection.

"(e) LIMITATION ON MINORITY DISCOUNTS.—For purposes of this chapter and chapter 12, in the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), no discount shall be allowed by reason of the fact that the transferee does not have control of such entity if the transferee and members of the family (as defined in section 2032A(e)(2)) of the transferee have control of such entity."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 435, the gentleman from North Dakota (Mr. POMEROY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think about a farm family, a farm couple, say in their eighties. Say they have an estate of $5 million. Listening to the debate today, they must be thinking, thank goodness for the majority, thank goodness they are helping us.

In reality, let us make it very, very clear, the majority bill does nothing until the year 2011. It does not change a thing. If they had a choice to make, eliminating the estate tax for more people now or wait until later and then repeal it, they took the latter route. We will show Members that reform now is very, very important to so many of the people they have been talking about all afternoon.

Let us compare how the bills contrast. We would establish an estate tax exclusion: no estate tax for couples with $6 million in assets beginning January 1. They would leave the law for estate taxes at $2 million. If one is above $2 million, they are going to have tax, under their proposal. How about 2004? They take it to $3 million; but we are at $6 million, way more meaningful relief for that farm family. The same in 2005, the same in 2006, the same in 2007 and 2008.

Through the balance of the decade, the substitute that we have put before the Members gives meaningful estate tax relief now. In their bill, there will be four different Congresses convening between now and the implementation date of their bill. We cannot tell events in 2011. We cannot bind events in 2011. We can do something now.

Mr. Speaker, this substitute will make the estate tax go away for 99.7 percent of all Americans. That is the family farmers, the small businesses. Those are the people we have heard so much from from the majority. It is $6 million for a couple and no estate tax beginning in January under our substitute. This is the approach we advance and want Members' consideration for.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Does the gentleman from California (Mr. THOMAS) claim time in opposition to the amendment?

Mr. THOMAS. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from California is recognized for 30 minutes.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am old enough to recall a period of time in which records were first 78 rpm, and then we got the smaller ones when the kids' rock 'n roll began to come in, the old 45s. What was usually done was that there was on one side of the record the hit song, and then on the other side, what came to be known as the flip side. Rarely did we get a 45 record that had two really good songs on both sides, and there were some folks who made a living by living on the flip side.

So we have had the debate about getting rid of the death tax, repealing the death tax permanently. That is the hit side. The flip side of that record is what we are now debating. I do not care how many numbers on a chart are presented, I do not care how someone is going to tell us we are going to be okay for a while. The name of the song on the flip side is: we are reinstating a permanent death tax. The hit side is repeal, the flip side is that we want to retain a death tax. That is one of the reasons they talked about the hit side and the flip side.

Here in terms of this particular debate, all we have to say is, do what most of the kids did when they had their 45s: play the hit side, not the flip side. Oppose the substitute and support the underlying bill.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Washington (Ms. DUNN), and I ask unanimous consent that she control the balance of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the substitute effective January 1, 2003, repeals the estate tax for 99.7 percent of the people in this country: those couples with estates of $6 million and below. The majority would leave those couples without effective relief, their implementation date being 2011, the effect of their bill.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN), the cosponsor of the substitute.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from North Dakota for yielding time to me, and I think he has done a wonderful job in protecting the values of the people of this country.

Mr. Speaker, I rise in strong support of the Pomeroy-Thurman substitute and in opposition to H.R. 2143. Mr. Speaker, in 1999 I urged the House to pass a sensible bill that would remove estate tax from small businesses and family farmers. If the House had adopted my suggestion, we would not be offering this substitute today, and people that had died and had to paid the death tax would not be paying it today.

This substitute creates an immediate $6 million exemption for couples. The majority bill is only $2 million per couple. Think about that. Members should ask their neighbors and coworkers if they have $6 million, or if they know anybody who does. I am not talking about a $500,000 estate or $1,000,000, but $6 million.

In 1999, for example, there were 3,300 people nationwide that had estate values at more than $5 million, 412 estates in Florida. If we adopt this substitute, even fewer Americans will be touched by the estate tax.

Mr. Speaker, this bill is not about small business relief, it is the answer to Bill Gates, Sr.'s question: How high a price is America willing to pay in order to give a handful of millionaires and billionaires a tax break?

Each week I meet with individuals who tell me their needs. It may be farmers who need water to fight an ongoing drought; it may be utility contractors who need money for water and sewer programs. I have heard their pleas and would like to help them; but guess what, my hands are tied because there are no Federal funds left.

Ask the mother of a child from Jacksonville with juvenile diabetes if she wants a permanent estate tax repeal or more health research or health care for her child.

Ask the family from Broward County, Florida, that I talked to outside of my office a few weeks ago. They explained the problems from the lack of funding for a rare childhood disease of their daughters. Most of this House is on record in support of additional health research funding. Where do Members think this money comes from?

Ask our parents or grandparents about a real Medicare prescription drug plan. Without funds, they will be forced to choose between food and medicine. This bill, and others like it, reduces even further revenue that could fund these and other programs. With the substitute, at least we may be able to have some money to help fund some of these programs.

Mr. Speaker, one final point about the difference between what the majority talks about in their speeches and what they put in their bills. Why do we have to wait until 2010 to get the benefit of the estate tax repeal? The substitute, on the other hand, repeals the tax for 99.7 percent of the people as of January 1, 2003.

□ 1445

If we want to help small businesses, support the substitute; but if we want to increase future deficits, oppose the substitute. If we want to help family farmers, support the substitute. If we want to increase the national debt, then do not. If we want to provide some money for Medicare, health research, homeland security, and defense, support the substitute. If we want to further limit our ability to meet people's needs, then do not.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

The Democrat substitute is a short-term fix, and it is really a scam. It is masquerading as real tax relief. As I listen to the gentlewoman talk about the incidents in her State of Florida, it occurs to me that the numbers tell a different story. They are complaining about our not having enough money to spend on certain programs, many of which I think are very worthy and many of which we are spending money on. But in the Democrat substitute over the first 5 years, they are spending $22 billion compared to the $9.2 billion that we spend in ours. They are actually raiding the coffers to a much greater extent themselves.

Mr. Speaker, their bill does not address rates. After the $3 million credit, the family is forced to pay taxes starting at a 50 percent rate on every dollar over the credit. It does not start at 1 percent. It starts at 50. For businesses valued at $6 million, this means a tax bill approaching $1.5 million.

Under the substitute, the United States will still have the second highest death tax rates in the world after Japan, behind bastions of free market capitalism like France and Sweden.

Secondly, every attempt to provide the death tax relief has been a failure. We all know what happens when a tax is left on the books. It simply grows back. It grows back in this case with a vengeance. Inflation alone can subtract 30 percent of the value away from the exemption that the substitute requires. If we do not pull the death tax out by the roots, there is no guarantee that the exemption will not be reduced totally by a future Congress.

The Pomeroy substitute also sets an arbitrary limit on the size of a protected business. It essentially tells businesses to be successful but not too successful. Unless the $3 million exemption were adjusted for inflation, as I said, within 10 years inflation could decrease its value by 30 percent.

The Pomeroy substitute will actually cost over twice as much in the next 5 years as immediate repeal. I think this alone is a very important way to view this substitute because it is being sold as something that will allow us to take care of the involvement of the cost of that bill in a more effective way and it certainly is not true.

Finally, and perhaps most importantly of all, the substitute affirms the flawed notion that it is fair and reasonable to tax people at the end of their lives. Instead of rewarding them for saving or building a business, being successful, we punish them by assessing on them a very burdensome and unfair tax.

I urge my colleagues to reject the substitute, eliminate the death tax once and for all. We can do that by our vote today in the House of Representatives.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), a valued member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the gentlewoman for yielding me time and I appreciate her leadership on this issue.

We have had an interesting debate here on the floor this afternoon. It started out as a debate about whether there should be a gifted estate tax or not. And the other side of the aisle said it is important that we soak the rich and we do not want to let people get off. Our side was saying the estate tax does not make any sense, and now we are hearing from the other side of the aisle that actually we do believe that there ought to be less of an estate tax, actually, and, in fact, ours costs more over the next 5 years than yours does and that is somehow good. So we are hearing very different arguments coming from the other side of the aisle.

I guess what I would say is we have a fundamental decision to make here. Is this death tax a good thing or not? And what we are saying is: No, it is not. And there are a lot of reasons for that.

One is the fact that it does hurt the economy. It is not the rich person who ends up getting the benefit of the death tax. That person is gone. That person is dead. It is the people who are left behind. It is the heirs but, more importantly, it is the employees of these small businesses, these family farms, who then do not have a job because they no longer have a business.

Now, let me tell you, if you look at some of the data on this, it is amazing. This is 1.4 percent of total revenues to the Federal Government, extremely complex. There are thousands of valuation cases at the Department of Justice today, so it is an extremely expensive system to administer, and it has this effect of allowing for so many businesses not to succeed.

We know that over half of minority businesses today, based on a Kennesaw State College study, are unable to grow, or fail because of the legal and accounting costs of the death tax. Even those folks who end up not being hit by the death tax have to go through the legal and accounting and the costs associated with it. This chart shows that it harms women business owners particularly because many of them are small business owners. They spend an average of $1,000 a month just paying to plan for the death tax. Instead of that money going into planning, into lawyers and financial planners, it could be used to provide health benefits, to provide pensions for their employees.

This is really a fundamental, philosophical divide we have. Should there be a death tax or not. We say the death tax is inefficient. It is a terrible way for the Federal Government to get revenue. It ought to be ended. It is also bad for the economy. You all want to continue it. I think that is the question we have before us today.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very astounded the other side would suggest that the cost of our package is more than their package. The 10-year figure makes it very clear. The cost of our package is $5 billion. And we had that offset, although the offset was not allowed under the rule, but $5 billion. The cost of their package over the 10 years, $99 billion. When they talk about a 5-year cost figure, that is not but half the story. The full story is the 10-year figure, $99 billion for the majority, $5 billion for ours, and that does not exclude the next 10 years where theirs balloons to over a trillion dollars if you count death service. Whatever merit there may be to their arguments, and frankly they are pretty thin, it certainly has nothing to do about cost. Their package is, over the long run, is infinitely more expensive than ours.

Mr. Speaker, I yield 2½ minutes to the gentleman from Los Angeles, California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think my friend and colleague, the gentleman from Ohio (Mr. PORTMAN), has said it well. We do have to put everything in context and we have to understand what we are talking about. Right now is should we have cut the estate tax, a tax that of the 270 million Americans will benefit about 33,000 Americans and that estate of those Americans. So that is slightly under 2 percent. It is about a percent and a half of all Americans get taxed under the estate tax. And this bill, which is predicted to cost $100 billion over 10 years, if you take it out to those 10 years, when it is fully phased in, the cost is about $100 billion per year. So over the second decade you are looking at about a trillion dollars when you factor in the interest that we have to pay for that. Of about $100 billion a year, a trillion dollars over a decade in costs.

So let us put that in context. Today, unlike a year ago when we were being told we would have surpluses in our budget as far as the eye can see, today we have a budget deficit of something around $100 billion. Today what are we doing to pay that $100 billion that we do not have so we can have the government operating? We are using this. The government credit card. Where are we getting the money to pay the cost of that credit card and the interest on that government credit card? The Social Security trust fund and the Medicare trust fund.

What is that trust fund money supposed to be used for? For those who are retiring so they can get Social Security and Medicare. What happens when you use the Social Security trust fund monies and the Medicare trust fund monies for things other than Social Security and Medicare? You have got to find money in the future to pay the cost of Social Security retirement and Medicare benefits that you no longer have.

What else happens? In the future you will have to cut things like education, health care, housing because you do not have the money any more. So let us put everything in perspective here. When we talk about the estate tax cut and we talk about kids and seniors on Social Security and seniors needing prescription drug coverage which they do not have right now under Medicare, what is their priority? Do you want to pay down the debt? The President said last year we could pass our tax cut of last year and still pay down the debt.

Well, today we not only cannot pay down the debt nor the interest on that debt, but it is going to grow. And so I look at our budget for education, which this year is about $51 billion. We are going to spend more on giving 30,000 of the wealthiest Americans a tax cut than giving the 45 million kids in our public schools any additional money in education. That is not a priority in my book. And that is why you should support the Pomeroy substitute because what the Pomeroy substitute says is help the family farm, help the small business. We can do that and still make sure everyone has shared sacrifice. Vote for the substitute and vote against the bill.

Ms. DUNN. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Washington (Ms. DUNN) has 23 minutes remaining. The gentleman from North Dakota (Mr. POMEROY) has 21 minutes remaining.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman for yielding me time.

The Democrats today keep talking about cost. But things do not cost you money when it is not yours. This money belongs to the taxpayer, the wage earners who made the money. That is who this is going to cost. It is not going to cost the government anything. This is confiscating less money from the taxpayers. That is what our bill does today. The Democrats talk about making theirs permanent. We wanted to make ours permanent now, not 10 years from now. It was your parliamentary procedures in the other body that caused us to expire this in 10 years or make it happen in 10 years. We want it effective now.

The Democrats talk about their plan. Well, when they had the House and the majority in the Senate and the White House, did they do any estate tax relief? Of course not.

The Democrats talk about Social Security and Medicare. Well, when you do not have anything to offer, you bring out the tried and true, let us talk about Social Security and Medicare and scare the folks back home, and every time you hear that you know the Dems do not have a plan.

In fact, the Democrat issue of fairness is like this. Imagine you have two Democrat friends and you are walking down the street with them and you have $15 in your pocket and they do not have any. Well, they say it is lunch time. You have $15. We do not have any. Let us have a vote to see who pays for lunch. So the two of them vote. I pay for lunch with my $15 and that is fairness in their definition.

You might think that is absurd, but I can promise you this. Let us say there were 10 people walking down the street, nine had no money and the tenth had all the money. Under their definition of fairness, that tenth person must have done something wrong because he has money. Therefore, let us vote the money out of his pocket and put it in ours. That is the Democrat vision of fairness.

If you want to talk about fairness, come with me to Moultrie, Georgia, talk to a friend of mine who is in the small loan business. He inherited this from his dad, he and his brother. And they paid estate taxes on it about 20 years ago. They have built it up to 16 different locations. They have about 100 employees, take real good care of their employees. In fact, they own a condominium in Ferdanina Island, Florida. They let the employees use it all year long. It is one of the benefits of working with a good company that takes care of things. This guy has a daughter at the University of Georgia.

Now, I asked him will she get in the family business? He said, I do not know. Because after 16 different locations, the Federal Government makes it so hard for us to continue to grow it might not be worth our while to expand any more.

So one of the great problems of having estate tax is that it cripples business from future growth and doing things today. I believe we should bury the estate tax, not just for my friend in Moultrie, Georgia, for farmers all over Georgia. This bill is supported by the National Black Chamber of Commerce, the Hispanic Business Roundtable, the National Federation of Independent Businesses, and many, many other commonsense associations support it.

Mr. Speaker, I hope that we will support the Republican plan and vote no on the Democrat substitute. And I thank my friend, the gentleman from Mississippi (Mr. TAYLOR), for listening so attentively.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would observe that we would provide relief to the gentleman's farmer constituents to the tune of $6 million next year for a farm couple, no estate tax if they are below that. Under their legislation, there will be estate tax consequences if they are over $2 million.

The time to address estate tax is to do it now. And our bill, effective on January 1, makes the estate tax go away for 99.7 percent of all Americans, those with estates of $6 million and others. I cannot understand why, if the problems are so severe as we are hearing from the other side, they do nothing under their legislation until the year 2011.

Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, there is something that has not been mentioned much today. There is something we cannot run away from. Two weeks ago today this body, in mostly a party-line vote, voted to raise the debt limit by $750 billion. Now that is a thousand time a thousand time a thousand times 750.

My buddy, and I do say buddy, the gentleman from Oklahoma (Mr. WATTS), a couple minutes ago said, hopefully we can leave something for our kids and grandkids.

Well, that is what we are leaving them, $6,019,332,312,247.55 of debt.

□ 1500

In my daughter's lifetime, she is 23 years old, we have added $5 trillion to that debt.

What particularly troubles me is coming from all of my Republican opponents who keep telling me I am from a wealthy family, I am not going to pay any estate tax. So I have a bit of trouble. In order to give truly very, very wealthy families a tax break, you are sticking my kids with the bill. It is that simple. Because not only do we owe this money and not only have you run up the debt by $363 billion in the past 12 months, guys, you control the House, you control the Senate, you control the tax bill, and you control the spending bill. That is how much debt you have run up in 1 year, and you are sticking my kids with the bills. And until they pay off that bill, they are going to squander a billion dollars a day on interest, and your answer to all of this is to stick them with more bills. That is not fiscal responsibility.

I liked you guys so much better when you were for a balanced budget. But in the 6 years, the past 6 years, the whole time the gentleman from Illinois (Speaker HASTERT) has been Speaker, you have not scheduled one vote on a balanced budget amendment. We found enough time to debate the Nutria Eradication Act. We cannot find time to talk about a balanced budget. Quit sticking my kids with your bills.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority whip of our Congress.

Mr. DELAY. Mr. Speaker, I appreciate the gentlewoman from Washington (Ms. DUNN) for yielding time to me.

Mr. Speaker, only Democrats believe that cutting taxes is a spending program, that cutting taxes increase the debt. What increases the debt is government spending more than it takes in. That is what increases the debt. Spending increases the debt.

Mr. Speaker, the Members really face a clear choice today. It is very basic. Will they stand with the taxpayer, or will they empower the tax collector? Will they stand with mom and pop businesses and American farmers, or will they assist those seeking to confiscate their hard-earned assets? In short, will they revive the death tax, or will they repeal it? They just cannot help themselves.

The gentleman from North Dakota (Mr. POMEROY) was talking about we covered 99.7 percent. They cannot repeal a tax. It is just not in their nature to repeal the tax. If you are doing 99.7, which I disagree with, then why not the other .3 percent and be fair and repeal the tax? They just cannot. Do you know why? Because they want to use it sometime in the future to take money from American farmers, money from American businesses, put it in the government's pocket so that they can spend.

I hope the voters really watch the vote that is taken here today. The Republican Party agrees with the vast majority of the Americans who believe that the death tax is the most evil tax on the books. Polls show it; the American people understand it. Unfortunately, the voters understand this issue far better than some Members of Congress.

Let us place things in their proper perspective. A farmer or a small businesswoman works their whole life, builds a business, nurtures a small farm; and the whole time that they do that, they pay taxes, year after year, decade after decade; but that is still not enough for some of those who support this tax. As the hard-working American passes on, the death tax and its awful terms require that the IRS must confiscate over half of the value of their business and their farm. That is fundamentally wrong, and it is fundamentally unfair even for the .3 percent that they want to continue to tax.

It remains to be seen how many Members will exercise sound judgment by rejecting class warfare and voting against this substitute. But let us be clear about exactly what this substitute does. The substitute is a tax increase, plain and simple. The substitute reverses the current law phasedown in the death tax rate and instead increases and maintains the rate at a whopping 50 percent.

The substitute does not even index the exclusion. In plain English that means small businesses and farms that think they are okay today may later find out that the death tax reaches back and grabs them down the road; and most importantly, the substitute brings back this evil tax, while the underlying bill abolishes it once and for all.

Let us drive a stake through the heart of the death tax. Let us end it for all time. Do the right thing, support the underlying bill and strike down this substitute.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

I think the majority whip has posed an important question: Why have we structured it as we have? We believe it is more important to get relief out now, and under the substitute if someone is $6 million and below for a couple, no estate tax beginning next year.

The majority whip has just spoke for a proposition that will leave the estate tax on estates over $2 million next year and will not match the substitute by way of providing estate tax relief until late in the decade. Their bill does nothing until the year 2011. That is too long to wait. Meaningful reform now. Make estate tax go away for 99.7 percent of the people in this country.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, if the American people ever wondered how so-called compassionate conservatives define shared sacrifice, I hope they are watching the debate today. With our Nation battling the evil of terrorism, both at home and abroad, with the Federal Government on course to run a deficit outside of Social Security of $314 billion and with the Republican Party plundering our Social Security surpluses in direct violation of its own pledge not to do so, now, now is the time our friends in the GOP believe to bestow billions upon billions of dollars on a few thousand Americans.

This is not about all Americans. This is about the wealthiest Americans, the billionaires in our country, by permanently repealing the estate tax, a reaffirmation of their leave-no-heir-behind philosophy.

Yet we cannot get a vote on increasing the minimum wage. Yet congressional Republicans just passed welfare legislation that would force mothers of young children to double their work week. Yet congressional Republicans drag their feet on extending unemployment benefits for thousands of Americans who lost their jobs after September 11, and at the very same time, they try to give Enron and a handful of other corporations billions of dollars out of the Federal Treasury.

The plight of the wealthy has always been the top of the GOP agenda; and with today's vote, the Republican Party reality ought to rename itself the "free lunch" party.

The whip said that he is against taxes, this is an evil tax. The whip believes every tax is evil. The fact of the matter is if someone wants to buy an aircraft carrier, if they want to buy a school lunch for a poor child, if they want to have a Head Start seat for a child who needs a hand up, then we need to pay for it in this generation. That is what the gentleman from Mississippi (Mr. TAYLOR) was talking about.

It feigns support for fiscal responsibility, but it then enacts a budget-busting tax program. It claims that it supports education, but then short-changes programs with the bipartisan No Child Left Behind Act by $90 billion, and it pretends to support Social Security, but then brings this bill to the floor, a bill that would cost $109 billion between 2003 and 2012 and more than $1 trillion in the decade after 2012, precisely when the baby boomers retire in full force.

Mr. Speaker, I urge my colleagues to support this substitute. It is fiscally responsible. It is good policy, and it exempts 99.7 percent of the American public from the estate tax. It is a good bill.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Speaker, I am here today to urge this Congress to set right a terrible wrong in the Tax Code. There is a basic principle in the American criminal justice system that protects our citizens from being charged with the same crime twice. It is unfortunate that our Tax Code does not provide the same protections for families trying to leave a better future for their children and their grandchildren.

The real tragedy of this debate today is that it has been waged between lawyers and professors, and I stand before my colleagues today as a small businessman; and I say to my colleagues, when is enough enough? They get us on the income tax; they get us on the capital gains tax. Do they have to get us again on the death of a loved one?

As a fifth-generation Montana rancher on the same ranch, my own family was forced to deal with the terrible unfairness of the death tax. I had to sell my home that was built by my great grandfather and sell a third of my ranch just to pay the down payment on my colleagues' beloved estate tax; and after selling my home, I spent the next 18 years paying off the rest of the estate tax burden, and let me tell my colleagues, this is not some academic or some legal debate today.

Eliminating the death tax is about fairness. It is about equality. It is about preserving a lifetime of work. This bill is too late to give me back my home. I just do not want to see it happen to one more American family.

It is unfortunate, but our opponents, the opponents of permanently eliminating the death tax, are back to their old tricks of class warfare. This is not a time for political games or false innuendo designed to pit one American taxpayer against another. The death tax is nothing more than a final desperate grab by the United States Government to get into the pockets of American taxpayers.

During the last 10 years, the death tax has cost Montana families $200 million in lost opportunity. This money should have been spent to upgrade family farms, to expand small businesses, to plan for retirement, or pay for my child's college education. Instead, it was sent to Washington, D.C., to feed the Federal bureaucracy. Do the right thing, kill this amendment.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

I know my friend from Montana is very sincere in his arguments, but his proposition gives not one nickel of additional relief to his constituents until the year 2011. If it is too late now, certainly we ought to move something in place more quickly than that.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, the Democratic substitute offered by the gentleman from North Dakota (Mr. POMEROY) today gives more tax relief to more families immediately than the Republican bill.

The contrast between the Republican bill and the Democratic substitute is stark. The Republicans choose to help the wealthiest families in America while leaving the families with small businesses and family farms paying the estate tax for the next 7 years.

The substitute being offered today provides $3 million in exclusion from the estate tax, $6 million for a couple. Unfortunately, families across this country will have to wait until 2009 to get similar relief from the Republican bill.

Let us look at the facts. Every year between now and 2009, Republicans are willing to let over 50,000 modestly wealthy families continue to pay in estate tax while giving the wealthiest 300 families an average of $10 million in tax relief. The Republicans have chosen to benefit the super-rich instead of helping 50,000 families who would be immediately taken off the estate tax rolls by the Democratic substitute.

It should be no surprise to discover that under the Republican bill a new capital gains tax is imposed on over 18,000 American families every year by the elimination of the so-called stepped-up basis in values for estates above $1.3 million. Imagine the surprise of a family who inherits a $4 million family farm or business from their father, when they learn that under the Republican bill, when they sell that family farm or business, they are going to have to pay a capital gains tax on the difference between what they sell it for and what the original cost of that farm or ranch was to their father.

I thought the Republicans were against increasing taxes. Today, they have increased the capital gains tax. The Democratic substitute does not do that.

□ 1515

Ms. DUNN. Mr. Speaker, I yield 2½ minutes to the gentleman from the State of Missouri (Mr. HULSHOF), a very valued member of the Committee on Ways and Means.

Mr. HULSHOF. Mr. Speaker, I thank the gentlewoman for yielding me this time, and what I would say to my friend who just spoke is that if the idea is to make it easier to pass the family business to the next generation, then we should get rid of the death tax. And if then those surviving heirs wish to dispose of that family farm or business, then maybe they will be subject to the capital gains tax.

I would like to pose a rhetorical question to my friend, the gentleman from North Dakota (Mr. POMEROY), and I will set up the hypothetical like this.

Howard Eiffert, in my hometown of Columbia, Missouri, began the Boone County Lumber Business back in 1965. He has two sons, Brad and Greg. They employ about 31 people in Columbia with good paying jobs. Everybody there works very hard to make sure the business is successful.

Under the gentleman's substitute, will the heirs of Mr. Eiffert have to pay the death tax?

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. HULSHOF. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I appreciate the gentleman's question, though I thought it was a rhetorical question.

I really do not have many facts on this circumstance, but if the estate is below $6 million for the gentleman and his wife, there would be no tax.

Mr. HULSHOF. Reclaiming my time, Mr. Speaker, I offered the question in good faith, and I think the answer is the best the gentleman could give me, because the answer is he does not know. And I do not know. In fact, I would suggest that the Eiffert family at this point does not know.

They do not know what the value of the estate will be when the founder of that company dies, whether it is going to be under $6 million or over $6 million. So we cannot determine at this point whether or not these numbers the gentleman is throwing around, whether this small family business in Columbia, Missouri, is going to be helped by the gentleman's substitute or not.

The larger point I hope to make is this: As long as we maintain a Federal estate tax, we still are going to have to have resources committed to Federal estate plans. In fact, there is a lot of concern about loss of manufacturing in this country, especially from my friends on the other side. The National Association of Manufacturers says that the average small manufacturer in America spends $52,000 a year to avoid the death tax.

To me, there is a simple question here today: Should the death of a family member be a taxable event? Period. My answer is, Mr. Speaker, a simple one: A resounding no.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume to observe that there could not be more uncertainty than having a 2011 effective date, which is what the Republican legislation has. There are four sessions of Congress to meet between now and then, and the estate tax levels under the Republican plan will be at $2 million, $3 million, $4 million, and moving around.

We move it to $6 million. No estate tax if you are below $6 million, effective January 1 of 2003. It could not be more clear.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of the Democratic substitute. An earlier speaker said he came here as a small businessman. I am a lawyer, and I am proud to be a lawyer, and I stand up for all trial lawyers across this country. What I would have suggested to him, because he is over here saying it is the lawyers that have caused the dilemma with the estate tax, I would suggest to him get a good lawyer and let that lawyer do some tax planning for himself and his family.

Let me also say at this juncture the Republicans are saying to us to put a stake in the heart of the death tax. But what they want to do, they want to put the stake right like this and hold it for 10 years where it gets rusted. The Democrats are saying we are going to put the stake in it right now, right here. They are saying kill the death tax. But when? It is 2002 now and they want us to wait until 2011.

I stand here wholly in support of this legislation. And it seems that the Republican Party wants to say they are the best to support business in these United States. Strong Democrats support business. And we so strongly support business, all the business folks out there listening, hear us, we so strongly support you that we want to get rid of the estate tax right now.

We want to get rid of the estate tax, except for a little portion. And the reason we want to hold on to that little portion is because that little portion equals $740 billion. That is why we want to hold on to it, so that in future times we can afford to maybe do a prescription drug benefit. We can afford maybe pretty soon to put a little more money in education. We can afford pretty soon to look at the whole health care piece and decide what is wrong.

I say to my colleagues, let us put a stake in the death tax, but let us not hold off for 10 years. Let us do it now.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATKINS), a member of the Committee on Ways and Means.

Mr. WATKINS of Oklahoma. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I stand in support of the committee bill and against the substitute.

I am going home this year, after 20 years of service in this body; 14 years I served on the Democrat side and 6 years now on the Republican side. And let me say that during those 20 years I probably sponsored or cosponsored the elimination of the death tax, or the estate tax a lot of people like to call it, probably every year.

I am also probably one of the biggest backers of a balanced budget, and I am proud that in the last 6 years we balanced the budget and we have paid off $450 million of the debt. Now, I hated to see the downturn in the economic indicators a couple of years ago when it started in, and we have now had a downturn in the economy, which makes it tough. But that does not justify us not eliminating this double taxation.

This is double taxation. Taxes are paid as an estate is put together, as a business gets put together, and ranches are put together. Taxes are paid. And when you end up dying, your estate has to pay it or your children. That is wrong.

Let me share a couple of calls I have had over the years that I still recall very much. One was a neighbor, a cattleman, a rancher, a robust, tough guy. His father and he worked together and put together this large ranching operation. The son called me and wanted to meet, and I said, yes, we will meet the next morning for coffee. We met. Very emotional. He looked at me and he said, "Wes, why do I have to sell the place that my dad and all of us put together to pay taxes?"

It is wrong. And it cannot just be a little wrong, it cannot be just a little sin. It is wrong. Same for industry. A small industry was put together, a family operation. They worked side by side, the family. The parents died and they are going to have to sell it.

Let us do what is right. Doing what is right is to stop the double taxation. Let us be for the committee bill and against the substitute.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in strong support of the Pomeroy-Thurman substitute, which would increase the exemption for all small business estates immediately upon enactment to $6 million.

I cannot believe there is anyone who believes that that is not better than the base bill today, that gives the rhetoric of ending the death tax when everyone knows there will be at least three Congresses that will be in session before we get to 2010.

My strongest opposition to the base bill today is in the fiscal area. I do not understand how my friends on this side of the aisle can constantly and consistently come to this floor and totally ignore the fiscal condition of our country today. In spite of my friend from Oklahoma saying the debt has come down, the debt has gone up. The administration is asking that we borrow $750 billion, and that is just the beginning. And my colleagues know it.

It is important for us to start speaking honestly. There is so much my friends over here say about the death tax that I agree with that that is why I support the substitute. I would rather we not be debating this today, because today it is fiscally irresponsible. We are at war. We ought to be dealing with making sure we do not increase the additional debt on those young men and women over there fighting. But, instead, we have an argument here that is pure political rhetoric that will give a political issue so that we can say "he said," "you said."

I want to make it very clear: I support immediately exempting all estates of $6 million and less from ever having to worry about the death tax again. And I have yet to meet the first farmer, the first rancher, the small businessman or woman, the first independent oil producer that says, when they understand what we are offering, that would not take that. A bird in the hand is worth two in the bush. It really is.

But, instead, we are sitting here arguing about repeal. Instead, we are going to deny small businessmen and women who are unfortunate enough to die in the next 6 months or 9 months, they are going to be unfortunate and have to pay that onerous tax that I happen to agree with my colleagues we should be eliminating.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), the chairman of the Committee on Small Business.

Mr. MANZULLO. Mr. Speaker, we hear statements today that it only applies to 10,000, it only applies to 33,000 people. Do my colleagues know how many farmers are left in this country? Not too many. This applies to most of them.

One of them is Gary Hall of Ogle County, Illinois. Gary's dad died in 1997, and he wrote us a letter. He said, "My dad worked very, very hard to get where he was financially when he passed away last November. He struggled raising his family of a wife, four daughters, and a son by trying to work on the farm, getting them to work there, getting interested in 4H, buying old machinery and fixing it up."

When he died, the government came in and asked for $2.7 million in taxes. He says, "Why does the government deserve to squander or blow dad's hard work away? Why can't you leave your estate to your children or family to continue to farm the land? Why do we have to remortgage farms that were paid off years ago by our parents, and then have our children do the same? We do not want to sell any of dad's farms. We want to keep them in his name and pass the farming operation down to many future generations."

For all the great conservationists we have here in the Congress, do they not realize one of the greatest incentives for plowing up farmland and putting in a subdivision is to pay the death tax? I mean the green thing to do is to not tax someone's estate when they die. Farmers are forced to sell the land. I was there. I practiced law in the country for 22 years. I was there when the gavel went down by the auctioneer and half a family farm was sold just to pay taxes. I wish my colleagues could have seen the looks in those kids' eyes. It is unbelievable.

That is what this is about. It is about the Gary Halls of America.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume to note that the U.S. Department of Agriculture has statistics that show 99 percent of all farms in this country have assets of less than $5 million. They would all be taken care of under the substitute effective January 1 of 2003.

Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from North Dakota (Mr. POMEROY) has 6 minutes remaining and the gentlewoman from Washington (Ms. DUNN) has 8½ minutes remaining.

Mr. POMEROY. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, today we debate the Republican proposal to permanently repeal the estate tax, yet another bill that favors the wealthiest of the wealthy at a time when America is faced with increasing deficits.

Can we do more for the rich than we are going to do this afternoon when they pass this legislation?

This is a recipe for fiscal meltdown. According to the Joint Committee on Taxation, permanent repeal would result in a $740 billion loss to the Treasury, when we instead should be supporting Social Security, fixing Medicare, spending some money on defense and spending some money on education and the environment.

Mr. Speaker, today is the 58th anniversary of D-Day, the World War II allied invasion of Europe in which thousands of American troops sacrificed their lives for freedom. Americans are once again sacrificing right now, even as we take on this debate. But what is our answer? We are going to dole out more tax cuts to billionaires, who, by the way, were not even asking for it, and asking hard-working middle income taxpayers to pick up the difference.

If they had not thrown procedural roadblocks in our way, we could have used $4 billion from tax savings from the corporate expatriate bill the gentleman from Connecticut (Mr. MALONEY) and I have, and we could have used it to immediately pay for the estate tax exclusion offered by Mr. POMEROY.

What is the new campaign slogan in this institution, "I'm rich and I'm not going to take it any more"?

□ 1530

Mr. Speaker, can we do more for the wealthy than we do here day in and day out? This party used to be the party of Teddy Roosevelt. This used to be a party that did more for the environment and stood for fairness in American life. Now it is day after day, what more can I do for the wealthy. Well, it will be done without my help today.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I would like to voice my voice for the Permanent Death Tax Repeal Act and against the Democrat substitute.

Last spring, Congress passed the Economic Growth and Tax Relief Reconciliation Act of 2001. This act provided $1.35 trillion in tax relief over the next 10 years. The death tax passed last year will be phased out over the next 9 years and will disappear completely in the 10th year. This means after December 31, 2010, the death tax will return in full, beginning January 1, 2011.

In other words, if this bill is not enacted, families who lose a loved one on December 31, 2010, will pay no death tax; but families who lose a loved one on the next day will pay a massive death tax, as high as 60 percent in some cases. The death tax is perhaps the most morally reprehensible tax levied by the Federal Government.

The death tax is the number one reason small business and minority-owned businesses and family farms are broken up and sold to large corporations, destroying thousands of jobs in the process. The Democrat substitute amendment would establish a fixed $3 million exemption equivalent that is not indexed for inflation. The relative value of the exemption equivalent will decrease over time as a result of inflation and more families will be subjected to the effects of the death tax. The substitute amendment eliminates the benefits of the graduated estate tax rates. The entire estate above the $3 million exemption equivalent will be taxed at 50 percent. That does not appear to sound like sound tax policy. We must vote down the Democrat substitute, pass the permanent death repeal, and guarantee the relief that we promised last spring.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the substitute makes the estate tax go away for the small businesses and farmers with assets below $6 million for couples effective January 1, 2003. The proposal by the Republican Party does nothing until 2011.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am from Texas, and I want to announce that family farms are taken care of with the Pomeroy substitute.

First of all, I think we should understand the distinction. We are talking about reform of the estate tax. We are talking about uplifting the American people. Members over here are talking about deeper and deeper in debt, and forever closing the door for providing this Nation with the ability to fight terrorism around the world.

Let me suggest that with the repeal of the estate tax we will be losing $55 billion in 2012. But, really, what is more important, what is more shocking is only 2 percent of Americans pay estate taxes. Listen to what we are talking about, America. We are talking about providing Americans with immediate protection of $6 million by January 2003. Immediate protection.

We are talking about protecting small businesses, our neighbors and friends, our family farms. We are talking about protecting Americans. While those who want to stand in the storehouse of wealth and dig and dig and dig so that Medicare can tumble, so that Social Security can tumble, we want reform, not elimination. They want to totally repeal the estate tax so we are undermined and, therefore, the money we are spending in Afghanistan, which is $1 billion a month helping us fight the war against terrorism in Afghanistan. It is not going to end soon.

Yet the other side of the aisle says there is money to repeal the estate tax for the wealthy and the big of mind and not of heart. Let us support the Pomeroy substitute, which believes in reform and puts money on the table of family farms and small businesses.

Ms. DUNN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I think it is very tragic we are hearing this number of 2 percent of people who die, have estates that are taxed under the death tax. That does not take into consideration the numbers of small businesses that are sold and the dollars that are taken out of this economy to pay for CPAs and estate tax planners and to purchase life insurance policies. We do not see the results of those figures in the 2 percent number which came from I do not know where many years ago.

Mr. Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, responding to the gentlewoman, a recent study has shown that death tax repeal would not increase the deficit. A 1999 study showed that it decreased the economic growth that would come from repeal of the death tax, and would lead to Federal revenue gains within 7 years of the death tax repeal.

In the long run, the economic activity would increase the income, not decrease it. But the death tax affects real live hard-working people. I have some friends in Colorado Springs who started out 60 years ago or so with one little lumberyard. Over the years, three generations have built that one little lumberyard, started with nothing, built that one lumberyard into a multi-lumberyard system throughout southern Colorado. It was a home-grown business which was very successful. Recently, they sold it even though the children of the owners worked in the business and wanted to continue to work in the business, but they sold it because they could not afford the death tax that they would have to pay in the future.

Colorado is a State mostly of small farms, ranches, and small businesses. The heirs should not have to sell the business of the farm in order to pay the tax.

The $6 billion in the substitute, these people were successful. Members say we are helping the rich here, but by gosh, they earned it. It is their money. They paid taxes on it. It is wrong to tax them again when they die, or to make them sellout in order to pay the taxes when the heirs inherit the money.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman speaks passionately about his constituents, but the reality is under the proposition the gentleman stands for, estates over $2 million will be taxed next year. Under our substitute, no estate tax for couples with assets $6 million and under.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the minority whip.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership for this important alternative that is being presented on the floor today, the Pomeroy-Thurman substitute. I also thank the gentleman for his championship on issues that are of concern to America's farmers. Every day he is here, he fights for them. Every day he is here, we learn from him about how to help America's farmers; and that is what he does in this Pomeroy-Thurman substitute.

I rise in support of the substitute and commend the gentleman from North Dakota (Mr. POMEROY) and the gentlewoman from Florida (Mrs. THURMAN).

Mr. Speaker, we take this bill up at a time when our young men and women are abroad defending our Nation against further terrorist attacks; yet the Republican leadership is undermining our security at home by passing yet another irresponsible tax bill. Make no mistake about it, the bill undermines our Nation's security. It will rob us of the resources we need to defend our country. It will rob us of the money we need to protect Social Security.

The bill does not even repeal the estate tax until 2011, and it will actually increase capital gains tax on the various estates that they claim to help by eliminating the stepped-up basis consideration. Their bill costs more than $1 trillion, and it will raid the Medicare and Social Security trust funds at the exact moment the baby boomers begin to retire.

In contrast, our Democratic estate tax relief bill offers real reform, and it brings much greater and more relief to family farmers and small businesses than theirs. Beginning January 1, 2003, the exemption from estate tax would jump to $6 million per couple, an exemption of $6 million per couple in the Pomeroy-Thurman substitute. Americans with $6 million who die pay no taxes. If Members are worried about people above that level, we are talking about half a percent of the American people. Those estates will get hit with higher capital gains taxes than they do under the Republican bill.

It is very simple. If an estate is less than $6 million, that person would definitely want the Democratic bill. You will pay no estate tax effective January 1, 2003.

Mr. Speaker, I will submit the rest of my statement for the RECORD. I urge Members to do the right thing by 99.7 percent of the American people and vote for the Pomeroy-Thurman substitute.

Ms. DUNN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in strong opposition to the substitute. Mr. Speaker, there is really no substitute for the truth. A year ago with overwhelming support among the American people, this Congress sent to the President's desk a tax cut. We will celebrate the anniversary of the signing tomorrow.

In that tax cut we advertised to the American people that we repealed death taxes; and when virtually every Member of this institution went home, some constituent thanked them for ending death taxes.

But hopefully, many, as I did, were honest with their constituents and said, Well, not entirely. We actually only repealed it until some magic day in the year 2011 when it springs back to life because of an arcane rule in the Senate.

We must reject the substitute today on behalf of small businesses and family farms. We ought to do no less today than what we told the American people we were doing, repealing and ending death taxes once and for all.

Mr. POMEROY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there is a fundamental difference between the relief proposed by the substitute and the relief proposed in the underlying bill. We bring relief to American families effective January 1, 2003. There is nothing by way of effect from the underlying bill until the year 2011, several Congresses away.

This majority who says do not trust government would ask those looking for estate tax relief to trust the next three sessions of Congress before they would get relief under their proposal. American families deserve to know with clarity where estate tax commitments begin, and we would set that obligation at $6 million per couple, making the estate tax effectively repealed for 99.7 percent of our families.

There is a cost difference as well. Over the next 10 years, theirs cost $99 billion. In the deficit situation, we know that that requires Social Security revenues to be diverted to fund other functions of government. The cost under our bill is $5 billion, and it would have been zero if they would have left the offsets in that we initially sought.

But the dramatic problem under their bill is the next decade, because the costs explode thereafter. Just at the time baby boomers retire and the Social Security taxes drop precipitously, the cost of their bill explodes.

There is only one conclusion we can draw from this chart, and that is this X represents a financial catastrophe that will befall our country leading to higher payroll taxes for our children and benefit cuts for Social Security recipients. There is a better way, and that way is the substitute, which provides relief now on the estate tax hit.

□ 1545

Look at the comparison in terms of relief offered under our substitute compared to the majority: $6 million and below, no estate tax under our bill; their bill, $2 million. Our bill, $6 million and thereafter. In 2004, $3 million. You have an estate tax problem. In 2005, $3 million. You have an estate tax problem. In 2008, $4 million. You have an estate tax problem, under their bill.

All day we have heard from the majority about farms, small businesses.

You would think that help was on the way from their legislation, but there is nothing their legislation does until the year 2011 to bring relief to those they spoke so passionately for. We need to pass the substitute to get that help out there, get that help out there now, make estate tax go away for families with $6 million and below. That takes care of 99.7 percent of the families in this country, and we just think it is fundamentally wrong to hold up estate tax relief for 99.7 percent because they want to take care of just the wealthiest few beyond that.

Mr. Speaker, I, in conclusion, strongly urge passage of the substitute and defeat of the underlying legislation in the event the substitute does not prevail.

Ms. DUNN. Mr. Speaker, to close debate, I am proud to yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the majority leader of the United States House of Representatives.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas is recognized for 3½ minutes.

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for yielding time, and I thank the gentlewoman for her continued work in this area.

Mr. Speaker, the gentlewoman from Washington would be the first to tell you that the reason so many of us remain so committed to the end of the death tax is that we think it is wrong. We think murder is wrong. We think stealing is wrong. We think robbery is wrong. And we do not think it is wrong for 99 percent of the population; we think it is wrong for 100 percent of the population.

We are not content to say, Let's correct this wrong for most of the people and leave others behind. We are saying, Let's correct this wrong for everybody. It is wrong to steal a family's legacy. The Federal Government of the United States should not be the world's largest and most aggressive grave robber. It is time to end this practice.

Let us take a look at what this means. Mr. Speaker, I grew up in a small rural agricultural community. I know a little bit about what we call the small family farm. Mr. Speaker, let us talk for a moment about a small family farm that has $4 million worth of assets. That seems like a lot on the surface of it, but let me just say that $4 million worth of assets represents, in this case, the family's business and the family's home. I do not know how large a farm a small family farm worth $4 million would be in the gentleman from North Dakota's home State; but I do know that down in Texas, we would think of that as a mighty fine little old spread, not something big, but something that a family might be able to make a living off of. $4 million.

What do the facts tell us? The small family farm with assets valued at $4 million will generate about $35,000 a year income. That family is not getting rich, Mr. Speaker. And throughout all the years that that family lives off that farm, farms that land and makes that meager living of $35,000-a-year income, that family will pay about $4,200 a year in taxes. And nobody, nobody, would characterize that family as among the Nation's richest people. In fact, there are some Members of this Congress that would even vote additional Federal support for that family, and have done so. Certainly they would not think of them as rich people.

We are told as children in America, we should not harm people. We are also told to not add insult to injury. Let me say that should the patron of this family that has worked so hard to raise his children on this modest farm, on his $35,000-a-year income, should he die, he would be done the harm of having his property expropriated before it could be turned over to his children to the tune of $1,400,000. That is harm.

But on top of that, he would be afflicted with additional insult. Because on the day that that poor, hard-working small family farmer in America, laboring as he did all those years to raise his children on that mere $35,000-a-year annual income, on the day he died, there would be some in this body that would declare him as being wealthy and undeserving and meritorious of having his property expropriated. On that day, he would be insulted. He would say, as Tevye wished in "Fiddler on the Roof," Today I am a rich man. The government just made me such. The government declared me rich so they could steal my property from my children.

Mr. Speaker, that is wrong. This is a good government. It should be a just government. It should be a government that knows the goodness of the American people and has the decency to respect it. It should be a government that does not steal a hard-working family's legacy from that family's children. There is down in Texas a great country western song, and it celebrates the fact that daddy won't sell the farm. We enjoy that song. There is a lot of toe-tapping that goes on. But it breaks our heart because we know that in point of fact when daddy dies, the farm will be sold so daddy's children can pay tribute to an unfair and undeserving government.

It is time, Mr. Speaker, to end that. Let us dare to honor our Nation's children as they are honored by our Nation's parents as they build a legacy of success and give that at the time of their death to the people who truly deserve it, the children they love so much. Mr. Speaker, we have a lot of resources on which we can draw here in Washington. It might be that it would do us well to use those resources more prudently so we could save ourselves the embarrassment of stealing another man's legacy.

Mr. LEACH. Mr. Speaker, I favor reform of the estate tax to protect family farmers and small businesses, but I have grave qualms about its elimination for super-sized estates. What is credible is an increase in the estate tax exemption to $5 or 10 million. What is undue and unfair is the elimination of the tax on huge estates.

From a legislative perspective, the circumstance is clear cut. The House has the option of passing an approach which the Senate will ignore or it can pass a credible reform which has a chance of becoming law and taking effect this year.

The Democratic alternative to the House Republican position is not sufficiently progressive, but passage of the $3 million exemption it calls for would be a significant improvement on the current circumstance and holds the prospect of immediate compromise with the Senate at a somewhat higher level. The problem with current law, which the bill before the House today would make permanent, is that it provides for a sudden elimination of all estate taxes in the year 2012, but because of its graduated provisions does not allow for the estate tax exemption to reach $3 million until 8 years from now.

The American market system works best as a meritocracy. What will be created with the elimination of estate taxes on super-sized estates is a monied oligarchy. This is neither good for our economy nor our democracy.

Mr. KIND. Mr. Speaker, I rise today in strong support for making estate tax relief permanent so that family-owned farms and family-owned businesses can be passed down from generation to generation. Further, I support tax relief that helps spur small business investment and job growth.

Family-owned businesses should not be punished for being successful or for having their owners pass away. Fundamentally, the United States is the land of opportunity, encouraging free enterprise and rewarding entrepreneurs. The estate tax should be modified to protect family-owned businesses and family farms from the threat of having to be sold just to pay the tax.

Therefore, I am supporting the substitute being offered by my good friend Mr. POMEROY. His legislation will immediately help the small businesses and family farms by increasing the estate tax exemption to $3 million for individuals and $6 million for couples. This will ensure that estates that are $6 million or less for a couple or $3 million for an individual will pay no estate taxes beginning January 1 of 2003. This is a meaningful exemption that picks up all but a few taxable estates. In fact, only 0.36 percent of estates remaining will be required to pay the tax.

At a time of national crisis that calls for shared sacrifice, the leadership wants to make the repeal of the estate tax, that benefits less than one percent of taxpayers, permanent in 2012. This will drain more than one trillion dollars from the budget just as the Baby Boom's retirement reaches full force; making the estate tax repeal permanent alone would cost 40 percent of the amount needed to make Social Security financially sound for the next 75 years.

Last year we passed a budget that boasted a ten-year unified surplus totaling $5.6 trillion, which included repeal of the estate tax until 2011. The leadership claimed that an expensive tax cut plan and other costly initiatives were eminently affordable and there would be enough of the budget surplus to eliminate most or all of the national debt. Thus Congress passed a tax cut costing over $1.3 trillion. Unfortunately, since then, the budget surplus has disappeared, due to the war on terrorism, increased homeland security, and the large tax cut. This year's deficit will be nearly $314 billion and over the next ten years, the non-Social Security deficit will total $2.6 trillion.

After decades of deficit spending, it is our responsibility to reduce the debt future generations will inherit. We must give them the capability and flexibility to meet whatever problems or needs they face. I cannot, in good faith, support legislation that will put our country further into deficit spending with a tax cut that will hurt our future generations for the unforeseeable future, including my two little boys.

Tax relief, however, is a bipartisan issue. I am cosponsor of H.R. 1210, the Family-Owned Business Survival Act. This bill would repeal the limitations on the estate tax deduction for family-owned business interests. My colleagues on both sides of the aisle recognize the need for providing estate tax relief, but this bill is not the result of bipartisanship. The tax cut passed last year has already derailed the opportunity we had to reduce our large national debt and prepare for our future obligations to our aging population and children's futures. Making this repeal permanent will only further exasperate our nation's poor fiscal health.

Mr. Speaker, now is not the time for leadership to pursue its own individual agenda to score political points in an election year. This is purely a symbolic vote timed as millions of Americans begin to consider the candidates in the fall elections.

I urge my colleagues to oppose this fiscally irresponsible tax cut and support the Pomeroy alternative. Unlike the leadership's bill, the alternative will give immediate relief to our family business and family farmers and will cost less than one-half of H.R. 2143. We must shore up Social Security and Medicare and reduce the national debt before passing such an expensive tax cut that we cannot afford. I did not come to Congress to saddle my two boys with a debt burden they did not create.

Mr. PASTOR. Mr. Speaker, I rise today in support of the Substitute Amendment offered by Mr. POMEROY and in opposition to the base bill, H.R. 2143.

Let me make it perfectly clear. I support an adjustment to the Estate Tax, but I believe we should address this tax in a responsible and meaningful manner. If you are a supporter of H.R. 2143, there is no reason for having this debate or this vote at this time. H.R. 2143 is an effort to fix a problem that does not happen, if it happens at all, for nine years. But the Substitute will provide immediate relief.

Earlier in this Congress, I supported a proposal which would have immediate and lasting benefit for family owned small businesses and family owned farms. The Substitute is a similar proposal, and if we are interested in helping people, people who have just lost their loved ones and are facing the responsibility of paying an estate tax, we should pass the Substitute.

The Substitute would immediately eliminate the Estate Tax for all but one percent of the estates in the country. It does so by increasing the estate tax exclusion to $6 million effective on January 1, 2003. Under current law and H.R. 2143 this does not occur until sometime in 2009. If we really want to have an impact on people who are facing an estate tax that could cause them to lose their family business or family farm, we should do something to help them right now.

My other concern with H.R. 2143 is that we face a much different fiscal world than we did when the so-called Economic Growth and Tax Relief Reconciliation Act was passed last year. Before this $1.35 trillion tax cut passed and was signed by the President, there was a projected ten year budget surplus of more than $5 trillion. Now, after the tax cuts, the economic slowdown, and the terrorist attacks of September 11, it is estimated that we will have a deficit of more than $100 billion just this year. And there are budget deficits stacked up in the out years as far as the eye can see.

This bill, H.R. 2143, will cost $55.8 billion in Fiscal Year 2012 alone, its first year of full implementation. And during the following decade, its negative economic impact to the Federal budget will be more than $1 trillion. It does nothing to relieve the family farmer or the family businessman until then. So if you have a small or medium size business or a family farm, you should do your best to postpone dying until 2012.

Nevertheless, even with these budget concerns, I believe it is important to give some immediate hope and relief to the hard working small businessman and his survivors. That is why I urge my colleagues to support the Substitute Amendment offered by Mr. POMEROY.

MR. DELAHUNT. Mr. Speaker, two years ago, I was one of the few Democrats to join with my friends across the aisle to support legislation to repeal the federal estate tax. I did so because I believed that this tax burdens small business and family farms so unfairly that it puts our overall economy at risk. I still believe that. And that is why I will today vote in support of the Democratic substitute.

The estate tax is wrong. At a time when small firms are already buffeted by all kinds of economic uncertainties, the last thing they need is more trouble from federal tax policy. When we debated this question in 2000, I supported the majority bill because, overall, it was better than existing law. The committee bill before us today does not meet that standard.

At the very moment we are struggling with mounting deficits and the growing cost of national security, we're asked to lock in—permanently—changes in the tax code that will cost the Treasury billions.

As one who voted to repeal the estate tax, I think I'm entitled to wonder aloud: "what's the urgency?" The effective date of the bill is nine years away. Who knows what might happen between now and then? At the very least, can we win the war on terrorism first?

As one who voted for estate tax repeal, I think I'm entitled to ask: what constituency was this debate concocted to impress? Because it's clear to me that this measure hurts many of the same people its proponents claim to be helping. Under this bill, many Americans would never reap the promised benefits, even upon its full and permanent repeal in ten years.

Because for all the talk about tax relief, this bill actually raises taxes. Sure, it eliminates the estate tax. But not before changing the rules to cost the middle class, and the upper middle class, a lot more in capital gains taxes.

Here's why. Traditionally, inherited property was assessed at its value at the time of death—so-called "stepped-up basis". That changed in the Republican "reforms" of 2001. Now, it's assessed at its value at the time of its original purchase. The bill before us now seeks to make that change permanent.

For most Americans with assets to pass on to their kids, eliminating "stepped up" basis is a killer.

Take my own congressional district. If you bought a home in 1970 in Duxbury or Chatham, chances are pretty good that it's gone up—maybe tripled or quadrupled in value—in the years since. The Republicans will tell you that you can go ahead and pass your home on to your children without worrying about the estate tax. But they probably won't tell you that instead your kids will probably owe a boatload in capital gains taxes. The same goes for stocks, bonds and other assets.

There's no rational reason for this, and the Democratic substitute would restore stepped-up basis. While offering relief to 99.6 percent of Americans now subject to the estate tax.

Mr. Speaker, I showed last year that I am willing to swim against the tide to get a good bill passed. Regrettably, this year's committee proposal is not that bill. I urge my colleagues to join with me instead in supporting the Pomeroy substitute.

Mr. KLECZKA. Mr. Speaker, last year, the estate tax provisions enacted in the $1.35 trillion Bush tax cut would gradually increase the value of estates that are exempt from taxation, until completely repeating the estate tax for one year only, 2010, after which the exemption would return to $1 million. At that time, these provisions were projected to cost nearly $80 billion over the first ten years.

The proponents of this misguided tax cut were confident back then that we would be awash in surpluses as far as the eye can see. But the bill before us today, H.R. 2143, seems to ignore our current budget situation; it would go ahead and permanently repeal the estate tax starting in 2011, even though the nearly $4 trillion in projected future surpluses has evaporated since the Bush tax cut was enacted.

The House Budget Committee's Democratic staff now estimates that this year's deficit alone, excluding Social Security Trust Fund surpluses, will be a whopping $314 billion. At this rate, over the next ten years, deficits could add up to a total of $2.6 trillion. I am told by many of those who are supporting this bill, that we are on a war footing, with many additional national expenses as a result.

Passing H.R. 2143 would not only squander the opportunities we now have to redirect our nation's fiscal course, but it would further exacerbate the financial predicament that we currently find ourselves in. Instead of reducing the level of future deficits, permanently repealing the estate tax would decrease future revenues by approximately $740 billion over a ten-year period, FY 2013 to FY 2022.

If the increased interest payments on the additional debt incurred because of this repeal are included, the effect on the budget is about $1 trillion taken away right at the time that Baby Boomers will start retiring and become eligible to receive Social Security and Medicare benefits.

Furthermore, the estate tax only impacts a very small number of people in the United States, or the wealthiest 2 percent. By reading the advertisements of groups who are feverishly lobbing for its repeal, one could easily get the impression that millions of people are stripped of their lifetime earnings upon death. In reality, this just isn't the case. In my home state of Wisconsin in 1998, there were a total of 45,000 deaths. Out of all those estates, only 828 paid an estate tax.

Many within this small group of wealthy Americans have actually been the first to come forward in defense of the estate tax. Last year, an organization called "Responsible Wealth" circulated a petition in support of reforming, but not eliminating, the tax. More than 1,100 business leaders and investors who will pay estate taxes in the future signed this petition, including George Soros, Ted Turner, and David Rockefeller Jr., along with hundreds of small-business owners whose wealth totals between $1 million and $10 million.

Their approach toward this issue, reform rather than repeal, is a more sensible alternative. By raising the estate tax exemption to $3 million for individuals and $6 million for couples, the Democratic substitute would exempt 99.7 percent of all estates in America from the estate tax. Further, this exemption increase would go into effect on January 1, 2003, providing more immediate tax relief to family farms, small businesses, and homeowners than the Republican bill before us today.

The Democratic substitute also includes offsets, in order to help reduce the total cost of the proposal. Even without these offsets, the Democratic alternative would still cost less than one-half the cost of the Republican base bill.

Clearly, we owe it to our constituents to act in a fiscally responsible manner, and the Republican proposal to completely repeal the estate tax fails to meet this test.

Mr. ALLEN. Mr. Speaker, I rise in opposition to this bill.

The time has come for substantial estate tax relief.

We should increase the lifetime exclusion, reduce the tax rates and make special additional provisions for small businesses.

But we should not repeal the tax, because the world has changed. Surpluses have been transformed into deficits. The baby boom generation continues its relentless march toward qualifying for Social Security and Medicare. The threat of terrorism requires significant resources for defense and homeland security. Repeal would be irresponsible budgeting.

Today, we should be considering legislation to reform the estate tax.

We should reform the estate tax to reflect the extraordinary contributions family-owned businesses and farms make to our local communities.

In my state of Maine, small businesses are vital to the well-being of our communities. Those who own family farms and businesses often spend too much time and too much money in an effort to keep their farms and businesses intact for the next generation.

Full, immediate, and permanent repeal for family-owned small businesses would be wise policy.

Full, immediate, and permanent repeal for small businesses would let small businesses in Maine, like Brown Goldsmiths & Company, Lucas Tree, O'Donal's Nursery, and Hancock Lumber, keep their businesses in family hands.

Family owned businesses like these are often significant community employers. They contribute to our quality of life in ways that large publically held corporations can never match. Farms passed from one generation to another are less likely to be subdivided for residential development and, therefore, less likely to contribute to suburban and rural sprawl.

For these reasons, I urge my colleagues to support the Pomeroy and Thurman substitute. This amendment offers immediate and permanent estate tax relief beginning on January 1, 2003, by increasing the exemption to $3 million for individuals and to $6 million for couples. passage of this amendment would provide full relief to all but 0.3 percent of estates, and the increased exemption would reduce the tax even on these estates.

However, full repeal of the estate tax would represent a bonanza for a relative handful of wealthy individuals and jeopardize our ability to fund vital national priorities.

Last year, betting on a then projected $5.6 trillion in surpluses, the Republican controlled Congress passed a bloated tax cut that primarily benefits the top one percent of taxpayers. But the majority's repeal of the estate tax was itself repealed in 2001, in order to mask its devastating long term impact on the federal budget.

Today, the Republican controlled House wants to make permanent the repeal of the estate tax, even though repeal would erect a barrier to full funding of special education, a real Medicare prescription drug benefit, strengthening Social Security and even meaningful tax relief for middle and lower income Americans.

In Maine in 1999, about 200 estates would have benefitted by repeal of the estate tax. Yet all 1.2 million people in Maine will pay the price of repeal of this progressive tax with higher interest payments on the national debt and cuts in vital programs and services.

Debate over the estate tax is really about priorities.

Reform is about making fairness a top priority. It provides relief to those who need it.

Repeal is about making favoritism a top priority. It widens the growing disparity in incomes in this country.

Reform allows for the funding of top priorities. Repeal shortchanges important priorities.

President Theodore Roosevelt, in arguing for an estate tax, said, "The really big fortune, the swollen fortune, by the mere fact of its size acquires qualities which differentiate it in kind as well as in degree from what is possessed by men of relative small means."

Today, some Americans have fortunes beyond the imagination of Theodore Roosevelt. Others cannot afford their prescription medicines. Many find the doors of higher education closed to them because of the cost of attendance. Approximately 40 million Americans have no health insurance. In these circumstances, repealing the estate tax for multimillionaires is both irresponsible and unethical.

I urge my colleagues to vote against this bill and to vote for the Pomeroy/Thurman substitute.

Mr. UDALL of New Mexico. Mr. Speaker, I rise in support of the Pomeroy-Thurman alternative to the Republican Estate Tax Repeal extension. The alternative, crafted by the gentleman from North Dakota and the gentle lady from Florida, offers immediate and permanent estate tax relief beginning January 1, 2003 by increasing the exemption to $3 million for individuals and to $6 million for couples. It is a balanced plan that will protect the few small business owners and farmers that are ever subject to this tax.

In this time of deficits and pressing national needs like homeland security, Social Security and Medicare, should we be directing a costly tax cut only toward our wealthiest citizens? Under current law, estates of up to $3.5 million for any individual or $7 million for a couple will be exempt from any estate tax when reform is fully implemented in 2009. According to current estimates, only 22 estates in my home state of New Mexico would be subject to this progressive tax by 2009. The average worth of those estates is $18.6 million.

It is completely unacceptable in a time of war to pass a permanent tax break for the nation's wealthiest Americans. In every other war in American history taxes have been raised to help the effort. Tragically, the House leadership and the Bush administration appear to be charting precisely the opposite course.

And, what about the nation's other needs? Where will the money come from to improve education, provide prescription drug coverage, and strengthen national defense? Where will the money come from to pay down our long-term national debt? We've got to save and invest now to strengthen the economy for the future, keep Social Security and Medicare solvent, and prevent far more difficult choices down the road.

Of all the urgent problems and commitments facing the nation right now, the sunset of last year's repeal of the estate tax nine years from now should not be at the top of the list. A far more responsible use of our time would be to begin to recognize new realities and craft a bipartisan budget plan to return to the long-term surpluses that were so hastily squandered last year.

I urge my colleagues to join with me and vote no on permanent estate tax repeal, and yes for responsible reform.

The SPEAKER pro tempore. All time for debate on the amendment has expired.

Pursuant to House Resolution 435, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from North Dakota (Mr. POMEROY).

The question is on the amendment in the nature of a substitute offered by the gentleman from North Dakota (Mr. POMEROY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. POMEROY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 197, nays 231, not voting 7, as follows:

[Roll No. 217]

YEAS—197

Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Buyer
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schiff
Scott
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—231

Abercrombie
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
LaTourette
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schakowsky
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stark
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Combest
Emerson
Gilchrest
Lewis (GA)
Roukema
Serrano
Traficant

☐ 1615

Mr. JONES of North Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. WELLER, Mr. McINNIS, Ms. WATERS, and Messrs. SMITH of Washington, OLVER, and STARK changed their vote from "yea" to "nay."

Mr. JOHN changed his vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BUYER. Mr. Speaker, on rollcall No. 217, I inadvertently voted "yea." I meant to vote "no." I have been a strong supporter of eliminating the death tax.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Texas opposed to the bill?

Mr. STENHOLM. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STENHOLM moves to recommit the bill H.R. 2143 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. 3. TAX REDUCTIONS CONTINGENT ON NOT RAIDING SOCIAL SECURITY FUNDS.

(a) IN GENERAL.—No provision of this Act shall take effect unless, before January 1, 2003, the Director of the Office of Management and Budget certifies that the social security trust funds will not be raided (or the size of a raid on such funds increased) by reason of this Act during any year of the 10-year budget estimating period unless such raiding is thereafter offset under this Act so that there is no net raid of such funds during such 10-year period. For purposes of the preceding sentence, such funds shall be treated as raided during any year for which there is a deficit in the non-social security portion of the Federal budget.

(b) SECTION MAY NOT BE WAIVED.—The provisions of this section shall apply notwithstanding any other provision of law hereafter enacted which does not specifically refer to this section.

Mr. STENHOLM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes in support of his motion.

Mr. STENHOLM. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I want the children of small business men and women to be able to inherit the family business that their parents worked to build. I want the children of farmers and ranchers to be able to inherit the farms and ranches that their family has farmed and ranched for years. That is why I voted for the Pomeroy-Thurman substitute, which would repeal the estate tax for virtually all small businesses and family farms immediately.

However, I also want our children and grandchildren to inherit a strong economy and a Federal Government that can meet its commitments for Social Security and Medicare, and I definitely do not want them to inherit a massive national debt and legacy of deficit spending. I do not understand the philosophy of folks who do not have a problem with leaving our children and grandchildren with a large debt just so we can have a tax cut or more spending today.

Just 2 weeks ago, the majority leadership tried to slip through a $750 billion increase in the debt limit, and completely ignored those of us who said that we ought to sit down and figure out how to get our budget back in order before we approve another $750 billion in debt. Instead of figuring out how we are going to stop the tide of red ink and stop spending Social Security surplus dollars, the majority leadership today has brought to the floor legislation that will add another $100 billion in debt borrowed from the Social Security trust fund.

This motion to recommit is very simple and very straightforward and reflects a principle that every Member of this body has solemnly vowed to protect, in fact, has voted on numerous times. The motion to recommit simply states that we should not fund the permanent repeal of the estate tax with Social Security surplus dollars. The motion to recommit will allow the estate tax repeal to take effect if we are able to afford it without using Social Security surplus dollars.

The cost of this bill in the second 10 years should give pause to everyone who is concerned about the challenges facing the Social Security system in the next decade: $1 trillion. Until we deal with the long-term financial problems facing Social Security, we need to be very careful about any tax or spending bills that would place a greater burden on the budget in the next decade when we baby-boomers begin to retire.

If Members believe that repeal of the estate tax is more important than reducing the national debt and protecting the integrity of the Medicare and Social Security trust funds, vote against this motion to recommit. However, if Members agree with the principle that reducing the national debt and protecting Social Security and Medicare is more important than any new spending or tax cuts, then vote for this motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, I strongly support this motion to recommit. We know that we cannot pass this bill without invading the trust funds and breaking the promises made to the American people. We have been down this road before. Last year, the press reported on a Republican memo that said, we are possibly already into the Medicare trust fund and are also very close to touching the Social Security surplus in fiscal year 2003. That statement was true last year; it is more true today.

Do Members not realize that we are in a war on terrorism? Yet the majority insists on bringing up bills that reduce revenues needed for the fight and for our domestic needs. Where are the funds for the education bill? How many children are Members leaving behind so a few millionaires can move forward? What happens to Social Security reform, or a Medicare prescription drug benefit? The answer is, nothing, because we do not have any money left for them.

All of these are important priorities, but not as important as the promise we made to protect the trust funds. Virtually every Member on this floor has voted at one time or another to protect the trust funds. That is the promise they made to the American people.

If Members reject this motion, then they should go home and explain to their constituents that what they were told would be there for them will not be there. If Members break their promises and raid the trust funds, then tell our children and seniors to look out for themselves.

If Members want to keep our promises to all Americans, then support this motion to recommit. Otherwise, tell them that H.R. 2143 is just the latest answer to the question raised by William H. Gates, Sr.: How high a price is America willing to pay in order to give a handful of millionaires and billionaires a tax break?

Please support the motion to recommit.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in terms of that honest, pleading appeal, I am going to just try to put a couple of tests in place to see how real it was.

If this motion to recommit is so critical to the future of the Social Security trust fund, why was it not in the Pomeroy substitute? 190 Democrats less than a half an hour ago voted to raid the Social Security trust fund. The Pomeroy substitute spends more than $22 billion over the next 5 years. It violates the budget, and it runs us into deficit spending, and it violates this motion to recommit.

So if Members are so concerned, why was this not part of the Pomeroy substitute? The answer is, they want to complain about it but they do not want to be responsible for it.

. Less than a week ago we had many Democrats on the floor wringing their hands over the constitutional crisis; that if we sent the executive branch the superwaiver in the welfare bill, that we would be ceding constitutional authority to the executive, constitutional authority that we should cling to our chests very, very hard because we do not want to give up this constitutional right.

Did Members read this? It says, "The director of Office of Management and Budget will certify." It is the executive branch that will tell us if this institution, with its constitutional powers, is in violation, and it is the OMB that will correct it. I find it ironic that within a week, they take a position which was an absolute constitutional prerogative and throw it in here as the way in which we are going to control the process.

I guess the thing that gets me the most is 190 Democrats just voted to violate this motion to recommit; and, without a second thought, they offer this motion to recommit. That kind of tells us about how sincere these Members are.

PARLIAMENTARY INQUIRY

Mr. STENHOLM. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STENHOLM. Mr. Speaker, is it not correct that under the rules of the House that we are operating under today that we did attempt to have a pay-for?

And I would also state to my friends on the other side that I would have offered this amendment to the Pomeroy amendment.

The SPEAKER pro tempore. The gentleman is not stating a proper parliamentary inquiry.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 205, noes 223, not voting 7, as follows:

[Roll No. 218]

AYES—205

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher

Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Combest
Emerson
Gilchrest
Lewis (GA)
Roukema
Serrano
Traficant

□ 1645

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 171, not voting 8, as follows:

[Roll No. 219]

AYES—256

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Coble
Collins
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—171

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Cardin
Carson (IN)
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Honda
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee
(TX)
Johnson, E. B.
Jones (OH)

Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Capuano
Combest
Emerson
Gilchrest
Lewis (GA)
Roukema
Serrano
Traficant

□ 1655

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2143, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4865

Mr. PLATTS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4865.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I am pleased to yield to the gentleman from Missouri (Mr. BLUNT) to talk about the schedule for next week .

Mr. BLUNT. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for this week. The House will next meet for legislative business on Tuesday, June 11, at 12:30 p.m. for morning hour and 2 o'clock for legislative business. The majority leader will schedule a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. Recorded votes will be postponed until 6:30 p.m. on Tuesday.

On Wednesday, the House will meet at 10 a.m. for legislative business and immediately recess. The House will reconvene at 11 a.m. in a joint meeting with the Senate for the purpose of receiving the Honorable John Howard, Prime Minister of Australia.

Later on Wednesday and then on Thursday, the majority leader has scheduled House Joint Resolution 96, the Tax Limitation Constitutional Amendment; and H.R. 4019, the Permanent Marriage Penalty Relief Act of 2002. The Speaker also advises me that he expects to be ready to name conferees for both the Bipartisan Trade Promotional Authority Act and the Securing America's Future Energy Act. So we anticipate scheduling these motions to go to conference next week as well.

I thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, reclaiming my time, I would like to ask the distinguished gentleman if he could be more precise about which day the marriage penalty legislation will come to the floor.

Mr. BLUNT. It is anticipated right now that the Permanent Marriage Penalty Relief Act will come to the floor on Thursday, and the motions to go to conference on energy and trade are likely to happen on Wednesday, as will the tax limitation amendment.

Ms. PELOSI. Mr. Speaker, do we know when the prescription drug bill might be scheduled?

Mr. BLUNT. As the gentlewoman knows, we are considering this an important priority. The chairmen of the Committee on Ways and Means and the Committee on Commerce and Energy are working hard to get this to the floor as soon as possible. We do not anticipate that will happen next week; but hopefully, it will happen soon after that.

Ms. PELOSI. Mr. Speaker, does the gentleman think it will happen before the July 4 break?

Mr. BLUNT. I am hopeful that it will happen before the July 4 break.

Ms. PELOSI. Mr. Speaker, can the gentleman shed some light on when some of the appropriations bills will be scheduled?

Mr. BLUNT. Well, the gentlewoman and her colleagues are going to be working hard on appropriations. We need to get those bills to the floor. We do not have any ready to schedule yet, but we are eager to do that; and since we passed the President's requested wartime supplemental, we hope the full energies of the Committee on Appropriations now turn to getting bills to the floor and hope that happens very quickly.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for the information.

□ 1700

ADJOURNMENT TO MONDAY, JUNE 10, 2002

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TUESDAY, JUNE 11, 2002

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, June 10, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, June 11, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NINTH BIENNIAL REPORT OF INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE TO THE CONGRESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science:

To the Congress of the United States:

As required by section 108(b) of Public Law 98-373 (15 U.S.C. 4107(b)), I transmit herewith the Ninth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 2000, to January 31, 2002).

GEORGE W. BUSH.

THE WHITE HOUSE, *June 6, 2002.*

INTRODUCTION OF RESOLUTION HONORING PENNSYLVANIA NATIONAL GUARD

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I rise today in preparation of my introducing a resolution honoring the Pennsylvania National Guard.

All of us know the work of our National Guard components in our various States, but I did want to take extra time to point out some of the special duties that have been performed by the Pennsylvania National Guard, the largest in the Nation, by the way, and the Air National Guard in Pennsylvania, which is the fourth largest in the United States.

In very short time now, 2000 members of the guard will be positioned to move to Europe to assist in the NATO facilities in the various roles they have to play in that part of the world. Now, this is to say that that is just one duty. They are also involved on the northern border of the Canadian border in NORAD, and many domestic sites. And in Afghanistan, the Air National Guard has performed various tasks that are very important to the entire effort in the war against terrorism.

Mr. Speaker, I close with asking others to join with me in the resolution honoring the Pennsylvania National Guard.

HOUSE PASSES BILL PERMANENTLY ELIMINATING DEATH TAX

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I am proud that we did the work of the American people today. Americans believe that it is time to permanently eliminate the death tax, and this body took that confident step, they took that confident step today for the great benefit of the American people.

I can say this with great confidence since I spoke with many small businesses back in the great State of Nevada during the past week. Each business owner I talked to, such as those of Click Bond in Carson City, Nevada, stated they would have had to close or sell their business should anything have happened to them individually and the death tax had been reinstated. They praised Congress for passing last year's tax relief bill and pleaded we make the death tax elimination permanent so they can pass on to future generations their businesses and their farms.

Mr. Speaker, our permanently eliminating the death tax was the fair and right thing to do. No Nevadan, no American should have to mourn the loss of a family business and a loved one at the same time. I applaud my colleagues for doing what was right for the American people.

MAST ACADEMY REPRESENTS FLORIDA IN COMPETITION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, students from MAST Academy, a high school in my Congressional district, recently represented Florida proudly in the national "We the People, the Citizen and the Constitution" competition.

For the first time ever, due to hard work and diligent preparation, MAST Academy competed against 50 schools from every State in the Union.

I warmly congratulate the following students: Bianca Badia, Tanaz Berahman, Lisette Cabezas, Ama Campbell, Angela Casale, Christopher Cruz, Maria Cullen, Melissa Estape, Myriam Ferzli, Tina Fregeolle, James Gawley, Maria Guerrero, Jackie Lee, Kathryn Magil, Yanique McGregor, William Mitchell, Melissa Montanez, Katherine Powell, Crystal Prince, Lauren Smith, Julian Strolen, Chayenne Thomas, Joelle Urrutia, Francisco Vasquez, and Corey West.

With the help and guidance of their teacher, Tanya Hanson, these young students demonstrated vast knowledge and understanding of our U.S. history as well as the fundamental principles and values of our constitutional democracy.

I ask that my colleagues in Congress join me in commending these fine students and their excellent teacher for an outstanding achievement.

IN SUPPORT OF NEW TECHNOLOGY

(Mr. BURR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURR of North Carolina. Mr. Speaker, I rise today in support of an exciting new technology. Local television broadcasters across the country are undertaking their biggest advancement in years: The transition to digital television. Digital TV opens the doors to new possibilities, like High Definition TV, interactive television, and expanded programming options.

In my district, we are already served by several stations transmitting a digital signal. I am proud of my hometown broadcasters, like WXII, which is owned by Hearst-Argyle. These stations are leading the charge into the digital future.

These TV stations are small businesses, like others. They have made substantial investments in new transmitting facilities, new production equipment, and, in some cases, new broadcast towers. Collectively, the industry has invested over $1 billion in this new technology.

While local broadcasters are doing their part to propel the digital television transition forward, we have yet to see all the pieces of this come together in place. I believe the transition will accelerate once cable companies begin to carry digital signals. Seventy percent of U.S. households receive their TV through cable. We need that signal as digital.

I hope that Congress can work with these differing groups, broadcasters and cable operators and other interested parties, on the remaining issues. Until then, however, I remain fully confident that the future of television is digital, and I believe the future is bright.

FIFTY-EIGHTH ANNIVERSARY OF D-DAY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is June 6, 2002, and 58 years ago on this day, as President Reagan said nearly 20 years ago, we mark a day in history when allied peoples joined in battle to reclaim a continent to liberty.

As President Reagan said, for 4 long years much of Europe had been caught up under a terrible shadow. Free nations had fallen, Jews cried out in the camps, millions cried for liberation, and America and her allies responded.

225 Rangers came ashore at Pointe de Hoc, Normandy, along with thousands of others. As President Reagan would say, that day in 1984, the men of Normandy had faith that what they were doing was right, faith that they fought for all humanity, faith that a just God would grant them mercy on this beachhead or the next. It was the deep knowledge, and I pray God we have not

lost it, of the profound moral difference between the use of force for liberation and the use of force for conquest.

Let us, on this 58th anniversary, never forget the courage, the inspiration, and the faith of the boys and the men of Pointe du Hoc, Normandy.

PRAY FOR MARTIN AND GRACIA BURNHAM

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today marks the 376th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines. It has been over a year now.

This July 31, the U.S. military 6-month advisory mission in the Philippines expires, yet many of us are requesting of the administration that our troops stay beyond the current deadline. There was some concern, when our troops first arrived in the Philippines 5 months ago, they would not be well received. When Deputy Secretary of Defense Paul Wolfowitz visited the Philippines last week, he found they were very receptive in the Philippines, and that even a Muslim governor in the southern Philippines wanted an increased role for our U.S. military.

Our special forces commanders feel like their job is not done. We have strategic interests and a common goal of getting rid of terrorism, so we must stay. Terrorism will not stop without their help.

And then there are the Burnhams still being held hostage. How can we walk away from two of our citizens being held captive by Muslim terrorists? Mr. Speaker, I believe we know where the Burnhams are. I believe if we have the political will, we can bring them home safely. I ask the President to not walk away from Martin and Gracia Burnham.

As always, I ask my colleagues to join me in prayer for Martin and Gracia and their loved ones so this nightmare may soon be over.

IN HONOR OF AMANDA KAY EDWARDS

(Mr. OSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSE. Mr. Speaker, I rise today in honor of Amanda K. Edwards. I rise today to honor her life as a constituent and as a friend of mine.

Ms. Amanda K. Edwards passed away on Tuesday of this week, and I seek to commemorate her life and service to our community. Her life was cut short, as I said, on Tuesday at the age of 18. My sympathies are with her family and friends during this difficult time. She was an extraordinary young woman with a very bright future ahead of her.

Amanda was a recent graduate of Maxwell High School, where she was a member of the California Scholarship Federation. She had been accepted at California Polytechnic State University, San Luis Obispo, and planned to major in ranch management.

In addition to her scholastic achievements, Amanda was a rodeo queen of the Maxwell Rodeo and Stonyford Rodeo 2002. She was a member of the Future Farmers of America and the 4-H Club. Frankly, her list of accomplishments is quite impressive, but it really does not capture her true spirit.

I had the pleasure of knowing Amanda. We competed together at the Colusa Western Days and together we won the Team Penning competition. It was her energy and enthusiasm that led us to victory two years in a row. She was dedicated, hard-working, but, more importantly, she was a good person, and we have too few of those. Our Nation's future rests in the hands of younger Americans such as Amanda, and, frankly, she was a great example of what lies ahead for this country in terms of the standards she set.

Without a doubt, she contributed great things, not only to our community, but to each of our lives. Her passing is a tragedy and she will be deeply missed. I am grateful that she was a part of my life.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FAREWELL TO DEPARTING 2001–2002 PAGE CLASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, at this time I would like to ask the Page Class of 2001 and 2002 to come down and take the seats in this first and second row, and try to congregate in the middle, if they can, and, Mr. Speaker, at the conclusion of this I will include for the RECORD the names of the entire graduating class that will be graduating tomorrow.

Tomorrow is the end of a long year of working together, and it is an honor to stand up, as chairman of the Page Board, along with a lot of my colleagues, to do that hard part of saying good-bye. For me, this is my first time chairing the Page Board, and so you are a very special class, one that I will remember forever, and hopefully you all will remember this experience.

As chairman of the House Page Board, it is my privilege to acknowledge and thank you, an outstanding group of young people, but it is difficult to let this group of pages go. This year's class has faced challenges and struggles unlike any other class in history.

Just several days into your page experience, you experienced challenges that tested the strength of every American. Before you even had a chance to acclimate yourselves to your new home in Washington, your senses of safety and security were threatened. The events of September 11 left us all feeling frightened and unsure about our future, but you were role models, not only for your peers but for many adults as well. You recognized that the work of your country must go on despite the attempts of others to halt it.

I know my colleague, the gentlewoman from New Mexico (Mrs. WILSON), is not here, but I want to personally thank her for spending time with you all, as you will remember, on September 11. It was a very important time for a Member to take time out to work with you, and she has my gratitude for fulfilling that role as a member of the Page Board.

We owe you a debt of gratitude for persevering with your work and for doing so with grace, enthusiasm, and, as I found out, good humor.

□ 1715

There is no question that you are all destined for very bright futures. You have made us proud, and you have shown us that the human spirit is inextinguishable in the face of adversity. Surely you have made your family, friends and communities back home proud as well, and I am certain that they will be glad to get you back.

As difficult as it is to say good-bye, I trust that you will take with you memories, experiences and friends that will last a lifetime. Take with you also our sincere thanks for a job well done.

Your hard work and dedication have proven that you are young people with strength, courage, character and love of country. I like all those words: strength, courage, character and love of country. You are true patriots in the very best sense of the word. You are serving your country now, and we are asking you to continue to serve your country as good citizens and as good role models.

We look forward to hearing about all your many successes in the future. Please come back and visit us. Best wishes for safe travels home, good luck in your senior year in high school. Much happiness always. May God bless you all. I am not the only Member here to say good-bye to you; and I would like to recognize, and he took great lengths to come back to the floor from another meeting, and I appreciate the gentleman from Maryland (Mr. HOYER) coming back and sharing his thanks with you.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I address the class, I suppose, of 2002 of the United States House of Representatives Page School. I want you to think of your status, 280 million fellow citizens. I do not know how many millions of 10th and 11th graders, 16-year-olds that we have in America, but clearly it ranks in the millions. There are but a few of you who have been given the opportunity, the honor, the privilege of serving in the House of Representatives.

I know that every one of us who has the opportunity to be selected by their neighbors and friends to serve in this House feels the awesome honor of that privilege. I hope you share that with them. I hope you share the realization of the very special knowledge that each of you has received and understand how very unique your experience is relative to so many millions of young people in America.

The gentleman from Illinois (Mr. SHIMKUS) has pointed out that you have served as pages in this House and served your country in that capacity in a historic year, in a year in which America was attacked here on its very homeland. That has not happened since 1814. Think of that. That was even before you were born. It was so long ago, it was before I was born. America had felt invulnerable, safe. The trouble and violence for the most part at least from an international war status was somewhere over the waters and far away, and we found that it was not. You, your parents, your relatives, your friends and your neighbors felt more vulnerable than they had in the past. As so many have said, America was changed and our concerns were heightened.

Those who attacked us were relatively young people who cared passionately about an objective. We think very, very wrongly and indeed evilly, but they cared a lot about something. What I hope and what I think all of us hope is that you, too, care passionately, care passionately for this country, for its principles, for its processes.

Those of us who have traveled the world know that almost everybody looks to America as a very, very special place. Some do not like us; but even in that dislike, they are somewhat in awe of this longest-standing democracy on the face of the Earth. Why has it been so long-standing? Because its people love it. Its people care for it. Its people sustain it. You are the people. We the people. We call this House in which you have served the People's House. We are elected every 2 years. It is kind of a pain in the neck to run every 2 years, but let me tell you what it does: it keeps you in touch. That is what the Founding Fathers wanted us to do. They wanted those of us who serve on this floor to be in touch, to hear the passions and the fears and the aspirations and hopes of your parents, and of you.

I want to congratulate you because you were selected because you are some of the most outstanding young people in America, which is to say in the world. Who in a short period of time, just as some Members of this House who served in the blue coat brigade that you have been a member of, serve now in the House of Representatives.

Some of you will serve in the House and in the Senate and Governors; and yes, perhaps even one of you will be President of the United States. But the probability is most of you will not be that, but you can serve very well. Take with you this experience. Take with you this knowledge of how much the Members who serve here care about our country, how hard they work. I hope you have been surprised at how hard they work. I was when I first went to the Senate at the age of 27 in the State of Maryland.

I hope you take that home to your classmates, your families and friends, so they will feel better about this democracy and this country. We have asked God to bless America, and God does. God blesses America through the service of each and every one of us. And to the extent that you become ambassadors of our democracy, to all our people, our country will be a stronger and better place. And those who attack us will surely fail. Godspeed, and thank you.

Mr. SHIMKUS. Mr. Speaker, many Members want to speak of that great love and concern who have visited with the pages throughout the year, and I yield to the gentleman from Arizona (Mr. KOLBE) to say good-bye.

Mr. KOLBE. Mr. Speaker, I have not looked out on this many youthful and good-looking people on the floor of the House of Representatives since I have been here. It is nice to see this crowd here today. I got my start as a page through the times that I have had a chance to talk to you. Of course I served in that other body on the other side of the Capitol called the Senate, and perhaps I can be forgiven for that. But I know what a profound difference it made to me, that experience; and I know that this experience is going to have a big effect on you. It is going to change your lives.

Now, you look and say, the gentleman from Arizona (Mr. KOLBE) comes back as a Congressman, it means we can all be Congressmen or Congresswomen. Yes, you could be; but you will not be. And that is all right, because no matter what you do, this experience is going to have a real impact on your lives. I can guarantee you that.

My class of 1960 includes Don Anderson, our former Clerk of the House, and Ron Lasch, who was our floor assistant here on the Republican side. We get together every 5 years, once every 5 years, and I know from the times that we come back together, the impact that this experience has had on the lives of those once-young men and women, then it was all young men, and how it has changed their lives as they have continued with whatever they have done, whether in government or business or professions.

This is an experience that you will be able to take with you to wherever you go. Although there is no doubt about it, we could do the wonderful work that you do, the important work that you do for the House of Representatives, there are many ways that it could be done, probably some which would be less expensive and less headaches for the Page Board and others, but we would be missing something. We would be missing an opportunity to create these ambassadors back to your communities about what government is all about.

You join now a very select group, which numbers in the few thousands of people in the entire United States who have ever had this experience; and you will go back to your schools and communities, and then you will go to your colleges and your businesses and your families, and you will be able to share with them what government is really like, the kinds of people that serve in government, the kind of work that goes on here.

I think, hopefully, by and large you have learned they are good people who care, who really want to make a difference for the American people. We hope that will inspire you to want to do the same no matter what line of work you go into, that you will want to do the same. That is really what this program is all about, that you come here, you learn from it and take home with you something that is very important, and you become ambassadors for a better government, a better society back in your own communities.

As has been pointed out by the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Maryland (Mr. HOYER), you came and you experienced something that no other class has ever experienced, and we hope none will ever again, the incredible attack on America that took place on September 11. What I shall always remember about this class of pages is your constancy, your willingness to stay and stick with this job.

After September 11, school groups canceled their visits here, business groups canceled their visits, tourists declined to come; but you stayed on. You stayed on in this job because you knew what we were doing here was important. You knew the work of the House of Representatives was important and that in your own way the job that you were doing was important. We are especially thankful to this class for what you have done, the role that you have played.

We just know when you leave here you will go back to your communities, and you will be able to tell them a little bit about what the government of the United States means, and you will pass this along to your children, to the next generation.

So from the bottom of my heart, I say thank you to each and every one of you for the good service that you have given, the friendship that you have extended to the Members, and I look forward to seeing you come back often and seeing you around the House of Representatives; and someday I am sure we will see some of you in the House of Representatives. Good luck and Godspeed.

Mr. SHIMKUS. Mr. Speaker, I yield to the gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, congratulations to all the pages. They have been such a source of inspiration to all of us, their coming at the most critical time that our country has been faced with. And not one time did they deter from doing the duties of a page.

Of course I have a page here, Taurean Snow, who came from my district; and he came for one semester and asked to see if he could serve a second semester. I was happy that he chose to do that.

But I join with the gentleman from Arizona (Mr. KOLBE) in saying that you will now be ambassadors, ambassadors to take what you have learned here. This is like a civics class for you, a class that far too few are in our schools now, teaching you what government is all about.

□ 1730

This particular experience will be with you always, because you will remember the times that you have had to run the corridors to bring flags to our offices, or you have been on the floor and have had to bring messages to us. And so those types of experiences, coupled with your hearing us argue on the floor about different issues, will be with you, and you can go back and tell your friends just what you have learned from this House. And, of course, you see us argue quite a bit on the floor, but then you also see us come across the aisle, shake hands, and be friends. This is what you have come to know and recognize, those of you who are here.

I was fortunate being the Chair of the Women's Caucus to get a note from one of the pages, a female page. She said to me, I really admire what you have done and you are a role model. I thought that was a great thing for a page to send a note to me. When I inquired as to which page she was, it was a Republican page. I thought that was very admirable of her because she saw no difference really. She just wanted to say how much of a role model that I represented in her eyes. I hope we all have done that for you because you certainly have for us. You have shown us the type of discipline that young folks should have.

This morning I spoke with a group of Girl Scouts, and I told them, as a former Girl Scout, I will never forget on my honor. Well, you will never forget on your honor and you will never forget those things that you have learned here on this floor. Again, thank you so much for sharing your year with us. We hope that this has been an experience for you that you will keep throughout your adult life. I join with my other colleagues in saying that perhaps one year we might see you here on the floor being a Congressperson. I really do think Taurean will be.

Godspeed to all of you.

Mr. SHIMKUS. I thank my colleague. Now someone who spends a lot of time with you also, the gentleman from Florida (Mr. FOLEY), would like to say a thank you.

Mr. FOLEY. I warn all of you not to cry in front of me, please, so I can get through this very important day with you without shedding tears as well.

First, I want all of you to salute two people that I know at times were tough on you. They are taskmasters, they are disciplinarians; but they love you in an incredibly personal way. I would like all of the pages to clap for Ms. Sampson and Ms. Ivester, your supervisors.

Ms. Sampson is on the back rail. She does not like to come too close here because she may cry, too; and she does not want any of the kids before you depart on Saturday to see her being a vulnerable person. It is true.

I hear so much laughter here and I am glad that there is laughter, because this is a wonderful time of your life. Every time we celebrate the departure of a page class, we remember your first day here and, of course, we are here at your last. You came in very shy and meek and very polite and for the most part you have remained polite, but no longer shy and meek. You have taken on your respective roles as junior Members of Congress and oftentimes I get a kick when I walk by the back row, Mr. FOLEY, please mention the pages so our parents will hear us on C-SPAN. The nice thing about today is you are on C-SPAN. And this is recorded. And you will get to see this replayed. And you will get to see your faces now assembling as if you were Members of Congress.

Some probably cannot wait to leave and get back and see your best friends and loved ones and some are anguishing about your departure. Mary Kate Leonard was on the back row crying. I asked why. She said, "I'm losing my best friend, Rachel."

I said, "Really? Where's Rachel?" "Oh, Rachel is a Republican page."

I said, "Oh, you are all bipartisan, too, huh?" Because Mary Kate is a Democrat, which shows how friendships can cross an aisle and cross ideological divide. So I asked Rachel to come from the cloakroom, and she thought I was kidding, to join her friend who was crying and I said, "I can't let her cry alone. You have to be out here to be part of this." Now I have got you both crying and I am starting to well up.

I have got a lot of other stories. Of course, Christopher made sure I came out of the cloakroom to see that his mother and family were sitting up in the gallery this morning as I quietly mentioned to him, "Remember, we're not allowed to gesture to the gallery." He said, "Oh, just wave to her, so she knows I'm important." He is important and she is above us now.

Of course we have got several Jasons, a few Laurens. Adam, thank you for the graduation announcement. I sent you a handwritten note, and I was actually going to put some money in it as a graduation present. Then I realized he would tell all of you, and then I would get hundreds of graduation announcements. So I chose not to. I hope the handwritten note will suffice for your scrapbook.

Patty Mack, of course, also known as Patrick McDonald, when he said, "Mr. FOLEY, who made you say that?" I said, "I made it up myself. I'm Irish. I get it." Fabulous young man. This is not made to make fun of him or anyone else.

The tag team of Dominic and Hilary. Who will forget their exuberance coming in the room? Bubbly, excited, cheerful. Of course Jordan and Eddie. Eddie's mother I met today. They are from Florida. He is a constituent and hopefully a future voter of mine if I choose to run statewide, so Eddie will be my next best friend.

And, of course, Melanie, and finally John Eunice. John was the highest bidder on lunch with MARK FOLEY. Maybe you all do not know this story, but John had paid considerable sums to dine with me. I had offered to take the winning bidder to lunch in the Members' dining room. Then I heard how much John Eunice paid. And I said, "John, there is no way in the world after you committed so much money to have lunch with me that I would dare take you downstairs to eat in the Members' dining room." I said, "Where do you want to go?" He says, without reservation, "Morton's." I said, "Morton's? Like in Morton's Steakhouse?" He said, "Oh, would that be too much?" I said, "Oh, no, we'll go." I said, "Call your mother, get permission, make sure she notifies the Clerk and we will go to Morton's." And so we proceeded to cruise down in my BMW to Morton's. And all of this story is meant to make you all feel jealous that you were not the high bidders. So we went to Morton's, and I do not know where you all went.

I have a lot of other names here, but I do not want to go through the litany of lists, Nickie and Tim sitting in front and others. This has been an incredible year. This has been a year you will remember for the rest of your lives. When I was in fourth grade, President John Kennedy was assassinated. I remember kneeling in prayer for our Nation and for our President. I was so scared, because I had never witnessed something so traumatic. And on the 11th, and I think the gentleman from Arizona (Mr. KOLBE) said this best, we were all scared as Members of Congress. We were frightened for our Nation. And what tenacity you showed and what leadership you proved by staying here in this Capitol. I am afraid if I was your age I may have run home. That speaks volumes about the people you are. That speaks volumes of your parents and your grandparents. It speaks of the kind of love they have given you, the kind of time they spent with you to make you the incredible human beings you are.

God has blessed this Nation more than I can tell you and given us the chance to succeed beyond our wildest dreams. I barely graduated from high school, and I did not go to college. I am a proud Member of this great institution because I kept trying. I never gave up and never gave in to the instincts to be lazy or run for cover. You all have proven without a doubt that you are not only courageous Americans but wonderful young people. Cherish your youth, cherish this experience, but above all cherish your families. Let them know how much you appreciate them giving you this chance. And let them know how much you appreciate their love to make you the people you are. I was not going to do this because I am on C–SPAN now.

To the Page Board, as well, and to all the people that make up this fine institution, from the police officer you see in the morning and you see at night as you are entering your dorm, to the people that help keep the buildings clean and operating, the elevator operators, the people that serve you in the cafeteria, the people that stand behind us and work countless hours listening to us babble, the people that have made up the core of this program, I salute you and I thank you and I hope you will join me too in saluting everyone in the page program that has made this year a resounding, phenomenal learning experience and success for you.

God Bless you all.

Mr. SHIMKUS. Now I would like to ask my colleague and friend, the gentlewoman from Maryland (Mrs. MORELLA), to say a few words.

Mrs. MORELLA. You can see how we love you. I was thinking that this is really like a graduation; it really is, for you. You have had a year here. And it is really like a commencement, because now you are beginning another stage of your lives. It has just been a wonderful opportunity for us to have you, to know that you could tell us who was speaking at any one time. I think your identification was superb. You could say this is so and so from this district, number such and such, Democrat or Republican. So we actually relied on you for that. We relied on you to get us the CONGRESSIONAL RECORD when we wanted it. We relied on you to make sure that you delivered whatever messages needed to be delivered. We relied on you to prepare the House for joint sessions and to prepare the House each day for the work that we did. And you have done it all so well.

I am sure that you have been awestruck every time you entered this Chamber on both sides and you looked up at the flag and you looked up at the motto, "In God We Trust," and you know that people all over the world are watching what happens here in this particular Chamber. It is indeed the people's House. You note from the wonderful, moving passion that you heard from MARK FOLEY and what you have heard from others, JIM KOLBE and others who have spoken here, too, JUANITA MILLENDER-MCDONALD who spoke and others who have spoken here, too, and the person who has been in charge, JOHN SHIMKUS, you know how much we appreciate what you have done.

We are from all different areas. We bring different values and different, not necessarily different values, different issues because we represent our particular regions. You have had a year where you have had to engage in some study, sometimes very late at night. You have been with us when we have had our long nights. I have seen you with the books where you knew you had to get ready for the next day. You were not quite sure how you were going to handle it, but you did it. You made a number of sacrifices, not only sacrifices of sleep but sacrifices in terms of other issues and other things that you wanted to be involved in that you did not do because of your responsibilities. So you have learned what democracy is like and you have learned that there is a lot of hard work that takes place to make it work. You have also learned that with the differences that we may experience, that we do come together because we come together as a Nation.

So as you leave here, having been touched permanently by your experiences here, I guess my advice to you would be to continue to learn, to know that learning is something that is lifetime, because things change and you must be ready to change, to change with it, to make sure that you show enthusiasm for what you do. Enthusiasm comes from two Greek words, en theos, meaning "from love." I think when you show enthusiasm, as all of you have when I have seen you on both sides of the aisle, it shows a kind of joy and appreciation for what you do and it radiates with your friends.

Continue to have a sense of humor. I think it is important that you do not take yourself seriously. Certainly the press do not take us seriously when we send press releases. I think it is important to laugh at things, because then you can stand back and learn how to deal with them when you return to them. I would also suggest you take chances.

□ 1745

Sometimes your successes will occur only after you have had some disappointments and some failures. If you do not take chances, you will never know. I say no guts, no glory. So I hope you will know that taking chances is also part of progressing. It is part of life. It is what will add that extra dimension to it in terms of knowing what it is you can do.

I also want to point out that you have had some great leaders who have been here: Jeff Trandahl, and Martha, and, of course, in the little cloakroom back there I have seen little notes that say "I love you, Ms. Sampson," and I know it is meant by all of you. I am sure the same thing is over by Ms. Ivester on the other side, too, because you have become part of their family as you have become part of our family, and they have watched out for you ever so closely.

So I do want to thank you for the work that you have done here as pages. I know it will be a permanent part of your life, and it will be something you will look back on and you will remember all the little incidents. You may even remember a few of the issues, maybe not too many, but a few of the issues.

Pages have been around for 150 years. It was Senator Daniel Webster who appointed the first page. Women were allowed to become pages not until 1971, but you are making up for it. You are making up for it, and I think that is great.

So I wish you all well. I know you are going to be nostalgic about this and you are going to have memories that are going to fortify you. But the first woman admiral, her name was Grace Hopper, and she was also someone who got involved in computer programming, once said, "A ship in port is safe, but that is not what ships are for. Sail on."

So sail on. We will always remember you. Thank you very much for what you have done for us.

Mr. SHIMKUS. Last, but not least, someone who has invested some time with you all and who is full of energy and a good friend, the gentlewoman from Ohio, Mrs. STEPHANIE TUBBS JONES.

Mrs. JONES of Ohio. Mr. Speaker, the other day I had the opportunity to deliver a commencement speech for John F. Kennedy High School, and that was Norville Arnold's graduation. He was my first page, my only page appointment, and it was a wonderful opportunity. I like poetry, so I am going to read a piece of poetry that I read at this commencement to his class.

> Look what I have learned.
>
> I have learned that you cannot make someone love you. All you can do is be someone who can be loved. The rest is up to them.
>
> Look what I have learned. That no matter how much I care, some people just don't care back.
>
> I have learned that it is not what you have in your life, but who you have in your life that counts.
>
> I have learned that you can do something in an instant that will give you heartache for life.
>
> I have learned that you can keep on going long after you think you can't.
>
> I have learned that either you control your attitude, or it controls you.
>
> I have learned that heroes are the people who do what has to be done when it needs to be done, regardless of the consequences.
>
> I have learned that sometimes the people you expect to kick you when you are down will be the ones who help you get back up.
>
> I have learned that just because someone doesn't love you the way you want them to love you, doesn't mean they don't love you with all they have.
>
> I have learned that maturity has more to do with what types of experiences you have had and what you have learned from them and less to do with how many birthdays you have celebrated.
>
> I have learned that your family won't always be there for you. It may seem funny, but people you aren't related to can take care of you and love you and teach you to trust people again. Families aren't biological.
>
> I have learned that no matter how good a friend is, they are going to hurt you every once in a while, and you must forgive them for that.
>
> I have learned that no matter how you try to protect your children, they will eventually get hurt, and you will get hurt in the process.
>
> Finally, I have learned that people you care most about in life are often taken from you too soon.

I want to say to you that I have had great fun with this class. I have had a great time. We have had some wonderful experiences. I have learned that I do not take myself too serious, and I hope that you will learn that, over time, that is the best thing that you can do.

Then I want you to remember particularly how much fun those of you who had the chance to attend the Hill's Angels and the Georgetown faculty game, and that wonderful cheer that I taught you which was "Give me an A; give me an N; give me a G; give me an E; give me an L; give me an S. What does it spell? Angels." And you were that for me.

I have been working with this basketball team, and every year I go to Georgetown and all the law students are there and the law students are cheering and having a great time, and I am saying where is my team? So I thank you for allowing me to incorporate you into the game. If ever you want to come back for a reunion game, just call me up. I will send a bus for you.

Have a great time, have a great year and come back and visit with us. Thank you.

Mr. SHIMKUS. I thank my colleague. I have already mentioned HEATHER WILSON. I would be remiss not to mention DALE KILDEE, who was on the Page Board and spent time, and just thank him for serving with me.

Make sure you remember in the last couple hours that you are here in Washington to thank the school staff, the dorm staff. We mentioned the floor staff. We have our chaplain here, and I know he has been a support for many of you, as he has been for Members. The Capitol Police, the attending physicians. Yes, we did need the attending physicians in this class once or twice.

So, we appreciate having you. There is a lot of people that invested in this, and make sure in the last day you get a chance to thank them.

Only in Washington can you ask for 5 minutes and get 60 minutes. What you have to notice is the House, we have very structured rules, but, for some reason, we are somehow allowed to break this one rule to take 5 minutes and spend as much time as we need to thank you for the work you have done with us.

Members will not miss flights, as you know, for very much, and you almost get trampled sometimes at the end of the last vote. I just missed mine, but I do it for a good reason, and I do it for a good cause, because you have been a great, great joy for me; a trial, a learning experience, but, again, a historical footnote in the history of a great country that now you are part of. May God bless you all and may God bless the United States of America. Thank you very much for your service.

Mr. Speaker, I include for the RECORD a list of the page graduating class.

Katherine Alesse, Lauren Arango, Matthew Arthur, Adam Bacot, Jane Becker, Matthew Benson, Nicholas Bruckner, Laura Burlingame, Allison Bybee, Amber Childress, Rachel Dick, Saul Dingfelder, Jason Dykstra-Carlson, and Jessica Eanes.

Robert Edmonson, Jordan Edmund, Nicole Eickhoff, John Eunice, Michelle Fuentes, Dulce Gonzalez, Timothy Gorman, Jason Green, Megan Grimland, Christopher Harrington, Gretchen Hartje, Paula Hodges, Mallory Kunz, and Mary Kate Leonard.

Matthew Loraditch, Alicia Luschei, Christopher Marquart, Patrick McDonald, A. Edward Mehnert, Elizabeth Mooers, Lauren Oswalt, Joseph Overton, Julia Owen, Timothy Read, Elizabeth Rilley, Allison Robinson, Katherine Roehrick, and Tyler Rogers.

Amanda Rudd, Dominic Rupprecht, Taurean Snow, Mark Spong, Hilary Styer, Diane Sutherland, Melanie Tate, Alissa Turnipseed, Xavier Vanegas, Marisa Vasels, Charlotte Vasquez, Amelia Williams, Krystle Williams, and Gregory Wright.

Mr. ADERHOLT. Mr. Speaker, I want to join other colleagues of mine in thanking the fine young men and women who have served as pages for the U.S. House of Representatives this past session. I was particularly pleased to have Ms. Lauren Oswalt of Fayette County, Alabama here in Washington, D.C. She is a fine young woman and has represented her home area well. The pages not only provide valuable services to Members and their staffs, but they are able to learn a great deal about how their Federal government works. As they return to their communities and continue their studies, this knowledge can help them be effective citizens and leaders. To that end, I also want to thank the directors of the Congressional Page program. It is a fine combination of public service and education. Again, I congratulate the pages and thank them for their service.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT OF CORPORATION FOR PUBLIC BROADCASTING FOR CALENDAR YEAR 2001—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102-356), I transmit herewith the report of the Corporation for Public Broadcasting for calendar year 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 6, 2002.*

CLOCKING THE RAID ON SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight to talk about Social Security, the premier program of the last century, which has helped to raise a generation of our seniors out of poverty. Most seniors in America receive upwards of perhaps $580 per month. For them it is a lifeline, and without Social Security and Medicare, they simply could not survive.

Today this House debated what to do with the estate tax, some call it a death tax, but assets accumulated by very large interests, and we heard the debate. But what is important to point out about this debate is that because the Bush administration and its allies inside this Chamber cannot afford to pay for the tax benefits being given, especially to the very super-rich in our country, they have raided the Social Security trust fund consistently this fiscal year, and, as of this week, June 5 and counting, they have taken from the Social Security trust fund already $207,232,876,712.

This chart and those that will follow in the weeks to come will clock the Republican raid on Social Security. The amount that has been taken to date averages thus far $717 per American citizen, and the numbers are still being counted as the days tick on.

As long as Republicans continue to raid the Social Security trust fund in violation of the promises not to raid the trust fund dollars contained in what was called an accounting lockbox, it is my intention to be here on the floor clocking their raid with our Social Security debt clock.

I also will be going through the history of who created Social Security for our country and who has historically opposed it. In fact, in 1935 in the deliberations in the Committee on Ways and Means not far from this floor, the Republican Members of the House Committee on Ways and Means voted to kill the original bill that created the Social Security program that our parents and grandparents and great-grandparents have benefited from since the mid-1930s.

When the bill moved to the floor, it was Democrats that passed that bill. I think it is very important that that history go on record, because if you look at what has been happening with the accumulation of additional debt in our country, and I put this chart up here as illustrative, we look at the accumulation of debt, this goes back to President Johnson. For a long time, because of the Vietnam War, and going into the Carter years, the recessions that resulted from rising oil prices, and then into the Reagan-Bush years when we had the huge defense buildup and the Persian Gulf War, our Nation went deeply into the red. We have over $6 trillion of debt that we are now financing in this country. But during the Clinton years, with the budgets that were passed in cooperation with this Congress, we were able to move to a point where we were actually, for the first time in modern history, accumulating surpluses, until now, with the inauguration of President Bush, and we are beginning to move into a deficit position again, and very severely so, in a very short period of time.

The funds that are available to borrow against for various purposes, whether it is giving tax cuts to people like Ken Lay, who will get over $350 million additional in a tax refund because of the tax bill passed earlier this year, or the estate tax that was voted here today, that money has to come from somewhere, and that somewhere is the lockbox that almost every single Member here voted to protect. It is beyond my imagination why anyone would want to vote in that manner.

□ 1800

But until this administration and House Republicans put seniors first and reverse this raid and commit to saving Social Security as we have promised, I will be here to tell the truth to the American people, using these red numbers and this debt clock to show just how much is being raided.

Today in the Washington Post there is a story called "The State of the Estate Tax." I will enter it into the RECORD, but what is really interesting about this is it talks about some of the major beneficiaries of the bill that passed here by a very thin margin this afternoon. The very people that are raiding Social Security are taking care of some of their best friends. Here is one of them. Gary Winnick of Global Crossing fame, with assets of nearly 3 quarters of a billion dollars, will probably yield $366 million in so-called estate tax savings. Dennis Kozlowski from Tyco International, which has run into a little difficulty, $149 million.

Though my time has expired for this evening, all I have to say is the Democratic Party historically has been the party that has believed in and supported Social Security. We do not support borrowing from the trust fund in order to give tax benefits to the super rich.

More on this story later.

The information mentioned earlier follows:

[From the Washington Post, June 6, 2002]

THE STATE OF THE ESTATE TAX

The House begins debate today on President Bush's proposal to make permanent last year's elimination of the estate tax, or "death tax" as Republicans call it. Bush will be in Des Moines on Friday to tout the effort, which would benefit family farmers. Apparently, eliminating the tax would also benefit some non-farmers—some of them in the Bush administration.

Rep. Henry A. Waxman (D-Calif.) asked his staff to assemble a chart estimating just how much more the heirs of Bush, Vice President Cheney and members of the Cabinet would get if the estate tax were permanently eliminated. Waxman's aides also applied their calculators on the balance sheets of former Enron executives and the executives of other companies in the news.

The winners? Defense Secretary Donald H. Rumsfeld's heirs could gain as much as $120 million from the repeal, with heirs of Treasury Secretary Paul H. O'Neill getting as much as $51 million more and heirs of Cheney getting up to $40 million more. Heirs of Enron's Kenneth L. Lay would get $59 million more. Bush, a relative pauper, would leave behind an extra sum of no more than $10 million if the tax were eliminated.

The White House said Waxman's analysis was beside the point.

"Failure to make the tax cuts permanent would increase the taxes on 104 million Americans," Bush spokeswoman Claire Buchan said. "The president thinks that's wrong and that it's wrong to double-tax families, especially at the time of death."

	Assets	Estimated estate tax savings
Bush Administration Official:		
President Bush	$11.1 million–$21.6 million	$4.6 million–$9.9 million.
Vice President Cheney	$19.3 million–$81.8 million	$8.7 million–$40 million.
Defense Secretary Donald H. Rumsfeld	$61 million–$242.5 million	$29.6 million–$120 million.
Treasury Secretary Paul H. O'Neill	$62.8 million–$103.3 million	$30.5 million–$50.7 million.
OMB Director Mitchell E. Daniels Jr	$18.1 million–$75.3 million	$8.1 million–$36.7 million.
Secretary of State Colin L. Powell	$19.5 million–$68.9 million	$8.8 million–$33.5 million.
Commerce Secretary Donald L. Evans	$11.4 million–$45.1 million	$4.8 million–$21.6 million.
EPA Administrator Christine Todd Whitman	$6.4 million–$20.3 million	$2.3 million–$9.2 million.
U.S. Trade Representative Robert B. Zoellick	$3.3 million–$13 million	$555,000–$5.6 million.
Labor Secretary Elaine L. Chao	$2.3 million–$5.4 million	$123,000–$1.8 million.
HUD Secretary Mel R. Martinez	$1.6 million–$4 million	$0–$870,000.
VA Secretary Anthony J. Principi	$1.6 million–$3.6 million	$0–$690,000.
HHS Secretary Tommy G. Thompson	$1.3 million–$3.3 million	$0–$555,000.
Attorney General John D. Aschroft	$1.1 million–$3.3 million	$0–$555,000.
Education Secretary Roderick R. Paige	$1.1 million–$2.9 million	$0–$377,000.
Agriculture Secretary Ann M. Veneman	$680,000–$2 million	$0.
Interior Secretary Gail A. Norton	$207,000–$681,000	$0.
Energy Secretary Spencer Abraham	$224,000–$664,000	$0.
Transportation Secretary Norman Y. Mineta	$220,000–$655,000	$0.
Company Executives:		
Gary Winnick (Global Crossing)	$734 million	$366 million.
L. Dennis Kozlowski (Tyco Intl.)	$300 million	$149 million.
Kenneth L. Lay (Enron)	$119 million	$59 million.
Charles Watson (Dyengy)	$112 million	$55 million.
Bernard J. Ebbers (WorldCom)	$78 million	$38 million.
Michael Saylor (MicroStrategy)	$54 million	$26 million
Richard McGinn (Lucent)	$25 million	$12 million.

RESPONSE REGARDING SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I feel somewhat compelled to at least respond to the last charges that Republicans do not care about Social Security. We do indeed care about Social Security. We have parents. We have grandparents. We care desperately. When the record is explored for people to review, I hope they will know that nine out of 11 times that Social Security was violated, where they actually invaded the trust funds, occurred during Democratic Presidencies and Democratically controlled Congresses. We will show the record. We will show in detail where moneys were taken from the Social Security Trust Fund and used to offset other budget issues.

Let me also remind the gentlewoman from Ohio (Ms. KAPTUR) they never talk about the spending bills that they have encouraged on this floor. Repeatedly, time and time again, we hear motions to rise, motions to adjourn, some 9, 10, 15 a day, because they are unhappy with the spending levels in the bills. They insist more money be added to each and every appropriation bill, and it happens time and time again.

During the Presidency of Mr. Clinton, constantly bills were vetoed because they did not have enough spending money. They try to put it all on the backs of those who choose to put the money back in the pockets of the American taxpayer. I am one of those that is proud to give money back into the families' pockets in America, those who best spend the money on their families, on their children, on their futures. But to sit here and blame Republicans and insist or insinuate we do not care about Social Security is absolutely false, absolutely false. We are not privatizing Social Security. We are strengthening it. And if the Democrats would participate in cutting spending on some wasteful programs, we may actually make some progress.

We are committed to the war on terrorism. We are committed to supporting our President in fighting this war on terrorism. And I am committed to spending the money to eradicate al Qaeda, and I am prepared to spend the money to support our men and women in uniform fighting for us here and abroad. I am prepared as a Member of this body to do what it takes to ensure the survival of this country and its citizens; and I am also committed to fighting for Social Security, as is every Republican.

My colleague, the gentleman from Florida (Mr. SHAW), chairs the committee and he cares about Social Security. All of us face constituents that are in their senior years. My parents may be watching, who are drawing Social Security. I care about them deeply.

So if we are going to have a record on Social Security spending, bring it on. If we are going to talk about deficits, bring it on, 40 years of deficits. Bring that debate to this floor, and I will match them word for word, dollar for dollar. I will show the Members where it has been spent for 40 years.

We balanced the budget in 5 years. We brought tax relief to American families. We strengthened education. We are improving Medicare. We are solidifying Social Security. The temerity of the other party to sit here and scare seniors is appalling.

It is appalling to scare seniors, who should be enjoying their retirement. Instead, they rattle out these charts and threaten financial collapse, and suggest and use names of people who have disrupted their own companies. Go ahead and mention Enron; go ahead and mention those crooks. They are crooks; they stole from their companies and their shareholders. That is not our fault. They were cheats and we should punish them. I will join in a chorus of outrage against those corporate mischievous people.

But I will not stand by and listen to this demagoguery that we have plundered Social Security, because the record will in fact reflect, as I stated at the beginning, nine of the 11 times Social Security was violated were by Democratic administrations, Democratic Congresses.

Bring it on, I am ready, because I love this country. I love our seniors. I come from a senior district, and I will work tirelessly to ensure that not only do they receive their checks, but we will balance the initiatives for all Americans, young and old, rich and poor. No class warfare; quit pointing fingers.

Let us do the heavy lifting. If we want to cut spending, we can save Social Security and the budget. If they want to keep spending like drunken sailors, then they will have the kind of deficits they have had for 40 years when they ran the place.

RECOGNIZING THOSE WHO SACRIFICED OR RISKED THEIR LIVES ON D-DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise tonight to first of all recognize and memorialize those whose lives were either given and/or risked on this date in 1945.

We have heard many moving comments, many moving speeches in tribute to the D-Day heroes. I can add little to the beautiful oratory that has been exemplified here by a number of speakers with regard to D-Day and what we owe the folks who participated in that horrendous event.

I also think to myself about the America for which those men either died or sacrificed their lives, and the kind of America that existed then, and, to a certain extent, the kind of America that exists today, and the difference that may exist. For the most part, it is the same America, and that is a good thing. But there are things that I think are somewhat disconcerting when we look at the Nation today.

Not too long ago, I think it was about a week ago, actually, there was an article in my local paper, in the Denver Post. It talked about the difference in attitudes of people today who are 20 years old or younger, the difference in attitudes between them and people older than them with regard to patriotism or love of this country.

It found that people 20 years old or younger really, perhaps to put it this way, knew very little about America. They really had very little understanding of who we are as a nation, who we are as a people, and the principles upon which this Nation was founded. They did not understand, in fact, the significance of September 11.

Many of them stated that the event was not that significant, from their standpoint, and maybe we even deserved it. That was some of the discussion. I have heard, as a matter of fact, from many people who are in academia, many people in higher education, and one professor in particular, a professor of economics at the University of Colorado who came up to me at a dinner that I was at not too long ago, last week, I believe, and he talked about what happened in his classroom on September 11 and the day after.

He said he came into his classroom and there was a buzz. He did not know what had happened yet. He had not seen the television accounts, but the kids had, the students had. This was at the University of Colorado, as I say. They asked him what he thought about that event. He, having just heard of it, said, I will think about it and talk to you about it tomorrow. What is your opinion?

He said that most of them felt that we deserved it; that it was something that America, because we are a country that takes advantage of so many other people around the world, that our support for Israel really set us up for this, and for a variety of other reasons that we actually deserved it. This was on September 11, when most of us were reeling from the impact of that event on our minds and on our hearts.

He said he went back the next day, and he said, I have thought about it. I thought to myself that perhaps the reason that you feel the way you do is because you do not believe in the rule of law. You do not believe that there is anything actually that you can describe as good or bad, evil or precious; that everything is the same, and that laws essentially, as a nation is created by law, is based on the concept of good and evil, and that once we destroy that concept in our own minds or that once we kind of buy into this idea that everything is essentially the same, that there are no actions that we can describe as bad, that there are in fact no countries that we can describe as evil, there are no cultures that are less deserving of our praise than others. Once we buy into that multiculturalism, cultural relativism, once we buy into that concept, then it is not hard to understand how they can come to believe that the United States probably deserved what happened to it.

Because, after all, we are no better than anybody else on the planet, in fact, as we tell our children in school day in and day out, in schools throughout the Nation, in classrooms throughout the Nation, that there is nothing unique about America.

We teach our children from the doctrine of relativism, cultural relativism. It permeates our schools and it permeates our lives. It permeates our philosophy of government, and has for far too long, and it has an effect.

When we do that, when children do not understand who we are or what we are as a Nation, it is not surprising, then, that they would respond as they did in this professor at the University of Colorado's classroom. Why would we expect them to be shocked and just abhor what had gone on? Nothing is unique about America, nothing is good. As I say, mostly we tell them that everything is bad; that America's history is rife with examples of slavery and a variety of other ills, what we did to the Native Americans, and all the things that we heap upon ourselves, all the problems that were undeniably problems.

They are nothing about which we should be proud, that is true. But if we only concentrate on that, if we think that is all America is is the maltreatment of Indians and/or the institution of slavery, if they think that is all there is, then no one could be expected to be enthusiastic about the concept of America.

□ 1815

No one could be expected to be too upset when foreigners come to the country and drive airplanes into buildings, kill 3,000 people. It is illogical to assume that they would be anything else but what they are. There is a price that we pay in this country for that kind of education and for a lack on the part of many people in this country to actually even tell their own children about America. This fear that if you extol the virtues of America and explain that, yes, there was in fact slavery in the United States, but it was the United States, it was the West in general that has abolished slavery, Western European and American thought, Western European liberal democracy, actually brought this world far more good things than it ever did bring bad things. And that is something most people have to understand and do not now know or believe. Western civilization gave this world far more in terms of personal wealth, the rule of law, a philosophic basis for man to live in peace and harmony, and one in which, as I say, provided the most for the most, called democratic capitalism, free enterprise. These are all great parts of the Western civilization that we so often decry. And we do this at our peril.

It will eventually eat away at the fiber of this country so that it is not just those children or those people here 20 years or younger who take this cynical view of America and who refuse to be excited by the flag. In this article they talked about the fact that they were not patriotic at all. They did not even think about the country in patriotic ways. And the only way they described patriotism was, as one person said, patriotism does not mean following your country blindly. Well, that is true, of course. It is absolutely true. It does not mean following your country or your government blindly. But it does mean understanding what the government is all about, what our Nation is all about and what we owe those people who died for it or gave their limbs, as my father-in-law did on the U.S.S. *Hornet* in World War II where he lost both of his legs.

The country for which those men gave their lives on D-Day is not the same country today in many ways. And it is, I think, discouraging. Now, that is not to say that there are not many millions of children, we had a lot of them here just a little bit ago, who exemplify the best in America, and who certainly are willing to talk about the United States in patriotic terms and certainly probably are willing to risk their life and limb to defend it; and we have hundreds of thousands of men and women presently in the Armed Forces of the United States doing exactly that, risking their safety, risking their life and limbs in service to the Nation and in defense of the Nation. And I say, God bless them. God bless those people who have given their lives in service of this Nation.

I am reminded, however, of a poem that I had to learn when I was in high school, a poem by Thomas Macaulay, and it is called Horatius at the Gate. And I only remember a short bit of it. It went on for a lot longer than I can recall tonight. But it was something like this, again, Horatius at the Gate, and I have to explain the background of it for just a second.

There was a time, I believe it was under the Emperor Trajen in ancient Rome when barbarians were at the gate of Rome and had conquered everything in between their land and Rome itself. And there was great panic and fear throughout Rome as to what was going to happen at the point in time that the barbarians breached the gates and came into the city. And as myth or story has it, a young man by the name of Horatius bravely volunteered to go to one end of a bridge that separated Rome from the horde that was invading. And he took two friends with him and they volunteered to go to the other side of the bridge and hold off the, because it was a narrow bridge, hold that as long as they could against the army oncoming while the rest of their compatriots cut down the bridge on the other side, therefore, of course, giving their lives in this cause.

The poem, again, as I remember it by Thomas Macaulay says, "Then out spake brave Horatius, the Captain of the Gate: 'To every man upon this earth death cometh soon or late. And how can man die better than facing fearful odds, for the ashes of his father, and the temples of his gods.' ".

Now that is all I can recall of that poem. But I think about it often because I think to myself if we do not, in fact, tell our children about America, if we do not imbue them with a sense of history about who we are and what we are, and the good things of America, the wonderful, incredible things it has given the world, the things that make it the envy of the world, the things that make it the place to which if we raised all of the gates all over the world, everyone would come.

And what does that tell you? All of those of you who have such a cynical view of America, all those of you who have this culturally relativistic view of America, what does that tell you that if you lift the gates they all come here? It tells you that there is something better about America, something unique. And you know that we have to tell our children this because, in fact, if we do not tell our children this, there is absolutely no reason to think that they would intuitively come to these conclusions.

I taught for 8 years in the Jefferson County Public School system, and I can remember thinking to myself, no kid comes to this classroom with an appreciation of fine art. I was not an art teacher. No kid comes to school with an appreciation of fine music, classical music. Nobody just intuitively says, boy, I think I want to paint. They may want to paint, but they do not have an appreciation for fine art or fine classical music or classical literature. You do not just have that in you. Generally you have to be taught those things in life.

I assure you, Mr. Speaker, that children do not innately understand the beauty of America. It is just a place to them. It is where they were born. It is like if I had not even seen anything else, this is the world to me, so what is the big deal. They have to be taught. We have to believe it, we as parents have to believe and pass this on to our children. And we are.

And something is happening in our country that I believe deserves our attention. I do not mean that it is catastrophic. I am not claiming it is the end of civilization as we know it, especially Western civilization, although I am claiming it is a danger to Western civilization, and I do believe that we are in this world, as Mr. Huntington puts it in his book, "Clash of Civilizations," we are, in fact, fighting, the West as a civilization is in a way at war. Not a war we have brought upon ourselves, but a war started a long time ago. It is a clash that we have been wrestling with, dealing with for literally hundreds of years. It is the West against radical Islam. That is the most dramatic clash of civilization that I can think of to date. And as I have said, it is a clash that has been going on for a long, long time.

I must disagree with those among us, those political pundits, those observers of the scene who suggest that the war we are in today is a war with only a small element of the religion of Islam, somebody that has, in fact, some group that has in effect highjacked the religion. I believe it is much broader than that. I believe we are at war with fundamentalist Islam. And it is far, far more expansive than just a small group of people who happened to climb into planes on September 11.

Speaking of that, one little interesting factoid I came across at some point in time, I cannot remember when, but in 1683 the Muslim armies made their greatest incursions into the West. It was the farthest they ever got and it was to the gates of Vienna. As we all know, the battle had been going on between the Crusaders and the Muslim world for some time and Islam, I should say, specifically for some time. And the farthest into the West that the Islamic armies were able to get was the gates of Vienna in 1683.

There the King of Poland turned back the Islamic armies. That was the last great battle of that clash, of that particular clash. And it is interesting to note the date of that battle, 1683, as I said, but more specifically the date was September 11, 1683.

Now, a coincidence, certainly very possible. An interesting little factoid, that is the way I always refer to it. But I am telling you that people in the Islamic world know this battle and know this date. It is not a tiny fragment of history to them. It is something very important to them.

My point is here we are in a clash of civilizations, I believe. Samuel Huntington's book I have referenced before and I reference it again tonight because I believe it is enormously important. I believe every American should read it. And by the way, I do not get any royalties or anything else. I know I have talked about it a lot, but it is just because I consider it to be a very, very good analysis. I read it once in the mid 1990s when it first came out. After September 11 I went back and read it again because I found it to be quite profound and quite prophetic.

Mr. Huntington talks about this clash of civilizations, which is the name of it. And I will not give a book report on it tonight, but I will say that for people who are still interested in analyzing the events leading up to September 11 and subsequent events, for people who are interested in looking at the background of the conflict right now going on in Israel with the Palestinians, the conflict that is now causing us to focus a great deal of attention on India and Pakistan, these are clashes of civilizations.

It is a clash of civilizations that goes on in Sudan. Sudan is perhaps the quintessential clash of civilization. Or maybe put it this way, a flash point in this clash of civilization. It is perhaps the best example we can look at to explain what is going on in the world today. Arabic north, Islam is the religion. Black African in the south with Christianity and animism as the religion. Two different cultures. Two different languages. Actually, many different languages. But two different countries essentially that have been artificially bound together by the British after their colonization. And after they actually left the country they created this here kind of artificial country we call Sudan. I say it is artificial because the two people groups have absolutely nothing to do with each other. They have nothing in common with each other. They have been fighting now for 47 years. They will be fighting for the next 100 years if the country continues to stay as it is today, one nation surrounded by one boundary.

I believe that Sudan needs to be divided into two nations. I believe the United States should recognize South Sudan as the new government of Sudan of the south. And we should do so quickly and provide them with whatever aid necessary to help them defend themselves against the Khartoum government.

□ 1830

So all that said, let me get back just now to the idea that Horatius was at the gates, and my point here is that if we did not tell our children about who we are, if we do not, in fact, explain to them what the West really means, what Western civilization is all about, if we condemn Western civilization to the trash heap of history to our children via the way we explain it, via the way we teach it, then it is exactly where it will end up because when the time comes for the next Horatius to be at the gate, when the time comes for the next group of people to risk their lives on some beachhead far away or even nearby, where will they be? Where will they come from? Will Horatius be there for us? Who will be the next Horatius at our gate?

As I say today, thank God, I believe there are hundreds of thousands or millions of people who are willing to stand at the gate. I just wonder how long that will be the case if the generation is already coming up here in the United States that thinks of this country as not really worth fighting for.

I remember when I was in college, it was during the late 1960s, and we were in the midst of a very, very ugly war and a great deal of anti-war sentiment in the United States; and I remember a guy carrying a sign in a protest rally at my school, and it said there is nothing worth dying for. I remember thinking to myself at the time, I mean, here is a guy who looked like he had just gotten back from the spring break in Cozumel and who probably drove up to the campus in his BMW and really dressed really quite well under the circumstances, even though carrying a sign, not a lot of his friends were dressed very well, he was, and I remember thinking to myself, here is a person who lives in the greatest society ever created, ever to actually be on this planet, who has benefited in every possible way from the sacrifices of so many, here he is with a sign saying there is nothing worth dying for.

The most depressing part of that to me, Mr. Speaker, was really what could have been written there on the other side of the sign is there is nothing worth living for, and that is really the only other way that I think we can look at what he was really saying there and what a dull, drab life that must be, a life that gives someone nothing worth dying for and essentially nothing worth living for.

I think that although he may have been an aberration, that today there are far too many people that could hold up that same sign. They were in this professor's class at CU, as I mentioned earlier, and we have all come across them.

The clash of civilization that I mentioned is the big picture; and it gets down to a very specific thing: how do we see it in the United States. We saw it on 9–11, a very specific clash point of the clash of civilizations. And one of the other things that Huntington points out in his book that I found so interesting is he talked about massive immigration not just into the United States but all around the world and how that affects how nations act and react, especially democracies; and it is interesting to note that it is becoming more and more difficult for our friends and allies in Europe to actually put themselves in the position of supporting the United States as we may go into Iraq or other areas of the Middle East.

One of the reasons why they are having a difficult time doing that is, of course, over time, over the last decade or so, they have had a massive number of people come in who are Arabic, who are Muslim; and therefore they make up, of course, a bulk of the voting block in the country, and that puts pressure on a democratic government.

Here in the United States, we have certainly a massive immigration, not from the Middle East, although we have quite a number, we have massive immigration primarily from Mexico; but we have massive immigration from all over the world. There is an effect of massive immigration into the United States. It will have an effect, and it is something that needs to be discussed.

I know to many people it is kind of a frightening topic, one that a lot of people want to shy away from, but I believe that everything I have said tonight to date makes it imperative that we talk about this because it will impact who we are, what we are and whether we will in fact survive as a Nation and as the leader of the West in this clash.

We are becoming a cleft Nation, I think that is the way Huntington put it, as a matter of fact, cleft, split in half, because of massive immigration. We are developing two countries within this country, a country with two different languages, two different cultures, sets of ideas. We have a strange phenomenon that has never, ever happened before in the history of immigration into this country, which we all recognize fully well is everyone's background here, everyone, including Native Americans. At some point they came across a land bridge from Siberia. So everybody in this Nation is a result of someone immigrating, emigrating from where they are, emigrating into the United States or into North America.

Never before in the history of immigration into this Nation, even in the heyday, in the early 1900s, when my grandparents came, 1903 my grandfather came, never have we seen anything like this where people are refusing to actually disconnect from their country of origin and reconnect with America.

This is evidenced by many things, not the least of which is the very dramatic and very easy to explain, I guess, aspect of this phenomenon, that is, that there are now at least 6 million people in the United States that claim dual citizenship. This is unique. That has never happened before in America. When most people I know came to the country, they did so, as I say, even if they wanted to, really if they wanted to stay connected to their country of origin, it was very difficult to do. They came to the United States, and they lived in ghettoes where they could speak the language of their home country; but in a relatively short time, they were either overwhelmed by the country or themselves were forced into the American mainstream.

Again, this is not happening in America today. The multiculturalism phenomenon, the multiculturalism philosophy tells us we cannot forcibly have people integrate into our society; we have to teach them in their own language in our schools. We will do anything to help them actually separate themselves out of our society and create these Balkanized areas of the United States.

What we do is to instead of accentuating our common desires and common traits and characteristics, we accentuate all of the differences. That creates a Balkanized society. It is not a good thing, I believe.

I may be wrong. I certainly may be wrong in my interpretation of what massive immigration means to a culture, but I believe that at least it needs to be debated. That is the least we can expect when we recognize that the potential for having it affect America so dramatically is there.

Of course, there is a national security issue. Who for a moment thinks that our borders can possibly remain undefended and essentially porous and that we will not be, therefore, prime, prime targets for the next person who wants to come into the United States and do something untoward?

Not too long ago I was in Arizona, and we visited the border; and it is hard to believe that this is a picture of the border, but it is. On this side of this barb-wire fence here is the United States; on the other side, Mexico. There is a well-rutted road here, deeply rutted road, I should say, that comes through; and by the way, this road is not on any forest service map. This is not an official road. This is a road made by people coming into the country illegally. This is a gate they come through.

On this side of the gate there is a sign with the following words: "All persons and vehicles must enter the United States at designated ports of entry only." This is underlined, a designated port of entry. Any person or vehicle entering this point is in violation of the U.S. code such and such, et cetera, et cetera. This is a sign facing the United States in a place along the border that is completely undefended, and it is almost an interesting metaphor for the entire problem here on the border.

Down here is another place along just a few miles from this one where this is Mexico on this side, this is the United States here, and there is a cattle guard at this gate. So no cattle can enter the country illegally at this point. We can rest assured of that. As we see, this road tells us anybody else can and they do, in fact, enter illegally all of the time, in fact, by the hundreds of thousands. This particular area has now become the most heavily trafficked area along the border for drugs coming into the United States and for people coming in illegally.

So the idea that we have protected borders is an illusion; and so when we talk about immigration, when we talk about especially illegal immigration, which is really exemplified here, we have to understand there are implications for the United States. There are, as I say, cultural, political, economic and national security issues that we have to take into consideration when we talk about the border, and we may not like to. It is one of the things I know people, go, oh, geez, we are not going to talk about the border, not going to talk about immigration because we know a lot of people get upset when we talk about immigration.

Well, that is true; but they are going to just have to get upset because I believe it is an enormously important topic. It has implications of great magnitude, far beyond just the things that we have a tendency of talking about in terms of jobs and resource allocation and all the rest of that stuff. It has very, very significant implications, massive immigration, into this country. It deserves our attention.

Thank God tonight the President of the United States is going to be on nationwide television, I am told, in about 1¾ hours, at which time he is going to announce a proposal which I can only say is the most hopeful thing I have heard so far in this debate or the discussion we have been having over the past several months about immigration and immigration control.

It is a proposal to actually make the office of homeland defense a part of the Cabinet, a Cabinet-level Department with a lot of interesting responsibilities, and I do not know the extent to which the President will get into the details of this, but I will tell my colleagues that it is to his credit that he is bringing this up; and I do hope that the Congress of the United States responds quickly to his request for creation of this Cabinet-level Department, homeland security.

Because in it I am assuming he will have to have that part of the INS which is now identified as the enforcement arm. I am assuming we are talking about moving that there. I am assuming a lot of things here tonight because, as I say, I do not have all of the details. I am assuming that we are going to take certain roles and responsibilities away from other agencies, like Customs and Treasury and Agriculture. All of these agencies have specific functions for border patrol, border control, enforcement of our immigration laws.

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And, of course, they are all confusing with each other. They do not talk to each other and do not operate under the same sort of rules, and they have different goals in mind.

So you can actually have people on the border, down near Nogales and El Paso and along the border where we have a port of entry, who actually watch the border through binoculars because they know each one of the various stations are personed by someone else, by some other agency. And so they will watch to see which station is actually being guarded by border patrol, which is being guarded by Agriculture, which is being guarded by Customs, and if you are smuggling people in, you go through one; and if you are smuggling drugs in, you go through another.

So you have somebody at the border watching through binoculars looking and radioing down and saying, go through this line, go through that line, depending on what you are smuggling in. That is how goofy the whole system is today, and that is what needs to be corrected, and I am assuming will be corrected when the President speaks to the Nation tonight in terms of at least his policy.

Now, whether we will do anything about it is another question. Because as you know, Mr. Speaker, one of the most difficult jobs we have in this Congress is getting over not only the kind of philosophical hurdles that confront us with various pieces of legislation, but also there are massive egos involved. There is a news flash for you; that politicians have big egos. But there are a lot of people here in this body who, frankly, are going to be asked to have to give up some part of their committee oversight responsibility, and this will not go down well.

You know and I know what will happen, Mr. Speaker, the minute that that comes before a committee chairman of long-standing who says, what, you mean to tell me my little part of this thing here is going to be taken away and given to somebody else? Not on your life. So we will start this horrendous battle in the Congress of the United States to see whose ego is able to keep this Nation from actually moving forward in terms of immigration reform. It is discouraging, but I predict that that is what is going to happen.

The President, if he does what I think he is going to do here in 1 hour and 15 minutes, will set the ball in our court with this creation of the homeland defense agency, which has a specific purpose, and the purpose is to defend our borders. It will know what it is supposed to do, it will have a clear line of authority, it will have a lot of people who are employed there who have an understanding of exactly what it is we expect of them, as opposed to the situation today, where we have the INS, these two groups within INS, one enforcement and one I call the welcome wagon, and they really do not fit each other.

And even if we change those groups, even if we split those functions, as the bill that passed this House sometime ago attempted to do, we will have exactly the same people mismanaging the new agency as we have mismanaging the present agency. We will have two different lines, two different little captions on their doors, that sort of thing, but the people will be the same. And that is the problem. We have to get out of that agency. We have to get a brand new agency constructed with new people, with a common purpose in mind, dedicated to their job, and that is to protect the borders of this country and, in fact, provide homeland security.

This is a list that our immigration reform caucus came up with in October. This is actually October of 2001. We presented this list at a press conference, and we suggested that there were a lot of things we could be doing to improve the security of the border.

Number one on this list is to create a unified border security agency. A new agency to be responsible for all aspects of securing the border, including, but not limited to, responsibilities currently handled by INS, State, Customs, and the Coast Guard. That was our number one priority back in October of 2001.

I am so glad to say that it is at least now taking conceptual form, as the President of the United States is going to tell us about this evening. Or I guess I should say I hope. That is what I have been told is going to happen, and my comments tonight are all based upon that assumption.

The next thing we said was to establish a unified interagency database for the purpose of conducting background checks on visa applicants. We passed that in the House on October 12, 2001.

Number three. An automated entry and exit system for foreign visitors. This was passed and signed into law. This is the Feinstein-Kyl bill. The Justice Department announced just yesterday initial plans for implementing this particular part of the proposal.

Number four. Maintain computerized database on foreign students. Also part of the Feinstein-Kyl bill that we have passed.

Number five. Restore political ideologies grounds for exclusion and deportation. This did pass the House again on October 12, 2001.

Number six. Restore authority of consular officers as their first line of defense. We have not done that.

Number seven. Reestablish meaningful deterrents against illegal immigration. Well, that is certainly something we have not been able to accomplish so far. But I am hoping that part of what happens tonight with the creation of this new cabinet level agency will do that.

We have, however, passed several pieces of legislation requiring the INS to hire more enforcement personnel. But because of the huge attrition rates in the INS, increasing the total number of agents has been very difficult.

One of the things we put here is a sense of the Congress calling on governors of border States, both north and south, to place National Guard troops on their State borders, Canadian border, Mexican border. It was removed from the defense appropriation bill last year. We did pass something similar to that in the House not too long ago that will probably be taken up in the Senate.

Eight. Restore asylum protection to its original intent. It is one of the most abused categories we presently have for people coming into the United States. They simply call themselves a refugee and immediately get asylum, and then we never see them again. They never come back to any sort of hearing to determine whether they are, and we allow this. We say that is all you have to do, just say you are a refugee and then come back in a couple of months and we will have a hearing. Of course, they say that when they get here, and we never see them again. We have not done anything about that.

Number nine. Establish greater cooperation between local and Federal agencies and immigration law enforcement.

This is an interesting one. The Justice Department considered a proposal to encourage cooperation between INS and local law enforcement, essentially deputizing local law enforcement agents as INS agents. After a backlash from the immigrant groups, the Department of Justice appears to have backed off of this particular proposal.

Number 10. Establishing electronic verification of identity documents for employment. Have not done that yet.

Number 11. Reject further extension of 245(i). 245(i) is amnesty. We have not rejected it, it has just not made it out of the Congress so far. We came close. We came within one vote of rejecting it on this House floor not too long ago. It now is over in the Senate, where I understand that a particular member of the other body has put a hold on this provision, the 245(i) extension.

Twelve. Abolish the diversity visa program which awards large numbers of visas annually to states that sponsor terrorism.

Have not done that. We should. In fact, at last count, 55,000 visas have been approved since September 11 to people from countries on the terrorist list; 55,000.

Thirteen. Implement a temporary moratorium on immigration in order to reduce the workload of the INS, and give agencies time to implement the provisions of our entire plan. Include an executive waiver for national security reasons.

Of course, that has not been done. I have a bill to put a moratorium on for at least 5 years. I do not think it will get heard, that is the best guess I have, anyway, in committee.

Direct Immigration and Naturalization Service to begin identifying, finding and removing aliens against whom a deportation or removal order has been issued but not enforced.

We have not done that. We have, since we published this, we have forced the INS to actually tell us how many people fit that category. How many people are in the country, we said, who have been ordered to be deported?

Now, these people, by the way, these are not people who got a parking fine. These people raped, robbed, murdered, did something, violated our laws, committed a felony, ended up in court and were aliens and were, therefore, subject to deportation.

A judge somewhere, an immigration judge, and by the way, these are not the hard core judges. These are not the hanging judges. These are immigration law judges who, more often than not, let you off with the slightest penalty. But a judge somewhere listened to the case and hammered down and said this person is out of here, is to be deported. Then they walk out the door and we never see them again.

The INS does not take them into custody. Sometimes they will send them a letter saying please report back in 6 months for deportation. Of course, it is called a run letter because when people get it, they run. So we have not accomplished much here, except we have gotten them to finally tell us how many. First they said 300,000. They have revised it upward. They now think it is about 500,000; 500,000 people have been ordered deported from the United States for violating a law, and they have simply walked out the door and we have never seen them again. These are the INS numbers. So, believe me, take that with a grain of salt as to what the real numbers are.

Well, again, I hope and pray that the President tonight is going to do what I have been told he is, what I have been told is going to happen, to announce the creation of this new department level agency, and perhaps we will know more about the specifics, what it will really mean. But as I say, Mr. Speaker, if this is what he does tonight, if this is what he proposes, then it is up to us to follow through. Because the next time something happens, we will only have ourselves to blame if we do not do everything that we can do.

CORRECTION TO THE CONGRESSIONAL RECORD OF JUNE 4, 2002, AT PAGE H3102

The following version of H. Con. Res. 36 and the amendment in the nature of a substitute was inadvertently printed in the RECORD incorrectly. The correct versions are as follows:

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 36

Whereas over one million Americans suffer from juvenile (Type 1) diabetes, a chronic, genetically determined, debilitating disease affecting every organ system;

Whereas 13,000 children a year—35 each day—are diagnosed with juvenile diabetes;

Whereas 17,000 adults a year—46 each day—are diagnosed with juvenile diabetes;

Whereas juvenile diabetes is one of the most costly chronic diseases of childhood;

Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations;

Whereas the Diabetes Research Working Group, a non-partisan advisory board established to advise Congress, has called for an accelerated and expanded diabetes research program at the National Institutes of Health and has recommended a $4.1 billion increase in Federal funding for diabetes research at the National Institutes of Health over the next five years; and

Whereas a strong public private partnership to fund juvenile diabetes exists between the Federal Government and the Juvenile Diabetes Foundation, a foundation which has awarded more than $326 million for diabetes research since 1970 and will give $100 million in fiscal year 2001: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Federal funding for diabetes research should be increased in accordance with the recommendations of the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. TAUZIN

Mr. TAUZIN. Madam Speaker, I offer an amendment to the text.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. TAUZIN: strike out all after the resolving clause and insert:

That Federal funding for diabetes research should be increased annually as recommended by the Diabetes Research Working Group so that a cure for juvenile diabetes can be found.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for June 5 and 6 on account of official business.

Mr. COMBEST (at the request of Mr. ARMEY) for today on account of personal reasons.

Mrs. EMERSON (at the request of Mr. ARMEY) for today after 1:00 p.m. on account of attending son's high school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. WILSON of South Carolina) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. WILSON of South Carolina, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, June 11.

Mr. HUNTER, for 5 minutes, today.

Mr. LEACH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until Monday, June 10, 2002, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7218. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Tobacco Inspection; Mandatory Grading [Docket No. TB-02-11] received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7219. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Prompt Corrective Action; Requirements For Insurance—received May 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7220. A letter from the Secretary, Department of Energy, transmitting a report on the comprehensive status of Exxon and Stripper Well Oil Overcharge Funds, Forty-Fifth Report April 1, 2000 through December 31, 2000; to the Committee on Energy and Commerce.

7221. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 02-20), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7222. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 02-21), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7223. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 02-28), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7224. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Treaty between the United States of America and the Russian Federation on strategic offensive reductions; to the Committee on International Relations.

7225. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2001, through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7226. A letter from the Secretary, Department of Transportation, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2001 through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7227. A letter from the Senior Vice President, CFO, Potomac Electric Power Company, transmitting a copy of the Balance Sheet of Potomac Electric Power Company as of December 31, 2001, pursuant to D.C. Code section 43-513; to the Committee on Government Reform.

7228. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7229. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7230. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7231. A letter from the Writer-Editor, Management and Planning Division, Department of Justice, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7232. A letter from the Secretary, Department of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2001, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7233. A letter from the Secretary, Department of Veterans' Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2001, through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7234. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7235. A letter from the Acting Chairman, National Endowment for the Arts, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7236. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

7237. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Chorizanthe robusta var. robusta (RIN: 1018-AH83) received May 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7238. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Chorizanthe robusta var. hartwegii (RIN: 1018-AH82) received May 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Mosinee, WI; modification of class E Airspace; Mosinee, WI [Airspace Docket No. 01-AGL-10] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Bloomington, IL; modification of Class E Airspace; Bloomington, IL [Airspace Docket No. 01-AGL-06] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Bloomington, IL; modification of class E Airspace; Bloomington, IL [Airspace Docket No. 01-AGL-06] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7242. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Marine Sanitation Devices (MSDs); Regulation to Establish a No Discharge Zone (NDZ) for State Waters within the Boundary of the Florida Keys National Marine Sanctuary (FKNMS) [FRL-7212-4] received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7243. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Contingent payment debt instruments (Rev. Rul. 2002-31) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7244. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Contingent Convertible Debt Instruments—Request for Comments (Notice 2002-36) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7245. A letter from the Secretaries, Department of Veterans' Affairs and Department of Defense, transmitting a report for FY 2001 regarding the implementation of the health resources sharing portion of the Department of Veterans' Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act; jointly to the Committees on Armed Services and Veterans' Affairs.

7246. A letter from the Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans' Affairs, transmitting the Fiscal Year 2002 Veterans Equitable Resource Allocation (VERA); jointly to the Committees on Veterans' Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska Committee on Transportation and Infrastructure. H.R. 1979. A bill to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers; with an amendment (Rept. 207-496). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE:

H.R. 4877. A bill to require periodic assessments of the impact and effectiveness of United States economic assistance to foreign countries; to the Committee on International Relations.

By Mr. HORN (for himself and Mr. BURTON of Indiana):

H.R. 4878. A bill to provide for reduction of improper payments by Federal agencies; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (by request):

H.R. 4879. A bill to amend title 38, United States Code, to transfer from the Secretary of Labor to the Secretary of Veterans Affairs certain responsibilities relating to the provision of employment and other services to veterans and other eligible persons; to require the establishment of a new competitive grants program through which employment services shall be provided to veterans, servicemembers, and other eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RANGEL (for himself and Mr. GEPHARDT):

H.R. 4880. A bill to amend the Internal Revenue Code of 1986 to prevent the continued use of renouncing United States citizenship as a device for avoiding United States taxes; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself and Mr. HALL of Texas):

H.R. 4881. A bill to prohibit pyramid promotional schemes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself, Mr. GILCHREST, and Mr. SAXTON):

H.R. 4882. A bill to revise and modernize the provisions of law governing the commissioned officer corps of the National Oceanic and Atmospheric Administration; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. HANSEN, Mr. GILCHREST, and Mr. SAXTON):

H.R. 4883. A bill to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes; to the Committee on Resources.

By Mr. BARR of Georgia (for himself, Mr. Deal of Georgia, Mr. Hayes, Mr. Kingston, Mr. Norwood, and Mr. Tiberi):

H.R. 4884. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit of $1,000 to teachers of elementary and secondary school students, and to provide and expand deductions for unreimbursed expenses for continuing education and classroom materials for such teachers; to the Committee on Ways and Means.

By Mr. BORSKI:

H.R. 4885. A bill to suspend temporarily the duty on Thiophanate-Methyl; to the Committee on Ways and Means.

By Mr. CHAMBLISS:

H.R. 4886. A bill to amend title 32, United States Code, to authorize the appointment of National Guard officers as commanders of units composed of both active duty military personnel and members of the National Guard in nonfederal status; to the Committee on Armed Services.

By Mr. CRANE (for himself, Mr. Rangel, and Mr. Hayworth):

H.R. 4887. A bill to amend the Internal Revenue Code of 1986 to treat Indian tribes the same as State governments for purposes of chapter 35 of such Code; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Pallone, Mr. Markey, Mr. Towns, Mr. Engel, Ms. Slaughter, Mrs. Maloney of New York, Mr. Wynn, Mr. Brown of Ohio, Mr. Rush, Mrs. Capps, Mr. Doyle, Mr. Serrano, Ms. Eddie Bernice Johnson of Texas, Mr. Strickland, Mrs. Lowey, Mr. Waxman, Mr. Barrett, Ms. Kaptur, Ms. Harman, Mr. Green of Texas, Ms. McCarthy of Missouri, Ms. Eshoo, Ms. DeGette, Mr. McNulty, and Mr. John):

H.R. 4888. A bill to reauthorize the Mammography Quality Standards Act, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Thomas, Mr. Houghton, Mr. Fletcher, Mrs. Morella, Mr. Hayworth, Mr. Weller, and Mr. Camp):

H.R. 4889. A bill to amend title XI of the Social Security Act to improve patient safety; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY:

H.R. 4890. A bill to provide for Medicare reimbursement for health care services provided to Medicare-eligible veterans in facilities of the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 4891. A bill to prohibit discrimination on the basis of certain factors with respect to any aspect of a surety bond transaction; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4892. A bill to restore to the original owners certain lands that the Federal Government took for military purposes in 1940; to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Pennsylvania:

H.R. 4893. A bill to authorize the Secretary of Agriculture to convey certain lands and improvements associated with the National Forest System in the State of Pennsylvania, and for other purposes; to the Committee on Agriculture.

By Mr. QUINN (for himself, Mr. Meehan, Mr. McHugh, Mr. Pascrell, Mr. Leach, Mr. Simmons, and Mr. Kildee):

H.R. 4894. A bill to amend Public Works and Economic Development Act of 1965 to provide assistance for brownfield site redevelopment, and for other purposes; to the Committee on Transportation and Infrastructure and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 4895. A bill to establish within the National Marine Fisheries Service a pelagic longline highly migratory species bycatch and mortality reduction research program, and for other purposes; to the Committee on Resources.

By Mr. SHIMKUS (for himself, Mr. Towns, Mr. Engel, and Mr. Brown of Ohio):

H.R. 4896. A bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act; to the Committee on Energy and Commerce.

By Mr. SHOWS (for himself and Mr. Taylor of Mississippi):

H.R. 4897. A bill to amend of the National Defense Authorization Act for Fiscal Year 2002 to repeal the authority of the President to commence a 2005 round for the selection of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

By Mr. SHOWS:

H.R. 4898. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to address the needs of low-income households in States with high needs for cooling assistance, by adjusting a hold harmless provision; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mrs. Thurman):

H.R. 4899. A bill to amend the Internal Revenue Code of 1986 to give priority to reducing Federal tax refunds for all past-due child support before any other reductions allowed by law; to the Committee on Ways and Means.

By Mr. WATTS of Oklahoma:

H.R. 4900. A bill to establish a National Climate Change Vulnerability and Resilience Program, and for other purposes; to the Committee on Science.

By Mr. SESSIONS (for himself, Mr. Aderholt, Mr. Akin, Mr. Andrews, Mr. Armey, Mr. Bachus, Mr. Baker, Mr. Ballenger, Mr. Barcia, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mrs. Biggert, Mr. Bilirakis, Mr. Blunt, Mr. Boehner, Mr. Bonilla, Mrs. Bono, Mr. Brady of Texas, Mr. Bryant, Mr. Burr of North Carolina, Mr. Burton of Indiana, Mr. Callahan, Mr. Calvert, Mr. Camp, Mr. Cannon, Mr. Cantor, Mr. Castle, Mr. Chabot, Mr. Chambliss, Mr. Combest, Mr. Condit, Mr. Cooksey, Mr. Cox, Mr. Crane, Mrs. Cubin, Mr. Culberson, Mr. DeLay, Mr. DeMint, Mr. Doolittle, Mr. Duncan, Ms. Dunn, Mr. Ehlers, Mrs. Emerson, Mr. English, Mr. Everett, Mr. Ferguson, Mr. Flake, Mr. Fletcher, Mr. Foley, Mr. Forbes, Mr. Fossella, Mr. Frelinghuysen, Mr. Gallegly, Mr. Gibbons, Mr. Gilchrest, Mr. Gilman, Mr. Goode, Mr. Goodlatte, Ms. Granger, Mr. Green of Wisconsin, Mr. Greenwood, Mr. Hall of Texas, Mr. Hansen, Ms. Hart, Mr. Hastert, Mr. Hastings of Washington, Mr. Hayworth, Mr. Hefley, Mr. Hilleary, Mr. Hoekstra, Mr. Horn, Mr. Isakson, Mr. Issa, Mr. Istook, Mr. Jenkins, Mr. John, Mr. Sam Johnson of Texas, Mr. Jones of North Carolina, Mr. Keller, Mrs. Kelly, Mr. Kerns, Mr. Kingston, Mr. Knollenberg, Mr. LaHood, Mr. LaTourette, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lucas of Kentucky, Mr. Maloney of Connecticut, Mr. Manzullo, Mr. McIntyre, Mr. Mica, Mr. Dan Miller of Florida, Mr. Gary G. Miller of California, Mr. Jeff Miller of Florida, Mrs. Myrick, Mr. Nethercutt, Mrs. Northup, Mr. Norwood, Mr. Oxley, Mr. Paul, Mr. Pence, Mr. Peterson of Pennsylvania, Mr. Pickering, Mr. Pitts, Mr. Pombo, Mr. Portman, Ms. Pryce of Ohio, Mr. Quinn, Mr. Radanovich, Mr. Ramstad, Mr. Riley, Mr. Rohrabacher, Mrs. Roukema, Mr. Royce, Mr. Ryan of Wisconsin, Mr. Ryun of Kansas, Mr. Saxton, Mr. Schaffer, Mr. Sensenbrenner, Mr. Shadegg, Mr. Shimkus, Mr. Shows, Mr. Simpson, Mr. Skeen, Mr. Smith of Texas, Mr. Smith of Michigan, Mr. Souder, Mr. Stearns, Mr. Stump, Mr. Sununu, Mr. Sweeney, Mr. Tancredo, Mr. Tauzin, Mr. Taylor of North Carolina, Mr. Terry, Mr. Thune, Mr. Tiahrt, Mr. Toomey, Mr. Traficant, Mr. Upton, Mr. Vitter, Mr. Walden of Oregon, Mr. Wamp, Mr. Watts of Oklahoma, Mr. Weldon of Pennsylvania, Mr. Weldon of Florida, Mr. Weller, Mr. Wilson of South Carolina, and Mr. Young of Alaska):

H.J. Res. 96. A joint resolution proposing a tax limitation amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GEKAS:

H. Con. Res. 414. Concurrent resolution commending the Pennsylvania National Guard for its exemplary service to the United States in the war against terrorism and other recent deployments; to the Committee on Armed Services.

By Mr. MOORE (for himself, Mr. Udall of New Mexico, Mrs. Capps, Mrs. Tauscher, Mr. Boyd, Mr. Strickland, Mr. Thompson of California, Ms. Lofgren, Ms. Baldwin, Mr. Udall of Colorado, Mr. Larsen of Washington, Mr. Carson of Oklahoma, Ms. Slaughter, Mr. Pascrell, Mr. POMEROY, Mr. TURNER, Mrs. MALONEY of New York, Ms. ESHOO, Ms. WATERS, Ms. McCARTHY of Missouri, Mr. ISRAEL, Mr. BECERRA, Mr. GEORGE MILLER of California, Mr. McDERMOTT, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. BAIRD, Mr. CROWLEY, Mr. LANGEVIN, Mr. SANDLIN, Mr. SHERMAN, Mr. INSLEE, Ms. SÁNCHEZ, and Mr. HINCHEY):

H. Res. 436. A resolution commending Special Agent Coleen Rowley for outstanding performance of her duties; to the Committee on the Judiciary.

By Mr. STUPAK (for himself, Mr. WELDON of Pennsylvania, Mr. HOEFFEL, Mr. BOEHLERT, Ms. ROYBAL-ALLARD, Mr. SUNUNU, Mr. HOLDEN, Mr. LUTHER, Mrs. NAPOLITANO, Mr. QUINN, Mr. GILMAN, Mr. LANTOS, Mr. SMITH of Washington, Mr. McNULTY, Mr. CAPUANO, Mr. FARR of California, Mrs. TAUSCHER, Mr. BARRETT, Mr. McGOVERN, Mr. DAVIS of Illinois, Mr. GREEN of Texas, Mr. DELAHUNT, Mr. COSTELLO, Mr. KING, Mr. KANJORSKI, Mr. GREENWOOD, Mr. WU, Mr. WEINER, Mr. TERRY, Mr. SAM JOHNSON of Texas, Mr. KNOLLENBERG, Mr. BROWN of Ohio, Mr. GORDON, Mr. BONIOR, Mr. PETRI, Mr. DIAZ-BALART, Mr. ANDREWS, Mr. ROTHMAN, Mr. FORD, Mr. SABO, Mr. OXLEY, Mr. HOYER, Mrs. McCARTHY of New York, Mr. RAMSTAD, Mr. McINTYRE, Mr. PAYNE, Mr. MOLLOHAN, Mr. TIERNEY, Mr. STRICKLAND, Mr. BALDACCI, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Ms. SLAUGHTER, Mr. SNYDER, Mr. CUNNINGHAM, Mrs. MALONEY of New York, Mr. FROST, Mr. TOWNS, Mr. DINGELL, Mr. PASCRELL, Mr. POMEROY, Mr. LEVIN, Ms. DEGETTE, Mr. SANDERS, Mr. JOHN, Mr. STEARNS, Mr. BARR of Georgia, Mr. MALONEY of Connecticut, and Ms. McCOLLUM):

H. Res. 437. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in "National Night Out", including by supporting local efforts and neighborhood watches and by supporting local officials to provide homeland security, and for other purposes; to the Committee on the Judiciary.

By Mr. TOOMEY:

H. Res. 438. A resolution expressing the sense of the House of Representatives that improving men's health through fitness and the reduction of obesity should be a priority; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 168: Mr. McHUGH.

H.R. 512: Mr. HOLDEN.

H.R. 537: Mr. STUPAK and Ms. McCOLLUM.

H.R. 600: Mr. SMITH of New Jersey and Ms. McKINNEY.

H.R. 803: Mr. LAFALCE.

H.R. 831: Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SHUSTER.

H.R. 840: Mrs. MALONEY of New York, Mrs. JONES of Ohio, Mrs. JO ANN DAVIS of Virginia, and Mr. DIAZ-BALART.

H.R. 848: Mr. JACKSON of Illinois and Ms. MILLENDER-McDONALD.

H.R. 854: Mr. DINGELL, Mr. DELAHUNT, and Mr. MOLLOHAN.

H.R. 869: Mr. BASS.

H.R. 951: Mr. LEWIS of California.

H.R. 990: Mr. PAYNE and Mr. KINGSTON.

H.R. 1073: Ms. MILLENDER-McDONALD.

H.R. 1092: Mr. INSLEE.

H.R. 1109: Mr. MORAN of Kansas, Mrs. WILSON of New Mexico, and Mr. ISSA.

H.R. 1111: Mr. MARKEY.

H.R. 1182: Mr. HAYWORTH.

H.R. 1512: Mr. DAVIS of Illinois.

H.R. 1541: Mr. STUPAK and Ms. McCOLLUM.

H.R. 1543: Mr. BARR of Georgia.

H.R. 1595: Mr. HOSTETTLER.

H.R. 1598: Mr. MORAN of Kansas and Mr. RANGEL.

H.R. 1609: Mr. BARR of Georgia.

H.R. 1701: Mr. TIBERI.

H.R. 1774: Mr. JENKINS, Mr. AKIN, Mr. CHAMBLISS, Mr. JEFF MILLER of Florida, and Mr. BARR of Georgia.

H.R. 1919: Mrs. WILSON of New Mexico.

H.R. 1923: Mr. PETERSON of Pennsylvania.

H.R. 2009: Mr. SHIMKUS.

H.R. 2055: Mr. BRADY of Texas.

H.R. 2145: Mr. SHIMKUS.

H.R. 2148: Mr. JACKSON of Illinois.

H.R. 2163: Mr. BECERRA.

H.R. 2258: Ms. VELÁZQUEZ.

H.R. 2357: Mr. HAYWORTH.

H.R. 2462: Mr. ACKERMAN, Mr. SAXTON, and Mr. FRANK.

H.R. 2483: Ms. BALDWIN.

H.R. 2487: Mr. FROST, Mr. LIPINSKI, and Mr. JACKSON of Illinois.

H.R. 2570: Mr. FERGUSON, Mr. JEFFERSON, and Mr. CLAY.

H.R. 2573: Mr. SPRATT.

H.R. 2630: Mr. BISHOP and Mr. BACA.

H.R. 2692: Mr. DAVIS of Florida.

H.R. 2706: Mr. BOUCHER.

H.R. 2735: Mr. STENHOLM.

H.R. 2874: Mr. SMITH of Washington and Mr. BAIRD.

H.R. 2931: Mrs. BONO and Mr. BECERRA.

H.R. 3058: Mr. CLAY.

H.R. 3132: Mr. RUSH and Mr. BLAGOJEVICH.

H.R. 3139: Mr. PAUL.

H.R. 3154: Mr. SIMMONS and Ms. RIVERS.

H.R. 3206: Mr. HAYES.

H.R. 3223: Mrs. NAPOLITANO and Ms. SOLIS.

H.R. 3320: Mr. CANTOR.

H.R. 3324: Mr. NETHERCUTT, Mr. GRAHAM, and Mr. TERRY.

H.R. 3333: Mr. BILIRAKIS.

H.R. 3335: Mr. BORSKI, Mr. McGOVERN, Ms. BALDWIN, Mr. HASTINGS of Florida, and Mr. CARSON of Oklahoma.

H.R. 3475: Mr. BALLENGER.

H.R. 3478: Mr. WAMP.

H.R. 3496: Mr. FOSSELLA, Ms. HART, Mr. McNULTY.

H.R. 3584: Mr. GRUCCI and Mr. FROST.

H.R. 3741: Mr. CARSON of Oklahoma.

H.R. 3771: Mr. WEINER, Mrs. McCARTHY of New York, Mr. ENGEL, and Mr. HINCHEY.

H.R. 3772: Mr. FOLEY.

H.R. 3792: Mrs. THURMAN.

H.R. 3794: Mr. HUNTER and Mr. GREENWOOD.

H.R. 3834: Mr. MALONEY of Connecticut and Mr. BARRETT.

H.R. 3842: Mr. ABERCROMBIE and Mr. PAUL.

H.R. 3855: Mr. ISSA.

H.R. 3882: Mr. WU, Mr. MOORE, Mr. ALLEN, Mr. CRAMER, Mr. CANNON, and Mr. QUINN.

H.R. 3884: Mr. HOYER, Mr. PASCRELL, Mr. PETERSON of Minnesota, Mr. HALL of Ohio, and Mr. JEFFERSON.

H.R. 3895: Mr. POMBO.

H.R. 3897: Mr. LAFALCE and Mr. PASCRELL.

H.R. 3912: Mr. CLAY and Mr. BONIOR.

H.R. 3973: Mr. KINGSTON, Mr. SESSIONS, Mr. OSE, Mrs. CAPITO, Mr. ROGERS of Michigan, Ms. HART, and Mr. ALLEN.

H.R. 3974: Ms. KAPTUR.

H.R. 3995: Mr. RAMSTAD, Mr. GRAHAM, Mr. JOHNSON of Illinois, Mr. TERRY, and Mr. GANSKE.

H.R. 4003: Mr. ACEVEDO-VILÁ.

H.R. 4010: Mr. KINGSTON and Mr. HOSTETTLER.

H.R. 4013: Mr. TOM DAVIS of Virginia.

H.R. 4018: Mr. UDALL of Colorado.

H.R. 4021: Mr. PHELPS.

H.R. 4025: Mr. ROSS and Mr. GEORGE MILLER of California.

H.R. 4027: Mr. ACEVEDO-VILÁ AND Ms. HOOLEY of Oregon.

H.R. 4066: Mr. WATKINS, Mr. SWEENEY, and Mr. LIPINSKI.

H.R. 4078: Ms. VELÁZQUEZ.

H.R. 4086: Mr. BAIRD.

H.R. 4481: Mr. BENTSEN.

H.R. 4483: Mr. McINNIS, Mr. SAXTON, and Mr. SHAYS.

H.R. 4515: Mr. GREEN of Wisconsin.

H.R. 4555: Mr. ROHRABACHER and Mr. ENGLISH.

H.R. 4561: Mr. BOUCHER, Ms. WATSON, Mr. MOORE, Mr. HOSTETTLER, and Mrs. JO ANN DAVIS of Virginia.

H.R. 4614: Mr. HOLDEN, Mr. SERRANO, and Mr. BARRETT.

H.R. 4621: Mr. CARSON of Oklahoma, Ms. McKINNEY, Mr. UNDERWOOD, and Mr. MURTHA.

H.R. 4635: Mr. CALVERT, Mr. STUMP, and Mr. McINNIS.

H.R. 4645: Mr. PASTOR.

H.R. 4653: Mr. LAMPSON.

H.R. 4655: Ms. KAPTUR and Mr. FRANK.

H.R. 4660: Mr. CLEMENT and Mr. BALDACCI.

H.R. 4670: Mr. GEORGE MILLER of California.

H.R. 4676: Mrs. CAPITO and Mr. HOLDEN.

H.R. 4680: Mr. HASTINGS of Florida, Mr. HONDA, Mr. SNYDER, Mr. LAMPSON, Mr. HINOJOSA, Mr. FROST, and Mr. McDERMOTT.

H.R. 4688: Mr. KOLBE.

H.R. 4691: Mr. SOUDER, Mr. CRANE, Mr. FORBES, Mr. HILLEARY, Mrs. JO ANN DAVIS of Virginia, Mr. SUNUNU, Mr. WELLER, and Mr. HOSTETTLER.

H.R. 4693: Ms. GRANGER, Ms. ROS-LEHTINEN, Mr. DOOLEY of California, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. SCHROCK, Mr. SESSIONS, Mr. ANDREWS, Mr. TERRY, Mr. PALLONE, Mr. CARSON of Oklahoma, Mrs. JO ANN DAVIS of Virginia, Mr. HOEFFEL, Mr. ISRAEL, Mr. GREEN of Texas, Ms. HART, Mr. OTTER, and Mr. McNULTY.

H.R. 4711: Mr. CROWLEY, Mr. PAYNE, Mr. OWENS, Mr. JACKSON of Illinois, and Mr. HASTINGS of Florida.

H.R. 4716: Mr. BILIRAKIS and Mr. RILEY.

H.R. 4736: Mr. SHAYS.

H.R. 4754: Mrs. CAPITO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KINGSTON, and Ms. McCOLLUM.

H.R. 4778: Mrs. CHRISTENSEN, Mr. HILLIARD, Mr. DOYLE, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, and Mr. UDALL of Colorado.

H.R. 4785: Mr. HASTINGS of Washington and Mr. CUNNINGHAM.

H.R. 4798: Mr. LIPINSKI.

H.R. 4804: Mr. COOKSEY, Mr. LATOURETTE, Mr. SESSIONS, Mr. SHIMKUS, Mr. HOSTETTLER, Mr. JONES of North Carolina, Mrs. MYRICK, Mr. RYUN of Kansas, Ms. HART, Mr. COX, Mrs. CUBIN, Mr. SHADEGG, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. HOEKSTRA, Mr. PENCE, Mr. SULLIVAN, and Mr. GUTKNECHT.

H.R. 4810: Mr. HOUGHTON.

H.R. 4811: Mr. STUPAK and Mr. JEFF MILLER of Florida.

H.R. 4832: Mr. SANDLIN, Mr. FROST, Mr. GEPHARDT, Mr. TIERNEY, and Mr. BARRETT.

H.R. 4833: Mr. SANDLIN, Mr. FROST, Mr. GEPHARDT, Mr. TIERNEY, and Mr. BARRETT.

H.R. 4839: Mr. SHUSTER.

H.R. 4843: Mr. SKELTON, Mr. BLUNT, Mr. GUTKNECHT, and Mr. MORAN of Kansas.

H.R. 4854: Mr. ISAKSON, Mr. PLATTS, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. PUTNAM, Ms. MCKINNEY, Mr. UPTON, Ms. HART, Mr. PORTMAN, Mr. GEORGE MILLER of California, Mr. GREENWOOD, and Mr. ENGLISH.

H.J. Res. 6: Mr. EHRLICH.

H.J. Res. 23: Mr. QUINN.

H. Con. Res. 230: Mr. CHABOT.

H. Con. Res. 260: Ms. WOOLSEY.

H. Con. Res. 287: Mr. GILCHREST, Ms. MCKINNEY, Mrs. CLAYTON, Mr. CROWLEY, Mr. TOWNS, and Mr. UDALL of Colorado.

H. Con. Res. 362: Ms. HART.

H. Con. Res. 382: Mr. GEORGE MILLER of California and Mr. HONDA.

H. Res. 18: Mr. OLVER, Mr. ENGEL, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Ms. MCKINNEY, Mr. HOEFFEL, Mr. JEFFERSON, Ms. LOFGREN, Mr. MALONEY of Connecticut, Mr. UNDERWOOD, Mr. SAWYER, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEHAN, Mr. GONZALEZ, Mrs. JOHNSON of Connecticut, Mr. THOMPSON of California, Mr. EVANS, Mr. WU, Mr. BARRETT, Mr. BECERRA, Mr. KUCINICH, Mr. LANTOS, Mr. LAMPSON, Ms. WATSON, Mr. BENTSEN, Mr. RANGEL, Mr. PRICE of North Carolina, and Mr. FRANK.

H. Res. 416: Mr. KERNS, Mr. PENCE, and Mr. JONES of North Carolina.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4865: Mr. PLATTS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4, by Mr. CUNNINGHAM on House Resolution 271: Van Hilleary, Lindsey O. Graham and Barney Frank.

SENATE—*Thursday, June 6, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The guest Chaplain, Rear Admiral Barry C. Black, U.S. Navy Chief Chaplain, offered the following prayer:

O God of light and truth, enter and abide with these leaders today, as they do the work of freedom. Give them Your wisdom, so that they will be instruments of Your peace.

Lord, thank You for this great land, and for our freedom, which is neither derived from, nor conferred by a state, but comes from You. May the liberty You bring keep our feet in right paths.

Eternal Lord God, today and always give us wisdom to perceive You, intelligence to understand You, diligence to seek You, patience to wait on You, eyes to see You, a heart to meditate on You, and a life to proclaim You. In Your strong Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. The Chair will shortly announce that there will be a period of morning business until 10:30 with time equally divided between the majority and minority, with the majority controlling the first half hour. Senator CORZINE will lead that.

At 10:30, the Senate will begin 30 minutes of debate prior to a vote on a motion to invoke cloture on the emergency supplemental appropriations bill. As a reminder, all second-degree amendments must be filed by 10:30 a.m. today, this morning, in order to be considered as timely filed under rule XXII.

We are going to have votes, we hope, throughout the day as we endeavor to move forward on this most important legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time will be under the control of the majority leader or his designee.

The Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. LOTT. If the Senator would yield a couple of minutes before we get started, I will be very brief.

Mr. CORZINE. I would be pleased to yield to the minority leader.

VOTE FOR CLOTURE

Mr. LOTT. Madam President, I understand there will be morning business now until 10:30 and the time will be equally divided. Between 10:30 and 11 a.m. we will have equally divided debate on the pending issue and the Stevens-Byrd cloture vote at 11 a.m.

I come to the floor to make sure that I have an opportunity to urge my colleagues to vote for cloture. I am not happy with this legislation. It is very unfortunate that it has been increased at every step along the way beyond what the President asked for, at least $4 billion more than what the President asked for, and the mix within the rest is clearly not what the President asked for in this emergency supplemental for defense and homeland security. It is unfortunate that it has been brought to the floor in this way.

I remind my colleagues that postcloture, assuming cloture passes, amendments to strike would still be in order. I am sure there will be a number to try to pare back the bill and to take out nonemergency, nondefense, and homeland security issues. I hope they succeed, because, clearly, the bill has gotten out of control.

This is nothing new. Every Congress does it. Every President makes the mistake of asking for supplemental appropriations, and every Congress sees this as a vehicle on which we can enjoy a ride. We have all participated. I am not proud of that. But I say that to make the point this is not something new. They always tend to grow and grow. I have taken occasion with every President of both parties to plead with them not to send a supplemental; just do what we need in the regular appropriations process. But they always do it. And quite often we urge them to do it when there are, ostensibly, emergencies. Many of them are very legitimate.

On the other side of this coin, this is supposedly an emergency. We should have done it 2 months ago. The President should have asked for it earlier, the House should have acted earlier, and we should have found a way to act early, although it is hard to be too critical of the time in the Senate because we were not going to be able to move forward on it until the House acted.

If it is an emergency, if it is payback for what we have spent in defense, if it is to provide what we need on an emergency basis—homeland security, Coast Guard, whatever—in terms of making sure our country is safe, we should have already done it. To drag this out into next week would not be a positive thing.

I add that amendments that would be offered, if we don't get cloture, will make worse a bill that has a lot of problems. Substantive amendments would be offered that would cause problems. More spending would be added. The better part of valor is to vote for cloture, continue to work to try to pare it down to a more reasonable number, get it in conference, and get it closer to what the President wants so we can get our work done before the Fourth of July recess and get it to the President so he can sign it.

We are not unanimous on our side of this issue. The proper leadership position is to say, let's vote for cloture, go forward in the hours we have after cloture to cut it back and then get it into conference.

I urge my colleagues on both sides to vote for this cloture motion. Perhaps

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the cloture was filed too quickly. I understand, as majority leader, sometimes events or speeches prod you to do things that later maybe you wish you had not done. The fact is the majority leader filed it, and we will vote on it. After watching events the last 2 days, I think we should go ahead and support cloture.

With that, I yield the floor.

Mr. REID. Before the Senator from Mississippi, the Republican leader, leaves the floor, I express my appreciation for his leadership role in suggesting and advocating that we invoke cloture.

This is the right thing to do for the country. There are things in the bill I do not like. There are things in the bill the President does not like. But that is what conferences are all about.

We will get this thing out of here. There are some motions to strike. I understand we have been talking about bringing those forward for several days now. Good, let's have them come forward. We will vote as to whether or not they are good or bad motions. Let's get the matter to conference as quickly as possible so we can help our troops and we can help homeland defense.

The Republican leader's advocacy is something that is good for the country, and I appreciate that very much.

Madam President, I ask unanimous consent the statement of the Senator from New Jersey not appear interrupted and he be given, minus the time he has already taken, the full 30 minutes as the Republicans would be given, and then we will shorten the time.

I am reminded, of course, it is not the full 30 minutes but whatever he was accorded, following the initial discussion, prior to his beginning. The Democrats would have the same amount of time as Republicans; we would just shorten the time before 11 o'clock for those for and against the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

SOCIAL SECURITY

Mr. CORZINE. Madam President, this morning I would like to take a few moments to talk about one of my favorite subjects: Social Security and the privatization plans that have been developed by President Bush's Social Security Commission.

As I have discussed in the past, I, like many Members, have serious concerns about these privatization plans, primarily because they involve deep cuts in guaranteed benefits. Those cuts would exceed 25 percent for many current workers and would exceed 45 percent for seniors in the future. The cuts would apply even to those who choose not to participate in these privatized accounts. In effect, they would force many Americans to delay their retirement.

Over the past few weeks, I have engaged in an ongoing dialogue with privatization supporters, including the Cato Institute and a few of the members of the Bush Commission. The Cato Institute criticized the national radio address I gave on April 27 describing the privatization program the Bush Commission proposed. I then responded with a critique of their critique. And then, most recently, I received a letter from 6 of the 16 members of the President's Commission with a critique of my critique of the Cato critique.

Unfortunately, their critique also is flawed, as I have outlined in a letter back to the six Commissioners, and as I want to discuss today.

The most fundamental disagreement I have with the six Commissioners concerns the deep cuts in guaranteed benefits included in the Commission's report. The Commissioners state:

> The Commission proposals do not "cut benefits" for anyone.

I am troubled by this statement, which, at best, is highly misleading. Essentially, the Commissioners are arguing that reductions in benefit levels, relative to those proposed under current law, should not be considered cuts. That is just wrong on its face.

The Commissioners reach this conclusion by assuming that the assets in the Social Security trust fund will be deleted in the future and Congress will refuse to take the steps necessary to honor the promises made to workers who now are paying into the system. They make this assumption even though they also assume that massive amounts of general revenue will be available to subsidize privatized accounts.

In effect, the Commissioners are arguing that Congress, having used Social Security funds for other purposes, now should be able to break its promise to retirees because there is not enough money in the trust fund.

To me, this is tantamount to a borrower telling a lender: I haven't saved enough, and therefore I have a right to default on your loan. And, moreover, the reduction in my payments to you should not be considered a cut or a loss to your income.

I do not think that adds up. Surely the lender in such a situation would experience the loss and view it as a real cut—just as seniors would experience a reduction in their promised benefits as a cut.

In my view, it is a distortion of the English language to claim that changing the law in order to reduce benefit levels, as the Commission has proposed, should not be considered a cut. This claim is especially problematic because the Commission's proposed cuts would be so deep for many beneficiaries—exceeding 25 percent for many current workers, and exceeding 45 percent in the future. By the way, these numbers are confirmed by the nonpartisan Social Security actuaries. The Commission should be open and honest about this. The numbers are in the report.

It also is important to emphasize, as I noted earlier, that the benefit cuts proposed by the Commission apply even to those who choose not to participate in privatized accounts. This belies claims that the Commission's plan is based on voluntary choice. It's not. Even those who do not choose to use privatized accounts will get cuts.

Supporters of privatization may believe that income from privatized accounts will offset the cuts in guaranteed benefits. That is the argument they make. However, this is problematic for at least two reasons.

First, the combination of reduced guaranteed benefits and income from private accounts in many cases would be less than the benefits under current law, even under the assumptions used in the Commission's report.

That is certainly one of the possibilities. And that is particularly true if one takes into account the administrative costs which are going to accompany these private accounts. In Great Britain up to 40 percent of the returns in private accounts are used just to pay for administering the accounts. This takes away from income and really does undermine the ability to maintain the same levels of benefits.

Second, relying on the whims of the market is inconsistent with the principal goal of Social Security—guaranteeing a basic level of security, even when private investments fail.

As one who worked personally as a trader and as the head of a major financial firm, I understand that stocks can move down, or sideways, for extended periods. While all workers should save on their own in private accounts, the purpose of Social Security is to establish a floor below which they will not be allowed to fall. The Commission's proposals would drastically lower that floor.

This would be a mistake, especially when one considers that average benefit levels are now only about $10,000 a year—hardly enough to live on in many parts of the country. As I pointed out to the Chair on a number of occasions, the average benefit for women is closer to $9,000. That is not sufficient to provide a secure retirement in most parts of the country—certainly not in New Jersey and I suspect not in Michigan.

Another argument in the letter I received from the six Commissioners focused on what some people have referred to as the "clawback" provisions in their proposals. The Commissioners don't like the term "clawback," and I am not going to get into a semantic debate with them about it. But my main point here is undisputed: each of the Commission's plans—there are three of them—would reduce guaranteed benefits based on amounts workers contribute to privatized accounts.

These cuts would be in addition to the direct cuts in guaranteed benefits that would apply to all seniors, even those who do not contribute to privatized accounts.

I think many Americans would see this as political sleight of hand—giving with one hand, and taking away with another.

Another issue addressed in the Commissioner's letter is whether this automatic benefit cut proposal would apply to "near retirees." The six Commissioners argued that the Commission's plans ban persons older than 55 from participating in privatized accounts. However, this actually isn't clear from the text of the report. Nor have the Commissioners explained why older Americans should be banned from participating in privatized accounts if that is such a great idea. Why are they being left out of such a wonderful opportunity to reduce their guaranteed benefit?

Next, the Commissioners dispute my point that the Commission's plans would force many Americans to delay their retirement. On this point, I acknowledge that their proposal does not explicitly raise the legal retirement age. And I have never claimed otherwise. But my point is that their proposals cut benefits so drastically that the effect is the same.

Many people would be forced to work longer to build up more assets, in order to maintain the same level of retirement security. In fact, one of the Commission's plans would directly target benefit cuts at those who retire at 62. It seems clear that, as a practical matter, this will force many seniors to delay their retirement.

Another point in the letter from the six Commissioners is that their proposals would reduce the amount of general revenues that would be required to maintain the solvency of the Social Security trust fund. To the extent that they are calling for deep cuts in guaranteed benefits, that's right. But, by that logic, we could eliminate the need for any general revenues by eliminating guaranteed benefits altogether.

To me, this just isn't a good argument for the deep cuts in benefits.

I will not go into each and every argument raised by the six Commission members. But I ask unanimous consent that a copy of my written response to the Commissioners be printed in the RECORD at the end of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit I)

Mr. CORZINE. Madam President, I have been very critical of the letter written by the six Commissioners, as I have been critical of materials prepared by the CATO Institute in the past. But I know they reflect deeply held beliefs, and I sincerely want to thank them for engaging in the debate. In my view, the debate that has begun here with the CATO Institute and the six Commissioners is a good thing because it highlights our differences for the American people. Every American has a stake in the future of Social Security.

It is disappointing that the Bush administration is trying to push this matter under the rug, and seems to want to defer the debate until after the November election. That would be wrong. The American people have a right to be part of this process.

Let me close and again emphasize the important points that Americans need to understand. The Bush Commission's privatization plans involve cuts in guaranteed benefits for many current workers of 25 percent, and future benefits for seniors could be cut as much as 45 percent. These cuts would apply even to those who choose not to invest in privatized accounts. And they would have the effect of forcing Americans to delay their retirement.

For these reasons, I strongly oppose these proposals, and I look forward to continuing this dialogue with those who are supporters of privatization. The future of Social Security is too important to be left out of the limelight and negotiated behind closed doors. We need to have an open discussion.

I thank the Presiding Officer for this opportunity to speak about privatization.

EXHIBIT I

U.S. SENATE,
Washington, DC, June 6, 2002.

MS. LEANNE ABDNOR, et al.,
Boulder, CO.

DEAR MS. ABDNOR, MR. PENNY, MR. SAVING, MR. VARGAS, MR. COGAN AND MS. MITCHELL: Thank you for your letter of May 23.

I appreciate your apparent willingness to engage in a dialogue with respect to the report of the President's Social Security commission, and trust you agree that the future of Social Security deserves nothing less than a full public debate. Although we obviously disagree strongly about the merits of privatizing the program, I look forward to hearing more from you as we seek to educate the public about the plans you helped produce last December, along with the 10 other members of the Commission who did not sign your letter.

Having said that, I was disappointed by your letter and believe it presents several arguments about the Commission's report and my reactions to it that are, at best, misleading.

Perhaps our most fundamental disagreement concerns the deep cuts in guaranteed benefits included in the Commission's proposals. You attempt to obscure these cuts by arguing that reductions in benefit levels, relative to those promised under current law, should not be considered cuts. Instead, you begin by assuming that the trust fund's assets will be depleted and Congress will refuse to take the steps necessary to honor these promises in the future (even though you also assume that massive amounts of general revenue will be available to subsidize privatized accounts). You then use this assumption to claim that if Congress affirmatively reduces benefits through a change in current law, this should not be considered a "cut."

To me, this is tantamount to a borrower telling a lender: I haven't saved enough, and therefore I have a right to default on your loan—and, moreover, the reduction in my payments to you should not be considered a "cut" in your income. Surely the lender in such a situation would experience the loss of income as a real cut—just as seniors would experience a reduction in their promised benefits as a cut.

In my view, it is a distortion of the English language to claim that a change in the law that intentionally reduces benefit levels, as the Commission has proposed, should not be considered a cut. This claim is especially problematic because the Commission's proposed cuts would be so deep for many beneficiaries—exceeding 25 percent for many current workers, and exceeding 45 percent in the future. The Commission should be open and honest about this.

Furthermore, it is important to emphasize that cuts proposed by the Commission apply even to those who choose not to participate in the option of privatized accounts. This belies claims that the Commission's plan is based on voluntary choice.

The Commission's report also includes proposals for deep cuts in benefits for disabled individuals. These Americans would not be able to save in privatized accounts when they were disabled and not working. In any case, under the Commission's proposals, such disabled individuals would not have access to the privatized accounts until they reached retirement age. The treatment of the disabled again belies claims that the Commission's plan is based on voluntary choice. While I understand that the Commission expressed concern about the impact of its own proposals on the disabled, it nevertheless relied on savings from these cuts to make its numbers add up. Without these savings, the Commission's plans would not restore the Trust Fund to long-term solvency.

I recognize that you believe that privatized accounts will offset the cuts in guaranteed benefits. However, this is wrong for at least two reasons. First, the combination of reduced guaranteed benefits and income from private accounts in many cases would be less than the benefits under current law, even under the assumptions used in the Commission's report. Second, relying on the whims of the market is inconsistent with the principal goal of Social Security—guaranteeing a basic level of security, even when private investments fail.

As one who worked personally as a trader and as the head of a major financial firm, I understand that stocks can move down, or sideways, for extended periods. While all workers should save on their own in private accounts, such as 401(k) plans and IRAs, the purpose of Social Security is to establish a floor below which they will not be allowed to fall. The Commission's proposals would drastically lower that floor. This would be a mistake, especially when one considers that average benefit levels are now only about $10,000 a year—hardly enough to live on in many parts of the country.

You also argue that I wrongly accuse the Commission of adopting a "clawback" proposal. But yours is a semantic argument that rests on a very narrow and arguably incorrect interpretation of this colloquial term. Your claim is that this term applies only to reductions in privatized accounts, not to reductions in guaranteed benefits. However, even if one accepts this narrow definition, my basic point remains undisputed. Each of the Commission's plans would reduce guaranteed benefits based on amounts contributed to privatized accounts. These cuts would be in addition to the direct cuts in guaranteed benefits that would apply to all seniors, even those who do not contribute to privatized accounts. To many Americans, this will seem like giving with one hand, but taking away with another.

To defend your proposal for automatic cuts, you cite a quote from page 99 of the Commission's report that is highly misleading as presented. That quote states that "no adjustments to traditional Social Security benefits would be made as a function of the accumulations in [privatized] accounts." This is technically true, but it obscures the more important point: traditional guaranteed Social Security benefits would be cut based on workers' contributions to privatized accounts. Thus, regardless of whether the market rises or falls, guaranteed benefits will be cut just as deeply, undermining the value of Social Security as a backstop against possible destitution.

Next, you argue that I was wrong to conclude that this automatic benefit cut proposal would apply to "near retirees." More specifically, you argue that the Commission's plans ban persons older than 55 from participating in privatized accounts.

However, while the descriptions of two of the plans in the Commission's report prominently include the ban, in the description of Model 1, the ban is conspicuously absent. You may want to check pages 110, 119, and 131 in the Commission's report to see this clear difference in the descriptions of the three plans. If one were to apply basic principles of statutory construction to the text of the Commission's report, the obvious conclusion would be that Model 1 does not contain the same age limitation as do the other models.

I understand your claim that it was not the intent of the signers of your letter to apply the automatic cuts to those who contribute to privatized accounts under Model 1. However, given the language of the Commission's report, this still seems a reasonable interpretation of the intent of the Commission as a whole. You may want to raise this with the other members of the Commission and have the entire Commission submit a modification of its report to the Congress, if they share your intent. Such a submission might include an explanation of why older Americans are banned from participating in privatized accounts if, as you seem to suggest in your letter, such accounts do not put the guaranteed benefits of participants at risk.

You also dispute my point that the Commission's plans would force many Americans to delay their retirement. To clarify, I never said, nor did I mean to imply, that your proposal explicitly raises the legal retirement age. My point is that cutting the level of guaranteed benefits so drastically could have the same effect. This is because individuals would be forced to work longer to build up more assets, in order to maintain the same level of retirement security. Note that one of the Commission's plans would target benefit cuts at those who retire at 62. It seems clear that, as a practical matter, this will force many seniors to delay their retirement.

Another point you make in your letter is that the Commission's proposals would reduce the amount of general revenues that would be required to maintain the solvency of the Social Security Trust Fund. To the extent that you are calling for deep cuts in guaranteed benefits, I acknowledge that your proposals would have this effect, and have never argued otherwise. In fact, the benefit cuts associated with the change in indexing are so substantial that, by themselves, they would restore long-term balance. However, the high cost of privatized accounts then forced the Commission to rely on massive general revenue subsidies to achieve long-term solvency.

Your letter also complains about critiques that "count 'current law benefits' but not the taxes required to pay them". This complaint seems disingenuous, considering that the Commission itself depends on substantial transfers from the rest of the budget without making clear how those would be financed. Under the Commission's plans, these transfers would be necessary to fully fund privatized accounts and partially address trust fund solvency. Yet given projections of deficits outside of Social Security for the foreseeable future, one might have expected the Commission to explain whose taxes would be raised and whose services would be cut to generate the need savings. The Commission's report includes no such explanation. However, one way to reduce the need for such taxes is to not subsidize privatized accounts in the first place.

I do accept your point that investing in broadly diversified funds reduces risks. That is true and, again, I have never argued otherwise. However, while diversification reduces risks, significant risks remain. The value of even a diversified account can decline significantly at any time, and can stay depressed for years. If this were to happen when an individual is retiring, the consequences could be catastrophic without Social Security's basic level of guaranteed benefits.

Finally, it is hard to argue that the Commission represented a balanced forum for the open consideration of differing points of view. After all, the membership of the Commission was stacked from the beginning with those who support a shift to privatized accounts, and the Commission was specifically directed to promote such accounts. That is not your fault, and I do not blame you for holding policy beliefs in good faith. But it seems to many observers that the basic recommendations of the Commission were largely predetermined by President Bush when he selected such a one-sided group of members and then limited the scope of options they were allowed to consider.

In sum, I stand by my critique of the Commission's report and believe that the benefit cuts it proposes would be a serious mistake for our nation, and the millions of Americans who will depend on Social Security in the future.

I look forward to continuing our dialogue in the months ahead, and hope you will be able to convince the White House and the Republican congressional leadership to join in the discussion before this fall's elections.

Best regards,

JON S. CORZINE,
U.S. Senator.

(Mr. NELSON of Nebraska assumed the chair.)

Ms. STABENOW. Mr. President, will my colleague from New Jersey yield?

Mr. CORZINE. Yes.

Ms. STABENOW. I appreciate my colleague stepping in the Chair so I might come down for a moment before my good friend from New Jersey leaves.

I wanted to indicate my personal thanks to him—as well as my colleagues whom I know share this gratitude—for his willingness to come to the floor and articulate in such a precise way and an understandable way what the challenge is to this whole question of Social Security and privatization of Social Security; and the fact the Senator has been willing to put the time in to really make it clear what is at stake for people, I am very grateful. I thank him on behalf of the people of Michigan for doing that.

I wanted to ask one question before the Senator left. I know one of the things we talked about before is that Social Security is not just retirement. It is also a disability policy. If you are a worker and become disabled, your family is able to receive assistance, as a disability policy. If you, unfortunately, lose your life on the job, it is a life insurance policy.

Isn't it also true that we really have three parts to that system? I know the Senator from New Jersey spoke to that as well. This is not only a question of retirement, but it is a question of a security system—disability, life insurance, and retirement. That is why it is so critical that it remain in place.

I would appreciate it if the Senator might speak to that for a moment.

Mr. CORZINE. Mr. President, I very much appreciate the comments of my colleague from Michigan, whom I know has been so vocal about the need for a prescription drug benefit and the cost containment issue. Actually, we need a whole list of approaches to make sure our seniors in America have access to the American promise, and we need to work to make that happen. Prescription drugs must be part of that. Protecting Social Security must be, as well.

As it relates to the disability benefits, the proposals in the Commission's report would be even more devastating to disabled individuals than to retirees. Disabled people would not be able to build up assets in a privatized account if they are unable to work. And to the extent that they have assets in such an account, they would not be available until an individual retires. Even the Commission expressed discomfort with their own cuts in disability benefits, though in the end they relied on the savings from such cuts.

I very much appreciate the distinguished Senator from Michigan speaking out on this aspect of the Bush Commission's cuts. Because, as she suggests, these cuts do go beyond retirees, and also jeopardize the disabled and those young people who lose a parent. That needs to be understood by the American people.

Mr. President, privatized accounts can provide some benefits, if trees grow to the sky and the market never goes down or sideways. But if history is any guide, that is not really how the world works. In the real world, privatization would put at serious risk Social Security's floor level of support for the disabled, children, and our retirees.

Again, I thank the Senator for her question and for her support. I hope she will also see that same kind of support with regard to her efforts to contain the costs of prescription drugs, and to provide prescription drug benefits, both of which are serious and important issues for our country.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator is recognized.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that I be able to speak until about 6 minutes after 10.

STATE FISCAL RELIEF AMENDMENT

Mr. NELSON of Nebraska. Madam President, this morning I would like to talk about a very important issue that is affecting the States and the budgets at the State level.

While the national economy may be recovering from the recession, State budgets will take another 12 or 18 months to recover. Just last month, the National Governors Association and National Association of State Budget Officers found that over 40 States are facing an aggregate budget shortfall of $40 billion to $50 billion.

In my home State of Nebraska, the latest numbers show the highest unemployment level in 15 years. Tax receipts this year will be less than the previous year for only the second time in the history of the State. The State is cutting child care, rural development, and other essential services. Raising taxes to build up the budget cap and cutting aid to local governments will result in higher property taxes.

Many States face the same challenges as Nebraska. This is the appropriate time for some help to come from Washington. Part of the blame that can be assessed for States that are hurting can be laid at the feet of Congress.

A few months ago, this body passed—and the President signed into law—a bill to stimulate the economy and help workers. It wasn't a perfect bill. But then there are very few. But the economy was hurting, and it was, in fact, time to act.

But there were unintended consequences of that bill. Not only did the economic stimulus bill fail to provide State fiscal relief in certain areas, but by making some changes to Federal tax law, the bill unintentionally added to revenue shortfalls. This means that we, in effect, cut State tax revenue streams. This, in turn, has put at risk programs such as medical assistance to the most vulnerable individuals in this country.

I am concerned about the crunch that the States are facing. As a former Governor, I know how hard it is to balance a State's budget. And every State has to balance its budget. The most important thing is that we recognize that this shortfall will continue, and it will affect the most vulnerable among us.

This supplemental appropriations bill that is being considered—and other bills will be coming up in the area of appropriations—is an important opportunity to do something helpful.

My good friend, Senator SUSAN COLLINS, from Maine, will be speaking shortly as well on the Collins-Nelson proposal that would provide a temporary 1-percent increase in the Federal Medicaid matching rate. In Washington, we require that the States deal with Medicaid and that they provide the services, and we offer some assistance. It is an underfunded Federal mandate.

At the present time, if we increase the amount of State funding to a temporary 1-percent increase, we will assist the States in being able to deal with the challenges in their budgets. At the same time, this bill will also permit them to continue to provide in the short term for the rising demand in social services from the economic downturn.

The bill would provide approximately $8.9 billion in total fiscal relief to the States, which would allow them to expand—not contract—Medicaid and other health and social services.

States have worked very hard in order to be able to help people go from welfare to work. It is very important for us to help them continue that because if they are unable to continue, and they pull back on the Medicaid funding and they are not able to provide the social services, you could very easily have States returning to the process of bringing people from the workplace back into welfare. That is counterproductive. It works in the opposite direction. That is why we, in fact, must move forward and assist the States at this very important time.

The National Governors Association has embraced much of what we have proposed, and so have other organizations. And a number of cosponsors in our own body have stepped forward and said that this is the right thing to do, it is the right time to do it, and it is the right way to approach it.

The health care of Americans is part of our responsibility and our interest. We must, in fact, help the States so we do not end up with the tough choices that the States are having to make, involving reducing Medicaid benefits to those among our most neediest in our midst.

According to the National Governors Association, Medicaid spending has been a particular struggle for States since expenditures have risen by an average of 12 percent over the last 2 years, while the State's revenues rose a total of 5 percent, as in the State of Nebraska. It appears that the revenues are flat.

Medicaid spending has been driven by high increases in health care costs nationwide, particularly the cost of prescription drugs, an issue that we are going to be facing to move forward to help our seniors deal with the high cost of prescription drugs as part of Medicare. These same pressures on the health care system and on our citizens are affecting the Medicaid population as well.

States have exhausted the usual ways of balancing their budgets. And so, given the projection of continued deficits, this means that we must, in fact, step up to the plate at this time and help our States work through this partnership that we have with Medicaid, where the States have a matching obligation with the Federal Government, with our budget. I hope we will be able to do that.

In closing, as a former Governor, I can say, having worked with this program, that it is an essential program. But it is a partnership with the Federal Government. Now is an opportunity for the Federal Government to do its share in assisting the States in dealing with this very important problem.

I urge my colleagues to join with Senator COLLINS and myself in this effort to show the States that Congress is not indifferent to their budget problems, and we will step in and provide meaningful assistance at a time when Governors need it most.

Madam President, I believe my time is about to expire, so I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I rise today with my good friend, Senator BEN NELSON, to discuss the fiscal plight of our States. Here in Washington, consumed with our own budget challenges, we often forget that we have 50 partners in our efforts to provide needed health, education, and other essential services to our citizens. Our partners are our States and they need our help.

No one is more aware of the difficulties States are facing than Senator NELSON. As a former Governor, he understands that we are most effective when we work arm in arm, not toe to toe, with our partners, the States.

Senator NELSON and I have filed an amendment to the supplemental appropriations bill to provide emergency short-term fiscal relief to the States. Our amendment is needed, and it is needed now.

The recession may have eased earlier this year, but its effects still linger. They are felt acutely by States from Maine to Nebraska, from New York to Washington State. And I know the Presiding Officer is a cosponsor of the underlying bill that Senator NELSON and I have introduced. Though the recession has ended and economic growth has picked up in the first quarter of this year, unemployment continues to rise. Now it stands at 6 percent. It is an 8-year high.

The recession, the resulting rise in unemployment, and the tragic events of September 11 have placed tremendous and unanticipated demands on government services and resources. At the same time, these factors have contributed to a dramatic and unexpected drop in government revenues at precisely the time when more revenues are needed to respond to the confluence of challenges that confront us.

The combination of the increasing demands for services and the unexpected drop in revenues is causing a fiscal crisis for State budgets all across this Nation. According to the National Governors Association and the National Association of State Budget Officers, more than 40 States are facing a combined budget shortfall of between $40 and $50 billion. Most States have seen their estimates of tax collections for the current year decrease, often dramatically. State governments are scrambling to respond. Forty-nine States are required by law or constitution to balance their budgets, so running a temporary deficit is simply not an option.

Moreover, the problem is getting worse and is not likely to improve until next year at the earliest. A survey released by the National Governors Association shows that individual tax revenues for the first 4 months of this year are running nearly 15 percent below last year's levels.

The problem is not an isolated one. Thirty-nine States have been forced to reduce their already enacted budgets for fiscal year 2002, by cutting programs across the board, tapping rainy day funds, laying off employees, and reducing important services.

States have been forced to cut a number of critical programs. Twenty-nine States have attempted to balance their budgets by cutting spending on higher education. Twenty-five States have cut corrections programs. Twenty-two have been forced to slash Medicaid. Seventeen States have cut spending for K–12 education. And 10 States have reduced aid to local governments. In addition, a number of States have raised taxes and fees by a total of $2.4 billion. We believe the Federal Government can and should help our partners, the States. We should do so in an effective and responsible way.

Our amendment would provide a temporary increase in the Federal Medicaid matching rate and would provide block grant funds to each and every State. Specifically, our proposal would increase the Federal Government's share of each State's Medicaid costs by 1 percent and hold the Federal matching rate for each State harmless for the second half of this fiscal year and all of the next.

In addition, our proposal includes a temporary block grant to States that would help them pay for the rising demand in social services resulting from the economic downturn. Our amendment would provide approximately $8.9 billion in total fiscal relief to the States that would allow them to continue rather than contract Medicaid and other vital services.

Our amendment would provide fiscal relief to each and every State that is struggling to balance the budget and care for their citizens. It has been endorsed by the National Governors Association, the American Hospital Association, the American Health Care Association, and the Visiting Nurse Associations of America. These groups understand the importance of providing assistance to States at a time when many are forced to look at cutting Medicaid and other essential health care programs.

For that reason, our bill targets most of the assistance to the Medicaid Program. That is the fastest growing component of State budgets. While State revenues were stagnant or declined in many States last year, Medicaid costs increased by 11 percent. This year, Medicaid costs are increasing at an even higher rate—13.4 percent. My home State of Maine is one of a number of States that has been forced to consider cuts in the Medicaid Program in order to compensate for declining revenues and to balance the budget.

Earlier this month, after the legislature had already adjourned for the year, Maine's budget estimators determined that the State's revenues would come in some $90 million under budget for this year and would most likely result in another $90 million shortfall in the year to come.

Maine, despite the fact the legislature has gone home after enacting cuts earlier this year, is once again confronted with the need to reexamine its budget and make painful cuts.

Among the programs being considered for reductions in Maine are Medicaid and general purpose aid, which funds are vital for K–12 education. Maine is not alone. Maine is typical. If we do not help, if we do not provide some modest, reasonable aid to our States, States will be forced to slash health care, education, and social service programs in order to balance their books.

The amendment we have filed would help to bridge Maine's funding gap by bringing an additional $56 million to my State. It would help us preserve Medicaid and other essential programs such as education over the next 18 months, while the economy continues to recover.

I emphasize, even with our amendment, States are still going to face very difficult choices. They are still going to have to cut worthwhile programs. But with our amendment, States will be able to keep critical programs such as Medicaid, such as education, without having to slash them and cause real harm for the low-income populations in our States.

The challenges facing Governor King in Maine and other Governors across the country are considerable. The decisions they may be forced to make could affect the access of millions of Americans to health care and social services. They simply need our help. The proposal Senator NELSON and I have put forth would do just that.

We are very hopeful that the distinguished chairman and ranking minority member on the Appropriations Committee will join us in the effort to assist our States. If the supplemental appropriations bill is not the right vehicle for our amendment, we hope they will help us to identify very soon an appropriate bill to which our amendment could be attached.

We need to provide this help right away. Most States begin a new fiscal year next month, and we need to provide this much-needed assistance now.

It has been a great pleasure to work with the Senator from Nebraska on this important initiative.

Mr. NELSON of Nebraska. Will the Senator from Maine yield for a question?

Ms. COLLINS. I am happy to yield.

Mr. NELSON of Nebraska. If we are unable to find the appropriate legislative mechanism to get this legislation passed, what is the Senator's opinion as to what States will be faced with doing, and what will the impact be for the citizens of States?

Ms. COLLINS. Madam President, the Senator from Nebraska raises a very important question. If we do not act, if we do not act within the next few weeks, States will have no choice but to slash their Medicaid Programs, thus depriving our needy low-income families of the health care they depend on. They will be forced to cut education programs for K–12 and for State universities. They will be forced to make choices that will cause real harm to the citizens of this country.

They have no other option. Unlike the Federal Government, they cannot temporarily run a deficit. Forty-nine States are required to balance their budgets so they will have no choice, given that the fiscal year for most States is going to begin on July 1, but to make Draconian cuts in the programs that serve the most needy members of our society.

We need to act as their partners. We need to provide them with help to get over this difficult period.

I thank the Senator from Nebraska for his excellent question.

Mr. NELSON of Nebraska. I have another question, if I might ask the Senator from Maine, who so very eloquently expressed the concerns and so diplomatically suggested that we need some help in finding the true mechanism to get this legislation through.

What, in the Senator's opinion, might happen to the efforts we made collectively as partners with the States for welfare reform and getting people off the welfare rolls and into the workforce? What might happen to that?

Ms. COLLINS. The Senator from Nebraska has asked a very important question. He was a leader, when he was Governor, in helping people in his State move from welfare to work, to give people the dignity and independence that comes from the ability to earn a living. Those efforts depend on child care. They depend on assistance with transportation. They depend on assistance with education, with expanded Medicare coverage. In order for people to be able to move from welfare to work, we have to have the social supports in place to ease that transition. Those supports would be in jeopardy if we do not provide our States with the assistance we are discussing.

Furthermore, there are States that are scheduled to have an actual decline in the amount of Medicaid match that they receive from the Federal Government. That could not happen at a worse time. It would cause them to slash services even more. We cannot allow that to happen.

This is a temporary problem. We are proposing temporary assistance to our States. The economy is recovering, but the effects still linger. States are still seeing the demand for social services.

I ask, through the Chair, the Senator from Nebraska—yielding some of my time to him—whether he has seen the kinds of problems in his State that we are seeing in Maine where revenues have dropped unexpectedly one more time, causing the legislature and the Governor to confront a pending deficit in a budget that had already been enacted.

Mr. NELSON of Nebraska. Madam President, the State of Nebraska's tax receipts, for the first time—maybe only the second time in history—are below what they have been in the past. We have had downturns in the economy previously, and the tax revenues may have been down, but they would continue to be greater than the previous year. That is no longer the case. You actually do have a downturn in the economy—much of it related to the difficulties in agriculture. But when you see unemployment moving up to the highest level in 15 years, together with tax receipts going down, it doesn't take a mathematician to figure out what will, in fact, continue to happen in the future.

When we require, at the Federal level, certain programs and do not provide all the funding, all we are really doing is underfunding a mandate to the States. Maybe it is an important mandate that we are requiring, but it is also important to not be inconsistent here, to try to further reform welfare with legislation that is going to be coming before this body in a short period of time and, at the same time, as we try to have a higher requirement for work, and what have you, to improve the income level of people going from welfare to the workforce. We have to make sure we are consistent and we don't require that on the one hand and not make it impossible when it comes to funding on the other hand.

I thank my colleague from Maine for a very articulate and passionate expression of why it is important that we do this. I hope I have responded to her question.

Ms. COLLINS. I thank the Senator.

Madam President, I will make one final point. This proposal will not only help our States balance their budgets without slashing essential social services such as the Medicaid Program, but it will also provide much-needed help to struggling health care providers such as our rural hospitals, our nursing homes, and our home health agencies. Those health care providers have been struggling with inadequate reimbursements under Medicaid and Medicare. By increasing the Federal share of what is a partnership between the Federal Government and the States to provide health care for our low-income families, we will also be helping to stabilize the health care providers, particularly in rural States such as Nebraska and Maine. So that is another reason you will find that health care providers associations are strongly backing our legislation, as is the National Governors Association.

This is not a partisan issue; it is one where we have come together to provide much-needed relief to our partners, the States. My hope is that we will expeditiously enact our proposal before the July 4 recess.

Mr. NELSON of Nebraska. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4775, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 3764, to extend budget enforcement.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate to be divided by the chairman and ranking member of the Appropriations Committee.

The Senator from West Virginia.

Mr. BYRD. Madam President, the bill before the Senate is an emergency supplemental bill. It responds to emergency needs for our military. It provides emergency funds for enormous gaps in our homeland security network. It makes investments today to protect the people of this country against attacks tomorrow. We cannot afford continued delay and dragging of feet.

The Nation is unprepared for a biological or chemical attack. Our current public health system is ill funded, fragmented, and unprepared to respond to the threats posed by bioterrorism. We must expand State and local capacity to recognize and to treat deadly pathogens so that we are prepared to deal with weaponized disease.

The anthrax-laced letters that were sent through the mail afforded us just a glimpse of the terror that could result from a more serious biological attack involving smallpox or Ebola. We know Bin Laden loyalists have conducted research on chemical and biological weapons at 40 sites in Afghanistan. We know that more than a dozen nations, including China, Iran, Iraq, Libya, North Korea, Russia, and Syria, can produce biological and chemical weapons. So what are we doing about it? Are we taking action? No. Senators are dragging their feet. The Government's seemingly uncoordinated and chaotic response to the anthrax scare and the public's ensuing panic to anything both powdery and white had overwhelmed our public health systems.

Many of our local health departments were found impotent and ill prepared, lacking such basic forms of communication equipment as computers and fax machines. Astonishingly, according to the former Director of the Centers for Disease Control, only half of the Nation's public health departments have direct, secure Internet access.

State and local health officials will be first on the scene in a biological attack. It is essential that they be capable of quickly identifying a deadly organism and disseminating that information widely and rapidly so that new cases can be caught early and the spread of disease can be stopped. Many local health departments, however, do not possess modern communications systems because of funding constraints.

Simply put, in the event of a chemical or biological attack, our local health care providers are probably better able to get more accurate information and more quickly from CNN than they are from other health care officials. So what are we doing about it?

Are we taking action? No. Some Senators are dragging their feet.

Our Nation's seaports are the soft underbelly of our homeland defense. U.S. ports are home to oil refineries and chemical plants that process noxious, volatile chemicals. There are 68 nuclear powerplants located along U.S. waterways. A hijacked vessel that crashes into a port can be used to ignite volatile fuels or gases and produce a fuel air explosion equal to hundreds of tons of dynamite.

Within a mile of the Inner Harbor of Baltimore is a major east coast import and export hub for a broad range of dry and liquid chemicals. If ignited, many are capable of producing ferocious fires, explosions, and clouds of noxious fumes immediately adjacent to such densely populated rowhouse neighborhoods as Locust Point, Highlandtown, and Canton.

So what is being done about it? What are we doing about it? Is the Senate taking action? No. Senators are dragging their feet—some Senators.

U.S. ports receive 16,000 cargo containers every day—16,000 cargo containers every day—and 6 million containers per year, but only 2 percent of those containers are inspected. That means that a terrorist has a 98-percent chance of sneaking weapons of mass destruction into the United States.

Cargo containers are piled up by the thousands at ports, depots, and huge outdoor warehouses. Many big cities, such as Charleston, SC, and New Orleans, LA, were literally built around their ports, and they present an attractive target. The only thing separating that container yard from where people live and work is a barbed-wire fence.

Cargo containers that are not inspected are quickly loaded and shipped to practically every town in America on top of ships, trains, and trucks. It would not be difficult for a terrorist to track a container with a global positioning system and detonate a weapon hidden inside.

So what are we doing about it? What is the Senate doing about it? The Senate is stalling. The Senate is not moving. Are we taking action? No, we are not taking action. Senators are dragging their feet—some Senators.

International authorities have linked 20 merchant vessels to Osama bin Laden. Some of the vessels are thought to be owned outright by Bin Laden business interests while others are on long-term charter. The Times of London reported in October 2001 that Bin Laden used his ships to import the explosives used to destroy the U.S. Embassies in Kenya and Tanzania in 1998.

So what is the Senate doing about it? Is the Senate taking action? No, no, the Senate is spinning its wheels. Senators are dragging their feet—certain Senators.

Nuclear material is easily available if one knows where to look. In January 2001, a panel headed by former Senator Howard Baker and former White House Counsel Lloyd Cutler found that the threat of terrorists getting their hands on Russian nuclear weapons is the most urgent, unmet national security threat to the United States today.

I served with Howard Baker. He is a man of great integrity, knowledge, and wisdom. He is a patriot.

Stealing or buying a warhead from Russia would be the quickest way for the terrorists or a rogue state to get a nuclear weapon, but it is much easier to construct a radiological bomb from poor-quality nuclear materials. A radiological bomb, or a dirty bomb as it is sometimes called, does not have a massive explosion, but instead it spreads radioactive contamination by using a conventional explosive.

So what are we doing about it? What is the Senate doing about it? The Senate is spinning its wheels. Are we taking action? Is the Senate moving on this bill? No. Senators are dragging their feet—certain Senators.

The list of gaps in our homeland defense structure is overwhelming. Senators should be ashamed of holding up action on this legislation. We ought to be doing everything within our power to ensure the safety of the American people to protect their lives and their property, but instead of moving quickly on this supplemental bill, instead of fulfilling their responsibility to protect the American people, some Senators would rather play politics. In other words, they would rather blow up the train.

What I fear is that with continued delay, we are making it far too easy for terrorists to blow up anything they want. We ought to move forward with this legislation. We ought to pass this bill. We ought to take steps now to protect the American people from terrorist acts. The administration ought to halt its opposition to this bill.

Senator STEVENS and I have tried our best to provide money for this country and for the needs of the Nation and for the Nation's defense, both at home and abroad. We held 5 days of hearings. We have brought a bill to this floor that we believe protects the interests of our citizens at home and continues our efforts to fight terrorism abroad. We had good witnesses. We did not omit important Department heads, important officials from the executive branch.

I, frankly, have difficulty in understanding the complacency about these matters.

We have alerts and prognostications, warnings, dire warnings, from the President, the Vice President, who has indicated quite clearly that another attack by terrorists of such dimensions as September 11 is virtually certain, almost certain.

Many other officials in this Government have indicated another terrorist attack on this Nation is a virtual certainty, and yet some people in this body appear to be asleep when it comes to the urgency of providing the funds that may prevent another attack.

Some Senators have problems with some of the items in the bill. They know what to do. They can offer amendments. Let us have a vote. They ought to offer amendments and ask for a vote. Come on, bring your amendments. Ask for a vote. Get a vote on your amendment.

Yet we have spent 3 full days already on this legislation, much of that time begging Members to come to the Chamber and offer amendments. Those amendments have been very slow in coming. It is obvious there are some in this body who wish further delay. Perhaps they are being prodded and urged by the administration to delay this bill.

What does it take to awaken Senators to the emergency nature of our situation? What does it take to jar some of the Members of this body out of the usual political posturing that so bores and distresses the American public? Does it take another horrific attack, with thousands of more lives lost, to focus the attention of the Senate on the urgency of this matter?

Cloture must be invoked. We must move this urgent legislation. We must shake off the complacency. We must stop playing politics with this Nation's security and get this bill to conference and on the President's desk. So I urge all Senators today to vote for cloture.

Madam President, how much time do I have remaining.

The PRESIDING OFFICER. The Senator has 4 minutes 20 seconds.

Mr. BYRD. I reserve that time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent, on behalf of the chairman of the Budget Committee, Senator CONRAD, to modify amendment No. 3764 earlier submitted by the chairman of the Budget Committee, to comply with the agreement with Senator DOMENICI on the budget enforcement procedures, and ask that that modified amendment be in order postcloture.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Madam President, reserving the right to object, every other amendment which is nongermane would be barred postcloture. I do not see any reason why this amendment should be treated differently than any other, and I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

The Senator from Texas.

Mr. GRAMM. Madam President, I yield myself such time as I might consume.

I do not know if anybody is confused about what is happening. I guess with everything that has been said today and yesterday maybe they are, so let me try to straighten it out. The President sent a request to the Congress for an emergency appropriation for $29.7 billion. In his request, the President outlined what he thought we needed to provide homeland security and to deal with the crisis that it poses. He urged Congress not to load up this bill with extraneous appropriations and not to use this as a vehicle to spend a whole bunch of money that we do not have, now that we are looking at the potential of running a $100 billion or $150 billion deficit. That is the request that the President made.

Let me outline the bill before us. I hear my dear friend, the Senator from West Virginia, talking about people dragging their feet; we need this bill. The President has already said he will veto this bill. The President has already issued a detailed outline running four pages, single-spaced, saying what is wrong with the bill and saying in the clearest possible terms that he is going to veto it.

So is this a political exercise or is this making law? Well, I guess that depends on one's perspective.

Why is the President so upset about this bill that he is saying it will be the first bill he has vetoed since he has been President? That is pretty extraordinary. A bill he requested, a bill that is aimed at providing homeland security, the man who requested it, who has the responsibility to all the people of the country for providing homeland security, the man who under the Constitution is Commander in Chief, is now saying he is going to veto this bill. Why is that?

Here is why: First, this bill spends $4 billion more than the President requested. That is $4 billion, in the words of our dear colleagues on the other side of the aisle, that will come right out of the Social Security trust fund. That is $4 billion that will not be there for trust fund accounts or for any other purpose.

The problem does not stop there. My guess is, if $4 billion of add-on spending had been piled on to this emergency bill the President probably would have swallowed hard, noted this is the way Congress works, and signed the bill. But that is not the biggest problem. Four billion dollars of overspending is not the biggest problem, and I will read from the committee's own document, from their committee report, where they outline what they are doing.

The President requested in emergency appropriations, to deal with exactly the needs we are talking about, $24.447 billion. When the President requested $24.447 billion for emergency appropriations, what does the committee provide; what does the bill before us provide? It provides not $24.447 billion. It provides $14.041 billion. In other words, this bill not only spends $4 billion more than the President asked for but in the committee report summary, it notes that it underfunds the President's request by over $10 billion. In other words, $10 billion in emergency appropriations the President asked for were not provided in this bill.

Now, one might say, they spend $4 billion more than the President but they do not fund $10 billion of emergency funding he asked for? How is that possible? I will explain how it is possible. In contingency emergency appropriations, these are things that are not true emergencies, the President had $2.7 billion of offset expenditures, but we do not provide $2.7 billion for nonemergency items. We provide $17 billion of nonemergency items and we do not pay for them. As a result, this bill funds $14 billion of nonemergency items that the President did not request.

So is anybody startled that even a President who goes the extra mile to be bipartisan, even a President who has done everything he could do to try to make this effort a bipartisan effort, has finally balked and said, look, the Congress is spending $4 billion more than I asked for? They are giving me $10 billion less in emergency spending than I asked for, and they are giving me $14 billion of nonemergency spending I did not ask for. As a result, the President is pretty upset. He kind of feels his effort to prosecute this war is being used to fund programs that he believes—and I am not saying he is the only person with an opinion—do not represent the right priorities.

Now given this is the situation we are in, given that our President has said he would veto this bill, is anybody shocked that Republicans are concerned about it and that we are objecting to it?

Mr. BYRD. Madam President, will the Senator yield?

Mr. GRAMM. I am very happy to yield.

Mr. BYRD. Will the Senator identify the emergency items that the President requested that the committee did not fund?

Mr. GRAMM. I do not have before me a detailed listing. I can get that and I would provide it. I simply point out to the Senator, in his committee report, which is dated May 29 of this year, in the classification of total amounts, the net appropriation is $3.8 billion above what the President requested; emergency appropriations are $10.4 billion; contingency appropriations are $14 billion more. They are your numbers.

I am not saying everything the President says is an "emergency" is the right designation and everything you want to fund which is not an emergency is the wrong thing. I am simply saying that the man who was elected by the American people to prosecute this war and to protect security asked for $29 billion. We are spending almost $34 billion. He asked for $24 billion of emergency spending, and we are giving him $14 billion. He asked for $2.7 billion in contingency emergencies—much of what he spends—and we are spending $17 billion for that purpose. So we are spending $14 billion more for nonemergency appropriations than the President asked for. Those are the facts in this.

I don't want to get into an argument with my dear friend, but I am reading from his report.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

I am on page 148.

Mr. BYRD. As I understand it—and I am confident I am right—there is only $65 million in the President's request for emergency that we did not approve.

The Senator is not on the committee. Let me tell you what we did approve. Fourteen billion dollars, as requested by the President, for the Department of Defense, for the war on terrorism; $1.95 billion for foreign assistance, virtually all of which was either requested or supported by the President.

Mr. GRAMM. If the Senator would yield, I would be happy to listen, but I only have a little bit of time left.

Mr. BYRD. The Senator is making some statements that are simply not true, and I would like to clarify them.

Mr. GRAMM. Let me give the Senator 1 more minute, and I will have to have my time back.

Mr. BYRD. There is $8.3 billion for homeland reform that the Appropriations Committee determines is necessary based on extensive hearings. The Senator was in not in those hearings. The ranking member was in the hearings. They were well attended by Republican Members. There is $5.5 billion requested by the President in response to the September attack on New York City.

The Senator has come to the Senate floor "loaded for bear," but he is saying some things that simply are not true about this bill. I think he had a bad dream. I think he had a nightmare. He is not feeling well. He is not feeling well this morning.

Mr. GRAMM. Let me read the words from the Statement of Administration Policy:

> The administration strongly opposes this bill and also would strongly oppose any amendment to further increase spending above the President's request.

Mr. BYRD. Madam President?

Mr. GRAMM. Continuing:

> The Senate includes scores of unneeded items that total billions of dollars all classified as emergency.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I cannot yield now because I have a very limited time. If we had unlimited debate, I would yield.

Mr. BYRD. I would love to go to that point.

Mr. GRAMM. Maybe when we get into the postcloture we can.

Finally, to sum up—and this is a President who has not vetoed a single bill, who came to this city determined to work on a bipartisan basis—he says:

> If the supplemental appropriations bill were presented to the President in its current form his senior advisors would recommend that he veto the bill.

The point I am responding to is that when people say they do not understand why there is opposition to this bill given that we are in an emergency situation, that simply leaves out that the President has already said he would veto this bill.

What we should be doing, it seems to me, is sitting down, perhaps the committee should go back and rewrite the bill, work with the President, and craft something the President would sign. The idea that somehow there is foot dragging going on when the President has already said he would veto the bill, I don't view as productive work in which we are engaged. It seems to me what we should be trying to do is to make this bill acceptable to the President.

I also note that if you look at every agency of the executive branch of Government, you see that this bill funds every single agency of the executive branch of Government at a higher level than the President requested, except one. There is only one agency of Government that does not get more funding than the President requested under this bill. Guess what it is. Only one agency does not get more funding than requested by the President. What is the agency? The Defense Department. And this is a bill that is about homeland security.

So there are two sides to the story. We are at an impasse. Those who want to see a bill signed into law and want to support a President who believes his effort is being subverted have some responsibility to do that. It is not that we are trying to be mean or hateful, it is that the President, who asked for the bill, said he will veto it. The numbers provided by the committee show it grossly overspends what the President requested; and not only that, it overfunds in areas that the President has said do not represent emergencies.

Finally, in what I think is a twisting of the process, when we had a budget, we said there could be an emergency under two circumstances: With an agreement of two parties, the President and the Congress. If the President says something is an emergency and Congress says it is an emergency, it does not count on the budget. But under this bill, this $14 billion of nonemergency spending that is added, the President cannot take any of the money that is provided for an emergency, even though it is $10 billion less than he asked for; he cannot spend any of it, unless he designates this $14 billion add-on as a nonemergency.

That is a perversion of the whole emergency designation.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from West Virginia.

Mr. BYRD. The Senator from Texas, I am sorry to say, is apparently having some hallucinations. The President requested—if the Senator will look at the report, the Senator questioned $27,143,519,000.

The White House said the very same thing about homeland defense. They did not need the money. They did not want the money. Tom Ridge wrote me a letter—I believe he sent a copy of it to Senator STEVENS, or he may have written the same letter to Senator STEVENS, I am not sure, but he sent me a letter saying they did not need the money, they did not want the money, they would determine what they needed in due time and tell us what they needed.

This Senate added $4 billion for homeland defense last year over the President's request. It is being used; it is making a difference. And after all of the hearings of this committee, before Republicans and Democrats, after all the hearings in which the executive branch participated, this is the outcome. This bill that we have brought to the floor is the result of those hearings. Go back and tell your firefighters, may I say to the Senator from Texas—go back and tell your firefighters, tell your law enforcement people, tell your policemen, tell your health officials, tell those people, tell the people back home they do not need this protection. Tell them; don't tell us.

The Senator was not on the committee. I greatly honor the Senator from Texas but he is absolutely wrong. He is dead wrong. He is having dreams. He is having nightmares. He is really wrong. The figures he quoted this morning, if we had the time, I would show, are absolutely false.

This committee, 29 members, backed this bill. Fourteen of those members were Republicans. They voted to report this bill, and they are right.

So I say to the Senator—if I may have his attention?

Mr. GRAMM. You certainly may.

Mr. BYRD. Would he please offer amendments. If he doesn't like this bill, offer amendments to take out the money, and then you can tell the people back home, you can tell the policemen, you can tell the firefighters, you can tell the health personnel, you can tell the people at the local level, that their safety doesn't matter. Their safety doesn't matter.

What the administration says is apparently what matters. But the administration was wrong last year. The Senate was right last year. The administration is wrong this year, and the Senate is right this year.

So I urge Senators to vote for cloture and then let's vote on the amendments.

WAGE INDEX FAIRNESS

Mr. SESSIONS. Madam President, I rise today, along with my distinguished colleagues, Senator SHELBY and Senator HUTCHINSON, to offer an amendment to the Emergency Supplemental Appropriations bill. I have come to the Senate floor many times in the last 5½ years to talk about this issue—the wage index—and I will continue to do so, and I will continue to offer my bill S. 1001, the Wage Index Fairness Act, as an amendment until we do something about it. I wanted to offer this amendment to the emergency supplemental bill because it is, in fact, an emergency. The wage index is causing hospitals in rural areas all over America to close their doors and to turn away patients. We cannot allow this to continue.

The wage index is an injustice to rural communities that I believe has reached emergency levels. This terrible inequity within the Medicare wage index formula must be addressed in order to ensure access to care for Americans in need. This amendment, which is cosponsored by my colleague from Alabama, Senator SHELBY, as well as my colleague from Arkansas, Senator HUTCHINSON, will establish a floor on area wage index adjustment factors used under the Medicare Prospective Payment System for inpatient and outpatient hospital services

Over the past years, I have visited numerous hospitals, and at every one, hospital administrators and hospital staff have urged me to do something about the wage index. They have illustrated for me the amount of money they lose each year as a result of this unfair formula, as well as the struggles that result including fighting to keep their hospitals staffed and their doors open. Time after time fixing the wage index has been cited as the number one issue for Alabama's hospitals, and I have worked closely with the Alabama Hospital Association and its members to develop a plan to address the wage index problem.

A complicated and mostly arbitrary formula, the wage index is part of the hospital Perspective Payment System, PPS, which was created in the early 1990s in an effort to cut Medicare spending. It established a base rate for Medicare reimbursement based on two components: labor and nonlabor related costs. While nonlabor related costs are similar nationwide, labor-related costs must be adjusted to account for the regional differences in wage costs. This adjustment is made according to a wage index.

Rural areas such as Alabama and Arkansas have low wage costs; therefore, their Medicare reimbursement is much lower than in other parts of the country. Alabama actually has the lowest average wage index in the country, and Montgomery, Alabama's capital, has the lowest wage index in the State. In fact, the wage index for all Alabama's hospitals is between 0.74 and 0.89—well below the national average.

The amendment I have introduced would establish a wage index "floor" for Medicare reimbursement to hospitals. By raising the minimum wage index to 0.925, we can help those hospitals that have been hit hardest by the unfairness of the wage index formula. Other legislative proposals may fix the wage index, but they also include additional funding for other portions of Medicare reimbursement policy. My bill addresses just the wage index and will help nearly half of the hospitals in the country. According to the American Hospital Association, this proposal will benefit 2153 hospitals across America.

Illustrating what an important issue this is, my friend and colleague, Senator HUTCHINSON, has also filed an amendment on the wage index and base payment amount, is that not correct Senator?

Mr. HUTCHINSON. I have also filed an amendment to the supplemental appropriations bill on this critically important issue. While my amendment, cosponsored by Senator CLELAND, will not be considered relevant if the Senate invokes cloture on the supplemental appropriations bill this morning, I want to stress to my colleagues how important it is to the livelihood of hospitals across America who are struggling every day to survive and to meet growing health care demands.

Cuts in Medicare and Medicaid reimbursements, coupled with health care inflation and a dramatically growing health care worker shortage, are forcing many hospitals to shut down units, cut services, or close down entirely. This truly is an emergency situation, and Congress needs to take action.

The amendment I am offering is based on bipartisan legislation I introduced called the Area Wage and Base Payment Improvement Act, which now has 26 cosponsors. It is designed to help rural hospitals keep pace with today's salary requirements for their workers by setting a minimum payment on the area wage index. Such an area wage index floor—set at .0925 percent—would bring Medicare payments for at least 2,100 hospitals nationwide closer to the national average of 1 percent.

The amendment also eliminates the disparity in the Medicare inpatient base payment amount by moving rural and smaller metropolitan hospitals to the same payment level received by large urban facilities. This change in the base payment amount is also supported by the Medicare Payment Advisory Commission. In total, my amendment would provide an additional $328 million in needed payments to rural hospitals in Arkansas.

These rural hospitals are truly the lifeblood of their community. Not only are they often the primary source of health care in a given community, they are also a major provider of jobs in a given area. The financial failure of a hospital puts its whole community at risk because, without these institutions, medical services, social services, and jobs disappear.

Small and rural hospitals have been especially hard hit by staffing shortages, particularly in the field of nursing, since lower Medicare reimbursements and the very nature of rural areas make it difficult to recruit and retain qualified staff. In Arkansas and Alabama, rural hospitals are losing staff to bigger salaries offered by large, urban hospitals out-of-state. Meanwhile, in many urban area hospitals, fierce competition for qualified workers is creating serious retention issues as workers are hopping from job to job.

I ask my colleague how is this competition for workers affecting hospitals in Alabama?

Mr. SESSIONS. Alabama is having to compete with surrounding urban areas such as Atlanta, GA, for health care professionals. In order to recruit these highly qualified health care personnel, Alabama's hospitals must offer urban wages. This has become nothing short of a bidding war due to the national shortage of health care professionals, and nurses and health care technicians who are being offered high pay, living expenses and, in some cases, traveling expenses to leave Alabama and work in larger urban hospitals. Alabama hospitals must offer higher wages, but they are not fairly reimbursed by Medicare based on these higher costs. Their reimbursement continues to be adjusted by this capricious area wage index, which, as I have just illustrated, does not always reflect the actual labor costs.

The annual impact of the wage index formula results in a reduction of Alabama hospital payments by between 5.5 and 6.5 percent each year or close to $46 million/year. Until we fix this problem, Alabama hospitals and hospitals all over the country will continue to lose millions every year. Already forced to make the most of limited resources and to continue to provide care for the State's uninsured, these hospitals will face tough decisions regarding health care services. They will continue to postpone important projects and the purchasing of much-needed equipment.

In my home State, it is easy to see how arbitrary and unfair this formula is. In Mobile, AL, the prevailing wage index is 0.81. Just across the border on the Mississippi side in Pascagoula, less than an hour's drive away, the wage index is 0.88. On the other side of Alabama, in Pensacola, FL, also about an hour's drive from Mobile, the wage index is 0.89. There is no reason for the difference. The wages are not that different. But what it means, is that the hospitals in Mobile get less Medicare reimbursement than those in the other two areas. This formula is arbitrary and unfair.

The Centers for Medicare and Medicaid Services, CMS, and the Medicare Payment Advisory Commission, MedPAC, have recognized the problem, and they have even made recommendations to change the wage index.

In addition to these recommendations, several pieces of legislation have been introduced in this Congress to address the wage index. Senator GRASSLEY, ranking member on the Senate Finance Committee has been a champion of changing the wage index, in fact, he introduced legislation last year that I and several of my Senate colleagues cosponsored. I also appreciate the support we have received from Senators SPECTER and HARKIN during last year's Labor, Health and Human Services Appropriations debate. I thank them for their support and welcome their offer to help fix the wage index. Although many have recognized the problem with the wage index, nothing has been done to fix it.

While I understand the upcoming cloture vote will make my amendment nongermane as well, I still feel compelled to offer this amendment to the bill to illustrate to my colleagues the true urgent need to fix the wage index. I hope that my colleagues will realize the urgency of this matter and will work with me to fix this inequity. I urge the Senate Finance Committee and my colleagues to join Senators SHELBY and HUTCHINSON and myself in our efforts to fix the wage index formula and to help our hospitals continue to provide the high quality of care and the access to care Americans deserve.

Does the Senator agree that there is broad bipartisan support for these changes?

Mr. HUTCHINSON. Yes, the area wage index floor and base payment change proposals both enjoy broad bipartisan support. As I mentioned earlier, 26 Senators have cosponsored the Area Wage and Base Payment Improvement Act. Elements of this legislation have also been included in legislative proposals introduced by both Senators, GRASSLEY and BAUCUS, and I thank them for their leadership in this regard. The fact is that rural hospitals desperately need Congress to fix this inequity. These hospitals are a vital like in our Nation's health care safety net, and we must ensure that they are able to continue to offer quality health care services to rural Americans.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Nevada.

Mr. REID. Mr. President, is there any time remaining to the Senator from West Virginia?

The PRESIDING OFFICER. There remain 45 seconds.

Mr. REID. I ask that time plus 1 minute be given to the Senator from North Dakota, and equal time be given to the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, when the Senator from Texas objected to the unanimous consent request that was made by the Senator from Nevada, what he was objecting to was a bipartisan agreement on a budget framework and the extension of the budget disciplines that expired at the end of September. All we were asking was for the body to have an opportunity to vote after the cloture vote this morning. That is because under the rules of the Senate, postcloture, that amendment to have a budget, to have the budget disciplines extended, will not be permitted.

There has been criticism that we have not had a budget for this year. I think all of us understand the jeopardy of not having a budget framework and the lack of the budget disciplines, which expire in September extended. This was an opportunity to address those critical concerns. I regret that the Senator from Texas objected. He doesn't want to give the body an opportunity to vote, to discuss, to debate, and to decide.

We had a chance to put in place a budget framework and to extend the budget disciplines to keep the appropriations process from spiraling out of control. We will have to revisit that issue, but I hope people will think carefully about whether we really do not want to have any budget disciplines as we go through the appropriations process.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, forgive me, but for the chairman of the Budget Committee, who has not brought a budget to the floor—for the first time in my entire period of service in Congress—to be saying that he wants to write a budget by changing the rules of the Senate to allow it to be germane in a appropriations bill, when it doesn't even set totals as to how much we are going to spend, and criticizes me for objecting—I am sorry, but I think that just simply goes too far.

Quite frankly, we should have brought a budget to the floor. We should have debated it. We should have voted on it. We did vote on the Senator's budget yesterday and not one Member of the Senate voted for it. I guess every Republican thought it spent too much and every Democrat thought it spent too little. But the net result was, unless I am wrong, and I will stand corrected if the Senator would correct me, it got zero votes. So I do not understand being criticized because the Senator did not bring a budget to the floor.

Mr. CONRAD. Will the Senator yield?

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. I ask unanimous consent for an additional 30 seconds.

Mr. GRAMM. And if I could have the same.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I say to my colleague from Texas, when he says there were no number limits in what I was offering, he is wrong. He objected to putting in the very limits that he requests. This was our opportunity. We had a chance to have a budget framework and to extend the budget disciplines and the Senator from Texas said no. We will not even allow the body to consider it.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. We voted on a discipline yesterday. The Senator voted against it, raised a point of order against it, and it was his number and he voted against it.

I would like to say, Senator BYRD asked me where are we not funding something the President requested? I just opened up the bill and just looked at the first two pages. For staff and expenses of the U.S. Marshals Service, this appropriation is down $2.1 million; for the Drug Enforcement Administration, it cuts $13 million. I don't know—I could go further but I see I am out of time.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, under rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the supplemental appropriations bill, H.R. 4775:
>
> Harry Reid, Patty Murray, Barbara Boxer, Dianne Feinstein, Jack Reed, Dick Durbin, Tim Johnson, Jeff Bingaman, Robert Torricelli, Tom Harkin, Daniel Akaka, Byron Dorgan, Joe Lieberman, Tom Carper, Bill Nelson, Maria Cantwell, Barbara Mikulski.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 4775, an act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Dakota (Mr. DASCHLE) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 87, nays 10, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—87

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Breaux
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—10

Allen
Brownback
Bunning
Feingold
Fitzgerald
Kyl
McCain
Sessions
Smith (NH)
Specter

NOT VOTING—3

Bingaman
Daschle
Helms

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The Senator from Nevada.

Mr. REID. Mr. President, we are now on postcloture regarding this very important legislation. I have spoken to the majority leader. If we can finish tonight, of course, there would be no rollcall votes tomorrow. If we cannot, everyone should understand, we will work until we finish this bill.

The President wants a bill. He may not like what we have now, but I am sure he will like what comes out of conference.

I suggest that we, in the next little bit, work with those who want to change this bill. We will try to work out a list of amendments people can offer that are germane. We will be as cooperative as we can. Everyone should understand, we will finish this bill. It will be finished this week. That is the way it is. If we get no cooperation from everybody, then we will have a vote at approximately 5:30 tomorrow tonight on this legislation. We are going to finish the bill this week.

The President has been calling for action for more than 2 months. We have been working on this measure, wasting a lot of time this week. The wasteful time is over. As I told the Republican leader earlier today, I appreciate his coming to the floor advocating that Republicans vote for cloture, which they did.

I hope we can move forward expeditiously. I say again, we will finish this bill tonight if possible, with no votes tomorrow. Otherwise, we will work through tomorrow until we finish.

I yield to my friend from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I tell my friend and colleague from Nevada, I am happy to work with him to try to expedite consideration of the bill. I might note, the President sent the urgent supplemental request on March 21. It was just recently marked up—I believe, last week. So we have had it on the floor for a couple days. We have had a chance to review it.

We did cooperate with the assistant majority leader to invoke cloture, which is unusual. I can't remember invoking cloture on an appropriations bill. Maybe the chairman of the committee remembers. It has probably happened, but it is not often. We did it in an effort to try to streamline it.

There are a lot of people trying to pass a budget on this bill. I happen to be on the Budget Committee. I would like for us to consider a budget, but we haven't had a budget on the floor of the Senate yet. Some people were trying to rewrite the budget through the Appropriations Committee, and I questioned the wisdom of that. I was a little concerned about that. Invoking cloture eliminates the budget debate. We are not going to have four or five more proposals dealing with budgets and caps and budget rules, and so on. We will deal with appropriations bills.

Now we have a list of amendments, a list of amendments germane postcloture. I will work with the Senator from Nevada to review that list. I don't know if we can possibly pass this bill tonight. I will try. I will work with him to try to do it. We will try to pass a good bill. Some of us are concerned about the expense of the bill. The bill is $4 billion over the President's request, and we didn't fund everything the President requested. There is a provision in here that says we are going to change how we do emergencies. I have an amendment to deal with that. I will call it up pretty quickly.

I urge all my colleagues, Democrats and Republicans, if they have germane amendments, to bring them forward. Let's consider those and see how much progress we can make on the bill. I don't know if we can finish this bill tonight. I will work with my colleague to do so.

If not, we will work to see if we can't come up with a timetable, a framework to where it is mutually agreeable to finish this bill as soon as possible.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Oklahoma, Senator BYRD and Senator STEVENS marked this bill up 2 days before the House reported it. This was following long, very productive hearings that Senator BYRD and Senator STEVENS conducted. In my 20 years in Congress, I don't know of more in-depth, important hearings that have ever been held. Everyone from the administration was called to make their opinion known as to what should happen with homeland defense and the security of the Nation. These were long hearings. I didn't spend the time in committee that the chairman and ranking member did, but these were great hearings.

For someone to suggest—I am not confident that the Senator from Oklahoma did—that the Appropriations Committee was dilatory in any fashion is a mistake. This is one of the most in-depth, prepared bills I have ever come in contact with, even though most emergency bills don't have the background and depth this bill has.

We have marked this up; the Appropriations Committee did it 2 days before the House reported it. As everyone knows, we were even willing to bring it up, as the chairman of the Appropriations Committee, Senator BYRD, tried to do, before the Memorial Day recess. There was objection heard from my friends on the other side of the aisle.

We are now to a point where we will finish the bill. There is no way to slow it down. There are a number of problems we have in postclosture, but one of them is not, as we usually have in the Senate, an indefinite time period. We have a definite time period. We have already notified the cloakroom to have Presiding Officers here all night tonight. We will finish this bill by tomorrow. We want this bill to go to conference next week. We want the bill to go to the President as soon as we can.

I am confident the chairman of the committee would say this: There are many inadequacies in our homeland defense. This bill will plug some of those holes. The sooner we do that, the safer my State of Nevada will be and every other State in the Union. We are moving forward. We are ready for the first amendment whenever anyone is ready to offer it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I have a number of amendments. I will be ready to propose them. There is no sense in reviewing how quickly we got to this point. In my memory there has not been a cloture motion filed on the first day a bill is considered.

All that aside, we are where we are. I respect and appreciate the motivation of the Senator from Nevada for getting this done as quickly as possible, perhaps tonight or tomorrow. Therefore, I believe I ought to tell the Senator from Nevada that in order to expedite that, there should be no managers' amendment package because I will, because of the egregious aspects of managers' amendments in the past, packages which none of us have seen and all too often have been agreed to because it is late at night, unless we agree—first of all, there should not be a managers' package of amendments. We should debate and vote on all amendments. But if I am not in agreement with them and others are not in agreement, we will have recorded votes on those amendments, I tell the Senator from Nevada.

We will not have one of these deals that we have seen in the past so many times where at the very end—maybe at 10 or 11 o'clock at night—there is a unanimous consent agreement that a managers' package be accepted. We are not going to do that.

So if the Senator from Nevada wants to get it done tonight, I recommend that he play some role in making sure we don't either have a managers' package or the contents of it are well known to all Members of the Senate and not discovered by reading the newspaper in the following days. I tell the Senator from Nevada, I will be ready with the first amendment that we have very shortly.

I yield the floor.

Mr. REID. Mr. President, I say to my friend from Arizona, a State next door to Nevada, that we did not file cloture on the first day, but we filed it on the second day. On the first day, we came for business and there was nobody from the minority here. We did not stay in session very long because there was no business to be transacted. That is one of the problems we have in the Senate. People think that if we have a bill up on a Monday or a Friday, it is kind of a day that doesn't really matter. We should be conducting business on those days. So cloture was filed on the second day.

I agree with the Senator that it would have been better if we had held off a little bit, but we simply were getting nothing done. The Senator will remember that on that day we accomplished nothing. Out of frustration and the fact that my dear friend, the senior Senator from Texas, stated that there was an effort by him and others to "slow down the train"—and we read the next day in the Daily Press that there was an effort by the Republicans to slow-walk this legislation and other legislation—I think the majority leader had no alternative. I think he did the right thing. As the Senator from Arizona said, it doesn't matter, it is water that has already gone under the bridge. We are here now. Let's work together to try to get this bill, which the President says he wants badly and we believe he needs badly, to sign for our country.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I am not trying to take the place of anyone who wants to offer an amendment. I thought there was a little loose time here. Is the Senator ready? I wanted to speak a couple of minutes.

Mr. McCAIN. I am glad to wait.

Mr. DOMENICI. I thank the Senator.

Mr. President, let me make a couple of observations. It seems to me that there is no question that we are going to pass this supplemental. The President of the United States will have his rights, when this bill goes to conference, to argue with the Senate and the House conferees and have his input. It is very difficult to perceive a situation where, when you are talking of more than a few billion dollars and more than 100 or 200 projects or programs or activities that are funded—it is pretty hard to come up with the same number for the President and the Congress. As a matter of fact, it has taken me a long time. I fess up to understand that the Budget Committee ordered that the Congress pass a congressional budget, and it is most interesting that they didn't say a Presidential and congressional budget; they said a congressional budget. Then, of course, nobody took away the President's prerogatives as that budget was implemented. The President retains his prerogatives to be for or against the bills that come from that budget..

In fact, there have been some in both Houses who have attempted to change the Budget Act so the President could be part of it. They have never gone anywhere—those proposals—because we are supposed to do our job, and the President, with the OMB and others, does his job; and eventually we come to a rational conclusion somewhere down the line.

I believe the far bigger mistake we are making as we move toward appropriations this year than trying to square this bill up in actual dollars exactly the same as the President's, or that we not get any cap language that exceeds the President's, I think the most important thing is to try to save some of the enforcement provisions of the Budget Act so they will be living throughout this process next year and give everybody an opportunity to see whether they want to get rid of the entire process or whether they want to maintain the seven, eight, or nine important provisions that help us around here.

I am not suggesting I know how to do that now in a postcloture position. I will continue to work with the leader on the other side and the leader on this side and the respective whips and Senator BYRD, Senator STEVENS, and anybody else to see if we cannot have a bipartisan agreement. Let's retain the amendment. Let's retain what? Let's retain some significant portion of the enforcement provisions in the Budget Act, adopt them as a statute for 1 year in this appropriations bill. I believe that is the most helpful thing we can do even if the numbers are not identical with the President's.

For instance, in the entire budget, it looks as if we are coming down with an agreement that probably would be supported by more than half of the Senate, which says we cannot meet the President's appropriations number, but we can put together pieces and be maybe $8 billion to $10 billion higher on this gigantic budget. That does nothing to change the President's budget, does nothing to put him in a position where he is getting the short end of what is expected to be a congressional budget provided for in our own language, and then we have one called a budget of the U.S. Congress.

I hope, for those who are interested, we will continue to work on that. In the meantime, clearly, with the last vote, we are on a path to hurry up. I think that is relatively good considering where we have been in the past.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3764

Mr. NICKLES. Mr. President, parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 3764 by the Senator from North Dakota, Mr. DASCHLE.

Mr. NICKLES. Is that amendment germane postcloture?

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is not germane.

Mr. NICKLES. Does the amendment fall?

The PRESIDING OFFICER. On a point of order.

Mr. NICKLES. Mr. President, I make that point of order.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 3703

Mr. McCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. FEINGOLD, proposes an amendment numbered 3703.

The amendment is as follows:

(Purpose: To strike the amount provided for design of a storage facility for the Smithsonian Institution)

On page 73, strike lines 1 through 11.

Mr. McCAIN. Mr. President, this is not a very big or important amendment, but I think it has some symbolism associated with it. The amendment concerns striking $2 million for the Smithsonian to begin design of an alcohol storage facility for animal specimens away from The Mall.

In the Statement of Administration Policy that was sent up on June 4, the President states his strong objections to the increases in spending over what the President had requested, and it also states if the supplemental appropriations bill were presented to the President in its current form, he would veto the bill.

This is just $2 million of a several-billion-dollar increase over what the President requested. But in the Statement of Administration Policy, the Office of Management and Budget goes on to specify certain expenditures that are, in their view, either unnecessary—it says the Senate bill includes scores—quoting from the message—"includes scores of unneeded items that total in the billions of dollars, all classified as an emergency."

The bill adds unrequested funds for numerous programs and projects throughout nearly all of the Federal agencies. Some of these items relate to homeland security—many do not—including $11 million to the National Oceanic Atmospheric Administration for economic assistance to New England fishermen and fishing communities; $26.8 million for the U.S. Geological Survey for urban mapping activities; $2 million for the Smithsonian to begin design of an alcohol storage facility for specimens away from The Mall. They go on to add that the President's fiscal year 2003 budget already includes funding for this project in fiscal year 2003.

So, basically, what we are talking about is a project that already is included in the President's budget for next year. Apparently, the people at the Smithsonian are seeking to accelerate that, which I can certainly understand because then they will have some millions of dollars—$2 million extra—to spend on other projects at the Smithsonian, a wonderful and venerable institution. But to no objective observer could this be viewed as a response to, as the title of the legislation is: Making supplemental appropriations for further recovery from a response to terrorist attacks on the United States. This is clearly not it.

To make a long story short—I do not intend to spend too much time on it—the President believes it is unnecessary, I believe it is unnecessary, and I believe it needs to be taken out and the money spent at the normal time in fiscal year 2003, which is in the President's budget. I am sure they will receive those.

Someone who supports this will say this is a serious situation, that the temperature control is an important aspect, alcohol is flammable, and we should be as careful as possible, et cetera. I agree with all of those arguments, but I also would argue that other measures can be taken and this project can be moved forward at the appropriate time.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the supplemental appropriations bill does include $2 million for the Smithsonian Institution to begin planning and design work for construction of a storage facility that would hold specimen collections preserved in alcohol.

The House included this amount in its version of the supplemental appropriations bill. The amount is requested by the administration in the Smithsonian's fiscal year 2003 budget estimate. So the administration supports this item.

The Smithsonian's National Museum of Natural History on The National Mall holds one of the largest natural science specimen collections in the world. Most of this collection is preserved in alcohol, an estimated 730,000 gallons of highly flammable liquid occupying 50,000 square feet of space at the museum.

The storage space at the museum does not comply with the fire and safety codes, exposing the public—we are talking about exposing the public here—to significant risks. For example, large areas of the main building have no sprinkler system, and there are no firewalls between the newer wings and the older central exhibition spaces of the museum.

With the equivalent of several jet planes loaded with fuel—now get this—with the equivalent of several jet planes loaded with fuel now housed on The Mall, the committee has acted responsibly in providing funds to begin the work that will eliminate this hazard. We should not wait until next year. To wait is to take great risks with human lives.

Funds can be obligated immediately, thereby accelerating construction of an appropriate storage facility for 6 months to a year. This is a significant fire hazard on The National Mall, and we ought to attend to it now, not wait until next year.

The administration supports this item. They asked for it in the 2003 bill. What is wrong with going ahead with it now? The museum informed the committee that construction could begin early.

I know it sounds good that we are appropriating money for construction of a storage facility that would hold specimen collections preserved in alcohol. Yes, it has a political sound on which it is easy to beat the drums. But this is something that involves human lives, not just worms, not just insects. It involves human lives. Let someone start a fire down there with all of this inflammable alcohol, and we will be spending more than $2 million, and there will be human lives involved.

I urge that the Senate not support the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, will the Senator from West Virginia allow me to ask a question?

Mr. BYRD. Yes.

Mr. REID. Mr. President, it is my understanding that these products—and I certainly am not going to divulge the location publicly—are in a very sensitive location.

Mr. BYRD. No question.

Mr. REID. Very close to the Capitol where millions of tourists come every year.

Mr. BYRD. Absolutely; no question about that.

Mr. REID. Any kind of a suicide bomber, a car bomb would cause a conflagration that would be untoward if these products were ever involved.

Mr. BYRD. There is no question about that.

Mr. REID. The Senator knows, as has been developed—and I assume that is why the House put it in this bill——

Mr. BYRD. The House put it in the bill.

Mr. REID. The reason they did is they were concerned about the safety of not only hundreds of thousands of people who work in the Capitol complex area but the millions of tourists who come every year.

Mr. BYRD. No question about it. The Senator is absolutely correct. And I certainly would not want to be a Senator who voted for this motion to strike this item if something happened. And who knows what might happen today, tonight, tomorrow.

Mr. REID. Mr. President, I can say for this Senator, I appreciate the House putting it in the bill. I appreciate Senator BYRD and Senator STEVENS having it in the bill before us because I think to remove this legislation is such a wrong way to go.

If we are talking about homeland security, the place to start is with this amendment.

Mr. BYRD. I thank the Senator for his expression of support.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me outline for my colleagues what I think we are going to do. I do not speak for everybody on my side, much less everybody in the Senate. What we are going to do is pick out maybe a half a dozen instances of provisions that are in this bill that the President did not ask for, that do not represent an emergency as we conventionally define it. We are going to give Members of the Senate an opportunity to vote to keep them in or take them out. Let me talk about the Smithsonian issue.

The President proposed in his budget for 2003 that we build a new state-of-the-art facility that will maintain the temperature at 65 degrees so that we can take specimens that are stored in alcohol at the Smithsonian Institution and move them to this building; that lowering the temperature would reduce the amount of evaporation and, in the process, preserve the specimens better than where they are currently stored.

No one argues—not one person I have heard argue or anything I have read on it, and I have read everything I could get my hands on about this issue—no one argues that we can build this facility right now. There is not even a blueprint for it. The funds, if we provide them, would be available on October 1 through normal appropriations.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. BYRD. This is the design money. The construction will follow. Why not get on with the design money? We could save some time, possibly save some lives.

I thank the Senator for yielding.

Mr. GRAMM. The President has asked for this funding as part of his ongoing appropriation process. The funds would be available on October 1. The odds that we are going to spend the money before October 1, in my opinion, given the experience we have in these kinds of matters, is relatively low. What this amendment does in reality is it takes an ongoing appropriation to provide funding for the storing of specimens in test tubes and jars in a new facility, makes it an emergency so that money that would have been provided in the regular appropriation process can be spent on something else.

I will read from the Washington Times statements about this issue.

> Smithsonian officials acknowledged that the need for specimen storage did not result from the terrorist attacks on September 11. "It predates September 11," said Jerome Conlon, assistant director for facility operations. "It certainly has been on our wish list, yes."

The point is there are a lot of things on wish lists. Almost anything could be deemed to be an emergency. The point is the President sent us a targeted list of things that cost $29 billion. This is an item that has to do with the storage of specimens in the Smithsonian. It is true that one can argue that someone could blow up the Smithsonian and get an afterburn from specimens in alcohol. One could argue that almost anything we would do would be an emergency, but the point is the Smithsonian does not say this is an emergency. The President did not ask for it as an emergency.

It seems to me that an explosive at a chemical plant in Beaumont, TX, would be a lot more dangerous than one in the Smithsonian with alcohol tubes.

I want to protect against both, but the point is where is the line drawn on what is an emergency? If we took the standard that anything that could potentially be considered as a terrorist target is fair game for this emergency appropriation, we could literally spend $100 billion, $200 billion.

The point is the President did not consider this to be an emergency. The Smithsonian did not consider this to be an emergency, but it was added to this bill along with other items on which we will vote, some of which are even clearer, but I think this is a pretty clear example of something that was in the appropriation process that the President requested through the normal channels but it has found its way into emergency funding. I do not think we ought to do this. I think this is one of a dozen or so clear examples of where we have overreached in designating emergency. You can make an argument for anything that it has an emergency overtone to it, but basically this is an ongoing activity of the Smithsonian. It was in the President's request for 2003. I think logic would dictate that it be funded through the normal process.

Let me make this concluding point. The question before us, it seems to me, is not are we going to build this new building for the Smithsonian; the question is, does it represent such a dire emergency that it should be exempted from the budget process and we should fund it by running a deficit and funding that out of the Social Security trust fund?

I argue that where we are talking about clear examples, where the President and the Congress agree, which is our definition of an emergency, in law, that there is an imminent threat, the answer is yes, we should run a deficit to do it. But in a case where the President says this is not an emergency, where it is going to occur anyway through the normal appropriations process, where the Smithsonian admits that it is not an emergency, it has been on their wish list for quite awhile, something they want to do and that is worthy, it seems to me that under these circumstances this should not be funded as an emergency.

I think the case is clear cut. Obviously, people can vote however they want to vote, but what we are doing in this emergency designation is we are waiving the Budget Act, we are raising the deficit, we are spending the Social Security trust fund because this is an imminent emergency. The point is the Smithsonian says it is not. The President says it is not.

The question is, should we designate it as that or should we allow it to be funded through the normal appropriations process where the funds will be available on October 1? It seems to me that the clear answer is, this should not be in this list of dire emergencies.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Nevada.

Mr. REID. Madam President, for my friend to suggest that this is stuff stored in test tubes and jars, he certainly does not understand the issue. There are 730,000 gallons at a site so close to where millions of people come every year, and it seems to me there are a lot of things that are emergencies but I think the Appropriations Committee in the House and the Appropriations Committee in the Senate did the right thing in getting the program on its way so they could find another place for 730,000 gallons of alcohol and formaldehyde. This is an emergency. It should remain in this bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. When the time is ready to expire, I intend to make a motion to table the Senator's amendment. I believe others may want to speak on it, so I do not want to do that in advance, but I will say this: This is money to start this project, one that we all believe is extremely necessary due to the location of the Smithsonian. It is a very small amount of money. Maybe that is why the argument was started. It may be about a very small amount of money, but it is one that collectively, on a bipartisan basis, we thought ought to be initiated now. We will address the full amount in the 2003 bill, and I think that is proper.

This is not the kind of money that has to go through all kinds of rigmarole at OMB to get released. It is money that will be immediately available to start this design, and by the time the money is released for 2003, it ought to be possible to move this really a year ahead if we start now.

So I urge the Senate to support our recommendation. I do not know how the House will feel about it, but it is a nice test case to see whether or not the Senate wants to support the judgment of the Appropriations Committee on the staging of monies for the Smithsonian. This is an emergency to get that collection and everything else out of that building and get it where it should be, away from the concentrated area of the District of Columbia and the millions of visitors who come to Washington, DC.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I will be very brief. I look forward to a vote. The Senator from Texas and I will have several votes, not an unending stream of votes because we will know after three or four votes whether there is going to be any imposition of fiscal discipline or is this just a spigot that is going to be turned on. It is not the amount of money that is symbolic about this vote. It is whether, as the Senator from Alaska said, we will rely on the judgment of the Appropriations Committee, as he just stated, or we will rely on the judgment of the Commander in Chief, the President of the United States, who specifically in his veto threat objected to this provision in the appropriations bill. It is really that simple.

So it is not $2 million. It is, whose judgment are we going to trust? Are we going to—as with other amendments, as I say, we will establish a precedent for it—be able to trust the judgment of the President of the United States or the judgment of the Appropriations Committee?

So I look forward to a quick vote. I say to the Senator from Alaska we have no further debate on this issue.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, I will be very brief. I have had the opportunity to sit on the Board of Regents of the Smithsonian Institution.

I have been in numerous meetings, especially since September and October, addressing this very specific issue.

Having listened to the presentation of the people who have studied this issue most carefully inside the Smithsonian Institution, I am very hesitant to back away from the recognition that we have over 730,000 gallons of highly flammable alcohol within about 150 yards of where we are sitting right now. I don't want to overstate or understate, and I read what has been written about this in the last several days.

Let me make several points. We are talking about the National Museum of Natural History located on the National Mall, right outside the door. It currently holds tens of thousands of specimens. These specimens are placed in highly flammable alcohol jars. The collections today occupy about 50,000 square feet of space in various areas of the museum. They do not today comply with the fire code that has been written locally in this area, in this region, in this district, in this part of the country. They do not comply with the fire code. They are stacked under a stairwell where we have thousands of people walking over the course of a month.

The National Museum of Natural History has 1,200 staff and 25,000 visitors on a weekday who are walking either over, because it is stored under a stairwell there, or around the flammable jars.

This issue has been a concern of the Smithsonian. I have been a regent for about 6 years, for some time. For my colleagues who have not been in the room, recent national security reviews highlighting the vulnerability of highly visited public buildings indicate this problem should be resolved as soon as possible.

The Smithsonian, as mentioned before, has planned to build a specially designed storage facility at the research and storage complex in Maryland, removing the collections from The Mall area where we have so many people coming from all over the United States of America to visit.

We need to remove this as soon as we possibly can. If the Smithsonian can plan it, it is in the underlying plan. If they do that—it will not be done in 2002—those 730,000 gallons will be over there in 2002 and in 2003 and in 2004 and they will be removed in the year 2005.

Failure to address this issue now would be a huge mistake on behalf of this body.

Mr. LEAHY. Madam President, I want to express my strong opposition to the McCain Amendment that would strike the $2 million for the National Museum of Natural History that is provided in the Emergency Supplemental Appropriations bill.

The events of September 11 prompted multiple reviews of the security at all federal facilities. These reviews have highlighted a number of measures that need to be taken to improve the safety for employees and visitors at federal facilities.

One important item that has been brought to our attention is the potential volatility of a storage facility located in the heart of Washington, near the national Mall. The National Museum of Natural History is recognized internationally as a premier museum and research facility. Unfortunately, tens of thousands of specimens are currently stored in 730,000 gallons of highly flammable alcohol.

I commend Chairman BYRD and Senator STEVENS for including $2 million to begin design for a new facility that would safely store the specimens and do so in a location that is away from such a high traffic area. I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I move to table the amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Arizona. The clerk will call the roll.

Mr. BYRD. I believe the motion of the Senator from Alaska was to table the amendment to strike.

Mr. STEVENS. That is correct.

Mr. BYRD. I hope Senators will support the Senator from Alaska and vote to table the amendment to strike.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 29, as follows:

(Rollcall Vote No. 136 Leg.)

YEAS—67

Akaka
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Burns
Byrd
Campbell
Carnahan
Carper
Cleland
Clinton
Cochran
Collins
Corzine
Crapo
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feinstein
Frist
Graham
Gregg
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thurmond
Torricelli
Voinovich
Wellstone

NAYS—29

Allard
Allen
Bayh
Brownback
Bunning
Cantwell
Chafee
Conrad
Craig
Ensign
Enzi
Feingold
Fitzgerald
Gramm
Grassley
Hagel
Hutchinson
Kyl
Lott
McCain
Miller
Nickles
Santorum
Sessions
Smith (NH)
Thomas
Thompson
Warner
Wyden

NOT VOTING—4

Bingaman
Daschle
Dayton
Helms

The motion was agreed to.

CHANGE OF VOTE

Mr. SPECTER. Mr. President, on vote No. 136, I believe I voted "yea" to table. It was recorded as a "nay." I don't challenge the accuracy of the distinguished clerks, but I simply ask unanimous consent that I be recorded voting "yea" to table. The change will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3635

(Purpose: To strike the amount provided for the National Defense Center of Excellence for Research in Ocean Sciences)

Mr. McCAIN. Madam President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 3635.

On page 25, strike lines 1 through 11.

Mr. McCAIN. Madam President, this has to do with the $2.5 million that is earmarked for the mapping of the coral reefs in Hawaii. The bill directs $.5 million under the Commerce-Justice-State appropriations bill for 2002 to be dedicated to conducting coral mapping in the waters of the Hawaiian Islands and the surrounding Exclusive Economic Zone.

I remind my colleagues at the outset, again, the title of the legislation we are considering is: Making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year 2002.

I knew of many devastating effects of the attacks on our homeland. I did not know of any disruption of the coral reefs in Hawaii associated with the terrorist attacks on the United States of America.

The administration did not request this redirection of previously appropriated funding for coral reef mapping for the benefit of Hawaii. This is no surprise, since there is not an emergency need for coral reef mapping in Hawaii. It is even more of a reach to suggest that a coral reef mapping provision has a role on the war on terrorism. This is an attempt to preclude a competitive contracting process to benefit one State.

A recent report by the National Oceanic and Atmospheric Administration stated that the coral reefs in the northwestern Hawaiian Islands are some of the most pristine in the world and that the coral reefs in the Atlantic, which includes Florida, the Gulf of Mexico, and the Caribbean, are some of the most in distress. Why should a relatively healthy reef system receive extra attention and funding at the expense of those in most need?

I might add, the Federal Government has already been very generous with respect to Hawaiian coral reefs for fiscal year 2002. In fact, during this fiscal year, NOAA is scheduled to spend $8.215 million of its $28.25 million Coral Reef Conservation Program budget on programs specifically targeted toward the northwest Hawaiian Islands; that is more than a quarter of the program budget.

These funds include $762,000 for mapping, $893,000 for monitoring, $1.25 million for the Hawaii Coral Reef Initiative, $3.25 million on northwest Hawaiian Island Reserve operations and sanctuary development, $210,000 for fisheries management, and $3.1 million for marine debris removal.

So the State of Hawaii has already gotten $8.215 million. Now they are asking for $2.5 million more. Moreover, this does not include funding for NOAA'S overall program that is being spent across all of our Nation's coral reef, of which Hawaii also benefits.

Now the managers of the bill want to carve out another $2.5 million for Hawaiian coral reefs. As I said before, what this bill does is earmark $2.5 million of that funding for a specific project in the waters of the Hawaiian Islands and to a specific organization.

Are there other organizations that do mapping? I do not know. But why is it earmarked for a specific corporation to do this work? I believe that it is part governmental and part private, as I understand it. This specific earmark would purposefully preclude the issuance of a competitive contract for this work. Congress should not be taking such action and should allow a competitive contracting process to go forward for any Federal funding involved.

I do not believe we should be providing special treatment to one part of the country when other parts also have a great need. If the Hawaiian reefs deserve this already appropriated funding, they should be able to secure it based on merit review through a competitive process at NOAA.

Therefore, this amendment would strike the directive provided in the bill and allow the competitive process to go forward.

Madam President, under no stretch of the imagination can this provision providing this money for a specific project in the State of Hawaii be deemed as a response to the attacks on the United States of America that took place on September 11. The administration opposes this legislation. And it has no relation to the war on terrorism or homeland security in the view of the President of the United States.

So I have gotten, from the last vote, a pretty good idea how these votes are going to turn out. But there is going to come a time, Madam President—there is going to come a time—when our deficits have ballooned well into $150 billion, $200 billion, from the surplus that we had and people will say: What happened to all that money? What happened to our money for Social Security? What happened to our money for Medicare? What happened to the surpluses that we were so confident of, that were going to be $4- or $5- or $6 trillion over the next 10 years? We are going to look back, and we are going to point at votes such as these, where, in the name of fighting the war on terror, we will earmark millions of dollars for a project to map coral reefs. I think the American people will not be satisfied with that result or that decision made by the Congress of the United States.

As the distinguished ranking member of the Appropriations Committee from Alaska just said: We just made a judgement.

Do you want to trust the judgment of the Appropriations Committee or the President of the United States? We will probably again vote to trust the judgment of the Appropriations Committee, in the name of fighting the war on terror, of mapping coral reefs in Hawaii.

I would assume there will be a tabling motion made, and at that time I will ask for the yeas and nays.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, the provision in the bill does not add new spending; rather, it clarifies the allocation of funding provided for coral reef mapping in the fiscal year 2002 Commerce-Justice-State and the Judiciary appropriations bill.

This amendment directs $2.5 million of the coral reef funds appropriated in fiscal year 2002 for mapping coral reefs in the Hawaiian Island chain and adjacent areas to complement the general mapping currently planned by the National Oceanic and Atmospheric Administration.

These funds will be used to begin identifying the location, type, and condition of coral reefs throughout the Hawaiian Island chain. This data will be used by resource managers and will provide valuable information for the northwestern Hawaiian Islands sanctuary designation process. This data will also provide a baseline for future monitoring of Pacific coral reefs.

The funds will be administered by the National Defense Center of Excellence for Research in Ocean Sciences through a cooperative agreement with NOAA, the National Oceanic and Atmospheric Administration. Established in 1993 with funds from the Department of Defense, CEROS is product oriented and seeks to advance innovative concepts and new approaches to technology while fully leveraging existing facilities and infrastructure in Hawaii.

I urge the Senate to vote down the amendment by the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, as the distinguished chairman of the Appropriations Committee has stated, this coral reef initiative does not appropriate any money, not even a penny. The sums involved have been appropriated and were appropriated in the last fiscal year.

It may interest the Senate to know that the administration does not oppose this initiative. In fact, they authored the initiative. The initiative as drafted in the supplemental was drafted by the staff of NOAA.

Eighty-four percent of the coral reefs of the United States are found around the Hawaiian Islands. Of that 84 percent, 15 percent are found around the occupied islands, the inhabited islands, the islands I live on; 69 percent are in the northwest. The Commerce Department is in the process now of establishing a sanctuary in the northwestern islands. In order to establish a proper sanctuary to identify the ecosystem, to identify the fishes, the plant life that all of us want to preserve for generations to come, we must have a mapping. We must know where they are.

This is a technical thing. Therefore, my staff was not adequately prepared to draft such legislation. It had to be done by the staff of Commerce.

This is not a pork item. One may get the impression that we were using this vehicle to get $2.5 million for the people of Hawaii. Such is not the case. The moneys will be handled by the Commerce Department together with the National Defense Center of Excellence for Research in Ocean Sciences, CEROS. This was established by the Defense Department. Under the rules of CEROS, this will be under a competition. No organization has been selected for the purpose of this mapping. We have no idea who that organization will be.

If we are to carry out the initiative started by the Government of the United States to protect our environment, to protect our coral reefs, this is absolutely essential. What we have done was to carry out the wishes of the people of the United States and the wishes of the administration.

I hope we can defeat the amendment.

I move to table the McCain amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

(Mr. MILLER assumed the chair.)

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to table amendment No. 3635.

Mr. GRAMM. Mr. President, I rise in support of the McCain amendment.

The PRESIDING OFFICER. The motion to table has been made and is not debatable.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might speak despite the fact that a motion to table has been made.

Mr. REID. Mr. President, if the Senator from Texas will allow, I have a unanimous consent request I would like to propound at this time. I think it will solve the problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the McCain amendment No. 3635 be laid aside to recur at 2 p.m. today;

that at 2 p.m. there be 5 minutes equally divided prior to a vote on a motion to table the amendment, with no amendments in order to the language proposed to be stricken; with the time equally divided and controlled between Senators McCAIN and INOUYE or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senator McCAIN has graciously consented, as has Senator GRAMM, that if someone wants to offer an amendment prior to 2 p.m., they will have no objection to doing that. We could perhaps have two votes around that time. It is up to the body as to whether or not someone wants to offer another amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, as I noted earlier, we basically find ourselves in a position where the President has asked for emergency funding.

We have a bill before us the President has said he will veto. We have a problem in that the proposal spends more money than the President asked for. It doesn't fund some of the emergencies he asked for, funds many things he did not ask for. The question is, how do we get this right so we get the money that the White House wants in a form that they will sign and that we can get on about the Nation's business?

It is fair to say the people on my side of the aisle decided that in the end the best thing to do is to go ahead and cloture this bill so it will have a vote hopefully sometime this afternoon or tonight, send the bill to conference, and then it will be up to the conferees to bring it into compliance with what the President has said he will sign, or have it vetoed. In either case, we decided that was a better approach than simply continuing to debate this issue on the floor of the Senate in the face of the President's first veto threat.

Senator BYRD and I had a discussion earlier today about that veto threat. I don't want to get back into that discussion. I want to talk about this amendment.

Senator McCAIN and I are concerned that there are a lot of provisions in this bill that really are not emergencies. That doesn't mean they are not meritorious. The example we had before about building the storage facility for the Smithsonian so that specimens stored in alcohol could be in a building with the temperatures controlled, so you don't have to keep adding alcohol and will have better protection against fire, is something we need to do. The President has that in his 2003 budget. It is being funded here as an emergency. The President mentioned it in his veto message.

Senator McCAIN and I decided that the way to deal with this problem is to pick out about four or five of these issues that the President has singled out as not being emergencies and give the Senate the opportunity to vote on them, and then we have two points of order on the bill.

One point of order is the emergency designation, where the body would decide whether or not it is an emergency by whether or not 60 Members would vote to deem it such. The other point of order has to do with a quirky provision of the bill where the President cannot designate what he called an emergency to spend the money unless he takes $14 billion of spending that he has not designated as an emergency and spends that money.

We believe that circumvents the whole emergency designation process. We believe there is a point of order based on that, and my guess is that at some point we will have a vote on those two points of order, assuming they lie.

In going down the amendments, one that Senator McCAIN has identified is the mapping of the coral reef. Let me say this. I don't have any doubt in the world that mapping the coral reef is a good thing. Other than the State that I represent, my home and the State I was born in, I don't love any place more than I love Hawaii. Let me also say that no Member of the Senate has been sweeter to me and my family than the Senator from Hawaii. So if I had been picking amendments, I would not have picked this amendment. But I don't believe that mapping the coral reef around Hawaii is an emergency that warrants waiving the Budget Act and, in the process, spending money that will generate a deficit and that will take the money, ultimately, out of the Social Security trust fund.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I am happy to.

Mr. BYRD. This is not designated as an emergency, so it does not violate the Budget Act. I thank the Senator for yielding.

Mr. GRAMM. Let me make my point. I hear the Senator. While the bill is $4 billion above the level the President requested, the nonemergency parts of the bill are $14 billion above the level the President requested.

What we have sought to do is come up with a series of amendments on things that we do not believe represent emergencies, to really give people an opportunity to say yes or no as to whether they believe they should be included in this emergency bill, which is—I think everybody agrees—$4 billion above what the President requested.

We understand where the votes are here. We just find ourselves in a position where our President has said he is going to veto the bill. I intend to vote against the bill and make these points of order and vote for them. I wish we could start the process over and eliminate the veto threat and get this job done, but I don't have the power to control that. Maybe no single Senator at this point has that power.

In any case, Senator McCAIN has offered this amendment. Despite all of the merits of what it is doing, it seems to me that this provision does not belong in an emergency appropriations bill. We will offer several more amendments that we believe fall into this category. Obviously, it is up to the Senate to decide whether or not they believe these provisions belong in the bill. In any case, Senator McCAIN felt, and I felt, that it was important that at least some of these items be voted on, and so there will be two or three more of them that we will offer. I don't know what other people are going to do. Then I think we would have a budget point of order against the bill.

At that point, from my point of view, we have made the decision, despite the President's veto message, despite the fact that the President has said this does not fund the emergency items he wanted and designates items as emergencies that he doesn't believe are emergencies—if at that time it is the Senate's will to move ahead, then I don't know that we serve any purpose to hold it back.

So the question we are trying to pose is—this is clearly an emergency bill. It is over budget from what the President requested by $4 billion. I do not believe this provision is an emergency, though I don't doubt that it is meritorious. So I intend to support the Senator's amendment. I hope other people will as well.

There will be at least two more amendments. At that point, I think we would probably be through. I think we are establishing a pattern here that people are ready to pass this bill, spend this money, and worry about the problem later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, if I may repeat myself, not a penny is appropriated by the coral reef initiative—not one penny. Moneys were appropriated in the fiscal year 2002 bill. This is to set aside, of that amount, $2.5 million for the mapping of the coral reef around the northwestern islands of the Hawaiian chain.

Mr. President, 84 percent of the coral reefs of the United States are found in the Hawaiian chain. Of that 84 percent, 6 to 9 percent would be found in the northwestern islands and 15 percent around the occupied islands. This is not important for the Hawaiian people. This is an emergency as far as the Commerce Department is concerned because they are in the process of establishing a sanctuary in the northwest islands. In order to set the sanctuary, you must begin mapping that area to determine what sort of fishes are there, what sort of plant life.

If we are to carry out the national mission of protecting our environment and protecting the species of this land

and this planet, then this is an important part of it.

Furthermore, the funds that will be designated for this initiative will be administered by the National Defense Center of Excellence for Research and Ocean Sciences through a cooperative agreement with NOAA. One specific item they must live up to is that this will be done by competition, using a competitive process of selecting whoever does the mapping.

This initiative does not designate any person, institution, or organization to do this job. Yes, it is not part of homeland security, but as far as NOAA is concerned, this is an emergency. We are not appropriating any money; we are just saying let's use the money we have already appropriated for this purpose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me make one point and then I will be through. Part of what makes it hard to determine what is happening is that the bill does make appropriations for the National Oceanic and Atmospheric Administration operations, research, and facilities of $29.2 million. That is new money that is provided in this bill on an emergency basis.

What the Senator from Hawaii is saying is that his amendment does not require new money because he is taking it from money that was appropriated in Public Law 107-77. Our problem is that while you are taking $2.5 million for this purpose from money that was appropriated for this general account, the bill puts in $29.2 million into the account. So it is hard for us to tell—at least it is not obvious—that while you are spending old money, the bill is not replacing that old money with new money which is, in fact, designated as an emergency. Perhaps this is a technicality, but it is the source of the issue we are trying to raise.

I do not know what the $2.5 million—which is being transferred for this purpose—was going to be used for in the first place, and I would not be shocked if it were a lower priority than what the Senator wanted to use it for. But there is $29.2 million of new money for the same account that the committee—let me read the language:

> The committee recommendation includes $29.2 million for NOAA to address critical homeland security requirements.

The problem is, is any of this $29.2 million going to replace the $2.5 million that is being transferred for this purpose? That is what we cannot tell. Hence, that is why this issue has been raised by the President and by others as an example of a nonemergency that is being funded.

It is clear that the money is being transferred from an existing account, but the question is, Is any of this $29.2 million going to pay for what is being taken away? That is the question.

Mr. McCAIN. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield.

Mr. McCAIN. Is the Senator aware that the money is going to the National Defense Center of Excellence for Research in Ocean Studies, which is a Hawaiian State government agency, but that Hawaiian State government agency is solely federally funded? We are proving that money is fungible. They give it to an outfit called the National Defense Center of Excellence for Research in Ocean Studies which happens to be a State government organization, but that State government organization is fully federally funded.

This is a remarkable movement of money and, frankly, the $29 million which is added for new money for NOAA is something that was not requested by the administration either. Is the Senator aware of that?

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. GRAMM. Let me yield the floor and let the Senator have the floor.

I was looking to find my place in the bill. I do not know this bill as well as the people who are on the committee, but I believe this was an addition to the President's request, as far as I can tell.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, CEROS, the National Center of Excellence for Research in Ocean Studies, is not a State government institution. It is a Federal institution. It was established by the Department of Defense. That is why it is called a national defense center.

Secondly, the $2.5 million does not come out of this bill. The sums have already been appropriated for mapping of coral reefs. This just expedites it because NOAA wants it expedited. The amendment itself was drafted by the staff of NOAA. It is not to benefit any Hawaiian organization, I can assure you, Mr. President. This is to benefit the people of the United States who have been crying about the environment, about protecting the species of this planet. This is how we are going to do it.

If we do not do it, then it is going to be wide open to fishermen, and if the lobsters disappear, if the exotic fishes disappear from that area, do not blame me. We are carrying out the wishes of the administration.

I yield the floor.

Mr. McCAIN. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I will not be able to fully detail some very good work that staff has done for me on this supplemental appropriations bill, but I want to speak about one part of this legislation that is of great concern to me.

Overall, I absolutely support the supplemental, but I want to talk about some of the language and some of the additional funding for support for Colombia. First, I want to make it clear, having visited the country of Colombia twice now, I believe we have a very important role to play.

I rise today to raise concerns about the administration's proposal for lifting the restrictions on aid to Colombia and providing an additional $35 million to help it fight terrorism. President Bush is seeking authority to permit U.S.-funded combat helicopters to be used directly against FARC and the ELN, the two biggest leftist insurgency groups. The administration claims that the best way to fight drugs in Colombia is to help the country end the threat from guerrillas.

Violence, has wracked the Colombian countryside for more than 75 years, a product of poverty, inequality and the state's chronic weakness. The FARC's four-decade old insurgency, which grew out of an earlier civil war, has intensified dramatically since peace talks broke down in February, after several high-profile kidnappings. Narco-traffickers, working with left wing guerrillas and right wing paramilitaries, continue to make large portions of the country ungovernable.

In short, Colombia's democracy is in crisis. Colombian civil society is under siege. Union members and activists, clergy, human rights defenders, journalists, and politicians continue to bear the brunt of human rights violations including murders, disappearances and threats in the escalating conflict in Colombia. Most Colombians living in rural areas unprotected by state forces are under constant threat by the left and right.

While I believe we must help Colombia, I also believe that we must do so wisely. The Administration has requested $35 million for Colombia—$25 million of which will be used to train and equip anti-kidnapping police units, $4 million to support police posts in areas out of government control, and $6 million to start training troops to protect an oil pipeline. This is on top of the nearly $2 billion we have already dedicated to Colombia in recent years.

I have serious concerns about this proposal. Expanding our role in Colombia is a major change in U.S. policy. In my view, such a change deserves to be considered and debated on its own terms, not within the context of an emergency supplemental appropriations bill. I am concerned further that this shortsighted approach will only compound the already tragic toll on civilian life in Colombia.

There are several serious problems with this approach, not least of which is the fact that the majority of U.S. assistance to Colombia goes to the Colombian armed forces, which continue to maintain ties to paramilitary groups that are listed on the State Department terrorist list. I cannot emphasize this point strongly enough. The administration is proposing to send hundreds of millions of dollars to a military force that has long, well-established ties to one of the very terrorist groups we purport to be fighting.

Another immediate effect of the changes in policy would be to permit the United States to expand how it shares intelligence information with Colombian security forces. Again, I think we should be careful about providing intel to a Colombian military that is sullied by ties to right wing paramilitary terrorist organizations which are deeply involved in drug trafficking.

I also am concerned that the Colombian military does not have the will to adequately protect its citizenry. For example, a May 2002 report prepared by the U.N. Office of the High Commissioner for Human Rights in Colombia has placed equal blame on the FARC, the AUC, the government, and the military on fighting that left 119 civilians dead in the small town of Bojayá, in the remote jungles of northwest Colombia.

The UN report says that the government, the police and the army not only ignored warnings of an impending tragedy but also may have collaborated with the outlawed paramilitary forces to allow them to enter the region. The report lays out evidence that a 250-person paramilitary unit sailed up the River Atrato in seven large boats and passed through two police and one army checkpoint without the slightest problem. Anders Kompass, director of the UN's Colombia office, said in his report that paramilitary commanders flew into the town aboard light aircraft at a time when the town was under full military control and only army aircraft were authorized to land on the small airstrip.

Although this is just one of the most recent examples of Colombian military cooperation with the outlawed paramilitaries, it is emblematic of a broader pattern in Colombia. Military-paramilitary linkages in Colombia are real. It's high time we addressed this problem.

Like Human Rights Watch, the Washington Office on Latin America (WOLA), and Amnesty International, I have serious concerns about the State Department's decision to certify the Colombian government's compliance with human rights. In my view, the Colombian government and military have shirked their responsibility to suspend high-ranking military officers implicated in serious human rights abuses. In addition, the Colombian government has failed to arrest known human rights violators, and when they have done so, have failed to vigorously prosecute these individuals.

In particular, I am concerned about the characterization of army actions in Barrancabermeja as an example of progress in breaking army-paramilitary ties. Despite the high concentration of security forces in Barrancabermeja, the city remains under virtual paramilitary control. Paramilitaries move freely through the city, and the civilian population lives in an atmosphere of unmitigated terror. Surely this cannot be seen as progress.

Over time, I think it's safe to say that we can expect requests by the Colombian government for additional substantial aid increases in the near future, perhaps as soon as next year. Now is the time to raise important questions about our end game. We must ask now, rather than a year or two from now: how far are we willing to go? We should not broaden our assistance until we get a satisfactory answer.

As you know, the administration's Foreign Operations Appropriations request includes $98 million for FY 2003 to train an additional brigade of Colombian troops to serve as a rapid-reaction force protecting the Cano-Limon pipeline used by the U.S. oil company, Occidental Petroleum, against guerrilla attack.

U.S. Ambassador Anne Patterson told Colombia's El Tiempo newspaper that "there are more than 300 infrastructure sites that are strategic for the United States in Colombia." Are we going to pay to protect all of these sites as well? Where do we draw the line? Why protect this pipeline and not another? Why not a dam, a coal mine, a power grid? We need to openly debate these questions before targeting assistance to one entity.

I also am concerned that the Administration may appear to want to circumvent congressional authority. They have requested $6 million in this emergency supplemental for a program that Congress has not yet authorized. However, I am pleased to see that Senator LEAHY has reduced the amount of funding for pipeline security to $3.5 million. He also has inserted language requiring Occidental and the other oil companies that would benefit from such protection to repay these funds. I applaud these efforts to check this glaring example of corporate welfare.

This is not to say that the United States should not help strengthen Colombia's democracy. The United States can and should help Colombia. Here's what I believe we should be doing instead: Support the civilian part of Colombia's state—judges and prosecutors, oversight agencies, honest legislators, and reformist police officers; protect human rights and anti-corruption reformers inside and outside of government; provide and more effectively implement alternative development and rural development programs to create the conditions for a functioning legal economy and alleviate the desperation of Colombia's countryside, which fuels the conflict; step up our provision of humanitarian aid to internally displaced persons and refugees; use the full weight of our diplomacy to support efforts to restart peace talks, perhaps with UN involvement; press the Colombian military to break ties with the paramilitaries, without sending mixed signals—like waivers and disingenuous certification processes; and, spend more money at home on efforts to reduce demand through treatment and prevention.

In Colombia, we should do all we can to strengthen the rule of law and democratic institutions. Economic and social development should be our highest priorities, and humanitarian delivery is essential. In addition, we need to invest in demand side interventions here in the U.S. Our militarized drug strategy overwhelmingly emphasizes drug eradication, interdiction and law enforcement when studies show that these are the least effective means of reducing illicit drug use.

A landmark study of cocaine markets by the conservative RAND Corporation found that, dollar for dollar, providing treatment to addicts is 10 times more effective at reducing cocaine use than drug interdiction schemes and 23 times more cost effective than eradicating coca at its source.

Our counter-narcotics policy in Colombia has not worked. Although some drug laboratories have been destroyed, coca production in Colombia has risen. In fact, despite massive fumigation across Colombia, the area of Colombia planted with coca grew by 24.7 percent in 2001 to 419,000 acres, 169,800 hectares. CIA figures for 2000 showed final cocaine output at 580 tons.

What's more, just last month, General Gustavo Socha, the head of Colombia's anti-narcotics police force was removed from his post on Friday amid an inquiry into how some $2 million provided by the U.S. disappeared from an administrative police account. His removal—and subsequent resignation—are positive steps, but ultimately the perpetrators must be arrested and prosecuted prior to any new infusion of assistance money.

Also, we do not know what the policies of any new Colombian administration will be. With the recent landslide victory of Alvaro Uribe in the Colombian Presidential elections, I think we have cause to be concerned. I hope Mr. Uribe will keep his campaign pledge to combat illegal right-wing paramilitary forces with as much vigor as he does the rebels, but I have cause for skepticism. I have serious concerns that

Mr. Uribe's plans could lead to increased abuses that would mostly befall poor villagers who live in the areas where the fighting often takes place.

Uribe, a 49-year-old former state governor, has promised to wage a war without quarter against both the FARC and the AUC. In my view, an escalated military approach is doomed to fail. He says he will double the size of the army's combat force to 100,000 soldiers and the National Police to 200,000, create commando teams to root the terrorists and drug traffickers out of Colombia's vast jungles, and recruit hundreds of thousands of civilians for security squads. As governor, paramilitary forces flourished in his department, and his chief election opponent has alleged paramilitary and narco-trafficker links.

Uribe, whose campaign slogan is "Firm Hand, Big Heart," has raised concerns among human rights groups, who fear his anti-guerrilla rhetoric might encourage right-wing paramilitaries. I share this concern.

Most analysts agree that the military offensive proposed by President-elect Uribe will make things worse before they get better. It will most likely result in an increase of Colombian refugees and a rise in kidnappings, violence and drug production by FARC rebels in neighboring countries. The spillover effect of the war on neighboring countries could be compounded by the fact that the armed forces of Venezuela, Ecuador and Peru are consumed by internal troubles, Brazil is focused on its October presidential elections, and Panama does not even have an army. Again, I must ask: what are we trying to accomplish here?

Between 1995 and 1998, when he was governor of the prosperous and tortured state of Antioquia, whose capital is Medellin, Mr. Uribe oversaw the creation of a network of civilian patrol groups. At least two of these groups evolved into notorious death squads, but Uribe insists that the others were merely efficient neighborhood peacekeepers. I believe that we should be wary of these civilian militias. Some see this as a new "Self-Defense," or paramilitary, initiative.

That said, with the exception of the civilian patrol groups that turned into death squads, and a military campaign against the guerrillas in the Uraba region of Antioquia, which is often described as brutal, Uribe's record as governor of Antioquia is outstanding, particularly in this chaotic nation. Public health, education, and highway systems, which are among Colombia's worst problems, improved greatly in Antioquia during his tenure. As a result, I hold out hope that he will advance a platform of economic, social, and cultural development all of which have been in short supply in Colombia.

Ultimately, there is no military solution to this conflict. Most observers agree that a political solution is the only way out. Mr. Uribe has issued a call for the United Nations to attempt to restart peace talks with the rebels. In my view, our government should be more active in the quest for peace by encouraging negotiations like the sputtering "Havana process" of talks between the government and the ELN. This model could pave the way for eventual negotiations with the FARC. Moreover, we should encourage the Colombian government to accept a United Nations "good offices" mission, under Chapter 6 of the UN Charter, without preconditions.

However, Mr. Uribe's ideas are unlikely to succeed despite his recent attempts to reach out to the UN. Before there can be any talks, he has demanded that both FARC and the AUC agree to an end to violence—an unlikely proposition. Yet I encourage his peace overtures and hope that he will agree that a military solution is not the most effective means for improving Colombia's plight.

In conclusion, Mr. President, I am an internationalist. I am a first-generation American. I am interested in the world and I very much want to see us promoting sustainable economic development, promoting the environment, promoting human rights. I want to see good economic development assistance to Colombia. The truth is, I have some concerns about Mr. Uribe, who recently was elected President of Colombia. President Pastrana, I think, is a very honorable man, and I think had tremendous support in the Senate among Democrats and Republicans dealing with a tremendous amount of violence. The city I visited twice, Barrancabermeja, has been like the Sarajevo of Colombia, a very dangerous place, especially for the people who have to live there.

In Colombia, there are a lot of innocent people who have been murdered by savage violence. There is the FARC, which is the guerrilla—if a label has to be used—left. There is the ELN, also the guerrilla left. Then there is the AUC, or the paramilitary, on the right.

Certainly, the Government deserves and needs our assistance. My concern is about the direction we are taking in this supplemental bill. This is a supplemental appropriations bill, and I do not think we should be changing policy, but we are. The change in policy, as I understand it, is twofold.

First, our military equipment, such as the Blackhawk helicopter, has been used in the war against drugs. That is what the original Plan Colombia was all about. Now this military assistance can be directly used in the counter insurgency war against the FARC and the ELN, no longer just for counternarcotics. What worries me is the onesidedness of the approach that the Government is taking, and I believe this new administration in Colombia will take.

That is to say, if we are concerned about narco-trafficking, there are a couple of things we can and should do. The first thing we ought to do is to reduce the demand for the drugs in our country. That is actually the most effective way to deal with this. I am not sure anybody has proven that we can—through aerial eradication, the spraying and the military effort—actually successfully fight this scourge.

The truth is, the drug trafficking business in Colombia continues to boom. Frankly, there is not anything we have done that has made much of a difference to date. The best thing we could do would be to reduce demand in our own country and have effective treatment programs in our own country. Above and beyond that, what has always worried me in what has been, up to now, counter-narcotics, is that all of the focus has been on the FARC and on the ELN, two organizations about which no one should have any illusions. These are not Robin Hood, justice organizations trying to redistribute the wealth and the income to the poor. These are organizations that are up to their eyeballs in narco-trafficking, having made a tremendous amount of money off of it.

These are organizations that have been engaged in a clear policy of terrorism, that is, of kidnapping and murder of innocent people. The truth is that if this Plan Colombia was all about going after narco-trafficking, we would have spent as much time focusing on the paramilitaries on the right because they are also implicated in the narco-trafficking up to their eyeballs.

My concern is that we are now becoming more involved in basically a military effort. We are becoming more involved in what is now counter-insurgency, not counter-narcotics. I was never sure what the divide line was, but we have now changed this. We have said our military weaponry—and I also worry about our U.S. advisers being directly involved in the actual military effort—can now be used to fight an internal counter-insurgency effort. That is a different policy. We have now moved from counter-narcotics to counter-insurgency, and we are becoming directly involved.

Part of the problem is that we are relying on this Government and this military and we basically are turning our backs on blatant violations of human rights conditions. My concern is that the military in Colombia—and every human rights organization that does any independent research comes up with the same report—is too closely tied to the AUC or the paramilitary. And, therefore, I say to my colleagues, it is amazing to me, for example, that this administration has certified that the military is doing much better with respect to human rights, and they use Barrancabermeja, where I visited twice, as an example. In

Barrancabermeja, it is not the case at all.

Senator LEAHY has shown important leadership on this question, but I see an administration that is turning its gaze away from all of this because in Barrancabermeja people's phones have been taken from them. They do not have any phones. The paramilitary moves into their homes. There is total terror and, frankly, many people have been murdered. The truth is that two-thirds of the extrajudicial killings every year in Colombia are done by the paramilitary, the AUC, the right. But we are now going to move forward and we are going to become directly involved in direct aid to the military, too much of which is closely tied to the paramilitary, which has been involved in too many slaughters of innocent people. It is counter-insurgency, and we are playing a different role than we played before. We are becoming more directly involved. This is all going to be done with our money. It is going to be done in our name. It is a change of policy.

I wish to say, so at least it is part of the record, that I think it is wrong to do so in the supplemental bill, and I want to issue a warning to people in our country that I think this is a profound mistake. I think this is a profoundly mistaken policy.

I have had a chance to visit and I especially have become familiar with the work of a priest, Francisco de Roux, who has done some of the finest economic development work, and his approach is manual eradication of the coca plant, not the aerial spraying where the chemicals are used, where many people say they have been sick, where legal crops also end up being destroyed. Frankly, on the ground, we were supposed to be providing money for alternative social development. We haven't done that.

We have had the war on drugs. That has been quite unsuccessful. We have done this aerial spraying. Many say: This has affected our health; what are you doing? We have destroyed some of their legal crops. We said we would have alternative crops and economic development money. That has not happened on the ground. We have priests such as Francisco de Roux trying to do it a different way. I hope others will join me in supporting a more productive approach.

Now we have moved into a different kind of policy. We are now going to be involved in a joint effort to protect the pipeline. I think the oil companies, Occidental, et al, have a fair amount of money to protect their own pipeline. I don't know why we must use the taxpayers' money. Last time I looked, the oil industry was doing pretty well. I think they made $40 billion in profits last year.

It is a long pipeline. I cannot remember how many miles. How many projects are we going to be directly involved in protecting? How much money goes to the military? What is the end game? What is a victory? What are we trying to accomplish? Why the change in policy?

We are told: By the way, this is part of the frontline fight against the terrorists. This is not al-Qaeda. A lot of this has gotten mixed up. This is now being justified as part of the war against terrorism. FARC and ELN are terrorist organizations. They have been involved in the indiscriminate murder of locals, and so has the AUC—which we indirectly support because they have ties to some in the Colombian military.

When we directly let our equipment be used in military efforts in counter-insurgency against the terrorists and then try to wrap that up with the fight against al-Qaeda and what happened in the United States and what has happened in Afghanistan and what is going on in south Asia and the Middle East, it is sleight of hand. They are not one and the same. No one has presented one shred of evidence that al-Qaeda is operating in Colombia. No one has presented one shred of evidence this is part of this fight against this terrorist organization.

This is a slippery slope. We have made some policy changes. We better understand what we are doing. We are becoming more implicated in counter-insurgency. We are becoming more implicated in direct work with the military, which has been tied too closely to paramilitaries, and rightly have been harshly condemned.

I don't, with a broad stroke, condemn everyone, but there are too many elements of the military in Colombia that have been condemned, with irrefutable evidence presented by people who have done the reports—the State Department, human rights organizations and others—concerning massacres of innocent people.

We are basically turning our gaze from that and are quite uncritical. The good work that has been done has been done by Senator LEAHY. There are other Senators who care as well, and I appreciate some of the work on human rights conditions, and I appreciate some of the work he has done to slow this down.

Senators, I want it on the record—I will have a better formal statement in writing with much more clear evidence, many more facts and figures—that I believe we are making a profound mistake.

I say to the Ambassador, Anne Patterson, whom I met, I know we don't agree on all things. She is doing a heroic job under very difficult circumstances, but I do not believe this war against drugs has been anything close to a success. We are now making a change in policy that is of great concern to me. I don't want someone to say that nobody talked about this, or that there were no Senators who raised the questions about this change in policy. It is a small part of the overall bill, so I will vote for the bill, but I am absolutely opposed to this change in policy in relation to Colombia.

The administration is going in the wrong direction. I ask the administration to take human rights conditions more seriously.

With all due respect, do not certify that there has been compliance with human rights standards when that is patently not the case. I challenge anyone to go to Colombia and on the basis of 1 day come back here and say the military is doing a good job of protecting people. The people you met there, I am not talking about ELN or FARC, the civil society people, the people everyone here would respect who do the human rights work and economic development work, have nothing to do with the left guerrilla organizations. They are not opposed to the military and police but want their protection. They want to know how it can be that so many of them—innocent people who have had the courage to do this work—are murdered with impunity.

This administration seems to put all of those concerns in parenthesis, and this Senate, in this supplemental appropriations bill, to tell you the truth, is not giving a change in policy the kind of scrutiny and the kind of analysis or thoughtful deliberation we ought to give it. We are making a mistake.

MENTAL HEALTH RALLY

Mr. REID. Will the Senator answer a question?

Mr. WELLSTONE. I would be pleased.

Mr. REID. I was scheduled to appear with the Senator from Minnesota at a public hearing involving mental health. I was not able to be there because of floor duties. Would the Senator be kind enough to indicate what went on at that gathering today?

Mr. WELLSTONE. I thank the whip. First, we know Senator REID was not at the rally because of his duties in the Senate.

Senator REID from Nevada is a perfect example of someone who has taken his own life story in the most personal, powerful, and eloquent way and given a lot of other people inspiration. Thank you, thank you, thank you for your work.

It was very moving. I don't know what the temperature is out there, but it feels like it is 120. It was on the west side of the Capitol. The estimates were 1,500 or 2,000 people in attendance. There were a lot of people there for well over an hour.

A couple of things happened: First, this is a bill on the House side that now has 224 cosponsors. That is over a majority. That is enough to get a discharge petition. This is the work of MARGE ROUKEMA, Republican, and PATRICK KENNEDY, Democrat.

On the Senate side, the bill has 66 cosponsors. In addition, there are 200 organizations that support it. In addition, the majority of the people are saying end the discrimination. That is what it was about. Do not tell someone whose daughter is struggling with depression, and they are worried she might take her life: You only can have a few days in the hospital and that is it. You can only see a doctor a few times and that is it. Treat the illness like an illness, like any other illness, like a physical illness. End the discrimination.

It was very moving. People came to say end the discrimination. They came also to say it seems everyone is for it except the health insurance industry. Obviously, they are trying to block it. People are saying: We do not want to wait any longer.

My hope is the White House will be very involved in the negotiations. The President has called for full mental health parity. That is very important. We need the help. Last time we passed it on the Senate side and put it in the appropriations bill of Labor, Health, and Human Services, it was blocked in conference. This time, my hope is that we will get a chance to bring it to the floor this month. We have more than enough support. The House must pass it. The White House will weigh in. It may not be 100-percent perfect, but what a difference it will make.

Just to give some context, the people who came from all around the country, came to say the time is now. Just to give some context, I mentioned the New York Times, and the journalist should get a Pulitzer Prize for a three-part, front-page story. I could not bear to read it. It talked about adult care in New York City. Just imagine, in other States as well, people jumping out of windows because they do not get any care. They do not get pharmacological treatment—clients, men and women, adults in urine-stenched clothing day after day because of no adequate staffing; elderly people dying in the heat, in the United States of America, in the year 2002. We can do better.

You asked me about the rally. Senator DOMENICI just came in, and it was really wonderful. Then we had a vote, so we had to leave. But Nancy Domenici was, what do you say, emceeing it? My own concern is that people drank enough water because it was so hot. But people are determined. People are determined to end the discrimination, to get this legislation passed. It was wonderful. I think it was really important.

They are working very hard today as citizen lobbyists, talking to Members of the House, hoping we will move to this legislation. That is what it is all about.

I see my colleague from New Mexico is here.

Mr. REID. The Senator from New Mexico and the Senator from Minnesota are in the Chamber. The Senator from Minnesota was speaking on another subject, and I asked him about the rally that I could not attend today, and he proceeded to tell us.

I want to spread on the record of this Senate the admiration and respect I have for the two Senators, both differing in political philosophies except that on this issue they are marching in lockstep to fruition. Because of their leadership and their advocacy, we are going to have, in this country, mental health care so someone who has a mental illness is going to be treated like someone who has a physical illness. They should be on a par. Because of the leadership of the two Senators, the Senator from Minnesota and the Senator from New Mexico, that is going to happen.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I did not quite get here in time to ask the distinguished majority whip where we were in terms of the business of the Senate. Might I ask, what is the parliamentary situation? What is pending before the Senate?

The PRESIDING OFFICER. An amendment of the Senator from Arizona was set aside by consent to recur at 2 o'clock.

Mr. DOMENICI. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2001—CONFERENCE REPORT

Mr. REID. Mr. President, I submit a report of the committee of conference on the bill (S. 1372) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1372) to reauthorize the Export-Import Bank of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of May 24, 2002.)

Mr. SARBANES. Mr. President, I rise in support of the conference report to accompany S. 1372, the Export-Import Bank Reauthorization Act of 2002.

The Senate passed its version of this legislation on March 14 by unanimous consent. The House passed its version, H.R. 2871, by voice vote on May 1, then amended the Senate version and requested a conference to resolve the differences between the bills. The conference committee met on May 21 and reached agreement on the conference report. The House has now passed the conference report by a vote of 344-78, and it is before the Senate for consideration today.

I strongly urge my colleagues to support this conference report. In my view, it is a carefully developed and balanced piece of legislation that makes a number of constructive changes to the Export-Import Bank Act, which is the charter of the Export-Import Bank. Before describing some of those changes, I would like to thank my colleague, Senator BAYH, the chairman of the International Finance Subcommittee of the Senate Banking Committee, for his very able leadership in moving forward this important legislation. Senator BAYH took a particular interest in strengthening the adverse economic impact procedures of the Export-Import Bank, which is one of the most significant provisions of this legislation. I would also like to thank Senator HAGEL, the ranking member on the International Finance Subcommittee, who is a strong supporter of the Ex-Im Bank and contributed importantly to the provision of the conference report dealing with market windows. Senator ALLARD also took a strong interest in this bill and sponsored the amendment in the Senate which established an inspector general for the Ex-Im Bank.

In addition, I want to thank Representative OXLEY, chairman of the House Financial Services Committee, Representative LAFALCE, the ranking member, and Representative BEREUTER, chairman of the International Monetary Policy and Trade Subcommittee, for their strong commitment and leadership in reaching agreement on this conference report.

I believe there is a general recognition by most members of the Congress, on a bipartisan basis, that the Export-Import Bank has an important role to play in U.S. trade policy. Ex-Im Bank financing helps U.S. exporters level the playing field against foreign competitors who benefit from subsidized export financing from their governments. It also gives U.S. negotiators important bargaining leverage in efforts to reach international agreements limiting the use of such subsidized export financing. U.S. exporters are able to compete with great success in international markets on the basis of price and quality. However, when foreign exporters benefit from subsidized financing from their governments, the Ex-Im Bank is needed to help U.S. companies, and the workers they employ, compete on a fair basis.

This conference report makes a number of changes to the charter of the Export-Import Bank that I believe will strengthen the ability of the Ex-Im Bank to carry out its important mission. I would like to describe briefly some of the most important changes.

The conference report extends the authorization of the Export-Import Bank to September 30, 2006. This extension to 2006 is intended to take the reauthorization of the Ex-Im Bank out of the Presidential election cycle.

When the reauthorization of the Ex-Im Bank falls in the first year of a President's term, it runs the risk that a new President will be taking office, as occurred last year. In that case, a new administration must struggle not only to put in place a new Chairman of the Ex-Im Bank but also to cope with providing leadership for the reauthorization of the Ex-Im Bank as well. The conference committee believed that it makes more sense to put the reauthorization of the Ex-Im Bank in the second year of a President's term to assure that a new Ex-Im Bank Chairman has been put in place and has been on the job with sufficient time to provide leadership for the reauthorization of the Bank.

Tied aid is highly concessional financing provided by one country to another that is linked to the purchase of goods or services from the donor country. The U.S. government has targeted foreign government use of such financing as particularly harmful to U.S. trade interests, and has sought to limit the use of tied aid through negotiations in the OECD. Congress created the Tied Aid Credit Fund in the Ex-Im Bank to demonstrate to other countries that the U.S. would match their efforts to gain sales through the use of tied aid in order to level the playing field for U.S. exporters and to provide leverage to U.S. negotiators seeking to reach agreements to limit the use of tied aid.

The conference report makes a number of significant changes to the Tied Aid Credit Fund of the Export-Import Bank that I believe will strengthen its effectiveness. The charter of the Ex-Im Bank requires cooperation between the Bank, which administers the Fund, and the Treasury, which leads U.S. negotiating efforts to limit the use of tied aid. Section 9(a) of the conference report directs the Ex-Im Bank and the Treasury Department to develop a set of principles, process, and standards for the operation of the Tied Aid Credit Fund to assure its smooth functioning.

The Ex-Im Bank and the Treasury made an extensive effort last year to develop an agreed set of principles, process, and standards for the operation of the Tied Aid Credit Fund which was submitted to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on July 16, 2001. It is expected that the initial principles, process, and standards for the operation of the Tied Aid Credit Fund required by section 9(a) of the conference report will be those agreed to and submitted by the Ex-Im Bank and the Treasury last year.

In addition, the conference report amends the Ex-Im Bank Act to require that the Tied Aid Credit Fund be administered by the Bank "in consultation with the Secretary (of the Treasury) and in accordance with the principles, process, and standards" developed pursuant to section 9(a) of the conference report. This replaces the language currently in the Ex-Im Bank Act providing that the Ex-Im Bank administer the tied aid credit program "in accordance with the Secretary's recommendations." This current language has been the subject of a dispute between the Ex-Im Bank and the Treasury over whether the language gives the Treasury authority to prevent or overrule a final decision by the Board of the Ex-Im Bank to extend a tied aid credit in a particular case.

The purpose of the conference report in removing this language is to make clear that the Board of the Ex-Im Bank makes the final decisions on extending tied aid credits. Section 9(a) of the conference report explicitly states that once the principles, process, and standards are followed in a given case, "the final case-by-case decisions on the use of the Tied Aid Credit Fund shall be made by the Bank."

The conference report provides that in the extraordinary circumstance in which the President of the United States determines, after consulting with the President of the Ex-Im Bank and the Secretary of the Treasury, that the extension of a tied aid credit would materially impede enforcing compliance with the existing OECD Arrangement restricting the use of tied aid credits and facilitating efforts to negotiate, establish, and enforce new or revised comprehensive international arrangements, then the Bank shall not extend the tied aid credit. However, absent such an extraordinary action by the President, the Ex-Im Bank shall make the final decisions on tied aid credits cases.

Section 10 of the conference report explicitly expands the authority of the Ex-Im Bank to use the Tied Aid Credit Fund to respond to the use of untied aid by foreign governments to promote exports as if it were tied aid. The conference report also directs the Secretary of the Treasury to seek to negotiate an OECD Arrangement restricting the use of untied aid, and to submit a report to the Congress on the success in initiating negotiations.

Section 10 of the conference report also amends section 10(a) of the Ex-Im Bank Act to establish two basic tasks for the Tied Aid Credit Fund. First, the Ex-Im Bank should match foreign export credit agencies when they engage in tied aid outside the confines of the OECD Arrangement and when they exploit loopholes such as untied aid in order to provide the United States with leverage in efforts at the OECD to reduce the overall level of export subsidies. Second, the Ex-Im Bank should support United States exporters when the exporters face foreign competition that is consistent with the OECD Arrangement on tied aid credits but which places United States exporters at a competitive disadvantage. The conference report also amends section 10(b)2) of the Ex-Im Bank Act to require that the Ex-Im Bank administer the Tied Aid Credit Fund in accordance with these purposes.

Section 10 of the conference report also addresses the important issue of market windows. Market windows are government-sponsored enterprises (for example, government owned or directed financial institutions) which provide export financing at below market rates. However, the foreign governments—notably Germany and Canada—which support them claim that these enterprises are not official export credit agencies, and thus not subject to the disciplines of the OECD Arrangement. Currently, two government entities operate very active market windows. They are the German market window KfW and the Canadian market window, the Export Development Corporation, EDC. The result is that these foreign market windows can provide subsidized export financing outside the OECD Arrangement and give their exporters a competitive advantage over U.S. exporters. Also, because these foreign market windows are not subject to the OECD disciplines, there is often a transparency problem—it is difficult to find out the terms of the financing they provide.

The Ex-Im Bank Act currently authorizes the Ex-Im Bank to:

> Provide guarantees, insurance, and extensions of credit at rates and on terms and other conditions which are fully competitive with the Government-supported rates and terms and other conditions available for the financing of exports of goods and services from the principal countries whose exporters compete with the United States.

Since market windows are government-supported entities, the Ex-Im Bank views its current statute as providing Ex-Im Bank authority to match market windows financing. The conference committee agreed with that view. However, the conference committee believed it would be helpful to make this authority explicit so as to remove any question about Ex-Im Bank's authority and also to send a message to the foreign market windows of U.S. concern about their operations.

As a result, the conference report contains two provisions which address market windows. The first provision directs the executive branch to seek increased transparency over the acitivites of market windows in the OECD Export Credit Arrangement. If it is determined that market windows are disadvantaging U.S. exporters, the U.S. would be directed to seek negotiations in the OECD for multilateral disciplines and transparency for market windows.

The second provision authorizes the Ex-Im Bank to provide financing on terms and conditions that are inconsistent with those permitted under the OECD Export Credit Arrangement to match financing terms and conditions that are being offered by market windows if such matching advances negotiations for multilateral disciplines and transparency within the OECD, or when market windows financing is being offered on terms that are more favorable than available from private financial markets. Ex-Im Bank could also match market window financing when the market window refuses to provide sufficient transparency to permit the Ex-Im Bank to determine the terms and conditions of the market window financing. The conference committee understood that Ex-Im Bank has the authority to match market windows financing that is consistent with the terms of the OECD arrangement.

In addition, the conference committee held the view that increased information was needed on the activities of foreign market windows. As a result, the conference report specifies that the Bank's annual report to Congress on export credit competition should include information on export financing available to foreign competitors through market windows.

The conference committee believed that it was very important to make clear that the Ex-Im Bank has the authority to match market windows financing in order to allow U.S. exporters to compete on a level playing field, and to direct the executive branch to seek negotiations in the OECD for multilateral disciplines and transparency for market windows financing.

Section 10 of the conference report also makes significant changes to section 2(e) of the Ex-Im Bank Act. Section 2(e) prohibits the Ex-Im Bank from making a loan or loan guarantee to expand production of a commodity for export by another country if the Ex-Im Bank determines that the commodity is likely to be in surplus on world markets or the resulting production capacity is expected to compete with U.S. production of the same commodity, and the Bank determines that the loan will cause substantial injury to U.S. producers of the commodity.

The conference report amends section 2(e) to prohibit the Ex-Im Bank from providing any loan or loan guarantee to an entity for the resulting production of substantially the same product that is the subject of a countervailing duty or antidumping order under title VII of the Tariff Act of 1930, or a determination under title II of the Trade Act of 1974 that an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing an article like or directly comopetitive with the imported article.

The conference report also requires the Ex-Im Bank to establish procedures regarding loans or loan guarantees provided to an entity that is subject to a preliminary determination of a reasonable indication of material injury to an industry under title VII of the Tariff Act of 1930. The procedure shall help to ensure that these loans and loan guarantees are not likely to result in a significant increase in imports of substantially the same product covered by the preliminary determination and are not likely to have a significant adverse impact on the domestic industry. In addition, in making any determination under section 2(e) that a loan or guarantee will cause substantial injury to U.S. producers, the conference report requires the Ex-Im Bank to consider investigations under title II of the Trade Act of 1974 that have been initiated at the request of the President, the U.S. Trade Representative, the International Trade Commission, the Senate Finance Committee or the House Ways and Means Committee. The conference report also requires the Ex-Im Bank to establish procedures to provide a public comment period with regard to loans or loan guarantees reviewed pursuant to those provisions.

The Ex-Im Bank Act currently requires that:

> The Bank shall make available, from the aggregate loan, guarantee, and insurance authority available to it, an amount to finance exports directly by small business concerns which shall not be less than 10 percent of such authority for each fiscal year.

The conference report increases the requirement to 20 percent.

According to the Ex-Im Bank, in fiscal year 2000 small business comprised 18 percent of the total value of all Ex-Im Bank financing authorizations and 86 percent of all transactions supported by Ex-Im Bank. In fiscal year 1998 these numbers were 21 percent and 85 percent respectively.

The conference committee believed that the requirement for Ex-Im Bank small business financing could reasonably be raised to a level of 20 percent without causing disruption to Ex-Im Bank's lending programs, Ex-Im Bank remains free to go above this level, as it has in the past, but the conference committee was concerned that requiring a higher level could have the unwanted effect of tying up available Ex-Im Bank resources if the Ex-Im Bank could not achieve higher levels of small business financing in a given year. The conference report also requires the Ex-Im Bank to conduct outreach to socially and economically disadvantaged small business concerns, small business concerns owned by women, and small business concerns employing fewer than 100 employees.

The conference report also makes a number of other significant changes to the Ex-Im Bank Act. It establishes an inspector general for the Export-Import Bank. It makes clear that the Ex-Im Bank's objective in authorizing loans, guarantees, insurance, and credits shall be to contribute to maintaining or increasing employment of United States workers. It increases the aggregate loan, guarantee, and insurance authority for the Bank to $100 billion by 2006. The conference report also requires the Ex-Im Bank to submit its annual competitiveness report to Congress by June 30 of each year in order to ensure its availability for oversight, and requires that the competitiveness report contain an estimate of the annual amount of export financing available from other foreign government and foreign government-related agencies.

The conference report to accompany S. 1372, the Export-Import Bank Reauthorization Act of 2002, makes a number of significant changes to the charter of the Ex-Im Bank that I believe will greatly strengthen the Ex-Im Bank's effectiveness as a tool to help U.S. exporters and the workers they employ to level the playing field of competition in international trade, and strengthen the ability of U.S. negotiators to achieve meaningful international agreements to limit the use of export subsidies. Taken together, these changes represent a major enhancement of the Ex-Im Bank charter. I strongly urge my colleagues to support the conference report.

Mr. BAYH. Mr. President, I rise today to offer my support for the conference agreement on the charter reauthorization of the Export-Import Bank of the United States.

As chairman of the Subcommittee on International Trade and Finance, I have worked with my colleagues to craft a bill that creates a level playing field for all U.S. companies. The conference agreement includes a number of important provisions that will help make the Bank more competitive with other export credit agencies.

Although the Ex-Im Bank has played an important role in increasing our country's exports, there have been a few instances in which the Bank has lent its support to exports that have helped foreign companies who are engaged in dumping products into our domestic market. For this reason, I included a provision in the conference agreement that would prohibit the extension of a loan or guarantee to any entity subject to a determination of injury under section 201 by the International Trade Commission, ITC or subject to a countervailing duty or anti-dumping order. Action by the President is not necessary. Additionally, it would require a heighten level of scrutiny and comment period for transactions where a preliminary injury determination exists.

Since its creation in 1934, the Export Import Bank of America has contributed greatly to the welfare and well-being of America's economy. I hope that we will allow the Bank to continue its function, and I encourage my colleagues to support reauthorization of this important organization.

Mr. DURBIN. Mr. President, I would like to commend the conferees to the Export-Import Bank Reauthorization, S. 1372, and particularly Senators BAYH and DODD, for preserving language that helps protect the U.S. steel industry from illegal dumping.

By facilitating foreign purchases of U.S. goods and services that might not otherwise be possible, the Bank helps promote economic growth at home and abroad. Since its creation in 1934, the Export-Import Bank of the United States, has helped several Illinois companies, such as Caterpillar and Motorola, finance exports to foreign countries. However, there have been some instances in which the Ex-Im Bank has lent support to foreign companies that have engaged in dumping products, including steel, into U.S. markets. Such support is inconsistent with our desire for a strong domestic steel industry and our belief in a level playing field for international commerce.

The reauthorization legislation that passed the Senate today requires significantly increased scrutiny of transactions that could adversely impact domestic industries. Furthermore, it prohibits the extension of a loan or guarantee to any company or country subject to a determination of injury under Section 201 by the International Trade Commission (ITC) or subject to a countervailing duty or anti-dumping order. This is a significant step forward and I am pleased to have aided in this effort.

Mr. REID. I ask unanimous consent the conference report be adopted, the motion to reconsider be laid upon the table, and any statements relating to this be printed in the RECORD, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

AMENDMENT NO. 3635

Mr. REID. Mr. President, the hour of 2 o'clock has arrived; is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, is it true that the 5 minutes of time that has been allocated to both sides is running at this time?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I ask unanimous consent that it be charged equally against both sides.

The PRESIDING OFFICER. It will be done.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

Mr. REID. Mr. President, is it time for the vote to occur?

The PRESIDING OFFICER. It is time for the vote on the motion to table.

Mr. REID. Have the yeas and nays been ordered on that motion to table?

The PRESIDING OFFICER. They have not.

Mr. REID. Senator MCCAIN asked that there be a rollcall vote on that, so I ask there be a rollcall vote.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—65

Akaka
Baucus
Biden
Bond
Boxer
Breaux
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Corzine
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feinstein
Graham
Gregg
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—31

Allard
Allen
Bayh
Bennett
Brownback
Bunning
Conrad
Craig
Crapo
Ensign
Enzi
Feingold
Fitzgerald
Frist
Gramm
Grassley
Hagel
Hatch
Hutchinson
Inhofe
Kyl
Lott
Lugar
McCain
Nickles
Santorum
Sessions
Smith (NH)
Thomas
Thompson
Voinovich

NOT VOTING—4

Bingaman
Daschle
Dayton
Helms

The motion was agreed to.

Mr. INOUYE. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I advise the leaders and managers that I wish to bring up an amendment entitled, "American Service Members Protection Act." I would think this Senator and perhaps those who are cosponsors—of which there are nine—would desire some time. We will try to expedite this matter. I wonder if I could send it to the desk and ask it be the pending amendment and then defer to the leadership and others to see whether if I lay it aside I can get some——

Mr. REID. If the Senator will yield.

Mr. WARNER. Yes, I yield.

Mr. REID. I say to the Senator from Virginia, I have been told that a Senator on this side wants to be involved in his amendment. So I cannot agree now that we would have a queue to put his amendment in. We recognize the Senator has a right to offer his amendment, but when the Senator does offer it, I will have to get the other Senator over here.

I say to the Senator from Virginia, the Senator from Arizona has indicated he has one or two more amendments he wants to offer, and that is the arrangement. If the Senator from Virginia has a subsequent time he wants to offer the amendment, I certainly have no problem with that. But if he offers it now, we will have to go into a quorum call and have the other Senator come to the Chamber, and we will not be able to expedite this process as much as we want.

Mr. WARNER. I wonder if the Senator standing next to the leader, who is a principal cosponsor, the Senator from Georgia, wishes to be heard on this matter?

Mr. MILLER. After the Senator from Virginia.

Mr. STEVENS. Will the Senator yield?

Mr. WARNER. Yes.

Mr. STEVENS. The Senator from Arizona was kind enough to give us notice of two additional amendments, and we sequenced them. I urge the Senator to wait until that is over. We are going to establish sequencing of amendments after that time. There have been others waiting, too, during the morning until this first series is over. I urge the Senator to cooperate with us, and we will put his in the sequence that comes next.

Mr. REID. If the Senator from Alaska will yield, we have known the Senator from Virginia is going to offer an amendment. I think it would be in everyone's interest, as suggested by the Senator from Alaska, that after Senator McCAIN finishes with his amendments, we move to the amendment of the Senator from Virginia and other amendments.

Mr. WARNER. Mr. President, that is most accommodating. If we can have a gentleman's understanding that at the conclusion of the two amendments by the Senator from Arizona, the amendment the Senator from Georgia and I want to put before the Senate could be considered at that time without binding the leadership.

Mr. REID. Without that being a unanimous consent request, we will do our best to put the Senator's amendment in the queue as quickly as we can.

Mr. WARNER. Mr. President, I thank my colleagues. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, before the Senator from Virginia leaves the floor, I say to him that we intend for sure to do one more amendment. I want to discuss with the Senator from Texas if we have to do an additional amendment because it is clear there is about a 30-vote ceiling. The Senator and I have made our point.

Also, the Senator from Texas is probably going to at some point make a budget point of order. How that falls into the queue the distinguished managers of the bill will establish. In the interest of full disclosure, I thought the Senator from Virginia should know that perhaps there may not be a second amendment, only the one we are about to offer, and the Senator from Texas is going to make a budget point of order.

Mr. WARNER. Mr. President, I thank my colleague.

AMENDMENT NO. 3704

(Purpose: To strike the appropriation for Agricultural Research Service buildings and facilities)

Mr. McCAIN. Mr. President, I have an amendment on behalf of myself, Senator GRAMM of Texas, and Senator SMITH of New Hampshire, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN], for himself, Mr. GRAMM, and Mr. SMITH of New Hampshire, proposes an amendment numbered 3704.
>
> On page 2, strike lines 24 through 26.

Mr. McCAIN. Mr. President, the amendment that has been offered would remove extraneous items from the supplemental and emergency appropriations bill. In particular, I propose to remove language in the bill that provides $50 million for buildings and facilities construction at the National Animal Disease Laboratory at Ames, IA.

Mr. President, $50 million is designated to add new facilities to the National Animal Disease Laboratory currently located in Ames, IA. The current plans by the Agricultural Research Service, an estimated $380 million, will be utilized to construct new buildings and facilities to further animal disease research and related activities.

These new facilities are approved and sanctioned by the administration with funding previously allocated in the fiscal year 2002 budget. However, despite this support, the administration has stated its view that additional funding suggested in this supplemental bill is not an essential priority at this time.

According to the message sent by the President—to be totally accurate, the Statement of Administration Policy sent by the Executive Office of the President, Office of Management and Budget:

> Funding provided for the construction and renovation of an Ames, IA, facility is redundant because a total of $90 million has been provided for fiscal year 2002 as part of the ERF and regular appropriations so that additional funding is not needed in fiscal year 2002 and 2003.

The study of foreign animal diseases and controlling known and unknown animal diseases are clearly national and public health issues. As part of the Government's efforts to improve its knowledge of disease agents and mechanisms, this institution and other related agencies serve an important purpose. The work is already underway as the administration asserts. Adding an additional $50 million as part of this emergency spending measure is neither required nor necessary.

This ongoing project will clearly be subject to additional appropriations in future years during the routine appropriations process. These particular renovations are not scheduled to be completed for another 8 years.

The renovations are not scheduled to be completed for another 8 years.

I find it difficult to believe that removing this $50 million earmark at a time when it is not needed will jeopardize its continued planning and construction. The report also indicates that this program was asked for and funded long before the events of September 11.

I do not dispute the merit of a facility such as this. In 1998, it says both agencies, the National Animal Disease Research Center and the National Veterinary Services Lab, saw an excellent new opportunity to create a single new center encompassing all their work. The joint plan promises to provide many advantages over separate new facilities, including a large cash saving and much shorter completion time. The proposed facility will cost $375 million and an 8-year completion plan beginning in 1999.

I am sure the National Animal Disease Center is an important project. I have no doubt in my mind it has merit. I also note that it was in May of 2001, I quote from the committee report, correspondence to this committee, the Secretary of Agriculture noted, that there is an urgent need to renovate and modernize existing facilities in Ames, IA, since the events of September 11, in view of the fact that the primary mission of this facility is research on highly infectious animal diseases such as bovine spongiform encephalopathy, which is mad cow disease, and others which terrorists might use with devastating results to the U.S. economy. The needs outlined by the Secretary have become even more pronounced.

I have heard a long catalog of threats. The one at the Smithsonian has risen now to national consciousness, that insects in alcohol are now one of our highest priorities and deemed an emergency, but I did not know the spread of mad cow disease was one of the tools of preference for the terrorists. I understand that mad cow disease is a serious problem. I am fully aware of the events of Europe where thousands of cows had to be killed. But the administration, which is responsible for the construction of these facilities, clearly states in the President's veto threat that this $50 million is not necessary at this time because it is an 8-year project.

I am sure the Senators from Iowa will rise, and the Senators from Hawaii will rise, as will the Senators from whatever State that is affected by these projects will rise, and stoutly defend them and make it in the defense of freedom and democracy. The fact is that the name of this bill is to respond to the acts committed on September 11 and how to prepare for further responses to them. I do not believe it is needed in this supplemental appropriations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. The supplemental provides $50 million in construction funds toward the modernization of the National Animal Disease Laboratory in Ames, IA, under the Agricultural Research Service Buildings and Facilities account. The full $50 million is offset. This is not designated as an emergency. The money is fully offset. The total construction costs for modernization of this laboratory are estimated at $430 million. To date, including the $50 million in the supplemental, the Congress will have provided $149 million.

Mission responsibilities of the Ames, IA, lab include the eradication or control of devastating diseases, including bovine tuberculosis; vaccine development; disease control strategies for scrapie; chronic wasting disease; and others.

The National Animal Disease Laboratory combines the research and regulatory responsibilities of the Agricultural Research Service and the Animal and Plant Health Inspection Service.

The National Animal Disease Laboratory has been responsible for research on anthrax and it is the national research center responsible for the prevention of mad cow disease in this country. Recent episodes of mad cow disease, foot and mouth disease, and others in the United Kingdom, are stark evidence of the public health and economic disasters that result from such outbreaks.

In a May 25, 2001, correspondence to the committee, the U.S. Department of Agriculture Secretary, Ann Veneman, stated:

> There is an urgent need to renovate and modernize the existing facilities at Ames. Grossly debilitated and inadequate for animal health programs of high national priority, these facilities must be modernized.

Supportive documents provided by the Secretary on May 25, 2001, state:

> If facilities in Ames are not modernized, both agencies could lose their ability to respond to animal disease emergencies.

On May 15, 2002, the Secretary again notified the committee on progress of the NADL modernization, including the implementation of fast-track initiatives to begin construction of part of the laboratory in fiscal year 2003, and approval by the USDA Office of General Counsel of a justification for other than full and open competition to hire the architectural/engineering firm.

In addition, on May 15, 2002, the Secretary notified the committee that under the current schedule:

> Construction of the animal health facility will be delayed if less than $331 million is appropriated in fiscal year 2004.

So if we fail to provide the $50 million now in the supplemental, the Congress will be required to appropriate $232 million in the next 2 years for this project, just to stay on the USDA's schedule. Construction information from USDA has indicated that longer term construction schedules than the one now in place could result in an additional $117.7 million in construction costs. So the committee has made its judgment that this money is appropriate, and I hope that the amendment will be defeated.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me be brief and try to put this amendment in context. The President, as Commander in Chief, sent the Congress a request for some $28 billion of emergency funding; that is, funding that we deem so critical that we are going to waive the Budget Act, increase the deficit, and spend Social Security money for the purpose of funding it, to basically try to respond to the attack on 9–11 and to try to prevent another attack.

The President made that request and the Senate Appropriations Committee has now come forward with a bill that spends $4 billion more than the President asked for; that underfunds his request for emergency items by $10 billion. That overfunds nonemergencies by $14 billion.

There is no way on the floor of the Senate that we are going to get this bill back in line with the President's request. Hopefully, that will happen in conference. But the President has sent a letter saying he is going to veto this bill because it spends $4 billion more than he asked, he does not give him $10 billion he wanted, and it gives him $14 billion he did not want.

Obviously, it is within our capabilities and within the ingenious ability of the Senate and Senators to make almost anything an "emergency."

I make the following points about this building. First, the President did not ask for it. The President did not include this in his emergency request. I assume he did not include it because, while he supported funding it consistently in each budget, he did not believe it met the high threshold of a national crisis.

Second, it is not as if we are talking about money for research. We are talking about money for a building that will be built over an 8-year period. It looks to me as if what we are seeing is an effort to take this emergency bill and tack on money to speed up a project that would be funded anyway.

Now maybe if we built this building in 7½ years instead of 8 years there would be a benefit to come from it. I don't doubt it. That might very well be. I am against animal diseases, so I might be a beneficiary. Next year I might be in the goat business and there might be a benefit directly in this for me.

But the question is, Is this such a dire emergency that it ought to be funded in an emergency bill that is aimed at the threat of terrorism? A plausible case, even though the President did not ask for it, that if this were direct funding for research that we were going to conduct over the next 3 or 4 months, one might make a plausible case. I don't believe you make a plausible case in a building that will be built over the next 8 years, that giving it $50 million more now is an emergency.

Again, some people want to view this as Senator MCCAIN and I are trying to be tightwads and that we are trying to take out these projects that have merit. I assume since we have been funding this for a while, and intend to fund it for another period of years, that it does have merit. The question is, Is it a dire emergency? I don't believe it is.

Senator MCCAIN and I could have gone on and on and on in offering these little amendments. After this third one, we will have made our point. Our point is that no one cares. Our point is, the fix is in, we have done this bill, and 31 people cared, but the vast majority of Members of the Senate are not willing to try to trim this bill back.

I don't want to use up the time of the Senate. I want the President to sign an emergency bill. I personally believe we would get there quicker if we get it closer to what he requested. I don't understand why we want to move forward with a bill he said he would veto. Maybe it will be fixed in conference.

After this vote, we will have made the point that the bottom line is, when it gets right down to individual programs, even in what is supposed to be a dire emergency, a crisis, and even though the President did not request it, we just simply do not have the vote to take these things out.

There is no lesson in the second kick of a mule and this is the third kick Senator MCCAIN and I are experiencing. If you didn't learn anything from the first or second one, you are unlikely to learn anything from the third one. It would be our intention, I believe, that we have a vote on this, and whatever happens here, happens. Then I have a point of order if there are 60 votes for this bill, so as far as I am concerned, it is off to the President and conference and see what happens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the question really before the Senate is whether or not we are going to provide $50 million for the modernization of the USDA national animal disease facility.

I have listened to the comments made by the Senator from Arizona and the Senator from Texas and, of course, I listened to the statements made by the distinguished chairman of our committee laying out why this is necessary.

I will not speak about any of the other amendments offered on this bill, but this one is of the utmost importance if we are concerned about homeland security. Perhaps one of the most vulnerable parts of our country in terms of a terrorist threat that could have a multiplier effect more rapidly than anything else in affecting more people is our food supply chain. That is the most vulnerable right now, and we all know it.

The chairman of the committee has asked me as the chairman of the subcommittee that funds Health and Human Services medical research and also the agriculture subcommittee that is chaired by the distinguished Senator from Wisconsin, Mr. KOHL—and I serve on that—to focus on the bioterrorism threat to America. We have had hearings on it. We have looked at this. The National Animal Disease Laboratory is, if not the key, one of the key elements we will need to ensure the safety and security not only of animals but the people of this country.

Again, I suppose some people say, sure, HARKIN, you are defending it because it is in Iowa. I said some time ago that I was not responsible for the National Animal Disease Lab being located in Iowa. That predates not my birth but it predates my coming to Congress. I can honestly say that I don't care where this facility would be and I don't care in which State it would be. I would be a strong supporter of this amendment and for, as rapidly as possible, refurbishing and rebuilding this National Animal Disease Laboratory, even if it were not in the State of Iowa. Keep in mind, this is a national laboratory. It is not an Iowa lab. It is a national laboratory. It is the premier veterinary, biologic, and diagnostics lab anywhere in the world. But it is about 60 years old. It is run down.

We found last year after the anthrax scare that permeated our country in our mail system that we had some very dangerous pathogens located in a strip mall in Ames, IA, because the National Animal Disease Lab did not have the facilities for it. That has since been taken care of but gives Members an idea for the need for this.

The National Animal Disease Lab should have been rebuilt and modernized 10 or 15 years ago, probably more than that, but it was not. We got a little complacent. But then when we saw what happened in Europe and Great Britain with hoof and mouth and BSE, it became more and more imperative that we not only rebuild the lab but do it very rapidly.

We started on that last year, but the events of September 11 have compelled us to move even more rapidly.

The modernization of the national animal disease facilities is critical for both homeland defense and America's defense against animal diseases such as anthrax, brucellosis, salmonella, E. coli, many of which—in fact, all of which in these cases—can be transmitted to humans and cause a lot of illness and death in our population.

So the importance of the facility is not in dispute. There are those who say let's wait and do it later. We cannot wait and do it later. We do not have that luxury right now because, as I said earlier, the most vulnerable part of our society right now, in terms of a terrorist threat, is the food supply and the animal systems in our country.

Let me read from a USDA 2001 report to the Appropriations Committee to buttress that.

Mr. REID. Will the Senator yield for a question?

Mr. HARKIN. Yes, I am glad to yield for a question.

Mr. REID. It is my understanding that this $50 million in this bill is not designated as an emergency, it is fully paid for; is that right?

Mr. HARKIN. This is not an emergency; it is fully offset in the bill.

Mr. REID. So people talk about this not being an emergency. It is not deemed to be an emergency in this bill, it is fully paid for; is that right?

Mr. HARKIN. It is fully paid for. The Senator is right. I am glad he made the distinction.

There are those who say we don't have to do it now, we can put it off until later. The USDA said last year in its report to the Appropriations Committee:

> USDA recognizes the swiftly increasing threats from known and emerging diseases because of increased travel, trade, production concentration, and pathogen resistance. A new disease emerges, on average, once a year, requiring constant vigilance and preparedness.

The report went on to quote the Animal Agriculture Coalition which noted:

> The modernization plan proposed by ARS and APHIS is crucial to fulfilling the mission of USDA, specifically in ensuring a safe food supply and expanding global markets for agricultural products and services . . . if facilities in Ames are not modernized, both agencies could lose their ability to respond to animal disease emergencies. Because of the safety concerns and levels of safeguards necessary to work with animal pathogens, the work done in Ames is not easily transferred elsewhere within USDA.

Before September 11, both the House and the Senate Appropriations Committees had moved to provide an additional $40 million for the design of the facility.

With the tragedy of September 11, the need for modernization sharply increased. The Senator from Texas mentioned before that it would be 8 years before it would be done. The information we have now is if we move rapidly we will have the facility done in 2006, that is 4 years from now.

The Senate Appropriations Committee wisely placed an additional $50 million for construction of the facility in this measure. That is because in these dangerous times we realize that America's food supply could be the target of terrorism.

I would like to share with my colleagues some of the facts about the NADL and the important work it does. I think it would shed some light on this debate.

The USDA Animal Health Facilities in Ames have the highest level of research capacity, expertise, and track record available in this area. It also provides diagnostic expertise, technology transfer, and training in the event of an outbreak.

The National Veterinary Services Laboratories, in Ames, is the principal Federal diagnostic laboratory for animal diseases in the U.S. As such, it is a reference point for the State and other diagnostic laboratories, and provides training and testing. NVSL has recently been involved in West Nile virus diagnosis, mad cow disease diagnosis, and anthrax diagnosis. It has provided critical support to CDC in its investigations of human anthrax cases.

The Center for Veterinary Biologics in Ames has the national responsibility for regulating and licensing all biologics for use in animals. Their knowledge, expertise, and capacity to expedite vaccine availability in the event of a bioterrorist outbreak will be centrally important to provide tools for disease control. As an example, they were recently involved in anthrax vaccine issues during the recent terrorism scare.

Secretary Veneman recently said we do not need this money right now. But, in a report she provided to Appropriations Committee in May, just last month. She noted that under the lab's master plan, construction would be delayed if less than $331 million is spent on the lab in fiscal year 2004, the start of which is less than 16 months away.

So the real question is, do we want to delay this in the hope that maybe, somehow, terrorists will not attack our food supply chain, which is the most vulnerable part of our system right now?

I suppose if you wanted to just hope on that, maybe you could vote to support the McCain amendment. But I would not want to hope on that. When we know what to do, we know this is a national animal disease lab that will respond and provide the necessary resources, first to help prevent any widespread terrorist attack on our food supply, especially our animal system of agriculture, and second to respond immediately if, God forbid, anything like that should happen.

Providing these funds now would provide important flexibility to the design team and USDA to move forward with components of the facility at a faster pace then in the original plan. Given the threat, sooner will be much better than later.

And let's talk a little about the threat because those who are not familiar with agriculture might not understand its seriousness.

A new organism of nonnative or native origin, once introduced into the United States animal populations, can initiate an uncontrollable epidemic due to the absence of vaccines or effective drugs, concentration of animal feeding operations in the United States, and a lack of resistance in host animals.

This was evident with the introduction of West Nile virus in New York City in 1999. The current situation in Great Britain with foot-and-mouth disease and bovine spongiform encephalopathy also underscores the need to take every possible action to strengthen our animal health infrastructure. That, by the way, is able to be transmitted to humans.

So this is a threat that we face. It is no less a threat than a terrorist taking a bomb on an airplane. It is no less a threat than terrorist activity that might involve any kind of explosives or what they might try to do in that regard in the future. This threat is real. Frankly, our defenses are inadequate and we need to be about rebuilding this laboratory and providing the kinds of resources that are needed, as I said, to prevent such an outbreak; second, to control it immediately if something does happen; and, third, to develop the vaccines and responses necessary to keep it under control.

So again I say to my friend from Nevada, I thank him for pointing out that this is fully offset. This is not an emergency. For the life of me, I don't understand why the President would not want to move ahead more rapidly with the modernization and rebuilding of this National Animal Disease Laboratory.

Mr. REID. Will the Senator yield for a question?

It is my understanding when the Senator from Arizona completes his statement, the Senator from Iowa is going to move to table the amendment of the Senator from Arizona; is that true?

Mr. HARKIN. That is true, yes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I agree with 99 percent of what the Senator from Iowa just said.

Let us come back to what the amendment is all about. The amendment is about $90 million that has already been provided for fiscal year 2002. It is part of the regular appropriations. According to the President of the United States—and I assume the Secretary of Agriculture who works for him—if an additional money is needed for fiscal year 2002 or fiscal year 2003, there is additional money for research, inspection, and monitoring activities relating to bioterrorism. This is all the money that anybody believes is necessary for research, inspection, and monitoring activities.

Again, I share the view of the Senator from Iowa about the dangers of bioterrorism. The Senator from Kansas, Mr. ROBERTS, who has been involved in this issue for many years, just approached me. I explained to him that this amendment in no way affects the moneys which are in the bill for research, inspection, and monitoring activities. What it simply does is take away money that is not needed for an 8-year construction project. That is what this money is for—construction which the administration and the President of the United States in his message to Congress say is redundant and because the money is already part of the regular appropriations process.

Again, perhaps this will accelerate construction of 8 years down to 7 years. But it has no place on an emergency supplemental appropriations bill.

I would like to add that I filed 21 amendments which largely reflected the views put forth in the statement from the administration. I will not take the time of the Senate to read all of those amendments and objections that I have. I still feel very strongly that those amendments filed, along with those of the Senator from Texas, are important amendments and would save tens or hundreds of millions of dollars of the taxpayers' money that were taken directly out of the Social Security trust fund. It is now increasing the debt by leaps and bounds, but there is no point in taking up the time of the Senate by having votes that—as the last two did and I imagine this one would—get 30 or 31 Senators in support.

But I do think it is important that we are on record on this issue. I will not waste the time of the Senate, but the American people deserve to know when the time comes—we are $100 billion in debt this year, and the previous estimates were that we would have a surplus—that all of this money is not being spent in the name of the war on terrorism.

There is no more need to add to unneeded moneys for the construction of these facilities anymore than there is an emergency in needing to chart the coral reefs off the State of Hawaii—nor is there needed a waiver of the cost-sharing requirement for the biomass project; nor is there needed $2 million to begin construction of an alcohol storage; nor is there a need for additional money for the National Oceanic and Atmospheric Administration.

We are going to give millions of dollars to Amtrak to repair cars that were damaged more than 10 years ago in the name of an emergency supplemental.

We are going to dig wells in the State of New Mexico—just in a certain place in the State of New Mexico—when wells are running dry all over the Southwest, including my State. But we picked out a couple in the State of New Mexico that we are going to spend $3 million on in the name of combating terrorism and the results of the attacks of 9–11.

The list goes on.

Professional training of Middle East journalists may be important, but I would argue that it is probably not necessary on this bill.

We are going to have acceleration of advanced technology program awards; economic assistance for fishermen in the Northeast; the National Water Level Observation Network. The list goes on and on. It is very unfortunate.

As I say, sooner or later, the American people, when they see this burgeoning deficit that looms ahead of us now in monumental proportions, which was not in any way contemplated 6 months ago, are going to want to know where the money went. They are going to want to know where the money went. When they find out where the money went, whether it be for Amtrak, or construction of apartments in Baltimore—whatever they are—then I don't think they are going to be very happy with our performance.

I have only been in Congress now for about 20 years. That is a short time compared to a number of others in this body. But I have to tell you, I have never seen spending like this going on, nor have other observers observed this kind of incredible spending. The President of the United States mentioned in his statement that Congress has already provided $40 billion since September 11. Half of that money has been spent. The President requested an additional $27.1 billion. But that wasn't enough. We had to exceed that by some $4 billion—not to mention, as the Senator from Texas pointed out, that much of the moneys requested were not granted and some $10 billion to $15 billion was used for purposes other than that requested by the President.

I also hope this bill will be repaired in conference. I don't have very much confidence in conferences. I think if you reviewed the record of what conferences do, they usually come out in the appropriations with higher numbers of spending. I hope that this will be an exception to that general rule. I think, because of our inability to enact even the smallest cuts and the smallest reductions, the President of the United States said he will veto the bill. That will hold up the whole process of these much needed funds to fight the war on terrorism.

I understand that the Senator from Iowa will move to table the amendment. I will be glad to get that done so we can move on to other issues.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Iowa.

Mr. HARKIN. Madam President, first, I wanted to say that I have a great deal of respect for the Senator from Arizona and for his keeping an eye on spending. I think he is to be commended for that. Sometimes it is a lonely job. I commend him for that.

I appreciate what he said. He said he agrees with 99 percent of what I had to say earlier. I guess the 1 percent just happens to be the time limits.

But I will respond to my friend from Arizona by saying, first, that I want to make it very clear. If there is not an emergency, we will fully offset it.

Second, it is not a project that just happened; it was considered to be a project some time ago. But with September 11, and with the recognition now that our food supply is extremely vulnerable, especially animal agriculture more than anything else, because of the concentration, because of the travel in and out of the country, and the ability to transmit some of these very deadly kinds of pathogens that can infect our animals in this country—and some of those can be transmitted to humans—after September 11, it is vitally important that we move ahead as aggressively as possible to rebuild this national lab.

Intellectually and honestly, even if it weren't in my State of Iowa, I would be saying the same thing the chairman of the Agriculture Committee and the chairman of the Appropriations Subcommittee on health said. I don't care where it is. This needs to be done sooner rather than later.

That is what the debate is all about: Do we want to make our food supply safer sooner or take a chance and make it later? Do we want to increase our ability to respond quickly to a terrorist attack to our food supply sooner or do we want to do it later? That is what this is about. By doing this, we can get this thing finished by 2006. I have a timeline right here in front of me—by 2006; not 8 years, 4 years. Quite frankly, we ought to do everything we can to collapse the timeframe as much as possible.

So, Madam President, I just close and ask unanimous consent that a letter dated today, June 6, by the Animal Agriculture Coalition, strongly supporting the $50 million included in the Senate version of the bill for the national animal disease facility, signed by a number of animal agricultural associations in the United States, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ANIMAL AGRICULTURE COALITION,
June 6, 2002.

Hon. TOM HARKIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HARKIN: The undersigned members of the Animal Agriculture Coalition (AAC) urge your support for the $50 million in the Fiscal Year 2002 Department of Defense Supplemental Appropriations bill for the U.S. Department of Agriculture (USDA) Animal Health Facility Modernization Plan in Ames, Iowa. The complete modernization of important U.S. Department of Agriculture facilities; the National Animal Disease Center, the National Veterinary Services Laboratories, and the Center for Veterinary Biologics, is urgently needed to protect the U.S. animal agriculture industries.

The Secretary of Agriculture issued a report on May 25 assessing the scope and need of the Modernization Plan. The report stated the "urgent need to renovate and modernize the existing facilities." The Secretary described four options for modernizing the facilities. The AAC supports the accelerated option of building the joint facilities in 6 years at a cost of only $430 million, compared to 10-year plans costing from $440 to $548 million.

These current facilities are antiquated, inefficient and need to be replaced with a centralized modern facility, able to meet the national animal agricultural needs for research, diagnosis, and product testing for animal health. Only an up-to-date animal health and food safety research facility will ensure the safety of our national meat supply, allow the United States to compete globally and have the systems in place to respond quickly to disease outbreaks, such as those faced in Europe.

We urge your support for the $50 million in the FY 2002 Department of Defense Supplemental Appropriations bill for the USDA Animal Health Facility Modernization Plan in Ames, Iowa.

Sincerely,

American Feed Industry Association; American Horse Council; American Meat Institute; American Society of Animal Science; American Veterinary Medical Association; Federation of Animal Science Societies; Holstein Association USA, Inc.; National Association of Federal Veterinarians; National Cattlemen's Beef Association; National Chicken Council; National Institute for Animal Agriculture; National Milk Producers Federation; National Pork Producers Council; National Renderers Association; United Egg Association; United Egg Producers; U.S. Animal Health Association.

Mr. HARKIN. Madam President, I now move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), and the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—72

Akaka
Allard
Baucus
Bayh
Biden
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Carnahan
Carper
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Thomas
Thurmond
Torricelli
Wellstone
Wyden

NAYS—24

Allen
Bennett
Bunning
Cantwell
Chafee
Crapo
Ensign
Fitzgerald
Gramm
Hagel
Hutchinson
Hutchison
Inhofe
Kyl
Lott
McCain
Nickles
Santorum
Sessions
Smith (NH)
Smith (OR)
Thompson
Voinovich
Warner

NOT VOTING—4

Bingaman
Daschle
Dayton
Helms

The motion was agreed to.

Mr. HARKIN. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair. Madam President, I see in the Chamber the distinguished majority whip who has been, in a most courteous manner, allocating time slots to those desiring to offer amendments. I wish to send an amendment to the desk, and my colleague from Connecticut has an amendment in the second degree.

I am joined by the distinguished Senator from Georgia as a cosponsor of the amendment. I would like to accommodate the distinguished majority whip if he wishes to address the order of proceeding because our good friend, the Senator from Illinois, is seeking recognition.

Mr. REID. I appreciate the Senator from Virginia yielding. I am pleased the Senator from Virginia and the Senator from Connecticut have worked out a procedure to dispose of this amendment one way or the other. It is my understanding that the amendment of the Senator from Georgia will be called up, and the Senator from Connecticut will offer a second-degree amendment to that amendment. We should move through this pretty quickly.

I would say, even though he is not on the floor, I do appreciate Senator MCCAIN not offering his 15 amendments he had ready to offer, and he did not take a lot of time offering amendments. He stopped at three, and I appreciate that. We are moving down the road.

Following the amendment of the Senator from Virginia, the Senator from Illinois has an amendment he will offer. That, to my knowledge, is the only one we have on our side. I know Senator GRAHAM of Florida is talking about offering an amendment. We are about through on our side as far as amendments to offer. I am told the Senator from Texas, Mr. GRAMM, wants to make a point of order. We will be ready for that when that is done.

My point is, we are moving through these matters quite quickly. If everyone continues to cooperate, there is no reason we should not be able to finish this bill tonight.

Mr. DURBIN. Will the Senator yield?

Mr. REID. Yes, I yield.

Mr. DURBIN. I ask the majority whip, would it be appropriate, since the Senator is directing traffic, to put me in the queue before Senator WARNER and Senator DODD so I can offer my amendment?

Mr. REID. We, of course, yesterday indicated that on the bill itself, we would go back and forth, and the Senator from Virginia is offering this amendment. It would be appropriate we go to this side and the Senator from Illinois would be next recognized. I will put that in the form of a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM addressed the Chair.

Mr. WARNER. The Senator from Virginia has the floor. I have been yielding for the purpose of letting our distinguished leader and others get their points made. I think we are progressing. If I understand, the UC has been granted; am I correct in that, Madam President?

The PRESIDING OFFICER. The unanimous consent request has not been granted.

Mr. WARNER. Is the Chair prepared to receive the vote of the Senate on that? I have no objection.

The PRESIDING OFFICER. The Senator from Nevada did not have the floor and thus cannot propound the unanimous consent request. The Senator from Virginia has the floor.

Mr. REID. I say to the Presiding Officer, the Senator from Virginia yielded to me for the purposes of trying to move things through the Senate. Of course, he has no objection to my offering this unanimous consent request. He has not lost the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Madam President, before the leader leaves the floor, if I might regain the attention of our distinguished leader, I would be prepared to enter, not at this moment, but look at a time agreement so we can move this process along. I hope we could explore that and advise the Senator from Connecticut in due course because I have a series of cosponsors, which I am about to read. If those cosponsors desire some time, I hope they will inform me very quickly. In that way, we can get a time agreement on the principal amendment and then we can have a time agreement on the second-degree amendment.

Mr. DODD. Madam President, why don't we submit the amendments and see how the debate goes. We are under a time limit anyway, under cloture for 2 hours, an hour for either side. There is a time limit, but possibly we can truncate that. Of course, the willingness of my friend from Virginia to accept the amendment would be very appealing to the Senator from Connecticut.

AMENDMENT NO. 3597

(Purpose: To add the American Servicemembers' Protection Act of 2002)

Mr. WARNER. Madam President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST, proposes an amendment numbered 3597.

Mr. DODD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of June 5, 2002, under "Text of Amendments.")

AMENDMENT NO. 3787 TO AMENDMENT NO. 3597

Mr. DODD. Madam President, I call up amendment No. 3787.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. LEAHY, proposes an amendment numbered 3787 to amendment No. 3597.

The amendment follows:

At the appropriate place in the bill, add the following:

SEC. 2015. Nothing in this title shall prohibit the United states from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic and other foreign nationals accused of genocide, war crimes or crimes against humanity.

SEC. 2016. This title shall cease be effective at the end of September 30, 2002.

AMENDMENT NO. 3787, AS MODIFIED

Mr. DODD. Madam President, I send to the desk a modification of that amendment which my colleague from Virginia is looking at. It is a slight modification of the amendment. Hopefully this modification will be accepted.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

SEC. 2015. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

SEC. 2016. This title shall cease be effective at the end of September 30, 2002.

Mr. DODD. I thank the Chair. Madam President, why don't I allow my friend from Virginia to make his case on his amendment, and then I will respond to that by talking about what my second-degree amendment does. That way we can have some order to the debate.

I know the Senator from Georgia wants to be heard on this as well. There may be others who want to be heard. In fact, I invite my colleague to look at the second-degree amendment. He might be willing to accept it. We can have a short debate on the amendment—it is a long amendment, 29 pages. Nonetheless, we can focus on that amendment if the second-degree amendment is acceptable. I will let him look at the amendment and make his case for the first-degree amendment.

Mr. WARNER. Madam President, I think the normal way to proceed is for the principal amendment to be addressed by the sponsor, myself, and the cosponsors, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST and Senator SESSIONS likewise.

This is a matter with which the Senate has considerable familiarity so I shall be brief in my remarks.

This amendment, the American Servicemembers' Protection Act, is necessary to protect—I repeat, protect—our servicemembers and certain Government officials from prosecution—or that is potential prosecution—by the International Criminal Court, hereinafter referred to as the ICC, an institution which comes into effect on July 1, 2002, over the objections of the United States of America.

This amendment would protect U.S. military personnel and other elected and appointed officials of the U.S. Government against potential criminal prosecution by an international tribunal court to which the United States is not a party.

In light of our ongoing global war on terrorism, it is vital that the Senate adopt this important amendment to protect our brave servicepersons and others who are now being dispatched daily to the farflung points of this globe in the battle against terrorism.

At the outset I would like to recognize the leadership of our distinguished colleague, Senator HELMS, who by necessity is absent today; otherwise, he would be handling this. This is his legislation which I am privileged and, indeed, honored to bring forth on behalf of my distinguished longtime friend and colleague from North Carolina.

He has worked tirelessly on this issue for a number of years, and we all, every Member of this Senate, owe to him a debt of gratitude for keeping this matter before the Senate and to be the ever watchful eye on the steps this Senate must take to protect our servicepersons and others.

President Bush has consistently—I repeat, consistently—opposed this treaty. In May of 2002, a short time ago, President Bush notified the United Nations that the United States does not intend to become a party to the ICC.

However, since over 60 nations have ratified the treaty, the ICC will be established and become effective on July 1 of this year. The International Criminal Court will have the power at that moment to proceed to indict, prosecute, and imprison persons anywhere in the world accused by the Court of "war crimes," "crimes against humanity," and "genocide."

In 2000 and again last year, Senator HELMS introduced, and I cosponsored, freestanding legislation similar to this amendment. Last December, the Senate approved by a vote of 78 to 21—and I encourage my colleagues to do their basic research on that vote to see how they cast their vote—a version of this legislation on the Defense appropriations bill. However, the provision was dropped in the conference. It is important to note that the administration supports this amendment. I repeat, the President supports the amendment brought by myself and other colleagues, and the Departments of State, Defense, and Justice have all been closely consulted and their views incorporated into this amendment.

Also, an identical provision is contained in the House-passed supplemental appropriations bill adopted by the House on May 24 of this year.

I received a call from the distinguished chairman of the Foreign Relations Committee, Congressman HYDE, early this morning, expressing his strong support of the Senate adopting favorably the amendment of the Senator from Virginia.

This amendment seeks to protect American servicemembers, embassy officials, and Government employees from the ICC, and preclude cooperation with the ICC so long as the Senate does not ratify the treaty. This body, I repeat, will again have the opportunity, if for some reason it is brought up, to ratify this treaty. However, the amendment does allow, on a case-by-case basis, cooperation with ad hoc courts provided—that is, ad hoc courts elsewhere in the world—they are created through the United Nations Security Council, examples being those courts created by Yugoslavia and Rwanda.

I shall now outline key provisions of this amendment. First, no Federal or State entity, including courts, may cooperate with the ICC in law enforcement matters such as arrest and extradition, searches and seizures, discovery, asset seizure, financial support, transfer of property, personnel details, intelligence sharing, or otherwise render services to the ICC.

No classified national security information can be transferred directly or indirectly to the ICC.

The United States must secure permanent immunity from ICC jurisdiction for American personnel before they can participate in any United Nations peacekeeping operation or other arrangements must be in effect to protect U.S. peacekeepers from the jurisdiction of this Court. The President may submit a national interest certification, however, effectively waiving this restriction if that is his judgment.

Another provision: No ICC treaty party can receive U.S. military assistance except for NATO countries and major non-NATO allies. The President again may waive this restriction for other countries that ratify the treaty but then conclude agreements with the United States to protect our personnel from the Court. The President may also waive this restriction if he determines that such waiver is important to the national interest.

The President is authorized to use all means necessary and appropriate to bring about the release from captivity of U.S. or allied personnel detained or imprisoned against their will by or on behalf of this Court.

The President is urged to analyze existing alliance command arrangements and develop plans to achieve enhanced protection from the ICC for U.S. military personnel subject to such arrangements.

Let me quote from testimony given before Congress in 1998 by the lead U.S. negotiator on the ICC, Ambassador David Scheffer, a he explained the danger posed by the Court:

> Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives.

In closing, let me also quote from a floor statement on this legislation given by Representative HENRY HYDE, chairman of the House International Relations Committee, on May 10, 2001:

> The ICC threatens the sovereignty of our Nation. This legislation has been endorsed by a who's who of the American foreign policy establishment—a bipartisan group of some of our wisest and most experienced exports on national security matters, men and women who held high office in every Administration since that of Richard Nixon. From Henry Kissinger, George Shultz and Brent Scowcroft to Donald Rumsfeld, Jeane Kirkpatrick, and Zbigniew Brzezinski, they all agree, and I quote from their letter, that This legislation is an appropriate response to the threat to America's sovereignty and international freedom of action posed by the International Criminal Court.

This is an important amendment that deserves the support of all our colleagues. We have a responsibility to protect our servicemembers and the adoption of this amendment is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, I rise to support the American Servicemembers' Protection Act amendment. I am very pleased to join with my distinguished colleague from Virginia in support of this legislation, just as I was pleased to join with Senator HELMS in working with him and his staff on its behalf.

It might be worth noting that Senator HELMS made a determined effort and has been making a determined effort to pass this legislation. I think that is very admirable, and I would like to commend him again for his leadership and wish him well.

I will not restate the details of this amendment since Senator WARNER has already articulated them so well, but I would like to make a few brief points.

As Senator WARNER mentioned, the Senate passed legislation similar to this amendment as part of the 2002 Defense appropriations bill. The final vote was 78 to 21, which constituted a clear majority of this Senate. Unfortunately, the conference committee missed an opportunity to have this protective legislation in place before the International Criminal Court was ratified earlier this year. Now the International Criminal Court becomes effective on July 1, and American servicemembers, officials, and citizens will then potentially be subject to a court to which we are not a party.

That is why, in a nutshell, this legislation is so important. We need some degree of protection for our men and women in uniform and for other officials who sacrifice so much for our Nation.

This amendment is appropriately entitled the American Servicemembers' Protection Act because our war on terrorism could put our military at risk of politicized prosecutions by the International Criminal Court. Other brave Americans who serve this country are also at risk, and this legislation will protect them as well. I believe that as elected lawmakers we are obligated to safeguard them from this potential threat just as we would from threats on the battlefield. I also believe it is important for our military to know that Congress will not stand idly by while this questionable Court comes into existence.

Make no mistake about it, our servicemembers are very aware of the importance of this pending legislation. We must send them the clear message that they have our full support.

I can guarantee that if we do not get this done, and done soon, we will look back and regret our inaction. I, for one, do not want to look a parent in the eye and explain why their son or daughter is being subjected to an international court on a trumped up charge of war crimes.

The administration supports this amendment, as Senator WARNER said, and so should we. Let us do the right thing again, as we did in December, and pass this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Connecticut.

Mr. DODD. Mr. President, first let me explain my second-degree amendment. In fact, I will read it because it is easier to read it than go through an explanation.

At the end of the amendment being offered by my friend from Virginia, we would add a new section that says:

> Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Queda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.
>
> This title shall cease to be effective at the end of September 30, 2002.

The reason for that last section is because presently, pending in conference, is this very issue, in the Department of State-Justice authorization bill.

I do not understand why we are proceeding with this matter today. Currently, we have in conference a debate going on over this very matter, why should we now add it to an appropriations bill? If we pass the Warner amendment, those who sit on the committees of jurisdiction of this matter will be excluded from the debate. This is not the place for this amendment.

But first let me turn to my second-degree amendment. I hope my colleagues might accept this second-degree amendment because I cannot believe, I do not want to believe, that if we apprehend, through the international community, people I have just mentioned on my list, that under this bill we would be prohibited from assisting in the prosecution of Osama bin Laden, the Islamic Jihad, Saddam Hussein, and other members of the terrorist community in the world.

My amendment merely says that despite whatever else we have said, when it comes to prosecuting these people, we would participate and help, even though we are not a signatory or a participant in the International Criminal Court.

I hope my amendment is adopted and accepted. It seems to me, if not, we will have to have a vote on this amendment as the second-degree amendment to this bill.

And, now let me make a case against the underlying proposal. I remind my colleagues this amendment is 29 pages long. This is a bill. This is not an amendment. It deserves to be looked at.

Let me state what the bill does, and remember that our NATO allies have signed this treaty, I read from the bill: It bars intelligence of law enforcement sharing, bars the transfer of intelligence of law enforcement information which specifically relates to matters under investigation by the ICC, to the ICC, or any government which is a party to the Court.

That is stunning. We are going to bar intelligence sharing with the European Community and our NATO allies because they have signed this?

Two, it restricts U.S. participation in U.S. peacekeeping. It bars U.S. participation and U.S. peacekeeping or peace enforcement operations unless the President certifies the action.

Third, it prohibits military assistance to any country that is a party to the ICC. I have already mentioned NATO; and major non-NATO allies are exempted, as well as Taiwan, unless they have concluded an agreement to prevent proceeding against U.S. personnel.

Lastly, and this is one to pay attention to, this amendment authorizes the President to use "all means necessary and appropriate" to free any U.S. personnel of NATO and major non-NATO allies, including persons working on behalf of nonallied nations detained by the ICC.

We now send troops to free people from the ICC? The Philippines is an allied nation, but there are terrorists in the Philippines. Now, in the future the UN could bring Phillipine terrorists to The Hague and try them, and the United States, under this, you can make a case, would have to go in and free them because they are an allied nation.

Do we really want to do that? Please read this bill. This goes far beyond what may be a reasonable proposal of trying to guarantee the U.S. military personnel not be unfairly, unnecessarily, or unjustly prosecuted. The idea we are going to bar intelligence sharing, bar financial assistance, not going to participate in peacekeeping, and that we are actually going to go in, not on behalf of just U.S. personnel, but under this amendment, if adopted and agreed upon under the supplemental appropriations bill, go in and free criminals when allied personnel are subjected to the ICC.

This is a 29-page amendment. This goes way beyond what I think my colleagues believe we are trying to do. Please read this amendment. We are doing things quickly around here. It is a supplemental appropriations bill, and we are trying to rush it through.

If we are in conference dealing with this very same proposal or one like it, which is the place to be doing it—and we wouldn't deal with defense matters here or other issues. That is the reason we have a Foreign Relations Committee. It is the reason we have a Commerce Committee. It is the reason we have a Judiciary Committee.

So we are going to turn this matter over to the Appropriations Committee and deny the other committees that have worked on this a chance to resolve it? That is not the way the Senate ought to be doing its business, in my view.

Let me give my colleagues a bit of history. It was the United States at the end of World War II, people like George Marshall and Harry Truman and Douglas MacArthur and Dwight Eisenhower and Arthur Vandenberg, who stood in this Chamber and outside of it and argued for rebuilding Japan, rebuilding Europe with the Marshall Plan, setting up the U.N. system, the World Bank, the IMF. And they did it in spite of huge opposition. Only about 18 percent of the American public believed we ought to have a Marshall Plan. But we had a leader with the guts of a George Marshall and an Arthur Vandenberg and a Harry Truman who said it is the right thing to do. It may not be popular, but it is the right thing to do.

When you have 133 nations, and 67 others who have ratified an international court which we argued for, we ought to be trying to do something to make it work right.

I quickly add, if that treaty as written were before the Senate today, I would have a hard time voting for it. And my colleague from Virginia is right. When President Clinton signed that treaty, he recommended it not be ratified as written. However, to say we should not ratify it does not mean we should not work at it. And it does not mean you go around and penalize every one of your allies because they have. We do protect service people. Each day we protect them. We have agreements, where our servicemen are located all over the world, on how they would be handled should a matter arise, such as it has in Japan with allegations of rape by servicemen. And we deal with those matters.

But the idea that we would walk away at the very hour we are trying to build support internationally for dealing with terrorists is absurd. I also note that we have been told flatly there will be no further ad hoc trials, the ICC is a U.N. system that has been set up so as not to go through it on an ad hoc basis. It means for all the future efforts our recourse only is military action.

There are many who believe if we had an international criminal court in the early part of the 20th century, we might have been able to avoid some of the tragedies that occurred. Listening to people such as Elie Wiesel, today's proceedings are an insult to the Holocaust victims. Elie Wiesel says this bill is an outrage, it is wrong. The people who went through what they did as a result of the Nazis ought to understand that we are trying to set up a system so that we might avoid that kind of atrocity being repeated.

This bill is poorly written. It is poorly crafted. It does great damage to the United States at a critical time when we are trying to build support in dealing with the issues of terrorism.

It should be fresh in our minds the fact that at the end of the cold war, an explosion of ethnic brutality led to the necessity of creating ad hoc tribunals in Rwanda and in Yugoslavia, but there was no means available during those days to try the Idi Amins and Saddam Husseins of the world and others who evade their nation's justice and avoid the response of the international community. With very few exceptions, the world has stood helpless and silent in the face of such crimes against humanity.

Finally, the world stands up. We have been begging to do it for half a century, and they finally do it. They finally adopt the Rome treaty—133 countries, and 67 sign it. It goes into effect in a matter of days. They are finally doing what we asked them to do for years. What do we do? We walk away from it, and we threaten them. We tell them we will not share intelligence. We tell them they do not get foreign aid or military assistance, that we will deal with them in a harsh way. I don't think that is wise. These are our NATO allies, European allies.

We should be rejoicing that finally—finally—at our insistence, with the entry into force of this Court, any individual who commits genocide, war crimes and crimes against humanity, will be on notice that they will be prosecuted for those crimes.

So these thugs around the world who are doing what they are doing—we are finally getting the world to recognize we have to stand up to them. Now we are going to go after our allies and penalize them because they signed the Rome treaty and because they believed that finally this may be a way to proceed on some of these issues. We attack the Court and those who have chosen to join it? We have nothing to fear from this Court. We have nothing to fear about strengthening the rule of law.

That is what people such as Harry Truman, George Marshall, and Douglas MacArthur stood for. They believed it. We ought to be joining them historically by opposing this amendment and encouraging the improvement of this International Criminal Court, becoming a party to a great effort and not walking away from it.

I do not understand in many cases why our allies continue to support our efforts when we react to them as we are doing with these amendments.

Last month, in fact, the Bush administration took the unprecedented step of unsigning the International Criminal Court. Ironically, I offered an amendment at that time when we were debating the issue to say I will accept this but give the President the authority to waive all of this. He only got 48 votes in this Chamber. This President—not the past President, this President—got 48 votes in this Chamber, deferring to the President to decide whether or not to invoke the provisions of this particular bill. Here we are now even walking away from that.

I point out that when the President decided to unsign this treaty it was an unprecedented act in the history of this Nation. I cannot find a single example in our more than 200 years of great history where an American President of either party ever unsigned something like this. What does that say to the countries around the world that we get to sign treaties with us when they decide to unsign them in the future? What kind of precedent is that? You didn't have to ratify that treaty. But for an American President to unsign it, while we encourage people to live up to their agreements when an American President signs them, is going to create real problems for us down the road, I predict.

On May 6, 2002, Under Secretary of State Grossman announced that the United States would make its objections to the ICC clear through nullification of its signature on the ICC's Rome statute and said the United States would seek agreements with other countries to remove American servicemen.

Mr. Grossman also said:

> Not withstanding our disagreements with the Rome treaty, [again, the Rome treaty was our idea] the United States respects the decisions of those nations who have chosen to join the ICC.

Is this respecting these other nations, when we go down that list of the provisions of this bill? Is this respecting those who have signed it? We bar intelligence or law enforcement sharing. We are not going to participate in U.N. peacekeeping in their countries. We are going to prohibit military assistance. And we threaten to use military force to go in. That is respecting the decision of those who signed on to this agreement?

Ambassador Pierre Prosper, who is head of the War Crimes Office, said:

> The President has made clear that what he wanted to do today was make our intentions clear and to not take aggressive action or wage war, if you will, against the ICC or the supporters of the ICC.

Read that statement and then read this bill that you are going to vote on shortly and ask whether that is consistent with the administration's position. Read what we do here under this amendment if adopted.

I wonder if our colleagues know the amendment that is being offered is called The Hague Invasion Act by our allies because of its extreme provisions authorizing the use of armed force.

All but one other NATO nation completely and strongly backs the ICC, and the entire European Union has ratified the ICC and strongly demarched the United States, indicating disappointment with the U.S. signature nullification.

The amendment by the Senator from Virginia forces the United States into a dangerous and counterproductive game of diplomatic chicken with our closest allies at a time when the alliance is already under great strain, and throws salt in the open wounds of our closest allies in the war on terror, and I think it is dangerous.

The amendment is a very complex amendment. It is 29 pages. There are waivers within waivers which turn out not to be waivers at all because the conditions of the waivers are unattainable in many instances. This is not an issue we should be considering as part of an emergency supplemental appropriations bill, but as I said earlier, it truly belongs in the conference where it is, with the members of the committees of jurisdiction debating it. This matter is in that conference. That is the place it ought to be considered.

The Warner amendment would prevent the United States from participating in peacekeeping or peacemaking activities pursuant to the United Nations in countries that happen to be members of the Court. There is a significant amount of assistance in this bill for Colombia on which we are voting here. I wonder if our colleagues know that Colombia ratified this treaty on June 5 and is now a party with the Court. President Pastrana said ratification with the ICC would send a message to the FARC, the revolutionary group in Colombia, that it would be held accountable for the murder of 119 civilians who took refuge in a church in that country. The Warner amendment would prevent the President from sharing national security information with a court or any country which is a party to the Court, absent assurance the information would not go directly or indirectly to the Court.

I don't think you could ever give that assurance. If faced with an effort to prosecute the FARC and Colombian request for assistance to go after the people who murdered those 119 innocent civilians, under the provisions of this amendment, if adopted, the United States would refuse cooperation.

I think that is outrageous, I think that is sad, if it is adopted.

Mr. WARNER. Will the Senator yield for a quick question? Is there not incorporated in the amendment of the Senator from Virginia sufficient Presidential waiver to take care of every point the Senator has made?

Mr. DODD. I say to my colleague, you have to give assurance that none of this information either indirectly or directly would go to the Court in allowing for the prosecution of those people. I don't think the President could get that assurance. If you are going to be prosecuted in the Court and you are going to share information with the country that wants them prosecuted, how can you give a waiver doing that? That is what I mean about this bill.

Mr. WARNER. Why would the Secretary of Defense have indicated——

Mr. DODD. It is my time. I will be finished in a minute, and then I will give my colleague all the time.

Mr. President, may I finish?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. This is outrageous, this amendment. I urge my colleagues to read this. Read this, please, what we are about to do, here.

This has waivers within waivers. It is 29 pages of complex contradictory provisions, in my view, that make it virtually impossible in many instances for any kind of waivers to be applied here. Further, the amendment would also prohibit the United States from providing military assistance to many countries that are parties to the Court, including such countries as Colombia, unless the President first takes the step of waiving the provisions of that particular provision.

I would say what is going to happen, if our allies respond to this prohibition by barring the sharing of information they may have, which we have a strong national security interest in having—we are sort of provoking this kind of tit for tat, back and forth.

I don't believe that is the way to go. There are ways of improving this treaty. This is not the way. This is about politics and votes in here. This is not about making this a stronger agreement and doing something that would make our Nation proud.

I can only imagine what would have happened if this Senate had been operating in the days after the end of World War II, when only a few of Americans supported the Marshall Plan, when it wasn't popular to do so, using taxpayer money to rebuild Japan and rebuild Europe. In a sense, that is what we are trying to do here; it is to rebuild an international community to deal with the issues of justice in the world. We are now going to walk away from it entirely.

It has been further said you can set up ad hoc courts. No, you can't. The U.N. system has established the ICC. That is it. Not ad hoc courts. The ad hoc courts worked when there was no ICC. Now in the establishment of an ICC, whether we like it or not, it is going to go into effect in July. That is a fact. So the ad hoc courts are not going to be set up.

So when we go after these other people, or try to anyway, the only place you can bring them is to the ICC. But by not being a part of that, we take ourselves out of the game and leave ourselves only the option of militarily going after these people.

That may be a viable option if nothing else works, but I don't think you want to exclude the option of taking these people to court under the rule of law.

The ICC is now the only game in town. The bottom line is that the Security Council is unlikely to approve any new ad hoc tribunals when once the ICC is established. When international efforts attempt to bring Saddam Hussein or Osama bin Laden or the Islamic Jihad to justice, what is the United States going to be doing? What about slave traders and war criminals around the globe?

We will exclude ourselves from assisting in those efforts. That is what this amendment says. We will not be a party to it.

The Warner amendment gives the administration a war powers blank check. Section 3008 of the Warner amendment authorizes "use all means necessary and appropriate" just as the Gulf of Tonkin Resolution authorized all necessary means to release persons arrested by the ICC.

This is a huge giveaway of congressional war powers authority.

Do we really want to be giving open-ended authority to the executive branch to put American servicemembers at odds with the forces of some our closest allies? Are we prepared to send troops, in a sense, to The Hague? This extraordinary grant of authority in section 3008 just doesn't apply to U.S. servicemen. It extends "to any person working on behalf of" many foreign nations, including Egypt, Argentina, Jordan, South Korea, and the like. That goes way beyond what we are being told this amendment accomplishes.

This amendment breaks faith with the Holocaust victims. Elie Weisel has warned that this bill "would erase the legacy of U.S. leadership on international justice." Further, he said, for the memory of the victims of the genocide and the war crimes, this bill must be defeated. This comes from Elie Weisel. These are the people we ought to be listening to when it comes to establishing an international criminal justice court to deal with crimes against humanity and genocide.

This amendment is bad for Israel. Israel signed the Rome Treaty, which is supported by the American Jewish Committee and the Religious Action Center to Reform Judaism. Most of Israel's concerns have already been favorably resolved through negotiations. But Israel is going to need the United States as a fully engaged partner in future negotiations over the definition of aggression and other issues. No matter what one thinks of the ICC, it is clear that U.S. disengagement from the Court is bad for our ally in the Middle East at a critical time, the State of Israel.

For all those reasons, I hope the second-degree amendment I have offered will be agreed to. That would at least provide us an opportunity to go after the people I have mentioned should they be apprehended by the Court, and we could be a part of pursuing them.

It seems to me that in the absence of that we are going to look rather ridiculous in making a claim about seeking support for antiterrorism.

Mr. REID. Mr. President, if the Senator will yield for a question, if the amendment of the Senator from Connecticut is agreed to, the Warner amendment still stands. Will the Senator explain to the Senate the finality of that, if both amendments are agreed to by the Senate?

Mr. DODD. If the Warner amendment is agreed to, I still have a problem with it. However, I will read my amendment again.

It says:

> Nothing in this title would prohibit the United States from rendering assistance to the international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, and other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

Mr. REID. I also ask my friend, if both amendments are agreed to, the matter of the Senator from Virginia would still be before the body, and he could still go forward in the manner he anticipated with the exception that the Senator from Connecticut added. Is that right?

Mr. DODD. That is correct.

Mr. WARNER. Mr. President, I wasn't able to hear the distinguished leader.

Mr. DODD. If I may reclaim the floor—and I will finish—the question of the Senator from Nevada was if my second-degree amendment is adopted as part of the Warner underlying amendment, does the Warner amendment go forward?

I want to be honest with my colleagues. I think it is a better amendment; that is, the Warner amendment is a better amendment if my adaptation is adopted as a second-degree amendment. Yet, I will still have a problem with his amendment for the reasons I have outlined beyond the adoption of it. It goes too far.

I will tell my colleagues that they could vote for the Warner amendment with at least some comfort here should my second-degree pass.

Can you imagine the irony of this bill if my amendment is not adopted? If someone catches bin Laden and brings him to the International Criminal Court, the adoption of this amendment would prohibit us from assisting in that prosecution. I can't believe that we would want on record that kind of a judgment.

Mr. WARNER. Mr. President, will the Senator yield for a question on that point? Is there any way we can have a colloquy so we can inform the Senate of what is taking place?

Mr. DODD. I want to make my point about this, and then I will be happy to engage my friend in a colloquy.

Mr. WARNER. I am exhausted from listening.

Mr. DODD. The Senator from Virginia has a 29-page amendment. I didn't read the whole thing. If I did, that could take more time than my remarks. This is a bill; this isn't an amendment. I have an amendment. This is a bill of 29 pages. It goes on and on. But read the bill. Don't come over with this nice title, the American Servicemembers' Protection Act. How am I going to vote against that?

Read it, and then ask yourself whether or not you really want to be in a situation where ironically, in the same bill we are voting for aid to Colombia, who is a member of the ICC.

Under the provisions of this, barring some waiver, maybe as long as Colombia didn't share any information either directly or indirectly with the ICC, we then would have to cut off the aid to them.

Remember that this proposal is presently in conference. What do you have a Foreign Relations Committee for? What do you have a Commerce Committee for? What do you have a Judiciary Committee for? If we are just going to adopt things on the appropriations bill, why not get rid of the authorizing committees?

What is the point? If I have to watch things being thrown on a supplemental appropriations bill, why do we spend the hours in committee trying to work these things out if we come in and just wipe it out and adopt it on a supplemental appropriations bill, when negotiators have no knowledge of the work that has gone into drafting the language that is sitting in a conference, trying to resolve it?

Unless you are on the Appropriations Committee, you have nothing to do with this stuff. Why bring up all of the authorizing controversies and throw them on here—to satisfy TOM DELAY and the House leadership who want to jam this thing through? That is what they want to do. There is no mistake about it.

This isn't a serious debate about where the United States ought to be on a critical issue facing our country at a time when we were attacked, only 9 months ago, by terrorists.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have listened very carefully in a very quiet and dispassionate way to my friend from Connecticut. I have studied his amendment. I have an observation, and then a question to put to my friend.

The first is, his amendment has two sections: Section 2015, and section 2015 relates to any prohibition of the United States rendering assistance to international efforts to bring to justice Hussein, Milosevic, bin Laden, and so forth.

I say to by good friend that if you will look at my amendment, we have a provision that begins actually on page 8, and I shall read it: Authority to waive sections, and so and so, with respect to an investigation or prosecution of a named individual, and the President is authorized to waive the prohibitions and requirements of section 3004 and 3006 to the agreed section prohibitions, and so forth.

This was carefully crafted in consultation with the Department of State to do precisely what the Senator from Connecticut desires to do in section 2015.

I think our amendment has taken care of section 2015.

Mr. DODD. Mr. President, will the Senator yield?

Mr. WARNER. I yield only for the purpose of a response to my question.

Mr. DODD. You have to understand that, if you go on to page 9, line 14, a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of section 3005 and 3007, and I refer back to page 6, 3005 and 3007.

There it says, "authority to initially" waive these sections. It says, "notifies the appropriate congressional committees"; and "determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement."

You have to get a waiver. You have to go back to the earlier waiver, and you have to get agreement by the ICC.

That is what I mean by this.

Mr. WARNER. Mr. President, in order to save the Senate time, I think the amendment cares for the concerns that the Senator from Connecticut has about 2015. But I make an offer to the Senator from Connecticut that I amend my amendment to incorporate verbatim his section 2015. Would he have any objection if I put it in? I think that would alleviate his concerns. Then we have but one provision left in his amendment to consider.

Mr. DODD. The only thing, 2016——

Mr. WARNER. Mr. President, I am directing a question to 2015. Let us stay on that for a minute.

Mr. DODD. I want to respond as well. I appreciate that. The reason 2016 is there is to say at least give the authorizers a chance to complete our work.

Mr. WARNER. That is a separate argument. Could we address them one at a time? I put to my colleague the question: Would he have an objection if the Senator from Virginia sought to amend his amendment to include verbatim the provisions of the Senator designated as 2015?

Mr. DODD. My point is—I appreciate that—I want to also talk about 2016.

Mr. WARNER. Fine. Can we do them seriatim?

Mr. DODD. No. Let's do them together.

Mr. WARNER. Well, we are not, Mr. President. The question is not: May I amend it to include 2016?

Mr. DODD. Section 2015——

Mr. WARNER. To facilitate the Senate moving ahead on this matter and on the bill—you have raised this question—I am prepared to amend my amendment to include 2015.

Mr. DODD. Let me suggest the absence of a quorum.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Now, Mr. President, I formally put to the Senate the unanimous consent request that the Senator from Virginia may modify his amendment to include verbatim section 2015 of the second-degree amendment offered by the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, the second part of my second-degree amendment is critically important because it gives us a chance to complete our work as authorizers. By not including this—and my friend from Virginia has been candid enough to say they would not accept that as part of this agreement—then I, reluctantly, have to object to this unanimous consent request.

I am prepared to vote on the second-degree amendment, that we just vote on it. Members can decide whether or not they think this provision ought to be a part of this amendment or not. But as an authorizer who has worked hard at this, along with others—we are in conference—we have a chance to come out of a committee with a product for which the Senate can be proud. I hope that is the case. To just sort of disregard that and throw this on the appropriations bill is something I reluctantly have to object to.

So I urge we just have a vote on this second-degree amendment and complete the debate here and allow us to go to the Durbin amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Mr. President, the Senator from Virginia moves to table the second-degree amendment and asks for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

Mr. BYRD. Mr. President, I share the serious concerns of the sponsors of this amendment about the potential for the International Criminal Court to be used as a political weapon against our members of the Armed Forces. This court, a permanent, international institution, is unprecedented in history. The International Criminal Court holds the power to indict and try individuals for war crimes, even if the person is a citizen of a country that is not a signatory to the treaty that creates the Court. It is not difficult to see that rogue states may seek to indict Americans on frivolous charges simply as a means to grind a political axe.

On May 6, 2002, the Bush administration renounced the United States' signature on the Treaty of Rome, which creates the International Criminal Court. But because the treaty has been ratified by 60 other countries, the Court will come into existence on July 1. Proponents of this amendment are correct in saying that the United States should take some action to protect our military personnel who serve abroad from unjustified prosecution by the Court.

But the amendment proposed to the supplemental appropriations bill goes beyond protecting the members of our Armed Forces. It also authorizes the President to "use all means necessary and appropriate" to bring about the release of a "covered person" that is being held for trial before the International Criminal Court.

Who is a "covered person"? The amendment defines him to be an American, or a foreign national of one of our allies. Is Congress really prepared to issue a blanket authorization to allow the President to use "all means necessary" to rescue from prosecution a person from counties like Argentina, Jordan, or Egypt?

There is no way that we could predict the circumstances under which a person from one of these countries could be accused of war crimes. But this amendment gives the President a congressional authorization to use our military to compel the release of a prisoner of the International Criminal Court before Congress even has a chance to examine if the use of force is justified. This is a dangerous and unwise delegation of the constitutional powers of the legislative branch.

I must also question why this amendment is being proposed to the supplemental appropriations bill. This very same amendment is included in the State Department authorization bill passed by the House of Representatives. This provision is now being deliberated in a conference committee. Further consideration of legislation relating to the International Criminal Court would best be left to the conferees from committees of jurisdiction, including the Foreign Relations Committee, rather than the members of the Appropriations Committee who will be appointed to the conference on the supplemental appropriations bill.

To that end, I support the Dodd-Leahy amendment, which will limit the duration of the American Servicemembers' Protection Act to fiscal year 2002 only. If the proponents of the American Servicemembers' Protection Act believe that there is an urgent need to pass this legislation, then there should be no problem in accepting the Senators' amendment. The Dodd-Leahy amendment would provide for a stopgap protection against the International Criminal Court until such time as the conferees to the State Department authorization bill complete their work. This is a reasonable limit to an intrusion into an issue that is being debated in a conference committee.

While we must seek to preserve the sovereignty of the United States by protecting our citizens against prosecution in front of the International Criminal Court, a body which will operate without any checks or balances from any branch of our government, this amendment goes too far in delegating the constitutional responsibilities of Congress over authorizing the use of force. Furthermore, the supplemental appropriations bill is not an appropriate legislative vehicle for addressing this issue. I urge my colleagues to support the Dodd-Leahy amendment.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. It is my understanding the Senator from Virginia has moved to table the Dodd amendment, and the yeas and nays have been ordered.

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Minnesota (Mr. DAYTON), are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), and the Senator from Colorado (Mr. CAMPBELL), are necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—55

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
DeWine
Domenici
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—40

Akaka
Baucus
Bayh
Biden
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Corzine
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Mikulski
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—5

Bingaman
Campbell
Daschle
Dayton
Helms

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

MODIFICATION TO AMENDMENT NO. 3597

Mr. WARNER. Mr. President, at this time, the Senator from Virginia renews his unanimous consent request to incorporate verbatim—and I do so on behalf of my distinguished colleague and cosponsor from Georgia, Mr. MILLER—to offer verbatim section 2015 of the second-degree amendment offered by the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The modification is as follows:

At the end, add the following:

SEC. 3015. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate my colleague's offer, and I did not object. I want to make clear to people why we ended up voting on the second-degree amendment.

There is in Congress, on the State-Justice authorization bill, a conference on this very matter. Many of us have spent weeks trying to get the House to join us to resolve this matter. They have refused to meet. We included language that would force the House to meet with us or, under the supplemental, this language would die.

There is still a Defense appropriations bill and there is still a foreign operations appropriations bill to which this language can be added. It is sad in a way that authorizers cannot meet on the authorizing track to resolve policy matters; that policy matters have to be included on a supplemental appropriations bill. It is regrettable that efforts are not made to force the authorizers to meet and work.

Maybe this Senate is so collapsed that there is no longer any need to authorize. Every member of any authorizing committee: Henceforth know that when similar provisions come up, I will join with my friend from Virginia and let it be done on appropriations bills, not authorizing bills.

I do not know why I serve on authorizing committees. I am half tempted to get off them. I do not know why I spend all these hours working on these matters and staff working on these matters to have it included in a supplemental appropriations bill. Why does anyone serve on these committees at all?

We are about to adopt a very delicate and important matter—29 pages—which I promise no one here has read. There are not two people who have read it. They are going to vote on it because it has a nice title.

It looks good in a 30-second spot. It is dangerous, and it is wrong. It is terrible the Senate has come to this.

Mr. BIDEN. Mr. President, I will vote against the Warner amendment. Let me state at the outset my view on several issues that this amendment raises.

First, I want to make clear that I do not support the International Criminal Court as it is constituted. The Rome Statute which creates the Court is flawed, and it would be a mistake for the United States to become a party to the Court under the Statute. The President made clear last month that the United States will not do so.

I do support protecting American servicemen and women. The Court statute purports to provide jurisdiction over individuals from nations which have not become party to it. That is wrong as a matter of treaty law and of basic fairness. We can and must protect our servicemen from the jurisdiction of this tribunal. I believe the President and Secretary Rumsfeld will do what is necessary to do so. We do not need this amendment to allow a President to use "a necessary force" to force any American servicemen from the custody of any international court.

I do not want to harm U.S. interest overseas. Many of our closest allies in Europe are strong supporters of this Court. This legislation will further complicate our relationship with those friends. Moreover, it takes aim at allies outside of Europe with punitive measures.

Finally, I do not, as a constitutional matter, want to give carte blanche to any President to rescue even American individuals detained by the Court who are not citizens.

The amendment contains a sweeping authorization to the President to use force to rescue not only Americans detained by the International Criminal Court, but also nationals of several allied countries.

The authority to rescue U.S. nationals, I submit, is probably unnecessary: most scholars would agree that the President has the authority to rescue Americans abroad who are in serious danger from a foreign power or circumstance. If an American is detained by the Court, the President will surely have the support of the Congress to take whatever action necessary to rescue that servicemember.

The authority to rescue foreign nationals, such as an accused war criminal from Australia or Egypt, is unwise. As a constitutional matter, I am unwilling to give the President such a blank check to invade the Netherlands—where this Court will be located. Only the Congress has the power to authorize such use of force, and we should not do so in advance, without knowing all the circumstances.

I am also concerned about a provision which bars military assistance to countries which join the Court. This would apply, as the Senator from Connecticut noted, to our assistance to Colombia, a country we have been strongly supporting with substantial military assistance. This restriction may be waived on two alternative grounds, but I ask my colleagues: why would we even consider cutting off aid to our ally in Colombia because it made the sovereign choice to join the International Criminal Court?

This provision does not apply to our NATO partners, and certain non-NATO allies like Egypt, Israel and Japan. How can we tell our NATO allies or others that they are free to join the Court without fearing an aid restriction, but then turn around and tell other countries that they could face penalties if they join the Court?

This provision is directly contrary to the position of the Bush Administration. When the Administration announced its position on the International Criminal Court last month, Under Secretary of State Marc Grossman made it clear that the United States was going to "respect the decision of those nations who have chosen to join the ICC." This provision to cut off military aid would violate that principle.

My bottom line is this: we should not join the Court as it is currently constituted. Its provisions purporting to extend jurisdiction to non-parties and the inclusion in the Statute of the crime of aggression and sufficient reason to do so.

But this legislation is not necessary to protect our interests. President Bush has adequate powers to do that. It adds very little to the powers he now possesses. But it could complicate our foreign policy with friends in Europe and elsewhere. And it gives future Presidents a blank check to rescue foreign nationals detained by the Court. I think that is a mistake, and therefore will vote no.

Mr. BROWNBACK. Mr. President, as you know, on December 31, 2000, former President Clinton signed the UN's Rome Statute that would obligate the United States to comply with the International Criminal Court. I was disappointed in this action, and until President Bush formally notified the United Nations on May 6 that the U.S. would not become a party to the Rome Statute, I was prepared to fight the ratification of this treaty if it was brought before the United States Senate.

The ICC contains fundamental flaws that we cannot ignore and jeopardizes our service and diplomatic personnel. Whether conducting engagement activities, support operations, stability operations or combat operations, we must ensure the protection of our servicemembers and officials of the United States involved in such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. Many of these issues and the official actions taken by servicemembers and others involve protection of the national interests of the United States. We should have every right to pursue those interests as a sovereign Nation.

In order to accomplish this, we must pass the American Servicemembers' Protection Act, ASPA, which has been offered as an amendment to the pending bill by the ranking member of the Senate Armed Services Committee, Senator JOHN WARNER. I would like to commend my colleague for his initiative and leadership on this issue. As he and others would agree, failure to pass this Act will have a chilling effect on our ongoing commitments to peace, democracy and prosperity throughout the world.

This amendment is necessary because U.S. withdrawal from the treaty, which we have already done, is not enough. Other countries may still attempt to force the United States to comply with the treaty's provisions. As you may know, the treaty will go into effect on July 1 because the requisite number of countries have ratified the Rome Statute, notwithstanding our withdrawal from the treaty. What this means is that the International Criminal Court could exercise jurisdiction over action crimes committed in the territory of a state party, including those by citizens and servicemen of non-parties.

Thus, under Article 12 of the Rome Statute, the court would have jurisdiction for enumerated crimes alleged to have been committed by U.S. citizens, including the U.S. servicemembers, in a country like Afghanistan. Clearly this is an important protection for our soldiers currently engaged in missions in that country.

Additionally, Article 5 allows parties to the treaty to define vague crimes like "aggression," but Article 121 also allows parties to the treaty to opt-out of certain crimes. Article 121 does not afford that same "opt-out" right to non-parties, including the United States. As a result, U.S. servicemen and diplomats as well as other U.S. citizens could be charged, tried, and jailed for crimes the U.S. had no part in defining and crimes that parties to the threaties themselves are not bound by.

The American Servicemembers' Protection Act, ASPA seeks to protect the United States from these coercive elements of the treaty, and precludes cooperation with the International Criminal Court so long as the United States is not a Rome Statute party. ASPA still permits cooperation with ad hoc courts created through the UN Security Council, such as the Yugoslav and Rwanda tribunals, and prosecution of future war criminals. Such a tribunal created by the Security council at least provides the U.S. with a veto option where we have a say in its mandate and are therefore about to ensure that war criminals will not escape justice.

From Sudan to China, Eastern Europe to South Asia, many of my colleagues and I have devoted considerable time in the Senate to protecting human right, democracy, and religious freedom. This treaty would undermine the U.S. ability to promote and protect the ideals that we have fought for: the values of democracy, freedom and open societies for the people of the world.

While this treaty may be well-intentioned, its vague language gives UN officials unchecked authority, and it imposes an unbearable burden upon the U.S.

This country's commitment to pursuing accountability for war crimes, genocide and crimes against humanity is an important part of our foreign policy objectives and one that serves as a model for others. It was through U.S. leadership that Nazi war crimes were prosecuted. It was through U.S. leadership that Balkan war criminals in Bosnia-Herzegovina and Kosovo were brought to justice. If my fellow members want to maintain America's ability to keep its international commitments abroad, then we must protect our soldiers and our civilian leaders by passing the American Servicemembers' Protection Act.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Warner amendment, but before the vote is taken, I understand there is at least one colleague, my colleague from Virginia, who would like to have 5 minutes. Are there others who wish to indicate to the managers a desire to speak before that vote?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the Senator will yield.

Mr. WARNER. Yes.

Mr. REID. For the information of Senators, Senator ALLEN from Virginia wishes to speak on this underlying amendment for 5 minutes. I do not know of anyone else who wants to speak on this amendment. We will have a vote in the next few minutes on the underlying amendment.

Following that, next in order, by virtue of a unanimous consent agreement, is Senator DURBIN. He has indicated he will speak for perhaps half an hour. There may be others who wish to speak. We will have a vote sometime after that. We are going to have a series of votes in the near future. Members should remain close to the Chamber because we are moving pretty well. It is yet to be seen whether we can complete our work tonight.

I will say to my friend from Connecticut, this was not in the Senate bill that is before this body. I just want to make sure the Appropriations Committee in the Senate is not blamed. This was put in on an amendment from the floor. The Appropriations Committee did not do it.

I say to my friend, this was not put in by any member of the Appropriations Committee. It was put in by an authorizer. I say to all Senators, the Senator from Connecticut is an exemplary Senator who does a great job on every authorizing committee he is on, but I want to say do not blame the Appropriations Committee, because it did not put this matter in the bill. It was offered separate and apart.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. BIDEN. Will the Senator yield for a question?

Mr. WARNER. Were the yeas and nays ordered?

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield to the Senator?

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BIDEN. Has the Dodd amendment, which reads, "Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, and other leaders of al-Qaida, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity," been made a part of what we are about to vote on?

The PRESIDING OFFICER. It has been modified.

Mr. WARNER. Mr. President, I assure the Senator it is. The Senator from Virginia made two attempts, failed on the first attempt for the vote, but succeeded on the second attempt just a minute or two ago.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I understand the Senator from Virginia put forth a unanimous consent agreement that there would be a vote following 5 minutes from the other Senator from Virginia. Is that right?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. No, the request was not made as a unanimous consent.

Mr. REID. Then I would propound that as a unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise in support of the amendment that my good friend, Senator WARNER of Virginia, has offered. I am a cosponsor of this act and a cosponsor of this amendment, along with my friend, Senator MILLER of Georgia. I continue to believe that the International Criminal Court poses a threat to the sovereignty of the United States and the individual freedoms of America.

Americans do care about the rest of the world. The rest of the world, though, can make their own decisions. The Europeans, if they want to merge their currencies, can do so. It does not mean we have to put our dollar in with their currency. We have a right to control our own destiny and the sovereignty and fair justice administered in our country.

This International Criminal Court would have the jurisdiction to punish individual American officials for foreign policy and military actions of the U.S. Government. The laws and the rules of this treaty do not offer fair and equal justice, nor do they offer the due process rights guaranteed and protected under our Bill of Rights.

The mechanism used to introduce and try cases in this Court is an independent prosecutor, who would be one who is not really accountable but would be given the autonomy to enforce justice as that prosecutor sees fit. Placing such power in the hands of one individual is not only ill advised, it runs contrary to the very foundation of justice upon which our country was built upon.

For example, if the international prosecutor believes a U.S. court's decision was inadequate or incorrect, then this prosecutor is authorized to indict the alleged human rights abuser and demand a new trial in the International Criminal Court. This is all contrary to the laws of the constitutions of our States and the Constitution of our country for the last 225 years. Elected officials ought to protect and uphold our rights. In reality, this ICC, or Rome Treaty, would erect an institution superior to our courts in this country and in our States.

In considering whether to enact an amendment that would protect Americans from this international treaty, we need to consider the values and goals of the international prosecutors and the international judges. It is unlikely persons given such authority will hold the same values as the United States. Consider the fact that the Rome Treaty was signed by Iran, Iraq, Sudan, and Syria, among others. All of these nations have extremely questionable records when it comes to justice, due process, and equality. I believe we should consider the parties involved when considering any international treaty.

Senator DODD mentioned Elie Wiesel and Israel. Israel mostly has its troops focused in its homeland. The United States has its spread across the world.

The amendment of Senator WARNER, the American Servicemembers' Protection Act, is supported by the following organizations: The National Guard Association of the United States, the Air Force Sergeants Association, the Army Aviation Association of America, the Association of the U.S. Army, the National Military Family Association, Enlisted Association of the National Guard of the United States, Fleet Reserve Association, the Gold Star Wives of America, Jewish War Veterans of the USA, the Marine Corps League, the Marine Corps Reserve Officers Association, the Military Order of the Purple Heart, the Navy League of the United States, the Retired Officers Association, the United Armed Forces Association, the Veterans of Foreign Wars of the United States, and others.

I believe the former President, Mr. Clinton, made a serious mistake when he signed the Rome Treaty in the last days of his administration. President Bush wisely rejected the Rome Treaty and notified the United Nations that the United States would not be ratifying or participating in the accord. Unfortunately, the number of ratifying nations is rising and the ICC will come into existence on July 1 of this year. It is why we must pass this amendment.

We are all working in unity to fight corruption, hatred, and dictatorships around the world. With the amendment that has been added, our position is clear and we will fight war criminals.

In closing, I will quote Mr. Jefferson when he stated:

> It is the right of every nation to prohibit acts of sovereignty from being exercised by any other within its limits . . .

I urge my colleagues to exercise that right, protect our sovereignty and our men and women in the military in supporting this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3597, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

I further announce that if present and voting the Senator from Ohio (Mr. VOINOVICH) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—75

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Carnahan
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
DeWine
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kerry
Kyl
Landrieu
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—19

Akaka
Biden
Boxer
Byrd
Cantwell
Carper
Dodd
Durbin
Feingold
Jeffords
Kennedy
Kohl
Leahy
Lieberman
Murray
Reed
Sarbanes
Specter
Wellstone

NOT VOTING—6

Bingaman
Campbell
Daschle
Dayton
Helms
Voinovich

The amendment (No. 3597), as modified, was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

AMENDMENT NO. 3729

Mr. DURBIN. Mr. President, I call up amendment No. 3729, which was previously filed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3729.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 55, beginning on line 13, strike "$100,000,000" and all that follows through "*Provided*, " on line 17 and insert the following: "500,000,000, to remain available until March 31, 2003, which may be made available as a United States contribution to the Global Fund to combat AIDS, Tuberculosis, and Malaria: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*,".

Mr. DURBIN. Mr. President, I ask unanimous consent that Senators SPECTER and BOXER be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Thank you, Mr. President.

I want to clarify this amendment because some have followed this issue. I have made a decision this evening to change the amount that I am asking for in this amendment. I want to clarify it for the record so there is no question in the minds of my colleagues as to what this amendment will do.

Currently, in the supplemental appropriations bill there is $100 million for the global AIDS epidemic. It was my original intention to increase that amount to $700 million. But after consulting with Senator FRIST and others, I decided that we should come together to try to work together on a bipartisan basis at a lower number to make certain we do everything in our power to have the resources to fight this global AIDS epidemic.

I hoped we could come together and offer a bipartisan amendment with Senator FRIST relative to a funding level of $100 million: Unfortunately, we were not able to reach that agreement today. However, in the interest of drawing as many together—Republicans and Democrats—to support this measure, I have reduced the amount which I have requested to $500 million. I believe more is needed, but I am asking for $500 million as part of this supplemental appropriation to deal with the global AIDS epidemic.

I will tell my colleagues that this vote is not only important, but it is not going to be an easy vote. I anticipate procedural motions to be made on the floor which will ultimately require 60 votes to pass this amendment. I hope my colleagues will join and agree with me that it is an emergency amendment; that it deserves emergency status; that it deserves the vote of at least 60 Members of the Senate tonight.

Is there anyone in this Chamber and is there anyone following this debate who can seriously question whether the global AIDS epidemic is an emergency? Clearly, it is.

At the end of 2001, more than 40 million people in the world were living with HIV. Some estimates range from 42 million to 45 million.

But there is another statistic worth reflecting on. It is estimated that 95 percent of the people currently infected in the world today don't know they are infected. Think of that for a moment. Think of the consequences of that in terms of the spread of this deadly disease.

There is a chart which shows a summary of the estimated 40 million infected with HIV/AIDS at end of the year 2001. In North America, 940,000; in the Caribbean, one of the fastest growing areas in the world for the AIDS epidemic, 420,000; 1.4 million in Latin America; 1 million in eastern Europe and central Asia; 1 million in east Asia and the Pacific; 6.1 million in South and Southeast Asia; 470,000 in western Europe; 440,000 in north Africa; then comes sub-Saharan Africa with over 28 million people currently infected with HIV/AIDS.

It is our estimated that there are some 15 million AIDS orphans in sub-Saharan Africa alone. Think of that. Children who have lost one or two parents to the AIDS epidemic—15 million.

In 2001 alone, 5 million people were newly infected with HIV, more than 95 percent of whom live in Third World countries, in the developing world. The majority of these new infections occur in young adults—especially women. Most of them are young people. Many don't know they have it. More than 13 million children are orphaned, and 3 million died. Each day in the world, 8,000 people die from AIDS, and 6,000 from tuberculosis and malaria.

The purpose of this amendment is to start bringing together a clear national sentiment—perhaps global sentiment—to do something significant when it comes to dealing with this AIDS epidemic.

Consider for a moment the Global Fund. There was the suggestion by Kofi Annan and world leaders that we make a special effort to fund programs around the world to deal with AIDS, tuberculosis, and malaria.

Two years ago, the United States contributed $300 million to this Global Fund. This year we reduced the amount that we contributed to a figure of $200 million.

You have to ask yourself: Why would you reduce the amount you are spending fighting the global AIDS epidemic through the Global Fund? There is no good explanation.

I had before the Appropriations Committee on Foreign Operations, on April 24, a man I respect very much, Secretary of State Colin Powell.

I stated the following:

> . . . Mr. Secretary, Senator SPECTER and I are going to offer an amendment to the supplemental for $700 million more——

That was our original amendment——

> committed to multilateral and bilateral efforts on AIDS as an emergency appropriation. I just can't think of money that we could spend more wisely than to try to stop the pace of this [global] epidemic.
>
> I think the American people understand this, too. This isn't a problem in some other part of the world. This is a problem of our world; a problem that is sadly an airline flight away from being delivered to the United States every hour of every day. I hope that we can have the support of the administration for $700 million.

This was in April of this year, a question I asked of Secretary of State Colin Powell.

Let me read you his reply:

> I will pass that on to my colleagues downtown and see what we can do as it comes through, but I couldn't agree with you more, sir.

Secretary of State Colin Powell has been a real leader. Sometimes he has not been the most popular person in this administration with some, but he certainly understands the gravity and scope of this crisis. And, as he said, he couldn't agree with me more in terms of funding to fight this epidemic.

We need to show real leadership in this Chamber. We need to step forward and say—not only to America, but to the world—that this is our chance and this is our opportunity.

The global summary of the HIV/AIDS epidemic I have shown you. Let me also show you this chart: About 14,000 new HIV infections every day in the year 2001. As I said, more than 95 percent in developing countries; 2,000 are in children under 15 years of age; about 12,000 are in persons aged 15 to 49 years, of whom almost 50 percent are women, 50 percent are between the ages of 15 and 24.

Two years ago, I made a trip to Africa. I went there to look at other issues. I really was not focused on the global AIDS epidemic. I went there to look at feeding programs and microcredit programs that I am involved with in my committees.

I went to South Africa, Kenya, and Uganda. And I can tell you, in a very brief period of time I realized there is no other issue in Africa than the AIDS epidemic. I saw things and witnessed experiences there I will never forget.

In Kampala, Uganda, there is a clinic known as the TASO clinic. Each day, hundreds of Ugandans come into this clinic who are already infected with HIV, and some are dying from AIDS. These are men and women who understand their time on Earth is limited. They come in for a little help, some basic drugs and medicine, and they go about their lives. We met with them, sat down with them.

One of my colleagues here on the floor a few minutes ago said, it must have been very depressing. It was depressing, yes, to think that so many people's lives would be shortened because of this deadly disease. But at another level, it was inspirational. Here are people who have absolutely nothing on Earth—nothing.

If one of us should hear that we have been diagnosed with a serious disease, there are things we can do, doctors to see, hospitals to visit, research to inquire about, medicines that might give us a chance. None of that is true for most of the victims of HIV and AIDS in Africa and around the world.

I can recall standing there as a choir of infected people in the clinic came together to sing to us a chorus. That is not unusual in Africa. They sing when they greet you; they sing when you leave; they sing all the time. And as they sang the songs that they had written, a young woman stepped forward, who was clearly thin, who did not have much time left, and, in the most angelic voice, sang a song she had written entitled "Why me?" I will never forget that—why him? Why her? Why me?

You say to yourself, isn't this a hopeless situation? If they don't have the medicine, if they don't have the medical care, if they don't have the hospitals, what can we do? We cannot provide the Magic Johnson therapy to every infected person in Africa. It would be too expensive. We could not monitor it. But, trust me, there are things we can do and things that help.

Ten years ago, when Uganda realized their problem, 30 percent of the new mothers were found to be infected with HIV—30 percent. They decided, as a government, to do something about it: A public education campaign, condoms, talking to people about the dangers of unprotected sex.

In a matter of 10 years, with this basic effort, they reduced the HIV infection rate among new mothers to 15 percent. That meant that the number of children infected with AIDS and HIV was cut in half by the simplest methods, the most direct methods.

The message I am trying to deliver to my colleagues is this: The money we spend on the global AIDS epidemic will save lives. We know it will. We have made a commitment to this. But the commitment does not meet the scope of the problem. The commitment does not reach to try to catch an epidemic that is galloping away from us. We are taking small steps forward saying, well, we are doing something in the United States, and this epidemic is galloping away from us across the world.

(Ms. CANTWELL assumed the chair.)

Mr. STEVENS. Madam President, will the Senator yield for a question?

Mr. DURBIN. I am happy to.

Mr. STEVENS. Did I hear correctly that the Senator from Illinois indicated we had reduced spending on AIDS for this fiscal year? There is an increase across the board in several different components. Does the Senator realize that?

Mr. DURBIN. Yes. I say to the Senator, what I said was, we reduced our contribution to the Global Fund from $300 millon a year ago to $200 million in this year. Our total expenditures for HIV and AIDS worldwide are in the range of $850 million.

Mr. STEVENS. We have $300 million right now, Madam President, in this fund. The House bill has $100 million in addition, and we have $100 million in this. Does the Senator realize we are willing to go up to another $100 million?

Mr. DURBIN. I might say to the Senator from Alaska, any additional dollars are appreciated. But the point I am trying to make is, even increasing our contribution to the level of $200 million is totally inadequate in response to this global epidemic. I am going to quote——

Mr. STEVENS. Just one last question.

Mr. DURBIN. I yield for a question.

Mr. STEVENS. Does the Senator realize how much we are contributing to the research base for AIDS in the world, how much we are spending from defense, NIH, from a series of accounts, in terms of basic research for AIDS?

Mr. DURBIN. To the Senator from Alaska, I would say, yes, we are making a contribution as a nation. What I am asking the Senate to consider is whether it is adequate, whether it is adequate in terms of this global AIDS epidemic.

Let me say to my colleague from Alaska, and others, that just a few months ago two of my colleagues in the Senate—Senator FRIST and Senator HELMS, who cannot be with us this evening because he is recovering from a recent medical problem—came to the same conclusion that I have come to this evening. Both Senator FRIST and Senator HELMS sought a $500 million increase for AIDS.

That is the amount I am asking. It isn't as if I have come up with an outlandish and outrageous figure. Dr. FRIST, who is a Member of the Senate, supported the same level of funding. Senator HELMS said it as well. In fact, he offered an editorial to the Washington Post which was nothing short of inspirational. He was widely quoted across the United States, saying that—and I am going to read this because I think, in fairness to Senator HELMS, this is a very important quote.

Senator HELMS, our colleague, in his Washington Post editorial, said:

> In February I said publicly that I was ashamed that I had not done more considering the world's AIDS pandemic. I told this to a conference organized by Samaritan's Purse, the finest humanitarian organization I know of.

Senator HELMS, I would like to say, if you are following this debate, this amendment, the level of funding which you suggested, is the right thing to do. It is still the right thing to do.

For a variety of reasons, there has been a change of heart by some in terms of asking for $500 million. I might say to my colleagues, the problem is not diminishing. The problem is growing geometrically, and we are responding arithmetically. We are providing a little bit more and a little bit more, and this epidemic is raging across the world.

We talk a lot about the security of the United States. I spent a whole day in the Judiciary Committee. The Intelligence Committee I serve on also met. Can we be more secure in the United States if countries around the world are being destabilized by the AIDS epidemic? How are they destabilized? Frankly, if you lose one out of five adults to AIDS, if you have millions of AIDS orphans, children who grow up on the streets, little girls who end up turning to thievery and prostitution to survive, little boys with no parental supervision because their parents have died from AIDs, who become part of these warring gangs in Africa and the Third World, ripe targets for terrorism, how does that make America safer? I don't think it does.

In fact, just the opposite is true. We are, in fact, less secure as a nation. Let me also quote two other members of the administration who have addressed this issue. The Secretary of Health and Human Services, Secretary Thompson, March 29 of this year:

> The scourge of AIDS threatens to destroy economies, social systems, and the very fabric of local communities. There is no question that as a country, the United States must engage with other nations and across all sectors to fight the most devastating public health pandemics of the modern age.

That was Secretary of Health and Human Services Tommy Thompson.

Treasury Secretary Paul O'Neil has been in the news for the last several weeks touring Africa with Bono, a member of the Irish rock band U2, who has been one of the world's leaders on this issue, who came to visit me and so many other Senators to talk about this issue. He invited Treasury Secretary Paul O'Neill to come with him to Africa, see the AIDS epidemic firsthand. Let me quote Treasury Secretary Paul O'Neill:

> Nowhere is this more urgent, and more heartbreaking, than the struggle against AIDS. In South Africa I saw mothers with AIDS caring for babies with AIDS, even when proven, inexpensive drugs are available to stop transmission between mother and child. I saw the dedication of nurses and doctors treating people with AIDS, and their patients' struggle to survive.

That was Treasury Secretary Paul O'Neill.

Why is it that the leaders in this administration can travel around the world and speak forthrightly about this terrible epidemic, yet this Senate is hesitant to put funding into fighting the global AIDS epidemic at a level that gives us a chance to make a real difference?

When I spoke earlier about what we can do and used Uganda as an example, I also went to Mulago Hospital in Kampala. I saw research projects underway there that are nothing short of miraculous. If a mother is pregnant and diagnosed with HIV, there is a high likelihood that her infant will also be HIV positive. But they have found a very simple drug called nevirapine. If the mother goes into labor, she takes the drug and the baby, as soon as it is born, is administered the drug. They are finding remarkable results in terms of saving the baby's life.

Whether you are pro-life or pro-choice, whatever your position may be, isn't that the right thing to do, for the United States to be investing with other countries to try to stop this transmission of AIDS from mother to child?

A proposal came to the Global Fund from Nigeria to support the activities of six centers focusing just on this, to stop the transmission from mother to baby. These centers will have the capacity to test an estimated 14,000 women for HIV and provide this antiretroviral therapy to 912 HIV positive mothers to protect their babies from infection. Finally, the centers will link families with comprehensive care and counseling services.

This is what the Global Fund does: Identifies projects all around the Third World where we have victims of HIV and tuberculosis and malaria to come up with proven, effective therapies to save their lives.

Why is it important that we provide more money to this Global Fund? I will tell you why. Because as of last night or the night before, the Global Fund ran out of money. It had allocated all the money for this year. It is gone. It is down to zero. The $500 million which we are proposing in this amendment can be used by the administration to replenish the money in the Global Fund.

We currently know that there are at least $370 million of outstanding projects that weren't funded, and we know a new round of applications will be coming in in just a few months. We know that down the line even more money will be needed.

As much as we have done as a nation, we should and can do more. We absolutely must do more in terms of the impact this funding is going to have on the world in which we live.

The Global Fund fights, of course, not only AIDS but TB and malaria. I know my colleague from California, Senator BOXER, has been a leader from the start on HIV/AIDS in the United States and around the world and has focused, as well, on tuberculosis as a scourge in many Third World countries—and malaria. I will credit her, as we served on the House Budget Committee together many years ago, with being the first person who made me consciously aware of the HIV/AIDS epidemic.

Little did I know I would be standing on the Senate floor next to her in this situation, but here we are—a nation which has fought its own battle against the HIV/AIDS epidemic and looks out at a world where this epidemic is virtually out of control.

The Global Fund, suggested by Kofi Annan at the United Nations, is a fund that encourages countries around the world to put in their contribution. Do you know the first country that every other nation in the world looks to to see whether this is a good idea, worthy of investment? The United States. If the United States will put up taxpayers' dollars, hard-earned money from our taxpayers to fight the global AIDS epidemic, nations around the world follow suit.

The opposite is also true. If we don't put the money in, the Global Fund lags, falls behind, in allocations. This Global Fund has rules that were set down by USAID, Department of State. It has been approved by our Government. There is no question that it is a good agency that does a lot of great work. Frankly, they are running out of money. They have none currently available.

When they gave countries around the world 7 weeks to prepare proposals for the Global Fund to fight HIV, tuberculosis, and malaria, they received $5 billion in funding requests. We are asking ourselves whether $200 million from the United States is enough? It is not. It clearly isn't. We need to do more.

I think we can do more. This fund has a stupendous resource gap. It is being forced to triage important proposals that have been subjected to vigorous review. The Global Fund may be forced to reject plans that would save lives immediately around the world.

Over 100 country proposals have been submitted. The fund just can't finance it. Over a 5-year window, the Global Fund received $5 billion in applications. Billions more are coming.

I want to commend my colleagues, Senators FRIST, HELMS, SPECTER, BOXER, WELLSTONE, and others, who have shown a real consciousness and sensitivity to this problem. I beg you, think for a moment before we go home this evening, having passed this supplemental emergency appropriations bill, should we not consider the greatest health emergency in the world today?

Shouldn't the United States say: We will continue to lead by example? It isn't as if this is an unpopular idea. They took polls across the United States and asked the people of America what they thought we should be doing in terms of our international commitments. The people came back in polling and said: Second to stopping the illegal flow of drugs in the United States, there is nothing that we should spend more money on when it comes to fighting HIV and AIDS around the world.

The American people understand this. They get it. It isn't a problem in some faraway land. It is a problem that may have started in Africa, but it quickly spread around the world and is now growing at a proportionate rate that many of us never imagined would be possible.

International health experts at the UNAIDS, World Bank, and the World Health Organization have supplied us data on what would be needed to make a serious intervention in this crisis. This amendment we are offering tonight tries to meet that.

A few weeks ago, Bono, who I mentioned earlier, came to Capitol Hill and visited a lot of our offices and created quite a stir. This man, who is internationally known for his musical ability, has developed an international reputation for fighting this AIDS epidemic. He is a very likable man. I said: You have become a constant pest on Capitol Hill. Every time we turn around, there is Bono opening up another door to another office—whether the Senator is a Republican or a Democrat—convincing them we have to do something. He is doing the Lord's work, God's work. But all of those trips and all of the work he has done is worth little if we don't follow through this evening by voting for this additional $500 million.

This debate is about more than posing for photographs with Bono. This amendment is about making a real commitment, a tangible commitment, an effective commitment to a global epidemic. Can we make a difference? In large and small ways, we can.

I went to a clinic in South Africa outside the city of Durban, up in the mountainside. It was one of the most basic health clinics I had ever been to. They didn't have much—very little technology and few drugs. I saw people there suffering from burns and a young woman who was clearly dying from HIV.

Then I met with a group of about 25 or 30 who lived in the villages around the clinic. They sat lined up in neat rows and watched this visitor, a Senator from the United States, come before them. They wanted to make a presentation to me. They made a presentation of a young woman who was brought forward.

She was very thin and obviously very sick. She was clearly nervous to be addressing this crowd and standing before these people from the U.S. She stood there and buttoned her shirt up to the top of her neck and she was shaking.

She said: I have Tuberculosis. I have been very sick for several years, and I have come to this clinic. Then she paused and she said: I have AIDS. I don't know what is going to happen to my children. When she said those words, "I have AIDS," there was a gasp in the audience because in South Africa, sadly—a country that is overwhelmed with the AIDS epidemic—a few years before, a woman was stoned to death when she admitted she had AIDS. She was beaten to death by the villagers. It took real courage for that woman to tell this crowd she had AIDS. They just don't speak of it.

As she was sobbing, they sat her down next to me on a bench, and I reached my arm over and put it around her shoulder, and the audience gasped again. A doctor stood up and said: Look at this now. I am telling you, if you touch her, you will not be infected. He said: This man from the United States has put his arm around her. I am telling you, it is safe to touch people who have AIDS.

That is what the level of ignorance is when it comes to this epidemic in some parts of the world.

My friends, those scenes I will never forget. My colleague in the Senate, Senator FRIST, has been there himself and has worked in these clinics and has performed surgeries in Africa understands this. That is why the amendment he offered for $500 million is a good amendment. It is one that he and Senator HELMS believe in very much, very passionately. I believe in it, too.

I bring this to the floor tonight in the hopes that the 25 colleagues in the Senate who signed a letter with me to Chairman BYRD and Senator STEVENS urging them to commit more money to the global AIDS crisis in this emergency supplemental, and many others, will think about the impact this vote will have not just on the Senate, but on the world. We have a chance tonight—a small chance, perhaps, with one vote—to have an impact on literally millions of people around the world, to save lives of people we will never meet.

We can break the cycle of hopelessness and despair generated by the death spiral of AIDS in so many nations. I invite my colleagues to join me.

Mr. REID. Madam President, we have a number of people who wish to speak on this issue: The Senator from Tennessee, the Senator from Ohio, the Senator from Minnesota, the Senator from California. I am wondering—because Members have been calling both cloakrooms—if we can get an idea as to how long the Senators wish to speak so we can have some idea when the vote will take place. If I may, I ask the Senator from Ohio, does he wish to speak?

Mr. VOINOVICH. I was just here listening to this interesting debate.

Mr. REID. How about the Senator from Tennessee?

Mr. FRIST. I will be offering an amendment later tonight related to this amendment. I would like about 15 minutes, in which case I could handle both of them.

Mr. REID. Could the Senator speak now for 15 minutes?

Mr. FRIST. Yes, 15 minutes.

Mr. REID. How much time does the Senator from Minnesota want?

Mr. WELLSTONE. About 5 minutes.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Illinois be recognized for 10 minutes, the Senator from Minnesota for 5 minutes, the Senator from California wants 15 minutes, the Senator from Tennessee for 15 minutes, the Senator from Pennsylvania for 10 minutes, the Senator from Alaska for 5 minutes, and the Senator from New Mexico for 5 minutes.

Mr. BYRD. Mr. President, I would like 10 minutes at the conclusion of which I expect to offer the motion.

Mr. REID. We will have the Senator from West Virginia be the last speaker. I ask the Parliamentarian to advise the Chair how much time remains.

The PRESIDING OFFICER. One hour ten minutes.

Mr. REID. So we will vote on this at approximately 7:45?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask unanimous consent that we have a vote on Senator BYRD's motion to waive at 7:45 tonight.

Mr. STEVENS. Reserving the right to object, I request that my time precede Senator BYRD's.

Mr. REID. That would be appropriate as comanager of the bill.

Mr. BYRD. Madam President, we have several amendments yet. Is there any hope of completing action on this bill tonight?

Mr. REID. We are going to complete action on the bill tonight.

Mr. BYRD. I wonder if Members will be agreeable to cutting their time on this amendment to some extent. I am willing to cut mine in half.

Mr. REID. Senator DURBIN can cut his in half, also. He agrees to do five. Do I hear 12?

Mr. DOMENICI. I will save my own remarks for another time.

Mr. REID. How about the Senator from California, is 12 minutes OK?

Mrs. BOXER. Absolutely.

Mr. FRIST. I can handle both of mine later tonight in a 15-minute period.

Mr. REID. That is fair. We need a little time to determine what time the vote is. So we have Senator DURBIN for 5 minutes, Senator BYRD for 7½ minutes, and Senator DOMENICI with nothing.

Mr. DOMENICI. I am cut out.

The PRESIDING OFFICER. That is 57 minutes.

Mr. REID. So we can vote at about 7:25. I ask unanimous consent that the vote on or in relation to the Durbin amendment occur at 7:25, or whenever the time is yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, I rise to accomplish two objectives: To speak in response to the pending amendment and to briefly introduce what I plan to do later tonight. In the interest of time, I will try to achieve both of those objectives in the next 15 minutes. If the Chair will notify me when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. FRIST. Madam President, first, the Senator from Illinois has eloquently outlined the challenge, what I consider to be the greatest public health challenge clearly of this generation. I say public health challenge to us as Americans, but equally importantly to us as citizens of the world.

The statistics he mentioned are right on target, and they tell the best picture globally of this scourge against which we are fighting a losing battle. Every 10 seconds someone dies of HIV/AIDS, but every 10 seconds there is a new infection in two individuals—two new infections. We have no cure. There is no cure for HIV/AIDS.

Second, I agree with the Senator from Illinois, we need to do more. There is absolutely no question in my mind that we have to invest, and we have to invest as the United States, as the global leader. Our leadership is critically important for other nations to see, for private companies to see, and for individuals to see so they will be participants.

I agree with the Senator from Illinois that the dollars we spend on HIV/AIDS can do something that really no amendment I have seen on the floor today can with absolute certainty do, and that is to save lives. If resources are handled appropriately when we fight global HIV/AIDS, malaria, and tuberculosis, then each dollar invested, I am absolutely convinced, will save the lives of innocent children who are infected with this virus. This little virus is so adaptable; it moves 100,000 times faster than our own defense systems and tens of thousands of times faster than the best medicines we apply to it. So it is a major challenge for us all.

The Senator from Illinois mentioned Senator HELMS, and I want to come back to that because I will be offering later tonight a Helms-Frist amendment. Our amendment was initially spelled out, at least its framework, in the editorial in March from which the Senator from Illinois quoted. Our amendment focuses on mother-to-child transmission, and our amendment would, I believe, give greater flexibility to the President than the amendment that is now before the Senate.

The Senator from Illinois mentioned Secretary Powell, Secretary Thompson, and Secretary O'Neill, and I will add to that list the President of the United States. We have an opportunity which I think is unheralded, unprecedented, in that we are bringing all elements of modern society together; all political elements, both conservative and liberal; the private sector; the public sector; leaders around the world; the very best of our pharmaceutical companies; the entertainers of the world, all coming together with a spotlight, a focus on a battle we are losing today in a global sense.

If there is a point of order later tonight on this underlying amendment, I will support it, but not because of the amount of money in the amendment. The $500 million is too little for where we need to go. The magnitude of the problem is big, and the money we are talking about is tiny. Yet we do need to recognize where the money is coming from, and at what rate it is going to be spent. That $500 million is something that Senator HELMS and I both believe in, but, again, we have to recognize what we do tonight is not the answer; it is just another step in a very long journey.

I am going to support the point of order against this amendment, but not because of lack of support for the Global Fund. I think it is the best, most innovative, most creative way to pull together the international community. It is not a U.S. fund. It is not a United Nations fund. It is not a World Bank fund. It is a Global Fund independently administered. It was started a year ago. We need to raise a lot of money for it and have it distributed with good peer review. A lot of that money is going out today.

I will be asking my colleagues to support the point of order on this amendment, and then I will ask for their support of an amendment by Senator HELMS and myself which will be offered after we dispense with this amendment.

Why? Because I believe our amendment is more focused. It centers, though it does not commit all the money to, mother-to-child transmission.

Secondly, our amendment gives greater flexibility over the use of these funds. The funds will be under the direct control of the President of the United States.

And thirdly, these funds will have a more direct impact on saving lives. I am convinced of that. By focusing on mother-to-child transmission, which the Helms-Frist amendment does, we can calculate this impact.

The story goes like this: There are 800,000 innocent children born every year into a world of HIV/AIDS, and they become infected. Of every 1,000 pregnant, HIV-infected women who go through delivery, about 200 HIV/AIDS babies will be delivered infected with HIV. If you use nevirapine, a single dose for the mother and one for the child, that number is cut in half. That is why I know a program focused on mother-to-child transmission will ultimately save lives. For every one thousand births to 1,000 HIV positive women, 100 children can be saved from

HIV infection. That is why I can say this and be so definite.

I mentioned the team that is in place in this administration, and I will reinforce what the Senator from Illinois said when he mentioned Secretaries Powell, Thompson, and O'Neill. The President's commitment is there to provide more resources, not just to the Global Fund, which is important, but resources for our much more comprehensive approach for fighting HIV/AIDS, multilateral and unilateral efforts that include prevention, response, care, and treatment. I do believe we have to link all of those approaches for an effective response; no longer can we say just prevention.

The President has increased financing dramatically in the year and a half he has been President. He has promised to do more. He has shown a real empathy for the victims of HIV/AIDS, and he has shown a detailed understanding, to me in our conversations, of the treatments available. He is surrounded, as the Senator said, with people who share that commitment and that desire to do everything possible given the technology, given our understanding, given what we have learned over the last 20 years.

Twenty years ago, we did not even know the virus existed. Now we are saying it is the No. 1 problem. Amazing. Twenty years ago, in 1981, nobody had ever heard of HIV/AIDS. But with the President of the United States, under his leadership and with this team, with our support and through such cooperative efforts as the Helms-Frist amendment to increase funding on mother-to-child transmission, we can make a difference.

Why are we here today? We agree—Senator DURBIN, Senator SPECTER, and the cosponsors of the bill—we all agree and the reason is simple. The global requirements to combat HIV/AIDS are far greater than the international level of commitment. But it cannot be solved with just a U.S. commitment. It has to be an international commitment. Part of the Helms-Frist amendment will require a matching from other countries and entities to leverage the money we invest. We need to lead, and we will lead, but we will lead the global community together.

The amendment which I am offering tonight is the work of Senator HELMS. He could not be with us tonight. He recently underwent open heart surgery. And I am please to report that he is recovering well. I know he wanted to be here tonight to offer this amendment.

He first announced our intention to take this initiative on March 24 in a Washington Post article. Part of it has been quoted tonight.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 24, 2002]

JESSE HELMS—WE CANNOT TURN AWAY

(By John Overmyer)

This year more than half a million babies in the developing world will contract from their mothers the virus that causes AIDS despite the fact that drugs and therapies exist that could virtually eliminate mother-to-child transmission of the killer disease.

It is my intent to offer an amendment with Sen. Bill Frist (R-Tenn.) to the emergency supplemental appropriations bill to add $500 million—contingent on dollar-for-dollar contributions from the private sector—to the U.S. Agency for International development's programs to fight the HIV-AIDS pandemic. The goal of this new money will be to make treatment available for every HIV-positive pregnant woman. As President Bush would say, we will leave no child behind.

There is no reason why we cannot eliminate, or nearly eliminate mother-to-child transmission of HIV-AIDS—just as polio was virtually eliminated 40 years ago. Drugs and therapies are already provided to many in Africa and other afflicted areas. Only more resources are needed to expand this most humanitarian of projects.

The stakes could not be higher. Already in many African nations an entire generation has been lost to AIDS. Mother-to-child transmission of HIV could eliminate another. Although reliable numbers are hard to come by, experts believe that more than 2 million pregnant women in sub-Saharan Africa have HIV. Of these, nearly one-third will pass the virus on to their babies through labor, child-birth or breast feeding, making mother-to-child transmission of AIDS the No. 1 killer of children under 10 in the world.

There will be obstacles to achieving universal availability of drugs and therapies. Many African nations lack the infrastructure and trained personnel to deliver health care on this scale. Some governments may not be cooperative. My amendment will provide the administration with the flexibility to deliver the necessary assistance while addressing these obstacles. For instance, if the new Global Fund to Fight AIDS, Tuberculosis and Malaria is deemed the most efficient way to deliver assistance, then the president can transfer money there.

The United Nations has already set an ambitious goal of reducing the portion of infants infected with HIV by 20 percent by 2005 and by 50 percent by 2010. We can accelerate these efforts, saving hundreds of thousands of lives, with a larger investment of public and private funds now. Private contributions, either financial or in kind—such as the donations of the drug nevirapine by the German pharmaceutical company Boehringer Ingelheim—are an essential part of a successful anti-AIDS strategy.

In addition, national commitment is absolutely essential. The government of Uganda can serve as an example. Through the leadership of Uganda's first lady, Janet Museveni, that country has cut in half its HIV infection rate.

In February I said publicly that I was ashamed that I had not done more concerning the world's AIDS pandemic. I told this to a conference organized by Samaritan's Purse, the finest humanitarian organization I know of. Indeed, it is their example of hope and caring for the world's most unfortunate that has inspired action by so many. Samaritan's Purse is led by Franklin Graham, son of Billy Graham—both of whom I count as dearest friends—but the organization was founded by the late Bob Pierce. Dr. Pierce's mission was to "Let my heart be broken with the things that break the heart of God." I know of no more heartbreaking tragedy in the world today then the loss of so many young people to a virus that could be stopped if we simply provided more resources.

Some may say that, despite the urgent humanitarian nature of the AIDS pandemic, this initiative is not consistent with some of my earlier positions. Indeed, I have always been an advocate of a very limited government, particularly as it concerns overseas commitments. Thomas Jefferson once wrote eloquently of a belief to which I still subscribe today: that "our wisdom will grow with our power, and teach us, that the less we use our power the greater it will be."

The United States has become, economically and militarily, the world's greatest power. I hope that we have also become the world's wisest power, and that our wisdom will show us how to use that power in the most judicious manner possible, as we have a responsibility to those on this earth to exercise great restraint.

But not all laws are of this earth. We also have a higher calling, and in the end our conscience is answerable to God. Perhaps, in my 81st year, I am too mindful of soon meeting Him, but I know that, like the Samaritan traveling from Jerusalem to Jericho, we cannot turn away when we see our fellow man in need.

Mr. FRIST. Madam President, I will quote from the article. This is Senator HELMS:

> In February I said publicly that I was ashamed that I had not done more concerning the world's AIDS pandemic. I told this to a conference organized by Samaritan's Purse, the finest humanitarian organization I know of. Indeed, it is their example of hope and caring for the world's most unfortunate that has inspired action by so many. Samaritan's Purse is led by Franklin Graham, son of Billy Graham—both of whom I count as dearest friends—but the organization was founded by the late Bob Pierce. Dr. Pierce's mission was to "Let my heart be broken with the things that break the heart of God." I know of no more heartbreaking tragedy in the world today than the loss of so many young people to a virus that could be stopped if we simply provided more resources.

Those are Senator HELMS' words from the Washington Post article. The Helms-Frist amendment provides those resources, focusing on mother-to-child transmission where we know we will have a measurable impact in saving lives.

The American public shares the desire to help our fellow men and women across the world. It is a moral imperative of saving innocent lives. We live in a world where drug resistant strains of AIDS, of malaria, and of tuberculosis, all of which are addressed in this Global Fund, are really one economy airline seat away from our shores. There are many reasons for us to fight this fight. It will take more resources.

The Helms-Frist amendment, which will be introduced later tonight, is focused on three things: No. 1, a requirement that the new funds be focused on reducing mother to child transmission of AIDS, a problem which lends itself to immediate action with what we know will be an immediate response of saving lives, and that is the emergency component of this legislation.

No. 2, a grant of authority to the President to spend the money to optimize the impact of all the AIDS-fighting efforts in our Government. In other words, unlike the Durbin amendment, it does not say that this money goes into just the Global Fund, but it does give the President authority to assess at that point in time how best to spend that money to get the greatest impact.

No. 3, the Helms-Frist amendment, which will be coming later tonight, has a requirement that funds not given to the Global Fund—and indeed the President can put these funds into the Global Fund but moneys not put into the Global Fund, indeed have to be matched by sources other than the U.S. Government. The reason being to leverage and maximize our support.

I have a letter I would also ask unanimous consent to be printed in the RECORD. It is to me from Senator HELMS, dated June 5.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, June 5, 2002.
Hon. BILL FRIST, M.D.,
U.S. Senate, Washington, DC.

DEAR BILL: Dot and I—indeed all the Helmses—are grateful to you for your support and counsel. I can truthfully report that I am feeling better each day.

Obviously, I cannot be in the Senate to introduce our amendment to add $500 million to the fight against HIV. On matters relating to global disease your demonstrable leadership in the Senate and in Africa has made us more aware of the great needs around the world.

The Samaritan, on his way from Jerusalem to Jericho, could not turn away from his fellow man in need. My friend, neither can we. You and I know the stunning facts: Nearly one million children are infected by HIV each year from their mothers during labor, delivery or breast feeding. Our amendment will prevent hundreds of thousands of innocent young people from being infected in this manner.

I wish you and the rest of our colleagues all the best as you deliberate on this important matter. Thank you, dear friend.

Sincerely,

JESSE.

Mr. FRIST. Basically he says:

> Obviously, I cannot be in the Senate to introduce our amendment to add $500 million to the fight against HIV. On matters relating to global disease, your demonstrable leadership in the Senate and in Africa has made us more aware of the great needs around the world.

The rest of the letter I will refer my colleagues to.

Mr. DURBIN. Will the Senator yield for a question?

Mr. FRIST. Because of limited time, let me get through and then I will come back to answer the question.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. FRIST. In summary, we have worked together on how to increase funding above the level in the underlying bill in a way that we know in part will be a first step of what has to be done with leadership by the United States in this global endeavor.

I have been working over the last several days with the staff of the President of the United States, and I am delighted that sometime over the next several weeks—or next several days—a major initiative will be introduced by this administration addressing many of the issues that are the underlying reason for proceeding with this amendment.

Again, I will leave it to the administration to talk about this new commitment that they will unveil shortly, a multiyear plan to bring substantial new resources to this effort. This is not the final word.

The amendment offered tonight, whether it is the Helms-Frist amendment or the Durbin amendment, is not the final word on AIDS. We are going to be coming back to this again and again. This is not an easy problem. This is not an easy challenge. I am absolutely convinced, working in this body, working with the House in a bicameral, bipartisan way, which is represented tonight, with this administration, that we can pull the very best out of the United States of America and the global community in order to defeat this little tiny virus, a challenge and a fight that currently we have not quite been able to do.

Mr. DURBIN. Will the Senator yield for a question?

Mr. FRIST. Absolutely.

Mr. DURBIN. I would like to ask the Senator when he offers his amendment, how much money will be in the amendment?

Mr. FRIST. We initially filed, as the Senator knows, $500 million, which is a sum that I think is appropriate in terms of addressing the issues, having them in the field very shortly.

Mr. DURBIN. Which is the amount——

Mr. FRIST. The amendment in the underlying bill, not your amendment or mine, as the Senator pointed out earlier, is $100 million. As I understand it, the amendment of the Senator would take that up to a total of $500 million.

Our amendment will take $100 million on top of that with an understanding, as I said earlier, that funds comparable to that $500 million will be laid out by the administration over the next 2 weeks.

Mr. DURBIN. I am sorry. I do not understand. The total amount that the Senator from Tennessee is going to offer for this is $500 million?

Mr. FRIST. It is $100 million in addition to $100 million that is in the underlying bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. So $200 million?

Mr. FRIST. That is correct, $200 million totally. We will be striking $100 million in the bill, replacing $200 million. The Senator will strike $100 million and will have $500 million.

Mr. DURBIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank Senator DURBIN for his amendment, and Senator BOXER and other supporters. I am a little confused by the remarks of my colleague from Tennessee. As I understand the Durbin amendment, this is $500 million that goes to the administration, which can then decide whether it wants to put it into this Global Fund or it wants to put it into other programs. That is up to the administration. We hope they will put it into the Global Fund because right now this Global Fund has a deficit of $3.5 billion.

This is what I think is the issue for all Senators who are going to vote: I think the question is whether or not when we have a situation where today HIV/AIDS claims the lives of 8,000 people, today 13,000 people become newly infected with HIV, and my colleague is talking about an amendment that I am still not clear is $100 million or $200 million.

The Durbin amendment, which I am proud to support, calls for $500 million. My God, given the magnitude of this crisis, given the magnitude of what all this means in personal terms—I keep hearing my colleague talk about mother to child transmission and the need to have prevention, yes, but there are also many people who need treatment.

The Durbin amendment says tonight the Senate does something, that we live up to being our own best selves, that Democrats and Republicans no longer just give the speeches and no longer say we care so much, but we back up our rhetoric with the resources.

In all due respect, the vote is simple. Do we believe, given this huge gap and how little we have contributed, that we ought to give this administration $500 million to work with so that our Government can play a much stronger and more positive role, or would we vote against this amendment, which means we are not providing anywhere near the resources?

There will be another amendment later calling for much less, $100 million or $200 million, and then there is some discussion about how in the future there will be more. But we do not vote on the basis of the future. This is not an abstraction. There are a lot of people throughout the world who are suffering, a lot of people who are dying, and the Durbin amendment puts us on record that we, the Senate, tonight are going to make a significant commitment. I cannot believe that we would not get the vote for this amendment. It is time for all of us to sort of live the words we speak. That is what this amendment calls for us to do.

One more time, this goes to the administration, giving it the flexibility. We certainly can talk about mother to child transmission, we also can talk about treatment, but the most of all is that finally the Senate goes on record with a real commitment of resources. That is the least we can do. So I speak for the Durbin amendment and hope it will get a strong vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to support the amendment to add $500 million to fight global AIDS. When we take a look at the statistics, what has happened in the world, there are 40 million people who are living with HIV/AIDS, including 2,700,000 children. AIDS claimed the lives of an estimated 2,300,000 Africans last year alone.

Africa is not alone in this struggle. Almost 1 million new infections were reported in south and Southeast Asia last year. These alarming statistics are reminiscent of the early stages of the epidemic in sub-Saharan Africa, and we cannot wait any longer.

What is required is a global effort. It has to be worldwide. We know that it is a matter of leadership for the United States as the most powerful country in the world and as the world's leader to provide substantial funding. The estimates are that some $5.6 billion will be necessary over the next 5 years. There are commitments of only $2.1 billion, leaving a deficit of $3.5 billion. This deficit has to be fixed.

The AIDS epidemic is decimating entire countries, leaving a power vacuum, leaving countries in turmoil. The human factor is overwhelming.

As the lead sponsor, Senator DURBIN, pointed out in the opening of his speech, what happens if you are diagnosed with AIDS, a killer. If you are in Africa or in other Third World countries, it is hopeless, unless someone comes to the rescue. On humanitarian principles, something which the industrial countries ought to assume the responsibility for, when it comes to political considerations, and AIDS is decimating an entire country, it is a matter of a vacuum, where dictatorships breed, where there are terrorist bodies, where there is anarchy. That is very much contrary to the national interests of the United States.

Beyond the humanitarian aspects, there is a definite national self-interest on the part of the United States. You might not necessarily call it national security, but if there is turmoil and you find al-Qaida taking hold of a country which has a power vacuum, it could be categorized broadly as a matter of national security.

I believe this is an important debate, and I believe one way or the other the United States Government is going to come to a $500 million figure. When the figure was talked about as to $700 million, it seems to me, having spent 22 years in the conferences, in the negotiations with the House, with the $200 million we would have ended up with $500 million or perhaps less. The rule has been if the House comes in at $200 million, whatever the Senate comes in at, there is a tendency consistently to split the difference. That will leave the figure low.

One most impressive statement was made by Senator HELMS, who has not exactly been a proponent of funding for HIV/AIDS, for many reasons which we need not go into now. Senator HELMS came out with a proposal to have $500 million. It seems to me that is a benchmark. One might say it is a minimum benchmark or one might say it is a maximum benchmark. When Senator HELMS made the public statement with such feeling at a time, as he put it, when he was near the point of meeting his Maker, he wanted to take a stand on something that was very important for humanitarian purposes, and as a matter of basic fairness and basic decency that a country which can afford it should undertake.

We are a very wealthy country with $10 trillion gross national product and a national budget of $2.1 trillion. With leadership on $500 million, that could be an inspiration for other industrial countries to come forward and do the right thing. That is why when Senator DURBIN approached me weeks ago on this amendment, I told him to count me in.

I urge my colleagues to support this figure.

In closing, I thank my colleague from California, Senator BOXER, for generously yielding to me, although she has been here all afternoon. I have been occupied, as has the Presiding Officer, with the FBI Mueller-Rowley hearings.

I thank the Senator and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before my colleague from Pennsylvania leaves, I wanted him to hear my comments. What he has done is shown that this is a national security issue. We know when people are sick and desperate there can be a void in a country and people can do desperate things. I associate myself with the remarks of the Senator.

Madam President, we talk about many issues in the Senate. There are moments when we know there is a particularly important issue, sometimes more parochial to our State. I say tonight that I am very proud to stand with Senator DURBIN and Senator SPECTER. This is a Durbin-Specter-Boxer amendment to provide $500 million for the fight against AIDS, tuberculosis, and malaria.

I was very stunned when I heard what happened to this debate. For weeks, I was elated that Senators HELMS and FRIST were going to support a $500 million number. And then when I heard that Senators DURBIN and SPECTER were going to say we have to do even more, I felt so good because I thought at the minimum we will get the $500 million that we so desperately need for these diseases.

Then I find out the whole playing field has changed. We are in a situation now that is quite troubling.

I will tell a story about a woman named Elizabeth Glaser whom I met more than a decade ago, a beautiful woman, a young woman, a new mother. She had a child, and in the hospital needed to have a blood transfusion. Those were the years when no one knew that you could pick up HIV through a blood transfusion. Lovingly nursing her daughter, Ariel, she was at a high point in her life. She then had another child, a son, still not knowing anything was wrong. Elizabeth, therefore, faced a situation with her husband, Paul. They had three family members HIV positive: The mother, the son, and the daughter.

Elizabeth Glaser was a fighter. A lot of us knew her around here. She came here and begged us to do something. She focused on the whole issue of AIDS and, of course, on the transmission of the virus from mother to child. The Pediatric AIDS Foundation was formed and they became the leaders in finding a way to stop the transmission.

My colleague, Senator DURBIN has talked about it; Senator FRIST has talked about it.

Let me state how far we have come. We can really stop this epidemic in its tracks in most of these mother-to-child transmissions. The cost of this drug is a few dollars a dose. When Senator FRIST says his alternative will make more money available to stop transmission, he is incorrect. I hope that the record has been corrected. Senator DURBIN's amendment allows the funding to go in whatever way the administration wishes. If they want to take the entire $500 million, if that is their choice, they could spend it in that fashion. So do not stand up here and say: If you want to stop the mother-to-child transmission, support the Frist amendment.

No, support the Durbin amendment. It is very important to do this. A lot of people did not know, and Senator DURBIN talked about it, that AIDS and tuberculosis go hand in hand. If you look at the statistics, they are stunning. Tuberculosis is the leading cause of death among people who are HIV positive. Up to 50 percent of people with AIDS develop TB because HIV infection severely weakens the immune system.

This is a very small world we live in. We are reminded of it every single day. We knew it when planes came over and smashed into the World Trade Center. As soon as we could respond, we were in Afghanistan.

The fact is, it is a small world, and if anyone in this body thinks that having so many people impacted with tuberculosis doesn't impact the health of America, they are wrong. Therefore, what we are doing here by addressing these three diseases, is, yes, to help the people all over the world who have HIV and AIDS, and who have tuberculosis, but also to help those who get malaria, which kills around a million people every single year.

TB is a disease we thought we had eliminated. In fact, in the Western World we largely did, with the development of antibiotics in the 1950s. But the disease made a comeback, and I saw it in my State of California, where local public health officials never thought they would ever have to worry about TB again. But they are worried.

I say to my friends on the Appropriations Committee who have turned their back on this $500 million, think about these numbers. In the year 2000, there were 16,000 TB cases in the United States of America that were reported to the Centers for Disease Control.

In my own State of California, 20 percent of those cases exist there. TB is an airborne disease. You can get it when someone coughs or sneezes. It is a small world. So don't think, if you vote against the Durbin amendment, it doesn't have an impact here at home, because it has an impact here at home. We are talking about tuberculosis, we are talking about AIDS/HIV, and we are talking about malaria.

The good news is that TB can be cured. There is a treatment called DOTS, D-O-T-S. It has been shown it can produce cure rates of 95 percent, even in the poorest countries. That means if we can stop TB in these countries—and people who get on the planes sit next to our people on the planes who do not have TB—we will be a far healthier nation.

I think there are times here when it makes sense to act incrementally. I have seen that. Sometimes there are problems, and you say there are 10 things we should do to solve a problem, let's do 2 of these every year and we will get there.

Sometimes you have to act boldly. Certainly we have seen our country unite and do that in the face of what happened on 9-11. We did it militarily. We liberated a country. We made sure that, to the greatest extent possible, we got to the root cause of what happened to us. And we continue, every day, to act boldly, or we certainly should, whether it is taking a look at how we can make our intelligence agencies better or making sure airport security is as tight as it could be, making sure, as my friend in the chair wants to do, that we protect people from a chemical plant being attacked or a nuclear powerplant being attacked. We are acting boldly. At least I believe most of us are.

Why would we shirk from acting boldly in the face of these epidemics?

We spend a lot of time around here on things that make a difference around the edges. But when historians write about today, I think it will be written, if we do the right thing, that we made a decision that wound up saving millions of lives; that we made a decision as the leader of the free world to alleviate suffering, to alleviate disease, to stop children from having to be orphans.

I will talk about my friend Elizabeth Glaser. She passed away from AIDS. Her daughter passed away. And we are all fighting to see that that is not going to be the fate of her son because he is getting the advantage of the wonderful treatments we have.

How can we not act to make sure that every child and every woman and man gets that same chance? How can we do that when we have the ability to do it? It is either you pay now or you pay later. I thought Senator SPECTER was right when he said: What you do when you turn your back on a crisis such as this is you open the door for people to wreak havoc with countries to fill a void, where people are desperate. They cannot get involved. They are just trying to find out how to live, to survive, to make sure a child is not deprived of family.

My daughter went to Uganda and got back about a week ago. She fell in love with the place and told me she did not meet one person in her travels who had not experienced a deep, tragic loss of a family member—not one person, and she spoke to many people.

This is a test of our leadership. I did not expect to be here on the floor.

I ask for 20 additional seconds.

Mr. REID. Mr. President, Senator BYRD has told me——

Mr. DURBIN. I yield 20 seconds.

Mrs. BOXER. I just believed we were going to have that $500 million. Senator HELMS wrote from his heart and talked about it. Senator FRIST talked about it. Suddenly, what has happened? What has happened is we are losing our boldness. I do not want to see it happen.

I urge support for this very important amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding under the unanimous consent that I have 4 minutes 40 seconds.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Senator BYRD and Senator STEVENS have 5 minutes each before we come to the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I ask unanimous consent to add as cosponsors to this amendment: Senators SPECTER, DASCHLE, LEAHY, DEWINE, KERRY, KENNEDY, BOXER, SARBANES, FEINSTEIN, MIKULSKI, CLINTON, DODD, LIEBERMAN, TORRICELLI, LEVIN, SCHUMER, LANDRIEU, BIDEN, and CORZINE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. What is the difference between $500 million and $200 million in the global AIDS fight? I do not believe for a second $500 million is going to turn back the global AIDS epidemic; no, I do not. But I will say to my friend Senator FRIST, you know as well as I do what a $300 million difference means. It means money going into the Global Fund from the United States that can be leveraged to induce even greater contributions from countries around the world. It means $300 million more that will be spent for mother-child transmission, for treatment to deal with HIV, tuberculosis, and malaria.

I came to this debate asking, in my mind, for $700 million, and I did not think it was an outrageous request, even though it was emergency spending. I concluded, watching the amendments on the floor of the last several days, I could lose; I could lose $700 million. So I went to Senator FRIST and I said: Listen. My name on this proposal is secondary. What is important is to get the $500 million. I'll join you. I'll walk away from my amendment. I will be a cosponsor of your amendment. I will give up whatever publicity might come from it. Who cares? Let's get the job done.

We talked about it until just a few hours ago when, to my surprise, the $500 million Helms-Frist amendment became $200 million.

What happened? In all these months, has the need decreased? Of course not. The need has increased. So I come to the floor today to offer this amendment for $500 million.

I say to my colleagues to please think twice. There will be a parliamentary point of order made in a few moments by Senator BYRD. I understand it. He is chairman of the committee. He is protecting the committee. Even though I serve on it, I understand it.

But think for a minute. Are you going to let a procedural vote stop the investment of $300 million—more than Senator FRIST is going to offer—$300 million in the Global Aids Fund that can be used across the world to save lives? Of all the items we vote for day in and day out, we have to walk down there many times and vote for things for our colleagues from other States, and ask, Is it really worth it? We are loyal. We do it. You know in your heart of hearts that this is the kind of money that should be spent by America to make a difference. That is why the United States leads the world, not just in military power and with its economy but in our values. We define our values by our pocketbook and how we spend it. Tonight, $500 million can make a big difference. It can make a difference in places around the world that you will never see.

But I will tell you this. Take a moment in your life and go to these Third World countries. Look right into the eyes of these mothers and their children and you will never have any question about a $500 million vote.

I went to a place in Kampala where they were putting together a memory book. I sat on a porch with mothers as they showed me the scrapbooks of their lives which they were putting together to leave for their children playing in the yard. The mothers were dying of AIDS. They wanted that little child playing in the yard to remember who they were in the years to come.

That is the tragedy of AIDS. That is the reality of AIDS. That is why we need $500 million.

I implore my colleagues. I have come to this floor so many times but never with so much depth of feeling about the importance of what we are going to do.

Let us not negotiate the difference and bid this down. Let us do what we know is right in our hearts and minds and leave tonight with the passage of this appropriations bill feeling that the United States once again continues to lead the world in fighting the global AIDS epidemic so our children and our grandchildren will not see that great scourge that travels around the world.

I close by saying to you: I salute all of my colleagues—Democrats and Republicans—who joined me. I thank them for their support. But please, for the sake of the millions of people around the world who are now feeling that they are so alone, give them a helping hand with a $500 million investment in hope.

I ask unanimous consent that Senator DASCHLE be added as a cosponsor of this bill.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. REID. Mr. President, for the information of the Senate, Senator DASCHLE has been absent from today's session because he was attending the graduation of his son Nathan from Harvard Law School.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, am I next in line?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, after listening to a lecture in 1983 about a new problem called AIDS, I came back to the Senate and asked that $50 million be dedicated to basic research on this subject. Today, I can tell the Senate that right now we have in this year's budget alone $12.5 billion committed to AIDS.

I have heard people talk about research for women, infants, and children; about the need for remembering the children; and, the fact that this bill, as Senator BOXER said, has an impact here at home. It certainly does. No one can criticize what we have done about AIDS, no one.

I visited with Bono and said: Yes. We will help with AIDS internationally. We started that fund with a contribution in the year 2001. We then increased it for 2002, and we are going to increase it even more for 2003.

The House has responded also with more money to help with AIDS. We are going to respond, I hope, and increase this amount even more than we did. We put in $100 million more. This will increase it again by $200 million more. That will make it a $300 million effort for this year in addition to what is already proposed and already in the system.

But let me summarize for the Senate what we are doing.

FDA has $77,700. The Health Resources and Services Administration has $1.918 billion. Look at what they are doing. They are doing a Care Grant Program, an Early Intervention program, Research for Women, Infants, and Children, AIDS Education and Training Centers, Dental Services, Counseling, Testing & Partnership Notification, Ricky Ray Hemophilia Relief Fund. We have the Indian Health Service, another $3 million; Centers for Disease Control and Prevention, $938 million, and, in total, NIH, $2.5 billion. That covers a whole series of institutes of health. But the main thing is there is a limit to what we can do in the world to deal with the world's problem.

I believe we should do more, and we are going to do more. But it has to be staged. It has to be increased in a way and be spent in a way that encourages other countries to come forward, too.

When we went to visit the World Food Program in Rome this year, we found that the United States is now paying 60 percent of all the costs of the World Food Program. We used to pay 12.5 percent. Why are we paying 60 percent? Because we kept increasing, and as we increased, the other nations of the world decreased their effort.

That is exactly what is going to be happening here. If we don't stage it, if we don't ask the world to come forward and join us to deal with the problems of AIDS in the world, more and more they will say: Let Uncle Sam do it.

I am all for our doing our part, but our part is to match others in a world effort to deal with AIDS. We are doing it. We are doing more than that.

Our budget today of $12.5 billion for the year 2002 alone—not counting this money—is half of what the world is spending. There is space here for some comments about what we should do and how we should do it. But to just genuflect and come in and say, we need $200 million, $500 million, or we need $700 million—we can't handle that in terms of the partnership we have in the world in dealing with AIDS; if we do, they will do the same thing they did in the World Food Program. They will pull back and say, you wanted to do more; go ahead and do more.

It is not only 60 percent that we are spending on the World Food Program. It doesn't include the money we spend on food under the military accounts which our military people provide throughout the world, such as in Afghanistan.

There is a limit. The limit is: What shall we do under an emergency appropriations bill dealing with money that should be spent before September 30?

No matter what anyone else has said, this money probably cannot be spent before September 30. We will deal with more money within a month. When the bill is before the Senate, I am certain there will be an request to increase at by at least another $½ billion.

Let no one say this Senator has not done everything possible to deal with AIDS. The answer is the cure and the answer is research. The answer is not putting money out in the world before the world is ready to join us in a partnership to deal with AIDS worldwide.

Mr. President, I ask unanimous consent that this chart be printed in the RECORD.

ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) PROGRAM LEVEL

[Dollars in thousands]

	FY 2001	FY 2002	FY 2003
Food and Drug Administration:			
Biologics	$35,000	$35,868	$36,943
Human Drugs	19,618	20,104	20,710
Medical Devices	2,300	2,357	2,427
Other Activities	5,400	5,535	5,700
Field	13,500	13,836	14,250
Total, FDA	75,818	77,700	80,030
Health Resources and Services Administration:			
Emergency Assistance—Part A—Title I	604,169	619,514	619,514

ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) PROGRAM LEVEL—Continued

[Dollars in thousands]

	FY 2001	FY 2002	FY 2003
Care Grant Program—Part B—Title II	910,969	977,373	977,373
Early Intervention—Part C—Title III	186,274	194,334	194,507
Grants for Coordinated Services & Access to Research for Women, Infants, Children—Part D—Title IV	64,995	70,990	70,990
AIDS Education and Training Centers—Part F	31,598	35,295	35,295
Dental Services—Part F	9,999	13,498	13,498
Counseling, Testing & Partner Notification	2,000	2,000	2,000
Ricky Ray Hemophilia Relief Fund	580,000	0	0
Program Management	4,996	4,996	4,996
Total, HRSA	2,395,000	1,918,000	1,918,173
Indian Health Service:			
HIV Surveillance	994	1,012	1,027
Information & Education/Prevention Services	2,816	2,874	2,911
Total, IHS	3,810	3,886	3,938
Centers for Disease Control and Prevention: HIV/AIDS Activity	859,045	938,646	938,910
Total, CDC	859,045	938,646	938,910
National Institutes of Health:			
NCI	239,066	256,319	266,539
NHLBI	67,437	72,146	75,380
NIDCR	21,942	23,473	25,338
NIDDK	24,685	27,642	29,847
NINDS	37,774	42,366	45,682
NIAID	1,063,074	1,191,919	1,350,452
NIGMS	43,298	48,391	52,385
NICHD	101,851	116,101	126,249
NEI	11,555	12,730	12,777
NIEHS	7,855	8,336	8,682
NIA	4,386	4,985	5,379
NIAMS	5,692	6,467	6,687
NIDCD	1,592	1,737	1,738
NIMH	145,112	163,938	176,207
NIDA	245,397	279,676	304,187
NIAAA	21,222	23,979	25,913
NINR	9,678	10,990	11,891
NHGRI	5,809	6,310	6,812
NIBIB	843	843	843
NCRR	117,485	135,195	147,198
NCCAM	1,030	2,555	2,718
FIC	16,149	18,328	21,523
NLM	5,589	6,742	7,248
OD	48,494	53,786	58,322
Total, NIH	2,247,015	2,514,954	2,769,997
Substance Abuse and Mental Health Services Administration:			
Programs of Regional & National Significance			
Mental Health	11,681	13,035	10,560
Substance Abuse Treatment	56,378	59,163	59,187
Substance Abuse Prevention	32,100	38,100	38,100
Substance Abuse Block Grant (Set-aside)	55,918	57,987	60,088
Program Management	600	600	600
Total, SAMHSA	156,677	168,885	168,535
Agency for Healthcare Research and Quality[1]: Research on Health Costs, Quality, & Outcomes	3,381	3,300	2,591
Total, AHRQ	3,381	3,300	2,591
Centers for Medicare and Medicaid Services:			
Medicaid (Federal Share)[2]	3,700,000	4,200,000	4,700,000
Medicare	1,900,000	2,050,000	2,200,000
Total, CMS	5,600,000	6,250,000	6,900,000
Office of the Secretary:			
Office of Public Health and Science:			
Office of Minority Health, GDM	13,404	12,421	10,771
Office on Women's Health	140	865	1,040
Office of HIV/AIDS Policy, GDM	906	961	1,304
AIDS in Minority Communities, GDM	50,000	49,991	50,000
Office for Civil Rights	449	471	477
Total, OS	64,899	64,709	63,592
Global AIDS Trust Fund[3]	0	100,000	100,000
Total, AIDS	11,405,645	12,040,080	12,945,766
Foreign OPS		435,000	
Defense		20,000	
Total		12,495,080	

[1] FY 2003 crosscutting estimates for AHRQ represent proportionate allocations based on FY 2002 estimated actual amounts. Estimates will be updated when final decisions are made.

[2] All Medicaid figures represent actuarial estimates.

[3] While budgeted in NIH, HHS contributions to the Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis in FY 2002/2003 are not accounted for in the NIH HIV/AIDS figures, but are accounted for separately.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of increasing funding for HIV/AIDS prevention, care and treatment programs in the developing world.

The funding put forward in this amendment is essential to assisting resource poor countries in confronting the HIV/AIDS pandemic.

The HIV virus has infected over 40 million people worldwide, with over 95 percent of those infected living outside of the United States.

HIV/AIDS is now the leading cause of death in sub-Saharan Africa. In sub-Saharan Africa alone, an estimated 25.3 million people are living with HIV/AIDS and 2.3 million died of HIV last year alone.

Unless we take a leading role in the international community in the fight against HIV/AIDS, it is possible that sub-Saharan Africa will be wiped-out, with profound political, economic, social, and security consequences for the United States.

AIDS is a major problem not only in Africa, which has received so much attention in the press, but also in India, Southeast Asia, China, to name but a few countries impacted.

The AIDS pandemic is devastating, and quite literally wiping out, many countries.

According to some analysis, AIDS will reduce economic growth by up to 1 percent of GDP per year and consume more than 50 percent of health budgets in the hardest-hit countries.

The world has not seen an epidemic of this severity since the bubonic plague, and it is going to take everyone in the global community, working together, to halt the spread of the HIV virus.

There can be little doubt that HIV/AIDS is a health emergency of monumental proportions.

I believe that the United States has a responsibility to assist resource poor countries in gaining the funding necessary to provide people infected and affected by HIV/AIDS with access to the services, such as drug therapy, necessary to save lives.

It is clearly in the interest of the United States to prevent the further spread of HIV/AIDS.

This is not just a humanitarian issue, but also one of global security. In 2000, the National Intelligence Council reported that new and reemerging infectious diseases will pose a rising global health threat and will complicate U.S. and international security interests over the next 20 years.

A CIA commissioned study by the State Failure Task Force found that a high infant death rate is one of the best indicators of impending instability and state collapse.

The global HIV/AIDS crisis is certainly an emergency and worthy of funding as an emergency designation as part of the Fiscal Year 2002 Appropriations Supplemental. It is an emergency for the people of sub-Saharan Africa. It is an emergency for the people of West Africa. It is an emergency for the people of India.

Let's invest more funding in these countries now before we have to add more countries to the growing list of countries experiencing an emergency due to the HIV/AIDS crisis.

Mr. KENNEDY. Mr. President, I join in support of the amendment by the Senator from Illinois, Senator DURBIN, to provide urgently needed help in the international battle against the AIDS pandemic. AIDS is the fourth leading cause of death in the world. This terrible disease ends lives, destroys families, undermines economies, and threatens the stability and progress of entire nations.

We must carry the fight against AIDS to every corner of the globe. And the Durbin amendment would help the United States and the world to meet this extraordinary challenge.

We in America know of the pain and loss that this disease cruelly inflicts. Millions of our fellow citizens, men, women, and children, are infected with HIV/AIDS. And far too many have lost their lives.

While we still seek a cure to AIDS, we have learned to help those infected by the virus to lead long and productive lives through the miracle of prescription drugs.

But this disease knows no boundaries. It travels across borders to infect innocent people in every continent across the globe.

We have an obligation to continue the fight against this disease at home. But we should also share what we have learned to help those in other countries in this life-and-death battle. And we must do all we can to provide new resources to help those who cannot afford today's therapies.

As we sought to enforce child labor laws at home, we also worked to protect children abroad. As we developed new ways of promoting children's health and public health, we have shared these life-saving discoveries with other countries in need.

And once again, we are called upon to open the doors between nations to do all we can to halt the spread of AIDS, and to treat those infected by it.

Twelve years ago, this country demonstrated its commitment to the care and treatment of Americans living with AIDS by passing the Ryan White Care Act. Since that time, community-based care has become more available, drug treatments have been developed that nearly double the life expectancy of HIV positive individuals, and public campaigns have increased awareness of the disease. Yet, advances such as these remain largely the privilege of wealthy nations.

AIDS inflicts a particular toll on developing countries. Globally, 40 million people have HIV/AIDS, and the overwhelming majority live in poor countries. Sub-Saharan Africa is the most affected region, where nearly all of the world's AIDS orphans live. AIDS robs poor countries of the workers they need to develop their economies. They lose teachers needed to combat illiteracy and train their workers for modern challenges. Africa has lost seven million farmers needed to meet the food needs of entire nations. AIDS plunges poor nations into even deeper, more desperate poverty.

Governments can make the difference in battling this epidemic. Where governments in poor countries have been provided resources to fight the spread of AIDS, infection rates have dropped 80 percent. But these countries cannot turn the corner on AIDS on their own. Their governments must be provided the technical assistance and resources to carry out anti-AIDS campaigns. They need financial help to afford expensive anti-retroviral drugs. And drug companies must do their part to make these drugs more affordable to the poor.

In addition, more public education is needed. A UNICEF survey found that most young people still have not heard of AIDS or do not understand how the disease is transmitted. By speaking out, our government can help to lift the stigma and taboo surrounding the disease and save lives.

The challenges are great, but not insurmountable. The epidemic is in its early stages. In most regions of the world, the prevalence rate is still less than one percent of the population. But we cannot delay. It only took 10 years for the HIV/AIDS population to double in the Russian Federation. And in South Africa, the rate increased from 1 in 100 people to 1 in 4 in one decade.

Senator DURBIN's amendment gives much needed support to fund the programs that fight international HIV and AIDS.

By supporting this amendment to increase the funding for bi-lateral AIDS prevention, care and treatment, as well as the United States commitment to the global fund, we will be helping to address the global public health crisis and maintain international stability.

I thank Senator DURBIN for offering the amendment, and I urge my colleagues to support it.

Mr. WELLSTONE. Mr. President, I would like at this time to engage in a colloquy with the chairman of the Agriculture Subcommittee on Appropriations, Senator KOHL, regarding the use of non-fat dry milk as a source of nutritional assistance to countries ravaged by the AIDS epidemic.

It is widely understood that the AIDS pandemic is having a devastating impact on people the world over. Since the onset of the epidemic, 22 million people worldwide have died. An estimated three million people die from AIDS-related causes every year. Another 40 million people presently are living with HIV/AIDS, and although there are some signs that the incidence of HIV may be stabilizing in sub-Africa and elsewhere, the rate of infection remains alarmingly high. In fact, 95 percent of HIV/AIDS victims reside in developing nations—86 percent of the total live in sub-Saharan Africa.

Children are at risk on an unparalleled scale, with HIV/AIDS dramatically increasing the number of infant and child deaths. Nearly 2.7 million children under the age of 15, and 11.8 million young people aged 15–24 are living with HIV/AIDS. More than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born and nursed by an HIV-positive mother has a 25 to 35 percent chance of becoming infected.

Further, most experts agree that nutrition is a co-fact in HIV progression:

poor nutritional status and infection affect the immune system and interact with each other; and it helps protect against opportunistic infection and malignancies. Since the immune system requires protein to function properly, and protein needs increase during times of stress and infection, HIV-positive individuals should have two or more servings of low or non-fat milk or yogurt with active cultures. In addition, many believe that dairy products should accompany anti-retroviral drugs to boost the nutrition of HIV-positive mothers, increase the effectiveness of the drugs, and help mothers give birth to healthy children. I believe there is a opportunity to address this need within the Department of Agriculture in the form of non-fact dry milk currently in great surplus within USDA, the value of which is deteriorating as the cost of storage is increasing.

Mr. KOHL. I appreciate the Senator raising this issue. It is my understanding that the United States has more than one billion pounds of surplus non-fat dry milk in storage that has been acquired at an average cost of over 90 cents per pound, for a total cost approaching $1 billion, and storage costs of $1.5 million per month and growing. This surplus milk deteriorates rapidly, going out of condition in about three years, when it must be sold for a cost of only a few cents per pound.

Mr. WELLSTONE. I believe that the Secretary of Agriculture, at this time, has the authority to dispose of dairy surpluses, such as the ones mentioned by my colleague, for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic. Therefore, I strongly believe that the Secretary of Agriculture should make available funds for the provision of 100,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, focusing especially on HIV/positive mothers and children. Careful consideration should be given to local market conditions, so as not to undermine the security and stability of the indigenous diary production and processing sectors of these communities, and no funds or commodities should be used in any programs that would substitute dairy products for breast feeding.

We know that there is a dire need for nutritional assistance for families affected by HIV/AIDS. In addition, without action, this milk will remain in storage. It seems clear that we have been presented with a unique opportunity to do something positive in the world. I believe that to do nothing is not an option. We have the food and the technology. Now is the time for action.

Mr. KOHL. I thank my colleague for his passionate statements on this subject. I agree that the Secretary of Agriculture has the responsibility to use here authority to help those in need when the opportunity arises, as it clearly has in this case, and support the comments of the Senator from Minnesota. I look forward to working with my colleague on this issue.

AMENDMENT NO. 3729

Mr. LIEBERMAN. Mr. President, I rise to urge my colleagues to support the amendment introduced by Senators DURBIN and SPECTER with cosponsorship by several colleagues and myself. The amendment would increase the amount of money in this emergency appropriations bill for several purposes related to combating the most pernicious infectious diseases confronting humankind today.

The amendment would raise the U.S. contribution to the Global Fund to Combat AIDS, Turberluclosis and Malaria, increase the resources of our Centers for Disease Control for prevention, treatment, control of, and research on HIV/AIDS, and provide funds for child survival, maternal health, and other programs to combat tuberculosis and to address the consequences of the HIV/AIDS pandemic.

The United States of America contributed last year to the Global Fund and correctly urges other developed countries to participate actively and generously in that global initiative. Nevertheless, I feel we can and must do more to overcome the debilitating effects of these diseases on societies that are struggling.

The dimensions of the global HIV/AIDS crisis are overwhelming. At current rates of infection, it is estimated that 100 million people will have had HIV/AIDS by 2005. More than 36 million people are currently infected with the virus and 22 million people have already died from it, more than the number of soldiers killed in all major wars of the twentieth century. Thirteen million children worldwide have lost one or both parents to AIDS, and that number is expected to triple to 42 million by 2010. In 10 African countries life expectancy has dropped by more than 20 years, which is almost entirely as a result of AIDS deaths. In China, the number of people with HIV increased by 69 percent in 1999 and another 37 percent in 2000, according to official statistics, and nearly 80 percent of those testing positive for infection are between 20 and 40 years of age. In Russia, Ukraine and throughout the Commonwealth of Independent States, HIV increased five times between 1997 and 1998; in 1999, the region recorded the highest increase in HIV infection in the world.

The AIDS pandemic is having a disastrous impact on economic growth rates, public services and private companies, impoverishing millions of families and orphaning children and rolling back hard-won social gains in human development, including life expectancy, income and education. It is unprecedented in its destructive impact on regional development, because it kills so many adults in the prime of their working and parenting lives, it decimates the workforce, fractures and impoverishes families, orphans millions, and shreds the fabric of communities. In its wake it leaves desperation—one of the greatest threats to peace within and between peoples and nations.

In the face of this challenge, the United States should not treat the major global initiative against infectious disease as a bargaining table at which to challenge other governments' commitment and generosity. We should lead by example. It is in our national interest and consistent with the humanitarian values of America that we contribute substantially to the global fight against infectious disease. I hope all my colleagues will vote to do so by adopting this amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, have other Senators spoken on this amendment?

The PRESIDING OFFICER. All other Senators have spoken on the amendment.

Mr. BYRD. I thank the Chair.

Mr. President, the distinguished Senator from Illinois, Mr. DURBIN, has offered this amendment, and I think he has spoken for a good cause. He is a very highly respected member of the Appropriations Committee, the committee that I chair.

I salute him for speaking out on this matter. I have listened to the poignant cases that he has referred to of persons who have been infected with AIDS. There is no question but that the cause for which he speaks is one which the world should be greatly concerned about.

But there is a limit, in the first place, to our ability as a nation to fund even the good causes. We can only do so much. And regardless of how much we might appropriate today for this purpose, we can never appropriate enough. There will never be enough money in the U.S. Treasury that we can utilize for this purpose. There will never be enough to fully deal with this pandemic.

So, Mr. President, I salute the distinguished Senator from Illinois for his determination, for his humanitarianism, and for the appeal that he has made in this matter. But I have to oppose the amendment. We have a bill here that has been carefully worked out on a bipartisan basis. The ranking member and I, and all the members on his side of the aisle and the members on my side of the aisle—including the distinguished Senator from Illinois—have worked laboriously to produce a bill that will bring the necessary appropriations for the protection of the homeland.

The President made a request, and based on the very thorough hearings that were conducted by my full Committee on Appropriations, we have enlarged over and above the President's request. But we think we are acting judiciously and based on the hearings of the people at the local level: the firemen, the policemen, the health service, the medical personnel. And we have listened to the Governors and the mayors and seven of the Cabinet officers of this executive branch, and the Director of FEMA.

It has been a long and tenuous ordeal as far as I am concerned. I have been working on this bill for months. I think it is important we get it to conference, and that we get it on the President's desk.

Now, the President sent word to this committee last year that he did not need the additional moneys this committee was proposing for homeland defense. And Mr. Tom Ridge wrote me a letter saying they did not need the money, did not need more money. But we appropriated $4 billion more for homeland security last year, and the President signed that bill. And that money has been well spent. It is producing results. And it is making a difference.

We think we have acted judiciously and very carefully in this instance. So we are adding moneys this year over and above the President's request. But we have a responsibility, as elected Members of this body, elected by the American people, elected by the people of our States, to use our judgment; that is what we are doing. No President sends any Senator here—no President, whether he be Democrat or Republican. I would say this if we had a Democratic President. We have only our own judgment. And we do the best we can to represent the people.

How much time do I have?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I thank the Chair.

I have to oppose the amendment. And so I will make a point of order. I hope Senators will support the point of order and will oppose any motion to waive.

Section 205 of H. Con. Res. 290, the fiscal year 2001 concurrent resolution on the budget, created a point of order against an emergency designation on nondefense spending.

Now, I was against the kind of vote that is required to support that. But that is what we have. And I am going to use it. I am going to use that point of order. It is the same point of order I used against an equally good cause when Senator KENNEDY had his amendment before the Senate with respect to summer schools.

The amendment contains nondefense spending with an emergency designation.

Pursuant to section 205 of H. Con. Res. 290, the fiscal year 2001 concurrent resolution on the budget, I make a point of order against the emergency designation contained in the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mr. DURBIN. Yes, I will.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that immediately following the next vote, if Senator DURBIN's amendment is not agreed to, Senator FRIST be recognized to offer his amendment No. 3725; that he be permitted to modify it with the changes that I now send to the desk—they are at the desk—that there be 5 minutes for debate, equally divided, between Senator FRIST and Senator BYRD, and 5 minutes under the control of Senator DEWINE; and that at the conclusion of that time the Senate vote, without any intervening action or debate, in relation to the Frist amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, and I will not object, I would like to add to the unanimous consent request that I be given 2 minutes in response.

Mr. REID. That is appropriate.

The PRESIDING OFFICER. Will the Senator modify his request?

Mr. BYRD. Reserving the right to object, if the emergency designation falls on this point of order, there still has to be another point of order which should be immediate. And I hope the distinguished whip will take that into consideration in his request.

Mr. REID. I would accept the suggestion of the Senator from West Virginia that that be part of the unanimous consent agreement.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, pursuant to the point of order raised by the Senator from West Virginia, I move to waive section 205 of H. Con. Res. 290, the concurrent resolution on the budget for fiscal year 2001, for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Boxer
Cantwell
Carnahan
Cleland
Clinton
Collins
Conrad
Corzine
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hatch
Inouye
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—49

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Carper
Chafee
Cochran
Craig
Crapo
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—5

Bingaman
Campbell
Daschle
Dayton
Helms

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

The Senator from West Virginia.

Mr. BYRD. Mr. President, it remains necessary to make a point of order against the amendment under section 302(f) of the Congressional Budget Act. Section 302(f) is the point of order against spending in excess of the relevant 302(b) allocation, and there is no general purpose discretionary headroom in the allocation of any subcommittee.

Therefore, I make the point of order under section 302(f) of the Budget Act, as amended, that the amendment provides spending in excess of the relevant subcommittees' 302(b) allocation.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

The Senator from Tennessee.

AMENDMENT NO. 3725, AS MODIFIED

Mr. FRIST. Mr. President, under the order, I now call up amendment No. 3725, with a modification now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. HELMS, for himself and Mr. FRIST, proposes an amendment numbered 3725, as modified.

Mr. FRIST. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount provided for the Child Survival and Health Programs Fund, and to impose conditions)

On page 55, strike lines 10 through 19, and insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $200,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Mr. FRIST. I ask for a clarification. In terms of the time agreement, just so our colleagues will know what has been agreed to, I understand I have 2½ minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. And then the opponents have 2½ minutes and then 5 minutes for Senator DEWINE.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Then Senator DURBIN has 2 minutes after that.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Mr. President, Senator JESSE HELMS wrote me a letter yesterday regarding the Helms-Frist amendment. In that letter he said:

> You and I know the stunning facts: Nearly one million children are infected by HIV each year from their mothers during labor, delivery, or breast feeding. Our amendment will prevent hundreds of thousands of innocent young people from being infected in this manner.
>
> I wish you and the rest of our colleagues all the best as you deliberate on this important matter.

Again, that was Senator HELMS in a letter to me yesterday that was entered into the RECORD earlier tonight.

For my colleagues, our amendment very simply strikes, on page 55, lines 10 through 19, and replaces that section with $200 million, $100 million more than in the underlying bill, to add to the U.S. effort to combat the ravages of global HIV/AIDS.

The amendment does three things:

No. 1, it requires that the new funds be focused on reducing mother-to-child transmission of HIV/AIDS, a problem we know how to respond to, thereby greatly reducing the ravages of HIV/AIDS in innocent newborns.

No. 2, it grants flexible authority to the President in spending the money so as to optimize the impact of the AIDS-fighting efforts of our Government.

No. 3, it requires that this money be leveraged through funds matched by sources other than the U.S. Government in order to maximize their impact.

Mr. President, this is a straightforward amendment that recognizes the travesty, the tragedy, and indeed the challenge we have before us in combating HIV/AIDS globally. Every 10 seconds, one person dies. Every 10 seconds, there are two new infections. Globally we are losing this battle.

Finally, in the next several days, the President will introduce a major initiative addressing global HIV/AIDS that will be devoting increased resources with a strategic plan to combat HIV/AIDS.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding I have 2 minutes under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Mr. President, I will not use the full 2 minutes.

Clearly, I believed very strongly that $500 million was the right number. It was the number Senator FRIST and Senator HELMS proposed. It was a number I compromised to offer to the Senate, but it was not accepted. I am disappointed, but I urge all of my colleagues, Democrats and Republicans, to join in supporting the Frist amendment. It will add another $100 million. We need every penny we can get.

Senator FRIST believes, and he has told me, the administration is going to come through with even more money on their own. I sincerely hope he is right, and I hope we can all stand and applaud the administration for doing that.

I urge all of my colleagues now to join in supporting the Frist amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today in support of increasing funds to respond to the HIV/AIDS pandemic. I cannot think of a more pressing humanitarian and health emergency than this global crisis. That is why Senator FRIST, I, and others have worked with Senator HELMS to propose this amendment to significantly increase the U.S. contribution to the global AIDS fight.

At the end of the day, all of us are working for the same objective: To substantially increase our overall funding level and to work towards alleviating the continued suffering caused by this epidemic. Quite simply, we have a moral obligation to do so.

Many of my colleagues have already come to the Chamber and painted the very disturbing and realistic picture of the impact this disease is having worldwide, particularly on children. In the year 2000, the U.S. Agency for International Development released a study which concluded that over 34 million children worldwide have lost one or both parents to AIDS or related causes.

USAID further estimated this number will increase to 44 million children—44 million—by the year 2010. Yet as alarming as these numbers are, they hardly begin to tell the whole story. Today, nearly 3 million children are infected with the virus. Last year, over 800,000 children contracted HIV/AIDS, primarily from mother-to-child transmission.

While the problem is especially profound in sub-Saharan Africa, many children who are contracting the disease are living right in our own backyard in the Caribbean, in nations such as Haiti and Guyana. I have seen firsthand, as have many of my colleagues, the devastation this disease causes. I have seen it in Haiti, a nation with the second highest prevalence of HIV/AIDS in the world, second only to sub-Saharan Africa.

In the year 2000, an estimated 250,000 Haitians, out of a population of only 8 million, are estimated to be currently living with AIDS. According to the Centers for Disease Control projections, Haiti will experience up to 44,000 new HIV/AIDS cases this year. That is at least 4,000 more than the number expected in the United States, a nation with a population nearly 35 times larger.

In Haiti, HIV/AIDS already has orphaned 163,000 children, a number expected to skyrocket to between 323,000 to 393,000 over the next 10 years. Haiti also continues to suffer from an unbelievably high HIV transmission rate from mother to child, and, of course, 65 percent of the infants born with the disease, we know, will die within the first year.

This truly is a tragedy because we know that the transmission of HIV from mother to child can be substantially reduced with proper counseling and proper medication. The reality is that millions of children are dying, and we can do something about it. We must do something about this.

Now is the time to work to end the human tragedy caused by preventable, treatable diseases around the world. We have a moral obligation to fight HIV/AIDS, and I believe we must show the leadership today by tackling the problem in our backyard and around the world.

I thank all of my colleagues who have come to this Chamber to talk about this issue and show support for dealing with this problem. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). Who yields time?

Mr. BYRD. Mr. President, who has the time?

The PRESIDING OFFICER. The Senator from West Virginia has 2½ minutes.

Mr. BYRD. How much time is remaining?

The PRESIDING OFFICER. The Senators from Illinois and Ohio have 1 minute each. The Senator from West Virginia has 2½ minutes remaining.

Mr. DEWINE. Mr. President, I yield back my time, unless someone wants the time.

Mr. BYRD. Does any other Senator have time? I have 2½ minutes. Does any other Senator have time?

The PRESIDING OFFICER. The Senator from Illinois still retains 1 minute.

Mr. DEWINE. I yield to my colleague my minute.

Mr. BYRD. Where does that leave us, Mr. President?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. BYRD. Has the Senator yielded me the time?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I yield back my time.

The PRESIDING OFFICER. The Senator from Illinois yields back his time. The Senator from West Virginia has 4½ minutes.

Mr. BYRD. Mr. President, I do not need 4½ minutes.

The distinguished Senator from Illinois has made a very generous suggestion in asking all of his colleagues to support the amendment. He has made an excellent case for his amendment. He was not successful in this instance, but he has been very generous, very gracious, and I want to, in particular, thank him for the fine example he sets in this regard.

I am willing to accept the amendment on this side of the aisle, and I hope my counterpart will do the same on the other side. I think Senator STEVENS will do that.

Mr. FRIST. Mr. President, we will request a rollcall vote.

Mr. BYRD. The Senator wants a rollcall?

Mr. FRIST. Yes.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might be recognized for the purpose of making a point of order.

Mr. BYRD. Mr. President, what is the request?

The PRESIDING OFFICER. Is there an objection?

Mr. BYRD. Mr. President, is the Senator going to make a point of order?

Mr. GRAMM. I have asked unanimous consent to make a point of order.

Mr. BYRD. On this amendment?

Mr. GRAMM. Yes.

Mr. BYRD. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BYRD. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not yet been ordered.

Mr. BYRD. I understand the Senator from Tennessee wants the yeas and nays.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. BYRD. I yield back the time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 3725, as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. LIEBERMAN) would vote "aye."

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 14, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—79

Akaka
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Crapo
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Harkin
Hatch
Hollings
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lincoln
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—14

Allard
Allen
Craig
Enzi
Gramm
Gregg
Hagel
Hutchison
Inhofe
Kyl
McCain
Smith (NH)
Thomas
Voinovich

NOT VOTING—7

Bingaman
Campbell
Daschle
Dayton
Helms
Lieberman
Lott

The amendment (No. 3725), as modified, was agreed to.

AMENDMENT NO. 3569

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. DEWINE, Mr. MCCAIN, Mr. MILLER, Mr. THOMPSON, Mr. SESSIONS, Mr. ROCKEFELLER, Mr. BAYH, Mr. NELSON of Florida, Mr. NELSON of Nebraska, and Mr. ALLARD, proposes an amendment numbered 3569.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide authority regarding the availability of funds for the Department of Defense for counterterrorism activities in Colombia)

At the end of chapter 3 of title I, add the following:

SEC. 307. (a) AVAILABILITY OF FUNDS FOR ASSISTANCE FOR COLOMBIA.—In fiscal year 2002, funds described in subsection (b) shall be available for the following purposes:

(1) To support a unified campaign against narcotics trafficking and against activities by organizations designated as terrorist organizations, including the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC).

(2) To take actions to protect human health and welfare in emergency circumstances, including rescue operations.

(b) FUNDS.—The funds described in this subsection are as follows:

(1) Funds available to the Department of Defense in this Act for assistance to the Government of Colombia.

(2) Funds available to the Department of Defense in appropriations Acts enacted before the date of the enactment of this Act for assistance to the Government of Colombia that remain available for obligation.

(c) CONSTRUCTION.—The authority in subsection (a) is in addition to any other authority under law regarding the availability of assistance to the Government of Colombia.

Mr. GRAHAM. Mr. President, on behalf of my colleagues, Senators DEWINE, MCCAIN, MILLER, THOMPSON, SESSIONS, ROCKEFELLER, BAYH, NELSON of Florida, NELSON of Nebraska, and ALLARD, I rise today to offer an amendment to provide the Department of Defense the authority necessary to support Colombia's war against narcotics trafficking and terrorist activities.

September 11 served as a horrible moment in history—a moment that revealed the evils, the hatred, and the degree to which those who wish to do us harm are prepared to go. Unfortunately, this reality is not limited to North America. It is not limited to the Middle East or to central Asia. It is a global phenomenon.

The United States, at home and around the world, must do better with our intelligence, law enforcement, and foreign policy efforts. We must do more as well to work with our allies.

In Latin America, the evil hand of terror has been an everyday reality for too long, a fact which I believe most Americans of the United States will find stunning, but not to Americans who live in other parts of the Western Hemisphere.

In the year 2000, over 44 percent of all of the worldwide incidents of terrorism against U.S. citizens and U.S. interests were committed in one country. That country was Colombia. Three groups that were responsible for these atrocities are all on the U.S. Department of State's list of foreign terrorist organizations. These attacks pose a threat to the democratic institutions of Colombia, to the stability of Latin America, and to the security of the Western Hemisphere.

The Taliban and al-Qaida networks derived much of their funds from the illegal narcotics trade—heroin, primarily. But the linkage is no more pervasive anywhere in the world between illegal narcotics and terrorism than it is in Colombia where former guerrillas have evolved into drug trafficking terrorists.

That is why a large number of our colleagues and I are offering this amendment that would allow the Department of Defense to use its appropriated funds to provide additional equipment, training, and intelligence to Colombia to combat both narcotics trafficking and terrorism.

Current law allows the U.S. equipment and funds from the Department of Defense to be used solely for counterdrug operations.

In Colombia, the reality is that the line between narcotics and terrorism is extremely thin. It is virtually mythical.

The House of Representatives has already passed an authorization bill as part of the legislation that we consider this evening, and these authorities to expand the use of defense funds to combat the twin evils of narcotics and terrorism are provided in the House bill; these authorities are being aggressively sought by the President of the United States.

The administration seeks more explicit legal authority to support "Colombia's unified campaign against narcotics trafficking and terrorist activities."

This provides greater flexibility to counter the threat from groups using narcotics trafficking to fund both terrorist and criminal activities.

I assure our colleagues that I am not proposing any changes to previous requirements in human rights, certifications, and limits on personnel—civilian and military. And in no way am I suggesting the Department of Defense deploy U.S. troops to a combat role.

The Government of Colombia, both under its current President, President Pastrana, and under its newly elected President, Alvaro Uribe, has stated its intention to carry the war to the terrorist drug traffickers.

What we are being asked to do is to allow equipment that has been procured in part with funds from the U.S. Department of Defense to be used in both wars, terrorism and narcotics.

These counterterrorism efforts will not hurt our counternarcotics program. In fact, they will be of great assistance to our counternarcotics program.

The Department of Defense has assured me that it remains committed to a robust counternarcotics program in Colombia, and it will bear that in mind as the details are developed regarding the use of defense-funded equipment, training, and intelligence for counterterrorist missions.

I am also pleased, despite the rampant violence in Colombia on May 26 of this year, that the citizens and Government of Colombia carried out democratic elections which were deemed by international standards and observers to be free, fair, and the expression of the will of the Colombian people.

When the United States first authorized Plan Colombia in 2000, we made a commitment. The commitment was to help our Colombian neighbors in their long struggle against the drug trade and the violence it causes. Anything less than that would not only be a violation of our promise to be good neighbors but a neglected front on the war against terrorism.

I ask my colleagues to support Colombia, an important democratic and hemispheric ally by supporting this amendment.

Thank you, Mr. President.

Mr. McCAIN. Mr. President, at a time of bipartisan agreement that the Colombian government must pursue a unified campaign against the narco-trafficking and terrorist threat to Colombia's democracy, the Senate Appropriations Committee has chosen to deny the Administration's request for the authority to support our Colombian ally.

As my colleagues know, our assistance to Colombia is channeled through both the State and Defense Departments. To the President's credit, American policy has dispensed with the illusion that the Colombian government is fighting two separate wars, one against drug trafficking and another against domestic terrorists. The democratic government of Colombia has long insisted that it is the nexus of terrorists involved in the drug trade that threatens Colombian society. American policy now recognizes that reality, and abandons any fictional distinctions between counter-narcotic and counter-insurgency operations.

Our government properly allies itself with the Colombian people against the narco-terrorists who threaten the government they elected, and the system of government that rejects the violent and absolutist aims of those who would overthrow it by force of arms. We in the United States have a considerable stake in the Colombian government's success, for the narcoterrorist state the enemies of the Colombian government would establish would present a compelling national security threat to the United States in our own hemisphere.

Congress has shown an admirable commitment to supporting the Colombian government's campaign to bring basic security to its people. But America's commitment has been limited to providing training and assistance to combat drug production and trafficking. The Administration has requested not new money but new authority to use appropriated funds to combat narco-terrorism. Yet this Supplemental Appropriations bill grants that authority only to the Department of State, and places overly restrictive and burdensome constraints on that authority.

Our amendment would provide the Administration the authority it has requested, in consultation with the Congress, to use appropriated funds to support a unified campaign by the Colombian government against drug trafficking and terrorist insurgency. The House-passed version of this bill provides both the departments of State and Defense with this authority for the current fiscal year. The Senate bill would leave in place existing restrictions prohibiting use of Department of Defense assistance in the war against the FARC and the ELN. Our amendment mirrors the President's request to provide the Department of Defense the authority to use funds already appropriated for this purpose to support our Colombian ally. I hope the conference committee to this bill will provide the Administration with this authority.

In a presidential election last month, the Colombian people gave their leadership a clear mandate to defeat narcoterrorism by electing Alvaro Uribe as President. President-elect Uribe campaigned on a platform of decisively defeating the FARC terrorists, who have shown little interest in a negotiated, peaceful solution to the war they have been waging against Colombia's government for four decades.

This is not an authoritarian regime located in a far-off corner of Central Asia. This is a democratic government, one of the longest-standing in our hemisphere, that has allied itself with the United States in order to defeat the threat to our common values posed by the FARC and the ELN terrorists, as well as by AUC paramilitary forces whose abysmal human rights record rivals that of their opponents.

Under existing law, human rights conditionality and restrictions on the American military presence in Colombia remain in effect on all U.S. assistance to that country. Our amendment would ensure that existing American funds appropriated to support American policy in Colombia reflect the reality that the Colombian government is not simply fighting a drug war.

It is estimated that one million would-be voters in Colombia could not express their preference at the ballot box last month due to FARC violence and intimidation. The number of political candidates who have been intimidated, abducted, or murdered for their ambition to serve their people is staggering. One presidential candidate, Ingrid Betancourt, remains a hostage to the FARC, who abducted her on the way to a campaign rally in February.

On May 2, 2002, a rocket fired by FARC guerrillas killed 117 civilians taking refuge in a small church. Forty of the dead were children. Colombian officials call it the worst single loss of civilian life in the nation's 38-year civil war.

President-elect Uribe has been given a clear mandate by his people to give them back their country. Our values and our interests require us to support our ally. There is an important role for the United States, not only to provide assistance and technical support to the Colombian police and armed forces, but also to exercise our influence to ensure that our values triumph over both terrorist violence and paramilitary brutality.

These values are worth fighting for. We should stand proudly with the people of Colombia in their struggle.

To reiterate Mr. President, the situation in our own hemisphere in regard to Colombia is a very serious one. We are understandably worried about events between Pakistan and India, Afghanistan, et cetera. The situation in our own hemisphere as regards Colombia is of the utmost seriousness because that is where the drugs come from that destroy the minds and bodies of our children.

It is estimated that 1 million voters in Colombia couldn't express their preference at the ballot box last month due to FARC violence and intimidation. The number of political candidates who have been intimidated, abducted, or murdered for their ambition to serve their people is staggering.

One Presidential candidate, Ingrid Betancourt, remains a hostage to the FARC who abducted her on the way to a campaign rally in February.

I understand the reluctance of Members of this body to relax certain restrictions that are associated with our assistance to Colombia. I hope all of my colleagues will review the situation as it exists today—a direct threat to the security of the United States of America—if Colombia collapsed in a civil war between different parties.

There is the ELN, the paramilitary, the FARC, and there is the Government. They are all fighting amongst one another, and the FARC recently being rejected from the sanctuary they were granted, I believe is a mistaken policy on the part of the Colombian Government.

We now have a new President, Alvaro Uribe, who is committed to using whatever sources and means necessary to bring peace and stability back to its country.

Again, I don't want to take the time of the Senate at this late hour. It is in our national security interests to see some kind of Government peace and stability restored to Colombia because that is where the drugs are coming from that are killing our kids.

I hope in the days ahead we will devote some of our attention to the country of Colombia and see what the United States can do not only to help these people who are literally afraid to leave their own homes, but to try to combat the great threat of narcoterrorism and the flow of narcotics, which is another aspect of our war on terrorism that we need to do whatever is necessary to combat.

I thank Senator GRAHAM not only for his amendment but for his continued involvement in the affairs of our hemisphere.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I will speak for a couple minutes.

I say to Senator GRAHAM, I rise to congratulate him, and not only for the amendment. And whatever happens to it tonight, its destiny is already determined. We have already waited too long. It is time that some of us, especially those of us who come from States that are not too far from the other hemisphere, where mostly Hispanic Americans live and work—to have that hemisphere as if it were not really our friend and we should not be concerned about it is truly one of the giant mistakes we make. And every year that passes we say something about doing better.

But I believe the situations are going to get even worse, and sooner or later—let's hope sooner—the United States will do something while we are still acceptable down there and while we can still be of some significant positive impact.

I say to Senator MCCAIN, I heard his remarks. And I have heard them before. I think it is time, with real vigor and enthusiasm, with resources and leadership, we consider this hemisphere to be a big part of America's foreign involvement. Why so far away when we have problems in abundance so close? Why neighbors thousands of miles away and no acts of friendliness to those who are really our neighbors?

With that, I ask unanimous consent for 1 minute to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2599 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first, I note to my friend from Ohio, I am going to call up an amendment shortly.

Does the Senator wish to make a comment on the last amendment?

Mr. DEWINE. Just a couple comments on the amendment.

Mr. NICKLES. Mr. President, I defer to my colleague from Ohio so he can make comments on that amendment.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. I thank my colleague.

Mr. President, I congratulate my colleague from the State of Florida for his leadership on this amendment. Once again, he is correct. Once again, he is a leader on issues having to do with this hemisphere, having to do with the drug problem.

We have a lot at stake in Colombia. Colombia is our neighbor. We do a lot of trade with Colombia. This is, I believe, the second oldest democracy in this hemisphere. It is a country that obviously borders the Panama Canal. It is a democracy, though, that is in peril. It is a democracy that has at least three very tough groups gnawing at it, trying to overthrow the Government, trying to grab pieces of the land of Colombia. These are three very tough, tough groups: the FARC, the ELN, and the paramilitary.

So a lot is at stake in Colombia. Colombia is important to us because this is one of the countries that is a major supplier of drugs into the United States. So what happens down there is important.

We have seen something develop in Colombia in the last few years that I do not know we have seen anywhere in the world; that is this very close relationship, over now an extended period of time, between the drug dealers and the terrorists. They are working literally hand in glove in a synergistic relationship.

Unfortunately, as we try to help our friends in Colombia, we have created an artificial barrier in our law. That barrier creates a distinction between the use of our money to help to deal with terrorist problems or our use of the money to deal with narcotics problems. It says, in effect, we can use it for one but we cannot use it for the other. That makes absolutely no sense.

It is time we take that artificial barrier down because really the problem is one and the same. And they are the same people. It is time we recognize that and that we stop handcuffing the use of our aid, handcuffing the Government of Colombia as it literally fights for its survival.

So I congratulate my colleague on this amendment. It is time, frankly, that we face up to the reality of what is really going on in Colombia and help this ally of the United States to try to preserve democracy.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to make some remarks on the Colombia amendment.

Mr. NICKLES. That is fine. I inform my colleagues, we only have a couple more amendments that will require votes. Mine is one of them. We will try to do that in the very near future. Certainly, if my colleague from Alabama wants to make remarks, go ahead.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will be very brief. This is a very important matter. Colombia is a longtime ally of the United States. It is the second oldest democracy in the Western Hemisphere. Its former President, President Pastrana—a wonderful person—worked exceedingly hard to try to build a peace process that would work. After everything he tried, he could not make that occur.

The new President has been elected. President Pastrana—before he left office—admitted that they had to fight to preserve their democracy. Democracies frequently have to do that.

We have a $9.5 billion trading relationship with Colombia. It is an important ally, an important democracy. It is key to South America. We must do what we can to assist them as they now wage a life-and-death struggle to preserve their democracy and their economy.

Mr. President, just 10 days ago the people of Colombia overwhelmingly expressed their desire to fight the scourges of terrorism and narcotics trafficking, that have killed tens of thousands of their countrymen over the past forty years, by electing Alvaro Uribe as their new President. President-elect Uribe has stated that he intends to double the size of the Colombian Army and the Colombian National Police and to call up thousands of reservists to fight the terrorists. This is exactly what the United States has been asking the Colombians to do for many years now.

Included as part of this Supplemental request is proposed legislation that would remove the "counter-narcotics only" restriction on the use of helicopters and other military equipment and assistance that the United States provides to Colombia.

The pending Amendment provides authority to the Department of Defense, as well as the Department of State, to provide assistance to the government of Colombia as they fight their war against terrorism.

The Department of State has designated the Revolutionary Armed Forces of Colombia—FARC—the National Liberation Army of Colombia—ELN—and the United Self-Defense Forces of Colombia—AUC—as foreign terrorist organizations and has specifically identified the FARC as "the most dangerous international terrorist group based in the Western Hemisphere." On March 18, 2002, Attorney General John Ashcroft announced the indictment of three leaders of FARC with conspiracy to import cocaine into the United States and to manufacture and distribute cocaine in Colombia with the intent of exporting it to the United States. To all of these actions I say "Amen."

Transnational terrorism is a threat to freedom throughout the world. Many of these groups have been working together for years to share the lessons of terror and mayhem. They have searched for new sources of income and have become inextricably involved with transnational criminal syndicates who traffic in weapons and drugs and provide resources for extortion and money laundering.

This is a global phenomenon and must be fought on a global scale. One country that has been fighting this war against terrorism for the past few decades is Colombia. Colombia is one of our closest Allies and we must come to her aid. They need our help in terms of intelligence sharing, equipment and training.

Why should the United States help Colombia? The answer to this lies not only in the fact that it is the source for prodigious quantities of cocaine, heroin, and marijuana, but Colombia is the second oldest democracy in the Western Hemisphere, next to our great country. Colombia is a friend and ally of the United States who has been fighting for its very survival against a variety of threats, ranging from drug cartels, terrorist organizations and Marxist insurgents for over forty years. It is a nation of 40 million people and is a source of significant trade with the US. The United States is Colombia's principal trading partner with over $9.5 billion in annual trade between our two nations. When we help Colombia secure its own territory from the threat of overthrow from the Marxist narco-terrorists, we will also help stabilize the neighboring countries in the Andean region from spillover effects of the drug trade and insurgency.

There are more acts of terrorism committed in Colombia every day than in all the other countries of the world combined. And make no mistake about it, the forces that are acting to overthrow the democratically elected government of Colombia are terrorists. While their organizations did have their genesis as a "people's revolution" with Marxist ties they are now no more than terrorists. General Fernando Tapias, Commander of the Colombian Armed Forces, stated recently that while the Army in the 1960s and 1970s used to find the writings of Marx and Lenin in the documents captured during raids on FARC hideouts now all they find are receipts and documentation of the smuggling of drugs, precursor chemicals used to process cocaine and weapons shipments.

The FARC, ELN and AUC get the vast majority of their funding from narcotics trafficking. All three of these groups also obtains large amounts of money from the terrorist tactics of kidnapping and extortion. FARC has extensive ties with international terrorist and criminal organizations. Right now there are three members of the Irish Republican Army in the custody of the government of Colombia after they were arrested for providing training to the FARC on bombmaking and other terrorist tactics.

Colombian President Andres Pastrana was elected in 1998 on a platform that called for making peace with the Marxist guerrillas that have operated in his country since the 1960s. He has engaged in negotiations with the FARC and the ELN since before he took office. In fact, President Pastrana, in an act of good faith, gave total control of a piece of central Colombia the size of Switzerland, which was supposed to remain demilitarized, to the FARC as an enticement for continuing negotiations. In the four years since President Pastrana opened negotiations the FARC has continued to engage in narcotics trafficking and terrorist activities. In fact, in the past few months they have engaged in countless terrorist attacks throughout the country that have killed hundreds of people. The FARC is responsible for the kidnapping of Colombian presidential candidate Ingrid Betancourt, who they still hold hostage. They tortured and murdered Colombian Senator Martha Daniels who was attempting to negotiate the release of two kidnapping victims. And just a few months ago, they attempted to assassinate President-elect Alvaro Uribe with a car bomb that killed three civilian bystanders. In the face of these acts of terrorism, President Pastrana declared an end to peace negotiations and reclaimed the demilitarized zone that he ceded to the FARC. When the Colombian Armed Forces re-captured this territory they found that terrorists had been using the territory for all kinds of illegal activity. The Colombian Army found 27 new airstrips that were used for drug and weapons transports, numerous drug laboratories and storage areas for pre-cursor drug processing chemicals, several training bases for terrorist activities that were used by international terrorist organizations, and evidence that 14 new guerrilla units had been established and trained in this "demilitarized" zone. This was also the area where the FARC had landed several hijacked aircraft and drastically increased the production of coca. So it is now undoubtedly clear that the FARC is not interested in serious negotiations and does not want peace. They are only interested in maintaining and expanding their narcotics funded terrorist activities.

The United States must do the right thing and support our friends and allies in Colombia. The government of Colombia has categorically stated that they do not want US troops to come and fight their war for them. They are willing and able to destroy this threat to their country and the world. I am glad that the Administration has made the decision to request the removal of the counter-narcotics restrictions on our aid to Colombia. Colombia is looking into the abyss and this threatens the entire Andean region.

Congress needs to pass this legislation so that we can keep up the pressure on terrorists within our own hemisphere and across the globe.

I thank the Senator from Florida for his leadership. I am pleased to join with him and stress this is an exceedingly important matter for us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, everyone has spoken on one side.

I ask for 1 minute.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, one other perspective: For the record, the FARC and ELN are involved in narcotrafficking up to their eyeballs. For the record, the paramilitary and the AUC are involved in narcotrafficking up to their eyeballs. For the record, two-thirds of the extrajudicial killings last year were by the AUC and the paramilitary. And for the record, there is one documented case after another after another about the military and the paramilitary being all too connected.

So before we provide direct military assistance and weapons that can be used in counterinsurgency by the military, we ought to take a real close look at what is going on in Colombia. I wanted to say that tonight. We will have debate later.

I yield the floor.

AMENDMENT NO. 3569 WITHDRAWN

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, offering this amendment was for the purpose of affording our colleagues an opportunity to express their strong opinions and to indicate to the American people the great importance of the relationship between our Nation and the peoples of Colombia for our mutual well-being. As our colleague from Minnesota has just said, this is an issue that deserves full debate.

Given the hour of the night, given the fact that it is my hope that when this matter reaches conference, the Senate conferees will look carefully at the proposals that our House colleagues have already adopted to allow the use of Department of Defense-funded equipment in the war against terrorism as well as the counternarcotics war, I will ask to withdraw the amendment and hope we will have an opportunity at a future date to have a full debate on the United States relationship with Colombia.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, we are getting closer to finalizing this bill. To my knowledge, there are possibly two additional amendments that will require rollcall votes. I also think the time for debate on both of those can be fairly brief. We will have a managers' amendment, and I guess we will have a vote on final passage.

I don't think we would have come this far had it not been for the very competent and capable leadership of Senators BYRD and STEVENS as well as my colleague and friend, Senator REID. To finish this bill, frankly, for this many amendments and for the most part with votes taken in one day is pretty remarkable.

I make one editorial comment. I thank the managers for supporting an amendment offered by Senator INHOFE and myself dealing with $12 million for restoration of the I-40 bridge in Oklahoma which was hit by barge traffic. It caused 14 fatalities, the largest number of fatalities of any bridge accident in U.S. history. It also shut down east-west traffic into our State. This is one of our major east-west corridors. It is a major inconvenience not just for our State but for the entire country. We have some money, as requested by the Department of Transportation, in this bill. I thank my colleagues for their assistance in that proposal. Also, I particularly thank my colleague, Senator INHOFE, who is on the authorizing committee and worked very hard to make that happen. I compliment him for it.

AMENDMENT NO. 3588

Mr. NICKLES. Mr. President, I ask that amendment No. 3588 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 3588.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To restore the discretion of the President to agree with Congressionally-designated emergency spending)
>
> Strike section 2002 of the bill.

Mr. NICKLES. Mr. President, this amendment is very straightforward. It would strike section 2002 that is on page 116 of the bill. Section 2002 deals with the emergency provisions in the bill.

I have been in the Senate for 22 years. We have never done this. Ever since we have had emergency provisions in the bill, we have never done it. The impact of the amendment is that it prohibits the President from spending any money, any nondefense emergency spending in the bill unless he spends it all. That is not the way we have done emergencies under the Clinton administration. That is not the way we have handled emergencies under President Bush's administration since 1990.

I will read the language in the bill on page 116:

> Any amount appropriated in this Act that is designated by Congress as emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all such amounts appropriated in this Act are designated by the President, upon enactment of this Act, as emergency requirements pursuant to that section.

What that means is, for nondefense, there are some sections in this bill and in the President's requirements calling for emergency designations. This says if he spends any of it, he has to spend it all. We have never done this before. We didn't do that in the Clinton administration. The Clinton administration had emergency requests every year. We granted almost all of them plus some.

This President requested the emergency designation. He came to Congress and actually requested $24.47 billion in emergency assistance, emergency appropriations, and an additional 2.7 under contingency emergency appropriations. He requested that. We are getting ready to give him more.

What has happened is, the House has already passed a bill. They passed a bill at $29 billion. The President's total was 27. The House came back and said: We will give you the $27 billion you requested, and we will do an additional $1.5 billion for defense. But the additional $1.5 billion for defense was under contingency. If the President declared it an emergency, he could spend it. But if he didn't, he wouldn't. So the President is basically saying: He still is getting his $27.3 billion of emergency assistance. He doesn't have to spend that additional $1.5 billion. That is the way we have done it.

In other words, when we go into emergency spending, the special designation means it doesn't count. We have budgets every year. Until this year, we have passed budgets. Those budgets have had targets. But when we have an emergency, we say it doesn't count towards the caps; we are going to waive it because there is a special emergency. Maybe we have had an earthquake, a fire, a flood, serious damage, so we call that an emergency. They were not budgeted, they were not planned, they were not expected, such as the World Trade Center incident of 9-11. We had a very significant, as a matter of fact, $40 billion emergency that we paid for last year. But it was with the concurrence of the President and the Congress.

Now in this case we are saying: Mr. President, that is fine, we will take your emergency, but you have to take all of our emergencies or you don't get any of yours on nondefense. We have never done that before, to my knowledge.

I used to be on the Appropriations Committee. I happen to still be on the Budget Committee. The Budget Committee should be outraged by this. Every once in a while one committee kind of exceeds jurisdiction or goes into the jurisdiction of another committee. That is what we are doing right here. We have never had a supplemental appropriations bill, to my knowledge, that had language like this.

Incidentally, this has the attention of the administration. The administration's position basically states that they will veto the bill if this is in there. I will read from the administration's statement of policy dated June 4, the first page:

> In addition, the bill severely constrains the President's ability to fund emergency homeland requirements by compelling him to release nonemergency money provided in the bill. If the supplemental appropriation bill were presented to the President in its current form, his senior advisors would recommend that he veto the bill.

That is on the first page. On the third page of the statement of administration policy it says:

> The Senate version of the bill also unduly restricts the President's prerogatives in numerous areas. First, it requires the President to designate all or none of the nondefense funding contained in the bill as an emergency. The Budget Enforcement Act provides that the President retain control over the release of emergency funds added by Congress to ensure that the funds respond to critical emergency needs. By contravening in this long established budget enforcement mechanism, the Senate would require the President to waste taxpayers' dollars on low priority, nonemergency items in order to access vital, high priority homeland security recovery funding.

It is very clear, the administration is adamantly opposed to this provision. This is as direct a veto threat as we have had from this administration in their time in office. It is reversing a precedent we have followed on emergency spending for the last 13 years.

Mr. McCAIN. Will the Senator yield for a question?

Mr. NICKLES. I am happy to yield.

Mr. McCAIN. Can he give an example, to those of us who are not experts on the budgetary process, of what the President might not decide to spend and then would be forced to spend?

Mr. NICKLES. To give an example—I appreciate the question—there are a lot of things in this bill. My friend from Arizona pointed out a couple of them earlier today. There is one where the President said, some of these provisions don't relate to homeland security, including $11 million to the National Oceanic and Atmospheric Administration, NOAA, for economic assistance to New England fishing and fishing communities; $26.8 million for the USGS survey for urban mapping activities. The administration said that is not urgent; it wasn't requested.

If section 2002 is not stricken, those things will have to be funded or you don't get funding for New York City. You don't get funding for homeland security needs that are requested. There is billions of dollars in here that the President did request that we are putting in jeopardy because of this bill's "all or nothing" approach.

We do that on normal appropriations. We don't do it on emergency bills. The reason we don't do it on emergency bills is that the emergency bills are outside the budget. They are special. They are figures over and above set spending levels. We have agreed to a budget. We have agreed to caps. We shake hands. That is what we are going to abide by. But when it comes to emergencies, we say we are going to waive the budget. The budget no longer applies. Therefore, caps no longer apply.

This is the national emergency. That is what we passed, the $40 billion following the World Trade Center. It is a national emergency. We agreed to do it. Usually, we do it with overwhelming majorities, if it is truly an emergency. This is saying, well, before you get part of that emergency, you have to take the entire thing.

All I am saying is that previous Presidents have always said we have to concur. When we made the budget deal—and this goes back, I tell my colleagues to Andrews Air Force Base in 1990. That basically said if you are going to have caps, cases in which we have an emergency might pose a problem. So we put in emergency provisions, and you can waive the caps if there is truly an emergency, and that could be designated if it is agreed upon by both Congress and the administration.

Now we are saying if Congress has it in there, Mr. President, you have to take it all, or you don't get a dime. I think that is an infringement on the budget process.

I think the emergency process all together is a big waiver of the budget, a big way to get around budgets, one of the reasons why spending can grow astronomically. It has grown dramatically over the last few years. If we allow this provision, I think we are opening up the door to greater abuse of the emergency provisions.

Very quickly and briefly I urge colleagues to strike section 2002 and keep the emergency provisions we have had for the last 13 years at least the same as they are. Let's not change them. We have a new President. Why should we curtail his authority, vis-a-vis his predecessors? I think that would open the door to a lot of spending and abuse of the emergency process. I urge my colleagues to strike section 2002.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me try to set this in historical context. In 1990, in the so-called budget summit agreement, a decision was made to allow the Congress and the President, acting jointly, to declare items emergency items and, therefore, allow the spending on that item to operate outside the budget process. In other words, where the President and the Congress agreed that something was an emergency, then the budget process did not apply. But what was required to make it an emergency was two things: The President said it was an emergency and Congress said it was an emergency, and the combination of the two triggered the exemption.

Now, I have been here a long time, and my memory fades, but I don't believe that we have ever had a provision such as the one in this bill because in this bill we have a situation where there is $14 billion of funding that the President did not say was an emergency. Congress says it is an emergency and, therefore, by the definition of the emergency waiver that was written into permanent law in 1990, this $14 billion would not qualify. It would not qualify because it only has half of the action that is required to provide the emergency. It has Congress saying it is an emergency, but the President says it is not an emergency.

This bill gets around that 1990 permanent law provision by saying the President has a choice. He can take the whole bill as a deemed emergency or he cannot spend any part of it as an emergency. In other words, it overrides the President's prerogative in this process by saying to him that under the law you had to say it was an emergency and Congress had to say it was an emergency, and you had to be talking about the same thing. But now we want to spend $14 billion that you say is not an emergency. We have $18 billion in the bill that you say is an emergency and we say is an emergency. But we are not going to let you spend that $18 billion unless you spend our $14 billion and say it is an emergency. So this is a complete perversion of that emergency waiver.

Now, I have to say that the waiver has been probably the most misused part of every budget that has been adopted since 1990. If I had known then at Andrews Air Force Base what I know today, I would have never agreed to this waiver because it has been abused over and over again. But it has never been abused—at least to the best of my knowledge—the way it is being abused today because the President is being forced to make this an emergency, even though he did not designate it, in order to get the genuine emergency money which he designated and Congress approved. I think this really perverts the process, and I really believe this amendment ought to be adopted.

Mr. McCAIN. Will the Senator yield for a question?

Mr. GRAMM. Yes.

Mr. McCAIN. How long has the Senator been involved in budgetary issues?

Mr. GRAMM. For 24 years.

Mr. McCAIN. And the Senator has never seen anything like this in those 24 years?

Mr. GRAMM. Not that I can recall. So many things have gone by my old eyes; there may have been something, but I don't remember it.

Mr. McCAIN. As the Senator knows, we will not have a budget this year.

Mr. GRAMM. It sure enough looks like we are not going to have one.

Mr. McCAIN. With this new wrinkle, or new provision, in the appropriations bill, that really does give all power to the Appropriations Committee, even overriding any authority that the President might have, doesn't it?

Mr. GRAMM. In one sense it does, and in one sense it doesn't. In all fairness, this doesn't make the President spend a single penny of this money. But he cannot spend a penny of it unless he designates all of it in an emergency. The way this is being used, it doesn't make the President spend the money, but it says that if the President is going to spend the $18 billion that Congress and the President agree on as being an emergency, he cannot spend a penny of that unless he also designates this $14 billion that he says is not an emergency. The Appropriations Committee says it is an emergency and, obviously, if Congress passes it, we will say that. So the President has to spend it as an emergency if he is to get a penny of the $18 billion. But he could, theoretically, under this, sign the bill and then not spend any of it. But, obviously, it puts him in the position that he cannot get this $18 billion of homeland security funds unless he takes this $14 billion he doesn't want and counts it as an emergency so it doesn't come under the budget process, and that is the perversion of the system I was talking about.

Mr. McCAIN. I don't like to drag out the debate, but I ask the Senator this. This seems to me like it is almost a constitutional issue.

Mr. GRAMM. Well, there is certainly a separation of powers issue. Whether it gets to the constitutional level or not, I don't know. The point is, this is taking away the President's role in the emergency designation by changing the system so that he cannot get any of the money, even the amount we agree is a genuine emergency, when the President says so and we say so. Therefore, by law, that makes it an emergency. He cannot get a penny of that money unless he takes the $14 billion that he says is not an emergency, but he has to say it is an emergency to get the other $18 billion.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, the distinguished Senator from Texas and other Senators—I believe the distinguished Senator from Oklahoma made the same statement—say that this is a precedent. Am I correct?

Mr. GRAMM. As far as I am aware, it is a precedent. As I said, I haven't gone back and researched it, but I don't remember one.

Mr. BYRD. Let me state to the Senate the real precedent. It was enacted by this Congress when it was under the control of the Republican Party—both Houses—in 2001. It was in title I of the bill making appropriations for Kosovo and other national security matters.

Here is what the provision said at that time:

> Section 126. Any amount appropriated in this chapter that is designated by the Congress as an emergency requirement pursuant to section 251(B)(2)(a) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all—

Not just part—

> unless all such amounts are designated by the President upon enactment of this Act as emergency requirements pursuant to such section.

That was the precedent, and I voted for it, and the Senator from Texas voted for it.

Mr. GRAMM. Are you sure I voted for it?

Mr. BYRD. I voted for it then, and I am for it now.

Mr. GRAMM. If the Senator will yield.

Mr. BYRD. Oh, I will be glad to yield.

Mr. GRAMM. I do not know if I voted for it or not, but it was a bad precedent.

(Laughter.)

Mr. BYRD. I have been to many a revival meeting, and when the altar call came, the Senators hit the sawdust trail. The Senator remembers Billy Sunday, that great evangelist. So that is a time for admitting one's errors. Maybe I was in error then, but I voted with the Republican-controlled Congress and against my own President in that instance.

What we are doing here tonight is certainly not a precedent. We are just following in the wake. It was that language that gave us the idea. That was the precedent. Without that, we might not have thought of this.

Mr. President, I rise in opposition to the amendment to strike section 2002 of the bill. Congress should be proud of the lead it has taken in funding homeland defense programs that will help prevent, detect, and respond to potential terrorist attacks.

Last year, we acted on a bipartisan basis to provide $10 billion for homeland defense programs. Last year, in the face of a veto threat from the President, this Congress, this Appropriations Committee added $4 billion more than what was requested by the President. That money is being well spent, and it is making a difference. The veto was threatened then. So we have heard that before.

We have a responsibility to use our own judgment in behalf of the American people, in behalf of the security of this homeland. We should make our own judgment. No President sends any Senator here. Calling him the Commander in Chief, if you will—that is what the Constitution says he is, but I do not think that has a thing to do with this bill.

I have heard that term thrown around here today, the "Commander in Chief." No Commander in Chief sends me here. No Commander in Chief sends the Senator from Vermont here. No Commander in Chief sends the Senator from Louisiana here. No Commander in Chief sends the distinguished Senator from Texas here. He comes here by virtue of the wisdom and good judgment of the good people of Texas. Thank God. We are not made or unmade by any President. I have served not under but certainly with, I believe, 10 or 11 Presidents. None of them sent me here, Democrats and Republicans.

I have stood by the principles that I see as being important principles in upholding the prerogatives of this institution and the Constitution, and I have stood against; I have opposed the wishes of Democrat Presidents in this regard, and I opposed those Republican Presidents. It does not make any difference to me who is President. He puts on his trousers just like I put mine on, two legs at a time, two legs at a time. Some say you cannot do that, but you can.

(Laughter.)

I have tried it. You can. If you do not believe it, just sit down in a chair and pull them on both legs.

(Laughter.)

I like this man from Texas. He will smile, he will yield, and he is not only a good Senator, but he is a good sport.

Mr. President, I have seen Presidents come and go. I have never bowed and scraped to any of them. I do not expect the people to bow and scrape to me, and I do not expect to do that to any President. I am for using ROBERT BYRD's judgment, as far as my votes are concerned. PAUL SARBANES will use his own judgment.

We are not here at the beck and call of any President, even if he is the Commander in Chief. We have our own judgments on this. This committee, on a bipartisan basis, supported by the Republicans, 14 of them, and 15 Democrats, reported out this bill. We had hearings. Those hearings were attended by Republicans and Democrats to ask questions. We heard people from the local level. I have said this before but should say it again. We heard the firefighters. We heard the policemen. We heard the health personnel. We heard mayors. We heard Governors. We heard county commissioners. We heard seven Department heads in the executive branch. We heard the Director of FEMA. And based on those hearings, this committee, in its considered judgment, elected to increase the amount by $3 billion.

We increased the amount by $4 billion last year. That money has made a difference. I have stated already what is being done with that money, $4 billion more than the President requested. This year it is $3 billion more.

Let's use our own judgment. Let's not be here at the beck and call of any President. I am here because the people of West Virginia sent me here, and so is every other Senator here because of the people of their State.

I hear all this business about Commander in Chief. I get a little tired of hearing Commander in Chief, Commander in Chief. Under the English history, there were commanders in chief all over the continent, all over the islands. So they were called commanders in chief. So what, Commander in Chief. The Constitution says the Congress will enact the laws. It will have all power herein provided to enact laws. It says that the Congress will make the appropriations of moneys. So let's use our own judgment.

Mr. President, I will not be much longer. I emphasized in my opening remarks on this bill that Congress came together on a bipartisan basis to increase funding for homeland defense programs, and that funding is now making a difference.

I do not understand why my friend from Oklahoma, who offers this amendment, would want to give the President what would essentially be a line-item veto. In other words, he can pick and choose. No, when it comes to defense, there will be emergencies, but when it comes to homeland defense, nondefense spending, then he can pick and choose. He does not have to call that an emergency.

What do Senators think will happen? The President, in my judgment, will certainly support the making of an emergency on defense moneys, but when it comes to homeland defense, he may or he may not. So why should we give him that authority to pick and choose? The Supreme Court turned down the line-item veto which I opposed on this floor and which several Senators here—Mr. SARBANES and Mr. REID and others—opposed. Now we have it in a different form. This is a kind of line-item veto. The President can pick and choose. I am not for that.

Which programs would the President choose not to make available? The firefighter equipment and training funds? The port security grants? The money for the Coast Guard? The money for the Customs Service to inspect cargo containers overseas when we currently inspect only 2 percent of our imports? Or how about the money for making sure our first responders, our police, our fire and emergency medical care personnel have communications equipment that is interoperable?

The one thing we do know is that the President has already designated as an emergency $1.6 billion for foreign aid. Why would we want the President to have the authority to use the emergency designation for $1.6 billion of foreign aid but not require him to designate the homeland defense fund as an emergency?

This amendment is not just about homeland defense. If this amendment were adopted, it would allow the President to not release $275 million for veterans' medical care. How about that? It would allow him not to release the $80 million for the Sierra Grande fire victims. How about that? It would allow him not to release $1 billion for the Pell grant shortfall. How about that? Do we want to give the President that kind of authority? No, not I.

I want to assure all Senators that there is precedent for this language, as I indicated at the beginning of my remarks. I urge all Senators to stand by their priorities, stand by their people back home, and oppose this amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Alaska.

Mr. STEVENS. Madam President, the Senator from West Virginia, our chairman, is correct. I was chairman of the committee at the time we imposed the same requirement on the past President. I have further memories of some of the bills we have passed in which we said the President could not spend specific monies until he had obligated others. We have had ways through our career in appropriations of making certain that the congressional priorities were met as the President executed his powers under the Constitution.

I have another reason for supporting the provisions in the bill. I do say parenthetically I know the House of Representatives has the same feelings as expressed by the Senator from Oklahoma and the Senator from Texas. We are probably going to have to work out some sort of a compromise before the bill is through.

I want a bill that will be signed by the President, but my problem is this: After the disasters of September 11, the President requested funds from the Congress, and he requested $10 billion—no hearings, no strings attached, just $10 billion, no accounting whatsoever to the Congress. We granted that. He then also wanted another $10 billion, and this time we said we would like to know how he was going to spend it, so we agreed that we would get an accounting for those monies after they were spent, which is entirely contrary to existing law and our procedures.

Following that, he asked for more money. As the Senator from West Virginia said, we added $4 billion to the monies he requested, and that money was in accordance with the normal procedures. Every dime the President asked for was appropriated.

When we look at what we have done this year, we have labored hard over the debate on homeland security. I am delighted to hear the President's proposal tonight about the creation of a new Department of Homeland Security. I think most of us have wanted that from the very beginning. In any event, we have also had some priorities that have come to us from our various States and from people who have been involved in security in the United States for a long time, and they have pointed out a great many things.

One, for instance, is the incompatibility of our communications systems. Our communications systems are not national. As a matter of fact, if we think about it, every function of government—Federal, State and local—in the United States awards the contracts to the lowest bidder. There is no requirement that when they buy radios or any kind of communications equipment, they be able to communicate with the people in the next county, let alone the next State or let alone nationally. We found that out in New York when so many of the fire trucks and ambulances that came into New York could not be used because they could not answer the dispatcher. No one could tell them where to go or what to do.

In hearings, we have discovered from FEMA, the Federal Emergency Management Agency, the horrendous burden we have now of trying to make first responders capable of interacting with anybody who comes to help them. That is something that has not been done so far. We have some money in the bill to start that process.

My point is this: We are entitled to have some say in what is spent now to prevent further emergencies and to deal with those as they come up, God forbid, when they do come up. I believe we are entitled to say to the President, we have worked with you, we have tried to work with you, but we have some priorities we ask you to recognize and to concur in. If it were not for the fact that we have the necessity of going to an emergency because the existing budget does not allow us any further funds—by that I mean we had a budget for this year, we have fulfilled that budget—any amounts in addition to that now must be by virtue of an emergency. The President himself requested these monies on the basis of an emergency or they were offset partially.

What we are saying in this bill is, after these hearings, after the long debates we have had, both last year and now on this subject, we have some priorities. We want the President to recognize those, and we will allocate the monies we believe should be allocated before we agree to this additional money that he wants.

I know the OMB does not like that. They do not like it any more than I like it every time when we make a change in an appropriations bill, that is called a congressional add-on. That request is something made by an elected representative to the Congress and not made by request from some unknown bureaucratic and the millions of people who work for the Departments. Anything they want comes through, and no one challenges it. No one challenges it at all.

The appropriations process affects about 3 percent of the total budget. Our budget now is about $700 billion for this year. We change less than 3 percent. In terms of the total budget of the United States, total expenditures, $1.7 billion, if one looks at it, we do not even control half of that in terms of the appropriations process anymore. The entitlement created by the Finance Committee, the Ways and Means Committee, spent $1.1 billion this year. We will spend about $700 billion through the total process of the appropriations, but we are going to change less than 3 percent.

On this bill, we have changed a little less than $4 billion. Last year, we changed $4 billion in the bills that were signed.

Now, what is all the hullabaloo about? Are we entitled to have any role in setting the priorities for spending for homeland defense? Are we allowed to have any priorities in terms of spending of the balance of the monies that are available to us through offsets in this year?

I would like to work it out with the bureau of the budget, and I would like to have some accommodation of views. One of the accommodations I want is that if we make a recommendation pursuant to our constitutional powers to spend specific money in a specific way, it is not going to be put aside because it is a congressional add-on but everything that has been requested by some agency of the Federal Government is going to be spent without any further review.

Of all the monies that come through this Congress, the monies in the supplemental appropriations bill get more attention than anything else. We pass 13 bills, and we pass them usually very quickly. They are pretty well debated among us. But in terms of the items in them, they do not get the attention that the supplemental bills do. The supplemental bills, of necessity, are additions to the current year. We have authorized expenditures and appropriated expenditures for this year. This adds to that amount.

I think the Senator from West Virginia deserves a lot of credit for having stood for the proposition that we should not enlarge this bill beyond the scope that the President will approve. We have had to vote against things that each one of us agrees with. Twice today we voted against things on a point of order that we would like to see approved, but because of our roles we must hold the line and try to get a bill the President will approve.

When we get to conference, we will try to get a bill the President will approve. I know he wants this bill. I know the Nation needs this bill. I regret that it does not have the debt ceiling change in it. I regret that we do not have a provision that establishes some mechanism for handling the 13 bills we have yet to handle in this Congress. We do not have a budget yet. Before we start the process for appropriations, I hope we have it. I hope the Senate will let us take this to conference.

I have said to my friend from West Virginia, the chairman of our committee, I know we want to get the President to sign it and currently his people say he is objecting to this very much.

But in the final analysis, maybe we can select out of this whole bill some of the things that will be available and go back to the old provision we used to use. In other words, he cannot get the money he wants until we obligate the money we want. I did that as chairman several times with a President of a different party.

What is wrong with doing it now when the roles are changed? My friend, as chairman today, has accorded himself with great distinction as chairman of the Appropriations Committee in facing up to the problems we have had today. I intend to stay with him and make a motion to table this amendment.

First, I want to give time to anyone who wants a chance for a rebuttal.

Mr. GRAMM. I don't want to make a rebuttal but try to save the Senate a little time. The only thing I know that remains to be done is a point of order against the bill. I don't think it will change a single vote. If we could agree to let me make the point of order and then have these two votes back to back, we could save people some time—if we wanted to do that.

Mr. STEVENS. That is above my pay grade.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I move to table.

Mr. GRAMM. Will the Senator yield for a unanimous consent request?

Mr. STEVENS. Yes.

Mr. GRAMM. I ask unanimous consent that I be able to make a point of order against the bill and that, when that point of order is made, the Senator from Alaska be immediately recognized to move to table the pending amendment, and that those two votes occur back to back, with the vote on the motion to table to occur first and then the motion to waive this point of order to occur second. By doing it that way we save people some time. Given that it is 9:30, that would probably be welcome.

Mr. BYRD. How much time did we have for making some comments?

Mr. GRAMM. I don't need to make any. If you want to make some comments, you have all the time you need.

Mr. BYRD. I will want to move to waive the Gramm point of order for nondefense emergency in the bill.

Mr. GRAMM. If that unanimous consent request is agreed to, I would go ahead and then make a point of order and the Senator can move to waive it.

Mr. BYRD. Is the Senator going to make any remarks in support of his point?

Mr. GRAMM. I would say we have spoken all day. I think people know what the issue is. This really questions whether everything in the bill is an emergency. It is that simple. As provided in section 205(b) of House Con. Res. 290, I raise a point of order against the emergency designation on the nondefense spending items.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, I move to waive the Gramm point of order.

Madam President, I am in opposition to the amendment to strike section 2002 of the bill. Congress should be proud of the lead that it has taken in funding homeland defense programs that will help prevent, detect and respond to potential terrorist attacks. Last year, we acted together on a bipartisan basis and provided $10 billion for homeland defense programs, $4 billion more than was requested by the President.

Last December, President Bush threatened to veto the Defense Appropriations bill if it contained funding for homeland defense programs that he regarded as excessive. Last November, Homeland Security Director Tom Ridge wrote me and said, "no additional resources beyond what the President has already requested are needed at this time."

Yet, as I emphasized in my opening remarks on this bill, the Congress came together on a bi-partisan basis to increase funding for homeland defense programs and that funding is now making a difference. Over 2,200 more INS border agents and Customs inspectors are being hired. The INS is now implementing a system for tracking foreign students in this country. Our police, fire and medical personnel are getting better training and equipment for detecting and responding to potential biological, chemical or nuclear attacks. The FBI is hiring hundreds of new agents. 750 more food inspectors and investigators are being hired. The number of ports with Food and Drug Administration investigators is being doubled. 324 additional protective personnel are being hired to protect our nuclear weapons complex, and additional resources are being spent on efforts to destroy or secure nuclear materials overseas.

I do not understand why the Senator offering this amendment would want to give the President what would essentially be line item veto authority over the homeland defense funds contained in this bill. If this amendment is adopted, the President would be able to completely disregard the priorities contained in this bill.

Which programs would the President choose not to make available, the firefighter equipment and training funds, the port security grants, the money for the Coast Guard, the money for the Customs Service to inspect cargo containers overseas when we currently inspect only 2 percent of our imports, or how about the money for making sure that our first responders, our police, fire and emergency medical care personnel have communications equipment that are interoperable?

One thing we do know is that the President has already designated as an emergency $1.6 billion for foreign aid. Why would we want the President to have the authority to use the emergency designation for $1.6 billion of foreign aid but not require him to designate the homeland defense funds as an emergency?

And this amendment is not just about homeland defense. If this amendment were adopted, it would allow the President to not release $275 million for Veterans Medical Care. It would allow him to not release the $80 million for the Cerro Grande fire victims. It would allow him to not release $1 billion for the Pell grant shortfall.

Finally, Mr. President, I want to assure all Senators that there is precedent for this language. In fact, two years ago, the Republican House and the Republican Senate approved substantially the same language on a fiscal year 2000 supplemental appropriations bill for President Clinton. I supported that bill, when the conference report passed the Senate on a voice vote.

I urge all Senators to stand by their priorities and oppose this amendment.

Mr. STEVENS. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. CAMPBELL), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—58

Akaka
Allen
Baucus
Biden
Boxer
Breaux
Burns
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—36

Allard
Bayh
Bennett
Bond
Brownback
Bunning
Chafee
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Nickles
Santorum
Sessions
Smith (NH)
Thomas
Thompson
Voinovich

NOT VOTING—6

Bingaman
Campbell
Daschle
Dayton
Helms
Thurmond

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the motion to waive the emergency designation point of order.

Mr. REID. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Parliamentary inquiry: Should this point of order be agreed to, what is the impact on the bill?

The PRESIDING OFFICER. It will be open to a budget point of order.

Mr. GRAMM. Mr. President, parliamentary inquiry: If the point of order should be sustained, would there be a vote on final passage on the bill tonight requiring us to stay here to cast it?

(Laughter.)

The PRESIDING OFFICER. That is probably not an inquiry for the Chair.

Mr. REID. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD. Mr. President, will the Chair state the question for the RECORD so that all who read it may understand on what we are voting?

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the emergency designation point of order.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. CAMPBELL), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The PRESIDING OFFICER (Mr. SCHUMER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 25, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—69

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Breaux
Burns
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feinstein
Graham
Gregg
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—25

Allard
Brownback
Bunning
Chafee
Crapo
Ensign
Enzi
Feingold
Fitzgerald
Frist
Gramm
Grassley
Hagel
Inhofe
Kyl
Lott
Lugar
McCain
Nickles
Santorum
Sessions
Smith (NH)
Thomas
Thompson
Voinovich

NOT VOTING—6

Bingaman
Campbell
Daschle
Dayton
Helms
Thurmond

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to, and the point of order fails.

Mr. REID. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I yield the floor, without losing my right to the floor, to the Senator from Utah for the purpose of withdrawing an amendment.

The PRESIDING OFFICER. Without objection, the Senator from Utah is recognized.

AMENDMENT NO. 3759

Mr. HATCH. Mr. President, I ask unanimous consent that Senate amendment No. 3759 relating to resources for the Food and Drug Administration be recalled.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, for many years now, it has been abundantly clear to many of us that one of the most important Federal agencies, the Food and Drug Administration, FDA, is woefully underfunded. It was for that reason that I reluctantly agreed to pharmaceutical user fees in 1992, even though I preferred that safety and efficacy review of new drugs remain a government function.

Integrally related to the operations of the FDA are the agency's facility needs. Studies dating back to 1976 have cited serious deficiencies in FDA's facilities. For example, one 1976 FDA study found that the condition of agency laboratories at five of nine locations were "unacceptable." Another two labs were found to be "marginal," and the remaining two were cited as "generally suitable" with some marginal deficiencies. Many of these deficiencies remain today.

As long ago as 1988, the Labor and Human Resources Committee recognized this fact by approving legislation I authored, S. 2468, the Food and Drug Administration Revitalization Act. Enacted in 1990 as Public Law 101–635, this law improved FDA's resources in a number of areas, including, most importantly, granting the Secretary and the General Services Administration enhanced authority to modernize and improve FDA's real property needs.

I still recall the motivation for that legislation as if it were today, the shocking reports we read about FDA facilities being scattered across far-flung locations. I remember hearing of renowned scientists literally working in converted chicken coops. More recently, in 1996, one FDA official testified before that Congress that FDA was scattered in more than 40 buildings, many with outdated and unacceptable laboratories, in more than 18 different locations. For an agency that is responsible for one-quarter of every consumer dollar, for an agency that makes decisions that are literally life and death, that was—and is—simply unacceptable.

A number of us, including Senator MIKULSKI and Senator KENNEDY, and on the House side, Representative CONNIE MORELLA, have been working to accomplish a consolidation of the FDA headquarters in one location. It is our belief that this enhanced, state-of-the-art facility will enable the agency to operate more efficiently. In short, we will be enabling agency personnel to do the job that the American people expect of them.

Through the Base Realignment and Closure Act process, the Naval Surface Warfare Center in White Oak, Maryland, was transferred to the General Services Administration (GSA). This property will be used pursuant to the FDA Revitalization Act to consolidate new laboratories, office buildings, and support facilities of FDA's most important functions: the Office of the Commissioner; the Office of Regulatory Affairs; the Center for Drug Evaluation and Research; the Center for Devices and Radiological Health; and the Center for Biologics Evaluation and Research. If there were a dietary supplement center, I feel certain it would go there as well. I was encouraged to learn that, under the most recent plan, 6,235 headquarters personnel would be located in over 2.3 million square feet of office and laboratory space.

Unfortunately, though, our history of financial support for the consolidation is not as promising. For example, by 1994, a total of $325 million had been provided for the project, but $228 million of that was rescinded in FY 1995 based on concerns about the scope of the project as well as its location. The current budget only proposes $5.5 million for FY 2003, delaying the project by an estimated year and resulting in almost $23 million in increased costs due to commercial lease extensions, delays in design and construction, and the impact on management and inspection of the project.

This delay would have the most adverse effect on the Center for Devices and Radiological Health, CDRH, which occupies seven leased buildings in Rockville. Efficient operations of CDRH are critically important for my home state of Utah, which is proud to be the home base for literally dozens of thriving medical device manufacturers. They need to be able to count on FDA to maintain its gold standard review of devices to assure the public of their safety and efficacy. This is increasingly hard for FDA personnel to do, given that one of the two device labs is about 40 years old and in need of considerable attention. In fact, I am advised by the GSA that this CDRH lab is in "extensive disrepair". The ventilation system is old and at risk of failure, and the owner has blocked even temporary repairs.

The unfortunate events of September 11 have made this consolidation even more crucial. Many FDA facilities are currently leased and physical security varies by building. The new complex will improve security dramatically, both for current employees, and for the 128 additional headquarters personnel funded by the counter-terrorism appropriation.

In short, I remain discouraged by our lack of progress on this project over the last 15 years or so. I recognize that resources are constrained, but providing the FDA with necessary resources to assure public health and safety is a very important government function that needs to be funded.

In an effort to provide new funds for this project, and to reassure the thousands of FDA employees that we are behind them and their important work, earlier this week Senators MIKULSKI, KENNEDY and I proposed that the record $500 million settlement resolving quality-control problems at four Schering-Plough factories be devoted to the FDA consolidated headquarters. We believe it is entirely fitting that this pharmaceutical money be used to improve the operations of the FDA, rather than being dispersed into the general receipts of the Treasury.

Unfortunately, it now appears that a budget point of order would be lodged against our amendment, despite its important purpose. Therefore, deferring to the guidance of our colleagues on the Appropriations Committee, and recognizing the administration's serious concerns about the overall costs of the bill, I am reluctantly recalling this amendment. However, I am encouraged that the subcommittee chairman and ranking Republican member have indicated their willingness to work with us during formulation of the FY 2003 Treasury-Postal bill, and we intend to work closely with them to provide this necessary funding in the weeks to come.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. The Senator from Nevada objects.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, I am sorry; I did not hear.

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. I asked unanimous consent the call of the quorum be terminated.

Mr. GRAMM. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are going to try to work our way through this in various stages. The first stage is a group of amendments that everyone has agreed to—good guys, bad guys, those in between.

I send this list of amendments to the desk and ask the clerk to read them individually, report them individually.

The PRESIDING OFFICER. The clerk will report the amendments.

AMENDMENT NO. 3676, AS MODIFIED

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3676, as modified.

Mr. REID. I waive further reading of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, line 19, strike "established" and insert in lieu thereof "committed, in writing, to establish".

AMENDMENT NO. 3677

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3677.

The amendment is as follows:

On page 67, line 17, strike "inaugurated" and insert in lieu thereof "elected".

AMENDMENT NO. 3678

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3678.

The amendment is as follows:

On page 67, line 15, strike "certify" and insert in lieu thereof "report."

AMENDMENT NO. 3679

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3679.

The amendment is as follows:

On page 68, line 12, after "or" insert "United States".

AMENDMENT NO. 3680, AS MODIFIED

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3680, as modified.

The amendment is as follows:

On page 68, line 6, strike "dedicated" and insert in lieu thereof "committed, in writing, to support".

AMENDMENT NO. 3696

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3696.

The amendment is as follows:

On page 63, line 15, strike "or subsequent Acts".

AMENDMENT NO. 3697

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3697.

The amendment is as follows:

On page 60, line 4, strike "and equipment" and insert in lieu thereof ", equipment and related assistance".

AMENDMENT NO. 3698

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3698.

The amendment is as follows:

On page 63, line 19, strike "may" and everything that follows through "Initiative" on line 20, and insert in lieu thereof "shall be made available for any of the programs and activities identified in clause (i) to improve the lives of the Colombian people".

AMENDMENT NO. 3715

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3715.

The amendment is as follows:

On page 63, line 12, strike "ownership share of" and insert in lieu thereof "financial interest in".

Mr. REID. Mr. President, I would say to all the Members, these amendments are offered on behalf of Senator LEAHY. I think without exception they have been cosponsored by Senator MCCONNELL.

Mr. LOTT. That is correct.

Mr. STEVENS. That is right.

Mr. REID. As I indicated to the Senators, the two managers approve these amendments, and they have been through the cleansing operation. These amendments have been available for people to look at. One I looked at changes the word "election" to "inauguration," dealing with the matters in Central or South America.

So I think it would be to everyone's best interests—I don't think we need to go through each one of these and debate them. That is because we also know then we are going to ask consent that a list of the managers' amendments on which we have not had general agreement, that we will ask that be sent to the desk after we get this accepted, and then there will be rulings on the germaneness of a number of these that have not been approved.

Ms. LANDRIEU. Mr. President, I have an inquiry.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I wanted to inquire if the Senator would consider amendment No. 3581, to which I believe there is no objection. Although it may not be technically germane, I do not believe there is objection to No. 3581, to add to that list.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend from Louisiana, we have been told by the Parliamentarian that is not germane. We would have to pass that and we might have trouble doing that at this time.

Ms. LANDRIEU. I understand that, just as long as we have had opportunity to consider it, is my question.

Mr. REID. I say to my friend, let us adopt a group of amendments. We are going to get to a number of amendments like yours that are nongermane. These have been approved.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. If the Senator will yield, I would say your amendment No. 3581 is on a list that would be given an opportunity to be considered, or acted on in some way, once we get this noncontroversial list that was offered agreed to. We are trying to move forward on the process.

Ms. LANDRIEU. I thank the Senator from Mississippi. I understand it has no objection, so I wanted to make sure it would have a chance to come up.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent the amendments that have just been sent to the desk be adopted en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments are adopted en bloc.

The amendments (Nos. 3676, as modified, through 3680, as modified, 3696, 3697, 3698, and 3715) were agreed to en bloc.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would say to all Members, this is a very important bill. We know that or we would not be working going on the midnight hour. There has been a tremendous amount of work done by staff and by the two managers of the bill. We are now at a stage where the end is in sight. Just because that is the case, it doesn't necessarily mean we are going to get to the end.

I ask the cooperation of all Members to work with us here a little bit. If there is something we feel strongly about, we will explain to them why the managers, or the subcommittee chairs, other Members did not accept their particular amendment. Of course, the Chair is the one who rules on whether or not they are germane.

So I ask we move through these as rapidly as possible. I yield to my friend, the Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. I know the hour is late and Members would like to try to find a way to bring this to conclusion. I know this is not the ideal way to proceed. But I ask Senators at this point to be cooperative.

Many of us might have an amendment or amendments we would like to have included. If they are not germane or they have been objected to one way or the other, there will be other bills. This is not the last opportunity.

I hope we will cooperate at this point with Senator REID and the Members who are involved on both sides and bring this bill to a conclusion. If any Senator starts objecting and insists on votes, the horse is out of the barn and we will never end it.

This is an important bill. We have done good work. It is time to bring it to a conclusion. I hope all Senators will wait for another opportunity if they didn't get their nongermane amendments on this bill.

Mr. REID. Mr. President, this is not normal Senate procedure. Normally in the Senate there is an indefinite time. We have a definite time. This bill is going to end either tonight or at 5:30 tomorrow afternoon. We are going to finish the bill. It is not a question of being able to hold up this bill because this bill is going forward. The President wants it. The two managers worked hard. The House is waiting for it to be brought to conference.

The list of amendments commonly referred to as "the managers' amendment" I know causes people's hair to bristle at the back of their neck. But that is what this is. The managers worked on this for about 7 hours. Senator McCAIN and Senator GRAMM have been going through it for about 3 hours. The staff has worked. We now have this list that has been culled.

We would like to go through these. There are some to which the respective parties have agreed. Some will fall because they are not germane.

I ask for the cooperation of the two managers of the bill. Senator STEVENS is ready, it is my understanding, to move through these. He has a list of those that have been accepted. He has a list of those that are nongermane.

I ask if the Senator from Alaska is ready to move through this package. Senator BYRD and I have spoken to the ranking member. He has worked with Senators GRAMM and McCAIN.

Mr. STEVENS. Mr. President, in order to facilitate this, I send to the desk a list of the items that the Parliamentarian has ruled are not germane. I ask the Parliamentarian to examine that and confer. These have been ruled as not germane. There are eight of them.

Parliamentary inquiry: Has the Parliamentarian confirmed that those have been ruled to be not germane?

The PRESIDING OFFICER. That is correct.

AMENDMENTS NOS. 3558, 3581, 3584, 3604, 3625, 3740, 3744, AND 3745, RECALLED EN BLOC

Mr. STEVENS. Mr. President, I will read the list so Senators know what is on the list: amendment No. 3558 by Senator MURRAY; amendment No. 3581 by Senator LANDRIEU; amendment No. 3584 by Senator STABENOW; amendment No. 3604 by Senator HOLLINGS; amendment No. 3625 by Senator COCHRAN; amendment No. 3740 by Senator HOLLINGS; amendment No. 3744 by Senator DURBIN; and amendment No. 3745 by Senator SARBANES. Those are the eight that have been ruled to be nongermane.

It is my understanding that if those amendments were called up and objection was made the Parliamentarian would rule them not be germane and not in order to be considered at this time. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I ask if any Senator objects if I ask those amendments be withdrawn at this time?

Ms. LANDRIEU. I object.

The PRESIDING OFFICER. Objection is heard.

Is the Senator proposing these amendments? Is there objection?

Mr. STEVENS. Parliamentary inquiry: Is Senator LANDRIEU's amendment, No. 3581, the $2.5 million requested to eliminate the need to recover funds from States under the Developmental Disabilities Assistance and Bill of Rights Act? Is that the right amendment?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. It is my understanding that the Senator from Texas and the Senator from Arizona object to that. Is that correct?

Mr. GRAMM. That is correct. I object.

The PRESIDING OFFICER. Has the Senator from Alaska offered that amendment?

Mr. STEVENS. Mr. President, I am prepared to offer a request that all of those amendments be withdrawn as they would be knocked down if called up.

I recall those amendments.

The PRESIDING OFFICER. The Senator has asked that those amendments be recalled.

Mr. STEVENS. All eight en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NOS. 3559, 3568, 3591, 3593, 3598, 3602, 3607, 3614, AS MODIFIED; 3615, 3616, 3624, AS MODIFIED; 3631, 3632, 3653, 3656, AS MODIFIED; 3657, 3658, 3665, 3666, 3667, 3669, 3682, 3702, 3716, 3754, AS MODIFIED; AND 3766, AS MODIFIED, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk the list. There is a list of amendments that were proposed by Senators and that were examined by the majority and minority of the Appropriations Committee and which they agreed to accept. Those that sought to review the list had no objection to the amendments on this list. I ask that these amendments be called up and considered en bloc and adopted en bloc.

I am pleased to read the list, in case anyone has any question of what is on it: amendment No. 3559 by Senator HUTCHISON; amendment No. 3568 by Senator NELSON of Florida; amendment No. 3591 by Senator BIDEN; amendment No. 3593 by Senator MCCONNELL; amendment No. 3598 by Senator CLINTON; amendment No. 3602 by Senator TORRICELLI; amendment No. 3607 by Senator BUNNING; amendment No. 3614 by Senator WYDEN; amendment No. 3615 by Senator DASCHLE; amendment No. 3616 by Senator BYRD; amendment No. 3624 by Senator WELLSTONE; amendment No. 3631 by Senator KYL; amendment No. 3632 by Senator KYL; amendment No. 3653 by Senator SESSIONS; amendment No. 3656 by Senator MCCONNELL; amendment No. 3657 by Senator KOHL; amendment No. 3658 by Senator HARKIN; amendment No. 3665, my own amendment, amendment No. 3666; my amendment, No. 3667; my amendment, amendment No. 3669 by Senator KERRY; amendment No. 3682 by Senator KOHL; amendment No. 3702, another amendment that I offered; amendment No. 3716 by Senator LEAHY; amendment No. 3754 by Senator HUTCHINSON; and amendment No. 3766 by Senator CRAIG.

Those are the amendments that have been agreed to. No objection has been raised to date by any Senator.

I ask that this list of amendments, together with modifications that have been filed with the list, and the statements made on each of the amendments by Senators involved be printed in the RECORD. I ask unanimous consent that these amendments be called up en bloc and agreed to en bloc.

Mr. REID. Mr. President, reserving the right to object, there are some amendments on this list that have not been included. As soon as we complete this, we will discuss those, if necessary, one by one.

Mr. STEVENS. There are other amendments that are in sort of an uncertain category.

Mr. LEVIN. Mr. President, reserving the right to object, I have an inquiry of my friend from Alaska. It is my understanding that amendment No. 3657 is not in a dubious category, is germane, and is supported by both managers.

Mr. STEVENS. What is the number?

Mr. LEVIN. Amendment No. 3627. It has to do with flood damage repairs for six States that both managers have supported—and it is germane—including Missouri, Kentucky, West Virginia, Virginia, Illinois, and Michigan.

Mr. STEVENS. What is the amendment number?

Mr. LEVIN. No. 3627.

Mr. STEVENS. No. 3627, unfortunately, was objected to by two Senators who wish to be heard on it.

Mr. LEVIN. I understand it is a germane amendment which the managers have supported; is that correct?

Mr. STEVENS. It is on another list. It is supported by both managers. And it is germane.

Mr. LEVIN. I thank the Senator.

Mr. STEVENS. But there is an objection to be heard.

Mr. LEVIN. There will be then another list offered?

Mr. STEVENS. There is another list right behind this one. But this is the agreed-to list that we submitted to those who wished to review the managers' package. The managers' package was composed of amendments that had been referred to the subcommittees involved, checked, on a bipartisan basis, by the subcommittees, reviewed by Senator BYRD's staff, my staff, and by the two of us personally, submitted to those who wished to review it, and this is the agreed-to package with no objection to be raised to date to any one of them.

The PRESIDING OFFICER. Is there objection to the amendments?

Mr. GRAHAM. Reserving the right to object for purposes of inquiry.

The PRESIDING OFFICER. The Senator from Florida reserves the right to object.

Mr. GRAHAM. Amendment No. 3747, which has been ruled germane, relates to an emergency for additional U.S. marshals.

Mr. STEVENS. Yes, that is germane. It has the approval of the managers in the subcommittees. There are two Senators who wish to object. That would be subject to debate. It is in that undecided package.

The PRESIDING OFFICER. Is there objection to the package of the Senator from Alaska?

Without objection, it is so ordered. The amendments are adopted.

The amendments (Nos. 3559; 3568; 3591; 3593; 3598; 3602; 3607; 3614, as modified; 3615; 3616; 3624, as modified; 3631; 3632; 3653; 3656, as modified; 3657; 3658; 3665; 3666; 3667; 3669; 3682; 3702; 3716; 3754, as modified; and 3766, as modified) were agreed to, as follows:

AMENDMENT NO. 3559

(Purpose: Technical change)

On pages 6 and 7, strike section 101 and insert the following:

SEC. 101. ASSISTANCE TO AGRICULTURAL PRODUCERS THAT HAVE USED WATER FOR IRRIGATION FROM RIO GRANDE RIVER.

(a) IN GENERAL.—The Secretary of Agriculture shall use $10,000,000 of the funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande River that have suffered economic losses during the 2001 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington on February 3, 1944 (59 Stat. 1219; TS 944).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of actual losses described in subsection (a) that were incurred by the producers.

(c) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3568

(Purpose: To express the sense of the Senate regarding the reorganization of the Federal Bureau of Investigation to conduct counter terrorism activities)

At the appropriate place, insert the following:

SEC. . (a) The Senate finds that—

(1) the Federal Bureau of Investigation is the principle investigative arm of the Department of Justice;

(2) the Federal Bureau of Investigation has the authority and responsibility to investigate specific crimes assigned to it, including violations concerning organized crime and drugs, civil rights, violent crimes, financial crimes, counterterrorism, and foreign counterintelligence; and

(3) the mission of the Federal Bureau of Investigation is—

(A) to uphold the law through the investigation of violations of Federal criminal law;

(B) to protect the United States from foreign intelligence and terrorist activities;

(C) provide leadership and law enforcement assistance to Federal, State, local, and international agencies; and

(D) to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.

(b) It is the sense of the Senate that—

(1) the reorganization of the Federal Bureau of Investigation is a positive and important response to challenges posed by the increased threat of terrorism and that continued constructive dialog between FBI Director Robert Mueller and Congress will help make the reorganization a success;

(2) the Federal Bureau of Investigation shall continue to allocate adequate resources for the purpose of investigating all crimes under its jurisdiction;

(3) the reallocation of agents and resources to counterterrorism investigations should not hamper the ability of the Federal Bureau of Investigation to investigate crimes involving drugs; and

(4) sufficient homeland security resources should be made available to State and local law enforcement and public safety officials to enable them to meet their responsibilities as the Nation's first responders.

AMENDMENT NO. 3591

(Purpose: To make funds available for the preservation of a commercial manufacturing capability for defense grade nitrocellulose)

At the end of chapter 3 of title I, add the following:

SEC. 307. The Secretary of the Army shall obligate and expend the $2,000,000 appropriated for the Army by Public Law 107–117 for procurement of smokeless nitrocellulose under Activity 1, instead under Activity 2, Production Base Support Industrial Facilities, for the purpose of preserving a commercially owned and operated capability of producing defense grade nitrocellulose at the rate of at least 10,000,000 pounds per year in order to preserve a commercial manufacturing capability for munitions precursor supplies for the High Zone Modular Artillery Charge System and to preserve competition in that manufacturing capability.

AMENDMENT NO. 3593

(Purpose: To transfer, and merge, Economic Support Fund assistance for Israel with funds appropriated by this Act for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for activities relating to combating international terrorism)

On page 58, line 10, after "Israel" insert the following: ", all or a portion of which may be transferred to, and merged with, funds appropriated by this Act under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for defensive, non-lethal anti-terrorism assistance in accordance with the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961".

AMENDMENT NO. 3598

(Purpose: To provide that the local educational agency serving New York City distribute funds in fiscal year 2002 that are in excess of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965)

On page 89, between lines 3 and 4, insert the following:

SEC. 807. LOCAL EDUCATIONAL AGENCY SERVING NEW YORK CITY.

Notwithstanding section 1124(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(2)), for fiscal year 2002, if the local educational agency serving New York City receives an allocation under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in an amount that is greater than the amount received by the agency under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for fiscal year 2001, then—

(1) the agency shall distribute any funds in excess of the amount of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)); and

(2) each county in New York City shall receive an amount from the agency that is not less than the amount the county received in fiscal year 2001.

AMENDMENT NO. 3602

(Purpose: To require the Federal Aviation Administration to report to Congress on the air traffic controller staffing shortage at Newark International Airport)

On page 101, after line 23, insert the following:

SEC. 1008. Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report—

(1) explaining how the Administrator will address the air traffic controller staffing shortage at Newark International Airport; and

(B) providing a deadline by which the airport will have an adequate number of air traffic controllers.

AMENDMENT NO. 3607

(Purpose: To redirect previously appropriated funds for safe and reliable water services to residents in Kentucky)

On page 111, after line 2 insert the following:

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106-377 is deemed to be amended by striking everything after "$1,000,000" in reference to item 91 and inserting "to the Northern Kentucky Area Development District for Carroll County Wastewater Infrastructure Project ($500,000), City of Owenton Water Collection and Treatment System Improvements and Freshwater Intake Project ($400,000), Grant County Williamstown Lake Expansion Study ($50,000), and Pendleton County Williamstown Lake Expansion Study ($50,000)".

AMENDMENT NO. 3614, AS MODIFIED

(Purpose: To provide $500,000 to carry out a West Coast groundfish fishing capacity reduction program)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 210. Of the amounts appropriated in Public Law 107-77, under the heading "Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities", for Oregon groundfish cooperative research, $500,000 shall be for the cost of a reduction loan of $50,000,000 as authorized under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) to carry out a West Coast groundfish fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1871a(b)).

AMENDMENT NO. 3615

On page 71, at the end of line 23, strike the "." and insert the following: ": *Provided*, That the Secretary of Agriculture shall draft and submit to Congress legislation implementing the agreement recently reached between the interested parties including the Department of Justice and the Department of Agriculture, regarding management of the Black Hills National Forest which shall include actions for protection of resources and communities from fire."

AMENDMENT NO. 3616

(Purpose: To express the sense of the Senate regarding avian influenza)

On page 7, after line 12, insert the following:

"SEC. . SENSE OF THE SENATE ON COMPENSATION TO PRODUCERS OF POULTRY AFFECTED BY AVIAN INFLUENZA.

It is the sense of the Senate that the Secretary of Agriculture act expeditiously to provide compensation through the Commodity Credit Corporation to producers of poultry that have been affected by outbreaks of avian influenza in Virginia, West Virginia, and other states which have resulted in the destruction of poultry flocks in order to contain this disease."

AMENDMENT NO. 3624, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the provision of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children)

At the appropriate place, insert:

"SEC. 102. Whereas of the 40 million people living with HIV/AIDS, nearly 2.7 million are children under 15, and 11.8 million are young people aged 15–24, more than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born to an HIV-positive mother has a 25 to 35 per cent chance of becoming infected;

Whereas targeted provision of dairy products for HIV/AIDS mitigation provides an economical and efficient means to strengthen nutrition, ward off infectious diseases and extend the lives of HIV-positive individuals;

Whereas good nutrition including dairy products is critical to programs that provide and enhance anti-retroviral drugs to prevent mother-to-child transmission of HIV/AIDS, and nutrition experts recommend the use of dairy products with anti-retroviral drugs to combat mother-to-child transmission;

Whereas in the diets of young children, growing adolescents and pregnant women, milk has been proven to provide a concentration of critical nutritional elements that promote growth and robust health, and the National Institutes of Health (NIH) recommends that dairy products be used to boost the nutrition of HIV-positive young children.

Whereas it is imperative that attempts to improve the availability of dairy products to the HIV/AIDS afflicted do not undermine the security and stability of the indigenous dairy production and processing sector.

Whereas the United States has more than one billion pounds (450,000 metric tons) of surplus non-fat dry milk in storage that has been acquired at an average cost of over 90 cents per pound for a total cost approaching $1 billion, and storage costs are $1.5 million per month and growing;

Whereas this huge amount of milk overhangs U.S. and world markets and deteriorates rapidly, going out of condition in about three years when it must be sold for a salvage value of only a few cents per pound;

Whereas the impacts of breast-feeding on mother to child transmission remain controversial and appropriate interventions are not yet scientifically proven, especially in low-income communities where appropriate alternatives are not available and may be unsafe;

Whereas there is a need for non-fat dry milk in international relief to use in human feeding programs that target the most vulnerable in society, particularly those affected by HIV/AIDS: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should—

(A) utilize the existing 416(b) authority of the Agricultural Act of 1949 to dispose of dairy surpluses for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic;

(B) Make available funds for the provision of 100,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children, to include ocean and inland transportation, accounting, monitoring and evaluation expenses incurred by the Secretary of Agriculture, and expenses incurred by private and voluntary organizations and cooperatives related to market assessments, project design, fortification, distribution, and other project expenses;

(C) Give careful consideration to the local market conditions before dairy products are donated or monetized into a local economy, so as not to undermine the security and stability of the indigenous dairy production and processing sector; and

(D) Use none of these funds or commodities in any programs that would substitute dairy products for breast-feeding.

AMENDMENT NO. 3631

(Purpose: To require the transfer of funds to cover an increase in pay for Border Patrol agents and immigration inspectors and to make certain requirements with respect to the Chimera system and the expenditure of information technology funds by the Immigration and Naturalization Service)

On page 26, between lines 4 and 5, insert the following:

SEC. 210. (a) Subject to subsection (b), the Attorney General shall, out of appropriations available to the Department of Justice made in Public Law 107–77, transfer to, and merge with, the appropriations account for the Immigration and Naturalization Service entitled "Salaries and Expenses" the following amounts for the following purposes:

(1) $4,900,000 to cover an increase in pay for all Border Patrol agents who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332; and

(2) $3,800,000 to cover an increase in pay for all immigration inspectors who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332.

(b) Funds tranferred under subsection (a) shall be available for obligation and expenditure only in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 798).

(c) Not later than September 30, 2002, the Justice Management Division of the Department of Justice shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives describing the progress made in the development of the Chimera system.

(d) No funds available to the Immigration and Naturalization Service for technology activities in the fiscal year 2003 may be obligated or expended unless the program manager of the Chimera system approves the obligation or expenditure of those funds and so reports to the Attorney General.

AMENDMENT NO. 3632

(Purpose: To make available funds for the Center for Identification Technology Research at the West Virginia University for the purpose of developing interoperability standards and an application profile for technology neutral, portable, and data independent biometrics)

On page 14, line 19, before the period insert the following: ": *Provided*, That of the amount appropriated under this heading, $500,000 shall be for the Center for Identification Technology Research at the West Virginia University for the purpose of developing interoperability standards and an application profile for technology neutral, portable, and data independent biometrics, in accordance with section 403(c)(2) of The USA PATRIOT Act (Public Law 107–56) and sections 201(c)(5) and 202(a)(4)(B) and title III of the Enhanced Border Security and Visa Reform Act (Public Law 107–173), and the amendments made by those provisions".

AMENDMENT NO. 3653

(Purpose: To make available funds to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.)

On page 69, after line 23, add the following:

SEC. 605. Of the amounts appropriated to the President for the United States Agency for International Development (USAID) for the fiscal year 2002 and made available for the Ocean Freight Reimbursement Program of USAID, $300,000 shall be made available to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.

AMENDMENT NO. 3656, AS MODIFIED

(Purpose: To provide a substitute for section 503 (relating to a contract for the construction of a facility for the disposition of depleted uranium hexafluoride on the site of the gaseous diffusion plant at Paducah, Kentucky, and a similar facility on the site of the gaseous diffusion plant at Portsmouth, Ohio)

Strike section 503 and insert the following:

SEC. 503. Section 1 of Public Law 105–204 (112 Stat. 681) is amended—

(1) in subsection (b), by striking "until the date" and all that follows and inserting "until the date that is 30 days after the date on which the Secretary of Energy awards a contract under subsection (c), and no such amounts shall be available for any purpose except to implement the contract."; and

(2) by striking subsection (c) and inserting the following:

"(c) CONTRACTING REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code), the Secretary of Energy shall—

"(A) not later than 10 days after the date of enactment of this paragraph, request offerors whose proposals in response to Request for Proposals No. DE–RP05–010R22717 ('Acquisition of Facilities and Services for Depleted Uranium Hexalfluoride (DUF6) Conversion Project') were included in the competitive range as of January 15, 2002, to confirm or reinstate the offers in accordance with this paragraph, with a deadline for offerors to deliver reinstatement or confirmation to the Secretary of Energy not later than 20 days after the date of enactment of this paragraph; and

"(B) not later than 30 days after the date of enactment of this paragraph, select for award of a contract the best value of proposals confirmed or reinstated under subparagraph (A), and award a contract for the scope of work stated in the Request for Proposals, including the design, construction, and operation of—

"(i) a facility described in subsection (a) on the site of the gaseous diffusion plant at Paducah, Kentucky; and

"(ii) a facility described in subsection (a) on the site of the gaseous diffusion plant at Portsmouth, Ohio.

"(2) CONTRACT TERMS.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code) the Secretary of Energy shall negotiate with the awardee to modify the contract awarded under paragraph (1) to—

"(A) require, as a mandatory item, that groundbreaking for construction occur not later than July 31, 2004, and that construction proceed expeditiously thereafter;

"(B) include as an item of performance the transportation, conversion, and disposition of depleted uranium contained in cylinders located at the Oak Ridge K–25 uranium enrichment facility located in the East Tennessee Technology Park at Oak Ridge, Tennessee, consistent with environmental agreements between the State of Tennessee and the Secretary of Energy; and

"(C) specify that the contractor shall not proceed to perform any part of the contract unless sufficient funds have been appropriated, in advance, specifically to pay for that part of the contract.

"(3) CERTIFICATION OF GROUNDBREAKING.—Not later than 5 days after the date of groundbreaking for each facility, the Secretary of Energy shall submit to Congress a certification that groundbreaking has occurred.

"(e) FUNDING.—

"(1) IN GENERAL.—For purposes of carrying out this section, the Secretary of Energy may use any available appropriations (including transferred unobligated balances).

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in addition to any funds made available under paragraph (1), such sums as are necessary to carry out this section.".

AMENDMENT NO. 3657

(Purpose: To provide for international food assistance)

On page 7 after line 12, insert the following:

SEC. . (a) RESCISSION.—The unobligated balance of authority available under section 2108(a) of Public Law 107–20 is rescinded as of the date of the enactment of this Act.

(a) APPROPRIATION.—There is appropriated to the Secretary of Agriculture an amount equal to the unobligated balance rescinded by subsection (a) for expenses through fiscal year 2003 under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721–1726a) for commodities supplied in connection with disposition abroad pursuant to title II of said Act."

AMENDMENT NO. 3658

(Purpose: To enhance support for international food assistance programs)

On page 7 after line 12, insert the following:

"SEC. . Section 416(b)(7)(D)(iv) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(iv)) is amended by striking "subsection." and inserting in lieu thereof the following 'subsection, or to otherwise carry out the purposes of this subsection.'"

AMENDMENT NO. 3665

Strike section 806 and inserting in lieu thereof the following new section:

SEC. 806. None of the funds provided by this or any other Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.

AMENDMENT NO. 3666

On page 89, at the end of line 3, add a new section as follows:

SEC. . In the statement of the managers of the committee of conference accompanying the fiscal year 2001 Labor, Health and Human Services, and Education appropriations bill (Public Law 106–554; House Report 106–1033), the provision specifying $464,000 for the Bethel Native Corporation worker demonstration project shall be deemed to read as follows: "for the Alaska CHAR vocational training program, $100,000 and $364,000 for the Yuut Elitnauvriat People's Learning Center in Bethel, Alaska for vocational training for Alaska Natives".

AMENDMENT NO. 3667

Amend title II by adding a new section as follows:

SEC. . In subsection (e)(4) of the Alaska Native Claims Settlement Act created by section 702 of P.L. 107–117—

(a) subparagraph (B) is amended by—

(1) striking "subsection (e)(2)" and inserting in lieu thereof "subsections (e)(1) or (e)(2)"; and

(2) striking "obligations under section 7 of P.L. 87–305" and inserting in lieu thereof "small or small disadvantaged business subcontracting goals under section 502 of P.L. 100–656, provided that where lower tier subcontractors exist, the entity shall designate the appropriate contractor or contractors to receive such credit"; and

(b) subparagraph (C) is amended by striking "subsection (e)(2)" and inserting "subsection (e)(1) or (e)(2)".

AMENDMENT NO. 3669

(Purpose: To provide that amounts appropriated for the National Veterans Business Development Corporation in Public Law 107–77 shall remain available until expended)

At the end of chapter 2 of title I, add the following:

SEC. 210. Amounts appropriated by title V of Public Law 107–77 under the heading "NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION" (115 Stat. 795) shall remain available until expended.

AMENDMENT NO. 3682

(Purpose: To allow the closing of certain accounts relating to the Food Safety and Inspection Service)

On page 7, after line 12, insert the following:

"SEC. . Notwithstanding any other provision of law and effective on the date of enactment of this Act, the Secretary may use an amount not to exceed $12,000,000 from the amounts appropriated under the heading Food Safety and Inspection Service under the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001 (Public Law 106–387) to liquidate over-obligations and over-expenditures of the Food Safety and Inspection Service incurred during previous fiscal years, approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture."

AMENDMENT NO. 3702

At the appropriate place in the bill insert the text of S. 1713 as ordered favorably reported by the Committee on Governmental Affairs of the United States Senate on May 22, 2002.

AMENDMENT NO. 3716

(Purpose: To require a report setting forth a strategy for meeting the security needs of Afghanistan)

On page 69, after line 23, add the following:

SEC. 605. Not later than 45 days after the date of the enactment of this Act, the President shall transmit to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate a report setting forth a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

AMENDMENT NO. 3754, AS MODIFIED

(Purpose: To restore funding provided for the DEA)

On page 10, strike lines 20 through 24.

On page 19, line 18, strike "$35,000,000" and insert "$48,000,000".

AMENDMENT NO. 3766, AS MODIFIED

At the appropriate place in Chapter 10, insert:

SEC. . The $300,000 made available to the State of Idaho under the matter under the heading "JOB ACCESS AND REVERSE COMMUTE GRANTS" under the heading "FEDERAL TRANSIT ADMINISTRATION" in title I of the Department of Transportation and Related Agencies Appropriations Act, 2002 (Public Law 107–87; 115 Stat. 852), shall be deemed to have been made available to the State of Idaho to carry out a job training and supportive services program under section 140(b) of title 23, United States Code.

Mr. REID. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DURBIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I wish to make a couple remarks about the process we are going through right now as we are finishing up. We should not be doing this. This is a managers' amendment. A managers' amendment is intended for technical amendments. Now the Senator from Texas and I are causing heartburn for everybody around the Senate who has an amendment they think is worthy.

The amendment should have been brought up and voted on and put in the normal process. Instead, because of the egregious practice that has been going on, I pointed out many times last year, when I said, What is in the managers' amendment? Nobody knew. There were 32 specific earmarked projects in an appropriations bill.

The Senator from Texas and I decided we wanted to see what was in the managers' amendment. I have forgotten how many there were—90 to start with, somewhere around 90 amendments to start with. Some of them were $10 million; some, $20 million; some, $50 million; some were $120 million out of the highway trust fund—all in "managers' amendments."

I don't like staying here late at night any more than any of my colleagues do. Why don't we try going through the normal process? An amendment that is worth $120 million is worthy of debate and voting on, on the floor of the Senate, and not to be included in a managers' package. Then we have to get our staff, the Senator from Texas and I, and make everybody mad because we object to them.

If these amendments had been brought up in the normal procedure, nobody would have been angry because then we would have voted these amendments up or down. Instead, we have now a practice where there is a managers' amendment which in anybody's definition includes technical amendments to the bill where there are huge changes, and many of them policy changes.

I am sympathetic to the Senator from Oregon who wants to keep the search and rescue in the State of Oregon. It is an important issue to him. Where is it? It is in the managers' package, a policy change where we are going to dictate to the U.S. Air Force.

What I hope my colleagues have learned from this, at 20 minutes to midnight on a Thursday night, is that we would go through the normal process, have the amendments considered, vote up or down, the managers' package being purely technical amendments as they are intended, and we wouldn't have this problem that we are in today.

There is enormous heartburn here on the part of some of my colleagues. I understand that. These are important issues to them.

I say to the Senator that this is an important issue, whether search and rescue is available in the State of Oregon at Mount Hood where a disaster took place. Instead, we are supposed to decide the situation on the basis of germane or nongermane. We should not be doing this. I hope the lesson is that we take up amendments and vote on them up or down, and not in a managers' package from now on, which is how it is supposed to be.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I think the Senator from Arizona makes good points, and he has made his points throughout the debate. Are we now prepared to complete action on this last list of amendments so we can get to final passage? He has made his point, and is right, but now we have to bring this to a reasonable and quick conclusion. Are we ready to do that?

Mr. GRAMM. Yes.

Mr. STEVENS. I am ready for the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. At the end of the last supplemental, by a clerical error, one of the amendments that was offered by the Senator from New Mexico was clerically left off. We did not discover that until the next morning. We told the Senator that we would accept that amendment and be sure it was on the next supplemental. Now, we have done that and it has now been ruled not germane. It is amendment No. 3718, and it was arguably not germane. There is an indication now that it is not germane.

I ask the Senate to allow us to keep our commitment to Senator DOMENICI. It would have become law in the last supplemental but for a clerical error.

I ask unanimous consent that we take up amendment No. 3718 and that it be before the Senate for consideration.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, the amendment is clearly not germane. I don't know what kind of deals were made among the members of the Appropriations Committee. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, is there any way to appeal that?

Mr. LOTT. If the Senator will yield, one way is to appeal to the Senator from Arizona. I ask the Senator to reconsider. We have a senior Senator here who is in this position not because of his own fault. He had a commitment made to him by senior members on both sides of the aisle. They are trying to keep that commitment. We should honor that, whether it is Republican or Democrat, no matter where you are from or who it is. I urge the Senator not to object to that request under these conditions. I would be here defending or keeping a commitment to the Senator from Arizona if he were the one involved. I don't know what the subject is, but I ask the Senator to reconsider. I make the request again that it be accepted by unanimous consent, and I make that appeal to the Senator.

Mr. MCCAIN. I object.

Mrs. FEINSTEIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. Objection is heard. The Republican leader has the floor.

Mr. LOTT. I yield the floor.

Mr. STEVENS. Mr. President, I had a parliamentary inquiry. Was that matter subject to appeal?

Mr. REID. If the Senator will yield, it is my understanding that post——

The PRESIDING OFFICER. There is no appeal of the objection to the unanimous consent request.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I want to make a proposal that I think is reasonable. The Parliamentarian has now ruled on the remaining amendments, as to whether they are germane or whether they are subject to a point of order, which would bring them down, and that is only true in the case of one of Senator BYRD's amendments.

I want to propose that all those that are germane we accept by unanimous consent and that all those that are not germane fall. They could bring them up, we could raise germaneness. The Chair already ruled they would be struck down. We will have wasted 2 hours of time, and we would end up with exactly the same result. I am not sure if we voted on some of these germane ones they would pass. But it is almost midnight. I want to propose that all of the items on the list that are germane be adopted by unanimous consent or as modified—in the form that the Chair has it—that we adopt them, and those that are not germane we drop, and we would finish our business.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have a list of amendments. We have all gone to the Parliamentarian and gone over them individually. They have looked at these several times to determine whether or not they are germane. I will call up each individual amendment, ask whether or not it is germane, and that will leave some, as the Chair already ruled, and the others will fall.

I ask if amendment No. 3595 offered by the Senator from Rhode Island, Mr. REED, is germane.

Mr. STEVENS. Is the Senator asking consent?

Mr. REID. No.

The PRESIDING OFFICER. That amendment would not be germane.

Mr. REID. That amendment falls; is that right, Mr. President?

The PRESIDING OFFICER. If the amendment were called up, the Chair would rule that it is not germane.

Mr. REID. I make the point of order that it is not germane.

The PRESIDING OFFICER. The amendment is not pending. If the amendment were called up and pending, the Chair would rule that it is not germane.

AMENDMENT NO. 3595

Mr. REID. Mr. President, I call up amendment No. 3595 by Senator REED of Rhode Island.

Ms. LANDRIEU. I object.

The PRESIDING OFFICER. There is no objection in order to calling up an amendment. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for Mr. REED, proposes an amendment numbered 3595.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The amendment is as follows:

> (Purpose: To provide funds to enhance security for public transportation operations)
>
> On page 94, line 19, after "Commerce" insert "*Provided further*, That, not later than 30 days after the date of enactment of this Act, the Under Secretary for Transportation Security shall report to Congress (1) the amount of Transportation Security Administration funds dedicated to improving public transportation security, (2) the number of full-time Transportation Security Administration personnel engaged in improving public transportation security, and (3) a plan for improving the security of our Nation's public transportation systems".

Mr. REID. Will the Chair rule on the germaneness of that amendment?

The PRESIDING OFFICER. The amendment is not germane.

Mr. DOMENICI. Mr. President, I want to ask my friend a question.

Mr. REID. Mr. President, I will be glad to yield to my friend for a question, without losing my right to the floor.

Mr. DOMENICI. Mr. President, I cannot follow this process. Whatever you say about germaneness or not, I want to bring my amendment up to be discussed. We can take 2 minutes, and then you can do with it what you want. I am not going to stand here and have my amendment possibly disposed of while the process for proceeding is not clear. I have the floor now and——

Mr. REID. You do not have the floor.

Mr. DOMENICI. Can I borrow it from you?

Mr. REID. I have the floor. I know that is tough, but that the rule here.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Nevada yielded for a question.

Mr. REID. I yielded with my right to retain the floor. Nothing unusual is happening. We have a list that we are going to go through with amendments that have been deemed to be nongermane. That will leave those that are germane that we will deal with.

Mr. DOMENICI. My two are not germane. One of them would have been adopted by the Senate but for a clerical error. Are you going to let the Senate listen to that statement?

Mr. REID. I will say that we have heard statements by Senator STEVENS, not only publicly here on the floor, but before the Parliamentarian and a number of other Senators. I believe Senator DOMENICI's cause is just, but the rules of the Senate are going to knock this out.

Mr. DOMENICI. I ask if you would give me 2 minutes right now, and I will not talk anymore.

Mr. REID. I would be happy to yield to my friend, and I will retain the floor following that 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. I want to say to all of you that what happened to me should not happen to any of you. I have been here almost 30 years. If some of you were here 60 years, I hope it doesn't happen to you. I don't care why a Senator leaves the floor at the end of a bill, or whether Senator JOHN MCCAIN, who is objecting now, had some reason to leave the floor, or if he didn't like the process and he stomped out of here mad like he does sometimes.

The truth is that a managers' amendment with 20 or 30 managers' amendments in it, with my name on the list, and Senator BINGAMAN, incidentally—Senator BINGAMAN was sitting right over there, and we did not catch it, as the manager read it. We thought it was included in the long list.

We get up the next day and to our surprise, something that we had accomplished, that we thought was very important, was not in the bill and did not get attached, and the conferees said they could not consider it. But they said the next appropriations bill that comes, we will help you.

I could not get help because we entered into an early-on cloture, which we do not do. I should have expected it, but it never happens that early. It happened, and all of us got shut out, and we were urged by our leadership to help with that. I thought we should not. I thought we should wait 2 or 3 days. But the leader asked me, and I said: OK, let's close it down early.

I got closed down, and now I have a Senator or two, because they do not like my amendment, sitting here telling you they do not believe me—that is what they are saying—or they do not believe TED STEVENS who believed me.

Is that what they are saying? I hope they are not saying that. And you can smile if you like, but there is nothing to smile about. It is very serious, and you get a frown on your face like me more frequently than I do.

Excuse me for violating the rules for addressing him in the singular. I should say the senior Senator from Arizona, and I am sorry about that.

The Democratic part of this team from New Mexico could not be here today, or he would stand before you and even tell you he is more in awe than I, when the next day or day after we talked and we said, well, it would get done. No, it is not there. Somebody forgot to put it in. It was all ready. I suggest there ought to be some way to fix this.

I am going to tell you as my time expires, for those who are going to object like this, they better get up early in the morning. They better get here when the appropriations bill comes up because amendments I have in the future are not going to wait around to the end. You are not going to have all this power.

This approach has given you power beyond anything you have, and you are complaining about the processes we have that are inordinate and wrong. It is not right to have one or two Senators who would have had one or two votes but for cloture. That is all they would have had and could not have denied my amendment the way they are doing tonight with the help of a Parliamentarian who takes the facts not into consideration because he could not. He cannot listen to me. I never said one thing to the Parliamentarian tonight. Your ruling is right or wrong, but I am telling the Senators, it is not right.

I am not going to lose, so you just wake up because the next appropriations bill that comes through here we are going to vote on the Domenici amendment. And I hope you have a lot of people thinking like you do because you are going to lose.

It is going to be a matter of 1 month or 2 months, and this amendment is going to be adopted. And I am going to go to the conference, and it is going to stay in. I thank you for listening and sorry I bothered you. Good night.

Mr. MCCAIN. Point of parliamentary personal privilege since my name was used.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. I say to my friend from New Mexico, I have worked most of my entire career in the Senate shoulder to shoulder with the Senator. We had good fortune to be chairmen and ranking members of the Energy and Water Appropriations Subcommittee, and the Senator from New Mexico has always treated Democrats and Republicans very fairly.

I am disappointed. I understand the reason the Senator from Arizona is objecting. I do not agree. Senator DOMENICI, the senior Senator from New Mexico, I can say from a personal perspective, has always been very fair. I can say this personally. If this happened to someone else——

Mr. MCCAIN. I ask the Senator from Nevada if I can have a point of personal privilege to respond to my name being used?

Mr. REID. He would have gone to the wall. I am disappointed that Senator DOMENICI is not going to be given an opportunity. I will be happy to work with him in the future, I think as well as everybody in the Senate.

I do not think there was anything said that in any way diminished the stature of the Senator from Arizona. I think Senator DOMENICI had a right to object. I ask if we can——

Mr. MCCAIN. Is it your decision to make whether I can respond to statements made about me?

Mr. REID. I will be happy to yield to the Senator from Arizona for 2 minutes without losing the floor.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I guess there is no point in me responding as to whether I should smile or not smile. The reason why I objected to this amendment was not because of frivolous reasons. This amendment was going to expand the eligibility of the airline loan guarantee program to include the manufacturers of small jet turbo fan aircraft. I am proud to be a member of the Commerce Committee and proud to have worked with Senator HOLLINGS as we, working with the administration and the airline industry, came up with the airline and airport security bill, which was an important piece of legislation, a very vital piece of legislation following September 11.

We considered extending the small airline guarantee program to include manufacturers of small jet turbo fan aircraft at the time of the consideration and the hearings in the authorizing committee, and we rejected that idea. So I certainly objected because we had gone through scrutiny of this issue in the proper authorizing process.

I objected to an expansion of the program without authorization or without a hearing, and I will continue to object to changes in authorizing legislation on which we worked very hard in the committee of jurisdiction. That is the reason why I objected to an expansion of the program which was unwarranted by the legislation that was passed by this body by a vote of 98 to 0. It has nothing to do with my feelings toward Senator DOMENICI or any other Senator in this body.

If I have offended Senator DOMENICI, obviously I deeply regret that. I do have a higher obligation to do what I can to make sure the people I represent are adequately represented and according to my best judgment.

I thank the Chair and Senator REID for allowing me to respond.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are now at the point in the proceedings where I think we have a good offer from the Senators from Texas and Arizona. There are certain amendments in this list that have been ruled germane tentatively by the Parliamentarian, and the Chair would rule that way. There are some ruled nongermane.

The proposal is that those amendments that have been ruled germane will in effect be accepted upon voice vote. Those not germane will fall. They will fall anyway. There is nothing we can do if the Parliamentarian rules them nongermane. Then they are gone. There is no need to go through that process.

I ask everyone's patience and cooperation that we accept by unanimous consent the proposal made by the Senator from Texas.

May I have the attention of the Senator from Texas? I would like the attention of the Senator from Texas. It is my understanding the Senator from Texas has said those amendments the Parliamentarian has tentatively ruled as being germane would be accepted; those that are nongermane would fall.

Mr. GRAMM. That is right.

Mr. REID. I ask my friend, on amendment No. 3691, what is the pleasure of the Senator?

Mr. GRAMM. No. 3691: That amendment is, as far as I know, germane.

Mr. REID. It is germane.

AMENDMENTS NOS. 3585, AS MODIFIED; 3596, AS MODIFIED; 3613, AS MODIFIED; 3627, AS MODIFIED; 3691, AS MODIFIED; 3733, 3747, AS MODIFIED; EN BLOC

Mr. REID. Mr. President, I ask that amendments Nos. 3585, as modified; 3596, as modified; 3613, as modified; 3627, as modified; 3691, as modified; 3733, and 3747, as modified, be called up en bloc as being germane amendments.

Mr. STEVENS. As modified.

Mr. REID. As modified.

The PRESIDING OFFICER. Is there objection? Is there objection to the consideration of these amendments en bloc and their adoption?

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, was 3581 included in that?

The PRESIDING OFFICER. No. 3581 was not included.

Mr. REID. It is not on the list at all.

The PRESIDING OFFICER. Is there objection to consideration and adoption of the en bloc amendments that have been listed by the Senator from Nevada?

Without objection, it is so ordered.

The amendments (Nos. 3585, as modified, 3596, as modified, 3613, as modified, 3627, as modified, 3691, as modified, 3733 and 3747, as modified) were agreed to as follows:

AMENDMENT NO. 3585, AS MODIFIED

(Purpose: To provide that certain funds appropriated for the United States Customs Bureau Service be used to reimburse State and local law enforcement agencies that have provided Federal assistance to personnel along the Northern Border)

On page 102, line 15, after "amended" insert ": *Provided further*, That $10,000,000 is authorized for reimbursing State and local law enforcement agencies that have provided necessary Federal assistance to personnel of the United States Customs Service, along the Northern Border of the United States".

AMENDMENT NO. 3596, AS MODIFIED

On page 79, after line 6 insert the following new proviso:

CENTERS FOR MEDICARE AND MEDICAID SERVICES

PROGRAM MANAGEMENT

": *Provided further*, That of the funds made available under this heading in Public Law 107–116, $3,000,000 shall be awarded to the Johns Hopkins School of Medicine for activities associated with an in-home study of self-administered high frequency chest oscillation therapy for patients with chronic obstructive pulmonary disease".

AMENDMENT NO. 3613, AS MODIFIED

(Purpose: To provide for the transition of the naval base on Schoodic Peninsula, Maine, to utilization as a research and education center for Acadia National Park)

On page 37, between lines 2 and 3, insert the following:

SEC. 307. Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall obligate, from funds made available in title II of division A of Public Law 107-117 under the heading "Operation and Maintenance, Defense-Wide" (115 Stat. 2233), $4,000,000 for a grant to support the conversion of the Naval Security Group, Winter Harbor (the naval base on Schoodic Peninsula), Maine, to utilization as a research and education center for Acadia National Park, Maine, including the preparation of a plan for the reutilization of the naval base for such purpose that will benefit communities in the vicinity of the naval base and visitors to Acadia National Park and will stimulate important research and educational activities.

AMENDMENT NO. 3627, AS MODIFIED

Strike page 48, line 18, through page 49, line 6 and insert in lieu thereof:

"For an additional amount for "Operation and Maintenance General", $32,000,000, to remain available until expended: *Provided*, That using the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to repair, restore, and clean-up Corps' projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure (including sewer and water facilities), document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers: *Provided further*, That $10,000,000 of the funds provided shall be for Southern West Virginia, Eastern Kentucky, and Southwestern Virginia: *Provided further*, That the remaining $22,000,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these additional funds shall be available for Western Illinois, Eastern Missouri, and the Upper Peninsula of Michigan."

AMENDMENT NO. 3691, AS MODIFIED

(Purpose: To provide an additional amount for Emergency Relief Highways)

On page 97, line 19, strike "$200,000,000 are rescinded." and insert:

$320,000,000 are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the "Emergency Relief Program", as authorized by 23 U.S.C. 125, $120,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the amount made available under this paragraph shall be used solely for eligible but uncompensated applications pending as of May 28, 2002, including $13,411,000 for projects in the State of Washington stemming from the Nisqually earthquake and other disasters, and up to $12,000,000 for emergency expenses to respond to the May 26, 2002 Interstate 40 bridge collapse over the Arkansas River in Oklahoma.

AMENDMENT NO. 3733

(Purpose: To set aside funds for certain National Guard activities)

On page 37, between lines 2 and 3, insert in the following:

SEC. 307. Of the amount available for fiscal year 2002 for the Army National Guard for operation and maintenance, $2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations.

AMENDMENT NO. 3747, AS MODIFIED

(Purpose: To provide funding for the United States Marshals Service to provide Deputy United States Marshals for Federal districts with critical courtroom and prisoner security needs)

At the appropriate place in the bill insert the following:

SEC. 210. Of the funds made available under the heading "Courts of Appeals, District Courts, and Other Judicial Services, Salaries, and Expenses" in title III of Public Law 107–77, 37,900,000 shall be transferred to, and merged with, funds available for "Salaries and Expenses, United States Marshals Service" in title I of Public Law 107–77, to be available until expended only for hiring 200 additional Deputy United States Marshals and associated support staff for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I ask whether the remaining amendments fall? I ask the Republican leader, is there any need to do more? I think we should move to third reading.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. The point is being made that the remaining amendments have been ruled to be nongermane. Therefore, they automatically would fall. There is no appeal or vote on that, and therefore we should proceed to third reading and pass the bill.

Mr. NICKLES. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. NICKLES. I ask my colleagues from——

The PRESIDING OFFICER. The Republican leader has the floor.

Mr. LOTT. Mr. President, I do know that Senator GORDON SMITH and Senator WYDEN of Oregon have an amendment they were concerned about. Their amendment would fall as nongermane, but if they would like to make a point at this time I think we would have to give them that opportunity.

Mr. NICKLES. Will the Senator yield for a moment?

Mr. LOTT. I yield.

Mr. NICKLES. They would have the right to ask unanimous consent for the amendment to pass. If there is no objection, the amendment would be adopted. If someone raises a point of order on germaneness, their amendment would fall.

Mr. REID. Would the Republican leader yield?

Mr. LOTT. I would be happy to yield.

Mr. REID. Senator ENZI also wishes to make a statement. It is midnight and tomorrow is another day. People can prepare statements and put them in the RECORD and say whatever they want to say. I have been pretty nonchalant throughout the last several days, but I will tell everybody that I am going to object personally to any other amendments at this stage, and I think there are a lot of people who will join with me.

We are through with this legislation. Let us get to third reading and get it over with.

Mr. GRAMM. Will the Senator yield?

Mr. REID. I would——

Mr. LOTT. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Republican leader has the floor.

Mr. LOTT. I will yield.

Mr. GRAMM. I was going to ask, is what we agreed to that we were going to take all the germane ones and drop the nongermane ones?

Mr. LOTT. That is what we have done.

Mr. REID. That is right.

Mr. LOTT. Mr. President, I will yield the floor so others can be recognized.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, parliamentary inquiry: If we go to third reading, are we not still under cloture? Could Members not make statements up to their eligible time before the bill is called up for actually a final vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. My suggestion is we go to third reading and let people talk and find out when you want to have the final vote.

Mr. REID. Will the Senator from Alaska yield?

Mr. STEVENS. Yes.

Mr. REID. Tomorrow is another day. We will pass the bill and people can come and talk all day tomorrow if they want.

Mr. STEVENS. Either way. I think Members are still entitled to their time on cloture.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I want to make a very brief point. If my colleague from Arizona, Senator McCAIN, would listen, I say to the Senator, a while back he talked about a managers' amendment should be purely technical amendments. I wanted to make a point. The arbitrary distinction of nongermaneness at this late hour is something I think is going to throw away some amendments that should have been adopted. An amendment, for example, that I offered, 3689, was offered prior to cloture. It is purely technical, has no money attached to it, is out of previously appropriated funds that deals with two transmission studies. It corrects an error that existed in prior legislation. So it is purely technical and no one would argue it is not technical. Creating an arbitrary distinction of saying those things that are nongermane shall not be considered means that those small issues I have offered previously, for example, in this amendment, that was approved by both the minority and the majority, they said to me, yes, this is fine, we accept the amendment, this kind of an amendment that is purely technical now falls because of an arbitrary distinction that we say nongermane amendments are gone.

I only want to make the point to my friend from Arizona, I agree with him on a lot of issues but this clearly is technical; it is clearly something that should be a part of the managers' package and was agreed to by both the majority and minority and now is going to fall under this arbitrary distinction at midnight. I do not think that is fair.

Mr. McCAIN. I am in sympathy with the Senator. I voted against cloture. It was your leader who filed cloture and we voted on it long before I wanted cloture to be invoked. You would not have that problem if it had not been for your leadership that filed cloture at the earliest I have ever seen on an appropriations bill.

I am in sympathy and would like to work with the Senator to get this worthwhile technical amendment approved.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, to try to assist Senator REID in bringing this to a conclusion——

Mr. DORGAN. Mr. President, I thought I yielded to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from North Dakota still has the floor.

Mr. DORGAN. I understand the point the Senator made. I was only making the point if, in fact, the managers' amendment is for technical amendments, really purely technical amendments, and I offered this prior to cloture, was told by the majority and the minority, yes, we accept it, there is no problem, this is not spending money, it is spending previously appropriated money, a total of $400,000, and deals with an error when, in fact, the distinction on the nonreimbursable portion of it should be in bill language, or the managers' language, which is where it was, this corrects that. It is exactly what, in my judgment, the Senator said ought to be in the managers' package. I hope the Senator will reconsider at least on 3689 and allow this to be put in the managers' package this evening or allow it to be approved this evening.

Mr. President, I would make that request to ask if my two colleagues would agree to that—I know they have reviewed it. The majority and minority have reviewed it and have approved it. It is not spending a dime. It simply corrects an error. I would hope very much that they would agree to approve this amendment.

My point is this, an arbitrary distinction of nongermane at this point is unfair to those who offered their amendments prior to cloture. I understand the point my friend from Arizona made about cloture, but I hope he understands that those of us who came prior to cloture, offered our amendments and were told by the Republican and the Democratic leaders on the floor, yes, we accept it, it is a good amendment, we approve it, at that point I would have expected that this amendment would be approved and not now at midnight be objected to by someone on the floor of the Senate.

So I again ask if we might have some cooperation at least on an amendment that was approved previously by everyone in the Senate, to my knowledge prior to cloture?

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Will the Senator yield the floor?

Mr. DORGAN. Well, I am asking consent if my colleagues might not agree to include 3689. The Republicans and the Democrats have previously accepted it. It does not spend a dime. Can we not, with respect to this distinction, agree to accept this amendment?

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Yes, I am going to have to object. The point is the way we got——

The PRESIDING OFFICER. The objection is heard.

Mr. GRAMM. The way we got——

Mr. DORGAN. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from North Dakota retains the floor.

Mr. REID. The objection has been heard. Is that right?

Mr. DORGAN. I understand objection has been heard. I still have the floor.

The PRESIDING OFFICER. Objection has been heard.

Mr. DORGAN. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Again, let me make the point that coming to this point in time and saying that the amendments that the Parliamentarian says are not germane represents some distinction that has relevance when we have offered these prior to cloture, I understand technically why this is being done but substantively it is unfair, in my judgment.

The Senator talks about the unfairness of coming to the end of this process and having a managers' package that has a bushel of paper attached to it. There is another unfairness that exists as well, and that unfairness is being perpetrated by those who come to the floor and create artificial distinctions at the twelfth hour and they say, oh, now, by the way, something that has previously been approved to we object to, especially in circumstances where we thought this amendment had already been approved. I think we can get by with this once, but it will not happen again, in my judgment, because there are other ways to deal with it.

I say to my colleague from Texas, I think it is unfair. He has a right to object, of course, but I think it is unfair, and I hope he will not ask similar consideration some day.

Mr. GRAMM. Will the Senator yield?

Mr. DORGAN. Of course I will yield.

Mr. GRAMM. The way we were able to draw the delineation at the end of business tonight was the decision that we would take all the germane amendments and we would drop all the nongermane amendments. The problem is, when we take that delineation and start making exceptions, then everybody gets unhappy.

Mr. DORGAN. Yes. Mr. President, exceptions will require some judgment I agree, but the migraine headache around here for a number of people has been that managers' packages include things other than technical amendments. My point is, this amendment is technical, has been agreed to by everybody, was offered precloture. I understand it would require some judgment, amendment by amendment, to deal with these, but it seems to me that is why we are here. But if the objection stands, I guess I accept that. We will be back, and I guess we will pass it at some point in the future.

I will make the final point. I do not think we ought to be here again on some future bill having just a couple of people deciding what they are going to accept, even in circumstances where purely technical amendments which have been approved previously by Republicans and Democrats in the Senate are going to fall.

I yield the floor.

Mr. LOTT. In an effort to try to facilitate what needs to be done to bring this to a conclusion, I will yield 1 minute to two or three Senators who feel a need to say a few words, but I retain the floor. Then we will move to a third reading immediately after that.

Without losing my recognition on the floor, I yield to the Senator from Oregon 1 minute.

Mr. SMITH of Oregon. I thank Senator LOTT.

Mr. President, a lot of Members went the route of the managers' amendment because we like to accommodate the requests of our appropriators, and to be accommodating to them we did not bring it up. Frankly, I have just learned a lesson here: I have to force a vote during the course of this bill. I have relied upon the good faith of TED STEVENS—and his faith is good. He stood by me the whole time.

RON WYDEN and I are talking about a national emergency that we think exists in our area. You saw on national TV an Air Force Reserve helicopter crash trying to save nine people, all but three of whom lost their lives. The day before, they saved a person on Mount Rainier. This is almost a daily occurrence. The Air Force proposes to move away from the Northwest. We need it there. We need it there. When we have the chance to bring this issue up again in another context, I hope you will remember us. It is one of the few military assets the State of Oregon has at all.

Mr. LOTT. Without yielding the floor, I yield 1 minute to Senator WYDEN.

Mr. WYDEN. Two points. First, the position Senator SMITH and I have tried to convey will cost the taxpayers no money, but what Senator MCCAIN is talking about will cost taxpayers money. Second, there are no objective criteria for the project. There would be if the Smith-Wyden proposal went forward because we laid out basic criteria for dealing with life in Oregon. These people are saving lives. That is what people all over this country saw on national TV.

Now, without any objective criteria and in a way that will cost taxpayers money, we are not even having a chance to debate a bipartisan amendment. That is regrettable. We ought to be following the example that Chairman BYRD and Senator STEVENS have followed. That is what Senator SMITH and I have tried to be a part of. We will be back on this floor again and again and again. Let us put the Senate on notice. We are going to stay here all the way through this session until this gets done.

Mr. LOTT. I propose to recognize the Senator from Wyoming for 1 minute and then the Senator from Louisiana for 1 minute, and then I am prepared to yield the floor for third reading.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. ENZI. I thank the Parliamentarian for spending a couple of hours today helping me understand the difference between nongermaneness under cloture and nongermaneness on bills that are not under cloture. It is a very difficult distinction, and I can appreciate the work done.

I have been trying to get livestock assistance for all the people in the third year of drought in the West. It is extremely critical.

Mr. President, I wish to discuss the Enzi-Grassley-Hagel amendment No. 3737 to H.R. 4775, the supplemental appropriations bill. This effort seriously acknowledges the plight of our farmers, ranchers and works to ensure the future of our rural communities by providing an avenue of desperately needed assistance.

Our amendment funds the Livestock Assistance Program for disaster experienced in 2001 by reinstating the farm bill payment limitations passed by the Senate in February 2002.

One of the most difficult responsibilities we all have as Senators is prioritizing the targeting of a very limited set of resources. Just as a firefighter prioritizes by deciding which homes to save and which are already on the edge of destruction, or a doctor faced with an emergency or disaster reviews the wounded to determine who most needs his help, we are often called upon the make difficult and important decisions that at times may be highly unpopular. This is one of those times our choice may be difficult and demanding, but it is also very, very clear.

Just as that firefighter and the doctor need to make decisions that have a tremendous impact on lives and livelihoods, our amendment makes a similar priority decision that the farm bill conference failed to make. This amendment is all about taking care of the folks back home in times of trouble. Without the assistance provided under this amendment, the Congress is clearly deciding who will be the winners and who will suffer the consequences of being the losers. I encourage my colleagues to think about the current structures of the farm bill and how it pits neighbor against neighbor. The farm bill perhaps unintentionally set the winners and condemned the losers to lose in the marketplace. It set up a scenario in which one homestead's rent will be paid and the children in another home will end up watching their belongings go to the highest bidder in an auction.

Wyoming livestock producers are facing a third year of drought. In response, some have begun liquidating their stock while others face the loss of their homes. Just days ago, USDA Secretary Ann Veneman declared all but three Wyoming counties primary and secondary disaster areas for 2002. That's an important step, but the amendment before us was written to address the 2001 disaster year! Producers that sold or reduced their herds in the first year of the drought have been unable to buy replacements. The 2-year tax relief provision available to offer short-term relief from forced sales will soon run out. Now evern more producers are being forced to sell their livestock in irrational markets due to the prohibitively expensive price of hay and their ejections from drought-stricken public grazing lands.

A forced livestock sale significantly decreases a rancher's future profitability because it decreases the number of production units, sheep and cattle on the ranch. A forced sale also dilutes genetic quality. Many ranchers utilize stringent genetic improvement plans to differentiate their product. A forced sale can flush years of careful record keeping and genetic improvements out through the sale barn in 1 day.

In its refusal to acknowledge this grave disaster, the farm bill conference report did not accurately represent the priorities of the Senate. It did not fund emergency disaster assistance to the Nation's livestock producers and it included a payment limitation that favors the corporate producer over the family farmers and ranchers who make this country great. Our amendment reinstates the Senate's position on payment limitations on farm bill payments and uses the savings to offset emergency feed assistance to livestock producers for drought disaster.

The Livestock Assistance Program is a program available to livestock producers in counties that have been declared disaster areas by the President or Secretary of Agriculture. It provides minimal financial relief to livestock producers that are experiencing livestock production loss due to drought and other disasters—but only if there is money in the fund. Once LAP is funded, producers apply for relief and a formula splits the available monies accounting to their needs. It assists all producers who qualify, but the extent of the assistance that is avaialble is limited by the program funding and the number of applicants. The more applicants there are across the country, the smaller the individual payment.

In fiscal year 2001, the Livestock Assistance Program was funded at approximately $430 million for fiscal year 2000 drought assistance. In Wyoming, 933 producers received $7,752,029 in assistance from those funds at an average of $8,313 per producer. Nationally, it provided assistance to about 186,000 producers at 88 percent of their grazing loss for drought and other disasters experienced in 2000. The need was similar in 2001, but the program was not funded in appropriations.

The farm bill conference report did include an amendment I offered to authorize the livestock feeding assistance. With its passage, the Secretary of Agriculture now has the authority to use that program to provide assistance to livestock producers. The program is no longer ad hoc. Using this authorization and funding from the Enzi-Grassley-Hagel amendment, Secretary Veneman will be able to initiate and deliver feed assistance to livestock producers.

As a fiscal conservative, the last thing I want to do is further increase supplemental spending over the administration's request. Rather than advocate additional emergency spending, we have worked within the parameters of the President's request to fund this urgent need without using new monies. We are doing this by using an offset the Senate has already approved by rollcall vote.

On February 7 of this year, the Senate voted in support of farm bill payment limitations 61–33. The amendment limited total dollar payments to an average of $250,000. The farm bill conference report too generously increased the limitation to $360,000.

It is important to ensure federal agricultural aid is available to those who need it most. My personal philosophy supports targeting federal assistance to the neediest farmers and those with greatest risk of losing their livelihoods. I have difficulty accepting the notion that farmers require assistance to the tune of $360,000 when I know there are struggling ranchers in Wyoming and other cattle states that receive almost nothing. The Enzi-Grassley-Hagel amendment equalizes this wide gap in farm bill payments and directs federal agricultural aid to ranchers in dire need.

Farm Bill payments were not intended to subsidize every acre of every farm nor every bushel produced. The American taxpayer should not be asked to keep large corporations or weekend hobby farmers in silk overalls and gold-plated pitchforks. Farm assistance was intended for and must continue to be directed at small and medium producers, family farmers who truly need help. Our rural communities depend on farms and the farms, in turn, depend on their communities. Too many small farms are not receiving the assistance that is needed while large multi-million dollar corporations continue to receive federal funds for every acre they take over. Payments to large corporations have nothing to do with good farm policy but good farm policy has everything to do with family farms.

In Wyoming, farmers, ranchers, and communities as a whole are struggling through yet another year of drought and another year of fear and endless worry. Will we hear them? Will we respond with good farm policy that will assist those in need and keep people on the farm? It is a difficult task but it is our responsibility to set priorities and save our neighbors from ruin. We can do that by equalizing the gap in farm bill payments so we can provide direct aid to ranchers in real need. That is what the Enzi-Grassley-Hagel amendment does and it's what the American people expect us to do.

By supporting our amendment, you are again casting a vote accepting farm bill payment limitations. You are bolstering your earlier votes to provide sorely needed drought relief to livestock producers largely ignored in the farm bill conference report. The choice is simple and has already been made.

I hope the leaders will propound a unanimous consent that allows these amendments to be brought up, statements to be placed in as though given live, and then withdrawn, so we can make sure we have statements in the Record. That would save time.

Mr. LOTT. I yield to Senator Landrieu.

Ms. LANDRIEU. I appreciate the patience of this body. The reason I have been tenacious about this is that this amendment affects 37 States. It is a technical correction to disability councils. The Senator from Texas and the Senator from Arizona, because of rule XXVIII, there is no way to correct this. It is a technical amendment. If it is not fixed tonight, it will not get fixed; it cannot be fixed at conference and will affect 37 States. These are not huge amounts of money, but these councils do not have a lot of money for the disability councils in 37 States.

It was passed and agreed to by the managers and ranking members. Again, because of the germaneness issue, we have been left out, which is unfortunate.

I thank you for your patience, but I wanted to clarify this amendment.

The supplemental appropriations bill includes authorizing language that will address a technical error in the Developmental Disabilities Assistance and Bill of Rights Act of 2000. The language will reestablish a hold harmless provision that was included prior to its inadvertent omission from the reauthorizing bill enacted in 2000.

The bill also includes $2.5 million for this purpose. However, this additional budget authority is fully offset by a reduction in funding for NIH buildings and facilities.

This amendment is needed to address the funding formula error recently identified by the Department of Health and Human Services. For the past 2 years, the Department of Health and Human Services allocated funds to states councils on developmental disabilities as if a hold harmless provision still was in effect. In fiscal year 2001, this error caused 17 councils to receive higher grant awards than allowed under the statute. Last year, 23 councils were overpaid. The additional funding provided in this amendment will hold these states harmless from reductions.

Senator Kennedy and Senator Gregg, the chairman and ranking member of the Committee on Health, Education, Labor, and Pensions are supportive of this technical change.

The amounts for 37 states are as follows:

(1) For Alabama, $91,709.
(2) For Alaska, $3,626.
(3) For Arkansas, $25,849.
(4) For Colorado, $36,547.
(5) For Connecticut, $126,810.
(6) For Delaware, $3,626.
(7) For the District of Columbia, $3,626.
(8) For Hawaii, $3,626.
(9) For Idaho, $3,626.
(10) For Illinois, $119,542.
(11) For Indiana, $15,537.
(12) For Iowa, $120,529.
(13) For Kansas, $12,297.
(14) For Kentucky, $90,248.
(15) For Louisiana, $219,989.
(16) For Maine, $3,626.
(17) For Massachusetts, $107,858.
(18) For Mississippi, $68,539.
(19) For Missouri, $1,166.
(20) For Montana, $3,626.
(21) For Nebraska, $9,104.
(22) For Nevada, $3,626.
(23) For New Hampshire, $3,626.
(24) For New Jersey, $2,530.
(25) For New York, $631,640.
(26) For North Dakota, $3,626.
(27) For Ohio, $130,898.
(28) For Oklahoma, $39,826.
(29) For Pennsylvania, $400,847.
(30) For Rhode Island, $3,626.
(31) For South Dakota, $3,626.
(32) For Tennessee, $27,398.
(33) For Texas, $25,633.
(34) For Vermont, $3,626.
(35) For West Virginia, $221,412.
(36) For Wisconsin, $13,861.
(37) For Wyoming, $3,626.

Mr. REID. It is my understanding further debate on this matter is ended.

Mr. ENZI. Would the leader consider propounding a request to put statements in the RECORD?

Mr. REID. Senator ENZI asked that Members desiring to place statements in the RECORD be allowed to do so.

The PRESIDING OFFICER. Without objection it is so ordered.

FEDERAL TRANSIT ADMINISTRATION

Mr. SCHUMER. Mr. President, I would like to take a moment to thank Senators BYRD and STEVENS for their stewardship of this Supplemental Appropriations Bill for Fiscal Year 2002. Their stalwart support of September 11 recovery efforts has substantially benefited millions of Americans, and I support their efforts wholeheartedly.

Mr. President, Senator CLINTON, Senator TORRICELLI, Senator CORZINE and I would like to take a moment to engage our colleague in a colloquy.

Mr. BYRD. I thank my colleague for his kind words and would be happy to engage in a colloquy with the Senators from New York and New Jersey.

Mrs. CLINTON. Mr. President, the events of September 11 had a disastrous effect on Lower Manhattan's mass transit infrastructure. The Metropolitan Transportation Authority serves roughly one third of the entire Nation's commuters. Twelve of its subway stations below Chambers Street were incapacitated as a direct result of the attack, and the current, damaged state of the MTA's systems affects many of its 360,000 riders each day.

Mr. TORRICELLI. Mr. President, my own State of New Jersey was severely impacted by the disruption to major transportation systems caused by the terrorist attacks. Before September 11, 66,000 New Jersey residents had commuted daily to Lower Manhattan through the World Trade Center PATH Station. The loss of this station has severely strained many of New Jersey's rail, bus, and ferry systems, which will continue to operate above capacity for the foreseeable future.

Mr. CORZINE. Mr. President, providing steady and reliable transportation for workers into and out of New York City is vital to the economic recovery of the region. We are pleased that the Committee has provided $1.8 billion that will be dedicated solely to rebuilding the infrastructure connecting New York and New Jersey residents with Lower Manhattan.

Mr. SCHUMER. Mr. President, this funding will be directed to the construction of a new intermodal station, which is a critical component of the recovery effort for the New York Metropolitan Area. Such a facility will be essential not only to the residents and employees based in Lower Manhattan, but for the thousands of families who will visit whatever memorial will be erected in memory of those men and women who were killed in the attack on the World Trade Center.

Mr. BYRD. I thank my colleagues for their thoughts on this matter, and am gratified that we are able to provide such critical support for this intermodal transportation center.

CHEMICAL DEMILITARIZATION

Mr. BAYH. Mr. President, the Senators from Maryland, Senators SARBANES and MIKULSKI and I would like to engage the chairman of the Defense Appropriations Subcommittee, Senator INOUYE, in colloquy on funding for the chemical demilitarization program.

I rise today to express my strong support for funding to be included in the Emergency Supplemental Appropriations bill to accelerate the destruction of chemical weapons stored at U.S. Army facilities. Following the tragic events of September 11, I worked with a number of my colleagues, including Senators MIKULSKI and SARBANES of Maryland, in urging the Army to find alternative methods for accelerating the disposal of our Nation's chemical weapons stockpile consistent with the highest safety and environmental standards. Since that time, the Army has come forward with proposals to accelerate the neutralization of chemical weapons stored at the Newport Chemical Depot in my home State, and the Aberdeen Proving Ground in Maryland. There are presently 1,269 tons of VX agent located at Newport, and 1.621 tons of bulk mustard agent stored at Aberdeen. Let us be clear, the nearly 3,000 tons of chemical agent stored at these two sites poses a dangerously attractive terrorist target and a grave threat to millions of citizens.

The Army has plans to accelerate disposal of these chemical agents by more than 2½ years but needs additional funds for the remainder of fiscal year 2002 to do so. If funding is provided in the supplemental, the Army can alleviate the fears of these communities, and millions of our constituents, by the end of next year. I firmly believe this request falls within the purview of enhancing homeland security in the post-September 11 world in which we live.

Ms. MIKULSKI. I join with the Senator from Indiana in supporting additional funding to accelerate the chemical demilitarization program. This is an urgent homeland security need.

There is no question whether the United States should destroy the chemical weapons stockpiles at Aberdeen Proving Ground and other sites around the country. Congress made that decision in 1986. The United States is also a signatory of the Chemical Weapons Convention. That treaty binds the United States and 144 other countries to destroy chemical weapons stockpiles. We have 10 years from the time the Chemical Weapons Convention came into force—until 2007—to complete destruction.

I have worked for decades to ensure that we destroy chemical weapons in a way that is safe for the workers, safe for nearby communities, and safe for the environment. After extensive research, the Army developed a chemical demilitarization process to destroy the bulk mustard agent stored at Aberdeen Proving Ground.

Last October, I joined with Senator BAYH and Senator SARBANES and other colleagues in urging President Bush to strengthen the security of the nation's chemical weapons storage sites. We recommended several measures, including expediting construction of agent destruction or neutralization facilities, consistent with the highest environmental and safety standards.

We now have National Guard troops guarding chemical weapons storage sites. I am grateful for that added security, but that's not a long-term solution. In fact, it adds to the cost of delay.

The Army also came up with plans to accelerate chemical demilitarization. Under that plan, all of the mustard agent stored at Aberdeen Proving Ground would have been destroyed by the end of this year. The Defense Department wanted funding for this effort included in the President's supplemental request, but OMB rejected that proposal. I am not sure why OMB would reject an effort to make our country safer and save money, but that is what happened.

We have the opportunity here to address that deficiency, to fulfill the Pentagon request. We have the opportunity to address a very real homeland security need. I am proud to join with

Senator BAYH and Senator SARBANES in this effort.

Mr. SARBANES. I am pleased to join with my colleagues, Senator BAYH and Senator MIKULSKI, in calling for the funds necessary to expedite the Army's chemical demilitarization program. Clearly, this is a matter of great importance to ensuring the continued health and safety of millions of Americans.

I have long recognized the environmental and health hazards posed by the chemical agents stored at Aberdeen Proving Ground and Army facilities throughout the country and I have been a strong and consistent supporter of the efforts to eliminate the Nation's chemical weapons stockpile in the most environmentally sensitive manner possible. The critical need to dispose of the stockpiles has only intensified as a result of the events of September 11, 2001, for I believe the continued storage of these agents only increases the vulnerability of our citizens to acts of terrorism.

In this regard, I was pleased to learn of the Army's decision to expedite the process of neutralizing the chemical agents at both Aberdeen and Newport. In my view, doing so is a step in the right direction and the decision represents a real win-win situation for all involved. Not only does accelerated demilitarization eliminate the high risks associated with storing such agents in a highly populated region, it results in considerable savings for the Department. Further, it eliminates costs associated with continued National Guard protection and the construction of new structures to protect stored agent. Finally, it helps us meet our obligations as signatories to the Chemical Weapons Convention.

Like my colleagues, I am most concerned with the decision of the Office of Management and Budget not to include the Department of Defense's proposal for funding for chemical demilitarization in the President's supplemental request. In my view, expeditiously removing the threat posed by these chemical agents is a critical step in the efforts to ensure our domestic security.

Mr. BAYH. While we are prepared to offer an amendment to provide funding for the Army to accelerate chemical demilitarization, we would be willing to withdraw the amendment if the Chairman of the Defense Appropriations Subcommittee would be supportive of funding for the Army's Chemical Demilitarization program during the conference on the supplemental.

Mr. INOUYE. I support the Army's decision to expedite destruction of our Nation's chemical weapons stockpile in a safe and cost efficient manner. As the Senators from Indiana and Maryland know, the Army planned to reprogram existing funds this year to accelerate destruction at Aberdeen and Newport, and I would have support such a request. However, I would ask my colleagues to refrain from offering their amendment, and want to assure them that I will support funding for the accelerated destruction of chemical agents stored at Newport and Aberdeen in conference when the opportunity arises.

Mr. BAYH. I appreciate the chairman's willingness to be of help on this matter and am aware of his concerns regarding the Army's failure to reprogram existing funds this year. I also want the chairman to know that we appreciate how hard he worked to ensure that the defense title of the supplemental was consistent with the administration's request.

Ms. MIKULSKI. I appreciate the support of the Senator from Hawaii and look forward to working together with him in conference to fund the accelerated chemical demilitarization effort.

Mr. SARBANES. I thank the chairman for his continued assistance in this regard.

REBUILDING THE EIGHTH AIR FORCE HEADQUARTERS AT BARKSDALE AIR FORCE BASE

Ms. LANDRIEU. Mr. President, I would like to engage my colleague, the distinguished chairman of the Defense Appropriations Subcommittee, Senator INOUYE, in a colloquy on the importance of rebuilding the 8th Air Force Headquarters at Barksdale Air Force Base, LA. This historic building, which housed the Mighty 8th Air Force, was devastated on March 12, 2002, by a fire that burned for more than 12 hours. It is imperative that the Mighty 8th see its headquarters rebuilt as soon as possible. Over 53,000 airmen served in the Eighth Air Force, including the B–52, B–1, and B–2 crews who have provided air superiority over the skies of Afghanistan in Operation Enduring Freedom. Additionally, key National Guard units patrolling the skies in Operation Noble Eagle also call the 8th Air Force home.

I believe that it is critical to the Air Force to rebuild the 8th Air Force Headquarters at Barksdale Air Force Base. The 8th Air Force is crucial to our warfighting capabilities, and it is imperative that construction begin to rebuild the 8th Air Force Headquarters immediately. I think my colleague would agree on the need.

Mr. INOUYE. I certainly do agree that construction must not be delayed. I am also aware of the tremendous role the 8th Air Force has played in the war in Afghanistan.

Ms. LANDRIEU. I appreciate your kind words for the 8th Air Force. They are welcome at this time of need for the 8th Air Force. I have been notified that the facility repair costs for the 8th Air Force Headquarters will total $19.3 million for fiscal year 2002. I am concerned as to how this money will be made available, especially when service budgets have been stretched thin because of the war on terrorism. Will the Air Force be able to fund and begin construction in fiscal year 2002?

Mr. INOUYE. I would say to my friend from Louisiana, that I understand her concern that such an important military resource be rebuilt as soon as possible. I want to let you know that the Air Force has notified the Senate Appropriations Committee by letter that the Air Force will commit $19.3 million to an operation and maintenance project at Barksdale Air Force Base, LA, to repair the 8th Air Force Headquarters Facility.

Ms. LANDRIEU. That certainly is welcome news. I received a similar letter, but I have seen little action from the Air Force leadership. The men and women in the 8th Air Force have worked diligently since the fire destroyed their headquarters, despite the fact that they have been displaced for several months. Much like so many of us in the Hart Building simply wanted for our staffs to be able to return to their desks following the anthrax attacks, I just want those at 8th Air Force Headquarters to be able to return to their normal workplace.

Mr. INOUYE. I agree with the Senator that those of us with offices in the Hart Building know the feeling of being left without adequate office space, but the Senator from Louisiana should be pleased to know that the Air Force has committed to rebuilding the 8th Air Force Headquarters beginning in fiscal year 2002.

Ms. LANDRIEU. I need the chairman to clarify how some other costs associated with the reconstruction of the 8th Air Force Headquarters will be funded. In fiscal year 2002, an additional $3.5 million is required for clean-up costs from the fire. Furthermore, as you can imagine, the fire destroyed hundreds of computers, expensive communications equipment, and office furniture. The Air Force estimates $3.5 million will be needed in fiscal year 2003 and fiscal year 2004 to replace this valuable equipment. How will the men and women at the 8th Air Force Headquarters see that the site is cleaned up this year and that office and communications equipment are purchased in the next two years?

Mr. INOUYE. I assure the Senator from Louisiana that, within Air Force appropriations for fiscal years 2002 and 2003, sufficient resources will be available to fund the requisite outfitting of the restored 8th Air Force Headquarters.

Ms. LANDRIEU. Again, I thank the Chairman for his assistance and taking this time to address my concerns. The people at Barksdale Air Force Base, the people of Louisiana, and I appreciate your efforts, and I look foward to working with you on other vital issues in the future.

REIMBURSEMENT BY THE POSTAL SERVICE OF ANTHRAX-RELATED COSTS INCURRED BY HEALTH CARE PROVIDERS

Mr. TORRICELLI. Mr. President, I rise to enter into a brief colloquy with the distinguished chairman of the Senate Appropriations Subcommittee on Treasury and General Government, Senator DORGAN, and my colleague from New Jersey, Senator CORZINE, regarding reimbursement by the Postal Service of anthrax-related costs incurred by health care providers in New Jersey.

Mr. Chairman, as your know, last fall our Nation experienced the worst biological warfare attack in American history when terrorists used the mail system to send deadly anthrax spores to various political and media targets. New Jersey—where all of the tainted letters were mailed—was literally at the frontlines of the anthrax crisis, and New Jersey health care providers bore the brunt of responding to the crisis. Indeed, the Postal Service urged its employees to seek testing and antibiotic therapy at New Jersey hospitals, and these hospitals responded promptly and effectively, providing invaluable health care services to affected employees and customers. Unfortunately, despite assurances from the Administration that the Postal Service would reimburse these costs, the Postal Service has not reimbursed any of the costs.

Mr. Chairman, it is my understanding that the committee is aware of the costs incurred by New Jersey health care providers and encourages the Postal Service to meet the need to reimburse the costs incurred by them in responding to last fall's anthrax crisis.

Mr. DORGAN. The Senator from New Jersey is correct.

Mr. CORZINE. As my colleague, Senator TORRICELLI, has noted, last fall health care providers in New Jersey responded quickly, effectively and responsibly to the anthrax crisis in New Jersey, yet they have not been reimbursed for the care they provided. Failure to reimburse these very real costs places a significant burden on these providers.

Failure to reimburse is troubling because in many cases the Postal Service directed its employees to these hospitals for care. For example, the Postal Service instructed employees to report to the Robert Wood Johnson University Hospital at Hamilton for anthrax testing. As a result, Robert Wood Johnson Hospital ultimately incurred $651,500 in costs for treating 1,400 postal service employees and dispensing over 3,500 prescriptions for antibiotics. Seven months later, the Postal Service has not reimbursed Robert Wood Johnson for the lifesaving health care it provided.

Mr. Chairman, it is my understanding that the committee believes that the Postal Service has received adequate funding to address the anthrax crisis and that the Postal Service is encouraged to meet its obligations to New Jersey health care providers.

Mr. DORGAN. I agree with both my colleagues that this matter needs to be resolved. I understand that the Postal Service has been in contact with the hospital's administrator to arrange a meeting to review the data supporting the reimbursement request. The Postal Service informs me that this is a necessary step as any funds the Postal Service pays to any entity are subject to an audit by the Postal Inspector General. I am confident that once this review is completed, this issue will be resolved to the satisfaction of the parties involved.

Mr. TORRICELLI. I thank the Senator from North Dakota for his clarification of this issue and his leadership on this vital homeland security supplemental appropriations bill.

Mr. CORZINE. I, too, thank the Senator from North Dakota for his assistance on this matter that is so important to New Jersey health care providers.

FOREIGN ASSISTANCE SPENDING

Mrs. FEINSTEIN. Mr. President, as the United States fights this war against terrorism—and puts in place the programs called for in this emergency supplemental for homeland defense and on-going military operations in Afghanistan and elsewhere—we can't overlook the fact that global poverty is a contributing factor and a breeding ground for terrorism, and that if we are to be successful in this war the United States must significantly increase its foreign assistance spending commitments.

Several of my colleagues and I had hoped to be able to do so on this emergency supplemental. Unfortunately, this does not appear to be possible.

But we want to be clear that we remain committed to this goal, and intend to work through the normal appropriations process to see this happen.

It is in our country's national interest to bring aid and functioning, free-market democratic institutions to countries and regions that might otherwise wallow in poverty, be preyed on by fanatics, or provide safe havens for terrorists.

I see one of my colleagues in these efforts, Senator DEWINE, and would ask him his thoughts on the importance of this issue in safeguarding U.S. national interests.

Mr. DEWINE. I would like to echo what my colleague from California has said. Providing humanitarian assistance is in our national interest, and it is also the right thing to do. We have a moral obligation to help ease the suffering that billions of people are facing around the world. We have an obligation to help those in the world who are suffering at the hands of evil leaders and corrupt governments.

We know that chaos, poverty, hunger, political uncertainty, and social stability are the root causes of violence and conflict around the world. We also know that if used correctly, our foreign assistance is a vital foreign policy tool to prevent violence and conflict. Our foreign aid can be used to fight global terrorism and foster political stability, food security, rule of law, democracy, and ultimately peace around the world. When applied effectively, foreign assistance works.

One of the many lessons of the tragic September 11th terrorist attacks is that we must not wait for a nation to implode before we take action. We must not wait for a nation's people to suffer from poverty, disease, hunger, despotic leaders, or corrupt governments.

Yet, tragically, despite its importance and immeasurable value, our overall foreign affairs budget has been stagnant for the past 20 years. And in real dollars, it has gone down. That is a mistake.

I ask my colleague from California, what level does U.S. foreign assistance spending stand at today?

Mrs. FEINSTEIN. United States foreign assistance spending today is just eight-tenths of 1 percent of the budget with less than six-tenths of 1 percent going to humanitarian assistance and economic development.

And yet, 2.8 billion people on this planet live in abject poverty—getting by on $2 a day or less. That's less than a cappuccino at Starbucks. Close to 1 billion people are undernourished; 1.2 billion lack access to even safe drinking water; and 2.5 million do not have access to adequate sanitation.

In the wake of September 11, I introduced a resolution to triple our foreign aid budget over the next 5 years, a resolution which was passed by the Senate just this week.

So I was pleased when president Bush committed to increasing the United States foreign aid by an additional $10 billion over 4 years, beginning in 2004. The President is to be commended for this initiative.

But although this additional funding represents a significant increase in foreign aid it is still well short of historic levels, and well short of the level I believe is needed to engage and win the war against terrorism.

In 1946, the United States devoted 3 percent of its Federal budget to foreign assistance—a high water mark which was reached again under the Kennedy administration.

But since then, spending has gone downhill. According to a Congressional Budget Office report entitled "The Role of Foreign Aid in Development," United States spending on foreign assistance has fluctuated from year-to-year but has been on a downward path since the 1960's. A tripling of our foreign aid budget—a level that I consider to be appropriate and which the Senate is now on record as supporting—would simply bring it back in line with historic levels.

If the United States is to be successful in the war on terrorism—if we are to be successful in helping to spread democracy and free-markets around the globe—we must be willing to step up and bear the burden of leadership.

Even looking beyond the humanitarian rationale—which I believe is sufficient reason alone for action—the United States will never be secure in a world in which: Sub-Saharan Africa is ravaged by the AIDS pandemic; more than half the people of the world go to bed hungry every night; civil wars are a constant; and where failed or failing states, unable to meet the needs of their peoples, and allow terrorists and terrorism to thrive.

Reducing poverty, promoting equitable economic growth, and developing democratic institutions advances United States national security interests. The failure to address these issues through a significant increase in foreign assistance spending, and the resulting risk of social, economic, and political instability and violence, places United States national security interests and the welfare and safety of United States citizens at risk.

I look forward to working with my colleagues in the days and years ahead to address this important issue, and to assure that U.S. foreign assistance spending levels are appropriate to the challenges that our nation faces and our leadership position in the international community.

Mr. DEWINE. I thank my colleague. Our foreign assistance is absolutely critical for people in war-ravaged, politically unstable, impoverished nations. The children, the elderly, and the civilian people are not responsible for the political and economic turmoil in their homelands, but they are the ones who always end up suffering the most. I look forward to working with you to continue to help these folks around the world. We have a moral obligation to stay committed to these people.

LITENING PODS

• Mr. DASCHLE. I wish to briefly discuss with the distinguished chairman of the Senate Defense Appropriations Committee the LITENING targeting pods—an issue of some concern to the Air National Guard in my state and many others around the country.

Mr. INOUYE. I am delighted to discuss LITENING pods with the majority leader.

Mr. DASCHLE. As the chairman knows, on April 24th, in testimony before the Senate Appropriations Committee, the Air National Guard (ANG) identified the procurement of 24 additional LITENING II targeting pods as their number one priority. At the present time, U.S. ANG fighter components equipped with the LITENING II targeting pods are participating in Operation Noble Eagle and Operation Enduring Freedom. By all accounts, the ANG aircraft are performing their combat missions with great success, due in large measure to the fact that the pods provide the aircraft with a precision target capability. As a result, the Air National Guard has established a requirement to equip additional ANG aircraft with the LITENING II pods. The South Dakota National Guard has indicated to me that their mission effectiveness would be greatly enhanced if we were to outfit their aircraft with these pods. Other Senators from other states have heard a similar message from their Guard units. We all agree that the procurement of an additional 24 LITENING II AT pods will greatly increase the Guard's ability to carry out its combat missions.

Having said this, I am well aware of the many difficult decisions the Appropriations Committee made in crafting this Supplemental. Resources are not limitless and difficult choices must be made—both in the defense portions of this supplemental as well as the regular defense appropriations bill. As we wrap up debate on this important measure and begin preparing for conference, I hope we will do all we can to provide our military with all the resources and tools they need to fight and win the war on terrorism. Given the combat performance of the LITENING II pods and the high priority the ANG places on acquiring more, I hope we can reach an agreement to procure 24 additional targeting pods for the Guard.

Mr. INOUYE. I am aware of the testimony to which you refer and the importance the Guard attaches to acquiring additional targeting pods. I will gladly work with the Majority Leader to secure funds for additional LITENING pods for the Air National Guard.

Mr. DASCHLE. I thank the Senator for his support on this important matter.•

STATES DEVASTATED BY FLOODING

Mr. BAYH. Mr. President, I rise today to express my concern with language contained in the report accompanying the Emergency Supplemental Appropriations Act, specifically under the Watershed and Flood Prevention Program. During the month of May, much of the Midwest, and the State of Indiana in particular, was devastated by heavy rain and flooding. In our home state, a disaster declaration has been requested for a total of 33 counties. Many of these areas were under water for weeks and FEMA has recently completed its assessment of damages.

I hope my friend from Wisconsin will add Indiana to the list of states under the Watershed and Flood Prevention Program that have been adversely affected by flooding.

Mr. LUGAR. I join with my colleague from Indiana to express my concern about the flooding situation in Indiana. A number of Indiana communities are working to recover from damages caused by recent flooding. Should the Conference Committee include a listing of specific states in the final Conference report under this program, I hope Indiana will be included.

Mr. KOHL. I understand and am aware of the concerns expressed by my colleagues from the State of Indiana, and want to assure them that Indiana is among the states for which NRCS has identified need and for which assistance is provided through this appropriation.

Mr. BAYH. I thank the Senator from Wisconsin and am happy to assist him with any information that he might need to ensure that Indiana's concerns are adequately addressed in the conference.

MEDICARE RECLASSIFICATION AMENDMENTS

Mr. BAUCUS. Mr. President, I have just looked over a list of amendments to the supplemental appropriations bill and noticed that several fall within the jurisdiction of the Finance Committee.

I am most concerned about several hospital reclassification amendments that were filed. The House bill included reclassifications for hospitals in New York and Pennsylvania counties, and that has only fueled the fire of other members to get their "rifle shot" fixes in the bill too.

I oppose these provisions, and I believe that Ranking Member GRASSLEY shares my policy concerns.

Mr. GRASSLEY. Absolutely. There is an administrative structure already in place for hospitals and counties to seek these reclassifications. This process was put into the Medicare statute specifically to review and adjust payments to hospitals that might be disadvantaged under the current system.

Unfortunately, hospitals often seek a legislative remedy either before they have exhausted this administrative avenue or after they have been turned down by the Classification Review Board because they don't meet the standards.

It is also my observation that including one hospital or one county will only invite dozens of other hospitals and counties to seek similar payment increases, regardless of whether such a fix is warranted.

Mr. BAUCUS. Not to mention that these reclassifications are unfair to other hospitals. Reclassifications from rural to urban counties are budget neutral. That means that every change we make will decrease payments to all other hospitals. My Montana hospitals are not enthusiastic about shouldering the burden of financial gains for hospitals across the country.

Mr. GRASSLEY. Hospitals in Iowa are already concerned about payment levels compared to more urban states.

It is not acceptable to me to lower payments to them for the benefit of hospitals in other states that are already much higher paid. One approach we should consider for rifleshots is to require budget neutrality to be applied only to hospitals in the area into which the county is reclassified, or perhaps to all hospitals in that state. In other words, if hospitals in certain New York counties want to be reclassified into New York City, then the budget neutrality payment reductions could be applied to New York City hospitals, or to all hospitals in New York State, rather than to the rest of the country. That might help bring some discipline to this issue.

Mr. BAUCUS. That is not a bad idea, and something that maybe the Finance Committee ought to look into.

Let me close by adding that the Finance Committee, and not the Appropriations Committee or any other Committee, should be making these policy decisions.

The Finance Committee has worked to safeguard and improve the programs under its jurisdiction. Any requests for additional changes to these programs, including further increases in provider payments or changes in payment for individual hospitals or counties, need to be examined with great care.

Our committee intends to address Medicare payment policy issues this year. Given that there is an opportunity to consider legislation to change Medicare provider payment policies in the coming months, we do not believe there is any reason to take action on any legislation that is not of a time-sensitive nature at this time.

Therefore, we will object to the consideration by the Senate until the material in question is removed.

As I have said in the past, I look forward to working together in a bipartisan fashion on all of the other Medicare, Medicaid, and health issues that the Congress will be working on this summer and fall.

METROPOLITAN STATISTICAL AREAS

Mr. SPECTER. Mr. President, I would like to engage the Chairman of the Committee, Senator BYRD, in a colloquy regarding the inequities in Medicare reimbursement rates that many hospitals in Pennsylvania are experiencing.

Many Northeastern Pennsylvania hospitals are facing substantial operating losses. This region's hospitals are extremely dependent on Medicare reimbursements and are experiencing one of the most rapid and dramatic shifts to managed care in the country. While almost no hospital in the Nation has been left untouched by the cost pressures inflicted by the Balanced Budget Act, hospitals in Schuylkill County, Scranton-Wilkes Barre-Hazelton, Williamsport and Sharon, Pennsylvania face unique situations.

Scranton-Wilkes Barre-Hazelton and Williamsport are being reimbursed at 12% less than their neighbor—the Geisenger medical center—because Geisinger has been reclassified as part of the Harrisburg Metropolitan Statistical Area. The Sharon medical center is having difficulty hiring skilled workers because they are located only 12 miles from the Ohio border. The Sharon reimbursement rate is unacceptably low compared to the reimbursements received by the Ohio hospitals.

Last year, during conference deliberations on the FY 02 Labor, Health and Human Services and Education appropriations bills, the conference was prepared to include the provision to correct the inequities faced by these hospitals. However, during that conference, word came that if the provision was included, the conference report would be subject to a point of order under Rule XVIII and on those grounds, you objected to the provision. At that time, I left the conference and came down to talk to you. You understandably said that you could not agree to the provision because Rule XVIII had to be observed. At my request, you did state that you would give very serious consideration to including it in the FY 02 Supplemental Appropriations bill.

Mr. BYRD. The Senator is correct. You and I had a discussion regarding the unique situation facing the Pennsylvania hospitals and I sympathized with the plight of these hospitals. However, because your reclassification provision would have violated Rule XXVIII, which precludes matter from being included in conference agreements unless relevant language was contained in either the House or Senate version of the appropriation bill, we were unable to accommodate your provision.

Mr. SPECTER. This year, Mr. Chairman, the FY 02 supplemental appropriations bill that passed the House on May 24, 2002, does include two Medicare provisions which would reclassify some Pennsylvania and New York Hospitals.

Mr. BYRD. This is a matter that is in conference. I will give it serious consideration. However, I shall point out that the Chairman and Ranking Member of the Senate Finance Committee have written to me, opposing inclusion of any items in this Supplemental that fall within their committee's jurisdiction.

Mr. SPECTER. I thank the Chairman of the Committee. I intend to work out language in the conference that will be acceptable to all parties and include the reclassification provisions for these Pennsylvania hospitals.

ARKANSAS RIVER BRIDGE

Mr. INHOFE. Mr. President, I would like to thank Senators BYRD, STEVENS, SHELBY, and MURRAY for their help in providing the necessary funding for the repair and reconstruction of the Arkansas River bridge on Interstate 40 which was hit by a barge on the morning of May 26. As my colleagues are aware, the accident caused a catastrophic failure of the bridge structure and resulted in several sections of the bridge collapsing. Tragically, 14 lives were lost before the traffic crossing the bridge was stopped.

Interstate 40 is a major east-west route for personal vehicle traffic as well as commercial trucking. According to the American Trucking Association, approximately 40% of the traffic on I–40 each day is trucks. The estimated cost to just the trucks delayed by the detour is estamated by ATA to be $480,000 per day. That does not even consider the cost to passenger traffic as a result of the delay. Lengthy travel delays are exaggerated by the fact that the immediate area around the bridge is rural and alternate routes are only two lanes.

According to transportation statistics, the chances of an accident occurring on a narrow two lane road is double when compared to a four lane divided highway. Complicating that of course is the added problem of the increased truck traffic.

Mr. President, we are facing not only a major east-west traffic disruption and all the corresponding economic consequences, but the elements are in place for a serious safety hazard. The potential for further loss of life cannot be overstated.

It is because of these reasons that I was happy to work with the Appropriation committee in securing the emergency spending for Oklahoma to reconstruct the bridge.

This reconstruction is eligible for reimbursement under the Emergency Relief program with the Federal Highway Administration. Unfortunately, that program has a $108 million backlog which means that Oklahoma could not reasonably expect to be reimbursed in a timely manner. Because Oklahoma highway resources are fully committed, it would be impossible to get the repairs on the bridge done quickly if they could not on a quick reimbursement. This language addresses not only the Oklahoma emergency but also the backlog of existing needs in the Emergency Relief program.

I see my Colleagues, Senator NICKLES is also wanting to speak on this, so I yield the floor to him.

Mr. NICKLES. Mr. President, I would first like to thank President Bush for providing the down payment of $3 million to begin the process of the recovery. I would also like to thank Senators BYRD, STEVENS, SHELBY and MURRAY for their help in providing the remaining $12 million. This is the appropriate way to respond to an emergency.

Interstate 40 is one of the nation's vital east-west links. This tragedy not only took lives, but also is causing hardships and major economic disruptions in surrounding communities.

I applaud Senator INHOFE for his efforts. I am pleased that we could work together to secure the additional funds for the bridge repair and all other associated costs.

Mr. MCCONNELL. Mr. President, included in the supplemental is foreign assistance for Turkey. My colleagues and I recognize and appreciate Turkey's contributions to our war on terrorism and the reconstruction of Afghanistan.

We are also aware of a recent meeting in Iceland between the foreign minister of Turkey and Armenia, and encourage additional efforts to improve bilateral relations. I fully support the President's April 24, 2002 statement calling for Turkey to restore economic, political and cultural links with Armenia. I have already communicated to both the Secretary of State and the Secretary of Defense my hope that confidence building measures—including opening a rail link between Kars, Turkey and Gyumri, Armenia—can be agreed upon and implemented. Opening the border is in America's national interests, as I believe it may help America in our war on terrorism.

The benefits of resolving regional disputes greatly outweigh the maintenance of the status quo. In short, regional stability not only enhances U.S. security interests, but also contributes to economic, political, and social development in Turkey and throughout the Caucuses.

Turkey and Armenia have an opportunity to make meaningful progress in their bilateral relations—and they have my support and encouragement.

I ask unanimous consent that a copy of the President's statement be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 24, 2002.

Today, we commemorate an appalling tragedy of the 20th century, the massacre of as many as 1.5 million Armenians through forced exile and murder at the end of the Ottoman Empire. These horrific killings left wounds that remain painful for people in Armenia, in Turkey, and around the world. I join the Armenian community in America and across the globe in mourning this horrendous loss of life.

Today is an occasion for the world to reflect upon and draw lessons from these terrible events. It is a day for recognizing that demonizing others lays the foundation for a dark cycle of hatred. Transcending this venomous pattern requires painful introspection about the past and wise determination to forge a new future based on truth and reconciliation. In this spirit, I look forward to Turkey restoring economic, political, and cultural links with Armenia.

The United States greatly values the contributions that Armenians make to our national life. With faith and courage, generations of Armenians have overcome great suffering and proudly preserved their centuries-old culture, traditions, and religion. The United States is also deeply grateful for Armenia's swift and decisive cooperation in the war against terrorism.

Just as the United States reached out to the Armenian people to provide shelter and freedom early in the last century, so did Armenia extend a supportive hand to the American people in the immediate aftermath of September 11. Our two peoples stand together in this fight in support of values that define civilization itself.

I am also very proud of America's strong support for a free Armenian state, whose citizens enjoy the fruits of peace and increasing prosperity. In the months to come, America will continue to increase its security cooperation with Armenia and with Armenia's neighbors to combat terrorism and pursue a lasting and just settlement to the Nagorno-Karabakh conflict, which will strengthen peace and stability in the Caucasus. The United States will also continue its strong support for Armenia's efforts to develop democratic and free market institutions, and to deepen its integration into the Euro-Atlantic community.

On behalf of the American people, I send warm wishes and expressions of solidarity to the Armenian people on this solemn day of remembrance. Together, our nations look with hope and determination toward a future of peace, prosperity, and freedom.

GEORGE W. BUSH.

Mr. KYL. Mr. President, I rise in opposition to S. 2551, legislation making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

On March 21, the President submitted to Congress a $27.1 billion request for emergency funding to continue to fight the war on terrorism and respond to the September 11 attacks on our country. It was a prudent request and one that should have been quickly acted upon. The legislation passed on May 24 by the House of Representatives closely tracked the President's request. Unfortunately, the majority in the Senate has chosen a much different course of action and constructed a wasteful amalgamation of pork.

The President asked for emergency funding for critical resources to support the war on terrorism and secure the homeland as we recover and rebuild. Yet the product before the Senate includes scores of unneeded items that cost billions of dollars—all classified as an "emergency." The numbers speak for themselves. The Senate Appropriations Committee reported out a bill that spends $3.8 billion more than requested by the President, for a total of over $31 billion. More significantly, by reshuffling priorities, the committee failed to fund $10.4 billion in emergency spending items that the President had requested, and instead decided to fund $14.6 billion in spending items not included in the President's request. Most astounding is the fact that each Federal agency is allocated more money than the President requested except for one—the Department of Defense. I cannot support this bill.

Fortunately, it will never be enacted into law. On June 4, the administration sent the Senate a Statement of Administration Policy. Pointedly, the letter says that, "[i]f the supplemental appropriation bill were presented to the President in its current form, his senior advisors would recommend that he veto the bill." Our efforts to improve this legislation have been thwarted by the Majority. Consequently, this legislation should be vetoed by the President if it reaches his desk.

It is important to remember the context here: that the Federal Government is facing a potential deficit somewhere in the range of $100 to $150 billion. Spending needs must be met, but they must be met in a responsible manner. This bill truly fails the test of fiscal restraint—with every extra dime, it should be noted, coming out of the Social Security surplus. It is worth mentioning that some of the most vocal supporters of this bill are those very same Senators who routinely lament efforts to return taxpayer dollars to the American people in the form of tax relief. In fact, this bill costs—in spending for this year alone—30 times more than what it would cost to make repeal of the death tax permanent. It is deeply disappointing to me that those Senators who reflexively label tax relief "fiscally irresponsible" are the quickest to turn right around and spend it on unnecessary items in the name of an "emergency."

The fact is that the great majority of these questionable add-ons are for purposes that have absolutely nothing to do with national defense, homeland security, or antiterrorism efforts—for example, $11 million to the National Oceanic and Atmospheric Administration, NOAA, for economic assistance to New England fishermen and fishing communities; $2 million for the Smithsonian to begin design of an alcohol storage facility for specimens; $50 million for renovating the Ames, IA animal research lab; $45 million for Amtrak; $40 million for monitoring animal health and enhancing pest detection; and $2.5 million for charting the Hawaiian coral reefs. This is just a small sample of an exhaustive list of funding for programs totally unrelated to homeland security.

As the administration's SAP accurately states, "[t]he President's FY 2002 emergency supplemental request was targeted at this year's immediate emergency needs and funding in addition to this request is not warranted at this time." The SAP continues by stating that the Senate bill "includes scores of unneeded items that total billions of dollars—all classified as 'emergency.' The bill adds unrequested funds for numerous programs and projects throughout nearly all of the Federal agencies."

What's more, the bill, by requiring that the President designate as emergency items "all or none" of its nondefense funding items, unduly restricts the President's authority. Under the Budget Enforcement Act, the President is supposed to have control over the release of emergency funds added by the Congress to ensure that the funds respond to critical emergency needs. By contravening this long-established budget enforcement mechanism, the Senate would require the President to waste taxpayers' dollars on low-priority, nonemergency items in order to access high priority homeland security and recovery funding. Thus, this legislation prohibits the President from designating anything for defense—such as ammunition and medical stocks—as an emergency, unless unrequested items—like alcohol collections and coral reef charting—are also designated as emergencies.

Expansion of government often occurs during times of war. We have a fundamental responsibility to the American people, however, to use only those additional resources necessary to counter the threat to our country. It is not our place to use the current emergency as a veil for our own special interest initiatives. Unfortunately, the Senate supplemental appropriation funding bill breaks faith with the American people, and accordingly, I vote my conscience. I vote no.

Mr. McCONNELL. Mr. President, yesterday's terror attack in the Middle East is tragic and heartbreaking. A car packed with explosives and driven by a Palestinian terrorist blew up next to a bus near the town of Afula in northern Israel, killing at least 17 people and wounding dozens more.

This act of terrorism came on the 35th anniversary of the 1967 Mideast War.

The Palestinian terrorist group "Islamic Jihad" claimed responsibility for the attack, which occurred during CIA Director George Tenet's trip to the region. It is clear that extremists are actively undermining any prospects for peace with Israel.

PLO Chairman Yasser Arafat—by virtue of his inability to reign-in extremists and terrorists—is becoming increasingly irrelevant in the peace process. It is time for Arafat to lead the Palestinians to peace, or to pass the mantle to someone who will.

The amendment I offer will allow Israel to use the funds appropriated in the supplemental bill in the most targeted and effective manner to counter terrorism that is claiming innocent lives and destroying prospects for peace in that region.

As this aid is provided through the Economic Support Fund (ESF) account, its use is restricted in a manner that does not address our ally's most pressing counterterrorism needs—nonlethal equipment vital to defending civilian populations from terrorist attacks.

Section 531(e) of the Foreign Assistance Act of 1961 expressly prohibits the use of ESF funds for "military or paramilitary purposes". I do not believe that it is the intention of the Senate to hamstring the ability of Israel authorities to counter the clear and ever-present danger posed to Israeli civilians by homicide bombers.

My amendment provides for the transfer of ESF funds for Israel in this bill to the "Nonproliferation, Anti-Terrorism, Demining and Related Programs" account, which will allow for the purchase of non-lethal equipment that will contribute to countering acts of terrorism against the Israeli people. This includes bomb detection, x-ray, and personnel protection equipment, among other essential items.

Let me be clear that the defensive nature of the assistance provided to Israel in this supplemental bill is unchanged by my amendment, as is the overall amount provided for counterterrorism programs and activities.

Mr. President, Americans understand the devastation caused by extremists bent on waging jihad against the world's democracies. We know the pain of surprise attacks, and the collective suffering of a nation following the slaughter of innocent civilians.

During these difficult times, the people of Israel should know that they do not stand alone. We have a common enemy in terrorism. And we will fight—and win—as many battles as it takes to protect the freedom and democracy both the American and Israeli people enjoy.

Mr. President, I hope my colleagues will join me in keeping in our thoughts and prayers the victims and their families of this latest terrorist attack.

Mr. BUNNING. Mr. President, I rise to address some of the concerns I have with H.R. 4775, the Fiscal Year 2002 Emergency Supplemental Appropriations Act.

According to the Congressional Budget Office (CBO), the cost of President Bush's emergency spending request is pegged at $28.4 billion. This Senate bill we are considering is almost $4 billion more than what President Bush requested in his emergency supplemental request to Congress. And even though the Senate bill we are considering is billions more than what the President requested, we still aren't even fully funding $10.4 billion in emergency spending requested by the President. We are shortchanging the President $10.4 billion in this bill from his emergency spending request to help fight the war on terrorism, yet we are piling on $4 billion in new funding in special projects which is not at all designated as emergency spending by the President.

The bill's priority funding of nonemergency measures, while ignoring the President's full request for emergency funding to fight terrorism and ensure the safety of our citizens, just doesn't make sense to me. The real kicker is this, Mr. President, despite the $4 billion of overfunding in this bill, only one federal agency did not receive more money than requested by President Bush—the Department of Defense. The purpose of this bill is to provide the President with emergency funding to help fight the war on terrorism, and in this bill we are refusing to fully fund the Department of Defense's needs to help us fight this war. That point baffles me.

As well, I am disappointed that we were unable to address some serious budgetary issues facing the Senate. We have no fiscal year 2003 budget resolution or discretionary spending caps as we venture towards committee and floor consideration of our 13 appropriations bills. For the first time since 1974 the Senate has failed to pass a budget resolution. This is embarrassing and a bit disgraceful. It is not simply a problem for the Senate alone. The lack of a budget resolution is the potential problem of every American. For without a budget resolution and discretionary allocation limits, we are essentially walking Americans down a path scattered with deficit and debt landmines.

Let me just touch on how bad things have gotten lately with our Nation's checkbook. Last year, CBO anticipated and predicted a $313 billion surplus for fiscal year 2002. And now, we all know we are facing a gaping deficit. We will borrow and spend all of the $168 billion Social Security surplus and at the same time have to borrow about another $137 billion from the private markets. So the bottom line is that we are going to have to borrow over $300 billion. And this is new debt stacked on top of the whopping $6 trillion debt we already have.

Now we can all cross our fingers and hope that we are going to experience a long economic recovery which will allow us to balance our federal checkbook and say goodbye to deficits and debt, but that just isn't smart and fiscally prudent. If there is no timely recovery with the growth rate we all would like to anticipate, then the deficits are going to get bigger and bigger and make it all the harder in the future to curb spending and get any reign on fiscal restraint. I know some of these choices aren't easy to make, but we have to make them.

Earlier today we had the opportunity to pass a provision on this bill to institute some fiscal discipline by imposing some enforceable discretionary spending caps. Unfortunately, this provision failed. Hopefully, somehow soon before we trek down the appropriations process, we can set some limits on spending and live within our means.

The White House has released a Statement of Administration Policy for the Senate on this bill. President Bush say he will veto this bill outright because of the lack of fully funding his emergency requests, and because there are many extraneous spending provisions in the bill that he did not request.

In fact, here is a quote from President Bush regarding the supplemental bill. He say, "It's important that we get a supplemental out and, frankly, a supplemental that doesn't bust the budget. And we'll be looking forward to working with senators, to explain to them that the supplemental ought to focus on emergency measures, measures that are needed to fight the war, to button-up the homeland. But the supplemental shouldn't be viewed as an opportunity to load it up with special projects."

I am hopeful that when we eventually get to conference with the House of Representatives, that the conferees work to report a bill out which removes the non-emergency spending, fully funds the President's emergency spending request, and addresses the fact that we have set no limits on discretionary spending for fiscal year 2003.

Mr. President, I thank you for time allotted to me to address my concerns with this bill.

Mr. MILLER. Mr. President, before we invoked cloture on the supplemental appropriations bill today, it had been my intention to offer a sense-of-the-Senate resolution, which I believed was a very important statement about our commitment to fiscal constraint and responsibility. Senate rules now prevent my amendment from being considered, so I want to go on record regarding the amendment, our budgetary situation and the need to tighten our belts.

The bill we are considering, S. 2551, a bill making supplemental appropriations for Further Recovery From and Response to Terrorist Attacks on the United States, was scored at $30.9 billion or roughly $4 billion over the President's request of $27.1 billion. While this bill recognizes the need to fund emergency homeland requirements and has many worthwhile things in it, one could argue that some of its contents are questionable at best.

Now, I realize that "pork" and other unfavorable terms for specific projects are clearly in the eyes of the beholder. But where does it all stop?

I am sure that we could all justify, even enthusiastically promote, projects in our own states that most members might think loony or wasteful. Whether it is Federal marshals, summer school, hospitals or jars of alcohol on the Mall, they are all important, but where does it stop? It is one thing to spend money for these types of things when you have money, but quite another when your broke or in debt. That is why we must have strong controls and a cap on what we can spend. I was disappointed that the Senate rejected such controls yesterday voting down the Feingold-Gregg amendment. I haven't been here long, but I do know that if we don't enact some spending controls, things will get out of control quickly.

There is a general acknowledgement that a short-term budget deficit may be necessary to provide the appropriate resources to fight the war on terrorism. But at the same time, we need to look at the impact of this very supplemental appropriations bill on our domestic spending and our budget deficit.

Therefore, I had intended to offer a sense-of-the-Senate resolution which basically said that the total of the fiscal year 2003 appropriations bills should have been reduced by the amount we spend over the President's request as determined by the Congressional Budget Office. If this supplemental ends up being $3.8 billion higher or $4.2 billion, or whatever the number is over the President's $27.1 billion request, then the Senate should agree that we would reduce our total appropriations figure by that amount in the upcoming appropriations cycle. It is not a scientific formula, just a start down the path of fiscal responsiblity—a concept that seems to have lost its preeminence.

So, while I will not offer this amendment today, I will promote this idea in the coming weeks and fight for real progress during the upcoming appropriations process.

Mr. KERRY. Mr. President, I strongly support helping New England fishermen and their communities, and by that I mean helping them now, when they need it, not later this year or next year, but now. And I want to thank our distinguished Chairman of the Appropriations Committee Senator BYRD and the Ranking Member Senator STEVENS. I would also like to thank Chairman HOLLINGS of the Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary and the Subcommittee Ranking Member, Senator GREGG, for their steadfast support of the New England fishermen and for including provisions to help fishermen and fishing communities in New England recover from the effects of a devastating lawsuit which is already having severe economic consequences in New England.

The entire New England groundfish industry is reeling from a lawsuit that was finally decided on May 23. I would like to point out that the fishing season starts on May 1, so the fishermen and the shore side industry learned the rules by which they must live less than a month into the season. It's hard to plan a fishing season under those circumstances. And the ramifications reach beyond just our fishermen. We have over 1,000 active groundfish boats in New England employing thousands of fishermen, and economists estimate that for each job on a fishing vessel we have four jobs on shore to support the industry.

In addition, Massachusetts Bay, the prime inshore fishing grounds for the small day boats from our North Shore, South Shore and Provincetown fleets have been closed since January 1. The area was scheduled to open in May, but the court order extends that closure. These fishermen and their families are struggling and have barely made it through the winter. Now, when May comes around they are unable to go fishing, earn some money and pay the bills. These families need help now!

I want to be clear. We are not backing away from our obligation to protect New England's fisheries. I know as much as anyone that this is a federal resource. We have an obligation to protect it and preserve it, to ensure that generations of New Englanders have the opportunity to fish and to protect a Federal, natural resource that belongs to all Americans. But at the same time, we are seeking some help for the people and communities who bear the brunt of these necessary conservation rules. These people need some financial assistance while we make the transition to sustainable fishing.

I would like to point out that it is not just the New England fishermen who are hurting. As I mentioned earlier, for every job at sea in Massachusetts, economists estimate that we have four shore side jobs to support the industry. This includes net makers, processors, ice dealers and boat maintenance facilities. I should add that part of the court order increased the mesh size from 6 inches to six and ½ inches for all nets used to catch groundfish. This is great for conservation because it reduces the catch of undersized fish, however overnight every fishermen had to replace his nets. That means that all of the net makers with 6 inch mesh were now sitting on hundreds of thousands of dollars of worthless inventory. For the typical gillnetter in New England this means they all have to come up with $10,000 before they can go fishing. Remember, these are all small, family-owned businesses and in some cases these are people that have not been working since January 1. These people need some help!

Again I wish to thank Senators BYRD, STEVENS, HOLLINGS and GREGG for their stalwart support of these hardworking fishermen and their families.

Ms. SNOWE. Mr. President, I rise today to express my strong support for the provisions in this supplemental that provide financial aid to the New England groundfish fishery. This crisis is not caused by natural disaster, but by the failure of our fisheries management system to effectively manage marine resources and dependent industries.

I worked with my colleagues from Massachusetts, Rhode Island and New Hampshire to get this funding in the bill. And I want to thank the Chairman, Senator BYRD, and the Ranking Member, Senator STEVENS, for understanding the need for this funding.

The bill includes $11 million for economic assistance to fishermen and fishing communities affected by Federal closures and restrictions on fishing. My State of Maine will receive $2 million as a result of this provision. States have the option of developing locally-appropriate spending plans for this money or asking NMFS to distribute the money, to ensure that it goes to those who need it most.

It also provides $5 million for direct economic assistance to those in the industry affected by court-ordered management measures, in return for their participation in activities that support port and coastal security. In this way, we can meet two important goals, helping fishermen who temporarily cannot fish and helping coastal communities participate in national security efforts.

Over the past several months, New England fishermen have been watching their livelihoods disappear. Litigation was brought against the National Marine Fisheries Service for not rebuilding stocks fast enough, and this litigation ended in court-ordered management measures that would have resulted in more than 4,000 lost days at sea for Maine's fishermen alone. The court ignored the negotiated settlement reached by the interested parties and issued its ruling five days before the fishing season started.

These numbers pale in comparison to the economic, cultural, and historical value of the New England groundfish fishery. In Maine alone, 26,000 people have jobs directly related to the fishing industry and last year groundfish alone accounted for $17.7 million in fish landings. Nationally, the fishing industry contributes over $7 billion to the U.S. economy.

While the Judge reconsidered her original ruling and adopted the negotiated settlement, the number of days that fishermen can target groundfish is reduced by a minimum of 20 percent. And that translates into thousands of lost fishing days and millions of dollars lost to the regional economy.

The economic assistance in this bill will not fix the flaws in the management system, but it will help our fishermen through a difficult transition period while we fix the management problems that left NMFS facing 104 lawsuits at the beginning of May. I am the Ranking Member of the Commerce Oceans and Fisheries Subcommittee, and I am working with Chairman KERRY to get the Magnuson-Stevens Fisheries Act preauthorized so that we can stop managing our fisheries by litigation.

Mr. ENSIGN. Mr. President, I would like to address the Senate today with regard to the amendment offered by Senators KENNEDY, SMITH, and BOXER on Wednesday, June 5. As you know, this amendment would provide $150 million in emergency spending for the 21st Century Community Learning Centers program for summer school programs. While I do support this program, I do not support the amendment offered by Senator KENNEDY.

The supplemental appropriations bill is designed to be a vehicle for emergency spending measures, most often funding for the defense of the United States. I am particularly disappointed with the Senate's version of the supplemental appropriations bill because it contains increased appropriations for every Federal department except for the Department of Defense while we are at war against terrorism.

In my opinion, funding for summer school programs simply does not qualify as emergency spending worthy of placement in the supplemental appropriations bill. It is highly likely that school districts and other eligible grantees would not even get the funds in enough time to effectively utilize them. I do recognize that many States have been faced with difficult financial decisions because of constrained budgets and that many have had to cut summer school programs. The regular appropriations process for education programs is the appropriate time for the Senate to determine the appropriation for the 21st Century Community Learning Centers program.

Mr. REED. Mr. President, I rise today to briefly describe an amendment that I filed to the fiscal year 2002 Emergency Supplemental Appropriations bill currently before the Senate. Simply, my amendment dealt with the Food and Drug Administration's 'Pediatric Rule,' which the agency issued in 1999 to require that companies conduct clinical trials in which children are the subjects for drugs that may provide a health benefit for the pediatric population. After discussing my amendment with several colleagues, I have decided not to offer it at this time. I believe, however, that this is an important issue that must be settled this year.

In 1999, FDA issued new regulations requiring pediatric studies of certain new and marketed pharmaceutical and biological products. The agency determined that most drugs had not been adequately tested in the pediatric population. The 1999 rule requires that manufacturers of certain products provide sufficient data and information to support the directions for pediatric use for claimed indications. The pediatric rule filled an important gap in FDA's regulation of drug and biologic products. I know that many of us have been concerned about the lack of important pediatric information on marketed drug products.

The rule and the Best Pharmaceuticals for Children Act, which was enacted in January of this year, have different provisions, though they complement each other in important respects. The Best Pharmaceuticals for Children Act provides incentives for companies to test products in children and provides them with six month pediatric marketing exclusivity for products approved for pediatric use. The statute does not require any pediatric testing. In addition, the rule includes biological products in its requirements whereas the statute does not. Many of the new products that may provide significant health benefits to the children of this country are biologics. And the statute only allows each product to be considered once in its lifecycle, which means that FDA cannot request information on any pediatric uses not anticipated at the beginning.

I understand that the Secretary of Health and Human Services supports the continued enforcement of the pediatric rule and that he so stated in a Labor Health and Human Services Appropriations Subcommittee hearing earlier this week.

Congressional action ensuring that the pediatric rule remains in effect for the foreseeable future is necessary and appropriate, and I look forward to working with my colleagues in the coming weeks on this issue.

Mr. KENNEDY. Mr. President, I was very disturbed to learn that the Appropriations Committee included language in the Emergency Supplemental that would direct the Department of Transportation to work with the Immigration and Naturalization Service and State motor vehicle authorities to implement a policy with respect to immigrant eligibility for drivers licenses. This decision was made without any consultation with the Committee of jurisdiction. The issue of immigrant access to drivers licenses is a complex one, implicating road safety, as well as questions of immigration, discrimination and racial profiling. It is a controversial issue that is being addressed by almost all state legislatures and about which there has yet to develop a national consensus.

My reading of the provision is that this language applies solely in the case where a State elects to move towards the policy on nonimmigrants referenced by the Report. In such a case, the Committee intends to direct the Department of Transportation to act as a liaison between the state motor vehicle department and the INS to facilitate implementation of the State's policy.

This language should not be intended as a mandate to the states, nor affect in any way the States' discretion to determine which of their residents is eligible for a drivers license. Indeed, there is no statute on the books authorizing the Department of Transportation to limit, entice, or otherwise influence a state's discretion to provide drivers licenses to immigrants. Moreover, there are no funds in the bill itself or elsewhere that have been authorized for such purposes.

Finally, the language does not authorize the Department of Transportation or the Immigration and Naturalization Service to publish regulations or guidelines for States to follow, nor does it require any particular action either by the Department of Transportation or by the Immigration and Naturalization Service.

Everyone agrees that drivers licenses must provide accurate and reliable proof of one's identity and ability to operate a motor vehicle. However, tying drivers licenses expiration dates to visa expiration dates will not enhance our security. Sophisticated terrorists with substantial financial resources are likely to have the ability to obtain drivers licenses when necessary, regardless of restrictions like those discussed in the Supplemental.

Moreover, State drivers license issuing agencies should not be in the business of verifying immigration status, as determining immigration status is very complicated with serious ramifications for all non-citizens. The term nonimmigrant itself is a technical legal term that leads to much confusion. Errors will likely result as motor vehicle personnel attempt to interpret complicated immigration law provisions. Distinguishing between immigrant, nonimmigrant, and other applicants, as well as understanding when visas expire, is complicated and very difficult without proper training. Furthermore, nonimmigrant visas do not have uniform documentation nor do they have a simple expiration date.

Experience has shown that when public officials are required to check immigration status, Latinos, Asians, and others who appear to be foreign are asked to produce additional documentation or have their documents more closely scrutinized. This behavior often results in civil rights violations, frequently involving U.S. citizens and legal permanent residents.

While security concerns are extremely important, we need to consider the negative consequences of linking drivers licenses to immigration status.

Mr. President, this legislation on supplemental appropriations for further recovery from and response to terrorist attacks on the United States for fiscal year 2002 provides $15 million for the State Department to create a new high school exchange program for students from predominantly Islamic countries. The program that will be established with this funding is based on S. 2505, the Cultural Bridges Act, which Senators LUGAR, LEAHY, CHAFEE, DODD, HAGEL, GORDON SMITH, COCHRAN, BROWNBACK, JEFFORDS, DURBIN, FEINGOLD, and I introduced on May 10.

One of the clear lessons of September 11th is that our government needs to do more to ensure that future generations in the Islamic world understand more about American values and culture. A recent Gallup poll in nine predominantly Muslim countries revealed strong anti-American attitudes. Nearly 1.5 billion people live in the Islamic world, and if we ignore these sentiments, we do so at our own peril. If we try to address the problem directly, by teaching American values to students from the Islamic world, we have a chance, in the long run, of changing negative attitudes. It's a long process, which September 11th has taught us we must begin now.

There are no better ambassadors for American values than Americans themselves, and student exchange programs have proven to be an effective tool in reaching out to the next generation of leaders. As Secretary Powell said in his August 2001 Statement on International Education Week, "I can think of no more valuable asset to our country than the friendship of future world leaders who have been educated here."

In October of last year, President Bush spoke eloquently about the need to reach out in friendship to children and the Islamic world. In a speech to students at Thurgood Marshall Extended Elementary School, the President said that America is "determined to build ties of trust and friendship with people all around the world—particularly with children and people in the Islamic world."

To facilitate the President's goal of reaching children, this supplemental appropriations bill provides the funding that is essential for the State Department to create a new program for high school students from the Islamic world to study in the United States. No federal program currently exists to facilitate such student exchanges with ever-increasing numbers of youth in the Islamic world.

There are many benefits to reaching out to students while they are young and open-minded to enhance mutual cultural understanding and tolerance. Today's high school students are tomorrow's leaders, and we need to begin working with them now to inform their attitudes about our country.

In January 20, 2002 op-ed in the Washington Post, a former Fulbright scholarship recipient from Egypt expressed concern that his university in Egypt was and continues to be fertile ground for recruiters from terrorist or extremist organizations. Our challenge is to provide young students with the opportunity to learn about America, participate in all aspects of American family life, and understand our values before they reach that stage.

The high school student exchange program that will be developed with this funding will be modeled on the State Department's highly successful Future Leaders Exchange Program (FLEX), which brings approximately 1,000 students ages 15–17 from the Newly Independent States to the United States each year to attend an American high school for a year and live with an American family.

The FLEX program has been extremely effective in shaping attitudes among the students selected to participate from the Newly Independent States. A 1998 U.S. government study, which compared Russian FLEX alumni with other Russian youth of the same age, indicated that the FLEX alumni are more open to and accepting of Western values and democratic ideals. They are more likely to want to become leaders in and to make a contribution to their society. They tend to be more optimistic about the future of their country—especially its evolution to a more democratic, rule-of-law society—than other Russian youths.

Significantly, the FLEX program has been successful in the six predominantly Islamic countries from the Newly Independent States—Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. More than 1,500 students from those Muslim countries have studied and lived in the United States since the program began. FLEX alumni in Azerbaijan and Turkmenistan are teaching English in their home countries, and alumni in Kyrgyzstan and Tajikistan have been involved in activities to develop democratic practices. Given the track record in these countries, there is every reason to believe that a high school student exchange program would succeed throughout the Islamic world.

Like the existing student exchange program for the Newly Independent States, and consistent with the Cultural Bridges Act, this new program should require participating students in high school exchanges from the Islamic world to be selected competitively and in a manner that ensures geographic, gender, and socio-economic diversity. To qualify, students should be tested extensively and interviewed under State Department guidelines. As with the FLEX program, the State Department should work with experienced American non-governmental organizations to recruit, select, and place students and will remain in close contact with the public high school, American host family, and American non-governmental organizations while the students are in the United States.

Importantly, consistent with the Cultural Bridges Act, all students and visitors participating in programs authorized in this legislation should be admissible under all immigration laws and procedures. Furthermore, legislation recently signed into law improves our ability to screen foreign students by requiring increased communication among the State Department, the INS, and the schools enrolling foreign students and by closing gaps in the existing foreign student monitoring program.

The high school exchange program included in this supplemental appropriations bill has been endorsed by the Alliance for International Education and Cultural Exchange, AMIDEAST, AFS, the Academy for Educational Development, the American Councils for International Education, the American Institute for Foreign Study, the Institute of International Education, the National Council for International Visitors, Sister Cities International, World Learning, and World Study Group.

America must respond to the terrorist threat on many levels. We need to ensure that our defenses are strong, our borders are secure, and our relationships with allies are vibrant. We also need to do more in the area of public diplomacy.

It is clearly in America's national security interest to promote more people-to-people contacts throughout the Muslim world. Indeed, in a May 3rd speech to the World Affairs Council in California, Deputy Secretary of Defense Paul Wolfowitz spoke about the need to reach out and strengthen voices of moderation in the Islamic world and to bridge the "dangerous gap" between the West and the Muslim world. He said America must "begin now . . . the gap is wide and there is no time for delay."

After September 11, many of the Muslim countries condemned those acts and pledged to help the United States fight terrorism. As we have seen in Afghanistan, Pakistan, and elsewhere in the Muslim world, some individuals and factions within a country can support terrorists and terrorist organizations, while others seek to resolve issues peacefully. America must reach out in friendship to all individuals in the Islamic world who share our worldview.

The Koran says, "O Mankind! We created you from a single pair of a male and a female, and made you into nations and tribes, that ye may know each other." These words speak eloquently of the need for this legislation. Building bridges of understanding and tolerance across cultures will help ensure that Americans and people of the Islamic world will truly understand and know each another.

I am grateful to Senator LEAHY for recommending that funding for this new student exchange program be included in the supplemental appropriations bill. I am grateful as well to Senators MCCONNELL, BYRD, and STEVENS for their support. I urge my colleagues to support funding for this program, and I hope it will be preserved during the conference on the supplemental appropriations bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. WELLSTONE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. DAYTON), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. NICKLES. I announce that the Senator from South Carolina (Mr. THURMOND), the Senator from North Carolina (Mr. HELMS), and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 22, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—71

Akaka
Allen
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Burns
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feinstein
Frist
Graham
Gregg
Harkin
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—22

Allard
Bayh
Brownback
Bunning
Ensign
Enzi
Feingold
Fitzgerald
Gramm
Grassley
Hagel
Hatch
Kyl
Lott
McCain
Nickles
Santorum
Sessions
Smith (NH)
Thomas
Thompson
Voinovich

NOT VOTING—7

Bingaman
Campbell
Daschle
Dayton
Helms
Kennedy
Thurmond

The bill (H.R. 4775), as amended was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I take the floor at this late hour to express my appreciation to the senior Senator from Alaska, Mr. STEVENS, for his cooperation in handling this bill and for his masterful handling of the bill on the floor. I thought it best to let him do that without any action or work on my part. The problem was on his side. I believed that Chairman STEVENS was the man to deal with those things. He did it to perfection. I thank him. We couldn't have gotten to this point had it not been for Senator STEVENS and his support.

Let me also thank HARRY REID. Senator REID is a whip sui generis. He has been a real asset to the leadership, and to the managers of the bill in getting this bill passed. It has taken hours on his part. For his willingness to stay until the last, for his willingness to take our statements and get them in the RECORD, I want to personally thank him for a job well done. It is a hard job. I have been a whip. I have not been whipped, but I have been a whip around here. So I know the kind of work he did.

I also thank the wonderful staff on both sides of the aisle. They worked hard. They worked during the hours after some of us went home to sleep. But they stayed here. And they will still be here after we go home tonight. We can't thank them enough. They are excellent.

I thank Members on both sides of the aisle for the courtesies they extended.

I think this is a good bill. I am glad we passed it. We need to get it to conference. Perhaps there will battles there.

I thank all Senators, and I thank the floor staff—the people who are here who work many hours. I thank you all.

Again, I thank Mr. STEVENS. He couldn't be a better Senator from Alaska. He is the "Senator of the 20th century" from Alaska. I salute him.

Mr. STEVENS. Mr. President, I thank the Senator from West Virginia. The Senator from West Virginia is not only a great chairman, he is a great friend. I thank him for the privilege of trying to deal with the problems that occurred on this side of the aisle.

I also join in thanking Senator REID. I think he has shown persistence in trying to get this bill through. I don't criticize the concept of having gone to cloture, but I do criticize the conduct of some under cloture. We will have to deal with that later.

It is a difficult process. But I will say this: I think this bill is important to the country. It is very important to the President. It is a bill which I think is very important to those of us who worked so hard to try to get it through. We are now going to go to conference with the House. Many of the provisions in this bill the House is not aware of yet, but I am sure they will be controversial. It is my hope we can move in the conference sometime next week and hopefully try to address some of the issues that are not in this bill today. They are in the House bill. We have cut out some of them.

I am still bothered by the debt ceiling. I hope that leadership will look to the debt ceiling problem to see if we can't get a stand-alone bill or some way to address that issue. I remember so well in days past when it would fester and get to the point where people were being threatened of being put into jail and all of that because Congress had not acted. The debt ceiling being lifted reflects the fact that the economy of this country has expanded enormously. We have been through a period of inflation. As we go into a period of inflation and we roll over our debt, we end up with an imbalance by the passage of time rather than expenditures of money.

I believe we ought to accommodate the situation so that people who are administering our laws downtown don't feel fearful of what might happen to them because of expenditures over which they really cannot maintain total control. As we get close to these debt ceiling limitations, I think Government slows down out of fear. This is no time to have that kind of reaction when we are at war.

I look forward to working with everyone with the hope that we can address that problem sometime before the end of this month. Again, I thank my colleagues. I thank the Chair and everyone for their patience. I thank the Parliamentarian for his impartiality.

I was happy to see yesterday come to an end.

Thank you very much.

Mr. REID. Mr. President, very briefly, I have spoken to Senator DASCHLE about the debt limit. We have a freestanding debt limit bill. We are going to work as hard as we can to get it to the floor as quickly as we can. I have spoken to Senator DASCHLE several times in that regard.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The Presiding Officer (Mr. DURBIN) appointed Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID of Nevada, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED of Rhode Island, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mr. BENNETT, Mr. CAMPBELL, Mr. GREGG, Mrs. HUTCHISON of Texas, and Mr. DEWINE conferees on the part of the Senate.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are going to wrap up things here in just a minute. I would like to say publicly, as I have said to the Senators privately, and to the Presiding Officer, that we have been through a very difficult time while you have been presiding. It really is most helpful, where there is confusion on the floor, to have someone who understands what is going on and who has absolute control of the Senate. You did an outstanding job of presiding. That is not easy.

We have Parliamentarians who help. But it certainly is a tremendous help if you have someone such as the Presiding Officer who makes the decisions on his own. They were all right. I extend my appreciation and our appreciation for the way in which you presided over the Senate during consideration of a most important bill. We have heard enough talk about it.

But this is an important bill. It is an emergency supplemental appropriations bill which will help our troops, help homeland defense, and help veterans.

UNANIMOUS CONSENT AGREEMENT—S. 625

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. 625, the hate crimes bill, Friday, tomorrow, June 7, at 11 a.m. That is today, I guess.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. For the information of Members, the next vote will be on Monday, at approximately 5:30 p.m. Today there will be no more votes.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. LIEBERMAN. I was not able to vote on the Helms-Frist amendment (Number 3725) to the Supplemental Appropriations bill. I was unavoidably detained. I would like to express my support for this measure and applaud its passage. I co-sponsored the defeated Durbin amendment that would have provided an additional $500 million towards the global fight against AIDS, malaria, and tuberculosis. I was disappointed that it did not pass tonight. In the absence of the Durbin provisions, I agree with the Senator from Tennessee that we must at least provide the additional $100 million called for in the Helms-Frist amendment. I ask that the record show that I would have voted in favor of the Helms-Frist Amendment and I support its passage.

PERFORMANCE GOALS FOR THE PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2002

Mr. KENNEDY. Mr. President, on May 23, 2002, the Senate passed the Conference Report to H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Included in Title V of this Conference Report is the reauthorization of the Prescription Drug User Fee Act, "PDUFA".

Performance goals, existing outside of the statute, accompany the reauthorization of PDUFA. These goals represent a realistic projection of what the Food and Drug Administration Center for Drug Evaluation and Research and Center for Biologics Evaluation and Research can accomplish with industry cooperation. The Secretary of Health and Human Services forwarded these goals to the chairmen of the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, in a document entitled "PDUFA Reauthorization Performance Goals and Procedures." According to Section 502 of the Conference Report, "the fees authorized by amendments made in this subtitle will be dedicated towards expediting the drug development process and the process for the review of human drug application as set forth in the goals in the CONGRESSIONAL RECORD."

Today I am submitting for the RECORD this document, which was forwarded to the Committee on Health, Education, Labor and Pensions on June 4, 2002, as well as the letter from Secretary Thompson that accompanied the transmittal of this document.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, June 4, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions, U.S. Senate Washington, DC.

DEAR CHAIRMAN KENNEDY: As you are aware, the Prescription Drug User Fee Act of 1992 (PDUFA), as reauthorized by the Food and Drug Administration Modernization Act of 1997, expires at the end of Fiscal Year 2002. Under PDUFA, the additional revenues generated from fees paid by the pharmaceutical and biological prescription drug industries have been used to expedite the process for the review of prescription drugs, in accordance with performance goals that were developed by the Food and Drug Administration (FDA) in consultation with PDUFA stakeholders.

FDA has worked with various stakeholders, including representatives from consumer, patient, and health provider groups, and the pharmaceutical and biological prescription drug industries, to develop a reauthorization proposal for PDUFA that would build upon and enhance the success of the program. Title 5, Subtitle A, of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, as passed by the House on May 22, 2002, and by the Senate on May 23, 2002, reflects the fee mechanisms and other improvements developed in these discussions. The performance goals referenced in Section 502 are specified in the enclosure to this letter, entitled "PDUFA Reauthorization Performance Goals and Procedures." I believe they represent a realistic projection of what FDA can accomplish with industry cooperation and both the additional resources identified in the bill and annual FDA appropriations that fully cover the costs of pay and inflation increases for the drug and biologics review process each year.

This letter and the enclosed goals document pertain only to Title 5, Subtitle A (Prescription Drug User Fees) of H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. OMB has advised that there is no objection to the presentation of these views from the standpoint of the Administration's program. We appreciate the support of you and your staffs, the assistance of other Members of the Committee, and that of the Appropriations Committees, in the reauthorization of this vital program.

Sincerely,

TOMMY S. THOMPSON.

Enclosure.

PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the reauthorization of the prescription drug user fee program in the [cite statute] are summarized as follows:

I. REVIEW PERFORMANCE GOALS—FISCAL YEAR 2003 THROUGH 2007

A. NDA/BLA submissions and resubmissions

Review and act on 90 percent of standard original NDA and BLA submissions filed during fiscal year within 10 months of receipt.

1. Review and act on 90 percent of priority original NDA and BLA submissions filed during fiscal year within 6 months of receipt.

2. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year within 2 months of receipt.

3. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year within 6 months of receipt.

Original Efficacy Supplements

1. Review and act on 90 percent of standard efficacy supplements filed during fiscal year within 10 months of receipt.

2. Review and act on 90 percent of priority efficacy supplements filed during fiscal year within 6 months of receipt.

Resubmitted Efficacy Supplements

Fiscal Year 2003:

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements filed during fiscal year 2003 within 6 months of receipt and review and act on 30 percent within 2 months of receipt.

2. Review and act on 90 percent of Class 2 resubmitted efficacy supplements filed during fiscal year 2003 within 6 months of receipt.

Fiscal Year 2004:

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements filed during fiscal year 2004 within 4 months of receipt and review and act on 50 percent within 2 months of receipt.

2. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 2000 within 6 months of receipt.

Fiscal Year 2005:

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements filed during fiscal year 2005 within 4 months of receipt and review and act on 70 percent within 2 months of receipt.

2. Review and act on 90 percent of Class 2 resubmitted efficacy supplements within 6 months of receipt.

Fiscal Year 2006

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements filed during fiscal year 2006 within 4 months of receipt and review and act on 80 percent within 2 months of receipt.

2. Review and act on 90 percent of class 2 resubmitted efficacy supplements within 6 months of receipt.

Fiscal Year 2007:

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements filed during fiscal year 2007 with 2 months of receipt.

2. Review and act on 909 percent of Class 2 resubmitted efficacy supplements within 6 months of receipt.

Original Manufacturing Supplements

1. Review and act on 90 percent of manufacturing supplements filed during fiscal year within 6 months of receipt and review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

These review goals are summarized in the following tables:

ORIGINAL AND RESUBMITTED NDAS/BLAS

Submission cohort	Standard	Priority
Original Applications	90% in 10 mo	90% in 6 mo.
Class 1 Resubmissions	90% in 2 mo	90% in 2 mo.
Class 2 Resubmissions	90% in 6 mo	90% in 6 mo.

ORIGINAL AND RESUBMITTED EFFICACY SUPPLEMENTS

Submission cohort	Standard	Priority
Original Efficacy Supplements.	90% in 10 mo	90% in 6 mo.

RESUBMITTED EFFICACY SUPPLEMENTS

Submission cohort	Class 1	Class
FY 2003	90% in 6 mo/30% in 2 mo.	90% in 6 mo.
FY 2004	90% in 4 mo/50% in 2 mo.	90% in 6 mo.
FY 2005	90% in 4 mo/70% in 2 mo.	90% in 6 mo.
FY 2006	90% in 4 mo/80% in 2 mo.	90% in 6 mo.
FY 2007	90% in 2 mo	90% in 6 mo.

MANUFACTURING SUPPLEMENTS

Submission cohort	Manufacturing supplements no prior approval ("changes being effected" or "30-day supplements")	Manufacturing supplements that do require prior approval
FY 2003–2007	90% in 6 mo	90% in 4 mo.

II. NEW MOLECULAR ENTITY (NME) PERFORMANCE GOALS

A. The performance goals for standard and priority original NMEs in each submission cohort will be the same as for all of the original NDAs (including NMEs) in each submission cohort but shall be reported separately.

B. For biological products, for purposes of this performance goal, all original BKSs will be considered to be NMEs.

III. MEETING MANAGEMENT GOALS

A. Responses to meeting requests

1. Procedure: Within 14 calendar days of the Agency's receipt of a request from industry for a formal meeting (i.e., a scheduled face-to-face, teleconference, or videoconference) CBER and CDER should notify the requester in writing (letter or fax) of the date, time, and place for the meeting, as well as expected Center participants.

2. Performance Goal: FDA will provide this notification within 14 days for 90% in FY 2003–2007.

B. Scheduling meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 75 calendar days (as appropriate) from the date the request is received by the Agency, the meeting date should be within 14 calendar days of the date requested.

Type A Meetings should occur within 30 calendar days of the Agency receipt of the meeting request.

Type B Meetings should occur within 60 calendar days of the Agency receipt of the meeting request.

Type C Meetings should occur within 75 calendar days of the Agency receipt of the meeting request.

2. Performance goal: 90% of meetings are held within the timeframe (based on cohort year of request) from FY 03 to FY 07.

C. Meeting minutes

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail.

2. Performance goal: 90% of minutes are issued within 30 calendar days of date of meeting (based on cohort year of meeting) in FY 03 to FY 07.

D. Conditions

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) should be submitted to the review division; and

2. The letter should provide:

a. A brief statement of the purpose of the meeting;

b. A listing of the specific objectives/outcomes the requester expects from the meeting;

c. A proposed agenda, including estimated times needed for each agenda item;

d. A listing of planned external attendees;

e. A listing of requested participants/disciplines representative(s) from the Center;

f. The approximate time that supporting documentation (i.e., the "backgrounder") for the meeting will be sent to the Center (i.e., "x" weeks prior to the meeting, but should be received by the Center at least 2 weeks in advance of the scheduled meeting for Type A meetings and at least 1 month in advance of the scheduled meeting for Type B and Type C meetings); and

3. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a "Type B" meeting will be honored except in the most unusual circumstances.

IV. CLINICAL HOLDS

A. Procedure: The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

B. Performance goal: 90% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response in FY 03 to FY 07 (cohort of date of receipt).

V. MAJOR DISPUTE RESOLUTION

A. Procedure

For procedural or scientific matters involving the review of human drug applications and supplements (as defined in PDUFA) that cannot be resolved at the divisional level (including a request for reconsideration by the Division after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

B. Performance goal

90% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal in FY 03 to FY 07.

C. Conditions

1. Sponsors should first try to resolve the procedural or scientific issue at the Division level. If it cannot be resolved at that level, it should be appealed to the Office Director level (with a copy to the Division Director) and then, if necessary, to the Deputy Center Director or Center Director (with a copy to the Office Director).

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either deny or grant the appeal.

3. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cases, the "response" should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cases, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

6. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

7. N.B. If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting in order to allow conformance with advisory committee administrative procedures.

VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure

Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

1. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

2. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. Protocols that qualify for this program include: carcinogenicity protocols, stability protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. (For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have had an end of Phase 2/pre-Phase 3 meeting with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.)

4. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trials that will form the primary basis of an efficacy claim no matter what phase of drug development in which they happen to be conducted.

5. If a protocol is reviewed under the process outlined above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses under public health concerns unrecognized at the time of protocol assessment under this process are evident.

B. Performance goal

90% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes (based on cohort year of request) from FY 03 to FY 07.

VII. CONTINUOUS MARKETING APPLICATION

To test whether providing early review of selected applications and additional feedback and advice to sponsors during drug development for selected products can further shorten drug development and review times, FDA agrees to conduct the following two pilot programs:

A. Pilot 1—Discipline review letters for presubmitted "reviewable units" of NDAs/BLAs

1. This pilot applies to drugs and biologics that have been designated to be Fast Track drugs or biologics, pursuant to section 112 of the FDA Modernization Act (21 U.S.C. 356), have been the subject of an End-of-Phase 2 and/or a Pre-NDA/BLA meeting, and have demonstrated significant promise as a therapeutic advance in clinical trials.

2. For drugs and biologics that meet these criteria, FDA may enter into an agreement with the sponsor to accept pre-submission of one or more "reviewable units" of the application in advance of the submission of the complete NDA/BLA.

3. If following an initial review FDA finds a "reviewable unit" to be substantially complete for review (i.e., after a "filing review" similar to that performed on an NDA/BLA), FDA will initiate a review clock for the complete review of the "reviewable unit" of the NDA/BLA. The review clock would start from the date of receipt of the "reviewable unit."

4. To be considered fileable for review under paragraph 3, a "reviewable unit" must be substantially complete when submitted to FDA. Once a "reviewable unit" is "filed" by FDA, except as provided in paragraph 5 below, only minor information amendments submitted in response to FDA inquiries or requests and routine stability and safety updates will be considered during the review cycle.

5. Major amendments to the "reviewable unit" are strongly discouraged. However, in rare cases, and with prior agreement, FDA may accept and consider for review a major amendment to a "reviewable unit." To accommodate these rare cases, a major amendment to a "reviewable unit" submitted within the last three months of a 6-month review cycle may, at FDA's discretion, trigger a 3-month extension of the review clock for the "reviewable unit" in question. In no case, however, would a major amendment be accepted for review and the review clock for the "reviewable unit" extended if the extended review clock for the "reviewable unit" exceeded the review clock for the complete NDA/BLA. (See paragraph 10 below).

6. After completion of review of the "reviewable unit" of the NDA/BLA by the appropriate discipline review team, FDA will provide written feedback to the sponsor of the review findings in the form of a discipline review letter (DRL).

7. The DRL will provide feedback on the individual "reviewable unit" from the discipline review team, and not final, definitive decisions relevant to the NDA/BLA.

8. If an application is to be presented to an advisory committee, the final DRL on the "reviewable unit" may be deferred pending completion of the advisory committee meeting and internal review and consideration of the advice received.

9. The following performance goals will apply to review of "reviewable units" of an NDA/BLA for Fast Track drugs and biologics that are submitted in advance of the complete NDA/BLA under this pilot program:

a. Discipline review team review of a "reviewable unit" for a Fast Track drug or biologic will be completed and a DRL issued within 6 months of the date of the submission for 30% of "reviewable units" submitted in FY04;

b. Discipline review team review of a "reviewable unit" for a Fast Track drug or biologic will be completed and a DRL issued within 6 months of the date of the submission for 50% of "reviewable units" submitted in FY05;

c. Discipline review team review of a "reviewable unit" for a Fast Track drug or biologic will be completed and a DRL issued within 6 months of the date of the submission for 70% "reviewable units" submitted in FY06, and

d. Discipline review team review of a "reviewable unit" for a Fast Track drug or biologic will be completed and a DRL letter issued within 6 months of the date of the submission for 90% of "reviewable units" submitted in FY07.

10. If the complete NDA/BLA is submitted to FDA while a 6-month review clock for a "reviewable unit" is still open, FDA will adhere to the timelines and performance goals for both the "reviewable unit" and the complete NDA/BLA. For example, if a "reviewable unit" is submitted in January and the complete NDA/BLA is submitted in April, the review goal for the "reviewable unit" will be July and the review goal for the complete NDA/BLA will be October.

11. Any resubmission or amendment of a "reviewable unit" submitted by the sponsor in response to an FDA discipline review letter will not be subject to the review timelines and performance goals proposed above. FDA review of such resubmissions and amendments in advance of submission of the complete NDA/BLA will occur only as resources allow.

12. This pilot program is limited to the initial submission of an NDA/BLA and is not applicable to a resubmission in response to an FDA complete response letter following the complete review of an NDA/BLA.

13. Guidance: FDA will develop and issue a joint CDER/CBER guidance on how it intends to implement this pilot program by September 30, 2003. The guidance will describe the principles, processes, and procedures that will be followed during the pilot program. The guidance also will define what subsections of a complete technical section would be considered an acceptable "reviewable unit" for pre-submission and review and how many individual "reviewable units" from one or more technical sections of an NDA/BLA can be pre-submitted and reviewed subject to separate review clocks under this program at any given time. The pilot program will be implemented in FY 2004, after the final guidance is issued and will continue through FY 2007.

B. Pilot 2—Frequent scientific feedback and interactions during drug development

1. This pilot applies to drugs and biologics that have been designated to be Fast Track drugs or biologics pursuant to section 112 of the FDA Modernization Act (21 U.S.C. 356), that are intended to treat serious and/or life-threatening diseases, and that have been the subject of an end-of-phase 1 meeting. The pilot program is limited to one Fast Track product in each CDER and CBER review division over the course of the pilot program.

2. For drugs and biologics that meet these criteria, FDA may enter into an agreement with the sponsor to initiate a format program of frequent scientific feedback and interactions regarding the drug development program. The feedback and interactions may take the form of regular meetings between the division and the sponsor at appropriate points during the development process, written feedback from the division following review of the sponsor's drug development plan, written feedback from the division following review of important new protocols, and written feedback from the division following review of study summaries or complete study reports submitted by the sponsor.

3. Decisions regarding what study reports would be reviewed as summaries and what study reports would be reviewed as complete study reports under this pilot program would be made in advance, following discussions between the division and the sponsor of the proposed drug development program. In making these decisions, the review division will consider the importance of the study to the drug development program, the nature of the study, and the potential value of limited (i.e., based on summaries) versus more thorough division review (i.e., based on complete study reports).

4. Guidance: FDA will develop and issue a joint CDER/CBER guidance on how it intends to implement this pilot program by September 30, 2003. The guidance will describe the principles, processes, and procedures that will be followed during the pilot program. The pilot program will be implemented in FY 2004, after the final guidance is issued and will continue through FY 2007. The full (unredacted) study report will be provided to the FDA Commissioner and a version of the study report redacted to remove confidential commercial information or other information exempt from disclosure, will be made available to the public.

C. Evaluation of the pilot programs

1. In FY 2004, FDA will contract with an outside expert consultant(s) to evaluate both pilot programs.

2. The consultant(s) will develop an evaluation study design that identifies key questions, data requirements, and a data collection plan, and a conduct a comprehensive study of the pilot programs to help assess the value, costs, and impact of these programs to the drug development and review process. A preliminary report will be generated by the consultant by the end of FY06.

VIII. PRE- AND PERI-NDA/BLA RISK MANAGEMENT PLAN ACTIVITIES

a. Submission and Review of pre-NDA/BLA meeting packages: A pre-NDA/BLA meeting package may include a summary of relevant safety information and industry questions/discussion points regarding proposed risk management plans and discussion of the need for any post-approval risk management studies. The elements of the proposal may include:

1. Assessment of clinical trial limitations and disease epidemiology

2. Assessment of risk management tools to be used to address known and potential risks

3. Suggestions for phase 4 epidemiology studies, if such studies are warranted

4. Proposals for targeted post-approval surveillance (this would include attempts to quantify background rates of risks of concern and thresholds for actions)

The pre-NDA/BLA meeting package will be reviewed and discussed by the review divisions as well as the appropriate safety group in CDER or CBER.

b. Pre-NDA/BLA meeting with industry: This meeting may include a discussion of the preliminary risk management plans and proposed observational studies, if warranted, as outlined above. Participants in this meeting will include product safety experts from the respective Center. The intent of these discussions will be for FDA to get a better understanding of the safety issues associated with the particular drug/biologic and the proposed risk management plans, and to provide industry with feedback on these proposals so that they can be included in the NDA/BLA submission. It is the intent of this proposal that such risk management plans and the discussions around them would focus on specific issues of concern, either based on already identified safety issues or reasonable potential focused issues of concern.

c. Review of NDA/BLA: The NDA/BLA submitted by industry may include the proposed risk management tools and plans, and protocols for observational studies, based on the discussions that began with the pre-NDA/BLA meeting, as described above, and may be amended as appropriate to further refine the proposal. These amendments would not normally be considered major amendments. Both the review division and the appropriate safety group will be involved in the review of the application and will try to communicate comments regarding the risk management plan as early in the review process as practicable, in the form of a discipline review letter. Items to be included in the risk management plan to assure FDA of the safety and efficiency of the drug or biologic are to be addressed prior to approval of an application. The risk management plan may contain additional items that can be used to help refine the risks and actions (e.g., background rates and observational studies) and these items may be further defined and completed after approval in accordance with time frames agreed upon at the time of product approval.

d. Peri-Approval Submission of Observational Study Reports and Periodic Safety Update Reports (PSURs): For NDA/BLA applications, and supplements containing clinical data, submitted on or after October 1, 2002, FDA may use user fees to review an applicant's implementation of the risk management plan for a period of up to two years post-approval for most products and for a period of up to three years for products that require risk management beyond standard labeling (e.g., a black box or bolded warning, medication guide, restricted distribution). This period is defined for purposes of the user fee goals as the peri-approval period. Issues that arise during implementation of the risk management plan (e.g., whether the plan is effective) will be reported to FDA either in the form of a PSUR or in a periodic or annual report (21 CFR 314.80 and 314.81) (ICH Guidance E2C, Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs) and addressed during the peri-approval period through discussions between the applicant and FDA. PSURs may be submitted and reviewed semiannually for the first two or three years post approval to allow adequate time for implementation of risk management plans.

For drugs approved under PDUFA III, FDA may use user fees to independently evaluate produce utilization for drugs with important safety concerns, using drug utilization databases, for the first three years post approval. The purpose of such utilization evaluations is to evaluate whether these products are being used in a safe manner and to work proactively with companies during the peri-approval period to accomplish this. FDA will allocate $70,900,000 in user fees over 5 years to the activities covered in this section. FDA will track the specific amounts of user fees spent on these activities and will include in its annual report to Congress an accounting of this spending.

e. Guidance Document Development: By the end of Fiscal Year 04, CDER and CBER will jointly develop final guidance documents that address good risk assessment, risk management, and pharmacovigilance practices.

IX. INDEPENDENT CONSULTANTS FOR BIOTECHNOLOGY CLINICAL TRIAL PROTOCOLS

A. Engagement of expert consultant

During the development period for a biotechnology product, a sponsor may request that FDA engage an independent expert consultant, selected by FDA, to participate in the Agency's review of the protocol for the clinical studies that are expected to serve as the primary basis for a claim.

B. Conditions

1. The product must be a biotechnology product (for example, DNA plasmid products, synthetic peptides of fewer than 40 amino acids, monoclonal antibodies for in vivo use, and recombinant DNA-derived products) that represents a significant advance in the treatment, diagnosis or prevention of a disease or condition, or have the potential to address an unmet medical need;

2. The product may not have been the subject of a previously granted request under this program;

3. The sponsor must submit a written request for the use of an independent consultant, describing the reasons why the consultant should be engaged (e.g., as a result of preliminary discussions with the Agency the sponsor expects substantial disagreement over the proposed protocol); and

4. The request must be designated as a "Request for Appointment of Expert Consultant" and submitted in conjunction with a formal meeting request (for example, during the end-of-Phase II meeting or a Type A, meeting).

C. Recommendations for consultants

The sponsor may submit a list of recommended consultants for consideration by the Agency. The selected consultant will either be a special government employee, or will be retained by FDA under contract. The consultant's role will be advisory to FDA and FDA will remain responsible for making scientific and regulatory decisions regarding the clinical protocol in question.

D. Denial of requests

FDA will grant the request unless the Agency determines that engagement of an expert consultant would not serve a useful purpose (for example it is clearly premature). FDA will engage the services of an independent consultant, of FDA's choosing, as soon as practicable. If the Agency denies the request, it will provide a written rationale to the requester within 14 days of receipt.

E. Performance goal change

Due to the time required to select and screen the consultant for potential conflicts of interest and to allow the consultant sufficient time to review the scientific issues involved, the performance goals for scheduling the formal meeting (see section III) may be extended for an additional sixty (60) days.

F. Evaluation

During FY 2006, FDA will conduct a study to evaluate the costs and benefits of this program for both sponsors and the Agency.

X. FIRST CYCLE REVIEW PERFORMANCE PROPOSAL

A. Notification of issues identified during the filing review

1. Performance Goal: For original NDA/BLA applications and efficacy supplements, FDA will report substantive deficiencies identified in the initial filing review to the sponsor by letter, telephone conference, facsimile, secure e-mail, or other expedient means.

2. The timeline for such communication will be within 14 calendar days after the 60 day filing date.

3. If no deficiencies were noted, FDA will so notify the sponsor.

4. FDA's filing review represents a preliminary review of the application and is not indicative of deficiencies that may be identified later in the review cycle.

5. FDA will provide the sponsor a notification of deficiencies prior to the goal date for 50% of applications in FY 2003, 70% in FY 2004, and 90% in FY 2005, FY 2006, and FY 2007.

B. Good review management principles guidance

FDA will develop a joint CDER–CBER guidance on Good Review Management Principles (GRMPs), and publish final guidance by the end of FY 2003. The Good Review Management Principles will address, among other elements, the following:

1. The filing review process, including communication of issues identified during the filing review that may affect approval of the application.

2. Ongoing communication with the sponsor during the review process (in accordance with 21 CFR 314.102(a)), including emphasis on early communication of easily correctable deficiencies (21 CFR 314.102(b)).

3. Appropriate use of Information Request and Discipline Review letters, as well as other informal methods of communication (phone, tax, e-mail).

4. Anticipating/planning for a potential Advisory Committee meeting.

5. Completing the primary reviews—allowing time for secondary and tertiary reviews prior to the action goal date.

6. Labeling feedback—planning to provide labeling comments and scheduling time for teleconferences with the sponsor in advance of the action goal date.

C. Training

FDA will develop and implement a program for training all review personnel, including current employees as well as future new hires, on the good review management principles.

D. Evaluation

FDA will retain an independent expert consultant to undertake a study to evaluate issues associated with the conduct of first cycle reviews.

1. The study will be designed to assess current performance and changes that occur after the guidance on GRMPs is published. The study will include collection of various types of tracking data regarding actions that occur during the first cycle review, both from an FDA and industry perspective (e.g., IR letters, DR letters, draft labeling comments from FDA to the sponsor, sponsor response to FDA requests for information).

2. The study will also include an assessment of the first cycle review history of all NDAs for NMEs and all BLAs during PDUFA III. This assessment will include a more detailed evaluation of the events that occurred during the review process with a focus on identifying best practices by FDA and industry that facilitated the review process.

3. The study will also include an assessment of the effectiveness of the training program implemented by FDA.

4. FDA will develop a statement of work for the study and will provide the public an opportunity to review and comment on the statement of work before the study is implemented. The consultant will prepare annual reports of the findings of the study and a final study report at the end of the 5-year study period. The full (un-redacted) study reports will be provided to the FDA Commissioner and a version of the study reports redacted to remove confidential commercial information or other information exempt from disclosure, will be made available to the public.

5. Development and implementation of the study of first cycle review performance will be a component of the Performance Management Plan conducted out of the Office of the Commissioner (see section X).

6. Administrative oversight of the study will rest in the Office of the Commissioner. The Office of the Commissioner will convene a joint CDER/CBER review panel on a quarterly basis as a mechanism for ongoing assessment of the application of Good Review Management Principles to actions taken on original NDA/BLA applications.

XI. IMPROVING FDA PERFORMANCE MANAGEMENT

A. Performance fund

The Commissioner will use at least $7 million over five years of PDUFA III funds for initiatives targeted to improve the drug review process.

1. Funds would be made available by the Commissioner to the Centers based both on identified areas of greatest need for process improvements as well as on achievement of previously identified objectives.

2. Funds also could be used by the FDA Commissioner to diagnose why objectives are not being met, or to examine areas of concern.

3. The studies conducted under this initiative would be intended to foster:

a. Development of programs to improve access to internal and external expertise

b. Reviewer development programs, particularly as they relate to drug review processes

c. Advancing science and use of information management tools

d. Improving both inter- and intra-Center consistency, efficiency, and effectiveness

e. Improved reporting of management objectives

f. Increased accountability for use of user fee revenues

g. Focused investments on improvements in the process of drug review

h. Improved communication between the FDA and industry

4. In deciding how to spend these funds, the Commissioner would take into consideration how to achieve greater harmonization of capabilities between CDER and CBER.

B. First two initiatives

Two specific initiatives will begin early in PDUFA III and supported from performance management initiative funds (1) evaluation of first cycle review performance, and (2) process review and analysis within the two centers.

1. First Cycle Review Performance

See the First Cycle Review Performance. (See section X. for details on this proposed study.)

2. Process Review and Analysis

a. In FY 2003, FDA will contract with an outside consultant to conduct a comprehensive process review and analysis within CDER and CBER. This review will involve a thorough analysis of information utilization, review management, and activity cost.

b. The review is expected to take from 18–24 months, although its duration will depend on the type and amount of complexity of the issues uncovered during the review.

c. The outcome of this review will be a thorough documentation of the process, a remap of the process indicating where efficiencies can be gained, activity-based project accounting, optimal use of review tools, and a suggested path for implementing the recommendations.

d. FDA would anticipate delivery of a report of the consultant's findings and recommendations in FY 2004–2005. The agency would consider these recommendations in planning any redesign or process re-engineering to enhance performance.

3. Further Studies

In subsequent years of PDUFA III, FDA may develop other study plans that will focus on further analysis of program design, performance features and costs, to identify potential avenues for further enhancement. Future studies would be likely to include a comprehensive re-analysis of program costs following the implementation of new PDUFA III review initiatives and the adoption of any process changes following the recommendations of the year 1 and 2 studies.

XII. ELECTRONIC APPLICATIONS AND SUBMISSIONS—GOALS

a. The Agency will centralize the accountability and funding for all PDUFA Information Technology initiatives/activities for CBER, CDER, ORA and OC under the leadership of the FDA CIO. The July 2001 HHS IT 5-year plan states that infrastructure consolidation across the department should be achieved, including standardization. The Agency CIO will be responsible for ensuring that all PDUFA III IT infrastructure and IT investments support the Agency's common IT goals, fit into a common computing environment, and follow good IT management practices.

b. The Agency CIO will chair quarterly briefings on PDUFA IT issues to periodically review and evaluate the progress of IT initiatives against project milestones, discuss alternatives when projects are not progressing, and review proposals for new initiatives. On an annual basis, an assessment will be conducted of progress against PDUFA III IT goals and, established program milestones, including appropriate changes to plans. A documented summary of the assessment will be drafted and forwarded to the Commissioner. A version of the study report redacted to remove confidential commercial or security information, or other information exempt from disclosure, will be made available to the public. The project milestones, assessment and changes will be part of the annual PDUFA III IT reports.

c. FDA will implement a common solution in CBER, CDER, ORA and OC for the secure exchange of content including secure e-mail, electronic signatures, and secure submission of, and access to application components.

d. FDA will deliver a single point of entry for the receipt and processing of all electronic submissions in a highly secure environment. This will support CBER, CDER, OC and ORA. The system should automate the current electronic submission processes such as checking the content of electronic submissions for completeness and electronically acknowledging submissions.

e. FDA will provide a specification format for the electronic submission of the Common Technical Document (e-CTD), and provide an electronic review system for this new format that will be used by CBER, CDER and ORA reviewers. Implementation should include training to ensure successful deployment. This project will serve as the foundation for automation of other types of electronic submissions. The review software will be made available to the public.

f. Within the first 12 months, FDA will conduct an objective analysis and develop a plan for consolidation of PDUFA III IT infrastructure and desktop management services activities that will assess and prioritize the consolidation possibilities among CBER, CDER, ORA and OC to achieve technical efficiencies, target potential savings and realize cost efficiencies. Based upon the results of this analysis, to the extent appropriate, establish common IT infrastructure and architecture components according to specific milestones and dates. A documented summary of the analysis will be forwarded to the Commissioner. A version of the study report redacted to remove confidential commercial or security information, or other information exempt from disclosure, will be made available to the public.

g. FDA will implement Capability Maturity Model (CMM) in CBER, CDER, ORA and OC for PDUFA IT infrastructure and investments, and include other industry best practices to ensure that PDUFA III IT products and projects are of high quality and produced with optimal efficiency and cost effectiveness. This includes development of project plans and schedules, goals, estimates of required resources, issues and risks/mitigation plans for each PDUFA III IT initiative.

h. Where common business needs exist, CBER, CDER, ORA and OC will use the same software applications, such as eCTD software, and COTS solutions.

i. Within six months of authorization, a PDUFA III IT 5-year plan will be developed. Progress will be measured against the milestones described in the plan.

XIII. ADDITIONAL PROCEDURES

A. Simplification of action letters

To simplify regulatory procedures, CBER and CDER intend to amend their regulations and processes to provide for the issuance of either an "approval" (AP) or a "complete response" (CR) action letter at the completion of a review cycle for a marketing application.

B. Timing of sponsor notification of deficiencies in applications

To help expedite the development of drug and biologic products, CBER and CDER intend to submit deficiencies to sponsors in the form of an "information request" (IR) letter when each discipline has finished its initial review of its section of the pending application.

XIV. DEFINITIONS AND EXPLANATION OF TERMS

A. The term "review and act on" is understood to mean the issuance of a complete action letter after the complete review of filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. A major amendment to an original application, efficacy supplement, or resubmission of any of these applications, submitted within three months of the goal date, extends the goal date by three months. A major amendment to a manufacturing supplement submitted within two months of the goal date extends the goal date by two months.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling
2. Draft labeling
3. Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission)
4. Stability updates to support provisional or final dating periods
5. Commitments to perform Phase 4 studies, including proposals for such studies
6. Assay validation data
7. Final release testing on the last 1–2 lots used to support approval
8. A minor reanalysis of data previously submitted to the application (determined by the agency as fitting the Class 1 category)
9. Other minor clarifying information (determined by the Agency as fitting the Class 1 category)
10. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry.

E. Class 2 resubmissions are resubmissions that include any other items, including any item that would require presentation to an advisory committee.

F. A Type A Meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (a "critical path" meeting).

G. A Type B Meeting is a 1) pre-IND, 2) end of Phase 1 (for Subpart E or Subpart H or similar products) or end of Phase 2/pre-Phase 3, or 3) a pre-NDA/BLA meeting. Each requestor should usually only request 1 each of these Type B meetings for each potential application (NDA/BLA) (or combination of closely related products, i.e., same active ingredient but different dosage forms being developed concurrently).

H. A Type C Meeting is any other type of meeting.

I. The performance goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplement.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 23, 2001 in Thibodaux, LA. A black woman was shot in the face with a paintball gun outside her home. Two teens were arrested and charged for aggravated battery in what police called a hate crime. The assailants were heard to have made comments about "wanting to shoot black people."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO THE HEROES OF D-DAY

Mr. BAUCUS. Mr. President, I rise today in commemoration of the 58th anniversary of the largest air, land, and sea invasion ever undertaken: D-Day.

This monumental task involved over 150,000 American, British, Canadian, Free French, and Polish troops. Each of these individuals took great risks, sacrificing themselves for the sake of freedom and democracy.

For many of the Americans storming the Utah and Omaha beach, D-Day offered their first glimpse of the enemy and death. Although, there had been extensive training and planning of the invasion, this was a challenge unlike any other. Facing incredible odds, natural obstacles and man-made fortifications, the allied troops secured a beachhead in Nazi occupied Europe from which to begin a western frontal attack. D-Day was a colossal moment where freedom and democracy regained a foothold in Europe at the cost of many brave individuals.

There are many heroes of D-Day; many we honored and remembered just a little over a week ago during Memorial Day weekend and others who are passing each day. I know it is my wish, as it must be for the other members of this body, that the valor and sacrifices of our Nation's fighting men and women are not forgotten. Each generation deserves to understand the important events that shaped the world we live in. I'm happy to see construction underway with the World War II monument on the National Mall. This will serve as another reminder to those of today and tomorrow of those who came before us and made, "For God and Country," the ultimate sacrifice.

On the anniversary of possibly the most difficult military invasion, I tip my hat in solemn remembrance to those who fought so bravely to protect freedom and liberty here and abroad. I also ask that all Americans take a moment to remember their sacrifices, which allowed the world to enjoy a greater freedom.

In conclusion, it is evident that following the savage attacks of September 11, new sacrifices lay ahead of us. As America rises to meet these challenges we can take solace in the model of courage and determination of those who gave their lives on the beaches of Normandy to protect our freedom.

Mr. JOHNSON. Mr. President, on this day 58 years ago, Allied forces began the D-Day invasion of Normandy, France. Given the importance of this event to our nation's history, we should take a moment today to remember and to honor those who sacrificed their lives on the beaches of France in the fight against the forces of fascism.

D-Day was the largest air, land, and sea invasion in history. More than 5,000 ships, 10,000 airplanes, and 150,000 troops participated in the invasion of June 6, 1944. Soldiers from America, Britain, Canada, and France worked in concert to storm the beaches of Normandy, overcome entrenched German defensive positions, and establish a beachhead from which France and all of Europe was liberated. The success of the D-Day invasion not only turned the tide of the war, but changed the course of history as well.

Exact casualties from the invasion have proven difficult to calculate. But upwards of 10,000 men were killed or wounded on the five beaches whose code names we have all come to know so well: Utah, Omaha, Gold, Juno, and Sword.

Today, we pause to honor all of those who participated in the Normandy invasion, including those who were killed, those who have died in the six decades since the invasion, and those who survive today to tell of their comrades' bravery and sacrifices. We owe a debt to each of these men that can never be fully repaid. Yet, I believe one of the best ways for us to pay our respect to these heroes, is to honor our commitments to our veterans and to those serving in the active duty and reserve.

In an attempt to thank the U.S. servicemembers who participated in the liberation of France, the French government is offering certificates to U.S. veterans who served in France, its territorial waters, or airspace between June 6, 1944 and May 8, 1945. I am working to make my constituents aware of these Thank-You-America Certificates so that all eligible South Dakota veterans get the recognition for their service that they deserve.

I know that my colleagues will join with me in commemorating the 58th anniversary of the D-Day invasion and honoring the veterans who answered our Nation's call to service on that fateful day.

ADDITIONAL COSPONSOR TO S. RES. 281

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Iowa, Mr. GRASSLEY, be added as a cosponsor to S. Res. 281. I ask unanimous consent that the RECORD to reflect that Senator GRASSLEY was inadvertently left off the list of original cosponsors to S. Res. 281 due to an error.

BACKGROUND CHECKS ARE NEEDED

Mr. LEVIN. Mr. President, an op-ed column in Tuesday's New York Times highlighted how fast, easy and unintrusive background checks for gun purchases can be if performed properly. Yet, this is not the story we are told by groups that oppose closing the gun show loophole. According to the National Rifle Association, background checks often take days to complete. But according to the Department of Justice, 95 percent of background checks are completed within two hours, and according to the Violence Policy Center, a vast majority of background checks are completed within a few minutes.

The New York Times op-ed also highlighted why it is so important that we conduct these checks at gun shows. The author, Nicholas Kristof, cited the availability of .50 caliber semiautomatic rifles and assault rifles which sellers claim are powerful enough to penetrate bulletproof glass. It is common sense to make sure that criminals and other restricted buyers are prohibited from buying such lethal weapons. While any legitimate purchaser can buy such weapons from a federally licensed dealer after an instant background check, they can also be purchased from an unlicensed dealer at any gun show without a background check.

According to Bureau of Justice Statistics, between 1994 and 1999, over 22 million background checks were completed and more than 536,000 felons, fugitives and other prohibited persons were prevented from illegally purchasing firearms. But convicted criminals and suspected terrorists have reportedly used the gun show loophole to purchase firearms and smuggle them out of the United States. For example, in Florida, a man accused of having ties to the Irish Republican Army testified that he purchased thousands of dollars worth of machine guns, rifles and high-powered ammunition at gun shows and proceeded to smuggle them to Ireland. A 1999 study by the Bureau of Alcohol, Tobacco and Firearms found 314 cases of fraud at gun shows, involving 54,000 guns. To help eliminate this type of activity, I cosponsored Senator REED's Gun Show Background Check bill to close the gun show loop hole. This bill simply applies existing law governing background checks to persons buying guns at gun shows. I cosponsored that bill because I believe it would prevent criminals from getting guns.

The gun show loophole is an even more serious problem if .50 caliber semiautomatic rifles are available for sale. Gun dealers recognize that these weapons represent a very dangerous amount of firepower. The .50 caliber rifle has apparently been promoted as a weapon able to "wreck several million dollars worth of jet aircraft with one or two dollars worth of cartridge." These weapons are among the most powerful, and least regulated, firearms legally available. According to one seller's Web site, "Never mind that the gun haters don't want you to have'em. Forget about the lily-livered whiners in Congress. Exercise your rights before it's too late." Even some dealers know that .50 caliber weapons are too powerful and too accessible to be ignored any longer. Tighter regulations are needed. That is why I cosponsored Senator

FEINSTEIN's Military Sniper Weapon Regulation Act. This bill would strengthen the regulation of long-range .50 caliber sniper weapons.

I believe both pieces of legislation are common sense steps to ensure that guns do not get into the hands of criminals and other prohibited buyers. I urge my colleagues to join me in supporting them and other pieces of common sense gun safety legislation.

ADDITIONAL STATEMENTS

TRIBUTE TO JOLENE FRANKEN

• Mr. HARKIN. Mr. President, next week will mark a new beginning for the Iowa State Education Association when Jolene Franken steps down as President. I would like to take this opportunity to recognize Jolene for her many accomplishments as a teacher and the outstanding job she has done as the head of the organization representing Iowa teachers. She has done Iowa proud.

We are all familiar with the expression that teachers touch the future. Whenever I see these words I think of teachers like Jolene Franken, a woman who is passionate about education and our children. As an elementary teacher for thirty years in Iowa, she has touched the lives of thousands of children.

Jolene Franken earned her Bachelor of Science degree at Greenville College in Greenville, IL and Masters Degree from Northwest Missouri State University. Jolene exemplifies life long learning and has participated in additional professional development activities at the University of Northern Iowa and University of Iowa.

Most of Jolene's career has been spent teaching first grade, but she is always open to new challenges. Most recently, she taught academically talented elementary students in the Denison Community School District's Extended Learning Program. Jolene has also been active in the creative problem solving competition, "Destination Imagination," and has served as coach of the Iowa team for five years. Her Destination Imagination teams have participated in two World Championships. She has also been a driving force behind the Iowa State Academic Decathlon since its inception.

Jolene has also been an active member of the Iowa State Education Association and National Education Association throughout her career where she has held numerous offices. As President of ISEA for the past four years, she has been a tireless advocate for children and public education. She has fought to increase awareness of the teacher shortage in Iowa, fought to increase teachers' salaries and has pushed for quality teacher mentor programs.

As a first grade teacher, Jolene understands the importance of reading and has been an avid participant in NEA's Read Across America Day. Every year on Dr. Seuss' birthday, Jolene dons a "Cat in the Hat" costume to visit Iowa schools and read to the children.

I commend and thank Jolene for her hard work to improve Iowa schools and educate Iowa's youth. Jolene's community, her State and her country are better off because of her years as an educator and leader for the futures of all of our children. While I have highlighted some of her accomplishments and interests over the years, the list is so much longer, and I speak from the heart when I say she will be missed. I know she will continue to be active on behalf of Iowa's children

I also know that ISEA will be in good hands as John Hieronymus takes over as President. John is a math teacher from Iowa City and has served as vice-president of the organization for the past several years. Jolene Franken is a tough act to follow, but I know he is more than prepared to take on the challenging mission of leading ISEA.•

COMMEMORATING THE 58TH ANNIVERSARY OF THE NORMANDY D-DAY INVASION ON JUNE 6, 1944

• Mr. THURMOND. Mr. President, I rise today to commemorate an event that took place 58 years ago today. Of course, I am speaking about the invasion of Normandy on D-Day, June 6, 1944. The magnitude of the event, its scope and complexity, even now, instills a sense of awe in all of us. It remains the largest air, land, and sea invasion ever undertaken. The invasion force of over 150,000 soldiers was supported by over 5,000 ships and 10,000 airplanes. These troops were from the United States, Britain, and Canada and included Free French and Polish forces under the overall command of General Dwight David Eisenhower.

The invasion sites, from west to east, were designated as Utah, Omaha, Sword, Juno, and Gold. The British Second Army was responsible for Sword, Juno, and Gold, while the U.S. First Army was responsible for Utah and Omaha. The U.S. 1st and 29th Infantry Divisions landed at Omaha Beach, the U.S. 4th Infantry Division came ashore on Utah. The 82nd and 101st Airborne Division were dropped behind the beaches. I might add that some of the Airborne troops arrived by glider, an operation in which I was a participant.

Although the invasion was ultimately successful, it was a very hard fought battle with many challenges. However, the individual initiative and courage of common soldiers saved the day. Many were teenagers or just in their twenties; most were frightened and on foreign soil under fire for the first time. Actions of courage and bravery were everywhere.

Now it seems so long ago, but I vividly remember this event. I remember these gallant men and their heroic actions. I remember those that paid the ultimate price for our freedom. During this military operation I landed at Normandy with the Glider Infantry of the 82nd Airborne Division, First U.S. Army. I am proud to have been a part of that endeavor and bear witness to the heroism and gallantry demonstrated that day.

One of the most challenging and rewarding experiences of my life has been to serve my Nation as an Officer in the U.S. Army. Although it has been many years since I last wore an Army uniform, my love for the service and pride in its heritage remain as strong today as it was when I was commissioned a Second Lieutenant. As I think about the sacrifice being made today by a new generation, I continue to remember the great effort and sacrifice made by so many young lives at Normandy. They paid the ultimate price for the freedoms we continue to enjoy today.

With each passing year, the number of Normandy Invasion veterans grows smaller. This is the final opportunity that I will have, as a Member of the Senate, to mark the anniversary of this occasion. I call upon my Senate colleagues and all Americans to never forget what happened on those French beaches 58 years ago. I encourage all Americans to remember the courageous men who fought and those who died to defend our liberties.•

TO COMMEMORATE THE DEDICATION AND UNVEILING OF THE DETROIT ARSENAL TANK PLANT HISTORICAL MARKER

• Mr. LEVIN. Mr. President, I rise today to call my colleagues' attention to a significant event taking place in my home state of Michigan. On June 6, 2002 in the City of Warren, elected officials, business and community leaders, and members and staff of the Tank-Automotive and Armaments Command, will join with the Warren Historical Commission and the Michigan Historical Commission to dedicate and unveil a Historical Marker at the Detroit Arsenal Tank Plant site. Also joining them will be veterans and former workers of the Tank Plant who well remember the contributions of this facility to the American war effort. Together, they will reflect back over 60 years ago, when on 113 acres of farmland in what was then Warren Township, the Detroit Tank Arsenal emerged as the nation's largest defense plant. And they will note that the Tank Arsenal marked the beginning of a legacy of how government and business can unite for the common purpose of equipping our military and advancing our defense capability.

The Detroit Tank Arsenal success story began in 1940 when the U.S. Army contracted with the Chrysler Corporation to create a separate armored force of ground vehicles. Albert Kahn was called upon to design the mammoth structure needed to mass produce the Army's tanks and when it was completed it was the largest building of its type in all the world. The first prototype rolled off the assembly line on Good Friday, April 11, 1941. By early December 1941, the plant had shipped its 500th tank. Production continued to increase to a total of five assembly lines, and in December 1942, the plant set an all-time monthly production record by delivering 907 Sherman tanks.

President Roosevelt visited the Detroit Tank Arsenal in 1942 as part of his tour of the nation's defense facilities. He made the plant his first stop, touring the operations and watching the tanks run along the arsenal's test tracks. After returning to Washington, the president called the Detroit Tank Arsenal "an amazing demonstration of what can be done by the right organization, spirit and planning." FDR further proclaimed the Detroit Arsenal Tank Plant in Warren "The Arsenal of Democracy."

During World War II the Detroit Arsenal lived up to its motto "Enough and On Time" by delivering more than 22,234 tanks such as the Sherman. Production continued through the Korean and Vietnam Wars, throughout the Cold War, and right into Desert Storm. By 1996, however, all tank manufacturing ceased at this facility. But the Tank-Automotive Center that was created through the Arsenal in 1942 has evolved into the Tank-Automotive and Armaments Command which is housed close to the original plant site. I am sure that my Senate colleagues join me in paying tribute to the great history of the Detroit Arsenal Tank Plant and in celebrating the future of progress that it opened to us.●

COMMUNITY HEROS

● Mr. SMITH of Oregon. Mr. President, today I salute a community leader in my home State of Oregon. Today, I want to recognize the efforts of Susan Abravanel, Education Coordinator at SOLV, a non-profit organization in Oregon, in advocating for service-learning, one of the most exciting educational initiatives taking hold in our nation today.

Service-learning gives students the opportunity to learn through community service, but it is important to note that it is much more than just community service, Mr. President—it is a method of classroom instruction that engages a student's intellect through hands-on work outside the classroom that benefits the community at large. Research shows that students participating in service-learning make gains on achievement tests, complete their homework more often, and increase their grade point averages.

In addition to producing academic gains, service-learning is also associated with both increased attendance and reduced dropout rates. It is clear to educators across the country that service-learning helps students feel more connected to their own education while strengthening their connection to their community as well. It is for all of these reasons that Susan Abravanel is working so hard to advocate for service-learning in classrooms in Oregon and across the nation.

Ms. Abravanel is working closely with my office and with education leaders in Oregon to ensure that my home state remains a national leader in service-learning. Just two months ago, I introduced a bill with my colleague, Senator EDWARDS, to strengthen our nation's commitment to service-learning. I feel confident that this bill will soon become law and that with Ms. Abravanel's continued efforts both here in Washington, D.C. and at home in Oregon, students will continue to benefit from an education tied to civic engagement.

Ms. Abravanel exemplifies the type of engaged citizen our schools must endeavor to produce, and her persistence will ensure that future generations of Americans will give back to their communities just as she has. I would also like to note that Susan isn't just concerned about education—her interests and efforts in Portland's Jewish community are well known and highly appreciated—she is the new President of the Oregon chapter of the American Jewish Committee. I look forward to working with Susan in her new role at the AJC and thank her for her continuing devotion to service-learning.●

THE DEATH OF LEW R. WASSERMAN

● Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to my dear friend and a true Hollywood legend: Lew Wasserman, a man who stood as a giant among giants. On Monday, June 3rd, Lew passed away at his home from complications of a stroke.

My heart goes out to his wife Edie, daughter Lynne Kay Wasserman, his grandson Casey and granddaughter Carol Leif, and to members of his extended family.

Lew was a great pioneer in the entertainment industry. He began his career in show business while in high school, working as an usher at the Palace Theater in Cleveland.

Together Lew and Dr. Jules Stein built the world's largest talent agency representing such legends as Bette Davis, James Stewart, Alfred Hitchcock, Tommy Dorsey, Kay Kyser, and Errol Flynn to name a few.

He also built a conglomerate of motion picture and television companies that produced the memorable hit movies "American Graffiti", "ET—the Extra Terrestrial" and "Schindler's List."

Without question Lew Wasserman was one of the most powerful and influential people in the entertainment industry, and his presence and leadership will be truly missed.

I am certain that his memory and good works will live on and continue to touch and improve the lives of people everywhere.

To list Lew's accomplishments does not come near to his contributions to our great nation.

Although Lew was unable to afford college, he was inspired to donate millions of dollars for undergraduate scholarships at UCLA. Indeed, few people have been as big-hearted and giving as Lew and his wife Edie.

Together they have given millions of dollars to a myriad of philanthropic causes including the Motion Picture & Television Hospital in Woodland Hills.

Lew was instrumental in building the Dorothy Chandler Music Center in Los Angeles and served as a trustee of the John F. Kennedy Center for the Performing Arts and the California Institute of Technology.

I know that the Wasserman family will continue the legacy of philanthropic giving.

Lew also was very active in the foundation, Research to Prevent Blindness for which he was awarded the Presidential Medal of Freedom, the country's highest civilian honor, by former President Clinton.

Throughout his distinguished career, Lew was often called upon by important leaders in our country including former Presidents Clinton, Reagan, Carter and Lyndon B. Johnson, who wanted him as his Secretary of Commerce.

Despite his retirement, Lew was a man of tireless energy. He was an avid and effective mediator during the labor tensions last year, when major studios were negotiating with writers and actors, Lew privately advised both sides to compromise, avoiding a strike that could have potentially paralyzed the economy of California.

Simply put Lew Wasserman was a great American. His legacy is one of inspiring leadership and extraordinary accomplishment.

I am proud to say Lew was a loyal and good friend. Lew set a high standard and his passing has left an enormous void to fill.

I know the next few weeks and months will be difficult for Edie and the rest of the Wasserman family. But as they grieve, I hope they find comfort in knowing what a wonderful contribution Lew made to the world around him.●

HOUSTON DIGITAL BROADCAST

• Mrs. HUTCHISON. Mr. President, I rise today to congratulate the city of Houston on its recent designation as a "Digital Television Zone." Viewers in Houston are fortunate to be served by local television stations that are broadcasting in digital. These stations are: KPRC, the NBC affiliate; KHOU, the CBS affiliate; KRIV, the local FOX station; KTRK, the local ABC owned and operated station; KTXH, a FOX owned UPN affiliate; and KUHT, the local PBS station.

I would like to especially note KPRC, a Post-Newsweek owned NBC affiliate, where I had the privilege to work in a former life as a journalist.

As the broadcast industry undertakes its transition to digital television, I am proud to say all these local Houston stations are already fully on the air in digital. For those not familiar with digital television, it is the next step in the evolution of television. Just as other communication mediums are moving from an analog to a digital format, television is too.

This year, coverage of the Olympics' opening ceremonies and the NCAA Men's Basketball Championship was broadcast in High-definition digital television. Today, Houston viewers can watch popular programs like "Drew Carey," "NYPD Blue," and "the Tonight Show" in High Definition TV. Programming like this will propel the transition forward and encourage consumers to invest in digital technology—like their local broadcasters have done already.

In January, as one of only three cities in the country with all affiliates on the air in digital, Houston earned the distinction of being designated a "Digital TV Zone." Houston broadcasters pooled their resources over the past year to educate Houston consumers about digital TV technology and its benefits. The local stations cooperated with electronics manufacturers and retailers to post digital sets in high traffic areas throughout the city.

Houston broadcasters are doing their part to launch the digital television future. As with other technological advances, there will be challenges before consumers can fully benefit from everything digital TV offers. There are issues about making digital television sets capable of communicating with digital VCRs and DVD players. There are questions about the availability of digital tuners in new TV sets. Importantly, American consumers will need to embrace digital television. Despite these remaining questions, I am proud to say that Houston broadcasters are ready for the digital future.•

DEFENDING THE 939TH AIR RESCUE WING

• Mr. SMITH of Oregon. Mr. President, I rise today to introduce an amendment with Senator WYDEN to preserve a truly invaluable search and rescue capability in the Pacific Northwest.

On May 30, all eyes in Oregon and across the Nation watched as brave Oregonians put themselves in harms way to rescue climbers on Mt. Hood. The rescuers included members of the Oregon National Guard, the Portland Mountain Rescue, and the Air Force Reserve 939th Air Rescue Wing, whose members have been lauded for scores of rescues on Mt. Hood and the Oregon Coast, not to mention rescues in our neighboring state of Washington.

Last week, nine climbers were swept into a 20-foot deep crevasse on Mt. Hood. Tragically three of the climbers did not survive, but the stills of the rescuers ensured that others would survive. The rescue last week highlighted the skills of the Rescue Wing and the importance Oregonians placed on the Wing's capabilities in the region. While adverse wind conditions most likely sent one of the helicopters into an inevitable crash, the highly skilled pilot of the 939th ensured that the crew survived and that all on the ground were unharmed.

This happened just one week after the 939th rescued a sick climber from Mt. Hood's Sandy Glacier. I believe this rescue highlights the Wing's capabilities. Late in the evening, the 304th Rescue Squadron used it night vision capabilities to spot the climber at an elevation of 8,750 feet. The Pave Hawk, equipped with a hoist, lowered down Steve Rollins of Portland Mountain Rescue onto the Glacier to assess the climber. After being secured to the hoist, the climber and rescuer were raised into the helicopter and transported to safety.

Oregonians were devastated to hear of Air Force plans to take away the 939th Search and Rescue Wing out of the State to move it to Florida.

Oregonians realize that the 939th's mission is to rescue our brave men in combat. In fact, we believe that the members of the 939th are among the very best trained in the Nation. We know this because we know the Oregon terrain and we have witnessed firsthand their skill under most challenging conditions.

The decision to move the 939th came about in December 2000—ten months prior to a day that has changed our understanding of national security and defense needs. We have been at war since September 11. We need to keep the highly trained combat search and rescuers who are ready to serve at a moment's notice. A new active duty wing would neither be ready today nor tomorrow, not next week nor next month. It would take two years to stand up a new active duty rescue wing. We not only need assets in places abroad where al Quaeda members train, but we need a capability at home to support homeland security needs.

I have not seen enough evidence to make me believe that changing the mission of a CSAR Wing would be advantageous to the United States in wartime.

In the wake of September 11, the President established the White House Office of Homeland Security and the Homeland Security Council to ensure that our Federal response and protection efforts are coordinated and effective. The President also directed Homeland Security Advisor Tom Ridge to determine if the current government structure allows us to meet the threats of today while anticipating the unknown threats of tomorrow. I question why the Air Force has not done the same.

I understand that my original amendment was not considered germane. This amendment would have prevented any funds from being made available for this conversion. The amendment the managers accepted requires the Secretary of the Air Force to certify that a comparable search and rescue capability is available in the 939th Combat Search and Rescue Wing's area of responsibility and that any new aircraft assigned to the unit will comply with local environmental and noise standards, and that the Air Force has developed a plan for the transition of personnel currently assigned to the unit.

I appreciate the assistance from Senators STEVENS, INOUYE, and BYRD and look forward to working with them on this important issue.

Let me close by illustrating why this is so important to me and all Oregonians. The pioneer spirit of the Oregon Trail did not end with the settlement of the valleys of Oregon. That spirit and bravery is very much still alive in my state. But Oregonians cannot go any further west. They can only go up, into the skies and into the mountains. It is there that the modern-day pioneers meet with both triumph and tragedy, and their lessons are learned.

The lessons of last week on Mt. Hood are harsh ones that remind us of human frailty and the unbending forces of nature. Not unlike the tragic events of the last year, what I saw in the recovery on Mt. Hood also illustrates the bravery and compassion inherent in us all, and I want that spirit to continue in Oregon.

This is the spirit that is the bedrock of America's Armed Forces. It is clear to me that removing the 939th from Oregon would truly be a tragedy without a lesson.•

THE RETIREMENT OF MAJOR GENERAL HAROLD TIMBOE, USA

• Mr. THURMOND. Mr. President, I rise today to recognize an American who has honorably served our Nation for 34 years—Major General Harold L. Timboe, United States Army Medical

Corps, Commanding General, North Atlantic Regional Medical Command and Walter Reed Army Medical Center, Washington, D.C.

A native of Long Beach, CA, General Timboe attended the United States Military Academy at West Point, New York, where he earned a Bachelor of Science Degree in 1968. He started his Army career as an Air Defense Artillery officer with assignments in Saudi Arabia and Vietnam. Following graduation from the University of Texas Medical School in 1978 and his residency, Major General Timboe served with distinction in a variety of leadership and executive positions including the following: Corps Surgeon, XVIII Airborne Corps, Operation Desert Storm; Commanding General, 44th Medical Brigade, Fort Bragg, NC; Commanding General, Great Plains Regional Medical Command, Fort Sam Houston, TX; culminating as the Lead Agent, TRICARE Northeast, Region 1, headquartered at Walter Reed Army Medical Center.

In his most recent position Major General Timboe directed the integration of the National Capital Area Composite Health Care System across the Army, Navy, Air Force, and Coast Guard services, which includes 77 work centers between National Naval Medical Center, Bethesda, Malcom Grow Medical Center, Walter Reed Army Medical Center and their 41 Satellite facilities. Through his distinctive accomplishments, Major General Timboe reflected great credit upon himself, the United States Army, and the Department of Defense.

General Timboe's accomplishments and service have been recognized in numerous military awards. He has been awarded the Legion of Merit with four Oak Leaf Clusters, Bronze Star with one Oak Leaf Cluster, Meritorious Service Medal with three Oak Leaf Clusters, Air Medal, Joint Service Commendation Medal, Army Commendation Medal, Army Achievement Medal, Vietnam Service Medal, Humanitarian Service Medal, Armed Forces Expeditionary Medal, Southwest Asia Service Medal, Expert Field Medical Badge, Flight Surgeon Badge, U.S., British, and German Parachutist Badges, and the Army Staff Identification Badge.

Major General Timboe and his wife Donna are to be commended for their dedication and contribution to our Nation. Major General Timboe's service to his country has been exemplary and in the finest traditions of the United States Army. I extend my appreciation to General Timboe, and congratulate him as he retires from his distinguished military career. I wish him and his family well in their future endeavors as they enter a new phase of their lives in Texas.●

TRIBUTE TO CLARENCE B. CRAFT

● Mr. HUTCHINSON. Mr. President, it is with great pride, but with a heavy heart that I rise today to pay tribute to one of America's greatest heroes and fellow Arkansan, Clarence B. Craft. Mr. Craft passed away on March 28, 2002, but left behind a legacy of kindness and courage. Though he was born in California, he spent the last twenty-five years of his life in northwest Arkansas giving selflessly of his time as a volunteer for the Veterans' Affairs Medical Center in Fayettville. He will be remembered as a true and dedicated friend to the veterans, one who lifted their spirits with personal visits, often visiting every patient in the hospital. After his passing, those who knew him characterized Clarence as a "special man."

Clarence Craft was an extremely humble person, and rarely talked about the accolades that made this great American truly special. On May 31, 1945, then-Private First Class Craft faced a numerically superior Japanese force on the island of Okinawa. PFC Craft's one-man attack against a Japanese defense that had repelled repeated, heavy assaults by battalion-sized U.S. formations for 12 days, resulted in the entire defensive line crumbling. For these heroic acts Clarence Craft was recognized with our nation's highest award for actions above and beyond the call of duty, the Congressional Medal of Honor.

Let the record show on behalf of a grateful nation, that the U.S. Senate pays tribute to Clarence B. Craft, an American hero. He will be sorely missed.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NINTH BIENNIAL REPORT OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE FROM FEBRUARY 1, 2000 THROUGH JANUARY 31, 2002—PM 89

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Government Affairs:

To the Congress of the United States:

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4107(b)), I transmit herewith the Ninth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 2000, to January 31, 2002).

GEORGE W. BUSH.
THE WHITE HOUSE, *June 6, 2002.*

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING FOR CALENDAR YEAR 2001—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102–356), I transmit herewith the report of the Corporation for Public Broadcasting for calendar year 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 6, 2002.*

MESSAGE FROM THE HOUSE

At 1:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4664. An act to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, June 6, 2002, by the President pro tempore (Mr. BYRD).

H.R. 1366. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building."

H.R. 1374. An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building."

H.R. 3448. An act to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

H.r. 3789. An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building."

H.R. 3960. An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building."

H.R. 4486. An act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building."

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4664. An act to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4800. An act to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

H.R. 4823. An act to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TORRICELLI (for himself and Mr. CLELAND):

S. 2593. A bill to protect diverse and structurally complex areas of the seabed in the United States exclusive economic zone by establishing a maximum diameter size limit on rockhopper, roller, and all other ground gear used on bottom trawls; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. CRAPO, Mr. ENSIGN, Mr. BENNETT, Mr. ALLARD, and Mr. CRAIG):

S. 2594. A bill to authorize the Secretary of the Treasury to purchase silver on the open market when the silver stockpile is depleted, to be used to mint coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:

S. 2595. A bill to authorize the expenditure of funds on private lands and facilities at Mesa Verde National Park, in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. JEFFORDS, Mr. TORRICELLI, Mr. CORZINE, Mr. BIDEN, and Mr. DURBIN):

S. 2596. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Finance.

By Mr. CRAIG (for himself, Mrs. MURRAY, Mr. BURNS, Mr. CRAPO, Mr. MURKOWSKI, and Ms. CANTWELL):

S. 2597. A bill to authorize a 3-year demonstration program to recruit and train physicians to serve in a rural setting; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. INOUYE, Mrs. CLINTON, Mr. BINGAMAN, and Mrs. BOXER):

S. 2598. A bill to enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. KYL, and Mr. CRAPO):

S. 2599. A bill to establish the Water Supply Technologies Program within the Office of Energy Efficiency and renewable Energy of the Department of Energy, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURNS (for himself and Mr. INOUYE):

S. Con. Res. 119. A concurrent resolution honoring the United States Marines killed in action during World War II while participating in the 1942 raid on Makin Atoll in the Gilbert Islands and expressing the sense of Congress that a site in Arlington National Cemetery, near the Space Shuttle Challenger Memorial at the corner of Memorial and Farragut Drives, should be provided for a suitable monument to the Marine Raiders; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 860

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1284

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1284, a bill to prohibit employment discrimination on the basis of sexual orientation.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1549

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1549, a bill to provide for increasing the technically trained workforce in the United States.

S. 1818

At the request of Mr. DURBIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1818, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 1867

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 1922

At the request of Mr. HUTCHINSON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1922, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1992

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1992, a bill to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans, and for other purposes.

S. 2003

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of S. 2003, a bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes.

S. 2010

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2010, a bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes.

S. 2051

At the request of Mr. REID, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2059

At the request of Ms. MIKULSKI, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2059, a bill to amend the Public Health Service Act to provide for Alzheimer's disease research and demonstration grants.

S. 2070

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Vermont (Mr. JEFFORDS) , the Senator from Michigan (Mr. LEVIN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2070, a bill to amend part A of title IV to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

S. 2116

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2116, a bill to reform the program of block grants to States for temporary assistance for needy families to help States address the importance of adequate, affordable housing in promoting family progress towards self-sufficiency, and for other purposes.

S. 2135

At the request of Mr. BAUCUS, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2135, a bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain medicare rural grants.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2211

At the request of Mr. HUTCHINSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2211, a bill to amend title 10, United States Code, to apply the additional retired pay percentage for extraordinary heroism to the computation of the retired pay of enlisted members of the Armed Forces who are retired for any reason, and for other purposes.

S. 2218

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2218, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the medicare program, and for other purposes.

S. 2233

At the request of Mr. THOMAS, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2233, a bill to amend title XVIII of the Social Security Act to establish a medicare subvention demonstration project for veterans.

S. 2239

At the request of Mr. SARBANES, the names of the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Maine (Ms. COLLINS), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2239, a bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

S. 2250

At the request of Mr. CORZINE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2250, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 2455

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2455, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 2536

At the request of Ms. STABENOW, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 2536, a bill to amend title XIX of the Social Security Act to clarify that section 1927 of that Act does not prohibit a State from entering into drug rebate agreements in order to make outpatient prescription drugs accessible and affordable for residents of the State who are not otherwise eligible for medical assistance under the medicaid program.

S. 2548

At the request of Mr. BINGAMAN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. REED), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2548, a bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes.

S. 2554

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Idaho (Mr. CRAPO), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 2554, a bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

S. 2572

At the request of Mr. KERRY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 2591

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2591, a bill to reauthorize the Mammography Quality Standards Act, and for other purposes.

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

S. RES. 281

At the request of Mr. LEVIN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 281, a resolution designating the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week."

AMENDMENT NO. 3566

At the request of Mr. BINGAMAN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of amendment No. 3566 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3667

At the request of Mr. STEVENS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of amendment No. 3667 proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3671

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of amendment No. 3671 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3672

At the request of Mr. CLELAND, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of amendment No. 3672 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3700

At the request of Mr. SMITH of Oregon, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3700 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3704

At the request of Mr. MCCAIN, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 3704 proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3727

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of amendment No. 3727 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3729

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from California (Mrs. BOXER), the Senator from South Dakota (Mr. DASCHLE), the Senator from Vermont (Mr. LEAHY), the Senator from Ohio (Mr. DEWINE), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. SARBANES), the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mr. SCHUMER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Delaware (Mr. BIDEN), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 3729 proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

At the request of Mr. SMITH of Oregon, his name was added as a cosponsor of amendment No. 3729 proposed to H.R. 4775, supra.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 3729 proposed to H.R. 4775, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 3729 proposed to H.R. 4775, supra.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 3729 proposed to H.R. 4775, supra.

AMENDMENT NO. 3732

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 3732 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3755

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of amendment No. 3755 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself and Mr. CLELAND):

S. 2593. A bill to protect diverse and structurally complex areas of the seabed in the United States exclusive economic zone by establishing a maximum diameter size limit on rockhopper, roller, and all other ground gear used on bottom trawls; to the Committee on Commerce, Science, and Transportation.

Mr. TORRICELLI. Mr. President, our oceans are one of America's most precious and valuable resources. For hundreds of millions of people, our coastal waters are a place of relaxation, recreation, and rejuvenation. The oceans are also a tremendous supply of fish and other seafood, many caught by commercial fishers and others by recreational sportsmen and hobbyists.

There is a growing concern, however, about protecting ocean habitat from the damaging effects of some types of commercial fishing gear. The manner in which these concerns are presently being handled by the National Marine Fishery Service has led to a great deal of confusion and litigation. Therefore, in an effort to protect important ocean substrates that are recognized as critical areas of marine habitat, I, with my colleague, Senator MAX CLELAND of Georgia, am introducing a bill today that takes a much more direct approach.

I have received many letters from constituents in my home State of New Jersey who are concerned about the use of "rock hopper" nets in the New York Bight area and elsewhere. They have chronicled the negative effects of this gear and the damage they see occurring as a result of its use. In response to their concerns I feel compelled to introduce in the Senate companion legislation to Congressman JOEL HEFLEY's Sea Bed Protection Act of 2002, which he introduced recently in the House. This bill will amend the Magnuson-Stevens Fishery Conservation Act by reining in the use of this damaging fishing gear.

Rock hopper nets are used in hard-bottom areas where naturally occurring vertical structures prevents the use of more conventional trawl gear. The rock hopper incorporates a series of rollers that act like the drum on the front of a steamroller. While operating, the rollers prevent the net from becoming entangled by guiding it up and over obstructions. While it is effective at catching fish, it is equally effective at damaging the sea floor where it is used.

It has been clearly documented that rock hopper nets kill clinging organisms and living corals, the very things that attracted the fish they were designed to catch in the first place. The heavy rollers and sweeps that guide the nets crush marine life and can even flatten bottom topography.

When a specific piece of equipment is demonstrated to be harmful to marine life or the marine environment, it is common sense to stop using it and find a more ecosystem-friendly method of harvesting fish for the market. It is folly to allow the continued use of fishing gear that has an uncontrollable level of bycatch of that is damaging to the very habitat necessary for the fish it catches to grow and reproduce. Rock hopper nets are clearly a threat to fragile habitats that are particularly important to a healthy marine ecosystem. The Sea Bed Protection Act will limit their use and protect critical habitat, while highlighting our concern for the broader issues of sustainable fisheries and habitat protection.

By Mr. REID (for himself, Mr. CRAPO, Mr. ENSIGN, Mr. BENNETT, Mr. ALLARD, and Mr. CRAIG):

S. 2594. A bill to authorize the Secretary of the Treasury to purchase silver on the open market when the silver stockpile is depleted, to be used to mint coins; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REID. Mr. President, I rise today to introduce the Support of American Eagle Silver Bullion Program Act. The American Eagle Silver Bullion Program was originally created in 1985 to provide a vehicle for investors who wish to invest in silver, and to deplete the Defense Logistics Agency's Strategic and Critical Materials Stockpile. As many investors in silver bullion know, since its inception, the American Eagle Silver Bullion Coin Program has grown to become the largest and most successful coin program in the United States, generating millions of dollars in revenue each year. In fact, between 1995 and 2001, the American Eagle Silver Coin program has generated revenues of over $264 million, much of which has been used to pay down the national debt.

Ironically, the success of this program threatens its future, because it has also fulfilled its secondary purpose, depleting the Strategic and Critical Materials Stockpile. The authorizing language for the American Eagle Silver Bullion Program mandates that silver to mint the coins may only be drawn from the stockpile. Legislation is needed to allow the program, which is so beneficial to both investors and the government, to continue.

The Support of American Eagle Silver Bullion Program Act will allow the U.S. Mint to continue the American Eagle Silver Bullion Program by authorizing them to purchase silver on the open market. Given the dual purposes of the program's birth, it is only fitting that its rebirth will also have two results. Not only will the program be able to continue to serve the needs of investors and the government, it will also provide a needed boost to the nation's silver mining industry. It is estimated that the Mint will purchase approximately 9 million ounces of silver per year for the American Eagle Silver Bullion Program. As the largest silver producing state in the nation, representing approximately 34 percent of the United States' silver production, Nevada will lead the other 12 silver producing states in supplying this successful program.

By Mr. CAMPBELL:

S. 2595. A bill to authorize the expenditure of funds on private lands and facilities at Mesa Verde National Park, in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, today, I am introducing a very simple and important bill that will aid in our Nation's understanding of an ancient time.

The 52,000 acre Mesa Verde National Park in southwestern Colorado holds one of the most unique archaeological sites in the world. The culture represented at Mesa Verde reflects more than 700 years of history. People lived and flourished in communities in the area from around 400 A.D. through 1300 A.D.

Eventually, the people there built elaborate stone villages in the sheltered alcoves of the canyon walls that are today regarded as "cliff dwellings." The villagers lived in the cliff dwellings during the last 100 to 125 years of occupation at Mesa Verde. Within the span of two generations, in the late 1200s, the people left their homes and moved away. However, they left behind a literal treasure trove of artifacts in the ruins, artifacts that are still being collected and studied to this day.

Our Nation's first conservationist and fellow Republican, President Theodore Roosevelt established the Mesa Verde National Park in 1906. Since that time, countless artifacts have been carefully excavated and catalogued.

Unfortunately, those priceless treasures have not had a suitable home, and instead have been housed in what effectively is a tin shed built in the 1950s, which has since become infested with mice. The tin shed lacks proper temperature and humidity controls in an area where the humidity can swing from seventeen to eighty percent in a short time. A tin shed is no place to store 800 year old corn and yucca leaves or clay pot artifacts, especially considering such drastic and damaging climate changes.

My bill provides the Secretary of the Interior with the authority to collect and expend donated funds for the design and construction and associated costs to build a visitors center. The legislation provides no Federal money for this much needed project, but allows for Interior to partner with devoted non-profit historical and cultural organizations, especially the Mesa Verde Foundation.

The visitors center will be located on land owned by the Foundation adjacent to the entrance of the park. The proximity of the cultural and visitors center to the cliff dwellings will allow archeologists, students, and visitors an open and accessible window to the lives of indigenous and prehistoric people.

I am proud to follow in the footsteps of fellow conservationist, Teddy Roosevelt, and ask the Senate for quick passage of this important bill. Thank you, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2595

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

The Secretary of the Interior is authorized to collect and expend donated funds and expend appropriated funds for the design, construction, maintenance, and operation of a cultural center and related facilities to be constructed to accommodate visitors, to protect artifacts and archival materials, and for the administration of Mesa Verde National Park on privately owned lands located outside and adjacent to the boundary of the park.

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. JEFFORDS, Mr. TORRICELLI, Mr. CORZINE, Mr. BIDEN, and Mr. DURBIN):

S. 2596. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Finance.

Mrs. BOXER. Mr. President, today I am pleased to introduce a bill that addresses a critical gap that now exists in the funding for the clean-up of the Nation's most toxic waste sites. The Toxic Clean-up Polluter Pays Renewal Act restores the fees on oil, chemical and other industries to ensure that the Superfund trust fund is solvent, and that polluters, not the American Taxpayers, bear the burden of cleaning up sites that pose a threat to the health and safety of our communities.

I am also pleased to be joined in this effort by the ranking member of the Superfund Subcommittee, Senator CHAFEE as well as the chairman of the Environment and Public Works Committee, Senator JEFFORDS. As Chair of the Superfund Subcommittee, I thank them for joining me in this effort.

Senators TORRICELLI, CORIZINE, and BIDEN are also cosponsers.

The threats posed by Superfund sites affect communities in every corner of the country. One in every four Americans lives within four miles of a Superfund site. That's 70 million Americans, including 10 million children, who are at risk of cancer and other health problems.

My State of California has the second highest number of Superfund sites in the country after New Jersey. And more than 40 percent of Californians live within four miles of a Superfund site.

Anyone who lives anywhere near a Superfund site knows about the terrible damage these industrial sites do to the community. Parents worry if their kids are safe when they find out there is a toxic mess down the street; real estate values go down the drain; and major challenges must be overcome to get the responsible parties to own up to their responsibility.

Fortunately, after Love Canal in 1980, Congress enacted the Superfund law to address the serious threat posed by these sites. And this law has worked. Great progress was made. Since the creation of this program over 800 sites have been cleaned up. During the last four years of the Clinton Administration, there was an average of 87 final cleanups a year.

Unfortunately, this program has seen a sharp decline since the start of the Bush Administration. The pace of cleanups has slowed to a crawl. Instead of 87 National Priority List sites a year, less than half of that are now being cleaned-up. The number is projected to drop further, to just 40 sites, this year.

At the same time, the heart of the Superfund law is under attack: the principle that polluters must pay for cleanups. And that is the issue that my bill addresses.

The Superfund trust fund, which includes funds from Superfund fees previously paid by oil, chemical, and other industries, is nearly gone. It will be depleted by 2004. Why? Because these fees expired in 1995.

The result is that a greater and greater share of the cost of Superfund cleanups is being borne by taxpayers instead of polluters. In fact, in 1995, taxpayers contributed just 18 percent to the Superfund trust fund. But by next year, American taxpayers will pay 54 percent of the Superfund budget.

This trend must be reversed. We must return to the principle of "polluter pays."

That is what the Toxic Clean-up Polluter Pays Renewal Act would do. It would reinstate the two Superfund fees, the excise tax on oil and chemical companies as well as the corporate environmental income tax, as they existed from 1986 to 1995.

These fees are not large in scope. For example, for every barrel of oil, the excise tax is only 9.7 cents. Chemical manufacturers pay $4.45 for every ton of arsenic or mercury they produce. This fee varies based on the frequency and toxicity of the chemical.

With regard to the corporate environmental income tax, corporations that have over $2 million in taxable income pay only 0.12 percent on taxable income above $2 million dollars. That means that a company that has $2,010,000 in taxable income would pay only $12.

These companies make millions on their sales. This fee is a small price to pay for a healthy, safe environment.

And, while the fees themselves are relatively small, the preliminary estimates indicate that they would generate $15 billion to $16 billion over the next 10 years for the Superfund Trust Fund. And that is $16 billion that the American taxpayer would not have to pay.

After the Superfund fees expired in 1995, President Clinton repeatedly tried to have them reinstated. Unfortunately, the Bush Administration is not supporting returning to the important principle of polluters pays.

Polluters pays is fair. Polluters pays works. And polluter pays must continue. To shift the burden to all taxpayers is wrong, and we will fight this Administration's attempt to turn its back on the health of the American people.

Mr. CHAFEE. Mr. President, today I join with Senator BOXER to introduce a bill to fund the Superfund program for the 10 years. With the Superfund Trust Fund on the verge of insolvency and with a large number of Superfund sites still requiring cleanup, it is incumbent upon us to provide a stable source of funding for this important program. I am pleased that the bill we introduce today will ensure Superfund cleanups will continue without jeopardizing funding for other key programs.

The need for the Superfund program dates back to the late 1970 and the discovery of thousands of barrels of toxic waste buried illegally in a New York community outside of Buffalo. Congress responded to Love Canal and other sites by enacting Superfund. This law was intended to address the Nation's worst sites and ensure that parties are held responsible for the contamination they created. Litigation ensued throughout the 1980's, which slowed down the pace of cleanups. By the 1990s, the pace of Superfund cleanups increased. Administrative and legislative reforms in the last 10 years have significantly improved the effectiveness and pace of the Superfund program.

Collection of excise and income taxes to supply the Superfund ceased at the end of 1995 and have never been reinstated. While spending for the Superfund program has remained steady, the dependence on general revenue dollars have grown. By fiscal year 2004, the Superfund program will be funded virtually entirely by general revenues. Unfortunately, we are currently living in an atmosphere of budget deficits. We find ourselves unable to pay for key programs due to insufficient resources and I believe it is a mistake to make the Superfund program compete for those limited general revenue dollars because we did not replenish the Superfund Trust Fund.

The legislation which we have introduced today will reinstate the Superfund taxes for 10 years. It is true that these taxes will generate less revenue than those that expired in 1995. This is a deliberate effort maintain balance between the amount of money paid into the trust fund and the amount of money appropriated by Congress. We do not want to create a situation in which we are putting more money into the trust fund than will be spent. At the same time, we must ensure that Superfund cleanups progress as quickly as possible. Despite some claims that Superfund cleanups will soon be complete, the U.S. Environmental Protection Agency testified recently before the Environment and Public Works Committee that the remaining Superfund sites are complex and costly. All evidence points to the fact that the Superfund program is not in jeopardy of winding down any time soon and that adequate funding will be needed.

In conclusion, I would like to say that I believe this to be a reasonable proposal. It is not perfect, because a perfect solution would ensure that the people responsible for the contamination pay to clean it up. In the future we may wish to look for more equitable ways to fund the Superfund program. However, with the Superfund Trust Fund on the verge of insolvency, a return to the previous funding mechanism is a prudent step.

By Mr. CRAIG (for himself, Mrs. MURRAY, Mr. BURNS, Mr. CRAPO, Mr. MURKOWSKI, and Ms. CANTWELL):

S. 2597. A bill to authorize a 3-year demonstration program to recruit and train physicians to serve in a rural setting; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAIG. Mr. President, I rise today to introduce the Rural Health Training Incentive Act. I am pleased that Senators PATTY MURRAY, CONRAD BURNS, MIKE CRAPO and FRANK MURKOWSKI are joining with me in this effort today.

We are all aware there is a nationwide shortage of health practitioners in rural America and that this shortage is affecting the availability of health care in those communities. This trend is aggravated by the upcoming retirement of 77 million baby-boomers and the overall aging of the rural populations. Unfortunately, there is no quick fix for the problem, and the solution will require a long-term investment in human resources. The bill that I am introducing today would begin work on this long-term investment through the regional Washington, Wyoming, Alaska, Montana and Idaho, WWAMI, program.

The WWAMI program has an excellent track record in its 30 year history of designing programs that work. It has a regionally focused medical school with a mission to train physicians for the communities in Washington, Wyoming, Alaska, Montana and Idaho. With 27 percent of the land mass of the Nation and only 3.3 percent of its population it is truly a ready made laboratory for exploring the best ways to recruit and train rural health care professionals.

This legislation seeks to expand upon the existing WWAMI programs for the recruitment and training of all health care professionals in the five state rural settings and to develop and evaluate similar programs that could be used in other regions of the country. This legislation would be a step in preparing our young people to go into the medical professions and, importantly, would encourage them to practice in rural communities.

I am pleased to be able to introduce this legislation as part of an overall strategy to stabilize health care in rural communities. This session, I have introduced legislation that would provide rural health care facilities with much needed capital to build new or repair existing infrastructure and to purchase medical equipment to help them keep pace with changing technologies. I am also pleased to have worked with my colleague Senator HARKIN on two separate pieces of legislation that would provide Medicare equity to both providers and seniors in rural States. The bill that I am introducing today adds an integral element of this strategy by making sure that health professionals are available to serve in rural areas.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Health Training Incentive Act".

SEC. 2. WWAMI DEMONSTRATION PROJECT.

(a) GRANT AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") is authorized to award a grant to the Washington, Wyoming, Alaska, Montana, and Idaho joint medical school (in this section referred to as "WWAMI") to strengthen and expand programs to encourage more health professionals to practice in rural areas.

(2) DURATION.—The Secretary shall award the grant in paragraph (1) for a period of 3 years.

(b) USE OF FUNDS.—The grant awarded pursuant to subsection (a) may be used for activities including—

(1) developing new mechanisms for recruiting and mentoring rural youth with respect to all health professions;

(2) strengthening and stabilizing the system of training for the family physicians needed in rural areas; and

(3) expanding the network of rural training tracks throughout WWAMI.

(c) REPORT.—Not later than 6 months after the end of the grant period described in subsection (a)(2), WWAMI shall submit to the Secretary a report evaluating the results of programs funded with the grant authorized under subsection (a)(1) and any recommendations regarding the effectiveness of such programs.

SEC. 3. PROJECT EXPANSION.

(a) IN GENERAL.—After submission of the report required in section 2(c), the Secretary is authorized to award grants to eligible entities to expand the programs under section 2, and to implement the recommendations made in such report, in other geographic areas.

(b) ELIGIBLE ENTITY DEFINED.—As used in this section, the term "eligible entity" means a partnership between a regional university or college and the medical school associated with such university or college where such medical school has a rural area training track of at least 2 months.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, except section 2(c) and section 3, $3,400,000 for fiscal year 2003, $4,100,000 for fiscal year 2004, and $4,800,000 for fiscal year 2005.

(b) EVALUATION.—There is authorized to be appropriated to carry out the report described in section 2(c), $500,000 for fiscal year 2005.

(c) PROJECT EXPANSION.—There is authorized to be appropriated to carry out section 3, such sums as may be necessary beginning in fiscal year 2006.

By Mr. LEAHY (for himself, Mr. INOUYE, Mrs. CLINTON, Mr. BINGAMAN, and Mrs. BOXER):

S. 2598. A bill to enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LEAHY. Mr. President, I rise today to introduce the Enhanced Protection of Our Cultural Heritage, EPOCH, Act of 2002. This legislation will increase the maximum penalties for violations of three existing statutes that protect the cultural and archaeological history of the American people, particularly Native Americans. The United States Sentencing Commission recommended the statutory changes contained in this bill, which would complement the Commission's strengthening of Federal sentencing guidelines to ensure more stringent penalties for criminals who steal from our public lands. I welcome the Commission's suggestion and am pleased that Senators INOUYE, CLINTON, BINGAMAN, and BOXER have joined me as cosponsors.

This bill will increase the maximum penalties for the Archaeological Resources Protection Act, ARPA, 16 USC § 470ee, the Native American Graves Protection and Repatriation Act, NAGPRA, 18 USC § 1170, and for 18 USC § 1163, which prohibits theft from Indian Tribal Organizations. All three statutes currently impose a 5-year maximum sentence, and each includes a lower maximum for a first offense of the statute and/or a violation of the statute involving property of less than a specified value. This bill would create a 10-year maximum sentence for each statute, while eliminating the lower maximums under ARPA and NAGPRA for first offenses.

Such maximum sentences would be consistent with similar Federal statutes. For example, the 1994 law proscribing museum theft carries a 10-year maximum sentence, as do the general statutes punishing theft and the destruction of government property. Moreover, increasing the maximum sentences will give judges and the Sentencing Commission greater discretion to impose punishments appropriate to the amount of destruction a defendant has done.

Making these changes will also enable the Sentencing Commission's recent sentencing guidelines to be fully implemented. The Commission has increased sentencing guidelines for cultural heritage crimes, but the statutory maximum penalties contained in current law will prevent judges from issuing sentences in the upper range of the new guidelines. Those new guidelines have the enthusiastic support of the Justice and Interior Departments, the Society for American Archeology, the National Trust for Historic Preservation, numerous Native American nations, and many others. Congress should take the steps necessary to see the guidelines take full effect.

Two of the three laws we amend with this legislation protect Native American lands and property. The third, ARPA, protects both public and Indian lands, and provides significant protection to my State of Vermont. For example, ARPA can be used to prosecute those who would steal artifacts from the wrecked military vessels at the bottom of Lake Champlain that date to the Revolutionary War and the War of 1812. U.S. Attorneys can also use ARPA to prosecute criminals who take items that are at least 100 years old from a protected site on Vermont State property without a permit, and then transport those goods into another State. In addition, ARPA protects artifacts found on the approximately 5 percent of Vermont land that is Federal property, land that includes many "ghost towns" that have long been abandoned but are an important part of our history.

Those who would pillage the rich cultural heritage of this Nation and its people are committing serious crimes. These artifacts are the legacy of all Americans and should not be degraded as garage sale commodities or as fodder for private enrichment.

I would like to thank a number of people for their help and advice about this legislation. Charlie Tetzlaff, as well as the rest of the staff at the Sentencing Commission, helped us understand the importance of this issue, and made protecting our cultural heritage a priority when he served as United States Attorney for Vermont. Art Cohn, the director of the Lake Champlain Maritime Museum, and Giovanna Peebles, Vermont's State Archeologist, were very helpful in explaining how our laws protect the cultural heritage of Vermont and the rest of the Nation, and I am grateful for their support for this bill.

Passage of this legislation would demonstrate Congress' commitment to preserving our Nation's history and our cultural heritage. I urge my colleagues to support this common-sense initiative.

I would ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Protection of Our Cultural Heritage Act of 2002".

SEC. 2. ENHANCED PENALTIES FOR CULTURAL HERITAGE CRIMES.

(a) ENHANCED PENALTY FOR ILLEGAL TRAFFICKING IN ARCHAEOLOGICAL RESOURCES.—Section 6(d) of the Archaeological Resources

Protection Act of 1979 (16 U.S.C. 470ee(d)) is amended by striking "not more than $10,000" and all that follows through the end of the subsection, and inserting "not more than $100,000, imprisoned not more than 10 years, or both.".

(b) ENHANCED PENALTY FOR EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—Section 1163 of title 18, United States Code, is amended by striking "five years" and inserting "10 years".

(c) ENHANCED PENALTY FOR ILLEGAL TRAFFICKING IN NATIVE AMERICAN HUMAN REMAINS AND CULTURAL ITEMS.—Section 1170 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years" and inserting "imprisoned not more than 10 years"; and

(2) in subsection (b), by striking "imprisoned not more than one year, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years" and inserting "imprisoned not more than 10 years".

By Mr. DOMENICI (for himself, Mr. KYL, and Mr. CRAPO):

S. 2599. A bill to establish the Water Supply Technologies Program within the Office of Energy Efficiency and renewable Energy of the Department of Energy, and for other purposes; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, on behalf of myself, Senator KYL, and Senator CRAPO, I am introducing a bill with reference to water, water supply, and research. We have no American policy, no place that you can go where the basic water issues of our land can be metered and modeled, and where we can find out what the real situation is with reference to water for our growing needs in our cities and the surrounding areas.

If you are interested in that, I think you will find the bill I am sending to the desk to be an intriguing one. It has been put together by very bright, technical people from laboratories and similar entities, where they clearly set forth the way we ought to go about establishing a water supply research center for a country as important as ours, and how we can provide research on an annual basis in these areas for very few dollars.

Water is the lifeblood of our Southwest. We don't have an abundant supply and what we do have is becoming increasingly threatened. Between providing water for people and various endangered species, there just isn't enough water to go around.

I'm sure many of my colleagues are seeing daily headlines like:

> Winds Parch Remaining Moisture Out of New Mexico Land,
> Navajos Urged To Sell Parched Livestock,
> New Mexico Going to Drought Emergency,
> Drought Watch—Skies Without Hope, and
> Trees Need Big Help To Survive Drought.

There is no larger problem facing our Southwest.

This bill is part of my broad strategy for dealing with water quality and quantity issues. In earlier bills, I have sought to provide grants to communities struggling to meet the new EPA arsenic mandates. I recently introduced the National Drought Preparedness Act of 2002 to help communities develop drought preparedness plans in an effort to mitigate the effects of future droughts.

This bill will help with short term challenges like meeting arsenic mandates and longer term issues like cost-effective desalination technologies and better modeling to enable optimum utilization of the water in our major river basins.

There are good reasons for designating the Department of Energy to create these technologies. Energy is the second largest user of water, second only to agriculture. Furthermore, energy costs are a major component in purifying and pumping drinking water and in treating wastewater.

As scarcity of water intensifies, more and more energy will be needed to obtain and treat it. Water will be pumped from greater depths and over greater distances. More treatment will be needed as we use less pure resources. As just one example, up to half the costs of desalination involve energy.

Removal of arsenic will be one focus for this new program. In New Mexico, as in much of the West, arsenic occurs naturally in significant concentrations. This, coupled with the fact that New Mexico is not a wealthy State, has made the recent unfunded mandate imposed by the EPA insurmountable.

This new standard is going to cost New Mexico around $400 million. More than 100 community water systems in the State will probably have to upgrade their water treatment facilities. Ratepayers are likely to see monthly rate increases averaging between $40 and $90, that's simply unacceptable. Other States have similar problems.

Even worse, these costs may force people to shift from expensive treated water to cheaper domestic wells. Since these wells often contain even greater amounts of arsenic and pollutants, there may be unintended public health consequences created by this new mandate.

I introduced S. 1299 to provide grants to States to help them comply with these new standards. That will help, but grant dollars alone aren't the answer to this issue. We also need to reduce the costs of arsenic removal.

This bill authorizes $8 million for research and development of cost effective strategies. The program will focus on reducing overall costs, including those for energy and will include demonstration projects in the arid southwest.

The bill also provides for a 4 year extension in the time by which municipalities must comply with the new EPA mandate, in addition to the extension that EPA has already committed to. This extension is open to any public water system that is in the process of utilizing technology authorized under this bill. Our national laboratories, especially Sandia, will be strong contributors to this program.

Another part of the bill deals with the challenges of providing adequate supplies of fresh water for the growing populations of our southwest. These States face severe water shortages, which impact both our urban communities and our rural agricultural ones. Our fresh water supply will not increase, unless we take steps today and invest in new approaches to water supply and management.

To achieve this, my bill provides authority for the program director, in cooperation with the Commissioner of Reclamation, to coordinate desalination research for improved technologies. This program is authorized at $6 million.

The program will focus on development and demonstration of technologies appropriate for desalinating brackish water and encourages the use of renewable energy. Part of these funds will enable completion of a national desalination research center in the Tularosa Basin of New Mexico.

The bill also provides $7 million to implement programs to examine the relationships between water supplies and energy needs. It will focus on the availability of water and on opportunities for increasing our supplies. Hopefully, with this research we can turn our water future into something other than a "zero sum" game.

The program will develop comprehensive models to assess and manage competing demands for water by energy, agriculture and other sectors. To accomplish this, models will include a range of physical phenomena and a complete set of the major water uses. The bill provides for the development of these models for up to 3 domestic river basins, one of which addresses an international border.

Many Americans are under the illusion that water will always flow out of their tap each time it is turned on. And they continue to believe that there will always be an adequate supply of good quality water to meet all needs, energy, agriculture and domestic. I fear this may not always be the case. Unless we develop a long-term strategy for dealing with impending water shortages it could be too late.

I hope this bill starts us down the path of conquering water challenges in the 21st Century.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Supply Technologies Act of 2002".

SEC. 2. FINDINGS.

Congress finds that—

(1) the understanding, use, and protection of water resources are matters of national and global security;

(2) increasing demand for water supply may dramatically alter population patterns and strain international relations;

(3) the remediation of many sites of the Department of Energy and the treatment of domestic water supplies require cost-effective, efficient removal of contaminants from water supplies;

(4) such remediation frequently involves knowledge and modeling of water transport at the surface and subsurface levels;

(5)(A) energy costs—

(i) are a major factor in the extraction, storage, treatment, and delivery of water; and

(ii) are particularly high in the case of desalination processes; and

(B) increased efficiencies in energy use, or use of renewable energy sources in treatment processes, can result in large cost savings;

(6)(A) most energy production technologies are highly water intensive;

(B) the energy industry is the second largest water user after agriculture;

(C) energy production requires a reliable, predictable water supply; and

(D) the limited availability of water is beginning to constrain construction of new powerplants;

(7) having strong expertise in geosciences, hydrology, chemistry, energy options, system modeling, and security technologies, the Department of Energy is well positioned to contribute to national efforts relating to water issues;

(8) modeling and simulation of water cycles on at least the scale of river basins can guide strategies affecting—

(A) site cleanup;

(B) agricultural use of land;

(C) industrial use of land;

(D) protection of the environment; and

(E) population expansion;

(9) municipal water systems are facing unfunded Federal mandates to remove heavy metals and other contaminants from water supplies;

(10) in the future, as water supplies are further stressed, municipal water systems may be forced to use water supplies that cannot, using existing technologies, be cost-effectively purified to meet clean water standards;

(11) many components of technologies used in the remediation of heavy metals and other contaminants at sites of the Department would aid municipal water systems in water purification;

(12) for municipal water systems, 2 of the most economically and technically challenging treatment processes are—

(A) reduction of arsenic levels; and

(B) desalination;

(13)(A) the security of water supplies is a growing concern; and

(B) there is an emerging need for real-time sensing, and reporting systems for early warnings to the public, of potentially hazardous contaminants in the drinking water supply;

(14) major water shortages along the United States-Mexico border—

(A) are projected to occur in the future; and

(B) could contribute to many issues affecting the border region; and

(15) research and development of the Department must be coordinated with research and development of other Federal agencies, each of which has responsibilities, interests, and capabilities to contribute to solving the important problems described in this section.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARSENIC REMOVAL PROGRAM.—The term "arsenic removal program" means the program carried out under section 4(d).

(2) DEPARTMENT.—The term "Department" means the Department of Energy.

(3) DEPUTY ASSISTANT SECRETARY.—The term "Deputy Assistant Secretary" means the Deputy Assistant Secretary for Water Supply Technologies in the Office of Energy Efficiency and Renewable Energy of the Department appointed under section 4(a)(2).

(4) DESALINATION PROGRAM.—The term "desalination program" means the program carried out under section 4(e).

(5) FOUNDATION.—The term "Foundation" means the American Water Works Association Research Foundation.

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) PROGRAM.—The term "Program" means the Water Supply Technologies Program established by section 4(a)(1).

(8) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(9) WATER AND ENERGY SUSTAINABILITY PROGRAM.—The term "water and energy sustainability program" means the program carried out under section 4(f).

(10) WATER SUPPLY SECURITY PROGRAM.—The term "water supply security program" means the program carried out under section 4(g).

SEC. 4. WATER SUPPLY TECHNOLOGIES PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of Energy Efficiency and Renewable Energy of the Department a program to be known as the "Water Supply Technologies Program".

(2) DEPUTY ASSISTANT SECRETARY.—The Secretary shall establish, and appoint an individual to fill, the position of Deputy Assistant Secretary for Water Supply Technologies.

(b) DUTIES.—

(1) IN GENERAL.—The Deputy Assistant Secretary shall carry out the Program, consisting of—

(A) the arsenic removal program under subsection (d);

(B) the desalination program under subsection (e);

(C) the water and energy sustainability program under subsection (f); and

(D) the water supply security program under subsection (g).

(2) CONTRACTUAL AUTHORITY.—In carrying out the duties of the Deputy Assistant Secretary, the Deputy Assistant Secretary may enter into contracts with—

(A) private industries;

(B) colleges and universities;

(C) national laboratories; and

(D) nonprofit organizations.

(c) OVERSIGHT.—The Secretary shall ensure that the results of research and development conducted by the Department that are relevant to the Program are communicated to the Deputy Assistant Secretary.

(d) ARSENIC REMOVAL PROGRAM.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Deputy Assistant Secretary shall offer to enter into a contract with the Foundation under which the Foundation shall carry out a research program to develop and demonstrate innovative arsenic removal technologies.

(2) TYPES OF RESEARCH.—In carrying out the arsenic removal program, the Foundation shall, to the maximum extent practicable, conduct research on means of—

(A) reducing energy costs incurred in using arsenic removal technologies;

(B) minimizing materials costs, operating costs, and maintenance costs incurred in using arsenic removal technologies; and

(C) minimizing any quantities of waste (especially hazardous waste) that result from use of arsenic removal technologies.

(3) WATER PURIFICATION TECHNOLOGIES.—In carrying out the arsenic removal program, the Foundation shall carry out peer-reviewed projects (including research projects and cost-shared demonstration projects in conjunction with municipal water systems) to develop and demonstrate water purification technologies.

(4) DEMONSTRATION PROJECTS.—

(A) ARID SOUTHWESTERN UNITED STATES.—In carrying out the arsenic removal program, the Foundation shall carry out at least 3 demonstration projects to demonstrate the applicability of innovative arsenic removal technologies to the arid southwestern United States.

(B) RURAL COMMUNITIES AND INDIAN TRIBES.—Not less than 40 percent of the funds of the Department used for demonstration projects under the arsenic removal program shall be expended in partnership with rural communities or Indian tribes.

(5) EVALUATION OF COST EFFECTIVENESS.—In carrying out the arsenic removal program, the Foundation shall use WERC, A Consortium for Environmental Education and Technology Development, to evaluate the cost effectiveness of arsenic removal technologies used in the program.

(6) EDUCATION AND TRAINING.—In carrying out the arsenic removal program, the Deputy Assistant Secretary shall provide a mechanism for education, training, and technology transfer to be developed and implemented by WERC, A Consortium for Environmental Education and Technology Development.

(7) COORDINATION WITH OTHER PROGRAMS.—The Deputy Assistant Secretary, in conjunction with the Administrator of the Environmental Protection Agency, shall ensure that activities under the arsenic removal program are coordinated with appropriate programs of the Environmental Protection Agency.

(8) REPORT.—Not later than 1 year after the date of commencement of the arsenic removal program, and annually thereafter, the Secretary shall submit to Congress a report on the results of the arsenic removal program.

(e) DESALINATION PROGRAM.—

(1) IN GENERAL.—The Deputy Assistant Secretary, in cooperation with the Commissioner of Reclamation, shall carry out a desalination program in accordance with the desalination technology progress plan developed under the matter under the heading "WATER AND RELATED RESOURCES" under the heading "BUREAU OF RECLAMATION" in title II of the Energy and Water Development Appropriations Act, 2002 (115 Stat. 498), and described in Senate Report 107-39.

(2) DESALINATION RESEARCH.—

(A) In general.—Under the desalination program, Sandia National Laboratories and the Bureau of Reclamation shall coordinate desalination research for next-generation desalination technology.

(B) Required research elements.—In conducting research under the desalination program, Sandia National Laboratories and the Bureau of Reclamation shall—

(i) focus on research relating to, and development and demonstration of, technologies that are appropriate for use in desalinating brackish groundwater and other saline water supplies; and

(ii) consider the use of renewable energy.

(3) Construction projects.—Under the desalination program, funds made available to carry out activities in the Tularosa Basin, New Mexico, may be used for construction projects, including completion of the National Desalination Research Center.

(4) Steering committee.—

(A) In general.—The Deputy Assistant Secretary and the Commissioner of Reclamation shall jointly establish a steering committee for the desalination program.

(B) Chairpersons.—The steering committee shall be jointly chaired by 1 representative from the Program and 1 representative from the Bureau of Reclamation.

(f) Water and Energy Sustainability Program.—

(1) In general.—The Deputy Assistant Secretary shall carry out a program to ensure that sufficient quantities of water are available for the energy sector through development of modeling and analysis tools to assess and manage—

(A) competing demands for water by the energy sector and other categories of water users, including the agriculture sector, the energy sector, industry, domestic users, and the environment; and

(B) the impacts of energy production on the availability of water.

(2) Required elements.—Under the water and energy sustainability program, the Deputy Assistant Secretary shall—

(A) in accordance with paragraph (3), develop a coordinated strategy to identify technology development and improved modeling capabilities needed to achieve the goal of continued water and energy sustainability;

(B) in accordance with paragraph (4), develop such advanced modeling and decision analysis tools as are necessary to assess and manage competing demands for water by various categories of water users specified in paragraph (1)(A); and

(C) in accordance with paragraph (5), carry out demonstration projects to test the models and tools developed under subparagraph (B).

(3) Water and energy sustainability strategy.—In developing the strategy under paragraph (2)(A), the Deputy Assistant Secretary shall—

(A) collaborate with water management agencies, universities, industry, and stakeholder groups to define issues and needs; and

(B) develop a coordinated science and technology strategy to support future water use decisions that include issues of energy sustainability.

(4) Advanced modeling and decision analysis tools.—

(A) Applicable scales.—Modeling and decision analysis tools developed under paragraph (2)(B) shall address water and energy availability issues—

(i) physically, on the scale of river basins; and

(ii) temporally, on scales ranging from seasons to decades.

(B) Coordination.—Modeling and decision analysis tools developed under paragraph (2)(B) shall be coordinated with global climate change predictive capabilities supported by the Federal Government.

(C) Modeling tools.—Modeling tools developed under paragraph (2)(B) shall include tools for modeling the effects of—

(i) atmospheric, surface, and subsurface phenomena;

(ii) rural and urban populations and land use changes;

(iii) energy, agriculture, and other industrial demands;

(iv) energy impacts on water quality and quantity; and

(v) changing marketplace behaviors and other economic forces.

(D) Decision analysis tools.—Decision analysis tools developed under paragraph (2)(B) shall include tools to support water and energy resources planning through—

(i) provision of direct support for policy and planning decisions;

(ii) optimization of water use for the energy sector and other categories of water users specified in paragraph (1)(A); and

(iii) assessment of the potential benefits of new technologies to improve water and energy sustainability.

(5) Demonstration projects.—Demonstration projects carried out under paragraph (2)(C) shall—

(A) test water and energy modeling and decision analysis tools for 3 river basins, at least 1 of which includes an international border;

(B) focus on assessing water resources and managing competing demands for, and impacts on, water by the energy sector and other categories of water users specified in paragraph (1)(A); and

(C) be conducted in collaboration with water resources management organizations in the basins described in subparagraph (A).

(6) Report.—Not later than 1 year after the date of enactment of this Act, the Deputy Assistant Secretary shall submit to the Secretary and Congress a report on the water and energy sustainability program that—

(A) describes the elements required under paragraph (2); and

(B) makes recommendations for a management structure and research and development plan for the water and energy sustainability program that optimizes use of Federal resources and programs.

(g) Water Supply Security Program.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Deputy Assistant Secretary shall offer to enter into a contract with the Foundation under which the Foundation shall carry out a research program, in coordination with the Assistant to the President for Homeland Security, with the goal of developing low-cost, mass-produced, micro-analytical systems to provide early warning of potentially hazardous contaminants in municipal water systems.

(2) Required elements.—In carrying out the water supply security program, the Foundation shall, to the maximum extent practicable, develop—

(A) means of reducing monitoring costs, including technologies to replace expensive sampling and analysis used, as of the date of enactment of this Act, for routine regulatory compliance;

(B) innovative, cost-effective monitoring technologies for detection of—

(i) chemical and biological threats; and

(ii) chemicals and pharmaceuticals subject to current or potential future regulation; and

(C) rapid and effective methodologies to transform monitoring data into information for decisionmaking and automated response.

(3) Monitoring technologies.—In carrying out the water supply security program, the Foundation, in conjunction with municipal water systems, shall carry out peer-reviewed projects to develop and demonstrate monitoring technologies.

(4) Report.—Not later than 1 year after the date of implementation of the water supply security program, and annually thereafter, the Secretary shall submit to Congress a report on the results of the water supply security program.

(h) Cost Sharing.—

(1) In general.—Except as provided in paragraph (2), each demonstration project carried out under the Program shall be carried out on a cost-shared basis, as determined by the Secretary.

(2) In-kind contributions; waivers.—With respect to a demonstration project, the Secretary may—

(A) accept in-kind contributions; and

(B) waive the cost-sharing requirement in appropriate circumstances.

(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $25,000,000 for fiscal year 2003, of which—

(A) $8,000,000 shall be used to carry out subsection (d);

(B) $6,000,000 shall be used to carry out subsection (e);

(C) $7,000,000 shall be used to carry out subsection (f); and

(D) $4,000,000 shall be used to carry out subsection (g); and

(2) such sums as are necessary for each fiscal year thereafter.

SEC. 5. EXTENSIONS OF COMPLIANCE DEADLINES FOR SMALL PUBLIC WATER SYSTEMS.

Section 1412(b)(10) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(10)) is amended—

(1) by striking "A national primary" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), a national primary"; and

(2) by adding at the end the following:

"(2) Extensions.—

"(A) Small public water systems.—

"(i) In general.—In accordance with the report submitted to Congress by the Administrator entitled 'Small System Arsenic Implementation Issues', in addition to any 2-year extension described in paragraph (1), the Administrator (or a State, in the case of an individual system) may provide to a public water system that serves a population of not more than 10,000 an extension of 3 years in which to comply with a maximum contaminant level or treatment technique described in that paragraph.

"(ii) Renewal of extensions.—The Administrator (or a State, in the case of an individual system) may renew an extension granted to a small public water system under clause (i) if—

"(I) the small public water system serves a population of not more than 3,300; and

"(II) the small public water system demonstrates, to the satisfaction of the Administrator (or the State), that the small public water system is taking all practicable steps to meet the requirements of this title.

"(B) All public water systems.—In addition to any 2-year extension received under paragraph (1), the Administrator (or a State, in the case of an individual system) may provide to any public water system an extension of 4 years in which to comply with a maximum contaminant level or treatment technique described in that paragraph if the public water system is in the process of implementing arsenic removal technology developed under section 4(d) of the Water Supply Technologies Act of 2002.''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 119—HONORING THE UNITED STATES MARINES KILLED IN ACTION DURING WORLD WAR II WHILE PARTICIPATING IN THE 1942 RAID ON MAKIN ATOLL IN THE GILBERT ISLANDS AND EXPRESSING THE SENSE OF CONGRESS THAT A SITE IN ARLINGTON NATIONAL CEMETERY, NEAR THE SPACE SHUTTLE "CHALLENGER" MEMORIAL AT THE CORNER OF MEMORIAL AND FARRAGUT DRIVES, SHOULD BE PROVIDED FOR A SUITABLE MONUMENT TO THE MARINE RAIDERS

Mr. BURNS (for himself and Mr. INOUYE) submitted the following concurrent resolution; which was referred to the Committee on Veterans' Affairs:

S. CON. RES. 119

Whereas Congress remembers with profound sorrow, gratitude, and respect the United States Marines who were killed in action during World War II while participating in a combat raid on Japanese forces on Makin Atoll in the Gilbert Islands in August, 1942, and whose remains were recovered from Makin Atoll in 1999; and

Whereas Congress hopes and prays for the recovery of the remains of 9 additional United States Marines engaged in that raid who, after surrendering in accordance with the law of armed conflict, were beheaded by their captors on Kwajalein Atoll: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States Marines killed in action or beheaded in captivity on Makin and Kwajalien Atolls during World War II gave hope to the world by offering up their lives; and

(2) a place of honor in Arlington National Cemetery near the Space Shuttle Challenger Memorial at the corner of Memorial and Farragut Drives should be provided for a suitable monument to the Marine Raiders, both as a reminder of United States resolve during the dark, early days of World War II, and as a reminder that the heroism and dedication of those Marines represents the sacrifice all members of the United States Armed Forces stand ready to make when the security of the United States is threatened.

Mr. BURNS. Mr. President, I am honored to stand here today with my distinguished colleague, Senator INOUYE, and submit a resolution honoring the Marine Raiders. In recent months, heroism and service to our great Nation have risen as qualities valued and held dearly in the hearts of all Americans, but the men and women of our armed forces are no strangers to these qualities. Our American servicemen and women were not introduced to the concepts of bravery, sacrifice, and patriotism on September 11. The men and women of our armed forces have dedicated their lives to serving this great country since its conception, and I rise today to honor some of this country's greatest servants.

In August, 1942, the United States Marines conduct a combat raid on Japanese forces on Makin Atoll in the Gilbert Islands. On August 17 and 18, 1942, these Marines raided Butaritari Island, in the Makin Atoll. These men were members of the 2nd Raider Battalion, a Marine unit trained to conduct guerrilla-style attacks behind enemy lines. The unit was led by Lieutenant Colonel Evans Carlson; his second-in-command was Major James Roosevelt, son of President Franklin D. Roosevelt. The unit came under heavy Japanese resistance, and during the two-day battle, the Raiders killed 83 Japanese soldiers. However, because of weather, were unable to evacuate the bodies of their fallen comrades. The remains of these valiant men, known as Marine Raiders, were recovered and brought home to a grateful nation, at long last, in 1999. A funeral ceremony was held in August 2001 for nineteen of these brave men.

As Americans, we have become accustomed to the risks and losses incurred while defending the great American principles of democracy, liberty, and patriotism. Our strength and spirit continue to prevail, and our continuing efforts to honor those who make the ultimate sacrifice in maintaining America's freedom, must not be lost upon the Marine Raiders. The bravery and heroism of these men has gone unsung for almost sixty years, and the time has come now to honor the Marine Raiders by establishing a monument in Arlington National Cemetery.

This site would respectfully honor the Marine Raiders with a monument established at a point next to the Challenger Monument. Such recognition will demonstrate to our country and to the world that America will never leave any of our fallen servicemen and women behind, either in memory or geographic location, and will bring them home to the American soil they perished defending.

As a former Marine, I am proud to have served this great Nation. The call to service as a member of the armed forces is a strong and noble call. In light of the recent attacks upon America, we remain united in a common vow to never forget those make the ultimate sacrifice in protecting the liberty we as Americans hold so precious. We, as Members of Congress and as citizens of this country, must remain united in fulfilling this promise to those who make that sacrifice today and tomorrow, without forgetting the men and women who made it yesterday, and in every war of America's past. We owe these heroes the honor of remembrance, both for the liberty we enjoy today and our freedom tomorrow.

Honoring the Marine Raiders presents us the unique opportunity to present to the world the love and respect we have for our fallen warriors. With the challenges of war looming for our servicemen and women today, this demonstration of respect seems particularly appropriate. I ask my colleagues to join Senator INOUYE and me in honoring these men, and their sacrifice, with a memorial in Arlington Cemetery.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3767. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH, of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 3768. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH, of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3769. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH, of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3770. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH, of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3771. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3772. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3552 submitted by Mr. BAUCUS and intended to be proposed to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3773. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3628 submitted by Mr. BAUCUS (for himself, Mr . BURNS, and Mr. BINGAMAN) and intended to be proposed to the bill (H .R. 4775) supra; which was ordered to lie on the table.

SA 3774. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3775. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3776. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3777. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R.

4775, supra; which was ordered to lie on the table.

SA 3778. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3779. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3780. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3781. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3782. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3783. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3784. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3785. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3786. Mr. LEAHY (for himself and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, MR. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3787. Mr. DODD (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) supra.

SA 3788. Mr. DODD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3789. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3790. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3791. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3792. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3624 proposed by Mr. WELLSTONE to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3793. Mrs. MURRAY (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3794. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3628 submitted by Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGAMAN) and intended to be proposed to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3795. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3796. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3797. Mr. HOLLINGS submitted an amendment intended to be proposed to amendment SA 3646 submitted by Mr. MCCAIN and intended to be proposed to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3798. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3799. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3800. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3801. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3802. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3803. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3804. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3805. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3806. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3767. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, shall make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund, except that such contribution shall be not less than $100,000,000: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3768. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, shall make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund, except that such contribution shall be not less than $100,000,000: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3769. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until March 31, 2003: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, shall make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund, except that such contribution shall be not less than $100,000,000: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3770. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", $500,000,000, to remain available until March 31, 2003: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, shall make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund, except that such contribution shall be not less than $100,000,000: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3771. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. 503. Section 1 of Public Law 105–204 (112 Stat. 681) is amended—

(1) in subsection (b), by striking "until the date" and all that follows and inserting "until the date that is 30 days after the date on which the Secretary of Energy awards a contract under subsection (c), and no such amounts shall be available for any purpose except to implement the contract."; and

(2) by striking subsection (c) and inserting the following:

"(c) CONTRACTING REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code), the Secretary of Energy shall—

"(A) not later than 10 days after the date of enactment of this paragraph, request offerors whose proposals in response to Request for Proposals No. DE–RP05–010R22717 ('Acquisition of Facilities and Services for Depleted Uranium Hexalfluoride (DUF6) Conversion Project') were included in the competitive range as of January 15, 2002, to confirm or reinstate the offers in accordance with this paragraph, with a deadline for offerors to deliver reinstatement or confirmation to the Secretary of Energy not later than 20 days after the date of enactment of this paragraph; and

"(B) not later than 30 days after the date of enactment of this paragraph, select for award of a contract the best value of proposals confirmed or reinstated under subparagraph (A), and award a contract for the scope of work stated in the Request for Proposals, including the design, construction, and operation of—

"(i) a facility described in subsection (a) on the site of the gaseous diffusion plant at Paducah, Kentucky; and

"(ii) a facility described in subsection (a) on the site of the gaseous diffusion plant at Portsmouth, Ohio.

"(2) CONTRACT TERMS.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code) the Secretary of Energy shall negotiate with the awardee to modify the contract awarded under paragraph (1) to—

"(A) require, as a mandatory item, that groundbreaking for construction occur not later than July 31, 2004, and that construction proceed expeditiously thereafter;

"(B) include as an item of performance the transportation, conversion, and disposition of depleted uranium contained in cylinders located at the Oak Ridge K–25 uranium enrichment facility located in the East Tennessee Technology Park at Oak Ridge, Tennessee, consistent with environmental agreements between the State of Tennessee and the Secretary of Energy; and

"(C) specify that the contractor shall not proceed to perform any part of the contract unless sufficient funds have been appropriated, in advance, specifically to pay for that part of the contract.

"(3) CERTIFICATION OF GROUNDBREAKING.—Not later than 5 days after the date of groundbreaking for each facility, the Secretary of Energy shall submit to Congress a certification that groundbreaking has occurred.

"(d) RIGHT OF ACTION FOR FAILURE TO COMPLY.—Any aggrieved person or entity may bring a civil action in United States district court for an injunction compelling the Secretary of Energy to comply with this section.

"(e) FUNDING.—

"(1) IN GENERAL.—For purposes of carrying out this section, the Secretary of Energy may use any available appropriations (including transferred unobligated balances).

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in addition to any funds made available under paragraph (1), such sums as are necessary to carry out this section.".

SA 3772. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3552 submitted by Mr. Baucus and intended to be proposed to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the "Secretary") shall use $1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001, including losses due to army worms.

(b) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) Use of Funds for Cash Payments.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) In General.—The Secretary shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

SEC. 03. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 04. ADMINISTRATIVE EXPENSES.

(a) In General.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this title $50,000,000, to remain available until expended.

(b) Receipt and Acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 05. REGULATIONS.

(a) In General.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) Procedure.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 06. EMERGENCY REQUIREMENT.

The entire amount necessary to carry out this title is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)).

SA 3773. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3628 submitted by Mr. Baucus (for himself, Mr. Burns, and Mr. Bingaman) and intended to be proposed to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —EMERGENCY AGRICULTURAL ASSISTANCE

Subtitle A—Assistance

SEC. 01. INCOME LOSS ASSISTANCE.

(a) Mandatory Funding.—The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall use $1,552,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001, including losses due to army worms.

(b) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) Use of Funds for Cash Payments.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) Mandatory Funding.—The Secretary shall use $300,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

SEC. 03. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

SEC. 04. ADMINISTRATIVE EXPENSES.

(a) In General.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this subtitle $50,000,000, to remain available until expended.

(b) Receipt and Acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 05. REGULATIONS.

(a) In General.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) Procedure.—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle B—Offsets

SEC. 11. REVISION OF TAX RULES ON EXPATRIATION.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—Except as provided in subsection (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) Exclusion for certain gain.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(4) Cost-of-living-adjustment.—

"(A) In general.—In the case of an expatriation date occurring in any calendar year after 2002, the $600,000 amount under paragraph (3) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

“(B) ROUNDING RULES.—If any amount after adjustment under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

“(b) ELECTION TO DEFER TAX.—

“(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

“(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

“(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) SECURITY.—

“(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2)(A) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) INTEREST.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) COVERED EXPATRIATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) SECTION NOT TO APPLY TO CERTAIN PROPERTY.—This section shall not apply to the following:

“(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

“(B) FOREIGN PENSION PLANS.—

“(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

“(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed $500,000.

“(3) SPECIFIED PROPERTY.—Any property or interest in property not described in paragraph (1) or (2) which the Secretary specifies in regulations.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULE.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

"CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

"SEC. 2801. IMPOSITION OF TAX.

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt, and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the covered gifts and bequests received during the calendar year exceed the amount determined under section 2503(b)(2).

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, was a covered expatriate, and

"(B) any property acquired by bequest, devise, or inheritance directly or indirectly from an individual who, at the time of death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) TRANSFERS IN TRUST.—Any covered gift or bequest which is made in trust shall be treated as made to the beneficiaries of such trust in proportion to their respective interests in such trust (as determined under section 877A(f)(3)).

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(c)."

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"Chapter 15. Gifts and bequests from expatriates."

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country."

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is determined by the Attorney General, after consultation with the Secretary of the Treasury, not to be in compliance with sections 877A and 2801 of such Code (relating to expatriation)."

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by adding at the end the following new paragraph:

"(8) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Except as provided in paragraph (6), upon written request of the Attorney General, the return of an individual or return information with respect to such individual shall be open to inspection by, or disclosure to, officers and employees of the Federal agency responsible for making a determination under section 212(a)(10)(E) of the Immigration and Nationality Act for the purpose of, and to the extent necessary in, making such determination with respect to such individual."

(B) CONFORMING AMENDMENT.—Section 6103(i)(6) (relating to confidential informants; impairment of investigations) is amended by striking "(5), or (7)" and inserting "(5), (7), or (8)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of first passage by the Senate of legislation adding section 877A to this title."

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate to whom section 877A applies."

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) APPLICATION.—This paragraph shall not apply to any expatriate to whom section 877A applies."

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of such Code is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation."

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the first passage by the Senate of this section.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the first passage by the Senate of this section from an individual or the estate of an individual whose expatriation date (as so defined) occurs on or after such date.

SEC. 12. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following:

"(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

"(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

"(i) at least 25 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2003; and

"(ii) at least 50 percent of all such determinations that are made in fiscal year 2004 or thereafter.

"(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.".

SA 3774. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"(15) the provision specifying $500,000 for the Prairie Lakes Education Cooperative in Madison, SD to advance distance learning for Native Americans in BIA and tribal schools shall be deemed to read as follows: 'Sisseton-Wahpeton School Board in Agency Village, SD to advance distance learning for Native American students, $500,000'.".

SA 3775. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, beginning on line 2, strike "under this chapter for the Defense Emergency Response Fund" and insert "under title II of Public Law 107–117 under the heading 'ARMY NATIONAL GUARD, OPERATION AND MAINTENANCE' ".

SA 3776. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3777. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3778. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3779. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3780. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3781. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3782. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3783. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3784. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3785. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3786. Mr. LEAHY (for himself and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill add the following:

SEC. 2015. EXPIRATION OF AUTHORITY.

This title shall cease to be effective at the end of September 30, 2002.

SA 3787. Mr. DODD (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

SEC. 2015. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic and other foreign nationals accused of genocide, war crimes or crimes against humanity.

SEC. 2016. This title shall cease to be effective at the end of September 30, 2002.

SA 3788. Mr. DODD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes which was ordered to lie on the table; as follows:

At the appropriate place in the bill add the following:

SEC. 2015. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic and the other foreign nationals accused of genocide, war crimes or crimes against humanity.

SA 3789. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30 2002, and for other purposes, which was ordered to lie on the table, as follows:

At the appropriate place in the Bill insert the following: "Notwithstanding any other provision of this Bill, For an additional amount for "Operation and Maintenance, General", $32,000,000, to remain available until expended: *Provided*, That using the funds appropriated herein the Secretary of the Army, acting through the Chief of Engineers is directed to repair, restore, and clean-up Corps' projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure (including sewer and water facilities), document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers due to flooding in eastern Kentucky, Illinois, the western Upper Peninsula of the State of Michigan, Missouri, southern West Virginia, and southwestern Virginia.".

SA 3790. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 210. Of the amounts appropriated in Public Law 107–77, under the heading "Dept. of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities", $500,000 shall be for the cost of a reduction loan of $50,000,000 as authorized under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) to carry out a West Coast groundfish fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)).

SA 3791. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . CONTAMINATED SEAFOOD.

(a) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by—

(1) redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) inserting after subsection (a) the following:

"(b) CONTAMINATED SEAFOOD.—

"(1) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood originating from a country or exporter if it appears that shipments of such seafood are likely to be adulterated with 1 or more substances listed in section 530.41(a) of title 21, Code of Federal Regulations. The Secretary may consider—

"(A) the detection of such substances by the Secretary;

"(B) the detection of such substances by a person commissioned to carry out examinations and investigations under section 702(a) of this Act;

"(C) findings from an inspection under §704;

"(D) the detection by other importing countries of such substances in shipments of seafood that originate from such country or exporter; or (E) other evidence or information as determined by the Secretary

"(2) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under paragraph (1) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if the exporter or importer presents evidence acceptable to the Secretary that a shipment does not contain a compound listed in section 530.41(a) of title 21, Code of Federal Regulations.

"(3) CANCELLATION OF ORDER.—The Secretary may cancel an order under paragraph (1) with respect to seafood exported from a country or exporter if—

"(A) the country or exporter has shown to the satisfaction of the Secretary that the substance at issue is no longer sold for use, in being used in, or being used in a manner that could contaminate food-producing animals in the country in which the seafood originated; or

"(B) all shipments into the United States under paragraph (2) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in paragraph (2), not to contain such a drug.

(b) CONFORMING AMENDMENTS.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended by subsection (a), is amended by—

(1) striking "subsection (b)" in subsection (a) and inserting "subsection (c)";

(2) striking "subsection (b)" in subsection (d) and inserting "subsection (c)";

(3) striking "subsection (e)" in subsection (g)(1) and inserting "subsection (f)";

(4) striking "section 801(a)" in subsection (h)(1)(A)(i) and inserting "subsection (a) of this section";

(5) striking "section 801(a)" in subsection (h)(1)(A)(ii) and inserting "subsection (a) of this section"; and

(6) striking "section 801(d)(1);" in subsection (h)(1)(A)(iii) and inserting "subsection (d)(1) of this section;"

SA 3792. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3624 proposed by Mr. WELLSTONE to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amendment number 3624 is amended by striking the text and inserting the following on page 7, after line 12:

"SEC. . Whereas of the 40 million people living with HIV/AIDS, nearly 2.7 million are children under 15, and 11.8 million are young people aged 15–24, more than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born to an HIV-positive mother has a 25 to 35 percent chance of becoming infected;

Whereas targeted provision of dairy products for HIV/AIDS mitigation provides an economical and efficient means to strengthen nutrition, ward off infectious diseases and extend the lives of HIV-positive individuals;

Whereas good nutrition including dairy products is critical to programs that provide and enhance anti-retroviral drugs to prevent mother-to-child transmission of HIV/AIDS, and nutrition experts recommend the use of dairy products with anti-retroviral drugs to combat mother-to-child transmission;

Whereas in the diets of young children, growing adolescents and pregnant women, milk has been proven to provide a concentration of critical nutritional elements that promote growth and robust health, and the National Institutes of Health (NIH) recommends that dairy products be used to boost the nutrition of HIV-positive young children.

Whereas it is imperative that attempts to improve the availability of dairy products to the HIV/AIDS afflicted do not undermine the security and stability of the indigenous dairy production and processing sector.

Whereas the United States has more than one billion pounds (450,000 metric tons) of surplus non-fat dry milk in storage that has been acquired at an average cost of over 90 cents per pound for a total cost approaching $1 billion, and storage costs are $1.5 million per month and growing;

Whereas this huge amount of milk overhangs U.S. and world markets and deteriorates rapidly, going out of condition in about three years when it must be sold for a salvage value of a few cents per pound;

The impacts of breast-feeding on MTCT remain controversial and appropriate interventions are not yet scientifically proven, especially in low-income communities where appropriate alternatives are not available and may be unsafe;

Whereas there is a need for non-fat dry milk in international relief to use in human feeding programs that target the most vulnerable in society, particularly those affected by HIV/AIDS: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should—

(A) utilize the existing 416(b) authority of the Agricultural Act of 1949 to dispose of dairy surpluses for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic.

(B) allow for the monetization of surplus non-fat dry milk to help fund market assessments, program costs, strengthen local dairy processing industries, support home care, provide for in-country fortification and carry out general nutritional campaigns to increase the local markets for dairy products as well as income-generating jobs in communities affected by HIV/AIDS.

(C) Make available funds for the provision of 100,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children, to include ocean and inland transportation, for accounting, monitoring and evaluation expenses incurred by the Secretary of Agriculture, and for expenses incurred by private and voluntary organizations and cooperatives related to market assessments, project design, fortification, distribution, and other project expenses.

(D) Give careful consideration to the local market conditions before dairy products are donated or monetized into a local economy, so as not to undermine the security and stability of the indigenous dairy production and processing sector.

(E) Use none of these funds or commodities in any programs that would substitute dairy products for breast-feeding.

SA 3793. Mrs. MURRAY (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate, insert the following:

SEC. 210. Section 286(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(3)) is amended by inserting before the period at the end ", or international ferries that operate between the State of Alaska or the State of Washington and Canada.".

SA 3794. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3628 submitted by Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGAMAN) and intended to be proposed to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Where appropriate add the following:

(d) ASSISTANCE FOR LABRUSCA GRAPES.—

(1) IN GENERAL.—Of the funds made available in paragraph (a), not less than $100,000,000 shall be used to make payments, as soon as practicable after the date of enactment of this Act, to producers of labrusca

grapes for quantity, quality, or severe economic losses incurred for the 2001 and 2002 crops of labrusca grapes due to damaging weather and related conditions.

(2) PAYMENT QUANTITY.—The payment quantity of labrusca grapes for which the producers on a farm are eligible for payments under paragraph (d) shall be equal to the average quantity of the 1996 through 2000 crop of labrusca grapes produced by the producers on the farm, as determined by the Secretary of Agriculture.

(3) LIMITATIONS.—The Secretary of Agriculture shall not establish a payment limitation, or gross income eligibility limitation, with respect to payments made under this paragraph.

(4) APPLICABILITY.—This section applies only with respect to the 2002 and 2002 crops of labrusca grapes and producers of those crops.

SA 3795. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

For an additional amount for emergency relief under section 125 of title 23, United States Code, for reconstruction of the portion of Interstate Route 40 spanning the Arkansas River in the State of Oklahoma that was destroyed as a result of a barge collision that occurred on May 26, 2002, and for costs associated with detours during the reconstruction, $12,000,000: *Provided*, That the entire amount necessary to carry out this paragraph is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3796. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

For an additional amount for emergency relief under section 125 of title 23, United States Code, for reconstruction of the portion of Interstate Route 40 spanning the Arkansas River in the State of Oklahoma that was destroyed as a result of a barge collision that occurred on May 26, 2002, and for costs associated with detours during the reconstruction, $12,000,000: *Provided*, That the entire amount necessary to carry out this paragraph is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3797. Mr. HOLLINGS submitted an amendment intended to be proposed to amendment SA 3646 submitted by Mr. MCCAIN and intended to be proposed to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be stricken, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Defense Rail Act".

(b) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of contents.
Sec. 2. Findings.

TITLE I—Rail Transportation Security

Sec. 101. Amtrak security assistance.
Sec. 102. Study of foreign rail transport security programs.
Sec. 103. Passenger, baggage, and cargo screening.
Sec. 104. Rail security.
Sec. 105. Rail transportation security risk assessment.
Sec. 106. Offset for emergency supplemental appropriations.

TITLE II—Interstate Railroad Passenger High-Speed Transportation System

Sec. 201. Interstate railroad passenger high-speed transportation policy.
Sec. 202. High-speed rail corridor planning.
Sec. 203. Implemenation assistance.
Sec. 204. Designated high-speed rail corridors.
Sec. 205. Labor standards.
Sec. 206. Railway-highway crossings in high-speed rail corridors.
Sec. 207. Authorization of appropriations.

TITLE III—National Railroad Passenger Corporation

Sec. 301. National railroad passenger transportation system defined.
Sec. 302. Extension of authorization.
Sec. 303. Additional Amtrak authorizations.
Sec. 304. Northeast Corridor authorizations.
Sec. 305. Long distance trains.
Sec. 306. Short distance trains; State-supported routes.
Sec. 307. Re-establishment of Northeast Corridor Safety Committee.
Sec. 308. On-time performance.
Sec. 309. Amtrak board of directors.
Sec. 310. Establishment of financial accounting system for Amtrak operations by independent auditor.
Sec. 311. Development of 5-year financial plan.
Sec. 312. Revised reporting methodology required.
Sec. 313. Appropriated amounts to be spent proportionately.

TITLE IV—Miscellaneous

Sec. 401. Rehabilitation, improvement, and security financing.
Sec. 402. Rail passenger cooperative research program.
Sec. 403. Conforming amendments to title 49 reflecting ICC Termination Act.
Sec. 404. Applicability of reversion to Alaska Railroad right-of-way property.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Financial investment in passenger rail infrastructure is critical, and Federal leadership is required to address the needs of a reliable safe, secure passenger rail network, just as has been used in establishing the interstate highway system and the Federal aviation network.

(2) Lack of investment and attention to the needs of passenger rail infrastructure has resulted in a weak passenger rail network, and has caused a strain on the capacity of other modes of transportation in many areas of the country. According to the Department of Transportation, in 1999 the cost of wasted time and extra fuel consumption due to delays on congested roads was estimated at $78 billion.

(3) Passenger rail is an integral part of the United States transportation system, and, as can be evidenced in the Northeast Corridor, relieves the pressures of congestion on highways and at airports, and creates a more balanced system of transportation alternatives.

(4) Passenger rail service has been a vital instrument in the transportation needs of our nation. For instance, during World War II, the privately owned, operated, and constructed railroad industry transported 90 percent of all defense freight, and 97 percent of all defense personnel transported to points of embarkation for theaters of action. By the end of the war, railroads accounted for three quarters of the share of the common carrier share of intercity traffic, with airplanes and buses sharing the remaining quarter of traffic.

(5) Significant attention and Federal funding were required to construct the Eisenhower System of Interstate and Defense Highways. The Federal Aid Highway Act of 1956 established a Highway Trust Fund based upon Federal user taxes in order to finance up to 90 percent of the costs of the $25 billion dollar highway construction plan.

(6) Federal policies with respect to investment in aviation resulted in a strengthened aviation industry and the rapid development of air passenger service, and by the late 1960's most rail companies were petitioning the government to discontinue passenger services because of losses.

(7) Amtrak was established in 1971 by the Rail Passenger Service Act of 1970 to provide passenger rail services in the United States as a public service; at the time of Amtrak's formation, freight railroads were losing money on unprofitable passenger rail operations. Since 1971 Amtrak has received only $25 billion in public subsidies; during that period, the United States invested over $570 billion on highways and aviation.

(8) The Amtrak Reform and Accountability Act of 1997, and preceding statutes, resulted in creating conflicting missions for the National Railroad Passenger Corporation of both serving a public function by operating unprofitable long-distance routes while also attempting to operate at a profit. This policy has also restricted Amtrak's profit potential on the Northeast Corridor by limiting the capital expenditures to help defray other costs.

(9) Due to a lack of capital investment, the Northeast Corridor has accumulated a backlog of repair needs, including life safety and security needs. Investment in the capital needs of the Northeast Corridor would result in capacity improvements which would result in greater utilization of the existing infrastructure.

(10) The Department of Transportation Inspector General's 2001 Assessment of Amtrak's Financial Performance and Requirements (Report #CR-2002-075) found that Amtrak's lack of available capital has impeded its efforts to achieve financial goals.

(11) In order to attempt to meet the mandate of the Amtrak Reform and Accountability Act of 1997, Amtrak has been forced to delay capital improvement projects and other projects which would produce long-term benefits.

(12) The Department of Transportation Inspector General's 2001 Assessment of Amtrak's Financial Performance and Requirements (Report #CR-2002-075) found that Amtrak's most profitable operations are on the Northeast Corridor, where Federal investment in passenger rail infrastructure has been significantly higher than anywhere else in the country.

(13) Federal investments in capital projects to support passenger rail in areas other than the Northeast Corridor would result in improved service and increase profitability.

(14) The need for a balanced interstate and international transportation system that provides a viable alternative to travel by private automobile or commercial aircraft is particularly evident after the events of September 11, 2001.

(15) As a matter of national security, a strong passenger rail network would provide travelers an alternative to highway and air travel, which could lead to reduced United States reliance on foreign oil imports.

(16) In fiscal year 2001, the United States spent less than 1 percent of all transportation modal spending on intercity passenger rail, and since 1998 Amtrak has received only $2.8 billion of the $5.3 billion it has been authorized to receive by Congress.

(17) Passenger rail in the United States has no stable funding source, in contrast to highways, aviation, and transit.

(18) Per capita spending on passenger rail is much higher in other countries than the United States and, in fact, the United States ranks behind other countries including Canada, Japan, France, Great Britain, Italy, Spain, Austria, Switzerland, Belgium, Sweden, Luxembourg, Denmark, Ireland, Norway, the Czech Republic, Finland, Slovakia, Portugal, Poland, South Africa, Greece, and Estonia.

(19) The United States needs to engage in long-term planning to foster and address future passenger transportation growth and show forethought regarding transportation solutions rather than be forced to act due to an impending crisis.

(20) It is in the national interest to preserve passenger rail service in the United States and to maintain the solvency of the National Railroad Passenger Corporation.

(21) Long-term planning and support for passenger rail will help offset the emerging problems created by transportation congestion, and contribute to a cleaner and more environmentally-friendly transportation system.

(22) A comprehensive re-evaluation of our nation's rail passenger policy is required and a clearly defined role for Amtrak and a connected rail passenger network must be established.

(23) The Federal government must take the primary responsibility for developing national railroad passenger transportation infrastructure, and help ensure that it functions as an efficient network. Privatization of the rail passenger industry in Great Britain has been disastrous and passenger service has suffered overall.

(24) The nation should be afforded the opportunity to receive safe, efficient, and cost-effective rail passenger services, taking into account all benefits to the nation as a whole.

TITLE I—RAIL TRANSPORTATION SECURITY

SEC. 101. AMTRAK SECURITY ASSISTANCE.

(a) INFRASTRUCTURE SECURITY.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $39,714,000 for tunnel security, including closed circuit television cameras, lighting, and fencing, of which $26,476,000 shall be obligated or expended on the Northeast Corridor and $13,238,000 shall be obligated or expended outside the Northeast Corridor.

(2) $176,568,000 for interlocking security needs, including closed circuit television cameras, lighting, and fencing, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(3) $17,030,000 for equipment facility security, including closed circuit television cameras and lighting, of which $5,677,000 shall be obligated or expended on the Northeast Corridor and $11,353,000 shall be obligated or expended outside the Northeast Corridor.

(4) $29,280,000 for yard and terminal security, including closed circuit television cameras, lighting, and fencing, of which $9,760,000 shall be obligated or expended on the Northeast Corridor and $19,520,000 shall be obligated or expended outside the Northeast Corridor.

(5) $3,779,000 for mail and express facilities security, including closed circuit television cameras, lighting, and fencing, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(6) $27,233,000 for station security, including closed circuit television cameras, x-ray machines, lighting, and fencing, of which $7,104,000 shall be obligated or expended on the Northeast Corridor and $20,129,000 shall be obligated or expended outside the Northeast Corridor.

(7) $30,798,000 for bridge security, including closed circuit television cameras, lighting, and fencing, of which $19,065,000 shall be obligated or expended on the Northeast Corridor and $11,733,000 shall be obligated or expended outside the Northeast Corridor.

(8) $420,000 for tower security, including closed circuit television cameras, lighting, and fencing, which shall be obligated or expended on the Northeast Corridor.

(9) $29,451,000 for electric traction facilities security, including closed circuit television cameras, lighting, and fencing, of which $23,650,000 shall be obligated or expended on the Northeast Corridor and $5,801,000 shall be obligated or expended outside the Northeast Corridor.

(10) $11,112,000 for vehicle barriers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(11) $212,000 for centralized electrification and traffic control security, including access control systems, monitoring and alarm systems, and technological protection for systems, which shall be obligated or expended on the Northeast Corridor.

(12) $10,283,000 for primary and backup central monitoring technology centers, which shall be obligated or expended outside the Northeast Corridor.

(13) $538,000 for employee identification systems, including improved technology for badges issued to employees and visitors controlled through a centralized database.

(14) $75,000 for bomb-resistant trash containers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(15) $5,800,000 for a passenger information retrieval system to capture security information, create watchlists, and an online history of passengers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(16) $6,200,000 for an incident tracking system to create and maintain an electronic database of data on criminal and operational incidents, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(17) $4,300,000 for upgrades to ticket kiosks for photo imaging for identification purposes, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(18) $16,750,000 for an incident command system to serve as a second command center and a disaster recovery command site, of which $5,000,000 shall be obligated or expended on the Northeast Corridor and $11,750,000 shall be obligated or expended outside the Northeast Corridor.

(19) $5,000,000 for train locator and tracking systems to provide GPS coordinates for all locomotives, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(20) $120,000 for a notification system for integration of GPS information into the central computer systems, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(21) $1,245,000 for mail and express shipment software to identify each shipment positively before it is transported by rail, of which $405,000 shall be obligated or expended on the Northeast Corridor and $840,000 shall be obligated or expended outside the Northeast Corridor.

(22) $1,211,000 for mail and express tracking deployment to identify the status of each rail shipment.

(b) SECURITY OPERATIONS.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $354,000 for hiring 4 police officers, each of whom is to be dedicated to a specific region of the United States, to provide intelligence-gathering and analysis, conduct crime-mapping assessments throughout the entire system, work with law enforcement to prevent terrorist acts and reduce Amtrak's vulnerability, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(2) $10,411,000 for the hiring of 150 patrol officers and 48 specialized personnel, of whom 101 would be deployed on the Northeast Corridor and 97 outside the Northeast Corridor.

(3) $11,292,000 for the hiring of 250 security officers, of whom 147 would be deployed on the Northeast Corridor and 103 outside the Northeast Corridor.

(4) $1,828,000 for the hiring of 20 canine bomb teams, of which 15 are to be deployed outside the Northeast Corridor and 5 are to be deployed on the Northeast Corridor.

(5) $30,761,000 for infrastructure security inspectors to inspect the rights-of-way, bridges, buildings, tunnels, communications and signaling equipment, fencing, gates, barriers, lighting, catenary system, and other security features, of which 50 percent is to be obligated or expended on the Northeast Corridor and 50 percent is to be obligated or expended outside the Northeast Corridor.

(6) $2,990,000 to expand aviation capabilities for security coverage and patrol capabilities,

including equipment, staff, and facilities, of which $997,000 is to be obligated or expended on the Northeast Corridor and $1,993.000 is to be obligated or expended outside the Northeast Corridor.

(7) $1,095,000 for the leasing of 150 vehicles to support patrol capabilities, of which $569,000 is to be obligated or expended on the Northeast Corridor and $526,000 is to be obligated or expended outside the Northeast Corridor.

(8) $669,000 for 6 management level positions with responsibility for direction, control, implementation, and monitoring of security systems, including the deployment of the 250 security officers throughout the Amtrak system, of which $446,000 is to be obligated or expended on the Northeast Corridor and $223,000 is to be obligated or expended outside the Northeast Corridor.

(9) $980,000 for applicant background investigations, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(10) $457,000 for rapid response teams to respond to and prepare for on-site consequence management, all of which shall be obligated or expended outside the Northeast Corridor.

(c) EQUIPMENT SECURITY.—

(1) IN GENERAL.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(A) $1,755,000 to provide two-way communication devices for all Amtrak conductors.

(B) $3,000,000 for 2 mobile emergency command and communication units and rapid response teams, 1 to be located in the Midwest and 1 on the West Coast.

(C) $651,000 for 200 to 400 radioactive material detectors to be deployed system-wide, of which $231,000 is to be obligated or expended on the Northeast Corridor and $420,000 is to be obligated or expended outside the Northeast Corridor.

(D) $4,000,000 for hand-held bomb detectors for use by police to inspect baggage and packages.

(E) $1,400,000 to screen express packages before being placed on trains.

(F) $1,305,000 for secure locking devices on mail and express cars that have satellite-monitoring capability.

(G) $10,234,000 for video recording systems on road locomotives, of which $4.859,000 is to be obligated or expended on the Northeast Corridor and $5,375,000 is to be obligated or expended outside the Northeast Corridor.

(H) $6,712,000 to acquire and install satellite-based technology to shut down any locomotive that is not under the control of its crew.

(I) $4,320,000 to install 10 new communications stations to enable radio communications in remote locations and 12 satellite receivers.

(J) $4,000,000 for 4 self-propelled high-speed rail cars designated for selective patrol and enforcement functions, including critical incident response, dignitary protection, and roving rail security inspections.

(2) ALLOCATION.—Except as provided in subparagraphs (B), (C), and (G) of paragraph (1), 50 percent of any amounts appropriated pursuant to paragraph (1) shall be obligated or expended on the Northeast Corridor and 50 percent of such amounts shall be obligated or expended outside the Northeast Corridor.

(d) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsections (a), (b), and (c) shall remain available until expended.

(e) PROHIBITION ON USE OF EQUIPMENT FOR EMPLOYMENT-RELATED PURPOSES.—An employer may not use closed circuit television cameras purchased with amounts authorized by this section for employee disciplinary or monitoring purposes unrelated to transportation security.

SEC. 102. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Not later than June 1, 2003, the Comptroller General shall carry out a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 103. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Transportation shall—

(1) study the cost and feasibility of requiring security screening for all passengers, baggage, and mail, express, and other cargo on Amtrak trains; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing a rail security screening program to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives one year after the date of enactment of this Act.

(b) PILOT PROGRAM.—As part of the study under subsection (a), the Secretary shall conduct a pilot program of random security screening of passengers and baggage at 5 of the 10 busiest passenger rail stations served by Amtrak (measured by the average number of boardings of Amtrak passenger trains) and at up to five additional rail stations served by Amtrak that are selected by the Secretary. In selecting the additional train stations the Secretary shall attempt to achieve a distribution of participating stations in terms of geographic location and size.

SEC. 104. RAIL SECURITY.

(a) SECRETARY OF TRANSPORTATION.—Section 20103(a) is amended by striking "safety" and inserting "safety, including the security of railroad operations,".

(b) RAIL POLICE OFFICERS.—Section 28101 is amended by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(c) REVIEW OF RAIL REGULATIONS.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Federal Railroad Administration's Rail Safety Advisory Committee, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail safety and security.

SEC. 105. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) ASSESSMENT.—The Secretary of Transportation shall assess the security risks associated with rail transportation and develop prioritized recommendations for—

(A) improving the security of rail tunnels, rail bridges, rail switching areas, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) the deployment of chemical and biological weapon detection equipment;

(C) dealing with the immediate and long-term economic impact of measures that may be required to address those risks; and

(D) training employees in terrorism response activities.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment shall include a review of any actions already taken to address identified security issues by both public and private entities.

(3) RAILROAD CROSSING DELAYS.—The Secretary shall include in the assessment an analysis of the risks to public safety and to the security of rail transportation that are associated with long delays in the movement of trains that have stopped on railroad grade crossings of highways, streets, and other roads for motor vehicle traffic, especially in major metropolitan areas. The Secretary shall include in the recommendations developed under paragraph (1) recommended actions for preventing such delays and reducing the risks identified in the analysis.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Secretary shall—

(1) consult with rail management, rail labor, and public safety officials (including officials responsible for responding to emergencies); and

(2) utilize, to the maximum extent feasible, the resources and assistance of—

(A) the Federal Railroad Administration's Rail Safety Advisory Committee; and

(B) the Transportation Research Board of the National Academy of Sciences.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report, without compromising national security, containing—

(A) the assessment and prioritized recommendations required by subsection (a); and

(B) any proposals the Secretary deems appropriate for providing Federal financial, technological, or research and development assistance to railroads to assist the railroads in reducing the likelihood, severity, and consequences of deliberate acts of crime or terrorism toward rail employees, rail passengers, rail shipments, or rail property.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) SECURITY NEEDS OF NON-AMTRAK STATIONS.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of the security and station improvements that may be needed on rail stations served by Amtrak that are not owned by Amtrak.

(2) REPORT.—The Secretary shall report, within 180 days after the date of enactment of this Act, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the results of the study, including—

(A) the total number of such stations;

(B) the estimated costs of the security and station improvements identified in the study; and

(C) any additional findings, conclusions, and recommendations, including legislative recommendations, the Secretary deems appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $5,000,000 for fiscal year 2003 to carry out this section, such sums to remain available until expended.

SEC. 106. OFFSET FOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS.

(a) FINDING.—The Congress finds that amounts were appropriated by the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Pub. Law 107-117) to be obligated or expended for Amtrak security-related activities.

(b) STATEMENT OF INTENT.—It is the intent of the Congress that the amounts appropriated by that Act for Amtrak security-related activities should offset the amounts authorized by this title to be appropriated to the Secretary of Transportation for Amtrak's use for security-related activities.

(c) REDUCTION OF AUTHORIZATIONS.—Each amount authorized by this title to be appropriated to the Secretary of Transportation for the use of Amtrak for a security-related activity in any preceding section of this title for any fiscal year shall be reduced by any such appropriated amount used by Amtrak for that activity in that fiscal year.

TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION POLICY.

(a) IN GENERAL.—Chapter 261 is amended by inserting before section 26101 the following:

"§ 26100. Policy.

"(a) IN GENERAL.—The Congress declares that it is the policy of the United States that designated high-speed railroad passenger transportation corridors are the building blocks of an interconnected interstate railroad passenger system that serves the entire Nation.

"(b) SECRETARY REQUIRED TO ESTABLISH NATIONAL HIGH-SPEED GROUND TRANSPORTATION POLICY.—The Secretary of Transportation shall establish the national high-speed ground transportation policy required by section 309(e)(1) of this title no later than December 31, 2002.".

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 261 is amended by inserting before the item relating to section 26101 the following:

"26100. Policy".

(2) Section 309(e)(1) is amended by striking "Within 12 months after the submission of the study required by subsection (d)," and inserting "No later than December 31, 2002,".

SEC. 202. HIGH-SPEED RAIL CORRIDOR PLANNING.

(a) IN GENERAL.—Section 26101(a) is amended to read as follows:

"(a) PLANNING.—

"(1) IN GENERAL.—The Secretary of Transportation shall provide planning assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated by the Secretary under section 104(d) of title 23.

"(2) SECRETARY MAY PROVIDE DIRECT OR FINANCIAL ASSISTANCE.—The Secretary may provide planning assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake planning activities approved by the Secretary.

"(3) 100 PERCENT FEDERAL FUNDING.—The Secretary may permit, but may not require, a portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

"(4) PRIORITIES TO CHICAGO, ATLANTA, DALLAS/FORT WORTH, PORTLAND, AND ORLANDO.—In determining projects to be undertaken pursuant to this paragraph, the Secretary shall give the highest priorities to undertaking planning in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, in the Dallas/Fort Worth, Texas, area, in the Portland, Oregon, area, and on the Orlando Corridor in Florida.".

(b) CONFORMING AND OTHER AMENDMENTS TO SECTION 26101.—Section 26101 is further amended—

(1) by striking subsection (c)(2) and inserting the following:

"(2) the extent to which the proposed planning focuses on high-speed rail systems, giving a priority to systems which will achieve sustained speeds of 125 miles per hour or greater and projects involving dedicated rail passenger rights-of-way;";

(2) by inserting "and" after the semicolon in subsection (c)(12);

(3) by striking "completed; and" in subsection (c)(13) and inserting "completed.";

(4) by striking subsection (c)(14); and

(5) by adding at the end the following:

"(d) OPERATORS DEEMED RAIL CARRIERS.—A person that conducts rail operations funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV, when so operating or performing such services.".

(c) CONFORMING AMENDMENT.—Section 26105(2)(A) is amended by striking "more than 125 miles per hour;" and inserting "90 miles per hour or more;".

(d) FINANCIAL ASSISTANCE TO INCLUDE LOANS AND LOAN GUARANTEES.—Section 26105(1) is amended by inserting "loans, loan guarantees," after "contracts,".

SEC. 203. IMPLEMENTATION ASSISTANCE.

(a) IN GENERAL.—Chapter 261 is amended by inserting after section 26101 the following:

"§ 26101A. Implementation of corridor plans.

"(a) IMPLEMENTATION ASSISTANCE.—

"(1) IN GENERAL.—The Secretary of Transportation shall provide implementation assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated by the Secretary under section 104(d) of title 23. The Secretary shall establish an application and qualification process and, before providing assistance under this section, make a determination on the record that the applicant is qualified and eligible for assistance under this section.

"(2) SECRETARY MAY PROVIDE DIRECT OR FINANCIAL ASSISTANCE.—The Secretary may provide implementation assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake implementation activities approved by the Secretary.

"(3) 100 PERCENT FEDERAL SHARE.—The Secretary may permit, but may not require, a portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

"(4) CONTRIBUTION OF LAND.—Notwithstanding paragraph (3), the Secretary may accept land contributed by a State for right-of-way, without regard to whether the State acquired the land directly or indirectly through the use of Federal funds, including transfers from the Highway Trust Fund under section 9503 of the Internal Revenue Code of 1986.

"(5) PRIORITIES TO CHICAGO, ATLANTA, DALLAS/FORT WORTH, PORTLAND, AND ORLANDO.—In determining projects to be undertaken pursuant to this subsection, the Secretary shall give the highest priorities to undertaking implementation assistance in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, and in the Dallas/Fort Worth, Texas, area, in the Portland, Oregon, area, and on the Orlando Corridor in Florida.

"(6) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available for implementation assistance to providing appropriate related assistance in any State the rail transportation system of which—

"(A) is not physically connected to rail systems in the continental United States; and

"(B) may not otherwise qualify for high-speed rail implementation assistance due to the constraints imposed on the railway infrastructure in that State due to the unique characteristics of the geography of that State or other relevant considerations, as determined by the Secretary.

"(b) ELIGIBLE IMPLEMENTATION ACTIVITIES.—The following activities are eligible for implementation assistance under subsection (a):

"(1) Security planning and the acquisition of security and emergency response equipment.

"(2) Operating expenses.

"(3) Infrastructure acquisition and construction of track and facilities.

"(4) Highway-rail grade crossing eliminations and improvements.

"(5) Acquisition of rights-of-way, locomotives, rolling stock, track, and signal equipment.

"(c) CRITERIA FOR DETERMINING ASSISTANCE FOR IMPLEMENTATION ACTIVITIES.—The Secretary, in selecting recipients of assistance under subsection (a), shall—

"(1) encourage the use of positive train control technologies;

"(2) require that any project meet any existing safety regulations, and give preference to any project determined by the Secretary to have particularly high levels of safety;

"(3) encourage intermodal connectivity by locating train stations in or near airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

"(4) ensure a general regional balance in providing such assistance and avoid the concentration of a disproportionate dedication of available financial assistance resources to a single project or region of the country; and

"(5) ensure that any project is compatible with, and operated in conformance with, plans developed pursuant to the requirements of sections 134 and 135 of title 23, United States Code.

"(d) OPERATORS DEEMED RAIL CARRIERS.—A person that conducts rail operations funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV, when so operating or performing such services.

"(e) DOMESTIC BUYING PREFERENCES.—

"(1) IN GENERAL.—In carrying out a project assisted under this section, a recipient shall buy only—

"(A) unmanufactured articles, material, and supplies mined or produced in the United States; or

"(B) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

"(2) DE MINIMIS AMOUNT.—Paragraph (1) of this subsection applies only when the cost of those articles, material, or supplies bought is at least $1,000,000.

"(3) EXEMPTIONS.—On application of a recipient, the Secretary of Transportation may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

"(A) the requirements of paragraph (1) of this subsection are inconsistent with the public interest;

"(B) the cost of imposing those requirements is unreasonable; or

"(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

"(4) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

".

(b) RULEMAKING REQUIRED.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking to create an application and qualification procedure for providing high-speed rail corridor implementation assistance under section 26101A of title 49, United States Code.

(c) PROCEDURES FOR GRANT AWARD.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking to create procedures for the awarding of implementation assistance under this section. The Procedures shall include the execution of a full funding grant agreement between the applicant and the government.

(d) COMPETITIVE BIDDING ON HIGH-SPEED RAIL ROUTES.—The Secretary of Transportation shall determine that a State or group of States and other public agencies promoting a high-speed rail project under the provisions of section 26101A of title 49, United States Code, as a condition of receiving funding under such section, has provided for competitive bidding for the project in accordance with the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (49 C.F.R. section 18.36). Within 180 days after the date of enactment of this Act, the Secretary, in consultation with the States or groups of States and other public agencies, shall issue criteria for the services to which the competitive bidding by this section applies. A train operator selected under section 26101A of title 49, United States Code, is deemed to be a rail carrier for purposes of part A of subtitle 49, United States Code, when performing such services.

(e) CONFORMING AMENDMENT.—The chapter analysis for chapter 261 is amended by inserting after the item relating to section 26101 the following:

"26101A. Implementation of corridor plans".

SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.

(a) IN GENERAL.—The Secretary of Transportation shall give priority in allocating funds authorized by section 26104 of title 49, United States Code, to designated high-speed rail corridors.

(b) DESIGNATED HIGH-SPEED RAIL CORRIDORS.—For purposes of subsection (a), the following shall be considered to be designated high-speed rail corridors:

(1) California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

(2) Chicago Hub Corridor Network with the following spokes:

(A) Chicago to Detroit.

(B) Chicago to Minneapolis/St. Paul, Minnesota, via Milwaukee, Wisconsin.

(C) Chicago to Kansas City, Missouri, via Springfield, Illinois, and St. Louis, Missouri.

(D) Chicago to Louisville, Kentucky, via Indianapolis, Indiana, and Cincinnati, Ohio.

(E) Chicago to Cleveland, Ohio, via Toledo, Ohio.

(F) Cleveland, Ohio, to Cincinnati, Ohio, via Columbus, Ohio.

(3) Empire State Corridor from New York City, New York, through Albany, New York, to Buffalo, New York.

(4) Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

(5) Gulf Coast Corridor from Houston Texas, through New Orleans, Louisiana, to Mobile, Alabama, with a branch from New Orleans, through Meridian, Mississippi, and Birmingham, Alabama, to Atlanta, Georgia.

(6) Keystone Corridor from Philadelphia, Pennsylvania, through Harrisburg, Pennsylvania, to Pittsburgh, Pennsylvania.

(7) Northeast Corridor from Washington, District of Columbia, through New York City, New York, New Haven, Connecticut, and Providence, Rhode Island, to Boston, Massachusetts, with a branch from New Haven, Connecticut, to Springfield, Massachusetts.

(8) New England Corridor from Boston, Massachusetts, to Portland and Auburn, Maine, and from Boston, Massachusetts, through Concord, New Hampshire, and Montpelier, Vermont, to Montreal, Quebec.

(9) Pacific Northwest Corridor from Eugene, Oregon, through Portland, Oregon, and Seattle, Washington, to Vancouver, British Columbia.

(10) South Central Corridor from San Antonio, Texas, through Dallas/ Fort Worth to Little Rock, Arkansas, with a branch from Dallas/Fort Worth through Oklahoma City, Oklahoma, to Tulsa, Oklahoma.

(11) Southeast Corridor from Washington, District of Columbia, through Richmond, Virginia, Raleigh, North Carolina, Columbia, South Carolina, Savannah, Georgia, and Jessup, Georgia, to Jacksonville, Florida, with—

(A) a branch from Raleigh, North Carolina, through Charlotte, North Carolina, and Greenville, South Carolina, to Atlanta, Georgia; a branch from Richmond, to Hampton Roads/Norfolk, Virginia;

(B) a branch from Charlotte, North Carolina, to Columbia, South Carolina, to Charleston, South Carolina;

(C) a connecting route from Atlanta, Georgia, to Jessup, Georgia;

(D) a connecting route from Atlanta, Georgia, to Charleston, South Carolina; and

(E) a branch from Raleigh, North Carolina, through Florence, South Carolina, to Charleston, South Carolina, and Savannah, Georgia, with a connecting route from Florence, South Carolina, to Myrtle Beach, South Carolina.

(12) Southwest Corridor from Los Angeles, California, to Las Vegas, Nevada.

(c) OTHER HIGH-SPEED RAIL CORRIDORS.—For purposes of this section, subsection (b)—

(1) does not limit the term "designated high-speed rail corridor" to those corridors described in subsection (b); and

(2) does not limit the Secretary of Transportation's authority—

(A) to designate additional high-speed rail corridors; or

(B) to terminate the designation of any high-speed rail corridor.

SEC. 205. LABOR STANDARDS.

(a) CURRENT EMPLOYEE PROTECTIONS.—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees, employees of the National Passenger Railroad Corporation, and mass transportation employees as it existed on the day before the date of enactment of this Act.

(b) LABOR STANDARDS.—

(1) PREVAILING WAGES.—The Secretary or Transportation—

(A) shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed in whole or in part by funds authorized by this Act will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.); and

(B) may make such funds available with respect to construction work only after being assured that required labor standards will be maintained on the construction work.

(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

(3) EMPLOYEE PROTECTION.—The Secretary of Transportation shall require as a condition of any project financed in whole or in part by funds authorized by this title that the project be conducted in a manner that provides a fair arrangement at least as protective of the interests of employees who are affected by the project so funded as the terms imposed under arrangements reached under section 141 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24706 note).

SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN HIGH-SPEED RAIL CORRIDORS.

(a) IN GENERAL.—The entire cost of construction of projects for the elimination of hazards of railway-highway crossings in designated high-speed rail corridors, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums authorized by subsection (k). In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary of Transportation to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project may be paid from sums authorized by subsection (k).

(b) CLASSIFICATION OF PROJECTS.—The Secretary may classify the various types of projects involved in the elimination of hazards of high-speed rail corridor railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per cent of such costs. The Secretary shall determine the appropriate classification of each project.

(c) Liability of Railroad.—Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available under this section shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made under subsection (b). That liability to the United States may be discharged by direct payment to the State transportation department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. The payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of the project. If any such railroad fails to discharge such liability within a 6-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

(d) Survey and Schedule of Projects.—Each State shall conduct and systematically maintain a survey of all high-speed rail corridor railway-highway crossings to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose.

(e) Funds for Protective Devices.—The Secretary shall give priority under this section to the elimination of high-speed rail corridor railway-highway grade crossings, but shall make funds authorized for obligation or expenditure under this section available for the installation of protective devices at high-speed rail corridor railway-highway crossings where appropriate.

(f) Apportionment.—The Secretary shall apportion funds available for obligation and expenditure under this section between high-speed rail corridor railway-highway crossings on the Northeast Corridor and such crossings outside the Northeast Corridor in an equitable fashion, taking into account traffic volume, traffic patterns, frequency of trains, adequacy of existing hazard warnings, and such other factors as the Secretary deems appropriate.

(g) Annual Report.—The Secretary shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The report shall include—

(1) the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

(2) an analysis and evaluation of the program activities in each State, including identification of any State found not to be in compliance with the schedule of improvements required by subsection (d); and

(3) recommendations for future implementation of the railway-highway crossings program under this section and section 130 of title 23, United States Code.

(h) Use of Funds for Matching.—Funds authorized to be appropriated to carry out this section may be used to provide a local government with funds to be used on a matching basis when State funds are available which may only be spent when the local government produces matching funds for the improvement of railway-highway crossings.

(i) Incentive Payments for At-grade Crossing Closures.—

(1) In general.—Notwithstanding any other provision of this section and subject to paragraphs (2) and (3), the Secretary may make incentive payments to a local government upon the permanent closure by such government of public at-grade high-speed rail corridor railway-highway crossings under its jurisdiction.

(2) Incentive payments by railroads.—The Secretary may not make an incentive payment under paragraph (1) to a local government with respect to the closure of a crossing unless the railroad owning the tracks on which the crossing is located makes an incentive payment to the government with respect to the closure.

(3) Amount of Federal incentive payment.—The amount of the incentive payment payable to a local government under paragraph (1) with respect to a crossing may not exceed the lesser of—

(A) the amount of the incentive payment paid to the government with respect to the crossing by the railroad concerned under paragraph (2); or

(B) $ 7,500.

(j) Coordination with Title 23 Program.—In carrying out this section, the Secretary shall—

(1) implement this section in accordance with the classification of projects and railroad share of the cost as provided in section 646.210 of title 23, Code of Federal Regulations; and

(2) coordinate the administration of this section with the program established by section 130 of title 23, United States Code, in order to avoid duplication of effort and to ensure the effectiveness of both programs.

(k) Funding.—Not less than 10 percent of the amounts appropriated for each fiscal year to carry out section 26101A shall be obligated or expended to carry out this section.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

Section 26104 is amended to read as follows:

"§ 26104. Authorization of appropriations

"(a) Fiscal Years 2003 through 2007.—There are authorized to be appropriated to the Secretary for each of fiscal years 2003 through 2007—

"(1) $25,000,000 for carrying out section 26101;

"(2) $1,500,000,000 for carrying out section 26101A; and

"(3) $25,000,000 for carrying out section 26102.

"(b) Funds To Remain Available.—Funds made available under this section shall remain available until expended.

"(c) Special Rule.—Except as specifically provided in section 26101, 26101A, or 26102, no amount authorized by subsection (a) may be used for obligation or expenditure on the Boston-to-Washington segment of the Northeast Corridor while that segment is receiving Federal funds for capital or operating expenses.".

TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) In General.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

"(5) 'national rail passenger transportation system' means—

"(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, D.C.;

"(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors, but only after they have been improved to permit operation of high-speed service;

"(C) long-distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the National Defense Rail Act; and

"(D) short-distance corridors or routes operated as of the date of enactment of the National Defense Rail Act, unless discontinued by Amtrak.".

(b) Amtrak Routes with State Funding.—

(1) In general.—Chapter 247 is amended by inserting after section 27101 the following:

"§ 24702. Transportation requested by States, authorities, and other persons

"(a) Contracts for Transportation.—Amtrak and a State, a regional or local authority, or another person may enter into a contract for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

"(b) Discontinuance.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract, Amtrak may discontinue such service or route, notwithstanding any other provision of law.".

(2) Conforming amendment.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

"24702. Transportation requested by States, authorities, and other persons".

(c) Amtrak To Continue To Provide Non High-speed Services.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

SEC. 302. AMTRAK AUTHORIZATIONS.

(a) Repeal of Self-sufficiency Requirements.

(1) Title 49 amendments.—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) Amtrak Reform and Accountability Act amendments.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) Common stock redemption date.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(b) Lease arrangements.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2003 through 2007.

(c) FINANCIAL POWERS.—Section 415(d) of the Amtrak Reform and Accountability Act of 1997 by adding at the end the following:

"(3) This section does not affect the applicability of section 3729 of title 31, United States Code, to claims made against Amtrak.".

SEC. 303. ADDITIONAL AMTRAK AUTHORIZATIONS.

(a) EXCESS RRTA.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries.

(b) PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, $105,000,000.
(B) For fiscal year 2004, $93,000,000.
(C) For fiscal year 2005, $105,000,000.
(D) For fiscal year 2006, $108,000,000.
(E) For fiscal year 2007, $183,000,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, $160,000,000.
(B) For fiscal year 2004, $157,000,000.
(C) For fiscal year 2005, $147,000,000.
(D) For fiscal year 2006, $142,000,000.
(E) For fiscal year 2007, $134,000,000.

(c) ENVIRONMENTAL COMPLIANCE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor, in order to comply with environmental regulations.

(d) COMPLIANCE WITH ADA REQUIREMENTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $43,000,000 for access improvements in facilities and stations necessary to comply with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162), including an initial assessment of the full set of needs across the national rail passenger transportation system, of which—

(A) $10,000,000 shall be obligated or expended on the Northeast Corridor; and

(B) $33,000,000 shall be obligated or expended outside the Northeast Corridor, of which $15,000,000 shall be obligated or expended for long-distance trains.

(2) BEST EFFORTS REQUIREMENT.—If Amtrak fails to meet the period for compliance requirement imposed by section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I))—

(A) it shall not be considered discrimination for purposes of section 202 of that Act (42 U.S.C. 12132) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) if Amtrak demonstrates to the satisfaction of the Secretary of Transportation that—

(i) Amtrak has made substantial progress toward meeting the requirements of section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)); and

(ii) Amtrak's failure to meet the period of compliance requirement of that section is attributable to the insufficiency of appropriated funds; and

(B) the period for compliance under section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)) shall be extended until—

(i) sufficient funds have been appropriated to the Secretary of Transportation for the use of Amtrak to enable Amtrak to comply fully with the requirements of that section; and

(ii) a reasonable period of time for the completion of necessary construction so funded has passed.

(e) REINVESTMENT OF NET REVENUES FROM NON-PASSENGER OPERATIONS.—Amtrak shall apply any net revenues from non-passenger operations to the railroad's working capital for use in satisfying systemwide current liabilities. When Amtrak's working capital has improved to the point at which Amtrak's liquid assets are sufficient to satisfy projected short-term liabilities, Amtrak shall invest any excess net non-passenger revenues in high priority capital projects.

SEC. 304. NORTHEAST CORRIDOR AUTHORIZATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, the following amounts:

(1) $370,000,000 for capital backlog on infrastructure on the Northeast Corridor to bring infrastructure up to state-of-good-repair, including renewal of the South End electric traction system, improvements on bridges and tunnels, and interlocking and signal system renewal.

(2) $60,000,000 for capital backlog on fleet to bring existing fleet to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments.

(3) $40,000,000 for capital backlog on stations and facilities, including improvements to the facility and platform at the existing Penn Station, and bringing maintenance-of-way facilities up to state-of-good-repair.

(4) $350,000,000 for ongoing capital infrastructure—

(A) to replace assets on a life-cycle basis;

(B) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards; and

(C) to meet current service commitments.

(5) $40,000,000 for ongoing capital fleet investment to sustain regularly scheduled maintenance, including a 120-day cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

(6) $30,000,000 for ongoing capital improvements to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-equipment and maintenance-of-way facilities.

(7) $20,000,000 for ongoing technology upgrades of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

(b) LIFE SAFETY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $798,000,000 for the 6 New York tunnels built in 1910 to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers.

(2) $57,000,000 for the Baltimore & Potomac tunnel built in 1872 to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades.

(3) $40,000,000 for the Washington, D.C. Union Station tunnels built in 1904 under the Supreme Court and House and Senate Office Buildings to improve ventilation, communication, lighting, and passenger egress upgrades.

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels, such funds to remain available until expended.

(d) CORRIDOR GROWTH INVESTMENT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for corridor growth investments in the Northeast Corridor—

(1) For fiscal year 2003, $200,000,000.
(2) For fiscal year 2004, $300,000,000.
(3) For fiscal year 2005, $400,000,000.
(4) For fiscal year 2006, $500,000,000.
(5) For fiscal year 2007, $600,000,000.

(e) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all life safety portions of the tunnel projects described in subsection (b)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers if feasible.

(f) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

(g) REINVESTMENT OF NORTHEAST CORRIDOR NET OPERATING REVENUES.—Amtrak shall invest any net revenue generated from core passenger operations in the Northeast Corridor in capital needs of the corridor until the backlog of capital improvements is completed under Amtrak's 20-year capital plan.

SEC. 305. LONG DISTANCE TRAINS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $360,000,000 for operating costs associated with long distance trains.

(b) CAPITAL BACKLOG AND UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $70,000,000 to reduce the capital backlog and to bring its existing fleet to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments.

(c) ONGOING CAPITAL INFRASTRUCTURE INVESTMENTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $80,000,000 for ongoing capital infrastructure—

(1) to replace assets on a life-cycle basis;

(2) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards;

(3) to meet current service commitments; and

(4) to provide funds for investment in partner railroads to operate passenger service at currently committed levels.

(d) CAPITAL FLEET NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $50,000,000 for ongoing capital fleet needs to sustain regularly scheduled maintenance, including a 120-day cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

(e) CAPITAL STATIONS AND FACILITIES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $10,000,000 for ongoing capital stations and facilities needs to provide regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-way equipment and maintenance-of-way facilities.

(f) TECHNOLOGY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $10,000,000 for ongoing technology needs to upgrade reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

SEC. 306. SHORT DISTANCE TRAINS; STATE-SUPPORTED ROUTES.

There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, for obligation and expenditure on routes outside the Northeast Corridor—

(1) $20,000,000 for capital backlog on infrastructure to bring infrastructure up to a state-of-good-repair, including improvements on bridges and tunnels that are approaching the end of their useful life and interlocking and signal system renewal;

(2) $10,000,000 for capital backlog on its fleet to bring Amtrak's existing fleet as of the date of enactment of this Act to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments;

(3) $170,000,000 for ongoing capital infrastructure to replace assets on a life-cycle basis to ensure a state-of-good-repair is maintained in order to meet safety and reliability standards needed to deliver current service commitments, including investment in partner railroads to operate passenger service at currently committed levels.

(4) $40,000,000 for ongoing capital fleet needs to sustain regularly scheduled maintenance, including a 120-day cycle preventive maintenance schedule, and heavy overhauls on a 4-year schedule, with interior enhancements as needed;

(5) $10,000,000 for ongoing capital stations and facilities needs to provide regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-way equipment and maintenance-of-way facilities; and

(6) $20,000,000 for ongoing technology needs to upgrade of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure and communications.

SEC. 307. RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.

(a) RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.—The Secretary of Transportation shall re-establish the Northeast Corridor Safety Committee authorized by section 24905(b) of title 49, United States Code.

(b) TERMINATION DATE.—Section 24905(b)(4) is amended by striking "January 1, 1999," and inserting "January 1, 2008,".

SEC. 308. ON-TIME PERFORMANCE.

Section 24308 is amended by adding at the end the following:

"(f) ON-TIME PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any consecutive 3-month period, Amtrak may petition the Surface Transportation Board to investigate whether, and to what extent, delays are due to causes that could reasonably be addressed by a rail carrier over the tracks of which the intercity passenger train operates, or by a regional authority providing commuter service, if any. In carrying out such an investigation, the Surface Transportation Board shall obtain information from all parties involved and make recommendations regarding reasonable measures to improve the on-time performance of the train.".

SEC. 309. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

"§ 24302. Board of directors

"(a) COMPOSITION AND TERMS.—

"(1) The board of directors of Amtrak is composed of the following 9 directors, each of whom must be a citizen of the United States:

"(A) The President of Amtrak.

"(B) The Secretary of Transportation.

"(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with an interest, experience, and qualifications in or directly related to rail transportation, including representatives of the passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, and consumers of passenger rail transportation.

"(2) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1)(C) may be members of the same political party.

"(3) The board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

"(4) The Secretary may be represented at board meetings by the Secretary's designee.

"(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing board duties and powers. Each director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending board meetings.

"(c) VACANCIES.—A vacancy on the board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

"(d) BYLAWS.—The board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.

"(e) CONFLICTS OF INTEREST.—Subparts D, E, and F of part 2635 of title 5, Code of Federal Regulations, shall apply to members of the board of directors during their term of office in the same manner as if they were employees of an executive agency (as defined in section 105 of title 5, United States Code).".

(b) CONFORMING AMENDMENT TO APPLY SAME STANDARD TO OFFICERS.—Section 24303(c) is amended to read as follows:

"(c) CONFLICTS OF INTEREST.—Subparts D, E, and F of part 2635 of title 5, Code of Federal Regulations, shall apply to officers when employed by Amtrak in the same manner as if they were employees of an executive agency (as defined in section 105 of title 5, United States Code).".

(c) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on October 1, 2003. The members of the Amtrak Reform Board may continue to serve until 3 directors appointed by the President under section 24302(a) of title 49, United States Code, as amended by subsection (a), have qualified for office.

SEC. 310. ESTABLISHMENT OF FINANCIAL ACCOUNTING SYSTEM FOR AMTRAK OPERATIONS BY INDEPENDENT AUDITOR.

(a) IN GENERAL.—Amtrak shall employ an independent financial consultant—

(1) to assess its financial accounting and reporting system and practices;

(2) to design and assist Amtrak in implementing a modern financial accounting and reporting system, on the basis of the assessment, that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations; and

(C) to provide ticketing and reservation information on a real-time basis.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $2,500,000 for fiscal year 2003 to carry out subsection (a), such sums to remain available until expended.

SEC. 311. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak board of directors shall submit an annual budget for Amtrak, and a 5-year financial plan for the fiscal year to which that budget relates and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as: the ability of the federal government to adequately meet capital and operating requirements, Amtrak's access to long-term and short-term capital markets, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service.

(7) lump sum expenditures of $10 million or more and sources of funding.

(8) estimates of long-term and short-term debt and associated principle and interest payments (both current and anticipated);

(9) annual cash flow forecasts; and

(10) a statement describing methods of estimation and significant assumptions.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b) with respect to a 5-year financial plan, Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices; and

(2) use the categories specified in the financial accounting and reporting system developed under section 310 when preparing its 5-year financial plan.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) ASSESSMENT TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 312. REVISED REPORTING METHODOLOGY REQUIRED.

Within 90 days after the date of enactment of this Act, Amtrak, in consultation with the Comptroller General, shall develop a revised methodology to be used in preparing the annual operations report required by section 24315(a) of title 49, United States Code, beginning with the report on operations for fiscal year 2002. The new report methodology shall specifically exclude non-core profits in calculating the performance of Amtrak's trains.

SEC. 313. APPROPRIATED AMOUNTS TO BE SPENT PROPORTIONATELY.

If for any fiscal year the sum of the amounts appropriated to the Secretary of Transportation for the use of Amtrak is less than the sum of the amounts authorized by this title for that fiscal year, then Amtrak shall—

(1) first obligate amounts appropriated pursuant to the authorization in section 303(a); and

(2) then allocate its obligation and expenditure of the remainder of the amounts appropriated for that fiscal year pursuant to this title (except amounts authorized by section section 304(b), (c), and (d)) among the segments of the system in the same proportion as the authorizations were allocated among those segments by this title.

SEC. 314. INDEPENDENT AUDITOR TO ESTABLISH CRITERIA FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) INSPECTOR GENERAL TO HIRE CONSULTANT.—The Inspector General of the Department of Transportation shall—

(1) execute a contract to obtain the services of an independent auditor or consultant for the establishment of objective criteria for Amtrak service changes, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of existing services;

(2) review the criteria developed under the contract; and

(3) if the Inspector General approves the criteria, transmit them to the Amtrak board of directors.

(b) INCORPORATION OF CRITERIA BY AMTRAK.—The Amtrak board of directors shall incorporate the criteria in—

(1) its route and service planning and decision-making process; and

(2) its capital plans and budgets developed in compliance with section 311 of this Act.

(c) NOTIFICATION OF CONGRESS WHERE NOT COMPLYING WITH CRITERIA.—The Amtrak board of directors shall—

(1) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not less than 30 days before the implementation date of any decision to establish a new route, terminate an existing route, or effect any other major change in service that is inconsistent with the criteria incorporated under subsection (b); and

(2) explain its decision not to follow the criteria.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Inspector General, out of any amounts appropriated to Amtrak pursuant to the authority of this Act and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

TITLE IV—MISCELLANEOUS

SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY FINANCING.

(a) DEFINITIONS.—Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 802(7)) is amended to read as follows:

"(7) 'railroad' has the meaning given that term in section 20102 of title 49, United States Code; and".

(b) GENERAL AUTHORITY.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking "Secretary may provide direct loans and loan guarantees to State and local governments," in subsection (a) and inserting "Secretary shall provide direct loans and loan guarantees to State and local governments, interstate compacts entered into under section 410 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C 24101 nt),";

(2) by striking "or" in subsection (b)(1)(B);

(3) by redesignating subparagraph (C) of subsection (b)(1) as subparagraph (D); and

(4) by inserting after subparagraph (B) of subsection (b)(1) the following:

"(C) to acquire, improve, or rehabilitate rail safety and security equipment and facilities; or".

(c) EXTENT OF AUTHORITY.—Section 502(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)) is amended—

(1) by striking "$3,500,000,000" and inserting "$35,000,000,000";

(2) by striking "$1,000,000,000" and inserting "$7,000,000,000"; and

(3) by adding at the end the following new sentence: "The Secretary shall not establish any limit on the proportion of the unused amount authorized under this subsection that may be used for 1 loan or loan guarantee.".

(d) COHORTS OF LOANS.—Section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by adding after subparagraph (D) the following new subparagraph:

"(E) the size and characteristics of the cohort of which the loan or loan guarantee is a member; and"; and

(2) by adding at the end of paragraph (4) the following: "A cohort may include loans and loan guarantees. The Secretary shall not establish any limit on the proportion of a cohort that may be used for 1 loan or loan guarantee.".

(e) CONDITIONS OF ASSISTANCE.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking "offered;" in subsection (f)(2)(A) and inserting "offered, if any;";

(2) by inserting "(1)" before "The Secretary" in subsection (h) and redesignating paragraphs (1), (2), and (3) of that subsection as subparagraphs (A), (B), and (C); and

(3) by adding at the end of subsection (h) the following:

"(2) The Secretary shall not require an applicant for a direct loan or loan guarantee under this section to provide collateral.

"(3) The Secretary shall not require that an applicant for a direct loan or loan guarantee under this section have previously sought the financial assistance requested from another source.

"(4) The Secretary shall require recipients of direct loans or loan guarantees under this section to apply the standards of section 22301(b) and (c) of title 49, United States Code, to their projects.".

(f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended by adding at the end the following:

"(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a complete application for a direct loan or loan guarantee under this section, the Secretary shall approve or disapprove the application.".

(g) FEES AND CHARGES.—Section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823) is amended—

(1) by adding at the end of subsection (k) the following: "Funds received by the Secretary under the preceding sentence shall be credited to the appropriation from which the expenses of making such appraisals, determinations, and findings were incurred."; and

(2) by adding at the end the following new subsection:

"(m) FEES AND CHARGES.—Except as provided in this title, the Secretary may not assess any fees, including user fees, or charges in connection with a direct loan or loan guarantee provided under section 502.".

(h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall publish in the Federal Register and post on the Department of Transportation website the substantive criteria and standards used by the Secretary to determine whether to approve or disapprove applications submitted under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822).

(i) OPERATORS DEEMED RAIL CARRIERS; LOANS AND LOAN GUARANTEES FOR NON-RAILROAD ENTITIES.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822), as amended by subsection (f), is amended by adding at the end the following:

"(j) OPERATORS DEEMED RAIL CARRIERS.—A person that conducts rail operations funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV of title 49, United States Code, when so operating or performing such services.

"(k) LOAN AND LOAN GUARANTEES FOR NON-RAILROAD ENTITIES.—Nothwithstanding any other provision of law, entities other than rail companies shall be eligible for loans and loan guarantees under this section.".

SEC. 402. RAIL PASSENGER COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 249 is amended by adding at the end the following:

"§24910. Passenger rail cooperative research program

"(a) IN GENERAL.—The Secretary shall establish and carry out a rail passenger cooperative research program. The program shall—

"(1) address, among other matters, intercity rail passenger services, including existing rail passenger technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems;

"(2) give consideration to research on commuter rail, regional rail, freight rail, and other modes of rail transportation that may affect rail passenger transportation due to the interconnectedness of the rail passenger network with other rail transportation services; and

"(3) give consideration to regional concerns regarding rail passenger transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

"(b) CONTENTS.—The program to be carried out under this section shall include research designed—

"(1) to develop more accurate models for evaluating the indirect effects of rail passenger service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

"(2) to develop a better understanding of modal choice as it affects rail passenger transportation, including development of better models to predict ridership;

"(3) to recommend priorities for technology demonstration and development;

"(4) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

"(5) to explore improvements in management, financing, and institutional structures;

"(6) to address rail capacity constraints that affect passenger rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on freight and commuter rail operations; and

"(7) to improve maintenance, operations, customer service, or other aspects of existing intercity rail passenger service existing in 2002.

"(c) ADVISORY BOARD.—

"(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger transportation.

"(2) MEMBERSHIP.—The advisory board shall include—

"(A) representatives of State transportation agencies;

"(B) transportation and environmental economists, scientists, and engineers; and

"(C) representatives of Amtrak, the Alaska Railroad, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

"(d) NATIONAL ACADEMY OF SCIENCES.— The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

"24910. Passenger rail cooperative research program".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $5,000,000 for each of fiscal years 2003 through 2007, to carry out section 24910(d) of title 49, United States Code.

SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 REFLECTING ICC TERMINATION ACT.

(a) SECTION 307.—

(1) Section 307 is amended—

(A) by striking "**Interstate Commerce Commission**" in the section heading and inserting "**Surface Transportation Board**";

(B) by striking "Interstate Commerce Commission" in subsection (a) and inserting "Surface Transportation Board"; and

(C) by striking "Commission" each place it appears and inserting "Board".

(2) The chapter analysis for chapter 3 is amended by striking the item relating to section 307 and inserting the following:

"307. Safety information and intervention in Surface Transportation Board proceedings".

(b) SECTION 333.—Section 333 is amended—

(1) by striking "Interstate Commerce Commission" each place it appears and inserting "Surface Transportation Board"; and

(2) by striking "Commission" in subsection (e) and inserting "Board".

(c) SECTION 351.—Section 351(c) is amended by striking "Interstate Commerce Commission" and inserting "Surface Transportation Board".

(d) SECTION 24307.—Section 24307(b)(3) is amended by striking "Interstate Commerce Commission" and inserting "Surface Transportation Board".

(e) SECTION 24308.—Section 24308 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (a)(2)(A) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsections (a), (b), and (e) and inserting "Board".

(f) SECTION 24311.—Section 24311 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (c)(1) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsection (c) and inserting "Board".

(g) SECTION 24902.—Section 24902 is amended—

(1) by striking "Interstate Commerce Commission" in subsections (g)(2) and (g)(3) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsections (g)(2) and (g)(3) and inserting "Board".

(h) SECTION 24904.—Section 24904 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (c)(2) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsection (c) and inserting "Board".

SEC. 404. APPLICABILITY OF REVERSION TO ALASKA RAILROAD RIGHT-OF-WAY PROPERTY.

Section 610(b) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1209(b)) is amended—

(1) by inserting "(1)" after "DISCONTINUANCE.—";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph:

"(2)(A) The State-owned railroad may convey all right, title, and interest of the State in any land within the right-of-way to a third party in exchange for other land that, in substitution for the land conveyed, is to be utilized as part of the right-of-way if the continuity of the right-of-way corridor for transportation, communications, and transmission purposes is provided by such use of the substituted land.

"(B) The provisions of this section that require reversion shall apply to the substituted land, as of the effective date of the exchange of that land in a transaction authorized by subparagraph (A), as fully as if the substituted land had been rail properties of the Alaska Railroad as of January 13, 1983.

"(C) Upon the conveyance of land in a transaction authorized by subparagraph (A), any reversionary interest in the land under this section shall terminate.".

SA 3798. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Defense Rail Act".

(b) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of contents.
Sec. 2. Findings.
TITLE I—Rail Transportation Security
Sec. 101. Amtrak security assistance.
Sec. 102. Study of foreign rail transport security programs.
Sec. 103. Passenger, baggage, and cargo screening.
Sec. 104. Rail security.
Sec. 105. Rail transportation security risk assessment.
Sec. 106. Offset for emergency supplemental appropriations.
TITLE II—Interstate Railroad Passenger High-Speed Transportation System
Sec. 201. Interstate railroad passenger high-speed transportation policy.
Sec. 202. High-speed rail corridor planning.
Sec. 203. Implemenation assistance.
Sec. 204. Designated high-speed rail corridors.
Sec. 205. Labor standards.
Sec. 206. Railway-highway crossings in high-speed rail corridors.
Sec. 207. Authorization of appropriations.
TITLE III—National Railroad Passenger Corporation
Sec. 301. National railroad passenger transportation system defined.
Sec. 302. Extension of authorization.
Sec. 303. Additional Amtrak authorizations.
Sec. 304. Northeast Corridor authorizations.
Sec. 305. Long distance trains.
Sec. 306. Short distance trains; State-supported routes.
Sec. 307. Re-establishment of Northeast Corridor Safety Committee.
Sec. 308. On-time performance.
Sec. 309. Amtrak board of directors.
Sec. 310. Establishment of financial accounting system for Amtrak operations by independent auditor.
Sec. 311. Development of 5-year financial plan.
Sec. 312. Revised reporting methodology required.
Sec. 313. Appropriated amounts to be spent proportionately.
TITLE IV—Miscellaneous
Sec. 401. Rehabilitation, improvement, and security financing.
Sec. 402. Rail passenger cooperative research program.
Sec. 403. Conforming amendments to title 49 reflecting ICC Termination Act.
Sec. 404. Applicability of reversion to Alaska Railroad right-of-way property.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Financial investment in passenger rail infrastructure is critical, and Federal leadership is required to address the needs of a reliable safe, secure passenger rail network, just as has been used in establishing the interstate highway system and the Federal aviation network.

(2) Lack of investment and attention to the needs of passenger rail infrastructure has resulted in a weak passenger rail network, and has caused a strain on the capacity of other modes of transportation in many areas of the country. According to the Department of Transportation, in 1999 the cost of wasted time and extra fuel consumption due to delays on congested roads was estimated at $78 billion.

(3) Passenger rail is an integral part of the United States transportation system, and, as can be evidenced in the Northeast Corridor, relieves the pressures of congestion on highways and at airports, and creates a more balanced system of transportation alternatives.

(4) Passenger rail service has been a vital instrument in the transportation needs of our nation. For instance, during World War II, the privately owned, operated, and constructed railroad industry transported 90 percent of all defense freight, and 97 percent of all defense personnel transported to points of embarkation for theaters of action. By the end of the war, railroads accounted for three quarters of the share of the common carrier share of intercity traffic, with airplanes and buses sharing the remaining quarter of traffic.

(5) Significant attention and Federal funding were required to construct the Eisenhower System of Interstate and Defense Highways. The Federal Aid Highway Act of 1956 established a Highway Trust Fund based upon Federal user taxes in order to finance up to 90 percent of the costs of the $25 billion dollar highway construction plan.

(6) Federal policies with respect to investment in aviation resulted in a strengthened aviation industry and the rapid development of air passenger service, and by the late 1960's most rail companies were petitioning the government to discontinue passenger services because of losses.

(7) Amtrak was established in 1971 by the Rail Passenger Service Act of 1970 to provide passenger rail services in the United States as a public service; at the time of Amtrak's formation, freight railroads were losing money on unprofitable passenger rail operations. Since 1971 Amtrak has received only $25 billion in public subsidies; during that period, the United States invested over $570 billion on highways and aviation.

(8) The Amtrak Reform and Accountability Act of 1997, and preceding statutes, resulted in creating conflicting missions for the National Railroad Passenger Corporation of both serving a public function by operating unprofitable long-distance routes while also attempting to operate at a profit. This policy has also restricted Amtrak's profit potential on the Northeast Corridor by limiting the capital expenditures to help defray other costs.

(9) Due to a lack of capital investment, the Northeast Corridor has accumulated a backlog of repair needs, including life safety and security needs. Investment in the capital needs of the Northeast Corridor would result in capacity improvements which would result in greater utilization of the existing infrastructure.

(10) The Department of Transportation Inspector General's 2001 Assessment of Amtrak's Financial Performance and Requirements (Report #CR-2002-075) found that Amtrak's lack of available capital has impeded its efforts to achieve financial goals.

(11) In order to attempt to meet the mandate of the Amtrak Reform and Accountability Act of 1997, Amtrak has been forced to delay capital improvement projects and other projects which would produce long-term benefits.

(12) The Department of Transportation Inspector General's 2001 Assessment of Amtrak's Financial Performance and Requirements (Report #CR-2002-075) found that Amtrak's most profitable operations are on the Northeast Corridor, where Federal investment in passenger rail infrastructure has been significantly higher than anywhere else in the country.

(13) Federal investments in capital projects to support passenger rail in areas other than the Northeast Corridor would result in improved service and increase profitability.

(14) The need for a balanced interstate and international transportation system that provides a viable alternative to travel by private automobile or commercial aircraft is particularly evident after the events of September 11, 2001.

(15) As a matter of national security, a strong passenger rail network would provide travelers an alternative to highway and air travel, which could lead to reduced United States reliance on foreign oil imports.

(16) In fiscal year 2001, the United States spent less than 1 percent of all transportation modal spending on intercity passenger rail, and since 1998 Amtrak has received only $2.8 billion of the $5.3 billion it has been authorized to receive by Congress.

(17) Passenger rail in the United States has no stable funding source, in contrast to highways, aviation, and transit.

(18) Per capita spending on passenger rail is much higher in other countries than the United States and, in fact, the United States ranks behind other countries including Canada, Japan, France, Great Britain, Italy, Spain, Austria, Switzerland, Belgium, Sweden, Luxembourg, Denmark, Ireland, Norway, the Czech Republic, Finland, Slovakia, Portugal, Poland, South Africa, Greece, and Estonia.

(19) The United States needs to engage in long-term planning to foster and address future passenger transportation growth and show forethought regarding transportation solutions rather than be forced to act due to an impending crisis.

(20) It is in the national interest to preserve passenger rail service in the United States and to maintain the solvency of the National Railroad Passenger Corporation.

(21) Long-term planning and support for passenger rail will help offset the emerging problems created by transportation congestion, and contribute to a cleaner and more environmentally-friendly transportation system.

(22) A comprehensive re-evaluation of our nation's rail passenger policy is required and a clearly defined role for Amtrak and a connected rail passenger network must be established.

(23) The Federal government must take the primary responsibility for developing national railroad passenger transportation infrastructure, and help ensure that it functions as an efficient network. Privatization of the rail passenger industry in Great Britain has been disastrous and passenger service has suffered overall.

(24) The nation should be afforded the opportunity to receive safe, efficient, and cost-effective rail passenger services, taking into account all benefits to the nation as a whole.

TITLE I—RAIL TRANSPORTATION SECURITY

SEC. 101. AMTRAK SECURITY ASSISTANCE.

(a) Infrastructure Security.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $39,714,000 for tunnel security, including closed circuit television cameras, lighting, and fencing, of which $26,476,000 shall be obligated or expended on the Northeast Corridor and $13,238,000 shall be obligated or expended outside the Northeast Corridor.

(2) $176,568,000 for interlocking security needs, including closed circuit television cameras, lighting, and fencing, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(3) $17,030,000 for equipment facility security, including closed circuit television cameras and lighting, of which $5,677,000 shall be obligated or expended on the Northeast Corridor and $11,353,000 shall be obligated or expended outside the Northeast Corridor.

(4) $29,280,000 for yard and terminal security, including closed circuit television cameras, lighting, and fencing, of which $9,760,000 shall be obligated or expended on the Northeast Corridor and $19,520,000 shall be obligated or expended outside the Northeast Corridor.

(5) $3,779,000 for mail and express facilities security, including closed circuit television cameras, lighting, and fencing, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(6) $27,233,000 for station security, including closed circuit television cameras, x-ray machines, lighting, and fencing, of which $7,104,000 shall be obligated or expended on the Northeast Corridor and $20,129,000 shall be obligated or expended outside the Northeast Corridor.

(7) $30,798,000 for bridge security, including closed circuit television cameras, lighting, and fencing, of which $19,065,000 shall be obligated or expended on the Northeast Corridor and $11,733,000 shall be obligated or expended outside the Northeast Corridor.

(8) $420,000 for tower security, including closed circuit television cameras, lighting, and fencing, which shall be obligated or expended on the Northeast Corridor.

(9) $29,451,000 for electric traction facilities security, including closed circuit television cameras, lighting, and fencing, of which $23,650,000 shall be obligated or expended on the Northeast Corridor and $5,801,000 shall be obligated or expended outside the Northeast Corridor.

(10) $11,112,000 for vehicle barriers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(11) $212,000 for centralized electrification and traffic control security, including access control systems, monitoring and alarm systems, and technological protection for systems, which shall be obligated or expended on the Northeast Corridor.

(12) $10,283,000 for primary and backup central monitoring technology centers, which shall be obligated or expended outside the Northeast Corridor.

(13) $538,000 for employee identification systems, including improved technology for badges issued to employees and visitors controlled through a centralized database.

(14) $75,000 for bomb-resistant trash containers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(15) $5,800,000 for a passenger information retrieval system to capture security information, create watchlists, and an online history of passengers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(16) $6,200,000 for an incident tracking system to create and maintain an electronic database of data on criminal and operational incidents, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(17) $4,300,000 for upgrades to ticket kiosks for photo imaging for identification purposes, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(18) $16,750,000 for an incident command system to serve as a second command center and a disaster recovery command site, of which $5,000,000 shall be obligated or expended on the Northeast Corridor and $11,750,000 shall be obligated or expended outside the Northeast Corridor.

(19) $5,000,000 for train locator and tracking systems to provide GPS coordinates for all locomotives, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(20) $120,000 for a notification system for integration of GPS information into the central computer systems, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(21) $1,245,000 for mail and express shipment software to identify each shipment positively before it is transported by rail, of which $405,000 shall be obligated or expended on the Northeast Corridor and $840,000 shall be obligated or expended outside the Northeast Corridor.

(22) $1,211,000 for mail and express tracking deployment to identify the status of each rail shipment.

(b) Security Operations.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $354,000 for hiring 4 police officers, each of whom is to be dedicated to a specific region of the United States, to provide intelligence-gathering and analysis, conduct crime-mapping assessments throughout the entire system, work with law enforcement to prevent terrorist acts and reduce Amtrak's vulnerability, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(2) $10,411,000 for the hiring of 150 patrol officers and 48 specialized personnel, of whom 101 would be deployed on the Northeast Corridor and 97 outside the Northeast Corridor.

(3) $11,292,000 for the hiring of 250 security officers, of whom 147 would be deployed on the Northeast Corridor and 103 outside the Northeast Corridor.

(4) $1,828,000 for the hiring of 20 canine bomb teams, of which 15 are to be deployed outside the Northeast Corridor and 5 are to be deployed on the Northeast Corridor.

(5) $30,761,000 for infrastructure security inspectors to inspect the rights-of-way, bridges, buildings, tunnels, communications and signaling equipment, fencing, gates, barriers, lighting, catenary system, and other security features, of which 50 percent is to be obligated or expended on the Northeast Corridor and 50 percent is to be obligated or expended outside the Northeast Corridor.

(6) $2,990,000 to expand aviation capabilities for security coverage and patrol capabilities, including equipment, staff, and facilities, of which $997,000 is to be obligated or expended on the Northeast Corridor and $1,993,000 is to be obligated or expended outside the Northeast Corridor.

(7) $1,095,000 for the leasing of 150 vehicles to support patrol capabilities, of which $569,000 is to be obligated or expended on the Northeast Corridor and $526,000 is to be obligated or expended outside the Northeast Corridor.

(8) $669,000 for 6 management level positions with responsibility for direction, control, implementation, and monitoring of security systems, including the deployment of the 250 security officers throughout the Amtrak system, of which $446,000 is to be obligated or expended on the Northeast Corridor and $223,000 is to be obligated or expended outside the Northeast Corridor.

(9) $980,000 for applicant background investigations, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(10) $457,000 for rapid response teams to respond to and prepare for on-site consequence management, all of which shall be obligated or expended outside the Northeast Corridor.

(c) Equipment Security.—

(1) In general.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(A) $1,755,000 to provide two-way communication devices for all Amtrak conductors.

(B) $3,000,000 for 2 mobile emergency command and communication units and rapid response teams, 1 to be located in the Midwest and 1 on the West Coast.

(C) $651,000 for 200 to 400 radioactive material detectors to be deployed system-wide, of which $231,000 is to be obligated or expended on the Northeast Corridor and $420,000 is to be obligated or expended outside the Northeast Corridor.

(D) $4,000,000 for hand-held bomb detectors for use by police to inspect baggage and packages.

(E) $1,400,000 to screen express packages before being placed on trains.

(F) $1,305,000 for secure locking devices on mail and express cars that have satellite-monitoring capability.

(G) $10,234,000 for video recording systems on road locomotives, of which $4,859,000 is to be obligated or expended on the Northeast Corridor and $5,375,000 is to be obligated or expended outside the Northeast Corridor.

(H) $6,712,000 to acquire and install satellite-based technology to shut down any locomotive that is not under the control of its crew.

(I) $4,320,000 to install 10 new communications stations to enable radio communications in remote locations and 12 satellite receivers.

(J) $4,000,000 for 4 self-propelled high-speed rail cars designated for selective patrol and enforcement functions, including critical incident response, dignitary protection, and roving rail security inspections.

(2) Allocation.—Except as provided in subparagraphs (B), (C), and (G) of paragraph (1), 50 percent of any amounts appropriated

pursuant to paragraph (1) shall be obligated or expended on the Northeast Corridor and 50 percent of such amounts shall be obligated or expended outside the Northeast Corridor.

(d) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsections (a), (b), and (c) shall remain available until expended.

(e) PROHIBITION ON USE OF EQUIPMENT FOR EMPLOYMENT-RELATED PURPOSES.—An employer may not use closed circuit television cameras purchased with amounts authorized by this section for employee disciplinary or monitoring purposes unrelated to transportation security.

SEC. 102. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Not later than June 1, 2003, the Comptroller General shall carry out a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 103. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Transportation shall—

(1) study the cost and feasibility of requiring security screening for all passengers, baggage, and mail, express, and other cargo on Amtrak trains; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing a rail security screening program to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives one year after the date of enactment of this Act.

(b) PILOT PROGRAM.—As part of the study under subsection (a), the Secretary shall conduct a pilot program of random security screening of passengers and baggage at 5 of the 10 busiest passenger rail stations served by Amtrak (measured by the average number of boardings of Amtrak passenger trains) and at up to five additional rail stations served by Amtrak that are selected by the Secretary. In selecting the additional train stations the Secretary shall attempt to achieve a distribution of participating stations in terms of geographic location and size.

SEC. 104. RAIL SECURITY.

(a) SECRETARY OF TRANSPORTATION.—Section 20103(a) is amended by striking "safety" and inserting "safety, including the security of railroad operations,".

(b) RAIL POLICE OFFICERS.—Section 28101 is amended by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(c) REVIEW OF RAIL REGULATIONS.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Federal Railroad Administration's Rail Safety Advisory Committee, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail safety and security.

SEC. 105. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) ASSESSMENT.—The Secretary of Transportation shall assess the security risks associated with rail transportation and develop prioritized recommendations for—

(A) improving the security of rail tunnels, rail bridges, rail switching areas, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) the deployment of chemical and biological weapon detection equipment;

(C) dealing with the immediate and long-term economic impact of measures that may be required to address those risks; and

(D) training employees in terrorism response activities.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment shall include a review of any actions already taken to address identified security issues by both public and private entities.

(3) RAILROAD CROSSING DELAYS.—The Secretary shall include in the assessment an analysis of the risks to public safety and to the security of rail transportation that are associated with long delays in the movement of trains that have stopped on railroad grade crossings of highways, streets, and other roads for motor vehicle traffic, especially in major metropolitan areas. The Secretary shall include in the recommendations developed under paragraph (1) recommended actions for preventing such delays and reducing the risks identified in the analysis.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Secretary shall—

(1) consult with rail management, rail labor, and public safety officials (including officials responsible for responding to emergencies); and

(2) utilize, to the maximum extent feasible, the resources and assistance of—

(A) the Federal Railroad Administration's Rail Safety Advisory Committee; and

(B) the Transportation Research Board of the National Academy of Sciences.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report, without compromising national security, containing—

(A) the assessment and prioritized recommendations required by subsection (a); and

(B) any proposals the Secretary deems appropriate for providing Federal financial, technological, or research and development assistance to railroads to assist the railroads in reducing the likelihood, severity, and consequences of deliberate acts of crime or terrorism toward rail employees, rail passengers, rail shipments, or rail property.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) SECURITY NEEDS OF NON-AMTRAK STATIONS.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of the security and station improvements that may be needed on rail stations served by Amtrak that are not owned by Amtrak.

(2) REPORT.—The Secretary shall report, within 180 days after the date of enactment of this Act, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the results of the study, including—

(A) the total number of such stations;

(B) the estimated costs of the security and station improvements identified in the study; and

(C) any additional findings, conclusions, and recommendations, including legislative recommendations, the Secretary deems appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $5,000,000 for fiscal year 2003 to carry out this section, such sums to remain available until expended.

SEC. 106. OFFSET FOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS.

(a) FINDING.—The Congress finds that amounts were appropriated by the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Pub. Law 107–117) to be obligated or expended for Amtrak security-related activities.

(b) STATEMENT OF INTENT.—It is the intent of the Congress that the amounts appropriated by that Act for Amtrak security-related activities should offset the amounts authorized by this title to be appropriated to the Secretary of Transportation for Amtrak's use for security-related activities.

(c) REDUCTION OF AUTHORIZATIONS.—Each amount authorized by this title to be appropriated to the Secretary of Transportation for the use of Amtrak for a security-related activity in any preceding section of this title for any fiscal year shall be reduced by any such appropriated amount used by Amtrak for that activity in that fiscal year.

TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION POLICY.

(a) IN GENERAL.—Chapter 261 is amended by inserting before section 26101 the following:

"§ 26100. Policy.

"(a) IN GENERAL.—The Congress declares that it is the policy of the United States that designated high-speed railroad passenger transportation corridors are the building blocks of an interconnected interstate railroad passenger system that serves the entire Nation.

"(b) SECRETARY REQUIRED TO ESTABLISH NATIONAL HIGH-SPEED GROUND TRANSPORTATION POLICY.—The Secretary of Transportation shall establish the national high-speed ground transportation policy required by section 309(e)(1) of this title no later than December 31, 2002.".

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 261 is amended by inserting before the item relating to section 26101 the following:

"26100. Policy".

(2) Section 309(e)(1) is amended by striking "Within 12 months after the submission of the study required by subsection (d)," and inserting "No later than December 31, 2002,".

SEC. 202. HIGH-SPEED RAIL CORRIDOR PLANNING.

(a) IN GENERAL.—Section 26101(a) is amended to read as follows:

“(a) Planning.—

“(1) In general.—The Secretary of Transportation shall provide planning assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated by the Secretary under section 104(d) of title 23.

“(2) Secretary may provide direct or financial assistance.—The Secretary may provide planning assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake planning activities approved by the Secretary.

“(3) 100 percent federal funding.—The Secretary may permit, but may not require, a portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

“(4) Priorities to Chicago, Atlanta, Dallas/Fort Worth, Portland, and Orlando.—In determining projects to be undertaken pursuant to this paragraph, the Secretary shall give the highest priorities to undertaking planning in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, in the Dallas/Fort Worth, Texas, area, in the Portland, Oregon, area, and on the Orlando Corridor in Florida.”.

(b) Conforming and Other Amendments to Section 26101.—Section 26101 is further amended—

(1) by striking subsection (c)(2) and inserting the following:

“(2) the extent to which the proposed planning focuses on high-speed rail systems, giving a priority to systems which will achieve sustained speeds of 125 miles per hour or greater and projects involving dedicated rail passenger rights-of-way;”;

(2) by inserting “and” after the semicolon in subsection (c)(12);

(3) by striking “completed; and” in subsection (c)(13) and inserting “completed.”;

(4) by striking subsection (c)(14); and

(5) by adding at the end the following:

“(d) Operators Deemed Rail Carriers.—A person that conducts rail operations funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV, when so operating or performing such services.”.

(c) Conforming Amendment.—Section 26105(2)(A) is amended by striking “more than 125 miles per hour;” and inserting “90 miles per hour or more;”.

(d) Financial Assistance To Include Loans and Loan Guarantees.—Section 26105(1) is amended by inserting “loans, loan guarantees,” after “contracts,”.

SEC. 203. IMPLEMENTATION ASSISTANCE.

(a) In General.—Chapter 261 is amended by inserting after section 26101 the following:

“§ 26101A. Implementation of corridor plans

“(a) Implementation Assistance.—

“(1) In general.—The Secretary of Transportation shall provide implementation assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated by the Secretary under section 104(d) of title 23. The Secretary shall establish an application and qualification process and, before providing assistance under this section, make a determination on the record that the applicant is qualified and eligible for assistance under this section.

“(2) Secretary may provide direct or financial assistance.—The Secretary may provide implementation assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake implementation activities approved by the Secretary.

“(3) 100 percent federal share.—The Secretary may permit, but may not require, a portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

“(4) Contribution of land.—Notwithstanding paragraph (3), the Secretary may accept land contributed by a State for right-of-way, without regard to whether the State acquired the land directly or indirectly through the use of Federal funds, including transfers from the Highway Trust Fund under section 9503 of the Internal Revenue Code of 1986.

“(5) Priorities to Chicago, Atlanta, Dallas/Fort Worth, Portland, and Orlando.—In determining projects to be undertaken pursuant to this subsection, the Secretary shall give the highest priorities to undertaking implementation assistance in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, and in the Dallas/Fort Worth, Texas, area, in the Portland, Oregon, area, and on the Orlando Corridor in Florida.

“(6) Special transportation circumstances.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available for implementation assistance to providing appropriate related assistance in any State the rail transportation system of which—

“(A) is not physically connected to rail systems in the continental United States; and

“(B) may not otherwise qualify for high-speed rail implementation assistance due to the constraints imposed on the railway infrastructure in that State due to the unique characteristics of the geography of that State or other relevant considerations, as determined by the Secretary.

“(b) Eligible Implementation Activities.—The following activities are eligible for implementation assistance under subsection (a):

“(1) Security planning and the acquisition of security and emergency response equipment.

“(2) Operating expenses.

“(3) Infrastructure acquisition and construction of track and facilities.

“(4) Highway-rail grade crossing eliminations and improvements.

“(5) Acquisition of rights-of-way, locomotives, rolling stock, track, and signal equipment.

“(c) Criteria for Determining Assistance for Implementation Activities.—The Secretary, in selecting recipients of assistance under subsection (a), shall—

“(1) encourage the use of positive train control technologies;

“(2) require that any project meet any existing safety regulations, and give preference to any project determined by the Secretary to have particularly high levels of safety;

“(3) encourage intermodal connectivity by locating train stations in or near airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

“(4) ensure a general regional balance in providing such assistance and avoid the concentration of a disproportionate dedication of available financial assistance resources to a single project or region of the country; and

“(5) ensure that any project is compatible with, and operated in conformance with, plans developed pursuant to the requirements of sections 134 and 135 of title 23, United States Code.

“(d) Operators Deemed Rail Carriers.—A person that conducts rail operations funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV, when so operating or performing such services.

“(e) Domestic Buying Preferences.—

“(1) In general.—In carrying out a project assisted under this section, a recipient shall buy only—

“(A) unmanufactured articles, material, and supplies mined or produced in the United States; or

“(B) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

“(2) De minimis amount.—Paragraph (1) of this subsection applies only when the cost of those articles, material, or supplies bought is at least $1,000,000.

“(3) Exemptions.—On application of a recipient, the Secretary of Transportation may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

“(A) the requirements of paragraph (1) of this subsection are inconsistent with the public interest;

“(B) the cost of imposing those requirements is unreasonable; or

“(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

“(4) United states defined.—In this subsection, the term ‘the United States’ means the States, territories, and possessions of the United States and the District of Columbia.”.

(b) Rulemaking Required.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking to create an application and qualification procedure for providing high-speed rail corridor implementation assistance under section 26101A of title 49, United States Code.

(c) Procedures for Grant Award.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking to create procedures for the awarding of implementation assistance under this section. The Procedures shall include the execution of a full funding grant agreement between the applicant and the government.

(d) Competitive Bidding on High-Speed Rail Routes.—The Secretary of Transportation shall determine that a State or group of States and other public agencies promoting a high-speed rail project under the provisions of section 26101A of title 49, United States Code, as a condition of receiving funding under such section, has provided for competitive bidding for the project in accordance with the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (49 C.F.R. section 18.36). Within 180 days after the date of enactment of this Act, the Secretary, in consultation with the States or groups of States and other public agencies, shall issue criteria for the services to which the competitive bidding by this section applies. A train operator selected under section 26101A of title 49, United States Code, is deemed to be a rail carrier for purposes of part A of subtitle 49, United States Code, when performing such services.

(e) Conforming Amendment.—The chapter analysis for chapter 261 is amended by inserting after the item relating to section 26101 the following:

"26101A. Implementation of corridor plans".

SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.

(a) In General.—The Secretary of Transportation shall give priority in allocating funds authorized by section 26104 of title 49, United States Code, to designated high-speed rail corridors.

(b) Designated High-Speed Rail Corridors.—For purposes of subsection (a), the following shall be considered to be designated high-speed rail corridors:

(1) California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

(2) Chicago Hub Corridor Network with the following spokes:

(A) Chicago to Detroit.

(B) Chicago to Minneapolis/St. Paul, Minnesota, via Milwaukee, Wisconsin.

(C) Chicago to Kansas City, Missouri, via Springfield, Illinois, and St. Louis, Missouri.

(D) Chicago to Louisville, Kentucky, via Indianapolis, Indiana, and Cincinnati, Ohio.

(E) Chicago to Cleveland, Ohio, via Toledo, Ohio.

(F) Cleveland, Ohio, to Cincinnati, Ohio, via Columbus, Ohio.

(3) Empire State Corridor from New York City, New York, through Albany, New York, to Buffalo, New York.

(4) Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

(5) Gulf Coast Corridor from Houston Texas, through New Orleans, Louisiana, to Mobile, Alabama, with a branch from New Orleans, through Meridian, Mississippi, and Birmingham, Alabama, to Atlanta, Georgia.

(6) Keystone Corridor from Philadelphia, Pennsylvania, through Harrisburg, Pennsylvania, to Pittsburgh, Pennsylvania.

(7) Northeast Corridor from Washington, District of Columbia, through New York City, New York, New Haven, Connecticut, and Providence, Rhode Island, to Boston, Massachusetts, with a branch from New Haven, Connecticut, to Springfield, Massachusetts.

(8) New England Corridor from Boston, Massachusetts, to Portland and Auburn, Maine, and from Boston, Massachusetts, through Concord, New Hampshire, and Montpelier, Vermont, to Montreal, Quebec.

(9) Pacific Northwest Corridor from Eugene, Oregon, through Portland, Oregon, and Seattle, Washington, to Vancouver, British Columbia.

(10) South Central Corridor from San Antonio, Texas, through Dallas/ Fort Worth to Little Rock, Arkansas, with a branch from Dallas/Fort Worth through Oklahoma City, Oklahoma, to Tulsa, Oklahoma.

(11) Southeast Corridor from Washington, District of Columbia, through Richmond, Virginia, Raleigh, North Carolina, Columbia, South Carolina, Savannah, Georgia, and Jessup, Georgia, to Jacksonville, Florida, with—

(A) a branch from Raleigh, North Carolina, through Charlotte, North Carolina, and Greenville, South Carolina, to Atlanta, Georgia; a branch from Richmond, to Hampton Roads/Norfolk, Virginia;

(B) a branch from Charlotte, North Carolina, to Columbia, South Carolina, to Charleston, South Carolina;

(C) a connecting route from Atlanta, Georgia, to Jessup, Georgia;

(D) a connecting route from Atlanta, Georgia, to Charleston, South Carolina; and

(E) a branch from Raleigh, North Carolina, through Florence, South Carolina, to Charleston, South Carolina, and Savannah, Georgia, with a connecting route from Florence, South Carolina, to Myrtle Beach, South Carolina.

(12) Southwest Corridor from Los Angeles, California, to Las Vegas, Nevada.

(c) Other High-speed Rail Corridors.—For purposes of this section, subsection (b)—

(1) does not limit the term "designated high-speed rail corridor" to those corridors described in subsection (b); and

(2) does not limit the Secretary of Transportation's authority—

(A) to designate additional high-speed rail corridors; or

(B) to terminate the designation of any high-speed rail corridor.

SEC. 205. LABOR STANDARDS.

(a) Current Employee Protections.—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees, employees of the National Passenger Railroad Corporation, and mass transportation employees as it existed on the day before the date of enactment of this Act.

(b) Labor Standards.—

(1) Prevailing wages.—The Secretary or Transportation—

(A) shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed in whole or in part by funds authorized by this Act will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.); and

(B) may make such funds available with respect to construction work only after being assured that required labor standards will be maintained on the construction work.

(2) Wage rates.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

(3) Employee protection.—The Secretary of Transportation shall require as a condition of any project financed in whole or in part by funds authorized by this title that the project be conducted in a manner that provides a fair arrangement at least as protective of the interests of employees who are affected by the project so funded as the terms imposed under arrangements reached under section 141 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24706 note).

SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN HIGH-SPEED RAIL CORRIDORS.

(a) In General.—The entire cost of construction of projects for the elimination of hazards of railway-highway crossings in designated high-speed rail corridors, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums authorized by subsection (k). In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary of Transportation to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project may be paid from sums authorized by subsection (k).

(b) Classification of Projects.—The Secretary may classify the various types of projects involved in the elimination of hazards of high-speed rail corridor railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per cent of such costs. The Secretary shall determine the appropriate classification of each project.

(c) Liability of Railroad.—Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available under this section shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made under subsection (b). That liability to the United States may be discharged by direct payment to the State transportation department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. The payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of the project. If any such railroad fails to discharge such liability within a 6-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

(d) Survey and Schedule of Projects.—Each State shall conduct and systematically maintain a survey of all high-speed rail corridor railway-highway crossings to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose.

(e) Funds for Protective Devices.—The Secretary shall give priority under this section to the elimination of high-speed rail corridor railway-highway grade crossings, but shall make funds authorized for obligation or expenditure under this section available for the installation of protective devices at high-speed rail corridor railway-highway crossings where appropriate.

(f) Apportionment.—The Secretary shall apportion funds available for obligation and expenditure under this section between high-speed rail corridor railway-highway crossings on the Northeast Corridor and such crossings outside the Northeast Corridor in an equitable fashion, taking into account traffic volume, traffic patterns, frequency of trains, adequacy of existing hazard warnings, and such other factors as the Secretary deems appropriate.

(g) Annual Report.—The Secretary shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The report shall include—

(1) the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

(2) an analysis and evaluation of the program activities in each State, including identification of any State found not to be in compliance with the schedule of improvements required by subsection (d); and

(3) recommendations for future implementation of the railway-highway crossings program under this section and section 130 of title 23, United States Code.

(h) USE OF FUNDS FOR MATCHING.—Funds authorized to be appropriated to carry out this section may be used to provide a local government with funds to be used on a matching basis when State funds are available which may only be spent when the local government produces matching funds for the improvement of railway-highway crossings.

(i) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING CLOSURES.—

(1) IN GENERAL.—Notwithstanding any other provision of this section and subject to paragraphs (2) and (3), the Secretary may make incentive payments to a local government upon the permanent closure by such government of public at-grade high-speed rail corridor railway-highway crossings under its jurisdiction.

(2) INCENTIVE PAYMENTS BY RAILROADS.—The Secretary may not make an incentive payment under paragraph (1) to a local government with respect to the closure of a crossing unless the railroad owning the tracks on which the crossing is located makes an incentive payment to the government with respect to the closure.

(3) AMOUNT OF FEDERAL INCENTIVE PAYMENT.—The amount of the incentive payment payable to a local government under paragraph (1) with respect to a crossing may not exceed the lesser of—

(A) the amount of the incentive payment paid to the government with respect to the crossing by the railroad concerned under paragraph (2); or

(B) $ 7,500.

(j) COORDINATION WITH TITLE 23 PROGRAM.—In carrying out this section, the Secretary shall—

(1) implement this section in accordance with the classification of projects and railroad share of the cost as provided in section 646.210 of title 23, Code of Federal Regulations; and

(2) coordinate the administration of this section with the program established by section 130 of title 23, United States Code, in order to avoid duplication of effort and to ensure the effectiveness of both programs.

(k) FUNDING.—Not less than 10 percent of the amounts appropriated for each fiscal year to carry out section 26101A shall be obligated or expended to carry out this section.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

Section 26104 is amended to read as follows:

"§ 26104. Authorization of appropriations

"(a) FISCAL YEARS 2003 THROUGH 2007.—There are authorized to be appropriated to the Secretary for each of fiscal years 2003 through 2007—

"(1) $25,000,000 for carrying out section 26101;

"(2) $1,500,000,000 for carrying out section 26101A; and

"(3) $25,000,000 for carrying out section 26102.

"(b) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.

"(c) SPECIAL RULE.—Except as specifically provided in section 26101, 26101A, or 26102, no amount authorized by subsection (a) may be used for obligation or expenditure on the Boston-to-Washington segment of the Northeast Corridor while that segment is receiving Federal funds for capital or operating expenses.".

TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

"(5) 'national rail passenger transportation system' means—

"(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, D.C.;

"(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors, but only after they have been improved to permit operation of high-speed service;

"(C) long-distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the National Defense Rail Act; and

"(D) short-distance corridors or routes operated as of the date of enactment of the National Defense Rail Act, unless discontinued by Amtrak.".

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 27101 the following:

"§ 24702. Transportation requested by States, authorities, and other persons

"(a) CONTRACTS FOR TRANSPORTATION.—Amtrak and a State, a regional or local authority, or another person may enter into a contract for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

"(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract, Amtrak may discontinue such service or route, notwithstanding any other provision of law.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

"24702. Transportation requested by States, authorities, and other persons".

(c) AMTRAK TO CONTINUE TO PROVIDE NON HIGH-SPEED SERVICES.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

SEC. 302. AMTRAK AUTHORIZATIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) COMMON STOCK REDEMPTION DATE.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2003 through 2007.

(c) FINANCIAL POWERS.—Section 415(d) of the Amtrak Reform and Accountability Act of 1997 by adding at the end the following:

"(3) This section does not affect the applicability of section 3729 of title 31, United States Code, to claims made against Amtrak.".

SEC. 303. ADDITIONAL AMTRAK AUTHORIZATIONS.

(a) EXCESS RRTA.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries.

(b) PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, $105,000,000.

(B) For fiscal year 2004, $93,000,000.

(C) For fiscal year 2005, $105,000,000.

(D) For fiscal year 2006, $108,000,000.

(E) For fiscal year 2007, $183,000,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, $160,000,000.

(B) For fiscal year 2004, $157,000,000.

(C) For fiscal year 2005, $147,000,000.

(D) For fiscal year 2006, $142,000,000.

(E) For fiscal year 2007, $134,000,000.

(c) ENVIRONMENTAL COMPLIANCE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor, in order to comply with environmental regulations.

(d) COMPLIANCE WITH ADA REQUIREMENTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $43,000,000 for access improvements in facilities and stations necessary to comply with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162), including an initial assessment of the full set of needs across the national rail passenger transportation system, of which—

(A) $10,000,000 shall be obligated or expended on the Northeast Corridor; and

(B) $33,000,000 shall be obligated or expended outside the Northeast Corridor, of which $15,000,000 shall be obligated or expended for long-distance trains.

(2) BEST EFFORTS REQUIREMENT.—If Amtrak fails to meet the period for compliance requirement imposed by section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I))—

(A) it shall not be considered discrimination for purposes of section 202 of that Act (42 U.S.C. 12132) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) if Amtrak demonstrates to the satisfaction of the Secretary of Transportation that—

(i) Amtrak has made substantial progress toward meeting the requirements of section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)); and

(ii) Amtrak's failure to meet the period of compliance requirement of that section is attributable to the insufficiency of appropriated funds; and

(B) the period for compliance under section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)) shall be extended until—

(i) sufficient funds have been appropriated to the Secretary of Transportation for the use of Amtrak to enable Amtrak to comply fully with the requirements of that section; and

(ii) a reasonable period of time for the completion of necessary construction so funded has passed.

(e) REINVESTMENT OF NET REVENUES FROM NON-PASSENGER OPERATIONS.—Amtrak shall apply any net revenues from non-passenger operations to the railroad's working capital for use in satisfying systemwide current liabilities. When Amtrak's working capital has improved to the point at which Amtrak's liquid assets are sufficient to satisfy projected short-term liabilities, Amtrak shall invest any excess net non-passenger revenues in high priority capital projects.

SEC. 304. NORTHEAST CORRIDOR AUTHORIZATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, the following amounts:

(1) $370,000,000 for capital backlog on infrastructure on the Northeast Corridor to bring infrastructure up to state-of-good-repair, including renewal of the South End electric traction system, improvements on bridges and tunnels, and interlocking and signal system renewal.

(2) $60,000,000 for capital backlog on fleet to bring existing fleet to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments.

(3) $40,000,000 for capital backlog on stations and facilities, including improvements to the facility and platform at the existing Penn Station, and bringing maintenance-of-way facilities up to state-of-good-repair.

(4) $350,000,000 for ongoing capital infrastructure—

(A) to replace assets on a life-cycle basis;

(B) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards; and

(C) to meet current service commitments.

(5) $40,000,000 for ongoing capital fleet investment to sustain regularly scheduled maintenance, including a 120-day cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

(6) $30,000,000 for ongoing capital improvements to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-equipment and maintenance-of-way facilities.

(7) $20,000,000 for ongoing technology upgrades of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

(b) LIFE SAFETY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $798,000,000 for the 6 New York tunnels built in 1910 to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers.

(2) $57,000,000 for the Baltimore & Potomac tunnel built in 1872 to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades.

(3) $40,000,000 for the Washington, D.C. Union Station tunnels built in 1904 under the Supreme Court and House and Senate Office Buildings to improve ventilation, communication, lighting, and passenger egress upgrades.

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels, such funds to remain available until expended.

(d) CORRIDOR GROWTH INVESTMENT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for corridor growth investments in the Northeast Corridor—

(1) For fiscal year 2003, $200,000,000.

(2) For fiscal year 2004, $300,000,000.

(3) For fiscal year 2005, $400,000,000.

(4) For fiscal year 2006, $500,000,000.

(5) For fiscal year 2007, $600,000,000.

(e) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all life safety portions of the tunnel projects described in subsection (b)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers if feasible.

(f) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

(g) REINVESTMENT OF NORTHEAST CORRIDOR NET OPERATING REVENUES.—Amtrak shall invest any net revenue generated from core passenger operations in the Northeast Corridor in capital needs of the corridor until the backlog of capital improvements is completed under Amtrak's 20-year capital plan.

SEC. 305. LONG DISTANCE TRAINS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $360,000,000 for operating costs associated with long distance trains.

(b) CAPITAL BACKLOG AND UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $70,000,000 to reduce the capital backlog and to bring its existing fleet to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments.

(c) ONGOING CAPITAL INFRASTRUCTURE INVESTMENTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $80,000,000 for ongoing capital infrastructure—

(1) to replace assets on a life-cycle basis;

(2) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards;

(3) to meet current service commitments; and

(4) to provide funds for investment in partner railroads to operate passenger service at currently committed levels.

(d) CAPITAL FLEET NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $50,000,000 for ongoing capital fleet needs to sustain regularly scheduled maintenance, including a 120-day cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

(e) CAPITAL STATIONS AND FACILITIES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $10,000,000 for ongoing capital stations and facilities needs to provide regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-way equipment and maintenance-of-way facilities.

(f) TECHNOLOGY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $10,000,000 for ongoing technology needs to upgrade reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

SEC. 306. SHORT DISTANCE TRAINS; STATE-SUPPORTED ROUTES.

There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, for obligation and expenditure on routes outside the Northeast Corridor—

(1) $20,000,000 for capital backlog on infrastructure to bring infrastructure up to a state-of-good-repair, including improvements on bridges and tunnels that are approaching the end of their useful life and interlocking and signal system renewal;

(2) $10,000,000 for capital backlog on its fleet to bring Amtrak's existing fleet as of the date of enactment of this Act to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments;

(3) $170,000,000 for ongoing capital infrastructure to replace assets on a life-cycle basis to ensure a state-of-good-repair is maintained in order to meet safety and reliability standards needed to deliver current service commitments, including investment in partner railroads to operate passenger service at currently committed levels.

(4) $40,000,000 for ongoing capital fleet needs to sustain regularly scheduled maintenance, including a 120-day cycle preventive maintenance schedule, and heavy overhauls on a 4-year schedule, with interior enhancements as needed;

(5) $10,000,000 for ongoing capital stations and facilities needs to provide regular upgrades to stations to meet current service

needs, and regular improvements to maintenance-of-way equipment and maintenance-of-way facilities; and

(6) $20,000,000 for ongoing technology needs to upgrade of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure and communications.

SEC. 307. RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.

(a) RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.—The Secretary of Transportation shall re-establish the Northeast Corridor Safety Committee authorized by section 24905(b) of title 49, United States Code.

(b) TERMINATION DATE.—Section 24905(b)(4) is amended by striking "January 1, 1999," and inserting "January 1, 2008,".

SEC. 308. ON-TIME PERFORMANCE.

Section 24308 is amended by adding at the end the following:

"(f) ON-TIME PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any consecutive 3-month period, Amtrak may petition the Surface Transportation Board to investigate whether, and to what extent, delays are due to causes that could reasonably be addressed by a rail carrier over the tracks of which the intercity passenger train operates, or by a regional authority providing commuter service, if any. In carrying out such an investigation, the Surface Transportation Board shall obtain information from all parties involved and make recommendations regarding reasonable measures to improve the on-time performance of the train.".

SEC. 309. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

"§ 24302. Board of directors

"(a) COMPOSITION AND TERMS.—

"(1) The board of directors of Amtrak is composed of the following 9 directors, each of whom must be a citizen of the United States:

"(A) The President of Amtrak.

"(B) The Secretary of Transportation.

"(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with an interest, experience, and qualifications in or directly related to rail transportation, including representatives of the passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, and consumers of passenger rail transportation.

"(2) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1)(C) may be members of the same political party.

"(3) The board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

"(4) The Secretary may be represented at board meetings by the Secretary's designee.

"(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing board duties and powers. Each director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending board meetings.

"(c) VACANCIES.—A vacancy on the board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

"(d) BYLAWS.—The board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.

"(e) CONFLICTS OF INTEREST.—Subparts D, E, and F of part 2635 of title 5, Code of Federal Regulations, shall apply to members of the board of directors during their term of office in the same manner as if they were employees of an executive agency (as defined in section 105 of title 5, United States Code).".

(b) CONFORMING AMENDMENT TO APPLY SAME STANDARD TO OFFICERS.—Section 24303(c) is amended to read as follows:

"(c) CONFLICTS OF INTEREST.—Subparts D, E, and F of part 2635 of title 5, Code of Federal Regulations, shall apply to officers when employed by Amtrak in the same manner as if they were employees of an executive agency (as defined in section 105 of title 5, United States Code).".

(c) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on October 1, 2003. The members of the Amtrak Reform Board may continue to serve until 3 directors appointed by the President under section 24302(a) of title 49, United States Code, as amended by subsection (a), have qualified for office.

SEC. 310. ESTABLISHMENT OF FINANCIAL ACCOUNTING SYSTEM FOR AMTRAK OPERATIONS BY INDEPENDENT AUDITOR.

(a) IN GENERAL.—Amtrak shall employ an independent financial consultant—

(1) to assess its financial accounting and reporting system and practices;

(2) to design and assist Amtrak in implementing a modern financial accounting and reporting system, on the basis of the assessment, that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations; and

(C) to provide ticketing and reservation information on a real-time basis.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $2,500,000 for fiscal year 2003 to carry out subsection (a), such sums to remain available until expended.

SEC. 311. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak board of directors shall submit an annual budget for Amtrak, and a 5-year financial plan for the fiscal year to which that budget relates and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as: the ability of the federal government to adequately meet capital and operating requirements, Amtrak's access to long-term and short-term capital markets, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service.

(7) lump sum expenditures of $10 million or more and sources of funding.

(8) estimates of long-term and short-term debt and associated principle and interest payments (both current and anticipated);

(9) annual cash flow forecasts; and

(10) a statement describing methods of estimation and significant assumptions.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b) with respect to a 5-year financial plan, Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices; and

(2) use the categories specified in the financial accounting and reporting system developed under section 310 when preparing its 5-year financial plan.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) ASSESSMENT TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 312. REVISED REPORTING METHODOLOGY REQUIRED.

Within 90 days after the date of enactment of this Act, Amtrak, in consultation with the Comptroller General, shall develop a revised methodology to be used in preparing the annual operations report required by section 24315(a) of title 49, United States Code, beginning with the report on operations for fiscal year 2002. The new report methodology shall specifically exclude non-core profits in calculating the performance of Amtrak's trains.

SEC. 313. APPROPRIATED AMOUNTS TO BE SPENT PROPORTIONATELY.

If for any fiscal year the sum of the amounts appropriated to the Secretary of Transportation for the use of Amtrak is less than the sum of the amounts authorized by this title for that fiscal year, then Amtrak shall—

(1) first obligate anounts appropriated pursuant to the authorization in section 303(a); and

(2) then allocate its obligation and expenditure of the remainder of the amounts appropriated for that fiscal year pursuant to this title (except amounts authorized by section section 304(b), (c), and (d)) among the segments of the system in the same proportion as the authorizations were allocated among those segments by this title.

SEC. 314. INDEPENDENT AUDITOR TO ESTABLISH CRITERIA FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) Inspector General To Hire Consultant.—The Inspector General of the Department of Transportation shall—

(1) execute a contract to obtain the services of an independent auditor or consultant for the establishment of objective criteria for Amtrak service changes, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of existing services;

(2) review the criteria developed under the contract; and

(3) if the Inspector General approves the criteria, transmit them to the Amtrak board of directors.

(b) Incorporation of Criteria by Amtrak.—The Amtrak board of directors shall incorporate the criteria in—

(1) its route and service planning and decision-making process; and

(2) its capital plans and budgets developed in compliance with section 311 of this Act.

(c) Notification of Congress Where Not Complying with Criteria.—The Amtrak board of directors shall—

(1) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not less than 30 days before the implementation date of any decision to establish a new route, terminate an existing route, or effect any other major change in service that is inconsistent with the criteria incorporated under subsection (b); and

(2) explain its decision not to follow the criteria.

(d) Authorization of Appropriations.—There are authorized to be made available to the Inspector General, out of any amounts appropriated to Amtrak pursuant to the authority of this Act and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

TITLE IV—MISCELLANEOUS

SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY FINANCING.

(a) Definitions.—Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 802(7)) is amended to read as follows:

"(7) 'railroad' has the meaning given that term in section 20102 of title 49, United States Code; and".

(b) General Authority.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking "Secretary may provide direct loans and loan guarantees to State and local governments," in subsection (a) and inserting "Secretary shall provide direct loans and loan guarantees to State and local governments, interstate compacts entered into under section 410 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C 24101 nt),";

(2) by striking "or" in subsection (b)(1)(B);

(3) by redesignating subparagraph (C) of subsection (b)(1) as subparagraph (D); and

(4) by inserting after subparagraph (B) of subsection (b)(1) the following:

"(C) to acquire, improve, or rehabilitate rail safety and security equipment and facilities; or".

(c) Extent of Authority.—Section 502(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)) is amended—

(1) by striking "$3,500,000,000" and inserting "$35,000,000,000";

(2) by striking "$1,000,000,000" and inserting "$7,000,000.000"; and

(3) by adding at the end the following new sentence: "The Secretary shall not establish any limit on the proportion of the unused amount authorized under this subsection that may be used for 1 loan or loan guarantee.".

(d) Cohorts of Loans.—Section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by adding after subparagraph (D) the following new subparagraph:

"(E) the size and characteristics of the cohort of which the loan or loan guarantee is a member; and"; and

(2) by adding at the end of paragraph (4) the following: "A cohort may include loans and loan guarantees. The Secretary shall not establish any limit on the proportion of a cohort that may be used for 1 loan or loan guarantee.".

(e) Conditions of Assistance.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking "offered;" in subsection (f)(2)(A) and inserting "offered, if any;";

(2) by inserting "(1)" before "The Secretary" in subsection (h) and redesignating paragraphs (1), (2), and (3) of that subsection as subparagraphs (A), (B), and (C); and

(3) by adding at the end of subsection (h) the following:

"(2) The Secretary shall not require an applicant for a direct loan or loan guarantee under this section to provide collateral.

"(3) The Secretary shall not require that an applicant for a direct loan or loan guarantee under this section have previously sought the financial assistance requested from another source.

"(4) The Secretary shall require recipients of direct loans or loan guarantees under this section to apply the standards of section 22301(b) and (c) of title 49, United States Code, to their projects.".

(f) Time Limit for Approval or Disapproval.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended by adding at the end the following:

"(i) Time Limit for Approval or Disapproval.—Not later than 180 days after receiving a complete application for a direct loan or loan guarantee under this section, the Secretary shall approve or disapprove the application.".

(g) Fees and Charges.—Section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823) is amended—

(1) by adding at the end of subsection (k) the following: "Funds received by the Secretary under the preceding sentence shall be credited to the appropriation from which the expenses of making such appraisals, determinations, and findings were incurred."; and

(2) by adding at the end the following new subsection:

"(m) Fees and Charges.—Except as provided in this title, the Secretary may not assess any fees, including user fees, or charges in connection with a direct loan or loan guarantee provided under section 502.".

(h) Substantive Criteria and Standards.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall publish in the Federal Register and post on the Department of Transportation website the substantive criteria and standards used by the Secretary to determine whether to approve or disapprove applications submitted under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822).

(i) Operators Deemed Rail Carriers; Loans and Loan Guarantees for Non-Railroad Entities.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822), as amended by subsection (f), is amended by adding at the end the following:

"(j) Operators Deemed Rail Carriers.—A person that conducts rail operations funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV of title 49, United States Code, when so operating or performing such services.

"(k) Loan and Loan Guarantees for Non-Railroad Entities.—Nothwithstanding any other provision of law, entities other than rail companies shall be eligible for loans and loan guarantees under this section.".

SEC. 402. RAIL PASSENGER COOPERATIVE RESEARCH PROGRAM.

(a) In General.—Chapter 249 is amended by adding at the end the following:

"§ 24910. Passenger rail cooperative research program

"(a) In General.—The Secretary shall establish and carry out a rail passenger cooperative research program. The program shall—

"(1) address, among other matters, intercity rail passenger services, including existing rail passenger technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems;

"(2) give consideration to research on commuter rail, regional rail, freight rail, and other modes of rail transportation that may affect rail passenger transportation due to the interconnectedness of the rail passenger network with other rail transportation services; and

"(3) give consideration to regional concerns regarding rail passenger transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

"(b) Contents.—The program to be carried out under this section shall include research designed—

"(1) to develop more accurate models for evaluating the indirect effects of rail passenger service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

"(2) to develop a better understanding of modal choice as it affects rail passenger transportation, including development of better models to predict ridership;

"(3) to recommend priorities for technology demonstration and development;

"(4) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

"(5) to explore improvements in management, financing, and institutional structures;

"(6) to address rail capacity constraints that affect passenger rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on freight and commuter rail operations; and

"(7) to improve maintenance, operations, customer service, or other aspects of existing intercity rail passenger service existing in 2002.

"(c) Advisory Board.—

"(1) Establishment.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger transportation.

"(2) Membership.—The advisory board shall include—

"(A) representatives of State transportation agencies;

"(B) transportation and environmental economists, scientists, and engineers; and

"(C) representatives of Amtrak, the Alaska Railroad, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

"(d) National Academy of Sciences.— The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.".

(b) Conforming Amendment.—The chapter analysis for chapter 249 is amended by adding at the end the following:

"24910. Passenger rail cooperative research program".

(c) Authorization of Appropriations.— There are authorized to be appropriated to the Secretary of Transportation $5,000,000 for each of fiscal years 2003 through 2007, to carry out section 24910(d) of title 49, United States Code.

SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 REFLECTING ICC TERMINATION ACT.

(a) Section 307.—

(1) Section 307 is amended—

(A) by striking "**Interstate Commerce Commission**" in the section heading and inserting "**Surface Transportation Board**";

(B) by striking "Interstate Commerce Commission" in subsection (a) and inserting "Surface Transportation Board"; and

(C) by striking "Commission" each place it appears and inserting "Board".

(2) The chapter analysis for chapter 3 is amended by striking the item relating to section 307 and inserting the following:

"307. Safety information and intervention in Surface Transportation Board proceedings".

(b) Section 333.—Section 333 is amended—

(1) by striking "Interstate Commerce Commission" each place it appears and inserting "Surface Transportation Board"; and

(2) by striking "Commission" in subsection (e) and inserting "Board".

(c) Section 351.—Section 351(c) is amended by striking "Interstate Commerce Commission" and inserting "Surface Transportation Board".

(d) Section 24307.—Section 24307(b)(3) is amended by striking "Interstate Commerce Commission" and inserting "Surface Transportation Board".

(e) Section 24308.—Section 24308 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (a)(2)(A) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsections (a), (b), and (e) and inserting "Board".

(f) Section 24311.—Section 24311 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (c)(1) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsection (c) and inserting "Board".

(g) Section 24902.—Section 24902 is amended—

(1) by striking "Interstate Commerce Commission" in subsections (g)(2) and (g)(3) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsections (g)(2) and (g)(3) and inserting "Board".

(h) Section 24904.—Section 24904 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (c)(2) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsection (c) and inserting "Board".

SEC.404. APPLICABILITY OF REVERSION TO ALASKA RAILROAD RIGHT-OF-WAY PROPERTY.

Section 610(b) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1209(b)) is amended—

(1) by inserting "(1)" after "Discontinuance.—";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph:

"(2)(A) The State-owned railroad may convey all right, title, and interest of the State in any land within the right-of-way to a third party in exchange for other land that, in substitution for the land conveyed, is to be utilized as part of the right-of-way if the continuity of the right-of-way corridor for transportation, communications, and transmission purposes is provided by such use of the substituted land.

"(B) The provisions of this section that require reversion shall apply to the substituted land, as of the effective date of the exchange of that land in a transaction authorized by subparagraph (A), as fully as if the substituted land had been rail properties of the Alaska Railroad as of January 13, 1983.

"(C) Upon the conveyance of land in a transaction authorized by subparagraph (A), any reversionary interest in the land under this section shall terminate.".

SA 3799. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after "**SEC. 102.**" and insert the following:

LIVESTOCK ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Agriculture shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

(c) Payment Limitations.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking "$40,000" each place it appears and inserting "$17,500";

(2) in subsection (c), by striking "$65,000" each place it appears and inserting "$32,500"; and

(3) by striking subsection (d) and inserting the following:

"(d) Limitations on Marketing Loan Gains, Loan Deficiency Payments, and Commodity Certificate Transactions.—

"(1) In general.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $75,000:

"(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities, peanuts, wool, mohair, or honey under subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the applicable commodity under that subtitle.

"(B) Any loan deficiency payments received for 1 or more loan commodities, peanuts, wool, mohair, or honey under that subtitle.

"(2) Additional limitation.—In addition to the limitation under paragraph (1), the total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

"(A) Any gain and payment described in paragraph (1).

"(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities, peanuts, wool, mohair, or honey under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, peanuts, wool, mohair, or honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

"(e) SINGLE FARM SERIAL NUMBER.—Notwithstanding subsections (b) through (d), if a person receives 1 or more payments and gains described in this section through only 1 farm serial number, the total amount of payments or gains (as applicable) that the person may receive during a crop year shall equal twice the dollar amount prescribed in this section.".

SA 3800. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after "**SEC. 102.**" and insert the following:

LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

(c) PAYMENT LIMITATIONS.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking "$40,000" each place it appears and inserting "$17,500";

(2) in subsection (c), by striking "$65,000" each place it appears and inserting "$32,500"; and

(3) by striking subsection (d) and inserting the following:

"(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

"(1) IN GENERAL.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $75,000:

"(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities, peanuts, wool, mohair, or honey under subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the applicable commodity under that subtitle.

"(B) Any loan deficiency payments received for 1 or more loan commodities, peanuts, wool, mohair, or honey under that subtitle.

"(2) ADDITIONAL LIMITATION.—In addition to the limitation under paragraph (1), the total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

"(A) Any gain and payment described in paragraph (1).

"(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities, peanuts, wool, mohair, or honey under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, peanuts, wool, mohair, or honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

"(e) SINGLE FARM SERIAL NUMBER.—Notwithstanding subsections (b) through (d), if a person receives 1 or more payments and gains described in this section through only 1 farm serial number, the total amount of payments or gains (as applicable) that the person may receive during a crop year shall equal twice the dollar amount prescribed in this section.".

SA 3801. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike "$500,000,000" and insert in lieu thereof "$600,000,000".

SA 3802. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike "$500,000,000" and insert in lieu thereof "$600,000,000".

SA 3803. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike "$500,000,000" and insert in lieu thereof "$700,000,000".

SA 3804. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike "$500,000,000" and insert in lieu thereof "$700,000,000".

SA 3805. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In the language proposed to be stricken strike $55 million and insert $200 million.

SA 3806. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following:

SEC. . Of the funds made available under the heading "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" in title III of Public Law 107–77, $37,900,000 shall be transferred to, and merged with, funds available for "hiring 200 additional Deputy United States Marshals and associated support staff for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs, $37,900,000, to remain available until expended:".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, June 6, at 2:30 p.m., in SD–366. The purpose of this hearing is to receive testimony on the following bills:

S. 1310/H.R. 1870, to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, NV;

S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment;

S. 1385/H.R. 2115, to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act, to participate in the design, planning, and water construction of the Lakehaven water reclamation project for the reclamation and reuse of water;

S. 1824/H.R. 2828, to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's irrigation works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes;

S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes;

S. 1999, to re-authorize the Mni Wiconi Rural Water Supply Project; and

H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, NM

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Accountability and IDEA: What Happens When the Bus Doesn't Come Anymore?" during the session of the Senate on Thursday, June 6, 2002, at 9:30 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Oversight Hearing on Counterterrorism" on Thursday, June 6, 2002, in Hart Room 216 at 9:30 a.m.

Witness List

Panel I: the Honorable S. Mueller III, Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC and the Honorable Glen A. Fine, Inspector General, U.S. Department of Justice, Washington, DC.

Panel II: Special Agent Coleen Rowley, Chief Division Counsel, Federal Bureau of Investigation, U.S. Department of Justice, Minneapolis, MN.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, June 6, 2002, at 2 p.m., for a markup on pending legislation. The meeting will be held in room 418 of the Russell Senate Office Building.

Agenda

1. Committee Print of S. 2043, the proposed "Veterans' Long-Term Care And Mental Health Enhancement Act."
2. Committee Print of S. 2132, the proposed "Department of Veterans Affairs Emergency Preparedness Act of 2002."
3. Committee Print of S. 2074, the proposed "Veterans' Compensation Cost-of-Living Adjustment Act of 2002."
4. Committee Print of S. 2237, the proposed "Veterans Benefits Improvement Act of 2002."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 6, 2002, at 10 a.m. and 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 6, 2002, at 10 a.m., to conduct an oversight hearing on "Capital Investment in Indian Country."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Thursday, June 6, 2002, at 2:30 p.m., for a hearing regarding "Russia and China: Non-Proliferation Concerns and Export Controls."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that privileges of the floor be granted to Nicolette Weaver, an intern in my office, during the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Scott Shepard of my staff be granted the privileges of the floor during the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Executive session to consider the following: Calendar Nos. 853 through 861, and the military nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements thereon be printed in the RECORD as though read, and the Senate return to legislative session, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Kenneth L. Farmer, Jr., 7072

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Edward Soriano, 3068

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David D. McKiernan, 8864

MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Ronald S. Coleman, 3216
Col. James F. Flock, 6021
Col. Kenneth J. Glueck, Jr., 6343
Col. Dennis J. Hejlik, 3767
Col. Carl B. Jensen, 5079
Col. Robert B. Neller, 0298
Col. John M. Paxton, Jr., 0190
Col. Edward G. Usher, III, 6626

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard L, Kelly, 9290

NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Mark H. Hazara, 3352

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David J. Venlet, 0404

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Richard J. Naughton, 8886

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. James W. Metzger, 6693

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN1460 Air Force nominations (47) beginning Amy J. Altemus, and ending Thomas F. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1499 Air Force nominations (510) beginning Jorge Acevedo, and ending Keith W. Zuegel, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

ARMY

PN1782 Army nomination of Shawn E. Connors, which was received by the Senate and appeared in the Congressional Record of May 22, 2002.

PN1783 Army nomination of James E. Agnew, which was received by the Senate and appeared in the Congressional Record of May 22, 2002.

PN1784 Army nominations (5) beginning Michael J. Hamilton, and ending James W. Youker, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2002.

PN1788 Army nominations (83) beginning Robert T. Aarhus, Jr., and ending Scott C. Wright, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2002.

MARINE CORPS

PN1785 Marine Corps nomination which was received by the Senate and appeared in the Congressional Record of May 22, 2002.

NAVY

PN1786 Navy nomination which was received by the Senate and appeared in the Congressional Record of May 22, 2002.

PN1787 Navy nominations (401) beginning Peter C. Bondy, and ending Theodore G. Pacleb, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2002.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—H.R. 4800

Mr. REID. Mr. President, it is my understanding that H.R. 4800 is at the desk, and I, therefore, ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 4800) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—H.R. 4823

Mr. REID. Mr. President, I understand that H.R. 4823 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 4823) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR FRIDAY, JUNE 7, 2002

Mr. REID. Finally, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 o'clock in the morning, Friday, June 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 11 a.m.——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I withhold that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Friday, June 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 12 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees—Mr. President, we are going to do this again.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Thank you very much.

Mr. President, I ask unanimous consent that the Senate begin its session tomorrow at 11 a.m., that there be no morning business—everyone, including staff should be aware of that—that at 11 a.m. we will proceed to the hate crimes bill, as under the previous order. That is S. 625.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there are no more rollcall votes today. The next vote will occur on Monday at approximately 5:30 p.m.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:42 a.m., adjourned until Friday, June 7, 2002, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 6, 2002:

SECURITIES INVESTOR PROTECTION CORPORATION

DEBORAH DOYLE MCWHINNEY, OF CALIFORNIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2004, VICE ALBERT JAMES DWOSKIN, TERM EXPIRED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

ALEJANDRO MODESTO SANCHEZ, OF FLORIDA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2002, VICE SHERYL R. MARSHALL.

ALEJANDRO MODESTO SANCHEZ, OF FLORIDA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2006. (REAPPOINTMENT)

ANDREW SAUL, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2004, VICE JAMES H. ATKINS.

GORDON WHITING, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2006, VICE DON HARRELL, TERM EXPIRING.

FEDERAL MEDIATION AND CONCILIATION SERVICE

PETER J. HURTGEN, OF MARYLAND, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR, VICE CHARLES RICHARD BARNES, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

WILLIAM H. CAMPBELL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (MANAGEMENT), VICE EDWARD A. POWELL, JR., RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 6, 2002:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. KENNETH L. FARMER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EDWARD SORIANO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID D. MCKIERNAN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RONALD S. COLEMAN
COL. JAMES F. FLOCK
COL. KENNETH J. GLUECK, JR.
COL. DENNIS J. HEJLIK
COL. CARL B. JENSEN
COL. ROBERT B. NELLER
COL. JOHN M. PAXTON, JR.
COL. EDWARD G. USHER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD L. KELLY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MARK M. HAZARA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID J. VENLET

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10. U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD J. NAUGHTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10. U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JAMES W. METZGER

AIR FORCE NOMINATIONS BEGINNING AMY J. ALTEMUS AND ENDING THOMAS F. ZIMMERMAN. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27. 2002.

AIR FORCE NOMINATIONS BEGINNING JORGE ACEVEDO AND ENDING KEITH W. ZUEGEL. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6. 2002.

ARMY NOMINATION OF SHAWN E. CONNORS.

ARMY NOMINATION OF JAMES E. AGNEW.

ARMY NOMINATIONS BEGINNING MICHAEL J. HAMILTON AND ENDING JAMES W. YOUKER. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22. 2002.

ARMY NOMINATIONS BEGINNING ROBERT T AARHUS, JR. AND ENDING SCOTT C WRIGHT. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22. 2002.

MARINE CORPS NOMINATION OF JEFFREY A. KNUDSON.

NAVY NOMINATION OF GEORGE B. PARISI.

NAVY NOMINATIONS BEGINNING PETER C BONDY AND ENDING THEODORE G PACLEB. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22. 2002.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO RHONDA LEE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker it a great honor to pay tribute to Rhonda Lee, a woman who embodies the spirit of the mountains of Colorado. Rhonda Lee worked for years in the Eagle County Hospital as a hospice nurse helping people and their families to cope with illnesses. Rhonda Lee is now coping with her own disease, thyroid cancer, and her whole community has come out to help her as she has help some many of them. In the face of enormous odds, Rhonda has shown courage and strength with the help of her community.

Rhonda made many sacrifices for her patients as a hospice nurse, often traveling over 2,000 miles in a month. Rhonda gladly gave her time and energy for many years but eleven years ago, someone came into Rhonda's life that needed more of her attention—her daughter. After the birth of her daughter, Matyson, Rhonda became a teacher in Special Education. Rhonda has given countless hours to the Special Education Program and students of Gypsum Creek Elementary School but she says that the rewards of her job are endless. When Rhonda learned of her disease she told her students immediately. The way that she has bravely faced her disease is an example to her student of how to handle their own disabilities.

When her community heard of Rhonda's disease, they rallied together to help this valued member of their area. Almost $4,000.00 has been raised in Rhonda's name through dances and spaghetti dinners. The Vail Valley Charitable Fund has also helped Rhonda to get through this difficult time. Despite Rhonda's dire challenge, she faces each day with optimism. Rhonda has good reason to look forward to each day in the support of her children Scott, Chad, Tanner, and Matyson—who she calls her best friend.

Mr. Speaker, it is my privilege today to recognize the courage and service of Rhonda Lee. Her hard work and dedication to her community are an example to us all. The people of Eagle and Gypsum and the surrounding communities have certainly recognized this and have responded when Rhonda needed their support. Rhonda, you have my admiration and support in your courageous battle against cancer.

MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H.R. 3983, Maritime Transportation Antiterrorism Act. Commercial vessels continue to experience an increased threat of criminal attack. Vessels seem to bear the brunt of these attacks which manifest themselves in the form of sea robbery, hijacking, terrorism, and piracy.

A complex set of security issues threaten the maritime industry and the movement of cargo in international trade. Those threats include terrorism, piracy, smuggling of stowaways and drugs, cargo theft and fraud, bribery and extortion. Enacting requisite port security measures and coordination, cooperation, and communication with government and maritime industry components are necessary.

In my home District, the Port of Houston Authority is a dynamic port that has helped to fuel the Houston area's development as a center of international business and trade. Companies that do business internationally also find Houston attractive because of its well-developed industrial and financial infrastructure; skilled work force; and diverse population. Ample space and favorable conditions for industrial development, as well as for cargo handling, makes the Port of Houston an excellent choice location for industry.

Port security is an essential part for a safe, secure, and competitive operation of the maritime transportation system. It promotes the development of commerce and is an essential element in maritime trade competitiveness, which cannot be achieved merely by modernizing port infrastructure and increasing operating productivity.

Consequently, port security can surface as a significant issue in trade negotiations and government and industry courses of action should be coordinated to facilitate effective solutions. Port authorities should develop the means for exchanging current information on port security issues and for the dissemination of intelligence to the commercial industry. We must protect our ports from criminal attacks and allow them to maintain their trade and commerce.

H.R. 3983, Maritime Transportation Antiterrorism Act of 2002 helps to protect our ports, such as the Port of Houston. This bill directs the Secretary of Transportation to (1) assess port vulnerability; (2) prepare a National Maritime Transportation Antiterrorism Plan [the Plan] for deterring catastrophic emergencies; and (3) review and approve Area, vessel, and facility antiterrorism plans.

Further, H.R. 3983 requires that the Plan to (1) coordinate Federal, State, and local efforts, including Coast Guard maritime antiterrorism teams and Federal Maritime Antiterrorism Coordinators; (2) identify security resources; and (3) include a system of surveillance and notice to ensure earliest possible identification of emergencies. The bill requires the Secretary to establish a system of antiterrorism response plans for vessels in coordination with the Federal Emergency Management Agency. The bill requires that there be transportation security cards for entry to any antiterrorism secure area of a vessel or facility. The bill requires the Under Secretary of Transportation for Security to develop and maintain an antiterrorism cargo identification and screening system, including performance standards for seals and locks of shipping containers.

Moreover, H.R. 3983 requires that Federal Maritime Antiterrorism Coordinators develop, update, and integrate Area Maritime Transportation Antiterrorism Plans, as needed. The bill also requires owners or operators of vessels or facilities to prepare an antiterrorism plan for deterring a catastrophic emergency, including the identification of the plan implementor, the availability of antiterrorism measures, training and drills.

H.R. 3983 directs the Secretary to establish maritime antiterrorism teams to protect vessels, ports, facilities, and cargo in U.S. waters. Also, H.R. 3983 directs the Secretary to assess the effectiveness of antiterrorism measures maintained at specified foreign ports and make recommendations for improvements, if necessary.

The bill authorizes the Secretary to prescribe conditions of entry for or to deny entry into the United States to vessels arriving from foreign ports with ineffective antiterrorism measures. In addition, H.R. 3983 requires the advance electronic transmission of passenger and crew manifests from commercial vessels arriving in the United States from a foreign port.

The increasing nature and international scope of the maritime security issues, which threatens our port, requires participation and response from all levels of government. The lack of a secure trade corridor can hamper the economic growth of a port and possibly the country itself. A viable maritime security program is good business. A much bigger economic interdependency exists within the entire transportation network. Ports are committed to developing effective maritime security programs based on the recognition of ports as interchange hubs of commerce, critical to international trade. Therefore, I strongly support H.R. 3983. This bill is good for the Port of Houston and good for American ports. Therefore, I strongly urge my fellow members to support this bill.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF THE HAMTRAMCK ALLIED VETERANS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BONIOR. Mr. Speaker, every year on Memorial Day, we recognize those who fought for our nation and gave their lives in the name of democracy and freedom. It is a time for us to remember the patriotism they showed as they went into battle, the courage with which they fought, and the ultimate sacrifice they made for our country.

My home state of Michigan has lost many good men and women to war. We lost 18,906 people in World War I, World War II, the Korean War, and the Gulf War. We lost over 2,600 men and women in Vietnam—more people per capita than any other state in the nation. We understand the honor in answering a nation's call to serve, and we know what it means to lose parents, brothers, sisters, and children to battle. As a Vietnam-era veteran, and the son of a WWII veteran, I know in my heart the value of this service.

Our lost soldiers have earned parades, memorial services, and events in their honor. But they have also earned a commitment from their nation that we will never forget their service and will treat all who fight for our country with dignity and respect. We should remember our lost soldiers not just in words, but deeds. We should honor their sacrifices by providing good health care, benefits, and compensation to our veterans who fought alongside them and the current members of our Armed Forces. We should honor them by fulfilling all the promises that we made to them and their families when they answered the call of duty.

As we observe Memorial Day, let us not be content with honoring our soldiers just this one day each year. Let us remember in our hearts the ultimate gift these men and women gave to us. And let us keep in our prayers those men and women who are serving our nation overseas today. In their courage and strength, they set an example for all of us and remind us of what it means to be an American.

TRIBUTE TO CATO-MERIDIAN HIGH SCHOOL SUNPACER SOLAR-ELECTRIC CAR TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Cato-Meridian High School Sunpacer solar-electric car team for participating in this year's Tour de Sol competition. After a four-day, 350-mile race beginning in Washington, D.C., the Sunpacer team ultimately tied for first place with the Zodiac team from West Irondequoit High School near Rochester, NY.

Special recognition should be given to Cato-Meridian High School teacher Mr. Earl Billings and his team for their determination. The Sunpacer team has won its class several times and has been honored with many awards for efficiency. At this year's competition, the Sunpacer team received a $250.00 first prize and a first place plaque.

On behalf of the 25th District of New York, it is my honor to congratulate the Sunpacer team for another first place win at the Tour de Sol competition. With these remarks, I would like to recognize the following student participants and staff: Arron Kolb, Ashley Davenport, Amber Ross, Tim Soine, Nick Snow, Nicole Leach and teacher Earl Billings.

Congratulations to all.

PAYING TRIBUTE TO HOWARD C. BRUNER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker, I take this opportunity to recognize the hard work and service of Howard C. Bruner. For 10 years Howard has dedicated countless hours to the service of his fellow citizens. Howard has served on the Pueblo West Metropolitan District Board of Directors, striving to improve his community and the lives of those who live in it. After providing leadership, dedication and vision for the City of Pueblo for a decade, Howard is retiring from his position. I can think of no better way to thank Howard for his efforts than to acknowledge his contributions.

Howard moved to Pueblo in 1981 and became the manager and operating partner of Southern Colorado Equipment. Howard began serving on the Pueblo West Metropolitan District Board that same year. He has been credited with providing the leadership and focus for the board and has been instrumental as part of the Board in making the changes the board has in order to improve Pueblo West. The board and city will always remember Howard for his objective approach to issues. His colleagues respected him for his ability to make decisions based on what was best for the community.

In addition to his position on the Pueblo West Metropolitan District Board, Howard also dedicates his time to his community through numerous organizations. He is a past board member of the Better Business Bureau of Pueblo, and the Pueblo West Economic Development Committee. President Reagan recognized his leadership and abilities when he was the Colorado Delegate to Reagan's Council on Small Business Affairs. Howard is also very involved in his church. Perhaps most importantly, Howard is a devoted husband to his wife and loving father to his two children.

Mr. Speaker, it is my privilege to bring the accomplishments of Howard C. Bruner to the attention of this body of Congress and this nation. I am proud to represent such a dedicated man and his family. Howard's effort to improve the lives of those around him is an example to us all. Thank you Howard for all of your hard work, and good luck in your future endeavors.

MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000 AND FOREIGN ASSISTANCE ACT OF 1961 AMENDMENTS ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, according to the World Health Organization, over one billion people [one-fifth of the world's population] lives in extreme poverty. They subsist on less than one dollar a day. These families cannot adequately feed themselves or plan for the future, working menial jobs or selling whatever they can to survive one more day. In most Third World countries more than half the people survive by working in small-scale businesses or "microenterprises" outside the traditional economic structures. They are fruit vendors in Haiti; ragpickers in India; basketmakers in Ghana. To climb out of poverty toward self-reliance, access to credit for these people is critical, but hard to come by.

Government credit programs and traditional lending institutions do not offer affordable loans to the poor because they cannot afford loan fees, offer collateral, or show a credit history. They're viewed as high risks who yield a low return. Though many poor people possess relevant skills and often own necessary tools, without access to credit they cannot establish or expand their business to sustainably support their family. Generation after generation is trapped in poverty.

Microenterprise programs can offer these willing workers the opportunity to break the cycle of poverty and improve their families' welfare. Women, especially, could alter the face of global poverty by having an impact not only on family incomes, but also on child nutrition, health and education.

H.R. 4073, Microenterprise and Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 will ensure continued availability of microenterprise services as a key component of U.S. bilateral international development assistance. The bill reauthorizes and increases funding for microenterprise assistance programs, expands and focuses microenterprise programs to the very poor, and updates language of both acts concerning rural lending, the provision of financial services, and the development and application of poverty measurement tools.

The Microenterprise for Self-Reliance Act institutionalizes that initiative and authorizes support for programs that provide credit, insurance, training and other services to entrepreneurs—50 percent of whom must be very poor or women. Much of the credit for its passage goes to the women themselves—97 percent of whom have repaid their loans in full and on time.

The Microenterprise for Self-Reliance Act increases the U.S. government's support for microfinance around the world. The bill will support the institutional development of programs that provide credit, savings facilities, insurance, business training, and other services to microentrepreneurs. At least 50% of resources must go towards programs that serve women and the very poor.

This bill goes beyond helping women develop small businesses. The programs that the bill supports will change the face of foreign aid, expanding access to financial services and making microlending a component of U.S. foreign policy.

Whereas today microcredit is helping more than 20 million creditors, the summit set a new goal five times that number. This bill will go a long way toward helping us meet that goal.

H.R. 4073 also broadens the definition of microenterprise development services in recognition of the importance of delivering both financial and non-financial services to the poor, and emphasizes the importance of providing these services to rural as well as urban areas.

H.R. 4073 expands the definition of the very poor to include those severely poor people living on less than one dollar per day and provides clear guidance to USAID for the development and use of cost-efficient practical poverty measurement tools that can be applied by practitioner organizations.

This change creates substantially greater incentive for USAID to find and support financially-sustainable lines of microenterprise development service that favor the very poor, while allowing up to half of the funding to support other lines of service that serve others who are economically better-off.

Therefore, I strongly urge my fellow members to support H.R. 4073.

TRIBUTE TO PERFECTING CHURCH AND HOLY CONVOCATION 2002

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BONIOR. Mr. Speaker, Perfecting Church is a church with a noble mission. "Perfecting" as it is affectionately called, "strives to attain the purpose for which it is called, not for vain glory but that it might be ready to meet the needs of the people; ever mindful of the phrase spoken in that vision to Pastor Winans, They are coming to you." And during the week of May 19–May 26, 2002, the people came to Pastor Marvin Winans of Perfecting Church for its 2002 Holy Convocation.

Born out of a phrase given to the young preacher and singer Marvin Winans, Perfecting Church began humbly with just eight members in the basement of Pastor Winans' home. With his strong passion for his faith and as his message, and ministry was received, Perfecting Church flourished. Perfecting Church today, a huge, beautiful church complex located on Nevada Street in Detroit, Michigan, has become a thriving center of religious and social activity for families and friends of the community. And as Pastor Winans has always taught that "Ministry means People", he has worked hard to ensure that Perfecting Church has been an example of that teaching. With ministries that range from helping the homeless to healing the hurting, Perfecting Church is home to over 25 ministries and departments including youth organizations, choirs, social and charitable groups. Joyfully celebrating Christmas and Easter, while lending a warm shoulder to those suffering, Perfecting Church has been a faithful friend to all who have walked through the front doors.

With the theme of "Advancing the Army", Perfecting Church's Holy Convocation 2002 mission is to have worshipers leave their holy gathering with specific strategies to advance in victory, faith, and power. During this convocation, congregation members and families from communities everywhere join together in spiritual song, spoken word, and biblical teachings, renewing and strengthening their religious beliefs. As Pastor Winans held another successful convocation, he continues to demonstrate his commitment to advancing the mission of Perfecting Church to families across the state of Michigan and beyond.

I applaud Pastor Winans and Perfecting Church for their leadership, faith, and service, and I urge my colleagues to join me in saluting them on exemplary years of faith and service.

TRIBUTE TO NOTTINGHAM HIGH SCHOOL'S GIRLS JUNIOR VARSITY CREW TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Nottingham High School's Girls Junior Varsity Crew team for winning its first national championship. The Nottingham girls junior varsity crew team, coached by Joe Bufano, became only the third area team to win national honors after receiving the title of national champions in Oak Ridge, Tennessee.

The team, consisting of seven juniors and two sophomores, competed against traditional powerhouses, including four other teams competing in the finals of the Scholastic Rowing Association of America championships. With a winning combination of hard work and determination, the young women of the Nottingham junior varsity crew team competed successfully as a city school under a tight budget. Special recognition should be given to the parents and volunteers who assisted the team when funding for chartered buses was unavailable.

On behalf of the residents of the 25th Congressional District of New York, it is my honor to congratulate Nottingham High School's Girls Junior Varsity Crew team and their coach Joe Bufano on their first national championship win. With these remarks, I would like to recognize the following nine girls of the eight oared shell division and their coach: Jackie Stone, Katie Schneider, Christina Shaw, Crysten Rushmore, Karlyn Downing, Megan Holloway, Zaula Usman, Stacey Karpouzes, Lyndsay Boileau, and coach Joe Bufano.

Congratulations to all.

PAYING TRIBUTE TO JOE LACY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I pay tribute to the life and memory of Joe Lacy. Joe's vision and ability to make his vision a reality embodied the spirit of Colorado. Joe was the city manager of Grand Junction, Colorado in the 1960s and was the driving force in creating the town we know today. After courageously battling a debilitating illness Joe passed away at the age of 74.

A native Coloradan, Joe attended high school in Pueblo. Joe continued his education at the University of Denver and received a bachelors degree in journalism and masters in public administration. Joe nearly became the Grand Junction Sentinel classified advertising manager, but the Army called before he could start. Joe enlisted in the United States Army and proudly served his country in Korea. In 1960, Joe came back to Grand Junction after starting his career as the assistant city manager of Englewood. As the city manager Joe had a vision for the city's downtown. His innovative approach, which combined light traffic with a pedestrian area, proved to be a success and today is the heart of the city.

For all of his innovative ideas and education it was really Joe's personality and personal investment in his work that people remember. Joe's faith in his own ideas made it possible for even the strongest skeptic to become Joe's strongest supporter. Joe is fondly remembered by the city as a man who made things happen and for his warm smile. No one knew Joe's qualities better than those who will miss him most, his family. Joe was the loving husband of M.J. "Mayme" Holder and a devoted father of four sons and grandfather of seven.

Mr. Speaker it is my privilege to be able to bring the life and contributions of Joe Lacy to the attention of this body of Congress and this nation. His passion and dedication to his work is an example to us all. Joe will be deeply missed by those whose lives he touched but his memory will live on in his work. During this difficult time I would like to extend my deepest sympathies to his family.

BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2941, the Brownfields Redevelopment Enhancement Act.

I would like to thank my colleagues Mr. MILLER from California and Ms. MALONEY from New York along with the Financial Services Committee for their hard work on this issue.

This important legislation would improve local communities by generating 550,000 additional jobs and up to $2,400,000,000 in new tax revenues for cities and towns. More specifically, H.R. 2941 would give cities new financing options for Brownfields redevelopment.

This bill would create a pilot program where the Secretary of Housing and Urban Development would develop and maintain a common loan pool. There are an estimated 600,000 Brownfields in America, each a missed opportunity for development.

By de-linking HUD's Brownfield Economic Development Initiative (BEDI) from its Section 108 loan program, cities would be given added flexibility in obtaining BEDI grants and would not be forced to use Community Development Block Grants (CDBG) funds as collateral.

CDBG are especially helpful in providing important community services such as the Meals on Wheels or child care programs. As the founder and Co-Chair of the Congressional Children's Caucus, I am especially supportive of the fact that CDBG funds will not be compromised.

Moreover, H.R. 2941 would help preserve our existing green spaces. The positive environmental impact of this legislation is significant.

I urge my colleagues to support this legislation.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. MENENDEZ. Mr. Speaker, because of the New Jersey Primary, I stayed in my district, and I was unable to be present for all votes on June 4, 2002.

On rollcall No. 208, had I been present, I would have voted "yes".

On rollcall No. 207, had I been present, I would have voted "yes".

MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. BLUMENAUER. Madam Speaker, I support H.R. 3983, the Maritime Transportation Antiterrorism Act. This legislation takes critical steps to address the security of our ports and the cargo that passes through them.

However, I do have concerns about a provision that requires the development of a cargo identification and screening system that would require detailed information to be provided to U.S. Customs Service 24 hours prior to the time the cargo is loaded at its origination point. The level of detail required and the timing of its delivery to the U.S. Customs Service for the more than six million containers that are shipped to the United States each year may be unduly burdensome to the ports, importers, customs brokers, and freight forwarders that will be saddled with this task.

As 95 percent of our international trade arrives via the oceans, I fully support the aims of this bill. Though, I hope the concern I have expressed can be alleviated in conference.

PAYING TRIBUTE TO EDWARD LEO APODACA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Edward Leo Apodaca, a man who honorably devoted his life to helping young men and women. Edward upheld dignity and integrity, and regrettably, he passed away in April of this year. Today we mourn the loss of a great citizen, and a courageous leader who proudly served his family and community.

Edward spent over 40 years pursuing his avocation as an amateur boxer. Edward grew up boxing in Pueblo, and continued his boxing career after he enlisted in the Army. His attention to detail and continuous strive to achieve excellence molded him into a respected, admired, paratrooper in the 82nd Airborne Division serving in Vietnam. Edward served his country with honor, and he returned to the United States as a decorated veteran.

Edward was a member of the Pueblo Stylers boxing team, and he used his thrilling personality to mentor many of the youth in Pueblo. He assisted in starting the Community Youth Organization, and later acted as the organizer of numerous youth oriented boxing teams. His humble character and guidance has helped shape the amateur boxing standards around Colorado. His love for the kids with which he has worked has gained him the affectionate nickname of "coach."

Mr. Speaker, It is with great honor I stand here and praise the achievements of Edward before this body of Congress and this nation. Edward will be missed tremendously, and although we will grieve the loss of this outstanding individual, we will rejoice over this man's great character. I express my sincerest condolences to his family and friends, and I salute Edward, a person who selflessly contributed to our society.

TRIBUTE TO SUSAN MIGON, D.A.R.E. EDUCATOR OF THE YEAR

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. WALSH. Mr. Speaker, I rise today to congratulate Susan Migon of St. Charles Borromeo School in Westvale, NY for being honored by New York State as Drug Abuse Resistance Education (D.A.R.E.) Educator of the Year. This award is named to Susan Migon in recognition of her extraordinary commitment to the New York State D.A.R.E. program.

The D.A.R.E. program provides fifth grade students with the knowledge necessary to successfully turn away from drugs and alcohol. Susan Migon contributes to the D.A.R.E. course taught by local police chiefs by bringing enthusiasm and constant participation to her classroom. She serves as a valuable asset to the program and should be honored for her exemplary dedication. Susan Migon received a nomination for the award from the Geddes Police Department, and has worked closely with them on the D.A.R.E. program for the past nine years.

On behalf of the residents of the 25th Congressional District of New York, it is my honor to congratulate Susan Migon of St. Charles School for her award as New York State's D.A.R.E. Educator of the Year.

IN HONOR OF GRAND RAPIDS HOME FOR VETERANS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BONIOR. Mr. Speaker, every year on Memorial Day, we recognize those who fought for our nation and gave their lives in the name of democracy and freedom. It is a time for us to remember the patriotism they showed as they went into battle, the courage with which they fought, and the ultimate sacrifice they made for our country.

My home State of Michigan has lost many good men and women to war. We lost 18,906 people in World War I, World War II, the Korean war, and the Gulf war. We lost over 2,600 men and women in Vietnam—more people per capita than any other State in the nation. We understand the honor in answering a nation's call to serve, and we know what it means to lose parents, brothers, sisters, and children to battle. As a Vietnam-era veteran, and the son of a WWII veteran, I know in my heart the value of this service.

Our lost soldiers have earned parades, memorial services, and events in their honor. But they have also earned a commitment from their nation that we will never forget their service and will treat all who fight for our country with dignity and respect. We should remember our lost soldiers not just in words, but deeds. We should honor their sacrifices by providing good health care, benefits, and compensation to our veterans who fought alongside them and the current members of our Armed Forces. We should honor them by fulfilling all the promises that we made to them and their families when they answered the call of duty.

As we observe Memorial Day, let us not be content with honoring our soldiers just this one day each year. Let us remember in our hearts the ultimate gift these men and women gave to us. And let us keep in our prayers those men and women who are serving our nation overseas today. In their courage and strength, they set an example for all of us and remind us of what it means to be an American.

REPEALING SUNSET OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXPANSION OF CERTAIN ADOPTION PROGRAMS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish to thank the distinguished gentleman from Michigan, Mr. CAMP, for introducing this legislation.

This important legislation expresses the strong sense of Congress that Adoption Credit and Adoption Assistance Programs should not expire. Many parents who seek to provide a permanent home to a child face the high cost of adoption, thereby discouraging families from engaging in the adoption process.

Families spend between $8,000 and $30,000 to adopt a child. Necessary expenses directly related to the legal adoption of a child can include court costs, attorney fees, traveling expenses and some unpredictable costs. Sec. 202 of H.R. 1836 Expansion of Adoption Credit and Adoption Assistance Programs benefits children who need the stability of a permanent home by easing the financial burden placed on willing families.

We must do all we can to encourage adoption at this critical time when our nation faces a shortage of families willing to provide permanent homes for children. As of March 31, 2000, there were 588,000 children in foster care. Of those children in foster care, more than 117,000 were waiting to be adopted. Today, that number continues to rise.

Mr. Speaker, this legislation prioritizes easing the financial burden of the adoption process for families that are prepared to provide homes for children in need of them, I ask my colleagues to support this important bill.

COLONEL JAMES W. DELONY'S RETIREMENT

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. FORBES. Mr. Speaker, I rise today to honor a true American patriot who has committed his entire career to the mission of defending America. Colonel James W. DeLony, United States Army Corps of Engineers, is retiring from duty bringing to a close his admirable 29-year military career.

Colonel DeLony, a 1973 graduate of Texas A&M, spent much of his career in the elite Airborne forces including command of the 101st Airborne Division's Engineer Battalion and as the Brigade Operations Officer of the 20th Airborne Engineer Brigade during the Gulf War. For his service, Colonel DeLony has been awarded a number of decorations including the Legion of Merit, Bronze Star Medal, Meritorious Service Medal (Five Awards), Army Commendation Medal (Two Awards), National Defense Service Medal (Two Awards), Saudi Arabia Liberation Medal and the Kuwait Liberation Medal. He has also earned the Senior Parachutist Badge, Air Assault Badge, and the coveted Ranger Tab.

In his most recent assignment, Colonel DeLony served as the Commander of the Wilmington District, U.S. Army Corps of Engineers. In this position, Colonel DeLony battled different foes, from mosquitoes in the Cape Fear River to Hurricane Debby as it threatened the Southeast coast. He has distinguished himself in this assignment, providing able leadership as his command carried out its essential mission of enhancing the military and economic capabilities of South-Central Virginia and North Carolina.

Mr. Speaker, I rise today as the Representative of the citizens of Virginia's 4th District to congratulate Colonel DeLony on his magnificent career and to thank him for his long service to America. Colonel, we wish you and your wife Jennifer every happiness as you begin this new assignment and thank you both for your dedication to service and duty.

PAYING TRIBUTE TO HILDA VAUGHAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Hilda Vaughan, an exceptional individual who has selflessly devoted her time and energy to the betterment of this nation. I applaud her outstanding character, and her desire to support and educate her community. Hilda demonstrates impressive qualities worthy of such praise, and today we honor her retirement as a salute to a job well done.

Hilda was born in Lynchburg, Virginia, and spent her adolescent years thirsting for knowledge. After graduating from Rustburg High School in Rustburg Virginia, she obtained a Bachelor of Arts degree from Lynchburg College, and married her beloved husband, Ted Vaughan. Hilda moved to Silt, Colorado, and served her community well, by holding a number of clerical, secretarial, and accounting positions. Additionally, Hilda achieved her EMT–B certification and assisted the Grand Valley Fire Protection District. Hilda's attention to detail, together with her unwavering determination, led her to become and perform as an outstanding substitute teacher and librarian for 23 years. As a student teacher in Lynchburg, she educated herself to become a mentor as well as a teacher. Her first substitute teaching position was in the RE–2 School District, in Rifle, Colorado. Through her experiences in different geographic areas and districts, Hilda expanded her vast knowledge and wisdom, and became an excellent asset to every school district she served. Today we admire a woman who selflessly donated her time and efforts to upholding the structure of her community.

Mr. Speaker, it is with great pride I honor such an outstanding individual before this body of Congress and this nation. Hilda contributed so much, and she was so thoughtful, words will never express our appreciation to her. Hilda, thank you for your hard work in our country, and I anticipate great future achievements from you.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. ABERCROMBIE. Mr. Speaker, yesterday, my flight from Los Angeles was delayed in departing and I unavoidably missed two rollcall votes. Had I been present, I would have voted as follows:

On rollcall No. 208, H.R. 4800 to make the adoption tax credit permanent, "Yea".

On rollcall No. 207, to make permanent the tax exemption for payments to Holocaust survivors, "Yea".

EXPLAINING SEPTEMBER 11TH TO FUTURE 4TH GRADERS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. ISRAEL. Mr. Speaker, I commend the following letter to you and all of our colleagues. Nicole Bansen read this letter at the Lindenhurst Memorial Day Ceremony on May 27, 2002. An elementary school student from Long Island, Nicole directed the letter to future 4th graders so that they might better understand September 11 based on her own experience. Like Nicole, I believe that we must help preserve the memory of that tragic day by sharing our stories with future generations.

DEAR FUTURE FOURTH GRADER: September 11, 2001 was a tragic day. I'm writing this letter to tell you what really happened. I was in school when it happened. That was the day that jet planes hit the Twin Towers, and soon both collapsed. Tower One was hit first. Within the next hour, Tower Two was also hit. Time seemed to freeze. Everyone just stopped what they were doing to see what happened in disbelief. It was like a nightmare coming true!

When I found out what had happened, my heart felt like it was shattered, just like the Twin Towers. After school, my brother and Mom told me to watch the news. I turned on the television and saw both planes crashing into the Twin Towers. A friend of our family's worked on the 72nd floor of Tower One. I was afraid that he might be killed, like so many others. He made it out of the building in minutes before it collapsed!

I was affected by this tragedy in a sad way because I will not see the Twin Towers anymore, and so many innocent people died. In the future, people should never forget this day, and always remember all the people who died. I believe parents should tell their children the truth about what happened when they are old enough to understand, so they aren't frightened. Your friends and you will learn about this day in your Social Studies class in school, if your parents didn't already tell you about it.

I hope this terrorist act never happens again. Hopefully you will never know the "evil" word, terrorism. But, if something like this does happen again, I am sure that everyone will be very sad. I am so glad to be an American, because of our freedom and people staying united through difficult times.

Sincerely,

NICOLE BANSEN.

FARM SECURITY ACT

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. ISTOOK. Mr. Speaker, I respectfully request that the attached article appearing in The Weekly Standard on May 27, 2002 regarding the recently passed and signed Farm Security Act conference report be included in the CONGRESSIONAL RECORD.

[From the Weekly Standard, May 27, 2002]

THE PIGS RETURN TO THE TROUGH

FARM SUBSIDIES ARE BACK, BIGGER THAN EVER

(By Fred Barnes)

The White House veto of the farm bill was bold and defiant, reflecting the strength and confidence of the president. The bill not only costs too much and imposes too many government controls, he said, but it's also filled with "so much that would be detrimental to farmers," their future would be put in jeopardy. "It would do harm to every agricultural region of the country," the president said, causing large surpluses. "Thus it fails to meet the test of being good for farmers and fair to all our people." Too bad this veto message didn't come from President Bush last week when he instead signed the bloated new farm bill. No, those words were President Eisenhower's as he vetoed the Agricultural Act of 1956.

At the last moment, Bush considered a veto. His aides checked with congressional Republicans to find out if the bill's price tag might be as much as $20 billion more than advertised. It's costly, but not that costly, the White House was told. And even if it were, it was too late for a veto, the president having signaled repeatedly that he'd sign the measure. So, with misgivings, Bush went along. Three times, he called the bill "generous," and he conceded "it's not a perfect bill." His weak explanation for signing it was: "There's no such thing as a perfect bill."

There's a lot more wrong with the bill Bush signed than a few imperfections. First, there's the money. Depending on whose projections you use, it will raise farm spending by $73 billion to $82 billion over 10 years. The bill's total cost is pegged at $457.8 billion, including $251.9 billion for food stamps. What's worse is the attitude of Congress and the White House toward the increased spending that the bill reveals. A war is on and there's again a huge deficit, yet Washington is back to its old ways, gorging on spending. The era in which big government was over is over.

The bill not only increases spending for most existing crop subsidy programs, it brings back old ones that had been killed and even creates new ones. Remember the mohair subsidy, which became famous because one of its recipients was newsman Sam Donaldson of ABC? It was eliminated in the Freedom to Farm Act of 1996, which was supposed to wean farmers off subsidies altogether, but didn't. Well, the mohair subsidy is back, along with the previously killed wool subsidy, thanks to the chairman (Larry Combest) and ranking Democratic member (Charles Stenholm) of the House Agricultural Committee, both from Texas. And thanks to the efforts of Democratic senator Kent Conrad of North Dakota, the honey subsidy has also risen from the dead.

Is it crucial to America for these products to be federally subsidized? Of course not. Yet what's alarming is how easily these subsidies were revived. The standard wasn't whether they are necessary. Obviously they aren't. It was whether the subsidies could be slipped into the farm bill, one way or another, while everyone is distracted by the war on terrorism. This is the old way of doing business in Washington: Feather your own nest—that is, your district or state—with as much of the taxpayers' money as you can get your hands on. This practice, dormant for a spell, is now back in full flower.

Republicans are almost as guilty as Democrats. For instance, they used the farm bill to present a gift to Ben Gilman, former chairman of the House International Relations Committee, who's retiring. Onion growers in his upstate New York district have been clamoring for federal aid for years, and so has Gilman. The farm bill provides a subsidy. Gilman was duly appreciative. "This measure enables us to finally deliver the needed $10 million in federal assistance to our Orange County onion farmers, who have suffered year after year," he said. Gilman is a capable congressman and a nice man. But should the farm bill be a vehicle for gifts?

The onion program is not the only new one. Conrad was the key player in bringing about a subsidy for "pulse" crops—you know, chickpeas, lentils, and dry peas. A subsidy for those is designed to encourage farmers to rotate their crops. Crop rotation is a good agricultural practice. But hasn't it been done for eons without a subsidy from Washington? Must farmers really be prodded at taxpayers' expense?

To no one's shock, the farm bill is blatantly political. As Richard E. Cohen and Corine Hegland noted in the National Journal, Senate Majority Leader Tom Daschle made sure Democratic senators up for reelection this year were helped. Max Cleland of Georgia got a bigger-than-ever peanut subsidy. Tim Johnson of South Dakota wanted something called "country-of-origin" labeling on products—and got it. Tom Harkin, chairman of the Senate Agriculture Committee, got a big, fat farm bill to brag about back in Iowa.

What about President Bush? He could have kept the farm bill from becoming egregiously larded. Citing new economic circumstances, he could have called for a little belt-tightening. It was back in spring 2001 when Congress authorized the $73 billion increase in farm spending. At the time, the budget surplus was $5 trillion and no annual deficits were in sight. The economic slump changed things. By late 2001, the surplus had shrunk dramatically and deficits were foreseen. True, the White House complained about House and Senate farm bills as they were being drafted, saying they cost too much and didn't meet the White House's free-market standards. But Bush could have insisted Congress trim the $73 billion hike and not add programs.

Against a good bit of evidence, Bush and his aides assert the Freedom to Farm bill with its market-oriented approach has not been reversed by the new farm bill. At last week's signing ceremony, Bush said supplemental farm bills won't have to be enacted every year, as was the case after 1996. The new bill, he said, "is generous enough to eliminate the need for supplemental support later this year and in the future." We'll see. The question is whether farmers and their allies in Washington have merely been whetted. The answer, more likely than not, is whetted.

HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Holocaust Restitution Tax Fairness Act of 2002 to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001. This bill which allows the continued exemption of Holocaust related payments from federal income tax is an important and symbolic gesture on behalf of eligible individuals who were persecuted on the basis of religion, physical and mental disability, sexual orientation by Nazi Germany.

A reparation fund established by Germany makes approximately 60,000 payments to individuals living in the United States. Payments also come from countries and industries that benefited from slave labor or property confiscation during the Nazi era.

Payments to Holocaust survivors should not be subject to U.S. income tax. The Exclusion From Federal Income Tax For Restitution Received by Victims of the Nazi Regime was enacted as a thoughtful way to bring closure to a painful period in history.

I urge my colleagues to support this legislation on behalf of victims of the Nazi regime.

MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

SPEECH OF

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. MENENDEZ. Madam Speaker, I come today to address the critical issue of American seaport security. I am acutely aware of the dangerous possibilities for terrorist acts against our seaports since I represent the third largest and the busiest seaport on the East Coast of the United States—the Port of New York/New Jersey, which creates over 229,000 jobs and generates more than $25 billion in commerce.

As we are all sadly aware, a terrorist's intent is not only to kill innocent people and destroy valuable property, but also to destroy our livelihoods and our way of life. Any terrorist action against our strategic seaports would have disastrous effects nationally and internationally. Any attempt on our part to grapple with the complex issues and details of developing and implementing a maritime security system must take into consideration the fact that we will need international cooperation and equal security capabilities.

We need to ensure the safety of cargo originating overseas, which then must pass through the global chain of custody, before it reaches our domestic ports. To fully understand the scope of dealing with maritime security, simply imagine that every single container bound for entry into the United States or simply passing through the United States is a potential weapon of mass destruction. Every ship could be a delivery system of doom and every port a potential target. Now realize that the equivalent of six million containers entered the United States last year aboard 7,500 commercial vessels making 51,000 port calls.

H.R. 3983, the Maritime Transportation Anti-Terrorism Act of 2002, as amended, is an important step in ensuring the safety of cargo originating overseas. Together with the manager's amendment adding the Coast Guard reauthorization bill and the Custom's reauthorization act passed by the House shortly before the Memorial Day Work Period, the Congress is finally taking a comprehensive approach to port security.

Perhaps most critical to a timely global implementation of a port security system is the fact that H.R. 3983 incorporates the need to work effectively with foreign governments in order to ensure national security. This bill calls for the Department of Transportation to identify foreign ports that pose a security risk to the United States. If the Department finds a foreign port's security measures to be inadequate, it will make recommendations to improve these security measures. But if the foreign port fails to take corrective actions within 90 days, the Department can prescribe additional security conditions for ships and cargo entering the United States from these ports.

The bill also requires development of a cargo identification, tracking, and screening system, as well as performance standards to enhance the physical security of shipping containers. Also important is H.R. 3983's inclusion of a deadline (June 30, 2003) for the deployment of this cargo security system. We all know that such a time schedule is crucial to the protection of our people, seaports and national and international commerce. There is no time to waste on this endeavor. We must start and complete this strategy against terrorism greatly reduce the degree of vulnerability of our ports.

Finally, it codifies an emergency Coast Guard rule put in place immediately after the attacks of September 11th. Under this rule, shipping companies must electronically transmit passenger and crew manifests to the Department of Transportation prior to the vessel entering the United States.

Unfortunately, H.R. 3983 is vague or does not address many issues important to port security and I hope that my colleagues will address these issues in conference. For example, the bill creates a single, national transportation security card to be issued to port workers, merchant mariners, and truck drivers who work in "secure" areas based on the successful completion of a background check. Background checks and a single security card are something we have been doing at the Port of New York-New Jersey for many years. However, it remains to be seen how this single, national transportation security card is going to work in an actual seaport setting and I urge my colleagues to heed the concerns raised by those who actually run and work at our nation's seaports. These concerns include having a set of clear, defined standards; the ability to appeal based on merit, not just technicalities; and the fluidity of port traffic among many levels of security.

Another concern is the inadequate funding to assist ports in addressing the threat of terrorism. H.R. 3983 authorizes $225 million in grants over the next three years to assist U.S. ports in implementing the Coast Guard-approved maritime antiterrorism plans. Congress appropriated $93 million in the Defense Supplemental Bill to initiate this program. Unfortunately, the need greatly exceeds the amount provided in this bill.

The question becomes "How do we develop and implement a worldwide maritime security system which ensures the maximum security while causing minimal disruption to domestic and international commerce?" If we are serious about ensuring the safety of our seaports, then we must also ensure that sufficient funding is available for the development and implementation of the necessary technology, as well as for the training and hiring of additional personnel, if needed.

Among the important provisions of the Maritime Transportation Antiterrorism Act of 2002 is the specific placement of the primary responsibility for the development of standards and programs under the newly created Transportation Security Administration headed by the Undersecretary for Transportation Security.

Ladies and gentlemen, we know now that the security of our homeland is a matter that concerns everyone in the country. We have been entrusted with the grave responsibility of developing timely and cost effective solutions to the complex issue of national security.

There are many questions still to be answered and many difficult decisions from our part still to be made. However, there are certain irrefutable facts that must guide us in making those decisions:

Our seaport security systems are currently neither comprehensive enough nor strong enough to deter a terrorist act.

Developing and implementing an effective seaport security system will require the cooperation and coordination with local, state and Federal government, port authorities, terminal operators, shippers and ocean carriers, and everyone involved in maritime transportation activities including labor.

In order to protect our national seaports, we must ensure that all ships and cargo bound for an American port have been inspected and cleared for entry. Thus, we must enlist the cooperation of foreign governments and make sure that these governments also have comparable security capabilities.

The development and implementation of a global maritime security system will require a substantial financial commitment, regardless of what cost-cutting measures may be taken.

The time for developing such a security system is now. Any legislative bill that passes the House must have a timetable or deadline for deployment.

We have an onerous responsibility upon our shoulders and we will have to make some very difficult decisions in the near future regarding the overall security of our beloved homeland. However, we should not despair. For over seven months we have seen how united our country has been in our determination to confront terrorism and our refusal to allow a terrorist attack to change our American way of life. We have demonstrated our courage, patriotism, strength of spirit and dogged determination in the face of the most catastrophic attack on our Homeland.

We will need these same traits as we work together to protect our people and our country.

STATEMENT ON PIPELINE SAFETY, H.R. 3609 TRANSPORTATION AND INFRASTRUCTURE COMMITTEE MARKUP

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BLUMENAUER. Mr. Speaker, the health and safety of our citizens is a central part of a livable community. We in Congress have a special responsibility to ensure that the federal government is doing all it can to make our communities safe. Sadly, in the area of pipeline safety we have fallen short. Between 1986–1999, 23 fatalities, 113 injuries, and $68 million in property damage resulted from 411 pipeline accidents. In the Pacific Northwest, two ten-year-old boys were killed in a 1999 pipeline explosion in Bellingham, Washington.

The bill before us today is a much-needed attempt to improve the federal government's role in pipeline safety, guarantee compliance from pipeline operators, and promote a more environmentally sound operation of natural gas and hazardous liquid pipeline systems. Four areas in particular I would like to see improved are integrity management, environmental review, whistleblower protection and the public's right to know.

Of these priorities, one that is of great importance to the families who live in communities with pipelines is the right to know the locations of these pipelines. Citizens have the right to know if a pipeline crosses near a school, hospital or important community landmark. These are not state secrets and the community's access to this information does not impair our nation's security. Many pipeline maps are already in the public realm and are posted on various public interest group web sites. Increasing public access to this information can only make our communities safer as the public will be more knowledgeable of where spills or leaks could occur.

While I support efforts to improve pipeline safety, I am concerned with any approach that would limit community awareness of the potential hazards of pipeline facilities. The public and the pipeline industry recognize the need to increase safety through appropriate federal supervision and protection. We must not fall short on our federal responsibility.

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

SPEECH OF

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes:

Mr. LYNCH. Mr. Chairman, throughout the history of this great nation, all of our political parties—whether they were Federalist or Anti-federalist, Democrat or Republican—have worked from a shared belief that each generation of Americans has a basic and continuing obligation to provide a better future for the next generation. Simply put, this is the promise of America. It reflects both the strength of our democratic system as well as its fragility. It is fragile in the sense that this promise to the next generation is only as good and as reliable as our willingness to honor that promise during times of great challenge. After all, it is easy to make promises when there is no cost to their fulfillment.

I find it troubling that the Republican leadership has chosen in recent months to forget the next generation and break that basic promise and to wander from that common ground that we once shared. I believe it was Thomas Jefferson who said that a politician thinks about the next election, while a statesman thinks about the next generation. Only a few years ago, a former leader of the Republican Party warned this body, "If we don't get our house in order, the financial burden of the baby boom retirees will be crushing for the next generation." Sadly, that message seems to have gotten lost. What I see now from the leadership on the other side of the aisle, raiding the Social Security trust fund, returning us to deficit spending, and in effect handing the bill for this war in Afghanistan and the domestic war against terrorism to our children in the form of a multi-trillion dollar deficit. It seems disingenuous that while the Republican leadership champions nine years of tax cuts for individuals making over $250,000 a year, they also refuse to ask those same people to help pay for this war and the costs of protecting our country from terrorism.

Think about it . . .

We are without question the wealthiest generation of any civilization that has ever walked this earth. We have acquired in this generation, our generation, greater wealth, greater scientific progress, greater luxury—a higher living standard, and done it faster, than any other generation of humans on this planet. We have seen in the past 20 years the average income of the top one percent of earners in this country increase by a staggering $414,000 per year. We have seen the number of millionaires in our society increase by 400 percent over the past 10 years. The rate of home ownership is unsurpassed and has never been higher in this country.

We have recently come through the longest period of economic expansion in the history of this country. Yet we are here today facing a Republican leadership, which refuses to consider the possibility that we might have to ask the richest part of our society to delay the pay of their tax cut. Last year, my Republican colleagues pushed through tax cuts for the wealthiest Americans, tax cuts that eliminated the surplus. They inherited a projected ten-year surplus of $5.6 trillion, and instead of planning for an emergency, instead of planning for an economic downturn, instead of putting some money aside for the future; they assumed the good times would roll forever. Four trillion of that surplus is already gone. Now we have a national emergency, a war to pay for, and instead of being able to tap into that surplus to pay for the war, we have to go into debt, because the Republican tax cuts have already spent the surplus and have generated deficits for the foreseeable future.

Few of those who made these arguments last year, who said that it was irresponsible to spend down the surplus and leave no room for a national emergency, are surprised to find that we are now here on the floor today, faced with a need to raise the debt limit. And the Republican leadership is not even willing to let us have an honest debate, a straight up-and-down vote, on raising that debt limit.

Last night I heard from the other side of the aisle that if my colleagues and I complained about these kinds of parliamentary games, we were not committed to supporting a strong defense. Mr. Speaker, there is no question here that by our actions since September 11th, every member has shown his and her commitment to this war and to supporting our troops abroad. The question before us today should be whether we respond to this challenge by meeting our fiscal responsibilities and pay for the war, not whether we are going to simply stamp our feet and say "give me my tax cut" and pass the bill to the next generation by raiding their Social Security and giving them a deficit.

I firmly believe in the promise of America. I know that a lot of people on both sides of the aisle do too. I would bet that most Americans would agree that it would be better to freeze nine years of tax cuts to the very rich than to raid Social Security and bring up our kids in a multi-trillion dollars of debt.

Mr. Chairman, at the very least we deserve the right to a full and fair debate of these issues. It is time to end the transactional nature of politics exercised by the Republican leadership, which benefits a small group of very rich people, and instead think about the true and undying promise of America.

PAYING TRIBUTE TO BRIG. GEN. CLAUDE B. DONOVAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McINNIS. Mr. Speaker, it is truly an honor to pay tribute to Brig. Gen. Claude B. Donovan. Known as Pat to his friends and family, he has led an incredible life of service to this country. Pat embodies the spirit of my district in Colorado through his perseverance and unfaltering work ethic. I can think of no better way to thank Pat for the contributions he has made then to acknowledge the accomplishments of this man.

Pat learned the value of hard work early on in his life from his mother. After Pat's father passed away when Pat was ten, his mother taught school to support them both. Pat applied that lesson in his schoolwork and earned his entrance into West Point Military Academy. Later in Pat's military career he would continue his education by attending the Command and General Staff College.

General Donovan proudly served his country in the United States military for nearly 30 years. During his time in the military Pat was posted in Germany, Vietnam, and Korea and served in the 82nd Airborne Division. Pat was also the project manager for the M60 Tank Program and the Bradley Fighting Vehicle. He was the commander for the division maintenance battalion in the First Armored Division known as the Big Red One. In addition to his leadership abilities, Pat proved that he also is an educator when he returned to West Point to teach weapons system engineering. His military career was capped off by his service at the Pentagon where he was the Deputy Chief of Staff for Development, Engineering and Acquisition at the United States Army Material Command.

In addition to his selfless service to our country Pat has also given his time and energy to his community. After retirement Pat moved to Ouray, Colorado where he served two terms as Mayor. He has dedicated countless hours to the children of the local school as a volunteer. Pat also recognizes the importance of saving our heritage for the next generation and works to preserve our past through his local historical society. Perhaps most importantly Pat has been a loving husband to his wife Betty who supported him throughout his military career. Together Pat and Betty have four children, one of which followed in his father's footsteps and graduated from West Point and is currently serving as a Major in the Army.

Mr. Speaker, I am proud to represent Brig. Gen. Claude B. "Pat" Donovan. His devotion to this nation and to his community certainly deserves the attention of this body of Congress and this Nation. Pat has gained the respect and admiration of those whose lives he has touched, especially his family. Pat's patriotism and dedication to his community and his family are an example to us all. Thank you Pat for all that you have done for this Nation.

INTRODUCTION OF THE FED UP HIGHER EDUCATION TECHNICAL AMENDMENTS ACT OF 2002

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. McKEON. Mr. Speaker, today I am proud to join several of my colleagues in introducing the FED UP Higher Education Amendments Act of 2002. This legislation is the result of a year-long endeavor to improve the efficiencies and effectiveness of the Title IV student aid programs through the review of overly burdensome and outdated regulations.

Last year, the House Education and the Workforce Committee launched the FED.UP project (short for "Upping the Effectiveness of our Federal Student Aid Programs) to identify and simplify burdensome regulations in the Higher Education Act of 1965 that work against college students and personnel. The initiative, which was started to bring some sense to the regulations that students and the higher education community must deal with on a daily basis, received over 3,000 responses from college officials, administrators and other personnel who operate America's institutions of higher learning. After all of the responses were catalogued, the Department of Education initiated a negotiated rulemaking process to consider the regulatory changes included in the project.

These proposed amendments to the Higher Education Act of 1965 continue this effort to identify and simplify burdensome regulations that work against college students and personnel, and are non-controversial and technical in nature. They provide for improvements that will reduce red tape for colleges and universities and will improve the financial aid process for students. Enacting these changes now will allow the House Education and Workforce Committee to address large, more intricate proposals during the reauthorization of the HEA without being bogged down with technical and clerical issues.

This legislation provides for the streamlining and increased effectiveness of many provisions within the HEA. It extends two provisions beneficial to both students and institutions scheduled to expire on September 30, 2002. Currently, schools with default rates under 10 percent for three consecutive fiscal years may waive a 30-day delay requirement for first-year, first-time borrowers. Schools meeting the same low default rate standard may also request one term loans in a single disbursement, rather than the required multiple disbursements. These provisions act as an incentive to schools to keep their default rates low and assist students in getting access to their loan funds on a more timely basis.

A drafting error during the 1998 reauthorization of the HEA inadvertently removed the eligibility of not-for-profit foreign veterinary schools from participation in the Federal Family Education Loan (FFEL) Program. This legislation will correct that error and keep hundreds of students from losing their loan eligibility.

This legislation also provides clarification for financial aid officers in the return of Title IV funds. It clarifies how the return of Title IV funds should be implemented for schools utilizing clock hours, and what percentage of funds need to be included in any return. The language also makes clear that Leveraging Educational Assistance Partnership funds may be removed from the return of Title IV funds formula due to the mix of State and Federal funds at the school level. It clarifies that students who have been home schooled, and are treated as such under State law, are eligible for admittance into an institution of higher education as defined in the HEA and are eligible to receive financial aid. It also allows aid professionals to use professional judgment in determining financial need for a student who is declared a ward of the court.

This bill allows for the use of technology wherever possible to enhance and improve communication and the transfer of information. This includes reporting by States in providing information on teacher quality and providing students with voter registration materials.

This legislation allows student loan borrowers to receive more timely assistance from their lenders when they are seeking forbearance of loan payments. It allows a lender to accept a request for assistance over the telephone as long as a confirmation notice of the agreement reached is provided to the borrower and the borrower's file is updated. This eliminates the need for borrowers to sign paper documents requesting help and agreeing in writing to what they already have agreed to verbally. This language also aligns a rehabilitation provision within the Perkins Loan Program with the Federal Family Education Loan Program.

The FED UP Technical Amendments Act corrects an administrative issue in the payment of insurance to lenders and reinsurance to guaranty agencies on borrower default claims when the borrower failed to establish eligibility for that loan. This change reinstates long-standing policy of the Department of Education in the payment of these specific claims, which was altered by a new reporting process put in place via a forms change.

This legislation allows Hispanic Serving Institutions (HSIs) to apply for HSI grants without having to wait two years in between applications. It also clarifies allowable uses of grant funds within the Thurgood Marshall Legal Educational Opportunity Program. It also provides clarification within the Federal TRIO programs that institutions with more than one campus may apply for separate grants to serve different populations at different campuses.

This legislation also provides clarification as to what items must be included within the annual report of the Department of Education's Performance Based Organization (PBO). Finally, the bill corrects the names of the authorizing committees throughout the HEA and corrects a citation to a section of the law that had been changed several years ago.

The FED UP Higher Education Technical Amendments Act of 2002 will take us one step closer to reducing burdensome rules and allowing financial aid administrators and others in the higher education community to do their jobs more efficiently and effectively. Program integrity and service to students remain the priority and this legislation accomplishes both.

FEDUP has accomplished its goal of streamlining the current regulatory system to the extent possible, while maintaining or improving program integrity and I urge my colleagues to support this legislation.

A TRIBUTE TO JOHN Z. SHEARER, ROBERT KOENIG, ALMA COLLINS AND MARGE ROSSITER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to recognize four residents in my district, John Z. Shearer, Robert Koenig, Alma Collins, and Marge Rossiter for each being named a volunteer of the year by four member organizations of the South Central Directors of Volunteers Association. Each of these individuals have given their communities a great service by giving of themselves and their time. Their service is a tremendous gift to the many people they help.

John Z. Shearer was recognized by the Franklin County Volunteer Transportation Network for driving more that 1,000 miles since November and donating 43 hours to provide transportation to people in need of medical services outside Franklin County. In addition to this work, Mr. Shearer also volunteers for the Toy Mission, Kiwanis, Meals on Wheels, and directs/manages the chorus of AARP Falling Spring Chapter 280.

Robert Koenig was recognized by the Franklin County Literacy Council for being a volunteer tutor and assisting with fund-raising and special projects. In addition to his work at the council, Mr. Koenig also volunteers at the Ragged Edge Library and with the Scotland School for Veterans Children football team.

Alma Collins was recognized by the Shook Home and The Quarters At Shook for her positive attitude, reliability, and willingness to help.

Marge Rossiter was recognized by the Volunteer Association of South Mountain Restoration Center for being a volunteer since 1977, serving her third term as president of the association and serving as chairperson for another of the association's volunteer groups, International Party Givers.

The services these volunteers provide do not come with a price, but the dividends of their work are precious and valuable. They have given their time unselfishly and have asked for nothing in return. Through their example we learn that a smile, a thank you, or just the knowledge that you have done a good deed can provide a personal reward that fills the corners of your heart in ways that a paycheck will never be big enough to do.

Mr. Speaker, I ask my colleagues to join me in thanking all volunteers for their noble work and congratulating John Z. Shearer, Robert Koenig, Alma Collins, and Marge Rossiter for receiving the recognition of volunteer of the year. I would also like to put forth a challenge to young people, in my district as well as other parts of the country, to follow in the footsteps of these individuals. President George W. Bush, in his last State of the Union Address, challenged all of us to give two years or 4,000 hours of service over our lifetimes. If the

President were here today I am positive he would shake these four volunteers' hands and hold them up as examples for others to follow. Our communities are in need of volunteers, people that are willing to provide a helping hand and give from their hearts. This country has a generous spirit of goodwill and kindness, I urge others to use this as their motivation to become as involved in bettering their communities as the four volunteers we have recognized today.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2002

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, the primary function of the National Transportation Safety Board primary function is to promote safety in transportation. The Board is responsible for the investigation, determination of facts, conditions, and circumstances and the cause or probable cause or causes of. The Board makes transportation safety recommendations to Federal, State, and local agencies and private organizations to reduce the likelihood of recurrences of transportation accidents. The Board issues reports and orders pursuant to its duties to determine the cause of transportation accidents and to report the facts, conditions and circumstances relating to such accidents.

Since its last reauthorization in 2000, the Board has investigated over 6,500 accidents. The NTSB has issued over 650 safety recommendations. To maintain its position as the world's preeminent investigative agency, the NTSB must have the resources necessary to handle the increasingly complex accident investigations. The NTSB has recently broken ground for its new training academy that will teach state of the art investigative techniques for transportation accidents.

Although it has no regulatory or enforcement powers, its reputation for impartiality and thoroughness has enabled the NTSB to achieve such success in shaping transportation safety improvements that more than 80 percent of its recommendations have been adopted by those in a position to effect change.

Many safety features currently incorporated into airplanes, automobiles, trains, pipelines and marine vessels had their genesis in NTSB recommendations. At an annual cost of less than 23 cents a citizen, the NTSB is one of the best bargains in the government.

H.R. 4466, National Transportation Safety Board Reauthorization Act authorizes increased funding over the next three years: $73 million in FY 2003; $85 million in FY 2004; and $89.7 million in FY 2005. The bill also authorizes approximately $4 million per year for the training academy. This funding is critical to ensure that the Agency has the necessary resources to hire additional technical experts as well as to provide better training for its current workforce.

H.R. 4466 also addresses another matter of great importance; that is, the DOT's notoriously slow response to NTSB's safety recommendations. The bill requires an annual report from DOT on the regulatory status of all significant safety recommendations (i.e., those on NTSB's "most wanted list") received from the NTSB. This will enable the Committee to keep tabs on the progress of these very important recommendations.

One of the NTSB's core functions is to assist families of passengers that have been in an aviation accident. H.R. 4466 also extends the NTSB's family assistance responsibility to families of victims of rail accidents. In addition, Congress, in 2000, authorized the transfer of investigative priority from the NTSB to the Federal Bureau of Investigation in the event of an accident caused by an intentional criminal act. H.R. 4466 provides for the transfer of the family affairs responsibility to the FBI from the NTSB when investigative authority has been relinquished in both aviation and rail accidents.

Having a well funded, well-trained NTSB workforce is of the utmost importance for the American traveling public. Accordingly, I urge my fellow members to strongly support the bill.

IS INDIA AN ALLY OR A TERRORIST STATE?

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BURTON of Indiana. Mr. Speaker, recently, the news website NewsMax.com ran a vary comprehensive article called "India: Allies or Instigators?" It details India's pattern of abuse against the Christians, Sikhs, Muslims, and other minorities, its anti-Americanism, and its support of terrorism against its neighbors.

The article shows that the Indian government has killed tens of thousands of Sikhs, Christians, Muslims, and other minorities; that it holds tens of thousands of political prisoners; and it is funding terrorism in Pakistan and created and supported the Liberation Tigers of Tamil Eelam (LTTE), an organization the U.S. government has called a "terrorist" organization. It shows India's domestic terrorism against Sikhs, Christians, Muslims, and all the other minority groups.

Reading this article should cause any fair-minded reader to ask whether or not India is a terrorist state seeking hegemony in South Asia and questions whether India is a country we should trust as an ally. The United States should work for freedom for all the people of the subcontinent. I was proud to be one of 42 Members of Congress from both parties who signed a letter urging President Bush to press for the release of Sikh and other political prisoners in India. The Administration should do that. But it should do more.

After reading this article, it is clearly time for the U.S. government to cut off its aid to India and to come out in support of self-determination for all the peoples and nations of South Asia. This is the best way to spread liberty, democracy, prosperity, and true stability to the subcontinent.

Mr. Speaker, I would like to place the article into the RECORD at this time. I urge my colleagues and all people interested in South Asian affairs to read it.

INDIA: ALLIES OR INSTIGATORS?

(By Tim Phares)

Trouble is brewing again in South Asia, as India and Pakistan move troops to their border. The recent violence in Gujarat, in which over 540 people have been killed, has merely heightened tensions.

It follows an attack by Muslims on a train full of Hindu activists headed for Ayodhya, where the BJP government in India is seeking to build a Hindu temple on the site where the most revered mosque in India was destroyed by Hindu militants a few years ago. It was reported that the passengers were taunting the Muslims by chanting slogans about rebuilding the temple.

Unfortunately, India, which proclaims itself "the world's largest democracy," has made moves that undermine America's war on terrorism. Indian military maneuvers have forced Pakistan to divert troops from the border with Afghanistan to the Line of Control in Kashmir, creating a potential opening for terrorists to escape.

On January 2, Tony Blankley wrote in the Washington Times that India is sponsoring cross-border terrorism in the Pakistani province of Sindh.

Journalist Tavleen Singh has reported in India's leading newsmagazine, India Today, that the Indian government created the Liberation Tigers of Tamil Eelam (LTTE), which the U.S. government has identified as a "terrorist organization."

According to Internet journalist Justin Raimondo, the Indian Defense Minister, George Fernandes, raised money and arms for the LTTE.

Pakistan and minorities within India's borders charge that India is seeking hegemony in the South Asian subcontinent. Certainly its deployment of new missiles that can reach deep into Pakistan and its tests that began the nuclear escalation in the region suggest that this may be true.

While India blames Pakistan for the attack on its Parliament, President Pervez Musharraf says he has evidence that the Indian government itself was responsible. No Indian soldiers were killed, just guards, workers, and other lower-caste people.

The book Soft Target, written by Canadian journalists Brian McAndrew of the Toronto Star and Zuhair Kashmeri of the Toronto Globe and Mail, shows that India blew up its own airliner in 1985, killing 329 people, apparently in order to blame Sikhs for the atrocity and create a pretext for more violence against them.

It shows that the Indian Consul General in Toronto pulled his daughter off the flight shortly before it was due to depart. An auto dealer who was a friend of the Consul General also cancelled his reservation at the last minute. Surinder Singh, director of North American Affairs for the External Affairs office in New Delhi, also cancelled his reservation on that flight. The Consul General also called to finger a suspect in the case before the public knew that the bombing had taken place. The book quotes an agent of the Canadian State Investigative Service (CSIS) as saying, "If you really want to clear the incidents quickly. take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved."

India has a long record of Anti-Americanism. On May 18, 1999, The Indian Express reported that Mr. Fernandes, the Defense Minister, organized and led a meeting with the Ambassadors from Red China, Cuba, Russia, Yugoslavia, Libya, and Iraq to discuss setting up a security alliance "to stop the U.S."

India votes against the United States at the United Nations more often than any country except Cuba, It had a long term friendship with the former Soviet Union and supported its invasion of Afghanistan.

India's implicit support for terrorist activity is consistent with its internal behavior. It has a record of repression of minorities that undermines its proclamation of democratic values.

The ruling Bharatiya Janata Party (BJP), which leads a 23-party coalition, is a branch of the Rashtriya Swayamsewak Sangh (RSS), an organization founded in 1925 in support of the Fascists.

The governing ideology of the BJP and all the branches of the RSS is Hindutva, the subjugation of society, politics, and culture to Hinduism. Last year, a cabinet member said that everyone living in India must either be a Hindu or be subservient to Hinduism. And in New York in 2000, Prime Minister Atal Bihari Vajpayee said, "I will always be a Swayamsewak." This is the ideology behind the attacks on Christians, Sikhs, Muslims, and other minorities.

The target of choice these days seems to be Christians. Human-rights organizations report that more than 200,000 Christians in Negaland have been killed by the Indian government.

On February 17, the Associated Press reported an attack on the Catholic church on the outskirts of Bangalore in which several people were injured. The assailants threw stones at the church, then broke in, breaking furniture and smashing windows before attacking worshipers. the February 25 issue of the Washington Times reported another church attack in which 20 people were wounded.

In February, two church workers and a teenage boy were shot at while they prayed. The boy was injured. Two Christian missionaries were beaten with iron rods while they rode their bicycles home. A Christian cemetery in Port Blair was vandalized.

These attacks continue a pattern of oppression of Christians that has been going on heavily since Christmas 1998. Since then, members of the RSS have murdered priests, raped nuns, burned churches, and committed other atrocities with impunity.

The RSS published a booklet last year detailing how to file false criminal cases against Christians and other religious minorities. The RSS objects to the presence of missionaries in India.

The missionaries are having a good deal of success in converting members of the lower castes, especially Dalits, also known as "Untouchables." This removes the lower-caste people from the stratification of the caste system, which is essential to the Hindu religion and social structure.

RSS activists also burned a missionary and his two sons to death while they slept in their jeep. They surrounded the jeep and chanted "Victory to Hannuman," a Hindu god. Now the Indian authorities have found a single individual to blame and they are moving to throw the missionary's widow out of the country. In 1997, Indian police broke up a Christian religious festival with gunfire.

In 1994, the U.S. State Department reported that the Indian government paid out over 41,000 cash bounties to police officers for killing members of the Sikh minority. In the same year, the Indian newspaper Hitavada reported that the Indian government paid the late governor of Punjab, Surendra Nath, the equivalent of $1.5 billion to foment terrorist activity in Punjab and in Kashmir.

According to the book The Politics of Genocide, over 250,000 Sikhs have been killed by the Indian government's forces. According to human-rights groups, Indian forces have killed over 75,000 Muslims in Kashmir and thousands of other minorities, including Dalit "untouchables," Tamils, and other groups.

A report issued last year by the Movement Against State Repression (MASR) showed that India admitted to holding 52,268 political prisoners. Amnesty International reports that tens of thousands of other minorities are also being held as political prisoners.

These prisoners continue to be held under a law called the "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995, It empowered the government to hold people virtually indefinitely for any offense or for no offense at all.

According to many reports, some of these political prisoners have been in custody for almost two decades. Amnesty International reported last year that tens of thousands of minorities are big held as political prisoners. On February 28, 42 Members of the U.S. Congress wrote to President Bush asking him to work for freedom for these political prisoners.

MASR also co-sponsored with the Punjab Human Rights Organization an Investigation of the March 2000 massacre of 35 Sikhs in Chithisinghpora. It concluded that Indian forces carried out the massacre. A separate investigation conducted by the International Human Rights Organization came to the same conclusion.

As Rep. Dana Rohrabacher (R–Cal.) said on the floor of Congress on August 2, 1999, "for the people in Kashmir and Punjab and Jammu, India might as well be Nazi Germany."

In the words of Narinder Singh, a spokesman for the Golden Temple, the seat of the Sikh religion, who was interviewed in August 1997 by National Public Radio, "The Indian government, all the time they boast that they are secular, that they are democratic. But they have nothing to do with a democracy, nothing to do with a secularism. They just kill Sikhs to please the majority."

In the March 4 issue of Forbes, Steve Forbes compared India to the Austro-Hungarian Empire, arguing that as a multinational State, India is inherently unstable. Prior to the British conquest of the subcontinent, there was no political entity called India. It was a series of princely states brought together by the British.

The Kashmiri people were promised a referendum on their status in 1948, but that vote has never been held. The Sikhs, who were supposed to receive independence, have never had any of their representatives sign the Indian constitution. Instead of respecting "the glow of freedom" that Nehru and Patel promised the Sikhs, the government declared them a "criminal class" as the ink was dry on the constitution. Currently, 17 freedom movements are going on within India's borders.

Some Members of Congress have called for sanctions against India and for an end to American aid. Some have also endorsed self-determination for the peoples seeking freedom from India through a plebiscite on independence. While these events seem unlikely to occur any time soon, the Indian government has held negotiations with the freedom fighters in predominantly Christian Nagaland. Home Minister L.K. Advani recently admitted that if Kashmir achieves freedom (which now seems more likely than ever), it will cause India to break apart.

Some experts have predicted that within a decade, neither India nor Pakistan will exist in the form we know them presently. The Indian subcontinent will continue to be a region that bears close attention by American policymakers.

NURSING HOME RESIDENT SAFETY ASSURANCE ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce the Nursing Home Resident Safety Assurance Act, legislation to require background checks on indirect care personnel in our nation's nursing homes.

Currently, there are 17,000 nursing homes in the United States where approximately 1.5 million of our nation's seniors reside. A 1999 study conducted by the House Government Reform Committee analyzed two years of state inspection and complaint investigation reports of nursing homes and revealed that abuse of nursing home residents is a widespread, serious problem. Specifically, over 30 percent of nursing homes in the United States, or 5,283 facilities, were cited for an abuse violation between January 1, 1999 and January 1, 2001. During the two-year period of the report, these nursing homes were cited for 8,972 violations. The most frequent violations were failure to properly investigate and report allegations of resident abuse or failure to ensure that nursing home staff had no record of abusing, neglecting or mistreating residents. For this reason, Congress must take additional action to protect seniors receiving care in our nation's nursing homes.

My legislation, the Nursing Home Resident Safety Assurance Act is an important step towards achieving that goal. The bill would amend Public Law 105–277, which currently requires federal criminal background checks on direct care personnel to also allow background checks on indirect care personnel such as maintenance workers, janitors and dietary staff. These individuals have direct access to seniors in nursing homes without completing the screening procedures that direct care personnel, such as physical therapists and licensed nurse practitioners are required to have. The current loophole in the law puts our society's most vulnerable members, the elderly and disabled in circumstances rife with opportunities for abuse and exploitation.

The state of North Carolina recognized this potential for abuse and the state legislature passed legislation requiring criminal background checks for both direct and indirect care nursing home personnel who have not lived in North Carolina for 5 years. Public Law 105–277 hinders this background check process by preventing the Federal Bureau of Investigation (FBI) from releasing background information on indirect care personnel.

Amending this law to require criminal background checks on all nursing home personnel would send a message that Congress is serious about protecting the welfare of our Nation's seniors. Please join me in supporting the Nursing Home Resident Safety Assurance Act, common sense legislation to protect our nation's most vulnerable citizens.

DONATION OF A PIECE OF THE BERLIN WALL

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BARR of Georgia. Mr. Speaker, I rise today to recognize the gift of a piece of the Berlin Wall to my good friend, Georgia State Senator Chuck Clay. The grandson of General Lucius Clay, who spearheaded the 1949 Berlin Air Lift that saved West Berlin from a Soviet invasion, and its citizens from starvation, Senator Clay is an appropriate recipient of this gift that recognizes one of our greatest military heroes. I am proud to represent the Marietta community in the United States House of Representatives.

The importance of General Clay's efforts during the Cold War cannot be overstated. After serving his county in the Second World War, he earned the Distinguished Service Medal. Later, he became commander of the U.S. armed forces in Europe, as well as the military governor of Germany. With his endeavors to make the Air Lift a success, he united the American and Berlin people in a friendship that has continued to this date. Yet even after retiring from the army, General Clay remained involved in a life of service as an advisor to President Eisenhower, an Ambassador to Berlin under President Kennedy, and as a member of countless committees on civic affairs.

I am honored to be able to assist in bringing this piece of the Berlin Wall to the Marietta community. I know that my colleagues join in recognizing its symbolic importance to German-American friendship, and will join me in hallowing the efforts of those who gave so much to make this possible.

TRIBUTE TO 2001–2002 SACRAMENTO KINGS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. MATSUI. Mr. Speaker, I rise in tribute to the 2001–2002 Sacramento Kings, one of the most exciting and formidable teams in the National Basketball Association. The 2001–2002 Kings completed the greatest season in franchise history by taking the two-time defending World Champions, the Los Angeles Lakers, to the brink of elimination in a fiercely contested seven game series. Although the season ended short of a Championship, the 2001–2002 Kings demonstrated remarkable courage, determination, and promise that have surely made them a great source of civic pride and a perennial NBA powerhouse for years to come. I ask all of my colleagues to join with me in saluting the remarkable 2001–2002 Sacramento Kings.

Throughout the course of the season, the 2001–2002 Sacramento Kings showed tremendous character in overcoming numerous obstacles. Despite losing star players Chris Webber and Peja Stojakovic for significant portions of the season, the Kings finished the regular season with a league best mark of 61 wins and 21 losses. The Kings won the franchise's first division championship since relocating to Sacramento in 1985. By combining a high-octane offense and a tenacious defense, this year's Kings posted the best overall record, home record and road record in franchise history. It is clear that the 2001–2002 Sacramento Kings are the most successful team in the franchise's illustrious 54 year history.

The Kings began their postseason campaign in fine form, as they only needed four games to conquer their old nemesis, the Utah Jazz. In the next round, the Kings overcame significant injuries to Peredrag Stojakovic and Doug Christie to defeat a talented Dallas Mavericks team by a four games to one margin. In the Western Conference finals, the Kings locked horns with the Los Angeles Lakers in one of the most hotly contested and memorable playoff series in NBA history. Although the Kings would lose the series after stretching the ultimate seventh game into overtime, their outstanding performance throughout the playoffs cemented the Kings' status as one of the preeminent teams in the NBA today and the dominant team of the future.

The 2001–2002 Sacramento Kings are comprised of an outstanding blend of superstar players, seasoned veterans, and exciting young players. This Kings team is spearheaded by the all around excellence of All-Stars Chris Webber and Peredrag Stojakovic. On defense, the Kings are lead by defensive stalwart and All NBA Defensive Second Team member Doug Christie. Skillful big men Vlade Divac, Scot Pollard, and Lawrence Funderburke provide consistent play in the paint. The boundless energy and exuberance of Mike Bibby, Bobby Jackson, and Hidayet Turkoglu fuels the Kings trademark high-power offense. High-flying rookie Gerald Wallace and the talented Mateen Cleaves provide an enticing glimpse into the team's future with their enormous potential. To round off the roster, solid veterans Chucky Brown and Brent Price provide steady and valuable leadership on the floor and in the locker room. This dazzling group of players, combined with a selfless commitment to team play, are major reasons why the Kings enjoyed such unparalleled success during the 2001–2002 season.

In addition to a wonderful roster, the 2001–2002 Kings also benefited greatly from the tutelage of one of the best coaching staffs and the leadership of one of the most progressive front offices in the NBA. On the bench, the 2001–2002 Kings were led by head coach Rick Adelman and assistant coaches Pete Carril, John Wetzel and Elston Turner. These coaches were able to harness one of the greatest collections of talented players in the NBA into a balanced scoring team that is epitomized by team play and an unyielding commitment to defense. In the front office, the Kings are led by the visionary ownership of the Maloof Family and the astute personnel moves of team president Geoff Petrie. Under the ownership of the Maloof Family, the Kings have taken great steps to forge one of the most unique and strongest relationships in all of sports with their team supporters. Given the Kings' front office's commitment to the city of Sacramento, it is no wonder why Kings fans are widely regarded as the most spirited and most loyal fans in America.

Mr. Speaker, as the Sacramento Kings conclude its greatest season in franchise history and prepare to achieve greater triumphs in the future, I am honored to pay tribute to the many hard working men and women of the Kings organization who brought so much joy and pride to the people of Sacramento and Kings' fans everywhere. Their successes are considerable, and it is a great honor for me to have the opportunity to pay tribute to their accomplishments. I ask all my colleagues to join with me in congratulating the Sacramento Kings on a wonderful season and wishing them greater success in future seasons.

TRIBUTE TO HARRISON TOWNSHIP

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BONIOR. Mr. Speaker, today I rise to recognize Harrison Township, whose outstanding dedication and commitment to the service of its community has led to a great accomplishment. On Tuesday, May 28, 2002, Harrison Township celebrated its 175th Anniversary, commemorating 175 years of civic excellence.

Every year on Memorial Day, we recognize those who fought for our nation and gave their lives in the name of democracy and freedom. It is a time for us to remember the patriotism they showed as they went into battle, the courage with which they fought, and the ultimate sacrifice they made for our country. This year, as the community of Harrison Township gathered together to honor Memorial Day, they also had the distinct honor of celebrating the 175th Anniversary of Harrison Township.

Harrison Township today is a flourishing center of civic and social activities and resources for families of the community. With a great emphasis on community service, Harrison Township has opened its doors throughout the years to welcome community members to civic gatherings, conferences, club meetings, and events for the entire family.

Community will always serve as the cornerstone of Harrison Township. But Harrison Township is expanding, by bringing in new levels of technology and resources. The community of Harrison Township has dedicated its time and talents to bring their community into the 21st Century, and they have been successful. Because of this community's unwavering support, Harrison Township has become a community that will continue to cultivate its historic roots as well as reach out to younger generations.

Harrison Township is a true testament to the hard work and dedication of community members and their families. I applaud Harrison

Township for its leadership, commitment, and service, and I urge my colleagues to join me in congratulating them on this landmark occasion.

HONORING THE SERVICE OF AMANDA SCHAECHER

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. EVANS. Mr. Speaker, I rise to honor Amanda Schaecher, who deserves our thanks and recognition for her efforts to make sure our troops and veterans are not forgotten. When Amanda was crowned Miss Henry County Fair, she had no specific cause to promote or project for which she wanted to raise funds. But following the terrorist attacks of September 11, a cause found her. She has used whatever resources were at her disposal as queen to help our troops and veterans.

Last November, in honor of Veteran's Day, Amanda printed special certificates of recognition which she presented, along with an American flag, to more than 50 veterans residing in nursing homes and independent living centers in Henry County.

Just before Christmas, she launched an ongoing project to encourage contributions to the USO, so current troops overseas are not forgotten. She has recorded public service announcements for local radio stations and placed a public service ad in the Kewanee Star Courier newspaper and taped up posters at various locations around Henry County.

Earlier this year, when she heard the Kewanee National Guard unit would not be able to hold its annual fundraiser at its armory because of heightened security precautions, she arranged for it to be held at Wethersfield High School.

There are many examples of patriotism and service in the aftermath of Sept. 11. Amanda Schaecher exemplifies those values. The time, talent and energy she has given cannot be calculated—they are priceless.

Our veterans and military personnel have no better friend and supporter than Amanda. I am proud and honored to recognize her tireless and extraordinary efforts. I join the entire community and America's veterans and military personnel in thanking and honoring Amanda.

HONORING THE WORK OF THE COMMUNITY FOOD BANK OF NEW JERSEY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. PAYNE. Mr. Speaker, today has been designated by America's Second Harvest as the First Annual Hunger Awareness Day. I would like to ask my colleagues here in the United States House of Representatives to join me in recognizing the dedicated work of the Community Food Bank of New Jersey, whose mission is to fight hunger and poverty.

Many individuals and families in need benefit from the efforts of the Community Food Bank and its associated food banks, which provide assistance to emergency feeding programs in 18 of New Jersey's 21 counties. Today, representatives from those counties will gather at the Food Bank to issue a call to action. Participants will include recipients of emergency food, who will share their stories; staff from soup kitchens and shelters; volunteers; and donors of food and funds. The goal of the Hunger Awareness Forum is to highlight what is happening in New Jersey, to reveal how many are hungry in our State, and to discuss how all of us can work together to see that no one from New Jersey is without food. The Community Food Bank is the vital link between the food industry and the charitable organizations which serve the needy in our community.

Activities are being planned throughout the nation today to raise awareness of the need to address hunger both nationally and locally. The theme of this initiative is "Nobody in America Should Go Hungry."

Mr. Speaker, as Congress addresses the issue of hunger, it is fitting that we take a moment to honor the efforts of the staff and volunteers who have made the Community Food Bank of New Jersey such a successful resource for our communities. Let us thank them for assisting countless individuals and families through this labor of love.

TRIBUTE TO DR. FRANZ B. HUMER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. PASCRELL. Mr. Speaker, I am honored to take this opportunity to recognize the work of an outstanding individual, Dr. Franz B. Humer, Chairman and Chief Executive Officer of Roche Holdings, Ltd, one of the world's leading healthcare companies whose United States headquarters is located in my district, in Nutley, New Jersey.

On Wednesday, May 22, Dr. Humer was honored along with Leah Tutu, the wife of Bishop Desmond Tutu, at the Phelophepa Health Care Train Gala dinner in New York City. My obligations here in Washington caused me to miss the event, which I am told was a tremendous success.

It is only fitting that Dr. Humer be honored, in this, the permanent record of the greatest freely elected body on earth, for his steadfast leadership in providing long term support he and Hoffmann-La Roche have given to South Africa's neediest citizens.

The Phelophepa Health Care Train, a South African charity, provides remote primary health care to rural South Africa via locomotive train. Now in its 9th year of operation, the Phelophepa Train continues reaching out and striving to better the lives of thousands of rural people by bringing basic health services, outreach programs, AIDS education, and training and health information to areas where such services are not available.

Under the exceptional leadership of Dr. Humer, Hoffmann-La Roche's generous assistance has enabled the Phelophepa Train to achieve unprecedented success in its efforts to provide essential health care to the people of South Africa. Dr. Humer and Hoffmann-La Roche deserve recognition for their efforts to better the lives of desperately needy persons halfway across the globe.

Mr. Speaker, I ask that you join our colleagues, Hoffman-La Rouche, the people of South Africa, and me in recognizing the outstanding humanitarian efforts of Dr. Franz Humer, and congratulating him on this great honor.

TRIBUTE TO FELLOWSHIP CHAPEL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BONIOR. Mr. Speaker, today I rise to recognize Fellowship Chapel, which celebrated its 36h Anniversary on Sunday, June 2, 2002. Truly a milestone occasion, this celebration gives testament to the outstanding dedication and commitment of the entire church and community.

Founded in 1966, Fellowship Chapel began humbly, with worship services and holiday celebrations for its members. Decades later, Fellowship Chapel has come far, recently celebrating the ground-breaking ceremony of its beautiful, new church complex in January of 2002. Fellowship Chapel has truly led this community in spirituality and services, opening its doors to welcome members and their families for generations.

Through much prayer, sacrifice, and hard work, the congregation of Fellowship Chapel has only grown stronger and more dedicated to its mission. With a variety of ministries and departments for religious education, charitable programs, social events and activities for the entire family, Fellowship Chapel is truly advancing in its mission to reach out into the community and bring families together. With the new construction underway, religious education, church activities, and official services will only become greater and this community will continue to succeed in its crusade to improve the lives of people through faith and God.

Although history and time have changed the congregation, the spirit of the church has remained strong. I would like to personally congratulate Fellowship Chapel on their 36th Anniversary, and I urge my colleagues to join me in recognizing them on this landmark occasion.

WELFARE REAUTHORIZATION AND CHARITABLE CHOICE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. EDWARDS. Mr. Speaker, as a Member of Congress, I believe that we have a responsibility to continue to review and revise legislation that adapts and improves upon program successes and the ever-changing needs of American citizens. That is why I support H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002. This legislation reauthorizes the 1996 welfare reform program, a program that works to move welfare recipients from the dependency of these programs to self-sufficiency.

However, while I support this welfare reauthorization, I do not support a provision included in the original 1996 legislation and again included in this reauthorization. This provision is known as Charitable Choice, and in my opinion, the wrong solution to a real problem. Under current law, faith-based groups may already accept federal dollars under three conditions: they cannot be pervasively sectarian, they cannot proselytize, and they cannot discriminate on the basis of religion in their employment practices.

Charitable Choice changes those conditions. Charitable Choice makes it possible for the government to subsidize churches and other thoroughly religious entities that provide social services. This proposal will provide tax dollars to religious groups and open the door to government review of church activities.

For many years the law has permitted groups that are affiliated with religious bodies (e.g. Catholic Charities and Lutheran Social Services, Jewish Federations) to receive tax funds to provide secular social services. But Charitable Choice represents a radical and misguided revision of the law. Indeed, many ministers believe that Charitable Choice will do great harm to religion.

Because regulation always follows tax funds, Charitable Choice opens the door to invasive government monitoring, regulation and accounting of churches, clergy, and other leaders of the church. For these reasons, people like Freddy Garcia, who runs the highly successful Victory Fellowship ministry for drug addicts in San Antonio, has said, "I don't want any grants. I'm a church . . . All I want is for the government to leave me alone."

Also, because there is limited money in the public purse and thousands of religious groups in our country, Charitable Choice will force the government to pick and choose which religions it funds. Churches may have to compete for government grants before elected legislators. "The best way I know of to destroy religion is to have all the churches fighting over a big pot of money, " says Rev. J. Brent Walker, general counsel of the Baptist Joint Committee on Public Affairs.

Charitable Choice will generate serious problems that have not been seen on a large scale in this country in over 200 years—outright religious infighting, intolerance and discrimination.

If we allow government to fund and become involved in religion, it will harm religion, not help it. It is people of faith who must point out that church-state separation does not mean keeping people of faith from being involved in government but rather it means keeping government from being involved in religion.

I will continue to work with my colleagues to provide a welfare program that helps the needs of all American citizens, without compromising religious freedom and liberty. I would hope that we, as Members of Congress, remember our obligations to uphold the principles of the Constitution and create legislation, which represents the core and steadfast beliefs of the United States.

IN SUPPORT OF THE HDTV TRANSITION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of an exciting new technology. Local television broadcasters across the country are undertaking their biggest advancement in years: the transition to digital television. These stations aim to provide new services to their viewers, our constituents. Digital TV opens the door to new possibilities like High Definition TV, interactive television, and expanded programming options and choices.

The stations in Houston that serve my district are already transmitting digital signals. I am proud of my hometown broadcasters: the CBS affiliate KHOU, which is owned by the Texas based Belo Corporation; KPRC, owned by Post-Newsweek; KTRK, owned by ABC; KRIV and KTXH owned by FOX; KUHT; and my local PBS station. These local broadcasters are leading the charge into the future.

These TV stations are small businesses like any other. They have made substantial investments in new transmitting facilities, new production equipment, and in some cases new broadcast towers. Collectively, the broadcast industry has invested over a billion dollars in the future of free, over-the-air digital television.

The digital transition will accelerate significantly as more television sets with digital tuners are manufactured. Like any technology, digital television sets started out as expensive, but are rapidly becoming more affordable. The prices for digital television sets have dropped fifty percent in the last two years and continue dropping today. I look forward to a day when digital television tuners are so widespread that all consumers can afford to make the conversion and receive their local stations' free digital signals.

The transition to digital television will be, undoubtedly, a multi-step process. In the meantime, I am proud of my hometown stations for leading the way. Let me offer my thanks and congratulations to them for flipping the digital switch.

A TRIBUTE TO UNIVERSITY OF MINNESOTA LEGEND PAUL GIEL: TWO-SPORT ALL-AMERICAN, UNIVERSITY ATHLETIC DIRECTOR AND BELOVED HERO

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to a true Minnesota sports legend, devoted family person, and wonderful friend—Paul Giel—who passed away suddenly on May 22, 2002.

Paul Giel—All-American football and baseball player at the University of Minnesota from 1951 to 1954; Major League Baseball pitcher from 1954 to 1961; Sports broadcaster and director for WCCO Radio for eight years; Athletic Director at the University of Minnesota for 18 years; and Vice President of Public Affairs for the Minneapolis Heart Institute the past 12 years.

As great as Paul Giel's athletic and professional achievements were, Paul was an even greater person.

Legendary Minneapolis Star Tribune sportswriter Sid Hartman said it well, "If there ever were a role model for the young athlete in high school or college, it had to be Paul Giel. Success on the field only made him a better person off it."

WCCO's Ray Christensen, our state's beloved sports announcer who started doing football broadcasts in 1951—when Paul Giel was a sophomore—said this about Paul Giel: "Paul was a winner in every way, but most important, I think he was a winner as a person. When you earn so many rewards as a player, as an athletic director and in other ways in sports, sometimes you forget to be a person. And Paul never forgot."

Born and raised in Winona in southeastern Minnesota, Paul Giel was a 5–11, 185-pound single-wing tailback at the University of Minnesota. He ran and passed for 4,110 yards and 35 touchdowns and finished a close second to Notre Dame's Johnny Lattner in the Heisman Trophy voting his senior year.

Paul Giel is a member of the National Football Foundation's College Hall of Fame. He was a two-time All-American in football and the Most Valuable Player in the Big Ten.

In baseball, Paul Giel was also an All-American. He won 21 college games from 1952 to 1954, and he pitched for four major league teams from 1954 to 1961.

For 18 years starting in 1972, Paul Giel was the Athletic Director at the University of Minnesota. He was the man who hired Herb Brooks as hockey coach, and Herbie recently recalled Paul's words when he was hired: "Listen, I'm just new to this job. I don't know rules and regulations, everything else," he said, "but do what's right. Don't break any rules. Do what's right."

"People believed in Paul Giel," said Herb Brooks. "Parents believed in him. Players believed in Paul Giel."

Mr. Speaker, all Minnesotans believed in Paul Giel, and their faith in him was always rewarded. Paul Giel was a man of great character and principle, especially when it came to the place he loved more than any other, the University of Minnesota.

"I don't think I've ever known anyone who cared more or who was more loyal to the University of Minnesota than Paul Giel," said Tom Moe, University of Minnesota Athletic Director. "He was a tremendous friend. I just had tremendous admiration for him. I'm sick. It's a sad day for Minnesotans."

Yes, Mr. Speaker, it's a sad day to lose a Minnesota legend, our humble hero and All-American in every way he lived his life.

Our thoughts and prayers go out to Paul's loving wife, Nancy, their three wonderful children, Paul Jr., Gerilyn, Tommy, their spouses and his six grandchildren. Paul also dearly loved his mother and father-in-law, Colonel and Mrs. Tom Davis, as well as his sister Ruth and brother Edward.

Paul Giel's legacy will continue to live in the hearts of every Minnesotan who knew and loved him.

Thanks "Old Number 10" for all the great memories and for always making Minnesota proud.

HONORING THE LAO-HMONG PEOPLE FOR THEIR LOYALTY AND FRIENDSHIP

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today on behalf of the Lao-Hmong American Coalition to thank my colleagues in both the House and Senate for their unanimous vote in favor of a National Lao-Hmong Recognition Day. Mr. Yang Chee, president of the Lao-Hmong American Coalition, has asked me to relay his own deep gratitude to the United States Congress for passing this historic proclamation.

During the Vietnam War, the Lao-Hmong people were one of this country's most loyal allies. They fought alongside U.S. soldiers against the communists and the North Vietnamese, sacrificing their lives for freedom and democracy. Many of these brave people now call this country their home, becoming an integral part of American society. I would like to take this opportunity to thank Mr. Chee and all of the Lao-Hmong people for their dedication to this country and its ideals.

Mr. Speaker, the resolution proclaiming National Lao-Hmong Recognition Day was passed unanimously through both Houses of Congress. Once again, I thank my colleagues for their support, and it is my hope that President Bush will join us in expressing the gratitude of this nation to the Lao-Hmong people.

This long-overdue day of recognition will take place in July. May it promote a sense of understanding and appreciation for the sacrifices made in the name of freedom and democracy. I urge all Americans to take a moment on this day to thank our brave and loyal friends, the Lao-Hmong.

PERSONAL EXPLANATION

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Ms. WATSON of California. Mr. Speaker, on Tuesday, June 4, my flight from Los Angeles to Washington, D.C. was unexpectedly delayed due to airplane mechanical problems. I therefore was unable to return in time to cast my votes on legislation that had been put to a vote of the floor of the House of Representatives. Had I returned in time, I would have cast my votes in the affirmative for the following bills: H.R. 4073, Microenterprise Assistance Reauthorization; H.R. 4466, National Transportation Antiterrorism Act; H.R. 4800, Repeal Sunset for Adoption Tax Credit; H.R. 4823, Repeal Sunset for Holocaust Restitution Payments Exemption; H.R. 2941, Brownfields Redevelopment Enhancement Act.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. MCINTYRE. Mr. Speaker, on Wednesday, May 22, 2002, I was unavoidably absent for rollcall votes 195 and 196. Had I been present I would have voted "no" on rollcall vote 195 and "no" on rollcall vote 196. Additionally, on Thursday, May 24 and Friday, May 25, 2002, I was unavoidably absent for rollcall votes 199 through 206, in order to attend my son's high school graduation ceremony. Had I been present I would have voted "no" on rollcall 199, "yea" on rollcall 200, "yea" on rollcall 201, "yea" on rollcall 202, "no" on rollcall 203, "no" on rollcall 204, "yea" on rollcall 205, and "yea" on rollcall 206.

TRIBUTE TO GEORGENE BRODIE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to Georgene Brodie, a dedicated wife, mother and teacher who has faced life with courage, compassion and strength. Georgene is suffering from ALS (Lou Gehrig's Disease), and she is using the time she has left to help others who are suffering from the same disease.

I have been touched by Georgene's enormous capacity to give to others. She founded the Georgene Brodie Foundation for the Future to raise funds for The Johns Hopkins Center for ALS and The Muscular Dystrophy Association. She and her family know that a cure for ALS and other similar diseases will be found only through research and clinical work. The Hopkins Center for ALS Research is the only center in the country dedicated to finding the cure for ALS.

While Georgene may be suffering from ALS, she is much more than the disease that afflicts her. As a teacher, she has dedicated her life to helping young children experience the joy of learning; as a mother she has raised two marvelous daughters—Kimberly and Ellen; and as a Grandmother she has lovingly embraced her four grandchildren, Matthew and Melissa Hopkins and Austin and Andrew Jarrett.

As the wife of M. Jay Brodie, head of the Baltimore Development Corp., she has been one of Baltimore's staunchest cheerleaders. From its neighborhoods, to its artistic and cultural institutions to its ethnic heritage, Georgene loves and appreciates the spirit of Baltimore. In fact, as the owner of the Crab Line, she was one of the original "Harborplace" merchants, helping make Harborplace one of Baltimore's most identifiable landmarks.

I hope my colleagues in the U.S. House of Representatives will join me in saluting the accomplishments of Georgene Brodie. Her love of life and calmness of spirit has touched all who know and care for her.

RECOGNIZING BELMONT ELEMENTARY SCHOOL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to recognize Belmont Elementary School in North Babylon, New York for their care and concern following the September 11th tragedy.

After the tragic events of September 11th, the entire student body at Belmont Elementary School decorated a thousand grocery bags with patriotic symbols and slogans. These bags were used to pack groceries for local shoppers and sent a patriotic message into homes that students support their community in a time of need.

These students displayed support for their community as members of Jane Goodall's Roots and Shoots Club. This organization is a global network of students whose objective is to protect the environment and enhance cultural awareness.

Mr. Speaker, I also stand to recognize the efforts of the chapter advisor and administrators involved. Specifically, Seri Doyle, teacher coordinator of Jane Goodall's Roots and Shoots Club, and Alexa Endes, Principal of Belmont Elementary School.

It is with great pride, Mr. Speaker, that I recognize the efforts of these individuals and bring Belmont Elementary School's patriotic deed to the attention of Congress.

SOUTHERN BORDER AIR QUALITY PROTECTION ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. HUNTER. Mr. Speaker, I proudly represent the people of Imperial County, California, which is a small community located on the U.S.-Mexico border. As with many border communities, the Imperial County has a good working relationship with their neighbors in Mexico. Unfortunately, they also have to suffer the consequences of Mexico's more lax environmental requirements, especially with respect to air quality. As we all know, air does not respect the international boundaries we put in place and, as a result, border communities are often penalized for activities that are actually happening south of the border and beyond their control.

Such a situation is developing for Imperial County. At least partially due to the heavy regulatory and environmental compliance burdens, electrical generation facilities are locating in Mexico. While some companies are building power plants that meet U.S. standards, for which they should be commended, other companies are choosing to operate dirty plants as opposed to incurring the additional cost of installing the best available emission control devices.

As a result, I am introducing the Southern Border Air Quality Protection Act. This bill takes an immediate and important step in acknowledging that we must consider air pollution a regional issue that does not respect international boundaries. My legislation will prohibit the export of natural gas to any electricity generation facility located in Mexico and within 50 miles of the U.S. that does not meet the air pollution emission rate requirements in the nearest U.S. air quality control region. In addition, the legislation includes a grandfathering clause so that any plants put in service before December 31, 2001 are exempted from this law.

This bill is necessary to protect our border communities from rapidly increasing emissions from unregulated, substandard power plants that leave U.S. communities vulnerable to federal regulatory sanctions. If a plant isn't good enough to be built five miles inside the border in California, then it shouldn't be good enough to operate five miles outside the border in Mexico.

I realize this is a first step and that more work must be done to create cross border air quality zones. I look forward to working with the appropriate U.S. agencies and the Mexican government to implement such binational agreements. In the meantime, this legislation is immediately necessary for the protection of our border communities and I urge all my colleagues to join me in this effort to ensure the clean air throughout the region.

SERVICE AND SACRIFICE: AN ENDURING LEGACY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. ANDREWS. Mr. Speaker, I rise today to share the poignant words of Major Joal Wolf (USAR) delivered as part of a speech on Memorial Day, May 27, 2002.

Our nation has changed significantly since last September. Indeed, the world has changed since then.

Even our Memorial Day celebrations have acquired a deeper meaning. As a nation, we have now spent many months solemnly recollecting the lives of more than 3,000 American service members and civilians who died last summer during the worst terrorist attacks on U.S. soil. Now more than ever, we recognize what it means to honor the lives of those who die in service to our great nation.

Today we honor all those who died defending America—those who were active duty and those who served in our reserve components; those who were short-term volunteers, those who were drafted and those who made the military a career. We honor the veterans of every service: Army, Air Force, Navy, Marines, and Coast Guard.

On this day last year, our thoughts were focused on sacrifices made during previous wars. We were mindful, as well, of the daily peril of troops stationed around the world, and of those training here at home to keep us safe.

Today our concerns are more immediate than reflective. Instead of focusing solely on past sacrifices, we must also face the reality of ongoing losses from our eight-month war on terrorism.

It seems appropriate that today we should single out the casualties of our war against terrorism. Regrettably, the deaths of September 11 have been followed by the deaths of soldiers sent abroad to prevent other such disasters. As our commander in chief explained in plain terms at the very beginning of this war, our primary defense is to take the fight right to the doorsteps of those who spread terror.

After almost a month of nonmilitary response to the attacks, U.S. military forces responded with measured force. While executed with great care and precision, we feared it was only a matter of time before America suffered more casualties.

As in previous wars, our losses came in a variety of ways. Military personnel died in accidents and they were lost to hostile and friendly fire. This first war of the 21st century is being fought differently than our previous wars. Our first casualty by enemy fire was not a soldier or airman, but a CIA agent. The first soldier to fall to hostile fire—a full three months after our introduction of military forces into the region—was Sergeant Nathan Chapman of San Antonio, Texas.

The recent public display of support is welcomed and not lost on those of us who served in Vietnam. Ultimately, it is the confidence of the American people—the public will to sustain the fight—that serves as the foundation for victory in any war, including the war on terror.

The war on terrorism is a different war from any other our nation has ever faced, a war on many fronts against terrorists who operate in more than 60 different countries. And this is war that must be fought not only overseas, but also here at home.

This war is more personal than our previous wars. Here we have an enemy not representing an entire nation, but representing evil. Instead of trying to occupy land mass or displace our military forces, the enemy wishes to destroy the very existence of America, and of other civilized nations, cultures and religions. American families must brace for continued casualties in this difficult, but inspiring, campaign.

We've been awakened as a nation to the reality that the world remains a very dangerous place. To ensure peace and prosperity, we have to have the best trained and the best equipped armed forces on the face of the earth. That is a role that our country has to assume during this period. We're blessed with extraordinary men and women who risk their lives each day so that each of us can live in peace and freedom. And we ought not to forget where our forces are spread far and wide across the globe—in Korea and in Japan and in Bosnia and Kosovo and in the Sinai, just to name a few places.

These are times that test us as citizens and define our nation. We are beginning to see the possibilities of a world beyond the war on terror. We have a chance, if we take it, to write a hopeful chapter in human history. All at once, a new threat to civilization is erasing old lines of rivalry and resentment between nations.

The face of battle is changing with this new war, and America's military has already demonstrated it is prepared to meet this challenge. From precision air strikes to special operations troops riding horseback in the mountains of Afghanistan, we've seen our military's flexibility and commitment to its mission.

I'd like to mention a book that came out recently, one that I think bears mentioning today. It's called War Letters Extraordinary Correspondence from American Wars. This volume contains hundreds of letters by American military personnel from the Civil War up through the Persian Gulf War, Somalia and Bosnia. It's part of something called the Legacy Project, a nonprofit effort to preserve wartime letters.

Many of these letters mailed home from the front to loved ones were the last letters ever sent by these troops. That makes for emotional reading. But for those who have never experienced the total terror and uncertainty of combat, these letters are a chilling lesson in what's at stake when we send our forces off to battle—precious lives, connected to loved ones at home, in peril.

One of the more interesting similarities in the letters, regardless of the time period, is the attempt of letter writers to reassure loved ones back home of their safety. It says something of the spirit of these men and women when their courage and optimism shine through like that.

These letters are full of concern for younger siblings and other relatives. They are full of desire to help boost home-front morale. And, as you can imagine, letters to parents and sweethearts alike conclude with very open expressions of love.

The book's editor Andrew Carroll of Washington, DC, describes in his introduction how these individual letters spanning 140 years create a very personal narrative. "It is the story of immeasurable suffering and astonishing violence," he explains. "But it is also a story that encompasses tales of heroism, perseverance, integrity, honor, and reconciliation."

He describes how these letters were written from a variety of circumstances: filthy trenches, flooded foxholes, the sweltering islands of the Pacific, muddy battlefields of Europe, the frozen mountains of Korea, the jungles of Vietnam and other places far from home.

I would like to close by mentioning that these one million men and women made the ultimate sacrifice at the request of their nation. Their legacy will continue to live in our memory, and we honor them as we will honor those who will come after them.

It is our task—the task of this generation—to provide the response to aggression and terror. We have no other choice, because there is no other peace.

The contributions of our soldiers given willingly and without hesitation, demonstrate their profound and abiding devotion to this nation. On our behalf, they take risks, they go into harm's way, they shed blood—prepared to give their lives if necessary—and some have paid to preserve peace and freedom and our way of life, They continue to make incredible contributions and even more incredible sacrifices. We must never forget the service and sacrifice—enduring legacy—of these brave souls who gave their full measure for all of us.

Thank you for sharing your time today in honor of these special Americans—those who paid the ultimate price in demonstrating that freedom is not free. God bless you and God bless America."

HONORING COAST GUARD HEROES FROM WORLD WAR II

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. LoBIONDO. Mr. Speaker, I rise today to join with the Coast Guard personnel at Group-Air Station Atlantic City as they honor two World War II veterans. The two former Coast Guard aircrew from New Jersey flew many homeland security missions together from bases in Florida between 1943 and 1945, protecting convoys moving along the East Coast and searching for German U-boats.

Donald T. Daughenbaugh was born in Atlantic City, NJ in 1920. Harry D. Mount was born in Riverside, NJ in 1922. Donald Daughenbaugh joined the Coast Guard in 1941, became a boat coxswain in 1942 and was designated an Aviation Pilot #71 on April 16, 1943. He began operational flying shortly afterward at Air Station Miami. Harry Mount left college early to join the Coast Guard in the summer of 1942. He was sent to Radio School in Atlantic City, NJ and then reported to Air Station Miami as an Aviation Radio operator.

Together these two Coast Guard heroes flew the OS2U–3 KINGFISHER, a scout observation plane, searching for German submarines and protecting the convoys along the East Coast. This plane carried two depth charges and a 30 caliber machine gun. They also flew missions in the PBY, PBM, PH2, JRF and J4F protecting convoys and doing Air-Sea Rescues from many airfields along the Florida coast.

True to form, these two proud veterans, and Coast Guard legends, are not going to just stand by to receive praise from today's Coast Guard aviators. They are going to honor the newest Coast Guard aircrewmen by pinning them with their newly earned aircrew wings.

Let the record show that Donald T. Daughenbaugh, Enlisted Pilot #71 and later Commissioned Coast Guard Aviator #216, at 82 years of age, is still flying 60 years later and flew his own airplane to Coast Guard Group-Air Station Atlantic City. This act makes proud all that have worn the "Wings of Gold" throughout the long history of Coast Guard aviation.

These two great men and their wonderful families should be very proud. May God bless them richly as they continue to give to their country and to their wonderful service, the United States Coast Guard.

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BACHUS. Mr. Speaker, on Tuesday June 4 and Wednesday June 5th, I missed Rollcall votes 207, 208, 209 and 210 due to my primary election being held in Alabama. If I had been present I would have voted AYE on each of these votes.

MICROENTERPRISE ENHANCEMENT ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Ms. ESHOO. Mr. Speaker, I rise in support of this important legislation.

Microenterprise is an effective and proven means of U.S. foreign aid that has successfully offered nearly 20 million of the world's poorest people the hope of economic independence and self-reliance.

Loans, often averaging less than $150, allow people to start and expand very small businesses without depending on money-lenders who demand exorbitant interest rates.

Access to the tools and credit needed to succeed allows poor people to reap the benefits of their skills and hard work.

Extra money earned is used to obtain better food, housing and education.

High repayment rates for microenterprise lending programs allow capital to be recycled into new loans; interest income allows programs to eventually cover their costs.

This bipartisan legislation provides a substantial but responsible incremental increase in funding for microenterprise programs from its current level of $155 million to $175 million in fiscal year 2003 and $200 million in fiscal year 2004.

The bill also educates Peace Corps volunteers about the benefits of microenterprise programs and urges them to utilize this as a resource in their sites.

This important legislation will impact the lives of many families while empowering the world's most impoverished.

I urge my colleagues to vote in favor of this bipartisan bill.

TRAFICANT TRIAL: A RAILROAD OF JUSTICE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. TRAFICANT. Mr. Speaker, the government presented a ten-count indictment against me on May 4, 2001. And convicted me on those ten counts, Thursday, April 11, 2002.

Count One—Anthony Bucci. Anthony Bucci testified that he "owned" me by performing $12,000 of work at the Traficant farm (which is not and was not owned by me). Facts in this count are simple and right to the point. . . . Anthony Bucci perjured himself and the government suborned his perjury

The most appalling underlying issue behind Anthony Bucci's testimony is that it was given as part of Mr. Bucci's third federal plea agreement and currently the government is working on another deal with Mr. Bucci that would allow Anthony's brother Robert to return to the United States, after having fled the country to escape federal charges.

Anthony Bucci's contention is that he and his company provided $12,000 in materials and services and that these acts let him "own a Congressman" was refuted and impeached by five defense witnesses.

First, the majority of the work performed at the Traficant farm was done by Mr. Greg Tyson, who was scheduled as the government's witness to testify under immunity, but was never called by them. Subsequently, I called him to the stand.

Under oath, Mr. Tyson testified that not only was he accused and threatened with an indictment by the government for performing services at the farm as a favor to me, he also testified that he was PAID for his services.

Mr. Tyson was a partner with Anthony Bucci and Joe Sattarelle in a concrete company and I did arrange for the first ever minority loan to be made to Mr. Tyson to finance this investment; Mr. Tyson being a black man and not a 'front-man' for minority access to contracts.

Mr. Sattarelle, who was a government witness, testified that Anthony Bucci was such a liar that if Anthony Bucci said his name was Anthony Bucci, he (Sattarelle) would not believe it and that Anthony (Bucci) would lie about anything to avoid problems.

Mr. Sattarelle further testified that "Yes, Jim Traficant helped [their] company, he helped everybody."

Even an employee from ODOT testified that I did help the Bucci's as I helped any and all local companies. During this testimony the ODOT official stated that I received more federal money for my district than any other congressional district in the state of Ohio.

The truth is that the work Anthony Bucci offered to do at the farm ended up creating significant damage to the property, including causing the main bank barn to almost collapse, and costing my father, James A. Traficant, Sr. a tremendous amount of money to make repairs.

With regard to Bucci's alleged work at the farm, Sandy Ferrante testified that the main bearing stone wall of the barn had caved in and the barn was near collapse and that Anthony Bucci feared a lawsuit over this incident.

Another witness and contractor, Harry Mangañaro, testified that he "helped Jim Traficant jack up the corner of the barn because the barn was literally going to collapse" because of the destruction to the property by Anthony Bucci.

Perhaps the most damaging testimony in this count came from Susan Bucci, Anthony's sister-in-law and widow of Anthony's brother, Dan.

Dan and Susan owned a farm across the street from the Traficant farm. Susan Bucci testified that I didn't like Anthony and never did and that my friend in the Bucci family was

Dan. She further testified that Dan and I would go riding cycles together and shared bedding and equipment for livestock on a neighborly basis and that "Jim Traficant performed farm services at no cost to our family that far exceeded any of the so-called work that the Bucci brothers offered to do. And, that if anyone was owed money for materials and services, Jim Traficant was owed money by the (Bucci) brothers."

Additionally, Susan Bucci also stated under oath that Anthony (Bucci) was a "liar" and lied to her and took advantage of her and her family when her husband (Dan) died by "taking money" that was due to her and her children when the Bucci company was dissolved.

Susan Bucci's affidavit supports her assertions and reads in pertinent part:

AFFIDAVIT BY SUSAN BUCCI, FRIDAY, FEBRUARY 1, 2002

I hereby swear that the following statement is the truth:

1. Jim Traficant brush hogged 40 acres of land at our farm on Route 165 in Green Township, Mahoning County, Ohio, for seven years.

2. Jim Traficant mowed, raked and bailed hay for us on 25 acres for four years, with his own equipment and provided his own fuel.

3. Jim Traficant, at his expense, repaired our hay wagons regularly.

4. My husband, Dan (deceased) told me that when we stopped farming, to "give Jim the hay wagons."

5. Jim Traficant would not take any hay wagons without paying.

6. Jim Traficant gave me a check for one thousand dollars.

7. Jim Traficant said, "$400 for the wagons and $600 for anything I may owe."

8. Jim Traficant did not have to do that, but I believe he did that to help me, because I was having a difficult time financially.

9. The family had asked Jim Traficant to help get Tony Bucci into a halfway house.

10. Jim Traficant did that, and it was common knowledge that he would help anybody.

11. Jim Traficant would not accept anything, even though the brothers wanted to pay him.

12. On occasion, they got Jim some sawdust that my husband also used; my husband would take old hay and straw to bed our cows.

13. There was a time when Jim asked for help to borrow jackhammers to break up concrete in big, old bank barn.

In closing, I believe that Jim Traficant was owed money by the family.

Sworn before a notary on February 1, 2002.

Aside from the contracts my office assisted with, there were letters written on behalf of Anthony Bucci when he was a resident at a halfway house, Community Corrections Association (CCA). It is evident, through the testimony of Dominic Paolone, Jr. that these letters were not done as a favor to Anthony but as a standard procedure by my office when a family member contacts one of my district offices.

Mr. Paolone stated that he was a resident of CCA while Anthony Bucci was there and admitted that Mr. Bucci was upset because I wouldn't help him unless he followed office policy, which meant a family member must make the request on behalf of the individual incarcerated. Eventually Anthony's brother contacted me to submit a letter to CCA on Anthony's behalf. And, according to his testimony, Mr. Paolone was provided with the same assistance when his (Paolone's) father contacted my office.

Obviously, the jury was misled by Anthony Bucci's uncorroborated testimony and overlooked five truthful witnesses simply because the government submitted circumstantial evidence in the form of advocacy letters from my office to help the Bucci brothers and their respective companies. These letters were not in return for favors but because these companies employed up to 100 of my constituents and when these companies received local contracts, subcontracting and spin-off employment affected over 200 families in my district.

Did I help the Buccis—Yes. I helped hundreds of companies in my district, which had a 22 percent unemployment rate when I took office. Any member of Congress would have done the same thing.

As of Tuesday, June 4, 2002, Anthony Bucci, who would have faced 21 months in prison for defrauding Uncle Sam, instead got a slap on the wrist in the form of 6 weeks home detention and two years of probation for his participation in my trial.

At this point, it's obvious what kind of deals the government is willing to make to get their #1 target—Jim Traficant, the only one to ever defeat the government, pro se, in a RICO trial.

For the record, the purported services occurred in the early 1990's, thus the imposition of a RICO charge was used by the government to extend the statute of limitations to accommodate for these ludicrous allegations.

The government provided no physical evidence, no wiretaps, no tapes, no hidden microphones and no fingerprints on more than 1,000 documents. How is it possible to reach a conclusion beyond a reasonable doubt with only circumstantial evidence and the testimony of felons? In a RICO case, no less.

Shove count one up their asphalt. Tomorrow, railroad stop two. . . . I mean count two. Sugar coated extortion, prosecutorial misconduct, subordination of perjury and other related governmental atrocities.

RON GNATKOWSKI: LAYING A STRONG FOUNDATION FOR STUDENTS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor Ron Gnatkowski as he prepares to retire after 29 years as a public school teacher with Saginaw Township Community Schools. Ron deserves our highest praise and gratitude for his devotion to teaching and for consistently displaying the patience and understanding children need to blossom in and out of the classroom.

The sixth of seven children, Ron grew up in Saginaw, Michigan. After serving in the U.S. Army, Ron earned his bachelor's degree from Saginaw Valley State University in 1972. He later earned a master's degree from Central Michigan University and another master's degree from Saginaw Valley State University. He has worked for Saginaw Township Community Schools since 1973.

As a kindergarten and first-grade teacher at Plainfield Elementary School for the past 19 years, Ron has been a top-notch role model for students, parents and colleagues. Historically, few men have accepted the challenges of teaching kindergarten and first-grade, but Ron never let such perceived barriers hold him back. As a result, his passion for teaching those early elementary years and his great success in doing so has inspired other male teachers to follow his path.

However, Ron's gender was not the only thing that set him apart. Throughout his tenure, Ron has always led by example. His work ethic and innovative ideas for teaching young boys and girls set a high standard at his school and throughout the district. In addition, Ron's unparalleled classroom skills and his commitment to children have made him a perfect mentor to younger colleagues and a valuable resource for others working to become better educators.

It also is noteworthy that Ron extended his expertise to improve schools beyond his professional responsibilities by serving on the Carrollton Public Schools Board of Education since 1988. As a board member, he has been a strong advocate for educators, students and taxpayers. He also has been active with the Association for the Education of Young Children, having served on the State Board of Directors of that organization for four years and on the local board for the past 14 years.

Finally, Mr. Speaker, I wish to pay tribute to Ron Gnatkowski for all that he has done for our schools in Saginaw County and throughout the state. I am confident that he will continue to lend his voice to improve education and I wish him a well-earned and enjoyable retirement.

SENATE—*Friday, June 7, 2002*

The Senate met at 11 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we are irresistibly drawn into Your presence by the magnitude of Your love. You place a homing spirit within us and call us home to Your heart. Thank You for the strength, security, and serenity that You provide in the midst of the strain and stress of public service. In Your presence we experience perfect peace for the pressure of conflict, the tyranny of the urgent, and late night legislation.

It is when we return to You that we find each other. You help us discover unity and diversity and oneness in spite of differences. We feel the bond of loyalty of a shared patriotism. Remind us that all power is derived through You and authority is divinely delegated for the fulfillment of Your purposes. May we never forget that You are in control and our task is to seek and do Your will. Bless this Senate as Senators and staff confess again that You are absolute Lord of all, the One to whom we are accountable and, ultimately, the only One we must please. You are sovereign. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 7, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, earlier this morning we completed a very difficult supplemental appropriations bill, which of course will now go to conference with the House. It was a long day yesterday and part of today to complete that, but it was a good week's work we were able to accomplish.

There will be no rollcall votes today. The next rollcall vote will occur Monday evening at approximately 5:30 p.m.

MEASURES PLACED ON THE CALENDAR—H.R. 4800 AND H.R. 4823

Mr. REID. Mr. President, I understand the following bills are at the desk and have been read for the first time, H.R. 4800 and H.R. 4823.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent that it be in order, en bloc, for these bills to receive a second reading, and I then object to any further consideration of this legislation at this time.

The ACTING PRESIDENT pro tempore. Without objection, it so ordered.

The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

> A bill (H.R. 4800) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.
>
> A bill (H.R. 4823) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

LOCAL LAW ENFORCEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 625, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 625) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, with the legislation now before us, I am very happy to see the chairman of the Judiciary Committee in the Chamber today to lead the discussion on this legislation. This is an extremely important piece of legislation. We have waited a long time to get to its consideration.

I have been somewhat disappointed when I read already in this week's newspapers that the minority has indicated they have scores of nonrelevant, nongermane amendments they are going to file on this piece of legislation. This is code word for they are going to do everything they can to stop the legislation from passing.

That is unfortunate because this legislation, which is commonly referred to as the hate crimes bill, has that name because that is what it is about. It is about people with hatred doing criminal acts.

Senate consideration of this legislation is much needed and is long overdue. It demonstrates, once again, the change that has taken place in this body since Senator LEAHY began the chairmanship of the Judiciary Committee.

But for his advocacy, we would not be in this spot; we would not be where we are now.

The chairman of the committee is here, and he has heard me say this on many occasions. We have done such a good job in the Judiciary Committee. I say "we" because the committee doing well reflects on all of us. When I think of what we have gone through in this committee, we had the terrorist acts of September 11, which caused us to focus immediately on antiterrorism legislation, which we passed. People complained because we didn't move that legislation fast enough. Now people are writing that it was one of the best things that happened in this Congress in a long time because the Judiciary Committee slowed us down. We didn't run pell-mell into this legislation but walked deliberately into it. As a result, we have good legislation, not the least of which has a sunset provision in it. If we went too far in any way, it sunsetted.

The work that has been done by the Judiciary Committee has been excellent. Not only do we have the situation with the terrorist acts of September 11 and all the work of the committee as it related thereto, but we had an anthrax attack in Senator DASCHLE's office. Senator LEAHY received anthrax-laden materials. From whom, we do not know. It was enough that it closed down one of the office buildings where 50 Senators have their offices. That slowed us down.

In spite of that and many other obstacles we have had to overcome, we have moved forward on judges. I don't know the exact number now, but I believe it is 57 confirmed judges. I believe there is half a dozen or so on the calendar, a tremendous amount of work. We are doing the very best we can in that regard.

This hate crimes legislation is another example of the work the Judiciary Committee has done and the Senate has done generally since Senator JEFFORDS joined our caucus.

The present Federal criminal statutes do not respond to hate crimes motivated by a person's gender, sexual orientation, or disability. In fact, one of these characteristics, sexual orientation, is the third leading motivation behind hate crimes. Everyone has heard of some of the most egregious cases of hate crimes: Matthew Shepard, a very frail young man, was a gay student at the University of Wyoming. He was severely beaten, left for dead hanging on a fence post. There is no question this happened because he was gay.

James Byrd, Jr., an African American man, was brutally murdered, hooked up behind a pickup truck and dragged to his death.

These tragedies are not isolated. I indicated on this Senate floor earlier this week some of the incidents that have happened in Nevada because of hatred.

In Carson City, our State capital, somebody set a black family's home on fire and wrote the words "white power" and other racial slurs at the scene of the crime.

Vandals spray-painted a swastika and other graffiti on religious statues at a Roman Catholic Church in Henderson, NV, where I went to high school.

A black family in Las Vegas found a cross burning on their lawn.

Two white men attacked two Muslims with a baseball bat. They beat the Muslims with a baseball bat outside a mosque where they had gone to worship.

Condemning these acts is one thing, but we must legislate against these acts, and that is what this legislation is all about. These types of crimes not only infringe on victims' rights, they erode people's sense of security and self-worth.

Our country was founded on the principle of liberty and justice for all, and that means all. When perpetrators of hate crime target anyone, they really are targeting all of us and the principles that make our diverse Nation what it is.

We must move forward and continue our program of diversity in this country. This legislation will help us do that.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I compliment the assistant majority leader. Seeing Senator REID on the floor—along with Senator REED of Rhode Island and Senator AKAKA it seems only minutes ago I saw all of them as we were finishing up at 1 o'clock this morning. I appreciate the courtesy of the Senator from Hawaii in letting me speak at this point.

The distinguished senior Senator from Nevada did an enormous job in getting the emergency supplemental appropriations bill passed last night. I have told the distinguished senior Senator from Nevada many times that he has patience this Irish-Italian American probably never could have. But it was his patience, his persistence, and also the great credibility he has on both sides of the aisle, and the great respect of Senators in both parties, that made it possible for him to get that bill passed. Had he not carefully worked with Senator BYRD, Senator STEVENS, and all the others to get that through, we would still be on the floor and we would not be anywhere near passage. I compliment my friend from Nevada.

Mr. REID. Mr. President, will the Senator yield for a couple housekeeping matters? I will finish quickly. I say to my friend, I have never ever corrected my friend on the floor, but I will this morning. We did not finish that last night. We finished it this morning.

Mr. LEAHY. Right. How time flies when you are having fun.

AMENDMENT NO. 3807

(Purpose: To provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator BIDEN.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for Mr. BIDEN, proposes an amendment numbered 3807.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 103, S. 625, a bill to provide Federal assistance to states and local jurisdictions to prosecute hate crimes:
>
> Hillary Clinton, Harry Reid, Jack Reed, Russell Feingold, Richard Durbin, Edward Kennedy, Evan Bayh, Charles Schumer, Debbie Stabenow, Maria Cantwell, Daniel Akaka, Ron Wyden, Carl Levin, Daniel Inouye, Joseph Lieberman, E. Benjamin Nelson, Byron Dorgan, Patrick Leahy.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, in the Washington Times there is a report today that says:

A senior Republican leadership aide said there are 40 to 50 Republican ideas under consideration as possible amendments To this legislation—

> ranging from an alternative hate-crimes bill to tax policy, national security and social issues. Republicans also are considering making permanent tax credits for teachers and relief from the "marriage penalty" in the tax code.
>
> "You might even see an amendment that's a complete substitute to the defense authorization bill."

I am not going to belabor the point other than to say those are, I repeat, code words to kill this bill, and we are going to do everything we can on this side of the aisle to make sure that hate crimes in America are prosecuted and the people against whom there is hatred are not persecuted.

I thank the Senator for yielding.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I agree with the senior Senator from Nevada. Everybody is going to say they are against hate crimes. Nobody is going to say they are for hate crimes. But if we are against them, then let's pass laws that give our law enforcement officers the teeth to go after hate crimes. Let's not go through the fiction of trying to amend this bill to death so nothing comes forward. We cannot let everyone say they are against hate crimes while some do their best to kill the hate crimes legislation.

Violent crimes motivated by prejudice and hate are tragedies that demand our attention. These crimes mar our history, from the lynchings that haunted our race relations for more than a century to the recent well-publicized slayings of Matthew Shepard and James Byrd, Jr.

Since September 11, we have seen a disturbing increase in crimes committed against Arabs, Muslims, and those of South Asian descent. In other words, hate has been a persistent threat to the public safety, especially the safety of minority group members.

I am not naive enough to think we can outlaw hate, but we can make outlaws of those who commit hate crimes. We can do a lot more to protect Americans from these crimes, and to ensure equal rights for all our citizens.

The Local Law Enforcement Enhancement Act will do just that. It will provide a measure of protection for those who fear the violent consequences of prejudice. I am proud to be a cosponsor of this legislation. I am also proud that it is one of the first bills I moved through the Judiciary Committee after I became chairman. I had the opportunity as a new chairman to set priorities by deciding what would be on the agenda. I made sure this was one of the first bills the Committee considered.

I am grateful to Senators KENNEDY, SPECTER, and SMITH for their bipartisan leadership on this issue. Unfortunately, the bipartisanship surrounding this bill is not universal, as the distinguished Senator from Nevada has already pointed out. Republicans objected before the Memorial Day recess to a unanimous consent request that would have allowed this bill to come to the full Senate for debate. I wish they had allowed it to do that. It could have been passed by now.

I am glad we can now begin debate. I am honored to open the debate. Senator KENNEDY is with his family today following a long-time family commitment, but he will join us on Monday to debate this important bill.

The hate crimes legislation we consider today strengthens current law by making it easier for Federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. Victims will no longer have to be engaged in a narrow range of activities, such as serving as a juror, to be protected under Federal law. In other words, if a criminal commits a hate crime against a juror, he or she can be prosecuted under Federal law. But if a criminal commits the same hate crime against the same victim, while the victim is conducting private business, that criminal is immune from prosecution under Federal hate crimes law.

This bill also focuses the attention and resources of the Federal Government on the problem of hate crimes committed against people because of their sexual orientation, or their gender, or their disability. That is an important step.

Now, opponents of this legislation like to say that "all crimes are hate crimes." But everyone in this Chamber agrees that some crimes are more serious—and more deserving of Federal attention—than others. We have repeatedly increased the Federal role in fighting crime over the last decades, from the hijacking of airplanes to carjacking to drug crimes. So the question we face today is whether crimes motivated by prejudice deserve greater Federal attention than the limited amount they receive today. I believe they do, and I know 50 other U.S. Senators from both parties who have sponsored this bill agree with me.

The crimes we are talking about today are particularly pernicious crimes that affect more than just the victims and their families—they inspire fear in those who have no connection to the victim beyond a shared characteristic, such as race or disability or sexual orientation.

Mr. President, when James Byrd, Jr., was dragged behind a pickup truck—dragged—one can only imagine the terror and horror he felt in the face of his violent death. He was killed by bigots in Texas in 1998. Why? For the sole reason that he was black. Think how many African Americans throughout our Nation felt diminished as citizens to know that another African American was horribly, brutally killed simply because of the color of his skin.

When Matthew Shepard was murdered in Wyoming, he was left hanging on a fence. Why? Because he was gay. Don't you think gays and lesbians in the United States felt less safe on the streets and in their homes? These crimes promote fear and insecurity that are distinct from the reactions to other crimes. They produce a national reaction. We need to take action to enhance their prosecution.

These terrible crimes have also affected my little State of Vermont. In 1996, Julianne Williams and Lollie Winans were murdered in the Shenandoah National Park in Virginia. Ms. Williams lived in Burlington, VT. She and Ms. Winans were planning to move to Huntington, VT, after their hiking trip to Virginia. (Huntington, VT, I must say, is a beautiful little town, one of the most peaceful places you can imagine.) They were murdered.

In April, the Justice Department indicted Darrell Davis Rice for murder. The prosecutors invoked the Hate Crimes Sentencing Enhancement Act, charging that Mr. Rice killed the two women as part of his plan to "assault, intimidate, injure, and kill women because of their gender." Prosecutors said that Rice had stated that he "hates gays." He said he had taken it upon himself to determine that Ms. Williams and Ms. Winans "deserved to die because they were lesbians." What a horrible commentary. This man decided in his mind they deserved to die, so he was going to kill them.

Now, Rice was susceptible to Federal hate crime laws because the murders occurred on Federal land. If he had been indicted for killing these women in Huntington, VT, he would not have been susceptible to this enhancement. So his indictment fell within a narrow window. With passage of this act, we can provide Federal protection to women, gays and lesbians throughout our Nation.

All Americans have the right to live, travel, and gather where they choose. In the past, we have responded as a Nation to deter and to punish violent denials of civil rights. We have enacted Federal laws to protect the civil rights of all of our citizens for nearly 150 years. This law continues that great and honorable tradition.

This bill will strengthen Federal jurisdiction over hate crimes as a backup, but not a substitute, for State and local law enforcement. States will still bear the responsibility for prosecuting most hate crimes. That is important to me as a former State prosecutor.

I have a great deal of respect for the law enforcement officers in my State, such as David Demag, the Police Chief in Essex, VT, who is now serving on the Medal of Valor Review Board. I want the States to have primary jurisdiction, because they can handle most hate crimes prosecutions. But there are times when Federal assistance is helpful and even necessary. For those cases, we must have this Federal law.

In a sign that this legislation respects the proper balance between Federal and local authority, it has received strong bipartisan support from State and local law enforcement organizations across the country. This support convinces me that we should pass this powerful law enforcement tool without further delay.

Moreover, this bill accomplishes a critically important goal—protecting all of our citizens—without compromising our constitutional responsibilities. It is a tool for combating acts and threats of violence motivated by hatred and bigotry. It doesn't target pure speech—even that speech that you and I and everybody finds offensive or disagreeable. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it.

As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it. Indeed, Senator KENNEDY, who has been a leader on civil rights for four decades, has worked carefully and hard to tailor this needed remedy to the narrowing restrictions of the current very activist Supreme Court.

It is long past time to pass this bill. Of course, the Senate has done its part before. In 1999, we passed it as part of the Commerce-Justice-State appropriations bill, but the House insisted on its removal. In 2000, the Senate voted 57 to 42 to include it as an amendment to the Department of Defense authorization bill. That year, the House even voted 232 to 192 to instruct House conferees on the bill to agree to the Senate language on hate crimes.

Nonetheless, the House Republican leadership insisted on its removal and they won. So despite the best efforts of former President Clinton and us all, we were twice unable to overcome the opposition of the other body. I hope we will this time.

I hope the House Republicans will finally allow a vote on this measure. I urge President Bush to ask them to do so. Think about what the President said so eloquently last week at West Point. I think of this because the distinguished Presiding Officer is a well-respected graduate of West Point.

When the President spoke at West Point's commencement about our fight against terrorism, he called it a conflict between good and evil and said that we cannot allow other nations to "tolerate the hatred that leads to terror." He correctly stated that "there can be no neutrality between justice and cruelty." He promised that "the United States will promote moderation and tolerance and human rights."

I agree with President Bush. And I believe that passage of this legislation will show once again that America values tolerance and protects all of its people. I urge the opponents of this legislation to consider the message it sends to the rest of America when, year after year, we are unable to move this broadly supported bill.

A majority of the people in the Senate support this bill, a majority of the people in the House of Representatives support it, and a majority of Americans support it. Yet a small group blocks it from going forward. What does that say about our American values?

I say to the Republican leadership in the other body and in our own: Listen to what President Bush has so eloquently said at West Point. Let's pass this legislation. The victims of hate deserve our support—the victims do. Those who would impose hateful conduct upon them deserve to know that the United States of America doesn't stand for that. So we need a vote, both in this body and in the House of Representatives. If we have such a vote, Mr. President, we will once again make it very clear: The U.S. Government does not tolerate hate and intolerance, no matter who it is directed against. Making that statement, we make our Nation even stronger.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. DORGAN. Mr. President, will the Senator from Hawaii yield for a unanimous consent request?

Mr. AKAKA. Yes, I certainly yield to my friend from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that following the presentation by the Senator from Hawaii, I be recognized for 20 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Hawaii.

THE BATTLE AGAINST INVASIVE SPECIES

Mr. AKAKA. Mr. President, I rise today to call attention to a very serious problem that burdens not only the State of Hawaii, but also the entire country—the problem of exotic and invasive species. Invasive species are plants, animals, and microbes which are transported from their native environments, and in the absence of natural predators and competitors, proliferate and permanently alter their new "home." Invasive species are potentially one of the largest economic and environmental threats in this century, costing the U.S. an estimated $100 billion each year and wreaking havoc with the nation's biodiversity. With the rise of global commerce, invasive species have found it easier to find their way to new lands. They arrive in nearly every possible way, including by vessels in ballast water to our ports, and by planes via cargo, military and commercial shipments of plants and food. Upon arrival, they can have devastating impacts on water quality, agriculture, health, and especially the environment and the economy.

Nowhere is this situation more evident than in Hawaii. Hawaii has suffered the highest rate of species extinction in the United States, and in fact, one of the highest rates of extinction anywhere in the world. The Hawaii State Department of Land and Natural Resources estimates that before the arrival of humans, new species became established in Hawaii once every 70,000 years. Currently, Hawaii becomes home to over 20 new species per year. The Federal interagency Aquatic Nuisance Species Task Force estimates that Hawaii alone has 4,465 nonindigenous species. It is a problem of unbelievable magnitude.

I would like to bring your attention to a few species in particular. Many may have read the recent Washington Post article on the coqui. This small frog is less than two inches long and is beloved in its native home of Puerto Rico. But in Hawaii, we have no native frogs. In fact, we have no native reptiles or terrestrial amphibians, no native snakes, iguanas, toads, or even salamanders. In short, our ecosystems are not prepared to take on the coqui; there are no natural predators, such as snakes. Therefore, the impact of the coqui is immense. These nocturnal frogs, which make beautiful sounds individually, cause quite an uproar when singing in a chorus. Each one can produce a call at 90 decibels. However, at one site on the island of Hawaii, the coqui population is estimated at over 8,000 frogs an acre. It would sound as if 8,000 lawn mowers were running at once. The U.S. Fish and Wildlife Service has documented 260 infested sites on the Big Island, 40 sites on Maui, 20 on Oahu, and two on Kauai. Our tourism industries, especially our hotels which are world-renowned for the promise of restful tranquility, are already feeling the impact.

The coqui consume an average of 46,000 prey items per night per acre. This puts tremendous predation pressure on Hawaii's native arthropods, and provides intense competition for Hawaii's native forest birds, many of which are insect-eating as well as threatened or endangered species. The frogs also serve as an additional food source for non-native rats and mongoose. Increased populations of rats and mongoose then prey on the already impacted forest birds, which intensifies the effects on native ecosystems and disrupts their delicate balance.

The brown tree snake is another example of an invasive species with tremendous potential for affecting Hawaii. This snake was introduced to Guam in World War II probably as a stowaway in ship cargo. It eats any animal smaller than itself, and is responsible for the extinction of twelve native bird species on Guam. Up to 13,000 snakes per square mile may occur in some forested areas of Guam. A brown tree snake can enter a home, and its venom is life threatening to infants. In fact, one out of every thousand visits to the emergency room in Guam is due to snakebites. It has caused more than 1,200 electric power outages since 1980, some island-wide and lasting several days. Approximately every third day there is a snake-caused power outage somewhere on Guam. The outages cost Guam an estimated $1 to $4 million each year. Research and control of brown tree snakes in Guam cost over $4 million per year.

Now the brown tree snake is poised to invade Hawaii, other Pacific Islands, and even the U.S. mainland. The snake has already reached Hawaii several times as a stowaway on flights from Guam. If the brown tree snake is accidentally introduced, Hawaii will suffer the same fate as Guam. On Guam, you no longer hear the sweet melody of a songbird because they have all been consumed by the brown tree snake. Development of long-term screening measures at airports to prevent this introduction would cost an estimated $2.5 million annually over several years. While this may seem costly, the potential economic impact caused by the brown tree snake would be devastating in comparison.

Miconia is a large, leafy tree that was introduced to Hawaii in 1959. It was brought intentionally as an ornamental plant; miconia has a beautiful, deep rich purple color on the underside of its leaves. However, despite its benign appearance, it is an aggressive invader of native and disturbed forests, growing into dense stands that block light to smaller native plants. Miconia has also contributed to erosion and landslides because of its shallow root system. It blossoms four times a year, sending out millions of seeds each time, and the seed pods remain viable for up to eight years. Miconia is just one example of a noxious weed that is a major threat to native Hawaiian plants.

All across the country, invasive alien weeds fuel grass and forest fires, accelerate soil erosion, and consume critical water resources. The lost productivity of rangelands due to weeds has been estimated at $3.6 to $4.5 billion annually. Over 100 million acres of land are infested with weeds, and the infestation is expanding by 10 million acres per year. On Federal lands alone, the rate of infestation is 4,600 acres per day. Noxious weeds destroy or alter natural habitats, damage waterways and power lines, and depress property values. Some are even toxic.

In Hawaii, Federal, State, and local agencies have joined the universities and local communities to support efforts to prevent the spread of invasive species. The University of Hawaii, Hawaii's Department of Agriculture and State Department of Land and Natural Resources, the U.S. Geological Survey, and the U.S. Fish and Wildlife Service, as well as smaller, island-specific citizen groups coordinate efforts to research, track and control the coqui. In the case of the miconia, students and volunteers have to hack through a jungle to reach the trees, suffering through mosquito bites and the thorny underbrush. The State employs helicopters to spot plants in places that may have been missed, and volunteers in some cases drop off 100-foot cliffs to destroy these invaders.

Now it is time to do our part in Congress to support these efforts at the Federal level. I have joined 19 of my colleagues in signing a letter circulated by my friend, the senior Senator from Michigan, Mr. LEVIN, in support of funding for the National Invasive Species Act of 1996. This Act provides for ballast water management to prevent the introduction and spread of non-indigenous species into the waters of the United States, provides for a comprehensive program to control the brown tree snake, and provides for invasive aquatic plant management.

In 1999, President Clinton signed Executive Order 13112. The executive order mandates federal agencies to take steps to prevent the introduction and spread of harmful alien species, and coordinate their actions with other federal agencies. The goal of the executive order is to minimize the negative economic, ecological, and human health impacts that invasive species cause.

We must act to turn these goals into reality. Funding for the battle against invasive species crosscuts almost every Federal agency, including the U.S. Department of the Interior, Department of Agriculture, Department of Defense, and Department of Commerce. Each agency has been taking an active role against invasive species. This is a challenge that must be appreciated and fought on all fronts, and the agencies need increased funding in this budget-conscious year. I urge my colleagues to support funding for the effective implementation of Executive Order 13112, the National Invasive Species Act of 1996, and for Federal and State agencies' efforts across the United States in the struggle against invasive and exotic species. Until these efforts are fully funded, we do not stand a chance against these destructive invaders.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORPORATE GREED

Mr. DORGAN. Mr. President, in recent months I have been conducting hearings in the subcommittee that I chair and the Commerce Committee on the issue of the Enron scandal.

While conducting those hearings, I received a letter from a constituent of mine in North Dakota. That constituent said he had been an employee of the Enron Corporation for a good number of years and had $330,000 in his 401(k) retirement account, invested in Enron stock. And then, of course, Enron collapsed. Now that $330,000 is worth $1,700.

The folks at the top of Enron made a fortune and got away with their fortune, and the company collapsed, the employees lost their shirts, and the investors lost their shirts. It is another case of the big doing very well, and the little losing everything they had.

It reminds me of the verse in a song by Bob Wells and the Texas Playboys from the 1930s: Little guy picks the cotton, the big guy gets the money. The little bee sucks the blossom, the big bee gets the honey.

That is what is going on too often in this country. I am more and more dismayed by what I am reading in the business pages, about the scandals at the top levels of a number of corporations in America. I have been reading especially in recent days about Dennis Kozlowski, CEO of Tyco International. Mr. Kozlowski resigned under criminal indictment for tax evasion, but he has been criticized for some time for the way his company was playing games with his books.

Now, I don't know him. I have never met him. I did not know much about his company until it started making news. But Tyco's problems are another troubling sign about the state of our system of capitalism, the system by which companies accumulate money in a corporate structure, and the system by which people are compensated for their performance.

I will speak about this in a moment. But first let me mention another aspect that troubles me about Tyco's story. Because Tyco is one of those companies that, recently, decided to move its corporate headquarters off-shore, to avoid paying their fair share of taxes.

In the middle of a war against terrorism, it is unconscionable for an American corporation to forsake its country and move off-shore—in a so-called "inversion"—to avoid paying taxes. It really raises questions of patriotism, in my judgment. Who do they think should fight this war on terrorism? Who do they think ought to pay for the war against terrorism? Who do they think protects their assets and their company and their business? They want the protection of the U.S. military, but they do not want to pay for it.

Tyco is one of the world's largest manufacturers and services of electrical and electronic components, as well as undersea telecommunications systems, the largest manufacturer of fire protection, and electronic security services. Mr. Kozlowski resigned because, according to the allegations, he evaded more than $1 million in sales taxes on works of art that he acquired by Renoir, Monet, and others.

I am very interested in the information that has come to light after Mr. Kozlowski's resignation, criticism of the way he ran the company. He became CEO of Tyco in 1992. He was an accountant by training. In 1997, he moved Tyco headquarters from New Hampshire to Bermuda, as I mentioned. During the late 1990s, the company was in the eyes of many a very successful company.

Tyco grew at an amazing pace, and Mr. Kozlowski made a killing on the sale of company stock and stock options. In fact, over the past 4 years, this fellow made $325 million in compensation.

Then in 1999, the SEC started to investigate allegations that Tyco was engaged in "questionable" accounting practices. Mr. Kozlowski claimed to have done nothing wrong. He said publicly he was not about to sell off the stock in his company. According to filings with the SEC, however, he sold nearly $100 million of his stock as compensation in the year 2000 alone.

The Tyco stock started to drop rapidly. Tyco disclosed Mr. Kozlowski repaid $70 million in loans to Tyco—using company stock. Tyco shares lost $50 billion in January of this year. Last December, the value of this stock was $60; last night, $14.

So it is the little guys, the investors, the folks who put their money in Tyco stock who did not do very well. Mr. Kozlowski got $325 million in compensation over a 4-year period.

I have been reading about this day after day after day, and it reminded me of the movie, "Wall Street." That movie had an infamous character played by Michael Douglas, named Gordon Gekko. And that character delivered the often quoted words: "Greed is good. Greed is right. Greed works. And greed, mark my words, will save . . . that malfunctioning corporation called the USA."

That movie came out in 1987. By today's standards, Gordon Gekko seems like a Boy Scout.

The average compensation of the 10 highest paid chief executive officers in America, 20 years ago, was $3.5 million. That was their average compensation. Mr. President, $3.5 million a year was a pretty good compensation package then, and it would be a pretty good package today. But do you know what it is today? It is $150 million. The average compensation of the 10 most highly compensated CEOs in the country is $150 million a year.

Here is a list of some of the compensation paid to CEOs in the year 2000: $290 million, $225 million, $157 million. These are yearly compensation figures.

In the 1980s, when the movie "Wall Street" came out and Gordon Gekko was saying that greed was good, the average pay of a corporation head was about 42 times the pay of the average worker. Today, a CEO's pay is about 531 times greater than that of the average employee working for the corporation.

In one of my hearings on the Enron Corporation we found that Mr. Fastow, who was the CFO of the Enron Corporation, had a little partnership deal that he constructed. Even as an employee of the corporation—highly paid, I might add—he constructed partnerships, that were attached to the corporation, in which he had equity pieces and then got a commission to manage. He put $25,000 of his own money into one of these partnerships, and 60 days later took out $4.5 million.

I come from a really small town—300 people—with a very small school—9 in my senior class. But it does not take higher math to understand what cheating is all about. The hearings I have held on the Enron Corporation have described a culture of corruption and cheating and, in my judgment, criminal activities. The hearings I have conducted on Enron with respect to West Coast electricity pricing suggest to me rigging of electricity prices to the tune of billions, perhaps tens of billions, of dollars.

There is something rotten going on inside some of these corporations—not all of them, but some of them. And who stands to lose? The big guys make off with millions and millions of dollars—in most cases tens and hundreds of millions of dollars—and the little people lose their shirt.

If I might show some additional charts that describe this saga. The pay of American corporate executives is not even related to performance anymore. CEO pay was up 7 percent last year. Profits are down 35 percent. What kind of business do you see that in? The worse they do, the more they make? What kind of accountability exists with respect to the stockholders across this country, the moms and pops who have put their money in their retirement accounts in these companies, believing these people are doing a good job?

I mentioned Enron because I have spent a lot of time on that issue. In 1998 the president was Mr. Ken Lay, who claimed not to have the foggiest idea of what was going on inside his company. If ever there was an "Onward through the fog" voice from a CEO, it came from Mr. Lay. But he got $101 million in compensation for his services, through his sale of Enron stock.

Jeffrey Skilling testified before my subcommittee for about 6 hours. Nobody had the foggiest idea what he said. He apparently served in that corporation as one of its top executives. He heard nothing, saw nothing, participated in nothing, and decided he did not want to be a part of it anymore. It was the most byzantine hearing I ever held in my life. Here is a guy who claimed to be oblivious to fraud of the largest scale, and walked away from the company with $70 million in stock.

A couple of weeks ago the CEO of Adelphia, the sixth largest cable company in the country, resigned. We now discover, as a result of the 10–K financial statements that are filed with regulators, that Adelphia had $2.3 billion in debt, that was hidden off the balance sheet. Most of that was owed to companies that the CEO's family controlled, and that could not be paid back—$2.3 billion.

Almost all across this country now, workers in corporations—that is, the folks who make corporations function—are discovering that they no longer have defined benefit pension programs. That used to be the bulk of the pension programs. Now it is diminished to less than a fourth.

While the workers in a corporation are discovering the erosion of their pensions, the compensation at the top of these corporations is skyrocketing, in no relationship to how the corporation is doing.

This next chart also shows something interesting, and deeply troubling. The corporations in this country are paying a smaller and smaller percentage of the tax burden in our country. Payroll taxes—which hit the lowest wage earners in the country much harder than the top wage earners in the country—are growing as a portion of our tax burden. And these corporations, as I mentioned, are now increasingly looking to save taxes by renouncing their U.S. citizenship.

I know many corporations are responsible, and would never consider running off to Bermuda to avoid taxes. But some of them are doing so, and shame on them. Where is their sense of patriotism here? We are at war against terrorism, and we have corporations making a decision they don't want to be American anymore, they don't want to have an American identity, because to do so you have to pay taxes and pay a portion of the cost of the burden of government, which includes providing for the common defense and paying the wages and salaries of the men and women and the equipment in our armed services. Shame on people who think like that.

Franklin Roosevelt, in one of his fireside chats, said:

> Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a shipyard, or on the farms or in the oil fields or mines, producing the weapons or raw materials that are needed by our Armed Forces. But there is one front and one battle where everyone in the United States—every man, woman and child is in action. . . . That front is right here at home, in our daily lives, and in our daily tasks. Here at home, everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men [and women], but to keep the economic structure of our country fortified and secure. . . .

When I read this and compare it to the stories about American companies moving their headquarters to a mailbox in Bermuda just to avoid paying taxes, I say shame on them.

I think we have to begin to think, here in the Congress: What do we do about the crisis in corporate governance in an increasing number of American firms? Where will it go?

When the average corporate executive in this country is now making 530 times the average compensation of workers in the corporation, isn't there something wrong here?

We have seen speculative bubbles recently, bubbles that are unhealthy in our economy. Is this not just another unhealthy bubble that is going to break at some point? Will the American people trust corporate governance when we have people at the top who are taking hundreds and hundreds of millions of dollars out themselves and are not worried about the long-term financial solvency of the corporation, but worried only about what their compensation does relative to the stock value in the next quarter? Because their compensation is tied to short-term stock prices, they may have $50 million, $100 million, or $200 million at stake for them personally.

Will the American people trust corporate governance when we see corporate executives such as Mr. Lay, Mr. Skilling, Mr. Fastow, and others cashing out and putting millions and millions into their bank accounts even as they are telling employees, "Hold onto your stock. Tomorrow is going to be a better day. Our future is brighter.

Hang onto your stock, don't sell"—even as they are furiously selling off their shares privately in order to enrich themselves?

There are some legislative measures that we ought to consider, in my judgement. I will talk more about them later. Today, I wanted to raise some public questions about the state of corporate governance in our country, and the erosion in confidence in our economic system. And to say that we have some work to do on this issue.

Mr. President, I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001—Continued

The PRESIDING OFFICER (Mr. BAUCUS). The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I inquire as to the pending business.

The PRESIDING OFFICER. The pending business is S. 625.

Mr. SMITH of Oregon. Are we in morning business now?

The PRESIDING OFFICER. The Presiding Officer informs the Senator we are not in morning business. We are on the bill.

Mr. SMITH of Oregon. I thank the Chair and ask I be allowed such time as I may consume.

The PRESIDING OFFICER. The Senator has that right.

Mr. SMITH of Oregon. I thank the Chair.

Mr. President, I rise to speak today on the issue of the Local Law Enforcement Act of 2001. It is the hate crimes bill that we are now taking up. It is a bill I am pleased to coauthor with Senator KENNEDY from Massachusetts. It is a bill that is appropriately taken up now.

I know some of my colleagues, partisans on my side of the aisle, may say that we should not take up something like this at a time of war, a war on terrorism. But I searched my memory. Whenever America has been at war before, we have not abandoned domestic issues. Immediately following Pearl Harbor, we dealt with all kinds of things, from tax rates to civil rights, and the war proceeded. It is not inappropriate that in a time of war on terrorism we focus on domestic terrorism.

The President gave a great speech last night. He talked about how we can better create, for our Nation's protection, a more seamless way to provide for the common defense. I look forward to supporting him in that. But I say that hate crimes legislation is part and parcel of that same effort. It is a part of our war on terrorism. It is a part of the discharge of our responsibility to take care of our citizens.

I have always believed government's first duty is to provide security against violence to its citizens. We are doing that abroad, and we are doing it perhaps as never before at home. But I think it is very appropriate that for a day or 2 the Senate turn its attention to this law, which was created, in its initial form, more than 30 years ago.

Hate crimes legislation is not a new concept. Hate crimes legislation, as I understand its history, was created to give the Federal Government the ability to enforce civil rights, in Southern States in particular, where lynching laws were not enforced and where much violence was committed against our African American brothers and sisters.

It gave the Federal Government the right, the ability, to show up to work, to provide for the common defense. And that law, which covers race, religion, and national origin, is in effect. It has been fully vetted in the United States Supreme Court. It is constitutional. And it truly, as the Court has held, simply adds an element, as we do to all crimes, as to how you consider them, what penalties you apply, and what prosecution and vigor you employ.

It is entirely appropriate that we now add to this list of race, religion, and national origin, other identified minority groups in this country who, because of their status, are demonstrably more vulnerable to violence, to crime.

I have made, for more than a year, the practice of entering in the CONGRESSIONAL RECORD a tragic chronology, a catalog of hate crimes committed throughout our country.

On these charts I have in the Chamber—perhaps you cannot read them because of the small print—but each of them represents a day in which I have identified a hate crime that has been committed in our country. They are committed against African Americans. They are committed against the disabled. They are committed against women. And they are committed against gays and lesbians.

All of these crimes have one thing in common: they are committed against a minority community, and they have, at their heart, a malignant heart that hates. And that is the impelling force for committing violence against a minority person. And the crime is visited on a minority, on that American, because that is the common thread in all of this. They are committed against American citizens.

The common thread in this crime against Americans is that it is visited upon an individual, but it terrorizes an entire minority community. And we have said, since hate crimes were established back in the 1960s, there are just some things that are so heinous, so at odds with America's best values, that we are just going to say, as a matter of law, this is a new category of crime, and we are going to pursue it, and we are going to allow all branches of government, all levels of government—local, State, and now Federal—to participate in the pursuit and the prosecution of those who would commit these kinds of terrorist activities against a whole community. And that is what we are doing.

Today, I am going to add another one to this sad chronology. It occurred in Honolulu, HI, in May of last year—a year ago. Two teens were charged with attempted murder after allegedly dousing the tents of gay campers with flammable liquid while those campers were inside, setting one on fire in Polihale State Park.

Victims in the attack said the perpetrators threw rocks and shouted slurs relating to the sexual orientation of the victims prior to setting the tent on fire. Two men were sentenced, then, to 5 years each in prison.

We all know of the heinous murder committed on James Byrd, who was dragged to death on a lonely, dusty Texas road. That shocked America. But in the case of Mr. Byrd, the Federal Government showed up to work because the Federal hate crimes law applies to issues of race. And the law enforcement folks in Texas will tell you that the Federal Government was very helpful in the pursuit, the prosecution, and the conviction of the murderers of James Byrd.

I think in that same year all of us felt horrified by the murder of Matthew Shepard in Wyoming. But in that case, because sexual orientation was not an allowed category under Federal law, the Federal Government was prohibited from showing up for work.

I wish all Americans could have been with me in my office when I was visited by Wyoming State Troopers—Republicans—advocating to me please support this because they were overwhelmed with the national focus that this case brought. They really could have used the help of the Federal Government.

That is the whole point of this. I personally changed my mind on this subject because of the murder of Matthew Shepard. Frankly, I was chagrined that more of my partisans were not at his vigil. I observed it in a hotel room on CNN in Oregon. I was disappointed that more of my folks weren't there.

Hatred doesn't care if you are a Republican or a Democrat. As Americans, we all ought to be willing to stand up and say: Gosh—at every level of government, local, State, and Federal—let us show up for work and prosecute these most heinous kinds of crimes and murders.

I know there are some good, faithful, religious people who believe they should oppose this law because of this one category—the category of sexual orientation. They believe that because of their faith and their religion they cannot support this. But I say you should support this not in spite of your faith, you ought to support it because of your faith.

The example that I find in the Scripture which is so compelling is that of

Christ. When confronted with a woman who was about to be stoned because of adultery—he didn't endorse her lifestyle—he saved her life.

Should we do any less? I say to people of faith that I don't care how you pray. But if that story inspires you like it does me, because of your faith support this.

That reflects the best values of the human heart, and the highest values of the American people. We ought to say as a matter of law—law isn't a teacher, and, no, we can't enforce morality—but we can hold up the law and say this is what we believe.

The Ten Commandants are a great example of a law to the children of Israel. They didn't always obey. But it reflected their highest values and caused them to live up, in many cases, to the highest of ideals. We should not do any less.

I am proud to stand here as a supporter of this expansion of an old law that reflects our best values.

I call upon Republicans, Independents, and Democrats to understand the spirit behind what it is we are doing.

Since I have been a U.S. Senator, I have been privileged to serve on the Senate Foreign Relations Committee. Every time I leave the shores of this blessed land and confront conflicts in Europe, conflicts in Eurasia, and conflicts in Asia, I am astounded at the tribal angst and hatred that besets most parts of this world.

I thank God that we live in a land where we have two oceans, two centuries with two relatively peaceful neighbors, and a long time to avoid the development of these kinds of racial, cultural, and other kinds of differences that cause us to want to commit crime, violence, and murder against people because of their differences. That reflects the worst of humankind.

As a member of the Foreign Relations Committee, I have decried hate crimes—however you want to describe them—on many continents on this planet. As a Republican, I believe I cannot be silent about hate crimes committed at home. I think we all ought to step up to the high ideals that this law represents.

When I chaired the Subcommittee on Europe, we held a hearing about anti-Semitism. We were privileged to have Eli Wiesel come and speak to us. In that hearing, he said something about what motivates the kinds of angst and hatred that have beset the Jewish people for a millennia of time. I want to share with you his words.

He said to this committee:

> To hate is to deny the other person's humanity. It is to see in "the other" a reason to inspire not pride, but disdain; not solidarity, but exclusion. It is to choose simplistic phraseology instead of ideas. It is to allow its carrier to feel stronger than "the other," and thus superior to "the other." The hater . . . is vain, arrogant. He believes that he alone possesses the key to truth and justice. He alone has God's ear.

This law that we will be privileged to vote on in a few days makes it clear that we include—that we not exclude—what are called hate crimes. Why wouldn't we extend them to other Americans because they are demonstrably more vulnerable?

Gays and lesbians—why wouldn't you extend the protection to them? Do you hate them? I don't.

I believe it is possible on a principled ground to oppose some things that the gay community wants. I am not for gay marriage. But when it comes to public safety, the dignity of a job, the right to have a roof over your head, how can we withhold our help because we don't share a lifestyle?

I withhold those judgments. I say we should help because we are Americans, and because we aspire to the highest ideals of our Constitution and the highest ideals of the religious traditions—as varied as they are—that we hold in this country.

We are privileged to live in a land where we separate church and state.

I have said to people who are opposed to my support of this law, if you want to talk about sin, then go with me to church. If you want to talk about public policy, let us go together to the Senate, and figure out how to protect all people, because that is what our Constitution provides for.

I say to folks on my side, this shouldn't be a Republican-Democrat issue. This is an issue about the heart. In is an issue entirely appropriate to take up in a time and in a war on terrorism. Whether terrorism comes from a bin Laden, or whether terrorism comes from a couple of murderers in Wyoming, it is terror, nonetheless, foreign and domestic.

Our Constitution calls upon us in its Preamble to provide for the common defense, and to ensure domestic tranquility. Hate crime laws, since their origin, have helped us to do that. It hasn't stopped it. You can't legislate people to change their hearts. But you can help them to by putting up the law, and saying these are our highest values. We will enforce them with the force of law. By holding them up and setting the example, we can help change hearts and minds.

While this law to many is just symbolism, I tell you it can become substantive, if we all show up for work and live up to our best ideals and not fall to the lowest of traits of humankind.

I call upon all our colleagues to support this legislation. Let's do it with an enormous majority, and let's do it regardless of party affiliation. Let's do it because with all of these victims, we share the common thread that we are Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FBI REFORM ACT, THE TERRORIST BOMBING CONVENTION AND THE SUPPRESSION OF THE FINANCING OF TERRORISM CONVENTION IMPLEMENTATION ACT, THE ANTI-ATROCITY ALIEN DEPORTATION ACT AND THE MYCHAL JUDGE POLICE AND FIRE CHAPLAINS SAFETY OFFICERS' BENEFIT ACT

Mr. LEAHY. Mr. President, I rise today to speak principally on behalf of four important pieces of legislation. Two have important implications for national security, a third would help keep war criminals and those who commit atrocities abroad out of our country and the fourth would add a degree of fairness for law enforcement victims of September 11. All have been cleared on the Democratic side of the aisle.

Three are being blocked by holds placed by anonymous Republican Senators. One has passed the Senate and is being held up by the Republican leadership in the House. I appeal, again, today to our Republican colleagues to stop holding these important bills hostage, remove your secret hold, or at least come forward and identify yourself and your concern so that we may debate and make bipartisan progress on these important legislative matters.

First is S. 1974, the FBI Reform Act, which I introduced with Senator GRASSLEY in February, after extensive oversight hearings.

This bill would strengthen the FBI in its fight against terrorism, and was reported unanimously by the Judiciary Committee in April of this year.

Since the attacks of September 11, and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. FBI reform was already important, but the terrorist attacks suffered by this country last year have imposed even greater urgency on improving the FBI. The Bureau is our front line of domestic defense against terrorists.

Even before those attacks, the Judiciary Committee's oversight hearings revealed serious problems at the FBI that needed strong congressional action to fix. We heard about a double standard in evaluations and discipline. We heard about record and information management problems and communications breakdowns between field offices and Headquarters that led to the belated production of documents in the Oklahoma City bombing case. Despite the fact that we have poured money into the FBI over the last 5 years, we heard that the FBI's computer systems were in dire need of modernization.

We heard about how an FBI supervisor, Robert Hanssen, was able to sell critical secrets to the Russians undetected for years without ever getting a polygraph. We heard that there were no fewer than 15 different areas of security at the FBI that needed fixing.

The FBI Reform Act tackles these problems with improved accountability, improved security both inside and outside the FBI and required planning to ensure the FBI is prepared to deal with the multitude of challenges we are facing.

Just over the past month, the FBI Director has referred to the Justice Department inspector general important matters about the handling of probative information like the Phoenix report before the 9-11 attacks. The FBI reform bill expands the Justice Department inspector general's authority to investigate all allegations of misconduct at the FBI. The FBI Reform Act also strengthens whistleblower protections for FBI employees who report misconduct to Members of Congress, as Minneapolis Field Office Agent Coleen M. Rowley did.

The FBI Reform Act also puts an end to statutory restrictions that contribute to the "double standard," where senior management officials are not disciplined as harshly for misconduct as line agents are. Agent Rowley complained about this double standard in her May 21 letter criticizing Bureau Headquarters about its handling of the Moussaoui case.

Just this week the Judiciary Committee held an extensive hearing with the FBI Director, the Department of Justice inspector general and Special Agent Rowley. Any doubts that this legislation is needed and needed without further delay had to be erased by their candid testimony.

The FBI Reform Act was unanimously reported by the oversight committee for the FBI and reflects our determination to make sure that the FBI is as good and strong as it can be, and, all the more today, given the higher stakes, as good and as strong as America needs the FBI to be. This reform bill is a long stride toward that goal. I urge the Republican Members who have blocked passage of this bill to come forward and identify themselves, to speak to Senator GRASSLEY and me about the importance of this legislation, and to share any concerns they may have so that we may proceed without further delay.

Last December I introduced S. 1770 to implement two antiterrorism treaties, the Terrorist Bombing Convention and the Suppression of the Financing of Terrorism Convention. The anti-terrorist bombing bill would bring the United States into immediate compliance with important international conventions signed by the United States under President Clinton's leadership.

The two antiterrorism treaties at issue were transmitted to the Senate for ratification by President Clinton in 1999 and 2000, but not acted upon until the Senate reorganized under a Democratic majority last summer.

The United States signed these treaties after the tragic terrorist bombings at the United States embassies in Kenya and Tanzania. Before control of the Senate changed hands, there was no action taken on these treaties in the Foreign Relations Committee. The antibombing treaty in particular sat in the Foreign Relations Committee for approximately 2 years without action during the Clinton administration when the Senate was under Republican control. Senator BIDEN deserves credit for acting quickly to report these treaties within weeks after he assumed chairmanship of the Foreign Relations Committee.

Yet even as Senator BIDEN was pushing to move the treaties themselves through the Senate, the Bush administration did not transmit proposed implementing legislation to the Judiciary Committee before or during the time that we were working together day and night to write the USA PATRIOT Act, the bipartisan antiterrorism legislation responding to the events of September 11. I remain puzzled why the administration felt that this measure should be separated from that effort.

Both treaties require the signatory nations to enact certain, precisely worded criminal provisions in their laws in order to be in compliance. That is what S. 1770, the Leahy bill, does. I introduced S. 1770, on December 5, 2001, shortly after passage of the USA PATRIOT Act, as a separate bill. This was the same day that the Senate agreed to ratify both treaties. I then tried to move the bill quickly through the Senate, but an anonymous Republican hold blocked passage.

Again this year I tried to move the bill through the Senate, but again there was an anonymous hold from the Republican side of the aisle which blocked its passage. Had there not been a hold placed on the bill last year, I am quite sure that we could have resolved any remaining issues in conference, as the Republican-controlled House was simultaneously passing its own version of my bill.

After the anonymous hold was placed on S. 1770 at the end of the last session, we received a letter from the Department of Justice in late January of this year about the bill.

The letter stated that the Department "support[ed] the legislation but recommend[ed] several modifications." None of the modifications which the Department recommended dealt with issues that were necessary for compliance with the treaties, the basic purpose of the bill. The Leahy bill would bring us into full compliance with those important obligations and take away any excuse from nations that are hesitant to cooperate in the war against terrorism.

The recent spate of horrible suicide bombings around the world and the fact that the convention prohibiting terrorist financing entered into force on April 10, 2002, demonstrate the pressing need for this legislation. As if that was not enough, last month the FBI Director warned that he believes that suicide bombings in the United States are "inevitable," bringing home the point that this legislation is required both to fight terrorism at home and abroad. Nevertheless, S. 1770 has been subjected to an anonymous Republican hold since December of last year.

In the post-September 11 environment it is almost beyond my understanding why any Member of this body would secretly obstruct passage of an important piece of antiterrorism legislation—yet here we are in June, blocked from compliance with two international terrorism treaties by a secret Republican hold.

The third bill is S. 864, the Anti-Atrocity Alien Deportation Act, which I introduced this year and was reported by the Judiciary Committee, with bipartisan support, to close loopholes in our immigration laws that have allowed war criminals and human rights abusers to enter and remain in this country.

I have been appalled that this country has become a safe haven for those who exercised power in foreign countries to terrorize, rape, murder, and torture innocent civilians. A recent report by Amnesty International claims that nearly 150 alleged human rights abusers have been identified living here, but warns that this number may be as high as 1,000.

Observers have noted the irony that in the wake of the September 11, 2001, attacks, hundreds of foreigners have been rounded up though not charged with any terrorism-related crime.

Yet at the same time, "hundreds, if not thousands, of foreign nationals who have been plausibly accused of the most heinous human rights crimes, including torture and assassination, either have lived or still live freely in the U.S." [William Schulz, "The Torturers Among Us," New York Review, p. 22, April 25, 2002.]

This bill would not only add the new grounds, but also expand current grounds, for inadmissibility and deportation, by barring those aliens who have engaged, outside the United States, in "torture" and "extrajudicial killing" and removing artificial limitations on the current grounds for exclusion for aliens who commit "genocide" and "particularly severe violations of religious freedom." This bill is important for the victims of these heinous crimes who seek refuge in this country and important for Americans to show that we will not tolerate perpetrators of genocide, extrajudicial killing and torture, living among us.

I urge the Republican Members who have blocked passage of this bill to come forward and identify themselves, to share any concerns they may have so that we may proceed without further delay.

I was pleased when the Senate did take up and pass the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 that I sponsored with Senators CAMPBELL, SCHUMER, CLINTON, and BIDEN.

Named for Chaplain Mychal Judge, who was killed while responding with the New York City Fire Department to the September 11 terrorist attacks on the World Trade Center, this legislation recognizes the invaluable service of police and fire chaplains in crisis situations by allowing for their eligibility in the Public Safety Officers' Benefit Program. Father Judge, while deemed eligible for public safety officer benefits, was survived by his two sisters who, under current law, are ineligible to receive payments through the PSOB Program. This is simply wrong and must be remedied.

Indeed, Father Judge is among 10 public safety officers who were killed on September 11, but who are ineligible for Federal death benefits because they died without spouses, children, or parents. This bill would retroactively correct this injustice by expanding the list of those who may receive public safety officer benefits to the beneficiaries named on the most recently executed life insurance policy of the deceased officer. This change would go into effect on September 11 of last year to make sure the families of Father Judge and the nine other fallen heroes receive their public safety officer benefits.

In addition, this bill would retroactively restructure the Public Safety Officers' Benefit Program to specifically include chaplains as members of the law enforcement and fire units they serve, and would make these chaplains eligible for the one-time $250,000 benefit available to public safety officers who have been permanently disabled as a result of injuries sustained in the line of duty, or to the survivors of officers who have died.

This measure is strongly supported by the National Association of Police Organization, the Fraternal Order of Police, and the American Federation of State, County and Municipal Employees.

Despite its Senate's passage and in spite of the fact that the House Judiciary Committee has favorably reported the House companion bill with bipartisan support to the House, the House Republican leadership has refused to follow through with passage of this measure. I urge the House Republican leadership to reconsider its decision and allow this important matter to proceed to final passage.

These bills are not alone in being blocked by anonymous Republican holds. Holds have been placed on other important bills that the Judiciary Committee has acted upon and reported favorably to the Senate. Let me just cite a couple examples: S. 2010, the Corporate and Criminal Fraud Accountability Act, which I introduced after the Enron debacle to restore confidence in our securities; S. 2179, the Law Enforcement Tribute Act, which was introduced by Senator CARNAHAN to help State and local police pay for memorials to honor fallen officers; and S. 407, the Madrid Protocol Implementation Act, to help American businesses better protect their intellectual property in the international marketplace.

In addition to the Mychal Judge Police and Fire Chaplains Public Safety Officers Benefit Act, many other Senate-passed are languishing in the House of Representatives. These include the Federal Judiciary Protection Act, S. 1099, which I cosponsored with Senator GORDON SMITH; the James Guelff and Chris McCurley Body Armor Act, S. 166, which was sponsored by Senator FEINSTEIN; and the TEACH Act, S. 487, which I sponsored with Senator HATCH. These bipartisan measures were passed by unanimous consent through the Senate last year, but have been held hostage without action in the House for too many months.

None of these 10 matters should be partisan, yet again and again, anonymous Republican holds have stopped Senate and congressional action. I appeal to my Republican colleagues in the Senate to lift their secret holds and to the Republicans in both Houses to stop obstructing these bipartisan bills, that are intended to protect our national security, our public safety, America's borders, and American businesses.

ADDITIONAL STATEMENTS

ENTREPRENEURS OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to Melissa Mabon and Brooke Savage, two of New Hampshire's Entrepreneurs of the Year. It is doubtless that their success is a tribute to their hard work and dedication.

As cofounders of Pragmatech Software Inc. in Amherst, Brooke and Melissa have built a company from conception into what it is today. Their business knowledge and planning have led them to build a company with no outside investment giving them greater flexibility with respect to management decisions. Pragmatech, which was founded in 1994, offers several services including an expert knowledge base that supports automated responses to "requests for proposals" and "form-based proposals." They also feature programs that assemble proposals, provide point-by-point responses to specifications, publish on the Web, and gauge the effectiveness of proposals, just to name a few.

It is my great pleasure and honor to represent Brooke and Melissa in the United States Senate and wish them all the best in future endeavors.•

TRIBUTE TO KENTUCKY RURAL HEALTH ASSOCIATION

• Mr. BUNNING. Mr. President, today I pay tribute to the Kentucky Rural Health Association. The Kentucky Rural Health Association recently held its annual conference in Frankfort, and I would like to take a few minutes today to voice my support for this organization. The Association is helping to shape and implement changes to improve the health of rural Kentuckians.

Since 1999, the Kentucky Rural Health Association has worked to create an equitable and effective health care environment, in terms of access and distribution, for rural Kentuckians. Their efforts in educating the public, empowering the people, and positively influencing government policy and legislation have been extremely beneficial to individuals and families throughout the Commonwealth.

While I regret that I was unable to attend their conference this year, I commend all the members of the association for safeguarding Kentucky's right to affordable and accessible health care. Adequate healthcare is critical to improving an individual's quality of life, and I urge them to continue their hard work on behalf of rural Kentuckians.•

COMMENDING STUDENTS FROM MASSABESIC HIGH SCHOOL

• Ms. COLLINS. Mr. President, I rise today to recognize the accomplishments of an outstanding group of young people from Massabesic High School in Waterboro, ME. This group of 20 students represented Maine in the national finals of "We the People . . . The Citizen and the Constitution" in Washington, DC, May 4–6, 2002. The students from Massabesic High School demonstrated teamwork and dedication to reach this milestone and represented Maine ably and with determination. During the competition, students from 50 classrooms across the country put their skills to the test demonstrating their understanding of the values and ideas embodied in American constitutional government.

I would like to recognize the participating students, Allie Auger, Kirsten Benham, John Blow, Selina Carter, Alyssa Daniels, Scott Doyle, Brian Dupee, Kaleigh Gerity, Tucker Gilman, Matt Kimball, Matt Krueger, Aaron Libby, Eric Matheson, Bri Morin, Glen Petrarca, Meghan Roubo, Joe Rousseau, Jason Roy, Courtney Strout, and Dawn Theriault for their persistence, dedication, and drive. I also stand to recognize the dedication and work of their teacher, Joseph Wagner, the district coordinator, David Ezhaya, and the state coordinator, Julia Underwood.

I am very proud to recognize the efforts and accomplishments of this exceptional group of students from Maine and bring their achievement to the attention of the Senate.•

TRIBUTE TO MAVERICK LEZAR

• Mrs. HUTCHISON. Mr. President, I rise today to acknowledge the achievement of Maverick Lezar, a fourth grade student at the Hockaday School in Dallas, TX. Maverick wrote a wonderful poem that earned first place in the 2002 Poetry Society of Texas contest. Annually, the Poetry Society sponsors a Poetry in Schools contest which is open to any Texas student from first grade through college. This contest recognizes and encourages talented students and fosters their creativity as aspiring writers and poets.

Maverick Lezar's award winning poem, "God Bless Me," speaks to the strength and spirit of America. It serves as a striking reminder of the beauty in our Nation's physical landscape as well as the ideals for which America stands.

I am as powerful as the burning sun.
I am as brave as the cobra standing tall.
I am as brilliant as a gold carriage glinting in the sun.

God bless me,
I am the thing that makes you free.

I am as strong as a bald eagle soaring high.
I am as gentle as the lovebird's song.
I am as beautiful as the weeping willow's sway.

God bless me,
I am the thing that makes you free.

Call me and I'll listen.
Listen and I'll call.
I echo through the mountains.
I whisper through the fields.
I sing through the river.
I yell across the hills.
Wherever you go
Whatever you see
There will always be at least
A little bit of me.

I am America
The proudest of them all. •

CONGRATULATING THE GIRL SCOUTS ON 90 YEARS OF ACHIEVEMENT

• Mr. CAMPBELL. Mr. President, 90 years ago on March 12, 1912, the first troop of 18 Girl Scouts met in the United States. To date, there are nearly 4 million girls and adults who are part of this extraordinary program.

Today, at the Denver Zoo in my home State of Colorado, Girl Scouts, their families, and others interested in scouting will be celebrating this 90th anniversary with hands-on activities and a variety of entertainment. I would like to congratulate the Mile Hi Council of the Girl Scouts on this historic achievement and wish them all the best during today's celebration. What a fantastic way to share the efforts of the Girl Scouts nationwide.

Throughout the 20th century, the Girl Scouts have been a visible force behind efforts to serve people in times of national unrest. During World War I, they sold war bonds and collected peach pits for the manufacturing of gas mask filters. Girls collaborated to learn about food preservation and conservation by canning fruits and vegetables.

When the Great Depression hit, troops of Girl Scouts led community relief efforts to provide the things necessary for basic survival. They collected food and prepared meals for the poor, carved wooden toys for children, and assisted in hospitals to treat those in need of medical care.

By the 1940s, women's involvement in our national security was on the rise after the bombing of Pearl Harbor, and many women were taking over positions once dominated by men. The Girl Scouts led the vanguard of young women who were interested in helping those enlisted overseas as well as those trying to maintain a sense of normalcy here in the United States. They collected over 1 million articles of clothing for victims of war overseas, and put in numerous hours dedicated to farm aid projects. Additionally, they were part of efforts to teach women survival skills during raids and blackouts.

The Girl Scouts have left their mark on endeavors to improve social climate. In 1952, Ebony Magazine reported on their "progress toward breaking down racial taboos." They launched a campaign in the sixties to encourage girls to respect every aspect of themselves and to get to know others who are fundamentally different whether it be by race, national origin, or religion.

In the last 20 years, the Girl Scouts have worked together to tackle issues plaguing society's well-being, such as drug addiction, violent crime, environmental destruction, and the AIDS epidemic. Through collaborative work with the government and local communities, girls have promoted the positive influences of literacy, personal health, and individual responsibility.

Now more than ever, we are looking to our young people for a collective face of hope and prosperity for this Nation's future. We have witnessed the vulnerability of human life, but know the strength of collective effort and the potential for individual integrity. Our national security and viability as a community depends on this strength.

However, recent reports indicate that girls are less likely to pursue careers in math, science, or technology—fields vital to our progress in this global economy. Sometime during their teen or preteen years, many girls lose their zest in the classroom and, unfortunately, conform to attitudes that boys are inherently better in math and science.

The Girl Scouts are, again, at the forefront of this issue by confronting the disparity head on. They have collaborated with the National Science Foundation to provide opportunities for girls interested in studying wildlife and environment in Antarctica. In addition, they have created programs to provide girls with hands-on technology training, computer science skills, and access to information on physics and engineering. Most importantly, the Girl Scouts give girls tools to close the gender gap and the confidence to succeed in these traditionally male-dominated fields.

The Girl Scouts have fostered an environment *Where Girls Grow Strong*—their modern mantra. But, while the activities of the Girl Scouts may change over the years, its commitment to young women nationwide is resolute. By encouraging personal responsibility, social awareness, community service, and individual freedom, the Girl Scouts have shaped the physical and mental well-being of young women everywhere.

Thank you for allowing me to congratulate the Girl Scouts on 90 years of exceptional achievement. I ask my colleagues to join me in wishing them all the best in the years to come, and in giving a "Mile Hi" salute to the Girl Scouts celebrating today in Denver and throughout the Nation.

I ask that the Girl Scout Law be printed in the RECORD.

The material follows:

THE GIRL SCOUT LAW

I will do my best to be
honest and fair
friendly and helpful,
considerate and caring,
courageous and strong, and
responsible for what I say and do,
and to
respect myself and others,
respect authority,
use resources wisely,
make the world a better place, and
be a sister to every Girl Scout.•

A TRIBUTE TO ENTREPRENEUR OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to an outstanding businessman, Robert Scott, on receiving New Hampshire Entrepreneur of the Year. His outstanding business practices and understanding have no doubt brought him to this place.

Scott cofounded Octave Communications in 1998 with audio conferencing in mind. Since then, the systems that have been produced include the newest model that allows for wireless voice conferencing. With many more options available Octave offers browser-based scheduling, management and control for reservation-less conferencing over traditional public switched telephone networks and Voice over Internet Protocol Networks. Scott's effort has paid off in the growth of an up and coming company that is sure to make its mark on New Hampshire.

It is always my distinct honor and privilege to represent fine businessmen like Robert Scott in the United States Senate.●

TRIBUTE TO ED LAWRENCE, WILDLIFE ARTIST WORKING TO HELP U.S. SOLDIERS

● Mr. GRASSLEY. Mr. President, now, more than ever, Americans are expressing their patriotism. Patriotism means different things to different people, but for some, like Ed Lawrence, patriotism comes through his "determination" to help others.

Mr. Lawrence, a wildlife artist from McGregor, IA, is a retired game warden and a U.S. Air Force veteran. After hearing President George W. Bush's address to the Nation following the September 11 attacks, Lawrence was moved into taking action. Although unsure of what contribution he could make, he retreated to his studio and began to sketch. Out of his sketches rose images of the American bald eagle with the Stars and Stripes waving behind it. These heart-felt images became the foundation for Mr. Lawrence's work, "Determination."

With "Determination," Mr. Lawrence was able to give back to the nation. At the end of last year, Mr. Lawrence devoted his energy to the Grant Wood Chapter of the Red Cross in Cedar Rapids. From the proceeds of his "Determination" prints, the group was able to pay the shipping costs of care packages sent to troops on hardship assignments in Saudi Arabia, Bosnia, Kosovo, Kuwait and Uzbekistan. The care packages were meant to send a bit of home abroad and included puzzles, games, footballs, microwave popcorn, toiletries, gum and magazines, among other items to boost the troops' morale.

In addition to covering the costs of sending out the care packages, Mr. Lawrence created 911 numbered prints as a special tribute to U.S. troops. He donates these prints to various community group fundraisers. The limited edition prints go to groups willing to sell a print in support of the Grant Wood Chapter's project.

U.S. Armed Force bases that receive donations also receive a special copy of "Determination." Numbered prints were reserved for Veterans Administration hospitals in Iowa City and Des Moines, and a copy was presented on the floor of the Iowa House at the Iowa State Capitol.

Mr. Lawrence is hoping to take the project nationwide and is working with the Veterans of Foreign Wars, the American Legion, and the American Red Cross to do just that. He and his wife, Chris, have made appearances nationwide to promote the project and received warm responses, as they should.

The "determination," of Ed Lawrence to spread patriotism and promote morale nationwide and across the seas has lifted the spirits of troops and civilians alike. Thank you, Mr. Lawrence, for setting such a positive and patriotic example for fellow Iowans and Americans to follow.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2143. An act to make the repeal of the estate tax permanent.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 4800. An act to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

H.R. 4823. An act to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2143. An act to make the repeal of the estate tax permanent.

S. 2600. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself, Mr. SARBANES, Mr. SCHUMER, and Mr. REID):

S. 2600. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; read the first time.

By Mr. SANTORUM:

S. 2601. A bill to suspend temporarily the duty on thiophanate-methyl; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 677

At the request of Mr. BREAUX, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 813

At the request of Mr. SANTORUM, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 813, a bill to amend title XVIII of the Social Security Act to increase payments under the medicare program to Puerto Rico hospitals.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1311

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1311, a bill to amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

S. 1483

At the request of Mr. WELLSTONE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1483, a bill to amend Family Violence Prevention and Services Act to reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children and provide appropriate services for children and youth experiencing or exposed to domestic violence, sexual assault, or stalking.

S. 1828

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1828, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 2006

At the request of Mr. GRAHAM, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2006, a bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit.

S. 2425

At the request of Mr. BAYH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2425, a bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism.

S. 2512

At the request of Mr. HARKIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2552

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2552, a bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education.

S. 2596

At the request of Mrs. BOXER, the names of the Senator from New York (Mrs. CLINTON), the Senator from Florida (Mr. NELSON), the Senator from Rhode Island (Mr. REED), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. AKAKA), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2596, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3807. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes.

TEXT OF AMENDMENTS

SA 3807. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended—

(1) by inserting "and prosecutor" after "increase police"; and

(2) by inserting "to enhance law enforcement access to new technologies, and" after "presence,".

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after "Nation" the following: ", or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community policing efforts"; and

(ii) by striking "and" at the end;

(B) in subparagraph (C)—

(i) by striking "or pay overtime,"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education."; and

(2) in paragraph (2), by striking "Grants pursuant to" and all that follows through "paragraph (1)(A) and (B)." and inserting "Grants pursuant to—

"(A) paragraph (1)(B) for overtime, may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

"(B) paragraph (1)(C), may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

"(C) paragraph (1)(D), may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.".

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting "integrity and ethics" after "specialized"; and

(B) by inserting "and" after "enforcement officers";

(2) in paragraph (7), by inserting ", school officials, religiously-affiliated organizations," after "enforcement officers";

(3) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;";

(4) in paragraph (10), by striking "and" at the end;

(5) in paragraph (11), by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following:

"(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.".

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting "use not more than 5 percent of the funds appropriated under subsection (a) to" after "The Attorney General may"; and

(B) by inserting at the end the following: "In addition, the Attorney General may use not more than 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and other public and private entities for those respective purposes.";

(2) in paragraph (2), by inserting "under subsection (a)" after "the Attorney General"; and

(3) in paragraph (3)—

(A) by striking "the Attorney General may" and inserting "the Attorney General shall";

(B) by inserting "regional community policing institutes" after "operation of"; and

(C) by inserting "representatives of police labor and management organizations, community residents," after "supervisors,".

(e) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by striking subsection (k);

(2) by redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) by striking subsection (e) and inserting the following:

"(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help—

"(1) improve police communications through the use of wireless communications, computers, software, videocams, databases, and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

"(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

"(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information, including non-criminal justice data, to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

"(f) COMMUNITY-BASED PROSECUTION PROGRAM.—

"(1) IN GENERAL.—Grants made under subsection (a) may be used to assist State, local, or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts.

"(2) USE OF FUNDS.—Funds made available under this subsection may be used to—

"(A) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to—

"(i) handle cases from specific geographic areas;

"(ii) address specific violent crime and other local crime problems, including intensive illegal gang, gun, and drug enforcement projects and quality of life initiatives; and

"(iii) address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

"(B) redeploy existing prosecutors to community prosecution programs described in subparagraph (A), by hiring victim and witness coordinators, paralegals, and community outreach and such other personnel; and

"(C) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

"(3) RESERVATION OF FUNDS.—Not less than 75 percent of the funds made available under this subsection shall be reserved for grants under subparagraphs (A) and (B) of paragraph (2), and of that amount—

"(A) not more than 10 percent may be used for grants under paragraph (2)(B); and

"(B) not less than 25 percent shall be reserved for units of local government with a population of less than 50,000.".

(f) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended by adding at the end the following:

"(d) RETENTION GRANTS.—The Attorney General may use not more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to grantees that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).".

(g) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended by inserting after "criminal laws" the following: ", including sheriffs deputies who are charged with supervising offenders who are released into the community and are also engaged in local community policing efforts.".

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems, including gang and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;";

(B) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention or intervention programs within the schools;";

(C) in subparagraph (F), by striking "and" at the end;

(D) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking "There" and all that follows through "2000." and inserting the following: "There are authorized to be appropriated to carry out part Q, to remain available until expended—

"(i) $1,150,000,000 for fiscal year 2003;

"(ii) $1,150,000,000 for fiscal year 2004;

"(iii) $1,150,000,000 for fiscal year 2005;

"(iv) $1,150,000,000 for fiscal year 2006;

"(v) $1,150,000,000 for fiscal year 2007; and

"(vi) $1,150,000,000 for fiscal year 2008."; and

(2) in subparagraph (B)—

(A) in the first sentence—

(i) by striking "up to 3 percent" and inserting "not more than 5 percent"; and

(ii) by striking "1701(f)" and inserting "1701(g)";

(B) by striking the second sentence and inserting "Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, not less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and not less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000."; and

(C) in the third sentence—

(i) by striking "at least 85 percent" and inserting "not less than $600,000,000"; and

(ii) by striking "1701(b)," and all that follows through "of part Q." and inserting the following: "subsections (b) and (c) of section 1701, not less than $350,000,000 shall be applied to grants for the purposes specified in section 1701(e), and not less than $200,000,000 shall be applied to grants for the purposes specified in section 1701(f).".

PRIVILEGE OF THE FLOOR

Mr. AKAKA. Mr. President, I ask unanimous consent that privileges of the floor be granted to Seema Balwani, a congressional fellow in my office, during today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2600

Mr. REID. Mr. President, S. 2600, introduced today by Senator DODD and others is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant bill clerk read as follows:

A bill (S. 2600) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

Mr. REID. Mr. President, I now ask for its second reading, but I object to my own request on behalf of the Republicans.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

Mr. REID. Mr. President, this effort to move this legislation forward has been going on since December. We have tried on many occasions to get the minority to agree on coming forward and agreeing to a unanimous consent request so that we can move forward in this body to pass terrorism insurance. We have been unable to do that. We have tried in many different ways to do that. We have had the basic bill with two, three, five amendments. We have been very willing to work with them in any way to move this forward.

The real estate industry, the insurance industry, and builders all over the country are desperate for this insurance. After September 11, many businesses all over the country have been unable to go forward with construction projects. So I hope this rule 14 on which we have just moved will allow us to have this legislation brought before the Senate, and we believe we have agreed to come forward with a bill. Some believe there should be tort reform. We have agreed in the underlying legislation that we would agree there should not be punitive damages for the money the Government puts forward. We have agreed to that. A lot of our constituents don't like that. We have consented to that.

If people believe more should be done, let them offer an amendment. We can agree to a time agreement or not, but this legislation is very important to the economic viability and vitality of this country. I hope this effort will not be thwarted. This legislation has been pushed by Senators DODD, SARBANES, and SCHUMER, and it will go forward.

MEASURE READ THE FIRST TIME—H.R. 2143

Mr. REID. Mr. President, I understand that H.R. 2143 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant bill clerk read as follows:

A bill (H.R. 2143) to make the repeal of the estate tax permanent.

Mr. REID. Mr. President, I ask for its second reading, but I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today until 2 p.m. for the introduction of legislation and submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 10, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, June 10; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each with the time divided between the two leaders or their designees; that at 3 p.m., the Senate resume consideration of S. 625; further, that the live quorum with respect to the cloture motion filed earlier today be waived and that Senators have until 3 p.m. on Monday, June 10, to file first-degree amendments to the hate crimes legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next vote will occur on Monday at about 5:45 p.m.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JUNE 10, 2002

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:40 p.m., adjourned until Monday, June 10, 2002, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 2002:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CAROLYN Y. PEOPLES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE EVA M. PLAZA, RESIGNED.

UNITED STATES INTERNATIONAL TRADE COMMISSION

CHARLOTTE A. LANE, OF WEST VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2009, VICE DENNIS M. DEVANEY.

DEPARTMENT OF STATE

CHARLES AARON RAY, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

DEPARTMENT OF JUSTICE

MARK MOKI HANOHANO, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS, VICE HOWARD HIKARU TAGOMORI.

MICHAEL LEE KLINE, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE G. RONALD DASHIELL, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

SHARON G. HARRIS, 0098

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

NICOLA A. *CHOATE, 4102
KEVIN P. *CONNOLLY, 7028
NICHOLAS G. *VIYOUH, 0795

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KATHLEEN N. ECHIVERRI, 0445
JEFFREY E. HAYMOND, 8972

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

MARVIN P *ANDERSON, 1949
JAMES W *BAIK, 6213
MARK R *BENNE, 0905
STEVEN A *BROWN, 0079
LILLIAN M *CONNER, 0458
JOSEPH S *COWARD, 5630
DAVID *FERGUSON, 6171
MARK R *GLEISNER, 8444
DAVID B *HEMBREE, 3446
WALTER A *HENRY, 6147
JEFFREY A *HODD, 4196
VALERIE E *HOLMES, 8902
LARRY D *HONEYCUTT, 3461
JOHN D *KISELLA, 6096
CHRISTOPH I *LANGER, 8067
SUNG Y *LEE, 3212
TERRY S *LEE, 1303
TROY *MARBURGER, 9954
SAMUEL A *PASSO, 2301
MINAXI I *PATEL, 0733
GRANT A *PERRINE, 0228
MARK J *PIOTROWSKI, 6207
GREGORY W *SILVER, 3484
DAVID C *SMISSON JR., 3680
ROBERT R THRASHER, 6819
CRAIG P *TORRES, 7782
FRANKLIN E *TUTTLE, 0371
JOSEPH W *VARGAS, 4051
PAUL J *VIZGIRDA, 7066
KENNETH O *WYNN, 2285

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

JOHN G ANGELO, 1533
CHRISTINA C *APODACA, 3642
JON E *BALDWIN, 5684
RAJAT *BANNERJI, 0333
CLIFFORD J *BELDEN, 0816
CHRISTINA M *BELNAP, 4920
DAVID M BENEDEK, 5796
PETER J BENSON, 6789
ANTHONY M *BEVILACQUA, 0022
NANCY B *BLACK, 2679
JEREMY R *BLANCHARD, 0472
JOHANNES V *BLOM, 4027
EDWARD H *BOLAND, 9631
RONALD H *BRANNON, 4083
STEVEN J BREWSTER, 6141
JEREMIAH *BROWN JR., 3844
ADRIENNE M *BUGGS, 0442
JAMES H *BURDEN JR., 3257
MARK R *BUSH, 5091
JOHN *CARAVALHO, 8145
THOMAS *CARMODY, 6532
SCOTT K CARTER, 5192
MELINDA A *CAVICCHIA, 3967
PAUL T *CHAN, 0943
ARTHUR B CHASEN, 0776
BRUCE *CHEN, 8524
KENNETH H CHO, 9538
JONG H *CHOI, 0213
MARK Y *CHU, 1360
KENDALL R *CLARK, 0083
JEFFREY L *CLEMONS, 8620
RODNEY L *COLDREN, 6896
LOUIS C *COYLE, 5622
JOHN D *CROCKER, 7289
JANIS K CROLEY, 8302
BRIAN M *CUNEO, 2273
THOMAS K *CURRY, 8054
KAREN L DELLAGIUSTINA, 4466
ARTHUR J *DELORIMIER, 2066
MARC P *DIFAZIO, 0790
ERIN A *DOE, 3194
DANIEL J *DONOVAN, 8470
DAVID A DORSEY, 9378
ANDREW A *DUERR, 3157
WILLIAM J *EDENFIELD, 7419
NATHAN S *ELLIS, 9981
JOSEPH M *ENDRIZZI JR., 4267
MICHAEL A *ESLAVA, 6657
ERIC T *FAJARDO, 7865
BRETT C *FOUSS, 6563
RONALD M *FRYE, 5852
JAMES L *FURGERSON, 5940
ERICH M GAERTNER, 7552
ROGER A *GALLUP, 0800
DEAN A *GANT, 3159
DANIEL J *GAVIN, 8752
ROBERT T *GERHARDT, 5276
DOMINGO P *GONZALEZ, 6180
DANIEL S GORDON, 4319
JOSH L *GORDON, 7586
KURT W GRATHWOHL, 0405
DARREN F GRAY, 2084
FERNANDO B *GUERENA, 3713
JAMES A *HALL, 0027
ELIZABETH G *HANCOCK, 3529
LORI E *HARRINGTON, 0491
MARK D *HARRIS, 6532
BENJAMIN P *HARRISON, 4416
JOHN E *HARTMANN, 1098
ALLAN C *HAYS, 0007
ERIC R HELLING, 6623
JAVIER *HERNANDEZ, 9581
BENJAMIN A *HILL, 9196
THOMAS K *HIROTA, 6798
DAVID *HOANG, 4554

MICHAEL C *HODGES, 1514
CHARLES M HOLLCRAFT, 5022
PEYTON H *HURT, 3733
ROBERT G *IRWIN, 2628
DANIEL W *ISENBARGER, 0768
JOHN I *ISKANDAR, 8706
RICHARD B *ISLINGER, 2972
LESLIE W *JACKSON, 7105
JOHN A *JIULIANO, 2338
JEFFREY J *JOHNSON, 2947
MICHAEL W JOHNSON, 6449
RINNA C JOHNSON, 3837
WAYNE A *JOHNSON, 5445
BOBBY W *JONES, 2736
ROBERT A *JOY, 1388
ROHIT K *KATIAL, 7116
JOHN J *KELEMEN, 9897
NICHOLAS M *KOMAS, 5825
KENNETH G *KOSCHNITZKI, 9475
ANDREW J KOSMOWSKI, 0973
RICHARD K *KYNION, 2892
ROBERT C *LADD, 2614
RAYMOND S LANCE, 4546
JOHN D *LANE, 2078
THOMAS M *LARKIN, 4069
WILLIS T *LEAVITT, 6089
KENNETH M *LECLERC, 6598
SARAH L *LENTZ, 0872
ALLEN J *LEVY, 3676
MICHAEL D *LEWIS, 9900
KENNETH K LINDELL, 8894
THOMAS R *LOVAS, 7095
WENDY *MA, 3052
CHRISTIAN R MACEDONIA, 8930
MICHAEL S MACHEN, 7619
MAMMEN P *MAMMEN JR., 7939
RODRIGO A *MARIANO, 4233
STEPHEN N *MARKS, 7388
WILLIAM H *MARSHALL, 6463
TARAS W *MASNYK, 8924
MARY K MATHER, 0443
CAL S *MATSUMOTO, 9756
GEORGE L *MAXWELL, 4309
THOMAS E MCCROREY, 7420
GARNER P *MCKENZIE, 6828
EDWARD C *MICHAUD III, 6033
DANIEL R MILLER, 2719
CAROL A MOORES, 2060
ERIC D *MORGAN, 7498
ROBERT E *MORGAN, 7830
CHET A *MORRISON, 0887
MICHAEL P *MULREANY, 9307
FLETCHER M *MUNTER, 9203
KELLY A MURRAY, 4989
CHARLES S *NEEDHAM, 9712
BRADLEY J *NELSON, 4471
DENNIS D NICHOLS, 2421
GILBERT A *NOIROT, 5448
JAMES M *NOLD, 6345
GREER E *NOONBURG, 7589
KEVIN C *OCONNOR, 2660
KEN OKADA, 5793
ERIC W *OLINS, 3171
HOLLY L *OLSON, 0317
PATRICK G *OMALLEY, 7488
DAVID G *OMDAL, 6363
DANIEL *PAK, 6532
DANIEL E PARKS, 8631
PAUL F PASQUINA, 5074
JAMES F *PEHOUSHEK, 3563
ANDRE M *PENNARDT, 5486
ROBERTO *PEREZNIEVES, 2844
JOSEPH L *PERRY, 1452
KRIS A PETERSON, 4409
RICHARD P *PETRI JR., 4211
MICHAEL L PLACE, 9716
GLEN J *POFFENBARGER, 6436
GLENN G *PRESTON, 1018
DOUGLAS P *PREVOST, 6404
JAMES M *PTACEK, 1564
MARTIN G *RADVANY, 8311
TIMOTHY D *RANKIN, 2883
MARK M REEVES, 0895
MICHAEL J *RENSCH, 0205
VERONICA J *ROOKS, 5577
MARK A *SARGENT, 3549
DANIEL J SCHISSEL, 4632
MICHAEL J SERWACKI, 8718
ANNE B SHROUT, 1569
ERIC E SHUPING, 2887
HYUN S *SIM, 5047
REGINALD T *SINGLETON, 8124
NEIL H *SITENGA, 4711
DOUGLAS W *SODERDAHL, 6870
JOHN J *STASINOS, 9252
ALEXANDER STOJADINOVIC, 8419
MICHAEL J SUNDBORG, 3577
DONALD L TAILLON, 5050
CHARLES L *TAYLOR, 2835
BENJAMIN A *THOMPSON, 8107
LENHANH P *TRAN, 6883
KENNETH TRZEPKOWSKI, 4635
MANUEL VALENTIN, 9091
DAVID P VETTER, 3431
DALE L *WALDNER, 9629
CRAIG R *WEBB, 1687
JEFFREY W *WEISER, 7010
PAUL W WHITECAR, 0759
ANDREW R *WIESEN, 4009
LANCE R *WILLIAMS, 5763
RICHARD K WINKLE, 9323
KEITH J WROBLEWSKI, 8496
VIRGINIA D *YATES, 9929

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT A. MASON, 7288

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD E. HUMSTON, 5826
GLEN A. NEWTON, 3939
DWIGHT D. RIGGS, 9156

EXTENSIONS OF REMARKS

HONORING THE LAO-HMONG PEOPLE FOR THEIR LOYALTY AND FRIENDSHIP

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today on behalf of the Lao-Hmong American Coalition to thank my colleagues in both the House and Senate for their unanimous vote in favor of a National Lao-Hmong Recognition Day. Mr. Yang Chee, president of the Lao-Hmong American Coalition, has asked me to relay his own deep gratitude to the United States Congress for passing this historic proclamation.

During the Vietnam War, the Lao-Hmong people were one of this country's most loyal allies. They fought alongside U.S. soldiers against the communists and the North Vietnamese, sacrificing their lives for freedom and democracy. Many of these brave people now call the United States their home, becoming an integral part of American society. I would like to take this opportunity to thank Mr. Chee and all of the Lao-Hmong people for their dedication to this country and its ideals.

Mr. Speaker, the resolution proclaiming National Lao-Hmong Recognition Day was passed unanimously through both houses of Congress. Once again, I thank my colleagues for their support, and it is my hope that President Bush will join us in expressing the gratitude of this nation to the Lao-Hmong people.

This long-overdue day of recognition will take place in July. May it promote a sense of understanding and appreciation for the sacrifices made in the name of freedom and democracy. I urge all Americans to take a moment on this day to thank our brave and loyal friends, the Lao-Hmong.

RECOGNIZING THE SUCCESS OF HMSHOST OF BETHESDA, MARYLAND

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to recognize and celebrate the expansion of HMSHost in Bethesda, Maryland, and to commemorate its commitment to the State of Maryland. This 100-year-old company is the fifth largest company by revenues in Montgomery County, Maryland, and it is greatly expanding its operations in the County.

HMSHost's presence in Maryland remains strong despite the travel slowdown resulting from events related to September 11th. Operating in 74 airports worldwide, HMSHost is the world's largest food, beverage, and retail concessions provider to the travel industry with revenues of $1.6 billion and a total of 26, 000 employees. The company serves 350 million customers a year and is top ranked by the International Air Transportation Association for concessions programs.

The success of HMSHost is due to the hard work of its associates, the leadership of John J. McCarthy, and the outstanding service that the company provides to travelers throughout the world. In its operations at Baltimore-Washington International Airport and Maryland Turnpike travel plazas, the company has delivered quality food, beverages, and merchandise to more than one hundred and fifty million travelers.

Our state is well served by the presence of HMSHost.

H.R. 4737

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in opposition to H.R. 4737 in its current form. The bill the proponents have brought to the floor today is totally inadequate in regard to family child care. H.R. 4737 puts families in an entirely untenable position between their desire and need to work, on the one hand, and their need for quality child care during their working hours, on the other hand. In addition, the bill places very costly, unfunded mandates on the states.

Currently, an estimated 15 million children in America who are eligible for child care assistance lack coverage because states do not have the financial resources. Many states are facing budget deficits arising from the recession of 2001–2002. In my home state of Connecticut, for example, the government is already experiencing a deficit in excess of $500 million dollars, and, accordingly, child care assistance for low-income families who have been off welfare for 2 or more years has already been frozen. Even worse, as of June 1, Connecticut will no longer be able to provide child care assistance to families just leaving welfare. Regardless of income, they will not receive any child care assistance at all.

The unfunded mandates created in this bill add to the states' child care burden without providing the resources required to meet this critical need. Indeed, the child care funding in H.R. 4737 is barely enough to keep up with inflation, never mind provide for the roughly 35 percent increase in work hours called for in this bill.

CBO estimates that the unfunded mandates in this bill will require states to spend an additional $11 billion dollars over the next 5 years. Of that $3.8 billion dollars is mandated for child care—four times more than the proponents are willing to provide. Connecticut's share will be $66.5 million over 5 years, substantially adding to Connecticut's deficit.

The bill's proponents may say that they support child care, but their rhetoric is meaningless when they don't provide the necessary resources.

Without providing more money for child care, this bill will:

Keep families and states from meeting the new welfare requirements.

Keep children from reaching school ready to learn.

Keep families from getting and keeping jobs.

Keep increasing state deficits and financial problems.

And, most regrettably, keep families from getting off and staying off welfare—defeating the very purpose of this legislation.

Work is critically important, and I support strengthening the welfare work requirements, just as I supported the original passage of welfare reform in 1996. That's not the issue. The issue is: more work requires more child care. All working parents know that you can't keep a job without also having child care. Yet that's what the proponents of this bill ask families, and our states, to do.

My motion to recommit would help more working families afford quality child care, so that parents can be employed and their children can learn. Specifically, this motion to recommit adds an additional $11 billion over 5 years to meet the unfunded mandates of this bill. This will allow states to provide child care for the approximately 80 percent of eligible families who are currently on waiting lists, and it will allow states to provide child care for the families who will be moving to work or expanding their work hours under this legislation.

I support strengthening work requirements, but we must provide families with appropriate child care resources to allow parents to increase their time at work without leaving a child home alone.

I urge my colleagues to vote yes on this motion to recommit, so that the bill can be returned to us containing the child care funding it, our families, and our states, so clearly need.

HONORING DR. ELLEN CAMPBELL FOR A LIFETIME OF ACHIEVEMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Ms. DELAURO. Mr. Speaker, It gives me great pleasure to rise today to join the Marymount College family in congratulating Dr. Ellen Campbell as she is honored with their Lifetime Achievement Award. An outstanding educator, dedicated colleague, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dear friend, this award is a reflection of her many contributions both professionally and personally.

This year marks her fiftieth reunion year as an alumna and you will find many who remember Dr. Campbell in at least one of the many roles she assumed at Marymount. Whether at the Tarrytown campus or in London with the Study Abroad program, Dr. Campbell touched the lives of thousands of Marymount students. An alumna myself, I have many fond memories of Dr. Campbell when I was studying in London. An educator and administrator, Dr. Campbell willingly dedicated her time and energy to ensure that her students obtained the knowledge and skills they needed to succeed in their adult lives.

A professor of English, Academic Dean and Coordinator of the London Study Abroad program, Dr. Campbell was the driving force behind many of Marymount's successful programs. In England, she dedicated much of her time to establishing the college's connections with the University of London and developing the drama program in cooperation with the Royal Academy of Dramatic Art. Upon her return to the States, she involved herself with the programs for working adults, quickly becoming a strong and vocal advocate for their causes.

After leaving Marymount, Dr. Campbell assumed a position with Woodbury University in Burbank, California. Realizing that adults wanting to return to college needed some flexibility, her time in California was spent coordinating and establishing Weekend Colleges at Woodbury University and Mount Saint Mary's College. Her efforts, in New York and California have allowed thousands of working adults to obtain degrees in higher education.

Even retirement has not stopped Dr. Campbell's seemingly tireless energy. She has continued as a consultant for Woodbury University, has been active in arranging study/travel programs for schools and colleges, and frequently teaches short courses in the Weekend College at Mount St. Mary's College. An active member of the Beaumont Public Library, she used her background in education to the community's benefit by establishing a literacy program. She is a tremendous asset to her community and for those of us who have known her—whether professionally or personally—we consider ourselves fortunate indeed.

I am deeply honored to rise today and join the friends, alumni, faculty and administration of Marymount College in extending my sincere thanks and appreciation to Dr. Ellen Campbell for her unparalleled commitment and dedication—past, present and future—as she is awarded this year's Lifetime Achievement Award. What an indelible mark she has left on us all.

IN RECOGNITION OF TOP STUDENT HISTORIANS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize an outstanding history program in Colorado and throughout the United States. National History Day is a year-long nonprofit program through which students in grades 6–12 research and create historical projects related to a broad theme, culminating in an annual contest. This year's National History Day theme, "Revolution, Reaction, Reform in History," encompasses endless possibilities for exploration. Each year more than 700,000 students participate in this nationwide event that encourages students to delve into various facets of world, national, regional, or local history and to produce original research projects.

By encouraging young Coloradoans to take advantage of the wealth of primary historical resources available to them, students are able to gain a richer understanding of historical issues, ideas, people and events. Students in this program learn how to analyze a variety of primary sources such as photographs, letters, posters, maps, artifacts, sound recordings and motion pictures. This significant academic exercise encourages intellectual growth while helping students to develop critical thinking and problem solving skills that will help them manage and use information.

I want to congratulate the outstanding accomplishments of the following students that will represent Colorado at the National History Day national contest, June 9–13 at the University of Maryland: Barbara Bragaglia, Darcy Evans, James Norton, Megan Fong, Emily Gu, Lili Mundle and Masha Godina.

Their respective teachers also deserve our respect today. They have proven that excellent teaching must go beyond the 8 to 3 school day. Leigh Campbell-Hale of Fairview High School and Andy Aiken of Boulder High School are fine examples of the best in the teaching profession. Their encouragement and dedication has encouraged these students to strive to excellence and be successful in their endeavors. I would also like to thank Nancy Brown, State Coordinator of Colorado History Day, for all her hard work on behalf of these students.

These impressive students represent educational excellence in America. Every student in Colorado should have the opportunity to participate in this enriching experience. I commend the coordinator of our state program and the Department of History at the University of Colorado at Boulder for their commitment to expanding History Day in Colorado. The National History Day program is truly a great asset to Colorado educators for instilling academic curiosity in our youth.

AFTER 57 YEARS, BOB BRAEGER TO RECEIVE DISTINGUISHED FLYING CROSS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. KLECZKA. Mr. Speaker, on Sunday, June 23, 2002, my friend, Robert Braeger, will finally be presented with the Distinguished Flying Cross that he was awarded, but never received, over 57 years ago.

As a student at the University of Wisconsin-Madison, he and a group of friends were shocked when the December 7, 1941 Green Bay Packers and Chicago Bears game was interrupted with news of the attack on Pearl Harbor. Bob knew at that moment that he wanted to serve and defend his country.

Enlisting in the Army Air Corps, Braeger was commissioned as a 2nd Lieutenant and assigned to the 34th Bombardment Group in continental Europe as a navigator on the B–24 Liberator bomber, "Bambi."

Bambi's crew of ten guided her through thirty bombing missions over enemy-occupied territory. On his thirtieth mission, Bambi's crew crashed into a French field after the plane lost an engine. After returning to Paris with the help of French citizens, and due to their courageous and dedicated service in the European Theater, Bambi's crew was awarded the Distinguished Flying Cross. When he was discharged, Bob returned with a treasure chest of awards, but the DFC was not included.

When Bob is not with his wife Deanna or his seven children, he has remained active in recognizing the achievements and actions of area veterans since his days in the Army Air Corps. A co-chair of the Wisconsin Veterans War Memorial/Milwaukee, he led the fundraising campaign to refurbish the memorial for veterans and their families.

The 7,875 homeless veterans in Wisconsin have also found a friend in Bob Braeger. He has been involved with the National Coalition of Homeless Veterans, an organization that works to end homelessness among veterans by shaping public policy, educating the public, and building the capacity of service providers.

During his service, Braeger developed a deep sense of appreciation for the contributions of minority soldiers. He now volunteers his time to recognize these distinguished men and women by working with the National Association of Black Veterans.

Over half of a century later, it is a pleasure to see this patriotic citizen receive the long overdue, and thoroughly deserved, Distinguished Flying Cross. Congratulations, Bob Braeger.

PERSONAL EXPLANATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mrs. MORELLA. Mr. Speaker, on rollcall No. 212, H.R. 4664, final passage, had I been present, I would have voted "yea."

DEMOCRATIC SUBSTITUTE ON H.R. 4737

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in opposition to H.R. 4737 in its current form.

The Republican bill provides strong work requirements, which I support. However, the bill is fatally flawed as it abandons families' needs to take care of their primary responsibility—their children. As I said during the debate on my related motion to recommit, this bill also imposes an unfair, unfunded mandate on the states—at a time when many of our states, including Connecticut, are experiencing significant budget deficits. Due to the lack of child care resources in the underlying bill, and the financial burden imposed on our states, I am unable to vote in favor of the work requirements I prefer.

The Democratic Substitute would have provided the appropriate child care resources to allow parents to work full time. It is critically important that children are taken care of while their parents are at work. It is equally important, however, for parents to achieve full time employment that will allow families to become self-sustaining. Although the Democratic proposal strengthens current work requirements, the requirement is not sufficient. TANF families, given the necessary resources, should engage in full time employment like other working Americans. For this reason I cannot support the Democratic Alternative.

HONORING PETER C. YOUNG ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to an outstanding member of our community, Peter C. Young, as family, friends, and colleagues gather to celebrate his retirement after a thirty-five year career in education.

Peter has been the Executive Director of Area Cooperative Education Services for over three decades. His commitment and hard work has brought a number of important programs and services to the twenty-six school districts located in South Central Connecticut. ACES is one of six educational service centers that were formed under Connecticut State Statute in 1970. A result of recognizing that school districts must work together to meet the ever-changing needs of local education systems, these centers provide an environment where quality programs can be planned, developed and implemented—giving our young people access to the best educational opportunities possible. In addition to his leadership of ACES, he has also implemented programs to benefit local school district teachers and administrators.

Education is the cornerstone of success and the most critical link between our young people and their future. Throughout our country, we look to our towns and cities to provide these invaluable skills to our children. Throughout his professional life, Peter has embraced this responsibility and diligently worked to ensure that our school districts have had the resources to succeed. Working closely with the ACES Governing Board, made up of representatives from each of the member school districts, Peter's unparalleled leadership has benefitted our most precious resource—our children.

Peter's work extends far beyond his career with ACES. His work with a myriad of local, state, and national organizations and associations has and continues to enrich the lives of many. As a member of the Branford Interfaith Housing Cooperation Board, the Connecticut Hospital Association, and the Association of Educational Service Agencies—just to name a few—Peter has used his talents in a variety of areas to make a real difference in the lives of others. His generosity, compassion and commitment is reflected in the many awards and commendations he has received. We have been fortunate to have such an individual working so diligently on our behalf.

Through his many contributions both personally and professionally, Peter has touched the lives of thousands. It is my great honor to join his wife, Judith; daughters, Elizabeth and Kristin; family friends, and colleagues in extending my sincere congratulations and very best wishes to Peter Young as he celebrates his retirement.

RECOGNIZING DR. MARIE ETHEL COLLART

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. TIBERI. Mr. Speaker, I rise today to recognize Dr. Marie Ethel Collart and her dedication to the Central Ohio Breathing Association.

Dr. Collart began her education and career at The Ohio State University College of Nursing in 1963. It was during this time that she committed her energies to providing lung health care to individuals who were often overlooked by the medical system, due to poverty, inadequate insurance, lack of transportation or access to physicians. She went on to earn masters of Science and Doctorate degrees while working as a surgical nurse and instructor.

In 1981 she became the President and CEO of the Central Ohio Lung Association, a United Way agency providing direct health care services to people with chronic lung diseases. Through the Central Ohio Lung Association, renamed the Central Ohio Breathing Association in 1996, she has dedicated her life to assisting those with asthma find a better quality of life.

She is a well-published medical author, sought after speaker, and dedicated community professional. The list of her achievements, awards, and honors is long and impressive, and they reflect the passion of her commitment to providing lung health care for all individuals. A champion in providing free lung health care for the underserved in central Ohio, Dr. Marie Ethel Collart continues to lead the fight against asthma and lung diseases. Additionally, she has worked tirelessly as an advocate for smoking prevention and cessation programs.

I congratulate Dr. Marie Ethel Collart for her many accomplishments and outstanding service. She is truly an asset to the people of Central Ohio.

MILWAUKEE CHAPTER OF THE AMERICAN JEWISH COMMITTEE TO HONOR FRANKLYN GIMBEL

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. KLECZKA. Mr. Speaker, on Thursday, June 20, 2002, the Milwaukee chapter of the American Jewish Committee, AJC, at their 58th annual meeting will present Mr. Franklyn M. Gimbel with the 2002 Community Service Human Relations Award.

This award recognizes outstanding individuals in the community who have dedicated their lives to the Jewish commitment of "tikkun olam" or repairing the universe.

Frank is regarded as one of Milwaukee's most distinguished attorneys and community leaders. His legal career began in 1960 with graduation from Marquette University Law School. He served as an Assistant U.S. Attorney from 1963–1968 and received the Superior Performance Award from the U.S. Attorney General in 1967.

He is the founding partner of the law firm Gimbel, Reilly, Guerin & Brown and his illustrious career is punctuated by many awards including the Milwaukee Bar Association Lawyer of the Year in 1989 and 1998 and the Leadership Award from the Wisconsin Association of Criminal Defense Lawyers in 1987. He has also been named as one of the Best Lawyers in America for crimimal defense for nearly 15 years.

With all the energy he directs towards his professional career, Frank still manages to make time to work on projects in the community. Mr. Gimbel has served as Vice-Chairman of the Milwaukee Fire and Police Commission from 1977–1982. He was appointed as director of the Wisconsin Center District Board of Directors by Governor Tommy G. Thompson in May 1994, and has served as its chairperson ever since.

In 1998 he was awarded the Lamplighter Award from the Greater Milwaukee Convention and Visitors Bureau in recognition of his outstanding leadership in the community. In 2001 he received the Charles Goldberg Distinguished Service Award for his lifetime achievement in the legal profession from the Wisconsin Law Foundation.

So I am pleased to join with the Milwaukee Chapter of the American Jewish Committee to recognize Frank M. Gimbel's many years of service to the legal profession and the community at large.

THE WEATHER SAFETY ACT

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, the Weather Safety Act is legislation to help the many towns across America that face recurring threats from severe weather. Whether it is tornados, hurricanes, droughts, or floods, the threats to life and property require a response.

Farmers in my home state of Oklahoma have suffered years of severe drought. The federal government must help these farmers and communities assess their vulnerability to the losses that often accompany severe weather, and develop plans to improve their resilience to such events and reduce the economic impacts.

While current federal research on global climate change focuses on long-term trends, we must also develop understanding and strategies that can be put to immediate use in dealing with severe weather. Creating an Office of Vulnerability and Resilience Research to coordinate and advance short-term climatic research will put us on track toward this goal. A unique "Vulnerability Scorecard" system will permit systematic evaluation of regional vulnerabilities, as well as providing a benchmark against which future improvements can be measured.

Call this a "no-regrets" strategy. It is a climate policy that can be enacted right now, in the absence of scientific agreement on the magnitude and extent of the impact of increasing atmospheric carbon dioxide on climate. And it is a strategy that recognizes that many things can contribute to a community's vulnerability, including changing demographics and shifts in the nation's wealth distribution.

As a result of this program, I foresee a stronger partnership between scientists at the cutting edge of climate research and city planners who are on the front lines of the battle with nature's violent side. I challenge our best scientists to turn some of their attention to shorter-term climate and weather variations and produce the kind of assessments and resiliency research that can help all of our citizens, from elected officials and first-responders to farmers and families. Strengthening our communities makes America stronger, and that is what this bill is all about.

INVESTING IN AMERICA'S FUTURE ACT OF 2002

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

The House in Committee of the Whole House of the State of the Union had under consideration the bill (H.R. 4664) to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes:

Mr. CUMMINGS. Mr. Chairman, I rise in support of H.R. 4664, the Investing in America's Future Act, which authorizes the National Science Foundation (NSF) and places the foundation on a track to double it's budget in five years and to bolster undergraduate science, math, and engineering education. This measure authorizes a 15 percent increase in funding for the NSF for the next three years, starting with $5.5 billion in FY 2003, increases funding for major research equipment, and requires NSF to submit reports to Congress that will aid in the management of the foundation.

The NSF has the mission of supporting science and engineering in general and funding basic research across many subject areas. The majority of the research supported by the NSF is conducted at our nation's colleges and universities. The monies from NSF help with scholarships, fellowships, and the recruitment and training of our next generation of researchers and scientists. This funding ensures that America's scientists are competitive in the global marketplace.

NSF funding is a critical factor in determining whether students pursue postgraduate degrees in science and engineering. Doubling the NSF's budget will strengthen science research, development, and education. America's future directly depends on research conducted at our nation's schools. In fact, just this morning I meet with a group of researchers in my district, from Johns Hopkins, that rely on grants from NSF to conduct research. Many medical and technology breakthroughs have occurred because of the NSF funded basic research.

Millions of dollars have been given to schools and school districts in my state of Maryland and across the nation. Mr. Chairman, I am pleased that Historically Black Colleges and Universities (HBCU) and minority education and outreach programs will benefit from the across-the-board increase in NSF's budget. Two HBCU's, Morgan State and Coppin State, in my district, will be able to continue and expand programs at their institutions because of NSF support. Additionally, the Maryland State Department of Education has used NSF funds to improve school curriculum and encourage bright and talented students to pursue careers in the sciences.

I would also like to thank the Science Committee and Congresswoman EDDIE BERNICE JOHNSON for all of her hard work and her unfailing support of NSF. She has been a champion for the doubling of NSF's budget.

Being the leader in math, science, and engineering research is important for our nation and the world. In order to achieve this goal, federal investment is imperative. This is a good bill because it does invest in America's future and deserves the support of all of my colleagues.

TRIBUTE TO ELIZABETH RICHARDSON

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Elizabeth H. Richardson, a citizen of Colorado, who for the past 38 years has been a vital member of our State's political, educational and social fabric.

Elizabeth has recently retired from Colorado Open Lands, where she served with distinction for the past ten years, working to preserve Colorado's open space for future generations. Her commitment to Colorado's environment continues today with her service on the Colorado Coalition of Land Trusts. Elizabeth has also served on the Board of Thorne Ecological Institute and was a member of the Denver Chamber of Commerce's Energy Legislation Task Force. Her interest in public lands and open space was also enhanced by her service as a director on the Colorado Open Space Council. It is through these outstanding commitments to Colorado's environment and her devotion to the protection of our Western lands that Elizabeth has set a shining example for all who choose to serve their country and their communities.

A native of Massachusetts, Elizabeth graduated from Radcliffe College and completed graduate studies at the University of Southern California and the University of Denver, as well as studying ecology at Metropolitan State College of Denver.

Elizabeth came to Colorado in 1963 where she quickly became a political force to be dealt with. A member of The League of Women Voters since 1963, she has chaired their Environment Committee, served as the League's Metro Denver President, and lobbied on environmental and transportation issues at the Colorado State Legislature.

Colorado's public servants have also benefited from Elizabeth's commitment to their campaigns and staffs. She has served as a House District captain for more than 20 years, was a county campaign coordinator for Democratic National Committeeman Ray Kogovsek, served on the transition committee for Governor-elect Richard D. Lamm, has been a campaign manager for Denver City Council member Doug Linkhart, served as the Issues Coordinator for Josie Heath for U.S. Senate, has been the treasurer of Colorado House of Representatives member Andrew Romanoff, and served on the senior policy staff of Governor Richard D. Lamm. Elizabeth also was twice a candidate for the Colorado House of Representatives, in 1976 and 1980.

Her commitment to lifelong learning and teaching began in 1959 when she was an assistant biology teacher in Australia and continued as a drama teacher in Concord, Massachusetts in the early 1960's. She has since served on the Denver Public Library Friends Foundation and has been a steadfast member of the Simon's Rock College of Bard Board of Directors for more than a decade. Elizabeth's passion for learning continues today with her 20 years of leadership on the Board of the Rocky Mountain Women's Institute, guiding this outstanding regional organization which supports and promotes women artists, writers and scholars.

A writer, a reader, a teacher, a community activist, a proud mother and grandmother, an adventurer and world traveler, but most importantly, a role model for us all. Colorado—its lands, its schools, its public servants and its citizens—owe Elizabeth Hall Richardson gratitude and appreciation for her dedicated service.

I wish her well in her future endeavors as I am sure she will continue to improve the quality of life in Colorado.

IN TRIBUTE TO THE SUSSEX COUNTY REPUBLICAN WOMEN'S CLUB

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. CASTLE. Mr. Speaker, I rise today to honor and pay tribute to a praiseworthy group of women from my home state of Delaware, the Sussex County Republican Women's Club.

Fifty years ago, in 1952, the Sussex County Republican Women's Club began its many years of service to the community on the Federal, State, and local level. Today, I join the club in celebrating their 50th anniversary, and applaud the impact their organization has had on our State.

Revered and respected by their peers, these women have spent the last 50 years working to promote a diverse base of political activism in Sussex County. From the beginning, they focused on promoting the tradition of a two party system, encouraging civic participation in the county and throughout the state and educating voters about the Republican message of low taxes and individual empowerment.

They have been instrumental in electing Republican candidates in Delaware and maintaining a unified base for party activity in the state's most rural county. Through work on various campaigns, fundraisers and get-out-the-vote efforts, the Women's Club has always remained a strong advocate for both the needs of Sussex County citizens and the goals of the Republican Party.

I would like to acknowledge the dedication and resolve that the Sussex County Republican Women's Club has maintained over the last fifty years. Their continuous efforts to uphold the standards and integrity of the Republican Party are an asset to all Delawareans.

I would like to join my colleagues in congratulating the Sussex County Republican Women's Club on their 50th anniversary and to thank them for their immeasurable support and dedication.

HONORING JIMMIE RODGERS, THE FATHER OF COUNTRY MUSIC

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. SHOWS. Mr. Speaker, I rise today to honor a favorite son of Mississippi who many call the "Father of Country Music." I speak of the Singing Brakemen and America's Blues Yodeler of Meridian, Mississippi, Jimmie Rodgers, who 75 years ago this year recorded his first country song. That first song sold over a million records the first year. He was a platinum artist before these singers today could even imagine such an accomplishment.

Sadly, Jimmie Rodgers contracted tuberculosis in 1920 and this young man would only live six years after recording this first song. But think of the profound influence he had on the world. He was the first artist inducted in the Country Music Hall of Fame and he is also in the Rock and Roll Hall of Fame. He recorded over 110 songs and literally recorded the last ones on his deathbed.

I want to address a side of this artist that few may know. In 1931 Jimmie Rodgers teamed up with Will Rogers and the two toured England and the South of the United States raising money and addressing the plight of the poor during the Depression Era. I appreciate those that will speak up for the farmers, and I feel today that rural areas too often are ignored. These two men were involved with Charitable Choice before that name was coined

This man was the Father of Country Music and, of him, it is said, "he started it all," and yet he took time to be concerned about those around him. It would have been easy to have used excuses such as his illness or his poverty or, once his hard work had produced great wealth, to simply ignore the problems of everyone else. But instead he gave of himself to help those around him. He was socially concerned with a "do something" attitude.

Jimmie Rodgers' life reflects the nature of the people I serve. They are hard-working people who care about one another and give of themselves to help each other. They are attracted to faith—Jimmie married a preacher's daughter, Caroline Williamson. It is no accident that so many singers come from Mississippi. It is the way we overcome our problems as we sing through them; it is the manner in which we celebrate life.

Jimmie died a young man of 36 on May 26, 1933, but on this Diamond Anniversary of Country Music we continue to celebrate his life and the many blessings he shared with us. I am proud to read this statement into the CONGRESSIONAL RECORD and will make sure a copy of this RECORD is placed in the Jimmie Rodgers Museum in Meridian, close to his gravesite.

PERSONAL EXPLANATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mrs. MORELLA. Mr. Speaker, on rollcall No. 211, Woolsey Amendment to H.R. 4664, had I been present, I would have voted "no."

TRIBUTE TO CHARLES H. MURPHY, JR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. BERRY. Mr. Speaker, I rise today to honor one of Arkansas's finest citizens, Charles H. Murphy, Jr. I am proud to recognize Mr. Murphy in the Congress for his invaluable contributions and service to his profession, his family, his State and this Nation.

Mr. Murphy was born in El Dorado, Arkansas on March 6, 1920, and became head of the Murphy family enterprise at the age of 21 after his father suffered a stroke in 1941. Mr. Murphy served in the armed forces for three years during World War II, and returned to El Dorado in 1946 to begin expanding the family business which was subsequently incorporated in 1950.

Under his leadership, Murphy Oil grew from a small oil and gas operation in southern Arkansas into a publicly-held, integrated oil company with international operations and scope. Mr. Murphy served as President of Murphy Oil from 1950 to 1972, Chairman and CEO from 1972 to 1986 and Chairman from 1986 to 1994. He retired from the board of directors in 2001 and was named director emeritus of the Company.

As a leader and spokesman for the oil industry, Mr. Murphy lectured widely in the United States and Europe where his audiences included OPEC oil ministers and the heads of national oil companies. He debated then-Senator Mondale on national television on the issues of price controls and divorcement in the oil industry. He also debated Lord Kearton, chairman of the British National Oil Corporation, on the role of national oil companies.

He served as chairman of the National Petroleum Council and as a director of the American Petroleum Institute where he also served as president of the 25 Year Club of the Petroleum Industry. For his work in bringing together oil industry leaders and national leaders of the environmental movement, Mr. Murphy was honored by both. He received the National Wildlife Federation's citation for outstanding individual service, and was a 1999 winner of the Chevron Conservation Award. In 1999, Mr. Murphy was one of the first honorees of the University of Arkansas School of Business Hall of Fame.

Educated in the public schools of Arkansas and by private tutors, Mr. Murphy received doctor of laws degrees from the University of Arkansas in 1966 and from Newfoundland Memorial University in 1995. Keenly interested in education issues, Mr. Murphy served 17 years on the Arkansas Board of Higher Education, 10 years as trustee of Hendrix College and established the Murphy Institute of Political Economy at Tulane University. He also served as a director of the Smithsonian Institution and was a trustee of the Ochsner Medical Institutions. He was a member of the Arkansas Business Council and served as chairman of its K-12 subcommittee.

The Arkansas Democrat-Gazette called him "a kind of one-man renaissance, a man of Arkansas and the Caribbean and the world." I couldn't agree more. Charles Murphy was my friend, and I forever will be honored by that friendship.

On behalf of the Congress, I extend sympathies to Mr. Murphy's family, and gratitude for all he did to make Arkansas and the world a better place.

TRIBUTE TO ANGELINA SOSAYA BIDDLE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. TOM UDALL of New Mexico. Mr. Speaker, today I honor the memory of a delightful New Mexican, Angelina Sosaya Biddle, who recently passed away. All those who knew her will forever remember her fondly.

Angie was known as one of Santa Fe's most wonderful and lively characters. Angie was a common sight to many clothing stores and people along the Plaza and Acequia Madre Street. She loved to visit with store owners and discuss the latest fashions. Angie had worked with clothing designer Agnes James and at Suzette's at the La Fonda Hotel. While working for Agnes James, Angie designed the Buffalo Hunter shirt and the Bustle-Back broomstick skirt. Her sister, Stella Montoya, continues to still use the original patterns.

In her twenties, Angie enjoyed going out with the crew of the movie Santa Fe Trail. Her beauty was well known, and she was often used as a model by many of Santa Fe artists in the 1930's and 1940's. Angie enjoyed regaling her family with stories of when she and her cousin Fray Angelico Chavez were young, and would accompany her parents on the long drives to Albuquerque. She would tell how she and Fray Angelico often found it necessary to get out of the car and help to push it over La Bajada Hill.

Throughout her life Angie remained interested in fashions and kept that desire burning in her sisters and nieces. She always let her nieces know that they could wear pearls at anytime and with anything, and many of them still wear their pearls just that way. Angie had a love for anything French and had enjoyed her visits to France. The first time she traveled to Europe was with her mother aboard the Queen Mary. She was often seen at this French Pastry Shop at the La Fonda Hotel, where she loved to indulge in the crepes. She also loved to drive her "French" cars—her Renault and her beloved Peugeot.

While her nieces and nephews attended Acequia Madre elementary school, Angie would be a common sight, always stopping by to bring them treats and small gifts.

Born in 1910 to Augustin and Victoria Sosaya, she was preceded in death by her parents, her sisters, Mary, Consuelo, Delores, and Florence, her husband Martin Biddle, and her son Michael Biddle. She is survived by sisters Anita Nelson, of California, Stella Montoya and husband Eloy, Monica Sosaya Halford and husband Richard, of Santa Fe, and her brother Augustin Sosaya and wife Priscilla, of California. Numerous nieces and nephews also survive her.

Mr. Speaker, Angie will be missed not only by her family and many friends, but by her community as well.

OUTSTANDING HIGH SCHOOL SENIORS, FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mrs. WILSON of New Mexico. Mr. Speaker, the following high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico and I are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2002

Stacey Atma, New Futures High School
Emily Arzate, West Mesa High School
Jonathan Berg, Temple Baptist
Sean Blackshear, Mountainair High School
Nathan Bogue, Menaul School
David Cooper II, Cibola High School
Patrick Furlong, St. Pius High School
Leroy Garley Jr., Moriarity High School
Sean Gill, Freedom High School
Eva Gonzales, Rio Grande High School
Anthony Herrera, Bernalillo High School
Kelsey Jackson, Del Norte High School
Heather Kaiser, La Cueva High School
Russell A. Ligon, Manzano High School
Julia Maccini, Sandia Prep High School
Katie Marconett, Albuquerque High School
Sonia Marinelarcena, Career Enrichment
Eric Miller, Evangel Christian Academy
Jordan Miller, School on Wheels
Mitchell Eric Nelson, Hope High School
Chelsea Perino, Sandia High School
Joni Pinckard, Mountainair High School
John Reidy, Albuquerque Academy High School
Daena Richter, Eldorado High School
Solomon Romney, Valley High School
Brenda Solano, Evening High School

IN RECOGNITION OF THE 2002 U.S. PHYSICS OLYMPIAD TEAM

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. EHLERS. Mr. Speaker, I rise today to applaud the achievements of the members of the 2002 United States Physics Olympiad Team. The 24 young men and women who make up this team are remarkable and dedicated students with extraordinary talents.

Landing a spot on this prestigious team is extremely difficult. Initially, about 1,100 highly qualified students across the country are nominated by their high school teachers to take a national exam. The top 200 scorers on this test then advance to the next round of competition. Results from the second round of testing are used to select the 24 members of the team who then go on to attend an eight day intense training camp that features studying, testing and problem solving.

Members of the 2002 team include: Jared A. Bass, Peter S. Behroozi, Immanuel D. Buder, Steven J. Byrnes, Bryan G. Chen, Craig J. Fratrik, Daniel R. Gulotta, Chintan Hossain, Jennifer H. Hou, Joanna N. Huey, Patrick A. Hummel, Daniel M. Kane, Chen Li, Andrew M. Lutomirski, Sean P. Markan, Pavel G. Matrachenko, Paul J. Miller, Cristina Moldovan, Lydia W. Ng, Gregory N. Price, Emily R. Russell, Benjamin M. Schwartz, David W. Simmons-Duffin, and Albert Z. Wang.

Mr. Speaker, as a nuclear physicist, a former physics professor, and a strong proponent for math-science education, I have worked extremely hard to draw national attention to the need for and the importance of math-science education. After reading the accomplishments of the members of this team, I am proud to see students embrace the world of physics and the many challenges it presents. I am hopeful that the enthusiasm these students have shown toward learning more about physics will spread to other students. I personally want to thank all of the students who made an effort to become a part of this team for showing others that science is and can be fun. Mr Speaker, I ask my colleagues to join me in saluting these future leaders of our country.

INTRODUCTION OF THE MAMMOGRAPHY QUALITY STANDARDS (MQSA) REAUTHORIZATION ACT OF 2002

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. DINGELL. Mr. Speaker, today I am introducing the Mammography Quality Standards Reauthorization Act of 2002. This is a companion measure with my esteemed colleague, Senator MIKULSKI, who introduced an identical bill in the Senate yesterday. In 1992, Senator MIKULSKI and I introduced the original Mammography Quality Standards Act (MQSA). The primary objective of this law is to ensure that mammography is safe and reliable and that breast cancer is detected in its earliest, most treatable stages. The act was reauthorized in 1998 and now it is time for us to reauthorize it again.

We have a breast cancer epidemic in this country. An estimated 203,500 new invasive cases of breast cancer are expected to occur among women in the United States this year alone. Every 3 minutes a woman is diagnosed with breast cancer, and every 13 minutes a woman dies from this disease. This year in my home State of Michigan, about 6,500 women will be diagnosed with breast cancer, and the disease will kill 1,600.

Breast cancer is a progressive and systemic disease, in which our ability to treat and cure a small tumor is much greater than our ability to treat and cure a large tumor. For this reason, it is vital that we ensure the safety, accuracy, and accessibility of mammograms for all women. Our top health institutions, including the Department of Health and Human Services, the National Cancer Institute, and the

Agency for Health Care Research and Quality, recommend screening mammography every one to two years for women ages 40 and over.

MQSA is a federal law that establishes a number of requirements aimed at strengthening and ensuring high quality standards for all mammography facilities. The MQSA program requires all mammography facilities in the United States to meet stringent quality standards, be accredited by a Food and Drug Administration-approved accreditation body, and be inspected annually. The 2002 reauthorization legislation continues all existing requirements.

It is simply not enough to have mammography screening facilities; we must demand and ensure that these facilities are responsible, reliable, and precise. MQSA requires that the FDA establish quality standards for mammography equipment, personnel, and practices. These standards apply to the following people at the facility: the technologist who takes the mammogram, the radiologist who studies the mammogram, and the medical physicist who tests the mammography equipment. All of these people must have special training and education, and must meet continuing education and experience requirements.

I urge all of my colleagues to support this important and beneficial bill which will help to ensure that women receive improved, accurate, and complete information with regard to their mammography screening. High quality mammography, while not a perfect tool, is currently the best available tool for the early detection of breast cancer and MQSA provides our best assurance of that quality.

IN HONOR OF ROBERT "BOB" SASSAMAN, WHO RETIRES AFTER 40 YEARS OF PUBLIC SERVICE WITH CALTRANS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Robert W. "Bob" Sassaman, District Director for Caltrans District 7, who will celebrate his retirement from public service after an exemplary 40-year career at Caltrans.

Sassaman, an outstanding engineer and able administrator, was appointed as District Director on October 19, 1999, responsible for overseeing a vast and immensely complex transportation system in District 7, including 27 freeways and state highways spanning Los Angeles and Ventura counties. Sassaman, who had served as Chief Deputy for four years prior, had served as interim District Director since March of 1999 after Governor Gray Davis tapped then-District Director Tony Harris to serve as Caltrans Chief Deputy Director in Sacramento.

Prior to his tenure as Chief Deputy, Sassaman was Deputy District Director for Project Management at Caltrans District 8 in San Bernardino, a post he held since 1988. In that capacity, he was responsible for directing a professional engineering staff in the development, design and delivery of highway projects totaling in excess of $100 million a year. Sassaman was a member of a team that helped develop the project management concept at Caltrans, and later helped implement the system in District 8. The district was the first one in the state to use "single hat" project managers to streamline the process of delivering transportation improvements. He also was a facilitator at the project management academies that taught the system to Caltrans supervisors.

Among Sassaman's other career highlights are supervising the design of the complex Simi Valley/San Diego Freeway interchange—now named the Ronald Reagan Freeway 118/405—in the San Fernando Valley area of Los Angeles.

Sassaman was born in Neptune, NJ, but grew up in Phillipsburg, on the Pennsylvania border. He earned a Bachelor of Science degree in Civil Engineering from Lafayette College in Easton, PA, and a Master of Science degree in Civil Engineering from the University of Southern California. He also completed course work at California State University, Long Beach, and Mount San Antonio College in Walnut, CA, in business management. He holds a certificate in real estate from Mount San Antonio College.

Sassaman was hired at Caltrans District 7 as a junior civil engineer in July 1962; and held a variety of positions within the district over the next 26 years. They included Design Project Engineer of the 118/405 Freeway interchange; Resource Management Section Chief, Project Management Section Chief, Hydraulics Section Chief, Management Services Branch Chief; and Deputy District Director for Administration.

Sassaman is registered as a Professional Engineer in California (Civil), and is a member of the American Society of Civil Engineers and the Project Management Institute.

There are few tasks as monumental in southern California as overseeing our regional freeway system with a commitment to responding to local needs and concerns, and for his dedication to better serving the commuting public of southern California as well as Caltrans employees, I ask all Members of Congress to join me in congratulating Bob Sassaman upon his retirement.

MENTAL HEALTH PARITY NOW

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. HOYER. Mr. Speaker, The National Mental Health Association's, NMHA, powerful vision for our country is to be a just, humane and healthy society in which all people are accorded respect, dignity and the opportunity to achieve their full potential free from stigma and prejudice.

Today, June 6, 2002, Americans are rallying on Capitol Hill to send Members of Congress a clear and unified message: Mental Health Parity Now! We must do more than simply hear what they are saying; we must persevere until we make it a legal reality.

Passage of a Mental Health Parity Bill would be a major step toward realizing the vision of the NMHA. Specifically, it is my hope that this Congress will pass the Mental Health Equitable Treatment Act of 2002, which will address the critical need of assuring that insurance coverage for physical ailments and mental ailments are comparable. Mental illness is real and widespread, but fortunately it is often very treatable and manageable.

Unfortunately, a parity amendment to the fiscal year 2002 spending bill for the Department of Labor, Health and Human Services and Education, which was passed by the Senate, failed in conference on a party-line vote. The amendment would have closed the loopholes of 1996 Mental Health Parity Act and given true parity to the American people. Instead, Congress extended the existing flawed mental health parity provision up until December 31, 2003. This leaves this important issue in pressing need of a resolution.

Over 54 million people in the United States experience some form of mental illness in their lifetime, but many go without the much-needed treatment a mental health professional could provide. In fact, almost half of the people of our nation with severe mental illness never seek or receive treatment. This in large part is due to stigma.

Throughout our nation's history, we have viewed mental illness with ignorance, fear and misunderstanding. We would not stand by while insurance companies put up barriers to cancer treatments, nor should we turn our backs on those suffering from mental health problems.

Many health insurers opposed to parity laws are concerned that overall health care costs will be significantly increased, due in part to the fact that treatment is sometimes more expensive and longer lasting than many physical ailments. However, access to mental health care often reduces medical claims for physical illness.

Recent studies show that full parity can be implemented without causing significant cost increases for managed care. In states that have enacted parity laws, many consumers use mental health care more efficiently. In the great state of Maryland, after a small rise of less than one percentage point in the first year of parity, mental health costs held steady in year two and declined in year three.

As millions of suffering Americans go without medical assistance, it costs the nation upwards of $150 billion each year. Vital human capital is lost and medical bills skyrocket as ailments worsen until even more expensive management is inevitable. The most damaging effect, however, is the pain and suffering that untreated individuals and their loved ones must endure.

The events and the aftermath of September 11 have exemplified the need to provide mental healthcare to all sectors of the population, including our youngest generation. Children, who are exposed to violent and threatening experiences, such as the September 11th attacks, may need special attention in order to heal emotionally.

If a child with a mental health problem is left untreated, the results can be devastating. Victims may repeatedly relive a traumatic event, which can cause anxiety and depression, impair concentration and learning and ultimately perpetuate a cycle of aggressive or violent behavior.

This vicious cycle can be lessened by strengthening families through programs and understanding, breaking down misconceptions of mental illness and providing people access to mental health professionals and vital treatment. All of these factors will help give millions of Americans the opportunity to recover and live healthy and productive lives.

I am proud that Congresswoman ROSA DELAURO and I were successful in securing $20 million in funding for fiscal year 2002 for the National Child Traumatic Stress Initiative, administered through the Substance Abuse and Mental Health Administration. Presently, we are working to secure an additional $50 million for fiscal year 2003 to continue this highly-regarded program.

I would like to commend the National Mental Health Association and the other organizations and individuals here today, who are pushing for mental health parity. This call for parity in the coverage of costs for mental and physical ailments through insurance programs merits our serious attention. Let us make their vision a reality in the 107th Congress.

HONORING PATRICIA BARELA RIVERA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the District Director of the Small Business Administration, SBA, in Colorado, Patricia Barela Rivera.

Dr. Martin Luther King, Jr., once said that the true measure of a person's character is how they handle themselves in times of adversity. By this gauge, Patricia Barela Rivera's character is worthy of our admiration.

Ms. Barela Rivera certainly knows a great deal about overcoming adversity, shrugging off disappointment and competing against unfavorable odds. She built a successful business in Colorado when Latina entrepreneurs were few and far between. She volunteered countless hours on behalf of minority non-profits, and eventually became the Director of the Governor's Advocate Corps in Colorado, where she swiftly built a reputation for inspirational management and was recognized as a leading voice on behalf of diversity in the Romer administration.

Tragically, just weeks ago, Ms. Rivera's condominium burned down just days before the SBA's biggest event of the year. Ms. Rivera lost her home and all of her possessions. This kind of blow would level many, but not Patricia Barela Rivera. She picked herself up, bought something to wear, attended the event and served gracefully as the Master of Ceremonies. That kind of dedication is worth our attention. At a time when many question the determination and quality of public servants, I find Ms. Barela Rivera's example inspiring.

Reflecting on the fire, she reasserted her belief that "everything happens for a reason and eventually shows itself to be something good". On her choice of attending the event in the midst of her personal chaos she said simply, "I had to be here. It's about strength. It's about surviving when we have devastation in our lives."

Particia Barela Rivera, or "PBR" as she is affectionately known to her friends, is clearly a dedicated public servant. She also is a remarkable human being. Mr. Speaker, I ask my colleagues to join me in honoring Ms. Barela Rivera.

58TH ANNIVERSARY OF D-DAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. SKELTON. Mr. Speaker, today marks the 58th Anniversary of D-Day. It was June 6, 1944 when American and Allied forces landed on the beaches of Normandy, France, which began the continental campaign against Hitler's Nazi Germany. The 1st Infantry Division chaplain, Major Kovach, recently offered this prayer regarding the sacrifices American fighting men made on that effort some 58 years ago. The prayer is set out in text as follows:

> Almighty, eternal God, we bow before you during this solemn moment of remembrance. we find ourselves standing on hallowed ground... ground consecrated by the blood of those who have made the ultimate sacrifice for the cause of freedom, and their families gathered to honor the memory of their loved ones.
>
> 58 years ago, men of extraordinary courage fought for this very ground upon which we stand today. it is nearly impossible to conceive of the enormous price exacted to insure liberty's light would never grow dim. Only by the grace of God, the determined spirit of men like those memorialized here was freedom won and peace preserved.
>
> But keep us mindful Lord that freedom is not free. That it takes men and women of valor to win it, and a people committed to character and principle to keep it. May we stand firm to keep the peace others have given their lives to win and may it call us to a renewed appreciation for the liberty and opportunities which have been safeguarded by their sacrifice.
>
> As we walk by this memorial and countless graves, may we never again entertain thoughts of indifference or forgetfulness. May we pause and rededicate ourselves to the highest ideals our fallen comrades lived and died for. And, following their example, commit ourselves this day to the ultimate virtue of self-sacrifice in service to God, to country, and to our fellow man, that the memory of those who fought and died be properly preserved, and their lives not sacrificed in vain.
>
> In Your most holy name we pray. Amen.

IN SUPPORT OF PITTSBURGH'S TELEVISION STATIONS AND THEIR COMMITMENT TO THE FUTURE OF DIGITAL TELEVISION

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. DOYLE. Mr. Speaker, I rise today to offer support to the local Pittsburgh television stations in my district that are moving into the digital future. These stations: including WPXI, a Cox owned station, WTAE a Hearst-Argyle station, KDKA of CBS Television, and WPGH and WCWB which are both Sinclair Broadcasting Group stations have demonstrated a commitment to the future of free over-the-air television. By investing in digital television, they are preparing to offer their viewers—many of whom are my constituents—exciting services like High Definition TV, interactive television, datacasting, and expanded programming content.

The digital television transition is happening now, and I am proud that stations in Pittsburgh are leading the way.

Today, record players and cassettes have in many cases been replaced by CDs. Analog VCRs are being replaced by digital VCRs and DVD players. Similarly, consumers will soon be swapping their analog television sets for digital television sets. Of course for digital television to move into its next exciting next stage and fulfill its great promise, it will be important that all of these digital devices are capable of working together.

This concept—called interoperability—will enable a cable set-top box to be plugged into a digital VCR, which could in turn be plugged into a digital television set and all of the different devices will be able to communicate with each other. While there may be some discussion about the best way to achieve this end. It seems that everyone can agree that the final goal of interoperability will greatly benefit all consumers.

Like any new technology, the digital television transition can go only so far without the full support of the American consumer. Clearly, their support will increase significantly when these different devices work together easily enough for the average consumer to understand.

As we continue forward, let me reiterate: I am proud that Pittsburgh stations are leading the way in this exciting transition and I am confident that their investment in digital television will produce benefits for all consumers.

IN HONOR OF J. FRANK MOORE III

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. FROST. Mr. Speaker, I rise today in honor of J. Frank Moore III, President of the International Association of Lions Clubs. Deeply involved in the community and sincerely committed to service, President Moore brings a unique passion and spirit to his duties, and truly lives the mission of Lions International: "We Serve."

Lions have a strong commitment to community service, and are recognized internationally for their service to the blind and visually impaired, as well as their commitment to helping youth throughout the world. An educator by profession and former Superintendent of Education for the Daleville, Alabama city schools, President Moore brings a wealth of experience as well as a unique perspective to the Association's service work.

A member of the Daleville Lions Club since 1975, President Moore has held many positions within the organization, and received numerous awards in recognition of his commitment and service to the organization and its mission. President Moore has won two Lion of the Year Awards, a 30 Member Key Award, the Henry W. Sweet Outstanding Past District Governor Award, two International President Leadership medals, seven International President's Award, and the Ambassador of Good Will Award, the highest honor the Association bestows upon its members.

In addition to his Lion activities, President Moore is active in numerous professional and community organizations. He is Chairman of the Daleville City Planning and Zoning Commission, a member of the Board of Directors of the Army Aviation Center Federal Credit Union and a member of the Army Aviation Museum Foundation executive committee. As you may be able to tell by now, President Moore is a busy man. More importantly, however, President Moore is a well-respected, hard-working, and dedicated individual.

Mr. Speaker, as a member of the Oak Cliff, Texas Lions Club myself, I have seen first-hand how tirelessly President Moore works on behalf of the International Association. I know my colleagues, many of them Lions themselves, will join me in honoring a remarkable man and a tireless advocate. I salute President Moore today, and wish him continued success in all of his endeavors.

TRIBUTE TO HELEN THORP STREET

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. UDALL. Mr. Speaker, I rise today to pay tribute to Helen Thorp Street, a citizen of Colorado. Helen died on May 6, 2002 and left a legacy of public service and dedication to the field of law and community leadership:

Helen was born in Marion, Kansas in 1912, and at nine years old, moved to Colorado when her widowed mother took up residence at the Brown Palace Hotel in Denver. These were adventurous times for Helen and she was inspired to branch out on her own and run away from home. Given streetcar fare by the hotel's bellman, she traveled for about an hour, had a change of heart and returned to the safety of her historic residence and its protective staff.

Helen graduated from The Kent School for Girls in 1929 and traveled east by train to study at Vassar College, where she received a Bachelor of Arts degree in 1932. She was also a student at the Sorbonne in Paris. She returned to Denver, and in 1936, began her legal studies at the Westminster College of Law at the University of Denver, above the Mapelli Meat Market, where she graduated with honors in 1939. She received the top score on the Colorado bar examination in 1940, but no firm in Colorado would hire her. Law was a man's profession and no one would give her a job.

In 1940, Helen joined the University of Denver's law school faculty, becoming the first woman in the United States to teach at an accredited law school. She represented indigent clients at the Legal Aid Society of Denver and after World War II, began a solo practice in the estates and trusts Field.

Helen married John Campbell Street, a West Point graduate and attorney from Alabama in 1942, and their daughter, Kimbrough Street Schneider, an estates and trusts attorney in Seattle, Washington, survives them.

For over 50 years, Helen was an active volunteer for many of Denver's charitable and civic entities. She served on the Board of the Legal Aid Society of Denver. She also served on the Board of the Community Chest, the predecessor of the United Way, was an active volunteer of the Margery Reed Mayo Nursery and helped reorganize the Denver Orphans' Home into the Denver Children's Home, serving on its board for six years.

Her longest and most significant association was with the Denver Symphony Association. She joined the Board in 1964, serving in many leadership roles. She became president and chairman of the Board from 1979–1982. One of her most significant symphony contributions was never known or recognized by the public. When the Symphony's founder, Helen Black was ready to retire, the orchestra did not have the money to give her a pension. Helen Street picked up the telephone and in one afternoon raised sufficient monies to fund Miss Black's pension.

Helen also served on the Board of the Children's Hospital, was active in the Central City Opera House Association and recorded law books for Recording for the Blind.

Among her many awards and honors for community service were the Distinguished Service Award conferred upon her by the Denver Rotary Club Foundation in 1983 and the Mary Lathrop Trailblazer Award in 1991 from the Colorado Woman's Bar Association. Never one to withhold her opinions, in her acceptance speech to the event's attendees, she was bluntly critical of lawyers and their emphasis on billing. "Your fees are much too high!" she told the Bar's members.

Colorado is a better place because of Helen Thorp Street. I applaud this remarkable woman and the legacy she has left our state, the practice of law and the example she set for community activists throughout our country. She will be missed by us all.

SALUTE TO THE DETROIT ARSENAL TANK PLANT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. LEVIN. Mr. Speaker, I rise today to celebrate the placement of an historical marker at a most significant site in Warren, Michigan. Especially now, as we reflect on our appreciation for our country's military strength and ability, it is fitting to mark the place in our community that has played a pivotal role in our military success in World War II and since. The Detroit Arsenal Tank Plant, dubbed the heart of the "Arsenal of Democracy," was an archetypical project that brought together government and business united in a joint cause to modernize the U.S. Army.

"Enough and On Time," was the motto for the tank plant since the first M3 tank rolled off the line on April 24, 1941. The Tank Plant lived up to that motto during World War II with its production of 22,234 tanks, closely matching that of Great Britain and Germany. During the first years of existence, the Detroit Arsenal Tank Plant became the center for coordinating the Army's wheeled vehicle supplies with the establishment of the Tank-Automotive Center.

The Tank-Automotive Center's function was to ensure that the Army's needs for wheeled and tracked vehicles and spare parts was met as quickly and as cheaply as possible. When first formed, the Center had a complement of forty officers and about six hundred civilians. By war's end that number had ballooned to five hundred officers and over four thousand civilians.

Since the end of World War II, and through the Korean, Vietnam, and Gulf Wars the Tank Plant evolved to meet the growing technological and functional needs of an ever-modernizing United States Army. In 1967, the Tank Plant became the Tank Automotive Command (TACOM). TACOM's reach now spreads over five states and eighty-one countries. The TACOM family manages and supports over 3,000 systems and 281,000 vehicles all over the world.

In 1992, the Department of Defense established the National Automotive Center, headquartered on the Tank Plant site. It serves as a conduit between the Army, industry, academia and federal agencies to share and develop technologies that have both commercial and military applications.

TACOM will continue to play this vital role for our nation's military, even as the site of the former tank plant assembly facility continues the transition to private use. The re-use of this property brings economic re-vitalization to the City of Warren and southeast Michigan.

Mr. Speaker, I ask my colleagues to join me in celebrating the remarkable history of the Detroit Arsenal Tank Plant, and saluting the workers and leadership, both past and present, who continue the most important mission of keeping our Army well prepared for any challenge.

REMEMBERING OUR D-DAY VETERANS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to pay tribute to the brave sailors and soldiers of D-Day. Fifty-eight years ago on this date young Americans joined by Allied forces undertook the most massive amphibious assault in the history of modern warfare, code-named "Operation Overlord". This direct assault on Hitler's Atlantic Wall was the first step in liberating occupied Europe.

Led by General Dwight David Eisenhower, more than 150,000 men along with thousands more providing air and artillery support invaded the beaches of Normandy and although suffering heavy casualties pressed on into the heart of occupied France.

We can only imagine what went through their minds as these brave men watched the gates open and they stepped into the cold Atlantic and onto those beaches. There were mortars' exploding all around them; sounds of bullets and planes flying overhead, but these men pressed on, while many around them fell and they helped secure the eventual Allied victory.

I am here today to pay tribute to those brave Americans, ones who came home and those who remain there, buried, overlooking the beaches. It was these men who answered the call of duty and saved liberty from the jaws of unspeakable evil.

Never had the world seen citizen soldiers come together and fight as brave and loyal as these men did. They left the comfort of home and were sent halfway around the world to preserve freedom, democracy, and liberty for the free world. These men showed the utmost courage in taking up the call of duty to defend freedom and for that our country is eternally grateful.

So today, as we confront a new tyranny in waging the war on terrorism, let these brave men be our model. I am honored to have the opportunity to commend them and I pray that we will never forget the sacrifices that these men put forth so that they and generations to come could live in freedom.

TRIBUTE TO ED CORYELL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a great American and a great labor leader, Ed Coryell.

A veteran of the Viet Nam war, Ed joined the Carpenters Union in 1967. He worked his way up from apprentice to the leadership of Local Union 8. After serving as Business Representative and Health and Welfare Board Trustee, he was elected President and Business Manager of the Metropolitan District Council of Carpenters of Philadelphia and Vicinity. He has also served as a Trustee of the Carpenters' International pension fund and serves as President of the Pennsylvania State Council of the union.

Mr. Speaker, Mr. Coryell has not limited his activities to our union. He is also a member of the Boards of Philadelphia Independence Blue Cross and the Philadelphia Housing Authority. Our Governor appointed him to Team Pennsylvania, which is charged with bringing jobs to the Keystone state.

Ed Coryell built his union into a strong and united body of skilled craftsmen who have changed the skyline and the infrastructure of our city. Over the many contracts he negotiated, he won great improvement in the wages and benefit packages his 10,000 members enjoy. He established the finest training program for Carpenter apprentices and journeymen in the country. Because of Ed and others like him, Philadelphia's unofficial slogan is "if it's not built Union, it doesn't get built."

Mr. Speaker, the members and leadership of Unico will be honoring Ed Coryell for his years of service to his union, his city, his state and his nation. I join them in that honor. And I know that my colleagues stand with me as I salute my president, my mentor and my friend, Ed Coryell.

TRIBUTE TO SUPERIOR COURT JUDGE CARLOS CAZARES

HON. BRAD SHERMAN

OF CALIFORNIA

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. SHERMAN. Mr. Speaker, I rise today with my colleague, Representative BOB FILNER, to mourn the passing and recognize the contributions to the legal profession and the community of Superior Court Judge Carlos Cazares.

The oldest of 11 children who came from a hard-working Mexican family, Judge Cazares distinguished himself as a trailblazer serving in the Army during the Korean War and later attending college at night through the GI Bill, earning an accounting degree. He subsequently earned a law degree, becoming one of the first Mexican-American lawyers in San Diego County.

In 1972, then-Governor Ronald Reagan appointed him to a Municipal Court judgeship. Five years later, Gov. Jerry Brown elevated him to the San Diego Superior Court, an event witnessed by his parents, Carlos and Norberta Cazares.

In addition to his accomplishments on the bench, Judge Cazares was instrumental in ensuring that people have the highest quality of care and respect, both personally and professionally. For example, he helped establish the San Ysidro Health Clinic and was a member of the Knights of Columbus and a lay minister at St. Rose of Lima Catholic Church, ministering to the sick at hospitals.

He was a dedicated son, father, grandfather, brother and uncle.

Mr. Speaker, Judge Carlos Cazares was a hard-working community leader. It is our great pleasure to recognize his selfless commitment to the betterment of our community and our fellow citizens. We urge our colleagues to join in honoring his achievements. He has truly served our society with relentless dedication, and his community contributions distinguish him as an example for us all.

CENTRAL NEW JERSEY HONORS REVEREND RICHARD MILLER

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize, honor and thank Reverend Richard Miller, Pastor of The Stanton Reformed Church in Stanton, New Jersey since 1965, and dedicated community leader.

In a span covering four decades Reverend Miller has provided more than religious services. He has long been a dependable and reliable listener, who has always taken a personal and heartfelt interest in all of the community.

In fact Reverend Miller and the Stanton Reformed Church provide an example of what a community church should be. Ten years ago, when a member of the community was diagnosed with leukemia, Reverend Miller opened the doors and initiated a bone marrow drive. The program was subsequently supported by Merck & Co and has resulted in several matches.

This is but one example, however, of the many lives he touched. Reverend Miller has also served as the Chaplain to the Hunterdon County Jail and the Readington Township PBA. Furthermore, he has served as a role model to our youth as both an Assistant Scoutmaster and Scoutmaster of the Boy Scouts of America since 1969. The Stanton Grange recognized this distinguished service in 1975 with a Community Service Award.

It is with great pride that I join the members of the Reform Church in recognizing the thirty-seven years of service that Mr. Miller has given to the people of Stanton. He has been the ear that listens, the shoulder to lean on and the modest individual who gave all he had to his community. Reverend Miller is truly a treasure in New Jersey's cultural heritage. His example is an inspiration to all Central New Jerseyans.

Therefore, Mr. Speaker, again, I rise to celebrate and honor this true New Jersey treasure. I ask my colleagues to join me in recognizing Reverend Richard Miller of the Reformed Church in Stanton, New Jersey.

MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. DEFAZIO. Mr. Speaker, today I rise to express support for H.R. 3983, the Maritime Transportation Antiterrorism Act. I also want to mention a couple of areas where the bill needs to be improved during Conference Committee consideration. According to the Economist magazine, last October, a discovery at the southern Italian port of Gioia Tauro shook the foundations on which world trade has grown so rapidly in the past half century. A suspected al-Qaeda terrorist was found inside a container. The Egyptian suspect, who later disappeared while on bail, was equipped in comfort for the duration of the container's intended sea voyage from Italy to Halifax in Canada. He carried plans of airports, an aviation mechanic's certificate and security passes. Intelligence sources say other containers similarly outfitted were found at the Italian port.

Had this container actually reached an American or even Canadian port, this suspect would likely have escaped into the interior of the United States. Why? Because many terminal operators have abandoned the practice of inspecting so-called empty containers to ensure that the container is actually empty. They have also abandoned the practice of inspecting container seals, to ensure that no tampering of the container has taken place. It is time for Congress to step in and demand that every terminal operator do their part to enhance the security of American ports, containers, and our communities.

The International Longshore and Warehouse Union testified before the Transportation and Infrastructure Committee and made a compelling case for legislation to mandate security checks of containers. Port workers can inspect the outside seal of every container moving through our ports. A broken seal would alert the port facility that the container has been tampered with and that it needs to be carefully inspected before entering a facility or being placed on a vessel. A systematic check of container seals also provides authorities with a record of the parties responsible for placing the seal on any container that may contain a terrorist or contain the means of a terrorist act.

Another equally necessary security measure is the mandatory inspection of so-called empty containers, which regularly move on and off ships each day. Many countries, including Japan, require such inspections because of the increased risk that these "empties" pose for the placement of bombs, weapons and contraband. In fact, inspection of empty containers on American docks was the customary practice up until a few years ago when companies decided it cut into profits. We can no longer allow our port facility operators to place profits over the security needs of our country.

H.R. 3983 is a good bill, but it is weak on container security solutions. I hope that provisions providing for security checks of empty containers and the integrity of container seals are considered by the Conference Committee.

A TRIBUTE TO PASTOR ED JOHNSON OF FIRST BAPTIST CHURCH OF ROSEMOUNT, MINNESOTA, FOR 35 YEARS OF INSPIRING MINISTRY AND DEDICATED SERVICE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to Pastor Ed Johnson, Senior Pastor of First Baptist Church of Rosemount, Minnesota, who will soon become Pastor Emeritus.

Pastor Ed and his loving wife, Ellie, have been doing the Lord's work in our state and nation for 35 years and have truly made a difference in the lives of thousands of people.

Pastor Ed has been a special friend and spiritual mentor since the day we first met in the spring of 1990—over 12 years ago. From my first major vote on "Operation Desert Storm" to coping with my mother's Alzheimer's disease, Pastor Ed has been there for my family and me. His wise counsel, friendship, support and prayers are deeply appreciated.

Mr. Speaker, many of our colleagues remember Pastor Ed Johnson from his service as Guest Chaplain for the House of Representatives several years ago, when he made a lasting impression on all of us.

That's Pastor Ed—always serving the Lord in a loving, kind and gentle way. Whether he's motivating young missionaries on the mission field, encouraging young preachers, supporting Sunday school teachers and bus drivers, counseling families, teaching new members and students or reaching out to the community to build a growing flock for his remarkable church, Pastor Ed has been there for all of us the past 35 years.

Pastor Ed has been repeatedly recognized by local, state and national religious organizations for the phenomenal growth of his church and his many other accomplishments. It's easy to understand his success once you meet him.

Pastor Ed Johnson's First Baptist Church has been successful because of its family-oriented approach centered firmly on the Bible. No one escapes the reach of Pastor Ed's inspiring motivational tools: a warm heart, an unyielding resolve and an eloquent speaking style.

Pastor Ed's dynamic approach to building faith is based on what he learned at Tennessee Temple University and Temple Baptist Theological Seminary in Chattanooga, Tennessee.

Mr. Speaker, Pastor Ed doesn't just encourage people to come to church, he goes out and gets them! He has assembled an armada of buses to go out into a 15-mile radius from Rosemount and bring people to his church and Sunday school. Then he sends the members of his congregation out into the world to spread the gospel and do good works to help people in need.

Under Pastor Ed's visionary leadership, First Baptist Church of Rosemount has developed a missionary program that oversees 46 missionaries in countries throughout the world, 7 Christian schools and colleges and numerous full-time Christian ministries right here in the U.S.

Also, Pastor Ed founded the First Baptist Church Christian School in 1971. Today, that school has produced 400 graduates, many of whom have entered the ministry full time throughout the world, as well as many other callings.

Pastor Ed has been recognized for his accomplishments time and again, and he has been honored with Doctor of Divinity Degrees from Hyles-Anderson College and Baptist Christian University.

A past President of the Minnesota Association of Christian Schools, Pastor Ed is now that group's Executive Director. He also serves as a member of the Board of Directors of both the American Association of Christian Schools and the General Council of Baptist Mid-Missions.

In these positions, he has traveled throughout the nation in recent years, spreading faith with an evangelistic and Biblical conference ministry.

Finally, Mr. Speaker, Pastor Ed Johnson has made a difference in politics and government both in Minnesota and our nation. From our work together in the Minnesota Legislature to save the option of home-schooling for Minnesota families to my very first and most challenging endorsing convention for Congress, Pastor Ed has been a key ally and loyal friend. I treasure his wise counsel and consider his friendship a true blessing.

Mr. Speaker, as Pastor Ed Johnson retires from his active ministry, we wish him and his wonderful wife, Ellie, all of God's blessings and thank him for the great impact his ministry has had on countless people in Minnesota and around the world.

May God bless you, Pastor Ed and Ellie, and may God bless America!

CONGRATULATIONS TO BELLEFONTE AREA HIGH SCHOOL MOCK TRIAL TEAM ON WINNING THEIR DISTRICT CHAMPIONSHIP

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. PETERSON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young students from Bellefonte Area High School in Bellefonte, Pennsylvania. I wish to pay tribute to those students on the Mock Trial team and their advisors who participated in the Mock Trial program sponsored by the Pennsylvania Bar Association. This is the second year in a row that Bellefonte Area High School Mock Trial team has won the competition against other student teams in their district.

The Mock Trial program gives young students an opportunity to learn about the law, legal strategies, and courtroom etiquette and procedure. This is accomplished by "trying" a fictitious court case in front of an actual judge and jury. Student participants portray both the witnesses and the attorneys on both sides of the case. Members of the Bellefonte Area High School Mock Trial team were Erika Dillon, Karen Stringer, Jeremy Winn, Alex Henderson, Katey Glunt, Jon Judiech, Tim Williams, Sara Waugh, Justin Kirk Houser, and Joe Putnam. Their advisors were Ed Fitzgerald, Gregg Kohlhepp, and Assistant District Attorney Lance Marshall, who donated his free time to help these dedicated students.

Mr. Speaker, I urge my colleagues to join me in recognizing the Bellefonte Area High School Mock Trial team who brought deserved recognition to their school and community. Their enthusiasm and desire to learn the judicial system should be commended and encouraged by all. Their success demonstrates that today's youth are our leaders of tomorrow.

IN RECOGNITION OF THE TOWN OF FREEDOM

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. GREEN of Wisconsin. Mr. Speaker, today before this House I recognize and honor the Town of Freedom, a Wisconsin community that exemplifies the American dream in its past, present and future.

On June 5, Freedom celebrates the 150th anniversary of its founding.

Freedom has a rich history. Its first inhabitants were Indians that called the area Sagola, which means "good morning." Some of Freedom's first settlers were James Jackson, an ex-slave, and his Native American wife. In recognition of his release from slavery, Jackson named the place "Freedom" In the years that followed, the demand for lumber from northeastern Wisconsin brought a number of Irish, German and Dutch immigrants to Freedom.

In 1848, Wisconsin gained statehood, putting Freedom one step closer to its formal foundation. In June of 1852, Ethan Powers, Albert Cook, and James Taylor met for the first time as the town's Board of Supervisors, marking Freedom's beginning that we celebrate this year.

Throughout the 19th Century, Freedom continued to build and prosper, growing along with the area's burgeoning timber industry. As the 20th Century arrived, and agriculture began to replace logging, the citizens of Freedom also began to change with the times. Like its Indian name, Sagola, meaning "good morning," today the citizens of Freedom have woken to the glory of a new day and continue to march forward toward a bright future ahead.

On this sesquicentennial anniversary of the inception of Freedom, I offer my congratulations to the town and its residents. Since its founding, Freedom has lived true to its name, welcoming every newcomer and providing all with the liberty and independence to prosper.

A TRIBUTE TO JIM AND MISTY JOHNSON OF LAVACA, ARKANSAS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. ROSS. Mr. Speaker, I rise today with a heavy heart to pay tribute to a young woman and colleague of mine, a pharmacy technician from Lavaca, Arkansas, along with her husband, Jim, and three-year-old daughter, Shea Nicole, who lost their lives in the Interstate 40 bridge collapse on May 26, 2002.

Misty Johnson was only 28 when she was so tragically killed, but in those 28 years she brightened the lives of friends, family, even her customers at Rose Drug Store in Paris, Arkansas. Her coworkers say Misty was fun to work with, always on time, and always ready to work hard.

Six years ago, she married Jim, her high school sweetheart. Their friends say no one can remember either of them having dated anyone but each other. Jim worked as a route sales representative for Wonder Bread, and started work at 3 am. He had to go to bed earlier than the rest of his family, and he made sure he kissed his daughter Shea every night before doing so. The two lived for their young daughter and always put her first in their lives. In fact, they were headed to Tulsa for a day at the zoo when their lives were unexpectedly taken.

My heart goes out to Misty's and Jim's parents, Hursel and Linda Henson and Juanita Brown Johnson, and their families. I know this is an extremely difficult time for them, and for all families who lost loved ones on that terrible day, and I keep them in my thoughts and prayers. While Misty, Jim, and Shea are no longer with us, their spirit lives on, in the lives of all those they touched.

COMMENDING STATIONS ON MAKING THE TRANSITION TO DIGITAL TELEVISION

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. JOHN. Mr. Speaker, I rise today to express my support for the ongoing efforts by our Nation's broadcasters to make the transition to digital television. This exciting new technology will open the door to a new world of possibilities like High Definition TV, interactive television, and expanded programming options.

I am proud that one of the broadcasters in my congressional district has taken a lead in making this advancement. KLFY, a Young Broadcasting station, currently serves residents in Louisiana's Seventh Congressional District with a digital signal.

It is no small accomplishment to make the transition to digital. Broadcasters across the country are making substantial investments in new transmitting facilities, new production equipment, and in some cases new broadcast towers. Collectively, the broadcast industry has invested over a billion dollars into this new technology.

America's broadcasters have demonstrated their commitment to making the DTV transition, but they cannot do it alone. A collaborative effort by the FCC, cable operators, consumer equipment manufacturers and Congress is needed if we are to meet the timetable that has been established. Several issues must still be addressed to build on the progress that broadcasters are making in rolling out digital television to their viewers. In particular, we must work to overcome the economic and technical roadblocks that are currently preventing small broadcasters from successfully launching DTV.

Mr. Speaker, with the continued efforts of our Nation's broadcasters I am sure that we will overcome these obstacles and make a successful transition to DTV. I remain confident that the future of television is digital and I believe that future is bright.

EXPATRIATE LEGISLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. RANGEL. Mr. Speaker, today I am introducing legislation to prevent tax avoidance through the device of renouncing one's allegiance to this country.

Citizenship in this country confers extraordinary benefits. Our citizens are able to enjoy the full range of political and economic freedoms that our government ensures. With the benefits of citizenship comes the responsibility to contribute to the common good. Avoiding that responsibility through renouncing citizenship should not be tolerated.

This country is fortunate in that it can depend on the voluntary compliance of its citizens to collect its taxes. In that respect, we are unique in the world. The willingness of our citizens to continue voluntarily to comply with our tax laws is threatened when very wealthy individuals can avoid their responsibility as citizens by turning their backs on this country and walking away with enormous wealth.

I reject any suggestion that my bill is a form of class warfare or motivated by class envy. It is true that my bill will affect only very wealthy individuals. Only very wealthy individuals have the resources necessary to live securely outside the borders of this country as expatriates. Closing a loophole that only the extraordinarily wealthy can utilize is not class warfare. It is a matter of fundamental fairness to the rest of our citizens.

Opponents of effective reform in this area have gone so far as to suggest that those reforms would be inconsistent with our Nation's historic commitment to human rights. I strongly disagree. The individuals affected by the bill are not renouncing their American citizenship because of any fundamental disagreement with our political or economic system. These individuals simply refuse to contribute to the common good in a country where the political and economic system has benefitted them enormously. Some opponents have gone so far as to compare the plight of these wealthy expatriates to the plight of the persecuted Jews attempting to flee Russia. That argument is worthy of contempt. Our bill imposes no barrier to departure. Indeed, most expatriates have physically departed from this country before they renounce their citizenship.

For reasons that continue to puzzle me, there was a bitter partisan dispute in 1995 over this issue. The partisan nature of that debate obscured the fact that there was a genuine bipartisan consensus that tax avoidance by renouncing one's American citizenship should not be tolerated.

The dispute during 1995 involved an argument over the appropriate mechanism to be used to address tax-motivated expatriation. The Clinton Administration, the Senate on a bipartisan basis, and the House Democrats all supported legislation that would have imposed an immediate tax on the unrealized appreciation in the value of the expatriate's assets. The House Republicans supported a provision that imposed a tax on the U.S. source income of the expatriate for the 10-year period following expatriation. Armed with revenue estimates from the Joint Committee on Taxation that showed their version as raising more money, the House Republicans prevailed and, in 1996, enacted their version of the expatriation legislation.

There was an article in Forbes Magazine several years ago that summarized the effect of the 1996 legislation as follows: "It ain't workin." Although the law appears to be draconian on its fact, there are plenty of loopholes. In the first quarter of 1999 alone, a grandson of J. Paul Getty; a son of the shipping magnate Jacob Stoll-Nielsen; and Joseph

J. Bogdanovich, the son of the Star-Kist mogul, took advantage of those loopholes. The article suggests that many other expatriates deliberately have lost citizenship without formally renouncing it, believing that was a simple way to avoid the 1996 Act.

The 1996 legislation made several modifications to ineffective prior law expatriation provisions. It eliminated the requirement to show a tax-avoidance motive in most cases and eliminated one simple method of avoiding the rules, involving transfers of U.S. assets to foreign corporations. There were many other ways of avoiding those rules such as delaying gains, monetizing assets without recognition of gains, and investing indirectly through derivatives. Those techniques were left untouched.

The 1996 legislation made no serious attempt to prevent the avoidance of the estate and gift taxes, even though expatriation has been described as the ultimate technique in avoiding estate and gift taxes. Bill Gates, one of the wealthiest individuals in the world, has approximately $90 billion in assets. If he were to die or transfer those assets to his children by gift, the potential liability would be substantial. If Bill Gates were to expatriate, he could immediately make unlimited gifts in cash to his children without any gift tax liability. If he expatriated ten years before he died, his entire $90 billion stake in Microsoft could be transferred to his heirs with no income tax or estate tax ever being imposed on that accumulation of wealth.

Following is a brief summary of my bill.

SUMMARY OF BILL

The bill would impose a tax on the unrealized appreciation in the value of an expatriate's assets. The amount of that tax would be determined as if the expatriate has sold his assets for their fair market value on the date that he expatriates. To the extent that those assets are capital assets, the preferential capital gains tax rate would apply.

The bill exempts the first $600,000 ($1.2 million for a married couple) of appreciation from the tax. It also exempts U.S. real property interests and interests in retirement plans.

The expatriate would be provided an election to defer the tax with interest until the property is sold.

The bill would eliminate the ability to avoid estate and gift taxes through expatriation by imposing a tax on the receipt by U.S. citizens of gifts or bequests from expatriates. The new tax would not apply in circumstances where the gift or bequest was otherwise subject to U.S. estate or gift taxes. In addition, the new tax would be reduced by any foreign estate or gift tax paid on the gift or bequest.

The bill would eliminate the ability to expatriate on an informal basis. It would require a formal renunciation of citizenship before an individual could avoid tax as a U.S. citizen.

Generally, the bill would apply to individuals formally renouncing their citizenship after the date of action by the Committee on Ways and Means. The provisions designed to prevent avoidance of estate and gift taxes would apply to gifts and bequests received after such date.

CONGRATULATIONS TO KANSAS CITY'S DIGITAL BROADCASTERS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Ms. McCARTHY of Missouri. Mr. Speaker, the broadcasting business is unique in that it provides its service for free. Most communication mediums, like high-speed Internet, satellite TV, and cable require a subscription. But anyone willing to purchase a TV set and rabbit ears can enjoy local TV.

Three stations in my district have already invested to see that this tradition continues into the digital era. I would like to thank Hearst-Argyle stations KMBC, ABC, and KCWE, UPN, for their recent conversion to digital broadcasting on April 30, 2002, and again praise KCPT, Kansas City's public television station which has been broadcasting a digital signal since November 9, 1998. Actions speak louder than words, and these stations, through their actions, have demonstrated a commitment to the future of free, over the air television. KMBC, KCWE, and KCPT should be commended for making digital television broadcasts available to homes in Missouri's Fifth District.

I look forward to the ongoing transition to digital television, and I commend my local stations for leading the way. Let me offer my thanks and congratulations to them for flipping the digital switch.

HONORING THE WOMEN VETERANS OF AMERICA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. GEKAS. Mr. Speaker, I would like to take this opportunity to express my deepest gratitude to the millions of our women who have donned the uniform of our armed forces and served proudly in the every military conflict in which this Nation has engaged. On Saturday, May 18, I spent some time with a group of ladies of whom we should all be extremely proud. I was honored to take part in the Harrisburg Armed Services Day celebration of Women Veterans organized by City Councilwoman Patricia L. Stringer and local veteran Barbara Lewis. I could not commend the women veterans attending that gathering enough then and cannot do so now. Nevertheless, it is only fitting that we should attempt to honor those who have sacrificed so much for our benefit.

The roughly 2 million women who have served with the military have served in every conflict since the American Revolution. Over 55,000 of these veterans have come from my home, the great Commonwealth of Pennsylvania. All have left a legacy of service, duty and patriotism. We would do well to remember their devotion to country, and to imitate their heroic sense of responsibility, especially as we find ourselves confronted with new enemies and a new war.

On Saturday, May 18, I spoke with veterans such as Sandra Mosten and Betty Curtis, a former WAC corporal, who served in the Army at a time coincident with my service in the early 1950s. Sandra and Betty served our country proudly, and perhaps without realizing it, have blazed a path for women who have come after them. Indeed, 90,000 women serve in the U.S. Armed Forces today, and all have been strengthened in their commitment to the military by the examples of the strong women who have gone before them—veterans like Sandra Mosten and Betty Curtis.

Mr. Speaker, the history of women in uniform moves me each time I recount their great accomplishments. The Army Nurses Corps, founded in 1901, served as the vanguard unit for official participation of uniformed women within the military. The Navy and Marine Corps soon followed suit and enlisted women into a variety of roles during World War I. By World War II, 400,000 women served in noncombatant military positions. Many of us will remember the Women's Army Corps organized by Oveta Culp Hobby, the first lady of Texas and, later, the first Secretary of Housing and Education. The WACs, as they were fondly dubbed, were joined by the Navy's WAVES, the Coast Guard's SPARS and Air Corp's WASPs. Their jobs may have been labeled noncombatant, the risk was often just as great as those faced by men in the front lines. For example, 87 military nurses fell into enemy hands as POWs during the war.

I personally remember the WACs and WASPs of Central Pennsylvania who instilled in the youth of the community a renewed sense of duty—a sensibility I carried with me, into my adulthood and which propelled me forward during my time in the Army during the Korean War. In fact, the years just prior to my enlistment were critical to the future of women in the military. In 1948, President Truman signed into law the Women's Armed Services Integration Act of 1948. The Act granted women permanent status in the Regular and Reserve forces of the Army, Navy, Marine Corps, and newly created Air Force. Over 500 women then served in the combat zones of Korea. When America entered that long conflict in Vietnam, women again were an integral part of military operations. Nearly 7,500 women served their country honorably during that conflict. Following their example, President Ford signed into law an Act admitting women into the service academies of the various military services. The WAC formally dissolved a few years later, marking in many ways the full integration of women into the military, free of segregated units. We only need to view the heroic exploits of women in Desert Storm and Afghanistan to see how far women have come in the military. I need look no further than the confines of my Congressional District.

I am reminded of the new traditions of women's military service that are being created each and every day when I look at the Headquarters of our Pennsylvania National Guard, located at Fort Indiantown Gap near Annville, Pennsylvania. There, the first woman to attain the rank of General in the Pennsylvania Guard commands the Army Guard with devotion and professionalism. I had the great honor of noting Deputy Adjutant General Jessica Wright's promotion to Brigadier General in this body last Congress. Let me also note the tremendous accomplishment of a young soldier I met just a few months ago, Krista Griffith of Hershey, Pennsylvania. Krista has recently become the first woman to attain the rank of Sergeant Major in the Pennsylvania Guard. Old enlisted veterans like myself will note that Sergeant Major is one of the noncommissioned officers (NCO) in the Army. Sergeant Major Griffith, an intelligence specialist, will soon serve 6 months in Bosnia as part of the SFOR operations the 28th Infantry Division of the Pennsylvania Guard will soon undertake.

Mr. Speaker, I am honored to know General Wright, Sergeant Major Griffith, Sandra Mosten, Betty Curtis, Barbara Lewis and so many other women veterans from Central Pennsylvania. We as a country should be honored to remember the 2 million women veterans who have served this country and the thousands who serve in uniform today during this time of war. We will never forget their sacrifices or their commitment to service. I thank them all on behalf of the people of my district. I know my colleagues will join me in thanking them on behalf of a grateful Nation.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. KOLBE. Mr. Speaker, earlier today, I was unavoidably detained and missed a vote on a motion to adjourn. Had I voted, I would have voted "no" on this vote—No. 213.

IN RECOGNITION OF MR. FREDERICK J. STOKLEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today in recognition of an outstanding individual who has demonstrated a true commitment to education, Mr. Frederick J. Stokley, C.E.O. and Superintendent of Schools in Ridgewood, NJ. Tomorrow, on June 7, 2002, the Ridgewood community will celebrate Mr. Stokley's 15 years of service to the Village of Ridgewood. Amid fireworks, plays, and tributes to Mr. Stokley, the community will thank him for his dedication. The results of his work are felt not only in the public schools of Ridgewood, but throughout our community. He is a wonderful example of the type of person who makes Bergen County such a wonderful place.

The Ridgewood school district is considered to be one of the premiere suburban school districts in the New York metropolitan area, and indeed the entire State of New Jersey. Much of this is because of the guidance of Mr. Stokley as Superintendent. The experience that he brought to the job has continued the strong tradition of excellence in Ridgewood's education system. When Mr. Stokley joined Ridgewood in 1987, he had already served as Superintendent of Schools in Massachusetts and Louisiana. Additionally, Mr. Stokley has taught at outstanding institutions such as Harvard University, Cambridge College, and Boston College. Ridgewood was lucky to have a man of such intelligence, experience, and devotion join its fine school system.

As a former member of the Ridgewood Board of Education and former educator, I can tell you first hand the importance of leadership and serious commitment to the public school system. And I believe, as the residents of Ridgewood will agree, Mr. Stokley has provided those very qualities for our community. I applaud his dedication and his service in the past 15 years in our community. And I wish him all the best for the years ahead.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Stokley on his 15 very successful years with the Ridgewood Public Schools and thank him for his fine example for all of us committed to providing a quality education for our children.

IN REMEMBRANCE OF HOWARD EISENBERG

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, the City of Milwaukee lost one of its most brilliant and compassionate citizens on Tuesday when Howard Eisenberg died of complications of a heart attack.

Dean of the Marquette University School of Law since 1995, Mr. Eisenberg symbolized the humanity and dedication to public service toward which all lawyers and jurists should strive. Hailed by members of the legal community across the country, Mr. Eisenberg earned praise for his efforts to give everyone access to the justice system. In Milwaukee, he owned a well-deserved reputation for offering help to those in need, giving advice to those who asked, and taking on pro bono cases on behalf of those with limited financial means.

Even Mr. Eisenberg's hobbies and leisure time activities reflected his drive to help those in need. He was, after all, a lifelong fan of the Chicago Cubs.

Mr. Eisenberg was as groundbreaking as he was compassionate. He served as Wisconsin's chief public defender from 1972 to 1978, and in that role he wrote the state's public defender statute. Eisenberg, who was Jewish, also became the first non-Catholic dean of the Marquette Law School when he assumed the post at the Jesuit institution seven years ago.

Leaders from across the state sought out his special combination of legal prowess and commitment to the community on a range of issues. Mr. Eisenberg headed a community commission for the Archdiocese of Milwaukee that examined the Church's response to alleged sex abuse in the clergy, and Governor Scott McCallum selected Mr. Eisenberg to co-chair Wisconsin's Task Force on Ethics Reform in Government.

A member of the Bar in Wisconsin, Illinois and the District of Columbia, Mr. Eisenberg, a graduate of the University of Wisconsin—Madison School of Law, argued more than 300 appellate cases before state and federal courts, including two cases before the U.S. Supreme Court. He was widely recognized as a leader in the areas of criminal procedure, legal ethics, elder law, and civil rights.

I ask my colleagues in the House today to honor and recognize the illustrious career of Howard Eisenberg. His integrity, character, and legal expertise will be sorely missed.

RECOGNITION OF DAVE ZWEIFEL'S 40TH ANNIVERSARY WITH CAPITAL TIMES

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Ms. BALDWIN. Mr. Speaker, I rise today in recognition of Dave Zweifel's 40th anniversary working at the Capital Times newspaper in Madison, WI. Dave grew up in New Glarus, WI, and entered the University of Wisconsin in 1958. The day after Dave graduated with his degree in journalism, he went to work at the Capital Times. Except for 2 years serving his country in the U.S. Army as a field artillery officer, Dave has dedicated his journalism career to the Capital Times.

But the 40th anniversary of Dave at the Capital Times is only part of the story. Dave's story is much more than that. It is the story of a young boy having a dream and seeking out that dream through relentless dedication and hard work. As a boy growing up in the New Glarus area, Dave dreamed of becoming the editor of the Capital Times. As a high school student and the editor of a local paper, Dave went to meet with the editor of the Capital Times. That editor promised Dave that if he continued his hard work, and got a college education, he would have a job waiting for him at the Capital Times. Several years later, Dave showed up at the editor's door, diploma in hand, and the editor gave Dave that much sought after job as a cub reporter.

Dave worked his way up at the Capital Times as a reporter covering everything from agricultural issues to the political beat. In 1971 Dave's hard work paid off when he landed the city editor slot. Further dedication was rewarded when he became managing editor in 1978 and editor in 1983.

Dave's dedication to his newspaper is evident in every edition of the Capital Times. Everyday at 4:30 a.m. Dave arrives at his desk to go over that afternoon's paper and to ensure that the paper embodies the unique ideals of Wisconsin's Progressive movement.

In today's world of mega-media mergers it is refreshing to know that everyday, Dave Zweifel works to ensure that the Capital Times remains true not just to the ideals of journalism, but true to Wisconsin, the traditions of the Badger State, and the independent voice that Wisconsinites have depended upon since 1917.

TRIBUTE TO DR. BARBARA HELLER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. CARDIN. Mr. Speaker, on June 20, 2002, Maryland elected officials, University officials, faculty, staff, students, alumni and friends will honor Dr. Barbara Heller for her many years of visionary leadership as Dean of the University of Maryland School of Nursing. After 12 years, Dr. Heller is leaving to accept a position as the first Executive Director of the newly formed Center for Health Workforce Development. She will also assume new responsibilities as the School of Nursing's first Rauschenbach Distinguished Professor, an endowment professorship dedicated to the improvement of nursing and nursing education.

During her tenure as Dean, Dr. Heller is credited with building a new state-of-art nursing school building to support the School's research, teaching and service mission. Another key milestone in Dr. Heller's tenure is the recruitment of nationally known nurse researchers and scientists, resulting in a 900% increase in grants and contact awards for the School of Nursing since 1990.

As Dean, Dr. Heller has guided the School of Nursing through many challenges, not the least of which is the national nursing shortage. With aggressive strategies of outreach, increased scholarship support, marketing and student recruitment, Dr. Heller's term has been marked by significant increases in enrollment and diversity. The School's minority student population has more than doubled in the past dozen years, from 15% to 35%.

U.S. News and World Report has consistently ranked the School among the top ten in the nation, and in 2000, accorded the same status to five of the School's graduate specialties. Recently, the School was designated a Pan American Health Organization/World Health Organization Collaborating Center for Nursing in Mental Health Promotion, significantly expanding opportunities for international research and dialogue for faculty and students.

Dr. Heller's leadership in service to the community also deserves special notice. During her tenure, a new model of clinical instruction and health care service has expanded to include five Wellmobiles, 14 school-based wellness centers, a high-school based family support center, the Open Gates Health Center, and the Pediatric Ambulatory Care Center. The latter is managed and operated jointly by the Schools of Nursing and Medicine, providing primary care services to more than 400 children each week who would not otherwise have access to adequate health care.

Due in great measure to Dr. Heller's leadership, expertise, knowledge and determination, the University of Maryland School of Nursing is well positioned to meet the challenges of the future. It has been a great privilege to work with Dr. Heller. I wish to congratulate her on her successful tenure as Dean and extend best wishes to her in her new position.

65TH ANNIVERSARY OF THE BATTLE OF THE OVERPASS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. BONIOR. Mr. Speaker, I rise today to remember not only those men and women who fought courageously and gave their lives to preserve the freedoms of our country, but also to remember the men and women who fought and gave their lives in the struggle for the rights of working men and women in America.

On May 27 we observed the 65th anniversary of an important and historic moment in the American Labor movement, the Battle of the Overpass. It was on May 26, 1937 that Walter Reuther, President of United Automobile Workers Local 174 and three fellow UAW organizers—Richard Frankensteen, J.J. Kennedy and Robert Kantor—organized what they hoped would be a peaceful distribution of union literature by the ladies' auxiliary of Local 174. At Reuther's request, several neutral observers were also present, including members of the clergy, reporters and photographers. At the suggestion of one of these photographers, they climbed the steps to an overpass leading to Gate No. 4, the primary entrance to the Ford Motor Company's River Rouge industrial complex.

Within minutes, Ford's "Servicemen" attacked them brutally, eventually throwing them down the two flights of iron steps leading up to the overpass. Dozens of the union's members were injured and one member died as a result of his injuries.

The Battle of the Overpass galvanized the organizing efforts among Ford employees, and the photographs taken that day brought national attention to not only the demands of working men and women, but also to the tactics employed by management to crush the early unions. It was a turning point for the labor movement. Ford had won the battle in the street, but ultimately lost in the minds of the public. In just a few short years, Ford officially recognized the UAW and signed its first contract with the union.

The right to safe working conditions, the eight-hour workday, the weekend . . . these are things that the men and women at the Battle of the Overpass fought, bled and even risked their lives for—and we should never forget that. Today, labor unions continue to negotiate for livable wages, decent health benefits, and ways to improve the quality of products and services they provide. They are striving to achieve fairer treatment for workers of color, working women, workers with disabilities and gay and lesbian workers, both on the job and in society. They continue to champion support for a strong public education system, along with the right of all children to receive quality education and opportunities for learning throughout adulthood. Unions continue to be on the front lines of promoting democracy across the globe.

It is right that we remember those that fought so hard for that first contract 65 years ago, and draw strength from their perseverance, so that 65 years from now our children will look back and see the great progress made by current generations.

INTRODUCTION OF THE SAFE SLEEPWEAR AND BURN PREVENTION ACT OF 2002

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. SHIMKUS. Mr. Speaker, I am pleased to join my colleague, Representative ED TOWNS, in introducing the "Safe Sleepwear and Burn Prevention Act of 2002." This legislation is important to thousands of children and their parents who face the dangers of sleepwear-related fires every day.

This legislation accomplishes three things. First, it repeals an ill-advised exception to our children's fire safety regulations created by the Consumer Product Safety Commission in 1996. This exception completely exempted sleepwear for infants age 0–9 months from the fire safety requirements. Second, the legislation repeals a similar regulatory exemption created for so-called "tight-fitting" sleepwear. Finally, our bill closes an egregious loophole in current law, which allows manufacturers of garments used by children to sleep in to avoid all fire safety requirements simply by labeling the garment as "daywear" rather than "sleepwear."

We owe a debt of gratitude to the Shriners Hospitals for Children for bringing this situation to our attention. Following the CPSC's 1996 decision, doctors at the Shriners Hospitals, which treat over 20 percent of all serious pediatric burn injuries in the United States, began to notice an alarming increase in the number of children suffering from sleepwear-related burn injuries. In the two years following the Commission's decision, the Shriners documented an alarming 157 percent increase in the number of children with fire-related injuries.

Last Congress, our subcommittee on Commerce, Trade and Consumer Protection held a hearing on this issue and received testimony from the Shriners and the American Burn Association, which represents all the Nation's burn centers and burn health care professionals. The evidence is compelling, and Congress must act quickly to ensure a burn-safe environment for children.

This legislation will reverse the Commission's ill-considered relaxation of the fire safety regulations and require that all garments used with regularity as sleepwear by children age 0–7 years must meet fire safety requirements. Mislabeling a garment as daywear or claiming that it is not intended to be used as sleepwear will no longer be an excuse for not meeting fire safety requirements, especially for the youngest and most vulnerable of our children.

We are also fortunate that we now have the technology available to create such a fire-safe environment for just pennies per garment. These new technologies are inexpensive, safe, do not wash out and do not alter the texture of the garment. We simply have no excuse for not ensuring that all garments used as sleepwear take advantage of this new technology.

Mr. Speaker, this legislation will truly create a safer environment for children. We can prevent thousands of horrific burn injuries and lessen the severity of those that do occur by adopting this legislation. The agency charged with protecting our children has failed in its duty to do so, and now Congress must act.

TRIBUTE TO GUADALUPE S. RAMIREZ

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to the memory of Guadalupe S. Ramirez for whom Los Angeles Mission College recently dedicated a new Collaborative Studies Building. Guadalupe was an outstanding community activist who died in January of 2000 at the age of 84.

Born in El Paso, Texas, Guadalupe had to end her formal education in the seventh grade to care for her ill mother. Soon after her mother passed away, Guadalupe relocated to California in the 1930's. She later married Manuel C. Ramirez. The couple partnered in many community efforts and they worked together to establish the San Fernando Valley chapter of the League of United Latin American Citizens. Even with their deep involvement in the community, the Ramirez's dedicated themselves to family, raising and caring for more than 35 children, including their many foster children. Guadalupe's many accomplishments involved helping found both the first Head Start childcare program in the Valley, and the Chicano Studies Department at Cal State University, Northridge. She also helped develop the North Valley Occupational Center.

In the 1970s Guadalupe led the campaign to place a proposed community college in the northeast San Fernando Valley. Her tireless effort proved successful, and in 1975 Mission College was founded in San Fernando. Dubbed as "the mother of Mission College" for her efforts on behalf of the community and the college, Guadalupe is remembered and loved by the greater Northeast San Fernando Valley community. The dedication of the Collaborative Studies Building in Guadalupe's name serves to acknowledge her role in bringing an institution of higher learning to the northeast San Fernando Valley while at the same time advancing the goals and values she held so dear.

Mr. Speaker, it is my distinct pleasure to ask my colleagues to Join me in saluting Guadalupe S. Ramirez, whose life is an inspiration to all.

TRAFICANT TRIAL: A RAILROAD OF JUSTICE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. TRAFICANT. Mr. Speaker, the government presented a ten-count indictment against me on May 4, 2001. And convicted me on those ten counts, Thursday, April 11, 2002.

Count Two—David Sugar.

David Sugar was indicted for backdating invoices for his company, some of which concerned me and Mr. Sugar ended up getting caught up in making false statements about these invoices.

To avoid perjury, Mr. Sugar stated he was pressured into doing quid pro quo favors at the Traficant farm.

Be advised that David Sugar testified that he received $1,400 in one payment and accepted a Steinway piano, appraised for between $6,000 and $7,000 and claimed the same on his tax records.

In my trial, the judge did not permit the testimony, or consensual taped phone call with Harry Manganaro, friend of David Sugar, in whom Sugar confided after being visited by the FBI for a second time. Clearly under the circumstances, Mr. Sugar's discussion with Mr. Manganaro should have fallen under the hearsay rule and been permitted as evidence.

On Sunday, January 27, 2002 I had the following conversation with Harry Manganaro regarding Mr. Sugar's situation:

JT: This is what, the twenty-seventh? Sunday, January twenty seventh? Okay now, Harry do you want to spell you last name?

HM: M-A-N-G-A-N-A-R-O.

JT: Manganaro. Yea. We've known each other for a lot of years, but you work for Dave Sugar right? You used to?

HM: I used to.

JT: And on or about the time that Dave ah, has gone through this ordeal with me, you were his employee?

HM: Yea, when I was there I was just a consultant on demolitions.

JT: Yea, you wanna move a little closer? And you realize we are taping this conversation?

HM: Yes.

JT: Okay. Ah, in fact, you mentioned, there, you came to me yesterday to my house at about what, 10:00? This is the first you divulged that information to me.

HM: Right.

JT: Okay. And you realize I represent myself, I'm my own attorney.

HM: I do.

JT: Now, I've asked you to meet me here today and you told me that basically Dave Sugar had made statements to you relative to this case. I want you to just in short, brief terms tell me what Dave Sugar said.

HM: Well first of all, he had people coming in, they came in two times.

JT: Who were the people?

HM: That was the FBI people. I don't know exact names.

JT: That's fine.

HM: The first time they came in they were questioning what he did for ah, you and (sounds like transport machinery) and ah, they didn't charge you for it. And Dave is bad on keeping some records and things like that. There was stuff on my desk where I didn't even bill people yet, but I got the bills. And he probably had your bill on there too. And they were aware of that, basically they left that time. Then they came back when Dave wasn't there and they went through the whole office, and ah (unintelligible).

JT: Well, what they did to him was they charged him with some offense involving me, quite frankly I'm not even up to date on his offense, but then at some point he said to you that he had to make statements.

HM: Right, basically they told him that if he doesn't cooperate with them, he was going to get his wife involved and ah, his son involved with the business and everything like that so, he didn't want anybody else to get involved with business or he pleaded guilty, he doesn't want to get his wife involved and have problems. They gave him the opportunity.

JT: Who is they again?

HM: They is the FBI.

JT: Now, did ah,.

HM: I know one thing, he has been nervous ever since then cause they've got the threat of going to jail over his head and ah.

JT: If he don't do what?

HM: If he doesn't cooperate.

JT: Did he tell you that, well what did he tell you, did he tell you he broke the law with me, what was the statements to you?

HM: Basically he don't feel that he broke the law because ah, your dad and his dad were friends for years and years. And he thought he was helping a friend but he did say that whatever he did for you, he was paid because he had gotten some money, I'm not sure of an exact amount, I don't know fourteen, eighteen hundred dollars, something like that, plus a piano that's worth more than what these people are saying.

JT: Well, he mentioned to you that it was an eighteen fifty-six Steinway that was registered in the book?

HM: Right, I moved it out of your house.

JT: Yea, and it was registered in the book only two made in eighteen fifty-six, but there was other antiques too. Did you help move those things from the barn and from the house?

HM: Yes I did, you had them in the barn, we went to the barn, we got stuff up in the attic.

JT: There were several other antique pieces that he had taken, but basically all he did there, was he laid, you guys spread the concrete, he did not have anything to do with paying for the concrete.

HM: No, he didn't buy the concrete. The concrete was bought by a guy in Struthers, I believe it was.

JT: T.C. Ready Mix delivered it. And ah, I paid T.C. Ready Mix and he had nothing to do with paying that. But the point I'm making is, did he say look, I had to lie or they were going to put me in jail, bring my son involved.

HM: Yep.

JT: Tell me exactly what he said.

HM: That's what he said. What your saying is that he was deathly afraid that they were going to bring his son in, his wife in, and ah, if he didn't cooperate with them, he was going to go to jail.

JT: And by cooperating, what does that mean?

HM: Well by cooperating, right now he is not in jail.

JT: Yea, by telling them . . .

HM: Whatever they want to hear, he had to tell them. And at this point, he is still worried about going to jail, because if he doesn't cooperate in the courthouse he has got that threat lingering over his head about going to jail.

JT: When did he tell you this, do you recall?

HM: Oh, it had to be after the second meeting with the FBI. I can't give you a specific date, but it was right after that. It was actually before he went to jail on ah, another offense, I think they had something with his old DUI.

JT: Against the father? Dave senior?

HM: Dave senior, yea he had one.

JT: Yea he had one too.

HM: And they pushed that issue.

JT: They were pushing that. But they indicted him on, was supposedly he backdated a bill to me and he supposedly said he didn't backdate the bill, and then they found that he did backdate a bill or whatever the hell it was and they were going to get him for perjury, that was technically the count so, is that what you recall?

HM: Right, but the bill, as I said before, Dave was bad, he'll do work for other, and he even explained to the FBI people that he has done work for New Middletown and different things like that, and he'll forget to send a bill, or he'll have it out but he won't put a date on it and it might be a month later that he'll decide to put a date on it to send it for when he did the work. And it's backdated, but on the same token, ah, a lot of times its just forgetfulness.

JT: But ah, evidentally Dave was concerned cause he knew they were after me so, he said that he didn't backdate the bill right?

HM: Right. Correct.

JT: And that was the technicality that got him indicted.

HM: Right that was just...

JT: Bull sh—?

HM: Him protecting an old friend, that's what it, amounts to. Myself, for the petty little thing that he did, I don't think that . . .

JT: But he said to you that he felt bad that he had to do this, because it wasn't truthful, and he and I did nothing illegal, is that in fact what he said?

HM: That's it. Because the point is that you know, he can't figure out why he can't help people and still get some money for it, which he did, and ah, get in trouble for doing something he didn't do.

JT: There were no intentions to do something for me because I was doing something or helping him.

HM: Right.

JT: That's exactly what he said?

HM: That's about the extent of it. And ever since then he has been really worried.

JT: I know he feels bad. Everybody is saying you can see he don't want to do what they are forcing him to do. But he is forced to this, is that what he told you?

HM: That's it.

JT: And were he not being forced with these technicalities, he would tell the truth in Cleveland, wouldn't he?

HM: Yea he would.

JT: And he's still real worried that he may tell the truth and if he does, they are going to send him to jail, don't they?

HM: That's the problem right now that Dave has. If he tells the truth, he goes to jail, if he lies about it he goes to jail. He's caught in a nutshell and he don't know which way to go.

JT: He has to go the way they want him though, don't he?

HM: You got that right.

JT: But he told you that explicitly?

HM: Yes he did.

JT: And you are willing to testify to that?

HM: Yes I will.

JT: Thank you Harry, I think today is Sunday, January, what's the date, the twenty-seventh?

HM: The twenty-seventh I think.

JT: Is there anything else you want to say Harry?

HM: Ah, not really, unless you want to hear about that ah...

JT: About the city of Youngstown and their deals they had going, no. That's something that, I got an investigation going on and I may go over that with you at some point, but right now, I'm more concerned about his case here and what they have done with witnesses.

HM: One more about Dave, you know that he doesn't need any trouble.

JT: He certainly doesn't need any trouble, is that what you said?

HM: No he's a very good guy, hard worker at times, and he's still a good guy.

JT I know that.

HM: I Don't believe that by him supposedly talking to you about out of town people at one time for a job, could justify all the problems that he has coming.

JT: Yea, and he in fact was right the rightful bidder. And there was some hanky panky in the city wasn't there?

HM: There definitely was.

JT: And he told it to me didn't he?

HM: Yes he did.

JT: And I looked into it.

HM: Yes you did, and there was nothing promised, anywhere along the line.

JT: And as soon as I looked into it, they changed the whole ball game down there didn't they?

HM: Right. They got some out of town firm that went bankrupt.

JT: The out of town firm did go bankrupt didn't they?

HM: Yea they did, I went to the auction.

JT: Well thank you Harry, I appreciate you coming to me by your own volition.

HM: Yes I did.

JT: Thank you and this is Sunday, January twenty seventh, approximately Eight fifty-five a.m., is that the time you got? Eight fifty-five a.m., alright.

There are also contract issues relative to Sugar and the city of Youngstown, in which the government maintained that I leveraged the City to give Sugar the contract.

I did try to help Sugar get that contract. There was no quid pro quo. David Sugar and his company pay more than $100,000 in taxes into Mahoning County, where the city of Youngstown is located. And, because the need for employment in my district, I always support good quality bids from local companies, which hire my constituents and pays taxes into this community. The contract was eventually awarded to a company from Buffalo, New York for a difference of $14,000.

The poor quality of the company that was granted the bid for the City is evidenced by it's bankruptcy auction, in which Harry Manganaro attended at the request of David Sugar. Additionally, the company's performance created a fire at the work site causing damage after smoldering for a lengthy period of time.

Did I help David Sugar? Answer—Yes. I helped thousands of my constituents in similar situations and David Sugar was paid for any services he may have provided at the Traficant farm.

The sugar count has been manipulated so much it's more like NutraSweet©.

Next week . . . Pinocchio, Attorney at Law.

A TRIBUTE TO CALIFORNIA STATE ASSEMBLY SPEAKER PRO TEM FRED KEELEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. FARR. Mr. Speaker, I rise today to honor my friend, California State Assembly Speaker pro Tem Fred Keeley. In his years of service to the communities of the Central Coast and throughout California, he has earned a reputation for professionalism, and the ability to fairly balance competing interests and find common ground between them. His legacy of tireless work has been an inspiration to me, his colleagues in the California State Assembly, and many others.

Fred Keeley holds an unwavering conviction that Californians need, and deserve, a clean and well-protected environment, and that it is not necessary to threaten or damage the environment to meet the energy needs of Californians. Fred has been a strong advocate of energy conservation and efficiency programs, in addition to developing programs to encourage households to generate their own electricity with renewable energy. In March 2000, Fred's bond measure, Proposition 12, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act was passed. In drafting the Marine Life Management Act, Fred brought together sport and commercial fishermen, environmentalists, and scientists to address the question of how to be good stewards of our ocean resources.

Fred Keeley understands that the greatest of all of California's resources are its people, and that state, federal, and local governments should do all they can to invest in these people by investing in their education. The Central Coast is home to excellent institutions of higher education, many of which have formed partnerships with the research facilities located around the Monterey Bay. One of the ways Fred is helping college students and their communities is by addressing the need for student housing. Fred also works on behalf of younger students through his efforts to create a high school in Watsonville, and on behalf of our youngest students, through his efforts, to improve availability of funding for the Healthy Start program.

Term limits will force Fred Keeley to leave the California State Assembly, and his talent and vision will be sorely missed. However, I know that he will continue an active contributor to the communities of Central Coast, as he did in his years as a Member of the Santa Cruz County Board of Supervisors, and as my Chief of Staff when I served in the California State Assembly. I am proud to call Fred Keeley a friend, and happy to honor him for his commitment to public service.

HONORING SUSAN PETERS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to commend Susan Peters as she retires from over 37 years of educating children of elementary grade levels one through three. Susan has taught at Neil Armstrong Elementary School in Diamond Bar, California for 30 years and has been in the Pomona Unified School District for 33 years. She has even had the rare opportunity to teach the children of former students. Formerly, her first four years were in the State of Michigan.

In her years at Neil Armstrong, she took the lead role in organizing the school library and bringing it into the 21st century. Susan, with her team teacher Toby Kahan, has instituted the AR reading program and set it up on computers for the entire school. She has always been available to serve on many different committees, both school and district-wide. Susan holds a Masters Degree in Education specializing in reading.

Susan's departure will be a great loss to her school and to the children she teaches. She has stated that from the time she was a small child she knew that she was to be a teacher, and she succeeded in that dream. This is a great and very dedicated educator whom I congratulate for her years of outstanding commitment to our children as she goes into retirement.

HONORING REVEREND DR. ZAN WESLEY HOLMES, JR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to commemorate the career of one of Texas' most beloved and honored spiritual leaders, the Reverend Dr. Zan Wesley Holmes, Jr., who retires this month as Senior Pastor of St. Luke "Community" Methodist Church in Dallas. Reverend Holmes has been a friend and spiritual mentor to me—and to so many others in the world—throughout his decades of service to our community. This evening he is being honored for his extraordinary service with an Official Tribute orchestrated by the friends and family members he has touched over the years.

Reverend Holmes is a man of unshakable faith, great wisdom, and bountiful kindness. He has been a pillar of the Dallas community for more than 45 years, working tirelessly to stabilize and mobilize our neighborhoods and improve the quality of life for all North Texans. By giving of himself so generously, he has helped to strengthen our families and our spiritual faith, promoted justice and equality, and helped create economic opportunities that has made Dallas a more diverse city to live.

First and foremost, Reverend Holmes has been a spiritual beacon for the Dallas community. As a young man attending Huston-Tillotson College, he accepted his calling to the ministry and embarked on a path that has uplifted so many of us over the years. In 1956, Reverend Holmes moved to Dallas to attend Southern Methodist University's Perkins School of Theology. He became a professor in the same department in 1974, inspiring generations of ministers since that time.

Throughout his pastoral career, Reverend Holmes has achieved many milestones. He helped found Hamilton Park United Methodist Church in Dallas. In 1968, Reverend Holmes rose to District Superintendent in the West Texas Conference of the United Methodist Conference when segregation called for a separate African-American governing body of the United Methodist Church. After the Methodist Conference integrated in 1970, Reverend Holmes' term as District Superintendent carried over into the unified conference and he proudly served on behalf of people of faith of all colors.

Shortly thereafter, Reverend Holmes was appointed Minister of St. Luke Methodist Church in East Dallas. He came at a time when the church only had 50 members, and through his leadership, the congregation has grown to more than 5,000 members. He brought to St. Luke the desire to build a city-wide congregation that embodied a strong commitment to community outreach. After his installation as pastor, the word "Community" was added to the church's name at his insistence. In keeping with this sense of community, Reverend Holmes has brought many of his seminary students to St. Luke for their pastoral internship, making it a training ground for many well-known pastors who preach around the world today.

Beyond his work in the pulpit, Reverend Holmes has been a tireless leader in the fight for fairness and equality in the Dallas-Ft. Worth Metroplex. While becoming one of Dallas' true visionaries, his work has helped to strengthen the voices and representation of African-Americans, as well as Hispanic Americans in many sectors of our community.

When I first considered running for the Texas House of Representatives in 1972, Reverend Holmes stood by my side and encouraged me. His wise counsel helped me to make the decision to run in that first election, which launched my 30-year legislative career. Throughout my career, I have been privileged to rely on Reverend Holmes for support and advice as well as for his friendship.

He has also played a pivotal role in bringing up other Texas African-Americans into elected office, and has met the call to office himself. Reverend Holmes worked on the campaign for the first elected African-American Texas State Representative Joseph Lockridge. After Representative Lockridge was killed in an airplane crash, Reverend Holmes was asked to fill his unexpired term. Reverend Holmes then ran for election and served two full two-year terms as a Texas State Representative. As an elected official, Reverend Holmes fought to create single-member districts, which ensured that African American and Hispanic voters would have more representation. Many, many other African American political leaders have ascended to public service from his guidance and teaching.

On any given day, hundreds of people in the Metroplex leave their homes to participate in programs spearheaded by Reverend Holmes. Believing that the church must be involved in the education of our youth, Reverend Zan Holmes and his late wife of 43 years, Dorothy, created the Zan W. Holmes, Jr. Scholarship Program, which has raised more than half a million dollars to help send deserving young people to college. At the end of each grading period, Reverend Holmes has reviewed the report cards of the children in his congregation. One by one, students have lined up outside his office to speak to Reverend Holmes about their grades and the challenges they are facing. These are the kind of personal touches that we have come to know from Reverend Holmes—and one of the great qualities we will dearly miss.

Mr. Speaker, for all of these accomplishments, and for so many others that are too numerous to list here, I am proud to rise in honor of Reverend Dr. Zan Wesley Holmes, Jr. and to express my gratitude for his many years of selfless public service. He is truly a role model and leader in our global community, and though we will miss hearing his words of wisdom and faith coming from the pulpit each Sunday, we congratulate Reverend Holmes as he moves on to new spiritual journeys.

TRIBUTE TO DR. CHARLES W. ESTUS, SR.

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to honor a dedicated educator and sociologist, Dr. Charles W. Estus, Sr., who has recently retired from his position as Director of the University Transportation Center at Assumption College.

Dr. Estus has had a long and distinguished career in academia. He has taught sociology since 1962, and he has spent 34 of those 40 years teaching at Assumption College where he was named Professor Emeritus in 2000. He has written on many subjects including the sociology of religion and the history of Swedish-Americans. Along with his study of Swedish-Americans, Dr. Estus sits on the Board of Directors of the Swedish-American Historical Society.

In addition to a long career in the classroom, Dr. Estus also worked to promote education through Assumption College's University Transportation Center, serving as its founding director. Created under the Transportation Equity Act in 1999, the Center's mission is to develop an understanding of the relationship between transportation and the environment. The affects of transportation on the environment are becoming increasingly clear in the 2lst century, and Dr. Estus deserves praise for helping to bring this message to his community.

Mr. Speaker, I am certain that the entire House of Representatives joins me in congratulating Dr. Estus for his work as an educator and wishes him the best of luck in retirement.

A SALUTE TO MAIMONIDES HEBREW DAY SCHOOL OF THE CAPITAL DISTRICT AND MRS. HOPE GOLDMAN BERGER NATHAN

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. McNULTY. Mr Speaker, Monday, June 10th is the 22nd Anniversary of the Maimonides Hebrew Day School in my congressional district in Albany, New York. This year's recipient of the Dr. Morton Berger Memorial Award is Mrs. Hope Goldman Berger Nathan.

On Monday, the Maimonides Hebrew Day School of the Capital District, an exemplary pre-K through 12 educational institution affiliated with Torah Umesorah National Association of Hebrew Day Schools, will hold its Annual Scholarship Dinner marking 22 years of outstanding Orthodox Jewish education with outstanding secular education for Jewish youth of the Capital Region.

The School is named after Moses Maimonides, a sage rabbi, teacher, and physician who created the first comprehensive code of Jewish law—and serves a role model for excellence.

In this age of unprecedented challenges, especially in the wake of the catastrophic attacks upon our nation on September 11, 2001, our young people need the optimal moral, religious, and secular education to prepare them for a challenging future.

As part of the Maimonides Dinner, Hope Goldman Berger Nathan will be presented with the Doctor Morton Berger Memorial Award. This award was established in loving memory of her husband, Doctor Berger (of blessed memory), in recognition of his outstanding leadership on behalf of Jewish education and Jewish communal life in the Capital Region and New York State, until his untimely death as a crime victim of a drunk driver.

Since arriving in Albany with Doctor Berger over 42 years ago, Hope Goldman Berger Nathan has raised three wonderful children, Linda, Howard and Allen—who themselves have excelled in Jewish and secular education and community service.

Mrs. Nathan has rendered invaluable service to Jewish education and communal life including but not limited to Maimonides Hebrew Day School of the Capital District, The Hebrew Academy of the Capital District, the "Vaad Hakashruth" (Board of Kosher dietary laws), Congregation Shomray Torah, Congregation Beth Abraham Jacob, Temple Israel and its Camp Givah, and Congregation Beth Emeth.

Mrs. Hope Goldman Berger Nathan, with her beloved husband, Tom Nathan, continues to play an active role in community service.

I also proudly extend my highest regard to Maimonides School President Yisroel Bindell, the School's Rosh Yeshiva, the esteemed Rabbi Israel Rubin, and all of the administrators, staff, teachers and students, and offer them my best wishes for continued success.

A TRIBUTE TO ROBERT S. HARGRAVES

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to Mr. Robert "Bobby" Hargraves, a distinguished Arkansan, attorney, and life-long Democrat who died on June 1st at the young age of 55.

Bobby's notable career in law began after he graduated from the University of Arkansas at Fayetteville in 1973. He then moved to Hot Springs with his wife, Joanie, to begin a 29-year law practice. In those 29 years, he has served as an Arkansas Bar Examiner and has twice served as a Special Justice of the Arkansas Supreme Court, in addition to serving as a special Circuit Judge and Chancery Judge.

But Bobby did much more for his community than uphold and defend the law; he was an exemplary citizen who cared a great deal for children, and he focused much of his work to better their lives and their futures. He served as Garland County's first Juvenile Referee and President of the Arkansas Juvenile Judges Association. He established the juvenile justice program in Hot Springs, and he founded the Ouachita Children's Center dedicated to providing emergency shelter and support services for abused, neglected, and troubled youth.

Bobby was an avid gardener and outdoorsman, a devoted family man and member of the Episcopal Church, and a pillar in the Hot Springs community. He was a close, personal friend of President Bill Clinton.

I know this is a difficult time for Bobby's wife, Joanie, their sons, Lucas and Jacob, his mother, Jean, his brother and two sisters, and all of his many friends and relatives whom he loved dearly. I am keeping all of them in my thoughts and prayers.

While Bobby Hargraves may no longer be with us, his spirit and his legacy live on in the many lives of those he touched.

TRIBUTE TO RUBIN AND SHARON PIKUS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. ISRAEL. Mr. Speaker, I stand today to recognize the outstanding service of Rubin and Sharon Pikus. They are exemplary members of the community, devoting much of their time to numerous volunteer organizations.

I would also like to recognize the accomplishments and service of their daughters, Andrea Hirsch and Marcy Katz, and their sons-in-law, Charles Hirsch and Jeff Katz.

The Nassau County Coalition Against Domestic Violence is honoring these exceptional individuals for their service to the community.

Sharon Pikus first became involved with the Coalition Against Domestic Violence while she co-chaired the Commission for Women's Equality of American Jewish Congress. The Commission helped countless women and children on Long Island by educating the community about the plight of abuse victims.

Rubin Pikus has been an activist in housing related issues on Long Island. He is also a Board Member of the Nassau County Coalition Against Domestic Violence. His involvement has brought a wealth of business and housing knowledge to the organization.

Charles and Andrea Hirsch, in addition to their duties as the parents of two children, commit time, energy, and resources to the Coalition.

Jeff and Marcy Katz, the proud parents of Miles Katz, have successfully balanced their personal and professional lives with involvement in the community.

Mr. Speaker, I commend Rubin and Sharon Pikus for their life-long service to their community. I also commend Charles and Andrea Hirsch and Jeff and Marcy Katz for ensuring the continuity of this unselfish commitment to the betterment of others.

D-DAY VETERANS

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. SHADEGG. Mr. Speaker, on this, the 58th Anniversary of D-Day, I address the House to honor six heroic Arizonans.

This past Monday I had the pleasure of awarding Don Benford, Joe Cicchinelli, Archie Dixon, Frank Kirinich, Mike Mills and Richard Thim the "Jubilee of Liberty" medal and a certificate of thanks from the French government for their outstanding bravery, valor and extraordinary service to the liberation of France.

Fifty-eight years ago they stepped to the doors of their C–47 transports and jumped into the dark, menacing embrace of the Normandy night. Fifty-eight years ago, the ramps of their landing crafts hit the pounding surf at Omaha and Utah beaches and they leapt forth into the teeth of terrible storm.

They were the elite of the American Army and Air Corps. They were the pride of our entire nation. They were what Tom Brokaw later came to call our "Greatest Generation."

As these gentlemen spearheaded the Allied invasion of France on that fateful summer night 58 years ago, they were taking an incredible leap of courage.

Steven Spielberg has said that his depiction of D-Day in Saving Private Ryan actually underplayed the ferociousness of the battle. That gives some measure of the superhuman heroism and valor of our D-Day vets.

It is no exaggeration to say they saved the world. And it is even less of an exaggeration to say they saved democracy for my generation—and future generations.

In his history of D-Day, Stephen Ambrose points out that Hitler thought that democracies were too weak to fight fascism, and that American soldiers—raised to believe in freedom and liberty—were soft and no match for his master race. But America's soldiers of democracy—you and millions of other World War II veterans—were anything but soft. The Taliban, by the way, are learning the same lesson about today's GIs.

These six Arizonans were able to storm the beaches of Normandy and win World War II precisely because they were fighting for liberty and freedom. They are the heart and soul of America.

In some ways, modern society is very different from the nation that the men and women of D-Day knew, and it is sometimes fashionable to take a cynical view of the world. But when the calendar reads the 6th of June, such opinions are better left unspoken. No one who has heard and read about the events of D-Day could possibly remain a cynic.

Army Private Andy Rooney was there to survey the aftermath. A lifetime later he would write, "If you think the world is selfish and rotten, go to the cemetery at Colleville overlooking Omaha Beach. See what one group of men did for another on D-Day, June 6, 1944."

Mr. Speaker, I remain eternally grateful to all of the veterans who stormed the beaches at Normandy in the defense of freedom. Every American soldier who courageously fought for freedom deserves recognition and thanks from this Congress.

ATTACK ON THE U.S.S. "LIBERTY"

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Ms. McKINNEY. Mr. Speaker, I speak to commemorate and recognize the tragic attack that took place against the U.S.S. *Liberty* on June 8, 1967. Although thirty-five years have come and gone since this historic event, the survivors of the U.S.S. *Liberty* are still struggling with the fact that their story has never been heard.

While there has never been an official investigation into this event, we have learned from survivor accounts that for over 75 minutes the Israeli Defense Forces attacked the U.S.S. *Liberty*, killing 34 American soldiers and wounding an additional 172. With over 85% of the crew either dead or wounded, they somehow managed to keep the ship afloat after being hit by over 1000 rounds of rocket, cannon, machine gun, napalm hits, and even a direct hit from a torpedo.

This unprovoked attack took place in international waters, and by a trusted ally. The only explanation given to the survivors and their families as to why this attack took place was that it was an accident and that their ship was not identified as being American, regardless of the fact that our flag was proudly flown throughout the attack. Unfortunately, that explanation is not good enough for those whose lives have been impacted by this attack, and it should not be good enough for the American people. Let's not wait another thirty-five years before we provide the survivors of the U.S.S. *Liberty* an official investigation into why this attack took place and allow them to tell their story. We owe them more than a debt of gratitude for their sacrifice; we owe them the truth.

PROMOTING DEMOCRACY AND FREEDOM

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. HORN. Mr. Speaker, during the past recess, I joined with Representative CURT WELDON and other Members in traveling to Russia, Uzbekistan, China, and Korea for discussions with government officials in those nations. I think I speak for all members of our delegation in thanking Representative WELDON for his excellent leadership of this group. I think we all also would agree that this trip provided an invaluable and enlightening look at key nations we must deal with in a broad range of issues.

Representative WELDON recently reported on our trip but today I want to insert into the RECORD my own most recent newspaper commentary, which outlines my own thoughts and assessment of our delegation's meetings. I ask that the commentary appear at this point in the RECORD.

PROMOTING DEMOCRACY AND FREEDOM

During the Memorial Day recess, I joined a 13-member bipartisan congressional delegation to meet with government leaders in Russia, Uzbekistan, China, and South Korea. One of the key goals of the delegation, led by Representative Curt Weldon (R–PA), was to visit North Korea. We wanted to express our interest in addressing food aid, agriculture, health, education, and other humanitarian assistance in a nation rampant with starvation and economic turmoil. Unfortunately, the North Korean government denied us entry at the last moment.

Traveling through three countries that were once part of the "Communist Bloc," we could see that democracy is now a growing force in these nations. Our delegation arrived in Moscow the day after the historic signing of the strategic arms reduction treaty by Presidents George W. Bush and Vladimir Putin. More good news came when we met with members of the State Duma, our legislative counterpart that once was a rubber stamp of the Kremlin, but now is a legitimate policy institution. We presented the legislators with 108 recommendations for U.S.-Russian engagement, and the Members of the Duma stated their desire to work with us to bring the U.S. and Russia closer together.

We visited the Kurchatov Institute, initially established to design Russia's first nuclear weapons, but now transformed into a research center for safe and environmentally friendly nuclear power generation. We attended the ribbon-cutting for the new American University in Moscow, where we met students and faculty in the American Studies program.

Over the last decade of reforms, Moscow has changed from a gray and solemn city to a tourist destination. Gold-domed churches, colorful buildings beautifully lit at night, billboards and neon abound in the new Moscow.

At our next stop in Uzbekistan, a former Soviet Republic which is key to the stability of Central Asia, we found a strongly pro-American sentiment. In the capital of Tashkent, the Uzbekistan President, Islom Karimov, told us he wants to model his country after America.

Uzbekistan (about the size of California) is one of the few countries in Central Asia that shares this pro-American stance. We visited with our troops in the hot and dry desert base of Karshi-Khanabad on the edge of Afghanistan, and assured them of the complete support of the American people. We delivered letters from school children and homemade cookies as tokens of appreciation.

When we arrived in Beijing, China, I was stunned by its growth since I was first there in 1981. Now it is a bustling metropolis complete with high rise buildings, luxury hotels, and streets packed with cars rather than bicycles. We met with Chinese President Jiang Zemin, who stressed that China and the United States have more interests in common than differences.

China has been fairly successful in its economic reforms. The one major concern I have had with China is its human rights record. Our goal must be to find common ground, while supporting freedom, such as last year's approval by Congress of permanent normal trade relations. Reunification with Taiwan remains a central focus for China's leaders, and our delegation was adamant that this issue must be solved peacefully.

In Seoul, South Korea, our ally for over 50 years, progress and expansion are still taking place. As hosts of the World Cup, Seoul was filled with visitors from around the world, lending a festive air to this vibrant city. The traffic reminded us of Los Angeles. The delegation visited our troops at Yongsan military base and at the Demilitarized Zone (DMZ) on the border of North Korea. In a last attempt to obtain visas to visit North Korea, we were denied entry by General Secretary, Korean Workers' Party Kim Jong-Il (he is also "Supreme Commander of the Korean People's Army.") Unfortunately, his country is stuck in the dark ages of totalitarian communism. But we are hopeful that our efforts to open dialogue will lay the groundwork for future meetings.

It is heartening to report that with the leaders of the countries that we met had praise for America's war on terrorism and President Bush's conduct of our foreign policy. Everywhere we saw leaders, there was great respect for President Bush. Our travels provided insight into the progress and economic growth that has taken hold as a result of democratic reforms. Our congressional delegation brings home a more informed picture of this progress and a set of goals to help us continue improving our relations with these important countries.

REPORT CONFIRMS SUDAN'S USE OF SLAVERY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. WOLF. Mr. Speaker, I want to share with you the findings from the report of the International Eminent Persons Group that was created out of the agreements negotiated by special envoy for Sudan, former Senator John Danforth. This group was invited to Sudan by both parties to the conflict in Sudan, the Government of Sudan and the Sudan People's Liberation Army, to investigate the occurrence of slavery and abduction there.

The report indicates that the group found sufficient evidence during its investigation that the Government of Sudan uses slavery as a part of a "counter-insurgency strategy pursued by successive governments in Khartoum."

These actions include incidences of abduction and associated abuses that occur in conjunction with attacks by pro-govemment militias known as murahaleen on villages in SPLA-controlled areas . . . the Government of Sudan and its predecessors have been responsible for arming murahaleen groups, for using them as auxiliary military forces and for allowing members of such forces to enjoy impunity for a wide range of serious crimes committed in the course of attacks. They bum villages, loot cattle, rape and kill civilians, and abduct and enslave men, women and children.

As this report shows, the government in Khartoum has used slavery as a strategy and as a weapon for years. It is time for Khartoum to end this horrible practice and for the world to condemn Khartoum for this atrocity.

As the Bush Administration and the international community press for peace in Sudan, ending the form of slavery practiced by Sudan needs to be at the forefront of the discussions.

FINDINGS

Finding 1. Changes in the international environment and within Sudan itself have raised hopes for progress toward peace in Sudan.

Finding 2. The United States, other concerned governments and international institutions should engage this possibility with energy on the one hand and rigorous conditionality on the other. Progress in dealing with human rights abuses is a key element in the establishment of a just and durable peace in Sudan.

Finding 3. Many observers note an improved political climate in Khartoum, characterized by a renewed dialogue among political parties and the return of representatives of some northern political parties to Khartoum. The Sudanese Government's acceptance of, and cooperation with, the mission of Senator John Danforth, and with our own mission, may be regarded as reflections of this change. Recent initiatives by the SPLM/A to encourage the institutions of civil society are also examples of favorable political developments.

Finding 4. Despite these positive signs, the people of Sudan continue to be subjected to a range of serious and sustained human-rights-abuses. These abuses have been extensively documented in numerous human rights reports, including those of Human Rights Watch, Anti-Slavery International, the Special Rapporteur of the UN Commission on Human Rights on Sudan and other credible observers. They include denial of rights of expression and association, restrictions on press freedom, harassment of certain opposition political groups and independent religious bodies, arbitrary arrest and detention, cruel and unusual punishment and arbitrary interpretation and application of laws.

Particularly serious abuses have occurred in connection with the current civil war. To one degree or another, all of the warring parties have engaged in such practices as the forced displacement of civilian populations, intentional attacks on civilians, abductions, the forcible recruitment of children and other civilians as soldiers and forced laborers, hostage taking, rape, looting, destruction of food supplies and the denial of access to humanitarian assistance. Women and children have suffered especially, both from abduction and sexual violence. All these practices are prohibited by international covenants and conventions.

The causes of these abuses are far-reaching and complex and must be understood and addressed as a whole.

Finding 5. Our Group's mandate called upon us specifically to examine slavery, abduction and forced servitude. We found a wide range of economic relationships between northerners and persons from the south who have either been displaced or have migrated to the north. Such relationships range from debt bondage to benign relations of sponsorship or adoption. The majority of these relations, while they may involve economic exploitation, do not fall under the rubric of slavery. However, we also found evidence of exploitative and abusive relationships that, in some cases, do meet the definition of slavery as contained in international conventions, which Sudan has signed. This evidence is confirmed in interviews conducted by the Group, which is consistent with reports and interviews carried out by other credible agencies and organizations.

Of particular concern is the pattern of abuses that occurs in conjunction with attacks by pro-government militias known as murahaleen on villages in SPLA-controlled areas near the boundary between northern and southern Sudan. These are characterized by: capture through abduction (generally accompanied by violence); the forced transfer of victims to another community; subjection to forced labor for no pay; denial of victims' freedom of movement and choice; and, frequently, assaults on personal identity such as renaming, forced religious conversion, involuntary circumcision, prohibition on the use of native languages and the denial of contacts with the victims' families and communities of origin.

Many of those who are abducted and enslaved remain with their abductors in the areas of South Darfur or West Kordofan; some escape or are returned; and others are sold or transferred to third parties. The Group was unable to establish the extent of the onward sale of slaves. It received no information that would confirm the existence of actual slave markets. The Group also found evidence of ways other than abduction in which persons are put into conditions of slavery, which include being lured by false promises of employment. There are reports, which the Group was unable to confirm, that some abducted children are detained in institutions misleadingly described as Koranic schools.

In Ed Da'ein the Group interviewed a number of Rizeigat men, women and children who had been detained after the SPLA capture of Yei. We concluded that these particular individuals were not victims of abduction.

Finding 6. The Group was not able to establish the number of persons who have been abducted and/or enslaved. There are vast divergences among available estimates. (See table under Research Priorities in the Supporting Analysis section.) The Government of Sudan and the SPLM/A have obstructed efforts by independent organizations from within and outside Sudan to investigate the problem of contemporary slavery and related issues.

Finding 7. The resurgence of slavery in contemporary Sudan differs both from the historical slave trade of the nineteenth-century and from the small-scale inter-tribal abduction (or "hostage-taking") that is endemic among many pastoral peoples in East and North-East Africa. The pattern of slave taking that has developed since the start of the civil war is, to a substantial degree, the product of a counter-insurgency strategy pursued by successive governments in Khartoum. This strategy involves arming local militias from northern Sudan. These militias attack villages in SPLA-controlled areas, principally along the boundary between northern and southern Sudan. They burn villages, loot cattle, rape and kill civilians, and abduct and enslave men, women and children. Such attacks are frequently carried out by militia members while employed by the government as auxiliary guards on military rail convoys traveling through SPLA-controlled areas.

Finding 8. The government acknowledges that abduction of civilians occurs. Its 1999 decision to create the Committee for the Elimination of Abduction of Women and Children (CEAWC) was a significant step in its recognition of the problem and its effort to address the plight of abducted persons. (See the discussion of CEAWC, including concerns about its effectiveness, in the Supporting Analysis section). However, the government has failed to acknowledge its own responsibility for acts committed by militias and other forces under its authority. The lack of judicial control and appropriate structures of military accountability means that militia members are able to act with impunity.

Finding 9. The challenges of dealing with the issues of slavery, abduction and forced servitude are made much greater by an absence of democratic institutions and practices, both in areas controlled by the government and in those controlled by the SPLM/A and other armed groups. Specifically, there is an absence of pluralism, the rule of law, freedom of the press and other means of exchanging information, accountability in government and public administration, and independence of the judiciary. In government-control led areas, this lack of transparency and accountability has severely limited the ability of citizens to voice grievances or seek judicial redress for a range of abuses, including abduction, slavery and forced servitude. In SPLM/A controlled areas, the lack of democratic governance, the obstruction of free inquiry, and the constraints imposed on civil society have hampered the ability to learn, the truth about alleged abuses of human rights, and to obtain remedies for them.

Finding 10. The Group notes with alarm recent reports from credible sources, including the Special Rapporteur on Sudan of the UN Commission on Human Rights, regarding increasing levels of fighting in areas of oil development in Western Upper Nile. The Group, while not able to visit this area, interviewed persons displaced in 2002 from Western Upper Nile. They report a pattern that includes the use of militias, attacks on civilians, forced displacement of large local populations, abduction and associated abuses. (See Selected Bibliography).

Finding 11. Bringing about an end to the practices of slavery, abduction and forced servitude will require Sudan's national political and military leaders to speak out forcefully and to act vigorously against these practices. Denials of the existence of slavery and rationalizations for its existence may be interpreted by some as indifference or, worse, license to continue these abuses.

AUTHORIZING THE APPOINTMENT OF NATIONAL GUARD OFFICERS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. CHAMBLISS. Mr. Speaker, today I am introducing legislation that would authorize the appointment of National Guard officers as commanders of units composed of both active duty military personnel and National Guard troops in nonfederal status.

As a member of the House Armed Services Committee, I support many of the transformation initiatives our military is undertaking. Through the vision and leadership of Secretary Roche and General Jumper, the Air Force has been a leading proponent of transformation. The Joint Surveillance Target Attack Radar System, or JSTARS, and the 116th Air National Guard unit at Robbins Air Force Base are a prime example of a transformational mission. These unique units are on the verge of becoming even more transformational as they blend Air National Guard personnel into the active JSTARS unit. Currently, the 116th numbers more than 1,100 Air Guardsmen dedicated to defending our country. The 116th has been and will continue to be an Air National Guard unit that is the pinnacle of professionalism and honor; and will continue to be ready Anytime-Anywhere.

The Air Force has long been the model of full and seamless integration of the Reserve Components. Its Guard and Reserve associate programs are long-term success stories that maximize weapon system utilization while leveraging the expertise of Guard and Reserve personnel. In addition, active duty officers have successfully commanded Air National Guard fighter units.

My bill will provide another mechanism with which to further integrate active duty and National Guard members into blended units. At the same time, it preserves the unique non-Federal status of the National Guard officer while enabling that officer to command a unit of active duty and National Guard troops. This legislation is another step on the road of transformation.

REPEALING SUNSET OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXPANSION OF CERTAIN ADOPTION PROGRAMS

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. POMEROY. Mr. Speaker, I rise today in support of H.R. 4800, a bill to repeal the sunset provisions in current law for adoption tax credit and adoption assistance programs. As a member of the Congressional Coalition on Adoption, and more importantly, as the father of two adopted children. I want to encourage my colleagues to support this meaningful legislation.

As an adoptive father, I know from personal experience that expanding opportunities for adoption is not only good tax policy, but good family policy. My own family was forever changed and enriched by the adoption of our two children from Korea. Through that first-hand experience, I am able to share with my colleagues my personal realization that adoption links children who need homes to families who will love them.

In the past, however, the prohibitive cost of the adoption process has threatened the opportunity to bring children in need together with would-be families who have modest incomes. It may come as some surprise to my colleagues to know that families can often spend between $8,000 and $30,000 in the course of adopting a child. Earlier this session. Congress recognized the importance of removing financial hurdles to adoption by raising the limit on the adoption tax credit to $ 10,000 for all adoptions and, in effect, opening thousands more homes and hearts to the miracle of adoption. Mr. Speaker, incentives for bringing families together should not be time limited and that is why I support this bill to repeal the sunset provisions on these tax credits.

I think it is particularly fitting that we consider this bill after recently celebrating Mother's Day, and so close to Father's Day. These two days have been set aside for us to thank our parents for raising us, for giving us a sense of security and independence, and for offering us their unconditional love. I would like to take this opportunity to pay tribute to all parents who know that there is no more important, more difficult, and ultimately more rewarding undertaking than raising a child.

I urge my colleagues to join me in supporting adoptive parents today by repealing the provisions that would end these important tax incentives.

URGING INCREASED FEDERAL FUNDING FOR JUVENILE TYPE 1 DIABETES RESEARCH

SPEECH OF

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. NETHERCUTT. Madam Speaker, as cochair of the Congressional Diabetes Caucus I commend the House of Representatives for passing H. Con. Res. 36. This bill declares that Federal funding for diabetes research should be increased as recommended by the Diabetes Research Working Group, DRWG, so that a cure for juvenile diabetes can be found. Increasing funding for Type I diabetes research is vitally important to the well being of our country.

Like many Americans across the Nation, I have a personal attachment to diabetes—my daughter has type I diabetes. This disease is one of the fastest-growing and most deadly diseases in the United States. Each year an estimated 800,000 new cases of diabetes are diagnosed. Diabetes currently costs the United States approximately $100 billion and kills approximately 200,000 people every year.

With these severe economic and health costs in mind, I am pleased that the House of Representatives has supported this legislation to increase funding for Type I diabetes research. Diabetes research at the NIH comprises less than 4 percent of the NIH budget. Although, diabetes affects over 16 million Americans and individuals with diabetes account for one out of every four Medicare dollars spent. An investment in research that results in a cure for diabetes would save our Nation billions of dollars and would also prevent millions of individuals from ever acquiring the disease.

In 1997, I was proud to introduce legislation in the House to authorize the establishment of a Diabetes Research Working Group, DRWG. The DRWG was comprised of a group of outstanding scientists and experts knowledgeable about diabetes. As cochair of the Congressional Diabetes Caucus, I saw the need to permit researchers to take a step back and attempt to better focus the Federal Government's efforts to establish a long-term plan to put us on track toward curing diabetes.

We have fallen drastically short of the funding levels suggested by the DRWG. In FY 2001 the NIH devoted $590 million to diabetes research, while the DRWG recommendation for funding was $1.07 billion. H. Con. Res. 36, passed by the House yesterday, supports the recommendations of the DRWG for $1.5 billion in research funding for FY 2003 at the NIH.

I fully support ensuring that all the recommendations of the DRWG are implemented. While we recognize the limitations of the budget, the momentum in the diabetes scientific community is too promising to slow our progress. Clinical trials involving the transplantation of insulin-producing cells into individuals with Type I diabetes has brought us within reach of a cure. Of the approximately 70 patients who have received these transplants, 80 percent no longer need to take insulin. As dramatic as these results are, several obstacles must still be overcome before this research can be made available to all individuals who suffer from diabetes.

H. Con. Res. 36 is a step in the right direction to support the NIH's extraordinary efforts and I urge the House of Representatives to consider the cost that diabetes inflicts on our Nation both in human and economic terms when considering funding for diabetes research and prevention later this year. The promise of diabetes research at this time is too great for us not to increase our commitment to the Americans who suffer from this devastating disease.

HOUSE OF REPRESENTATIVES—*Monday, June 10, 2002*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 10, 2002.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, people around the world find themselves living in scary times. Each morning new and disastrous alarms can ring. Calm every fear. Fortify the resolve of indiscriminate justice. Protect the innocent.

We thank You for those who are on the job in their public service to shield and protect fellow citizens. As we seek to strengthen homeland security in this country, empower us with compassion for those who live in far worse conditions than ours.

Awaken in all human hearts around the globe a respect for human life and concern for the family members of others. You alone, O Lord, are our true and lasting defense and the author of life, as well as unconditional love. We need to recognize Your Spirit within ourselves and in all our brothers and sisters of the human family. Now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 7, 2002 at 9:46 a.m.

That the Senate agreed to conference report S. 1372.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ADJOURNMENT

The SPEAKER pro tempore. Without objection the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 11, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7247. A letter from the Air Force Federal Register Liaison Officer Plans and Policy Directorate, Department of Defense, transmitting the Department's final rule—Installation Entry Policy, Civil Disturbance Intervention and Disaster Assistance (RIN: 0701–AA64) received May 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7248. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Assessment of Fees [Docket No. 02–08] (RIN: 1557–AC07) received May 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7249. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Rules of Practice and Procedure [No. 2002–03] (RIN: 3069–AB03) received May 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7250. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Air Brake Systems [Docket No. NHTSA–02–12053] (RIN: 2127–AI48) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7251. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees during Fiscal Year 2001, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

7252. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7253. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7254. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7255. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7256. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7257. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7258. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7259. A letter from the Deputy Secretary, Department of Defense, transmitting notification to delay submission of the Department's performance report for FY 2001; to the Committee on Government Reform.

7260. A letter from the Head, Human Resources Support Branch Personal and Family Readines Division By direction of Commandant of Marine Corps, Department of Defense, transmitting the annual report for 2000 of the Retirement Plan for Civilian Employees of the United States Marine Corps Personal and Family Readiness Divison, Miscellaneous Nonappropriated Fund Instrumentalities, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

7261. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Administratively Uncontrollable Overtime Pay (RIN: 3206–AJ57) received May 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7262. A letter from the Assistant Secretary of the Interior, Department of the Interior, transmitting the Department's final rule—

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Locating, Recording, and Maintaining Mining Claims or Sites [WO–620–1430–00–24 1A] (RIN: 1004–AD52) received May 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7263. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine [Docket No. 001215358–0358–01; 101601A] received May 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7264. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Boyceville, WI [Airspace Docket No. 01–AGL–12] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7265. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Manistee, MI [Airspace Docket No. 01–AGL–11] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7266. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Winona, MN [Airspace Docket No. 01–AGL–04] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7267. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Walhalla, ND [Airspace Docket No. 10–AGL–13] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7268. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Greenville, MI [Airspace Docket No. 01–AGL–02] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7269. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Lake Geneva, WI [Airspace Docket No. 01–AGL–03] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7270. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Columbus, OH [Airspace Docket No. 01–AGL–14] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7271. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Daggett, CA [Airspace Docket No. 99–AWP–24] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7272. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Greenville Donaldson Center, SC, Amendment of Class E2 Airspace; Greer, Greenville-Spartanburg Airport, SC, and Amendment of Class E5 Airspace; Greenville, SC [Airspace Docket No. 02–ASO–4] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7273. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Federal Airway V–385; TX [Docket No. FAA–2001–10743; Airspace Docket No. 01–ASW–16] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7274. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Greely, CO [Airspace Docket No. 00–ANM–34] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7275. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Federal Airway V–220; NE [Docket No. FAA–2002–12007; Airspace Docket No. 02–ACE–02] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7276. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01–02–053] (RIN: 2115–AE47) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7277. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone and Anchorage Regulations; Chicago Harbor, Chicago, Illinois [CGD 09–02–013] (RIN: 2115–AA98 and 2115–97) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7278. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; St. James, MN [Airspace Docket No. 01–AGL–05] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7279. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Ohio River Miles 355.5 to 356.5, Portsmouth, Ohio [COTP Huntington–02–004] (RIN: 2115–AA97) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7280. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Kanawha River Miles 56.0 to 57.0, Charleston, West Virginia [COTP Huntington–02–002] (RIN: 2115–AA97) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7281. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Ohio River Miles 307.0 to 308.0, Huntington, West Virginia [COTP Huntington–02–003] (RIN: 2115–AA97) received May 23, 3002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7282. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Chelsea River Safety Zone for McArdle Bridge Repairs, Chelsea River, East Boston, Massachusetts [CGD01–02–058] (RIN: 2115–AA97) received May 23, 3002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7283. A letter from the Administrator, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting a report entitled, "International Border Commercial Motor Vehicle Safety Enforcement Staffing Standard"; to the Committee on Transportation and Infrastructure.

7284. A letter from the transmitting the Department's final rule—pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7285. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 2002– 37) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7286. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reimbursements and other expense allowance arrangements (Rev. Rul. 2002–35) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7287. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reimbursements and other expense allowance arrangements (Rev. Proc. 2002–41) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7288. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous (Rev. Proc. 2002–41) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7289. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Extension of Time for Filing Returns (Rev. Rul. 2002–23) received May 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7290. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Avoidance Using Notional Principal Contracts (Notice 2002–35) received May 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7291. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notional Principal Contracts (Rev. Rul. 2002–30) received May 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7292. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules and regulations (Rev. Proc. 2002–25) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7293. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2002–22) received May 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7294. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Request for Comments on Items for 2002–2002 Published Guidance Priority List (Notice 2002–22) received

May 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7295. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2002-17) received May 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7296. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Notice of Modification of Beneficiary Assessment Requirements for Skilled Nursing Facilities [CMS-1209-N] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

7297. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Health Insurance Reform: Standard Unique Employer Identifier [CMS-0047-F] (RIN: 0938-AI59) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1462. Referral to the Committee on Agriculture extended for a period ending not later than July 19, 2002.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1784: Mr. MCDERMOTT.

H.R. 3337: Mr. BRYANT, Mr. SIMMONS, and Mr. MORAN of Kansas.

H.R. 3741: Mr. WATKINS.

H.R. 3797: Mr. MEEKS of New York, Mr. QUINN, Mr. GRUCCI, Mrs. LOWEY, Mr. SERRANO, Mr. OWENS, Mr. WEINER, Mr. RANGEL, Mrs. KELLY, Ms. SLAUGHTER, and Ms. VELÁZQUEZ.

H.R. 3831: Mr. GOODE.

H.R. 3884: Mr. VISCLOSKY and Mr. CLAY.

H.R. 4606: Mr. MCNULTY, Mr. MENENDEZ, Mr. KING, and Mr. HINCHEY.

H.R. 4607: Mr. SCHIFF.

H.R. 4611: Mr. SMITH of Washington, Mr. HONDA, Mr. CARDIN, and Ms. SCHAKOWSKY.

H.R. 4635: Mr. BRYANT, Mr. PLATTS, and Mr. LINDER.

H.R. 4699: Mr. GILMAN, Mr. TOWNS, Mr. STENHOLM, Mr. GOODE, and Mr. SOUDER.

H.R. 4734: Mr. GALLEGLY.

H. Con. Res. 401: Mr. DOYLE, Mr. TIERNEY, Ms. MCCOLLUM, Ms. SCHAKOWSKY, and Mrs. TAUSCHER.

H. Res. 269: Mr. DOYLE.

H. Res. 416: Mr. PLATTS.

SENATE—*Monday, June 10, 2002*

The Senate met at 2 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, thank You for the gift of imagination You have entrusted to us. With our imaginations You have enabled us to form, hold, and achieve images of what You can make possible. Coupled with the gifts of hope and expectation, You help us imagine Your best for us and our Nation.

Now at the beginning of this new week, we form and hold a positive picture of this Senate Chamber filled with Your presence. Knowing that we are accountable to You for every thought we think and word we speak, we contemplate how we should act and react under the guidance of Your Spirit. We hold the image of how You want us to relate to others as fellow Americans who also believe in You and want Your vision for our Nation. We sense the civility and greatness of character You want from us. Help us to express to others the same kindness, graciousness, and respect we have received from You.

So we renew our dedication to You. We are Your daughters and sons in Your eternal inclusive family. In loyalty to You, we commit ourselves to work together for Your glory and the good of our beloved Nation. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 10, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m., with Senators permitted to speak therein for up to 10 minutes, with the time equally divided between the two leaders or their designees.

In my capacity as Senator from Nevada, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. AKAKA assumed the chair.)

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MONITORING OF LOBBYISTS

Mr. REID. Mr. President, in this morning's paper I was stunned to read a headline but more stunned to read the story itself. It is in the Washington Post, titled "GOP Monitoring Lobbyists' Politics."

Among other things, the article says:

> Republicans are researching the party affiliation and political contributions of hundreds of lobbyists in Washington, part of a campaign that could deny government access and prime lobbying jobs to Democrats. . . . Copies of the bulky dossier, being compiled . . . will be given to top White House officials. . . . Early drafts of the report are already in the hands of a few senior administration officials and lawmakers . . . The report, dubbed the K Street Project, has been evolving in fits and starts over the past few years, but has been expedited and expanded now that Republicans control the White House and Federal agencies. Several Republican lobbyists have complained that they aren't getting the access to Federal agencies they feel they deserve.
>
> Republicans involved in the effort said they plan for it to be used by White House officials, lawmakers and staff to determine who can meet with party leaders in discussions of policy matters.

If there was ever anything that was immoral, wrong, and scandalous, this was it. To think that people who have jobs—you can pick any company you want—they hire somebody or they have worked for a number of years and they are going to check to see what party they belong to as to whether or not they can meet with a Federal agency, that is really bad. I do not think it is criminal, but I think it is on the verge of being criminal.

This sets a very dangerous precedent. This, in my opinion, is tantamount to McCarthyism. It involves the practice of compiling a new enemy's list to be circulated out of the administration and the Hill. Maybe we should include, rather than just McCarthy, Nixon. This appears to be something that would have happened during the Watergate years. Enemies are those who belong to or support the Democratic Party. They are targeted.

President Bush, during the campaign, said he wanted to change the tone of things in Washington. The tone has not been changed. Someone should get to the President and say this has got to stop. I cannot imagine President Bush liking this. If he does, it speaks volumes.

Top White House officials have said he wanted to change the tone in Washington, but today we learn he is working in tandem with those keeping secret lists of people's personal activity for intimidation, professional retaliation, or maybe even character assassinations.

It is not enough they block access to all non-Republicans. The story indicates that the "chief aim is to prod trade associations, lobbying firms, and corporations to hire more Republicans to represent them in Washington."

It is somewhat ironic the party most opposed to affirmative action supports its application when it comes to hiring lobbyists. They support affirmative action when it comes to the hiring of Republican lobbyists but oppose it when it comes to helping a minority gain entry to college.

The person behind this secret list is a frequent adviser and a visitor to the President. His name is in this story. The President should pick up the phone, call his friend, and denounce it and tell him that President George W. Bush will not tolerate what amounts to Nixonian-McCarthyism.

I don't know this President as well as I know his father, but I guarantee the first President Bush would not condone this. I guarantee that. One thing about the previous President Bush, he was a very pragmatic man. This is so wrong. It is extraordinarily disappointing if the President is complicit in these secret lists, lists designed to suppress workers' liberties in order to protect special interests. This is a witch-hunt, tracking and documenting people's personal choices with invasive tactics to threaten and intimidate freedom in the workplace.

If you have someone who represents a company or a trade association, will they now, each time there is an election where there is a turnover, have to fire all Republicans or fire all Democrats until all the lobbyists are of the same party as the person who is President of the United States? I hope not.

We have lobbyists, advocates, and consultants talked about in this article. Does it mean that next they will go after researchers, maybe teachers, doctors, or lawyers? Or maybe people from Hawaii? Pick any group. Where will it end? Will the Republican lawmakers be told not to meet with Democratic constituents? For a party that defined itself during the cold war as the enemy of communism, their new playbook would be the envy of one of the Communist dictators. Every elected official, Republican and Democrat, should denounce this. This is wrong.

Every person should call upon the President, a lawmaker, and say, stop this. Today's story about his supporters secretly compiling a new enemies list changes both the tone and the clock, but it changes it in the wrong direction. We do not want to turn the clock back to Nixonian-McCarthyism.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S. 2600 AND H.R. 2143

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask unanimous consent that it be in order to read the two bills en bloc, and then I would object to any further proceedings at this time with respect to these measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 2600) to ensure the continuing financial capacity of insurers to provide coverage for risk from terrorism.

A bill (H.R. 2143) to make repeal of the estate tax permanent.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

The Senator from Wyoming, Mr. THOMAS, is recognized.

HOMELAND DEFENSE

Mr. THOMAS. Mr. President, I want to take a few minutes to speak a little about an issue that is current: homeland defense. It is not new to be current. Of course, homeland defense has been a very high topic in all of our minds since September 11, and will continue to be, indeed, for a very long time. I think the war we are in requires a great commitment from all of us to continue to provide homeland defense and security and the new prospects for us. I think we are unaccustomed to that. I want to take a few minutes to talk about that, and particularly about the President's proposal.

I think there is no question that homeland defense has become one of our most important issues, and that, of course, is coupled with what we are doing overseas. There is also no question about the best method of homeland defense, partly because it is something we haven't done in the past. It is particularly difficult to develop, and it is hard to determine the best way to do it. It is a domestic activity about which we haven't had to be concerned, particularly in the past, and we haven't dealt with it certainly to the extent we are now and which we must in the future.

I will admit—as you will probably detect—that I am not an expert on this at all. As a matter of fact, I am not on committees that are basically involved with it. But I am a bit disturbed about the reaction to the President's Cabinet-level plan he announced last week. The critics have been very vocal about not having a plan. We have been hearing that now for a number of months—that Tom Ridge has not been doing what we need to do; that he doesn't have the authority which we need to have for him to be able to accomplish what is going on here. Fairly high level criticism has been taking place. It is interesting. The critics for not having a plan are now just about as vocal about the plan the President has provided. I think that certainly is a strange kind of thing and one that is not helpful to accomplishing what we want to accomplish.

I think there is no question that a plan of this size and of this importance will be altered before it is put into place. I do not know of any plan this size that has come before the Congress that isn't changed, polished, and accommodated before it is finally agreed to. But the point is there has to be one to begin. I think it is really important that we deal with it now. It is there, and it is what the critics wanted. I don't know why they continue to criticize.

I am surprised and am a little dismayed that the media has continued to use this proposal as a way to create controversy. I guess the media's job—whatever the issue is—is to pick on that part which is reflected on by a minority of the people who have been critical rather than a majority. Indeed, 72 percent, according to the polls, are favorable. It is kind of interesting that this moves their way, and I guess that is the media's way of doing things.

One of the complaints is that the plan came out overnight—it came out very quickly. I think that is not the case. Tom Ridge did an interview the other day in which he indicated that he has been in place now for quite some time and has not, of course, been a Cabinet member. He has not had anything but his own office to handle. But he has been working on this for a long time, including a lot of people. The idea that it came out overnight from people in the President's little group is not the case. There has been a great deal of talk about it within the administration and a great number of ideas as to how this might best be done, as I think it should be. I think it would be sort of ridiculous to be talking about something publicly before it comes out. That is why it came out now, and that is why this is the time to talk about it publicly.

I must confess I get a little impatient sometimes with the way these things are handled. It is easier to sit up in the grandstands and be critical than to be on the field and have to call the plays. That is, of course, what the President has to do.

I think it deals with a problem. The problem, of course, is that all of us are concerned about security. There is no one in government or outside government who doesn't want to try to detect what is going on and do something about it, whether it is a highway patrolman in Wyoming or a CIA agent or an FBI agent. Sometimes it is objective, sometimes it is seen, or sometimes it is suspected; then what do you do?

We haven't had a central place to accumulate all of these possibilities so they can be evaluated and so something can be done about them. There are as many as 100 different government agencies that have some responsibility for homeland security. I suspect it is almost every agency. No one has had the final accountability. No one has had to say there is something that really should be investigated and should be turned over to people to further investigate.

The Coast Guard has several missions: Research, rescue, maritime treaties. It, of course, reports to the Transportation Department. Its primary responsibilities are rails, bridges, and airways.

There is really sort of a lack of continuity.

The Customs Service, among other duties, collects tariffs, prevents smuggling. It is part of the Treasury Department whose primary responsibility is not regular security but indeed physical security.

We have not had a central place for this information until recently. Now we do. Times have changed.

Absolutely now, there will be someone in charge. The bureaucrats are unchangeable, it is said. I don't believe that. I believe change can come when the leadership shows the way and insists upon change. That is what it is all about. That is why there are heads of departments. It is why someone is a Cabinet member—to take the policy of their leader, the President, and to ensure it is implemented. I have never worked in the bureaucracy, but I suppose where there are thousands of people, it is a little bit difficult to do. But that is their task. That is their job. I think it can bring about change.

It would be too bad if the Congress failed to change. I read about some of the congressional committees being concerned about their jurisdiction and that this might change that. Change is inevitable. Change is something we ought to look at and accept, if it has merit. The idea of being resistant to change is a little hard, and it is not very helpful. I suspect there is some of that in the Senate. We hear all kinds of voices coming out here.

I am no expert, as I mentioned before. I suspect that maybe this department could be smaller. You could have a little more selective group that comes together, if indeed then the things that are determined by this smaller homeland security group could be brought to the President and to his Cabinet, and the President would ensure that each of these Cabinet people caused their departments to do what is necessary; that is, to support the central agency. Even today I understand that. But when you are talking about hundreds of thousands of people, of course, it is less easy. I understand that.

But I do think there has to be a central but real war to a large extent—both domestically and overseas—carried out by intelligence, and carried out by centralized information, and by knowing what is happening. This is an entirely different kind of war than we have ever had in the past. We will have to have different arrangements to do it.

I think if you are a frontline worker for the FBI, CIA, or some other law enforcement or intelligence agency, and you see something that raises suspicions, you need to have a place to report it immediately, and you should expect your supervisors to treat it with the seriousness it deserves. Information must be fully shared so that we can follow all of those leads and hopefully prevent a tragedy such as happened to us before.

I hope we can consider the President's recommendation and make the changes we believe we need. I think we should see what weaknesses we have had so we can change those. Certainly there have been some. I suppose some of them were not necessarily weaknesses. There is a difference in the climate, there is a difference in the atmosphere, a difference in the challenge. When that happens, there has to be a difference in the way we behave.

I look forward to that. I hope we can come out with something better than what we received.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, am I correct, we are in morning business at this time?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENSION REFORM

Mr. BINGAMAN. Mr. President, the front page of today's New York Times has an article with a title that reads "Enthusiasm Ebbs for Tough Reform in Wake of Enron." That headline points out a political challenge that those of us in Congress have to deal with over the next few months; that is, the challenge to enact meaningful legislation while this terrible catastrophe which befell many employees and investors in relation to Enron is still fresh in mind.

I, for one, am not ready to concede that we cannot take legislative action to make sure the country's workers are not protected from the next Enron-type meltdown. We need to take that legislative action. It needs to be a priority of the Congress. I rise to speak about some of the elements that legislative action ought to contain.

Hardly a day goes by when we are not hearing about the collapse of another corporation. It is not just Enron.

I think we have all come to recognize the problem of corporate mismanagement, the problem of questionable accounting, or actual dishonest accounting, the problem of misuse or abuse of the tax provisions early in the law. All of that is, unfortunately, more widespread than just the Enron example.

These corporate misdeeds, executive malfeasance, accounting chicanery, unfortunately, provide grist for virtually every front page we see these days. These stories will not stop on their own. The problems will not go away on their own. Apparently, the system we have had in place for a long time is not working as it should. We need to pass legislation to address these recurring themes or else we will jeopardize a long-term economic recovery, which I know we are all hoping very much is in place and scheduled to occur.

I have referred to a New York Times article. Mr. President, I ask unanimous consent that this article be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BINGAMAN. Mr. President, as noted in the article, Senator DASCHLE has indicated he would like to bring a bill to the Senate floor dealing with these issues before the August recess. I think that is an admirable goal, one that the entire Senate needs to join. Unfortunately, the administration and the House and some colleagues in the Senate have not shown the kind of zeal for these necessary reforms that is going to be required. I certainly hope the delays and obstacles that have arisen so far do not prevent us from bringing meaningful legislation before the Senate.

Let me refer to a couple other articles while I am on the subject. I was reading these articles over the weekend in Business Week. One is an editorial in the current edition of Business Week, entitled "Accounting: Stronger Reforms, Please." It is a very interesting article, one that I think deserves the attention of everyone. Let me read a couple of paragraphs from it because I think it does make a point on which all of us need to focus. It says:

> If you hoped that the Enron/Andersen scandal would provide an opportunity for just those sort of farsighted regulatory improvements, start worrying. There are signs that the Bush Administration, under pressure from the accounting lobby and business groups such as the U.S. Chamber of Commerce, is willing to support only mild changes in the current system. And there's a danger that Congress will acquiesce. The House of Representatives has already passed a very watered-down bill.
>
> That's wrong. Halfhearted reform is bad for the public, bad for the economy, and even bad for the accounting industry, which needs to reestablish its credibility. Instead, we think the best bet for strong accounting and financial reform is the legislation proposed by Senator Paul Sarbanes, Democrat from Maryland, chairman of the Senate Banking Committee.
>
> Sarbanes' draft legislation—which is opposed by Senator Phil Gramm, the ranking GOP member of the Banking Committee, and the Bush Administration—would set up a strong private-sector board to oversee public-company accounting.

It goes on to detail what is in the legislation and to urge that the legislation be considered and passed by the Congress.

Mr. President, I ask unanimous consent that the editorial from Business Week's current edition be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. BINGAMAN. Mr. President, let me also call the attention of my colleagues to another section in the same magazine called The Barker Portfolio. It is entitled "A Three-Point Plan for SEC Reform." It is by Robert Barker, and he goes into some detail about what he believes is an appropriate set of reforms for the Securities and Exchange Commission in order that these kinds of problems can be avoided in the future.

I ask unanimous consent that this be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mr. BINGAMAN. Mr. President, before leaving this general subject, let me talk a little about a subject on which I have focused in recent weeks, which is part of this overall corporate mismanagement problem that we have been talking about, and that is the problem of pensions. What do we do to preserve the retirement of workers in these companies that turn out to have cooked the books or to have engaged in some kind of practice that causes the value of that company to go away?

There are essentially four major issues that I think need to be focused on regarding retirement security for Americans. Let me put that chart up and go through the list once more for those who are interested in this subject.

There are four major areas where we need to concentrate our attention and where I believe we can legislate in a constructive fashion. First, we need to have a goal of providing some type of retirement or pension plan for all workers in our society. There is no reason why a person should work 25, 30, 35, even 40 years at a job—or a series of jobs, which is much more common in this day and time—and wind up with no pension, no income, nothing they can depend on other than Social Security once they get to retirement age.

Pensions and retirement coverage have not increased as a percentage of the workforce in the last 30 years. We have recent studies that have indicated that. About 50 percent of private sector workers actually have some sort of pension plan today. That is nationwide. The statistic is 50 percent. My home State of New Mexico, unfortunately, has the worst statistic of any of the 50 States. The percentage is 70 percent have no pension plan and are not expecting to have a pension; whereas, only 30 percent of private sector employees do have some sort of pension plan.

I can remember the discussions in previous years around here where we talked about a three-legged stool when it came to retirement security. We said, when a person gets to retirement, they are going to have three things to depend upon, including Social Security payments—and we all want to see those continue. They are going to have their savings, and they are going to have their pension. The reality is very different from that model or that ideal that we have described for many years.

The reality is that most people who have worked through their entire careers—at least in New Mexico where 70 percent have no pension—most people do not have three legs on the "stool" on which they are planning to sit. They have most likely one leg because they have not been able to save a significant amount, and they don't have any sort of pension or 401(k) plan. That is the first issue and the first item on the chart.

All workers need a retirement or pension plan of some sort. We can do much more to expand pension coverage to make it more attractive for employers to provide pension coverage and to make it more available to workers in our society. We need to get about the business of doing that.

Second, all workers should have a right to a secure retirement savings. The problems we have seen with Enron, the problems we have seen with other corporations, where retirement savings have been essentially frittered away, or put into stock by employers which turned out not to have value, need to be fixed. There is legislation that Senator KENNEDY has proposed, which has been reported out of the Health, Education, Labor, and Pensions Committee that I supported. That legislation is awaiting consideration on the Senate floor. I hope very much that we can move to consider that legislation.

In the Finance Committee, we are also looking at legislation which would help ensure that people who have these pension savings, or who have a 401(k) plan, can be guaranteed those funds will be there when they actually retire.

We need to protect employees from conflicts of interest that allow accountants, analysts, investment advisers, and, in some cases, employers to act in their own self-interest, rather than in the best interest of the employee who is supposed to benefit from that retirement plan.

Third, all workers must have pension portability. One of the problems today in our workforce and our work careers is that most people will move from job to job, and over the period of 30, 35, 40 years of work, an average worker may have 8 or 10 jobs. We need to be sure they do not lose their pension benefits as they move from job to job. We need to be sure they can take those benefits with them and that the benefits will be portable.

Again, we need to change the laws to make that occur on a more ready basis. I hope very much we can move to legislation to accomplish that.

The fourth item I want to mention is all workers should be treated on a comparable basis as regards to retirement benefits. We are just now trying to understand all of the various mechanisms that have been used in some of these companies to get us to a result which we have seen over and over where the top executives of a corporation, when the corporation essentially collapses as a financial matter, where the top executives walk off with tens and even hundreds of millions of dollars in deferred compensation, in executive compensation of one kind or another; whereas the workers for that same corporation may wind up with nothing in their retirement accounts.

We need to find out what those abuses are. We need to find out ways to correct them. We need to plug those loopholes in the existing law, and I believe we can.

Mr. President, let me stop with that. I see other colleagues are waiting to speak. I believe very strongly this issue of retirement security needs to be on the agenda of this Congress. I know Senator DASCHLE is trying to put together a series of proposals coming from various committees so that we can consider it before the August recess. Retirement security is one of the provisions that we would hopefully give attention to as a result of or in the wake of the Enron scandal. I hope we can do that. I think the people of the country want to see us do that.

I close with the article with which I began my discussion, "Enthusiasm Ebbs for Tough Reform in Wake of Enron." We need to prove that headline wrong and demonstrate that this Congress is committed to tough reform, and one of those reforms is in the area of retirement security.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times, June 10, 2002]

ENTHUSIASM EBBS FOR TOUGH REFORM IN WAKE OF ENRON

(By Stephen Labaton and Richard A. Oppel, Jr.)

WASHINGTON, June 9.—Six months after the collapse of Enron, a wave of enthusiasm for overhauling the nation's corporate and accounting laws has ebbed and the toughest proposals for change are all but dead.

A powerful group of lobbyist, playing on partisan disagreement in Congress, appears to have killed efforts to impose tight new controls on corporate conduct. And while some Democrats hope to turn the inaction to their advantage in the fall elections, other lawmakers say that—barring more business meltdowns that deepen the stock market's two-year slump—voters are unlikely to care enough to influence their ballots.

Bills imposing more stringent accounting standards, changing the tax and accounting treatment of employee stock options and setting tougher conflict-of-interest rules for stock analysts and accounting firms have all fallen victim to political gridlock.

Corporate America and the stock markets have not waited for Washington. Instead, they have undertaken a host of changes in response to the problems highlighted by Enron and reinforced by corporate and accounting failures in the telecommunications, cable and energy industries. Investors have fled companies whose accounting or governance practices fail to measure up to post-Enron standards. Some Republicans say all this is evidence that the system is working without heavy-handed interference by lawmakers.

Congress did much to focus attention on flaws in the nation's corporate and accounting practices with a series of investigative hearings earlier this year, the most dramatic of them conducted by committees in the Republican-led House. Even so, with the debate over Enron at full boil, the House adopted a measure in April that rejected the toughest proposed changes.

Senate Democrats now predict that they will have the votes to get a broad measure of their own out of the Banking Committee later this month on a party-line vote, but only by tempering it to win the support of moderates. Senator Tom Daschle, the majority leader, is said by lawmakers and his aides to be committed to trying to move a bill to the Senate floor before the August recess, in hopes of using the Republicans' opposition to the measure against them in fall campaigns.

Even if that bill survives a filibuster threatened by Senate Republicans, lawmakers and lobbyists say that there is little chance of reconciling the differences between the House and the Senate this year.

All of Washington has not been paralyzed. Federal regulators—spurred in part by state prosecutors—have become more aggressive on the enforcement front.

In Congress, meanwhile, legislation to modify pension laws—a response to the enormous losses in the retirement funds of employees at Enron and other troubled companies—might have a better chance of passage.

Still, even lawmakers who favor a tough response to the seeming explosion in business misconduct detect little fervor among voters for a Washington crackdown. Absent a spate of further disclosures, they say, the issues may remain too remote to change many voters' minds.

"The politics will be determined by the circumstances," said Senator Jon S. Corzine, Democrat of New Jersey and a former top executive of Goldman, Sachs & Company. "If we continue to see an erosion of the stock market and more cases like Adelphia and Tyco, then it will be significant. If we see less, then it may have less of an impact, because these can become issues that are hard for people like my mom to understand."

Other lawmakers, particularly Republicans, say Enron's moment as a galvanizing issue has quickly passed.

"The feeding frenzy is pretty much over," said Senator Phil Gramm of Texas, the ranking Republican on the banking committee, who has worked closely with industry lobbyists to kill many of the Democrats' proposals. "People started looking at making all these radical changes and decided there was a real cost involved and that it would not solve the Enron problem."

Mr. Gramm said regulators and the marketplace are already correcting the excesses exemplified by Enron and its auditor, Arthur Andersen, relieving Congress of the need to enact comprehensive legislation.

"A lot of progress has already been made," he said. "The president has put forward a strong program, the Securities and Exchange Commission is moving forward, and the exchanges are changing their rules. No one who sits on an audit committee will be the same after Enron." Mr. Gramm's wife, Wendy, a onetime government regulator who serve on Enron's audit committee, resigned from the company's board last week.

Representative Billy Tauzin, the Louisiana Republican who held hearings on Enron's collapse, agreed with Mr. Gramm's appraisal, but he said it will still vital for Congress to act, even though the prospects for legislation are not strong.

"It's all very iffy," he said. "There is a huge rift between where the Senate believes these issues ought to go and what the House has already passed. I don't know if it gets worked out in time."

Both Democrats and Republicans have already begun to consider strategies to make the best political use of the issue in the November elections. The Republicans are relying heavily on the rule-making and enforcement actions of the S.E.C.

On the Democratic side, one idea under discussion by advisers to Senator Daschle is to bundle disparate proposals into one package, making it more efficient to both confront recalcitrant Republicans in the House and make a poltical issue in the fall of the legislation's defeat.

In any event, politicians and lobbyists say that any change in the accounting treatment of stock options is dead for the year—largely because of the perception that Silicon Valley, where such options are as ubiquitous as the Internet itself, is up for grabs in the 2002 and 2004 elections.

Proposals have been made to force companies to account for options as a compensation cost—now they are not charged against corporate earnings—and to limit the ability of companies to take tax deductions for issuing options. But technology companies, financial firms and corporate trade groups—with the backing of President Bush—have lobbied lawmakers around the country to maintain the current system.

For now, lawmakers say, they have trumped the arguments of such people as Alan Greenspan, the Federal Reserve chairman, and the multibillionaire investor Warren E. Buffett that the current treatment of options contributed to corporate overreaching in the 1990's.

The Bush administration has not been a visible force in the legislative battles, relying instead on likeminded allies—notably Senator Gramm—to bottle up the most ambitious legislation. He has met repeatedly with corporate lobbyists and urged them to press sympathetic Democrats or those facing tight races, like Thomas R. Carper of Delaware, Evan Bayh of Indiana and Zell Miller of Georgia, to block legislation from reaching the Senate floor.

Democrats say that effort appears to have failed and that Senator Paul S. Sarbanes, Democrat of Maryland, appears to have the support to get a bill approved by the banking committee. It would sharply curtail the consulting work performed by accounting firms, create a relatively independent oversight board for the accounting profession, require large corporations to rotate their auditors every five years, and impose tighter conflict of interest restrictions on stock analysts than the measure that was passed by the House.

Mr. Gramm has been working closely with the administration on an alternative measure that does not tighten conflict of interest regulations for analysts or auditing firms. His wife's Enron ties seem to have produced no political pressure on Mr. Gramm—who has announced his intention to retire from the Senate after this year—to shy from the debate.

The post-Enron proposals prompted scores of industry associations and hundreds of corporations to retain lobbyists and use their own employees to try to weaken or kill the measures. They include the American Institute of Certified Public Accountants, which is dominated by the largest firms. Hundreds of companies, including Oracle and Intel, have fought against changing the treatment of stock options. And many of the largest Wall Street firms have lobbied against changes in the laws governing stock analysts.

The drift in Congress largely reflects the power of the accounting profession. Accounting firms ranked as three of President Bush's top eight campaign donors in 2000, and over all, the industry made $14.7 million in campaign donations to both Democrats and Republicans during the last election cycle, according to the Center for Responsive Politics. The profession has influential members in many congressional districts and has been known to use lawmakers' own accountants to lobby them.

Pension legislation may stand a better chance in Congress, although its prospects remain cloudy.

The chairman of the Senate Finance Committee, Max Baucus of Montana, is crafting an alternative to a bill by Senator Edward M. Kennedy, Democrat of Massachusetts, that drew strong opposition from business lobbyists and Republicans.

On some points, Mr. Baucus's bill is likely to contain provisions similar to those in the House bill, like permitting workers to sell company stock awarded as a 401(k) match three years after they receive it. Senate aides say the bill may also place limits on certain forms of executive compensation. Mr. Daschle is warming to the provisions that are expected to form the Baucus proposal, Senate aides say.

But they say the Baucus plan is unlikely to include the Kennedy proposal's provision prohibiting most companies from both offering their stock as a 401(k) investment option and using it to match employee contributions. This was designed to keep employees from putting too much retirement money in their own stock, as happened at Enron.

One major issue that remains unresolved is how to give employees better access to investment advice. Investment management companies have been lobbying to permit firms that administer retirement plans to offer advice to participants. Among other things, they would be permitted to recommend investments for which they could receive a fee.

Senate aides say the Baucus proposal may instead contain a provision encouraging employers to hire independent firms to provide advice.

EXHIBIT 2

[From Business Week]

ACCOUNTING: STRONGER REFORMS, PLEASE

Perhaps the only benefit of a major scandal is that it creates pressure for reforms. Politicians who would otherwise listen to special interests are forced by public pressure to make long-needed changes. Often, the legislative and regulatory changes that follow a scandal can help build a strong foundation for economic growth.

If you hoped that the Enron/Anderson scandal would provide an opportunity for just those sort of farsighted regulatory improvements, start worrying. There are signs that the Bush Administration, under pressure from the accounting lobby and business groups such as the U.S. Chamber of Commerce, is willing to support only mild changes in the current system. And there's a danger that Congress will acquiesce. The

House of Representatives has already passed a very watered-down bill.

That's wrong. Halfhearted reform is bad for the public, bad for economy, and even bad for the accounting industry, which needs to reestablish its credibility. Instead, we think the best for strong accounting and financial reform is the legislation proposed by Senator Paul S. Sarbanes (D-Md.), chairman of the Senate Banking Committee.

Sarbanes' draft legislation—which is opposed by Senator Phil Gramm (R-Tex.), the ranking GOP member of the Banking Committee, and the Bush Administration—would set up a strong private-sector board to oversee public-company accounting. It would severely limit consulting services that accounting firms can offer the companies they audit. And, not the least, the bill would require CEOs and CFOs to sign their company's audit reports and forfeit a year's worth of bonuses, incentive-based pay, and profits on stock sales if the company has to materially restate its earnings. That would reduce the aggravating sight of CEOs claiming they had no idea what kind of wrongdoing their company was engaged in.

Equally important, the Sarbanes bill would authorize more money for the Securities & Exchange Commission and permit the agency to hire at least twice as many professionals as the Bush Administration is willing to fund. These additional resources are essential for the SEC to do its regulatory duty. According to a report from the General Accounting Office, the SEC's workload increased by 80% in the 1990s, but its staffing rose only 20%. In 2001, for example, the SEC reviewed only 16% of all annual reports—way below the desirable level.

No business or profession likes closer oversight. But finding the right balance between markets and regulation is essential for a well-functioning economy. Reform is never easy—but history suggest that it's essential.

EXHIBIT 3

[From Business Week, June 3, 2002]

A THREE-POINT PLAN FOR SEC REFORM

(By Robert Barker)

A specter is haunting Wall Street—the specter of Main Street retreating from investments and toward savings, going from stocks to CDs. That's why, as the late, lamented bull market nears its 20th anniversary this summer, "we are on the verge of the greatest overhaul of securities regulation since the SEC was created," Securities & Exchange Commission Chairman Harvey Pitt said recently. "Nothing is off the table."

Pitt was addressing an Investor Summit that the called on May 10 in Washington to air investors' concerns and answer questions. I listened, via the Web, to more than three hours of talk, most of it pertinent (box). Yet some specific investor demands need amplification. Here's a short list of concrete fixes. If Wall Street and its regulators can't deal with this simple stuff, their reform effort will have failed:

FASTER. A CEO today can dump a ton of his company's stock on the first day of the month and need not report it until the 10th day of the next month. Not only should that disclosure be made much sooner—within a day or two of the sale, as now is being discussed—but such insider trades should be disclosed for free via the SEC's Web site, which is not the case today.

Quarterly and annual corporate reports, now required 45 and 90 days, respectively, after each period, will likely be accelerated to 30 and 60 days. That's good, but faster filing should not end there. Mutual-fund holdings should be disclosed at least quarterly instead of every six months, the current rule. Opponents say faster disclosure will make it harder for funds to trade without tipping their hand and ultimately hurting investors. But companies that manage $100 million or more—including most fund advisory firms—already must disclose portfolio holdings 45 days after the close of each quarter. Cut that to 30 days, tops. Short positions, now exempt should be required as well as longs.

FAIRER. The SEC's regulation FD, or Fair Disclosure, seems to have helped put individual investors on a more equal footing with professionals when companies disclose potentially market-moving information. Before its adoption in August, 2000, the public routinely was barred from management's conferencecalls with stock analysts. Not so now. There remains, however, a forbidden zone—the "road shows" put on for institutional investors by companies preparing to sell securities, particularly initial public offerings of stock. Just as the SEC was able to invite the public via the Internet to its own recent Investor Summit, investors small as well as large should be asked to attend and pose questions at these pre-IPO presentations. It's one thing to read a prospectus laden with legalese; it's better to hear how management discusses what's in the prospectus.

PLAINER. Speaking of legalese, regulators have long encouraged the use of "plain English" in securities filing. A charitable assessment of this initiative would be to say it has achieved limited success. To any who doubt this, I point to the 749-page proxy statement (including Annexes A through N) filed recently by AT&T. If you own AT&T, you're supposed to use this to decide how you'll vote by July 10 on the company's plan to restructure and merge its cable unit with Comcast. Meanwhile, regulators—while trying to make investor communications clear to more than just the securities bar—might also try setting a good example. In SEC lingo, the AT&T proxy is a "DEFM14A." A mutual fund's annual report is an "N-SAR." A tender offer may be a "13E-4" or a "14D-1." Our government can do much better.

Only a fool would expect Washington to solve every problem in today's stock market. As SEC Commissioner Isaac Hunt put it: "The burden rests with individual investors to research the information and make intelligent investment decisions on their own." Fair enough. At the same time, investors don't have to buy what Wall Street is selling. So the burden is equally on Wall Street to show honestly that what it's offering is worth buying. Otherwise, I'd say the intelligent investment decision is a bank CD.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

KAHO'OLAWE; REBIRTH OF A SACRED HAWAIIAN ISLAND

Mr. AKAKA. Mr. President, I rise today to call my colleagues' attention to an excellent exhibit that opened last week at the Smithsonian Institution's Arts and Industries Building, entitled, "Kaho'olawe; Rebirth of a Sacred Hawaiian Island." The exhibit chronicles the rich history of the island of Kaho'olawe from its mythical beginnings to current efforts towards its protection and revitalization. The exhibit is a project of the Bishop Museum Native Hawaiian Culture and Arts Program, and is sponsored by the Smithsonian Asian Pacific American Program, Bernice Pauahi Bishop Museum, Community Development Pacific, and Protect Kaho'olawe 'Ohana/Fund.

I was deeply moved by the exhibit and its eloquent reflection of the Hawaiian value of "aloha aina," which means love for the land, which serves as a foundation for the culture of Hawaii's indigenous peoples; the Native Hawaiians. The profound appreciation for Hawaiian culture and its values is reflected in Hawaii's state motto, 'Ua mau ke'ea 'o ka 'aina 'i ka pono, "the life of the land is perpetuated in its righteousness." The exhibition celebrates Hawaii's culture and people in telling the story of Kaho'olawe.

Ancient chants—plaintive and poetic oral histories of Hawaii—along with archaeological evidence indicate that Kaho'olawe was inhabited by Native Hawaiians who fished and farmed in coastal and upland settlements scattered across the island. In ancient times, the island was referred to as Kanaloa for the god of the ocean and the foundations of the earth.

From 1941 to 1994, Kaho'olawe and its surrounding waters were under the control of the United States Navy. Both the island and the waters of Kaho'olawe were used as a live-fire training range. In 1990, President George Bush directed the Department of Defense to cease using the island of Kaho'olawe as a training range. In 1993, Congress enacted legislation that recognized the cultural significance of Kaho'olawe, required its return to the State of Hawaii, and directed the Navy to conduct unexploded ordnance cleanup and environmental restoration in partnership with the State of Hawaii. Congress authorized Federal funding through 2003 for the cleanup of Kaho'olawe. We continue to work with the Navy to ensure that this funding is utilized for maximum cleanup of the island before access is turned over to the State of Hawaii in late 2003.

The restoration of Kaho'olawe is more than the cleanup of ordnance. Native Hawaiians also referred to Kaho'olawe as "Ko Hema Lamalama," the Southern Beacon, in reference to the island's use as a navigational aid, or shining beacon, for long-distance voyagers returning to Hawaii. For many Hawaiians, the vision of a fully restored Kaho'olawe serves as a guiding light to the revitalization of Native Hawaiian culture.

I encourage all of my colleagues and their staff to visit this exhibit at the Smithsonian Institution's Arts and Industries Building. I always welcome the opportunity to share the true essence of Hawaii with my colleagues and our fellow citizens on the U.S. mainland. We have the honor and privilege of showing you a bit of Hawaii in Washington, DC, until September 2, 2002, and I invite you to share in this wonderful experience.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

LOCAL LAW ENFORCEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 625, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 625) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes.

Pending:

Reid (for Biden) amendment No. 3807, to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, let me begin on a point of common ground. We can—each and every one of us—agree that the actions constituting hate crimes are wrong in all respects. Let me state, unequivocally, that as much as we condemn all crimes, a hate crime can be more sinister than a non-hate crime. And let me state, with equal conviction and clarity, that I care about stamping out hate crimes as much as any member of this body. I think everybody know that.

A crime committed not just to harm an individual, but in order to send a message of hatred to an entire community is appropriately punished more harshly, or in a different manner, than other crimes. This is especially true when the targeted community is defined on the basis of immutable traits. The brutal murders of James Byrd in Jasper, TX, and Matthew Shepard, in Laramie, WY, among others, remain seared into our Nation's conscience because of the savagery they suffered solely because of their attackers' irrational and hateful prejudice. The worse a criminal's motive, the worse the crime, and a unanimous Supreme Court recognized as much in upholding Wisconsin's sentencing enhancement for hate crimes. These same considerations also prompted the U.S. Sentencing Commission to establish a sentencing guideline that provides an enhanced sentence for a Federal defendant whose crime was motivated by hate. These decisions are ones we can all applaud.

Not only are the offenses themselves worse, but hate crimes also are more likely to provoke retaliatory crimes. They inflict deep, lasting and distinct injuries—some of which never heal—on victims and their family members. They incite community unrest. And, at bottom, they are downright un-American. The melting pot of America is the most successful multiethnic, multiracial, and multfaith country in all of recorded history. We should keep our proud heritage of diversity in mind as we consider the atrocities routinely sanctioned in other countries committed against persons entirely on the basis of their racial, ethnic, or religious identity.

So we all should be able to agree that the battle against hate crimes is and must be America's fight. And despite the often contentious partisan rhetoric surrounding the issue of Federal hate crimes legislation, there exists widespread agreement on these fundamental points: Hate crimes are insidiously harmful, they should be vigorously prosecuted, and the Federal Government has a role to play in reducing the incidence of these crimes in our Nation. The dispute, then, centers not on whether Congress should act in this area, but rather on what should be done at the national level.

There is no dispute that hate crimes themselves often involve particularly horrific facts. They rivet our attention and move us to consider almost any measure that would appear to check such bigotry. But the proposed legislation introduced by my good friend from Massachusetts, S. 625, also brings us face to face with the foundations of our constitutional structure—namely, bedrock principles of Federalism that, for more than 2 centuries, have vested States with the primary responsibility for prosecuting violent crimes committed within their boundaries. And on this point we must be crystal clear: every hate crime—every bit of criminal conduct that S. 625 proposes to federalize—is, and always has been, a crime in every jurisdiction throughout our Nation. The question is not whether these crimes can be prosecuted, but who should prosecute them under our constitutional framework.

In other words, S. 625 brings us to a difficult intersection between our well-intentioned desire to investigate, prosecute, and, hopefully, end these vicious crimes, and our unequivocal duty to respect the constitutional boundaries governing any legislative action that we take. We, who are trusted with the awesome responsibility of making our Nation's laws, must scrupulously abide by the rule of law in this process. Congress has a duty to make sure that the legislation it enacts is constitutional. To shrug off that duty is more than just negligent; it invites trouble and may even solicit scorn. A Supreme Court Justice for whom I have the greatest respect, Justice Scalia, said the following just a few years ago:

> My court is fond of saying that acts of Congress come to the court with a presumption of constitutionality. But if Congress is going to take the attitude that it will do anything it can get away with, and let the Supreme Court worry about the Constitution, perhaps the presumption is unwarranted.

So, while all of us would agree that hate crimes are a problem with which Congress must deal, our focus must be on the appropriate and constitutional means to best accomplish that objective.

In the face of some of the recent hate crimes that have riveted public attention—and have unfortunately made the name James Byrd synonymous with Jasper, TX; and the name Matthew Shepard synonymous with Laramie, WY—I am committed in my view that the Senate must speak out and act against hate crimes.

I have long been on record with my view that the Federal Government can play a valuable role in responding to hate crime. In fact, I sponsored the Hate Crime Statistics Act of 1990. But any Federal response—to be a meaningful and lasting one—must abide by the constitutional limitations imposed on Congress, and be cognizant of the limitations on Congress's enumerated powers that are routinely enforced by the courts. I was a prime sponsor of that bill, and I am proud that I was. It was a bill with a lot of controversy at the time. This is more true today than it would have been even a mere decade ago—ever since the U.S. Supreme Court revisited the Federalism doctrine in a string of decisions beginning in 1992.

Having consistently checked the expansion of Federal jurisdiction in areas traditionally reserved to the States over the past decade, the Supreme Court has cast grave doubt over the legitimacy of S. 625. I am not alone in believing that this bill, if passed into law, will be struck down as an unconstitutional invasion into States' rights. I take no pleasure in holding this view. In fact, I was the primary co-sponsor of the Violence Against Women Act of 1994—a law that created Federal jurisdiction over certain serious acts of violence directed at women. Senator BIDEN was a prime sponsor as well and deserves an awful lot of the credit for that particular bill. I felt strongly about that legislation, and I certainly was not happy to see the Supreme Court strike down a portion of that law as unconstitutional. But I respect, as we all must, the Supreme Court's ruling, and we have a duty to take its lesson to heart—whether or not we personally like them.

So there is a serious constitutional concern with S. 625. But, in the frightening climate of terrorism that we live in today, there is a practical consideration that we also cannot ignore. We must ask ourselves what role our Federal law enforcement agencies should play in violent crimes that historically have been prosecuted by State and local officials. The Federal Bureau of Investigation recently has committed a large number of its agents to work exclusively on terrorism cases. The FBI has shifted its focus away from the investigation of general crimes to the protection of our homeland security. In my view, this is a step in the right direction. I sincerely hope that everybody in this body, and both bodies, can all agree about that.

Now, more than ever, we can see the line between what is truly national and what is truly local. The question is not just what can we do, but rather, how should we allocate our scarce Federal resources? And what message will we be sending the FBI—who has committed to focus on terrorism—by passing, as historians will no doubt conclude, the greatest expansion of Federal power over crimes traditionally prosecuted by State and local governments?

I have given a great deal of personal thought to this matter in attempting to create a Federal response to hate crimes that would be as effective as possible without implicating the very serious concerns created by S. 625. The amendment I intend to propose before this matter is over is one that I believe would not only solve the problem effectively and pragmatically, but also has the virtue of resting on unquestionably sound constitutional ground.

I care deeply about this issue and am committed to a strong, workable, practical, and constitutional Federal solution. It is precisely because of my commitment to this issue that—in the 2 years since this issue last came to the Senate—I have changed certain aspects of my amendment to strengthen the Federal Government's role in the investigation and prosecution of hate crimes. So, while S. 625 remains in precisely the same form as it was when it was offered as an amendment to the Department of Defense appropriations bill in June 2000—despite the concerns that were raised about its scope and constitutionality—I have worked to change my proposal to make it more aggressive and more acceptable to the supporters of S. 625.

There are two main components to my amendment. First, I would propose creating a meaningful partnership between the Federal Government and the States in combating hate crimes. My amendment would permit the Justice Department to assist State and local authorities in investigating and prosecuting hate crimes by providing Federal manpower as well as financial assistance. The original version of my amendment had capped the amount of Federal grants at $100,000 per case, but the version I propose today removes that ceiling when the need is greater. My amendment contains a completely new provision that would require the Attorney General to designate one Federal prosecutor in every district to act as the Federal liaison for the State and local prosecutions of hate crimes. That Federal prosecutor, will take an active role in helping States prosecute hate crimes, from seeking Federal wiretaps to Federal search warrants. There simply is no reason to believe that State and local law enforcement officials could not prosecute these sorts of cases effectively with the type of Federal assistance that my amendment provides.

My amendment directly remedies the primary concern of those who advocate broad Federal jurisdiction over hate crimes. Such a broad power grab is required, the argument goes, because State and local jurisdictions often lack adequate funding or resources to effectively prosecute hate crimes. While the record would seem to indicate that States have effectively shouldered the oar on prosecuting hate crimes, I certainly accept the fact that such highly publicized prosecutions might strain a smaller community's resources. My amendment directly cures that potential problem without displacing States from their traditional role in law enforcement.

Let us not fail to note that the overwhelming successful record of local prosecutions of hate crimes—many in jurisdictions where the death penalty not only was available, but also played a central role in securing justice—should stand as a testament to the fact that wholesale Federal intervention is not warranted. There has never been a showing that State and local law enforcement officials have been ignoring or neglecting—much less intentionally failing—their duty to prosecute these heinous offenses. The truth seems quite to the contrary. State and local authorities effectively investigated and prosecuted those who perpetrated the reprehensible murders of Matthew Shepard and James Byrd, Jr. No Amount of federalization—much less the measures called for in S. 625—would have made these persecutions any more successful.

This raises a point that I frankly find somewhat puzzling. During the last floor debates on this issue, Senators KENNEDY, DURBIN, my good friend, and Senator REID from Nevada—good people who I know genuinely care about this issue—kept bringing up the tragic cases of Matthew Shepard and James Byrd as reasons to support S. 625. Yet those offenders were prosecuted efficiently and effectively and, in my view, appropriately with the death penalty, which was actually the sentence imposed on two of the killers of James Byrd. That is something that just couldn't happen under S. 625, which doesn't even provide for the possibility of the death penalty. So, if anything, the Matthew Shepard and James Byrd cases stand as testament to the fact that federalization of hate crimes is both unwarranted and in the case of S. 625, less effective than current state laws.

In any event, before we take the decidedly broad step of making every criminal offense motivated by hatred a Federal crime, we ought to equip States and localities with the resources necessary so that they can undertake these criminal investigations and prosecutions on their own.

The second major component of my amendment proposes to define the problem more precisely. Before we swing a broadsword into the constitutionally sensitive area of States' rights, we ought to consider carefully whether a scalpel might do the trick. There is a pile of raw data that has been collected pursuant to the 1990 Hate Crime Statistics Act, including a comparison of the records of different jurisdictions—some with hate crime laws, others without. We need to undertake a comprehensive analysis of that data to determine whether there is, in fact, a problem in certain States' prosecution of hate crimes.

Some 45 States and the District of Columbia already have enacted hate crimes laws, and by any measure, they are aggressively and effectively prosecuting these cases. I am certainly open to being persuaded that the States are failing to prosecute these crimes. But neither S. 625 nor the record developed in support of this legislation appear to make such a case. Analyzing the statistics that already exist to see whether there is a real, verifiable problem with state and local enforcement of hate crimes is a simple, efficient and responsible first step that we, as lawmakers, should take before enacting such sweeping legislation.

In sum, we have widespread agreement that the Federal Government must play a role in our Nation's efforts against hate crimes. The role we define must also respect the Constitution and the structure of our government—a structure that, since the inception of our country, assigns to the States the primary role in criminal law enforcement.

Rather than take a precipitous step that would potentially make every criminal offense motivated by a hatred a Federal offense, we should equip States and localities with the resources necessary to undertake these criminal investigations and prosecutions on their own. At the same time, we should undertake a comprehensive analysis of the raw data that has been collected pursuant to the 1990 act.

My amendment is a measured legislative response that would accomplish the goal of letting no hate crime go unpunished—without bearing any risk of being struck down as unconstitutional by the Supreme Court. It is legislation that could and probably would pass into law. We know that S. 625, as written has no chance of enactment.

The House will not take this amendments. It simply has too many problems. I hope it is not presented just for political reasons. Instead of having a political issue, we should take a realistic and responsible step toward addressing this problem, which would be passing my version of this legislation.

Mr. President, as we know, on Friday, immediately after calling up S. 625, the hate crimes bill, the Democratic leadership filed for cloture. This was done for the sole reason of thwarting any meaningful debate on a bill that seeks to overhaul and expand thoroughly the role the Federal Government plays in law enforcement.

I agree wholeheartedly that Senator KENNEDY's bill, S. 625, is an important piece of legislation that deserves consideration in the Senate. In the past, I too have introduced competing legislation addressing hate crimes. As someone who has remained as involved in this issue as Senator KENNEDY, at a minimum, I deserve the opportunity to offer amendments relevant to the discussion of hate crimes and to improve this bill. I believe my amendments will in fact improve this bill as it reads currently. Moreover, I believe that a majority of my colleagues not only want to consider these amendments, I believe they would approve of my amendments.

Protecting the safety and rights of all Americans is of paramount concern to all Senators. There are, however, many thoughts as to how to provide this protection. No one is threatening to filibuster this bill. My colleagues and I are honestly trying to force a debate on an issue that affects all Americans. It is curious to me why the Democrats are trying to prevent a substantive debate on hate crimes from going forward. By preventing amendments from being offered and considered, the Democrats are shutting the door on any Republican ideas or alternatives, however constructive they may be.

All Senators have the right to consider thoughtfully legislation that will impact significantly how serious crimes are prosecuted in this country. By filing for closure prematurely, the Democratic leadership is prohibiting Senators the right to debate and have a vote on issues that are important to them and the constituents of their States. It is unconscionable to prevent debate on such an important issue. I ask the Democratic leadership to rethink this position, and I ask Senators to oppose cloture and allow us to consider a reasonable amount of amendments to improve this bill.

I will certainly make every effort to keep the amount of those amendments very limited so that this particular debate does not have to go on and on. I hope we will be able to get that done. I noticed S. 625 not only substantially expands current authority over hate crimes, it adds a number of provisions over what we had at least attempted to do before.

Under current Federal law, it is important to note that it is unlawful to injure, intimidate, or interfere with any person because of his or her race, color, religion or national origin. That is the law today. That has been upheld as constitutional. If the person is participating in certain federally protected activities such as attending school, serving as a juror, traveling in interstate commerce, using public accommodations, or working, that person is protected against injury, intimidation, or interference because of race, color, religion or national origin.

Since 1994, Federal law has required a heavier sentence for persons convicted of hate crimes. We have already gone a long way to do that.

We will put in the RECORD before this debate is over some of the statistics that have been presented as to whether or not hate crimes, as defined narrowly, are really a significant percentage of crimes that are committed in this country. My attitude is, if one is committed, it is a significant percentage, but we have to be practical as well. It seems to me, since there is no showing—at least there has not been up to this date—that the State and local law enforcement jurisdictions are failing to prosecute hate crimes and prosecute them with vigor, it seems to me we are going too far with S. 625.

I hope our colleagues will pay attention. I think we could really wind up not doing as much against hate crimes as we could if we would make a real effort to try to bring both bodies together. I would like to get this problem solved once and for all, and I would like to do it in a way the vast majority of us can support because I think the vast majority of Members of Congress will support a reasonably written, effective hate crime statute that does not take away the responsibilities of the State and local governments and law enforcement people to prosecute these matters.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to the distinguished senior Senator from Utah, this legislation has already passed the House—232 Members voted for it; in the Senate, 61, almost identical legislation.

The question was raised as to why there was an effort made to move forward on cloture on this bill. We have lots of things to do. When it was reported in the Congressional Quarterly last Friday morning that they, the Republicans, were going to file 40 to 50 amendments just to slow down the train on this legislation, and they had a wide range of subject matters on all the amendments they were going to file, none of which were related to this hate crime legislation, the majority leader felt we had to move on. That is why the cloture motion was filed.

I also say to my friend, the former chairman of the Judiciary Committee, someone who is certainly knowledgeable of things legal in nature, if cloture is invoked, there is still every opportunity, up to 30 hours, to file any germane amendments. I would say if the Senator wants to improve this legislation, it would have to be with germane amendments, not nongermane amendments. So I hope we can move along. I hope cloture is invoked. The majority leader would be happy to work with the Republicans to come up with legislation they believe is better. But this is a matter that has already moved in both bodies of Congress. We should move forward with it.

AMENDMENT NO. 3807 WITHDRAWN

Mr. REID. Mr. President, I withdraw amendment No. 3807.

The PRESIDING OFFICER. The Senator has that right. The amendment is now withdrawn.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to speak to this legislation. First of all, I compliment the ranking member on the Judiciary Committee for the points he made, with which I am in agreement. Recall, this bill federalizes two new hate crimes, adding gender and sexual orientation and disability to existing law. It is a far-reaching proposal.

I am sorry, I cannot accept the excuse that has just been proffered by the assistant majority leader with respect to why cloture was filed on this bill some 14 minutes after the bill was brought to the Senate floor. This is unprecedented. With all due respect, I characterize it as a gag rule on Senators, unprecedented in the way the Senate ordinarily, traditionally acts.

As a matter of comity to Members, it is traditional that Members are allowed to debate and offer amendments to legislation. Only rarely is cloture filed—ordinarily, after there has been an attempt to filibuster a bill. The majority then rightly has the opportunity to bring that debate to a close if enough Members are in agreement to do so. It is very rare cloture motions would be filed immediately after bringing the bill to the floor. This does not give Members enough time to debate the bill or offer amendments and have those amendments voted upon. The reason proffered by the distinguished Senator from Nevada was that they had read in a publication that Republican Senators intended to file some 40 amendments to the bill. I suggest that is not appropriate as a reason for immediately invoking cloture. To my knowledge, it has never been done when the Republican majority introduced bills to the floor.

I remember on one occasion a cloture motion was filed almost immediately and there was a great hue and cry from the other side, as a result of which my recollection is the Republican majority, by unanimous consent, extended the time for debate an additional day.

It is, frankly, a breach of the comity that heretofore has characterized the opportunity for debate in this body, to file that cloture motion some 14 minutes after the bill was brought to the floor—especially because this is such controversial legislation. The two votes that previously were cast here were like 50 to 49, and I have forgotten exactly what the other vote was, but this is a highly contentious issue and one which deserves a great deal of thought and debate. I, therefore, am very hopeful our colleagues—whether they agree with the ultimate legislation or not—will agree it is simply unfair to close off debate and amendments at this very early stage of the consideration of such important legislation.

One reason the Senate should not rush to consideration of this bill is because of the very controversial change that it makes to criminalize not a defendant's actions alone, but the defendant's thought process. Think about this for a minute. This legislation focuses not on the defendant's conduct, or even on his intent—on whether he acted purposefully or with knowledge of risk. Rather, this bill criminalizes the defendant's subjective motive. We are moving perilously close, down the path of creating a penalty for thought crimes.

This is not as distant as you might think, considering, for example, the FBI data that is used by advocates of hate crimes laws to justify this bill. In 1999, they report there was a total of 9,430 hate crimes in the United States. Of these, only 19 were murders. By far, the largest category of actual hate crimes against persons, including property crimes and crimes against society, was the crime of intimidation. Yet this crime is so vague and so inchoate that the FBI does not even bother to calculate incidents of intimidation in its overall crime reports.

What exactly does intimidation mean? Does it simply mean something that is perceived as offensive by the hearer? Some groups, in fact, increasingly invoke terms such as "hostile speech" or "climate of violence" to describe speech in favor of traditional morality on social and sexual issues. Would a traditional viewpoint on homosexuality or transsexualism be hostile speech and thus a hate crime? It very likely could be under the definitions here.

One organization, the largest organization of women in the country, the Concerned Women for America, has cited an example of a pastor in New York whose billboard advertisement with a Bible verse on it was taken down by city officials who cited hate crimes principles as the rationale. The CWA also cites a recent incident in San Francisco. The board of supervisors officially approved a resolution urging local media not to run an advertisement by a group.

Again, even those who do not agree with the message of traditional values should at least recognize these groups' right to be heard and to exercise their first amendment right of speech. With this type of legislation, we risk criminalizing this speech.

In addition, it is wrong to treat some victims of violent crimes as more special than others. All victims of violent crime should be equal in the eye of the law. When such a crime occurs, the police should not first have to ask, for example, what the victim's race, religion, or sexual preference is. Nor do the 19 murders classified as hate crimes in the year 2000 nor the 17 in 1999 provide much justification for the legislation when more than 15,000 other murders occurred each year—all crimes under State law. It is not as if we have to add this crime in order to assure there is punishment for people who commit violence.

Congress should be concerned about all of these victims, not about just a subset constituting one-tenth of 1 percent of the total. Yet that is what we spend our time on in this body.

I note that one of the bill's provisions attempts to justify or provide a constitutional rationale for the bill. I note that section 2 states that Congress has found "the incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem" and that the "prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected."

I would like to focus on that in two respects.

First of all, it says this is a national problem. But I note that not all national problems are Federal problems. People are murdered every day in this country. That is a national problem. But States provide the laws under which people are prosecuted, and it is ordinarily by a local or county prosecutor. In other words, not every national problem is a Federal problem.

As I will note later, no less than the Chief Justice of the United States has warned Congress against federalizing every crime and finding a Federal solution to every national problem.

But even more important is the suggestion that only certain kinds of crime victims ought to be of concern to us. It said here that this kind of crime devastates not just the actual victim but frequently savages—and I am not exactly sure what the word "savages" means—the community sharing the traits that caused the victim to be selected. I presume that is the class of victims—people such as the victim.

As the Presiding Officer is well aware, Senator FEINSTEIN and I have had a constitutional amendment before this body for several years to grant rights to victims of crime. We have argued all of these years that victims of violent crime feel themselves frequently savaged by a system which gives a lot of rights to the defendant but, at best, ignores their rights, and sometimes actually results in them being victimized a second time by the judicial system by not getting notice of key hearings and procedures in which they would have an interest in attending, or by not even being able to sit in the courtroom sometimes. This clearly is activity that savages the community that has been victimized.

Anybody who has been a victim of domestic violence can empathize with the other victims of domestic violence. I have gone to many meetings at a lot of centers at which women who have been abused are sitting in a circle sharing their experiences in order that they be able to cope with and eventually rise above the problem and to understand that they themselves are not the cause of the crime that has been perpetrated against them. They are savaged, all right. They are a group of people to whom we ought to be paying attention. Yet we can't get the support in this body to grant them the rights that are at least somewhat equal to the rights of the accused perpetrators of the crimes upon them. The numerous constitutional amendments which have granted defendants rights should at least be equal in the constitutional rights of these victims of crimes.

I am going to state this in a rather blunt way. It seems to me to be inconsistent, at best, for people to be very concerned about a couple of specific groups of people—transsexuals or homosexuals, for example—that they would believe that other members of their group would feel savaged when someone else in their group has a crime perpetrated upon them but we wouldn't extend that same feeling and that same support and that same kind of action to a vast and much larger number of people who are victimized by crimes every day and for whom there are no victim's rights. We don't designate them hate crimes, and therefore these people have no such rights. I find it discriminatory.

In this Senate body, we never characterize the motives of legislation. It is a very dangerous thing to do, and I resent it. In no way do I characterize the motives of anyone offering this particular amendment. But I ask them to stop and think for a moment about whether it is fair to single out a very small group of people who have a very large lobbying voice for special protection as victims of hate crimes because the group they are a part of feels savaged when they are the victim of a crime. That is the Federal nexus. That is the basis upon which the constitutionality of this action rests, and I submit it is inadequate under our Constitution. But that is the alleged basis. We will do it there, but we will not give rights to the vast majority of people who are victims of violent crime in this society.

Do we not believe or do we not understand that they feel savaged as well? Is their lobbying voice just not as strong? I don't know what it is. But it is unfair.

Let me turn to two other points before I close.

It is obvious to me from the legislative history—I am not elaborate at this point but just to note this—that using the word "gender" rather than "sex" is a very intentional and very specific choice of words. The bill is intended to take the unprecedented step of making transsexuals and transvestites a federally protected class. There are those who think this is a good idea. I cannot imagine what the Founders—the people who wrote our Constitution—would think of such a provision. But I believe Congress should accept that not all human impulses are necessarily healthy, that not every desire should be pursued, and that, in any event, these kinds of activities should not be singled out as constitutionally protected given the large number of people in this country who have very different points of view of what is right and wrong. We single out minority action I gather as being constitutionally protected because we are concerned about what the majority would do. In so doing, I believe we pervert the language of the Constitution.

That gets to the next point: the constitutional overreach of this bill. The bill is almost certainly unconstitutional and beyond Congress's powers. The first new offense, justified as an exercise of Congress's 13th amendment power to outlaw the incidents of slavery, fails because it is not tied to the exercise of civil rights or access to public accommodations. The second new offense, justified under the commerce clause, goes too far when it punishes noneconomic violent crime simply because of the use of a weapon that has allegedly traveled in interstate commerce.

The bill also unnecessarily contributes to Congress's federalization of criminal law—a point to which I alluded earlier and on which I said I would expand. This is a process that places great burdens on our Federal courts and undermines their role as a forum for addressing uniquely Federal issues.

I mention the Chief Justice of the United States, Justice Rehnquist. He has repeatedly warned the Congress against unnecessarily creating new Federal criminal offenses, especially where the matter has traditionally been addressed and can be addressed by State courts. The Chief Justice expounded on this problem in his 1998 Year-End Report of the Federal Judiciary. I believe this is important enough to quote at length.

He said:

> The number of cases brought to the Federal courts is one of the most serious problems facing them today. Criminal case filings in Federal courts rose 15 percent in 1998—nearly tripling the 5.2 percent increase in 1997. Over the last decade, Congress has contributed significantly to the rising caseload by continuing to federalize crimes already covered by state laws.

The trend to federalize crimes that traditionally have been handled in state courts not only is taxing the Judiciary's resources and affecting its budget needs, but it also threatens to change entirely the nature of our federal system. The pressure in Congress to appear responsive to every highly publicized societal ill or sensational crime needs to be balanced with an inquiry into whether states are doing an adequate job in these particular areas and, ultimately, whether we want most of our legal relationships decided at the national rather than local level. Federal courts were not created to adjudicate local crimes, no matter how sensational or heinous the crimes may be. State courts do, can, and should handle such problems. While there certainly are areas in criminal law in which the federal government must act, the vast majority of localized criminal cases should be decided in the state courts which are equipped for such matters. This principle was enunciated by Abraham Lincoln in the 19th century, and Dwight Eisenhower in the 20th century—matters that can be handled adequately by the states should be left to them; matters that cannot be so handled should be undertaken by the federal government.

As is very clear by the language of the statute itself, that is not the test used for determining whether or not prosecutions will be held by the Federal Government for these crimes.

The Federal courts are already overwhelmed with existing Federal offenses, at the same time that this Senate is dragging its feet on filling the Federal court vacancies that currently exist, or even holding votes on new judges. Yet here we go creating a whole new set of Federal offenses for crimes that are already proscribed by State law. No doubt the Federal judiciary is watching this debate and thinking to itself, about the Congress, "there they go again."

It bears emphasis that the States not only already punish the crimes we are dealing with here as violent crimes; in addition, 45 States and the District of Columbia already have laws punishing hate crimes. What we are doing is creating a double redundancy, a new Federal offense for hate crimes that are already punished in two different ways at the State level.

Nor is it fair to accuse the States of inadequately enforcing their laws in this area. For example, consider the first and third incidents cited in the committee report for this bill involving murder in Humboldt, NE, and in Yosemite Park, CA. The committee report relies on these incidents to supposedly show the need for a new Federal law. But what these incidents show, instead, is how this law is unnecessary and redundant. Indeed, it would punish these offenses less severely than they have been punished under State law.

In the Nebraska crime, prosecutors sought and obtained the death penalty. In the Yosemite case, they are currently seeking the death penalty. Yet had either of these offenses instead been prosecuted under the law envisioned by this bill, the death penalty would not have been an option. The bill provides for no death penalty, even for the most brutal murders. And we call this an appropriate reaction to something we detest so much, something we call a hate crime, that we are willing to bend the Constitution to make it a new Federal offense.

The death penalty would not have been available under this bill, either as a deterrent or as leverage to secure a life sentence during plea bargaining, which is frequently why the death penalty can be successful. So why do we need a Federal law to provide less punishment than is already available under State law?

Finally, this bill would explicitly allow the same defendant to be punished twice for the same crime, based solely on a Federal official's determination that the State sentence that the defendant is already serving has somehow left Federal interests "unvindicated."

Although the Supreme Court has been willing to ignore such double prosecutions, Congress, at least, should recognize the unfairness of allowing a defendant to be tried twice punished twice, by two different courts, for the same crime.

Since I see my distinguished colleague from Wisconsin in the Chamber, and because I have such respect for him, for the sense of fairness that he has exhibited over and over in the Judiciary Committee, on which we both sit, while I know he is an ardent supporter of the legislation, I would just ask him, and other colleagues, with whom I have had good dealings over the years, to acknowledge the fact that it is inappropriate for us to have debate on this important matter cut off so soon after the filing of the bill—14 minutes after the bill was brought to the floor, cloture was invoked—to have very little opportunity to present amendments and to have the nature of those amendments restricted.

I could be wrong, but I have been told by staff that even making these crimes' punishment subject to the death penalty would be ruled not germane. I cannot believe that. But if that is true, it shows you how restrictive the cloture rule would be.

I would ask my colleague, and any others who are supporters of this bill, to consider, on something so important, that we should not be invoking cloture so soon in the process but should allow those of us who have constructive suggestions—as in the case of the alternative mentioned by the Senator from Utah—that those of us who have amendments, including those which I would like to offer, to have an opportunity to debate and offer those amendments, and have them acted upon in the way that has traditionally been done in this body.

If it is the case, as the distinguished assistant majority leader said, that we have a lot of other business that we need to get to, then maybe we should not have brought this particular bill at this time. If it is so important, then we need to have the time to debate it. If it takes a back seat to issues that are more important, then we should not have brought it up at this point. I do not think we can have it both ways.

I would ask my colleagues for the same kind of fairness that has been offered to them when the majority was held by another party, and to give us more time to debate and consider amendments on this legislation, and not to proceed with cloture at such an early time in the legislative process.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Arizona for his kind words. I am in the Chamber with regard to another matter, but I look forward to discussing this issue at a later time.

(The remarks of Mr. FEINGOLD are printed in today's RECORD under "Morning Business.")

Mrs. MURRAY. Madam President, I join my colleagues today to speak in support of S. 625, the Local Law Enforcement Enhancement Act.

In every corner of our country, communities have been trying to respond to hate crimes. Despite great gains in equality and civil rights throughout the last century, too many Americans are subjected to discrimination, violence, and even death because of who they are. The Federal Bureau of Investigation has documented over 8,000 incidences of crime motivated by bias in the United States in 2000. Crimes motivated by the victim's race, color, religion, sexual orientation, ethnicity, national origin, disability, or gender. These crimes attack the values and rights of every American, yet today there is no federal law stopping these crimes.

Passing the bill before us will give us more tools to fight this special brand of crime. I am pleased to join with many of my colleagues as a co-sponsor of this important legislation. The legislation we are considering would expand the definition of a hate crime and improve prosecution of those who act out "their hate" with violence. If someone harms any person because of the victim's race, gender, ethnicity, color, religion, national origin, disability or sexual orientation, they will be punished.

It is important to note that the prosecutor would still have to convince a jury beyond a reasonable doubt that the criminal act was motivated by prejudice, and states would be involved in helping to determine whether a defendant would be charged with a Federal hate crime. The bill would also importantly require the FBI to document and report hate crimes committed against women.

Previously the FBI was only required to collect data from crimes committed because of a person's race, religion, sexual orientation, disability and ethnicity. This bill will allow us to know the "who," "what" and "why" so we can work to end these crimes against women.

I know some of my colleagues have argued that the states are doing an adequate job of handling hate crimes on their own, and I commend the States for their efforts, but I believe the Federal government has an important role in this as well. At the Federal level, we already prosecute many crimes that are motivated by prejudice. We need to strengthen these Federal hate crimes laws and increase the role of the federal government in ending this violence.

It wasn't that many years ago that we stood up for equality and justice by forcing the States and private citizens to end segregation and discrimination. Now we must do the same for hate crimes against our citizens.

Madam President, we are a Nation of laws. We are a Nation that respects the individual and individual liberty. We are a Nation that rewards hard work. We are a Nation that tolerates and celebrates our diversity. These are some of our most cherished values. We cannot allow hate crimes to threaten our fellow citizens and undermine our democracy. I urge my colleagues to support this important piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 3824

Mr. HATCH. Madam President, I call up amendment No. 3824 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 3824.

Mr. HATCH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the penalty section to include the possibility of the death penalty)

On page 10, strike line 14 and all that follows through page 11, line 23, and insert the following:

both;

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

"(C) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both;

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

"(iii) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense."

Mr. HATCH. Madam President, it remains my view that S. 625 is a misguided invasion into an area historically and constitutionally reserved to State and local law enforcement authorities. But let me say now S. 625 is also flawed on its own merits. One of S. 625's most egregious shortcomings is that while it purports to send a message the Federal Government is going to be tough on hate crimes, it actually threatens to weaken the punishment currently available under many State laws for the perpetrators of violent hate crimes.

In the successful State and local prosecutions of the killers of James Byrd, Matthew Shepard, and Billy Jack Gaither, prosecutors and law enforcement officials in Texas, Wyoming, and Alabama were able to consider seeking the death penalty. So they did. Let's pause to consider why they did so.

James Byrd, who was African American, was beaten unconscious, chained to the back of a pickup truck, and dragged 4 miles down rural roads by men who had links to a white supremacist group.

Billy Jack Gaither, who was gay, was bludgeoned with an axe handle, had his throat slit, and then was thrown on a pile of tires and set on fire by men who cited Gaither's sexual orientation as their motivation for the killing.

Matthew Shepard, who was gay, was kidnapped, beaten so severely that his skull was fractured a half dozen times, tied to a fencepost, and left to die by two men who hated homosexuals.

I have no hesitation in concluding that State and local officials acted appropriately in seeking the death penalty for these most heinous of crimes. In the case of James Byrd, they successfully obtained the death penalty for two of the three defendants. In the case of Matthew Shepard, the possibility of the death penalty led to an early plea bargain that resulted in life sentences for both defendants. And in the case of Billy Jack Gaither, the possibility of the death penalty caused one of the two defendants to plead guilty and testify for the Government at the trial, after which he was sentenced to life in prison. The other killer was eventually convicted and ultimately sentenced to life in prison after the victim's family requested that the death penalty not be imposed.

Right now, in a case currently pending in northern California, State prosecutors are pursuing capital charges against two brothers charged with murdering a gay couple. And there is more. I could go on. I have three charts that show just some of the hate crimes cases prosecuted by State and local prosecutors where the death penalty was used successfully.

The facts speak for themselves, and I will not go through these cases one by one. I ask unanimous consent that the crimes noted on these charts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Victim	Defendant	Jurisdiction	Facts	Penalty
James Byrd	Lawrence Russell Brewer	Texas	Beat Byrd (an African-American) unconscious, chained him to the back of a pickup truck and dragged him for miles down rural roads.	Death Penalty.
	John William King	Texas	Beat Byrd (an African-American) unconscious, chained him to the back of a pickup truck and dragged him for miles down rural roads.	Death Penalty.
	Shawn Allen Berry	Texas	Beat Byrd (an African-American) unconscious, chained him to the back of a pickup truck and dragged him for miles down rural roads.	Death Penalty Available. Sentenced to life in prison.
Roxanne Ellis and Michelle Abdill.	Robert Acremant	Oregon	Shot Ellis and Abdill (a homosexual couple) to death as they lay gagged in the back of his truck.	Death Penalty.
Vasudev Patel	Mark Stroman	Texas	Shot Patel (an Indian man) after 9/11 because Stroman thought Patel looked Middle Eastern.	Death Penalty.
Billy Jack Gaither	Steven Mullins	Alabama	Bludgeoned Gaither (a homosexual man) with an axe handle, slit his throat, threw him on top of a pile of tires and set him on fire.	Death Penalty Available. Pled guilty. Sentenced to life in prison without parole.
	Charles Butler Jr.	Alabama	Bludgeoned Gaither (a homosexual man) with an axe handle, slit his throat, threw him on top of a pile of tires and set him on fire.	Death Penalty Available. Sentenced to life in prison without parole only because the victim's parents requested that the prosecution not seek the death penalty.
Sasezley Richardson	Jason Powell	Indiana	Fired 12 shots at Richardson (an African-American) in an attempt to "earn" a spider-web tattoo from the Aryan Brotherhood.	Death Penalty Available. Pled guilty and testified for the State in order to avoid the death penalty. Sentenced to life in prison without parole.
	Alex Witmer	Indiana	Drove the truck from which Powell fired 12 shots at Richardson (an African-American) in an attempt to gain acceptance into the Aryan Brotherhood.	Death Penalty Available. Pled guilty. Sentenced to 85 years in prison.
Gary Matson and Winfield Mowder.	Benjamin Williams	California	Shot to death Matson and Mowder (a homosexual couple)	Death Penalty Available. Prosecution ongoing.
	James Williams	California	Shot to death Matson and Mowder (a homosexual couple)	Death Penalty Available. Prosecution ongoing.
Matthew Shepard	Aaron McKinney	Wyoming	Kidnapped Shepard (a homosexual college student), beat him so severely that his skull was fractured a half dozen times, tied him to a fence post and left him to die.	Death Penalty Available. Sentenced to two consecutive life terms. Avoided the death penalty by agreeing not to appeal the life sentences.
	Russell Henderson	Wyoming	Drove the truck into which Shepard (a homosexual college student) was lured, helped tie him to a fence, and, at the very least, stood by while Shepard was beaten senseless.	Death Penalty Available. Pled guilty in order to avoid the death penalty. Sentenced to two consecutive life terms with no possibility of parole.

Mr. HATCH. Madam President, none of these results—none of these death-penalty-eligible cases shown on these charts—would have been possible under S. 625—not one of them. This legislation, while federalizing hate crimes, would not allow capital punishment for those who murder savagely out of bigotry, prejudice, or hatred. The practical effect of S. 625 is to substantially weaken existing State law. In fact, even 18 U.S.C. section 245, the current Federal law that specifically addresses hate crimes, provides for the death penalty.

It is truly ironic that S. 625's failure to provide for the death penalty actually represents a decided benefit to those who would commit these heinous crimes, and it takes away some of law enforcement's most important pretrial bargaining techniques in order to get one or more witnesses to these crimes to testify or one or more participants to testify against the others. Not only would this legislation undermine existing State laws, but it would substantially weaken their protections and weaken law enforcement's ability to get to the bottom of some of these crimes. In consequence, this legislation would be less likely to deter future hate crimes as well as many State laws on the books today.

If we as an institution are serious about addressing the problem of hate crimes, then we must permit for the possibility of the death penalty as being the appropriate punishment in some of these cases. If we are to take these sorts of cases away from State and local law enforcement officials who have been doing such a thorough and effective job prosecuting them with the possibility of the death penalty, then our Federal prosecutions must be equally well equipped and prepared to do as good a job as State and local officials have done.

That is why it would only make sense to support my amendment to provide for the possibility of the death penalty in appropriate cases if you support the underlying bill.

I noticed the distinguished Senator from Oregon is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Madam President, I have every day put into the CONGRESSIONAL RECORD the details of a hate crime. These are always violent, they are always sickening, but they also happen to an American citizen. They happen sometimes because the victim is black, gay, disabled, female, or even of Middle Eastern descent. And yet they are all Americans. So they ought to have the concern of all in the Senate.

I wish to speak again on the Senate floor about another crime. It is gruesome. It happened just a year ago, and it involved a young Navajo boy by the name of Fred Martinez, Jr. He had gone to a local rodeo. He was openly gay; apparently also transgender; again, of Navajo descent. He was found south of Cortez, CO. He had died after being repeatedly hit on his head with a rock and left in a small canyon, possibly suffering for an extended period of time before dying.

Police investigated this murder as a hate crime. The perpetrator of this crime, who was recently sentenced, allegedly bragged he "bug-smashed a fag."

The victim's mother told the press that she believes her son was killed because he identified himself as transgender. He occasionally dressed as a girl. In the mind of his murderer, Fred deserved to die for such conduct.

I believe the Government's first duty is to defend its citizens against hatred, against the harms that flow from a hate-filled heart. I stand in support of the Local Law Enforcement Enhancement Act of 2001 to make sure that should it ever happen again to a Fred Martinez, or anyone else, it will not go unresponded to by law enforcement at every level. That is really what this bill is about.

I have listened to my colleagues and their concerns about this legislation, and I stand to express my disagreement with parts of what they say.

What is the role of the Federal Government? Some have suggested that we have no place here, that this is the role of the local and State law enforcement. I believe the role of the Federal Government is whatever is necessary to make sure that justice is done, not to overtake local and State authorities but to help, to contribute, to backstop, to provide resources, to provide skills that sometimes are uniquely had by the Federal Government.

I just came from a press conference with Sheriff David O'Malley from the State of Wyoming. He was the local law enforcement official who pursued and ultimately helped in the prosecution of the murderers of Matthew Shepard. It was, frankly, his visit to my office, with the mother of Matthew Shepard, Judy Shepard, that persuaded me to take another look at this issue.

Sheriff O'Malley made clear to me that he was a conservative Republican, but he was for Federal hate crimes legislation because he could have used the help. The horror of that young man's murder so galvanized national opinion and the focus of the media that their little Laramie, WY, law enforcement was overwhelmed by the national scope of this tragedy. Frankly, they did end up prosecuting it well, doing it right, convicting these murderers, but his point was the Federal Government should have been able to show up: We could have used the help.

In the case of James Byrd in Texas, another hideous case, where a black man was dragged to death, in that case, because our Federal hate crimes law already covered issues of race, the Federal Government was able to show up to work and were exceptionally helpful in the pursuit and the prosecution of the murderers of James Byrd.

My response then is, what role is there for the Federal Government? Whatever role is necessary to assure that justice is done. I would like to see the Federal Government show up to work and express the great heart and the values of the American people.

As I listen to some of my colleagues' complaints, I frankly think they make, on occasion, some very valid points. But their point should not be against including gays, gender, and the disabled. Their argument is really against the whole category of hate crimes, this Federal law we have had for over 30 years. Since 1968, we have had Federal hate crimes legislation. As I pointed out, it helped in the case of pursuing the murderers of James Byrd. It did not help in the case of Matthew Shepard.

My point to them is, why oppose its expansion? Why don't they go after race, religion, and national origin? If it is good for those categories, why is it not good for these new categories? That is a question I simply have not yet had answered.

Questions as to constitutionality have been raised, and there may be a point I am missing, but this issue has been fully vetted by the U.S. Supreme Court.

In two cases, RBA v. The City of St. Paul, and Wisconsin v. Mitchell, these cases clearly demonstrate that a hate crimes statute may consider bias motivation when that motivation is directly connected to a defendant's criminal conduct. We are not going after speech. We are not going after thought. We are going after conduct.

As with any criminal law, in any criminal act there are elements of the crime. This is yet another element. It is not the crime, but it is an element in making up the category of the crime. By requiring this connection to criminal activity, these statutes do not chill protected speech and do not violate the first amendment. In Wisconsin v. Mitchell, the Supreme Court made clear that:

> The First Amendment does not prohibit the evidentiary use of speech to establish the elements of a crime or to prove motive or intent.

So it seems clear to me that one can say whatever they want about gays, transgenders, and women. They are not prohibited from doing that. If they act on it, that can be an element in determining whether this falls under the Federal hate crimes law.

So those who oppose this, I really think their argument is not towards its expansion but against the law as a category itself. So their amendment should be to get rid of this as a category. I will not be voting for that. I would not suggest anyone do that because I believe our hate crimes law truly does reflect the big heart of the American people. All crime is hateful. That is a given. We grant that. But when an attack is made on a Navajo homosexual boy, and he is thereby a part of a crime which victimizes a much larger community, what is wrong with our saying, as a people, we want every level of government—the local, the State and the Federal Government—to help to pursue and prosecute such crime? I cannot see the problem with it.

I think the argument that is being made is against the whole statute of hate crimes. It should not be made against gays and lesbians, but it is.

I would like to draw the attention of my colleagues to the case of Mark Bangerter from Boise, ID. He was the victim of a brutal attack, and he wrote the Justice Department and asked for help in pursuing those who had been hurtful to him.

The Justice Department writes back to him saying:

> Dear Mr. Bangerter: This letter is in response to your report that on April 15, 1998, you were the victim of a vicious attack by an unidentified individual who apparently believed that you were homosexual. According to the information you provided Special Agent Joseph W. Hess, Jr., on May 12, 1998, the attack caused you severe facial injuries and total blindness in your left eye. Your case was thoroughly discussed with the United States Attorney's office in Boise, Idaho, in an effort to explore prosecutive possibilities under existing Federal hate crime laws. I must regrettably inform you that as a result of those discussions, it was determined that sexual orientation does not fall within the listed elements of hate crimes. Therefore, the Federal Bureau of Investigation lacks the statutory authority to investigate the attacks against you. I strongly encourage you to recontact the Boise Police Department and request that an investigation be fully conducted. Sincerely yours.

Had Mr. Bangerter said, please pursue these criminals because I am black, they would have been able to do that. He said, please pursue them because I am gay, and the Federal Government was not able to do that.

I think that is wrong, and the overwhelming heart of the American people calls upon us to expand an existing constitutional law and to cover these people who, because of their minority status, are more likely victims of crime. Again, if there is a problem with this, it says to the whole category of crime it should not be a problem just because we would include these newly identified minority groups in America; they are certainly deserving of the protection of this law, the values behind this law, which frankly are denied to them now and ought not to be any longer.

I am sorry I have to bring our attention to yet another hate crime in this country, but I suggest it is another reason we ought to act and we ought to do so quickly.

Senator HATCH raises a valid point. I am loathe to see this legislation slowed up. I hope the House will take it up. Perhaps the point he is raising can be resolved then. It is important for this Senate to act this week on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, 95 percent of all criminal activities are prosecuted by State and local law enforcement and are prosecuted well. That is the way it ought to be done. That is what is expected to be done.

Our laws already cover virtually everything, from a civil rights standpoint, that I mentioned earlier today; that is, race, color, religion, and national origin. Do I think gay people ought to be attacked, brutalized, and mistreated? Heavens, no. I believe these matters have been taken care of at the State and local law enforcement levels. If they are not, they should be. We should do that. My amendment that I will offer provides the money, the facilities, and the ability for the State and local law enforcement people to do it if they need extra help.

I do not think a case is made that we should give protective status to anyone other than for race, color, religion, or national origin, unless we can show that State and local law enforcement is not doing its job. If they are not doing the job, I am the first to support, the first to come out and say nobody should be mistreated. The law should cover everyone.

I made the point, however, that under current law, the Matthew Shepard case and the James Byrd case—two of the most flagrant examples of vicious, unforgivable conduct—these cases were handled well by State and local law enforcement. And, because the prosecutors had the death penalty to hold over these defendants, these criminals, these vicious racists, they were able to force some of the witnesses to cooperate, which helped result in a conviction in one of the trials.

In the case of Matthew Shepard, they obtained a guilty plea immediately, and thus, preserved judicial resources and saved taxpayers extensive amounts of money. The guilty plea was entered into to avoid the death penalty. Having that bargaining tool is a crucial part of law enforcement.

This bill does not preserve this tool. That is one of the most glaring defects in this bill.

There are no demonstrated problems with State and local enforcement of hate crimes.

I am aware of only one time when hearings were held on this legislation. Those are the ones that I, as chairman, scheduled in 1999. Deputy Attorney General Eric Holder conceded in his testimony that an analysis of the hate crimes statistics that have been collected needs to be conducted to determine whether State and local authorities are failing to combat hate crimes. Eric Holder testified that the statistics we have are, to use his term, "inadequate."

In fact, there has been never been a showing that state and local law enforcement officials have been ignoring or neglecting—much less intentionally failing—their duty to prosecute these heinous offenses.

Because we don't know the real facts on this critical issue, we have a duty to find out before we pass such sweeping, constitutionally suspect legislation.

I have only learned of a handful of cases—less than a dozen, some of which stretch back almost two decades—where state and local officials are alleged to have failed to investigate or prosecute hate crimes. This is far from compelling evidence in a system of justice where, according to the most recent FBI statistics, citizens report some 11 million criminal complaints in one year, and state and local law enforcement officials make some 14 million criminal arrests.

These numbers make another important point. State and local law enforcement officials process the overwhelming majority of all crimes—some 95 percent of all criminal activity. There are good reasons for that. Frankly, they do every bit as good a job as Federal prosecutors.

If we really want to do something about hate crimes, on a Federal level, we should at the least allow for the death penalty so law enforcement and prosecutors can obtain immediate cooperation and guilty pleas, and so defendants will have an incentive to testify against fellow perpetrators, which results in bringing these matters to an end quickly without high costs.

In most cases, the death penalty would probably not be imposed, but the fact that it could be imposed is a very important element in getting to the bottom of a lot of these cases.

We are talking about a very important set of issues. It is nice to be emotional; it is nice to talk about how big our hearts should be. I don't think anyone can claim they have a much larger heart than I have. I have proven it through all the years. The fact is, there is a reason our Founding Fathers wanted State and local law problems prosecuted by State and local prosecutors. They are the people closest to them; they are the people who understand the neighborhoods; they are the people who understand the cities; they are the people who understand the people. They do every bit as good a job as the Federal prosecutors do.

I feel deeply about these matters. I don't want anyone to be hurt by hate crimes. It is not right. No one should care what their orientation is. It is just not right. I have to say, if the State and local law enforcement people were not doing their job, it would be another matter.

My colleague, Senator SMITH of Oregon, cited an incident in Idaho where the victim asked the FBI to step in and assist in the prosecution. They said they could not because there was no applicable federal statute. As I understand it, there is no allegation that the crime was not prosecuted by State officials. In fact, I understand they received a conviction in that case.

A lot of this is based on emotions. I would like to address the issue from a law enforcement basis that makes sense, that really does the job. That is why I filed this amendment on the death penalty, because that is one of the great tools Federal and local prosecutors have. The very fact that they might have to face the death penalty if they roll the dice and go to the jury, it is one of the great tools that forces people to come clean. It is also a great tool in causing others to testify against their co-perpetrators. Take that tool away and I suggest we will be harming the efforts to try to solve the problems of hate crimes and criminal activity.

What is wrong with this bill? It goes way beyond what is necessary and makes almost every case that is now prosecuted at the State and local level a Federal crime. The fact is that almost all crime involves hatred. I know the distinguished Senator from Massachusetts tried to prevent including every rape as a hate crime. But the bill is written so broadly that it looks to me as though they are making all rape cases, all cases with sexual allegations, hate crimes, prosecutable by the Federal Government, even though the State and local prosecutors are totally capable of prosecuting these cases.

I suggest the absence of a quorum.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. HATCH. Yes.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Madam President, I would like to state for the record my belief that there is not a Senator in the Senate with a bigger heart or better heart than ORRIN HATCH. It is a great privilege to serve with him. He and I just differ about the appropriateness of the Federal involvement.

I think the Federal involvement in the statute we proposed will be minimal, but it will be allowable. It will be rare that the Federal Government is brought in. But, again, it took a Republican from Wyoming, Laramie, WY, the sheriff, to come and tell me, just in a practical way, how helpful it would have been if Federal resources and involvement had been included in the prosecution of the Matthew Shepard case.

If in the case of James Byrd it was appropriate, why not in the case of Matthew Shepard? Moreover, why should we not, at this time in our Nation's history, say to the gay and lesbian community: We care. We do have a big heart. We have a way to include you. And this is the barest of minimums that we ought to do in their behalf.

I think if you are a Navajo gay boy in a lonely Colorado canyon near a small town where local law enforcement is ill-equipped to assure justice is done, that it is entirely appropriate for us now to make available the law enforcement arm and resource and authority of the U.S. Government.

I do not wish to subvert in any way the local law enforcement that is the bulwark against crime in this country. Indeed, that is why we call this the Local Law Enforcement Enhancement Act. We are simply trying to enhance the pursuit and prosecution and punishment of those who would commit the most malignant kinds of crime in America.

At a time when this Nation is in a war against terrorism abroad, it is not inappropriate for us to focus as a Congress upon terrorism committed at home. What happened to Matthew Shepard was terrorism. I think it is appropriate for the Federal Government to say it can help in this instance as well.

So if there are flaws in this bill, let's fix them in conference. But let's advance this bill because it is the right time and it is the right way in which to do it.

Again, I deeply respect the motives of the ranking member of the Judiciary Committee. I know his heart. It is as good a heart as there is in the place. I know he feels as I do when people are victimized. I think he is genuinely trying to find the right procedural way to get the Federal Government involved in helping.

But all you have to do is go to small town America where many of these horrible acts are committed and ask them if they couldn't use the helping hand of the Federal Government. I think they will tell you overwhelmingly: Yes, and it is about time you showed up to help.

So I urge my colleagues to vote for S. 625. Now is the time and it is about time. I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Utah.

Mr. HATCH. I appreciate the remarks of my distinguished friend about the way he feels about these matters. I feel precisely the way he does. We are very close friends. I don't think you can find closer friends in the Senate. I think most people who know me know that I have very deep feelings that no one should be brutalized in our society, regardless of what their sexual orientation is.

But this is a big step. If we take this bill without the death penalty, then we are actually reducing the ability of law enforcement to go after these people and to get cooperation from other witnesses and from co-perpetrators.

One of my favorite programs on television happens to be "Law and Order." If you watch that, you will see the prosecutors regularly use the death penalty as a tool. While fictional, this television show is based substantially on what goes on in real life. Most attorneys who watch the show are pretty impressed with the program. I am one of them. You will notice in many cases that they will use the potential of being subjected to the death penalty to get one or more of the perpetrators to testify against the others. Frankly, it is very effective on this show and in real life.

I, for one, believe that the death penalty should be used only in the most narrow of circumstances. But I believe it is a tool that would certainly help in prosecuting hate crimes. It would certainly help almost every prosecutor who wants to go after violent criminals who act in concert. It certainly helps our State and local prosecutors, and it would help the Federal prosecutors. But in this particular bill that has been introduced by my distinguished friend from Massachusetts, the death penalty is taken out of the hands of Federal prosecutors.

So all we are doing in this intellectual, political exercise, in many respects, is tying the hands of Federal prosecutors, while immensely expanding the Federal jurisdiction over virtually all crimes that are called "hate" crimes—in complete disregard for the fact that 95 percent of all prosecutions are prosecuted at the State and local level, and are prosecuted well.

I know the distinguished Senator from Oregon cited the Bangerter case. The people who attacked Bangerter and hurt him were prosecuted and convicted, as I understand. There are bound to be maybe four or five cases over the last decades that weren't prosecuted. But that doesn't justify giving this wholesale expansion of state authority to the Federal prosecutors.

One of the things I personally chatted about with the current Chief Justice and other Justices on the Court—one of the things I personally discussed with them—is their concern about the continual increase of the number of statutory Federal crimes when there is no evidence that the State and local prosecutors are not doing their job. The amendment I intend to file at a later time, which will be a substitute for the bill of the distinguished Senator from Massachusetts, provides for the tools and the help for those small communities, such as the one in Colorado that distinguished Senator from Oregon referred, to prosecute these crimes.

Although there is no evidence that they can't do it or that they aren't doing it, my amendment makes sure that hate crimes will and can be prosecuted by providing resources.

If my friend from Oregon is truly only concerned with enhancing local law enforcement—this bill, ironically, is called the Local Law Enforcement Enhancement Act. This bill takes away the authority of local law enforcement and puts it in the hands of Federal prosecutors when there is no evidence they need to do that. Nor is there any indication that we should turn over this kind of responsibility to Federal prosecutors, nor that they should have the right to come in and overrule local prosecutors in the process who are doing the job.

If my colleague from Oregon is truly only concerned with enhancement of local law enforcement, I hope he will vote for my substitute which will be offered later in this debate.

That is what my substitute will do—enhance and not supplant local State prosecutors. I will discuss that in detail later, and hopefully we will be able to bring it up and get a time agreement whereby we have a limited number of amendments. And that will certainly be one of them. If we win, we win. If we lose, we lose. But at least we will have debated it, and we will have had a chance to improve this bill by leaps and bounds.

During our last debate on hate crimes, Senator KENNEDY criticized me for arguing against the federalization of hate crimes when I have supported providing Federal jurisdiction in other, completely unrelated areas, such as computer fraud or class actions. This is the classic apples versus oranges argument.

In those other cases, there has never been any serious question that the proposed Federal jurisdiction would be constitutional. I consider every piece of legislation on its own merits.

The distinguished Senator from Massachusetts, a noted opponent of the death penalty, nonetheless has voted in the past for legislation that provides for the death penalty. My conviction that S. 625 is unconstitutional is in no way inconsistent or contradictory.

Whether or not a State may have a specific law prohibiting hate crimes does not mean that they are failing to vigorously prosecute them. Every hate crime, every bit of criminal conduct that S. 625 proposes to federalize is and always has been a crime in every jurisdiction throughout our Nation, crimes which have been effectively prosecuted by State and local prosecutors.

When we challenged the Clinton administration and the then Deputy Attorney General, Eric Holder, to come up with any examples where local prosecutors were not taking care of these problems, they could not do it.

In fact, prosecutors sometimes do not like to charge a crime as a hate crime—especially when the penalties are no different because they have to prove an extra element: The motive of the defendant to commit the crime based on bias. That is an extra element that would have to be proven, and it makes it tough to get convictions in some of these cases.

It is no answer to say that a State may not have a hate crime or may not be charging enough cases under a specific hate crime law. The real question is, Are States failing to prosecute hate crimes? The answer is a resounding no.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. RES. 272

Mr. REID. Mr. President, I ask unanimous consent that at 5:45 p.m., today, the Senate proceed to the consideration of S. Res. 272, regarding the delivery of signatures to the Cuban National Assembly; that the substitute amendment be agreed to; and the Senate vote on the resolution, as amended; that following the vote, the amendment to the preamble be agreed to, the preamble be agreed to, as amended, without further action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask for the yeas and nays on the vote.

The PRESIDING OFFICER. Is there objection to it being in order to request the yeas and nays at this time?

Without objection, it is so ordered.

Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. REID. Mr. President, I also announce, on behalf of the majority leader, this will be the only vote this evening.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

UNANIMOUS CONSENT REQUEST—S. RES. 282

Mr. FEINGOLD. Madam President, in 3 days' time, the United States will withdraw from the 1972 Anti-Ballistic Missile Treaty. And it appears that we will do so without a significant debate on this issue in the Senate. For 30 years, the ABM Treaty has been the foundation upon which our strategic relationship with Russia has rested. So I am troubled that this historic treaty is about to be dissolved without so much as a hearing or even any debate in this body. I also regret that the President made this important decision without consulting with the Senate. I find this troubling on both constitutional and policy grounds.

Article II, section 2 of the Constitution states that the President "shall have the Power, by and with the Advice and Consent of the Senate, to make Treaties, provided that two thirds of the Senators present concur. . . ." The Constitution is silent on the process by which the United States can withdraw from a treaty, and the record of the Congress and the executive branch is mixed.

But, the intent of the Framers, as explained by Thomas Jefferson, is clear. In section 52 of Jefferson's Manual, he writes, "Treaties are legislative acts. A treaty is the law of the land. It differs from other laws only as it must have the consent of a foreign nation, being but a contract with respect to that nation." And article II, section 3 of the Constitution states that the President shall "take Care that the laws be faithfully executed. . . ."

Jefferson continues, "Treaties being declared, equally with the laws of the United States, to be the supreme law of the land, it is understood that an act of the legislature alone can declare them infringed and rescinded. This was accordingly the process adopted in the case of France in 1798." It is worth noting that four signers of the Constitution were serving in the Congress when this first treaty termination occurred—by an act of Congress—in 1798, just 11 years after the Constitutional Convention.

So it is clear to me, as obviously it was to Thomas Jefferson, that Congress has a constitutional role to play in terminating treaties. If advice and consent of the Senate is required to enter into a treaty, this body should at a minimum be consulted on withdrawing from a treaty, and especially from a treaty of this magnitude, the termination of which could have lasting implications on the arms control and defense policy of this country. Today the ABM Treaty is the supreme law of the United States. The Senate should not stand by while the administration unilaterally abrogates this treaty.

I am concerned about the message that the Senate's inaction sends to this administration and future administrations about how seriously we will take our constitutional responsibilities with regard to the termination of treaties. As Jefferson noted, a treaty is equal with a law. A law cannot be declared to be repealed by the President alone. Only an act of Congress can repeal a law. Action by the Senate or the Congress should be required to terminate a treaty.

Momentarily, I will seek to bring up a resolution on this issue. The resolution is very simple. It just expresses the sense of the Senate that the approval of the Senate is required to terminate any treaty and states that the Senate shall determine the manner by which it gives its approval to such a proposed termination. Finally, the resolution disapproves of the withdrawal of the United States from the ABM Treaty.

Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 282, which I submitted earlier today, that the resolution be agreed to, and the motion to reconsider be laid upon the table without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Madam President, I was not surprised, but I do regret that there has been an objection to the Senate taking up this resolution and expressing its will on this important issue.

I am troubled that the Congress appears willing to cede its constitutional responsibility on this matter to the executive branch. I am concerned about the signal that the Senate's refusal to act sends to the executive branch and what it could mean for the future of other treaties with which this or other administrations may not agree.

The Senate does not grant its advice and consent to ratify treaties lightly, and we should not abrogate our responsibility to express the will of this body on whether the United States should withdraw from treaties. By failing to act on this important issue, we are granting the executive branch undue license to trample on the constitutional prerogatives of the Senate and to blur the separation of powers and system of checks and balances. I am concerned that the Senate's inaction today tips the scales dangerously in favor of the executive branch.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I would like to be recognized to address the Senate.

The PRESIDING OFFICER. The Senator is recognized.

THE SHAD PROJECT

Mr. NELSON of Florida. Mr. President, over the course of the last few days, I have learned some rather disturbing news about U.S. servicemen being used as human guinea pigs. It is a project that was carried out in the 1970s aboard ships, the ships in the Pacific, a project known by the acronym of SHAD—S-H-A-D. It was basically using various biological and chemical agents to expose our sailors, supposedly, in an attempt to have a readiness should that kind of an attack occur upon our troops. At that time we were still involved in the Vietnam war.

But with the information that I have received, it is unclear if, in fact, the troops—in this case, the sailors—were told about the test and were, in fact, given the appropriate warnings to get the proper protective gear.

The reason this has come to light—and I want to give credit where credit is due—there is a brave and courageous Congressman in California, Congressman THOMPSON, who has been railing about this issue. But it has recently come to my attention because several of those now retired sailors are being notified by the U.S. Government that they should come in and get examined medically, and some of those former sailors are in the State of Florida.

Now, here is the extent of it. There were some 113 tests that were made. The only ones that have been released thus far are some 12 of the 113 tests. According to the sources I have, in those 12, there were a total of 4,300 sailors who were exposed to these chemical and biological agents that were sprayed on or over the ships in the Pacific in the 1970s. Of those 4,300 sailors, only 622 have been notified and have been notified by mail.

By the way, how it came to my attention is 51 of those 622 happen to reside in the State of Florida.

This, in and of itself, portends some very serious consequences for our country. As a member of the Senate Armed Services Committee, I want to know, now some three decades later, that we are contacting these sailors to come in and get checked medically. I want to know the details.

I want to know who were the military personnel, were there any civilian personnel, and were there any substances we should know about so that we could give the kind of medical care that would be important as the U.S. Government ought to be protecting the people, particularly the people who served in uniform trying to protect this country.

When this came to my attention last week, I wrote to the Secretary of Defense and asked him for an explanation. I have written to our wonderful chairman of the Armed Services Committee, Senator LEVIN, and asked him to conduct an inquiry and hearing, if necessary, and if it needs to be classified, then we can operate in the Armed Services Committee in a classified manner to find out what the degree of exposure was and what the degree of medical attention should be in order to protect these American citizens.

If that is not enough, I have also had my suspicions aroused because in the 1950s there was a test going on in the old Boca Raton airbase. This was an airbase that during World War II was a training base for flyers. After World War II, in the 1950s, there was research going on at this particular airfield to develop a toxin that would attack and kill the Soviet wheat crop.

Remember, in the 1950s we were immersed in the cold war. We didn't know what to expect. We had the two nuclear superpowers. We were investigating: Could we develop a toxin that, if the United States were attacked, with which we would be able to attack their agricultural supply.

Why was that done in Florida? Well, we don't raise wheat in Florida. So that is one of the reasons Florida was chosen. But in addition to the Boca Raton location, there were other field tests made not only for wheat but perhaps for other substances that I have been able to find out about just in the State of Florida, in locations such as Belle Glade, Fort Pierce, Avon Park, and Panama City.

A couple of months ago, I wrote to the Department of Defense and asked for information about this matter, along with the same line of inquiry which I have just spoken about with regard to SHAD, the gassing of the sailors in the 1970s. I wanted to know: Were people at risk? Were military personnel exposed? Were civilians exposed? And on the 85-acre parcel to the north of what is now Florida Atlantic University, built on the Boca Raton airport, a part of the old airbase, an 85-acre area to the north where this testing was going on, were there toxins that were dumped there? Were there toxins buried there?

Basically, to my inquiry to the Department of Defense a couple months ago, they said they could not tell me because it was classified. Well, the Senate Committee on Armed Services is not only capable but is quite experienced in handling highly classified matters of the Government. The Defense Department had better be forthcoming to let us know if there is a problem, and if there is, what we are going to do about it.

These two issues have come up in the last few days and have certainly aroused my suspicions. I call on the good offices of the Secretary of Defense, who I think personally is doing a very good job, to see that his organization snaps to and produces the documentation the Senate needs in its oversight capacity.

VARELA PROJECT

Mr. NELSON of Florida. Mr. President, in just a few minutes we will have a vote on a resolution, thanks to the chairman of our Western Hemisphere Subcommittee, Senator DODD, and the chairman of the Foreign Relations Committee. He so graciously, for me, has set this vote in just a few minutes on a resolution that passed out of the Foreign Relations Committee unanimously commending, as a Senate resolution, the very courageous citizens in the country of Cuba who have put their lives on the line by putting their names and addresses on the line under the Cuban Constitution, petitioning for free elections, petitioning for freedom of speech, petitioning for a release of political prisoners, petitioning to move from a state-controlled economy to an economy of free enterprise. Those 11,000 courageous citizens, operating under the Constitution of Cuba, stepped forth under the constitutional provision that says if over 10,000 petition the Government, the Government will take up the matter in the National Assembly to act on those four freedoms I just mentioned.

I want to bring to the attention of our colleagues the fact that these people have put their lives on the line. The Castro government could stop it tomorrow. But today the Senate will send a strong message of support for these courageous citizens of Cuba who are playing by the rules and who want to see the winds of change and the fresh breath of freedom suddenly start to be realized in Cuba.

I am so grateful to the chairman of the full committee and the chairman of the subcommittee that they have brought forthwith so quickly this resolution so that the Senate can stand on record to commend these citizens in Cuba.

I see my colleague, the chairman of our subcommittee, ready to speak. Few people knew about this project called the Varela Project until President Carter went to Cuba. When he had that chance to speak live to the Cuban people by radio and TV, he spoke about the Varela Project and how courageous these folks were. All the people of Cuba now know what it is. Today, the Senate is going to have a chance to go on record to support them.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, there are only a few minutes before the vote. What time is the vote?

The PRESIDING OFFICER. The time is 5:45.

Mr. DODD. I see my colleague from the State of Washington who wants to address another matter. I will be brief.

I commend our colleague from Florida for crafting this resolution, which will be voted on shortly, by the Senate. He is absolutely correct, it did come out of our committee with a unanimous vote.

Mr. President, I rise in support of S. Res. 272. All too often when we have engaged in debate on matters related to Cuba, there have been a great deal of polemics—a lot of heat but very little light shed on the subject matter under debate. That is not the case with the resolution we are considering this afternoon.

I have been critical in the past on various policies the U.S. has pursued regarding Cuba. The audience we ought to listen to most are the people behind the projects like the Varela Project, the people who have stayed in Cuba to try to bring about change there—those who have been incarcerated for 15, 20, 25 years, in some cases longer—because of their political views. Those who have authored this Varela Project deserve a great deal of credit for having the courage to round up 11,000 signatures, which is remarkable considering some of the pressures they will be under.

I commend Senator BILL NELSON of Florida for crafting this resolution. He has attempted to stick to the facts and to keep the spotlight on what is actually happening on the Island of Cuba.

This resolution recognizes a remarkable occurrence—the fact that 11,000 Cubans have petitioned their government for the holding of a referendum on civil, political and economic changes they wish to see. It is also refreshing that, thus far, the government of Cuba has taken no action against the organizers of this effort.

Thanks to the recent visit of former President Jimmy Carter to Havana last month, the Varela project now has international visibility. More importantly, because President Carter's speech, including references to this effort, was broadcast on Cuban TV and radio, and reprinted verbatim in the official Cuban newspaper, the Cuban people are now aware of this as well.

The organizers of Varela have chosen to exercise their rights under the Cuban Constitution to submit legislative proposals to the National Assembly for its consideration. Some in the Cuban exile community have been critical of this effort because they believe it legitimizes the Cuban constitution and therefore it should be opposed. I reject that argument.

For too long we in the United States have tried to tell the Cuban people what is best for them. We did so at the time of Cuban independence from Spain and we did so again during the Batista regime. The result was the 1959 Cuban revolution and the Castro Government.

Let's listen to the voices inside Cuba. Let's listen to those who have stayed in Cuba and sought to change it from within.

Those voices have called for the United States to engage with Cuba. Those voices have called for an end to the travel ban.

If the Carter visit demonstrated anything, it demonstrated that the presence of Americans in Cuba offers opportunities for more political space in Cuba not for shoring up the Castro regime.

Mr. President, the Varela project was inspired by Cuban citizens. These citizens have taken advantage of rights provided to them under the Cuban Constitution. The Cuban government should honor those rights and give serious consideration to this request.

We in the United States should demonstrate self restraint and allow Cubans to retain ownership of this initiative. We need to be careful not to appropriate these internal efforts inside Cuba. If we give it too much of a label of "made in the U.S.," then this project will be hurt and the effort will be hurt. We have been warned repeatedly by dissidents and human rights activists inside Cuba that, too often, if we become associated with efforts there, they are seen as nothing more than tools of United States foreign policy with regard to Cuba. We should try not to give the Castro government any opportunities to suggest that this is just another plot by the United States to attack the Cuban people.

I commend the organizers of the Varela initiative and all who have joined with them in their effort to seek peaceful change in Cuba. I stand ready to listen to their voices and assist them in any way they believe will be helpful in bringing their aspirations to fruition.

What is most important is not what we do, but rather what they are doing in Cuba, what they are showing by their tremendous sense of commitment to democracy and freedom. For those reasons, we are endorsing their effort with this resolution, and I strongly support it and urge its adoption.

I yield the floor.

THE VARELA PROJECT'S COLLECTION OF CERTIFIED SIGNATURES IN SUPPORT OF A NATIONAL REFERENDUM AND THE DELIVERY OF THESE SIGNATURES TO THE CUBAN NATIONAL ASSEMBLY

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 272) expressing the sense of the Senate regarding the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly.

The Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with an amendment and an amendment to the preamble, as follows:

(The parts of the preamble intended to be stricken are shown in boldface brackets, and the parts of the preamble intended to be inserted are shown in italic.)

S. RES. 272

[Whereas Article 88 of the Cuban Constitution states that the Cuban National Assembly should schedule a national referendum if it receives the verified signatures of 10,000 legal voters;

[Whereas on May 10, 2002, a group of Cuban citizens led by Oswaldo Paya delivered 11,020 verified signatures to the Cuban National Assembly in support of a referendum;

[Whereas Mr. Paya's petition drive is inspired by the 19th-century priest and Cuban independence hero, Padre Felix Varela, and is known as the Varela Project;

[Whereas the Varela Project seeks a referendum on civil liberties, including freedom of speech, amnesty for political prisoners, support for private business, a new electoral law, and a general election;

[Whereas the Varela Project is supported by 140 opposition organizations in Cuba and has received no money or support from foreign citizens or foreign governments;

[Whereas the Varela Project is the largest petition drive in Cuban history;

[Whereas the Varela Project seeks amnesty for all of those who have been detained, sanctioned, or jailed for political motives and who have not participated in acts directly threatening the lives of others;

[Whereas the Varela Project seeks to guarantee citizens the right to form private businesses, to carry out economic activities that could be productive and of service, and to establish contracts between workers and businesses for the development of these businesses in fair and just conditions so that no one may obtain profits by exploiting the work of others;

[Whereas the Varela Project is a step in moving Cuba toward achieving international standards for human rights;

[Whereas the goal of United States policy in Cuba is to promote a peaceful transition to democracy through an active policy of supporting the forces of change on the island; and

[Whereas the Varela Project is engaged in the promotion of a peaceful transition to democracy in Cuba: Now, therefore, be it]

Whereas Article 88 of the Cuban Constitution provides for Cuban citizens to submit legislative proposals to the Cuban National Assembly for its consideration;

Whereas on May 10, 2002, a group of Cuban citizens led by Oswaldo Paya delivered 11,020 verified signatures to the Cuban National Assembly in support of a referendum;

Whereas Mr. Paya's petition drive is inspired by the 19th-century priest and Cuban independence hero, Padre Felix Varela, and is known as the Varela Project;

Whereas the Varela Project seeks a referendum on civil liberties, including freedom of speech, amnesty for political prisoners, support for private business, a new electoral law, and a general election;

Whereas the Varela Project is supported by 140 opposition organizations in Cuba and has received no money or support from foreign citizens or foreign governments;

Whereas the Varela Project is the largest petition drive in Cuban history;

Whereas the Varela Project is a step in moving Cuba toward achieving international standards for human rights;

Whereas the goal of United States policy in Cuba is to promote a peaceful transition to democracy; and

Whereas the Varela Project is engaged in the promotion of a peaceful transition to democracy in Cuba: Now, therefore, be it

Resolved, [That the Senate—

[(1) supports the constitutional right of the citizens of Cuba who have signed the Varela Project to petition the Cuban National Assembly for a referendum;

[(2) calls on the Cuban government to accept the Varela Project petition and, in accordance with its obligation under Article 88 of the Cuban Constitution, to hold a referendum on civil liberties, including freedom of speech, an amnesty for political prisoners, support for private business, a new electoral law, and a general election;

[(3) praises the bravery of Oswaldo Paya and his colleagues in collecting 11,020 verified signatures in support of the Varela Project;

[(4) calls on the Cuban government to provide its citizens with internationally accepted standards for civil and human rights, and the opportunity to vote in free and fair elections;

[(5) urges the President and his representatives to take all appropriate steps to support the Varela Project and any future efforts by the Cuban people to assert their constitutional right to petition the National Assembly in support of a referendum; and

[(6) urges the President to pursue an action-oriented policy of directly assisting the Cuban people and independent organizations to strengthen the forces of change and to improve human rights in Cuba.

[SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.]

That the Senate—

(1) supports the constitutional right of the citizens of Cuba who have signed the Varela Project to petition the Cuban National Assembly for a referendum;

(2) calls on the Cuban National Assembly to give serious consideration to the Varela Project petition in accordance with Article 88 of the Cuban Constitution and to the holding of a referendum on civil liberties, including freedom of speech, an amnesty for political prisoners, support for private business, a new electoral law, and a general election;

(3) praises the bravery of Oswaldo Paya and his colleagues in collecting 11,020 verified signatures in support of the Varela Project;

(4) calls on the Cuban government to provide its citizens with internationally accepted standards for civil and human rights, and the opportunity to vote in free and fair elections; and

(5) urges the President to support the right of the citizens of Cuba who have signed the Varela Project to petition the Cuban National Assembly for a referendum and the peaceful transition to democracy.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Nebraska (Mr. NELSON), and the Senator from New Jersey (Mr. TORRICELLI), are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Connecticut (Mr. LIEBERMAN) would each vote "yea."

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Ohio (Mr. VOINOVICH), the Senator from Arizona (Mr. MCCAIN), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Idaho (Mr. CRAPO), are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS), would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—87

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
McConnell
Miller
Murkowski
Murray
Nelson (FL)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—13

Biden
Corzine
Crapo
Harkin
Helms
Hutchinson
Kennedy
Lieberman
McCain
Mikulski
Nelson (NE)
Torricelli
Voinovich

The resolution (S. Res. 272), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 272

Whereas Article 88 of the Cuban Constitution provides for Cuban citizens to submit legislative proposals to the Cuban National Assembly for its consideration;

Whereas on May 10, 2002, a group of Cuban citizens led by Oswaldo Paya delivered 11,020 verified signatures to the Cuban National Assembly in support of a referendum;

Whereas Mr. Paya's petition drive is inspired by the 19th-century priest and Cuban independence hero, Padre Felix Varela, and is known as the Varela Project;

Whereas the Varela Project seeks a referendum on civil liberties, including freedom of speech, amnesty for political prisoners, support for private business, a new electoral law, and a general election;

Whereas the Varela Project is supported by 140 opposition organizations in Cuba and has received no money or support from foreign citizens or foreign governments;

Whereas the Varela Project is the largest petition drive in Cuban history;

Whereas the Varela Project is a step in moving Cuba toward achieving international standards for human rights;

Whereas the goal of United States policy in Cuba is to promote a peaceful transition to democracy; and

Whereas the Varela Project is engaged in the promotion of a peaceful transition to democracy in Cuba: Now, therefore, be it

Resolved,

That the Senate—

(1) supports the constitutional right of the citizens of Cuba who have signed the Varela Project to petition the Cuban National Assembly for a referendum;

(2) calls on the Cuban National Assembly to give serious consideration to the Varela Project petition in accordance with Article 88 of the Cuban Constitution and to the holding of a referendum on civil liberties, including freedom of speech, an amnesty for political prisoners, support for private business, a new electoral law, and a general election;

(3) praises the bravery of Oswaldo Paya and his colleagues in collecting 11,020 verified signatures in support of the Varela Project;

(4) calls on the Cuban government to provide its citizens with internationally accepted standards for civil and human rights, and the opportunity to vote in free and fair elections; and

(5) urges the President to support the right of the citizens of Cuba who have signed the Varela Project to petition the Cuban National Assembly for a referendum and the peaceful transition to democracy.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. REID. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators allowed to speak for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR POWERS AND THE CAMPAIGN AGAINST TERRORISM

Mr. FEINGOLD. Madam President, today I would like to address one of the most complicated but ultimately one of the most important constitutional questions confronting this country as we respond to the atrocities of September 11: that is, the question of how America decides to go to war. This is no easy issue, but it is one that Congress is duty-bound to address.

As we know, war powers are purposefully divided under our Constitution. Under Article I, Section 8, Congress has the responsibility to declare war, and to raise and support the Armed Forces. The President, under Article II, Section 2, is the Commander in Chief, which gives him responsibility for leading the Armed Forces. The War Powers Resolution of 1973 fulfills the intent of the Framers of the Constitution by providing a framework for balancing these powers, and thereby ensuring that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces into hostilities, or into situations where imminent involvement in hostilities is likely.

In April, I had a chance to chair a hearing, in the Constitution Subcommittee of the Judiciary Committee to consider this balance of war powers authority under the Constitution, particularly as we move forward with our fight against terrorism. In the hearing, there was much praise for the respect demonstrated by President Bush, this

President Bush, for both the Congress and the Constitution in seeking congressional authorization to respond with appropriate force to the attacks of September 11. The language in that authorization, Senate Joint Resolution 23, paralleled some of the careful oversight provisions contained in the use-of-force resolution that former President Bush obtained before launching Operation Desert Storm in 1991. In those two cases, both Presidents took the important and constitutionally mandated step of obtaining congressional approval for an expansive new military operation. And in both cases, I do believe, congressional support strengthened the President's response.

History demonstrates that respect for our Constitution and for the shared war powers authority of Congress is politically practical. Indeed, as our Founders and many subsequent commentators have recognized, the separation of war powers between the two branches of government wisely forces us to develop a broad national consensus before placing our Nation's young people in harm's way. And as we have seen time and again, the United States is indeed the most formidable military force on this planet, provided our soldiers are entrusted with a clear military goal, and through congressional authorization, with the popular mandate that is needed to back them up.

Senate Joint Resolution 23, which was passed by both Houses of Congress and signed into law by the President in the aftermath of September 11, provides the President with statutory authorization to prevent related acts of terrorism. In adopting the use-of-force resolution, the President recognized that Congress he said, "acted wisely, decisively, and in the finest traditions of our country." The resolution demonstrated that Congress has the capacity to fulfill its constitutionally mandated responsibility, and in so doing Congress can help unify the nation in a time of national crisis.

Under the careful structure of S.J. Res. 23, the President now has statutory authority to prevent future terrorist attacks by responding with force against any nations, organizations or persons responsible for planning, authorizing, aiding or harboring the terrorists who were responsible for the September 11 attack. Now, given the unprecedented nature of the threat, this provides a pretty broad mandate to the President to respond militarily.

But this Congressional action, while admittedly broad, is not a blank check. The Resolution limits the President's authority in two essential respects.

To begin, the authorization is limited to situations where there is a connection to the events of September 11. The hearing in the Constitution Subcommittee considered the scope of such a limitation. As I will discuss at greater length, there was widespread agreement in the hearing that absent a clear finding that a state such as Iraq participated in, aided, or otherwise provided support for those who attacked the United States on Sept 11, the President would not be authorized, under the terms of S.J. Res. 23, to take new military action against Iraq. Senate Joint Resolution 23 does not provide unlimited authority to the President to take military action against all bad actors. At the same time, the authorization does foresee broad actions against those responsible for the September attack on the United States.

It is also important to recognize that S.J. Res. 23 states in no uncertain terms that the 1973 War Powers Resolution will continue to apply to our military operations against terrorism. This conforming language is identical to Public Law 102–1, which provided the authorization to use military force to oust Iraq from Kuwait in 1991. In all cases, the War Powers Resolution requires the President to consult with Congress on an ongoing basis on the status, scope, and duration of the hostilities. These consultations need not and should not provide Congress with what would be somehow a meddlesome and unacceptably dangerous role in determining tactical aspects of an active military campaign. But the required consultations must nonetheless assist Congress in its continuing responsibility to evaluate and make ongoing decisions about the broad objectives of an unfolding military operation.

The war powers consultations to date, in my view, have been inadequate. While the administration has taken significant steps to increase the frequency of briefings for Members of Congress, and we do appreciate that those consultations have been conducted as informational briefings, with little opportunity for substantive policy discussions or meaningful give-and-take. As such they do not in most cases reach the threshold level of consultations under the terms of the War Powers Resolution.

The House Report on the 1973 War Powers Resolution notes that "a considerable amount of attention was given to the definition of consultation. Rejected was the notion that consultation should be synonymous with merely being informed. Rather, consultation in this provision means that a decision is pending on a problem and that Members of Congress are being asked by the President for their advice and opinions and, in appropriate circumstances, their approval of action contemplated." The increasingly frequent meetings with Secretary Rumsfeld, Secretary Powell, and others, while welcome and appreciated, do not reach this level of consultation.

In addition, under the War Powers Resolution; the need for additional notification is triggered whenever U.S. Armed Forces are equipped for combat and introduced into a new foreign territory, or if additional Armed Forces are equipped for combat and introduced in numbers that substantially expand existing, previously authorized troop strengths. This is obviously relevant to some of the concerns coming up today.

These and other requirements do not apply to military training exercises, which is why the President must be clear about the precise role of U.S. forces in a number of ongoing counterterrorism training exercises in different countries. These requirements do not apply to that. In some cases, these counterterrorism training programs may cross the line into counterterrorism combat support, which would trigger the War Powers Resolution. So the President must provide clear information to help distinguish between these two types of antiterrorism activities. United States interests are not served through a shortsighted attempt to dodge congressional oversight by characterizing counterterrorism support as routine military training.

In the hearing before the Constitution Subcommittee, we also discussed the important provision within the War Powers Resolution that recognizes the immediate flexibility provided to the President to introduce U.S. Armed Forces into hostilities in the case of a national crisis created by an attack on the United States, or its territories, possessions, or Armed Forces. This provides the President with the flexibility to respond immediately to defend United States interests during an emergency.

But again, this is a limited exception. The War Powers Resolution specifically requires the President, "in every possible instance," to consult with Congress before introducing Armed Forces into situations where hostilities appear imminent. And even within this exception for emergency situations, the President must still seek congressional authorization within 60 days to sustain the operation.

My conclusion from the hearing on war powers authority within the context of our fight against terrorism is that to date the President has shown respect for Congress in seeking authorization to respond to the attacks of September 11. But the ongoing level of consultation on our military campaign has not been adequate. In particular, additional attention must be given to the distinction between counterterrorism training and counterterrorism support for foreign troops during these consultations. It is clear that our national interests would be well served by sustained and forthright consultations between Congress and the President over these aspects of our military response to September 11.

The hearing also touched on one of the most important military decisions on the horizon. Several witnesses questioned the authority of the President to take military action against Iraq. The witnesses generally assumed that any strike against Iraq would be designed to defend the United States against Iraqi weapons of mass destruction, and that the President would not assert a direct link between Iraq and the September 11 attacks. As I have indicated, absent such a link between Iraq and September 11, witnesses suggested that the President might advance two legal justifications for taking up arms against Iraq without further, additional congressional authorization. But both justifications ring hollow, and rest on highly questionable legal grounds.

During the hearing, a witness from the Justice Department joined other witnesses in highlighting the authority of the President to launch military attacks as a form of preemptive self-defense. This expands the national emergency exception under the War Powers Resolution by asserting that the President must have the authority to act quickly and decisively to prevent a potential attack on United States interests. Now, few would disagree with the assertion that the President must have the authority to launch a preemptive strike in advance of an imminent attack on the United States. This understanding I think fits within the overall spirit and intent of the 1973 War Powers law, and it would be irresponsible to suggest otherwise. But the preemptive self-defense argument does not necessarily fit squarely with the situation in Iraq today.

Various press reports suggest that President Bush is considering plans for a new military campaign against Iraq sometime next year. If the President does plan to take such action next year, there is still plenty of time for the administration to initiate meaningful consultations with Congress over the necessity and scope of this new military campaign.

Some have also argued, unconvincingly to me, that consultation with Congress would be impossible because a preemptive strike against Iraq would require a high degree of stealth. But the administration has already spoken publicly of the need for regime change in Iraq, and unnamed officials have consistently leaked information to major news sources describing the scope of the proposed operation.

Moreover, it is now widely assumed that the operation would require a robust ground assault, and that our military build-up in the region would be both deliberate and plainly obvious to any careful observer. So this would not be a purely stealth operation. There would be ample time for congressional consultation as we move forward with fairly obvious military preparations for such a large offensive.

The second argument that is sometimes advanced to support a future military operation in Iraq is that Public Law 102-1, authorizing the use of force in 1991 to respond to Iraq's invasion of Kuwait, still provides ongoing congressional authorization for a major new strike against Iraq. Now, this is a more complex legal argument, but it fails on both legal and public policy grounds. To begin, the congressional authorization for Operation Desert Storm authorizes the President to use military force pursuant to United Nations Security Council Resolution 678. The clear intent of the Security Council in adopting Resolution 678 was to free Kuwait from Iraqi occupation, not to bring about regime change in Iraq. Moreover, United Nations Security Council Resolution 687 implemented a final cease-fire between Iraq, Kuwait and the United Nations Member States that participated in Operation Desert Storm. Although Iraq has certainly failed to comply with the terms of the cease-fire, that failure does not in itself provide automatic authority for the President to launch a significant new military campaign, with the entirely new objective of regime change in Baghdad.

My conclusion, then, is that absent a clear finding that Iraq participated in, aided or otherwise provided support for those who attacked the United States on Sept 11, the Constitution requires the President—it requires the President—to seek additional authorization before he can embark on a major new military undertaking in Iraq.

Since it is clear that Iraq has not adequately complied with weapons of mass destruction resolutions adopted by the Security Council, and that the Iraqi leadership continues to commit gross human rights violations against its own people while encouraging terrorist attacks abroad, the consultation and debate over our response to an Iraqi threat may well convince a majority in Congress that the United States must in fact take all necessary steps, including military action, to limit Iraq's capacity to produce weapons of mass destruction. My guess is that such a resolution would succeed, after a good Congressional debate. If this emerges as the shared decision of Congress and the President, the President would act from a strong and constitutionally unified position in launching a new military campaign. Indeed, the Constitution and the American people must demand such a unified response.

Why would I raise these issues today? Why are these war powers questions so important? Why should following the letter of the War Powers Resolution be so important in the midst of this national crisis? I think it should because Congress and the President have a chance to carry out their duties with regard to war and peace in the way the War Powers Resolution dictates, and also in the way the Framers of the Constitution intended.

That kind of cooperation preserves our constitutional structure. It also increases the moral authority of the President to act forcefully. Given the unprecedented nature of the threats confronting us, and the complex environment within which we must respond to those threats, a powerful and constitutionally unified response remains essential. We must also remember that constitutional unity presents both a stronger international image of the United States to our friends and foes, and, at the same time, a more comforting image of U.S. power to many of our close allies in the campaign against terrorism. When we best honor our Constitution and our laws as they relate to the powers of war and peace, we also best prepare our Nation to defend that Constitution and those laws. We owe our Nation no less.

I thank the Chair, and I yield the floor.

AMERICA'S COMMITMENT AGAINST BIOTERRORISM

Mr. **FRIST**. Madam President, our vulnerability to a bioterrorist attack was highlighted by the events that unfolded last October, when anthrax took the lives of innocent Americans and put thousands more in jeopardy. How we address our vulnerabilities and respond to bioterrorism will be radically improved as a result of new legislation signed by President Bush. The greatest tool that terrorists have in their arsenal is to play on America's vulnerabilities and fears. This legislation makes great strides to significantly improve our ability to respond to bioterrorist threats. Yet it is critical that we provide the appropriate information so that families can prepare and protect themselves in the event of a potential attack. Information is power, and by better preparing ourselves, we can avoid being paralyzed by fear.

Many news organizations have already begun to do their part by providing the necessary information for communities to feel safe. Good Housekeeping, which is read by thousands of readers each month, is a good example. In its April edition, Good Housekeeping answered the questions readers often have about bioterrorism, gave suggestions families could use to protect and prepare themselves, and provided information on what Congress is doing to lessen our vulnerability to bioterrorist attack. The magazine went a step further by providing a form readers could fill out urging Congress to act quickly to address bioterrorism. I was pleased that thousands of readers did respond with their views on this issue and the importance of passing legislation that would keep American families safe.

Last fall's anthrax attacks changed the way America looked at bioterrorism. Overnight, the fear of bioterrorism moved from a remote possibility, to a reality for which we must be prepared. The bioterrorism bill, which will soon be signed into law, will greatly improve our ability to respond to a biological threat, equipping communities with the tools they need to strengthen our local health centers and educate those first responders, the doctors, nurses and emergency personnel on the front lines. But information for the general public is also key to improving our readiness. I commend the many news organizations that have recognized this fact and continue to get Americans the information they need to feel safe and secure. The unique nature of terrorism requires all of us to work together. While the events of September 11 and the subsequent anthrax attacks have changed the world we live in, coming together to meet a common challenge remains the American way.

ADDITIONAL STATEMENTS

ESTONIA'S ROLE IN THE HOLOCAUST

• Mr. SMITH of Oregon. Mr. President, I ask that an article written by the U.S. Ambassador to Estonia, Joseph M. DeThomas, be printed in the RECORD. Ambassador DeThomas outlines important steps for the Estonian government to undertake to address Estonia's role in the Holocaust.

The article follows.

PAST, PRESENT AND FUTURE

(By Ambassador Joseph M. DeThomas)

In every interview I have had with the press since I arrived in Tallinn, I have been asked in one form or another, "What has surprised you about Estonia?" I have always answered by noting that some aspect or another about Estonia was even more positive than I expected. Early May, however, I was surprised in a different way. A report in a Russian weekly claiming that Simon Wiesenthal advocated a boycott of the Baltic States and Ukraine produced a firestorm of comment from the press, political circles, and some members of the public. The comments were angry, defensive, and—with regard to my government's position—erroneous. The Wiesenthal Center has categorically denied that Mr. Wiesenthal ever even gave this interview. I did not intervene in this discussion. Since arriving here, I have learned a very useful Estonian proverb, "Think nine times, speak once." I have used the intervening days since the story broke to think nine times about the past and what would be useful to do about it in the present. I would like to share my views.

First, let me make clear my own government's position. We believe there is more for all of us to do to deal with the crimes of the past, and the Holocaust is a crime of unique proportions. A prominent political leader here implied last week that the United States is satisfied that Estonia has done all it needs to do to deal with the Holocaust. Just last month, however, Heather Conley, the Department of State's senior official responsible for the Baltic States called on the Baltic States to do more to deal with the damage from the Holocaust. The same is the case for the U.S. Senate. For example, recently, Senator Biden, the Chairman of the Senate Foreign Relations Committee, made a very strong statement about his concern about the resurgence of anti-Semitism in Europe and called on all countries aspiring to NATO membership to ensure that "the very ugly remnants of war-time fascism . . . be totally and permanently suppressed."

Estonia's World War II past was uniquely painful. The country and its people were not given the freedom to choose between good and evil. Terrible choices had to be made. Estonia suffered terribly under two periods of Soviet occupation as well as the Nazi German occupation. The fact that the Soviet occupation did more direct harm in Estonia, however, does not negate the fact that the Holocaust happened here too. As the conclusions of the Estonian International Commission for Investigation of Crimes Against Humanity demonstrated, some Estonians bear responsibility for participating in this evil. I believe all countries that lived through the nightmare of the last century need to deal with their crimes honestly and completely so that they cannot be repeated in the future. We must face history, not hide from it.

What does this mean with regard to Estonia's approach to the Holocaust? I suggest the following very modest steps:

1. Do justice where justice is needed. Since reindependence, no Estonian has been prosecuted for crimes committed during the Holocaust. In part, that may be because many were prosecuted during the Soviet period. But, there are still Estonian candidates for prosecution. These individuals should be pursued with the same vigor with which the state still pursues those suspected of Soviet crimes. And the time for this is now. The World War II generation is passing from the scene. Witnesses to the crimes are dying. Both the victims and the victimizers should see justice done before it is too late.

2. Recognize the Holocaust is part of Estonia's history. Compared to the other Baltic States, the states of Central Europe and even some neutral states during World War II, the Holocaust is less recognized as a part of the national history in Estonia. The Holocaust took place here. About one thousand Estonian Jews and even more non-Estonian Jews were murdered in this country. Yet, the day of remembrance for the Holocaust, Yom Hashoah, receives almost no notice in this country. Many sites involving Holocaust crimes here are not marked or remembered. A few sites have recently been commemorated. This should continue.

3. Teach our children about the past. I have been told Estonian school textbooks treat the Holocaust in about one-and-a-half pages. If this is true for most of Estonia, I would suggest that history texts on this subject already in other states in this region be translated into Estonian for use here. I understand such a step is already under consideration by the government. I hope that the Estonian Government follows the call of some Estonian NGO's to be more involved in the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, to which 11 nations belong.

The evil of racism and anti-Semitism does not grow again and again because the decent majority advocates it actively. It returns because it is ignored or trivialized by the majority until it reemerges in a new generation. Estonia has emerged from a desolate past into a present full of promise, thanks to the work of its people. But, to ensure a positive future, I believe it essential that the country address all aspects of the past soberly, respectfully, honestly and with justice.•

TRANSITION TO DIGITAL TELEVISION

• Mr. CLELAND. Mr. President, I rise today to direct my colleagues attention to the technological changes and developments going on in the television industry. Many people have said that the transition from analog to digital television broadcasts is the biggest innovation in TV since color television. Having seen a digital broadcast, it is as if you are watching the program or sporting event in person. I believe consumers will want to bring this technology into their homes.

I do not believe that we have yet discovered the full use of digital broadcast signals, but I do know that it has the potential to change the way people interact with their TVs. Imagine being able to participate in realtime with a game show on television or being able to "chat" with other viewers from around the country during a show. DTV may provide the platform for a more interactive television experience.

I am particularly interested to see how these technologies can be employed to allow local stations to better serve local communities. For the past half-century, local broadcasters have provided valuable services to their local communities. When disasters strike, important, life saving information is often disseminated over the airwaves. Local stations also keep residents informed of community political issues, thereby engaging citizens in the local democratic process.

Since its inception, the broadcasting industry has been founded on two important concepts: the idea of localism and the idea that broadcasting should be free, and over-the-air. I am proud to say that a number of Georgia stations are working to ensure that they continue to serve local communities with free, over the air signals in the digital era.

In my state, we have digital television stations up and broadcasting in four communities. In Atlanta seven stations have digital signals on the air: WAGA, WATL, WGCL, WPXA, WSB, WTBS, and WXIA. In Savannah WTOC is on the air in digital; in Augusta WFXG and WRDW–TV are broadcasting in digital, and in Columbus, WLTZ and WXTX are serving Georgia viewers with digital television. These Georgia broadcasters have taken the next step in television, and for that I commend them. The transition to digital can be expensive, particularly for smaller stations.

To broadcast in digital, these businesses have invested in new transmission equipment and, in some cases, new broadcast towers. If they choose to produce their own digital content, like digital local news, they must invest in digital cameras and editing equipment. Finally, once their digital signal is on-the-air, the stations must pay the bills to transmit two signals simultaneously to ensure viewers can receive both a digital and analog broadcast.

Despite the expenses, these Georgia stations have recognized that digital television is the future. I am confident that their investment in digital television will pay off and I commend them for leading the digital television charge.•

TRIBUTE TO THE CARDINAL CHAPTER OF THE AMERICAN RED CROSS

• Mr. BUNNING. Mr. President, today I thank and honor the Cardinal Chapter of the American Red Cross of Henderson, Kentucky for the selfless and tireless work they performed in aiding the victims of the April 28th tornado which tore through Webster County, Kentucky.

Early Sunday on the morning of April 28th, an F3 classified tornado, with winds up to 200 miles per hour, violently forced its way through Providence, KY hitting at least 114 homes, completely destroying 32. In the end, 26 people were taken to the hospital. In just a few moments, Mother Nature had struck a blow against this normally quiet and peaceful town. People were left without homes and without adequate clothing and food supplies. They were also left without a sense of hope. However, this empty and lonely feeling would be short-lived. Volunteers from the Cardinal Chapter of the American Red Cross of Henderson, KY arrived on the scene just a few hours after the tornado passed through Providence.

Once on the scene, these volunteers wasted no time in setting up two shelters in Providence, providing victims with a roof, a hot meal, and a shoulder to cry on. They also sent food trucks to the nearby town of Irvington once they found out its residents were still without electricity hours after the storm had passed. Without the immediate assistance of the American Red Cross, many would have been left hungry without a home or clothing.

I aks that my fellow colleagues join me in thanking these men and women for their unwavering dedication and commitment to their fellow citizens. They willingly gave up their time and left their families in order to be there physically and emotionally for people they have never met before. I believe we all can learn something from their exemplary behavior. Sometimes it takes the worst to bring out the best, and I think this was the case on April 28.•

HONORING SOUTH CAROLINA'S DEBORAH CHAMBERS

• Mr. HOLLINGS. Mr. President, I want to pay tribute to an outstanding resident of South Carolina, Deborah A. Chambers. Ms. Chambers will soon complete her year as national president of the American Association of Nurse Anesthetists, AANA. I am pleased one of our state's own was tapped as the 2001-2002 president of this prestigious organization.

The AANA represents 28,000 practicing Certified Registered Nurse Anesthetists. They administer more than 65 percent of the anesthetics given to patients each year in the United States. They provide anesthesia for all types of surgical cases and are the sole anesthesia provider in over two-thirds of rural hospitals.

Debbie has been a nurse anesthetist since 1981. She received both her anesthesia training and master's degree at the Medical University of South Carolina, in Charleston. She has been a solo practitioner since 1993 at the Microsurgery Center in Anderson, as well as in both the Greenville Memorial Medical Center and the Saint Francis Bon Secours Hospital System in Greenville. She also was the Clinical Coordinator at the Medical University of South Carolina School of Nurse Anesthesia at Greenville Memorial Medical Center from 1988–2000. Even with her demanding schedule, she has continued to be active on pharmaceutical advisory panels to advance the practice of anesthesia.

Debbie has held various leadership positions in the AANA, and has used her experience and knowledge to help others. I ask my colleagues to join me in saluting Deborah Chambers.•

TRIBUTE TO THE THIRD RECONNAISSANCE BATTALION

• Mr. LIEBERMAN. Madam President, I rise today in recognition of the dauntless history, honor, and tradition of the 3rd Reconnaissance Battalion, U.S. Marines, whose lineage traces back nearly 60 years of valiant service to our great Nation.

The contribution of the 3rd Reconnaissance Battalion is embodied in the sign placed on top of the Battalion Mess Hall at Camp Reasoner which reads: "We Lead the Division—Where the Division Goes We've Been!"

While enjoying brief periods of respite, it was formed in September 1942. It was sent immediately to the Pacific Theater and participated in World War II campaigns at Bougainville, Solomon Island, Guam, and Iwo Jima. It was reactivated in March 1952 and deployed to Camp Gifu, Japan and later to Camp Hauge, Okinawa. Being reactivated again in April 1958, it was assigned to the 3rd Marine Division, Fleet Marine Force. During Vietnam the unit was highly decorated with four Medals of Honor, 13 Navy Crosses, 86 Silver Stars, and many Purple Hearts awarded to Marines and Sailors. Additionally, the unit itself was awarded President Unit Citations, the Navy Unit Commendation, the Meritorious Unit Commendation, and earned other praise and recognition, as well.

While the 3rd Reconnaissance Battalion has existed under different designations, its adherence to whatever mission assigned is without question. We cannot take lightly their meritorious service to our Nation. Nor, can we ever forget their admirable and routinely valiant actions both individually and collectively. They were not only pivotal to a successful combat effort, but to establishing and maintaining the legacy for which the 3rd Reconnaissance Battalion may be justifiably proud.

I join in expressing the respect, admiration, and grateful appreciation of our nation as members of the 3rd Reconnaissance Battalion Association gather for their reunion next month in Arlington, VA.•

FDA CONSOLIDATION AT WHITE OAK

• Ms. MIKULSKI. Mr. President, I rise today to urge my colleagues to continue to work for full funding of the Food and Drug Administration, FDA, consolidation and improvement at White Oak, MD in fiscal year 2003. I strongly believe that ensuring the safety of America's food and drug supply is a matter of national security. Yesterday, Senator HATCH and I offered then withdrew an amendment that we hoped would have provided the funding needed for this project which is vital to ensure the safety of America's food and drug supply. We are told that the our amendment would have increased the cost of the homeland security supplemental appropriations bill. However, we have been assured that Senators DORGAN and CAMPBELL, the chair and ranking members of the Treasury General Government Appropriations Subcommittee, are committed to looking at trying to help to continue to find a way to fund the FDA consolidation at White Oak as a part of the fiscal year 2003 appropriations process.

Why is completing this project vital? FDA's mission is to review and regulate more than $1 trillion worth of products, many of which are vital to human health. FDA cannot fulfill its mission because FDA has to work in obsolete facilities that are not equipped to handle today's advanced laboratory and administrative functions. Currently, over 6,000 FDA employees are scattered among 40 different buildings at 20 different locations in the Greater Washington, D.C. area. These facilities are being consolidated into one integrated facility at the former U.S. Naval Surface Weapons

Center. Not only will the consolidation greatly improve FDA's operating efficiencies, but timely construction of the new facilities also will save approximately $32 million per year in commercial lease costs. We need consolidate FDA on one campus, just like the NIH and the CDC, in order for the FDA to take its place alongside these institutions as a world class health and food research and safety facility.

What is FDA's role in national security? The recent anthrax attacks on U.S. citizens have heightened FDA's critical role in ensuring the safety of our food and drug supplies. Indeed, the FDA is on the front lines of this effort and must have proper, modern facilities to enable them to best perform their mission. The consolidation will provide state-of-the-art laboratories and facilities for that mission.

What is the status of the project? Congress has already appropriated $146 million for the first phases of this vital project, fiscal year 2000, $35 million; fiscal year 2001, $92.1 million; fiscal year 2002, $19.06 million. Construction has started on phase I, the laboratory for FDA's Center for Drug Evaluation and Research. However, approximately $450 million is still needed to complete this vital project.

Why is full funding important? This project has already been delayed due to funding cutbacks. If the General Services Administration's fiscal year 2003 construction request for FDA consolidations is not fully funded, completion of the consolidation will be delayed even further. These delays will add considerably to the overall cost of the project due to inflation and other factors. For example, scheduled to be constructed in phase III is the Center for Devices and Radiological Health, CDRH. The CDRH laboratories are badly in need of improvements, but FDA has been holding off such work in anticipation of building new laboratories as part of the consolidation. Further delay, we are advised, would likely necessitate FDA's spending several million dollars renovating the existing CDRH laboratories. These would be non-recoverable costs.

What is the next step? We hope that your colleagues will agree that, from the perspectives of public safety and fiscal responsibility, we can not afford to delay the timely completion of this project. We hope that our colleagues will support full funding for FDA consolidation in fiscal year 2003. I look forward to continuing to work with my colleagues, Senators HATCH, DORGAN, and CAMPBELL toward completing this project which will provide better security of two of the most essential daily needs of all Americans, our food and drugs.•

TRIBUTE TO JIM MAYER

• Mr. CLELAND. Mr. President, today I pay tribute to a man whose leadership is only surpassed in value to me by his friendship. Twenty-five years ago, Mr. Jim Mayer played an important role in the creation of an innovative pilot program called "Leadership VA."

The program is designed to identify 70 leaders in the Department of Veterans Affairs each year, and to provide an enrichment of their career development through an intense leadership training experience. In its 25 years of existence, Leadership VA has laid a foundation for a network of VA leaders who share a deep commitment to the Department of Veterans Affairs and to public service in its broadest sense. Today, 63 percent of all Central Office Senior Executive Service members have completed the program, as have 73 percent of all field leaders.

This success, though, did not happen by chance. Rather, it is a tribute to the hard work and forward thinking of Jim Mayer. Jim began his VA career as Special Assistant for Vietnam Veterans Affairs to Administrator Richard L. Roudebush in 1974, six years after beginning his service in the U.S. Army as an infantry man in the 25th Division in Vietnam.

Jim joined the Leadership VA staff as its Executive Director in April of 1998, but his relationship with LVA goes back to his time on the first Selection Committee in 1978.

Throughout his years at the VA, Jim has spent countless hours working on behalf of veterans, striving to better conditions by improving the VA from within, but his accomplishments are not limited to his time at the VA. He is a recipient of numerous awards including: 1977, VA Meritorious Service; 1981, VA Exceptional Service; 1991, Secretary of Veterans Affairs Outstanding Volunteer; and, 1993, George Washington Honor Medal from the Freedoms Foundation at Valley Forge for work as a volunteer with Desert Shield/Desert Storm injured at Walter Reed Army Medical Center.

For as long as I have known him, Jim Mayer has exemplified the term "public servant." He is a selfless individual who has always thought of his country before thinking about himself. In this day and age, few people live that type of life, but, as President Theodore Roosevelt said, "The test of our worth is the value of our service."

I would like to thank Jim for his service, his dedication, and, above all else, for his friendship. He is an inspiration and a great American.•

CHAPLAIN TONY FIRMAN RETIRES FROM FLANDREAU INDIAN SCHOOL

• Mr. JOHNSON. Mr. President, I rise today to recognize and honor Chaplain Tony Firman on the occasion of his retirement as Chaplain at the Flandreau Indian School in Flandreau, SD.

Chaplain Firman has completed 35 years as Chaplain at Flandreau Indian School. After receiving his training at Blue Cloud Abbey in Marvin, South Dakota, Tony served at Flandreau Indian School as Student Coordinator of Religious Activities, a boys counselor, and as a religious liaison between the students, staff and administration, area churches and the Flandreau community.

He was selected as Flandreau Indian School Chaplain by representatives from the Association of Christian Churches, which is made up of representatives from each of the following denominations: United Presbyterian Church, United Church of Christ, United Methodist Church, Lutheran Church in America, Episcopal Church, Catholic Church, Rapid City and Sioux Falls Dioceses, Reformed Church in America, and Christian Church Desciples. The Flandreau Chaplaincy program was the first project to be sponsored by the Association of Christian Churches.

On the occasion of his retirement as a school Chaplain, I want to congratulate Tony Firman for his tireless dedication to Flandreau Indian School, his commitment to finding the best in students, for helping others with spiritual guidance, and for coordinating and supporting religious activities. I also commend him for his valuable service to the community over the years.

The lives of countless young people have been enormously enhanced by Tony's talent and skill as Chaplain. The State of South Dakota is a better place because of his commitment to and passion for working with local youth. His achievements will certainly serve as a model for other talented religious leaders throughout our State to emulate.

I wish Tony Firman the best on his retirement.•

HONORING THE LADY GAMECOCKS FOR WINNING THE NCAA TRACK TITLE

• Mr. HOLLINGS. Madam President, my colleagues who have heard me debate fast track trade negotiating authority in the last month may be surprised with what this senator from South Carolina is about to say. But I rise today wishing to scream my lungs out in favor of fast track that is the fast track of the University of South Carolina women's track and field team, who just won the NCAA title earlier this month. It only goes to show you that fast track is alive and well in my state, so long as it's the right fast track.

I have followed Gamecock sports for more than seven decades. This day is particularly pleasing in that, as hard as this is to believe, it is the first time South Carolina has won a national championship ever, in any sport, women's or men's.

I wish to congratulate the entire team of incredible athletes who worked hard all year to prepare for this. They won relays. They won individually. They set new records, piling up points with depth in several of the events. It was a real team effort, as it should be.

I especially want to congratulate the Gamecock coach, Curtis Frye, who recruited all these talented women and turned the program into a true powerhouse. He was just named the women's track coach of the year, and us faithful will obviously expect him to win that title every year now.

One last point, as the Gamecocks are showing their best ever performances on the field, they also are showing their best ever performances in the classroom. It is important that we have champions across the board, in academics and athletics, and I salute all University of South Carolina athletes who have improved their academic performance.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar.

H.R. 2143. An act to make the repeal of the estate tax permanent.

S. 2600. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S.J Res. 34: A joint resolution approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982. (Rept. No. 107–159).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself and Mrs. HUTCHISON):

S. 2602. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. DODD (for himself and Mr. JEFFORDS):

S. 2603. A bill to establish the Digital Opportunity Investment Trust; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI:

S. 2604. A bill to amend the Endangered Species Act of 1973 to require the Federal Government to assume all costs relating to implementation of and compliance with that Act; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for Mr. HARKIN (for himself and Mr. CRAIG)):

S. 2605. A bill to amend title XVIII of the Social Security Act to geographically adjust the amount of the medicare part B premium based on the use of health care items and services in the State in which the medicare beneficiary resides, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 2606. A bill to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD:

S. Res. 282. A resolution disapproving the withdrawal of the United States from the 1972 Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty), signed in Moscow on May 26, 1972 (Ex. L. 92–2); to the Committee on Foreign Relations.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. Con. Res. 120. A concurrent resolution commending the Pennsylvania National Guard for its exemplary service to the United States in the war against terrorism and other recent documents; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 237

At the request of Mr. NICKLES, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 399

At the request of Mr. EDWARDS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 399, a bill to provide for fire sprinkler systems, or other fire suppression or prevention technologies, in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

S. 701

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to provide special rules for the charitable deduction for conservation contributions of land by eligible farmers and ranchers, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1115

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1115, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1483

At the request of Mr. WELLSTONE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1483, a bill to amend Family Violence Prevention and Services Act to reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children and provide appropriate services for children and youth experiencing or exposed to domestic violence, sexual assault, or stalking.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1648

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1648, a bill to amend title 38, United States Code, to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes.

S. 1864

At the request of Mr. REID, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1864, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 2005

At the request of Mr. LUGAR, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2005, a bill to authorize the negotiation of free trade agreement with the Republic of the Philippines, and to provide for expedited congressional consideration of such an agreement.

S. 2108

At the request of Ms. STABENOW, the name of the Senator from Louisiana

(Ms. LANDRIEU) was added as a cosponsor of S. 2108, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 2135

At the request of Mr. BAUCUS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2135, a bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain medicare rural grants.

S. 2210

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2210, a bill to amend the International Financial Institutions Act to provide for modification of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative.

S. 2221

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2428

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2458

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2458, a bill to enhance United States diplomacy, and for other purposes.

S. 2538

At the request of Mr. REID, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2538, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 2554

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Alabama (Mr. SESSIONS), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2554, a bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

S. 2591

At the request of Mr. REID, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2591, a bill to reauthorize the Mammography Quality Standards Act, and for other purposes.

S.J. RES. 37

At the request of Mr. WELLSTONE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S.J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002. and submitted to the Senate on March 15, 2002.

S. RES. 267

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 267, a resolution expressing the sense of the Senate regarding the policy of the United States at the 54th Annual Meeting of the International Whaling Commission.

S. RES. 272

At the request of Mr. CORZINE, his name was added as a cosponsor of S. Res. 272, a resolution expressing the sense of the Senate regarding the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly.

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

AMENDMENT NO. 3569

At the request of Mr. GRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 3569 proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for Mr. HARKIN (for himself and Mr. CRAIG):

S. 2605. A bill to amend title XVIII of the Social Security Act to geographically adjust the amount of the Medicare part B premium based on the use of health care items and services in the State in which the Medicare beneficiary resides, and for purposes; to the Committee on Finance.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. HARKIN. Madam President, there are few programs that are more important to the health and quality of life of Americans than Medicare. It has been a godsend for millions of Americans. It deserves our strong support. We need to make sure that Medicare is strong, secure and improved for the future.

The biggest gap in Medicare's coverage is its lack of help with the high costs of prescription drugs. I feel strongly that we must move forward to provide seniors with an affordable, reliable Medicare prescription drug benefit this year. I call on our leadership to bring legislation to the floor so that we can provide seniors with much needed relief.

Another area that is in urgent need of improvement is the fairness of the distribution of Medicare's payments and costs throughout the states. The Medicare program is placing seniors and health care providers in certain States at a severe disadvantage compared to other States. There are currently unjustifiable inequities in the system that affect the way in which both seniors and health care professionals are treated. Rather than rewarding States with healthy populations, that have efficient, high quality health care practices, and practice health care cost containment, the Medicare system is punishing these States.

For example, seniors enrolled in the Medicare program pay monthly part B premiums of $54 across the United States. Medicare part B premiums are set by law to cover 25 percent of total national Part B spending regardless of where one lives or how many services one uses. However, data provided by the Medicare Payment Advisory Commission, Medpac, shows that the amount of part B services seniors use state by state varies significantly, from 70 percent of the national average to 128 percent of the national average. This is because in States like Iowa seniors lead healthier lifestyles and use fewer health care services and we have excellent health care providers who have always practiced efficient, conservative medicine. I believe that a health population, and an efficient health care system, should be rewarded under the Medicare program; however the system has been established to achieve quite the opposite.

Not only do seniors in my State have higher Medicare part B premiums because of the higher number of services seniors receive in other states, health care providers in my State are receiving the lowest reimbursement levels in the country. Iowa health care providers receive $3,053 on average per beneficiary, while the national average is $5,490, and the highest state receives over $7,000 per beneficiary. Senator CRAIG and I, along with a host of our colleagues, have introduced a bipartisan bill called the Medicare Fairness in Reimbursement Act, S. 1020, that would reduce this unjustified disparity that serves to punish the health care providers in our states year after year. Under the FAIR Act, no state would be under 95 percent of the national average, and no state would be over 105 percent of the national average. A similar adjustment would be made for the part B geographic payment indices.

We must work to alleviate the disparity that exists between states under the Medicare program, before we drive those states into a crisis. We can no longer ignore the direct and critical connection between provider reimbursement under the Medicare program, and access to high quality health care for our seniors.

That is why today I am pleased to be joined by my colleague Senator CRAIG of Idaho in introducing legislation to increase fairness in Medicare part B premiums for seniors. Monthly Medicare premiums would be set at 25 percent of projected total Medicare Part B costs for each state, rather than nationally. For example, Minnesota seniors utilize the least amount of part B services, 70 percent of the national average. As a result, under our bill seniors in Minnesota would pay a monthly premium of $38, instead of the current national premium of $54. Seniors in my home State of Iowa use 75 percent of the national average of part B services, and therefore, under this bill they would pay a monthly premium of $41, rather than $54.

Our legislation is budget neutral. It would simply set Medicare premiums based on state level costs rather than an aggregated national cost figure.

It is common sense. If a person in Iowa goes out and buys car insurance, or health insurance for themselves, they will pay different premiums than someone buying insurance in New York or California. It's time for the Medicare program to stop punishing those States that have healthy seniors and efficient health care providers.

We need to restore greater fairness in Medicare's payment among the 50 States. However until we achieve greater equity, seniors in low cost States should not have to bear an unfair portion of health care costs. Senator CRAIG and I will be working to get this issue addressed as a part of Medicare reforms this year. I urge my colleagues to review this important new proposal and to join us in working to achieve its passage.●

By Mrs. BOXER:

S. 2606. A bill to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers, and for other purposes; to the Committee on Finance.

Mrs. BOXER. Madam President, today I am introducing legislation to make truckers eligible for Trade Adjustment Assistance, TAA. A similar provision was in the original Finance Committee package of trade legislation that we recently considered in the Senate. Unfortunately, this provision was removed in last minute negotiations.

Currently, Mexican trucks that bring goods into the United States must transfer those goods to an American truck at the border. On June 30, 2002, that will change. Mexican trucks will be allowed into the country, and as a result, hard-working Americans will lose their jobs. Future trade agreements may make the problem even greater. However, these laid-off truckers will not be eligible for TAA.

TAA exists out of recognition that our decision on trade in Washington causes very specific groups of American workers to lose jobs. TAA provides those workers with the assistance they need to successfully transition to new jobs.

New trade rules that allow foreign truckers to operate in the United States beginning June 30, 2002 will cause an American trucker to lose his or her job just as much as new trade rules cause a textile worker to lose his or her job. Providing TAA assistance to both of these groups of workers is right because neither lost their job through any fault of their own—both will have lost their job as a result of new rules we create in Washington.

American union truck drivers are some of the hardest working and finest paid in the world. They make about $50,000 a year as a starting salary and receive great benefits. And nonunion drivers make $35,000 to $40,000 a year plus benefits. Compare these figures with the salaries of foreign truckers that will now operate in the United States or going to operate in the United States in the near future. Mexican drivers make dramatically less than American truckers, about $18,000 a year at best and few benefits. They are also allowed to drive recklessly long hours at that low pay. American truckers cannot compete with that. Those who lose their jobs as a result of this new competition allowed for by trade law should have access to TAA assistance.

The legislation I am introducing will direct the Secretary of Labor to establish a program to provide TAA assistance to any domestic operator of a motor carrier who is adversely affected by competition from any foreign owned or operated motor carrier. The act also directs the Secretary of Labor to report to Congress within 2 years on adversely affected service workers and recommend legislation that the Secretary considers appropriate for extending TAA to service workers as well.

The TAA program will remain inadequate as long as any workers are losing jobs directly as a result of trade agreements and not getting the help they need to participate in the new economy. The trade debate has not adequately considered the fate of those who lose from trade. It is our responsibility to make sure that these hard-working Americans have a voice in this debate and that they and their families are able to reap the rewards of trade instead of just suffer its consequences.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRADE ADJUSTMENT ASSISTANCE.

Not later than 180 days after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall establish a program to provide assistance under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as amended by the Trade Adjustment Assistance Reform Act of 2002, to provide trade adjustment assistance to any domestic operator of a motor carrier who is adversely affected by competition from any foreign owned or operated motor carrier.

SEC. 2. DATA COLLECTION AND REPORT.

(a) DATA COLLECTION SYSTEM.—Not later than 180 days after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall put in place a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation for each worker.

(b) REPORT.—Not later than 2 years after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall report to Congress proposed methods to extend the programs under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) to adversely affected service workers. The report shall include any recommendations for legislation that the Secretary considers appropriate regarding such programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(2) TRADE ADJUSTMENT ASSISTANCE REFORM ACT OF 2002.—The term "Trade Adjustment Assistance Reform Act of 2002" means the Trade Adjustment Assistance Reform Act of 2002, or any other Act enacted during the second session of the 107th Congress to provide trade adjustment assistance.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 282—DISAPPROVING THE WITHDRAWAL OF THE UNITED STATES FROM THE 1972 TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-BALLISTIC MISSILE SYSTEMS (ABM TREATY), SIGNED IN MOSCOW ON MAY 26, 1972 (EX. L. 92-2)

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 282

Resolved, That—

(1) it is the sense of the Senate that approval of the United States Senate is required to terminate any treaty between the United States and another nation;

(2) the Senate shall determine the manner by which it gives its approval to such proposed termination; and

(3) the Senate does not approve the withdrawal of the United States from the 1972 Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty), signed in Moscow on May 26, 1972 (Ex. L. 92-2).

SENATE CONCURRENT RESOLUTION 120—COMMENDING THE PENNSYLVANIA NATIONAL GUARD FOR ITS EXEMPLARY SERVICE TO THE UNITED STATES IN THE WAR AGAINST TERRORISM AND OTHER RECENT DEPLOYMENTS

Mr. SPECTER (for himself and Mr. SANTORUM) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 120

Whereas the Pennsylvania National Guard, the largest Army National Guard in the United States and fourth largest Air National Guard in the United States, has experienced call up and deployment rates at levels unseen since the Korean War and has provided historic levels of volunteers to critical missions of national importance;

Whereas the Pennsylvania National Guard has recently performed laudably in various overseas deployments to central Asia, Europe, Latin America, and other locations;

Whereas individuals and units of the Pennsylvania National Guard have been deployed within the Commonwealth of Pennsylvania on a variety of missions since the terrorist attacks on September 11, 2001, with 210 soldiers serving in security roles at 16 different Pennsylvania airports, and many other soldiers serving under State active duty status at all 5 of Pennsylvania's nuclear power plants;

Whereas individuals and units of the Pennsylvania National Guard have been deployed outside of Pennsylvania to serve along the northern border of the United States, in rescue and support operations immediately after the terrorist attacks on September 11, 2001, and with NORAD air controller components in New York providing critical assistance to combat air patrols over the United States in Operation Noble Eagle/Enduring Freedom;

Whereas the 193rd Special Operations Wing, under the command of Brigadier General Steve Speer, which is the most deployed active or reserve Air Force or Air National Guard unit in the United States, deployed to central Asia in September 2001 to provide one-of-a-kind psychological warfare resources to Allied commanders in Operation Noble Eagle/Enduring Freedom, with 900 members of that unit serving the cause of freedom and liberty valiantly;

Whereas the 111th Fighter Wing, under the command of Colonel Stephen Sischo, has participated extensively in Operation Noble Eagle/Enduring Freedom, while also serving in Operation Southern Watch, flying 682 hours during 318 sorties enforcing the no-fly zone over Iraq;

Whereas the 171st Air Refueling Wing, under the command of Brigadier General William Boardly, has flown 242 sorties in support of Operation Noble Eagle/Enduring Freedom;

Whereas the 140th Weather Flight, 270th Engineering Installation Squadron, the 146th Weather Flight, the 112th Air Control Squadron, the 201st RED HORSE Flight, the 211th Engineering Installation Squadron, the 258th Air Traffic Control Squadron, and the 271st Combat Communications Squadron have also participated in Operation Noble Eagle/Enduring Freedom;

Whereas the 28th Infantry Division of the Pennsylvania Army Guard, under the command of Major General Walt Pudlowski, has provided units and soldiers recently to operations in central Europe as part of KFOR and SFOR Balkans stabilization efforts and central Asia in the war on terrorism;

Whereas soldiers and units of the 28th Infantry Division, under the direction of Brigadier General Wesley Craig, have begun preparing for future tasks as one of the first active or Guard units to transform into an Interim Brigade Combat Team, part of the Army's future objective force;

Whereas elements of the 28th Infantry Division, under the command of Brigadier General John von Trott, will become the lead headquarters element of SFOR based at Eagle Base Tuzla, Bosnia, with approximately 1,100 soldiers of the Pennsylvania Army National Guard deploying as peacekeepers for six months; and

Whereas approximately 2,000 soldiers of the Pennsylvania Army National Guard, including soldiers from the 55th Brigade, the 1-213 ADA, the 876 EN, and numerous additional units from across the Commonwealth of Pennsylvania, will soon deploy as primary components of Task Force Keystone, providing enhanced security for United States forces based at NATO facilities in Germany, Belgium, Luxembourg, the Netherlands, and Italy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends the soldiers and airman of the Pennsylvania National Guard, under the command of the Pennsylvania Adjutant General, Major General William B. Lynch, and Deputy Adjutant Generals, Major General James Skiff and Brigadier General Jessica Wright, for their exemplary service to the United States in the war against terrorism and other recent deployments.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3808. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table.

SA 3809. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3810. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3811. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3812. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3813. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3814. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3815. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3816. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3817. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3818. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3819. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3820. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3821. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3822. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3823. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3824. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, supra.

SA 3825. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3826. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3808. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 8, after "orientation," insert "age,".

On page 5, line 24, after "orientation," insert "age,".

On page 10, line 25, after "orientation," insert "age,".

On page 11, line 9, after "orientation," insert "age,".

On page 13, line 14, after "orientation," insert "age,".

SA 3809. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 9, after “orientation,” insert “pregnancy,”.

SA 3810. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEFENSE OF HOME ACT.

(a) Right To Keep a Firearm in One's Home. Notwithstanding any other provisions of law, a person may not be held criminally liable for the possession of a firearm, or ammunition suitable for use in such firearm, or for the manner in which such firearm was stored in the person's place of residence if each of the following are established by a preponderance of the evidence:

(1) The person has attained the age of 18 years of age, has not been convicted of a felony and is not otherwise prohibited by 18 U.S.C. 922(g) from possessing a firearm; and

(2) The possession occurred:

(A) in place in which the person has resided for 30 days or more; or

(B) the firearm was unloaded and the person was traveling to or from such place of residence for the purposes of transporting the firearm in connection with an otherwise lawful transaction or activity.

(b) Right To Defend One's Home.—Notwithstanding any other provision of law, a person shall have the right to use a firearm in defense of the person's home to prevent the commission of a felony by another or to prevent a reasonably perceived threat of serious bodily injury to an individual in the person's home.

(c) Enforcement of Rights.—A person shall be immune from prosecution in any state court or court of the United States for violation of any law relating to possession, use, transfer, receipt or transportation of a firearm, if it is established by a preponderance of the evidence that:

(1) The person's use, possession, transfer, or receipt of the firearm was in connection with an otherwise lawful act of self defense; and

(2) The person's conduct complied with the requirements of this section.

(d) Definitions.—For purposes of this section, the term firearm means a shotgun (as defined in 18 U.S.C. 921(a)(5)), a rifle (as defined in 18 U.S.C. 921(a)(7)), or a handgun (as defined in 18 U.S.C. 921(a)(29)).

SA 3811. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, before the period, insert the following: “, as does the incidence of sexual abuse of minors on the basis of their youth”.

At the appropriate place, insert the following:

SEC. . DISCLOSURE BY EMPLOYER OF SUSPECTED SEXUAL ABUSER.

(a) In General.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

“§ 2260A. Disclosure by employer of suspected sexual abuser

“(a) Any person who has reasonable cause to suspect or know that they are employing, or otherwise exercising any supervisory role over, a suspected sexual abuser, shall immediately disclose that cause of suspicion or knowledge to Federal or State and local law enforcement officials.

“(b) Any person who exercises a supervisory role over a suspected sexual abuser who is in contact with minors shall suspend such suspected sexual abuser from duties that place such suspected sexual abuser in contact with such minors.

“(c) Any person who violates subsection (a) or (b) shall be imprisoned 60 days, fined $10,000, or both.

“(d) For purposes of this section, the term ‘sexual abuser’ means any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or assist any other person to engage in, any genital contact or other sexually explicit conduct, or any simulation of such conduct, rape, statutory rape, molestation, prostitution, or other form of sexual exploitation.”.

(b) Technical and Conforming Amendment.—The analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following:

“2260A. Disclosure by employer of suspected sexual abuser.”.

SEC. . REPORT.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in cooperation with the Secretary of Labor, shall report to Congress on the affect of the amendments made by this Act with respect to disclosure by employers of suspected sexual abusers.

SA 3812. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEFENSE AUTHORIZATION.

(a) The provisions of S. 2514 of the 107th Congress as reported by the Committee on Armed Services of the Senate on May 15, 2002, are hereby enacted into law.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) and the text of any other bill enacted into law by reference by reason of the enactment of this Act.

SA 3813. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Add at the end the following:

( ) Contingent Prohibition on Availability of Fiscal Year 2003 Funds for Support of Palestinian Authority.—(1) Notwithstanding any other provision of law, no funds available to any department, agency, or other element of the Federal Government for fiscal year 2003 may be obligated or expended for the purpose, or in a manner which would have the effect, of supporting—

(A) the Palestinian Authority;

(B) any entity supported by the Palestinian Authority;

(C) any successor entity to the Palestinian Authority or an entity referred to in subparagraph (B); or

(D) any private, voluntary organization for—

(i) projects related to the Palestinian Authority; or

(ii) projects located in Palestine that would otherwise be undertaken by the Palestinian Authority or an entity referred to in paragraph (2) or (3).

(2) The prohibition in paragraph (1) shall cease to be effective upon the submittal by the President to Congress of a certification that neither the Palestinian Authority, nor any entity supported by the Palestinian Authority, has engaged in planning or carrying out any terrorist act during the six-month period ending on the date of the certification.

(3) For purposes of this subsection, support shall include direct and indirect support, whether such support is financial or otherwise, including support for the Holst Fund of the World Bank and the United Nations Relief and Works Agency.

SA 3814. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —HELPING EFFICIENT, ACCESSIBLE, LOW COST, TIMELY HEALTH CARE (HEALTH)

SEC. 01. FINDINGS AND PURPOSE.

(a) Findings.—

(1) Effect on health care access and costs.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) Effect on interstate commerce.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) Effect on federal spending.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this title to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of "defensive medicine" and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 02. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

A health care lawsuit may be commenced no later than 3 years after the date of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years, except that in the case of an alleged injury sustained by a minor before the age of 6, a health care lawsuit may be commenced by or on behalf of the minor until the later of 3 years from the date of injury, or the date on which the minor attains the age of 8.

SEC. 03. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, the full amount of a claimant's economic loss may be fully recovered without limitation.

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages recovered may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—In any health care lawsuit, an award for future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 04. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

SEC. 05. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit. This section shall apply to any health care lawsuit that is settled as well as a health care lawsuit that is resolved by a fact finder.

SEC. 06. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages awarded in a health care lawsuit may be up to as much as two times the amount of economic damages awarded or $250,000, whichever is greater. The jury shall not be informed of this limitation.

(c) NO CIVIL MONETARY PENALTIES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.—

(1) IN GENERAL.—No punitive damages may be awarded against the manufacturer or distributor of a medical product based on a claim that such product caused the claimant's harm where—

(A)(i) such medical product was subject to premarket approval or clearance by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such medical product which caused the claimant's harm or the adequacy of the packaging or labeling of such medical product; and

(ii) such medical product was so approved or cleared; or

(B) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling.

(2) LIABILITY OF HEALTH CARE PROVIDERS.—A health care provider who prescribes a drug or device (including blood products) approved by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such drug or device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug or device.

(3) PACKAGING.—In a health care lawsuit for harm which is alleged to relate to the adequacy of the packaging or labeling of a

drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the trier of fact by clear and convincing evidence to be substantially out of compliance with such regulations.

(4) EXCEPTION.—Paragraph (1) shall not apply in any health care lawsuit in which—

(A) a person, before or after premarket approval or clearance of such medical product, knowingly misrepresented to or withheld from the Food and Drug Administration information that is required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and is causally related to the harm which the claimant allegedly suffered; or

(B) a person made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or maintaining approval or clearance of such medical product.

SEC. 07. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 08. DEFINITIONS.

In this title:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term "alternative dispute resolution system" or "ADR" means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term "claimant" means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term "collateral source benefits" means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term "compensatory damages" means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term "compensatory damages" includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term "contingent fee" includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term "economic damages" means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE LAWSUIT.—The term "health care lawsuit" means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(8) HEALTH CARE LIABILITY ACTION.—The term "health care liability action" means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The term "health care liability claim" means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) HEALTH CARE ORGANIZATION.—The term "health care organization" means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) HEALTH CARE PROVIDER.—The term "health care provider" means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) HEALTH CARE GOODS OR SERVICES.—The term "health care goods or services" means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The term "malicious intent to injure" means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) MEDICAL PRODUCT.—The term "medical product" means a drug or device intended for humans, and the terms "drug" and "device" have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

(15) NONECONOMIC DAMAGES.—The term "noneconomic damages" means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term "recovery" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 09. EFFECT ON OTHER LAWS.

(a) Vaccine Injury.—

(1) In general.—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) Application of title to certain actions.—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) Other Federal Law.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 10. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) Health Care Lawsuits.—The provisions governing health care lawsuits set forth in this title preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) Protection of States' Rights.—Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law. This title does not preempt or supersede any law that imposes greater protections (such as a shorter statute of limitations) for health care providers and health care organizations from liability, loss, or damages than those provided by this title.

(c) State Flexibility.—No provision of this title shall be construed to preempt—

(1) any State statutory limit (whether enacted before, on, or after the date of the enactment of this title) on the amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, whether or not such State limit permits the recovery of a specific dollar amount of damages that is greater or lesser than is provided for under this title, notwithstanding section 3(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 011. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this title shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

SA 3815. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NEWSPAPER THEFT IN VIOLATION OF FIRST AMENDMENT RIGHTS.

(a) Offense.—

(1) In general.—Chapter 13 of title 18, United States Code, is amended by inserting at the end the following:

"§ 249. Newspaper theft in violation of first amendment rights

"(a) Newspaper Defined.—In this section, the term 'newspaper' means any periodical that is distributed on a complimentary or compensatory basis on or near a college or university.

"(b) Elements of Offense.—Whoever willfully or knowingly obtains or exerts unauthorized control over newspapers, or destroys such newspapers, with the intent to prevent other individuals from reading the newspapers shall be punished as provided in subsection (c).

"(c) Penalty.—A person who violates this section is guilty of a class C misdemeanor.".

(2) Chapter analysis.—The chapter analysis for chapter 13 of title 18, United States Code, is amended by inserting at the end the following:

"249. Newspaper theft in violation of first amendment rights.".

(b) Study.—The Attorney General, in cooperation with the Secretary of Education, shall—

(1) not later than 6 months after the date of enactment of this Act, report to Congress on the frequency and extent of newspaper theft on college and university campuses; and

(2) work with States and local jurisdictions on developing laws and ordinances that are substantially similar to section 249 of title 18, United States Code, as added by subsection (a).

SA 3816. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, before the period, insert the following: ", as does the incidence of sexual abuse of minors on the basis of their youth".

On page 13, between lines 4 and 5, insert the following:

"(3) Offenses involving the sexual abuse of pre-pubescent children and other minors.—

"(A) In general.—Any person who engages in any act of sexual abuse of pre-pubescent children or any person who is in a position of authority and engages in any act of sexual abuse of post-pubescent minors shall be fined in accordance with this title, imprisoned not less than 1 year and not more than 5 years, or both.

"(B) Definition.—For purposes of this paragraph, the term 'sexual abuse' means employment, use, persuasion, inducement, enticement, or coercion of any minor to engage in, or assist any other person to engage in, any genital contact or other sexually explicit conduct, or any simulation of such conduct, rape, statutory rape, molestation, prostitution, or other form of sexual exploitation.

At the appropriate place, insert the following:

SEC. . SEXUAL ABUSE OF CHILDREN AND OTHER MINORS.

Section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note) is amended—

(1) by striking "means a crime" and inserting the following: "means—

"(1) a crime"; and

(2) by striking the period at the end and inserting the following: "; and

"(2) an offense involving the sexual abuse of pre-pubescent children or the sexual abuse of post-pubescent minors by a person who is in a position of authority, as described in section 249(a)(3) of title 18.".

SEC. . REPORT.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in cooperation with the Secretary of Labor, shall report to Congress on the effect of the amendments made by this Act with respect to hate crime offenses involving the sexual abuse of minors.

SA 3817. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 25, after "ORIENTATION," insert "AGE,".

On page 11, line 9, after "orientation," insert "age,".

SA. 3818. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 8, after "orientation," insert "age,".

On page 5, line 24, after "orientation," insert "age,".

On page 10, line 25, after "ORIENTATION," insert "AGE,".

On page 11, line 9, after "orientation," insert "age,".

On page 13, line 14, after "orientation," insert "age,".

SA 3819. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 9, after "orientation," insert "law enforcement officials, including State and Federal prosecutors, judges, firefighters, and law enforcement officers,".

SA 3820. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 9, after "orientation," insert "union membership or lack thereof,".

SA 3821. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, between lines 3 and 4, insert the following:

(11) Many Alaska Natives were subject to slavery prior to the purchase of Alaska by the United States in 1867. Since that time, language and cultural barriers have made it difficult for Alaska Natives to understand the nuances of the United States judicial system. Many Alaska Natives have been victimized by racial discrimination, leading to a widespread perception among Alaska Native leaders of racial bias against the Alaska Native community.

On page 4, line 4, strike "(11)" and insert "(12)".

On page 4, line 17, strike "(12)" and insert "(13)".

On page 4, line 21, strike "(13)" and insert "(14)".

SA 3822. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike line 14 and all that follows through page 11, line 23, and insert the following:

both;

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

"(C) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense, provided that the State in which the offense was committed would have provided for the punishment of death if the offense was prosecuted under the laws of such State.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both;

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

"(iii) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense, provided that the State in which the offense was committed would have provided for the punishment of death if the offense was prosecuted under the laws of such State.

SA 3823. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, strike line 23 and all that follows through page 14, line 6, and insert the following:

"(B) the State has requested that the Federal Government assume jurisdiction; or

"(C) the State does not object to the Federal Government assuming jurisdiction."

SA 3824. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; as follows:

On page 10, strike line 14 and all that follows through page 11, line 23, and insert the following:

both;

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

"(C) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both;

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill; and

"(iii) shall be punished by death or imprisonment for any term of years or for life, or both, if death results from the offense.

SA 3825. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION . COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this subsection, the term "relevant offense" means a crime described in section 1(b)(1) of the Hate Crimes Statistics Act (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall select 5 jurisdictions with laws classifying certain types of offenses as relevant offenses and 5 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this subparagraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, and in cases where the Attorney General determines special circumstances exist, the Attorney General, acting through the Director of the Federal Bureau of Investigation may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the victim's actual or perceived race, color, religion, national origin, or sexual orientation.

(c) APPOINTMENT OF LIAISONS.—

(1) IN GENERAL.—The Attorney General, or a designee of the Attorney General, shall appoint not less than 1 Assistant United States Attorney in every Federal jurisdiction in the United States to act as a liaison for State and local prosecutions of the offenses specified in subsection (b).

(2) RESPONSIBILITIES.—The liaisons appointed under paragraph (1)—

(A) shall ensure that any State and local requests for assistance are timely processed; and

(B) may assist the State and local investigation or prosecution in any way consistent with Department of Justice policy, including obtaining wiretaps pursuant to chapter 119 of title 18, United States Code, or obtaining search warrants from a United States District Court.

(d) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the victim's actual or perceived race, color, religion, national origin, or sexual orientation.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed **$100,000** for any single case, absent a certification from the Attorney General, or a designee of the Attorney General, that special circumstances warranting additional funds exist.

(5) REPORT AND AUDIT.—Not later than December 31, 2003, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated **$5,000,000** for each of the fiscal years 2003 and 2004 to carry out this section.

SA 3826. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 625 to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this subsection, the term "relevant offense" means a crime described in section 1(b)(1) of the Hate Crimes Statistics Act (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall select 5 jurisdictions with laws classifying certain types of offenses as relevant offenses and 5 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this subparagraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, and in cases where the Attorney General determines special circumstances exist, the Attorney General, acting through the Director of the Federal Bureau of Investigation may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the victim's actual or perceived race, color, religion, national origin, or sexual orientation.

(c) APPOINTMENT OF LIAISONS.—

(1) IN GENERAL.—The Attorney General, or a designee of the Attorney General, shall appoint not less than 1 Assistant United States Attorney in every Federal jurisdiction in the United States to act as a liaison for State and local prosecutions of the offenses specified in subsection (b).

(2) RESPONSIBILITIES.—The liaisons appointed under paragraph (1)—

(A) shall ensure that any State and local requests for assistance are timely processed; and

(B) may assist the State and local investigation or prosecution in any way consistent with Department of Justice policy, including obtaining wiretaps pursuant to chapter 119 of title 18, United States Code, or obtaining search warrants from a United States District Court.

(d) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the victim's actual or perceived race, color, religion, national origin, or sexual orientation.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed **$100,000** for any single case, absent a certification from the Attorney General, or a designee of the Attorney General, that special circumstances warranting additional funds exist.

(5) REPORT AND AUDIT.—Not later than December 31, 2003, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated **$5,000,000** for each of the fiscal years 2003 and 2004 to carry out this section.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 11, 2002, at 1:30 p.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the work of the U.S. Department of Interior's Branch of Acknowledgment and Research within the Bureau of Indian Affairs.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, June 18th, 2002, beginning at 2:30 p.m., in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills:

S. 198, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land;

S. 1846, to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York;

S. 1879, to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska;

S. 2222, to establish certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation;

S. 2471, to provide for the independent investigation of Federal wildland firefighter fatalities; and

S. 2483, to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should e-mail it to *shelley_brown@energy.senate.gov* or fax it to (202) 224-4340.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

PRIVILEGE OF THE FLOOR

Mr. **HATCH**. Madam President, I ask unanimous consent that the following staff be given the privilege of the floor for the pendency of debate on S. 625: Stephanie Danis, Wan Kim, Brett Harvey, Rebecca Seidel, Tiffany Perry, and Leah Belaire.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002

On June 6, 2002, the Senate amended and passed H.R. 4775, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4775) entitled "An Act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Office of the Secretary", $18,000,000, to remain available until expended: Provided, That the Secretary shall transfer these funds to the Agricultural Research Service, the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and/or the Food Safety and Inspection Service: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $16,000,000, to remain available until September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $50,000,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

EXTENSION ACTIVITIES

For an additional amount for "Extension Activities", $16,000,000, to remain available until September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $60,000,000, to remain available until September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", $15,000,000, to remain available until September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for emergency recovery operations, $100,000,000, to remain available until expended: Provided, That of this amount, $27,000,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for "Rural Community Advancement Program" for emergency purposes for grants and loans as authorized by 7 U.S.C. 381E(d)(2), 306(a)(14), and 306C, $25,000,000, with up to $5,000,000 for contracting with qualified organization(s) to conduct vulnerability assessments for rural community water systems, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL UTILITIES SERVICE

LOCAL TELEVISION LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING RESCISSION)

Of funds made available under this heading for the cost of guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $20,000,000 are rescinded.

For an additional amount for "Local Television Loan Guarantee Program Account", $20,000,000, to remain available until expended.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)", $75,000,000, to remain available until September 30, 2003: Provided, That of the amounts provided in this Act and any amounts available for reallocation in fiscal year 2002, the Secretary shall reallocate funds under section 17(g)(2) of the Child Nutrition Act of 1966, as amended, in the manner and under the formula the Secretary deems necessary to respond to the effects of unemployment and other conditions caused by the recession.

FOOD STAMP PROGRAM

(RESCISSION)

Of funds which may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of the Food Stamp Act of 1977 to carry out the Employment and Training program, $33,000,000 are rescinded and returned to the Treasury.

GENERAL PROVISION, THIS CHAPTER

SEC. 101. ASSISTANCE TO AGRICULTURAL PRODUCERS THAT HAVE USED WATER FOR IRRIGATION FROM RIO GRANDE RIVER. (a) IN GENERAL.—The Secretary of Agriculture shall use $10,000,000 of the funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande River that have suffered economic losses during the 2001 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington on February 3, 1944 (59 Stat. 1219; TS 944).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of actual losses described in subsection (a) that were incurred by the producers.

(c) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 102. Not later than 14 days after the date of enactment of this Act, the Secretary of Agriculture shall carry out the transfer of funds under section 2507(a) of the Food Security and

Rural Investment Act of 2002 (Public Law 107–171).

SEC. 103. SENSE OF THE SENATE ON COMPENSATION TO PRODUCERS OF POULTRY AFFECTED BY AVIAN INFLUENZA. It is the Sense of the Senate that the Secretary of Agriculture act expeditiously to provide compensation through the Commodity Credit Corporation to producers of poultry that have been affected by outbreaks of avian influenza in Virginia, West Virginia, and other States which have resulted in the destruction of poultry flocks in order to contain this disease.

SEC. 104. (a) FINDINGS.—(1) Of the 40 million people living with HIV/AIDS, nearly 2.7 million are children under 15, and 11.8 million are young people aged 15–24, more than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born to an HIV-positive mother has a 25 to 35 percent chance of becoming infected.

(2) Targeted provision of dairy products for HIV/AIDS mitigation provides an economical and efficient means to strengthen nutrition, ward off infectious diseases and extend the lives of HIV-positive individuals.

(3) Good nutrition including dairy products is critical to programs that provide and enhance anti-retroviral drugs to prevent mother-to-child transmission of HIV/AIDS, and nutrition experts recommend the use of dairy products with anti-retroviral drugs to combat mother-to-child transmission.

(4) In the diets of young children, growing adolescents and pregnant women, milk has been proven to provide a concentration of critical nutritional elements that promote growth and robust health, and the National Institutes of Health (NIH) recommends that dairy products be used to boost the nutrition of HIV-positive young children.

(5) It is imperative that attempts to improve the availability of dairy products to the HIV/AIDS afflicted do not undermine the security and stability of the indigenous dairy production and processing sector.

(6) The United States has more than 1 billion pounds (450,000 metric tons) of surplus non-fat dry milk in storage that has been acquired at an average cost of over 90 cents per pound for a total cost approaching $1,000,000,000, and storage costs are $1,500,000 per month and growing.

(7) This huge amount of milk overhangs the United States and world markets and deteriorates rapidly, going out of condition in about 3 years when it must be sold for a salvage value of only a few cents per pound.

(8) The impacts of breast-feeding on mother-to-child transmission remain controversial and appropriate interventions are not yet scientifically proven, especially in low-income communities where appropriate alternatives are not available and may be unsafe.

(9) There is a need for non-fat dry milk in international relief to use in human feeding programs that target the most vulnerable in society, particularly those affected by HIV/AIDS.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Agriculture should—

(1) utilize the existing 416(b) authority of the Agricultural Act of 1949 to dispose of dairy surpluses for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic;

(2) make available funds for the provision of 100,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children, to include ocean and inland transportation, accounting, monitoring and evaluation expenses incurred by the Secretary of Agriculture, and expenses incurred by private and voluntary organizations and cooperatives related to market assessments, project design, fortification, distribution, and other project expenses;

(3) give careful consideration to the local market conditions before dairy products are donated or monetized into a local economy, so as not to undermine the security and stability of the indigenous dairy production and processing sector; and

(4) Use none of these funds or commodities in any programs that would substitute dairy products for breast-feeding.

SEC. 105. (a) RESCISSION.—The unobligated balance of authority available under section 2108(a) of Public Law 107–20 is rescinded as of the date of the enactment of this Act.

(b) APPROPRIATION.—There is appropriated to the Secretary of Agriculture an amount equal to the unobligated balance rescinded by subsection (a) for expenses through fiscal year 2003 under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721–1726a) for commodities supplied in connection with dispositions abroad pursuant to title II of said Act.

SEC. 106. Section 416(b)(7)(D)(iv) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(iv)) is amended by striking "subsection." and inserting in lieu thereof the following: "subsection, or to otherwise carry out the purposes of this subsection.".

SEC. 107. Notwithstanding any other provision of law and effective on the date of enactment of this Act, the Secretary may use an amount not to exceed $12,000,000 from the amounts appropriated under the heading Food Safety and Inspection Service under the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001 (Public Law 106–387) to liquidate over-obligations and over-expenditures of the Food Safety and Inspection Service incurred during previous fiscal years, approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to respond to the September 11, 2001, terrorist attacks on the United States, $12,750,000, to remain available until expended: Provided, That $10,750,000 is for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data for the design, and for the development, testing, and deployment of a standards-based, integrated, interoperable computer system for the Immigration and Naturalization Service ("Chimera system"), to be managed by Justice Management Division, as authorized by section 202 of H.R. 3525: Provided further, That $2,000,000 is for the Principal Associate Deputy Attorney General for Combating Terrorism: Provided further, That $10,750,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for the Office of Domestic Preparedness to respond to the September 11, 2001, terrorist attacks on the United States, $173,800,000, to remain available until expended, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and sections 1014, 1015, and 1016 of the USA PATRIOT ACT (Public Law 107–56), and for other counterterrorism programs: Provided, That no funds under this heading shall be used to duplicate the Federal Emergency Management Agency Fire Grant program: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses" for courtroom technology, $5,200,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

(RESCISSION)

Of the amounts made available under this heading in Public Law 107–77, $7,000,000 are rescinded.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

(RESCISSION)

Of the amounts made available under this heading for the Training Academy, $2,100,000 are rescinded.

ANTI-TERRORISM TASK FORCES

For expenses necessary for Anti-Terrorism Task Forces, including salaries and expenses, operations, equipment, and facilities, $45,000,000, to be derived from the amounts made available for this purpose in Public Law 107–77 and Public Law 107–117.

JOINT TERRORISM TASK FORCES

For expenses necessary for Joint Terrorism Task Forces, including salaries and expenses, operations, equipment, and facilities, $113,235,000, to be derived from the amounts made available for this purpose in Public Law 107–77 and Public Law 107–117.

FOREIGN TERRORIST TRACKING TASK FORCES

For expenses necessary for Foreign Terrorist Tracking Task Forces, including salaries and expenses, operations, equipment, and facilities, $10,000,000, to be derived from the amounts made available for this purpose in Public Law 107–77 and Public Law 107–117.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $75,500,000, of which $50,500,000 is for a cyber-security initiative: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for fleet management, $35,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $84,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

(RESCISSION)

Of the amounts made available under this heading in Public Law 107–77 for buildings and facilities, $30,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

ELECTION REFORM GRANT PROGRAM

For an amount to establish the Election Reform Grant Program, to provide assistance to States and localities in improving election technology and the administration of federal elections, $450,000,000, to remain available until expended: Provided, That such amount shall not be available for obligation until the enactment of legislation that establishes programs for improving the administration of elections.

JUSTICE ASSISTANCE

(RESCISSION)

Of the amounts made available under this heading for the Office of the Assistant Attorney General for Office of Justice Programs, $2,000,000 are rescinded, and for the Office of Congressional and Public Affairs, $2,000,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

For an amount to establish the Community Oriented Policing Services' Interoperable Communications Technology Program, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, $85,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and Administration" for emergency expenses resulting from new homeland security activities, $1,725,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and Administration" for emergency expenses resulting from new homeland security activities, $8,700,000: Provided, That, of the funds appropriated under this heading, such sums as are necessary may be transferred to, and merged with, any appropriations account to develop and implement secure connectivity between Federal agencies and the Executive Office of the President: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(RESCISSION)

Of the amounts made available under this heading in prior fiscal years, excepting funds designated for the Suitland Federal Center, $20,900,000 are rescinded.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and Technical Research and Services" for emergency expenses resulting from new homeland security activities and increased security requirements, $84,600,000, of which $40,000,000 is for a cybersecurity initiative: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of the amount appropriated under this heading, $500,000 shall be for the Center for Identification Technology Research at the West Virginia University for the purpose of developing interoperability standards and an application profile for technology neutral, portable, and data independent biometrics, in accordance with section 403(c)(2) of The USA PATRIOT Act (Public Law 107–56) and sections 201(c)(5) and 202(a)(4)(B) and title III of the Enhanced Border Security and Visa Reform Act (Public Law 107–173), and the amendments made by those provisions.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for emergency expenses resulting from homeland security activities, $29,200,000, of which $23,400,000 is to address critical mapping and charting backlog requirements, $3,000,000 is to enhance the National Water Level Observation Network and $2,800,000 is for backup capability for National Oceanic and Atmospheric Administration critical satellite products and services, to remain available until September 30, 2003: Provided, That $2,800,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING RESCISSION)

For an additional amount for "Procurement, Acquisition and Construction" for emergency expenses resulting from homeland security activities, $7,200,000 for a supercomputer backup, to remain available until September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Of the amounts made available under this heading for the National Polar-Orbiting Operational Environmental Satellite System, $8,100,000 are rescinded.

FISHERIES FINANCE PROGRAM ACCOUNT

Funds provided under the heading, "Fisheries Finance Program Account", National Oceanic and Atmospheric Administration, Department of Commerce, for the direct loan program authorized by the Merchant Marine Act of 1936, as amended, are available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $19,000,000 for Traditional loans.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from new homeland security activities, $400,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For an additional amount for "Care of the Building and Grounds" for emergency expenses for security upgrades and renovations of the Supreme Court building, $10,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses to enhance security and to provide for extraordinary trial related costs, $9,684,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs," for emergency expenses for activities related to combating international terrorism, $38,300,000, of which $20,300,000 shall remain available until September 30, 2003: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", for emergency expenses for activities related to combating international terrorism, $9,000,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", for emergency expenses for activities related to combating international terrorism, $210,516,000, to remain available until expended: Provided, That $210,516,000 shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", for emergency expenses for activities related to combating international terrorism, $7,000,000, to remain *available until September 30, 2003: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the amounts made available under this heading, $48,000,000 are rescinded from prior year appropriations.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", for emergency expenses for activities related to combating international terrorism, $7,400,000, to remain available until September 30, 2003: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCIES

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to respond to the September 11, 2001, terrorist attacks on the United States and for other purposes, $29,300,000, to remain available until expended: Provided, That $9,300,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 201. Title II of Public Law 107–77 is amended in the second undesignated paragraph under the heading "Department of Commerce, National Institute of Standards and Technology, Industrial Technology Services" by striking "not to exceed $60,700,000 shall be available for the award of new grants" and inserting "not less than $60,700,000 shall be used before October 1, 2002 for the award of new grants".

SEC. 202. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, enforce, or otherwise abide by the Memorandum of Agreement signed by the Federal Trade Commission and the Antitrust Division of the Department of Justice on March 5, 2002.

SEC. 203. (a) Section 504 of title 28, United States Code, is amended by inserting after "General" the following: "and a Principal Associate Deputy Attorney General for Combating Terrorism".

(b) The Section heading for section 504 of title 28, United States Code, is amended by inserting after "General" the following: "and Principal Associate Deputy Attorney General for Combating Terrorism".

(c) The Principal Associate Deputy Attorney General for Combating Terrorism (appointed under section 504 of title 28, United States Code, as amended by subsection (a)) shall—

(1) serve as the principal adviser to the Attorney General and the Deputy Attorney General for combating terrorism, counterterrorism, and antiterrorism policy;

(2) have responsibility for coordinating all functions within the Department of Justice relating to combating domestic terrorism, subject to paragraph (5), including—

(A) policies, plans, and oversight, as they relate to combating terrorism, counterterrorism, and antiterrorism activities;

(B) State and local preparedness for terrorist events;

(C) contingency operations within the Department of Justice; and

(D) critical infrastructure;

(3) coordinate—

(A) all inter-agency interface between the Department of Justice and other departments, agencies, and entities of the United States, including State and local organizations, engaged in combating terrorism, counterterrorism, and antiterrorism activities; and

(B) the implementation of the Department of Justice's strategy for combating terrorism by State and local law enforcement with responsibilities for combating domestic terrorism;

(4) recommend changes in the organization and management of the Department of Justice and State and local entities engaged in combating domestic terrorism to the Attorney General and Deputy Attorney General; and

(5) serve in an advisory capacity to the Attorney General and Deputy Attorney General on matters pertaining to the allocation of resources for combating terrorism.

(d) The allocation of resources for combating terrorism shall remain under the purview of the current Deputy Attorney General. Any changes in the allocation of resources will continue to be approved by the current Deputy Attorney General using the current procedures of the Department of Justice.

(e) Effective upon enactment of this Act, there is transferred to the Principal Associate Deputy Attorney General for Combating Terrorism all authorities, liabilities, funding, personnel, equipment, and real property employed or used by, or associated with, the Office of Domestic Preparedness, the National Domestic Preparedness Office, the Executive Office of National Security, and such appropriate components of the Office of Intelligence Policy and Review and the National Institute of Justice as relate to combating terrorism, counterterrorism, and antiterrorism activities.

SEC. 204. Public Law 106–256 is amended in section 3(f)(1) by striking "18" and inserting "29".

SEC. 205. The American Section, International Joint Commission, United States and Canada, is authorized to receive funds from the United States Army Corps of Engineers for the purposes of conducting investigations, undertaking studies, and preparing reports in connection with a reference to the International Joint Commission on the Devils Lake project mentioned in Public Law 106–377.

SEC. 206. Section 282(a)(2)(D) of the Agricultural Marketing Act of 1946 is amended to read as follows:

"(D) in the case of wild fish, is—

"(i) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and

"(ii) processed in the United States, a territory of the United States, or a State, including the waters thereof, or aboard a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and".

SEC. 207. Of the amounts appropriated in Public Law 107–77, under the heading "Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities", for coral reef programs, $2,500,000, for a cooperative agreement with the National Defense Center of Excellence for Research in Ocean Sciences to conduct coral mapping in the waters of the Hawaiian Islands and the surrounding Exclusive Economic Zone in accordance with the mapping implementation strategy of the United States Coral Reef Task Force.

SEC. 208. In addition to amounts appropriated or otherwise made available by this Act or any other Act, $11,000,000 is appropriated to enable the Secretary of Commerce to provide economic assistance to fishermen and fishing communities affected by Federal closures and fishing restrictions in the New England groundfish fishery, to remain available until September 30, 2003.

SEC. 209. In addition to amounts appropriated or otherwise made available by this Act or any other Act, $5,000,000 shall be provided to enable the Secretary of Commerce to provide for direct economic assistance to fishermen and fishing communities, affected by Federal Court ordered management measures in the Northeast multispecies fishery, to remain available until September 30, 2003: Provided, That these amounts shall be used to support port security and related coastal activities administered by the National Oceanic and Atmospheric Administration, the Coast Guard, or an affected state.

SEC. 210. Of the amounts appropriated in Public Law 107–77, under the heading "Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities", for Oregon groundfish cooperative research, $500,000 shall be for the cost of a reduction loan of $50,000,000 as authorized under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) to carry out a West Coast groundfish fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)).

SEC. 211. (a) Subject to subsection (b), the Attorney General shall, out of appropriations available to the Department of Justice made in Public Law 107–77, transfer to, and merge with, the appropriations account for the Immigration and Naturalization Service entitled "Salaries and Expenses" the following amounts for the following purposes:

(1) $4,900,000 to cover an increase in pay for all Border Patrol agents who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332; and

(2) $3,800,000 to cover an increase in pay for all immigration inspectors who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332.

(b) Funds transferred under subsection (a) shall be available for obligation and expenditure only in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 798).

(c) Not later than September 30, 2002, the Justice Management Division of the Department of Justice shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives describing the progress made in the development of the Chimera system.

(d) No funds available to the Immigration and Naturalization Service for technology activities

in the fiscal year 2003 may be obligated or expended unless the program manager of the Chimera system approves the obligation or expenditure of those funds and so reports to the Attorney General.

SEC. 212. Amounts appropriated by title V of Public Law 107–77 under the heading "NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION" (115 Stat. 795) shall remain available until expended.

SEC. 213. Of the funds made available under the heading "Courts of Appeals, District Courts, and Other Judicial Services, Salaries, and Expenses" in title III of Public Law 107–77, $37,900,000 shall be transferred to, and merged with, funds available for "Salaries and Expenses, United States Marshals Service" in title I of Public Law 107–77, to be available until expended only for hiring 200 additional Deputy United States Marshals and associated support staff for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs.

CHAPTER 3

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $206,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

Defense Emergency Response Fund

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Defense Emergency Response Fund", $11,300,000,000, of which $77,900,000 shall be available for enhancements to North American Air Defense Command capabilities: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; military construction; the Defense Health Program; and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $107,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $36,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $41,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Operation and Maintenance, Defense-wide

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-wide", $739,000,000, of which $420,000,000 may be used for payments to Pakistan, Jordan, the Philippines, and other key cooperating nations for logistical and military support provided to United States military operations in connection with United States efforts to prevent or respond to acts of international terrorism: Provided, That such amount shall be transferred to, and merged with, funds appropriated in Public Law 107–115 under the heading "Foreign Military Financing Program" within 30 days of enactment: Provided further, That such payments may be made in such amounts as the Secretary of State determines, after consultation with the Secretary of Defense and the Director of the Office of Management and Budget: Provided further, That such determination shall be final and conclusive upon the accounting officers of the United States: Provided further, That of the funds appropriated by this paragraph, not less than $50,000,000 shall be made available for the Philippines: Provided further, That amounts for such payments shall be in addition to any other funds that may be available for such purpose: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds made available by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

PROCUREMENT

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $79,200,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $22,800,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $262,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $2,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $3,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $93,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Procurement of Ammunition, Air Force

For an additional amount for "Procurement of Ammunition, Air Force", $115,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $752,300,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Procurement, Defense-wide

For an additional amount for "Procurement, Defense-wide", $99,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For an additional amount for "Research, Development, Test and Evaluation, Army", $8,200,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Research, Development, Test and Evaluation, Navy

For an additional amount for "Research, Development, Test and Evaluation, Navy", $19,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $60,800,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Research, Development, Test and Evaluation, Defense-wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-wide", $74,700,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 301. (a) The appropriation under the heading "Research, Development, Test and Evaluation, Navy" in the Department of Defense Appropriations Act, 2002 (Public Law 107–117) is amended by adding the following proviso immediately after "September 30, 2003": ": Provided, That funds appropriated in this paragraph which are available for the V–22 may be *used to meet unique requirements of the Special Operations Forces".*

(b) The amendment made by subsection (a) shall be effective as if enacted as part of the Department of Defense Appropriations Act, 2002.

Sec. 302. (a) Availability of Amounts for Military Construction Relating to Terrorism.—Amounts made available to the Department of Defense from funds appropriated in this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism.

(b) Notice to Congress.—Not later than 15 days before obligating amounts available under subsection (a) for military construction projects referred to in that subsection, the Secretary shall notify the appropriate committees of Congress of the following:

(1) the determination to use such amounts for the project; and

(2) the estimated cost of the project and the accompanying Form 1391.

(c) Appropriate Committees of Congress Defined.—In this section the term "appropriate committees of Congress" has the meaning given that term in section 2801(4) of title 10, United States Code.

Sec. 303. Section 8052(b) of the Department of Defense Appropriations Act, 2002 (Public Law 107–117) is amended by striking out "will reduce the personnel requirements or financial requirements of the department", and inserting the following in lieu thereof, "either (1) will reduce the personnel requirements or the financial requirements of the department, or (2) is necessary in response to an emergency, including responding to direct threats or incidents of terrorism".

Sec. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414): Provided, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations or covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.

Sec. 305. (a) Funds appropriated to the Department of Defense for fiscal year 2002 for operation and maintenance under the heading "Chemical Agents and Munitions Destruction, Army", may be used to pay for additional costs of international inspectors from the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons, pursuant to Articles IV and V of the Chemical Weapons Convention, for inspections and monitoring of Department of Defense sites and commercial sites that perform services under contract to the Department of Defense, resulting from the Department of Defense's program to accelerate its chemical demilitarization schedule.

(b) Expenses which may be paid under subsection (a) include—

(1) salary costs for performance of inspection and monitoring duties;

(2) travel, including travel to and from the point of entry into the United States and internal United States travel;

(3) per diem, not to exceed United Nations rates and in compliance with United Nations conditions for per diem for that organization; and

(4) expenses for operation and maintenance of inspection and monitoring equipment.

Sec. 306. During the current fiscal year, the restrictions contained in subsection (d) of 22 U.S.C. 5952 and section 502 of the Freedom Support Act (Public Law 102–511) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such restrictions is important to the national security interests of the United States.

Sec. 307. The Secretary of the Army shall obligate and expend the $2,000,000 appropriated for the Army by Public Law 107–117 for procurement of smokeless nitrocellulose under Activity 1, instead under Activity 2, Production Base Support Industrial Facilities, for the purpose of preserving a commercially owned and operated capability of producing defense grade nitrocellulose at the rate of at least 10,000,000 pounds per year in order to preserve a commercial manufacturing capability for munitions precursor supplies for the High Zone Modular Artillery Charge System and to preserve competition in that manufacturing capability.

Sec. 308. Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall obligate, from funds made available in title II of division A of Public Law 107–117 under the heading "Operation and Maintenance, Defense-Wide" (115 Stat. 2233), $4,000,000 for a grant to support the conversion of the Naval Security Group, Winter Harbor (the naval base on Schoodic Peninsula), Maine, to utilization as a research and education center for Acadia National Park, Maine, including the preparation of a plan for the reutilization of the naval base for such purpose that will benefit communities in the vicinity of the naval base and visitors to Acadia National Park and will stimulate important research and educational activities.

Sec. 309. Of the amount available for fiscal year 2002 for the Army National Guard for operation and maintenance, $2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations.

CHAPTER 4

DISTRICT OF COLUMBIA

FEDERAL FUNDS

Federal Payment to the Children's National Medical Center

For a Federal payment to the Children's National Medical Center in the District of Columbia for implementing the District Emergency Operations Plan, $13,770,000, to remain available until September 30, 2003, of which $11,700,000 is for the expansion of quarantine facilities, and $2,070,000 is for the establishment of a decontamination facility for children and families: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Federal Payment to the District of Columbia

For a Federal payment to the District of Columbia to implement the District Emergency Operations Plan, $24,730,000, to remain available until December 1, 2003, of which $14,730,000 is for public safety expenses related to national special security events in the District of Columbia and $10,000,000 is for the construction of Containment Facilities to support the regional Bioterrorism Hospital Preparedness Program: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Federal Payment to the Washington Metropolitan Area Transit Authority

For a Federal payment to the Washington Metropolitan Area Transit Authority, $25,000,000, to remain available until December 1, 2003, to contribute to the creation of a regional transportation back-up operations control center: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Federal Payment to the Metropolitan Washington Council of Governments

For a Federal payment to the Metropolitan Washington Council of Governments, $1,750,000, to remain available until September 30, 2003, for support of the Regional Incident Communication and Coordination System, as approved by the Council: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Federal Payment to the Water and Sewer Authority of the District of Columbia

For a Federal payment to the Water and Sewer Authority of the District of Columbia for emergency preparedness, $3,000,000, to remain available until September 30, 2003, of which $250,000 shall be for securing fire hydrants and manholes to prevent unauthorized entry, $150,000 is to upgrade the hydraulic model, $1,800,000 is for remote monitoring of water quality, $700,000 is for design and construction of ventilation system improvements, and $100,000 is to create an Incident Response Plan: Provided, That the Water and Sewer Authority of the District of Columbia may reprogram up to $120,000 between the activities specified under this heading if it notifies in writing the Committees on Appropriations of the House of Representatives and the Senate thirty days in advance of the reprogramming: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

Public Education System

(RESCISSION)

Notwithstanding any other provision of law, of the local funds appropriated under this heading for public charter schools for the fiscal year ending September 30, 2002 in the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107–96), $37,000,000 are rescinded.

Human Support Services

For an additional amount for "Human Support Services", $37,000,000 from local funds: Provided, That $11,000,000 shall be for the Child and Family Services Agency to address increased adoption case rates, higher case loads for adoption and emergency group home utilization: Provided further, That $26,000,000 shall be for the Department of Mental Health to address a Medicaid revenue shortfall.

Public Safety and Justice

(RESCISSION)

Notwithstanding any other provision of law, of the local funds appropriated under this heading to the Department of Corrections for support of the Corrections Information Council in the District of Columbia Appropriations Act, 2002 (Public Law 107–96), $100,000 are rescinded.

Corrections Information Council

For operations of the Corrections Information Council, $100,000 from local funds.

Governmental Direction and Support

The Governmental Direction and Support paragraph of the District of Columbia Appropriations Act, 2002 (Public Law 107–96), is amended by striking: "Provided further, That not less than $353,000 shall be available to the

Office of the Corporation Counsel to support increases in the Attorney Retention Allowance:" and inserting: "Provided further, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support attorney compensation consistent with performance measures contained in a negotiated collective bargaining agreement:".

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 2002 in the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107–96), $7,950,000 are rescinded.

The paragraph under this heading is amended by striking: "Provided, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds:" and inserting: "Provided, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds upon certification by the Chief Financial Officer of the District of Columbia that the funds are available and are not required to address potential deficits: Provided further, That of those funds necessary to address potential deficits, no funds shall be obligated or expended except in accordance with the following conditions:

"(1) the amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure;

"(2) the amounts may not be used to fund the agencies of the District of Columbia government under court-ordered receivership;

"(3) the amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure; and

"(4) amounts made available to address potential deficits shall remain available until expended:".

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the facility underlying the building located at One Judiciary Square, $7,950,000 from local funds.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 401. The District of Columbia may use up to 1 percent of the funds appropriated to the District of Columbia under the Emergency Supplemental Act, 2002, to fund the necessary administrative costs to carry out that Act, effective January 10, 2002.

SEC. 402. When the Mayor determines that it is in the best interest of the District, the Mayor may procure insurance for property damage and tort liability. In addition, when the Chief Financial Officer determines that it is in the best interest of the District, the Chief Financial Officer may procure insurance subject to his independent procurement authority or otherwise recommend the procurement of insurance for financial losses resulting from misfeasance or malfeasance.

SEC. 403. CRIME VICTIMS COMPENSATION FUND. Section 16(d)(2) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Official Code 4–515(d)(1)), as amended by the Fiscal Year 2002 District of Columbia Appropriations Act, Public Law 107–96, is amended to read as follows:

"(2) 50 percent of such balance shall be transferred from the Fund to the executive branch of the District government and shall be used without fiscal year limitation for outreach activities designed to increase the number of crime victims who apply for such direct compensation payments.".

SEC. 404. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY REPROGRAMMING. The Chief Financial Officer of the Washington Metropolitan Area Transit Authority may use up to $2,400,000 from funds appropriated under Public Law 107–117 under the account, "Federal Payment to the Washington Metropolitan Area Transit Authority", that contains funds for protective clothing and breathing apparatus activities, for employee and facility security and completion of the fiber optic network project.

SEC. 405. TRANSFER AUTHORITY FOR THE DISTRICT OF COLUMBIA COURTS. The District of Columbia Courts may expend up to $12,500,000 to carry out the District of Columbia Family Court Act of 2001 from the "Federal Payment to the District of Columbia Courts" account: Provided, That such funds may be transferred to the "Federal Payment to the District of Columbia Courts" account from the "Federal Payment for Family Court Act" account in reimbursement for such obligations and expenditures as are necessary to implement the District of Columbia Family Court Act of 2001 for the period from October 1, 2001 to September 30, 2002, once funds in the "Federal Payment for Family Court Act" account become available.

SEC. 406. TECHNICAL CORRECTION TO THE DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001. Section 11–908A(b)(4) of the District of Columbia Code (as added by Public Law 107–114) is amended by striking "section 11–1501(b)" and inserting "section 433 of the District of Columbia Home Rule Act".

SEC. 407. TECHNICAL CORRECTION TO THE FISCAL YEAR 2002 DISTRICT OF COLUMBIA APPROPRIATIONS ACT. (a) Under the heading, "Federal Payment to the Thurgood Marshall Academy Charter School" provided under Public Law 107–96, strike "Anacostia" and insert "Southeast, Washington, D.C.".

(b) Under the heading, "Federal Payment to Southeastern University" provided under Public Law 107–96, strike everything after "a public/private partnership" and insert in lieu thereof, "to plan a two year associate degree program.".

SEC. 408. TECHNICAL CORRECTION TO THE FISCAL YEAR 2002 DISTRICT OF COLUMBIA APPROPRIATIONS ACT. Section 119 of Public Law 107–96 is amended to read as follows:

"SEC. 119. ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

"(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

"(1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

"(2) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant. Within 14 calendar days of receipt of the report submitted under paragraph (1) the Council shall be deemed to have provided such approval if no written notice of disapproval is filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer, and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period. If notice of disapproval is given during such initial 14 calendar day period, the Council may approve or disapprove the acceptance, obligation or expenditure of the grant by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such certification shall be deemed to be approved.

"(c) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under subsection (a) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to these provisions.

"(d) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to these provisions. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.".

SEC. 409. The authority which the Chief Financial Officer of the District of Columbia exercised with respect to personnel, procurement, and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect through July 1, 2003 or until such time as the District of Columbia Fiscal Integrity Act becomes effective, whichever occurs sooner.

CHAPTER 5

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "OPERATION AND MAINTENANCE, GENERAL", $32,000,000, to remain available until expended: Provided, That using the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to repair, restore, and clean-up Corps' projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure (including sewer and water facilities), document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers: Provided further, That $10,000,000 of the funds provided shall be for Southern West Virginia, Eastern Kentucky, and Southwestern Virginia: Provided further, That the remaining $22,000,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these additional funds shall be available for Western Illinois, Eastern Missouri, and the Upper Peninsula of Michigan.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", $6,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–117, Corps of Engineers—Civil, Operations and Maintenance, General: Provided, That $6,500,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $181,650,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation" for emergency activities necessary to support the safeguarding of nuclear material internationally, $100,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF THE ADMINISTRATOR

For an additional amount for "Office of the Administrator" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $1,750,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $40,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities" for emergency expenses necessary to support energy security and assurance activities, $7,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

(RESCISSION)

SEC. 501. (a) Of the non-defense funds made available to the Secretary of Energy under the headings "Energy Supply", "Non-Defense Environmental Management", "Science", "Nuclear Waste Disposal", and "Departmental Administration" in Public Law 107–66, $30,000,000 are rescinded.

(b) Within 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (a) of this section.

SEC. 502. The amounts invested by the non-Federal interests in the biomass project at Winona, Mississippi, before the date of enactment of this Act shall constitute full satisfaction of the cost-sharing requirement under section 3002 of the Energy Policy Act of 1992 (42 U.S.C. 13542).

SEC. 503. Section 1 of Public Law 105–204 (112 Stat. 681) is amended—

(1) in subsection (b), by striking "until the date" and all that follows and inserting "until the date that is 30 days after the date on which the Secretary of Energy awards a contract under subsection (c), and no such amounts shall be available for any purpose except to implement the contract."; and

(2) by striking subsection (c) and inserting the following:

"(c) CONTRACTING REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code), the Secretary of Energy shall—

"(A) not later than 10 days after the date of enactment of this paragraph, request offerors whose proposals in response to Request for Proposals No. DE–RP05–010R22717 ('Acquisition of Facilities and Services for Depleted Uranium Hexafluoride (DUF6) Conversion Project') were included in the competitive range as of January 15, 2002, to confirm or reinstate the offers in accordance with this paragraph, with a deadline for offerors to deliver reinstatement or confirmation to the Secretary of Energy not later than 20 days after the date of enactment of this paragraph; and

"(B) not later than 30 days after the date of enactment of this paragraph, select for award of a contract the best value of proposals confirmed or reinstated under subparagraph (A), and award a contract for the scope of work stated in the Request for Proposals, including the design, construction, and operation of—

"(i) a facility described in subsection (a) on the site of the gaseous diffusion plant at Paducah, Kentucky; and

"(ii) a facility described in subsection (a) on the site of the gaseous diffusion plant at Portsmouth, Ohio.

"(2) CONTRACT TERMS.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code) the Secretary of Energy shall negotiate with the awardee to modify the contract awarded under paragraph (1) to—

"(A) require, as a mandatory item, that groundbreaking for construction occur not later than July 31, 2004, and that construction proceed expeditiously thereafter;

"(B) include as an item of performance the transportation, conversion, and disposition of depleted uranium contained in cylinders located at the Oak Ridge K–25 uranium enrichment facility located in the East Tennessee Technology Park at Oak Ridge, Tennessee, consistent with environmental agreements between the State of Tennessee and the Secretary of Energy; and

"(C) specify that the contractor shall not proceed to perform any part of the contract unless sufficient funds have been appropriated, in advance, specifically to pay for that part of the contract.

"(3) CERTIFICATION OF GROUNDBREAKING.—Not later than 5 days after the date of groundbreaking for each facility, the Secretary of Energy shall submit to Congress a certification that groundbreaking has occurred.

"(d) FUNDING.—

"(1) IN GENERAL.—For purposes of carrying out this section, the Secretary of Energy may use any available appropriations (including transferred unobligated balances).

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in addition to any funds made available under paragraph (1), such sums as are necessary to carry out this section.".

SEC. 504. In addition to amounts previously appropriated, $3,000,000 is hereby appropriated for the Department of the Interior, Bureau of Reclamation, for "Water and Related Resources" for the drilling of emergency wells in Santa Fe, New Mexico and shall remain available until expended.

CHAPTER 6

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for the "Child Survival and Health Programs Fund", $200,000,000, to remain available until expended: Provided, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: Provided further, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: Provided further, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: Provided further, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: Provided further, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $150,000,000, to remain available until March 31, 2003: Provided, That funds appropriated by this paragraph shall be made available for emergency expenses for Afghanistan for humanitarian and reconstruction activities related to preventing or responding to international terrorism, including repairing homes of Afghan citizens that were damaged as a result of military operations against al Qaeda and the Taliban: Provided further, That of the funds appropriated by this paragraph that are available for Afghanistan, up to $2,500,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development in support of the provision of such assistance: Provided further, That of the funds appropriated by this paragraph, $50,000,000 shall be made available for humanitarian, refugee and reconstruction assistance for the West Bank and Gaza: Provided further, That none of the funds provided in the preceding proviso shall be available for assistance for the Palestinian Authority: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated by this paragraph shall be subject *to the regular notification procedures of the Committees on Appropriations.*

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for “Operating Expenses of the United States Agency for International Development” for emergency expenses for activities related to preventing or responding to international terrorism, $5,000,000, to remain available until March 31, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund” for emergency expenses for activities related to preventing or responding to international terrorism, $700,000,000, to remain available until March 31, 2003: Provided, That of the funds appropriated by this paragraph, not less than $3,500,000 shall be made available to support programs and activities that provide professional training for journalists from Egypt and other countries in the Middle East: Provided further, That of the funds appropriated by this paragraph that are made available for assistance for Pakistan, not less than $3,500,000 shall be made available for programs and activities which support the development of independent media in Pakistan: Provided further, That of the funds appropriated by this paragraph, $50,000,000 should be made available for the Middle East Economic Initiative: Provided further, That of the funds appropriated by this paragraph, not less than $15,000,000 shall be made available for the establishment and administration of an international exchange visitor program for secondary school students from countries with significant Muslim populations: Provided further, That funds made available pursuant to the previous proviso shall not be available for any country that is eligible for assistance under the FREEDOM Support Act: Provided further, That of the funds appropriated by this paragraph, $200,000,000 shall be made available for assistance for Israel, all or a portion of which may be transferred to, and merged with, funds appropriated by this Act under the heading “NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS” for defensive, non-lethal anti-terrorism assistance in accordance with the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of Public Law 107–115 or any similar provision of law: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for “Assistance for the Independent States of the Former Soviet Union” for emergency expenses for activities related to preventing or responding to international terrorism, $110,000,000, to remain available until March 31, 2003: Provided, That funds appropriated by this paragraph shall be made available for assistance only for Uzbekistan, the Kyrgyz Republic, Tajikistan, Kazakstan, and Turkmenistan: Provided further, That of the funds appropriated by this paragraph, not less than $7,000,000 shall be made available for the development of democratic institutions and the protection of human rights, which amount shall be administered by the Bureau of Democracy, Human Rights and Labor, Department of State: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement” for emergency expenses for activities related to preventing or responding to international terrorism, $104,000,000, to remain available until March 31, 2003: Provided, That of the funds appropriated by this paragraph, not less than $2,500,000 shall be made available for the Colombian National Park Service for training, equipment and related assistance for park rangers: Provided further, That of the funds appropriated by this paragraph, not to exceed $4,000,000 shall be made available for law enforcement training for Indonesian police forces: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance” for emergency expenses for activities related to preventing and responding to international terrorism, $50,000,000, to remain available until March 31, 2003: Provided, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-Terrorism, Demining and Related Programs” for emergency expenses for activities related to preventing or responding to international terrorism, $93,000,000, to remain available until March 31, 2003: Provided, That of the funds appropriated by this paragraph, not less than $10,000,000 shall be made available for humanitarian demining activities: Provided further, That of the funds appropriated by this paragraph, not to exceed $12,000,000 shall be made available for assistance for Indonesia: Provided further, That funds appropriated by this paragraph that are made available for assistance for Indonesia may be used only to train and equip an Indonesian police unit to prevent or respond to international terrorism, and none of the funds appropriated by this chapter may be used to provide assistance for members of “Brimob” Mobile Police Brigade units: Provided further, That of the funds appropriated by this paragraph, $2,000,000 shall be made available for small arms and light weapons destruction in Afghanistan: Provided further, That of the funds appropriated by this paragraph, $1,000,000 shall be made available for the Nonproliferation and Disarmament Fund: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program” for emergency expenses for activities related to preventing or responding to international terrorism, $347,500,000, to remain available until March 31, 2003: Provided, That funds appropriated by this paragraph may be made available for assistance only for Afghanistan, Pakistan, Nepal, Jordan, Bahrain, Oman, Yemen, Uzbekistan, the Kyrgyz Republic, Tajikistan, Kazakhstan, Turkey, Georgia, the Philippines, Colombia, Djibouti, Ethiopia, Kenya, and Ecuador: Provided further, That funds appropriated by this paragraph should be made available to establish, train, and equip a Colombian Army brigade dedicated to providing security to civilian prosecutors in operations to collect evidence and execute arrest warrants against leaders of paramilitary organizations: Provided further, That of the funds appropriated by this paragraph, not to exceed $3,500,000 may be made available for assistance for the Colombian Armed Forces for purposes of protecting the Cano Limon pipeline: Provided further, That prior to the obligation of funds under the previous proviso, the Secretary of State shall determine and report to the Committee on Appropriations that (i) of the Government of Colombia's oil revenues from the Cano Limon pipeline, an appropriate percentage will be made available for primary health care, basic education, microenterprise, and other programs and activities to improve the lives of the people of Arauca department and that a transparent mechanism exists to effectively monitor such funds, and (ii) Occidental Petroleum and Repsol have each agreed in writing to refund to the United States Government an amount, based upon each company's financial interest in the pipeline, equal to the percentage that each such share represents of the amount of funds made available by this Act to the Colombian Armed Forces for purposes of protecting the Cano Limon pipeline: Provided further, That the amounts refunded pursuant to an agreement entered into pursuant to the previous proviso shall be made available for any of the programs and activities identified in clause (i) to improve the lives of the Colombian people without further appropriation by Congress: Provided further, That funds made available by this Act for assistance for Uzbekistan may be made available if the Secretary of State determines and reports to the Committees on Appropriations that Uzbekistan is making substantial and continuing progress in meeting its commitments under the “Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America”: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated by this paragraph that are made available for Afghanistan may be made available notwithstanding section 512 of Public Law 107–115 or any similar provision of law: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations” for emergency expenses for activities related to preventing or responding to international terrorism, $20,000,000, to remain available until March 31, 2003: Provided, That the entire amount is designated by the Congress as *an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated by this paragraph shall be available only for Afghanistan, and may be made available notwithstanding section 512 of Public Law 107–115 or any similar provision of law: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.*

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

(RESCISSION)

The unobligated balances of funds provided in Public Law 92–301 and Public Law 93–142 for maintenance of value payments to international financial institutions are rescinded.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. INTERNATIONAL ORGANIZATIONS AND PROGRAMS. Section 576 of Public Law 107–115 is amended—

(1) in subsection (a) by striking "not more than"; and

(2) by adding the following new subsection:

"(d) OBLIGATION AND DISBURSEMENT.—Funds made available pursuant to subsection (a) shall be obligated and disbursed not later than July 10, 2002, unless otherwise prohibited by law.".

SEC. 602. ELIGIBILITY CONDITIONS. (a) Prior to providing assistance to a government with funds appropriated by this chapter, the Secretary of State shall take into account whether such government has established, or is making substantial progress in establishing—

(1) the rule of law, political pluralism including the establishment of political parties, respect for fundamental human rights including freedoms of expression, religion and association, and the rights to due process, a fair trial, and equal protection under the law;

(2) democratic institutions, independent media, credible electoral processes, and conditions for the development of an active civil society;

(3) a market-based economy, and economic policies to reduce poverty and increase the availability of health care and educational opportunities; and

(4) effective mechanisms to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

(b) Nothing in this section shall apply to funds appropriated under this chapter for assistance for Afghanistan or under the heading "International Disaster Assistance".

SEC. 603. COLOMBIA. (a) COUNTER-TERRORISM AUTHORITY.—In fiscal year 2002, funds available to the Department of State under the heading "Andean Counterdrug Initiative" in Public Law 107–115 for assistance for the Colombian Armed Forces and the Colombian National Police, funds appropriated by this Act that are made available for such assistance, and unexpired balances and assistance previously provided from prior Acts making appropriations for foreign operations, export financing, and related programs for such assistance, shall be available to support the Colombian Government's unified campaign against narcotics trafficking and against paramilitary and guerrilla organizations designated as terrorist organizations in that country.

(b) In order to ensure the effectiveness of United States support for such unified campaign, prior to the exercise of the authority contained in subsection (a) to provide counter-terrorism assistance, the Secretary of State shall report to the appropriate congressional committees that—

(1) the newly elected President of Colombia has—

(A) committed, in writing, to establish comprehensive policies to combat illicit drug cultivation, manufacturing, and trafficking (particularly with respect to providing economic opportunities that offer viable alternatives to illicit crops) and to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations;

(B) committed, in writing, to implement significant budgetary and personnel reforms of the Colombian Armed Forces; and

(C) committed, in writing, to support substantial additional Colombian financial and other resources to implement such policies and reforms, particularly to meet the country's previous commitments under "Plan Colombia"; and

(2) no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available under this Act or any other Act.

(c) REPORT.—The authority provided in subsection (a) shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(d) PROVISIONS OF LAW THAT REMAIN APPLICABLE.—Sections 556, 567, and 568 of Public Law 107–115, section 8093 of the Department of Defense Appropriations Act, 2002, and the numerical limitations on the number of United States military personnel and United States individual civilian contractors in section 3204(b)(1) of Public Law 106–246, as amended, shall be applicable to funds made available pursuant to the authority contained in subsection (a) and to funds made available elsewhere in this Act that are made available for assistance for the Colombian Armed Forces and the Colombian National Police.

(RESCISSION)

SEC. 604. (a) Of the funds appropriated under the heading "Export-Import Bank of the United States" that are available for tied-aid grants in title I of Public Law 107–115 and under such heading in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded.

(b) Of the funds appropriated under the heading "Economic Support Fund" in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as contained in Public Law 106–113) and in prior Acts making appropriations for foreign operations, export financing, and related programs, $25,000,000 are rescinded.

SEC. 605. Of the amounts appropriated to the President for the United States Agency for International Development (USAID) for the fiscal year 2002 and made available for the Ocean Freight Reimbursement Program of USAID, $300,000 shall be made available to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.

SEC. 606. Not later than 45 days after the date of the enactment of this Act, the President shall transmit to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate a report setting forth a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

CHAPTER 7

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $412,000, to remain available until expended, to reimburse homeland security-related costs: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $3,125,000, to remain available until expended, for facility and safety improvements related to homeland security: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $17,651,000, to remain available until expended: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $26,776,000, to remain available until expended, of which $20,000,000 is for high resolution mapping and imagery of the Nation's strategic cities, and of which $6,776,000 is for data storage infrastructure upgrades and emergency power supply system improvements at the Earth Resources Observation Systems Data Center: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds provided under this heading in Public Law 107–20 for electric power operations and related activities at the San Carlos Irrigation Project, $10,000,000 are rescinded.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Departmental Management, Salaries and Expenses", for security enhancements, $7,030,000, to remain available until expended, of which not to exceed $4,130,000 may be transferred by the Secretary to any office within the Department of the Interior other than the Bureau of Reclamation: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance", $3,500,000, to remain available until expended, for facility enhancements to protect property from acts of terrorism, vandalism, and theft: Provided, That the

Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER RELATED AGENCY

SMITHSONIAN INSTITUTION

CONSTRUCTION

For an additional amount for "Construction", $2,000,000, to remain available until expended, for planning, design, and construction of an alcohol collections storage facility at the Museum Support Center: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 701. The Department of the Interior and Related Agencies Appropriations Act, 2002 (Public Law 107–63), under the head "Minerals Management Service, Royalty and Offshore Minerals Management" is amended by striking the word "and" immediately following the word "points," in the sixth proviso, and by inserting immediately after the word "program" in the sixth proviso ", or under its authority to transfer oil to the Strategic Petroleum Reserve", and by inserting at the end of the sixth proviso immediately preceding the colon, the following, "and to recover MMS transportation costs, salaries and other administrative costs directly related to filling the Strategic Petroleum Reserve".

SEC. 702. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the firefighter, the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires: Provided, That the Secretary of Agriculture shall draft and submit to Congress legislation implementing the agreement recently reached between the interested parties, including the Department of Justice and the Department of Agriculture, regarding management of the Black Hills National Forest which shall include actions for protection of resources and communities from fire.

CHAPTER 8

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $400,000,000, of which $200,000,000 is available for obligation through June 30, 2004 for carrying out sections 171(d) and 173 of the Workforce Investment Act, except that not more than $20,000,000 may be used for carrying out section 171(d); of which $80,000,000 is available for obligation through June 30, 2003 for carrying out section 132(a)(2)(B) of such Act; of which $10,000,000 is available for obligation through June 30, 2004, and shall be transferred to "Economic Development Assistance Programs", Economic Development Administration, Department of Commerce, for economic development assistance authorized by the Public Works and Economic Development Act of 1965, as amended, including $8,300,000 for "Public Works" investments and $1,700,000 for "Planning" investments; and of which $110,000,000 is available for obligation July 1, 2001 through June 30, 2002 for carrying out section 132(a)(2)(B) of the Workforce Investment Act notwithstanding sections 132(b)(2)(B) and 133(b)(2)(B) of such Act and shall be allotted and allocated in a manner that restores to the affected States and local workforce investment areas the $110,000,000 that was subject to rescission under Public Law 107–20: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That notwithstanding any other provision of law, the Governor of the State may include information on local area unexpended balances in determining allocation of the funding to local areas made available through June 30, 2003, under this head, for carrying out section 132(a)(2)(B) of the Workforce Investment Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Of the funds provided under this heading in Public Law 107–116 for Occupational Safety and Health Administration training grants, $1,000,000 shall be used to restore reductions in Institutional Competency Building training grants which commenced in September 2000, for program activities ending September 30, 2002 and $4,275,000 shall be used to extend funding for these same Institutional Competency Building training grants for program activities for the period of September 30, 2002 to September 30, 2003, and $5,900,000 shall be used to extend funding for targeted training grants which commenced in September 2001 for program activities for the period of September 30, 2002 to September 30, 2003, provided that a grantee has demonstrated satisfactory performance.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The matter preceding the first proviso under this heading in Public Law 107–116 is amended—

(1) by inserting "IV," after "titles II, III,"; and

(2) by striking "$311,978,000" and inserting "$315,333,000".

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For emergency expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations and for carrying out title III of the Public Health Service Act, $315,000,000, to be available until expended. Of this amount, $37,000,000 shall be for improving security, including information technology security, and $278,000,000 shall be for equipment and construction and renovation of facilities in Atlanta: Provided, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFS 52.232–18: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(INCLUDING RESCISSION)

Of the funds provided under this heading in Public Law 107–116, $30,000,000 are rescinded.

For emergency expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, and for the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $72,000,000 to remain available until expended: Provided, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFS 52.232–18: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

PROGRAM MANAGEMENT

That of the funds made available under this heading in Public Law 107–116, $1,000,000 shall be awarded to the Johns Hopkins School of Medicine for activities associated with an in-home study of self-administered high frequency chest oscillation therapy for patients with chronic obstructive pulmonary disease.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Public Health and Social Services Emergency Fund" for baseline and follow-up screening, long-term health monitoring and analysis for the emergency services personnel and rescue and recovery personnel, $90,000,000, to remain available until expended, of which no less than $25,000,000 shall be available for current and retired firefighters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

The matter under this heading in Public Law 107–116 is amended by inserting before the period, ": Provided further, That of the amount made available under subpart 8, part D, title V of the ESEA, $2,300,000 shall be available for Digital Educational Programming Grants".

Of the funds provided under this heading in Public Law 107–116 to carry out the Elementary and Secondary Education Act of 1965, $832,889,000 shall be available to carry out part D of title V, and up to $11,500,000 may be used to carry out section 2345.

In the statement of the managers of the committee of conference accompanying H.R. 3061 (Public Law 107–116; House Report 107–342), in the matter relating to the Fund for the Improvement of Education under the heading "School Improvement Programs"—

(1) the provision specifying $200,000 for Fresno At-Risk Youth Services and the provision specifying $225,000 for the Fresno Unified School District shall be applied by substituting the following for the two provisions: "Fresno Unified

School District, Fresno, California, in partnership with the City of Fresno, California, for activities to address the problems of at-risk youth, including afterschool activities and a mobile science unit, $425,000";

(2) the provision specifying $50,000 for the Lewiston-Auburn College/University of Southern Maine shall be deemed to read as follows: "Lewiston-Auburn College/University of Southern Maine TEAMS program to prepare teachers to meet the demands of Maine's 21st century elementary and middle schools, $50,000";

(3) the provision specifying $250,000 for the Wellington Public School District, Wellington, KS, shall be deemed to read as follows: "Wellington Public School District, Wellington, KS, for after school activities, $250,000";

(4) the provision specifying $200,000 for the Vermont Higher Education Council shall be deemed to read as follows: "Vermont Higher Education Consortium to develop universal early learning programs to ensure that at least one certified teacher will be available in center-based child care programs, $200,000";

(5) the provision specifying $250,000 for Education Service District 117 in Wenatchee, WA, shall be deemed to read as follows: "Education Service District 171 in Wenatchee, WA, to equip a community technology center to expand technology-based training, $250,000";

(6) the provision specifying $1,000,000 for the Electronic Data Systems Project shall be deemed to read as follows: "Washington State Department of Education for an electronic data systems project to create a database that would improve the acquisition, analysis and sharing of student information, $1,000,000";

(7) the provision specifying $250,000 for the YMCA of Seattle-King-Snohomish County shall be deemed to read as follows: "YWCA of Seattle-King County-Snohomish County to support women and families through an at-risk youth center and other family supports, $250,000";

(8) the provision specifying $50,000 for Drug Free Pennsylvania shall be deemed to read as follows: "Drug Free Pennsylvania to implement a demonstration project, $50,000";

(9) the provision specifying $20,000,000 for the Commonwealth of Pennsylvania Department of Education shall be deemed to read as follows: "$20,000,000 is included for a grant to the Commonwealth of Pennsylvania Department of Education to provide assistance, through subgrants, to low-performing school districts that are slated for potential takeover and/or on the Education Empowerment List as prescribed by Pennsylvania State Law. The initiative is intended to improve the management and operations of the school districts; assist with curriculum development; provide after-school, summer and weekend programs; offer teacher and principal professional development and promote the acquisition and effective use of instructional technology and equipment";

(10) the provision specifying $150,000 for the American Theater Arts for Youth, Inc., Philadelphia, PA, for a Mississippi Arts in Education Program shall be deemed to read as follows: "American Theater Arts for Youth, Inc., for a Mississippi Arts in Education program, $150,000";

(11) the provision specifying $340,000 for the Zero to Five Foundation, Los Angeles, California, shall be deemed to read as follows: "Zero to Five Foundation, Los Angeles, California, to develop an early childhood education and parenting project, $340,000";

(12) the provision specifying $900,000 for the University of Nebraska, Kearney, Nebraska, shall be deemed to read as follows: "University of Nebraska, Kearney, Nebraska, for a Minority Access to Higher Education Program to address the special needs of Hispanic and other minority populations from grades K–12, $900,000";

(13) the provision specifying $25,000 for the American Theater Arts for Youth for an Arts in Education program shall be deemed to read as follows: "American Theater Arts for Youth, Inc., in Philadelphia, Pennsylvania, for an Arts in Education program, $25,000"; and

(14) the provision specifying $50,000 for the Lewiston-Auburn College/University of Southern Maine shall be deemed to read as follows: "Lewiston-Auburn College/University of Southern Maine CLASS program to prepare teachers to meet the demands of Maine's 21st century elementary and middle schools, $50,000".

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student Financial Assistance" for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended, $1,000,000,000, to remain available through September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HIGHER EDUCATION

In the statement of the managers of the committee of conference accompanying H.R. 3061 (Public Law 107–116; House Report 107–342), in the matter relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the provision for Nicholls State University, Thibodaux, LA, shall be applied by substituting "Intergenerational" for "International";

(2) the provision specifying $1,000,000 for the George J. Mitchell Scholarship Research Institute shall be deemed to read as follows: "George J. Mitchell Scholarship Research Institute in Portland, Maine, for an endowment to provide scholarships that allow students attending public schools in Maine to continue their education, $1,000,000";

(3) the provision specifying $10,000,000 for the Shriver Peace Worker Program, Inc. shall be deemed to read as follows: "Shriver Peace Worker Program, Inc. to establish the Sargent Shriver Peace Center, which may include establishing an endowment for such center, for the purpose of supporting graduate research fellowships, professorships, and grants and scholarships for students related to peace studies and social change, $10,000,000"; and

(4) the provision specifying $1,000,000 for Cleveland State University shall be deemed to read as follows: "Cleveland State University, College of Education, Cleveland, Ohio, for a K–16 Urban School Leadership initiative, $1,000,000".

EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

The matter under this heading in Public Law 107–116, is amended by inserting before the period the following new proviso: ": Provided further, That $5,000,000 shall be available to extend for one additional year the contract for the Eisenhower National Clearinghouse for Mathematics and Science Education authorized under section 2102(a)(2) of the Elementary and Secondary Education Act of 1965, prior to its amendment by the No Child Left Behind Act of 2001, Public Law 107–110".

GENERAL PROVISIONS, THIS CHAPTER

SEC. 801. The Elementary and Secondary Education Act of 1965 is hereby amended in section 8003 by amending subsection (b)(2)(D)(ii)(III) to read as follows: "For a local educational agency that does not qualify under (B)(i)(II)(aa) of this subsection and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.".

SEC. 802. The Elementary and Secondary Education Act of 1965 is hereby amended in section 8003(b)(1) by adding the following as subparagraph (G):

"(G) Beginning with fiscal year 2002, for the purpose of calculating a payment under this paragraph for a local educational agency whose local contribution rate was computed under subparagraph (C)(iii) for the previous year, the Secretary shall use a local contribution rate that is not less than 95 percent of the rate that the LEA received for the preceding year.".

SEC. 803. Amounts made available in Public Law 107–116 for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $45,000,000: Provided, That this provision shall not apply to the Food and Drug Administration and the Indian Health Service: Provided further, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the House and Senate Committees on Appropriations the accounts subject to the pro rata reductions and the amount to be reduced in each account.

SEC. 804. The Higher Education Amendments of 1998 are hereby amended in section 821 as follows:

(1) in subsection (b), by striking "25" and inserting "35";

(2) in subsection (e)(3), by striking "$1,500" and inserting "$2,000"; and

(3) in subsection (f) by striking "25" and inserting "35".

SEC. 805. (a) Section 487 of the Public Health Service Act (42 U.S.C. 288) is amended by striking "National Research Service Awards" or "National Research Service Award" each place either appears and inserting in lieu thereof "Ruth L. Kirschstein National Research Service Awards" or "Ruth L. Kirschstein National Research Service Award" as appropriate.

(b) The heading for Section 487 of the Public Health Service Act (42 U.S.C. 288) is amended to read as follows: "Ruth L. Kirschstein National Research Service Awards".

(c) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "National Research Service Awards" shall be considered to be a reference to "Ruth L. Kirschstein National Research Service Awards".

SEC. 806. None of the funds provided by this or any other Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.

SEC. 807. LOCAL EDUCATIONAL AGENCY SERVING NEW YORK CITY. Notwithstanding section 1124(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(2)), for fiscal year 2002, if the local educational agency serving New York City receives an allocation under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in an amount that is greater than the amount received by the agency under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for fiscal year 2001, then—

(1) the agency shall distribute any funds in excess of the amount of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)); and

(2) each county in New York City shall receive an amount from the agency that is not less than the amount the county received in fiscal year 2001.

SEC. 808. In the statement of the managers of the committee of conference accompanying the *fiscal year 2001 Labor, Health and Human Services, and Education appropriations bill (Public Law 106–554; House Report 106–1033), the provision specifying $464,000 for the Bethel Native Corporation worker demonstration project shall be deemed to read as follows: "for the Alaska CHAR vocational training program, $100,000 and $364,000 for the Yuut Elitnauvriat People's Learning Center in Bethel, Alaska for vocational training for Alaska Natives.*

CHAPTER 9

LEGISLATIVE BRANCH

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for the Capitol Police Board for necessary expenses of the Capitol Police, including security equipment and installation, supplies, materials and contract services, $3,600,000, to be disbursed by the Capitol Police Board or their designee: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LIBRARY OF CONGRESS

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For an additional amount for "Copyright Office, Salaries and expenses", $7,500,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 901. The amount otherwise made available under section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58) for fiscal year 2002 to any Senator from the Senators' Official Personnel and Office Expense Account shall be increased by the amount (not in excess of $20,000) which the Senator certifies in a written request to the Secretary of the Senate made not later than September 30, 2002, as being necessary for the payment or reimbursement of expenditures incurred or obligated during fiscal year 2002 that—

(1) are otherwise payable from such account, and

(2) are directly related to responses to the terrorist attacks of September 11, 2001, or the discovery of anthrax in the Senate complex and the displacement of Senate offices due to such discovery.

SEC. 902. (a) Chapter 9 of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2315), is amended—

(1) in section 901 (a), by striking "buildings and facilities" and insert "buildings and facilities, subject to the availability of appropriations,".

(b) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended by redesignating the subsection (b) added by section 903(c)(2) of the Emergency Supplemental Act, 2002, as subsection (c).

(c) The amendment made by this section shall take effect as if included in the enactment of the Emergency Supplemental Act, 2002.

SEC. 903. (a) Section 909(a) of chapter 9 of the Emergency Supplemental Act, 2002 (40 U.S.C. 207b–2; Public Law 107–117; 115 Stat. 2320) (in this section referred to as the "Act") is amended—

(1) in paragraph (1), by striking "determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position" and inserting ", in the sole discretion of the Board, determines that such a bonus will assist the Capitol Police in recruitment efforts"; and

(2) by adding at the end the following:

"(6) DETERMINATIONS NOT APPEALABLE OR REVIEWABLE.—Any determination of the Board under this subsection shall not be appealable or reviewable in any manner.".

(b) Section 909(b) of the Act is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by striking "if—" and inserting "if the Board, in the sole discretion of the Board, determines that such a bonus will assist the Capitol Police in retention efforts."; and

(2) in paragraph (3), by striking "the reduction or the elimination of a retention allowance may not be appealed" and inserting "any determination of the Board under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner".

(c) Section 909 of the Act is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) TUITION ALLOWANCES.—The Capitol Police Board may authorize the Chief to pay tuition allowances for payment or reimbursement of education expenses in the same manner and to the same extent as retention allowances under subsection (b).".

SEC. 904. (a) The Architect of the Capitol is authorized, subject to the availability of appropriations, to acquire (through purchase, lease, or otherwise) buildings and facilities for use as computer backup facilities (and related uses) for offices in the legislative branch.

(b) The acquisition of a building or facility under subsection (a) shall be subject to the approval of—

(1) the House Office Building Commission, in the case of a building or facility acquired for the use of an office of the House of Representatives;

(2) the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of an office of the Senate; or

(3) the House Office Building Commission and the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of any other office in the legislative branch.

(c) Any building or facility acquired by the Architect of the Capitol pursuant to subsection (a) shall be a part of the United States Capitol Grounds and shall be subject to the provisions of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946.

(d) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for emergency expenses to ensure transportation security, $4,702,525,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of the amounts provided under this head, $200,000,000 shall be for port security grants under the same terms and conditions as provided for under Public Law 107–117; $20,000,000 shall be used to enable the Under Secretary for Transportation Security to make grants and enter into contracts to enhance security for intercity bus operations; and $27,945,000 shall be used to enable said Under Secretary to make grants, enter into contracts and execute interagency agreements for the purpose of deploying Operation Safe Commerce.

U.S. COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for emergency expenses for homeland security, $318,400,000, to remain available until September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for emergency expenses for homeland security, $347,700,000, to remain available until September 30, 2004: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For an additional amount for "Operations", $100,000,000, for security activities at Federal Aviation Administration facilities: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Facilities and Equipment", $15,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to enable the Federal Aviation Administrator to compensate airports for the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, notwithstanding any other provision of law, $100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for "Emergency Relief Program", as authorized by 23 U.S.C. 125, for emergency expenses to respond to the September 11, 2001, terrorist attacks on New York City, $167,000,000 for the State of New York, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on a Federal-aid highway related to the New York City terrorist attacks shall be 100 percent: Provided further, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than $100,000,000 for those projects: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant *to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds apportioned to each state under the programs authorized under sections 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4) and 1101(a)(5) of Public Law 105–178, as amended, $320,000,000 are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the "EMERGENCY RELIEF PROGRAM", as authorized by section 125 of title 23, United States Code, $120,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the amount made available under this paragraph shall be used solely for eligible but uncompensated applications pending as of May 28, 2002, including $13,411,000 for projects in the State of Washington stemming from the Nisqually earthquake and other disasters, and up to $12,000,000 for emergency expenses to respond to the May 26, 2002 Interstate 40 bridge collapse over the Arkansas River in Oklahoma.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

BORDER ENFORCEMENT PROGRAM

For necessary expenses of the Border Enforcement Program to respond to the September 11, 2001, terrorist attacks on the United States, $19,300,000, to be derived from the Highway Trust Fund, of which $4,200,000 shall be to implement section 1012 of Public Law 107–56 (USA Patriot Act); $10,000,000 shall be for drivers' license fraud detection and prevention, northern border safety and security study, and hazardous material security education and outreach; and $5,100,000 shall be for the purposes of coordinating drivers' license registration and social security number verification: Provided, That in connection with such commercial drivers' license fraud deterrence projects, the Secretary may enter into such contracts or grants with the American Association of Motor Vehicle Administrators, States, or other persons as the Secretary may so designate to carry out these purposes: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the National Railroad Passenger Corporation for emergency expenses to ensure the safety of rail passenger operations, $55,000,000, to remain available until expended, of which $20,000,000 shall be used to repair damaged passenger equipment, $12,000,000 shall be used for emergency security needs, and $23,000,000 shall be used for the heavy overhaul of the rail passenger fleet.

FEDERAL TRANSIT ADMINISTRATION

CAPITAL INVESTMENT GRANTS

For an additional amount for "Capital Investment Grants" for emergency expenses to respond to the September 11, 2001, terrorist attacks in New York City, $1,800,000,000, to remain available until expended, to replace, rebuild, or enhance the public transportation systems serving the Borough of Manhattan, New York City, New York: Provided, That the Secretary may use up to one percent of this amount for oversight activities: Provided further, That these funds are subject to grant requirements as determined by the Secretary to ensure that eligible projects will improve substantially the mobility of commuters in Lower Manhattan: Provided further, That the Federal share for any project funded from this amount shall be 100 percent: Provided further, That these funds are in addition to any other appropriation available for these purposes: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For an additional amount for "Research and Special Programs" to establish a Transportation Information Operations Center for improving transportation emergency response coordination, $3,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1001. Section 1106 of Public Law 107–117 is amended by deleting "$116,023,000" and inserting "$128,123,000".

SEC. 1002. Section 1102 of Public Law 105–178 is amended by adding at the end the following:

"(k) Notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs for fiscal year 2003 shall be not less than $27,746,000,000 and not more than $28,900,000,000.".

SEC. 1003. Title II of Division C of Public Law 105–277 is amended by striking "of more than 750 gross registered tons" in each place it appears, and inserting in lieu thereof, "of more than 750 gross registered tons (as measured under Chapter 145 of Title 46) or 1,900 gross registered tons as measured under Chapter 143 of that Title)".

SEC. 1004. Section 335 of Public Law 107–87 is amended by inserting "and the Transportation Security Administration" after "the Federal Aviation Administration"; by inserting ", aviation security" after "air navigation", and by inserting "and the TSA for necessary security checkpoints" after the word "facilities".

SEC. 1005. Section 354 of Public Law 106–346 (114 Stat. 1356A–35) is amended by inserting "or Nail Road" after "Star Landing Road".

SEC. 1006. Notwithstanding any other provision of law, $2,750,000 of amounts made available for "Intelligent Transportation Systems" in Public Law 107–87 and Public Law 106–346 shall be made available for activities authorized under section 5118 of Public Law 105–178.

SEC. 1007. Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report—

(A) explaining how the Administrator will address the air traffic controller staffing shortage at Newark International Airport; and

(B) providing a deadline by which the airport will have an adequate number of air traffic controllers.

SEC. 1008. The $300,000 made available to the State of Idaho under the matter under the heading "JOB ACCESS AND REVERSE COMMUTE GRANTS" under the heading "FEDERAL TRANSIT ADMINISTRATION" in title I of the Department of Transportation and Related Agencies Appropriations Act, 2002 (Public Law 107–87; 115 Stat. 852), shall be deemed to have been made available to the State of Idaho to carry out a job training and supportive services program under section 140(b) of title 23, United States Code.

CHAPTER 11

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the available balances under this heading, $14,000,000 are rescinded.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $59,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $10,000,000 is authorized for reimbursing State and local law enforcement agencies that have provided necessary Federal assistance to personnel of the United States Customs Service, along the Northern Border of the United States.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the available balances under this heading, $10,000,000 are rescinded.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,200,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for "Payment to the Postal Service Fund" for emergency expenses to enable the Postal Service to protect postal employees and postal customers from exposure to biohazardous material and to sanitize and screen the mail, $87,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That none of these funds may be obligated until the Senate confirms a Director for Homeland Security in the Office of Homeland Security pursuant to section 1102 of this Act.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount for "Federal Buildings Fund" for building security emergency expenses resulting from the September 11, 2001, terrorist attacks on the United States, $51,800,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

POLICY AND OPERATIONS

For an additional amount for "Policy and Operations" for emergency expenses related to vulnerabilities in internet data transmission capability, $2,500,000, to remain available until September 30, 2003: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1101. For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (relating to Federal sources of supply, including lodging providers, airlines and other transportation providers), the Eisenhower Exchange Fellowship Program shall be deemed an executive agency for the purposes of carrying out the provisions of 20 U.S.C. 5201, and the employees of and participants in the Eisenhower Exchange Fellowship Program shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.

SEC. 1102. DIRECTOR FOR HOMELAND SECURITY. (a) IN GENERAL.—There is established the position of Director for Homeland Security in the Office of Homeland Security established under section 1 of Executive order No. 13228. The Director for Homeland Security shall be the head of that Office, after appointment by the President, by and with the advice and consent of the Senate.

(b) EFFECTIVE DATE.—This section shall take effect 30 days after the date of enactment of this Act.

CHAPTER 12

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $1,100,000,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care" resulting from continued open enrollment for Priority Level 7 veterans, $142,000,000.

For an additional amount for "Medical care", $275,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the amounts unobligated or recaptured, prior to September 30, 2002, from funds appropriated under this heading during fiscal year 2002 and prior years, $300,000,000 are rescinded.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for "Community Development Fund", as authorized by title I of the Housing and Community Development Act of 1974, as amended, for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $750,000,000, to remain available until expended: Provided, That the State of New York, in cooperation with the City of New York, shall, through the Lower Manhattan Development Corporation, distribute these funds: Provided further, That such funds may be used for assistance for properties and businesses (including the restoration of utility infrastructure) damaged by, and for economic revitalization directly related to, the terrorist attacks on the United States that occurred on September 11, 2001, in New York City and for reimbursement to the State and City of New York for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes: Provided further, That the State of New York is authorized to provide such assistance to the City of New York: Provided further, That in administering these funds and funds under section 108 of such Act used for economic revitalization activities in New York City, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds or guarantees: Provided further, That such funds shall not adversely affect the amount of any formula assistance received by the State of New York, New York City, or any categorical application for other Federal assistance: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974, as amended, no later than five days before the effective date of such waiver: Provided further, That the Secretary shall notify the Committees on Appropriations on the proposed allocation of any funds and any related waivers pursuant to this section no later than five days before such allocation: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The referenced statement of the managers under the heading "Community Development Block Grants" in title II of Public Law 105–276 is deemed to be amended by striking "$250,000 for renovation, accessibility, and asbestos remediation for the Wellstone Neighborhood Center, Wellstone, Missouri" and insert in lieu thereof "$250,000 for the St. Louis Economic Council for design, infrastructure and construction related to the Enterprise Center-Wellstone in Wellstone, Missouri".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Public Law 106–377 is deemed to be amended by striking "$1,000,000 for the Community Action Agency of Southern New Mexico, Inc. for construction of a regional food bank and supporting offices" and insert in lieu thereof "$1,000,000 for the Community Action Agency of Southern New Mexico for construction, purchase, or renovation and the equipping of a regional food bank and supporting offices".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Public Law 107–73 is deemed to be amended by striking "$400,000 to the City of Reading, PA for the development of the Morgantown Road Industrial Park on what is currently a brownfields site" and insert in lieu thereof "$400,000 for the City of Reading, PA for the development of the American Chain and Cable brownfield site".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Public Law 107–73 is deemed to be amended by striking "$750,000 for the Smart Start Child Care Center and Expertise School of Las Vegas, Nevada for construction of a child care facility" and insert in lieu thereof "$250,000 for the Smart Start Child Care Center and Expertise School of Las Vegas, Nevada for construction of a child care facility and $500,000 for job training".

HOME INVESTMENT PARTNERSHIPS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 107–73, $50,000,000 are rescinded from the Downpayment Assistance Initiative.

HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 2002 by not more than $300,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations acts: Provided, That up to $300,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be made available as provided in section 236(s) of the National Housing Act.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking everything after "$1,000,000" in reference to item 91 and inserting "to the Northern Kentucky Area Development District for Carroll County Wastewater Infrastructure Project ($500,000), City of Owenton Water Collection and Treatment System Improvements and Freshwater Intake Project ($400,000), Grant County Williamstown Lake Expansion Study ($50,000), and Pendleton County Williamstown Lake Expansion Study ($50,000)".

SCIENCE AND TECHNOLOGY

For an additional amount for "Science and technology", $100,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for "Hazardous substance superfund" for additional expenses incurred for anthrax investigations and cleanup actions at the United States Capitol and the Congressional office building complex, $12,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief" for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $2,660,000,000, to remain available until expended: Provided, That in administering the Mortgage and Rental Assistance Program for victims of September 11, 2001, the Federal Emergency Management Agency will recognize those people who were either directly employed in the Borough of Manhattan or had at least 75 percent of their wages coming from business conducted within the Borough of Manhattan as eligible for assistance under the program, as they were directly impacted by the terrorist attacks: Provided further, That FEMA shall provide compensation to previously denied Mortgage and Rental Assistance Program applicants who would qualify under these new guidelines: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance" for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $745,000,000, of which $175,000,000 is for FEMA to make available to the States for State and local all hazards operational planning including response planning for natural and man-made disasters including terrorism; $300,000,000 for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.); $92,000,000 for the existing national urban search and rescue system; $115,000,000 for interoperable communications equipment; $56,000,000 for grants to state and local governments for emergency operations centers; and $7,000,000 for secure communications equipment and associated facility improvements and maintenance for state emergency operations centers: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CERRO GRANDE FIRE CLAIMS

For an additional amount for "Cerro Grande Fire Claims", $80,000,000 for claims resulting from the Cerro Grande fires: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL SCIENCE FOUNDATION

EDUCATION AND HUMAN RESOURCES

For an additional amount for "Education and human resources" for emergency expenses to respond to emergent needs in cyber security, $19,300,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1201. The Secretary of Housing and Urban Development shall continue to administer the Disposition of Assets in Revitalization Areas program as provided in section 602 of Public Law 105–276 and the Secretary shall renew all contracts and enter into new contracts with eligible participants in a manner consistent with the requirements of such section.

SEC. 1202. The Secretary of Housing and Urban Development shall submit a report every 90 days to the House and Senate Committees on Appropriations on the status of any multifamily housing project (including all hospitals and nursing homes) insured under the National Housing Act that has been in default for longer than 60 days. The report shall include the location of the property, the reason for the default, and all actions taken by the Secretary and owner with regard to the default, including any work-out agreements, the status and terms of any assistance or loans, and any transfer of an ownership interest in the property (including any assistance or loans made to the prior, current or intended owner of the property or to the local unit of government in which the property is located).

SEC. 1203. For purposes of assessing the use of Stafford Apartments (FHA Project No: 052–44163) as student housing, notwithstanding any other provision of law—

(1) such property shall not be considered an eligible multifamily housing project pursuant to section 512(2) of MAHRAA for a period not to exceed 24 months from the date of enactment of this amendment, and the Secretary shall offer to extend the current Section 8 contract at rent levels as in effect during fiscal year 2001, subject to annual operating cost adjustment factor increases, for a continuous period commencing October 1, 2001 not to exceed 24 months from the date of enactment of this amendment, provided that such contract shall be extended further at such rent levels to accomplish a mortgage restructuring if required after such 24 month period for a period of the earlier of one year or the closing of the restructuring plan as set forth in the regulations promulgated at 24 CFR Part 401 as now in effect;

(2) subject to the concurrence by the Secretary of a relocation plan for current tenants, all of the units in the projects may be available for student housing notwithstanding any federal use restrictions including those required pursuant to Section 201 of the Housing and Community Development Amendments of 1978, as amended, and Section 250 of the National Housing Act, as amended; and

(3) upon the concurrence by the Secretary of such relocation plan, all of the tenants of the project shall be relocated, and any rights of tenants to elect to remain in the project pursuant to the provisions of Section 8(t)(1)(B) of the United States Housing Act of 1937, as amended, shall not apply.

TITLE II—GENERAL PROVISIONS

SEC. 2001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided in this Act.

SEC. 2002. (a) IN GENERAL.—Any amount appropriated in this Act that is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all such amounts appropriated in this Act are designated by the President, upon enactment of this Act, as emergency requirements pursuant to that section.

(b) EXCEPTION.—Subsection (a) shall not apply to chapter 3 of title I.

SEC. 2003. (a) The Senate finds that—

(1) the Federal Bureau of Investigation is the principle investigative arm of the Department of Justice;

(2) the Federal Bureau of Investigation has the authority and responsibility to investigate specific crimes assigned to it, including violations concerning organized crime and drugs, civil rights, violent crimes, financial crimes, counterterrorism, and foreign counterintelligence; and

(3) the mission of the Federal Bureau of Investigation is—

(A) to uphold the law through the investigation of violations of Federal criminal law;

(B) to protect the United States from foreign intelligence and terrorist activities;

(C) provide leadership and law enforcement assistance to Federal, State, local, and international agencies; and

(D) to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.

(b) It is the sense of the Senate that—

(1) the reorganization of the Federal Bureau of Investigation is a positive and important response to challenges posed by the increased threat of terrorism and that continued constructive dialog between FBI Director Robert Mueller and Congress will help make the reorganization a success;

(2) the Federal Bureau of Investigation shall continue to allocate adequate resources for the purpose of investigating all crimes under its jurisdiction;

(3) the reallocation of agents and resources to counterterrorism investigations should not hamper the ability of the Federal Bureau of Investigation to investigate crimes involving drugs; and

(4) sufficient homeland security resources should be made available to State and local law enforcement and public safety officials to enable them to meet their responsibilities as the Nation's first responders.

SEC. 2004. In subsection (e)(4) of the Alaska Native Claims Settlement Act created by section 702 of Public Law 107–117—

(1) paragraph (B) is amended by—

(A) striking "subsection (e)(2)" and inserting in lieu thereof "subsections (e)(1) or (e)(2)"; and

(B) striking "obligations under section 7 of P.L. 87–305" and inserting in lieu thereof "small or small disadvantaged business subcontracting goals under section 502 of P.L. 100–656, provided that where lower tier subcontractors exist, the entity shall designate the appropriate contractor or contractors to receive such credit"; and

(2) paragraph (C) is amended by striking "subsection (e)(2)" and inserting "subsection (e)(1) or (e)(2)".

TITLE III—AMERICAN SERVICE MEMBERS' PROTECTION ACT

SEC. 3001. SHORT TITLE.

This title may be cited as the "American Servicemembers' Protection Act of 2002".

SEC. 3002. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court". The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.".

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute,

"I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied".

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism; preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to "determine the existence of any .... act of aggression" would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 3003. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) Authority To Initially Waive Sections 3005 and 3007.—The President is authorized to waive the prohibitions and requirements of sections 3005 and 3007 for a single period of 1 year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) Authority To Extend Waiver of Sections 3005 and 3007.—The President is authorized to waive the prohibitions and requirements of sections 3005 and 3007 for successive periods of 1 year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) Authority To Waive Sections 3004 and 3006 With Respect to an Investigation or Prosecution of a Named Individual.—The President is authorized to waive the prohibitions and requirements of sections 3004 and 3006 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 3005 and 3007 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) Termination of Waiver Pursuant to Subsection (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 3004 and 3006 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 3005 and 3007 expires and is not extended pursuant to subsection (b).

(e) Termination of Prohibitions of This Title.—The prohibitions and requirements of sections 3004, 3005, 3006, and 3007 shall cease to apply, and the authority of section 3008 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 3004. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) Application.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 3008; or

(B) communication by the United States of its policy with respect to a matter.

(b) Prohibition on Responding to Requests for Cooperation.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) Prohibition on Transmittal of Letters Rogatory From the International Criminal Court.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) Prohibition on Extradition to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) Prohibition on Provision of Support to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) Prohibition on Use of Appropriated Funds To Assist the International Criminal Court.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) Restriction on Assistance Pursuant to Mutual Legal Assistance Treaties.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 3005. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

SEC. 3006. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 3008.

SEC. 3007. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective 1 year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 3008. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 3009. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than 1 year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 3010. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 3011. APPLICATION OF SECTIONS 3004 AND 3006 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 3004 and 3006 shall not apply to any action or actions with respect to a specific matter involving the International

Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 3004 or 3006, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

SEC. 3012. NONDELEGATION.

The authorities vested in the President by sections 3003 and 3011(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 3005(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 3013. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms "extradition" and "extradite" mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term "International Criminal Court" means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

SEC. 3014. REPEAL OF LIMITATION.

The Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117) is amended by striking section 8173.

SEC. 3015. ASSISTANCE TO INTERNATIONAL EFFORTS.

Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Queda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

TITLE IV—MAIL DELIVERY IN ALASKA

SEC. 4001. RURAL SERVICE IMPROVEMENT.

(a) SHORT TITLE.—This title may be cited as the "Rural Service Improvement Act of 2002".

(b) FINDINGS.—Congress makes the following findings:

(1) The State of Alaska is the largest State in the Union and has a very limited system of roads connecting communities.

(2) Alaska has more pilots per capita than any other State in the Union.

(3) Pilots flying in Alaska are often the most skilled and best-prepared pilots in the world.

(4) Air travel within the State of Alaska is often hampered by severe weather conditions and treacherous terrain.

(5) The United States Government owns nearly ⅔ of Alaska's landmass, including large tracts of land separating isolated communities within the State.

(6) Such Federal ownership has inhibited the ability of Alaskans to build roads connecting isolated communities.

(7) Most communities and a large portion of the population within the State can only be reached by air.

(8) The vast majority of food items and everyday necessities destined for these isolated communities and populations can only be transported through the air.

(9) The Intra-Alaska Bypass Mail system, created by Congress and operated by the United States Postal Service under section 5402 of title 39, United States Code, with input from the Department of Transportation, connecting hundreds of rural and isolated communities within the State, is a critical piece of the Alaska and the national transportation system. The system is like a 4-legged stool, designed to—

(A) provide the most affordable means of delivering food and everyday necessities to these rural and isolated communities;

(B) establish a system whereby the Postal Service can meet its obligations to deliver mail to every house and business in America;

(C) support affordable and reliable passenger service; and

(D) support affordable and reliable nonmail freight service.

(10) Without the Intra-Alaska Bypass Mail system—

(A) it would be difficult and more expensive for the Postal Service to meet its obligation of delivering mail to every house and business in America; and

(B) food, medicine, freight, and everyday necessities and passenger service for these rural and isolated communities would cost several times the current level.

(11) Attempts by Congress to support passenger and nonmail freight service in Alaska using the Intra-Alaska Bypass Mail system have yielded some positive results, but some carriers have been manipulating the system by carrying few, if any, passengers and little nonmail freight while earning most of their revenues from the carriage of nonpriority bypass mail.

(12) As long as the Federal Government continues to own large tracts of land within the State of Alaska which impedes access across these lands to connect isolated communities, it is in the best interest of the Postal Service, the residents of Alaska and the United States—

(A) to ensure that the Intra-Alaska Bypass Mail system remains strong, viable, and affordable for the Postal Service;

(B) to ensure that residents of rural and isolated communities in Alaska continue to have affordable, reliable, and safe passenger service;

(C) to ensure that residents of rural and isolated communities in Alaska continue to have affordable, reliable, and safe nonmail freight service;

(D) to encourage that intra-Alaska air carriers move toward safer, more secure, and more reliable air transportation under the Federal Aviation Administration's guidelines and in accordance with part 121 of title 14, Code of Federal Regulations, where such operations are supported by the needs of the community; and

(E) that Congress, pursuant to the authority granted under Article I, section 8 of the United States Constitution to establish Post Offices and post roads, make changes to ensure that the Intra-Alaska Bypass Mail system continues to be used to support substantial passenger and nonmail freight service and to reduce costs for the Postal Service.

(c) SELECTION OF CARRIERS OF NONPRIORITY BYPASS MAIL TO CERTAIN POINTS IN ALASKA.—

(1) DEFINITIONS.—Section 5402 of title 39, United States Code, is amended—

(A) by striking subsection (e);

(B) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively; and

(C) by inserting before subsection (b), as redesignated, the following:

"(a) In this section—

"(1) the term 'acceptance point' means the point at which nonpriority bypass mail originates;

"(2) the terms 'air carrier', 'interstate air transportation', and 'foreign air transportation' have the meanings given such terms in section 40102(a) of title 49, U.S.C.;

"(3) the term 'base fare' is the fare paid to the carrier issuing the passenger ticket or carrying nonmail freight which may entail service being provided by more than 1 carrier;

"(4) the term 'bush carrier' means a carrier operating aircraft certificated within the payload capacity requirements of subsection (g)(1)(D)(i) on a city pair route;

"(5) the term 'bush passenger carrier' means a passenger carrier that meets the requirements of subsection (g)(1)(D)(i) and provides passenger service on a city pair route;

"(6) the term 'bush route' means an air route in which only a bush carrier is tendered nonpriority bypass mail between the origination point, being either an acceptance point or a hub, as determined by the Postal Service, and the destination city;

"(7) the term 'city pair' means service between an origin and destination city pair;

"(8) the term 'composite rate'—

"(A) means a combination of mainline and bush rates paid to a bush carrier for a direct flight from an acceptance point to a bush destination beyond a hub point; and

"(B) shall be based on the mainline rate paid to the hub, plus the lowest bush rate paid to bush carriers in the State of Alaska;

"(9) the term 'equitable tender' means the practice of the Postal Service of equitably distributing mail on a fair and reasonable basis between those air carriers that offer equivalent services and costs between 2 communities in accordance with the regulations of the Postal Service;

"(10) the term 'existing mainline carrier' means a mainline carrier (as defined in this section) that on January 1, 2001, was—

"(A) certified under part 121;

"(B) qualified to provide mainline nonpriority bypass mail service; and

"(C) actually engaged in the carriage of mainline nonpriority bypass mail through scheduled service within the State of Alaska;

"(11) the term 'freight service' means the transport of cargo that otherwise cannot be carried on a qualified passenger aircraft because of—

"(A) size or weight restrictions imposed on the aircraft or carrier providing the service; or

"(B) prohibitions on the carriage of passengers and hazardous materials on the same flight;

"(12) the term 'mainline carrier' means a carrier operating aircraft under part 121 and certificated within the payload capacity requirements of subsection (g)(1)(D)(ii) on a given city pair route;

"(13) the term 'mainline route' means a city pair in which a mainline carrier is tendered nonpriority bypass mail;

"(14) the term 'new', when referencing a carrier, means a carrier that—

"(A) meets the respective requirements of subsection (g)(1)(D)(i) or (ii), depending on the type of route being served and the size of aircraft being used to provide service; and

"(B) began providing nonpriority bypass mail service on a city pair route within the State of Alaska after January 1, 2001;

"(15) the term 'part 121' means part 121 of title 14, Code of Federal Regulations;

"(16) the term 'part 135' means part 135 of title 14, Code of Federal Regulations;

"(17) the term 'scheduled service' means—

"(A) flights are operated in common carriage available to the general public under a published schedule;

"(B) flight schedules are announced in advance to the general public in systems specified by the Postal Service, in addition to the Official Airline Guide or the air cargo equivalent of that Guide;

"(C) flights depart whether full or not; and

"(D) customers contract for carriage separately on a regular basis;

"(18) the term 'Secretary' means the Secretary of Transportation;

"(19) the term '121 bush passenger carrier' means a bush passenger carrier providing passenger service on bush routes under part 121;

"(20) the term '121 mainline passenger carrier' means a mainline carrier providing passenger service through scheduled service on routes under part 121;

"(21) the term '121 passenger aircraft' means an aircraft flying passengers on a city pair route that is operated under part 121;

"(22) the term '121 passenger carrier' means a passenger carrier that provides scheduled service under part 121;

"(23) the term '135 bush passenger carrier' means a bush passenger carrier providing passenger service through scheduled service on bush routes under part 135; and

"(24) the term '135 passenger carrier' means a passenger carrier that provides scheduled service under part 135.".

(2) REQUIREMENTS FOR SELECTION.—Section 5402(g)(1) of title 39, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by inserting after "in the State of Alaska," the following: "shall adhere to an equitable tender policy within a qualified group of carriers, in accordance with the regulations of the Postal Service, and";

(B) in subparagraph (C) by striking "to the best" and all that follows and inserting a semicolon; and

(C) in subparagraph (D) by inserting "with at least 3 scheduled (noncontract) flights per week between two points" after "scheduled service".

(3) APPLICATION OF RATES.—Section 5402(g)(2) of title 39, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

"(C) shall offer a bush passenger carrier providing service on a route between an acceptance point and a hub not served by a mainline carrier the opportunity to receive equitable tender of nonpriority bypass mail at mainline service rates when a mainline carrier begins serving that route if the bush passenger carrier—

"(i) meets the requirements of paragraph (1);

"(ii) provided at least 20 percent of the passenger service (as calculated in subsection (h)(5)) between such city pair for the 6 months immediately preceding the date on which the bush carrier seeks such tender; and

"(iii) continues to provide not less than 20 percent of the passenger service on the city pair while seeking such tender;

"(D) shall offer bush passenger carriers and nonmail freight carriers the opportunity to receive equitable tender of nonpriority bypass mail at mainline service rates from a hub point to a destination city if the city pair is also being served by a mainline carrier and—

"(i) for a passenger carrier—

"(I) the carrier meets the requirements of paragraph (1);

"(II) the carrier provided at least 20 percent of the passenger service (as calculated in subsection (h)(5)) on the city pair route for the 6 months immediately preceding the date on which the carrier seeks such tender; and

"(III) the carrier continues to provide not less than 20 percent of the passenger service on the route; or

"(ii) for a nonmail freight carrier—

"(I) the carrier meets the requirements of paragraph (1); and

"(II) the carrier provided at least 25 percent of the nonmail freight service (as calculated in subsection (i)(6)) on the city pair route for the 6 months immediately preceding the date on which the carrier seeks such tender;

"(E)(i) shall not offer equitable tender of nonpriority mainline bypass mail at mainline rates to a bush carrier operating from an acceptance point to a hub point, except as described in subparagraph (C); and

"(ii) may tender nonpriority bypass mail at bush rates to a bush carrier if the Postal Service determines that—

"(I) the bush carrier meets the requirements of paragraph (1);

"(II) the service to be provided on such route by the bush carrier is not otherwise available through direct mainline service; and

"(III) tender of mail to such bush carrier will not decrease the efficiency of nonpriority bypass mail service (in terms of payments to all carriers providing service on the city pair route and timely delivery) for the route;

"(F) may offer tender of nonpriority bypass mail to a passenger carrier from an acceptance point to a destination city beyond a hub point at a composite rate if the Postal Service determines that—

"(i) the carrier provides passenger service in accordance with the requirements of subsection (h)(2);

"(ii) the carrier qualifies under subsection (h) to be tendered nonpriority bypass mail out of the hub point being bypassed;

"(iii) the tender of such mail will not decrease efficiency of delivery of nonpriority bypass mail service into or out of the hub point being bypassed; and *"(iv) such tender will result in reduced payments to the carrier by the Postal Service over flying the entire route; and*

"(G) notwithstanding subparagraph (F), shall offer equitable tender of nonpriority mail in proportion to passenger and nonmail freight mail pools described in this section between qualified passenger and nonmail freight carriers on a route from an acceptance point to a bush destination at a composite rate if—

"(i)(I) for a passenger carrier, the carrier receiving the composite rate provided 20 percent of the passenger service on the city pair route for the 12 months immediately preceding the date on which the carrier seeks tender of such mail; or

"(II) for a nonmail freight carrier, the carrier receiving the composite rate provided at least 25 percent of the nonmail freight service for the 12 months immediately preceding the date on which the carrier seeks tender of such mail; and

"(ii)(I) nonpriority mail was being tendered to a passenger carrier or a nonmail freight carrier at a composite rate on such city pair route on January 1, 2000; or

"(II) the hub being bypassed was not served by a mainline carrier on January 1, 2000.

The tender of nonpriority bypass mail under subparagraph (G) shall be on an equitable basis between the qualified carriers that provide the direct service on the city pair route and the qualified carriers that provide service between the hub point being bypassed and the destination point, based on the volume of nonpriority bypass mail on both routes.".

(4) SELECTION OF CARRIERS TO HUB POINTS.—Section 5402(g) of title 39, United States Code, is amended by adding at the end the following:

"(4)(A) Except as provided under subparagraph (B) and paragraph (5), the Postal Service shall select only existing mainline carriers to provide nonpriority bypass mail service between an acceptance point and a hub point in the State of Alaska.

"(B) The Postal Service may select a carrier other than an existing mainline carrier to provide nonpriority bypass mail service on a mainline route in the State of Alaska if—

"(i) the Postal Service determines (in accordance with criteria established in advance by the Postal Service) that the mail service between the acceptance point and the hub point is deficient and provides written notice of the determination to existing mainline carriers to the hub point; and

"(ii) after the 30-day period following issuance of notice under clause (i), including notice of inadequate capacity, the Postal Service determines that deficiencies in service to the hub point have not been eliminated.

"(5)(A) The Postal Service shall offer equitable tender of nonpriority bypass mail to a new 121 mainline passenger carrier entering a mainline route in the State of Alaska, if that carrier—

"(i) meets the requirements of subsection (g)(1)(D)(ii); and

"(ii) has provided at least 50 percent of the number of insured passenger seats as the number of available passenger seats being provided by the mainline passenger carrier providing the greatest number of available passenger seats on that route for the 6 months immediately preceding the date on which such carrier seeks tender.

"(B) A new 121 mainline passenger carrier that is tendered nonpriority mainline bypass mail under subparagraph (A)—

"(i) shall be eligible for equitable tender of such mail only on city pair routes where the carrier meets the conditions of subparagraph (A);

"(ii) may not count the passenger service provided under subparagraph (A) toward the carrier meeting the minimum requirements of this section; and

"(iii) shall provide at least 20 percent of the passenger service (as determined for bush passenger carriers in subsection (h)(5)) on such route to remain eligible to be tendered nonpriority mainline bypass mail.

"(C) Notwithstanding paragraphs (1)(B) and (5)(A), a new 121 mainline passenger carrier, otherwise qualified under this subsection, may immediately receive equitable tender of nonpriority mainline bypass mail to a hub point if it meets the requirements of subsections (g)(1) (A), (C), and (D) and (h)(2)(B) and—

"(i) all qualified 121 mainline passenger carriers discontinue service on that city pair route; or

"(ii) no 121 mainline passenger carrier serves that city pair route.

"(D) A carrier operating under a code share agreement on the date of enactment of the Rural Service Improvement Act of 2002 that received tender of nonpriority mainline bypass mail on a city pair route may count the passenger service provided under the entire code share arrangement on such route if the code share agreement terminates. That carrier shall continue to provide at least 20 percent of the passenger service (as determined for bush passenger carriers in subsection (h)(5)) between the city pair as a 121 mainline passenger carrier while seeking such tender.

"(6)(A) Notwithstanding subsection (g)(1)(B), passenger carriers providing Essential Air Service under a Department of Transportation order issued under subchapter II of chapter 417 of title 49, U.S.C., shall be tendered all nonpriority mail, in addition to all nonpriority bypass mail, by the Postal Service to destination cities served by the Essential Air Service flights consistent with that order unless the Postal Service finds that the Essential Air Service carrier's service does not meet the needs of the Postal Service.

"(B) Service provided under this paragraph, including service provided to points served in conjunction with service being subsidized under the Essential Air Service contract, may not be applied toward any of the minimum eligibility requirements of this section.".

(5) SELECTION OF CARRIERS TO BUSH POINTS.—Section 5402 of title 39, United States Code, is amended by adding at the end the following:

"(h)(1) Except as provided under paragraph (7), on a given city pair route, the Postal Service shall offer equitable tender of 70 percent of the nonpriority bypass mail on that route to all carriers providing scheduled passenger service in accordance with part 121 or part 135 that—

"(A) meet the requirements of subsection (g)(1);

"(B) provided 20 percent or more of the passenger service (as calculated in paragraph (5)) between the city pair for the 12 months preceding the date on which the 121 passenger aircraft or the 135 passenger carrier seek tender of nonpriority bypass mail; and

"(C) meet the requirements of paragraph (2).

"(2) To remain eligible for equitable tender under this subsection, the carrier or aircraft shall—

"(A) continue to provide not less than 20 percent of the passenger service on the city pair route for which the carrier is seeking the tender of such nonpriority bypass mail;

"(B)(i) for operations under part 121, operate aircraft type certificated to carry at least 19 passengers;

"(ii) for operations under part 135, operate aircraft type certificated to carry at least 5 passengers; or

"(iii) for operations under part 135 where only a water landing is available, operate aircraft type certificated to carry at least 3 passengers;

"(C) insure all available passenger seats on the city pair route on which the carrier seeks tender of such mail; and

"(D) operate flights under its published schedule.

"(3)(A) Except as provided under subparagraph (E), if a 135 passenger carrier serves a city pair route and meets the requirements of paragraph (1) or (2) when a 121 passenger carrier becomes qualified to be tendered nonpriority bypass mail on such route with a 121 passenger aircraft in accordance with paragraphs (1) and (2), the qualifying 135 passenger carriers on that route shall convert to operations with a 121 passenger aircraft within 5 years after the 121 passenger aircraft begins receiving tender on that route in order to remain eligible for equitable tender under paragraph (1). The 135 carrier shall—

"(i) begin the process of conversion not later than 2 years after the 121 passenger aircraft begins carrying nonpriority bypass mail on that route; and

"(ii) submit a part 121 compliance statement not later than 4 years after the 121 passenger aircraft begins carrying nonpriority bypass mail on that route.

"(B) Completion of conversion under subparagraph (A) shall not be required if all 121 passenger carriers discontinue the carriage of nonpriority bypass mail with 121 passenger aircraft on the city pair route.

"(C) Any qualified carrier operating in the State of Alaska under this section may request a waiver from subparagraph (A). Such a request, at the discretion of the Secretary, may be granted for good cause shown. The requesting party shall state the basis for such a waiver.

"(D) If 6 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002, a 135 passenger carrier is providing service on a city pair route and a 121 passenger aircraft becomes eligible to receive tender of nonpriority bypass mail on that route, that 135 passenger carrier shall convert to operations under part 121 within 12 months of the 121 passenger carrier being tendered nonpriority bypass mail. The Postal Service shall not continue the tender of nonpriority bypass mail to a 135 passenger carrier that fails to convert to part 121 operations within 12 months after the 121 passenger carrier being tendered such mail under this paragraph.

"(E) Notwithstanding the requirements of this subsection, if only 1 passenger carrier or aircraft is qualified to be tendered nonpriority bypass mail as a passenger carrier or aircraft on a city pair route, the Postal Service shall tender 20 percent of the nonpriority bypass mail described under paragraph (1) to the passenger carrier or aircraft providing the next highest level of passenger service on such route.

"(4) Qualification for the tender of mail under this subsection shall not be counted toward the minimum qualifications necessary to be tendered nonpriority bypass mail on any other route.

"(5)(A)(i) In this section, the percent of the passenger service shall be calculated using the data described under clause (ii). To ensure accurate reporting of market share the Postal Service shall compare the resulting percentage to the data collected under subsection (k). Any carrier purposefully falsifying data or significantly misstating market share in an attempt to qualify for tender of nonpriority bypass mail may be subject to penalties described in subsection (o).

"(ii) The Postal Service shall calculate the percent of passenger service provided by a carrier on a city pair route by calculating the lesser of—

"(I) the amount of the passenger excise tax paid by or on behalf of a carrier, as determined by reviewing the collected amount of base fares for passengers actually flown by a carrier from the origination point to the destination point, divided by the value of the total passenger excise taxes, as determined by reviewing the collected amount of base fares paid by or on behalf

of all passenger carriers providing service from the hub point to the bush destination point; or

‘‘(II) the amount of half of the passenger excise tax paid by or on behalf of a carrier, as determined by reviewing the collected amount of base fares for passengers actually flown by a carrier on the city pair route, divided by the value of the total passenger excise taxes, as determined by reviewing the collected amount of base fares paid by or on behalf of all passenger carriers providing service between the origination point and the destination point.

‘‘(B) For the purposes of calculating passenger service as described under subparagraph (A), a bush passenger carrier providing intervillage bush passenger service may include the carriage of passengers carried along any point of the route between the route's origination point and the final destination point. Such calculation shall be based only on the carriage of passengers on regularly scheduled flights and only on flights being flown in a direction away from the hub point. Passenger service provided on chartered flights shall not be included in the carrier's calculation of passenger service.

‘‘(6)(A) The Secretary shall establish new bush rates for passenger carriers receiving tender of nonpriority bypass mail under this subsection.

‘‘(B) The Secretary shall establish a bush rate based on data collected under subsection (k) from 121 bush passenger carriers. Such rates shall be paid to all bush passenger carriers operating on city pair routes where a 121 bush passenger carrier is tendered nonpriority bypass mail.

‘‘(C) The Secretary shall establish a bush rate based on data collected under subsection (k) from 135 bush passenger carriers. Such rates shall be paid to all bush passenger carriers operating on city pair routes where no 121 bush passenger carrier is tendered nonpriority bypass mail.

‘‘(D) The Secretary shall establish a bush rate based on data collected under subsection (k) from bush passenger carriers operating aircraft on city pair routes where only water landings are available. Such rates shall be paid to all bush passenger carriers operating on the city pair routes where only water landings are available.

‘‘(7) The percentage rate in paragraph (1) shall be 75 percent 3 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002.

‘‘(i)(1) Except as provided under paragraph (7), on a given city pair route, the Postal Service shall offer equitable tender of 20 percent of the nonpriority bypass mail on such route to those carriers transporting 25 percent or more of the total nonmail freight (in revenue or weight as determined by the Postal Service), for the 12 months immediately preceding the date on which the freight carrier seeks tender of nonpriority bypass mail.

‘‘(2) To remain eligible for equitable tender under this subsection, a freight carrier shall continue to provide not less than 25 percent of the nonmail freight service on the city pair route for which the carrier is seeking tender of such mail.

‘‘(3) If a new freight carrier enters a market, that freight carrier shall meet the minimum requirements of subsection (g)(1) and shall operate for 12 months on a given city pair route before being eligible for equitable tender of nonpriority bypass mail on that route.

‘‘(4) If no carrier qualifies for tender of nonpriority bypass mail under this subsection, such mail to be divided under this subsection, as described in paragraph (1), shall be tendered to the nonmail freight carrier providing the highest percentage of nonmail freight service (in terms of revenue or weight as determined by the Postal Service as calculated under paragraph (6)) on the city pair route. If no nonmail freight carrier is present on a route to receive tender of nonpriority bypass mail under this paragraph, the nonpriority bypass mail to be divided under paragraph (1) shall be divided equitably among carriers qualified under subsection (h).

‘‘(5) Qualification for the tender of mail under this subsection shall not be counted toward the minimum qualifications necessary to be tendered nonpriority bypass mail on any other route.

‘‘(6)(A) In this subsection, the percent of nonmail freight shall be determined by calculating the lesser of—

‘‘(i) the amount of the freight excise tax paid by or on behalf of a carrier, as determined by reviewing the collected amount of base fares for nonmail freight actually flown by a carrier from the origination point to the destination point, divided by the value of the total nonmail freight excise taxes, as determined by reviewing the collected amount of base fares paid by or on behalf of all nonmail freight carriers providing service from the origination point to the destination point; or

‘‘(ii) the amount of half of the nonmail freight excise tax paid by or on behalf of a carrier, as determined by reviewing the collected amount of base fares for nonmail freight actually flown by a carrier on the city pair route, divided by the value of the total nonmail freight excise taxes, as determined by reviewing the collected amount of base fares paid by or on behalf of all nonmail freight carriers providing service on the city pair route.

‘‘(B) To ensure accurate reporting of market share the Postal Service shall compare the resulting percentage under subparagraph (A) to the percent of nonmail freight carried on a city pair route as calculated from data provided pursuant to subsection (k), by dividing the revenue of, or weight of (as determined by the Postal Service), nonmail freight earned by or carried by a carrier from the transport of nonmail freight from an origination point to a destination point by the total amount of revenue earned, or the weight of, nonmail freight carried (as determined by the Postal Service) by all carriers from the transport of nonmail freight from the origination point to the destination point. Any carrier purposefully falsifying data or significantly misstating market share in an attempt to qualify for tender of nonpriority bypass mail may be subject to penalties described in subsection (o).

‘‘(7) The percentage rate in paragraph (1) shall be 25 percent 3 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002.

‘‘(j)(1) Except as provided by paragraph (3), there shall be equitable tender of 10 percent of the nonpriority bypass mail to all carriers on each city pair route meeting the requirements of subsection (g)(1) that do not otherwise qualify for tender under subsection (h) or (i).

‘‘(2) If no carrier qualifies under this subsection with respect to a city pair route, the 10 percent of nonpriority bypass mail allocated under paragraph (1) shall be divided evenly between the pools described under subsections (h) and (i) to be equitably tendered among qualified carriers under such subsections, such that—

‘‘(A) the amount of nonpriority bypass mail available for tender among qualified carriers under subsection (h) shall be 75 percent; and

‘‘(B) the amount of nonpriority bypass mail available for tender among qualified carriers under subsection (i) shall be 25 percent.

‘‘(3)(A) Except as provided by subparagraph (B), the percentage rate under paragraph (1) shall be 0 percent 3 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002.

‘‘(B) The percentage rate under paragraph (1) shall remain 10 percent for equitable tender for 6 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002 for a nonpriority bypass mail carrier on bush routes originating from the main hub of the carrier designated under subparagraph (C), if the carrier seeking the tender of such mail—

‘‘(i) meets the requirements of subsection (g)(1);

‘‘(ii) is not qualified under subsection (h) or (i);

‘‘(iii) operates routes originating from the main hub of the carrier designated under subparagraph (C); and

‘‘(iv) has invested at least $500,000 in a physical hanger facility prior to January 1, 2002 in such a hub city.

‘‘(C) For purposes of subparagraph (B), a carrier may designate only one hub city as its main hub and once such designation is transmitted to the Postal Service it may not be changed. Such selection and transmission must be transmitted to the Postal Service within 6 months of the date of enactment of the Rural Service Improvement Act of 2002. A carrier attempting to receive tender of nonpriority bypass mail under this subsection shall not be eligible for such tender after the carrier becomes qualified for tender of nonpriority bypass mail under subsection (h) or (i) on any route. The purchase of another carrier's hanger facility after such date of enactment shall not be considered sufficient to meet the requirement of subparagraph (B)(iv).

‘‘(k)(1) Not less than every 2 years, in conjunction with annual updates, the Secretary shall review the need for a bush mail rate investigation. The Secretary shall use show cause procedures to speedily and more accurately determine the cost of providing bush mail service. In determining such rates, the Secretary shall not take into account the cost of passenger insurance rates or premiums paid by the passenger carriers or other costs associated with passenger service.

‘‘(2) In order to assure sufficient, reliable, and timely traffic data to meet the requirements of this subsection, the Secretary shall require—

‘‘(A) the monthly submission of the bush carrier's data on T–100 diskettes, or any other suitable form of data collection, as determined by the Secretary; and

‘‘(B) the carriers to retain all books, records, and other source and summary documentation to support their reports and to preserve and maintain such documentation in a manner that readily permits the audit and examination by representatives of the Postal Service or the Secretary.

‘‘(3) Documentation under paragraph (2) shall be retained for 7 years or until the Secretary indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of shall be retained.

‘‘(4) Carriers qualified to be tendered nonpriority bypass mail shall submit to the Secretary the number and type of aircraft in the carrier's fleet, the level of passenger insurance covering its fleet, and the name of the insurance company providing such coverage.

‘‘(5) Not later than 30 days after the last day of each calendar month, carriers shall report to the Secretary the excise taxes paid by city pair to the Department of the Treasury and the weight of and revenue earned by the carriage of nonmail freight. Final compiled data shall be made available to carriers providing service in the hub.

‘‘(l) No qualified carrier may be tendered nonpriority bypass mail under subsections (h) and (i) simultaneously on a route unless no other carrier is tendered mail under either subsection.

‘‘(m)(1) Carriers qualifying for tender under subsections (h) and (i) simultaneously shall be tendered nonpriority bypass mail under subsection (h).

"(2) A carrier shall be tendered nonpriority bypass mail under subsection (i) if that carrier—

"(A) was qualified under both subsections (h) and (i) simultaneously; and

"(B) becomes unqualified under subsection (h) but remains qualified under subsection (i).

"(n)(1) A carrier operation resulting from a merger or acquisition between any 2 carriers operating between points in Alaska shall have the passenger and nonmail freight of all such merged or acquired carriers on the applicable route counted toward meeting the resulting carrier's minimum requirements to receive equitable tender of nonpriority bypass mail on such route for the 12-month period following the merger or acquisition.

"(2) After the 12-month period described under paragraph (1), the carrier resulting from the merger or acquisition shall demonstrate that the carrier meets the minimum passenger or nonmail freight carriage requirements of this section to continue receiving tender of such mail.

"(o) In addition to any penalties applied to a carrier by the Federal Aviation Administration or the Secretary, any carrier that significantly misstates passenger or nonmail freight data required to be reported under this section on any route, in an attempt to qualify for tender of nonpriority bypass mail, shall receive—

"(1) a 1-month suspension of tender of nonpriority bypass mail on the route where the data was misstated for the first offense;

"(2) a 6-month suspension of tender of nonpriority bypass mail on the route where the data was misstated for the second offense;

"(3) a 1-year suspension of tender of all nonpriority bypass mail in the entire State of Alaska for the third offense in the State; and

"(4) a permanent suspension of tender of all nonpriority bypass mail in the entire State of Alaska for the fourth offense in the State.

"(p)(1) The Postal Service or the Secretary, in carrying out subsection (g)(2), (h), or (i), may deny equitable tender to an otherwise qualified carrier who does not operate under this section in good faith or under the intent of the 'Rural Service Improvement Act of 2002'.

"(2) The Postal Service or the Secretary may waive any provision of subsection (h) or (i), if the carrier provides substantial passenger or nonmail freight service on the route where the carrier seeks tender of nonpriority mail and nonpriority bypass mail.

"(3) To ensure adequate competition among passenger and nonmail freight carriers on a mainline route the Postal Service or the Secretary may waive the requirements of subsection (g) (1)(D), (2)(E), (4), or (5), or any provision of subsection (h), if—

"(A) a 121 bush passenger carrier seeks tender of nonpriority mail or nonpriority bypass mail on a mainline route not served by a 121 mainline passenger carrier and the 121 bush passenger carrier provides substantial passenger or nonmail freight service on the route; or

"(B) a carrier meeting the requirements of subsection (g)(1)(D)(ii) seeks tender of nonpriority bypass mail and provides substantial nonmail freight service on the city pair route.

Waivers granted under this paragraph shall cease to be valid once a qualified mainline carrier begins providing service and seeks tender of nonpriority bypass mail in accordance with this section on the city pair route. The receipt of waivers and subsequent operation of service on a city pair route under this subsection shall not be counted toward meeting the requirements of any part of this section for any other city pair route. In granting waivers under this paragraph and offering equitable tender of nonpriority bypass mail the Postal Service or the Secretary shall give preference to passenger service needs over nonmail freight needs on a city pair route.

"(4) In granting waivers for or denying tender to carriers under this subsection, the Postal Service or the Secretary shall consider in the following order of importance—

"(A) the passenger needs of the destination to be served (including amount and level);

"(B) the nonmail freight needs of the destination to be served;

"(C) the amount of nonpriority bypass mail service already available to the destination;

"(D) the mail needs of the destination to be served;

"(E) the savings to the Postal Service in terms of payments made to carriers;

"(F) the amount or level of passenger service already available to the destination; and

"(G) the amount of nonmail freight service already available to the destination.

"(q) The Secretary shall make a regular review of carriers receiving, or attempting to qualify to receive, equitable tender of nonpriority bypass mail. If the Secretary suspends or revokes an operating certificate, the Secretary shall notify the Postal Service. Upon such notification, the Postal Service shall cease tender of mail to such carrier until the Secretary certifies the carrier is operating in a safe manner. Upon such receipt, the carrier shall demonstrate that it otherwise meets the minimum carriage requirements of this section before being tendered mail under this section.

"(r) The Postal Service shall have the authority to tender nonpriority bypass mail to any carrier that meets the requirements of subsection (g)(1) on any route on an emergency basis. Such emergency tender shall cease when a carrier qualifies for tender on such route under the terms of this section.

"(s) Notwithstanding any other provision of law, and except for written contracts authorized under subsections (b), (c) and (d) of this section, tender by the Postal Service of any category of mail to a carrier for transportation between any two points within the State of Alaska shall not give rise to any contract between the Postal Service and a carrier, nor shall any such carrier acquire any right in continued or future tender of such mail by virtue of past or present receipt of such mail. This subsection shall apply to any case commenced before, on, or after the date of enactment of this subsection.".

(d) ACTIONS OF AIR CARRIERS TO QUALIFY.—Beginning 6 months after the date of enactment of this Act, if the Secretary determines, based on the Secretary's findings and recommendations of the Postal Service, that an air carrier being tendered nonpriority bush bypass mail is not taking actions to attempt to qualify as a bush passenger or nonmail freight carrier under section 5402 of title 39, United States Code (as amended by this title), the Postal Service shall immediately cease tender of all nonpriority bypass mail to such carrier.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 39.—Section 5402 of title 39, United States Code, is amended—

(A) in subsections (b) through (e) (as redesignated by this title) and subsection (f) by striking "Secretary of Transportation" each place it appears and inserting "Secretary"; and

(B) in subsection (f)—

(i) by striking "subsections (a), (b), and (c)" and inserting "subsections (b), (c), and (d)"; and

(ii) by striking "subsection (d)" and inserting "subsection (e)".

(2) TITLE 49.—Section 41901 of title 49, United States Code, is amended in subsection (a), by striking "5402(d)" and inserting "5402(e)".

(f) REPORTS TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Postal Service and the Secretary of Transportation shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate on the progress of implementing this title.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided under paragraph (2), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(2) SELECTION OF CARRIERS.—Subsection (c)(5) shall take effect 15 months after the date of enactment of this Act.

This Act may be cited as the "2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States".

ORDER OF BUSINESS

Mr. DASCHLE. Madam President, I will have more to say about the so-called hate crimes legislation tomorrow.

This is a very important cloture vote we are having tomorrow. I am disappointed that we have not had more opportunities to debate amendments. This bill has been pending, yet no one has come forward to offer amendments.

It makes my point as we file cloture. We indicated a concern for the reports that had been shared with us that some of our colleagues wished to offer—I think the phrase was—"hundreds of amendments" to the hate crimes bill. We are working under very tight time constraints.

It is my belief that we ought to have an opportunity to offer amendments, to have the debate on the amendments, to bring those amendments to closure, and then have a vote on the hate crimes bill. I have heard colleagues in the Chamber on the other side of the aisle say this has never happened before. If it has not been submitted, tomorrow we will submit for the RECORD the number of times our Republican colleagues did exactly what we did. I think it was 34 times—34 times the bill was offered, and cloture was filed immediately. I do not know how many of those times the Republican leader—the majority leader at the time—chose to fill the parliamentary tree as well, denying and precluding Democrats and others from offering amendments to the bill. This is by far not the first time.

I announced at the very beginning of my tenure as majority leader that I would never fill the tree to preclude amendments. And I am going to hold to that promise. But there are times when in order to move legislation along, filing cloture on a bill is important. I intend to do that again this afternoon. It is unfortunate. But we are going to have to increase the debt limit. The administration has made its case publicly. They have talked to me privately on numerous occasions about the importance of increasing the debt limit.

We can go into all the reasons it is necessary. But in an effort not to at least now politicize the issue, I think it is important for us to get the job done. It is the responsible thing to do.

We are going to take up the debt limit and send it to the House as quickly as possible because time is running out. We are told that we only have a couple of weeks. We have to address this issue in that period of time.

If we fail cloture tomorrow on hate crimes, it will be my intention to move as quickly as possible to the debt limit legislation. That will require procedural cooperation. I am hopeful that we can get procedural cooperation. The Republican leader and I talked today. It would be my hope to get a unanimous consent agreement to take it up. Failing that, of course, we would then have to go through the motion to proceed, and then the bill itself.

INCREASING THE PUBLIC DEBT LIMIT—MOTION TO PROCEED

CLOTURE MOTION

Mr. DASCHLE. Madam President, in an effort to anticipate whatever may come with regard to consideration of the debt limit legislation, I now move to proceed to Calendar No. 407, S. 2578, the debt limit increase and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to calendar No. 407, S. 2578, a bill to amend title 31 of the U.S. Code to increase the public debt limit:

Harry Reid, Jack Reed, John Rockefeller, Daniel Inouye, Jon Corzine, Herb Kohl, Zell Miller, Max Cleland, John Breaux, Richard Durbin, Max Baucus, Barbara Boxer, Maria Cantwell, Daniel Akaka, Edward Kennedy and Tom Daschle.

Mr. DASCHLE. Madam President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

STAR PRINT—S. 2076

Mr. DASCHLE. Madam President, I ask unanimous consent that S. 2076 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR DISPLAY IN SENATE CHAMBER LOBBY OF INFORMATION REGARDING THE CONSTRUCTION OF THE CAPITOL VISITOR CENTER

Mr. DASCHLE. Madam President, I ask unanimous consent that the Secretary of the Senate be permitted to display, in the Senate Chamber Lobby, information regarding the construction of the Capitol Visitor Center, and that such display and persons designated by the Secretary to answer questions about the display be permitted in the lobby on June 11, 2002, from the hours of 2:15 to 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 11, 2002

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, June 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 10:45 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Republican leader or his designee; that at 10:45 a.m., the Senate resume consideration of S. 625, with 60 minutes of debate prior to the vote on cloture on the hate crimes legislation; further, that Senators have until 10:45 a.m. to file second-degree amendments to the hate crimes legislation; that the live quorum with respect to the cloture motion filed earlier today be waived, and that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. Madam President, the Senate will vote on cloture on the hate crimes legislation, therefore, at approximately 11:45 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DASCHLE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:42 p.m., adjourned until Tuesday, June 11, 2002, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN RECOGNITION OF ANNE EMERMAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 2002

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to Anne Emerman, a dedicated community activist who will be honored by Community Board Six in Manhattan. Ms. Emerman, a former Board Member of Community Board Six, is a knowledgeable, committed and effective advocate who was a constructive and energetic member of the Community Board.

A native of New York City, Anne Emerman attended Hunter College, where she graduated in 1962. She then pursued a Master's Degree at Columbia University where she graduated from the School of Social Work in 1964. Upon graduation she began working as a Psychiatric Social Worker and Supersivor at Bellevue Hospital, where she remained until 1972.

Her work with the mentally disabled led Ms. Emerman to begin advocating extensively and passionately on behalf of the disabled community. She has organized and participated in numerous demonstrations to raise visibility on this important issue. As a member of Disabled Action, she has worked with various government officials to urge the passage of civil rights laws to protect persons with disabilities. She has also been a key figure in a number of class action lawsuits intended to influence case law affecting disabled Americans. Her overwhelming commitment to this issue led to her being named Director of the Mayor's Office of People with Disabilities, where she served from 1990–1994.

Ms. Emerman's commitment to activism resulted in her appointment to Community Board 6. There she continued to advocate on behalf of those issues most important to her. In addition to her work on behalf of the disabled, she has fought to ensure that all people have equal access to affordable housing, education, health and home care and public transportation. She also worked to ensure oversight of polling locations so that all New Yorkers are provided access to exercise their constitutional right to vote. Recently, Ms. Emerman began working with the New York City Council's first full standing Committee on Mental Health, Mental Retardation, Alcoholism, Substance Abuse and Disability.

In recognition of her outstanding contributions to the community, particularly her work to raise awareness on behalf of Americans living with disabilities, I ask that my colleagues join me in saluting Anne Emerman.

JOYCE ELLINGTON HONORED FOR YEARS OF NEIGHBORHOOD ACTIVISM AND LIBRARY ADVOCATE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 2002

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of Joyce Ellington and would like to recognize her extraordinary and tireless service to the residents and members of Northside Neighborhood Association.

Ellington has served on the board of San Jose's oldest neighborhood group, Northside Neighborhood Association (NNA) during its entire 36-year history. In addition to becoming the first African-American chair of San Jose's Library Commission in 1980, she was the driving force behind obtaining a library for the Northside area in the early 1970's. With help from then-Mayor Norm Mineta, another NNA original member, federal funding was obtained for the construction of the library.

In 2000, unbeknownst to Ellington, NNA proposed to rename the library in her honor and eventually petitioned the city council for approval.

The renaming of the library in Ellington's honor not only recognizes her achievements as a community activist, but is also a way to honor the diversity of San Jose, and in the Northside neighborhood, one of San Jose's oldest communities and where most African-American families lived in the turn of the century and early 1900's.

Ms. Ellington has lived in Northside for over 70 years and her home, built in 1908, is the oldest home in San Jose with continuing African-American inhabitants.

Joyce Ellington has devoted her life to enrich and advance her community, and her contribution deserves to be honored to serve as an inspiration for neighborhood children and for the residents of San Jose. I am proud and grateful to thank Joyce Ellington for reminding us all that one person can truly make a difference in the lives of many.

CENTRAL NEW JERSEY HONORS SERVICE ACADEMY NOMINEES

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 2002

Mr. HOLT of New Jersey. Mr. Speaker, I rise today to recognize a group of very special young men and women from Central New Jersey. One of the most important duties of a Member of Congress, as well as one of the most enjoyable, is nominating students to the United States service academies. In an age when media portrayals of young people are increasingly negative, getting to know students through the nomination process is an important reminder of the patriotism, dedication, and excellence of America's youth.

From a pool of over 50 students from my district who went through the rigorous and time-consuming process of applying for a Congressional nomination, I am very proud to say that fourteen young women and men from Central New Jersey will be enrolling in America's service academies this year. They are the very best of an exceptional group, and I was proud to nominate them.

Two young people from the area will be attending the United States Military Academy at West Point, New York. I would like to recognize Saddie Colon of Eatontown and Adrian Gennusa of Holmdel.

Six young people from Central New Jersey will be attending the United States Naval Academy at Annapolis, Maryland. I would like to recognize Nicholas Abbate of Middletown, Jillian Danback of Eatontown, John Michel of Cranbury, John Rundy of Holmdel, Sheila Singer of Princeton, and Kristin Strizki of Flemington.

Two young men from my district will be attending the United States Air Force Academy at Colorado Springs, Colorado. I would like to recognize Kenneth Fenton of Oceanport and Matthew Vanderschuere of Princeton Junction.

Two young men from Central New Jersey will be attending the United States Merchant Marine Academy at Kings Point, New York. I would like to recognize Timothy Cain of Marlboro and Graham Mergenthaler of Colts Neck.

Mr. Speaker, I hope the House joins me in noting the accomplishments of these young men and women, and in wishing them the best of luck at the service academies and in their careers.

IN RECOGNITION OF DETECTIVE OWEN HUGHES ON THE OCCASION OF HIS RETIREMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 2002

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to Detective Owen Hughes, one of New York's finest, who will be retiring from the New York Police Department. For almost two decades he has served the Manhattan's 13th Precinct. Detective Hughes is beloved by the community for his accessibility, concern and attention to their needs.

Detective Hughes was born and raised in Queens, New York. He began his career with the New York Police Department by joining the Policy Academy, where he graduated in 1982. He performed his year-long field training in Queens and was assigned to the 13th Precinct in June of 1983.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The 13th Precinct serves a diverse cross section of Manhattan which includes a substantial part of Manhattan's East Side. In 1985 Detective Hughes was selected to serve as Coordinator for the 13th Precinct's Community Policing Pilot Project. That led to his assignment to the Precinct's Community Affairs Office in June of 1985. There, Detective Hughes emerged as a dedicated and compassionate liaison between the Police Department and the community it is assigned to serve and protect. Among his many duties, he served as the Precinct's Youth Officer, which allowed him to work directly with the young people in the local community.

Detective Hughes was also trained as a Crime Prevention Officer, and in that capacity lectured on the subject of crime prevention.

For his outstanding record of achievement with the force, in 1990 Detective Hughes was promoted to Detective. In 1992 he worked to successfully establish a Precinct Law Enforcement Explorer Post. Among his most noteworthy and proudest accomplishments, Detective Hughes worked in tandem with the State Liquor Authority to shut down The Underground, a dangerous club formerly located on Manhattan's Lower East Side.

For his courageous service to the community, Detective Hughes has been honored with numerous awards, including the NYPD Commissioner's Award, which he received in 1993. He has also been awarded the 23rd Street Association Paul Gay Award for Community Service, the Korean Businessman Association Advisory Council Award, the Stein Senior Citizen Center Award, the Tilden Democratic Club Community Service Award.

For 22 years Detective Hughes has been married to his wife Susan. They have three children, Courtney, Owen Jr. and Ashley. For his years of serving and protecting the community, I ask that my colleagues join me in saluting Detective Owen Hughes.

GLOBAL SECURITY ACT OF 2002

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 2002

Mrs. TAUSCHER. Mr. Speaker, today I am proud to introduce the Global Nuclear Security Initiative Act of 2002 that was also recently offered in the Senate by Senator JEAN CARNAHAN.

The January 2001 report of the bipartisan task force chaired by former Senator HOWARD BAKER and former White House Counsel Lloyd Cutler has often been quoted but one of its conclusions bears restating today: "the national security benefits to U.S. citizens from securing and/or neutralizing the equivalent of more than 80,000 nuclear weapons and potential nuclear weapons would constitute the highest return on investment in any current U.S. national security defense program."

As you know, Mr. Chairman, our nonproliferation programs with Russia have improved America's national security greatly by dismantling Russia's nuclear facilities, finding jobs for their unemployed weapons scientists, and improving the security of Russian weapons and material. But as our relationship with Russia takes on a more cooperative definition, first with the signing of the Treaty on Strategic Offensive Reductions in Moscow and with the signing on May 28 in Rome of an agreement between NATO and Russia on a new working relationship, security threats arising from other nations with inadequately stored nuclear materials are increasing. Indeed, India and Pakistan's conflict over Kashmir has been escalating over the past several months and while tensions between the two countries are not new, unlike during the cold war, neither side has a clear idea of what actions would trigger a nuclear response from the other.

The challenges of translating some of our nonproliferation efforts to other countries of concern such as India, Pakistan, China or North Korea are significant but worth dealing with. While the nonproliferation programs of the Departments of Defense, Energy, and State are effective, they were not designed to meet the full range of terrorist threats now facing the United States. Expanding these programs to cover countries outside the former Soviet Union, to address the threat of radiological materials and to defend against the threat of terrorist sabotage of nuclear power plants abroad, is in the United States' national security interest.

The bill I am introducing today is an important first step in expanding America's defense against the threat of weapons of mass destruction. It calls on the Secretary of Energy, in consultation with the Secretaries of Defense and State, to develop a comprehensive program of activities to encourage all countries to adhere to the highest security standards for their nuclear facilities and material.

Second, the bill requires the Department of Energy to establish a systematic approach for securing radiological materials other than uranium and plutonium outside of the United States.

Finally, the bill requires the Department of Energy to develop plans for preventing terrorist attacks on nuclear power plants outside the United States. These are simple but important steps and I encourage my colleagues to support this legislation.

HOUSE CONCURRENT RESOLUTION COMMENDING THE PENNSYLVANIA NATIONAL GUARD FOR EXTRAORDINARY WARTIME SERVICE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 2002

Mr. GEKAS. Mr. Speaker, I rise to introduce a measure honoring the citizen-soldiers of Pennsylvania. The soldiers and airmen of the Pennsylvania Army and Air National Guard serve all America today in the cause of freedom, and they do so in record numbers. These brave men and women represent the best of our Commonwealth. They valiantly carry on the proud Pennsylvania tradition of service to state and country in peace and in war, a tradition born when Benjamin Franklin created the first Pennsylvania militia in 1747.

From the American Revolution to the present day, Pennsylvania militiamen and Guardsmen have been in the vanguard of the fight for American security and liberty. In peacetime our Guard has been relied upon to help combat floods, blizzards, narcotics and civil crises. In wartime, these civilians have accepted the role of armed defenders of liberty. Their deeds in war have been as glorious as their triumphs in peace. Tens of thousands of Pennsylvania militiamen fought with Washington for American Independence. Over 200 regiments fought in 24 campaigns of the Civil War. An entire division of Pennsylvania Guardsmen fought in the Spanish American War. Almost 14,000 Pennsylvania Guardsmen were wounded in World War I. In World War II, that same division of Pennsylvanians fought through Normandy, helped to liberate Paris, engaged the "West Wall" of Germany and fought fiercely in the Battle of the Bulge, losing 2,000 men. These same Pennsylvanians became the first unit to cross into Germany, presaging a successful end to that terrible war. Pennsylvania Guarsdmen also have served just as bravely in every military operation since World War II from Korea to Desert Storm.

Today, thousands of Pennsylvania Guardsmen prepare to deploy to Europe while thousands more rotate in and out of central Asia to defeat the forces of terror. Not since the Korean War has our Commonwealth parted with so many soldiers and airmen at one time. Pennsylvania families in over a hundred communities wait for their Guardsmen to return home safely to them, realizing that these heroes are prepared to make the ultimate sacrifice for our safety and, our liberty.

Mr. Speaker, prior to September 11, 2001, Pennsylvania's Army National Guard merited recognition as the largest Army Guard in the Nation and the home of the oldest division in the U.S. Army, the 28th Infantry Division. The 28th infantry was formed in 1879 and fought with such force and determination in the First World War, General Pershing dubbed these Keystone Guardsmen the "Iron Division." Their heroism and sacrifice at the Bulge earned them the appellation, the "Bloody Bucket" division, in World War II, a symbolic reference to the red keystone patch worn on their uniform and the horrendous casualties suffered in the forests of the Ardennes. Similarly, the Pennsylvania Air Guard ranked as the fourth largest in this country and was home to three superior air wings, the 171st Refueling Wing of Pittsburgh, the 111th Fighter Wing of Philadelphia, and the one-of-a-kind psychological warfare unit—the 193rd Special Operations Wing of Harrisburg—the most deployed U.S. Air Force or Air Guard unit.

Since the heinous and despicable attacks of 9/11, the men and women of the Pennsylvania National Guard have earned new recognition and respect as they serve throughout the country and the world in record numbers not seen since the Korean War. For these brave women and men are serving gallantly in Afghanistan and central Asia in the War Against Terror. They are serving nobly in the Balkans, ensuring peace and stability in Europe. They are serving heroically in the Middle East, enforcing the No-Fly Zone over Iraq, preventing future assaults by Saddam Hussein against his neighbors. And, they are serving laudably on the Northern border of the United States, in New York, and throughout Pennsylvania protecting our airports and nuclear power plants.

But this country has not finished asking of the men and women of the Pennsylvania National Guard. Our National Military Command has ordered the 28th Infantry Division of the Pennsylvania Army Guard to assume the lead role in SFOR operations this fall. Over one thousand soldiers of the 28th Infantry Division will mobilize, train and deploy for six months in the effort to secure peace in the Balkans. Despite this massive deployment, the National Military Command has ordered an even larger deployment of Pennsylvania Army Guardsmen. Beginning this fall, two thousand soldiers of the Pennsylvania Army Guard will deploy to Germany, Italy, Belgium, Luxembourg and the Netherlands to provide additional security for American military bases in those countries. The Keystone Taskforce will be stationed in Europe for six months and mobilize and train in the United States this summer. Already nearly a hundred engineers from the 201st Civil Engineering Flight Air Guard unit—a.k.a. Red Horse—has made its way to central Asia to build and repair runways, continuing the fight against Al Qaeda. And, all of this follows immediately upon the return of nearly 900 Pennsylvania Air Guardsmen of the 193rd Special Operations Wing who have been flying Commando Solo PSYOPS missions over Afghanistan consistently since October of last year as an essential part of Operation Enduring Freedom/Noble Eagle.

Mr. Speaker, I cannot mention every unit or every Guardsman who has contributed during this time of War in our struggle to preserve America's democratic way of life. Each and every soldier and airman of the Pennsylvania National Guard has contributed in some way. Simply by enlisting or seeking a commission they have made themselves ready to defend this great Nation in our time of need, and have earned our thanks. Yet, so many have been called upon since September 11th to serve at home and abroad, and so many more will be deploying in the future. Each and every one of our Guardsmen has made Pennsylvania proud, and those who will deploy overseas this fall will continue to bring honor to themselves, our Guard and our Commonwealth. For this they deserve the commendation of a proud and thankful Congress of the United States.

Credit must go first to the soldiers and airmen themselves who have taken on this responsibility with patriotism and courage. We must also thank the leadership of Pennsylvania's Guard units for training our men and women to serve in peace and war, providing them with the skills they need to defend our freedom here at home and abroad. They may be citizen-soldiers, but they are indubitably professionals thanks to the leadership of our Pennsylvania Guard. Those in Congress who commend our Guardsmen today will ensure that they receive the resource they need to fight and win wars. Moreover, we resolve to work even more closely with the leadership of the Pennsylvania National Guard to make sure our men and women are properly supported.

I would like to thank our Adjutant General, Major General William Lynch, a veteran fighter pilot and an exemplary leader. His stewardship of our Guard has brought credit to our Commonwealth and pride to our units. The Pennsylvania Guard stands ready to continue serving wherever and whenever called upon, under his command. My congratulations to Deputy Adjutant Generals James Skiff and Jessica Wright for ably leading our Air Guard and Army Guard through this demanding wartime period. I am confident that our forces remain in more than capable hands with Generals Skiff and Wright at the helm.

To our Army Guard unit commanders, Major General Walter Pudlowksi of the 28th Infantry Division, and his deputies Brigadier Generals John von Trott and Wesley Craig, I give my thanks. As they prepare to lead over three thousand Pennsylvanians into Europe to defend American interests abroad, they should know that this Congress supports them and places trust in their leadership.

To Brigadier General Steve Speer of the 193rd S.O.W. my gratitude for a job well done in leading 900 officers and enlisted Air Guardsmen in Operation Enduring Freedom. You are in desperate need of new equipment to replace the forty year old aircraft that you fly today. Yet you still fly critical missions around the globe and fly more frequently than any other unit in the United States. We will take care of you, and we will supply you with the equipment you need. We thank you for your leadership in our War Against Terror.

Let me extend my thanks also to Brigadier General William Boardley and Colonel Steve Sischo, commanders of the 171st and 111th Wings. Both have led their men and women admirably in Operation Southern Watch and Operation Enduring Freedom totaling over a thousand sorties for both wings combined in these wartime missions. Under your leadership our men and women have performed outstandingly under tough conditions.

The Pennsylvania Guard carries on its proud tradition and lives up to its motto: "Civilian in peace. Soldier in war." We are proud of each and every one of the 22,000 Guardsmen in uniform today. This Nation owes a debt of gratitude to all of them, and to their families. For us they sacrifice their precious time in peace and potentially so much more in war. I beseech my fellow Members of Congress to resoundingly express their gratitude today for the men and women of the Pennsylvania National Guard. Pass this resolution and send it to the Senate, so that those who serve will know that we honor them always.

CONFERENCE REPORT ON S. 1372, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2002

Mr. STUPAK. Madam Speaker, I could not support this legislation that supports an organization that has acted directly against the interests of our domestic steel industry. Last year the Ex-Im Bank agreed to guarantee an $18 million loan to the Benxi Iron and Steel Company in China that allowed it to increase its steelmaking capacity. This decision, in the face of mounting bankruptcies of U.S. steel companies, was unbelievable. While our domestic steel companies were struggling for funds to keep themselves alive, the Ex-Im bank was promising funds overseas to Chinese steel.

There has been some talk that this conference report includes provisions to prevent such future lapses. I do not think that these provisions are sufficient. Furthermore, the conference committee actually took out a provision that would have required the Ex-Im Bank to reevaluate the Benxi loan guarantee. I cannot understand why this was done in the face of the ongoing crisis in the steel industry, and the clear impropriety of the Benxi decision.

I will not vote for this organization that has not stood with our domestic steel industry. I oppose this re-authorization—the Ex-Im Bank has shown through its actions that it does not merit our support until it can act responsibly and in our domestic interests.

IN RECOGNITION OF THE QUEENS GAZETTE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 2002

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to The Queens Gazette, a leading community newspaper in the New York City borough of Queens.

The twentieth anniversary of the Queens Gazette is cause for celebration across the borough from Astoria to Flushing, Long Island City to Jamaica. For two decades, the Gazette has been a premiere and outstanding publication for Queens residents who value accurate and timely news coverage and in-depth reports on the neighborhood issues that matter.

In recent months, the Queens Gazette has helped raise awareness in the community on issues that affect us all. These issues range from the need to stop the Asian Longhorned Beetle from killing our trees, to the successful quest for affordable housing in Astoria's Marine Terrace housing development. The Gazette has reported, with in-depth analysis, on the campaign for increased transit connections between Long Island City's residential areas, business sectors and new public parks, retail stores, and cultural institutions. The Gazette has also provided Queens readers with consistent and accurate reporting on efforts to make LaGuardia Airport safer. Clearly, the Gazette excels in providing comprehensive news coverage in many arenas. Information on such issues, and countless others, is invaluable to the members of our community.

I look to the Queens Gazette every week for thorough reports on local news, politics and governments affairs. I always appreciate the Gazette's special editions that focus on everything from social services in Queens to a review of entertainment and cultural activities for borough residents. I commend the entire staff at the Gazette for publishing an exemplary newspaper for the community and for being an excellent source for neighborhood news.

Congratulations to Tony Barsamian, Julie Wager, John Toscano, Linda Wilson and everyone at the Gazette for twenty years of excellence in journalism and outstanding public service for the people of Queens.

In recognition of its outstanding contributions to the community, I ask that my colleagues join me in saluting the Queens Gazette.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 11, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 12

9 a.m.

Judiciary
Constitution Subcommittee
To hold hearings to examine issues with respect to reducing the risk of executing the innocent, focusing on the Report of the Illinois Governor's Commission on Capital Punishment.
SD–226

9:30 a.m.

Governmental Affairs
To hold hearings to examine the status of childhood vaccines.
SD–342

Environment and Public Works
To hold hearings to examine the costs and benefits of multi-pollutant legislation.
SD–406

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine Medicare payments for medical supplies.
SD–124

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Defense and related programs.
SD–192

2:30 p.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine Internet corporations for assigned names and numbers.
SR–253

Energy and Natural Resources
National Parks Subcommittee
To hold hearings on S.1257/H.R.107, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War; S.1312/H.R.2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; S.1944, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado; H.R.38, to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska; H.R.980, to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System; and H.R.1712, to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park.
SD–366

Intelligence
To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.
S–407, Capitol

JUNE 13

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine cross border trucking issues.
SR–253

10 a.m.

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of the Interior.
SD–124

Health, Education, Labor, and Pensions
To hold hearings to examine the implementation of Reading First and other reading programs and strategies.
SD–430

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings on the Transportation Equity Act for the 21st Century.
SD–538

Foreign Relations
To hold hearings on the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, and signed on behalf of the United States of America on July 17, 1980 (Treaty Doc.96-53).
SD–419

2 p.m.

Judiciary
To hold hearings on pending judicial nominations.
SD–226

2:15 p.m.

Foreign Relations
Business meeting to consider S.2525, to amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria.
S–116, Capitol

JUNE 14

9:30 a.m.

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine increasing of options and awareness concerning the screening of newborns.
SD–430

JUNE 19

10:30 a.m.

Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine penalties for white collar offenses.
SD–226

Governmental Affairs
To hold hearings on the nomination of Michael D. Brown, of Colorado, to be Deputy Director of the Federal Emergency Management Agency.
SD–342

2:30 p.m.

Foreign Relations
Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee
To hold hearings on S.1017, to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals.
SD–419

POSTPONEMENTS

JUNE 12

9:30 a.m.

Health, Education, Labor, and Pensions
Business meeting to consider S.710, to require coverage for colorectal cancer screenings; S.1115, to amend the Public Health Service At with respect to making progress toward the goal of eliminating tuberculosis; S.2184, to provide for the reissuance of a rule relating to ergonomics; S.2558, to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries; S.2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality; and the nominations of Thomas Mallon, of Connecticut, Wilfred M. McClay, of Tennessee, and Michael Pack, of Maryland, each to be a Member of the National Council on the Humanities, National Foundation On the Arts and the Humanities.
SD–430

2:30 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings on S.2541, to amend title 18, United States Code, to establish penalties for aggravated identity theft.
SD-226

SENATE—*Tuesday, June 11, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, think Your thoughts through us today. We want to love You with our minds and praise You with our intellects. We seek to be riverbeds for the mighty flow of Your wisdom through us. Teach us to wait on You, to experience deep calm of soul, and then to receive Your guidance. We spread out before You the decisions we must make. Thank You in advance for Your guidance. Give us the humility to trust You for answers and solutions, and then, grant us the courage to do what time alone with You has convinced us must be done. You are the author of all truth, the bottomless sea of understanding.

Send Your Spirit into our minds and illuminate our understanding with insight and discernment. We accept the admonition of Proverbs, *Incline your ear to wisdom, and apply your heart to understanding; yes, if you cry out for discernment, and lift up your voice for understanding, if you seek her as silver, and search for her as for hidden treasures; then you will understand the fear of the Lord, and find the knowledge of God. For the Lord gives wisdom; from His mouth come knowledge and understanding.*—Proverbs 2:2–6. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE, a Senator from the State of New Jersey, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 11, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

SCHEDULE

Mr. REID. Mr. President, this morning the Chair will announce a period of morning business until 10:45, with the first half under the control of the majority leader or his designee and the second half under the control of the Republican leader or his designee.

At 10:45, the Senate will resume consideration of the hate crimes legislation, with 60 minutes of debate prior to a cloture vote at 11:45 a.m. So Senators would have until 10:45 a.m. today to file second-degree amendments to the bill.

The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

UNANIMOUS CONSENT AGREEMENT—S. 2578

Mr. REID. Mr. President, I am going to make a unanimous consent request at the present time. I ask unanimous consent that immediately following the cloture vote today, regardless of the outcome of that vote, the Senate proceed to the consideration of S. 2578, the debt limit extension; that that bill be read the third time and the Senate vote on passage of the bill without any intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, let me express my appreciation to the minority. This is something that the President desires us to do. We tried to work it out last week on the supplemental. We could not do it. This will bring it forward, as painful as it is, to increase the debt if something has to be done. The debt has been incurred, and we have to meet our obligation. That is my opinion.

I appreciate the cooperation of the Republican leadership and the members of the minority for allowing us to do this.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:45 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Seventeen and a half minutes remain on the leader's time.

ENVIRONMENTAL PROTECTIONS

Mrs. BOXER. Mr. President, I have come to the Chamber today to talk about an issue about which I have spoken before and will continue to do so until we turn around the current climate we are facing, which is a rollback of environmental protections for the American people.

It is stunning to see what has happened to environmental regulations since administrations have changed. We have, fortunately, a group called the NRDC. I have a list of all the actions that have been taken by this administration since they took over. We have seen the average of one anti-environmental action every week since this administration took over.

This chart is way too small for people to read, but it gives a sense of the situation. I have two charts like this. These are 100 rollbacks. Our Nation certainly is in a situation where we are so focused on meeting the challenges that hit us on September 11—and it is very understandable; we are so united on that—but what has happened in the course of that time is that without very much publicity, a lot of these regulations have moved forward.

We face the circumstance where if we in the Senate and those in the House who care about the environment do not speak out, I fear for the future of our country.

Why do I say that? Because when one says the word "environment," it means many things, and one meaning is health and safety. For example, when this administration believed it was not

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

so important that arsenic was in the water, finally the people woke up to what they were doing. Then when they said it was not so important to test poor kids for lead in their blood—even though we know if a child has elevated levels of lead in his or her blood, there is going to be a serious learning problem and illness problem, even problems of death—they went too far.

It does not seem to stop them. In my State, they are against us as we are trying to protect the coastline. They are against us. They said to Florida: We will help you. But as to California, it is unbelievable. Interior Secretary Norton said people in California do not care about their coasts. Mr. President, I am here to say that is an insane statement if you look at the record.

Since the seventies, when under the Carter administration they thought they would drill, we convinced Carter not to drill. We thought that problem was over. The State has a moratorium on drilling off our shores. The fact is, we have set up sanctuaries all along the ocean. This is a terrible statement and an example of how the Bush administration is so blinded by this idea that the environment does not matter, they will say things that do not make sense.

My colleague from Illinois is in the Chamber, and I know he wants to add to this debate. First, I want to cover one more issue before I yield to him. I want to talk about one issue. It is called the Superfund.

I think it is very interesting that the Presiding Officer, as well as Senator TORRICELLI, are two leading proponents for doing something about Superfund sites.

The word "super" is a good word: You look super fine. The word "Superfund" is not a good word because what it means is that we have sites all over this country that are filled with poison and toxins, and we need to clean up these sites.

This chart shows there are national priority list sites in every single State but one. North Dakota is the only State. New Jersey happens to have the most. Pennsylvania is third. My own State has about 104 sites, and we are second on the list.

What I want to show my colleagues—and I hope the Senator from Illinois will pick up on this—is what is happening specifically to the Superfund program, which is such a popular program in this country. It cleans up these toxic sites. A lot of people live near these sites. Children live near these sites. It makes the sites safe, and it goes after the responsible parties, the polluters, and says the polluter pays, which is the basic premise of the Superfund program.

Under Bill Clinton's administration, we saw a ratcheting up of the cleanup: 88, 87, 85, 87 sites in the last 4 years. We were all set to continue. We were a little disheartened when President Bush said he is only going to clean up 75 sites, but worse than that happened. Now they are saying they are only going to clean up 47 sites, and then 40. We are going back down. We are going back down to a level, frankly, that we have not seen in more than a decade.

This is a horrible situation. I am proud that Senator CHAFEE has joined us, and we have bipartisan legislation to reinstate the Superfund fee so polluters will pay.

I am going to show one last chart because this is so important. This idea of "polluter pays to clean up their mess" has been basic to this country for many years, since Superfund was set up in the 1980s, and it led us to a situation where the industry and the polluters were paying 82 percent of the cleanup and taxpayers only 18 percent. That was where we could not find a party or we did not have enough funds in the Superfund trust fund.

This is where we are headed under President Bush. I consider this administration the most anti-environmental that I have ever seen, frankly. I have been in Congress since 1982, with Senator DURBIN, who is about to speak. In 2003, 54 percent of the cleanup in Superfund will be paid for by taxpayers; 46 percent by the industry that polluted. This is not a good trend for the American people, for the taxpayers, and that is why we have so much support for turning this around.

I am proud to be the chair of the environmental team that Senator DASCHLE has appointed to point out the environmental record of this administration and how it is hurting the health, safety, and well-being of the American people.

Mr. DURBIN. Will the Senator yield?

Mrs. BOXER. I am happy to yield to my friend for as long as he would like.

Mr. DURBIN. I thank my friend for her leadership on the environmental issue, and I would like to get back to it, but I would like to ask the Senator to reflect with me for a minute on the larger issue, an issue of corporate responsibility, whether U.S. businesses will accept their responsibilities as part of America, their responsibility not only to their workers, their investors, and shareholders, but the consumers and America at large.

Time and time again, what we find with the Bush administration is they turn their back and ignore this issue of corporate responsibility. We now have a "Bermuda Triangle." This Bermuda Triangle is sucking in American jobs and American tax dollars as more and more corporations are moving their headquarters overseas. As they move their headquarters to Bermuda to avoid paying America's taxes, they are shirking their corporate responsibility to the United States.

When the Stanley Tool Company decided to move from the United States and put their corporate headquarters in Bermuda, did we hear any protests from this administration that they were shirking corporate responsibility? Not at all.

We saw in the paper yesterday that we now have the Norquist black list. Grover Norquist, one of the leading gurus of the Republican Party, has said he is creating a black list of those entities, organizations, and people in Washington who will not be acceptable and welcome in the Bush administration. They want their close circle of corporate friends to have entre to persuade this administration to move in the worst directions. They do not want to hear both points of view, the Norquist black list, part of this Bush administration philosophy.

It really comes through graphically on this issue of the Superfund. Who should pay for the toxic mess? The people who created the toxic mess or the taxpayers, the families of America?

What we are saying basically is if this burden is shifted to the taxpayers of America, corporate responsibility is abandoned. The corporations and businesses that create the mess should bear the burden of cleaning it up.

The Senator from California has made this point: In my State of Illinois, we have 39 sites on the Superfund list and 6 that have been formally proposed. Several others ultimately filled with PCBs, arsenic chlorinated solvents, and other harmful compounds will qualify. The Bush administration says the corporations and industries responsible for this mess should not pay for it; American families, workers, and taxpayers ought to pay for it. Where is corporate responsibility in this administration?

Mrs. BOXER. I am really pleased my friend has tied this into the bigger picture, because this particular chart shows it all. The Bush administration is moving away from corporate responsibility when it comes to cleaning up the worst toxic sites in America. They are cleaning up half the number of sites. We do not know. We cannot tell.

I am the chair of the Superfund Committee and the Environment Committee. The bottom line is, I cannot even tell whether the sites of the Senator from Illinois are going to be cleaned up because this administration is keeping that information secret.

To get to the point about corporate responsibility, having faced the Enron scandal, and continuing to face it in California, let me state what this means. It means corporations could care less about the people they serve. They tell their own employees to buy Enron stock while the insiders sell out. The shareholders were the last people they thought about. It is a lack of a corporate ethics.

When this administration writes an energy plan, they talk to these very same corporations that essentially turn their back on the American people. As my friend, Senator MIKULSKI, brought up at a meeting we both attended today, some of these corporate executives renounced their citizenship in order to get away with not paying any taxes. They leave the greatest country in the world, which gave them every opportunity to fulfill the American dream, and they throw it all away for dollars and cents.

There is little corporate ethic in America. There are some very good corporations. Why not say to those good corporations: We appreciate what you are doing; join with us. Let us get back a corporate ethic.

On the Norquist black list that my colleague referred to, I thought it was interesting when Ari Fleischer was asked about it in his press conference. He said: I have no comment because we have nothing to do with it. I found that amazing. Does he have no comment on terrorism? He has nothing to do with that. Does he have no comment when something horrible happens around the world that we have nothing to do with? Since when is it that there is suddenly silence when it comes to a black list? I think it is a political embarrassment to them.

More than that, what worries me is they are not distancing themselves from this issue. I hope in America there is room for all kinds of views. When Vice President CHENEY put together the energy plan, they did not want any views from people who had what I would call the public interest versus the special interest. I worry about this small circle around this President that does not hear from people who may have a different view.

Mr. DURBIN. If the Senator will yield for another question, I think we should make it clear what this Norquist black list is all about. Grover Norquist is one of the conservative gurus in the Republican Party. He is now joining in what he calls his "K Street Project" with other conservatives. They are really creating a black list of people with which this administration will not deal. People who are fighting for the environment, people who are fighting for human rights, people who are trying to protect the rights of individuals to have health care, people who are trying to protect consumers will be part of the Norquist black list.

Now what the Bush administration is saying is that they really do not know that they want to comment on this. They should comment on it immediately and reject it. They ought to denounce it. This is unacceptable, whether the President is a Democratic or Republican. Every President should be open to every point of view. They may come down and reach a different conclusion, but to create a black list, as Grover Norquist has for those who are standing up and fighting and basically representing the families of America, is plain wrong.

I ask the Senator from California, do we not see this coming back at us in so many different ways? The Senator mentioned Enron, the weak stock market, and the lack of confidence in corporate America. Should we not have leadership from the White House saying we demand corporate responsibility? We do not find that, do we, in this administration response?

Mrs. BOXER. No, we do not find it. As a matter of fact, I am waiting for some indictments on the Enron case, to be honest.

Mr. DURBIN. Not one so far.

Mrs. BOXER. Not one so far. We now know because other whistleblowers are telling us that they set the pace for the energy industry. This was the biggest transfer of wealth from ordinary American families to the pockets of these people. It is extraordinary.

Overlay the whole Enron scandal and anyone can see that California was used as a cash cow to keep Enron afloat while the insiders sold their stock. I have seen videotapes of the highest executives at Enron telling the poor employees—as these top executives were unloading their stock—buy more stock. They wanted to see that the stock was artificially held up and have more people and more employees buying so they could sell out.

I look at the word "patriotism" perhaps in a different way than others. Patriotism extends to a very broad range. When I say this, I mean if you are truly patriotic and love this country, yes, you stand with this President in the war against terror. But it extends to the way you treat people in your life, Americans who get up in the morning and work hard, single moms, people with illness who want prescription drugs. To make this the greatest country is making sure we have a strong middle class to buy the products that business makes, to be able to educate their children so this country continues to be the greatest in the world.

When you put greed ahead of the American families in this country and their rights and forget your responsibilities, where is the patriotism there?

Mr. DURBIN. Will the Senator yield?

I have met with business leaders in Chicago from good businesses, from across Illinois, and they are saying the same thing. They are ashamed of what has happened with Enron. They are ashamed of what they are seeing in this area of corporate irresponsibility. They believe they are good Americans creating profit for their shareholders and job opportunities and good products. They are looking for leadership from Washington. Usually business says, Washington, hands off, stay away from us.

Many times they are asking, What are you going to do to help us clean up the mess when it comes to accounting standards and energy regulation? We need leadership from Washington. Yet there is little or nothing coming from this administration when it comes to corporate responsibility. For the sake of this country, for the sake of the good companies in this country, those that are responsible, we need an administration that will speak out now to restore confidence to the American people in our economy, in our business structure, in our stock market. Yet the only thing we hear is the Norquist blacklist. They are going to blacklist certain people from having access to this administration if they deign to speak on behalf of consumers and average people. That sort of thing is totally unacceptable. It is an ethic we should not accept from either political party in this Nation.

I ask the Senator from California if she has heard the same thing from responsible business leaders in her State.

Mrs. BOXER. There is no doubt about it. They are embarrassed by what has happened—the corporate executives who take home millions and millions of dollars and then do not pay their taxes, corporate executives who do not care about their employees and destroy not only their employees' jobs but their pensions. It is a moment in our history where they are looking to us for leadership.

The way I tie it into the environment and health and safety is this: I showed on the floor the environmental record for 2001. This is the record for 2002. Each week, there is another plan to weaken environmental laws and protect the people. It is a terrible message to corporate America.

This chart shows the EPA budget. They eliminated the budget for graduate student research in the environmental sciences.

Look at enforcement. Good businesses welcome enforcement. If you are doing it right and the enforcers come in, you are in good shape. They cut it back, and the bad apples do not get caught.

Look at air quality, nuclear waste, endangered species, mining public lands, something my colleague is involved in, oil and gas drilling, urban sprawl.

This administration zeroed out the funding for urban parks. I would love my friend to comment on this point: 70 percent of our people live within reach of an urban park. Unbelievably, 2 weeks ago the administration sent out a press release bragging about all the grants they made from last year's money, not mentioning in this press release they have now zeroed out the funding for urban parks.

This lack of caring for the people of this country, as I see it, in terms of the environment and this kind of a record set a poor example for everyone, for business leaders. If business leaders see this administration does not really care, when it comes to the environment, about the health and safety of the people, what is the subtle message to a corporate executive? I guess: I don't have to care. I guess the bottom line is my profit.

Mr. DURBIN. I ask the Senator from California to reflect on this. It is not as if this administration cannot find money. When it comes to tax breaks for the wealthiest people in our country, they can find plenty of money. When it comes to an urban park—which is what many working families look forward to on a Sunday afternoon, whether it is in San Francisco, Los Angeles, or Chicago, a place to go with your family and enjoy yourself on Sunday afternoon—the administration says we cannot afford urban parks but we can afford a tax break so that the multimillionaires in this country can go to private clubs and can enjoy a lifestyle that involves a lot of privacy.

For the average working-class family, their lifestyle involves fun perhaps on a Sunday afternoon on the Lake Michigan shoreline or going to an urban park in and around the city of Chicago.

It really is a choice. It is not as if the Bush administration is saying there is just no money for anything. They found money when it came to tax breaks for the wealthiest people in America. When it comes to putting money into America to protect our environment, to protect for prescription drugs under Medicare, for a tax deduction for college education expenses, to give a tax break to small businesses to offer health insurance, this administration cannot see it. It casts a blind eye.

Mrs. BOXER. The point is the message it is sending, subtle or not so subtle, to corporate America, about what is important. There is a relationship between the two.

This chart shows the clean water rule. The administration reverses a 25-year-old Clean Water Act rule that flatly prohibits disposal of mining and other industrial wastes into the Nation's waters. The EPA issued new regulations making it legal for coal companies to dump fill material—dirt, rock, and waste—from mountaintops, moving mining into rivers, streams, lakes, and wetlands.

My point is, if this administration that is charged with protecting the environment, as we are, is so callous about the quality of the water for the people of this country, the not so subtle message to corporate America is: People don't matter that much; just make your profit because we really don't care.

It is stunning. That is why I am glad my friend was here. This connection between this record, which I think is so unmindful of the needs of the American people, does translate over to short-term thinking in corporate America, to thinking that it really is not important to care about the environment, your people, or their health and their welfare reform.

Mr. DURBIN. Did we not go through this same debate on the energy bill a few weeks ago? The Senator and I were coming to the floor and saying, if you want to lessen America's dependence on foreign oil, if you want more energy security, take a look at the No. 1 consumer of oil in this country—the cars and trucks we drive. Have more fuel efficiency and fuel economy. Forty-six percent of the oil we import goes into our cars and trucks. A number of Members came to the floor and said let's improve fuel economy of cars and trucks in America to lessen our dependence on foreign oil. The corporate interests came in and said no, no change, no improvement.

What it means is, we passed an energy bill which fails to address the most basic element of developing energy security, energy independence, and a cleaner environment for America. It literally has been 17 years since we improved the fuel economy of cars and trucks. When we look at this, time and again, it is corporate irresponsibility that turns its back on the environment and energy security for this country.

As the Senator from California has pointed out, this is a pattern which is emerging through this administration. Instead of leading us toward more responsible conduct, as individuals, as families, and as businesses, they are turning their back on corporate responsibility.

I think it all comes together. I think the environmental issue plays into the energy issue and, frankly, the vote we had on the floor where, 67 to 32, the Senate rejected improving fuel efficiency in cars and trucks across America was a shameful vote. It is a vote which, frankly, we are going to have to answer for decades to come.

I ask the Senator from California, whose State has led when it comes to fuel standards and clean air and fuel efficiency, whether she believes this is all part of the same issue?

(Ms. STABENOW assumed the chair.)

Mrs. BOXER. I say to my friend, it is. It is short-term thinking. It is not good for this country. If you want to talk about patriotism, the most patriotic thing you can do, it seems to me, is drive a car that doesn't use all that foreign oil. It is very hard to get such a car, an American car particularly.

It is interesting my friend raised this because he is right. The Senate was weak on this, shamefully weak. But we did not get any help from Vice President CHENEY when, on June 18, 2001, he announced to General Motors executives that the Bush administration has no plans to pursue higher fuel efficiency standards. That set the tone.

When this administration came in, many of us did say there were so many ties to energy, so many ties to oil companies, that we were very worried. But some of us thought maybe, because of that, the administration would bend over backwards to be fair, to lean on this issue. We were sorely disappointed.

If one could sit down and really think it through, we are talking about a very unwise strategy on the part of this administration to not look ahead, to not plan for the future, to not care about your grandchildren or my grandchildren having the opportunity to see the beauty of this country; to not worry that much if the quality of the air goes down or the quality of the water; to convince yourself the environmental laws are a burden on industry. That is disproven and untrue.

My friend talks about California. We have been the leader on environmental protection. We have found when you clean up the environment you create jobs. There has been study after study. One of our best exports happens to be environmental technologies. So by turning away from a clean and healthy environment as a goal to help our people, you are also blocking a very important piece of our economy, a place where we are way ahead.

I remember when the wall fell in eastern Europe, one of my friends who went there said: The trouble is, now you can actually see the air. They had not done anything about air pollution.

I know my friend is leaving. I am about to end what I am saying. But I thank him so much for tying together this horrific anti-environmental record, the anti-environmental record of this administration, to the whole issue of corporate greed, of corporate irresponsibility. We are seeing more and more of the big corporations really turning their back on the people they are supposed to serve, frankly—their customers; the people they are supposed to help, their employees; their shareholders, just using this very shortsighted type of reasoning that this administration uses, which is get it all now and don't worry about the future.

If you take the issue of CO_2 emissions, we had a President who promised that, although he was against Kyoto, he would come up with a plan to cut those emissions back. That is the problem that causes global warming. I don't know of any respected scientists today who say global warming is not a dreadful problem. What it could do to our agricultural products, what it could do to our Nation, what it would mean for the world, is devastating.

It is not a question of panicking about it. It is a question of doing something about it. It is not that hard to do, if we set our mind to it.

This administration's Environmental Protection Agency sent a report to the United Nations where they admitted, yes, there is global warming and, yes, it is caused by human beings, and, yes, it is bad. Now this administration, this President, is backing away from his own administration, what they said. He said: Gee, I really don't agree with that "bureaucracy."

I don't get it. This is his Environmental Protection Agency. And the thrust of the report, even though it admitted there were problems, basically said there are these problems but we have to learn to live with them.

I do not understand why people go into Government, would join the Environmental Protection Agency, would run for President or the Senate or the House to say: "You know, it's a problem." And throw up their hands.

That is not what we are about. Our job is to find solutions to problems, to lay those problems out. I know the Senator who is in the Chair is taking the lead in finding solutions to the problem of the high cost of prescription drugs, not only for our seniors but for all of our citizens. She is working long and hard on that, day in and day out, and with her leadership and that of others in the Senate, we are going to come up with a good plan.

I know our leader, TOM DASCHLE, is going to come up with a very good plan that we can all back, on all fronts, dealing with Medicare but also dealing with the pricing of prescription drugs.

You could throw up your hands and just say, "Isn't this awful, prices are going up," and walk away. Why would we deserve to be here if we took that attitude? Why do we deserve to be here if we do not protect people's health—by getting them prescription drugs, but also preventing the health problems that you get when you have dirty air and water and high levels of arsenic and high levels of lead in children's blood.

It is one thing to react at the end of it when they have these illnesses. We need these pharmaceuticals. It is another thing to prevent these problems because many come from a very unhealthy environment.

I am sorry to say that this administration's record in 2001—and let's show 2002—an average of once a week, coming up with an anti-environmental rule, rolling back a pro-environmental, prohealth rule. This record is shameful. I think it is only because we have been so focused, as we have to be, on other issues, that we have not, as Americans, stood up to say this is a terrible circumstance.

I will show the Superfund. I will leave with that one more time, to show the number of sites they are cutting back on the Superfund. Remember, in California 40 percent of Californians live within 4 miles of a Superfund site. I am sure, Madam President, if you examine the Superfund sites in your State—you have many, as unfortunately many of us do, and we will give the exact number later—you will see what is happening. There is a walking away from the responsibility to clean up these sites, which means these sites will remain very dangerous.

We have a site in New Jersey that has become infamous because the wildlife there is turning bright colors from the dioxin that is in the soil, the arsenic that is in the soil, the dangerous chemicals that are in the soil. The EPA will not tell us, Madam President, from which of your sites they are walking away. We are trying desperately to get the information.

Senator JEFFORDS, who is a man of tremendous patience, I can tell you, started trying to get the information in March. We sent a letter and said that we now see you promised to clean up 75 sites. Now you say it is only 47. That is down from 87 sites under the last administration. Tell us, pray tell, which sites are you abandoning? Our people have a right to know. It impacts their lives; it impacts the lives of their children; it impacts the property values in the community. Just tell us which sites you are not going to clean up.

We found in the hearing we held that, in fact, a message went out to all the employees at EPA not to talk to anyone. Don't tell Senators which sites are off the list; don't tell newspapers; refer all the calls to our communications people.

The penchant for secrecy in this administration is growing to be alarming. We couldn't find out who sat in on Vice President CHENEY's meeting when they drew up this energy bill. We had to go to court to find out. Now we know. It was the special interests that wrote that. We know what happens then.

That is not the kind of America we want. We want an America where everyone sits around the table—people from the environmental community, people from the business community, people from the labor community, people from the management community. That is the way we are going to have an America that works for everyone—not when we leave out people with whom we don't agree.

I represent a State which is very diverse in thinking. We go from very liberal to very conservative and everything in between. If I just sat with the people who voted for me, that would be a huge mistake for me; plus, it would be unfair and wrong.

We need to sit with people with whom we don't always agree. That is why this Norquist blacklist is so upsetting, as Senator DURBIN said. If we put a little X on the forehead of people who do not agree with us, and we put them on a blacklist and we never talk to them, what kind of America is this going to be? It is going to be an extremist America—an America that doesn't reflect the values of the American people.

One of the values of the American people is a clean and healthy environment. I hope people will educate themselves to the fact that we cannot find out which Superfund sites are not going to be cleaned. I hope people will understand the danger they face if this continues.

I pledge today to continue to come to the Chamber to talk about this environmental issue, to fight for the Superfund Program, and to fight for clean air and clean water. We are going to take this case to the American people.

I thank the Chair very much. I yield the floor.

The PRESIDING OFFICER. The time controlled by the majority has expired. The remaining time until 10:45 is controlled by the minority leader.

Mrs. BOXER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Madam President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. The Senator may proceed.

Mr. THOMAS. I thank the Chair.

ROLE OF THE FEDERAL GOVERNMENT

Mr. THOMAS. Madam President, we always have different kinds of things to talk about and issues that are before us. That is our job, of course, to deal with the issues. There is no end to the number of issues that come here. We focus on them, as we should. In addition to that, however, it seems to me that it is appropriate from time to time that we focus a little bit on the appropriate role of the Federal Government.

What is the appropriate role of Government spending? I understand the pressures that come from wanting to do something about every problem, partly because we do want to do something about every problem, and partly because of the politics of it. Now we find ourselves getting more and more into the kind of setting, a kind of culture, if you please, where, as the Federal Government continues to grow, every issue that arises—at whatever the level—the first request is let us get the Federal Government involved; let us get some money from the Federal Government; let us get some programs from the Federal Government. So continuously we get larger.

If you walk down the street and ask in general terms if you think the Federal Government ought to be larger, if you think it ought to be less large, if the issues ought to be considered more close to the people where they have more input at the State and local level, the answer is yes.

I believe we need to stand back from time to time and take a look at what we are doing in terms of the future, and maybe try to get some vision of where we want to be in the next 10 years or 15 years.

What do we want our society to look like in terms of government? Do we want a national government for everyone? I don't think so. That is not what we are. This is the United States of America. We are a federation of States. The Federal Government's role is fairly well defined in the Constitution, and those things not there are to be left to the States. But we move the other way.

I am not anti-Federal Government. I think there is obviously a very serious role for the Federal Government. One of them we are exercising now is defense. That, obviously, is a Federal role, and one that we should and are pursuing.

But take a look at all the things we are in. Take a look at all of the little things in the supplemental budget which we passed last week, and tell me that those are Federal responsibilities—all of those little items in there that we are funding. I am sorry, they are clearly not.

It seems to me that we have to take a look at the concept. I think some of the things we are looking at now are very important. One of them is Medicare. Obviously, Medicare is a Federal program. But we need to take a look at it and see where it is going over time to be other than just patching here or patching there or putting a little more money in there, and then come to the Chamber and complain about not having enough money. But we never seem to look at where we might be.

I am a little frustrated at the feeding frenzy at the public trough of the Federal Government that we have been engaged in over the past several decades. As a matter of fact, I think that is going to be more difficult as we go forward.

First of all, of course, we need to debate and pass a responsible bipartisan budget resolution. To most people, the budget means you have a budget which hopefully you can stay within. If you can't, you can't. It means more than that here. A budget, of course, is some limitation on what you are spending. That is what your plan is, and that is what you are doing. But, in addition to that, there are some restraints that can be used here on the floor of the Senate.

If an appropriations or spending bill goes beyond the budget that we have established, then it becomes more difficult. You have to have more votes to pass it.

It is a very important thing. Here we are without one, I think, for the first time in 27 years. Certainly, we need one. We need to take a long look at some of these appropriations bills that are coming up. We need to do that very soon. We will be talking about hundreds of billions of dollars in expenditures.

Of course, we should be helping to strengthen education. What is the role of the Federal Government in education? Now it contributes about 7 percent to elementary secondary education—most of it in special education. But we continue to look there for more and more money. There are all kinds of recommendations to do that.

I think one of the interesting ones that I run into—and the Presiding Officer does as well—in terms of the Finance Committee is taxes, tax changes, tax credits—tax this and tax that. Every day something comes up that someone wants to give a tax credit for some certain kind of behavior. Then the next day we come to the Chamber and say the tax system is too complicated. It is complicated because every day we use it more to affect behavior than we do for raising money. There is just no end to it. Let us give a tax credit to do this or give a tax credit to do that or we will give a tax credit to help build small communities or give a tax credit for charitable giving or whatever, all of which on their face are nice ideas. But if you step back and say what the role of the Federal Government is in that, then I think maybe you would have to take a closer look at what is really happening. It is one that I believe is very important.

There is constitutional direction, as I mentioned. Some people interpret that in different ways. But, nevertheless, it does indicate that there is a limit to what the Federal Government should do. I don't know. I suppose different States have different things. A good deal of Wyoming belongs to the Federal Government. So one of the things I hear the most is there is too much Government regulation—Federal regulations that impact everybody—probably more than anything else.

The Senator from California was talking about environmental restrictions. That is all I hear—an excessive amount of non-use restrictions on public property—and the idea that you don't have access to the Federal lands that belong to the people. The access, obviously, ought to be limited so that you preserve the environment. But the idea that you have to have roadless areas so you cannot access the property, the idea you cannot go to Yellowstone Park in a snow machine, even though the snow machine can probably be made cleaner than an automobile—these kinds of things are constantly there. At the same time, we want the Federal Government to get bigger, with more regulations. It is quite a frustrating thing. I know it is difficult, but we need to take a look at really where we want to be.

Last summer in Wyoming, I had a series of meetings, two in almost every county; we called it Vision 20/20. We asked people to share with us what they saw in the future for their families, their town, their county, and their State. It was interesting. Of course, it was different in different parts of the State, but several things were pretty unanimous. It would be fun to have this body sit down for a day and say: What do you see as the role of the Federal Government? What do you see the Senate doing in terms of spending, in terms of programs 15 years from now? Do we want to continue to spend the way we have over the last several years? If so, what would be the totals?

A couple years ago, we tried pretty much to have some limitations and held the general budget to about 3 percent, which was basically inflation. This year, notwithstanding terrorism and the necessary emergency spending, it is probably 8 percent—probably more than that, close to a 10-percent increase in Government spending.

Of course, we will hear from our friends on the other side of the aisle that the problem is because of tax reductions. I don't agree with that. Tax reductions are necessary when you have a slow economy, to get things going. Tax reductions help us plan to see the kind of Federal Government we really want—perhaps one with a smaller role—and identifying those things that are clearly the role and responsibility of the Federal Government; perhaps reducing Federal taxes so locals can have more taxes, to do with it what they want.

One of the things I think most of us, I suppose from every State, work on more than anything else is what a bill or a proposal means in terms of our States. For instance, health care. I come from a rural State. Health care delivery in Wyoming is quite different than it is in New York City, so a Federal program that is designed for metropolitan areas doesn't fit at all. There has to be enough flexibility. The same is true with education and most everything else we do. But we don't always give that flexibility. So we find ourselves with programs designed to go nationwide which don't fit nationwide. Yet because we constantly have these Federal programs going, it is most difficult.

I mentioned to you that we are always saying we need to simplify taxes. Yet we use them to affect behavior more than almost anything. The size of the Government continues to grow. We worked very hard last year to get the bill passed that required agencies to look at their activities, and those that are not totally governmental could be put out into the private sector for private contracting. I think it is an excellent idea to try to keep the Government as small as possible. Some of our folks are opposed to that idea; they want more and more Government and more and more Government employees. Those things that are not certified Government things ought to be dealt with in the private sector.

So I know these are general comments and you don't have an answer for all these issues, but there is a frustration that builds as you go through everything we look at every day, and more and more bills being talked about.

As an example, we are going to have hearings this afternoon on the Park Subcommittee, which I used to chair. I love parks. But there need to be some criteria as to what a national park should be. Failing having criteria, what they say in every community that has an area they would like to develop and set aside is, let's get the Federal Government to take it over and let it be some kind of a Federal park. It is not a Federal park just by its definition. But I understand when we are working for something in our States—some call it pork, and some call it other things, but it doesn't matter—we don't look at the broad picture, we just look at that. It is difficult.

So I am hopeful we can take a long look at what we are doing and, as opposed to simply dedicating ourselves to an election in 2002—to which I think you will find many of these things are very related—let's take a little longer look at where we are going to be. That is really our job for the future. These young pages sitting here, where are they going to be 20 years from now? We have some responsibility to look at that. I think it is a very strong responsibility.

So I hope we can put our emphasis a little more on our responsibility as the Federal Government, how we can best do that, what it means in the future, how we can help build the strength of local and State governments so that it will be close to the people and the people can indeed have a real role in what is being managed in their area.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. KENNEDY. Madam President, as I understand it, the time between now and 11:45 a.m. is equally divided, and at 11:45 a.m., we will vote on the cloture motion on the hate crimes legislation.

The PRESIDING OFFICER. The Senator is correct.

Under the previous order, the Senate will now resume consideration of S. 625, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 625) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes.

Pending:

> Hatch amendment No. 3824, to amend the penalty section to include the possibility of the death penalty.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I wish to briefly review where we are on this issue involving releasing the other arm of the Federal Government to fight hate crimes.

This is an issue that has been before the Congress since 1997. We reported the legislation out of the committee in 1999. It is the year 2002, and we still, in this body and in the House of Representatives, have been unwilling, unable to pass legislation that is going to permit the Federal Government to fight terrorism at home. That is what hate crimes are all about.

I am always surprised that we are unable to break the logjams. This legislation has been before the Senate. We voted on this legislation about a year ago as an amendment to the Defense authorization bill. The vote was 57 to 42.

So we had strong bipartisan support for that legislation. Then we get to the conference and the Republican leadership in the House of Representatives said no.

What we really need is to have the legislation passed free and clear, meaning no amendments attached to the legislation, in spite of the fact that 232 Members of the House of Representatives, Republicans and Democrats, understood as well that we ought to be fighting hate and terror at home. That is what this is all about, whether we are going to deal with the insidious hate crimes that continue to exist in this country and which, in too many instances, are not prosecuted.

We have the strong support of those in the law enforcement area. Twenty-two State attorneys general support it; 175 law enforcement, civil rights, civic, and religious organizations; and 500 diverse religious leaders from across the Nation.

We have to ask ourselves: Why are we really being blocked from permitting the Senate to address an issue which we have already addressed and which is in great need at home? And that is the hate crime issue.

It is an outrage that Congress continues to be AWOL in the fight against hate crimes. Hate crimes are terrorist acts. They are modern-day lynchings designed to intimidate and terrorize whole communities.

Our Attorney General in this past year has said:

> Just as the United States will pursue, prosecute and punish terrorists who attack America out of hatred for what we believe, we will pursue, prosecute and punish those who attack law abiding Americans out of hatred for who they are. Hatred is the enemy of justice, regardless of its source.

In the same speech:

> Criminal acts of hate run counter to what is best in America, our belief in equality and freedom. The Department of Justice will aggressively investigate, prosecute and punish criminal acts of violence and vigilantism motivated by hate and intolerance.
>
> Our message this morning is unambiguous and clear. The volatile poisonous mixture of hatred and violence will not go unchallenged in the American system of justice.

That is what this legislation is all about, to try to make sure we are going to prosecute these acts of violence that are based upon bigotry and hatred and that affect not only the individuals who are involved but also affect the whole community.

Many of us thought, after September 11 and after the extraordinary loss of lives, after the extraordinary acts of heroism, there was a new spirit in America. I believe that to be so. I think it is true. It is reflected in so many different areas. We are reaching out to understand our communities. We are reaching out to understand our neighbors and friends. We have a strong understanding that America, in many respects, is closer, bonded together in order to try to resist the acts of terror that are at home but also understand the values which are important to each other.

Within that spirit, it is amazing to me that we as a country are so prepared to assault those cells of hatred as they exist in other parts of the world and refuse to address them at home. That is what this legislation is really all about. That is why we need this legislation. It is very simple.

I see my friend and colleague. I reserve the remainder of my time, and I yield such time as he may consume to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Madam President, each day I have detailed in the Senate RECORD another hate crime. Again, these are always violent, they are always sickening, but they always happen to an American citizen. These citizens are not different from you and me. They are Americans. They may be black, they may be gay, they may be disabled, female or of Middle Eastern descent, and yet they are all Americans. We are all, in that important aspect, the same.

I will detail a heinous crime that occurred in the State of Oregon in 1995. I have spoken about this horrible crime before in this Chamber. A 27-year-old Stockton, CA, man murdered a Medford, OR, couple: Roxanne Ellis, 53, and Michelle Abdill, 42. The women, who ran a property management business together, disappeared on December 4, 1995, after showing a man an apartment for rent. He shot them both in the head. The bodies were left bound and gagged in the truck bed. The Stockton man later confessed, saying he had targeted the women because they were lesbians, and he figured they would not have families that would miss them.

I believe the government's first duty is to defend its citizens, to defend them against the harm that comes out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substantive. I believe that by passing this legislation we can change hearts and we can change minds.

I have noted, starting Friday, continuing most of the day Monday and today as well, that the opponents of this bill, I think, truly have an argument against the larger category of hate crimes. Their argument should not be the inclusion of these new categories of Americans whose minority subjects them to greater vulnerability. This is easy to demonstrate in crime statistics. An argument can be made that hate crimes are inappropriate, that all crime is hateful. This is an argument that has been made many times and in several cases that have reached the U.S. Supreme Court, but the Supreme Court has upheld the category of hate crimes.

So the question for us then becomes: Why not extend them to new categories of Americans who are demonstrably more vulnerable to crime? I argue once again that we should vote in the affirmative to include these new categories. I call on my colleagues to support it.

I have heard many arguments being propounded as to why we should not proceed. I believe we should proceed. I believe we should invoke cloture and get on with a final vote on this bill.

I will say, in defense of my colleagues, particularly our Republican leader, TRENT LOTT, in the rare case when he would invoke cloture early on a bill, he was roundly criticized by our friends on the other side. I wish cloture had not been invoked as quickly in this case so we might have a better chance of winning this vote. I say to my colleagues, this may be their only vote. I am given to understand that this bill will be pulled down if cloture is not invoked, and I think that is a very unfortunate development, because the time to do this is now, and the time to have effectively argued this is beginning Friday, Monday, today, and this week.

So I will be very disappointed, as one who has been present each of these days making this case, if this bill is pulled down because cloture is not invoked.

There may well be some good ideas that could be brought forward, but I think personally it is easy to distinguish between the meritorious arguments that can be made, such as some that Senator HATCH has been making, versus those that are designed to create political TV ads and to pull down this bill. It takes courage in the Senate to push the case, to make the case, and to stay with the case until this body has had time to work its will, but I fear that may not be allowed to occur now, which I regret. I wish more Senators had come the last 3 days to argue on the merits of this bill.

Every day I have entered a hate crime in the CONGRESSIONAL RECORD to demonstrate the need for this legislation. If by having a hate crimes law that covered James Byrd, the Federal Government was able to be helpful to the officials of Texas, why not have a hate crimes law that could have helped the police officers of Wyoming to pursue and prosecute the case against Matthew Shepard? This is about permitting the Federal Government to show up to work. This is about the Federal Government standing with the American people and saying, as to these values, as to opposing crimes so horrible and callous, we will stand united with law enforcement at every level, locally and federally.

This is not an effort on the part of the Federal Government to subvert State law or local police processes. This is an ability to enhance them, to backstop them, to make sure we get the job done. It is a law that is 30 years old. It is a law that ought to be expanded because of our experience. It is a law that we ought to vote on in its final form when this week's work comes to an end.

Mr. KENNEDY. Will the Senator yield?

Mr. SMITH of Oregon. I am happy to yield.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Massachusetts.

Mr. KENNEDY. The Senator makes a very good point that Congress went on record 32 years ago that we were going to have a Justice Department that was going to prosecute hate crimes. We have addressed that particular issue. We have made the decision.

During the more than 30 years since the current hate crimes law was passed, the Federal Government on average, has prosecuted only four hate crimes per year. By working cooperatively, state and federal law enforcement officials have the best chance of bringing the perpetrators of hate crimes swiftly to justice.

Now, as the Senator points out, another frequent argument we hear against the hate crimes bill. Opponents argue that the law is unnecessary because these crimes already are prosecuted at the State level. In the past thirty years, Congress has enacted dozens of federal drug and gun laws that criminalize conduct that already is illegal under state law. We didn't pass these laws because States were failing to their job, but rather because we believed that the Federal government had an important role to play in helping States combat violent crime. Our motivation in passing the hate crimes bill is no different.

The most important benefit of both state and federal criminal jurisdiction is the ability of state and federal law enforcement officials to work together as partners in the investigation and prosecution of serious hate crimes. When federal jurisdiction has existed in the limited areas authorized by current law, the federal government's resources, forensic expertise, and experience in the identification and proof of hate-based motivations have often provided valuable investigative assistance to local authorities without usurping the traditional role of states in prosecuting crimes.

We made a judgment, and even though there were State laws, we were going to pass this because there was an important interest in doing it.

Can the Senator find anything more important than trying to attack the basic core, the bias and hatred that motivates people to commit these crimes and make sure that we have a Justice Department that will be able to fight this with both arms, rather than one arm tied behind its back?

Mr. SMITH of Oregon. I agree with the Senator. We are in a war on terrorism in this world. It is entirely appropriate to focus on the war on terrorism at home. President Bush has proposed a more seamless process by which we backstop as a Federal Government local and State police and all law enforcement in our ability to protect the American people.

I believe government should help Americans as it finds them. Where there is a clearly demonstrated need, particularly as to gays and lesbians, we should show up to help. I believe the Senator would agree with me that in the case of James Byrd, where this African-American brother was dragged to death in a hate crime, the Federal Government, because the statute permits the category of race, was helpful. It did not subvert the local pursuit and prosecution of the murderers of James Byrd. We backstopped it. We brought the good offices and the resources and the expertise to be helpful to Texas in that case.

Come with me to Wyoming, sir, and you will talk to officers that introduced themselves to me as Republican police officers. They did not need to identity their party but their point to this Republican Senator was that this is not a partisan issue. They could have used the help. This became a case that so consumed Laramie, WY, that their limited resources were simply exhausted by one case. They would love to have had the Federal Government show up to work but the Federal Government was statutorily prohibited from coming to help.

Mr. KENNEDY. I ask the Senator one additional question, and we will hold our time with the agreement of the Senator to have the last 10 minutes. Does the Senator believe the Federal Government has less of an interest in combating hate violence against gays and lesbians than hate violence based on race?

Mr. SMITH of Oregon. It has the same interest in defending the American people regardless of their minority, their race, religion, their culture, their sexual orientation, their disability, their agenda.

It seems to me the government's business is not to pick between who among its citizens it will defend, but that under the banner of equal protection and due process we defend all citizens. As our founding documents make clear, we are created equally.

Mr. KENNEDY. The Senator makes a point on race, religion, on gender, sexual orientation, on disability. This legislation goes to the core of the bias and hatred and addresses that. It gives the Justice Department the tools to be able to prosecute those. I thank the Senator.

How much time remains?

The PRESIDING OFFICER. There are 11 minutes remaining and the other side has 2 minutes remaining.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, last Friday, immediately after calling up S. 625, the hate crimes bill, the Democratic leadership filed for cloture, I believe within 15 minutes after they called it up.

No one is filibustering this bill. In fact, there have only been 20 amendments filed to be considered.

I expected this bill to be debated. We hoped the minority or anyone in the majority, who so chooses, who wants to try to modify this bill and make it better, would have the opportunity to do so. We all know, if cloture is invoked, for the most part, all we can do is make motions to strike. Almost everything will be held to be nongermane and therefore not debatable, unless we get a supermajority to overcome the point of order.

All we are asking is for our side to be given an opportunity to present amendments that may improve this bill.

It is astonishing to me that cloture would be filed on a bill of this magnitude, a bill that has been hotly contested for very legitimate reasons, basically for the purpose of foreclosing any amendments on one side, including my substitute amendment, which I think almost anyone would have to admit is a reasonable amendment. I don't know whether it would be accepted as a substitute or not, but it ought to at least be debated and voted up or down.

I filed an amendment yesterday that preserves the death penalty as an option in hate crime cases. It seems to me that is an option we would not want to deny law enforcement. One would think you would want to give them that additional prosecutorial tool in hate crime cases that result in death of the victim.

We can cite countless cases where, because of the threat of the death penalty, because it is a statutory option, people have pled guilty, accepted life imprisonment, and the matter was solved prior to trial, which preserves judicial resources.

We also know, that when the death penalty is an option, in many cases law enforcement officials can break down one of the conspirators to plead guilty and to become a witness, and an effective witness at that, against the other perpetrators of the heinous murders.

But, if this bill passes, it specifically excludes the death penalty. It specifically takes away those powers of the Federal Government as a tool to resolve some of these matters.

As everybody knows, I am not a big fan of the death penalty. I think it should be used very, very narrowly and only under the most stringent of circumstances. I think it is too widely used today. But it at least ought to be an option that a prosecutor can use to obtain confessions, cooperation from witnesses and, of course, use as a penalty for those who commit really heinous crimes that are proven beyond a reasonable doubt.

On Friday, immediately after calling up S. 625, the Democratic bill, the Democratic leadership immediately filed for cloture, as though anybody wants to filibuster this. I doubt seriously that all 20 amendments would be called up, but with a limited amount of amendments we could finish this bill by Thursday, 2 days from now.

It is an important bill. Everybody admits it. Why would you foreclose to me, the ranking member of the Judiciary Committee, the right to debate an effective substitute that may improve this bill and at least have a vote so those who agree with me can have their vote.

I point out to my distinguished colleague from Massachusetts that it was he and I who passed the Hate Crimes Statistics Act in the early 1990s. I was the Republican Senator who came forward and helped to get that done.

This bill has proved effective in showing there are hate crimes in our society. We know that if the two of us got together, along with the distinguished Senator from Oregon, we could probably resolve the conflicts so we would not have to wait another 5 or 6 years to have hate crimes legislation pass. But, no, there is no desire to try to resolve these matters. There is a desire to invoke cloture, cut off basically all effective debate and all amendments including the amendment of the ranking member, cut off the amendment with regard to imposing or at least requiring the death penalty, and any number of other relevant amendments. For what? Because they want this bill at all costs, when they know that the House leadership will not accept it without further amendment.

So it makes you wonder if this is not done primarily for political reasons instead of working together to try to come up with legislation that literally would work to resolve these problems.

I agree with the distinguished Senator from Oregon. There is no excuse for anybody to abuse, mutilate, kill, or otherwise commit violent conduct against anybody in our society, let alone gays and lesbians. I do not think that is justified, that anybody could get away with that. And we ought to do whatever we can to stop it.

The fact remains that State and local law enforcement are dealing with the problem. We have challenged the other sides to give us examples, if they know any, where local law enforcement, local prosecution has not done the job. I am sure they may be able to come up with a few isolated examples, but I have not heard any yet.

We have had only 1 day of debate on this very important subject yesterday, and it was only a matter of a couple of hours. This is a bill that seeks completely to overhaul and vastly expand the role of the Federal Government in law enforcement. The attempt to prematurely cut off debate on a bill of this magnitude makes a mockery of the role of the Senate as a deliberative body.

If the distinguished Senator from Oregon is correct, if cloture is not invoked today—and I do not believe it should be—that this bill will be brought down, that would be a travesty because we could pass this bill by Thursday. There is not a soul in this body who is filibustering this bill, as far as I know. It just makes a mockery of the Senate as a deliberative body. I think the rush to ward off amendments can only lead to the conclusion it was done for sole purpose of thwarting any meaningful debate and avoiding some tough amendments because there is a wide disparity of viewpoint here with regard to the death penalty. But even if you are against the death penalty, you ought to realize the efficacy of having it there as a threat to criminals against hate crimes—yes, against gays and lesbians, to select that category—they might have to suffer the ultimate penalty because of what they have done.

In most cases the death penalty will not be imposed, but it will be used to obtain confessions, pleas, and cooperation from witnesses.

Again, I want to talk about the television show Law and Order. Although it is a fictional show, it really does portray how law enforcement uses the death penalty to obtain cooperation and confessions, to get people to testify against others, including their coconspirators. If you really want to do something about hate crimes, let's do it the right way and do it by amendment, amending this bill so the House will have to consider it. They are not going to accept this bill in its current form and Senator KENNEDY knows that. I know that. The distinguished Senator from Oregon knows that.

I think Senator KENNEDY would agree with me that this bill deserves more than a single day of debate—or I should say 2 hours or so yesterday—before Senators are precluded from filing amendments.

I agree wholeheartedly that Senator KENNEDY's bill, S. 625, is an important piece of legislation and should be given consideration in the Senate.

In the past I, too, have introduced legislation addressing hate crimes and I intend to offer a viable substitute amendment.

As someone who has remained interested in this issue, as Senator KENNEDY is and I am, I believe at a minimum I should have the opportunity to offer amendments relative to the discussion of hate crimes and to this bill. This opportunity, of course, can only be ensured if today's cloture vote fails and the leadership then agrees to work this out. Let's get a time agreement. Let's have limited amendments, and I think we can get our side to agree to that.

I believe my amendments will in fact improve this bill as it reads currently. Moreover, I believe the majority of my colleagues not only want to consider my amendments but would also approve my amendments. Protecting the safety and rights of all Americans is the paramount concern to all Senators. To not have a vote on the death penalty? For the first time, remove that as a consideration in these tough cases? If you really want to do something about hate crimes you ought at least to have the death penalty on the books.

There are, however, many differing thoughts about how to best provide the protection. No one is threatening to filibuster this bill. Relying on unsubstantiated rumors of machinations to file numerous irrelevant amendments is insufficient justification to cut off debate. The fact is, only 20 amendments were filed yesterday.

My colleagues and I are trying to engage in a sincere debate on this issue that affects all Americans. It is curious to me why the Senate Democrats are trying to block a substantive debate on hate crimes. By preventing relevant amendments from being offered and considered, the Democrats are shutting the door on any Republican ideas or alternatives, however constructive they may be. At least we should be entitled to a vote on a limited number of amendments. We could agree to that. Every Senator has the right to consider, thoughtfully, legislation that will have a significant impact on the way serious crimes are prosecuted in this country. By filing for cloture prematurely, the leadership is denying all Senators the right to debate and have a vote on issues that are important to them and the constituents of their States. Simply stated, it is wrong to foreclose debate on this very important bill.

I ask the Democratic leadership to rethink their strategy and unreasonable position. I strongly urge Senators to oppose cloture on this bill. I agree with my colleague from Massachusetts, every hate crime is a tragic reflection on our society and we need to address the problem. But no one has made the case to me that the local authorities are not effectively prosecuting these cases. We have asked them to. I believe the proper role of the Federal Government is to assist, not supplant, local law enforcement authorities. That is the approach I have taken in my alternative, which will not even be able to be considered if cloture is invoked today.

Let me just take a moment to review some of these cases that we have been talking about. Take the Roxanne Ellis and Michelle Abdill case here. This is the one that the distinguished Senator from Oregon, if I remember correctly, was referring to. Roxanne Ellis and Michelle Abdill. The defendant was Robert Acremant, the jurisdiction was Oregon. Acremant, shot Ellis and Abdill, a homosexual couple, to death as they lay gagged in the back of his truck—truly a heinous, vicious, reprehensible act.

What happened to this defendant? Was he let go because the Federal law enforcement authorities and prosecutors did not have this hate crimes bill? Not at all. The local law enforcement brought him to trial and he received—guess what—the death penalty. That doesn't sound to me like he is getting away with a hate crime.

Let's go down through a few more. James Byrd—we have heard a lot of about James Byrd and we ought to hear a lot about it. It was a terrible, heinous act that was committed in Texas by three defendants, Lawrence Russell Brewer, John William King, Shawn Allen Berry.

They beat Mr. Byrd, an African-American, unconscious. They chained him to the back of a pickup truck and dragged him for miles down rural roads. That is what all three of these heinous criminals did. What happened to them? Let me tell you. Because the death penalty was available, Shawn Allen Berry pled guilty and became a witness against the other two, who both received the death penalty. That doesn't sound to me like the Federal Government was needed in that case.

The fact of the matter is, the State and local officials said: Enough is enough. We are not going to tolerate this kind of activity, this type of action. The death penalty, because it was available for these crimes—a defendant pled guilty and was sentenced to life in prison without parole. The other two defendants received the death penalty. All we ask is that we be permitted to offer my substitute amendment which preserves the death penalty. I can't imagine that amendment would fail on this bill and it would improve this bill by leaps and bounds.

Matthew Shepard, we have heard a lot of talk about Matthew Shepard and yes, State prosecutors and law enforcement, who believe, as we do, that hate crimes should be prosecuted. In the Shepard case, the two defendants were Aaron McKinney and Russell Henderson. They kidnapped Shepard, a homosexual college student, beat him so severely that his skull was fractured a half dozen times, tied him to a fence post and left him to die. The defendant Henderson drove the truck into which Shepard, a homosexual college student was lured, helped tie him to a fence—and at least stood by while Shepard was beaten senseless.

What happened? Henderson pled guilty in order to avoid the death penalty. He was sentenced to two consecutive life terms with no possibility of parole. Aaron McKinney was sentenced to two consecutive life terms. He avoided the death penalty by agreeing not to appeal the life sentences. Had the death penalty not been there, who knows what would have happened? I think they had the defendants dead to rights, but it certainly did help in both of these cases to have the death penalty available.

Another case involved the homosexual couple, Gary Matson and Winfield Mowder. The defendants, Benjamin Williams and James Williams, shot Mr. Matson and Mr. Mowder to death. The death penalty was available and the prosecution is ongoing in both cases.

In another Texas case, the defendant Mark Stroman was tried for shooting Vasudev Patel, an Indian man, after 9/11, because Stroman thought Patel looked middle eastern. The local officials prosecuted the case and he received the death penalty.

In the case of Sasezley Richardson, an African-American, Jason Powell and Alex Witmer fired 12 shots at him in an attempt to "earn" a spider web tattoo from the Aryan brotherhood. The defendant Witmer drove the truck from which Powell fired 12 shots at Richardson. Because the death penalty was available, Powell pled guilty and testified for the State in order to avoid the death penalty. He was sentenced to life in prison without parole. In the case of Alex Witmer, the death penalty was available, and he pled guilty and was sentenced to 85 years in prison. What if that death penalty had not been available? Who knows whether they could have convinced one defendant to testify against the other.

The next chart begins with the case of Amanda Milan, who was stabbed to death for being a transgender woman. The defendants in this case were Duayne McCuller and Eugene Celestine in New York.

In this case Eugene Celestine gave McCuller the knife with which to kill Milan. The prosecution is currently ongoing, and both are facing the possibility of life in prison.

In another case, the victim, Billy Jack Gaither was bludgeoned to death because he was homosexual. The two defendants, Mullins and Butler, attacked Gaither with an ax handle, slit his throat, threw him on the top of a pile of tires, and set him on fire.

Because the death penalty was available, Mullins pled guilty prior to trial and was sentenced to life in prison without parole. Butler was sentenced to life in prison without parole only because the victim's parents requested that the prosecution not seek the death penalty. But because it was available, they were able to bring these cases to conclusion and these two heinous criminals were sentenced to life because neither wanted to go through a trial where they knew they could get the death penalty. By obtaining pleas prior to trial, the prosecutors saved scarce taxpayer dollars.

In a Virginia case, Danny Lee Overstreet, was killed by the defendant, Ronald E. Gay when Gay went on a shooting rampage in a gay bar, killing Overstreet and wounding six others. Because the death penalty was available, he was sentenced to four life terms.

I have a lot of empathy for those on the other side of this issue at this time who want to pass legislation to address some of these hate crimes. They would like to give the Federal Government more authority. I am not against that. But I would like to have a bill that will pass both Houses. I would like to have a bill that will go to work tomorrow, or the next day, or 2 months from now, when it passes both Houses and is signed by the President, which will really do something about these crimes. I want a bill where there is a threat of the death penalty so we can get pleas and save the taxpayers' money.

Frankly, these cases are important cases. In almost every case that the proponents of this piece of legislation bring up—in almost every case—the State and local law enforcement—in fact, in every case, to my knowledge—they have done the job. My substitute amendment would give them the tools, the money, and so forth to do the job even better.

I would like the opportunity as ranking member of the Judiciary Committee to be able to offer some amendments that should have votes. If I lose, I lose. If I win, I win. But the fact of the matter is that we ought to at least have this opportunity to debate it.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Eleven minutes.

Mr. KENNEDY. I yield myself 4 minutes.

With regard to the procedure, there have been two occasions when the majority leader has requested that we have a debate on this legislation and have relevant amendments. That process and that procedure were objected to by the other side.

First of all, during the more than 30 years that the existing hate crimes statute has been on the books, the federal government has never tried a hate crime case in which it sought the death penalty. There is nothing in our bill that prohibits a State with the death penalty from seeking that punishment if the State decides to prosecute the hate crime. The fact remains that nothing in our bill would allow the federal government to take jurisdiction away from a State that wants to prosecute a hate crime and seek the death penalty.

It is interesting. During this debate, we know exactly what our situation is. If you talk about race, national origin, and religion, they are protected, if they fall within the six categories. But sexual orientation is not. Disability is not protected. Neither is gender. Even in the amendment offered by the Senator from Utah, he excludes gender. The Republican leadership of the House of Representatives will not take protection of sexual orientation. Those are the facts. Sometime, some day, we have to deal with the realities.

This has been out there for 5 years. We have the support of 22 attorneys general. We have the support of the former Attorney General of the United States, Dick Thornburgh, who understands the importance of this legislation. There is a need out there. You are not going to get that kind of inclusion, those kinds of protections, in terms of gender, under the amendment of the Senator from Utah, and you will not get it under the Republican leadership.

Those are the facts. We have the list of the amendments. We have an anti-abortion amendment by the Senator from Pennsylvania here. Relevant amendments. The list goes on. The leader asked for the ability to do that. At some time we have to take action.

We know what this is really all about. We have had this for 5 years. We passed it 57 to 42 last year and were denied the opportunity to get this out of the conference because of the Republican leadership in the House.

The real question is, Are we going to take the action now? How long do people have to wait to get this protection? They have waited 5 years. We have a lot of pious statements here about the need for protection for American citizens on the basis of sexual orientation and disability and gender. Yet we refuse to address it or pass it.

That is the question and the issue. It is domestic terrorism. These are crimes based upon hate and prejudice that ruin not only the individual but the community and the Nation. That is what we are talking about. Trying to dismiss this as routine kinds of investigations isn't what this is about. The Senator from Utah understands that. That is the question—whether we are going to be prepared to take those steps to provide the limited but extremely important opportunity to make sure we are going to do something.

How about sending a message to those people out there in terms of the potential of hate-motivated crimes? We sent them a message when we passed the church burning legislation. We sent a powerful message, and that virtually stopped. How about doing the same thing with regard to hate crimes because of sexual orientation or gender or disability? What is the other side scared of?

They say we are going to federalize another thing. Well, they found 37 other provisions they are glad to federalize, but not this kind of protection.

As the Senator from Oregon said, this protection is rooted in animus, the basic hatred that motivates these kinds of crimes. The question is, Are we going to do something about it?

This is the time. Twice Republicans rejected the opportunity for debate on relevant amendments. We know what is happening. This is the vote. This is the time. We want to make it very clear, and I am hopeful that we get cloture. If we do not, I want to give the assurance to the Senator from Utah that we are going to be back again and again.

So have no fear about not addressing this issue because this is just the beginning, and we are going to continue the battle through this session.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have heard all this rhetoric before. We have been working on this for 5 years. The distinguished Senator from Massachusetts knows that we put together some of the most important legislation in history—he and I. He knows darn well that this bill isn't going anywhere if it passes in its current form. He knows darn well that it sounds good to make all these political points, but I would like to pass something. I would like to do something. I would like to have something that works. I am willing to do it in a Federal way.

The Senator seems to be saying, take his viewpoint about this or take nothing, which is what we have done for the last 5 or 6 years. He knows darn well that I will work on the bill with him. We have discussed this in private.

I don't like what is going on in our society any better than he does, but I challenge him to show me where State and local law enforcement are not doing the job. Explain to me why he would not have the death penalty to help law enforcement and the prosecutors to obtain pleas, cooperation from witnesses, and to have witnesses testify against their coconspirators, which conserves judicial resources.

He says that if the States want to prosecute hate crimes, they can seek the death penalty. The fact is, we are taking these matters away from the States and saying the Federal Government ought to prosecute these crimes where there will be no death penalty. I feel embarrassed to have to talk about the death penalty because I am not real enthused about it. I don't want it applied, except in the most stringent of circumstances. There has to be absolute guilt, and the crime has to be so heinous as to justify it.

Look, I would be willing to put sexual orientation in my bill. I don't want every rape to be considered a Federal hate crime. I don't want every criminal sexual act to be considered a federal hate crime, leading to the possibility of being brought before the Federal courts. On the other hand, I am certainly willing to talk about compromises.

The charts we just went through show that the criminals are being prosecuted. The crimes against gays and lesbians are being prosecuted. State and local law enforcement are bringing the appropriate prosecutions. The distinguished Senator said "let's send a message through this legislation" if nothing more. I would like to do that. I would like to get a bill that we can pass. I would like to get a bill that the House will accept—instead of accusing the House of not having the same interests at heart than the Senator from Massachusetts.

No one is arguing that hate crimes are not a problem. We have never denied that hate crimes are occurring. Nobody can deny that. I want to get rid of them as much as anybody. No one feels more strongly on this issue than I do, whether they support S. 625 or not. No one—least of all me—is suggesting that hate crimes are not a problem, or that we as an institution should stand by and do nothing about hate crimes. That is why I intend to offer an amendment to S. 625 that provides an alternative approach to helping in the fight against hate crimes. I am willing to sit down with the Senator and see if we can work out something that will pass both bodies. The tremendous record of State and local prosecutions of hate crimes suggest to me, however, that States are doing a great job policing these types of cases.

In my view, a measured, appropriate, and constitutional Federal response should be directed at helping States that ask for our assistance. Nobody is arguing that existing Federal law is adequate. No one contends that we should rest on the existing Federal hate crimes statute. We can all agree that the Federal Government should do more than what 18 U.S.C. 245 currently provides.

That is why I will offer an amendment to S. 625 that provides for an alternative approach to help in the fight against hate crimes. The record is clear. I have always been open to fixing 18 U.S.C. section 245 through amendments.

The PRESIDING OFFICER. The time controlled by the Senator from Utah has expired.

Mr. FEINGOLD. Mr. President, I rise today to oppose the amendment offered by my colleague from Utah, Senator HATCH, to amend the penalty section of this bill to include the possibility of a death sentence.

This amendment is a step in the wrong direction.

Let me be clear. Those who commit crimes, including acts of violence that are motivated by hate, should be punished and punished severely. Federal law enforcement has an important role to ensure that hate crimes are investigated and prosecuted to the fullest extent of the law. And if death results from a hate crime, Senator KENNEDY's bill provides for the full weight of the law to be brought to bear on that individual. It does so by providing for a maximum sentence of life in prison without the possibility of parole.

At a time when Americans are increasingly recognizing that the current death penalty system is broken, this is not the time to expand the Federal death penalty.

We know that justice should be blind. But, unfortunately, in the Federal death penalty system, it appears that justice is not always blind. A report released by the Justice Department in September 2000 showed troubling racial and geographic disparities in the administration of the Federal death penalty. The color of a defendant's skin or the Federal district in which the prosecution takes place can affect whether a defendant lives or dies in the Federal system. Former Attorney General Janet Reno ordered a further analysis of why these disparities exist. And Attorney General Ashcroft has agreed to continue this study.

We have not yet seen the results of this study, nor have we had the opportunity to review and understand what the results might mean for the fairness and integrity of our Federal justice system. While this important study is underway, Congress should not create even more death-eligible crimes.

I also strongly disagree with Senator HATCH's claim that the availability of the death penalty ensures efficient and reliable prosecution and conviction of those who commit hate crimes.

We know that levying death has an immensely coercive effect on the accused. The accused who wants to live and does not have the resources to mount a "dream team" defense may feel little choice but to accept whatever deal for less than death that the prosecution offers. This can happen in situations where the accused is less culpable than other defendants, or worse yet, innocent of the charges altogether.

I am very troubled by the practice of some prosecutors who may use the prospect of the death penalty to coerce a defendant, including a defendant who may be innocent, to accept guilt and a plea bargain.

A case involving defense representation from my state illustrates how this coercive tactic undermines the integrity of the justice system. It involves Christopher Ochoa, who confessed to a rape and murder out of fear of facing the death penalty in Texas. Mr. Ochoa was released a little over a year ago after serving 12 years of a life term in Texas. Mr. Ochoa won his freedom as a result of the persistence, hard work, and skill of students and professors at the Innocence Project at the University of Wisconsin-Madison Law School.

According to the Wisconsin State Journal, police arrived to question Mr. Ochoa in November 1988. Mr. Ochoa, who was 22 years old at the time, was "harangued with grisly details of the crime, many of them false. A burly sergeant told him he would be 'fresh meat' in prison, pounded tables and demonstrated where the death needle would pierce his arm. Ochoa confessed." In a forum at the University of Wisconsin after he was released, he said, "I don't think people can say what they would have done until they're in that situation." He said, "Basically, I was terrified."

The Federal system is not immune from the use of this coercive tactic or the other flaws that result in the risk of executing the innocent in the state systems. According to the Federal Death Penalty Resource Counsel Project, since the death penalty was re-enacted in 1988, approximately 3 percent of persons the Justice Department has attempted to execute may have been factually or legally innocent.

In one case, David Ronald Chandler claimed his innocence throughout the trial and the appellate process. Chandler believes that the real triggerman made a deal with the government to testify against Chandler, and in return the government would not seek the Federal death penalty against the triggerman. But the triggerman later recanted his testimony. Luckily for Chandler, President Clinton commuted his death sentence to life. But how many other defendants who have claims of innocence will not be so lucky, or feel forced to accept a life sentence? I don't know the answer to that question. None of us do. And that is why a thorough, top-to-bottom review of the death penalty system at the State and Federal levels is needed.

Until such a comprehensive review has been undertaken, and the necessary work has been done to ensure fairness and justice, Congress should refrain from expanding the Federal death penalty. Congress can ensure that perpetrators of crime are effectively punished without resorting to capital punishment.

I urge my colleagues to join me in opposing Senator HATCH's amendment.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I will use leader time to make my remarks this morning.

I appreciate the debate we have had on this issue now for the last couple of days. I am struck by a couple of issues. First, I am struck by the number of hate crimes that occur every day. We are told there are over 20 hate crimes committed in the United States every day—every day. The Southern Poverty Law Center estimates the real number may be 50,000 a year. That comes out to five an hour.

In the time we have had the debate just this morning, according to those statistics, 15 to 20 hate crimes have been committed in this country—in just the time the Senate has been in session this morning.

If there is such a good job being done across this country as we deal with that volume, I would not be able to say that with any authority this morning, but the volume is there. That leads me to the second point.

The second point is that behind each one of those statistics is a human being, a face, a story, a tragedy. That is, in essence, what this debate is all about—to end the tragedy in this country.

As I consider the options we have available to us legislatively, I consider those options as they must have existed during the civil rights debates of the fifties and sixties, and I am sure when we considered the civil rights issues in the fifties and sixties there were all kinds of reasons it was not the time to deal with civil rights laws; it was not the time to come to closure on how to address the rampant racism that existed in the country at that time.

Finally, it took leadership, it took resolve, it took bipartisan consensus and, ultimately, it took a willingness to commit to a bill. We passed the civil rights acts of the fifties and sixties, and today we are the better for it.

Who today would say we are going to repeal those laws? They have been on the books, they have worked, and we take credit for the fact they have.

This is our moment when it comes to hate crimes. This is our time to tell the Matthew Shepards of the world that we are not going to tolerate that anymore; that we are better than that; we are bigger than that.

Just as we addressed racism in the past, we have to address the prejudice against sexual orientation today. This is our chance. This is our moment. This is our Civil Rights Act for the year 2002. We are not going to have many more. Let's seize this opportunity. Let's seize this moment. Let's send a clear message. Let's end those terrible statistics. We can do it when we vote on cloture in a matter of moments this morning.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I yield myself time under my leader time that has been reserved.

The PRESIDING OFFICER. The leader has that right.

Mr. LOTT. Mr. President, I do not intend to get into the details now and a discussion on the substance of the bill except to say this: The greatest hate crime of all that we should be dealing with right now is the hate crime of terrorism against America and free and innocent peoples all over the world who have been attacked by terrorists—3,000 approximately killed on 1 day, September 11. There is where our focus should be.

I am disappointed at the timing of this legislation, to say the least. We should be focused on the war on terror. We should be taking up the Defense authorization bill. We should have already taken it up. Normally we deal with the Defense authorization bill in May; certainly the early part of June. Now it appears to me there will be no way to get to the Defense authorization bill before probably next Tuesday at the earliest, and maybe later. Until we do that, we cannot begin on the regular appropriations bills, the first of which should be the Defense appropriations bill. We need to make sure our men and women in uniform and our law enforcement officials all over this country and all over the world who are fighting against this hate crime, terrorism, have what they need in terms of pay, quality of life, weapons, and sophisticated equipment they need to do the job.

While, obviously, this issue can be scheduled at some point—and I assume it will be scheduled—it certainly is one in which there is not an emergency facing us right now. I wanted to raise that point.

We do not even have a budget resolution. We are 2 months behind getting a budget resolution this year. It is just being ignored: No budget resolution. No 2003 numbers to which we have agreed. No policies. No enforcement mechanisms. How are we going to do the appropriations bills? What possible restraint can be provided for the ranking members and the chairmen of the subcommittees on appropriations?

The law requires we do the budget resolution by April 15. We do not have it. We do not know when we are going to have it. Apparently, we are never going to have it.

The Defense authorization bill was reported out of the committee May 15. While there were votes against it, it was a bipartisan vote. What is the problem? There is obviously a weapons system that is causing some consternation. Sooner or later we are going to have to address that issue—sooner rather than later, I hope.

With regard to this particular issue, I know how tough it is being majority leader and dealing with protracted debate and amendments. We saw last week what happens when we have a prematurely filed cloture motion. Tactically, one may think: I have to do it because I have to bring this to a conclusion.

We saw last Thursday night what happens when cloture is invoked and we cut off debate and amendments. Unless it is very tightly germane, it is not in order. So at midnight last Thursday night, we were trying to figure out how do we conclude the supplemental appropriations bill, again, for defense and homeland security. Amendments were being knocked out right and left, probably amendments that were worthy and should have been taken but were not germane.

We are about to do that here. We made the mistake last week, and now we are about to make the mistake again this week. We are going to cut off amendments. As a matter of fact, a substitute amendment by the ranking member of the committee of jurisdiction, Senator HATCH, would be nongermane postcloture. It is not a question of trying to stop unrelated amendments. This is an amendment that even deals with the substance of the issue. Why are we doing that?

I used to file cloture motions perhaps prematurely, and I was royally pilloried by the other side of the aisle: Why did you file a cloture motion so prematurely? You shouldn't do that.

Most of the time I realized it was probably a mistake, and on occasion, I backed off and we vitiated the cloture vote.

Even at the beginning of the last Congress when it was 50–50, under S. Res. 8, the organizing resolution, we agreed specifically in the rule that cloture motions could not be filed before 12 hours of debate had taken place. When the majority changed, that rule went by the board, but the principle was there. Why was it good when we were 50–50 but not good when it is 50–49 and 1? This is not partisan. I have made this mistake. I think it is a mistake. We should not do this.

This cloture motion was filed after 12 minutes, not 12 hours. This bill was called up and within 12 minutes a cloture motion was filed. This is not the way to do business. We are prepared to debate this issue, consider legitimate, substantive amendments, and any other amendment for certainly a reasonable period of time. This is cutting off members of committees of jurisdiction. This is cutting off all Senators. It is a mistake. We made the mistake last week. We should not make the mistake now.

On my side of the aisle, it would be a message that we are not going to prematurely cut off debate. Give it a little time. It works on both sides of the aisle. I urge my colleagues to vote against this cloture motion. Let's have some amendments offered. Let's spend some time making sure we do not get ourselves trapped in the same situation we did last Thursday night, which was not pretty for this institution.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts controls the time.

Mr. KENNEDY. I yield the Senator from Minnesota 2 minutes.

Mr. WELLSTONE. I thank the Senator.

Mr. President, I disagree with my colleague, the minority leader. It is always an emergency when brutal crimes are committed against people because of their sexual orientation or gender or because of disability.

I think it is an emergency for our country when someone such as Matthew Shepard is brutally murdered. I think it is an emergency for our country when what we say to people is not just that they are a victim or that we dehumanize people but, rather, we say to many citizens in our country, by gender or sexual orientation, because they are a gay or because they are a lesbian, they are next. Hate crimes violate not only our Constitution but they destroy our oneness as a people. They diminish us as a country. They take away from what is best in our Nation.

I insist, as a Senator from Minnesota, that this is an emergency and that we should pass this legislation and that this legislation must not be blocked. If it were your loved one who had been murdered, if it were your loved one who were a target of these hate crimes, you would consider it an emergency and you would want us to pass this very important legislation.

I urge my colleagues to vote for cloture.

Mr. SARBANES. Mr. President, I rise today to express my support for the Local Law Enforcement Enhancement Act of 2001, and my disappointment that the Senate failed to invoke cloture on this important legislation today. As a cosponsor of Senator KENNEDY's bill, I believe it is crucial that we pass hate crimes legislation in an expeditious manner in order to provide the government with the tools it needs to prosecute the many senseless bias-motivated crimes that occur in our country each year. In the past several decades we have made significant progress in reducing discrimination, yet more needs to be done. This legislation is an important step toward ending the scourge of hate crimes that continues to plague our Nation.

Data gathered under the Federal Hate Crime Statistics Act about the prevalence of these crimes is sobering. Beginning in 1991, the Act requires the Justice Department to collect information from law enforcement agencies across the country on crimes motivated by a victim's race, religion, sexual orientation, or ethnicity. Congress expanded the Act in 1994 to also require the collection of data for crimes based upon the victim's disability. For the year 2000, 11,690 law enforcement agencies in 48 states and the District of Columbia reported 8,063 bias-motivated criminal incidents (8,055 single-bias and 8 multiple-bias incidents) to the FBI. The incidents consisted of 9,430 separate offenses, 9,924 victims, and 7,530 distinguishable offenders. According to the data collected, 53.8 percent of the 8,055 single-bias incidents were motivated by racial bias, 18.3 percent by religious bias, 16.1 percent by sexual-orientation bias, 11.3 percent by ethnicity/national origin bias, and 0.5 percent by disability and multiple biases.

The Local Law Enforcement Enhancement Act is carefully tailored to ensure a state's ability to prosecute hate crimes, but it provides the Federal government with additional tools to prosecute hate crimes should a state be unable to do so. The legislation extends the Federal law to prohibit hate crimes against victims because of their gender, sexual orientation or disability. In addition, the legislation allows Federal prosecution of hate crimes wherever they occur and under whatever circumstances, thus broadening the previous requirement that the hate crime occur while the victim is engaged in a "federally protected activity."

The need for these limited changes in existing Federal hate crimes laws is clear. For example, according to the Justice Department, 16.1 percent of the hate crimes committed in 2000 were motivated by the victim's sexual orientation. The Local Law Enforcement Enhancement Act would expand the definition of hate crimes to include those committed because of the victim's sexual orientation—in addition to a victim's gender or disability.

A hate crime may meet the federal definition of "hate crime" yet the federal government is still powerless to aid in its prosecution. For example, in the wake of the terrorist attacks of September 11th, our Nation has struggled to prevent discrimination and acts of violence against Arab-Americans. Despite the resolve that most Americans have shown in that regard, tragically, crimes have occurred. On September 15, 2001, Balbir Singh Sodhi, a Sikh-American, was shot and killed at his gas station in Mesa, Arizona. This tragic incident was the most serious of several attacks against people of Middle Eastern and South Asian descent who were targeted in the aftermath of the terrorist attacks. Although religion and national identity are already protected under current law, the hate crimes legislation before us would give the Federal government enhanced authority to investigate and prosecute these types of crimes.

Despite the progress towards ending discrimination over the past decades, it is undeniably clear that raw hatred and its tragic consequences continue to exist in our Nation. Strengthening the Federal government's ability to prosecute hate crimes is an important step towards the eradication of hate crimes in our country. Mr. President, I urge my Senate colleagues to bring the Local Law Enforcement Enhancement Act back to the floor of the Senate and to join me in supporting this important hate crimes legislation. We have an invaluable opportunity to make a statement that the United States government will not tolerate crimes motivated by bigotry and prejudice, and I look forward to the day when there is no longer a need in our Nation to legislate such changes.

Ms. CANTWELL. Mr. President, I would like to take this opportunity to express my strong support of the Local Law Enforcement Act of 2001, the "Hate Crimes Act." The Hate Crimes Act is a bill whose time has come. I would like to commend Senator KENNEDY for his long, hard work to pass this important legislation, and I am happy to have the opportunity to vote for it today.

The Hate Crimes Act creates an intergovernmental assistance program which would provide technical, forensic, prosecutorial and other forms of assistance to state and local law enforcement officials for hate crimes based on race, color, religion, national origin, gender, sexual orientation and disability. The bill authorizes the Justice Department to award grants of up to $100,000 to state, local, and Indian law enforcement officials who have incurred extraordinary expenses associated with investigating and prosecuting hate crimes. This legislation requires grant applicants to coordinate with affected community groups, schools, and colleges and universities. In addition, this bill gives the Justice Department jurisdiction over crimes of violence involving bodily injury, if motivated by a person's actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability, if it meets both the interstate commerce and certification requirements in the underlying statute.

Lastly, the bill amends the Hate Crimes Statistics Act to include gender and requires the FBI to collect data from states on gender-based hate crimes in the same manner that it currently collects data for race, religion, sexual orientation, disability, and ethnicity.

The number of reported hate crimes has grown by almost 90 percent over the past decade and we cannot afford to ignore this growing problem. The recent hate-motivated crimes in my state of Washington demonstrate the destructive and devastating impact hate crimes have on individual victims and entire communities. On May 9th, 2002, Patrick Cunningham pled guilty to the September 13, 2001 attack of an Islamic Idriss Mosque in Seattle. Mr. Cunningham doused two cars with gasoline in the mosque parking lot in an attempt to destroy the mosque and harm worshipers inside. Cunningham also shot at the worshipers after being discovered. Just a few days later, on September 18, 2001, Kulwinder Singh, a Sikh cabdriver in Seatac, Washington, was harassed and physically assaulted by a passenger.

This legislation takes important steps to ensure that crimes motivated by the victim's race, gender, sexual orientation, disability or religion can be prosecuted to the full extent of the law, and it removes the artificial limitations that currently keep local law enforcement from getting needed assistance. The Hate Crimes Act provides the necessary complement between state and federal law enforcement officials in order to ensure that perpetrators of hate crimes are brought swiftly to justice. The federal government's resources, forensic expertise, and experience in the identification and proof of hate-based motivations have often provided invaluable addition to the important work conducted by local investigators. One need only remember the brutal killing of James Byrd in Jasper County, Texas to understand the benefits of an effective hate crimes investigative partnership between state and federal authorities. This partnership is also crucial to the work of the National Church Arson Task Force and to the increase in the number of hate crimes solved by arrests and prosecutions.

I believe that the Hate Crimes Act is necessary to ensure that violent hate crimes based on sexual orientation, gender, or disability do not go unpunished. Every year, a significant number of hate crimes are perpetrated across our nation based on anti-gay bias. Current law, however, leaves the federal government without the authority to work in partnership with local law enforcement officials or to bring federal prosecutions when gay men or lesbians are the victims of murder or other violent assaults because of bias based on their sexual orientation.

This Act would fix the inadequacies in pre-existing federal law, which became painfully apparent in the vicious murder of Matthew Shepard in Laramie, Wyoming, and the subsequent investigation and prosecution of his assailants. The lack of federal funding caused significant financial hardships on the local sheriff's department in its efforts to bring Matthew's killers to justice, and, as a result, five law enforcement staff members were laid off. In response, this bill amends the criminal code to cover hate crimes based on sexual orientation and authorizes grants for state and local programs designed to combat and prevent hate crimes.

This legislation would have a measurable impact in my state of Washington and help prosecute the growing string of hate-based attacks targeting individuals' sexual orientation. On April 6, 1995 in Olympia, Washington, four young adults brutally assaulted Bill Clayton, an openly bisexual high school student, and his friends who happened to be walking with him. Just two months after the assault, the seventeen-year-old committed suicide. Prior to his suicide he had explained to his mother that he was just tired of coping, and that it was the constant knowledge that any time he could be attacked because he was bisexual, that despite the love of his family and friends, all he could see ahead of him was a lifetime of facing a world filled with hate and violence, going from one assault to another. We cannot let our citizens live in fear for their safety, knowing that their attackers will not be prosecuted to the full extent of the law. This legislation is necessary to fill the current void to ensure vigorous prosecution of individuals who perpetrate a hate crime. The extra federal resources that this Act would make available in the investigations and prosecutions of hate-motivated crimes would serve as both a significant deterrent and punishment, and would likely bring a greater number of cases to successful resolution through arrest and prosecution. We must do all we can to prevent the incidents that led to Bill Clayton's tragic death.

I believe it is important that we recognize from the beginning that not all crimes are hate crimes. The reason behind this is simple. All crimes are not created equal and mental states, in addition to acts, have always played an important role in determining the severity and subsequent punishment of a crime. Recognizing this, it is well established that a legislature can properly determine that crimes committed against certain classes of individuals are different or warrant a stiffer response. Moreover, the U.S. Supreme Court had unanimously ruled that bias-inspired conduct inflicts greater individual and societal harm.

I share Senator KENNEDY's concerns regarding hate crimes, and I have consistently supported hate crimes legislation, from the time I was in the Washington state House of Representatives to now. There are nearly 8,000 hate crime incidents reported annually each year. The Hate Crimes Act sends a clear message that violence against a person based on skin color, sexual orientation, or religion will not be tolerated anywhere in this country. The bill will provide broader federal jurisdiction to prosecute hate crimes, including crimes motivated by race, color, religion, gender, sexual orientation, and disability. Broadening federal jurisdiction will allow effective prosecution even when hate crimes are committed in states that lack hate crime statutes, or where local law enforcement lacks the resources for this type of prosecution. Additionally, the bill will provide federal grant money to states to better enable these jurisdictions to successfully prosecute hate crime offenders. We cannot afford to wait any longer to pass this vital legislation. Our sons and daughters, brothers and sister, mothers and fathers depend upon this Act to ensure full protection of their right to be free from hate-motivated crimes. I urge my colleagues to support this bill.

Mrs. FEINSTEIN. Mr. President, I am pleased to join my colleagues in expressing my strong support for The Local Law Enforcement Act of 2001, legislation of which I am an original cosponsor.

Popularly known as The Hate Crimes Prevention Act, this legislation would: expand current federal protections against hate crimes based on race, religion, and national origin; amend the criminal code to cover hate crimes based on gender, sexual orientation, and disability; authorize grants for State and local programs designed to combat and prevent hate crimes; and enable the federal government to assist State and local law enforcement in investigating and prosecuting hate crimes.

While past efforts to enact this legislation have received strong bipartisan support, we have not been able to get it to the President's desk for his consideration. We must now work to ensure that this legislation is not simply supported, but actually passed and signed into law by the President.

In the aftermath of the tragic events of September 11th, we saw a terrible rise in hate crimes in the United States. California was not immune to the violence.

In San Gabriel, CA, Adel Karas, an Egyptian-American grocer, was shot to death while he worked in his store. It is believed that he was a victim of an attack motivated by the September 11 attacks, not a robbery, because all the cash was left in his register.

In Palmdale, CA, a public high school found a notice threatening a "massacre" to avenge the terrorist attacks, complete with the names of five Muslim students who would be targeted.

In Lancaster, CA, Gerald Pimentel, a Hispanic man, was attacked after he was mistaken for being Iranian. Two men bumped his car three times while he was driving. His car was then blocked, and the men began yelling and running toward him. They chased him through his yard and into his home. When he tried to defend his family, they beat him. "They'd been calling him an Iranian," Gerald's daughter later said. "I couldn't understand why. You know, my dad is not Iranian. They just kept hitting and hitting my dad," she said.

The FBI has investigated over 300 incidents since September 11 in which individuals perceived to be Muslim or of Middle Eastern decent have been attacked or threatened because of their religion or national origin.

President Bush moved swiftly to protect Muslims and Arab-Americans from hate crimes and sent out a message that this nation will not tolerate such attacks against any Americans.

The President implored, "In our anger and emotion, our fellow Americans must treat each other with respect. . . . Those who feel like they can intimidate our fellow citizens to take out their anger don't represent the best of America, they represent the worst of humankind. . . ."

Attorney General John Ashcroft reiterated the President's message by warning that, "We must not descend to the level of those who perpetrated [September 11th] violence by targeting individuals based on race, religion or national origin."

Now, it is the Senate's turn to speak out. We can, and must, do more to prevent these types of hateful threats and acts of violence, and passing The Local Law Enforcement Enhancement Act would do just that.

I have seen, first-hand, the devastating impact hate crimes have on victims, their families and their communities. A hate crime divides neighborhoods and breeds a sense of mistrust and fear within a community.

I am an original cosponsor of The Local Law Enforcement Enhancement Act because it is aimed at protecting citizens from crimes based on their real or perceived race, ethnicity, religion, gender, disability, or sexual orientation.

The current hate crimes law simply does not go far enough. It covers only crimes motivated by bias on the basis of race, color, religion or national origin, and it only covers instances in which the victim was targeted because he or she was engaged in a federally-protected activity, such as voting, attending a public school, or if the crime occurred on federal property.

The limitations of current Federal law prevent it from reaching many hate crimes where individuals are killed or injured by just walking down the street or, in the case of Clint Risetter, where he was sleeping in his own home.

On February 24, 2002, Clint Risetter awoke in his Santa Barbara apartment engulfed in flames and then tried to escape as he was burning. When firefighters arrived, they found him dead on his patio. Two days later, Martin Hartmann walked into the Santa Barbara Police Department and admitted to entering Clint's apartment, pouring gasoline on him as he slept, and then setting him on fire.

Hartmann had known Clint for several months but had learned just recently that Clint was gay. He told police about his hatred toward gays and how he ". . . decided to put [Clint] out of his misery," because he was gay. He believed that he was doing the right thing and that Clint deserved to die.

Clint's murder is being prosecuted as a hate crime because it took place in California which has its own hate crimes law that includes sexual orientation. However, had it taken place in one of the 27 states that do not have hate crimes laws that include sexual orientation, Clint's family might not receive the justice they are entitled to.

Gay men and lesbians are the third-largest hate-crime victim group in the country, the second-largest in California. They were the targets of more than 16 percent, or almost 1,300, of all hate crimes in 2000. Yet, current Federal hate crimes law does not include crimes against individuals because of their real or perceived sexual orientation.

Current law does not extend basic civil rights protections to every American, only to a few and under certain circumstances.

The Local Law Enforcement Enhancement Act would expand current Federal protections against hate crimes based on race, color, religion, and national origin, and amend the criminal code to cover hate crimes based on gender, disability, and sexual orientation.

Extending the law would not provide special rights, it would ensure equal protection.

In the past, we have made some progress in the sentencing and prosecution of hate crimes, but more needs to be done. I am proud to have sponsored The Hate Crimes Sentencing Enhancement Act which was signed into law in 1994, and has just recently been invoked for the first time.

In 1996, Julianne Marie Williams and Laura Winans were discovered dead in Virginia's Shenandoah National Park, bound and gagged with their throats slit.

In April of this year, Attorney General John Ashcroft announced that The Hate Crimes Sentencing Enhancement Act would be invoked in the murder indictment against the perpetrator of this horrific crime, Darrell Rice, "to ensure justice for victims of hate crimes."

Rice chose his victims based on their gender and sexual orientation. He even stated that he intentionally selected women to intimidate and assault "because they are more vulnerable than men" and that these two women "deserved to die because they were lesbian whores."

With this indictment, the Federal Government has recognized the horrendous nature of this hate crime and that it should be prosecuted to the fullest extent of the law.

However, prosecutors were only able to use The Hate Crimes Sentencing Enhancement Act because the two women were killed in a national park. If these murders had occurred in almost any other place in America, The Hate Crimes Sentencing Enhancement Act could not have been invoked and, again, justice might not have been ensured for the victims and their families.

Enacting The Local Law Enforcement Enhancement Act would ensure that all hate crimes can be investigated and prosecuted no matter what the victims are doing when they are targeted and no matter where the crime is perpetrated.

It would also significantly increase the ability of State and Federal law enforcement agencies to work together to solve and prevent hate crime.

Until we enact this legislation, many hate crime victims and their families may not receive the justice they deserve.

Those who are opposed to this legislation would say that we should leave it up to the states to legislate, enforce and prosecute hate crimes laws.

To those, I would refer you to a May 3rd, 2002, New York Times editorial which put it best. It read:

> Congress has long recognized that the Federal Government should play a role in pursuing certain crimes, like bank robbery, kidnapping and racketeering, where the national interest is great and where federal law enforcement is in a good position to offer help to local police and prosecutors. Crimes in which individuals are singled out because of their race, religion or membership in other protected groups strike directly at this nation's commitment to equality, and are worthy of this sort of special federal involvement.

Other opponents of this legislation often argue that any crime of violence is a hate crime and that the motives behind and harms caused by a hate crime are not relevant or distinguishable from other crimes. I disagree.

The crimes perpetrated against Gerald Pimentel, Julianne Williams and Laura Winans, and Clint Risetter were carried out with a different intent and motive than other violent crimes.

Unfortunately, they are characteristic of many hate crimes in America; where an attacker repeatedly beats, stabs or severely burns his victim as if he is removing whatever it is he hates out of the person.

And the attacker feels justified in doing so, as if he is doing a great service to humanity by killing the person.

Congress should expand the ability of the Federal Government to investigate these heinous crimes, and it should expand the ability to prosecute anyone who would target victims because of hate.

Final passage of the Local Law Enforcement Enhancement Act is long overdue. It is necessary for the safety and well being of millions of Americans.

No American should be afraid to go to work or school because of his or her religion or national origin.

No American should be afraid to go hiking for fear of a gender-motivated attack.

And certainly, no American should be afraid to sleep in their own home because of his or her sexual orientation.

We have had strong bipartisan support for this legislation in the past, and it continues to receive bipartisan support. It now has 50 cosponsors in the Senate and 206 cosponsors in the House.

Today, I urge my colleagues to invoke cloture and vote in favor of this legislation. Let us now send a message to all Americans, that we will no longer turn a blind eye to hate crimes in this country.

Mr. WYDEN. Mr. President, I speak today because it is time for Congress to send its own message to those who would perpetrate hate crimes. That message should be that Federal law will no longer tolerate intolerance. Hate crimes are a stain on our national greatness, and it is time to stop that stain from spreading.

Fighting hate crimes should not be a partisan issue. This is not about giving preferences to one group of people or another. I am talking about opposing violence. I am talking about opposing brutal crimes.

When the fight for a hate crimes law first began in the early 1990s, many Americans questioned whether the problem was serious enough to warrant a specific law. But during the past decade, from one coast of the United States to the other, tragic events have proven that a law is badly needed.

These crimes are so unspeakably ugly that the names of the victims are seared in our minds. James Byrd, Jr., dragged to his death because he was black. Matthew Shepard, beaten and left for dead because he was gay.

My home State has been wounded by hate crimes, too. Oregonians will not forget Roxanne Ellis and her partner, Michelle Abdill, who were taped up and shot twice in the head in the back of their own pickup truck in Medford, Oregon in December 1995. Or Loni Okaruru, who was found last August bludgeoned to death in a field in Washington County, just outside Portland. Loni was a transsexual planning to undergo surgery. She had been beaten multiple times prior to that night.

The Senate has passed hate crimes legislation unanimously several times, only to see it jettisoned in Conference with the other body. The consequences of all this legislative wrangling are real. Each time Congress delays, more brutal, hate-driven deaths go unpunished. Each time Congress delays, more hate crimes happen, because the perpetrators have no fear of being punished for the true nature of their acts.

The legislation before this body today will close the loopholes in Federal hate crimes law. It will give local law enforcement the full force of Federal resources in investigating and prosecuting crimes motivated by bias against sexual orientation, gender or disability.

This legislation will not preempt State and local laws or authorities. But it will provide Federal backup to important local efforts. Based on testimony before the Senate Judiciary Committee, it is likely that Federal help will be sought by local authorities in a dozen cases a year.

The message Congress sends in passing this bill is as important as the resources that will be made available to local law enforcement. It is time to limit the lengths to which people can go to infect our society with diseases like racism, and homophobia, and religious intolerance.

Hate crimes are intentionally directed at victims because of who they are. They strike not just at a person but at the heart of a community, be it a black community, a gay community, or a disabled community. And when any one group is targeted, the entire American community feels the blow.

The scourge of hate crimes must be confronted and eradicated. This legislation gives Congress the means to do so. I urge my colleagues to vote for cloture on the bill so that it can be enacted swiftly.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I understand we have 3½ minutes remaining. I yield 2 minutes to the Senator from Oregon, and I will take the last minute and a half.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. As I contemplate the conclusion of this debate, my own judgment is that it has been one of the poorer debates I have witnessed in the Senate. Until this moment, there has been very little participation in it. Frankly, I find that disappointing because, as the Senator from Minnesota pointed out, this is an emergency.

I have to think of all of our gay brothers and sisters who may be watching, who cannot follow the confusion of Senate procedure, who will be very disappointed that once again we are thwarted from proceeding on a matter that is, in fact, very important. This is about domestic terrorism and about the Federal Government showing up to work.

On a positive note, I say, as Senator KENNEDY has said, we will be back and we will find another vehicle and another opportunity to proceed. I hope in the meantime we will reach out to Senator HATCH and others who have legitimate concerns to find ways to incorporate their concerns in an even better bill, and I hope we will do that in the spirit of the great example set in the New Testament. When confronted with a woman who had committed adultery, Christ himself was able to say in the public square he did not condemn, he did not endorse the lifestyle, but he did save a life. I think we ought to do the same as the Federal Government. It is in that spirit I intend to vote to invoke cloture.

I yield the floor.

Mr. KENNEDY. Mr. President, the most fundamental right we have as citizens is to be able to live in a peaceful country without the fear of violence in our society. We have seen so many different instances where violence has come in our society based on race, religion, and national origin. We have, over a period of years, tried to free ourselves from that form of discrimination. That is what this is about: Making sure that every American, regardless of their race, religion, national origin, sexual orientation, disability, or gender, is going to have the full support and weight of the Justice Department to ensure they will be able to live in this country in peace and dignity and some security. That should be a responsibility of the Justice Department, and it should be a common responsibility for all Americans.

That is not the state of affairs today, but this legislation will guarantee that. That is why it is so important. We are not prepared to exclude any different group. We want to include all Americans. That is why this legislation includes all of those groups. It is broadly supported by the law enforcement community, 22 attorneys general, former attorneys general from the United States, Republicans, and by virtually all the diverse religious leaders. They understand the moral issues, the moral compulsion, as well as the issues of liberty that are included. I hope we would now invoke cloture.

So all Members know, obviously if the amendments are germane, they will be considered after cloture. But let us give this message to all Americans that they will live in a secure nation.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 103, S. 625, a bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes:

Hillary Clinton, Harry Reid, Jack Reed, Russell Feingold, Richard Durbin, Edward Kennedy, Evan Bayh, Charles Schumer, Debbie Stabenow, Maria Cantwell, Daniel Akaka, Ron Wyden, Carl Levin, Daniel Inouye, Joseph Lieberman, E. Benjamin Nelson, Byron Dorgan, Patrick Leahy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived. The question is, Is it the sense of the Senate that debate on S. 625, a bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Missouri (Mr. BOND), and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

The PRESIDING OFFICER (Mrs. CLINTON). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Stabenow
Torricelli
Wellstone
Wyden

NAYS—43

Allard
Allen
Bennett
Brownback
Bunning
Burns
Campbell
Cochran
Craig
Daschle
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—3

Bond
Crapo
Helms

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 43. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

Mr. DASCHLE. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on S. 625, the hate crimes legislation.

The PRESIDING OFFICER. The motion is entered.

Mr. LIEBERMAN. Mr. President, I rise to express my severe disappointment in the Senate's failure to invoke cloture on the Local Law Enforcement Enhancement Act—also known as the Hate Crimes bill. I am proud to be a cosponsor of this bill, but I am not proud of what the Senate did to that bill today.

One of the things we try to do in this Chamber, as lawmakers, is to adopt laws that express and encode our values as a society—to, in some sense, put into law our aspirations for the kind of people we want to be. Clearly, one of the bedrock values, one of the fundamental values, of America is equality—equality of treatment before the law, equality of opportunity but, beyond that, a broader notion of tolerance in our society. It is part of what brought generations of immigrants to this country—the idea that they would be judged on their personal merit, not on anything related to their personal status or characteristics.

Starting with our Declaration of Independence—our Nation's documentary explication of the values underpinning our experiment in self-government—our country's leaders have laid out a vision of a nation born and bred in notions of tolerance and equality. We know for a certainty that our nation did not live up to that vision when it was first articulated, but in each successive generation we have tried hard to meet the ideals we set out for ourselves. And in each successive generation we have come a bit closer to meeting that goal. Sometimes, obviously, we do not achieve those aspirations and we are intolerant toward one another. Then the law has not only the opportunity but the obligation to step in and to try to create incentives or deterrents toward the worst forms of intolerance, even hatred. That is what this bill is about.

Clearly, over the decades our Nation has built a strong and proud history of protecting the civil rights of Americans who are subject to racial, religious, gender-based, or disability-based discrimination in the workplace, in housing, in life. In more recent times, many of us here in the Chamber have worked to try to extend some of those protections to cover discrimination based on sexual orientation.

This bill stands solidly in that tradition and is just one more step on our nation's path to make its vision of itself a reality. Like the civil rights laws of which we are all so proud, this bill proclaims that there is certain conduct that is unacceptable to us as a nation. This bill takes Federal criminal jurisdiction and extends it to the prosecution and punishment of those who are accused of having caused bodily injury or death based on an animus, a hatred that comes from feelings about the victim's race, religion, nationality, gender, disability, or sexual orientation. In other words, this is another way for our society to express our disdain, to put it mildly, at acts of violence committed based on a person's race, religion, nationality, gender, disability, or sexual orientation.

It is also a way, as is traditionally the province of criminal law, not just to speak to the common moral consensus of our society about what is right and what is wrong—that, after all, is what the law is all about—but also by punishing those who are proven to have committed the wrongs and to deter others in the future from committing those same acts that society generally finds abhorrent.

Current law expresses this but in a way that is limited. It permits Federal prosecutions of hate crimes resulting from death or bodily injury if two conditions are met: First, the crime must be motivated by the victim's race, religion, national origin, or color. Second, the perpetrator must have intended to prevent the victim from exercising certain specific federally protected rights. Of course, I support this law and the goals that it embraces: The Federal prosecution of people who inflict serious harm on others because of the color of the victim's skin, the sound of the victim's voice, a foreign accent, or the particular place in which the victim worships God. In short, these are crimes committed because the victim is different in some way from the perpetrator. Such crimes, I conclude, should be eligible for federal prosecution.

But the current federal law is too limited to address many of the hate crimes that are deserving of federal prosecution, and we need for the law to more fully express some of the principles I talked about at the outset: equality, tolerance, doing everything we can to stop the most abhorrent acts of violence against people based on their characteristics. I think we ought to add to the list of prohibited bases of these crimes, crimes committed against someone because of gender, because of sexual orientation, and because of disability. Adding these categories—gender, sexual orientation, disability—seems to me to be an appropriate extension of the basic concept of equal protection under the law. As the law now stands, it also imposes a requirement, a bar to prosecution relating to race, color, religion, and national origin that we ought to change, which is that the law is only triggered if the victim is prevented from exercising a specific type of federally protected activity.

There are obviously crimes that are committed based on hatred that are triggered in cases other than the prevention of the exercise of a specific federally protected activity, thus, the provision of this bill that would eliminate this obstacle and, therefore, broaden the ability of Federal prosecutors to pursue crimes motivated by racial or religious hatred. It would still, however, require prosecutors to show a connection to interstate commerce.

Just as importantly for those concerned that this bill unnecessarily intrudes upon State prerogatives, the bill also includes language requiring the Justice Department, prior to indicting a defendant for a hate crime, to certify not just that there is reasonable cause to believe that the crime was motivated by improper bias, but also that the U.S. Attorney has consulted with local law enforcement officials and determined one of four things—that the state doesn't have or won't exercise jurisdiction to prosecute the crime, that the State has asked for federal prosecution, that the State does not object to federal prosecution or that the State has completed its prosecution and the Justice Department wants to initiate a subsequent prosecution. This process ensures both that we will avoid an unnecessary overlap between the exercise of State and federal jurisdiction and that those in local law enforcement, closest to the alleged crime, will have the first opportunity to pursue those committing these heinous crimes.

At the same time, it makes clear that in cases where federal prosecutors determine that federal prosecution is essential to vindicate federal values, this statute will be available to them. This certification process should lay to rest the concerns some of my colleagues have who fear that Federal prosecutors will interfere with State efforts to bring perpetrators of hate crimes to justice.

At a time when so much else is going on here in the Capitol with the high profile issues of this session, this bill brings us back to America's first principles of equality and tolerance and challenges each of us to think about the appropriate and constructive role that the law can play, understanding that the law can't control the hearts of people in this country.

Ultimately, we have to count on people's own sense of judgment and tolerance and, hopefully, the effect that other forces in their lives will have on them to make them fair and tolerant, such as their families, their schools, their religions, their faith. But this bill is here to say in the cases when all of those other sources of good judgment and values in society fail to stifle the hatred that sometimes does live in people's hearts and souls, to say that this is unacceptable in America and to attach to that statement the sanction of law, hoping that we thereby express the higher aspirations we have for this great country of ours as it continues over the generations to try to realize the noble ideals expressed by our founders in the Declaration of Independence, but also to put clearly into the force of law the punishment that comes with law when one goes so far over the line to commit an act of violence based on hatred, hoping thereby that we will deter such heinous acts from occurring again in the future.

The Senate had a chance today to bring us one step closer to making the law more closely reflect our founding vision. The Senate should have taken that step. It is a truly deep disappointment that it did not do so. This will not, though, be our last chance. The bill's opponents will not be able to hide behind procedural posturing forever. This bill will come back again this year to the Senate and when it does, I believe that we have no choice but to pass it. Our values as a nation will allow for no less.

I thank the distinguished Chair. I yield the floor.

INCREASING THE PUBLIC DEBT LIMIT

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 2578 by title.

The legislative clerk read as follows:

A bill (S. 2578) to amend title 31 of the United States Code to increase the public debt.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read for the third time, the question is, Shall the bill pass?

Mr. KERRY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Missouri (Mr. BOND), and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—68

Akaka
Allen
Baucus
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Cantwell
Carnahan
Cleland
Cochran
Collins
Craig
Daschle
DeWine
Dodd
Domenici
Durbin
Edwards
Feinstein
Frist
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Wellstone
Wyden

NAYS—29

Allard
Bayh
Campbell
Carper
Chafee
Clinton
Conrad
Corzine
Dayton
Dorgan
Ensign
Enzi
Feingold
Fitzgerald
Graham
Gramm
Harkin
Hollings
Inhofe
Kyl
Lincoln
McCain
Sessions
Shelby
Smith (NH)
Smith (OR)
Stabenow
Torricelli
Warner

NOT VOTING—3

Bond
Crapo
Helms

The bill (S. 2578) was passed, as follows:

S. 2578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking "$5,950,000,000,000" and inserting "$6,400,000,000,000".

Mr. REID. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. CANTWELL. Madam President, I rise today to offer my support for increasing the federal debt ceiling by $450 million. This is a difficult issue and I well understand that we need to raise the debt ceiling. We have troops conducting military operations overseas. We are working here at home to address critical national security needs. But if we hadn't acted today, the United States would have been on the verge of defaulting on its debt for the first time in history. This is unacceptable.

However, now that we have voted to raise our debt limit, we must begin an honest and open debate about why we are having this vote. I want to make it crystal clear that I believe we need to extend the budget enforcement procedures and establish reasonable discretionary spending caps as soon as possible.

At the beginning of last year, the Congressional Budget Office projected a ten-year surplus of $5.6 trillion and the debt ceiling seemed to be high enough to last through fiscal year 2008. That all changed, however, as the projected big surpluses first started to decline last year and then dramatically changed into a $2.7 trillion deficit. We know that the current deficit is the result of last year's tax cut, the recession, and the tragic events of September 11, 2001.

One of the most important actions we can take for the nation's future economic stability is to pay down the national debt. According to Chairman of the Federal Research Board, Alan Greenspan, paying down the national debt lowers interest rates and keeps the capital markets and investment going. In January, he told the Senate Budget Committee that one of the reasons long-term rates have not come down is the sharp decrease in the surplus and the diminishing prospects for paying down the debt.

I want to make it clear that the change in our fiscal situation has driven estimated federal interest costs higher: CBO has boosted its projection of federal interest costs in 2002 through 2011 from just over $600 billion a year ago to $1.6 trillion. The dramatic downturn in the federal budget will force taxpayers to pay $1.2 trillion more in debt payments, money that could have been used to invest in additional defense, homeland security, education, and job training.

Our total budget must be crafted within the need to maintain fiscal discipline, and stimulate economic growth through continued federal investment in education and job training, while also protecting the environment. Furthermore, we need to invest in our nation's economic future by making a commitment to public research and development in science and technology—maintaining our status as a global leader.

It is a balance. We must make these investments to secure our country. But we must do so within a framework that ensures we don't spend beyond our means. If we want our economy to be strong, if we want revenues, and if we want to make the right decisions, we need to keep paying down the debt.

Having spent time in the private sector, I can tell you this: No private sector organization thinks it can spend its way out of programs; nor can we as a country. This is why I supported and cosponsored the Gregg-Feingold Budget Enforcement Amendment last week—and why I will continue to work with my colleagues on extending the pay-as-you-go budget enforcement procedures as well as setting up reasonable discretionary spending limits.

Some voted against this debt limit increase today because it had not been paired with procedures for a fiscally disciplined framework. I certainly empathize with that position. We are in tough times. And tough times force us to make tough decisions. Today's vote was one of them.

Mr. CONRAD. Madam President, I voted against S. 2578, a bill that would increase the public debt limit by $450 billion.

I support taking action to increase the debt limit, in order to protect the full faith and credit of the U.S. government. Frankly, we have no choice but to raise the limit. The United States must pay its bills. What I cannot support, however, is increasing the limit without also putting in place procedures for arresting this dramatic downturn in our nation's fiscal health.

I want to provide a little background on how we arrive at this juncture. You might remember that a little over a year ago, when the Bush administration submitted its first budget, we were told that, even with the enactment of the President's proposed tax cut, we would not hit the Federal debt limit until 2008. By August, with the tax cut enacted, the administration acknowledged it was wrong and that we would actually hit the debt limit in 2004. By December, that estimate was moved up again, with the Treasury Secretary admitting the debt limit would be reached within months and pleading with Congress to raise the limit so that the United States wouldn't default on its financial obligations.

And, I should not, the administration didn't just request a small debt limit increase. It requested a $750 billion increase, which would constitute the second largest one-time increase ever-surpassed only by the $915 billion increase signed into law by the President's father during his term in office, in November 1990.

That dramatic turnaround in events followed a period of rapidly falling deficits in the 1990s and 4 years of surpluses. In total, as a result of the fiscal discipline put in place in the 1990s, we paid down $400 billion of publicly-held debt and were on the path to eliminate our debt in preparation for the retirement of the baby boom generation. What a sad turn of events we now face today.

It is imperative that we find a way out of this mess. Last week, we were close in the Senate on adopting a bipartisan deal to restore budget discipline and prevent us from digging the hole any deeper. That deal would have extended PAYGO and the Budget Act points of orders, and set a cap on discretionary spending for 2003. Unfortunately, our Republican colleagues blocked its consideration. It seems that many in this chamber are still in denial about the dire position we find ourselves in today as a result of last year's tax cut, the brutal attacks on this nation last September, and the slowdown in the economy.

Let me state again that the Congress has an obligation to ensure that the government avoids default, an event that would have severe consequences for our financial markets and for the government's cost of borrowing funds. However, I feel just as strongly that we should either have passed a much smaller increase—in the range of $100 billion to $200 billion—or passed the current bill in conjunction with the adoption of bipartisan budget measures that would help us stop the fiscal bleeding and return the budget to a path of balance. Simply increasing the debt limit does nothing to force the President and this Congress to deal with the very real fiscal problems we now face today, problems that will only worsen as the baby boomers begin retiring over the next decade. I feel we missed a great opportunity today to adopt those measures as part of the increase in the public debt limit.

Mr. DORGAN. Madam President, today the Senate voted to increase the debt limit by $450 billion. I agree with many of my colleagues that raising the debt limit is the responsible thing to do. We must protect the full faith and credit of the United States government and we are dangerously close to debt limit. The Department of Treasury has already used extraordinary measures to avoid a default. The time for action is now.

However, I also believe that we must put pressure on the Congress and the Administration to find solutions to our budget problem. We must work together to restore fiscal discipline to the Federal government. The bill approved by the Senate would raise the debt limit by $450 billion which will provide sufficient funds for the government to operate through next spring. I opposed this increase. I would have supported a smaller increase in the debt limit—$150 billion, for example—that would prevent a default but would force an agreement on our budget issues this fall. It would have given us leverage to force a solution to our budget problems.

The debt limit must be raised. It is the responsible thing to do. However, a smaller increase would have kept the pressure on the Congress and the Administration to come to agreement on a long term solution to put our fiscal policy back in touch and develop a plan to eliminate our budget deficits.

Mr. HATCH. Madam President, as a longtime proponent of a balanced budget amendment to the Constitution, I rise to speak concerning S. 2578. While we are told that this bill will increase the Nation's debt limit, what we really voted on today was whether to keep the statutory commitment that Congress has made to the Social Security trust fund.

Social Security's current surplus is the main reason we need to raise the debt limit. Every single dollar of that surplus goes into the Social Security trust fund, and by law, every single dollar of the trust fund counts as part of the total Federal debt. Social Security is expected to run a $160 billion surplus this year, with an even higher surplus next year. Ironically, in order to place that surplus in the Social Security trust fund, the law requires us to increase the debt limit. Only in Washington, DC, can running a surplus increase your level of debt.

Of course, the debt that is included in the Social Security trust fund is just money that the Treasury owes to itself. What really matters for the Government's budget and for the U.S.

economy as a whole is the amount of debt held by the general public. Over the last few years, as a Republican Congress put the brakes on spending, debt held by the public actually fell, lowering the amount of money our Government had to spend on interest payments. However, the war on terrorism, our current recession, and Congress's recent extravagant spending have combined to increase the public debt over the past year. While it is important for Congress to meet its statutory responsibilities to the Social Security trust fund by increasing the debt limit, it is even more important that Congress get its fiscal house in order by working to cut discretionary spending and restore the economy's health.

Time to act on the debt limit is running out. In fact, the Secretary of the Treasury says that the main reason he has called June 28 the "drop-dead" date for raising the debt limit is because on that day, Treasury is scheduled to make a large payment into the Social Security trust fund. I am pleased that the Senate voted to raise the debt limit today, and we can get a final bill to the President for his signature.

Finally, now that we have voted on this wartime increase in the debt limit, I hope that Congress enacts tough budget caps, strong limits on discretionary spending, and productivity-enhancing legislation so we can bring our budget back into balance and restore the American economy to its full potential.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that at 2:15 p.m. today, the Senate proceed to a period for morning business until 3:15 p.m., with Senators permitted to speak for up to 10 minutes each; that at 3:15 p.m., the Senate proceed to the consideration of H.R. 8 under the parameters of the unanimous consent agreement of April 23, 2002.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. And I will not object, although I have an inquiry I need to make and I will probably ask consent as a result of that.

We need to go to the Defense authorization bill. That should be our first issue before anything else. I have made the points that we have not done a budget resolution and there is nothing more important than the defense of our country and that we need to go to the Defense authorization bill.

I know there was an agreement entered into on this death tax issue, and I think we should go to it as soon as possible. But I inquire about what is the plan with regard to the Defense authorization bill. I note that S. 2514, the Defense authorization bill, is on the calendar and was reported May 15.

Under my reservation, can I get some information about what is the plan with regard to the Defense authorization bill?

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, as the distinguished Republican leader and I discussed a few minutes ago, the plan is certainly to take up the Defense authorization bill prior to the time we leave for the July 4 recess. That has always been my intention. I have indicated that on several occasions to the Republican leader and to others, and that certainly is my intention again today. We know it will take some time. Senators have expressed an interest in offering some amendments to the bill, and they are in some cases not quite ready yet to go to the bill as they are examining amendment options.

In the meantime, we want to also fulfill our obligation to Senators on the estate tax. We made that commitment some time ago, and we are hoping to do that. We are also talking to the Senator from Kansas, the Senator from California, and others about the cloning-stem cell research debate. We are hoping we can get a unanimous consent agreement to do that on Friday of this week and Monday.

In addition to that, we are working on terrorism insurance, and we are hoping to get its passage before we leave. I would like to get a unanimous consent agreement on that matter.

Senator LOTT mentioned we were not able to get the budget language resolved. Unfortunately, our Republican colleagues objected to doing that last week during the debate on the supplemental, so we were precluded from doing that last week, but we will continue to work to find a way, hopefully without the objections of our Republican colleagues, on the budget as well.

I will reiterate my commitment to the distinguished Republican leader that the Defense authorization bill is legislation we will finish prior to the time we leave for the July 4 recess.

Mr. LOTT. Under my reservation, I note there is a great deal of difference between going to the budget resolution and having full consideration, and agreeing to a number and enforcement numbers on supplemental appropriations. I am prepared to try to help find a solution, to have some limits and some enforcement mechanisms, but obviously the way it has been done for the past 25 years is to have a budget resolution. I do think it is the right thing to do, to go to this death tax issue, and I do want us to continue to work on that.

We are going to get an agreement on how to proceed to the cloning issue because I made that commitment some time ago, as did Senator DASCHLE, to Members on both sides of the issue and on both sides of the aisle. I think we are very close.

I ask to be added to this unanimous consent agreement that following the disposition of this death tax issue, H.R. 8, the next order of business be the Defense authorization bill, which is S. 2514.

Mr. DASCHLE. Madam President, of course we will object to that. Let me reiterate, because the Senator has noted his desire as well to deal with cloning, to deal with terrorism insurance, to deal with a number of other issues, that I know he will be prepared to cooperate in scheduling. We have to take this a step at a time. We may not be ready to deal with Defense tomorrow, but we are going to be ready to deal with it before the end of this work period. So we will continue to do that.

I look forward to working with him to find that date when we can accomplish all we need to accomplish in a very short period of time.

Mr. LOTT. With that assurance then, I withdraw my further reservation, but I again express my concern that if we wait too late on bringing up the Defense authorization bill, being able to complete it before the recess could be a problem. We need to get it done so we can go to the Defense appropriations bill and the military construction appropriations bill.

In view of the objection and the assurances, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. The hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

UNANIMOUS CONSENT REQUEST

Mr. BUNNING. Mr. President, I have a unanimous consent request to propose. This unanimous consent is to pass a badly needed permanent extension of the adoption tax credit. If we do not pass this extension that was part of President Bush's tax relief bill of last year, it will sunset.

If the adoption tax credit is allowed to sunset, the following things will happen: The adoption tax credit will be cut overnight from a maximum of $10,000 to $5,000. Families adopting special needs children will no longer receive a flat $10,000 credit; instead, they will be limited to a maximum of $6,000. The tax credit no longer will be permitted if we have to extend it each year. Families claiming the tax credit may be pushed into AMT, alternative minimum taxes. The income caps will fall from $150,000 to $75,000 so that fewer families will be eligible for the credit.

There are over 500,000 kids in foster care right now. Let's help them find loving homes. Let's make it easier for families to adopt, not throw up barriers.

The PRESIDING OFFICER. Is there objection to the request of the Senator?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BUNNING. May I carry on a colloquy with the Senator from Massachusetts?

The PRESIDING OFFICER. The Senator has made a request to engage in a colloquy with the Senator from Massachusetts.

Mr. KENNEDY. I would be more than glad to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. I ask the Senator from Massachusetts, does he have a specific objection to the permanent extension of the adoption tax credit at this time for some specific reason?

Mr. KENNEDY. Mr. President, I am doing it on behalf of the leadership because I understand we have Members who want to offer amendments and have a somewhat different view than the Senator from Kentucky and want the opportunity to do so and have that determined by the Senate.

For that reason, I object.

Mr. BUNNING. I understand the objection. I hope when the other objectors come forward, we will have an opportunity to discuss this permanent extension of the adoption tax credit and to try to work with whoever the objectors are on that side to make it possible that we have this extension made permanent so families can adopt and continue to get the permanent $10,000 tax credit under which they are now operating. My fear is that will expire and then we will have all kinds of bad consequences.

I thank the Senator and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I say to the Senator from Kentucky, I think the objective of the Senator is enormously worthwhile. I may very well come out and support the proposal of the Senator from Kentucky. I have been notified by the leadership there are those who have a proposal that may have some different features and they would like to be heard on that particular proposal, but I thank the Senator. I think the issues on adoption are enormously important. I think the idea of trying to provide assistance to those families is incredibly valuable.

I have had the opportunity, for example, to have hearings on families from Canada with grown children who have adopted children with special needs. They adopted these children who had special needs even though they had younger children because, under the Canadian health care system, they offset the medical aspects of the special needs children.

I asked the mother why she adopted special needs children when she had three or four children of her own. Her response was she wanted her children to understand what love was really all about.

I may very well support the Senator and try to go even further than the Senator from Kentucky. I admire him for raising the issue on the floor, and I only object because of what I have been notified by the leadership.

Mr. BUNNING. If the Senator will yield, my personal interest goes beyond just the permanent credit. I have a daughter who had four children and adopted a special needs child, and then had seven more children after that. So I am very familiar with the change in life and the loving care that comes with adopting a special needs child. I am just fearful the Senate will not act in a reasonable manner to make sure this credit becomes permanent. That is my reason for bringing it up at this time.

I understand the objection of the Senator.

Mr. KENNEDY. Since I am the one who objected, I say I will bring it up with the chairman of the Finance Committee and ask him if he would talk to the Senator from Kentucky about what their plans are and urge him to give us an opportunity to address this issue.

Mr. BUNNING. I thank the Senator and yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

ENVIRONMENTAL POLICY

Mr. NELSON of Florida. Mr. President, it was a Republican President, Theodore Roosevelt, who, in the early 1900s, established our Nation's first national forests and refuges, and his fifth cousin, President Franklin D. Roosevelt, who, during the Great Depression of the 1930s, launched the Civilian Conservation Corps. Then, under Dwight Eisenhower in 1960, our country set aside the first part of Alaska's Arctic National Wildlife Refuge. Under Richard Nixon, in 1970, we enacted the Clean Air Act to limit air pollution from cars, utilities, and industries.

Then, 20 years later, a major expansion of that act was signed into law by President George H.W. Bush, the father of now-President Bush.

For 100 years, Republican and Democratic Presidents alike saw that saving America's natural wonders ought not be a partisan political issue. Yet today we see the present Bush administration, time and again, side, with corporate political interests trying to roll back the time-tested and bipartisan measures aimed at protecting our land, our air, and our water.

Let me give some examples. The Federal Superfund Program for cleaning up toxic waste sites is running out of money. It was set up in 1980. It was sponsored, fostered and encouraged under several Presidents. It was set up under President Carter, and continued by President Reagan, then President H.W. Bush, and President Clinton. They all encouraged the use of the Superfund and the concept of the polluter pays.

In 1980, an agreement was struck with the oil companies and the chemical companies. The oil and chemical companies would pay into a trust fund, and when a toxic waste site was found—and this happened after the Love Canal situation had riveted the Nation's attention—there would be money in the trust fund if they could not find the polluter to pay. If the polluter had fled town or had gone bankrupt, there was a fund from which you could then get the toxic waste site cleaned up.

I just toured one of these toxic waste sites about 12 miles west of Orlando, a site that has been there for several decades, a site where at one point what I call a witch's brew of boiling DDT, which formed another chemical compound, had flowed into a holding pond. Why was it a holding pond? Because it was a depression in the ground. And where did that go? It was a sinkhole that went into the Floridian aquifer.

At one point it spilled out of this holding pond into this creek that ran into Lake Apopka, a lake of thousands of acres that used to have 4,000 alligators, and which has 400 now—and you know how sturdy a beast an alligator is.

Yet what the present Bush administration has said is we do not want to continue the polluter pay concept. We want the taxpayer to pay for cleaning up toxic waste sites instead of the polluter. As short as we are on money, with the surplus having evaporated, with the war requiring more and more money, an appropriation from the general fund of taxpayer money for the Superfund may not happen. So sites such as the one 12 miles west of Orlando, are not going to get cleaned up. If we do not re-authorize the polluter pays provisions—which have had bipartisan Presidential support—then we are going to have a serious problem. The site west of Orlando will continue to jeopardize the water supply for all of that part of Florida. That is how serious it is.

Let's take another case. We had the matter of arsenic.

First, the administration was not going to lower the parts per billion in drinking water. It would remain at 50 parts per billion, a standard set before we knew arsenic caused cancer. Based on years of study, the previous Administration had recommended it go down to 10 parts per billion. There was such an outcry that the public was finally heard. And, before the Congress had to act, the administration, relented and adopted the 10 parts per billion standard.

In the Senate 2 months ago, we defeated the administration's attempt to permit oil and gas drilling in the pristine Alaska Wildlife Refuge. Unfortunately, we were unable to overcome the administration's opposition to improving automobile fuel economy standards.

If we are going to get serious about weaning ourselves from our dependence on foreign oil supplies, we are simply going to have to go to where we consume the most energy. The most energy is consumed in the transportation sector. If we don't get serious about increasing the miles per gallon on our automobiles and trucks, we are simply not going to be able to address our dependence on foreign oil. We should follow a balanced approach on the energy question. It should be part production, part conservation, part alternative fuels, part increased use of technology and part renewable fuels. We can use our technology—we have it today—to increase significantly the miles per gallon fuel economy of our transportation sector.

It is so hard, because of all the special interests involved, to pass good public policy. A good example is the defeat of our effort to increase corporate average fuel efficiency standards. But mind you—it is going to take a crisis, such as a terrorist sinking a supertanker in the 19-mile-wide, Strait of Hormuz which suddenly stops the flow of oil traffic out of the Persian Gulf to the industrialized world, to give us a major disruption of energy supplies.

We will rue the day that we did not increase the corporate average fuel efficiency standards of our cars and trucks because the transportation sector accounts for 42 percent of the oil we consume in this country.

Here, again, is another example of where this administration has not faced up to the reality of the environment and of energy. By the way, we have cars today—particularly Hondas and Toyotas—that can get over 50 miles per gallon. These are the hybrid vehicles that shift from gasoline to electric. Because of the computer, the driver and the passengers do not even notice the shift. There is no dimunition of the electrical output of the automobile.

Again, it is another example of where we are just on the wrong course with regard to our energy and to our environmental policies.

If our energy legislation stalls and the environment remains under siege, is it all lost? I don't think it is. Our citizens and their elected representatives can demand and get better.

In the past, we saw an outcry regarding arsenic levels in our drinking water and arsenic used to treat wood. We won on both counts. The arsenic standard for drinking water was dramatically decreased and the wood preserving industry agreed to cease the manufacture of arsenic treated wood for residential uses by the end of 2003. Children's playground equipment will no longer be manufactured with wood treated with arsenic. More needs to be learned about the dangers of arsenic-treated wood but, I will continue to seek answers from the Administration.

Last year we were able, fortunately, to scale back the sale of new oil and gas leases in the Gulf of Mexico right off of the coast of Florida—keeping the drilling more than 100 miles from the Florida shores, preventing the spoiling of our coastal environment and protecting the $60 billion a year tourism industry in Florida.

Senator GRAHAM and I tried to block that sale altogether and we will continue to battle exploration off Florida's coasts. Floridians, regardless of our individual party affiliations, overwhelmingly oppose offshore oil drilling that threatens our beaches, fisheries and tourist-dependent economy.

On saving the environment, our Federal Government today may be split largely along political party lines. But, in Florida, and across the Nation the people are not.

I thank you for the opportunity to share these thoughts with the Senate. I yield the floor.

Ms. STABENOW. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, I rise today to speak about an important part of the strategy to lower prescription drug prices for all of our citizens, particularly our seniors who are using about 18 different medications in a year. We have a strategy to focus on with the intent to do everything possible to update Medicare to cover prescription drugs with a comprehensive Medicare prescription drug benefit which is long overdue.

Medicare was set up in 1965. It covers the way health care was provided in 1965. It needs to be updated to cover the primary way we provide health care today, which is outpatient prescription drug coverage.

We also know there are a number of other actions we can take to lower prices for everyone. I had the opportunity yesterday with the Detroit Regional Chamber of Commerce to hear from a number of businesspeople, large and small, who are struggling with their health care insurance premiums, some choosing to no longer be able to provide health care, and others finding they are having to cut back, and hospitals and nursing homes and home health agencies, all affected by the explosion in prescription drug prices.

When we look at the rising cost of health care, the majority of it is the cost of prescription drugs. A number of us have looked at what it is we can do to bring more competition, to bring prices down, and to make it more fair for Americans.

Americans today are underwriting the cost of research. I am very proud that, through the National Institutes of Health, we are providing billions of dollars in basic research. We support companies then taking that research, and we allow them to write off their research costs as well as their advertising and other costs to be able to provide the necessary research and development for new prescription drugs. We give them a patent to protect their development so they can recover their cost. But at the end of that process, we find that Americans, even after we have heavily subsidized, supported, and helped pay for the research and development, are paying the highest prices in the world.

One of the reasons is that there was a law passed in the late 1980s that puts a fence around the border of the United States as it relates to prescription drugs. It says that we as Americans cannot go across the border to Canada to purchase American-made, FDA-approved and safe drugs that are sold to Canada, on average, at half the price. We can't go to any other country as well.

In fact, as was shown in the Wall Street Journal last Friday in a front page article, every time the European Union or Canada or some other country negotiates lower prices for their citizens, the drug companies make it up by raising American prices, even though we are the ones paying for the research that creates the new miracle drugs.

To demonstrate this and to promote legislation, S. 2244, which Senator DORGAN, Senator JEFFORDS, myself, and many others, have introduced—it is a bipartisan bill to bring down this barrier at the border so Americans can get the very best prescription drugs at the very best prices from Canada—a number of us have been helping to sponsor bus trips to Canada to make the point.

This is a picture of a number of us who were joining, from the House and Senate last week, a bus in front of the

Capitol. This is a bus that the Alliance for Retired Americans has been sponsoring. In fact, we have over 14 different trips planned in the next several days into Canada. We kicked off one in Detroit yesterday where a group of citizens got on the bus to go 5 minutes across the Ambassador Bridge, in which they were able to lower their prices on average by half, just by going across the bridge.

This is not about putting seniors or families on buses to go across bridges to get lower prices. This is about dropping the barrier at the border. This is protectionist legislation that does not allow us to have business relationships across the border to bring back those American-made drugs at a reduced price.

We can trade with Canada on agricultural products, manufacturing products, all kinds of things. People go back and forth across the border and do business every day. But when it comes to prescription drugs, we have not been able to do that. That creates a situation where we don't see the kind of pressure on our companies to be competitive and fair to Americans.

We want to get people off the bus. We want those prescriptions coming back to the United States to our neighborhood pharmacy, so a senior can walk in and get the reduced price.

I will just share with you some of the price differences we have seen as we have taken the bus trips to Canada from Michigan. Zocor, for high cholesterol, if you need to purchase this in Michigan, the price will be somewhere in the range of $109. If you drive that 5-minute bus trip across the border, you can get that same Zocor for $46. If we look at Prilosec for heartburn and ulcer relief, $115 in Michigan; $55 across the border to Canada.

Probably one of the most disturbing ones for me is a breast cancer treatment drug. I have taken to Canada breast cancer patients, who are in desperate need of this lifesaving treatment and medication. Tamoxifen is a well-known breast cancer treatment, $136.50 in Michigan; $15.92 across the bridge.

There is something wrong with this picture. There is something wrong when Americans are supporting and funding the development and underwriting costs and subsidizing, through tax deductions and tax credits, the development of these lifesaving medications, and we are paying so much more for these lifesaving drugs. It makes no sense.

I urge my colleagues to support our effort, to come on as cosponsors and support the effort to open our borders and lower prices for prescription drugs. We have a bipartisan bill, S. 2244. The time is now. We want to get the seniors off the bus, get lower priced prescriptions into the local pharmacy or the hospital or into the clinics around the State of Michigan. It is time to do that. It is past time to lower the prices for people.

This isn't the same as buying a new pair of tennis shoes. It is not the same as buying a new car, although coming from Michigan, I want to see people buy a new car every year. But if they don't, it is not going to threaten their life. But if a breast cancer patient does not get her Tamoxifen, it does threaten her life. That is the difference.

This is medicine. It is not optional. It is time we understand that and get serious about lowering prices, about creating the competition that will allow us to lower prices.

I have never seen an issue that affects more the economy of this country. It affects every businessperson trying to provide health insurance for themselves and their employees. It affects our universities' health clinics. The president of Michigan State University came to me expressing great concern about his rising health care premiums and the requirement that he was going to have to lay off people because they couldn't keep paying these rising costs, most of it from prescription drugs, and maintain the same number of staff at the university. This is ridiculous.

Most importantly, this is ridiculous because of what it means to our families and our seniors. Yesterday on the bus were a couple who are paying $1,300 a month for their prescriptions, people on a fixed income. They were getting on that bus yesterday to go to Windsor, Canada, out of desperation to lower their prices so they could live independently in their own home and not have to be hospitalized or go into a nursing home and receive the kind of medicine they need.

It is wrong that we are seeing this kind of disparity. I urge my colleagues, while we are working on the important issue of Medicare prescription drug coverage, that we do something today to lower prices. We can do something right now by just simply opening the border to Canada and making sure that our citizens get the prices shown by these yellow bars on this chart, instead of paying the high prices we see they are paying right now.

I thank you, Mr. President. I urge my colleagues to get engaged in one of the most important issues affecting seniors and our families today. It is time to bring the prices down.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

EDUCATION

Mr. KENNEDY. Mr. President, in the Washington Post today in the front section on page A3, there is an article titled: "Report Urges Stricter Tests for Teachers, Expertise Is Stressed Over Theory."

This is an important report. It is one that underscores what a number of other reports have said, including those by the National Center on Education Information, which is a report that was out earlier this year, and the was a very solid report from 1996, which is most comprehensive on teacher quality, called "What Matters Most: Teaching for America's Future." The Administration's report is very important because it outlines the challenges we face.

I want to give an assurance to the American people that we do not need more legislation. We already have the legislation in place in the No Child Left Behind Act, and in the Higher Education Act of 1998, that, if fully implemented and funded, would address the real challenges we are facing in the States. We know that we need to hire over 2 million teachers over the next ten years, we need to improve teacher preparation, and we need to increase professional development. But we don't need new legislation. The No Child Left Behind Act requires 100-highly percent qualified teachers in our classrooms in four years. I believe that is the most important ingredient to have a well-qualified teacher in every classroom, increase professional development each year, and provide funding for mentoring.

The Higher Education Act, title II, provides funding for States and universities to improve the teacher preparation with high-quality strategies, including improving alternative routes to certification, and improving the quality of colleges of education.

Mr. President, what is left out of the report is the need for resources to help states meet these goals. We need resources to be able to achieve these goals for the children in this country. We need to do more than just count on alternative routes to certification. Alternative routes to certification could provide, at best, one-third of all of the teachers we need in our public school systems. For example, the Troops to Teachers only places about 700 teachers per year. We need to hire more than 200,000 teachers per year to address the shortages. Many of these new teachers need to have specialized training in special education, math and bilingual education. The alternative route programs can provide some assistance, but they are not the core of the solution. The solution lies in improving all of the teacher preparation and training programs and providing all teachers with the ongoing support they need once they are in the classroom.

Some traditional teacher preparation programs and alternative routes are successful. All the successful programs have the same characteristics. The recent report by the National Center on Educational Information said that a successful alternative route program is specifically designed to recruit individuals with college degrees; that is, the emphasis is on content. Such a program has a rigorous screening process to attract high-quality candidates. The program is field based to give practical experience through internships. New teachers receive mentoring from trained teachers. Candidates must meet high standards upon completion.

The 1996 report had similar characteristics for a high-quality teacher preparation program at universities: organize teacher education around standards for students and teachers; develop and extend year-long programs with year-long internships; create and fund mentoring programs; and create high-quality sources of professional development for ongoing support.

So the Administration's report is useful and valuable today, but this is something we have understood now for a number of years. It really is nothing very new. The statistics may give us more recent information on particular States, but we know what needs to be done. We outlined in the No Child Left Behind legislation a series of programs to help and assist the States to address the teacher shortage, but the administration has requested zero increase in their proposed budget for improved teacher quality and reduced class size. There is an excellent study that says all these things need to be done—better training, recruitment, professional development and mentoring. We have to do them. But when it comes to the resources to be provided, we are just not getting it from the administration. That, I think, is a matter of enormous importance.

All of us want to address the kinds of needs that are outlined in this report. It is a good report. But in order to do that, it means funding the various programs that we have that are out there and in existence.

Mr. President, I want to mention several of the programs that the administration failed to fund this year that cut teacher quality programs by $155 million this year. They include: The elimination of funding for preparing tomorrow's teachers to use technology is enormously important. You can get the new technology in the classroom, but unless the teacher understands how to use the technology and how to develop the curriculum to use the technology, you have missed the opportunity for success.

This program was oversubscribed, but it was eliminated by the Administration. Funding for the National Board for Professional Teaching Standards, which is enormously important, was eliminated. Certification by the National Board for Professional Teaching Standards, all across the country, is the key for increasing compensation, increasing professionalism, and increasing success. The National Board has been incredibly important and effective and yet the Bush Administration eliminates it.

The Bush budget eliminates programs to prepare teachers to teach writing and civics, and provides a 50-percent cut in grants to help train teachers to teach American history.

So the point I am making, Mr. President, is that we can have these studies and they can point out what the problem is, but we know what the problem is, but we already know what the problem is. What it takes now is the increased investment in the No Child Left Behind Act and other programs that can really make a difference in terms of teacher quality.

We have to look at this in a comprehensive manner. We need to improve working conditions for teachers, including increasing pay, increasing the prestige of teaching, and improving schools so they are safe, modern places in which teachers can work and children can learn. Many schools have obsolete, crumbling, and inadequate facilities. All teachers and students deserve safe, modern facilities with up-to-date technology. Sending teachers and children to dilapidated and overcrowded classrooms sends an unacceptable message. It tells them they don't matter. No CEO would tolerate a leaky ceiling in the boardroom—and no teacher should have to tolerate it in the classroom.

This is all part of what we have to understand if we are going to expect that we are going to get quality teachers to teach in our schools.

Mr. President, this is just a final point I want to mention on the subject. Despite the goals we share in the recent report, I am concerned that the administration is not meeting the letter of the law in implementing the requirements of the No Child Left Behind Act to ensure a high-quality teacher in every classroom.

In the draft guidance of the new ESEA title II Teaching Quality Program, released on June 6, the Department proposes a large loophole for alternative routes to certification that I believe violates the law and could lower teacher quality.

The guidance says: "Any Teacher who has obtained full state certification, whether he or she has achieved certification through traditional or alternative routes, has a four-year college degree, and has demonstrated subject matter competence, is considered to be highly qualified under the law. Teachers who are participating in an alternative route program may be considered to meet certification requirements of the definition of a highly qualified teacher if participants in the program are permitted by the state to assume functions as regular classroom teachers and are making satisfactory progress towards full certification as prescribed by the state and the program."

This creates a double standard when it comes to teachers working through alternate routes compared to teachers working through the regular certification program—those working through the regular certification program must be fully certified—no emergency, temporary provisional certification.

Alternate route teachers can be considered highly qualified while holding a provisional certification while they are working to obtain full certification. This is inconsistent with the definition in the ESEA which holds the same standards for all teachers.

I hope the draft guidance will be changed to ensure when we say all teachers will be highly qualified, we mean all teachers are highly qualified. We do not want to find on the one hand statements about the importance of these findings, and then on the other hand have the drafting of rules and regulations which are going to result in lower standards for the teachers in the classroom.

We welcome this report, but it comes back again to the issue of whether we are prepared to help the States, schools, parents, and children in this country by helping ensure there is a well-qualified teacher in every classroom. We have the legislation. We have followed these various recommendations, and all we need is the investment to make this happen. That is why we are going to continue to battle for the children of this country by insisting that we have an adequate budget invested in teacher quality.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH TAX ELIMINATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 8.

The senior assistant bill clerk read as follows:

A bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, and for other purposes.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent Senators GRAMM and KYL be recognized for 5 minutes each;

however they want to divide up the 10 minutes to speak on the general subject of the estate tax, and Senator CONRAD be recognized for up to 10 minutes. Following that, we would be, I believe, in a position to lay down the first-degree amendment at that time pursuant to the order and the 2-hour time will start running at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, let me take a couple of minutes to tell people where we are. We worked out an agreement several weeks ago to debate the permanent repeal of the death tax. I thank the majority leader for agreeing to allow this to happen. We now have a unanimous consent agreement that dictates how the debate will occur. I will go over it so everyone will know exactly what we are doing.

Under the unanimous consent agreement, a majority member, a Democrat, will be recognized to offer a first-degree amendment related to the death tax. That amendment, by a majority member, will be subject to two second-degree amendments also offered by majority members. Those two second-degree amendments will be disposed of—either with a point of order, a motion to table, or a vote—and will be accepted or rejected. Then there will be one amendment standing, whether it is amended or not, and it will be voted on. Then I will be recognized to offer a first-degree amendment. It will not be subject to an amendment. I will offer an amendment identical to the permanent repeal of the death tax adopted by the House of Representatives. So if my amendment is be adopted, the bill would again pass the House and the President could sign it into law.

If any other amendments should be adopted, we have to have a debate as to whether we would name conferees and we would potentially have to go to conference with the House.

That is basically where we are. We are now awaiting the offering of a first-degree amendment. Then that will be subject to two second-degree amendments, offered by the majority. We will vote on each one of them, in order, and then we will vote on the underlying amendment. I assume we would probably get through one vote this afternoon and then we would have three votes tomorrow and we would finish up tomorrow sometime in the mid-early afternoon if all the time is used.

I remind my colleagues there are 2 hours on the first second-degree amendment, 2 hours on the second second-degree amendment, 2 hours on the underlying first degree, and then there would be 2 hours on my amendment which would repeal the death tax, in exactly the same form the House has passed, and then there would be a vote on it and we would be finished.

That is where we are in terms of the structure of the debate. I wanted everyone to understand exactly where we are. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this afternoon we begin a very important debate on the question of the estate tax. My friends on the other side characterize it as a death tax. It is really not. There is no such thing as a death tax in America. Nobody pays taxes at death. There is an estate tax. For estates over a certain amount, they contribute to the revenue of the Federal Government by paying an estate tax.

The problem with the current estate tax is that it cuts in at too low a level. Currently, estates begin to be taxed at about $1 million. The fact is, only about 2 percent of all estates pay any tax, even under that circumstance. But with what has happened in the national economy, many of us believe we do need to reform the estate tax—not eliminate it but reform it.

Why? First of all, because it is not fair to have the estate tax cut in at that level, given the increase in assets that has occurred in the country in the last decade. At the same time, it does not make much sense to us to eliminate the estate tax completely because of the cost. What our friends on the other side of the aisle are proposing is a $100 billion cost in this decade and a $740 billion cost in the next decade, right at the time the baby boom generation retires—all of this in the context of budget deficits as far as we can see.

I believe we ought to reform the estate tax. I believe we ought to increase the level at which it cuts in on individuals and their families. But to eliminate the estate tax and dig the deficit hole deeper, put us deeper into debt and take it all out of Social Security, I do not think is defensible.

Last year, the President said this about paying down the debt:

> My budget pays down a record amount of national debt. We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations should not be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

What a difference a year makes, because just a few hours ago we responded to the President's request for the biggest increase in the debt—the second biggest increase in the debt in our Nation's history. That is what we did just hours ago. Has this Chamber already forgotten? Have we already forgotten that we just responded to the President, who said he was going to pay down the biggest amount of debt in our Nation's history, in fact he said the biggest amount of any country ever? And now, just 2 hours ago, 3 hours ago, we responded to his request for not debt paydown but the biggest expansion of the debt—the second biggest expansion in our Nation's history?

Here is the comparison. The only time we had a bigger increase in the debt than what the President is seeking was when his father was President. When his father was President, we had to increase the debt by $915 billion, in November of 1990. Now this President comes and asks for a $750 billion increase in the debt. That is after telling us last year he was going to pay down the debt by the maximum amount possible, the biggest of any country ever.

Last year, the President told us it would be 7 years before we would have to increase any debt. In August of last year, he told us it would be 3 years before any increase in the debt. In December 2001, he told us 2 months. Right now, the Treasury Department is using extraordinary means to finance the debt of the United States. They are taking from the retirement funds of Federal employees to cover the Federal debt.

Let me say this. If any private company tried that, they would be on their way to a Federal facility, but it would not be the White House of the United States, it would not be the Congress of the United States, they would be on their way to a Federal penitentiary because that is a violation of Federal law. But that is what is going on right now.

You recall in the previous administration they did that for a short time and in the House of Representatives our friends across the aisle filed impeachment proceedings against the Secretary of the Treasury for doing what this Secretary of the Treasury is now doing.

Can we forget what just happened a few hours ago, when there was a vote here to increase the debt of the United States by $450 billion? The President requested $750 billion in increased debt. We increased it $450 billion.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used 6 minutes of his 10; 4 minutes remain.

Mr. CONRAD. Mr. President, remember last year? We have to put this in context. We have to think about the circumstance within which we are making decisions. Last year, we were told there was going to be $5.6 trillion of surpluses over the next decade. That is what we were told just last year. Now we look at the budget circumstance of the United States, and the surpluses are all gone. There are no surpluses. In fact, if we look at the President's budget and we look at the latest shortfall in revenues and we look at the stimulus package just passed, what we see over the next decade is not $5.6 trillion of surpluses, what we see is $600 billion of deficits. It is a pretty stunning turnaround. In 1 year we go from $5.6 trillion of surpluses to $600 billion of deficits. And our friends on the other side want to dig the hole much deeper—much deeper—by adding $100 billion, and another cost in the next 10 years of $740 billion, right at the time the baby boom generation retires. It does not make much sense to me to eliminate this estate tax instead of reforming it.

Yes, let's address the problems that exist with the estate tax. Let's increase the amount of the exemption in a responsible and rational way. But let's not dig the hole deeper and deeper with respect to the deficits and debt of this country.

Here is where we are, looking back to 1992, when there were deep deficits, not counting Social Security. We were able, over a period of years, to pull our country out of this deficit and debt morass. We were able to run surpluses for 3 years. But look at what happened last year. We are right back in the soup. For anybody who thinks it is going to be short-lived, here is the hard reality. We are poised to be back in deficit for the entire next decade—billions, hundreds of billions of dollars of deficit and debt.

Again, I say our friends on the other side, in their proposal, say: Don't worry about that; don't worry about all this red ink; don't worry about all these deficits; don't worry about piling up the debt; let's just go out there and cut some more taxes and not pay for it. That is their answer. They will add another $100 billion to these deficits over the next decade. But what is really stunning is in the second 10-year period they would take another $740 billion right out of Social Security trust funds.

There is an alternative that deals both with the question of reforming the estate tax and making it more fair and at the same time reducing the cost dramatically over what our friends on the other side of the aisle are proposing.

What I am proposing is immediate relief. Take the estate tax exemption to $3 million next year—$1 million now, and increase that to $3 million next year—$6 million for a couple for 2009, and thereafter the exemption would increase to $3.5 million. The maximum estate tax rate would be frozen at 50 percent. We retain the stepped-up basis.

Mr. President, I ask for an additional 3½ minutes and for the other side as well.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we have retained the stepped-up basis. The other side's proposal goes to what is called a carryover basis.

This is a hugely important issue that people should understand. We will have a chance to go into it as we proceed.

Let me say at this point that in a stepped-up basis, when a relative dies, you inherit their property at its value at the time they die.

That is a very important concept to understand. Let me repeat it.

Under a stepped-up basis, you pay future taxes based on the value of the property of the loved one that is giving you the property. You pay on the basis of the value of the property at the time they died—not what they paid for it but the value at the time they died.

Under the alternative proposal offered on the other side, you are going to go to what is called a carryover basis. You are not going to pay future taxes based on the value at the time that your relative died. You are going to go back to the value of what they paid for it.

Let us say you inherit a farm. You don't inherit the value of the farm at the time your father died or your grandfather died. You are going to pay future taxes based on what they paid for the property.

There is a big difference between our proposals. It is an accounting nightmare.

What our friends are proposing we tried before—the carryover basis, going back to what grandpa paid for a property. It was an administrative nightmare for all concerned. And we quickly abandoned it. They want to go back to the bad, old days.

Not only does this proposal fundamentally reform the estate tax and make it more fair and avoid going to carryover basis, but it also saves hundreds of billions of dollars in the second decade. In this decade it saves $87 billion. The cost of our proposal in this decade is $12.5 billion. The cost of their proposal is $99.4 billion.

Under the proposal I am making, by 2009, only .3 percent of estates will face any estate tax liability. That means 99.7 percent of estates would pay zero, nothing, have no estate tax liability.

We will have more to say about this as we go forward.

At this point, I want to yield the floor so my colleague from Arizona, Senator KYL, can have a chance at this initial moment to speak on this subject.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in addition to the 3 minutes granted by the extension, I inquire about how much time remains on our side.

The PRESIDING OFFICER. Ten minutes.

Mr. KYL. Which includes the 3 minutes.

The PRESIDING OFFICER. That is correct.

Mr. KYL. I will speak for 5 minutes, and our colleague from Texas will speak for 5 minutes.

I thank the Chair.

Mr. President, let me make three points.

First of all, I find it very interesting that our Democratic colleague is worried about the debt of the United States. This does not seem to be much of a concern to him or his colleagues when they vote for spending bills around here.

Just recently—I took some of the more recent ones—the railroad retirement bill was $15 billion in one payment. I voted against that. The farm bill was $82.8 billion over the baseline, over the budgeted amount. I voted against that.

Mr. CONRAD. Will the Senator yield?

Mr. KYL. I am happy to yield for a moment—for a moment, please.

Mr. CONRAD. The amount that the Senator refers to is not over the budget. Every penny of the money in the farm bill is within the budget. Does he acknowledge that?

Mr. KYL. No. Let me reiterate what I said. The fact is that the distinguished Senator from North Dakota, chairman of the Budget Committee, has not been able to bring a budget to the floor. So there is no budget. We are talking about the baseline. I believe my number is accurate with respect thereto. We are spending billions on this farm program above what we originally had decided to spend; under trade adjustment assistance, over $11 billion over the President's request—a 10-year number; in the supplemental that we just passed—a 1-year number—about $4 billion above the President's request.

The highway bill is about 5.7 above the President's request.

My point is that it seems to be a little contradictory when some colleagues are so concerned about the debt, and all of a sudden they are happy to spend very large sums of money above the baseline.

Let us get into this debt business a little bit more. With what do we pay down debt?

We pay down debt with Social Security income. Under Social Security revenues—the FICA tax—you pay in 7.6 percent and your employer pays 7.6 percent. That is Social Security.

The death tax receipts don't pay for Social Security. Not one nickel of the death tax collections or estate tax collections pay for Social Security benefits—not one nickel. If we repeal the entire death tax today, Social Security wouldn't lose one nickel because that isn't where Social Security gets its money. You all know where Social Security gets its money—from the FICA tax, the Social Security payments. Those right now are in surplus.

What do we do with the surplus? We pay down the debt with it.

If my colleagues are worried about the need to pay down the debt, then they are talking about taxes, Social Security money, and paying down the debt with that. That is exactly what happens every single year. We all agree to that.

If they are worried about taking away money for Social Security, then they need to be worried about the Social Security tax collections and not the estate tax collections. None of that money goes for Social Security.

This is a bogus argument that Social Security would in any way be affected by a reduction of the estate tax collections.

Finally, to this argument that somehow it is unfair for us to step up the basis—or, rather, to carry over the basis rather than have a stepped-up basis, this may seem to be an arcane argument to folks who aren't familiar with these terms. Here in practical terms is what it means.

You have a billionaire and he dies. His wife inherits the money. Under the proposal of the Senator from North Dakota, if the spouse decides the day after her dear loved one's departure to sell all of that property, cash it in, do you know how much she pays in capital gains tax? Zero. Zip. Nothing. That is how much you pay under the amendment of the Senator from North Dakota.

Under our proposal, you would pay the capital gains on the original value of the property.

If her dear loved one bought that property for $100 million way back when and sells it for $1 billion, that is a $900 million gain. She would pay a capital gains tax on that again.

Our idea is that death should not be a taxable event. You can't anticipate it. It is the worst possible time to have to pay a tax. It is not fair. Most of the Tax Code says you pay a tax when you do something knowing what the tax consequences will be. You earn money, you sell property—those are taxable events. What we are doing is replacing one tax for another.

The estate tax is unfair, it is wrong, and it should be repealed. It will be replaced by a capital gains tax.

The interesting thing about it is that really wealthy people will end up paying a tax when they sell that property; whereas, they would not pay nearly as much tax as they would under the amendment of the Senator from North Dakota.

What it really boils down to is you are still paying the tax. What it really boils down to is a matter of policy. You are going to pay sooner or later. But do you want to pay with death being the taxable event or do you want to pay a tax based on an economic decision you made knowing what the tax consequences would be. That is what our Tax Code theory is and the death tax should comport with that.

The PRESIDING OFFICER. The Senator from Texas is recognized for 4½ minutes.

Mr. GRAMM. I don't mind yielding to my Democratic colleague.

Mr. CONRAD. I inquire as to the time.

The PRESIDING OFFICER. Four and one-half minutes remain to the Senator from Texas.

Mr. CONRAD. Do I have time on my side?

The PRESIDING OFFICER. No, you do not.

Mr. GRAMM. Mr. President, we all understand that the death tax basically says if somebody works a lifetime, they scrimp and save and sacrifice, they plow the money back into their business or their farm or their estate, they do it for their family, and then they die, then their family has to sell their business or sell their farm or sell off their estate to give the government a double taxation of 55 cents out of every dollar they have earned in their lives. It is an absolute outrage. The American people believe that.

Today and tomorrow, as we debate this issue, our Democrat colleagues are not going to defend the death tax as such. They are going to try to make a series of points. You are going to get to hear it in the long debate, but since we are waiting for them to come forward with their amendment, I want to make some points early on. They are going to say: OK, it is wrong to make people sell off their life's work, but shouldn't we redistribute wealth? Shouldn't we say that above a certain level we are going to have a death tax? They are basically going to try to appeal to this old class struggle, this old Marxist idea that has been rejected everywhere else in the world but still carries currency in the United States of America.

The second thing they will do is say: Look, we wanted to repeal the death tax but we can't afford it. We just can't afford it. Let me remind my colleagues, we don't have to go way back to the railroad retirement debate of last year to see that this is not true. Let's go to last Thursday. Last Thursday this body, the Senate, voted overwhelmingly—and I think almost every Democrat Member of the Senate voted for the bill—to spend $14 billion more than the President requested for nonemergency items in a supplemental appropriation. That's $14 billion more than the President asked for in nonemergency items. That is 4 times what it costs to repeal the death tax next year.

So our colleagues today are brokenhearted: You would repeal the death tax and deny the Government that money, and we are so worried. They are worried about the deficit and the debt. Where were they Thursday? Where were they Thursday night? I was here. I raised a point of order against 80 amendments. Where were they? They were willing to spend four times as much this coming year on spending the President didn't ask for in an emergency bill than it would cost to repeal the death tax.

On the farm bill, they were willing to spend seven times as much as the cost of repealing the death tax. Now they are worried about the debt. They are worried about the deficit. But last month when we passed this bloated, inflated farm bill, they were willing to spend seven times as much as it would cost this coming year to repeal the death tax. They were not worried then, but they are really worried today.

Then there was the energy tax incentive. They weren't worried then. They were willing to spend more on energy tax incentives than it would cost next year to repeal the death tax.

Finally, just to add insult to injury, on the budget that was reported on a straight party-line vote out of the Budget Committee, the Democrat majority increased nondefense discretionary spending by a whopping $105.8 billion above the level requested by the President. In other words, when they cast that vote, they could afford $106 billion. That is more than enough to fund the repeal of the death tax for the next 10 years.

I know they are upset today. They are very upset about the deficit and the debt. But they are only upset when we are talking about letting people keep more of what they earn. They are never, ever upset when it comes to spending money.

They write a budget that spends more money on new discretionary programs than repealing the death tax would cost, but when it is time to let people keep money, they are worried.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nevada.

Mr. REID. It is my understanding that all time has been used that was previously allocated.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I would now say to the Chair that under the unanimous consent request before the Senate, there is an opportunity now for the majority to lay down an amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask that Senator CONRAD be recognized for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

AMENDMENT NO. 3831

Mr. CONRAD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 3831.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to restore the estate tax with modifications)

Strike all after the enacting clause, and insert the following:

SECTION 1. RESTORATION OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—Subtitles A and E of title V of the Economic Growth and Tax Relief

Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(b) Sunset Not To Apply.—

(1) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "this Act" and all that follows and inserting "this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.".

(2) Subsection (b) of such section 901 is amended by striking ", estates, gifts, and transfers".

(c) Conforming Amendments.—Subsections (d) and (e) of section 511 of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subsections, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsections, and amendments, had never been enacted.

SEC. 2. MODIFICATIONS TO ESTATE TAX.

(a) Increase in Exclusion Equivalent of Unified Credit.—

(1) In general.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to applicable credit amount) is amended by striking all that follows "the applicable exclusion amount" and inserting ". For purposes of the preceding sentence, the applicable exclusion amount is $3,000,000 ($3,500,000 in the case of estates of decedents dying after December 31, 2008).".

(2) Earlier termination of section 2057.—Subsection (f) of section 2057 of such Code is amended by striking "December 31, 2003" and inserting "December 31, 2002".

(b) Maximum Estate Tax Rate To Remain at 50 Percent; Restoration of Phaseout of Graduated Rates and Unified Credit.—Paragraph (2) of section 2001(c) of such Code is amended to read as follows:

"(2) Phaseout of graduated rates and unified credit.—The tentative tax determined under paragraph (1) shall be increased by an amount equal to 5 percent of so much of the amount (with respect to which the tentative tax is to be computed) as exceeds $10,000,000. The amount of the increase under the preceding sentence shall not exceed the sum of the applicable credit amount under section 2010(c) and $224,200.".

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2002.

SEC. 3. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.

(a) In General.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

"(d) Valuation Rules for Certain Transfers of Nonbusiness Assets.—For purposes of this chapter and chapter 12—

"(1) In general.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

"(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

"(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

"(2) Nonbusiness assets.—For purposes of this subsection—

"(A) In general.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

"(B) Exception for certain passive assets.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

"(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

"(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

"(C) Exception for working capital.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

"(3) Passive asset.—For purposes of this subsection, the term 'passive asset' means any—

"(A) cash or cash equivalents,

"(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

"(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

"(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

"(E) annuity,

"(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

"(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

"(H) commodity,

"(I) collectible (within the meaning of section 401(m)), or

"(J) any other asset specified in regulations prescribed by the Secretary.

"(4) Look-thru rules.—

"(A) In general.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

"(B) 10-percent interest.—The term '10-percent interest' means—

"(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

"(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

"(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

"(5) Coordination with subsection (b).—Subsection (b) shall apply after the application of this subsection.

"(e) Limitation on Minority Discounts.—For purposes of this chapter and chapter 12, in the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), no discount shall be allowed by reason of the fact that the transferee does not have control of such entity if the transferee and members of the family (as defined in section 2032A(e)(2)) of the transferee have control of such entity.".

(b) Effective Date.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

Mr. CONRAD. Mr. President, I have already described what my amendment does. I will use the first part of my time to answer the very creative arguments made by my colleagues on the other side. I have never heard such imaginative arguments on the Senate floor. This is really intriguing.

They start out by justifying eliminating the estate tax by an attack on the farm bill, saying the farm bill was over the budget and, therefore, what does it matter if we take another $700 billion out of Social Security in order to eliminate the estate tax. How soon they have forgotten their own votes. They voted for the farm bill budget which they decry. Yes, they did. The farm bill budget was provided for in the last budget resolution.

Our colleagues on the other side of the aisle voted aye. They voted for the Republican budget resolution. The Republican budget resolution passed on the floor of the Senate was their resolution. Their colleagues in the House passed exactly the same budget resolution. Do you know what else? Their President proposed a budget with exactly that amount of money in it for the farm bill.

I hate to rain on their parade, but they supported the Republican budget resolution that funded the farm bill. That was their budget resolution. That was their proposal. They voted for it. Now they come out here and attack it. They should have been here voting against their own budget resolution because that is what provided the budget for the new farm bill.

The Senator from Texas talks about the bill that just passed that was requested by the President. He has attacked the supplemental appropriations bill that was requested by the President. The difference between what we passed here, which he attacks, and what the House of Representatives passed, according to the Congressional Budget Office, is $1.3 billion, not the $10 billion to which he referred. The $10 billion he referred to is an absolute myth. There is $1.3 billion of difference between what the Senate passed and the House passed.

By the way, the President praised what the House passed and condemned what the Senate passed. In a $30 billion bill, there was only $1 billion difference. Where is the difference? The Senate bill has more money for first responders, the policemen and the firemen we expect to protect this Nation, a $600 million difference there. There was $300 million more in the Senate bill than the House bill to protect our nuclear facilities.

Has anybody read the paper the last few days? Of what did the administration warn us? They warned us of a "dirty" bomb attack on the Capitol of the United States. What is a "dirty" bomb? It is a regular bomb with nuclear fissile material around it. Do you know what would happen if that kind of bomb were dropped in the vicinity of the Capitol? The former Vice Chairman of the Joint Chiefs of Staff, Admiral Owens, told me in a breakfast just 2 weeks ago, it would make the Capitol area uninhabitable in a mile circumference for 400 years.

From where might that nuclear fissile material come? It might come from our own labs. That is why the Senate added $300 million to protect our nuclear facilities and added $650 million for our first responders—our policemen and firemen—and added another $700 million to protect our ports, because one of the things we know is that nuclear fissile material might come into this country everyday in thousands of containers. And only 2 percent are checked.

So is this some big, wasteful spending program to protect our nuclear facilities, to protect our ports and to provide funding to our first responders? I don't think so. That is the difference between the House bill the President praised and the Senate bill that the President attacked. There is no $10 billion difference. That is total fiction.

Let's go back to the question of the fundamental issue before us. Is spending a threat to our fiscal future? Absolutely. But our fiscal future is determined not just by spending, but by the relationship between spending and revenue. Deficits are created by an imbalance between spending and revenue. You only have deficits when you spend more than your income.

We know the circumstance we face as a nation. It has become abundantly clear to all of us. We face a circumstance in which we see in our future an ocean of red ink. Here it is. We go back to 1992 on this chart. We were facing deficits, not counting Social Security, of $341 billion. In 1993, we passed a 5-year plan that started lifting us out of deficit.

By the way, not one of our friends on the other side voted for it. It was the plan that started lifting us out of deficit.

Each year, we were coming out of deficit. Then in 1997, on a bipartisan basis, we passed a plan that finished the job. We actually got back into surplus. We were there for 3 years, and then we got plunged back into the deficit hole by the events of last year: No. 1, the tax cut advocated by our friends on the other side; No. 2, the attack on this country; No. 3, the economic slowdown.

When you wonder where the surpluses went, here is what we find: 42 percent went to the tax cuts that were passed last year; 23 percent went to the economic slowdown; 18 percent went to the increased costs of the attack on our country; 17 percent are due to technical changes, mostly underestimations of the cost of Medicare and Medicaid.

We have before us a fundamental question: How are we going to deal with this ocean of red ink? Our friends on the other side say: Well, let's keep digging the hole deeper. It doesn't matter. We were for eliminating the estate tax last year, and we are still for it. It doesn't matter that the surpluses have evaporated. It doesn't matter that the money is all gone. We are going to stay steady on this course—even if the course leads to insolvency. It doesn't matter that just a few hours ago this Chamber voted to increase the debt of the United States by $450 billion.

That is after the President and our friends on the other side promised us last year that they had a financial plan that was going to lead to the maximum paydown of our debt. That is what they said a year ago. They had a plan that would lead to the maximum paydown of the debt. Now they have asked for the second biggest increase in the debt in our Nation's history. They told us a year ago that we would have surpluses of $5.6 trillion in the next decade. Now the money is all gone. Instead of surpluses, there are deficits. That is the hard reality.

So the question before us is, what do we do about the estate tax? Let me stipulate that they have one part of this argument right. We need to change the estate tax. We should not leave it the way it is. We should not let it hit people with a million dollars of assets. We ought to increase it. That is what my proposal does. My proposal goes to $3 million next year, $6 million for a couple. You don't have to wait until 2007, as you do under their proposal. We go to $3 million for an individual and $6 million for a couple next year. You don't have to pay a penny of estate tax. In 2009, we go to $3.9 million.

On their side, they talk about how much they care about helping people. But they want to wait. They want to wait. I don't want to wait. I want to go to $3 million for an individual, $6 million for a couple next year. Give them the estate tax relief they deserve. Don't eliminate it. Don't say to the wealthiest among us—the super wealthy—you don't ever have to face any estate tax. Why? Because it costs too much, Mr. President. Their proposal costs $99 billion—$99 billion in this decade.

The proposal I am making costs $12.6 billion in this decade. So it seems to me it is a pretty good proposal. No. 1, it gives immediate and substantial relief to estates by going from a million dollars of exemption to $3 million for an individual, $6 million a couple, not in 2007 or in 2008, but next year. No. 2, it costs a lot less because you don't eliminate the estate tax, you reform it. Their plan costs $99.4 billion. Mine costs $12.6 billion.

Mine includes a stepped-up basis rather than a carryover basis. I know that is confusing and I know those are words most people don't use. What it means is simply this: Under my plan, you will pay future taxes based on the value of the assets you inherit at the time you inherit them. You will not be paying taxes based on what grandpa paid for the asset you inherited. Think of the difference. Not only is that a big tax difference, that is a big difference in terms of practicality and simplification.

We tried what they are proposing, this idea of carryover basis, this idea that you are going to go back to the value of what grandpa paid for the farm, of what grandpa paid for the stock, of what grandpa paid for the real estate. Do you know what we found? Most people don't even have the records. Most people don't even know what grandpa paid. Most people don't have any idea, and they can't find out because it happened 30 or 40 or 50 years ago. We tried this. We tried what they are proposing. It was an administrative disaster, an administrative nightmare.

We will hear the other side saying that these assets have already been taxed. The fact is, an analysis has been done. The vast majority of these assets have never been taxed. Yet they say it is double-dipping. Most of these cases are assets that have never been taxed. I believe the proposal that——

Mr. KYL. Will the Senator yield for a question on that?

Mr. CONRAD. Yes.

Mr. KYL. I am curious about the source of the statement that the majority of assets has never been taxed.

Mr. CONRAD. Yes. I will get the Senator a copy of the analysis on that.

Mr. KYL. I thank the Senator.

Mr. CONRAD. The hard reality is that we have to make choices. We ought to reform the estate tax. We ought to increase the amount of exemption. We should not wait for 2007 and 2008. We ought to do it now.

Under my proposal, we go to $3 million from $1 million today for an individual, $6 million for a couple. At the same time, it costs a lot less. That means we do protect Social Security. We do protect the financial structure of this Government. We are fiscally responsible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mr. GRAMM. Mr. President, how much time does the Senator from Alabama need?

Mr. SESSIONS. Ten minutes.

Mr. GRAMM. I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Texas for his leadership on this issue and for yielding me time.

One of the issues we need to recognize as we talk about a budget—and we have the distinguished chairman of the Budget Committee here—is we do not have a budget. One was proposed in the Budget Committee by the Democratic members. It was brought up, voted on, and got zero votes. The reason is that there is not sufficient discipline to make tough choices in this body, and the budget that was proposed had no political support, did not balance, and did not make sense.

We are in trouble with spending. When the President proposes an $18 billion emergency spending bill and this Senate adds $14 billion more to it for special projects that I do not believe are necessary, and, in fact, I think the President's supplemental was generous, we are losing discipline on spending.

The reason we had a surplus from 1994 to 1998 is we had almost no increase in spending in this body. We kept our spending flat on discretionary spending. It resulted in tremendous gains in balancing the budget.

It is time for us to deal with this estate/death tax. In 2000, we voted to eliminate it. It phases out at the end of 10 years, in 2010. People do not like it. It is unfair. It disrupts the American economy. To have the Federal Government reach in at the time of death of a family member and take out 55 percent of what that family has accumulated is a confiscation. It is an absolute decimation of a family's life and savings.

I had an individual tell me about their grandfather. Everybody was home for Christmas. It was just after Ronald Reagan had pushed through a modification of the estate tax. It would have saved his family a little money. The grandfather was there at Christmas. The cancer was taking its toll on him. Every day, he asked what day it was. She told me: My grandfather died at 10 a.m. on January 1. His last act was to do what he could to keep the taxman from taking away what he had earned and preserve it for his family.

I think this is a big deal. It touches a lot of people. Some people say: Oh, it is huge revenue, we cannot afford it. It is only 1 percent of the total income into this Government at best. That is something we certainly can afford to eliminate.

No tax causes more gyrations, more lawyers, more accountants, CPAs, appraisers, and strategists to try to beat this tax than does the death tax.

In addition to that, the Federal Government spends more on trying to collect the tax than on any other tax. For the 1 percent we get, we are getting the heaviest cost on the economy, the heaviest cost on the Government to collect them. I think it is very unwise. It causes extraordinary stress on the elderly.

Sit down, as I have done as a practicing lawyer, and talk with a family about the tough decisions they may have to make. Do they want to create a trust? Do they want to advance gift money to children to try to reduce the impact of this tax? This is forcing the elderly to make decisions they ought not have to make. It upsets them, makes them nervous, and causes them to make uneconomic decisions that reduce oftentimes the productivity and efficiencies of their corporations and businesses.

It is, in my view, a huge nightmare to collect. Much of the dispute is in litigation over appraised values of properties. Many of these issues are just really a nightmare for the elderly.

Let me share with my colleagues briefly what I think is the most pernicious part of this tax. My good friend's proposal to raise the exemption to $3 million really will not touch it. These are the growing, vibrant, midsize, local, home-based companies that are doing well.

I know of a company that had 27 automobile parts stores. They built up from one. They had headquarters in Alabama. One of the members dies, and then what do they do? They meet, have a discussion, and the net result is that this locally owned company, competing with some of the biggest parts companies in America, sells out to Carquest. I have nothing against Carquest, but that is a national company, maybe even an international company in scope, moving millions and millions of dollars a year in parts. As a former parts person myself and a former equipment dealer, I have some empathy for them.

I will just say this: Carquest, as a major national company, a broadly held stock company, never pays the death tax. It is never impacted by a death tax. But a closely held corporation is savaged by the death tax.

It reminds me of a situation in which there are some big trees growing up. There are some big trees and there are some little trees growing. They are trying to compete with the big trees to get more sunlight and develop and expand and compete with the big trees, and somebody comes along with the clippers and clips the tops off them, making it impossible for them to compete.

If my colleagues want to know why in America today we see a collapse of local companies, why we see an unusual conglomeration of wealth in the big stock companies, the reason is they do not pay this tax. This is a tax that falls only on the small companies in a way that devastates them too often.

I am concerned about that situation. I ask you: Do GM, GE, DaimlerChrysler, Toyota, or Mitsubishi pay a death tax? No, they do not. But I can take you back to the small bank in my hometown, the small manufacturing company, or the small chain of auto parts stores. I can tell you about a young man who told me that he and his father and brother owned four motels in Alabama. They would like to see their business expand. He explained to me that he, his brother, and his father were paying $5,000 a month for a life insurance policy on their father's life so they could pay the estate tax in case he died. Otherwise, they would have to take the money out of their company—and they had no money to take out of the company; they were pouring their money into the company—they would be forced to sell off maybe to a Holiday Inn, maybe to a Ramada, or some big company that does not pay the death tax.

We need to quit nickel-and-diming this issue. We have voted to eliminate this despicable, unfair, abusive tax that eliminates and weakens competition in America. It brings in little revenue at extraordinary cost to the tax collector and to the American people who have to pay it. It is long overdue to get rid of it. Let's not back up now. Let's go forward. Let's not let those who want more money to spend, spend, spend, spend, and keep us from doing the right thing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the time is controlled by the Senator from North Dakota. I wonder if the Senator will yield me time to talk about some of the statements I heard this afternoon.

Mr. CONRAD. I will be happy to do that. Maybe I will take a minute.

Mr. REID. Fine.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have heard a lot from the other side about spending running away.

If we examine the budget before us, all of the increase is in two areas: defense and homeland security. Both sides of the aisle have supported those increases. The President proposed major increases in defense spending after the attack on this country. Those of us on our side of the aisle immediately agreed. The President proposed major increases in homeland security. Those on our side of the aisle immediately agreed.

There are big increases in spending, but every part of that increase is in those two areas of defense and homeland security. That is where the big increases are occurring, and I think it is understandable why we have big increases in defense proposed by the President and agreed to by our side of the aisle. I think it is very easily understood why we have a big increase in homeland security proposed by the

President and agreed to by our side of the aisle.

Mr. REID. Will the Senator yield for a question?

Mr. CONRAD. Yes, I would be happy to yield.

Mr. REID. I have said publicly and, of course, privately that I think the Senator from North Dakota really has a grasp on numbers. The Senator is aware, is he not, that about a year ago at this time, it was approximately a $4.7 trillion surplus over 10 years? The Senator would agree now that that basically is gone; is not that right?

Mr. CONRAD. Yes. Actually, the Senator will recall, we were told a year ago that we were going to have $5.6 trillion of surpluses over the next decade. That is what we were told a year ago, January of 2001, $5.6 trillion of surpluses.

Now when we look at the President's budget proposal, plus the shortfall in revenue in this filing season, plus the stimulus bill that has been passed, there are no surpluses, none. Remember, about half of this money was Social Security money. In other words, $2.5 billion of this amount of surpluses is Social Security money. It is all being used for other purposes now.

When the Senator from Arizona says it does not matter about the estate tax and Social Security because estate tax money is not used for Social Security, the point he misses is when money is taken out of the revenue stream, and there already is not enough to meet the obligations and now even more money is taken, something has to give. What is the one place that is left to give?

Mr. REID. Social Security.

Mr. CONRAD. The Social Security trust fund. So he can say there is no connection, but there is a very direct connection. There is a very real connection. The only place there is any money is the Social Security trust fund. So if he takes a big chunk more of revenue, how is it going to get covered?

Mr. REID. Will the Senator answer another question?

Mr. CONRAD. I would be happy to.

Mr. REID. The tax cuts that were passed in this body also had some impact on the future financial security of this country. Is that a fair statement?

Mr. CONRAD. There is no question about it. If we look at, where did all the money go, here is where it went. Our friends on the other side like to say it all went to spending. No, no, no. Forty-two percent went to the tax cut. That is the biggest reason for the disappearance of the surplus. The second biggest reason is economic changes. That is the economic slowdown. That is the second biggest reason. The third biggest reason is spending, and virtually all of it is defense and homeland security.

The final reason was underestimations of the cost of Medicare and Medicaid. That is where the money went.

Mr. REID. I would like to ask the Senator another question or two. Is that appropriate?

Mr. CONRAD. Sure.

Mr. REID. We passed Friday, about 1 a.m., a supplemental appropriations bill. I have heard statements all day from the other side of the aisle about this supplemental appropriation and how it contains big spending. I direct the Senator's attention to a number of items. First, I ask the Senator from North Dakota, the chairman of the Budget Committee, he realizes, does he not, that there was $14 billion in that bill for defense? Is the Senator aware of that?

Mr. CONRAD. That is correct. Of the $31 billion, $14 billion was for defense.

Mr. REID. That was requested by the President; is that true?

Mr. CONRAD. That is correct.

Mr. REID. The Senator is aware also that there was approximately $5.5 billion requested by the President for homeland security efforts; is that true?

Mr. CONRAD. That is correct.

Mr. REID. The Senator is also aware that Senator BYRD and Senator STEVENS held hearings over a period of 3 weeks that included seven Cabinet officers and scores of other witnesses to find out what was needed for homeland security for this next fiscal year. Is the Senator aware of that?

Mr. CONRAD. I am.

Mr. REID. After having done that on a bipartisan basis, unanimously out of the Committee on Appropriations, is the Senator aware that figure was increased by about $3 billion?

Mr. CONRAD. That is correct.

Mr. REID. Is it not true, I say to my friend, that of those moneys that were increased, there was a billion for first responder programs? I say to my friend, I heard on public radio this morning a long piece on how State and local government is being killed financially because of the responsibilities they have for providing security for their people, and these are responsibilities they believe that the Federal Government should bear. They gave an example of a place in Florida. Tomorrow I think they said they are going to go to Orange County, CA, and indicate how these entities are being decimated financially as a result of their requirements, these unfunded mandates that we have passed on to them. Is the Senator aware of that?

Mr. CONRAD. I am. I say to my colleague, I looked at the increases because, frankly, there were parts of that bill that I did not support. I voted against a number of the provisions in that bill. If one is fair and objective about what was offered, where did the increases occur?

According to the Congressional Budget Office, the difference between the Senate-passed bill and the House-passed bill is $1.4 billion, not the $10 billion that is being discussed on the other side; $1.4 billion of differences between the House bill and the Senate bill when scored consistently by the Congressional Budget Office. Where were the differences? First responders, $600 million more in the Senate bill; nuclear facilities, $300 million more to protect our nuclear facilities; port security, $700 million more.

If anybody has been reading the newspapers, they know there is a tremendous vulnerability of the United States to a so-called "dirty" bomb that would make this Capital uninhabitable for 400 years. I do not think it is unreasonable to say we are going to protect the nuclear facilities where that fissile material might come from, that we are going to protect the ports of America where those threats could come in to America.

Another $250 million was added for airport security to protect against these materials coming into the airports of the country in the holds of planes.

I say to my colleagues, that is spending that was designed to protect America.

Mr. REID. Will the Senator also acknowledge that there has been in this bill that we passed in the Senate last Friday morning $387 billion for bioterrorism, including to improve lab capacity at our Centers for Disease Control and the National Institutes of Health? Does the Senator from North Dakota acknowledge the importance of studying bioterrorism after the anthrax that closed down a major office building for 3 months in the Senate?

Mr. CONRAD. It not only closed down a major office building in the Senate but closed down post offices and closed down businesses.

Mr. REID. And killed people.

Mr. CONRAD. Killed people.

Now that we know a significant part of the planning by the al-Qaida network is bioterrorism, we know that a significant part of the planning of the al-Qaida network is a "dirty" nuclear device to be dropped on this Nation's Capital, we cannot choose to turn our backs and not worry about defending the country.

Our first obligation as United States Senators is to defend this Nation.

Mr. REID. Would the Senator acknowledge there is $200 million in this bill that the President requested based on hearings held by Senators BYRD and STEVENS for food safety, including food inspectors, laboratories, protections against animal and plant disease, and also to assess risks to rural water systems; and also aware there is $154 million for cyber-security, there is also $100 million for the Environmental Protection Agency to look at assessments of water system security?

We have people quibbling, and I say "quibbling" because I cannot find another word to describe what they are talking about this afternoon. The Senator has shown in graphic form billions of dollars taken away from the American people and given to a very small percentage of the people. Less than 1 percent of the American taxpayers, 42 percent, is gone because of that; is that right?

Mr. CONRAD. Yes.

Mr. REID. I don't mean to denigrate, but I cannot come up with another word other than "quibbling." We are talking about billions of dollars that is gone—like that—and here we are talking about programs that Senators BYRD and STEVENS worked on for weeks, that passed in the Senate without any problem at all because it was good for homeland security, good for the people of my State, good for the people of your State, and as I heard on Public Radio this morning, good for the people of Florida and even Orange County, CA, which has been devastated. I might mention, Orange County, CA, is a very rich county, but they have been devastated by virtually unfunded mandates that we passed on them since September 11.

Mr. CONRAD. I ask my colleague, are there times when money is spent inappropriately? Absolutely. Do we need to restrain spending? Absolutely.

Under the budget proposal I made to my colleagues, we would take spending to the lowest level since 1966. I applaud the Senator from Texas and the Senator from Arizona for saying we have to restrain spending. There is no way out of this hole that has been dug except to look at both sides of the equation—spending and revenue.

To eliminate the estate tax that costs $99 billion under their proposal, when instead we could reform the estate tax and increase the exemption to $3 million for an individual, $6 million for a couple, at a cost of one-eighth as much, a cost of $12.5 billion instead of $99 billion, makes no earthly sense to me. I hope we think carefully about these votes and what it means for the financial future of the country.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. How much time do I have?

The PRESIDING OFFICER. Thirty-one and a half minutes.

Mr. CONRAD. I am happy to yield to the Senator from West Virginia, 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from North Dakota.

Mr. President, I understand there is a little bit of grousing and gnashing of teeth concerning the moneys that were appropriated for homeland security in the supplemental appropriations bill last week. Let us stop, look, and listen.

In the last several hours, the threats against this Nation from terrorist attack once again were made evident with the arrest of an American citizen who apparently has been working with the "al-Qaida" terrorist network, plotting an attack on the nation's capital.

Once again, our eyes have been opened to the fact that terrorists live among us. The threats are real. The danger is present. We should not continue to delay actions that will fund immediate steps to protect American lives from attack.

Soon, the supplemental bill, which is being criticized by some today, will be in conference. I will fight hard for the $8.3 billion homeland security package that this Senate overwhelmingly approved last week. I hope that President Bush will match his rhetoric on homeland security with support for a funding package that meets so many of the critical security shortfalls in this country.

The announcement about yesterday's arrest only amplifies the concerns raised by administration officials within the past few weeks. The Vice President warned that a strike is "almost certain." Secretary of Defense Donald Rumsfeld has stated that it is inevitable that terrorists will acquire weapons of mass destruction. Secretary of State Colin Powell has warned that "terrorists are trying every way they can" to get nuclear, chemical or biological weapons. And Homeland Security Director Tom Ridge said, "While we prepare for another terrorist attack, we need to understand that it is not a question of if, but a question of when."

Clearly, we know that the threat exists. We know that terrorists plan to strike. We do not know where or how or when, but we know that they will strike again. The question remains, will we be prepared?

Last week, the Senate took steps to address the many gaps in our homeland security network. By a vote of 71 to 22, the Senate voted very clearly to provide critical resources to protect American lives and to try to prevent future tragedies like the one we witnessed last September. Unfortunately, despite all of its rhetoric that homeland security is a top priority, the administration continues to oppose this critical legislation. In fact, the administration has gone so far as to threaten to veto the bill.

The President today travels to a water treatment plant in Kansas City, MO, to showcase a piece of his proposed Department of Homeland Security. This piece would create a threat analysis unit, envisioned as part of Mr. Bush's proposed intelligence-analyzing division, that would study the vulnerabilities of critical infrastructure such as water, road, and financial systems.

The supplemental bill approved by the Senate and currently opposed by the Bush Administration would put us several steps ahead on this threat assessment.

During Senate Appropriations Committee hearings over the last several weeks, Senators learned that more than $400 million is needed for local governments to conduct vulnerability assessments for our water systems. The supplemental bill includes $125 million for cities to assess the vulnerabilities of their water systems and for vulnerability assessments and security improvements to protect rural water systems. The administration did not request funding to help secure our drinking water systems, and it is opposing the Senate-passed supplemental bill that does make appropriations for our drinking water.

This spring, the Department of Energy sent the Office of Management and Budget a request for additional funds to secure America's nuclear weapons complex and labs, but the request was turned down. Now the administration has lauded its arrest of one man linked to a "dirty bomb" plot. But instead of supporting funds to better secure our nuclear labs and material, the administration is opposing the Senate supplemental bill that contains $200 million for that very purpose.

While in Kansas City today, the President is also expected to trumpet his plans to address vulnerabilities within the nation's financial systems. A cyber attack is a real possibility. As Senator BENNETT has pointed out, "In the cyber-age, many of the attitudes we have had about warfare, about vulnerability, about opportunity have to be thought through entirely differently." Instead of supporting our efforts to address this threat, the President is opposing the Senate-passed supplemental bill that includes $154 million for cybersecurity to help combat the threat to Federal and private information systems.

Today, the President will talk about his support for local communities in the overall homeland security effort. A major part of that local effort is the actions of first responders, namely, local police officers, firefighters, emergency medical teams. The Federal Emergency Management Agency received $3 billion worth of applications from local firefighters for new equipment and training, but FEMA only had $360 million to meet the request. The administration did not ask for any additional funds in its supplemental bill. But the Senate-passed legislation last week does include $300 million to continue to meet this massive gap in our homeland security network.

Last week, the President announced a massive governmental reorganization to respond to terrorist threats. I support the concept of a Department of Homeland Security, as do most Members of this Congress, I believe, but there are many details to be worked out and many questions to be answered. We should not wait to address the gaps in our Nation's defenses while this new department is crafted. Terrorists will not swear off further violence until a new department is up and running. We should not delay our efforts to thwart that attack. The appropriations bill the Senate passed last week with a huge margin will do just that.

It is time for the administration's rhetoric on homeland security to be matched by action. It is time for the administration to recognize that simply talking about homeland security will not save lives. It is time for the administration to support investments in homeland security, to support the Senate's work to save lives, and to help fill the gaps that currently exist in our Nation's homeland security network. The administration should support the supplemental appropriations bill passed by the Senate last week, and I hope the President will speak to that end.

I was down at the White House this morning, and I urged the President to support the supplemental appropriations bill that the Senate passed last week. This bill will go a long way toward matching the rhetoric by the administration.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. I say to my colleague, Senator CONRAD was going to yield me 10 minutes.

Mr. GRAMM. I can do it either way. I was going to speak, but if the Senator has a time constraint, I am happy to step aside for 10 minutes.

Mr. WELLSTONE. If my colleague would be willing to do so, that would help me.

Mr. GRAMM. I will be glad to do so. Let my colleague speak.

Mr. REID. How much time does the Senator from Minnesota desire?

Mr. WELLSTONE. Ten minutes. I will take more time tomorrow.

Mr. REID. Senator CONRAD has how much time remaining?

The PRESIDING OFFICER. There remain 22.5 minutes.

Mr. REID. On behalf of Senator CONRAD, I yield 10 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I strongly oppose the full repeal of the estate tax for multimillionaires and billionaires. It is unfair, and it is unaffordable. Let's repeal it for small businesses. Let's repeal it for family farmers. We all agree on that. Let's go with the Conrad formula of $3 million individual, $6 million a couple, up to $7 million, but let's retain some modicum of fiscal sanity before we give away nearly $1 trillion in tax cuts to a handful of the ultrarich. That is what this is.

The timing could not be more ironic. We now immediately follow a vote to increase the Federal debt limit by $450 billion. That was to borrow another $450 billion, which is only enough credit to last until next March.

Many of my colleagues voted for the tax cuts last year but they opposed increasing the debt limit; that is to say, in the words of the old Yiddish proverb, dancing at two weddings at the same time, although I don't think you should be able to do so.

It is now clear that the claims that have been made by the White House, by the President, and by too many Senators and Representatives, that we can have massive tax cuts for the wealthy—Robin Hood in reverse—with most of the breaks going to the top 1 percent, pay down the debt, and invest in critical public priorities, were completely false.

Of course, there is plenty of that to go around. Colleagues were out here advocating nearly a $1 trillion tax cut for billionaires less than a week after there was so much heartburn on the Senate floor over an extra $1 billion for homeland security. Where did the fiscal conservatives go? They will spend $1 trillion to protect some wealthy kid's inheritance, but they will not spend $1 billion to protect our cities and towns from terrorists.

Spend $1 trillion to protect some wealthy kid's inheritance but not $400 million for veterans' health care, with so many veterans falling between the cracks.

Give away almost $1 trillion over the next 20 years, erode the revenue base—it is fine to do it for billionaires and multimillionaires, but we don't have enough money for education, not for smaller class size, not to recruit and retain good teachers, not to have good, affordable prescription drugs, not to do something about deplorable conditions in nursing homes, not to help elderly people stay at home, live at home in as near normal circumstances as possible with dignity, not to expand health care coverage. We will not have any of the money to do that.

Full repeal of the estate tax would cost $104 billion over the next 10 years, literally to protect a few thousand ultrawealthy families. Even worse, from 2013 to 2020 it is going to cost the taxpayers over $800 billion to provide this "relief." This means that the full cost of this effort to have full repeal of the estate tax over 20 years is nearly $1 trillion.

Nationally, only 1.6 percent of all estates were made up with significant small business assets and only 1.4 percent had significant farm assets. This means that virtually all the estate tax is paid by extremely wealthy people who do not own farms or small businesses. The Conrad amendment really targets this.

In contrast, many rely on Social Security. Over 740,000 Minnesotans currently receive Social Security. Make no bones about it, what we are going to be doing here is not only not providing the investment in education or health care or affordable housing, but in addition we are just going to basically be taking it out of the Social Security trust fund. That is what this is all about.

For helping multibillionaires and billionaires, refusing to target this—which is what the Conrad amendment does—refusing to exclude small businesses and family farms that are handed from family to family—which is exactly what the Dorgan amendment does—instead, we have this effort to erode the revenue base $1 trillion over 20 years, most of the benefits going to the wealthiest Americans. And at the same time, we will not even be able to live up to our commitment in Social Security.

I believe this is really a proposal which defies common sense. If we want to do it the right way, we cap the estate tax exemption at a reasonable level. That is what the Conrad amendment does. If we want to do it the right way, we exempt, as I said before, family farms and family-owned businesses. If we want to do it the right way, we will have some balance.

I finish on this note. I do not fault my colleagues because I think for many of them, this is their position. If you believe that when it comes to the most pressing issues of people's lives—be it to make sure Social Security benefits are there, to make sure we adequately fund Medicare reimbursement for our hospitals and nursing homes and home health care providers, to make sure people can afford prescription drugs, to make sure we live up to our commitment to get the dollars back to our schools and our school districts, our teachers, our children, our young people from prekindergarten through higher education, to make sure something is done about the lack of affordable housing, to make sure we can provide some help for people who have no health care coverage, to make sure we can provide some help for small businesses that can't afford health care costs—if you believe, when it comes to those pressing issues, there is nothing the Government can or should do—and I believe that in some ways that is the ideological position some of my colleagues take—then eliminating the estate tax, not targeting it, is the perfect way to go.

It is win-win. You help the millionaires and the multimillionaires and the billionaires, you erode the revenue base, and you make it impossible for the Senate and the House of Representatives and the Federal Government to play a positive role in helping people. You make it impossible for the Federal Government to play a positive role in dealing with some of the most pressing issues of the lives of people we represent.

That is what this estate tax cut does. That is what this proposal to completely eliminate the estate tax accomplishes.

In one broad stroke of public policy, you have Robin Hood in extreme reverse with the benefits going to the wealthiest Americans, and at the same time you make it impossible for us to make the investments in health care, in education, in affordable housing, in Social Security, and in Medicare.

From the point of view of some of my colleagues, it is win-win. From my point of view, it is lose-lose.

I hope our colleagues will support the Conrad amendment as at least a commonsense, reasonable alternative.

I am not sure my colleague from Texas fully agrees with my statement, but I appreciate his graciousness.

Mr. GRAMM. Mr. President, I first wish to say something that I consider to be positive about our colleague from Minnesota. There are many people who want to take the repeal of the death tax back, but they do not want to own up to why they want to do it. They want to do it because they want to spend the money. The one thing I have always admired about the Senator from Minnesota is that he does not dilute his liberalism with the alloy of hypocrisy. He says exactly what he believes. I think in doing so he not only is true to his conscience but he does the Senate a service by defining exactly what all of this is about.

I wish to yield myself 20 minutes of the remaining 50 minutes we have.

Let me begin by saying that I think I am a good person to be a leader on this issue in the sense that the only thing I have ever been bequeathed in my life is that my grandmomma's brother, my great-uncle Bill—who was a great checkers player and I guess in the minds of the world since he worked in a cotton mill he may not have been a very important person, but he was an important person to me—but he bequeathed to me a cardboard suitcase full of yellow sports clips from the 1950s. I have often thought that had it been baseball cards I would be a rich man today. So I will never pay a death tax. I hope someday my children and grandchildren will have enough wealth that it would be an issue if we don't repeal it. But I am against the death tax because it is profoundly wrong.

I know it is easy to envy what another family achieves. But how can it be right? I am not talking about budgets, I am not talking about dollars, I am talking about right and wrong. People may work a lifetime, they scrimp, they save, they sacrifice, they plow back into their business, they work 12 and 14 hours a day, they accumulate, they build, and they build America while they are building. How can it be right simply because we are greedy and we want their money to make their children sell off the fruits of their life's work to give the Government a 55-percent share of everything they have accumulated during their lifetime simply because they have been successful?

It is a question of right and wrong. I will say about the constituents of my State—I can't speak for any other State in the Union—but in my State when I am talking about this issue—whether I am talking to farmhands, or railroad retirees, or rich people in North Dallas—when I talk about it being wrong to make a man or a woman sell off the life's work of their parents to give the Government a double taxation, people stand up and applaud because they are against it. They are flat against it because it is wrong and because it is un-American. It is un-American to do that. By doing it, we prevent accumulation.

I would like to refer to two thick studies. I would put them in the CONGRESSIONAL RECORD, except it would cost a lot of money. So let me refer to them so if people want them they can get them off the Internet. I will save probably $25,000 by not putting these in the RECORD.

There was a study by the Joint Economic Committee, entitled "The Economics Of The Estate Tax." It was published in December of 1998 by the Joint Economic Committee.

All of their analyses and numbers boil down to the conclusion that the death tax has reduced by $500 billion the capital stock and the total investment that the Nation has made in job creation. They conclude that we are not raising net revenues by forcing people to destroy small businesses, destroy family farms, and to tear up the bequeath of Americans who have been successful. They argue that it destroys capital and that actually we are not collecting net revenue. I commend this to my colleagues.

The second study is a private study that was done by the Institute for Policy Innovation, entitled "The Case For Burying The Estate Tax."

They conclude that there are costs to collecting the estate tax. There is a decline in economic efficiency as people sell off their business because they do not want their children to have to deal with the estate tax problem. People buy insurance with money they could be investing in their business, and they do that to try to avoid the estate tax. When you look at all those costs, the Institute for Policy Innovation concludes that on net we are not even collecting any taxes with the death tax.

Finally, even if you accept the IRS data as net data—in other words, that we are really losing revenue—when you take into account what it costs to collect the tax, what people spend trying to avoid it, and how it hurts the economy, contrary to all of the debate you have heard from the Democrat side of the aisle, we collected less than one cent out of every dollar of taxes collected in America last year from the death tax.

Under the best of circumstances, we are not collecting very much money. Under more likely scenarios, we are not netting any money from the tax.

This policy of death tax is driven by collective greed. It is not driven by economics. It makes no sense to make people sell off their business, or destroy their farm, or tear up their life's work. And it hurts the economy to do it. But we continue to do it because of this collective envy that somehow there is something wrong about people accumulating.

Let me take the richest man in the world, Bill Gates. They say he is worth $46 billion. But because Bill Gates has $46 billion, I am richer. He changed the life of everybody on this planet with what he did in terms of information technology and the management of data. He created 10 or 100 times that wealth from which we have all benefitted. He is giving over 90 percent of it away.

You might say that is a lot of money. Many of our colleagues will say, let us take it, we can spend it. But what moral right do we have to take it? He has already paid taxes on every dollar of it. He is the largest taxpayer in the world. I am not doing this for Bill Gates, but he is the extreme example.

The point is that this is not collecting very much money. Interestingly enough, one of the great paradoxes is the substitute that has been offered by Senator CONRAD raises the deduction immediately to $3 million over the next 5 years and it would cost $20 billion.

The way we phase out the repeal, our repeal over the next 5 years only costs $6.8 billion, and the real cost comes in the 10th year. The incredible paradox is the substitute that is being offered takes money out of the Treasury exactly when we don't have it, and it doesn't take money out in 2010 when we are going to have a surplus, according to the estimates of the Congressional Budget Office projection I have in front of me, of $653 billion.

In other words, in trying to prevent us from making the repeal of the death tax permanent, the Senator from North Dakota offers a substitute that actually drives the deficit up in the next 5 years, whereas by phasing out the death tax, the real large cost of our phaseout does not occur until a year where we have about $600 billion of surplus. Why not give it back?

The point is, we voted to repeal the death tax. We all celebrated it. We talked about it all over the country. Now we have a quirk in the budget where it comes back in 10 years. Did we mean to repeal it or didn't we? I believe we did. I believe we should.

The second line of defense in all this is: But we don't have the money. We just don't have the money. We want to make the death tax repeal permanent, but we don't have the money.

The only point I make, and I don't want to be unkind to anybody, but why is this argument about not having money never made when we are spending money? Why is it only made when we are letting people keep more of what they earn?

I want to give you five examples. Whether it was good or whether it was bad—and my guess is some of it was good and some of it wasn't good—last Thursday we spent $14 billion more than the President requested on nonemergency items. That is four times the amount it would cost over the next 2 years to make the death tax repeal permanent. So if last Thursday we had enough money to spend $14 billion that the President did not request as an emergency, how come we don't have enough money to make the death tax permanent today?

On the farm bill, I voted against the farm bill because I thought it was completely larded. I thought it was abusive in its spending. But how come we had enough money to spend next year on the farm bill that is seven times as much as it would cost next year to make the death tax repeal permanent? We had seven times as much money to spend 3 months ago when we passed that bill, but we don't have one-seventh that amount to be sure that people don't have to sell their farm when their dad dies?

It is a matter of priorities. On the energy bill, we had more new tax cuts in that bill for the next year than it would cost to repeal the death tax.

The trade bill contains new entitlements, and we had several times as much new spending in that bill that we passed last month as would be required to pay for repealing the death tax.

In railroad retirement, we had 15 times as much in the first year as it would take to fund repealing the death tax.

And finally, in the stimulus bill, in the amount we spent above the President's request, we could have funded repeal of the death tax over twice over.

Here is my point: I am not saying that every one of these things was terrible and there weren't good things in them. I am just saying, here are five examples where we spent multiples of the amount of money that would be required this year for us to repeal the death tax. Nobody who today is saying we just don't have the money said that on any one of those five things I mentioned. I said it, I believe, on each and every one of them.

The point is, the people who are saying we don't have enough money to make the repeal of the death tax permanent are the same people who voted to spend all this money.

A final point on this issue: The Democrat budget that we voted on last week on the floor and not one Member of the Senate voted for—I guess every Democrat thought it didn't spend enough and every Republican thought it spent too much, but nobody voted for it—increased spending on the discretionary account. I am not talking about national security items. I am not talking about defense. I am talking about $106 billion more than the President requested. That was more than enough to have funded the repeal of the death tax. The same people who thought we needed that $106 billion of spending now say we can't afford to repeal the death tax.

It is a matter of priorities. Many of our colleagues can never afford to let working people keep more of what they earn, but they can always afford to spend the money. That is what this debate is about.

It really boils down to this: First, we said we would repeal the death tax. It turns out it is coming back in 10 years. Should we make it permanent or not? Is it not wrong to force people to destroy the life work of their parents to give the Government 55 cents out of every dollar they have ever earned and accumulated even though they paid taxes on every penny of it?

Second, are these programs that we want to spend money on so valuable that it is worth tearing up family farms and family businesses and the life's work of our people to pay for it? I don't think so.

Finally, we have good, solid studies, including by our own Joint Economic Committee, that suggest we are not even collecting money on these taxes because they make the economy less efficient.

So this is really not even about money. This is about collective greed in that we want to redistribute wealth when people die. We don't believe death ought to be a taxable event. That is what it boils down to.

Let me sum up, and then I will yield the floor. What is the No. 1 reason that 70 percent of all family businesses do not survive into the second generation? Seventy percent of all small businesses that somebody founded do not survive into a successful operation by their children. Why? According to the National Federation of Independent Business, it is the death tax.

Eighty-seven percent of all small businesses fail before they get to the third generation of the family member who started them. Why? The NFIB says the No. 1 reason is the death tax.

And finally, 60 percent of all small business owners report that they would create new jobs over the coming year if estate taxes were eliminated. We have businesses that are buying great big insurance policies so their children won't have to sell the business. That money could be going into the business instead of being wasted economically. If you don't want to destroy small businesses, repeal the death tax.

My second point: Under the death tax, you are taxed once, you die, and then you are taxed again. Why is it right that you earn a dollar; the Government takes 40 cents out of the dollar; you plow what is left of the aftertax dollar back into your business or your farm; you die; and your children have to sell the business or farm to pay a tax on the 60 cents that you got to keep out of the original dollar? How is that right? It is not right.

No. 3, this is simple, it is clever, but it is just the truth, too. It is just the pitiful truth. No one should have to visit the undertaker and the IRS on the same day. It is just not right. So often we debate these things over numbers and budgets and all these other things when this is an issue about right and wrong. This tax is wrong.

Finally, repealing the death tax would create jobs.

According to an article in the Wall Street Journal, "The True Cost of Dying," on July 28, 1999, they estimate that repealing the death tax would create 200,000 jobs. Now, it is true that some of our colleagues say if we take the tax cut back and we make people sell their farm or their business and give us 55 percent of its value, we can spend it on programs. But are those programs worth 200,000 jobs? I don't think so.

So we have before us a proposal that says let's repeal the death tax, but only for a few people. Let's raise the cost now when we have a deficit, but let's not eliminate the tax when we can afford it and when we have a huge surplus. It makes no sense. The plain truth is that a great bulk of the cost of making this tax cut permanent occurs in the year it expires, which is 2010, and by the most recent Congressional Budget Office projections our elimination of the death tax will occur in a year when we will have a surplus of $653 billion. And $335 billion of that will not belong to Social Security.

Why should we not repeal the death tax? Is there anything we can spend that money for that would be more valuable? I don't think so. I hope my colleagues will agree.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Arizona is recognized.

Mr. KYL. Madam President, I appreciate the fine explanation of my colleague from Texas. He has been an advocate of the repeal of the death tax for a long time. I am pleased to join with him in this amendment and to be able to say that we have finally been able to bring before the Senate the permanent repeal of the death tax.

I want to make several points. I see that the Senator from Oklahoma is here. Was he intending to make a point at this time?

Mr. NICKLES. I have about 7 or 8 minutes.

Mr. KYL. I will go ahead. Will the Chair let me know when I have spoken for 12 minutes?

The PRESIDING OFFICER. Yes.

Mr. KYL. I appreciate that. The first point the Senator from Texas made was that the death tax is bad tax policy. Let me explain a little bit more of what we mean by that. The Tax Code generally taxes you for voluntary conduct. If you sell property, you know there is going to be a capital gains tax on that. If you work, you know you are going to earn income and you are going to be taxed on that. People make decisions based upon tax consequences. But there are a few situations in our Tax Code that are treated as involuntary conversions.

If the Government condemns your property and pays you money for that, you don't want that money; you want your property. The Government recognizes that as an involuntary action on your part, so you don't pay ordinary income at that time on that money. If your house burns down and you collect money from an insurance policy, you didn't intend for that to happen. The Government doesn't treat those insurance proceeds to you as ordinary income. It is taxed in a different way. The same thing is what we are proposing to do with the estate tax. Nobody intends for your father, or whoever it might be, to die. He certainly doesn't. The money that you may get as a result of that is coming to you involuntarily. You didn't take some action in order for it to occur. So that money coming to you should be treated in a different way.

The way that it is treated under the amendment of the Senator from North Dakota is to take 50 percent of the amount over $3 million. In other words, there is a $3 million exemption and, after that, every other dollar is taxed at 50 percent. If it is over $10 million, it is at 55 percent.

Now, that is bad tax policy. What we say instead is that the tax is not due on the date of death. Death is not a taxable event. Instead, the money passes to the heirs and, at that point, if they sell the property, there is a taxable event. You pay the capital gains on that property. In fact, the basis for the capital gain is the original basis on when the property was purchased by the decedent, not the value at the time of death. So, in effect, we are replacing one tax with another tax. Much of the revenue is not lost to the Treasury as a result. But at least as to the decision to pay Uncle Sam, the money comes from the voluntary act of people who inherited the property and who are willing to pay the capital gains tax if they sell the property, or part of it.

But what you don't have to do, as the Senator from Texas said, is visit the IRS the same day you visit the mortuary. That is wrong. That is why over 60 percent of the American people believe this is an unfair tax.

It is interesting that three-fourths of the people surveyed who say it is an unfair tax say they would favor its repeal, even though they don't believe that repeal would have any effect on them because they would not be receiving any of that money, or paying it, as an heir. So it is an unfair tax. As a matter of fact, the Senate agreed that it was unfair. We repealed it. A majority of Senators voted to repeal the estate tax.

Now, under the procedures under which that was done, no action that we took could last longer than 10 years. So the irony is after 10 years, none of our tax relief exists; it evaporates and we go back to where we were in 2001. Did we intend that? When we told our constituents we reduced the marriage penalty and reduced their individual income-tax rate and repealed the estate tax, were we kidding or did we really mean it? We will find out tomorrow.

If we were just kidding, then we will defeat the Gramm-Kyl amendment, or adopt some other proposal. If we meant what we said, saying we meant to repeal it, to cast the vote to do that, and since that sunsets after 10 years, we are going to permanently repeal it with our vote today, you will support the Gramm-Kyl amendment.

Some say this doesn't affect many people. The fact is that it doesn't just affect the rich. The descendant—the rich person—died. He cannot be affected; he is gone. Most of the people who inherit the money are not rich, and certainly the employees of their companies or the farms are not rich. So most of the people who are affected by the death tax are not wealthy at all.

The question is, Do you want to take half of what they are going to get from the person who worked so hard during his or her life to provide it to them? According to the Treasury Department, 45,000 families paid some level of estate tax in 1999. That is families. If it is a family of four, multiply that by 4 to see the number of people who are immediately affected, and then you can add to that the people indirectly affected. What is not included in the statistics is twice as many people sell their business or their farms. Many more people are adversely impacted when jobs in the community are lost when a family-owned business is sold to pay the tax.

In addition, more than 2 percent of Americans bear the aggregate costs of this tax—fees to lawyers and accountants and life insurance agents. As a matter of fact, it costs just about exactly as much for the people who pay the lawyers and insurance agents and the accountants to avoid the total consequence of the tax as the Federal Government collects from those who actually end up paying. So it ends up being a double tax on Americans. Half pay the tax to Uncle Sam and the other half pay the lawyers. I don't know which is worse.

The death tax not only impacts more than 2 percent of Americans, it burdens family-owned businesses under $100 million in value. According to the IRS, in 1999, 116,500 estate tax returns were filed; 60,700 of these returns were filed by estates with values of less than a million dollars. Estates valued between $1 million and $5 million filed 50,600 returns. There were 5,200 estates filed of more than 5 million. So even combined, the millionaires filing for the tax do not exceed the nonmillionaires.

The bottom line is that Americans recognize it is an unfair tax. It affects a lot more people than the person who had wealth when he died. The Senate recognized the same thing when it adopted the repeal of this tax.

Madam President, I was a bit surprised by the amendment of the Senator from North Dakota.

I know a lot of our colleagues on the other side of the aisle are opposed to permanent repeal of the estate tax. I thought what they would do was offer a fairly generous package that would be tempting for our colleagues to vote for in lieu of the real repeal, which is the Gramm-Kyl repeal. As it turns out, that was not done. It is a very straightforward proposal which is not generous at all. As a matter of fact, it is worse—it is worse—than the status quo. People would be better off under the existing law, even without the ultimate repeal, than they would be taking the amendment of the Senator from North Dakota.

It is interesting that while he is concerned about the cost of repeal in the first 5 years, for which we have figures, the repeal of the proposal before us of the Senator from North Dakota would be about $22 billion versus $9 billion for our proposal at a time when we are in a deficit situation, as the Senator from Texas noted.

The only way this is made up is that in return for that, we immediately go from a reduced rate of taxes under our bill and under the status quo to a 50-percent rate under the amendment of the Senator from North Dakota. The exemption amount is $3 million. The exemption under ours by the year 2009 is $3.5 million and, of course, in the final year, there is no need for an exemption from the estate tax because the estate tax is repealed.

Under the substitution of the capital gains tax for the estate tax in the Gramm-Kyl proposal, we retain a $5.6 million equivalent to an exemption so that nobody will pay a capital gains tax who would not have paid an estate tax. People are made whole, in other words.

Under no scenario would you be better off under the amendment of the Senator from North Dakota. You would be much better off under the amendment Senator GRAMM and I have proposed.

Let me make one other point. When we talk about the cost of this proposal, it is always a bit frustrating for me because we are talking about lost revenues to the Federal Treasury. To me, that is not a cost; that is an opportunity for Americans to keep more of their own money.

What we know from tax policy generally is if you reduce people's taxes, you improve the status of the economy. One thing we forget when we talk about the alleged cost of the repeal of the estate tax is the positive effect that has on the economy. A study conducted by Alan Sinai shows the GDP of our country could increase a total of $150 billion over 10 years and job growth could increase 165,000 per year with repeal. The increase in household savings would be between $800 and $3,000 annually. So the impact on families and on the GDP would be significant from a repeal of the estate tax.

A Joint Economic Committee study estimates the existence of the tax has reduced the Nation's pool of savings by $497 billion. An expert in this area testified before our Finance Committee and said immediate repeal of the death tax would result in a $40 billion economic stimulus.

If you really want to stimulate the economy, if you really want to create more jobs, if you want to enhance the GDP and if you want to enhance personal savings and personal income, then repeal the tax.

It is true that the Federal Government is a little worse off if we repeal the tax. It does not take in quite as much money. But American families have a lot left, and the American economy is a lot healthier as a result.

What happens when the economy grows? We all know that tax collections by the Government actually increase when the economy grows. We do not have an exact study on what Federal revenue increases would be, but we know they would be significant.

A final point: There is always the bottom line argument: when you cannot scare people any other way, say that Social Security might be affected.

There is zero effect; there can be no effect on Social Security by repeal of the death tax. The death tax has nothing to do with Social Security. The death tax goes to the general revenues. It is about 1 percent, 1.5 percent of general revenues. It has no impact on Social Security. It pays none of the Social Security benefits.

Today, in the year 2002, we will be taking in about $624 billion in Social Security, and the payments to Social Security recipients are about $465 billion, so we have about a $175 billion surplus in Social Security funds.

No Social Security recipient could be affected by repeal of the death tax. Let's at least understand that and not scare people by suggesting there is an adverse impact on Social Security.

We have more points. I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, first, I compliment my friends, Senator KYL and Senator GRAMM, for their leadership in trying to eliminate one of the most unfair taxes in U.S. history. We have a chance to do it. We have two proposals that are before us. One is by Senator GRAMM and Senator KYL, of which I am a cosponsor, to repeal the death tax so there will not be a taxable event on somebody's death. Now there will be a taxable event when the property is sold, also known as a capital gains tax. That is 20 percent. That ought to be enough.

We are trying to make permanent the repeal in the year 2010. Let's make that permanent. That is our objective. Under that scenario, if there is property in an estate—let's say it is a business, a manufacturing company, maybe it is a farm or ranch, maybe it is a restaurant in downtown Washington, DC. That restaurant may sell for $5 million. Maybe it is a second or third generation restaurant, Mortons, and it is worth several million dollars. If the son or daughter takes over that business and they do not sell it, there is not a taxable event. But if they decide it is too much of a hassle and they do not want to continue the operation and they sell it, then there is a taxable event. It will be taxed as capital gains at 20 percent instead of under Senator CONRAD's proposal of 55 percent.

I probably shocked somebody when I said 55 percent. I read Senator CONRAD's proposal as 50 percent. He has an exemption of $3 million, and in a few years $3.5 million, but above that is taxable at 50 percent. If you have an estate between $10 million and $17 million, there is another 5 percent kicker, and so the Federal Government will get 55 percent.

Why in the world would the Federal Government be entitled to take over half of somebody's property for which they worked their entire lives? Should the Federal Government come in and take half or over half? That is what is in the Conrad proposal.

We have two competing proposals. What will the impact be? Look at the businesses in Washington, Oregon, or Maine. We can all think of very successful people who have built businesses and have employed a lot of people. A lot of those are worth more than $3.5 million. Senator CONRAD's proposal says we want half of the property's worth when somebody passes away. I happen to think that is absolutely wrong. Whether the value of that business is $3 million or $100 million, if somebody wants to continue operating that business, why should the Government come in and say: No, stop, we want half; somebody died; stop; we want the Federal Government to come in and take half? That is what Senator CONRAD's proposal is. I object to that.

I learned the hard way. My grandfather started a business. My dad built it up. He died when he was pretty young, and the Government came in and said: Stop, we want half. We fought the Government for 7 years. Frankly, the business was a small, family-held business, and Uncle Sam said: We want half of it. We objected to that and we fought them for years. We ended up settling. They ended up getting a lot more than they should have.

The Government's purpose and function should be to protect our property, not confiscate it. If one thinks about it, under the Conrad proposal, if they get half—and let's say it is over $3 million.—somebody passes away this year, and then in the next generation somebody else passes away 20 years later, and they get half again. What a disincentive to grow, build, and expand.

There are countless generations across the country trying to grow, build and expand by employing more people and creating more products. I think of a company in Perry, Oklahoma called Ditch Witch. They manufacture trench makers. These machines are used to lay cable, phone lines, pipelines, help build roads, among many other uses. Perry, OK, has a population probably of 12,000 people, of which Ditch Witch employs a couple thousand. It is a great little family-owned business. Why should the Government come in and say: Stop, the proprietor passed away; we want half of it? What about those thousands of jobs?

Look at another company called Bama Pies. They make pies in Tulsa, OK. They make millions of pies, including all the pies for McDonald's. They employ hundreds, if not thousands, of people. It is a closely held business.

Why should the Government come in and take half because the entrepreneur who built that business happens to pass away and the value of the business is in the millions? I do not think they should.

That is what we are talking about. Should the Government come in and say, oh, well, you have been relatively successful, and because your estate is in the upper maybe 1 percent or 2 percent, it is okay if we sock it to you? What is right about that? What is fair about it? Where are the jobs that are in that kind of an ordeal? We think the Government can operate it better? Sorry, you have to sell it to pay estate taxes. We hope the company will survive in its next form. Maybe it will. Maybe it will not. There are a lot of operations that cannot withstand that type of a heavy tax.

A farm or a ranch is another good example. You might have a fairly decent farm or ranch maybe adjacent to a large city and so its property valuation is very high. This value could maybe exceed it's agriculture valuation, or the profits or the money that would be generated from the agriculture. Just because it happens to be next to San Diego it is worth millions on the valuation sheets. Maybe somebody says, well, I want to continue farming it and ranching it; I am second or third generation. And we are going to say, no, we are sorry; we have valuated this, and because it happens to be next to San Diego, it is worth millions of dollars so the Federal Government is entitled to take half. They cannot pay half by continuing their agricultural operation, so the only way they can pay taxes is to sell it. What kind of victory is that? We have just broken up a family business, a family farm, or a family ranch. Why? So Uncle Sam can take half that property? Maybe that property is not worth near as much in that present function. What right do we have to do that?

Some taxes are wrong, and this tax happens to be one of those that are wrong. The power to tax, it has often been said, is the power to destroy. If the Government can take half—and in the amendment of Senator CONRAD, the Government can take half. If you have a taxable estate over $3 million, then they have taken away a lot of your—maybe destroyed a lot of incentive to build, grow, expand, and employ. I think of so many entrepreneurs who have built and expanded businesses that are now worth millions of dollars. I look at this amendment and it says: Stop; do not grow anymore because Uncle Sam is going to come in and take half of it. We have decided that is our property and we can handle it better than you can. How many employees will the Government hire out of that type of operation?

I completely disagree with the premise espoused of, let's keep the rates at 50 or 55 percent. Again, I mention the rate. Under the proposal of Senator CONRAD, there is a maximum rate because he has this bonus 5 percent hit if your taxable estate is between $10 million and $17 million. Well, $10 million and $17 million sounds like a lot if that is your disposable income, but if that is your investment that you have grown in plant and equipment, and you are putting the money back in the business year after year, it may not be that big. You may not make that much money. You may have a business that is worth $20 million but it may not make very much money. Yet, under Senator CONRAD's amendment, too bad: You pass away, we have a taxable event, and Uncle Sam gets half. If it is a $20 million business, take away your $3 million deductible and you have a $17 million business. Under his proposal, half of it goes to Uncle Sam—actually, 55 percent of the $17 million. The Government is going to get almost $9 million out of a $20 million business. Congratulations, you are really successful. If this is the case, where are the liquid assets in this $20 million business? You do not have them. You have invested them in plant and equipment, in machinery, in jobs. You did not have them sitting around in CDs and cash, so you have to sell the business to pay the taxes.

That is what the amendment of the Senator from North Dakota is. It says, Government, you are entitled to take half; and many of us say, no, you are not. This tax is unfair. It needs to be repealed.

We took a giant step in that direction when we phased down the tax and repealed it in the year 2010. We need to make it permanent, and that is exactly what the Gramm-Kyl-Nickles amendment does, makes it permanent. Senator CONRAD's amendment says, no, we do not want to do that. We will increase the exemption a little bit and then the Government is entitled to get half.

I hope my colleagues will reject that type of unfair tax policy that needs to be repealed. Even if it applies to one small percentage of the American population, it is not right to take it. One can say, well, is it right to take 100 percent of somebody's property if it only affects a few? I think of that as theft, rather than good, sound tax policy.

I heard some people complain, what about the effects on deficits? I started looking at spending. I always hear when we talk about taxes, but when we talk about spending we do not hear about people talking about, what is the impact on Social Security? What is the impact on future deficits? Between the years 2000 and 2001, budget authority went up from $584 billion to $664 billion. That is a 14-percent increase. Between the years 2001 and 2002, it went up to $710 billion. That is a 7-percent increase. That was before we started working on the supplemental. The budget we are working on now that just passed—if we include the supplemental that just passed Congress—is $768 billion. If we add that together, that is an 8-percent increase over the previous year. So we are compounding spending at 14, 7, 8 percent.

Then I look at some of the other requests. The farm bill that we passed about a month ago was $82 billion over the baseline. We are paying cotton farmers 72 cents per pound when we look at cotton that is selling for 32 cents. The market price for cotton is 32 cents, but we are going to pay farmers 72 cents for 6 years.

Look at railroad retirement. We are writing out a check for $15 billion for railroad retirement, something we have never done before.

The Trade Adjustment Assistance Program we passed had $11 billion of new entitlements, where the Federal Government is going to pick up 60 percent of health care costs for people who happen to be uninsured, unemployed.

We are going to have a new wage entitlement insurance program under trade adjustment assistance. The supplemental was $3.9 billion over the President's request. The supplemental was almost $4 billion above the President's request. Trade adjustment assistance had $11.1 billion over the President's request in new entitlements. The farm bill was $82.8 billion over the baseline. Railroad retirement is $15 billion. So there is a lot of new spending in excess of about $120 billion that Congress has passed in the last few months. Where is the outrage on the impact on deficits on these bills?

When we start talking about not taking away half of somebody's property when they die and reject this tax policy, perhaps we should have the tax policy be enacted when their property is sold by their beneficiaries. Then there is a taxable event and that taxable event is taxed at the capital gains rate, which is 20 percent. With this method, you would eliminate these billions of dollars that are being spent presently to avoid the tax. To everyone who knows estate planning, the lawyers and the accountants, this is an enormous field, which in my opinion uses a lot of minds in a productive venture to avoid a very unfair tax.

If we said, let us have a tax on capital gains, it would simplify taxation. I think we would see a lot of businesses grow if they did not receive this signal, stop, do not grow anymore because we are going to take half of everything you have. The economy would respond in a very positive way. We would create thousands, maybe hundreds of thousands, of jobs if we could repeal this unfair tax.

I urge my colleagues, when we vote tomorrow, when we have final passage, to vote in favor of the Gramm-Kyl-Nickles amendment to repeal permanently this unfair death tax.

Mr. CONRAD. Madam President, I have been amazed at the argument from the other side, absolutely amazed. My amendment is not as good as the status quo? Their proposal is better? What math are they using?

I grew up in North Dakota, went to North Dakota schools where one and one is two; two and two is four; four and four is eight. That is the math I learned. I don't know what math they are talking about.

Let's talk about the difference between my proposal before the Senate and their proposal. Let's talk about current law. They say mine is not as good as current law. Under current law, next year the exemption will be $1 million. That is 2003. Under my proposal, the exemption is $3 million. So the rate for an individual who has an estate that is taxed next year below $3 million, the rate is zero; their rate above $1 million is 41 percent. Which is better? A zero rate up to $3 million, as in my proposal? Or their proposal, which is a 41-percent rate over $1 million? Can we do the math? Which proposal means less tax to the individual in the family? Zero percent up to $3 million? Or their proposal that says a 41-percent rate over $1 million.

Compare it to current law. My rate is zero percent up to $3 million. They have zero up to $1 million. That is current law. But over that the rate is 41 percent. Let's see, are you going to pay less tax under my proposal or their proposal? Are you going to pay less tax under my proposal or under current law? Come on. I am ready to have an honest debate but let's not twist things around and claim that my proposal taxes more than your proposal. That stands truth and logic on its head.

Mr. KYL. Will the Senator yield for a question?

Mr. CONRAD. I yield.

Mr. KYL. I agree with the point in the first year there is a greater benefit for individuals but a higher cost to the Government. Would the Senator continue the timeline over the next 10 years?

Mr. CONRAD. I would be happy to do that.

The next year, 2004, their exemption is $1.5 million for current law with a 41-percent rate. Their proposal is a $1.5 million exemption with a 43-percent rate. My proposal is $3 million, nothing, no tax. So you are higher in 2003; you are higher in 2004; you are higher in 2005; you are higher in 2006; you are higher in 2007. That is a long time in which my proposal is better than your proposal.

Not only is my proposal better in terms of the taxpayer for those years, my proposal is better for the Federal Government's Treasury and for fiscal responsibility and for Social Security because our proposal costs less over the next decade than does theirs. Why is that? Because at the end of the decade they eliminate the estate tax completely. It does not matter how big. It does not matter if you have a $50 billion estate, they say you pay no tax.

The Senator from Texas talked about what is fair and right. Let me give an example of why I think what he is proposing is less fair, is less right, than what I am proposing.

Under their proposal, someone with an estate of $50 million—for example, Mr. Skilling, the executive who ran Enron. He would have his estate tax eliminated. The $55 million he would save would be equivalent to all of the Social Security taxes paid in one year by 30,000 people earning $30,000. In other words, in their idea of what is fair, it is more important to take Mr. Skilling off the tax rolls completely, even though his gains, many might say, are ill gotten, it is more important to take him off than to worry about the 30,000 Americans earning $30,000 a year paying that amount of money into Social Security. Make no mistake, these things are directly related.

The proposal I have offered reforms the estate tax. It says nothing is paid starting next year if you are an individual with an estate of less than $3 million, and for a couple that is up to $6 million. You pay zero. That is much better for next year, and 2004, and 2005, and 2006, and 2007, than their proposal. But, at the same time, my proposal costs less because we do not eliminate the estate tax. So my proposal costs $12.6 billion in the first decade; their proposal costs $99.4 billion. That is a dramatic difference. It is at a time when we will be running deficits for the entire next decade. Let me repeat that. We will be running deficits for the entire next decade unless something changes. And just hours ago we had to increase the debt of the United States $450 billion. They are proposing a cost in the second 10 years of $740 billion.

Reform, not repeal, is the best thing for this country's economy, for our fiscal stability, and for fiscal responsibility. And interestingly enough, it is the best thing for taxpayers. It is the best thing for taxpayers because they get a better break now. We go from a $1 million exemption to a $3 million. Next year, that would be $6 million for a couple.

This idea of repeal which they have proposed is a hoax. I don't think it will ever happen. They can pass it now, but I don't think it will happen. By some other name this tax will come back and we will have denied people the ability to plan and we will also have denied people the chance to get a greater exemption now, which is what I am proposing.

When I was raised, I was taught a bird in the hand is worth two in the bush. This proposal I am making is a bird in the hand, a $3 million exemption, or a $6 million exemption for a couple, starting next year, instead of the $1 million exemption that exists in current law and the $1 million they have in their plan.

The choice is pretty clear, pretty simple, but pretty important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, our dear colleague has a substitute which costs a "fraction" of a repeal but it is better. If his amendment sounds too good to be true, it is because it is too good to be true.

The first thing he never mentioned was if you are a small business or family farm and you are engaged in any estate planning, and we know that small businesses and family farms spend dollars in estate planning, this completely wipes all that out. I can show figures on a small business, a $10 million small business, the tax would equally be higher next year under his proposal than under ours. But we do not have to get into all this gamesmanship. It really boils down to a simple question. We repeal the death tax for everybody.

Mr. CONRAD. Will the Senator yield on that last point?

Mr. GRAMM. I will yield. I only have a couple of minutes, so do it fast.

Mr. CONRAD. I would love to see the calculation the Senator has.

Mr. GRAMM. I will be glad to show him. I have someone from the Finance Committee here, the staff person who worked on this. She worked out the example of $10 million, and I will send her over with it so your staff can take a look at it.

Mr. CONRAD. I would love to take a look at that.

Mr. GRAMM. Here is the point. We don't need to get into all this business about "he did," "he didn't," "he did," "he didn't." It boils down to this. We said we repeal the death tax and we repealed it. Only there is a trick: it comes back in 10 years.

Senator KYL and I want to repeal it so it is dead forever. We do not think death ought to be a taxable event. We don't think you ought to have to sell your family's farm, business, or estate to pay tax on money which you have already paid taxes on.

The Senator says let's do it for some people but not other people. Let's do it for some Americans but not other Americans. And let's, at the same time, ban all of the procedures whereby every small business in America and every family farm in America is planning for estate taxes to try to minimize their costs.

The bottom line is: Are you for a repeal for everybody or are you for a repeal for some of the people? It really boils down to that simple issue.

As for this argument about Social Security, I hope everybody understands that we collect a payroll tax for Social Security. The death tax collects less than 1 percent of revenues, and none of that money goes into Social Security. In fact, as I pointed out over and over and over, five times in the last 9 months we have spent cumulatively about 20 times the amount that it would take to repeal the death tax. So, obviously, it is not a question of money. It is a question of priorities.

I yield the floor. We are through on our side.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arizona.

Mr. KYL. Might I address a question to the Senator from North Dakota since the Senator from Nevada is not here. It is our understanding under the unanimous consent agreement the next amendment that will be laid down will be laid down by Senator DORGAN or by Senator REID on his behalf?

Here is Senator REID. Perhaps we could get this underway now. If I could inquire of the Senator from Nevada, the time having expired under the unanimous consent agreement on the first amendment laid down, is the amendment of the Senator from North Dakota next? The next thing that will transpire is that the Senator from Nevada on behalf of the other Senator from North Dakota will lay down an amendment; is that right?

The PRESIDING OFFICER. The Senator from North Dakota still has 5 minutes.

Mr. KYL. I am sorry. I thought the Chair said all time had expired.

The PRESIDING OFFICER. The time of the Senator from Texas had expired.

Mr. KYL. If the Senator from North Dakota still has 5 minutes, I will yield the floor to the Senator from North Dakota. But if we could get a clarification about what is going to happen when that time has expired, I would appreciate it.

Mr. REID. If the Senator from North Dakota will yield without this time counting against his 5 minutes, I will respond to the question of the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I say to the Senator, at this time the Senator from North Dakota, Mr. DORGAN, is working on some minor changes in the amendment that he offered previously. That amendment, I cannot go into detail on.

Basically, what it does is exempt from the estate tax small farms and businesses that let descendants take over after the death of the party—the same amendment he offered previously that I think got 43 votes. Basically, that is the amendment.

I do say to my friend, I just talked to the cloakroom and he is making some changes. We were and are entitled to two second-degree amendments under the unanimous consent agreement. At this stage we may only offer one of them. Senator DORGAN is trying to change the one amendment so there may be one amendment rather than two. As soon as we get something in writing, we will let the Senator from Arizona know. I do not think there is any question that the amendment you are going to lay down is the same one we have seen before, just an outright repeal?

Mr. KYL. Also, not taking away the time of the Senator from North Dakota, the Senator from Nevada is correct. I just inquire, then, for the benefit of all Senators, when the Senator from North Dakota has completed his 5 minutes of concluding remarks, could the Senator from Nevada explain what happens at that point?

Mr. REID. I have spoken to the majority leader. We have the Prime Minister of Australia coming for a joint session of Congress tomorrow morning. We are going to do a limited amount of morning business in the morning. Then the escort committee would go with the Senators over to the House side and listen to that speech. That is expected to be completed and we will be back in session approximately 12:30 tomorrow afternoon.

At that time, Senator DORGAN will lay down his second-degree amendment with a 2-hour time limit. We would vote at approximately 2:30 on the Dorgan amendment, then the Conrad amendment, and then we would turn to the Senator from Texas. He would lay down his amendment which would probably be around 3:15. At 5:15 or 5:30, thereabouts, debate on that would be completed, and I hope on or about that time we could vote on the amendment of the Senator from Texas and be finished with this matter.

Mr. GRAMM. If the Senator will yield, let me just reaffirm so everybody knows, I will offer exactly the language that passed the House, repealing the death tax permanently. So if we did it, it would go right to the President, he would sign it into law.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, let me conclude this debate as I began. I believe our votes must be informed by the current fiscal condition of the country. As the President said to us last year, his budget was going to pay off $2 trillion of debt over the next decade. He said, at that time, that would be the largest debt reduction of any country ever.

Now the President comes to us 1 year later and says: Whoops, forget about that. Forget about maximum paydown of the debt. Forget about paying down more debt than any country ever. Instead of paying down debt, I am asking you, Members of Congress, for the second biggest increase in the debt in our Nation's history.

The only bigger request for an increase in the debt was made by the current President's father when he was President. He asked for and received a $915 billion increase in the national debt in one fell swoop, in November of 1990.

Now comes this President and he asks for a $750 billion increase in the debt, the second biggest in our Nation's history.

We all have to think a moment about the changed circumstances. Just hours ago, this Chamber voted to increase this Nation's debt by $450 billion. Now our colleagues on the other side are here saying they want to increase the debt another $100 billion in this 10 years, by another $740 billion in the second decade.

Let's look at where we are and where we are headed. This chart shows that from 1992 to 2000 we pulled out of deficit. We got ourselves into circumstances in which we were running surpluses. Last year with the President's budget plan we plunged back into deficit, and we now are told that we can expect deficits the entire rest of the decade. That is before their proposal to dig the hole even deeper. And the outlook for the years beyond is even more serious.

That brings us to the question of what do we do on the estate tax. I acknowledge we need to reform the estate tax—$1 million is too low for a tax to be imposed. So I proposed that next year we go to $3 million of exemption for an individual estate; $6 million for a couple. They would pay zero under my proposal. A couple would pay no estate tax up to $6 million. Our friends on the other side, they don't get to $3 million until 2009.

My proposal also freezes the maximum estate tax rate at 50 percent. It retains stepped-up basis. I know that is a confusing term, but it is an important one. What it means is that in the future, you will pay taxes on what you inherit based on the value at the time you inherit it, not what grandpa paid for the property, not what grandma paid for the property, but what it was worth when it passed to you.

That is a very important difference between their proposal and mine. While my proposal is more generous to taxpayers in the short term, it is also more fiscally responsible because we don't eliminate the estate tax completely as their proposal does. They are proposing to eliminate the estate tax completely after the year 2010. My proposal saves hundreds of billions of dollars that otherwise are going to come straight out of Social Security. There is no other place for it to come from. They deny it. They say this has no effect on Social Security. Really? Where is the money coming from? There is only one place it can come from; that is, straight out of Social Security.

My proposal will reduce the number of estates that are taxable from the current level, which is 2 percent. Only 2 percent of all estates in America have any tax. I would reduce that to three-tenths of 1 percent, but at the same time save the fiscal position of the country.

There is no question that what they are talking about—estate tax repeal—raids Social Security trust funds. Look at what it does. Their idea of fairness is to eliminate the estate taxes for somebody like Mr. Skilling, former CEO of Enron, who would save under their plan an estimated at $55 million. That is equivalent to all of the Social Security taxes paid in a year by 30,000 American people earning $30,000.

They say their proposal is fair. They say their proposal is equitable. I don't see it. Taking all of the taxes from 30,000 people earning $30,000 a year to eliminate the estate taxes of Mr. Skilling is not fair.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I wanted to announce that there will be no further votes today. I appreciate the vigorous debate we have had on the Conrad amendment, and appreciate Senators coming to the floor to move the schedule along.

It is my hope that we will have a vote at approximately 2:30 tomorrow, and it may be stacked with another amendment.

I urge Senators to offer their amendments because we will miss a window here, and we will then make a point of order on the bill itself sometime tomorrow.

We are not going to wait for Senators. They are either going to offer their amendments or they are going to miss the opportunity.

So those Senators who have amendments need to come to the floor and lay them down and have the debate, as Senator CONRAD did this afternoon.

We will pick up this debate again tomorrow morning.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FLOYD CALVERT, JR.

Mr. NICKLES. Mr. President, I recognize an American who honorably served our Nation for nearly 40 years. At the age of 25, Lieutenant Floyd Calvert Jr., an Oklahoman and Cherokee Indian, served as a bomber pilot in the U.S. Army Air Corps flying B–29 aircraft in the Pacific Theater during World War II.

On June 1, 1945, Lt. Calvert and his crew of ten from the 504th Bomb Group took off from Tininan Island, in the Marianias to strike Osaka, Japan. Immediately after delivering his ordnance, his B–29 aircraft was hit and severely damaged by anti-aircraft artillery fire. Lt. Calvert's headset was blown off inflicting wounds in his scalp and left arm. His co-pilot was also wounded and unable to assist in flying the damaged B–29. With the right inboard engine on fire, Lt. Calvert placed his aircraft in a steep dive to extinguish the flames. With the fire out he tried in vain to feather the engine but the runaway propeller spun off and flew into the right outboard engine, creating a very grave situation with both engines on the right side inoperable. Lt. Calvert's crew decided to remain with the crippled B–29. Wounded and bleeding, Lt. Calvert flew solo toward the airfield at Iwo Jima. To reduce the aircraft's weight and extend its range, he proceeded to jettison all removable items, to include life rafts, reducing their chances of survival if they had to ditch the aircraft into the Pacific Ocean. Once over Iwo Jima, Lt. Calvert circled his bomber to permit other bomber aircraft to recover or bail out over the tiny island. In a feat of unprecedented airmanship and heroism, Lt. Calvert then flew a flawless approach and landing, bringing his crew to safety in an aircraft that would never fly again.

Like so many of his time, Lt. Calvert returned to Oklahoma and began a fifty-one year marriage and raised five children. He worked for 34 years as a federal employee at Tinker Air Force Base in Oklahoma City and served on his local school board and in his church. Today, at age 82, he resides with his youngest daughter, her husband and their two children, and he remains an inspiration to our generation as we look back and admire the heroes of our past. I thank him for his unwavering service and sacrifice to the United States of America. May God bless Floyd Calvert Jr. and his family.

RECOGNITION OF THE VALOR, DEDICATION, AND PATRIOTISM OF CHALDEAN AMERICAN VETERANS

Mr. LEVIN. Mr. President, later this month, on June 14th, people in my home state of Michigan will be gathering at a special ceremony to honor men and women of the U.S. armed forces who have served to preserve our nation's freedom. This ceremony held by the Chaldean American Ladies of Charity will pay tribute to Chaldean American men and women who have served or are currently serving in our Nation's military.

It is particularly poignant that people are gathering to honor Chaldean American veterans on the day set aside to honor our foremost symbol of freedom: the American flag. At a time when we are reminded of the priceless value of our many freedoms, it is important that we do not forget the heroes who fought so fearlessly and valiantly in past conflicts to protect our nation and our freedoms. Such brave men and women have preserved our liberty and democratic values and safeguarded our freedom to pursue the American dream.

The Chaldeans are people who possess a long and fascinating history. They have traditionally spoken a form of Aramaic, the language in which the New Testament was written, and possess an interesting theological history that includes a reunion with the Roman Catholic Church in 1551 A.D. This reunion led to the establishment of the Chaldean rite of the Catholic Church.

Many Chaldeans immigrated to the United States from Iraq, and have played an important part in our nation's growth and success. Detroit is privileged to be home to the largest Chaldean community in the United States. In Detroit and throughout the nation, Chaldean Americans have dedicated themselves to the making a better life in America. Detroit, the State of Michigan and our nation have benefitted from their patriotism, hard work and dedication to community, faith and family. These many contributions have greatly benefitted our nation and have included the service of nearly two hundred Chaldean Americans in the United States Armed Forces.

The entire Chaldean American community can take pride in their long and honorable tradition of service to our nation, particularly their service in our nation's armed forces. I am sure that my Senate colleagues join me and the Chaldean American Ladies of Charity in paying tribute to Chaldean American veterans.

REMEMBERING THE MIA'S OF SULTAN YAQUB ON THE TWENTIETH ANNIVERSARY OF THEIR CAPTURE

Mr. SCHUMER. Mr. President, I rise today to ask my colleagues to join me in remembering the Israeli soldiers captured by the Syrians during the 1982 Israeli war with Lebanon. It is with great sadness that we mark today 20 long years of anguish for their families, who continue to desperately seek information about their sons.

On June 11, 1982, an Israeli unit battled with a Syrian armored unit in the Bekaa Valley in northeastern Lebanon. Sergeant Zachary Baumel, First Sergeant Zvi Feldman, and Corporal Yehudah Katz were captured by the Syrians that day. They were identified as an Israeli tank crew, and reported missing in Damascus. The Israeli tank, flying the Syrian and Palestinian flag, was greeted with cheers from bystanders.

Since that terrible day in 1982, the governments of Israel and the United States have been doing their utmost by working with the office of the International Committee of the Red Cross, the United Nations, and other international bodies to obtain any possible information about the fate of the missing soldiers. According to the Geneva Convention, Syria is responsible for the fates of the Israeli soldiers because the area in Lebanon where the soldiers disappeared was continually controlled by

Syria. To this day, despite promises made by the government of Syria and by the Palestinians, very little information has been released about the condition of Zachary Baumel, Zvi Feldman, and Yehudah Katz.

Today marks the anniversary of the day that these soldiers were reported missing in action. Twenty pain-filled years have passed since their families have seen their sons, and still Syria has not revealed their whereabouts nor provided any information as to their condition.

One of these missing soldiers, Zachary Baumel, is an American citizen from my home of Brooklyn, New York. An ardent basketball fan, Zachary began his studies at the Hebrew School in Boro Park. In 1979, he moved to Israel with other family members and continued his education at Yeshivat Hesder, where religious studies are integrated with army service. When the war with Lebanon began, Zachary was completing his military service and was looking forward to attending Hebrew University, where he had been accepted to study psychology. But fate decreed otherwise and on June 11, 1982, he disappeared with Zvi Feldman and Yehudah Katz.

During the 106th Congress, I co-sponsored and helped to pass Public Law 106–89, which specifies that the State Department must raise the plight of these missing soldiers in all relevant discussions and report findings to Congress regarding developments in the Middle East. We need to know that every avenue has been pursued in order to help bring about the speedy return of these young men. Therefore, I strongly feel that we must be sure to continue the full implementation of Public Law 106–89, so that information about these men can be brought to light.

Zachary's parents Yonah and Miriam Baumel have been relentless in their pursuit of information about Zachary and his compatriots. I have worked closely with the Baumels, as well as the Union of Orthodox Jewish Congregations of America, the American Coalition for Missing Israeli Soldiers, and the MIA Task Force of the Conference of Presidents of Major American Jewish Organizations. These groups have been at the forefront of this pursuit of justice. I want to recognize their good work and ask my colleagues to join me in supporting their efforts. For two decades these families have been without their children. Answers are long overdue.

I am not only saddened by the plight of Zachary Baumel, Zvi Feldman, and Yehudah Katz, but I am disheartened and angered by the fact that even as we have continued to search for answers about their welfare, we have been forced to add more names to the list of those for who we have no knowledge of their location, health, or safety.

IDF Soldier Guy Chever disappeared without a trace from his army base in the Golan on August 17th, 1997. Almost three years later, Colonel Elchanan Tanenbaum was kidnapped by Hezbollah while on a business trip in Europe on October 15th, 2000. Left behind are two more families who simply do not know what has become of their loved ones.

And at this time, I feel it is also appropriate to speak not only of those who remain missing, but for those who were unfairly taken from their families never to return. I am speaking of course of Sergeant Adi Avitan of Tiberias, Staff Sergeant Binyamin Avraham of Bnei Brak, and Staff Sergeant Omar Souad of Salma.

In a clear-cut violation of international law, these three Israeli soldiers were abducted by Hezbollah on October 7, 2000 while on operational duty along the border fence in the Dov Mountain range along Israel's border with Lebanon. It is believed that they were wounded during the incident.

According to an investigation by the IDF Northern Command, Hezbollah terrorists set two roadside bombs, then crossed through a gate near the fence, pulled the three soldiers out of their jeep and fired anti-armor missiles at the empty vehicle. The soldiers were then taken by the terrorists to the Lebanese side of the border. Although the United States called on Syria to assist in the timely release of these three soldiers, no information was given as to their conditions or whereabouts. The International Red Cross had also been requested to intervene by attempting to arrange for a visit with the three kidnapped IDF soldiers in order to ascertain their status.

After much soul searching and heartache, it was determined that the return of these men to their homes and loved ones could no longer be hoped for. Their families have grieved, and my heart goes out to them. The hope I hold now is that we will not allow the families of those who remain missing to suffer in the same way.

The agony of the families of these kidnapped Israeli soldiers is extreme. They have not heard a word regarding the fate of their sons who are being held captive for political ransom. We must pledge to do our utmost to bring these soldiers home, for the same of peace, decency and humanity.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, I regret I was not able to vote on S. Res. 272. My airline flight back to Washington, DC was delayed for many hours because of adverse weather conditions. I express my support for this measure and applaud its passage. A national referendum to support a more democratic process based upon 10,000 signatures to the Cuban National Assembly is laudable. I ask that the record show that I would have voted in favor of S. Res. 272 and I support its passage. My vote did not affect the outcome because the resolution passed overwhelmingly.

SUPPORT OF AMERICAN SILVER EAGLE BULLION PROGRAM ACT

Mr. CRAPO. Mr. President, last week I introduced with my colleague from Nevada, Senator REID, the Support of American Silver Eagle Bullion Program Act. This legislation will preserve our most successful silver coin program, the American Silver Eagle Bullion Program.

From the inception of the program, the Silver Eagle coin has been the domestic and global market share leader in commemorative coin programs. It is also the largest of the United States Mint's silver coin programs. From Fiscal Year 1995–2001, the program has generated revenues of more than $264 million. Profits from this program ultimately go into the Treasury General Fund, which reduces the government's debt.

Since 1986, the Mint, through interagency agreements with the Defense Logistics Agency, has been using the Strategic and Critical Materials Stockpile as a source of silver from the American Eagle Silver Bullion Program. The use of the Stockpile silver is a result of legislative mandates. This stockpile of silver, which had a beginning balance of 137.5 million ounces, is rapidly being depleted. At the current rate of depletion, the silver will be depleted in approximately two months.

With the depletion of silver reserves in the Defense Logistics Agency Stockpile, it has become necessary for the Department of the Treasury to acquire silver from other sources in order to continue the Silver Eagle Program. This bill adds a stockpile depletion contingency provision to the United States Code that allows the Secretary of the Treasury to obtain silver from other available sources, while not paying more than the average world price.

I rise today to introduce this legislation because it is vital to the economy in my home State of Idaho. The mines of the Silver Valley in North Idaho produce more than $70 million of silver per year, along with employing over 3,000 Idahoans and contributing more than $900 million to the overall Idaho economy.

Moreover, I am proud to recognize that the blanks used by the United States mint in their American Eagle Silver Bullion Program are produced by Sunshine Minting, Inc., in Coeur d'Alene, ID. Approximately 60 people at Sunshine Minting work directly on the U.S. Mint Silver Eagle Program.

Idaho's mining sector is a critical component of our national economy, and this bill makes certain that we preserve the Silver Eagle program and keep valuable mining jobs in Idaho and other silver mining states. It is my hope that the Senate will move expeditiously to consider and pass this legislation before the stockpile is deleted.

ADDITIONAL STATEMENTS

FOUR SOUTH CAROLINA STUDENTS TO PRESENT HISTORY PROJECTS

• Mr. HOLLINGS. Mr. President, I wish to congratulate four Cheraw, SC, students who will be in Washington, DC tomorrow exhibiting their history projects as part of National History Day.

These young historians were selected out of more than half a million from across America, and they are bringing with them months of research. They earned the trip by showing they are the best of the best, and our State and Nation are better off for their hard work. When young people, on their own, want to understand the fundamental principles and values of our democracy, they are more likely to vote. They are more likely to participate in public service. They are more likely to take seriously the civic commitment this nation needs in the new century.

I wish the very best to Bryan Blair, whose exhibit is "The Orangeburg Massacre: Revolution, Reaction, and Reform in South Carolina"; and to Meagan Linton, Mary Hudson, and Jordan Thomas, whose exhibit is: "Tears of Sorrow or Tears of Joy: Reaction to the Assassination of Abraham Lincoln."•

IN HONOR OF W. RALPH GAMBER, FOUNDER OF DUTCH GOLD HONEY

• Mr. SANTORUM. Mr. President, Friday, June 14, is our National Flag Day. This year, Flag Day has special meaning for many in Lancaster, PA, it will be a day of remembrance for the life and work of W. Ralph Gamber. It is particularly appropriate that Ralph's legacy will be honored on Flag Day; in many ways, he lived the American dream through the kind of patriotism that is grounded in community involvement and love of family. The company Ralph founded in 1946, Dutch Gold Honey, Inc., will also be honored as part of his legacy and those who will gather at the site of his family business in Lancaster will dedicate a flagpole in his memory.

Ralph Gamber began his honey processing business with a $27 investment in three beehives in the mid-1940s. What was initially a hobby of canning honey in the family garage grew to be a vehicle for innovation and a model for the success of hard work and family cooperation. Today, Dutch Gold Honey is one of the largest independent honey packers in the nation and, as an industry symbol of quality and partnership, remains family-owned and operated. The plastic honey bears seen on the shelves of every grocery store in America are Ralph's invention and their success led to the creation of the Gamber Container Company. Ralph, his wife Luella, and his three children have made an incredible contribution to the Lancaster area through their business accomplishments. Ralph served a term as president of the National Honey Packers & Dealers and in 1992, was recognized as Pennsylvania Entrepreneur of the Year by Entrepreneur Magazine. Additionally, the Gambers established the Gamber Foundation, a resource to support local charities and nonprofit organizations, honeybee research, and scholarships for the children of Dutch Gold Honey employees.

Ralph Gamber's legacy, however, is not limited to his honey-related work. His life's worth of community and family focus is what earns him particular attention on Flag Day. To Ralph, work was an extension of family togetherness and he firmly believed that when families pray together, they stay together. Evidently, a family that stays together is one that can also share in building a unique, successful business. Ralph would count his 66-year marriage, three children, eight grandchildren, and nine-great-grandchildren among his greatest accomplishments. He was involved with the Salvation Army and helped to found his local fire company. He was a veteran of the Second World War and, with a strong connection to his church, Ralph acted as Sunday school superintendent for many years, was a member of his church council, and later chaired the church's stewardship committee. Throughout his life and through his livelihood, Ralph has demonstrated his commitment to the community and people he cared so much about. I share his story today because I believe it is worthy of our admiration and it is evidence of how the American Dream continues to inspire us.

My thoughts will be with the family and friends of Ralph Gamber this Flag Day. When our national banner is raised over Dutch Gold Honey, it will be a reminder to all who see it that love, perseverance, and community are the keys to success in family and in life.•

AMERICA: A NATION OF IMMIGRANTS

• Mr. KENNEDY. Mr. President, each year the American Immigration Law Foundation and the American Immigration Lawyers Association sponsor a national writing contest on immigration. Thousands of fifth-grade students from across the country participate in the competition, responding to the statement, "Why I'm Glad America is a Nation of Immigrants."

These essays remind us that it is of great importance that we not forget our rich history and heritage as a nation of immigrants. Continued immigration is part of our national well-being, our identity as a nation, and our strength in today's world.

I had the privilege of serving as one of the judges for this year's contest, and was very impressed by the young writers. In their essays, the students showed great pride in our Nation's diversity and its immigrant heritage, and many told the story of their own family's immigration.

I am pleased to announce that this year's winner is a Massachusetts resident, Nicole Florio, a fifth-grade student in Framingham, MA. In her poem, "Why Am I Glad," Nicole explores the value of her friends' cultures and how their diversity enhances her life. She describes the diverse traditions and treasures of her friends, from Ceilidh's Irish step-dancing to Anastasia's nesting dolls. In the final stanza, Nicole notes how she herself is a product of immigrants, as all of us are, and that without immigration, "there would be no me!"

Other students honored for their creative essays were Mike Duffy of Sarasota, FL, Emily Friedman of Los Angeles, CA, Christina Jundt of Norcross, GA, and Ilana Peña of North Miami Beach, FL.

I believe that these award-winning essays in the "Celebrate America" contest will be of interest to all of us in the Senate, and ask that they be printed in the RECORD.

The essays follow.

WHY AM I GLAD AMERICA IS A NATION OF IMMIGRANTS

(By Nicole Florio, Hemenway Elementary School, Farmingham, MA, Grand Prize Winner)

People come to America
from many different places,
I have lots of friends
of many different races.

Ceilidh's from Ireland,
we have loads of fun,
she taught me Irish step-dancing
we dance till day is done!

Jessica's from Colombia,
she speaks Spanish,
to speak two languages
is my wish.

Anastasia is from Russia,
I adore her nesting dolls,
I looked for them
in all of the malls.

Cara and Cady are from China,
Cady's grandma grows bamboo.
They both love Chinese New Year
and I do too!

Murat is from Turkey,
his wedding I did love,
when we left the
fireworks blasted 'bove!

Nicole is from Israel,
she is thirteen.
When she had her Bat Mitzvah
she looked like a queen!

If I didn't have these friends,
how boring life would be!

I'm glad America has immigrants
as you can plainly see.
Mom's family is from Poland,
Dad's from Italy,
if my grandparents didn't come
there would be no me!

Based on a true story!

WHY I AM GLAD AMERICA IS A NATION OF IMMIGRANTS

(By Mike Duffy, Pine View Elementary, Sarasota, FL, Runner-Up)

I am glad America is a nation of immigrants. When the original immigrants came to America, they came here seeking freedom of expression, religious freedom, and freedom from oppression. This helped to form our constitution, which gives us those same equal rights today.

The diverseness of the people who came here for opportunities brought about a culture that the world had not previously seen before. It also gave us ideas that would have never come to light otherwise.

Living with other cultures teaches us new things and makes us more tolerant and understanding of our fellow man. The education we gave each other makes us more open to new ideas and better technology. Our nation is the strongest and best because of our unity.

In America all religions are practiced freely. Our different beliefs are acknowledged and respected. This makes us strong and proud. Our way of life is often challenged though. Freedom is always at stake from those who wish to dominate. Brave immigrants past and present, who took the chance of coming here for a better life; help keep our country free and strong. Once they have enjoyed the freedom we have, they are willing to stand up and fight to keep that freedom.

Mutual respect, which all people can enjoy here in this country, is why we (all cultures) come together so readily, when any part of our nation is in trouble. It is living proof that despite our differences we are all Americans at heart.

A NATION OF IMMIGRANTS

(By Emily Friedman, Stephen S. Wise Elementary, Los Angeles, CA, AILA Southern California Chapter Contest Winner)

In early September my teachers asked, "Do you think America is a melting pot or a salad bowl?" After thinking about it, I decided America is neither. America is not like a melting pot because all the cultures do not blend together and become unnoticeable. However, America is not a salad bowl because cultures do not stay as distinct as lettuce and cucumbers in a salad. I thought America should be described as a chunky, minestrone soup. The ingredients stay distinct, but as the soup simmers, the ingredients like cultures interact and blend with each other.

The different spices and vegetables that go into minestrone soup are like the immigrants from different places around the world. The immigrants spice up the soup and make it flavorful. With the exception of Native Americans, we were all once immigrants. The best secret of a minestrone soup is that it never stays the same. As immigrants come from all over the world, they contribute to the taste of the soup. They bring their language, traditions, foods and customs and their various dreams for a better life for freedom and opportunity. They also add their ideas for a better America and make contributions to our society.

I am proud to live in a country where people can be free and where everyone can contribute. I am glad America is a nation of immigrants because without them, America wouldn't be a chunky bowl of delicious minestrone soup.

AMERICA—A NATION OF IMMIGRANTS

(By Christina Jundt, Simpson Elementary School, Norcross, GA, AILA Atlanta Chapter Contest Winner)

As Immigrants traveled over the rolling sea, checked in at Ellis Island, suffered through minimum wage jobs, and endured criticism from the people around them, they had no idea they would change American people, and America itself forever.

America is like a giant mosaic—the most beautiful in the world. If the mosaic was all one color, the beauty would be gone. The pieces are all beautiful in their own way. Not one piece is more important than another. Not one piece shines more brightly than another. The mosaic is perfect, and without Immigrants, this could not have been accomplished. So much of our lives would be different if it wasn't for the diverse nationalities, and the Immigrants that traveled from those nations. Every time you eat a plate of spaghetti, think of an Italian Immigrant. Every time you bite into a bar of chocolate, think of a Mexican Immigrant. Every time you look around your community, and see people nationalities, who have different religions, who have different customs, think of an Immigrant who bravely traveled from their hometown, to bring us those unique ways of life. These Immigrants enriched and influenced our lives in so many positive ways.

WHY I'M GLAD AMERICA IS A NATION OF IMMIGRANTS

(By Ilana Peña, Oaks Elementary School, North Miami Beach, FL, AILA Southern Florida Chapter Contest Winner)

Tomatoes, cucumbers, lettuce . . . Russians, Cubans, Asians . . . This is America, a nation of immigrants. Many people say America is a melting pot, everybody coming from different nations but melting into America. We are all proud to be Americans, but I think of us not as a melting pot, but as a salad bowl.

A salad bowl is made up of different vegetables, each with it's own distinct flavor. When you take a bite, you still taste each individual vegetable, but mixed all together, the salad is delicious. Each American has his own distinct identity yet mixes together to create our wonderful America, a country made up of different people, with different cultures and backgrounds.

Being a country of immigrants makes America a dynamic place to live. We are rich with unique cultures. I have a friend whose family comes from India, and I am fascinated by her stories about her family's home country. Because of immigrants, there are different foods in our country, different clothing, different songs, and different ways of dancing.

My father and his family came from Cuba, and my mother's family came from Russia. I am grateful that my country welcomed them here in the United States of America. On our Thanksgiving table is not only the traditional turkey, but frijoles negros, and kugel pudding. It makes me realize what a remarkable country I live in, as we all, Jews and Cubans, sit around a long table with the salad in the center representing our country, and share our cultures.●

TRIBUTE TO DAN KUNSMAN

● Mr. THOMAS. Mr. President, I rise today to say good-bye to a good friend who has worked with me for over 10 years.

Dan Kunsman has been my Communications Director for the last eight years, adding to some 3 years of assisting me on the House side when I was the lone congressman from Wyoming. Also a native son of Wyoming, his work for me and the great State extends deeply into the heart and soul of the West and will continue long into the future.

Dan joined my office in the U.S. House of Representatives in 1991 right out of school. Dan did a great job for me and was promoted to Communications Director when I was elected to the U.S. Senate in 1994.

Dan has not only been valuable in Washington, he was also a crucial part of three, statewide, victorious campaigns. He also took time from our efforts on sabbatical to assist with the success of my good friend and colleague, Senator ENZI, on his initial election effort in 1996.

We're part of a team, my staff and I. Along with my wife, Susan, we feel strongly bound to service for the people of Wyoming. As we say in the West, Dan's a good hand. That's a high compliment. It means that he's part of the team, reliable in a storm or any circumstance. In the House, Senate and on the campaign trail, Dan has proved to be one of the brightest and most effective public policy communicators and political strategists in Wyoming and Washington.

Dan has decided to join Brimmer Communications and will lead a new Washington, DC office for the public relations firm based in Jackson Hole, Wyoming. While it's always hard to see good people move on, in this case, I'm glad Dan plans to go to a strong firm at home and stay close to Wyoming people.

I'm not always the best at saying good-bye. I don't like to say it. So I'll just say see you, and I hope that's true. I'll look forward to it.

To our friend, Dan, I wish him and his wife, Isabel, the best of luck, and I know the Senate does as well.●

COMMEMORATION OF KING KAMEHAMEHA I

● Mr. AKAKA. Mr. President, I rise today in commemoration of the birthday of Hawaii's first monarch, King Kamehameha I. More than two centuries since his birth, Kamehameha is a legendary, indeed, mythical figure renown worldwide for his bravery and martial brilliance. He commands the respect of Hawaii's people for his wise and just leadership, and his accomplishments continue to influence and govern Hawaii today.

Historically, Kamehameha is notable because of his brilliance as a military strategist and political leader. Kamehameha adapted Western innovation, weaponry, and science to gain a decisive advantage in his drive to unify the Hawaiian Islands. For Native Hawaiians and the people of Hawaii, Kamehameha is beloved for his concern and attention to the well-being of his subjects and for his commitment to do what was just and right for the people.

Kamehameha's wisdom, even more than his strength, stature, and daring, is his greatest and most enduring legacy for Hawaii's indigenous peoples—the Native Hawaiians, the people of Hawaii, and all students of history. Mamalohoe, the Law of the Splintered Paddle, is the most prominent example of Kamehameha as a wise and just leader. Mamalahoe is Hawaii's first Bill of Rights protecting the common people from assault, and it is still part of our State's constitution.

One hundred and ninety years ago, in the summer of 1812, Kamehameha returned to the Kona Coast. Having unified the islands and established peace and stability, Kamehameha worked to build prosperity for his people by increasing agricultural production and foreign trade.

The first observance of a day honoring King Kamehameha was proclaimed by King Kamehameha V on June 11, 1872, in the Kingdom of Hawaii. It remains an annual holiday in the State of Hawaii. This year marks the 130th anniversary of the only holiday in the United States created to honor a once-reigning monarch in the only state that was once a kingdom, the State of Hawaii.●

MISSION OF PEACE HOUSING COUNSELING AGENCY

● Mr. LEVIN. Mr. President, I have come today to ask the Senate to join with me in paying tribute to the Mission of Peace Housing Counseling Agency which is located in the City of Flint, in my home state of Michigan.

Home ownership has long been one of the best ways for individuals and families to acquire capital, build equity and secure entry into the middle class. Mission of Peace Housing Counseling Agency was founded in 1997 by Reverend Elmira Smith-Vincent to assist those who desire to own their own home thereby gaining further control over their financial futures. As a real estate agent, Reverend Smith-Vincent saw a need to educate people and provide them with the skills needed to purchase a home. A faith-based, non profit agency, Mission of Peace Housing Counseling Agency provides assistance to families and individuals in the skills needed to purchase a home.

Since its inception, Mission of Peace Housing Counseling Agency has developed strong working relationships with the Department of Housing and Urban Development, The Fannie Mae Corporation, the Fannie Mae Foundation, the United States Department of the Treasury, the Federal Reserve Bank, area banks and lenders, local governments, schools, and the faith-based community. These strong relationships have enabled the Mission of Peace Housing Counseling Agency to have accomplished many great things since its inception only five years ago.

In 2001, they formed a partnership with Fannie Mae to offer the Mission of Peace Faith-Based Home ownership Initiative. As well, they implemented with great success an Individual Development Account program which allows participants to open an account at the Fifth Third Bank to save toward the down payment and closing cost of home purchase. Most recently, the United States Department of the Treasury announced that Mission of Peace Housing Counseling Agency is a recipient of a First Accounts Program Grant to assist "unbanked" people. Through this grant, they will provide services in Genesee, Lapeer, Oakland, Saginaw and Shiwasee Counties.

Mission of Peace Housing Counseling Agency is a leader in helping people take control of their financial well-being and has been recognized numerous times for their achievements. Some of the agencies awards include the Local and National HUD Best Practices Award, the Congress of National Bank Churches Client Volume Award, Homeowners and Outstanding Achievement Awards, Fannie Mae Partner Award, State of Michigan Special Tribute Award, the City of Flint Peppy Rosenthal Human Service Award and the Project Zero Partner of the Year Family Independence Agency of Genesee County Award. I know my Senate colleagues join me in congratulating Mission of Peace Housing Counseling Agency on the work that they have done, and in wishing them well in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE PARTICIPATION OF THE UNITED STATES IN THE UNITED NATIONS AND ITS AFFILIATED AGENCIES DURING CALENDAR YEAR 2000—PM 91

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit herewith the final version of a report, prepared by my Administration, on the participation of the United States in the United Nations and its affiliated agencies during the calendar year 2000. The report is submitted pursuant to the United Nations Participation Act (Public Law 264, 79th Congress) (22 U.S.C. 287b).

GEORGE BUSH.
THE WHITE HOUSE, *June 11, 2002.*

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:22 p.m. a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1372. An act to reauthorize the Export-Import Bank of the United States.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 11, 2002, she had presented to the President of the United States the following enrolled bill:

S. 1372. An act to reauthorize the Export-Import Bank of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7388. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Protective Orders in Immigration Administrative Proceedings" (RIN1125-AA38) received on June 5, 2002; to the Committee on the Judiciary.

EC-7389. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Status under Legal Immigration Family Equity (LIFE) Act Legalization Provisions and LIFE Act Amendments Family Unity Provisions" (RIN1115-AG06) received on June 6, 2002; to the Committee on the Judiciary.

EC–7390. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7391. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7392. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7393. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7394. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for March 2002; to the Committee on Governmental Affairs.

EC–7395. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the lists of the General Accounting Office for February 2002; to the Committee on Governmental Affairs.

EC–7396. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–377, "Government Attorney Certificate of Good Standing Filing Requirement Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–7397. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–380, "Omnibus Anti-Terrorism Act of 2002"; to the Committee on Governmental Affairs.

EC–7398. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials from Peru" (RIN1515–AD12) received on June 4, 2002; to the Committee on Finance.

EC–7399. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Civil Aircraft" (RIN1515–AC59) received on June 4, 2002; to the Committee on Finance.

EC–7400. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2002–38) received on June 5, 2002; to the Committee on Finance.

EC–7401. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure for GUST Non-Amenders" (Rev. Proc. 2002–35) received on June 5, 2002; to the Committee on Finance.

EC–7402. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to paying for outpatient services in cancer hospitals dated November 2001; to the Committee on Finance.

EC–7403. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to reducing Medicare complexity and regulatory burden, a report concerning blood safety in hospitals and Medicare inpatient payment, and a report concerning paying for interventional pain services in ambulatory settings dated December 2001; to the Committee on Finance.

EC–7404. A communication from the Office of Congressional Affairs, Office of the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Enhancing Public Participation in NRC Meetings; Policy Statement" received on June 4, 2002; to the Committee on Environment and Public Works.

EC–7405. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Visible Emissions and Open Fire Amendments" (FRL7220–1) received on June 6, 2002; to the Committee on Environment and Public Works.

EC–7406. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Motor Vehicle Inspection and Maintenance Program—Request for Delay in the Incorporation of On-Board Diagnostics Testing" (FRL7224–8) received on June 6, 2002; to the Committee on Environment and Public Works.

EC–7407. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to the Air Resource Regulations" (FRL7211–7) received on June 6, 2002; to the Committee on Environment and Public Works.

EC–7408. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Marine; Negative Declaration" (FRL7227–1) received on June 6, 2002; to the Committee on Environment and Public Works.

EC–7409. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of an Air Quality Implementation Plan Revision; South Dakota; Rapid City Street Sanding Regulations to Protect the National Ambient Air Quality Standards for PM–10" (FRL7216–1) received on June 6, 2002; to the Committee on Environment and Public Works.

EC–7410. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Consolidated Emissions Reporting" (FRL7223–8) received on June 6, 2002; to the Committee on Environment and Public Works.

EC–7411. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Municipal Solid Waste Landfill Location Restrictions for Airport Safety" (FRL7227–9) received on June 6, 2002; to the Committee on Environment and Public Works.

EC–7412. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District and South Coast Air Quality Management District" (FRL7224–1) received on June 6, 2002; to the Committee on Environment and Public Works.

EC–7413. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Underground Injection Control Program-Notice of Final Determination of Class V Wells" (FRL7225–8) received on June 6, 2002; to the Committee on Environment and Public Works.

EC–7414. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, the report of a notice of a proposed demonstration project; to the Committee on Armed Services.

EC–7415. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–7416. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determination" (Doc. No. FEMA–B–7428) received on June 6, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7417. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Use of Interstate Branches Primarily for Deposit Production" (12 CFR Part 25) received on June 7, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7418. A communication from the Assistant Secretary for Housing, Federal Housing Commissioner, Department of Housing and Urban Affairs, transmitting, pursuant to law, the final report on Portfolio Reengineering Demonstration Program (PReDemo) dated December 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–7419. A communication from the President of the Perkins County Rural Water System, Inc., transmitting, pursuant to law, the Final Engineering Report; to the Committee on Energy and Natural Resources.

EC–7420. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triflusulfuron Methyl; Pesticide Tolerance" (FRL7180–8) received on June 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7421. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Carboxin; Pesticide Tolerance"

(FRL7180–6) received on June 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7422. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Carfentrazone-ethyl; Pesticide Tolerances for Emergency Exemptions" (FRL7178–1) received on June 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7423. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosad; Time-Limited Pesticide Tolerance" (FRL7182–1) received on June 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7424. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triflumozole; Pesticide Tolerance" (FRL7180–5) received on June 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7425. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants and Phosphate Fertilizers Production Plants" (FRL7229–4) received on June 10, 2002; to the Committee on Environment and Public Works.

EC–7426. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production" (FRL7225–6) received on June 10, 2002; to the Committee on Environment and Public Works.

EC–7427. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants and Phosphate Fertilizers Production Plants" (FRL7229–5) received on June 10, 2002; to the Committee on Environment and Public Works.

EC–7428. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nevada: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL7228–1) received on June 10, 2002; to the Committee on Environment and Public Works.

EC–7429. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, a report relative to Development Assistance and Child Survival and Health Programs Allocations for Fiscal Year 2002; to the Committee on Foreign Relations.

EC–7430. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–7431. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Revisions to Medical Criteria for Determinations of Disability" (RIN0960–AE99) received on May 8, 2002; to the Committee on Finance.

EC–7432. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement 2002–34" (NOT–113496–02) received on June 6, 2002; to the Committee on Finance.

EC–7433. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Replacement Cost for Automobile Dealers" (Rev. Proc. 2002–17) received on June 6, 2002; to the Committee on Finance.

EC–7434. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2002–20" received on June 6, 2002; to the Committee on Finance.

EC–7435. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures for Service-imposed Changes in Methods of Accounting" (Rev. Proc. 2002–18) received on June 6, 2002; to the Committee on Finance.

EC–7436. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 2002–33" received on June 7, 2002; to the Committee on Finance.

EC–7437. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Modifications to Managed Care Rules Based on Provisions of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, and Technical Corrections" (RIN0938–AK90) received on June 6, 2002; to the Committee on Finance.

EC–7438. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling; Nutrient Content Claims, Definition of Sodium Levels for the Term "Healthy"; Extension of Partial Stay" (RIN0910–AA19) received on June 6, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–7439. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Orthopedic Devices: Reclassification of the Hip Joint Metal/Polymer Constrained Cemented or Uncemented Prosthesis" (Doc. No. 99P–1864) received on June 6, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–7440. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Ear, Nose, and Throat Devices; Reclassification of the Endolymphatic Shunt Tube with Valve" (Doc. No. 97P–0210) received on June 6, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–7441. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule to Implement Restrictions under the Northeast Multispecies Fishery Management Plan" (RIN0648–AP78) received on June 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7442. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation; Trailer Conspicuity; Final Rule; Partial Suspension of Deadline" (Doc. No. FMCSA–1997–2222) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7443. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation; Manufactured Home Tires; Final Rule; Denial of Petitions for Rulemaking and for Extension of Deadline" (Doc. No. FMCSA–97–2341) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7444. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Signal and Train Control: Miscellaneous Amendments" (RIN2130–AB06) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7445. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Railroad Workplace Safety" (RIN2130–AA48) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7446. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reinvention of Regulations Addressing Discontinuance or Modification of Signal Systems" (RIN2130–AB05) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7447. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Grade Crossing Signal System Safety" (RIN2130–AA97) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7448. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Control of Alcohol and Drug Use: Changes to Conform to New DOT Transportation Workplace Testing Procedures" (RIN2130–AB43) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7449. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Back River, ME" ((RIN2115–AE47)(2002–0054)) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7450. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Operation Native Atlas 2002, Waters Adjacent to Camp Pendleton, California" ((RIN2115–AA97)(2002–0083)) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7451. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Gulf Intracoastal Waterway, Boca Grande, Charlotte County, Florida" ((RIN2115–AE47)(2002–0055)) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7452. A communication from Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Liquid Natural Gas Carrier Transits and Anchorage Operations, Boston Marine Inspection Zone and Captain of the Port Zone" ((RIN2115–AA97)(2002–0085)) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7453. A communication from Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters" ((RIN2115–AE84)(2002–0008)) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7454. A communication from Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD" ((RIN2115–AA97)(2002–0084)) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7455. A communication from Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Chesapeake Bay Near Annapolis, MD" ((RIN2115–AE46)(2002–0013)) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7456. A communication from Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mississippi River, Iowa and Illinois" ((RIN2115–AE47)(2002–0052)) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7457. A communication from Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mississippi River, Iowa and Illinois" ((RIN2115–AE47)(2002–0053)) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7458. A communication from Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Protection of Naval Vessels (LANT AREA–01–001 and PAC AREA–01–001" (RIN2115–AG23) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7459. A communication from Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Protection of Naval Vessels (LANT AREA–01–001 and PAC AREA–01–001" (RIN2115–AG23) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7460. A communication from Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Discharge of Effluents in Certain Alaskan Waters by Cruise Vessel Operations" (RIN2115–AG12) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7461. A communication from Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations (including 10 regulations)" ((RIN2115–AE46)(2002–0014)) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7462. A communication from Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations (including 197 regulations)" ((RIN2115–AA97)(2002–0086)) received on June 7, 2002; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 577: A bill to amend title 44, United States Code, to require any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository to disclose the sources and amounts of any funds raised, and for other purposes. (Rept. No. 107–160).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2039: A bill to expand aviation capacity in the Chicago area. (Rept. No. 107–161).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 2607. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to collect recreation fees on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself, Mr. GREGG, Mr. KERRY, Ms . SNOWE, Mr. INOUYE, Mr. REED, Mr. BREAUX, Mr. CLELAND, Mr. DEWINE, Mr. SARBANES, Mr. BIDEN, Mr. KENNEDY, Ms. MIKULSKI, Mr. COCHRAN, Mr. TORRICELLI, Mrs. MURRAY, Ms. LANDRIEU, Mr. CORZINE, and Mr. LIEBERMAN):

S. 2608. A bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself and Mr. SCHUMER):

S. 2609. A bill to require the Federal Trade Commission to promulgate a rule to establish requirements with respect to the release of prescriptions for contact lenses; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE (for himself and Mr. CORZINE):

S. 2610. A bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. FRIST, Mr. COCHRAN, Mr. LEVIN, Mr. CHAFEE, Ms. LANDRIEU, Mr. DAYTON, and Mr. WELLSTONE):

S. 2611. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself and Mr. ENSIGN):

S. 2612. A bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 471

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 471, a bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 701

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to provide special rules for the charitable deduction for conservation contributions of land by eligible farmers and ranchers, and for other purposes.

S. 905

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Montana

(Mr. BURNS) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 917

At the request of Ms. COLLINS, the names of the Senator from Virginia (Mr. WARNER), the Senator from Ohio (Mr. DEWINE), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1022

At the request of Mr. WARNER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1204

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1204, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1383

At the request of Mrs. CLINTON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1383, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchases.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1395

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1395, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1785

At the request of Mr. CLELAND, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Louisiana (Mr. BREAUX), the Senator from Washington (Ms. CANTWELL), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 2006

At the request of Mr. GRAHAM, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2006, a bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit.

S. 2119

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 2119, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2215

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2215, supra.

S. 2233

At the request of Mr. THOMAS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2233, a bill to amend title XVIII of the Social Security Act to establish a medicare subvention demonstration project for veterans.

S. 2246

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2317

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2317, a bill to provide for fire safety standards for cigarettes, and for other purposes.

S. 2386

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2386, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to diagnose, evaluate, and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 2426

At the request of Mr. SCHUMER, the names of the Senator from New Jersey

(Mr. CORZINE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2426, a bill to increase security for United States ports, and for other purposes.

S. 2490

At the request of Mr. TORRICELLI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2520

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2520, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. 2558

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2558, a bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

S. 2560

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2560, a bill to provide for a multiagency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

S. 2577

At the request of Mr. FITZGERALD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2577, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2607. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to collect recreation fees on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing legislation to authorize the Federal land management agencies, the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management and Forest Service, to collect visitor recreation fees, and to use the proceeds from the fees to continue to fund high priority resource protection and maintenance backlog needs.

Following enactment of the Recreation Fee Demonstration Program in 1996, the Federal agencies have been authorized to experiment with various fee collection proposals. That program also authorized the Federal agencies, for the first time, to retain all of the fee revenues and to use those funds, without the need for further appropriation, on maintenance backlog and other funding needs.

The Recreation Fee Demonstration Program has been extended each year, most recently through September 30, 2004. For the most part, the fee demonstration program has been very successful. However, unlike the previous fee authority in the Land and Water Conservation Fund Act, the fee demonstration program contained no guidance to the agencies or limitations on the types of fees that could be collected. As a result, the program has generated some controversy, especially with respect to certain Forest Service and Bureau of Land Management lands where fees had not historically been charged.

The bill I am introducing today builds upon the positive results from the Recreation Fee Demonstration Program, while including new criteria to ensure that fees are not imposed inappropriately. The bill provides the Secretary of the Interior and the Secretary of Agriculture with considerable discretion to administer the program while ensuring that recreational access to Federal lands remains available to all Americans. Most importantly, the bill maintains the existing requirement that a majority of the fees be retained for expenditure at the site where collected.

I believe there is strong support for enacting permanent fee authority. The Committee on Energy and Natural Resources will hold a hearing on this bill on June 19, and I hope it will be ready for consideration by the full Senate in the near future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2607

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Lands Recreation Fee Authority Act".

SEC. 2. RECREATION FEES ON FEDERAL LANDS.

(a) GENERAL AUTHORITY.—Except as provided in subsection (b):

(1) The Secretary of the Interior is authorized to collect recreation fees, including entrance and use fees, on the following lands administered by the Secretary:

(A) Units of the National Park System;

(B) Units of the National Wildlife Refuge System; and

(C) National monuments and national conservation areas administered by the Bureau of Land Management.

(2) The Secretary of Agriculture is authorized to collect recreation fees, including entrance and use fees, on the following National Forest System lands administered by the Secretary:

(A) National monuments;

(B) National volcanic monuments;

(C) National scenic areas; and

(D) National recreation areas.

(3) The Secretary of the Interior, with respect to lands administered by the Bureau of Land Management, and the Secretary of Agriculture, with respect to National Forest System lands, is also authorized to collect fees at areas not described in paragraphs (1) and (2) if—

(A) such area is managed primarily for outdoor recreation purposes and contains at least one major recreation attraction;

(B) such area has had substantial Federal investments, as determined by the appropriate Secretary, in—

(i) providing facilities or services to the public; or

(ii) restoring resource degradation caused by public use; and

(C) public access to the area is provided in such a manner that entrance fees can be efficiently collected at one or more centralized locations.

(5) The Secretary of the Interior or the Secretary of Agriculture, as appropriate, may reduce or waive any fee authorized under this Act, as appropriate.

(6) For each unit or area collecting an entrance fee, the appropriate Secretary shall establish at least one day each year during periods of high visitation as a "Fee Free Day" when no entrance fee shall be charged.

(7) No recreation fees of any kind shall be imposed or collected for outdoor recreation purposes on Federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, except as provided in this Act.

(b) PROHIBITION ON FEES.—(1) No recreation fees shall be charged under this Act—

(A) for travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between two places, either or both of which are outside of the fee area;

(B) for travel by private, noncommercial vehicle over any road or highway to any land in which a person has any property right if such land is within the unit or area at which recreation fees are charged;

(C) for any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty; or

(D for any person who is engaged in the conduct of official business within the unit or area at which recreation fees are charged.

(2) Entrance fees shall not be charged—

(A) for any person under 16 years of age;

(B) for admission of organized school groups or outings conducted for education purposes by schools or other bona fide educational institutions;

(C) for any area containing deed restrictions on charging fees;

(D) for any person entering a national wildlife refuge who is the holder of a valid migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (16 U.S.C. 718b) (commonly known as the Duck Stamp Act);

(E) for any person holding a valid Golden Eagle Passport, Golden Age Passport, Golden

Access Passport, or for entrance to units of the National Park System, a National Parks Passport; and

(F) at the following areas administered by the National Park Service:

(i) U.S.S. Arizona Memorial;

(ii) Independence National Historical Park;

(iii) any unit of the National Park System within the District of Columbia or the Arlington House—Robert E. Lee National Memorial in Virginia; and

(iv) any unit of the National Park System located in Alaska, with the exception of Denali National Park and Preserve (notwithstanding section 203 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh–2)); and

(G) in Smoky Mountains National Park, unless entrance fees are charged on main highways and thoroughfares, no fees shall be charged for entrance on other routes into the park, or any part thereof.

(c) FEE CONSIDERATIONS.—(1) Recreation fees charged by the Secretary of the Interior or the Secretary of Agriculture shall be fair and equitable, taking into consideration—

(A) the direct and indirect cost to the Federal agency involved;

(B) the benefits and services provided to the visitor;

(C) the public policy and management objectives served;

(D) costs to the visitor;

(E) the effect of multiple fees charged within the same area;

(F) fees charged at comparable sites by other public agencies; and

(G) the economic and administrative feasibility of fee collection at the site.

(2) The Secretary of the Interior and the Secretary of Agriculture shall work cooperatively to ensure that comparable fees and services are established on Federal lands under each Secretary's jurisdiction, and that guidelines for assessing the type and amount of recreation fees are consistent between areas under each Secretary's jurisdiction.

(3) The Secretary of the Interior and the Secretary of Agriculture shall, to the extent practicable, seek to minimize multiple fees within specific units or areas.

(d) RECREATION USE FEES.—(1) The Secretary of the Interior and the Secretary of Agriculture may provide for the collection of recreation use fees where the Federal agency develops, administers, provides, or furnishes at Federal expense, specialized outdoor recreation sites, facilities, equipment, or services.

(2) As used in this subsection, the term "specialized outdoor recreation sites, facilities, equipment, or services" includes—

(A) a developed campground;

(B) a swimming site;

(C) a boat launch facility;

(D) a managed parking lot;

(E) facility or equipment rental;

(F) an enhanced interpretive program;

(G) a reservation service; or

(H) a transportation service.

(3) Recreation use fees may not be charged for—

(A) general access to an area;

(B) access to a visitor center;

(C) a dispersed area with little or no Federal investment;

(D) a scenic overlook or wayside;

(E) drinking fountains or restrooms;

(F) undeveloped parking;

(G) picnic tables (when not part of a developed campground or recreation area);

(H) special attention or extra services necessary to meet the needs of the disabled; or

(I) any nonrecreational activity authorized under a valid permit issued under any other Act.

(e) SPECIAL RECREATION PERMIT FEE.—The Secretary of the Interior or the Secretary of Agriculture may require a special recreation permit and may charge a special recreation permit fee for recreation use involving a group activity, a commercial tour, a commercial aircraft tour, a recreation event, use by a motorized recreation vehicle, a competitive event, and an activity where a permit is required to ensure resource protection or public safety.

SEC. 3. ANNUAL PASSES.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish procedures for the issuance of, and make available the following passes:

(1) GOLDEN EAGLE PASSPORT.—An annual admission permit, to be known as the "Golden Eagle Passport", to be valid for a period of one year for admission into any unit or area collecting an entrance fee under this Act.

(2) GOLDEN AGE PASSPORT.—A lifetime admission permit to any citizen of, or person domiciled in the United States sixty-two years of age or older, entitling the permittee to admission into any unit or area collecting an entrance fee under this Act.

(3) GOLDEN ACCESS PASSPORT.—A lifetime admission permit to any citizen of, or person domiciled in the United States who is blind or permanently disabled, to be issued without cost.

(4) OTHER PASSES.—The Secretary of the Interior and the Secretary of Agriculture may develop such other annual, regional or site-specific passes as they deem appropriate.

(b) TERMS AND CONDITIONS.—

(1) Unless determined otherwise by the Secretary of the Interior and the Secretary of Agriculture, the passes authorized under this section shall be issued under the same terms and conditions as existed for such passes as of the date of enactment of this Act.

(2) The Secretaries shall develop such terms and conditions for the passes authorized in this section as they deem necessary.

(c) NATIONAL PARK PASSPORT.—Nothing in this Act affects the authority of the Secretary of the Interior to issue national park passports, as authorized in title VI of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5991 et seq.).

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall establish guidelines identifying the process by which the agencies under each Secretary's jurisdiction shall establish and change the amounts charged for any recreation fee, including entrance fees, recreation use fees, or special recreation permit fees collected under this Act. Such guidelines shall require that the agencies coordinate with each other, to the extent practicable, when establishing or changing fees.

(b) NOTICE.—The Secretary of the Interior or the Secretary of Agriculture, as appropriate, shall post clear notice of any entrance fee and available passes at appropriate locations within each area where a recreation fee is charged. Notice shall also be included in publications distributed at the unit or area where the fee is collected. The Secretaries shall jointly take such actions as may be necessary to provide information to the public on all available passes authorized by this Act.

(c) NOTICE OF RECREATION FEE PROJECTS.—The Secretary of the Interior and the Secretary of Agriculture shall, to the extent practicable, post clear notice of where work is being done using fee revenues collected under this Act.

(d) FEE MANAGEMENT AGREEMENTS.—Notwithstanding the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.), the Secretary of the Interior and the Secretary of Agriculture may enter into fee management agreements, that provide for reasonable commissions or reimbursements, with any governmental or nongovernmental entities to provide fee collection and processing services, including visitor reservation services.

(e) VOLUNTEERS.—The Secretary of the Interior and the Secretary of Agriculture may use volunteers, as appropriate, to collect fees and sell passes authorized by this Act.

SEC. 5. EXPENDITURE OF FEES.

(a) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a separate special account in the Treasury for each Federal agency collecting recreation fees under this Act. Amounts collected by each agency under this Act shall be deposited into its special account in the Treasury, and shall be available for expenditure by the appropriate agency, without further appropriation, to remain available until expended.

(b) DISTRIBUTION.—(1) Eighty percent of the amounts collected at a specific unit or area shall remain available for expenditure without further appropriation, at the unit or area where the fees were collected, except that the Secretary of the Interior or the Secretary of Agriculture, as appropriate, may reduce the local allocation amount to not less than 60 percent of the fees collected if the Secretary determines that the unit or area's revenues in any specific fiscal year exceed its reasonable needs for which expenditures may be made.

(2) Amount not retained at the site or area collecting the fee shall remain available for expenditure without further appropriation to the Federal agency administering the site, for distribution in accordance with national priority needs within such agency.

(3) Revenues from the sale of annual passes shall be distributed in accordance with revenue sharing agreements developed by the Secretary of the Interior and the Secretary of Agriculture.

(c) USE OF FEE REVENUES.—Amounts made available under subsection (b)(1) for expenditure at a specific unit or area shall be accounted for separately from amounts available under (b)(2). Both amounts shall be used for resource preservation, backlogged repair and maintenance projects (including projects related to health and safety), interpretation, signage, habitat for facility enhancement, law enforcement related to public use, maintenance, and direct operating or capital costs associated with the recreation fee program.

SEC. 6. CONFORMING AMENDMENTS.

(a) REPEAL OF OTHER FEE AUTHORITIES.—Section 4 of the Land and Water Conservation Fund Act (16 U.S.C. 4601–4a) and section 315 of Public Law 104–134, as amended (16 U.S.C. 4601–4a note), are repealed, except that the repeal of such provisions shall not affect the expenditure of revenues already obligated. All unobligated amounts as of the date of enactment of this Act shall be transferred to the appropriate special account established under this Act and shall be available as provided in this Act.

(b) FEDERAL AND STATE LAW UNAFFECTED.—Nothing in this Act shall be construed—

(1) to authorize Federal hunting or fishing licenses or fees;

(2) to authorize charges for commercial or other activities not related to recreation;

(3) to affect any rights or authority of the States with respect to fish and wildlife;

(4) to repeal or modify any provision of law that provides that any fees or charges collected at specific Federal areas be used for, or created to specific purposes or special funds as authorized by that provision of law; or

(5) to repeal or modify any provision of law authorizing States or political subdivisions thereof to share in revenues from Federal lands.

By Mr. HOLLINGS (for himself, Mr. GREGG, Mr. KERRY, Ms. SNOWE, Mr. INOUYE, Mr. REED, Mr. BREAUX, Mr. CLELAND, Mr. DEWINE, Mr. SARBANES, Mr. BIDEN, Mr. KENNEDY, Ms. MIKULSKI, Mr. COCHRAN, Mr. TORRICELLI, Mrs. MURRAY, Ms. LANDRIEU, Mr. CORZINE, and Mr. LIEBERMAN):

S. 2608. A bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today with my colleague Senator GREGG to introduce the Coastal and Estuarine Land Protection Act of 2002. I would like to thank our cosponsors, Senators KERRY, SNOWE, INOUYE, J. REED, BREAUX, CLELAND, DEWINE, SARBANES, BIDEN, KENNEDY, MIKULSKI, COCHRAN, TORRICELLI, MURRAY, and LANDRIEU for their support of this bill, which marks another important chapter of our thirty year effort to put coastal and ocean issues at the forefront of environmental policy.

When I was Governor of South Carolina over 30 years ago, I experienced first hand the need for Federal direction and assistance to the States to enable them to effectively and sustainably manage coastal development. My experiences during a series of coastal hearings and continued research in the Senate led me to write the Coastal Zone Management Act of 1972, which provided clear policy objectives for states to establish coordinated coastal zone management programs to help balance coastal development with protection. Since the CZMA became law, 34 of the 35 coastal states have established approved programs to help preserve and utilize their precious resources, and the program has proven to be a successful partnership between the Federal government and our states.

But we appear to need more tools to help States continue the job we started in 1972. In the year 2002, as our population grows, more and more people are moving to the coast to enjoy its beauty and recreational opportunities. In fact, by 2010, an estimated 60 percent of Americans will live along our coasts, which represent less than 17 percent of our land area. More than 3,000 people move to coastal areas everyday, and fourteen of the Nation's 20 largest cities are on the coast, and are five times more densely populated than the interior of the country. As these good folks move to take advantage of coastal living, we have to be careful that we don't destroy the natural resources and quality of life that draw them to our shores. Big changes are coming to all of our coastal counties, and we must make some careful and smart decisions if we want to keep the very resources we depend on.

In particular, estuaries and wetlands have many unique attributes that make them important to both our natural resources and our economy. Estuaries, and the watersheds that flow into them, support fisheries and wildlife and contribute immensely to the coastal area economies. Wetlands are critical to many life cycles of organisms and help improve surface water quality by filtering our wastes. But these ecologically and economically important watersheds are also under the most threat from land development and conversion away from their natural state. The Forest Service's recently released Southern Forest Resource Assessment shows that coastal urbanization trends are particularly strong in the southeastern areas. In my state alone, the natural forests of the coastal plain are projected to decrease by 1.9 million acres in the next 40 years—a 35 percent loss of South Carolina's forests. These findings and future trends tell me that for the good of our coastal communities we need some fast, targeted action to protect ecologically important coastal areas most threatened with development or conversion.

Now more than ever, the pressures of urbanization and pollution along our Nation's coasts threaten to impair watersheds, impact wildlife habitat and cause irreparable damage to the fragile coastal ecology. This year the Environmental Protection Agency rated the overall condition of our coastal waters as fair to poor, with 44 percent of estuarine areas impaired for human or aquatic life use. While some areas of the country are seeing some improvement as a result of control on industry, the experts predict that the more pristine areas like the Southeast, which as some of the best water quality in the Nation, will experience degradation of water quality due primarily to runoff of pollutants from rapid development in our coastal watersheds. This is very bad news for the shrimpers, oystermen, and recreational users who depend on these waters for their livelihood and quality of life.

We see strong signals of what continuing down this path will bring us: sustained beach closings due to excess sewage drainage; shellfish bed closings and fish consumption advisories resulting from toxic runoff or bacteria; fish kills due to lack of oxygen from nutrient runoff; marine mammal diseases; and human health impacts. The National Research Council reports that over the next 20 years over 70 percent of our estuaries will experience more of these low oxygen, or "eutrophic" conditions, such as the Gulf "Death Zone." If this trend continues, our coastal economies will suffer and perhaps never recover. I know in my state the economy would falter greatly from the lack of fishing, shrimping and tourism opportunities, and this is true up and down the Atlantic coast, which contains 37 percent of the Nation's estuarine areas.

The good news is that there are ways we can make a difference, and we have some goods models we can turn to. I am proud to say my home state of South Carolina is a leader in this area. The past decade I have led an extensive cooperative conservation effort, bringing together the State of South Carolina, private landowners, groups like the Nature Conservancy, Ducks Unlimited and Federal partners like NOAA and the Fish and Wildlife Service to protect the ACE Basin. It is now the largest pristine estuarine reserve on the East Coast, a 350,000-acre area at the convergence of the Edisto, Ashepoo and Combahee Rivers, which comprises many ecologically important habitats that are home to many fish and bird species, including a number of endangered species. An outcome of these efforts is that the ACE Basin, already home to a National Wildlife Refuge, was declared a National Estuarine Research Reserve in 1992, and has been growing in size ever since. In building the ACE Basin, the partners worked creatively and in a coordinated manner, and we successfully obtained land acquisition funds through a variety of federal sources, including the Forest Legacy Program.

What became clear, however, is that there is no federal program explicitly setting aside funding for conservation of coastal lands, where the needs are clearly the greatest. That is exactly what the Coastal and Estuarine Land Protection Act of 2002 will do. The bill, which is strongly supported by The Trust for Public Land, Coastal States Organization, The Nature Conservancy and Land Trust Alliance, amends the CZMA to authorize a competitively matching grant program in NOAA to enable states to permanently protect important coastal areas. Under this NOAA program, coastal states can compete for matching funds of up to 75 percent to acquire land or easements for the protection of endangered coastal areas that have considerable conservation, recreation, ecological, historical or aesthetic values threatened by development or conversion. The bill also provides funding for a regional watershed demonstration project that can be used as a model for future watershed-scale programs. The program is authorized at $60 million for fiscal year 2003 and beyond, with an additional $5 million for the regional watershed demonstration project.

By establishing a plan for the preservation of our coastal areas, the Coastal and Estuarine Land Protection Act will build on the foundation laid down by the CZMA, all in stride with the changing times, growing number of people, and limited resources available today. When it comes to the environment, rules and regulations sometimes can't do it all. Sometimes cooperative actions work better and we can turn to models that encourage joint conservation projects among folks who all want the same thing, sustainable coasts.

Partnership programs among federal government, state agencies, local governments, private landowners and nonprofits, like the ACE Basin Project, work and we need to encourage these partnerships in all our coastal areas if we are to prevent degradation of our coastal resources. The good news is that we can make a difference today by providing the funding for land conservation partnerships provided for by Coastal and Estuarine Land Protection Act. I am proud to be a sponsor of this bill, which will not only improve the quality of the coastal areas and marine life it supports, but also sustain surrounding communities and their way of life.

Mr. GREGG. Mr. President, I rise today along with Senator HOLLINGS to introduce S. 2608, the Coastal and Estuarine Land Protection Act. We are introducing this much needed coastal protection act along with Senators COCHRAN, DEWINE, SNOWE, BIDEN, CARPER, CLELAND, INOUYE, BREAUX, LANDRIEU, SARBANES, MIKULSKI, KENNEDY, KERRY, TORRICELLI, and MURRAY. In addition, this legislation is supported by the Coastal States Organization, the National Estuarine Research Reserve Association, the Trust for Public Lands, The National Conservancy, and the Land Trust Alliance.

The Coastal and Estuarine Land Protection Act promotes coordinated land acquisition and protection efforts in coastal and estuarine areas by fostering partnerships between non-governmental organizations and federal, state, and local governments. With Americans rapidly moving to the coast, pressures to develop critical coastal ecosystems are increasing. There are fewer and fewer undeveloped and pristine areas left in the nation's coastal and estuarine watersheds. These areas provide important nursery habitat for two-thirds of the nation's commercial fish and shellfish, provide nesting and foraging habitat for coastal birds, harbor significant natural plant communities, and serve to facilitate coastal flood control and pollutant filtration.

The Coastal and Estuarine Land Protection Act pairs willing sellers through community-based initiatives with sources of federal funds to enhance environmental protection. Lands can be acquired in full or through easements, and none of the lands purchased through this program would be held by the federal government. S. 2608 puts land conservation initiatives in the hands of state and local communities. This new program, authorized through the National Oceanic and Atmospheric Administration at $60,000,000 per year, would provide federal matching funds to states with approved coastal management programs or to National Estuarine Research Reserves through a competitive grant process. Federal matching funds may not exceed 75% of the cost of a project under this program, and non-federal sources may count in-kind support toward their portion of the cost share.

This coastal land protection program provides much needed support for local coastal conservation initiatives throughout the country. In my role as the Ranking Member of the Commerce, Justice, State Appropriations Subcommittee, I have been able to secure significant funds for the Great Bay estuary in New Hampshire. This estuary is the jewel of the seacoast region, and is home to a wide variety of plants and animal species that are particularly threatened by encroaching development and environmental pollutants. By working with local communities to purchase lands or easements on these valuable parcels of land, New Hampshire has been able to successfully conserve the natural and scenic heritage of this vital estuary.

Programs like the Coastal and Estuarine Land Protection program will now enable other states to participate in these community-based conservation efforts in coastal areas. This program was modeled after the U.S. Department of Agriculture's successful Forest Legacy Program, which has conserved millions of acres of productive and ecologically significant forest land around the country.

I welcome the opportunity to offer this important legislation, with my close friend, Senator HOLLINGS. I am thankful for his strong leadership on this issue, and look forwarding to working with him to make the vision for this legislation a reality, and to successfully conserve our ecologically, historically, recreational, and aesthetically important coastal lands.

By Mr. LEAHY (for himself and Mr. SCHUMER):

S. 2609. A bill to require the Federal Trade Commission to promulgate a rule to establish requirements with respect to the release of prescriptions for contact lenses; to the Committee on Commerce, Science, and Transportation.

Mr. LEAHY. Mr. President, the Contact Lens Prescription Release Act of 2002 will rectify a troubling anomaly in competition and health care law: Eye doctors have long been required to provide patients with the prescriptions for their eyeglasses, but not for contact lenses. This bill will require ophthalmologists and optometrists to release contact lens prescriptions to their patients, just as they have long been required to do for eyeglass wearers.

Since 1973, when the Federal Trade Commission issued a regulation requiring the automatic release of eyeglass prescriptions, the millions of citizens who wear glasses have had access to, and the use of, their own prescriptions. They have long been able to "shop around" for the best provider of eyeglasses for themselves, but contact lens wearers are often forced to purchase their contacts from their eye doctors, because they have been denied possession of their own prescriptions.

The contact lens industry was in its infancy in 1973, and thus was excluded from the FTC's regulation. Now that 35 million Americans wear contact lenses, the industry is profoundly different. Thirty years ago, it made sense that the FTC did not extend its rule to cover contact lenses, but now that so many patients wear contacts, it seems the time is ripe for the law to reflect this growing health care trend. In addition, because patients' prescriptions can be exclusively held by their doctors, anticompetitive behavior among some eye doctors has escalated, to the detriment of consumers and competition.

In some instances, doctors can effectively force their patients to buy contact lenses from their doctors who can also require them to come in for eye exams before they receive replacement lenses, even if there is no change to the prescription. Patients must then pay for medical services they do not want, and cannot shop around for the best price or most convenient delivery service for their contact lens, like on-line ordering, or discount dealers. In fact, thirty-two State Attorneys General have recently settled an antitrust suit against the American Optometric Association and Johnson & Johnson, maker of ACUVUE disposable contact lenses, in which the attorneys general alleged that defendants conspired to force patients to buy their lenses only from eye doctors, and to eliminate competition from alternative distributors of contact lenses.

The Contact Lens Prescription Release Act would require the FTC to amend its trade regulation rule on ophthalmic practice to require a contact lens prescriber to release to the patient, or her agent, a copy of the prescription, and it would make it an unfair practice for any contact lens supplier to represent that the lenses could be obtained without a valid prescription. This bill would put contact lens wearers in the same position as their bespectacled brethren: They could have control of their own medical information, and be able to choose the right supplier, from a more competitive marketplace of suppliers, for themselves.

By Mr. WELLSTONE (for himself and Mr. CORZINE):

S. 2610. A bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I rise today to introduce the Chance to Succeed Act of 2002 on behalf of myself and my colleague Senator CORZINE.

The research is clear that many of the parents still receiving Temporary Assistance for Needy Families, TANF, cash assistance have barriers, often multiple barriers, that make it harder, sometime impossible, for them to work. These barriers include mental and physical impairments including learning disabilities, domestic and sexual violence, substance abuse, limited English proficiency, and hopelessness. In some cases, parents are caring for a child with disabilities and this inhibits their ability to meet the State's work requirements.

In my own State of Minnesota, we are beginning to see compelling evidence that many families receiving TANF, have significant barriers to employment. A recent study done by Lifetrack Resources looked at welfare recipients participating in a transitional jobs program. This research found that individuals participating in the program had an average of seven barriers to employment, ranging from a lack of reliable transportation to limited education to domestic violence issues. Welfare offices in Ramsey and Hennepin Counties, where the bulk of families approaching their 5 year lifetime limit live, found similar results as they have begun testing TANF recipients for learning problems, mental illness, physical limitations and other disabilities. They found that: about two-thirds of the parents in each county have problems severe enough to qualify for benefits extension; In Ramsey county, testers who have worked with several hundred parents, have found the average IQ for English speakers was 82. An IQ of 100 is considered average; and Hennepin County found that 24 percent of a sample of 66 parents reaching their time limits had a mental illness.

With additional help, many of these families in Minnesota and elsewhere, will be better able to maximize their potential and move toward greater financial independence. In order to be able to better help these families address such barriers and move toward work, States need to have in place policies and procedures that help identify these families and the barriers they face and provide them with the services and supports they will need to eventually succeed in the workplace. There is no need for these policies and procedures to be identical—one size does not fit all for states or families. But, the failure to have any such procedures results in families with barriers being inappropriately sanctioned while also unable to work. It also means that States are not using their limited TANF resources most efficiently to ensure accurate matching of families' barriers with programs to help to address those barriers. Inadequate screening and assessment impedes states' ability to better tailor their programs and the individual's responsibility plan to meet a family's needs.

Some States have already taken steps along the lines proposed in this bill. The purpose of the provisions in this bill is to put into place a skeletal structure in each State, leaving the States with flexibility in terms of exactly how the various provisions are implemented, will help to ensure that both states and families have the tools they need to ultimately ensure that more low-income families succeed in the workplace. The Chance to Succeed Act encourages states to better serve the needs of TANF recipients with barriers to employment by: giving states broad flexibility to place TANF recipients in barrier-removal activities and count recipients participating in such activities toward federal work participation rates for at least three months; improving service delivery for families with barriers by developing a screening, assessment and service delivery process; providing technical assistance to states to develop model practices, standards and procedures for screening, assessment and addressing barriers to move individuals into employment; and providing funding for state-level advisory panels to improve state policies and procedures for assisting families with barriers to work; helping TANF recipients with barriers to employment move into the workforce by creating personal responsibility plans that outline an employment goal for moving an individual into stable employment; the obligations of the individual to work toward becoming and remaining employed in the private sector; the individual's long-term career goals and the specific work experience, education, or training needed to reach them; and the services the State will offer based on screening and assessment; and developing sanction, conciliation and follow-up procedures that address barriers and improve compliance.

TANF recipients want to work and be able to provide for themselves and their children. To be poor in this country is difficult enough, but to be poor and on welfare carries with it a stigma that makes life nearly impossible. States like Minnesota and others are only now coming to understand the true depth and extent of the kinds of barriers to employment that many TANF recipients face. It takes a tremendous commitment of effort and resources to provide individuals with the services and supports they need to address these barriers so that they may successfully transition into the workforce. It is critical that our federal TANF policies do all that is possible to help those states that are already making this kind of commitment. I believe this bill does just that, and I urge each of my colleagues to support it. I look forward to working with my colleagues on the Finance Committee and others to ensure that the provisions in this bill are included in the Senate TANF reauthorization bill.

By Mr. REED (for himself, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. FRIST, Mr. COCHRAN, Mr. LEVIN, Mr. CHAFEE, Ms. LANDRIEU, Mr. DAYTON, and Mr. WELLSTONE):

S. 2611. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Museum and Library Services Act of 2002. I am pleased to be joined by Senators KENNEDY, COLLINS, JEFFORDS, FRIST, COCHRAN, LEVIN, CHAFEE, LANDRIEU, and DAYTON in introducing this legislation to strengthen museum and library services.

Museums and libraries are rich centers of learning, woven into the fabric of our communities, big and small, urban and rural.

Today's library is not simply a place where books are read and borrowed. It is a place where a love for reading is born and renewed again and again, and where information is sought and discovered. American libraries also coordinate and provide comprehensive services to meet the needs of their communities and people of all ages. They provide Internet access, family literacy classes, homework help, mentoring programs, English as A Second Language, ESL, classes, job training, and resume writing workshops.

America's museums bring wonderment and joy to young and old alike, encouraging discovery and celebrating our heritage and our heroes. Today's museums bring everyday objects, art, music, science, technology, and much more to life. Museums help us preserve our past, understand our present, and plan our future.

The Federal Government has a long history of supporting our Nation's libraries and museums, providing direct aid to public libraries since the adoption of the Library Services and Construction Act, LSCA, in 1956 and funding to museums since the enactment of the Museum Services Act in 1976.

The Museum and Library Services Act was enacted in 1996, reauthorizing federal library and museum programs under a newly created, independent federal agency called the Institute for Museum and Library Services, IMLS. The Museum and Library Services Act consists of two main subtitles, the Library Services and Technology Act and the Museum Services Act. Senator Kennedy, Senator Jeffords, and my predecessor, former Senator Claiborne Pell, were instrumental in the development and enactment of this law.

Under the Library Services and Technology Act, LSTA, IMLS funds four grant programs for libraries to improve access to information through technology, to ensure equity of access and to help bring resources to underserved audiences. These programs serve all types of our nation's 122,000 libraries: public, academic, research, school, and archive.

In Rhode Island, LSTA funding allows libraries to provide summer reading programs for students and participate in the Rhode Island Family Literacy Initiative that helps families with limited English language skills. Last fall, the Providence Public Library was one of 6 museums and libraries recognized by IMLS with a National Award for Museum and Library Service.

Under the Museum Service Act, IMLS provides funding and technical assistance to museums for preservation of museum collections, new technologies for exhibits, and general operations. Approximately 15,000 U.S. museums from aquariums to arboretums and botanical gardens, to art museums, to historic houses and sites, to nature centers, to science and technology centers, to zoological parks benefit from the IMLS's existence. Several Rhode Island museums have received IMLS funding, including the Children's Museum of Rhode Island, the Museum of Art at the Rhode Island School of Design, and the Slater Mill Historic Site in Pawtucket.

The legislation we are introducing today is based on the testimony we heard at an April 10 hearing of the Health, Education, Labor, and Pensions Committee, which I chaired, as well as proposals that the museum and library communities each crafted using a cooperative and collaborative process. We are grateful for their efforts to come together on proposals so the law meets the future needs of museum and library users.

The Museum and Library Services Act of 2002, which extends the authorization of museum and library services for six years, makes several important modifications to current law. The bill ensures that library activities are coordinated with the school library program I authored and contained within the No Child Left Behind Act of 2001. It establishes a Museum and Library Services Board to advise the Director of IMLS, and it authorizes IMLS to award a National Award for Library Service as well as a National Award for Museum Service. The bill also ensures a portion of administrative funds are used to analyze annually the impact of museum and library services to identify needs and trends of services provided under museum and library programs, and it establishes a reservation of 1.75 percent of funds for museum services for Native Americans (a similar reservation is currently provided for library services under the Library Services and Technology subtitle). Lastly, the bill updates the uses of funds for library and museum programs, and it increases the authorization of LSTA from $150 million to $350 million and Museum Services from $28.7 million to $65 million.

I want to specifically highlight one other provision in the legislation. The Museum and Library Services Act of 2002 doubles the minimum State allotment under the Library Services and Technology Act to $680,000. The minimum State allotment has remained flat at $340,000 since 1971, hampering the literacy and cultural efforts of our Nation's smaller states. An analysis prepared by the staff of the Joint Economic Committee shows that it would take $1.5 million for our small States to keep pace with inflation. The library community has instead suggested a modest, but essential doubling of the minimum State allotment to $680,000. This will enable every State to benefit and implement the valuable services and programs that larger States have been able to put in place. We heard about the importance of this change from David Macksam, Director of the Cranston Public Library, during the April 10 hearing. I will be fighting to retain this provision as we work with the House to put this legislation on the President's desk for his signature.

The House Committee on Education and the Workforce has already taken action on a reauthorization bill. Last year, during the reauthorization of the Elementary and Secondary Education Act (ESEA), I was pleased to work with Senator Collins, Chairman Kennedy, and others to secure funding for school libraries for the first time in twenty years. I hope we can also move forward on a similar bipartisan basis on a swift reauthorization of the Museum and Library Services Act.

I urge my colleagues to cosponsor this important legislation and work for its passage.

I ask unanimous consent that the text of this legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Museum and Library Services Act of 2002".

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 of the Museum and Library Services Act (20 U.S.C. 9101) is amended—

(1) by striking paragraphs (1) and (4);

(2) by redesignating paragraph (2) as paragraph (1);

(3) by inserting after paragraph (1), as redesignated by paragraph (2) of this section, the following:

"(2) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."; and

(4) by adding at the end the following:

"(4) MUSEUM AND LIBRARY SERVICES BOARD.—The term 'Museum and Library Services Board' means the National Museum and Library Services Board established under section 207.".

SEC. 102. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

Section 203 of the Museum and Library Services Act (20 U.S.C. 9102) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

"(c) MUSEUM AND LIBRARY SERVICES BOARD.—There shall be a National Museum and Library Services Board within the Institute, as provided under section 207.".

SEC. 103. DIRECTOR OF THE INSTITUTE.

Section 204 of the Museum and Library Services Act (20 U.S.C. 9103) is amended—

(1) in subsection (e), by adding at the end the following: "Where appropriate, the Director shall ensure that activities under subtitle B are coordinated with activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383)."; and

(2) by adding at the end the following:

"(f) REGULATORY AUTHORITY.—The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this title.".

SEC. 104. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended—

(1) by redesignating section 207 as section 208; and

(2) by inserting after section 206 the following:

"SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

"(a) ESTABLISHMENT.—There is established in the Institute a board to be known as the 'National Museum and Library Services Board'.

"(b) MEMBERSHIP.—

"(1) NUMBER AND APPOINTMENT.—The Museum and Library Services Board shall be composed of the following:

"(A) The Director.

"(B) The Deputy Director for the Office of Library Services.

"(C) The Deputy Director for the Office of Museum Services.

"(D) The Chairman of the National Commission on Libraries and Information Science.

"(E) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified in the area of library services by virtue of their education, training, or experience.

"(F) 11 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified in the area of museum services by virtue of their education, training, or experience.

"(2) SPECIAL QUALIFICATIONS.—

"(A) LIBRARY MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(E)—

"(i) 5 shall be professional librarians or information specialists, of whom—

"(I) at least 1 shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and

"(II) and at least 1 other shall be knowledgeable about the library and information service needs of underserved communities; and

"(ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.

"(B) MUSEUM MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(F)—

"(i) 5 shall be museum professionals who are or have been affiliated with—

"(I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

"(II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and

"(ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

"(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum and Library Services Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than 3 appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

"(4) VOTING.—The Director, the Deputy Director of the Office of Library Services, and the Deputy Director of the Office of Museum Services shall be nonvoting members of the Museum and Library Services Board.

"(c) TERMS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, each member of the Museum and Library Services Board appointed under subparagraph (E) or (F) of subsection (b)(1) shall serve for a term of 5 years.

"(2) INITIAL BOARD APPOINTMENTS.—

"(A) TREATMENT OF MEMBERS SERVING ON EFFECTIVE DATE.—Notwithstanding subsection (b), each individual who is a member of the National Museum Services Board on October 1, 2002, may, at the individual's election, complete the balance of the individual's term as a member of the Museum and Library Services Board.

"(B) FIRST APPOINTMENTS.—Notwithstanding subsection (b), any appointive vacancy in the initial membership of the Museum and Library Services Board existing after the application of subparagraph (A), and any vacancy in such membership subsequently created by reason of the expiration of the term of an individual described in subparagraph (A), shall be filled by the appointment of a member described in subsection (b)(1)(E). When the Museum and Library Services Board consists of an equal number of individuals who are specially qualified in the area of library services and individuals who are specially qualified in the area of museum services, this subparagraph shall cease to be effective and the members of the Museum and Library Services Board shall be appointed in accordance with subsection (b).

"(C) AUTHORITY TO ADJUST TERMS.—The terms of the first members appointed to the Museum and Library Services Board shall be adjusted by the President as necessary to ensure that the terms of not more than 4 members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

"(3) VACANCIES.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(4) REAPPOINTMENT.—No appointive member of the Museum and Library Services Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

"(5) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve after the expiration of the term of the member until the successor to the member takes office.

"(d) DUTIES AND POWERS.—

"(1) IN GENERAL.—The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum and library services, including financial assistance awarded under this title.

"(2) NATIONAL AWARDS.—The Museum and Library Services Board shall assist the Director in making awards under section 209.

"(e) CHAIRPERSON.—The Director shall serve as Chairperson of the Museum and Library Services Board.

"(f) MEETINGS.—

"(1) IN GENERAL.—The Museum and Library Services Board shall meet not less than 2 times each year and at the call of the Director.

"(2) VOTE.—All decisions by the Museum and Library Services Board with respect to the exercise of its duties and powers shall be made by a majority vote of the members of the Board who are present and authorized to vote.

"(g) QUORUM.—A majority of the voting members of the Museum and Library Services Board shall constitute a quorum for the conduct of business at official meetings, but a lesser number of members may hold hearings.

"(h) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Libraries Services Board who are full-time officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Board.

"(2) TRAVEL EXPENSES.—Each member of the Museum and Library Services Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

"(i) COORDINATION.—The Director, with the advice of the Museum and Library Services Board, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.".

SEC. 105. AWARDS; ANALYSIS OF IMPACT OF SERVICES.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended by inserting after section 208 (as redesignated by section 104 of this Act) the following:

"SEC. 209. AWARDS.

"The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.

"SEC. 210. ANALYSIS OF IMPACT OF MUSEUM AND LIBRARY SERVICES.

"From amounts described in sections 214(c) and 274(b), the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses—

"(1) shall be conducted in ongoing consultation with—

"(A) State library administrative agencies;

"(B) State, regional, and national library and museum organizations; and

"(C) other relevant agencies and organizations;

"(2) shall identify national needs for, and trends of, museum and library services provided with funds made available under subtitles B and C;

"(3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and

"(4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).".

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSE.

Section 212 of the Library Services and Technology Act (20 U.S.C. 9121) is amended by striking paragraphs (2) through (5) and inserting the following:

"(2) to promote improvement in library services in all types of libraries in order to better serve the people of the United States;

"(3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and

"(4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.".

SEC. 202. DEFINITIONS.

Section 213 of the Library Services and Technology Act (20 U.S.C. 9122) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5), respectively.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 214 of the Library Services and Technology Act (20 U.S.C. 9123) is amended—

(1) by amending subsection (a) to read as follows:

"(a) In General.—There are authorized to be appropriated to carry out this subtitle $350,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2008."; and

(2) in subsection (c), by striking "3 percent" and inserting "3.5 percent".

SEC. 204. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) of the Library Services and Technology Act (20 U.S.C. 9131(b)(3)) is amended to read as follows:

"(3) Minimum allotments.—

"(A) In general.—For purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(B) Ratable reductions.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

"(C) Exception.—

"(i) In general.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2002—

"(I) the minimum allotment for each State otherwise receiving a minimum allotment of $340,000 under subparagraph (A) shall be increased to $680,000; and

"(II) the minimum allotment for each State otherwise receiving a minimum allotment of $40,000 under subparagraph (A) shall be increased to $60,000.

"(ii) Insufficient funds to award alternative minimum.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2002 yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above $340,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above $40,000.

"(D) Special rule.—

"(i) In general.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

"(ii) Award basis.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(iii) Administrative costs.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.".

SEC. 205. STATE PLANS.

Section 224 of the Library Services and Technology Act (20 U.S.C. 9134) is amended—

(1) in subsection (a)(1), by striking "not later than April 1, 1997." and inserting "once every 5 years, as determined by the Director."; and

(2) in subsection (f)—

(A) by striking "this Act" each place such term appears and inserting "this subtitle";

(B) in paragraph (1)—

(i) by striking "1934," and all that follows through "Act, may" and inserting "1934 (47 U.S.C. 254(h)(6)) may"; and

(ii) by striking "section 213(2)(A) or (B)" and inserting "section 213(1)(A) or (B)"; and

(C) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking "section:" and inserting "subsection:"; and

(ii) in subparagraph (D), by striking "given" and inserting "applicable to".

SEC. 206. GRANTS TO STATES.

Section 231 of the Library Services and Technology Act (20 U.S.C. 9141) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

"(1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;

"(2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks;

"(3) providing electronic and other linkages among and between all types of libraries;

"(4) developing public and private partnerships with other agencies and community-based organizations;

"(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and

"(6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved."; and

(2) in subsection (b), by striking "between the two purposes described in paragraphs (1) and (2) of such subsection," and inserting "among such purposes,".

SEC. 207. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a)(1) of the Library Services and Technology Act (20 U.S.C. 9162(a)(1)) is amended by striking "education and training" and inserting "education, recruitment, and training".

TITLE III—MUSEUM SERVICES

SEC. 300. SHORT TITLE.

Subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended by inserting before section 271 the following:

"SEC. 270. SHORT TITLE.

"This subtitle may be cited as the 'Museum Services Act'.".

SEC. 301. PURPOSE.

Section 271 of the Museum and Library Services Act (20 U.S.C. 9171) is amended to read as follows:

"SEC. 271. PURPOSE.

"It is the purpose of this subtitle—

"(1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;

"(2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;

"(3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services;

"(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

"(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and

"(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations.".

SEC. 302. DEFINITIONS.

Section 272(1) of the Museum and Library Services Act (20 U.S.C. 9172(1)) is amended by adding at the end the following: "Such term includes aquariums, arboretums, botanical gardens, art museums, children's museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.".

SEC. 303. MUSEUM SERVICES ACTIVITIES.

Section 273 of the Museum and Library Services Act (20 U.S.C. 9173) is amended to read as follows:

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

"(a) In General.—The Director, subject to the policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance to museums and other entities as the Director considers appropriate, to pay for the Federal share of the cost—

"(1) to support museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

"(2) to support museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula;

"(3) to support museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

"(4) to stimulate greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen communities;

"(5) to encourage the use of new technologies and broadcast media to enhance access to museum collections, programs, and services;

"(6) to support museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;

"(7) to support museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

"(8) to support professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations;

"(9) to support museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and

"(10) to encourage, support, and disseminate model programs of museum and library collaboration.

"(b) FEDERAL SHARE.—

"(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsection (a) shall be not more than 50 percent.

"(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to enter into arrangements under subsection (a) for which the Federal share may be greater than 50 percent.

"(3) OPERATIONAL EXPENSES.—No funds for operational expenses may be provided under this section to any entity that is not a museum.

"(c) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle. Procedures for reviewing such arrangements shall not be subject to any review outside of the Institute.

"(d) SERVICES FOR NATIVE AMERICANS.—From amounts appropriated under section 274, the Director shall reserve 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)) to enable such tribes and organizations to carry out the activities described in subsection (a).".

SEC. 304. REPEALS.

Sections 274 and 275 of the Museum and Library Services Act (20 U.S.C. 9174 and 9175) are repealed.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 276 of the Museum and Library Services Act (20 U.S.C. 9176)—

(1) is redesignated as section 274 of such Act; and

(2) is amended, in subsection (a), by striking "$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002." and inserting "$65,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2008.".

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 401. AMENDMENT TO CONTRIBUTIONS.

Section 4 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1503) is amended by striking "accept, hold, administer, and utilize gifts, bequests, and devises of property," and inserting "solicit, accept, hold, administer, invest in the name of the United States, and utilize gifts, bequests, and devises of services or property,".

SEC. 402. AMENDMENT TO MEMBERSHIP.

Section 6(a) of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505(a)) is amended—

(1) in the second sentence, by striking "and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly";

(2) by amending the fourth sentence to read as follows: "A majority of members of the Commission who have taken office and are serving on the Commission shall constitute a quorum for conduct of business at official meetings of the Commission"; and

(3) in the fifth sentence, by striking "five years, except that" and all that follows through the period and inserting "five years, except that—

"(1) a member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed, shall be appointed only for the remainder of such term; and

"(2) any member of the Commission may continue to serve after an expiration of the member's term of office until such member's successor is appointed, has taken office, and is serving on the Commission.".

TITLE V—TECHNICAL CORRECTIONS; CONFORMING AMENDMENT; REPEALS; EFFECTIVE DATE

SEC. 501. TECHNICAL CORRECTIONS.

(a) TITLE HEADING.—The title heading for the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES".

(b) SUBTITLE A HEADING.—The subtitle heading for subtitle A of the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"Subtitle A—General Provisions".

(c) SUBTITLE B HEADING.—The subtitle heading for subtitle B of the Museum and Library Services Act (20 U.S.C. 9121 et seq.) is amended to read as follows:

"Subtitle B—Library Services and Technology".

(d) SUBTITLE C HEADING.—The subtitle heading for subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended to read as follows:

"Subtitle C—Museum Services".

(e) CONTRIBUTIONS.—Section 208 of the Museum and Library Services Act (20 U.S.C. 9106) (as redesignated by section 104 of this Act) is amended by striking "property of services" and inserting "property or services".

(f) STATE PLAN CONTENTS.—Section 224(b)(5) of the Library Services and Technology Act (20 U.S.C. 9134(b)(5)) is amended by striking "and" at the end.

(g) NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—Section 262(b)(1) of the Library Services and Technology Act (20 U.S.C. 9162(b)(1)) is amended by striking "cooperative agreements, with," and inserting "cooperative agreements with,".

SEC. 502. CONFORMING AMENDMENT.

Section 170(e)(6)(B)(i)(III) of the Internal Revenue Code of 1986 (relating to the special rule for contributions of computer technology and equipment for educational purposes) is amended by striking "section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)" and inserting "section 213(1)(A) of the Library Services and Technology Act (20 U.S.C. 9122(1)(A))".

SEC. 503. REPEALS.

(a) NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) MUSEUM AND LIBRARY SERVICES ACT OF 1996.—Sections 704 through 707 of the Museum and Library Services Act of 1996 (20 U.S.C. 9102 note, 9103 note, and 9105 note) are repealed.

SEC. 504. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2002.

By Mr. REID (for himself and Mr. ENSIGN):

S. 2612. A bill to establish wilderness areas, promote conservation, improve public land and provide for high quality development in Clark County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise with my good friend Senator ENSIGN to introduce a bill that is important to Las Vegas, important to Clark County, important to Nevada, and important to America. The Clark County Conservation of Public Land and Natural Resources Act of 2002, known as the Clark County Conservation PLAN, provides a solution for southern Nevada's growth and conservation challenges.

The Clark County Conservation PLAN balances the needs for infrastructure development, recreational opportunities, and conservation of our precious natural resources in southern Nevada.

Our bill is a broad-based compromise. We do not expect everyone to advocate every provision of this bill. Indeed, we know that many people will oppose various components of our legislation. The complaints we receive will reflect the tendency for people to fear change, protect the status quo, and miss the forest for the trees in this case, the Joshua trees.

Before I discuss each title of the Clark County Conservation PLAN, I will take a few moments to describe the profound challenge that public land issues pose for Nevada. 87 percent of the land in Nevada, that is nearly 9 out of every 10 acres in our State, is owned and managed by the Federal Government. This includes land managed by the U.S. Forest Service, the Bureau of Reclamation, the Bureau of Land Management, the Department of Energy, the National Park Service, the Fish and Wildlife Service, the U.S. Army, the U.S. Navy, and the U.S. Air Force.

The Secretaries of Interior, Agriculture, Defense and Energy bear tremendous responsibilities for the management, development, and conservation of natural resources in Nevada. Unlike most of America where land use decisions are made by communities, in Nevada, many land use decisions require concurrence of Federal officials and, in some cases, the passage of Federal laws. This is a circumstance that very few Senators understand from experience, but I know that my colleagues can imagine the tremendous challenge inherent in this system regardless of the State they represent.

The challenge of Federal land ownership is not unique to Nevada, in fact it characterizes much of the West. However, this situation is compounded in Clark County where the fastest growing population in America springs from the heart of one of the most extreme and fragile regions in North America, the Mojave Desert.

Many people believe that this scenario embodies an impossible challenge. Some believe that guiding growth in Southern Nevada and protecting our desert for future generations are mutually exclusive. Some believe that protecting our air and water quality and setting aside some open space as wilderness are overly costly barriers to growth that unnecessarily restrict recreation and development. Some believe that the Federal Government's management of public land is too strict; others believe it is too lenient. Some believe that every acre of Clark County should be privatized. Some believe that not a single acre more should be auctioned from the public domain. As different as these views are, what they have in common is that they are passionately held by Nevadans.

By describing the fundamental context within which Senator ENSIGN and I are working, I hope I have demonstrated why compromise is not just necessary but warranted. We fully expect to be criticized for what this bill is not, for example it does not designate all of the 2 million acres in Clark County that the Nevada Wilderness Coalition advocates nor does it release all the wilderness study areas in Nevada as others advocate. We do not need to apologize for this compromise, rather we will advocate for what it is, a fair-minded, forward-looking framework for the future development and protection of public land in Clark County.

The Clark County Conservation PLAN reflects three complementary goals: 1. Enhancing our quality of life; 2. Protecting our environment for our children and grandchildren; and 3. Making public land available for quality development consistent with these two principles.

The remainder of my statement today will explain how the Clark County Conservation PLAN will improve the quality of life and enhance economic opportunities for Nevadans while enriching and protecting the awe-inspiring natural resources that bless southern Nevada for the benefit of future generations of Nevadans and all Americans.

When Congress passed the Southern Nevada Public Lands Management Act in 1998, we made the decision that it was in the public interest to transition away from Federal-private land exchanges and competitively auction those parcels of land deemed by the BLM to be disposable. This decision has proven to be quite effective and fair and likely represents the future of land privatization in Nevada and the West. However, at the time the law was enacted, Congress did contemplate that a limited number of ongoing land exchanges would be completed. One of these exchanges is familiarly known as the Red Rock Canyon Howard Hughes exchange. This exchange would be completed by Title I of the Clark County Conservation PLAN.

In the Red Rock Exchange, the Bureau of Land Management will acquire roughly 1,070 acres of land owned by the Howard Hughes Corporation. This land forms promontories above the gently-sloping bajada in the foothills of the La Madre Mountains on the western border of the Red Rock Canyon National Conservation Area. This acreage affords spectacular views of the Las Vegas Valley but development there would degrade the Red Rock NCA and diminish the beauty of the view from Las Vegas to the west, a view many Las Vegans treasure.

This bill provides that the lands I have described will become part of the Red Rock NCA once acquired by the federal government. In exchange for the Red Rock lands, the Howard Hughes Corporation will receive acreage of equal value, as determined by a government-certified appraiser, within the Las Vegas Valley. Finally, the Howard Hughes Corporation will convey some of their acquired acreage to Clark County for use as a county park and for inclusion in a regional trail system. As I mentioned earlier, this proposal has been around for a number of years and enjoys unusually broad support ranging from the County to the environmental community. The time when this exchange should have reached completion through the administrative process has long since passed and a legislative resolution is now in order.

Nevada has nearly 100 wilderness study areas on Federal land across the State. These areas, which are primarily owned by the Bureau of Land Management, are managed to protect wilderness character of the lands under current law. These areas remain as de facto wilderness until Congress passes a bill changing wilderness study status by either designating the land as wilderness or releasing the land from wilderness study area consideration.

Although there is broad support for addressing Nevada's wilderness study areas through federal legislation, there is no consensus regarding how to do so. Those who advocate for wilderness designation and those who oppose further additions to the wilderness system hold strong and, in many cases, irreconcilable views on this issue.

Those of us who wrote this bill likewise hold different views regarding wilderness. In developing the wilderness component of this bill, Senator ENSIGN, Congressman GIBBONS and I made compromises that will likely cause heartburn for all interested parties. We believe, however, that this is a critical step toward addressing the outstanding wilderness study issues in the state of Nevada. Our bill designates wilderness and releases wilderness study areas. It creates 20 wilderness areas: 6 managed by the BLM; 4 jointly managed by the Park Service and BLM; 7 managed by the Park Service; and 3 jointly managed by the BLM and the Forest Service

In addition to the wilderness described earlier, our bill releases from wilderness study area status acreage associated with each of the BLM and forest service areas we address. In fact, we release three BLM study areas in their entirety. Two of these areas will eventually accommodate growth at the north end of the Las Vegas Valley and help provide jobs for decades into the future. These lands might be conservatively valued at about $1 billion.

We have provided for wilderness management protocols that address the particular circumstances of southern Nevada. For example, we explicitly require the Secretary of the Interior to allow for the construction, maintenance and replacement of water catchments known as guzzlers when and where that action will enhance wilderness wildlife resources. In addition, we believe that the use of motor vehicles should be allowed to achieve these purposes when there is no reasonable alternative and it does not require the creation of new roads.

Some wilderness purists argue that these man-made guzzler tanks disturb the naturally functioning ecosystems of the Mojave Desert. I respect this view, but I believe that these water projects actually help restore more natural function to ecosystems that have been forever fragmented by development including roads. These projects which are privately funded by dedicated sportsmen have a legitimate place in southern Nevada wilderness and this bill is clear on that point.

In our effort to create a fair wilderness designation, we have benefitted from the advice and suggestions of many Nevadans representing a range of views. These advocates include the Nevada Land Users Coalition, The Sierra

Club, The Virgin Valley Sportsmen's Association, The Nevada Wilderness Project, The Fraternity of Desert Bighorns, the Nevada Mining Association, Red Rock Audubon, and Partners in Conservation, to name just a few. We appreciate their help and believe that this compromise honors our commitment to listen carefully to all parties. We are also grateful for the help we have received from the Federal land managers in Clark County and look forward to working with them to improve this bill to help make their jobs easier and the public experience on public land better.

Early in the development of this bill we decided not to address wilderness issues within the Desert National Wildlife Range. I recognize that this is a major disappointment to many in the environmental community who view the wilderness resources in the Range as some of the best in the Mojave Desert. Wilderness in the Range is, however, beyond the scope of this bill.

The Clark County Conservation PLAN does transfer the management responsibility of three wilderness study areas, totaling more than 49,000 acres, from the Bureau of Land Management to the Fish and Wildlife Service. These areas lie between State Highway 93 and the Range so this transfer helps rationalize the federal land ownership pattern in northern Clark County.

In addition, this bill transfers a small parcel of land from the Bureau of Land Management to the National Park Service for use as an administrative site on the road between Searchlight and Cottonwood Cove. This transfer will save taxpayer dollars by allowing the Park Service to consolidate two planned administrative sites into one and manage the Lake Mead National Recreation Area more effectively.

When Congress passed the Southern Nevada Public Lands Management Act of 1998, it established a new paradigm for the sale of public lands in Clark County, Nevada. One of the core principles of this new way of doing business was that the proceeds from the sale of Federal lands should be reinvested in federal, state, and local environmental protection and recreational enhancements in the state in which the lands are sold.

The Clark County Conservation PLAN Act modifies the Southern Nevada Public Lands Management Act and expands the so-called Las Vegas valley disposal boundary. This expansion will make an additional 25,000 acres of BLM land available for auction and development years into the future. The proceeds from the sale of this Federal land will continue to accrue to the Southern Nevada Public Lands Special Account and be invested in the purchase of environmentally sensitive land, the development of Federal land infrastructure, the implementation of the Clark County Multi-Species Habitat Conservation Plan, and local government open space, recreation and conservation projects. Our bill further provides that at least one-quarter of the Special Account be dedicated to the last of these purposes.

One of the most important infrastructure issues facing southern Nevada is siting a new international airport. The County's preferred and likely site is in a dry lake bed between Jean and Primm, Nevada south of the Las Vegas Valley in the Interstate 15 transportation corridor near the California border. Congress made federal land at that site available for use as an airport, pending environmental reviews.

The Clark County Conservation PLAN complements that law in two important ways. First, our bill conveys federal land adjacent to the proposed airport to the Clark County Airport Authority so that it can promote compatible development within the area impacted by the noise of the airport. Any proceeds derived from sale of these Airport Authority lands would be distributed similarly to lands sold within the Las Vegas Valley Disposal Boundary.

Second, our bill directs the Bureau of Land Management to reserve a right-of-way for non-exclusive utility and transportation corridors between the Las Vegas valley and the proposed airport. This corridor is important because for the new airport to remain economical will require significant utility development to come from the north. Our bill does not dictate exactly where, when, how, or by whom this infrastructure will be developed; it simply reserves land explicitly to serve this purpose.

One of the most precious areas in southern Nevada is a relatively nondescript canyon near Henderson. It is an area graced with hundreds of wonderful and curious petroglyphs. Under ordinary circumstances, I would not reveal the location of this site because public knowledge of prehistoric rock art sites commonly leads to their destruction. In this case, however, this canyon is in desperate need of protection because it is within a short walk of the Las Vegas valley. Similar resources elsewhere in the desert Southwest have been destroyed by urban growth and lack of intensive management.

The Clark County Conservation PLAN designates the Sloan petroglyphs site and the area that comprises most of its watershed as the North McCullough Mountains Wilderness. This wilderness combined with about 32,000 acres of open space comprises the proposed Sloan Canyon National Conservation Area. The NCA and wilderness will provide critical protection for the Sloan petroglyphs, preserve open space near Henderson's rapidly growing neighborhoods and together represent a legacy of cultural and natural resource conservation our grandchildren will value dearly one day.

The sheer number of public lands bill requests Senator ENSIGN and I receive is staggering. If we chose to introduce stand-alone legislation to address each legitimate issue that constituents bring to our attention, we would create an awkward patchwork of new Federal laws. In the Clark County Conservation PLAN, we have attempted to provide a comprehensive vision and framework for conservation and development in southern Nevada by balancing competing interests.

The final title of our bill includes a select few of the many important public interest land conveyances. For example, we include two land grants to further the higher education mission of Nevada's university system. One provides land to the UNLV research foundation for the development of a technology park. The other provides land for the planned Henderson State College.

We convey a small active shooting range to the Las Vegas Metropolitan Police Department for training purposes. We grant a modest parcel of land to the City of Las Vegas for the development of affordable housing. We provide for the conveyance of the Sunrise Landfill from the Bureau of Land Management to Clark County pending completion of the environmental clean-up at the site. We convey park and open space land to the City of Henderson and provide for a cooperatively managed zone comprised of federal land around Henderson Executive airport. These are relatively small but important actions that help our communities, law enforcement, and educational system better serve southern Nevada.

The Clark County Conservation PLAN Act that Senator ENSIGN and I introduce today promises a better tomorrow for our public lands in southern Nevada, for the more than 1.5 million people who call Clark County home, and for the millions of Americans who visit southern Nevada every year. This constructive compromise provides land for development, land grants for public purposes, wilderness for conservation in perpetuity, and a new national conservation area to celebrate and protect the wonderful natural and cultural resources of the North McCullough Mountains including the Sloan petroglyph site.

Senator ENSIGN and I have been working on this bill since he came to the Senate a year and a half ago. We are proud of the progress we've made together and with Congressman GIBBONS and believe that this public lands bill should serve as a model for bipartisan cooperation and constructive compromise. We look forward to working with Chairman BINGAMAN and the Energy and Natural Resources Committee to perfect this bill so that we can enact the Clark County Conservation PLAN into law this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clark County Conservation of Public Land and Natural Resources Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—RED ROCK CANYON NATIONAL CONSERVATION AREA LAND EXCHANGE AND BOUNDARY ADJUSTMENT

Sec. 101. Short title.
Sec. 102. Findings and purposes.
Sec. 103. Definitions.
Sec. 104. Red Rock Canyon land exchange.
Sec. 105. Status and management of acquired land.
Sec. 106. General provisions.

TITLE II—WILDERNESS AREAS

Sec. 201. Findings.
Sec. 202. Additions to National Wilderness Preservation System.
Sec. 203. Administration.
Sec. 204. Adjacent management.
Sec. 205. Overflights.
Sec. 206. Native American cultural and religious uses.
Sec. 207. Release of wilderness study areas.
Sec. 208. Wildlife management.
Sec. 209. Wildfire management.
Sec. 210. Climatological data collection.
Sec. 211. Authorization of appropriations.

TITLE III—TRANSFERS OF ADMINISTRATIVE JURISDICTION

Sec. 301. Transfer of administrative jurisdiction to the United States Fish and Wildlife Service.
Sec. 302. Transfer of administrative jurisdiction to the National Park Service.

TITLE IV—AMENDMENTS TO THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT

Sec. 401. Disposal and exchange.

TITLE V—IVANPAH CORRIDOR

Sec. 501. Interstate Route 15 south corridor.

TITLE VI—SLOAN CANYON NATIONAL CONSERVATION AREA

Sec. 601. Short title.
Sec. 602. Purpose.
Sec. 603. Definitions.
Sec. 604. Establishment.
Sec. 605. Management.
Sec. 606. Sale of Federal parcel.
Sec. 607. Authorization of appropriations.

TITLE VII—PUBLIC INTEREST CONVEYANCES

Sec. 701. Definition of map.
Sec. 702. Conveyance to the University of Nevada at Las Vegas Research Foundation.
Sec. 703. Conveyance to the Las Vegas Metropolitan Police Department.
Sec. 704. Conveyance to the city of Henderson for the Nevada State College at Henderson.
Sec. 705. Conveyance to the city of Las Vegas, Nevada.
Sec. 706. Henderson Economic Development Zone.
Sec. 707. Conveyance of Sunrise Mountain landfill to Clark County, Nevada.
Sec. 708. Open space land grants.
Sec. 709. Relocation of right-of-way corridor located in Clark and Lincoln Counties in the State of Nevada.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the Agreement entitled "Interim Cooperative Management Agreement Between the United States Department of the Interior-Bureau of Land Management and Clark County", dated November 4, 1992.

(2) COUNTY.—The term "County" means Clark County, Nevada.

(3) SECRETARY.—The term "Secretary" means—

(A) in the case of land in the National Forest System, the Secretary of Agriculture; and

(B) in the case of land not in the National Forest System, the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Nevada.

TITLE I—RED ROCK CANYON NATIONAL CONSERVATION AREA LAND EXCHANGE AND BOUNDARY ADJUSTMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Red Rock Canyon National Conservation Area is a natural resource of major significance to the people of the State and the United States, and must be protected and enhanced for the enjoyment of future generations;

(2) in 1990, Congress enacted the Southern Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), which provides for the protection and enhancement of the conservation area;

(3) the Howard Hughes Corporation, which owns much of the private land outside the eastern boundary of the conservation area, is developing a large-scale master-planned community on the land;

(4) included in the land holdings of the Corporation are 1,087 acres of high-ground land adjacent to the eastern edge of the conservation area that were originally intended to be included in the conservation area, but as of the date of enactment of this Act, have not been acquired by the United States;

(5) the protection of the high-ground land would preserve an important element of the western Las Vegas Valley viewshed; and

(6) the Corporation is willing to convey title to the high-ground land to the United States so that the land can be preserved to protect and expand the boundaries of the conservation area.

(b) PURPOSES.—The purposes of this title are—

(1) to authorize the United States to exchange Federal land for the non-Federal land of the Corporation referred to in subsection (a)(6);

(2) to protect and enhance the conservation area;

(3) to expand the boundaries of the conservation area; and

(4) to carry out the purposes of—

(A) the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.); and

(B) the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2343).

SEC. 103. DEFINITIONS.

In this title:

(1) CONSERVATION AREA.—The term "conservation area" means the Red Rock Canyon National Conservation Area established by section 3(a) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-1(a)).

(2) CORPORATION.—The term "Corporation" means the Howard Hughes Corporation, an affiliate of the Rouse Company, which has its principal place of business at 10000 West Charleston Boulevard, Las Vegas, Nevada.

(3) FEDERAL PARCEL.—The term "Federal parcel" means the approximately 1000 acres of Federal land in the State proposed to be exchanged for the non-Federal parcel, as depicted on the map.

(4) MAP.—The term "Map" means the map entitled "Southern Nevada Public Land Management Act", dated June 10, 2002.

(5) NON-FEDERAL PARCEL.—The term "non-Federal parcel" means the approximately 1,085 acres of non-Federal land in the State owned by the Corporation that is proposed to be exchanged for the Federal parcel, as depicted on the Map.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 104. RED ROCK CANYON LAND EXCHANGE.

(a) IN GENERAL.—The Secretary shall accept an offer of the Corporation to convey all right, title, and interest in the non-Federal parcel to the United States in exchange for the Federal parcel.

(b) CONVEYANCE.—Not later than 60 days after the date on which the Corporation makes an offer under subsection (a), the Secretary shall convey—

(1) a portion of the Federal parcel, depicted on the Map as "Public land selected for exchange" to the Corporation; and

(2) subject to subsection (f), a portion of the Federal parcel, depicted on the Map as "Proposed BLM transfer for County park", to the County.

(c) VALUATION.—An appraiser approved by the Secretary shall determine—

(1) the value and exact acreage of the Federal parcel; and

(2) the value of the non-Federal parcel.

(d) TIMING.—The exchange of the Federal parcel and the non-Federal parcel under this section shall occur concurrently.

(e) MAP.—

(1) REVISION.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a revised map reflecting the modifications to the boundary of the conservation area under this section.

(2) PUBLIC AVAILABILITY.—A copy of the Map and the revised map shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the State Director of the Bureau of Land Management of the State; and

(C) the Las Vegas District Office of the Bureau of Land Management.

(3) TECHNICAL CORRECTIONS.—The Secretary may correct clerical and typographical errors in the Map and the revised map.

(f) LAND TRANSFERRED TO COUNTY.—

(1) IN GENERAL.—The portion of the Federal parcel conveyed to the County under subsection (b)(2) shall be used by the County as—

(A) a public park; or

(B) part of a public regional trail system.

(2) REVERSION.—The portion of the Federal parcel conveyed to the County shall revert to the United States if the County—

(A) transfers, or attempts to transfer, the portion of the Federal parcel; or

(B) uses the portion of the Federal parcel in a manner inconsistent with paragraph (1).

SEC. 105. STATUS AND MANAGEMENT OF ACQUIRED LAND.

(a) ADMINISTRATION.—The non-Federal parcel acquired by the United States in the land exchange under section 104 shall be added to, and administered by the Secretary as part of, the conservation area in accordance with—

(1) the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.);

(2) the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343); and

(3) other applicable law.

(b) BOUNDARY ADJUSTMENT.—If any part of the non-Federal parcel acquired under section 104 lies outside the boundary of the conservation area, the Secretary—

(1) shall adjust the boundary of the conservation area to include that part of the non-Federal parcel; and

(2) shall prepare a map depicting the boundary adjustment, which shall be on file and available for public inspection in accordance with section 104(e)(2).

(c) CONFORMING AMENDMENT.—Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-1(a)(2)) is amended by inserting before the period at the end the following: "and such additional areas as are included in the conservation area under the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002, the exact acreage of which shall be determined by a final appraisal conducted by an appraiser approved by the Secretary".

SEC. 106. GENERAL PROVISIONS.

(a) VALID EXISTING RIGHTS.—Each conveyance under section 104 shall be subject to valid existing rights, leases, rights-of-way, and permits.

(b) WITHDRAWAL OF AFFECTED LAND.—Subject to valid existing rights, the Secretary may withdraw the Federal parcel from operation of the public land laws (including mining laws).

TITLE II—WILDERNESS AREAS

SEC. 201. FINDINGS.

Congress finds that—

(1) public land in the County contains unique and spectacular natural resources, including—

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of pristine land that remain in a natural state; and

(2) continued preservation of those areas would benefit the County and all of the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) conserving primitive recreational resources; and

(C) protecting air and water quality.

SEC. 202. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) ARROW CANYON WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 27,495 acres, as generally depicted on the map entitled "Arrow Canyon", dated June 5, 2002, which shall be known as the "Arrow Canyon Wilderness".

(2) BLACK CANYON WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 17,220 acres, as generally depicted on the map entitled "El Dorado/Spirit Mountain", dated June 10, 2002, which shall be known as the "Black Canyon Wilderness".

(3) BLACK MOUNTAIN WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 14,625 acres, as generally depicted on the map entitled "Muddy Mountains", dated June 5, 2002, which shall be known as the "Black Mountain Wilderness".

(4) BRIDGE CANYON WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 7,761 acres, as generally depicted on the map entitled "El Dorado/Spirit Mountain", dated June 10, 2002, which shall be known as the "Bridge Canyon Wilderness".

(5) EL DORADO WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 31,950 acres, as generally depicted on the map entitled "El Dorado/Spirit Mountain", dated June 10, 2002, which shall be known as the "El Dorado Wilderness".

(6) HAMBLIN MOUNTAIN WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 17,047 acres, as generally depicted on the map entitled "Muddy Mountains", dated June 5, 2002, which shall be known as the "Hamblin Mountain Wilderness".

(7) IRETEBA PEAKS WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 31,321 acres, as generally depicted on the map entitled "El Dorado/Spirit Mountain", dated June 10, 2002, which shall be known as the "Ireteba Peaks Wilderness".

(8) JIMBILNAN WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 18,879 acres, as generally depicted on the map entitled "Muddy Mountains", dated June 5, 2002, which shall be known as the "Jimbilnan Wilderness".

(9) JUMBO SPRINGS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,631 acres, as generally depicted on the map entitled "Gold Butte", dated June 5, 2002, which shall be known as the "Jumbo Springs Wilderness".

(10) LA MADRE MOUNTAIN WILDERNESS.—Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 46,634 acres, as generally depicted on the map entitled "Spring Mountains", dated June 5, 2002, which shall be known as the "La Madre Mountain Wilderness".

(11) LIME CANYON WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 16,710 acres, as generally depicted on the map entitled "Gold Butte", dated June 5, 2002, which shall be known as the "Lime Canyon Wilderness".

(12) MT. CHARLESTON WILDERNESS ADDITIONS.—Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 13,598 acres, as generally depicted on the map entitled "Spring Mountains", dated June 5, 2002, which shall be included in the Mt. Charleston Wilderness.

(13) MUDDY MOUNTAINS WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of land managed by the Bureau of Land Management, comprising approximately 48,019 acres, as generally depicted on the map entitled "Muddy Mountains", dated June 5, 2002, which shall be known as the "Muddy Mountains Wilderness".

(14) NELLIS WASH WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 16,423 acres, as generally depicted on the map entitled "El Dorado/Spirit Mountain", dated June 10, 2002, which shall be known as the "Nellis Wash Wilderness".

(15) NORTH MCCULLOUGH WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,763 acres, as generally depicted on the map entitled "McCulloughs", dated June 10, 2002, which shall be known as the "North McCullough Wilderness".

(16) PINE CREEK WILDERNESS.—Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 25,375 acres, as generally depicted on the map entitled "Spring Mountains", dated June 5, 2002, which shall be known as the "Pine Creek Wilderness".

(17) PINTO VALLEY WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 6,912 acres, as generally depicted on the map entitled "Muddy Mountains", dated June 5, 2002, which shall be known as the "Pinto Valley Wilderness".

(18) SOUTH MCCULLOUGH WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 44,245 acres, as generally depicted on the map entitled "McCulloughs", dated June 10, 2002, which shall be known as the "South McCullough Wilderness".

(19) SPIRIT MOUNTAIN WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 34,261 acres, as generally depicted on the map entitled "El Dorado/Spirit Mountain", dated June 10, 2002, which shall be known as the "Spirit Mountain Wilderness".

(20) WEE THUMP JOSHUA TREE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 6,050 acres, as generally depicted on the map entitled "McCulloughs", dated June 10, 2002, which shall be known as the "Wee Thump Joshua Tree Wilderness".

(b) BOUNDARY.—The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by Lake Mead, Lake Mohave, or the Colorado River shall be 300 feet inland from the high water line.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in (as appropriate)—

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the State Director of the Bureau of Land Management of the State;

(C) the Las Vegas District Office of the Bureau of Land Management;

(D) the Office of the Director of the National Park Service; and

(E) the Office of the Chief of the Forest Service.

SEC. 203. ADMINISTRATION.

(a) WILDERNESS AREA ADMINISTRATION.—Subject to valid existing rights, including rights to access the area, each area designated as wilderness by this title shall be administered by the Secretary in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.) governing areas designated by that Act as wilderness, except that any reference in the provisions to the effective date shall be considered to be a reference to the date of enactment of this Act.

(b) LIVESTOCK.—Within the wilderness areas designated under this title, the grazing of livestock in areas in which grazing is allowed on the date of enactment of this Act shall be allowed to continue subject to such reasonable regulations, policies, and practices that—

(1) the Secretary considers necessary; and

(2) conform to and implement the intent of Congress regarding grazing in those areas as such intent is expressed in—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.);

(B) section 101(f) of the Arizona Desert Wilderness Act of 1990 (104 Stat. 4473); and

(C) Appendix A of House Report No. 101–405 of the 101st Congress.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of an area designated as wilderness by this title that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired land or interest in land is located.

(d) AIR QUALITY DESIGNATION.—Notwithstanding sections 162 and 164 of the Clean Air Act (42 U.S.C. 7472, 7474), any wilderness area designated under this title shall retain a Class II air quality designation and may not be redesignated as Class I.

SEC. 204. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Congress does not intend for the designation of wilderness in the State pursuant to this title to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this title shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 205. OVERFLIGHTS.

Nothing in this title restricts or precludes—

(1) overflights, including low-level overflights, over the areas designated as wilderness by this title, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

SEC. 206. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

In recognition of the past use of portions of the areas designated as wilderness by this title by Native Americans for traditional cultural and religious purposes, the Secretary shall ensure, from time to time, nonexclusive access by Native Americans to the areas for those purposes, including wood gathering for personal use and the collecting of plants or herbs.

SEC. 207. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of sections 202 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1782), the public land in the County administered by the Bureau of Land Management and the Forest Service in the following areas have been adequately studied for wilderness designation:

(1) The Garrett Buttes Wilderness Study Area.

(2) The Quail Springs Wilderness Study Area.

(3) The Nellis A,B,C Wilderness Study Area.

(4) Any portion of the wilderness study areas—

(A) not designated as wilderness by section 202(a); and

(B) designated for release on—

(i) the map entitled "Muddy Mountains" and dated June 5, 2002;

(ii) the map entitled "Spring Mountains" and dated June 5, 2002;

(iii) the map entitled "Arrow Canyon" and dated June 5, 2002;

(iv) the map entitled "Gold Butte" and dated June 5, 2002;

(v) the map entitled "McCullough Mountains" and dated June 10, 2002;

(vi) the map entitled "El Dorado/Spirit Mountain" and dated June 10, 2002; or

(vii) the map entitled "Southern Nevada Public Land Management Act" and dated June 10, 2002.

(b) RELEASE.—Except as provided in subsection (c), any public land described in subsection (a) that is not designated as wilderness by this title—

(1) shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) the Clark County Multi-Species Habitat Conservation Plan, including any amendments to the plan.

(c) LAND NOT RELEASED.—The following land is not released from the wilderness study requirements of sections 202 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1782):

(1) Meadow Valley Mountains Wilderness Study Area.

(2) Million Hills Wilderness Study Area.

(3) Mt. Stirling Wilderness Study Area.

(4) Mormon Mountains Wilderness Study Area.

(5) Sunrise Mountain Instant Study Area.

(6) Virgin Mountain Instant Study Area.

(d) RIGHT-OF-WAY GRANTS.—

(1) SUNRISE MOUNTAIN.—

(A) IN GENERAL.—To facilitate energy security and the timely delivery of new energy supplies to the States of Nevada and California and the Southwest, notwithstanding section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the Secretary shall issue to the State-regulated sponsor of the Centennial Project a right-of-way grant for the construction and maintenance of 2 500-kilovolt electrical transmission lines.

(B) LOCATION.—The transmission lines described in subparagraph (A) shall be constructed within the 1,400-foot-wide utility right-of-way corridor in the Sunrise Mountain Instant Study Area in the County.

(2) MEADOW VALLEY MOUNTAINS WILDERNESS STUDY AREA.—The Secretary shall issue to the developers of the proposed Meadow Valley generating project a right-of-way grant for the construction and maintenance of electric and water transmission lines in the Meadow Valley Mountains Wilderness Study Area in Clark and Lincoln Counties in the State.

SEC. 208. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—The Secretary shall conduct such management activities as are necessary to maintain or restore fish and wildlife populations and fish and wildlife habitats in the areas designated as wilderness by this title.

(b) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—The Secretary shall permit hunting, fishing, and trapping on land and water in wilderness areas designated by this title in accordance with applicable Federal and State laws.

(2) LIMITATIONS.—

(A) REGULATIONS.—The Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by this title.

(B) CONSULTATION.—Except in emergencies, the Secretary shall consult with, and obtain the approval of, the appropriate State agency before promulgating regulations under subparagraph (A) that close a portion of the wilderness areas to hunting, fishing, or trapping.

(c) MOTORIZED VEHICLES.—

(1) IN GENERAL.—The Secretary shall authorize the occasional and temporary use of motorized vehicles in the wilderness areas, including the uses described in paragraph (2), if the use of motorized vehicles would—

(A) as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations and other natural resources; and

(B) accomplish the purposes for which the use is authorized while causing the least amount of damage to the wilderness areas, as compared with the alternatives.

(2) AUTHORIZED USES.—The uses referred to in paragraph (1) include—

(A) the use of motorized vehicles by—

(i) a State agency responsible for fish and wildlife management; or

(ii) a designee of such a State agency;

(B) the use of aircraft to survey, capture, transplant, and monitor wildlife populations;

(C) when necessary to protect or rehabilitate natural resources in the wilderness areas, access by motorized vehicles for the—

(i) repair, maintenance, and reconstruction of water developments, including guzzlers, in existence on the date of enactment of this Act; and

(ii) the installation, repair, maintenance, and reconstruction of new water developments, including guzzlers; and

(D) the use of motorized equipment, including aircraft, to manage and remove, as appropriate, feral stock, feral horses, and feral burros.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—The Secretary shall authorize the construction of structures and facilities for wildlife water development projects, including guzzlers, in the wilderness areas designated by this title if—

(1) the construction activities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the construction activities on the wilderness areas can reasonably be minimized.

(e) BUFFER.—A road in the State that is bordered by a wilderness area designated by this title shall include a buffer on each side of the road that is the greater of—

(1) 100 feet wide; or

(2) the width of the buffer on the date of enactment of this Act.

(f) EFFECT.—Nothing in this title diminishes the jurisdiction of the State with respect to fish and wildlife management, including regulation of hunting and fishing on public land in the State.

SEC. 209. WILDFIRE MANAGEMENT.

Nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) to manage wildfires in the wilderness areas designated by this title.

SEC. 210. CLIMATOLOGICAL DATA COLLECTION.

Subject to such terms and conditions as the Secretary may prescribe, nothing in this title precludes the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by this title if the facilities and access to the facilities are essential to flood warning, flood control, and water reservoir operation activities.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE III—TRANSFERS OF ADMINISTRATIVE JURISDICTION

SEC. 301. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE UNITED STATES FISH AND WILDLIFE SERVICE.

(a) IN GENERAL.—The Secretary of the Interior shall transfer to the United States Fish and Wildlife Service administrative jurisdiction over the parcel of land described in subsection (b) for inclusion in the Desert National Wildlife Range.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the approximately 49,817 acres of Bureau of Land Management land, as depicted on the map entitled "Arrow Canyon" and dated June 5, 2002.

(c) WILDERNESS RELEASE.—

(1) FINDING.—Congress finds that the parcel of land described in subsection (b) has been adequately studied for wilderness designation for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

(2) RELEASE.—The parcel of land described in subsection (b)—

(A) shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with—

(i) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(ii) the Clark County Multi-Species Habitat Conservation Plan.

(d) USE OF LAND.—To the extent not prohibited by Federal or State law, the parcel of land described in subsection (b) shall be available for the extraction of mineral resources.

SEC. 302. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE NATIONAL PARK SERVICE.

(a) IN GENERAL.—The Secretary of the Interior shall transfer to the National Park Service administrative jurisdiction over the parcel of land described in subsection (b) for inclusion in the Lake Mead National Recreation Area.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the approximately 10 acres of Bureau of Land Management land, as depicted on the map entitled "El Dorado/Spirit Mountain" and dated June 10, 2002.

(c) USE OF LAND.—The parcel of land described in subsection (b) shall be used by the National Park Service for administrative facilities.

TITLE IV—AMENDMENTS TO THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT

SEC. 401. DISPOSAL AND EXCHANGE.

(a) IN GENERAL.—Section 4 of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2344) is amended—

(1) in the first sentence of subsection (a), by striking "entitled 'Las Vegas Valley, Nevada, Land Disposal Map', April 10, 1997" and inserting "entitled 'Southern Nevada Public Land Management Act', dated June 10, 2002"; and

(2) in subsection (e)(3)—

(A) in subparagraph (A)(iv), by inserting "or regional governmental entity" after "local government"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) ADMINISTRATION.—Of the amounts available to the Secretary from the special account in any fiscal year (determined without taking into account amounts deposited under subsection (g)(4))—

"(i) not more than 25 percent of the amounts may be used in any fiscal year for the purposes described in subparagraph (A)(ii); and

"(ii) not less than 25 percent of the amounts may be used in any fiscal year for the purposes described in subparagraph (A)(iv).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 31, 2003.

TITLE V—IVANPAH CORRIDOR

SEC. 501. INTERSTATE ROUTE 15 SOUTH CORRIDOR.

(a) MANAGEMENT OF INTERSTATE ROUTE 15 CORRIDOR LAND.—

(1) IN GENERAL.—The Secretary shall manage the land located along the Interstate Route 15 corridor south of the Las Vegas Valley to the border between the States of California and Nevada, as generally depicted on the map entitled "Clark County Conservation of Public Land and Natural Resources Act of 2002" and dated June 10, 2002, in accordance with the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2343) and this section.

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the State Director of the Bureau of Land Management of the State; and

(C) the Las Vegas District Office of the Bureau of Land Management.

(3) MULTIPLE USE MANAGEMENT.—Subject to any land management designations under the 1998 Las Vegas District Resource Management Plan or the Clark County Multi-Species Conservation Plan, land depicted on the map described in paragraph (1) shall be managed for multiple use purposes.

(4) TERMINATION OF ADMINISTRATIVE WITHDRAWAL.—The administrative withdrawal of the land identified as the "Interstate 15 South Corridor" on the map entitled "Clark County Conservation of Public Land and Natural Resources Act of 2002" and dated June 10, 2002, from mineral entry dated July 23, 1997, and as amended March 9, 1998, is terminated.

(5) TRANSPORTATION AND UTILITIES CORRIDOR.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary, in accordance with this section and other applicable law and subject to valid existing rights, shall establish a 2,640-foot wide corridor between the Las Vegas valley and the proposed Ivanpah Airport for the placement, on a nonexclusive basis, of utilities and transportation.

(b) IVANPAH AIRPORT ENVIRONS OVERLAY DISTRICT LAND TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and valid existing rights, on request by the County, the Secretary shall transfer to the County, without consideration, all right, title, and interest of the United States in and to the land identified on the map entitled "Clark County Conservation of Public Land and Natural Resources Act of 2002" and dated June 10, 2002.

(2) CONDITIONS FOR TRANSFER.—As a condition of the transfer under paragraph (1), the County shall agree—

(A) to manage the transferred land in accordance with section 47504 of title 49, United States Code (including regulations promulgated under that section); and

(B) that if any portion of the transferred land is sold, leased, or otherwise conveyed or leased by the County—

(i) the sale, lease, or other conveyance shall be—

(I) subject to a limitation that requires that any use of the transferred land be consistent with the Agreement and section 47504 of title 49, United States Code (including regulations promulgated under that section); and

(II) for fair market value; and

(ii) of any gross proceeds received by the County from the sale, lease, or other conveyance of the land, the County shall—

(I) contribute 85 percent to the special account established by section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2345);

(II) contribute 5 percent to the State for use in the general education program of the State; and

(III) reserve 10 percent for use by the Clark County Department of Aviation for airport development and noise compatibility programs.

(c) WITHDRAWAL OF LAND.—

(1) IN GENERAL.—Subject to valid existing rights, the corridor described in subsection (a)(5) and the land transferred to the County under subsection (b)(1) are withdrawn from location and entry under the mining laws, and from operation under the mineral leasing and geothermal leasing laws, until such time as—

(A) the Secretary terminates the withdrawal; or

(B) the corridor or land, respectively, is patented.

(2) AREAS OF CRITICAL ENVIRONMENTAL CONCERN.—Subject to valid existing rights, any Federal land in an area of critical environmental concern that is designated for segregation and withdrawal under the 1998 Las Vegas Resource Management Plan is segregated and withdrawn from the operation of the mining laws in accordance with that plan.

TITLE VI—SLOAN CANYON NATIONAL CONSERVATION AREA

SEC. 601. SHORT TITLE.

This title may be cited as the "Sloan Canyon National Conservation Area Act".

SEC. 602. PURPOSE.

The purpose of this title is to establish the Sloan Canyon National Conservation Area to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, archaeological, natural, wilderness, scientific, geological, historical, biological, wildlife, education, and scenic resources of the Conservation Area.

SEC. 603. DEFINITIONS.

In this title:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Sloan Canyon National Conservation Area established by section 604(a).

(2) FEDERAL PARCEL.—The term "Federal parcel" means the parcel of Federal land consisting of approximately 500 acres that is identified as "Tract A" on the map entitled "Southern Nevada Public Land Management Act" and dated June 10, 2002.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Conservation Area developed under section 605(b).

(4) MAP.—The term "map" means the map submitted under section 604(c).

SEC. 604. ESTABLISHMENT.

(a) IN GENERAL.—For the purpose described in section 602, there is established in the State a conservation area to be known as the "Sloan Canyon National Conservation Area".

(b) AREA INCLUDED.—The Conservation Area shall consist of approximately 47,000 acres of public land in the County, as generally depicted on the map.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct minor errors in the map or legal description.

(3) PUBLIC AVAILABILITY.—A copy of the map and legal description shall be on file and available for public inspection in—

(i) the Office of the Director of the Bureau of Land Management;

(ii) the Office of the State Director of the Bureau of Land Management of the State; and

(iii) the Las Vegas District Office of the Bureau of Land Management.

SEC. 605. MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area—

(1) in a manner that conserves, protects, and enhances the resources of the Conservation Area; and

(2) in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) other applicable law, including this Act.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the State, the city of Henderson, the County, and any other interested persons, shall develop a comprehensive management plan for the Conservation Area.

(2) REQUIREMENTS.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area; and

(B)(i) authorize the use of motorized vehicles in the Conservation Area—

(I) for installing, repairing, maintaining, and reconstructing water development projects, including guzzlers, that would enhance the Conservation Area by promoting healthy, viable, and more naturally distributed wildlife populations; and

(II) subject to any limitations that are not more restrictive than the limitations on such uses authorized in wilderness areas under clauses (i) and (ii) of section 208(c)(2)(C); and

(ii) include or provide recommendations on ways of minimizing the visual impacts of such activities on the Conservation Area.

(c) USE.—The Secretary may allow any use of the Conservation Area that the Secretary determines will further the purpose described in section 602.

(d) MOTORIZED VEHICLES.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Conservation Area shall be permitted only on roads and trails designated for the use of motorized vehicles by the management plan developed under subsection (b).

(e) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and the right-of-way issued under subsection (h), all public land in the Conservation Area is withdrawn from—

(A) all forms of entry and appropriation under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—Notwithstanding any other provision of law, if the Secretary acquires mineral or other interests in a parcel of land within the Conservation Area after the date of enactment of this Act, the parcel is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(f) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping in the Conservation Area in accordance with applicable Federal and State laws.

(2) LIMITATIONS.—

(A) REGULATIONS.—The Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the Conservation Area.

(B) CONSULTATION.—Except in emergencies, the Secretary shall consult with, and obtain the approval of, the appropriate State agency before promulgating regulations under subparagraph (A) that close a portion of the Conservation Area to hunting, fishing, or trapping.

(g) NO BUFFER ZONES.—

(1) IN GENERAL.—The establishment of the Conservation Area shall not create an express or implied protective perimeter or buffer zone around the Conservation Area.

(2) PRIVATE LAND.—If the use of, or conduct of an activity on, private land that shares a boundary with the Conservation Area is consistent with applicable law, nothing in this title concerning the establishment of the Conservation Area shall prohibit or limit the use or conduct of the activity.

(h) RIGHT-OF-WAY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall convey to the city of Henderson the public right-of-way requested for rural roadway and public trail purposes under the application numbered N-65874.

SEC. 606. SALE OF FEDERAL PARCEL.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713) and subject to valid existing rights, not later than 180 days after the date of enactment of this Act, the Secretary shall convey to the highest qualified bidder all right, title, and interest of the United States in and to the Federal parcel.

(b) DISPOSITION OF PROCEEDS.—Of the gross proceeds from the conveyance of land under subsection (a)—

(1) 5 percent shall be available to the State for use in the general education program of the State;

(2) 8 percent shall be deposited in the special account established by section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2345), to be available without further appropriation for a comprehensive southern Nevada litter cleanup and public awareness campaign; and

(3) the remainder shall be deposited in the special account described in paragraph (2), to be available to the Secretary, without further appropriation for—

(A) the construction and operation of facilities at, and other management activities in, the Conservation Area;

(B) the construction and repair of trails and roads in the Conservation Area authorized under the management plan;

(C) research on and interpretation of the archaeological and geological resources of Sloan Canyon; and

(D) any other purpose that the Secretary determines to be consistent with the purpose described in section 602.

SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE VII—PUBLIC INTEREST CONVEYANCES

SEC. 701. DEFINITION OF MAP.

In this title, the term "map" means the map entitled "Southern Nevada Public Land Management Act" and dated June 10, 2002.

SEC. 702. CONVEYANCE TO THE UNIVERSITY OF NEVADA AT LAS VEGAS RESEARCH FOUNDATION.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the University of Nevada, Las Vegas, needs land in the greater Las Vegas area to provide for the future growth of the university;

(B) the proposal by the University of Nevada, Las Vegas, for construction of a research park and technology center in the greater Las Vegas area would enhance the high tech industry and entrepreneurship in the State; and

(C) the land transferred to the Clark County Department of Aviation under section 4(g) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112

Stat. 2346) is the best location for the research park and technology center.

(2) PURPOSES.—The purposes of this section are—

(A) to provide a suitable location for the construction of a research park and technology center in the greater Las Vegas area;

(B) to provide the public with opportunities for education and research in the field of high technology; and

(C) to provide the State with opportunities for competition and economic development in the field of high technology.

(b) TECHNOLOGY RESEARCH CENTER.—

(1) CONVEYANCE.—Notwithstanding section 4(g)(4) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2347), the Clark County Department of Aviation may convey, without consideration, all right, title, and interest in and to the parcel of land described in paragraph (2) to the University of Nevada at Las Vegas Research Foundation for the development of a technology research center.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the parcel of Clark County Department of Aviation land—

(A) consisting of approximately 115 acres; and

(B) located in the SW 1/4 of section 33, T. 21 S., R. 60 E., Mount Diablo Base and Meridian.

SEC. 703. CONVEYANCE TO THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT.

The Secretary shall convey to the Las Vegas Metropolitan Police Department, without consideration, all right, title, and interest in and to the parcel of land identified as "Tract F" on the map for use as a shooting range.

SEC. 704. CONVEYANCE TO THE CITY OF HENDERSON FOR THE NEVADA STATE COLLEGE AT HENDERSON.

(a) DEFINITIONS.—In this section:

(1) CHANCELLOR.—The term "Chancellor" means the Chancellor of the University system.

(2) CITY.—The term "City" means the city of Henderson, Nevada.

(3) COLLEGE.—The term "College" means the Nevada State College at Henderson.

(4) UNIVERSITY SYSTEM.—The term "University system" means the University and Community College System of Nevada.

(b) CONVEYANCE.—

(1) IN GENERAL.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and section 1(c) of the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869(c)), not later than 60 days after the date on which the survey is approved under paragraph (3)(A)(ii), the Secretary shall convey to the City all right, title, and interest of the United States in and to the parcel of Federal land identified as "Tract H" on the map for use as a campus for the College.

(2) CONDITIONS.—

(A) IN GENERAL.—As a condition of the conveyance under paragraph (1), the Chancellor and the City shall agree in writing—

(i) to pay any administrative costs associated with the conveyance, including the costs of any environmental, wildlife, cultural, or historical resources studies;

(ii) to use the Federal land conveyed for educational and recreational purposes;

(iii) to release and indemnify the United States from any claims or liabilities which may arise from uses that are carried out on the Federal land on or before the date of enactment of this Act by the United States or any person;

(iv) to provide to the Secretary, on request, any report, data, or other information relating to the operations of the College that may be necessary, as determined by the Secretary, to determine whether the College is in compliance with this Act;

(v) as soon as practicable after the date of the conveyance under paragraph (1), to erect at the College an appropriate and centrally located monument that acknowledges the conveyance of the Federal land by the United States for the purpose of furthering the higher education of citizens in the State;

(vi) to provide information to the students of the College on the role of the United States in the establishment of the College; and

(vii) to assist the Bureau of Land Management in providing information to the students of the College and the citizens of the State on—

(I) public land in the State; and

(II) the role of the Bureau of Land Management in managing, preserving, and protecting the public land.

(B) VALID EXISTING RIGHTS.—The conveyance under paragraph (1) shall be subject to all valid existing rights.

(3) USE OF FEDERAL LAND.—

(A) IN GENERAL.—The College and the City may use the land conveyed under paragraph (1) for any purpose relating to the establishment, operation, growth, and maintenance of the College, including the construction, operation, maintenance, renovation, and demolition of—

(i) classroom facilities;

(ii) laboratories;

(iii) performance spaces;

(iv) student housing;

(v) administrative facilities;

(vi) sports and recreational facilities and fields;

(vii) food service, concession, and related facilities;

(viii) parks and roads; and

(ix) water, gas, electricity, phone, Internet, and other utility delivery systems.

(B) PROFITABLE ACTIVITIES.—The manufacturing, distribution, marketing, and selling of refreshments, books, sundries, College logo merchandise, and related materials on the Federal land for a profit shall be considered to be an educational or recreational use for the purposes of this section, if—

(i) the profitable activities are reasonably related to the educational or recreational purposes of the College; and

(ii) any profits are used to further the educational or recreational purposes of the College.

(C) OTHER ENTITIES.—The College may—

(i) consistent with Federal and State law, lease or otherwise provide property or space at the College, with or without consideration, to religious, public interest, community, or other groups for services and events that are of interest to the College, the City, or any community located in the Las Vegas Valley;

(ii) allow the City or any other community in the Las Vegas Valley to use facilities of the College for educational and recreational programs of the City or community; and

(iii) in conjunction with the City, plan, finance, (including the provision of cost-share assistance), construct, and operate facilities for the City on the Federal land conveyed for educational or recreational purposes consistent with this section.

(4) REVERSION.—

(A) NOTICE.—If the Federal land or any portion of the Federal land conveyed under paragraph (1) ceases to be used for the College, the Secretary shall notify the President and the City in writing of the intention of the Secretary to reclaim title to the Federal land or any portion of the Federal land, including any improvements to the Federal land, on behalf of the United States.

(B) EVIDENCE.—Not later than 180 days after the date of receipt of a notification under subparagraph (A), the President may submit to the Secretary any evidence that the Federal land, or any portion of the Federal land, is being used in accordance with the purposes of this section.

(C) PURCHASE BY UNIVERSITY SYSTEM.—

(i) OFFER.—Instead of reclaiming title to the Federal land or any portion of the Federal land under this paragraph, the Secretary may allow the University system to obtain title to the Federal land or any portion of the Federal land in exchange for payment by the University system of an amount equal to the fair market value of the land, excluding the value of any improvements, for any portions of the Federal land not being used for the purposes specified in this section.

(ii) AUCTION.—If the University system elects not to purchase the Federal land under clause (i)—

(I) the Federal land shall revert to the United States; and

(II) the Secretary shall—

(aa) dispose of the Federal land at public auction for fair market value; and

(bb) deposit the proceeds of the disposal in accordance with section 4(e)(1) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343).

SEC. 705. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the city of Las Vegas, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) CONVEYANCE.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the parcels of land identified as "Tract C" and "Tract D" on the map.

(c) REVERSION.—If a parcel of land conveyed to the City under subsection (b) ceases to be used for affordable housing or for a purpose related to affordable housing, the parcel shall, if determined to be appropriate by the Secretary, revert to the United States.

SEC. 706. HENDERSON ECONOMIC DEVELOPMENT ZONE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the city of Henderson, Nevada.

(2) FEDERAL LAND.—The term "Federal land" means the parcels of Federal land identified as "Tract G" on the map.

(b) CONVEYANCE.—

(1) IN GENERAL.—Subject to paragraph (2) and valid existing rights, on request by the City, the Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the Federal land.

(2) CONDITIONS.—As a condition of the conveyance of land under paragraph (1), the City shall agree—

(A) to manage, in consultation with the Clark County Department of Aviation, the land in accordance with section 47504 of title 49, United States Code; and

(B) that if any portion of the Federal land is sold, leased, or otherwise conveyed by the City—

(i) the sale, lease, or conveyance shall be—

(I) for the purposes of implementing the economic development goals of the City;

(II) subject to a requirement that any use of the transferred land be consistent with section 47504 of title 49, United States Code; and

(III) for an amount equal to—

(aa) at least fair market value; plus

(bb) as the City determines to be appropriate, any administrative costs of the City relating to the Federal land, including costs—

(AA) associated with the sale, lease, or conveyance of the Federal land;

(BB) for planning, engineering, surveying, and subdividing the land; and

(CC) as the City determines appropriate, for the planning, design, and construction of infrastructure for the economic development zone; and

(ii) the City shall deposit the proceeds from any sale, lease, or other conveyance of the Federal land, excluding any administrative costs received under item (bb), in accordance with section 4(e)(1) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343).

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the State Director of the Bureau of Land Management of the State; and

(C) the Las Vegas District Office of the Bureau of Land Management.

(4) RESERVATION FOR RECREATIONAL OR PUBLIC PURPOSES.—

(A) IN GENERAL.—The City may elect to use 1 or more parcels of Federal land for recreational or public purposes under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(B) CONSIDERATION.—If the City makes an election under subparagraph (A), the City shall pay to the Bureau of Land Management an amount determined under that Act.

(5) REVERSION.—A parcel of Federal land shall revert to the United States if—

(A) a parcel used by the City for local recreational or public purposes under paragraph (4)—

(i) ceases to be used by the City for such purposes; and

(ii) is not sold, leased, or conveyed in accordance with paragraph (2)(B); or

(B) by the date specified in paragraph (6), the City does not—

(i) elect to use the parcel for local recreational or public purposes under paragraph (4); or

(ii) sell, lease, or convey the Federal parcel in accordance with paragraph (2)(B).

(6) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 20 years after the date of enactment of this Act.

SEC. 707. CONVEYANCE OF SUNRISE MOUNTAIN LANDFILL TO CLARK COUNTY, NEVADA.

(a) IN GENERAL.—Not later than 1 year after the date on which a cleanup of the land identified as "Tract E" on the map is completed, the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the land.

(b) SURVEY.—

(1) IN GENERAL.—The Secretary shall conduct a survey to determine the exact acreage and legal description of the land to be conveyed under subsection (a).

(2) COST.—The County shall be responsible for the cost of the survey conducted under paragraph (1).

(c) CONDITIONS.—

(1) IN GENERAL.—As a condition of the conveyance of the land under subsection (a), the County shall enter into a written agreement with the Secretary that provides that—

(A) the Secretary shall not be liable for any claims arising from the land after the date of conveyance; and

(B) the County may use the land conveyed for any purpose.

(2) VALID EXISTING RIGHTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the conveyance of land under subsection (a) shall be subject to valid existing rights.

(B) EXCEPTION.—On conveyance of the land under subsection (a), the Secretary shall terminate any lease with respect to the land that—

(i) was issued under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.); and

(ii) is in effect on the date of enactment of this Act.

(d) WAIVER OF CERTAIN REQUIREMENTS.—The conveyance of land under subsection (a)—

(1) shall not require the Secretary to update the 1998 Las Vegas Valley Resource Management Plan; and

(2) shall not be subject to any law (including a regulation) that limits the acreage authorized to be transferred by the Secretary in any transaction or year.

SEC. 708. OPEN SPACE LAND GRANTS.

(a) CONVEYANCE.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the city of Henderson, Nevada (referred to in this section as the "City"), subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land identified as "Tract B" on the map entitled "McCulloughs" and dated June 10, 2002.

(2) COSTS.—Any costs relating to the conveyance of the parcel of land under paragraph (1), including costs for a survey and other administrative costs, shall be paid by the City.

(b) USE OF LAND.—

(1) IN GENERAL.—The parcel of land conveyed to the City under subsection (a)(1) shall be used—

(A) for the conservation of natural resources;

(B) for public recreation, including hiking, horseback riding, biking, and birdwatching;

(C) as part of a regional trail system; and

(D) for flood control facilities.

(2) FACILITIES.—Any facility on the parcel of land conveyed under subsection (a)(1) shall be constructed and managed in a manner consistent with the uses specified in paragraph (1).

(3) REVERSION.—If the parcel of land conveyed under subsection (a)(1) is used in a manner that is inconsistent with the uses specified in paragraph (1), the parcel of land shall, if determined to be appropriate by the Secretary, revert to the United States.

(c) WILDERNESS RELEASE.—Congress finds that the parcel of land identified in subsection (a)(1)—

(1) has been adequately studied for wilderness designation for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall not be subject to the requirements of that section relating to the management of wilderness study areas.

SEC. 709. RELOCATION OF RIGHT-OF-WAY CORRIDOR LOCATED IN CLARK AND LINCOLN COUNTIES IN THE STATE OF NEVADA.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term "Agreement" means the land exchange agreement between Aerojet-General Corporation and the United States, dated July 13, 1988.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) RELOCATION.—The Secretary shall, without consideration, relocate the right-of-way corridor described in subsection (c) to the area described in subsection (d).

(c) DESCRIPTION OF RIGHT-OF-WAY CORRIDOR.—The right-of-way corridor referred to in subsection (a) consists of the right-of-way corridor—

(1) numbered U–42519;

(2) referred to in the patent numbered 27–88–0013 and dated July 18, 1988; and

(3) more particularly described in section 14(a) of the Agreement.

(d) DESCRIPTION OF AREA.—The area referred to in subsection (a) consists of an area—

(1) 1,000 feet wide; and

(2) located west of and parallel to the centerline of United States Route 93.

Mr. ENSIGN. Mr. President, today it is a great privilege and honor for me to introduce the Clark County Conservation of Public Land and Natural Resources Act of 2002 with my good friend and colleague from Nevada, Senator HARRY REID.

The introduction of this legislation today is the culmination of over a year of work. We held public forums in Clark County to solicit the input of interested parties. My staff spent many hours with local government officials, the environmental community, multiple-use groups, utility providers, home developers, sportsmen, and other Nevadans to reach a compromise on how we tackle the tough issues we face in Clark County. While it is a daunting job to bring Nevadans with opposing perspectives together on the controversial topic of wilderness, I believe we have achieved a consensus that is good for all citizens in Clark County. We will look back 30 years from now and realize how this legislation contributed to the quality of life we cherish in southern Nevada.

Because the Federal government manages 87 percent of the land in Nevada, the federal presence imposes enormous barriers to land use planning in a state that, again, outpaces every other state in population growth. I know I speak for many Nevadans when I say that we wish we did not have so much federal land within our borders. But the reality is that we do, and that this legislation is necessary to plan for growth and to set aside our pristine lands for future generations to enjoy and visit. In many states, land use planning takes place in city council chambers. We do not have that luxury, as we have to obtain the consent of the Congress to make some of the most basic decisions. Despite those obstacles, Senator REID and I are putting forward legislation that is a model for fast-growing communities struggling to balance the equally important goals of environmental protection, planned residential and business development, and the allocation of scarce resources such as water.

One of my proudest achievements during my service in the U.S. House of Representatives was the enactment of the Southern Nevada Public Land Management Act, or what is probably better known in Nevada as the Ensign-Bryan bill. Like the legislation Senator REID and I are introducing today, the Ensign-Bryan bill was the product of bipartisan cooperation and the spirit of inclusion. Senator Bryan, who deserves much credit for that landmark measure, and I hosted a public lands task force to identify and propose solutions to the unique problems we faced in the Las Vegas Valley. One of the major reforms that came about because of the Ensign-Bryan bill was the change in the way public land is disposed of in the Las Vegas Valley. We drew a disposal boundary around the valley and asked the Bureau of Land Management to auction the land to the highest bidder, in consultation with local governments. The proceeds of those land auctions millions of dollars have been going into a special fund to build parks and trails, acquire environmentally sensitive land, initiate capital improvements in our beautiful recreation and conservations areas, and maintain the Clark County Multi-Species Habitat Conservation Plan. We also allocated funds for water infrastructure and to the general education fund of the State of Nevada. This legislation continues to encourage orderly growth, improves the environment, and benefits the schoolchildren of Nevada.

Federal land has become so valuable because of the infrastructure installed by private developers, local governments, and the taxpayers of Nevada. It is because of the phenomenal growth in southern Nevada that public land auctions have brought in millions of dollars. Eighty-five percent of the proceeds from public land auctions in southern Nevada are reinvested in environmental projects. So, I would challenge those who claim that the federal government is not getting its fair share of the proceeds from land sales. In fact, the federal government is receiving large sums of money because of the value-added infrastructure supported by Nevadans.

In the Clark County Conservation of Public Lands and Natural Resources Act, we build upon the Southern Nevada Public Lands Management Act and settle a number of wilderness designations that have been pending since 1991. This bill designates 224,000 acres of BLM wilderness while it releases 231,000 acres of wilderness study areas. In the jurisdiction of the National Park Service adjacent to the Colorado River and Lake Mead, 184,000 acres of wilderness are designated. In all, 444,000 acres in Clark County will be added to our national wilderness preservation system. While the acreage is more than supported by a coalition of multiple-use advocates in Nevada, the acreage is about one-fifth of the amount requested by the Friends of Nevada Wilderness. This compromise is fair.

I am particularly proud that the bill creates a second National Conservation Area in southern Nevada, the Sloan Canyon National Conservation Area. Having such a magnificent resource at the edge of the City of Henderson will provide countless new recreation opportunities for those residents and provide open space that is so important to the quality of life in the Las Vegas Valley. I am happy we were able to improve the existing Red Rock National Conservation Area by adding pristine land to the NCA held by the Howard Hughes Corporation.

An important feature of this legislation I worked to include is the creation of a comprehensive Southern Nevada Litter Cleanup Campaign. As is the case in many desert communities, there is unfortunately a prevalence of discarded trash along our highways and on tracts of vacant BLM land within city limits. We must instill an ethic in our community and sense of awareness that we cannot continue to treat our desert lands as garbage dumps. While I attended college in Oregon, I saw how effective the "Keep Oregon Green" campaign worked. I am certain the same approach can produce results in southern Nevada, and that it can be accomplished through the leadership of volunteers, civic organizations, environmental groups, and private industry, without the bureaucracy. I look forward to leaving to my children a community that is much cleaner than the one we have today.

I worked to include protections in the Clark County Conservation of Public Land and Natural Resources so that existing access in wilderness is preserved. In addition to reserving motorized access through cherry-stemmed roads on maps referred to in the bill, we make it clear that reasonable access to water developments is permitted in wilderness areas. Groups such as the Fraternity of the Big Horn Sheep provide critical water to ensure the health of big horn sheep populations in southern Nevada. Of course, all valid existing rights are honored including grazing and mining. Buffers of at least 100 along each side of the road are preserved. We also authorize fire suppression and climatological data collection. All in all, reasonable access to wilderness has been achieved and I am especially appreciative of Senator REID's flexibility in addressing the concerns of multiple-use groups in this regard.

This legislation ensures Clark County's orderly growth over the next several decades through the establishment of educational and research institutions, industrial parks, and residential development. The original disposal boundary defined in the Ensign-Bryan Act has been expanded to accommodate planned growth in Clark County, the City of Las Vegas, the City of North Las Vegas, and the City of Henderson. We have some of the finest planned communities in the world in southern Nevada and I know that the new lands will be showcases for quality living for a broad spectrum of Nevadans. The bill sets aside land for the Clark County Department of Aviation for the development of the Ivanpah Airport south of Las Vegas, the only major international airport in the United States that will be constructed from scratch in the next ten years. And very importantly, we have opened up an energy corridor that will augment Nevada's and the Southwest's electricity needs.

I also wanted to mention the Clark County Multi-Species Habitat Conservation Plan. As the home to many threatened species, Clark County has entered into an agreement with the Fish and Wildlife Service so that the rapid growth we have been experiencing does not destroy critical plant and animal habitats. Senator REID and I have included language to ensure that the MSHCP is not revoked when releasing lands from wilderness study status. However, the agreement Senator REID and I reached does not mean that lands will be unavailable for multiple-use in the future; we wanted to give Clark County and the Fish and Wildlife Service the flexibility they need to amend the MSHCP as circumstances warrant, particularly as this legislation is implemented.

Senator REID and I went through a spirited campaign for the U.S. Senate against each other in 1998. It was a very close race and I conceded it by 428 votes. Our friendship is now strong, and I believe that this bill is a testament to the fact that legislators from different political perspectives can come together for the good of their state. It is not easy work to bridge philosophical differences, but it can and must be done for the sake of the people we represent.

I would like to thank Congressman JIM GIBBONS for his support of this measure in the U.S. House of Representatives. Congressman GIBBONS was an active participant in the development of this bill, and he offered several constructive and good changes to its content. I appreciate very much his guidance and assistance.

Finally, I would like to thank members of my staff who worked hard on the development of this bill here in Washington and in Nevada: John

Lopez, Margot Allen, Julene Haworth, and Mac Bybee are talented Nevadans who care very much about Clark County and our great state. I also appreciate the input and assistance of Clint Bentley, the tireless organizer of the Nevada Land Users Coalition. Clint was an articulate and reasoned advocate of multiple use principles and ensured that the Nevada Land Users Coalition spoke with one voice during these negotiations.

I look forward to quick passage of the Clark County Conservation of Public Lands and Natural Resources in the 107th Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3827. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table.

SA 3828. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, supra; which was ordered to lie on the table.

SA 3829. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3823 submitted by Mr. HATCH and intended to be proposed to the bill (S. 625) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table.

SA 3830. Mr. MCCONNELL (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 3815 submitted by Mr. MCCONNELL and intended to be proposed to the bill (S. 625) supra; which was ordered to lie on the table.

SA 3831. Mr. CONRAD proposed an amendment to the bill H.R. 8, to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period, and for other purposes.

TEXT OF AMENDMENTS

SA 3827. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"§8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant

"(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words 'person', 'human being', 'child', and 'individual', shall include every infant member of the species homo sapiens who is born alive at any stage of development.

"(b) As used in this section, the term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, caesarean section, or induced abortion.

"(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being born alive as defined in this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

"8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant.".

SA 3828. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 10. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death proximately caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission proximately causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This section preempts the laws of any State to the extent such laws are inconsistent with this section, except that notwithstanding subsection (b), this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

(1) PERSON.—The term "person" includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term "fire control or fire rescue equipment" includes any fire vehicle, fire fighting tool, protective gear, fire hose, or breathing apparatus.

(3) GROSS NEGLIGENCE.—The term "gross negligence" means voluntary and conscious conduct harmful to the health or well-being of another person by a person who, at the time of the conduct, knew that the conduct was likely to be harmful to the health or well-being of another person.

(4) INTENTIONAL MISCONDUCT.—The term "intentional misconduct" means voluntary and conscious conduct harmful to the health or well-being of another person by a person who, at the time of the conduct, knew that the conduct was harmful to the health or well-being of another person.

(5) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(6) VOLUNTEER FIRE COMPANY.—The term "volunteer fire company" means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this Act.

SA 3829. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3823 submitted by Mr. HATCH and intended to be proposed to the bill (S. 625) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike line 3 and all that follows through line 6, and insert the following:

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the State does not object to the Federal Government assuming jurisdiction; or

"(D) the State has failed to investigate or prosecute the bias-motived offense in a manner that denies the victim equal protection of the State's laws.

SA 3830. Mr. MCCONNELL (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 3815 submitted by Mr. MCCONNELL and intended to be proposed to the bill (S. 625) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 1 through 17 and insert the following:

"§250. Newspaper theft in violation of first amendment rights

"(a) NEWSPAPER DEFINED.—In this section, the term 'newspaper' means any periodical that is distributed on a complimentary or compensatory basis on or near a college or university.

"(b) OFFENSE.—Whoever willfully or knowingly obtains or exerts unauthorized control over newspapers, or destroys such newspapers, with the intent to prevent other individuals from reading the newspapers shall be guilty of an offense under subsection (a)(1) of section 249 of this title and shall punished as provided in that section.".

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 13 of title 18, United States Code, is amended by inserting at the end the following:

"250. Newspaper theft in violation of first amendment rights.".

(b) STUDY.—The Attorney General, in cooperation

SA 3831. Mr. CONRAD proposed an amendment to the bill H.R. 8, to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. RESTORATION OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) In General.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(b) Sunset Not To Apply.—

(1) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "this Act" and all that follows and inserting "this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.".

(2) Subsection (b) of such section 901 is amended by striking ", estates, gifts, and transfers".

(c) Conforming Amendments.—Subsections (d) and (e) of section 511 of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subsections, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsections, and amendments, had never been enacted.

SEC. 2. MODIFICATIONS TO ESTATE TAX.

(a) Increase in Exclusion Equivalent of Unified Credit.—

(1) In general.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to applicable credit amount) is amended by striking all that follows "the applicable exclusion amount" and inserting ". For purposes of the preceding sentence, the applicable exclusion amount is $3,000,000 ($3,500,000 in the case of estates of decedents dying after December 31, 2008).".

(2) Earlier termination of section 2057.—Subsection (f) of section 2057 of such Code is amended by striking "December 31, 2003" and inserting "December 31, 2002".

(b) Maximum Estate Tax Rate To Remain at 50 Percent; Restoration of Phaseout of Graduated Rates and Unified Credit.—Paragraph (2) of section 2001(c) of such Code is amended to read as follows:

"(2) Phaseout of graduated rates and unified credit.—The tentative tax determined under paragraph (1) shall be increased by an amount equal to 5 percent of so much of the amount (with respect to which the tentative tax is to be computed) as exceeds $10,000,000. The amount of the increase under the preceding sentence shall not exceed the sum of the applicable credit amount under section 2010(c) and $224,200.".

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2002.

SEC. 3. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.

(a) In General.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

"(d) Valuation Rules for Certain Transfers of Nonbusiness Assets.—For purposes of this chapter and chapter 12—

"(1) In general.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

"(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

"(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

"(2) Nonbusiness assets.—For purposes of this subsection—

"(A) In general.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

"(B) Exception for certain passive assets.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

"(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

"(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

"(C) Exception for working capital.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

"(3) Passive asset.—For purposes of this subsection, the term 'passive asset' means any—

"(A) cash or cash equivalents,

"(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

"(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

"(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

"(E) annuity,

"(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

"(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

"(H) commodity,

"(I) collectible (within the meaning of section 401(m)), or

"(J) any other asset specified in regulations prescribed by the Secretary.

"(4) Look-thru rules.—

"(A) In general.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

"(B) 10-percent interest.—The term '10-percent interest' means—

"(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

"(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

"(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

"(5) Coordination with subsection (b).—Subsection (b) shall apply after the application of this subsection.

"(e) Limitation on Minority Discounts.—For purposes of this chapter and chapter 12, in the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), no discount shall be allowed by reason of the fact that the transferee does not have control of such entity if the transferee and members of the family (as defined in section 2032A(e)(2)) of the transferee have control of such entity.".

(b) Effective Date.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 20, 2002, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills:

S. 139 and H.R. 3928, to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah;

S. 1609 and H.R. 1814, to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Metacomet-Mattabesett Trail extending through western Massachusetts and central Connecticut as a national historic trail;

S. 1925, to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes;

S. 2196, to establish the National Mormon Pioneer Heritage Area in the State of Utah, and for other purposes;

S. 2388, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era;

S. 2519, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; and

S. 2576, to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

Because of the limited time available for the hearing, witnesses must testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact David Brooks of the committee staff at (202-224-9863).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, June 19, 2002, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills addressing the recreation fee program on Federal lands:

S. 2473, to enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes; and

S. 2607, to authorize the Secretary of the Interior and the Secretary of Agriculture to collect recreation fees on Federal lands, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact David Brooks of the committee staff at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 11, 2002, at 10:45 a.m., to hold a hearing on public diplomacy.

Agenda

Witnesses

Panel 1: The Honorable Charlotte Beers, Under Secretary for Public Diplomacy and Public Affairs, Department of State, Washington, DC; and the Honorable Norman Pattiz, Governor, Broadcasting Board of Governors, Washington, DC.

Panel 2: The Honorable Mark Ginsberg, Former Ambassador to Morocco, CEO and Managing Director, Northstar Equity Group, Washington, DC; the Honorable Newt Gingrich, Former Speaker, U.S. House of Representatives, Senior Fellow, American Enterprise Institute, Washington, DC; Mr. David Hoffman, President, Internews, Arcada, CA; and Mr. Veton Surroi, Chairman, Koha Media Group, Pristina, Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 11, 2002, at 2:30 p.m., to hold a hearing on Liberia.

Agenda

Witnesses

Panel 1: The Honorable Walter Kansteiner, Assistant Secretary for African Affairs, Department of State, Washington, DC.

Panel 2: Ms. Binaifer Nowrojee, Senior Researcher, Human Rights Watch Africa Division, New York, New York; and Ms. Rory Anderson, Africa Policy Specialist, World Vision, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 11, 2002 at 1:30 p.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the work of the U.S. Department of Interior's Branch of Acknowledgment and Research within the Bureau of Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "The Criminal Justice System and Mentally Ill Offenders" on Tuesday, June 11, 2002 in Dirksen room 226 at 10:00 a.m.

Agenda

Witnesses

Panel I: The Honorable Ted Strickland, U.S. Representative (D–OH–6th), Washington, DC.

Panel II: Chief Gary Margolis, University of Vermont, Director of Police Services, Burlington, VT; Ms. Marylou Sudders, Commissioner of Mental Health, Commonwealth of Massachusetts, Boston, MA; the Honorable Kenneth Mayfield, President-Elect, National Association of Counties, Commissioner, Dallas County, Dallas, TX; and Captain John Caceci, Monroe County Jail, Rochester, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 11, 2002, at 10 a.m. to hold a closed hearing on the joint inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 11, 2002, at 2:30 p.m. to hold a closed hearing on the joint inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on "Preventing Elder Falls" during the session of the Senate on Tuesday, June 11, 2002, at 2:30 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 11, 2002, at 9:30 a.m. on "Spectrum Management: Improving the Management of Government and Commercial Spectrum Domestically and Internationally."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Tuesday, June 11, 2002, at 10 a.m. for a hearing regarding "Cruise Missile and UAV Threats to the United States."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent that Nicolette Boehland be granted the privilege of the floor for the duration of the debate on S. 625.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JUNE 12, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, June 12; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 10:40 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Republican leader or his designee; that at 10:40 a.m., the Senate proceed to the House Chamber for the Joint Meeting with the Prime Minister of Australia; and then the Senate stand in recess until 12:30 p.m.; further, that at 12:30 p.m., the Senate resume consideration of H.R. 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE RETURNED TO THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that S. 625 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as I indicated, tomorrow we believe Senator DORGAN will lay down an amendment at 12:30. That would mean that debate would culminate at about 2:30 tomorrow afternoon, at which time we would have a vote on his amendment, the second-degree amendment, and the Conrad amendment. Following that, unless there is some other amendment, the Senator from Texas would lay down his amendment, and that would mean at approximately 5:15 or 5:30 we would vote on his amendment. We hope to complete this legislation tomorrow evening sometime.

The majority leader will make a determination as to what we will move to. That would be good because it is Thursday. I know he has been working with the Senator from Kansas to come up with an agreement to move forward on the cloning, stem cell legislation. That would allow us to hopefully complete that matter the following day. We have a lot of work to do.

Hopefully, on Friday we can even do something that is constructive in nature and complete more legislation.

The majority leader indicated on the floor today that prior to the July 4 recess, he will move to the defense authorization bill. That is a very difficult bill, as we know. There are a lot of amendments always. So that will take a good part of the legislative week. So there is a lot of work to do and little time to do it.

APPOINTMENT OF COMMITTEE TO ESCORT THE HONORABLE JOHN HOWARD, PRIME MINISTER OF AUSTRALIA

Mr. REID. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort the Honorable John Howard, Prime Minister of Australia, into the House Chamber for a joint meeting on Wednesday, June 12, 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I believe there is no further business to come before the Senate. That being the case, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:14 p.m., adjourned until Wednesday, June 12, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 11, 2002:

THE JUDICIARY

FERN FLANAGAN SADDLER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE PATRICIA A. WYNN, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WAYNE M. ERCK, 5508
BRIG. GEN. CHARLES E. MCCARTNEY JR., 5546
BRIG. GEN. BRUCE E. ROBINSON, 2520

To be brigadier general

COL. DAVID L. EVANS, 3875
COL. WILLIAM C. KIRKLAND, 4541
COL. JAMES B. MALLORY III, 5088
COL. JOHN P. MCLAREN JR., 4730

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL CLINTON T. ANDERSON, 6270
COLONEL MICHAEL D. BARBERO, 1169
COLONEL VINCENT K. BROOKS, 9015
COLONEL SALVATORE F. CAMBRIA, 8655
COLONEL SAMUEL M. CANNON, 6138
COLONEL JAMES A. CERRONE, 5119
COLONEL ROBERT W. CONE, 7395
COLONEL ROBERT CREAR, 4798
COLONEL JOHN M. CUSTER III, 4336
COLONEL DAVID P. FRIDOVICH, 6568
COLONEL RUSSELL L. FRUTIGER, 5323
COLONEL WILLIAM T. GRISOLI, 3836
COLONEL CARTER F. HAM, 0921
COLONEL JEFFERY W. HAMMOND, 0841
COLONEL THOMAS M. JORDAN, 9638
COLONEL FRANCIS H. KEARNEY III, 9443
COLONEL DANIEL J. KEEFE, 1751
COLONEL STEPHEN R. LAYFIELD, 7666
COLONEL JOHN A. MACDONALD, 0573
COLONEL RICHARD L. MCCABE, 6950
COLONEL WILLIAM H. MCCOY JR., 5356
COLONEL MARVIN K. MCNAMARA, 2480
COLONEL JOHN W. MORGAN III, 7279
COLONEL STEPHEN D. MUNDT, 5392
COLONEL MICHAEL L. OATES, 3680
COLONEL MARK E. ONEILL, 4225
COLONEL JOSEPH E. ORR, 0312
COLONEL ERVIN PEARSON, 3468
COLONEL ROBERT M. RADIN, 0402
COLONEL JOSE D. RIOJAS, 9387
COLONEL CURTIS M. SCAPARROTTI, 8351
COLONEL MARK E. SCHEID, 7591
COLONEL JAMES H. SCHWITTERS, 2271
COLONEL JOHN F. SHORTAL, 7262
COLONEL JOSEPH A. SMITH, 0015
COLONEL MERDITH W. TEMPLE, 2899
COLONEL LOUIS W. WEBER, 3019
COLONEL SCOTT G. WEST, 5375

HOUSE OF REPRESENTATIVES—*Tuesday, June 11, 2002*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 11, 2002.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4775. An act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4775) "An Act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes," requests a conference with the House agreeing votes of the two Houses thereon, and appoints

Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, and Mr. DEWINE, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

REPUBLICAN PRESCRIPTION DRUG PLAN

Mr. BROWN of Ohio. Here we go again, Mr. Speaker. Americans are still paying two and three and four times more for their prescription drugs than consumers in any other nation in the world. Twelve million seniors lack any form of prescription drug coverage, and millions more have inadequate coverage.

My Republican friends are poised to introduce prescription drug legislation that does not address either of these concerns. That is because the goal of their legislation is not to deliver meaningful prescription drug benefits to seniors or get a grip on unjustifiably high prices. Their goals are, one, to try to look responsive to the concerns of senior voters and their families, without actually investing enough to be responsive to their concerns; second, to do the bidding of the prescription drug industry, which is what my Republican friends always do; and, third, to privatize Medicare, the best health care system this country has ever seen.

How do they win political points? By mimicking some of the features of a real drug benefit but investing only about one-third of the dollars needed to deliver real drug coverage. By starting with 80 percent coverage, which makes their plan look generous, then increasing the cost-sharing, the cost that seniors actually pay, dramatically as a senior's prescription drug price costs rise. Under the Republican plan, seniors who spend more than $2,000 lose their coverage altogether, no more coverage for the next $2,500 in expenses. Find me a single health insurance plan in the private sector that increases the cost-sharing burden as an enrollee's costs go up.

The Republican plan is so skeletal that seniors would still need supplemental prescription drug coverage if they wanted protection against high drug prices. The majority may dress up their plan in appealing rhetoric, but it is still a cheap imitation of real prescription drug coverage.

The Republicans' second goal is to do the bidding, no surprise here, of the prescription drug industry which, of course, favors the private plan approach. Remember the Flo ads from a couple years back, the ones where Flo said she did not want the government in her medicine cabinet? Those ads were funded by the drug industry. They were intended to demonize the idea of adding a drug benefit to the existing Medicare program. The drug industry favors bypassing Medicare and forcing seniors into private prescription drug plans.

Be prepared for the majority to claim its plan cuts drug prices by 30 percent per prescription. The Republican plan does not cut drug prices by 30 percent, in spite of what they say. Their plan reduces drug spending, not prices, and they do that mostly by restricting seniors' access to higher priced necessary medicines.

They are not doing seniors any favors with that strategy, and they certainly are not challenging their corporate sponsors, the drug industry's ugly habit of charging American consumers the highest prices in the world for drugs our tax dollars, our research, our NIH helped produce.

I recently received a letter from a constituent who last year took a bus and purchased his medicines in Canada. He said the only side effect from those drugs was that he saved $2,000. Same medicines, same quality, $2,000 less. The savings is significantly more than most seniors would save by signing up for the Republican prescription drug plan.

The second goal of my Republican colleagues is not to rock the boat when it comes to drug industry pricing. Never upset the prescription drug company, one of their biggest contributors.

The third goal is to privatize Medicare. The Republican prescription drug plan not only bypasses Medicare by promoting private prescription drug plans, it would phase out Medicare as an entitlement and phase in a privatized, defined contribution program. Medicare beneficiaries would receive a voucher to cover part of the cost of the private insurance. Wealthier citizens would supplement that voucher to get better coverage. Lower income seniors will just have to take what they get.

If the majority want to end the Medicare entitlement and abandon the principles that all Medicare beneficiaries, everyone in this country over the age of 65, are entitled to good health care coverage, they should not hide behind prescription drug coverage to do that. They should say, yes, we want to privatize Medicare.

I am working with other interested Members on legislation that adds a real

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

prescription drug benefit to Medicare, that harnesses the collective purchasing power of Medicare beneficiaries to drive drug prices down, which is what other countries, especially Canada, do to get lower drug prices and that does not use prescription drug coverage as their method to privatize Medicare.

We are the richest country in the world. We owe our prosperity to the retirees who built this country. If we can afford trillion dollar tax cuts, which my friend, the gentleman from Florida (Mr. STEARNS), will talk about in a moment, if we can afford trillion dollar tax cuts that go overwhelmingly to the richest people in this country, we sure can afford a real drug benefit for our seniors.

Let us not trivialize the concerns of Medicare beneficiaries and every American by sugarcoating paltry coverage plans. The American public hired us to address their concerns, not to co-opt them. Let us, for a change in this body, do our job.

TAX LIMITATION AMENDMENT

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the order of the House of January 23, 2002, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I was not going to comment on the speech of the previous speaker, but since he mentioned my name, I will say that the plan that he is proposing is basically a new government program operating out of HCFA, which is the government body that administers this program for prescription drugs. What Republicans want to do is provide a drug program like we, as Members of Congress and the Senate and the President, have. It is patterned after the Federal Employee Health Benefit program, which is a private program. So the whole gist of what he is saying comes down to a new government agency versus a program similar to the one Members of Congress have. I really think the people of America, our constituents, would like to have the same health care I have, the same prescription drug program I have, and not a new government program.

Mr. Speaker, as the gentleman mentioned, I am here to talk about the Permanent Death Tax Repeal Act this body passed. Actually, Mr. Speaker, we have passed 22 tax cuts bills for the 107th Congress. Now some of these tax cuts were not passed by the Senate, were not signed by the President, but we passed all of these in the House, for example, foster care. We had a tax credit for foster care. We had an adoption tax credit. We had a tax credit in the energy bill. We had a tax credit for victims of terrorism. We had a tax cut for pension plans. The Marriage Penalty Relief Tax Acceleration Act was passed on May 21 of this year. We had an adoption tax credit and we had Holocaust victims tax credits.

Mr. Speaker, all of these 22 tax cut bills passed by the House are as follows:

22 Tax Cut Bills Pass the House—107th Congress, 2001-2002

March 8, 2001—Across-the-Board Income Tax Relief: H.R. 3, the Economic Growth and Tax Relief Act of 2001, by Rep. Bill Thomas; passage vote 230–198 (Republicans 219–0, Democrats 10–197).

March 29, 2001—Marriage Penalty Tax Relief: H.R. 6, the Marriage Penalty and Family Tax Relief Act of 2001, by Rep. Jerry Weller; passage vote 282–144 (Republicans 217–0, Democrats 64–143).

April 4, 2001—Death Tax Repeal: H.R. 8, the Death Tax Elimination Act of 2001, by Rep. Jennifer Dunn; passage vote 274–154 (Republicans 215–3, Democrats 58–150).

May 2, 2001—Retirement Savings and Pension Reform: H.R. 10, the Comprehensive Retirement Security and Pension Reform Act of 2001, by Rep. Rob Portman; passage vote 407–24 (Republicans 219–1, Democrats 187–22).

May 15, 2001—Foster Care: H.R. 586, the Fairness for Foster Care Families Act of 2001, by Rep. Ron Lewis; passage vote under suspension 420–0 (Republicans 215–0, Democrats 203–0).

May 16, 2001—Across-the-Board Income Tax Relief: 1836, the Economic Growth and Tax Relief Reconciliation Act of 2001, by Rep. Bill Thomas; passage vote 230–197 (Republicans 216–0, Democrats 13–196).

May 17, 2001—Adoption Tax Credit: H.R. 622, the Hope for Children Act, by Rep. Jim DeMint; passage vote 420–0 (Republicans 213–0, Democrats 205–0).

May 26, 2001—Bush Tax Cut (Signed into law by President Bush): Conference Report on H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act of 2001, by Rep. Bill Thomas; passage vote 240–154 (Republicans 211–0, Democrats 28–153).

July 19, 2001—Tax Provisions in Faith-Based Initiative: H.R. 7, the Community Solutions Act of 2001, by Rep. J.C. Watts; passage vote 233–198 (Republicans 217–4, Democrats 15–193).

August 2, 2001—Tax Provisions in Energy Bill: H.R. 4, the SAFE Act of 2001, by Rep. Billy Tauzin; passage vote 240–189 (Republicans 203–16, Democrats 36–172).

August 2, 2001—Tax Provisions in Patients' Bill of Rights: An amendment to H.R. 2563, the Bipartisan Patient Protection Act, by Rep. Bill Thomas; passage vote 236–194 (Republicans 217–2, Democrats 18–191).

September 13, 2001—Terrorist Victims Tax Relief Bill (Signed into law by President Bush): H.R. 2884, the Victims of Terrorism Relief Act of 2001, by Rep. Bill Thomas; passage vote 418–0, (Republicans 214–0, Democrats 202–0).

October 24, 2001—Economic Stimulus Package: H.R. 3090, the Economic Security and Recovery Act of 2001, by Rep. Bill Thomas; passage vote 216–214 (Republicans 212–7, Democrats 3–206).

December 20, 2001—Economic Stimulus Package: H.R. 3529, the Economic Security and Worker Assistance Act of 2001, by Rep. Bill Thomas; passage vote 244–193 (Republicans 214–2, Democrats 9–190).

February 14, 2002—Economic Stimulus Package: An amendment to the Senate amendment to H.R. 622, renamed the Economic Security and Workers Assistance Act of 2002, by Rep. Bill Thomas; passage vote 225–199 (Republicans 214–1, Democrats 10–197).

March 7, 2002—Tax Provisions in Unemployment Benefits and Jobs Bill (Signed into law by President Bush): An amendment to the Senate Amendment of H.R. 3090, renamed the Job Creation and Worker Assistance Act of 2002, by Rep. Bill Thomas; passage vote 417–3 (Republicans 218–0, Democrats 197–3).

April 11, 2002—Tax Provision in Pension Reform Bill: H.R. 3762, the Pension Security Act of 2002, by Rep. John Boehner; passage vote 255–163 (Republicans 208–2, Democrats 46–160).

April 18, 2002—Make Permanent the Bush Tax Cut: An amendment to the Senate amendment on H.R. 586, renamed the Tax Relief Guarantee Act of 2002, by Rep. Bill Thomas; passage vote 229–198 (Republicans 219–1, Democrats 9–196).

May 21, 2002—Acceleration of Marriage Penalty Relief and new WOTC Reforms: H.R. 4626, the Encouraging Work and Supporting Marriage Act of 2002, by Rep. Amo Houghton; passage vote 409–1 (Republicans 211–0, Democrats 196–1).

June 4, 2002—Make Permanent the Expanded Adoption Tax Credit: H.R. 4800, to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001, with respect to the expansion of the adoption credit and adoption assistance programs, by Rep. Dave Camp; passage vote 391–1 (Republicans 204–0, Democrats 185–1).

June 4, 2002—Make Permanent the Holocaust Victims Tax Benefit: H.R. 4823, the Holocaust Restitution Tax Fairness Act of 2002, by Rep. Clay Shaw; passage vote 392–1 (Republicans 205–0, Democrats 186–1).

June 6, 2002—Make Permanent the Death Tax Repeal: H.R. 2143, the Permanent Death Tax Repeal Act of 2001, by Rep. Dave Weldon; vote note held yet.

Prepared by the Office of the House Majority Leader, 6/4/02

Mr. Speaker, there is no greater defining principle of our party than letting taxpayers keep what they earn. Time and time again we have shown tax relief is good policy and good politics. As we debate these bills, we have the opportunity to reflect on our Nation's Byzantine tax code and the problem it imposes on the American taxpayers.

This week, Mr. Speaker, we will be considering important and meaningful legislation to address a shortcoming in our tax system. Adopting the tax limitation amendment would require prospective tax increases to achieve a two-thirds vote which means it will be more difficult to have a recurrence of one of the largest tax increases passed in 1993. Our Founding Fathers had the foresight to mandate a two-thirds majority vote on certain priorities issues. The fourth President of the United States, James Madison, a central figure in the development of the Constitution and a vocal supporter of majority rule, argued that the greatest threat to liberty and Republic came from unrestrained majority rule. And that is why they proposed a two-thirds majority for conviction in impeachment trials, expulsion of a Member of Congress, and to override a presidential veto, quorum of two-thirds in the Senate to elect a President, consent to a treaty and proposing a constitutional amendment.

Daniel Webster, a great Member of this body, said, "The power to tax is a power to destroy." Americans are simply taxed too much. The total tax burden is the highest since World War II. We have the Federal income tax, the payroll tax, the gasoline tax, various other Federal excise taxes, finally, State and local taxes. Wherever we turn, we can expect to pay a tax on something. Americans are paying taxes and at the same time they are trying to pay off their debt. They have mortgages, auto loans, credit card debt and school loans.

Americans also face the cost of complying with this tax code. According to the Tax Foundation, businesses and nonprofit corporations as well as individuals will spend an estimated 5.8 billion hours complying with the Federal income Tax Code, with an estimated compliance cost of almost $200 billion. This amounts to imposing a 20.4 cent tax compliance charge for every dollar the income tax system collects.

Raising taxes comes all too easy for certain people here in Congress. It is the simplest solution for those who have affinity for increased spending around here. But this week we have the opportunity to make it harder to raise taxes. In this country supreme power resides in a body of citizens entitled to vote and is exercised by elected officials like ourselves and representatives responsible to them according to the law.

By passing the tax limitation amendment, we adhere to this definition of a Republic by requiring two-thirds of the Members, best representing the views of their constituents, to vote in favor of raising taxes.

So, Mr. Speaker, I urge my colleagues to vote in favor of H.J. Res. 96 when it comes to the House floor to show our appreciation and to follow the mandates of a good Republic.

PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to talk about the need for a Medicare prescription drug benefit and particularly point out the failures of the Republican leadership in this House as well as the President in that they are not addressing this issue. They are not bringing up the prescription drug benefit. I was interested in hearing what the previous speaker, my colleague, the gentleman from Florida (Mr. STEARNS), said about how the Republicans wanted every American or every senior to have the same kind of package that Congressmen have.

Well, I have no evidence of that. So far the Republican leadership has talked about bringing up a prescription drug bill for about 2 months in a steady drumbeat that is going to happen this week, it is going to happen next week, it is going to happen next month; and we have no bill. And the suggestions we have seen about what kind of bill they are going to come out with is basically privatizing Medicare so that there is no guaranteed benefit at all. So when my colleague suggests that somehow seniors under the Republican bill are going to get the same kind of benefit that Congressmen have, there is no indication of that whatsoever from the Republican leadership. I have not seen anything to suggest that.

Let me say now, once again, I think many of my colleagues know that just before the Memorial Day recess we were told by the Republican leadership in the House that they were going to bring up a prescription drug bill for seniors. It was going to go to committee 2 weeks before the Memorial Day recess. It was going to come to the floor the week before the Memorial Day recess. It never happened. They came back after the Memorial Day recess. We had a week already that we were in session and they said we will bring up the bill this week. Then they said we will bring up the bill next week. Yesterday I heard that they were going to bring up the bill or announce the bill this coming Thursday. No bill yet. I have not seen it. There has been no notice in any of our committees of jurisdiction, the Committee on Energy and Commerce or the Committee on Ways and Means, that we will see this prescription drug bill.

□ 1245

So I am calling upon the Republican leadership, let us address this issue. Seniors are hurting. They cannot afford to pay for prescription drugs. A lot of them go without. Bring up the bill. Let us have the debate. Let us see whether or not the statements that my colleague from Florida made have any basis.

Everything that I have seen so far about the Republicans and what they are proposing is what I call a "privatization" of Medicare. They are saying that they want to bring up legislation that would take some money, almost like a voucher, and throw it to private insurance companies in the hope that they will provide drug-only policies to senior citizens who might be able to purchase such a policy and will get some help with it.

We know that privatization, trying to get insurance companies to offer these kinds of drug-only policies, does not work. The insurance executives, their trade group, have told Congress and the committees that they will not work; they do not want to sell that kind of insurance. It is unbelievable why they are just not willing to do what the Democrats have proposed and what most Americans want, which is to expand Medicare, a very good program that we have, yes, a government program, that provides for seniors' hospital care, that provides for seniors' doctors' bills, but does not provide for prescription drug, simply expand Medicare, very similar to what we do with part B, the coverage of doctor bills, and allow people to pay a very low premium per month. They get a good percentage of their prescription drug bills paid for, and it is a guarantee under Medicare, a very good existing program that works for senior citizens.

I do not know why the Republicans refuse to deal with this as an expansion of Medicare and instead talk about privatizing and giving some money to insurance companies in the hope that somehow seniors will be covered. That is not what the gentleman from Florida suggested, but that is what we are hearing from the Republican leadership.

The problem with Republicans proposal or what they are talking about is it does not address cost, does not address price. The problem right now, not just for seniors but for all Americans, is the cost of prescription drugs continues to escalate, double digit inflation for over the last 6 years. What we need to control in some way are these prices, and what the Democrats have said is let us have something like part B Medicare, like we have for our doctor bills where a person pays a very low premium per month, they have a very low deductible. I think it is a $100 deductible for the course of the year; 80 percent of the cost of their prescription drugs are covered by the Federal Government.

Most important, we put a cost mechanism in place that we say under the Democrats' proposal that the Secretary of Health and Human Services is mandated to negotiate and bring prices down because now he is going to represent 30 or 40 million seniors, and he will be able to negotiate better prices.

The Republicans do not talk about that. Not only does the Republican leadership want to privatize and just give money to insurance companies, but they do not suggest in any way that they are going to try to bring down the cost. Why in the world would private insurance companies just not try to pass on all the costs and all the money that the prescription drug companies make and simply pass it on to seniors? We have to have some pricing mechanism, and that is what we are demanding.

The Republicans need to bring up the bill. Bring up a bill that is comprehensive coverage under Medicare and that has some kind of pricing mechanism.

MAKING PERMANENT MARRIAGE TAX RELIEF

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the order of the House of January 23, 2002, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, before I begin my remarks, I just want to kind of just make a comment. I find it is always interesting that my Democratic friends advocate permanent increases in spending and they are always first in line to advocate permanent increases in taxes, but they will fight tooth and nail any permanent tax cut. That is what I would like to talk about today, and that is, the fact that just a little over a year ago today President Bush signed into law a tax cut, a tax cut unfortunately because of congressional rules that had to be a temporary measure; but this was a tax cut which provided across-the-board tax relief for every American.

When President Bush became President, he inherited a weak economy; and he said if we could put a little bit of money back into the pocketbooks of working families, they will have some extra money to meet their needs back home; and, frankly, that money in the private sector will get our economy moving again, and of course, economists told us that since that bill was signed into law in June that by Labor Day of last year the economy was on the rebound. Unfortunately, the consequence of a terrorist attack just a new days later, as we know, shocked the confidence of consumers and investors; and of course, we are working to get our economy moving again.

As we work on getting our economy moving again, we also recognize that permanency in the Tax Code affects decision-making; and that is why last week we passed legislation to make permanent the elimination of the death tax, which will benefit family farmers and small businesses who are making long-term investment decisions knowing the tax consequences. That is good for the economy.

Today, I want to talk about legislation that we are going to be bringing before the House later this week, and this is legislation to make permanent the marriage tax relief that was in the Bush tax cut that we enacted 1 year ago.

Like many of my colleagues, I have come to the floor over the last several years asking a very fundamental question, that is, Is it right, is it fair that under our Tax Code married working couples paid higher taxes than two single people who chose to live together? Is it right, is it fair that 43 million married working couples paid on average about $1,700 more in higher taxes just because they are married? Is it right, is it fair that our Tax Code, prior to this past year, punished society's most basic institution with higher taxes?

I am proud to say that thanks to the leadership of House Republicans, under the leadership of Speaker HASTERT, we fought time and time again to eliminate the marriage tax penalty; and while we suffered vetoes under President Clinton, we are proud to say that under President Bush the marriage tax penalty was eliminated. We helped married couples in a number of ways, three ways as a matter of fact.

First, we doubled the standard deduction that is used by families who do not itemize their taxes. Almost 9 million married working couples do not itemize their taxes. So they use the standard deduction, and we doubled the standard deduction to be twice that for singles, eliminating their marriage penalty.

For those who itemize, such as those who give to their institution of faith, their church, their charity, synagogue or temple or mosque, we recognize that most married couples itemize their taxes if they own a home, for example, and we helped those by widening the 15 percent tax break so they could earn twice as much as a married couple as a single person and stay in the 15 percent tax bracket. We eliminate their marriage tax penalty.

Third, for low-income families who utilize and are helped by the earned income credit, we eliminate their marriage tax penalty as well. So we help low-income working middle-class married couples who have suffered the marriage tax penalty.

Let me give my colleagues an example of a married couple from Joliet, Illinois, in the district I represent in the south suburbs of Chicago. Jose and Magdalena Castillo, they are laborers. They have a combined income of $82,000. That is their combined income. Their children are Eduardo and Carolina. They are happy people. They work hard, great American citizens, enjoying life in the south suburbs of Chicago; but they suffered the marriage tax penalty because they chose to get married, and we believe the Tax Code should be marriage neutral.

Prior to the Bush tax cut being signed into law, Jose and Magdalena Castillo paid about $1,150 more in higher taxes just because they were married. If they chose to get divorced and live together, they would have saved $1,150 a year. Jose and Magdalena Castillo were helped by the Bush tax cut, which originated right here in the House of Representatives; and I am proud to say that that was signed into law last year, and for the next few years, the marriage tax penalty for the Castillo family will be eliminated.

If this Congress does nothing, it will be made permanent, and I believe we need to help married working couples; and this week, on Thursday, we are going to be voting to make permanent the marriage tax penalty relief in the Bush tax cut, and my hope is that we will have bipartisan support, that even our Democratic friends will join with us, in making marriage tax penalty relief permanent to help couples like Jose and Magdalena Castillo of Joliet, Illinois.

LIMITING GROWTH IN GOVERNMENT

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, like many Americans, I learned last week of the President's intention to create for the first time since the 1970s a Cabinet-level Department of the executive branch; and like most Americans, I support the idea of a Department of Homeland Security, bringing together various and diverse elements of our investigative branches, of our counterterrorism branches and, more importantly, border security, to create a leaner, more efficient means of protecting our citizens than we have under current and, in many ways, antiquated structures in the executive branch.

While I support the reorganization of government, Mr. Speaker, I rise today to speak against big government and the growth in government, Mr. Speaker, that has been the natural antecedent to emergencies and crises throughout American history.

The Bible tells us that there is nothing new under the sun; what has been before will be again, in the book of "Ecclesiastes." And as I see these events unfold and I see our President beginning to call for the largest potential expansion in the executive branch in my lifetime, I cannot help but feel that what has been before is about to come again if we, who believe in limited government and personal responsibility, do not exercise the franchise of our vote and our conviction in this institution.

The idea that the unrestrained growth of government is a natural antecedent to emergencies was, to be perfectly honest, first posited in a book titled "Crisis and Leviathan," by a little-known professor named Robert Higgs, 1987, first published. Very simple thesis in this book. Professor Higgs argues that the growth of the Federal Government has been relatively constant through our national history except for spikes in the growth of government immediately following national crises and emergencies such as the Civil War, the Great Depression, World War II, the Kennedy assassination and social unrest of the 1960s and now potentially 9–11.

He offers what he calls the "crisis hypothesis" of the growth of Federal Government, and it is a powerful one; and he maintains that under certain conditions national emergencies call forth extensions of governmental control over or outright replacement of the market economy. In a time of economic crisis, "When critical extensions of government power are likely to occur there is little opportunity for meaningful vote on whether or not as a matter of principle the powers of the State should be extended."

Even Herbert Hoover, attempting to stem the enormous tide of the call of growth of government during the Great Depression, said, "Every collectivist revolution rides in on a Trojan horse of emergency. It was the tactic of Lenin, Hitler and Mussolini in the collectivist sweep over a dozen minor countries in Europe. It was the cry of men striving to get on horseback."

It has also been practiced many times throughout our history, not for a second to refer to President Truman and the likes of that litany; but it was not long after the Truman administration took office, the United States found itself in a fight with Korea and the government greatly expanded.

On December 16, 1950, as just one of many examples, Mr. Speaker, President Truman proclaimed a national emergency, calling in familiar words to this day, on all citizens to make a united effort for the security and well-being of our beloved country, to place its needs foremost in thought and action to our farmers, our workers in industry. So the President established the Office of Defense Mobilization, the Defense Protection Agency, and government grew in permanent ways.

Even in his book, in its closing chapters, Robert Higgs perhaps even wrote in 1987 about our own times saying that, "We know that other great crises will come in America, whether they will be occasioned by foreign wars, economic collapse or rampant terrorism. No one can predict with assurance that in one form or another great crises will surely come again as they have from time to time, and when they do, governments, almost certainly," Professor Higgs wrote, "will gain new powers over economic and social affairs, unless," he offers, and I argue, "the American people rediscover the worth of individual rights, limited government and a free society under the true rule of law."

□ 1300

Mr. Speaker, let us recognize the times that we are in. Let us recognize that the gale force wind of big government is upon us, and as we reorganize a Department of Homeland Security, let us not make it an excuse to simply organize big government in a permanent way.

RECESS

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of Heaven and Earth, always attentive to our prayer and understanding of our human limitations, bless and guide the Members of the 107th Congress, that they may be Your agents of reconciliation in a world torn apart by war, cynicism and fear.

Enlighten them in mind and heart, that together they shine as a harbinger of hope, bringing creativity and new vision to the people.

Through their efforts to do what is right by living according to Your commands and following the dictates of conscience, rather than expediency, grant them keen insight into complicated issues. Bring about in them decisive wisdom that will not be frayed by tangential distractions or preconceived sound bites. For Your world, O Lord, is too vast, and Your people too precious to be compromised.

So we pray now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

EVENTS CONCERNING THE AFGHANISTAN LOYA JIRGA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to commend Chairman Karzai, the interim administration, and the Afghan people for holding the Loya Jirga to select the new transitional government in Afghanistan.

Unfortunately, due to threats by certain Afghan factions and consequent actions by a small select group of U.N., U.S. and Northern Alliance officials, the Loya Jirga process has been marred. These officials forced the King to make a statement saying he would not run for any elected position in the government.

Sadly, preventing the people from choosing their own leader substantiates the concerns of the Afghan people that the U.S. and the international community have only their own interests at heart, not just that the Afghan people have peace, freedom, democracy, and fundamental human rights.

The Afghan people were looking forward to deciding their own future on their own. Yet before the Loya Jirga was even convened, they were denied the right to choose their own leader. Unfortunately, it appears that intimidation won again.

I am concerned that the Afghan people will not forget that the U.S., U.N., and Northern Alliance prevented the King, a highly respected leader, from holding a leadership position and helping bring peace, stability, and reconciliation to their nation.

Our State Department should have had more diplomacy.

LUDWIG KOONS KIDNAPPING

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I continue my story of Ludwig Koons, the young boy who is being held illegally by the Italian Government. Two weeks ago, the Minor's Tribunal in Rome denied the request of the prosecutor to remove Ludwig's mother, the kidnapper, parental authority. Not only is this outrageous, but the court made this decision without any psychological evaluation, testimony or other discovery whatsoever. The decision was made solely on the superficial interview of Ludwig before the judges, which lasted about 15 minutes.

This decision was made despite the finding that Ludwig was kept from having any contact with his father for over 6 months. Ludwig's mother, the woman who kidnapped him and is holding him against the will of United States courts, argued that Ludwig is afraid of his father, which is an absurd, preposterous allegation.

Jeff Koons's attorneys will be filing an appellate brief before the Rome Court of Appeals contesting this decision of the Minor's Tribunal as arbitrary and unfounded, which it absolutely is, and which this entire 8-year-long ordeal has been.

Mr. Speaker, please, I urge Members to join me. Help end this tragedy. We cannot stand idly by while American children are being kidnapped and held by foreign governments, even if they are our friends. Bring our children home.

COMMENDING THE GIRL SCOUTS ON THEIR 90TH ANNIVERSARY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today I rise in recognition of the 90th anniversary of the Girl Scouts, an organization that has empowered girls to reach their full potential through partnerships with caring adults.

Since 1948, the Girl Scout Council of the Congaree Area of South Carolina has served girls from age 5 through 17 in Lancaster, Lexington, Sumter, Fairfield, Newberry, Richland, Saluda and Kershaw Counties, along with the city of Great Falls. With the dedicated leadership of President Ann Addy and Executive Director Pamela Hyland, the Congaree Area Council today boasts a membership of nearly 10,000. Nationally, the organization has grown to 3.6 million Girl Scouts, part of a worldwide family of 10 million in 140 countries.

The key to the success of the Girl Scouts is very simple: they have stressed the values that every person should strive to uphold. These values include integrity, respect, inclusiveness and responsibility to the community. Through the Scouts, girls learn that to realize true satisfaction in life a person must grow in mind, body and spirit.

IMPORTANCE OF MEN'S HEALTH WEEK

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, on yesterday I attended an event in Chicago, Illinois, that the Near North Health Corporation used to kick off Men's Health Week; and it was a very interesting event, because there were a number of high-profile men who spoke of their illnesses. But they also spoke of the fact that for many years they never went to see a doctor. They had no idea that they may have been experiencing the difficulty.

So their message was a very simple one, that if you are a man, like all other people, you really need to see your doctor. You need to check on your health. You need to make sure you get rid of the macho image that nothing can happen to you.

So I would just extend their message to all men throughout America: check on your health. This is Men's Health Week. You start with yourself.

SUPPORTING CREATION OF HOMELAND SECURITY DEPARTMENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, "turf," as everyone knows, is sacred in Washington, D.C., and the favorite parlor game in Washington D.C. is turf war. Every Member of Congress, every committee and agency fights hard to maintain their turf; and I am concerned that turf battles may impede what is best for our Nation.

This morning, I testified in support of H.R. 4660, a bipartisan bill to create a Secretary of Homeland Security and a Director to the National Office of Combatting Terrorism.

This legislation includes three main points. First, it gives budget authority to those in charge of protecting our Nation's homeland. Second, it provides Congress the oversight we must have over this new office. Finally, this legislation will reorganize government to allow better information-sharing both vertically and horizontally. As we proceed, Congress must be mindful that the safety of the American people is more important than the power struggles of a few agencies or Congressmen.

Mr. Speaker, I urge my colleagues to join in this important effort, move beyond turf battles, and do what is right for the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

SENSE OF HOUSE ON IMPROVING MEN'S HEALTH

Mr. FOSSELLA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 438) expressing the sense of the House of Representatives that improving men's health through fitness and the reduction of obesity should be a priority.

The Clerk read as follows:

H. RES. 438

Whereas the Surgeon General of the Public Health Service has identified obesity as a major health problem;

Whereas 61 percent of adults in the United States are considered overweight or obese, as indicated by a body mass index (the most reliable measure) of 25 or greater;

Whereas 300,000 deaths each year in the United States are associated with being overweight or obese;

Whereas the economic cost of obesity in the United States was about $177 billion in 2000;

Whereas being overweight or obese puts people at a greater risk of heart disease, certain types of cancer, type 2 diabetes, stroke, arthritis, breathing problems, and depression;

Whereas men who are overweight are 50 percent more likely to have erectile dysfunction and men who are obese are 200 percent more likely to have erectile dysfunction;

Whereas fewer than a third of American adults engage in the recommended level of physical activity, which is 30 minutes, 3 to 4 times a week; and

Whereas the number of overweight and obese children has nearly tripled in the past two decades: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that being overweight or obese is a major health concern in the United States;

(2) commends and supports the work of all organizations that are taking steps to combat this health problem;

(3) urges all governmental, State, and private organizations to do everything in their power to promote a healthy lifestyle; and

(4) pledges to take proactive steps to intensify its efforts to combat this health problem.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. FOSSELLA) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. FOSSELLA).

GENERAL LEAVE

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on House Resolution 438.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of House Resolution 438 to express the sense of Congress that improving men's health through fitness and reduction of obesity should be a priority. The gentleman from Pennsylvania (Mr. TOOMEY) is absolutely correct. Obesity is a major health problem for our society. We must help inform the American public about these risks so that they can take corrective actions to make changes in their food consumption and exercise behaviors.

Over 61 percent of U.S. adults are overweight, along with 13 percent of children. Approximately 300,000 American deaths a year are associated with obesity. What is frightening is that this trend is exponentially increasing. Since 1980, obesity among adults has doubled, and overweight children and adolescents have tripled. Americans need to know that being overweight places people at a higher risk for heart disease, cancer and stroke, all top killers in America, in addition to arthritis, breathing problems, and depression. New research has revealed that obesity can lead to Type 2 diabetes in children as well. There is hope, however, because obesity is preventable. Americans should not needlessly place themselves at risk.

Personal responsibility is key to ending this trend. Most Americans recognize that exercise and a healthy diet helps one stay fit and trim. Dieticians have made it perfectly clear: one truly can eat any food in moderation and remain perfectly healthy, but Americans are choosing not to eat foods in moderation and are all too often shortchanging vitamins and nutrients that are essential to fighting disease. Americans are also choosing not to exercise.

Americans have literally hundreds of options available to them to help lose weight and stay fit. We must help inform Americans about the risks that obesity imposes on their overall health and that fighting obesity will help save lives. I thank the gentleman from Pennsylvania (Mr. TOOMEY) for raising the level of attention on this important issue. I encourage my colleagues to vote in favor of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, my colleague's resolution highlights a public health issue that undoubtedly deserves more attention. Obesity is linked to a host of acute and chronic conditions and costs our health care system as much as $100 billion every year. It is the second leading cause of unnecessary deaths in this country. Obesity can cause reproductive problems, pulmonary problems, osteoarthritis, liver disease, and can dramatically increase a person's risk for cancer and for diabetes. I do not doubt my colleague's sincere concern and desire to provoke a more serious Federal response to the obesity problem.

I look at H. Res. 438, at the title, Mr. Speaker, and it says "Expressing the sense of the House of Representatives that improving men's health through fitness and the reduction of obesity should be a priority." That is what we are voting on today. My question is, as it has been with each of the health care-oriented resolutions we have considered this year, how does all this rhetoric about wanting to address health care issues align with what we are actually doing to address health care issues?

Again, this resolution, Mr. Speaker, says "Expressing the sense of the House of Representatives in improving men's health through fitness and the reduction of obesity should be a priority." Of course it should be; but, again, it is one more resolution begging the question: What is this House of Representatives doing when it comes to prescription drugs, when it comes to dealing with disparities between rich and poor in the health care that is delivered, when it comes to deal with any of the health care problems that we face?

□ 1415

The President's budget cuts funding for chronic disease programs at CDC, yet we have this resolution on the House floor. It is the very program that pays attention to public health issues like obesity. The President ostensibly proposed cuts like this one to make room for the $665 billion price tag associated with making his tax cut permanent. Again, no money for an adequate prescription drug benefit; no real work on this issue, other than a resolution saying let us make it a priority.

Is this body going to restore the CDC funding so that we can really address the problems of obesity, or are we too wed to this tax cut that goes overwhelmingly to the richest people in our society? Are we going to target any funding to reducing the rates of obesity in this country? Where are the dollars going to come from, or are we just going to again pass a resolution that sounds real good that could help my friend from Pennsylvania in his fight for reelection because it looks good and we can send a news release out, but what does it really do, Mr. Speaker?

We have passed, largely along party lines, six pieces of legislation that dramatically reduce the Federal tax revenues available for existing public health initiatives, much less new ones like this. Six pieces of legislation, always overwhelmingly giving tax cuts to the richest people in this country. We have passed these six bills, yet we passed exactly one piece of legislation that would actually improve the public health, the bipartisan bioterrorism bill, approved last week to be signed by the President tomorrow.

Mr. Speaker, we are draining trillions of dollars from the Federal coffers and, at the same time, pledging to do more to combat a host of public health problems, including obesity. Talk, Mr. Speaker, is cheap. If Congress could address public health problems just by talking about them, which seems to be what my Republican friends that run this Chamber seem to be all about, then there would be no public health problems. Each time we pass one of these resolutions, as meritorious as the subject matter may, in fact, be, we get away with talking about a significant issue rather than actually doing something about a significant issue. Somehow, this body feels justified in acknowledging that we need to do more, but never saying how we are going to do that, while draining the budget through tax cuts for the richest Americans after tax cut for the richest Americans.

I hope that every Member, Mr. Speaker, who votes for this resolution and pledges "to take proactive steps to intensify our efforts to combat this health problem" remembers that pledge and all of the other pledges when the next tax-cut-for-the-rich vote comes around.

Mr. Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Pennsylvania (Mr. TOOMEY), a leader in, among other things, the battle for public health and public health awareness in this House.

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from New York for yielding the time. I would just observe to my colleagues that it is not at all clear to me that the majority party's respect for personal and economic freedom and the desire for families to keep more of what they earn is in any way the cause of the numerous health problems, including the one we are going to discuss today.

I am glad that we are bringing this resolution to the floor. The reason we are picking this week is because it is the week leading up to Father's Day that is National Men's Health Week. House Resolution 438 expresses the sense of the House that improving men's health through fitness and the reduction of obesity should be a priority for all of us, and I feel strongly about that.

I should observe that National Men's Health Week is currently celebrating its eighth year. I want to recognize one of the driving forces behind this recognition, and that is Rodale Publishing in Emmaus, Pennsylvania and, specifically, Men's Health Magazine, one of Rodale's flagship publications, has really driven this message and elevated the level of awareness of the problems that plague men, in particular health care problems.

Back in 1993, Men's Health Magazine asked its readers to support a nationwide initiative to identify and treat health issues of particular interest to men. This public awareness campaign was spearheaded by the National Men's Health Foundation with the help of Men's Health Magazine. As a result of their efforts, Congress passed a bill in 1994 naming the week prior to and including Father's Day as National Men's Health Week. They designated this week as an opportunity to encourage preventive health behavior, as well as early detection of diseases that disproportionately claim men as victims. It is one week out of the year to have a focused public service campaign to educate men and their families about the importance of positive health attitudes, preventive health practices, and treatments of health problems for men. It is important because, after all, men do lag behind women by 6 years in average life expectancy.

This message of wellness and disease prevention and individuals taking control of their own lives for the betterment of their lives is a big part of the tradition at Rodale Publishing. Rodale's magazines include Men's Health, Prevention, Runner's World, Bicycling, and a whole host of magazines geared towards helping people to improve really the quality of their lives, often by improving their fitness.

I also want to take a minute to recognize the tremendous work being done in this area by a friend of mine, Dave Zinczenko, the editor in chief of Men's Health Magazine. Dave is clearly dedicated, as well as his colleagues, to helping men find ways to live longer, healthier, better lives, and he has been a driving force behind this recognition of men's health needs.

So every year, Men's Health Magazine has now focused its coverage on this week to some topic, some topic specific to men's health. Last year was prostate cancer, the second leading cancer killer in men, and this year it is obesity which, according to the Surgeon General, will soon overtake smoking as America's number one leading health concern.

This year, the magazine's editors have launched the "Million Pound Challenge." It is a campaign to help the men of America drop the weight that quite literally threatens their lives. Media outlets from Good Morning America and the Pittsburgh Post-Gazette have done major coverage of this nationwide campaign to lose this excess weight, and the resolution we are debating today specifically underscores this effort.

I think it is worth distinguishing between two terms that are sometimes used interchangeably. Being overweight is different from suffering from obesity. It is really largely a matter of degree, but being overweight simply indicates that a person's weight exceeds the normal or the average weight for a given body height and frame size that may often lead to health problems, but not necessarily so. Obesity, on the other hand, is the condition in which an individual has an excessive amount of body fat. It has been demonstrated that the average individual in this country will gain approximately 1 pound of additional weight each year after the age of 25. Such a seemingly small gain results in 30 pounds of excess weight by the age of 55 years, and since bone and muscle mass sort of naturally decrease in a person at a rate of approximately 1½ pounds each year due to a reduction in physical activity, the fat is actually increasing at a rate of 1½ pounds each year. So that means somebody over a 30-year period when they reach middle age is often faced with 45 pounds of excess weight in the form of fat. This leads to obesity and can lead to serious health problems.

As I said, the Surgeon General has identified obesity as a major health problem already. Sixty-one percent of adults in the United States are now considered overweight or obese. As my colleague from New York pointed out, approximately 300,000 deaths each year occur prematurely in the United States and they are associated with the condition of being overweight or obese.

The economic cost of obesity in the United States is staggering. It is approximately $177 billion a year. Being overweight or obese puts people at a greater risk of a number of serious, life-threatening conditions, including heart disease, certain types of cancer, type 2 diabetes, stroke, arthritis, breathing problems and depression.

So how do people combat obesity? Well, people become overweight and obese for a variety of reasons: dietary, some socioeconomic, some genetic, but mostly it is lifestyle factors, and the long-term solution requires the recognition of the benefits of a well-balanced, a well-proportioned, moderate diet and a commitment to regular physical activity. Those are really the two things that are necessary.

In short, it is moderation and it is control of a lifestyle that is the key to fitness and can help dramatically increase the likelihood of longevity in one's life.

Unfortunately, too many adults do not even get the moderate amount of exercise that can make a huge difference. More than 60 percent of U.S. adults do not engage in the recommended amount of physical activity, which is only 30 minutes 3 to 4 times a week, but so many of us find it so hard to squeeze that in. Approximately 25 percent of all U.S. adults are not active at all.

We are here today to encourage everyone to improve their lifestyles through fitness and nutrition and seek out the experts and organizations that can provide the help if people need that. I want to commend those organizations that are already hard at work at addressing this problem of obesity.

Because of the true national scope of the problem, I urge my colleagues to pass this resolution. The resolution simply resolves that the United States House of Representatives recognizes that being overweight or obese is a major health concern in the United States. It commends and supports the work of all organizations that are taking steps to combat this health problem. It urges all governmental, State and private organizations to do everything in their power to promote healthier lifestyles, and it pledges to take proactive steps to intensify its efforts to combat this health problem.

Mr. BROWN of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Oregon (Mr. BLUMENAUER), who has been a leader in this and other issues like this.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in allowing me to speak on this resolution.

I think it is important for us to spend a few minutes not just celebrating it in a verbal sense, but thinking about what Congress can do to step up to actually make it possible for citizens to lead more healthy lifestyles. We have already heard the statistics from my colleagues about obesity. We have heard about premature deaths. We have heard about problems that are related to that.

Well, I think it is pretty simple for us, because I was thinking about this as I rode my bicycle over to the Capitol to make this presentation. It is not rocket science to be able to deal with making these programs successful. We ought to, first of all, focus here in this Congress by leading by example. If we know that a third of adults, less than a third of adults engage in recommended amounts of physical activity, what is it that we can do here to make a difference?

Well, first and foremost, we can do something to make sure that our communities are welcoming for people to exercise. I look at what has happened in Atlanta. The gentleman talked about obesity. Atlanta has seen the highest rate of increase in obesity. The Centers for Disease Control in the last decade was looking at that. What is the problem in Atlanta? Well, as part of their rapid expansion, the most rapid expansion in the history of human settlement, they have sort of left out things that make it possible for people to be physically active, like sidewalks, safe places to bicycle. The air is not healthy in Atlanta, and so people are complaining even if they had an opportunity to have the facilities to exercise, it would not be healthy to do so.

The Surgeon General has recommended that communities create safe playgrounds, sidewalks, walking trails, particularly in urban areas; that employers should provide time for workers to get physical activity on the job; that schools provide physical education on a daily basis in every grade.

What has this Congress done to advance those objectives? I would suggest not very much.

These advances really pay for themselves. The incremental costs per person, if we are going to talk about obesity, are higher than smoking and twice the cost of alcoholism. Employers pay an average of $4,400 per year more for employee beneficiaries who have diabetes. The USDA has estimated that $71 billion could be saved if inactive Americans become active.

Well, I would suggest that part of what we are doing here in Congress ought to be looking at those facilities around the country. We are going to soon be re-enacting the Surface Transportation Act. The physical environment has a tremendous impact, as I mentioned relative to Atlanta. St.

Louis University has done a study of 17 new rural trails, and after the building of those trails, 60 percent of the trail users report they are more physically active than before the construction.

One of the things we do with the bicycle caucus as we are asking people to focus on it is to ask people to stop and reflect how many people in America right this minute are stuck in traffic on their way to ride a stationary bike in a health club. By providing the facilities that make it safe and convenient for people to get the over 150 million bicycles in this country out of the garages, out of the attics, out of the basements and put them on the street where people can use them, it is going to make a difference.

☐ 1430

Think about in how many communities it is not safe for children to walk or bike to school. A generation ago, 90 percent of the children could get to school on their own safely. Today, that ratio has reversed, where only 10 percent of the children can do that; and it means there is a rush hour twice a day because people are trying to get the kids off-loaded at school, as well as having the attendant congestion air quality problems and lack of exercise.

I would suggest, Mr. Speaker, that we in Congress ought to take the lead, it is something each Member of Congress can do, by scheduling two or three meetings, of which we have a gazillion every week. And maybe if we have two or three of them that are involved with walking or running, a meeting on the move, we will be healthier; they will probably be shorter; our constituents will like it; we will have less caloric intake; and I would think it would be an opportunity for us to help shape ourselves up, our staff, and the people that we work with.

Make sure that the next authorization of the surface transportation act, and if Members will remember, we had ISTEA in 1991, we had TEA–21 in 1997, and the next one ought to be green tea, where we have an opportunity to be able to make our communities more livable with that investment.

Last but not least, I would suggest that in the time our Committee on Ways and Means is involved with all sorts of tax changes, maybe one tax change they could make would be to make sure that pedestrians and bicyclists have the same commuter tax benefit as people who drive or take transit, a very simple change of very low cost, but would send the right sort of signals for people to be physically fit in our country.

I would suggest that Congress should not just pass a resolution, but we ought to lead by example and do something about it to make sure that our communities are more livable and that our families are safe, healthy, and more economically secure.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I appreciate the intent of this sense of the House resolution on obesity and health. It is time to do more than pass this resolution, to do more than talk about this issue.

Until 2001, this Congress had never taken any substantial action to combat the most widespread health problem in the United States today: obesity and overweight. I worked with then chairman John Porter, now retired, chairman of the Committee on Labor, Health and Human Services, and Education. He had an abiding interest in this issue.

Chairman Porter, before whom I testified on my own bill on this issue, put the first substantial funding to combat overweight and obesity, $125 million. It is pathetic that I am calling $125 million substantial funding. That is only when measured by what we had done before, a couple or $3 million every year.

But, Mr. Speaker, there was no money. After Chairman Porter put $125 million, there was no money in the President's budget last year. I came to the floor, worked with the Committee on Appropriations, and we got something above $68 million in. That is a little over half of what Chairman Porter left as his legacy: $125 million.

Now we are in 2003, Mr. Speaker. Once again, there is no money in the administration's budget for overweight and obesity, our most widespread health problem. We have to do it again, Mr. Speaker, unless we are going to be satisfied with this resolution. I do not think even those who offered it would be satisfied with this alone.

The $125 million is meant chiefly for combatting overweight and obesity among children. That is where the epidemic is the worst. Of course, that is where it is most preventable.

Chairman Porter agreed on the floor to incorporate sections of my own bill called LIFE, Lifetime Improvement in Health and Exercise. It had three sections, three rather commonsense sections:

First was training health professionals to recognize overweight before it becomes obesity. When people get to be obese, it is too late. It is very hard to come down, even from being overweight, much less obese. The health professions do not get in there early enough;

Secondly, strategies so people in their own workplaces and communities could begin on a mass schedule to incorporate exercise that people can do, that elderly people can do, that children can do, that harried middle-class working people can do;

Third, there is mass education. I am pleased to report, Mr. Speaker, that the first section of our bill is about to be under way this year. CDC, which was charged with this first $125 million, is about to launch a 15-city tour where it will roll out this new mass education, which means ads we will see on television trying to get children and their parents off of the fast food that is among what is making them obese.

Our response this year, remember, is zero funding. I implore everybody who votes for this resolution to help us get money in the appropriation bill to prevent at least a dozen diseases we could all name ourselves. This epidemic involves every race, every economic background, and every age group. It is amazing the young people, young people in their teens and early twenties, that are deeply involved in this overweight and obesity problem.

Computers and cable made us all couch potatoes. We have an obligation, we and only we can do it, to assume leadership of the American people and try to get rid of this terrible epidemic. Only Congress can send a wake-up call to the American people to get out and exercise and get off the fast food.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of House Resolution 438, a resolution in support of improving men's health through fitness and the reduction of obesity.

This resolution is timely as we focus on Men's Health Week. The question of obesity in our children and men is very concerning. Since 1980, the percentage of children who are overweight has doubled. This has led to serious health consequences: Type 2 diabetes, heart disease, hypertension, stroke, and in many instances, poor self-esteem among children.

The problem of obesity is magnified in African American and poor communities, where rates increased most in the last 10 years. It is estimated that the economic cost of obesity is more than $100 billion a year, or 8 percent of the health budget.

In a number of States, legislators have introduced bills to tax soft drinks and restrict advertising to certain hours of the day. These bills in effect limit personal freedom and responsibility. I believe that we must begin to seriously encourage people to exercise and pay attention to their diet. As a matter of fact, in some places, people are beginning to say that it is time that we learn to eat to live and not live to eat.

I want to commend the Grocery Manufacturers of America for their efforts to begin to deal with the issue of obesity in a serious way. There are initiatives under way by Kraft and other food companies to make healthier products readily available. Additionally, they are looking at partnering with community-based organizations, churches and others, to spread the message that fitness and nutrition are two components to a long life.

So again, I commend the gentleman for his resolution and look forward to working with him and others. I also want to be associated with the comments made by the gentleman from Ohio. I do indeed believe it is time that this House does serious work towards elimination of health disparities.

But I believe that we have to move in a real way towards the ultimate development of a national health plan, one that provides quality, comprehensive health care for every American, without regard to their ability to pay. It is then and only then do I believe that we will become the healthy Nation that we have the potential of being.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would close on our side with a couple of comments. I support the resolution offered by my friend, the gentleman from Pennsylvania. I would hope that this resolution and discussions like this on the floor, following up on the excellent comments of the gentleman from Illinois (Mr. DAVIS), lead to an examination of practices of those in this society who, by their actions, really promote obesity; not so much the people that ultimately pay the price of worse health and earlier death, but the fast food chains whose marketing techniques of biggie-size this and biggie-size that encourage especially our young people to drink more high-caloried soda pop and eat more French fries and eat more, ingest more calories.

Look at even the growing obesity of children in places like China, which had no obesity problems until we began to export the fast food industry to countries like that. I would hope that we would examine the practices of those who promote obesity, such as the marketers and the advertisers, who spend billions of dollars to encourage, again, especially children in bad eating habits, to eat unhealthy food.

Imagine on television a marketer writing ads, a marketer who is maybe paid $500,000, using his or her skills to encourage a child to spend $3 at a fast food restaurant. That is not exactly an even match.

Look at even our schools, Mr. Speaker, where now schools in this country, because we underfund schools, they go to the private sector, they go to soft drink companies; and those soft drink companies will pay a fee to those schools so they can bring their pop machines into the cafeteria.

I think we have all been in schoolrooms where we have seen kids with a can of pop on their desk or walking down the hall with a soft drink. Some schools do not allow that, but too many do. When I was in school at Mansfield Senior High School, Mansfield, Ohio, 30 years ago, I remember the only vending machine in the cafeteria was an apple machine. Today we see soft drink machines in the cafeterias, in the halls, near the gyms. Because we underfund our public education, we have to give tax cuts in this institution to the richest people, so we underfund public education and then we force our schools to go out and make contracts with companies to bring pop machines in the schools, so leading those kids to more health problems in the future. That is really one of the reasons we have obesity in this country. It is all pretty tied together.

I hope this resolution in the future, and I plan to support the resolution of my friend, the gentleman from Pennsylvania, I hope it leads to an examination of the real issues surrounding this issue.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H. Res. 438, expressing the sense of the Congress that improving men's health through fitness and the reduction of obesity should be a priority.

Physical fitness is key towards the prevention and reduction of obesity. As a nation we should encourage all men to continue to live an active life beyond their high school sports and other extra curricula activity years and well into their retirement years.

It's hard to believe that in the age of technological advances there are still very simple steps we can take to improve our health. Experts agree that moderate exercise; just 30 minutes a day, 3 times a week can have a significant impact on health. That's just an extra 15 minutes in the morning and evening. Exercise such as walking can reduce your risk of chronic, disabling and often fatal diseases like diabetes, cardiovascular disease, depression, stroke and cancer. It can reduce and even eliminate dependence on medications resulting in a significant amount of cash savings. Furthermore, exercise improves mental alertness and fosters healthy muscles, bones and joints.

The technology of the 21st century has spoiled us. The World Wide Web has put the world at our fingertips. With our busy schedules we have grown dependent on the Internet for shopping, paying bills and even purchasing groceries. With a push of a button food is delivered directly to our homes.

Obesity is one of the biggest public health challenges in our time. The high number of uninsured individuals, the outrageous prices of prescription drugs and the down turn of the economy have forced us to take initiative and control over our health. The estimated medical cost for physically inactive Americans is $77 billion. We must rely on cost-effective proven practices such as exercise that will contribute to the prevention and reduction of obesity.

That is why I support their resolution. Although technology has advanced by leaps and bounds our health has suffered by many of life's new conveniences. We are eating more, exercising less and becoming obese. H. Res. 438 does not expect our men to become tri-athletes rather it recognizes that physical activity is the key to reducing and preventing obesity.

I urge all of my colleagues to support H. Res. 438. I also encourage families, health professionals, businesses, community leaders, schools and universities to join in an effort to improve physical fitness through innovative approaches. Together we can join forces and conquer obesity and its cruel ramifications.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of House Resolution 438, a sense of the House that improving men's health through fitness and reduction of obesity should be a priority. Obesity is a neglected public health problem in the United States. This disease affects approximately 51 million Americans and more than one quarter of all adults. The number of overweight and obese Americans has continued to increase since 1960. Unfortunately, this trend is not slowing down. Today, 61% of adult Americans (about 120 million) are categorized as being overweight or obese. While this resolution is focused solely on men's fitness and obesity issues, this epidemic transcends gender. While the prevalence of being overweight is higher for men (59.4%) than women (50.7%), the prevalence of obesity is higher for women (25.0%) than men (19.5%). Fitness and physical activity should be a priority for all Americans, regardless of gender.

Obesity is the second leading cause of unnecessary deaths. Each year, obesity causes at least 300,000 excess deaths in the U.S., and healthcare costs of American adults with obesity amount to approximately $100 billion. Obesity increases the risk of illness for about 30 serious medical conditions, including cancer, birth defects, cardiovascular disease, and stroke. Yet despite this correlation, obesity has not received the attention it deserves. Research is severely limited by a shortage of funds, and inadequate insurance coverage limits access to treatment.

Weight loss of about 10% of excess body weight is proven to benefit health by reducing many obesity related risk factors. Research has documented that physical activity is a key part of maintaining weight loss. Exercise can lower one's risk of heart disease and heart attack, high blood pressure, and high cholesterol. A decrease in the amount of daily activity related to work, transportation and personal chores is believed to contribute to the high percentage of overweight and obesity today. By adding moderate physical activity, progressing to 30 minutes or more on most or preferably all days of the week to one's daily routine, we can start to reverse the upward trend of obesity.

Mr. Speaker, we should applaud those who live a healthy lifestyle and encourage our public health system to recognize obesity and inactive lifestyles as a true health care epidemic. Finally, as of this past fiscal year, the IRS announced a new policy stating that "obesity is medically accepted to be a disease in its own right." For taxpayers, this means that treatment specifically for obesity can now be claimed as a medical deduction. I hope that this promotion of healthy lifestyles will continue as we try to curb this epidemic, and that a tax deduction for individuals who choose to stay healthy will be considered seriously by the IRS.

Mr. FOSSELLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from New York (Mr. FOSSELLA) that the House suspend the rules and agree to the resolution, House Resolution 438.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FOSSELLA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion are postponed.

The point of no quorum is considered withdrawn.

HONORING THE LIFE AND ACHIEVEMENTS OF 19TH CENTURY ITALIAN-AMERICAN INVENTOR ANTONIO MEUCCI

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 269) expressing the sense of the House of Representatives to honor the life and achievements of 19th century Italian-American Inventor Antonio Meucci, and his work in the invention of the telephone.

The Clerk read as follows:

H. RES. 269

Whereas Antonio Meucci, the great Italian inventor, had a career that was both extraordinary and tragic;

Whereas, upon immigrating to New York, Meucci continued to work with ceaseless vigor on a project he had begun in Havana, Cuba, an invention he later called the "teletrofono", involving electronic communications;

Whereas Meucci set up a rudimentary communications link in his Staten Island home that connected the basement with the first floor, and later, when his wife began to suffer from crippling arthritis, he created a permanent link between his lab and his wife's second floor bedroom;

Whereas, having exhausted most of his life's savings in pursuing his work, Meucci was unable to commercialize his invention, though he demonstrated his invention in 1860 and had a description of it published in New York's Italian language newspaper;

Whereas Meucci never learned English well enough to navigate the complex American business community;

Whereas Meucci was unable to raise sufficient funds to pay his way through the patent application process, and thus had to settle for a caveat, a one year renewable notice of an impending patent, which was first filed on December 28, 1871;

Whereas Meucci later learned that the Western Union affiliate laboratory reportedly lost his working models, and Meucci, who at this point was living on public assistance, was unable to renew the caveat after 1874;

Whereas in March 1876, Alexander Graham Bell, who conducted experiments in the same laboratory where Meucci's materials had been stored, was granted a patent and was thereafter credited with inventing the telephone;

Whereas on January 13, 1887, the Government of the United States moved to annul the patent issued to Bell on the grounds of fraud and misrepresentation, a case that the Supreme Court found viable and remanded for trial;

Whereas Meucci died in October 1889, the Bell patent expired in January 1893, and the case was discontinued as moot without ever reaching the underlying issue of the true inventor of the telephone entitled to the patent; and

Whereas if Meucci had been able to pay the $10 fee to maintain the caveat after 1874, no patent could have been issued to Bell: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the life and achievements of Antonio Meucci should be recognized, and his work in the invention of the telephone should be acknowledged.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 269.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have the House consider House Resolution 269, important legislation introduced by my distinguished colleague, the gentleman from New York (Mr. FOSSELLA).

This resolution expresses the sense of the House of Representatives in honoring the life and achievements of the 19th century Italian-American inventor, Antonio Meucci. We have all grown up believing that Alexander Graham Bell invented the telephone. However, history must be rewritten if justice is to be done to recognize Meucci as the true inventor of the telephone.

☐ 1445

Bell was issued a patent for the telephone in 1887. However, 17 years earlier, in 1860, it was Meucci who successfully demonstrated his electronic communications link in his Staten Island, New York home, an invention he later called the teletrofono. Meucci was a poor man who never learned English and was unable to navigate the business world. He did not have the $10 needed to apply for a patent for his invention and was never able to get the financial backing needed to pursue a patent. Later, following a tragic accident in which Meucci was severely burned, the laboratory where he worked on his invention supposedly lost his working models needed to get a patent. Just a few years later, Bell who worked in the same laboratory, earned the patent for the telephone.

The story of Antonio Meucci is not well known. While he has not received credit for his invention in our history books, the House of Representatives will today honor the genius of the Italian American inventor Antonio Meucci.

Mr. Speaker, I ask all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Antonio Meucci was born in Florence, Italy in 1808. He was fond of chemistry and at the age of 17 conceived an improved powerful propeller to be used in fireworks, so powerful that his little rockets lost control, caused damage to properties in the vicinity. This was the beginning of a life filled with experiments and discoveries.

Meucci spent the first 27 years of his life in Florence, Italy, 15 years in Havana, Cuba, and 39 years in Clifton, New York. While in Havana, Meucci discovered the latest discoveries in electricity, electrochemistry and electrotherapy in his laboratory which was next to his apartment. In 1865 Meucci wrote, "At Havana, by means of some little experiments, I came to discover that with an instrument placed at the ear and with the aid of electricity and a metallic wire, the exact word could be transmitted holding the conductor in the mouth . . . ". Meucci had discovered electrical speech transmission.

Meucci and his wife, Esther, moved to New York in 1850 where he established a very successful candle business. However, in 1854, his wife aggravated her rheumatoid arthritis to the point where she could seldom leave her bedroom in the third floor of the house.

Esther's illness stimulated the resuming of Meucci's speaking telegraph, as it allowed her to communicate with him and others from her bedroom. Meucci established a telephone link from Esther's room to the basement as well as to a larger laboratory in the yard. To call attention, a mechanical call bell was used, its wires running parallel to those of the telephone. Only one instrument was used at each end, that was alternately brought to the ear or mouth of the user. Meucci received little credit for the invention he later called the teletrofono.

This resolution recognizes his work, the importance of his efforts, and I am pleased to not only support it, but I also want to commend the gentleman for bringing it to the attention of all of the Members of this House and to the American people.

Mr. Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FOSSELLA), the chief sponsor of this bill.

Mr. FOSSELLA. Mr. Speaker, I thank the gentlewoman for yielding me time. I thank Members on both sides, the gentleman from Illinois (Mr. DAVIS), as well as the gentleman from New Jersey (Mr. PASCRELL) for supporting this resolution.

Mr. Speaker, it is my strong belief that Italian Americans have contributed greatly to the United States and continue to contribute proudly as well. We know Columbus discovered America. Two Italians signed the Declaration of Independence. Enrico Fermi split the atom, and Captain Don Gentile, the fighting ace, was described by General Dwight Eisenhower as a "one-man force." He, like so many other Italian-Americans, did and were willing to give their life in defense of freedom and liberty and supporting these great United States.

Mr. Speaker, I wanted to spend a few minutes today to honor an Italian American and former Staten Island resident who is often overlooked, as announced already, and his name was Antonio Meucci.

The 19th century was a time of great technological innovation, as its birth heralded the beginning of the Industrial Revolution. However, unlike the century just ended and the new one we are beginning to explore, the rough-and-tumble of our young Nation had yet to develop information exchange to the extent we enjoy today.

The Founding Fathers made America a guarantor of unprecedented and, to this day, unmatched liberty. This liberty included again an unprecedented appreciation for intellectual property rights. Today with our study of historical records and ability to examine many disparate sources of information, we now know it is likely the invention of what we know today as a telephone took place in the middle of the 19th century rather than its end, and its creator is believed to be Antonio Meucci. He worked for years to develop a new system of electronic communication. However, poor and sick, he was unable to keep the patents enforced and died before the courts could decide with finality whether he or Alexander Graham Bell was the true inventor of the telephone.

It is known that Meucci demonstrated his device in 1860, that a description appeared in New York's Italian language newspaper, and that Western Union received working models from Meucci but reportedly lost them.

It is also known that Meucci, due to his limited means, settled for a caveat, a one-year renewable notice of an impending patent, first filed in 1871, but which he was unable to pursue after 1874, while Alexander Graham Bell was not granted a patent until 1876.

Finally, it is known that the Supreme Court of the United States directed the case to proceed to trial but Meucci died a short time later, rendering the case moot.

So with these facts before the House today, I ask for the passage of this resolution to honor the life and achievements long overdue of Antonio Meucci, a great Italian American and a former great Staten Islander.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL), one who represents the feisty tradition of Italians and of Italian Americans, and a great spokesman not only for Italy and Italian Americans, but a great spokesman for all of America.

Mr. PASCRELL. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. DAVIS) for yielding me time.

Mr. Speaker, first I want to commend my good friend, the gentleman from New York (Mr. FOSSELLA). How refreshing it is to talk about an Italian American out of the Hollywood spotlight and an Italian American not recognized. If only we took the time in this society to deal with all ethnics, people of all racial persuasions in fairness, and that is what this resolution is all about: Fairness, honesty, breaking the stereotypes that many of us have learned; in fact, probably, taught without our even knowing.

We recognize today the life and achievements of Antonio Meucci. He was a pauper. He had nothing. He came here with nothing. He could not even put $10 up for a patent application. And yet his life is one of brilliance in science, particularly. He is only a footnote in our history books. We all know those great publishers that steer the education process of America. He earns, if he is lucky, a footnote. Indeed, many local libraries, if you search for his name in a card catalog, you may come up empty. Yet, substantial evidence exists that he indeed developed the first telephone. It is Alexander Graham Bell who is most commonly given credit. After all, it was he, and not Meucci, who was awarded one of the most valuable patents in American history. But the fact remains that Meucci's scientific discoveries concerning human voice transmission as well as his tangible teletrofono preceded those of Bell.

In fact, when you examine, Mr. Speaker, how this all happened in a place where Meucci heard an exclamation of a friend who was in another room over a piece of copper wire running between them, he realized immediately that he had something that was more important than any discovery he had ever made. But that realization also came with the understanding that to succeed as an inventor, he would need an environment that truly fostered his inquisitive mind and his vibrant spirit.

I believe that it is proper to honor the far-reaching contributions that Antonio Meucci made to our society, and I am not the only one. The Government of the United States and the Supreme Court agree with me. In this Supreme Court document, Mr. Speaker, it is very clear in the many pages laid out across the record that this is no ordinary young man in his struggle. In 1887 the Government moved to annul the patent issued to Bell on the grounds of misrepresentation, an indication that the Supreme Court found viable and remanded for retrial. This is only one of many published documents during the time, the late 1800s that outlined the case being made for Meucci, indeed, the case we are making today on both sides of the aisle. In 1860 a description of his first telephone model was published, as the gentleman from New York (Mr. FOSSELLA) pointed out, in an Italian language newspaper in New York City, 16 years before Bell's patent.

Indeed, Meucci's extraordinary career flourished upon immigrating to New York in 1850. His poor finances, his limited English, his grasp of the language was not very good. It plagued him throughout his life. Yet, he worked tirelessly to bring long distance communication to a practical stage.

When his wife fell paralyzed in 1855, Meucci set up a telephone system which joined several rooms of his house with his workshop in another building. This was the first such installation anywhere; anywhere. Unfortunately, Meucci was unable to raise those funds to pay his way through the arduous patent application process. Instead, he had to settle for a caveat, which is a one-year renewable notice of an impending patent. He first filed this on December 28, 1871. Three years later his finances were absolutely zero.

Living with the aid of public assistance and unable to get a 7–A loan, which today we have available through small business, Meucci was forced to allow the caveat to lapse at the end of that year. Two years after the expiration of his caveat, Alexander Graham Bell performed experiments in the same laboratory that Meucci worked, and he took out a patent for his own voice-transmitting device. The same laboratory.

It is possible that sometimes several inventors have the same idea at roughly the same time. In this case, what has mattered is not who had the idea for the telephone first, but who first turned the idea into a viable commercial enterprise. Let us not forget that if Antonio Meucci could have paid the $10 fee to maintain his caveat, the Bell patent could not have been granted. Ten dollars.

□ 1500

Let us not forget that the Supreme Court of the United States found that Meucci's case was viable and warranted a trial at a circuit court. It is unfortunate that Meucci died before his case could even be continued and before a resolution could be reached as to who truly invented the telephone; but most importantly, let us not forget that Antonio Meucci's great contributions to science have had a profound impact on our modern society.

Mr. Speaker, many people from many different nations have contributed to this greatest of all democracies. Antonio Meucci was one such person. He is a reflection of our brothers and sisters from all over the world who came to this country with nothing and worked hard to make this a better place for mankind. Some heralded, some not even a footnote in the library.

It is fitting that his efforts are recognized here today, and I thank the gentleman from New York for allowing me to work with him on this important resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

We have no further requests for time, and I would just like to close by thanking both the gentleman from New York (Mr. FOSSELLA) and the gentleman from New Jersey (Mr. PASCRELL) for this tremendous depiction of history that they have given us this afternoon, which reinforces my desire to be a strong supporter of this resolution; and it also reinforces how great and how much opportunity there is that exists in this country. Every time we pass one small measure, in this instance, it might have been a microbusiness loan that could have changed the history of our understanding of telecommunications.

Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I just wanted to add and commend the two gentlemen, the gentleman from Illinois (Mr. DAVIS) and especially the gentleman from New Jersey (Mr. PASCRELL) for a very strong and passionate defense in support of the life of a great American and great inventor and merely add to the course, so to speak, that he was emblematic and remains so as a representative of all those who have come to this country to seek a better life and an opportunity and, in particular, to those Americans of Italian descent who have and will continue to make this the greatest country in the history of the world and in a small way and a long overdue way but in a small measure. I would ask my colleagues to support it.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, the story of Antonio Meucci is a tragic one, and although he successfully demonstrated his electronic communication years before Alexander Graham Bell received a patent for the telephone, Meucci has been all but forgotten.

This resolution attempts to remedy this oversight and give credit to one of history's great inventors. Meucci should be remembered with other innovators, like Edison, the Wright Brothers, and Marconi, whose vision and tenacity changed our lives for the better.

Mr. Speaker, I urge all Members to support this resolution.

Mr. ISRAEL. Mr. Speaker, I rise today to honor a great New Yorker and a great inventor, Antonio Meucci. As the first member of the House to join with our colleague from New York, Mr. Fossella, on this resolution, I am gratified that it is coming before us today.

House Resolution 269 honors the life and achievements of Antonio Meucci, who came to New York in 1850. Born in San Frediano, near Florence, Italy in April 1808, he was an inventor through and through. He constantly read scientific tracts and conducted experiment after experiment. He went to Havana in 1835 to work as a stage technician. It is there that he had the first inkling of his greatest invention.

Meucci developed a type of electro-shock treatment for the ill. While preparing to administer one of his treatments, Meucci heard his patient say something from the next room over the piece of copper wire running between them. This was the event that sparked his breakthrough.

Meucci spent the next ten years bringing the idea of voices being transmitted over wire to a practical stage. With this goal, he left Cuba for New York in 1850. There he found many other Italians who had left their native land, including the great revolutionary Garibaldi, who stayed in Meucci's Staten Island home.

During his time in New York he had success with his invention. After his wife became ill in 1855, he installed a kind of intercom system in his house, the first installed anywhere in the world. Five years later, he was arranging demonstrations to attract financial backing. Unfortunately, nothing came of this, and he spent a considerable time in poverty. His poverty forced him to sell rights to his inventions to others, and he never filed for a patent on a telephone. After an accident left the inventor hospitalized, his wife sold all of his inventions, including the telephone prototype, to help pay for his treatment. The "secondhand dealer" resold the items to an "unknown young man." To this day, we do not know the identity of this unknown young man.

Meucci tried to reconstruct his invention, but unable to raise the $250 needed for a patent, a considerable sum in 1871, he filed a "notice of intent" on December 28, 1871, which he renewed for two years, but not after. He tried to sell his "Talking Telegraph" to the newly established Western Union Telegraph Company, asking permission to demonstrate it over their wires. That test never got set up, and in 1876, Alexander Graham Bell filed a patent.

Meucci instructed his lawyer to protest to the U.S. Patent Office, but his lawyer failed to do so. A friend did contact the office, only to learn that all the documents filed by Meucci had been lost. Later investigation produced evidence of illegal relationships linking certain employees of the Patent Office and officials of Bell's company.

Antonio Meucci was a brilliant inventor but a poor businessman. Despite his lack of success in business, he most certainly invented the telephone. He is honored in my district with a road named for him in Copiague. I am proud that we, the entire House of Representatives, today will honor this man who has been overlooked by history for too long.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I add my voice to the praise and honor of Antonio Meucci who, through his work toward the invention of the telephone, has brought the world together as few others have. Through his ingenuity and perseverance, this Italian-American changed the way the world communicates, although as a newcomer to America, he was often thwarted by his own inability to communicate with those who could have, and should have given him the recognition he deserved.

Antonio Meucci came to America, pursuing his dream of introducing his "Talking Telegraph" to the world, and hoping to make a living doing so. Instead, he struggled against his own meager beginnings—not having the money or verbal skills he needed to protect his intellectual property. He also struggled against the incompetence and greed of others. Tragically, this extraordinary man's decade-long struggle for justice ended in poverty and frustration. I am pleased that we are finally helping him attain his rightful place in history.

I strongly support H.R. 269, honoring a man who embodies the travails of the American Immigrant experience—Antonio Meucci, the true inventor of the telephone.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 269.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING AND ACKNOWLEDGING DEDICATION AND SACRIFICE MADE BY MEN AND WOMEN KILLED OR DISABLED WHILE SERVING AS PEACE OFFICERS

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 406) commemorating and acknowledging the dedication and sacrifice made by the men and women killed or disabled while serving as peace officers, as amended.

The Clerk read as follows:

H. RES. 406

Whereas the well-being of all people of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 law enforcement personnel, at great risk to their personal safety, serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 70 peace officers died at the World Trade Center in New York City on September 11, 2001, the most peace officers ever killed in a single incident in the history of the Nation;

Whereas more than 220 peace officers across the Nation were killed in the line of duty during 2001, which represents 57 percent more police fatalities than the previous year and makes 2001 the deadliest year for the law enforcement community since 1974;

Whereas every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty;

Whereas section 136 of title 36, United States Code, requests that the President issue each year a proclamation designating May 15 as Peace Officers Memorial Day in honor of Federal, State, and local officers killed or disabled in the line of duty; and

Whereas on May 15, 2002, more than 15,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the House—

(1) honors Federal, State, and local peace officers killed or disabled in the line of duty;

(2) supports the goals and ideals of Peace Officers Memorial Day; and

(3) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 406.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have the House consider House Resolution 406, important legislation introduced by my distinguished colleague, the gentleman from Colorado (Mr. HEFLEY). This resolution honors those peace officers who have been disabled or killed in the line of duty, and it supports the goals and ideal of Peace Officers Memorial Day.

Mr. Speaker, engraved on the National Law Enforcement Officers Memorial in Washington, D.C., is a verse from Proverbs 28:1: "The wicked flee when no man pursueth; but the righteous are as bold as a lion." Today, over 740,000 sworn law enforcement personnel, which is the highest figure ever, live by that quotation from Proverbs. These 740,000 men and women serve their communities and Nation as guardians of peace, often at great risk to their personal safety.

The year 2001 was one of the deadliest years on record for law enforcement in the United States. The deaths occurred in a wide variety of circumstances, demonstrating that, no matter how routine an assignment might seem, a police officer's life may be at risk.

The National Law Enforcement Memorial tells the story of those slain in the line of duty.

The first fatality of 2001 occurred shortly after midnight on January 1 when Tennessee State Trooper John Mann was struck and killed while struggling with a carjacker along an interstate highway.

On September 11, 2001, more law enforcement officers were killed in a single incident than ever before in American history when 70 law enforcement officers died at the World Trade Center in New York City.

The last law enforcement fatality in 2001 occurred on December 29 in Horry County, South Carolina. Lieutenant Randy Gerald of the Horry County Sheriff's Office stopped on his way home from work to assist a woman who was being assaulted at a rest stop. As he pulled up, the assailant walked over to Lieutenant Gerald's vehicle and shot him three times.

Congress has recognized May 15 as the day on which all Americans should honor the dedicated men and women of law enforcement. On May 15, 2002, over 15,000 law enforcement officers gathered here in our Nation's capital to join with the families of their recently fallen comrades to honor them and all others who went before them.

We keep in our prayers those whose loved ones have fallen while serving as law enforcement officers. We keep in our prayers and thank those who work as law enforcement officers today.

The National Law Enforcement Memorial has an engraved quote by the Roman orator and great public official, Tacitus: "In valor . . . there is hope."

Mr. Speaker, those who work in law enforcement, and especially those who have sacrificed their lives, prove the truth of those words. We thank them for that.

Mr. Speaker, I ask all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the first recorded law enforcement fatality in the performance of duty occurred on May 17, 1792. The officer's name was Isaac Smith, a sheriff's deputy in New York City, who was shot to death while attempting to make an arrest. Since that time, more than 15,000 other officers have been killed in the line of duty; and today, roughly 740,000 officers continue to put their lives on the line for the safety, welfare, and protection of others.

May 15 is Peace Officers Memorial Day, and it is fitting that this resolution honoring the men and women of this country who were killed or disabled while serving as law enforcement officers be brought before this body.

September 11, 2001, provided a somber perspective of the importance of Peace Officers Memorial Day. In addition to the 70 law enforcement officers who died at the World Trade Center, another 158 officers died in the line of duty last year. Those 228 deaths represent the sixth deadliest year in law enforcement history in this country.

The first fatality of 2001 occurred shortly after midnight on January 1, when Tennessee State Trooper John Mann was struck and killed while struggling with a carjacker along an interstate highway.

The 228th law enforcement fatality occurred on December 29 when Lieutenant Randy Gerald, a South Carolina sheriff, stopped on his way home from work to assist a woman who was being assaulted at a rest stop. As he pulled up, the assailant walked over to Lieutenant Gerald and shot him three times.

These incidents, and countless others, bring to the forefront the sacrifice, acts of heroism and valor that police officers across the Nation perform every day. Their bravery and commitment to the job deserves to be remembered and revered, for it is obviously true that no greater gift can one give than to use his or her life for the safety and protection of others.

I would urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. HEFLEY), and I would like to thank him for introducing this important piece of legislation.

Mr. HEFLEY. Mr. Speaker, I thank the gentlewoman from Virginia (Mrs. Jo Ann Davis) and the gentleman from Illinois (Mr. Davis) for their support of this resolution. How could we not support this kind of a resolution? Where would our society be without those people who are willing to lay their lives on the line for us every day out there in the trenches of the front line?

Mr. Speaker, I rise today to honor the peace officers from around the country, those who came to Washington last month to commemorate the deaths of over 230 peace officers last year and, particularly, to honor the memory of those 230 peace officers who gave their lives last year. Today, we pay tribute to the commitment, the sacrifice and public safety services peace officers have provided on a daily basis and continue to do so.

As we all know, September 11 stands out as one of the most tragic days in American history. That fateful Tuesday we lost 72 police officers, the largest single loss of law enforcement personnel in a single day in the history of our country.

While September 11 offered an extreme glimpse of law enforcement service and sacrifice, similar acts of heroism and valor are performed every day by police officers across our Nation; and the two speakers that preceded me illustrated some of those just in this 1 year, leading up to this day, less than a year, those who have died and lost their lives and given of themselves.

In addition to the 72 officers that died on September 11, another 158 officers died in the line of duty last year; and these 230 deaths represent the sixth deadliest year in law enforcement history, as has already been said.

Peace officers in every community have an admirable record of service and sacrifice; yet too many Americans lack a true understanding and appreciation of law enforcement's worth. That is why I worked 2 years ago to help establish the National Law Enforcement Museum in Washington, D.C.; and once construction is completed, the museum will highlight the proud history of the law enforcement profession and educate the people about the dangers and the importance of this job.

Unlike any other job, peace officers face unprecedented risks while bravely protecting our communities and our freedoms. I hope my colleagues will join with me today in paying tribute to our Nation's fallen officers and expressing our gratitude for the work that these men and women do day in and day out. While we are awake, while we are asleep, they are out there on the job.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from California (Mr. Filner).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Illinois (Mr. Davis) for yielding me the time.

I thank the gentleman from Colorado (Mr. Hefley) for introducing this very important resolution. I thank the gentlewoman from Virginia (Mrs. Jo Ann Davis) and the gentleman from Illinois (Mr. Davis) for their eloquent statements on behalf of law enforcement officers and how much they mean to our Nation.

I rise today, though, to point out an irony and hope to get support from my colleagues for law enforcement officers in our Federal agencies.

I hope that those who are on the floor today know that there are law enforcement officers throughout the Federal Government who protect us day and night. They may be in INS. They may be in U.S. Customs. They may be postal police. They may be police officers for the Veterans Administration. They work to protect our airports, the Library of Congress, the Supreme Court. They are members of the Bureau of Alcohol, Tobacco and Firearms.

These are law enforcement officers who do not have law enforcement status in terms of their pay and their retirement benefits. Mr. Speaker, these are people who are trained to carry a weapon. They wear bulletproof vests. They have a badge. They face the risk every day that police officers in our cities and States have to face.

I have watched mainly the inspectors at the U.S.-Mexico border in the district I represent in San Diego. I have watched members of the INS and U.S. Customs literally face death in confrontations with those who are trying to cross the border illegally or those who are trying to bring drugs and probably at some future point with terrorists; and yet I say again they are trained as law enforcement officers. They have the risk of law enforcement officers, but they do not have the status of law enforcement officers. That means that they do not get either the pay or the retirement benefits of those who are so classified.

□ 1515

Mr. Speaker, we talk today about honoring our law enforcement officers, and how their names are engraved at the National Law Enforcement Memorial several blocks away. It is ironic that some of these people that I refer to in the Department of Customs or INS, their names are engraved on the Law Enforcement Memorial, and they are recognized as law enforcement officers when they died, but we do not recognize them as such when they are living when we should pay recognition to them.

I hope those who are honoring our law enforcement officers today will look at H.R. 1841, the Law Enforcement Equity Act. It has over 180 sponsors, Democrat and Republican, from all across the country. I think it is time as we think today of our peace officers and law enforcement officers all over this Nation who have died in the line of duty, as we recall September 11 and the bravery of our peace officers there. I think it is time to say to our officers throughout the Federal Government, let us recognize them, too. Let us classify, and take the training that they have been given and the risks that they face, and give them the status that they deserve. I hope as we all vote for this resolution on the floor, we will think about H.R. 1841, the Law Enforcement Equity Act, and move forward in those situations also.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over 14,500 Federal, State, and local law enforcement officers have been killed in the line of duty since 1900. It is appropriate that the House and the people of the United States recognize the men and women who work as law enforcement officers.

There are fathers and mothers, sons and daughters, brothers and sisters, friends and neighbors, and they deserve this recognition. I urge all Members to support this resolution, as amended.

Mrs. McCARTHY of New York. Mr. Speaker, I rise in support of House Resolution 406 offered by the gentleman of Colorado, Mr. Hefley.

Today, we honor some of our nation's most courageous citizens: local law enforcement officers. On September 11, 2001, many New York officers risked their lives to come to the rescue of those in crisis as the World Trade Towers came crashing down. And tragically, many of these courageous men and women perished.

In the nine months since September 11, the world watched the United States recover. The remains of the World Trade Center have been cleared away, but the memory of tremendous heroism remained in the trying days, weeks, and months that followed. Our nation will never forget the brave law enforcement officers who selflessly answered the call to duty on that dark September day.

Today, we honor law enforcement for their committed response to the September 11 terrorist attacks, but we also give tribute to our local officers for the important work and sacrifice they offer each and every day. In cities, towns and villages throughout our great nation, they protect Americans from violence and fight crime in our streets and schools. We depend on our community's law enforcement, not just times of great tragedy, but in our daily lives.

I urge my colleagues to support this important resolution and encourage all Americans to respect and honor the remarkable contributions of local law enforcement. They make our nation strong and proud.

Mr. GILMAN. Mr. Speaker, colleagues, and Representative Joel Hefley of Colorado for introducing House Resolution 406 to the floor.

It is important that Congress, as well as all Americans' realize how much dedication peace keeping officers have. In the great tragedy of September 11th, 70 peace keeping officers made the ultimate sacrifice in the line of duty. This does not stop there however, this year there was a 57 percent rise in police fatalities than the previous year. The risks which these officers take every day is considerably great. House Resolution 406 it will allow Congress to recognize all of the sacrifices which these people have made while serving as Peace Officers.

It is important to realize that these dedicated officers are here for us. The amount of negativity which has to be put up with on a day to day basis is above and beyond what any person should be expected to deal with. Every day that they leave for work their lives are in danger. If 1 out of every 4,400 peace officers is killed in the line of duty that is sadly a high rate. In 2001 there was a rise in deaths by over one and a half times that of the previous year. This makes 2001 the most fatal year for police fatalities since 1974. The last that their government could do, would be to recognize and acknowledge the sacrifice these people make.

House Resolution 406 does just that. This bill will honor all Federal, State, and local peace officers who have been killed or disabled in the line of duty. It will support all of the goals and ideals of Peace Officers Memorial Day. Finally it calls upon all Americans to observe such a day with appropriate ceremonies and respect.

Accordingly, I urge my colleagues to support House Resolution 406 to commemorate and acknowledge the dedication and sacrifices made by the men and women killed or disabled while serving as Peace Officers.

Ms. JACKSON-LEE of Texas. Mr. Speaker, Americans have been called upon as a nation to show courage. The Peace Officers are protecting our daily freedoms. Law enforcement is the front line protector of freedom. In an unpredictable and constantly changing world, where communities and families expect safety and security, Peace Officers continually strive to be the best law enforcement officers recognized for their responsiveness and integrity. These Peace Officers put their lives on the line everyday for their communities with courage and honor.

Courage is the feeling of one's own power when summoned to duty. Courage comes not from facing the everyday but from standing fast against uncertainty. Courage is not inherited and not a matter of biological chance.

We may never understand the grief that the family suffers with the loss of a Peace Officer. However, those of us left behind recognize that these officers did not die in vain. We owe a debt to those who have given their lives, and the peace officers of this country want this memory to stay fresh in the minds of the citizens.

Therefore, I rise to lend my support and urge the establishment of a Peace Officers Memorial Day in honor of Federal, State, and local peace officers killed or disabled in the line of duty. They must never be forgotten, and we will remember their courage and duty.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 406, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HERBERT ARLENE POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3738) to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the "Herbert Arlene Post Office Building".

The Clerk read as follows:

H.R. 3738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HERBERT ARLENE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, shall be known and designated as the "Herbert Arlene Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Herbert Arlene Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3738, introduced by the gentleman from Pennsylvania (Mr. BRADY) is to designate the post office located in Philadelphia, Pennsylvania, as the "Herbert Arlene Post Office Building." Members of the entire House delegation from the Commonwealth of Pennsylvania are cosponsors of this legislation.

Mr. .Speaker, Pennsylvania State Senator Herbert Arlene ably represented Philadelphia's Third Senatorial District in North Central Philadelphia for 14 years. Senator Arlene was Pennsylvania's first African American elected to the State Senate. Prior to his 1966 election to the Senate, he served in the State House of Representatives from 1958 to 1966. He was a businessman, philanthropist and community activist until his death in 1989 at age 72.

Many Philadelphians continue to revere Senator Arlene for his importance to Pennsylvania's history. They also recognize him for his emphasis on constituent services, and for his love of his city and his commonwealth. Mr. Speaker, I urge adoption of H.R. 3738.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3738, which names the U.S. Post Office located in Philadelphia after Herbert Arlene was introduced by the gentleman from Pennsylvania (Mr. BRADY) on February 13, 2002.

Herbert Arlene was Pennsylvania's first African American elected to the State Senate in that State. Senator Arlene also served in the State House of Representatives from 1958 to 1966 representing North Central Philadelphia. In addition to being a politician and elected official, he was an active businessman, a philanthropist, and a community activist until his death in 1989.

H.R. 3738 is a fitting tribute to the late Senator Herbert Arlene, and I would urge its swift passage and commend the gentleman from Pennsylvania (Mr. BRADY) for its introduction. I urge all Members to vote in favor of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BRADY).

Mr. BRADY of Pennsylvania. Mr. Speaker, we have heard the credentials of Herbert Arlene being the first African American State Senator in the State of Pennsylvania, a position that we were all proud that he held. On a personal note, I was elected chairman of the Democratic Party along with him, and he was elected as my Secretary. I served with him for 10 years, and he served with distinction in the city of Philadelphia in the Democratic Party.

Senator Arlene was a hands-on politician. He served the community in many ways, including as the leader of the 47th Ward in the city of Philadelphia.

Mr. Speaker, Herbert Arlene left behind a loving family, as well as a new generation of leaders in North Philadelphia. Many of my constituents continue to revere Senator Arlene for his importance to Pennsylvania's history. They also recognize him for his emphasis on constituent service, and his love of the city and the commonwealth. It is fitting that we designate the facility at 1299 North 7th Street in Philadelphia as the Herbert Arlene Post Office Building.

I thank the gentleman from Indiana (Chairman BURTON) and ranking member, the gentleman from California (Mr. WAXMAN) of the Committee on Government Reform, and the gentleman from Florida (Mr. WELDON) and the gentleman from Illinois (Mr. DAVIS) for all of their hard work on this bill. I urge Members to support this bill.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I urge adoption of this measure, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3738.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REV. LEON SULLIVAN POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3739) to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the "Rev. Leon Sullivan Post Office Building".

The Clerk read as follows:

H.R. 3739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REV. LEON SULLIVAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, shall be known and designated as the "Rev. Leon Sullivan Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Rev. Leon Sullivan Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3739, introduced by the gentleman from Pennsylvania (Mr. BRADY) designates a post office located in Philadelphia, Pennsylvania as the Reverend Leon Sullivan Post Office Building. Members of the entire House delegation from the Commonwealth of Pennsylvania are cosponsors of this legislation.

Mr. Speaker, the Reverend Leon Sullivan devoted his life to helping others help themselves. Born and raised in Charleston, West Virginia, Leon Sullivan became pastor of Zion Baptist Church in urban Philadelphia in 1950, eventually increasing its membership from 600 to 6,000, making it one of the largest congregations in America.

In 1964, he founded Opportunities and Industrialization Centers, OICs, a self-help training program that has spread to 76 centers in the United States and 33 centers in 18 other countries, training more than 2 million people worldwide.

In 1971, Reverend Sullivan joined the GM board of directors, and became the first African American on the board of a major corporation. In 1977, Reverend Sullivan developed a code of conduct for companies operated in South Africa. The "Sullivan Principles" created a revolution in industrial race relations and were instrumental in dismantling apartheid. In 1999, the Global Sullivan Principles were issued at the United Nations. This expanded code calls for multinational companies to take an active role in the advancement of human rights and social justice.

Among his many other honors, in 1992 Sullivan was awarded the Presidential Medal of Freedom, the highest civilian award given in the United States. Reverend Leon Sullivan died on April 24, 2001, of leukemia at a Scottsdale, Arizona hospital. He was 78. I urge adoption of H.R. 3739.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3739, which designates a U.S. Post Office located in Philadelphia after Reverend Leon Sullivan was introduced by the gentleman from Pennsylvania (Mr. BRADY) on February 13, 2002.

The Reverend Leon Sullivan, a prominent social activist/reformer was the pastor of the Zion Baptist Church in Philadelphia for 38 years, overseeing congregational growth from 600 to 6,000. His commitment to social reform and justice extended into national and international areas. In 1964, he founded the Opportunities Industrialization Center in Philadelphia, which sponsored extensive training and retraining of welfare recipients. The program was expanded into other cities and countries.

I am pleased to say that I had the opportunity to actually work with the OIC that was founded in Chicago, and almost took a job working for them at one time. Perhaps if I had done that, I would not have ended up doing electorial politics.

Reverend Leon Sullivan was also the founder of the National Progress Association for Economic Development which supported minority businesses in economic development and training. He served on the boards of a number of major corporations and organizations, including General Motors, the Boy Scouts of America, and several large banks.

He is perhaps most remembered for the bold and innovative role he played in the global campaign to dismantle the system of apartheid in South Africa. In 1977, Reverend Leon Sullivan developed a code of conduct for companies operating in that country. The "Sullivan Principles," signed by more than 125 U.S. corporations, required racial equality and desegregation in the workplace, corporate involvement in the South African black community, and stated opposition to the apartheid system.

Reverend Leon Sullivan was the recipient of numerous awards and honors recognizing his ministry and commitment to social justice. He was awarded the Presidential Medal of Freedom, and received the Dahlberg Peace Award from the American Baptist Convention.

Reverend Sullivan died on April 24, 2001 of leukemia. He was 78 years old. I commend my colleague for seeking to honor such an outstanding man of peace and vision, and urge swift consideration of this measure.

Mr. Speaker, I might add, I was in Nairobi, Kenya in 1975, and was pleased to see as I got off the plane and got downtown Nairobi, the first thing I saw was an OIC; and I said, I guess I am in the right place.

Mr. Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BRADY).

Mr. BRADY of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, today we honor the lion of Zion, Reverend Leon Sullivan, and it is fitting that we name the post office at 6150 North Broad Street in Philadelphia as the Rev. Leon Sullivan Post Office.

I have my speech here prepared, and I thank my two colleagues for their heartfelt words, but I would like to add a personal note.

☐ 1530

I knew the Reverend Leon Sullivan. I knew him well. He is revered in the city of Philadelphia as the Zion Church is on North Broad Street. His spirit lives on with that church. It is as vibrant as can be and is staying as vibrant as it can be with the 6,000 members that are there. I would like to say that a lot of good people are following in his footsteps. They are very, very large footsteps. I like to think that I got a little piece of that. I knew him personally. He was a dear friend. I had a good opportunity to see him not too long before his death. He will surely be missed.

I also again thank Chairman BURTON and Ranking Member WAXMAN of the Committee on Government Reform as well as Chairman WELDON and Ranking Member Davis and their staffs for all their hard work on this bill. I urge my colleagues to support this bill.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I urge all Members to support this important piece of legislation.

Ms. PELOSI. Mr. Speaker, I rise today in support of naming a post office in Philadelphia after the Rev. Leon Sullivan.

Leon Sullivan was first of all, a man of God with deep spiritual beliefs as a Baptist minister. Rev. Sullivan made his mark in our country as a civil rights leader and founder of the Opportunities Industrialization Centers, which provides job training for in the U.S. and 18 other countries.

Rev. Sullivan made his mark on the international stage as a humanitarian in the struggle to free South Africa from the grip of the apartheid regime. As a member of the board of General Motors, in 1977, Rev. Sullivan developed the "Sullivan Principles" as a guide for companies operating in South Africa. They played a major role in convincing U.S. companies to divest in South Africa as long as the black majority was oppressed.

One of my greatest personal experiences was meeting with Rev. Sullivan and listening intently as he discussed with such passion and power, the need to help the African people move toward self-determination. I was proud to be of assistance to him.

Rev. Sullivan also wrote a book called the Global Sullivan Principles, which addressed the responsibility of multinational corporations to provide a livable pay for all workers. "Every business, large and small, can find a way to improve the standard of life for poor people who need help in America and in the world," he said.

Mr. Speaker, I strongly support this effort to name a post office on behalf of the Rev. Leon Sullivan, a man who saw the need for job training and set about developing job training centers around our country and around the world. What a high honor to recognize a man who saw the wrong of the South African apartheid regime and set about righting it.

I urge my colleagues to support this bill.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3739.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WILLIAM V. CIBOTTI POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3740) to designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the "William V. Cibotti Post Office Building," as amended.

The Clerk read as follows:

H.R. 3740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLIAM A. CIBOTTI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, shall be known and designated as the "William A. Cibotti Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the William A. Cibotti Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3740, introduced by the distinguished gentleman from Pennsylvania (Mr. BRADY), designates a post office located in Philadelphia, Pennsylvania as the William V. Cibotti Post Office Building. Members of the entire House delegation from the Commonwealth of Pennsylvania are cosponsors of this legislation.

Mr. Speaker, William Cibotti was born in Philadelphia, the son of Italian immigrants. A leader in South Philadelphia's civic life for many years, Mr. Cibotti was chosen by his neighbors to serve as an elected magistrate from 1952 to 1966. In that year he was elected Philadelphia city councilman for the Second District, a position his daughter, Council President Anna Cibotti Verna, continues to hold.

Councilman Cibotti received a great many distinctions during his illustrious career, including being named Cavaliere of the Order of the Star of Italian Solidarity, an honor conferred by the government of the Italian Republic.

Mr. Speaker, I urge adoption of H.R. 3740, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I want to thank the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN) for the expeditious manner in which all of these bills have been brought to the floor. Their astuteness and willingness to cooperate have given us the opportunity to consider all three of these postal naming bills at one time, and I am sure that the gentleman from Pennsylvania (Mr. BRADY) is also appreciative of that.

Mr. Speaker, H.R. 3740, which names the U.S. post office located in Philadelphia after William Cibotti, was introduced on February 13, 2002, by the gentleman from Pennsylvania (Mr. BRADY).

William A. Cibotti was born in Philadelphia, Pennsylvania. He graduated from South Philadelphia High School and the National Business College. Always very active in the political affairs of South Philadelphia, and the Democratic Party, he was elected city magistrate in 1952. He held that office until 1966 when he was elected city councilman in the Second District and was reelected in 1970.

A member of many civic, fraternal, charitable and social organizations, William Cibotti worked tirelessly on behalf of his constituents, community and his homeland of Italy. The Italian government awarded Councilman Cibotti the decoration of Cavaliere of the Order of the Star of Italian Solidarity. Councilman Cibotti passed away on January 17, 1975.

The gentleman from Pennsylvania (Mr. BRADY) is to be commended for seeking to honor William Cibotti by designating a post office in his honor. I urge the swift consideration of H.R. 3740 with the necessary amendments.

Again, I want to thank the House leadership, both Republican and Democratic, for the expeditious manner in which these bills were processed so that they can be considered at this time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BRADY).

Mr. BRADY of Pennsylvania. I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, it is with great pride that I urge the passage of this bill which honors one of the legends of South Philadelphia, William A Cibotti. I am pleased that the post office at 925 Dickinson Street in Philadelphia, in South Philadelphia, will be known as the William A. Cibotti Post Office Building.

Mr. Cibotti was born in Philadelphia, the son of Italian immigrants. A leader in South Philadelphia's civic life for many years, Mr. Cibotti was chosen by his neighbors to serve as an elected magistrate from 1952 to 1966. In that year he was elected Philadelphia city councilman for the Second District in the city of Philadelphia, a position his daughter, Council President Anna Cibotti Verna, continues to hold.

Councilman Cibotti received a great many distinctions during his illustrious career, including the decoration of Cavaliere of the Order of the Star of Italian Solidarity, conferred by the government of the Italian Republic.

Philadelphia lost Councilman Cibotti in 1975, but his legacy lives on as a true servant of the people. As a testimony to that, his daughter, Anna Cibotti Verna, has continued his history of service as the Second District's councilperson and as our council president. I know that she is proud of her father and all he has accomplished. But I also know that he is even prouder of her as he looks down on all that she has achieved. Anna Verna is without question one of the finest, classiest people I know, in or out of government. Hopefully she will continue to serve for many years in that capacity.

I would like to thank Chairman BURTON and Ranking Member WAXMAN of the Committee on Government Reform as well as Chairman WELDON and Ranking Member DAVIS and their staffs for all their hard work on this bill. I again join my colleague in thanking the leadership in the Democratic and the Republican Party for bringing these bills to the floor for passage.

I urge my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I urge all Members to support this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3740, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the 'William A. Cibotti Post Office Building'.".

A motion to reconsider was laid on the table.

PUBLIC BUILDINGS, PROPERTY, AND WORKS AMENDMENTS ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2068) to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works," as amended.

The Clerk read as follows:

H.R. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE 40, UNITED STATES CODE.

Certain general and permanent laws of the United States, related to public buildings, property, and works, are revised, codified, and enacted as title 40, United States Code, "Public Buildings, Property, and Works", as follows:

TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE	*Sec.*
I. FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES	*101*
II. PUBLIC BUILDINGS AND WORKS	*3101*
III. INFORMATION TECHNOLOGY MANAGEMENT	*11101*
IV. APPALACHIAN REGIONAL DEVELOPMENT	*14101*
V. MISCELLANEOUS	*17101*

SUBTITLE I—FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES

CHAPTER	*Sec.*
1. GENERAL	*101*
3. ORGANIZATION OF GENERAL SERVICES ADMINISTRATION	*301*
5. PROPERTY MANAGEMENT	*501*
7. FOREIGN EXCESS PROPERTY	*701*
9. URBAN LAND USE	*901*
11. SELECTION OF ARCHITECTS AND ENGINEERS	*1101*
13. PUBLIC PROPERTY	*1301*

CHAPTER 1—GENERAL

SUBCHAPTER I—PURPOSE AND DEFINITIONS

Sec.
101. Purpose.
102. Definitions.

SUBCHAPTER II—SCOPE

111. Application to Federal Property and Administrative Services Act of 1949.
112. Applicability of certain policies, procedures, and directives in effect on July 1, 1949.
113. Limitations.

SUBCHAPTER III—ADMINISTRATIVE AND GENERAL

121. Administrative.
122. Prohibition on sex discrimination.
123. Civil remedies for fraud.
124. Agency use of amounts for property management.
125. Library memberships.
126. Reports to Congress.

SUBCHAPTER I—PURPOSE AND DEFINITIONS

§101. Purpose

The purpose of this subtitle is to provide the Federal Government with an economical and efficient system for the following activities:

(1) Procuring and supplying property and nonpersonal services, and performing related functions including contracting, inspection, storage, issue, setting specifications, identification and classification, transportation and traffic management, establishment of pools or systems for transportation of Government personnel and property by motor vehicle within specific areas, management of public utility services, repairing and converting, establishment of inventory levels, establishment of forms and procedures, and representation before federal and state regulatory bodies.

(2) Using available property.

(3) Disposing of surplus property.

(4) Records management.

§102. Definitions

The following definitions apply in chapters 1 through 7 of this title and in title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.):

(1) CARE AND HANDLING.—The term "care and handling" includes—

(A) completing, repairing, converting, rehabilitating, operating, preserving, protecting, insuring, packing, storing, handling, conserving, and transporting excess and surplus property; and

(B) rendering innocuous, or destroying, property that is dangerous to public health or safety.

(2) CONTRACTOR INVENTORY.—The term "contractor inventory" means—

(A) property, in excess of amounts needed to complete full performance, that is acquired by and in possession of a contractor or subcontractor under a contract pursuant to which title is vested in the Federal Government; and

(B) property that the Government is obligated or has the option to take over, under any type of contract, as a result of changes in specifications or plans under the contract, or as a result of termination of the contract (or a subcontract), prior to completion of the work, for the convenience or at the option of the Government.

(3) EXCESS PROPERTY.—The term "excess property" means property under the control of a federal agency that the head of the agency determines is not required to meet the agency's needs or responsibilities.

(4) EXECUTIVE AGENCY.—The term "executive agency" means—

(A) an executive department or independent establishment in the executive branch of the Government; and

(B) a wholly owned Government corporation.

(5) FEDERAL AGENCY.—The term "federal agency" means an executive agency or an establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol, and any activities under the direction of the Architect of the Capitol).

(6) FOREIGN EXCESS PROPERTY.—The term "foreign excess property" means excess property that is not located in the States of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Virgin Islands.

(7) MOTOR VEHICLE.—The term "motor vehicle" means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, excluding—

(A) a vehicle designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot; and

(B) a vehicle regularly used by an agency to perform investigative, law enforcement, or intelligence duties, if the head of the agency determines that exclusive control of the vehicle is essential for effective performance of duties.

(8) NONPERSONAL SERVICES.—The term "nonpersonal services" means contractual services designated by the Administrator of General Services, other than personal and professional services.

(9) PROPERTY.—The term "property" means any interest in property except—

(A)(i) the public domain;

(ii) land reserved or dedicated for national forest or national park purposes;

(iii) minerals in land or portions of land withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and

(iv) land withdrawn or reserved from the public domain except land or portions of land so withdrawn or reserved which the Secretary, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public land laws because the lands are substantially changed in character by improvements or otherwise;

(B) naval vessels that are battleships, cruisers, aircraft carriers, destroyers, or submarines; and

(C) records of the Government.

(10) SURPLUS PROPERTY.—The term "surplus property" means excess property that the Administrator determines is not required to meet the needs or responsibilities of all federal agencies.

SUBCHAPTER II—SCOPE

§111. Application to Federal Property and Administrative Services Act of 1949

In the following provisions, the words "this subtitle" are deemed to refer also to title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.):

(1) Section 101 of this title.
(2) Section 112(a) of this title.
(3) Section 113 of this title.
(4) Section 121(a) of this title.
(5) Section 121(c)(1) of this title.
(6) Section 121(c)(2) of this title.
(7) Section 121(d)(1) and (2) of this title.
(8) Section 121(e)(1) of this title.
(9) Section 121(f) of this title.
(10) Section 121(g) of this title.
(11) Section 122(a) of this title.
(12) Section 123(a) of this title.
(13) Section 123(c) of this title.
(14) Section 124 of this title.
(15) Section 126 of this title.
(16) Section 311(c) of this title.
(17) Section 313(a) of this title.
(18) Section 528 of this title.
(19) Section 541 of this title.
(20) Section 549(e)(3)(H)(i)(II) of this title.
(21) Section 557 of this title.
(22) Section 558(a) of this title.
(23) Section 559(f) of this title.
(24) Section 571(b) of this title.
(25) Section 572(a)(2)(A) of this title.
(26) Section 572(b)(4) of this title.

§112. Applicability of certain policies, procedures, and directives in effect on July 1, 1949

(a) IN GENERAL.—A policy, procedure, or directive described in subsection (b) remains in effect until superseded or amended under this subtitle or other appropriate authority.

(b) DESCRIPTION.—A policy, procedure, or directive referred to in subsection (a) is one that was in effect on July 1, 1949, and that was prescribed by—

(1) the Director of the Bureau of Federal Supply or the Secretary of the Treasury and that related to a function transferred to or vested in the Administrator of General Services on June 30, 1949, by the Federal Property and Administrative Services Act of 1949;

(2) an officer of the Federal Government under authority of the Surplus Property Act of 1944 (ch. 479, 58 Stat. 765) or other authority related to surplus property or foreign excess property;

(3) the Federal Works Administrator or the head of a constituent agency of the Federal Works Agency; or

(4) the Archivist of the United States or another officer or body whose functions were transferred on June 30, 1949, by title I of the Federal Property and Administrative Services Act of 1949.

§113. Limitations

(a) IN GENERAL.—Except as otherwise provided in this section, the authority conferred by this subtitle is in addition to any other authority conferred by law and is not subject to any inconsistent provision of law.

(b) LIMITATION REGARDING THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The authority conferred by this subtitle is subject to the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

(c) LIMITATION REGARDING CERTAIN GOVERNMENT CORPORATIONS AND AGENCIES.—Sections 121(b) and 506(c) of this title do not apply to a Government corporation or agency that is subject to chapter 91 of title 31.

(d) LIMITATION REGARDING CONGRESS.—This subtitle does not apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under the direction of the Architect). However, services and facilities authorized by this subtitle shall, as far as practicable, be made available to the Senate, the House of Representatives, and the Architect of the Capitol on their request. If payment would be required for providing a similar service or facility to an executive agency, payment shall be made by the recipient, on presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator of General Services and the officer or body making the request). The payment may be credited to the applicable appropriation of the executive agency receiving the payment.

(e) OTHER LIMITATIONS.—Nothing in this subtitle impairs or affects the authority of—

(1) the President under the Philippine Property Act of 1946 (22 U.S.C. 1381 et seq.);

(2) an executive agency, with respect to any program conducted for purposes of resale, price support, grants to farmers, stabilization, transfer to foreign governments, or foreign aid, relief, or rehabilitation, but the agency carrying out the program shall, to the maximum extent practicable, consistent with the purposes of the program and the effective, efficient conduct of agency business, coordinate its operations with the requirements of this subtitle and with policies and regulations prescribed under this subtitle;

(3) an executive agency named in chapter 137 of title 10, and the head of the agency, with respect to the administration of that chapter;

(4) the Secretary of Defense with respect to property required for or located in occupied territories;

(5) the Secretary of Defense with respect to the administration of section 2535 of title 10;

(6) the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force with respect to the administration of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.);

(7) the Secretary of State under the Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.);

(8) the Secretary of Agriculture under—

(A) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(B) the Farmers Home Administration Act of 1946 (ch. 964, 60 Stat. 1062);

(C) section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), with respect to the exportation and domestic consumption of agricultural products;

(D) section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291); or

(E) section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j));

(9) an official or entity under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), with respect to the acquisition or disposal of property;

(10) the Secretary of Housing and Urban Development or the Federal Deposit Insurance Corporation (or an officer of the Corporation) with respect to the disposal of—

(A) residential property; or

(B) other property—

(i) acquired or held as part of, or in connection with, residential property; or

(ii) held in connection with the insurance of mortgages, loans, or savings association accounts under the National Housing Act (12 U.S.C. 1701 et seq.), the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), or any other law;

(11) the Tennessee Valley Authority with respect to nonpersonal services, with respect to section 501(c) of this title, and with respect to property acquired in connection with a program of processing, manufacture, production, or force account construction, but the Authority shall, to the maximum extent it considers practicable, consistent with the purposes of its program and the effective, efficient conduct of its business, coordinate its operations with the requirements of this subtitle and with policies and regulations prescribed under this subtitle;

(12) the Secretary of Energy with respect to atomic energy;

(13) the Secretary of Transportation or the Secretary of Commerce with respect to the disposal of airport property and airway property (as those terms are defined in section 47301 of title 49) for use as such property;

(14) the United States Postal Service;

(15) the Maritime Administration with respect to the acquisition, procurement, operation, maintenance, preservation, sale, lease, charter, construction, reconstruction, or reconditioning (including outfitting and equipping incidental to construction, reconstruction, or reconditioning) of a merchant vessel or shipyard, ship site, terminal, pier, dock, warehouse, or other installation necessary or appropriate for carrying out a program of the Administration authorized by law or nonadministrative activities incidental to a program of the Administration authorized by law, but the Administration shall, to the maximum extent it considers practicable, consistent with the purposes of its programs and the effective, efficient conduct of its activities, coordinate its operations with the requirements of this subtitle and with policies and regulations prescribed under this subtitle;

(16) the Central Intelligence Agency;

(17) the Joint Committee on Printing, under title 44 or any other law;

(18) the Secretary of the Interior with respect to procurement for program operations under the Bonneville Project Act of 1937 (16 U.S.C. 832 et seq.); or

(19) the Secretary of State with respect to the furnishing of facilities in foreign countries and reception centers within the United States.

SUBCHAPTER III—ADMINISTRATIVE AND GENERAL

§121. Administrative

(a) POLICIES PRESCRIBED BY THE PRESIDENT.—The President may prescribe policies and directives that the President considers necessary to carry out this subtitle. The policies must be consistent with this subtitle.

(b) ACCOUNTING PRINCIPLES AND STANDARDS.—

(1) PRESCRIPTION.—The Comptroller General, after considering the needs and requirements of executive agencies, shall prescribe principles and standards of accounting for property.

(2) PROPERTY ACCOUNTING SYSTEMS.—The Comptroller General shall cooperate with the Administrator of General Services and with executive agencies in the development of property accounting systems and approve the systems when they are adequate and in conformity with prescribed principles and standards.

(3) COMPLIANCE REVIEW.—From time to time the Comptroller General shall examine the property accounting systems established by executive agencies to determine the extent of compliance with prescribed principles and standards and approved systems. The Comptroller General shall report to Congress any failure to comply with the principles and standards or to adequately account for property.

(c) REGULATIONS BY ADMINISTRATOR.—

(1) GENERAL AUTHORITY.—The Administrator may prescribe regulations to carry out this subtitle.

(2) REQUIRED REGULATIONS AND ORDERS.—The Administrator shall prescribe regulations that the Administrator considers necessary to carry out the Administrator's functions under this subtitle and the head of each executive agency shall issue orders and directives that the agency head considers necessary to carry out the regulations.

(d) DELEGATION OF AUTHORITY BY ADMINISTRATOR.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may delegate authority conferred on the Administrator by this subtitle to an official in the General Services Administration or to the head of another federal agency. The Administrator may authorize successive redelegation of authority conferred by this subtitle.

(2) EXCEPTIONS.—The Administrator may not delegate—

(A) the authority to prescribe regulations on matters of policy applying to executive agencies;

(B) the authority to transfer functions and related allocated amounts from one component of the Administration to another under paragraphs (1)(C) and (2)(A) of subsection (e); or

(C) other authority for which delegation is prohibited by this subtitle.

(3) RETENTION AND USE OF RENTAL PAYMENTS.—A department or agency to which the Administrator has delegated authority to operate, maintain or repair a building or facility under this subsection shall retain the portion of the rental payment that the Administrator determines is available to operate, maintain or repair the building or facility. The department or agency shall directly expend the retained amounts to operate, maintain, or repair the building or facility. Any amounts retained under this paragraph shall remain available until expended for these purposes.

(e) ASSIGNMENT OF FUNCTIONS BY ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator may provide for the performance of a function assigned under this subtitle by any of the following methods:

(A) The Administrator may direct the Administration to perform the function.

(B) The Administrator may designate or establish a component of the Administration and direct the component to perform the function.

(C) The Administrator may transfer the function from one component of the Administration to another.

(D) The Administrator may direct an executive agency to perform the function for itself, with the consent of the agency or by direction of the President.

(E) The Administrator may direct one executive agency to perform the function for another executive agency, with the consent of the agencies concerned or by direction of the President.

(F) The Administrator may provide for performance of a function by a combination of the methods described in this paragraph.

(2) TRANSFER OF RESOURCES.—

(A) WITHIN ADMINISTRATION.—If the Administrator transfers a function from one component of the Administration to another, the Administrator may also provide for the transfer of appropriate allocated amounts from the component that previously carried out the function to the component being directed to carry out the function. A transfer under this subparagraph must be reported to the Director of the Office of Management and Budget.

(B) BETWEEN AGENCIES.—If the Administrator transfers a function from one executive agency to another (including a transfer to or from the Administration), the Administrator may also provide for the transfer of appropriate personnel, records, property, and allocated amounts from the executive agency that previously carried out the function to the executive agency being directed to carry out the function. A transfer under this subparagraph is subject to approval by the Director.

(f) ADVISORY COMMITTEES.—The Administrator may establish advisory committees to provide advice on any function of the Administrator under this subtitle. Members of the advisory committees shall serve without compensation but are entitled to transportation and not more than $25 a day instead of expenses under section 5703 of title 5.

(g) CONSULTATION WITH FEDERAL AGENCIES.—The Administrator shall advise and consult with interested federal agencies and seek their advice and assistance to accomplish the purposes of this subtitle.

(h) ADMINISTERING OATHS.—In carrying out investigative duties, an officer or employee of the Administration, if authorized by the Administrator, may administer an oath to an individual.

§122. Prohibition on sex discrimination

(a) PROHIBITION.—With respect to a program or activity carried on or receiving federal assistance under this subtitle, an individual may not be excluded from participation, denied benefits, or otherwise discriminated against based on sex.

(b) ENFORCEMENT.—Subsection (a) shall be enforced through agency provisions and rules similar to those already established with respect to racial and other discrimination under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). However, this remedy is not exclusive and does not prejudice or remove any other legal remedies available to an individual alleging discrimination.

§123. Civil remedies for fraud

(a) IN GENERAL.—In connection with the procurement, transfer or disposition of property under this subtitle, a person that uses or causes to be used, or enters into an agreement, combination, or conspiracy to use or cause to be used, a fraudulent trick, scheme, or device for the purpose of obtaining or aiding to obtain, for any person, money, property, or other benefit from the Federal Government—

(1) shall pay to the Government an amount equal to the sum of—

(A) $2,000 for each act;

(B) two times the amount of damages sustained by the Government because of each act; and

(C) the cost of suit;

(2) if the Government elects, shall pay to the Government, as liquidated damages, an amount equal to two times the consideration that the Government agreed to give to the person, or that the person agreed to give to the Government; or

(3) if the Government elects, shall restore to the Government the money or property fraudulently obtained, with the Government retaining as liquidated damages, the money, property, or other consideration given to the Government.

(b) ADDITIONAL REMEDIES AND CRIMINAL PENALTIES.—The civil remedies provided in this section are in addition to all other civil remedies and criminal penalties provided by law.

(c) IMMUNITY OF GOVERNMENT OFFICIALS.—An officer or employee of the Government is not liable (except for an individual's own fraud) or accountable for collection of a purchase price that is determined to be uncollectible by the federal agency responsible for property if the property is transferred or disposed of in accordance with this subtitle and with regulations prescribed under this subtitle.

(d) JURISDICTION AND VENUE.—

(1) DEFINITION.—In this subsection, the term "district court" means a district court of the United States or a district court of a territory or possession of the United States.

(2) IN GENERAL.—A district court has original jurisdiction of an action arising under this section, and venue is proper, if at least one defendant resides or may be found in the court's judicial district. Jurisdiction and venue are determined without regard to the place where acts were committed.

(3) ADDITIONAL DEFENDANT OUTSIDE JUDICIAL DISTRICT.—A defendant that does not reside and may not be found in the court's judicial district may be brought in by order of the court, to be served personally, by publication, or in another reasonable manner directed by the court.

§124. Agency use of amounts for property management

Amounts appropriated, allocated, or available to a federal agency for purposes similar to the purposes in section 121 of this title or subchapter I (except section 506), II, or III of chapter 5 of this title may be used by the agency for the disposition of property under this subtitle, and for the care and handling of property pending the disposition, if the Director of the Office of Management and Budget authorizes the use.

§125. Library memberships

Amounts appropriated may be used, when authorized by the Administrator of General Services, for payment in advance for library memberships in societies whose publications are available to members only, or to members at a lower price than that charged to the general public.

§126. Reports to Congress

The Administrator of General Services, at times the Administrator considers desirable, shall submit a report to Congress on the administration of this subtitle. The report shall include any recommendation for amendment of this subtitle that the Administrator considers appropriate and shall identify any law that is obsolete because of the enactment or operation of this subtitle.

CHAPTER 3—ORGANIZATION OF GENERAL SERVICES ADMINISTRATION

SUBCHAPTER I—GENERAL

Sec.
301. Establishment.
302. Administrator and Deputy Administrator.
303. Functions.
304. Federal information centers.

SUBCHAPTER II—ADMINISTRATIVE

311. Personnel.
312. Transfer and use of amounts for major equipment acquisitions.
313. Tests of materials.

SUBCHAPTER III—FUNDS

321. General Supply Fund.
322. Information Technology Fund.
323. Consumer Information Center Fund.

SUBCHAPTER I—GENERAL

§301. Establishment

The General Services Administration is an agency in the executive branch of the Federal Government.

§302. Administrator and Deputy Administrator

(a) ADMINISTRATOR.—The Administrator of General Services is the head of the General Services Administration. The Administrator is appointed by the President with the advice and consent of the Senate. The Administrator shall perform functions subject to the direction and control of the President.

(b) DEPUTY ADMINISTRATOR.—The Administrator shall appoint a Deputy Administrator of General Services. The Deputy Administrator shall perform functions designated by the Administrator. The Deputy Administrator is Acting Administrator of General Services during the absence or disability of the Administrator and, unless the President designates another officer of the Federal Government, when the office of Administrator is vacant.

§303. Functions

(a) BUREAU OF FEDERAL SUPPLY.—

(1) TRANSFER OF FUNCTIONS.—Subject to paragraph (2), the functions of the Administrator of General Services include functions related to the Bureau of Federal Supply in the Department of the Treasury that, immediately before July 1, 1949, were functions of—

(A) the Bureau;

(B) the Director of the Bureau;

(C) the personnel of the Bureau; or

(D) the Secretary of the Treasury.

(2) FUNCTIONS NOT TRANSFERRED.—The functions of the Administrator of General Services do not include functions retained in the Department of the Treasury under section 102(c) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380).

(b) FEDERAL WORKS AGENCY AND COMMISSIONER OF PUBLIC BUILDINGS.—The functions of the Administrator of General Services include functions related to the Federal Works Agency and functions related to the Commissioner of Public Buildings that, immediately before July 1, 1949, were functions of—

(1) the Federal Works Agency;

(2) the Federal Works Administrator; or

(3) the Commissioner of Public Buildings.

§304. Federal information centers

The Administrator of General Services may establish within the General Services Administration a nationwide network of federal information centers for the purpose of providing the public with information about the programs and procedures of the Federal Government and for other appropriate and related purposes.

SUBCHAPTER II—ADMINISTRATIVE

§311. Personnel

(a) APPOINTMENT AND COMPENSATION.—The Administrator of General Services, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5, may appoint and fix the compensation of personnel necessary to carry out chapters 1, 3, and 5 of this title and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(b) TEMPORARY EMPLOYMENT.—The Administrator may procure the temporary or intermittent services of experts or consultants under section 3109 of title 5 to the extent the Administrator finds necessary to carry out chapters 1, 3, and 5 of this title and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(c) PERSONNEL FROM OTHER AGENCIES.—Notwithstanding section 973 of title 10 or any other law, in carrying out functions under this subtitle the Administrator may use the services of personnel (including armed services personnel) from an executive agency other than the General Services Administration with the consent of the head of the agency.

(d) DETAIL OF FIELD PERSONNEL TO DISTRICT OF COLUMBIA.—The Administrator, in the Administrator's discretion, may detail field personnel of the Administration to the District of Columbia for temporary duty for a period of not more than 30 days in any one case. Subsistence or similar expenses may not be allowed for an employee on temporary duty in the District of Columbia under this paragraph.

§312. Transfer and use of amounts for major equipment acquisitions

(a) IN GENERAL.—Subject to subsection (b), unobligated balances of amounts appropriated or otherwise made available to the General Services Administration for operating expenses and salaries and expenses may be transferred and merged into the "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for—

(1) agency-wide acquisition of capital equipment, automated data processing systems; and

(2) financial management and management information systems needed to implement the Chief Financial Officers Act of 1990 (Public Law 101-576, 104 Stat. 2838) and other laws or regulations.

(b) REQUIREMENTS AND AVAILABILITY.—

(1) TIME FOR TRANSFER.—Transfer of an amount under this section must be done no later than the end of the fifth fiscal year after the fiscal year for which the amount is appropriated or otherwise made available.

(2) APPROVAL FOR USE.—An amount transferred under this section may be used only with the advance approval of the Committees on Appropriations of the House of Representatives and the Senate.

(3) AVAILABILITY.—An amount transferred under this section remains available until expended.

§313. Tests of materials

(a) SCOPE.—This section applies to any article or commodity tendered by a producer or vendor for sale or lease to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator of General Services pursuant to this subtitle.

(b) AUTHORITY TO CONDUCT TESTS.—The Administrator, in the Administrator's discretion and with the consent of the producer or vendor, may have tests conducted, in a manner the Administrator specifies, to—

(1) determine whether an article or commodity conforms to prescribed specifications and standards; or

(2) aid in the development of specifications and standards.

(c) FEES.—

(1) IN GENERAL.—The Administrator shall charge the producer or vendor a fee for the tests.

(2) AMOUNT OF FEE IF TESTS PREDOMINANTLY SERVE INTEREST OF PRODUCER OR VENDOR.—If the Administrator determines that conducting the tests predominantly serves the interest of the producer or vendor, the Administrator shall fix the fee in an amount that will recover the costs of conducting the tests, including all components of the costs, determined in accordance with accepted accounting principles.

(3) AMOUNT OF FEE IF TESTS DO NOT PREDOMINANTLY SERVE INTEREST OF PRODUCER OR VENDOR.—If the Administrator determines that conducting the tests does not predominantly serve the interest of the producer or vendor, the Administrator shall fix the fee in an amount the Administrator determines is reasonable for furnishing the testing service.

SUBCHAPTER III—FUNDS

§321. General Supply Fund

(a) EXISTENCE.—The General Supply Fund is a special fund in the Treasury.

(b) COMPOSITION.—

(1) IN GENERAL.—The Fund is composed of amounts appropriated to the Fund and the value, as determined by the Administrator of General Services, of personal property transferred from executive agencies to the Administrator under section 501(d) of this title to the extent that payment is not made or credit allowed for the property.

(2) OTHER CREDITS.—

(A) IN GENERAL.—The Fund shall be credited with all reimbursements, advances, and refunds or recoveries relating to personal property or services procured through the Fund, including—

(i) the net proceeds of disposal of surplus personal property; and

(ii) receipts from carriers and others for loss of, or damage to, personal property.

(B) REAPPROPRIATION.—Amounts credited under this paragraph are reappropriated for the purposes of the Fund.

(3) DEPOSIT OF FEES.—Fees collected by the Administrator under section 313 of this title may be deposited in the Fund to be used for the purposes of the Fund.

(c) USES.—

(1) IN GENERAL.—The Fund is available for use by or under the direction and control of the Administrator for—

(A) procuring, for the use of federal agencies in the proper discharge of their responsibilities—

(i) personal property (including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by federal agencies and not available through the Superintendent of Documents); and

(ii) nonpersonal services;

(B) paying the purchase price, cost of transportation of personal property and services, and cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property; and

(C) paying other direct costs of, and indirect costs that are reasonably related to, contracting, procurement, inspection, storage, management, distribution, and accountability of property and nonpersonal services provided by the General Services Administration or by special order through the Administration.

(2) OTHER USES.—The Fund may be used for the procurement of personal property and nonpersonal services authorized to be acquired by—

(A) mixed-ownership Government corporations;

(B) the municipal government of the District of Columbia; or

(C) a requisitioning non-federal agency when the function of a federal agency authorized to procure for it is transferred to the Administration.

(d) PAYMENT FOR PROPERTY AND SERVICES.—

(1) IN GENERAL.—For property or services procured through the Fund for requisitioning agencies, the agencies shall pay prices the Administrator fixes under this subsection.

(2) PRICES FIXED BY ADMINISTRATOR.—The Administrator shall fix prices at levels sufficient to recover—

(A) so far as practicable—

(i) the purchase price;

(ii) the transportation cost;

(iii) inventory losses;

(iv) the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property; and

(v) the cost of amortization and repair of equipment used for lease or rent to executive agencies; and

(B) properly allocable costs payable by the Fund under subsection (c)(1)(C).

(3) TIMING OF PAYMENTS.—

(A) PAYMENT IN ADVANCE.—A requisitioning agency shall pay in advance when the Administrator determines that there is insufficient capital otherwise available in the Fund. Payment in advance may also be made under an agreement between a requisitioning agency and the Administrator.

(B) PROMPT REIMBURSEMENT.—If payment is not made in advance, the Administration shall be reimbursed promptly out of amounts of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General.

(C) FAILURE TO MAKE PROMPT REIMBURSEMENT.—The Administrator may obtain reimbursement by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices, if payment is not made by a requisitioning agency within 45 days after the later of—

(i) the date of billing by the Administrator; or

(ii) the date on which actual liability for personal property or services is incurred by the Administrator.

(e) REIMBURSEMENT FOR EQUIPMENT PURCHASED FOR CONGRESS.—The Administrator may accept periodic reimbursement from the Senate and from the House of Representatives for the cost of any equipment purchased for the Senate or the House of Representatives with money from the Fund. The amount of each periodic reimbursement shall be computed by amortizing the total cost of each item of equipment over the useful life of the equipment, as determined by the Administrator, in consultation with the Sergeant at Arms and Doorkeeper of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(f) TREATMENT OF SURPLUS.—

(1) SURPLUS DEPOSITED IN TREASURY.—As of September 30 of each year, any surplus in the Fund above the amounts transferred or appropriated to establish and maintain the Fund (all assets, liabilities, and prior losses considered) shall be deposited in the Treasury as miscellaneous receipts.

(2) SURPLUS RETAINED.—From any surplus generated by operation of the Fund, the Administrator may retain amounts necessary to maintain a sufficient level of inventory of personal property to meet the needs of the federal agencies.

(g) AUDITS.—The Comptroller General shall audit the Fund in accordance with the provisions of chapter 35 of title 31 and report the results of the audits.

§322. Information Technology Fund

(a) EXISTENCE.—There is an Information Technology Fund in the Treasury.

(b) COST AND CAPITAL REQUIREMENTS.—

(1) IN GENERAL.—The Administrator of General Services shall determine the cost and capital requirements of the Fund for each fiscal year. The cost and capital requirements may include amounts—

(A) needed to purchase (if the Administrator has determined that purchase is the least costly alternative) information processing and transmission equipment, software, systems, and operating facilities necessary to provide services;

(B) resulting from operations of the Fund, including the net proceeds from the disposal of excess or surplus personal property and receipts from carriers and others for loss or damage to property; and

(C) that are appropriated, authorized to be transferred, or otherwise made available to the Fund.

(2) SUBMITTING PLANS TO OFFICE OF MANAGEMENT AND BUDGET.—The Administrator shall submit plans concerning the cost and capital requirements determined under this section, and other information as may be requested, for review and approval by the Director of the Office of Management and Budget. Plans submitted under this section fulfill the requirements of sections 1512 and 1513 of title 31.

(3) ADJUSTMENTS.—Any change to the cost and capital requirements of the Fund for a fiscal year shall be made in the same manner as the initial fiscal year determination.

(c) USE.—

(1) IN GENERAL.—The Fund is available for expenses, including personal services and other costs, and for procurement (by lease, purchase, transfer, or otherwise) to efficiently provide information technology resources to federal agencies and to efficiently manage, coordinate, operate, and use those resources.

(2) SPECIFICALLY INCLUDED ITEMS.—Information technology resources provided under this section include information processing and transmission equipment, software, systems, operating facilities, supplies, and related services including maintenance and repair.

(3) CANCELLATION COSTS.—Any cancellation costs incurred for a contract entered into under subsection (e) shall be paid from money currently available in the Fund.

(4) NO FISCAL YEAR LIMITATION.—The Fund is available without fiscal year limitation.

(d) CHARGES TO AGENCIES.—If the Director approves plans submitted by the Administrator under subsection (b), the Administrator shall establish rates, consistent with the approval, to be charged to agencies for information technology resources provided through the Fund.

(e) CONTRACT AUTHORITY.—

(1) IN GENERAL.—In operating the Fund, the Administrator may enter into multiyear contracts, not longer than 5 years, to provide information technology hardware, software, or services if—

(A) amounts are available and adequate to pay the costs of the contract for the first fiscal year and any costs of cancellation or termination;

(B) the contract is awarded on a fully competitive basis; and

(C) the Administrator determines that—

(i) the need for the information technology hardware, software, or services betng provided will continue over the period of the contract;

(ii) the use of the multiyear contract will yield substantial cost savings when compared with other methods of providing the necessary resources; and

(iii) the method of contracting will not exclude small business participation.

(2) EFFECT ON OTHER LAW.—This subsection does not limit the authority of the Administrator to procure equipment and services under sections 501–505 of this title.

(f) TRANSFER OF UNCOMMITTED BALANCE.—After the close of each fiscal year, any uncommitted balance remaining in the Fund, after making provision for anticipated operating needs as determined by the Office of Management and Budget, shall be transferred to the Treasury as miscellaneous receipts.

(g) ANNUAL REPORT.—The Administrator shall report annually to the Director on the operation of the Fund. The report must address the inventory, use, and acquisition of information processing equipment and identify any proposed increases to the capital of the Fund.

§323. Consumer Information Center Fund

(a) EXISTENCE.—There is in the Treasury a Consumer Information Center Fund, General Services Administration, for the purpose of disseminating Federal Government consumer information to the public and for other related purposes.

(b) DEPOSITS.—Money shall be deposited into the Fund from—

(1) appropriations from the Treasury for Consumer Information Center activities;

(2) user fees from the public;

(3) reimbursements from other federal agencies for costs of distributing publications; and

(4) any other income incident to Center activities.

(c) EXPENDITURES.—Money deposited into the Fund is available for expenditure for Center activities in amounts specified in appropriation laws. The Fund shall assume all liabilities, obligations, and commitments of the Center account.

(d) UNOBLIGATED BALANCES.—Any unobligated balances at the end of a fiscal year remain in the Fund and are available for authorization in appropriation laws for subsequent fiscal years.

(e) GIFT ACCOUNT.—The Center may accept and deposit to this account gifts for purposes of defraying the costs of printing, publishing, and distributing consumer information and educational materials and undertaking other consumer information activities. In addition to amounts appropriated or otherwise made available, the Center may expend the gifts for these purposes and any balance remains available for expenditure.

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SUBCHAPTER I—PROCUREMENT AND WAREHOUSING

§501. Services for executive agencies

(a) AUTHORITY OF ADMINISTRATOR OF GENERAL SERVICES.—

(1) IN GENERAL.—The Administrator of General Services shall take action under this subchapter for an executive agency—

(A) to the extent that the Administrator of General Services determines that the action is advantageous to the Federal Government in terms of economy, efficiency, or service; and

(B) with due regard to the program activities of the agency.

(2) EXEMPTION FOR DEFENSE.—The Secretary of Defense may exempt the Department of Defense from an action taken by the Administrator of General Services under this subchapter, unless the President directs otherwise, whenever the Secretary determines that an exemption is in the best interests of national security.

(b) PROCUREMENT AND SUPPLY.—

(1) FUNCTIONS.—

(A) IN GENERAL.—The Administrator of General Services shall procure and supply personal property and nonpersonal services for executive agencies to use in the proper discharge of their responsibilities, and perform functions related to procurement and supply including contracting, inspection, storage, issue, property identification and classification, transportation and traffic management, management of public utility services, and repairing and converting.

(B) PUBLIC UTILITY CONTRACTS.—A contract for public utility services may be made for a period of not more than 10 years.

(2) POLICIES AND METHODS.—

(A) IN GENERAL.—The Administrator of General Services shall prescribe policies and methods for executive agencies regarding the procurement and supply of personal property and nonpersonal services and related functions.

(B) CONTROLLING REGULATION.—Policies and methods prescribed by the Administrator of General Services under this paragraph are subject to regulations prescribed by the Administrator for Federal Procurement Policy under the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

(c) REPRESENTATION.—For transportation and other public utility services used by executive agencies, the Administrator of General Services shall represent the agencies—

(1) in negotiations with carriers and other public utilities; and

(2) in proceedings involving carriers or other public utilities before federal and state regulatory bodies.

(d) FACILITIES.—The Administrator of General Services shall operate, for executive agencies, warehouses, supply centers, repair shops, fuel yards, and other similar facilities. After consultation with the executive agencies affected, the Administrator of General Services shall consolidate, take over, or arrange for executive agencies to operate the facilities.

§502. Services for other entities

(a) FEDERAL AGENCIES, MIXED-OWNERSHIP GOVERNMENT CORPORATIONS, AND THE DISTRICT OF COLUMBIA.—On request, the Administrator of General Services shall provide, to the extent practicable, any of the services specified in section 501 of this title to—

(1) a federal agency;

(2) a mixed-ownership Government corporation (as defined in section 9101 of title 31); or

(3) the District of Columbia.

(b) QUALIFIED NONPROFIT AGENCIES.—

(1) IN GENERAL.—On request, the Administrator may provide, to the extent practicable, any of the services specified in section 501 of this title to an agency that is—

(A)(i) a qualified nonprofit agency for the blind (as defined in section 5(3) of the Javits-Wagner-O'Day Act (41 U.S.C. 48b(3))); or

(ii) a qualified nonprofit agency for other severely handicapped (as defined in section 5(4) of the Javits-Wagner-O'Day Act (41 U.S.C. 48b(4))); and

(B) providing a commodity or service to the Federal Government under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

(2) USE OF SERVICES.—A nonprofit agency receiving services under this subsection shall use the services directly in making or providing to the Government a commodity or service that has been determined by the Committee for Purchase From People Who Are Blind or Severely Disabled under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47) to be suitable for procurement by the Government.

§503. Exchange or sale of similar items

(a) AUTHORITY OF EXECUTIVE AGENCIES.—In acquiring personal property, an executive agency may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in whole or in part payment for the property acquired.

(b) APPLICABLE REGULATION AND LAW.—

(1) REGULATIONS PRESCRIBED BY ADMINISTRATOR OF GENERAL SERVICES.—A transaction under subsection (a) must be carried out in accordance with regulations the Administrator of General Services prescribes, subject to regulations prescribed by the Administrator for Federal Procurement Policy under the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

(2) IN WRITING.—A transaction under subsection (a) must be evidenced in writing.

(3) SECTION 3709 OF REVISED STATUTES.—Section 3709 of the Revised Statutes (41 U.S.C. 5) applies to a sale of property under subsection (a), except that fixed price sales may be conducted in the same manner and subject to the same conditions as are applicable to the sale of property under section 545(d) of this title.

§504. Agency cooperation for inspection

(a) RECEIVING ASSISTANCE.—An executive agency may use the services, work, materials, and equipment of another executive agency, with the consent of the other executive agency, to inspect personal property incident to procuring the property.

(b) PROVIDING ASSISTANCE.—Notwithstanding section 1301(a) of title 31 or any other law, an executive agency may provide services, work, materials, and equipment for purposes of this section without reimbursement or transfer of amounts.

(c) POLICIES AND METHODS.—The use or provision of services, work, materials, and equipment under this section must be in conformity with policies and methods the Administrator of General Services prescribes under section 501 of this title.

§505. Exchange or transfer of medical supplies

(a) EXCESS PROPERTY DETERMINATION.—

(1) IN GENERAL.—Medical materials or supplies an executive agency holds for national emergency purposes are considered excess property for purposes of subchapter II when the head of the agency determines that—

(A) the remaining storage or shelf life is too short to justify continued retention for national emergency purposes; and

(B) transfer or other disposal is in the national interest.

(2) TIMING.—To the greatest extent practicable, the head of the agency shall make the determination in sufficient time to allow for the transfer or other disposal and use of medical materials or supplies before their shelf life expires and they are rendered unfit for human use.

(b) TRANSFER OR EXCHANGE.—

(1) IN GENERAL.—In accordance with regulations the Administrator of General Services prescribes, medical materials or supplies considered excess property may be transferred to another federal agency or exchanged with another federal agency for other medical materials or supplies.

(2) USE OF PROCEEDS.—Any proceeds derived from a transfer under this section may be credited to the current applicable appropriation or fund of the transferor agency and shall be available only to purchase medical materials or supplies to be held for national emergency purposes.

(3) DISPOSAL AS SURPLUS PROPERTY.—If the materials or supplies are not transferred to or exchanged with another federal agency, they shall be disposed of as surplus property.

§506. Inventory controls and systems

(a) ACTIVITIES OF THE ADMINISTRATOR OF GENERAL SERVICES.—

(1) IN GENERAL.—Subject to paragraph (2), and after adequate advance notice to affected executive agencies, the Administrator of General Services may undertake the following activities as necessary to carry out functions under this chapter:

(A) SURVEYS AND REPORTS.—Survey and obtain executive agency reports on Federal Government property and property management practices.

(B) INVENTORY LEVELS.—Cooperate with executive agencies to establish reasonable inventory levels for property stocked by them, and report any excessive inventory levels to Congress and to the Director of the Office of Management and Budget.

(C) FEDERAL SUPPLY CATALOG SYSTEM.—Establish and maintain a uniform federal supply catalog system that is appropriate to identify and classify personal property under the control of federal agencies.

(D) STANDARD PURCHASE SPECIFICATIONS AND STANDARD FORMS AND PROCEDURES.—Prescribe standard purchase specifications and standard forms and procedures (except forms and procedures that the Comptroller General prescribes by law) subject to regulations the Administrator for Federal Procurement Policy prescribes under the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

(2) SPECIAL CONSIDERATIONS REGARDING DEPARTMENT OF DEFENSE.—

(A) IN GENERAL.—The Administrator of General Services shall carry out activities under paragraph (1) with due regard to the requirements of the Department of Defense, as determined by the Secretary of Defense.

(B) FEDERAL SUPPLY CATALOG SYSTEM.—In establishing and maintaining a uniform federal supply catalog system under paragraph (1)(C), the Administrator of General Services and the Secretary shall coordinate to avoid unnecessary duplication.

(b) ACTIVITIES OF FEDERAL AGENCIES.—Each federal agency shall use the uniformed federal supply catalog system, the standard purchase specifications, and the standard forms and procedures established under subsection (a), except as the Administrator of General Services, considering efficiency, economy, or other interests of the Government, may otherwise provide.

(c) AUDIT OF PROPERTY ACCOUNTS.—The Comptroller General shall audit all types of property accounts and transactions. Audits shall be conducted at the time and in the manner the Comptroller General decides and as far as practicable at the place where the property or records of the executive agencies are kept. Audits shall include an evaluation of the effectiveness of internal controls and audits, and a general audit of the discharge of accountability for Government-owned or controlled property, based on generally accepted principles of auditing.

SUBCHAPTER II—USE OF PROPERTY

§521. Policies and methods

Subject to section 523 of this title, in order to minimize expenditures for property, the Administrator of General Services shall—

(1) prescribe policies and methods to promote the maximum use of excess property by executive agencies; and

(2) provide for the transfer of excess property—

(A) among federal agencies; and

(B) to the organizations specified in section 321(c)(2) of this title.

§522. Reimbursement for transfer of excess property

(a) IN GENERAL.—Subject to subsections (b) and (c) of this section, the Administrator of General Services, with the approval of the Director of the Office of Management and Budget, shall prescribe the amount of reimbursement required for a transfer of excess property.

(b) REIMBURSEMENT AT FAIR VALUE.—The amount of reimbursement required for a transfer of excess property is the fair value of the property, as determined by the Administrator, if—

(1) net proceeds are requested under section 574(a) of this title; or

(2) either the transferor or the transferee agency (or the organizational unit affected) is—

(A) subject to chapter 91 of title 31; or

(B) an organization specified in section 321(c)(2) of this title.

(c) DISTRIBUTION THROUGH GENERAL SERVICES ADMINISTRATION SUPPLY CENTERS.—Excess property determined by the Administrator to be suitable for distribution through the supply centers of the General Services Administration shall be retransferred at prices set by the Administrator with due regard to prices established under section 321(d) of this title.

§523. Excess real property located on Indian reservations

(a) PROCEDURES FOR TRANSFER.—The Administrator of General Services shall prescribe procedures necessary to transfer to the Secretary of the Interior, without compensation, excess real property located within the reservation of any group, band, or tribe of Indians that is recognized as eligible for services by the Bureau of Indian Affairs.

(b) PROPERTY HELD IN TRUST.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall hold excess real property transferred under this section in trust for the benefit and use of the group, band, or tribe of Indians, within whose reservation the excess real property is located.

(2) SPECIAL REQUIREMENT FOR OKLAHOMA.—The Secretary shall hold excess real property that is located in Oklahoma and transferred under this section in trust for Oklahoma Indian tribes recognized by the Secretary if the real property—

(A) is located within boundaries of former reservations in Oklahoma, as defined by the Secretary, and was held in trust by the Federal Government for an Indian tribe when the Government acquired it; or

(B) is contiguous to real property presently held in trust by the Government for an Oklahoma Indian tribe and was held in trust by the Government for an Indian tribe at any time.

§524. Duties of executive agencies

(a) REQUIRED.—Each executive agency shall—

(1) maintain adequate inventory controls and accountability systems for property under its control;

(2) continuously survey property under its control to identify excess property;

(3) promptly report excess property to the Administrator of General Services;

(4) perform the care and handling of excess property; and

(5) transfer or dispose of excess property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator.

(b) REQUIRED AS FAR AS PRACTICABLE.—Each executive agency, as far as practicable, shall—

(1) reassign property to another activity within the agency when the property is no longer required for the purposes of the appropriation used to make the purchase;

(2) transfer excess property under its control to other federal agencies and to organizations specified in section 321(c)(2) of this title; and

(3) obtain excess property from other federal agencies.

§525. Excess personal property for federal agency grantees

(a) GENERAL PROHIBITION.—A federal agency is prohibited from obtaining excess personal property for the purpose of furnishing the property to a grantee of the agency, except as provided in this section.

(b) EXCEPTION FOR PUBLIC AGENCIES AND TAX-EXEMPT NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—Under regulations the Administrator of General Services may prescribe, a federal agency may obtain excess personal property for the purpose of furnishing it to a public agency or an organization that is nonprofit and exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501), if—

(A) the agency or organization is conducting a federally sponsored project pursuant to a grant made for a specific purpose with a specific termination provision;

(B) the property is to be furnished for use in connection with the grant; and

(C)(i) the sponsoring federal agency pays an amount equal to 25 percent of the original acquisition cost (except for costs of care and handling) of the excess property; and

(ii) the amount is deposited in the Treasury as miscellaneous receipts.

(2) TITLE.—Title to excess property obtained under this subsection vests in the grantee. The grantee shall account for and dispose of the property in accordance with procedures governing accountability for personal property acquired under grant agreements.

(c) EXCEPTION FOR CERTAIN PROPERTY FURNISHED BY SECRETARY OF AGRICULTURE.—

(1) DEFINITION.—In this subsection, the term "State" means a State of the United States, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, the Virgin Islands, and the District of Columbia.

(2) IN GENERAL.—Under regulations and restrictions the Administrator may prescribe, subsection (a) does not apply to property furnished by the Secretary of Agriculture to—

(A) a state or county extension service engaged in cooperative agricultural extension work under the Smith-Lever Act (7 U.S.C. 341 et seq.);

(B) a state experiment station engaged in cooperative agricultural research work under the Hatch Act of 1887 (7 U.S.C. 361a et seq.); or

(C) an institution engaged in cooperative agricultural research or extension work under section 1433, 1434, 1444, or 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195, 3196, 3221, or 3222), or the Act of October 10, 1962 (16 U.S.C. 582a et seq.), if the Federal Government retains title.

(d) OTHER EXCEPTIONS.—Under regulations and restrictions the Administrator may prescribe, subsection (a) does not apply to—

(1) property furnished under section 608 of the Foreign Assistance Act of 1961 (22 U.S.C. 2358), to the extent that the Administrator determines that the property is not needed for donation under section 549 of this title;

(2) scientific equipment furnished under section 11(e) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(e));

(3) property furnished under section 203 of the Department of Agriculture Organic Act of 1944 (16 U.S.C. 580a), in connection with the Cooperative Forest Fire Control Program, if the Government retains title; or

(4) property furnished in connection with a grant to a tribe, as defined in section 3(c) of the Indian Financing Act of 1974 (25 U.S.C. 1452(c)).

§526. Temporary assignment of excess real property

(a) ASSIGNMENT OF SPACE.—The Administrator of General Services may temporarily assign or reassign space in excess real property to a federal agency, for use as office or storage space or for a related purpose, if the Administrator determines that assignment or reassignment is more advantageous than permanent transfer. The Administrator shall determine the duration of the assignment or reassignment.

(b) REIMBURSEMENT FOR MAINTENANCE.—If there is no appropriation available to the Administrator for the expense of maintaining the space, the Administrator may obtain appropriate reimbursement from the federal agency.

§527. Abandonment, destruction, or donation of property

The Administrator of General Services may authorize the abandonment or destruction of property, or the donation of property to a public body, if—

(1) the property has no commercial value; or

(2) the estimated cost of continued care and handling exceeds the estimated proceeds from sale.

§528. Utilization of excess furniture

A department or agency of the Federal Government may not use amounts provided by law to purchase furniture if the Administrator of General Services determines that requirements can reasonably be met by transferring excess furniture, including rehabilitated furniture, from other departments or agencies pursuant to this subtitle.

§529. Annual executive agency reports on excess personal property

(a) IN GENERAL.—During the calendar quarter following the close of each fiscal year, each executive agency shall submit to the Administrator of General Services a report on personal property—

(1) obtained as—

(A) excess property; or

(B) personal property determined to be no longer required for the purpose of the appropriation used to make the purchase; and

(2) furnished within the United States to a recipient other than a federal agency.

(b) REQUIRED INFORMATION.—The report must set out the categories of equipment and show—

(1) the acquisition cost of the property;

(2) the recipient of the property; and

(3) other information the Administrator may require.

SUBCHAPTER III—DISPOSING OF PROPERTY

§541. Supervision and direction

Except as otherwise provided in this subchapter, the Administrator of General Services shall supervise and direct the disposition of surplus property in accordance with this subtitle.

§542. Care and handling

The disposal of surplus property, and the care and handling of the property pending disposition, may be performed by the General Services Administration or, when the Administrator of General Services decides, by the executive agency in possession of the property or by any other executive agency that agrees.

§543. Method of disposition

An executive agency designated or authorized by the Administrator of General Services to dispose of surplus property may do so by sale, exchange, lease, permit, or transfer, for cash, credit, or other property, with or without warranty, on terms and conditions that the Administrator considers proper. The agency may execute documents to transfer title or other interest in the property and may take other action it considers necessary or proper to dispose of the property under this chapter.

§544. Validity of transfer instruments

A deed, bill of sale, lease, or other instrument executed by or on behalf of an executive agency purporting to transfer title or other interest in surplus property under this chapter is conclusive evidence of compliance with the provisions of this chapter concerning title or other interest of a bona fide grantee or transferee for value and without notice of lack of compliance.

§545. Procedure for disposal

(a) PUBLIC ADVERTISING FOR BIDS.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator of General Services may make or authorize a disposal or a contract for disposal of surplus property only after public advertising for bids, under regulations the Administrator prescribes.

(B) EXCEPTIONS.—This subsection does not apply to disposal or a contract for disposal of surplus property—

(i) under subsection (b) or (d); or

(ii) by abandonment, destruction, or donation or through a contract broker.

(2) TIME, METHOD, AND TERMS.—The time, method, and terms and conditions of advertisement must permit full and free competition consistent with the value and nature of the property involved.

(3) PUBLIC DISCLOSURE.—Bids must be publicly disclosed at the time and place stated in the advertisement.

(4) AWARDS.—An award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the Federal Government, price and other factors considered. However, all bids may be rejected if it is in the public interest to do so.

(b) NEGOTIATED DISPOSAL.—Under regulations the Administrator prescribes, disposals and contracts for disposal may be negotiated without regard to subsection (a), but subject to obtaining competition that is feasible under the circumstances, if—

(1) necessary in the public interest—

(A) during the period of a national emergency declared by the President or Congress, with respect to a particular lot of personal property; or

(B) for a period not exceeding three months, with respect to a specifically described category of personal property as determined by the Administrator;

(2) the public health, safety, or national security will be promoted by a particular disposal of personal property;

(3) public exigency will not allow delay incident to advertising certain personal property;

(4) the nature and quantity of personal property involved are such that disposal under subsection (a) would impact an industry to an extent that would adversely affect the national economy, and the estimated fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;

(5) the estimated fair market value of the property involved does not exceed $15,000;

(6) after advertising under subsection (a), the bid prices for the property, or part of the property, are not reasonable or have not been independently arrived at in open competition;

(7) with respect to real property, the character or condition of the property or unusual circumstances make it impractical to advertise publicly for competitive bids and the fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;

(8) the disposal will be to a State, territory, or possession of the United States, or to a political subdivision of, or a tax-supported agency in, a State, territory, or possession, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or

(9) otherwise authorized by law.

(c) DISPOSAL THROUGH CONTRACT BROKERS.—Disposals and contracts for disposal of surplus real and related personal property through contract realty brokers employed by the Administrator shall be made in the manner followed in similar commercial transactions under regulations the Administrator prescribes. The regulations must require that brokers give wide public notice of the availability of the property for disposal.

(d) NEGOTIATED SALE AT FIXED PRICE.—

(1) AUTHORIZATION.—The Administrator may make a negotiated sale of personal property at a fixed price, either directly or through the use of a disposal contractor, without regard to subsection (a). However, the sale must be publicized to an extent consistent with the value and nature of the property involved and the price established must reflect the estimated fair market value of the property. Sales under this subsection are limited to categories of personal property for which the Administrator determines that disposal under this subsection best serves the interests of the Government.

(2) FIRST OFFER.—Under regulations and restrictions the Administrator prescribes, an opportunity to purchase property at a fixed price under this subsection may be offered first to an entity specified in subsection (b)(8) that has expressed an interest in the property.

(e) EXPLANATORY STATEMENTS FOR NEGOTIATED DISPOSALS.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an explanatory statement of the circumstances shall be prepared for each disposal by negotiation of—

(i) personal property that has an estimated fair market value in excess of $15,000;

(ii) real property that has an estimated fair market value in excess of $100,000, except that real property disposed of by lease or exchange is subject only to clauses (iii)–(v) of this subparagraph;

(iii) real property disposed of by lease for a term of not more than 5 years, if the estimated fair annual rent is more than $100,000 for any year;

(iv) real property disposed of by lease for a term of more than 5 years, if the total estimated rent over the term of the lease is more than $100,000; or

(v) real property or real and related personal property disposed of by exchange, regardless of value, or any property for which any part of the consideration is real property.

(B) EXCEPTION.—An explanatory statement is not required for a disposal of personal property under subsection (d), or for a disposal of real or personal property authorized by any other law to be made without advertising.

(2) TRANSMITTAL TO CONGRESS.—The explanatory statement shall be transmitted to the appropriate committees of Congress in advance of the disposal, and a copy of the statement shall be preserved in the files of the executive agency making the disposal.

(3) LISTING IN REPORT.—A report of the Administrator under section 126 of this title must include a listing and description of any negotiated disposals of surplus property having an estimated fair market value of more than $15,000, in the case of real property, or $5,000, in the case of any other property, other than disposals for which an explanatory statement has been transmitted under this subsection.

(f) APPLICABILITY OF OTHER LAW.—Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply to a disposal or contract for disposal made under this section.

§546. Contractor inventories

Subject to regulations of the Administrator of General Services, an executive agency may authorize a contractor or subcontractor with the agency to retain or dispose of contractor inventory.

§547. Agricultural commodities, foods, and cotton or woolen goods

(a) POLICIES.—The Administrator of General Services shall consult with the Secretary of Agriculture to formulate policies for the disposal of surplus agricultural commodities, surplus foods processed from agricultural commodities, and surplus cotton or woolen goods. The policies shall be formulated to prevent surplus agricultural commodities, or surplus foods processed from agricultural commodities, from being dumped on the market in a disorderly manner and disrupting the market prices for agricultural commodities.

(b) TRANSFERS TO DEPARTMENT OF AGRICULTURE.—

(1) IN GENERAL.—The Administrator shall transfer without charge to the Department of

Agriculture any surplus agricultural commodities, foods, and cotton or woolen goods for disposal, when the Secretary determines that a transfer is necessary for the Secretary to carry out responsibilities for price support or stabilization.

(2) DEPOSIT OF RECEIPTS.—Receipts resulting from disposal by the Department under this subsection shall be deposited pursuant to any authority available to the Secretary. When applicable, however, net proceeds from the sale of surplus property transferred under this subsection shall be credited pursuant to section 572(a) of this title.

(3) LIMITATION OF SALES.—Surplus farm commodities transferred under this subsection may not be sold, other than for export, in quantities exceeding, or at prices less than, the applicable quantities and prices for sales of those commodities by the Commodity Credit Corporation.

§548. Surplus vessels

The Maritime Administration shall dispose of surplus vessels of 1,500 gross tons or more which the Administration determines to be merchant vessels or capable of conversion to merchant use. The vessels shall be disposed of in accordance with the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.), and other laws authorizing the sale of such vessels.

§549. Donation of personal property through state agencies

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) PUBLIC AGENCY.—The term "public agency" means—

(A) a State;

(B) a political subdivision of a State (including a unit of local government or economic development district);

(C) a department, agency, or instrumentality of a State (including instrumentalities created by compact or other agreement between States or political subdivisions); or

(D) an Indian tribe, band, group, pueblo, or community located on a state reservation.

(2) STATE.—The term "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(3) STATE AGENCY.—The term "state agency" means an agency designated under state law as the agency responsible for fair and equitable distribution, through donation, of property transferred under this section.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Administrator of General Services, in the Administrator's discretion and under regulations the Administrator may prescribe, may transfer property described in paragraph (2) to a state agency.

(2) PROPERTY.—

(A) IN GENERAL.—Property referred to in paragraph (1) is any personal property that—

(i) is under the control of an executive agency; and

(ii) has been determined to be surplus property.

(B) SPECIAL RULE.—In determining whether the property is to be transferred for donation under this section, no distinction may be made between property capitalized in a working-capital fund established under section 2208 of title 10 (or similar fund) and any other property.

(3) NO COST.—Transfer of property under this section is without cost, except for any costs of care and handling.

(c) ALLOCATION AND TRANSFER OF PROPERTY.—

(1) IN GENERAL.—The Administrator shall allocate and transfer property under this section in accordance with criteria that are based on need and use and that are established after consultation with state agencies to the extent feasible. The Administrator shall give fair consideration, consistent with the established criteria, to an expression of need and interest from a public agency or other eligible institution within a State. The Administrator shall give special consideration to an eligible recipient's request, transmitted through the state agency, for a specific item of property.

(2) ALLOCATION AMONG STATES.—The Administrator shall allocate property among the States on a fair and equitable basis, taking into account the condition of the property as well as the original acquisition cost of the property.

(3) RECIPIENTS AND PURPOSES.—The Administrator shall transfer to a state agency property the state agency selects for distribution through donation within the State—

(A) to a public agency for use in carrying out or promoting, for residents of a given political area, a public purpose, including conservation, economic development, education, parks and recreation, public health, and public safety; or

(B) for purposes of education or public health (including research), to a nonprofit educational or public health institution or organization that is exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501), including—

(i) a medical institution, hospital, clinic, health center, or drug abuse treatment center;

(ii) a provider of assistance to homeless individuals or to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902));

(iii) a school, college, or university;

(iv) a school for the mentally retarded or physically handicapped;

(v) a child care center;

(vi) a radio or television station licensed by the Federal Communications Commission as an educational radio or educational television station;

(vii) a museum attended by the public; or

(viii) a library serving free all residents of a community, district, State, or region.

(4) EXCEPTION.—This subsection does not apply to property transferred under subsection (d).

(d) DEPARTMENT OF DEFENSE PROPERTY.—

(1) DETERMINATION.—The Secretary of Defense shall determine whether surplus personal property under the control of the Department of Defense is usable and necessary for educational activities which are of special interest to the armed services, including maritime academies, or military, naval, Air Force, or Coast Guard preparatory schools.

(2) PROPERTY USABLE FOR SPECIAL INTEREST ACTIVITIES.—If the Secretary of Defense determines that the property is usable and necessary for educational activities which are of special interest to the armed services, the Secretary shall allocate the property for transfer by the Administrator to the appropriate state agency for distribution through donation to the educational activities.

(3) PROPERTY NOT USABLE FOR SPECIAL INTEREST ACTIVITIES.—If the Secretary of Defense determines that the property is not usable and necessary for educational activities which are of special interest to the armed services, the property may be disposed of in accordance with subsection (c).

(e) STATE PLAN OF OPERATION.—

(1) IN GENERAL.—Before property may be transferred to a state agency, the State shall develop a detailed state plan of operation, in accordance with this subsection and with state law.

(2) PROCEDURE.—

(A) CONSIDERATION OF NEEDS AND RESOURCES.—In developing and implementing the state plan of operation, the relative needs and resources of all public agencies and other eligible institutions in the State shall be taken into consideration. The Administrator may consult with interested federal agencies to obtain their views concerning the administration and operation of this section.

(B) PUBLICATION AND PERIOD FOR COMMENT.—The state plan of operation, and any major amendment to the plan, may not be filed with the Administrator until 60 days after general notice of the proposed plan or amendment has been published and interested persons have been given at least 30 days to submit comments.

(C) CERTIFICATION.—The chief executive officer of the State shall certify and submit the state plan of operation to the Administrator.

(3) REQUIREMENTS.—

(A) STATE AGENCY.—The state plan of operation shall include adequate assurance that the state agency has—

(i) the necessary organizational and operational authority and capability including staff, facilities, and means and methods of financing; and

(ii) established procedures for accountability, internal and external audits, cooperative agreements, compliance and use reviews, equitable distribution and property disposal, determination of eligibility, and assistance through consultation with advisory bodies and public and private groups.

(B) EQUITABLE DISTRIBUTION.—The state plan of operation shall provide for fair and equitable distribution of property in the State based on the relative needs and resources of interested public agencies and other eligible institutions in the State and their abilities to use the property.

(C) MANAGEMENT CONTROL AND ACCOUNTING SYSTEMS.—The state plan of operation shall require, for donable property transferred under this section, that the state agency use management control and accounting systems of the same type as systems required by state law for state-owned property. However, with approval from the chief executive officer of the State, the state agency may elect to use other management control and accounting systems that are effective to govern the use, inventory control, accountability, and disposal of property under this section.

(D) RETURN AND REDISTRIBUTION FOR NONUSE.—The state plan of operation shall require the state agency to provide for the return and redistribution of donable property if the property, while still usable, has not been placed in use for the purpose for which it was donated within one year of donation or ceases to be used by the donee for that purpose within one year of being placed in use.

(E) REQUEST BY RECIPIENT.—The state plan of operation shall require the state agency, to the extent practicable, to select property requested by a public agency or other eligible institution in the State and, if requested by the recipient, to arrange shipment of the property directly to the recipient.

(F) SERVICE CHARGES.—If the state agency is authorized to assess and collect service charges from participating recipients to cover direct and reasonable indirect costs of its activities, the method of establishing the charges shall be set out in the state plan of operation. The charges shall be fair and equitable and shall be based on services the state agency performs, including screening, packing, crating, removal, and transportation.

(G) TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—

(i) IN GENERAL.—The state plan of operation shall provide that the state agency—

(I) may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under subsection (c); and

(II) shall impose reasonable terms, conditions, reservations, and restrictions on the use of a passenger motor vehicle and any item of property having a unit acquisition cost of $5,000 or more.

(ii) SPECIAL LIMITATIONS.—If the Administrator finds that an item has characteristics that require special handling or use limitations, the Administrator may impose appropriate conditions on the donation of the property.

(H) UNUSABLE PROPERTY.—

(i) DISPOSAL.—The state plan of operation shall provide that surplus personal property which the state agency determines cannot be used by eligible recipients shall be disposed of—

(I) subject to the disapproval of the Administrator within 30 days after notice to the Administrator, through transfer by the state agency to another state agency or through abandonment or destruction if the property has no commercial value or if the estimated cost of continued care and handling exceeds estimated proceeds from sale; or

(II) under this subtitle, on terms and conditions and in a manner the Administrator prescribes.

(ii) PROCEEDS FROM SALE.—Notwithstanding subchapter IV of this chapter and section 702 of this title, the Administrator, from the proceeds of sale of property described in subsection (b), may reimburse the state agency for expenses that the Administrator considers appropriate for care and handling of the property.

(f) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—

(1) PARTIES TO THE AGREEMENT.—For purposes of carrying out this section, a cooperative agreement may be made between a state surplus property distribution agency designated under this section and—

(A) the Administrator;

(B) the Secretary of Education, for property transferred under section 550(c) of this title;

(C) the Secretary of Health and Human Services, for property transferred under section 550(d) of this title; or

(D) the head of a federal agency designated by the Administrator, the Secretary of Education, or the Secretary of Health and Human Services.

(2) SHARED RESOURCES.—The cooperative agreement may provide that the property, facilities, personnel, or services of—

(A) a state agency may be used by a federal agency; and

(B) a federal agency may be made available to a state agency.

(3) REIMBURSEMENT.—The cooperative agreement may require payment or reimbursement for the use or provision of property, facilities, personnel, or services. Payment or reimbursement received from a state agency shall be credited to the fund or appropriation against which charges would otherwise be made.

(4) SURPLUS PROPERTY TRANSFERRED TO STATE AGENCY.—

(A) IN GENERAL.—Under the cooperative agreement, surplus property transferred to a state agency for distribution pursuant to subsection (c) may be retained by the state agency for use in performing its functions. Unless otherwise directed by the Administrator, title to the retained property vests in the state agency.

(B) CONDITIONS.—Retention of surplus property under this paragraph is subject to conditions that may be imposed by—

(i) the Administrator;

(ii) the Secretary of Education, for property transferred under section 550(c) of this title; or

(iii) the Secretary of Health and Human Services, for property transferred under section 550(d) of this title.

§550. Disposal of real property for certain purposes

(a) DEFINITION.—In this section, the term "State" includes the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.—

(1) IN GENERAL.—Subject to disapproval by the Administrator of General Services within 30 days after notice of a proposed action to be taken under this section, except for personal property transferred pursuant to section 549 of this title, the official specified in paragraph (2) shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer under this section is made. The official shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The official shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Federal Government by the instrument, if the official determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the official considers necessary to protect or advance the interests of the Government.

(2) SPECIFIED OFFICIAL.—The official referred to in paragraph (1) is—

(A) the Secretary of Education, for property transferred under subsection (c) for school, classroom, or other educational use;

(B) the Secretary of Health and Human Services, for property transferred under subsection (d) for use in the protection of public health, including research;

(C) the Secretary of the Interior, for property transferred under subsection (e) for public park or recreation area use;

(D) the Secretary of Housing and Urban Development, for property transferred under subsection (f) to provide housing or housing assistance for low-income individuals or families; and

(E) the Secretary of the Interior, for property transferred under subsection (h) for use as a historic monument for the benefit of the public.

(c) PROPERTY FOR SCHOOL, CLASSROOM, OR OTHER EDUCATIONAL USE.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Education for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for school, classroom, or other educational use.

(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Education of a proposed transfer, the Secretary, for school, classroom, or other educational use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, a tax-supported educational institution, or a nonprofit educational institution that has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Education shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or institution.

(d) PROPERTY FOR USE IN THE PROTECTION OF PUBLIC HEALTH, INCLUDING RESEARCH.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Health and Human Services for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use in the protection of public health, including research.

(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Health and Human Services of a proposed transfer, the Secretary, for use in the protection of public health, including research, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, a tax-supported medical institution, or a hospital or similar institution not operated for profit that has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Health and Human Services shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or institution.

(e) PROPERTY FOR USE AS A PUBLIC PARK OR RECREATION AREA.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of the Interior for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use as a public park or recreation area.

(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of the Interior of a proposed transfer, the Secretary, for public park or recreation area use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a municipality.

(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or municipality.

(4) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real property disposed of under this subsection—

(A) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(B) may contain additional terms, reservations, restrictions, and conditions the Secretary of the Interior determines are necessary to safeguard the interests of the Government.

(f) PROPERTY FOR LOW INCOME HOUSING ASSISTANCE.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Housing and Urban Development for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed to provide housing or housing assistance for low-income individuals or families.

(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Housing

and Urban Development of a proposed transfer, the Secretary, to provide housing or housing assistance for low-income individuals or families, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a nonprofit organization that exists for the primary purpose of providing housing or housing assistance for low-income individuals or families.

(3) SELF-HELP HOUSING.—

(A) IN GENERAL.—The Administrator shall disapprove a proposed transfer of property under this subsection unless the Administrator determines that the property will be used for low-income housing opportunities through the construction, rehabilitation, or refurbishment of self-help housing, under terms requiring that—

(i) subject to subparagraph (B), an individual or family receiving housing or housing assistance through use of the property shall contribute a significant amount of labor toward the construction, rehabilitation, or refurbishment; and

(ii) dwellings constructed, rehabilitated, or refurbished through use of the property shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below prevailing market prices.

(B) GUIDELINES FOR CONSIDERING DISABILITIES.—For purposes of fulfilling self-help requirements under paragraph (3)(A)(i), the Administrator shall ensure that nonprofit organizations receiving property under paragraph (2) develop and use guidelines to consider any disability (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

(4) FIXING VALUE.—

(A) IN GENERAL.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Housing and Urban Development shall take into consideration and discount the value for any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or nonprofit organization.

(B) AMOUNT OF DISCOUNT.—The amount of the discount under subparagraph (A) is 75 percent of the market value of the property, except that the Secretary of Housing and Urban Development may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified.

(g) PROPERTY FOR NATIONAL SERVICE ACTIVITIES.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Chief Executive Officer of the Corporation for National and Community Service for disposal surplus property that the Chief Executive Officer recommends as needed for national service activities.

(2) SALE, LEASE, OR DONATION.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Chief Executive Officer of a proposed transfer, the Chief Executive Officer, for national service activities, may sell, lease, or donate property assigned to the Chief Executive Officer under paragraph (1) to an entity that receives financial assistance under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Chief Executive Officer shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the entity receiving the property.

(h) PROPERTY FOR USE AS A HISTORIC MONUMENT.—

(1) CONVEYANCE.—

(A) IN GENERAL.—Without monetary consideration to the Government, the Administrator may convey to a State, a political subdivision or instrumentality of a State, or a municipality, the right, title, and interest of the Government in and to any surplus real and related personal property that the Secretary of the Interior determines is suitable and desirable for use as a historic monument for the benefit of the public.

(B) RECOMMENDATION BY NATIONAL PARK SYSTEM ADVISORY BOARD.—Property may be determined to be suitable and desirable for use as a historic monument only in conformity with a recommendation by the National Park System Advisory Board established under section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act). Only the portion of the property that is necessary for the preservation and proper observation of the property's historic features may be determined to be suitable and desirable for use as a historic monument.

(2) REVENUE-PRODUCING ACTIVITY.—

(A) IN GENERAL.—The Administrator may authorize use of any property conveyed under this subsection for revenue-producing activities if the Secretary of the Interior—

(i) determines that the activities are compatible with use of the property for historic monument purposes;

(ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property;

(iii) approves the grantee's plan for financing the repair, rehabilitation, restoration, and maintenance of the property; and

(iv) examines and approves the accounting and financial procedures used by the grantee.

(B) USE OF EXCESS INCOME.—The Secretary of the Interior may approve a grantee's financial plan only if the plan provides that the grantee shall use income exceeding the cost of repair, rehabilitation, restoration, and maintenance only for public historic preservation, park, or recreational purposes.

(C) AUDITS.—The Secretary of the Interior may periodically audit the records of the grantee that are directly related to the property conveyed.

(3) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real property disposed of under this subsection—

(A) shall provide that all of the property be used and maintained for historical monument purposes in perpetuity, and that if the property ceases to be used or maintained for historical monument purposes, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(B) may contain additional terms, reservations, restrictions, and conditions the Administrator determines are necessary to safeguard the interests of the Government.

§551. Donations to American Red Cross

The Administrator of General Services, in the Administrator's discretion and under regulations that the Administrator may prescribe, may donate to the American National Red Cross for charitable purposes property that the American National Red Cross processed, produced, or donated and that has been determined to be surplus property.

§552. Abandoned or unclaimed property on Government premises

(a) AUTHORITY TO TAKE PROPERTY.—The Administrator of General Services may take possession of abandoned or unclaimed property on premises owned or leased by the Federal Government and determine when title to the property vests in the Government. The Administrator may use, transfer, or otherwise dispose of the property.

(b) CLAIM FILED BY FORMER OWNER.—If a former owner files a proper claim within three years from the date that title to the property vests in the Government, the former owner shall be paid an amount—

(1) equal to the proceeds realized from the disposition of the property less costs incident to care and handling as determined by the Administrator; or

(2) if the property has been used or transferred, equal to the fair value of the property as of the time title vested in the Government less costs incident to care and handling as determined by the Administrator.

§553. Property for correctional facility, law enforcement, and emergency management response purposes

(a) DEFINITION.—In this section, the term "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and, the Northern Mariana Islands.

(b) AUTHORITY TO TRANSFER PROPERTY.—The Administrator of General Services, in the Administrator's discretion and under regulations that the Administrator may prescribe, may transfer or convey to a State, or political subdivision or instrumentality of a State, surplus real and related personal property that—

(1) the Attorney General determines is required by the transferee or grantee for correctional facility use under a program approved by the Attorney General for the care or rehabilitation of criminal offenders;

(2) the Attorney General determines is required by the transferee or grantee for law enforcement purposes; or

(3) the Director of the Federal Emergency Management Agency determines is required by the transferee or grantee for emergency management response purposes including fire and rescue services.

(c) NO MONETARY CONSIDERATION.—A transfer or conveyance under this section shall be made without monetary consideration to the Federal Government.

(d) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real and related personal property disposed of under this section—

(1) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(2) may contain additional terms, reservations, restrictions, and conditions that the Administrator determines are necessary to safeguard the interests of the Government.

(e) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.—The Administrator shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer or conveyance under this section is made. The Administrator shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The Administrator shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Government by the instrument, if the Administrator determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or *quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the Administrator considers necessary to protect or advance the interests of the Government.*

§554. Property for development or operation of a port facility

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) BASE CLOSURE LAW.—The term "base closure law" means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10.

(2) STATE.—The term "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Northern Mariana Islands.

(b) AUTHORITY FOR ASSIGNMENT TO THE SECRETARY OF TRANSPORTATION.—Under regulations that the Administrator of General Services, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense in the case of property located at a military installation closed or realigned pursuant to a base closure law, may assign to the Secretary of Transportation for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary of Transportation recommends as needed for the development or operation of a port facility.

(c) AUTHORITY FOR CONVEYANCE BY THE SECRETARY OF TRANSPORTATION.—

(1) IN GENERAL.—Subject to disapproval by the Administrator or the Secretary of Defense within 30 days after notice of a proposed conveyance by the Secretary of Transportation, the Secretary of Transportation, for the development or operation of a port facility, may convey property assigned to the Secretary of Transportation under subsection (b) to a State or political subdivision, municipality, or instrumentality of a State.

(2) CONVEYANCE REQUIREMENTS.—A transfer of property may be made under this section only after the Secretary of Transportation has—

(A) determined, after consultation with the Secretary of Labor, that the property to be conveyed is located in an area of serious economic disruption;

(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and

(C) transmitted to Congress an explanatory statement that contains information substantially similar to the information contained in statements prepared under section 545(e) of this title.

(d) NO MONETARY CONSIDERATION.—A conveyance under this section shall be made without monetary consideration to the Federal Government.

(e) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real and related personal property disposed of under this section shall—

(1) provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(2) contain additional terms, reservations, restrictions, and conditions that the Secretary of Transportation shall by regulation require to ensure use of the property for the purposes for which it was conveyed and to safeguard the interests of the Government.

(f) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.—The Secretary of Transportation shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer or conveyance under this section is made. The Secretary shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The Secretary shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the grantee any right or interest reserved to the Government by the instrument, if the Secretary determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the Secretary considers necessary to protect or advance the interests of the Government.

§555. Donation of law enforcement canines to handlers

The head of a federal agency having control of a canine that has been used by a federal agency in the performance of law enforcement duties and that has been determined by the agency to be no longer needed for official purposes may donate the canine to an individual who has experience handling canines in the performance of those duties.

§556. Disposal of dredge vessels

(a) IN GENERAL.—The Administrator of General Services, pursuant to sections 521 through 527, 529, and 549 of this title, may dispose of a United States Army Corps of Engineers vessel used for dredging, together with related equipment owned by the Federal Government and under the control of the Chief of Engineers, if the Secretary of the Army declares the vessel to be in excess of federal needs.

(b) RECIPIENTS AND PURPOSES.—Disposal under this section is accomplished—

(1) through sale or lease to—

(A) a foreign government as part of a Corps of Engineers technical assistance program;

(B) a federal or state maritime academy for training purposes; or

(C) a non-federal public body for scientific, educational, or cultural purposes; or

(2) through sale solely for scrap to foreign or domestic interests.

(c) NO DREDGING ACTIVITIES.—A vessel described in subsection (a) shall not be disposed of under any law for the purpose of engaging in dredging activities within the United States.

(d) DEPOSIT OF AMOUNTS COLLECTED.—Amounts collected from the sale or lease of a vessel or equipment under this section shall be deposited into the revolving fund authorized by section 101 (9th par.) of the Civil Functions Appropriation Act, 1954 (33 U.S.C. 576), to be available, as provided in appropriation laws, for the operation and maintenance of vessels under the control of the Corps of Engineers.

§557. Donation of books to Free Public Library

Subject to regulations under this subtitle, a book that is no longer needed by an executive department, bureau, or commission of the Federal Government, and that is not an advisable addition to the Library of Congress, shall be turned over to the Free Public Library of the District of Columbia for general use if the book is appropriate for the Free Public Library.

§558. Donation of forfeited vessels

(a) IN GENERAL.—A vessel that is forfeited to the Federal Government may be donated, in accordance with procedures under this subtitle, to an eligible institution described in subsection (b).

(b) ELIGIBLE INSTITUTION.—An eligible institution referred to in subsection (a) is an educational institution with a commercial fishing vessel safety program or other vessel safety, education and training program. The institution must certify to the federal officer making the donation that the program includes, at a minimum, all of the following courses in vessel safety:

(1) Vessel stability.

(2) Firefighting.

(3) Shipboard first aid.

(4) Marine safety and survival.

(5) Seamanship rules of the road.

(c) TERMS AND CONDITIONS.—The donation of a vessel under this section shall be made on terms and conditions considered appropriate by the federal officer making the donation. All of the following terms and conditions are required:

(1) NO WARRANTY.—The institution must accept the vessel as is, where it is, and without warranty of any kind and without any representation as to its condition or suitability for use.

(2) MAINTENANCE.—The institution is responsible for maintaining the vessel.

(3) INSTRUCTION ONLY.—The vessel may be used only for instructing students in a vessel safety education and training program.

(4) DOCUMENTATION.—If the vessel is eligible to be documented, it must be documented by the institution as a vessel of the United States under chapter 121 of title 46. The requirements of paragraph (5) must be noted on the permanent record of the vessel.

(5) DISPOSAL.—The institution must obtain prior approval from the Administrator of General Services before disposing of the vessel and any proceeds from disposal shall be payable to the Government.

(6) INSPECTION OR REGULATION.—The vessel shall be inspected or regulated in the same manner as a nautical school vessel under chapter 33 of title 46.

(d) GOVERNMENT LIABILITY.—The Government is not liable in an action arising out of the transfer or use of a vessel transferred under this section.

§559. Advice of Attorney General with respect to antitrust law

(a) DEFINITION.—In this section, the term "antitrust law" includes—

(1) the Sherman Act (15 U.S.C. 1 et seq.);

(2) the Clayton Act (15 U.S.C. 12 et seq., 29 U.S.C. 52, 53);

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.); and

(4) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8, 9).

(b) ADVICE REQUIRED.—

(1) IN GENERAL.—An executive agency shall not dispose of property to a private interest until the agency has received the advice of the Attorney General on whether the disposal to a private interest would tend to create or maintain a situation inconsistent with antitrust law.

(2) EXCEPTION.—This section does not apply to disposal of—

(A) real property, if the estimated fair market value is less than $3,000,000; or

(B) personal property (other than a patent, process, technique, or invention), if the estimated fair market value is less than $3,000,000.

(c) NOTICE TO ATTORNEY GENERAL.—

(1) IN GENERAL.—An executive agency that contemplates disposing of property to a private interest shall promptly transmit notice of the proposed disposal, including probable terms and conditions, to the Attorney General.

(2) Copy.—Except for the General Services Administration, an executive agency that transmits notice under paragraph (1) shall simultaneously transmit a copy of the notice to the Administrator of General Services.

(d) Advice From Attorney General.—Within a reasonable time, not later than 60 days, after receipt of notice under subsection (c), the Attorney General shall advise the Administrator and any interested executive agency whether, so far as the Attorney General can determine, the proposed disposition would tend to create or maintain a situation inconsistent with antitrust law.

(e) Request for Information.—On request from the Attorney General, the head of an executive agency shall furnish information the agency possesses that the Attorney General determines is appropriate or necessary to—

(1) give advice required by this section; or

(2) determine whether any other disposition or proposed disposition of surplus property violates antitrust law.

(f) No Effect on Antitrust Law.—This subtitle does not impair, amend, or modify antitrust law or limit or prevent application of antitrust law to a person acquiring property under this subtitle.

SUBCHAPTER IV—PROCEEDS FROM SALE OR TRANSFER

§571. General rules for deposit and use of proceeds

(a) Deposit in Treasury as Miscellaneous Receipts.—

(1) In general.—Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

(2) Proceeds.—The proceeds referred to in paragraph (1) are proceeds under this chapter from a—

(A) transfer of excess property to a federal agency for agency use; or

(B) sale, lease, or other disposition of surplus property.

(b) Payment of Expenses of Sale Before Deposit.—Subject to regulations under this subtitle, the expenses of the sale of old material, condemned stores, supplies, or other public property may be paid from the proceeds of sale so that only the net proceeds are deposited in the Treasury. This subsection applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.

§572. Real property

(a) In General.—

(1) Separate fund.—Except as provided in subsection (b), proceeds of the disposition of surplus real and related personal property by the Administrator of General Services shall be set aside in a separate fund in the Treasury.

(2) Payment of expenses from the fund.—

(A) Authority.—From the fund described in paragraph (1), the Administrator may obligate an amount to pay the following direct expenses incurred for the use of excess property and the disposal of surplus property under this subtitle:

(i) Fees of appraisers, auctioneers, and realty brokers, in accordance with the scale customarily paid in similar commercial transactions.

(ii) Costs of environmental and historic preservation services.

(iii) Advertising and surveying.

(B) Limitations.—

(i) Percentage limitation.—In each fiscal year, no more than 12 percent of the proceeds of all dispositions of surplus real and related personal property may be paid to meet direct expenses incurred in connection with the dispositions.

(ii) Determination of maximum amount.—The Director of the Office of Management and Budget each quarter shall determine the maximum amount that may be obligated under this paragraph.

(C) Direct payment or reimbursement.—An amount obligated under this paragraph may be used to pay an expense directly or to reimburse a fund or appropriation that initially paid the expense.

(3) Transfer to miscellaneous receipts.—At least once each year, excess amounts beyond current operating needs shall be transferred from the fund described in paragraph (1) to miscellaneous receipts.

(4) Report.—A report of receipts, disbursements, and transfers to miscellaneous receipts under this subsection shall be made annually, in connection with the budget estimate, to the Director and to Congress.

(b) Real Property Under Control of a Military Department.—

(1) Definitions.—In this subsection, the following definitions apply:

(A) Military installation.—The term "military installation" has the meaning given that term in section 2687(e)(1) of title 10.

(B) Base closure law.—The term "base closure law" has the meaning given that term in section 2667(h)(2) of title 10.

(2) Application.—

(A) In general.—This subsection applies to real property, including any improvement on the property, that is under the control of a military department and that the Secretary of the department determines is excess to the department's needs.

(B) Exceptions.—This subsection does not apply to—

(i) damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10; or

(ii) property at a military installation designated for closure or realignment pursuant to a base closure law.

(3) Transfer between military departments.—The Secretary of Defense shall provide that property described in paragraph (2) is available for transfer, without reimbursement, to other military departments within the Department of Defense.

(4) Alternative disposition by Administrator of General Services.—If property is not transferred pursuant to paragraph (3), the Secretary of the military department with the property under its control shall request the Administrator to transfer or dispose of the property in accordance with this subtitle or other applicable law.

(5) Proceeds.—

(A) Deposit in special account.—For a transfer or disposition of property pursuant to paragraph (4), the Administrator shall deposit any proceeds (less expenses of the transfer or disposition as provided in subsection (a)) in a special account in the Treasury.

(B) Availability of amount deposited.—To the extent provided in an appropriation law, an amount deposited in a special account under subparagraph (A) is available for facility maintenance and repair or environmental restoration as follows:

(i) In the case of property located at a military installation that is closed, the amount is available for facility maintenance and repair or environmental restoration by the military department that had jurisdiction over the property before the closure of the military installation.

(ii) In the case of property located at any other military installation—

(I) 50 percent of the amount is available for facility maintenance and repair or environmental restoration at the military installation where the property was located before it was disposed of or transferred; and

(II) 50 percent of the amount is available for facility maintenance and repair and for environmental restoration by the military department that had jurisdiction over the property before it was disposed of or transferred.

(6) Report.—As part of the annual request for authorizations of appropriations to the Committees on Armed Services of the Senate and the House of Representatives, the Secretary of Defense shall include an accounting of each transfer and disposal made in accordance with this subsection during the fiscal year preceding the fiscal year in which the request is made. The accounting shall include a detailed explanation of each transfer and disposal and of the use of the proceeds received from it by the Department of Defense.

§573. Personal property

The Administrator of General Services may retain from the proceeds of sales of personal property the Administrator conducts amounts necessary to recover, to the extent practicable, costs the Administrator (or the Administrator's agent) incurs in conducting the sales. The Administrator shall deposit amounts retained into the General Supply Fund established under section 321(a) of this title. From the amounts deposited, the Administrator may pay direct costs and reasonably related indirect costs incurred in conducting sales of personal property. At least once each year, amounts retained that are not needed to pay the direct and indirect costs shall be transferred from the General Supply Fund to the general fund or another appropriate account in the Treasury.

§574. Other rules regarding proceeds

(a) Credit to Reimbursable Fund or Appropriation.—

(1) Application.—This subsection applies to property acquired with amounts—

(A) not appropriated from the general fund of the Treasury; or

(B) appropriated from the general fund of the Treasury but by law reimbursable from assessment, tax, or other revenue or receipts.

(2) In general.—The net proceeds of a disposition or transfer of property described in paragraph (1) shall be—

(A) credited to the applicable reimbursable fund or appropriation; or

(B) paid to the federal agency that determined the property to be excess.

(3) Calculation of net proceeds.—For purposes of this subsection, the net proceeds of a disposition or transfer of property are the proceeds less all expenses incurred for the disposition or transfer, including care and handling.

(4) Alternative credit to miscellaneous receipts.—If the agency that determined the property to be excess decides that it is uneconomical or impractical to ascertain the amount of net proceeds, the proceeds shall be credited to miscellaneous receipts.

(b) Special Account for Refunds or Payments for Breach.—

(1) Deposits.—A federal agency that disposes of surplus property under this chapter may deposit, in a special account in the Treasury, amounts of the proceeds of the dispositions that the agency decides are necessary to permit—

(A) appropriate refunds to purchasers for dispositions that are rescinded or that do not become final; and

(B) payments for breach of warranty.

(2) Withdrawals.—A federal agency that deposits proceeds in a special account under paragraph (1) may withdraw amounts to be refunded or paid from the account without regard to the origin of the amounts withdrawn.

(c) Credit to Cost of Contractor's Work.—If a contract made by an executive agency, or a subcontract under that contract, authorizes the proceeds of a sale of property in the custody of a contractor or subcontractor to be credited to the price or cost of work covered

by the contract or subcontract, then the proceeds of the sale shall be credited in accordance with the contract or subcontract.

(d) ACCEPTANCE OF PROPERTY INSTEAD OF CASH.—An executive agency entitled to receive cash under a contract for the lease, sale, or other disposition of surplus property may accept property instead of cash if the President determines that the property is strategic or critical material. The property is valued at the prevailing market price when the cash payment becomes due.

(e) MANAGEMENT OF CREDIT, LEASES, AND PERMITS.—For a disposition of surplus property under this chapter, if credit has been extended, or if the disposition has been by lease or permit, the Administrator of General Services, in a manner and on terms the Administrator determines are in the best interest of the Federal Government—

(1) shall administer and manage the credit, lease, or permit, and any security for the credit, lease, or permit; and

(2) may enforce, adjust, and settle any right of the Government with respect to the credit, lease, or permit.

SUBCHAPTER V—OPERATION OF BUILDINGS AND RELATED ACTIVITIES

§581. General authority of Administrator of General Services

(a) APPLICABILITY.—To the extent that the Administrator of General Services by law, other than this section, may maintain, operate, and protect buildings or property, including the construction, repair, preservation, demolition, furnishing, or equipping of buildings or property, the Administrator, in the discharge of these duties, may exercise authority granted under this section.

(b) PERSONNEL AND EQUIPMENT.—The Administrator may—

(1) employ and pay personnel at per diem rates approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where the services are performed;

(2) purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing; and

(3) furnish arms and ammunition for the protection force the Administration maintains.

(c) ACQUISITION AND MANAGEMENT OF PROPERTY.—

(1) REAL ESTATE.—The Administrator may acquire, by purchase, condemnation, or otherwise, real estate and interests in real estate.

(2) GROUND RENT.—The Administrator may pay ground rent for buildings owned by the Federal Government or occupied by federal agencies, and pay the rent in advance if required by law or if the Administrator determines that advance payment is in the public interest.

(3) RENT AND REPAIRS UNDER A LEASE.—The Administrator may pay rent and make repairs, alterations, and improvements under the terms of a lease entered into by, or transferred to, the Administration for the housing of a federal agency.

(4) REPAIRS THAT ARE ECONOMICALLY ADVANTAGEOUS.—The Administrator may repair, alter, or improve rented premises if the Administrator determines that doing so is advantageous to the Government in terms of economy, efficiency, or national security. The Administrator's determination must—

(A) set forth the circumstances that make the repair, alteration, or improvement advantageous; and

(B) show that the total cost (rental, repair, alteration, and improvement) for the expected life of the lease is less than the cost of alternative space not needing repair, alteration, or improvement.

(5) INSURANCE PROCEEDS FOR DEFENSE INDUSTRIAL RESERVE.—At the direction of the Secretary of Defense, the Administrator may use insurance proceeds received for damage to property that is part of the Defense Industrial Reserve to repair or restore the property.

(6) MAINTENANCE CONTRACTS.—The Administrator may enter into a contract, for a period not exceeding five years, for the inspection, maintenance, and repair of fixed equipment in a federally owned building.

(d) LEASE OF FEDERAL BUILDING SITES.—

(1) IN GENERAL.—The Administrator may lease a federal building site or addition, including any improvements, until the site is needed for construction purposes. The lease must be for fair rental value and on other terms and conditions the Administrator considers to be in the public interest pursuant to section 545 of this title.

(2) NEGOTIATION WITHOUT ADVERTISING.—A lease under this subsection may be negotiated without public advertising for bids if—

(A) the lessee is—

(i) the former owner from whom the Government acquired the property; or

(ii) the former owner's tenant in possession; and

(B) the lease is negotiated incident to or in connection with the acquisition of the property.

(3) DEPOSIT OF RENT.—Rent received under this subsection may be deposited into the Federal Buildings Fund.

(e) ASSISTANCE TO THE INAUGURAL COMMITTEE.—The Administrator may provide direct assistance and special services for the Inaugural Committee (as defined in section 501 of title 36) during an inaugural period in connection with Presidential inaugural operations and functions. Assistance and services under this subsection may include—

(1) employment of personal services without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5;

(2) providing Government-owned and leased space for personnel and parking;

(3) paying overtime to guard and custodial forces;

(4) erecting and removing stands and platforms;

(5) providing and operating first-aid stations;

(6) providing furniture and equipment; and

(7) providing other incidental services in the discretion of the Administrator.

(f) UTILITIES FOR DEFENSE INDUSTRIAL RESERVE AND SURPLUS PROPERTY.—The Administrator may—

(1) provide utilities and services, if the utilities and services are not provided by other sources, to a person, firm, or corporation occupying or using a plant or portion of a plant that constitutes—

(A) any part of the Defense Industrial Reserve pursuant to section 2535 of title 10; or

(B) surplus real property; and

(2) credit an amount received for providing utilities and services under this subsection to an applicable appropriation of the Administration.

(g) OBTAINING PAYMENTS.—The Administrator may—

(1) obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia; and

(2) credit the payments to the applicable appropriation of the Administration.

(h) COOPERATIVE USE OF PUBLIC BUILDINGS.—

(1) LEASING SPACE FOR COMMERCIAL AND OTHER PURPOSES.—The Administrator may lease space on a major pedestrian access level, courtyard, or rooftop of a public building to a person, firm, or organization engaged in commercial, cultural, educational, or recreational activity (as defined in section 3306(a) of this title). The Administrator shall establish a rental rate for leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. The lease may be negotiated without competitive bids, but shall contain terms and conditions and be negotiated pursuant to procedures that the Administrator considers necessary to promote competition and to protect the public interest.

(2) OCCASIONAL USE OF SPACE FOR NON-COMMERCIAL PURPOSES.—The Administrator may make available, on occasion, or lease at a rate and on terms and conditions that the Administrator considers to be in the public interest, an auditorium, meeting room, courtyard, rooftop, or lobby of a public building to a person, firm, or organization engaged in cultural, educational, or recreational activity (as defined in section 3306(a) of this title) that will not disrupt the operation of the building.

(3) DEPOSIT AND CREDIT OF AMOUNTS RECEIVED.—The Administrator may deposit into the Federal Buildings Fund an amount received under a lease or rental executed pursuant to paragraph (1) or (2). The amount shall be credited to the appropriation from the Fund applicable to the operation of the building.

(4) FURNISHING UTILITIES AND MAINTENANCE.—The Administrator may furnish utilities, maintenance, repair, and other services to a person, firm, or organization leasing space pursuant to paragraph (1) or (2). The services may be provided during and outside of regular working hours of federal agencies.

§582. Management of buildings by Administrator of General Services

(a) REQUEST BY FEDERAL AGENCY OR INSTRUMENTALITY.—At the request of a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator of General Services may operate, maintain, and protect a building that is owned by the Federal Government (or, in the case of a wholly owned or mixed-ownership Government corporation, by the corporation) and occupied by the agency or instrumentality making the request.

(b) TRANSFER OF FUNCTIONS BY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—When the Director of the Office of Management and Budget determines that it is in the interest of economy or efficiency, the Director shall transfer to the Administrator all functions vested in a federal agency with respect to the operation, maintenance, and custody of an office building owned by the Government or a wholly owned Government corporation, or an office building, or part of an office building, that is occupied by a federal agency under a lease.

(2) EXCEPTION FOR POST-OFFICE BUILDINGS.—A transfer of functions shall not be made under this subsection for a post-office building, unless the Director determines that the building is not used predominantly for post-office purposes. The Administrator may delegate functions with respect to a post-office building that are transferred to the Administrator under this subsection only to another officer or employee of the General Services Administration or to the Postmaster General.

(3) EXCEPTION FOR BUILDINGS IN A FOREIGN COUNTRY.—A transfer of functions shall not be made under this subsection for a building located in a foreign country.

(4) EXCEPTION FOR DEPARTMENT OF DEFENSE BUILDINGS.—A transfer of functions shall not be made under this subsection for a building located on the grounds of a facility of the Department of Defense (including a fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or

school) unless and only to the extent that the Secretary of Defense has issued a permit for use by another agency.

(5) EXCEPTION FOR GROUPS OF SPECIAL PURPOSE BUILDINGS.—A transfer of functions shall not be made under this subsection for a building that the Director finds to be a part of a group of buildings that are—

(A) located in the same vicinity;

(B) used wholly or predominantly for the special purposes of the agency with custody of the buildings; and

(C) not generally suitable for use by another agency.

(6) EXCEPTION FOR CERTAIN GOVERNMENT BUILDINGS.—A transfer of functions shall not be made under this subsection for the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Institute of Standards and Technology, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

§583. Construction of buildings

(a) AUTHORITY.—At the request of a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator of General Services may—

(1) acquire land for a building or project authorized by Congress;

(2) make or cause to be made (under contract or otherwise) surveys and test borings and prepare plans and specifications for a building or project prior to the Attorney General's approval of the title to the site; and

(3) contract for, and supervise, the construction, development, and equipping of a building or project.

(b) TRANSFER OF AMOUNTS.—An amount available to a federal agency or instrumentality for a building or project may be transferred, in advance, to the General Services Administration for purposes the Administrator determines are necessary, including payment of salaries and expenses for preparing plans and specifications and for field supervision.

§584. Assignment and reassignment of space

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator of General Services may assign or reassign space for an executive agency in any Federal Government-owned or leased building.

(2) REQUIREMENTS.—The Administrator's authority under paragraph (1) may be exercised only—

(A) in accordance with policies and directives the President prescribes under section 121(a) of this title;

(B) after consultation with the head of the executive agency affected; and

(C) on a determination by the Administrator that the assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

(b) PRIORITY FOR PUBLIC ACCESS.—In assigning space on a major pedestrian access level (other than space leased under section 581(h)(1) or (2) of this title), the Administrator shall, where practicable, give priority to federal activities requiring regular contact with the public. If the space is not available, the Administrator shall provide space with maximum ease of access to building entrances.

§585. Lease agreements

(a) IN GENERAL.—

(1) AUTHORITY.—The Administrator of General Services may enter into a lease agreement with a person, copartnership, corporation, or other public or private entity for the accommodation of a federal agency in a building (or improvement) which is in existence or being erected by the lessor to accommodate the federal agency. The Administrator may assign and reassign the leased space to a federal agency.

(2) TERMS.—A lease agreement under this subsection shall be on terms the Administrator considers to be in the interest of the Federal Government and necessary for the accommodation of the federal agency. However, the lease agreement may not bind the Government for more than 20 years and the obligation of amounts for a lease under this subsection is limited to the current fiscal year for which payments are due without regard to section 1341(a)(1)(B) of title 31.

(b) SUBLEASE.—

(1) APPLICATION.—This subsection applies to rent received if the Administrator—

(A) determines that an unexpired portion of a lease of space to the Government is surplus property; and

(B) disposes of the property by sublease.

(2) USE OF RENT.—Notwithstanding section 571(a) of this title, the Administrator may deposit rent received into the Federal Buildings Fund. The Administrator may defray from the fund any costs necessary to provide services to the Government's lessee and to pay the rent (not otherwise provided for) on the lease of the space to the Government.

(c) AMOUNTS FOR RENT AVAILABLE FOR LEASE OF BUILDINGS ON GOVERNMENT LAND.—Amounts made available to the General Services Administration for the payment of rent may be used to lease space, for a period of not more than 30 years, in buildings erected on land owned by the Government.

§586. Charges for space and services

(a) DEFINITION.—In this section, "space and services" means space, services, quarters, maintenance, repair, and other facilities.

(b) CHARGES BY ADMINISTRATOR OF GENERAL SERVICES.—

(1) IN GENERAL.—The Administrator of General Services shall impose a charge for furnishing space and services.

(2) RATES.—The Administrator shall, from time to time, determine the rates to be charged for furnishing space and services and shall prescribe regulations providing for the rates. The rates shall approximate commercial charges for comparable space and services. However, for a building for which the Administrator is responsible for alterations only (as the term "alter" is defined in section 3301(a) of this title), the rates shall be fixed to recover only the approximate cost incurred in providing alterations.

(3) EXEMPTIONS.—The Administrator may exempt anyone from the charges required by this subsection when the Administrator determines that charges would be infeasible or impractical. To the extent an exemption is granted, appropriations to the General Services Administration are authorized to reimburse the Federal Buildings Fund for any loss of revenue.

(c) CHARGES BY EXECUTIVE AGENCIES.—

(1) IN GENERAL.—An executive agency, other than the Administration, may impose a charge for furnishing space and services at rates approved by the Administrator.

(2) CREDITING AMOUNTS RECEIVED.—An amount an executive agency receives under this subsection shall be credited to the appropriation or fund initially charged for providing the space or service. However, amounts in excess of actual operating and maintenance costs shall be credited to miscellaneous receipts unless otherwise provided by law.

(d) RENT PAYMENTS FOR LEASE SPACE.—An agency may make rent payments to the Administration for lease space relating to expansion needs of the agency. Payment rates shall approximate commercial charges for comparable space as provided in subsection (b). Payments shall be deposited into the Federal Buildings Fund. The Administration may use amounts received under this subsection, in addition to amounts received as New Obligational Authority, in the Rental of Space activity of the Fund.

§587. Telecommuting and other alternative workplace arrangements

(a) DEFINITION.—In this section, the term "telecommuting centers" means flexiplace work telecommuting centers.

(b) TELECOMMUTING CENTERS ESTABLISHED BY ADMINISTRATOR OF GENERAL SERVICES.—

(1) ESTABLISHMENT.—The Administrator of General Services may acquire space for, establish, and equip telecommuting centers for use in accordance with this subsection.

(2) USE.—A telecommuting center may be used by employees of federal agencies, state and local governments, and the private sector. The Administrator shall give federal employees priority in using a telecommuting center. The Administrator may make a telecommuting center available for use by others to the extent it is not fully utilized by federal employees.

(3) USER FEES.—The Administrator shall charge a user fee for the use of a telecommuting center. The amount of the user fee shall approximate commercial charges for comparable space and services. However, the user fee may not be less than necessary to pay the cost of establishing and operating the telecommuting center, including the reasonable cost of renovation and replacement of furniture, fixtures, and equipment.

(4) DEPOSIT AND USE OF FEES.—The Administrator may—

(A) deposit user fees into the Federal Buildings Fund and use the fees to pay costs incurred in establishing and operating the telecommuting center; and

(B) accept and retain income received by the General Services Administration, from federal agencies and non-federal sources, to defray costs directly associated with the functions of telecommuting centers.

(c) DEVELOPMENT OF ALTERNATIVE WORKPLACE ARRANGEMENTS BY EXECUTIVE AGENCIES AND OTHERS.—

(1) DEFINITION.—In this subsection, the term "alternative workplace arrangements" includes telecommuting, hoteling, virtual offices, and other distributive work arrangements.

(2) CONSIDERATION BY EXECUTIVE AGENCIES.—In considering whether to acquire space, quarters, buildings, or other facilities for use by employees, the head of an executive agency shall consider whether needs can be met using alternative workplace arrangements.

(3) GUIDANCE FROM ADMINISTRATOR.—The Administrator may provide guidance, assistance, and oversight to any person regarding the establishment and operation of alternative workplace arrangements.

(d) AMOUNTS AVAILABLE FOR FLEXIPLACE WORK TELECOMMUTING PROGRAMS.—

(1) DEFINITION.—In this subsection, the term "flexiplace work telecommuting program" means a program under which employees of a department or agency set out in paragraph (2) are permitted to perform all or a portion of their duties at a telecommuting center established under this section or other federal law.

(2) MINIMUM FUNDING.—For each of the following departments and agencies, in each fiscal year at least $50,000 of amounts made available for salaries and expenses is available only for carrying out a flexiplace work telecommuting program:

(A) Department of Agriculture.

(B) Department of Commerce.

(C) Department of Defense.

(D) Department of Education.

(E) Department of Energy.

(F) Department of Health and Human Services.

(G) Department of Housing and Urban Development.

(H) Department of the Interior.

(I) Department of Justice.

(J) Department of Labor.
(K) Department of State.
(L) Department of Transportation.
(M) Department of the Treasury.
(N) Department of Veterans Affairs.
(O) Environmental Protection Agency.
(P) General Services Administration.
(Q) Office of Personnel Management.
(R) Small Business Administration.
(S) Social Security Administration.
(T) United States Postal Service.

§588. Movement and supply of office furniture

(a) DEFINITION.—In this section, the term "controlled space" means a substantial and identifiable segment of space (such as a building, floor, or wing) in a location that the Administrator of General Services controls for purposes of assignment of space.

(b) APPLICATION.—This section applies if an agency (or unit of the agency), moves from one controlled space to another, whether in the same or a different location.

(c) MOVING EXISTING FURNITURE.—The furniture and furnishings used by an agency (or organizational unit of the agency) shall be moved only if the Administrator determines, after consultation with the head of the agency and with due regard for the program activities of the agency, that it would not be more economical and efficient to make suitable replacements available in the new controlled space.

(d) PROVIDING REPLACEMENT FURNITURE.—In the absence of a determination under subsection (c), suitable furniture and furnishings for the new controlled space shall be provided from stocks under the control of the moving agency or from stocks available to the Administrator, whichever the Administrator determines to be more economical and efficient. However, the same or similar items may not be provided from both sources.

(e) CONTROL OF REPLACEMENT FURNITURE.—If furniture and furnishings for a new controlled space are provided from stocks available to the Administrator, the items being provided remain in the control of the Administrator.

(f) CONTROL OF FURNITURE NOT MOVED.—

(1) IN GENERAL.—If furniture and furnishings for a new controlled space are provided from stocks available to the Administrator, the furniture and furnishings that were previously used by the moving agency (or unit of the agency) pass to the control of the Administrator.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—Furniture and furnishings passing to the control of the Administrator under this section pass without reimbursement.

(B) EXCEPTION FOR TRUST FUND.—If furniture and furnishings that were purchased from a trust fund pass to the control of the Administrator under this section, the Administrator shall reimburse the trust fund for the fair market value of the furniture and furnishings.

(3) REVOLVING OR WORKING CAPITAL FUND.—If furniture and furnishings are carried as assets of a revolving or working capital fund at the time they pass to the control of the Administrator under this section, the net book value of the furniture and furnishings shall be written off and the capital of the fund is diminished by the amount of the write-off.

§589. Installation, repair, and replacement of sidewalks

(a) IN GENERAL.—An executive agency may install, repair, and replace sidewalks around buildings, installations, property, or grounds that are—

(1) under the agency's control;

(2) owned by the Federal Government; and

(3) located in a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States.

(b) REIMBURSEMENT.—Subsection (a) may be carried out by—

(1) reimbursement to a State or political subdivision of a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States; or

(2) a means other than reimbursement.

(c) REGULATIONS.—Subsection (a) shall be carried out in accordance with regulations the Administrator of General Services prescribes with the approval of the Director of the Office of Management and Budget.

(d) USE OF AMOUNTS.—Amounts appropriated to an executive agency for installation, repair, and maintenance, generally, are available to carry out this section.

(e) LIABILITY.—This section does not increase or enlarge the tort liability of the Government for injuries to individuals or damages to property.

§590. Child care

(a) GUIDANCE, ASSISTANCE, AND OVERSIGHT.—Through the General Services Administration's licensing agreements, the Administrator of General Services shall provide guidance, assistance, and oversight to federal agencies for the development of child care centers to provide economical and effective child care for federal workers.

(b) ALLOTMENT OF SPACE IN FEDERAL BUILDINGS.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) CHILD CARE PROVIDER.—The term "child care provider" means an individual or entity that provides or proposes to provide child care services for federal employees.

(B) ALLOTMENT OFFICER.—The term "allotment officer" means an officer or agency of the Federal Government charged with the allotment of space in federal buildings.

(2) ALLOTMENT.—A child care provider may be allotted space in a federal building by an allotment officer if—

(A) the child care provider applies to the allotment officer in the community or district in which child care services are to be provided;

(B) the space is available; and

(C) the allotment officer determines that—

(i) the space will be used to provide child care services to children of whom at least 50 percent have one parent or guardian employed by the Government; and

(ii) the child care provider will give priority to federal employees for available child care services in the space.

(c) PAYMENT FOR SPACE AND SERVICES.—

(1) DEFINITION.—For purposes of this subsection, the term "services" includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, classroom furnishings and equipment, kitchen appliances, playground equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone services), and security systems (including installation and other expenses associated with security systems), including replacement equipment, as needed.

(2) NO CHARGE.—Space allotted under subsection (b) may be provided without charge for rent or services.

(3) REIMBURSEMENT FOR COSTS.—For space allotted under subsection (b), if there is an agreement for the payment of costs associated with providing space or services, neither title 31, nor any other law, prohibits or restricts payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.

(d) PAYMENT OF OTHER COSTS.—If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other federal or leased space, the agency or the Administration may—

(1) pay accreditation fees, including renewal fees, for the child care facility to be accredited by a nationally recognized early-childhood professional organization;

(2) pay travel and per diem expenses for representatives of the child care facility to attend the annual Administration child care conference; and

(3) enter into a consortium with one or more private entities under which the private entities assist in defraying costs associated with the salaries and benefits for personnel providing services at the facility.

(e) REIMBURSEMENT FOR EMPLOYEE TRAINING.—Notwithstanding section 1345 of title 31, an agency, department, or instrumentality of the Government that provides or proposes to provide child care services for federal employees may reimburse a federal employee or any individual employed to provide child care services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with providing the services. A per diem allowance made under this subsection may not exceed the rate specified in regulations prescribed under section 5707 of title 5.

(f) CRIMINAL HISTORY BACKGROUND CHECKS.—

(1) DEFINITION.—In this subsection, the term "executive facility" means a facility owned or leased by an office or entity within the executive branch of the Government. The term includes a facility owned or leased by the General Services Administration on behalf of an office or entity within the judicial branch of the Government.

(2) IN GENERAL.—All workers in a child care center located in an executive facility shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).

(3) NONAPPLICATION TO LEGISLATIVE BRANCH FACILITIES.—This subsection does not apply to a facility owned by or leased on behalf of an office or entity within the legislative branch of the Government.

(g) APPROPRIATED AMOUNTS FOR AFFORDABLE CHILD CARE.—

(1) DEFINITION.—For purposes of this subsection, the term "Executive agency" has the meaning given that term in section 105 of title 5, but does not include the General Accounting Office.

(2) IN GENERAL.—In accordance with regulations the Office of Personnel Management prescribes, an Executive agency that provides or proposes to provide child care services for federal employees may use appropriated amounts that are otherwise available for salaries and expenses to provide child care in a federal or leased facility, or through contract, for civilian employees of the agency.

(3) AFFORDABILITY.—Amounts used pursuant to paragraph (2) shall be applied to improve the affordability of child care for lower income federal employees using or seeking to use the child care services.

(4) ADVANCES.—Notwithstanding section 3324 of title 31, amounts may be paid in advance to licensed or regulated child care providers for services to be rendered during an agreed period.

(5) NOTIFICATION.—No amounts made available by law may be used to implement this subsection without advance notice to the Committees on Appropriations of the House of Representatives and the Senate.

§591. Purchase of electricity

(a) GENERAL LIMITATION ON USE OF AMOUNTS.—A department, agency, or instrumentality of the Federal Government may not use amounts appropriated or made available by any law to purchase electricity in a manner inconsistent with state law governing the provision of electric utility service, including—

(1) state utility commission rulings; and

(2) electric utility franchises or service territories established under state statute, state regulation, or state-approved territorial agreements.

(b) EXCEPTIONS.—

(1) ENERGY SAVINGS.—This section does not preclude the head of a federal agency from entering into a contract under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287).

(2) ENERGY SAVINGS FOR MILITARY INSTALLATIONS.—This section does not preclude the Secretary of a military department from—

(A) entering into a contract under section 2394 of title 10; or

(B) purchasing electricity from any provider if the Secretary finds that the utility having the applicable state-approved franchise (or other service authorization) is unwilling or unable to meet unusual standards of service reliability that are necessary for purposes of national defense.

§592. Federal Buildings Fund

(a) EXISTENCE.—There is in the Treasury a fund known as the Federal Buildings Fund.

(b) DEPOSITS.—

(1) IN GENERAL.—The following revenues and collections shall be deposited into the Fund:

(A) User charges under section 586(b) of this title, payable in advance or otherwise.

(B) Proceeds from the lease of federal building sites or additions under section 581(d) of this title.

(C) Receipts from carriers and others for loss of, or damage to, property belonging to the Fund.

(2) REIMBURSEMENTS FOR SPECIAL SERVICES.—This subchapter does not preclude the Administrator of General Services from providing special services, not included in the standard level user charge, on a reimbursable basis. The reimbursements may be credited to the Fund.

(3) TRANSFER OF SURPLUS AMOUNTS.—To prevent the accumulation of excessive surpluses in the Fund, in any fiscal year an amount specified in an appropriation law may be transferred out of the Fund and deposited as miscellaneous receipts in the Treasury.

(c) USES.—

(1) IN GENERAL.—Deposits in the Fund are available for real property management and related activities in the amounts specified in annual appropriation laws without regard to fiscal year limitations.

(2) SALARIES AND EXPENSES RELATED TO CONSTRUCTION PROJECTS OR PLANNING PROGRAMS.—Deposits in the Fund that are available pursuant to annual appropriation laws may be transferred and consolidated on the books of the Treasury into a special account in accordance with, and for the purposes specified in, section 3176 of this title.

(3) REPAYMENT OF GENERAL SERVICES ADMINISTRATION BORROWING FROM FEDERAL FINANCING BANK.—The Administrator, in accordance with rules and procedures that the Office of Management and Budget and the Secretary of the Treasury establish, may transfer from the Fund an amount necessary to repay the principal amount of a General Services Administration borrowing from the Federal Financing Bank, if the borrowing is a legal obligation of the Fund.

(4) BUILDINGS DEEMED FEDERALLY OWNED.—For purposes of amounts authorized to be expended from the Fund, the following are deemed to be federally owned buildings:

(A) A building constructed pursuant to the purchase contract authority of section 5 of the Public Buildings Amendments of 1972 (Public Law 92–313, 86 Stat. 219).

(B) A building occupied pursuant to an installment purchase contract.

(C) A building under the control of a department or agency, if alterations of the building are required in connection with moving the department or agency from a former building that is, or will be, under the control of the Administration.

(d) ENERGY MANAGEMENT PROGRAMS.—

(1) RECEIVING CASH INCENTIVES.—The Administrator may receive amounts from rebates or other cash incentives related to energy savings and shall deposit the amounts in the Fund for use as provided in paragraph (4).

(2) RECEIVING GOODS OR SERVICES.—The Administrator may accept, from a utility, goods or services that enhance the energy efficiency of federal facilities.

(3) ASSIGNMENT OF ENERGY REBATES.—In the administration of real property that the Administrator leases and for which the Administrator pays utility costs, the Administrator may assign all or a portion of energy rebates to the lessor to underwrite the costs incurred in undertaking energy efficiency improvements in the real property if the payback period for the improvement is at least 2 years less than the remainder of the term of the lease.

(4) OBLIGATING AMOUNTS FOR ENERGY MANAGEMENT IMPROVEMENT PROGRAMS.—In addition to amounts appropriated for energy management improvement programs and without regard to subsection (c)(1), the Administrator may obligate for those programs—

(A) amounts received and deposited in the Fund under paragraph (1);

(B) goods and services received under paragraph (2); and

(C) amounts the Administrator determines are not needed for other authorized projects and that are otherwise available to implement energy efficiency programs.

(e) RECYCLING PROGRAMS.—

(1) RECEIVING AMOUNTS.—The Administrator may receive amounts from the sale of recycled materials and shall deposit the amounts in the Fund for use as provided in paragraph (2).

(2) OBLIGATING AMOUNTS FOR RECYCLING PROGRAMS.—In addition to amounts appropriated for such purposes and without regard to subsection (c)(1), the Administrator may obligate amounts received and deposited in the Fund under paragraph (1) for programs which—

(A) promote further source reduction and recycling programs; and

(B) encourage employees to participate in recycling programs by providing financing for child care.

(f) ADDITIONAL AUTHORITY RELATED TO ENERGY MANAGEMENT AND RECYCLING PROGRAMS.—The Fund may receive, in the form of rebates, cash incentives or otherwise, any revenues, collections, or other income related to energy savings or recycling efforts. Amounts received under this subsection remain in the Fund until expended and remain available for federal energy management improvement programs, recycling programs, or employee programs that are authorized by law or that the Administrator considers appropriate. The Administration may use amounts received under this subsection, in addition to amounts received as New Obligational Authority, in activities of the Fund as necessary.

§593. Protection for veterans preference employees

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED SERVICES.—The term "covered services" means any guard, elevator operator, messenger, or custodial services.

(2) SHELTERED WORKSHOP.—The term "sheltered workshop" means a sheltered workshop employing the severely handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

(b) IN GENERAL.—Except as provided in subsection (c), amounts made available to the Administration pursuant to section 592 of this title may not be obligated or expended to procure covered services by contract if an employee who was a permanent veterans preference employee of the Administration on November 19, 1995, would be terminated as a result.

(c) EXCEPTION.—Amounts made available to the Administration pursuant to section 592 of this title may be obligated and expended to procure covered services by contract with a sheltered workshop or, if sheltered workshops decline to contract for the provision of covered services, by competitive contract for a period of no longer than 5 years. When a competitive contract expires, or is terminated for any reason, the Administration shall again offer to procure the covered services by contract with a sheltered workshop before procuring the covered services by competitive contract.

SUBCHAPTER VI—MOTOR VEHICLE POOLS AND TRANSPORTATION SYSTEMS

§601. Purposes

In order to provide an economical and efficient system for transportation of Federal Government personnel and property consistent with section 101 of this title, the purposes of this subchapter are—

(1) to establish procedures to ensure safe operation of motor vehicles on Government business;

(2) to provide for proper identification of Government motor vehicles;

(3) to establish an effective means to limit the use of Government motor vehicles to official purposes;

(4) to reduce the number of Government-owned vehicles to the minimum necessary to transact public business; and

(5) to provide wherever practicable for centrally operated interagency pools or systems for local transportation of Government personnel and property.

§602. Authority to establish motor vehicle pools and transportation systems

(a) IN GENERAL.—Subject to section 603 of this title, and regulations issued under section 603, the Administrator of General Services shall—

(1) take over from executive agencies and consolidate, or otherwise acquire, motor vehicles and related equipment and supplies;

(2) provide for the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems; and

(3) furnish motor vehicles and related services to executive agencies for the transportation of property and passengers.

(b) METHODS OF PROVIDING VEHICLES AND SERVICES.—As determined by the Administrator, motor vehicles and related services may be furnished by providing an agency with—

(1) Federal Government-owned motor vehicles;

(2) the use of motor vehicles, under rental or other arrangements, through private fleet operators, taxicab companies, or local or interstate common carriers; or

(3) both.

(c) RECIPIENTS OF VEHICLES AND SERVICES.—The Administrator shall, so far as practicable, furnish motor vehicles and related services under this section to any federal agency, mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, on its request.

§603. Process for establishing motor vehicle pools and transportation systems

(a) DETERMINATION REQUIREMENT.—

(1) IN GENERAL.—The Administrator of General Services may carry out section 602 only if the Administrator determines, after consultation with the agencies concerned and with due regard to their program activities, that doing so is advantageous to the Federal Government in terms of economy, efficiency, or service.

(2) ELEMENTS OF THE DETERMINATION.—A determination under this section must be in writing. For each motor vehicle pool or system, the determination must set forth an analytical justification that includes—

(A) a detailed comparison of estimated costs for present and proposed modes of operation; and

(B) a showing that savings can be realized by the establishment, maintenance, and operation of a motor vehicle pool or system.

(b) REGULATIONS RELATED TO ESTABLISHMENT.—

(1) IN GENERAL.—The President shall prescribe regulations establishing procedures to carry out section 602 of this title.

(2) ELEMENTS OF THE REGULATIONS.—The regulations shall provide for—

(A) adequate notice to an executive agency of any determination that affects the agency or its functions;

(B) independent review and decision as directed by the President of any determination disputed by an agency, with the possibility that the decision may include a partial or complete exemption of the agency from the determination; and

(C) enforcement of determinations that become effective under the regulations.

(3) EFFECT OF THE REGULATIONS.—A determination under subsection (a) is binding on an agency only as provided in regulations issued under this subsection.

§604. Treatment of assets taken over to establish motor vehicle pools and transportation systems

(a) REIMBURSEMENT.—

(1) REQUIREMENT.—When the Administrator of General Services takes over motor vehicles or related equipment or supplies under section 602 of this title, reimbursement is required if the property is taken over from—

(A) a Government corporation; or

(B) an agency, if the agency acquired the property through unreimbursed expenditures made from a revolving or trust fund authorized by law.

(2) AMOUNT.—The Administrator shall reimburse a Government corporation, or a fund through which an agency acquired property, by an amount equal to the fair market value of the property. If the Administrator subsequently returns property of a similar kind under section 610 of this title, the Government corporation or the fund shall reimburse the Administrator by an amount equal to the fair market value of the property returned.

(b) ADDITION TO GENERAL SUPPLY FUND.—If the Administrator takes over motor vehicles or related equipment or supplies under section 602 of this title but reimbursement is not required under subsection (a), the value of the property taken over, as determined by the Administrator, may be added to the capital of the General Supply Fund. If the Administrator subsequently returns property of a similar kind under section 610 of this title, the value of the property may be deducted from the Fund.

§605. Payment of costs

(a) USE OF GENERAL SUPPLY FUND TO COVER COSTS.—The General Supply Fund provided for in section 321 of this title is available for use by or under the direction and control of the Administrator of General Services to pay the costs of carrying out section 602 of this title, including the cost of purchasing or renting motor vehicles and related equipment and supplies.

(b) SETTING PRICES TO RECOVER COSTS.—

(1) IN GENERAL.—The Administrator shall set prices for furnishing motor vehicles and related services under section 602 of this title. Prices shall be set to recover, so far as practicable, all costs of carrying out section 602 of this title.

(2) INCREMENT FOR REPLACEMENT COST.—In the Administrator's discretion, prices may include an increment for the estimated replacement cost of motor vehicles and related equipment and supplies. Notwithstanding section 321(f)(1) of this title, the increment may be retained as a part of the capital of the General Supply Fund but is available only to replace motor vehicles and related equipment and supplies.

(c) ACCOUNTING METHOD.—The purchase price of motor vehicles and related equipment, and any increment for estimated replacement cost, shall be recovered only through charges for the cost of amortization. Costs shall be determined, and financial reports prepared, in accordance with the accrual accounting method.

§606. Regulations related to operation

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to govern executive agencies in authorizing civilian personnel to operate Federal Government-owned motor vehicles for official purposes within the States of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) ELEMENTS OF THE REGULATIONS.—The regulations shall prescribe standards of physical fitness for authorized operators. The regulations may require operators and prospective operators to obtain state and local licenses or permits that are required to operate similar vehicles for other than official purposes.

(c) AGENCY ORDERS.—The head of each executive agency shall issue orders and directives necessary for compliance with the regulations. The orders and directives shall provide for—

(1) periodically testing the physical fitness of operators and prospective operators; and

(2) suspension and revocation of authority to operate.

§607. Records

The Administrator of General Services shall maintain an accurate record of the cost of establishing, maintaining, and operating each motor vehicle pool or system established under section 602 of this title.

§608. Scrip, tokens, tickets

The Administrator of General Services, in the operation of motor vehicle pools or systems under this subchapter, may provide for the sale and use of scrip, tokens, tickets, and similar devices to collect payment.

§609. Identification of vehicles

(a) IN GENERAL.—Under regulations prescribed by the Administrator of General Services, every motor vehicle acquired and used for official purposes within the United States, or the territories or possessions of the United States, by any federal agency or by the District of Columbia shall be conspicuously identified by showing, on the vehicle—

(1)(A) the full name of the department, establishment, corporation, or agency that uses the vehicle and the service for which the vehicle is used; or

(B) a title that readily identifies the department, establishment, corporation, or agency that uses the vehicle and that is descriptive of the service for which the vehicle is used; and

(2) the legend "For official use only".

(b) EXCEPTIONS.—The regulations prescribed pursuant to this section may provide for exemptions when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used.

§610. Discontinuance of motor vehicle pool or system

(a) IN GENERAL.—The Administrator of General Services shall discontinue a motor vehicle pool or system if there are no actual savings realized (based on accounting as provided in section 605 of this title) during a reasonable period of not longer than two successive fiscal years.

(b) RETURN OF COMPARABLE PROPERTY.—If a motor vehicle pool or system is discontinued, the Administrator shall return to each agency involved motor vehicles and related equipment and supplies similar in kind and reasonably comparable in value to any motor vehicles and related equipment and supplies which were previously taken over by the Administrator.

§611. Duty to report violations

During the regular course of the duties of the Administrator of General Services, if the Administrator becomes aware of a violation of section 1343, 1344, or 1349(b) of title 31 or of section 641 of title 18 involving the conversion by a Federal Government official or employee of a Government-owned or leased motor vehicle to the official or employee's own use or to the use of others, the Administrator shall report the violation to the head of the agency in which the official or employee is employed, for further investigation and either appropriate disciplinary action under section 1343, 1344, or 1349(b) or, if appropriate, referral to the Attorney General for prosecution under section 641.

CHAPTER 7—FOREIGN EXCESS PROPERTY

Sec.
701. Administrative.
702. Return of foreign excess property to United States.
703. Donation of medical supplies for use in foreign country.
704. Other methods of disposal.
705. Handling of proceeds from disposal.

§701. Administrative

(a) POLICIES PRESCRIBED BY THE PRESIDENT.—The President may prescribe policies that the President considers necessary to carry out this chapter. The policies must be consistent with this chapter.

(b) EXECUTIVE AGENCY RESPONSIBILITY.—

(1) IN GENERAL.—The head of an executive agency that has foreign excess property is responsible for the disposal of the property.

(2) CONFORMANCE TO POLICIES.—In carrying out functions under this chapter, the head of an executive agency shall—

(A) use the policies prescribed by the President under subsection (a) for guidance; and

(B) dispose of foreign excess property in a manner that conforms to the foreign policy of the United States.

(3) DELEGATION OF AUTHORITY.—The head of an executive agency may—

(A) delegate authority conferred by this chapter to an official in the agency or to the head of another executive agency; and

(B) authorize successive redelegation of authority conferred by this chapter.

(4) EMPLOYMENT OF PERSONNEL.—As necessary to carry out this chapter, the head of an executive agency may—

(A) appoint and fix the pay of personnel in the United States, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5; and

(B) appoint personnel outside the States of the United States and the District of Columbia, without regard to chapter 33 of title 5.

(c) SPECIAL RESPONSIBILITIES OF SECRETARY OF STATE.—

(1) USE OF FOREIGN CURRENCIES AND CREDITS.—The Secretary of State may use foreign currencies and credits acquired by the United States under section 704(b)(2) of this title—

(A) to carry out the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.);

(B) to carry out the Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.); and

(C) to pay other governmental expenses payable in local currencies.

(2) RENEWAL OF CERTAIN AGREEMENTS.—Except as otherwise directed by the President, the Secretary of State shall continue to perform functions under agreements in effect on July 1, 1949, related to the disposal of foreign excess property. The Secretary of State may amend, modify, and renew the agreements. Foreign currencies or credits the Secretary of State acquires under the agreements shall be administered in

accordance with procedures that the Secretary of the Treasury may establish. Foreign currencies or credits reduced to United States currency must be deposited in the Treasury as miscellaneous receipts.

§702. Return of foreign excess property to United States

(a) IN GENERAL.—Under regulations prescribed pursuant to subsection (b), foreign excess property may be returned to the United States for handling as excess or surplus property under subchapter II of chapter 5 of this title or section 549 or 551 of this title when the head of the executive agency concerned, or the Administrator of General Services after consultation with the agency head, determines that return of the property to the United States for such handling is in the interest of the United States.

(b) REGULATIONS.—The Administrator shall prescribe regulations to carry out this section. The regulations must require that transportation costs for returning foreign excess property to the United States are paid by the federal agency, state agency, or donee receiving the property.

§703. Donation of medical supplies for use in foreign country

(a) APPLICATION.—This section applies to medical materials or supplies that are in a foreign country but that would, if situated within the United States, be available for donation under subchapter III of chapter 5 of this title.

(b) IN GENERAL.—An executive agency may donate medical materials or supplies that are not disposed of under section 702 of this title.

(c) CONDITIONS.—A donation under this section is subject to the following conditions:

(1) The medical materials and supplies must be donated for use in a foreign country.

(2) The donation must be made to a nonprofit medical or health organization, which may be an organization qualified to receive assistance under section 214(b) or 607 of the Foreign Assistance Act of 1961 (22 U.S.C. 2174(b), 2357).

(3) The donation must be made without cost to the donee (except for costs of care and handling).

§704. Other methods of disposal

(a) IN GENERAL.—Foreign excess property not disposed of under section 702 or 703 of this title may be disposed of as provided in this section.

(b) METHODS OF DISPOSAL.—

(1) SALE, EXCHANGE, LEASE, OR TRANSFER.—The head of an executive agency may dispose of foreign excess property by sale, exchange, lease, or transfer, for cash, credit or other property, with or without warranty, under terms and conditions the head of the executive agency considers proper.

(2) EXCHANGE FOR FOREIGN CURRENCY OR CREDIT.—If the head of an executive agency determines that it is in the interest of the United States, foreign excess property may be exchanged for—

(A) foreign currencies or credits; or

(B) substantial benefits or the discharge of claims resulting from the compromise or settlement of claims in accordance with law.

(3) ABANDONMENT, DESTRUCTION, OR DONATION.—The head of an executive agency may authorize the abandonment, destruction, or donation of foreign excess property if the property has no commercial value or if estimated costs of care and handling exceed the estimated proceeds from sale.

(c) ADVERTISING.—The head of an executive agency may dispose of foreign excess property without advertising if the head of the executive agency finds that disposal without advertising is the most practicable and advantageous means for the Federal Government to dispose of the property.

(d) TRANSFER OF TITLE.—The head of an executive agency may execute documents to transfer title or other interests in, and take other action necessary or proper to dispose of, foreign excess property.

§705. Handling of proceeds from disposal

(a) IN GENERAL.—This section applies to proceeds from the sale, lease, or other disposition of foreign excess property under this chapter.

(b) FOREIGN CURRENCIES OR CREDITS.—Proceeds in the form of foreign currencies or credits, must be administered in accordance with procedures that the Secretary of the Treasury may establish.

(c) UNITED STATES CURRENCY.—

(1) SEPARATE FUND IN TREASURY.—Section 572(a) of this title applies to proceeds of foreign excess property disposed of for United States currency under this chapter.

(2) DEPOSITED IN TREASURY AS MISCELLANEOUS RECEIPTS.—Except as provided in paragraph (1), proceeds in the form of United States currency, including foreign currencies or credits that are reduced to United States currency, must be deposited in the Treasury as miscellaneous receipts.

(d) SPECIAL ACCOUNT FOR REFUNDS OR PAYMENTS FOR BREACH.—

(1) DEPOSITS.—A federal agency that disposes of foreign excess property under this chapter may deposit, in a special account in the Treasury, amounts of the proceeds of the dispositions that the agency decides are necessary to permit—

(A) appropriate refunds to purchasers for dispositions that are rescinded or that do not become final; and

(B) payments for breach of warranty.

(2) WITHDRAWALS.—A federal agency that deposits proceeds in a special account under paragraph (1) may withdraw amounts to be refunded or paid from the account without regard to the origin of the amounts withdrawn.

CHAPTER 9—URBAN LAND USE

Sec.
901. Purpose and policy.
902. Definitions.
903. Acquisition and use.
904. Disposal.
905. Waiver.

§901. Purpose and policy

The purpose of this chapter is to promote harmonious intergovernmental relations and encourage sound planning, zoning, and land use practices by prescribing uniform policies and procedures for the Administrator of General Services to acquire, use, and dispose of land in urban areas. To the greatest extent practicable, urban land transactions entered into for the General Services Administration and other federal agencies shall be consistent with zoning and land use practices and with the planning and development objectives of local governments and planning agencies.

§902. Definitions

In this chapter, the following definitions apply:

(1) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" means a city, county, town, parish, village, or other general-purpose political subdivision of a State.

(2) URBAN AREA.—The term "urban area" means—

(A) a geographical area within the jurisdiction of an incorporated city, town, borough, village, or other unit of general local government, except a county or parish, having a population of at least 10,000 inhabitants;

(B) that portion of the geographical area within the jurisdiction of a county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density of at least 1,500 inhabitants per square mile; and

(C) that portion of a geographical area having a population density of at least 1,500 inhabitants per square mile and situated adjacent to the boundary of an incorporated unit of general local government which has a population of at least 10,000.

§903. Acquisition and use

(a) NOTICE TO LOCAL GOVERNMENT.—To the extent practicable, before making a commitment to acquire real property situated in an urban area, the Administrator of General Services shall give notice of the intended acquisition and the proposed use of the property to the unit of general local government exercising zoning and land use jurisdiction. If the Administrator determines that providing advance notice would adversely impact the acquisition, the Administrator shall give notice of the acquisition and the proposed use of the property immediately after the property is acquired.

(b) OBJECTIONS TO ACQUISITION OR CHANGE OF USE.—In the acquisition or change of use of real property situated in an urban area as a site for public building, if the unit of general local government exercising zoning and land use jurisdiction objects on grounds that the proposed acquisition or change of use conflicts with zoning regulations or planning objectives, the Administrator shall, to the extent the Administrator determines is practicable, consider all the objections and comply with the zoning regulations and planning objectives.

§904. Disposal

(a) NOTICE TO LOCAL GOVERNMENT.—Before offering real property situated in an urban area for sale, the Administrator of General Services shall give reasonable notice to the unit of general local government exercising zoning and land use jurisdiction in order to provide an opportunity for zoning so that the property is used in accordance with local comprehensive planning described in subsection (c).

(b) NOTICE TO PROSPECTIVE PURCHASERS.—To the greatest extent practicable, the Administrator shall furnish to all prospective purchasers of real property situated in an urban area complete information concerning—

(1) current zoning regulations, prospective zoning requirements, and objectives for property if it is unzoned; and

(2)(A) the current availability of streets, sidewalks, sewers, water, street lights, and other service facilities; and

(B) the prospective availability of those service facilities if the property is included in local comprehensive planning described in subsection (c).

(c) LOCAL COMPREHENSIVE PLANNING.—Local comprehensive planning referred to in subsections (a) and (b) includes any of the following activities, to the extent the activity is directly related to the needs of a unit of general local government:

(1) As a guide for government policy and action, preparing general plans related to—

(A) the pattern and intensity of land use;

(B) the provision of public facilities (including transportation facilities) and other government services; and

(C) the effective development and use of human and natural resources.

(2) Preparing long-range physical and fiscal plans for government action.

(3) Programming capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financial planning for expenditures in the earlier years of a program.

(4) Coordinating related plans and activities of state and local governments and agencies.

(5) Preparing regulatory and administrative measures to support activities described in this subsection.

§905. Waiver

The procedures prescribed in sections 903 and 904 of this title may be waived during a period of national emergency proclaimed by the President.

CHAPTER 11—SELECTION OF ARCHITECTS AND ENGINEERS

Sec.
1101. Policy.
1102. Definitions.
1103. Selection procedure.
1104. Negotiation of contract.

§1101. Policy

The policy of the Federal Government is to publicly announce all requirements for architectural and engineering services and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

§1102. Definitions

In this chapter, the following definitions apply:

(1) AGENCY HEAD.—The term "agency head" means the head of a department, agency, or bureau of the Federal Government.

(2) ARCHITECTURAL AND ENGINEERING SERVICES.—The term "architectural and engineering services" means—

(A) professional services of an architectural or engineering nature, as defined by state law, if applicable, that are required to be performed or approved by a person licensed, registered, or certified to provide the services described in this paragraph;

(B) professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and

(C) other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.

(3) FIRM.—The term "firm" means an individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture or engineering.

§1103. Selection procedure

(a) IN GENERAL.—These procedures apply to the procurement of architectural and engineering services by an agency head.

(b) ANNUAL STATEMENTS.—The agency head shall encourage firms to submit annually a statement of qualifications and performance data.

(c) EVALUATION.—For each proposed project, the agency head shall evaluate current statements of qualifications and performance data on file with the agency, together with statements submitted by other firms regarding the proposed project. The agency head shall conduct discussions with at least 3 firms to consider anticipated concepts and compare alternative methods for furnishing services.

(d) SELECTION.—From the firms with which discussions have been conducted, the agency head shall select, in order of preference, at least 3 firms that the agency head considers most highly qualified to provide the services required. Selection shall be based on criteria established and published by the agency head.

§1104. Negotiation of contract

(a) IN GENERAL.—The agency head shall negotiate a contract for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Federal Government. In determining fair and reasonable compensation, the agency head shall consider the scope, complexity, professional nature, and estimated value of the services to be rendered.

(b) ORDER OF NEGOTIATION.—The agency head shall attempt to negotiate a contract, as provided in subsection (a), with the most highly qualified firm selected under section 1103 of this title. If the agency head is unable to negotiate a satisfactory contract with the firm, the agency head shall formally terminate negotiations and then undertake negotiations with the next most qualified of the selected firms, continuing the process until an agreement is reached. If the agency head is unable to negotiate a satisfactory contract with any of the selected firms, the agency head shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

CHAPTER 13—PUBLIC PROPERTY

Sec.
1301. Charge of property transferred to the Federal Government.
1302. Lease of buildings.
1303. Disposition of surplus real property.
1304. Transfer of federal property to States.
1305. Disposition of land acquired by devise.
1306. Disposition of abandoned or forfeited personal property.
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1309. Preservation, sale, or collection of wrecked, abandoned, or derelict property.
1310. Sale of war supplies, land, and buildings.
1311. Authority of President to obtain release.
1312. Release of real estate in certain cases.
1313. Releasing property from attachment.
1314. Easements.
1315. Special police.

§1301. Charge of property transferred to the Federal Government

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator of General Services shall have charge of—

(1) all land and other property which has been or may be assigned, set off, or conveyed to the Federal Government in payment of debts;

(2) all trusts created for the use of the Government in payment of debts due the Government; and

(3) the sale and disposal of land—

(A) assigned or set off to the Government in payment of debt; or

(B) vested in the Government by mortgage or other security for the payment of debts.

(b) NONAPPLICATION.—This section does not apply to—

(1) real estate which has been or shall be assigned, set off, or conveyed to the Government in payment of debts arising under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.); or

(2) trusts created for the use of the Government in payment of debts arising under the Code and due the Government.

§1302. Lease of buildings

Except as otherwise specifically provided by law, the leasing of buildings and property of the Federal Government shall be for a money consideration only. The lease may not include any provision for the alteration, repair, or improvement of the buildings or property as a part of the consideration for the rent to be paid for the use and occupation of the buildings or property. Money derived from the rent shall be deposited in the Treasury as miscellaneous receipts.

§1303. Disposition of surplus real property

(a) DEFINITION.—In this section, the term "federal agency" means an executive department, independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency of the Federal Government, including wholly owned Government corporations.

(b) ASSIGNMENT OF SPACE OR LEASE OR SALE OF PROPERTY.—

(1) ACTIONS OF ADMINISTRATOR.—When the President, on the recommendation of the Administrator of General Services, or the federal agency having control of any real property the agency acquires that is located outside of the District of Columbia, other than military or naval reservations, declares the property to be surplus to the needs of the agency, the Administrator—

(A) may assign space in the property to any federal agency;

(B) pending a sale, may lease the property for not more than 5 years and on terms the Administrator considers to be in the public interest; or

(C) may sell the property at public sale to the highest responsible bidder on terms and after public advertisement that the Administrator considers to be in the public interest.

(2) REVIEW OF DECISION TO ASSIGN SPACE.—If the federal agency to which space is assigned does not desire to occupy the space, the decision of the Administrator under paragraph (1)(A) is subject to review by the President.

(3) NEGOTIATED SALE.—If no bids which are satisfactory as to price and responsibility of the bidder are received as a result of public advertisement, the Administrator may sell the property by negotiation, on terms as may be considered to be the best interest of the Government, but at a price not less than that bid by the highest responsible bidder.

(c) DEMOLITION.—The Administrator may demolish any building declared to be surplus to the needs of the Government under this section on deciding that demolition will be in the best interest of the Government. Before proceeding with the demolition, the Administrator shall inform the Secretary of the Interior in writing of the Administrator's intention to demolish the building, and shall not proceed with the demolition until receiving written notice from the Secretary that the building is not an historic building of national significance within the meaning of the Act of August 21, 1935 (16 U.S.C. 461 et seq.) (known as the Historic Sites, Buildings, and Antiquities Act). If the Secretary does not notify the Administrator of the Secretary's decision as to whether the building is an historic building of national significance within 90 days of the receipt of the notice of intention to demolish the building, the Administrator may proceed to demolish the building.

(d) REPAIRS AND ALTERATIONS TO ASSIGNED REAL PROPERTY.—When the Administrator, after investigation, decides that real property referred to in subsection (b) should be used for the accommodation of a federal agency, the Administrator may make any repairs or alterations that the Administrator considers necessary or advisable and may maintain and operate the property.

(e) PAYMENT BY FEDERAL AGENCIES.—

(1) ASSIGNED REAL PROPERTY.—To the extent that the appropriations of the General Services Administration not otherwise allocated are inadequate for repairs, alterations, maintenance, or operation, the Administrator may require each federal agency to which space has been assigned to pay promptly by check to the Administrator out of its appropriation for rent any part of the estimated or actual cost of the repairs, alterations, maintenance, and operation. Payment may be either in advance of, or on or during, occupancy of the space. The Administrator shall determine and equitably apportion the total

amount to be paid among the agencies to whom space has been assigned.

(2) LEASED SPACES.—To the extent that the appropriations of the Administration not otherwise required are inadequate, the Administrator may require each federal agency to which leased space has been assigned to pay promptly by check to the Administrator out of its available appropriations any part of the estimated cost of rent, repairs, alterations, maintenance, operation, and moving. Payment may be either in advance or during occupancy of the space. When space in a building is occupied by two or more agencies, the Administrator shall determine and equitably apportion rental, operation, and other charges on the basis of the total amount of space leased.

(f) AUTHORIZATION OF APPROPRIATIONS.—Necessary amounts may be appropriated to cover the costs incident to the sale or lease of real property, or authorized demolition of buildings on the property, declared to be surplus to the needs of any federal agency under this section, and the care, maintenance, and protection of the property, including pay of employees, travel of Government employees, brokers' fees not in excess of rates paid for similar services in the community where the property is situated, appraisals, photographs, surveys, evidence of title and perfecting of defective titles, advertising, and telephone and telegraph charges. However, the agency remains responsible for the proper care, maintenance, and protection of the property until the Administrator assumes custody or other disposition of the property is made.

(g) REGULATIONS.—The Administrator may prescribe regulations as necessary to carry out this section.

§1304. Transfer of federal property to States

(a) OBSOLETE BUILDINGS AND SITES.—

(1) IN GENERAL.—The Administrator of General Services, in the Administrator's discretion, on terms the Administrator considers proper, and under regulations the Administrator may prescribe, may sell property described in paragraph (2) to a State or a political subdivision of a State for public use if the Administrator considers the sale to be in the best interest of the Federal Government.

(2) APPLICABLE PROPERTY.—The property referred to in paragraph (1) is any federal building, building site, or part of a building site under the Administrator's control that has been replaced by a new structure and that the Administrator determines is no longer needed by the Government.

(3) PRICE.—The purchase price for a sale under this section must be at least 50 percent of the value of the land as appraised by the Administrator.

(4) PROCEEDS OF SALE.—The proceeds of a sale under this section shall be deposited in the Treasury as miscellaneous receipts.

(5) PAYMENT TERMS.—The Administrator may enter into a long term contract for the payment of the purchase price in installments that the Administrator considers fair and reasonable. The Administrator may waive any requirement for interest charges on deferred payment.

(6) CONVEYANCE.—The Administrator may convey property sold under this section by the usual quitclaim deed.

(b) WIDENING OF PUBLIC ROADS.—

(1) DEFINITION.—In this subsection, the term "executive agency" means an executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(2) IN GENERAL.—When a State or a political subdivision of a State applies for a conveyance or transfer of real property of the Government in connection with an authorized widening of a public highway, street, or alley, the head of the executive agency that controls the affected real property may convey or transfer to the State or political subdivision, with or without consideration, an interest in the real property that the agency head determines is not adverse to the interests of the Government. A conveyance or transfer under this subsection is subject to terms and conditions the agency head considers necessary to protect the interests of the Government.

(3) LIMITATION ON TRANSFERS FOR HIGHWAY PURPOSES.—An interest in real property which can be transferred to a State or a political subdivision of a State for highway purposes under title 23 may not be conveyed or transferred under this subsection.

(4) LIMITATION ON ISSUANCE OF RIGHTS OF WAY.—Rights of way over, under, and through public lands and lands in the National Forest System may not be granted under this subsection.

§1305. Disposition of land acquired by devise

The General Services Administration may take custody, for disposal as excess property under this subtitle and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), of land acquired by the Federal Government by devise.

§1306. Disposition of abandoned or forfeited personal property

(a) DEFINITIONS.—In this section—

(1) AGENCY.—The term "agency" includes any executive department, independent establishment, board, commission, bureau, service, or division of the Federal Government, and any corporation in which the Government owns at least a majority of the stock.

(2) PROPERTY.—The term "property" means all personal property, including vessels, vehicles, and aircraft.

(b) VOLUNTARILY ABANDONED PROPERTY.—Property voluntarily abandoned to any agency in a way that vests title to the property in the Government may be retained by the agency and devoted to official use only. If the agency does not desire to retain the property, the head of the agency immediately shall notify the Administrator of General Services to that effect, and the Administrator, within a reasonable time, shall—

(1) order the agency to deliver the property to another agency that requests the property and that the Administrator believes should be given the property; or

(2) order disposal of the property as otherwise provided by law.

(c) FORFEITED PROPERTY.—

(1) AGENCY RETAINS PROPERTY.—An agency that seizes property that has been forfeited to the Government other than by court decree may retain the property and devote it only to official use instead of disposing of the property as otherwise provided by law if competent authority does not order the property returned to any claimant.

(2) AGENCY DOES NOT DESIRE TO RETAIN PROPERTY.—If the agency does not desire to retain the property, the head of the agency immediately shall notify the Administrator to that effect, and the property—

(A) if not ordered by competent authority to be returned to any claimant, or disposed of as otherwise provided by law, shall be delivered by the agency, on order of the Administrator given within a reasonable time, to another agency that requests the property and that the Administrator believes should be given the property; or

(B) on order of the Administrator given within a reasonable time, shall be disposed of as otherwise provided by law.

(d) PROPERTY SUBJECT TO COURT PROCEEDING FOR FORFEITURE.—

(1) NOTIFICATION OF ADMINISTRATOR.—If a proceeding has begun for the forfeiture of any property by court decree, the agency that seized the property immediately shall notify the Administrator and at the same time may file with the Administrator a request for the property for its official use.

(2) APPLICATION FOR COURT ORDER TO DELIVER PROPERTY.—

(A) IN GENERAL.—Before entry of a decree, the Administrator shall apply to the court to order delivery of the property in accordance with this paragraph.

(B) DELIVERY TO SEIZING AGENCY.—If the agency that seized the property files a request for the property under paragraph (1), the Administrator shall apply to the court to order delivery of the property to the agency that seized the property.

(C) DELIVERY TO OTHER REQUESTING AGENCY.—If the agency that seized the property does not file a request for the property under paragraph (1) but another agency requests the property, the Administrator shall apply to the court to order delivery of the property to the requesting agency if the Administrator believes that the requesting agency should be given the property.

(D) DELIVERY TO SEIZING AGENCY FOR TEMPORARY HOLDING.—If application to the court cannot be made under subparagraph (B) or (C) and the Administrator believes the property may later become necessary to any agency for official use, the Administrator shall apply to the court to order delivery of the property to the agency that seized the property, to be retained in its custody. Within a reasonable time, the Administrator shall order the agency to—

(i) deliver the property to another agency that requests the property and that the Administrator believes should be given the property; or

(ii) dispose of the property as otherwise provided by law.

(3) FORFEITURE DECREED.—If forfeiture is decreed and the property is not ordered by competent authority to be returned to any claimant, the court shall order delivery as provided in paragraph (2).

(4) WHEN NO APPLICATION MADE.—The court shall dispose of property for which no application is made in accordance with law.

(e) RETENTION OR DELIVERY OF PROPERTY DEEMED SALE.—Retention or delivery of forfeited or abandoned property under this section is deemed to be a sale of the property for the purpose of laws providing for informer's fees or remission or mitigation of a forfeiture. Property acquired under this section when no longer needed for official use shall be disposed of in the same manner as other surplus property.

(f) PAYMENT OF COSTS RELATED TO PROPERTY.—

(1) AVAILABILITY OF APPROPRIATIONS.—The appropriation available to an agency for the purchase, hire, operation, maintenance, and repair of any property is available for—

(A) the payment of expenses of operation, maintenance, and repair of property of the same kind the agency receives under this section for official use;

(B) the payment of a lien recognized and allowed under law;

(C) the payment of amounts found to be due a person on the authorized remission or mitigation of a forfeiture; and

(D) reimbursement of other agencies as provided in paragraph (2).

(2) PAYMENT AND REIMBURSEMENT OF CERTAIN COSTS.—The agency that receives property under this section shall pay the cost of hauling, transporting, towing, and storing the property. If the property is later delivered to another agency for official use under this section, the agency to which the property is delivered shall make reimbursement for all of those costs incurred prior to the date the property is delivered.

(g) REPORT.—With the approval of the Secretary of the Treasury, the Administrator may

require an agency to make a report of all property abandoned to it or seized and the disposal of the property.

(h) ADMINISTRATIVE.—

(1) REGULATIONS.—With the approval of the Secretary, the Administrator may prescribe regulations necessary to carry out this section.

(2) OTHER LAWS NOT REPEALED.—This section does not repeal any other laws relating to the disposition of forfeited or abandoned property, except provisions of those laws directly in conflict with this section which were enacted prior to August 27, 1935.

(3) PROPERTY NOT SUBJECT TO ALLOCATION UNDER THIS SECTION.—The following classes of property are not subject to allocation under this section, but shall be disposed of in the manner otherwise provided by law:

(A) narcotic drugs, as defined in the Controlled Substances Act (21 U.S.C. 801 et seq.).

(B) firearms, as defined in section 5845 of the Internal Revenue Code of 1986 (26 U.S.C. 5845).

(C) other classes or kinds of property the disposal of which the Administrator, with the approval of the Secretary, may consider in the public interest, and may by regulation provide.

§ 1307. Disposition of securities

The President, or an officer, agent, or agency the President may designate, may dispose of any securities acquired on behalf of the Federal Government under the provisions of the Transportation Act of 1920 (ch. 91, 41 Stat. 456), including any securities acquired as an incident to a case under title 11, under a receivership or reorganization proceeding, by assignment, transfer, substitution, or issuance, or by acquisition of collateral given for the payment of obligations to the Government, or may make arrangements for the extension of the maturity of the securities, in the manner, in amounts, at prices, for cash, securities, or other property or any combination of cash, securities, or other property, and on terms and conditions the President or designee considers advisable and in the public interest.

§ 1308. Disposition of unfit horses and mules

Subject to applicable regulations under this subtitle and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), horses and mules belonging to the Federal Government that have become unfit for service may be destroyed or put out to pasture, either on pastures belonging to the Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for the horses and mules during the remainder of their natural lives, at no cost to the Government.

§ 1309. Preservation, sale, or collection of wrecked, abandoned, or derelict property

The Administrator of General Services may make contracts and provisions for the preservation, sale, or collection of property, or the proceeds of property, which may have been wrecked, been abandoned, or become derelict, if the Administrator considers the contracts and provisions to be in the interest of the Federal Government and the property is within the jurisdiction of the United States and should come to the Government. A contract may provide compensation the Administrator considers just and reasonable to any person who gives information about the property or actually preserves, collects, surrenders, or pays over the property. Under each specific agreement for obtaining, preserving, collecting, or receiving property or making property available, the costs or claim chargeable to the Government may not exceed amounts realized and received by the Government.

§ 1310. Sale of war supplies, land, and buildings

(a) IN GENERAL.—The President, through the head of any executive department and on terms the head of the department considers expedient, may sell to a person, another department of the Federal Government, or the government of a foreign country engaged in war against a country with which the United States is at war—

(1) war supplies, material, and equipment;

(2) by-products of the war supplies, material, and equipment; and

(3) any building, plant, or factory, including the land on which the plant or factory may be situated, acquired since April 6, 1917, for the production of war supplies, materials, and equipment that, during the emergency existing on July 9, 1918, may have been purchased, acquired, or manufactured by the Government.

(b) LIMITATION ON SALE OF GUNS AND AMMUNITION.—Sales of guns and ammunition authorized under any law shall be limited to—

(1) other departments of the Government;

(2) governments of foreign countries engaged in war against a country with which the United States is at war; and

(3) members of the National Rifle Association and of other recognized associations organized in the United States for the encouragement of small-arms target practice.

§ 1311. Authority of President to obtain release

For the use or benefit of the Federal Government, the President may obtain from an individual or officer to whom land has been or will be conveyed a release of the individual's or officer's interest to the Government.

§ 1312. Release of real estate in certain cases

(a) IN GENERAL.—Real estate that has become the property of the Federal Government in payment of a debt which afterward is fully paid in money and received by the Government may be conveyed by the Administrator of General Services to the debtor from whom it was taken or to the heirs or devisees of the debtor or the person that they may appoint.

(b) NONAPPLICATION.—This section does not apply to real estate the Government acquires in payment of any debt arising under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

§ 1313. Releasing property from attachment

(a) STIPULATION OF DISCHARGE.—

(1) PERSON ASSERTING CLAIM ENTITLED TO BENEFITS.—In a judicial proceeding under the laws of a State, district, territory, or possession of the United States, when property owned or held by the Federal Government, or in which the Government has or claims an interest, is seized, arrested, attached, or held for the security or satisfaction of a claim made against the property, the Attorney General may direct the United States Attorney for the district in which the property is located to enter a stipulation that on discharge of the property from the seizure, arrest, attachment, or proceeding, the person asserting the claim against the property becomes entitled to all the benefits of this section.

(2) NONAPPLICATION.—This subsection does not—

(A) recognize or concede any right to enforce by seizure, arrest, attachment, or any judicial process a claim against property—

(i) of the Government; or

(ii) held, owned, or employed by the Government, or by a department of the Government, for a public use; or

(B) waive an objection to a proceeding brought to enforce the claim.

(b) PAYMENT.—After a discharge, a final judgment which affirms the claim for the security or satisfaction and the right of the person asserting the claim to enforce it against the property, notwithstanding the claims of the Government, is deemed to be a full and final determination of the rights of the person and entitles the person, as against the Government, to the rights the person would have had if possession of the property had not been changed. When the claim is for the payment of money found to be due, presentation of an authenticated copy of the record of the judgment and proceedings is sufficient evidence to the proper accounting officers for the allowance of the claim, which shall be allowed and paid out of amounts in the Treasury not otherwise appropriated. The amount allowed and paid shall not exceed the value of the interest of the Government in the property.

§ 1314. Easements

(a) DEFINITIONS.—In this section—

(1) EXECUTIVE AGENCY.—The term "executive agency" means an executive department or independent establishment in the executive branch of the Federal Government, including a wholly owned Government corporation.

(2) REAL PROPERTY OF THE GOVERNMENT.—The term "real property of the Government" excludes—

(A) public land (including minerals, vegetative, and other resources) in the United States, including—

(i) land reserved or dedicated for national forest purposes;

(ii) land the Secretary of the Interior administers or supervises in accordance with the Act of August 25, 1916 (16 U.S.C. 1, 2, 3, 4) (known as the National Park Service Organic Act);

(iii) Indian-owned trust and restricted land; and

(iv) land the Government acquires primarily for fish and wildlife conservation purposes and the Secretary administers;

(B) land withdrawn from the public domain primarily under the jurisdiction of the Secretary; and

(C) land acquired for national forest purposes.

(3) STATE.—The term "State" means a State of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) GRANT OF EASEMENT.—When a State, a political subdivision or agency of a State, or a person applies for the grant of an easement in, over, or on real property of the Government, the executive agency having control of the real property may grant to the applicant, on behalf of the Government, an easement that the head of the agency decides will not be adverse to the interests of the Government, subject to reservations, exceptions, limitations, benefits, burdens, terms, or conditions that the head of the agency considers necessary to protect the interests of the Government. The grant may be made without consideration, or with monetary or other consideration, including an interest in real property.

(c) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—In connection with the grant of an easement, the executive agency concerned may relinquish to the State in which the real property is located legislative jurisdiction that the executive agency considers necessary or desirable. Relinquishment of legislative jurisdiction may be accomplished by filing with the chief executive officer of the State a notice of relinquishment to take effect upon acceptance or by proceeding in the manner that the laws applicable to the State may provide.

(d) TERMINATION OF EASEMENT.—

(1) WHEN TERMINATION OCCURS.—The instrument granting the easement may provide for termination of any part of the easement if there has been—

(A) a failure to comply with a term or condition of the grant;

(B) a nonuse of the easement for a consecutive 2-year period for the purpose for which granted; or

(C) an abandonment of the easement.

(2) NOTICE REQUIRED.—If a termination provision is included, it shall require that written notice of the termination be given to the grantee, or its successors or assigns.

(3) EFFECTIVE DATE.—The termination is effective as of the date of the notice.

(e) ADDITIONAL EASEMENT AUTHORITY.—The authority conferred by this section is in addition to, and shall not affect or be subject to, any other law under which an executive agency may grant easements.

(f) LIMITATION ON ISSUANCE OF RIGHTS OF WAY.—Rights of way over, under, and through public lands and lands in the National Forest System may not be granted under this section.

§1315. Special police

(a) APPOINTMENT.—The Administrator of General Services, or an official of the General Services Administration authorized by the Administrator, may appoint uniformed guards of the Administration as special police without additional compensation for duty in connection with the policing of all buildings and areas owned or occupied by the Federal Government and under the charge and control of the Administrator.

(b) POWERS.—Special police appointed under this section have the same powers as sheriffs and constables on property referred to in subsection (a) to enforce laws enacted for the protection of individuals and property, prevent breaches of the peace, suppress affrays or unlawful assemblies, and enforce regulations prescribed by the Administrator or an official of the Administration authorized by the Administrator for property under their jurisdiction. However, the jurisdiction and policing powers of special police do not extend to the service of civil process.

(c) DETAIL.—On the application of the head of a department or agency of the Government having property of the Government under its administration and control, the Administrator or an official of the Administration authorized by the Administrator may detail special police for the protection of the property and, if the Administrator considers it desirable, may extend to the property the applicability of regulations and enforce them as provided in this section.

(d) USE OF OTHER LAW ENFORCEMENT AGENCIES.—When it is considered economical and in the public interest, the Administrator or an official of the Administration authorized by the Administrator may utilize the facilities and services of existing federal law enforcement agencies, and, with the consent of a state or local agency, the facilities and services of state or local law enforcement agencies.

(e) NONUNIFORMED SPECIAL POLICE.—The Administrator, or an official of the Administration authorized by the Administrator, may empower officials or employees of the Administration authorized to perform investigative functions to act as nonuniformed special police to protect property under the charge and control of the Administration and to carry firearms, whether on federal property or in travel status. When on real property under the charge and control of the Administration, officials or employees empowered to act as nonuniformed special police have the power to enforce federal laws for the protection of individuals and property and to enforce regulations for that purpose that the Administrator or an official of the Administration authorized by the Administrator prescribes and publishes. The special police may make arrests without warrant for any offense committed on the property if the police have reasonable grounds to believe the offense constitutes a felony under the laws of the United States and that the individual to be arrested is guilty of that offense.

(f) ADMINISTRATIVE.—The Administrator or an official of the Administration authorized by the Administrator may prescribe regulations necessary for the government of the property under their charge and control, and may annex to the regulations reasonable penalties, within the limits prescribed in subsection (g), that will ensure their enforcement. The regulations shall be posted and kept posted in a conspicuous place on the property.

(g) PENALTIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person violating a regulation prescribed under subsection (f) shall be fined under title 18, imprisoned for not more than 30 days, or both.

(2) EXCEPTION FOR MILITARY TRAFFIC REGULATION.—

(A) DEFINITION.—For purposes of this paragraph, the term "military traffic regulation" means a regulation for the control of vehicular or pedestrian traffic on military installations that the Secretary of Defense prescribes under subsection (f).

(B) IN GENERAL.—A person violating a military traffic regulation shall be fined an amount not exceeding the amount of the maximum fine for a similar offense under the criminal or civil law of the State, district, territory, or possession of the United States where the military installation in which the violation occurred is located, imprisoned for not more than 30 days, or both.

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PART A—GENERAL

CHAPTER 31—GENERAL

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SUBCHAPTER I—OVERSIGHT AND REGULATION OF PUBLIC BUILDINGS

§3101. Public buildings under control of Administrator of General Services

All public buildings outside of the District of Columbia and outside of military reservations purchased or erected out of any appropriation under the control of the Administrator of General Services, and the sites of the public buildings, are under the exclusive jurisdiction and control, and in the custody of, the Administrator. The Administrator may take possession of the buildings and assign and reassign rooms in the buildings to federal officials, clerks, and employees that the Administrator believes should be furnished with offices or rooms in the buildings.

§3102. Naming or designating buildings

The Administrator of General Services may name or otherwise designate any building under the custody and control of the General Services Administration, regardless of whether it was previously named by statute.

§3103. Admission of guide dogs or other service animals accompanying individuals with disabilities

(a) In General.—Guide dogs or other service animals accompanying individuals with disabilities and especially trained and educated for that purpose shall be admitted to any building or other property owned or controlled by the Federal Government on the same terms and conditions, and subject to the same regulations, as generally govern the admission of the public to the property. The animals are not permitted to run free or roam in a building or on the property and must be in guiding harness or on leash and under the control of the individual at all times while in a building or on the property.

(b) Regulations.—The head of each department or other agency of the Government may prescribe regulations the individual considers necessary in the public interest to carry out this section as it applies to any building or other property subject to the individual's jurisdiction.

§3104. Furniture for new buildings

Furniture for all new public buildings shall be acquired in accordance with plans and specifications approved by the Administrator of General Services.

§3105. Buildings not to be draped in mourning

No building owned, or used for public purposes, by the Federal Government shall be draped in mourning nor may public money be used for that purpose.

SUBCHAPTER II—ACQUIRING LAND

§3111. Approval of sufficiency of title prior to acquisition

(a) Approval of Attorney General Required.—Public money may not be expended to purchase land or any interest in land unless the Attorney General gives prior written approval of the sufficiency of the title to the land for the purpose for which the Federal Government is acquiring the property.

(b) Delegation.—

(1) In general.—The Attorney General may delegate the responsibility under this section to other departments and agencies of the Government, subject to general supervision by the Attorney General and in accordance with regulations the Attorney General prescribes.

(2) Request for opinion of Attorney General.—A department or agency of the Government that has been delegated the responsibility to approve land titles under this section may request the Attorney General to render an opinion as to the validity of the title to any real property or interest in the property, or may request the advice or assistance of the Attorney General in connection with determinations as to the sufficiency of titles.

(c) Payment of Expenses for Procuring Certificates of Title.—Except where otherwise authorized by law or provided by contract, the expenses of procuring certificates of titles or other evidences of title as the Attorney General may require may be paid out of the appropriations for the acquisition of land or out of the appropriations made for the contingencies of the acquiring department or agency of the Government.

(d) Nonapplication.—This section does not affect any provision of law in effect on September 1, 1970, that is applicable to the acquisition of land or interests in land by the Tennessee Valley Authority.

§3112. Federal jurisdiction

(a) Exclusive Jurisdiction Not Required.—It is not required that the Federal Government obtain exclusive jurisdiction in the United States over land or an interest in land it acquires.

(b) Acquisition and Acceptance of Jurisdiction.—When the head of a department, agency, or independent establishment of the Government, or other authorized officer of the department, agency, or independent establishment, considers it desirable, that individual may accept or secure, from the State in which land or an interest in land that is under the immediate jurisdiction, custody, or control of the individual is situated, consent to, or cession of, any jurisdiction over the land or interest not previously obtained. The individual shall indicate acceptance of jurisdiction on behalf of the Government by filing a notice of acceptance with the Governor of the State or in another manner prescribed by the laws of the State where the land is situated.

(c) Presumption.—It is conclusively presumed that jurisdiction has not been accepted until the Government accepts jurisdiction over land as provided in this section.

§3113. Acquisition by condemnation

An officer of the Federal Government authorized to acquire real estate for the erection of a public building or for other public uses may acquire the real estate for the Government by condemnation, under judicial process, when the officer believes that it is necessary or advantageous to the Government to do so. The Attorney General, on application of the officer, shall have condemnation proceedings begun within 30 days from receipt of the application at the Department of Justice.

§3114. Declaration of taking

(a) Filing and Content.—In any proceeding in any court of the United States outside of the District of Columbia brought by and in the name of the United States and under the authority of the Federal Government to acquire land, or an easement or right of way in land, for the public use, the petitioner may file, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the land described in the petition, declaring that the land is taken for the use of the Government. The declaration of taking shall contain or have annexed to it—

(1) a statement of the authority under which, and the public use for which, the land is taken;

(2) a description of the land taken that is sufficient to identify the land;

(3) a statement of the estate or interest in the land taken for public use;

(4) a plan showing the land taken; and

(5) a statement of the amount of money estimated by the acquiring authority to be just compensation for the land taken.

(b) Vesting of Title.—On filing the declaration of taking and depositing in the court, to the use of the persons entitled to the compensation, the amount of the estimated compensation stated in the declaration—

(1) title to the estate or interest specified in the declaration vests in the Government;

(2) the land is condemned and taken for the use of the Government; and

(3) the right to just compensation for the land vests in the persons entitled to the compensation.

(c) Compensation.—

(1) Determination and award.—Compensation shall be determined and awarded in the proceeding and established by judgment. The judgment shall include interest, in accordance with section 3116 of this title, on the amount finally awarded as the value of the property as of the date of taking and shall be awarded from that date to the date of payment. Interest shall not be allowed on as much of the compensation as has been paid into the court. Amounts paid into the court shall not be charged with commissions or poundage.

(2) Order to pay.—On application of the parties in interest, the court may order that any part of the money deposited in the court be paid immediately for or on account of the compensation to be awarded in the proceeding.

(3) Deficiency judgment.—If the compensation finally awarded is more than the amount of money received by any person entitled to compensation, the court shall enter judgment against the Government for the amount of the deficiency.

(d) Authority of Court.—On the filing of a declaration of taking, the court—

(1) may fix the time within which, and the terms on which, the parties in possession shall be required to surrender possession to the petitioner; and

(2) may make just and equitable orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges.

(e) Vesting Not Prevented or Delayed.—An appeal or a bond or undertaking given in a proceeding does not prevent or delay the vesting of title to land in the Government.

§3115. Irrevocable commitment of Federal Government to pay ultimate award when fixed

(a) Requirement for Irrevocable Commitment.—Action under section 3114 of this title irrevocably committing the Federal Government to the payment of the ultimate award shall not be taken unless the head of the executive department or agency or bureau of the Government empowered to acquire the land believes that the ultimate award probably will be within any limits Congress prescribes on the price to be paid.

(b) Authorized Purposes of Expenditures After Irrevocable Commitment Made.—When the Government has taken or may take title to real property during a condemnation proceeding and in advance of final judgment in the proceeding and has become irrevocably committed to pay the amount ultimately to be awarded as compensation, and the Attorney General believes that title to the property has been vested in the Government or that all persons having an interest in the property have been made parties to the proceeding and will be bound by the final judgment, the Government may expend amounts appropriated for that purpose to demolish existing structures on the property and to erect public buildings or public works on the property.

§3116. Interest as part of just compensation

(a) Calculation.—The district court shall calculate interest required to be paid under this subchapter as follows:

(1) Period of not more than one year.—Where the period for which interest is owed is not more than one year, interest shall be calculated from the date of taking at an annual rate equal to the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of taking.

(2) Period of more than one year.—Where the period for which interest is owed is more than one year, interest for the first year shall be calculated in accordance with paragraph (1) and interest for each additional year shall be calculated on the amount by which the award of compensation is more than the deposit referred to in section 3114 of this title, plus accrued interest, at an annual rate equal to the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the beginning of each additional year.

(b) Distribution of Notice of Rates.—The Director of the Administrative Office of the United States Courts shall distribute to all federal courts notice of the rates described in paragraphs (1) and (2) of subsection (a).

§3117. Exclusion of certain property by stipulation of Attorney General

In any condemnation proceeding brought by or on behalf of the Federal Government, the Attorney General may stipulate or agree on behalf of the Government to exclude any part of the property, or any interest in the property, taken by or on behalf of the Government by a declaration of taking or otherwise.

§3118. Right of taking as addition to existing rights

The right to take possession and title in advance of final judgment in condemnation proceedings as provided by section 3114 of this title is in addition to any right, power, or authority conferred by the laws of the United States or of a State, territory, or possession of the United States under which the proceeding may be conducted, and does not abrogate, limit, or modify that right, power, or authority.

SUBCHAPTER III—BONDS

§3131. Bonds of contractors of public buildings or works

(a) DEFINITION.—In this subchapter, the term "contractor" means a person awarded a contract described in subsection (b).

(b) TYPE OF BONDS REQUIRED.—Before any contract of more than $100,000 is awarded for the construction, alteration, or repair of any public building or public work of the Federal Government, a person must furnish to the Government the following bonds, which become binding when the contract is awarded:

(1) PERFORMANCE BOND.—A performance bond with a surety satisfactory to the officer awarding the contract, and in an amount the officer considers adequate, for the protection of the Government.

(2) PAYMENT BOND.—A payment bond with a surety satisfactory to the officer for the protection of all persons supplying labor and material in carrying out the work provided for in the contract for the use of each person. The amount of the payment bond shall equal the total amount payable by the terms of the contract unless the officer awarding the contract determines, in a writing supported by specific findings, that a payment bond in that amount is impractical, in which case the contracting officer shall set the amount of the payment bond. The amount of the payment bond shall not be less than the amount of the performance bond.

(c) COVERAGE FOR TAXES IN PERFORMANCE BOND.—

(1) IN GENERAL.—Every performance bond required under this section specifically shall provide coverage for taxes the Government imposes which are collected, deducted, or withheld from wages the contractor pays in carrying out the contract with respect to which the bond is furnished.

(2) NOTICE.—The Government shall give the surety on the bond written notice, with respect to any unpaid taxes attributable to any period, within 90 days after the date when the contractor files a return for the period, except that notice must be given no later than 180 days from the date when a return for the period was required to be filed under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(3) CIVIL ACTION.—The Government may not bring a civil action on the bond for the taxes—

(A) unless notice is given as provided in this subsection; and

(B) more than one year after the day on which notice is given.

(d) WAIVER OF BONDS FOR CONTRACTS PERFORMED IN FOREIGN COUNTRIES.—A contracting officer may waive the requirement of a performance bond and payment bond for work under a contract that is to be performed in a foreign country if the officer finds that it is impracticable for the contractor to furnish the bonds.

(e) AUTHORITY TO REQUIRE ADDITIONAL BONDS.—This section does not limit the authority of a contracting officer to require a performance bond or other security in addition to those, or in cases other than the cases, specified in subsection (b).

§3132. Alternatives to payment bonds provided by Federal Acquisition Regulation

(a) IN GENERAL.—The Federal Acquisition Regulation shall provide alternatives to payment bonds as payment protections for suppliers of labor and materials under contracts referred to in section 3131(a) of this title that are more than $25,000 and not more than $100,000.

(b) RESPONSIBILITIES OF CONTRACTING OFFICER.—The contracting officer for a contract shall—

(1) select, from among the payment protections provided for in the Federal Acquisition Regulation pursuant to subsection (a), one or more payment protections which the offeror awarded the contract is to submit to the Federal Government for the protection of suppliers of labor and materials for the contract; and

(2) specify in the solicitation of offers for the contract the payment protections selected.

§3133. Rights of persons furnishing labor or material

(a) RIGHT OF PERSON FURNISHING LABOR OR MATERIAL TO COPY OF BOND.—The department secretary or agency head of the contracting agency shall furnish a certified copy of a payment bond and the contract for which it was given to any person applying for a copy who submits an affidavit that the person has supplied labor or material for work described in the contract and payment for the work has not been made or that the person is being sued on the bond. The copy is prima facie evidence of the contents, execution, and delivery of the original. Applicants shall pay any fees the department secretary or agency head of the contracting agency fixes to cover the cost of preparing the certified copy.

(b) RIGHT TO BRING A CIVIL ACTION.—

(1) IN GENERAL.—Every person that has furnished labor or material in carrying out work provided for in a contract for which a payment bond is furnished under section 3131 of this title and that has not been paid in full within 90 days after the day on which the person did or performed the last of the labor or furnished or supplied the material for which the claim is made may bring a civil action on the payment bond for the amount unpaid at the time the civil action is brought and may prosecute the action to final execution and judgment for the amount due.

(2) PERSON HAVING DIRECT CONTRACTUAL RELATIONSHIP WITH A SUBCONTRACTOR.—A person having a direct contractual relationship with a subcontractor but no contractual relationship, express or implied, with the contractor furnishing the payment bond may bring a civil action on the payment bond on giving written notice to the contractor within 90 days from the date on which the person did or performed the last of the labor or furnished or supplied the last of the material for which the claim is made. The action must state with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. The notice shall be served—

(A) by any means that provides written, third-party verification of delivery to the contractor at any place the contractor maintains an office or conducts business or at the contractor's residence; or

(B) in any manner in which the United States marshal of the district in which the public improvement is situated by law may serve summons.

(3) VENUE.—A civil action brought under this subsection must be brought—

(A) in the name of the United States for the use of the person bringing the action; and

(B) in the United States District Court for any district in which the contract was to be performed and executed, regardless of the amount in controversy.

(4) PERIOD IN WHICH ACTION MUST BE BROUGHT.—An action brought under this subsection must be brought no later than one year after the day on which the last of the labor was performed or material was supplied by the person bringing the action.

(5) LIABILITY OF FEDERAL GOVERNMENT.—The Government is not liable for the payment of any costs or expenses of any civil action brought under this subsection.

(c) A waiver of the right to bring a civil action on a payment bond required under this subchapter is void unless the waiver is—

(1) in writing;

(2) signed by the person whose right is waived; and

(3) executed after the person whose right is waived has furnished labor or material for use in the performance of the contract.

§3134. Waivers for certain contracts

(a) MILITARY.—The Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of Transportation may waive this subchapter with respect to cost-plus-a-fixed fee and other cost-type contracts for the construction, alteration, or repair of any public building or public work of the Federal Government and with respect to contracts for manufacturing, producing, furnishing, constructing, altering, repairing, processing, or assembling vessels, aircraft, munitions, materiel, or supplies for the Army, Navy, Air Force, or Coast Guard, respectively, regardless of the terms of the contracts as to payment or title.

(b) TRANSPORTATION.—The Secretary of Transportation may waive this subchapter with respect to contracts for the construction, alteration, or repair of vessels when the contract is made under sections 1535 and 1536 of title 31, the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.), or the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1735 et seq.), regardless of the terms of the contracts as to payment or title.

SUBCHAPTER IV—WAGE RATE REQUIREMENTS

§3141. Definitions

In this subchapter, the following definitions apply:

(1) FEDERAL GOVERNMENT.—The term "Federal Government" has the same meaning that the term "United States" had in the Act of March 3, 1931 (ch. 411, 46 Stat. 1494 (known as the Davis-Bacon Act).

(2) WAGES, SCALE OF WAGES, WAGE RATES, MINIMUM WAGES, AND PREVAILING WAGES.—The terms "wages", "scale of wages", "wage rates", "minimum wages", and "prevailing wages" include—

(A) the basic hourly rate of pay; and

(B) for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the forgoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying the costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal, state, or local law to provide any of those benefits, the amount of—

(i) the rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person under a fund, plan, or program; and

(ii) the rate of costs to the contractor or subcontractor that may be reasonably anticipated in providing benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and mechanics affected.

§3142. Rate of wages for laborers and mechanics

(a) APPLICATION.—The advertised specifications for every contract in excess of $2,000, to which the Federal Government or the District of Columbia is a party, for construction, alteration, or repair, including painting and decorating, of public buildings and public works of the Government or the District of Columbia that are located in a State or the District of Columbia and which requires or involves the employment of mechanics or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics.

(b) BASED ON PREVAILING WAGE.—The minimum wages shall be based on the wages the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.

(c) STIPULATIONS REQUIRED IN CONTRACT.—Every contract based upon the specifications referred to in subsection (a) must contain stipulations that—

(1) the contractor or subcontractor shall pay all mechanics and laborers employed directly on the site of the work, unconditionally and at least once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and the laborers and mechanics;

(2) the contractor will post the scale of wages to be paid in a prominent and easily accessible place at the site of the work; and

(3) there may be withheld from the contractor so much of accrued payments as the contracting officer considers necessary to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by the laborers and mechanics and not refunded to the contractor or subcontractors or their agents.

(d) DISCHARGE OF OBLIGATION.—The obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the Secretary of Labor, under this subchapter and other laws incorporating this subchapter by reference, may be discharged by making payments in cash, by making contributions described in section 3141(2)(B)(i) of this title, by assuming an enforceable commitment to bear the costs of a plan or program referred to in section 3141(2)(B)(ii) of this title, or by any combination of payment, contribution, and assumption, where the aggregate of the payments, contributions, and costs is not less than the basic hourly rate of pay plus the amount referred to in section 3141(2)(B).

(e) OVERTIME PAY.—In determining the overtime pay to which a laborer or mechanic is entitled under any federal law, the regular or basic hourly rate of pay (or other alternative rate on which premium rate of overtime compensation is computed) of the laborer or mechanic is deemed to be the rate computed under section 3141(2)(A) of this title, except that where the amount of payments, contributions, or costs incurred with respect to the laborer or mechanic exceeds the applicable prevailing wage, the regular or basic hourly rate of pay (or other alternative rate) is the amount of payments, contributions, or costs actually incurred with respect to the laborer or mechanic minus the greater of the amount of contributions or costs of the types described in section 3141(2)(B) of this title actually incurred with respect to the laborer or mechanic or the amount determined under section 3141(2)(B) but not actually paid.

§3143. Termination of work on failure to pay agreed wages

Every contract within the scope of this subchapter shall contain a provision that if the contracting officer finds that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid, the Federal Government by written notice to the contractor may terminate the contractor's right to proceed with the work or the part of the work as to which there has been a failure to pay the required wages. The Government may have the work completed, by contract or otherwise, and the contractor and the contractor's sureties shall be liable to the Government for any excess costs the Government incurs.

§3144. Authority of Comptroller General to pay wages and list contractors violating contracts

(a) PAYMENT OF WAGES.—

(1) IN GENERAL.—The Comptroller General shall pay directly to laborers and mechanics from any accrued payments withheld under the terms of a contract any wages found to be due laborers and mechanics under this subchapter.

(2) RIGHT OF ACTION.—If the accrued payments withheld under the terms of the contract are insufficient to reimburse all the laborers and mechanics who have not been paid the wages required under this subchapter, the laborers and mechanics have the same right to bring a civil action and intervene against the contractor and the contractor's sureties as is conferred by law on persons furnishing labor or materials. In those proceedings it is not a defense that the laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

(b) LIST OF CONTRACTORS VIOLATING CONTRACTS.—

(1) IN GENERAL.—The Comptroller General shall distribute to all departments of the Federal Government a list of the names of persons whom the Comptroller General has found to have disregarded their obligations to employees and subcontractors.

(2) RESTRICTION ON AWARDING CONTRACTS.—No contract shall be awarded to persons appearing on the list or to any firm, corporation, partnership, or association in which the persons have an interest until three years have elapsed from the date of publication of the list.

§3145. Regulations governing contractors and subcontractors

(a) IN GENERAL.—The Secretary of Labor shall prescribe reasonable regulations for contractors and subcontractors engaged in constructing, carrying out, completing, or repairing public buildings, public works, or buildings or works that at least partly are financed by a loan or grant from the Federal Government. The regulations shall include a provision that each contractor and subcontractor each week must furnish a statement on the wages paid each employee during the prior week.

(b) APPLICATION.—Section 1001 of title 18 applies to the statements.

§3146. Effect on other federal laws

This subchapter does not supersede or impair any authority otherwise granted by federal law to provide for the establishment of specific wage rates.

§3147. Suspension of this subchapter during a national emergency

The President may suspend the provisions of this subchapter during a national emergency.

§3148. Application of this subchapter to certain contracts

This subchapter applies to a contract authorized by law that is made without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), or on a cost-plus-a-fixed-fee basis or otherwise without advertising for proposals, if this subchapter otherwise would apply to the contract.

SUBCHAPTER V—VOLUNTEER SERVICES

§3161. Purpose

It is the purpose of this subchapter to promote and provide opportunities for individuals who wish to volunteer their services to state or local governments, public agencies, or nonprofit charitable organizations in the construction, repair, or alteration (including painting and decorating) of public buildings and public works that at least partly are financed with federal financial assistance authorized under certain federal programs and that otherwise might not be possible without the use of volunteers.

§3162. Waiver for individuals who perform volunteer services

(a) CRITERIA FOR RECEIVING WAIVER.—The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of subchapter IV of this chapter as set forth in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.), and the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) does not apply to an individual—

(1) who volunteers to perform a service directly to a state or local government, a public agency, or a public or private nonprofit recipient of federal assistance—

(A) for civic, charitable, or humanitarian reasons;

(B) only for the personal purpose or pleasure of the individual;

(C) without promise, expectation, or receipt of compensation for services rendered, except as provided in subsection (b); and

(D) freely and without pressure or coercion, direct or implied, from any employer;

(2) whose contribution of service is not for the direct or indirect benefit of any contractor otherwise performing or seeking to perform work on the same project for which the individual is volunteering;

(3) who is not employed by and does not provide services to a contractor or subcontractor at any time on the federally assisted or insured project for which the individual is volunteering; and

(4) who otherwise is not employed by the same public agency or recipient of federal assistance to perform the same type of services as those for which the individual proposes to volunteer.

(b) PAYMENTS.—

(1) IN ACCORDANCE WITH REGULATIONS.—Volunteers described in subsection (a) who are performing services directly to a state or local government or public agency may receive payments of expenses, reasonable benefits, or a nominal fee only in accordance with regulations the Secretary of Labor prescribes. Volunteers who are performing services directly to a public or private nonprofit entity may not receive those payments.

(2) CRITERIA AND CONTENT OF REGULATIONS.—In prescribing the regulations, the Secretary shall consider criteria such as the total amount of payments made (relating to expenses, benefits, or fees) in the context of the economic realities. The regulations shall include provisions that provide that—

(A) a payment for an expense may be received by a volunteer for items such as uniform allowances, protective gear and clothing, reimbursement for approximate out-of-pocket expenses, or the cost or expense of meals and transportation;

(B) a reasonable benefit may include the inclusion of a volunteer in a group insurance plan (such as a liability, health, life, disability, or worker's compensation plan) or pension plan, or the awarding of a length of service award; and

(C) a nominal fee may not be used as a substitute for compensation and may not be connected to productivity.

(3) NOMINAL FEE.—The Secretary shall decide what constitutes a nominal fee for purposes of paragraph (2)(C). The decision shall be based on the context of the economic realities of the situation involved.

(c) ECONOMIC REALITY.—In determining whether an expense, benefit, or fee described in subsection (b) may be paid to volunteers in the context of the economic realities of the particular situation, the Secretary may not permit any expense, benefit, or fee that has the effect of undermining labor standards by creating downward pressure on prevailing wages in the local construction industry.

SUBCHAPTER VI—MISCELLANEOUS

§3171. Contract authority when appropriation is for less than full amount

Unless specifically directed otherwise, the Administrator of General Services may make a contract within the full limit of the cost fixed by Congress for the acquisition of land for sites, or for the enlargement of sites, for public buildings, or for the erection, remodeling, extension, alteration, and repairs of public buildings, even though an appropriation is made for only part of the amount necessary to carry out legislation authorizing that purpose.

§3172. Extension of state workers' compensation laws to buildings, works, and property of the Federal Government

(a) AUTHORIZATION OF EXTENSION.—The state authority charged with enforcing and requiring compliance with the state workers' compensation laws and with the orders, decisions, and awards of the authority may apply the laws to all land and premises in the State which the Federal Government owns or holds by deed or act of cession, and to all projects, buildings, constructions, improvements, and property in the State and belonging to the Government, in the same way and to the same extent as if the premises were under the exclusive jurisdiction of the State in which the land, premises, projects, buildings, constructions, improvements, or property are located.

(b) LIMITATION ON RELINQUISHING JURISDICTION.—The Government under this section does not relinquish its jurisdiction for any other purpose.

(c) NONAPPLICATION.—This section does not modify or amend subchapter I of chapter 81 of title 5.

§3173. Working capital fund for blueprinting, photostating, and duplicating services in General Services Administration

(a) ESTABLISHMENT AND PURPOSE.—There is a working capital fund for the payment of salaries and other expenses necessary to the operation of a central blue-printing, photostating, and duplicating service.

(b) COMPONENTS.—The fund consists of—

(1) $50,000 without fiscal year limitation; and

(2) reimbursements from available amounts of constituents of the Administrator of General Services, or of any other federal agency for which services are performed, at rates to be determined by the Administrator on the basis of estimated or actual charges for personal services, material, equipment (including maintenance, repair, and depreciation on existing and new equipment) and other expenses, to ensure continuous operation.

(c) DEPOSIT OF EXCESS AMOUNTS IN THE TREASURY.—At the close of each fiscal year any excess amount resulting from operation of the service, after adequately providing for the replacement of mechanical and other equipment and for accrued annual leave of employees engaged in this work by the establishment of reserves for those purposes, shall be deposited in the Treasury as miscellaneous receipts.

§3174. Operation of public utility communications services serving governmental activities

The Administrator of General Services may provide and operate public utility communications services serving any governmental activity when the services are economical and in the interest of the Federal Government. This section does not apply to communications systems for handling messages of a confidential or secret nature, the operation of cryptographic equipment or transmission of secret, security, or coded messages, or buildings operated or occupied by the United States Postal Service, except on request of the department or agency concerned.

§3175. Acceptance of gifts of property

The Administrator of General Services, and the United States Postal Service where that office is concerned, may accept on behalf of the Federal Government unconditional gifts of property in aid of any project or function within their respective jurisdictions.

§3176. Administrator of General Services to furnish services in continental United States to international bodies

Sections 1535 and 1536 of title 31 are extended so that the Administrator of General Services, at the request of the Secretary of State, may furnish services in the continental United States, on a reimbursable basis, to any international body with which the Federal Government is affiliated.

CHAPTER 33—ACQUISITION, CONSTRUCTION, AND ALTERATION

Sec.

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§3301. Definitions and nonapplication

(a) DEFINITIONS.—In this chapter—

(1) ALTER.—The term "alter" includes—

(A) preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the alteration of a public building; and

(B) repairing, remodeling, improving, or extending, or other changes in, a public building.

(2) CONSTRUCT.—The term "construct" includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction of a public building.

(3) EXECUTIVE AGENCY.—The term "executive agency" means an executive department or independent establishment in the executive branch of the Federal Government, including—

(A) any wholly owned Government corporation;

(B) the Central-Bank for Cooperatives and the regional banks for cooperatives;

(C) federal land banks;

(D) federal intermediate credit banks;

(E) the Federal Deposit Insurance Corporation; and

(F) the Government National Mortgage Association.

(4) FEDERAL AGENCY.—The term "federal agency" means an executive agency or an establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect).

(5) PUBLIC BUILDING.—The term "public building"—

(A) means a building, whether for single or multitenant occupancy, and its grounds, approaches, and appurtenances, which is generally suitable for use as office or storage space or both by one or more federal agencies or mixed-ownership Government corporations;

(B) includes—

(i) federal office buildings;

(ii) post offices;

(iii) customhouses;

(iv) courthouses;

(v) appraisers stores;

(vi) border inspection facilities;

(vii) warehouses;

(viii) record centers;

(ix) relocation facilities;

(x) telecommuting centers;

(xi) similar federal facilities; and

(xii) any other buildings or construction projects the inclusion of which the President considers to be justified in the public interest; but

(C) does not include a building or construction project described in subparagraphs (A) and (B)—

(i) that is on the public domain (including that reserved for national forests and other purposes);

(ii) that is on property of the Government in foreign countries;

(iii) that is on Indian and native Eskimo property held in trust by the Government;

(iv) that is on land used in connection with federal programs for agricultural, recreational, and conservation purposes, including research in connection with the programs;

(v) that is on or used in connection with river, harbor, flood control, reclamation or power projects, for chemical manufacturing or development projects, or for nuclear production, research, or development projects;

(vi) that is on or used in connection with housing and residential projects;

(vii) that is on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense);

(viii) that is on installations of the Department of Veterans Affairs used for hospital or domiciliary purposes; or

(ix) the exclusion of which the President considers to be justified in the public interest.

(6) UNITED STATES.—The term "United States" includes the States of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) NONAPPLICATION.—This chapter does not apply to the construction of any public building to which section 241(g) of the Immigration and Nationality Act (8 U.S.C. 1231(g)) or section 1 of the Act of June 26, 1930 (19 U.S.C. 68) applies.

§3302. Prohibition on construction of buildings except by Administrator of General Services

Only the Administrator of General Services may construct a public building. The Administrator shall construct a public building in accordance with this chapter.

§3303. Continuing investigation and survey of public buildings

(a) CONDUCTED BY ADMINISTRATOR.—The Administrator of General Services shall—

(1) make a continuing investigation and survey of the public buildings needs of the Federal Government so that the Administrator may carry out the duties of the Administrator under this chapter; and

(2) submit to Congress prospectuses of proposed projects in accordance with section 3307(a) and (b) of this title.

(b) COOPERATION WITH FEDERAL AGENCIES.—

(1) DUTIES OF ADMINISTRATOR.—In carrying out the duties of the Administrator under this chapter, the Administrator—

(A) shall cooperate with all federal agencies in order to keep informed of their needs;

(B) shall advise each federal agency of the program with respect to the agency; and

(C) may request the cooperation and assistance of each federal agency in carrying out duties under this chapter.

(2) DUTY OF FEDERAL AGENCIES.—Each federal agency shall cooperate with, advise, and assist the Administrator in carrying out the duties of the Administrator under this chapter as determined necessary by the Administrator to carry out the purposes of this chapter.

(c) REQUEST FOR IDENTIFICATION OF EXISTING BUILDINGS OF HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.—When the Administrator undertakes a survey of the public buildings needs of the Government within a geographical area, the Administrator shall request that, within 60 days, the Advisory Council on Historic Preservation established by title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.) identify any existing buildings in the geographical area that—

(1) are of historical, architectural, or cultural significance (as defined in section 3306(a) of this title); and

(2) whether or not in need of repair, alteration, or addition, would be suitable for acquisition to meet the public buildings needs of the Government.

(d) STANDARD FOR CONSTRUCTION AND ACQUISITION OF PUBLIC BUILDINGS.—In carrying out the duties of the Administrator under this chapter, the Administrator shall provide for the construction and acquisition of public buildings equitably throughout the United States with due regard to the comparative urgency of the need for each particular building. In developing plans for new buildings, the Administrator shall give due consideration to excellence of architecture and design.

§3304. Acquisition of buildings and sites

(a) IN GENERAL.—The Administrator of General Services may acquire, by purchase, condemnation, donation, exchange, or otherwise, any building and its site which the Administrator decides is necessary to carry out the duties of the Administrator under this chapter.

(b) ACQUISITION OF LAND OR INTEREST IN LAND FOR USE AS SITES.—The Administrator may acquire land or an interest in land the Administrator considers necessary for use as sites, or additions to sites, for public buildings authorized to be constructed or altered under this chapter.

(c) PUBLIC BUILDINGS USED FOR POST OFFICE PURPOSES.—When any part of a public building is to be used for post office purposes, the Administrator shall act jointly with the United States Postal Service in selecting the town or city where the building is to be constructed, and in selecting the site in the town or city for the building.

(d) SOLICITATION OF PROPOSALS FOR SALE, DONATION, OR EXCHANGE OF REAL PROPERTY.—When the Administrator is to acquire a site under subsection (b), the Administrator, if the Administrator considers it necessary, by public advertisement may solicit proposals for the sale, donation, or exchange of real property to the Federal Government to be used as the site. In selecting a site under subsection (b) the Administrator (with the concurrence of the United States Postal Service if any part of the public building to be constructed on the site is to be used for post office purposes) may—

(1) select the site that the Administrator believes is the most advantageous to the Government, all factors considered; and

(2) acquire the site without regard to title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

§3305. Construction and alteration of buildings

(a) CONSTRUCTION.—

(1) REPLACEMENT OF EXISTING BUILDINGS.—When the Administrator of General Services considers it to be in the best interest of the Federal Government to construct a new public building to take the place of an existing public building, the Administrator may demolish the existing building and use the site on which it is located for the site of the proposed public building. If the Administrator believes that it is more advantageous to construct the public building on a different site in the same city, the Administrator may exchange the building and site, or the site, for another site, or may sell the building and site in accordance with subtitle I of this title and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(2) SALE OR EXCHANGE OF SITES.—When the Administrator decides that a site acquired for the construction of a public building is not suitable for that purpose, the Administrator may exchange the site for another site, or may sell it in accordance with subtitle I of this title and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(3) COMMITTEE APPROVAL REQUIRED.—This subsection does not permit the Administrator to use any land as a site for a public building if the project has not been approved in accordance with section 3307 of this title.

(b) ALTERATION OF BUILDINGS.—

(1) AUTHORITY TO ALTER BUILDINGS AND ACQUIRE LAND.—The Administrator may—

(A) alter any public building; and

(B) acquire in accordance with section 3304(b)-(d) of this title land necessary to carry out the alteration.

(2) COMMITTEE APPROVAL NOT REQUIRED.—

(A) THRESHOLD AMOUNT.—Approval under section 3307 of this title is not required for any alteration and acquisition authorized by this subsection for which the estimated maximum cost does not exceed $1,500,000.

(B) DOLLAR AMOUNT ADJUSTMENT.—The Administrator annually may adjust the dollar amount referred to in subparagraph (A) to reflect a percentage increase or decrease in construction costs during the prior calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) CONSTRUCTION OR ALTERATION BY CONTRACT.—The Administrator may carry out any construction or alteration authorized by this chapter by contract if the Administrator considers it to be most advantageous to the Government.

§3306. Accommodating federal agencies

(a) DEFINITIONS.—In this section—

(1) COMMERCIAL ACTIVITIES.—The term "commercial activities" includes the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.

(2) CULTURAL ACTIVITIES.—The term "cultural activities" includes film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not those activities are intended to make a profit.

(3) EDUCATIONAL ACTIVITIES.—The terms "educational activities" includes the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(4) HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.—The term "historical, architectural, or cultural significance" includes buildings listed or eligible to be listed on the National Register established under section 101 of the National Historic Preservation Act (16 U.S.C. 470a).

(5) RECREATIONAL ACTIVITIES.—The term "recreational activities" includes the operations of gymnasiums and related facilities.

(6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" means a city, county, town, parish, village, or other general-purpose political subdivision of a State.

(b) DUTIES OF ADMINISTRATOR.—To carry out the duties of the Administrator of General Services under sections 581(h), 584(b), 3303(c), and 3307(b)(3) and (5) of this title and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary to accommodate federal agencies and to accomplish the purposes of sections 581(h), 584(b), 3303(c), and 3307(b)(3) and (5), the Administrator shall—

(1) acquire and utilize space in suitable buildings of historical, architectural, or cultural significance, unless use of the space would not prove feasible and prudent compared with available alternatives;

(2) encourage the location of commercial, cultural, educational, and recreational facilities and activities in public buildings;

(3) provide and maintain space, facilities, and activities, to the extent practicable, that encourage public access to, and stimulate public pedestrian traffic around, into, and through, public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that the activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and

(4) encourage the public use of public buildings for cultural, educational, and recreational activities.

(c) CONSULTATION AND SOLICITATION OF COMMENTS.—In carrying out the duties under subsection (b), the Administrator shall—

(1) consult with chief executive officers of the States, areawide agencies established pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3331 et seq.) and section 6506 of title 31, and chief executive officers of those units of general local government in each area served by an existing or proposed public building; and

(2) solicit the comments of other community leaders and members of the general public as the Administrator considers appropriate.

§3307. Congressional approval of proposed projects

(a) Resolutions Required Before Appropriations May Be Made.—The following appropriations may be made only if the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives adopt resolutions approving the purpose for which the appropriation is made:

(1) An appropriation to construct, alter, or acquire any building to be used as a public building which involves a total expenditure in excess of $1,500,000, so that the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for the buildings, except as provided in section 3305(b) of this title, is ensured.

(2) An appropriation to lease any space at an average annual rental in excess of $1,500,000 for use for public purposes.

(3) An appropriation to alter any building, or part of the building, which is under lease by the Federal Government for use for a public purpose if the cost of the alteration will exceed $750,000.

(b) Transmission to Congress of Prospectus of Proposed Project.—To secure consideration for the approval referred to in subsection (a), the Administrator of General Services shall transmit to Congress a prospectus of the proposed facility, including—

(1) a brief description of the building to be constructed, altered, or acquired, or the space to be leased, under this chapter;

(2) the location of the building or space to be leased and an estimate of the maximum cost to the Government of the facility to be constructed, altered, or acquired, or the space to be leased;

(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings, especially those buildings that enhance the architectural, historical, social, cultural, and economic environment of the locality;

(4) with respect to any project for the construction, alteration, or acquisition of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action;

(5) a statement by the Administrator of the economic and other justifications for not acquiring a building identified to the Administrator under section 3303(c) of this title as suitable for the public building needs of the Government; and

(6) a statement of rents and other housing costs currently being paid by the Government for federal agencies to be housed in the building to be constructed, altered, or acquired, or the space to be leased.

(c) Increase of Estimated Maximum Cost.—The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to any percentage increase, as determined by the Administrator, in construction or alteration costs from the date the prospectus is transmitted to Congress. The increase authorized by this subsection may not exceed 10 percent of the estimated maximum cost.

(d) Rescission of Approval.— If an appropriation is not made within one year after the date a project for construction, alteration, or acquisition is approved under subsection (a), the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives by resolution may rescind its approval before an appropriation is made.

(e) Emergency Leases by the Administrator.—This section does not prevent the Administrator from entering into emergency leases during any period declared by the President to require emergency leasing authority. An emergency lease may not be for more than 180 days without approval of a prospectus for the lease in accordance with subsection (a).

(f) Limitation on Leasing Certain Space.—

(1) In general.—The Administrator may not lease space to accommodate any of the following if the average rental cost of leasing the space will exceed $1,500,000:

(A) Computer and telecommunications operations.

(B) Secure or sensitive activities related to the national defense or security, except when it would be inappropriate to locate those activities in a public building or other facility identified with the Government.

(C) A permanent courtroom, judicial chamber, or administrative office for any United States court.

(2) Exception.—The Administrator may lease space with respect to which paragraph (1) applies if the Administrator—

(A) decides, for reasons set forth in writing, that leasing the space is necessary to meet requirements which cannot be met in public buildings; and

(B) submits the reasons to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) Dollar Amount Adjustment.—The Administrator annually may adjust any dollar amount referred to in this section to reflect a percentage increase or decrease in construction costs during the prior calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

§3308. Architectural or engineering services

(a) Employment by Administrator.—When the Administrator of General Services decides it to be necessary, the Administrator may employ, by contract or otherwise, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5, civil service rules and regulations, or section 3709 of the Revised Statutes (41 U.S.C. 5), the services of established architectural or engineering corporations, firms, or individuals, to the extent the Administrator may require those services for any public building authorized to be constructed or altered under this chapter.

(b) Employment on Permanent Basis Not Permitted.—A corporation, firm, or individual shall not be employed under authority of subsection (a) on a permanent basis.

(c) Responsibility of Administrator.—Notwithstanding any other provision of this section, the Administrator is responsible for all construction authorized by this chapter, including the interpretation of construction contracts, approval of material and workmanship supplied under a construction contract, approval of changes in the construction contract, certification of vouchers for payments due the contractor, and final settlement of the contract.

§3309. Buildings and sites in the District of Columbia

(a) In General.—The purposes of this chapter shall be carried out in the District of Columbia as nearly as may be practicable in harmony with the plan of Peter Charles L'Enfant. Public buildings shall be constructed or altered to combine architectural beauty with practical utility.

(b) Closing of Streets and Alleys.—When the Administrator of General Services decides that constructing or altering a public building under this chapter in the District of Columbia requires using contiguous squares as a site for the building, parts of streets that lie between the squares, and alleys that intersect the squares, may be closed and vacated if agreed to by the Administrator, the Council of the District of Columbia, and the National Capital Planning Commission. Those streets and alleys become part of the site.

(c) Consultations Prior to Acquisitions.—

(1) With House Office Building Commission.—The Administrator must consult with the House Office Building Commission created by the Act of March 4, 1907 (ch. 2918, 34 Stat. 1365), before the Administrator may acquire land located south of Independence Avenue, between Third Street SW and Eleventh Street SE, in the District of Columbia, for use as a site or an addition to a site.

(2) With Architect of Capitol.—The Administrator must consult with the Architect of the Capitol before the Administrator may acquire land located in the area extending from the United States Capitol Grounds to Eleventh Street NE and SE and bounded by Independence Avenue on the south and G Street NE on the north, in the District of Columbia, for use as a site or an addition to a site.

(d) Contracts for Events in Stadium.—Notwithstanding the District of Columbia Stadium Act of 1957 (Public Law 85–300, 71 Stat. 619) or any other provision of law, the Armory Board may make contracts to conduct events in Robert F. Kennedy Stadium.

§3310. Special rules for leased buildings

For any building to be constructed for lease to, and for predominant use by, the Federal Government, the Administrator of General Services—

(1) notwithstanding section 585(a)(1) of this title, shall not make any agreement or undertake any commitment which will result in the construction of the building until the Administrator has established detailed specification requirements for the building;

(2) may acquire a leasehold interest in the building only by the use of competitive procedures required by section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253);

(3) shall inspect every building during construction to establish that the specifications established for the building are complied with;

(4) on completion of the building, shall evaluate the building to determine the extent of failure to comply with the specifications referred to in clause (1); and

(5) shall ensure that any contract entered into for the building shall contain provisions permitting a reduction of rent during any period when the building is not in compliance with the specifications.

§3311. State administration of criminal and health and safety laws

When the Administrator of General Services considers it desirable, the Administrator may assign to a State or a territory or possession of the United States any part of the authority of the Federal Government to administer criminal laws and health and safety laws with respect to land or an interest in land under the control of the Administrator and located in the State, territory, or possession. Assignment of authority under this section may be accomplished by filing with the chief executive officer of the State, territory, or possession a notice of assignment to take effect on acceptance, or in another manner as may be prescribed by the laws of the State, territory, or possession in which the land or interest is located.

§3312. Compliance with nationally recognized codes

(a) Application.—

(1) IN GENERAL.—This section applies to any project for construction or alteration of a building for which amounts are first appropriated for a fiscal year beginning after September 30, 1989.

(2) NATIONAL SECURITY WAIVER.—This section does not apply to a building for which the Administrator of General Services or the head of the federal agency authorized to construct or alter the building decides that the application of this section to the building would adversely affect national security. A decision under this subsection is not subject to administrative or judicial review.

(b) BUILDING CODES.—Each building constructed or altered by the General Services Administration or any other federal agency shall be constructed or altered, to the maximum extent feasible as determined by the Administrator or the head of the federal agency, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes, including electrical codes, fire and life safety codes, and plumbing codes, as the Administrator decides is appropriate. In carrying out this subsection, the Administrator or the head of the federal agency shall use the latest edition of the nationally recognized codes.

(c) ZONING LAWS.—Each building constructed or altered by the Administration or any other federal agency shall be constructed or altered only after consideration of all requirements (except procedural requirements) of the following laws of a State or a political subdivision of a State, which would apply to the building if it were not a building constructed or altered by a federal agency:

(1) Zoning laws.

(2) Laws relating to landscaping, open space, minimum distance of a building from the property line, maximum height of a building, historic preservation, esthetic qualities of a building, and other similar laws.

(d) COOPERATION WITH STATE AND LOCAL OFFICIALS.—

(1) STATE AND LOCAL GOVERNMENT CONSULTATION, REVIEW, AND INSPECTIONS.—To meet the requirements of subsections (b) and (c), the Administrator or the head of the federal agency authorized to construct or alter the building—

(A) in preparing plans for the building, shall consult with appropriate officials of the State or political subdivision of a State, or both, in which the building will be located;

(B) on request shall submit the plans in a timely manner to the officials for review by the officials for a reasonable period of time not exceeding 30 days; and

(C) shall permit inspection by the officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if the officials provide to the Administrator or the head of the federal agency—

(i) a copy of the schedule before construction of the building is begun; and

(ii) reasonable notice of their intention to conduct any inspection before conducting the inspection.

(2) LIMITATION ON RESPONSIBILITIES.—This section does not impose an obligation on any State or political subdivision to take any action under paragraph (1).

(e) STATE AND LOCAL GOVERNMENT RECOMMENDATIONS.—Appropriate officials of a State or political subdivision of a State may make recommendations to the Administrator or the head of the federal agency authorized to construct or alter a building concerning measures necessary to meet the requirements of subsections (b) and (c). The officials also may make recommendations to the Administrator or the head of the federal agency concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Administrator or the head of the agency shall give due consideration to the recommendations.

(f) EFFECT OF NONCOMPLIANCE.—An action may not be brought against the Federal Government and a fine or penalty may not be imposed against the Government for failure to meet the requirements of subsection (b), (c), or (d) or for failure to carry out any recommendation under subsection (e).

(g) LIMITATION ON LIABILITY.—The Government and its contractors shall not be required to pay any amount for any action a State or a political subdivision of a State takes to carry out this section, including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations.

§3313. Delegation

(a) WHEN ALLOWED.—Except for the authority contained in section 3305(b) of this title, the carrying out of the duties and powers of the Administrator of General Services under this chapter, in accordance with standards the Administrator prescribes—

(1) shall be delegated on request to the appropriate executive agency when the estimated cost of the project does not exceed $100,000; and

(2) may be delegated to the appropriate executive agency when the Administrator determines that delegation will promote efficiency and economy.

(b) NO EXEMPTION FROM OTHER PROVISIONS OF CHAPTER.—Delegation under subsection (a) does not exempt the person to whom the delegation is made, or the carrying out of the delegated duty or power, from any other provision of this chapter.

§3314. Report to Congress

(a) REQUEST BY EITHER HOUSE OF CONGRESS OR ANY COMMITTEE.—Within a reasonable time after a request of either House of Congress or any committee of Congress, the Administrator of General Services shall submit a report showing the location, space, cost, and status of each public building the construction, alteration, or acquisition of which—

(1) is to be under authority of this chapter; and

(2) was uncompleted as of the date of the request, or as of another date the request may designate.

(b) REQUEST OF COMMITTEE ON PUBLIC WORKS AND ENVIRONMENT OR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The Administrator and the United States Postal Service shall make building project surveys requested by resolution by the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives, and within a reasonable time shall make a report on the survey to Congress. The report shall contain all other information required to be included in a prospectus of the proposed public building project under section 3307(b) of this title.

§3315. Certain authority not affected

This chapter does not limit or repeal the authority conferred by law on the United States Postal Service.

CHAPTER 35—NON-FEDERAL PUBLIC WORKS

Sec.

3501. Definitions.
3502. Planned public works.
3503. Revolving fund.
3504. Surveys of public works planning.
3505. Forgiveness of outstanding advances.

§3501. Definitions

In this chapter, the following definitions apply:

(1) PUBLIC AGENCY.—The term "public agency" means a State or a public agency or political subdivision of a State.

(2) PUBLIC WORKS.—The term "public works" includes any public works other than housing.

(3) STATE.—The term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and any territory or possession of the United States.

§3502. Planned public works

(a) ADVANCES TO ENSURE PLANNING.—Notwithstanding section 3324(a) and (b) of title 31, the Secretary of Housing and Urban Development may make advances to public agencies and Indian tribes—

(1) to encourage public agencies and Indian tribes to maintain at all times a current and adequate reserve of planned public works the construction of which can rapidly be commenced, particularly when the national or local economic situation makes that action desirable; and

(2) to help attain maximum economy and efficiency in the planning and construction of public works.

(b) USES OF ADVANCES.—A public agency or Indian tribe shall use an advance under subsection (a) to aid in financing the cost of feasibility studies, engineering and architectural surveys, designs, plans, working drawings, specifications, or other action preliminary to and in preparation for the construction of public works, and for construction in connection with the development of a medical center, a general plan for the development of the center.

(c) NO FUTURE COMMITMENT.—An advance under subsection (a) does not commit the Congress to appropriate amounts to assist in financing the construction of any public works planned with the aid of that advance. Outstanding advances to public agencies and Indian tribes in a State shall not exceed 12.5 percent of the aggregate then authorized to be appropriated to the revolving fund established under section 3503 of this title.

(d) REQUIREMENTS FOR ADVANCES.—An advance shall not be made under subsection (a) for an individual project (including a regional, metropolitan, or other areawide project) unless—

(1) the project is planned to be constructed within or over a reasonable period of time considering the nature of the project;

(2) the project conforms to an overall state, local, or regional plan approved by a competent state, local, or regional authority; and

(3) the public agency or Indian tribe formally contracts with the Federal Government to complete the plan preparation promptly and to repay part or all of the advance when due.

(e) REGULATIONS.—The Secretary may prescribe regulations to carry out this chapter.

§3503. Revolving fund

(a) ESTABLISHMENT.—There is a revolving fund established by the Secretary of Housing and Urban Development to provide amounts for advances under this chapter. The fund comprises amounts appropriated under this chapter and all repayments and other receipts received in connection with advances made under this chapter.

(b) AUTHORIZATIONS.—Not more than $70,000,000 may be appropriated to the revolving fund as necessary to carry out the purposes of this chapter.

§3504. Surveys of public works planning

The Secretary of Housing and Urban Development may use during a fiscal year not more than $100,000 of the amount in the revolving fund established under section 3503 of this title to conduct surveys of the status and current volume of state and local public works planning *and surveys of estimated requirements for state and local public works. In conducting a survey, the Secretary, may use or act through any department or agency of the Federal Government, with the consent of the department or agency.*

§3505. Forgiveness of outstanding advances

In accordance with accounting and other procedures the Secretary of Housing and Urban Development prescribes, each advance made by the Secretary under this chapter that had any principal amount outstanding on February 5, 1988, was forgiven. The terms and conditions of any contract, or any amendment to a contract, for that advance with respect to any promise to repay the advance were canceled.

CHAPTER 37—CONTRACT WORK HOURS AND SAFETY STANDARDS

Sec.
3701. Definition and application.
3702. Work hours.
3703. Report of violations and withholding of amounts for unpaid wages and liquidated damages.
3704. Health and safety standards in building trades and construction industry.
3705. Safety programs.
3706. Limitations, variations, tolerances, and exemptions.
3707. Contractor certification or contract clause in acquisition of commercial items not required.
3708. Criminal penalties.

§3701. Definition and application

(a) DEFINITION.—In this chapter, the term "Federal Government" has the same meaning that the term "United States" had in the Contract Work Hours and Safety Standards Act (Public Law 87-581, 76 Stat. 357).

(b) APPLICATION.—

(1) CONTRACTS.—This chapter applies to—

(A) any contract that may require or involve the employment of laborers or mechanics on a public work of the Federal Government, a territory of the United States, or the District of Columbia; and

(B) any other contract that may require or involve the employment of laborers or mechanics if the contract is one—

(i) to which the Government, an agency or instrumentality of the Government, a territory, or the District of Columbia is a party;

(ii) which is made for or on behalf of the Government, an agency or instrumentality, a territory, or the District of Columbia; or

(iii) which is a contract for work financed at least in part by loans or grants from, or loans insured or guaranteed by, the Government or an agency or instrumentality under any federal law providing wage standards for the work.

(2) LABORERS AND MECHANICS.—This chapter applies to all laborers and mechanics employed by a contractor or subcontractor in the performance of any part of the work under the contract—

(A) including watchmen, guards, and workers performing services in connection with dredging or rock excavation in any river or harbor of the United States, a territory, or the District of Columbia; but

(B) not including an employee employed as a seaman.

(3) EXCEPTIONS.—

(A) THIS CHAPTER.—This chapter does not apply to—

(i) a contract for—

(I) transportation by land, air, or water;

(II) the transmission of intelligence; or

(III) the purchase of supplies or materials or articles ordinarily available in the open market;

(ii) any work required to be done in accordance with the provisions of the Walsh-Healey Act (41 U.S.C. 35 et seq.); and

(iii) a contract in an amount that is not greater than $100,000.

(B) SECTION 3902.—Section 3902 of this title does not apply to work where the assistance described in subsection (a)(2)(C) from the Government or an agency or instrumentality is only a loan guarantee or insurance.

§3702. Work hours

(a) STANDARD WORKWEEK.—The wages of every laborer and mechanic employed by any contractor or subcontractor in the performance of work on a contract described in section 3701 of this title shall be computed on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permitted subject to this section. For each workweek in which the laborer or mechanic is so employed, wages include compensation, at a rate not less than one and one-half times the basic rate of pay, for all hours worked in excess of 40 hours in the workweek.

(b) CONTRACT REQUIREMENTS.—A contract described in section 3701 of this title, and any obligation of the Federal Government, a territory of the United States, or the District of Columbia in connection with that contract, must provide that—

(1) a contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall not require or permit any laborer or mechanic, in any workweek in which the laborer or mechanic is employed on that work, to work more than 40 hours in that workweek, except as provided in this chapter; and

(2) when a violation of clause (1) occurs, the contractor and any subcontractor responsible for the violation are liable—

(A) to the affected employee for the employee's unpaid wages; and

(B) to the Government, the District of Columbia, or a territory for liquidated damages as provided in the contract.

(c) LIQUIDATED DAMAGES.—Liquidated damages under subsection (b)(2)(B) shall be computed for each individual employed as a laborer or mechanic in violation of this chapter and shall be equal to $10 for each calendar day on which the individual was required or permitted to work in excess of the standard workweek without payment of the overtime wages required by this chapter.

(d) AMOUNTS WITHHELD TO SATISFY LIABILITIES.—Subject to section 3703 of this title, the governmental agency for which the contract work is done or which is providing financial assistance for the work may withhold, or have withheld, from money payable because of work performed by a contractor or subcontractor, amounts administratively determined to be necessary to satisfy the liabilities of the contractor or subcontractor for unpaid wages and liquidated damages as provided in this section.

§3703. Report of violations and withholding of amounts for unpaid wages and liquidated damages

(a) REPORTS OF INSPECTORS.—An officer or individual designated as an inspector of the work to be performed under a contract described in section 3701 of this title, or to aid in the enforcement or fulfillment of the contract, on observation or after investigation immediately shall report to the proper officer of the Federal Government, a territory of the United States, or the District of Columbia all violations of this chapter occurring in the performance of the work, together with the name of each laborer or mechanic who was required or permitted to work in violation of this chapter and the day the violation occurred.

(b) WITHHOLDING AMOUNTS.—

(1) DETERMINING AMOUNT.—The amount of unpaid wages and liquidated damages owing under this chapter shall be determined administratively.

(2) AMOUNT DIRECTED TO BE WITHHELD.—The officer or individual whose duty it is to approve the payment of money by the Government, territory, or District of Columbia in connection with the performance of the contract work shall direct the amount of—

(A) liquidated damages to be withheld for the use and benefit of the Government, territory, or District; and

(B) unpaid wages to be withheld for the use and benefit of the laborers and mechanics who were not compensated as required under this chapter.

(3) PAYMENT.—The Comptroller General shall pay the amount administratively determined to be due directly to the laborers and mechanics from amounts withheld on account of underpayments of wages if the amount withheld is adequate. If the amount withheld is not adequate, the Comptroller General shall pay an equitable proportion of the amount due.

(c) RIGHT OF ACTION AND INTERVENTION AGAINST CONTRACTORS AND SURETIES.—If the accrued payments withheld under the terms of the contract are insufficient to reimburse all the laborers and mechanics who have not been paid the wages required under this chapter, the laborers and mechanics, in the case of a department or agency of the Government, have the same right of action and intervention against the contractor and the contractor's sureties as is conferred by law on persons furnishing labor or materials. In those proceedings it is not a defense that the laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

(d) REVIEW PROCESS.—

(1) TIME LIMIT FOR APPEAL.—Within 60 days after an amount is withheld as liquidated damages, any contractor or subcontractor aggrieved by the withholding may appeal to the head of the agency of the Government or territory for which the contract work is done or which is providing financial assistance for the work, or to the Mayor of the District of Columbia in the case of liquidated damages withheld for the use and benefit of the District.

(2) REVIEW BY AGENCY HEAD OR MAYOR.—The agency head or Mayor may review the administrative determination of liquidated damages. The agency head or Mayor may issue a final order affirming the determination or may recommend to the Secretary of Labor that an appropriate adjustment in liquidated damages be made, or that the contractor or subcontractor be relieved of liability for the liquidated damages, if it is found that the amount is incorrect or that the contractor or subcontractor violated this chapter inadvertently, notwithstanding the exercise of due care by the contractor or subcontractor and the agents of the contractor or subcontractor.

(3) REVIEW BY SECRETARY.—The Secretary shall review all pertinent facts in the matter and may conduct any investigation the Secretary considers necessary in order to affirm or reject the recommendation. The decision of the Secretary is final.

(4) JUDICIAL ACTION.—A contractor or subcontractor aggrieved by a final order for the withholding of liquidated damages may file a claim in the United States Court of Federal Claims within 60 days after the final order. A final order of the agency head, Mayor, or Secretary is conclusive with respect to findings of fact if supported by substantial evidence.

(e) APPLICABILITY OF OTHER LAWS.—

(1) REORGANIZATION PLAN.—Reorganization Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) applies to this chapter.

(2) SECTION 3145.—Section 3145 of this title applies to contractors and subcontractors referred to in section 3145 who are engaged in the performance of contracts subject to this chapter.

§3704. Health and safety standards in building trades and construction industry

(a) CONDITION OF CONTRACTS.—

(1) IN GENERAL.—Each contract in an amount greater than $100,000 that is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and is for construction, alteration, and repair, including painting and decorating, must provide that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to health or safety, as established under construction safety and health standards the Secretary of Labor prescribes by regulation based on proceedings pursuant to section 553 of title 5, provided that the proceedings include a hearing similar in nature to that authorized by section 553.

(2) CONSULTATION.—In formulating standards under this section, the Secretary shall consult with the Advisory Committee created by subsection (d) of this section.

(b) COMPLIANCE.—

(1) ACTIONS TO GAIN COMPLIANCE.—The Secretary may make inspections, hold hearings, issue orders, and make decisions based on findings of fact as the Secretary considers necessary to gain compliance with this section and any health and safety standard the Secretary prescribes under subsection (a). For those purposes the Secretary and the United States district courts have the authority and jurisdiction provided by sections 4 and 5 of the Walsh-Healey Act (41 U.S.C. 38, 39).

(2) REMEDY WHEN NONCOMPLIANCE FOUND.—When the Secretary, after an opportunity for an adjudicatory hearing by the Secretary, establishes noncompliance under this section of any condition of a contract described in—

(A) section 3701(b)(1)(B)(i) or (ii) of this title, the governmental agency for which the contract work is done may cancel the contract and make other contracts for the completion of the contract work, charging any additional cost to the original contractor; or

(B) section 3701(b)(1)(B)(iii) of this title, the governmental agency which is providing the financial guarantee, assistance, or insurance for the contract work may withhold the guarantee, assistance, or insurance attributable to the performance of the contract.

(3) NONAPPLICABILITY.—Section 3703 of this title does not apply to the enforcement of this section.

(c) REPEATED VIOLATIONS.—

(1) TRANSMITTAL OF NAMES OF REPEAT VIOLATORS TO COMPTROLLER GENERAL.—When the Secretary, after an opportunity for an agency hearing, decides on the record that, by repeated willful or grossly negligent violations of this chapter, a contractor or subcontractor has demonstrated that subsection (b) is not effective to protect the safety and health of the employees of the contractor or subcontractor, the Secretary shall make a finding to that effect and, not sooner than 30 days after giving notice of the finding to all interested persons, shall transmit the name of the contractor or subcontractor to the Comptroller General.

(2) BAN ON AWARDING CONTRACTS.—The Comptroller General shall distribute each name transmitted under paragraph (1) to all agencies of the Federal Government. Unless the Secretary otherwise recommends, the contractor, subcontractor, or any person in which the contractor or subcontractor has a substantial interest may not be awarded a contract subject to this section until three years have elapsed from the date the name is transmitted to the Comptroller General. The Secretary shall terminate the ban if, before the end of the three-year period, the Secretary, after affording interested persons due notice and an opportunity for a hearing, is satisfied that a contractor or subcontractor whose name was transmitted to the Comptroller General will comply responsibly with the requirements of this section. The Comptroller General shall inform all Government agencies after being informed of the Secretary's action.

(3) JUDICIAL REVIEW.—A person aggrieved by the Secretary's action under this subsection or subsection (b) may file with the appropriate United States court of appeals a petition for review of the Secretary's action within 60 days after receiving notice of the Secretary's action. The clerk of the court immediately shall send a copy of the petition to the Secretary. The Secretary then shall file with the court the record on which the action is based. The findings of fact by the Secretary, if supported by substantial evidence, are final. The court may enter a decree enforcing, modifying, modifying and enforcing, or setting aside any part of, the order of the Secretary or the appropriate Government agency. The judgment of the court may be reviewed by the Supreme Court as provided in section 1254 of title 28.

(d) ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH.—

(1) ESTABLISHMENT.—There is an Advisory Committee on Construction Safety and Health in the Department of Labor.

(2) COMPOSITION.—The Committee is composed of nine members appointed by the Secretary, without regard to chapter 33 of title 5, as follows:

(A) Three members shall be individuals representative of contractors to whom this section applies.

(B) Three members shall be individuals representative of employees primarily in the building trades and construction industry engaged in carrying out contracts to which this section applies.

(C) Three members shall be public representatives who shall be selected on the basis of their professional and technical competence and experience in the construction health and safety field.

(3) CHAIRMAN.—The Secretary shall appoint one member as Chairman.

(4) DUTIES.—The Committee shall advise the Secretary—

(A) in formulating construction safety and health standards and other regulations; and

(B) on policy matters arising in carrying out this section.

(5) EXPERTS AND CONSULTANTS.—The Secretary may appoint special advisory and technical experts or consultants as may be necessary to carry out the functions of the Committee.

(6) COMPENSATION AND EXPENSES.—Committee members are entitled to receive compensation at rates the Secretary fixes, but not more than $100 a day, including traveltime, when performing Committee business, and expenses under section 5703 of title 5.

§3705. Safety programs

The Secretary of Labor shall—

(1) provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe working conditions in employment covered by this chapter; and

(2) collect reports and data and consult with and advise employers as to the best means of preventing injuries.

§3706. Limitations, variations, tolerances, and exemptions

The Secretary of Labor may provide reasonable limitations to, and may prescribe regulations allowing reasonable variations to, tolerances from, and exemptions from, this chapter that the Secretary may find necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment of the conduct of Federal Government business.

§3707. Contractor certification or contract clause in acquisition of commercial items not required

In a contract to acquire a commercial item (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), a certification by a contractor or a contract clause may not be required to implement a prohibition or requirement in this chapter.

§3708. Criminal penalties

A contractor or subcontractor having a duty to employ, direct, or control a laborer or mechanic employed in the performance of work contemplated by a contract to which this chapter applies that intentionally violates this chapter shall be fined under title 18, imprisoned for not more than six months, or both.

PART B—UNITED STATES CAPITOL

CHAPTER 51—UNITED STATES CAPITOL BUILDINGS AND GROUNDS

Sec.	
5101.	*Definition.*
5102.	*Legal description and jurisdiction of United States Capitol Grounds.*
5103.	*Restrictions on public use of United States Capitol Grounds.*
5104.	*Unlawful activities.*
5105.	*Assistance to authorities by Capitol employees.*
5106.	*Suspension of prohibitions.*
5107.	*Concerts on grounds.*
5108.	*Audit of private organizations.*
5109.	*Penalties.*

§5101. Definition

In this chapter, the term "Capitol Buildings" means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all subways and enclosed passages connecting two or more of those structures, and the real property underlying and enclosed by any of those structures.

§5102. Legal description and jurisdiction of United States Capitol Grounds

(a) LEGAL DESCRIPTION.—The United States Capitol Grounds comprises all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled "Map showing areas comprising United States Capitol Grounds", dated June 25, 1946, approved by the Architect of the Capitol, and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, including all additions added by law after June 25, 1946.

(b) JURISDICTION.—

(1) ARCHITECT OF THE CAPITOL.—The jurisdiction and control over the Grounds, vested prior to July 31, 1946, by law in the Architect, is extended to the entire area of the Grounds. Except as provided in paragraph (2), the Architect is responsible for the maintenance and improvement of the Grounds, including those streets and roadways in the Grounds as shown on the map referred to in subsection (a) as being under the jurisdiction and control of the Commissioners of the District of Columbia.

(2) MAYOR OF THE DISTRICT OF COLUMBIA.—

(A) IN GENERAL.—The Mayor of the District of Columbia is responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines of those streets: Constitution Avenue from Second Street Northeast to Third Street Northwest, First Street from D Street Northeast to D Street Southeast, D Street from First Street Southeast to Washington Avenue Southwest, and First Street from the north side of Louisiana Avenue to the intersection of C Street and Washington

Avenue Southwest, Pennsylvania Avenue Northwest from First Street Northwest to Third Street Northwest, Maryland Avenue Southwest from First Street Southwest to Third Street Southwest, Second Street Northeast from F Street Northeast to C Street Southeast; C Street Southeast from Second Street Southeast to First Street Southeast; that portion of Maryland Avenue Northeast from Second Street Northeast to First Street Northeast; that portion of New Jersey Avenue Northwest from D Street Northwest to Louisiana Avenue; that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest; that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest; that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest; that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest; that portion of Washington Avenue Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street.

(B) REPAIR AND MAINTENANCE OF UTILITY SERVICES.—The Mayor may enter any part of the Grounds to repair or maintain or, subject to the approval of the Architect, construct or alter, any utility service of the District of Columbia Government.

§5103. Restrictions on public use of United States Capitol Grounds

Public travel in, and occupancy of, the United States Capitol Grounds is restricted to the roads, walks, and places prepared for that purpose.

§5104. Unlawful activities

(a) DEFINITIONS.—In this section—

(1) ACT OF PHYSICAL VIOLENCE.—The term "act of physical violence" means any act involving—

(A) an assault or other infliction or threat of infliction of death or bodily harm on an individual; or

(B) damage to, or destruction of, real or personal property.

(2) DANGEROUS WEAPON.—The term "dangerous weapon" includes—

(A) all articles enumerated in section 14(a) of the Act of July 8, 1932 (ch. 465, 47 Stat. 654); and

(B) a device designed to expel or hurl a projectile capable of causing injury to individuals or property, a dagger, a dirk, a stiletto, and a knife having a blade over three inches in length.

(3) EXPLOSIVES.—The term "explosives" has the meaning given that term in section 841(d) of title 18.

(4) FIREARM.—The term "firearm" has the meaning given that term in section 921(3) of title 18.

(b) OBSTRUCTION OF ROADS.—A person may not occupy the roads in the United States Capitol Grounds in a manner that obstructs or hinders their proper use, or use the roads in the area of the Grounds, south of Constitution Avenue and B Street and north of Independence Avenue and B Street, to convey goods or merchandise, except to or from the United States Capitol on Federal Government service.

(c) SALE OF ARTICLES, DISPLAY OF SIGNS, AND SOLICITATIONS.—A person may not carry out any of the following activities in the Grounds:

(1) offer or expose any article for sale.

(2) display a sign, placard, or other form of advertisement.

(3) solicit fares, alms, subscriptions, or contributions.

(d) INJURIES TO PROPERTY.—A person may not step or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, in the Grounds.

(e) CAPITOL GROUNDS AND BUILDINGS SECURITY.—

(1) FIREARMS, DANGEROUS WEAPONS, EXPLOSIVES, OR INCENDIARY DEVICES.—An individual or group of individuals—

(A) except as authorized by regulations prescribed by the Capitol Police Board—

(i) may not carry on or have readily accessible to any individual on the Grounds or in any of the Capitol Buildings a firearm, a dangerous weapon, explosives, or an incendiary device;

(ii) may not discharge a firearm or explosives, use a dangerous weapon, or ignite an incendiary device, on the Grounds or in any of the Capitol Buildings; or

(iii) may not transport on the Grounds or in any of the Capitol Buildings explosives or an incendiary device; or

(B) may not knowingly, with force and violence, enter or remain on the floor of either House of Congress.

(2) VIOLENT ENTRY AND DISORDERLY CONDUCT.—An individual or group of individuals may not willfully and knowingly—

(A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House;

(B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House;

(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of either House of Congress or a Member, committee, officer, or employee of Congress or either House of Congress;

(D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress;

(E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings;

(F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or

(G) parade, demonstrate, or picket in any of the Capitol Buildings.

(3) EXEMPTION OF GOVERNMENT OFFICIALS.—This subsection does not prohibit any act performed in the lawful discharge of official duties by—

(A) a Member of Congress;

(B) an employee of a Member of Congress;

(C) an officer or employee of Congress or a committee of Congress; or

(D) an officer or employee of either House of Congress or a committee of that House.

(f) PARADES, ASSEMBLAGES, AND DISPLAY OF FLAGS.—Except as provided in section 5106 of this title, a person may not—

(1) parade, stand, or move in processions or assemblages in the Grounds; or

(2) display in the Grounds a flag, banner, or device designed or adapted to bring into public notice a party, organization, or movement.

§5105. Assistance to authorities by Capitol employees

Each individual employed in the service of the Federal Government in the United States Capitol or within the United States Capitol Grounds shall prevent, as far as may be in the individual's power, a violation of a provision of this chapter or section 9, 9A, 9B, 9C, or 14 of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), and shall aid the police in securing the arrest and conviction of the individual violating the provision.

§5106. Suspension of prohibitions

(a) AUTHORITY TO SUSPEND.—To allow the observance in the United States Capitol Grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives concurrently may suspend any of the prohibitions contained in sections 5103 and 5104 of this title that would prevent the use of the roads and walks within the Grounds by processions or assemblages, and the use in the Grounds of suitable decorations, music, addresses, and ceremonies, if responsible officers have been appointed and the President and the Speaker determine that adequate arrangements have been made to maintain suitable order and decorum in the proceedings and to guard the United States Capitol and its grounds from injury.

(b) POWER TO SUSPEND PROHIBITIONS IN ABSENCE OF PRESIDENT OR SPEAKER.—If either the President or Speaker is absent from the District of Columbia, the authority to suspend devolves on the other officer. If both officers are absent, the authority devolves on the Capitol Police Board.

(c) AUTHORITY OF MAYOR TO PERMIT USE OF LOUISIANA AVENUE.—Notwithstanding subsection (a) and section 5104(f) of this title, the Capitol Police Board may grant the Mayor of the District of Columbia authority to permit the use of Louisiana Avenue for any of the purposes prohibited by section 5104(f).

§5107. Concerts on grounds

Sections 5102, 5103, 5104(b)–(f), 5105, 5106, and 5109 of this title and sections 9, 9A, 9B, and 9C of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), do not prohibit a band in the service of the Federal Government from giving concerts in the United States Capitol Grounds at times which will not interfere with Congress and as authorized by the Architect of the Capitol.

§5108. Audit of private organizations

A private organization (except a political party or committee constituted for the election of federal officials), whether or not organized for profit and whether or not any of its income inures to the benefit of any person, that performs services or conducts activities in the United States Capitol Buildings or Grounds is subject to a special audit of its accounts for each year in which it performs those services or conducts those activities. The Comptroller General shall conduct the audit and report the results of the audit to the Senate and the House of Representatives.

§5109. Penalties

(a) FIREARMS, DANGEROUS WEAPONS, EXPLOSIVES, OR INCENDIARY DEVICE OFFENSES.—An individual or group violating section 5104(e)(1) of this title, or attempting to commit a violation, shall be fined under title 18, imprisoned for not more than five years, or both.

(b) OTHER OFFENSES.—A person violating section 5103 or 5104(b), (c), (d), (e)(2), or (f) of this title, or attempting to commit a violation, shall be fined under title 18, imprisoned for not more than six months, or both.

(c) PROCEDURE.—

(1) IN GENERAL.—An action for a violation of this chapter or section 9, 9A, 9B, 9C or 14 of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), including an attempt or a conspiracy to commit a violation, shall be brought by the Attorney General in the name of the United States. This chapter and sections 9, 9A, 9B, 9C and 14 do not supersede any provision of federal law or the laws of the District of Columbia. Where the conduct violating this chapter or section 9, 9A, 9B,

9C or 14 also violates federal law or the laws of the District of Columbia, both violations may be joined in a single action.

(2) VENUE.—An action under this section for a violation of—

(A) section 5104(e)(1) of this title or for conduct that constitutes a felony under federal law or the laws of the District of Columbia shall be brought in the United States District Court for the District of Columbia; and

(B) any other section referred to in subsection (a) may be brought in the Superior Court of the District of Columbia.

(3) AMOUNT OF PENALTY.— The penalty which may be imposed on a person convicted in an action under this subsection is the highest penalty authorized by any of the laws the defendant is convicted of violating.

PART C—FEDERAL BUILDING COMPLEXES

CHAPTER 61—UNITED STATES SUPREME COURT BUILDING AND GROUNDS

SUBCHAPTER I—GENERAL

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SUBCHAPTER II—BUILDINGS AND GROUNDS

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SUBCHAPTER IV—PROHIBITIONS AND PENALTIES

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6136. Suspension of prohibitions against use of Supreme Court grounds.
6137. Penalties.

SUBCHAPTER I—GENERAL

§6101. Definitions and application

(a) DEFINITIONS.—In this chapter, the following definitions apply:

(1) OFFICIAL GUEST OF THE SUPREME COURT.—The term "official guest of the Supreme Court" means an individual who is a guest of the Supreme Court, as determined by the Chief Justice of the United States or any Associate Justice of the Supreme Court;

(2) STATE.—The term "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and any territory or possession of the United States; and

(b) APPLICATION.—For purposes of section 6102 of this title and subchapters III and IV, the Supreme Court grounds—

(1) extend to the line of the face of—

(A) the east curb of First Street Northeast, between Maryland Avenue Northeast and East Capitol Street;

(B) the south curb of Maryland Avenue Northeast, between First Street Northeast and Second Street Northeast;

(C) the west curb of Second Street Northeast, between Maryland Avenue Northeast and East Capitol Street; and

(D) the north curb of East Capitol Street between First Street Northeast and Second Street Northeast; and

(2) comprise any property under the custody and control of the Supreme Court as part of the Supreme Court grounds, including property acquired as provided by law on behalf of the Federal Government in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia as an addition to the grounds of the Supreme Court Building.

§6102. Regulations

(a) AUTHORITY OF THE MARSHAL.—In addition to the restrictions and requirements specified in subchapter IV, the Marshal of the Supreme Court may prescribe regulations, approved by the Chief Justice of the United States, that are necessary for—

(1) the adequate protection of the Supreme Court Building and grounds and of individuals and property in the Building and grounds; and

(2) the maintenance of suitable order and decorum within the Building and grounds.

(b) POSTING REQUIREMENT.—All regulations prescribed under this section shall be posted in a public place at the Building and shall be made reasonably available to the public in writing.

SUBCHAPTER II—BUILDINGS AND GROUNDS

§6111. Supreme Court Building

(a) IN GENERAL.—

(1) STRUCTURAL AND MECHANICAL CARE.—The Architect of the Capitol shall have charge of the structural and mechanical care of the Supreme Court Building, including—

(A) the care and maintenance of the grounds; and

(B) the supplying of all mechanical furnishings and mechanical equipment for the Building.

(2) OPERATION AND MAINTENANCE.—The Architect shall direct the operation and maintenance of the mechanical equipment and repair of the building.

(3) CONTRACT AUTHORITY.—The Architect may enter into all necessary contracts to carry out this subsection.

(b) AVAILABILITY OF APPROPRIATIONS..—Amounts appropriated under—

(1) subsection (a) and sections 6112 and 6113 of this title are available for—

(A) expenses of heating and air-conditioning refrigeration supplied by the Capitol Power Plant, advancements for which shall be made and deposited in the Treasury to the credit of appropriations provided for the Capitol Power Plant; and

(B) the purchase of electrical energy; and

(2) the heading "SUPREME COURT OF THE UNITED STATES" and "CARE OF THE BUILDING AND GROUNDS" are available for—

(A) improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances;

(B) special clothing for workers;

(C) personal and other services (including temporary labor without regard to chapter 51, subchapter III of chapter 53, and subchapter III of chapter 83, of title 5); and

(D) without compliance with section 3709 of the Revised Statutes (41 U.S.C. 5)—

(i) for snow removal (by hire of personnel and equipment or under contract); and

(ii) for the replacement of electrical transformers containing polychlorinated biphenyls.

§6112. Supreme Court Building and grounds employees

Employees required to carry out section 6111(a) of this title shall be—

(1) appointed by the Architect of the Capitol with the approval of the Chief Justice of the United States;

(2) compensated in accordance with chapter 51 and subchapter III of chapter 53 of title 5; and

(3) subject to subchapter III of chapter 83 of title 5.

§6113. Duties of the Superintendent of the Supreme Court Building

Except as provided in section 6111(a) of this title, all duties and work required for the operation, domestic care, and custody of the Supreme Court Building shall be performed under the direction of the Marshal of the Supreme Court. The Marshal serves as the superintendent of the Building.

§6114. Oliver Wendell Holmes Garden

The Architect of the Capitol shall maintain and care for the Oliver Wendell Holmes Garden in accordance with the provisions of law on the maintenance and care of the grounds of the Supreme Court Building.

SUBCHAPTER III—POLICING AUTHORITY

§6121. General

(a) AUTHORITY OF MARSHAL OF THE SUPREME COURT AND SUPREME COURT POLICE.—In accordance with regulations prescribed by the Marshal of the Supreme Court and approved by the Chief Justice of the United States, the Marshal and the Supreme Court Police shall have authority—

(1) to police the Supreme Court Building and grounds and adjacent streets to protect individuals and property;

(2) in any State, to protect—

(A) the Chief Justice, any Associate Justice of the Supreme Court, and any official guest of the Supreme Court; and

(B) any officer or employee of the Supreme Court while that officer or employee is performing official duties;

(3) while performing duties necessary to carry out paragraph (1) or (2), to make arrests for any violation of federal or state law and any regulation under federal or state law; and

(4) to carry firearms as may be required while performing duties under section 6102 of this title, this subchapter, and subchapter IV.

(b) ADDITIONAL REQUIREMENTS RELATED TO SUBSECTION (a)(2).—

(1) AUTHORIZATION TO CARRY FIREARMS.—Duties under subsection (a)(2)(A) with respect to an official guest of the Supreme Court in any State (other than the District of Columbia, Maryland, and Virginia) shall be authorized in writing by the Chief Justice or an Associate Justice, if those duties require the carrying of firearms under subsection (a)(4).

(2) TERMINATION OF AUTHORITY.—The authority provided under subsection (a)(2) expires on December 29, 2004.

§6122. Designation of members of the Supreme Court Police

Under the general supervision and direction of the Chief Justice of the United States, the Marshal of the Supreme Court may designate employees of the Supreme Court as members of the Supreme Court Police, without additional compensation.

§6123. Authority of Metropolitan Police of the District of Columbia

The Metropolitan Police of the District of Columbia may make arrests within the Supreme Court Building and grounds for a violation of federal or state law or any regulation under federal or state law. This section does not authorize the Metropolitan Police to enter the Supreme Court Building to make an arrest in response to a complaint, serve a warrant, or patrol the Supreme Court Building or grounds, unless the Metropolitan Police have been requested to do so by, or have received the consent of, the Marshal of the Supreme Court or an assistant to the Marshal.

SUBCHAPTER IV—PROHIBITIONS AND PENALTIES

§6131. Public travel in Supreme Court grounds

Public travel in, and occupancy of, the Supreme Court grounds is restricted to the sidewalks and other paved surfaces.

§6132. Sale of articles, signs, and solicitation in Supreme Court Building and grounds

It is unlawful—

(1) to offer or expose any article for sale in the Supreme Court Building or grounds;

(2) to display a sign, placard, or other form of advertisement in the Building or grounds; or

(3) to solicit fares, alms, subscriptions, or contributions in the Building or grounds.

§6133. Property in the Supreme Court Building and grounds

It is unlawful to step or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, in the Supreme Court Building or grounds.

§6134. Firearms, fireworks, speeches, and objectionable language in the Supreme Court Building and grounds

It is unlawful to discharge a firearm, firework or explosive, set fire to a combustible, make a harangue or oration, or utter loud, threatening, or abusive language in the Supreme Court Building or grounds.

§6135. Parades, assemblages, and display of flags in the Supreme Court Building and grounds

It is unlawful to parade, stand, or move in processions or assemblages in the Supreme Court Building or grounds, or to display in the Building and grounds a flag, banner, or device designed or adapted to bring into public notice a party, organization, or movement.

§6136. Suspension of prohibitions against use of Supreme Court grounds

To allow the observance of authorized ceremonies in the Supreme Court Building and grounds, the Marshal of the Supreme Court may suspend for those occasions any of the prohibitions contained in this subchapter as may be necessary for the occasion if—

(1) responsible officers have been appointed; and

(2) the Marshal determines that adequate arrangements have been made—

(A) to maintain suitable order and decorum in the proceedings; and

(B) to protect the Supreme Court Building and grounds and individuals and property in the Building and grounds.

§6137. Penalties

(a) IN GENERAL.—An individual who violates this subchapter, or a regulation prescribed under section 6102 of this title, shall be fined under title 18, imprisoned not more than 60 days, or both.

(b) VENUE AND PROCEDURE.—Prosecution for a violation described in subsection (a) shall be in the Superior Court of the District of Columbia, on information by the United States Attorney or an Assistant United States Attorney.

(c) OFFENSES INVOLVING PROPERTY DAMAGE OVER $100.—If during the commission of a violation described in subsection (a), public property is damaged in an amount exceeding $100, the period of imprisonment for the offense may be not more than five years.

CHAPTER 63—SMITHSONIAN INSTITUTION, NATIONAL GALLERY OF ART, AND JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Sec.

6301. Definition.

6302. Public use of grounds.

6303. Unlawful activities.

6304. Additional regulations.

6305. Suspension of regulations.

6306. Policing of buildings and grounds.

6307. Penalties.

§6301. Definition

In this chapter, the term "specified buildings and grounds" means—

(1) SMITHSONIAN INSTITUTION.—The Smithsonian Institution and its grounds, which include the following:

(A) SMITHSONIAN BUILDINGS AND GROUNDS ON THE NATIONAL MALL.—The Smithsonian Building, the Arts and Industries Building, the Freer Gallery of Art, the National Air and Space Museum, the National Museum of Natural History, the National Museum of American History, the National Museum of the American Indian, the Hirshhorn Museum and Sculpture Garden, the Arthur M. Sackler Gallery, the National Museum of African Art, the S. Dillon Ripley Center, and all other buildings of the Smithsonian Institution within the Mall, including the entrance walks, unloading areas, and other pertinent service roads and parking areas.

(B) NATIONAL ZOOLOGICAL PARK.—The National Zoological Park comprising all the buildings, streets, service roads, walks, and other areas within the boundary fence of the National Zoological Park in the District of Columbia and including the public space between that fence and the face of the curb lines of the adjacent city streets.

(C) OTHER SMITHSONIAN BUILDINGS AND GROUNDS.—All other buildings, service roads, walks, and other areas within the exterior boundaries of any real estate or land or interest in land (including temporary use) that the Smithsonian Institution acquires and that the Secretary of the Smithsonian Institution determines to be necessary for the adequate protection of individuals or property in the Smithsonian Institution and suitable for administration as a part of the Smithsonian Institution.

(2) NATIONAL GALLERY OF ART.—The National Gallery of Art and its grounds, which extend—

(A) to the line of the face of the south curb of Constitution Avenue Northwest, between Seventh Street Northwest, and Fourth Street Northwest, to the line of the face of the west curb of Fourth Street Northwest, between Constitution Avenue Northwest, and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Fourth Street Northwest, and Seventh Street Northwest; and to the line of the face of the east curb of Seventh Street Northwest, between Madison Drive Northwest, and Constitution Avenue Northwest;

(B) to the line of the face of the south curb of Pennsylvania Avenue Northwest, between Fourth Street and Third Street Northwest, to the line of the face of the west curb of Third Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest, to the line of the face of the north curb of Madison Drive Northwest, between Third Street and Fourth Street Northwest, and to the line of the face of the east curb of Fourth Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest; and

(C) to the line of the face of the south curb of Constitution Avenue Northwest, between Ninth Street Northwest and Seventh Street Northwest; to the line of the face of the west curb of Seventh Street Northwest, between Constitution Avenue Northwest and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Seventh Street Northwest and the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest; and to the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest, between Madison Drive Northwest and Constitution Avenue Northwest.

(3) JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—The John F. Kennedy Center for the Performing Arts, which extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled "Transfer of John F. Kennedy Center for the Performing Arts", numbered 844/82563 and dated April 20, 1994 (as amended by the map entitled "Transfer of John F. Kennedy Center for the Performing Arts", numbered 844/82563A and dated May 22, 1997), which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service.

§6302. Public use of grounds

Public travel in, and occupancy of, the grounds specified under section 6301 of this title are restricted to the sidewalks and other paved surfaces, except in the National Zoological Park.

§6303. Unlawful activities

(a) DISPLAYS AND SOLICITATIONS.—It is unlawful for anyone other than an authorized employee or concessionaire to carry out any of the following activities within the specified buildings and grounds:

(1) Offer or expose any article for sale.

(2) Display any sign, placard, or other form of advertisement.

(3) Solicit alms, subscriptions, or contributions.

(b) TOUCHING OF, OR INJURIES TO, PROPERTY.—It is unlawful for anyone—

(1) other than an authorized employee, to touch or handle objects of art or scientific or historical objects on exhibition within the specified buildings or grounds; or

(2) to step or climb on, remove, or in any way injure any object of art, exhibit (including an exhibit animal), equipment, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, within the specified buildings or grounds.

§6304. Additional regulations

(a) AUTHORITY TO PRESCRIBE ADDITIONAL REGULATIONS.—In addition to the restrictions and requirements specified in sections 6302 and 6303 of this title, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts may prescribe for their respective agencies regulations necessary for—

(1) the adequate protection of the specified buildings and grounds and individuals and property in those buildings and grounds; and

(2) the maintenance of suitable order and decorum within the specified buildings and grounds, including the control of traffic and parking of vehicles in the National Zoological Park and all other areas in the District of Columbia under their control.

(b) PUBLICATION IN FEDERAL REGISTER.—A regulation prescribed under this section shall be published in the Federal Register and is not effective until the expiration of 10 days after the date of publication.

§6305. Suspension of regulations

To allow authorized services, training programs, and ceremonies in the specified buildings and grounds, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts (or their designees) may suspend for their respective agencies any of the prohibitions contained in sections 6302 and 6303 of this title as may be necessary for the occasion or circumstance if—

(1) responsible officers have been appointed; and

(2) the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts (or their designees) determine that adequate arrangements have been made—

(A) to maintain suitable order and decorum in the proceedings; and

(B) to protect the specified buildings and grounds and persons and property in those buildings and on those grounds.

§6306. Policing of buildings and grounds

(a) DESIGNATION OF EMPLOYEES AS SPECIAL POLICE.—Subject to section 5375 of title 5, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts (or their designees) may designate employees of their respective agencies as special police, without additional compensation, for duty in connection with the policing of their respective specified buildings and grounds.

(b) POWERS.—The employees designated as special police under subsection (a)—

(1) may, within the specified buildings and grounds, enforce, and make arrests for violations of, sections 6302 and 6303 of this title, any regulation prescribed under section 6304 of this title, federal or state law, or any regulation prescribed under federal or state law; and

(2) may enforce concurrently with the United States Park Police the laws and regulations applicable to the National Capital Parks, and may make arrests for violations of sections 6302 and 6303 of this title, within the several areas located within the exterior boundaries of the face of the curb lines of the squares within which the specified buildings and grounds are located.

(c) UNIFORMS AND OTHER EQUIPMENT.—The employees designated as special police under subsection (a) may be provided, without charge, with uniforms and other equipment as may be necessary for the proper performance of their duties, including badges, revolvers, and ammunition.

§6307. Penalties

(a) IN GENERAL.—

(1) PENALTY.—A person violating section 6302 or 6303 of this title, or a regulation prescribed under section 6304 of this title, shall be fined under title 18, imprisoned for not more than 60 days, or both.

(2) PROCEDURE.—Prosecution for an offense under this subsection shall be in the Superior Court of the District of Columbia, by information by the United States Attorney or an Assistant United States Attorney.

(b) OFFENSES INVOLVING PROPERTY DAMAGE OVER $100.—

(1) PENALTY.—If in the commission of a violation described in subsection (a), property is damaged in an amount exceeding $100, the period of imprisonment for the offense may be not more than five years.

(2) VENUE AND PROCEDURE.—Prosecution of an offense under this subsection shall be in the United States District Court for the District of Columbia by indictment. Prosecution may be on information by the United States Attorney or an Assistant United States Attorney if the defendant, after being advised of the nature of the charge and of rights of the defendant, waives in open court prosecution by indictment.

CHAPTER 65—THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING

Sec.

6501. Definition.
6502. Thurgood Marshall Federal Judiciary Building.
6503. Commission for the Judiciary Office Building.
6504. Lease of building.
6505. Structural and mechanical care and security.
6506. Allocation of space.
6507. Account in Treasury.

§6501. Definition

In this chapter, the term "Chief Justice" means the Chief Justice of the United States or the designee of the Chief Justice, except that when there is a vacancy in the office of the Chief Justice, the most senior associate justice of the Supreme Court shall be deemed to be the Chief Justice for purposes of this chapter until the vacancy is filled.

§6502. Thurgood Marshall Federal Judiciary Building

(a) ESTABLISHMENT AND DESIGNATION.—There is a Federal Judiciary Building in Washington, D.C., known and designated as the "Thurgood Marshall Federal Judiciary Building".

(b) TITLE.—

(1) SQUARES 721 AND 722.—Title to squares 721 and 722 remains in the Federal Government.

(2) BUILDING.—Title to the Building and other improvements constructed or otherwise made immediately reverts to the Government at the expiration of not more than 30 years from the effective date of the lease agreement referred to in section 6504 of this title without payment of any compensation by the Government.

(c) LIMITATIONS.—

(1) SIZE OF BUILDING.—The Building (excluding parking facilities) may not exceed 520,000 gross square feet in size above the level of Columbia Plaza in the District of Columbia.

(2) HEIGHT OF BUILDING.—The height of the Building and other improvements shall be compatible with the height of surrounding Government and historic buildings and conform to the provisions of the Act of June 1, 1910 (ch. 263, 36 Stat. 452) (known as the Building Height Act of 1910).

(3) DESIGN.—The Building and other improvements shall—

(A) be designed in harmony with historical and Government buildings in the vicinity;

(B) reflect the symbolic importance and historic character of the United States Capitol and other buildings on the United States Capitol Grounds; and

(C) represent the dignity and stability of the Government.

(d) APPROVAL OF CHIEF JUSTICE.—All final decisions regarding architectural design of the Building are subject to the approval of the Chief Justice.

(e) CHILLED WATER AND STEAM FROM CAPITOL POWER PLANT.—If the Building is connected with the Capitol Power Plant, the Architect of the Capitol shall furnish chilled water and steam from the Plant to the Building on a reimbursable basis.

(f) CONSTRUCTION STANDARDS.—The Building and other improvements constructed under this chapter shall meet all standards applicable to construction of a federal building.

(g) ACCOUNTING SYSTEM.—The Architect shall maintain an accounting system for operation and maintenance of the Building and other improvements which will allow accurate projections of the dates and cost of major repairs, improvements, reconstructions, and replacements of the Building and improvements and other capital expenditures on the Building and improvements.

(h) NONAPPLICABILITY OF CERTAIN LAWS.—

(1) BUILDING CODES, PERMITS, OR INSPECTION.—The Building is not subject to any law of the District of Columbia relating to building codes, permits, or inspection, including any such law enacted by Congress.

(2) TAXES.—The Building and other improvements constructed under this chapter are not subject to any law of the District of Columbia relating to real estate and personal property taxes, special assessments, or other taxes, including any such law enacted by Congress.

§6503. Commission for the Judiciary Office Building

(a) ESTABLISHMENT AND MEMBERSHIP.—There is a Commission for the Judiciary Office Building, composed of the following 13 members or their designees:

(1) Two individuals appointed by the Chief Justice from among justices of the Supreme Court and other judges of the United States.

(2) The members of the House Office Building Commission.

(3) The majority leader and minority leader of the Senate.

(4) The Chairman and the ranking minority member of the Senate Committee on Rules and Administration.

(5) The Chairman and the ranking minority member of the Senate Committee on Environment and Public Works.

(6) The Chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives.

(b) QUORUM.—Seven members of the Commission is a quorum.

(c) DUTIES.—The Commission is responsible for the supervision of the design, construction, operation, maintenance, structural, mechanical, and domestic care, and security of the Thurgood Marshall Federal Judiciary Building. The Commission shall prescribe regulations to govern the actions of the Architect of the Capitol under this chapter and to govern the use and occupancy of all space in the Building.

§6504. Lease of building

(a) LEASE AGREEMENT.—Under an agreement with the person selected to construct the Thurgood Marshall Federal Judiciary Building, the Architect of the Capitol shall lease the Building to carry out the objectives of this chapter.

(b) MINIMUM REQUIREMENTS OF LEASE AGREEMENT.—The agreement includes at a minimum the following:

(1) LIMIT ON LENGTH OF LEASE.—The Architect will lease the Building and other improvements for not more than 30 years from the effective date of the agreement.

(2) RENTAL RATE.—The rental rate per square foot of occupiable space for all space in the Building and other improvements will be in the best interest of the Federal Government and will carry out the objectives of this chapter. The aggregate rental rate for all space in the Building and other improvements shall produce an amount at least equal to the amount necessary to amortize the cost of development of squares 721 and 722 in the District of Columbia over the life of the lease.

(3) AUTHORITY TO MAKE SPACE AVAILABLE AND SUBLEASE SPACE.—The Architect may make space available and sublease space in the Building and other improvements in accordance with section 6506 of this title.

(4) OTHER TERMS AND CONDITIONS.—The agreement contains terms and conditions the Architect prescribes to carry out the objectives of this chapter.

(c) OBLIGATION OF AMOUNTS.—Obligation of amounts for lease payments under this section may only be made—

(1) on an annual basis; and

(2) from the account described in section 6507 of this title.

§6505. Structural and mechanical care and security

(a) STRUCTURAL AND MECHANICAL CARE.—The Architect of the Capitol, under the direction of the Commission for the Judiciary Office Building—

(1) is responsible for the structural and mechanical care and maintenance of the Thurgood Marshall Federal Judiciary Building and improvements, including the care and maintenance of the grounds of the Building, in the same manner and to the same extent as for the structural and mechanical care and maintenance of the Supreme Court Building under section 6111 of this title; and

(2) shall perform all other duties and work required for the operation and domestic care of the Building and improvements.

(b) SECURITY.—

(1) CAPITOL POLICE.—The United States Capitol Police—

(A) are responsible for all exterior security of the Building and other improvements constructed under this chapter; and

(B) may police the Building and other improvements, including the interior and exterior, and may make arrests within the interior and exterior of the Building and other improvements for any violation of federal or state law or the laws of the District of Columbia, or any regulation prescribed under any of those laws.

(2) MARSHAL OF THE SUPREME COURT.—This chapter does not interfere with the obligation of the Marshal of the Supreme Court to protect justices, officers, employees, or other personnel of the Supreme Court who may occupy the Building and other improvements.

(3) REIMBURSEMENT.—The Architect shall transfer from the account described in section 6507 of this title amounts necessary to reimburse the United States Capitol Police for expenses incurred in providing exterior security under this subsection. The Capitol Police may accept amounts the Architect transfers under this paragraph. Those amounts shall be credited to the appropriation account charged by the Capitol Police in carrying out security duties.

§6506. Allocation of space

(a) PRIORITY.—

(1) JUDICIAL BRANCH.—Subject to this section, the Architect of the Capitol shall make available to the judicial branch of the Federal Government all space in the Thurgood Marshall Federal Judiciary Building and other improvements constructed under this chapter. The space shall be made available on a reimbursable basis and substantially in accordance with the report referred to in section 3(b)(1) of the Judiciary Office Building Development Act (Public Law 100–480, 102 Stat. 2330).

(2) OTHER FEDERAL GOVERNMENTAL ENTITIES.—The Architect may make available to federal governmental entities which are not part of the judicial branch and which are not staff of Members of Congress or congressional committees any space in the Building and other improvements that the Chief Justice decides is not needed by the judicial branch. The space shall be made available on a reimbursable basis.

(3) OTHER PERSONS.—If any space remains, the Architect may sublease it pursuant to subsection (e), under the direction of the Commission for the Judiciary Office Building, to any person.

(b) SPACE FOR JUDICIAL BRANCH AND OTHER FEDERAL GOVERNMENTAL ENTITIES.—Space made available under subsection (a)(1) or (2) is subject to—

(1) terms and conditions necessary to carry out the objectives of this chapter; and

(2) reimbursement at the rate established under section 6504(b)(2) of this title plus an amount necessary to pay each year for the cost of administering the Building and other improvements (including the cost of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) that is attributable to the space, with the amount to be determined by the Architect and—

(A) in the case of the judicial branch, the Director of the Administrative Office of the United States Courts; or

(B) in the case of any federal governmental entity not a part of the judicial branch, the entity.

(c) SPACE FOR JUDICIAL BRANCH.—

(1) ASSIGNMENT OF SPACE WITHIN JUDICIAL BRANCH.—The Director may assign space made available to the judicial branch under subsection (a)(1) among offices of the judicial branch as the Director considers appropriate.

(2) VACATING OCCUPIED SPACE.—When the Chief Justice notifies the Architect that the judicial branch requires additional space in the Building and other improvements, the Architect shall accommodate those requirements within 90 days after the date of the notification, except that if the space was made available to the Administrator of General Services, it shall be vacated expeditiously by not later than a date the Chief Justice and the Administrator agree on.

(3) UNOCCUPIED SPACE.—The Chief Justice has the right of first refusal to use unoccupied space in the Building to meet the needs of the judicial branch.

(d) LEASE BY ARCHITECT.—

(1) AUTHORITY TO LEASE.—Subject to approval by the Committees on Appropriations of the House of Representatives and the Senate, the House Office Building Commission, and the Committee on Rules and Administration of the Senate, the Architect may lease and occupy not more than 75,000 square feet of space in the Building.

(2) PAYMENTS.—Payments under the lease shall be made on vouchers the Architect approves. Necessary amounts may be appropriated—

(A) to the Architect to carry out this subsection, including amounts for acquiring and installing furniture and furnishings; and

(B) to the Sergeant at Arms of the Senate to plan for, acquire, and install telecommunications equipment and services for the Architect with respect to space leased under this subsection.

(e) SUBLEASED SPACE.—

(1) RENTAL RATE.—Space subleased by the Architect under subsection (a)(3) is subject to reimbursement at a rate which is comparable to prevailing rental rates for similar facilities in the area but not less than the rate established under section 6504(b)(2) of this title plus an amount the Architect and the person subleasing the space agree is necessary to pay each year for the cost of administering the Building (including the cost of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) that is attributable to the space.

(2) LIMITATION.—A sublease under subsection (a)(3) must be compatible with the dignity and functions of the judicial branch offices housed in the Building and must not unduly interfere with the activities and operations of the judicial branch agencies housed in the Building. Sections 5104(c) and 5108 of this title do not apply to any space in the Building and other improvements subleased to a non-Government tenant under subsection (a)(3).

(3) COLLECTION OF RENT.—The Architect shall collect rent for space subleased under subsection (a)(3).

(f) DEPOSIT OF RENT AND REIMBURSEMENTS.—Amounts received under subsection (a)(3) (including lease payments and reimbursements) shall be deposited in the account described in section 6507 of this title.

§6507. Account in Treasury

(a) ESTABLISHMENT AND CONTENTS OF SEPARATE ACCOUNT.—There is a separate account in the Treasury. The account includes all amounts deposited in the account under section 6506(f) of this title and amounts appropriated to the account. However, the appropriated amounts may not be more than $2,000,000.

(b) USE OF AMOUNTS.—Amounts in the account are available to the Architect of the Capitol—

(1) for paying expenses for structural, mechanical, and domestic care, maintenance, operation, and utilities of the Thurgood Marshall Federal Judiciary Building and other improvements constructed under this chapter;

(2) for reimbursing the United States Capitol Police for expenses incurred in providing exterior security for the Building and other improvements;

(3) for making lease payments under section 6504 of this title; and

(4) for necessary personnel (including consultants).

CHAPTER 67—PENNSYLVANIA AVENUE DEVELOPMENT

SUBCHAPTER I—TRANSFER AND ASSIGNMENT OF RIGHTS, AUTHORITIES, TITLE, AND INTERESTS

Sec.
6701. Transfer of rights and authorities of Pennsylvania Avenue Development Corporation.
6702. Transfer and assignment of rights, title, and interests in property.

SUBCHAPTER II—PENNSYLVANIA AVENUE DEVELOPMENT

6711. Definition.
6712. Powers of other agencies and instrumentalities in the development area.
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SUBCHAPTER III—FEDERAL TRIANGLE DEVELOPMENT

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SUBCHAPTER I—TRANSFER AND ASSIGNMENT OF RIGHTS, AUTHORITIES, TITLE, AND INTERESTS

§6701. Transfer of rights and authorities of Pennsylvania Avenue Development Corporation

(a) IN GENERAL.—The Administrator of General Services—

(1) may make and perform transactions with an agency or instrumentality of the Federal Government, a State, the District of Columbia, or any person as necessary to carry out the trade center plan at the Federal Triangle Project; and

(2) has all the rights and authorities of the former Pennsylvania Avenue Development Corporation with regard to property transferred from the Corporation to the General Services Administration in fiscal year 1996.

(b) USE OF AMOUNTS AND INCOME.—

(1) ACTIVITIES ASSOCIATED WITH TRANSFERRED RESPONSIBILITIES.—The Administrator may use amounts transferred from the Corporation or income earned on Corporation property for activities associated with carrying out the responsibilities of the Corporation transferred to the Administrator. Any income earned after October 1, 1998, shall be deposited to the Federal Buildings Fund to be available for the purposes authorized under this subchapter, notwithstanding section 592(c)(1) of this title.

(2) EXCESS AMOUNTS OR INCOME.—Any amounts or income the Administrator considers excess to the amount needed to fulfill the responsibilities of the Corporation transferred to the Administrator shall be applied to any outstanding debt the Corporation incurred when acquiring real estate, except debt associated with the Ronald Reagan Building and International Trade Center.

(c) PAYMENT TO DISTRICT OF COLUMBIA.—With respect to real property transferred from the Corporation to the Administrator under section 6702 of this title, the Administrator shall pay to the District of Columbia government, in the same way as previously paid by the Corporation, an amount equal to the amount of real property tax which would have been payable to the government beginning on the date the Corporation acquired the real property if legal title to the property had been held by a private citizen on that date and during all periods to which that date relates.

§6702. Transfer and assignment of rights, title, and interests in property

(a) IN GENERAL.—

(1) LEASES, COVENANTS, AGREEMENTS, AND EASEMENTS.—As provided in this section, the General Services Administration, the National Capital Planning Commission, and the National Park Service have the rights, title, and interest of the Pennsylvania Avenue Development Corporation in and to all leases, covenants, agreements, and easements the Corporation executed before April 1, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1266) and the Federal Triangle Development Act (Public Law 100–113, 101 Stat. 735).

(2) PROPERTY.—The Administration has the rights, title, and interest of the Corporation in and to all property held in the name of the Corporation, except as provided in subsection (c).

(b) GENERAL SERVICES ADMINISTRATION.—

(1) RESPONSIBILITIES.—The responsibilities of the Corporation transferred to the Administration under subsection (a) include—

(A) the collection of revenue owed the Federal Government as a result of real estate sales or lease agreements made by the Corporation and private parties, including—

(i) the Willard Hotel property on Square 225;

(ii) the Gallery Row project on Square 457;

(iii) the Lansburgh's project on Square 431; and

(iv) the Market Square North project on Square 407;

(B) the collection of sale or lease revenue owed the Government from the sale or lease before April 1, 1996, of two undeveloped sites owned by the Corporation on Squares 457 and 406;

(C) the application of collected revenue to repay Treasury debt the Corporation incurred when acquiring real estate;

(D) performing financial audits for projects in which the Corporation has actual or potential revenue expectation, as identified in subparagraphs (A) and (B), in accordance with procedures described in applicable sale or lease agreements;

(E) the disposition of real estate properties which are or become available for sale and lease or other uses;

(F) payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) to which persons in the project area squares are entitled as a result of the Corporation's acquisition of real estate; and

(G) carrying out the responsibilities of the Corporation under subchapter III and the Federal Triangle Development Act (Public Law 100–113, 101 Stat. 735), including responsibilities for managing assets and liabilities of the Corporation under subchapter III and the Act.

(2) POWERS.—In carrying out the responsibilities of the Corporation transferred under this section, the Administrator of General Services may—

(A) acquire land, improvements, and property by purchase, lease or exchange, and sell, lease, or otherwise dispose of any property, as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1269) if a notice of intention to carry out the acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of the transmission;

(B) modify the plan referred to in subparagraph (A) if the modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of the transmission;

(C) maintain any existing Corporation insurance programs;

(D) make and perform transactions with an agency or instrumentality of the Federal Government, a State, the District of Columbia, or any person as necessary to carry out the responsibilities of the Corporation under subchapter III and the Federal Triangle Development Act (Public Law 100–113, 101 Stat. 735);

(E) request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457; and

(F) use all of the amount transferred from the Corporation or income earned on Corporation property to complete any pending development projects.

(c) NATIONAL PARK SERVICE.—

(1) PROPERTY.—The National Park Service has the right, title, and interest in and to the property located in the Pennsylvania Avenue National Historic Site, including the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials, depicted on a map entitled "Pennsylvania Avenue National Historic Park", dated June 1, 1995, and numbered 840–82441. The map shall be on file and available for public inspection in the offices of the Service.

(2) RESPONSIBILITIES.—The Service is responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Site.

(3) SPECIAL EVENTS, FESTIVALS, CONCERTS, OR PROGRAMS.—The Service may—

(A) make transactions with an agency or instrumentality of the Government, a State, the District of Columbia, or any person as considered necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Site; or

(B) establish a nonprofit foundation to solicit amounts for those activities.

(4) JURISDICTION OF DISTRICT OF COLUMBIA.—Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb remains with the District of Columbia but vendors are not permitted to occupy street space except during temporary special events.

(d) NATIONAL CAPITAL PLANNING COMMISSION.—The National Capital Planning Commission is responsible for ensuring that development in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974.

SUBCHAPTER II—PENNSYLVANIA AVENUE DEVELOPMENT

§6711. Definition

In this subchapter, the term "development area" means the area to be developed, maintained, and used in accordance with this subchapter and the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1266) and is the area bounded as follows:

Beginning at a point on the southwest corner of the intersection of Fifteenth Street and E Street Northwest;

thence proceeding east along the southern side of E Street to the southwest corner of the intersection of Thirteenth Street and Pennsylvania Avenue Northwest;

thence southeast along the southern side of Pennsylvania Avenue to a point being the southeast corner of the intersection of Pennsylvania Avenue and Third Street Northwest;

thence north along the eastern side of Third Street to the northeast corner of the intersection of C Street and Third Street Northwest;

thence west along the northern side of C Street to the northeast corner of the intersection of C Street and Sixth Street Northwest;

thence north along the eastern side of Sixth Street to the northeast corner of the intersection of E Street and Sixth Street Northwest;

thence west along the northern side of E Street to the northeast corner of the intersection of E Street and Seventh Street Northwest;

thence north along the eastern side of Seventh Street to the northeast corner of the intersection of Seventh Street and F Street Northwest;

thence west along the northern side of F Street to the northwest corner of the intersection of F Street and Ninth Street Northwest;

thence south along the western side of Ninth Street to the northwest corner of the intersection of Ninth Street and E Street Northwest;

thence west along the northern side of E Street to the northeast corner of the intersection of E Street and Thirteenth Street Northwest;

thence north along the eastern side of Thirteenth Street to the northeast corner of the intersection of F Street and Thirteenth Street Northwest;

thence west along the northern side of F Street to the northwest corner of the intersection of F Street and Fifteenth Street Northwest;

thence north along the western side of Fifteenth Street to the northwest corner of the intersection of Pennsylvania Avenue and Fifteenth Street Northwest;

thence west along the southern side of Pennsylvania Avenue to the southeast corner of the intersection of Pennsylvania Avenue and East Executive Avenue Northwest;

thence south along the eastern side of East Executive Avenue to the intersection of South Executive Place and E Street Northwest;

thence east along the southern side of E Street to the point of beginning.

§6712. Powers of other agencies and instrumentalities in the development area

This subchapter and the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1266) do not preclude other agencies or instrumentalities of the Federal Government or of the District of Columbia from exercising any lawful powers in the development area consistent with the development plan described in section 5(a) of the Act (86 Stat. 1269) or the provisions and purposes of this subchapter and the Act. However, the agency or instrumentality shall not release, modify, or depart from any feature or detail of the development plan without the prior approval of the Administrator of General Services.

§6713. Certification of new construction

New construction (including substantial remodeling, conversion, rebuilding, enlargement, extension, or major structural improvement of existing building, but not including ordinary maintenance or remodeling or changes necessary to continue occupancy) shall not be authorized or conducted within the development area except on prior certification by the Administrator of General Services that the construction is, or may reasonably be expected to be, consistent with the carrying out of the development plan described in section 5(a) of the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1269).

§6714. Relocation services

(a) USE OF DISTRICT OF COLUMBIA GOVERNMENT.—The Administrator of General Services may use the services of the District of Columbia government in the administration of a relocation program pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.). The Administrator shall reimburse the government for the cost of the services.

(b) COORDINATION OF RELOCATION PROGRAMS.—All relocation services performed by or on behalf of the Administrator shall be coordinated with the District of Columbia's central relocation programs.

(c) PREFERENTIAL RIGHTS OF DISPLACED OWNERS AND TENANTS.—An owner or tenant of real property whose residence or business is terminated as a result of acquisitions made pursuant to this subchapter or the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1266) shall be granted a preferential right to lease or purchase from the Administrator similar real property as may become available for a similar use. The preferential right is limited to the parties in interest and is not transferable or assignable.

§6715. Coordination with District of Columbia

(a) LOCAL NEEDS, INITIATIVE, AND PARTICIPATION.—In carrying out the purposes of this subchapter and the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1266), the Administrator of General Services shall—

(1) consult and cooperate with District of Columbia officials and community leaders at the earliest practicable time;

(2) give primary consideration to local needs and desires and to local and regional goals and policies as expressed in urban renewal, community renewal, and comprehensive land use plans and regional plans; and

(3) foster local initiative and participation in connection with the planning and development of projects.

(b) COMPLIANCE WITH LOCAL REQUIREMENTS.—To the extent the Administrator constructs, rehabilitates, alters, or improves any project under this subchapter, the Administrator shall comply with all District of Columbia laws, ordinances, codes, and regulations. Section 8722(d) of this title applies to all construction, rehabilitation, alteration, and improvement of all buildings by the Administrator under this subchapter. Construction, rehabilitation, alteration, and improvement of any project by non-Federal Government sources is subject to the District of Columbia Official Code and zoning regulations.

§6716. Reports

(a) REPORTS TO PRESIDENT AND CONGRESS.—The Administrator of General Services shall transmit comprehensive and detailed reports of the Administrator's operations, activities, and accomplishments under this subchapter to the President and Congress. The Administrator shall transmit a report to the President each January and to the President and Congress at other times that the Administrator considers desirable.

(b) PROTECTION AND ENHANCEMENT OF SIGNIFICANT HISTORIC AND ARCHITECTURAL VALUES.—A report under subsection (a) shall include a detailed discussion of the actions the Administrator has taken in the reporting period to protect and enhance the significant historic and architectural values of structures within the boundaries of the Administrator's jurisdiction under this subchapter and shall indicate similar actions the Administrator plans to take and issues the Administrator anticipates dealing with during the upcoming fiscal year related to historic and architectural preservation. The report shall indicate the degree to which public concern has been considered and incorporated into decisions the Administrator made relative to historic and architectural preservation.

SUBCHAPTER III—FEDERAL TRIANGLE DEVELOPMENT

§6731. Definitions

In this subchapter—

(1) FEDERAL TRIANGLE DEVELOPMENT AREA.—The term "Federal Triangle development area" means the area bounded as follows:

Beginning at a point on the southwest corner of the intersection of Fourteenth Street and Pennsylvania Avenue (formerly E Street), Northwest;

thence south along the western side of Fourteenth Street to the northwest corner of the intersection of Fourteenth Street and Constitution Avenue, Northwest;

thence east along the northern side of Constitution Avenue to the northeast corner of the intersection of Twelfth Street and Constitution Avenue, Northwest;

thence north along the eastern side of Twelfth Street and Constitution Avenue, Northwest;

thence north along the eastern side of Twelfth Street to the southeast corner of the intersection of Twelfth Street and Pennsylvania Avenue, Northwest;

thence west along the southern side of Pennsylvania Avenue to the point of beginning.

(2) FEDERAL TRIANGLE PROPERTY.—The term "Federal Triangle property" means—

(A) the property owned by the Federal Government in the District of Columbia, known as the "Great Plaza" site, which consists of squares 256, 257, 258, parts of squares 259 and 260, and adjacent closed rights-of-way as shown on plate IV of the King Plats of 1803 located in the Office of the Surveyor of the District of Columbia; and

(B) except for purposes of section 6733(a) of this title, any property the Pennsylvania Avenue Development Corporation acquired under section 3(b) of the Federal Triangle Development Act (Public Law 100–113, 101 Stat. 736).

§6732. Federal Triangle development area

The Federal Triangle development area is deemed to be part of the development area described in section 6711 of this title. The Administrator of General Services has the same authority over the Federal Triangle development area as over the development area described in section 6711.

§6733. Federal Triangle property

(a) TITLE.—Title to the Federal Triangle property reverts to the Administrator of General Services not later than the date on which ownership of the Ronald Reagan Building and International Trade Center vests in the Federal Government.

(b) NONAPPLICABILITY OF CERTAIN LAWS.—

(1) BUILDING PERMITS AND INSPECTION.—For purposes of development of the Federal Triangle property, the person selected to develop the property is not subject to any state or local law relating to building permits and inspection.

(2) TAXES AND ASSESSMENTS.—The property and improvements to the property are not subject to real and personal property taxation or to special assessments.

§6734. Ronald Reagan Building and International Trade Center

(a) ESTABLISHMENT AND DESIGNATION.—The building constructed on the Federal Triangle property shall be known and designated as the Ronald Reagan Building and International Trade Center.

(b) TITLE.—The person selected to develop the Federal Triangle property may own the Building for not more than 35 years from the date construction of the Building began. The title to the Building shall be in the Administrator of General Services from the date title to the Federal Triangle property reverts to the Administrator.

(c) LIMITATIONS.—

(1) SIZE OF BUILDING.—The Building (including parking facilities) may not exceed 3,100,000 gross square feet in size.

(2) HEIGHT OF BUILDING.—The height of the Building shall be compatible with the height of surrounding Federal Government buildings.

(3) DESIGN.—The Building shall—

(A) be designed in harmony with historical and Government buildings in the vicinity;

(B) reflect the symbolic importance and historic character of Pennsylvania Avenue and the Nation's Capital; and

(C) represent the dignity and stability of the Government.

(d) CONSTRUCTION STANDARDS.—The Building shall meet all standards applicable to construction of a federal building.

(e) ACCOUNTING SYSTEM.—The Administrator shall maintain an accounting system for operation and maintenance of the Building which will allow accurate projections of the dates and cost of major repairs, improvements, reconstructions, and replacements of the Building and other capital expenditures on the Building. The Administrator shall act as necessary to ensure that amounts are available to cover the projected cost and expenditures.

(f) LEASE OF BUILDING.—

(1) LEASE AGREEMENT.—Under an agreement with the person selected to construct the Ronald Reagan Building and International Trade Center, the Administrator shall lease the Building for federal office space and the international cultural and trade center space.

(2) MINIMUM REQUIREMENTS OF LEASE AGREEMENT.—The agreement includes at a minimum the following:

(A) LIMIT ON LENGTH OF LEASE.—The Administrator will lease the Building for the period of time that the person selected to construct the Building owns the Building.

(B) RENTAL RATE.—The rental rate per square foot of occupiable space for all space in the Building will be in the best interest of the Government and will carry out the objectives of this subchapter and the Federal Triangle Development Act (Public Law 100–113, 101 Stat. 735). The aggregate rental rate for all space in the Building shall produce an amount at least equal to the amount necessary to amortize the cost of development of the Federal Triangle property over the life of the lease.

(C) OBLIGATION OF AMOUNTS.—Obligation of amounts from the Federal Building Fund shall only be made on an annual basis to meet lease payments.

(3) AUTHORIZATION TO OBLIGATE AMOUNTS.—Amounts may be obligated as described in paragraph (2)(C).

CHAPTER 69—UNION STATION REDEVELOPMENT

SUBCHAPTER I—UNION STATION COMPLEX

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6901. Definition.
6902. Assignment of right, title, and interest in the Union Station complex to the Secretary of Transportation.

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6905. Service on board of directors of Union Station Redevelopment Corporation.
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6907. Use of other appropriated amounts.
6908. Parking facility.
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6910. Authorization of appropriations.

SUBCHAPTER II—NATIONAL VISITOR FACILITIES ADVISORY COMMISSION

6921. Establishment, composition, and meetings.
6922. Duties.
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SUBCHAPTER I—UNION STATION COMPLEX

§6901. Definition

In this subchapter, the term "Union Station complex" means real property, air rights, and improvements the Secretary of the Interior leased under sections 101–110 of the National Visitors Center Facilities Act of 1968 (Public Law 90-264, 82 Stat. 43) and property acquired and improvements made in accordance with this subchapter.

§6902. Assignment of right, title, and interest in the Union Station complex to the Secretary of Transportation

The Secretary of Transportation has the right, title, and interest in and to the Union Station complex, including all agreements and leases made under sections 101–110 of the National Visitors Center Facilities Act of 1968 (Public Law 90-264, 82 Stat. 43). To the extent the Secretary of Transportation and the Secretary of the Interior agree, the Secretary of the Interior may lease space for visitor services.

§6903. Agreements and contracts

The Secretary of Transportation may make agreements and contracts, except an agreement or contract to sell property rights at the Union Station complex, with a person, a federal, regional, or local agency, or the Architect of the Capitol that the Secretary considers necessary or desirable to carry out the purposes of this subchapter.

§6904. Acquisition, maintenance, and use of property

(a) ACQUISITION.—The Secretary of Transportation may acquire for the Federal Government an interest in real property (including easements or reservations) and any other property interest (including contract rights) in or relating or adjacent to the Union Station complex that the Secretary considers necessary to carry out the purposes of this subchapter.

(b) MAINTENANCE AND USE.—The Secretary may maintain, use, operate, manage, and lease, either directly, by contract, or through development agreements, any property interest the Secretary holds or acquires for the Government under this subchapter in the manner and subject to the terms, conditions, covenants, and easements that the Secretary considers necessary or desirable to carry out the purposes of this subchapter.

§6905. Service on board of directors of Union Station Redevelopment Corporation

To further the rehabilitation, redevelopment, and operation of the Union Station complex, the Secretary of Transportation and the Administrator of the Federal Railroad Administration may serve as ex officio members of the board of directors of the Union Station Redevelopment Corporation.

§6906. Union Station Fund

(a) ESTABLISHMENT.—There is a special deposit account in the Treasury known as the "Union Station Fund", which shall be administered as a revolving fund.

(b) CONTENT.—The account shall be credited with receipts of the Secretary of Transportation from activities authorized by this subchapter.

(c) USE OF AMOUNTS.—The Secretary may use income and proceeds received from activities authorized by this subchapter, including operating and leasing income and payments made to the Federal Government under development agreements, to pay expenses the Secretary incurs in carrying out the purposes of this subchapter, including construction, acquisition, leasing, operation, and maintenance expenses and payments made to developers under development agreements.

(d) AVAILABILITY OF AMOUNTS.—The balance in the account is available in amounts specified in annual appropriation laws for making expenditures authorized by this subchapter.

§6907. Use of other appropriated amounts

(a) WAIVER OF COST SHARING REQUIREMENT.—The Secretary of Transportation may use amounts appropriated under section 24909(a)(2)(A) of title 49 to carry out the purposes of this subchapter.

(b) BAN ON USING AMOUNTS FOR HELIPORT.—Amounts appropriated under section 24909 of title 49 may not be used for design, construction, or operation of a heliport at or near Union Station.

§6908. Parking facility

(a) TITLE.—The Federal Government has the right, title, and interest in and to the parking facility at Union Station.

(b) FEES.—The rate of fees charged for use of the facility may exceed the rate required for maintenance and operation of the facility. The rate shall be established in a manner that encourages use of the facility by rail passengers and participants in activities in the Union Station complex and area.

§6909. Supplying steam or chilled water to Union Station complex

The Architect of the Capitol may make agreements with the Secretary of Transportation to furnish steam, chilled water, or both from the Capitol Power Plant to the Union Station complex, at no expense to the legislative branch.

§6910. Authorization of appropriations

Amounts necessary to meet lease and other obligations, including maintenance requirements, incurred by the Secretary of the Interior and assigned to the Secretary of Transportation under this subchapter may be appropriated to the Secretary of Transportation.

SUBCHAPTER II—NATIONAL VISITOR FACILITIES ADVISORY COMMISSION

§6921. Establishment, composition, and meetings

(a) ESTABLISHMENT.—There is a National Visitor Facilities Advisory Commission.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The Commission is composed of—

(A) the Secretary of the Interior;

(B) the Administrator of General Services;

(C) the Secretary of the Smithsonian Institution;

(D) the Chairman of the National Capital Planning Commission;

(E) the Chairman of the Commission of Fine Arts;

(F) six Members of the Senate, three from each party, to be appointed by the President of the Senate;

(G) six Members of the House of Representatives, three from each party, to be appointed by the Speaker of the House of Representatives; and

(H) three individuals appointed by the President, at least two of whom shall not be officers of the Federal Government, and one member of whom shall be a representative of the District of Columbia government.

(2) CHAIRMAN.—The Secretary of the Interior serves as the Chairman of the Commission.

(3) SERVICE OF NON-FEDERAL MEMBERS.—Non-federal members serve at the pleasure of the President.

(c) MEETINGS.—The Commission shall meet at the call of the Chairman.

§6922. Duties

(a) IN GENERAL.—The National Visitor Facilities Advisory Commission shall—

(1) conduct continuing investigations and studies of sites and plans to provide additional facilities and services for visitors and students coming to the Nation's Capital; and

(2) advise the Secretary of the Interior and the Administrator of General Services on the planning, construction, acquisition, and operation of those visitor facilities.

(b) STAFF AND FACILITIES.—The Director of the National Park Service, in consultation with the Administrator, shall provide the necessary staff and facilities to assist the Commission in carrying out its duties under this subchapter.

§6923. Compensation and expenses

Members of the National Visitor Facilities Advisory Commission who are not officers or employees of the Federal Government or the government of the District of Columbia are entitled to receive compensation under section 3109 of title 5 and expenses under section 5703 of title 5.

§6924. Reports and recommendations

The National Visitor Facilities Advisory Commission shall report to the Secretary of the Interior and the Administrator of General Services the results of its studies and investigations. A report recommending additional facilities for visitors shall include the Commission's recommendations as to sites for the facilities to be provided, preliminary plans, specifications, and architectural drawings for the facilities, and the estimated cost of the recommended sites and facilities.

PART D—PUBLIC BUILDINGS, GROUNDS, AND PARKS IN THE DISTRICT OF COLUMBIA

CHAPTER 81—ADMINISTRATIVE

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SUBCHAPTER I—GENERAL

§8101. Supervision of public buildings and grounds in District of Columbia not otherwise provided for by law

(a) IN GENERAL.—Under regulations the President prescribes, the Administrator of General Services shall have charge of the public buildings and grounds in the District of Columbia, except those buildings and grounds which otherwise are provided for by law.

(b) NOTICE OF UNLAWFUL OCCUPANCY.—If the Administrator, or the officer under the direction of the Administrator who is in immediate charge of those public buildings and grounds, decides that an individual is unlawfully occupying any part of that public land, the Administrator or officer in charge shall notify the United States marshal for the District of Columbia in writing of the unlawful occupation.

(c) EJECTION OF TRESPASSER.—The marshal shall have the trespasser ejected from the public land and shall restore possession of the land to the officer charged by law with the custody of the land.

§8102. Protection of Federal Government buildings in District of Columbia

The Attorney General and the Secretary of the Treasury may prohibit—

(1) a vehicle from parking or standing on a street or roadway adjacent to a building in the District of Columbia—

(A) at least partly owned or possessed by, or leased to, the Federal Government; and

(B) used by law enforcement authorities subject to their jurisdiction; and

(2) a person or entity from conducting business on property immediately adjacent to a building described in paragraph (1).

§8103. Application of District of Columbia laws to public buildings and grounds

(a) APPLICATION OF LAWS.—Laws and regulations of the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and public grounds belonging to the Federal Government in the District of Columbia.

(b) PENALTIES.—A person shall be fined under title 18, imprisoned for not more than six months, or both if the person—

(1) is guilty of disorderly and unlawful conduct in or about those public buildings or public grounds;

(2) willfully injures the buildings or shrubs;

(3) pull downs, impairs, or otherwise injures any fence, wall, or other enclosure;

(4) injures any sink, culvert, pipe, hydrant, cistern, lamp, or bridge; or

(5) removes any stone, gravel, sand, or other property of the Government, or any other part of the public grounds or lots belonging to the Government in the District of Columbia.

§8104. Regulation of private and semipublic buildings adjacent to public buildings and grounds

(a) FACTORS FOR DEVELOPMENT.—In view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed on Congress in connection with establishing the seat of the National Government, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, the development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance.

(b) SUBMISSION OF APPLICATION TO COMMISSION OF FINE ARTS.—The Mayor of the District of Columbia shall submit to the Commission on Fine Arts an application for a permit to erect or alter any building, a part of which fronts or abuts on the grounds of the Capitol, the grounds of the White House, the part of Pennsylvania Avenue extending from the Capitol to the White House, Lafayette Park, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, or The Mall Park System and public buildings adjacent to the System, or abuts on any street bordering any of those grounds or parks, so far as the plans relate to height and appearance, color, and texture of the materials of exterior construction.

(c) REPORT TO MAYOR.—The Commission shall report promptly its recommendations to the Mayor, including any changes the Commission decides are necessary to prevent reasonably avoidable impairment of the public values belonging to the public building or park. If the Commission fails to report its approval or disapproval of a plan within 30 days, the report is deemed approved and a permit may be issued.

(d) ACTION BY THE MAYOR.—The Mayor shall take action the Mayor decides is necessary to effect reasonable compliance with the recommendation under subsection (c).

§8105. Approval by Administrator of General Services

Subject to applicable provisions of existing law relating to the functions in the District of Columbia of the National Capital Planning Commission and the Commission of Fine Arts, only the Administrator of General Services is required to approve sketches, plans, and estimates for buildings to be constructed by the Administrator, except that the Administrator and the United States Postal Service must approve buildings designed for post-office purposes.

§8106. Buildings on reservations, parks, or public grounds

A building or structure shall not be erected on any reservation, park, or public grounds of the Federal Government in the District of Columbia without express authority of Congress.

§8107. Advertisements and sales in or around Washington Monument

Except on the written authority of the Director of the National Park Service, advertisements of any kind shall not be displayed, and articles of any kind shall not be sold, in or around the Washington Monument.

§8108. Use of public buildings for public ceremonies

Except as expressly authorized by law, public buildings in the District of Columbia (other than the Capitol Building and the White House), and the approaches to those public buildings, shall not be used or occupied in connection with ceremonies for the inauguration of the President or other public functions.

SUBCHAPTER II—JURISDICTION

§8121. Improper appropriation of streets

(a) AUTHORITY.—The Secretary of the Interior shall—

(1) prevent the improper appropriation or occupation of any public street, avenue, square, or reservation in the District of Columbia that belongs to the Federal Government;

(2) reclaim the street, avenue, square, or reservation if unlawfully appropriated;

(3) prevent the erection of any permanent building on property reserved to or for the use of the Government, unless plainly authorized by law; and

(4) report to Congress at the beginning of each session on the Secretary's proceedings in the premises, together with a full statement of all property described in this subsection, and how, and by what authority, the property is occupied or claimed.

(b) APPLICATION.—This section does not interfere with the temporary and proper occupation of any part of the property described in subsection (a), by lawful authority, for the legitimate purposes of the Government.

§8122. Jurisdiction over portion of Constitution Avenue

The Director of the National Park Service has jurisdiction over that part of Constitution Avenue west of Virginia Avenue that was under the control of the Commissioners of the District of Columbia prior to May 27, 1908.

§8123. Record of transfer of jurisdiction between Director of National Park Service and Mayor of District of Columbia

When in accordance with law or mutual legal agreement, spaces or portions of public land are transferred between the jurisdiction of the Director of the National Park Service, as established by the Act of July 1, 1898 (ch. 543, 30 Stat. 570), and the Mayor of the District of Columbia, the letters of transfer and acceptance exchanged between them are sufficient authority for the necessary change in the official maps and for record when necessary.

§8124. Transfer of jurisdiction between Federal and District of Columbia authorities

(a) TRANSFER OF JURISDICTION.—Federal and District of Columbia authorities administering properties in the District that are owned by the Federal Government or by the District may transfer jurisdiction over any part of the property among or between themselves for purposes of administration and maintenance under conditions the parties agree on. The National Capital Planning Commission shall recommend the transfer before it is completed.

(b) REPORT TO CONGRESS.—The District authorities shall report all transfers and agreements to Congress.

(c) CERTAIN LAWS NOT REPEALED.—Subsection (a) does not repeal any law in effect on May 20, 1932, which authorized the transfer of jurisdiction of certain land among and between federal and District authorities.

§8125. Public spaces resulting from filling of canals

The Director of the National Park Service has jurisdiction over all public spaces resulting from the filling of canals in the original city of Washington that were not under the jurisdiction of the Chief of Engineers of the United States Army as of August 1, 1914, except spaces included in the navy yard or in actual use as roadways and sidewalks and spaces assigned by law to the District of Columbia for use as a property yard and the location of a sewage pumping station. The spaces shall be laid out as reservations as a part of the park system of the District of Columbia.

§8126. Temporary occupancy of Potomac Park by Secretary of Agriculture

(a) NOT MORE THAN 75 ACRES.—The Director of the National Park Service may allow the Secretary of Agriculture to temporarily occupy as a testing ground not more than 75 acres of Potomac Park not needed in any one season for reclamation or park improvement. The Secretary shall vacate the area at the close of any season on the request of the Director.

(b) CONTINUE AS PUBLIC PARK UNDER DIRECTOR.—This section does not change the essential character of the land used, which shall continue to be a public park under the charge of the Director.

§8127. Part of Washington Aqueduct for playground purposes

(a) JURISDICTION OF MAYOR.—The Mayor of the District of Columbia has possession, control, and jurisdiction of the land of the Washington Aqueduct adjacent to the Champlain Avenue pumping station and lying outside of the fence around the pumping station as it—

(1) existed on August 31, 1918; and

(2) was transferred by the Chief of Engineers for playground purposes.

(b) JURISDICTION OF SECRETARY OF THE ARMY NOT AFFECTED.—This section does not affect the superintendence and control of the Secretary of the Army over the Washington Aqueduct and the rights, appurtenances, and fixtures connected with the Aqueduct.

SUBCHAPTER III—SERVICES FOR FACILITIES

§8141. Contract to rent buildings in the District of Columbia not to be made until appropriation enacted

A contract shall not be made for the rent of a building, or part of a building, to be used for the purposes of the Federal Government in the District of Columbia until Congress enacts an appropriation for the rent. This section is deemed to be notice to all contractors or lessors of the building or a part of the building.

§8142. Rent of other buildings

An executive department of the Federal Government renting a building for public use in the District of Columbia may rent a different building instead if it is in the public interest to do so. This section does not authorize an increase in the number of buildings in use or in the amount paid for rent.

§8143. Heat

(a) CORCORAN GALLERY OF ART.—The Administrator of General Services may furnish heat from the central heating plant to the Corcoran Gallery of Art, if the Corcoran Gallery of Art agrees to—

(1) pay for heat furnished at rates the Administrator determines; and

(2) connect the building with the Federal Government mains in a manner satisfactory to the Administrator.

(b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The Administrator may furnish steam from the central heating plant for the use of the Board of Governors of the Federal Reserve System on the property which the Board acquired in squares east of 87 and east of 88 in the District of Columbia if the Board agrees to—

(1) pay for the steam furnished at reasonable rates the Administrator determines but that are at least equal to cost; and

(2) provide the necessary connections with the Government mains at its own expense and in a manner satisfactory to the Administrator.

(c) NON-FEDERAL PUBLIC BUILDINGS.—The Administrator shall determine the rates to be paid for steam furnished to the Corcoran Gallery of Art, the Pan American Union Buildings, the American Red Cross Buildings, and other non-federal public buildings authorized to receive steam from the central heating plant.

§8144. Delivery of fuel for use during ensuing fiscal year

During April, May, and June of each year, the Administrator of General Services may deliver to all branches of the Federal Government and the government of the District of Columbia as much fuel for their use during the following fiscal year as may be practicable to store at the points of consumption. The branches of the Federal Government and the government of the District of Columbia shall pay for the fuel from their applicable appropriations for that fiscal year.

SUBCHAPTER IV—MISCELLANEOUS

§8161. Reservation of parking spaces for Members of Congress

The Council of the District of Columbia shall designate, reserve, and properly mark appropriate and sufficient parking spaces on the streets adjacent to all public buildings in the District for the use of Members of Congress engaged in public business.

§8162. Ailanthus trees prohibited

Ailanthus trees shall not be purchased for, or planted in, the public grounds.

§8163. Use of greenhouses and nursery for trees, shrubs, and plants

The greenhouses and nursery shall be used only for the propagation of trees, shrubs, and plants suitable for planting in the public reservations. Only those trees, shrubs, and plants shall be planted in the public reservations.

§8164. E. Barrett Prettyman United States Courthouse

(a) OPERATION, MAINTENANCE, AND REPAIR.—The operation, maintenance, and repair of the E. Barrett Prettyman United States Courthouse, used by the United States Court of Appeals for the District of Columbia and the United States District Court for the District of Columbia, is under the control of the Administrator of General Services.

(b) ALLOCATION OF SPACE.—The allocation of space in the Courthouse is vested in the chief judge of the United States Court of Appeals for the District of Columbia and the chief judge of the United States District Court for the District of Columbia.

§8165. Services for Office of Personnel Management

For carrying out the work of the Director of the Office of Personnel Management and the examinations provided for in sections 3304 and 3305 of title 5, the Administrator of General Services shall—

(1) assign or provide suitable and convenient rooms and accommodations, which are furnished, heated, and lighted, in Washington, D.C.;

(2) supply necessary stationery and other articles; and

(3) arrange for or provide necessary printing.

CHAPTER 83—WASHINGTON METROPOLITAN REGION DEVELOPMENT

Sec.

8301. Definition.

8302. Necessity for coordination in the development of the Washington metropolitan region.

8303. Declaration of policy of coordinated development and management.

8304. Priority projects.

§8301. Definition

In this chapter, the term "Washington metropolitan region" includes the District of Columbia, the counties of Montgomery and Prince Georges in Maryland, and the counties of Arlington and Fairfax and the cities of Alexandria and Falls Church in Virginia.

§8302. Necessity for coordination in the development of the Washington metropolitan region

Because the District of Columbia is the seat of the Federal Government and has become the urban center of a rapidly expanding Washington metropolitan region, the necessity for the continued and effective performance of the functions of the Government in the District of Columbia, the general welfare of the District of Columbia, the health and living standards of the people residing or working in the District of Columbia, and the conduct of industry, trade, and commerce in the District of Columbia require that to the fullest extent possible the development of the District of Columbia and the management of its public affairs, and the activities of the departments, agencies, and instrumentalities of the Government which may be carried out in, or in relation to, the other areas of the Washington metropolitan region, shall be coordinated with the development of those other areas and with the management of their public affairs so that, with the cooperation and assistance of those other areas, all of the areas in the Washington metropolitan area shall be developed and their public affairs shall be managed so as to contribute effectively toward the solution of the community development problems of the Washington metropolitan region on a unified metropolitan basis.

§8303. Declaration of policy of coordinated development and management

The policy to be followed for the attainment of the objective established by section 8302 of this title, and for the more effective exercise by Congress, the executive branch of the Federal Government, the Mayor of the District of Columbia, and all other officers, agencies, and instrumentalities of the District of Columbia of their respective functions, powers, and duties in respect of the Washington metropolitan region, shall be that the functions, powers, and duties shall be exercised and carried out in a manner that (with proper recognition of the sovereignty of Maryland and Virginia in respect of those areas of the Washington metropolitan region that are located within their respective jurisdictions) will best facilitate the attainment of the coordinated development of the areas of the Washington metropolitan area and the coordinated management of their public affairs so as to contribute effectively to the solution of the community development problems of the Washington metropolitan region on a unified metropolitan basis.

§8304. Priority projects

In carrying out the policy pursuant to section 8303 of this title for the attainment of the objective established by section 8302 of this title, priority should be given to the solution, on a unified metropolitan basis, of the problems of water supply, sewage disposal, and water pollution and transportation.

CHAPTER 85—NATIONAL CAPITAL SERVICE AREA AND DIRECTOR

Sec.

8501. National Capital Service Area.

8502. National Capital Service Director.

§8501. National Capital Service Area

(a) ESTABLISHMENT.—

(1) BOUNDARIES.—The National Capital Service Area is in the District of Columbia and includes the principal federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described as the area bounded as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt

Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the northern side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Washington Avenue Southwest and South Capitol Street;

thence northwest on Washington Avenue Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the mid-channel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northern most point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(2) STREETS AND SIDEWALKS INCLUDED.—Where the area in paragraph (1) is bounded by a street, the street, and any sidewalk of the street, are included in the area.

(3) FEDERAL PROPERTY THAT AFFRONTED OR ABUTTED THE AREA DEEMED TO BE IN THE AREA.—Federal real property that on December 24, 1973, affronted or abutted the area described in paragraph (1) is deemed to be in the area. For the purposes of this paragraph, federal real property affronting or abutting the area described in paragraph (1)—

(A) is deemed to include Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) does not include any area situated outside of the District of Columbia boundary as it existed immediately prior to December 24, 1973, any part of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any part of the Rock Creek Park.

(b) APPLICABILITY OF OTHER PROVISIONS.—

(1) PROVISIONS COVERING BUILDINGS AND GROUNDS IN AREA NOT AFFECTED.— Except to the extent specifically provided by this section, this section does not—

(A) apply to the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102, any other buildings and grounds under the care of the Architect of the Capitol, the Supreme Court Building and grounds as described in section 6101 of this title, and the Library of Congress buildings and grounds as defined in section 11 of the Act of August 4, 1950 (2 U.S.C. 167j); and

(B) repeal, amend, alter, modify, or supersede—

(i) chapter 51 of this title, section 9, 9A, 9B, 9C or 14 of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), any other general law of the United States, any law enacted by Congress and applicable exclusively to the District of Columbia, or any rule or regulation prescribed pursuant to any of those provisions, that was in effect on January 1, 1975, and that pertained to those buildings and grounds; or

(ii) any authority which existed on December 24, 1973, with respect to those buildings and grounds and was vested on January 1, 1975, in the Senate, the House of Representatives, Congress, any committee, commission, or board of the Senate, the House of Representatives, or Congress, the Architect of the Capitol or any other officer of the legislative branch, the Chief Justice of the United States, the Marshal of the Supreme Court, or the Librarian of Congress.

(2) CONTINUED APPLICATION OF LAWS, REGULATIONS, AND RULES.—Except to the extent otherwise specifically provided in this section, all general laws of the United States and all laws enacted by the Congress and applicable exclusively to the District of Columbia, including regulations and rules prescribed pursuant to any of those laws, that were in effect on January 1, 1975, and which applied to and in the areas included in the National Capital Service Area pursuant to this section continue to be applicable to and in the National Capital Service Area in the same manner and to the same extent as if this section had not been enacted and remain applicable until repealed, amended, altered, modified, or superseded.

(c) AVAILABILITY OF SERVICES AND FACILITIES.—As far as practicable, any service or facility authorized by the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 774) to be rendered or furnished (including maintenance of streets and highways, and services under section 1537 of title 31) shall be made available to the Senate, the House of Representatives, Congress, any committee, commission, or board of the Senate, the House of Representatives, or Congress, the Architect of the Capitol, any other officer of the legislative branch who on January 1, 1975, was vested with authority over those buildings and grounds, the Chief Justice of the United States, the Marshal of the Supreme Court, and the Librarian of Congress on their request. If payment would be required for the rendition or furnishing of a similar service or facility to any other federal agency, the recipient, on presentation of proper vouchers and as agreed on by the parties, shall pay for the service or facility in advance or by reimbursement.

(d) RIGHT TO PARTICIPATE IN ELECTION NOT AFFECTED BY RESIDENCY.—An individual may not be denied the right to vote or otherwise participate in any manner in any election in the District of Columbia solely because the individual resides in the National Capital Service Area.

§8502. National Capital Service Director

(a) ESTABLISHMENT AND COMPENSATION.—There is in the Executive Office of the President the National Capital Service Director who shall be appointed by the President. The Director shall receive compensation at the maximum rate established for level IV of the Executive Schedule under section 5314 of title 5.

(b) PERSONNEL.—The Director may appoint and fix the rate of compensation of necessary personnel, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5.

(c) DUTIES.—

(1) PRESIDENT.—The President, through the Director and using District of Columbia governmental services to the extent practicable, shall ensure that there is provided in the area described in section 8501(a) of this title adequate fire protection and sanitation services.

(2) DIRECTOR.—Except with respect to that part of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102, the Supreme Court Building and grounds as described in section 6101 of this title,

and the Library of Congress buildings and grounds as defined in section 11 of the Act of August 4, 1950 (2 U.S.C. 167j), the Director shall ensure that there is provided in the remainder of the area described in section 8501(a) of this title adequate police protection and maintenance of streets and highways.

CHAPTER 87—PHYSICAL DEVELOPMENT OF NATIONAL CAPITAL REGION

SUBCHAPTER I—GENERAL

Sec.
8701. Findings and purposes.
8702. Definitions.

SUBCHAPTER II—PLANNING AGENCIES

8711. National Capital Planning Commission.
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SUBCHAPTER III—PLANNING PROCESS

8721. Comprehensive plan for the National Capital.
8722. Proposed federal and district developments and projects.
8723. Capital improvements.
8724. Zoning regulations and maps.
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SUBCHAPTER IV—ACQUIRING AND DISPOSING OF LAND

8731. Acquiring land for park, parkway, or playground purposes.
8732. Acquiring land subject to limited rights reserved to grantor and limited permanent rights in land adjoining park property.
8733. Lease of land acquired for park, parkway, or playground purposes.
8734. Sale of land by Mayor.
8735. Sale of land by Secretary of the Interior.
8736. Execution of deeds.
8737. Authorization of appropriations.

SUBCHAPTER I—GENERAL

§8701. Findings and purposes

(a) FINDINGS.—Congress finds that—

(1) the location of the seat of government in the District of Columbia has brought about the development of a metropolitan region extending well into adjoining territory in Maryland and Virginia;

(2) effective comprehensive planning is necessary on a regional basis and of continuing importance to the federal establishment;

(3) the distribution of federal installations throughout the region has been and will continue to be a major influence in determining the extent and character of development;

(4) there is needed a central planning agency for the National Capital region to coordinate certain developmental activities of the many different agencies of the Federal and District of Columbia Governments so that those activities may conform with general objectives;

(5) there is an increasing mutuality of interest and responsibility between the various levels of government that calls for coordinate and unified policies in planning both federal and local development in the interest of order and economy;

(6) there are developmental problems of an interstate character, the planning of which requires collaboration between federal, state, and local governments in the interest of equity and constructive action; and

(7) the instrumentalities and procedures provided in this chapter will aid in providing Congress with information and advice requisite to legislation.

(b) PURPOSES.—

(1) IN GENERAL.—The purposes of this chapter (except sections 8733–8736) are—

(A) to secure comprehensive planning for the physical development of the National Capital and its environs;

(B) to provide for the participation of the appropriate planning agencies of the environs in the planning; and

(C) to establish the agency and procedures requisite to the administration of the functions of the Federal and District Governments related to the planning.

(2) OBJECTIVE.—The general objective of this chapter (except sections 8733–8736) is to enable appropriate agencies to plan for the development of the federal establishment at the seat of government in a manner—

(A) consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining States and local governments to exercise control appropriate to their functions; and

(B) which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development.

§8702. Definitions

In this chapter—

(1) ENVIRONS.—The term "environs" means the territory surrounding the District of Columbia included in the National Capital region.

(2) NATIONAL CAPITAL.—The term "National Capital" means the District of Columbia and territory the Federal Government owns in the environs.

(3) NATIONAL CAPITAL REGION.—The term "National Capital region" means—

(A) the District of Columbia;

(B) Montgomery and Prince Georges Counties in Maryland;

(C) Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and

(D) all cities in Maryland or Virginia in the geographic area bounded by the outer boundaries of the combined area of the counties listed in subparagraphs (B) and (C).

(4) PLANNING AGENCY.—The term "planning agency" means any city, county, bi-county, part-county, or regional planning agency authorized under state and local laws to make and adopt comprehensive plans.

SUBCHAPTER II—PLANNING AGENCIES

§8711. National Capital Planning Commission

(a) ESTABLISHMENT AND PURPOSE.—The National Capital Planning Commission is the central federal planning agency for the Federal Government in the National Capital, created to preserve the important historical and natural features of the National Capital, except for the United States Capitol Buildings and Grounds (as defined and described in sections 5101 and 5102), any extension of, or additions to, those Buildings and Grounds, and buildings and grounds under the care of the Architect of the Capitol.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The National Capital Planning Commission is composed of—

(A) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of General Services, the Mayor of the District of Columbia, the Chairman of the Council of the District of Columbia, the chairman of the Committee on Governmental Affairs of the Senate, and the chairman of the Committee on Government Reform of the House of Representatives, or an alternate any of those individuals designates; and

(B) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Mayor.

(2) RESIDENCY REQUIREMENT.—The citizen members appointed by the Mayor shall be residents of the District of Columbia. Of the three appointed by the President, at least one shall be a resident of Virginia and at least one shall be a resident of Maryland.

(3) TERMS.—An individual appointed by the President serves for six years. An individual appointed by the Mayor serves for four years. An individual appointed to fill a vacancy shall be appointed only for the unexpired term of the individual being replaced.

(4) PAY AND EXPENSES.—Citizen members are entitled to $100 a day when performing duties vested in the Commission and to reimbursement for necessary expenses incurred in performing those duties.

(c) CHAIRMAN AND OFFICERS.—The President shall designate the Chairman of the National Capital Planning Commission. The Commission may elect from among its members other officers as it considers desirable.

(d) PERSONNEL.—The National Capital Planning Commission may employ a Director, an executive officer, and other technical and administrative personnel as it considers necessary. Without regard to section 3709 of the Revised Statues (41 U.S.C. 5) and section 3109, chapters 33 and 51, and subchapter III of chapter 53, of title 5, the Commission may employ, by contract or otherwise, the temporary or intermittent (not more than one year) services of city planners, architects, engineers, appraisers, and other experts or organizations of experts, as may be necessary to carry out its functions. The Commission shall fix the rate of compensation so as not to exceed the rate usual for similar services.

(e) PRINCIPAL DUTIES.—The principal duties of the National Capital Planning Commission include—

(1) preparing, adopting, and amending a comprehensive plan for the federal activities in the National Capital and making related recommendations to the appropriate developmental agencies; and

(2) serving as the central planning agency for the Government within the National Capital region and reviewing the development programs of the developmental agencies to advise as to consistency with the comprehensive plan.

(f) TRANSFER OF OTHER FUNCTIONS, POWERS, AND DUTIES.—The National Capital Planning Commission shall carry out all other functions, powers, and duties of the National Capital Park and Planning Commission, including those formerly vested in the Highway Commission established by the Act of March 2, 1893 (ch. 197, 27 Stat. 532), and those formerly vested in the National Capital Park Commission by the Act of June 6, 1924 (ch. 270, 43 Stat. 463).

(g) ESTIMATE.—The National Capital Planning Commission shall submit to the Office of Management and Budget before December 16 of each year its estimate of the total amount to be appropriated for expenditure under this chapter (except sections 8732–8736) during the next fiscal year.

(h) FEES.—The National Capital Planning Commission may charge fees to cover the full cost of Geographic Information System products and services the Commission supplies. The fees shall be credited to the applicable appropriation account as an offsetting collection and remain available until expended.

§8712. Mayor of the District of Columbia

(a) PLANNING RESPONSIBILITIES.—The Mayor of the District of Columbia is the central planning agency for the government of the District of Columbia in the National Capital and is responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to—

(1) federal or international projects and developments in the District, as determined by the National Capital Planning Commission; or

(2) the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102, any extension of, or additions to, those Buildings and Grounds, and buildings and grounds under the care of the Architect of the Capitol.

(b) Participation and Consultation.—In carrying out the responsibilities under this section and section 8721 of this title, the Mayor shall establish procedures for citizen participation in the planning process and for appropriate meaningful consultation with any state or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan, including amendments, affecting or relating to the District.

SUBCHAPTER III—PLANNING PROCESS

§8721. Comprehensive plan for the National Capital

(a) Preparation and Adoption by Commission.—The National Capital Planning Commission shall prepare and adopt a comprehensive, consistent, and coordinated plan for the National Capital. The plan shall include the Commission's recommendations or proposals for federal developments or projects in the environs and District elements of the comprehensive plan, or amendments to the elements, adopted by the Council of the District of Columbia and with respect to which the Commission has not determined a negative impact exists. Those elements or amendments shall be incorporated into the comprehensive plan without change. The Commission may include in its plan any part of a plan adopted by any planning agency in the environs and may make recommendations of collateral interest to the agencies. The Commission may adopt any part of an element. The Commission shall review and may amend or extend the plan so that its recommendations may be kept up to date.

(b) Review by District of Columbia.—The Mayor of the District of Columbia shall submit each District element of the comprehensive plan, and any amendment, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit each element or amendment to the Commission for review and comment with regard to the impact of the element or amendment on the interests or functions of the federal establishment in the National Capital.

(c) Commission Response to Council Action.—

(1) Period of review.—Within 60 days after receiving an element or amendment from the Council, the Commission shall certify to the Council whether the element or amendment has a negative impact on the interests or functions of the federal establishment in the National Capital.

(2) No negative impact.—If the Commission takes no action in the 60-day period, the element or amendment is deemed to have no negative impact and shall be incorporated into the comprehensive plan for the National Capital and implemented.

(3) Negative impact.—

(A) Certification to council.—If the Commission finds a negative impact, it shall certify its findings and recommendations to the Council.

(B) Response of council.—On receipt of the Commission's findings and recommendations, the Council may—

(i) accept the findings and recommendations and modify the element or amendment accordingly; or

(ii) reject the findings and recommendations and resubmit a modified form of the element or amendment to the Commission for reconsideration.

(C) Findings and recommendations accepted.—If the Council accepts the findings and recommendations and modifies the element or amendment, the Council shall submit the element or amendment to the Commission for the Commission to determine whether the modification has been made in accordance with the Commission's findings and recommendations. If the Commission does not act on the modified element or amendment within 30 days after receiving it, the element or amendment is deemed to have been modified in accordance with the findings and recommendations and shall be incorporated into the comprehensive plan for the National Capital and implemented. If within the 30-day period the Commission again determines the element or amendment has a negative impact on the functions or interests of the federal establishment in the National Capital, the element or amendment shall not be implemented.

(D) Findings and recommendations rejected.—If the Council rejects the findings and recommendations and resubmits a modified element or amendment, the Commission, within 60 days after receiving it, shall decide whether the modified element or amendment has a negative impact on the interests or functions of the federal establishment within the National Capital. If the Commission does not act within the 60-day period, the modified element or amendment is deemed to have no negative impact and shall be incorporated into the comprehensive plan and implemented. If the Commission finds a negative impact, it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council and the element or amendment shall not be implemented.

(d) Resubmission Deemed New Element or Amendment.—Any element or amendment which the Commission has determined has a negative impact on the federal establishment in the National Capital which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission is deemed to be a new element or amendment for purposes of the review procedure specified in this section.

(e) Review, Hearings, and Citizen Advisory Councils.—

(1) Review.—Before the comprehensive plan, any element of the plan, or any revision is adopted, the Commission shall present the plan, element, or revision to the appropriate federal or District of Columbia authorities for comment and recommendations. The Commission may present the proposed revisions annually in a consolidated form. Recommendations by federal and District of Columbia authorities are not binding on the Commission, but the Commission shall give careful consideration to any views and recommendations submitted prior to final adoption.

(2) Hearings and citizen advisory councils.—The Commission—

(A) may provide periodic opportunity for review and comments by nongovernmental agencies or groups through public hearings, meetings, or conferences, exhibitions, and publication of its plans; and

(B) in consultation with the Council, may encourage the formation of citizen advisory councils.

(f) Extension of Time Limitations.—On request of the Commission, the Council may grant an extension of any time limitation contained in this section.

(g) Publishing Comprehensive Plan.—As appropriate, the Commission and the Mayor jointly shall publish a comprehensive plan for the National Capital, consisting of the elements of the comprehensive plan for the federal activities in the National Capital developed by the Commission and the District elements developed by the Mayor and the Council in accordance with this section.

(h) Procedures for Consultation.—

(1) Commission and mayor.—The Commission and the Mayor jointly shall establish procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital.

(2) Government agencies.—In order that the National Capital may be developed in accordance with the comprehensive plan, the Commission, with the consent of each agency concerned as to its representation, may establish advisory and coordinating committees composed of representatives of agencies of the Federal and District of Columbia Governments as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort among the various agencies. As it considers appropriate, the Commission may invite representatives of the planning and developmental agencies of the environs to participate in the work of the committees.

§8722. Proposed federal and district developments and projects

(a) Agencies To Use Commission as Central Planning Agency.—Agencies of the Federal Government responsible for public developments and projects shall cooperate and correlate their efforts by using the National Capital Planning Commission as the central planning agency for federal activities in the National Capital region. To aid the Commission in carrying out this function, federal and District of Columbia governmental agencies on request of the Commission shall furnish plans, data, and records the Commission requires. The Commission on request shall furnish related plans, data, and records to federal and District of Columbia governmental agencies.

(b) Consultation Between Agencies and Commission.—

(1) Before construction plans prepared.—To ensure the comprehensive planning and orderly development of the National Capital, a federal or District of Columbia agency, before preparing construction plans the agency originates for proposed developments and projects or before making a commitment to acquire land, to be paid for at least in part from federal or District amounts, shall advise and consult with the Commission as the agency prepares plans and programs in preliminary and successive stages that affect the plan and development of the National Capital. After receiving the plans, maps, and data, the Commission promptly shall make a preliminary report and recommendations to the agency. If the agency, after considering the report and recommendations of the Commission, does not agree, it shall advise the Commission and provide the reasons why it does not agree. The Commission then shall submit a final report. After consultation and suitable consideration of the views of the Commission, the agency may proceed to take action in accordance with its legal responsibilities and authority.

(2) Exceptions.—

(A) In general.—Paragraph (1) does not apply to projects within the Capitol grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

(B) Advance decisions of commission.—The Commission shall determine in advance the type or kinds of plans, developments, projects, improvements, or acquisitions which do not need to be submitted for review by the Commission as to conformity with its plans.

(c) ADDITIONAL PROCEDURE FOR DEVELOPMENTS AND PROJECTS WITHIN ENVIRONS.—

(1) SUBMISSION TO COMMISSION.—Within the environs, general plans showing the location, character, and extent of, and intensity of use for, proposed federal and District developments and projects involving the acquisition of land shall be submitted to the Commission for report and recommendations before a final commitment to the acquisition is made, unless the matter specifically has been approved by law.

(2) COMMISSION ACTION.—Before acting on any general plan, the Commission shall advise and consult with the appropriate planning agency having jurisdiction over the affected part of the environs. When the Commission decides that proposed developments or projects submitted to the Commission under subsection (b) involve a major change in the character or intensity of an existing use in the environs, the Commission shall advise and consult with the planning agency. The report and recommendations shall be submitted within 60 days and shall be accompanied by any reports or recommendations of the planning agency.

(3) WORKING WITH STATE OR LOCAL AUTHORITY OR AGENCY.—In carrying out its planning functions with respect to federal developments or projects in the environs, the Commission may work with, and make agreements with, any state or local authority or planning agency as the Commission considers necessary to have a plan or proposal adopted and carried out.

(d) APPROVAL OF FEDERAL PUBLIC BUILDINGS.—The provisions of the Act of June 20, 1938 (ch. 534, 52 Stat. 802) shall not apply to federal public buildings. In order to ensure the orderly development of the National Capital, the location, height, bulk, number of stories, and size of federal public buildings in the District of Columbia and the provision for open space in and around federal public buildings in the District of Columbia is subject to the approval of the Commission.

(e) APPROVAL OF DISTRICT GOVERNMENT BUILDINGS IN CENTRAL AREA.—Subsection (d) is extended to include public buildings erected by any agency of the Government of the District of Columbia in the central area of the District (as defined by concurrent action of the Commission and the Council of the District of Columbia), except that the Commission shall transmit its approval or disapproval within 30 days after the day the proposal was submitted to the Commission.

§8723. Capital improvements

(a) SIX-YEAR PROGRAM OF PUBLIC WORKS PROJECTS.—The National Capital Planning Commission shall recommend a six-year program of public works projects for the Federal Government which the Commission shall review annually with the agencies concerned. Each federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

(b) SUBMISSION OF MULTIYEAR CAPITAL IMPROVEMENT PLAN.—By February 1 of each year, the Mayor of the District of Columbia shall submit to the Commission a copy of the multiyear capital improvements plan for the District of Columbia that the Mayor develops under section 444 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 800). The Commission has 30 days in which to comment on the plan but may not change or disapprove of the plan.

§8724. Zoning regulations and maps

(a) AMENDMENTS OF ZONING REGULATIONS AND MAPS.—The National Capital Planning Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of June 20, 1938 (ch. 534, 52 Stat. 798), on the relation, conformity, or consistency of proposed amendments of the zoning regulations and maps with the comprehensive plan for the National Capital. The Planning Commission may also submit to the Zoning Commission proposed amendments or general revisions to the zoning regulations or the zoning map for the District of Columbia.

(b) ADDITIONAL REPORT BY PLANNING COMMISSION.—When requested by an authorized representative of the Planning Commission, the Zoning Commission may recess for a reasonable period of time any public hearing it is holding to consider a proposed amendment to the zoning regulations or map so that the Planning Commission may have an opportunity to present to the Zoning Commission an additional report on the proposed amendment.

(c) ZONING COMMITTEE OF NATIONAL CAPITAL PLANNING COMMISSION.—

(1) ESTABLISHMENT AND COMPOSITION.—There is a Zoning Committee of the National Capital Planning Commission. The Committee consists of at least three members of the Planning Commission the Planning Commission designates for that purpose. The number of members serving on the Committee may vary.

(2) DUTIES.—The Committee shall carry out the functions vested in the Planning Commission under this section and section 8725 of this title—

(A) to the extent the Planning Commission decides; and

(B) when requested by the Zoning Commission and approved by the Planning Commission.

§8725. Recommendations on platting and subdividing land

(a) BY COUNCIL OF THE DISTRICT OF COLUMBIA.—The Council of the District of Columbia shall submit any proposed change in, or addition to, the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia to the National Capital Planning Commission for report and recommendation before the Council adopts the change or addition. The Council shall advise the Commission when it does not agree with the recommendations of the Commission and shall give the reasons why it disagrees. The Commission then shall submit a final report within 30 days. After considering the final report, the Council may act in accordance with its legal responsibilities and authority.

(b) BY PLANNING COMMISSION.—The Commission shall submit to the Council any proposed change in, or amendment to, the general orders that the Commission considers appropriate. The Council shall treat the amendments proposed in the same manner as other proposed amendments.

§8726. Authorization of appropriations

Amounts necessary to carry out this subchapter may be appropriated from money in the Treasury not otherwise appropriated and from any appropriate appropriation law, except the annual District of Columbia Appropriation Act.

SUBCHAPTER IV—ACQUIRING AND DISPOSING OF LAND

§8731. Acquiring land for park, parkway, or playground purposes

(a) AUTHORITY TO ACQUIRE LAND.—The National Capitol Planning Commission shall acquire land the Planning Commission believes is necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia for suitable development of the National Capital park, parkway, and playground system. The acquisition must be within the limits of the appropriations made for those purposes. The Planning Commission shall request the advice of the Commission of Fine Arts in selecting land to be acquired.

(b) HOW LAND MAY BE ACQUIRED.—

(1) PURCHASE OR CONDEMNATION PROCEEDING.—The National Capital Planning Commission may buy land when the land can be acquired at a price the Planning Commission considers reasonable or by a condemnation proceeding when the land cannot be bought at a reasonable price.

(2) LAND IN THE DISTRICT OF COLUMBIA.—A condemnation proceeding to acquire land in the District of Columbia shall be conducted in accordance with section 1 of the Act of December 23, 1963 (Public Law 88–241, 77 Stat. 571).

(3) LAND IN MARYLAND OR VIRGINIA.—The Planning Commission may acquire land in Maryland or Virginia under arrangements agreed to by the Commission and the proper officials of Maryland or Virginia.

(c) CONTROL OF LAND.—

(1) LAND IN THE DISTRICT OF COLUMBIA.—Land acquired in the District of Columbia shall be a part of the park system of the District of Columbia and be under the control of the Director of the National Park Service. The National Capital Planning Commission may assign areas suitable for playground purposes to the control of the Mayor of the District of Columbia for playground purposes.

(2) LAND IN MARYLAND OR VIRGINIA.—Land acquired in Maryland or Virginia shall be controlled as determined by agreement between the Planning Commission and the proper officials of Maryland or Virginia.

(d) PRESIDENTIAL APPROVAL REQUIRED.—The designation of all land to be acquired by condemnation, all contracts to purchase land, and all agreements between the National Capital Planning Commission and the officials of Maryland and Virginia are subject to the approval of the President.

§8732. Acquiring land subject to limited rights reserved to grantor and limited permanent rights in land adjoining park property

(a) IN GENERAL.—The National Capital Planning Commission in accordance with this chapter may acquire, for and on behalf of the Federal Government, by gift, devise, purchase, or condemnation—

(1) fee title to land subject to limited rights, but not for business purposes, reserved to the grantor; and

(2) permanent rights in land adjoining park property sufficient to prevent the use of the land in certain specified ways which would essentially impair the value of the park property for its purposes.

(b) PREREQUISITES TO ACQUISITION.—

(1) FEE TITLE TO LAND SUBJECT TO LIMITED RIGHTS.—The reservation of rights to the grantor shall not continue beyond the life of the grantor of the fee. The Commission must decide that the permanent public park purposes for which control over the land is needed are not essentially impaired by the reserved rights and that there is a substantial saving in cost by acquiring the land subject to the limited rights as compared with the cost of acquiring unencumbered title to the land.

(2) PERMANENT RIGHTS IN LAND ADJOINING PARK PROPERTY.—The Commission must decide that the protection and maintenance of the essential public values of the park can be secured more economically by acquiring the permanent rights than by acquiring the land.

(c) PRESIDENTIAL APPROVAL REQUIRED.—All contracts to acquire land or rights under this section are subject to the approval of the President.

§8733. Lease of land acquired for park, parkway, or playground purposes

The Secretary of the Interior may lease, for not more than five years, land or an existing building or structure on land acquired for park, parkway, or playground purposes, and may renew the lease for an additional five years. A lease or renewal under this section is—

(1) subject to the approval of the National Capital Planning Commission;

(2) subject to the need for the immediate use of the land, building, or structure in other ways by the public; and

(3) on terms the Administrator decides.

§8734. Sale of land by Mayor

(a) AUTHORITY TO SELL.—With the approval of the National Capital Planning Commission, the Mayor of the District of Columbia, for the best interests of the District of Columbia, may sell to the highest bidder at public or private sale real estate in the District of Columbia owned in fee simple by the District of Columbia for municipal use that the Council of the District of Columbia and the Commission find to be no longer required for public purposes.

(b) PAYING EXPENSES AND DEPOSITING PROCEEDS.—The Mayor—

(1) may pay the reasonable and necessary expenses of the sale of each parcel of land sold; and

(2) shall deposit the net proceeds of each sale in the Treasury to the credit of the District of Columbia.

§8735. Sale of land by Secretary of the Interior

(a) AUTHORITY TO SELL.—With the approval of the National Capital Planning Commission, the Secretary of the Interior, for the best interests of the Federal Government, may sell, by deed or instrument, real estate held by the Government in the District of Columbia and under the jurisdiction of the National Park Service which may be no longer needed for public purposes. The land may be sold for cash or on a deferred-payment plan the Secretary approves, at a price not less than the Government paid for it and not less than its present appraised value as determined by the Secretary.

(b) SALE TO HIGHEST BIDDER.—In selling any parcel of land under this section, the Secretary shall have public or private solicitation for bids or offers be made as the Secretary considers appropriate. The Secretary shall sell the parcel to the party agreeing to pay the highest price if the price is otherwise satisfactory. If the price offered or bid by the owner of land abutting the land to be sold equals the highest price offered or bid by any other party, the parcel may be sold to the owner of the abutting land.

(c) PAYING EXPENSES AND DEPOSITING PROCEEDS.—The Secretary—

(1) may pay the reasonable and necessary expenses of the sale of each parcel of land sold; and

(2) shall deposit the net proceeds of each sale in the Treasury to the credit of the Government and the District of Columbia in the proportion that each—

(A) paid the appropriations used to acquire the parcels; or

(B) was obligated to pay the appropriations, at the time of acquisition, by reimbursement.

§8736. Execution of deeds

The Mayor of the District of Columbia may execute deeds of conveyance for real estate sold under this subchapter. The deeds shall contain a full description of the land sold as required by law.

§8737. Authorization of appropriations

An amount equal to not more than one cent for each inhabitant of the continental United States as determined by the last preceding decennial census may be appropriated each year in the District of Columbia Appropriation Act for the National Capital Planning Commission to use for the payment of its expenses and for the acquisition of land the Commission may acquire under section 8731 of this title for the purposes named, including compensation for the land, surveys, ascertainment of title, condemnation proceedings, and necessary conveyancing. The appropriated amounts shall be paid from the revenues of the District of Columbia and the general amounts of the Treasury in the same proportion as other expenses of the District of Columbia.

CHAPTER 89—NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS

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§8901. Purposes

The purposes of this chapter are—

(1) to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans for the Nation's Capital;

(2) to ensure the continued public use and enjoyment of open space in the District of Columbia;

(3) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation's Capital; and

(4) to ensure that future commemorative works in areas administered by the National Park Service and the Administrator of General Services in the District of Columbia and its environs—

(A) are appropriately designed, constructed, and located; and

(B) reflect a consensus of the lasting national significance of the subjects involved.

§8902. Definitions and nonapplication

(a) DEFINITIONS.—In this chapter, the following definitions apply:

(1) COMMEMORATIVE WORK.—The term "commemorative work"—

(A) means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history; but

(B) does not include an item described in subclause (A) that is located within the interior of a structure or a structure which is primarily used for other purposes.

(2) PERSON.—The term "person" means—

(A) a public agency; and

(B) an individual, group or organization—

(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of the Code (26 U.S.C. 501(a)); and

(ii) authorized by Congress to establish a commemorative work in the District of Columbia and its environs.

(3) THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term "the District of Columbia and its environs" means land and property located in Areas I and II as depicted on the map numbered 869/86501, and dated May 1, 1986, that the National Park Service and the Administrator of General Services administer.

(b) NONAPPLICATION.—This chapter does not apply to commemorative works authorized by a law enacted before January 3, 1985.

§8903. Congressional authorization of commemorative works

(a) IN GENERAL.—Commemorative works—

(1) may be established on federal lands referred to in section 8901(4) of this title only as specifically authorized by law; and

(2) are subject to applicable provisions of this chapter.

(b) MILITARY COMMEMORATIVE WORKS.—A military commemorative work may be authorized only to commemorate a war or similar major military conflict or a branch of the armed forces. A commemorative work commemorating a lesser conflict or a unit of an armed force may not be authorized. Commemorative works to a war or similar major military conflict may not be authorized until at least 10 years after the officially designated end of the event.

(c) WORKS COMMEMORATING EVENTS, INDIVIDUALS, OR GROUPS.—A commemorative work commemorating an event, individual, or group of individuals, except a military commemorative work as described in subsection (b), may not be authorized until after the 25th anniversary of the event, death of the individual, or death of the last surviving member of the group.

(d) CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISSION.—In considering legislation authorizing commemorative works in the District of Columbia and its environs, the Committee on House Administration of the House of Representatives and the Committee on Energy and Natural Resources of the Senate shall solicit the views of the National Capital Memorial Commission.

(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—Legislative authority for a commemorative work expires at the end of the seven-year period beginning on the date the authority is enacted unless the Secretary of the Interior or Administrator of General Services, as appropriate, has issued a construction permit for the commemorative work during that period.

§8904. National Capital Memorial Commission

(a) ESTABLISHMENT AND COMPOSITION.—There is a National Capital Memorial Commission. The membership of the Commission consists of—

(1) the Director of the National Park Service;

(2) the Architect of the Capitol;

(3) the Chairman of the American Battle Monuments Commission;

(4) the Chairman of the Commission of Fine Arts;

(5) the Chairman of the National Capital Planning Commission;

(6) the Mayor of the District of Columbia;

(7) the Commissioner of the Public Buildings Service of the General Services Administration; and

(8) the Secretary of Defense.

(b) CHAIRMAN.—The Director is the Chairman of the National Capital Memorial Commission.

(c) ADVISORY ROLE.—The National Capital Memorial Commission shall advise the Secretary of the Interior and the Administrator of General Services on policy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia and its environs and on other matters concerning commemorative works in the Nation's Capital as the Commission considers appropriate.

(d) MEETINGS.—The National Capital Memorial Commission shall meet at least twice annually.

§8905. Site and design approval

(a) CONSULTATION ON, AND SUBMISSION OF, PROPOSALS.—A person authorized by law to establish a commemorative work in the District of Columbia and its environs may request a permit for construction of the commemorative work only after the following requirements are met:

(1) CONSULTATION.—The person must consult with the National Capital Memorial Commission regarding the selection of alternative sites and designs for the commemorative work.

(2) SUBMITTAL.—Following consultation in accordance with clause (1), the Secretary of the Interior or the Administrator of General Services, as appropriate, must submit, on behalf of the person, site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission for their approval.

(b) DECISION CRITERIA.—In considering site and design proposals, the Commission of Fine Arts, National Capital Planning Commission, Secretary, and Administrator shall be guided by, but not limited by, the following criteria:

(1) SURROUNDINGS.—To the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the work.

(2) LOCATION.—A commemorative work shall be located so that—

(A) it does not interfere with, or encroach on, an existing commemorative work; and

(B) to the maximum extent practicable, it protects open space and existing public use.

(3) MATERIAL.—A commemorative work shall be constructed of durable material suitable to the outdoor environment.

(4) LANDSCAPE FEATURES.—Landscape features of commemorative works shall be compatible with the climate.

§8906. Criteria for issuance of construction permit

(a) CRITERIA FOR ISSUING PERMIT.—Before issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary of the Interior or Administrator of General Services, as appropriate, shall determine that—

(1) the site and design have been approved by the Secretary or Administrator, the National Capital Planning Commission and the Commission of Fine Arts;

(2) knowledgeable individuals qualified in the field of preservation and maintenance have been consulted to determine structural soundness and durability of the commemorative work and to ensure that the commemorative work meets high professional standards;

(3) the person authorized to construct the commemorative work has submitted contract documents for construction of the commemorative work to the Secretary or Administrator; and

(4) the person authorized to construct the commemorative work has available sufficient amounts to complete construction of the project.

(b) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.—

(1) AMOUNT.—In addition to the criteria described in subsection (a), a construction permit may not be issued unless the person authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. The amounts shall be credited to a separate account in the Treasury.

(2) AVAILABILITY.—The Secretary of the Treasury shall make any part of the donated amount available to the Secretary of the Interior or Administrator for maintenance at the request of the Secretary of the Interior or Administrator. The Secretary of the Interior or Administrator shall not request more from the separate account than the total amount deposited by persons establishing commemorative works in areas the Secretary of the Interior or Administrator administers.

(3) INVENTORY OF AVAILABLE AMOUNTS.—The Secretary of the Interior and Administrator shall maintain an inventory of amounts available under this subsection. The amounts are not subject to annual appropriations.

(4) NONAPPLICABILITY.—This subsection does not apply when a department or agency of the Federal Government constructs the work and less than 50 percent of the funding for the work is provided by private sources.

(c) SUSPENSION FOR MISREPRESENTATION IN FUNDRAISING.—The Secretary of the Interior or Administrator may suspend any activity under this chapter that relates to the establishment of a commemorative work if the Secretary or Administrator determines that fundraising efforts relating to the work have misrepresented an affiliation with the work or the Federal Government.

(d) ANNUAL REPORT.—The person authorized to construct a commemorative work under this chapter must submit to the Secretary of the Interior or Administrator an annual report of operations, including financial statements audited by an independent certified public accountant. The person shall pay for the report.

§8907. Temporary site designation

(a) CRITERION FOR DESIGNATION.—If the Secretary of the Interior, in consultation with the National Capital Memorial Commission, determines that a site where commemorative works may be displayed on a temporary basis is necessary to aid in the preservation of the limited amount of open space available to residents of, and visitors to, the Nation's Capital, a site may be designated on land the Secretary administers in the District of Columbia.

(b) PLAN.—A designation may be made under subsection (a) only if, at least 120 days before the designation, the Secretary, in consultation with the Commission, prepares and submits to Congress a plan for the site. The plan shall include specifications for the location, construction, and administration of the site and criteria for displaying commemorative works at the site.

(c) RISK AND AGREEMENT TO INDEMNIFY.—A commemorative work displayed at the site shall be installed, maintained, and removed at the sole expense and risk of the person authorized to display the work. The person shall agree to indemnify the United States for any liability arising from the display of the commemorative work under this section.

§8908. Areas I and II

(a) AVAILABILITY OF MAP.—The Secretary of the Interior and Administrator of General Services shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map numbered 869/86501, and dated May 1, 1986.

(b) SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II.—

(1) AREA I.—After seeking the advice of the National Capital Memorial Commission, the Secretary or Administrator, as appropriate, may recommend the location of a commemorative work in Area I only if the Secretary or Administrator decides that the subject of the commemorative work is of preeminent historical and lasting significance to the United States. The Secretary or Administrator shall notify the Commission, the Committee on House Administration of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate of the recommendation that a commemorative work should be located in Area I. The location of a commemorative work in Area I is deemed to be authorized only if the recommendation is approved by law not later than 150 calendar days after the notification.

(2) AREA II.—Commemorative works of subjects of lasting historical significance to the American people may be located in Area II.

§8909. Administrative

(a) MAINTENANCE OF DOCUMENTATION OF DESIGN AND CONSTRUCTION.—Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to the Secretary of the Interior or Administrator of General Services, as appropriate, and shall be permanently maintained in the manner provided by law.

(b) RESPONSIBILITY FOR MAINTENANCE OF COMPLETED WORK.—On completion of any commemorative work in the District of Columbia and its environs, the Secretary or Administrator, as appropriate, shall assume responsibility for maintaining the work.

(c) REGULATIONS OR STANDARDS.—The Secretary and Administrator shall prescribe appropriate regulations or standards to carry out this chapter.

CHAPTER 91—COMMISSION OF FINE ARTS

Sec.
9101. Establishment, composition, and vacancies.
9102. Duties.
9103. Personnel.
9104. Authorization of appropriations.

§9101. Establishment, composition, and vacancies

(a) ESTABLISHMENT.—There is a Commission of Fine Arts.

(b) COMPOSITION.—The Commission is composed of seven well-qualified judges of the fine arts, appointed by the President, who serve for four years each or until their successors are appointed and qualified.

(c) VACANCIES.—The President shall fill vacancies on the Commission.

(d) EXPENSES.—Members of the Commission shall be paid actual expenses in traveling to and from the District of Columbia to attend Commission meetings and while attending those meetings.

§9102. Duties

(a) IN GENERAL.—The Commission of Fine Arts shall advise on—

(1) the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia;

(2) the selection of models for statues, fountains, and monuments erected under the authority of the Federal Government;

(3) the selection of artists to carry out clause (2); and

(4) questions of art generally when required to do so by the President or a committee of Congress.

(b) DUTY TO REQUEST ADVICE.—The officers required to decide the questions described in subsection (a)(1)–(3) shall request the Commission to provide the advice.

(c) NONAPPLICATION.—This section does not apply to the Capitol Building and the Library of Congress buildings.

§9103. Personnel

The Commission of Fine Arts has a secretary and other assistance the Commission authorizes. The secretary is the executive officer of the Commission.

§9104. Authorization of appropriations

Necessary amounts may be appropriated to carry out this chapter.

CHAPTER 93—THEODORE ROOSEVELT ISLAND

Sec.
9301. Maintenance and administration.
9302. Consent of Theodore Roosevelt Association required for development.
9303. Access to Theodore Roosevelt Island.
9304. Source of appropriations.

§9301. Maintenance and administration

The Director of the National Park Service shall maintain and administer Theodore Roosevelt Island as a natural park for the recreation and enjoyment of the public.

§9302. Consent of Theodore Roosevelt Association required for development

(a) GENERAL PLAN FOR DEVELOPMENT.—The Theodore Roosevelt Association must approve every general plan for the development of Theodore Roosevelt Island.

(b) DEVELOPMENT INCONSISTENT WITH PLAN.—As long as the Association remains in existence, development inconsistent with the general plan may not be carried out without the Association's consent.

§9303. Access to Theodore Roosevelt Island

Subject to the approval of the National Capital Planning Commission and the availability of appropriations, the Director of the National Park Service may provide suitable means of access to and on Theodore Roosevelt Island.

§9304. Source of appropriations

The appropriations needed for construction of suitable means of access to and on Theodore Roosevelt Island and annually for the care, maintenance, and improvement of the land and improvements may be made from amounts not otherwise appropriated from the Treasury.

CHAPTER 95—WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS IN THE DISTRICT OF COLUMBIA

Sec.
9501. Chief of Engineers.
9502. Authority of Chief of Engineers.
9503. Record of property.
9504. Reports.
9505. Paying for main pipes.
9506. Civil penalty.
9507. Control of expenditures.

§9501. Chief of Engineers

(a) SUPERINTENDENCE DUTIES.—

(1) WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS AND IMPROVEMENTS IN THE DISTRICT OF COLUMBIA.—The Chief of Engineers has the immediate superintendence of—

(A) the Washington Aqueduct, together with all rights, appurtenances, and fixtures connected with the Aqueduct and belonging to the Federal Government; and

(B) all other public works and improvements in the District of Columbia in which the Government has an interest and which are not otherwise specially provided for by law.

(2) OBEYING REGULATIONS.—In carrying out paragraph (1), the Chief of Engineers shall obey regulations the President prescribes, through the Secretary of the Army.

(b) NO INCREASE IN COMPENSATION.—The Chief of Engineers shall not receive additional compensation for the services required under this chapter.

(c) OFFICE.—The Chief of Engineers shall be furnished an office in one of the public buildings in the District of Columbia, as the Administrator of General Services directs, and shall be supplied by the Federal Government with stationery, instruments, books, and furniture which may be required for the performance of the duties of the Chief of Engineers.

§9502. Authority of Chief of Engineers

(a) IN GENERAL.—The Chief of Engineers and necessary assistants may use all lawful means to carry out their duties.

(b) SUPPLY OF WATER IN DISTRICT OF COLUMBIA.—

(1) PROVIDING WATER.—The Chief of Engineers has complete control over the Washington Aqueduct to regulate the manner in which the authorities of the District of Columbia may tap the supply of water to the inhabitants of the District of Columbia.

(2) STOPPAGE OF WATER FLOW.—The Chief of Engineers shall stop the authorities of the District of Columbia from tapping the supply of water when the supply is no more than adequate to the wants of the public buildings and grounds.

(3) APPEAL OF DECISION.—The decision of the Chief of Engineers on all questions concerning the supply of water under this subsection may be appealed only to the Secretary of the Army.

§9503. Record of property

The Chief of Engineers shall keep in the office a complete record of all land and other property connected with or belonging to the Washington Aqueduct and other public works under the charge of the Chief of Engineers, together with accurate plans and surveys of the public grounds and reservations in the District of Columbia.

§9504. Reports

As superintendent of the Washington Aqueduct, the Chief of Engineers annually shall submit to the Secretary of the Army, within nine months after the end of the fiscal year, a report of the Chief of Engineers' operations for that year and a report of the condition, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under the charge of the Chief of Engineers.

§9505. Paying for main pipes

(a) FEDERAL GOVERNMENT.—The Federal Government shall only pay for the number of main pipes of the Washington Aqueduct needed to furnish public buildings, offices, and grounds with the necessary supply of water.

(b) DISTRICT OF COLUMBIA.—The District of Columbia shall pay the cost of any main pipe of the Washington Aqueduct which supplies water to the inhabitants of the District of Columbia, in the manner provided by law.

§9506. Civil penalty

A person that, without the consent of the Chief of Engineers, taps or opens the mains or pipes laid by the Federal Government is liable to the Government for a civil penalty of at least $50 and not more than $500.

§9507. Control of expenditures

Unless expressly provided for by law, the Secretary of the Army shall direct the expenditure of amounts appropriated for the Washington Aqueduct and for other public works in the District of Columbia.

SUBTITLE III—INFORMATION TECHNOLOGY MANAGEMENT

CHAPTER	*Sec.*
111. GENERAL	*11101*
113. RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY	*11301*
115. INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS	*11501*
117. ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS	*11701*

CHAPTER 111—GENERAL

Sec.
11101. Definitions.
11102. Sense of Congress.
11103. Applicability to national security systems.

§11101. Definitions

In this subtitle, the following definitions apply:

(1) COMMERCIAL ITEM.—The term "commercial item" has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 4 of the Act (41 U.S.C. 403).

(3) INFORMATION RESOURCES.—The term "information resources" has the meaning given that term in section 3502 of title 44.

(4) INFORMATION RESOURCES MANAGEMENT.—The term "information resources management" has the meaning given that term in section 3502 of title 44.

(5) INFORMATION SYSTEM.—The term "information system" has the meaning given that term in section 3502 of title 44.

(6) INFORMATION TECHNOLOGY.—The term "information technology"—

(A) with respect to an executive agency means any equipment or interconnected system or subsystem of equipment, used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency, if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency that requires the use—

(i) of that equipment; or

(ii) of that equipment to a significant extent in the performance of a service or the furnishing of a product;

(B) includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources; but

(C) does not include any equipment acquired by a federal contractor incidental to a federal contract.

§11102. Sense of Congress

It is the sense of Congress that, during the five-year period beginning with 1996, executive agencies should achieve each year through improvements in information resources management by the agency—

(1) at least a five percent decrease in the cost (in constant fiscal year 1996 dollars) incurred by the agency in operating and maintaining information technology; and

(2) a five percent increase in the efficiency of the agency operations.

§11103. Applicability to national security systems

(a) DEFINITION.—

(1) NATIONAL SECURITY SYSTEM.—In this section, the term "national security system" means a telecommunications or information system operated by the Federal Government, the function, operation, or use of which—

(A) involves intelligence activities;

(B) involves cryptologic activities related to national security;

(C) involves command and control of military forces;

(D) involves equipment that is an integral part of a weapon or weapons system; or

(E) subject to paragraph (2), is critical to the direct fulfillment of military or intelligence missions.

(2) LIMITATION.—Paragraph (1)(E) does not include a system to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

(b) IN GENERAL.—Except as provided in subsection (c), chapter 113 of this title does not apply to national security systems.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Sections 11313, 11315, and 11316 of this title apply to national security systems.

(2) CAPITAL PLANNING AND INVESTMENT CONTROL.—The heads of executive agencies shall apply sections 11302 and 11312 of this title to national security systems to the extent practicable.

(3) APPLICABILITY OF PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT TO NATIONAL SECURITY SYSTEMS.—

(A) IN GENERAL.—Subject to subparagraph (B), the heads of executive agencies shall apply section 11303 of this title to national security systems to the extent practicable.

(B) EXCEPTION.—National security systems are subject to section 11303(b)(5) of this title, except for subparagraph (B)(iv).

CHAPTER 113—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

SUBCHAPTER I—DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

Sec.
11301. Responsibility of Director.
11302. Capital planning and investment control.

11303. Performance-based and results-based management.

SUBCHAPTER II—EXECUTIVE AGENCIES

11311. Responsibilities.
11312. Capital planning and investment control.
11313. Performance and results-based management.
11314. Authority to acquire and manage information technology.
11315. Agency Chief Information Officer.
11316. Accountability.
11317. Significant deviations.
11318. Interagency support.

SUBCHAPTER III—OTHER RESPONSIBILITIES

11331. Responsibilities regarding efficiency, security, and privacy of federal computer systems.
11332. Federal computer system security training and plan.

SUBCHAPTER I—DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

§ 11301. Responsibility of Director

In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, the Director of the Office of Management and Budget shall comply with this chapter with respect to the specific matters covered by this chapter.

§ 11302. Capital planning and investment control

(a) FEDERAL INFORMATION TECHNOLOGY.—The Director of the Office of Management and Budget shall perform the responsibilities set forth in this section in fulfilling the responsibilities under section 3504(h) of title 44.

(b) USE OF INFORMATION TECHNOLOGY IN FEDERAL PROGRAMS.—The Director shall promote and improve the acquisition, use, and disposal of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

(c) USE OF BUDGET PROCESS.—

(1) ANALYZING, TRACKING, AND EVALUATING CAPITAL INVESTMENTS.—As part of the budget process, the Director shall develop a process for analyzing, tracking, and evaluating the risks and results of all major capital investments made by an executive agency for information systems. The process shall cover the life of each system and shall include explicit criteria for analyzing the projected and actual costs, benefits, and risks associated with the investments.

(2) REPORT TO CONGRESS.—At the same time that the President submits the budget for a fiscal year to Congress under section 1105(a) of title 31, the Director shall submit to Congress a report on the net program performance benefits achieved as a result of major capital investments made by executive agencies for information systems and how the benefits relate to the accomplishment of the goals of the executive agencies.

(d) INFORMATION TECHNOLOGY STANDARDS.—The Director shall oversee the development and implementation of standards and guidelines pertaining to federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 11331 of this title and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

(e) DESIGNATION OF EXECUTIVE AGENTS FOR ACQUISITIONS.— The Director shall designate the head of one or more executive agencies, as the Director considers appropriate, as executive agent for Government-wide acquisitions of information technology.

(f) USE OF BEST PRACTICES IN ACQUISITIONS.—The Director shall encourage the heads of the executive agencies to develop and use the best practices in the acquisition of information technology.

(g) ASSESSMENT OF OTHER MODELS FOR MANAGING INFORMATION TECHNOLOGY.—On a continuing basis, the Director shall assess the experiences of executive agencies, state and local governments, international organizations, and the private sector in managing information technology.

(h) COMPARISON OF AGENCY USES OF INFORMATION TECHNOLOGY.—The Director shall compare the performances of the executive agencies in using information technology and shall disseminate the comparisons to the heads of the executive agencies.

(i) MONITORING TRAINING.—The Director shall monitor the development and implementation of training in information resources management for executive agency personnel.

(j) INFORMING CONGRESS.—The Director shall keep Congress fully informed on the extent to which the executive agencies are improving the performance of agency programs and the accomplishment of the agency missions through the use of the best practices in information resources management.

(k) COORDINATION OF POLICY DEVELOPMENT AND REVIEW.—The Director shall coordinate with the Office of Federal Procurement Policy the development and review by the Administrator of the Office of Information and Regulatory Affairs of policy associated with federal acquisition of information technology.

§ 11303. Performance-based and results-based management

(a) IN GENERAL.—The Director of the Office of Management and Budget shall encourage the use of performance-based and results-based management in fulfilling the responsibilities assigned under section 3504(h) of title 44.

(b) EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.—

(1) REQUIREMENT.—The Director shall evaluate the information resources management practices of the executive agencies with respect to the performance and results of the investments made by the executive agencies in information technology.

(2) DIRECTION FOR EXECUTIVE AGENCY ACTION.—The Director shall issue to the head of each executive agency clear and concise direction that the head of each agency shall—

(A) establish effective and efficient capital planning processes for selecting, managing, and evaluating the results of all of its major investments in information systems;

(B) determine, before making an investment in a new information system—

(i) whether the function to be supported by the system should be performed by the private sector and, if so, whether any component of the executive agency performing that function should be converted from a governmental organization to a private sector organization; or

(ii) whether the function should be performed by the executive agency and, if so, whether the function should be performed by a private sector source under contract or by executive agency personnel;

(C) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of those missions; and

(D) ensure that the information security policies, procedures, and practices are adequate.

(3) GUIDANCE FOR MULTIAGENCY INVESTMENTS.—The direction issued under paragraph (2) shall include guidance for undertaking efficiently and effectively interagency and Federal Government-wide investments in information technology to improve the accomplishment of missions that are common to the executive agencies.

(4) PERIODIC REVIEWS.—The Director shall implement through the budget process periodic reviews of selected information resources management activities of the executive agencies to ascertain the efficiency and effectiveness of information technology in improving the performance of the executive agency and the accomplishment of the missions of the executive agency.

(5) ENFORCEMENT OF ACCOUNTABILITY.—

(A) IN GENERAL.—The Director may take any action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability of the head of an executive agency for information resources management and for the investments made by the executive agency in information technology.

(B) SPECIFIC ACTIONS.—Actions taken by the Director may include—

(i) recommending a reduction or an increase in the amount for information resources that the head of the executive agency proposes for the budget submitted to Congress under section 1105(a) of title 31;

(ii) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources;

(iii) using other administrative controls over appropriations to restrict the availability of amounts for information resources; and

(iv) designating for the executive agency an executive agent to contract with private sector sources for the performance of information resources management or the acquisition of information technology.

SUBCHAPTER II—EXECUTIVE AGENCIES

§ 11311. Responsibilities

In fulfilling the responsibilities assigned under chapter 35 of title 44, the head of each executive agency shall comply with this subchapter with respect to the specific matters covered by this subchapter.

§ 11312. Capital planning and investment control

(a) DESIGN OF PROCESS.—In fulfilling the responsibilities assigned under section 3506(h) of title 44, the head of each executive agency shall design and implement in the executive agency a process for maximizing the value, and assessing and managing the risks, of the information technology acquisitions of the executive agency.

(b) CONTENT OF PROCESS.—The process of an executive agency shall—

(1) provide for the selection of information technology investments to be made by the executive agency, the management of those investments, and the evaluation of the results of those investments;

(2) be integrated with the processes for making budget, financial, and program management decisions in the executive agency;

(3) include minimum criteria to be applied in considering whether to undertake a particular investment in information systems, including criteria related to the quantitatively expressed projected net, risk-adjusted return on investment and specific quantitative and qualitative criteria for comparing and prioritizing alternative information systems investment projects;

(4) identify information systems investments that would result in shared benefits or costs for other federal agencies or state or local governments;

(5) identify quantifiable measurements for determining the net benefits and risks of a proposed investment; and

(6) provide the means for senior management personnel of the executive agency to obtain timely information regarding the progress of an investment in an information system, including

a system of milestones for measuring progress, on an independently verifiable basis, in terms of cost, capability of the system to meet specified requirements, timeliness, and quality.

§11313. Performance and results-based management

In fulfilling the responsibilities under section 3506(h) of title 44, the head of an executive agency shall—

(1) establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology;

(2) prepare an annual report, to be included in the executive agency's budget submission to Congress, on the progress in achieving the goals;

(3) ensure that performance measurements—

(A) are prescribed for information technology used by, or to be acquired for, the executive agency; and

(B) measure how well the information technology supports programs of the executive agency;

(4) where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark agency process performance against those processes in terms of cost, speed, productivity, and quality of outputs and outcomes;

(5) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes as appropriate before making significant investments in information technology to be used in support of the performance of those missions; and

(6) ensure that the information security policies, procedures, and practices of the executive agency are adequate.

§11314. Authority to acquire and manage information technology

(a) IN GENERAL.—The authority of the head of an executive agency to acquire information technology includes—

(1) acquiring information technology as authorized by law;

(2) making a contract that provides for multiagency acquisitions of information technology in accordance with guidance issued by the Director of the Office of Management and Budget; and

(3) if the Director finds that it would be advantageous for the Federal Government to do so, making a multiagency contract for procurement of commercial items of information technology that requires each executive agency covered by the contract, when procuring those items, to procure the items under that contract or to justify an alternative procurement of the items.

(b) FTS 2000 PROGRAM.—The Administrator of General Services shall continue to manage the FTS 2000 program, and to coordinate the follow-on to that program, for and with the advice of the heads of executive agencies.

§11315. Agency Chief Information Officer

(a) DEFINITION.—In this section, the term "information technology architecture", with respect to an executive agency, means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the agency's strategic goals and information resources management goals.

(b) GENERAL RESPONSIBILITIES.—The Chief Information Officer of an executive agency is responsible for—

(1) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the executive agency in a manner that implements the policies and procedures of this subtitle, consistent with chapter 35 of title 44 and the priorities established by the head of the executive agency;

(2) developing, maintaining, and facilitating the implementation of a sound and integrated information technology architecture for the executive agency; and

(3) promoting the effective and efficient design and operation of all major information resources management processes for the executive agency, including improvements to work processes of the executive agency.

(c) DUTIES AND QUALIFICATIONS.—The Chief Information Officer of an agency listed in section 901(b) of title 31—

(1) has information resources management duties as that official's primary duty;

(2) monitors the performance of information technology programs of the agency, evaluates the performance of those programs on the basis of the applicable performance measurements, and advises the head of the agency regarding whether to continue, modify, or terminate a program or project; and

(3) annually, as part of the strategic planning and performance evaluation process required (subject to section 1117 of title 31) under section 306 of title 5 and sections 1105(a)(28), 1115–1117, and 9703 (as added by section 5(a) of the Government Performance and Results Act of 1993 (Public Law 103–62, 107 Stat. 289)) of title 31—

(A) assesses the requirements established for agency personnel regarding knowledge and skill in information resources management and the adequacy of those requirements for facilitating the achievement of the performance goals established for information resources management;

(B) assesses the extent to which the positions and personnel at the executive level of the agency and the positions and personnel at management level of the agency below the executive level meet those requirements;

(C) develops strategies and specific plans for hiring, training, and professional development to rectify any deficiency in meeting those requirements; and

(D) reports to the head of the agency on the progress made in improving information resources management capability.

§11316. Accountability

The head of each executive agency, in consultation with the Chief Information Officer and the Chief Financial Officer of that executive agency (or, in the case of an executive agency without a chief financial officer, any comparable official), shall establish policies and procedures to ensure that—

(1) the accounting, financial, asset management, and other information systems of the executive agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the executive agency;

(2) financial and related program performance data are provided on a reliable, consistent, and timely basis to executive agency financial management systems; and

(3) financial statements support—

(A) assessments and revisions of mission-related processes and administrative processes of the executive agency; and

(B) measurement of the performance of investments made by the agency in information systems.

§11317. Significant deviations

The head of each executive agency shall identify in the strategic information resources management plan required under section 3506(b)(2) of title 44 any major information technology acquisition program, or any phase or increment of that program, that has significantly deviated from the cost, performance, or schedule goals established for the program.

§11318. Interagency support

The head of an executive agency may use amounts available to the agency for oversight, acquisition, and procurement of information technology to support jointly with other executive agencies the activities of interagency groups that are established to advise the Director of the Office of Management and Budget in carrying out the Director's responsibilities under this chapter. The use of those amounts for that purpose is subject to requirements and limitations on uses and amounts that the Director may prescribe. The Director shall prescribe the requirements and limitations during the Director's review of the executive agency's proposed budget submitted to the Director by the head of the executive agency for purposes of section 1105 of title 31.

SUBCHAPTER III—OTHER RESPONSIBILITIES

§11331. Responsibilities regarding efficiency, security, and privacy of federal computer systems

(a) DEFINITIONS.—In this section, the terms "federal computer system" and "operator of a federal computer system" have the meanings given those terms in section 20(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)).

(b) STANDARDS AND GUIDELINES.—

(1) AUTHORITY TO PRESCRIBE AND DISAPPROVE OR MODIFY.—

(A) AUTHORITY TO PRESCRIBE.—On the basis of standards and guidelines developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the Act (15 U.S.C. 278g–3(a)(2), (3)), the Secretary of Commerce shall prescribe standards and guidelines pertaining to federal computer systems. The Secretary shall make those standards compulsory and binding to the extent the Secretary determines necessary to improve the efficiency of operation or security and privacy of federal computer systems.

(B) AUTHORITY TO DISAPPROVE OR MODIFY.—The President may disapprove or modify those standards and guidelines if the President determines that action to be in the public interest. The President's authority to disapprove or modify those standards and guidelines may not be delegated. Notice of disapproval or modification shall be published promptly in the Federal Register. On receiving notice of disapproval or modification, the Secretary shall immediately rescind or modify those standards or guidelines as directed by the President.

(2) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director of the Office of Management and Budget.

(c) APPLICATION OF MORE STRINGENT STANDARDS.—The head of a federal agency may employ standards for the cost-effective security and privacy of sensitive information in a federal computer system in or under the supervision of that agency that are more stringent than the standards the Secretary prescribes under this section if the more stringent standards contain at least the applicable standards the Secretary makes compulsory and binding.

(d) WAIVER OF STANDARDS.—

(1) AUTHORITY OF THE SECRETARY.—The Secretary may waive in writing compulsory and binding standards under subsection (b) if the Secretary determines that compliance would—

(A) adversely affect the accomplishment of the mission of an operator of a federal computer system; or

(B) cause a major adverse financial impact on the operator that is not offset by Federal Government-wide savings.

(2) DELEGATION OF WAIVER AUTHORITY.—The Secretary may delegate to the head of one or more federal agencies authority to waive those standards to the extent the Secretary determines that action to be necessary and desirable to allow for timely and effective implementation of federal computer system standards. The head of the agency may redelegate that authority only to a chief information officer designated pursuant to section 3506 of title 44.

(3) NOTICE.—Notice of each waiver and delegation shall be transmitted promptly to Congress and published promptly in the Federal Register.

§11332. Federal computer system security training and plan

(a) DEFINITIONS.—In this section, the terms "computer system", "federal agency", "federal computer system", "operator of a federal computer system", and "sensitive information" have the meanings given those terms in section 20(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(d)).

(b) TRAINING—

(1) IN GENERAL.—Each federal agency shall provide for mandatory periodic training in computer security awareness and accepted computer security practice of all employees who are involved with the management, use, or operation of each federal computer system within or under the supervision of the agency. The training shall be—

(A) provided in accordance with the guidelines developed pursuant to section 20(a)(5) of the Act (15 U.S.C. 278g-3(a)(5)) and the regulations prescribed under paragraph (3) for federal civilian employees; or

(B) provided by an alternative training program that the head of the agency approves after determining that the alternative training program is at least as effective in accomplishing the objectives of the guidelines and regulations.

(2) TRAINING OBJECTIVES.—Training under this subsection shall be designed—

(A) to enhance employees' awareness of the threats to, and vulnerability of, computer systems; and

(B) to encourage the use of improved computer security practices.

(3) REGULATIONS.—The Director of the Office of Personnel Management shall maintain regulations that establish the procedures and scope of the training to be provided federal civilian employees under this subsection and the manner in which the training is to be carried out.

(c) PLAN.—

(1) IN GENERAL.—Consistent with standards, guidelines, policies, and regulations prescribed pursuant to section 11331 of this title, each federal agency shall maintain a plan for the security and privacy of each federal computer system the agency identifies as being within or under its supervision and as containing sensitive information. The plan must be commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to, or modification of, the information contained in the system.

(2) REVISION AND REVIEW.—The plan shall be revised annually as necessary and is subject to disapproval by the Director of the Office of Management and Budget.

(d) HANDLING OF INFORMATION NOT AFFECTED.—This section does not—

(1) constitute authority to withhold information sought pursuant to section 552 of title 5; or

(2) authorize a federal agency to limit, restrict, regulate, or control the collection, maintenance, disclosure, use, transfer, or sale of any information (regardless of the medium in which the information may be maintained) that is—

(A) privately owned information;

(B) disclosable under section 552 of title 5 or another law requiring or authorizing the public disclosure of information; or

(C) public domain information.

CHAPTER 115—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

SUBCHAPTER I—CONDUCT OF PILOT PROGRAMS

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11502.	*Evaluation criteria and plans.*
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11504.	*Recommended legislation.*
11505.	*Rule of construction.*

SUBCHAPTER II—SPECIFIC PILOT PROGRAMS

11521.	*Share-in-savings pilot program.*
11522.	*Solutions-based contracting pilot program.*

SUBCHAPTER I—CONDUCT OF PILOT PROGRAMS

§11501. Authority to conduct pilot programs

(a) IN GENERAL.—

(1) PURPOSE.—In consultation with the Administrator for the Office of Information and Regulatory Affairs, the Administrator for Federal Procurement Policy may conduct pilot programs to test alternative approaches for the acquisition of information technology by executive agencies.

(2) MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.—Except as otherwise provided in this chapter, each pilot program conducted under this chapter shall be carried out in not more than two procuring activities in each of the executive agencies that are designated by the Administrator for Federal Procurement Policy in accordance with this chapter to carry out the pilot program. With the approval of the Administrator for Federal Procurement Policy, the head of each designated executive agency shall select the procuring activities of the executive agency that are to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the executive agency.

(b) LIMITATIONS.—

(1) NUMBER.—Not more than two pilot programs may be conducted under this chapter, including one pilot program each pursuant to the requirements of sections 11521 and 11522 of this title.

(2) AMOUNT.—The total amount obligated for contracts entered into under the pilot programs conducted under this chapter may not exceed $750,000,000. The Administrator for Federal Procurement Policy shall monitor those contracts and ensure that contracts are not entered into in violation of this paragraph.

(c) PERIOD OF PROGRAMS.—

(1) IN GENERAL.—Subject to paragraph (2), a pilot program may be carried out under this chapter for the period, not in excess of five years, the Administrator for Federal Procurement Policy determines is sufficient to establish reliable results.

(2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into under the pilot program before the expiration of that program remains in effect according to the terms of the contract after the expiration of the program.

§11502. Evaluation criteria and plans

(a) MEASURABLE TEST CRITERIA.—To the maximum extent practicable, the head of each executive agency conducting a pilot program under section 11501 of this title shall establish measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) TEST PLAN.—Before a pilot program may be conducted under section 11501 of this title, the Administrator for Federal Procurement Policy shall submit to Congress a detailed test plan for the program, including a detailed description of the procedures to be used and a list of regulations that are to be waived.

§11503. Report

(a) REQUIREMENT.—Not later than 180 days after the completion of a pilot program under this chapter, the Administrator for Federal Procurement Policy shall—

(1) submit to the Director of the Office of Management and Budget a report on the results and findings under the program; and

(2) provide a copy of the report to Congress.

(b) CONTENT.—The report shall include—

(1) a detailed description of the results of the program, as measured by the criteria established for the program; and

(2) a discussion of legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, to improve overall information resources management in the Federal Government.

§11504. Recommended legislation

If the Director of the Office of Management and Budget determines that the results and findings under a pilot program under this chapter indicate that legislation is necessary or desirable to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for that legislation to Congress.

§11505. Rule of construction

This chapter does not authorize the appropriation or obligation of amounts for the pilot programs authorized under this chapter.

SUBCHAPTER II—SPECIFIC PILOT PROGRAMS

§11521. Share-in-savings pilot program

(a) REQUIREMENT.—The Administrator for Federal Procurement Policy may authorize the heads of two executive agencies to carry out a pilot program to test the feasibility of—

(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and

(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution.

(b) LIMITATIONS.—The head of an executive agency authorized to carry out the pilot program may carry out one project and enter into not more than five contracts for the project under the pilot program.

(c) SELECTION OF PROJECTS.—In consultation with the Administrator for the Office of Information and Regulatory Affairs, the Administrator for Federal Procurement Policy shall select the projects.

§11522. Solutions-based contracting pilot program

(a) DEFINITION.—For purposes of this section, "solutions-based contracting" is an acquisition method under which the acquisition objectives are defined by the Federal Government user of the technology to be acquired, a streamlined contractor selection process is used, and industry sources are allowed to provide solutions that attain the objectives effectively.

(b) IN GENERAL.—The Administrator for Federal Procurement Policy may authorize the head of an executive agency, in accordance with subsection (d), to carry out a pilot program to test the feasibility of using solutions-based contracting for the acquisition of information technology.

(c) PROCESS REQUIREMENTS.—The Administrator shall require use of a process with the following aspects for acquisitions under the pilot program:

(1) ACQUISITION PLAN EMPHASIZING DESIRED RESULT.—Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvements to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.

(2) RESULTS-ORIENTED STATEMENT OF WORK.—Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.

(3) SMALL ACQUISITION ORGANIZATION.—Assembly of a small acquisition organization consisting of the following:

(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.

(B) A small source selection team composed of representatives of the specific mission or administrative area to be supported by the information technology to be acquired, a contracting officer, and individuals with relevant expertise.

(4) USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE QUALIFICATIONS AND COSTS.—Use of source selection factors that emphasize—

(A) the qualifications of the offeror, including personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives of the acquisition, past contract performance, qualifications of the proposed program manager, and the proposed management plan; and

(B) the costs likely to be associated with the conceptual approach proposed by the offeror.

(5) OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.—Open availability of the following information to potential offerors:

(A) The agency mission to be served by the acquisition.

(B) The functional process to be performed by use of information technology.

(C) The process improvements to be attained.

(6) SIMPLE SOLICITATION.—Use of a simple solicitation that sets forth only the functional work description, the source selection factors to be used in accordance with paragraph (4), the required terms and conditions, instructions regarding submission of offers, and the estimate of the Government's budget for the desired work.

(7) SIMPLE PROPOSALS.—Submission of oral presentations and written proposals that are limited in size and scope and contain information on—

(A) the offeror's qualifications to perform the desired work;

(B) past contract performance;

(C) the proposed conceptual approach; and

(D) the costs likely to be associated with the proposed conceptual approach.

(8) SIMPLE EVALUATION.—Use of a simplified evaluation process, to be completed within 45 days after receipt of proposals, that consists of the following:

(A) Identification of the most qualified offerors that are within the competitive range.

(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding, for each offeror—

(i) the qualifications of the offeror, including how the qualifications of the offeror relate to the approach proposed to be taken by the offeror in the acquisition; and

(ii) the costs likely to be associated with the approach.

(C) Evaluation of the qualifications of the identified offerors and the costs likely to be associated with the offerors' proposals on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.

(9) SELECTION OF MOST QUALIFIED OFFEROR.—A selection process consisting of the following:

(A) Identification of the most qualified sources, primarily on the basis of the oral proposals, presentations, and discussions, and written proposals, submitted in accordance with paragraph (7).

(B) A program definition phase of 30–60 days (or a longer period the Administrator approves)—

(i) during which the sources identified under subparagraph (A), in consultation with one or more intended users, develop a conceptual system design and technical approach, define logical phases for the project, and estimate the total cost and the cost for each phase; and

(ii) after which a contract for performance of the work may be awarded to the source whose offer is determined to be most advantageous to the Government on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.

(C) As many successive program definition phases as necessary to award a contract in accordance with subparagraph (B).

(10) SYSTEM IMPLEMENTATION PHASING.—System implementation to be executed in phases that are tailored to the solution, with appropriate contract arrangements being used for various phases and activities.

(11) MUTUAL AUTHORITY TO TERMINATE.—Authority for the Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.

(12) TIME MANAGEMENT DISCIPLINE.—Application of a standard for awarding a contract within 105 to 120 days after issuance of the solicitation, except that the Administrator may approve the application of a longer standard period.

(d) PILOT PROGRAM PROJECTS.—The Administrator shall authorize to be carried out under the pilot program—

(1) not more than 10 projects, each of which has an estimated cost of at least $25,000,000 and not more than $100,000,000; and

(2) not more than 10 projects for small business concerns, each of which has an estimated cost of at least $1,000,000 and not more than $5,000,000.

(e) MONITORING BY COMPTROLLER GENERAL.—The Comptroller General shall—

(1) monitor the conduct, and review the results, of acquisitions under the pilot program; and

(2) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program.

CHAPTER 117—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

Sec.

11701. On-line multiple award schedule contracting.

11702. Identification of excess and surplus computer equipment.

11703. Index of certain information in information systems included in directory established under section 4101 of title 44.

11704. Procurement procedures.

§11701. On-line multiple award schedule contracting

(a) AUTOMATION OF MULTIPLE AWARD SCHEDULE CONTRACTING.—To provide for the economic and efficient procurement of information technology and other commercial items, the Administrator of General Services shall provide Federal Government-wide on-line computer access to information on products and services that are available for ordering through the multiple award schedules.

(b) REQUIREMENTS.—The system for providing on-line computer access shall—

(1) have the capability to—

(A) provide basic information on prices, features, and performance of all products and services available for ordering through the multiple award schedules;

(B) provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available; and

(C) enable users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors; and

(2) be used to place orders under the multiple award schedules in a fiscal year for an amount equal to at least 60 percent of the total amount spent for all orders under the multiple award schedules in that fiscal year.

(c) STREAMLINED PROCEDURES.—

(1) PILOT PROGRAM.—On certification by the Administrator of General Services that the system for providing on-line computer access meets the requirements of subsection (b)(1) and was used as required by subsection (b)(2) in the fiscal year preceding the fiscal year in which the certification is made, the Administrator for Federal Procurement Policy may establish a pilot program to test streamlined procedures for the procurement of information technology products and services available for ordering through the multiple award schedules.

(2) APPLICABILITY TO MULTIPLE AWARD SCHEDULE CONTRACTS.—Except as provided in paragraph (4), the pilot program shall be applicable to all multiple award schedule contracts for the purchase of information technology and shall test the following procedures:

(A) A procedure under which negotiation of the terms and conditions for a covered multiple award schedule contract is limited to terms and conditions other than price.

(B) A procedure under which the vendor establishes the prices under a covered multiple award schedule contract and may adjust those prices at any time in the discretion of the vendor.

(C) A procedure under which a covered multiple award schedule contract is awarded to any responsible offeror that—

(i) has a suitable record of past performance, which may include past performance on multiple award schedule contracts;

(ii) agrees to terms and conditions that the Administrator for Federal Procurement Policy determines are required by law or are appropriate for the purchase of commercial items; and

(iii) agrees to establish and update prices, features, and performance and to accept orders electronically through the automated system established pursuant to subsection (a).

(3) COMPTROLLER GENERAL REVIEW AND REPORT.—

(A) AUTHORITY TO CONDUCT REVIEW AND MAKE REPORT.—Not later than three years after the date on which the pilot program is established, the Comptroller General shall review the pilot program and report to Congress on the results of the pilot program.

(B) CONTENT OF REPORT.—The report shall include the following:

(i) An evaluation of the extent to which there is competition for the orders placed under the pilot program.

(ii) The effect that the streamlined procedures under the pilot program have on prices charged under multiple award schedule contracts.

(iii) The effect that those procedures have on paperwork requirements for multiple award schedule contracts and orders.

(iv) The impact of the pilot program on small businesses and socially and economically disadvantaged small businesses.

(4) WITHDRAWAL OF SCHEDULE OR PORTION OF SCHEDULE FROM PILOT PROGRAM.—

(A) WHEN ALLOWED.—The Administrator for Federal Procurement Policy may withdraw a multiple award schedule or portion of a schedule from the pilot program if the Administrator determines that—

(i) price competition is not available under that schedule or portion of that schedule; or

(ii) the cost to the Government for that schedule or portion for the previous year was higher than it would have been if the contract for that schedule or portion had been awarded using procedures that would apply if the pilot program were not in effect.

(B) NOTICE.—The Administrator for Federal Procurement Policy shall notify Congress at least 30 days before the date on which the Administrator withdraws a schedule or portion under this paragraph.

(C) AUTHORITY NOT DELEGABLE.—The authority under this paragraph may not be delegated.

(5) TERMINATION OF PILOT PROGRAM.—Unless reauthorized by law, the authority of the Administrator for Federal Procurement Policy to award contracts under the pilot program shall expire four years after the date on which the pilot program is established. A contract entered into before the authority expires remains in effect according to the terms of the contract after the expiration of the authority to award new contracts under the pilot program.

§ 11702. Identification of excess and surplus computer equipment

In accordance with chapter 5 of this title, the head of an executive agency shall maintain an inventory of all computer equipment under the control of that official that is excess or surplus property.

§ 11703. Index of certain information in information systems included in directory established under section 4101 of title 44

If in designing an information technology system pursuant to this subtitle, the head of an executive agency determines that a purpose of the system is to disseminate information to the public, then the head of that executive agency shall reasonably ensure that an index of information disseminated by the system is included in the directory created pursuant to section 4101 of title 44. This section does not authorize the dissemination of information to the public unless otherwise authorized.

§ 11704. Procurement procedures

To the maximum extent practicable, the Federal Acquisition Regulatory Council shall ensure that the process for acquisition of information technology is a simplified, clear, and understandable process that specifically addresses the management of risk, incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.

SUBTITLE IV—APPALACHIAN REGIONAL DEVELOPMENT

CHAPTER Sec.
141. GENERAL PROVISIONS 14101
143. APPALACHIAN REGIONAL COMMISSION 14301
145. SPECIAL APPALACHIAN PROGRAMS 14501
147. MISCELLANEOUS 14701

CHAPTER 141—GENERAL PROVISIONS

Sec.
14101. Findings and purposes.
14102. Definitions.

§ 14101. Findings and purposes

(a) 1965 FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds and declares that the Appalachian region of the United States, while abundant in natural resources and rich in potential, lags behind the rest of the Nation in its economic growth and that its people have not shared properly in the Nation's prosperity. The region's uneven past development, with its historical reliance on a few basic industries and a marginal agriculture, has failed to provide the economic base that is a vital prerequisite for vigorous, self-sustaining growth. State and local governments and the people of the region understand their problems and have been working, and will continue to work, purposefully toward their solution. Congress recognizes the comprehensive report of the President's Appalachian Regional Commission documenting these findings and concludes that regionwide development is feasible, desirable, and urgently needed.

(2) PURPOSE.—It is the purpose of this subtitle to assist the region in meeting its special problems, to promote its economic development, and to establish a framework for joint federal and state efforts toward providing the basic facilities essential to its growth and attacking its common problems and meeting its common needs on a coordinated and concerted regional basis. The public investments made in the region under this subtitle shall be concentrated in areas where there is a significant potential for future growth and where the expected return on public dollars invested will be the greatest. States will be responsible for recommending local and state projects within their borders that will receive assistance under this subtitle. As the region obtains the needed physical and transportation facilities and develops its human resources, Congress expects that the region will generate a diversified industry and that the region will then be able to support itself through the workings of a strengthened free enterprise economy.

(b) 1975 FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress further finds and declares that while substantial progress has been made toward achieving the purposes set out in subsection (a), especially with respect to the provision of essential public facilities, much remains to be accomplished, especially with respect to the provision of essential health, education, and other public services. Congress recognizes that changes and evolving national purposes in the decade since 1965 affect not only the Appalachian region but also its relationship to a nation that on December 31, 1975, is assigning higher priority to conservation and the quality of life, values long cherished within the region. Appalachia as of December 31, 1975, has the opportunity, in accommodating future growth and development, to demonstrate local leadership and coordinated planning so that housing, public services, transportation and other community facilities will be provided in a way congenial to the traditions and beauty of the region and compatible with conservation values and an enhanced quality of life for the people of the region, and consistent with that goal, the Appalachian region should be able to take advantage of eco-industrial development, which promotes both employment and economic growth and the preservation of natural resources. Congress recognizes also that fundamental changes are occurring in national energy requirements and production, which not only risk short-term dislocations but will undoubtedly result in major long-term effects in the region. It is essential that the opportunities for expanded energy production be used so as to maximize the social and economic benefits and minimize the social and environmental costs to the region and its people.

(2) PURPOSE.—It is also the purpose of this subtitle to provide a framework for coordinating federal, state and local efforts toward—

(A) anticipating the effects of alternative energy policies and practices;

(B) planning for accompanying growth and change so as to maximize the social and economic benefits and minimize the social and environmental costs; and

(C) implementing programs and projects carried out in the region by federal, state, and local governmental agencies so as to better meet the special problems generated in the region by the Nation's energy needs and policies, including problems of transportation, housing, community facilities, and human services.

(c) 1998 FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress further finds and declares that while substantial progress has been made in fulfilling many of the objectives of this subtitle, rapidly changing national and global economies over the decade ending November 13, 1998, have created new problems and challenges for rural areas throughout the United States and especially for the Appalachian region.

(2) PURPOSE.—In addition to the purposes stated in subsections (a) and (b), it is the purpose of this subtitle—

(A) to assist the Appalachian region in—

(i) providing the infrastructure necessary for economic and human resource development;

(ii) developing the region's industry;

(iii) building entrepreneurial communities;

(iv) generating a diversified regional economy; and

(v) making the region's industrial and commercial resources more competitive in national and world markets;

(B) to provide a framework for coordinating federal, state, and local initiatives to respond to the economic competitiveness challenges in the Appalachian region through—

(i) improving the skills of the region's workforce;

(ii) adapting and applying new technologies for the region's businesses, including eco-industrial development technologies; and

(iii) improving the access of the region's businesses to the technical and financial resources necessary to development of the businesses; and

(C) to address the needs of severely and persistently distressed areas of the Appalachian region and focus special attention on the areas of greatest need so as to provide a fairer opportunity for the people of the region to share the quality of life generally enjoyed by citizens across the United States.

§ 14102. Definitions

(a) DEFINITIONS.—In this subtitle—

(1) APPALACHIAN REGION.—The term "Appalachian region" means that area of the eastern United States consisting of the following counties (including any political subdivision located within the area):

(A) In Alabama, the counties of Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Macon, Madison, Marion, Marshall, Morgan, Pickens, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston.

(B) In Georgia, the counties of Banks, Barrow, Bartow, Carroll, Catoosa, Chattooga, Cherokee, Dade, Dawson, Douglas, Elbert, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Hart, Heard, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield.

(C) In Kentucky, the counties of Adair, Bath, Bell, Boyd, Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland, Edmonson, Elliott, Estill, Fleming, Floyd, Garrard, Green, Greenup, Harlan, Hart, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Menifee, Monroe, Montgomery, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe.

(D) In Maryland, the counties of Allegany, Garrett, and Washington.

(E) In Mississippi, the counties of Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Kemper, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha.

(F) In New York, the counties of Allegany, Broome, Cattaraugus, Chautauqua, Chemung, Chenango, Cortland, Delaware, Otsego, Schoharie, Schuyler, Steuben, Tioga, and Tompkins.

(G) In North Carolina, the counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Davie, Forsyth, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey.

(H) In Ohio, the counties of Adams, Athens, Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Tuscarawas, Vinton, and Washington.

(I) In Pennsylvania, the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, and Wyoming.

(J) In South Carolina, the counties of Anderson, Cherokee, Greenville, Oconee, Pickens, and Spartanburg.

(K) In Tennessee, the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, De Kalb, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Macon, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White.

(L) In Virginia, the counties of Alleghany, Bath, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Highland, Lee, Montgomery, Pulaski, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe.

(M) All the counties of West Virginia.

(2) LOCAL DEVELOPMENT DISTRICT.—The term "local development district" means any of the following entities for which the Governor of the State in which the entity is located, or the appropriate state officer, certifies to the Appalachian Regional Commission that the entity has a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region:

(A) a nonprofit incorporated body organized or chartered under the law of the State in which it is located.

(B) a nonprofit agency or instrumentality of a state or local government.

(C) a nonprofit agency or instrumentality created through an interstate compact.

(D) a nonprofit association or combination of bodies, agencies, and instrumentalities described in this paragraph.

(b) CHANGE IN DEFINITION.—The Commission may not propose or consider a recommendation for any change in the definition of the Appalachian region as set forth in this section without a prior resolution by the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives that directs a study of the change.

CHAPTER 143—APPALACHIAN REGIONAL COMMISSION

SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION

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SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION

§ 14301. Establishment, membership, and employees

(a) ESTABLISHMENT.—There is an Appalachian Regional Commission.

(b) MEMBERSHIP.—

(1) FEDERAL AND STATE MEMBERS.—The Commission is composed of the Federal Cochairman, appointed by the President by and with the advice and consent of the Senate, and the Governor of each participating State in the Appalachian region.

(2) ALTERNATE MEMBERS.—Each state member may have a single alternate, appointed by the Governor from among the members of the Governor's cabinet or the Governor's personal staff. The President, by and with the advice and consent of the Senate, shall appoint an alternate for the Federal Cochairman. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the member for whom the individual is an alternate. A state alternate shall not be counted toward the establishment of a quorum of the Commission when a quorum of the state members is required.

(3) COCHAIRMEN.—The Federal Cochairman is one of the two Cochairmen of the Commission. The state members shall elect a Cochairman of the Commission from among themselves for a term of not less than one year.

(c) COMPENSATION.—The Federal Cochairman shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5. The Federal Cochairman's alternate shall be compensated by the Government at level V of the Executive Schedule as set out in section 5316 of title 5. Each state member and alternate shall be compensated by the State which they represent at the rate established by law of that State.

(d) DELEGATION.—

(1) POWERS AND RESPONSIBILITIES.—Commission powers and responsibilities specified in section 14302(c) and (d) of this title, and the vote of any Commission member, may not be delegated to an individual who is not a Commission member or who is not entitled to vote in Commission meetings.

(2) ALTERNATE FEDERAL COCHAIRMAN.—The alternate to the Federal Cochairman shall perform the functions and duties the Federal Cochairman delegates when not actively serving as the alternate.

(e) EXECUTIVE DIRECTOR.—The Commission has an executive director. The executive director is responsible for carrying out the administrative functions of the Commission, for directing the Commission staff, and for other duties the Commission may assign.

(f) STATUS OF PERSONNEL.—Members, alternates, officers, and employees of the Commission are not federal employees for any purpose, except the Federal Cochairman, the alternate to the Federal Cochairman, the staff of the Federal Cochairman, and federal employees detailed to the Commission under section 14306(a)(3) of this title.

§ 14302. Decisions

(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 14306(d) of this title, decisions by the Appalachian Regional Commission require the affirmative vote of the Federal Cochairman and of a majority of the state members, exclusive of members representing States delinquent under section 14306(d).

(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairman, to the extent practicable, shall consult with the federal departments and agencies having an interest in the subject matter.

(c) DECISIONS REQUIRING QUORUM OF STATE MEMBERS.—A decision involving Commission policy, approval of state, regional or subregional development plans or strategy statements, modification or revision of the Appalachian Regional Commission Code, allocation of amounts among the States, or designation of a distressed county or an economically strong county shall not be made without a quorum of state members.

(d) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals is a responsibility of the Commission and shall be carried out in accordance with section 14322 of this title.

§ 14303. Functions

(a) IN GENERAL.—In carrying out the purposes of this subtitle, the Appalachian Regional Commission shall—

(1) develop, on a continuing basis, comprehensive and coordinated plans and programs and establish priorities under those plans and programs, giving due consideration to other federal, state, and local planning in the Appalachian region;

(2) conduct and sponsor investigations, research, and studies, including an inventory and analysis of the resources of the region, and, in cooperation with federal, state, and local agencies, sponsor demonstration projects designed to foster regional productivity and growth;

(3) review and study, in cooperation with the agency involved, federal, state, and local public and private programs and, where appropriate, recommend modifications or additions which will increase their effectiveness in the region;

(4) formulate and recommend, where appropriate, interstate compacts and other forms of interstate cooperation and work with state and local agencies in developing appropriate model legislation;

(5) encourage the formation of, and support, local development districts;

(6) encourage private investment in industrial, commercial, and recreational projects;

(7) serve as a focal point and coordinating unit for Appalachian programs;

(8) provide a forum for consideration of problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences;

(9) encourage the use of eco-industrial development technologies and approaches; and

(10) seek to coordinate the economic development activities of, and the use of economic development resources by, federal agencies in the region.

(b) IDENTIFY NEEDS AND GOALS OF SUBREGIONAL AREAS.—In carrying out its functions under this section, the Commission shall identify the characteristics of, and may distinguish between the needs and goals of, appropriate subregional areas, including central, northern, and southern Appalachia.

§14304. Recommendations

The Appalachian Regional Commission may make recommendations to the President and to the Governors and appropriate local officials with respect to—

(1) the expenditure of amounts by federal, state, and local departments and agencies in the Appalachian region in the fields of natural resources, agriculture, education, training, and health and welfare and in other fields related to the purposes of this subtitle; and

(2) additional federal, state, and local legislation or administrative actions as the Commission considers necessary to further the purposes of this subtitle.

§14305. Liaison between Federal Government and Commission

(a) PRESIDENT.—The President shall provide effective and continuing liaison between the Federal Government and the Appalachian Regional Commission and a coordinated review within the Government of the plans and recommendations submitted by the Commission pursuant to sections 14303 and 14304 of this title.

(b) INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.—In carrying out subsection (a), the President shall establish the Interagency Coordinating Council on Appalachia, to be composed of the Federal Cochairman and representatives of federal agencies that carry out economic development programs in the Appalachian region. The Federal Cochairman is the Chairperson of the Council.

§14306. Administrative powers and expenses

(a) POWERS.—To carry out its duties under this subtitle, the Appalachian Regional Commission may—

(1) adopt, amend, and repeal bylaws and regulations governing the conduct of its business and the performance of its functions;

(2) appoint and fix the compensation of an executive director and other personnel as necessary to enable the Commission to carry out its functions, except that the compensation shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of title 5;

(3) request the head of any federal department or agency to detail to temporary duty with the Commission personnel within the administrative jurisdiction of the head of the department or agency that the Commission may need for carrying out its functions, each detail to be without loss of seniority, pay, or other employee status;

(4) arrange for the services of personnel from any state or local government, subdivision or agency of a state or local government, or intergovernmental agency;

(5)(A) make arrangements, including contracts, with any participating state government for inclusion in a suitable retirement and employee benefit system of Commission personnel who may not be eligible for, or continue in, another governmental retirement or employee benefit system; or

(B) otherwise provide for coverage of its personnel;

(6) accept, use, and dispose of gifts or donations of services or any property;

(7) enter into and perform contracts, leases (including the lease of office space for any term), cooperative agreements, or other transactions, necessary in carrying out its functions, on terms as it may consider appropriate, with any—

(A) department, agency, or instrumentality of the Federal Government;

(B) State or political subdivision, agency, or instrumentality of a State; or

(C) person;

(8) maintain a temporary office in the District of Columbia and establish a permanent office at a central and appropriate location it may select and field offices at other places it may consider appropriate; and

(9) take other actions and incur other expenses as may be necessary or appropriate.

(b) AUTHORIZATIONS.—

(1) DETAIL EMPLOYEES.—The head of a federal department or agency may detail personnel under subsection (a)(3).

(2) ENTER INTO AND PERFORM TRANSACTIONS.—A department, agency, or instrumentality of the Government, to the extent not otherwise prohibited by law, may enter into and perform a contract, lease, cooperative agreement, or other transaction under subsection (a)(7).

(c) RETIREMENT AND OTHER EMPLOYEE BENEFIT PROGRAMS.—The Director of the Office of Personnel Management may contract with the Commission for continued coverage of Commission employees, if the employees are federal employees when they begin Commission employment, in the retirement program and other employee benefit programs of the Government.

(d) EXPENSES.—Administrative expenses of the Commission shall be paid equally by the Government and the States in the Appalachian region, except that the expenses of the Federal Cochairman, the alternate to the Federal Cochairman, and the staff of the Federal Cochairman shall be paid only by the Government. The Commission shall determine the amount to be paid by each State. The Federal Cochairman shall not participate or vote in that determination. Assistance authorized by this subtitle shall not be furnished to any State or to any political subdivision or any resident of any State, and a state member of the Commission shall not participate or vote in any decision by the Commission, while the State is delinquent in payment of its share of administrative expenses.

§14307. Meetings

(a) IN GENERAL.—The Appalachian Regional Commission shall conduct at least one meeting each year with the Federal Cochairman and at least a majority of the state members present.

(b) ADDITIONAL MEETINGS BY ELECTRONIC MEANS.—The Commission may conduct additional meetings by electronic means as the Commission considers advisable, including meetings to decide matters requiring an affirmative vote.

§14308. Information

(a) ACTIONS OF COMMISSION.—To obtain information needed to carry out its duties, the Appalachian Regional Commission shall—

(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports on the proceedings as the Commission may deem advisable;

(2) arrange for the head of any federal, state, or local department or agency to furnish to the Commission information as may be available to or procurable by the department or agency; and

(3) keep accurate and complete records of its doings and transactions which shall be made available for—

(A) public inspection; and

(B) audit and examination by the Comptroller General or an authorized representative of the Comptroller General.

(b) AUTHORIZATIONS.—

(1) ADMINISTER OATHS.—A Cochairman of the Commission, or any member of the Commission designated by the Commission, may administer oaths when the Commission decides that testimony shall be taken or evidence received under oath.

(2) FURNISH INFORMATION.—The head of any federal, state, or local department or agency, to the extent not otherwise prohibited by law, may carry out section (a)(2).

(c) PUBLIC PARTICIPATION.—Public participation in the development, revision, and implementation of all plans and programs under this subtitle by the Commission, any State, or any local development district shall be provided for, encouraged, and assisted. The Commission shall develop and publish regulations specifying minimum guidelines for public participation, including public hearings.

§14309. Personal financial interests

(a) CONFLICT OF INTEREST.—

(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a state member or alternate, or an officer or employee of the Appalachian Regional Commission, shall not participate personally and substantially as a member, alternate, officer, or employee in any way in any particular matter in which, to the individual's knowledge, any of the following has a financial interest:

(A) the individual.

(B) the individual's spouse, minor child, or partner.

(C) an organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

(D) any person or organization with whom the individual—

(i) is serving as an officer, director, trustee, partner, or employee; or

(ii) is negotiating or has any arrangement concerning prospective employment.

(2) EXCEPTION.—Paragraph (1) does not apply if the individual first advises the Commission of the nature and circumstances of the particular matter and makes full disclosure of the financial interest and receives in advance a written decision of the Commission that the interest is not so substantial as to be considered likely to affect the integrity of the services which the Commission may expect from the individual.

(3) CRIMINAL PENALTY.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than two years, or both.

(b) ADDITIONAL SOURCES OF SALARY DISALLOWED.—

(1) STATE MEMBER OR ALTERNATE.—A state member or alternate may not receive any salary, or any contribution to, or supplementation of, salary, for services on the Commission from a source other than the State of the member or alternate.

(2) INDIVIDUALS DETAILED TO COMMISSION.—An individual detailed to serve the Commission under section 14306(a)(4) of this title may not receive any salary, or any contribution to, or supplementation of, salary, for services on the Commission from a source other than the state, local, or intergovernmental department or agency from which the individual was detailed or from the Commission.

(3) CRIMINAL PENALTY.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than one year, or both.

(c) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any federal officer or employee detailed to duty with the Commission under section 14306(a)(3) of this title are not subject to this section but remain subject to sections 202–209 of title 18.

(d) RESCISSION.—The Commission may declare void and rescind any contract, loan, or grant of or by the Commission in relation to which it finds that there has been a violation of subsection (a)(1) or (b) of this section or any of the provisions of sections 202–209 of title 18.

§14310. Annual report

Not later than six months after the close of each fiscal year, the Appalachian Regional Commission shall prepare and submit to the Governor of each State in the Appalachian region and to the President, for transmittal to Congress, a report on the activities carried out under this subtitle during the fiscal year.

SUBCHAPTER II—FINANCIAL ASSISTANCE

§14321. Grants and other assistance

(a) AUTHORIZATION TO MAKE GRANTS.—

(1) IN GENERAL.—The Appalachian Regional Commission may make grants—

(A) for administrative expenses, including the development of areawide plans or action programs and technical assistance activities, of local development districts, but—

(i) the amount of a grant shall not exceed 50 percent of administrative expenses or, at the discretion of the Commission, 75 percent of administrative expenses if the grant is to a local development district that has a charter or authority that includes the economic development of a county or part of a county for which a distressed county designation is in effect under section 14526 of this title;

(ii) grants for administrative expenses shall not be made for a state agency certified as a local development district for a period of more than three years beginning on the date the initial grant is made for the development district; and

(iii) the local development district contributions for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services;

(B) for assistance to States for a period of not more than two years to strengthen the state development planning process for the Appalachian region and the coordination of state planning under this subtitle, the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), and other federal and state programs; and

(C) for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to those activities, which will further the purposes of this subtitle.

(2) LIMITATION ON AVAILABLE AMOUNTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of any activity eligible for financial assistance under this section may be provided from amounts appropriated to carry out this subtitle.

(B) DISCRETIONARY GRANTS.—

(i) GRANTS TO WHICH PERCENTAGE LIMITATION DOESN'T APPLY.—Discretionary grants made by the Commission to implement significant regional initiatives, to take advantage of special development opportunities, or to respond to emergency economic distress in the region may be made without regard to the percentage limitations specified in subparagraph (A).

(ii) LIMITATION ON AGGREGATE AMOUNT.—For each fiscal year, the aggregate amount of discretionary grants referred to in clause (i) shall not be more than 10 percent of the amount appropriated under section 14703 of this title for the fiscal year.

(3) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this section, in combination with amounts available under other federal or federal grant programs, or from any other source.

(4) FEDERAL SHARE.—Notwithstanding any law limiting the federal share in any other federal or federal grant program, amounts appropriated to carry out this section may be used to increase that federal share, as the Commission decides is appropriate.

(b) ASSISTANCE FOR DEMONSTRATIONS OF ENTERPRISE DEVELOPMENT.—

(1) IN GENERAL.—The Commission may provide assistance under this section for demonstrations of enterprise development, including site acquisition or development where necessary for the feasibility of the project, in connection with the development of the region's energy resources and the development and stimulation of indigenous arts and crafts of the region.

(2) COOPERATION BY FEDERAL AGENCIES.—In carrying out the purposes of this subtitle and in implementing this section, the Secretary of Energy, the Environmental Protection Agency, and other federal agencies shall cooperate with the Commission and shall provide assistance that the Federal Cochairman may request.

(3) AVAILABLE AMOUNTS.—In any fiscal year, not more than—

(A) $3,000,000 shall be obligated for energy resource related demonstrations; and

(B) $2,500,000 shall be obligated for indigenous arts and crafts demonstrations.

(c) RECORDS.—

(1) COMMISSION.—The Commission, as required by the President, shall maintain accurate and complete records of transactions and activities financed with federal amounts and report to the President on the transactions and activities. The records of the Commission with respect to grants are available for audit by the President and the Comptroller General.

(2) RECIPIENTS OF FEDERAL ASSISTANCE.—Recipients of federal assistance under this section, as required by the Commission, shall maintain accurate and complete records of transactions and activities financed with federal amounts and report to the Commission on the transactions and activities. The records are available for audit by the President, the Comptroller General, and the Commission.

§14322. Approval of development plans, strategy statements, and projects

(a) ANNUAL REVIEW AND APPROVAL REQUIRED.—The Appalachian Regional Commission annually shall review and approve, in accordance with section 14302 of this title, state and regional development plans and strategy statements, and any multistate subregional plans which may be developed.

(b) APPLICATION PROCESS.—An application for a grant or for other assistance for a specific project under this subtitle shall be made through the state member of the Commission representing the applicant. The state member shall evaluate the application for approval. To be approved, the state member must certify, and the Federal Cochairman must determine, that the application—

(1) implements the Commission-approved state development plan;

(2) is included in the Commission-approved strategy statement;

(3) adequately ensures that the project will be properly administered, operated, and maintained; and

(4) otherwise meets the requirements for assistance under this subtitle.

(c) AFFIRMATIVE VOTE REQUIREMENT DEEMED MET.—After the appropriate state development plan and strategy statement are approved, certification by a state member, when joined by an affirmative vote of the Federal Cochairman, is deemed to satisfy the requirements for affirmative votes for decisions under section 14302(a) of this title.

CHAPTER 145—SPECIAL APPALACHIAN PROGRAMS

SUBCHAPTER I—PROGRAMS

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SUBCHAPTER I—PROGRAMS

§14501. Appalachian development highway system

(a) PURPOSE.—To provide a highway system which, in conjunction with the Interstate System and other Federal-aid highways in the Appalachian region, will open up an area with a developmental potential where commerce and communication have been inhibited by lack of adequate access, the Secretary of Transportation may assist in the construction of an Appalachian development highway system and local access roads serving the Appalachian region. Construction on the development highway system shall not be more than 3,025 miles. There shall not be more than 1,400 miles of local access roads that serve specific recreational, residential, educational, commercial, industrial, or similar facilities or facilitate a school consolidation program.

(b) COMMISSION DESIGNATIONS.—

(1) WHAT IS TO BE DESIGNATED.—The Appalachian Regional Commission shall transmit to the Secretary its designations of—

(A) the general corridor location and termini of the development highways;

(B) local access roads to be constructed;

(C) priorities for the construction of segments of the development highways; and

(D) other criteria for the program authorized by this section.

(2) STATE TRANSPORTATION DEPARTMENT RECOMMENDATION REQUIRED.—Before a state member participates in or votes on designations, the member must obtain the recommendations of the state transportation department of the State which the member represents.

(c) ADDITION TO FEDERAL-AID PRIMARY SYSTEM.—When completed, each development highway not already on the Federal-aid primary system shall be added to the system.

(d) USE OF SPECIFIC MATERIALS AND PRODUCTS.—

(1) INDIGENOUS MATERIALS AND PRODUCTS.—In the construction of highways and roads authorized under this section, a State may give special preference to the use of materials and products indigenous to the Appalachian region.

(2) COAL DERIVATIVES.—For research and development in the use of coal and coal products in highway construction and maintenance, the Secretary may require each participating State, to the maximum extent possible, to use coal derivatives in the construction of not more than 10 percent of the roads authorized under this subtitle.

(e) FEDERAL SHARE.—Federal assistance to any construction project under this section shall not be more than 80 percent of the cost of the project.

(f) CONSTRUCTION WITHOUT FEDERAL AMOUNTS.—

(1) PAYMENT OF FEDERAL SHARE.—When a participating State constructs a segment of a development highway without the aid of federal

amounts and the construction is in accordance with all procedures and requirements applicable to the construction of segments of Appalachian development highways with those amounts, except for procedures and requirements that limit a State to the construction of projects for which federal amounts have previously been appropriated, the Secretary, on application by the State and with the approval of the Commission, may pay to the State the federal share, which shall not be more than 80 percent of the cost of the construction of the segment, from any amounts appropriated and allocated to the State to carry out this section.

(2) NO COMMITMENT OR OBLIGATION.—This subsection does not commit or obligate the Federal Government to provide amounts for segments of development highways constructed under this subsection.

(g) APPLICATION OF TITLE 23.—

(1) SECTIONS 106(a) AND 118.—Sections 106(a) and 118 of title 23 apply to the development highway system and the local access roads.

(2) CONSTRUCTION AND MAINTENANCE.—States are required to maintain each development highway and local access road as provided for Federal-aid highways in title 23. All other provisions of title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways and which the Secretary decides are not inconsistent with this subtitle shall apply to the system and roads, respectively..

§14502. Demonstration health projects

(a) PURPOSE.—To demonstrate the value of adequate health facilities and services to the economic development of the Appalachian region, the Secretary of Health and Human Services may make grants for the planning, construction, equipment, and operation of multicounty demonstration health, nutrition, and child care projects, including hospitals, regional health diagnostic and treatment centers, and other facilities and services necessary for the purposes of this section.

(b) PLANNING GRANTS.—

(1) AUTHORITY TO PROVIDE AMOUNTS AND MAKE GRANTS.—The Secretary may provide amounts to the Appalachian Regional Commission for the support of its Health Advisory Committee and may make grants for expenses of planning necessary for the development and operation of demonstration health projects for the region.

(2) LIMITATION ON AVAILABLE AMOUNTS.—The amount of a grant under this section for planning shall not be more than 75 percent of expenses.

(3) SOURCES OF ASSISTANCE.—The federal contribution may be provided entirely from amounts authorized under this section or in combination with amounts provided under other federal or federal grant programs.

(4) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share in those other programs, amounts appropriated to carry out this section may be used to increase the federal share to the maximum percentage cost of a grant authorized by this subsection.

(c) CONSTRUCTION AND EQUIPMENT GRANTS.—

(1) ADDITIONAL USES FOR CONSTRUCTION GRANTS.—Grants under this section for construction may also be used for—

(A) the acquisition of privately owned facilities—

(i) not operated for profit; or

(ii) previously operated for profit if the Commission finds that health services would not otherwise be provided in the area served by the facility if the acquisition is not made; and

(B) initial equipment.

(2) STANDARDS FOR MAKING GRANTS.—Grants under this section for construction shall be made in accordance with section 14523 of this title and shall not be incompatible with the applicable provisions of title VI of the Public Health Service Act (42 U.S.C. 291 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.), and other laws authorizing grants for the construction of health-related facilities, without regard to any provisions in those laws relating to appropriation authorization ceilings or to allotments among the States.

(3) LIMITATION ON AVAILABLE AMOUNTS.—A grant for the construction or equipment of any component of a demonstration health project shall not be more than 80 percent of the cost.

(4) SOURCES OF ASSISTANCE.—The federal contribution may be provided entirely from amounts authorized under this section or in combination with amounts provided under other federal grant programs for the construction or equipment of health-related facilities.

(5) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share in those other programs, amounts authorized under this section may be used to increase federal grants for component facilities of a demonstration health project to a maximum of 80 percent of the cost of the facilities.

(d) OPERATION GRANTS.—

(1) STANDARDS FOR MAKING GRANTS.—A grant for the operation of a demonstration health project shall not be made—

(A) unless the facility is publicly owned, or owned by a public or private nonprofit organization, and is not operated for profit;

(B) after five years following the commencement of the initial grant for operation of the project, except that child development demonstrations assisted under this section during fiscal year 1979 may be approved under section 14322 of this title for continued support beyond that period, on request of the State, if the Commission finds that no federal, state, or local amounts are available to continue the project; and

(C) unless the Secretary of Health and Human Services is satisfied that the operation of the project will be conducted under efficient management practices designed to obviate operating deficits.

(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized by this section, may be made for up to 50 percent of the cost of that operation (or 80 percent of the cost of that operation for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title).

(3) SOURCES OF ASSISTANCE.—The federal contribution may be provided entirely from amounts appropriated to carry out this section or in combination with amounts provided under other federal grant programs for the operation of health related facilities and the provision of health and child development services, including parts A and B of title IV and title XX of the Social Security Act (42 U.S.C. 601 et seq., 620 et seq., 1397 et seq.).

(4) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share in those other programs, amounts appropriated to carry out this section may be used to increase federal grants for operating components of a demonstration health project to the maximum percentage cost of a grant authorized by this subsection.

(5) STATE DEEMED TO MEET REQUIREMENT OF PROVIDING ASSISTANCE OR SERVICES ON STATEWIDE BASIS.—Notwithstanding any provision of the Social Security Act (42 U.S.C. 301 et seq.) requiring assistance or services on a statewide basis, a State providing assistance or services under a federal grant program described in paragraph (2) in any area of the region approved by the Commission is deemed to be meeting that requirement.

(e) GRANT SOURCES AND USE OF GRANTS IN COMPUTING ALLOTMENTS.—Grants under this section—

(1) shall be made only out of amounts specifically appropriated for the purpose of carrying out this subtitle; and

(2) shall not be taken into account in computing allotments among the States under any other law.

(f) MAXIMUM COMMISSION CONTRIBUTION.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission may contribute not more than 50 percent of any project cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title may be increased to the lesser of—

(A) 80 percent; or

(B) the maximum federal contribution percentage authorized by this section.

(g) EMPHASIS ON OCCUPATIONAL DISEASES FROM COAL MINING.—To provide for the further development of the Appalachian region's human resources, grants under this section shall give special emphasis to programs and research for the early detection, diagnosis, and treatment of occupational diseases arising from coal mining, such as black lung.

§14503. Assistance for proposed low- and middle-income housing projects

(a) APPALACHIAN HOUSING FUND.—

(1) ESTABLISHMENT.—There is an Appalachian Housing Fund.

(2) SOURCE AND USE OF AMOUNTS IN FUND.—Amounts allocated to the Secretary of Housing and Urban Development for the purposes of this section shall be deposited in the Fund. The Secretary shall use the Fund as a revolving fund to carry out those purposes. Amounts in the Fund not needed for current operation may be invested in bonds or other obligations the Federal Government guarantees as to principal and interest. General expenses of administration of this section may be charged to the Fund.

(b) PURPOSE.—To encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary may make grants and loans from the Fund, under terms and conditions the Secretary may prescribe. The grants and loans may be made to nonprofit, limited dividend, or cooperative organizations and public bodies and are for planning and obtaining federally insured mortgage financing or other financial assistance for housing construction or rehabilitation projects for low- and moderate-income families and individuals, in any area of the Appalachian region the Appalachian Regional Commission establishes, under—

(i) section 221 of the National Housing Act (12 U.S.C. 1715l);

(2) section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(3) section 515 of the Housing Act of 1949 (42 U.S.C. 1485); or

(4) any other law of similar purpose administered by the Secretary or any other department, agency, or instrumentality of the Federal Government or a state government.

(c) PROVIDING AMOUNTS TO STATES FOR GRANTS AND LOANS.—The Secretary or the Commission may provide amounts to the States for making grants and loans to nonprofit, limited dividend, or cooperative organizations and public bodies for the purposes for which the Secretary may provide amounts under this section.

(d) LOANS.—

(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) shall not be more than 50 percent (or 80 percent for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of planning and obtaining financing for a project, including preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts.

(2) INTEREST.—A loan shall be made without interest, except that a loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for that type of project.

(3) PAYMENT.—The Secretary shall require payment of a loan made under this section, under terms and conditions the Secretary may require, no later than on completion of the project. Except for a loan to an organization established for profit, the Secretary may cancel any part of a loan made under this section on determining that a permanent loan to finance the project cannot be obtained in an amount adequate for repayment of a loan made under this section.

(e) GRANTS.—

(1) IN GENERAL.—A grant under this section shall not be made to an organization established for profit and, except as provided in paragraph (2), shall not exceed 50 percent (or 80 percent for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of a permanent loan made to finance the project.

(2) SITE DEVELOPMENT COSTS AND OFFSITE IMPROVEMENTS.—The Secretary may make grants and commitments for grants, and may advance amounts under terms and conditions the Secretary may require, to nonprofit, limited dividend, or cooperative organizations and public bodies for reasonable site development costs and necessary offsite improvements, such as sewer and water line extensions, when the grant, commitment, or advance is essential to the economic feasibility of a housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section. A grant under this paragraph for—

(A) the construction of housing shall not be more than 10 percent of the cost of the project; and

(B) the rehabilitation of housing shall not be more than 10 percent of the reasonable value of the rehabilitation housing, as determined by the Secretary.

(f) INFORMATION, ADVICE, AND TECHNICAL ASSISTANCE.—The Secretary or the Commission may provide, or contract with public or private organizations to provide, information, advice, and technical assistance with respect to the construction, rehabilitation, and operation by nonprofit organizations of housing for low- or moderate- income families in areas of the region the Commission establishes.

(g) APPLICATION OF CERTAIN PROVISIONS.—Programs and projects assisted under this section are subject to the provisions cited in section 14701 of this title to the extent provided in the laws authorizing assistance for low- and moderate-income housing.

§14504. Telecommunications and technology initiative

(a) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the region for projects—

(1) to increase affordable access to advanced telecommunications, entrepreneurship, and management technologies or applications in the region;

(2) to provide education and training in the use of telecommunications and technology;

(3) to develop programs to increase the readiness of industry groups and businesses in the region to engage in electronic commerce; or

(4) to support entrepreneurial opportunities for businesses in the information technology sector.

(b) LIMITATION ON AVAILABLE AMOUNTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of any activity eligible for a grant under this section may be provided from amounts appropriated to carry out this section.

(c) SOURCES OF ASSISTANCE.—Assistance under this section may be provided entirely from amounts made available to carry out this section, in combination with amounts made available under other federal programs, or from any other source.

(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share under any other federal program, amounts made available to carry out this section may be used to increase that federal share, as the Commission decides is appropriate.

§14505. Entrepreneurship initiative

(a) BUSINESS INCUBATOR SERVICE.—In this section, the term "business incubator service" means a professional or technical service necessary for the initiation and initial sustainment of the operations of a newly established business, including a service such as—

(1) a legal service, including aid in preparing a corporate charter, partnership agreement, or basic contract;

(2) a service in support of the protection of intellectual property through a patent, a trademark, or any other means;

(3) a service in support of the acquisition and use of advanced technology, including the use of Internet services and Web-based services; and

(4) consultation on strategic planning, marketing, or advertising.

(b) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the region for projects—

(1) to support the advancement of, and provide, entrepreneurial training and education for youths, students, and businesspersons;

(2) to improve access to debt and equity capital by such means as facilitating the establishment of development venture capital funds;

(3) to aid communities in identifying, developing, and implementing development strategies for various sectors of the economy;

(4) to develop a working network of business incubators; and

(5) to support entities that provide business incubator services.

(c) LIMITATION ON AVAILABLE AMOUNTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of any activity eligible for a grant under this section may be provided from amounts appropriated to carry out this section.

(d) SOURCES OF ASSISTANCE.—Assistance under this section may be provided entirely from amounts made available to carry out this section, in combination with amounts made available under other federal programs, or from any other source.

(e) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share under any other federal program, amounts made available to carry out this section may be used to increase that federal share, as the Commission decides is appropriate.

§14506. Regional skills partnerships

(a) ELIGIBLE ENTITY.—In this section, the term "eligible entity" means a consortium that—

(1) is established to serve one or more industries in a specified geographic area; and

(2) consists of representatives of—

(A) businesses (or a nonprofit organization that represents businesses);

(B) labor organizations;

(C) State and local governments; or

(D) educational institutions.

(b) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to eligible entities in the region for projects to improve the job skills of workers for a specified industry, including projects for—

(1) the assessment of training and job skill needs for the industry;

(2) the development of curricula and training methods, including, in appropriate cases, electronic learning or technology-based training;

(3) the identification of training providers;

(4) the development of partnerships between the industry and educational institutions, including community colleges;

(5) the development of apprenticeship programs;

(6) the development of training programs for workers, including dislocated workers; and

(7) the development of training plans for businesses.

(c) ADMINISTRATIVE COSTS.— An eligible entity may use not more than 10 percent of amounts made available to the eligible entity under subsection (b) to pay administrative costs associated with the projects described in subsection (b).

(d) LIMITATION ON AVAILABLE AMOUNTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of any activity eligible for a grant under this section may be provided from amounts appropriated to carry out this section.

(e) SOURCES OF ASSISTANCE.—Assistance under this section may be provided entirely from amounts made available to carry out this section, in combination with amounts made available under other federal programs, or from any other source.

(f) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share under any other federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission decides is appropriate.

§14507. Supplements to federal grant programs

(a) DEFINITION.—

(1) FEDERAL GRANT PROGRAMS.—In this section, the term "federal grant programs"—

(A) means any federal grant program that provides assistance for the acquisition or development of land, the construction or equipment of facilities, or other community or economic development or economic adjustment activities, including a federal grant program authorized by—

(i) the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.);

(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.);

(iii) the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.);

(iv) the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.);

(v) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (known as the Clean Water Act);

(vi) title VI of the Public Health Services Act (42 U.S.C. 291 et seq.);

(vii) sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149);

(viii) title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); and

(ix) part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.); but

(B) does not include—

(i) the program for the construction of the development highway system authorized by section 14501 of this title or any other program relating to highway or road construction authorized by title 23; or

(ii) any other program to the extent that financial assistance other than a grant is authorized.

(2) CERTAIN SEWAGE TREATMENT WORKS DEEMED CONSTRUCTED WITH FEDERAL GRANT ASSISTANCE.—For the purpose of this section, any sewage treatment works constructed pursuant to title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (known as the Clean Water Act) without federal grant assistance under that title is deemed to be constructed with that assistance.

(b) PURPOSE.—To enable the people, States, and local communities of the Appalachian region, including local development districts, to take maximum advantage of federal grant programs for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient amounts available under the federal law authorizing the programs to meet pressing needs of the region, the Federal Cochairman may use amounts made available to carry out this section—

(1) for any part of the basic federal contribution to projects or activities under the federal grant programs authorized by federal laws; and

(2) to increase the federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic federal contribution to the project or activity under a federal grant program is proposed to be made under subsection (b), the contribution shall not be made until the responsible federal official administering the federal law authorizing the contribution certifies that the program, project, or activity meets the applicable requirements of the federal law and could be approved for federal contribution under that law if amounts were available under the law for the program, project, or activity.

(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

(e) ACCEPTANCE OF CERTAIN MATERIAL.—For a supplemental grant for a project or activity under a federal grant program, the Federal Cochairman shall accept any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the program.

(f) FEDERAL SHARE.—The federal portion of the cost of a project or activity shall not—

(1) be increased to more than the percentages the Commission establishes; nor

(2) be more than 80 percent of the cost.

(g) MAXIMUM COMMISSION CONTRIBUTION.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

(2) DISTRESSED COUNTIES.— The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title may be increased to 80 percent.

SUBCHAPTER II—ADMINISTRATIVE

§14521. Required level of expenditure

A State or political subdivision of a State is not eligible to receive benefits under this subtitle unless the aggregate expenditure of state amounts, except expenditures for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways and local and federal amounts, for the benefit of the area within the State located in the Appalachian region is maintained at a level which does not fall below the average level of those expenditures for the State's last two full fiscal years prior to March 9, 1965. In computing the level, a State's past expenditure for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways and expenditures of local and federal amounts shall not be included. The Commission shall recommend to the President a lesser requirement when it finds that a substantial population decrease in that part of a State which lies within the region would not justify a state expenditure equal to the average level of the last two years or when it finds that a State's average level of expenditure in an individual program has been disproportionate to the present need for that part of the State.

§14522. Consent of States

This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

§14523. Program implementation

(a) REQUIREMENTS.—A program or project authorized under this chapter shall not be implemented until—

(1) the responsible federal official has decided that applications and plans relating to the program or project are not incompatible with the provisions and objectives of federal laws that the official administers that are not inconsistent with this subtitle; and

(2) the Appalachian Regional Commission has approved the program or project and has determined that it—

(A) meets the applicable criteria under section 14524 of this title and the requirements of the development planning process under section 14525 of this title; and

(B) will contribute to the development of the Appalachian region.

(b) DECISION IS CONTROLLING.—A decision under subsection (a)(2) is controlling and shall be accepted by the federal agencies.

§14524. Program development criteria

(a) FACTORS TO BE CONSIDERED.—In considering programs and projects to be given assistance under this subtitle, and in establishing a priority ranking of the requests for assistance presented to the Appalachian Regional Commission, the Commission shall follow procedures that will ensure consideration of—

(1) the relationship of the project or class of projects to overall regional development, including its location in a severely and persistently distressed county or area;

(2) the population and area to be served by the project or class of projects, including the per capita market income and the unemployment rates in the area;

(3) the relative financial resources available to the State or political subdivisions or instrumentalities of the State that seek to undertake the project;

(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same amounts;

(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic and social development of the area served by the project; and

(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures may be evaluated.

(b) LIMITATION ON USE.—Financial assistance made available under this subtitle shall not be used to assist establishments relocating from one area to another.

(c) DETERMINATION REQUIRED BEFORE AMOUNTS MAY BE PROVIDED.—Amounts may be provided for programs and projects in a State under this subtitle only if the Commission determines that the level of federal and state financial assistance under other laws for the same type of programs or projects in that part of the State within the Appalachian region will not be diminished in order to substitute amounts authorized by this subtitle.

(d) MINIMUM AMOUNT OF ASSISTANCE TO DISTRESSED COUNTIES AND AREAS.—For each fiscal year, not less than 50 percent of the amount of grant expenditures the Commission approves shall support activities or projects that benefit severely and persistently distressed counties and areas.

§14525. State development planning process

(a) STATE DEVELOPMENT PLAN.—Pursuant to policies the Appalachian Regional Commission establishes, each state member shall submit a development plan for the area of the State within the Appalachian region. The plan shall—

(1) be submitted according to a schedule the Commission prescribes;

(2) reflect the goals, objectives, and priorities identified in the regional development plan and in any subregional development plan that may be approved for the subregion of which the State is a part;

(3) describe the state organization and continuous process for Appalachian development planning, including—

(A) the procedures established by the State for the participation of local development districts in the process;

(B) how the process is related to overall statewide planning and budgeting processes; and

(C) the method of coordinating planning and projects in the region under this subtitle, the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), and other federal, state, and local programs;

(4) set forth the goals, objectives, and priorities of the State for the region, as established by the Governor, and identify the needs on which the goals, objectives, and priorities are based; and

(5) describe the development strategies for achieving the goals, objectives, and priorities, including funding sources, and recommendations for specific projects to receive assistance under this subtitle.

(b) AREAWIDE ACTION PROGRAMS.—The Commission shall encourage the preparation and execution of areawide action programs that specify interrelated projects and schedules of actions, the necessary agency funding, and other commitments to implement the programs. The programs shall make appropriate use of existing plans affecting the area.

(c) LOCAL DEVELOPMENT DISTRICTS.—Local development districts certified by the State as

described in section 14102(a)(2) of this title provide the linkage between state and substate planning and development. The districts shall assist the States in the coordination of areawide programs and projects and may prepare and adopt areawide plans or action programs. In carrying out the development planning process, including the selection of programs and projects for assistance, States shall consult with local development districts, local units of government, and citizen groups and shall consider the goals, objectives, priorities, and recommendations of those bodies.

(d) FEDERAL RESPONSIBILITIES.—To the maximum extent practicable, federal departments, agencies, and instrumentalities undertaking or providing financial assistance for programs or projects in the region shall—

(1) take into account the policies, goals, and objectives the Commission and its member States establish pursuant to this subtitle;

(2) recognize Appalachian state development strategies approved by the Commission as satisfying requirements for overall economic development planning under the programs or projects; and

(3) accept the boundaries and organization of any local development district certified under this subtitle that the Governor may designate as the areawide agency required under any of those programs undertaken or assisted by those federal departments, agencies, and instrumentalities.

§14526. Distressed and economically strong counties

(a) DESIGNATIONS.—

(1) IN GENERAL.—The Appalachian Regional Commission, in accordance with criteria the Commission may establish, each year shall—

(A) designate as "distressed counties" those counties in the Appalachian region that are the most severely and persistently distressed; and

(B) designate two categories of economically strong counties, consisting of—

(i) "competitive counties", which shall be those counties in the region that are approaching economic parity with the rest of the United States; and

(ii) "attainment counties", which shall be those counties in the region that have attained or exceeded economic parity with the rest of the United States.

(2) ANNUAL REVIEW OF DESIGNATIONS.—The Commission shall—

(A) conduct an annual review of each designation of a county under paragraph (1) to determine if the county still meets the criteria for the designation; and

(B) renew the designation for another one-year period only if the county still meets the criteria.

(b) DISTRESSED COUNTIES.—In program and project development and implementation and in the allocation of appropriations made available to carry out this subtitle, the Commission shall give special consideration to the needs of counties for which a distressed county designation is in effect under this section.

(c) ECONOMICALLY STRONG COUNTIES.—

(1) COMPETITIVE COUNTIES.—Except as provided in paragraphs (3) and (4), assistance under this subtitle for a project that is carried out in a county for which a competitive county designation is in effect under this section shall not be more than 30 percent of the project cost.

(2) ATTAINMENT COUNTIES.—Except as provided in paragraphs (3) and (4), amounts may not be provided under this subtitle for a project that is carried out in a county for which an attainment county designation is in effect under this section.

(3) EXCEPTIONS.—Paragraphs (1) and (2) do not apply to—

(A) a project on the Appalachian development highway system authorized by section 14501 of this title;

(B) a local development district administrative project assisted under section 14321(a)(1)(A) of this title; or

(C) a multicounty project that is carried out in at least two counties designated under this section if—

(i) at least one of the participating counties is designated as a distressed county under this section; and

(ii) the project will be of substantial direct benefit to at least one distressed county.

(4) WAIVER.—

(A) IN GENERAL.—The Commission may waive the requirements of paragraphs (1) and (2) for a project when the recipient of assistance for the project shows the existence of any of the following:

(i) a significant pocket of distress in the part of the county in which the project is carried out.

(ii) a significant potential benefit from the project in at least one area of the region outside the designated county.

(B) REPORTS TO CONGRESS.—The Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report describing each waiver granted under subparagraph (A) during the period covered by the report.

CHAPTER 147—MISCELLANEOUS

Sec.
14701. Applicable labor standards.
14702. Nondiscrimination.
14703. Authorization of appropriations.
14704. Termination.

§14701. Applicable labor standards

All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are financially assisted through federal amounts authorized under this subtitle shall be paid wages at rates not less than those prevailing on similar construction in the locality as the Secretary of Labor determines in accordance with sections 3141–3144, 3146, and 3147 of this title. With respect to those labor standards, the Secretary has the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and section 3145 of this title.

§14702. Nondiscrimination

An individual in the United States shall not, because of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, a program or activity receiving federal financial assistance under this subtitle.

§14703. Authorization of appropriations

(a) IN GENERAL.—In addition to amounts authorized by section 14501 of this title and other amounts made available for the Appalachian development highway system program, the following amounts may be appropriated to the Appalachian Regional Commission to carry out this subtitle:

(1) $88,000,000 for each of the fiscal years 2002–2004.

(2) $90,000,000 for fiscal year 2005.

(3) $92,000,000 for fiscal year 2006.

(b) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Of the amounts made available under subsection (a), the following amounts are available to carry out section 14504 of this title:

(1) $10,000,000 for fiscal year 2002.

(2) $8,000,000 for fiscal year 2003.

(3) $5,000,000 for each of the fiscal years 2004–2006.

(c) AVAILABILITY.—Amounts made available under subsection (a) remain available until expended.

§14704. Termination

This subtitle, except sections 14102(a)(1) and (b) and 14501, ceases to be in effect on October 1, 2006.

SUBTITLE V—MISCELLANEOUS

CHAPTER		*Sec.*
171.	*SAFETY STANDARDS FOR MOTOR VEHICLES*	*17101*
173.	*GOVERNMENT LOSSES IN SHIPMENT*	*17301*
175.	*FEDERAL MOTOR VEHICLE EXPENDITURE CONTROL*	*17501*
177.	*ALASKA COMMUNICATIONS DISPOSAL*	*17701*
179.	*ALASKA FEDERAL-CIVILIAN ENERGY EFFICIENCY SWAP*	*17901*
181.	*TELECOMMUNICATIONS ACCESSIBILITY FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS*	*18101*
183.	*NATIONAL CAPITAL AREA INTEREST ARBITRATION STANDARDS*	*18301*

CHAPTER 171—SAFETY STANDARDS FOR MOTOR VEHICLES

Sec.
17101. Definitions.
17102. Prohibition on acquisition or purchase of motor vehicles by Federal Government..
17103. Commercial standards for passenger safety devices.

§17101. Definitions

In this chapter, the following definitions apply:

(1) FEDERAL GOVERNMENT.—The term "Federal Government" includes the government of the District of Columbia.

(2) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle, self-propelled or drawn by mechanical power, designed for use on the highways principally for the transportation of passengers, except a vehicle designed or used for military field training, combat, or tactical purposes.

§17102. Prohibition on acquisition or purchase of motor vehicles by Federal Government

The Federal Government shall not purchase a motor vehicle for use by the Government unless that motor vehicle is equipped with reasonable passenger safety devices that the Administrator of General Services requires. Those devices shall conform with standards the Administrator prescribes under section 17103 of this title.

§17103. Commercial standards for passenger safety devices

The Administrator of General Services shall prescribe and publish in the Federal Register commercial standards for passenger safety devices the Administrator requires under section 17102 of this title. Changes in the standards take effect one year and 90 days after the publication of the standards in the Federal Register.

CHAPTER 173—GOVERNMENT LOSSES IN SHIPMENT

Sec.
17301. Definitions.
17302. Compliance.
17303. Fund for the payment of Government losses in shipment.
17304. Claim for replacement.
17305. Replacing lost, destroyed, or damaged stamps, securities, obligations, or money.
17306. Agreements of indemnity.
17307. Purchase of insurance.
17308. Presumption of lawful conduct.
17309. Rules and regulations.

§17301. Definitions

In this chapter, the following definitions apply:

(1) REPLACEMENT.—The term "replacement" means payment, reimbursement, replacement, or

duplication or the expenses incident to payment, reimbursement, replacement, or duplication.

(2) SHIPMENT.—The term "shipment"—

(A) means the transportation, or the effecting of transportation, of valuables, without limitation as to the means or facilities used or by which the transportation is effected or the person to whom it is made; and

(B) includes shipments made to any executive department, independent establishment, agency, wholly owned or mixed-ownership Government corporation, officer, or employee of the Federal Government, or any person acting on behalf of, or at the direction of, the executive department, independent establishment, agency, wholly or partly owned Government corporation, officer, or employee.

(3) VALUABLES.—

(A) DEFINITION.—The term "valuables" means any articles or things or representatives of value—

(i) in which the Government, its executive departments, independent establishments, and agencies, including wholly owned Government corporations, and officers and employees of the Government or its executive departments, independent establishments, and agencies while acting in their official capacity, have any interest, or in connection with which they have any obligation or responsibility; and

(ii) which the Secretary of the Treasury declares to be valuables within the meaning of this chapter.

(B) REQUIREMENT FOR DECLARING ARTICLES OR THINGS VALUABLE.—The Secretary shall not declare articles or things that are lost, destroyed, or damaged in the course of shipment to be valuables unless the Secretary determines that replacement of the articles or things in accordance with the procedure established in this chapter would be in the public interest.

(4) WHOLLY OWNED GOVERNMENT CORPORATION.—The term "wholly owned Government corporation"—

(A) means any corporation, regardless of the law under which it is incorporated, the capital of which is entirely owned by the Government; and

(B) includes the authorized officers, employees, and agencies of the corporation.

§17302. Compliance

(a) PRESCRIBING REGULATIONS.—With the approval of the President, the Secretary of the Treasury and the United States Postal Service jointly shall prescribe regulations governing the shipment of valuables by an executive department, independent establishment, agency, wholly owned Government corporation, officer, or employee of the Federal Government, with a view to minimizing the risk of loss and destruction of, and damage to, valuables in shipment.

(b) COMPLIANCE.—Each executive department, independent establishment, agency, wholly owned Government corporation, officer, and employee of the Government, and each person acting for, or at the direction of, the executive department, independent establishment, agency, wholly owned Government corporation, officer, or employee, must comply with the regulations when making any shipment of valuables.

§17303. Fund for the payment of Government losses in shipment

(a) ESTABLISHMENT.—There is a revolving fund in the Treasury known as "the fund for the payment of Government losses in shipment".

(b) USE.—The fund shall be used for the replacement of valuables, or the value of valuables, lost, destroyed, or damaged while being shipped in accordance with regulations prescribed under section 17302 of this title.

(c) UNAVAILABILITY.—The fund is not available with respect to any loss, destruction, or damage affecting valuables—

(1) that relates to property of the United States Postal Service that is chargeable to its officers or employees; or

(2) of which shipment shall have been made at the risk of persons other than the Federal Government and the executive departments, independent establishments, agencies, wholly owned Government corporations, officers and employees of the Government.

(d) CREDITING OF RECOVERIES AND REPAYMENTS.—All recoveries and repayments on account of loss, destruction, or damage to valuables for which replacement is made out of the fund shall be credited to it and are available for the purposes of the fund.

(e) APPROPRIATIONS.—Necessary amounts are appropriated for the fund.

§17304. Claim for replacement

(a) PRESENTATION OF CLAIM.—When valuables that have been shipped in accordance with regulations prescribed under section 17302 of this title are lost, destroyed, or damaged, a claim in writing for replacement shall be made on the Secretary of the Treasury.

(b) DECISION OF THE SECRETARY OF THE TREASURY.—

(1) REPLACEMENT MADE FROM FUND.—If the Secretary is satisfied that the loss, destruction, or damage has occurred and that shipment was made substantially in accordance with the regulations, the Secretary shall have replacement be made out of the fund described in section 17303 of this title through an officer the Secretary designates.

(2) REPLACEMENT MADE BY CREDIT.—When the Secretary decides that any part of the replacement can be made, without actual or ultimate injury to the Federal Government, by a credit in the accounts of the executive department, independent establishment, agency, officer, employee, or other accountable person making the claim, the Secretary shall—

(A) certify the decision to the Comptroller General who, on receiving the certification, shall make the credit in the settlement of accounts in the General Accounting Office; and

(B) use the fund only to the extent that the replacement cannot be made by the credit.

(c) DECISION OF SECRETARY NOT REVIEWABLE.—The decision of the Secretary that a loss, destruction, or damage has occurred or that a shipment was made substantially in accordance with regulations is final and conclusive and is not subject to review by any other officer of the Government.

§17305. Replacing lost, destroyed, or damaged stamps, securities, obligations, or money

Stamps, securities, or other obligations of the Federal Government, or money lost, destroyed, or damaged while in the custody or possession of, or charged to, the United States Postal Service while it is acting as agent for, or on behalf of, the Secretary of the Treasury for the sale of the stamps, securities, or obligations and for the collection of the money, shall be replaced out of the fund described in section 17303 of this title under regulations the Secretary may prescribe, regardless of how the loss, destruction, or damage occurs.

§17306. Agreements of indemnity

(a) DEFINITION.—In this section, the term "Federal Government" includes wholly owned Government corporations, and officers and employees of the Government or its executive departments, independent establishments, and agencies while acting in their official capacity.

(b) AUTHORITY TO MAKE AGREEMENT.—The Secretary of the Treasury may make and deliver, on behalf of the Federal Government, a binding agreement of indemnity the Secretary considers necessary and proper to enable the Government to obtain the replacement of any instrument or document—

(1) received by the Government or an agent of the Government in the agent's official capacity; and

(2) which, after having been received, is lost, destroyed, or so mutilated as to impair its value.

(c) WHEN FEDERAL GOVERNMENT NOT OBLIGATED.—The Government is not obligated under an agreement of indemnity if the obligee named in the agreement makes a payment or delivery not required by law on the original of the instrument or document covered by the agreement.

(d) USE OF FUND FOR THE PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT.—The fund described in section 17303 of this title is available to pay any obligation arising out of an agreement the Secretary makes under this section.

§17307. Purchase of insurance

An executive department, independent establishment, agency, wholly owned Government corporation, officer, or employee may expend money, or incur an obligation, for insurance, or for the payment of premiums on insurance, against loss, destruction, or damage in the shipment of valuables only as specifically authorized by the Secretary of the Treasury. The Secretary may give the authorization if the Secretary finds that the risk of loss, destruction, or damage in the shipment cannot be guarded against adequately by the facilities of the Federal Government or that adequate replacement cannot be provided under this chapter.

§17308. Presumption of lawful conduct

For purposes of the propriety of an act or omission related to a shipment to which the regulations prescribed under section 17302 of this title apply, every officer and employee of the Federal Government and every individual acting on behalf of a wholly owned Government corporation who makes a shipment of valuables in good faith under, and substantially in accordance with, the regulations is deemed to be acting in the faithful execution of the officer's, employee's, or individual's duties of office and in full performance of any conditions of the officer's, employee's, or individual's bond and oath of office.

§17309. Rules and regulations

(a) GENERAL AUTHORITY.—With the approval of the President, the Secretary of the Treasury may prescribe regulations necessary to carry out the duties and powers vested in the Secretary under this chapter.

(b) PROVIDING INFORMATION.—To carry out subsection (a), the Secretary may require a person making a shipment of valuables or a claim for replacement to make a declaration or to provide other information the Secretary considers necessary.

CHAPTER 175—FEDERAL MOTOR VEHICLE EXPENDITURE CONTROL

Sec.
17501. Definitions.
17502. Monitoring system.
17503. Data collection.
17504. Agency statements with respect to motor vehicle use.
17505. Presidential report.
17506. Reduction of storage and disposal costs.
17507. Savings.
17508. Compliance.
17509. Applicability.
17510. Cooperation.

§17501. Definitions

In this chapter, the following definitions apply:

(1) EXECUTIVE AGENCY.—The term "executive agency"—

(A) means an executive agency (as that term is defined in section 105 of title 5) that operates at least 300 motor vehicles; but

(B) does not include the Tennessee Valley Authority.

(2) MOTOR VEHICLE.—The term "motor vehicle" means—

(A) a vehicle self-propelled or drawn by mechanical power; but not

(B) a vehicle designed or used for military field training, combat, or tactical purposes, or any other special purpose vehicle exempted from the requirements of this chapter by the Administrator of General Services.

§17502. Monitoring system

The head of each executive agency shall designate one office, officer, or employee of the agency—

(1) to establish and operate a central monitoring system for the motor vehicle operations of the agency, related activities, and related reporting requirements; and

(2) provide oversight of those operations, activities, and requirements.

§17503. Data collection

(a) COST IDENTIFICATION AND ANALYSIS.—The head of each executive agency shall develop a system to identify, collect, and analyze data with respect to all costs (including obligations and outlays) the agency incurs in the operation, maintenance, acquisition, and disposition of motor vehicles, including vehicles owned or leased by the Federal Government and privately owned vehicles used for official purposes.

(b) REQUIREMENTS FOR DATA SYSTEMS.—

(1) SCOPE OF REQUIREMENTS.—In cooperation with the Comptroller General of the United States and the Director of the Office of Management and Budget, the Administrator of General Services shall prescribe requirements governing the establishment and operation by executive agencies of the systems required by subsection (a), including requirements with respect to data on the costs and uses of motor vehicles and with respect to the uniform collection and submission of the data.

(2) CONFORMITY WITH PRINCIPLES AND STANDARDS.—Requirements prescribed under this section shall conform to accounting principles and standards issued by the Comptroller General. Each executive agency shall comply with those requirements.

§17504. Agency statements with respect to motor vehicle use

(a) CONTENTS OF STATEMENT.—The head of each executive agency shall include with the appropriation request the agency submits under section 1108 of title 31 for each fiscal year, a statement—

(1) specifying—

(A) the total motor vehicle acquisition, maintenance, leasing, operation, and disposal costs (including obligations and outlays) the agency incurred in the most recently completed fiscal year; and

(B) an estimate of those costs for the fiscal year in which the request is submitted and for the succeeding fiscal year; and

(2) justifying why the existing and any new motor vehicle acquisition, maintenance, leasing, operation, and disposal requirements of the agency cannot be met through the Interagency Fleet Management System the Administrator of General Services operates, a qualified private fleet management firm, or any other method which is less costly to the Federal Government.

(b) COMPLIANCE WITH REQUIREMENTS.—The head of each executive agency shall comply with the requirements prescribed under section 17503(b) of this title in preparing each statement required under subsection (a).

§17505. Presidential report

(a) SUMMARY AND ANALYSIS OF AGENCY STATEMENTS.—The President shall include with the budget transmitted under section 1105 of title 31 for each fiscal year, or in a separate written report to Congress for that fiscal year, a summary and analysis of the statements most recently submitted by the heads of executive agencies pursuant to section 17504(a) of this title.

(b) CONTENTS OF SUMMARY AND ANALYSIS.—Each summary and analysis shall include a review, for the fiscal year preceding the fiscal year in which the budget is submitted, the current fiscal year, and the fiscal year for which the budget is submitted, of the cost savings that have been achieved, that are estimated will be achieved, and that could be achieved, in the acquisition, maintenance, leasing, operation, and disposal of motor vehicles by executive agencies through—

(1) the use of a qualified private fleet management firm or another private contractor;

(2) increased reliance by executive agencies on the Interagency Fleet Management System the Administrator of General Services operates; or

(3) other existing motor vehicle management systems.

§17506. Reduction of storage and disposal costs

The Administrator of General Services shall take such actions as may be necessary to reduce motor vehicle storage and disposal costs and to improve the rate of return on motor vehicle sales through a program of vehicle reconditioning prior to sale.

§17507. Savings

(a) ACTIONS BY PRESIDENT REQUIRED.—The President shall establish, for each executive agency, goals to reduce outlays for the operation, maintenance, leasing, acquisition, and disposal of motor vehicles in order to reduce, by fiscal year 1988, the total amount of outlays by all executive agencies for the operation, maintenance, leasing, acquisition, and disposal of motor vehicles to an amount which is $150,000,000 less than the amount for the operation, maintenance, leasing, acquisition, and disposal of motor vehicles requested by the President in the budget submitted under section 1105 of title 31 for fiscal year 1986.

(b) MONITORING OF COMPLIANCE.—The Director of the Office of Management and Budget shall monitor compliance by executive agencies with the goals established by the President under subsection (a) and shall include, in each summary and analysis required under section 17505 of this title, a statement specifying the reductions in expenditures by executive agencies, including the Department of Defense, achieved under those goals.

§17508. Compliance

(a) ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of General Services shall comply with and be subject to this chapter with regard to all motor vehicles that are used within the General Services Administration for official purposes.

(b) MANAGERS OF OTHER MOTOR POOLS.—This chapter with respect to motor vehicles from the Interagency Fleet Management System shall be complied with by the executive agencies to which such motor vehicles are assigned.

§17509. Applicability

(a) PRIORITY IN REDUCING HEADQUARTERS USE.—The heads of executive agencies shall give first priority to meeting the goals established by the President under section 17507(a) of this title by reducing the costs of administrative motor vehicles used at the headquarters and regional headquarters of executive agencies, rather than by reducing the costs of motor vehicles used by line agency personnel working in agency field operations or activities.

(b) REGULATIONS, STANDARDS, AND DEFINITIONS.—The President shall require the Administrator of General Services, in cooperation with the Director of the Office of Management and Budget, to prescribe appropriate regulations, standards, and definitions to ensure that executive agencies meet the goals established under section 17507(a) of this title in the manner prescribed by subsection (a).

§17510. Cooperation

The Director of the Office of Management and Budget and the Administrator of General Services shall cooperate closely in the implementation of this chapter.

CHAPTER 177—ALASKA COMMUNICATIONS DISPOSAL

Sec.
17701. Definitions.
17702. Transfer of Government-owned long-lines communication facilities in and to Alaska.
17703. National defense considerations and qualification of transferee.
17704. Contents of agreements for transfer.
17705. Approval of Federal Communications Commission.
17706. Gross proceeds as miscellaneous receipts in the Treasury.
17707. Reports.
17708. Nonapplication.

§17701. Definitions

In this chapter, the following definitions apply:

(1) AGENCY CONCERNED.—The term "agency concerned" means a department, agency, wholly owned corporation, or instrumentality of the Federal Government.

(2) LONG-LINES COMMUNICATION FACILITIES.—The term "long-lines communication facilities" means the transmission systems connecting points inside the State with each other and with points outside the State by radio or wire, and includes all kinds of property and rights of way necessary to accomplish this interconnection.

(3) TRANSFER.—The term "transfer" means the conveyance by the Government of any element of ownership, including any estate or interest in property, and franchise rights, by sale, exchange, lease, easement, or permit, for cash, credit, or other property with or without warranty.

§17702. Transfer of Government-owned long-lines communication facilities in and to Alaska

(a) IN GENERAL.—

(1) AUTHORITY OF THE SECRETARY OF DEFENSE.—

(A) REQUIREMENTS PRIOR TO TRANSFER.—Subject to section 17703 of this title and with the advice, assistance, and, in the case of an agency not under the jurisdiction of the Secretary of Defense, the consent of the agency concerned, and after approval of the President, the Secretary of Defense shall transfer for adequate consideration any or all long-lines communication facilities in or to Alaska under the jurisdiction of the Federal Government to any person qualifying under section 17703.

(B) AUTHORITY TO CARRY OUT CHAPTER.—The Secretary of Defense may take action and exercise powers as may be necessary or appropriate to carry out the purposes of this chapter.

(2) CONSENT OF SECRETARY CONCERNED.—An interest in public lands, withdrawn or otherwise appropriated, shall not be transferred under this chapter without the prior consent of the Secretary of the Interior, or, with respect to lands in a national forest, of the Secretary of Agriculture.

(3) PROCEDURES AND METHODS.—The Secretary of Defense shall carry out a transfer under this chapter in accordance with the procedures and methods required of the Administrator of General Services by section 545(a) and (b) of this title.

(b) DOCUMENTS OF TITLE OR OTHER PROPERTY INTERESTS.—The head of the agency concerned

(or a designee of the head) shall execute documents for the transfer of title or other interest in property, except any mineral rights in the property, and take other action that the Secretary of Defense decides is necessary or proper to transfer the property under this chapter. A copy of a deed, lease, or other instrument executed by or on behalf of the head of the agency concerned purporting to transfer title or another interest in public land shall be provided to the Secretary of the Interior.

(c) SOLICITATION OF OFFERS TO PURCHASE CERTAIN FACILITIES.—In connection with soliciting offers to purchase long-lines facilities of the Alaska Communication System, the Secretary of Defense shall—

(1) provide any prospective purchaser who requests it data on—

(A) the facilities available for purchase;

(B) the amounts considered to be the current fair and reasonable value of those facilities; and

(C) the initial rates that will be charged to the purchaser for capacity in facilities retained by the Government and available for commercial use;

(2) provide in the request for offers to purchase that offerors must specify the rates the offerors propose to charge for service and the improvements in service the offerors propose to initiate;

(3) provide an opportunity for prospective purchasers to meet as a group with Department of Defense representatives to ensure that the data and public interest requirements described in clauses (1) and (2) are fully understood; and

(4) seek the advice and assistance of the Federal Communications Commission and the Governor of Alaska (or a designee of the Governor) to ensure consideration of all public interest factors associated with the transfer.

(d) APPLICABILITY OF ANTITRUST PROVISIONS.—The requirements of section 559 of this title apply to transfers under this chapter.

§17703. National defense considerations and qualification of transferee

A transfer under this chapter shall not be made unless the Secretary of Defense determines that—

(1) the Federal Government does not need to retain the property involved in the transfer for national defense purposes;

(2) the transfer is in the public interest;

(3) the person to whom the transfer is made is prepared and qualified to provide the communication service involved in the transfer without interruption; and

(4) the long-lines communication facilities will not directly or indirectly be owned, operated, or controlled by a person that would legally be disqualified from holding a radio station license by section 310(a) of the Communications Act of 1934 (47 U.S.C. 310(a)).

§17704. Contents of agreements for transfer

An agreement by which a transfer is made under this chapter shall provide that—

(1) subject to regulations of the Federal Communications Commission and of any body or commission established by Alaska to govern and regulate communications services to the public and all applicable statutes, treaties, and conventions, the person to whom the transfer is made shall provide the communication services involved in the transfer without interruption, except those services reserved by the Federal Government in the transfer;

(2) the rates and charges for those services applicable at the time of transfer shall not be changed for a period of one year from the date of the transfer unless approved by a governmental body or commission having jurisdiction; and

(3) the transfer will not be final until the transferee receives the requisite license and certificate of convenience and necessity to operate interstate and intrastate commercial communications in Alaska from the appropriate governmental regulatory bodies.

§17705. Approval of Federal Communications Commission

A transfer under this chapter does not require the approval of the Federal Communications Commission except to the extent that the approval of the Commission is necessary under section 17704(3) of this title.

§17706. Gross proceeds as miscellaneous receipts in the Treasury

The gross proceeds of each transfer shall be deposited in the Treasury as miscellaneous receipts.

§17707. Reports

The Secretary of Defense shall report to the Congress and the President—

(1) in January of each year, the actions taken under this chapter during the preceding 12 months; and

(2) not later than 90 days after completion of each transfer under this chapter, a full account of that transfer.

§17708. Nonapplication

This chapter does not modify in any manner the Communications Act of 1934 (47 U.S.C. 151 et seq.).

CHAPTER 179—ALASKA FEDERAL-CIVILIAN ENERGY EFFICIENCY SWAP

Sec.

17901. Definitions.
17902. Sale of electric energy.
17903. Purchase of electric power.
17904. Implementation powers and limitations.

§17901. Definitions

In this chapter, the following definitions apply:

(1) FEDERAL AGENCY.—The term "federal agency" means a department, agency, or instrumentality of the Federal Government.

(2) FEDERALLY GENERATED ELECTRIC ENERGY.—The term "federally generated electric energy" means any electric power generated by an electric generating facility owned and operated by a federal agency.

(3) NON-FEDERAL PERSON.—The term "non-federal person" means a corporation, cooperative, municipality, or other non-federal entity that generates electric energy through a facility other than a federally owned electric generating facility.

§17902. Sale of electric energy

(a) IN GENERAL.—To conserve oil and natural gas and better utilize coal, the head of a federal agency may sell, or enter into a contract to sell, to any non-federal person electric energy generated by coal-fired electric generating facilities of that agency in Alaska without regard to any provision of law that precludes the sale when the electric energy to be sold is available from other local sources, if the head of the federal agency determines that—

(1) the electric energy to be sold is generated by an existing coal-fired generating facility;

(2) the electric energy to be sold is surplus to the federal agency's needs and is in excess of the electric energy specifically generated for consumption by, or necessary to serve the requirements of, another federal agency;

(3) the cost to the ultimate consumers of the electric energy to be sold is less than the cost that, in the absence of the sale, would be incurred by those consumers for the purchase of an equivalent amount of energy; and

(4) the sale will reduce the total consumption of oil or natural gas by the non-federal person purchasing the electric energy below the level of consumption that would occur in the absence of the sale.

(b) PRICING POLICIES.—Federally generated electric energy sold by the head of a federal agency under subsection (a) shall be priced to recover the fuel and variable operation and maintenance costs of the facility generating the energy that are attributable to that sale, plus an amount equal to one-half the difference between—

(1) the costs of producing the electric energy by coal generation; and

(2) the costs of producing electric energy by the oil or gas generation being displaced.

§17903. Purchase of electric power

For purposes of economy, efficiency, and conserving oil and natural gas, the head of a federal agency, when practicable and consistent with other laws and requirements applicable to that agency, shall endeavor to purchase electric energy from a non-federal person for consumption in Alaska by a facility of that agency when (taking into account the remaining useful life of any facility available to that agency to generate electric energy for that agency and the cost of maintaining the facility on a standby basis) the purchase will result in—

(1) a savings to other consumers of electric energy sold by that non-federal person without increasing the cost incurred by any federal agency for electric energy; or

(2) a cost savings to the federal agency purchasing the electric energy without increasing costs to other consumers of electric energy.

§17904. Implementation powers and limitations

(a) ACCOMMODATION OF NEEDS FOR ELECTRIC ENERGY.—This chapter does not require or authorize a federal agency to construct a new electric generating facility or related facility, to modify an existing facility, or to employ reserve or standby equipment to accommodate the needs of a non-federal person for electric energy.

(b) AVAILABILITY OF REVENUE FROM SALES.—Revenue received by a federal agency pursuant to section 17902 of this title from the sale of electric energy generated from a facility of that agency is available to the agency without fiscal year limitation to purchase fuel and for operation, maintenance, and other costs associated with that facility.

(c) EXERCISE OF AUTHORITIES.—The authority under this chapter shall be exercised for those periods and pursuant to terms and conditions that the head of the federal agency concerned decides are necessary consistent with—

(1) this chapter; and

(2) responsibilities of the head of the federal agency under other law.

(d) NEGOTIATION AND EXECUTION OF CONTRACTS AND OTHER AGREEMENTS.—A contract or other agreement executed under this chapter shall be negotiated and executed by the head of the federal agency selling or purchasing electric energy under this chapter.

CHAPTER 181—TELECOMMUNICATIONS ACCESSIBILITY FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS

Sec.

18101. Definitions.
18102. Federal telecommunications system.
18103. Research and development.
18104. TTY installation by Congress.

§18101. Definitions

In this chapter—

(1) FEDERAL AGENCY.—The term "federal agency" has the same meaning given that term in section 102 of this title.

(2) TTY.—The term "TTY" means a text-telephone used in the transmission of coded signals through the nationwide telecommunications system.

§18102. Federal telecommunications system

(a) REGULATIONS TO ENSURE ACCESSIBILITY.—The Administrator of General Services, after *consultation with the Architectural and Transportation Barriers Compliance Board, the Interagency Committee on Computer Support of Handicapped Employees, the Federal Communications Commission, and affected federal agencies, shall prescribe regulations to ensure that the federal telecommunications system is fully accessible to hearing-impaired and speech-impaired individuals, including federal employees, for communications with and within federal agencies.*

(b) FEDERAL RELAY SYSTEM.—The Administrator shall provide for the continuation of the existing federal relay system for users of TTY's.

(c) DIRECTORY.—The Administrator shall assemble, publish, and maintain a directory of TTY's and other devices used by federal agencies to comply with regulations prescribed under subsection (a).

(d) PUBLICATION OF ACCESS NUMBERS.—The Administrator shall publish access numbers of TTY's and such other devices in federal agency directories.

(e) LOGO.—After consultation with the Board, the Administrator shall adopt the design of a standard logo to signify the presence of a TTY or other device used by a federal agency to comply with regulations prescribed under subsection (a).

§18103. Research and development

(a) SUPPORT FOR RESEARCH.—The Administrator of General Services, in consultation with the Federal Communications Commission, shall seek to promote research by federal agencies, state agencies, and private entities to reduce the cost and improve the capabilities of telecommunications devices and systems that provide accessibility to hearing-impaired and speech-impaired individuals.

(b) PLANNING TO ASSIMILATE TECHNOLOGICAL DEVELOPMENTS.—In planning future alterations to and modifications of the federal telecommunications system, the Administrator shall take into account—

(1) modifications that the Administrator determines are necessary to achieve the objectives of section 18102(a) of this title; and

(2) technological improvements in telecommunications devices and systems that provide accessibility to hearing-impaired and speech-impaired individuals.

§18104. TTY installation by Congress

Each House of Congress shall establish a policy under which Members of the House of Representatives and the Senate may obtain TTY's for use in communicating with hearing-impaired and speech-impaired individuals, and for the use of hearing-impaired and speech-impaired employees.

CHAPTER 183—NATIONAL CAPITAL AREA INTEREST ARBITRATION STANDARDS

Sec.
18301. Findings and purposes.
18302. Definitions.
18303. Standards for arbitrators.
18304. Procedures for enforcement of awards.

§18301. Findings and purposes

(a) FINDINGS.—Congress finds that—

(1) affordable public transportation is essential to the economic vitality of the national capital area and is an essential component of regional efforts to improve air quality to meet environmental requirements and to improve the health of both residents of and visitors to the national capital area as well as to preserve the beauty and dignity of the Nation's capital;

(2) use of mass transit by both residents of and visitors to the national capital area is substantially affected by the prices charged for mass transit services, prices that are substantially affected by labor costs, since more than two-thirds of operating costs are attributable to labor costs;

(3) labor costs incurred in providing mass transit in the national capital area have increased at an alarming rate and wages and benefits of operators and mechanics currently are among the highest in the Nation;

(4) higher operating costs incurred for public transit in the national capital area cannot be offset by increasing costs to patrons, since this often discourages ridership and thus undermines the public interest in promoting the use of public transit;

(5) spiraling labor costs cannot be offset by the governmental entities that are responsible for subsidy payments for public transit services since local governments generally, and the District of Columbia government in particular, are operating under severe fiscal constraints;

(6) imposition of mandatory standards applicable to arbitrators resolving arbitration disputes involving interstate compact agencies operating in the national capital area will ensure that wage increases are justified and do not exceed the ability of transit patrons and taxpayers to fund the increase; and

(7) federal legislation is necessary under section 8 of Article I of the United States Constitution to balance the need to moderate and lower labor costs while maintaining industrial peace.

(b) PURPOSE.—The purpose of this chapter is to adopt standards governing arbitration that must be applied by arbitrators resolving disputes involving interstate compact agencies operating in the national capital area in order to lower operating costs for public transportation in the Washington metropolitan area.

§18302. Definitions

In this chapter, the following definitions apply:

(1) ARBITRATION.—The term "arbitration"—

(A) means the arbitration of disputes, regarding the terms and conditions of employment, that is required under an interstate compact governing an interstate compact agency operating in the national capital area; but

(B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement.

(2) ARBITRATOR.—The term "arbitrator" refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures.

(3) INTERSTATE COMPACT AGENCY OPERATING IN THE NATIONAL CAPITAL AREA.—The term "interstate compact agency operating in the national capital area" means any interstate compact agency that provides public transit services and that was established by an interstate compact to which the District of Columbia is a signatory.

§18303. Standards for arbitrators

(a) DEFINITION.—In this section, the term "public welfare" includes, with respect to arbitration under an interstate compact—

(1) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and

(2) the average per capita tax burden, during the term of the collective bargaining agreement to which the arbitration relates, of the residents of the Washington metropolitan area, and the effect of an arbitration award rendered under that arbitration on the respective income or property tax rates of the jurisdictions that provide subsidy payments to the interstate compact agency established under the compact.

(b) FACTORS IN MAKING ARBITRATION AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not make a finding or a decision for inclusion in a collective bargaining agreement governing conditions of employment without considering the following factors:

(1) The existing terms and conditions of employment of the employees in the bargaining unit.

(2) All available financial resources of the interstate compact agency.

(3) The annual increase or decrease in consumer prices for goods and services as reflected in the most recent consumer price index for the Washington metropolitan area, published by the Bureau of Labor Statistics.

(4) The wages, benefits, and terms and conditions of the employment of other employees who perform, in other jurisdictions in the Washington standard metropolitan statistical area, services similar to those in the bargaining unit.

(5) The special nature of the work performed by the employees in the bargaining unit, including any hazards or the relative ease of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands placed upon the employees as compared to other employees of the interstate compact agency.

(6) The interests and welfare of the employees in the bargaining unit, including—

(A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for time not worked, including vacations, holidays, and other excused absences;

(B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and

(C) the continuity and stability of employment.

(7) The public welfare.

(c) ABILITY TO FINANCE SALARIES AND BENEFITS PROVIDED IN AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the ability of the interstate compact agency, or of any governmental jurisdiction that provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency.

(d) REQUIREMENTS FOR FINAL AWARD.—

(1) WRITTEN AWARD.—In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (b) and (c) have been considered and applied.

(2) PREREQUISITES.—An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare.

(3) SUBSTANTIAL EVIDENCE.—The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.

§18304. Procedures for enforcement of awards

(a) MODIFICATIONS AND FINALITY OF AWARD.—Within 10 days after the parties receive an arbitration award to which section 18303 of this title applies, the interstate compact agency and the employees, through their representative, may agree in writing on any modifications to the award. After the end of that 10-day period, the award, and any modifications, become binding on the interstate compact agency, the employees in the bargaining unit, and the employees' representative.

(b) IMPLEMENTATION.—Each party to an award that becomes binding under subsection (a) shall take all actions necessary to implement the award.

(c) JUDICIAL REVIEW.—Within 60 days after an award becomes binding under subsection (a), the interstate compact agency or the exclusive representative of the employees concerned may bring a civil action in a court that has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—

(1) the award is in violation of applicable law;

(2) the arbitrator exceeded the arbitrator's powers;

(3) the decision by the arbitrator is arbitrary or capricious;

(4) the arbitrator conducted the hearing contrary to the provisions of this chapter or other laws or rules that apply to the arbitration so as to substantially prejudice the rights of a party;

(5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;

(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or

(7) the arbitrator did not comply with the provisions of section 18303 of this title.

SEC. 2. TRANSFER OF MATERIAL AND EQUIPMENT TO THE ARCHITECT OF THE CAPITOL.

Chapter 443 of title 10, United States Code, is amended as follows:

(1) Insert immediately after section 4688 the following new section:

"§4689. Transfer of material and equipment to the Architect of the Capitol

"The Secretary of the Army is authorized to transfer, without payment, to the Architect of the Capitol, such material and equipment, not required by the Department of the Army, as the Architect may request for use at the Capitol power plant, the Capitol Building, and the Senate and House Office Buildings.".

(2) Insert immediately below item 4688 in the analysis of the chapter the following new item:

"4689. Transfer of material and equipment to the Architect of the Capitol.".

SEC. 3. CONFORMING CROSS-REFERENCES.

(a) TITLE 5.—Title 5, United States Code, is amended as follows:

(1) In section 7342(e)(1)—

(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(B) insert "(41 U.S.C. 251 et seq.)" after "of 1949".

(2) In section 9505(b), strike "division E of the Clinger-Cohen Act of 1996 (Public Law 104–106; 110 Stat. 679)" and substitute "subtitle III of title 40".

(3) In section 9508(a)(2)(A), strike "division E of the Clinger-Cohen Act of 1996 (Public Law 104–106; 110 Stat. 679)" and substitute "subtitle III of title 40".

(b) TITLE 10.—Title 10, United States Code, is amended as follows:

(1) In section 2223—

(A) in subsection (a), strike "section 5125 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425)" and substitute "section 11315 of title 40";

(B) in subsection (b), strike "section 5125 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425)" and substitute "section 11315 of title 40";

(C) in subsection (c)(2), strike "section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401)" and substitute "section 11101 of title 40"; and

(D) in subsection (c)(3), strike "section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452)" and substitute "section 11103 of title 40".

(2) In section 2302(2)(A), strike "title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)" and substitute "chapter 11 of title 40".

(3) In section 2304(h)—

(A) before clause (1), strike "laws"; and

(B) strike clause (2) and substitute "(2) Sections 3141–3144, 3146, and 3147 of title 40.".

(4) In section 2305a(a), strike "the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.)" and substitute "chapter 11 of title 40".

(5) In section 2315(a), strike "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)" and substitute "subtitle III of title 40".

(6) In section 2381(c)—

(A) strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40"; and

(B) strike "section 201(a) of that Act (40 U.S.C. 481(a))" and substitute "section 501(a)(2) of title 40".

(7) In section 2535(b)(1)(G), strike "title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)" and substitute "chapter 5 of title 40".

(8) In subsection 2562(a)(1)—

(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(B) strike "(40 U.S.C. 472 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".

(9) In section 2572(d)(1), strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(10) In section 2576(a)—

(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".

(11) In section 2577(a)(2), strike "section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)" and substitute "sections 541–555 of title 40".

(12) In section 2667—

(A) in subsection (a)(2), strike "section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472)" and substitute "section 102 of title 40";

(B) in subsection (b)(5), strike "section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)" and substitute "section 1302 of title 40"; and

(C) in subsection (f)(1)—

(i) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(ii) strike "such Act is" and substitute "subtitle I and title III are".

(13) In section 2667a(a)(3), strike "section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472)" and substitute "section 102 of title 40".

(14) In section 2676(a)—

(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(B) strike "(40 U.S.C. 471 et seq.)" and substitute "41 U.S.C. 251 et seq.)".

(15) In section 2691(b)—

(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".

(16) In section 2696—

(A) in subsection (a)—

(i) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(ii) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)"; and

(B) strike subsection (e)(5) and substitute—

"(5) Chapter 5 of title 40.".

(17) In section 2701(i)(1)—

(A) strike "the Miller Act (40 U.S.C. 270a et seq.)" and substitute "sections 3131 and 3133 of title 40";

(B) strike "the Act of April 29, 1941 (40 U.S.C. 270e–270f)" and substitute "section 3134 of title 40"; and

(C) strike "the Miller Act" and substitute "sections 3131 and 3133".

(18) In section 2814(j)(3), strike "Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484)" and substitute "Subchapter II of chapter 5 and sections 541–555 of title 40".

(19) In section 2831(b)(3), strike "section 204(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b))" and substitute "section 572(a) of title 40".

(20) In section 2852(b)(1), strike "section 355 of the Revised Statutes (40 U.S.C. 255)" and substitute "section 3111 of title 40".

(21) In section 2854a(d)(1)—

(A) strike "The" and substitute "Subtitle I of title 40 and title III of the"; and

(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".

(22) In subsection 2855(a), strike "title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)" and substitute "chapter 11 of title 40".

(23) In section 2878(d)—

(A) in clause (2)—

(i) strike "The" and substitute "Subtitle I of title 40 and title III of the"; and

(ii) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)"; and

(B) strike clause (3) and substitute—

"(3) Section 1302 of title 40.".

(24) In section 4681, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(25) In section 4682, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(26) In section 4684, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(27) In section 4686, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(28) In section 7305(d)—

(A) insert "subtitle I of title 40 and title III of" before "the Federal";

(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)"; and

(C) strike "that Act" and substitute "subtitle I of title 40 and title III".

(29) In section 7306(a), strike "subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474)" and substitute "section 113 of title 40".

(30) In section 7422(c)(1), strike "the Act of February 26, 1931 (40 U.S.C. 258a–258e)" and substitute "sections 3114–3116 and 3118 of title 40".

(31) In section 7541, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(32) In section 7541a, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(33) In section 7542(a), strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(34) In section 7545(a), strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(35) In section 9444(b)(1)—

(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".

(36) In section 9681, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(37) In section 9682, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(38) In section 9684, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(39) In section 9686, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".

(40) In section 9781—

(A) in subsection (b)(2)(D), strike "title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)" and substitute "chapter 5 of title 40";

(B) in subsection (d), strike "title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)" and substitute "chapter 5 of title 40"; and

(C) in subsection (g)—

(i) insert "subtitle I of title 40 and subtitle III of" before "the Federal"; and

(ii) add at the end of the subsection "(41 U.S.C. 251 et seq.)".

(41) In section 12603(d), strike "section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a))" and substitute "section 501 of title 40".

(42) In section 18239(b)(1), strike "section 355 of the Revised Statutes (40 U.S.C. 255)" and substitute "section 3111 of title 40".

(c) TITLE 14.—Title 14, United States Code, is amended as follows:

(1) In section 92—

(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".

(2) In section 93(h)—

(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".

(3) In section 641—

(A) in subsection (a)—

(i) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(ii) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)"; and

(B) in subsection (c)(2), strike "section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)" and substitute "sections 541–555 of title 40".

(4) In section 685(c)—

(A) in clause (1), strike—

(i) "The" and substitute "Subtitle I of title 40 and title III of the"; and

(ii) "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)"; and

(B) strike clause (2) and substitute—

"(2) Section 1302 of title 40.".

(d) TITLE 18.—Section 3668(c) of title 18, United States Code, is amended by striking "sections 304f–304m of Title 40" and substituting "section 1306 of title 40".

(e) TITLE 23.—Title 23, United States Code, is amended as follows:

(1) In section 112(b)(2)(A), strike "title IX of the Federal Property and Administrative Services Act of 1949" and substitute "chapter 11 of title 40".

(2) In section 113(a), strike "the Act of March 3, 1931, known as the Davis-Bacon Act (40 U.S.C. 276a)" and substitute "sections 3141–3144, 3146, and 3147 of title 40".

(f) THE INTERNAL REVENUE CODE OF 1986.—Section 7608(c)(1)(A)(i)(IV) of the Internal Revenue Code of 1986 (26 U.S.C. 7608(c)(1)(A)(i)(IV)) is amended by striking "section 34 of title 40, United States Code" and substituting "section 8141 of title 40".

(g) TITLE 28.—Title 28, United States Code, is amended as follows:

(1) In section 604(g)(3)(B), strike "section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)" and substitute "sections 541–555 of title 40".

(2) In section 612(f), strike "section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)" and substitute "sections 501–505 of title 40".

(3) In section 1499, strike "section 104 of the Contract Work Hours and Safety Standards Act" and substitute "section 3703 of title 40".

(h) TITLE 31.—Title 31, United States Code, is amended as follows:

(1) In section 781(a), strike "section 7 of the Public Buildings Act of 1959, as amended (40 U.S.C. 606)" and substitute "section 3307 of title 40".

(2) In section 782, strike "(as defined in section 105 of the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 612a))" and substitute "(as defined in section 3306(a) of title 40)".

(3) In section 1105(g)(2)(B)(ii), strike "section 901 of the Brooks Architect-Engineers Act (40 U.S.C. 541)" and substitute section "1102 of title 40".

(4) In section 3126—

(A) in subsection (a), strike "section 2 of the Government Losses in Shipment Act (40 U.S.C. 722)" and substitute "section 17303(a) of title 40"; and

(B) in subsection (b), strike "Section 3 of the Government Losses in Shipment Act (40 U.S.C. 723) (related to finality of decisions of the Secretary)" and substitute "Section 17304(c) of title 40".

(5) In section 3511(c)(1), strike "section 205(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(b))" and substitute "section 121(b) of title 40".

(6) In section 3551(3), strike "section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472)" and substitute "section 102 of title 40".

(7) In section 3905(f)(1), strike "section 2 of the Act of August 24, 1935 (40 U.S.C. 270b)" and substitute "section 3133(b) of title 40".

(8) In section 6703(d)(5)—

(A) strike "the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a–276a–5)" and substitute "sections 3141–3144, 3146, and 3147 of title 40"; and

(B) strike "section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act), as amended (40 U.S.C. 276c, 48 Stat. 948)" and substitute "section 3145 of title 40".

(9) In section 9303—

(A) in subsection (d), before clause (1)—

(i) strike "the Act of August 24, 1935 (known as the Miller Act) (40 U.S.C. 270a–270d)" and substitute "sections 3131 and 3133 of title 40"; and

(ii) strike "section 3 of the Act (40 U.S.C. 270c)" and substitute "section 3133(a) of title 40";

(B) in subsection (d)(1)—

(i) strike "the Act of August 24, 1935 (known as the Miller Act) (40 U.S.C. 270a–270d)" and substitute "sections 3131 and 3133 of title 40"; and

(ii) strike "section 2 of the Act (40 U.S.C. 270b)" and substitute "section 3133(b) of title 40"; and

(C) in subsection (e)(2)(A), strike "the Act of August 24, 1935 (known as the Miller Act) (40 U.S.C. 270a–270d)" and substitute 'sections 3131 and 3133 of title 40".

(i) TITLE 36.—Title 36, United States Code, is amended as follows:

(1) In section 2103(a)(1), strike "section 355 of the Revised Statutes (40 U.S.C. 255)" and substitute "section 3111 of title 40".

(2) In section 220314(b), strike "section 451 of the Legislative Reorganization Act of 1970 (40 U.S.C. 193m–1)" and substitute "section 5108 of title 40".

(j) TITLE 38.—Title 38, United States Code, is amended as follows:

(1) In section 115(1), strike "section 355 of the Revised Statutes (40 U.S.C. 255)" and substitute "section 3111 of title 40".

(2) In section 310(b), strike "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)" and substitute "subtitle III of title 40".

(3) In section 8122(a)(1), strike "section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)" and substitute "section 1302 of title 40".

(4) In section 8135(a)(8), strike "the Act of March 3, 1931 (40 U.S.C. 276a—276a–5) (known as the Davis-Bacon Act)" and substitute "sections 3141–3144, 3146, and 3147 of title 40".

(5) In section 8162(a)—

(A) in paragraph (1), strike "section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484)" and substitute "subchapter II of chapter 5 of title 40, sections 541–555 and 1302 of title 40"; and

(B) in paragraph (3), strike "the Act of March 3, 1931 (40 U.S.C. 276a et seq.)" and substitute "sections 3141–3144, 3146, and 3147 of title 40".

(6) In section 8165(c), strike "section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June 8, 1896 (40 U.S.C. 485a)" and substitute "subchapter IV of chapter 5 of title 40".

(7) In section 8201(e), strike "section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)" and substitute "section 1302 of title 40".

(k) TITLE 39.—Section 410(b)(4) of title 39, United States Code, is amended to read as follows:

"(4) the following provisions of title 40:

"(A) sections 3114–3116, 3118, 3131, 3133, and 3141–3147; and

"(B) chapters 37 and 173;".

(l) TITLE 44.—Title 44, United States Code, is amended as follows:

(1) In section 311(a), strike "the Federal Property and Administrative Services Act, approved June 30, 1949, as amended," and substitute "subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)".

(2) In section 2901(13), strike "section 3(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(a))" and substitute "section 102 of title 40".

(3) In section 3501(8)(B), strike "the Computer Security Act of 1987 (Public Law 100–235)" and substitute "section 11332 of title 40".

(4) In section 3502(9)—

(A) strike "section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401)" and substitute "section 11101 of title 40"; and

(B) strike "section 5142 of that Act (40 U.S.C. 1452)" and substitute "section 11103 of title 40".

(5) In section 3504—

(A) in subsection (g)(2), strike "section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)" and substitute "sections 11331 and 11332(b) and (c) of title 40";

(B) in subsection (g)(3), strike "section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)" and substitute "sections 11331 and 11332(b) and (c) of title 40";

(C) in subsection (h)(1)(B), strike "section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441)" and substitute "section 11331 of title 40"; and

(D) in subsection (h)(2)—

(i) strike "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)" and substitute "subtitle III of title 40"; and

(ii) strike "section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757)" and substitute "section 322 of title 40".

(6) In section 3506—

(A) in subsection (g)(2), strike "the Computer Security Act of 1987 (40 U.S.C. 759 note)" and substitute "section 11332 of title 40"; and

(B) in subsection (g)(3), strike "the Computer Security Act of 1987 (40 U.S.C. 759 note)" and substitute "section 11332 of title 40".

(7) In section 3518(d), strike "section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and the Computer Security Act of 1987 (40 U.S.C. 759 note)" and substitute "sections 11331 and 11332 of title 40".

(m) TITLE 46.—Title 46, United States Code, is amended as follows:

(1) In section 2101(17), strike "section 13 of the Coast Guard Authorization Act of 1986" and substitute "section 558 of title 40".

(2) In section 3305(c), strike "section 13 of the Coast Guard Authorization Act of 1986" and substitute "section 558 of title 40".

(n) TITLE 49.—Title 49, United States Code, is amended as follows:

(1) In section 103(e)—

(A) insert "subtitle I of title 40 and title III of" before "the Federal Property"; and

(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".

(2) In section 5325(b), strike "title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)" and substitute "chapter 11 of title 40".

(3) In section 5333(a)—

(A) strike "the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a–5)" and substitute "sections 3141–3144, 3146, and 3147 of title 40"; and

(B) strike "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and substitute "section 3145 of title 40".

(4) In section 24312—

(A) in subsection (a)—

(i) strike "the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a–5)" and substitute "sections 3141–3144, 3146, and 3147 of title 40"; and

(ii) strike "section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333)" and substitute "section 3704 of title 40"; and

(B) in subsection (b), strike "the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a–5)" and substitute "sections 3141–3144, 3146, and 3147 of title 40"

(5) In section 40110(c)(2)—

(A) in subclause (C), strike "(as defined in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612))" and substitute "(as defined in section 3301(a) of title 40)"; and

(B) in subclause (F), strike "title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)" and substitute "sections 121, 123, and 126 and chapter 5 of title 40".

(6) In section 44305(a)(1), strike "sections 1 and 2 of the Government Losses in Shipment Act (40 U.S.C. 721, 722)" and substitute "sections 17302 and 17303 of title 40".

(7) In section 47107(a)(17), strike "title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)" and substitute "chapter 11 of title 40".

(8) In section 47112(b), strike "the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a–5)" and substitute "sections 3141–3144, 3146, and 3147 of title 40".

(9) In section 49111(d)(1), strike "section 5 of the Act of June 6, 1924 (40 U.S.C. 71d)," and substitute "section 8722 of title 40".

(o) VETERANS' BENEFITS PROGRAMS IMPROVEMENT ACT OF 1991.—Section 403(e) of the Veterans' Benefits Programs Improvement Act of 1991 (Pub. L. 102–86, 105 Stat. 424) is amended by striking "section 303b of title 40, sections 483 and 484 of title 40" and substituting "subchapter II of chapter 5 of title 40, sections 541–555 and 1302 of title 40".

SEC. 4. REPEAL OF TITLE V OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.

Title V of the Federal Property and Administrative Services Act of 1949 (ch. 288), as added by section 6(d) of the Act of September 5, 1950 (ch. 849, 64 Stat. 583), is repealed.

SEC. 5. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) PURPOSE.—The purpose of this Act is to revise, codify, and enact without substantive change the general and permanent laws of the United States related to public buildings, property, and works, in order to remove ambiguities, contradictions, and other imperfections and to repeal obsolete, superfluous, and superseded provisions.

(b) NO SUBSTANTIVE CHANGE.—

(1) IN GENERAL.—This Act makes no substantive change in existing law and may not be construed as making a substantive change in existing law.

(2) DEEMED DATE OF ENACTMENT FOR CERTAIN PURPOSES.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, and otherwise to ensure that this Act makes no substantive change in existing law, the date of enactment of a provision restated in section 1 or 2 of this Act is deemed to remain unchanged, continuing to be the date of enactment of the underlying provision of public law that is being restated.

(3) INCONSISTENT LAWS ENACTED AFTER MARCH 31, 2002.—This Act restates certain laws enacted before April 1, 2002. Any law enacted after March 31, 2002, that is inconsistent with this Act, including any law purporting to amend or repeal a provision that is repealed by this Act, supersedes this Act to the extent of the inconsistency.

(c) REFERENCES.—A reference to a law replaced by section 1 or 2 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(d) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by section 1 or 2 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(e) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense committed under a law replaced by section 1 or 2 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(f) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

(g) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 6. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
1822					
May 7	96	3	3	692	307
1874					
Feb. 4	22		18	14	28
Mar. 7	50	(proviso)	18	20	29
1876					
July 31	246	(proviso (related to report) in 1st par. on p. 115)	19	115	27
1877					
Mar. 3	105	(proviso (related to report) in 16th par. on p. 359)	19	359	27
	106	(words after 2d semicolon in 3d par. under heading "Miscellaneous").	19	370	34
1878					
June 20	359	(proviso in 2d par. under heading "Building and Grounds in and Around Washington and the Executive Mansion").	20	220	103
1879					
Mar. 3	182	1 (words after semicolon in 5th par. on p. 388)	20	388	30
July 1	62		21	47	307
1882					
Aug. 5	389	1 (2d sentence in 8th par. on p. 241)	22	241	35
1883					
Jan. 16	27	4	22	405	42

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
1888					
Aug. 1	*728*		*25*	*357*	*257, 258*
1890					
Aug. 30	*837*	*3*	*26*	*412*	*120*
1892					
July 29	*320*	*15*	*27*	*325*	*101*
Aug. 1	*352*	*3*	*27*	*340*	*323*
1893					
Mar. 3	*211*	*3*	*27*	*715*	*286*
1895					
Mar. 2	*189*	*(words after last comma in 1st par. on p. 959)*	*28*	*959*	*190a*
1896					
June 8	*373*		*29*	*268*	*485a*
1898					
July 1	*543*	*5*	*30*	*570*	*79*
	546	*1 (6th complete par. on p. 614)*	*30*	*614*	*285*
July 7	*571*	*(last par. under catchline "Capitol and Grounds")*	*30*	*672*	*164*
1899					
Mar. 3	*458*	*2 (2d par.)*	*30*	*1378*	*89*
1900					
Apr. 17	*192*	*(words between 1st and 2d semicolons (related to absence, disability, or vacancy) under catchline "Office of the Architect of the Capitol").*	*31*	*125*	*164*
1901					
Mar. 3	*830*	*1 (words between 1st and 2d semicolons (related to absence, disability, or vacancy) under catchline "Office of the Architect of the Capitol").*	*31*	*1000*	*164*
1902					
Apr. 28	*594*	*1 (6th, last pars. on p. 152)*	*32*	*152*	*19, 31*
1903					
Feb. 25	*755*	*1 (7th par. on p. 865)*	*32*	*865*	*484–1*
Mar. 3	*1007*	*1 (4th complete par. on p. 1112)*	*32*	*1112*	*304*
1905					
Mar. 3	*1483*	*1 (words before "namely" in last sentence of 9th par. on p. 1161).*	*33*	*1161*	*279*
1908					
May 27	*200*	*1 (7th complete par. on p. 327, 1st complete par. on p. 356, proviso on p. 358).*	*35*	*327, 356, 358*	*43 note, 64, 283*
May 30	*228*	*34*	*35*	*545*	*261*
1909					
Feb. 9	*101*	*(3d par. under heading "War Department")*	*35*	*615*	*43 note*
Mar. 4	*299*	*1 (proviso in 2d par. on p. 997)*	*35*	*997*	*43*
1910					
May 17	*243*		*36*	*371*	*104, 106*
June 25	*384*	*1 (8th complete par. on p. 728 (less appropriations))*	*36*	*728*	*105*
1912					
Aug. 23	*350*	*1 (2d complete par. on p. 375)*	*37*	*375*	*251*
Aug. 24	*355*	*1 (last proviso in last par. on p. 432, 10th par. on p. 444)*	*37*	*432, 444*	*68, 280*
Aug. 26	*408*	*1 (last par. on p. 605)*	*37*	*605*	*174*
1913					
Mar. 3	*106*	*1 "Sec. 3", 4*	*37*	*727*	*323*
Mar. 4	*142*	*1 (words after 4th comma in last par. on p. 771)*	*37*	*771*	*38.*
June 23	*3*	*1 (proviso on p. 17, last proviso in 2d complete par. on p. 22, 1st, 3d pars. under heading "Central Heating and Power Plant").*	*38*	*17, 22, 25*	*22, 253, 281*
1914					
Aug. 1	*223*	*1 (last par. on p. 633)*	*38*	*633*	*82*
1916					
May 10	*117*	*1 (last par. under catchline "Contingent Expenses", last par. less proviso under catchline "Rent").*	*39*	*109, 118*	*39, 40*
1917					
June 12	*27*	*1 (words before 10th comma in 4th par. on p. 112, last par. on p. 133).*	*40*	*112, 133*	*22, 91*
1918					
July 9	*143*	*(last par. on p. 850)*	*40*	*850*	*314*
Aug. 31	*164*	*1 (6th par., words before "and over" in last par. under heading "Washington Aqueduct.").*	*40*	*951*	*100*
1919					
Feb. 25	*39*	*3*	*40*	*1173*	*314*
Aug. 25	*52*		*41*	*281*	*271*
1920					
Feb. 28	*91*	*213*			*316*
Mar. 6	*94*	*(proviso in last par. under heading "Public Buildings")*	*41*	*507*	*272*
May 29	*214*	*1 (1st complete par. on p. 642, words in par. under heading "Independent Treasury").*	*41*	*642, 654*	*42, 285*
June 5	*235*	*(2d complete par. on p. 913)*	*41*	*913*	*113*
	253	*1 (1st par. under heading "Legislative")*	*41*	*1035*	*186*
1921					
Mar. 3	*123*		*41*	*1251*	*307*

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1922					
Feb. 17	*55*	*(last proviso in 2d par. and 3d par. under heading "General Supply Committee", last proviso in 1st complete par. on p. 387, 1st proviso on p. 388).*	*42*	*369, 387, 388*	*25, 284, 312, 313*
Mar. 20	*103*	*(last par. (related to inspection) on p. 430)*	*42*	*430*	*26*
1923					
Jan. 3	*22*	*(last proviso in 2d par. and 3d par. under heading "General Supply Committee", last proviso in 2d par. on p. 1108, 1st proviso on p. 1109).*	*42*	*1090, 1108, 1109*	*25, 284, 312, 313*
Jan. 24	*42*	*(proviso in 1st complete par. on p. 1211)*	*42*	*1211*	*115*
Feb. 20	*98*	*(par. (related to inspection) under catchline "Capitol Power Plant").*	*42*	*1273*	*26*
1924					
Apr. 4	*84*	*(proviso in 1st par. and 1st complete par. on. p. 67, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", 1st proviso on p. 83).*	*43*	*67, 82, 83*	*25, 284, 312, 313*
June 5	*264*	*(proviso in 2d complete par. on p. 422)*	*43*	*422*	*115*
June 6	*270*	*1–4(a), (d), (e), 5, 7–13*	*43*	*463*	*71–71d, 71f–72, 73, 74*
June 7	*303*	*1(words between 1st and 2d semicolons (related to inspection) in 9th par. under heading "Capitol Buildings and Grounds").*	*43*	*587*	*26*
1925					
Jan. 22	*87*	*(last proviso in 2d par. and 3d par. under heading "General Supply Committee", last proviso in complete par. and 1st proviso in last par. on p. 781)).*	*43*	*766, 781*	*25, 284, 312, 313*
Feb. 26	*339*		*43*	*983*	*2–6*
Mar. 3	*462*	*(proviso in 1st par. on p. 1176)*	*43*	*1176*	*115*
Mar. 4	*549*	*1 (words between 1st and 2d semicolons (related to inspection) in 1st par. on p. 1296).*	*43*	*1296*	*26*
	556	*1 (1st par. under heading "Public Buildings and Grounds")*	*43*	*1323*	*91*
1926					
Mar. 2	*43*	*1 (proviso in 1st par. and 1st complete par. on p. 139, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", 1st proviso on p. 154).*	*44*	*139, 153, 154*	*25, 284, 312, 313*
Mar. 3	*44*	*1 (last par. under heading "Department of the Interior, Contingent Expenses").*	*44*	*173*	*117*
Apr. 29	*195*	*(proviso in 3d complete par. on p. 368)*	*44*	*368*	*115*
Apr. 30	*198*		*44*	*374*	*71*
May 13	*294*	*1 (words between 1st and 2d semicolons (related to inspection) in 1st par. and 4th complete par. on p. 547).*	*44*	*547*	*26, 222*
May 25	*380*	*3, 5 (related to "amendment" by Act of Feb. 16, 1931 (ch. 203, 46 Stat. 1164)), 8.*	*44*	*632, 633, 635*	*343, 345a*
1927					
Jan. 26	*58*	*1 (last proviso in 1st par. and 1st complete par. on p. 1030, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", 1st proviso on p. 1045).*	*44*	*1030, 1044, 1045*	*25, 284, 312, 313*
Feb. 23	*168*	*1 (words between 1st and 2d semicolons (related to inspection) in 5th par. on p. 1156).*	*44*	*1156*	*26*
Feb. 24	*189*	*(provisos in 3d par. on p. 1219)*	*44*	*1219*	*115, 115a*
1928					
Feb. 15	*57*	*(provisos in 3d complete par. on p. 103)*	*45*	*103*	*115, 115a*
Mar. 5	*126*	*1 (last proviso in 1st par. and 1st complete par. on p. 165, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", provisos and last sentence in 1st par. on p. 186).*	*45*	*165, 185, 186*	*25, 112a, 284, 312, 313*
May 14	*551*	*1 (words between 1st and 2d semicolons (related to inspection) in last par. on p. 526).*	*45*	*526*	*26*
May 24	*726*		*45*	*726*	*71*
May 29	*901*	*1(8), (85)*	*45*	*986, 992*	*174, 314*
Dec. 20	*39*	*1 (1st par. on p. 1031, 2d proviso and provisos in 1st complete par. on p. 1048).*	*45*	*1031, 1048*	*25, 30a, 284, 313*
Dec. 22	*48*		*45*	*1070*	*72a, 72b*
1929					
Jan. 25	*102*	*(provisos in 4th par. on p. 1133)*	*45*	*1133*	*115, 155a*
Feb. 28	*367*	*1 (words between 1st and 2d semicolons (related to inspection) in 8th par. on p. 1396).*	*45*	*1396*	*26*
Mar. 1	*423*		*45*	*1425*	*271*
June 20	*33*	*6 (words after 1st comma)*	*46*	*39*	*161a*
1930					
Apr. 18	*184*	*(provisos in 2d complete par. on p. 212)*	*46*	*212*	*115, 115a*
May 15	*289*	*1 (5th par. under heading "Division of Supply", 1st proviso and provisos in 1st complete par. on p. 358).*	*46*	*337, 358*	*25, 30a, 284, 313*
May 16	*291*		*46*	*366*	*121, 121 note*
June 6	*407*	*1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", 1st complete par. on p. 514 (related to care and operation of Senate Office Building)).*	*46*	*513, 514*	*26, 174a*
June 28	*710*		*46*	*828*	*255*
1931					
Feb. 16	*203*	*1*	*46*	*1164*	*345a*
Feb. 20	*234*	*1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", 1st complete par. on p. 1184 (related to care and operation of Senate Office Building)).*	*46*	*1183, 1184*	*26, 174a*

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Feb. 23	277	1 (3d par. on p. 1219, last proviso in complete par. and proviso in last par. on p. 1234, proviso in 1st par. on p. 1235).	46	1219, 1234, 1235	25, 30a, 284, 313
	280	1 (provisos in 3d par. on p. 1349)	46	1349	115, 115a
Feb. 26	307		46	1421	258a—258e-1
Mar. 3	411		46	1494	276a—276a-6
1932					
May 20	197		47	161	122, 123
May 21	200		47	163	124–126
June 30	314	1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", 1st par. on p. 392 (related to care and operation of Senate Office Building)), 320, 321.	47	391, 392, 412	26, 174a, 267a, 303b
July 1	361	1 (2d, last provisos in 1st par. on p. 517)	47	517	115, 115a
July 5	430	1 (1st complete par. on p. 582, last proviso in 1st complete par. and provisos in last par. on p. 596).	47	582, 596	25, 30a, 284, 313
1933					
Feb. 11	48	1	47	799	124, 125
Feb. 28	134	1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", last par. on p. 1360 (related to care and operation of Senate Office Building)).	47	1360	26, 174a
Mar. 1	144	1 (provisos in 4th par. on p. 1406)	47	1406	115, 115a
Mar. 3	212	(2d par. under heading "General Supply Committee", last proviso in complete par. and last proviso on p. 1505, proviso in 1st par. on p. 1506).	47	1491, 1505, 1506	25, 30a, 284, 313
June 16	90	202–210, 220, 303, 304	48	201, 210, 211	402–411, 413, 414
	101	7	48	305	315
1934					
Jan. 24	4	34	48	336	191
Feb. 15	13	1 (words before 1st proviso (related to continuation of Civil-Works program)).	48	351	411a
Mar. 15	70	1 (1st complete par. on p. 438, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", provisos in 1st par. on p. 442, last proviso in 4th par. under heading "Public Buildings, Maintenance and Operation").	48	438, 441, 442, 449	25, 30a, 284, 313
May 7	222	1–3	48	668	13a–13c
May 30	372	1 (words between 5th and 6th semicolons (related to inspection) in 1st par. and 5th complete par. on p. 827 (related to care and operation of Senate Office Building)).	48	827	26, 174a
June 13	482	2	48	948	276c
June 19	648	(last par. on p. 1044)	48	1044	22a
1935					
May 14	110	1 (last proviso in 3d par. on p. 233, last proviso and last par. on p. 234).	49	233, 234	284, 313, 313a
June 27	320		49	425	22b, 22b note, 22c
July 8	374	(3d complete par. on p. 470 (related to care and operation of Senate Office Building)).	49	470	174a
Aug. 24	642		49	793	270, 270a, 270a notes, 270b—270d-1
Aug. 26	684		49	800	345b, 345c
Aug. 27	740	301–308	49	879	304f–304m
	744		49	885	304a–304e
Aug. 30	825		49	1011	276a—276a-6
1936					
June 23	725	1 (last proviso in 2d complete par. on p. 1843, last proviso and last par. on p. 1844).	49	1843, 1844	284, 313, 313a
June 25	822		49	1938	290
June 29	860		49	2025	421–425
1937					
May 14	180	1 (last proviso in 2d complete par. on p. 153, last proviso and last par. on p. 154, last proviso in 1st par. on p. 163).	50	153, 154, 163	284, 313, 313a
May 18	223	(last par. on p. 179 (related to care and operation of Senate Office Building)).	50	179	174a
July 8	444	1–7, 10, 11	50	479, 484	721, 721 notes, 722–729
1938					
Mar. 28	55	1 (last proviso on p. 137, last proviso and 1st complete par. on p. 139, last proviso in 1st complete par. on p. 147).	52	137, 139, 147	284, 313, 313a
May 17	236	(1st par. under catchline "Senate Office Building" (related to care and operation of Senate Office Building)).	52	391	174a
June 15	400		52	693	311b
June 20	534	16	52	802	None
1939					
May 6	115	1 (last proviso in 2d complete par. on p. 672, 4th and last provisos and 1st complete par. on p. 674, last proviso in 1st complete par. on p. 682).	53	672, 674, 682	109a, 284, 313, 313a
June 3	176		53	808	311b
July 15	281	(3d par. under heading "Department of Vehicles and Traffic").	53	1033	60a
July 31	400		53	1144	121
Aug. 5	449		53	1211	72c, 72c note, 72d, 72d note, 72e, 72e note, 74a, 74a note, 74b, 74c

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Aug. 10	*665*	*1–3*	*53*	*1358*	*723–725, 729*
1940					
Feb. 1	*18*		*54*	*19*	*255*
Mar. 25	*71*	*(6th and last provisos on p. 69, 1st par. on p. 70, last proviso in 2d complete par. on p. 77).*	*54*	*69, 70, 77*	*109a, 284, 313, 313a*
June 12	*333*	*(3d par. under heading "Department of Vehicles and Traffic").*	*54*	*334*	*60a*
June 15	*373*		*54*	*399*	*276a, 276a note*
June 18	*396*	*(last par. under heading "Office of the Architect of the Capitol").*	*54*	*472*	*166a*
July 18	*634*		*54*	*764*	*109, 109a*
	635		*54*	*764*	*304a–304d*
Aug. 13	*666*		*54*	*788*	*316*
Sept. 9	*717*	*(3d proviso under heading "Military Posts")*	*54*	*873*	*269a*
Oct. 8	*756*	*(1st proviso on p. 968)*	*54*	*968*	*269a*
Oct. 9	*793*		*54*	*1083*	*255*
Oct. 22	*908*	*6*	*54*	*1208*	*13e*
1941					
Mar. 23	*26*	*(last proviso in 5th complete par. on p. 53)*	*55*	*53*	*276a–7*
Apr. 29	*81*		*55*	*147*	*270e, 270f*
May 31	*156*	*1 (6th and last provisos on p. 226, 2d par. under heading "Procurement Division", last proviso in 1st complete par. on p. 234).*	*55*	*226, 234*	*109a, 284, 313, 313a*
June 30	*262*	*(2d proviso under heading "Military Posts")*	*55*	*375*	*269a*
July 1	*268*	*(last par. under heading "Office of the Architect of the Capitol").*	*55*	*457*	*166a*
	271	*(1st par. on p. 529)*	*55*	*529*	*60a*
Aug. 21	*395*	*(last proviso in 14th par. on p. 664)*	*55*	*664*	*276a–7*
Dec. 10	*563*		*55*	*796*	*291*
1942					
Feb. 21	*108*	*(words after last comma in 1st par. on p. 109)*	*56*	*109*	*313*
Mar. 10	*178*	*(5th and 6th provisos and 1st complete par. on p. 161, 2d proviso on p. 169).*	*56*	*161, 169*	*109a, 284, 313, 313a*
Apr. 28	*249*		*56*	*247*	*278b*
June 8	*396*	*(last par. under heading "Office of the Architect of the Capitol").*	*56*	*341*	*166a*
June 27	*450*	*(1st proviso in 2d complete par. and last par. on p. 407)*	*56*	*407*	*277a, 284*
	452	*(1st complete par. on p. 451)*	*56*	*451*	*60a*
Oct. 21	*618*		*56*	*797*	*258f*
1943					
June 26	*145*	*101 (proviso in par. under heading "Office of the Administrator", last proviso on p. 177, 1st and 2d complete pars. on p. 178).*	*57*	*176, 177, 178*	*7a, 265a, 277a, 284*
June 28	*173*	*(1st complete par. on p. 232)*	*57*	*232*	*166a*
June 30	*179*	*(5th and 6th provisos and 1st complete par. on p. 262), 201 (last proviso).*	*57*	*262, 269*	*109a, 284, 313, 313a*
July 1	*184*	*(3d par. under heading "Department of Vehicles and Traffic").*	*57*	*338*	*60a*
1944					
Apr. 1	*152*	*(words before proviso in last par. under heading "Treasury Department").*	*58*	*162*	*756 note*
Apr. 22	*175*	*(7th proviso and 1st complete par. on p. 206, last proviso in 1st complete par. on p. 214).*	*58*	*206, 214*	*284, 313, 313a*
June 26	*277*	*101 (last par. under heading "Office of the Architect of the Capitol").*	*58*	*346*	*166a*
June 27	*286*	*101 (1st proviso on p. 367, 1st proviso in 2d complete par. and last par. on p. 368, 1st complete par. on p. 369).*	*58*	*367, 368, 369*	*7a, 265a, 277a,284*
June 28	*300*	*(last proviso on p. 526)*	*58*	*526*	*60a*
1945					
Apr. 24	*92*	*(2d proviso and 1st complete par. on p. 67, last proviso in 3d par. under heading "Public Buildings, Maintenance and Operation").*	*59*	*67, 74*	*284, 313, 313a*
May 3	*106*	*101 (proviso in 1st par. under heading "Office of the Administrator", proviso in 1st and 2d complete pars., last complete par., and last par. on p. 114, 1st and 2d complete pars. on p. 115).*	*59*	*112, 114*	*7a, 265a, 277a, 284, 292, 293*
June 13	*189*	*101 (2d par. under heading "Office of the Architect of the Capitol").*	*59*	*251*	*166a*
June 30	*209*	*(4th proviso in 1st complete par. on p. 289)*	*59*	*289*	*60a*
1946					
Mar. 28	*113*	*101 (proviso in 1st par. under heading "Office of the Administrator", proviso in 1st and 2d pars. and 3d–last pars. on p. 67).*	*60*	*65, 67*	*7a, 265a, 277a, 284, 292*
June 14	*404*	*1–4, 7–9*	*60*	*257, 258*	*128, 295, 296, 304b, 304c, 341 note*
July 1	*530*	*101 (2d par. under heading "Office of the Architect of the Capitol").*	*60*	*400*	*166a*
July 9	*544*	*(4th proviso in 1st complete par. on p. 518)*	*60*	*518*	*60a*
July 20	*588*	*101 (5th proviso and 1st complete par. on p. 579, last proviso in 3d par. under heading "Public Buildings, Maintenance and Operation").*	*60*	*579, 585*	*284, 313, 313a*
	589	*302*	*60*	*595*	*33a*
July 31	*707*	*1–8, 10–13, 15, 16(a)*	*60*	*718, 719, 720*	*193a–193h, 193h note, 193i–193m, 194–205, 213*

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1947					
July 1	*186*	*(last proviso and 1st complete par. on p. 224, last proviso in 1st complete par. on p. 233).*	*61*	*224, 233*	*284, 313, 313a*
July 17	*262*	*101 (2d par. under heading "Office of the Architect of the Capitol").*	*61*	*369*	*166a*
July 25	*324*	*(4th proviso in 1st par. on p. 443)*	*61*	*443*	*60a*
	327	*2(a) (5th par.)*	*61*	*451*	*101 note*
July 30	*358*	*302*	*61*	*583*	*33a*
	359	*101 (proviso in last complete par. and last par. on p. 593, 1st and 2d complete pars. on p. 594).*	*61*	*593, 594*	*277a, 284, 292*
Aug. 5	*493*	*2 (1st sentence)*	*61*	*774*	*303*
1948					
Apr. 20	*219*	*101 (proviso in 1st and 2d complete pars., last complete par., and last par. on p. 183).*	*62*	*183*	*277a, 284, 292*
May 14	*290*		*62*	*235*	*129a–130a*
June 1	*359*		*62*	*281*	*318–318d*
June 14	*466*	*(5th proviso and 1st complete par. on p. 415, 3d complete par. on p. 416, last proviso on p. 421).*	*62*	*415, 416, 421*	*284, 313, 313a, 756 note*
	467	*101 (last par. under heading "Office of the Architect of the Capitol").*	*62*	*430*	*166a*
June 19	*555*	*(4th proviso in 1st complete par. on p. 553)*	*62*	*553*	*60a*
June 25	*646*	*6, 27*	*62*	*986, 990*	*13c, 257*
June 30	*773*	*302*	*62*	*1194*	*33a*
1949					
May 24	*139*	*134*	*63*	*108*	*276c*
June 16	*218*	*404, 405, 410–413*	*63*	*199, 200*	*298a, 298a note, 298b, 298d, 356, 356a*
June 22	*235*	*101 (1st complete par. on p. 224)*	*63*	*224*	*166a*
June 29	*279*	*(1st proviso on p. 319)*	*63*	*319*	*60a*
June 30	*286*	*(last proviso in 1st par. under heading "Bureau of Federal Supply", 2d–last sentences in 1st complete par. on p. 364, par. under heading "General Supply Fund").*	*63*	*363, 364*	*313–1, 314a, 756 note*
	288	*1–3, 101–103, 106, 107, 109(a)–(c), (e)–(g), 110, 112, 201, 202(a)–(e), (g), (h), 203–212, 401–404, 601, 602(a), (c)–(e), 603, 605, 606, 801–806, 901–905.*	*63*	*377, 381, 382, 383, 385, 397, 399, 401, 403.*	*471, 471 notes, 472–476, 481, 483, 484, 485, 486–490, 491, 492, 511–514, 531, 531 note, 532–535, 541, 541 note, 542–544, 751–755, 756, 757, 758, 760*
Aug. 18	*479*		*63*	*616*	*13f–13p*
Aug. 24	*506*	*101 (provisos and 3d and 4th complete pars. on p. 640), 307*	*63*	*640, 662*	*33a, 277a, 284, 292*
Oct. 13	*685*	*1–5, 7, 8*	*63*	*841, 842*	*451–455, 457, 458*
Oct. 26	*737*		*63*	*920*	*482*
1950					
July 18	*467*	*(3d proviso on p. 364)*	*64*	*364*	*60a*
Sept. 5	*849*	*1–5, 6(a) (related to §§601, 602(a) and (c)–(e), 603, and 605), (b) (related to §§601, 602(a) and (c)–(e), 603, and 605), (c), 7(a)–(d), (e)("Sec. 602(c)"), (f), (g), 8(a), (b), (c) (related to §602(e)), 9, 10(b), 11.*	*64*	*578, 583, 590, 591*	*471 note, 472, 472 note, 473, 474, 475, 481, 484, 486, 490, 491, 492, 752, 756, 756 note, 758*
Sept. 6	*896*	*(last par. under heading "Office of the Architect of the Capitol", 1st complete par. on p. 706, 1st par. and 2d–last sentences in last par. on p. 708, "Sec. 1207").*	*64*	*602, 706, 708, 764*	*33a, 166a, 278c, 313–1, 756 note*
Sept. 27	*1052*	*(par. under heading "General Supply Fund")*	*64*	*1056*	*756 note*
1951					
Aug. 3	*292*	*(3d proviso in 1st par. on p. 167)*	*65*	*167*	*60a*
Aug. 31	*376*	*(1st proviso on p. 275)*	*65*	*275*	*313–2*
Oct. 11	*485*	*(last par. under heading "Office of the Architect of the Capitol").*	*65*	*396*	*166a*
Oct. 24	*559*	*1–9, 11*	*65*	*634*	*193n–193v, 193x*
Oct. 31	*654*	*1(73)–(97), 2(1), (20), (24), 4(8)*	*65*	*704, 706, 707, 709*	*5a, 7, 8–13, 14, 15–18, 20, 21, 27a, 44, 110–112, 114, 116, 117, 119, 266, 269, 273, 287, 294, 302, 303a, 304, 311b, 312, 484–1, 485a*
Nov. 1	*664*	*1307*	*65*	*756*	*33a*
1952					
July 5	*576*	*(3d proviso in 1st complete par. on p. 385, proviso on p. 400)*	*66*	*385, 400*	*60a, 313–2*
July 9	*598*	*(last par. under heading "Office of the Architect of the Capitol").*	*66*	*472*	*166a*
July 10	*630*	*633*	*66*	*537*	*483a*
July 12	*703*	*1(a)–(l)*	*66*	*593*	*472, 483, 484, 487, 490, 756, 41:259*
July 15	*758*	*1407*	*66*	*660*	*33a*
July 19	*949*	*1 "Sec. 1–4(a), (d), (e), 5, 7–10", 2*	*66*	*781, 787, 789*	*71, 71 note, 71a–71d, 71f–72, 73, 74*
1953					
July 31	*299*	*(4th proviso in 1st complete par. on p. 290, last proviso on p. 304).*	*67*	*290, 304*	*60a, 313–2*
Aug. 1	*304*	*(last par. under heading "Office of the Architect of the Capitol").*	*67*	*327*	*166a*

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Aug. 7	340	1307, 1316	67	436, 439	33a, 483b
Aug. 8	399		67	521	484
1954					
June 24	359	(last proviso on p. 282)	68	282	313–2
June 30	432	723	68	355	483a
July 1	449	(last proviso on p. 386)	68	386	60a
July 2	455	(last par. under heading "Office of the Architect of the Capitol").	68	405	166a
July 14	481		68	474	484
Aug. 2	649	702(a), (b), (d)–(g), 703	68	641	460, 462
Aug. 26	935	1307	68	829	33a
Aug. 30	1076	(20)	68	967	122
Aug. 31	1178		68	1051	485
Sept. 1	1211	1–4	68	1126	471, 472, 490, 491, 491 note
1955					
May 25	76		69	66	106
June 3	129		69	83	270e
	130		69	83	484, 484 notes
June 29	226	207	69	196	33a
June 30	244	(last proviso on p. 205)	69	205	313–2
July 5	272	(3d par. under heading "Department of Vehicles and Traffic").	69	254	60a
July 13	358	622	69	319	483a
Aug. 1	442		69	430	484
Aug. 5	568	(2d par. under heading "Office of the Architect of the Capitol").	69	515	166a
Aug. 11	783	112	69	641	462
Aug. 12	874	1, 2	69	721	472
1956					
June 13	385	207	70	281	33a
June 27	452	(2d par. on p. 344, 3d par. on p. 345)	70	344, 345	313–2, 756 note
	453	(2d par. under heading "Office of the Architect of the Capitol").	70	365	166a
June 29	479	(3d par. under heading "Department of Vehicles and Traffic").	70	447	60a
July 2	488	618	70	471	483a
July 3	513	1–3, 5	70	493, 495	484, 484 note
July 27	748	(par. under heading "General Supply Fund")	70	686	756 note
Aug. 3	942		70	1020	484
1957					
June 5	85–48	207	71	54	33a
June 29	85–69	(3d complete par. on p. 231, 5th complete par. on p. 232)	71	231, 232	313–2, 756 note
July 1	85–75	(2d par. under heading "Office of the Architect of the Capitol").	71	251	166a
Aug. 2	85–117	618	71	326	483a
1958					
Feb. 28	85–337	5	72	29	472
June 25	85–468	207	72	225	33a
July 2	85–486		72	288	484
	85–493		72	294	304c, 490
July 18	85–542		72	399	298d
July 31	85–570	(last par. under heading "Salaries")	72	448	166a
Aug. 19	85–680		72	631	488
Aug. 22	85–724	617	72	727	483a
Aug. 23	85–726	1406	72	808	474
Aug. 27	85–781		72	936	481
Aug. 28	85–800	12	72	967	276c
Aug. 28	85–844	(par. under heading "General Supply Fund", last par. on p. 1069).	72	1068, 1069	313–2, 756 note
Sept. 2	85–886	1, 3	72	1709	490
1959					
May 20	86–30	(par. under heading "General Supply Fund")	73	43	756 note
June 25	86–70	30(a)	73	148	472
July 8	86–79	207	73	166	33a
Aug. 4	86–135		73	279	270b, 270b note, 270c
Aug. 18	86–166	616	73	381	483a
Aug. 21	86–176	(2d par. under heading "Salaries")	73	407	166a
Sept. 1	86–215		73	446	485
Sept. 9	86–249	1–17(5), (7)–(23), 19–21	73	479, 484	23, 24, 32, 33, 59, 260, 262–265, 267, 268, 274–276, 277, 278, 282, 297–298, 298c, 341–342a, 344, 345, 346–350a, 352–354, 490, 601, 601 note, 602, 603–612, 613–615, 617–619
Sept. 14	86–255	(4th par. under heading "General Provisions")	73	507	313–2
Sept. 23	86–372	801	73	686	462
1960					
May 13	86–461		74	128	106
June 27	86–527		74	223	131, 131 note, 132–135
July 5	86–591		74	330	756

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	86–608		74	363	345c
July 12	86–624	26, 27(a)–(c)	74	418	276a, 472, 491, 514
	86–626	101 (3d and 6th complete pars. on p. 434)	74	434	313–2, 484a
	86–628	(last par. under heading "Salaries")	74	455	166a
	86–642	207	74	478	33a
Sept. 13	86–764		74	904	126
1961					
Mar. 31	87–14	(par. under heading "General Supply Fund")	75	25	756 note
June 30	87–70	502	75	175	462
July 6	87–82	2	75	199	174j–2
July 20	87–94		75	213	484
Aug. 3	87–125	507	75	283	33a
Aug. 10	87–130	(last par. under heading "Salaries")	75	329	166a
Aug. 17	87–141	(par. under heading "General Supply Fund", 2d par. on p. 353).	75	351, 353	313–2, 756 note
	87–144	616	75	378	483a
Sept. 22	87–275		75	574	318d
Oct. 4	87–372		75	802	756
1962					
May 24	87–456	303(b)	76	78	474
June 8	87–476		76	92	607
July 25	87–545	(par. under heading "General Supply Fund")	76	212	756 note
Aug. 6	87–571		76	307	193f, 193h
Aug. 9	87–577	516	76	331	483a
Aug. 13	87–581	1, 2, 101–108, 203, 204	76	357, 360	321, 321 note, 322, 324–327, 327 notes, 328–334
Aug. 24	87–600		76	401	756
Aug. 31	87–619		76	414	486
Sept. 14	87–658	6	76	544	462
Sept. 25	87–683		76	575	71a
Oct. 2	87–730	(last par. under heading "Salaries")	76	688	166a
Oct. 3	87–741	(par. under heading "General Supply Fund", last par. on p. 727).	76	725, 727	313–2, 756 note
Oct. 10	87–786		76	805	484
Oct. 23	87–847		76	1117	757
	87–852		76	1129	319c
1963					
May 17	88–25	(par. under heading "General Supply Fund")	77	26	756 note
Oct. 17	88–149	516	77	267	483a
Dec. 19	88–215	(par. under heading "General Supply Fund", 4th par. on p. 436).	77	434, 436	313–2, 756 note
Dec. 30	88–248	(last par. under heading "Salaries")	77	812	166a
1964					
July 2	88–349	1	78	238	276a
Aug. 1	88–391		78	365	193r, 193t, 193v, 193x
Aug. 14	88–426	203(d) (related to Assistant Architect of the Capitol), (e)	78	415	166b, 166b–1
Aug. 19	88–446	516	78	477	483a
Aug. 20	88–454	(last par. under heading "Salaries")	78	544	166a
Aug. 30	88–507	(2d complete par. on p. 655)	78	655	313–2
	88–515		78	696	701, 701 note, 702, 703
Sept. 2	88–560	602	78	799	462
1965					
Mar. 9	89–4	1, 2, 101–108, 201, 202, 207, 214, 221–226, 301–304, 401–405	79	5, 17	40 App.:1, 2, 101–108, 201, 202, 207, 214, 221–226, 301–304, 401–405
June 2	89–30	1–4	79	118	301, 306, 308–310
July 27	89–90	(1st par. on p. 276)	79	276	166a
Aug. 10	89–117	1104	79	503	462
Aug. 16	89–128	(2d complete par. on p. 531)	79	531	313–2
Sept. 8	89–173	1, 5(a), 6	79	663, 665, 666	684, 685
Sept. 29	89–213	616	79	876	483a
Oct. 20	89–276		79	1010	490
Nov. 8	89–343	6	79	1303	474
	89–344		79	1304	490
	89–348	2(4)	79	1312	484
1966					
Aug. 27	89–545	(last par. under heading "Salaries")	80	364	166a
Sept. 6	89–555	(4th par. on p. 674)	80	674	313–2
Oct. 15	89–670	8(b)	80	942	40 App.:201
	89–687	616	80	994	483a
Oct. 29	89–698	401	80	1072	214a
Nov. 2	89–719	105(b)	80	1139	270a
Nov. 7	89–790		80	1424	71 note
1967					
May 25	90–19	7, 10(a) (related to § 702), (d)	81	22	460, 462, 474
May 29	90–21	(par. under heading "General Supply Fund")	81	33	756 note
July 28	90–57	(last par. under heading "Salaries")	81	136	166a
Sept. 29	90–96	616	81	245	483a
Oct. 11	90–103	101–104, 106, 107, 112, 116–123	81	257, 258, 261, 263	40 App.:1 note, 102, 105, 106, 201, 202, 207, 214, 221, 223, 224, 302, 303, 401, 403

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Dec. 16	90–206	219(3), (4)	81	639	166b, 166b–1
1968					
Mar. 12	90–264	1, 101–107, 109–116(a)(1), (b), 117–120, 201–203	82	43, 45	801, 801 note, 802–804, 804 note, 805–808, 811–819a, 821–823
June 19	90–351	525			484
July 5	90–376	3	82	286	193v
July 23	90–417	(2d par. under heading "Salaries")	82	407	166a
July 23	90–417	(last par. under heading "Salaries")	82	407	167a note
Aug. 1	90–448	201(f), 607, 807(f)	82	502, 534, 544	462, 612, 40 App.:207
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Oct. 17	90–580	516	82	1132	483a
Oct. 22	90–626		82	1319	490
1969					
June 30	91–34	2(c)	83	41	193m
Aug. 9	91–54		83	96	327 notes, 333
Nov. 25	91–123	101–104, 106–111	83	214, 215	40 App.:1 note, 105, 201, 202, 207, 214, 302, 401, 403, 405
Nov. 26	91–126	(4th par. under heading "General Provisions")	83	228	313–2
Dec. 9	91–143	8	83	322	651, 652, 661, 663–665, 671, 682–684
Dec. 12	91–145	(last par. under heading "Salaries")	83	350	166a
Dec. 29	91–171	617	83	483	483a
1970					
May 21	91–258	52(b)(5)	84	235	40 App.:214
June 30	91–297	201(c)	84	357	210a note
July 29	91–358	173(a)(1)	84	591	129a note
Aug. 12	91–375	6(m)	84	782	356, 474, 615, 723, 724
Aug. 18	91–382	(words before proviso (related to salary of Executive Assistant Architect of the Capitol) in 1st par. under heading "Salaries"), 1st complete par. on p. 818).	84	817, 818	166a, 166b–1
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Oct. 26	91–510	451(a)	84	1193	193n–1
Oct. 27	91–513	1102(o)	84	1293	304m
Dec. 17	91–556	(4th par. under heading "General Provisions")	84	1448	313–2
1971					
Jan. 11	91–668	817	84	2033	483a
July 9	92–49	611	85	124	313–2
	92–51	(last par. under heading "Salaries")	85	137	166a
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Dec. 18	92–204	717	85	730	483a
1972					
June 16	92–313	1–4, 7, 11	86	216, 221, 222	490, 601 note, 603, 603 notes, 606, 611
June 22	92–317	3(f)	86	235	14a
July 10	92–342	(last par. under heading "Salaries")	86	442	166a
Aug. 4	92–362	1	86	503	484
Oct. 21	92–520	1, 41	86	1019, 1026	601 note, 616 note
Oct. 26	92–570	717	86	1199	483a
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1973					
July 6	93–62		87	146	802, 804
July 10	93–72		87	169	607
Aug. 6	93–83	2	87	216	484
Nov. 1	93–145	(last par. under heading "Salaries")	87	540	166a
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Dec. 29	93–226		87	943	193a note
1974					
Jan. 2	93–238	717	87	1041	483a
Aug. 13	93–371	(last par. under heading "Salaries")	88	437	166a
Aug. 22	93–383	401(c)	88	691	460
Aug. 30	93–400	15	88	800	474, 487, 581
Oct. 1	93–427		88	1170	873, 876, 885
Oct. 8	93–437	817	88	1228	483a
Oct. 26	93–478		88	1449	802
Dec. 21	93–529	(par. under heading "Appalachian Regional Development Programs").	88	1711	40 App.:208 note
1975					
Jan. 2	93–594		88	1926	472

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Aug. 9	94–82	204(b) "Sec. 203(d) (related to Assistant Architect of the Capitol)".	89	421	166b
	94–91	401	89	452	490a
Dec. 31	94–188	101–111, 113, 115–122, 124	89	1079, 1082, 1083, 1086	40 App.:1 note, 2, 2 note, 101, 102, 105–107, 201, 201 note, 202, 207, 214, 223–225, 302, 303, 401, 405
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Feb. 9	94–212	717	90	171	483a
Apr. 21	94–273	2(19), 21	90	375, 379	74, 756
Aug. 3	94–375	16(b)	90	1076	461 note
Aug. 14	94–388		90	1188	885
Sept. 22	94–419	717	90	1294	483a
Oct. 1	94–440	(last par. under heading "Salaries")	90	1452	166a
Oct. 17	94–519	1–5, 7–9	90	2451, 2456	476, 483, 483c, 484, 484 note, 484c, 512
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1977					
Aug. 5	95–94	(2d par. under heading "Salaries")	91	672	166a
Sept. 21	95–111	817	91	902	483a
Nov. 18	95–193		91	1412	40 App.:202, 202 note
1978					
Sept. 30	95–391	(last par. under heading "Salaries")	92	781	166a
Oct. 10	95–431	(proviso in par. under heading "Care of the Building and Grounds").	92	1036	13a, 13b
Oct. 13	95–457	818	92	1247	483a
Oct. 20	95–491		92	1641	760, 760 note
Oct. 24	95–506		92	1756	491
Nov. 2	95–585		92	2484	270a
Nov. 6	95–598	325	92	2679	316
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July 25	96–38	(par. under heading "General Supply Fund")	93	124	756 note
July 30	96–41	3(d)	93	325	485
Aug. 15	96–60	203(c)	93	399	474
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Dec. 15	96–527	718	94	3084	483a
Dec. 16	96–536	101(c) [H.R. 7593 (related to expenses of travel by the Office of the Architect of the Capitol)].	94	3167	166a
Dec. 18	96–545	2	94	3215	40 App.:202
Dec. 22	96–571	1–5	94	3341	795, 795 note, 795a–795c
Dec. 28	96–610		94	3564	801 note, 802 note, 809
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June 5	97–12	(par. under heading "General Supply Fund")	95	75	756 note, 756a
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Oct. 1	97–51	101(c) [H.R. 4120 (related to expenses of travel by the Office of the Architect of the Capitol)].	95	959	166a
Dec. 4	97–88	(par under heading "Appalachian Regional Development Programs").	95	1146	40 App.:401 note
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Apr. 2	97–164	160(a)(13)	96	48	330
Oct. 2	97–276	101(e) [S. 2939 (related to expenses of travel by the Office of the Architect of the Capitol)].	96	1189	166a
Dec. 21	97–377	101(c) [title VII, §717], (f) (related to programs authorized by the Appalachian Regional Development Act of 1965), 120.	96	1853, 1906, 1913	483a, 490c note, 40 App.:401 note
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Oct. 31	98–141	8	97	910	872, 874, 875, 880, 885
Nov. 14	98–151	112	97	976	490c note
Nov. 30	98–181	126(a)(1)	97	1175	484b
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Dec. 8	98–212	716	97	1441	483a
1984					
Apr. 18	98–269		98	156	270c
July 16	98–360	(par under heading "Appalachian Regional Development Programs").	98	418	40 App.:401 note
July 17	98–367	(par. under heading "Travel")	98	482	166a
July 18	98–369	2713(b)	98	1184	759 note
Oct. 12	98–473	101(h) [title VIII, §8013], (j) [H.R. 5798, title IV, §6, title V, §507], 701, 702.	98	1925, 1963, 2129	483a, 484, 490c note, 490d note
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Nov. 1	99–141	(par under heading "Appalachian Regional Development Programs").	99	577	40 App.:401 note
Nov. 8	99–145	1241(a)	99	734	328
Nov. 13	99–151	(par. under heading "Travel")	99	800	166a
Dec. 19	99–190	101(h) [H.R. 3036, title IV, §6, title V, §507], 139	99	1291, 1323	490b, 490c note, 490d note
Dec. 26	99–218		99	1729	13n
1986					
Apr. 7	99–272	15301–15313	100	335	901–913
Aug. 22	99–386	201, 207	100	822, 823	484
Oct. 16	99–492	1	100	1240	13n
Oct. 18	99–500	101(e) [title IV, par. under heading "Appalachian Regional Commission"], (j) [H.R. 5203 (related to use of appropriations for travel expenses)], (m) [title IV, §6, title V, §507, title VI, §616, title VIII, §§821(a)(1), 832], 151.	100	1783–210, 1783–287, 1783–321, 1783–324, 1783–331, 1783–340, 1783–345, 1783–352.	166a, 490b, 490c note, 490d note, 751, 756b, 757, 40 App.:401 note
Oct. 30	99–591	101(e) [title IV, par. under heading "Appalachian Regional Commission"], (j) [H.R. 5203 (related to use of appropriations for travel expenses)], (m) [title IV, §6, title V, §507, title VI, §616, title VIII, §§821(a)(1), 832], 151.	100	3341–210, 3341–287, 3341–321, 3341–324, 3341–331, 3341–340, 3341–345, 3341–355.	166a, 490b, 490c note, 490d note, 751, 756b, 757, 40 App.:401 note
Nov. 7	99–627	3	100	3509	512, 512 notes
Nov. 10	99–640	13(a)–(c)	100	3551	484d
Nov. 14	99–652		100	3650	1001, 1001 note, 1002–1010
	99–656	1	100	3668	258a, 258e–1
Nov. 17	99–662	945	100	4200	483d
1987					
July 22	100–77	502(a)	101	510	484
Aug. 21	100–113	1–6, 10	101	735, 747	1101, 1101 note, 1102–1105, 1109
Dec. 22	100–202	101(b) [title VIII, §8093], (d) [title IV, par. under heading "Appalachian Regional Commission"], (f) [title II, §3], (i) [title I, §4 and par. under heading "Travel"], (m) [title IV, §5, title V, §507, title VI, §§616, 619].	101	1329–79, 1329–127, 1329–196, 1329–294, 1329–301, 1329–410, 1329–415, 1329–423, 1329–427.	166a, 490 note, 490b, 490c note, 490d note, 756 notes, 756b, 1003, 40 App.:401 note
1988					
Jan. 5	100–230	3	101	1564	1003
Jan. 8	100–235	1, 2, 5–8	101	1724, 1729	1441 note
Feb. 5	100–242	524	101	1939	462
July 19	100–370	1(k)(3)	102	849	483a
	100–371	(par. under heading "Appalachian Regional Commission")	102	871	40 App.:401 note
Aug. 22	100–415		102	1104	885
Aug. 23	100–418	5115(c)	102	1433	490
Sept. 22	100–440	5, 11, 507	102	1741, 1742, 1747	490a–1 note, 490c note, 490d note
Oct. 1	100–458	(par. under heading "Travel")	102	2169	166a
Oct. 7	100–480		102	2328	816, 1201, 1201 note, 1202–1208
Oct. 28	100–542		102	2721	762, 762 note, 762a–762d
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Nov. 15	100–656	742	102	3897	541
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1989					
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Nov. 3	101–136	5, 7, 9, 22, 25, 506	103	802, 803, 807, 808, 812	490a–1, 490c note, 490d, 490e, 491 note, 757
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1992					
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1993					
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1994					
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1995					
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1998					
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2000					
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The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2068, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2068, a bill to revise, codify, and enact without substantive change certain general and permanent laws relating to public buildings, property, and works, as title 40, "Public Buildings, Property, and Works" of the United States Code. The gentleman from Michigan (Mr. CONYERS), the ranking minority member of the Committee on the Judiciary, is a cosponsor of this legislation.

This bill was prepared by the Office of the Law Revision Counsel as part of the program required by title 2, United States Code, 285b to prepare and submit to the Committee on the Judiciary, one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States. The Committee on the Judiciary has jurisdiction over the revision and codification of the statutes of the United States. This bill is a result of the exercise of that jurisdiction. It makes no substantive change in existing law. Rather, it removes ambiguities, contradictions and other imperfections from existing law and repeals obsolete, superfluous and superseded provisions.

Simply stated, enacting title 40 as positive law will make the title easier and more reliable to use.

I introduced the bill on June 6, 2001. Upon introduction, the bill was circulated for comment to interested parties including committees of Congress and agencies and Departments of the executive branch. Originally, all comments were to be submitted no later than September 10, 2001. However, at the request of the Office of Management and Budget, the due date for comments was extended to March 15, 2002, to provide ample time for study and review. The General Services Administration provided extensive comments on the bill, and several other agencies and Departments of the government also provided comments.

The Office of Law Revision Counsel reviewed and considered all comments, contacting parties to resolve outstanding questions. Some comments, suggesting substantive changes, could not be incorporated in the restatement because this bill makes no substantive change in existing law. Other comments proposing changes to improve organization and clarity were incorporated in the restatement. The Committee on the Judiciary adopted an amendment in the nature of a substitute prepared by the Office of Law Revision Counsel, which reflects the changes resulting from the review and comment process.

The Law Revision Counsel indicates that he is satisfied that this legislation makes no substantive change in existing law. Therefore, no additional cost to the government would be incurred as a result of its enactment.

I urge all members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this uncontroversial bill. The bill was prepared, as the distinguished chairman mentioned, by the Office of the Law Revision Counsel as part of the program required by statute to prepare and submit to the Committee on the Judiciary a complete compilation restatement and revision of the general and permanent laws of the United States, one title at a time. The bill makes no substantive changes in the law. Rather, the bill removes ambiguities, contradictions, and other imperfections from the existing law and repeals obsolete, superfluous, and superceded provisions.

The Law Revision Counsel indicates that he is satisfied that there are no substantive changes in the existing law contained in this bill. Therefore, no additional cost to the government would be incurred as a result of the enactment of H.R. 2068. In addition, I would note that the chairman and ranking member of the Committee on the Judiciary have co-sponsored this bill. I therefore encourage members to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2068, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MYCHAL JUDGE POLICE AND FIRE CHAPLAINS PUBLIC SAFETY OFFICERS' BENEFIT ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3297) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits, as amended.

The Clerk read as follows:

H.R. 3297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002".

SEC. 2. BENEFITS FOR CHAPLAINS.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) by redesignating paragraphs (2) through (7) as (3) through (8), respectively;

(2) by inserting after paragraph (1) the following:

"(2) 'chaplain' means any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency;"; and

(3) in subparagraph (A) of paragraph (8), as redesignated by paragraph (1), by inserting after "firefighter," the following: "as a chaplain,".

(b) ELIGIBLE BENEFICIARIES.—Section 1201(a) of such Act (42 U.S.C. 3796(a)) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) if there is no surviving spouse or surviving child, to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 11, 2001, and shall apply to injuries or deaths that occur in the line of duty on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3297, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1545

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the events of September 11 have brought to life the heroism displayed by our public safety officers and those who assist them in the line of duty. This tragedy has also created many unique and unfortunate situations that have not been fully contemplated prior to September 11. In these cases, we have a responsibility as a Congress to act so that our laws treat fairly those who die in the line of duty.

Father Mychal F. Judge, a priest who years earlier had consoled the families of TWA Flight 800 after it exploded off of Long Island and who had gone on a recent peace mission to Northern Ireland, had been a chaplain with the New York City Fire Department since 1992. He was ministering to the victims at the World Trade Center when a rain of debris showered upon him, resulting in his death.

This legislation is given a short name in recognition of Father Judge and his efforts while addressing two concerns which his situation has brought to light. Under current law, the Bureau of Justice Assistance is directed to make payment of monetary benefits to the survivors of public safety officers who are killed in the line of duty. This bill addresses any ambiguity in existing law by specifically naming chaplains who are in service as being eligible for the same benefits as other public service officers.

Under current law, benefits may only be paid to the spouse, child or parent of the deceased. H.R. 3297 allows benefits to be paid to whomever the chaplain has designated as the beneficiary of his or her life insurance policy in the event that the deceased has no living spouse, child or parent. In the case of Father Judge, the benefit would go to his two surviving sisters.

I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3297, the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002. I worked closely with the gentleman from Illinois (Mr. MANZULLO) on this bill to extend the Public Safety Officers Program, PSOP, to chaplains; and I want to thank him, as well as the gentleman from Wisconsin (Chairman SENSENBRENNER), the ranking member, the gentleman from Michigan (Mr. CONYERS), and the House leadership for bringing this bill to the floor.

Father Mychal Judge was the pastor of the Church of St. Francis of Assisi on West 31st Street in Manhattan and the official chaplain of the New York City Fire Department. On September 11 of last year when the first plane hit Tower 1 of the World Trade Center, Father Mike, as he was known, joined his fellow firefighters by rushing to the scene. New York City Mayor Rudy Giuliani later said he saw the chaplain at the World Trade Center and asked him to pray for us. Father Judge was selflessly doing his duty when he was killed by falling pieces of the Trade Center Tower. Today is the 9-month anniversary of the attack, and I think it quite fitting that today we honor Father Michael Judge and the many other public safety officers who made the ultimate sacrifice that fateful day in September. Clearly, Father Judge provided heroic service to our Nation and ought to be eligible for the PSOP program.

As you know, the PSOP program provides financial assistance, counseling and the recognition of a grateful Nation to the spouses, children or parents of public safety officers killed or permanently injured or those permanently or totally disabled as a result of traumatic injuries sustained in the line of duty.

Father Judge is one of several chaplains who have died in the line of duty since the PSOP program was created. This bill would acknowledge their service to our country by clarifying their eligibility in the PSOP program and by enabling the designated beneficiaries to access the benefits provided by the program.

These changes would help individuals, like Father Judge, who as a Franciscan Brother could not have a spouse and child, but who did leave two sisters. Under current law, siblings are not eligible. Similarly, this legislation would help other heroes who perished in the line of duty on September 11 and left behind loved ones, for example fiances, who are not covered by the existing law.

This legislation passed the House Committee on the Judiciary and the full Senate unanimously and without controversy. It is endorsed by the National Association of Police Organizations, the International Association of Fire Fighters, and the American Federation of State, County and Municipal Employees.

Again I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER); the ranking member, the gentleman from Michigan (Mr. CONYERS); the majority leader, the gentleman from Texas (Mr. ARMEY); the minority leader, the gentleman from Missouri (Mr. GEPHARDT); and, of course, my colleague, the gentleman from Illinois (Mr. MANZULLO), for working so tirelessly to bring this bill to the floor. I also want to thank my colleague, the gentleman from Queens, New York (Mr. CROWLEY), for bringing this problem to our attention way back in September and for his steadfast support of our firefighters in New York.

I also would like to thank Senator LEAHY for championing the companion bill in the Senate, as well as the NAPO, the IAFF and AFSCME for advocating this legislation on behalf of public safety officers all across this country.

I urge all my colleagues to support this necessary and important legislation. It is a fitting tribute to Father Mychal Judge and the more than 400 public safety officers who gave their lives protecting American citizens during the worst attack ever on American soil.

Mr. MANZULLO. Mr. Speaker, under the Omnibus Crime Control and Safe Streets Act of 1968, the families of any police officer, federal law enforcement officer, parole officer and firefighter, killed in the line of duty are entitled to compensation. These unsung heros will have the assurance of knowing that in the event of their death in the line of duty their lived ones will be taken care of with the one-time $250,000 federal death benefit. The families of police and fire chaplains should be entitled to this same benefit.

When I first came to Congress in 1993, I was approached by a constituent, Rockford Police Chaplain Father William Wentink, who asked that I consider working to include in this benefit police and fire chaplains killed in the line of duty.

Police and fire chaplains share the same on-the-job dangers as their colleagues. These men and women go to work every day and perform their duties diligently and quietly, responding to the same crime and fire scenes as their co-workers. Most chaplains are volunteers.

This year, H.R. 3297 is named for one of our fallen heros, Father Mychal Judge, who, in response to the vicious September 11th terrorist attacks, died while serving his city and his nation in his capacity of a fire chaplain in the New York Fire Department. However, Father Mychal is not the first police or fire chaplain killed in the line-of-duty. We should not forget the two others who fell before him: First, William Paris, with the Detroit Police Department back in the early 1970s, who was killed when a criminal in a barricade situation demanded to speak to a chaplain. He was gunned down by the perpetrator; second, the Reverend Bruce Bryan, a police chaplain from Carson, California who was killed while on duty. Reverend Bryan was shot four times execution-style by a person that he and a deputy sheriff were driving home.

Mr. Speaker, the tragic events of September 11th have changed the hearts and minds of the vast majority of people in this great country. No longer are we asking our brave emergency services personnel to react to random, but dangerous problems. We have asked them to step up and take on those actions caused by terrorist attackers. We should not—we cannot—let another Congress go by without addressing this very important issue.

Mr. Speaker, with that I also want to wholeheartedly thank Chairman SENSENBRENNER and Representative NADLER, who, along with the diligent work of their staffers, have helped make this near decade-long goal a reality.

I urge all Members to support this legislation.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 3297.

The Public Safety Officers' Benefit program was created in 1976 to assist in the recruitment and retention of law enforcement officers, firefighters and emergency medical technicians. But it is much more than a tool for attracting and keeping qualified public safety officers. It is a way of doing what is right by the men and women who selflessly risk their lives every day to protect each and every one of us.

The death benefit provides a one-time, lump sum payment of $259,038 payable to the surviving spouse, children or parents of a public safety officer killed in the line of duty.

H.R. 3297 makes a common sense, and compassionate, change, allowing for an individual named on a life insurance policy to receive the benefit if a deceased officer leaves no surviving child or spouse.

Policy officers, firefighters and EMT's put themselves in harm's way every day without stopping to consider the race, religion or family life of the people they are attempting to save. We owe it to them to do the same as we provide much-needed financial assistance to the loved ones they leave behind.

I urge my colleagues to support this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, on September 11, 2002, Reverend Mychal Judge responded to the attack on the World Trade Center as a New York City Fire Department chaplain. He braved the fire, falling debris, and chaos on the scene to administer last rites to victims in the lobby. Father Judge paid the ultimate price for his heroic actions; he too lost his life on that tragic day.

Under the existing Public Safety Officer Benefit program, chaplains of fire and police departments are not eligible for public safety officer benefits. While no amount of money can replace their fallen brother, Father Judge's two surviving sisters currently cannot receive benefits from this program. This bill, H.R. 3297, will extend Federal death benefits to officially designated chaplains of volunteer and professional police and fire departments that were killed in the line of duty. This will broaden the number of eligible beneficiaries.

The bill also addresses the issue of deceased public safety officers without immediate families. Nine public safety officers died on September 11 without spouses, children, or surviving parents. H.R. 3297 will expand the Public Safety Officer program to extend death benefits to the beneficiary named on the deceased officer's life insurance policy. All expanded benefits will be effective as of September 11, 2001. Benefits are intended to pay for burial of the fallen officer and grief counseling services for the family.

Mr. Speaker, I fully support H.R. 3297 to extend the current Federal death benefits to the families of chaplains killed while responding to police and fire emergencies. I cannot think of a finer way to honor the brave officers that lost their lives on September 11, and in other emergency situations. Therefore, I ask my colleagues to join me in support of H.R. 3297 to remember the public safety officers that have lost their lives in service to our great Nation by voting in favor of the bill.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3297, amending the Omnibus

Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits.

On September 11th, our Nation witnessed the best and the worst of humanity. The despicable and cowardly terrorist acts were valiantly countered with the incredible heroism and courage of our firefighters, law enforcement officers, emergency personnel, and our fellow citizens. On that day, as in emergencies before and since, men of the cloth such as Father Mychal F. Judge were also present to give comfort to victims and rescuers alike.

Sadly, Father Judge was the first confirmed death on that day of infamy. Accordingly, it is incumbent upon our Nation to honor heroes of faith such as Father Judge by bestowing upon them public safety officer status. I believe that it is a fitting tribute to their memory. Accordingly, I urge my fellow colleagues to fully support this important measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this vital legislation. I personally want to extend my sympathy and the sympathy of the citizens of the eighteenth congressional district of Texas for the families that lost loved ones. In particular my condolences go to the family of Mychal Judge, the New York Fire Department priest who died in the Twin Towers catastrophe and who the bill is named after. My colleague, the gentleman from New York, Mr. NADLER sponsored this bill in the Judiciary Committee.

His reasons for introducing this legislation were noble. The legislation should clear up confusion about whether chaplains qualify for Federal benefits. This legislation will provide that if there is no surviving spouse or surviving child, any such benefits shall be paid to the person designated by such officer as a beneficiary under that officer's most recently executed life insurance policy, provided that such person survived such officer. Current law restricts such beneficiaries to the spouse, child, or parent. I implore the members of this august body to pass H.R. 3297.

Mr. NADLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3297, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GIVING CONSENT OF CONGRESS TO AGREEMENT OR COMPACT BETWEEN UTAH AND NEVADA REGARDING CHANGE IN BOUNDARIES

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2054) to give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT TO AGREEMENT OR COMPACT.

(a) CONSENT GIVEN.—The consent of the Congress of the United States is given to Utah and Nevada to enter into an agreement or compact that meets the following requirements:

(1) The agreement or compact is consented to by the legislatures of Utah and Nevada and such consent is evidenced through Acts enacted by the legislatures of Utah and Nevada not later than December 31, 2006.

(2) The agreement or compact is not in conflict with any Federal law.

(3) The agreement or compact does not change the boundary of any other State.

(4) The agreement or compact does not result in the transfer to Nevada of more than a total of 10,000 acres of lands that are located within Utah on the date of the enactment of this Act.

(5) The agreement or compact is entered into for the primary purpose of changing the boundaries of Utah and Nevada so that the lands located within the municipal boundaries of the city of Wendover, Utah, on the date of the enactment of this Act, including the municipal airport, shall, after the implementation of the agreement or compact, be located within the boundaries of Nevada. This paragraph shall not prohibit the agreement or compact from including provisions that are reasonably related to the following:

(A) A change in the boundaries of Utah and Nevada for the purposes described in this paragraph.

(B) Including other Utah lands immediately surrounding the municipal boundaries of Wendover, Utah, as described in this paragraph, in a transfer to Nevada if such inclusion would—

(i) facilitate the management of lands transferred under the agreement or compact or the placement of the boundaries of Utah or Nevada; or

(ii) minimize the likelihood of future residential development on remaining Utah lands.

(C) Any other provision in the agreement or compact regarding a change in ownership of, management of, or other responsibilities or obligations related to—

(i) providing State, county, or municipal services;

(ii) public utilities;

(iii) public schools; or

(iv) the municipal airport referred to in this paragraph.

(6) The agreement or compact is consented to by a majority of the registered qualified electors who cast a vote on the agreement or compact held in each of the cities of West Wendover, Nevada, and Wendover, Utah, on the date of the regularly scheduled general election for Federal office in 2002. The question in the vote held in each of the cities of West Wendover, Nevada, and Wendover, Utah, under this paragraph shall contain the same language to the extent allowed by local law. Such language shall explain, with specificity sufficient to inform voters, all components of the agreement or compact regarding changes in ownership of, management of, or other responsibilities, costs, or obligations related to—

(A) State, county, and municipal social and public services;

(B) public utilities;

(C) land use;

(D) community economics;

(E) public schools; and

(F) the local municipal airport.

(b) EFFECTIVE DATE OF AGREEMENT OR COMPACT.—An agreement or compact entered into in accordance with subsection (a) shall become effective upon the fulfillment of the requirement of subsection (a)(1) without further consent or ratification on the part of the Congress of the United States.

(c) UNITED STATES OWNERSHIP AND JURISDICTION RETAINED.—Nothing in this Act or in the agreement or compact consented to under this Act shall be construed to impair or in any manner affect the ownership or jurisdiction of the United States in and over any lands within the boundaries of Utah or Nevada.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2054, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2054 gives congressional consent for the States of Utah and Nevada to enact a compact modifying the boundary between the two States.

Last November, along with the gentleman from Utah (Mr. HANSEN) and the gentleman from Nevada (Mr. GIBBONS), I had the opportunity to visit the towns of Wendover and West Wendover. Though a line drawn down the main street separates the two towns and States, they continue to share a common culture. Economically, however, they stand in stark contrast to one another.

Wendover, Utah, was established in 1907 and grew from a sleepy railroad supply station to a bustling community during the 1940s, when it acted as an Air Force training base for B-29 bomber crews, including the crew of the Enola Gay. Once having a population of nearly 20,000, today Wendover's population has declined to only 1,500 residents, most of them living in adverse economic conditions and dilapidated housing.

On the other side of the State line, literally a stone's throw away, conditions are vastly different. West Wendover, Nevada's beginning stems from a local Wendover resident realizing by opening a gas station on the town's western edge, he could legally operate gaming devices on his property. Many years later his recipe for success has been copied by many, resulting in a prosperous town which has a vibrant community life as well as a profitable gaming industry.

For the same reasons West Wendover has thrived, namely the ability to have legalized gaming and a more attractive Tax Code for its residents, Wendover has stalled. Further growth and development of the Utah portion will be forever hindered by those finding the economic climate of Nevada to be more advantageous for living and conducting business. Passing H.R. 2054 is the first step to fixing the Wendover problem.

Allowing these two communities to unite will pave the way for an economic jumpstart for Wendover and will result in additional mutual benefits to both towns. For example, administrative services that are currently performed on both sides of the border on a separate basis could be consolidated, resulting in more efficient government and distribution of services, ultimately resulting in savings to both Wendovers.

By simply allowing the border of a State to be slightly shifted, the people of these communities can work toward unification, politically and economically. During the field briefing we conducted, residents of both Wendover and West Wendover were unified behind one message which was heard time and time again. That message was: "Let us be heard."

Through an amendment adopted by the Committee on the Judiciary, we have done that and made any congressional approval of this measure contingent upon the passage of a local referendum on the issue of merging the two towns. H.R. 2054 will truly allow the residents of the communities to be heard by allowing them to determine the outcome of their potential union.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2054, to provide the consent of Congress to a proposed change in the Utah-Nevada State boundary.

H.R. 2054 was introduced by the gentleman from Utah (Mr. HANSEN) on behalf of himself and the gentleman from Nevada (Mr. GIBBONS). The bill provides for congressional consent for the States of Utah and Nevada to enter into a compact to change the existing boundaries of those States such that the city of West Wendover, Utah, be within the State of Nevada.

The Subcommittee on Commercial and Administrative Law and the full Committee on the Judiciary have resolved some issues related to this bill in a way that makes the bill noncontroversial. The bill allows communities within the States of Utah and Nevada to resolve a long-standing issue of local interest and importance collectively by referendum and through their elected representatives.

I suspect if this were a law school issue in a law school class, we could drag this out for a week or two talking about issues of Federalism and various and sundry matters. But in the final analysis, all politics is local, and all of the interested parties will have the opportunity to resolve whatever concerns they have by referendum, debate them. And while this is a pretty substantial change, when you talk about changing State boundaries, it is one that we think is justified and certainly economically in the interests of the local people, and we support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from an expanding district in Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I want to begin by thanking the Committee on the Judiciary and especially the gentleman from Wisconsin (Chairman SENSENBRENNER) for taking a good hard look at this legislation that was proposed by my good friend, the gentleman from Utah (Mr. HANSEN), and myself.

When we first brought this legislation to the attention of the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), I am sure, Mr. Speaker, he had his doubts about what the Representative from Utah and the Representative from Nevada had in mind, or what these two Westerners were even up to. But he took his time to study this issue, learn about the two communities, and the Committee on the Judiciary chairman even paid us a visit to the two communities of West Wendover, Nevada, and Wendover, Utah.

Let me say to the gentleman from Wisconsin (Chairman SENSENBRENNER), we want to thank him for taking a thoughtful look at this bill and hearing directly from those who will be most affected by any potential annexation, our constituents in both Nevada and Utah.

Mr. Speaker, so that each of my colleagues can get a better understanding of this legislation, let me provide a brief explanation to expand on what I believe will be the comments of the gentleman from Utah (Chairman HANSEN) later on.

First arriving in Washington, D.C., during the 105th Congress, both the communities of Wendover, Nevada, and West Wendover, Utah, have approached me on the idea of forming a single Wendover. As the gentleman from Utah (Chairman HANSEN) will articulate, because of the unique circumstance, these two communities are already virtually a single community, separated by an invisible line through their community, which happens to divide the State of Utah and the State of Nevada. But where they appear to be virtually one, as anybody who has ever driven I-80 west from Salt Lake City could attest to, they are not a single community.

□ 1600

As a matter of fact, these two small communities live with an onerous duplication of services, including fire, police, court systems, as well as separate utility and school systems. There are two Wendovers. Each serve as one of the friendliest places out West, but they represent perhaps the least efficient two communities in the West. Indeed, these two communities have been exploring the idea of becoming one Wendover for several years and, together with the gentleman from Utah (Mr. HANSEN), we want to give them that opportunity.

To clear up the confusion that often accompanies this legislation, passage of H.R. 2054 will not move the State boundary. What it will do is give the consent of this body that the two communities, through the State governments in Nevada and Utah, can begin negotiation of an annexation agreement process. The two State legislatures would have to ratify one agreement, an agreement which would then, and only then, provide for such annexation and joining of these two communities, as should be agreed to in order to take place.

Mr. Speaker, this legislation is not a mandate on the communities. This November, both West Wendover, Nevada and Wendover, Utah will vote on the referendum to determine how they wish to proceed on this issue, and this is exactly how the gentleman from Utah (Mr. HANSEN) and I envision the process of carrying this out. Let the local communities decide their fate and give Congress the ability to provide our consent by supporting H.R. 2054.

Mr. Speaker, I thank the chairman and the Committee on the Judiciary, and I urge support for this bill.

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me say that I do support the legislation and I want to commend my colleagues for addressing this issue today. I was out in Nevada just a week ago, and I was actually on I80. I am not sure I know why a town in Utah would necessarily want to join Nevada; instead, maybe it should be Nevada joining Utah or vice versa. In any case, I understand the importance of the legislation, and both are beautiful States.

However, Mr. Speaker, the reason I am taking to the floor right now is to draw attention to the fact that we have a number of suspension bills today, including this one, which I support. However, many of us on the Democratic side of the aisle are very concerned over the fact that we are not bringing up what we consider the most important issue to face this Congress, and that is the need for a Medicare prescription drug benefit. I have taken to the floor many nights during Special Orders, and today during morning hour, and it disturbs me a great deal to know that the Republican leadership seems to have come to some sort of paralysis, if you will, on the issue of prescription drugs.

We all know that our seniors and our constituents are crying out for Congress to address this issue, and yet the Republican leadership, for over 2 months now, has been talking about how they are going to bring up a prescription drug bill. They said they were going to bring it up before the Memorial Day recess, and they did not. They said they were going to bring it up the week following the Memorial Day recess, and they have not. Today I read Congress Daily, and it says GOP Drug Plan to Remain Under Wraps Another Week. There was talk about unveiling a bill this week, and now it looks like it will not be until the following week. But they promise us that they still plan to pass a bill before the July 4 recess.

Mr. Speaker, I do not believe it anymore. I have heard it so many times that we are going to address the issue of prescription drugs, and the Republican leadership simply has not brought up the bill. They have not brought it up in committee and they have not brought it up on the floor.

Most disturbing of all, we hear that the proposal that they are thinking about is really nothing more than throwing some money, like a voucher, if you will, to private insurance companies, rather than providing a comprehensive Medicare drug benefit. We have a very good government program called Medicare where seniors get their hospitalization, seniors get their doctor bills paid for. All we have to do, and this is what the Democrats have been saying, all we have to do is expand Medicare to provide for a prescription drug benefit guaranteed under Medicare. That is what the Democrats have been asking for.

The Republicans try to give the impression that they are doing that, but when we look at what they are actually promoting, it is nothing more than giving some money to private insurance companies in the hope that somehow they will cover prescription drugs.

The problem is that not only the Republicans are not addressing this issue and not bringing it up, but they are talking about privatizing Medicare. They are talking about perhaps trying to cover a few people maybe that are very low income who do not have prescription drugs now and maybe covering, maybe, at the most, maybe 1 million of the 30 million or so seniors who do not have any kind of prescription drug benefit. It is not fair. It is not fair. The comment was made by President Bush, by the Republican leadership, that we were going to have a comprehensive prescription drug benefit that all seniors were going to be able to take advantage of, and it is simply not what we are getting.

The other thing is that the Republicans refuse to talk about, the cost issue. The biggest concerns that we hear from our constituents is that we are not addressing the cost of prescription drugs. The prices keep going up. There is nothing that the Republicans have proposed that would actually bring prices down and ease the burden, if you will, on senior citizens or even anyone else in the country. Democrats have been saying that we need to address that. Democrats are saying we would like to have something very much like part B now that pays for doctor bills, a very low deductible, a low copayment, 80 percent of the cost paid for by the Federal Government and giving the power to the Secretary of Health and Human Services to mandate to him that he has to bring costs down by negotiating prices for all of the seniors, 30 million to 40 million seniors. This is what needs to be done and it needs to be done now.

I do not want to denigrate in any way this legislation.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The gentleman will state his point of order.

Mr. SENSENBRENNER. Mr. Speaker, the gentleman's discussion is not germane to the subject of H.R. 2054.

The SPEAKER pro tempore. Does the gentleman make a point of order that the comments are not relevant under clause I of rule XVII?

Mr. SENSENBRENNER. That is correct. The debate is not relevant to the bill that is under discussion.

Mr. PALLONE. Mr. Speaker, if I could be heard on the point of order.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. PALLONE) is recognized on the point of order.

Mr. PALLONE. Mr. Speaker, as I said before, my intention is not to denigrate this bill. I believe that this is a very important bill. I understand the comments that were made by my colleague from Nevada earlier about why it is important for these two towns to get together and have the opportunity to join together and perhaps both be part of the great State of Nevada.

My only point is that as much as that is an important bill, and I support it, we need to address the issue of prescription drugs as well. I am going to say that it is very upsetting to me and those of us on the Democratic side of the aisle that we continue to see these suspensions come up, which are really not controversial, but the Republican leadership refuses to bring up a prescription drug bill.

The SPEAKER pro tempore. The Chair is prepared to rule.

As stated on p. 706 of the House Rules and Manual, "On a motion to suspend the rules, debate is confined to the object of the motion and may not range to the merits of a bill not scheduled for such consideration."

The point of order is sustained.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from the shrinking district from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me this time. I am the other side of Wendover. I am the Bangladesh side and Mr. GIBBONS is the Paris, France side. But I have represented that poor side for almost 21 years now or more, and it is Tooele County, and it has been a privilege for me to represent the good people out there who are very fine citizens and very fine Americans.

The greater Wendover community is divided socially, economically, and politically by the location of the Utah-Nevada State boundary. Although the two communities have grown side by side for decades, knowing where the boundaries lie, it seems that some of the practical challenges faced by every small town is amplified by this particular area because of the unique mix of circumstances. The area is very remote and, on the Utah side, is bordered by the Bonneville Salt Flats and other public lands which severely limit the ability of the Utah community to grow in the future. In just about every category of public services, there is an inefficient duplication: Two separate police departments, two separate fire departments, duplicate utility systems, separate public school systems, separate local court systems, and the list goes on and on.

Finally, there are several recurring problems involving support for the Wendover Airport on the Utah side. For as long as I can remember, it has been a running joke that one way to correct a lot of these problems is just to redraw the State boundary to put Wendover, Utah into Nevada. Last year, Wendover, Utah Mayor Steve Perry and some of the council members approached Congress about exploring this very unique idea.

The approach of this legislation is to empower the local communities with their future destiny. For State boundaries to change under the Constitution, Congress must grant its consent, which is what H.R. 2054 would do. It is a prospective ratification of an interstate agreement between the two affected

States which would meet certain criterias specified in the text of this bill.

Under the bill, both States would have to ratify one agreement, an agreement that both sides would agree is acceptable. At any point, either State could walk away from the process and the boundary would not be moved. The wisdom of this approach is that whatever agreement is reached and would inherently be acceptable to both sides, this approach removes Congress and the Federal Government from getting involved in the financial details of what is essentially a State and local matter.

While some people, perhaps many map publishers, may wince at the idea of creating a little "jog" in this nice straight line that currently divides Utah and Nevada, I would point out that quite often, boundaries are artificial creations of man in trying to deal with political problems and realities. Sometimes in the interest of bettering people's lives, it may be necessary to revisit the initial dividing up of land between political subdivisions. This may indeed be one of those times, and this bill supports the rights of the local people affected to make these important decisions.

I would really like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for the hard work on this legislation and for him taking the time to go to Wendover and see firsthand the situation. I would also like to thank my chief cosponsor, the gentleman from Nevada (Mr. GIBBONS), who represents the Nevada side of the border, and the ranking member, the gentleman from Michigan (Mr. CONYERS) for his cooperation; the subcommittee chairman, the gentleman from Georgia (Mr. BARR), and the ranking member, the gentleman from North Carolina (Mr. WATT) for their efforts as well.

Mr. Speaker, I think this will take care of a problem for a little city. It seems that we always worry about the big cities and never about the little ones, and maybe this will give us a chance to show a very small community that we do care about them.

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, today we are here discussing H.R. 2054, a bill that relates to the compact between Utah and Nevada regarding a change in the boundaries. This is a good bill. It is important to the people that live in both States and in the cities of West Wendover and Wendover, but this Congress should also be focusing on the high cost of prescription drugs and the millions of seniors who need help paying for them.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SENSENBRENNER. Mr. Speaker, I will reiterate the same point of order I made with the previous speaker: The debate does not relate to H.R. 2054. The rules are quite plain that in motions to suspend the rules it must.

The SPEAKER pro tempore. The gentlewoman from Nevada is recognized on the point of order.

Ms. BERKLEY. Mr. Speaker, I think it is equally important to the people in Wendover and West Wendover as we are improving their economy to also be discussing the very serious situation of a prescription medication benefit in Medicare.

Mr. SENSENBRENNER. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The Chair is prepared to rule.

As stated earlier, in the House Rules and manual on page 706, "On a motion to suspend the rules, debate is confined to the object of the motion and may not range to the merits of a bill not scheduled for such consideration."

As such, the point of order is sustained.

The Chair recognizes the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, while it makes no sense that Wendover and West Wendover should be separated, it also makes no sense in this country not to provide a prescription medication benefit within Medicare.

Mr. WATT of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am here to rise in strong support of this legislation. I understand the inherent interest of West Wendover and Wendover and how important it is for them to be connected. I applaud the gentleman from Utah (Mr. HANSEN), as he always does in his first rate and capable manner of bringing forward the interests of his constituents here to the floor of Congress.

This is a difficult situation, but not unlike many situations that we face in this Nation. In the case of prescription drug relief, for example, people in our country feel like they are refugees from their own health care system.

□ 1615

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make the point of order that the gentleman's debate is not confined to or relating to H.R. 2054, once again.

Mr. WATT of North Carolina. May I be heard on the point of order, Mr. Speaker?

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The gentleman will confine his remarks to the pending bill before this House.

Mr. LARSON of Connecticut. Mr. Speaker, my point was as much as, just as people in between the lines, the current lines that exist in Utah and Nevada and between East Wendover and Wendover, find a difficulty with what they are presented with, this is analogous to what people are up against in this country. Many seniors in my district have to travel from Connecticut to Canada to seek prescription drug relief.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I must once again reiterate my point of order.

The SPEAKER pro tempore. The Chair will insist that the gentleman from Connecticut keep his comments on the bill before the House today. As the Chair has ruled previously, the gentleman will confine his comments to the bill that is presently before the House.

Mr. LARSON of Connecticut. Mr. Speaker, I again would just point out that East Wendover is a desolate mining town of only about 1,500 residents and is largely in debt. Several public hearings have been held by the city councils on the east and west to determine whether East Wendover should be annexed to West Wendover.

Opposition to the annexation has emerged primarily from residents and business interests in West Wendover concerned with the economic impact of acquiring East Wendover's debt.

Supporters argue that the acquisition of East Wendover's airport, which once housed the Enola Gay, would attract more tourists to the city's casinos. Although there has been no vocal opposition to the annexation based on disagreement with Nevada's more liberal laws, most published reports note the large presence of a Mormon population in Utah.

And again these are the problems that the citizens face here. Again, I would like to commend the gentleman from Utah (Mr. HANSEN) for the outstanding job that he has done representing his constituents. I only hope that other constituents across this country who struggle with similar kinds of issues, though they are not specific to these lines, but when we cross boundary lines for prescription drugs and turn people that otherwise would be able to receive them——

Mr. SENSENBRENNER. Mr. Speaker——

The SPEAKER pro tempore. The gentleman will suspend.

Mr. LARSON of Connecticut. It complicates the problem. I thank the Chair for his indulgence and I yield back the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is not a controversial bill, and despite the fact that a number of my colleagues feel strongly that the residents of Wendover and West Wendover should be entitled to prescription drug benefits, a point, by the way, which I agree with, the bill itself is not controversial; and I therefore strongly encourage my colleagues to vote in favor of the bill and support the bill.

I commend the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Utah (Mr. HANSEN) for bringing it forward. It is nice to know that the gentleman from Utah (Mr. HANSEN) believes in gerrymandering. I am just sorry that he did not bring this early enough to get these people out of Utah soon enough that we would not have to have fought with Utah about whether these residents were there for this census, and we would not be all the way up in the United States Supreme Court arguing with Utah about whether they deserve a new congressional district or North Carolina deserves a new congressional district.

But that is kind of far afield, too. They did not get that done in time to resolve that dispute, but it is still a good bill. I encourage my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Just to get back on track, Mr. Speaker, let me say that what H.R. 2054 does is that it says that at the general election in November of this year, the residents of Wendover, Utah, and West Wendover, Nevada, will vote on a plan of merger, a marriage contract, if you will. If the voters in both communities support this procedure, then the next step is to have the Utah and Nevada legislatures consider whether or not the State lines should be adjusted so that Wendover, Utah, would be put into the State of Nevada.

Nevada has got a provision in its State constitution that delineates the boundaries of the State. Should both States approve it, there would have to be an amendment proposed by the two sections of the State legislature and approved by the voters of the State of Nevada in the general election of 2006.

Should that all happen, then the State boundary would be adjusted, because the consent of Congress would be given in advance under these procedures through the enactment of H.R. 2054. And should that happen, this will be the first time since 1863 that a State boundary was changed for a reason other than the fact that the river constituting the boundary between two States has changed course.

In 1863, during the Civil War, as we all know, the Congress admitted West Virginia as a State, carving the loyalist counties of the Commonwealth of Virginia out of that Commonwealth and establishing them as a separate State. So what we are doing here is setting in motion something that might not have happened in our country for 140 years.

So even though this bill is noncontroversial, it is somewhat precedent-setting, and it is precedent-setting in that in fact the Congress is giving the say to the people of these two communities on whether or not they want the State line adjusted. If either of the communities says, no way, we do not want to have that, then this whole issue is moot and everybody who wants to talk about this issue will forever hold their peace.

With that, I urge the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2054, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wando Evans, one of his secretaries.

MYCHAL JUDGE POLICE AND FIRE CHAPLAINS PUBLIC SAFETY OFFICERS' BENEFIT ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2431) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002".

SEC. 2. BENEFITS FOR CHAPLAINS.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) by redesignating paragraphs (2) through (7) as (3) through (8), respectively;

(2) by inserting after paragraph (1) the following:

"(2) 'chaplain' includes any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency;"; and

(3) in subparagraph (A) of paragraph (8), as redesignated by paragraph (1), by inserting after "firefighter," the following: "as a chaplain,".

(b) ELIGIBLE BENEFICIARIES.—Section 1201(a) of such Act (42 U.S.C. 3796(a)) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) if there is no surviving spouse or surviving child, to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 11, 2001, and shall apply to injuries or deaths that occur in the line of duty on or after such date.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3297) was laid on the table.

CONSUMER PRODUCT PROTECTION ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2621) to amend title 18, United States Code, with respect to consumer product protection, as amended.

The Clerk read as follows:

H.R. 2621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Product Protection Act of 2002".

SEC. 2. UNAUTHORIZED PLACEMENT OF WRITING WITH A CONSUMER PRODUCT.

(a) IN GENERAL.—Section 1365 of title 18, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as (g) and (h) respectively;

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) Whoever knowingly stamps, prints, places, or inserts any writing in or on any consumer product that affects interstate or foreign commerce, or the box, package, or other container of any such product, prior to its sale to any consumer, shall be fined under this title or imprisoned not more than one year, or both.

"(2) This subsection shall not apply in any case in which the manufacturer, retailer, or distributor of the product in the due course of business consents to the stamping, printing, placing, or inserting of a writing."; and

(3) in subsection (h) (as redesignated by paragraph (1))—

(A) in paragraph (3)(D), by striking "and";

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding after paragraph (4) the following:

"(5) the term 'writing' means any form of representation or communication (including handbills, notices, or advertising) that contains letters, words, graphic, or pictorial representations.".

(b) CONFORMING AMENDMENT.—Section 2332b(g)(3) of title 18, United States Code, is amended by striking "1365(g)(3)" and inserting "1365".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2621, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2621, the Consumer Product Protection Act of 2002, would prohibit any person from knowingly stamping, printing, placing, or inserting any writing in or on any consumer product prior to its sale without the consent of the manufacturer, distributor, or retailer of such product.

Under current law, tampering with a product's packaging is not illegal, as long as it does not cause the labeling to be false or misleading or endanger the health or safety of consumers. Consumer protection laws, therefore, fail to address conduct which, although it does not adulterate the actual product or alter its labeling, is still harmful to business and consumers.

Product tampering transforms businesses' desirable products into vehicles for undesirable messages. Businesses should be able to control the messages associated with their products, and persons who interfere with those products and harm the image of their company should be prosecuted.

Recent product tampering cases have shown that adults and children across the country have been subjected to violent, racist, gory, or otherwise offensive materials placed between layers of packaging. Leaflets have been found that attack African Americans, praise the Holocaust, and encourage the killing of immigrants. This legislation will appropriately punish those who knowingly insert these materials into product containers by making it a criminal act.

Just one company, Kraft Foods, estimates that they have received nearly 100 complaints in the last 5 years, but also believe many more cases have gone unreported. The manufacturers have concluded, after investigation, that many of these materials are placed in the packaging once the products have left their control. Often, the products are tampered with while in retail stores or are bought, tampered with, and later returned.

Parents can monitor their children's television shows, the music they listen to, and the books they read; but they cannot be expected to anticipate that offensive materials may be found in a cereal box.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be the lead Democrat on H.R. 2621, the Consumer Product Protection Act of 2002. I want to recognize and thank the gentlewoman from Pennsylvania (Ms. HART) for introducing the bill and for her excellent work on this issue. I want to thank the chairman and ranking member of the Subcommittee on Crime, Terrorism and Homeland Security for their help in bringing this bill to the floor; and of course, I thank the chairman and ranking member of the full committee for their support of this bill.

I also want to recognize the staff who have worked hard to bring this legislation to the floor. Their work behind the scenes makes this House function effectively. I urge my colleagues to support and pass this legislation today.

Mr. Speaker, over the last several years, consumers have been finding offensive materials attached to or inserted inside the packaging of a variety of products. Most of these inserts are material that is offensive in nature. They are racist, anti-Semitic, or antigay. Finding offensive material can be shocking, but it is especially objectionable when a child opens a box and finds offensive, even pornographic, material inside.

Responding to customer complaints, manufacturers have sought law enforcement help to address this problem. However, it has become clear that law enforcement officials lack the authority to prosecute these crimes under State or Federal law. Both the FBI's and the FDA's offices of criminal investigations do not believe they have the current authority to prosecute these crimes.

The Consumer Product Protection Act would address this gap in Federal law and give authorities the tools they need to investigate and prosecute these acts. Only two States, California and New Jersey, currently have laws prohibiting this practice. This bill would amend the Federal Anti-Tampering Act by making it a crime for a person to place any writing, either on the outside of a package or the inside, prior to its sale to a consumer.

There are exceptions in this bill for promotional and sales purposes if allowed by the manufacturer, distributor, or retailer. To address some concerns about the appropriateness of punishments, the committee and subcommittee modified the original legislation to make the crime a misdemeanor instead of a felony.

I am pleased to be an original cosponsor of this bill and strongly urge the House to pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART), the author of this bill.

Ms. HART. Mr. Speaker, I also rise in support, obviously, of the Consumer Product Protection Act of 2002. I am pleased that the committee has chosen to take action on it so quickly.

Protecting consumers has always been an important issue for the Congress. It is also an issue I worked on as a State senator. I am pleased today to continue that important work.

This act addresses an issue that is a result of a shortfall of the current Federal anti-tampering act. Under that act, it is a crime for an individual to alter the label of a product or harm the safety of a consumer. It is not, however, a crime to place an unwanted item in or on a product without causing harm to that product.

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For example, a message on a piece of paper placed inside a cereal box but outside of that product's inner bag is not a violation of current law. Someone could walk into your local market, slip pornographic material into the packaging of a food product without actually opening that package, and not be charged with a crime. To any consumer, the package would look perfectly fine without any evidence of tampering. The fact that this is not a crime seems ludicrous. That is why we are here today, to close this loophole in the law.

Imagine opening a box of cake mix, finding a piece of literature with hate-filled messages and racial slurs; even worse, imagine if your child opened the package, finding such material. That is just the story we heard in our hearings from Tracey Weaver about her 10-year-old son. The flyer in the box that he opened read that he had won a free vacation, but on the back it contained racial hate material.

Incidents such as this happen all too often. Kraft Foods, for example, had stated that there had been more than 100 reported incidents in the past 5 years. This accounts for only one company and only the incidents that were reported. Perhaps the greatest injustice here is that when consumers such as Mrs. Weaver contact those manufacturers, the manufacturers as well as law enforcement were unable to respond in any way because it was not against the law. The authorities could not trace the source of the problem because they had no authority to do so under the Federal Anti-Tampering Act because it was not a crime, again, to place such material in a box.

This bill would criminalize those actions. It clearly states that placing unauthorized material in or on a product is a crime under the Anti-Tampering Act. The legislation accomplishes three things: First, it ensures that law enforcement has the ability to pursue and prosecute the perpetrator by designating this activity as criminal under the statute. Second, it empowers the offended manufacturer to address the complaints and concerns of their customers and regain the confidence of those consumers which they could lose through no fault of their own. And finally, it provides for punishment for those who commit these acts and puts others on notice that this type of behavior will not be tolerated.

I again thank my colleagues, the gentlewoman from Wisconsin (Ms. BALDWIN), for joining me in sponsoring this important legislation, and especially the gentleman from Wisconsin (Mr. SENSENBRENNER) for helping us bring it to the floor. I urge my colleagues to support it as well.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H.R. 2621, Consumer Product Protection Act. Current consumer protection legislation was enacted in response to the imbalances in the marketplace, which concerned consumers. Consumers now have greater access to a variety of goods and services. A consumer who learns how to protect himself is less likely to be harmed.

Taking into account the needs of consumers and recognizing that consumers often face imbalances, consumers have the right of access to non-hazardous products. We should develop, strengthen and maintain a strong consumer protection policy. We should provide or maintain adequate infrastructure to develop, implement and monitor consumer protection policies and laws.

Consumers participate in competitive retail markets. Consumers' ability to choose among uniform disclosures of terms of service, prices, and relevant attributes of consumer products. Vigilant enforcement against unfair or deceptive business practices is critical to ensure that consumers obtain the benefits of competition. H.R. 2621 Consumer Product Protection Act of 2002, amends the Federal criminal code to prohibit the placement of a writing in or on a consumer product prior to its sale to any consumer without the consent of the product manufacturer, distributor, or retailer. Subjects violators to a fine, imprisonment of up to one year, or both. Therefore, I urge my colleagues to support this bill.

Ms. BALDWIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2621, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FIVE NATIONS INDIAN LAND REFORM ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2880) to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Five Nations Indian Land Reform Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—RESTRICTIONS; REMOVAL OF RESTRICTIONS

Sec. 101. Restrictions on real property.
Sec. 102. Reinvestment of proceeds from condemnation or conveyance of restricted property.
Sec. 103. Trust funds.
Sec. 104. Period of restrictions.
Sec. 105. Removal of restrictions.
Sec. 106. Exemptions from prior claims.
Sec. 107. Fractional interests.

TITLE II—ADMINISTRATIVE APPROVAL OF CONVEYANCES, PARTITIONS, LEASES, AND MORTGAGES; MANAGEMENT OF MINERAL INTERESTS

Sec. 201. Approval authority for conveyances and leases.
Sec. 202. Approval of conveyances.
Sec. 203. Reimposition of restrictions on restricted property conveyed to Indian housing authorities.
Sec. 204. Administrative approval of partition in kind.
Sec. 205. Surface leases.
Sec. 206. Secretarial approval of mineral leases or agreements.
Sec. 207. Management of mineral interests.
Sec. 208. Mortgages.

TITLE III—PROBATE, HEIRSHIP DETERMINATION, AND OTHER PROCEEDINGS AFFECTING TITLE TO RESTRICTED PROPERTY

Sec. 301. Actions affecting restricted property.
Sec. 302. Heirship determinations and probates.
Sec. 303. Actions to cure title defects.
Sec. 304. Involuntary partitions of restricted property.
Sec. 305. Requirements for actions to cure title defects and involuntary partitions.
Sec. 306. Pending State proceedings.

TITLE IV—MISCELLANEOUS

Sec. 401. Regulations.
Sec. 402. Validation of certain transactions; savings clause.
Sec. 403. Repeals.
Sec. 404. Secretarial trust responsibility.
Sec. 405. Representation by attorneys for the Department of the Interior.
Sec. 406. Filing requirements; constructive notice.
Sec. 407. Publication of designated officials.
Sec. 408. Rule of construction.
Sec. 409. Transmission of power from Indian lands in Oklahoma.
Sec. 410. Authorization of appropriations.
Sec. 411. Effective date.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1970, Federal Indian policy has encouraged Indian self-determination and economic self-sufficiency. The exercise of Federal instrumentality jurisdiction by the Oklahoma State courts over the Indian property that is subject to Federal restrictions against alienation belonging to enrollees and descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations, historically referred to as the Five Civilized Tribes, but now referred to as the Five Nations, is inconsistent with that policy.

(2) It is a goal of Congress to recognize the Indian land base as an integral part of the culture and heritage of Indian people.

(3) The exercise of Federal instrumentality jurisdiction by the courts of the State of Oklahoma over conveyances and inheritance of restricted property belonging to Individual Indians—

(A) is costly, confusing, and cumbersome, and effectively prevents any meaningful Indian estate planning, and unduly complicates the probating of Indian estates and other legal proceedings relating to Individual Indians and their lands; and

(B) has impeded the self-determination and economic self-sufficiency of Individual Indians within the exterior boundaries of the Five Nations.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To correct the disparate Federal treatment of individual allotted lands of Individual Indians that resulted from prior Federal legislation by equalizing the Federal legislative treatment of restricted and trust lands.

(2) To eliminate unnecessary legal and bureaucratic obstacles that impede the highest and best use of restricted property belonging to Individual Indians.

(3) To provide for an efficient process for the administrative review and approval of conveyances, voluntary partitions, and leases, and to provide for Federal administrative proceedings in testate and intestate probate and other cases that involve the restricted property of Individual Indians, which concern the rights of Individual Indians to hold and acquire such property in restricted and trust status.

(4) To transfer to the Secretary the Federal instrumentality jurisdiction of the Oklahoma State courts together with other authority currently exercised by such courts over the conveyance, devise, inheritance, lease, encumbrance, and certain voluntary partition actions involving restricted property belonging to such Individual Indians.

SEC. 4. DEFINITIONS.

In this Act:

(1) Five nations.—The term "Five Nations" means the Cherokee Nation, the Chickasaw Nation, the Choctaw Nation of Oklahoma, the Seminole Nation of Oklahoma, and the Muscogee (Creek) Nation, collectively, which were historically referred to as the "Five Civilized Tribes".

(2) Indian country.—The term "Indian country" has the meaning given that term in section 1151 of title 18, United States Code, which includes restricted property and trust property as such terms are defined in this Act.

(3) Indian nation.—The term "Indian Nation" means one of the individual Five Nations referred to in paragraph (1).

(4) Indian tribe.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) Individual indian.—The term "Individual Indian" means a member or citizen of one of the individual Five Nations referred to in paragraph (1), an enrollee on the final Indian rolls of the Five Civilized Tribes, or an individual who is a lineal descendant by blood of an Indian ancestor enrolled on the final Indian rolls of the Five Civilized Tribes, regardless of whether such person is an enrolled member of one of the Five Nations.

(6) Restricted property.—(A) The term "restricted property" means any right, title, or interest in real property owned by an Individual Indian that is subject to a restriction against alienation, conveyance, lease, mortgage, creation of liens, or other encumbrances imposed by this Act and other laws of the United States expressly applicable to the property of enrollees and lineal descendants of enrollees on the final Indian rolls of the Five Civilized Tribes.

(B) The term "restricted property" includes, without limitation, those interests in the estate of a decedent Individual Indian who died prior to the effective date of this Act that were, immediately prior to the decedent's death, subject to restrictions against alienation imposed by the laws of the United States but that had not, as of the effective date of this Act—

(i) been the subject of a final order determining the decedent's heirs and distributing the restricted property issued by a State district court or a United States district court;

(ii) been conveyed by heirs by deed approved in State district court;

(iii) been conveyed by heirs of less than one-half degree of Indian blood with or without State district court approval; or

(iv) been the subject of Secretarial approval of removal of restrictions.

(C) The term "restricted property" does not include Indian trust allotments made pursuant to the General Allotment Act (25 U.S.C. 331 et seq.) or any other trust property.

(7) Secretary.—The term "Secretary" means the Secretary of the Interior or the designee of the Secretary of the Interior.

(8) Trust property.—The term "trust property" means Indian property, title to which is held in trust by the United States for the benefit of an Individual Indian or an Indian Nation, provided that such property was acquired in trust by the United States under the authority of the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the "Indian Reorganization Act") or the Act of June 26, 1936 (25 U.S.C. 501 et seq.) (commonly known as the "Oklahoma Indian Welfare Act"), within the boundaries of the State of Oklahoma.

TITLE I—RESTRICTIONS; REMOVAL OF RESTRICTIONS

SEC. 101. RESTRICTIONS ON REAL PROPERTY.

(a) Application.—Beginning on the effective date of this Act, all restricted property shall be subject to restrictions against alienation, conveyance, lease, mortgage, creation of liens, or other encumbrances, regardless of the degree of Indian blood of the Individual Indian who owns such property.

(b) Continuation.—

(1) In general.—Any restricted property, including any restricted property referred to in subsection (a), shall remain restricted property notwithstanding the acquisition of such property by an Individual Indian by inheritance, devise, gift, or exchange.

(2) With waiver.—Any restricted property, including any restricted property referred to in subsection (a), shall remain restricted property upon the acquisition of such property by an Individual Indian by election to take at partition or by purchase, but only if—

(A) prior to the execution of the deed transferring such restricted property, the Individual Indian who owned such property prior to such election to take or purchase executes a written waiver of his or her right to acquire other property in restricted status pursuant to section 102; and

(B) such restrictions appear in the deed transferring such property to the Individual Indian electing to take at partition or purchasing such property, together with certification on said deed by the Secretary that the requirements of this paragraph have been met.

SEC. 102. REINVESTMENT OF PROCEEDS FROM CONDEMNATION OR CONVEYANCE OF RESTRICTED PROPERTY.

(a) Requirement.—Upon the conveyance of the restricted property of an Individual Indian pursuant to this Act, or upon the conveyance or condemnation of such property pursuant to section 3 of the Act of March 3, 1901 (25 U.S.C. 357) or other Federal laws generally applicable to the condemnation of Indian trust or restricted property, the Secretary shall use any proceeds from such conveyance or condemnation to purchase from a willing seller other property designated by such Individual Indian, and such designated property shall be restricted property if—

(1) such proceeds were deposited into a segregated trust fund account under the supervision of the Secretary at the request of the Individual Indian;

(2) such Individual Indian provides a written statement to the Secretary for payment of all or a portion of such proceeds for purchase of property to be held in restricted status;

(3) such Individual Indian has not executed a written waiver of his or her right to acquire other property in restricted status pursuant to section 101;

(4) such restrictions appear in the conveyance to the Individual Indian with certification by the Secretary that the requirements of this section have been met;

(5) such property is located within the State of Oklahoma; and

(6) the Secretary determines that there are no existing liens or other encumbrances which would substantially interfere with the use of the property.

(b) Fair Market Value in Excess of Proceeds.—If the fair market value of any property designated under subsection (a) exceeds the amount of proceeds that are derived from the conveyance or condemnation of such property, a specific tract of land within the property shall be designated by the Individual Indian for placement in restricted status. Such restrictions shall appear on the face of the deed with certification by the Secretary describing that portion of the property which is subject to restrictions.

(c) Rule of Construction.—The provisions of subsections (a) and (b) of this section shall apply to the reinvestment of proceeds derived from the conveyance or condemnation of restricted property of an Individual Indian pursuant to the Act of March 2, 1931, as amended by the Act of June 30, 1932 (25 U.S.C. 409a), where such reinvestment occurs after the effective date of this Act.

SEC. 103. TRUST FUNDS.

(a) In General.—All funds and securities held or supervised by the Secretary derived from restricted property or Individual Indian trust property on or after the effective date of this Act, including proceeds from any conveyance or condemnation as provided for in section 102, are deemed to be held in trust and shall remain subject to the jurisdiction of the Secretary.

(b) Use of Funds.—Funds, securities, and proceeds described in subsection (a) may be released upon approval or expended by the Secretary for the use and benefit of the Individual Indians to whom such funds, securities, and proceeds belong, under such rules and regulations as the Secretary shall prescribe.

SEC. 104. PERIOD OF RESTRICTIONS.

Subject to the provisions of this Act that permit restrictions to be removed, the period of restriction against alienation, conveyance, lease, mortgage, creation of liens, or other encumbrances of restricted property and funds belonging to Individual Indians, is hereby extended until an Act of Congress determines otherwise.

SEC. 105. REMOVAL OF RESTRICTIONS.

(a) Procedure.—

(1) Application.—An Individual Indian who owns restricted property, or the legal guardian of a minor Individual Indian or of an Individual Indian who has been determined to be legally incompetent by a court of competent jurisdiction (including a tribal court), may apply to the Secretary for an order removing restrictions on any interest in restricted property owned by such Individual Indian. The application shall be considered by the Secretary only as to the tract, tracts, or severed mineral or surface interest described in the application.

(2) Consideration of application.—Not later than 90 days after the date on which an application referred to in paragraph (1) is submitted to the Secretary, the Secretary shall either issue the removal order or disapprove the application.

(3) Disapproval by virtue of missed deadline.—If the application referred to in paragraph (1) is not approved within 90 days of submission to the Secretary, the application shall be deemed to have been disapproved pursuant to paragraph (4)(B). Such disapproval of the application shall be subject to review in accordance with the Administrative Procedures Act (5 U.S.C. 701 et seq.), and the Secretary's regulations governing administrative appeals.

(4) Disapproval.—The Secretary shall disapprove an application pursuant to paragraph (2) if—

(A) in the Secretary's judgment, the applicant has been subjected to fraud, undue influence, or duress by a third party; or

(B) the Secretary determines it is otherwise not in the Individual Indian owner's best interest.

(b) Removal of Restrictions.—When an order to remove restrictions becomes effective under subsection (a), the Secretary shall issue a certificate describing the property and stating that the Federal restrictions have been removed.

(c) SUBMISSION OF LIST.—Not later than April 1 of each year, the Secretary shall cause to be filed with the county treasurer of each county in the State of Oklahoma where restricted property is situated, a list of restricted property that has lost its restricted status during the preceding calendar year in accordance with the provisions of this Act. The Secretary shall also cause such list to be filed in the appropriate land titles and records offices designated by the Secretary pursuant to section 406(a).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) abrogate valid existing rights to property that is subject to an order to remove restrictions under this section; and

(2) remove restrictions on any other restricted property owned by the applicant.

SEC. 106. EXEMPTIONS FROM PRIOR CLAIMS.

Sections 4 and 5 of the Act of May 27, 1908 (35 Stat. 312, chapter 199), shall apply to all restricted property.

SEC. 107. FRACTIONAL INTERESTS.

Upon application by an Individual Indian owner of an undivided unrestricted interest in property of which a portion of the interests in such property is restricted as of the effective date of this Act, the Secretary shall forthwith convert that unrestricted interest into restricted status if all of the undivided interests in the property are owned by Individual Indians as of the date of the application under this section. The conversion into restricted status shall be effective upon the date of filing of a restricted form deed with the county clerk of the county where the property is situated; provided that such deed must be executed by the applicant and approved by the Secretary.

TITLE II—ADMINISTRATIVE APPROVAL OF CONVEYANCES, PARTITIONS, LEASES, AND MORTGAGES; MANAGEMENT OF MINERAL INTERESTS

SEC. 201. APPROVAL AUTHORITY FOR CONVEYANCES AND LEASES.

The Secretary shall have exclusive jurisdiction to approve conveyances and leases of restricted property by an Individual Indian or by any guardian or conservator of any Individual Indian who is a ward in any guardianship or conservatorship proceeding pending in any court of competent jurisdiction, except that petitions for such approvals that are filed in Oklahoma district courts prior to the effective date of this Act shall be heard and adjudicated by such courts pursuant to the procedures described in section 1 of the Act of August 4, 1947 (61 Stat. 731, chapter 458), as in effect on the day before the effective date of this Act, unless the Individual Indian, guardian, or conservator dismisses the petition or otherwise objects to the conveyance or lease prior to final court approval.

SEC. 202. APPROVAL OF CONVEYANCES.

(a) PROCEDURE.—

(1) IN GENERAL.—The Secretary may approve the conveyance of interests in restricted property by an Individual Indian—

(A) after the property is appraised by the Secretary;

(B) for an amount that is not less than 90 percent of the appraised value of the property;

(C) to the highest bidder through the submission to the Secretary of closed, silent bids or negotiated bids; and

(D) upon the approval of the Secretary.

(2) APPROVAL OF DEED.—No deed conveying an interest in restricted property shall be valid unless the Secretary's approval is endorsed on the face of such deed.

(b) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding subsection (a)(2)(B), the Secretary may approve the conveyance of restricted property, or any portion thereof, by an Individual Indian to any of the individuals described in paragraph (2) without soliciting bids, providing notice, or for consideration which is less than the appraised value of the property, if the Secretary determines that the conveyance is not contrary to the best interests of the Individual Indian and that the Individual Indian has been duly informed of and understands the fair market appraisal, and is not being coerced into the conveyance.

(2) INDIVIDUALS.—An individual described in this paragraph is limited to the Individual Indian spouse, father, mother, brother or sister, son, daughter or other lineal descendant, aunt or uncle, cousin, niece or nephew, or Individual Indian co-owner.

SEC. 203. REIMPOSITION OF RESTRICTIONS ON RESTRICTED PROPERTY CONVEYED TO INDIAN HOUSING AUTHORITIES.

(a) IN GENERAL.—

(1) CERTIFICATE OF RESTRICTED STATUS.—In any case where the restrictions have been removed from restricted property for the purpose of allowing conveyances of the property to Indian housing authorities to enable such authorities to build homes for individual owners or relatives of owners of restricted property, the Secretary shall issue a Certificate of Restricted Status describing the property and imposing restrictions thereon upon written request by the Individual Indian homebuyer or an Individual Indian successor in interest to such homebuyer.

(2) REQUEST FOR CERTIFICATE.—The request referred to in paragraph (1) shall—

(A) include evidence satisfactory to the Secretary that the homebuyer's contract has been paid in full; and

(B) be delivered to the Secretary not later than 5 years after the housing authority conveys such property back to the original Individual Indian homebuyer or an Individual Indian assignee or successor of the original Individual Indian homebuyer.

(b) EXISTING LIENS.—Prior to issuing a certificate under subsection (a) with respect to property, the Secretary may require the elimination of any existing liens or other encumbrances which would substantially interfere with the use of the property.

(c) APPLICATION TO CERTAIN HOMEBUYERS.—Individual Indian homebuyers described in subsection (a) who acquired ownership of property prior to the effective date of this Act shall have 5 years from such effective date to request that the Secretary issue a certificate under such subsection.

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit or affect the rights of Individual Indians described in this section under other Federal laws and regulations relating to the acquisition and status of trust property.

SEC. 204. ADMINISTRATIVE APPROVAL OF PARTITION IN KIND.

(a) PARTITION IN KIND OF TRUST PROPERTY.—

(1) JURISDICTION.—The Secretary shall have exclusive jurisdiction to approve the partition in kind of trust property pursuant to paragraph (2), where all of the undivided interests in such property are held in trust.

(2) APPROVAL ORDER.—The Secretary may issue an order approving the partition in kind of trust property described in paragraph (1) after receiving an application pursuant to subsection (d)(1) and satisfying the requirements of subsection (d), paragraphs (2) and (3), if—

(A) the Individual Indian owners of more than 50 percent of the total undivided interest in the property approve a plan to partition such property; and

(B) the Secretary finds the plan to be reasonable, fair, and equitable.

(3) RULE OF CONSTRUCTION.—This subsection shall not apply to trust property if 1 or more of the undivided interests referred to in paragraph (1) are held in trust for an Indian Nation.

(b) PARTITION IN KIND OF PROPERTY COMPRISED OF UNDIVIDED TRUST AND NONTRUST INTERESTS.—

(1) JURISDICTION.—The Secretary shall have jurisdiction to approve deeds for the partition in kind of property comprised of undivided trust and nontrust interests, held in common ownership by at least 1 Individual Indian and 1 or more co-owners.

(2) APPROVAL OF PARTITION DEEDS.—The Secretary may issue an order approving the partition in kind of all or a portion of the property described in paragraph (1) after receiving an application pursuant to subsection (d)(1) and satisfying the requirements of subsection (d), paragraphs (2) and (3), if—

(A) a plan described in subsection (d)(2) or (d)(3) is approved in writing by all of the owners; and

(B) the Secretary finds the plan to be reasonable, fair, and equitable.

(c) PARTITION OF RESTRICTED PROPERTY.—

(1) JURISDICTION.—The Secretary shall have jurisdiction to approve deeds for the partition in kind of property some or all of which consists of undivided interests in restricted property.

(2) APPROVAL OF PARTITION DEEDS.—The Secretary may—

(A) approve the partition in kind of all or a portion of the property described in paragraph (1) after receiving an application pursuant to subsection (d)(1) and satisfying the requirements of subsection (d), paragraphs (2) and (3); and

(B) secure and approve appropriate deeds from all Individual Indian owners if—

(i) a plan described in subsection (d)(2) or (d)(3) is approved in writing by all of the Individual Indians who own an undivided restricted interest in the property; and

(ii) the Secretary finds the plan to be reasonable, fair, and equitable.

(3) CONTINUATION OF RESTRICTED STATUS.—The restricted status of any property acquired by an Individual Indian by deed exchange for the purpose of effecting a partition plan shall remain restricted pursuant to section 101(b)(1). Any property acquired by an Individual Indian by purchase for the purpose of effecting a partition plan shall remain restricted if the requirements of section 101(b)(2) are met.

(d) PROCEDURES.—

(1) APPLICATION.—An owner or owners of an undivided interest in any trust property described in subsections (a)(1) or (b)(1) or any restricted property described in subsection (c)(1) may make written application, on a form approved by the Secretary, for the partition in kind of the restricted property or trust property described in the application.

(2) DETERMINATION.—If, based on an application submitted under paragraph (1), the Secretary determines that the property involved is susceptible to partition in kind, the Secretary shall initiate partition of the property by—

(A) notifying the owners of such determination;

(B) providing the owners with a partition plan; and

(C) affording the owners a reasonable time to respond, object, or consent in accordance with subsections (a)(2)(A), (b)(2)(A), or (c)(2)(B).

(3) Proposed land division plan.—The Secretary shall give applicants and all other owners of property subject to a partition application under this section a reasonable opportunity to negotiate a proposed land division plan for the purpose of securing ownership of a tract on the property equivalent to their respective interests in the undivided estate, prior to taking any action related to partition in kind of the property under this section. The Secretary may facilitate the negotiations for a land division plan.

(4) Conveyances.—After the Secretary has approved a partition pursuant to subsection (a), (b), or (c), the Secretary shall issue or approve any orders, deeds, or instruments of conveyance necessary to complete the partition.

(e) Authority of Secretary to Consent to Plan of Partition on Behalf of Certain Owners.—The Secretary may give written consent to a plan of partition—

(1) pursuant to subsections (a)(2)(A), (b)(2)(A), or (c)(2)(B)(1) on behalf of any owner of an undivided interest if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined;

(B) the heir or devisee referred to in paragraph (1) has been determined but cannot be located; or

(C) the owner is a minor, non compos mentis, or otherwise under legal disability (unless a guardian or conservator possesses the authority to approve a plan of partition on behalf of the owner); and

(2) pursuant to subsections (b)(2)(A) and (c)(2)(B) on behalf of any Individual Indian owner who cannot be located if the owners of 50 percent or more of the individual interest consent to such a plan.

SEC. 205. SURFACE LEASES.

The Secretary may approve leases of restricted property by an Individual Indian pursuant to the Act of August 9, 1955 (25 U.S.C. 415 et seq.), section 105 of the American Indian Agricultural Resource Management Act (25 U.S.C. 3715), and section 219 of the Indian Land Consolidation Act (25 U.S.C. 2218).

SEC. 206. SECRETARIAL APPROVAL OF MINERAL LEASES OR AGREEMENTS.

(a) Approval.—

(1) General rule.—No lease or agreement purporting to convey or create any mineral interest in restricted or trust property that is entered into or renewed after the effective date of this Act shall be valid unless approved by the Secretary.

(2) Requirements.—The Secretary may approve a lease or agreement described in paragraph (1) only if—

(A) the Individual Indian owners of a majority of the undivided interest in the restricted or trust mineral estate that is the subject of the lease or agreement (including any interest covered by a lease or agreement executed by the Secretary under subsection (c)) consent to the lease or agreement;

(B) the Secretary determines that approving the lease or agreement is in the best interest of the Individual Indian owners of the restricted or trust mineral interests; and

(C)(i) the Secretary has accepted the highest bid for such lease or agreement after a competitive bidding process has been conducted by the Secretary, or

(ii) the Secretary has determined that it is in the best interest of the Individual Indian owners to award a lease made by negotiation, and the Individual Indian owners so consent in writing.

(b) Effect of Approval.—Upon the approval of a lease or agreement by the Secretary under subsection (a), the lease or agreement shall be binding upon all owners of the restricted or trust undivided interests subject to the lease or agreement and all other parties to the lease or agreement, to the same extent as if all of the owners of the restricted or trust mineral interests involved had consented to the lease or agreement.

(c) Execution of Lease or Agreement by Secretary.—The Secretary may execute a mineral lease or agreement that affects restricted or trust property interests on behalf of an Individual Indian owner if that owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined, or if the heirs or devisees have been determined but one or more of the heirs or devisees cannot be located.

(d) Distribution of Proceeds.—The proceeds derived from a mineral lease or agreement approved by the Secretary under subsection (a) shall be distributed in accordance with the interest held by each owner pursuant to such rules and regulations as may be promulgated by the Secretary.

(e) Communitization Agreements.—Restricted or trust mineral interests underlying property located within a spacing and drilling unit approved by the Oklahoma Corporation Commission shall not be drained of any oil or gas by a well within such unit without a communitization agreement prepared and approved by the Secretary. In the event of any such drainage without a communitization agreement approved by the Secretary, 100 percent of all revenues derived from the production from any such restricted or trust property shall be paid to the Individual Indian owner free of all drilling, lifting, and other production costs.

SEC. 207. MANAGEMENT OF MINERAL INTERESTS.

(a) Oil and Gas Conservation Laws.—

(1) In general.—Except as otherwise provided in this Act, the oil and gas conservation laws of the State of Oklahoma shall apply to restricted property.

(2) Approval.—No order of the Corporation Commission affecting restricted property shall be valid as to such property until such order is submitted to and approved by the Secretary.

(3) Notice.—Notice of any hearing or any order pending before the Oklahoma Corporation Commission affecting restricted or trust property shall be furnished to the Secretary of the Interior not less than 30 days prior to the date of the hearing or the approval of the order by the Commission.

(4) Rule of construction.—To the extent that an interest in any such well is not restricted property, the authority of the Secretary over the restricted mineral interest shall be exercised in conjunction with the Oklahoma Corporation Commission's authority over such nonrestricted interest. Nothing in this subsection shall be construed to grant to the State of Oklahoma regulatory jurisdiction over the protection of the environment and natural resources of restricted property, except to the limited extent granted by this subsection.

(b) Implementation of Federal Oil and Gas Royalty Management Act.—Beginning on the effective date of this Act, the Secretary shall exercise all the duties and responsibilities of the Secretary under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702 et seq.) with respect to an oil and gas lease where—

(1) the Secretary has approved the oil and gas lease pursuant to section 206(a);

(2) the Secretary has, prior to the effective date of this Act, approved the oil and gas lease pursuant to the Act of May 27, 1908 (35 Stat. 312, chapter 199); or

(3) the Secretary has, before the effective date of this Act, approved an oil and gas lease of lands of any of the Five Nations pursuant to the Act of May 11, 1938 (25 U.S.C. 396a et seq.).

SEC. 208. MORTGAGES.

An Individual Indian may mortgage restricted property only in accordance with and under the authority of the Act of March 29, 1956 (25 U.S.C. 483a).

TITLE III—PROBATE, HEIRSHIP DETERMINATION, AND OTHER PROCEEDINGS AFFECTING TITLE TO RESTRICTED PROPERTY

SEC. 301. ACTIONS AFFECTING RESTRICTED PROPERTY.

The Secretary shall have jurisdiction over actions affecting title to, or use or disposition of, trust property or restricted property. The United States district courts in the State of Oklahoma and the courts of the State of Oklahoma shall have jurisdiction over actions affecting title to, or use or disposition of, trust property or restricted property only to the extent expressly authorized by this Act or by other Federal laws applicable to trust property or restricted property.

SEC. 302. HEIRSHIP DETERMINATIONS AND PROBATES.

(a) Jurisdiction.—The Secretary shall have exclusive jurisdiction to probate wills or otherwise determine heirs of deceased Individual Indians and to adjudicate all such estate actions to the extent that they involve individual trust property, restricted property, or trust funds or securities held or supervised by the Secretary derived from such property, subject to the following exceptions:

(1) The Secretary shall not have jurisdiction over such estate actions that are pending in the courts of the State of Oklahoma as provided in section 306 on the effective date of this Act.

(2) The Secretary shall not have jurisdiction over any estate for which a final order of probate or determination of heirs was issued by a court of the State of Oklahoma or a United States district court prior to the effective date of this Act.

(b) Governing Laws.—Notwithstanding any other provision of law, the Secretary shall have jurisdiction and authority under this section and sections 1 and 2 of the Act of June 25, 1910 (25 U.S.C. 372 and 373, respectively) to determine heirs, approve and probate wills, and distribute restricted property, trust property, and trust funds in estates of Individual Indian decedents, subject to the following requirements:

(1) Law applicable to estates of individual Indian decedents who died intestate prior to effective date.—The administrative law judge or other official designated by the Secretary shall apply the laws of the State of Oklahoma governing descent and distribution in force on the date of the decedent's death to all restricted property, trust property, and trust funds or securities derived from such property in the estates of deceased Individual Indians who died intestate prior to the effective date of this Act.

(2) Law applicable to estates of individual Indian decedents who die intestate on or after effective date.—The administrative law judge or other official designated by the Secretary shall apply the following

laws to all restricted property, trust property, and trust funds or securities derived from such property in the estates of deceased Individual Indians who die intestate on or after the effective date of this Act:

(A) A probate code approved by the Secretary applicable to such property, funds, and securities but only if approved by the Secretary in accordance with section 206(b)(2) of Public Law 97-459 (25 U.S.C. 2205(b)(2)).

(B) In the absence of a probate code approved by the Secretary in accordance with section 206(b)(2) of Public Law 97-459 (25 U.S.C. 2205(b)(2)), any Federal statute establishing rules of descent and distribution for trust or restricted property.

(C) In the absence of either a probate code approved by the Secretary in accordance with section 206(b)(2) of Public Law 97-459 (25 U.S.C. 2205(b)(2)) or a Federal statute establishing rules of descent and distribution for trust or restricted property, the laws of descent and distribution in force in the State of Oklahoma.

(3) LAW APPLICABLE TO WILLS EXECUTED PRIOR TO EFFECTIVE DATE.—

(A) IN GENERAL.—The Secretary shall approve a will of an estate containing trust property, restricted property, or trust funds or securities derived from such property if the will was executed by an Individual Indian (i) prior to the effective date of this Act, and (ii) in accordance with the laws of the State of Oklahoma governing the validity and effect of wills.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the will of a full-blood Individual Indian which disinherits the parent, spouse, or one or more children of such full-blood Individual Indian shall not be valid with respect to the disposition of restricted property unless the requirements of section 23 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876), as in effect on the day before the effective date of this Act, are met.

(4) LAW APPLICABLE TO WILLS EXECUTED ON OR AFTER EFFECTIVE DATE.—

(A) IN GENERAL.—Any Individual Indian who has attained age 18 and owns restricted property, trust property, or trust funds or securities may dispose of such assets by will, executed on or after the effective date of this Act. The Secretary shall review and approve such wills in accordance with section 2 of the Act of June 25, 1910 (25 U.S.C. 373).

(B) FRAUD.—In any case where a will has been approved by the Secretary under subparagraph (A) and it is subsequently discovered that there was fraud in connection with the execution or procurement of the will, the Secretary is authorized, within 1 year after the death of the testator, to cancel approval of the will. If an approval is canceled in accordance with the preceding sentence, the property purported to be disposed of in the will shall descend or be distributed as property of an intestate decedent under paragraph (2).

(5) FEDERAL LAW CONTROLS.—Notwithstanding any other provision of this section, Federal law governing personal claims against the estate of a deceased Individual Indian or against trust property or restricted property, including the restrictions imposed by this Act or other applicable Federal law against the alienation, conveyance, lease, mortgage, creation of liens, or other encumbrances of trust property, restricted property, and trust funds and securities shall apply to all such assets contained in the estate of the deceased Individual Indian.

SEC. 303. ACTIONS TO CURE TITLE DEFECTS.

(a) JURISDICTION.—Except as provided in subsections (b) and (c), the United States district courts in the State of Oklahoma and the State courts of Oklahoma shall retain jurisdiction over actions seeking to cure defects affecting the marketability of title to restricted property.

(b) ADVERSE POSSESSION.—No cause of action may be brought to claim title to or an interest in restricted property by adverse possession or the doctrine of laches on or after the effective date of this Act, except that—

(1) all such causes that are pending on the effective date of this Act in accordance with the provisions of section 3 of the Act of April 12, 1926 (44 Stat. 239, chapter 115), shall be subject to section 306; and

(2) an action to quiet title to an interest in restricted property on the basis of adverse possession may be filed in the courts of the State of Oklahoma if all requirements of Oklahoma law for acquiring title by adverse possession, including the running of the full 15-year limitations period, have been met prior to the effective date of this Act.

(c) LAW APPLICABLE IN CERTAIN ACTIONS.—In any action referred to in subsection (b)(2) that is—

(1) filed not later than 2 years after the effective date of this Act, the law applicable to such an action on the day before the date of the enactment of this Act shall apply; and

(2) filed more than 2 years after the effective date of this Act, the claimant must show by clear and convincing evidence that all requirements of Oklahoma law for acquiring title by adverse possession in effect on the day before the date of the enactment of this Act, including the running of the full 15-year limitations period, were met prior to the effective date of this Act.

(d) APPLICABILITY OF CERTAIN PROVISION OF THIS ACT.—Any action filed pursuant to subsection (a) or (b)(z) shall be subject to the procedures set forth in section 305.

(e) HEIRSHIP DETERMINATIONS AND DISPOSITIONS.—

(1) NO DEROGATION OF JURISDICTION.—Nothing in this section shall be construed to authorize a determination of heirs in a quiet title action in Federal or State court in derogation of the Secretary's exclusive jurisdiction to probate wills or otherwise determine heirs of the deceased Individual Indians owning restricted property and to adjudicate all such estate actions involving restricted property pursuant to section 302, or in derogation of the Secretary's exclusive jurisdiction over the disposition of restricted property under this Act.

(2) REQUEST FOR DETERMINATION OF HEIRS TO ESTABLISH MARKETABLE TITLE.—Any grantee of an undetermined heir who, prior to the effective date of this Act and in accordance with applicable Federal laws, conveyed, leased, or otherwise encumbered his or her interest in the restricted property of an unprobated estate of an Individual Indian decedent may request that the Secretary determine the heirs of the decedent in order to establish marketable title in said grantee.

(3) DETERMINATION REQUIRED.—Upon receipt of an application made under paragraph (2), the Secretary shall determine the heirs in accordance with the provisions of section 302.

(4) GRANTEE.—For purposes of this subsection the term grantee shall include any grantee, lessee, or mortgagee of such heir and any successors or assigns of such grantee.

SEC. 304. INVOLUNTARY PARTITIONS OF RESTRICTED PROPERTY.

(a) PETITION; JURISDICTION AND APPLICABLE LAW; REQUIREMENTS.—

(1) PETITIONS.—Subject to the provisions of subsection (d), any person who owns any undivided interest in a tract of property consisting entirely or partially of undivided restricted interests, regardless of the size of that person's interest in the whole tract, may file an action in the United States district court in the district wherein the tract is located or the Oklahoma State district court for the county wherein the tract is located for the involuntary partition of such tract.

(2) JURISDICTION; APPLICABLE LAW.—The United States district courts in the State of Oklahoma and the State courts of Oklahoma shall have jurisdiction over actions for the involuntary partition of property filed pursuant to this section, subject to all requirements and limitations of this section and the requirements in sections 305 and 306. The laws of the State of Oklahoma governing the partition of property shall be applicable to all actions for involuntary partition under this section, except to the extent that any such laws are in conflict with any provisions of this section and sections 305 and 306.

(3) AGREEMENT AFTER INITIATION OF ACTION.—If after the initiation of any action authorized by this section, the parties to the suit reach an agreement for the partition of the property in kind or by sale, such agreement shall not be valid or binding as to the restricted interests until it is approved by the Secretary. The Secretary shall approve the partition plan if he finds it to be fair, reasonable and equitable to the Individual Indian owners of the restricted interests.

(4) APPROVAL OF ELECTION OR SALE.—If the tract consists of wholly or partially undivided restricted interests, the court may approve an election by any undivided interest owner to take the property at the full appraised value pursuant to the laws of the State of Oklahoma governing partitions in effect on the effective date of this Act or, if there is no such election, to approve the sale of the property at public auction for no less than two-thirds of the appraised value pursuant to such laws of the State of Oklahoma.

(5) DETERMINATION OF VALUE.—The Secretary shall determine the value of the property and submit an appraisal to the court. If the value of the property determined by the Secretary is greater than the valuation or appraisement of the property made pursuant to law of the State of Oklahoma, the court shall set a hearing at which time the Secretary and any other party shall be afforded an opportunity to present evidence regarding the value of the property, following which the court may accept the Secretary's valuation, or accept the valuation and appraisement made pursuant to law of the State of Oklahoma, or order a new valuation and appraisement pursuant to law of the State of Oklahoma.

(b) PAYMENT TO NONCONSENTING OWNERS OF RESTRICTED INTERESTS.—Nonconsenting owners of undivided restricted interests shall receive for the sale of such interests their proportionate share of the greater of—

(1) the proceeds paid at the partition sale; or

(2) an amount equal to 90 percent of the appraised value of the tract.

(c) COSTS.—A nonconsenting Individual Indian owner of restricted interests shall not be liable for any filing fees or costs of an action under this section, including the cost of an appraisal, advertisement, and sale, and no such costs shall be charged against such nonconsenting owner's share of the proceeds of sale.

(d) DEADLINE.—No action for the involuntary partition of property shall be maintained under this section unless it is filed within 10 years after the effective date of this Act.

SEC. 305. REQUIREMENTS FOR ACTIONS TO CURE TITLE DEFECTS AND INVOLUNTARY PARTITIONS.

(a) IN GENERAL.—All actions authorized by sections 303 and 304 shall be conducted in accordance with the requirements and procedures described in this section.

(b) PARTIES.—

(1) UNITED STATES.—The United States shall not be a necessary and indispensable party to an action authorized under section 303 or 304. The Secretary may participate as a party in any such action.

(2) PARTICIPATION OF THE SECRETARY.—If the Secretary elects to participate in an action as provided for under paragraph (1), the responsive pleading of the Secretary shall be made not later than 20 days after the Secretary receives the notice required under subsection (c), or within such extended time as the trial court in its discretion may permit.

(3) JUDGMENT BINDING.—After the appearance of the Secretary in any action described in paragraph (1), or after the expiration of the time in which the Secretary is authorized to respond under paragraph (2), the proceedings and judgment in such action shall be binding on the United States and the parties upon whom service has been made and shall affect the title to the restricted property which is the subject of the action, in the same manner and extent as though nonrestricted property were involved.

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to waive the requirement of service of summons in accordance with applicable Federal or State law upon the Individual Indian landowners, who shall be necessary and indispensable parties to all actions authorized by sections 303 and 304.

(c) NOTICE.—

(1) IN GENERAL.—The plaintiff in any action authorized by sections 303 and 304 shall serve written notice of the filing of such action and of a petition or complaint, or any amended petition or complaint which substantially changes the nature of the action or includes a new cause of action, upon the Secretary not later than 10 days after the filing of any such petition or complaint or any such amended petition or complaint.

(2) FILING WITH CLERK.—At least one duplicate original of any notice served under paragraph (1) shall be filed with the clerk of the court in which the action is pending.

(3) REQUIREMENTS.—The notice required under paragraph (1) shall be—

(A) accompanied by a certified copy of all pleadings on file in the action at the time of the filing of the duplicate original notice with the clerk under paragraph (2);

(B) signed by the plaintiff to the action or his or her counsel of record; and

(C) served by certified mail, return receipt requested, and due return of service made thereon, showing date of receipt and service of notice.

(4) FAILURE TO SERVE.—If the notice required under paragraph (1) is not served within the time required under such paragraph, or if return of service thereof is not made within the time permitted by law for the return of service of summons, alias notices may be issued and filed until service and return of notice is made, except that in the event that service of the notice required under such paragraph is not made within 60 days following the filing of the petition or complaint or amendments thereof, the action shall be dismissed without prejudice.

(5) LIMITATION.—In no event shall the United States or the parties named in a notice filed under paragraph (1) be bound, or title to the restricted property be affected, unless written notice is served upon the Secretary as required under this subsection.

(d) REMOVAL.—

(1) IN GENERAL.—The United States shall have the right to remove any action to which this section applies that is pending in a State court to a United States district court by filing with the State court, not later than 20 days after the service of any notice with respect to such action under subsection (c), or within such extended period of time as the trial court in its discretion may permit, a notice of the removal of such action to a United States district court, together with the certified copy of the pleadings in such action as served on the Secretary under subsection (c).

(2) DUTY OF STATE COURT.—It shall be the duty of a State court to accept a notice filed under paragraph (1) and proceed no further in said suit.

(3) PLEADINGS.—Not later than 20 days after the filing of a notice under paragraph (1), the copy of the pleadings involved (as provided under such paragraph) shall be entered in the United States district court and the defendants and intervenors in such action shall, not later than 20 days after the pleadings are so entered, file a responsive pleading to the complaint in such action.

(4) PROCEEDINGS.—Upon the submission of the filings required under paragraph (3), the action shall proceed in the same manner as if it had been originally commenced in the United States district court, and its judgment may be reviewed by certiorari, appeal, or writ of error in like manner as if the action had been originally brought in such district court.

SEC. 306. PENDING STATE PROCEEDINGS.

The courts of the State of Oklahoma shall continue to exercise authority as a Federal instrumentality over all heirship, probate, partition, and other actions involving restricted property that are pending on the effective date of this Act until the issuance of a final judgment and exhaustion of all appeal rights in any such action, or until the petitioner, personal representative, or the State court dismisses the action in accordance with State law.

TITLE IV—MISCELLANEOUS

SEC. 401. REGULATIONS.

The Secretary may promulgate such regulations as may be necessary to carry out this Act, except that failure to promulgate such regulations shall not limit or delay the effect of this Act.

SEC. 402. VALIDATION OF CERTAIN TRANSACTIONS; SAVINGS CLAUSE.

(a) VALIDATION OF CERTAIN TITLE TRANSACTIONS.—Any person having the legal capacity to own real property in the State of Oklahoma who claims ownership of an interest in such property through an unbroken chain of title of record, the title to which interest is or may be defective as a result of any transaction described in paragraphs (1) through (5) of this subsection that occurred in such chain of title, may cure the defect in title and validate the transaction by following the procedures of this section. When all conditions and requirements of this section have been met, and if no notice of objection has been timely filed by the Secretary under subsection (c) or by any other person under subsection (f), the transaction shall be validated and shall not be considered a defect in the muniments of title but only insofar as the defect is based on or arises from Federal statutes applicable to the conveyance or inheritance of restricted property in effect at the time of the transaction. The transactions referred to in this subsection are the following:

(1) Any probate order issued by a county court of the State of Oklahoma prior to the effective date of the Act of June 14, 1918 (40 Stat. 606) purporting to probate the estate of an Individual Indian who died owning property which was subject to restrictions against alienation pursuant to Federal statutes in effect at the time of issuance of such probate order.

(2) Any probate order issued by a county or district court of the State of Oklahoma more than 30 years prior to the effective date of this Act purporting to probate the estate of a deceased Individual Indian who died owning property which was subject to restrictions against alienation pursuant to Federal law in effect at the time of issuance of such probate order, where notice was not given as required by Federal statutes in effect at the time.

(3) Any conveyance of record, including an oil and gas or mineral lease, of an interest in property which was subject to restrictions against alienation pursuant to Federal statutes in effect at the time of the conveyance executed by a person who was an heir or purported heir of the Individual Indian decedent who owned such property at the time of his death, if such conveyance was approved by a county or district court in Oklahoma more than 30 years before the effective date of this Act but where no judicial or administrative order of record was issued before or after such approval finding that such person was in fact the heir to the interest conveyed.

(4) Any conveyance of record, including an oil and gas or mineral lease, of individual trust property or property which was subject to restrictions against alienation pursuant to Federal statutes in effect at the time of the conveyance that was approved by a county or district court in Oklahoma or by the Secretary more than 30 years before the effective date of this Act, where—

(A) approval was not in compliance with the notice requirements of Federal statutes governing the conveyance of said individual trust property or said restricted property; or

(B) approval was given by a county or district court in Oklahoma of a conveyance of the property by a personal representative in a probate action over which said county or district court possessed jurisdiction, without compliance with Federal statutes governing the conveyance of the property in effect at the time of the conveyance.

(5) Any conveyance of record, including an oil and gas or mineral lease, of individual trust property or property which was subject to restrictions against alienation pursuant to Federal statutes in effect at the time of the conveyance that was approved by a county or district court in Oklahoma or by the Secretary at any time before the effective date of this Act, where—

(A) approval was given by the Secretary where the Federal statutes governing the conveyance of the property required approval by a county or district court in Oklahoma; or

(B) approval was given by a county or district court in Oklahoma where the Federal statutes governing the conveyance of the property in effect at the time of the conveyance required approval of the Secretary.

(b) Notice of Claim; Service and Recording.—

(1) Notice to the secretary.—Any claimant described in subsection (a) must serve written notice of his or her claim by certified mail, return receipt requested, on the Secretary, and file the notice of claim, together with a copy of the return receipt showing delivery to the Secretary and filing in the office of county clerk in the county or counties wherein the property is located. The notice shall not be complete for the purposes of this section until it has been served on the Secretary and filed of record as herein provided. The notice of claim shall set forth the following:

(A) The claimant's name and mailing address.

(B) An accurate and full description of all property affected by such notice, which description shall be set forth in particular terms and not be general inclusions; but if said claim is founded upon a recorded instrument, then the description in such notice may be the same as that contained in such recorded instrument.

(C) A specific reference to or description of each title transaction in the chain of title, including the date of same, that the claimant is attempting to validate pursuant to this section.

(D) A list of all documents of record that are part of the claimant's unbroken chain of title, copies of which documents shall be served with the notice.

(2) Publication notice.—In addition to the notice to the Secretary required under paragraph (1), the claimant shall give notice by publication of his or her claim to other persons who may claim some interest in the property in accordance with this paragraph. The claimant shall cause notice of his or her claim to be published one time in a newspaper of general circulation in the county or counties wherein the property is located and shall thereafter cause proof of such publication to be filed in the office of the county clerk for such county or counties. The published notice shall set forth the following:

(A) The claimant's name and mailing address.

(B) The same description of the property required under subsection (b)(1)(B) to be included in the notice to the Secretary.

(C) A description of each title transaction in the chain of title, including the date of same, that the claimant is attempting to validate pursuant to this section.

(D) A statement that any person claiming an interest in the described property may file a written notice of objection, in the form of a declaration under oath, in the office of the county clerk of the county or counties wherein the property is located not more than 60 days after the date of publication of the notice in such newspaper, and that the written notice of objection must set forth—

(i) the declarant's name and mailing address;

(ii) the description of the property set forth in the publication notice; and

(iii) a statement that the declarant claims in good faith to be the owner of some interest in the property and objects to the validation of the transactions described in the publication notice.

(c) Response Deadline; Extension.—The Secretary shall have 60 days after the date of receipt of the notice of claim in which to notify the claimant in writing that the Secretary exercises discretionary authority to object to the claim for any reason. The Secretary shall be entitled to an automatic extension of time of 60 days in which to object to the claim upon the Secretary's service of written notice of extension on the claimant within the initial 60-day response period.

(d) Notice of Objection; Remedies.—The Secretary shall send the notice of objection and any notice of extension of time to the claimant by certified mail to the address set forth in the claimant's notice to the Secretary. The Secretary's notice of objection or notice of extension of time shall include a description of the property and shall be effective on the date of mailing. The Secretary shall file the notice of objection or notice of extension of time in the office of the county clerk for the county or counties wherein the property is located within 30 days after the date of mailing of the notice to the claimant. If the Secretary notifies the claimant that the Secretary objects to the claim, such decision shall be final for the Department and the claimant's sole remedies shall be to file an action to cure title defects pursuant to section 303 of this Act or to request a determination of heirs in accordance with section 302 of this Act.

(e) Undisputed Claim.—If, in the exercise of discretionary authority pursuant to subsection (c), the Secretary does not object to the claim, then the Secretary may notify the claimant that the matter is not in dispute. Failure of the Secretary to notify the claimant of the Secretary's objection within the initial 60-day period, or within the 60-day extension period if notice of an extension was given, shall constitute acceptance of the claim. If the Secretary notifies the claimant that the matter is not in dispute or fails to file an objection to the claim of record within the time required by subsection (d), the title transaction described in the claimant's notice shall be deemed validated and shall not be considered a defect in the muniments of the claimant's title based on or arising from Federal statutes governing the conveyance of restricted property in effect at the time of the transaction, provided that no written notice of objection is timely filed by other parties in response to a notice published pursuant to subsection (b)(2) or in accordance with subsection (f).

(f) Notice of Objection by Other Parties to Applicability of This Section.—Any person claiming ownership of an interest in property the record title to which includes a title transaction described in subsection (a) of this section may prevent the application of subsections (a) through (e) to said interest by filing for record in the office of the county clerk for the county or counties wherein the property in question is located, no later than 3 years after the effective date of this Act, a written notice of objection in the form of a declaration made under oath setting forth the following:

(1) The declarant's name and mailing address.

(2) An accurate and full description of all of the declarant's property interests to be affected by such notice, which description shall be set forth in particular terms and not be general inclusions; but if said declarant's claim to ownership is founded upon a recorded instrument, then the description in such notice may be the same as that contained in such recorded instrument.

(3) A statement that the declarant claims in good faith to be the owner of an interest in the property described in the notice and that the declarant objects to the operation of this section with respect to any title transaction that would otherwise be subject to validation under this section.

(g) Interests of Heirs of Less Than Half Degree Blood of the Five Nations.—Nothing in this Act shall be construed to invalidate—

(1) any conveyance of record, including a surface, oil and gas, or mineral lease, of an interest in property made prior to the effective date of this Act by an heir of a deceased Individual Indian without district court approval where such heir was of less than one-half degree of Indian blood, even though the property was held in restricted status immediately prior to the decedent Individual Indian's death; or

(2) any other encumbrance that attached prior to the effective date of this Act to an interest in property of an heir of a deceased Individual Indian where such heir was of less than one-half degree of Indian blood, even though the property was held in restricted status immediately prior to the decedent Individual Indian's death.

(h) Terms.—For purposes of this section:

(1) A person shall be deemed to have an unbroken chain of title when the official public records, including probate and other official public records, as well as records in the county clerk's office, disclose a conveyance or other title transaction of record not less than 30 years prior to the effective date of this Act, which said conveyance or other title transaction purports to create such interest, either in—

(A) the person claiming such interest; or

(B) some other person from whom, by 1 or more conveyances or other title transactions of record, such purported interest has become vested in the person claiming such interest; with nothing appearing of record, in either case, purporting to divest such claimant of such purported interest.

(2) The term recording, when applied to the official public records of any officer or court, includes filing with the officer or court.

SEC. 403. REPEALS.

(a) In General.—The following provisions are repealed:

(1) The Act of August 11, 1955 (69 Stat. 666, chapter 786, 25 U.S.C. 355 note).

(2) Sections 1 through 5, 7 through 9, and 11 through 13 of the Act of August 4, 1947 (61 Stat. 731, chapter 458, 25 U.S.C. 355 note).

(3) The Act of December 24, 1942 (56 Stat. 1080, Chapter 813).

(4) The Act of February 11, 1936 (25 U.S.C. 393a, Chapter 50).

(5) The Act of January 27, 1933 (47 Stat. 777, chapter 23, 25 U.S.C. 355 note).

(6) Sections 1, 2, 4, and 5 of the Act of May 10, 1928 (45 Stat. 495, chapter 517).

(7) The Act of April 12, 1926 (44 Stat. 239, chapter 115).

(8) Sections 1 and 2 of the Act of June 14, 1918 (Chapter 101, 25 U.S.C. 375 and 355, respectively).

(9) Sections 1 through 3 and 6 through 12 of the Act of May 27, 1908 (35 Stat. 312, chapter 199).

(10) Sections 6, 11, 15, 18, 20, and 23 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876).

(b) Technical Amendments.—

(1) Section 28 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876) is amended—

(A) by striking the first proviso; and

(B) by striking "*Provided further*" and inserting "*Provided*".

(2) The Act of March 3, 1909, (35 Stat. 781, 783, chapter 263) is amended by striking "of the Five Civilized Tribes and".

(3) Section 6 of the Act of August 4, 1947 (61 Stat. 733, chapter 458) is amended—

(A) in subsection (c), by inserting before the final period the following: ": *Provided* *further*, That any interest in restricted and tax-exempt lands acquired by descent, devise, gift, exchange, partition, conveyance, or purchase with restricted funds after the date of the enactment of the Five Nations Indian Land Reform Act by an Indian of the Five Civilized Tribes shall continue to be tax-exempt during the restricted period"; and

(B) in subsection (e), by striking the first sentence.

(4) The Act of June 25, 1910 (25 U.S.C. section 373) is amended by inserting at the beginning of the last proviso the following: "Except as provided in section 302(b) of the Five Nation Indian Land Reform Act,".

(5) The Act of May 7, 1970 (84 Stat. 203, Public Law 91-240, 25 U.S.C. 375d), is amended—

(A) by inserting "Creek," after "Cherokee,"; and

(B) by striking "derived and shall" and inserting the following: "derived. Such lands, interests, and profits, and any restricted Indian lands or interests therein allotted by any such Indian nation that are reacquired by that Indian nation by conveyance authorized under section 202(a) of the Five Nations Indian Land Reform Act shall".

(6) Section 1 of the Act of October 22, 1970 (84 Stat. 1091, Public Law 91-495), is amended by striking the last sentence.

SEC. 404. SECRETARIAL TRUST RESPONSIBILITY.

Nothing in this Act shall be construed to waive, modify, or diminish in any way the trust responsibility of the United States over restricted property.

SEC. 405. REPRESENTATION BY ATTORNEYS FOR THE DEPARTMENT OF THE INTERIOR.

Attorneys of the Department of the Interior may—

(1) represent the Secretary in any actions filed in the State courts of Oklahoma involving restricted property;

(2) when acting as counsel for the Secretary, advising Individual Indians owning restricted property (and to private counsel for such Individual Indians if any) of their legal rights with respect to the restricted property owned by such Individual Indians;

(3) at the request of any Individual Indian owning restricted property, take such action as may be necessary to cancel or annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of this Act or any other Federal law, and take such action as may be necessary to assist such Individual Indian in obtaining clear title, acquiring possession, and retaining possession of restricted property and any other appropriate remedy;

(4) in carrying out paragraph (3), refer proposed actions to be filed in the name of the United States in a district court of the United States to the United States Attorney for that district, and provide assistance in an of-counsel capacity in those actions that the United States Attorney elects to prosecute; and

(5) appear specially before the Oklahoma Corporation Commission on behalf of the Secretary to protect Individual Indians' restricted property interests.

SEC. 406. FILING REQUIREMENTS; CONSTRUCTIVE NOTICE.

(a) Requirement for Filing.—The Secretary shall file the following orders or other decision documents which concern restricted property and are issued after the effective date of this Act by the Secretary in the appropriate land titles and records offices, as designated by the Secretary, and in the office of the county clerk in the county where such restricted property is located:

(1) Any order or other decision document removing restrictions, imposing restrictions, approving conveyances, approving leases, approving voluntary partitions, approving mortgages, probating wills, or determining heirs, and approving orders of the Oklahoma Corporation Commission.

(2) Any notice issued by the Secretary pursuant to section 402.

(b) Constructive Notice.—The filing of said documents pursuant to this section shall constitute constructive notice to the public of the effect of said documents filed.

(c) Certification of Authenticity.—The Secretary shall have authority to certify the authenticity of copies of such documents and title examiners shall be entitled to rely on said authenticated copies for the purpose of determining marketability of title to the property described therein.

SEC. 407. PUBLICATION OF DESIGNATED OFFICIALS.

The Secretary shall identify each designee for purposes of the receipt of notices or the performance of any Secretarial duty or function under this Act by publication of notice in the Federal Register.

SEC. 408. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to limit or affect the rights of Individual Indians under other Federal laws relating to the acquisition and status of trust property, including without limitation, the following:

(1) The Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the "Indian Reorganization Act").

(2) The Act of June 26, 1936 (25 U.S.C. 501 et seq.) (commonly known as the "Oklahoma Indian Welfare Act").

(3) The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.).

(4) Regulations relating to the Secretary's authority to acquire lands in trust for Indians and Indian tribes.

SEC. 409. TRANSMISSION OF POWER FROM INDIAN LANDS IN OKLAHOMA.

To the extent the Southwestern Power Administration makes transmission capacity available without replacing the present capacity of existing users of the Administration's transmission system, the Administrator of the Southwestern Power Administration shall take such actions as may be necessary, in accordance with all applicable Federal law, to make the transmission services of the Administration available for the transmission of electric power generated at facilities located on land within the jurisdictional area of any Oklahoma Indian tribe (as determined by the Secretary of the Interior) recognized by the Secretary as eligible for trust land status under 25 CFR Part 151. The owner or operator of the generation facilities concerned shall reimburse the Administrator for all costs of such actions in accordance with standards applicable to payment of such costs by other users of the Southwestern Power Administration transmission system.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 411. EFFECTIVE DATE.

Except for section 409, the provisions of this Act shall take effect on January 1, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Oklahoma (Mr. CARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the version of this bill is slightly different than reported out of the Committee on Resources. The revision to not change the original intent of or policy behind the legislation could simply make it cleaner. I commend the tribes and the administration for their joint effort in completing an effective and viable piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS), the principal sponsor of H.R. 2880, to explain the bill.

Mr. WATKINS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, before us today is H.R. 2880, a bill that would correct several wrongs and have a significant impact on the members of the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Nations, these tribes historically referred to as the Five Civilized Tribes who still own individual and restricted lands in Eastern Oklahoma.

In the first three quarters of the 20th century, the U.S. Congress enacted numerous laws dealing with the allotted lands of the five nations previously mentioned. Collectively these special laws have created an exceedingly complex system of Indian land tenure in Eastern Oklahoma.

These laws, like no others applicable elsewhere in the United States, have resulted in far less protection of individual Indian lands by members of the five nations. Indian allotments elsewhere in the United States are generally held in trust under the jurisdiction of the Secretary of the Interior. The Secretary has the authority to probate, determine there is individual trust land, and to petition trust allotments. Perhaps most importantly, the legislation would prevent the acquisition of individual Indian trust lands through adverse possession for members of the Five Nations, a benefit currently provided to individual trust lands in Western Oklahoma and elsewhere in the United States.

H.R. 2880, Mr. Speaker, would only apply to the individual Indian restricted allotments of the Five Nations. It would unify and organize an extremely complex body of laws, many of which have never been codified, and put them into a single accessible code. This bill would transfer jurisdiction over the conveyance and probates and their heirship determination to the Secretary of the Interior, create a simplified process for administrative approval, maintain the rights of individual Indians and, most importantly, protect the owners of restricted interest.

This legislation would provide protection to the remaining restricted Indian allotments in Eastern Oklahoma to the greatest extent feasible and with the same level of protection afforded trust allotments in Western Oklahoma and on all other reservations in the United States. In fact, this legislation has been written so as to make the rules and procedures applicable to the administration of restricted lands as similar as possible to the current system that is offered to tribes other than the Five Nations. This was done to bring more uniformity to the entire system.

Nothing in H.R. 2880, the Five Nations Indian Land Reform Act, would diminish the trust responsibility of the United States over restricted lands. The Five Nations and other members of the Oklahoma delegations have spent years working on this much-needed legislation, including my colleague from the Second District of Oklahoma (Mr. CARSON), who is here today and who has also been a cosponsor of this legislation.

Mr. Speaker, I appreciate the support of all of my colleagues on this legislation to correct these wrongs, and I really appreciate very much the chairman for taking this bill up and allowing us to take it up under suspension, the gentleman from Oklahoma (Mr. CARSON), the gentleman from Michigan (Mr. KILDEE) and others for their tremendous support, and I urge all of my colleagues to support this legislation.

Mr. CARSON of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) for working on the details of this bill and supporting it and bringing it the floor, and also commend the gentleman from Oklahoma (Mr. WATKINS) for his heroic work over many years to finally see this bill come to fruition.

The gentleman from Oklahoma (Mr. WATKINS) and I currently represent the majority of the citizens of what has historically been known as the Five Civilized Tribes, which includes the Cherokee, Choctaw, Chickasaw, Muscogee, Creek and Seminole Nations. Next session, after redistricting is finalized, my new district will likely encompass all of Eastern Oklahoma, which includes most of my current district and a large part of the gentleman from Oklahoma's (Mr. WATKINS) as well.

I rise in strong support of H.R. 2880, the Five Nations Citizens Land Reform Act of 2001. This bill corrects an inequity that has long existed in Federal law related to land tenure and land probate for the Five Tribes. Simply put, this bill will bring clarity and equity to restricted lands of the Five Tribes.

H.R. 2880 brings clarity by unifying into a single law what is currently contained in numerous Federal laws, applicable to individual Indian allotted lands of the Five Tribes and has created inequities, obstacles and financial burdens for citizens of those tribes. Those obstacles have resulted in the unnecessary loss of land owned by individual Indians residing in Eastern Oklahoma.

H.R. 2880 will bring equity by giving restricted property the same level and type of protection afforded the allotted lands of other Federally recognized tribes nationwide. Currently the individual allotments to citizens of the Five Tribes are afforded much less protection to the land than to laws applicable to trust allotments of other tribes.

In addition, the Five Tribes are the only tribes where jurisdiction over probates and conveyances of their land is held by the State district courts and not the Secretary of the Interior.

H.R. 2880 will correct this by allowing families to have estates probated administratively by the Department of the Interior. This legislation also protects the vested rights of individuals who have acquired an interest in tracts of lands that include restricted interests.

As a member of the Cherokee Nation, as an active member of the Native American Caucus, and as an elected representative of a significant percentage of citizens of the Five Civilized Tribes, I urge my colleagues to support this legislation and help bring clarity and equity to a land issue that has plagued Eastern Oklahoma and citizens of the Five Tribes for far too long.

Mr. WATKINS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CARSON of Oklahoma. I yield to the gentleman from Oklahoma.

Mr. WATKINS of Oklahoma. Mr. Speaker, I would like to commend the gentleman from Oklahoma (Mr. CARSON) again for his tremendous work and cooperation on this. And as a member of the Cherokee Tribe, I would like to point out the two grandchildren I have sitting right behind me, who are part of the Creek Nation and just as you are part of the Five Civilized Tribes. I might say some people might wonder about that red hair, but they are part Creek.

Mr. CARSON of Oklahoma. Mr. Speaker, let me thank the gentleman from Oklahoma (Mr. WATKINS) who has preceded me in Congress by some two decades of his tremendous work in helping all of the Five Tribes, including this piece of legislation today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to refer to children on the floor who are here as guests of Members of Congress.

Mr. CARSON of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would like to express my strong support for H.R. 2880, the Five Nations Citizens Reform Act and the Hansen substitute.

This legislation affects the restricted land allotments of citizens of the Cherokee, Creek, Seminole, Choctaw and Chickasaw Nations in Eastern Oklahoma. I want to thank the gentleman from Oklahoma (Mr. WATKINS) who arrived here in Congress with me a few years ago, the gentleman from Oklahoma (Mr. CARSON), the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources, and the ranking member, the gentleman from West Virginia (Mr. RAHALL) for their support and their efforts to bring this bill to the floor today. I am proud to be an original cosponsor of this bill.

Mr. Speaker, for more than 90 years the land allotment owners of the Five Tribes have been the object of special laws applicable to only their lands. These laws have afforded these lands much less protection than is afforded the trust allotments elsewhere in the United States.

Under the current Federal law, the State courts of Oklahoma have jurisdiction over probating, petitioning and transferring restricted lands. This situation often places a great financial burden on Indian families who must hire private attorneys to probate estates or transfer interest in restricted land. For this reason, many estates in Eastern Oklahoma that include restricted lands are not being probated and land ownership has become increasingly fractionated.

Elsewhere in the United States, the Department of Interior is responsible for probating estates, partitioning land and effecting other transactions involving allotted lands. This bill would do the same for the restricted allotments of the Five Tribes, and in general would give these allotments the same protection and treatments given allotted Indian lands in the rest of the United States.

Mr. Speaker, I urge my colleagues to support this legislation and the Hansen substitute.

Mr. CARSON of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, the purpose of this legislation is to treat restricted Indian lands in Eastern Oklahoma similar to Indian trust lands in other States. These lands are known as restricted as they are subject to Federal restrictions against alienation.

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In addition, this legislation will move responsibility and jurisdiction over probating, partitioning, leasing and transferring these restricted lands from the State courts of Oklahoma to the Secretary of the Interior. Again, this would treat restricted Indian State courts of Oklahoma, lands in Oklahoma, similar to Indian trust lands in other States.

This bill affects lands owned by members of the Cherokee, the Creek, Muscogee, Seminole and Choctaw and the Chickasaw nations of eastern Oklahoma, which are historically referred to as the Five Civilized Tribes or Five Nations. Mr. Speaker, with all due respect, I want to know who the idiot was that coined this word "civilized," because it implies these are the only five civilized tribes in the United States. It seems to suggest that the Nation of the Cheyenne or the Lakotas and others are not civilized, maybe a little Westernized, but not to suggest that they are not civilized.

Mr. Speaker, treaty agreements between the Five Tribes or the Five Nations and the United States provided that land belonging to the tribes be held in fee but restricted from alienation status. This allowed the tribes to avoid the forced allotment of their lands under the General Allotment Act of 1887. This act was intended to destroy Indian reservations by breaking many into individual allotments, thereby making it easier to remove land held by the Indians. Indeed, the General Allotment Act, the wisdom of the Congress, resulted in the removal of millions of acres of Indian land and the horrendous fractionated ownership problems which exist even to this day.

Federal law enacted on June 14, 1918, subjects restricted Indian land in Oklahoma to State statutes of limitation. What happened is this permitted restricted lands to be taken by adverse possession, and Indian trust lands elsewhere are protected from such action.

The STIGRA Act of 1947 provided district courts in eastern Oklahoma jurisdiction, acting as Federal instrumentalities over transactions involving individual restricted Indian lands. The jurisdiction conveyed under the 1947 act included authority to approve conveyances; mineral leases; partition property, voluntarily or involuntarily; probate estates; and even determine heirs.

Mr. Speaker, these laws have resulted in the loss of individual title to most of the original restricted lands. Most Indians die intestate. For the Five Nations this leaves disposal of their property to the discretion of the Oklahoma district courts. Indian heirs must hire private attorneys to pursue probate, heirship determinations, and deed approval for land conveyance.

As a consequence, thousands of acres of restricted lands have not been probated. Additional lands are lost when non-Indian neighbors encroach on restricted Indian lands for the duration of the State statute of limitation and go to district court and claim title, and the Indian owner often is unaware of the implication of State adverse possession laws and is financially unable to fight it even in court.

Mr. Speaker, I want to commend the gentleman from Oklahoma (Mr. WATKINS) for his sponsorship of this legislation; and I also want to commend the gentleman from Oklahoma (Mr. CARSON), and a member of the Cherokee Nation, for his strong support of this bill.

Mr. Speaker, this bill would not be here on the House floor if it did not have the support and endorsement of our chairman of our Committee on Resources, the gentleman from Utah (Mr. HANSEN), and our senior ranking member, the gentleman from West Virginia (Mr. RAHALL).

Mr. Speaker, this is a good bill, and I urge my colleagues to support this legislation. I want to thank our Democratic staff, Ms. Marie Howard, for the outstanding work she has done in the preparation of notes and memoranda for the Members to better understand the provision of this bill.

I urge my colleagues to support this bill.

Mr. CARSON of Oklahoma. Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, let me commend the gentleman from Oklahoma for the excellent work he has done on this, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2880, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations (historically referred to as the Five Civilized Tribes), and for other purposes.".

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS CONCERNING 2002 WORLD CUP AND CO-HOSTS REPUBLIC OF KOREA AND JAPAN

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 394) expressing the sense of the Congress concerning the 2002 World Cup and co-hosts Republic of Korea and Japan.

The Clerk read as follows:

H. CON. RES. 394

Whereas the United States has developed close relationships with the Republic of Korea and Japan;

Whereas the Republic of Korea and Japan have been close allies with the United States in the war against terrorism;

Whereas the Republic of Korea and Japan will co-host the 2002 Federation International Football Association (FIFA) World Cup Korea/Japan;

Whereas the 2002 FIFA World Cup Korea/Japan will be the first FIFA World Cup to be held in Asia;

Whereas 32 nations have been qualified to compete from May 31 through June 30 of 2002, and will send some 1,500 coaches and athletes to the Republic of Korea and Japan, making this year's World Cup the largest ever;

Whereas the Korean and Japanese organizing committees for the 2002 FIFA World Cup Korea/Japan have effectively directed the preparations for unprecedented security precautions in both host nations;

Whereas during the 2002 FIFA World Cup Korea/Japan, billions of people are expected to view the competition;

Whereas the co-hosting of the FIFA World Cup by the Republic of Korea and Japan symbolizes the friendly relations between the two host nations, both key allies of the United States; and

Whereas the co-hosting of this international sporting event contributes to enhancing peace and stability in Northeast Asia: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) appreciates the mutually beneficial relationship between the United States and the Republic of Korea and the United States and Japan;

(2) commends the Republic of Korea/Japan 2002 FIFA World Cup organizers for the attention they have given to security precautions during the event; and

(3) recognizes and applauds the cooperation of the President of the Republic of Korea, Kim Dae-jung, and the Prime Minister of Japan, Junichiro Koizumi, in the hosting of the largest and most widely viewed World Cup competition in the history of the sport.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this measure which expresses the sense of Congress concerning the 2002 World Cup co-hosted by the Republic of Korea and by Japan. Soccer's World Cup, the biggest sporting event in the world, is underway in Korea and Japan. The sport that Pele, the greatest soccer player of all time, dubbed "the beautiful game" will have a TV audience that will be in the billions of people.

We are less than 2 weeks into the month-long tournament, and already it promises to be one of the most exciting in the history of the game. From the opening match, where the small African nation of Senegal knocked off defending world champion France, to the United States' unthinkable victory over the European powerhouse Portugal, we have seen some of the biggest upsets in history. Both co-hosts, Korea and Japan, have earned their first World Cup wins ever.

There is more going on here than simply sport. Throughout history, sport has played a role in bringing nations together and helping them to reconcile their differences. Japan and Korea historically have had a troubled relationship. For the first World Cup held in Asia, soccer's governing body chose both Japan and South Korea as co-hosts. Many were skeptical of this arrangement; after all, Korea and Japan have never before cooperated on anything of such significance.

For those unfamiliar with the history of Korea-Japan relations, the challenge of co-organizing a soccer tournament may seem insignificant. In fact, while the logistical and infrastructure challenges are immense, they are arguably dwarfed by the cultural and political challenges. Building stadiums is a lot less complicated than building trust and, potentially, building a new era in the Korea-Japan relationship.

Over the years, Korea and Japan have worked together planning for the world's biggest sporting event. As co-chairman of the U.S.-Republic of Korea Interparliamentary Exchange, I traveled to Korea 2 years ago and will be meeting Korean parliamentarians again this summer. Through this exchange, I have talked with my colleagues in the Korean National Assembly about the difficulties and importance of staging this year's World Cup. They have indicated to me how it has brought the two countries closer together. Seoul's ambassador to Tokyo has even declared that "the two co-hosts are archrivals turned friends."

Soccer is without a doubt a modern common language among young Asians. What is clear is that the young people of Korea and Japan who are the most vocal soccer fans are taking a second look at one another. Perhaps this younger generation may find it easier to reconcile the past. Indeed, Japan-Korea relations have warmed to such an extent that 10,000 people now travel between the two countries every day. In a world that is suffering from what seems to be intensifying animosities, we should notice when tempers are cooling, when old wounds are healing.

I want to just take a moment to congratulate the United States team on its result so far and wish them luck throughout the rest of the tournament. The United States entered the tournament as long shots. For its first match, the Portuguese boasted the best player in the world, and the United States was without its captain and its most prolific scorer due to injury. Yet the U.S. went on to shock Portugal, building up a 3–0 lead and hanging on to win it 3 to 2.

In many ways, the United States team represents the best of this country. Some players are the sons of immigrants. Others, like 20-year-old Landon Donovan and DeMarcus Beasley, also represent the exuberant youth of this Nation; and I would be remiss if I did not mention the reserve midfielder Eddie Lewis because he is from Cerritos, California, which is in my district.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first thank the gentleman from California (Mr. ROYCE) for his leadership in managing this piece of legislation, and I rise in strong support of this resolution.

Mr. Speaker, during this month the entire globe is entranced and spellbound with the developments of the World Cup.

The World Cup, Mr. Speaker, is soccer's international championship, which is only held once every 4 years, and is bigger even than the Super Bowl, more intensely followed than even the World Series, and a quantum leap in global importance compared even to the NBA finals. While we in America may not be fully informed, in short, the World Cup is the largest and most important spectacle of sport on this planet and is watched by literally billions of people around the world.

Mr. Speaker, as we deliberate, the first World Cup of the 21st century is being hosted by our friends and allies in the Asia Pacific region, the Republic of Korea and Japan; and I am honored to be a co-sponsor of House Concurrent Resolution 394, which commemorates this historic, groundbreaking occasion.

I extend my deepest appreciation to the gentleman from California (Mr. ROYCE) and also my colleague on this side of the aisle, the gentleman from California (Mr. BECERRA), for their foresight and diligence in introducing this important legislation; and I certainly further commend the gentleman from Illinois (Mr. HYDE), the Chairman, and the gentleman from California (Mr. LANTOS), the ranking Democratic member, of our Committee on International Relations for their support in ensuring timely consideration of this measure.

Mr. Speaker, the hosting of the World Cup by South Korea and Japan is historically significant for many reasons. To begin with, this will be the first time that the World Cup will take place in the Asia region. Furthermore, this will be the first time that two nations have jointly hosted the quadrennial soccer championship. Of even greater importance in symbolic significance, Mr. Speaker, is the opportunity that this World Cup presents for healing and repairing historic rifts or rivalries between South Korea and Japan.

As many Members may be aware, relations between our two allies still remain highly sensitive, even given the legacy of what had happened during World War II. It is good to see that progress has already occurred. It is a sign of respect to its neighbors and co-hosts that even members of Japan's Imperial family attended the World Cup opening ceremonies in Seoul, the first-ever visit to South Korea by the Imperial family.

Additionally, at the opening ceremonies, Japanese Prime Minister Koizumi shook hands and warmly embraced South Korea President Kim Dae Jung while welcoming the participants to Seoul and expressing his hope that the competition would serve as an occasion to unite the world and especially even the Asia Pacific region.

President Kim, a recipient of the 2000 Nobel Prize, best summed it up by noting, "Through these matches, humanity will become one, transcending racial, cultural, ideological and religious differences. Indeed, I hope that everyone in the world will be able to reconfirm the cherished values of world peace, security and prosperity for all."

Mr. Speaker, in 1988, I was privileged to lead our delegation from American Samoa to the summer Olympics that were held in Seoul Korea, and I cannot help but offer my tribute and special commendation to the leaders of Korea on their industry and ability to build an $8 billion sports complex which they now enjoy very much as part of the World Cup matches. I commend the Korean people for their industry, their efforts in bringing democracy to this part of the region.

Mr. Speaker, behind all the pageantry and exciting matches of the World Cup, this is also what is going on behind the scenes in South Korea and Japan. Let us all hope that the vision that President Kim and Prime Minister Koizumi have so eloquently spoken of will become reality with the spirit of competition and camaraderie that the World Cup has always epitomized. Enhanced relations between South Korea and Japan is critical to furthering our mutual interests in promoting peace, providing security and ultimately stability in the Asia Pacific region, and hopefully even throughout the world.

□ 1700

To this effect, Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 394 which properly honors our two closest allies in the Asian Pacific Region and conveys our best wishes for the success of the Republic of Korea and Japan as they cohost the world's greatest sports competition.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. LEACH), chairman of the Subcommittee on East Asia and the Pacific of the Committee on International Relations.

Mr. LEACH. Mr. Speaker, I thank the gentleman from California (Mr. ROYCE) for yielding the time, and I want to express my appreciation for bringing this resolution to the floor. Sometimes we underestimate the role of sport in all of our culture. The fact of the matter is sport is a very important part of all cultures. Soccer/football is somewhat new to these shores in its seriousness, but we are all impressed with this particular set of games. I would like to suggest, having watched the game between Korea and the United States last night, to note how impressed I am at the sportsmanship, at the fanmanship, the notion that thousands and thousands of Koreans supported their team with such enormous enthusiasm. So on behalf of the Congress, I think just as they wave to their team, we ought to wave to South Korea and express our great respect for their hosting of this game and for their great sports ethic.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think with this resolution we are going to be doing that. We are trying to recognize and commend Korea and Japan in cohosting this event, and I think this international sporting event contributes to enhancing peace and contributes to stability in Asia, and I think that over the next 10 to 20 years we are going to see a transformation in the way Koreans and Japanese relate to each other, and perhaps we will look back at the World Cup and say that this game helped. It may be just a game, but the results can be inspirational, and that is why I urge passage of this resolution.

Mr. Speaker, I have no further speakers requesting time, and I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I again want to compliment the statements made earlier by my colleague and friend from Iowa (Mr. LEACH) and certainly the gentleman from California (Mr. ROYCE) for bringing this legislation to the floor. I suppose we have a dream some day that soccer will become truly a sport in America as well and I hope to add rugby as well in the coming years for our country. I know we love football. I know we love baseball, but I think soccer and rugby ought to be added as well. Again, let us pass this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

I think we have soccer as a sport. The question is will we have to call it football?

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 394.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ROYCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2578. An act to amend title 31 of the United States Code to increase the public debt limit.

SENSE OF CONGRESS REGARDING NORTH KOREAN REFUGEES DETAINED IN CHINA

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 213) expressing the sense of Congress regarding North Korean refugees who are detained in China and returned to North Korea where they face torture, imprisonment, and execution, as amended.

The Clerk read as follows:

H. CON. RES. 213

Whereas the Government of North Korea is controlled by the Korean Workers Party, which does not recognize the right of North Koreans to exercise the freedoms of speech, religion, press, assembly, or association;

Whereas the Government of North Korea imposes punishments, including execution, for crimes such as attempted defection, slander of the Korean Workers Party, listening to foreign broadcasts, possessing printed matter that is considered reactionary by the Korean Workers Party, and holding prohibited religious beliefs;

Whereas genuine religious freedom does not exist in North Korea and reports of executions, torture, and imprisonment of religious persons in the country continue to emerge;

Whereas the Government of North Korea holds an estimated 200,000 political prisoners in camps that its State Security Agency manages through the use of forced labor, beatings, torture, and executions, in which many prisoners also die from disease, starvation, and exposure;

Whereas at least 1,000,000 North Koreans are estimated to have died of starvation since 1995 because of the failure of the centralized agricultural system operated by the Government of North Korea;

Whereas the combination of political, social, and religious persecution and the risk of starvation in North Korea is causing many North Koreans to flee to China;

Whereas between 100,000 and 300,000 North Koreans are estimated to be residing in China without the permission of the Government of China;

Whereas in past years some Chinese authorities appear to have tolerated quiet efforts by nongovernmental organizations to assist North Korean refugees in China, and have allowed the departure of limited numbers of North Korean refugees after the advocacy of third countries, whose diplomatic facilities granted these refugees sanctuary;

Whereas the Governments of China and North Korea have begun aggressive campaigns to locate North Koreans who are in China without permission and to forcibly return them to North Korea;

Whereas North Koreans who seek asylum while in China are routinely imprisoned and tortured, and in some cases killed, after they are returned to North Korea;

Whereas the United Nations Convention relating to the Status of Refugees of 1951, as modified by the Protocol relating to the Status of Refugees of 1967, defines a refugee as a person who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country";

Whereas despite China's obligations as a party to the United Nations Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967, China routinely classifies North Koreans seeking asylum in China as mere "economic migrants" and returns the refugees to North Korea without regard to the serious threat of persecution faced by the refugees after their return;

Whereas the Government of China does not provide North Koreans whose asylum requests are rejected a right to have the rejection reviewed prior to deportation despite the recommendations of the United Nations Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967 that such a right be granted;

Whereas people attempting to assist North Korean refugees inside China face danger because of their efforts, including Chun Ki Won, a South Korean citizen detained inside China since December 2001, and the Reverend Kim Dong Shik, a United States permanent resident allegedly abducted by North Korean agents inside China in January 2000; and

Whereas the Government of China recently has permitted some North Koreans who have managed to enter foreign diplomatic compounds to travel to South Korea via third countries, but has forcibly repatriated to North Korea many others captured inside China: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) encourages the Government of China to honor its obligations under the United Nations Convention relating to the Status of Refugees of 1951, as modified by the Protocol relating to the Status of Refugees of 1967, by—

(A) halting the forced repatriation of North Koreans who face a well-founded fear of persecution if they are returned to North Korea;

(B) making genuine efforts to identify and protect the refugees among the North Korean migrants encountered by Chinese authorities, including providing refugees with a reasonable opportunity to request asylum;

(C) providing North Korean refugees residing in China with safe asylum;

(D) allowing the United Nations High Commissioner for Refugees to have access to all North Korean refugees residing in China; and

(E) cooperating with the United Nations High Commissioner for Refugees in efforts to resettle North Korean refugees residing in China to other countries;

(2) encourages the Secretary of State—

(A) to work with the Government of China toward the fulfillment of its obligations described in paragraph (1); and

(B) to work with concerned governments in the region toward the protection of North Korean refugees residing in China;

(3) encourages the United Nations High Commissioner for Refugees to facilitate the resettlement of the North Korean refugees residing in China in other countries;

(4) encourages the Secretary of State to begin efforts toward the drafting, introduction, and passage of a resolution concerning human rights in North Korea at the 59th Session of the United Nations Commission on Human Rights in March 2003;

(5) urges the Government of China to release Mr. Chun Ki Won; and

(6) urges the Governments of the United States, South Korea, and China to seek a full accounting from the Government of North Korea regarding the whereabouts and condition of the Reverend Kim Dong Shik.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 213, a resolution expressing the sense of Congress regarding the plight of North Korean refugees. In this regard, I would like to acknowledge the leadership of three Members of the House who have been instrumental to bring this resolution to the floor: The principal sponsor of the resolution, the gentleman from California (Mr. ROYCE), the chairman of the U.S.-South Korean Interparliamentary Exchange, the gentleman from Illinois (Mr. KIRK), who traveled to North Korea as a staffer for the Committee on International Relations and who recently chaired a Congressional Human Rights Caucus briefing on the subject and, of course, the gentleman from American Samoa (Mr. FALEOMAVAEGA), the ranking member of the Subcommittee on East Asia and the Pacific.

The subcommittee has become increasingly concerned about a trio of increasingly significant humanitarian and foreign policy issues that have arisen as a direct consequence of North Korea's inhumane and failed system of governance, all of which have important implications for the United States and the international community: Refugees, acute food shortages and human rights. This May the subcommittee held an extensive hearing on the subject, including testimony from experts in the field as well as from several North Korean defectors, survivors of some of the most challenging rigors of the human condition.

Consideration of this resolution is particularly timely, given the recent dramatic increase of North Korean asylum bids through Western embassies in Beijing. It also takes place against the sensitive diplomatic backdrop of renewed North-South dialogue, tentative steps toward reengagement between Tokyo and Pyongyang, and the planned resumption of high-level dialogue between the United States and North Korea. Congress hopes and expects that North Korea will seize the opportunity to demonstrate its sincerity through negotiations and begin to alleviate the concerns of the world community.

As we have all come to understand, the world has increasingly become aware that North Korea has been at the center of one of the greatest human rights tragedies in recent decades. Beginning in the mid-1990s, economic collapse and natural disasters combined to produce famine conditions that have claimed as many as 2 million lives, perhaps as many as 10 percent of the population. The food crisis, compounded by repression and mismanagement, led many thousands of North Koreans to cross into China, primarily into Jilin and Liaoning Provinces. Estimates of the number of North Koreans illegally inside China range from official estimates of 10,000 to 30,000, to unofficial estimates of 100,000 to 300,000. Similarly, the flow of North Korean defectors making their way to Seoul also has increased dramatically in recent years.

Even for those North Koreans able to escape into China, the struggle to survive is far from over. On the shores of the Tumen River, which is all that separates China and North Korea at one point along the border, more hardship and sorrow await, including potential victimization of human traffickers, unsympathetic neighbors, as well as the police.

The PRC's reaction to the influx of North Koreans appears to fluctuate between placid tolerance and bouts of repression. As a matter of principle, Beijing maintains that the North Koreans are economic migrants. In practice, however, local authorities in the past have allowed nongovernment organizations to assist refugees in China, and even turned a blind eye to facilitate their asylum to South Korea through third countries, provided such activities remain low profile. But Beijing also orders periodic crackdowns against refugees and those who assist them.

Repatriated North Korean migrants can expect to face a broad range of maltreatment, which may involve beatings, incarceration, and torture. Others, such as asylum-seekers, known religious believers, and high-profile defectors, risk execution or internment in a labor camp for political prisoners.

The United States can hardly ignore this situation. Our dilemma is how we can make a modest contribution to this circumstance without exacerbating the lamentable plight of North Koreans in northeastern China. In this regard, and at the risk of presumption, I would like to suggest a five-pronged strategy.

First, with regard to North-South relations, we must understand that while attempts to negotiate with North Korea involve an experiment with the bizarre, our unequivocal support for North-South rapprochement and eventual reunification must be maintained as a primary strategic objective in Northeast Asia.

In terms of diplomatic efforts, and an effort to forge a more lasting and humane resolution for North Korean refugees, the United States should vigorously pursue bilateral and multilateral discussions on that topic with relevant nations and international organizations, including China, South Korea, Japan, Russia, Mongolia, and the U.N. High Commissioner for Refugees.

The United States should increase humanitarian assistance to North Koreans both outside and inside their country of origin.

In China, we should fully and visibly support the UNHCR in its efforts to gain access to refugees in the northeast of China. Humanitarian assistance to these refugees must be supported.

Outside of China, we should explore the possibility of establishing short to medium-term facilities for North Korean refugees in other countries in the region, such as Mongolia.

Inside North Korea, the United States should maintain and expand its commitment to the World Food Program appeal. In this regard, the WFP has announced that its North Korean program will run out of food in July or August this year unless new pledges are made urgently. World Food Program estimates that some 1.5 million people will not get food because of the shortfall. At the same time, we and other donors should continue strong support for the WFP's efforts to improve its access and food aid monitoring within North Korea.

In addition, Congress and the Executive should be open to supporting innovative, small-scale programs to provide food and other humanitarian assistance through United States nongovernment organizations operating in North Korea.

From a human rights perspective, we must continue to improve our limited knowledge of human rights and humanitarian conditions inside China, and we should consider funding efforts to systematically interview and debrief the increasing number of North Korean refugees and defectors inside South Korea and elsewhere.

From a resettlement perspective, North Korean refugees are currently caught in a legal Catch-22, based on their claim to automatic South Korean citizenship under the Constitution of the Republic of Korea. Yet, except in high-profile cases, North Korean asylum-seekers are not treated as South Korean citizens at South Korea's embassy and consulates inside China, and thus are routinely turned away. In addition to Chinese blockage, other embassies discourage refugees from seeking asylum in their countries because they regard the refugees as citizens of South Korea where they would not face a reasonable fear of persecution. In this circumstance, where asylum claims are regularly thwarted, we have an obligation to discuss with the South Koreans and Chinese ways all interested parties can work to regularize the treatment of North Korean refugees in China.

While the case for pursuing diplomatic approaches in a low-key way may be compelling, the issue itself must be understood as one of the seminal human rights issues of our time.

In this regard we have brought this resolution, and in bringing it I would like to quote the words of President Bush. The President has said, and he has been very succinct in this, that even though he considers North Korea as a country which has starved its people while developing weapons of mass destruction, he has been careful to observe that America has "great sympathy and empathy for the North Korean people. We want them to have food. We want them to have freedom."

This timely resolution appropriately expresses this sympathy and concern from the people's House to the North Korean people. We urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor of H. Con. Res. 213, I am honored to speak on behalf of this legislation which focuses on the tragic plight of tens, if not hundreds, of thousands of North Korean citizens who have sought safety and refuge in the People's Republic of China.

I deeply commend the primary authors of the legislation, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. BECERRA,) and also the gentleman from Illinois (Mr. KIRK) for his tremendous help on this legislation.

Their hard work is just another example of the tremendous leadership they have demonstrated in chairing the U.S.-Republic of Korea Interparliamentary Exchange. I would be remiss if I did not also commend the gentleman from Iowa (Mr. LEACH), the chairman of the Subcommittee on East Asia and the Pacific of the Committee on International Relations, with whom I have the distinct pleasure to serve as the subcommittee's ranking Democrat, for the attention he has focused on the North Korean humanitarian refugees' crisis.

Our subcommittee recently held hearings on this troubling issue, and has contributed significantly to the final text of H. Con. Res. 213. I thank the chairman and ranking member of our Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and the gentleman from California (Mr. LANTOS), for their vital leadership and support in moving this measure for consideration on the floor.

Mr. Speaker, many have advocated the citizens of North Korea are perhaps the least free of all the people living on this planet. Suffering from the past 5 decades under one of the world's most ruthless totalitarian regimes, the people of North Korea have been denied the most basic of human rights, have been isolated from one another, and have been cut off from the rest of the world by their government.

□ 1715

As assistant Secretary of State for Democracy, Human Rights and Labor, Mr. Lorne Craner has recently testified regarding North Korea: "The reports that make it out of North Korea paint a shocking, often horrifying, picture of brutality, oppression, injustice and deprivation. Individual rights are considered subversive to the rights of the State and the Party, with no freedom of expression, assembly or belief. The regime uses extreme suppression and a pervasive surveillance network to intimidate and instill fear in the population. It maintains control through terror, threat of severe punishment and the manipulation of privileges."

Mr. Speaker, due to the DPRKs disastrous agricultural and economic policies, which have been compounded by natural disasters, the North Korean people have been made to suffer through a brutal famine that has killed well over a million, perhaps up to 3 million, of their fellow citizens and left a generation of their children physically and mentally stunted.

I recall recently a statement made by the Senator from Hawaii, Senator INOUYE, on his recent visit to North Korea, and the most unusual thing that he observed when he visited the capital of Pyongyang, there were no birds. He did not hear one bird noise ever in the whole area. It is just really, really terrible to consider this observation.

Given these terrible conditions in North Korea, Mr. Speaker, it is not surprising that over 100,000 refugees, the vast majority of them women and children, have fled their homeland for northeast China. As many of us know, the plight of these North Korean refugees has received intense international attention recently, with several high-profile incidents where North Koreans have sought refuge in foreign embassies and consulates in the People's Republic of China. Right now in Beijing, 17 North Koreans languish in the South Korean embassy and two in the Canadian embassy after entering the diplomatic compounds and requesting asylum.

In the past, China has attempted to turn a blind eye to the refugee crisis created by its Communist neighbor and quietly tolerated NGO efforts to assist the North Korean refugee community within its borders. Unfortunately, in response to the recent media attention and heightened international scrutiny, the People's Republic of China has chosen to enforce a crackdown on the refugee community, and they are being sent back en masse to North Korea to face certain imprisonment, torture or even death.

Mr. Speaker, China's actions are highly regrettable and certainly in violation of international rules. The heart of the resolution before us rightfully urges that the Government of the People's Republic of China should stop the forced repatriation of North Koreans and that China meet its obligations as a signatory to the United Nations Refugee Convention of 1951 and the subsequent 1967 Protocol. To meet these treaty obligations, China should permit the UNHCR access so that an objective determination can be made whether these North Korean refugees have a well-founded fear of persecution before being shipped back en masse as economic migrants.

Mr. Speaker, the Chinese Government is at a historic point in its relations with the rest of the world. China has just joined the World Trade Organization, will soon host the Olympic games, and has increasingly played an active role in key international foreign policy matters, including Afghanistan, the global war on terrorism and the India-Pakistan controversy.

China's leaders need to understand that abiding by international agreements, including the United Nations Refugee Convention, is a crucial responsibility that major global powers cannot run away from. To the world, it is abundantly clear that the North Korean refugees in China are not simply fleeing for economic reasons, and it is important for their safety as well as China's reputation that a process be set up to interview the refugees to determine whether they have a well-founded fear of persecution before they are returned to North Korea.

Mr. Speaker, the legislation before us addresses one of the most disturbing humanitarian tragedies now unfolding in the world and rightfully calls upon the People's Republic of China to work with our government, other nations in the region, and the United Nations to find a just and proper resolution of this refugee crisis.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from California (Mr. ROYCE), the author of this resolution and the leader in Congress on so many Korean issues.

Mr. ROYCE. Mr. Speaker, I thank Chairman LEACH, and I thank Ranking Member FALEOMAVAEGA for his leadership as well. I also want to thank the gentleman from Illinois (Mr. KIRK). I want to thank him for his rather extraordinary work along the North Korean-Chinese border. To my knowledge, he is one of the few non-North Koreans who has managed to travel into North Korea and because of his extensive interviews of starving men and destitute women and orphaned children across North Korea and in northern China, we know a great deal more about the crisis there.

I chair the U.S.-Republic of Korea Interparliamentary Exchange. Last summer I introduced this resolution on North Korean refugees after learning about the unimaginable suffering North Korean refugees face in China. I learned this from my Korean counterparts. Sometime after that, we had an opportunity to hear from the gentleman from Illinois. In his testimony, the gentleman from Illinois recorded for our committee the horror that is going on in North Korea. This situation, frankly, is critical right now to the hundreds of thousands of North Koreans that have escaped over the border into China.

North Korea systematically starves its population. It attacks freedom of speech, it suppresses religion, it constrains movement of its citizens, and frankly it gives preferential access to social services based on allegiance to the cult of personality surrounding Kim Jung-Il. There are 43 counties in North Korea. There are a number of counties in North Korea where people are not considered sufficiently loyal, and it is the people in these regions who are being starved. At the same time, any perceived disobedience in North Korea can land the offender and the offender's family in what is called a labor camp.

Last month, three North Korean defectors testified before the Asia Subcommittee. I would like to call my colleagues' attention to the testimony of Ms. Lee Soon-ok, a former North Korean party official who was held for several years inside one of these North Korean labor camps. She described in gruesome detail the condition inside the camp, telling of public executions in which the prisoners would have to stand at attention to watch the execution, and telling of 150 female prisoners being used to test a chemical gas and as a consequence of that test, all 150 lost their lives.

In her testimony, she describes life in a North Korean prison, and I will just use her words. She said, "A prisoner has no right to talk, laugh, sing or look in a mirror. Prisoners must kneel down on the ground and keep their heads down deeply whenever called by a guard. They can say nothing except to answer questions asked. Prisoners have to work as slaves for up to 18 hours a day. Repeated failure to meet the work quotas means a week's time in a punishment cell. A prisoner must give up their human worth." She said that prisoners are even used by their guards for martial arts practice. The guards punch and kick prisoners during martial arts practice. The prisoners fall bleeding at the first blows and remain motionless for a while on the cement floor until they are kicked back into their cells.

It is estimated that North Korea's prison camp system currently holds about 200,000 people in conditions so brutal that over 400,000 have died in those prisons since 1972. I have heard from North Koreans who say it is rare for a prisoner to survive more than 8 years. Given the repression, given the desperate conditions for those who run afoul of the rules, it is no surprise that many North Koreans have been willing to risk their lives to cross into the closest country, which is China. Yet as explained, despite the obligations that China has taken as a signatory to the convention relating to the status of refugees of 1951 and the Protocol relating to the status of refugees of 1967, China refuses to recognize North Koreans as refugees. They classify them instead as economic migrants. Chinese and North Korean police have worked in tandem to hunt down North Koreans hiding in China. The Chinese Government forcibly repatriates all captured North Koreans, guaranteeing their imprisonment and torture and sometimes death. China's enthusiasm for enforcing North Korea's policies is unconscionable.

Because China will not allow the U.N. High Commission for Refugees access to North Koreans, defectors have created innovative methods for getting asylum in other countries. Since March, we have had 38 desperate North Koreans who have risked deportation to North Korea by dashing into or climbing the walls of foreign diplomatic missions in order to travel to South Korea via third countries. As a result, the Chinese have stepped up police forces around embassies and cracked down on nongovernmental organizations and church groups.

Some have suggested the treatment of North Koreans in China should be handled quietly behind diplomatic closed doors. Yet it is exactly the media attention that has finally brought this situation to light and generated an international outcry that may force China to relent.

Mr. FALEOMAVAEGA. Mr. Speaker, it is my privilege to yield such time as he may consume to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding the time. I would like to thank him and, of course, the chairman of the committee, the gentleman from Iowa (Mr. LEACH), and certainly, of course, the chairman of the subcommittee in question here, the gentleman from California (Mr. ROYCE), for their leadership. I know that I have had several opportunities working with the gentleman from California (Mr. ROYCE) to try to address some of the issues that affect the Korean peninsula, both South Korea and North Korea, and certainly we can turn to the gentleman from California (Mr. ROYCE) always as a voice and a leader on issues affecting the Korean people.

As two individuals who hail from southern California and with large populations of Americans of Korean descent, I think we both understand the plight of those individuals who are seeking freedom in the Korean peninsula, and we do everything we can to try to address that concern, because whether you are of Korean ancestry or if you happen to hail from this country from generations back, I think we all understand that freedom and democracy are what we would all love to leave as a legacy to our kids.

I, too, rise in support of House Concurrent Resolution 213, regarding North Korean refugees in China. It appears that we continue to see the numbers grow of North Koreans who are fleeing their country, many of whom have ended up in China. Some 312 or so have ended up in South Korea in the last several years, they have defected to South Korea, and we have seen more and more of these incidents occurring where individuals who are fleeing North Korea, in the case of their departure to China, are being returned by China to North Korea without knowing fully well what the consequences might be upon their return.

□ 1730

An estimated 150,000 to 300,000 North Koreans currently are living without status in China. We are aware of the treaty that China has with North Korea which allows China to view these individuals as undocumented immigrants or economic migrants, and, as a result, to send them back to North Korea, and, again, without any consideration for the consequences of that repatriation.

We have to acknowledge that in the case of North Korea, there are massive food shortages in that country. Right now we are told that North Korea cannot feed about one-third of its people, so clearly there are cases for economic migrants who do depart from North Korea.

But the cases that we have seen go far beyond those who are leaving only for economic reasons. We know that there are, in many cases, straight and very clear political reasons for many of these individuals leaving, and in some cases religious persecution as well. Yet, with all of that, the Chinese Government refuses to permit the United Nations High Commissioner for Refugees, UNHCR, to evaluate North Korean refugees in China to determine whether or not they deserve political asylum. Under Chinese law, in fact, anyone aiding a fleeing North Korean is subject to a fine, and there is word that bounties are paid to Chinese citizens who turn in North Koreans to the Chinese authorities.

The purpose of this resolution is twofold, I believe. First, under both international and humanitarian grounds, we should be calling on China to provide North Koreans whose asylum requests have been rejected with the right to have the rejection reviewed by international authorities prior to deportation of these North Koreans back to their homeland. That is something that they would be obliged to provide to any individual who claims refugee status under the United Nations 1951 convention relating to the status of refugees and as it has been modified in 1967 through the Protocol relating to the status of refugees.

The second purpose is to urge China to allow the UNHCR to have access to all North Korean refugees who reside in China.

I urge my colleagues to support H. Con. Res. 213 to recognize the plight of refugees who are in China from North Korea who are trying to flee political and religious suppression and persecution, and know fully well that we can have a voice in trying to aid these individuals towards democracy and liberty.

I applaud the chairman for this effort to bring this to the floor; I certainly applaud our ranking member for his cooperation and support of this resolution; and mostly I support and want to applaud the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on East Asian and Pacific Affairs, for his valiant efforts, not just today, but in the past, to aid the Korean peninsula in moving forward toward democracy.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished vice chairman of the committee.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in very strong support of H. Con. Res. 213 regarding the plight of North Korean refugees inside of China. I want to thank the chief sponsor, the gentleman from California (Mr. ROYCE), for introducing this important resolution nearly a year ago, long before this issue had hit the U.S. press. I also want to thank him for accepting language that I suggested that goes into more detail about the human rights situation inside of North Korea, and, most importantly, language that urges the State Department to begin work now and draft and pass a North Korea human rights resolution at next year's session of the U.N. Human Rights Commission in Geneva.

It is amazing to me that such a deplorable situation has received so little attention from the international community. That shameful silence must end.

Mr. Speaker, as has been described by my colleagues, hundreds of thousands of North Koreans are inside China today having fled from starvation and brutal repression inside of North Korea. Although many of them have left in search of food, many of them are genuine refugees. Many more of them, however, have become refugees because of the persecution that they would face if forcibly returned.

North Koreans who attempt to escape to third countries or who have contact with South Korean or missionary groups while in China face execution or imprisonment in labor camps in North Korea. As the front page of yesterday's New York Times pointed out, pregnant women returned to North Korea are forced to undergo abortions or their babies are killed once they are born. I will include that article for the RECORD.

At the ground breaking hearing, Mr. Speaker, convened by the gentleman from Iowa (Chairman LEACH) of the Subcommittee on East Asia and the Pacific last month, we heard from three credible North Korean defectors who described the unbelievable brutality of the Pyongyang regime and the hardships those witnesses endured as refugees inside of China.

Two of the witnesses were rare survivors of North Korea's concentration camps, where nearly 200,000 of their countrymen and women are being held today. These camps are places where prisoners are worked or starved to death, where Christians are killed by torture, where people attempting to escape are publicly shot or dragged to death behind trucks, where newborn babies are killed in front of their mothers, and where prisoners are used as guinea pigs for chemical weapons experiments. The Korean people in the north are suffering unspeakable evil at the hands of Kim Jong Il.

Mr. Speaker, as a party to the U.N. refugee convention, China has bound itself not to return North Koreans who face a well-founded fear of persecution. However, for much of the past year, Chinese authorities have conducted a crackdown against North Korean refugees. They have routinely rounded up many North Koreans and forcibly sent them back to uncertain and sometimes deadly fates. North Korean undercover agents are active inside China helping to capture and return escapees.

Mr. Speaker, I urge strong supports for this resolution.

Mr. Speaker, I include the New York Times article, "Defectors From North Korea Tell of Prison Baby Killings" for the RECORD.

[From the New York Times, June 10, 2002]

DEFECTORS FROM NORTH KOREA TELL OF PRISON BABY KILLINGS

(By James Brooke)

SEOUL, SOUTH KOREA.—On a cold March day, the bleak monotony of a North Korean prison work detail was broken when a squad of male guards arrived and herded new women prisoners together. One by one, they were asked if they were pregnant.

"They took them away in a car, and then forcibly gave them abortion shots," Song Myung Hak, 33, a former prisoner, recalled in a interview here about the day two years ago when six pregnant prisoners were taken from his work unit in the Shinuiju Provincial Detention Camp. "After the miscarriage shots, the women were forced back to work."

More and more escapees from North Korea are asserting that forced abortions and infanticide are the norm in North Korean prisons, charges the country's official Korean Central News Agency has denounced as "a whopping lie."

In 2000 and 2001, China deported thousands of North Korean refugees, with many ending up in North Korean prison camps. People who later managed to escape again, to China and South Korea, say that prisoners discovered to be pregnant were routinely forced to have abortions. If babies were born alive, they say, guards forced prisoners to kill them.

Earlier defectors from North Korea say that the prohibition on pregnancy in prisons dates back at least to the 1980's, and that forced abortions or infanticide were the rule. Until recently, though, instances of pregnancy in the prisons were rare.

China's deportations of thousands of illegal migrants from North Korea in recent years has resulted in a sharp increase in the number of pregnant women ending up in North Korean prisons. Defectors, male and female, are reviled as traitors and counterrevolutionaries when they are returned to North Korea. But women who have become pregnant, especially by Chinese men, face special abuse.

"Several hundred babies were killed last year in North Korean prisons," said Willy Fautre, director of Human Rights Without Frontiers, a private group based in Brussels. Mr. Fautre said that over the last 18 months, he and his volunteers had interviewed 35 recent escapees from North Korean camps.

Of the 35, he said, 31 said they had witnessed babies killed by abandonment or being smothered with plastic sheets. Two defectors later described burying dead babies, and two said they were mothers who saw their newborns put to death.

"This is a systematic procedure carried out by guards, and the people in charge of the prisons—these are not isolated cases," Mr. Fautre said in a telephone interview. "The pattern is to identify women who are pregnant, so the camp authorities can get rid of the babies through forced abortion, torture or very hard labor. If they give birth to a baby alive, the general policy is to let the baby die or to help the baby die with a plastic sheet."

Lee Soon Ok, who worked as an accountant for six years at Kaechon political prison, recalled in an interview that she twice saw prison doctors kill newborn babies, sometimes by stepping on their necks.

With virtually no medical care available for prisoners, surgical abortions were not an option. Ms. Lee, 54 and an economic researcher in Seoul, said: "Giving birth in prison is 100 percent prohibited. That is why they kill those babies."

Ms. Lee, who has written a book about her prison experiences, seeks to focus attention on North Korea's prison system. On May 2, she was one of three North Korean defectors who testified on human rights abuses at a hearing of the House International Relations Committee.

On Jan. 19, North Korea's official news agency said the charges by Human Rights Without Borders that "unborn and newly born babies are being killed in concentration camps" were "nothing but a plot deliberately hatched by it to hurl mud" at North Korea. Since then, accusations of baby killing in North Korean prisons have increased.

They were featured in February at a human rights conference on North Korea, in Tokyo, and in March the claims were included for the first time in the State Department's annual human rights report on North Korea. They were raised in April by European Union delegates to the United Nations Commission on Human Rights, and in May by a former North Korean prisoner who testified before a House committee.

North Korea's mission to the United Nations did not return telephone messages about the charges. But on May 9, at the United Nations conference on children in New York, the North Korean delegate said his nation regarded each child as a "king of the country."

But recent interviews with seven defectors now living in the Seoul area provided a detailed and different picture of North Korean prison camps.

All of the recent defectors except one, Mr. Song, allowed publication of only their family names, which are common Korean surnames. These four said they feared reprisals against relatives in the North. Two defectors, who had escaped almost a decade ago after working in the prison camp system, allowed their full names to be used.

The defectors' names and phone numbers were supplied by Human Rights Without Borders. They were interviewed individually, in their homes, without human rights or government officials present. South Korea's government, seeking to avoid conflict with the North, discourages defectors from speaking out.

In her Seoul apartment, Mrs. Lee, 64 and no relation to Lee Song Ok, said she was still haunted by memories of prison after being deported from China in 2000.

Mrs. Lee who is the widow of a North Korean general, recalled thinking that she had won an easy job in the clinic after arriving on June 14, 2000, at the Pyongbuk Provincial Police Detention Camp. Then, she said, she saw a prison doctor give injections to eight pregnant women to induce labor.

"The first time, a baby was born, I didn't know there was a wooden box for throwing babies away," Mrs. Lee recalled. "I got the baby and tried to wrap it in clothes. But the security people told me to get rid of it in the wooden box."

That day, she said, she delivered six dead babies and two live ones. She said she watched a doctor open the box and kill the two live babies by piercing their skulls with surgical scissors. The next day, she said, she helped to deliver 11 dead babies from 20 pregnant women who had been injected to induce delivery.

In 2000, from March to May, 8,000 North Korean defectors, overwhelmingly women, were deported from China to North Korea during a crackdown on prostitution and forced marriages, according to D. K. Park, a retired United Nations worker who works with Human Rights Without Frontiers along the border between North Korea and China.

"They blame North Korean women for having Chinese babies and just kill the babies," Mr. Song, now a college student in Seoul, said of his time in Shinuiju prison in 2000.

Mrs. Park, 41, no relation to the rights worker, said she was among those caught in a Chinese sweep two years ago, ending up in a work camp in Onsong, North Korea. She was nine months pregnant at the time.

"One day, they gave me a big injection," she said. "In about 30 minutes I went into labor. The baby I delivered at the detention camp was already dead."

For babies born alive in prison cells, defectors say, male guards threaten to beat women prisoners if they do not smother newborns with pieces of wet plastic that are thrown between the bars.

"Guards told the prisoners to kill the babies," recalled Miss Lee, a 33-year-old vocational student who is unrelated to the accountant and the general's widow. She said that in 2000, as she was moved among four camps, she saw four babies smothered at the Onsong District Labor Camp in April, and three smothered at the Chongjin Provincial Police Detention Camp in late May.

"The oldest woman in the cell did it reluctantly," she said. "The young women were scared. The mothers would just cry in silence."

Miss Lee, a former factory worker who survived in China through marriage to an ethnic Korean Chinese, estimated that 70 percent of the people she saw deported from China in the spring of 2000 were women, and about one-third were pregnant.

In the summer of 2001, a 28-year-old former North Korean border guard surnamed Kim was imprisoned at the same Chongjin detention camp. There, he buried three newborn babies wrapped in "blue-tinted plastic bags." He recalled, "The prisoners were ordered to get the babies coming from the mothers and to kill them."

His wife, a 25-year-old day-care worker in Seoul, said in the same interview at their apartment here that during her 10 weeks at the same camp last summer, she counted seven babies born and smothered in nearby cells.

The current wave of reported baby killings has nationalistic overtones.

"The guards would scream at us: 'You are carrying Chinese sperm, from foreign countries. We Koreans are one people, how dare you bring this foreign sperm here,'" Miss Lee, the vocational student, recalled. "Most of the fathers were Chinese."

But two decades before pregnant refugees were forced home from China, infanticide was standard practice in the North Korean prison system, a former guard said in an interview near here.

"Ever since Kim Il Sung's time, it has been a North Korean regulation to prevent women from delivering babies in prisons," said Ahn Myung Chul, a 33-year-old bank employee, who worked as a guard from 1987 to 1994 in four North Korean camps. Mr. Ahn, who also trained guards, added in an interview: "If babies have to be delivered, babies have to be killed. The trainers told military personnel that this is the procedure."

Foreign journalists traveling inside North Korea are restricted to tightly guided tours, and requests by the International Committee of the Red Cross to visit prisons are routinely rejected.

"Those of us inside the country have no knowledge of the existence of prison camps or practices inside them," Richard Bridle, the Unicef representative in North Korea's capital, Pyongyang, said by telephone. Asked about infanticide policies, he said: "The only stories we get are from outside. There is no information circulating inside" North Korea.

North Korea's prison camp system currently holds about 200,000 people in conditions so brutal that an estimated 400,000 people have died in prison since 1972, according to the U.S. Committee for Human Rights in North Korea, a private group based in Washington.

"Nothing would surprise in accounts of this kind," Selig S. Harrison, the director of the national security program at the Center for International Policy, in Washington, and an expert on North Korea, Mr. Harrison, a seven-time visitors to Pyongyang, added: "North Korea is a repressive, repugnant, totalitarian state, and it certainly uses repugnant methods in its prison system and in its concentration camps."

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, not wanting to be repetitive, I want to again share with my colleagues the outstanding contributions of the chairman of our Subcommittee on East Asia and the Pacific, the gentleman from Iowa (Mr. LEACH), for his insight and efforts that we have made in working on this resolution with our good friend, the gentleman from California (Mr. ROYCE), and the gentleman from California (Mr. BECERRA).

The fact that our country is contributing hundreds of millions of dollars, is the largest donor in food aid, in fact, to North Korea, I think gives emphasis to the fact that this issue is very serious. Certainly on our part, we are hopeful that the administration will continue to pursue this in all earnestness and see that some resolution is made concerning this issue of refugees coming from North Korea, going up to China. Unfortunately, the Chinese Government has been very uncooperative with the United Nations agencies to see that these refugees should be handled properly.

Again, I want to commend my good friend, the gentleman from Iowa (Mr. LEACH), for his leadership in working this legislation, especially with the leadership of the House as well, and also the gentleman from California (Mr. ROYCE), the gentleman from Illinois (Mr. KIRK), and other Members.

Mr. Speaker, I again urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I thank the gentleman for his kindness.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK). The House of Representatives is fortunate to have in its midst one of the true experts on a very acute issue in international affairs.

Mr. KIRK. Mr. Speaker, I want to commend the gentleman from Iowa (Chairman LEACH), the gentleman from New Jersey (Chairman SMITH), the gentleman from California (Chairman ROYCE), and our ranking Democratic members, the gentleman from California (Mr. LANTOS) and the gentleman from American Samoa (Mr. FALEOMAVAEGA), as well as the gentleman from California (Mr. BECERRA), a strong voice for Koreans, for this resolution.

North Korea is the humanitarian issue of this decade. As South Korea celebrates the World Cup, people in North Korea are starving. In 1997 and 1998, I went to North Korea, from Changin to Sariwon, Huichon to Wonson. I saw the faces of hundreds of children starving, like Kim Uan Bok, age 12, weight 35 pounds, in Huichon Hospital Number 1. I also traveled to China, along North Korea's border, and I met the Kot Je Be, Black Swallows children, orphans who had escaped the 9.27 prisons for hungry children located in every "Ri," or county, in North Korea.

Beyond our nuclear nonproliferation missions, we have three main goals in our policy in North Korea. First, President Reagan said that a hungry child knows no politics, and we are here still in a state of war with North Korea, and yet the U.S. feeds every North Korean child under the age of 15, 21 million meals a day. We need to bring back the U.S. non-governmental organizations that work there, CARE, Mercy Corps and AMIGOS, back into this effort. I also want to commend Kraft, a constituent company in my district, for agreeing to help the new effort to feed North Korean children.

We have a second mission, human rights. There are 200,000 refugees in China. They arrive hungry and lost and need our help. They tell stories of grandmothers and fathers in the Korean tradition during times of crisis of starving so that their kids may live.

We should work with China and the U.N. Human Rights Commission to establish refugee processing centers and offer safe passage to South Korea, the U.S. and Canada, to offer a new life for North Korean refugees. Our law commits us to reach out to a person with a "well-founded fear of persecution." I would put it to this House that anyone forced to return to the DPRK has such a fear.

Finally, our third mission is to reunite Korean Americans with their relations in North Korea. 500,000 Americans have relations in North Korea, and hundreds of South Koreans have seen their kin, but no Americans. Three months ago, the Korean-American Coalition of the Midwest assembled 30,000 signatures from Korean Americans calling on the Nation to take up the issue of reunifying Americans with their North Korean relations. I am pleased to report Secretary Powell accepted their petition and agreed to put the case of reunification on the U.S.-DPRK agenda.

I commend the gentleman for the resolution and urge its rapid adoption.

Mr. GILMAN. Mr. Speaker. I rise to voice my strong support for H. Con. Res. 213, regarding North Korean refugees who are detained in China and forcibly returned to North Korea where they face torture, imprisonment, and execution. I thank the gentleman from California (Mr. ROYCE) for bringing this important resolution before us today.

In recent years, endemic persecution and famine in North Korea has resulted in tens of thousands of starving North Koreans fleeing their country, and crossing over into China's northeastern provinces. Some hide in the hills along the border and only survive by scavenging, begging or stealing. Others are employed at near-slave wages.

Despite their desperate situation, North Korean refugees in China are constantly pursued by the North Korean Public Security Service with the assistance of Chinese authorities. Many are apprehended and forcibly returned to North Korea, where they may face imprisonment and even the death penalty under the North Korean Criminal Law.

The Chinese government has repeatedly failed to take into account the plight of those in need of protection, and continue to define all North Koreans as "illegal immigrants." It is imperative that the Government of China act to protect refugees from North Korea residing in China and honor its obligations under the United Nations Convention relating to the Status of Refugees of 1951.

Accordingly, I urge my colleagues to support H. Con. Res. 213 and join in urging the Chinese government to review its policy towards North Korean refugees and asylum seekers, and to cease the detention and forcible repatriation of those who are merely fleeing starvation and persecution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of House Concurrent Resolution 213. I have followed the hearings on North Korea in the Subcommittee on East Asia and the Pacific and have heard the plight of the refugees who are fleeing the country in the tens of thousands to escape political and personal persecution. I have concluded, as this resolution expresses, that the Congress must show support for the fleeing refugees of North Korea. As Chairman HYDE stated, North Korea is a place so feared by the thousands of refugees on the run that they have chosen a homeless existence where they are subject to exploitation, trafficking, and sexual abuse. He learned that some are so desperate that they threaten suicide rather than return to what they call a "hell on earth."

An estimated 50,000 North Korean refugees were in China at the end of 2001. As many as 100,000 North Koreans were displaced inside North Korea. Other North Korean refugees, a number that varies, are in Russia and elsewhere, while many others find refuge in South Korea. The government of Korea has been brutal in punishing those who seek to leave in the midst of a famine that has been going on since the mid-1990's. Nearly 2 million North Koreans, or about 10 percent of the population, have died from hunger or famine-related disease since 1994. Still, the government grants only limited access to the country's most vulnerable people to NGOs and other aid groups and imposes capital crime punishment on citizens who leave or attempt to leave the country. Leaving for better conditions or for food is classified by the Government as "defection" punishable by torture, placement in work camps or even execution.

There is no doubt that these people are refugees by any definition. The U.S. Committee for Refugees (USCR) believes that North Koreans who flee their country without government permission have prima facie claims to refugee status, based on the likelihood of being prosecuted for having exercised the right to leave the country.

As a recipient of these desperate people, we must encourage China not to arrest and forcibly repatriate North Korean asylum seekers. We must encourage the Government of China to honor its obligations under the United Nations Convention relating to the Status of Refugees of 1951, as modified by the Protocol relating to the Status of Refugees of 1967 as expressed in this measure.

Mr. LEACH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 213), as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LEACH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

UNITED STATES PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

I am pleased to transmit herewith the final version of a report, prepared by my Administration, on the participation of the United States in the United Nations and its affiliated agencies during the calendar year 2000. The report is submitted pursuant to the United Nations Participation Act (Public Law 264, 79th Congress) (22 U.S.C. 287b).

GEORGE W. BUSH.
THE WHITE HOUSE, *June 11, 2002.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 5 o'clock and 43 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Res. 438, de novo;

H. Con. Res. 394, by the yeas and nays; and

H. Con. Res. 213, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

SENSE OF CONGRESS ON IMPROVING MEN'S HEALTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 438.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. FOSSELLA) that the House suspend the rules and agree to the resolution, H. Res. 438.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. WALDEN of Oregon. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 400, nays 2, not voting 32, as follows:

[Roll No. 220]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clement
Coble
Collins
Condit
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—32

Baldacci
Blagojevich
Bonior
Bono
Chambliss
Clayton
Clyburn
Combest
Conyers
Costello
Cubin
DeMint
Dreier
Ferguson
Graves
Gutierrez
Hall (OH)
Hoyer
Hulshof
Lipinski
Lynch
Moran (KS)
Napolitano
Olver
Radanovich
Rangel
Riley
Rivers
Smith (TX)
Sweeney
Traficant
Watts (OK)

□ 1853

Mr. TANCREDO changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained and missed Recorded Votes on Tuesday, June 11, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following vote:

On agreeing to H. Res. 438, rollcall vote No. 220, I would have voted "yea."

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 220, had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXPRESSING SENSE OF CONGRESS CONCERNING 2002 WORLD CUP AND CO-HOSTS REPUBLIC OF KOREA AND JAPAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 394.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 394, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 1, not voting 31, as follows:

[Roll No. 221]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clement
Coble
Collins
Condit
Cooksey
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-
McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Shadegg

NOT VOTING—31

Baldacci
Blagojevich
Bonior
Bono
Chambliss
Clayton
Clyburn
Combest
Conyers
Costello
Cox
Cubin
DeMint
Dreier
Ferguson
Graves
Gutierrez
Hall (OH)
Hulshof
Kennedy (RI)
Lipinski
Lynch
Moran (KS)
Radanovich
Rangel
Riley
Rivers
Sandlin
Smith (TX)
Sweeney
Traficant

□ 1903

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING NORTH KOREAN REFUGEES DETAINED IN CHINA

The SPEAKER pro tempore (Mr. WHITFIELD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 213, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 213, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 28, as follows:

[Roll No. 222]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)

Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clement
Coble
Collins
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—28

Baldacci
Blagojevich
Bonior
Bono
Chambliss
Clayton
Clyburn
Combest
Costello
Cubin
DeMint
Dreier
Ferguson
Graves
Gutierrez
Hall (OH)
Hulshof
Lipinski
Lynch
Moran (KS)
Ortiz
Radanovich
Rangel
Riley
Rivers
Smith (TX)
Sweeney
Traficant

□ 1914

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1915

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1950

Mr. BISHOP. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1950.

The SPEAKER pro tempore (Mr. WHITFIELD). Is there objection to the request of the gentleman from Georgia?

There was no objection.

ENRON EMPLOYEES PROVIDED SEVERANCE BENEFITS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few months ago in Houston, Texas, Enron filed bankruptcy. Hours after the bankruptcy filing occurred, 5,000 fellow Houstonians, many of whom were my constituents, were fired, terminated, with no relief and no benefits.

Today, Mr. Speaker, I am very pleased to announce that a tentative settlement has been agreed to, yet to be approved by the court, to provide the ex-Enron employees with their needed and with their deserved and with their old severance pay.

Let me acknowledge the work of the AFL–CIO and Rainbow/PUSH Coalition and Reverend Jesse Jackson, working in a collaborative effort to encourage the employees not to be silent.

We made history today, Mr. Speaker. For the first time in a bankruptcy court proceeding, unsecured creditors were able to receive funding before any proceedings were to go forth. These employees, who basically have no standing in a bankruptcy proceeding, now with the creditors' committee, now with the lawyers, now with Enron as it presently stands, have agreed to provide this severance pay.

I think this is a historic day. But it gives the Congress the opportunity to change the Bankruptcy Code, and the bankruptcy laws as well, to ensure that employees who are victimized and not at fault will have the opportunity to receive their benefits.

I look forward to this Congress acting immediately. I would like to thank the minority leader, the gentleman from Missouri (Mr. GEPHARDT), and, of course, the leader of the other body for their help.

PRIVATIZATION OF AIR TRAFFIC CONTROLLERS

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, the administration decided last week to privatize our air traffic controllers by executive order. So why are we spending millions on transportation security, federalizing baggage screeners, if we are going to commit ourselves to unsafe air travel?

Our Nation's air travel problems were on the ground with the security screeners, not in the air with the traffic controllers. Why are we penalizing them? These men and women take pride every day in keeping their fellow citizens safe as they travel America's skies.

On September 11, the controllers landed 5,000 planes in less than 2 hours without an operational error. My question is, Where is the problem? Why are we privatizing it?

The President's recent steps toward privatizing air controllers is a step towards disaster, and I state, towards disaster, literally. On September 11, we quickly realized that using private companies to handle airport security was a mistake. We federalized airport security because private contractors could not do the job. Why would we lock the windows, only to open the doors to potential disaster?

Privatizing has proven to be a mistake in most prominent nations. I say this is wrong. Let us not privatize our system. Let us allow the controllers to do the job, to keep our airlines safe.

PROTECT THE CONSTITUTION

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, this morning I, along with 30 other Members of the House, filed a lawsuit in Federal District Court to block the President from withdrawing from the Anti-Ballistic Missile Treaty of 1972.

The President, by withdrawing from this particular treaty, insists that he has the authority to terminate any treaty and can do so without the consent of Congress. But according to article VI, clause 2 of the Constitution, treaties constitute the supreme law of the land and the President does not have the authority to repeal laws.

Article I, section 1 empowers the Congress to create laws and charges the President only with carrying out these laws. Thus, the President's termination of the ABM Treaty represents an unconstitutional repeal of a law duly enacted by Congress.

The world's geopolitical trash bin is already littered with treaties and agreements unilaterally discarded by the United States under this administration. It is critical that we reassert congressional authority and end this pattern.

AIR TRAFFIC CONTROL PRIVATIZATION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the U.S. air traffic control system is the largest and most complex in the world, and it is the safest. President Bush issued an executive order last week stripping aircraft traffic control of its inherently governmental designation. This is the first step in his plan to privatize our air traffic control system.

Privatization has failed in other countries. Canada's air traffic controllers face 6-day work weeks, mandatory overtime and a contract that expired in March. Air traffic controllers on September 11 landed 5,000 planes in the span of 2 hours without an operational error. Yet President Bush wants to privatize the air traffic control system. He wants to privatize Social Security; that will not work. He wants to privatize Medicare; that will not work. Now he wants to privatize our air traffic control system, and that will not work.

Air traffic controllers should remain under the direct supervision of the FAA, which is doing a good job to maintain the necessary levels of training, of personnel, and of common experience.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 96, PROPOSING A TAX LIMITATION AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–503) on the resolution (H. Res. 439) providing for consideration of the joint resolution (H.J. Res. 96) proposing a tax limitation amendment to the Constitution of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4019, PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–504) on the resolution (H. Res. 440) providing for consideration of the bill (H.R. 4019) to provide that the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IMPORTANCE OF PASSENGER RAIL AND FUTURE OF AMTRAK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I rise today to talk about the important issue of passenger rail in America and the future of Amtrak.

The passenger rail system suffers from gross neglect of our investment. We have actively engaged in financing and developing and preserving the infrastructure of all other modes of transportation, whether it be bailing out the airlines, federally funding and fixing the State highway system, or subsidizing airport construction. However, we continue to be faced with the possibility that Amtrak may suddenly have to cease operations. Recently, Amtrak president David Young said that if Amtrak did not receive a $200 million loan in the next 3 weeks, it would have to begin shutting down operations.

Mr. Speaker, it is imperative that we build a world-class passenger railroad system in the United States. We cannot wait for highways and airports to become so overwhelmed that they can no longer operate, and we cannot continue to hold the millions of Americans who rely on rail service in limbo while we refuse to provide Amtrak with adequate funding. We must engage in long-term planning.

The terrorist attacks of September 11 and the aftermath that followed exposed the vulnerability of our society, our economy when transportation choices are limited and our mobility is diminished.

After the FAA grounded all flights following the terrorist attacks, travelers turned to Amtrak. Whether people had to travel for business, to help with rescue efforts, or just to get home, Amtrak kept our American citizens moving during the time of national emergency. Amtrak's ridership and revenues skyrocketed, led by the northeast corridor, which had a 13.5 percent revenue growth and a 4.6 percent ridership growth in 2001.

The system as a whole, including the corridor, revenue rose 8.2 percent, ridership 4.3 percent. The situation not only proved that Amtrak works but that passenger rail is critical to our transportation infrastructure during national emergencies or a security crisis.

Amtrak provided a critical transportation link, carrying 35,000 passengers along the northeast corridor every day and hundreds of extra carloads of mail for the U.S. Postal Office in the days following 9–11.

Mr. Speaker, it was not until 1956 that the government began heavily promoting highway transportation with the passage of the Federal Aid Highway Act of 1956. The act established a highway trust fund based upon Federal user taxes in order to finance up to 90 percent of State construction costs of the $25 billion plan to pay for new roads and the construction of the Eisenhower National Interstate and Defense Highway System. Similar policies and Federal attention for aviation resulted in the strengthening of the aviation industry.

Amtrak was created as a Federal corporation in order to relieve the railroad industry of unprofitable passenger operations and in the interests of maintaining a national passenger rail service. Per capita spending in America on passenger rail is dismal compared to the other 23 industrialized nations with rail service.

I would like to present, Mr. Speaker, that part as a part of the RECORD for the edification of all those concerns.

The material referred to follows:

NARP—WORLD MAINLINE RAIL SPENDING PER CAPITA

The United States ranks low among industrial nations in terms of its spending on rail spending—both in whole terms and per capita.

Population density is not entirely a determining factor—on the chart below, Norway, Finland, Sweden and Canada all spend more than the U.S. per capita, yet have lower population densities. Estonia is slightly more densely populated than the U.S., yet invests over twice as much in rail per capita. Some states in the U.S. have population densities closer to that of some of the other countries.

Even as a society, you get what you pay for. Is it any wonder that the passenger rail system in the U.S. is so skeletal compared to other countries?

Selected countries, U.S. dollars, 1999—capital and operating support from governments to major national railways

Belgium	834.39
Austria	117.30
Switzerland	162.65
Luxembourg	160.69
France	67.66
Slovenia	46.98
Italy	46.09
Netherlands	44.36
Ireland	43.75
Sweden	39.09
Croatia	37.40
Britain	36.98
Slovakia	26.27
Norway	24.92
Spain	22.76
Hungary	21.06
Czech Republic	20.08
Germany	18.60
Romania	15.75
Yugoslavia	13.83
Estonia	7.67
Finland	5.95
China	5.21
Canada	5.09
United States	3.28
Poland	3.13
South Korea	3.11
Turkey	1.55
Portugal	1.48
Saudi Arabia	0.82
Cameroon	0.23
Algeria	0.20
Senegal	0.17
Chile	0.17
Malaysia	0.16
Taiwan	0.15
Mali	0.02

NOTES

U.S. spending includes 2000 federal appropriations for the Federal Railroad Administration (including for Amtrak and high-speed programs) and state payments to Amtrak.

Canada includes VIA Rail Canada only, for 2000.

Information from 1998 for Sweden and Taiwan.

Information from 1997 for Luxembourg, Cameroon, Mali, Senegal, and Malaysia.

International Union of Railways (UIC), Paris, for spending figures except: United States, from appropriations information; Canada, from Transport Canada; Britain, from Department of Transport, Local Government, and Regions; and China (includes infrastructure spending only), from International Railway Journal.

Time Almanac (2000) for population figures.

Yahoo.com for exchange rates (March 19, 2002; historical information from same source used where available).

While we subsidize the building of roads and highways, Mr. Speaker, with tax dollars, we must ensure the survival of Amtrak. It is a wise use of taxpayer money. It is for the benefit of the American public. It is for the benefit of the transmission of cargo in this country. I would urge Members to sign onto legislation that I have authored which would authorize $1.5 billion annually for corridor developments. They are needed for the infrastructure, highway-rail grade crossing improvement, acquisition of rolling stock and track and signal equipment.

Mr. Speaker, the rest of my remarks for the benefit of time and the limitation that has been afforded in this 5 minutes will go into a part of the CONGRESSIONAL RECORD for further explanation, but I would encourage the Members of this body who believe that America should engage in economic stimulus for the benefit of jobs, for the benefit of the American people, to sign onto my bill that would ensure the continued survival and viability of Amtrak, a very vital, needed service for the American people.

Mr. Speaker, I rise today to talk about the important issue of passenger rail in America, and the future of Amtrak.

The passenger rail system suffers from gross neglect of our investment. We have actively engaged in financing, developing, and preserving the infrastructure of all other modes of transportation. Whether bailing out the airline industry, federally funding and fixing the interstate highway system, or subsidizing airport construction. Finally, it will require an annual independent audit of Amtrak, to be reviewed by the Department of Transportation's Inspector General.

By developing passenger rail as part of a balanced transportation system, this legislation will lead to the creation of jobs in the short run to stimulate our economy. In the long run, high-speed rail corridors will become a key foundation for our national rail passenger transportation system, which is critical to the strong backbone of a prosperous economy.

I understand that this legislation is an ambitious blueprint, but I believe that with the appropriate funding, America's passenger rail can take its appropriate place as the best rail system in the world.

We continue to be faced with the possibility that Amtrak may suddenly have to cease operations. Recently, Amtrak CEO David Gunn said that if Amtrak did not receive a $200 million loan in the next 3 weeks, it would have to begin shutting down operations.

Mr. Speaker, it is imperative that we build a world class passenger railroad system in the United States. We cannot wait for highways and airports to become so overwhelmed that they can no longer operate, and we cannot continue to hold the millions of Americans who rely on rail service in limbo while we refuse to provide Amtrak with adequate funding. We must engage in long-term planning to address future passenger transportation growth and show forethought in crafting transportation solutions—not wait for the impending crisis.

The terrorist attacks of September 11, 2001, and the aftermath which followed, exposed the vulnerability of our society and our economy when transportation choices are limited and our mobility is diminished. After the Federal Aviation Administration grounded all flights following the terrorist attacks on September 11, 2001, travelers turned to Amtrak.

Whether people had to travel for business, to help with rescue efforts, or just to get home, Amtrak kept our American citizens moving during a time of national emergency. Amtrak ridership and revenues skyrocketed, led by the Northeast Corridor, which had a 13.5 percent revenue growth and a 4.6 percent ridership growth in 2001. The system as a whole, including the corridor, revenue rose 8.2 percent and ridership 4.3 percent.

The situation not only proved that Amtrak works, but that passenger rail is a critical part of our transportation infrastructure during a national emergency or security crisis. Amtrak provided a critical transportation link, carrying 35,000 passengers along the Northeast corridor every day, and hundreds of extra carloads of mail for the U.S. Postal Office in the days following the terrorist attacks.

Transportation security, an essential part of our national security, requires a balanced and competitive system of transportation alternatives. In September, we found that our dependence on the aviation system was basically stagnant. We cannot afford to rely on any single mode of transportation; we need to ensure that we have a balanced system that includes a sound passenger rail system. Passenger railroads use less fuel per passenger mile than highway vehicles and commercial airlines.

During these times of oil-consciousness, a larger presence of passenger rail in our transportation system would reduce our Nation's dependence on foreign oil. Passenger railroads, the interstate highway system, and our national aviation network have all taken different paths in their current roles in our national transportation system. The interstate highway system has received significant attention and federal funding since the construction of the Lincoln Highway in 1913 and the Rural Post Roads Act of 1916, and later during World War II with the Federal Highway Act of 1944. It was not until 1956, however, that the Government began heavily promoting highway transportation with the passage of the Federal Aid Highway Act of 1956.

The act established a Highway Trust Fund based upon Federal user taxes, in order to finance up to 90 percent of State construction costs of the $25 billion plan to pay for new roads, and the construction of the Eisenhower National Interstate and Defense Highway System. Similar policies and Federal attention for aviation resulted in a strengthened infrastructure, and follows much the same story of the highways system.

Passenger rail service was once a vital instrument in the transportation needs of our Nation. For instance, during World War II, not only did the railroads transport 90 percent of all defense freight, but also 97 percent of all defense personnel on their way to theaters of action. By the end of the war, railroads accounted for three-quarters of the common carrier share of intercity traffic, with airplanes and buses sharing the remaining quarter of traffic. However, with national focus turned to aviation and highways, by the late 1960s most rail companies were petitioning the Government to discontinue passenger services because of losses.

Amtrak was created as a Federal corporation in order to relieve the railroad industry of these unprofitable passenger operations, and in the interest of maintaining a national passenger rail network. But in retrospect, Amtrak was set up not to thrive and expand passenger rail service, but really to just maintain the status quo of 30 years ago. That attitude persists even today. Since 1971, Amtrak has received only $25 billion in public subsidies. During the same period, the United States invested $750 billion on highways and aviation.

Per capita spending on a passenger rail is much lower than many other countries with the U.S. ranking behind the top 23 industrialized nations with rail service, and with your permission Mr. Speaker, I would like to submit for the record these funding levels, so that Members can be aware how drastically wrong our current policies are. No passenger rail service in the world has built and operated a passenger rail system at a profit. All have required Government support for construction and maintenance, or operating support, or both. That same principle holds true for highways and aviation, which have required substantial Federal spending since their beginning and continue to receive generous Federal subsidies today.

Those who want passenger rail to operate with Federal assistance argue that we should not "subsidize" passenger rails. Yet we subsidize the building of roads and highways with tax dollars. We subsidize the building of airports and pay for all of the equipment and people needed to run our air traffic control system.

We consider those subsidies to be worthwhile investments in our economy and our quality of life. We must make the same investment to create a world-class passenger rail system in order to see the same kinds of benefits. From this, it is evident that we need to reevaluate our Nation's rail passenger policy, and clearly define a role for Amtrak.

A strong Federal role was required to establish the interstate highway system and the Federal aviation network, and now Federal investment in passenger rail infrastructure is critical. Once again, Federal leadership is required to address the needs of a reliable, safe, secure passenger rail network.

In the coming weeks, I shall introduce the National Defense Rail Act, which will mirror S. 1991, introduced by Senator ERNEST HOLLINGS. This legislation provides a blueprint for the future of passenger rail in the United States. The bill will help develop high-speed rail corridors, which are the building blocks for a national passenger rail system. This will allow regional transportation solutions to play a part in the national system.

It will also aid in the development of short distance corridors between larger urban centers, as well as provide funding to preserve longer distance routes for those communities that do not have the population densities to merit air service—sometimes the train is their only alternative to driving. Finally, it will provide Amtrak with the tools and funding it needs to operate efficiently.

This legislation authorizes $1.255 billion in emergency spending for Amtrak's security and life safety needs. This bill will give the Federal Government the script for the role it needs to play in establishing a national rail passenger system. It would not require any State contribution, and would give preference to projects having right-of-way dedicated to passenger rail, involving high-speed passenger service of 125 mph, although operations of 90 mph speeds or more would be eligible for funding, and those connecting to other modes of passenger transportation, including airports.

The bill authorizes $1.5 billion annually for corridor development. These funds are needed for infrastructure acquisition, highway-rail grade crossing improvement, acquisition of rolling stock and track and signal equipment. This bill will also fund $35 billion in loan guarantees. This money will dramatically expand the current Railroad Rehabilitation & Infrastructure Financing loan and loan guarantee program. This bill eliminates the artificial limits on loan amounts, impossible collateral requirements, and unworkable loan cohort structures. This bill identifies existing high-speed corridors in 29 States and the District of Columbia for priority consideration. Many of these corridors are in areas where people are now driving cars or taking airplanes on trips of 300 miles or less.

In these areas travelers could take a high-speed train instead and arrive at about the same time. But right now they don't have that rail option, and they won't until we build it. The Northeast Corridor has become an invaluable asset to our national transportation system, and it should not be left in disrepair. This bill authorizes funds to enable Amtrak to eliminate its capital backlog of projects, maintain ongoing projects to capital infrastructure, and improve capacity to accommodate projected growth in traffic. It also allows Amtrak to reinvest revenues from operations in the Northeast corridor back into the backlog of capital infrastructure projects, and will require Amtrak to reinvest revenues from non-passenger operation into growth projects outside the Northeast Corridor.

This bill ensures fair labor standards for all projects receiving funds under it, including payment of prevailing wages and allowance of collective bargaining over wage rates. Another immediate benefit will be the closing or improvement of highway-rail grade crossings in high-speed rail corridors. Under this bill, funds are set aside specifically for these important safety improvements. This legislation will provide the necessary funds of $1.31 billion for Amtrak to repair and upgrade the track it owns and operates in the Northeast Corridor.

This corridor is a prime example of the benefits we can attain when there are transportation choices for travelers. The passenger railroad system that has worked well in the Northeast can work in other highly-congested areas of the country: the South, the Midwest, California and the Northwest.

Thirty years ago, those areas did not have the population to support high-speed intercity rail. But today those areas are growing by leaps and bounds. As the highways in those areas clog up and the planes run 3 hours late, many are asking us for help to build high speed rail. A short-term benefit of this legislation will be stimulation of the economy by providing jobs in developing new corridors. Millions of Americans have asked Congress to save Amtrak, and to ensure the future of passenger rail in the United States. I ask my colleagues to add a powerful voice to these millions, and join with me by cosponsoring this important legislation.

□ 1930

FEDERAL GOVERNMENT CANNOT ACCOUNT FOR BILLIONS OF TAXPAYER DOLLARS

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, during the Memorial Day break, I happened to be listening to a talk show out of Raleigh, North Carolina called WPTF and the host is Jerry Agar. When Mr. Agar said that the New York Post had reported that the national government, the Federal Government had lost $17.3 billion, it kind of got my attention. So by phone, because I was in my car, I called my staff and I said, please get me a copy of the New York Post. I cannot believe what Jerry Agar was saying, even though I have been on his show and I think he is a very, very credible talk show host.

Sure enough, we got a copy of the New York Post and the article says, "Washington complains about deceptive corporate accounting, but the government last year misplaced an incredible $17.3 billion because of shoddy bookkeeping, or worse."

Then, to add to that embarrassment that we cannot keep our books straight here in Washington, D.C., the London Times, May 29, has an article that says, "As accounting errors go, it is a whopper. The U.S. Treasury has admitted that it has 'lost' $17.3 billion," and they equate that in pounds to $11.7 billion, "because of shoddy bookkeeping, enough to buy a fleet of 8 B-2 stealth bombers and still have change for jet fuel."

Mr. Speaker, I would like to submit these two articles and also a letter that I have sent to Secretary Paul O'Neill.

Let me go a little bit further. In March, 2002, the Department of the Treasury released the 2001 financial report of the United States Government. This report included some shocking revelations about Federal Government expenditures. Specifically, on page 110 of this report, it is revealed that the Federal Government has unreconciled transactions totaling $17.3 billion from the year 2001. Put simply, the Federal Government cannot account for billions of taxpayers' dollars that Americans paid in one fiscal year.

Mr. Speaker, as a Member of Congress, and my colleagues, I am sure, feel the same and, more importantly, as taxpayers, I am frankly offended by these facts. With the war on terrorism costing about $1.8 billion per month, this is not the time to be misplacing taxpayers' dollars. As I stated earlier, and I want to state again, the London Times said $17.3 billion is enough to buy a fleet of B–2 bombers with spare change for fuel. Mr. Speaker, $17.3 billion is the equivalent of two aircraft carriers and two air wings. If a company in the private sector managed its books in a similar fashion, someone would definitely be going to jail.

Last week, as I said earlier, I requested Secretary of the Treasury Paul O'Neill to account for these unreconciled transactions. Mr. Speaker, the American taxpayers look to us to be the leaders who protect and spend their money wisely, and I think we have a responsibility and an obligation to the taxpayers of this country to explain to them how we lost $17.3 billion. It is unacceptable, and I am sure my colleagues on both sides of the political aisle will feel the way I do. We would expect an explanation to the fact that we have misplaced and lost $17.3 billion of the taxpayers' money.

So, Mr. Speaker, I am going to close with that. But again, I do want to submit the two articles from the London Times, the New York Post, and my letter to Secretary O'Neill, and I do expect Secretary O'Neill to respond with some type of explanation. If I do not get a letter in the proper length of time, I intend to notify the committee of jurisdiction and ask that they hold a hearing on how we as a national government have lost $17.3 billion of the taxpayers' money. The American people work hard for their money and they have a right for an accountability by this government.

[From the New York Post, May 28, 2002]

BILLIONS LOST BY FEDS

(By John Crudele)

MAY 28, 2002.—Washington complains about deceptive corporate accounting. But the government last year misplaced an incredible $17.3 billion because of shoddy bookkeeping, or worse.

Let me put that into numbers so you can fully appreciate the amount. It's $17,300,000,000—the price of a few dozen urban renewal projects, a nice size fleet of warships or about have the tax cut that everyone made such a fuss about last summer. Disappeared. Gone. Nowhere to be found. In fact, the government's accounting was so atrocious that the General Accounting Office—another Washington agency—refused to give an opinion about the honesty of the government's books.

Did someone steal all that money? The government doesn't know. Was it simply misplaced? Dunno. Misspent? Your guess is as good as anyone's.

There's a certain bit of irony, of course, that Congress is raking companies like Enron, Arthur Andersen and others over the hot coals for falsified books when D.C.'s own records are pathetically inadequate.

As I mentioned in this column a couple of weeks ago, the government made an incredible admission a little while back in something called the 2001 Financial Report of the United States Government.

In that report, Treasury Secretary Paul O'Neill revealed that when the government uses the same accounting method that corporations are required to use, the federal deficit in 2001 was $515 billion. Last fall the government said the budget had a surplus of $127 billion.

Ah, yes, the good old days!

The huge deficit is mainly, the government says, the result of health benefits to military retirees. That's a cost the government conveniently forgot to include in its old accounting method, which had more to do with winning votes than providing a true financial picture of the country.

And that $515 billion doesn't include all costs, especially Social Security. But we'll leave that alone because I don't want to depress anyone—especially myself.

I also said in that earlier column that the information on the deficit wasn't easy to find. O'Neill's letter was buried on the Treasury Department's Web site and the press release put out by the agency didn't mention the $515 billion until paragraph 5.

(Treasury says all the press in Washington got a copy of the report and that it was adequately disclosed. It also said an undersecretary of Treasury had reported the numbers to a congressional subcommittee.)

Well, I sent my scavengers back into that Financial Report of the U.S. for another look and that's when we discovered the unaccounted for $17.4 billion.

Follow me on this and I'll lead you to the still missing treasure.

Go to www.USTreas.gov, click on Treasury Bureau on the left, then click on "financial management services."

If you've made it this far click on "Financial Report of the U.S. Government" for 2001 and download it.

Now find page 49. Look at the line that says "Unreconciled transactions affecting the change in net position." The figure in the 2001 column next to that is $17.3 billion.

What that means is that when the accountants tried to balanced the government's books they came up $17.4 billion short. Note 16 on Page 110 sort of explains.

That footnote says that the accountants had to pencil in $17.4 billion that didn't exist (or was missing) in order to achieve a balanced government ledger.

The footnote adds that the mistake could simply be bad government record keeping or "improper recording of intragovernmental transactions by agencies."

Poor record keeping! Isn't that a gem.

I spoke with some of the folks at the General Accounting Office who audited the government's report. They were puzzled by the discrepancy and wouldn't sign off on the government's accounting because of that and other things.

"The left and the right side didn't equate," said one GAO auditor. When such a thing happens in the private sector, People go to jail. And a company's stock would fall by about 99 percent if its auditor didn't trust the books—just ask the felons-to-be down at Enron.

It is good that Washington must now adopt a corporate-like method of accounting for where it spends taxpayers' money.

But it would be even better if there were some recourse to the sort of sloppiness, arrogance or criminality that allows the government to come up $17.4 billion short of balancing its books.

At the very least, maybe some corporate exec—as he's being hauled off to jail for accounting fraud—will hold aloft page 49 of the government's financial statement and foot note 16 and demand equal treatment.

[From the London Times, May 29, 2002]

US GOVERNMENT LOSES $17BN IN ACCOUNTING ERROR

(By Chris Ayres in New York)

As accounting errors go, it is a whopper. The US Treasury has admitted that it has "lost" $17.3 billion (Pounds 11.7 billion) because of shoddy book-keeping—enough to buy a fleet of eight B–2 stealth bombers and still have change for jet fuel.

The admission, contained in the 2001 Financial Report of the United States Government, is likely to infuriate firms that have been targeted by the Bush Administration for sloppy accounting.

The misplaced cash is nearly 30 times greater than the $600 million error in Enron's reported profits that led to the Texas energy company's spectacular bankruptcy last December.

It is thought that the accounting error led to a dispute between the US Treasury and the General Accounting Office, which was reluctant to sign off on the report.

Paul O'Neill, the US Treasury Secretary, writes in the introduction to the Financial Report: "I believe that the American people deserve the highest standards of accountability and professionalism from their Government and I will not rest until we achieve them." However, on page 110 of the Financial Report is a note that explains that the Treasury's books did not balance because of a missing $17.3 billion.

The note says that "three primary factors" were responsible: the failure of government agencies to keep accurate books; errors in reporting various contracts between government agencies; and problems with the timing of certain costs and revenues.

It is not the first time that the US Treasury has been embarrassed by the kind of accounting problems that have spooked stock market investors. Because of new corporate-style accounting rules for the Government, the US Treasury's $127 billion federal surplus, reported last autumn, turned into a deficit of $515 billion, mainly as a result of the Government incorporating the cost of health benefits for those retiring from the US military.

America's finances have also been strained by last year's tax cut, the recession and increased spending after the September 11 attacks.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 2002.

Hon. PAUL H. O'NEILL,
Secretary of the Treasury,
Washington, DC.

DEAR MR. SECRETARY: I write to you to bring to your attention a serious situation regarding 2001 Financial Report of the United States Government.

In March 2002, the Department of the Treasury released this report to the public and included are some shocking revelations about Federal government expenditures. As a member of Congress and, more importantly, as a taxpayer, I am frankly offended by these facts. Specifically, on page 110 of the report, it is revealed the Federal government has "unreconciled transactions" totalling $17.3 billion from FY2001. Put simply, the Federal government has "unreconciled transactions" totalling $17.3 billion from FY2001. Put simply, the Federal government cannot account for billions of taxpayer dollars that Americans paid in one fiscal year.

The report provides minimal data and information regarding these "unreconciled transactions". Not only is the Federal government missing $17.3 billion, but there is no reason given for this loss. While I appreciate the Department of the Treasury's statement ". . . the identification and accurate reporting of these unreconciled transactions a priority . . .", the fact remains the public nor the Congress has the requisite information on how this loss occurred.

What agencies were responsible for these "unreconciled transactions"? Will these transactions eventually be reconciled? If so, what is the timeline for the reconciliation? What agency or agencies will be responsible for the reconciliation? Will this reconciliation be available to the public when complete?

The Clinton Administration provided for an enormous erosion of Americans' confidence in their government. My hope is that these "unreconciled transactions" are nothing more than a bygone relic of the previous Administration. However, members of Congress and employees of the Executive Branch must be accountable to the American taxpayer and my constituents are demanding answers to these important questions.

Mr. Secretary, I believe someone must answer to the American people for this loss of tax dollars. I look forward to your answers regarding these "unreconciled transactions". Thank you for your prompt attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

WALTER B. JONES,
Member of Congress.

CALIFORNIANS, LIKE FLORIDIANS, WANT TO PROTECT THE ENVIRONMENT FROM OFFSHORE DRILLING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, a couple of weeks ago, President Bush proposed to buy back undeveloped oil drilling leases off the coast of Florida and in parts of the Everglades. The President cited considerable local opposition to new drilling in Florida as a prime reason for this decision. I fully support this bold step to protect the environment and the economy of Florida. And while the vast majority of Californians were very pleased with this action, we were left asking, what about California? Why can the Federal Government not take similar action on the 36 undeveloped leases off Ventura, Santa Barbara, and San Luis Obispo Counties that we have been trying to terminate for years?

Last week, Interior Secretary Gale Norton supplied the answer. According to the Secretary, a major difference between Florida and California is that Florida opposes coastal drilling and California does not. As the U.S. representative for Santa Barbara and San Luis Obispo Counties, and a nearly 40-year resident of the area, I was dumbfounded by this assertion.

My local paper, the Santa Barbara Newspress, editorialized today about what it calls Secretary Norton's "jaw-dropping" remarks asking, "What alternative universe is Ms. Norton living in?"

Mr. Speaker, I lived in Santa Barbara in 1969 when a huge blow-out on Union Oil's Platform A put 4 million gallons of oil into the sea. The oil spill killed thousands of seabirds, seals, dolphin, fish and other sea life. It damaged for years a huge swath of the beautiful coast of Central California. The devastation was so great it galvanized Central Coast residents; indeed, it galvanized virtually the whole State against offshore drilling.

Clearly we were outraged by the damage to the environment and the wildlife. But we also realized that another blow-out could wreak havoc on our economy as well, especially tourism, fishing, and the many industries that rely on them. And Californians have become committed to ensuring it will not happen again.

As the Newspress noted, this "catastrophe helped spark an environmental movement that spread beyond Santa Barbara."

Since that time, some 24 city and county governments, including both Santa Barbara and San Luis Obispo Counties, have passed anti-oil measures. These laws usually either require voter approval before any new onshore facilities that support offshore drilling could be built or they ban them outright.

In 1994, the California legislature passed, and Republican Governor Pete Wilson signed into law, a permanent ban on new offshore oil leasing in State waters. In 1999, the State Assembly adopted a resolution requesting that the Federal Government enact a permanent ban on offshore oil drilling off the coast of California. I had introduced legislation to enact such a ban in 1998, and I have been joined by a majority of my California colleagues in supporting this legislation.

Most recently, Governor Davis and the California Coastal Commission have been in litigation with the Federal Government about new offshore oil drilling. The State is trying to ensure that Californians have a say in any new development of these 36 leases off the coast, a position with which a Federal court has agreed. Thirty-one Members of the California delegation signed my amicus brief on behalf of the State's position, and even the Federal Government has demonstrated its sensitivity to California's opposition to new drilling. After all, it was President George H.W. Bush who signed an executive memorandum placing a 10-year moratorium on new leasing in Federal waters off the California coast. President Clinton renewed and extended the moratorium until the year 2012. And Secretary Norton even restated this administration's commitment to abiding by this moratorium, an odd stance to take if she believes there is no real opposition to new offshore drilling in California.

Mr. Speaker, I have been leading a bipartisan delegation of California representatives in asking the President to work with us to terminate the leases off our coast. We wrote to him last week about this issue. Given the misimpression under which Secretary Norton is clearly operating, a number of us are asking to meet personally with the President to explain the situation in California. If he is following the counsel of Secretary Norton, he is getting bad advice that needs to be countered.

The President was right to take his action in Florida. It is our hope to convince him to help all of us out on the West Coast who want to protect our environment as well, and to control our economic destiny, just like they want to do in Florida.

FAREWELL TO ULYSSES S. GRANT SHARP, A GREAT AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, for the first time in 20 years, I find myself going back to San Diego with my friend and seatmate, the gentleman from California (Mr. CUNNINGHAM), who is very much interested in national security, as I am, and missing one of our most trusted advisors at the table. That has occurred because we have lost Ulysses S. Grant Sharp, one of our great admirals and one of our great military leaders.

Mr. Speaker, his story is largely the military's story of this last century. He graduated from the United States Naval Academy in 1927. He served before World War II on the battleship USS *New Mexico*, the transport the USS *Sumner*, the destroyers the USS *Buchanan* and the USS *Winslow*, the carrier the USS *Saratoga* and the cruiser the USS *Richmond*. After that, and during World War II, he was awarded two Silver Stars while commanding the USS *Boyd* for action at Wake Island in the Marianas, the Philippine Islands, Okinawa, Formosa and the Gilbert Islands. Admiral Sharp finished the war on the staff of Commander, Destroyer Force Pacific.

He was a great warrior, Mr. Speaker. After he left his battlefield command after World War II, he could see Korea on the horizon and in that war he commanded the Destroyer Squadron FIVE. He served with the staff of Commander, Seventh Fleet as Fleet Planning Officer for the Inchon invasion. In 1951 he was assigned as Chief of Staff of Commander, Second Fleet.

In 1953 he assumed command of the cruiser USS *Macon*, and following the command, he served as deputy for Commander in Chief Pacific Fleet.

But it was during Vietnam, Mr. Speaker, in 1964, in which he was appointed by the President to become

Commander in Chief Pacific; that is CINCPAC, a unified command of nearly 1 million Army, Navy, Marine and Air Force personnel in an 85-million-square-mile area and, at that point, the entire Vietnam theater that he really became a very major leader of American military forces in a very critical conflict.

Uly Sharp was responsible at that point to the Secretary of Defense and the Joint Chiefs of Staff for the overall supervision of the United States combat operations in Vietnam and throughout the Pacific during the 4 years that followed. After that, Mr. Speaker, he came home and retired in San Diego and was a great member of our community.

He wrote a book called "Strategy for Defeat", which I would commend to those who follow military affairs and who need to be reminded that the way we achieve peace in this world and the way we have achieved peace in this world is through military strength. Uly Sharp was really a model citizen, a model soldier citizen in the sense that he thought that when a military person retires, their next duty is to become involved in civic and political affairs, and Uly did that. He was one of my first advisors.

Twenty years ago, when I was running for office and had no chance to win, and when my friend, the gentleman from California (Mr. CUNNINGHAM) came along in 1990 and similarly had a very difficult race, Uly Sharp showed up and worked hard and tried to drag us across the finish line, and did so successfully. He was a wonderful guy who always had time for the community, was a leader of our military community in San Diego, as a 4-star admiral, a guy who brought everybody together and imparted advice to all of those who were willing to listen about military affairs.

One of my best memories of Uly is going over on a Sunday afternoon with my dad to his house at Point Loma and listening to him as he laid out the wisdom of almost a full century of service in the United States military.

Uly Sharp was a model, I think, for all Americans, not just people that wear the uniform, but especially for people that wear the uniform, because he believed that every citizen had a double obligation, and that was an obligation to serve the country in uniform, and he carried that out very proudly and very well, but also the obligation to be involved in civic and political affairs. He also carried that burden and that mantle very well.

So, Mr. Speaker, it is a sad thing for me personally that I will never see Uly again, going back to San Diego and sitting down with folks who give me great advice on national security. I know the gentleman from California (Mr. CUNNINGHAM) would say the same thing. Uly Sharp was a great American and really served our country well. God bless him.

□ 1945

OPPRESSION OF FREEDOM OF THE PRESS IN CUBA

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to draw attention to the struggle of journalists and their work toward freedom of information and freedom of the press in Cuba. Cuba was recently ranked by the Committee to Protect Journalists as one of the 10 worst places for journalists to work. For the past 7 years, the committee has also listed Fidel Castro as one of the top 10 enemies of the press.

Cuba is the only Latin American nation where the press is completely gagged. The Cuban constitution includes a ban on all non-governmental media outlets, giving Castro complete control over all media outlets. After 43 years of power, Castro shows no sign of lessening his stranglehold on the press.

Mr. Speaker, last week the New York Times published an article on the work and struggles of Omar Rodriguez Saludes, one of only 100 independent journalists working in Cuba. Independent journalists like Omar who would choose to work outside the government-controlled media outlets are denounced by Castro as counterrevolutionaries and are barred from covering official events. Independent reporters face repeated interrogation and detainment by Cuban authorities, monitoring and interruption of their telephone calls, restrictions on their travel; and they are often placed under house arrest to prevent coverage of certain events.

A new tactic of intimidation involves arresting journalists and releasing them hundreds of miles from their homes.

To report the news, Omar travels around Havana on a battered child-size bicycle, knowing that he can make his deadline as long as he does not have a flat tire, or if a corner policeman does not confiscate his notes, tape recorder, and camera. Omar writes his articles in longhand, or basically on a 20-year-old typewriter that he and a group of reporters share. He gathers every 2 weeks or so with other journalists in a cramped apartment in Havana's Chinatown, which is the makeshift headquarters of one news agency. He and others await their turn to place a phone call and dictate their stories to several Web sites on Cuban affairs in the United States. And even then, the state-owned telephone monopoly frequently refuses to connect their international calls.

Mr. Speaker, Cuba is the only country in the Western Hemisphere where a journalist is currently jailed for his work. In 1997, journalist Bernardo Arevalo Padron was jailed for "disrespecting" Castro and another Cuban state council member, Carlos Lage. The charges stem from a series of interviews that Arevalo gave to a Miami-based radio station in which he alleged that while farmers starved, helicopters were taking fresh meat from the countryside to the dinner tables of Castro and Lage.

Despite being eligible for parole and in declining health, Arevalo continues to be held in a labor camp.

Mr. Speaker, in the United States, we take I think all too often for granted the rights and freedoms of our journalists. We just assume that it is true throughout the world. But it is not true. There are many countries that simply do not allow journalists to practice.

I urge my colleagues to join with me to draw attention to and take a stand against oppression of freedom of speech and freedom of the press, in this case Cuba; but there are other countries that have similar problems.

THE HIGH COST OF PRESCRIPTION DRUGS IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to speak about an issue that unfortunately more and more Americans are becoming acutely aware of, that is, the high cost of prescription drugs here in the United States, especially relative to the prices that people are paying in other parts of the world, other industrialized countries, where we see enormous differentials for the same drugs made in the same plants under the same FDA approval.

I have a chart here, and it has a list. These are not my numbers; this is an independent group called the Life Extension Foundation. They have been doing research of this type for a number of years and have been very helpful in at least clarifying what is going on in terms of the way the drug companies set their prices.

The more we learn about this issue, the angrier we will become when we see what they are doing to American consumers. For example, here are roughly 15 of the most commonly prescribed drugs in the United States. Here is what we are paying on an average for a 30-day supply here in the United States, and on the other list we have what the average price in Europe is.

Now, some people say, well, some countries have price controls, and it is hard to compare apples to oranges, and all that. Well, let us talk about some countries that do not have price controls, not as we know they are: Germany, Switzerland. Those are two good examples. Let us look at what we are paying here in the United States and what they are paying in places like Germany and Switzerland.

Let us take a drug like Cipro. We all learned a lot about Cipro last November when we had the threats, and ultimately several postal workers lost their lives because of what happened last fall. We bought an awful lot of Cipro. To his credit, Secretary Tommy Thompson got a very good price on that Cipro that he bought.

But let us look at what the average consumer would have to pay for Cipro. Cipro is a drug made by a pharmaceutical company called Bayer, or we say it Bayer, here in the United States, the same people that make the aspirin. In the United States, the average price for a 30-day supply of Cipro is $87.99. That same drug in Berlin sells for $40.75.

As we look down this list, we see some even bigger disparities: Claritin, a drug that is going off-patent still sells in the United States on average, or at least when this chart was put together a few months ago, sold for an average of $89 for a 30-day supply. That exact same drug in Europe sells for $18.75. Again, the same drug, the same FDA approval, made in the same plants, selling for a fraction of what they sell for in Europe.

Coumadin, a drug that I am very familiar with, my 85-year-old father takes Coumadin. It is a blood thinner very commonly prescribed for seniors. In fact, most of them, once they start on Coumadin, they stay on it for the rest of their lives. The price here in the United States on an average for a 30-day supply is $64.88; the same drug in Europe sells for $15.80.

If we go down the list, it makes us angry when we see the differences. A relatively simple drug like Premarin, in the United States it sells for an average of $55.42; in Europe, the same drug, $8.95. The list goes on. If anybody would like the entire list, they can contact my office. We will send it to them. Again, I did not create this chart. I cannot defend this chart, and neither can anybody else.

Here is another chart that cannot be explained or defended. Last year, the last year we have numbers for, what happened to prescription drug prices? In the United States, the average price for prescription drugs went up 19 percent. I mentioned that Coumadin that is now $64 for a 30-day supply in the United States. Two years ago, that same drug sold for $38 in the United States. That is how much it has gone up in just 2 years.

At the same time, the Social Security cost-of-living adjustments that we gave to those seniors who have to buy those drugs only went up 3.5 percent. This is unsustainable. This is wrong, and Congress ought to do something about it:

Let us get to the big numbers. Let us get to the big numbers. This is where it starts to really cost. This number on top is one, then an eight, then a zero and a zero and a zero and a zero and a zero and a zero and a zero and a zero and a zero and a zero and a zero, $1.8 trillion. That is what the Congressional Budget Office tells us that seniors, these are people 65 years and older, will spend for prescription drugs in just the next 10 years, $1.8 trillion.

Now, Members, conservatively, if we just open up the market, if we just allow seniors to buy drugs from other countries, and I want them to go to their local pharmacist, I want them to be able to go down to the local pharmacist and the pharmacist can say to them, listen, I can fill that out of my supply that is American, and the price will be $64, or I can order it from Europe for you on the Web, and we can have it here in 3 days, and the price will be $18, or whatever the number is.

Markets work. Markets are more powerful than armies. If we simply do this, I believe we can save at least 35 percent; 35 percent of $1.8 trillion is $630 billion. That would go a long way to helping to pay for a benefit for those seniors who currently fall through the cracks.

Mr. Speaker, the time has come to open up the markets and allow Americans to have access to drugs at world market prices.

AMTRAK AND THE FUTURE OF OUR PASSENGER RAIL SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to address the important issue of Amtrak, and especially do I rise to address the future of our passenger rail system in the United States.

I am pleased to join with all of those who support an increase in transportation funding for our Nation's rail line. I encourage my fellow colleagues to support the National Defense Rail Act proposed by the gentlewoman from Indiana (Ms. CARSON).

Mr. Speaker, our national passenger rail system is in a state of financial crisis. Last week, David Gunn, the president of Amtrak, requested $200 million in immediate funding. Without this necessary funding, Amtrak will be forced to shut down; perhaps not definitely, but even if indefinitely, any disruption of our Nation's rail system would be detrimental to the economy as a whole. Therefore, I am pleased to have this opportunity to support legislation that will create a high-speed national rail service that is on par with the best rail systems in the world.

Over the last 30 years, we have spent $750 billion on our national highways and airports, but we have only spent $25 billion on our national passenger rail system. Thus, it is not surprising to me that out of the 23 most industrialized nations in the world, the United States spends the least per capita on its national rail system.

We now stand at a time where we must decide whether we should keep massaging and bailing out Amtrak, lending it just enough money to survive, or whether we should create a high-speed train network that will encourage more ridership, more expedient service, and a viable alternative to aviation or automobile travel.

In the wake of September 11, we need a world-class high-speed national rail system. And in the weeks following the terrorist attack, people turned to Amtrak to get home from work or travel. Since travel by plane was not an option, the only way to get anywhere was by train. Across the country, Amtrak revenue and ridership increased significantly. In the northeast corridor alone, revenue shot up 13.5 percent, and ridership increased 4.6 percent. If we were to improve our national system, revenue and ridership would surely increase, easing congestion on our highways and runways.

Transportation by rail is vital to the economy. Businesses depend on it, workers depend on it, and industry depends on it. It is vital to the environment. Trains use less fuel, emit less pollution, and cause less commuter congestion.

For much too long, we have ignored the great potential that a world-class rail system could bring to our country's economy and security. I encourage all Members of Congress to join me and my colleagues in passing the National Defense Rail Act and support the future of expedient travel in the United States. The time has come to invest in the future of high-speed rail transportation by overhauling our Nation's passenger rail infrastructure.

I share the vision of the gentlewoman from Indiana (Ms. CARSON) and urge all of my colleagues to join with us as we propose and develop a national rail system second to none in the world.

THE IMPORTANCE OF MAINTAINING A FEDERAL COMMITMENT TO SUPPORT AMTRAK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SANDLIN) is recognized for 5 minutes.

Mr. SANDLIN. Mr. Speaker, I rise tonight. And the Democrats rise tonight, to stress the importance of maintaining a Federal commitment to support Amtrak. I, along with 150 of our colleagues, support providing Amtrak with the $1.2 billion it needs to maintain its current success on into 2003.

A working national passenger rail network is essential for east Texas and America, but the Federal Government must provide resources for capital improvements if Amtrak is to continue to service the Nation at affordable, competitive rates.

According to Amtrak, without this funding Amtrak will be forced to eliminate nearly all long-distance passenger trains by October 2002, which would be disastrous for rural America. Rural America and east Texas support a national rail service. We do not approve of shutting down rural routes while funding only a northeast corridor commuter route.

Under Amtrak's proposal, service between Boston and Washington will remain, while lines like the Texas Eagle route will be shut down if Congress fails to provide sufficient resources for fiscal year 2003. Amtrak's long-distance passenger line provides critical transportation options for rural areas like east Texas, allowing rural residents as great an access to transportation as residents of fully urbanized areas.

In many cases, Amtrak's Texas Eagle is the only means east Texans have to travel long distances. If Amtrak is forced to close its long distance lines, the main links between Texas and cities would be severed, crippling the local economy and retarding rural development in my district and across the Nation.

Mr. Speaker, the people of east Texas use and support Amtrak. Ridership of the Texas Eagle line and revenue from the Texas Eagle line has increased by 9 percent since January, 2001, exceeding budget projections.

☐ 2000

These positive developments have been achieved through bold steps taken by the people of East Texas to do everything in their power to keep the Texas Eagle line running and bold steps from Amtrak to reduce its management to maximize efficiency.

In March, Amtrak announced that its CEO and president George Warrington was resigning to move on to another project after raising Amtrak's revenues to a record $2.1 billion for the 2001 fiscal year. Capitalizing on this vacancy as a new opportunity, Amtrak's board hired David Gunn to continue improving Amtrak's record. This new administration lead by Mr. Gunn is making radical changes to increase its ridership and revenues to achieve fiscal responsibility in a common sense way.

Mr. Gunn has wide experience with the commuter rail industry both in America and in Canada serving as the president of the New York City Transit Agency from 1984 to 1990 and the chief general manager of the Toronto Transit Commission from 1995 to 1999. He carries with him an exceptional international reputation based on his ability to unite labor, business, local communities and governments to successfully improve financial stability and plan for the future. With this strong track record, Mr. Gunn brings to Amtrak the ability to overcome its financial difficulties through progressive policies and realistic plans for the future.

Just yesterday, Amtrak's governing board approved changes to consolidate authority and remove unnecessary oversight. These measures include cutting the number of vice president titles from 84 to approximately 20, clearly assigning the authority over cars and locomotives to five people when 16 currently share the responsibility, and consolidating Amtrak's three operating divisions and its mail and express business into the company headquarters in Washington. The new streamlined chain of command will vastly improve Amtrak's decision making and efficiency. But any attempts to solve Amtrak's crisis will be for naught without strong Congressional support to match Amtrak's bold new policies.

Now, Amtrak's opponents argue that the Federal Government has bailed out Amtrak before to no effect, and that private passenger lines are the only solution. Not so. In 1997, Congress reauthorized Amtrak for 5 years at $5.2 billion. However, only $2.7 billion was actually appropriated, barely 52 percent of the money. This does not constitute a bail out. In fact, this latest figure is only the continuation of a decades old pattern of underfunding Amtrak while at the same time demanding that it become profitable. In essence, under the guise of supporting Amtrak, Congress has instead set it up for failure, providing Amtrak with just enough money to survive another year but not giving it the capital to develop necessary infrastructure projects that could make it self sufficient by 2001.

No other publicly funded transportation system in America, much less a comparable national passenger rail system in the world has succeeded without significant public capital investment to modernize systems, enhance security and fund long distance service. In fact, no private passenger line could succeed under those same circumstances. Privatization of long distance passenger service would be tantamount to termination of long distance passenger rail service. It would result in the loss of rail service in many rural communities and would result in the lay off of many, many dedicated Amtrak employees. Only short distance commuter routes would remain. The people of East Texas need and deserve access to a national rail network as much if not more so than communities in the Northeastern United States. They do not need a multitude of new rail bureaucracies without adequate resources.

Importantly, if Amtrak is to be reduced to servicing the Northeast corridor alone, as a regional transportation network, it should operate without Federal support.

With proper funding Amtrak can succeed. H.R. 4545 will provide that funding. With $1.9 billion Amtrak can make necessary changes. America and East Texas deserve a strong passenger rail system and I will continue to fight for Amtrak.

SOCIAL SECURITY AND THE DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening I would like to dedicate my remarks to Social Security, its trust funds and our growing national debt.

In January of last year, our Nation finally moved to an annual balanced budget after decades of being awash in growing debt as far as the eye could see. Many of us fought very hard to bring that budget back into balance and, in fact, the Congressional Budget Office at that time projected that we were on course to have the publicly held debt, the over MMMM$6 trillion of accumulated debt, paid off in about 10 years, by 2011.

Now, not even one and a half years later the Congressional Budget Office projects that under the Republican budget passed here in March, there will be a $1.8 trillion in budget deficit over the next 10 years. So instead of paying off our Nation's debt by 2011, under the Republican budget the publicly held debt will stand at nearly $3 trillion.

I can remember when they took the debt clock down in Time Square and everybody across America cheered. Well, I would encourage those folks up on Wall Street to put it back up because it is growing again.

Now, what is the biggest reason for this radical reversal in our Nation's financial health? Primarily, the Bush tax gives away mainly to the super rich.

Now, what does this burgeoning public debt represent? First and foremost it means Social Security trust funds are being drawn down to pay for those tax breaks. And what is really amazing is that the Republican majority here in this Congress voted seven times to protect the Social Security trust fund in a lockbox. They said they wanted to ensure that not a penny of the Social Security surplus would be used for other programs. They have vowed that every penny of the surplus would be used solely to buy back outstanding Treasury bonds in a manner that would shore up Social Security for the future. So the Republican budget they passed in March does not simply break the lockbox and dip into the Social Security surplus, it calls for a grand and extended raid, tapping the surplus every year of the next decade. The timing could not be worse. We must balance the Federal budget and protect Social Security surpluses for the 44 million baby boomers set to retire over the next ten to 15 years. Working families have earned a secure retirement and we must put Social Security solvency first. Congress is the main protector of Social Security. It is the people's program intended by Franklin Roosevelt and every Democratic president since, to allow generations of retirees to live with independence and dignity. And it is time for the Republican majority to stop raiding Social Security. But so long as they continue to do so I will be down here every week telling the American people exactly how much they have taken from the one remaining portion of the Federal budget that is in surplus and that is the trust funds.

Last week we reported that they had taken as of June 5, $207,232,876,712, which last week amounted to about $717 per American. This week, they have now taken over $5 billion more.

As of June 11, 2002 they have now dipped into the trust fund $212,246,575,342 averaging about $754 per American. I do not think that this is responsible budgeting. I do not think this is what the Republican majority promised. I am generally not quite this partisan on the floor of this Congress. However, when it comes to Social Security and Medicare, and what it has meant to lift half a Nation out of poverty, there is absolutely no reason that Kenneth Lay and his likes should get a $350 million tax refund while average Americans are having their future retirement funds raided every single week. So I would just ask those who may be listening in New York City, if you could find that old debt clock and put it back, I think we need to tell the truth to the American people. It is time that we begin putting money in the trust fund, not drawing it down for purposes that are unrelated to the purpose for which it was originally organized.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks through the Chair.

WOMEN AND SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, before the gentlewoman from Ohio (Ms. KAPTUR) leaves, I want to congratulate her on her presentation. Social Security is a very important issue, and certainly I think she laid out to the public what is happening here in Congress. And I agree with her that we should not be spending the Social Security money on anything other than Social Security. And quite frankly, this is something that almost every Member of Congress, both Democrats and Republicans, agreed to last year by overwhelmingly passing the lockbox for Social Security and Medicare. Unfortunately, as has been pointed out, the Social Security trust funds would lose two-thirds of its surplus under the President's budget. And the Congressional Budget Office projects that $740 billion of this money would be used to fund things other than Social Security benefits such as the tax cuts.

In the Nonpartisan Center on Budget and Policy Priorities, they estimate that the size of the tax cut is more than twice as large as the Social Security financing gap. So we could have used these resources that we were talking about and we continue to talk about to actually fix the Social Security instead of being used for this tax cut.

I think we all need to remember that our seniors continue to remain secure in their retirement, and I particularly want to talk about women as we have potentially come on a debate about the privatization proposals that many of us believe needs to be talked about a little bit, and certainly the concerns. But let us look at women in this country and how they rely on Social Security.

Women rely actually more on Social Security income than men. Almost two-thirds of all women 65 years and older get at least half of their income from Social Security. For one-third of these women, Social Security makes up 90 percent or more of their income. Guess what? Women, we live longer than men. We all know this. And, in fact, we live about 7 years longer. Fully 72 percent of Social Security recipients over 85 are women. And on average, women over age 85 rely on Social Security for 90 percent of their income. I will repeat that, 90 percent of their income. Traditional Social Security continues to pay benefits as long as the beneficiary is alive.

Now, when we start talking about private accounts, we honestly believe that women risk exhausting their savings in their most vulnerable years. Women take time out of the workforce to care for children and elderly parents. We have all been there; we have heard those stories. As a result, they rely much more heavily on their husband's Social Security benefits. Over 60 percent of women on Social Security receive spousal benefits while only 1 percent of men receive such payments.

So why is it important that we preserve traditional Social Security for women? Unlike private accounts, Social Security is automatically adjusted for inflation. For women, who live longer lives, private accounts run the risk of being worth less due to inflation or devalued accounts.

Well, then why are we having this debate? Well, the President in his guidelines for the Social Security Commission stated that we, in any proposal we create, must not invest Social Security dollars in the stock market. He also stated that the Social Security payroll taxes must not be increased. However, the President wants people to be able to use a portion of their payroll taxes for investing in stocks. The commission, which was commissioned by the President, recommended three options for reforming Social Security. But let me warn you that all three options divert at least some percentage of payroll tax to private accounts.

□ 2015

Diverting as little as 2 percent to private accounts the commission, and the commission recommended as much as 4 percent will result in a loss of trust funds of $1.1 trillion dollar over 10 years or at 1 percent $558 billion over 10 years. That money has already been designated to pay for benefits for future retirees, not to mention the fact that we do not have $1 trillion left because it has been spent on the tax issues.

One option affected seniors' benefits to such a degree that the Wall Street Journal wrote, "Benefit options would be changed in so many ways that grandma's head would spin." The President's guidelines also leave only one option for supporters of privatizing Social Security, and that would be to cut seniors' Social Security benefits.

Why in the face of a recession and the impending retirement of baby boomers would we take the money to be paid to future retirees and gamble on it? I ask the American people that question. I hope we stay tuned for this debate on privatization and we say "no" to privatization.

IMPACT OF SOCIAL SECURITY PRIVATIZATION ON AFRICAN AMERICAN WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Mr. Speaker, I rise today to address the devastating impact that privatizing Social Security would have on women, most especially African American women.

Social Security is particularly important to women, especially in my home State of Texas. Without these vital retirement benefits, 564,000 women in the Lone Star State would be classified as poor according to a report released by the Senate for budget policy and priorities.

Currently, Social Security benefits are progressive, that is, those with low wages receive a larger percentage of benefits relative to their earnings than higher-income individuals do. This system of progressivity, combined with a cost-of-living adjustment that increases benefits every year, strengthens the safety net for those who are the most economically disadvantaged.

Privatization flows from concerns that many people have about the future of Social Security. Some of those concerns are founded and some may not be. We are all well aware that as the post-war baby boom generation ages, the numbers of retirees relative to the number of workers will increase. These are facts that cannot be changed. However, modest changes implemented immediately can give people time to plan for the future and would take us a long way toward resolving the issue.

Privatizing Social Security is the most radical change, and it assumes that there is magic in diverting some portion of the current Social Security payroll taxes into the private markets. I hope that people who have money in the private markets understand what happened in the last year or so. Most privatization plans propose to strip a few percentage points off the Social Security payroll taxes and divert them to the private individual investment accounts. Most people happily focus on the vision of a few dollars a month growing into millions of dollars over time. Just ask me and a few others who have put small amounts of money on the market, that is lost. Unfortunately, this is a dream and not a reality as we have witnessed in the common stock market.

There are three very important things that should be considered when privatizing Social Security benefits: first, the huge cuts in benefits which would be required under the privatization plans, most as large as a 60 percent cut in Social Security benefits. For people with large savings from other sources, that may not seem like much; but for most Americans, it would be a drastic reduction in the protections they have come to rely on. That means many of the women of which I speak depend solely on Social Security as their retirement pension income.

Next, privatization would be a major change in who bears the risk of saving for retirement. Privatization would shift nearly all of the risk to the individual. People who are unwise or unlucky in their investments would suffer. We saw many examples of this in the recent stock market failures.

Finally, privatization would increase the Federal deficit by more than $1 trillion over the next 10 years. Taking a mere 2 percent of payroll taxes away from the trust fund would double or triple the size of the deficit. This effect is what some people trivialize as transition costs. I do not believe it is trivial, and given the other concerns which privatization raises, I think we should look long and hard before we lapse and leap into the wrong direction.

How do African American women fair in privatization proposals floating around in the country? Not good at all. Although black women typically live longer lives, their lifetime earnings are usually much lower than their white counterparts. Under privatization, this lower level would mean black women would be forced to live longer on a smaller amount of money, and they cannot get by with what it is now. They have to make a choice between food or medicine.

Hugh Price, president of the National Urban League, and Julian Bond, chair of the National Association for the Advancement of Colored People, wrote an editorial in the New York Times on July 26, 2001, addressing African American women and Social Security. They found that guaranteed government assistance is essential to the African American community. While African Americans make up only 12 percent of the general population, they make up 17 percent of all Americans receiving Social Security benefits and 22 percent of all children's survivor benefits.

At this point I will insert my entire statement into the RECORD.

Mr. Speaker, I rise today to address the devastating impact that privatizing Social Security will have on women, especially African American Women.

Social Security is particularly important to women, especially in my home state of Texas. Without these vital retirement benefits, 564,000 women in the Lone Star State would be classified as poor, according to a report released by the Center for Budget and Policy Priorities.

Currently, Social Security benefits are progressive; that is, those with low wages receive a larger percentage of benefits relative to their earnings than higher income individuals do. This system of progressivity, combined with a cost-of-living adjustment that increases benefits every year, strengthens the safety net for those who are the most economically disadvantaged.

Privatization flows from concerns that many people have about the future of Social Security. Some of those concerns are founded and some are not. We are all well aware that as the post-war baby boom generation ages, the number of retirees relative to the number of workers will increase. These are facts that cannot be changed. However, modest changes, implemented immediately, can give people time to plan for the future and would take us a long way toward resolving the issue.

Privatizing social security is the most radial change, and it assumes that there is magic in diverting some portion of the current social security payroll tax into the private markets. Most privatization plans propose to strip a few percentage points off the Social Security payroll tax and divert them to private individual investment accounts. Most people happily focus on the vision of a few dollars a month growing into millions of dollar over time. Unfortunately, this is a dream and not reality, as we have witnessed in the current stock market.

There are three very important things that should be considered when privatizing Social Security benefits. First, the huge cuts in benefits which would be required under the privatization plans, most as large a 60 percent cut in Social Security benefits. For people with large savings from other sources, that may not seem like much, but for most Americans, it would be a drastic reduction in the protections they have to come to rely on.

Next, privatization would be a major change in who bears the risk of saving for retirement. Privatization would shift nearly all the risk to the individual. People who are unwise or unlucky in their investments would suffer. We saw many examples of this in recent stock market falls.

Finally, privatization would increase the Federal deficit by more than a trillion dollars over the next ten years. Taking a mere two percent of payroll away from the Trust Fund could double or triple the size of the deficit. This effect is what some people trivialize as "transition costs." I do not believe it is trivial, and given the other concerns which privatization raises, I think we should look long and hard before we leap in this direction.

How do African-American women fare in privatization proposals currently floating around in Congress? Not good at all.

Although Black women typically live longer lives, their lifetime earnings are usually much lower than their white counter-parts. Under privatization, this lower level would mean black women would be forced to live longer on a smaller amount of money.

Hugh Price, President of the National Urban League and Julian Bond, Chair of the National Association for the Advancement of Colored People, wrote an editorial in the New York Times, on July 26, 2001 addressing African American women and social security. They found that guaranteed government assistance is essential to the African American community. While African Americans make up only 12 percent of the general population, they make up 17 percent of all Americans receiving Social Security benefits and 22 percent of all children's survivors benefits. However, the Administration has been unclear on how disability and survivor benefits would continue to be funded.

A study by the National Urban League counters assertions made by the Administration that African Americans will benefit from private accounts bequeathed to their relatives. According to the study, the typical African American man dying in his thirties would only have enough in his private account to cover less than two percent of the survivor's benefits under current law. This also has a devastating impact on African American women as survivors.

Members of Congress must be fiscally responsible when it comes to making decisions regarding Social Security. Fiscal responsibility entails looking at the whole picture and seeing the effect it may have on all individuals in society. I urge my colleagues to make this the inclusive America we continue to represent to the world and ensure that Social Security proposals give everyone some comfort in life!

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

(Mr. LANTOS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ENSURING THE SAFETY OF AIR TRAVEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY of New York. Mr. Speaker, tonight I have been listening to my colleagues, and they are talking about privatization of Social Security. I am actually here to speak about the attempts to privatize our air traffic controllers.

I do not know why everyone keeps thinking that privatizing is the best thing in the world. When I started working down here in Washington, I have to fly a lot, and with that, I certainly see what goes on in our airports; but I also had the opportunity to spend time in the tower.

I spent time at JFK Airport in New York; and it just so happened when I was there, a terrible storm came in, and what happens an awful lot of times in our towers, with the equipment that they are using, it fails and yet our traffic controllers were right there and were using the equipment or the hand stuff that they have used for 20 years; and to watch these men and women work, they are absolutely wonderful.

When we start talking about privatization, this is not the answer. We have dedicated people keeping our skies safe, and if anybody needs any reminder about that, think about September 11. Our air traffic controllers around this Nation landed over 5,000 planes within a certain amount of hours without any kind of incident. Think about that.

My concern also is if we are going to think about privatizing our air traffic controllers, is it going to be a bottom line. These are dedicated people. I spend time with them because they are always saying the equipment is not working. This past weekend we read about the FAA putting new equipment into some of our airports, and then they are the first ones to say it has got bugs in it. We are going to put it in anyway, and we are going to work the bugs out. I personally would rather have the men and women of air traffic controllers working the bugs out before they have to lean on using it.

With that, my colleagues on this side of the aisle and hopefully the other side of the aisle will work to make sure we do not privatize our air traffic controllers. It is not the answer, and it is not cost efficient. The men and women that serve this country, keeping our planes safe and keeping us all safe, certainly deserve, and by the way, if we start looking at trying to get people to work in New York and certain other areas of the country, they do not want to go there. They just do not want to go there because the work is so hard, and yet our people are there every single day, minute by minute, watching every single plane in this country; and the only thing that they are concerned about is the safety of their citizens that are in the planes.

We should do everything, everything in the world to make sure that we do not privatize. As I said earlier, privatizing everything is not the answer to the problems that we are facing. What we should be doing is having better working conditions for these men and women and giving them the equipment that they need.

AIR TRAFFIC CONTROLLERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Ms. McCOLLUM) is recognized for 5 minutes.

Ms. McCOLLUM. Mr. Speaker, today, like so many other Americans, I boarded a plane and I arrived safely at my destination. This is what the American people expect when they board a plane: safety, security, and the guarantee of a safe landing at the end of the flight.

The American people hold the Federal Government accountable and responsible for the safety of our skies. Homeland security has become our Nation's top priority.

On the same day that the administration proposed a Department of Homeland Security, President Bush also issued an executive order weakening the security of our skies by removing the air traffic controllers from the Federal Government. President Bush's action opens the door to privatizing this vital air safety role and risks placing corporate profits ahead of public safety.

For this administration to declare air traffic controllers no longer an essential component of our Federal homeland security system undermines America's faith in air safety.

In the few short hours after the attacks of September 11, air traffic controllers guided hundreds of thousands of Americans out of the skies to safety. Their heroic actions saved countless lives. Their dedication and professionalism should be honored just as we honor firefighters, police officers and emergency first responders who also performed heroically on September 11.

The role of air traffic controllers in homeland security is vital every day and should never be discounted or weakened. The American people have an expectation that our skies are safe. The Federal Government and air traffic controllers, as employees, are responsible for providing that safety. Unfortunately, this executive order undermines air safety and weakens our homeland security, and it should be rescinded.

OPPOSITION TO PRIVATIZING AIR TRAFFIC CONTROLLERS

The SPEAKER pro tempore (Mr. KELLER). Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

Mr. SHOWS. Mr. Speaker, tonight I rise to express my concern in opposition to privatizing air traffic controllers in airports across our country.

I do not know about my colleagues, Mr. Speaker, but the safety of the flying public should not be done by the lowest bidder. Congress has already determined that privatization does not guarantee better service, safety, or efficiency.

Frankly, we were all shocked to learn of the President's executive order, released last Friday, deleting the words "an inherently governmental function" from an executive order of December 2000 regarding air traffic controllers, which set the wheels of privatization into motion.

It is amazing to me that this Congress has invested billions of dollars on a new agency to federalize baggage screeners while at the same time entertaining the idea of contracting out our important air traffic control positions for the cheapest offer. This is an illogical step and inconsistent with our previous attempts to ensure a safe means of transportation.

We should heed warnings from other countries that are currently struggling under privatization. The privatized systems of Canada and Great Britain have not worked. Canada has delayed buying new equipment, postponed hiring new controllers, and even increased fees to cover costs.

□ 2030

Great Britain resorted to the banks for a bailout. Is this the system we want to follow? In talking about privatization and Social Security, I think we have a comparison. Look what happened to the stock market. What would happen if we privatized Social Security today.

We talk about competition. I wish the President and the administration would look at competition towards pharmaceutical companies and bidding on the Medicare prescription drug program, having pharmaceutical companies bid to get the business of Medicare for pharmaceutical drugs for our seniors. It makes it competitive, but they will not talk about that. During the confusion of September 11, our hardworking air traffic controllers landed 5,000 planes in less than 2 hours without one operational error. Should we privatize a system that performed so efficiently and accurately during the most critical day of all days?

I hope this Congress is not fooled by the promise, or gimmick, of privatization.

AGRICULTURAL CROSSROADS

The SPEAKER pro tempore (Mr. KELLER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, last month's enactment of the agriculture authorization bill signaled that we are at a crossroads here in America, not just as it relates to agriculture, but very interesting developments for the environment, community development, and even the huge increase in agricultural funding could not conceal the cracks that are emerging as these issues are coming forward.

Hidden behind all of the fireworks that surrounded the agricultural bill, we have ended up with it being further removed from the needs of most farmers. It is not only removed from the public we are supposed to serve, not only removed from the agricultural interests, but it is even removed from the will of the Members of this body.

I recall on this floor working hard on a motion to instruct the conferees of the House to vote in favor of provisions of the Senate that would have placed a $275,000 payment limit. Despite the fact that it was passed by 265 of our colleagues, it was ignored by the conferees in favor of a $360,000 payment limit that itself was riddled with exemptions which will make it largely meaningless.

Mr. Speaker, I am afraid we are having two very different visions of the agricultural future of this country emerge as a part of those deliberations. One is for the status quo which is a mutation of over 70 years of depression-era subsidization which no longer meets the needs of average farmers, consumers, and certainly not the environment.

This vision is opposed to one that is economically sound, a sustainable future, that is in fact healthy for the farmers, the environment, consumers and the taxpayer. What matters? Why would a city representative like me become so interested in farm policy? Well, we cannot deal with the governments of this country without focusing on the role that agriculture plays. It is firmly grounded in American lore, our history and our tradition. Think back to Thomas Jefferson's agrarian ideals. Ignore for a moment that this was sort of an effete intellectual who never turned a profit on his many acres of land and several hundred slaves, never mind that he was hopelessly in debt, and eventually lost his estate at his death to his creditors. Nevertheless, that vision, that agrarian ideal of Thomas Jefferson persists; and agriculture still is essential today to America, even though only 2 percent of our population is actively involved with farming, versus 25 percent or more in the 1930s. There are still 2 million family farms and ranches that cover nearly 50 percent of the land area in the lower 48 States.

Americans spend 10 percent of their income on food, and that is one of the lowest ratios in the world. However, this 10 percent that we spend is disguised by a variety of subsidies and tax payments. Indeed, 40 percent of net farm income comes from the Federal Government. So there are a great number of tax dollars that are claimed. There are huge environmental costs that are associated with our current system of production which I will talk about in a few minutes, and consumers are paying exorbitant prices for commodities like sugar, more than twice the world market, pay dearly for avocados, peanuts, and the list goes on.

The environmental impacts of agribusiness is something that I think is important for us to focus on. It is, for instance, in many areas extraordinarily water-intensive. It is not just a problem occasionally when we have some parts of the country as they are today facing drought and water quality problems. Although even the administration seems to acknowledge that we are going to be facing serious problems associated with global climate change, they are not prepared to offer up any solutions for that, but that is going to have potentially very profound effects on how water is supplied in the future.

Mr. Speaker, it takes a tremendous amount of water for us to be involved in some grotesquely inappropriate activities. We are providing heavily subsidized water for subsidized crops, like growing cotton and rice in the desert. In the Pacific Northwest, we have been having problems in the Klamath River basin where we have water-intensive agriculture in an arid plane.

It takes an enormous amount of water to produce meat for human consumption. 1,000 tons of water for one ton of grain; and increasingly, our cattle are grain fed and it requires almost 5 pounds of grain to produce one pound of beef for human consumption. If we do the math, you see the huge amount of water that is involved in the production of cattle.

Agriculture also poses many of the most important challenges to water quality. It contributes to poor water quality in 60 percent of the Nation's impaired river miles, which is more than the dams, sewage discharges, and urban storm drainage combined. Think of it. Agriculture produces 60 percent of the water quality problems in the Nation's impaired river miles, more than dams, sewage discharges, and urban storm drainage combined.

We have a situation where the petrochemical fertilizers are also extensively required. It takes on average approximately 1.2 gallons for every bushel of corn. And then there is the oil production for energy. A typical cow will consume the equivalent of 284 gallons of oil in their lifetime, the energy necessary to sustain that animal. We have essentially transformed cattle from solar-powered animals to fossil fuel machines.

It is also a diet that is unhealthy and unnatural for these animals. It has turned once bucolic agricultural enterprises into an extension of the modern factory. And it has not just made these animals' lives miserable, based entirely on eating, adding weight until they can be slaughtered, but there is persuasive evidence that it is actually changing their metabolisms and their digestive systems, producing meat that is demonstrably less healthy to consume in the short-term, and maybe having long-term consequences that are extraordinarily negative for overall human health. There have been studies which have contrasted some of the natural, grass-fed beef in Italy where there is approximately 15 percent of the fat, as opposed to grain-fed beef and 38 percent of the calories of standard cattle.

It goes beyond just the fat content. There are concerns about developing resistance to medicines due to the indiscriminate use of antibiotics. It is estimated that 80 percent of the total quantity of antibiotics used in the United States are administered to food animals, putting that in the food chain. It may well be that the kind of meat that we are eating today as a society is much less healthy because of the increased presence of these antibiotics which in turn build up resistance from the germs and create a cycle which makes us more susceptible to stronger germs, and having less ability to use antibiotics to protect us.

And of course, dealing with the fat, our House physician has been working with Members in this chamber to encourage more awareness of our lifestyle, the problems of saturated fat. Now that the cows are eating more corn instead of grass, the meat contains more saturated fat. There is another health and environmental problem dealing with prodigious quantities of animal waste.

We are finding that county after county in States like Nebraska are now moving into areas of land-use planning because they are being overwhelmed by the consequences of these concentrated feed lot operations.

In Iowa, it is an issue of hog waste. A hog can produce up to 10 times the waste of a human. U.S. factory farms generated 1.4 billion tons of animal waste in 1996 according to the EPA. Imagine a farm of 100,000 hogs. It could produce the waste of a city of almost a million people, yet we will look at a State like North Carolina, where there are no requirements for the sewage treatment plant of these vast hog operations. Think of that. Living next to a city of 100,000, 500,000, up to a million people, and not having adequate sewage treatment. We would not stand for it. Sadly, in this country, in many rural areas, the States do not have adequate protection to ensure that these vast quantities of waste are going to be adequately processed to protect against damage to water quality.

Again, in some States they have bent over backwards in fact to protect these interests at the expense of people. In Iowa, their State legislature in its wisdom has prevented local governments from providing land use protections against the damage that is brought about by these vast hog factory farms. In fact, it was interesting recently in Iowa there was a special election for a State Senate position where the incumbent, a Republican in a very safe Republican district, had been appointed by the President to some administrative position. There was a special election. The outrage in this Republican district was such that with a 62 percent vote, they elected a Democrat to take that position.

There is slowly at the grassroots level a realization that States and the Federal Government that are not dealing with the protection of the citizens, are doing them a disservice. People in Iowa again cannot sue for damages as long as some minimum spacing requirement is maintained. There have been people who have basically lost the entire value of their property with no recourse as a result of it.

In North Carolina, I am sad to say, the Members of this House in the aftermath of Hurricane Floyd a couple of years ago, and Members may recall in the aftermath of that terrible hurricane, the damage that was done. Our hearts went out to the people of North Carolina. We stepped up, provided money and disaster assistance, but who can forget the disgusting photos of the bloated bodies of hogs, or hogs perched on floating debris.

□ 2045

As a result of those floods, there were massive problems associated with hog lagoons in flood plains that resulted in a leaching of these animal wastes, these toxins, out into the environment for months after the hurricane. Unfortunately, Federal money was spent to rebuild those hog lagoons in the flood plains, back in harm's way, where again in the future, as sure as anything, we are going to be faced with that tragedy again, the damage to the environment.

We are finding that in State after State there are problems with large farm operations that change the hydrology of farm country. There is creation of vast amounts of soil erosion that takes the toxins and the fertilizers and washes it into waterways, actually waterways that did not used to be there. Throughout the upper Midwest, we have these vast fields today that are a result of miles and miles, hundreds of thousands of miles, of drainage tiles that have been installed. Yet we have not taken the steps that are necessary in the main to protect the further erosion of the soil, the toxins, into those waterways.

And it is not just a case of erosion, pesticides, toxins. We are losing vast acreages of farmland still to sprawl. More than 90 million acres of farmland across this Nation are threatened by sprawl today, and we lose more than 2 million acres every year to urban development. That is more than all the topsoil that is eroded. We cover it with blacktop. The number of acres of farmland lost to sprawl has doubled over the last 6 years, most of which was amongst our most productive farmland.

Think back in history. What was the most productive farm county in the United States in 1950? Los Angeles County. From what we have seen, this pattern continues. Because the settlement patterns were in areas that were rich agricultural arenas, people moved there. That is where the settlements started. There were trade activities. People radiated out from them in areas that were the most productive farmland. Thus it is today that most of our major metropolitan areas are in and around extraordinarily productive farmland. But we are watching this farmland being lost at a dramatic rate.

It took us approximately 350 years to create America's footprint of urban development and settlement. Three hundred fifty years. But 15 percent of that footprint occurred in the years 1992 to 1997. We developed an area approximately 17 million acres. This is approximately the size of West Virginia. It is important, Mr. Speaker, for us to focus on the need of this country to be able to protect that delicate area where the urban and the farm areas intersect, and we must do a better job.

There are some that suggest that this is an area or that it is something that the Federal Government does not belong in, that if we are talking about land use and agricultural policy, that is something that is local and State. I would beg to differ. American agriculture has developed as a direct result of Federal Government policy. It started when the Federal Government enforced taking land away from Native Americans and giving it to European settlers to farm during the beginning of the Republic. We had major pieces of legislation that exploded, the Homestead Act of 1862, legislation that created the land grant colleges where we had the agricultural colleges and universities. There were the vast reclamation projects that changed the hydrology of whole ecosystems.

I mentioned earlier in the Pacific Northwest, the Klamath Basin. This has been an area of great agitation and concern because we had these interests clash this last year when we had extreme drought conditions, and it sort of put a spotlight on the fallacy of the Federal programs over the last 100 years. We committed as a Federal Government far more in terms of water than we could deliver to those farmers that we lured to that area. We lured them a century ago, we did it again after World War II when we encouraged returning veterans to settle in the Klamath Basin, but a terrible price has been paid.

We have overallocated water rights to farmers and ignored critical habitat requirements. This vast Klamath River Basin is an area where the flightway for 90 percent of the north-south migratory waterfowl stop. It is an area where there are significant commitments to other wildlife and, Mr. Speaker, one of the areas that we have made, I think, a serious misstep deals with our commitments to Native Americans. Native Americans in this region and elsewhere, particularly in the arid West, had claims for fishing and hunting. Their water rights are not being properly acknowledged and respected. So in total in the Klamath River Basin as we have seen elsewhere in the West in particular, there is more than the U.S. Government and Mother Nature can now deliver.

But there was a front page story in the New York Times 10 days ago that talked about the problem that is being faced by the city of Atlanta, where there is a three-state struggle over scarce water in an area where people think of it as being rich and certainly water not being a problem. But it is. We have other areas here where we are dealing with the vast range of Federal programs that the Federal Government built, railroads at government expense that helped promote agriculture. I will, I guess, not go into that because the time is late and I want to deal with some of the other issues that relate to the way that the industry is structured today.

Today's agricultural industry looks far different than it did even a generation ago. We have huge agribusiness processing plants that are dominating the commodities, processing, meat packing. Eighty percent of the beef cattle born in this country are slaughtered and marketed by four giant meat packing companies. There is a similar concentration in poultry, in hog farming.

We are seeing increasingly with our agricultural programs, and the most recent farm bill sadly brings it to a new level, that we are concentrating those farm subsidies to large farms, large corporate interests, shutting out smaller operations and changing the nature of how people choose to farm based on government programs, not on what the marketplace requires.

One example that struck me was a story earlier this year in the New York Times celebrating how cotton was now king again in certain areas of Mississippi and Texas, that farmers did not have to grow soybeans, that somehow cotton was more in keeping with their traditions, and they liked it. But as you read the text of the article, it was not because somehow there was an upsurge of demand for cotton or that there has been a lack of interest in soybeans. It is just that for the time being, the rate of subsidization for cotton exceeded the rate of subsidization for soybeans, so we were growing cotton now. Cotton was king, not because that is what the marketplace wanted or demanded; it is because that is what the Federal Government's subsidies made more lucrative.

We have talked on the floor of this Chamber, and I have worked since I have been in Congress with my colleague, the gentleman from Florida (Mr. DAN MILLER), joined with the gentleman from California (Mr. GEORGE MILLER), dealing with the outrageous situation we have in this country dealing with the sugar quota system. It is hard to imagine a cycle that is more frustrating for the taxpayers, more damaging for the environment and frankly makes us look more foolish.

Over the last 40 years, we have dramatically increased the acreage of sugar cane production in Florida's Everglades. It was approximately 60,000 acres. Today it is in the neighborhood of 450, 460,000 acres, an increase of more than seven times in 40 years. This has been fueled because the United States has a restrictive quota system that mandates that we in this country will pay two or three times the world price of sugar, and people that can grow it more cheaply or more efficiently are not able to bring it into this country. In fact, we are growing so much sugar that we are paying millions of dollars this year to store the surplus sugar.

But it is not just that the American consumers are paying more for the sugar and that they are paying to store the surplus sugar. We are also driving confectioners out of this country because people who are making candy rely heavily on sugar as a principal ingredient and sugar is so much more inexpensive just across the border in Canada or in Mexico that it does not make sense to manufacture these products in the United States. So Lifesavers, that quintessential American icon, is now moving its production out of the United States, in part because we are shooting ourselves in the foot with the environment, with the economy.

And of course, there is no small irony that this Congress in recent years has been patting itself on the back, the last two administrations have celebrated that we are investing $8.5 billion as a down payment to clean up the Everglades which are appropriately targeted for investment because they are a precious natural resource, a national treasure. But we are paying to clean up what we are subsidizing people to pollute at the same time we are paying the world market times two or three; and because of the sugar prices, we are driving candy manufacturers out of the United States. It is hard to imagine a textbook case that more vividly underscores how our environmental, trade and agricultural policies are bumping into each other, running amuck.

Indeed, I think you do not have to look very far to find examples where the farm bill is a pretty good barometer about how far out of whack things are. It is hard to get a good handle on the actual costs, because the official estimates that we used for the arcane sort of budget scoring were based on some numbers from April 2001 that by the time March of 2002 came around, earlier this spring, it was quite clear that the assumptions were wrong. Because of the overproduction that would be stimulated, prices would be lower. Because there is more support, it would encourage more production. So there will be more participation at lower prices which means the gap is not going to be assumed by the marketplace, and is not going to be assumed by the farmers who will bear the price of producing too much that the world markets do not want.

□ 2100

The gap is going to be paid by the American taxpayer.

We already know that our estimates from a year ago are probably at least $12 billion understated, and it is very likely as time goes on, as we find out all the little provisions that are in this bill, as the media is exploring new protections for lentils and chick-peas, as it is clear that we are going to have a new transitional payment on top of what we are doing for peanuts to try to pay them to move into the future, that there is going to be additional costs that are buried. This Congress had a chance to draw a line and establish some reasonable limits and caps.

I mentioned earlier that there was an effort on the part of the Senate, and I tip my hat to Senator HARKIN. I appreciate the strong voice that has been offered by Senator LUGAR to try to focus on ways to reign this in. The gentlemen had different approaches, but they were moving in the right direction. The House had limits of $450,000. We stepped forward, my colleague, the gentleman from the State of Michigan (Mr. SMITH) in particular, it was a great pleasure to work with him, carried this measure to the floor, and we were able to find support for the Senate cap of $275,000, but unfortunately the House in its wisdom was not able to persuade its own conferees to listen to it, and they fell back on a system that is going to raise the limits to $360,000 and have exemptions that are going to render that largely meaningless for very large producers, defeating the intent of the House.

We have, to be sure, some areas of this bill that deal with conservation that look on the surface positive. This is something that was pushed on the floor of the House. There was a very strong vote that came very close to passing that would have, when it was here in its original form, have cut 15 percent of the commodity payments and shifted them into conservation. There was a successful measure that I was pleased to cosponsor with the gentlewoman from North Carolina (Mrs. CLAYTON) that took a couple percent of the commodities to deal with rural development, with conservation, with planning. The message got through a little bit that conservation was at least in some small way going to have to be addressed. There is what appears on paper to be a 79 percent increase, although it is only $20 billion. But unlike the commodity payments, where you open the spigot and the payments go out and the only condition is how many people participate and how low the prices go and how much of a gap the taxpayer pays, that is automatic. Conservation is authorized, but it requires each year an appropriation, and as we continue to hemorrhage red ink, as we have gone from, in a little over a year, thanks to the blueprint that the President advanced and some of our Republican colleagues here embraced with massive tax cuts, the slowdown in the economy, the massive increase in the farm bill, increase in defense, you name it, we are spending a great deal of money on seemingly everything except what we promised in the last election, like prescription drug coverage for senior citizens. We have gone in a little over a year from the greatest projected surplus in our history to now looking at borrowing about a trillion and a half dollars from Social Security, driving up over a trillion dollars of additional interest payment.

In the face of these escalating costs, increased red ink, and what are going to be increased agricultural payments through the commodities, do we think we are going to get fully funded the environmental requirements? I think not. I think as a practical matter, these being backloaded, as they will, means that we are not going to see all of the money that is in fact authorized.

There are other rather perverse twists in this story that end up looking bad for the environment. We have got the great Environmental Quality Incentives Program which helped livestock producers clean up their waste. This is an important program. For this program and others like this that would have helped people with small scale operations, there were some 200,000 unmet claims that averaged about $9,000. There was a current limit of $10,000 under these claims.

Well, as we started going through this process in Congress this year, we did not speak to putting more money into that program, keeping the funding level even. The House argued in the bill that came through here that we would raise those limits to $50,000. The Senate argued, well, just $30,000. Either way, it was going to be a great increase in payments to larger operations.

When it came time for the conference, the Washington Post had a great line, I wish I could quote it exactly, but we had the $50,000 that the House wanted, the Senate would cap it at $30,000, and instead of splitting the difference, they added it together and raised the limit to $75,000, and then allowed large operators to get 6 years payments in 1 year, raising it effectively to $450,000, subsidizing the extreme largest operations, depleting scarce resources, making it less likely that the people that are out there now, the smaller operations, remember, I mentioned they average just $9,000 in payments, we had a couple hundred thousand of them that were not met because there was not adequate funding. But by raising the levels for the largest operations, we are going to make it even less likely that they get what they want, and there are going to be more that is going to be bled off to the largest operations.

Well, sadly, that is very much the case with how these subsidies work. As a result of this farm bill, we are going to see half the benefits flow to only six States. The majority of them, the vast majority, are going to go to producers of 13 commodities. Two-thirds of the subsidies will go to 3 percent of the farmers, most with annual incomes over $250,000 a year. It is estimated that the top 10 percent of these 2 million family farms are going to get close to three-quarters of the total benefit. It means in a State like mine, in Oregon, the pattern is exceedingly frustrating.

I have heard from agricultural interests who would like some help. But in our State, like most of the agriculture in this country, it is not unique in my State, we deal a lot with nuts and berries, the specialty crops, the orchards. These people are off on their own. They do not get the support. Oregon gets a small fraction of the agricultural subsidy in terms of the national average, far less than the big producers of the commodities. Illustrating the perverse nature of it, one-quarter of the entire Federal subsidy for the last 6 years in Oregon went to one small county that just happened to grow wheat.

We are, I am sad to say, Mr. Speaker, dealing with a situation today where our agricultural policy is going to continue to be concentrating benefits to a few. We are going to continue to lose family farms. Small family-scale operations are going to be forced out of business, on one side by increased urbanization. Their neighbors are encroaching on them as sprawl moves into their backyard. We do not have adequate protections.

As the costs of compliance with the environment continue to go up, small operations are not going to get their fair share. We are going to be concentrating benefits to the largest producers, which means that they can produce even more, which is going to drive down the prices for everybody. They are going to get a larger subsidy, they are going to have the money to buy out the smaller producers, and we are going to continue this cycle, losing family farms, concentrating the benefits of the Federal taxpayer on fewer and fewer farmers who are more and more disconnected from the market.

It is bad for the environment, it is bad for people who care about the humane treatment of animals, it is bad for people who want to protect against the incursion of suburban sprawl, it is bad for people who care about having the rich diversity of farm product in terms of vegetables, in terms of nuts, berries, specialty crops, that could make such a difference in so many parts of the country.

I would suggest, Mr. Speaker, that it is appropriate for us to start envisioning a new future for agriculture in this country. First and foremost, we have to stop the lunacy of subsidizing people to grow things that the market does not want, disconnecting them from a responsibility to the environment, rewarding larger and larger scale operations, while we say we are supporting small operations.

We need to make sure that our payments go to farmers across the country, not to grow particular things that we do not need, but to behave in ways that we as a society value; pay them to protect water quality; pay them to be stewards of the land; pay them to respect this buffer between urban and rural areas; pay them to preserve, not develop their land, or protecting scenic easements. There are a wide range of areas that the public desires that would not interfere with our trade policies, that would actually save money for things like water quality and flooding, and that would make sense in terms of what we say our stated values are.

Second, I think it is important that we work to reconnect people with their food supply. There is an explosion around the country of farmers' markets. We have a half a dozen in my community. I am going to go to a neighborhood in Portland where they are celebrating the opening of yet another farmers' market. They are in Milwaukee, in Gresham, in Beaverton. We are seeing farmers' markets in Washington, D.C. There are half a dozen of them here in our Nation's Capital, and all around the country.

This is an opportunity for people to connect with local production. It tends to be a higher quality product. People are connecting with the folks that actually produce it. They cut out the middleman or woman so that they deal direct. It is more profitable to them. It just makes good sense. There are extraordinarily thoughtful people that are thinking about ways to apply these principles more broadly.

□ 2115

Alice Waters in Berkeley, California with the famous restaurant, Chez Panisse, has a vision of being able to have the children in that school district be able to be a part of knowing where the food comes from and, in some cases, actually growing it and preparing it. They can be part of the educational process, and make for healthier, as well as smarter, kids. There is burgeoning activities of community gardens in urban agriculture; the slow food movement, organic. There are people who are taking a hard look at meat production in this country. I have talked earlier about the health benefits of having, whether it is the free-range chicken, or the grass-fed cattle, or the hogs that are not in confined factory farm operations. It is more humane, it is healthy, it has properties that those who are qualified to comment suggest that it is better in terms of flavor, texture; it is a better value for consumers, and it is produced in a more humane fashion.

Mr. Speaker, I think that we have reached a point where I hope this agriculture bill was sort of the high water mark for low water politics; where we felt that if we throw enough money at enough little interest groups, a little bit for dairy here, a little bit for apples over there, lentils, peanuts, if we give a tiny increase in the food support for school lunch and for nutrition programs, for food stamps, which actually were a very small increase, but an increase nonetheless, that somehow we could sort of balance things out and get that legislation passed.

Well, I hope this is the last gasp of a system that is bad for the environment, bad for the economy, bad for the health of the American public; that is clearly a bad signal for those who care about international trade. We are only 4.7 percent of the world's population. There is 95.3 percent out there that are potential markets, and we are sure sending a very negative signal to them. I am hopeful, Mr. Speaker, that we will no longer stand for shortchanging the environment, sidestepping animal welfare issues, and turning fundamental fairness on its head.

It was interesting to watch. As this bill worked its way through Congress, we were able to see a chorus that was formed by newspapers. Virtually all of the editorial writers around the country, the Times, the Post, the Wall Street Journal, conservatives and liberals alike; we saw environmentalists join with fiscal conservatives. The vast majority of farmers in this country who were shortchanged, there is a consensus emerging, there is a coalition that is possible. And if, and if, this unfortunate bill serves to unite these forces for better agricultural and environmental policy, perhaps in some way, it will be worth it.

Mr. Speaker, I will conclude my remarks this evening. But first, I wanted to just add a brief comment about what we have seen with the administration dealing with the declaration that air traffic control is no longer going to be an inherently governmental act. A number of my colleagues earlier in the evening took to the floor to express deep reservations about that, and I must join them. I find great irony at a time when finally Congress and the administration have given the American public what they wanted in terms of federalization and professionalization of baggage inspection, but the administration would somehow conclude that the sensitive, critical function of air traffic control is no longer essential, and we can just sort of farm that out to the lowest bidder and throw that into chaos.

We saw what those dedicated men and women did on September 11, landing 5,000 planes in 100 minutes, maybe a little more, without incident, smoothly, under great stress. We have seen this in my community where people have undertaken problems with malfunctioning equipment, be able to rise to the occasion. Frankly, Mr. Speaker, with hundreds of thousands of situations across this country every day, I do not want us to be rolling the dice with some sort of evolutionary effort and the conclusion that this is not an inherent governmental function. I think we have only to look at the very rocky performance in Great Britain, in Canada, problems in Australia. This is not an area that we need to go at this point in time.

Mr. Speaker, I am hopeful that we are not going to engage in another battle here that is I think going to doom us to hopefully just get back to ground zero; I guess that is an ill-advised term; I did not mean it in that context, but just get us back to where we are today at best. We cannot afford to waste that time, that energy, and the expertise of these dedicated men and women.

I see my colleague from Texas is here. I serve with him on the Committee on Transportation. I know he has deep concerns about the integrity of our air transport system, and I would yield to him if he would wish to comment.

Mr. SANDLIN. Mr. Speaker, I thank the gentleman from Oregon.

Mr. Speaker, safety is the issue and it is the only issue, and as has been indicated by the gentleman from Oregon, identifying the low bid is not. The administration's executive order stating that air traffic control is not an inherently governmental function is totally misguided and it is another slap in the face at our hard-working, dedicated Federal employees, and it places in jeopardy the safety of the American traveling public. The President's senior staff has stated the administration has been considering privatizing the operation of the Nation's air traffic control system. That would be a huge, costly, and dangerous mistake. If ensuring the safety of our Nation's skies is not inherently governmental, then I would like to know what is.

Currently, public employees make sure our streets are safe, they make sure our coastline is secure, our borders are protected, so why does the administration believe that public employees should not ensure the safety of our skies?

As has been indicated by the gentleman from Oregon, the events of September 11 proved how important it was to have experienced staff in our control towers. They brought down 5,000 planes in less than 2 hours without any problem. Our Nation's controllers were able to do this because they are highly trained professionals whose only mission is safety.

We do not need to turn this job over and the safety of our friends over to the lowest bidder. It seems that the administration is intent on contracting out critical government responsibilities to the lowest bidder. That is not a savings. In our current environment, we face countless unknown threats. We need people in our government whose first mission, whose only mission, is security and safety, not corporate profits. The administration states that private systems would be more cost-effective; they would be more efficient. Recent examples in Great Britain, Canada, and New Zealand have proven just the opposite. The administration offers no reason for this order and can provide no justification for privatizing air traffic control. Managing air traffic control services is not a for-profit business and should not be run like one. The bottom line is safety; the bottom line is not profits.

As a member of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure, I listened to countless hours of testimony, along with the gentleman from Oregon, detailing the complete disregard for safety and security with which private airport screening firms operate. After much deliberation and over the House Republican leadership's objections, the vast majority of this Congress determined that the screeners, given their importance to aviation and national security, should be Federal employees.

Now, the administration wants to strip air traffic control functions from public employees and contract it out to the lowest bidder. We should not promote someone whose only criteria is the lowest bid.

Our professional controllers require years of complex and comprehensive training. Does the administration really expect private companies to make this substantial investment in human capital? Our air traffic control system is the envy of the entire world. It handles more traffic and manages the most congested airspace in the entire world. The men and women who operate this system are among the finest employees the government has. The country is facing a crisis in air traffic control. Thousands of controllers will be retiring soon, and Congress needs to adopt policies that will keep these talented, hard-working people as controllers for as long as possible. We should not be adopting policies driving these dedicated people from service.

On its very face, this action by the administration flies in the face of reason. The President's action has no justification, except to serve business at the expense of the traveling public. We need to focus on the safety of American travelers, not on profits to the lowest bidder.

Ask yourselves this: Just how important are the lives of your family? Do you really want to trust them to the lowest bidder?

Mr. Speaker, I thank the gentleman for yielding.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's insightful comments. If I may just direct a question to the gentleman. The gentleman serves on the subcommittee which has been dealing with some of the most critical areas of air safety in our country. I know it has been accelerated here in the last 9 months. I am curious if the gentleman has had any evidence that has been presented to the subcommittee, or if the administration heretofore had brought forth any indication that there were problems with our air traffic system that merited this drastic action and the conclusion that air traffic control was not an inherently governmental function.

Mr. SANDLIN. Mr. Speaker, the administration, as the gentleman from Oregon who also serves on the committee knows, has brought forth absolutely no testimony, no evidence of any sort showing that there is a need to move this from a governmental function into a private function. In fact, if the gentleman wants to follow the reasoning presented to the committee, it is exactly the opposite. If we want to say that the private companies were not doing a good job of screening the baggage and we agreed to move that into a governmental function with government employees because of the danger presented to the traveling public, why then should we move the opposite way and say our extremely efficient, well-trained and hard-working government employees that keep our skies safe, that are the envy of the entire world? Why should we move that from a position of government trust where we are protecting the public into the lowest bidder, the person that comes in that says, I can do it the cheapest would be the person that would get the job. I think the American public deserves more than that, and I think the administration needs to bring testimony or evidence to show why the cheapest instead of the best should get the bid.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's analysis. I was struck; I was here earlier in the evening when the gentleman gave eloquent testimony to the need to support our rail investment. The gentleman talked about what a difference it made in east Texas, how people had moved forward, how Texas has had ridership increase on the order of 9 percent where the State had been investing, where the private sector had been there. The gentleman was talking about the legislation that we have worked on in our Subcommittee on Railroads of the Committee on Transportation and Infrastructure, under bipartisan leadership of the gentleman from Tennessee (Mr. CLEMENT), the ranking minority member; the chairman, the gentleman from Buffalo, New York (Mr. QUINN), the Republican chair, that has been virtually unanimous on the part of our committee to move forward to keep on track. I was struck with what the gentleman was talking about in terms of supporting that and the need to move forward with our bipartisan consensus to protect Amtrak, with the absolute failure to work with the committee structure, to look at the evidence and come forward with a program that made sense for the American public. I thought that the contrast between the gentleman's two comments, one, the importance of preserving what the committee could do on behalf of rail, contrasted with what had not happened with air traffic control and safety, was stunning.

Mr. SANDLIN. Mr. Speaker, if the gentleman will yield, there is no one in the United States Congress who has done more for rail or to focus the attention of Congress and the administration on rail than my good friend from Oregon, and I know it fits in well with his livable communities agenda and trying to save energy and having a complete travel and infrastructure system of rail and air and water and otherwise.

□ 2130

I think it is important, as the gentleman mentioned, that as we are trying to protect one sort of transportation, as we are trying to say, let us invest in rail, let us do something to make it safer, let us use rail as a viable alternative, that at the same time we are backing away from aviation; and we are saying, we have a system that works, we have a system with professional folks, we have a system that brought down 5,000 planes in 2 hours with no problems, we have the envy of the world; but we want to change that.

We want to strip these professionals, these Federal employees that have only safety, that is their only criteria, we want to strip them of that responsibility, and we want to put it out on the market to a private company who says, How can I cut costs? How can I pay as little as possible to these employees? How can I make sure they do not have benefits? What can I do to get this so low and so stripped down and so poorly administered that I will get that contract? Because they look at it as profit, and our government employees that have worked so hard and trained so hard look at it as an obligation to safety for the traveling public, to safety as part of our national security. Certainly, since September 11, we need to look at rail and air and help them, not do something to back away from our obligation.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's leadership and eloquence in summarizing that. I do not say it any better.

THE REPUBLICAN PRESCRIPTION DRUG PLAN

The SPEAKER pro tempore (Mr. KELLER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Kentucky (Mr. FLETCHER) is recognized for 60 minutes as the designee of the majority leader.

Mr. FLETCHER. Mr. Speaker, it is truly a privilege to be here this evening representing the leadership, the Republican leadership, on a very, very critical issue.

Let me go back in time just briefly and look at when Medicare was first developed. We know that has been one of the most successful programs for our seniors, for their retirement security, for their health. Certainly it has been extremely successful.

But since that time, medicine has changed tremendously. It has moved from a system that primarily was focused on acute care. In other words, if you had a problem, if you had a disease diagnosed, if you needed surgery, you went to the hospital, to the physician, and that was cared for. It was acute care.

Medicine has transitioned tremendously since we first established Medicare. Medicare needs to be enhanced and improved and strengthened to meet those changes.

Now, the Republican Party has already, over the last few years, certainly begun that change as we have increased some of the efforts toward diagnosis of early disease and screening of disease, and also on prevention, particularly in areas like diabetes, which certainly represents a tremendous problem in this Nation. Hopefully, through our increased funding of not only Medicare but NIH, we will find cures for these diseases.

But we have already begun to move Medicare into an enhanced, improved program and strengthened it. Now, tonight, we would like to talk about prescription drugs. I think it is probably the most critical issue facing the United States and the health care, certainly, of our seniors, so it is certainly an honor for me to be able to be part of the Speaker's task force addressing this issue. Let me just review it briefly.

First off, this program focuses and will provide coverage for all seniors. Every senior who is eligible for Medicare will be eligible for this program, and this program will cover them. It has been estimated about 95 percent of those seniors will take advantage of this.

The other thing, it would provide immediate help, help right now: a 30 percent estimated reduction of drug costs, prescription drug costs, immediately. This is an up-front discount that will take effect immediately on the bill passing not only the House but the Senate and being sent to the President's desk, where he certainly is very much in favor of this.

It is voluntary, and it provides at least two choices guaranteed to every senior. It cannot be taken away. It is not like a program that some others are offering on the Democratic side that would be sundowned or sunsetted. This program will not be able to be taken away. It has the same provisions and the same assurance guaranteed by the U.S. Government as Medicare and as Social Security.

One thing, it also has provisions to ensure our seniors do not have to choose between food and prescription drugs. Certainly, I have seen that occur, and I will talk about that a little later. For those on fixed incomes, it certainly is critical that we provide this help to those.

It also protects people from the bankruptcy of runaway drug costs. We have a lot of wonderful new medications that help tremendously, but the costs of those are accelerating. We need to protect our seniors from the possibility of runaway drug costs that will end up causing them to have substantial financial problems, and even bankruptcy.

It also improves access and availability to hospitals, to physicians, nursing homes. With some of the provisions, it works to improve the reimbursement particularly for rural hospitals. It helps in general, again, with our health care of our seniors. I think it is one of the most pressing issues.

I am pleased also to be accompanied here this evening by the gentlewoman from West Virginia (Mrs. CAPITO), who has taken a leadership role in helping chair this task force.

I yield to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank my colleague for inviting me to join him on this evening to talk about a very critical issue. I think he has addressed a lot of the basic things concerning a prescription drug plan for seniors.

I represent the State of West Virginia, which happens to have, or to be the oldest State in the Union. We have a higher percentage of older senior citizens. I see this every day when I travel throughout the district, when I talk to my constituents, and when I talk to other seniors that do not happen to live in my district but might see me at an airport or see me somewhere else, and they are always telling me that the cost of prescription drugs is something that needs to be addressed, and most importantly, needs to be addressed now.

I think we have done a lot of talking about this issue. I have certainly talked about it a lot in my town meetings, in my meetings with folks that represent the chain drug stores, the pharmacists, the hospitals, all sorts of variety of folks throughout the district who are expressing concerns about how we are going to address this problem. But talk is, as they say, talk is cheap, and action is what we really need. It is what our seniors deserve.

I think the ability to afford medications in one's golden years is really a form of retirement security. We talk a lot about Social Security and the sanctity of that promise made in Social Security and how very important it is. But I think also it is important for our seniors to have as part of their retirement security the satisfaction and necessity of being able to afford prescription medications.

I share everyone's concern, and the gentleman's as well, over the rising cost of prescription drugs. It must be and should be an essential part of any health care plan; but unfortunately, as the gentleman mentioned, Medicare is not one such plan that covers prescription drugs.

Americans over 65, those covered by Medicare, are the least likely to have help with the cost of their medications, and are the ones in most need of help. So time is ticking, the cost is ticking for Congress, for us to get something done now.

The gentleman mentioned the House Prescription Drug Action Team. I am very privileged to be serving on that. I think it is important for us to raise the level of our voices to talk about a most important issue to our constituencies and to Americans. This Prescription Drug Action Team, I think, has worked hard with the committees and the committee Chairs in a bipartisan coalition to try to work together with the other side of the aisle to develop something that we can get to the President's desk.

The men and women of West Virginia sent me here to lower the drug costs for seniors. I am particularly interested in seeing this done now and in an affirmative way.

For instance, when we kicked off the Prescription Drug Action Team, a constituent of mine was here speaking with us, Betty White from Martinsburg, West Virginia. Betty has a monthly prescription drug cost of $340, which, in my math that I worked out in my office, gets her to $4,080 a year, astounding costs for Betty. She cannot afford to keep paying this and also make the other arrangements in her life to pay for her food and shelter and her necessities in her life, and still pay $4,000 a year for her prescription medications.

I think we are on the right track looking at the principles that the gentleman is going to be talking about here in a few minutes, I think, the principles behind the drug plan. But I think it is important for those in West Virginia that are listening to me tonight to realize that all 288,000 seniors in West Virginia will benefit from this plan. That is significant.

I think the plan, the plan we are working on, and it is evolving, has more help for the lower-income folks. In my State of West Virginia, again, 79,000 West Virginians, or 28 percent of our State's seniors, live at or below 100 percent of the poverty level. These extremely limited incomes make it impossible to afford astronomical costs of pharmaceutical medication, so a plan that really helps those folks that are having to make the day-to-day struggle for their health, for their well-being, is a plan that I think we need to get in front of Congress immediately.

Another aspect of a good, solid plan I think is catastrophic coverage. A lot of the drug therapies, and my colleague, the gentleman from Kentucky, alluded to this, the drug therapies are very, very expensive, and get beyond Betty White's $4,000 and go on into the $8,000 or $9,000 a year range, astronomical costs. I think we need a plan that is going to help our seniors cap off that cost at a certain point where Medicare will pick up the remaining costs of those runaway prescriptions, of exorbitant rates. It is a plan that I know we are going to be able to put together here in the next several weeks.

I think we have to make sure that we look at special parts of our population. I am a woman serving in Congress. Women live longer than men, and they are accounting for 72 percent of the population 85 and older; but unfortunately, women are more likely to have lower incomes in their retirement age. There are twice as many women as men aged 65 or older with annual incomes of less than $10,000. This will help the seniors. This will help women who are seniors. I think that is significant.

Many women, unfortunately, when they retire, they look at the retirement benefits, or if they have not been in the workforce, they have a problem. They have been home raising their families, contributing to society in a lot of ways, but have not picked up that paycheck. What are we doing for these women? This plan will come and help save these women from having to make the tough choices.

I am here to stand by to let my fellow West Virginians, my colleagues, know that I will fight for relief. Lowering the cost of prescription drugs cannot be a political issue. It is not a Republican issue; it is not a Democratic issue. It is a human issue that cuts across all lines across America.

As I have said before, the time is ripe. The time is now. We need to capitalize on this momentum and make sure that we join together in a bipartisan way and formulate a prescription drug plan for our seniors now. The time is now.

Mr. FLETCHER. Mr. Speaker, I certainly want to thank the gentlewoman. Again, let me just thank her for her hard work, her dedication, and certainly her loyalty and care about those senior citizens in West Virginia. As the gentlewoman has mentioned, that is a large part of her population. I know she has worked very hard up here, and certainly I just want to thank the gentlewoman for coming this evening and sharing this time with us. I thank the gentlewoman for her work for those seniors back home. I know they will appreciate it.

I just hope as we go through these next few weeks, and I believe we will be able to get this bill passed out of the House, I hope that it will continue to have work done so that eventually it gets on the President's desk and so those seniors back in West Virginia will see the kind of benefits that the gentlewoman has talked about. I thank the gentlewoman very much for joining us.

I next yield to the gentleman from New York (Mr. GRUCCI), who has worked very hard also on this prescription drug plan. We appreciate him being here and sharing this time with us tonight.

Mr. GRUCCI. I thank the gentleman for yielding to me, Mr. Speaker. I just want to comment and commend him on his great work and vision in the field of health care for all of America, but specifically for our senior citizens.

Mr. Speaker, I rise tonight on behalf of the men and women in my district on Long Island who have told me in town hall meetings, public events, and in the calls and letters to my office how much they need a voluntary Medicare-administered national prescription drug plan.

Over the past few weeks, I have spoken to hundreds and hundreds of senior citizens in town hall meetings all across Suffolk County outlining how this proposed Medicare-administered national prescription drug plan will actually help them.

□ 2145

And they told me in no uncertain terms that they need this drug plan. They need it now. They need it right away. They do not need it tomorrow. They do not need it the day after or the year after that. They need it now because their pain and suffering is real and their economic conditions are real. But they also told me they do not want to sacrifice their hospitals or their doctors. They do not want to cut reimbursement rates. They do not want to jeopardize the quality of their health care beyond that of prescription drugs. And on Long Island, seniors needs relief. They need relief from the high cost of prescription drugs and they do need it now. No senior should ever have to choose between purchasing food or purchasing the much-needed medicines to make the quality of their life a better place, to be able to give them the kind of life that they have earned all through their working years.

The plan will save Americans hundreds and hundreds of dollars on their prescription drugs, and especially help those living on a fixed income, while also preventing cuts to our hospitals, to our doctors and to our home care providers, all of which are very important in the quality of life for our seniors as they move forward into their golden years.

This legislation will lower the cost of prescription drugs now and guarantee all senior citizens prescription drug coverage. I would like to thank the Speaker, the gentleman from Illinois (Mr. HASTERT), for inviting me to serve on this prescription drug action team, to create this Medicare-administered drug benefit program covering all senior citizens. I now have the opportunity to focus my efforts on ensuring that the program strengthens Medicare, while guaranteeing prescription drugs and preserving the integrity of the health care system and all at the time of making it affordable for our senior citizens and making sure they have the ability to buy the drugs they need to protect themselves and to ensure their quality of life.

Far too many seniors are faced with the skyrocketing costs of medicines they need for a healthy quality of life, and that is just wrong in a country as mighty, as powerful and as affluent as this country is. We can do better for our seniors. We will do better for our seniors, and this program ensures that they will have that kind of a quality of life. It is time for the rhetoric and the petty partisan difference to end. It is time to act on behalf of our senior citizens.

We need to put the qualities of our senior citizens' health care first and the way that we do that is by establishing an affordable drug benefit program as part of Medicare. That is very simple. It is what should have been done a long time ago. And I am glad to see that my colleagues in the House of Representatives and certainly those that have joined with me on the Speaker's task force have seen the need to do that, rose to the occasion, and have worked from inside the budget and are going to create benefit for our senior citizens, the likes of which they have never had before.

I am proud to have been chosen as a member of that prescription drug action team and I am proud to have been a voice for our hospitals in the formation of this plan, saying that any final plan could not have imposed cuts to our hospitals and to reimbursements to our doctors, home care providers.

I am proud to have been a voice for Suffolk County, for Suffolk County seniors, fighting to make this plan address our HMO reimbursement problems, a problem that has seen so many of our health care providers flee our county and move, not across the country, but across county lines, and in some instances into the city where the reimbursement levels are greater. And as a result, our senior citizens lack the kind of attention they need to take care of their health and their quality of life and that is just wrong.

This plan is vitally important to the health and quality of life for our parents, our Nation and our senior citizens. That is why I lobby to target a prescription drug benefit for seniors as the GOP freshman class priority of 2002. The time is now. It is time for our senior citizens from Long Island and across this great Nation to have access to an affordable prescription drug benefit program through Medicare. I ask my colleagues to join me in working to secure a fair and equitable plan to strengthen Medicare by providing a prescription drug benefit without hurting our doctors, without hurting our hospitals, and without hurting our health care providers.

I yield back to the gentleman from Kentucky (Mr. FLETCHER), and I comment once again on his vision and his help, not only in this instance but in his leadership when it came to creating a Patients' Bill of Rights, a program that I helped to work on with him, and I was impressed with his credentials at that time as I am tonight. He has done a great job for this Nation and a great job for the people of America. I yield back to the gentleman.

Mr. FLETCHER. Mr. Speaker, I thank the gentleman from New York (Mr. GRUCCI). The gentleman could probably tell us a few situations. The gentleman mentioned he had been in a town hall meeting or meetings and this is probably the number one issue I hear about when we talk about health care, particularly with our seniors. I know that the gentleman, having owned and operated a small business, providing health care, and as we worked on the Patients' Bill of Rights, I remember a lot of times we spent together and the gentleman talking about making sure we could continue to provide the kind of health care we need. And it is good to see the gentleman now taking a leadership role on this prescription drug plan.

Mr. GRUCCI. Mr. Speaker, I thank the gentleman for those kind words. I can tell the gentleman that the people in my district consider this to be amongst the top tier issues in the country. Certainly the war on terrorism and making our homeland safe is something that is on everyone's mind, but short of that, health care and our senior citizens and prescription drugs is something that our senior citizens have been clamoring for, been asking for, been begging for, for a number of years. And I am glad to see that we have now risen to the occasion and are going to be able to provide them the much-needed help.

An average senior in my district is no different than across the Nation. They spend about $2,150 a year on their prescription drug benefits. When I asked them that question, the majority of the room raised their hand in that area. Some had more than $4,000 of prescription drug benefits. This program will go to help pay for those above that cost. They told me this is the plan that they were hoping for to arrive in their lifetime and we are now able to deliver to them. And the gentleman has been doing an outstanding job on that. I am sure your district is no different than mine.

Mr. FLETCHER. Mr. Speaker, the gentleman is absolutely right. In central Kentucky, probably throughout the State, when I talk to seniors at town hall meetings, and I was recently at a senior citizens center where there was probably 200-plus senior citizens there, and it was just the major issue on their mind. Virtually all of them seemed to be on some sort of prescription drug. I remember one lady that got up and she gave me her income and she said, How much will I have to pay? I was glad to tell her, and I will be looking just briefly at these charts, that lady who is on a fixed income, and I think the gentlewoman from West Virginia (Mrs. CAPITO) talked about this, this affects particularly women that have worked all of their life very hard, many in the home, and they are on a fixed Social Security income and now they have these high drug costs. I was glad to tell her that actually this plan will pay for all of her medication costs, that it would help her tremendously, or virtually all of the costs would be covered. And that is something that I think as I get out around the district and tell people, they really understand how good this plan is and how comprehensive it is, covering all seniors. And certainly we get a tremendous amount of support out there.

Mr. GRUCCI. Mr. Speaker, if the gentleman would yield, I would say the same is true in my district. The thing that we use together between the prescription drug benefit is the uncertainty our seniors have over the rhetoric that is coming out about their Social Security and are they going to lose it, are their benefits going to be taken away from them, are we going to pay for a prescription drug benefit and the health care of our Nation on the backs of our seniors through their Social Security? When I tell them there is no plan, neither a Democrat nor Republican plan to do away with Social Security or to privatize Social Security, a word that seems to have been cropping up in the vernacular these days in an attempt to scare our senior citizens into believing that there is some evil plan afoot here in Congress to do away with their Social Security or to privatize it and put it in jeopardy, when they understand that is not the case and that is not going to happen and they realize that this prescription drug benefit is actually new monies and not coming on the backs of their Social Security, they really understand the benefit that this program is going to have for them.

When I told my senior citizens, and I probably did three to four of these town hall meetings, each with as many as 200 senior citizens in them as well, they understood that they were going to see savings. When I said to them, they will see six, eight, 900 and $1,000 back, you can hear the sigh of relief because to some Americans that may not be a lot of money, but to these folks, it makes the difference.

People hear us talk about the choice between buying food and putting heat in their house and buying the medicine. Well, the seniors that I talked to are the people that are making those choices. I want to eliminate that choice. They should not have to make that choice. They should be able to have their Social Security benefits as well as their retirement. They should be able to have a prescription drug as part of a program that the Federal Government has said is right for them and is going to help them with. I could not be happier that this is coming about. I hope we can get this to the floor very quickly so that the Senate will be able to act on it and we can get it to the President for his signature.

Mr. FLETCHER. Mr. Speaker, certainly I appreciate the gentleman's words and help again. As we begin to look at this problem, I am thinking of a lady who said that she was living on, it was around 7 to $800 a month, if you look at what it takes to provide, put food on the table, clothing, heating, a home, she was getting some assistance from family members, and we see that all across. It is not only the seniors that are very interested in this, but we all have parents, and there are a lot of younger folks out there that are struggling to make it and they are helping their parents right now because their parents are on a fixed income. They are having to contribute to that cost. So this is something that I agree immediate relief is certainly needed. And as the gentleman just said, there are a number of people out there struggling to make ends meet. They are having to decide whether there is food on the table and whether they will take the prescription drug.

Mr. Speaker, again, I thank the gentleman for his work and for coming and sharing the time tonight.

Mr. GRUCCI. Mr. Speaker, I appreciate that. I will close by saying that the person I run this by is Mama Grucci, and when she tells me this is a good plan, I believe it is a good plan. I thank the gentleman and I appreciate his time.

Mr. FLETCHER. I thank the gentleman for that high note of credibility he just added to this plan.

Mr. Speaker, as I looked, the gentleman from New York (Mr. GRUCCI) also mentioned that some people are trying to scare seniors and talk about Social Security and spending Social Security money, taking Social Security away or privatizing, all of those terms that they use to try and scare our senior citizens. Let me say that is unconscionable because they do know that there is no plan afoot, no intent to that, and that we are actually trying to do and are working, and I think successfully, and certainly have come up with a plan that we will unveil shortly to help shore up retirement security, improve it, enhance it.

As a matter of fact, this year as I served on the Committee on the Budget, we specifically set aside $350 billion over the next 10 years for the very purpose that we are here talking about tonight and that is to provide a prescription drug plan and to strengthen Medicare.

Now we set aside for that very purpose. And let me say at that time the Democrats had no plan. They set aside no money for Medicare. They set aside nothing to plan for the future of prescription drugs. And I know that many of them desire just like we do that we have a prescription drug plan. And we just need to set the record straight that when we rolled out a budget here on the House floor, there was no alternative budget that provided the kind of money that we did or provided any provision for prescription drugs. We provided $350 billion over the next 10 years to address this critical health care issue in America.

Let me share, I have practiced medicine before I came to join this honorable body. I was a family practitioner. I can remember situations like the one I will relay. A lady that came in who had high blood pressure, hypertension. I prescribe the medication for her. She goes home. She comes back, I check and the blood pressure is not controlled and I scratch my head. I increase the medication. She goes home, comes back, and the blood pressure still is not controlled. Finally when you sit down and she begins to pour out her heart, she says, Look, I cannot afford this medication and when the samples you gave me ran out, I could not afford to get them.

I have seen folks that say, I take it every other day, or I could only take half of the dose you gave me. These are problems where people are not only have having to decide between food and medicine but it has a critical impact on their health and long-term security. If we are not controlling things like hypertension or diabetes or high lipids or cholesterol, then we are not doing all we can for the health of our seniors. And that will lead to diseases and problems that they would not have otherwise had if we do not provide the care that we are talking about here this evening.

□ 2200

Let me review again some of the principles of this plan because I think they are critically important.

First of all, it strengthens Medicare with a prescription drug plan coverage. It lowers the cost of prescription drugs now, and I want my colleagues to see that word "now," Mr. Speaker, because I think it is critically important. People, I hear, need immediate relief and that means they need it now.

This immediate relief is allowing us to reduce those costs. It is estimated at 30 percent. In the last year or so there have been Democrat plans that have been rolled out, and they are estimated only to reduce it about 10 percent. If my colleagues can remember, during the last Presidential election a plan was rolled out. The Democratic candidate, the estimate reduction was only 10 percent. We are providing three times the price reduction, and we are doing it immediately under this plan, as soon as this plan will be signed into law; and we get out the competition that would bring down the cost of those medications, the up-front cost as seniors walk into their pharmacy by up to 30 percent.

It guarantees all seniors prescription drug coverage under Medicare. This is a plan that cannot be taken away from. Our Congressional Budget Office has estimated that 95 percent of the seniors will take advantage of this; and let me say, if, and this is a question I got at some of my town hall meetings, Mr. Speaker, and that is, if a senior citizen now has a prescription drug plan, this will not take away their ability to keep and maintain that prescription drug plan. It will allow them to maintain a plan that they like.

So it does not restrict their freedom. It provides choices. It improves Medicare with more choices and more savings. We have already talked about a 30 percent saving immediately. With a small premium, there will be substantial savings.

It also protects from any catastrophic drug costs that would result in bankruptcy because of runaway drug costs.

It provides choices. We guarantee that a senior has at least two choices. This is unlike the Democrat plan that said we are going to give people one choice, one formulary that is going to be listed. That means that people have got a bureaucrat or bureaucrats controlling what is in the medicine cabinet of the seniors across America.

Let me tell my colleagues, I worked with companies, insurance companies, that only had a single formulary, and sometimes it is nightmare to get the particular medicine that the patient needs, and so we wanted to make sure, as one of our basic principles, that we provided multiple choice. We guaranteed at least two choices, and hopefully there will be more than that, but more choices, more savings.

We strengthen Medicare in the future. One of the problems we are seeing across this country and certainly in Kentucky is that a new Medicare patient has a difficult time of getting an appointment with a physician. We also see struggling rural hospitals and nursing homes and home health agencies because of reimbursals that are about to be cut or have been cut and the tightening or disparity in payments for rural hospitals. That makes it very difficult for these essential rural hospitals to continue to operate, and believe me, I think all health care is local.

When we look at how important it is to have immediate care, when someone has something like a heart attack or a stroke, it is critically important to have that care right in the community, maintain those rural hospitals. Part of this plan will certainly help do that and improve the reimbursal for those rural hospitals. So I think that is critically important.

Not only that, but it prevents this rather ridiculous plan of the way we were going to pay physicians and the reduction that would cause many of them to quit taking Medicare, and that is why I think it is critically important that we pass this, to improve the accessibility and availability of health care to our seniors.

I see now I am joined by the gentleman from Connecticut (Mr. SIMMONS). I am very glad to have him here and his work on prescription drugs. So let me yield to him.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for yielding to me, and in particular, I thank the gentleman for sharing his expertise on this subject, not only with Members of this body, but with all Americans who are concerned about this particular issue.

I represent a small State, Connecticut, which has been fortunate in many ways because over the last 17 or 18 years, the State of Connecticut has benefited from a state-based prescription drug plan, what we call ConnPACE, which is the Connecticut pharmaceutical contract for the elderly, and what this ConnPACE program does is provides prescription drug coverage to those senior citizens and those disabled citizens who are low income, and so it is income based. It is not asset based. It is income based.

During the 8 or 10 years that I served as a State representative in the State of Connecticut and I traveled around during election time, knocking on doors, with increasing urgency senior citizens expressed their concern for additional help for prescription drugs. As I said, Connecticut had a program, but because it was income based, an individual who was slightly over the income limit became ineligible and, therefore, could not take advantage of this program.

What I felt over those 8 or 10 years was that the Federal Government should play a larger role, and when I was I elected last year and came to Washington, my colleagues may recall that the President offered what he called his Immediate Helping Hand Program, and as I understood it, it was a program where the Federal Government would make a grant to the States to a certain amount to assist them in the programs that they had. I took that idea to heart.

I introduced some legislation here on the Hill that reflected that concept, where the Federal Government would help those States, but when I went back to my district and when I talked to the senior citizens at the senior citizens centers and at gathering places across the district, what I discovered was they really wanted to go beyond that. They did not want to have an income-based program. They did not want to have a program that limited the benefit only to those seniors in greatest need. They wanted a broader-based program, and this is where the gentleman's proposal and the proposal that I understand will be coming out of the Committee on Ways and Means hopefully in the near future really fills the bill.

It includes all seniors. It provides coverage for all seniors, and it allows them to have some choice, and I think, most importantly, for those States that do not have a state-based program, it gives seniors immediate access.

What I hear time and time again is that senior citizens want this coverage now. They have heard the talk. The talk has been going on for a long time, and they feel that it is no longer a time to talk the talk. It is time to walk the walk. So they want to do it now, and they want to do it this year.

It is interesting when we think about it. I know the gentleman has a substantial background and experience in medicine, and I respect and appreciate that; and I understand how his expertise is really bringing this legislation to the fore.

My background is more in the area of military issues; and so when September 11 came along, it was a traumatic event for me and my citizens, my constituents who died on that terrible fateful day. We can look at national security issues and they are extremely important. There is no question about it. We can look at intelligence and national security issues, and they are extremely important.

In the polling in the months after September 11, there was great public interest in that issue, although that polling has now gone down, but think for a moment about a senior citizen on prescription drugs with limited resources. They may not be frightened on a daily basis about a terrorist attack, they may not feel that they are in jeopardy because of international terrorists, but they are in jeopardy because of their prescription drugs.

Every day they have to face concern and anxiety and insecurity because they have to make a choice between drugs and food. They are not sure that they have the resources available to buy that prescription drug in the coming months. So we have to put ourselves in their shoes, and we have to be considerate of their concerns.

We have to move forward with this program. We have to get it done and we have to get it done now, and I am so happy to be part of the Speaker's task force that addresses this issue. This is a critical issue for senior citizens, for disabled and for those on Medicare, and it is time for us to provide this coverage for them.

So I thank the gentleman very much for his leadership, I thank him for his expertise, and I think the time is going to come sooner rather than later when many citizens across this great country of ours, so I am going to thank the gentleman and all those working with him, to bring this critical program to fruition, to bring it to our senior citizens.

Mr. FLETCHER. Mr. Speaker, I thank the gentleman from Connecticut (Mr. SIMMONS) for joining me tonight. I thank him for his work on the task force, and I know as he mentioned certainly his sincere desire to help the folks in Connecticut, particularly in his district, I am sure they feel as I do, certainly appreciate the tremendous amount of work he has done on this, and I think he is focused.

His background, as he has already mentioned, is one of serving the country and yet going well beyond that of focusing, not only as he mentioned on the national security, but now on the retirement security and security of our seniors' health. So I thank him for his work, and I know if he is like myself and some of the other folks that have joined us this evening, it is just an issue that they hear regularly around the district.

Mr. SIMMONS. Mr. Speaker, if the gentleman would yield for just a moment, he captured the concept so beautifully. We are concerned about retirement security. We are concerned about health security. We are concerned about national security, and these are all interlocked in a way, and we have a responsibility to address them all.

When I look back on what I was trying to do, which was to frame a legislative program that would provide block grants to those States that had programs and encourage other States to develop programs, what I realized was and what seniors told me was we are leaving a lot of people out. We are leaving people out in those States that do not have a program, and it is going to take them awhile to implement. We are leaving those people out whose income levels are sufficiently high that they do not get to participate.

The point is, when it comes to health security, when it comes to retirement security, when it comes to national security, we do not want to leave anybody out. We want to make sure that everybody is covered. We are all a part of this great country of ours. We need to work together to make sure that everybody participates.

Mr. FLETCHER. Mr. Speaker, again I thank the gentleman for joining us tonight, and as he said, two critical things, immediate help, help now.

If we, as we did a couple of years ago, pass a bill out of the House here, we sent that over to the Senate. The Senate did not act on it. Let us hope it is different this year as we look over the next few weeks of passing a bill out here and sending it over to the other body, but I do thank him for joining us tonight and thank him for all the work, for all the citizens, not only in the State of Connecticut, but all over the country.

Let me just say a few things and close out this evening and remark on this. We said no senior should have to choose between food and medicine, and yet that is happening in this country, and yet we are undoubtedly the wealthiest Nation in the world's history. We have developed a tremendous amount of health care technology, including wonderful new medications, prescription drugs that help prevent disease.

We now have medications that prevent hardening of the arteries, that reduce the rates of heart attacks and strokes. We have medications that certainly allow senior citizens to live more comfortably. We have medications that treat and sometimes even cure cancer. That would have been just unimaginable a few years and decades ago, but oftentimes our seniors are having to choose between the food that gives them that comfort, that quality of life and even assures them of prolonged life, and the medicine, having to choose between food and medicine.

So we want to stop that. We have a good plan, and let me just review a little thing on that.

First off, it fully subsidizes premium and cost-sharing up to 150 percent of the poverty level. That means those ladies that are on low income and those senior gentlemen that are on low income do not have to worry about that problem, as we have shown, choosing between food and medicine.

It also provides a subsidy that is phased out between 150 and 175 percent. This is a coverage in Medicare, and it is important to understand that. It is also important to understand that people have a choice.

There are several plans to choose from, so that they can get the medication that they need. It is not just a single formulary that may restrict someone or make it very, very difficult for them to get the particular medicine that they can tolerate and that treats their particular condition the best.

It brings immediate relief of up to 30 percent cost reduction. It helps not only that, but there are a few other things I want to review as we close out.

It protects improvements in Medicare to help reduce adverse drug interactions, provides for electronic prescribing to minimize medical errors which the complexity of medicine now certainly is needed to incorporate all the technology that we have to ensure that we reduce the medical errors to as little as few as possible. It allows pharmacy therapy management for chronic conditions, and I think disease management is part of this prescription drug plan that is very critical as we look to not only just treat the acute problems of our seniors but make sure we manage their condition to give them the best quality of life, again to help them with their retirement security, to secure their health for as long as possible.

So as I close we have a plan that we will be rolling out soon to provide immediate relief that is available for all seniors that will ensure no one has to choose between food and medicine, that will also provide choice and freedom. It will also make sure that those people that have drug costs that become quite expensive, that they are not going to go bankrupt because of runaway drug costs.

□ 2215

Mr. Speaker, it is an excellent plan. I certainly hope that we can get bipartisan support for this plan as we bring it to the House floor.

As I mentioned a year and a half ago, we passed a good prescription drug bill out of this House. I think we have made marked improvements on the plan. I want to share, Mr. Speaker, this plan is not only a plan that we have worked on this year, it is the culmination of several years of work.

What we found is that I think we can get a greater participation in the way this is structured; and again, the Congressional Budget Office predicts that 95 percent of the seniors will sign up for this, this voluntary program, because the benefits are so structured and so good and so attractive that they felt like seniors would sign up for this, and because it is available for all seniors. Again, it provides them with the ability to keep the plan that they have. If they have a retirement plan, and it provides prescription drug coverage, this does not impede their ability to keep that plan.

It also, again through better negotiating power, gives them an immediate 30 percent estimated in their cost. We have a great disparity in this country in the fact that most people who are working can walk into a pharmacy and they can get prescription drugs at a markedly reduced cost because they have an insurance plan that negotiates the cost of those drugs and gets a reduced cost, but our seniors do not have that. They pay a substantially higher price when they walk in to buy their prescription drugs. Why, unless they have some sort of plan other than Medicare, they do not get the benefit, the negotiating power, to reduce the cost. This plan brings that power to every senior that takes advantage of this plan.

I just wanted to share those few things, and let seniors know that not only providing this plan for the reasons we have mentioned because of the necessity of improving certainly retirement security and the security of our seniors' health, but it is a matter of equity. Medicare provides for acute care, and will provide, for example, bypass surgery for someone who needs surgery, but it will not provide the prescription drugs for hypertension or lowering cholesterol that are necessary.

EDUCATION TAX CREDITS

The SPEAKER pro tempore (Mr. KELLER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. SCHAFFER) is recognized for half the time remaining before midnight, or approximately 50 minutes.

Mr. SCHAFFER. Mr. Speaker, tonight I rise to discuss the issue of education in America and the topic more specifically is around education tax credits, a proposal which has been circulating through some of the back rooms in Congress so far. We have been talking about this publicly for a long time and many States know quite a lot about this. We have been working to construct a bill which is almost ready for introduction. We are dealing with some of the final discussions with the committee of jurisdiction in that legislation.

If we have Members interested in the topic of education tax credits and would like to participate, I would like to invite my colleagues to join me. I know there are several Members who I anticipate will be joining me shortly.

Education tax credits are probably the most exciting innovation with respect to education that we will have a chance to consider this year in Congress. First, perhaps, I would explain a little bit of the history of how we got to the point of putting a pretty serious education school choice initiative to the point where we will be bringing it to the floor and considering it in Congress. That history goes back to the Presidency of George W. Bush, when he campaigned for the Presidency.

He did so on a strong education component of his platform, predicated on the great accomplishments that he had achieved for the State of Texas when he served as governor of that State. That was amplified on a national level in his proposals that called for increasing accountability through testing and other diagnostic measures with respect to school performance and closing the achievement gap between underserved children and those of greater means financially.

The second proposal that President Bush spoke about was school choice, and the third most important element of his platform involved school flexibility. In other words, having the government propose that the Federal Government would eliminate all of the rules and red tape, strings, and the heavy oversight that the Federal Government has become known for with respect to administering Federal education programs through the States and ultimately to local jurisdictions, to school boards and local schools.

When the President became the President and got himself elected and came up to the Hill proposing a pretty bold plan to follow through on those campaign proposals, he put together a proposal called Leave No Child Behind which had those three key elements, accountability, flexibility and school choice, which were a part of that initial plan.

It was met with tremendous fanfare, as Members recall. There were big press conferences which rolled this bill out. Particularly those who are active members of the Committee on Education participated in the drafting of that legislation.

Unfortunately, something happened on the way back to the President's desk, and that is just a sliver of the President's initial vision remained in that bill which was titled H.R. 1, and that is the fault of the Congress, certainly not of the President, because as that proposal was introduced, before it had its first hearing, the school choice components were ripped out of the bill, which were the core elements of the President's proposal, the most important part. And the same with the flexibility provisions, those provisions were watered down considerably to the point where after the Senate finished with that proposal, they were barely recognizable. To the credit of the Congress, the one portion that the Congress maintained in the President's initial vision was the accountability provisions, and that we see carried out through a massive new Federal effort toward national testing.

Having said all that, the most important provisions of the President's vision have still been unresolved, and we still have to achieve them and that is what this tax credit initiative is about trying to accomplish. We are looking for a way to provide more flexibility to parents and to school boards and to local schools to try to find a way to create a new wave of private, voluntary investment in America's schools, a way to eliminate the discrimination between government-owned institutions and those owned by nongovernment entities, whether they are nonprofits or churches, or perhaps owned by private organizations of other sorts.

And finally, we are trying to find a way that really gives parents the power that they need in order to make greater choices as to the kind of education and academic settings that are available to their children, and this academic education tax credit plan helps to accomplish that. It does so by bypassing the Federal Government all together. The tax credit proposal does not envision changing Federal education law or even tampering with the U.S. Department of Education. Instead, this proposal is one that addresses the Federal Tax Code and provides a direct tax benefit to American taxpayers if they will send their cash that they otherwise would send to the Federal Government to a local school.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA) to explain the history and where we are trying to go with this tax credit proposal.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for taking the leadership position on this education tax credit proposal. A few years ago, the gentleman and I embarked on a process with members of the Subcommittee on Select Education of the Committee on Education and the Workforce, to talk about education at a crossroads. What we wanted to do was identify what the Federal role in education was, and we also wanted to go around to America and find out what is really working in education.

What we discovered in terms of what happens to the Federal dollars and what happens in terms of decisionmaking is that we found that the person who is doing the work and paying the taxes by April 15, they send their money to the Treasury Department. We in Washington, whether it is H.R. 1, or any series of education bills here in Washington, will allocate that money and say we are going to spend this much money here and this much there. Politicians get into the debate where exactly the money is going to go.

As we found out in the welfare reform debate recently, that debate, pretty much the way that the debate on education went, we forget about how we are trying to serve. In the welfare reform debate, the debate was not whether the policies and programs would help the people on welfare, the debate was where the decision would be made as to how those dollars would be spent. Some of the politicians here in Washington were scared because we were actually going to make some of the decisions not here in Washington, but move some of the decisionmaking down to lower levels.

So it was not worrying about what worked and what did not, but who gets to make the decision. We had some of those same debates on education as to what policies are we going to mandate in Washington to make sure that people at the State level, people at the local school district level, and people at the local schools make the right decisions.

So it goes through this process of politicians in Washington deciding what we are going to do. The money flows down to the States and the States decide how it is going to be allocated, and it goes down to the local school. What we find is we have this whole bureaucracy in place deciding how we are going to spend the Federal education dollar, forgetting about who paid the taxes in the first place and forgetting too often about the child that we are trying to educate.

What we found out was a couple of things. Number one, when you put a dollar into the top of the funnel, at the end you only get about 65 cents into the classroom actually educating the child. The other thing that we found is the most effective programs at the State and local level.

□ 2230

When we talked to parents, when we talked to principals, when we talked to superintendents, when we talked to teachers, and said, what is really working in your schools, we were hoping that they would come back and say, well, you know, we only get 7 percent of our money from Washington, but, boy, that English as a second language, man, that is the right program, that is the program that is really making a difference, or any one of the alphabet type of programs that we have here.

That was not what we got. They said all we get from Washington is bureaucracy, mandates, paperwork, and those types of things. What really works is local innovative programs because those can be tailored to an individual school.

So as the gentleman from Colorado (Mr. SCHAFFER) said, we are not talking about changing the system. We tried that. We tried to move more decision-making to the State and local level, tried to move more decision-making to parents. We did not win on that. The bureaucracy and the folks who wanted control here in Washington, they won that battle. So we are just saying, okay, this system stays in place. For those who want those controls and those types of things, it is going to stay here. It is well funded. This is a healthy budget. It continues to get healthy increases, and we are not going to try to slay that dragon.

What we want to do is we want to create another mechanism to get more dollars to the student, and maybe my colleague would like to take us through exactly the difference between this model and how a tax credit complements this in terms of growing our investment, moving decision-making down to a local level, and it really forms a very nice complement to what this system is not able to do.

Mr. SCHAFFER. Mr. Speaker, before we move on, it is important just to underscore that this really is a picture of the way Federal education dollars go from taxpayer down to student, and it is a system that is not designed by accident. It is one that is very deliberately conceived here in Washington and put into place over years and years of Federal tampering and meddling in the whole education system; and it is important, before we go on to why a tax credit is important and why it is important to try to connect in a more direct way the taxpayer with the child, to go through each of these agencies just so we have a sense, once again, of why the politics are so difficult here in Washington to put children first.

The Treasury Department is a huge agency in and of itself, and we have had to go meet with the Treasury Department, and we just did that last week, with respect to this tax credit proposal. They are interested in the way we are proposing to change the tax law because they are the ones who administer it. So it is important to them and they care about it. The politicians here represent those of us here in Congress.

Mr. HOEKSTRA. If the gentleman will continue to yield, Mr. Speaker, when we met with the Treasury, great folks, but it was not about what is best education policy. It was what is best tax policy.

Mr. SCHAFFER. Mr. Speaker, that really is the whole point and why it is so important here because the Treasury Department people, their focus is the Tax Code. That is their job. That is their mission in life. That is what they do for a living, and when we go meet with them to talk about tax credits, that is the level of discussion we have to raise is how do we utilize the Tax Code to accomplish what we think, as representatives of our constituents, is in the best interest of the people. So we have to talk in Treasury language when we go to the Treasury Department. And they were genuinely helpful. I appreciated that meeting, and I think things are going great over there, but the child down here at the bottom was not the focus of that discussion is the point.

The legislators, and the politicians here in the Congress, of course, we respond to a great variety of priorities throughout the country. There are 435 of us just in the House. Across the Capitol here, there are another 100 of us. So we have got all kinds of priorities we are trying to balance. So politics becomes the important element in how we establish priorities here in the House and in the other body.

The Department of Education, of course, their function is to answer to the Treasury Department and to the politicians; so when we give the money to them, we have got another bureaucracy, a whole other culture that exists in the Department that deals with answering questions up here in committee hearings and also sending these dollars further down this education bureaucracy.

Mr. HOEKSTRA. If the gentleman will yield, again on the oversight committee, we finally I think are getting a handle on this, but for much of the nineties, this Department of Education that gets about $40 to $45 billion per year could not even give us a clean audit. They could not tell us where the money was going or how it was being spent. That is interesting. If you get to a local school board, those things are audited. If there is a problem with the books, immediately there is a State takeover. Here you have got a $40 billion agency, like I said, that now I think finally under the Bush administration, there is accountability here, they know where the money is going; but for the longest period of time, they did not even think enough about $40 billion to actually account for where the money was going.

Mr. SCHAFFER. They have to account for how those dollars are spent by States which is where those dollars go next. Once the money goes to the States, the States have those dollars distributed by more politicians, State legislators, those dollars go to their State departments of education, from there to the school districts, from the school districts through the political process there, ultimately to the school, and then finally down there to the child. My point being is that each one of these agencies within this bureaucratic model, they have their own function, their own focus, their own set of goals and objectives; and often they do not match up. They are not consistent.

Here in Washington as conservatives who are just kind of antibureaucracy types like those of us represented here tonight, when we try to change this system and make it more efficient, we step on a lot of toes, as you can see. These agencies, these State bureaucracies, and the school districts, they have tremendous political influence here in Washington. In fact, the teachers union is probably the most, I do not think you would get much argument, is the most powerful political influence here in Washington, D.C., in terms of a single special interest group. So this is a huge, massive bureaucracy, that has a tremendous political force here in Washington.

Talking about changing, this is something we need to do and will continue to do. We are not going to give up on that, but we have not been too successful, unfortunately. So the tax credit proposal is a way to try to just cut all that bureaucracy out of the middle. We have not invented this idea in Washington. This idea actually originated in several States, one of which is the State of Arizona. I yield to the gentleman from Arizona (Mr. SHADEGG) to tell us a little bit about the experience of education tax credits in his State.

Mr. SHADEGG. I thank the gentleman for yielding. What I would like to do, I will talk a little bit about our experience in Arizona, but I also would like to kind of get down to the nitty-gritty questions that I think a lot of people ask, and people who might be watching tonight might be curious about. People are interested in improving education in America and want to know how to do that. But I think that is critical.

I guess I ought to begin by saying that I come at this from the perspective of someone who my entire education was in the public school system, but more recent experience than that is my wife is a public school teacher in Phoenix, Arizona. She teaches kindergarten. I have two sisters, both of whom are teachers, both in the public school system in Arizona, and then I have a niece who is a teacher in the public school system in Tucson, Arizona. And so I come from a family that is pretty deeply steeped in public education. Of course to achieve any kind of reform, and you were just talking about how difficult it is to achieve reform, you have to kind of convince people to take a leap of faith, to try a new idea.

As you pointed out, we in Arizona tried a new idea. We have tried education tax credits, and I think they have worked extremely well. That does not mean that everybody in Arizona is yet convinced or already on board and it does not mean that the teachers and the teachers unions in Arizona are not still skeptical, but I think it would be important for either of you as the lead proponents on this legislation to kind of lay out what you believe tax credits will do and why public school teachers like my wife, my two sisters, and my niece ought to embrace this idea. Because we have to win them over. We cannot achieve this without them.

I know our experience in Arizona has been that by creating a tax credit for education, in Arizona it is capped at $500, we have been able to allow young children trapped in schools that were not meeting their needs to get a scholarship that enables them to go to a school of their choice and to get a high-quality education, because money is made available to them that they could not otherwise access. That money lets them go to a different school. I also believe it has not only not damaged the public education system in Arizona, it has helped the public education system in Arizona because these are essentially additional resources for education. It is not less money to educate America's schoolchildren; it is, rather, more money to educate our schoolchildren. But I think that is a critical question, and I would invite your response to it.

Mr. SCHAFFER. You are precisely correct. If you once again take a look at the bureaucratic model of getting taxpayers' cash to children, this system really serves no one well. It really creates a nightmare for public school teachers, for public school administrators. What we want to do is start to treat these teachers and administrators like the real professionals that they are. That is why not only should they be enthusiastic about education tax credits, but they really are.

Look at this. This is how tax credits work. We replace this bureaucratic model of getting taxpayer dollars to children with one that is much more direct, one that is better represented by this chart here, where we have the same taxpayer, the same child, no bureaucracy in the middle.

Here is how it works. Here is how our proposal would work. An individual who makes a $500 contribution to a school, either a public school or to a scholarship fund to allow children who are poor or are just challenged with respect to the financial means to attend the school of their choice, the taxpayer who contributes to those kind of organizations would get half of their cash back in the form of a tax credit. This is money that today the same taxpayer is funneling here to Washington, D.C., if they would give those dollars to the child, give it to the scholarship organization, the Federal Government is going to give them a portion of that cash back. We are essentially by changing the Tax Code making it easier to just give your dollars directly to the educational pursuit in your community, the priority that makes sense to you, rather than send it here to Washington and have it go through all that nonsense that is represented by the education bureaucracy.

Mr. HOEKSTRA. Remember, this is the model that says the taxpayer puts in a dollar and 60 to 65 cents makes it to the classroom. On the other hand, this model says we have gotten rid of all this stuff in the middle and the taxpayer puts in $2, and it only costs the government a dollar. So here we grow our investment in education and we grow it for all students, public schools, private, parochial schools, we grow the dollar. In this one we shrink it. What a sharp contrast.

Mr. SCHAFFER. The reason teachers and administrators in public schools and private schools are excited about tax credits is because they play more of a leadership role in getting these dollars to the children who need it the most.

Mr. SHADEGG. I just want to go over a couple of points you made because I think it is important to understand. One, I emphasize the fact that my wife, both of my sisters, and my niece are all public school teachers. You made the point in your remarks that these dollars can go by a donor to a public school. That is, I think, one of the points that people have concern about. The other point, and people get confused, when we talk about cost to the government, I just want to make it clear that we understand this. As this system works, if you give a dollar directly to an educational institution, be that a public school in your neighborhood or a private school, or to an organization that creates scholarships, I take it, for a public or a private school, that dollar goes directly to that school and is used by that school.

When you say it only costs the government 50 cents, or it only imposes a cost upon the government of half of that, what you are saying is that it, as an inducement or a way to encourage taxpayers to engage in this activity, the taxpayer's tax liability to the government goes down by half of what they give. So you are actually doubling the amount of money that goes to education, because they give $500, would be the max, and they get a tax credit, that is, they can reduce their check at the end of the year that they owe to the government by half of that. In this case it is $250. So not only are these resources that can go to public or private education without all the bureaucracy that you talked about, but on top of that, it is double the money. To get a $250 tax credit, reduction in your tax bill, you have to give $500. We are essentially doubling the money going to education.

Mr. SCHAFFER. It is more than a win-win situation. Every dollar that the government spends today or that every taxpayer spends today through their Federal Government gets filtered through this bureaucratic process. In doing so, every dollar does not make it to the child by the time it gets down to the bottom of this filter. Only about 60 percent of the money spent on education alone gets to the child. The education tax credit does just the reverse. Rather than losing cash, which is what the government does today with your education dollar, the education tax credit actually doubles the money. The reason it does is because of one fact, and, that is, Americans really are willing to contribute their own cash to American schools and American education. If we can make that investment a little sweeter by offering an education tax credit, sure it still costs the government a little bit in the end, not nearly as much as the bureaucratic process, but the result is for every dollar the Federal Government spends through a tax credit that we are proposing, $2 actually make it to a child.

So when we describe this idea to administrators and schools and teachers and business leaders and people who are involved in the education bureaucracy and have dealt with it for so many years, they are genuinely excited about this.

□ 2245

The people who are most excited about it are the groups represented by the two figures on this chart; the taxpayers, who are tired of seeing their money squandered in Washington and just through government bureaucracy in general, and the others are actually these children. We brought them here to Washington, who have been the beneficiaries of state tax credit proposals and other scholarships throughout the country, and it is a remarkable thing to see 10- and 12-year-old kids testifying before Congress about how this model has changed their lives and really opened up their futures to educational opportunities.

Mr. HOEKSTRA. The other people that really do get excited are the school officials at the local level, because under the bureaucratic model, the dollars that come from the Treasury come with strings attached saying, "you are getting a dollar and you will spend it this way. And, as a matter of fact, we are going to monitor you to make sure you spend it the way we want you to spend it. When we send you the money, we are going to require you to report back to us that you spent it exactly the way that we mandated that you do, and because we don't really trust you, we will send in auditors on a periodic basis to audit your reports, because we don't trust you are going to tell us exactly the truth." So you get this whole bureaucracy in here that does nothing, that totally does not consider the child.

With this model, local officials, they have got an accountability, but they have only got it to the taxpayer, their local taxpayer, in that they have to convince a local taxpayer that says, "For our school or district or our kids, this is what we want to do. Would you please support us?" And if the money comes in and they have made a compelling case, it will come in.

That is what my colleague learned in Arizona, that when local school districts make a compelling case that says we get this money from the State and Washington, but our district is just a little bit different and we have got some special needs, at that point people at the local level will step up with the tax credit or the folks will step up and write that extra check and these school officials can meet some very specific needs for their school district, for their kids. They recognize the accountability is not to some faceless bureaucrat in Washington, D.C., but their accountability is to the kids, to the parents of the kids, and to the local taxpayers; and that is exactly where our schools need to have the primary focus, is back into their communities.

Mr. SCHAFFER. We have some opponents to the plan, unfortunately, and I think that opposition is somewhat premature. It is almost reflexive because of the battles that have been traditional here in Washington. When we talk about having a closer connection between taxpayer and child, some people in this bureaucracy over here seem to be threatened by that.

I just want to point out for those interested in preserving this bureaucracy, that is not a goal of mine particularly, but I just want to make it clear the tax credit proposal does not touch this bureaucratic model. We are not messing with the Department of Education laws or the bureaucracy in any way. We are changing the Tax Code, which is different.

But this whole bureaucracy is going to continue to grow. If history has shown us anything, it is that it does not matter who is in charge of Washington, whether it is a Republican or Democrat, this bureaucracy grows by massive proportions from year to year, and that is not something to be proud about or brag about from my standpoint as a conservative, but that is the reality.

For those who believe that a tax credit means that there will be fewer dollars spent in the traditional bureaucratic way in schools, Arizona is a perfect example. Arizona passed a tax credit proposal similar to what we are proposing here and the result was actually a benefit to Arizona's public school finance law. What happened was the per-pupil operating level actually increased in Arizona schools, and, not only that, but the Arizona school finance laws continued on without any change or any amendments to the way the school finance acts works in Arizona.

I yield to the gentleman from Arizona to highlight that point, perhaps, or anything else he would like to add.

Mr. SHADEGG. I would just like to drive home a couple of the points the gentleman has made and make it very clear that what we are talking about here is more resources for education.

It is kind of interesting, as the gentleman points out, in Arizona we adopted a tax credit. The Arizona tax credit is different than our proposal here in Washington, which is not a dollar for dollar match, but rather a one for two match. If you give $2 to education, you get a tax credit, that is to say in simple English, a reduction in your taxes due, the amount of money you have to pay, of $1. That doubles the amount of money going to education before you even factor in the loss of whatever it is, 25 cents, 35 cents, in the bureaucracy, taking the dollar that goes to Washington down to only 65 cents by the time it gets back to the education system or to the child.

But on top of that, in Arizona, ours is a dollar for dollar. We did not have the multiplier effect. I think the multiplier effect of the proposal here is a very good one, because no one can say this will divert resources from education, because by definition you have to give twice as much in order to get the single deduction, that is, you give $500, you get a tax credit of only $250. That means there is twice as much money for education, and that is a true benefit.

In Arizona, as the gentleman pointed out, the experience has been very positive; and it has encouraged, not discouraged, the funding of education. It has been a boon. It has been good to watch people get excited.

I think our colleague from Michigan pointed out that the accountability is a huge factor. In Arizona, they created what is called the Arizona School Choice Trust, which is a nonprofit charitable organization which collects contributions from people all over the State and then awards scholarships to low-income children trapped in failing schools who want to get a good education and whose parents want a good education for them.

I have known a number of people involved in that effort, and it is very exciting to see the kind of, as the gentleman described, the students who come to Washington, to see the excitement in the eyes of the adults, some of them very wealthy, some of them very ordinary means, who have decided to make this kind of contribution, give money for a tax credit, and then see that money used usefully.

We are in a very competitive world. This is a different world than perhaps our parents or grandparents faced, in that education now is absolutely critical. We all know the stories about America falling behind in education and the ongoing debate about we need more resources.

In Arizona there is a very heated debate, do we not need to put more money into education, more money into education? I am not one of those who believes that money creates a direct link to success in education, but it is true that we do need to pay teachers well, we need to be able to give them the resources to do their jobs.

The gentleman mentioned the professionalism of educators. I am obviously biased in my own view of my wife and two sisters and my niece, but I find they are all intentionally dedicated, concerned individuals. They give a great deal of money out of their own pocket. They go out and buy supplies. My sisters go out and buy supplies for their classrooms. My wife, to my chagrin, goes out forever and buys supplies for her bulletin boards and candy to give away to the kindergartners that she works with to provide rewards when they do well in their performance. My niece in Tucson is a math teacher, and she gets excited when she can help kids.

Giving those teachers the resources they need to educate young minds and to make them be able to be competitive in this globally competitive world we are entering is, I think, one of the greatest challenges we face here as a Nation.

Doing it by the tax credit means letting people get personally involved and say okay, I am going to write a check this year for $500. I know I will only get a reduction in my taxes of $250, so I am giving away an extra $250. But I care. I care about the education of kids in general. Business owners care about getting educated workers to come into the workforce.

I think this is an idea that kind of cuts around all of the bureaucracy of other reforms that, as the gentleman pointed out earlier, we might make in the overall system, that indeed the President was trying to make with H.R. 1. He believed he hit upon something that might make education more accountable.

Tax credits let individual people put their money where their mouth is, so to speak, and do something to help educate the kids right in their neighborhood and create a one-on-one relationship with the parent or with the child or even with the school administrator and say hey, I made a $500 contribution this year in Arizona. I gave it to your school, I expect to see you make that money work. The administrators that I have seen in Arizona are very excited about this program, and they believe that they are being given a chance to manage these resources.

I think it is a huge success, and I am very, very hopeful that we can enact here in Washington a modest beginning of this program and get it started across the Nation.

Mr. SCHAFFER. That kind of accountability that the gentleman just described in Arizona is what we are trying to achieve throughout the country. It is the accountability that goes from the recipient of funds, public funds, to the one who donated those funds. Right now school leaders have become proficient in the language of Federal education bureaucracy. They know the language to use in order to get the grants and satisfy the bureaucrats in Washington in order to get the money to the school.

What we want to do is provide really an opportunity to try to reform this whole education culture, so that the relationship goes right back to the neighborhood. The gentleman is right, individuals when they actually physically hand that check over to a school or hand that check over to a scholarship fund are more inclined to follow up than people here in Washington are.

Here is the bill right here. The other element that I think is very attractive, and I just want to clarify this, is you do not have to have a child in order to benefit from the tax credit under this proposal. As long as you are paying taxes, you would be eligible to receive a tax credit if you contribute to a scholarship fund for low-income children to go to the school of their choice, or to an enrichment fund that would be established by a traditional public school. But you do not have to have children in order to be a part of this, to be part of your community education and to be part of the accountability process that goes along with that to create better schools.

Mr. SHADEGG. Every American taxpayer can participate.

Mr. SCHAFFER. Absolutely. I would just like to point that out, when I say that existing public school leaders are enthusiastic about the idea. I brought proof with me tonight from Michigan. The Michigan School Board Leaders Association sent us a letter just last week that says, "Dear Congressman Schaffer, the Michigan School Board Leaders Association supports the proposed legislation allowing tax credits for contributions for both private and public education expenses. This legislation represents a win-win solution. It encourages more corporate giving to public schools, while it also encourages corporate and personal giving to organizations that assist low income children. Such initiatives are essential given that the latest test results," this is kind of a Federal benchmark, "show that 63 percent of the low income children essentially cannot read at the fourth grade level. The Michigan School Board Leaders Association applauds you in offering fair legislation which creates incentives for investment in the future of America's children, regardless of whether they attend school."

This is signed by Lori Yakland, the executive director of the Michigan School Board Leaders Association. So this is not something that just appeals to private school leaders, but those that have been involved at the leadership level and business level in trying to promote quality public education in America. This addresses all schools, the American education system. It does not discriminate, this tax credit bill does not discriminate between government-owned institutions and nongovernment institutions. Its focus is rather on all children, all American children; and it treats them all equally.

Mr. HOEKSTRA. I think that is why, for a lot of our public school folks, this is a very exciting proposal, because they only get about 7 percent of their money from Washington to begin with. A lot of that money comes with strings attached and very little flexibility, but when they see this tax credit proposal, they see it as another avenue to get money to come into their schools, because they are confident that they have built the relationship with their constituents, with the corporations back in their districts, with the parents and the taxpayers in their district, that they have got confidence in their local schools, and with this incentive we are providing through a tax credit, they believe they can go into their community and raise the funds necessary to do some of the special things that they would like to do for their schools.

In a lot of places today in the State of Michigan, it is very difficult for a school district to raise any extra money for operating expenses. I guess it is next to impossible for them to raise operating money for their schools. It all comes on a formula basis out of our State capital.

So what they are saying is this is now a new revenue source for us. They do see it is more money coming into their schools, because they have got a high degree of confidence that the programs and the efforts that they wanted to put in place will be supported by the people in their local districts.

So it really is a good complement, one set of funds coming through the bureaucracy, and another set of funds for their operating coming directly from the taxpayers in their community. It creates a new accountability stream, the one that I think they treasure the most, which is their accountability, number one, to the kids, number two, to the parents of those kids and their schools, and, thirdly, to their communities, because a lot of our communities recognize that their future depends on the quality of the education that their kids are receiving today.

□ 2300

Mr. SCHAFFER. Mr. Speaker, one other element I want to mention is just a little bit about the strategy of bringing this bill to the point we are at now. The school choice components of the Leave No Child Behind bill, H.R. 1, which passed last year, were taken out by the House and never really considered. So we went back to the President and asked him, Mr. President, since the school choice provisions were not part of H.R. 1, we want to continue on with that part of your vision, this vision of leaving no child behind.

The President has committed to helping us with this tax credit proposal. In fact, it is largely because of the discussions we started on this a year ago that we have since secured commitments from our own leaders here in the House: the Speaker, the majority leader, our majority whip, and key committee chairs, to bring this proposal to the floor. So I just want to commend our President for the promises he has made to back the tax credit proposal that is about to be introduced here in the House; and I want to commend the leadership of the House for its commitment to bringing this bill to the floor and get a fair markup in the Committee on Ways and Means and for the team effort that has really led to what I think is just really perhaps the most exciting prospect that we have for reforming American schools.

Mr. SHADEGG. Mr. Speaker, if the gentleman will yield, I would like to begin by saying that the gentleman deserves a lot of credit, along with the gentleman from Michigan (Mr. HOEKSTRA), having been in the lead on this fight. You are both on the committee of jurisdiction, the Committee on Education and the Workforce, and I think you have done a great job on leading this issue.

Whenever we do these Special Orders, it sometimes occurs to me that we sometimes may be talking around or over the heads or past the listening audience. I thought maybe it would be worth just a couple of minutes to explain some of the concepts here. I know that I get in discussions where I use the words "tax credit," or I use the word "deduction," and people do not understand. I mean they do not want to say, I do not understand what you mean, Congressman. But in America, with the withholding structure that we have where both wages and taxes are withheld out of your check, you file a form at the end of the year and you get a check back from the government; I think a lot of people do not really understand what a tax credit is and what a deduction is and why there is such a critical difference.

I think it might be important to kind of walk through the fact of what this would mean for, as the gentleman pointed out, any taxpayer in America who even does not have a child; let us say they are used to filing their tax return and they get a check back from the government saying that they have overpaid their income taxes for the coming year. Let us say they get a check back right now of $1,000 in a given year, and that is because they owed everything else that they had paid in, except that $1,000.

This is not a deduction that reduces the amount of money on which they have to pay taxes; this is rather a reduction, a lowering, of the dollars that they must pay in taxes themselves. So a tax credit means they get, they actually get money back, whether their check refund is larger or whether they write a smaller check to the government at the end of the year; is that not correct?

Mr. SCHAFFER. Yes, sure, the gentleman has described it accurately. Let us just use, for example, the base benefit amount that exists in this proposal, which is $250. That would be the tax benefit to an American taxpayer.

Mr. SHADEGG. So just to make clear, Mr. Speaker, a taxpayer decides, once this bill is in place, I am going to give $500 to help low-income children in my neighborhood or in my State. They give that $500 check. Come the end of the year, they get either a refund check that is $250 larger or, if they owe money at the end of the year, they write a check to the government that is $250 smaller.

Mr. SCHAFFER. Mr. Speaker, that is correct. Because without the bill, as the law stands today, let us just assume Americans who pay taxes, they will be forced to just pay that $250 to the Federal Government. That is where that money will go without our bill.

What we are saying is that if you make a $500 contribution to a school, to a school project or a scholarship fund, you take that $250 that you have given to a school and you no longer send that to Washington. So you are going to pay that money to somebody anyway. What we want to do is give you a choice. You can send the money to the bureaucracy here in Washington, let it go through the political process that we described here before, or you can add a little bit of your own cash to it and take it to the school down the street, which is reflected here on this chart. And you have effectively used the $250 that would have gone to the bureaucracy and instead, taken that, along with another $250 of your own cash, and given it to the kid who needs it.

Mr. SHADEGG. And, Mr. Speaker, of critical importance, for those who say we are underfunding education at the Federal level already, we should not be doing any of these schemes, we should not be diverting dollars, we should not be reducing the amount of money that goes into education. By using this device, by saying you get a $250 tax credit, but only if you make a $500 contribution to education, that argument goes away. Because we have not reduced the amount of money going to education by $250; we have increased the amount of money going to education by $250 that would not have been there to begin with. And if $500 went to education, not $250, and in a sense we know that out of the $250, only 65 cents out of each dollar would get to the student, we have, as we said earlier, more than doubled the amount of cash going into education, which is why teachers across America, teachers' unions, school superintendents, school administrators, people who are professionals and care about resources for education ought to be excited about this idea.

Mr. SCHAFFER. They are, Mr. Speaker. And from a taxpayer standpoint, most taxpayers are going to be excited about this, I think, especially people who have children in schools and who are familiar with the academic settings in America today.

Some Americans just do not care, and we know this, and that is unfortunate, and some of our colleagues here in Congress do not care. They will be content to continue sending cash to Washington as they always have.

Mr. SHADEGG. As the only mechanism.

Mr. SCHAFFER. Yes, some will just do that, because it will be simpler. Frankly and honestly, it will be easier just to continue shoveling money to Washington, D.C. and letting us spend it here. But for those who believe that getting more bang for the budget, who believe that it is going to help more children, this tax credit really speaks to them, and that is the partnership that we are trying to create that just shows a better way. It does not threaten the bureaucracy which I mentioned before, because there are enough people that want to preserve that system that exists now. I hate to admit that, but that is the cold, hard facts and realities of Washington, D.C. But for those Americans who are taxpayers, who are parents, or who work in public schools who want to see dollars getting directly to children, this tax credit proposal offers them a unique option that they do not have today. It is really, I just think, an important element of new hope in American schools for children.

Mr. HOEKSTRA. Mr. Speaker, my colleague was talking about what is a simpler process for the taxpayer. This is fairly simple to begin with, but the gentleman is right. Having your taxes withheld every week makes this a very attractive, or not attractive, but it is the process that is there, and they have been doing it for years. But this process is very, very difficult for our local school district. They have to clamor with the State, they have to raise a ruckus with us to make sure that they get their fair share, and then they have all the bureaucracy that goes with it.

I mean when we are talking about what is the easiest and what is the fairest method for kids and for local taxpayers, this is the posture that clearly works. There is no bureaucracy, there is a lot of flexibility with how the money is spent to make sure that at the end of the day, what do we want? We want this American child to be the best educated child in the world. It does not mean that we do not want other kids and the rest of the world to be as educated as well as they are; we do. But at the end of the day, this kid cannot come in fifth, tenth, fifteenth, seventeenth, nineteenth like they are on some of the tests today on math and science and those types of things.

Our goal and our objective is to have ours to be the best educated kids in the world. We want to make sure that every child has an opportunity for a great education; that we cannot have 60 percent of our kids getting a good education, we want all of our kids to get a good education.

We want all of our kids to be in safe and drug-free schools. As one of my friends said, the only thing we want our kids to be afraid of when they go to school is the exam tomorrow afternoon, that is it; not fearful of walking from the classroom to the locker to the lunch room or anything like that.

So we have a great vision for education. This really empowers taxpayers at the local level to help build that vision into a reality at the local level.

Mr. SHADEGG. Mr. Speaker, the "leave no child behind" phrase is such a great one, because every American believes in that. No American wants to leave a child behind, and it is a great way to point out what we want to do as a country for our children.

□ 2310

But I just want to point out that as a necessary corollary to what the gentleman was saying just a moment ago, the only reason that one would oppose tax credits would be either that one wants to retain the bureaucratic control in Washington, D.C., to be able to order those districts around, or wants fewer dollars to go to education. I just want to make that clear, because I think people are out there debating, who is opposing this and why? I think it is important to understand that.

Given that under this structure we leave the existing structure in place, and it still gets the resources that are directed to it, the Federal dollars to education that are flowing through the Department of Education are still there, and they still go out with all the strings and all the bureaucracy.

This is not in place of that, this is an add-on in addition to that.

The SPEAKER pro tempore (Mr. KELLER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. SCHAFFER) is recognized for the remainder of the hour, or approximately 10 minutes.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, to continue the point, this tax credit proposal is on top of the existing Federal funding for education. It is more dollars without the control.

So I thought the gentleman did such a good job of making that point, that these are extra dollars and they go without the control; that the only reason one could oppose it would be if one is a bureaucrat in Washington, D.C. and does not want Federal money of any kind going out to educate kids without those Federal dollars being controlled, and the control of them, and the dictate, saying they must spend it this way, coming from Washington, D.C.

It seems to me, given that, that one has to either oppose additional funding for education or genuinely believe that the people back home in the local schools and school districts cannot spend the money unless they are told precisely how it must be spent by Federal bureaucrats.

Unless one believes one of those two things, one ought to be supporting this kind of idea, because it means more dollars for education, more local control, it means more involvement by Americans in the funding of education in a very direct sense, where they want the accountability to them and they get the satisfaction of knowing their money is helping education.

It is, as the gentleman says, a win-win proposal.

Mr. SCHAFFER. And it matters to American students. I brought a couple of copies of the testimony that occurred in Colorado. My State considered a tax credit proposal, and I regret to say it failed really by one vote in our Colorado State senate just a few weeks ago.

But there was a student, Sasha Ward, 11 years old, who testified before the State legislature again on similar legislation. This is a child who did receive a scholarship and was really speaking to the importance of making scholarship funds available to more children in Sasha's situation, and stressing to the State legislature that that would be possible, that would be achieved, through the kind of tax credit proposal we are proposing here, similar to the one that was being considered in Colorado.

Here is what the 11-year-old said: "My family applied for an ACE scholarship for me to be able to study at the school that I consider a very special place. It is special because it is where I learn the most and where I enjoy learning. It is a place where I can dream and have that feeling that I am going to be successful in my life, successful because of what I am learning right now. In the past, my mom tried to put me in a Catholic school, but she could not afford the tuition for very long. Now I am on my second year in the same school because of these scholarships that she has got for my sisters and me. I will be very happy if I can stay at my school and have the same good school as long as possible. They are special, too."

That was testimony from someone named Sasha Ward, an 11-year-old from Wheat Ridge, Colorado. The State legislature also received testimony from Maureen Lord. Maureen is a supervisor of a child who initially was designated as learning-disabled.

The supervisor here says to our legislature: "Joe Ray was designated learning-disabled in the local public school. At the end of his fifth grade year, he was reading between second and third grade level. He hated writing anything. His distraction level was extremely high; and to complicate things even more, he had some fine-motor problems.

"Being an elementary educator myself, I knew Joe Ray would never be at grade level if he continued in a school system where he had only received an hour of special attention during each day. His future looked dismal and accomplishing the basic skills he needed to go on to middle school and high school seemed remote."

The teacher goes on that one day she heard an advertisement on the radio about the scholarships, and a school that appealed to children similar to Joe Ray, and so this teacher began the application process to try to get one of these scholarships, and succeeded. Here is what happened.

The teacher goes on: "Joe Ray applied for the ACE scholarship and received a 4-year partial scholarship to a private school. With help from his mentor and his mentor's supervisors, the obstacles were falling one by one. Let me tell you more miracles. Joe Ray aced last semester's report card. His teacher says he is a wonderful young man to work with, an eager learner. The multisensory math program is helping him to remember his times tables, and his confidence is growing. He now frequently looks you in the eye when he talks to you. This is just one young boy who is benefiting from the investments that scholarships have made to his future. I hope this encourages some of you."

Again, testimony like that is the kind of testimony we are just collecting every day from people around the country who realize the power and the value of finding a way to create a massive cash infusion in America's education system in a way that benefits children in public schools and private schools, and those who perhaps want to move from one category to another.

The system we have today is a discriminatory one, and it is unfortunate to have to say that, but the reality is, it does discriminate. It discriminates; it gives a tremendous amount of favor to those children who make the kinds of decisions or the parents of these children that make the kinds of decisions that meet the satisfaction of people who work in government.

What we are saying is, no, the people in government, they are nice, we care about them, but we want to make children the top priority. That is what the education tax credit does. It starts putting kids like Joe Ray and kids like Sasha Ward in the driver's seat, makes them the top priority, and really forces in the end I think a reformation of the education process, so all of those involved in the education system start serving children, rather than just counting them as numbers to drive dollars through a school finance formula.

Mr. SHADEGG. I think the gentleman said it well. The key is, this is not a replacement for the current system. People in the current system and believers in it should not feel threatened by it. What it is, is a chance to add resources to the current system. It is a chance to make it even stronger. It is a chance to put more dollars behind education. It is a chance to get people more involved in the education of their children. It is a chance to get around the bureaucracy and have the accountability run directly to people in their own neighborhoods.

It is indeed for that reason I think a win-win that should not threaten the education establishment and should encourage them. So I compliment the gentleman and my colleague from Michigan for their very hard work on this project.

Mr. SCHAFFER. I thank the gentleman. I am grateful for my two colleagues for joining me here on the floor for this Special Order. This is a topic we feel very strongly about. We will be back week after week to continue talking about children and education tax credits and the necessity to get this proposal passed to help these children.

WHAT HAPPENS IN AMERICA WHEN CORPORATIONS VIOLATE THE PUBLIC TRUST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for the time remaining before midnight, or approximately 41 minutes.

Mr. HOEKSTRA. Mr. Speaker, I want to talk about a little bit different issue. I want to talk about what happens in America when corporations violate the public trust.

Max De Pree, a former Fortune 500 CEO, my former boss at Herman Miller, wrote in his book, "Leading Without Power," about the importance of people having trust and confidence in the American economic system in order for it to work. He states, "When you stop to think about it, it is astounding that anything as complex as the trading of stocks, bonds, commodities, and futures ultimately depends on trust; a value, not a statute, not an SEC regulation, not even a government mandate. The system works on trust."

We have been rocked during the last couple of months with revelations about corporate management and some of the activities that they have been engaged in. It all started with the actions of Enron Corporation and certain employees of Arthur Andersen, where the actions at Enron and Arthur Andersen I believe were clearly designed to do one thing: to deceive shareholders, customers, and employees of the true nature and health of the business.

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After that we had Merrill Lynch. Merrill Lynch just settled a lawsuit in New York after allegations that their brokers were advocating investors purchase certain stocks while at the same time acknowledging in internal memos that these were potentially bad investments. Enron, Arthur Andersen, Merrill Lynch, each of these cases, I think, are classic examples of where leaders in the business community violated the trust that was placed in them by the public, including their customers, their shareholders, and their employees.

The other thing that goes on here is that in my State of Michigan, there is even more examples. CMS Energy, a long-established and well-respected business in Michigan, conducted round trip sales of electricity. My belief is that the sole purpose of this phony business activity was to artificially elevate the sales of one of its business divisions of up to 80 percent, again deceiving shareholders, customers and employees of the true health of the business. What is round-tripping? Round-tripping is I will sell you $1 billion of energy at 9 o'clock in the morning, a billion dollars of electricity at 9:00 in the morning, and at 9:01 you sell it back to me for exactly the same price, and all of the sudden you and I are now both billion dollar companies in the electricity commodities market. And in reality it was a phony sale.

Take a look at this headline recently. Another Michigan company, Kmart, employees at Kmart recently allege that they were forced by management to adjust financial statements to hide the true viability of the business in 2001. The company filed for bankruptcy in 2001. Kmart accused of lying. Whistleblowers came, execs misled, and accountants knew.

What happens when corporations betray the public trust? As we have seen in almost each of these cases, the financial ramifications have been devastating. These companies have even seen their stock values drop; some have been forced into bankruptcy. Worse, innocent people, tricked by these deceptions, have lost their retirement savings, employees have been laid off and investors have seen their investments evaporate. The end result may be that millions of honest businesses in America may be forced to pay a heavy price in new government regulations.

It is really time for the business community and leaders in the business community to become self-policing and to bring forward proposals to address this breaking of the public trust by people in the business community. Remember, the system works on trust.

And then the other thing that happens here is you almost add injury to insult. Many, if not most, of the management people involved in these deceptive activities have not only gone unpunished, they have been rewarded with huge severance or compensation packages. There is something wrong in America when business leaders break the public trust and harm many but they walk away with a golden parachute. What do I mean here?

Well, we know what happened at Enron, deceptive business practices. Ken Lay, former chair, chief executive and director, sold 1.8 million shares for about $50 a share. Jeffrey Skilling, former chief executive, director, sold 1.1 million shares for $66.9 million, roughly $66 a share. Rebecca Mark, vice chairman, director, 1.4 million shares. She sold them for about $58 a share. Robert Belfer, director, member of executive committee, sold a million shares for $51 dollars a share. Steven Kean sold 64,932 shares for around $70 a share. John Duncan, director of the executive committee, sold 35,000 shares, netted $2 million or around $60 a share. They walked out very, very wealthy. We know that many did not do as well.

After the Enron collapse, to track exactly the dialogue that Enron management would have with their shareholders, I bought 50 shares. I did not have to pay $50. I did not have to pay $66. I did not have to pay $68. I think I paid around 20 cents a share. I bought 50 shares for $10. Lots of investors were hurt because of the deceptive practices at Enron and at Arthur Andersen. But the people at the top, 101 million, 66 million, 79 million, 51 million, 5 million, 2 million, they did not end up selling their shares for 20 cents a share.

The president of CMS Energy, here is how one shareholder described what happened here. Referring to the resignation of the lower ranking Pallas, the shareholder said it was analogous "to kicking the cat when the dog messed on the carpet."

Again, the share prices declined. I think the executives are going to do just fine.

Bernard Ebbers, chairman and CEO, WorldCom. Worldcom is being investigated by the SEC for possible fraudulent accounting practices. Its credit rating has been reduced to junk status and it has been removed from the Standard and Poors 500 index, the Wall Street Journal, 6/5 of this year.

Bernard Ebbers will receive $1.5 million a year for life. If his wife survives him, she will receive $750,000 a year for life as long as she lives. The company's credit rating has been reduced to junk status. Bernard Ebbers resigned under pressure in April, but I believe he may do better than the rest of the company.

Richard McGinn, CEO, Lucent Technologies. The SEC is investigating possible fraudulent accounting practices while Lucent employees are suing the company for breach of fiduciary responsibility by inappropriately allowing employees to add company stock to their retirement plans. Richard McGinn, ousted in October of 2000, will receive $5.5 million in cash, pay off a personal loan amounting to $4.3 million, annual pension of $870,000 for life.

Here is an interesting one. CEO for TYCO. TYCO is a company that we in my district are fairly familiar with. They came in and bought a healthy small little business in Zeeland, Michigan, said we will leave things the same. The day after the sale was consummated, the doors were locked. The employees were gone. Dennis Kozlowski made about $334 million over a 3-year period. He resigned earlier this month, indicted on charges of evading $1 million in sales tax. Think about it, making more than $100 million per year, and you got to ask the question, when is enough enough, or does it simply just become greed? $100 million a year and you would do anything to evade $1 million in sales tax so that the rest of us could pick up his tax burden.

TYCO is negotiating a severance package that experts believe will be less than the $135 million he would have received if he had been fired.

Let us talk about the performance of TYCO under Mr. Kozlowski's leadership. TYCO lost $86 billion in market value, faces $27 million in corporate debt. It is now under investigation.

Here is a quote, according to Reuters, "A pattern of lucrative payoffs to board members and top executives at the troubled manufacturer raises questions about whether they had incentive to keep tabs on the spending of disgraced former chairman Dennis Kozlowski and others."

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Reuters continues citing the Wall Street Journal: "The criminal indictment has triggered a widening probe into whether Tyco paid for homes and artwork for several corporate officials without telling shareholders." Wall Street Journal, series of articles, 6–4 through 5–2.

It is just sad that that is what we are seeing in so much of the business world today. People who are entrusted by the public with a certain element of responsibility have taken that, and in many cases have enriched themselves, while their shareholders, their employees and their customers are paying the long-term price.

Here is another case that just came up in the last couple of days. This is The Washington Post via the Dow Jones, publication date June 2002. A company that was looking for FDA approval for a drug, ImClone, learning that the Food and Drug Administration would not accept its application for a promising cancer drug, driving its share price down. It appears that that word leaked out through the corporation to a number of individuals. The end result is they sold their stock before it collapsed. They came out all right.

The American public has a right to expect and demand more. Companies need to be held accountable. The business community should step up and make recommendations as to what should happen, because when public officials or corporate officials abuse the public trust, the whole sector suffers. In this case, corporate America suffers because of the excesses of a few. It is a painful process to watch and to observe.

The end result now will be that either the private sector will come up with recommendations in how to effect change in the private sector or government will step in. I am not real optimistic about that. I believe that more government regulation of business is a poor replacement for integrity and trust. However, we must face the fact that some in business have abused this trust.

The end result is millions of honest businesses in America may be forced to pay a heavy price in new government regulations. I believe that we must hope that the individuals who failed in their leadership responsibilities are held accountable by their management, their board of directors, their shareholders, or by the laws of our land. They need to be held accountable.

This whole list of companies where millions of individuals got hurt but a few walked away with a golden parachute, here is a quote out of the Wall Street Journal that I find kind of appropriate: "I don't know that anyone gave a bonus to the captain of the Titanic."

In many of these cases, that is exactly what we saw, that after the misdeeds and the wrongdoing, whether it is at Enron or any of these other companies or Tyco, their market value plummeted. They sank like the *Titanic*. Yet their captains, their CEOs, walked away with a bonus.

We need to make sure that we prevent that from happening in the future. Yet the systems or laws do not exist to exercise true accountability. Then systems and laws will need to be changed, but let us not forget that, in the end, this is about integrity and trust, common sense and decency; all leadership qualities that cannot be legislated.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL of Ohio (at the request of Mr. GEPHARDT) for today and the balance of the week on account of attending the World Food Summit in Rome, Italy.

Mr. LYNCH (at the request of Mr. GEPHARDT) for today on account of family matters.

Mr. COMBEST (at the request of Mr. ARMEY) for today and the balance of the week on account of the death of his father.

Mrs. BONO (at the request of Mr. ARMEY) for today and the balance on account of personal reasons.

Mr. SMITH of Texas (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. CARSON of Indiana, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SANDLIN, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. LOFGREN, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. LANTOS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, June 12.

Mr. WILSON of South Carolina, for 5 minutes, June 13.

Mr. HUNTER, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. MCCOLLUM, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1372. An act to reauthorize the Export-Import Bank of the United States.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on June 7, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 1366. To designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building."

H.R. 1374. To designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building".

H.R. 3448. To improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies. RE-ENROLLED.

H.R. 3789. To designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building".

H.R. 3960. To designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building".

H.R. 4486. To designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building".

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 12, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7298. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report identifying the percentage of funds that were expended during the two preceding fiscal year for performance of depot-level maintenance and repair workloads, pursuant to Public Law 105-85 section 358 (111 Stat. 1696); to the Committee on Armed Services.

7299. A letter from the Assistant Secretary, Department of Housing and Urban Development, transmitting a report describing and evaluating the manufactured home space demonstration; to the Committee on Financial Services.

7300. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Cash Setttlement and Regulatory Halt Requirements for Security Futures Products [Release No. 34-45956; File No. S7-15-01] (RIN: 3235-AI24) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7301. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans—received May 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7302. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age—received May 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7303. A letter from the Chairaman, Nuclear Regulatory Commission, transmitting proposed legislation authorizing appropriations for FY 2003; to the Committee on Energy and Commerce.

7304. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report on the activities of the Multinational Force and Observers covering the period January 16, 2001, to January 15, 2001, pursuant to 22 U.S.C. 3425; to the Committee on International Relations.

7305. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions and Clarifications to Encryption Controls in the Export Administration Regulations—Implementation of Changes in Category 5, Part 2 ("Information Technology") of the Wassenaar Arrangement List of Dual-use Goods and Other Technologies [Docket No. 020502105–2105–01] (RIN: 0694–AC61) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7306. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7307. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7308. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7309. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7310. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7311. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7312. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7313. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7314. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7315. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82(MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), MD–88, and MD–90–30 Airplanes [Docket No. 2001–NM–197–AD; Amendment 39–12749; AD 2002–10–03] (RIN: 2120–AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7316. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes [Docket No. 2000–NM–414–AD; Amendment 39–12748; AD 2002–10–02] (RIN: 2120–AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7317. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes [Docket No. 2000–NM–198–AD; Amendment 39–12747; AD 2002–10–01] (RIN: 2120–AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7318. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002–NM–69–AD; Amendment 39–12718; AD 2002–08–10] (RIN: 2120–AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7319. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and MD–88 Airplanes [Docket No. 2000–NM–165–AD; Amendment 39–12739; AD 2002–09–06] (RIN: 2120–AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7320. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes [Docket No. 2001–NM–49–AD; Amendment 39–12738; AD 2002–09–05] (RIN: 2120–AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7321. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Model C90 Airplanes [Docket No. 2001–CE–13–AD; Amendment 39–12745; AD 2002–09–12] (RIN: 2120–AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7322. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc. Tay Model 650–15 and 651–54 Turbofan Engines [Docket No. 2001–NE–36–AD; Amendment 39–12735; AD 2002–09–02] (RIN: 2120–AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7323. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes [Docket No. 2000–NM–359–AD; Amendment 39–12757; AD 2002–10–11] (RIN: 2120–AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7324. A letter from the Paralegal Specialist, FAA, Department Of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 2002–CE–01–AD; Amendment 39–12744; AD 2002–09–11] (RIN: 2120–AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7325. A letter from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Call for Proposals to Establish a Cooperative Institute for Ocean Remote Sensing with the National Environmental Satellite, Data, and Information Service [Docket No. 020409082–2082–01] (RIN: 0648–ZB18) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7326. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Dean John A. Knauss Marine Policy Fellowship, National Sea Grant Program [Docket No. 000522149–1259–03] (RIN: 0648–ZA87) received May 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7327. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Carryback of Consolidated Net Operating Losses to Separate Return Years [TD 8997] (RIN: 1545–BA76) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7328. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Loss Limitation Rules (RIN: 1545–BA52) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7329. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2002–2) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7330. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2002–1) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7331. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2002–29) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7332. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Loss Limitation Rules [TD 8984] (RIN: 1545–BA51) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7333. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and methods of accounting (Rev. Proc. 2002–12) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7334. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Loss Limitation Rules [TD 8998] (RIN: 1545–BA74) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7335. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2002–40) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7336. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue Utility Industry United Kingdom Windfall Tax (UIL 901.12–00) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7337. A letter from the Comptroller General, General Accounting Office, transmitting information concerning GAO employees who were assigned to congressional committees during fiscal year 2001; jointly to the Committees on Appropriations and Government Reform.

7338. A letter from the Secretary, Department of the Treasury, transmitting notification that recent revenues have enabled the Treasury to fully restore the G-Fund as required by law, pursuant to 5 U.S.C. 8348l(1); jointly to the Committees on Ways and Means and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3482. A bill to provide greater cybersecurity; with an amendment (Rept. 107–497). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2388. A bill to establish the criteria and mechanism for the designation and support of national heritage areas; with an amendment (Rept. 107–498). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2880. A bill to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes; with amendments (Rept. 107–499). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4103. A bill to direct the Secretary of the Interior to transfer certain public lands in Natrona County, Wyoming, to the Corporation of the Presiding Bishop, and for other purposes; with an amendment (Rept. 107–500). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. House Concurrent Resolution 395. Resolution celebrating the 50th anniversary of the constitution of the Commonwealth of Puerto Rico; with amendments (Rept. 107–501). Referred to the House Calendar.

Mr. HANSEN: Committee on Resources. House Concurrent Resolution 352. Resolution expressing the sense of Congress that Federal land management agencies should fully implement the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment" to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National Prescribed Fire Strategy that minimizes risks of escape; with amendments (Rept. 107–502 Pt. 1). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 439. Resolution providing for consideration of the joint resolution (H.J. Res. 96) proposing a tax limitation amendment to the Constitution of the United States (Rept. 107–503). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 440. Resolution providing for consideration of the bill (H.R. 4019) to provide that the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent (Rept. 107–504). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOWNS:

H.R. 4901. A bill to require that any reductions in payment rates for Medicare home respiratory medication nebulizer drugs be offset by an equal increase in reimbursement for home respiratory medication professional services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself and Mr. Kirk):

H.R. 4902. A bill to repeal section 801 of the Revenue Act of 1916; to the Committee on the Judiciary.

By Mr. CANTOR (for himself, Mr. Goode, Mr. Boucher, Mrs. Jo Ann Davis of Virginia, Mr. Tom Davis of Virginia, Mr. Forbes, Mr. Goodlatte, Mr. Moran of Virginia, Mr. Schrock, Mr. Scott, and Mr. Wolf):

H.R. 4903. A bill to amend title 31, United States Code, to specify that the reverse of the 5-cent piece shall bear an image of Monticello, and for other purposes; to the Committee on Financial Services.

By Mr. FILNER (for himself, Mr. Moran of Kansas, Mr. Evans, Mr. Gilman, Mr. Cunningham, Ms. Pelosi, Mr. Rohrabacher, Mrs. Mink of Hawaii, Ms. Millender-McDonald, Ms. Lofgren, Mr. Scott, and Mr. Underwood):

H.R. 4904. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II and surviving spouses of such veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GOSS (for himself, Mr. Hastings of Florida, and Mr. Keller):

H.R. 4905. A bill to authorize the appointment of additional Federal district court judges for the middle and southern districts of Florida, and for other purposes; to the Committee on the Judiciary.

By Mr. LEACH:

H.R. 4906. A bill to amend the Higher Education Act of 1965 to establish a scholarship program to recognize scholar athletes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DAN MILLER of Florida (for himself, Mr. Istook, Mr. Weldon of Florida, Mr. Cunningham, Mr. Norwood, Mr. Paul, Mr. Souder, and Mr. Tancredo):

H.R. 4907. A bill to amend chapter 71 of title 5, United States Code, to provide that the same annual reports which are currently being furnished by the Social Security Administration be required of all Government agencies which are authorized to grant official time to any of their employees, and for other purposes; to the Committee on Government Reform.

By Mrs. MINK of Hawaii:

H.R. 4908. A bill to require gifts of less than $100 to be disregarded in determining income under the supplemental security income program under title XVI of the Social Security Act; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. Schaffer):

H.R. 4909. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for medical expenses for dependents; to the Committee on Ways and Means.

By Mr. STENHOLM:

H.R. 4910. A bill to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes; to the Committee on Resources.

By Mr. TANCREDO:

H.R. 4911. A bill to require the Secretary of Agriculture to conduct a wildland-urban restoration charter forest demonstration project in the Pike and San Isabel National Forests and Cimarron and Comanche National Grasslands to increase community involvement in decisionmaking regarding the management of those forests and grasslands, to evaluate the feasibility of using a predecisional review process for projects conducted as part of the demonstration project, to provide stewardship contracting authority as part of the demonstration project, and for other purposes; to the Committee on Resources.

By Mr. TANCREDO (for himself, Mr. McInnis, Mr. Schaffer, and Ms. DeGette):

H.R. 4912. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER:

H.R. 4913. A bill to encourage and facilitate the security of nuclear materials and facilities worldwide; to the Committee on International Relations.

By Mr. MARKEY (for himself, Mr. Kucinich, Ms. Lee, Mr. Filner, Mr. Holt, Ms. McCollum, Ms. McKinney, Mr. Payne, Mr. Sanders, Mrs. Mink of Hawaii, Mr. Hinchey, and Mrs. Jones of Ohio):

H.J. Res. 97. A joint resolution calling for an end to the threat of nuclear destruction; to the Committee on International Relations.

By Mr. GARY G. MILLER of California (for himself and Mr. Oxley):

H. Con. Res. 415. Concurrent resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Financial Services.

By Mr. SCHROCK (for himself, Mrs. Davis of California, Mr. Otter, Mr. Tiahrt, Mr. Hinchey, Mr. Wilson of South Carolina, Mr. Jones of North Carolina, Mr. Crenshaw, Mr. Bartlett of Maryland, Mr. LaHood, Mr. Langevin, Mr. Putnam, Mr. McNulty, Mr. Hunter, Mr. Sessions, Mr. Shaw, Mr. Forbes, Mr. Dicks, Mr. Filner, Mrs. Myrick, Mr. Fossella, Mr. Capuano, Mrs. Jo Ann Davis of Virginia, Mrs. Tauscher, Mr. Cunningham, Mr. Cantor, Mr. Kolbe, Mr. Simmons, Mr. Jeff Miller of Florida, Mr. Kennedy of Rhode Island, Mr. King, Mr. Horn, Mr. Hostettler, Mr. Ehrlich, Mr. Kirk, Mr. Smith of New Jersey, Ms. Ros-Lehtinen, Mr. Larsen of Washington, Mr. Skelton, Mr. Taylor of Mississippi, Mr. Goodlatte, Mr. Kingston, Mr. Platts, Mr. Turner, Mr. Sununu, Mr. Tanner, Mr. Kerns, Mr. Saxton, Mr. Evans, Mr. Hefley, and Mr. Isakson):

H. Con. Res. 416. Concurrent resolution congratulating the Navy League of the United States on the occasion of the centennial of the organization's founding; to the Committee on Armed Services.

By Mr. SULLIVAN (for himself, Mr. Pitts, Mr. McIntyre, Mr. Turner, Mr. Souder, and Mr. Ryun of Kansas):

H. Res. 441. A resolution supporting responsible fatherhood and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. Linder.
H.R. 46: Mr. Ross.
H.R. 183: Mr. Gilman.
H.R. 236: Mr. Souder.
H.R. 349: Ms. Hooley of Oregon.
H.R. 548: Mr. Istook, Mr. McInnis, Mr. Price of North Carolina, Mrs. McCarthy of New York, and Mr. Sam Johnson of Texas.
H.R. 599: Mr. Strickland.
H.R. 638: Ms. Sánchez.
H.R. 822: Mr. McGovern, Mr. Olver, and Mr. Boucher.
H.R. 826: Mr. Stearns.
H.R. 839: Mr. Blumenauer.
H.R. 1051: Mr. Rothman.
H.R. 1090: Mr. Mascara, Mr. Kennedy of Rhode Island, Mr. Moore, Mr. Graves, Mr. Walsh, Mr. Hinchey, Mr. Cannon, Mr. Mollohan, Mr. Doyle, Mr. Menendez, Mr. Andrews, and Mrs. Maloney of New York.
H.R. 1111: Ms. McKinney.
H.R. 1176: Ms. Schakowsky and Mr. Gutierrez.
H.R. 1214: Mr. Brown of Ohio.
H.R. 1307: Ms. Velázquez.
H.R. 1331: Mr. Camp.
H.R. 1520: Mr. Gordon, Mr. Barrett, Mr. Olver, and Mr. DeFazio.
H.R. 1543: Mr. Costello.
H.R. 1556: Mr. Barr of Georgia and Mr. Sabo.
H.R. 1581: Mr. Bass and Mr. Turner.
H.R. 1609: Mr. Larson of Connecticut.
H.R. 1701: Mr. Lampson, Mr. Kirk, and Mr. Wilson of South Carolina.
H.R. 1724: Ms. Kaptur.
H.R. 1731: Mr. Hayes.
H.R. 1784: Mr. Castle.
H.R. 1810: Mr. Wu.
H.R. 1811: Mr. Thune.
H.R. 1935: Mr. Otter, Mr. Gutierrez, Mr. Peterson of Minnesota, Mr. LaTourette, Mr. Rogers of Michigan, Mr. Bereuter, Mr. Toomey, Mr. McIntyre, and Mrs. Myrick.
H.R. 2014: Mr. Camp.
H.R. 2125: Mr. Hansen, Mr. Istook, Mrs. Maloney of New York, and Mr. Blagojevich.
H.R. 2357: Mr. Combest and Mr. Jeff Miller of Florida.
H.R. 2373: Ms. Dunn, Mr. Hyde, and Mr. Ross.
H.R. 2405: Mr. Maloney of Connecticut.
H.R. 2484: Mr. Quinn.
H.R. 2487: Ms. Millender-McDonald and Ms. Norton.
H.R. 2570: Mr. Nadler.
H.R. 2597: Mr. Blumenauer.
H.R. 2654: Mr. George Miller of California.
H.R. 2702: Mr. Boehlert.
H.R. 2748: Mr. McNulty.
H.R. 2808: Mr. Tiberi.
H.R. 2868: Mr. Green of Texas and Mr. Etheridge.
H.R. 2874: Mr. DeFazio, Mrs. Lowey, Mr. Lynch, and Mr. Dingell.
H.R. 2953: Ms. Sánchez and Mrs. Napolitano.
H.R. 3038: Mr. Larson of Connecticut.
H.R. 3109: Ms. Velázquez.
H.R. 3132: Mr. Davis of Illinois, Mr. Jackson of Illinois, and Mr. Sabo.
H.R. 3236: Mr. Duncan and Ms. Velázquez.
H.R. 3238: Mr. Allen.
H.R. 3284: Mr. Sanders.
H.R. 3292: Mr. Ross and Mr. Rangel.
H.R. 3320: Mr. Crane and Mr. Knollenberg.
H.R. 3388: Mr. Bartlett of Maryland, Mr. Holt, and Mr. Weldon of Pennsylvania.
H.R. 3414: Ms. McKinney.
H.R. 3424: Mr. John.
H.R. 3429: Mr. Menendez and Mr. Crowley.
H.R. 3469: Mrs. Mink of Hawaii, Ms. DeLauro, Mr. Fattah, Ms. Pelosi, Mr. Evans, and Mr. Simons.
H.R. 3483: Mr. Clement and Mr. Crowley.
H.R. 3496: Ms. Slaughter and Mr. English.
H.R. 3534: Mr. Sullivan.
H.R. 3584: Mr. Filner, Mrs. Roukema, and Ms. McKinney.
H.R. 3686: Mr. Ross.
H.R. 3741: Mr. Wexler.
H.R. 3746: Mr. Stark.
H.R. 3777: Mr. Wu and Mr. Platts.
H.R. 3781: Mrs. Tauscher, Mr. Deutsch, Mr. Israel, and Mr. Crowley.
H.R. 3788: Mr. Sununu.
H.R. 3794: Mr. Smith of Washington, Mr. Simmons, Mr. Lampson, and Mrs. Napolitano.
H.R. 3802: Mr. Herger.
H.R. 3808: Mr. Weller.
H.R. 3834: Mr. Strickland, Mr. Oberstar, Mr. Rehberg, Ms. McCollum, Mr. Deutsch, and Mr. Baird.
H.R. 3884: Ms. Rivers, Mr. Sherman, Mr. Sabo, and Ms. Norton.
H.R. 3887: Mr. Kennedy of Rhode Island, Ms. Baldwin, Mr. Gutierrez, Mr. Simmons, and Mr. Dingell.
H.R. 3912: Ms. Waters.
H.R. 3930: Mr. Walden of Oregon and Mr. John.
H.R. 3957: Mr. Sherman.
H.R. 3973: Mr. Gary G. Miller of California.
H.R. 3974: Mr. Owens and Mr. Jefferson.
H.R. 3995: Mrs. Biggert, Mr. Smith of Texas, Mr. Wamp, Mr. LaHood, Mr. Rothman, Mr. Gordon, and Mr. Owens.
H.R. 4014: Mr. Cooksey, Mr. Price of North Carolina, and Mr. Wolf.
H.R. 4018: Ms. McKinney.
H.R. 4019: Mr. Callahan, Mr. Camp, Mr. Brown of South Carolina, Mr. Chambliss, Mr. Holt, Mr. Cannon, Mr. Burton of Indiana, Mr. Hayworth, Mr. DeMint, Mr. Keller, Mr. Paul, Mr. Dreier, Mrs. Johnson of Connecticut, Mr. Bartlett of Maryland, Mrs. Biggert, Mr. Calvert, Mr. Mica, Mr. Otter, Mr. Radanovich, Mr. Schrock, Mrs. Myrick, Mr. Pickering, Mr. Hansen, Mr. Putnam, Mr. Foley, Mr. Gilman, Mr. Terry, Mr. Goode, Mr. Tiahrt, Mr. Issa, Mr. Jones of North Carolina, Mr. Knollenberg, Mr. Kirk, Mr. Schaffer, Mr. LaTourette, Mr. McCrery, Mr. Linder, Mr. Armey, Mr. Rohrabacher, Mr. Wilson of South Carolina, Mr. Oxley, Mr. Stump, Ms. Pryce of Ohio, Mr. Walden of Oregon, Mr. Weldon of Florida, Mr. Frelinghuysen, Mr. Tiberi, Mr. Watts of Oklahoma, Mr. Ganske, Mr. Kingston, Mr. Taylor of North Carolina, Mr. Riley, Mr. Gilchrest, Mr. Duncan, Mr. Royce, Mr. Ryan of Wisconsin, Mr. Platts, Mr. Wicker, Mr. Thune, Mr. Wamp, Mr. Hostettler, Mr. McKeon, Mr. Ryun of Kansas, Mr. Pombo, and Mr. Rehberg.
H.R. 4033: Mr. Lynch, Mr. Frank, and Ms. Waters.
H.R. 4037: Mr. English and Mr. McGovern.
H.R. 4066: Mr. Barcia, Mr. Watt of North Carolina, Mr. Sherman, Mr. Shimkus, and Mr. Shows.
H.R. 4072: Ms. Schakowsky.
H.R. 4086: Mr. Ford.
H.R. 4113: Mr. Baird, Mr. Olver, Mr. Engel, Mrs. Johnson of Connecticut, Mr. Sanders, Mr. Holt, Ms. Lofgren, Mr. Tierney, Ms. McCollum, Mr. Nadler, and Mr. Pallone.
H.R. 4123: Mr. Payne and Ms. McKinney.
H.R. 4136: Mr. Obey.
H.R. 4152: Mr. English, Mr. Green of Texas, Mr. Hastings of Florida, and Mr. Hefley.
H.R. 4169: Mr. Barcia.
H.R. 4210: Mr. Hilliard.
H.R. 4259: Mr. Baker.
H.R. 4470: Mr. Manzullo.
H.R. 4483: Mr. Kingston, Mr. Hefley, Mr. Keller, Mr. Sullivan, Mr. Petri, Mr. Sam Johnson of Texas, Ms. Sánchez, Mrs. Lowey, Mr. Matsui, and Ms. Schakowsky.
H.R. 4582: Mr. Wu, Mr. Hall of Texas, and Mrs. Maloney of New York.
H.R. 4598: Mr. Coble.
H.R. 4620: Mr. Calvert.
H.R. 4629: Mrs. Jo Ann Davis of Virginia.
H.R. 4639: Mr. Frank.
H.R. 4644: Mr. Frost, Mr. Lynch, Mr. Davis of Illinois, and Mr. Terry.
H.R. 4646: Mr. Honda, Mrs. Napolitano, Mrs. Mink of Hawaii, and Mr. Berry.
H.R. 4658: Mr. Watkins and Mr. Ose.
H.R. 4660: Mr. Crowley, Ms. Norton, Mr. Sandlin, and Mr. Putnam.
H.R. 4665: Mr. Owens, Mr. Frost, and Mr. Frank.
H.R. 4667: Mr. Visclosky.
H.R. 4709: Mr. Pallone, Ms. McCollum, and Ms. Pelosi.
H.R. 4715: Mr. Bonior.
H.R. 4727: Mr. McNulty.
H.R. 4728: Mr. Taylor of Mississippi, Ms. Millender-McDonald, Mr. Burton of Indiana, and Mrs. Roukema.

H.R. 4729: Mr. OWENS.

H.R. 4754: Mr. KOLBE.

H.R. 4760: Ms. MCKINNEY.

H.R. 4761: Mr. COSTELLO.

H.R. 4777: Mr. SHERMAN, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. GILMAN, Mr. MEEHAN, and Mr. MARKEY.

H.R. 4783: Mr. PAUL.

H.R. 4795: Mr. ENGLISH, Ms. HART, Mr. KILDEE, and Mr. SANDERS.

H.R. 4814: Mr. DOYLE, Ms. SCHAKOWSKY, Mr. KLECZKA, Mr. BALDACCI, Mr. WU, Mr. BARRETT, and Mr. INSLEE.

H.R. 4852: Mr. GOSS.

H.R. 4865: Mr. COYNE and Mr. DINGELL.

H.R. 4866: Mr. GORDON, Mrs. BONO, Mr. WU, Mr. SULLIVAN, Ms. HART, Mr. CASTLE, Mr. FROST, and Mr. BRADY of Texas.

H.R. 4878: Mr. OSE.

H.R. 4880: Mr. NEAL of Massachusetts.

H.R. 4888: Ms. ROYBAL-ALLARD, Mr. BURR of North Carolina, Mr. CUMMINGS, Mr. LEVIN, Mr. MCGOVERN, Mr. GANSKE, Mr. GORDON, and Mr. FROST.

H.J. Res. 6: Mr. LAFALCE.

H.J. Res. 23: Mr. AKIN and Mr. CALVERT.

H.J. Res. 89: Mr. HASTINGS of Florida, Mr. CROWLEY, and Mr. MCGOVERN.

H.J. Res. 93: Mr. WELDON of Florida.

H.J. Res. 96: Mr. SULLIVAN, Mr. CRENSHAW, and Mr. REHBERG.

H. Con. Res. 4: Mr. FERGUSON, Mr. SAXTON, and Mr. MORAN of Virginia.

H. Con. Res. 99: Ms. NORTON, Ms. ROYBAL-ALLARD, Mr. BECERRA, and Mr. MARKEY.

H. Con. Res. 173: Mr. FROST, Ms. MILLENDER-MCDONALD, Ms. DEGETTE, Mr. OLVER, and Mr. ROTHMAN.

H. Con. Res. 188: Mr. PLATTS.

H. Con. Res. 238: Ms. BROWN of Florida.

H. Con. Res. 320: Mr. PRICE of North Carolina.

H. Con. Res. 382: Mr. DELAHUNT, Mr. FRANK, Mr. ABERCROMBIE, Mr. MATSUI, Ms. ESHOO, and Mr. KLECZKA.

H. Con. Res. 392: Ms. WATERS.

H. Con. Res. 394: Mr. FALEOMAVAEGA.

H. Con. Res. 401: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 403: Ms. SCHAKOWSKY.

H. Con. Res. 404: Ms. LEE and Mrs. MINK of Hawaii.

H. Con. Res. 407: Mr. BROWN of Ohio.

H. Con. Res. 413: Mr. SESSIONS, Mr. CUNNINGHAM, and Mr. GREEN of Texas.

H. Res. 18: Mr. UDALL of New Mexico and Mr. LARSEN of Washington.

H. Res. 269: Mr. FERGUSON.

H. Res. 416: Mr. LATOURETTE, Mr. BARCIA, and Mr. GRAVES.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1950: Mr. BISHOP.

SENATE—*Wednesday, June 12, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have revealed that commitment is the key to opening the floodgate for the inflow of Your Spirit. Repeatedly, You have responded to our unreserved commitment to You when faced with challenges and problems. You have provided us with clarity of thought and ingenious solutions. Unexpected blessings happen; serendipitous events occur; people respond; and the tangled mess of details is untangled. Amazed, we look back and realize that it was the moment when we gave up, You took over; when we let go, You took hold; when we rested in You, our strength was replenished.

Today, we prayerfully personalize the assurance of the psalmist: "We commit our way to You, Lord. We also trust in You, and You will bring Your plans to pass. We rest in You, and wait patiently for You."—Psalm 37:5,7.

Lord, help us to commit our lives, our work, this Senate, and our hopes and dreams for our beloved Nation to You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 12, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, the Chair will announce very shortly that we will begin a period of morning business. That time will extend until 10:40 a.m., with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Republican leader or his designee.

At 10:40, the Senators will proceed to the House Chamber for the joint meeting with the Australian Prime Minister. The Senate will stand in recess at 10:40 until 12:30.

At 12:30, the Senate will resume consideration of the estate tax bill. We expect an amendment to be laid down at that time by Senator DORGAN. That will take approximately 2 hours, after which time we will vote on that amendment and the underlying Conrad amendment.

At approximately 3 or 3:15, Senator GRAMM is going to lay down his amendment, which is a duplicate of the House measure, to repeal the estate tax. That will be debated for 2 hours.

We hope to complete debate around 5:30 this evening and go to some other legislative matter. Therefore, we expect to complete action on the estate tax legislation today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:40 a.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

The Senator from North Carolina is recognized.

REINVENTING PROBATION AND PAROLE

Mr. EDWARDS. Mr. President, I yield myself 17 minutes.

Today I would like to speak for a few minutes about the fight against crime in America. We have made tremendous progress over the last 10 years, largely by putting more police officers on the street. But there are some troubling signs that the tide is turning against us. In 2000, the drop in the national crime rate was the smallest since 1991. And just yesterday, we learned that crime in North Carolina actually went up last year, for the first time since 1995.

So now is not the time to rest on the laurels of our victories against crime. It is time to bring the fight to the stubbornest pockets of criminality and the toughest problems in the justice system.

In my view, the number one problem in our criminal justice system today is the early release system—sometimes called probation, sometimes parole, sometimes intensive supervision. But whatever you call it, it doesn't work. It is overburdened, understaffed, inconsistent, and almost completely unsuccessful.

There are about 4½ million people on probation and parole today, and most of them will break the law again and end up back in prison. According to a Justice Department study reported in the New York Times last week, two out of three inmates released from prison in 1994 were arrested again within 3 years. And that just counts the people who got caught. People on parole make up less than 1 percent of the American population, but they account for over 35 percent of the people entering prison each year.

When criminals commit crime after crime after crime, we all suffer, and the poorest among us suffer the most. People leaving prison usually go back to the same tough neighborhoods they came from. In Winston-Salem, NC, 80 percent of the prisoners go back to 40 percent of the city. And when they return home to return to crime, it's the very last thing their struggling neighborhood needs.

We need to put an end to this. And we can put an end to it—if we follow the example of successful efforts in states and communities across the country, including a new effort in Winston-Salem. I want to name three principles culled from these successful efforts.

First, we must make it clear that parole is a simple bargain—obey the law or suffer the consequences.

Second, we need a system that has the resources to monitor the enormous number of offenders and the methods to monitor them effectively.

Finally, we need to give those offenders who are truly ready to become law-abiding citizens the chance to succeed.

Let me explain each of these principles a little further.

First and foremost, we need real punishments for people who commit real violations of probation and parole. Today we have the opposite. We have a system where at one extreme, people can violate probation or parole 10 times before anything actually happens to them. Nearly half the people in the probation system have violated the terms of probation, but only one in five gets sent back to jail for doing it. At the other extreme we have some people who miss an appointment and go back to jail for years. It just doesn't make sense.

Let me give an example. We know that many people commit crimes to feed their drug habits. Almost half of the crimes in many big cities are committed by drug users. So if we are going to cut crime, we have to get people on probation and parole off of drugs.

Now, it's true that right now, we say you have to remain drug-free while you're on probation or parole. But too often, that requirement only exists on paper. Drug tests are few and far between—maybe once a month and maybe less, so if a guy is using, he can hide it. If he does get caught, his parole officer has to negotiate with a bureaucracy to get the guy punished, so a lot of the time the officer doesn't bother. And if he does bother, the judge may choose not to impose the only punishment that's available, which may be years in jail.

The result of all this is that drug users on probation or parole know they're not likely to get caught, and so they use again and again and again. As they return to addiction, they commit more crimes.

We can do better. A rational probation and parole system would deter crime before it happens, using two basic elements. First, we would have strict supervision focused on the conduct that leads to crime. Instead of just rules against drug use, we would have frequent drug testing, like twice-a-week testing.

Second—and this is critical—we would have automatic punishments for people who break the rules. Those punishments would be swift and certain and graduated. You test positive for drugs, you get punished. You test positive a second time, you get punished more severely. Automatic, no exceptions; simple, swift punishment. Here in the District of Columbia, the system is moving in this direction, and research shows that it is helping in the fight against crime. It is time for more places to do the same.

By the way, the system ought to be the same for other violations of probation and parole besides drug abuse. Set real rules that focus on conduct connected with crime. If you break those rules, you suffer the consequences. That simple.

No. 2: We need to get probation and parole officers out of their offices and on the streets. Right now, a lot of probation and parole officers sit in their offices and wait for trouble to come to them. A typical probation officer has two 15-minute meetings with each probationer every month. That is no way to keep tabs on anybody.

What needs to happen in probation and parole today is not all that different from what needed to happen in police work 20 years ago. Twenty years ago, cops spent their time in squad cars responding to crimes. They caught some bad guys, but they did not stop crime before it happened.

Some innovative police chiefs went back to the method of policing they had learned when they first came on the force. They moved police officers out of the cars and back onto the beat, where they got to know the neighborhood; got to know the shopkeepers, the pastors, the principals; got to learn from the many good folks in every community who the handful of troublemakers were. And this kind of police work, community policing supported by the COPS program, has helped to cut crime rates across America.

It is time for the same revolution in probation and parole: Officers need to know the communities, not just the criminals. It has worked in Winston-Salem, where teams of probation and police, working with the clergy and the community, helped cut juvenile violence by 35 percent in the last year. That effort drew on a success in Boston where a team effort called Operation Nightlight helped cut youth homicides by 65 percent.

Getting probation officers back on the streets will not be easy. For one thing, it will be impossible until we cut the massive burdens on these officers. The average probation officer had over five times as many cases in the late 1990s as in the early 1970s—sometimes 200 cases. Under these conditions, even the most dedicated public servant cannot get the job done. So we have to both change the bureaucratic culture and cut the caseloads in these departments. That may mean increasing the number of officers, it may mean holding managers more accountable, it may mean increasing competition for the work. But it is something we have to do.

No. 3, We need to make sure offenders who are ready to turn their lives around have a real chance to do it.

A convict's debt to society does not end with his prison term. Men who have left prison have a responsibility to obey the law, stay off drugs, and stop victimizing their community. They have another responsibility as well—a responsibility to become productive members of our society who work hard, pay taxes, and support their children. If they are willing to fulfill those responsibilities, we have to be willing to help them and keep an eye on them while they do.

This is not about what society owes to prisoners, but we have to face the reality that we will never build enough prisons to keep people behind bars forever, and we would not want to be a society that did. Except for a tiny minority, they all come back to our communities.

This is about what society owes vulnerable communities. The last thing they need is an influx of people who are addicted to drugs and do not have jobs and do not have supervision. Far too often, that is what our prisons are churning out today.

We know that drug treatment helps prisoners get straight, but the share of prisoners receiving treatment dropped from 25 percent at the beginning of the 1990s to just 10 percent at the end. We know that prisoners who learn to read and write are less likely to commit new crimes, but we have cut prison literacy programs. We know that when somebody leaves jail, giving him a sweatsuit and sending him to the bus station in the dead of night is not the way to give him a fresh start. Too often, though, that is all we do when we release people from prison.

We need to recognize that enabling prisoners to reintegrate into our communities as lawful and productive citizens is good for everybody. We should support proven efforts that get former prisoners to beat addictions and stay at work. And we should support the efforts of community leaders, especially religious leaders, to keep a stern eye on former offenders, while also lending them a helping hand. This is something that is beginning to work in Winston-Salem thanks to the Center for Community Safety at Winston-Salem State University. It is beginning to work in places like Maryland and Ohio. It is something that needs to work across America.

That is the challenge: First, develop real and automatic punishments for real violations of probation and parole. Second, enable probation and parole officers to get out of their offices and onto the streets. Third, make sure offenders who are ready to turn their lives around have the chance to do it.

Meeting that challenge will not be easy. Every State has different probation and parole systems. Some States have differences within their systems. While the truth is that a lot of these systems are not working, some of them are. Every reform I have described is already working someplace in America today. Our job in Washington will be to spread the things that work. I know there is legislation in conference right now that will help do that in a limited way.

I believe we should think bigger, on the model of the COPS Program, a program that not only helped police departments hire over 100,000 more cops, but that also helped change the way police departments do business. We need the same kind of effort when it comes to transforming probation and parole into an effective, accountable system for reducing crime.

It may be that this administration will oppose this effort. Their current budget has already proposed gutting the COPS Program. This administration seems to think that permanent tax cuts for the very wealthiest Americans are more important than cutting crime in the very poorest communities. I see it differently.

ESTATE TAX

Mr. EDWARDS. Mr. President, I also wish to say a few words about the estate tax debate we are having right now.

With all due respect for my colleagues, I think this debate shows that a lot of people in Washington are totally out of touch with regular people back at home. I think we should step back and take stock of where we are right now.

No. 1, as all of us know, we are in the middle of fighting a war against terrorism, and we do not know when that war will end. Our young men and women are in harm's way overseas as I speak.

Here at home, we have very serious homeland security needs that the administration is struggling to meet. It is no exaggeration to say that Americans' lives depend on the success of those efforts. That is No. 1.

No. 2: We have a whole raft of serious needs in our country. I have been talking about the rising crime rate, but that is just the beginning. We have seniors who cannot pay for the medicine they need to live. We have parents who cannot afford to send their kids to college. We have children who go to school every day in crowded classrooms with leaky roofs, even as this administration cuts funding for education. That list goes on and on.

No. 3: We have a coming challenge in Social Security. We are going to have baby boomers retiring in huge numbers, and we are going to have to find a way to keep our social contract with them.

No. 1, we have a costly war against terrorism to fight abroad and at home. No. 2, we have deep problems with crime and education and health care that we are not addressing. No. 3, we have a coming crisis in Social Security.

And here is No. 4. Right now we cannot afford to address a lot of our serious needs—and in fact, our economy continues to sputter after a decade of extraordinary growth—because the country has gone from a multitrillion dollar surplus to a deficit in barely a year. That is very largely because of the tax cuts targeted to the wealthy this Congress already passed. It is a breathtaking fiscal turnaround.

With terrorism, with crime and education and health care needs, with a Social Security crisis, with massive fiscal hemorrhaging, what are we talking about here today?

We are not talking about reforming the estate tax to eliminate unfair burdens on farmers and small businesses, something I support. I very strongly believe that farmers and small businesses have to be protected from estate taxes.

We are talking about whether to blow another massive hole in the budget to pay for a tax cut that mostly benefits about 3,000 of the wealthiest families each year. In a country of over 275 million people, many of them struggling to pay their mortgages and send their kids to college, we are talking about multimillion dollar windfalls for about three thousand fortunate families.

I have only one question. Is this really why the American people send us here, to massively cut taxes on a very fortunate few while we are fighting terrorism and Social Security is in trouble and millions of middle class people are struggling? I do not think that is why people send us here.

What my colleagues are trying to do today on the estate tax is wrong from a national security perspective. It is wrong from a Social Security perspective. It is wrong from an economic perspective. And most important of all, it is wrong from a moral perspective.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I commend the Senator from North Carolina for his remarks with regard to his views on probation and the deteriorating situation with regard to how we are moving and progressing with regard to crime. I am also glad to hear the Senator from North Carolina speak about estate tax in the context of Social Security. In fact, I will be speaking in a minute with regard to the Social Security issue.

It seems inconceivable to me that the roughly 3,000 people the Senator is talking about in our Nation, those who have benefited most from the power and the success of our Nation economically and done so well, should put at jeopardy the universal program that is such an important part of retirement security for so many Americans. It does not seem right in the context of the national security, but truly it seems misplaced when one thinks about Social Security for the breadth of Americans.

So I commend the Senator for his remarks, and particularly the tying together and juxtaposition of those efforts.

SOCIAL SECURITY

Mr. CORZINE. Mr. President, as many of my colleagues know, I have over the last few weeks been speaking regularly with regard to Social Security and proposals to privatize Social Security. I think this is one of the most important debates we as the Senate and Americans need to have. It needs to be done before elections, not afterwards, because I think we need to hear from the American people about what it is they want.

To many Americans, certainly to whom I talk, and many of my constituents in the State of New Jersey—and I certainly hear it from my colleagues, and I feel strongly—these proposals that are circulating with regard to private takings of Social Security are not the mindset of most Americans. That is particularly true when people become aware that they will involve deep cuts in guaranteed benefits and that, by implication, is going to force many Americans to work longer, delay their retirement, and develop a level of insecurity in a program that was really designed to promote security among senior citizens in our Nation.

The fact is that we have seen developing an undermining of retirement security for a whole host of reasons, whether it is the diminishment of the number of Americans who are covered by defined benefit programs or the insecurity of 401(k)s which we have seen in light of some of the elements that have come out of Enron. It is very hard for me and for most of the people with whom I have conversations to understand why we should be taking the security out of Social Security.

President Bush's Social Security Commission proposed privatization plans—there were three of them—that would cut guaranteed benefits for current workers by more than 25 percent. Those cuts would exceed 45 percent for those who would be retiring long in the future. They would apply even to those who choose not to invest in privatized accounts, and they would be even deeper for those who did not make such investments. In fact, actual cuts are likely to be deeper still. This is an important part. There is a high probability the cuts will be deeper since the Commission's plans—all three of them—are dependent on significant infusions of general revenue funds to accomplish the transition from the current system we have, the pay-as-you-go system, to the privatized system. This is arithmetic. It is not something that is political or partisan.

The only way to get from one place to the other is by taking roughly a trillion dollars from general revenues to make it supportable, if the same benefit payment schedule is going to be held to that which we have now for most future retiring American citizens.

It is hard to understand how we can talk about taking funding from general revenues in the current circumstance when we passed a debt ceiling limit yesterday of another $450 billion, and that is only expected to take us for 18 months. We have a growing deficit problem in this country. Put that together with a need to be able to provide general revenues to support this initiative towards privatization and I think we have a real problem. We have a train wreck coming. To me, that is not the direction in which we should go.

So I hope we will look at these in a serious way. The Commission's report itself talks about these 25-percent cuts and 45-percent cuts. The Social Security actuaries are the ones who present them. While they did not speak to it directly, those cuts will even be more serious and more immediate for surviving beneficiaries and disabled beneficiaries from the Social Security Program.

We are basically taking a program that has worked, has reduced the poverty level for senior citizens in America, and really putting it at great jeopardy. That is why I feel so strongly about speaking out on a repeated basis to develop this debate.

Despite the very clear proposals developed by the Bush Commission, my fear is that few Americans have any real idea what is at stake in regard to what I have described. I am afraid a lot of this is not on people's radar screens because there has not been a lot of debate about it. There has not been a lot of talk about it.

There is a point of view that this ought to be put off until after the election. I think it is important that those of us who believe in protecting Social Security as we basically know it—there will have to be some changes but basically as we know it—should be talking about the true nature of the kinds of cuts that are being talked about.

A little bit of this dialogue on the Senate floor has developed into some debate, at least inside the beltway. I would like to take it outside the beltway because that is where the real impact will lie. But there has been a continuing dialogue between the Cato Institute and myself. A minority of members of the Bush Commission have responded to some of the commentary I have tried to make. We have both exchanged long and relatively detailed treatises that are translated into explaining each other's positions, and I think that is all healthy. I think that is good. Hopefully, there will be more debate in the future.

This past weekend, a new player entered the debate, at least as reported by the Washington Times. The Commissioner of Social Security, Ms. Anne Barnhart, went on the record to criticize Democrats—at least one Democrat—for using false charges and for what the article calls incendiary rhetoric. I hope people do not presume the kind of language I am using today is incendiary. It is trying to get to a healthy debate about how Social Security should work and how it will impact seniors, survivors, and disability beneficiaries in America.

The article quotes Ms. Barnhart as stating:

> The most important message I want to send out is that benefits are not going to be affected.

Let me repeat, "benefits are not going to be affected," according to Ms. Barnhart.

Ms. Barnhart then seemed to back off in the article—again, I did not see the full text of her remarks—and adopt a little less absolute approach. That is hopeful because that cannot be an absolute condition of the interpretation of the President's proposals, offering assurances only to retirees, current retirees, near-term retirees.

In any event, I was very disappointed by these reported statements which, in fact, I have tried to respond to in a number of venues, which I believe are highly inaccurate in themselves. The truth is, as I said before, President Bush's Social Security Commission proposed privatization plans that call for deep cuts in guaranteeing benefits. This is by the Social Security actuaries themselves. I do not happen to have the pages, but I can cite it in the report that the Commission put forward. As I said, these cuts apply to even those who do not choose to invest in privatized accounts.

It seems to me we ought to have this on facts at least as they are talked about. I do not want to go back through the point, but if we are to avoid these cuts, even for near-term retirees, or certainly for survivors and disability beneficiaries, we will have to have significant transfers from the General Treasury to be able to sustain Social Security benefits even for those groups. I think that is going to be an increasing challenge for this body, for public policymakers in general, because we are running deficits.

Arguing that benefits are not going to be affected seems precisely the kind of false charge for which Ms. Barnhart reportedly was criticizing Democrats.

This is a debate we need to have. We need to have it on substance. We need to make it balanced, thoughtful, very public. I will work to that end. There is not a more important issue—perhaps prescription drugs, as the Presiding Officer is articulately making the case to the American people. This gets at retirement security, things that make a difference in real people's lives. I was in the chair several weeks ago when the Presiding Officer made the case that he went to a diner and heard what was on people's minds. Prescription drugs are on people's minds, and making sure that Social Security is there as people have expected, as they have paid into the system. It is right in the gut to most Americans, at least those diners I go to in New Jersey. This is something we have to be attentive to, we need to debate, we need to come to a conclusion, and get on with the process.

I am hopeful Ms. Barnhart was misquoted in the Washington Times. I have been misquoted once in a while, as I am sure all Members have. I do not think engaging in incendiary commentary is helpful, nor do I think many of my colleagues do. I hope she will write to the editor of the paper and clear up the matter. I would love to get into a very serious debate about the substance of how we will finance Social Security as we go forward. That is an important element of our necessary debate to get to long-term solutions that make a difference in people's lives.

I hope she will review the facts involved in the President's commission's report when we are talking about these deep cuts in guaranteed benefits. They are there in black and white.

I ask unanimous consent a copy of the Washington Times article and my response to Ms. Barnhart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, June 8, 2002]

SOCIAL SECURITY REFORM DEFENDED

(By Donald Lambro)

The head of the Social Security Administration criticized Democrats yesterday for using false charges and "incendiary rhetoric" to stir up political fears over President Bush's plan to reform the retirement system.

Jo Anne Barnhart said there is no truth to Democratic claims that Mr. Bush's plan will cut retiree benefits or that the administration was robbing the trust fund.

"I think the fear factor is really unfortunate. It is important that Social Security beneficiaries be reassured," said Mrs. Barnhart told The Washington Times yesterday—her first interview since Mr. Bush selected her last summer to run the nation's largest retirement program.

"The use of highly charged, incendiary rhetoric doesn't accomplish this," she said.

Mrs. Barnhart spoke approvingly of Mr. Bush's plan, saying it's important to restore faith in the program and give people more control over their retirement funds.

"The most important message that I want to send out is that benefits are not going to be affected. Regardless of what proposal you look at in terms of reform, I want to reassure retirees and near-retirees that they will not have a reduction in benefits," she said.

Democratic leaders have been escalating their attacks on Mr. Bush's Social Security reform plan in recent weeks, believing that the issue will motivate older Americans to vote in larger numbers against Republican congressional candidates this fall.

"It is indisputable that the Bush Social Security Commission's privatization proposals include drastic cuts in guaranteed Social Security benefits," said Sen. Jon Corzine, New

Jersey Democrat, who has been leading the attacks in the Senate.

Until yesterday, the White House had not directly struck back at its critics, and Mrs. Barnhart's surprisingly strong remarks signaled that the administration now believes it should respond to the Democrats' mounting political offensive.

Mrs. Barnhart declined to compare the Social Security benefits with what workers would get under Mr. Bush's plan to let workers voluntarily invest part of their payroll taxes in stock and bond mutual funds.

"These are highly technical issues that our actuarial analysts can answer," she said.

But when asked about questions of financial risk and safety that Democrats are raising about Mr. Bush's investment plan, she revealed that her own federal pension was fully invested in stocks.

"I'm a federal employee. I participate in the Thrift Savings Plan. I went into the stock fund," she said. The government's popular Thrift Savings Plan lets federal employees invest their retirement funds in stock and bond funds.

Such stock funds are "widely diversified to lower risks" and government bond funds posed no risk, she said. The president's commission on Social Security, which proposed three different plans to implement Mr. Bush's reforms, examined the Thrift Savings Plan as a possible model to follow.

Mrs. Barnhart said that she thinks that "we can look at the Thrift Savings Plan" as the basis for a larger retirement for the general public.

"I don't think there is any question that people, particularly younger people, would have more control over their investments in the future," she said of the administration's proposed reforms.

U.S. SENATE,
Washington, DC, June 12, 2002.

Hon. JO ANNE BARNHART,
Commissioner, Social Security Administration,
Baltimore, MD.

DEAR COMMISSIONER BARNHART: I am writing with respect to statements attributed to you in an article published in the Washington Times on June 8 on the topic of Social Security.

According to the article, you "criticized Democrats for using false charges and 'incendiary rhetoric' to stir up political fears over President Bush's plan to reform the retirement system." The article quoted you as saying. "The most important message that I want to send out is that benefits are not going to be affected."

I am very concerned about this last statement, which is simply not accurate. President Bush's Social Security Commission proposed privatization plans that call for deep cuts in guaranteed benefits. The Social Security Administration's own actuaries have calculated that the cut for many current workers would exceed 25 percent, and cuts would exceed 45 percent in the future (see page 75 of the actuaries memo on the report, dated January 31, 2002). These cuts would apply even to those who choose not to invest in privatized accounts. The cuts would be even deeper for those who do make such investments.

I recognzie that, after stating simply that "benefits are not going to be affected" you seemed to back off and provide assurances only to retirees and near-retirees. However, the Commission's plan relies on significant infusions of general revenues none of which have been provided for in the President's budget. If and when these revenues fail to materialize, retiree benefits clearly could be at risk. While, in the short-term, I hope that Congress somehow would find the resources to protect current retirees, over time the threat of further benefit cuts for retirees seems very real. In addition, based on the text of the Commission's report describing Model 1, it appears that some near-retirees would have their guaranteed benefits reduced if they participate in the program of privatized accounts.

I understand that reasonable people can disagree about the merits of privatization and believe it is importannt that the debate on Social Security's future be conducted without excessive rhetoric on either side. I have tried not to engage in attack language in the discussion so far, and I am hopeful that other parties will adopt a similar approach. The future of Social Security is too important to be decided by misleading claims or partisan politics.

Sincerely,

JON CORZINE.

Mr. CORZINE. I hope we continue this dialog in a thoughtful, balanced matter.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAYH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I believe we are in morning business, is that not correct?

The PRESIDING OFFICER. That is correct.

HOMELAND SECURITY

Mr. CRAIG. Mr. President, this morning I want to speak to a couple of issues that I think are important to this body and certainly to the citizens of our country. First and foremost, I want to speak of a meeting that occurred at the White House yesterday that I had the good fortune to be a part of, a meeting of the President and the joint leadership, Democrat and Republican, of the House and Senate. We met with President Bush, the Vice President, and Governor Ridge to talk about the President's decision to create a new Cabinet-level Department of Homeland Security and his decision to send to the Congress a proposal that would allow us to work with him in the shaping of legislation to ultimately create that agency.

I saw the current Presiding Officer on television the other night speaking to this issue. I was pleased that he, too, like I, agree that a time has come in our country that we need to recognize the extraordinary global terrorism threat that has been brought to our doorstep and to the doorstep of most American citizens, and the need to recognize that the mechanisms of our Government to combat this threat have in part failed—or certainly the mechanisms are not in tune with the current threat in a way that they can effectively connect all of the dots to draw the necessary conclusions of the magnitude of the threat by those who bring it to our doorstep.

As a result of that, the President, in a very forward-looking way, having assumed the leadership of this great country, has brought to us an opportunity to work with him to make a decision that I think will be historic for our country, a decision to create a new department that I believe, when completed and effectively run, will make all Americans safer. It will give our country, through this department, the ability to protect our borders, to collate and analyze intelligence and information about ongoing threats, to expedite decisions at all government levels, and to take immediate action when the conclusion of the event or the risk that might occur warrants it.

The new department eliminates what has become a patchwork of agencies and lines of authority that were designed for a threat of an era ago. What worked in cold war and post-cold-war environments does not fit, or is apparently not fitting the current threat that this Nation recognizes.

This department, in my opinion, is not a step toward big government. Big government is when the Federal authorities needlessly take over functions better left to State and local governments.

The Presiding Officer is a former Governor. He understands so well the importance of State government and State law enforcement authorities. What we want to have happen is an improvement of those relationships as they relate to the threat.

My Governor, Dirk Kempthorne of Idaho, was once a U.S. Senator. As a Senator, he had greater clearance than he now has as a Governor. In other words, he had a right to know, under the law and by his title, more about the security risk in our country than he does as a Governor today. That is wrong. Governors in the role they must play as law enforcement officers within their States and directors of law enforcement communities within their States have to know. I use as an example the opportunity to create a seamless relationship between Federal intelligence and Federal law enforcement and State law enforcement. In my opinion, this is not the creation of a bigger government. This is called getting smart and getting it right at a time when our country demands it.

This proposal, however, which I think the President offers is the direct opposite of what some might call big government. Our Founding Fathers said it clearly when they stated within the Constitution the responsibility of the Federal Government to provide for the security of the citizens of this country. That was the foremost charge of a Federal Government's responsibility under the Constitution.

I think our President has recognized that oh so well ever since 9–11 and now brings to us an opportunity and a challenge to create this new department that, in my opinion, will not bloat government. Personnel and offices will remain relatively at current levels. In fact, due to consolidation, it is possible we might even see over time a slight reduction. The challenge is now ourselves. The challenge is to set aside that which is mine or that which is yours—it is called turf here on Capitol Hill—and to recognize that this is a time to act and to act promptly.

I was extremely pleased to see the bipartisan character and feeling of the meeting at the White House yesterday with TOM DASCHLE, TRENT LOTT, DICK GEPHARDT, and DENNY HASTERT—all of these leaders talking in a bipartisan mode about a timeline of importance. I think we all recognize that Leader GEPHARDT said: Why not 9–11–02? Why not on the anniversary of this tragic time in America when we began to rethink and realign our efforts that we should make available to the American people a new department, a new government, a new shaping of government. Well, I hope we can do 9–11–02. But if we are to do it, it means we have to burn the midnight oil a bit. It clearly means we have to roll up our sleeves and go to work. And it also means that the Senate and the House operate differently than they are historically at least expected to operate. We have done it in the past, and we can do it again. And we should do it now.

I hope Leader DASCHLE and Leader LOTT, in recognizing this, can bring the Senate together in a way unprecedented at least in modern times to get the job done—to get it done in a quick but thorough fashion, to do the necessary and proper reviews that bring about for this country a new shaping of government that we hope in the end will make us a safer, more secure place, and in that process not infringe upon or in any way lessen the rights and the freedoms of the citizens of this great country.

NUCLEAR WASTE POLICY

Mr. CRAIG. Mr. President, I want to speak about a need of this Senate to act and act soon. I am speaking about a provision within the Nuclear Waste Policy Act of 1982 that required a procedure by which this country would ultimately step forward in determining a permanent storage site for high-level nuclear waste. It is known here as Yucca Mountain in the State of Nevada. It has been a high-profile issue, one that has been given a great deal of debate over the last good number of years, but one that has come again to the floor of the Senate in which we must make a decision to make one step forward in a review and licensing process to determine whether the site of Yucca Mountain in the State of Nevada is capable of handling and effectively storing for 10,000 years the high-level nuclear waste of this country.

In the Nuclear Waste Policy Act of 1982, we established what is known as an expedited procedure for consideration of the resolution approving the President's selection of the nuclear waste site. Now the President has selected, because the NEPA process through the Department of Energy has determined that it is now time to go to the Nuclear Regulatory Commission for their review and their determination as to whether the site ought to be licensed. So the time is at hand, as was seen in 1982 under this act.

The expedited procedure under the Nuclear Waste Policy Act, as amended, specifically provides that once an approval resolution is on the calendar—and that means the authorizing committee has acted and sent it forward, as it has—the law says very specifically that any Senator may move to proceed to its consideration. And the motion to proceed is privileged and nondebatable.

Under current practices, measures normally reach this floor through agreement to a unanimous consent request by the majority leader. It is critically important for the operation and the procedure of this Senate on a daily basis that the majority leader of the Senate set the agenda. But there is always the provision, because we are all equal in the Senate under the Constitution, that sometimes the majority leader may not set the agenda the way the majority of the Senate would want it set. And, of course, that can be objected to and a vote to proceed.

But what we are talking about here is recognition of a special procedure—unprecedented, or at least certainly one that does not establish the precedent of the normal decorum of the Senate. If unanimous consent cannot be obtained, as we know now, the Senate has taken care of that procedure by simply allowing the rule or the decision to be tested.

The Nuclear Waste Policy Act provides special statutory authority to make exceptions to the contemporary practice to which I have just spoken.

Let me say that again. The Nuclear Waste Policy Act provides a special statutory authority to make exception to contemporary practice. In other words, it is not to establish a precedent. It is not to override the majority leader, as some would like to have it thought today and are certainly arguing. It is in fact the law of the country and not the rules of the Senate to which we are speaking. It is one of four statutes adopted since the 100th Congress that expressly allow any Senator to offer a motion to proceed to an item of approval or disapproval. Those statutes are not redundant to Senate rules and do not upset contemporary practice regarding motions to proceed to other legislation on the Senate calendar.

Exercising a Senator's right under the statutory authority in the Nuclear Waste Policy Act should be considered extraordinary, and not a general assault on the normal prerogatives of the majority leader.

When the Senate passed the Nuclear Waste Policy Act, it envisioned a circumstance in which a leader might be unwilling to propound a motion to proceed. It appears that may be what is happening on the floor of the Senate. Thus, the law expressly permits someone else to act so Congress can work its will before a statutory deadline passes.

Finally, let me say this: If a leader will not propound a motion to proceed, he cannot contend his leadership prerogatives will be violated if someone else moves the procedure. You can't contend that you have been violated if in fact that is the law of the land. And that is the law of the land.

The very procedure I have outlined is expressly stated in the Nuclear Waste Policy Act. Agreement with such a position gives the leader absolute and unilateral authority to veto power over consideration of any legislation, if in fact that can be argued. But at times, when TRENT LOTT was majority leader of the Senate, that was challenged, and a majority of the Senate stayed with the leader when it dealt with contemporary legislation of the moment and the setting of the calendar outside the statutes of the Federal Government within the rules of the Senate.

I wanted to speak about that briefly this morning because I know that is now being talked about among us Senators as we ultimately come to a time, prior to late July, when we must address this issue for the sake of the country, for the sake of ratepayers, certainly for the sake of the future of the energy sources of our country, and especially for nuclear-generated energy.

It is important to understand, and I will be to the Chamber speaking out about this issue more as we develop it. I would hope that the majority leader or the authorizing committee chairman who brought the resolution forward would act as they should under the rules to establish a time and a date certain when this Senate can debate and act responsibly on this most critical national environmental issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I compliment the Senator from Idaho for making this last point. He is absolutely right. Under the law that we passed, we have to consider what we are going to do with nuclear waste before the middle of July. And there is only one procedure under which it can be done. If the majority leader does not bring it up, then the statute provides anybody else can. That is what will happen.

The Senator from Idaho is exactly correct. I compliment him on his leadership on this issue.

PERMANENT REPEAL OF THE DEATH TAX

Mr. KYL. Mr. President, I rise this morning to talk about the issue that will be before us as soon as we resume business, and that is the permanent repeal of the death tax. This Senate has already repealed the death tax. The President has already signed it into law. But most Americans are now realizing there was a catch.

Under the special procedures that the Senate operates, that bill came before the Senate with a 10-year sunset. So all we could do was pass a law that was in effect for 10 years and in the 11th year, we are right back to where we were in the year 2001, meaning that while we repealed the death tax, it is back in the year 2010. That is not something we intended when we voted to repeal it.

I don't think anybody could argue that they intended only that it be repealed for 1 year. That is extraordinarily bad tax policy and a cruel hoax on the American people, who thought we were repealing it permanently. Obviously, we need to repeal it permanently, and that is what the Gramm-Kyl amendment will do.

I want to speak this morning about why this is so important, to bring it down to simple, personal terms.

In the Mansfield Room, just a few feet from the Senate Chamber in which we are right now, Mr. President, there is a small businessman, the owner of a lumber company. Actually, his dad owns the lumber company. He is helping to run it now. His name is Brad Eiffert, from Columbia, MO. And it is the Boone County Lumber Company.

His problem is this. When his father dies, the U.S. Government says: We want half of the value of everything you own with this lumber company. Let's explore what that means. They have been paying income tax on their corporate income. They have been paying individual income tax on the salary they take out of the company. They pay the payroll tax. They pay the Social Security tax. They generate a lot of taxes for Boone County and for the State of Missouri. And they have created 30 jobs.

This has been a successful, now second-generation company. The children of the father who owns the company now pay $58,000 a year in insurance premiums so that when their father dies, they will be able to inherit the business and have the money to run the business. Think of an insurance premium of $58,000 a year.

What does the Government do right now? The policy before we repealed the death tax was, the day he dies, his estate—that is to say, the people who would inherit the money the father owns and would inherit the business—has to pay half of that to Uncle Sam—half, 50 percent.

There is an exemption of a few hundred thousand dollars. I don't know how much this lumber company is worth, but let's say it is worth $5 million, just to pick a figure. I could be way off. About $4.5 million is now subject to the estate tax when the father dies.

So how do people pay the estate tax? This is the perversity of this tax. This lumber company has an inventory of lumber. They buy lumber from different companies that chop down trees and make it for them. So they have a bunch of warehouses full of lumber. And they have trucks that deliver the lumber. They have forklifts that enable them to move that lumber around. They have a little office. They have some other things; I am sure they sell hammers and nails and things such as that.

When this business is valued at, let's say, $5 million, they don't have a drawer that says: If you need $2.5 million to pay Uncle Sam, here is $2.5 million. No business has that. What they have is a value in the inventory, the lumber, the trucks, the forklifts, the warehouses, and so on. That is what is worth $5 million.

So, in effect, Uncle Sam wants to come in and say: We want half of that value. If you have 10 forklifts, we want 5 of them. If you have 10 lumber trucks, we want 5 of them. We want half of the inventory. In effect, just put it on a railroad car and send it to Washington. We want half of your warehouses.

There isn't money to pay Uncle Sam. We are talking about the value of the business. Remember, they have paid their income taxes. We are now talking about the value of the estate. It is called an estate tax.

What is the estate? The estate is the Boone County Lumber Company, with its forklifts and trucks and lumber. If that is worth $5 million, Uncle Sam says: I want half of it. How do you keep the business going by sending Uncle Sam half of the forklifts and half the trucks and half the lumber? That is obviously not what happens. You have to sell it to generate cash to write a check to Uncle Sam. You cannot just sell half your business. You end up selling the whole business.

Somebody said maybe they could get a loan to pay the taxes. Wrong. Anybody who knows anything about small business knows two things: One, you have financed the purchase of your equipment. You have financed the purchase of the land. Who buys a house for cash? You go get a home mortgage loan.

Well, businesses are the same. They don't pay cash for the land and the buildings; they get a loan from the bank so they can buy the property. They get a loan from the bank to buy their trucks, just as you buy a car on time, and you pay a Ford or GMC creditor or whoever it might be. The same with lumber, you get a bank loan to buy the lumber. Then you sell it and pay back the bank.

So these small businesses are highly leveraged in the sense they have already gotten all the credit they could get out of the bank. They can't go to the bank and borrow $2.5 million to pay the estate tax.

There is another reason, too, and that is there is an exemption. Today you get a $1 million exemption—and some people are proposing the exemption be more than that—but you can't qualify for the exemption.

The National Federation of Independent Businesses, which knows a lot about this because it represents a lot of these businesses, has testified, as have other experts, before the House Ways and Means Committee, which considered this, that the provision under which you can theoretically get an exemption is way too complicated and does not work.

The ABA, as a matter of fact—the American Bar Association—has advised its lawyers of being very careful of trying to help anybody to qualify for this exemption because they likely will be committing malpractice. So it does not work either.

So the bottom line is, hundreds of thousands of small businesses around this country face what Brad Eiffert faces. When his dad dies and Uncle Sam says pay us half of the value of everything in this business, he does not have the cash. He is not going to be able to borrow the cash. He has one choice: Sell the Boone County Lumber Company.

I will give you another company. The idea of the death tax was to prevent the accumulation of wealth. I had a good friend in Arizona. His name was Jerry Witsosky. He died. He created a printing company, Imperial Lithograph. He started with one employee, himself. He gradually built it up. He had about 150 employees, somewhere in that neighborhood when he died. It was a very successful business in Phoenix.

He contributed more money to charities in Phoenix than anybody I have ever known—a wonderful man. He died. His family could not pay half the value of that printing company to Uncle Sam, and they eventually had to sell the business.

Who did they sell it to? They sold it to a great big corporation. So much for preventing the accumulation of wealth. Here you had a family business, a going concern, a wonderful contributor to the community, and it had to be sold to a big corporation just to generate the cash to pay the estate tax.

Is this right? No. It is bad tax policy. It is unfair. It destroys all of the incentive. We talk about the American dream: save, invest, and hope that your kids can have a better opportunity than you had. That is the American dream. And the estate tax, or the death tax, just cuts that right to the quick and says: We want half of everything you earned during your lifetime. And, by the way, if you have to sell your business to pay us the money, that is tough. We want to spend it back in Washington.

This is a perverse tax policy. The good thing about the version of the repeal that Senator GRAMM and I have proposed is that it does not let anybody off the hook in terms of paying taxes to Uncle Sam. They already paid the taxes on the income. What we say is when Brad Eiffert inherits his father's business, the Boone County Lumber Company, he does not pay a tax when his dad dies—that is perverse—but if he ever sells the Boone County Lumber Company, then he pays a capital gains tax, and he pays it based on what his dad paid for the original company.

So Uncle Sam is going to get the full take. We will get all the money we need here to spend in Washington, but it is when he decides to sell the business; that is the taxable event. Death should not be a taxable event.

So I hope my colleagues will join Senator GRAMM and me later today when we have an opportunity to finally repeal this perverse tax and replace it with a capital gains tax. We are not letting anybody off the hook. We are substituting one tax for the other, but we are substituting a tax that is fair because it says if you make a decision, knowing the tax consequences, to sell the asset, you pay Uncle Sam. If you don't, you don't. But that is your decision. It replaces a tax on the event of death which is more perverse and unfair.

The U.S. Government should not have that as a policy for the people of the United States of America. I urge my colleagues to reject the alternatives. There is only one real repeal, and that is the Gramm-Kyl repeal of the death tax.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF AUSTRALIA

The PRESIDING OFFICER. Pursuant to the order of the Senate, the following Senators are appointed to escort the Prime Minister of Australia into the House Chamber: The Senator from South Dakota (Mr. DASCHLE), the Senator from Florida (Mr. NELSON), the Senator from Mississippi (Mr. LOTT), the Senator from Oklahoma (Mr. NICKLES), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAIG), and the Senator from Indiana (Mr. LUGAR).

Without objection, in accordance with the previous notice, the Senate will now stand in recess for the purpose of attending a joint meeting with the House of Representatives to hear the very distinguished Prime Minister of Australia, John Howard.

Thereupon, the Senate, at 10:46 a.m., took a recess and the Senate, preceded by its Secretary, Jeri Thomson, proceeded to the Hall of the House of Representatives to hear an address delivered by the Honorable John Howard, Prime Minister of Australia.

(For the address delivered by the Prime Minister of Australia, see today's proceedings of the House of Representatives.)

At 12:30 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mrs. CLINTON).

DEATH TAX ELIMINATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 8, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate gift taxes over a 10-year period, and for other purposes.

Pending:

Conrad amendment No. 3831, in the nature of a substitute.

AMENDMENT NO. 3831

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, what is the issue before the Senate?

The PRESIDING OFFICER. The Conrad amendment No. 3831.

AMENDMENT NO. 3832 TO AMENDMENT NO. 3831

Mr. REID. Madam President, on behalf of Senator DORGAN, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DORGAN, for himself, Mr. DURBIN, Mrs. CARNAHAN, and Mr. CORZINE, proposes an amendment numbered 3832 to amendment No. 3831.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to make permanent the estate tax in effect on December 31, 2009, to increase the exclusion amount to $4,000,000 in 2009, and to provide a full family-owned business interest deduction in 2003)

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. ESTATE TAX WITH FULL TAX DEDUCTION FOR FAMILY-OWNED BUSINESS INTERESTS.

(a) ELIMINATION OF ESTATE TAX REPEAL.—

(1) IN GENERAL.—Subtitle A of title V, sections 511(d), 511(e), and 521(b)(2), and subtitle E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 are repealed.

(2) CONFORMING AMENDMENTS.—

(A) The table contained in section 2001(c)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "2007, 2008, and 2009" and inserting "2007 and thereafter".

(B) The table contained in section 2010(c) of such Code is amended by striking "2009" and inserting "2009 and thereafter".

(C) Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(i) by striking "this Act" and all that follows through "2010." in subsection (a) and inserting "this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.", and

(ii) by striking ", estates, gifts, and transfers" in subsection (b).

(b) INCREASE IN EXCLUSION AMOUNT.—The table contained in section 2010(c) of the Internal Revenue Code of 1986 (relating to applicable credit amount), as amended by subsection (a)(2)(B), is amended by striking "$3,500,000" and inserting "$4,000,000".

(c) FULL TAX DEDUCTION FOR FAMILY-OWNED BUSINESS INTERESTS.—

(1) IN GENERAL.—Section 2057(a) (relating to deduction for family-owned business interests) is amended—

(A) by striking paragraphs (2) and (3), and

(B) by striking "GENERAL RULE.—" and all that follows through "For purposes" and inserting "ALLOWANCE OF DEDUCTION.—For purposes".

(2) PERMANENT DEDUCTION.—Section 2057 is amended by striking subsection (j).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying, and gifts made, after December 31, 2002.

The PRESIDING OFFICER. Who yields time? If no one yields time, time shall be charged equally to both sides.

Mr. REID. Madam President, I suggest the absence of a quorum and I ask unanimous consent that time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Madam President, let me remind my colleagues where we are and what we are doing. Last year, we adopted a repeal of the death tax. Under that repeal, we phased up the exemption. We will soon start phasing down the rates, and in 2010 we will actually repeal the death tax. But because of a quirk in the rules of the Senate and the budget process, this death tax snaps back into full force in 2011.

Members of the Senate voted to repeal the death tax. They proclaimed they were repealing the death tax. We are here today to really finish that work by simply taking the provisions of law that are in place and in 2010—a year when according to the Congressional Budget Office March estimate we will have a surplus of over $300 billion—we would eliminate the death tax forever rather than having the death tax come back from the grave to prey on working families. That is the provision we are here to debate.

We have had offered an amendment which is really not about protecting family farmers. It is not about protecting small businesses. It is about protecting politicians. It is an amendment that makes a nominal change in existing law that still allows the death tax to continue but it claims to give an unlimited exemption to small businesses and to small farmers under a section of law called section 2057. This is a provision that was proposed last year by the opponents of the death tax repeal as an alternative when we voted on repealing the death tax. It is in law today but at a lower level of protection.

The point I want to make is, section 2057—which this amendment claims would be expanded to shelter more value in small business and family farms—and all the other special exemptions put together have been used by only 33 taxpayers in the time they have been in effect. In other words, these provisions that supposedly shelter and give small business and family farms special protection are so convoluted, so burdensome, so inefficient that only 33 taxpayers in the years since these provisions have been in effect have found it possible to use this section 2057 to gain the promised relief.

So the reality is, if this amendment were adopted, it would provide assistance to 33 known taxpayers but it would provide a figleaf to 40 Senators by allowing them to vote against the repeal of the death tax once and for all.

My colleague and cosponsor on this bill is a distinguished attorney, and I want to give him an opportunity to talk about this provision in some detail, but let me basically sum up the arguments we have heard thus far and that we are certainly going to hear today.

The first argument we are going to hear is that repealing the death tax is going to cost money, is going to drive up the deficit, and is going to increase debt. I remind my colleagues that under the latest estimates we have, the death tax collects less than 1 percent of the revenues that we collect in the Federal Government.

Yesterday, I made reference to two studies, one by our own Joint Economic Committee titled "The Economics of the Estate Tax," and the other by the Institute for Policy Innovation titled "The Case For Burying the Estate Tax." Both of these studies make a very strong case that by forcing small business and family farmers who are trying to protect their families from the death tax to pay these big insurance policies, to hire all these lawyers, to hire all these accountants, and by forcing people to sell off businesses and farms prematurely to try to plan for this tax, we have lowered the efficiency of the economy. The study by our Joint Economic Committee concludes that the level of capital in America is $50 billion lower than it would be without the death tax. The study by the Institute for Policy Innovation concludes that by disrupting economic activity and lowering efficiency, this tax actually collects no net new revenue.

Our colleagues say, and we are going to hear it throughout the day in the debate, that, well, we would make it permanent but we cannot afford it; we cannot afford to make it permanent.

I remind my colleagues that the amendment I will offer, which is the permanent repeal amendment that passed the House, does not go into effect until 2010. As I noted earlier, in 2010 we are projected to have a surplus of some $300 billion. What those who oppose permanent repeal of the death tax are really saying is they want to spend that money.

There is an interesting paradox here. Despite all the talk we had yesterday and will likely hear again today that we simply cannot afford to make the repeal of the death tax permanent and we have to force families to sell off the family business and sell off the family farm and give government 55 cents out of every dollar people have accumulated in their working lifetime in aftertax dollars, that we have to do that because we need the money, I find it interesting that in five different instances over the last 9 months where this Senate has voted to spend more money than we would lose in revenues next year if we made the repeal of the death tax permanent. We spent $14 billion on nonemergency items in the emergency supplemental appropriation that the President did not ask for and that over the next 2 years is some four times as much as repealing the death tax would save families if they got to keep the money.

The farm bill next year costs seven times as much as letting people keep the family farm or keep their small business.

The energy bill was more expensive than the cost of letting people keep their family farms.

The trade bill added new entitlements that cost more over the next 3 years than letting people keep what they have accumulated over a lifetime.

Railroad retirement costs 15 times as much next year.

The stimulus package that was adopted, the parts that were not asked for by the President, cost more than making the repeal of the death tax permanent next year.

Finally, the budget reported on a straight party line vote out of the Budget Committee adds new spending—not requested by the President, not defense related, not related to our security needs in fighting terrorism—of $105.8 billion.

In short, on five different occasions in the last 9 months we have voted on the floor of the Senate or in the Budget Committee to add new spending that, when it is added up, is some 15 times more expensive than repealing the death tax permanently, and yet our colleagues who voted for each and every one of these increases in spending now say, well, we could afford to spend all of this money but we cannot afford to stop forcing families to sell off their farms and their businesses and the accumulated value of the life work of their parents.

That represents misplaced priorities. We have colleagues who could name 100 taxes that ought to be increased, who could name 40 tax reductions that should be taken back, but they cannot name a single Government program that we could live without or we could reduce.

At its root, this issue boils down to one simple choice. We will hear many arguments today, but it comes down to a simple choice. The people who do not want to make the repeal of the death tax permanent believe it is worth forcing people, at the death of their parents, to sell off their life's work to give over half of it to the Government, even though it is all aftertax income. They have already paid taxes on it once.

The opponents of making the death tax repeal permanent believe it is worth forcing businesses to liquidate farms, to shut down, equipment to be sold, jobs to be destroyed, because they believe that having that money in Washington so they can spend it is worth it. Those who want to make the death tax repeal permanent do not believe that. Those who want to make the repeal of the death tax permanent believe we would be better off as a nation—we would be richer, freer, happier, and the world would be fairer—if, when families work and save and sacrifice and pay taxes on every dollar they earn in their lifetime and they build up a business, farm, or estate, that their death should not be a taxable event.

We will hear a discussion today that says, OK, we are willing to do this for some. We know it is bad for some people, but we want to pick and choose as to who has to pay this death tax. The position of those who want to repeal the death tax permanently is a position that we believe the tax is immoral. We believe it is wrong. We think, whether somebody's estate is worth $700,000, or whether they built a business that has 200 employees and that has tools and capital and land and trucks and equipment worth $10 million, we believe, if they built a business worth $10 million, that destroying that business to bring $5.5 million of that to Washington so we can spend it does not represent a good choice in public policy. After all, it is their money. They built it. They accumulated it. They sweated and saved and sacrificed for it.

That ultimately is the issue. We believe it is wrong to tax death. We believe it is wrong when people build up assets and build a business for government to then destroy it.

I showed data yesterday indicating more than 70 percent of small businesses that are founded by a family member do not survive into the second generation; 87 percent do not survive into the third generation. According to the NFIB, the No. 1 reason is the death tax.

It is time to fix this provision of the Tax Code. We are going to have an opportunity to do that. There will only be one real amendment. There are two amendments that give political cover. There is one amendment I will offer that is exactly the same language the House passed, and if we adopt it, it will go to the President and he will sign it into law. That is the issue. There is one real repeal, as my colleague from Arizona says.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Just so we know where we are, I know there was time during the quorum attributed to both sides. How much time remains on both sides?

The PRESIDING OFFICER. Forty-one minutes remain in opposition and 56½ minutes remain for the proponents.

Mr. KYL. Madam President, let me make two quick points. The first has to do with the question of who pays the estate tax or the death tax. We know it is not the person who died. We know it is the people who have the estate and who are required, therefore, to, in many cases, actually sell a business in order to generate the cash to pay the tax.

Who are the estate tax filers and what occupations do they hold? I am going to quote from official Internal Revenue Service reports. In the last analysis of the IRS of people's occupation and sex in filing estate tax returns, published in the Statistics of Income Bulletin, summer of 1999, pages 72 to 76, the IRS reports:

> For males, the largest group of filers at 27.7 percent were administrators, upper management and business owners. The second largest group at 12.3 percent were schoolteachers, librarians, and guidance counselors. For females, the largest group of estate tax filers at 14.1 percent were educators. The next largest group at 9.6 percent were in clerical and administrator support occupations.

A significant number of the total of estate tax filers were scientists, sales people, entertainers, airline pilots, military officers, and mechanics. That is according to the IRS.

There is a vision of some fat cat sitting on a yacht someplace that we are going to stick and get a lot of money from to run the Federal Government. We know the Federal Government's collections of estate taxes are only 1 percent, slightly more than 1 percent of total revenue collections. Who is that money coming from? The largest group of women were educators. The next largest were clerical and administrator support people. They are airline pilots, scientists, salespeople, military officers, mechanics. I can understand the category of entertainers. But, remember, those entertainers pay a lot of income tax, too. And the second largest group of males is schoolteachers, librarians, and guidance counselors.

Do we want to punish these people because they have been lucky enough to have been born into a family in which their father or mother was able to accumulate some kind of an estate? This is perverse tax policy.

As I said this morning, the primary problem is that the businesses that have the value are not easily liquidated to generate the money to pay the tax. It is not as if when someone dies there is a lot of money in a shoe box and Uncle Sam taps you, as the heir, on the shoulder and says, I would like half of that, 50 percent. That is not what happens.

Ordinarily what happens is there is a business. We talked this morning about the Boone County Lumber Company in Columbia, MO. They have a lot of money tied up in lumber that they bought that they hope to sell—in trucks, in forklifts, in warehouses, and so on. That is equipment that enables 30 people to have a job. When the owner of that business dies, his family is going to have to make a decision. They do not have the money to pay half of the value of that business to Uncle Sam. The salaries that people take out are $48,000, $60,000, some approaching $100,000, and in some cases more than that, but most are the salaries of any other small business. And bear in mind, half the small businesses in this country are women owned. These salaries do not generate a whole lot of capital by which you can pay an estate tax. The only way you can get the money to pay the estate tax is by selling the business on which the estate tax is based. The estate tax doesn't say, How much money did you have left over at the time of death? The estate tax says, What is the value of the company or the business or the farm that you are running? The value of that business is based on the value of the equipment and the land, and so on, most of which are probably going to be financed and therefore probably already heavily leveraged. But that value determines what has to be paid to Uncle Sam—half of it. That is why the estate tax is particularly perverse, especially because you have to do the liquidation right after the time of death.

There is an effort by our colleague from North Dakota, who has laid down a second-degree amendment here—to "improve on the existing law" would be the way I think he would characterize it. He does this by providing that the exemption we provide in the law, that goes to $3.5 million, would go to $4 million, as I understand it; and for small businesses and farms it would become an unlimited exemption.

Certainly the sentiment behind that is laudable. The problem is it simply will not work. How do we know that? Because we know it currently does not work. The law currently provides methods for small business people and family farms to get an exemption from the estate tax. The exemption today is $1 million. It is going to go up in the future. The Senator from North Dakota would make it an unlimited exemption. But the problem is even unlimited exemptions are worth exactly nothing if you cannot qualify. In other words, there is a door you have to get through. There is a gate you have to get through. You have to stay on the other side of that or none of this matters, and that is the problem with the amendment of the Senator from North Dakota.

In the business, people referred to it as QFOBI, and I am going to do that for the purposes of brevity here, but it is technically the family-owned business exclusion. That is the provision of the existing law. There are actually two different sections under which people who have a small business or farm and who want to be exempted for part of the estate tax will try to qualify. But as I said, if you can't qualify under this provision, it doesn't matter how big the exemption is, you are out of luck. The problem with this QFOBI is it is much too difficult and too complex for most people to be able to qualify. I will give you an idea.

For the calendar year 2000, 108,322 estate tax returns will be filed. Of course, only 1,470 made the QFOBI election; in other words, about 1 percent of the total.

By the way, that number is actually a little higher than in some previous years. In 1999, for example, the total number of estate tax returns for which the exemption was requested was 173. In 1998, that number was 889. My colleague from Texas pointed out that only 32 people have ever qualified for a combination of both. But even take the larger number we have for the tax year 2000; that is 1,470, and that represents about 1 percent of the total of the estate tax returns filed.

If the percentage of people filing estate tax returns is as low as our Democratic colleagues for the most part say it is—and although I will contest it, let's assume for the moment they are right—it is maybe about 2 percent of all taxpayers; and if of that 2 percent only 1 percent of them qualify for this small business or farm exemption, then the amendment of the Senator from North Dakota helps a grand total of two one-hundredths of 1 percent of people filing tax returns—two one-hundredths of 1 percent. The fact is, it doesn't even help that many people because QFOBI is recognized as very treacherous for somebody to get involved in.

A representative of the American Bar Association testified before the Ways and Means Committee that the provision was simply too complicated to be effective. A professor of law at Temple noted that very few people would try to meet the qualification because of its complexity. The NFIB, which represents a lot of these people, testified that qualifying for the family-owned exclusion currently is difficult, costly, and complex. Studies by numerous organizations and scholars routinely find that family businesses spend exorbitant amounts of revenue on lawyers, accountants, and financial planners in order to try to do this.

The reason I say even two one-hundredths of 1 percent is a high number is that the reality is, if you try to qualify for QFOBI, you are going to find yourself face to face with the friendly IRS.

The reason is the IRS will look at every one of these filings. They will contest a significant number of them. As a matter of fact, in the year 2000 there were 149 cases pending, which represents about 10 percent of the total number that were filed at that time—the total number of estate tax returns filed at that time. There are an equal number of cases in the administrative process. You first have to go through the administrative process, and then you will actually have your case taken to court.

What happens when the IRS challenges these? The IRS wins. As of the last time we have statistics, the IRS had won 67 percent of the cases.

So if you have the courage to try to qualify under this QFOBI election, understand you are going to have the IRS question the value. It is going to be an administrative appeal. At least 10 percent of the cases are going to be in court. And you are going to lose two-thirds of the time.

That is why the group of lawyers that works on these kinds of things, the section of the American Bar Association which handles estates and taxes, has recommended to their lawyers that they not try to help people qualify because it is too risky from a malpractice point of view. They have recommended that this particular section be repealed.

The bottom line is that it doesn't matter whether you have a $1 million exemption or a $3.5 million or a $4 million exemption or an unlimited exemption for small businesses or family farms; if you cannot qualify in the first instance, it does you no good. From what we can find from IRS statistics, only two one-hundredths of 1 percent qualify. That doesn't take into account the challenges by the IRS.

Let me just make one last point, and then I think there are others who would like to speak.

I am not going to read to you the page after page of complex provisions. It is a nightmare to read and understand. I am a lawyer. I don't understand it. It takes a real expert to try to figure out how to make this work and, as I said, the ABA itself has recommended to its members that they approach this with extreme caution.

One of the problems with the people who qualify is this. Let's assume you are one of the lucky two one-hundredths of 1 percent who actually qualify and you have gotten through the IRS hurdles. What does this mean for you now that you have qualified? Are you home free? Not exactly. There is a 10-year period of time in which the IRS can—and I love this term—"reach back" and collect the tax from you.

There is a lot that can happen that could cause that to occur. If you have trouble in your business, for example, and go bankrupt, that is tough; as far as the IRS is concerned, they can go back and collect the entire estate tax from you.

But here is what happens even if things go well. The IRS, if you qualify—believe me, this is the truth. It seems that it could not possibly be, but under the amendment of the Senator from North Dakota and the existing law, the IRS has a lien on your property, all of the estates that would be subject to the estate tax, for 10 years. And they have a first position, which means: Good luck if you want to try to get financing for anything. Every small business finances its inventory, its machinery. We do not go out and buy a house and pay cash for it. We get a loan from the bank or from Fannie Mae, FHA or someone, and we finance a home. That is the way small businesses finance their operations. But, good luck going to the bank when they know the IRS has a first lien for a period of 10 years and the bank only has a second position. That is a poor position to be in, and the bank will tell you one of two things—either: Sorry, we can't lend you the money or: We could lend you the money for 2 or 3 or more percent premium.

In other words, if you qualify for this provision, you are going to have to pay a lot more money if you can get financing in order to finance the continued operation of your business. Basically, it is a set up for failure. That is why most people do not even try to qualify for it. Many of those who try cannot qualify for it. It is an extraordinarily complex and ineffective provision. Therefore, with all due respect to my friend and colleague from North Dakota, his attempt to grant an unlimited exemption for small businesses and farms is fatally flawed. Very few, if any, of these small businesspeople or farmers are going to be able to qualify. As a result, the amendment is, in fact, a nullity, and does nothing to help the very people who all of us would like to help.

I will relinquish the floor at this point and hope as the debate on the amendment is concluded that I will have an opportunity to talk about the comments that the Senator makes, and also to point out again that the people who actually pay this tax are not the kind of people you might envision but they are schoolteachers, airline pilots, mechanics, librarians, guidance counsellors, and the like, according to the IRS itself.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, inform me of the time remaining on both sides.

The PRESIDING OFFICER. The Senator from North Dakota controls 56½ minutes and the time in opposition is 25 minutes.

Mr. DORGAN. Madam President, my amendment is cosponsored by Senators DURBIN, CARNAHAN, CORZINE, and STABENOW.

Let me respond to some of the discussion we just heard. I have great respect for my friend from Arizona. I have listened to him with great interest in previous debates about repealing the estate tax. He believes passionately that we ought to get rid of the estate tax and makes the case for it. But I was reminded when I heard his discussion of my amendment of Mark Twain who was asked once if he would be willing to engage in a debate. He said: Of course, I would—as long as I can take the negative side. They said: We have not told you the subject of the debate. He said: It doesn't matter. The negative side will take no preparation. It is easy. It is inherently easy to oppose things.

The way the opposition renders this amendment is almost indescribable to me. I am the one offering the amendment. But the interesting discussion that incorrectly describes this amendment needs some correction.

Let me begin by talking about why we are here and what this debate is about. Then I will describe my amendment.

We are here because our country, a little more than a year ago, decided on a new kind of fiscal policy. Those who seemed to think they knew saw surpluses for years and years ahead—surpluses as far as the eye could see for the Federal budget. They said that because we have all of these surpluses that stack up in the future, let us cut taxes and let us do it right now. By the way, they said, let us cut the estate tax sequentially so in the year 2010 it will be completely repealed.

It is true that the goofy kind of proposal finally offered and passed into law takes the estate tax right up to the repeal in 2010, and then reinstates it in 2011. Historians will scratch their heads for some while when they evaluate what was done a year ago on estate tax.

Our colleagues who want to repeal the estate tax forever because they said we are going to have these large and continuing budget surpluses say, although they wanted to reinstate it in 2011, they now want to make that repeal permanent.

Of course, over a year later, things are different. We don't see surpluses as far as the eye can see.

Yesterday, the Senate had to consider an increase in the debt limit. Why? Because surpluses have turned to deficits. The country has an economy that is in some trouble. We now have deficits for some years into the future. Yet my friends on the other side of the aisle are coming to the Senate saying: Oh, by the way. Our urgent priority is to permanently repeal the estate tax.

Let us evaluate what these priorities are about.

Do we have a priority, for example, to try to help people at the bottom of the economic ladder in this country—people who are working for the minimum wage who haven't seen an increase for years and have seen the value of that minimum wage eroded? Do we have an obligation to them? Is that a priority? No. It is not a priority for some. They do not want that question on the floor of the Senate.

Do we have a priority to see if we can't do something about people who do not have health insurance—over 40 million people who tonight may find their child is sick, discover they do not have any money in their pocket or in their bank account to help take care of their child? Do we have a priority to deal with sick children and people who do not have the capability of providing health insurance for their children? No. That is not a priority for some.

How about schools? Are schools a priority?

I have spoken on the floor of the Senate many times about schools. I toured a school populated largely by American Indians. But it is a public school district. And a little girl in the third grade named Rosie Two Bears looked up at me and said: Mr. Senator, will you be able to build us a new school?

Do you know why they needed a new school? Because there are 150 kids and two toilets and one water fountain. They were holding classes in a basement room in a building that had been condemned long ago. Two or three times a week they had to evacuate that classroom because sewer gas was backing up in the classroom. Rosie Two Bears wanted to know if her Senator could build her a new school. Incredibly, the answer is we don't build new schools.

But the question is, Is education a priority for that young girl and others around the country? Not for some—that is not on the floor of the Senate.

This isn't about helping people at the bottom of the economic ladder. This is not helping to address the issue of health care costs, or lack of health care coverage, or lack of insurance for some American families—nearly 40 million of them. This is not about improving American schools. No. This issue is different than that. This issue is saying, let us permanently repeal the estate tax.

How narrow is this? Let me describe the amendment I am offering and that I offered last year which got 43 votes. Those who now speak loudly about the need to repeal the estate tax voted against my amendment last year.

My amendment said the following: It said, let us have a $4 million exemption per estate—$8 million for husband and wife. If you have fewer assets than $8 million, you pay no estate tax under any circumstance.

My amendment also said, by the way, this issue that the other side continually says persuaded them to deal with the estate tax—that is, the inability to pass a family farm or a small business from the parents to the kids—let us totally repeal the estate tax for the passage of a family farm or business. If it is family owned, the parents die, and the kids want to keep running it, I say don't interrupt the transfer of that business. Let us not have the kids inherit a business and a crippling estate tax. Let us allow them to inherit the business exempt from the estate tax, if they want to keep running it.

This says no estate tax at all. Repeal it for the transfer of a business from parents to children who want to keep running it.

It is very simple. We will do it in 2003. I offered that amendment last year.

Those who come to the floor of the Senate and say they are persuaded to propose a permanent repeal of the estate tax because they care so much about family businesses and the transfer of family assets to the kids who want to run the business are the ones who voted against my amendment. This amendment will provide that repeal next year. Their proposal would provide the repeal some 7 years later.

One wonders whether they care less about this issue and more about repealing the estate tax for the wealthiest Americans. Or do they really care about family businesses and family farms? If so, this is the amendment to support.

Let me talk a little bit about privilege and those at the upper end of the economic ladder.

I think it is terrific that in this country people do well. In fact, we have some innovative geniuses in this country who have done very well. One-half of the world's billionaires live here, and good for them.

But let me talk about the question of whether our priority at this point—given the kind of Federal budget deficits we have and the kind of economic problems we have—ought to be to bring to the floor of the Senate a billionaire tax relief package. Because that is what this is. This is all about, let's cut taxes for billionaires. And you can describe it however you want.

You can put all kinds of seasoning in it. You can stir it up, boil it; you can do whatever you want with it. Just strip it away, it is a tax cut for billionaires, when we have very big Federal deficits and when we have other priorities that some in this Chamber want to ignore.

Let me talk about some of these issues. Here shown on this chart are people who are going to benefit from the proposal on the floor of the Senate to permanently repeal the estate tax. That is why I want to amend it, so we don't repeal the estate tax for everybody.

The chief executive officers of our corporations in this country, in 1980, made 42 times the amount of money that the average worker made. Twenty years later, they made 531 times the money the average worker made. That is who is going to benefit from what the minority is proposing here today.

In 1981, the average compensation of the 10 highest paid CEOs in a U.S. corporation was $3.5 million. I come from a town of 300 people, a small high school class of nine. I happen to think $3.5 million is a lot of money. So is $3.5 million a year in compensation. That was 20 years ago. Do you know what it is today for the 10 highest paid CEOs in the country? It is $155 million a year.

That is who benefits from this tax cut. That is what this debate is all about. They say that these folks pay too much in taxes, so they want an estate tax repeal even including the highest income earners in our country. And they will do that at the expense of all the other priorities that exist in this country.

I say, yes, let's repeal the estate tax for the passage of family-run businesses and farms. Let's provide an $8 million threshold for families, below which you will pay no estate tax. But if you are fortunate enough to have tens and hundreds of millions and billions of dollars, I think it is important to understand a couple things.

One, most of that has never ever been taxed. Most of it comes from the growth appreciation on assets and has never been subject to a tax. And, yes, I think your descendents ought to get a fair part of that. But I also think this country ought to capture part of that and use it to invest in our kids, invest in education, invest in the solvency of Social Security, invest in the solvency of Medicare, to strengthen this country. That is what I think ought to happen.

Let's talk about compensation just for a minute. I mentioned some of the compensation that exists for individuals. I have a chart that shows the 1-year compensation in the year 2000. These are the people, incidentally, who are the beneficiaries of this proposal. And I guess I don't know of a time when I have heard people come to the floor of the Senate and say: I know we face a big budget deficit, I know our economy is in some trouble, I know we have other priorities—education, health care, and other things—but our priority is to provide a tax cut for the wealthiest Americans. These figures—$290 million, $225 million, $157 million—these are individual compensation numbers in the year 2000 for people who ran America's corporations. These are the people who will ultimately benefit from repealing the estate tax.

We have a lot of folks out there in this country who are working hard, trying to do the best job they can. Look, they are never going to pay an estate tax. They are not going to have $8 million, as provided under my amendment. But their proposal today is to say $8 million isn't enough of a threshold; we need to be able to exempt those who have $20 billion, those who have $2 billion, those who have $500 million in assets, so none of those assets can ever be used to help America's children, to invest in America's schools, to strengthen Social Security, to strengthen Medicare, and to do the other things we also know are necessary.

So my amendment, as indicated, is very simple. It was described in a tortured way by my colleague from Arizona. He said: Well, you know, if you try to exempt family businesses and family farms, you run into this web of complexity. A web of complexity, he calls it. So the result is, we have to exempt from the estate tax billionaires in order to solve the issue of family farms and family businesses? I don't think so. I think if you go into any store in the county, they call that a bait and switch.

You come out to the floor of the Senate and say: Look, our mission is very simple. Our mission is in support of family farms and small businesses. That is what we are trying to do, to get rid of the crippling estate tax that exists on the transfer of a business or a farm from the parents to the kids. I say, if that is your mission, then I am with you.

Let's repeal the estate tax for the transfer of that property. The kids want to run the business? It is fine with me. I don't think we ought to shut the business down. I don't think we ought to load the business with an estate tax debt. I think the parents ought to be able to move that business to the kids upon the death of the parents with no estate tax obligation at all. And that is what my amendment does.

No amount of arm waving in this Chamber can obscure the fact that we have an exemption that is workable. It has only been in existence since 1997, I might say. It was described as QFOBI, which is an acronym. We use too many acronyms in this town. The fact is, if you have spent the last couple of years of your career talking about protecting small businesses and family farms, and its passage to the kids, then don't vote against this amendment and say to folks back home: Oh, by the way, it was too complicated.

This amendment I offer does two things. It provides an $8 million unified credit threshold for a husband and wife, below which there is no estate tax. It is repealed for everybody below $8 million in assets, husband and wife. And second, and most important to me, is that family businesses, regardless of size, if transferred to the kids—and if those kids continue to run those family businesses—will be exempt from the estate tax; and, no, not in 2010, but in 2003.

You see, the problem with the proposal offered by the other side, first of all, is they propose a complete repeal, but it just kind of dribbles along, as with most of their proposal; they just dribble it out over a period of time. If it is worthy to say, let's not interrupt the transfer of a family business, so the kids can continue to operate it without an estate tax obligation—let's do it next year. If you don't want to do it next year, then vote against our amendment, but don't you go home and say you stood for family businesses and family farms. Don't you dare do that, because voting against this amendment, just as many of you did last year—we got 43 votes in favor—voting against it is to say to folks back home: No, I want you to wait 7 or 8 years for the relief that was offered permanently in this amendment for family businesses and family farms.

Ms. STABENOW. Will my friend from North Dakota yield?

Mr. DORGAN. I am happy to yield.

Ms. STABENOW. I thank the Senator.

I rise to thank my colleague for this amendment. And I join him. I am very proud to be a cosponsor of this amendment. I appreciate very much what he is doing.

It seems to me, as we have looked at this issue to find the right balance, that this amendment is in fact the right balance. It says that we will say to our family farmers and family-owned businesses—of whom we have many in Michigan—that we want to make sure, after you have worked hard and your family has been able to develop a good business or family farm, that if you want to pass that along to your children, you will be able to do that and that it not be jeopardized in any way. That makes perfect sense to me. I support repeal for family-owned enterprises.

I think it also says that we are going to set a limit, we are going to set priorities for the country, so when we are talking about a billionaire versus having the resources for seniors or families to be able to afford prescription drug coverage—which is also a tax, I would argue a significant tax, on our seniors and our families—or whether it is looking at the priority of educating our children, we are going to have a balance, and those who are the top billionaires in this country ought to contribute to national defense and the war on terrorism and education and health care, and so on.

So I wonder. I would just ask my friend from North Dakota a question. It is my understanding that our amendment would in fact exempt 99.5 percent of all of those who might pay the estate tax. Is that correct?

Mr. DORGAN. The Senator from Michigan is correct. Well over 99.5 percent will no longer have to pay an estate tax. But even that is not enough for those who insist on complete repeal. Those who insist on complete repeal are saying—during a tough time, where we have Federal budget deficits and other priorities that we can't fund—they are saying: This is our priority. The top of the heap. Those at the very top, the billionaires, the $100 million per year executives, that is our priority. We believe that our priority is to exempt those estates from an obligation.

The Senator from Michigan is right. Over 99.5 percent of estates will not be subject to an estate tax.

When the Senator from Arizona was present, he said this issue called QFOBI, which is the method by which you value the assets of family-owned businesses, is totally unworkable. The Center on Budget and Policy Priorities says that businesses can easily qualify for this special status as long as the family owns and operates the business and intends to continue to do so.

Let's say you have a $200 million family business, a big one. In my judgment, if it is family owned, it goes to the lineal descendants. If they want to continue to operate it, no tax. We repeal the estate tax for that transfer. If, however, there are not lineal descendants who want to operate it—one lives in California and one in Florida, one in

Texas—and they want to sell the assets, they have the same $8 million exemption that we would provide in this amendment.

The Senator from Michigan is correct. This affects very few estates. They are only the largest estates, and that is what we are fighting about.

We have people here saying: That is our priority, tax exemption, tax relief for the highest income earners in our country at a time when we have so many other priorities.

Ms. STABENOW. If I might again say to the Senator from North Dakota, I thank him on behalf of Michigan family farmers and small family-owned businesses, as well as large family-owned businesses, for putting forward what I believe is, in fact, just the right balance. We say to our family-owned enterprises, we want you, if you have worked hard all your life, to be able to pass on that business, that farm to your family. We want to make sure you are not paying the inheritance tax. But at the same time we say to middle-class families and seniors and everybody else in the country that we are going to make sure your priorities, those that affect the majority of Americans, will be funded before we, in fact, give a tax cut again to the top half a percent of the public, the top billionaires of the country.

It is the right balance. It is the right set of priorities. I thank my friend. I appreciate the opportunity to join with him in his amendment.

How much time remains on my side?

The PRESIDING OFFICER. The Senator has 35½ minutes.

Mr. DORGAN. I reserve the remainder of my time.

Mr. GRAMM. Madam President, how much time do we have?

The PRESIDING OFFICER. The Senator has 25 minutes.

Mr. GRAMM. Let me take 5 minutes of it. Then I will yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Madam President, facts are persistent things. The good thing about fiction is you can always have it the way you want it. If you make it up, it can always be good, if you are for it. It can always be bad, if you are against it. But facts are persistent things.

In 1997, recognizing that we had confiscatory taxes on small businesses and family farms upon death but not being willing to repeal the death tax, which our Democrat colleagues are not willing to do—the only vote we are going to have today that would repeal the death tax or would change the death tax, the only one that would go to the President to be signed today is the one I will offer—wanting to get credit for helping without helping, we adopted a provision called 2057. That is the closely held family business exemption.

Our colleague says: We will expand it so it will cover every small business, every family farm.

It has been in effect for 5 years. How many farmers and ranchers do you think have qualified for this protection in 5 years? In 5 years that this provision of law has been in effect, only 33 farm and ranch families have qualified.

This bill that is being offered as an alternative to the real repeal of the death tax is not about 33 families. It is about protecting 40 Senators by giving them a fig leaf when they vote against repeal of the death tax.

The plain truth is in 5 years of being in effect, this provision has afforded relief to 33 farmers and ranchers. And why? It is 17 pages of single-spaced requirements. It gives the government a lien against your property for 10 years. It sets up requirements like ownership of assets for at least 8 years, when if you are growing chickens, they don't live 8 years.

The bottom line is, this is absolutely unworkable and meaningless except for fewer taxpayers than we are going to have Senators vote against repeal of the death tax.

I go back and make my point: Our colleagues know this is an issue that Americans care about. They desperately want to spend the money we are collecting by making people sell their farms, sell their businesses upon the death of the founder in order to give the government 55 cents out of every dollar they have accumulated in their lifetime. But rather than repeal the tax so that this absolute tragedy and theft could stop, this outrage could end, they are offering basically a proposal that has proven to be unworkable.

When it gets down to the bottom line, the question before us is a very simple one: Do you think it is worth making people sell their business, sell their farm, sell off the product of their life's work to give government 55 cents out of every dollar they have accumulated, even though every dollar they have accumulated they have paid taxes on, so that Government can spend that money? Or do you think it would be better to let people keep the money and eliminate the situation where death is a taxable event? That is the question before us.

There is only one real repeal. I have been around the track before. I have seen it. I know what is going to happen here. We are going to have a bunch of people who are going to vote to sustain this point of order so that even though we have a majority who want to repeal the death tax, we won't be able to do it today. But they are going to vote for these proposals where only 33 farmers and ranchers in 5 years have qualified, and they are not outside the 10-year window. They may not end up qualifying.

They are going to go back home and say: Look, I wasn't against repealing the death tax. I just was against their repeal of the death tax.

There is only one real repeal, and that is the one that passed the House.

I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I thank my colleague, the Senator from Texas, Mr. GRAMM, and my colleague from Arizona, Senator KYL, for their tremendous effort in working on eliminating the death tax.

I rise in opposition to the Dorgan amendment and in support of the Gramm amendment which is the provision that was passed out of the House of Representatives last week. Fundamentally, if we want to help farmers and ranchers, if we want to help small businesspeople, we need to kill the death tax. It is a sham to put in qualifiers and provisions so that such a small number of small businesspeople can qualify instead of eliminating the tax altogether.

What we need to do is to kill the death tax. This unfair tax has been a concern of mine for some time. I have previously introduced my own legislation to eliminate the death tax. I was pleased to support the repeal of the death tax as part of last year's tax relief package. But those cuts simply do not go far enough.

One of the tenets of a fair tax system is that income is taxed only once. I know this argument has been made a number of times by my colleagues. These small businesspeople, farmers and ranchers, families are subjected to a tax that is initiated at the time of tragedy in the family, an event when somebody passes away. This is money on which the taxpayer has already paid taxes. Income should be taxed when it is first earned or realized. It should not be repeatedly taxed by the government.

The death tax simply violates this tenet. The way I see it, it comes down to one question: Should death be a taxable event? I emphatically believe the answer is no.

People who work hard and save throughout their lifetime should be able to expect that the products of their labor will go on to help their family, not go on to fund some politician's pet project.

This issue of the death tax really hits home for me. Family farms and small businesses are two of the groups most affected by the estate tax. I grew up on my family's ranch in Colorado, and I owned a small business before I came to Washington. So I truly understand the concerns of those who live in fear of the impact that this tax will have on their legacy to their children.

The estate tax has resulted in the loss of family farms and family businesses across the Nation. Many people work their entire lives to build a business that they can pass on to their children. When these hard-working businessmen and farmers pass away, their families are often forced to sell off the business to pay the estate tax.

I see this as an affront to those who try to pass on the fruits of their life's work to their children. America was founded on entrepreneurship and hard work, and a high death tax serves to stifle both.

The people affected by this tax are not necessarily wealthy. Many small businesspeople are cash poor but asset rich. For example, the owner of a small restaurant might have $800,000 of assets but not much cash on hand. Her children will still have to pay an excessive tax on the assets.

The produce wholesaler, who has invested all of his revenue in trucks and storage, might have more than $700,000 in assets. That does not make him a cash-wealthy man. Yet he is still subject to this so-called "tax on the wealthy." In too many situations the heirs must dismantle or sell a family business simply to pay the taxes. This isn't right.

The death tax also impacts employment and the economy. When a family-owned farm or a small business closes, the workers lose their jobs. Conversely, leaving resources in the economy can create jobs. In fact, in a 1995 Gallup Poll, 60 percent of business owners reported that they would add more jobs over the coming year if the death tax were eliminated.

Additionally, the estate tax is a disincentive for Americans to save their earnings. The government has created a number of tax breaks and other incentives for those who save their money: 401(k)s and IRAs—to name a few. Yet the estate tax sends a contradictory message. Basically, it says, "If you don't spend all your savings by the time you die, the government will penalize you." This tax is no small penalty, either. We are talking about some very high tax rates.

The death tax also represents an unjust double taxation. The savings were taxed initially when they were earned. Then, when the saver passes away, the government comes along and takes a second cut. There is no good reason for the current system—other than the government's desire to make a profit.

The current death tax law has a greater effect on the lower end of the scale than the higher. Wealthy people can afford lawyers and planners to help them plan their estate. Those at the lower end of the estate tax scale are often unable to afford sophisticated estate planning. So the current law also makes the tax somewhat regressive, which is not fair. This is particularly true given the uncertainty of the tax due to phase in and sunset dates.

Planning and compliance with the estate tax can consume substantial resources. The National Association of Manufacturers has reported that more than 40 percent of its members have spent at least $100,000 on death tax planning. For three out of five members the annual compliance costs are more than $25,000. This is money that could have been better spent to expand the business and create new jobs—rather than dealing with the death tax.

The estate tax only raises 1 percent of Federal revenue, yet it costs farms, businesses, and jobs. No American family should lose their farm or business because of the Federal government. I support full permanent repeal of the Federal estate tax.

I urge my colleagues to end this unfair system and join me in supporting permanent repeal of the death tax.

Mr. DORGAN. Madam President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I am happy to stand as a cosponsor of the amendment by Senator DORGAN and Senator CARNAHAN of Missouri. People who are following this debate in our Chamber and by C-SPAN must wonder what we are doing today. We are talking about tax cuts, tax breaks, tax relief.

Can you think of a more popular issue or subject for us to entertain on the floor of the U.S. Senate? Forget for a moment that we are in deficit, that we are taking billions of dollars out of the Social Security trust fund because of our last tax decision and events that have intervened. Forget that for a moment and just concentrate on tax relief for America.

If you would go out on the street corner in Springfield, IL, or in Chicago, which I represent, or in Texas or in North Dakota, and say to the first five people walking by: If Congress is going to consider tax relief and tax cuts, what do you think they ought to concentrate on? I guarantee you not a single soul will come up to you and say: What they ought to concentrate on are the multimillionaires who may pass away and owe some money to the Federal Government; that is the thing that keeps my family up at night. We are worried about that possibility—that someone who is worth millions of dollars may end up paying some money to the Government.

No. Most people would say: I will tell you what bothers me, Senator. I cannot figure out how to pay for my kids' college education expenses. Why don't you make that deductible? That would help my family and would help our country. That makes sense, doesn't it?

If you went into the store on the corner and said to the businessperson at the store: What do you think is a good tax relief measure for Congress to consider? They might say: I am not sure how you do it, but can you help me pay for health insurance for my wife, myself, and my employees? It is killing me, going up 25, 30 percent a year. There is another interesting idea for tax relief.

Then you go to the other corner and stop by a senior citizen gathering and say: Do you have any ideas for something we can do by way of tax relief? They will probably say: Senator, can you do something about the high cost of prescription drugs in this country? We cannot afford to fill the prescriptions the doctors give us.

There you have it—three proposals you are likely to find in any city or town in America to deal with real American family problems, such as paying for a college education, paying for health insurance, affording prescription drugs. You might ask yourself, of all the possibilities, why is Congress focusing instead on tax relief for the wealthiest people in the country and ignoring the tax relief that the average person in America would like to see us enact? The reason is because the special interest groups have been at work.

First, they hired the pollster who decided to stop calling it "estate" tax and start calling it a "death" tax. People think that is terrible that you are going to tax someone for dying. Well, look at the Senate floor here. Look at the other side. The poster says: "repeal the death tax." So they caught on. From now on it is no longer the estate tax, it is the death tax.

And then they said you have to convince everybody in America that this is a tax they have to worry about. Forget for a moment that it is only a handful of people who ever pay the Federal estate tax. I went to O'Hare Airport a few months ago when we were in the middle of an earlier debate on this issue. This is a true story. The baggage handler for United Airlines who took my bags at the sidewalk said to me: Senator, would you do something about this death tax? I almost said to him: Sir, there is no way in your lifetime, even if you win the lottery, that you are likely to ever pay the Federal estate tax. What you ought to think about is getting your kids through college, health insurance, prescription drugs for your mom and dad. Those are the things that will affect your life.

They have done very well here. They have convinced the average person in the street that the Government is standing by the funeral home waiting to slap a lien on the car of the widow. It just is not true.

Let me tell you something else they are arguing. They are arguing that this is a tax that is destroying farmers and small businesspeople, that they are taking away a farm that has been in a family for generations because of the estate tax.

I wrote a letter to the Illinois Farm Bureau and the Farmers Union last year and said: Can you give me one example of a farm in the State of Illinois—just one example—of a farm family who lost their farm because of the Federal estate tax? No; none, zero; not one example. Senator DORGAN and I came together with Senator CARNAHAN and said: Let's go after real estate tax reform that solves any problems we can envision. I salute Senator DORGAN for his leadership because he said: Why don't we just flat out exempt any farm, any business that is going to be transferred from one family member to the next? Let's just say they will not pay any estate tax. That puts it into the argument that this is confiscating businesses and farms.

The amendment is very simple. It is very straightforward. Guess what. It takes effect next year. It is immediate. So all of those who vote against the Dorgan amendment are saying, postpone this and for 7 years, leave businesses and farms in the lurch, if there is one, when it comes to estate tax liability.

Senator DORGAN put together this amendment, which I cosponsored, which says farms and businesses which pass to lineal heirs—children—are not going to pay any estate tax. That is as clear as it can be, and it goes into effect immediately.

Then he says: Let us increase the exemption for other estates from what will be about $1 million to $4 million for individuals, $8 million for married people. What would that cover?

Let's assume you bought a home that has dramatically appreciated in value. I have seen it in Illinois, Washington, California, you name it, and you have an estate that is left over that has a value of over $1 million. The Dorgan-Durbin-Carnahan amendment will exempt your estate from paying any Federal taxes, $4 million for an individual, $8 million for a couple.

Yet the Republicans have said that is not nearly enough. Madam President, you know who they are protecting? It is not a farmer. It is not a businessperson. It is not a person who has really done pretty well in life. It is the superrich.

The Senator from Texas called the estate tax an absolute tragedy and theft—theft. The Senator from Colorado then said: Why should death be a taxable event? Let me ask a question: Why should work be a taxable event? People who get up every morning and struggle in the workplace at their job pay income taxes. We pay taxes on sales, on income, and other items in our society so we will have enough money to make sure the Department of Defense can defend America, so there are hospitals, highways, and schools that add to the quality of life of our country.

I will tell my colleagues what we are going to do: If the Republicans have their way and eliminate the estate tax for the superrich in America, they are going to put a greater burden on taxing work in America. They will push more of that burden right down to the working person, the average working family. That is not fair. It is totally unfair.

If this Senate is going to address real tax reform, we should at least be fair in the way we address it and not make certain that the wealthiest people in this country are always the first to benefit from tax relief. This debate ignores the average person, the average family, and the average business and farm in America.

This debate is about protecting the superrich who have their voices on the floor of the Senate and in the hallways right outside all lined up. They come here in their Gucci loafers and their fine tailored suits, and they put in these amendments to protect the superrich.

Meanwhile, day in and day out, the average person, the average family in America works hard and worries about paying the bills. Why in the world are we doing this?

To call this an absolute tragedy and theft is to ignore the fact that eliminating the estate tax on the wealthiest people in America will create a theft on our Treasury, it will create a theft on the working families of this country.

Do my colleagues want to know what the highest tax priority ought to be in our country? The highest tax priority ought to be on working families, and we are not doing that today. We are ignoring working families. We are trying our best to preserve the very best for the wealthiest of our country.

I am happy to support this amendment. I also want to indicate, we took a little survey since 1990 of all the times the estate tax issue has come to the floor of the Senate. It goes on for hundreds and hundreds of occasions.

We have a chance today with the Dorgan amendment to do something that finally puts this to rest. We do it in a sensible way. We do not raid the Treasury and we do not say 10 years from now we are going to jeopardize the Social Security trust funds so we can give a favor to the wealthiest people in this country.

It is interesting, when this debate got underway, some of the wealthiest people said: Stop, I don't need your tax relief; I am doing just fine, thank you. That does not dissuade those on the Republican side of the aisle from pushing this idea and saying: If we are going to give any kind of break in America, it should go to those well off.

I have been reading what has been going on in terms of corporate CEOs who are waltzing away with millions of dollars from these corporations even when the corporations are failing. These are people worth tens of millions, hundreds of millions of dollars, the very people the repeal of the estate tax is designed to protect. Do you have a lot of sympathy in your heart for some of these CEOs who have falsified their business records, who have been guilty of the worst corporate irresponsibility? My sympathy goes with the working families, and my support goes for this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Madam President, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I thank my good friend from Texas. I say to my colleague from Illinois, if the wealthiest people say not to bother repealing the death tax, it is probably because it does not bother them. A lot of the wealthiest people do not really worry about the death tax. If you have enough money, it does not matter what you would pay. Most of them can spend hundreds of thousands and millions of dollars to avoid the death tax.

By and large, the people who are paying the death tax are not the very wealthy. They are hard-working people, many of them educators, as my colleague from Arizona has pointed out. But there are an awful lot of farmers and small businesses.

I have spent a good deal of my time in my service in the Senate listening to farmers and owners of small businesses. In fact, that is where I get most of my ideas. That is where we got the idea to strengthen the regulatory relief for small businesses and to provide the assistance we give to farmers to open up markets abroad.

We have talked about regulatory relief, and we have provided a number of areas of tax relief, but one of the issues that is the top priority for the farmers and the small businesses in my State is getting rid of the death tax. These are not the wealthiest people. These are people who fear that what they have worked hard to save, to put away, to leave to their children, is going to be taken away by the tax collector.

This morning we had a news conference. We were joined by Brad Eiffert of Columbia, MO. He owns Boone County Lumber Company. He and his brother work in a business that their father started. They have a very successful business with 30 employees. They have worked hard, and they have a great deal of equipment used in their business.

They want to continue the business after their father passes on, but they have found that, because of the investment in the equipment, they will have to pay a tremendous estate tax. So now each year they take out of that business almost $60,000 for insurance premiums to pay the tax man. This is money that could be going to the employees, it could be going to buy new equipment, or it could be going to build the business in many ways. They really want to get rid of the death tax.

Farmers I have talked with have told me that they have spent over $100,000 in lawyers fees and accountants fees trying to figure out how to get around the tax. The lawyers get the money, the accountants get the money, and they hope that the Federal Treasury will not get the money. They have to spend a lot of money, that they should be putting back in their farm, to figure out how to avoid this tax.

So what they avoid does not come to the Treasury, but there is a heavy planning cost on how to get away from paying the estate tax that is paid by small businesses and farmers.

Before us we have an amendment which says we are going to expand section 2057 of the Internal Revenue Code, the Qualified Family-Owned Business Interest exclusion, QFOBI, I guess is what it is called. My colleagues propose to make it bigger, better, longer, and stronger, but in 2000 only 1.3 percent of family-owned businesses applied for this 2057 exemption.

There are people saying we are going to allow you to save small businesses and farms from the estate tax through this provision, but the provision does not work. In short, a flat tire cannot be made to roll simply by making it bigger. This 2057 exclusion is too complicated to provide widespread relief to estates harmed by the death tax.

As my colleague from Arizona has pointed out, it is so complex that the American Bar Association urges its tax lawyers not even to try it because it is so filled with traps and so many Catch-22s that they can get sued for malpractice if they try to use it.

In order to qualify, the business must constitute at least 50 percent of the estate's value. The decedent must have owned and been actively involved in the family business for at least 5 of the 8 years leading up to his or her death. Following the death of the owner, the heirs must continue to participate in the business for at least 10 years.

But once the business is transferred, the estate tax deferred by receiving this designation hangs over the business for at least 10 years, and the IRS has a first position lien on the property. So the small business cannot borrow money without going to a loan with a secondary position, if they can even get one. Moreover, such loans cost them more.

If the business goes bankrupt and they cannot continue it, then the IRS goes back and gets the entire estate tax. One hundred percent could become due with interest. Not surprisingly, there are not many people who are willing to play this kind of Russian roulette.

If this amendment were to become law, I can only imagine the insurance premiums that would be required.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOND. We need to kill the estate tax and keep it dead and not let it spring back. That is what farmers and small businesses in my State want.

The PRESIDING OFFICER (Mr. REED). Who yields time?

Mr. DORGAN. Mr. President, I yield 10 minutes to the Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I am pleased to offer this amendment along with my good friends, Senators DURBIN and DORGAN. Our amendment will, as of January 2003, permanently exempt all small businesses and family-owned farms from the estate tax.

Let me repeat that because I do not want there to be any confusion. The Dorgan-Durbin-Carnahan amendment will eliminate the estate tax burden on all small businesses and family-owned farms effective January 2003.

The estate tax is having an impact that was never intended when it was first enacted. Those in line to inherit family-owned businesses and farms are having to sell them to pay the estate tax. That is not right. Parents who work hard for their whole lives building up a business want to pass the fruits of their labor on to their children. The same is true of farmers. We want family farms to be passed through the generations. We want children to be able to farm the land farmed by their parents and possibly their grandparents before them.

The amendment that Senator DORGAN, Senator DURBIN, and I are offering today would allow just that. It would ensure no family-owned business would ever have to be sold to cover estate taxes. So perhaps one is asking: What is the difference between our amendment and Senator GRAMM's amendment? Well, there are big ones. First, Senator GRAMM's amendment does nothing for family-owned enterprises until 2011. Under the Gramm amendment, they will have to continue to pay estate taxes for the next 7 years.

Our amendment would end 'estate taxes on family-owned farms and businesses beginning next year. We have heard today concerns that the exclusion for family businesses is complex. I am more than willing to work with my colleagues to improve the family business exclusion, and I welcome their support for our proposal to truly protect family farms and businesses.

Our amendment would also relieve family-owned enterprises from the burden of estate planning. Since there would be no estate tax, there would be no need for estate planning. Under Senator GRAMM's amendment, the full estate tax will remain in effect until 2010. So family-owned enterprises would still have to pay a lawyer and an accountant to prepare for the possibility that they may be subject to the tax.

The other key difference is that Senator GRAMM's amendment would permanently eliminate the estate tax for multibillionaires. I do not believe this is good policy. The Gramm amendment would cost approximately $740 billion over 10 years and trillions of dollars in the decades after that.

Ironically, the amendment would go into effect at the time the baby boomers will start to retire. So as the number of people drawing on Social Security and Medicare starts to increase dramatically, the Gramm amendment would be draining the funds necessary to support these programs. At a time when we are running budget deficits and Social Security and Medicare funds are being used to pay for other programs, it is not wise to take any action that would threaten the solvency of these programs.

Who would the Gramm amendment benefit? The tax cut passed last year, which I supported, eliminating the tax on estates of less than $3.5 million, and our amendment would extend this provision permanently. By 2009, estates worth less than $4 million would owe no estate tax. There are very few American families who have to worry about having estates of more than $4 million. I only wish there were more of my constituents who had this problem.

In reality, the very wealthiest Americans would benefit from the Gramm amendment, but the programs that middle Americans rely on for their retirement security would be harmed, as would our ability to provide a much-needed prescription drug benefit for seniors.

So the choice is clear. If we want to make sure that parents will be able to pass their businesses and farms down to their children and we want to provide this relief right now, not in 2011, and we want to do this in a way that does not threaten the long-term solvency of Social Security and Medicare, we should vote for the Dorgan-Durbin-Carnahan amendment and against the Gramm amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Dakota has 19½ minutes. The Senator from Texas has 6 minutes 20 seconds.

Mr. DORGAN. Mr. President, let me make a couple of additional observations, and I suspect the Senator from Texas will wish to conclude his comments after which I will conclude mine.

The Senator from Texas said a while ago that facts are stubborn, and that is true. Facts are also sticky. They tend to hang around a fair amount.

Let me describe a few facts about this debate, and this issue. Despite all of the tap dancing around this issue, our amendment would say to farms and businesses in this country that if you are passed to the kids who will keep running it following the death of the parents, we will repeal the estate tax for that transfer effective next year.

My colleagues have said we would like to repeal it as well, and repeal a lot more for that matter, but we will do that 7 years from now. We will start 7 years from now with our complete repeal.

If it is, in fact, a priority, why would they not do it effective January 1 of next year?

In addition, we have heard some discussion about the fact that this family-owned business exclusion does not work. The fact is, it has been used a fair amount. It is fairly new, but it is interesting to me that the proposal by the Senator from Texas and others last year to repeal the estate tax also repealed in their legislation the family-owned business deduction in 2004. They are the ones who decided that they were going to repeal the family-owned business deduction in 2004.

What they also came up with last year, I suspect we will not hear anyone defend because it is almost the sort of thing that you are going to put in material for comedians.

They came up with a tax plan that says, We will gradually repeal the estate tax from now until the year 2010, at which point it is repealed. In 2011, we will reinstate it. They are saying to the American people, by the way, if anyone has a notion of planning your death, make sure you die in 2010 because that is the only year in the next 10 or so years when there is a complete repeal of the estate tax.

I don't know what pencils they used. I don't know what assistance they had or consulting advice they received when in a closed and dark room someplace they decided to repeal the estate tax gradually over 10 years and then bring it back in the 11th year. And, by the way, in doing so, we will in 3 years——

Mr. KYL. I say to the Senator from North Dakota——

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. KYL. The Senator from North Dakota suggested this was done in a dark room.

The PRESIDING OFFICER. Does the Senator yield?

Mr. DORGAN. Let me say by unanimous consent, the room was not dark. The room was not dark.

In addition to creating this comedic approach to tax relief, they decided in 2004 they will repeal the family-owned business deduction. Those who say they are on the floor of the Senate to help family businesses and family farms are the very ones who stuck in their bill last year a repeal of the family-owned business deduction in 2004. You can make one of two points, but not all at the same time. You can say, as they say incorrectly, that the family-owned business deduction does not work. If that is the case, they probably should have repealed immediately. But they are saying it does not work so we will let it continue not to work and repeal it later. I suppose this is also great material for comedy but a pretty poor excuse, in my judgment, for sound tax policy.

Strip away all of the leaves and ask the question, What are the issues? Simply, they are these:

I propose an $8 million unified estate tax exemption for a husband and wife. If you do not have assets equalling $8 million, do not worry, you will never have an estate tax obligation. That is No. 1.

No. 2, I propose a total repeal of the estate tax in 2003 for the passage of a family business or a farm to the kids who want to continue to run it. If the parents die, and the kids want to run that operation, I say good for them. The last thing in the world we want to do is interrupt that with an estate tax obligation. It is repealed for such businesses, regardless of size. We do that January 1, 2003.

The proposal to repeal the entire estate tax means we are fighting over what is left, No. 1; and, No. 2, we are fighting over when we will give relief to family-owned businesses and family-owned farms.

Last year, they decided to take away in 2004 the family-owned business deduction. Now they are saying they are fighting to help family businesses.

A strange fight, I would say: Try to take away their deduction; you did, in fact, in law, in 2004; and now you want to stage this so they get relief 7 years from today. If it is important, how about relief immediately? How about saying if it is important for businesses and farms to stand up and do it now? That is what my amendment does.

This is bait and switch. We all understand bait and switch and have seen it in stores from time to time. This is bait and switch in legislation.

I will speak at the end about priorities because we have people saying this is the most important thing for us. Yes, we have a big deficit. Yes, we have economic trouble. But our most important priority at this point is providing a repeal of the estate tax for the largest estates in the country? I am talking about estates worth $500 million, $1 billion, $2 billion, $20 billion. That is the biggest priority? That is the highest priority we have in this country? We have Social Security issues, Medicare issues, education issues, a whole series of things we ought to attend to, but the highest priority is providing a repeal of the estate tax for the top estates in the country?

I think not. One of the priority ought to be to do what I do in this amendment: Have a thoughtful exemption, $8 million, husband and wife, below which there will be no estate tax obligation any longer, under any circumstance, and allow almost immediately, on January 1 of next year, the passage or transfer of a family business or family farm to the descendants who want to run the business or farm without an estate tax obligation. That is my amendment.

Do not vote against this amendment and go home and say, by the way, I am the champion of the business and farm that is family owned. This is the way to champion their interests if you want to repeal the estate tax obligation of the transfers, effective January 1.

How much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 11 minutes.

Mr. DORGAN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that the quorum call I am about to ask for not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that upon the disposition of the Dorgan amendment, which should be in the next 15 or 20 minutes, the Conrad amendment be set aside and that Senator GRAMM or his designee be recognized to offer his first-degree amendment, as provided under the parameters of the agreement governing H.R. 8; that upon the conclusion of the debate with respect to the Gramm or designee amendment, the amendment be set aside, and the Senate resume consideration of the Conrad amendment No. 3831, and there be 5 minutes of debate equally divided and controlled in the usual form; that upon the use of time, the Senate vote in relation to the amendment; that upon disposition of the Conrad amendment, the Senate resume consideration of the Gramm amendment, and there be 5 minutes of debate equally divided and controlled in the usual form; that upon the use of time, the Senate proceed to vote in relation to the amendment without further intervening action or debate; and provided further that no other second-degree amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, for the information of Members, we are going to have a vote very shortly. Then we will have an approximately 2-hour debate on the Gramm amendment. Then we will have two votes following that. That should end the debate on this matter, I hope, for the day—and for the year, maybe.

I have nothing more to say at this time. I think this is how debate should take place. I have been very satisfied, and I think everyone should be, with the tenor of the debate. The issue has been, and will for the next 2 hours, put at issue, and I wish we had more debates such as this in the Senate. This is very high class.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mr. GRAMM. How much time do we have remaining?

The PRESIDING OFFICER. The Senator from Texas has 6 minutes 20 seconds.

Mr. GRAMM. And Senator DORGAN?

The PRESIDING OFFICER. The Senator from North Dakota has 11½ minutes.

Mr. GRAMM. I am going to yield 3 minutes 20 seconds to my colleague from Arizona, and then I would like Senator DORGAN to use his time and then I will conclude.

Mr. KYL. Mr. President, I agree with the Senator from Nevada, except for some recent comments made by the Senator from North Dakota when he talked about a comedic approach and a bait-and-switch approach and asked the question: Why would we repeal the death tax and then reinstate it? The Senator knows full well why that was done. We did not do it. Those on his side of the aisle were responsible for that.

The American people need to understand the reason is that, under the rule under which the Tax Reform Act of 1991 was taken up, we could only act for a 10-year period after which our actions were sunsetted. We didn't want that. We wanted to make the death tax repeal permanent, but it was not possible because of opposition from the other side. That is the answer to the question posed by the Senator from North Dakota.

When he asked us, why did you repeal the death tax and then allow it to be reinstated, the answer is: We did not; you did. Now you have a chance to fix it.

We all have a chance now to repeal the death tax permanently. This is the time for people to stand up. Do we really want it repealed? Do we want it repealed permanently? Or were we just kidding when this was done last year?

A lot of Democrats and a lot of Republicans voted, not in a dark room but in this Chamber, a year ago to repeal the death tax. They wanted it repealed permanently. Only because of a parliamentary rule was that not possible. Now it is possible. This is our chance, and the only real repeal is the Gramm-Kyl repeal.

The amendment of the Senator from North Dakota that we will be voting on in just a moment is fatally flawed because, while it makes an unlimited exemption, you have to walk through a gate—in order to get that unlimited exemption—that is closed. Very few, if any, small businesses or farms will be able to qualify. How do we know this? Because the Senator from North Dakota uses the very same qualifying language that is in the existing law.

From the IRS itself we have the numbers of people who qualify out of the over 100,000 estate tax filers. Only a little over 1,000 qualified, even in the year with the largest number. In the first year in 1999, it was 173 people. In that year, 173 estates would get this wonderful relief proposed by the Senator from North Dakota. In 1998, it was 899 people. In the biggest year, 1,400 people would qualify. Of those, IRS is winning two-thirds of the cases with respect to the valuation of the assets.

This is an amendment which has great promise and zero production. As the Senator from Missouri said, you can't make a flat tire roll just by making it bigger. The Dorgan amendment should be defeated because it cannot provide relief to anybody.

Mr. President, I ask unanimous consent to have printed in the RECORD a paper on interest deductions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUALIFIED FAMILY-OWNED BUSINESS INTEREST DEDUCTION

Under section 2057, certain "qualified heirs" may make an election to deduct the value of certain family-owned business interest from the gross estate. Currently this deduction is $1.3 million. That means if the fair market value of the estate is $10 million, subject to a 50 percent death tax, the QFOBI would reduce the taxable portion of the estate to $8.7 million subject to the same 50 percent tax.

There is a period of up to 12 years in which the IRS can disqualify a QFOBI and impose estate tax plus accrued interest, from the date of death until the recapture event becomes due and owing immediately.

In general, QFOBI's problems can be simply stated. It is unfair (and impractical) for Congress to draw an artificial line as to who will or will not be subject to the death tax.

In other words, QFOBI attempts to draw a line so that some small businesses and farms qualify for a complete exemption from the death tax but others will not be able to avail themselves of any death tax relief. In many cases, those businesses that can spend the most money on death tax planning will be more likely to choose this exemption (that is, in truth, simply a giant loophole).

SUMMARY OF QFOBI

1. To qualify (and stay qualified) for this deduction is difficult.

The decedent was a citizen or resident of the United States at the date of death.

The business interests are includible in the gross estate.

The business interests must have passed to or been acquired by a qualified heir from the decedent.

The adjusted value of the qualified family-owned business interests must exceed 50% of the value of the adjusted gross estate (considered the most complicated requirement of Section 2057 in comments by Professors Roger A. McEowen and Neil E. Hart)

The business interest must be in a trade or business that has its principal place of business in the United States.

The business interest was owned by the decedent during 5 of the 8 years before the decedent's death.

For 5 of the 8 years before the decedent's death, there was material participation by the decedent in the business.

2. To qualify for the deduction, the "business interest" must be either an interest as a proprietor in an entity which:

At least 50 percent of the entity is owned by the decedent or members of the decedent's family;

At least 70 percent of the entity is owned by members of two families, and at least 30 percent is owned by the decedent or members of the decedent's family; or

At least 90 percent of the entity is owned by members of three families, and at least 30 percent is owned by the decedent or members of the decedent's family.

However, there are additional limitations to the general rules regarding a "qualified family-owned business interest":

(QFOBI) shall not include the following:

Any interest in a trade or business if its principal place of business is located outside the United States.

Any interest in an entity if the stock or debt of the entity (or a controlled group of which the entity is a member) was readily tradable on an established securities market or secondary market at any time within 3 years of the date of the decedent's death.

Any interest in a trade or business (excluding banks and domestic building and loan associations) if more than 35 percent of its adjusted ordinary gross income for the taxable year that includes the date of the decedent's death would qualify as personal holding company income if such trade or business was a corporation.

The portion of an interest in a trade or business that is attributable to:

Cash and/or marketable securities in excess of the reasonably expected day-to-day working capital needs, and

Any other assets (other than assets held in the active conduct of a bank or domestic building and loan) that produce or are held for the production of personal holding company income and most types of foreign personal holding company income.

3. To be a "qualified heir":

A person is a "qualified heir" of property if he or she is a member of the decedent's family and acquired or received the interest from the decedent.

The qualified heir must continue to materially participate in the family business for the next 10 years.

4. To "materially participate":

The existence of material participation is a factual determination (in other words open to aggressive challenges by IRS and almost certain litigation), and the types of activities and financial risks that will support a finding of material participation will vary with the mode of ownership. No single factor is determinative of the presence of material participation, but physical work and participation in management decisions are the principal factors to be considered. Passively collecting rents, salaries, draws, dividends, or other income from the trade or business does not constitute material participation. Neither does merely advancing capital and reviewing business plans and financial reports each business year.

5. Forfeiture of QFOBI status and 10-year Recapture Period:

Section 2057 imposes an additional estate tax when there is a taxable event. A taxable event occurs if, within 10 years of the decedent's death and before the qualified heir's death, one of the following events occurs:

The qualified heir disposes of any portion of his or her interest in the qualified family-owned business, other than by a disposition to a member of the qualified heir's family or through a qualified conservation contribution under section 170(h);

The qualified heir ceases to meet material participation requirements (i.e., if neither the qualified heir nor any member of his or her family has materially participated in the trade or business for at least a 10 year period;

The principal place of business of the qualified family-owned business ceases to be located in the United States (This includes bankruptcy or foreclosure);

The qualified heir loses United States citizenship and neither a qualified trust was created nor was a security arrangement made.

As under section 2032A, the 10-year recapture period may be extended for a period of up to 2 years if the qualified heir does not begin to use the property for a period of up to 2 years after the decedent's death.

6. Criticisms of QFOBI:

Currently, we have a $1 million exemption that can not be combined with the $1.3 million QFOBI deduction. Confronted with all of QFOBI's complexities and pitfalls, taxpayers simply choose to submit themselves to it in order to obtain an additional $300,000 deduction. Less than three percent of eligible small businesses have used it (don't have cite.) IRS Economist Jacob Mikow documents in a letter that for filing year 2000 a total of 108,322 estate tax returns were filed. A mere 1,470 of those returns made the QFOBI election.

Tax lien. For 10 years the IRS has a first position lien on all of the business/farm assets, which means when the family applies for an operating loan so it can "materially participate", the bank has to take a second position. A second position is considered an "at risk" loan and the family then has to pay 2 to 3 points higher on their operating loan every year for 10 years. This is probably the biggest impediment to facilitating liquidity during the consideration.

QFOBI does not exempt "generation skipping tax" (GST). So a decedent can utilize QFOBI to leave his family business/farm to his grandson (subject to all of the QFOBI constraints and limitations) and not pay the death taxes, but the decedent's estate would still have to pay GST tax of 50 percent. Effectively this prevents taxpayers from utilizing QFOBI to turn over the family business/farm to any one but their sons and daughters, who may not be the best suited for the job.

Ownership requirement is the last 5 out of 8 years prior to death. There is not an exception for normal course of business turn over, such as estates with heavy crops or livestock or inventory values. This severely complicates farm planning. For example, the life expectancy of a chicken is probably less than 8 years much less the life expectancy of a potato crop—So there is no ability to lose a chicken and to replace a chicken and to be able to substitute the ownership period.

Sales in the ordinary course of business create a recapture event as there is not a safe harbor on the sale of a crop-inventory or of livestock during the 10 material participation requirement. So if you sold a widget or a chicken or an ear of corn you would owe not only income tax but estate tax.

50 percent ownership requirement has a lookback period which includes gifts to spouses—so if you balanced an estate to get both unified credits you could lose the QFOBI.

Recapture provision for over 10 years can disproportionately hurt those businesses and farms that suffer during an economic downturn. For example, in year one, the business might be doing well, but seven years later must file for bankruptcy protection, despite the fact that it plans to reorganize and continue operations in the future. In that event, the QFOBI would terminate and the death tax, plus interest accrued for the past seven years would be due and owing immediately. That fact alone might prevent the company from successfully recovering from bankruptcy.

Cost, expense and uncertainty of setting up a QFOBI is very high and never ending. The tax code is complicated enough and we should work to reduce its complexity, not pursue winners and loser type death tax reform.

ABA and many other non partisan institutions have urged repeal of this provision and cautioned against its use, suggesting that it may border on the line of legal malpractice.

Look at how hard it had been for the opponents of repeal to devise workable QFOBI legislation. No bills have been introduced and we only today saw their proposal to try to convince the American people that we can fix the unfixable.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mr. GRAMM. Mr. President, let me repeat those facts very briefly because facts are persistent things. In 1999, 104,000 American families filed a death tax return, with 45,000 of them ended up paying a death tax. Only 889 qualified for the exemption that would be expanded by this amendment.

In the last 5 years, of the people who would have qualified for this and all the other exemptions, only 33 of them have been farmers and ranchers.

So as I said earlier, this amendment provides a political figleaf for Senators who are going to vote against a permanent repeal of the death tax and who are using this to cover themselves. It is going to provide political protection for more Senators than it is going to provide tax relief for farmers and ranchers in America. Some 40 Senators will get the figleaf of protection. Some 33 farmers and ranchers in 5 years have gotten relief from all of these provisions.

I think this is a clear choice. The Senator complains that the tax cut is temporary. Why? Because we did not have 60 votes; because the Democrats opposed the President's tax cut in overwhelming numbers. They had the ability to filibuster. The only way we could get the tax cut adopted was to use a procedure that required that the tax cut expire after 10 years. Now the Senator from North Dakota is attacking us for a provision that exists because the Democrats would have filibustered the tax cut.

When we voted, I assumed we meant to repeal the death tax. People said they did. Now we have come down to doing it. There is only one real repeal. That is the amendment I am going to offer with Senator KYL. We are going to raise a budget point of order against this amendment. It will require 60 votes to overcome it. The same point of order will be raised against our amendment. I urge those who voted for the tax cut to vote to sustain this point of order so we can have a real repeal, something for which they voted.

Second, I urge people who did not vote for the tax cut to look at the absurdity of having a situation where 11 years from now this death tax is going to come out of the grave and prey on family businesses and force people to sell off the life work of their family to give the Government a 55-percent tax on everything they have accumulated in their lives.

The National Federation of Independent Business is faxing me a letter right now opposing this amendment, saying it does not solve the problem. I will have that letter printed in the RECORD. I have the letter before me. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION
OF INDEPENDENT BUSINESS,
Washington, DC, June 12, 2002.

NFIB RELEASES STATEMENT ON DORGAN DEATH-TAX AMENDMENT

NFIB Senior Vice President Dan Danner today released the following statement about an amendment offered by U.S. Senator Byron Dorgan (N.D.) that would not provide a full and permanent death-tax repeal:

"Senator Dorgan's amendment does not meet the one requirement that NFIB members have demanded on this issue: a full repeal of this onerous tax. The only proposal on the table that will permanently and fully fix this problem is the Gramm-Kyl amendment.

"Senator Dorgan's approach operates on a false assumption—that small-business owners can easily plan for the death tax. History has proven that exemptions, half-measures and carve outs just do not help real-world small businesses. The existing 'small business' exemption that was enacted in 1997 has only helped 3 percent of those it was intended to help. Senator Dorgan's amendment, which is based on this same idea, will only bring us back to the same roadblocks again."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KYL. Mr. President, if I can have the attention of the Senator from North Dakota, I ask unanimous consent to have printed in the RECORD a compilation of provisions of the so-called QFOBI tax provision that illustrate how that is calculated and administered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 2057—QUALIFIED FAMILY-OWNED BUSINESS INTERESTS DEDUCTIONS

(Prepared by Sirote & Permutt, May 9, 2002)

I. ESTATES TO WHICH SECTION 2057 APPLIES

Section 2057 applies to an estate if:

1. The decedent, at the time of death, was a citizen or resident of the United States;
2. The executor makes an election and files an agreement consenting to the imposition of recapture tax;

3. The sum of the QFOBIs passing to qualified heirs, plus the amount of includible gifts of QFOBIs exceed 50 percent of the decedent's adjusted gross estate. In other words, the following numerator divided by the following denominator must exceed ½.

a. Numerator.

(i) Aggregate the value of all QFOBIs that are included in the decedent's gross estate and that are acquired by a "qualified heir" from, or passed to a "qualified heir" from, the decedent.

(a) A "qualified heir" is a "member of the decedent's family" and also includes any employee who has been active in the trade or business to which the family owned business interests relates for ten (10) years prior to decedent's death. (Note that this definition does not require that the employee be employed by the family business itself.)

(b) A "member of the decedent's family" includes (a) an ancestor of the decedent, (b) the spouse of the decedent, (c) lineal descendants of the decedent, the decedent's spouse, or the decedent's parents, or (d) the spouse of any descendant described in (c).

(ii) Add "adjusted taxable gifts" and annual exclusion gifts of QFOBIs given to family members, if such interests are continuously held by the family member (other than the decedent's spouse) between the date of the gift and the date of decedent's death.

(a) "Adjusted taxable gifts" are taxable gifts made by the decedent after 1976 that are includible in the decedent's gross estate.

(iii) Subtract the amount of gifts of QFOBIs included in the decedent's estate.

(iv) Subtract the cash or marketable securities that exceed the reasonably expected day-to-day working capital needs of the business.

(v) Subtract any personal holding company-type assets owned by the business.

(vi) Subtract any of the indebtedness of the decedent on property that is included in the decedent's gross estate, except

(a) qualified acquisition indebtedness for personal residences;

(b) debt if the proceeds were used to pay education or medical expenses of the decedent, the decedent's spouse, or the decedent's dependents; and

(c) debt up to $10,000 used for any purpose.

b. Denominator.

(i) Determine the value of the decedent's gross estate without regard to Section 2057.

(ii) Subtract any indebtedness of decedent on property that is included in the decedent's gross estate.

(iii) Add the amount of adjusted taxable gifts and annual exclusion gifts of QFOBIs given to family members if such interests are continuously held by the family member from the date of the gift to the date of death.

(iv) Subtract gifts of QFOBIs included in the decedent's gross estate.

(v) Add other gifts not included in c above and made by the decedent to the decedent's spouse within 10 years of decedent's death.

(vi) Add the amount of other gifts not included under c or e above made by the decedent within 3 years of death. In other words, add gifts covered by the annual gift tax exclusion and any other non-taxable gifts made by decedent within 3 years of death.

(vii) Subtract the amount of gifts otherwise includible in the decedent's gross estate.

c. The numerator divided by the denominator must exceed ½ in order for Section 2057 to apply.

4. Material Participation Exists

a. The decedent of a "member of the decedent's family" must have owned the qualified business interests and have "materially participated" in the operation of the business to which such interests relate for 5 of the 8 years prior to decedent's death.

b. "Material participation" is determined on a factual case-by-case basis that examines the type of activities in which that person was involved, the financial risks associated with these activities, and the mode of ownership of the property itself.

c. A "member of the decedent's family" includes (a) an ancestor of the decedent, (b) the spouse of the decedent, (c) lineal descendants of the decedent, the decedent's spouse, or the decedent's parents, or (d) the spouse of any descendent in (c).

d. If the decedent becomes disabled or starts receiving social security benefits, the 8 year period is the 8 years immediately preceding the date of disability or the date of the receipt of the first social security check.

II. ADDITIONAL TAX IMPOSED IF DECEDENTS HEIRS CEASE TO MATERIALLY PARTICIPATE IN THE QUALIFIED FAMILY-OWNED BUSINESS OR DISPOSE OF THEIR INTEREST THEREIN

1. Section 2057 imposes an additional estate tax if, within 10 years after the date of the decedent's death, any one of certain recapture events occurs, as follows: (1) an heir receiving a QFOBI does not continue to materially participate in the business for 5 or more years of any 8 year period in the 10 years following the decedent's death; (2) the qualified heir disposes of his or her interest to anyone other than other than members of his or her family or through a qualified conservation contribution; (3) the qualified heir loses United States citizenship and does not hold his or her interest through a domestic trust having at least one United States trustee, or (4) the principal place of business ceases to be located in the United States. With respect to a qualified heir, "material participation" will be met if the qualified heir is a surviving spouse, minor child, student or disabled heir who actively manages the business. Furthermore, a qualified heir will not be treated as disposing of an interest by reason of ceasing to be engaged in a trade or business so long as the QFOBI interest is used in a trade or business by any member of the qualified heir's family.

2. This additional estate tax is equal to the applicable percentage of the adjusted tax difference attribute to the QFOBI, plus interest at the underpayment rate for the period beginning when the estate tax liability was originally due and ending on the date the additional estate tax is due. The adjusted tax difference attributable to the QFOBI is calculated as the difference between the estate tax which would have been due but for the election to deduct the family owned business interest under 2057 and the actual estate tax paid. The applicable percentage is determined with reference to the year in which the recapture event occurred, as follows:

Number of years after date of death:	*Applicable Percentage*
1 through 6	100
7	80
8	60
9	40
10	20

a. The additional estate tax is a personal liability of each qualified heir to the extent of the portion of additional tax that is imposed with respect to his or her interest in the QFOBI.

b. For example, Brother and Sister each inherited 50 percent of the qualified family-owned business from their mother. Their mother's estate saved $400,000 in estate tax using 2057. Brother did not materially participate in the business, but Sister did, thereby meeting the material participation test to qualify under 2057. During year 8, Sister sold her interest in the business to someone other than a member of her family, causing a recapture event to occur. Of the $400,000 tax savings, 60 percent or $240,000 must be recaptured with interest. Brother and Sister each owes half of the additional estate tax due.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are now told that this circumstance of having an estate tax repeal, engineered by my colleague from Texas and others last year, that steps up a repeal over 10 years, repeals the estate tax, then brings it back into force in 2011, is something that the Democrats made them do.

It reminds me of Flip Wilson; remember that? "The Devil made me do it."

The reason we have this comical circumstance of a bill last year, proposed by my colleagues over there, that intends to repeal on a graduated basis the estate tax to a final repeal in 2010, and then bring it back into force in 2011, is not because someone on this side of the aisle made them do it. It is because their numbers didn't add up and they knew they didn't add up. That is why it exists.

After that bill was passed, people were asking the question: What kind of a Congress passes a piece of legislation that says, oh, by the way, there is only 1 year in which you can die in the next decade or so and be exempt from the estate tax; that is, 2010? If it is 2009, you are taxable. If it is 2011, you are taxable. Now we hear this old, "The devil made us do it." That doesn't quite fit.

C. Northcote Parkinson wrote Parkinson's law that I studied when I was in graduate school. It is a fascinating set of laws.

He said at one point that in every organization there is at least one person who is invariably 100 percent wrong. He said someone like that can be valuable because then you will always know who will give you the wrong advice.

I am not going to suggest anything about my colleagues with that except to say this: There are occasions on the floor of the Senate when the advice we receive is just flat wrong.

This question of trying to help businesses and farms that are owned by families to be passed on to the descendants—to the kids—to be able to continue operating them is an interesting one.

The only way we are going to immediately repeal the estate tax on passage of a family farm or business to the kids upon the parents' death is if we pass the amendment I offered today. That is the only circumstance in which that is going to happen, on January 1, 2003.

My colleague from Texas will offer his proposal which will make it happen over the next 7 years, but not now.

It is interesting. My colleague from Illinois talked about who the beneficiaries are. After all, we say no husband and wife with assets of less than $8 million will ever pay an estate tax. That is in my amendment. And no family business passed on to kids will pay an estate tax at all if the kids continue to run it. That is in my amendment. The question is, Who will benefit by defeating my amendment and embracing the proposal by my colleagues from Texas and Arizona? Who will benefit?

My colleague from Texas has no doubt heard me from time to time refer to Bob Wills and the Texas Playboys, the famous Texas band in the 1930s. In the lyrics in their song, the little guy picks the cotton and the big guy gets the honey; the little honeybee sucks the blossom and the big bee gets the honey.

This is about honey and money. And it is about the way it always works somehow on the floor of the Senate.

Guess who benefits. It is not in most cases folks at the bottom of the economic ladder, or even in the middle of the economic ladder, who are the beneficiaries. It somehow always seems to me that the proposals here—especially this type of proposal—offer the circumstance where we say, Let us provide a tax cut for the wealthiest Americans.

What are our priorities? Are our priorities education, strengthening America's schools, investing in Social Security? Are our priorities strengthening Medicare? Are they providing a tax cut for middle-income taxpayers. Are our priorities providing a tax cut and deduction for being able to send your kid to college or providing health care benefits for you and your workers and your business? Are those our priorities? No.

My colleagues say that is not a priority of ours. Those priorities must take a backseat to the priority of providing estate tax relief for the very wealthiest in America.

This isn't about being opposed to those who are wealthy. In my proposal in this amendment, there is a very substantial estate tax exemption of $8 million. If you are trying to pass a family business or farm on to the kids who are going to run it, you are not going to pay an estate tax. That repeal is effective next January 1.

My colleagues say: No. We support this issue of helping farms and businesses, but we support helping them 7 years from now. We have used that as the pole-vaulting contest to get to the point where we can repeal the estate tax, but it is not so important to us that we believe on January 1 of next year businesses and farms passed on to the kids ought to have the estate tax repealed.

It is not that important to them. It is important to me. And I believe very much that we ought to pass this amendment. We voted on this amendment last year. Times have changed, as you know. Things are quite different. My amendment last year got 43 votes.

Last year, just prior to this time, we were on the floor of the Senate, and we had estimated budget surpluses as far as the eye could see. We had people on the floor of the Senate saying: We will have budget surpluses year after year. Let us provide very large tax cuts.

Some of us said: Maybe we ought not do that. Maybe we ought to be a bit conservative. What if something happens?

Guess what happened. In a matter of 7 or 8 months we ran into a recession, and then we had a war. The result is that our economy faltered. These big surpluses turned into big deficits.

But it didn't mean a thing to those who are marching towards estate tax repeal. They are back here on the floor of the Senate as if nothing happened. It is just as if they have missed the last year and our priority remains to try to lift the burden of taxes from those who are at the top end of the income ladder in this country. If you have $1 billion, our priority remains that we believe in tax cuts for you, and we are here to fight for you.

Is there anybody here who is willing to fight for the people at the bottom of the economic ladder? Is anybody proposing a tax cut this afternoon for middle-income taxpayers trying to send there kids to school? I don't think so. That is not the priority.

That is why I hope we will pass our amendment. This amendment says, yes, let us provide dramatic increases in the exemption for the estate tax, and let us exempt the tax in the transfer of the family farms and businesses to the kids who want to run them; but let us not give up the opportunity for a couple hundred billion dollars in the second 10 years that might be used to help America's kids and schools, help strengthen Social Security, help strengthen Medicare, and do the things that will also make this a better country.

I hope my colleagues will understand that the only way to address this issue of family farms and businesses that we have heard so much about is this amendment.

One final point: My colleagues have talked about the family-owned business deduction not working. It is interesting to me. In fact, they repealed it in law last year. They said, let us repeal the family-owned business deduction. That was their bill last year. They did it in 2004, which is a complete contradiction. If it didn't work, why wouldn't you repeal it immediately? If it does work, why do you repeal it in 2004? It does work, and they know it. They simply allege that it doesn't work so they can try to defeat this amendment and provide relief for the people with the highest incomes at a time when this country is in debt and is going deeper in debt. Their proposal doesn't have as a priority to help on the other things that are important—health care, Social Security, education, and much more. We will get to those things by casting some sensible votes this afternoon on this amendment.

Support this amendment, oppose the Gramm amendment, and do the right thing.

I yield the remainder of the time.

The PRESIDING OFFICER. All time has expired.

Mr. GRAMM. Mr. President, as provided for in the unanimous consent agreement, I make a point of order under section 311 of the Budget Act against the pending Dorgan amendment.

Mr. DORGAN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 54, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—44

Akaka
Bayh
Biden
Boxer
Breaux
Byrd
Cantwell
Carnahan
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
McCain
Mikulski
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Torricelli
Wellstone

NAYS—54

Allard
Allen
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cleland
Clinton
Cochran
Craig
DeWine
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens

Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—2

Crapo
Helms

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The majority leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the work that is being done. In the interest of all colleagues, let me simply make sure that people understand that we have a debate on another amendment. Under the unanimous consent agreement, the debate can last up to 2 hours. It would be my expectation, after completion of the debate on the next amendment, the Gramm amendment, we will then vote on the Conrad amendment and the Gramm amendment back to back. It is then my hope that we can have a vote on a point of order that will take place either immediately or shortly thereafter.

In the meantime, we are still discussing the matter of stem cell research and cloning and a unanimous consent request there, as well as a hope that I have that we can move to terrorism insurance legislation. I just indicated to Senator LOTT that it would be my desire to move to the terrorism insurance legislation immediately following either the debate on stem cell or the debate on the estate tax legislation.

So it is my intention to ask unanimous consent to move forward on both of those issues. It is my understanding that some of my colleagues wish to have a little additional time. So before I propound a request on either one of those issues, we will certainly be happy to accommodate the request of our colleagues. But I want people to be on notice that it is our intention to file a unanimous consent request on terrorism insurance, as well as on the stem cell cloning debate. That is with an understanding that Senator LOTT just noted. I had been told there was some interest in filing cloture on the motion to proceed on defense. Senator LOTT has indicated to me that is not the case. So I will not propound these requests with that understanding.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I have been working with the interested Senators on this issue of cloning, trying to see if we can get a unanimous consent agreement. We are continuing to do that.

With regard to the terrorism insurance bill, if we don't get an agreement on cloning, it is my hope that we can get an agreement to proceed with the terrorism issue. There are a couple of points that need to be clarified, and we are discussing those now. We will, hopefully, get an agreement on one, or perhaps both, of those issues. We will continue to work on that.

Mr. DASCHLE. Mr. President, I may have misspoke. I indicated there are going to be two votes at the end of two hours. That will complete the debate on the estate tax issue: the completion of the debate on the amendment now to be offered by Senator GRAMM, and then the vote on the amendment offered by Senator CONRAD. We will determine what the course of business will be subject to the discussions underway on both terrorism insurance and the stem cell cloning debate as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 3833

Mr. GRAMM. Mr. President, I send an amendment to the desk on behalf of myself, Senator KYL, Senator BROWNBACK, Senator NICKLES, and Senator HUTCHISON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Texas [Mr. GRAMM], for himself, Mr. KYL, Mr. BROWNBACK, Mr. NICKLES, and Mrs. HUTCHISON, proposes an amendment numbered 3833.

Mr. GRAMM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permanently repeal the death tax)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent Death Tax Repeal Act of 2002".

SEC. 2. ESTATE TAX REPEAL MADE PERMANENT.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(1) in subsection (a) by striking "shall not apply—" and all that follows and inserting "(other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.", and

(2) in subsection (b) by striking ", estates, gifts, and transfers".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001.

Mr. GRAMM. Mr. President, I have sent to the desk the real repeal of the death tax. This amendment is identical to the language that was adopted in the House of Representatives last week.

Current law phases in the elimination of the death tax and then, due to the limitations of the Budget Act, the death tax rises up out of the grave in 2011 and starts destroying family businesses, family farms, and family dreams in 2011. What our amendment does is makes the repeal of the death tax permanent.

I want to touch on a couple of issues, and then I want to yield to some of my colleagues who want to speak.

I remind my colleagues that when we passed the tax bill, we had 58 votes. It would have taken 60 votes to have made the tax cut permanent by waiving the provisions of the Budget Act. We only had 58 votes. We have this anomaly that the death tax rises out of the grave because we only had 58 people who supported the tax cut.

I believe everybody who voted for that tax cut was committed to the principle that we were repealing the death tax. Today we have an opportunity—the first real opportunity—to achieve that goal.

I remind my colleagues that in the year that the repeal would go into effect, which would be 2011, we are projected by the latest Congressional Budget Office estimate to have a $450 billion surplus. Our Democrat colleagues say they would like to make it permanent, but we cannot afford it. I remind my colleagues, when it would go into effect, under current estimates, we would have a $450 billion surplus. What they are really saying is they want to spend the money rather than letting people keep their farm, keep their business, keep their dream.

We have heard throughout this debate Member after Member get up and say that this repeal will take money away from the Treasury and that they are very worried about the debt and the deficit. Not once, twice, three, four, or five times, but six times in the last 9 months we have increased spending many times more than would be required to pay for the repeal of the death tax.

In nonrequested, nonemergency funding in the emergency appropriations bill, items the President did not ask for, we spent four times as much as it would take to fund the repeal of the death tax next year.

In total, in the last 9 months, the same people who are saying we cannot afford to make this repeal permanent have voted for 15 times more spending next year than the cost of repealing the death tax. These are the same colleagues who have 100 different taxes that ought to be increased, 41 different tax cuts that ought to be taken back, but they do not have one single idea about how we could control spending.

In reality, this is a very simple debate. When you cut through to the bottom line, it is a debate about priorities. Those who are opposed to making the tax cut permanent are basically saying: We are willing to force people to sell their business and sell their farm, tax a family at the moment of death and take away the life work of their parents so that Government can spend more money. That is what this is about.

Are you willing to take away somebody's farm, somebody's business, somebody's dream so Government can go on spending as usual? I am not. This is a clear-cut issue, and it is a question of right and wrong. It is not right for people to work a lifetime, pay taxes on every dollar they earn, scrimp, save, sacrifice, plow that money into a business, plow it into a farm, work 12 or 14 hours a day, and then when they die their children have to sell their life's work to pay a tax on income that has already been taxed. It is fundamentally wrong. This is a moral issue, not just a tax issue or an economic issue.

I urge my colleagues to vote to make the death tax repeal permanent. If the people who voted for the tax cut and if the people who voted for the sense-of-the-Senate resolution earlier this year are saying we ought to make the death tax repeal permanent voted for this amendment, we would succeed.

I urge my colleagues to take away this tax on farms, ranches, businesses, and dreams by making the repeal of the death tax permanent.

I yield 5 minutes to the Senator from Texas, Mrs. HUTCHISON.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, I thank the senior Senator from Texas for sponsoring this amendment. The Senate has passed the death tax repeal. We are trying to make it permanent. In fact, it was a year ago this month that we passed the bill that would provide urgently needed tax relief for Americans, but now we want to finish this job and make it permanent so people can plan for their futures.

Why is it important to permanently repeal this tax? Because it punishes people for saving. Everyone pays taxes on the money they earn, but then we all have a choice: We can spend the money or we can save it. Some may choose to take a vacation or buy a new car. There is nothing wrong with that. That is their choice. It is their money. But others will invest it for retirement, plow it into their family farm or ranch, or invest it in the family business, creating new jobs and keeping our economy going.

All of these people want to pass their savings to their children. In the end, they have put off enjoying the money they worked hard to earn in order to build a more secure future for their children.

There is an old saying that the key to wealth is not how much you earn but how much you do not spend. These people chose savings over consumption. This is something we should encourage and support, but with the death tax, when they die, the Government takes up to 55 percent of what they saved. This is wrong, and Americans know it.

Three out of four voters would like to see the estate tax eliminated. This overwhelming support exists because the American people understand this tax is unfair, inefficient, and bad policy. More important, the people of our country seek the American dream of improving their lives and the lives of their children, and they know this tax works against that.

People who want to keep the death tax argue that it only affects a small percentage of the population, but they miss the point. It is not a matter of how many are affected but whether it is right or wrong, and the death tax is clearly wrong.

I told a story a few years ago about the family of David Langford of San Antonio. It is not a story; it is true. Mr. Langford's mother passed away in 1993 and, as a result, he faced a tax liability of more than $400,000 because two of the ranches that had been in their family for over five generations had, of course, increased in value.

They had been in the family for over 100 years.

One happens to be in the hill country of Texas, which Texans know is one of the most beautiful parts of our State and the prices have gone out of sight.

In order to pay the taxes and keep the ranches for his family, Mr. Langford had to sell his mother's house, his own house, and many personal assets, as well as move into a small condominium and borrow $190,000. But that was not the end. The Langfords spent 5 years trying to reach an agreement with the IRS that would bring down the fair market value of the properties. They settled with the IRS for $415,000. The Langfords had spent $70,000 in attorney's fees associated with dealing with the IRS.

So in 2001, to cover the costs, Mr. Langford had to sell the condo and one of the farms in McMullen County, a ranch that had been in his family for five generations.

Now the Langfords wonder if they will be able to pass the Kendall County property, the other farm which has been in the family for seven generations, to his children. He jokes that if he dies in 2010 his family can keep the ranch, but they will not be able to keep it if he lives past 2010.

This is not a joke. This is a situation families across America will face. We must eliminate the death tax so that regular people, such as David Langford, can pass on their treasures from their families to their children. I think his family has more than paid their fair share to the U.S. Government, having to sell a farm that had been in the family for over 100 years.

Then there is Debbie Gillan, who struggled to keep her family's ranch after her uncle and father passed away, and now she wants to try to keep it for her two sons.

Afton Pumps employs 60 people in Houston, TX. It is a small family-owned business, but it does not generate enough cash to cover the potential death tax liability to make it to the next generation. In fact, it is said that less than 50 percent of family businesses can survive the second generation, and less than 20 percent the third generation.

I ask the Senator from Texas if I could have an additional 2 minutes?

Mr. GRAMM. I yield the Senator an additional 2 minutes.

The PRESIDING OFFICER. The Senator has an additional 2 minutes.

Mrs. HUTCHISON. If we are going to eliminate these family-owned businesses, it does not affect only the family, it also affects the people who work at places such as Afton Pumps because if they have to sell to pay for death taxes or they have to sell the property, there is a good chance those jobs are going to be eliminated, assuming they can sell it at all.

In fact, one of the really sad things is the death tax is really a tax on asset-heavy, low-producing properties because many times these heavy assets have to be sold. They have to be sold at fire sale prices so the true value is not gained from the property, and then one has to come up with the money to pay the inheritance tax. It really is not a fair tax. It affects a lot of regular people, people in a situation where something was purchased at very low cost, but they have built it or their families have built it. They have a right to keep it. It was earned with the hard labor of their family, and they should be able to pass it to their children.

I think this tax really came into being as extra income in time of war, but it was never repealed because the Government got hungry for more and more social programs. This is not a fair tax and we need to eliminate it so the people of our country can plan for their children's futures, so they will not have to do crazy things to try to protect property or businesses or assets that have been in their families for generations. This is not the American way.

I yield the floor.

Mr. REED. Mr. President, I yield myself 10 minutes of the opposition time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 10 minutes.

Mr. REED. Mr. President, this is a very auspicious moment in our history, not just this debate in the Senate but the fact that we are in the midst of a war with extraordinary demands, fiscal demands as well as demands of patriotism, on the country.

Yesterday we raised the debt limit. We are in a situation where there are efforts to fund worthy programs that are supported on both sides. First, of course, is national security, homeland defense, but also an educational proposal that the President championed. Yet at this time, we are considering the total repeal of the estate tax.

A great deal of the discussion is rhetorical. I think it is useful to point out some of the facts with respect to the estate tax. First, no estate less than $1 million is taxed at all today, which excludes the vast majority of Americans. In fact, if most Americans are asked what they are worried about at the end of their days, it is not the estate tax. It is paying for long-term care. It is affording a nursing home without having to sell their home or dig deeply into their savings. That is what most Americans worry about. They are not worried about the estate tax. Ninety-eight percent of estates pay no estate taxes at all.

In 1999, fewer than 49,000 out of 2.3 million estates—that is only 2.1 percent—paid any estate taxes whatsoever. This percentage is projected to drop as the exemption rises from $650,000 in 1999 to $3.5 million in the year 2009. Now, the estate tax repeal will benefit some Americans, very few Americans, and the wealthiest Americans. Estates larger than $5 million paid half of all estate taxes, and if we look at the 467 largest estates, worth at least $20 million, they paid nearly one-quarter of the estate taxes paid. So this is a benefit that will not be fairly shared by all Americans. It will be significantly shared by very wealthy Americans.

Now it should be pointed out, too, that no estate tax is paid if a spouse survives. That spouse does not have to pay estate taxes. Currently, as I indicated, an individual can pass along up to $1 million without estate taxes, and that increases to $3.5 million in the year 2009, and a couple can pass along twice that amount because of the spousal rules.

Furthermore, only a small fraction of taxable estates consisting primarily of family-owned small businesses or farm assets pay estate taxes. This is a topic that receives a lot of rhetorical attention, but the reality is this: In 1999, only 1.4 percent of taxable estates were farm estates, and only 1.1 percent were small businesses. There are already special provisions that are provided for these farms and for these small businesses, such as allowing additional sums to be bequeathed tax free and also deferring payments on taxes for up to 14 years.

Farm estates in 1999 pay only 0.7 percent of all Federal estate taxes collected, and so this is not a crisis of sweeping proportions that is engulfing every farm in America—only very few farms, very wealthy estates. Even among these family-owned farms and small businesses that might actually pay estate taxes, there is scant evidence the tax has a real impact on their operations; that, in fact, they have to sell the farm to pay the taxes or sell the small business to pay the taxes.

One thing that is important to note, a great deal of an estate is made up of unrealized capital gains. The deceased bought property 50 years ago very inexpensively. Today that property is worth a great deal. Under the current system, the heirs get that property with a stepped-up basis and so if they choose to sell the property after they have paid the estate tax or after they have been exempt from the estate tax, they really pay no capital gains whatsoever because significant portions of the property are unrealized capital gains on which no capital gains tax has ever been assessed against the property.

There is another argument that is made by proponents, and that argument is the fact that repealing of capital gains will stimulate economic growth in America, will increase savings, will increase our overall growth. A new report from the Joint Economic Committee and the Democratic staff points out that these claims are exaggerated at best.

Repeal would affect very few families and have very little impact on total capital accumulation in the United States. The tax is very small itself, relative to family net worth. The gross value of taxable estates comprised only 0.3 percent of the total net worth of the household sector, and the estate tax itself claimed less than 0.06 percent. That is what the estate tax claims in terms of the household sector of America. Repeal would have a small, uncertain effect on individuals' private saving. There is no real indication that saving will increase. In fact, it is likely or possible that consumption could increase as people took estimated estate tax payments and decided they were not due any longer under the proposed regime, they would be spent.

It is unclear whether this proposal will increase national saving. Without increased national saving, we will not have the kind of economic growth we want.

This repeal, if enacted, will dramatically and definitely affect the revenues going not just to the Federal Government but to State governments. The Joint Committee on Taxation estimates permanent repeal would cost, in 2012 alone, $56 billion. Others suggest that estimate is rather conservative. There would also be comparable losses at the State level. At a time when we are seeing a deficit situation in the United States, that deficit will be compounded by the loss of the estate tax. It will result in a decrease in public and national saving. As a result, we will not be stimulating the kind of growth we want, for many reasons, including the fact that the purported savings from compliance costs might not be realized either, since most estates, most investors, most people with property will continue, regardless of the estate tax, to plan for the disposition of their assets and engage legal counsel. The notion that we will save and streamline the cost of providing for the future is not substantiated by the reality of what people do every day.

Now, can we afford to repeal the estate tax? I don't think we can, particularly in a situation where we are seeing the cost likely in the second decade to balloon to $750 billion.

We are considering in the next few weeks legislation both sides support. First, a pharmaceutical benefit for seniors. Will that cost billions of dollars? Yes, it will. Where will that money come from? Right now, it is coming from the Social Security fund and Federal debt if we propose it and pass it. This will make our proposals much more difficult to enact and fund. It is easier to enact than to fund a pharmaceutical benefit. The Department of Defense is proposing a missile defense system supported by both sides. They are reluctant to tell us what the life cycle cost will be over 20 years. Why? Because those costs are likely to be in the hundreds of billions of dollars. Where do we get that money? We are in a deficit now. We will be in a worse situation if we pass the permanent repeal of the estate tax.

We have to recognize that each day we wake up, we encounter a new threat to our national security. Two days ago, the FBI announced they seized a terrorist who was plotting to detonate a radioactive device in the United States, causing us to ask fundamental questions: Are all of our university laboratories with isotopes fully protected? Are all of our reactors, academic and utility reactors, fully protected against theft? That is not an inconsequential cost, but it is a cost we cannot avoid. If we pass this, we will be in a more difficult position to meet those responsibilities.

I urge we reject this approach and adopt the approach suggested by Senator CONRAD that raises the exemption level, making it quite clear and obvious we are not going to penalize those smaller estates, we are not going to penalize the proverbial and somewhat, in many cases, elusive family farms that are threatened by this estate tax. I hope we can do that. I hope we reject this proposal and adopt the Conrad proposal.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I rise in opposition to the Gramm amendment, total repeal of the estate tax.

Just yesterday, the Senate responded to the President's request to increase the debt ceiling by $450 billion dollars. We are no longer retiring debt and reducing our indebtedness, we are increasing it. The surplus is gone. The President's own budget advisors project deficits for the foreseeable future. And yet, the President is calling on the Congress to permanently repeal a particular tax.

The cost of repealing the estate tax is not inconsiderable. The cost is $99 billion over the next 10 years. In the decade after, the repeal would cost $740 billion. How are we going to pay for this? How is this massive new cost going to be paid for? Are we going to run deeper deficits? Are we going to take it out of the Social Security trust fund? And if so is it wise to drain this fund at the precise time that the baby boom generation is expected to reach retirement age?

There is a war in case anyone has not noticed. It is going to cost money to wage it. And yet we are told that we must repeal the estate tax for the good of the country.

Every day we are getting reports that there will be cut backs on essential services. In places like DC, South Dakota, and many other States children's school days have been shortened. Summer school classes are being cancelled and after school programs are being cancelled. And yet there are those that think that the most important thing we can do as a country, an absolute priority that should prevail over all other priorities, is permanently repealing a tax that is payed by billionaires and multimillionaires.

At a time when we are trying to combat terrorism and we are struggling to educate our children and provide senior citizens with security in their retirement, when we are trying to maintain budget discipline that is so vitally important to our countries long term economic growth. People want to give, they do not want to take from their country at a time like this.

Rarely do Members of the Senate find themselves so short of anything to say. I find myself dumbfound by this suggestion that we totally repeal the estate tax. At other times I might have understood the motivation. Just a year ago, we were talking about close to $6 trillion in surplus over the next 10 years, and if this proposal were brought before the Senate I might have disagreed or objected to it, but perhaps a case could be made with $6 trillion of surplus, the days of a national debt behind us, annual deficits no longer a debate, no longer an issue. With $6 trillion of accumulated surplus, there might be room within that surplus for $740 billion of tax expenditures.

In light of everything that has occurred in the last year, I am truly dumbfounded that we would suggest today that this would even be a close vote. That we would be talking about removing from the wealth of our Nation over the next 20 years close to $800 billion to satisfy a tiny fraction—I mean a tiny fraction—of the American public in light of everything else that has occurred, is truly dumbfounding.

My State, the State that Senator LIEBERMAN and I represent, is often referred to as one of the most affluent States in America on a per capita income basis. One might think in this particular case that I was probably the recipient of a large volume of mail or e-mails, conversations, asking me to vote for the total repeal of an estate tax.

In light of the fact that the people who will benefit the most, the largest number of people as a percentage of the people, would come from the State I represent—I represent 3.5 million people in the State of Connecticut. Out of 3.5 million people whom I represent in the State of Connecticut, 980 people would actually have gross estates that would subject them to the estate tax as it is presently written. My colleagues are certainly aware, I hope the American public is, that we have essentially reformed the estate tax in this country to the point that it only now touches a very tiny percentage of the American public.

So here in one of the most affluent States in the United States on a per capita basis—the State I represent—with a population of 3.5 million people—there are only 980 estates that have gross incomes that would subject them to this tax.

When you factor in the exemptions—for spouses, who do not pay estate tax, for family-owned farms and businesses—the number in Connecticut comes down to 73—73. You start out with 980, but if you take in the exemptions that we have written in we are talking about 73 estates, in the wealthiest State in the Union. And the pricetag, over 20 years, is almost $800 billion.

Maybe people find the word "dumbfounding" to be a little harsh, but I do not know what other word you could use than that one, when you consider how much wealth they are going to remove when we need so much. Here we are, a year after the accumulation of great surpluses, already talking about a deficit this year in the neighborhood of $100 to $120 billion, maybe more before we are done.

Right now no one argues with those numbers. That is this year. The President has already announced there will be deficits in every year of his Presidency over the next 3. In fact, many suggest that deficits will now continue for at least 10 years.

So here we are back where we were at the beginning of the 1990s, building up that national debt with annual deficits. In the midst of all of that, 9–11, where we must now respond, as has been said so often by every Member of this Chamber, by the President and others, the world has changed for us fundamentally. It will never be the same again because of what happened on that date.

We are taking steps now, investing resources to make our country stronger, to see to it that we have better protections here at home and abroad. It is an expensive undertaking to do so. In the midst of this expensive undertaking—while simultaneously we also want to invest in the educational needs of our Nation, provide for prescription drug benefits, do what we can to make sure Social Security and Medicare will be there when people need them, invest in the transportation infrastructure which is critically important, a farm bill which we were told was absolutely essential, you go down the list of the things we know we need to invest in to make this country strong and viable—along comes a proposal that will take 3,500 estates in this country and allow them to get a tax break at the expense of everyone else in America. And the cost is roughly $99 billion in the first 10 years or so, and after that, according to the estimates I have seen, $740 billion. Add the two and the price tag is in the $800 billion range. I find it interesting that moments ago we had an opportunity to pass an amendment that would have provided relief to small family farms and businesses for a price tag that is substantially less than a full repeal, and yet many of the Senators who argue that they would like to provide estate tax relief to families and businesses voted no on the amendment.

I do not know how we can go home to our constituencies at a time like this, when we are worried about whether or not we are going to have an intelligence agency, a domestic policing operation, and a reorganization of Government. We are debating in these very hours how we are going to do that, knowing full well it will cost us dearly to do that right—seeing that we have defense structures, seeing that first responders have what they need, God forbid we have another tragedy like we did on September 11. And in the face of all that, I have to explain why it is we are going to provide a total repeal of a proposal—offered by Teddy Roosevelt, by the way. This was not an idea that came out of Franklin Roosevelt, it came out of his cousin, Theodore Roosevelt, the great Republican Progressive President, who argued an estate tax was not only a viable and intelligent revenue source but also had some social benefits.

I don't think it ought to go without mention that some of the wealthiest people in this country are arguing strongly against the Gramm amendment, strongly against the total repeal. People such as Warren Buffett, one of the brightest financial minds in this country, argued strongly against this. John Kluge, who built one of the great fortunes in this country, who was a wonderful genius, argued against this particular proposal. You go down the list. The Gates family argued against this proposal.

I have received five letters—five, out of 3.5 million people in my state, some of the most affluent constituents who are represented in this body at all—saying we ought to totally repeal the estate tax. Even the wealthiest people in this country, who would be the beneficiaries of this, are asking us not to do this. This is fiscally unwise. It is going to cost us dearly.

I was elected to this body 21 years ago. I remember what it was like in the early 1980s. I remember what David Stockman said after he left office. David Stockman, for those who have forgotten who he was, was the Director of the Office of Management and Budget under Ronald Reagan. He argued for significant tax cuts in the early 1980s. They passed, of course. We all know what economic havoc was caused during the 1980s when we had mounting deficits and a national debt that almost quadrupled in the space of 10 years. David Stockman, to his credit, wrote a book called "The Triumph Of Politics." I don't have it with me today, but I urge the younger generation to read it. Remember the admonition, if you want to avoid repeating mistakes, read a little bit about previous mistakes, study history. David Stockman recites chapter and verse about the mistakes made with a proposal we couldn't afford.

Pat Moynihan, then-chairman of the Finance Committee, argued for years that what was done was basically to manufacture a deficit. I suspect this is more about doing that than it is about providing tax relief; more about manufacturing a deficit, regardless of the consequences of that. Then, when people pay higher interest rates on their home mortgage rates, student loan rates, car payment rates, and everything else you can think of where an interest rate is involved, then that is considered irrelevant. If we can build up enough of a deficit, then we will not be able to invest in education, in health care. Forget about arguing whether or not we ought to do it, we will not be able to afford to do it.

I suspect that may be the motivation here and not providing a tax break for 980 of my constituents under the best of circumstances. I am told there are actually 73 estates, when you get through with all the exemptions, 73 estates that would actually be affected by this proposal.

I join with those who urge our colleagues today that, if we are reorganizing our Government differently to respond to what has happened here in the last year, if we have seen our surplus evaporate because of events that have occurred, investments we have had to make, if we must think differently about everything else we are doing, should we not pause and think differently about this? We should take steps to protect the family farms and small businesses from an estate tax that overreached, but just a few moments ago an amendment that would have done that was defeated. But what we are talking about now are just a handful of estates that would be asked to make contributions to our estate tax revenues. I urge Members to pause and think carefully here before committing our country to this kind of financial obligation, which we will spend years trying to recover from, in my view.

In the 1990s, of course, when we came up with a balanced budget proposal, there were those who predicted dire consequences. We saw a nation eliminate the national debt, eliminate the deficits. A lot of people can claim responsibility for participating in that result: certainly the private sector, the technology sector particularly; certainly Alan Greenspan, the Federal Reserve Chairman who managed the Federal Reserve Bank with such brilliance; certainly President Clinton for being the Chief Executive Officer of the country and promoting a balanced budget approach that carried the thinnest of margins in both this Chamber and the other.

Nonetheless, we found ourselves with a financial footing that people only dreamed about a decade earlier. What a great gift was given to this new administration. In fact, the President himself talked about it when he gave his State of the Union Message. In his first State of the Union Message, he spoke about why we are going to be doing the things we can do, it was because we had accumulated a sufficient surplus in this country. What a wonderful legacy it was going to be to invest in the things we needed to do.

Now, because the recession lasted longer, because of 9–11, obviously, because of an unwise tax cut last year that went into place, we now find ourselves in a situation where we are going to have deficits every year of this administration's duration, and we are going to compound that by taking $840 billion off the table over the next 20 years at a time when we could be investing that money to make this a stronger and better country—just to take care of a small handful of people.

What I would like to know is why are we not here talking about a tax cut that would say to working families, if you are sending your kid to college you ought to get some breaks on doing that, to make it easier for you to invest in your son's or daughter's educational future? Why aren't we talking about some relief there? Why aren't we talking about some relief from the FICA taxes for people? Here we are down here spending 6 hours debating whether or not 3,500 estates nationally, are going to get total repeal of an estate tax.

I think it is unwise. I don't think it is warranted at all.

I will end where I started. I am dumbfounded that this Chamber would even consider this proposal in light of the challenges, the risk, and the dangers we face as a nation—that we would make this kind of a judgment at a time when we are going to need all the resources we can provide for the well-being of our own people.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, while the Senator from Connecticut is here, let me respond to the concern, or his expression that he is dumbfounded that we would even be considering this amendment.

We passed this repeal already. I know the Senator from Connecticut didn't vote for it but a majority of us did—Democrats and Republicans. It passed in the House of Representatives, and the President signed it. This is not something extraordinarily odd that we are doing. This has already passed.

The problem, as the Senator knows, is that under the rule in which it was considered, everything we did in the tax reform bill sunsets at the end of 10 years. As a result, the repeal of the estate tax comes in 10 years. The question for those of us who helped pass this legislation—the majority in the House and Senate, and the President—is, Did we really mean to repeal the estate tax?

What I understand the Senator to be saying when he says he is dumbfounded is that at a time when he says we need the money, we would be making permanent that which we intended to make permanent but wouldn't make it permanent before.

I suppose it is a legitimate question, if he is saying we should revisit what we did before. I take it that is what he means. He just voted, as did the Senator from Rhode Island, who spoke earlier, for an amendment that costs more than the Gramm-Kyl amendment. The Dorgan amendment, according to the Joint Tax Committee's calculation, costs $110 billion in the 10 years, which is substantially higher than the Gramm-Kyl legislation.

I am a little confused about the point with respect to fiscal demand. There are fiscal demands. The ones mentioned by the Senator from Rhode Island—drug benefits, missile defense, and so on—are all in the Bush budget. Those are things we are paying for; they are provided for in the budget.

The budget was established on the basis that we had repealed the estate tax. The question was, Would it be made permanent? It is not as if great circumstances have changed. We do have the war on terror, that is true. I don't think any of us is going to deny that if we need to fund the war on terror, we will. We have already passed a supplemental appropriations bill to do exactly that.

It is odd to argue that the 1 percent of Federal revenues that are collected by the estate tax are critical to the functioning of the U.S. Government in light of the trillions of dollars that we spend—that somehow or other we can't get along without this so-called estate tax.

That is the real question. I think Senator GRAMM was right earlier when he said what it really boils down to is a philosophical debate between those who do not want to allow people to keep their own money but believe the Federal Government needs that money, on the one hand, and those of us who believe this is an unfair tax and the Federal Government can get along without the money.

There is another point. I have made it before. Most of us appreciate the fact that when we cut taxes, in the long run it actually improves the fiscal picture for the Government because more taxes are generated by a more vital economy. I cited yesterday the economists who made the case that reducing taxes will allow more job creation, more capital formation, and a better economy. In fact, there would be about $40 billion of growth in the economy if we were able to repeal the tax today.

The other point made was that very few estates pay the tax, that it is only for the rich.

This morning I read—and I will just briefly reiterate—who it is who pays the tax. Estates don't pay the tax, people pay the tax. Who are these people? This isn't the opinion of the Senator from Arizona, this is the IRS. They have the statistics on who actually pays.

In the most recent report entitled "Statistics Of Income Bulletins, Summer of 1999"—pages 72-76, if you want to look it up—here is what the IRS says. Here is who pays. It is divided between males and females. The largest group of filers of estate tax—27.7 percent—were men, administrators, upper management, and business owners. You could assume that. But the second biggest group—12.3 percent of filers—were schoolteachers, librarians, and guidance counselors. These are these filthy rich people from whom we have to take money—school guidance counselors, schoolteachers, and librarians.

How about the female estate tax filers? The largest number—14.3 percent—were educators.

If I were a member of the teachers union, I would be down here supporting the Gramm-Kyl amendment to make repeal of the death tax permanent because the largest group of women who file estate taxes are educators. These are the people who actually pay the estate tax. The first person who accumulated the wealth is dead. He hasn't paid the estate tax. His heirs paid the estate tax. Who are these people? Among women, the second largest group, of 9.6 percent, are in clerical and administrative support occupations.

When you put it all together, here is what the IRS says: A significant number of estate tax filers were scientists. We really ought to penalize those scientists. They do not do us any good. Salespeople, airline pilots, military officers, and mechanics. The last category I can understand—entertainers. Of course, we get a lot of money from entertainers. And we should. I don't know why they should be penalized any more than anyone else.

Scientists, sales people, airline pilots, military officers, mechanics, teachers, guidance counselors, and librarians are the people who pay the estate tax.

Maybe their dad was fortunate in life to be able to work hard, save money, and accumulate some wealth. But their dad's dream probably was that they would have a better opportunity in life than he did. He probably sacrificed a lot to be able to leave them some money.

These are the people we are penalizing. We are not penalizing, by and large, some fat cat out on a yacht somewhere. According to the IRS, we are penalizing schoolteachers, airline pilots, and guidance counselors. That is whom we are penalizing.

The Senator from Rhode Island made a point on which I really want to focus. He was absolutely half right. Unrealized capital gains, the appreciation in value of an asset which is not taxed as income, because you don't sell the property and, therefore, have to file an income tax return—you bought some stock, and over the years you keep it, and it gains in value, significantly unrealized capital gains. Until you sell it, you don't pay any tax.

Under the current law, a billionaire got rich by investing in some stock. He never sold any of it. It acquired great value. He dies. His wife inherits that. The way it works today is, because there is an exemption for spouses, she pays no estate tax on it. The next day, she sells it. Do you know what her capital gains tax is? Zero. Do you know why? Under current law, there is what we call a step-up in basis. That property acquires an original basis as if it were the day of death rather than 20 years ago when the dead person bought the asset. When it is sold, there is no gain because the value begins with this much higher value—the stepped-up basis. If you sell it the next day, there is essentially a 1-day gain on it. In other words, there is virtually no capital gains tax. That is the current law.

That is what opponents are defending. That is why I say the Senator from Rhode Island was right. This is wrong. But does the proposal of the Senator from North Dakota, which we will vote on next, do anything about that? No. Does the existing law, if we don't make it permanent, do anything about that? No. It is the Gramm-Kyl amendment that fixes that problem.

This is what isn't understood by many of our colleagues. We don't simply repeal the death tax. We substitute for the death tax the capital gains tax. And we eliminate the step-up in basis, except for an amount which would be equivalent to the exemption today, which is about $5.6 million. Nobody would pay a capital gains tax who would also be exempt from the estate tax.

But except for that amount of stepped-up basis, there is no step-up in basis. If the person who died and bought the stock years ago bought it for, let us say, $1,000, that is the original basis. Let us say it is now worth $1 billion. All right. Subtract $1,000 from $1 billion, and that is the gain. That is on what they pay the capital gains tax. This is the proper way to tax unrealized capital gains. That is why our proposal really does not cost that much more, if you calculate it properly, than the existing law.

When you eliminate the death tax and replace it with a capital gains tax, you have substituted good tax policy for the current bad tax policy.

Death should not be a taxable event. We do not plan on that. We do not like that. It is not something that we cause to happen. It is like having your house burn down and collecting an insurance payment. We don't treat that as ordinary income because we realize you did not want your house to burn down. Even though you got an insurance payment for it, you should not have to pay that tax on that as ordinary income.

It should be the same with what your father leaves you when he dies. You should not pay a death tax on that. What you should do is, when you sell that property, pay a capital gains tax on it, going back to its original value. That is how you tax unrealized capital gains.

Now, just two final points.

The Senator from Connecticut said only a small percentage of people are affected. That is not really true. There is truly a very large percentage of people affected, even though the number of people who actually pay the estate tax is relatively small.

Let's take the average small business. I don't know what the size of the average small business is, but let's say it employs 50 people, just to use a number. Let's say you have an average family of four, plus other indirect beneficiaries, and so on. So instead of saying one person pays the estate tax, it affects all of the members of the family, and it affects all of the people in the business. There are twice as many people adversely affected as to who actually pays the tax. And in addition to the tax collected by the Government, an almost equal amount of money is paid by people to lawyers and accountants and for insurance to try to minimize their estate tax liability. So it is actually twice as much as people believe it is.

I wonder. The bill that we considered before this bill had to do with hate crimes. Proponents of changing the hate crimes law acknowledged it affected a very few number of people. But the effect on them was significant, they said, and it was unfair that they would be treated as they were treated and, therefore, we needed to do something about this. In other words, this is a minority of people who are treated unfairly, and we need to have the Federal Government step in and do something about that.

So, on the one hand, my colleagues on the Democratic side of the aisle are very concerned about a very small number of people, but when we bring to the floor the question of the death tax and its unfairness: Oh, we don't need to worry about that; that only affects a few people. Well, when something is unfair, and seriously wrong, it doesn't matter how many people it affects; we need to do something about it.

The interesting thing to me is that 60 percent—this is a Gallup poll, and there are some polls that go up to 80 percent—at least 60 percent of the American people agree the death tax should be repealed—not reduced, not have the exclusions made larger, but should be repealed. And the interesting thing to me about that number is two-thirds of those people believe it should be repealed even though it will never have any affect on them.

In other words, they recognize it is not a large percentage of people who are adversely affected by the death tax directly, but they recognize it is unfair.

To me, that says more about the American people than just about anything I can think of, when they say: Even though you have more wealth than I do, it is not fair for the Government to take half of it from your kids when you die. Therefore, even though it doesn't help me any, I am going to stand up for your right to be treated fairly. And I support the permanent repeal of the death tax.

To me, that is a very good indication of the fact that the American people have a sense of fairness. And even though they are not directly benefitted by something, they are willing to support the elimination of that unfairness.

Final point. The suggestion we have already taken care of the small businesses and family farmers and, therefore, we don't need to permanently repeal the death tax. We have been through that in debate earlier today. We have not taken care of the small businesses and family farmers. Unfortunately, as I said, something like two one-hundredths of 1 percent of taxpayers have ever qualified for the exclusion that would take care of them under this provision. And even then, the IRS is going to come after you. And the IRS wins two-thirds of the cases that are brought. It is not a fact that small businesses and farms have been taken care of and excluded from the impact of the estate tax.

So who pays? Average Americans because the wealthier person, remember, died. And the question is, Is it fair to make them pay?

Do we need the money? The things that have been discussed are in the budget. We can always find more things to spend money on. The question is, Should you leave money in the hands of Americans who can build our economy, create jobs and wealth, or should we make the decisions for them by spending the money here in the Government?

I think it boils down to that, and when we have this vote, we are going to be asking one simple question: For those who voted for the bill last year to repeal the estate tax, did they mean it or not? If they meant what they said, they will vote for the Gramm-Kyl amendment, which is the real repeal. It makes the repeal of 1 year into a permanent repeal. That is what the American taxpayers and American people thought we did. It is what we intended to do. And today it is what we can do.

I urge my colleagues to support the Gramm-Kyl amendment.

I now yield 5 minutes to my colleague from the State of Arkansas.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I compliment my colleague from Arizona for his outstanding leadership on this issue. And he has been the leader on this.

I was struck by one statement the Senator from Arizona made in which he said the American people, according to all the polls—and we all know this—overwhelmingly support the elimination of the death tax, even though most of them realize they will never be impacted by it. It does say a lot about the American people. It also says an awful lot about the unfairness of this tax; that is, the underlying tax.

That is the basic issue at stake in the debate we are having. Is this the way we want to tax or not? It is not about whether or not we are going to lose money for the Federal Treasury or not. We may or may not. It is not about whether we can reduce the number of people impacted by this unfair tax by expanding exclusions and lowering rates.

It is fundamentally about, Is this the right kind of tax to impose on the American people? The American people realize and recognize it is unfair for a person, a small businessperson, a farmer, for any American to work decade after decade, saving and investing, making decisions that reward their family, building something for the future, building something for future generations—someone, a businessman, a farmer, an individual paying property taxes, paying sales taxes, paying income taxes, year after year, and decade after decade—and then, at the point of death, at the event of death, you see the Federal Government reach into the grave and take half of everything that person worked for. I think the American people, rightly, have concluded that is unfair.

As the Senator from Arizona also pointed out, the decision about the unfairness and about the need to eliminate this tax was already made. It was made by this body. It was made by the House. It was made by the President over a year ago—a year ago June 7. The decision was: It is unfair. Let's repeal it. Let's eliminate it.

Because of arcane Senate rules, it could not be permanently eliminated. We could not do that last year. But we can do that now. The decision then that it was the right thing to do to eliminate it—that was made last year—we need now to say we really meant that.

It has already been very rightly pointed out that this is not a tax that affects only a few. It is not just a few fat cats we are talking about. We are talking about literally millions of Americans.

According to the Treasury Department, more than 120,000 individuals filed death tax returns in the year 2000 alone. But that does not tell near the story because not only are there employees and family members who are impacted, but it is also the case that about twice as many people sell their businesses or sell their property early, before they die, so the death tax is not going to be a burden on their family. So instead of 120,000 individuals, you literally have doubled that, and suddenly you are talking about half a million people, plus their families and their employees who are impacted. This is not a tax that just touches a few people.

In addition, even more Americans are forced to pay this tax, not to the Federal Government, but to lawyers, to accountants, and to life insurance agents. Privately held businesses get involved in estate planning because if they don't, all they have worked for will be eliminated. To ignore the death tax statute is suicide for a family business.

Frankly, while the death tax is a terribly ineffective way to redistribute wealth, it is a very effective way to create and maintain an industry geared at avoidance.

This tax generates very little real income for the Federal Treasury. My colleague has already pointed out that the Gramm-Kyl amendment, because of the way it handles untaxed capital gains and the way it changes the step-up provisions in current law, any impact upon Federal revenues will be far more minimal than that which has been estimated.

In addition, the death tax is a very inefficient way of gaining Federal revenue, for 65 cents of every dollar gained is paid out in collection enforcement costs. Other studies have found not only are thousands of dollars going to attorneys and accountants and financial agents, but the average minority-owned business will spend nearly $28,000 a year on life insurance premiums to prepare for the death tax, and $9,000 on death tax planning.

Frankly, the 1.5 percent of Federal income that currently is generated by the death tax is so small that it would, to a great extent, offset the cost of administering and collecting and enforcing the tax.

Beyond all of that, I return to the point with which I began. There are the practicalities that it generates little income, and a whole avoidance industry has developed because of the estate tax.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. KYL. I yield the Senator 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HUTCHINSON. Beyond the practicalities, the underlying issue is, is it fair? Is it right? A bigger exemption does not solve the basic unfairness. A greater exclusion, lowering rates, none of that really deals with the underlying issue. It is an unfair tax. It taxes success. It taxes accomplishment. It taxes that which is the American dream. For that reason, we need to get rid of it.

We don't need a mirage for the American people. We need it to be real. We can make it real by supporting the Gramm-Kyl amendment.

I thank my colleague for the time and the opportunity to speak in favor of his amendment.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. CLINTON. Mr. President, I have a great deal of respect for my colleagues who are arguing this point with extraordinary vigor and zeal. I have no doubt they absolutely believe that the wealth tax is wrong and should be abolished.

We ought to take a step back and put this debate into a bit of a reality check again, since there has been a lot said on the floor which may be good argument points, good advocacy positions, but is not necessarily connected to the reality that we face today as we are about to vote on this decision.

I don't usually come to the floor and quote the Wall Street Journal, but I will today because if one were to look for a source that probably views this issue more favorably to the position of my colleagues, they probably couldn't find a publication that would be more inclined to support it. Certainly the editorial pages have done so, and there are columnists and others who make the argument.

I will enter into the RECORD a column that was written by one of the Wall Street Journal's leading writers, a gentleman by the name of Alan Murray, no friend of taxation, who wrote an article, dated May 28, 2002, entitled "Senate Needs Reality Check Before Refunding Estate Tax."

If one reads this, they will get a better context than the sort of disembodied one that occurs on the floor of the Senate where abstractions and generalities can be made for the sake of argument without really looking at what it is we are being asked to vote on.

Mr. Murray starts by saying:

> Marie Antoinette had nothing over the U.S. Senate. In its rush to permanently eliminate the estate tax, the nation's "deliberative body" has apparently forgotten to deliberate on the surging social trends of our time.

Mr. Murray goes on to make the following point:

> The last two decades have led to a concentration of wealth and income among the fortunate few in this country that hasn't been seen since the gilded age.

When was the estate tax first proposed and who proposed it? President Theodore Roosevelt, himself a product of the gilded age, who understood intuitively that our country, founded on principles of equality, could not afford to see vast disparities in wealth occur. Therefore, President Roosevelt, a Republican, proposed the estate tax, because he recognized the threat that greater and greater accumulation of wealth that separated the few from the many posed to our Nation.

Mr. Murray goes on to say that "the 10 most highly compensated corporate chief executives earned a total of $3.5 million in 1981," 21 years ago. You take the 10 top CEOs in America. Were they doing a good job in 1981? They were doing a good job. But now 21 years later, the 10 most highly compensated CEOs in our country make $155 million, almost 45 times the 1981 figure. Are they doing a job 45 times better than they did 20 years ago? The argument would be hard to make.

Secondly, we are currently in a situation where our market, the engine of economic growth, has been shaken by revelations about the behavior and conduct among these same highly paid corporate executives. We know, just to take one example, Mr. Skilling, the former CEO of Enron, would benefit to the tune of $55 million if the estate tax were repealed. How would that be paid for because the money is not fungible? If you do away with the estate tax, then you will have to eliminate or cut something. There are a lot of things that probably could be looked at to be cut. How about the Social Security tax payments of Americans? It would take 30,000 Americans earning $30,000 a year, paying their taxes, to make up for the $55 million that Mr. Skilling would benefit. I don't think that passes the fairness test. I don't think that is really the kind of choice we should be making in this body.

Third, as Mr. Murray points out, every single day we are told our Nation is at war. I believe that. I represent New York. We were attacked when America was attacked. I have spent more time than I ever wish to recall working and being with the victims of that horrific attack.

In the past, whenever our country has been at war, we have been called upon to sacrifice. Particularly, the affluent have been called upon to sacrifice because, as Theodore Roosevelt pointed out, you are so fortunate to live in America; there is not a place better devised in the entire history of the world to be successful, to become rich. And the rich, God bless all of us, they actually take more advantage of our system than anybody else. They are really lucky, fortunate, blessed to be in this country.

The inheritance tax was created to finance the wars of the 19th century. The notion of repealing it, when we are under constant threat, when we have to spend billions of dollars to protect ourselves in ways we never had to think about before, strikes me as bizarre. We have voted on the floor of the Senate for billions of dollars to protect our borders, our ports, our airports, our food, to be prepared against bioterrorism. I went to the White House this morning for the President's signing of the bioterrorism bill. It costs money to get the vaccines and do everything we need to do to protect ourselves and our children.

The idea that, instead of calling upon the most fortunate among us, we would at this point in our Nation's history, rather than reform, repeal the estate tax flies in the face of what we have historically done. Why aren't we on the floor of the Senate asking that we close the loophole for the corporations that take advantage of the good times of being in our Nation and move their headquarters offshore so they don't have to pay any taxes? Unlike everybody else who works for a living, they want to avoid taxation. Yet they are more than happy to take advantage of our country's protection, security, and markets.

What is wrong with this picture? Well, I agreed with Mr. Murray that we have to look at this and inject some reality into it. I have not even gotten to the budget deficit. Last year we had a budget surplus, and I listened to the debate and, honest to goodness, you can take transcripts from 1981 and put them right next to transcripts from 2002; it is the same rhetoric: slash the taxes and you will see more revenues coming in. That is what we were told in 1981. And in 12 years we quadrupled the debt of our Nation. Last year we were told again to slash taxes and we will have even greater surpluses. Now we are back into deficits, we are spending the Social Security surplus, and we are spending the Medicare trust fund surplus.

It is pretty hard to explain how we are in debt and in deficit and we want to make it even worse, which of course shifts the burden not on the rich but on everybody else. If we were going to be talking about repealing taxes, there are taxes that affect far more Americans and really have an impact on the kind of lives that Americans lead. We could make the expanded childcare tax credit permanent. We could make the new 10-percent tax bracket permanent. We could pass the college tuition tax deductibility, which would be a huge benefit for most Americans—particularly middle-income Americans.

Instead, we are debating the wealth tax. It is hard to understand why we are having this debate, except, with all due respect, my colleagues believe it is absolutely the most important issue we can be discussing at this time.

Now, to be sure, the uncertainty posed by the tax cuts that were passed last year is a problem. But the reason they were passed in the form that they were passed is because the numbers would not work any other way and we were hoping to defy the laws of arithmetic.

Many of us believe that raising the taxable limit is a good idea. We believe that reform is significantly possible without repeal. Responsible, affordable reform could save money, as well as continue both the principle and reality of providing a check on the kind of estates that Theodore Roosevelt and his relative Franklin Roosevelt warned us about.

If one looks at all of the issues that we are confronting right now, I just hope we are going to take a deep breath and stop and say: Circumstances have changed since last spring. We don't have a surplus anymore. We are back into deficits. We are bleeding red ink. We have been attacked on our own shores. We have to fund our defense. We have to make sure our men and women in uniform, who are fighting for us in Afghanistan and elsewhere, are given every single piece of equipment and new technology that they deserve. We have to make sure our frontline soldiers, our police officers, our firefighters, the first responders, get the resources they need.

And then we have longer term issues. We have all kinds of infrastructure problems we have to deal with that an individual cannot pay for on his or her own. We have to make sure our bridges and tunnels are safe.

In a few weeks, we are going to debate what to do with nuclear waste. There is going to be a big issue about the safety of transporting it on our barges, along our waterways, on our railcars, and on our trucks. I am getting letters from rural parts of my State saying their bridges are not in good shape. So how can we do that?

In our cities, our sewer systems and our wastewater treatment systems are not up to the kind of standards they should for ordinary treatment of waste and the provision of clean water, and now we have to worry about terrorism. So there is a list of pressing needs that will make us safer and stronger in the future. Repealing the estate tax is not on that list.

Let me also say a few words about who it actually affects. I know my colleague from Connecticut was on the floor because he looked at the same statistics that are available to all of us. As he pointed out, he has 73 filers who were affected by the estate tax. We hear a lot about what happens to family farms, and I looked for any evidence I could find, and I know the Farm Bureau was asked to provide such evidence of any farm, anywhere, that had been lost because of estate taxes.

Neil Harl, an Iowa State University economist, conducted that search and is quoted in an article in the New York Times last year. He said it is a myth. Since most farms in New York are worth less than a million dollars, even under the current law they are not going to have to pay estate taxes; and when we reform it and raise the limits, they certainly are not going to do so.

I talked to one farmer and he said: I dream for the chance to have a farm worth enough that anybody would think I had to pay the estate tax.

There is a lot of mythology and ideology that is being discussed in terms of the repeal of the estate tax, but I guess it really does come down to what are our priorities. If our priority is eliminating billions of dollars of tax obligations from the very richest people, then this is the vote for us. But if it is to protect our Nation's fiscal condition and get back on a path of fiscal responsibility, get back to where we are paying down our debt, not increasing the debt limit as was voted for yesterday, getting out of deficits, putting the money back into the Social Security trust fund, making sure we are prepared for the retirement of the baby boomers, dealing with health care, prescription drug benefits, the needs that both underinsured and uninsured people face to ensure they have health care when they need it, paying for that prescription drug benefit we promised our seniors, making sure we continue to fund our education policy so that we have the qualified teachers in every classroom, we have the equipment and the resources that every schoolchild deserves to have, then this vote is not for us.

There are a lot of priorities at which we have to be looking. Repealing the estate tax would cost about $100 billion this decade, but in the next decade when people like me are starting to retire, then we are looking at a cost of $740 billion. It is hard to imagine from where the money to provide for Social Security and Medicare will come.

The Jeff Skillings of the world and the other corporate executives who have a lot of money to start with—much more than any limit on the estate tax that we could imagine—why, they would be laughing all the way to the bank.

I know a lot of Americans think they fall under the estate tax, and I give credit to the repealers who have turned Teddy Roosevelt on his head, have ignored the manifesto signed by several hundred of our wealthiest Americans, people such as William Gates, David Rockefeller, George Soros. They all said: Don't repeal it; reform it, but don't repeal it; it is bad for our country. I heard Warren Buffett, one of America's richest businessmen, say: It is bad for my family. I had to go out and earn my money the old-fashioned way. I do not want the kind of idle rich that has never been part of the American scene. That is something we did not want to have, and we turned away from it.

The truth is, we do not have a death tax in America. There is no such thing as a death tax. People do not pay taxes at death. We have an estate tax, which is really a wealth tax that is based on people having a certain level of assets.

Currently, it is $1 million. Many of us want to increase it significantly. At the present time, it affects less than 2 percent of the estates in our country. If we raised it to $3 million for an individual and $6 million for a couple and then in 2009 took it to $3.5 million for an individual and $7 million for a couple, we would have three-tenths of 1 percent of estates subjected to any tax.

I also support setting a maximum rate of 50 percent. Then we really would be aiming at the Gateses and the Soroses and the Rockefellers and the people who have inherited a lot of wealth with an estate tax, and they still would have tens of millions of dollars.

Mr. President, I thank my colleagues for the opportunity to speak. I ask unanimous consent that the Wall Street Journal and New York Times articles to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 28, 2002]

Senate Needs Reality Check Before Refunding Estate Tax

(By Alan Murray)

Marie Antoinette had nothing over the U.S. Senate. In its rush to permanently eliminate the estate tax, the nation's "deliberative body" has apparently forgotten to deliberate on the surging social trends of our time.

So let me provide a refresher course:

(1) The past two decades have led to a concentration of wealth and income among the fortunate few in this country that hasn't been seen since the gilded age. Kevin Phillips, whose new book "Wealth and Democracy" puts all this in a historical context that should chill the spines of senators preparing to vote "yes," notes that the top 10 most highly compensated corporate chief executives earned a total of $3.5 million in 1981. That rose to $155 million in 2001—almost 45 times the 1981 figure.

(2) The nation is now experiencing a crisis of confidence in these same highly paid corporate executives. Americans tolerated sky-high CEO pay because they thought it reflected the market value of talented managers—just as Michael Jordan's pay reflected his draw at the box office. But recently, the public has gotten graphic evidence that, in some cases at least, CEO compensation had more to do with greed, deception and even downright fraud. The proliferation of stock options, which accounts for most of the huge increase, was supposed to align the interests of corporate managers with those of the shareholders. It did, it seems, but in the wrong direction. Instead of working to make shareholders rich, some executives were manipulating their shareholders in order to make themselves rich.

(3) The nation is at war. And in this country, wars always have been times of sacrifice, particularly among the affluent. The inheritance tax was created to finance the wars of the 19th century. The notion of singling it out for elimination in the midst of the current effort goes against more than 150 years of American history.

Notice that I haven't mentioned the budget deficit. That's because on this score, at least, the Senate deserves some credit. They are talking about singling out the estate tax, at a cost of $99 billion from 2002 to 2012, in order to avoid the whopping $373 billion price tag of the House bill that would make all the provision in the president's tax cut permanent.

But in making this choice, the Senate should justify it. Why deepen the deficit to pay for permanent repeal of the estate tax, if you aren't willing to pay for permanent repeal of marriage tax relief ($16 billion), a permanent extension of the new 10% tax bracket ($79 billion), an expanded child tax credit ($35 billion), or various forms of assistance to people trying to pay the high cost of higher education ($5 billion)? All those tax cuts go to ordinary Americans struggling to raise families and educate their kids.

The Senate's answer? Let them eat cake.

This is not a partisan matter. If estate-tax repeal didn't have substantial support among Democratic Senators, it wouldn't have a chance, given the need for 60 votes to overcome a filibuster. There are already eight or nine Democrats, including Senate Finance Committee Chairman Max Baucus, who have indicated their support. Estate-tax lobbying groups are working fervently over the holiday to win a few more.

Also, this isn't an ideological matter. The House Republicans are the ideologues; they'll vote for any tax cut that comes down the pike. Senators, in their pragmatism, bear the burden of explaining why they have chosen this tax cut above all others.

To be sure, the estate tax cut enacted by Congress last year is, in its current form, an atrocity. It would repeal the tax for one year at the end of the decade, and then, to satisfy Senate budget rules, reinstate it in 2011. This would lead to some ghoulish estate planning, creating an incentive for heirs to keep dad alive until 2010, and then pull the plug by New Year's Eve.

But that is hardly a good argument for permanent repeal. Nor is the oft-heard refrain that this helps farmers and small-business people who want to keep their enterprises in the family. Those folks account for less than 10% of total estate-tax revenue, and could be accommodated with measures falling far short of total repeal.

The only good news here is that Senate Majority Leader Tom Daschle still has a good chance of holding enough of the Democrats to keep the measure from getting 60 votes. If he succeeds, he'll be accused, again, of obstructionism. But this time, he'll be saving Senators of both parties from excessive catering to big campaign contributors, and from putting themselves squarely on the wrong side of history.

[From the New York Times]

Focus on Farms Masks Estates Tax Confusion

(By David Cay Johnston)

Wellsburg, Iowa.—Harlyn Riekena worried that his success would cost him when he died. Thirty-seven years ago he quit teaching to farm and over the years bought more and more of the rich black soil here in central Iowa. Now he and his wife, Karen, own 950 gently rolling acres planted in soybeans and corn.

The farmland alone is worth more than $2.5 million, and so Mr. Riekena, 61, fretted that estate taxes would take a big chunk of his three grown daughters' inheritance.

That might seem a reasonable assumption, what with all the talk in Washington about the need to repeal the estate tax to save the family farm. "To keep farms in the family, we are going to get rid of the death tax," President Bush vowed a month ago; he and many others have made the point repeatedly.

But in fact the Riekenas will owe nothing in estate taxes. Almost no working farmers do, according to data from an Internal Revenue Service analysis of 1999 returns that has not yet been published.

Neil Harl, an Iowa State University economist whose tax advice has made him a household name among Midwest farmers, said he had searched far and wide but had never found a farm lost because of estate taxes. "It's a myth," he said.

Even one of the leading advocates for repeal of estate taxes, the American Farm Bureau Federation, said it could not cite a single example of a farm lost because of estate taxes.

The estate tax does, of course, have a bite. But the reality of that bite is different from the mythology, in which family farmers have become icons for the campaign to abolish the tax. In fact, the overwhelming majority of beneficiaries are the heirs of people who made their fortunes through their businesses and investments in securities and real estate.

The effort to end the estate tax—which critics call the death tax—gained ground when the House of Representatives voted Wednesday to reduce the tax and then abolish it in 2011. The bill faces an uncertain fate in the Senate.

The estate tax is central in the debate over taxes, not only because the sums involved are huge but also because to both sides it is a touchstone of national values. To those seeking to abolish it, the estate tax is a penalty for success, an abomination that blocks the deeply human desire to leave a life's work as a legacy for the children. It is also a complicated burden that enriches the lawyers, accountants and life insurance companies that help people reduce their tax bills.

To its supporters, on the other hand, the estate tax is a symbol of American equality, a mechanism to democratize society and to encourage economic success based on merit rather than birthright.

Yet for all the passion in the debate, the estate tax does not always seem broadly understood.

While 17 percent of Americans in a recent Gallup survey think they will owe estate taxes, in fact only the richest 2 percent of Americans do. That amounted to 49,870 Americans in 1999. And nearly half the estate tax is paid by the 3,000 or so people who each year leave taxable estates of more than $5 million.

In fact, the primary beneficiaries of the move to abolish the estate tax look less like the Riekenas and more like Frank A. Blethen, a Seattle newspaper publisher whose family owns eight newspapers worth perhaps a billion dollars.

"Being ever bloodthirsty, the I.R.S. will start with the highest value it can on my estate," said Mr. Blethen, the 55-year-old patriarch of the publishing family. The figures for his share will probably be several hundred million dollars, more than half of which would go to the government. Mr. Blethen is trying to avoid almost all those taxes through a plan also used by other wealthy families, but if he does not succeed his sons' interest in the business will be wiped out, he said.

Estate taxes are paid by few Americans because they are not assessed on the first $1.35 million of net worth left by a couple. Amounts above this are taxed at rates that begin at 43 percent and rise to 55 percent on amounts greater than $3 million. As the Riekenas and the Blethens have learned, there are many legal ways to reduce the value of one's wealth for estate tax purposes. So even for the largest estates, the tax averages 25 percent.

Family farmers are often cited as victims. As Senator Charles E. Grassley, an Iowa hog farmer and chairman of the Senate Finance Committee, put it, "The product of a life's work leaches away like seeds in poor soil."

Yet tax return data show that very few farmers pay estate taxes. Only 6,216 taxable estates in 1999 included any agricultural land and equipment, the I.R.S. report shows. The average value of these farm assets was $440,000, only about a third of the amount that any married couple could leave untaxed to heirs. What is more, a farm couple can pass $4.1 million untaxed, so long as the heirs continue farming for 10 years.

In Iowa, the average farm has a net worth of $1.2 million. Loyd A. Brown, president of Hertz Farm Management in Iowa, which runs more than 400 farms in 10 states, said that while he didn't know of anyone who had lost a farm because of the estate tax, he thought Congress should either eliminate the tax or increase the amount that could be inherited untaxed.

Just 1,222 estates in 1999 had enough in farm assets to make the farm property alone subject to estate taxes. But these farm assets amounted to one-tenth of these estates, suggesting that the tax applies mostly to gentleman farmers and ranchers, rather than to working farmers like the Riekenas, whose fortunes are tied up in their farms.

As the Riekenas were surprised to discover, avoiding the estate tax was easy. Their lawyer developed a simple plan that involved making gifts to their daughters and buying life insurance to offset any estate taxes that might be due if the parents died before most of the farm had been turned over to their daughters.

There is a real cost, of course—payments to the lawyer and for the insurance. And in any case the paucity of affected farmers does not end the debate. Patricia A. Wolff, the Farm Bureau's chief lobbyist, said the organization made estate tax repeal its top priority because, while it has not surveyed its members, she was confident "the majority of farmers and ranchers believe that death taxes are wrong and that it is wrong to tax people twice on what they earn."

But Mr. Riekena and all two dozen other farmers interviewed across central Iowa—every one a Republican—said that while they favored increasing the amount that could be passed to heirs untaxed, they did not support the repeal proposed by President Bush and other leaders of his party. A few snickered or laughed when asked whether the estate tax should be repealed to save the family farm.

But Senator Grassley himself opposes the estate tax, in large part because he thinks that while a decision to keep or sell an asset is an appropriate trigger for a tax, death should not be.

He added another reason: "I do not think that the function of government is to redistribute wealth."

Indeed, that seems to be the fault line in the debate: should the government play Robin Hood with estates?

"If you worked hard and put your money away, you paid tax on it as you went along, so it's yours and you should be able to pass it on to your children without the government penalizing you," said R. Elaine Gunland, who grows grapes in Fresno, Calif., and whose family may owe estate taxes when she dies.

Mr. Blethen, the fourth-generation publisher of a newspaper started in 1896 with $3,000, says he speaks for many others in supporting repeal of the tax in the name of preserving family businesses.

"I firmly believe that family-owned businesses are the heart and soul of the country," said Mr. Blethen, who has created a Web site called deathtax.com.

Mr. Blethen says the estate tax benefits publicly traded companies at the expense of family-owned businesses. The reason is that the public companies can often buy family businesses at a discount because the owners did not raise the cash to pay estate taxes and must sell quickly at fire sale prices.

Mr. Blethen said some of the seven smaller papers his family bought in Washington and Maine came from families that had not planned carefully for the estate tax and decided it was easier to cash out.

"If you like corporate culture, and think America needs more of it, then you love the estate tax," Mr. Blethen said. "I think this march toward corporatism is not healthy and we lost innovation, jobs and charitable giving."

Mr. Blethen said the estate tax also discouraged major new investments in family businesses late in the life of the primary owner because such investments consumed cash that might be needed at any time to pay estate taxes.

He said the estate tax also "forces you into irresponsible gift making" to heirs. He felt compelled to give half the future growth of his fortune to his two sons when they were not yet kindergartners even though he had no way of telling whether the boys would turn out to be industrious, as they did, or scalawags.

Despite his fierce opposition to the estate tax, Mr. Blethen does not support President Bush's current plan to repeal the tax because it would also exempt from capital gains taxes the profits on assets passed to heirs when those assets are sold. "That's not fair," Mr. Blethen said.

He said Mr. Bush's proposal would have the perverse effect of encouraging the sale of family-owned businesses, because heirs would see death as their chance to sell tax-free and to diversify their portfolios, instead of continuing to bear the risks of holding a single enterprise.

Mr. Blethen thinks that rather than taxing an estate, taxes should apply when a business is sold. "YOu want to defer those capital gains and let them grow so large that the family will keep the business to avoid the capital gains taxes," he said.

The debate does not divide neatly among rich and poor. Since February more than 800 wealthy Americans have joined in a public appeal to keep the estate tax. They argue that repealing the tax would further enrich the wealthiest Americans and hurt struggling families. They also argue that financial success should be based on merit rather than on inheritance.

Warren E. Buffett, George Soros, Paul Newman and William H. Gates Sr., father of Microsoft's chairman, William H. Gates III, are among the most prominent in that group, which also includes many people with holdings of just a million dollars.

Mr. Buffett said the estate tax fosters economic growth by encouraging Americans to rise based on merit, not inheritance. "If you take the C.E.O.'s of the Fortune 500," he said in an interview, "and put in the eldest son of every one of those who ran the place in 1975, the American economy would not run as well as letting the Jack Welches, who started out with nothing, rise to the top of General Electric."

Back in central Iowa, Mr. Riekena had another reason. He said Washington was focused on the wrong issue when it came to saving family farms.

"For most farmers around here, the estate tax is not high in their minds," Mr. Riekena said. "What we need are better crop prices."

Mrs. CLINTON. Mr. President, rather than one day raising the debt limit without any plan to get us out of debt, except continuing to believe in the god of supply-side economics, which did not work so well 20 years ago, and instead of repealing the wealth tax without any plan for dealing with our problems, like a war and Social Security and other significant issues we confront, I hope we will opt for the more responsible way of reforming the estate tax and make it clear that the reality check in this body demonstrates clearly we cannot afford it. It would be the wrong decision, and we have other priorities that we need to get about the business of addressing. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. KYL. Mr. President, before yielding, I ask unanimous consent to have printed in the RECORD two editorials from the Wall Street Journal, dated June 10, 2002, and February 22, 2001, both of which demonstrate support for the permanent repeal of the death tax.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 10, 2002]

THE DEATH TAX SENATORS

We are about to find out how many of the 12 Senate Democrats who voted for tax cuts last year really meant it. They'll get the chance to provide their sincerity when the Senate takes up a vote to make repeal of the death tax permanent, perhaps this month. Last Thursday, 41 of their Democratic counterparts in the House joined the 256–171 vote to make this punitive tax disappear forever.

Majority Leader Tom Daschle first tried to forestall a Senate vote, because he knows a clear majority favors passage there too. But he was forced to give in recently in return for some concessions on the energy bill. So now he's trying to hold off Senate passage with a filibuster that requires 60 votes before it can get to President Bush's desk. Supporters of permanent repeal figure they have at least 58 votes, and Mr. Daschle has been twisting arms to block what is the will of many even within his own party.

Almost every Republican voted for repeal the first time around, though Vim Jeffords has since sold his vote for dairy subsidies. Liberal Rhode Island Republican Lincoln Chafee, is also in doubt, as is John McCain, who voted against President Bush's original tax cut and moves further left by the month; maybe the Arizonan should consider truth-in-advertising and jump to Team Daschle.

The complete gang of 12 Democrats who voted for the tax cut last year is listed in the table nearby. Six are up for re-election this November, and to their credit three of those running have already said they'll vote for repeal. It's probably no coincidence that all three are running in conservative states carried by Mr. Bush in 2000 and all of them face more than token competition this year.

Two others running in November, New Jersey's Bob Torricelli and Louisiana's Mary Landrieu, have already flip-flopped and announced intentions to vote against permanent repeal. Their excuse is that things are different now that the country is facing budget deficits and wartime expenses. But it's far more likely that they've changed because their re-election opposition has since all but collapsed. Mr. Torricelli was especially fond of just about any tax cut in his taxophobic state, until Justice declined to indict him for accepting illegal gifts and he concluded the New Jersey GOP couldn't muster serious opposition.

One vote still in the balance is Missouri's Jean Carnahan. She faces a strong challenge this fall from Republican Jim Talent, who has made the death tax a central issue in his campaign. She's doing a remarkable dodge and weave, claiming to favor repeal for small businesses and farms but she is undecided on the repeal that passed the House. Sounds to us as if she's waiting for orders from Mr. Daschle; if he doesn't need her for his filibuster, he'll give her a pass to vote yes and remove the issue for November.

One virtue of this death-tax debate is that is reveals what's really at stake in this November's Senate races. If Mr. Daschle retains his Democratic majority, further tax cutting is dead. But if Republicans pick up a mere one seat, for a 50-50 split, they'll be able to organize the Senate with the help of Vice President Cheney's vote and tax-cutting becomes possible again.

Mr. Daschle gave his Bush-state Democrats a tax-cut pass last year, but the perversity of Senate budget rules meant the tax cuts end after 10 years. This is crazy tax policy, since it increases uncertainty and would amount to the largest tax increase in history in 2010 if the law isn't changed.

It is absolutely insane in the case of the estate-tax repeal; the death tax declines slowly over the next seven years, disappears entirely in 2009, but then snaps back to its confiscatory 55% pre-Bush rate on January 1, 2010. So forget about rational estate planning. Far from the tax on the uberrich that Dems claim it is, only 5,200 of the 116,500 tax returns filed in 1999 were for estates worth more than $5 million. In any case, the main argument for repealing the death tax isn't economic, but moral. It's unjust for the government to double tax away, at death, the fruits of a life of work and thrift.

The death-tax repeal vote is also about truth in politics. A year ago these Senators voted to repeal the death tax, but only with a wink and an asterisk that it would all come back after 10 years. No wonder voters are cynical about politicians. The next death tax vote will separate the cynical from the sincere.

THE GANG OF 12

A dozen Democratic Senators voted last year for the temporary repeal of the death tax.

Against

John Breaux (La.)
*Mary Landrieu (La.)
*Robert Torricelli (N.J.)

For

*Max Baucus (Mont.)
*Max Cleland (Ga.)
Dianne Feinstein (Calif.)
*Tim Johnson (S.D.)
Herb Kohl (Wis.)
Blanche Lincoln (Ark.)
Ben Nelson (Neb.)
Zell Miller (Ga.)

Undecided

*Jean Carnahan (Mo.)

*Up for re-election this year

[From the Wall Street Journal, Feb. 22, 2001]

A TAX ON VIRTUE

Maybe you have to be a billionaire to appreciate the argument for keeping the estate tax.

A newspaper ad signed by Bill Gates Sr., George Soros, David Rockefeller and more than 200 other money-bags has just warned that repealing the estate tax "would have a devastating impact on public charities." We live in strange times indeed when the ethical case for keeping a tax rests upon a collection of fat cats talking about the things they will do to avoid paying it.

Of course, they don't really have an economic argument. Anyone who looks at the numbers knows that the death tax amounts to only about 1% of all federal revenues. But that figure doesn't begin to get at the actual and opportunity costs involved in collecting it. When the Joint Committee on Taxation looked into the issue two years back, it found these costs staggering: punishing savings, encouraging consumption and costing almost as much in compliance as it takes in.

What about the moral argument? Everyone knows about sin taxes—taxes on cigarettes, alcohol, etc. Well, a death tax is a tax on virtue. It's tax on those who've worked hard, saved well and in most cases have already paid taxes on their wealth at least once and probably twice.

It is also responsible for a whole tax-avoidance industry, which takes in millions itself from the 200 well-heeled individuals in Sunday's ad. Put simply, if you really are rich enough you can have your cake and pass it along to your heirs too. But if you can't afford to pay the legions of estate lawyers, trust fund accountants and life insurance underwriters, your heirs will be forced to sell off what you've worked so hard to build up to pay off the IRS man waiting outside your funeral for his take.

So if the death tax really isn't all that significant for the government, why the opposition to getting rid of it? the answer is that the death tax was never about money. It is about envy and the corrosive philosophy it feeds. This is the philosophy Senator Tom Daschle invokes when he talks about Americans in terms of those whose tax cuts will let them buy a Lexus and those who supposedly will get no more than a muffler. The death tax is their favorite, the name of the game being to stoke the flames of resentment among the 98% of Americans who don't pay this tax against the 2% who do.

Their problem is that the public isn't buying. No matter how they are worded, polls show Americans instinctively understand there is something rotten about a government that would confiscate half of what you've worked hard to build up. This month a McLaughlin & Associates poll reported 88.5% of Americans saying the death tax is unfair, and nearly as many favoring its abolition. A Zogby/O'Leary report clocked in with 86% declaring the tax is unfair. A Portrait of America survey from last July even had 59% of Gore supporters wanting the tax killed. Given that the vast majority of Americans know that the death tax won't affect them personally, opposition to the tax is a pretty strong statement about ideas of fairness and morality.

Within the Bush Administration there are murmurs about giving up on abolishing the estate tax in the hopes of getting the President's other cuts through, and there have already been some defections in the GOP ranks. This would be a grave miscalculation. In his acceptance speech in Philadelphia in August, George W. Bush said that his own position was based on the "principle" that "every family, every farmer and small businessperson should be free to pass on their life's work to those they love." In the next breath Mr. Bush stated that "on principle" he also couldn't see why anyone "in America should have to pay more than a third of their income to the federal government."

These are good, sturdy principles for President Bush to stand on. In the election one of the defining differences between George Bush and Al Gore was that the former understood you don't make poor people better off by making rich people poorer. You help poor people by giving them a stake in the system that makes rich people wealthy. In the past only the wealthiest Americans have really been in a position to give their children and grandchildren advantages by transferring wealth. But a booming stock market and the growth of 401k plans means that American families of even modest incomes might leave a legacy for their children. Billionaires might not understand this, but ordinary Americans clearly do.

Within this context the death tax should be seen for what it really is: the flag of convenience for the Beltway's class warfare brigade. They know all too well that if they can't sell envy on an inheritance tax, they can't sell it at all. The real danger for the President is a halfway measure that would deprive him of victory and foster a reputation as a tinkerer rather than a reformer. "The only way to eliminate the unfairness of the death tax," says Rep. Jennifer Dunn, sponsor of last year's legislation, "is to end it once and for all."

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, let me make a couple comments before the Senator from New York leaves. We passed legislation recently to help the victims of terrorism, including New York City and Oklahoma City, and we reduced their estate tax. I think we exempted estates basically under $8 million and said if they have an estate over $8 million, it would be 18 to 20 percent which, in my opinion, is what the maximum death tax should be.

I heard my colleague say there is not a taxable event on death. I happen to disagree. If someone dies, it is a taxable event under current code. Some of us are trying to say a taxable event should not be when somebody dies, but when the assets are sold and sold voluntarily, that means the people initiated a transaction and know what the tax will be.

Current law is when someone dies, it is a taxable event. They tax the estate up to 50 percent. My colleagues want to exempt estates of $3 million or $4 million, maybe $7 million if it is a couple and they both die at the same time, but we want half of it after that. The Conrad amendment is not 50 percent, it is 55 percent, if you have a taxable estate between $10 million and $17 million.

Fifty-five percent is over half; 50 percent is half. That is a lot. Why should the Federal Government be entitled to take half of somebody's property if they happen to have an estate of $20 million?

How is it right to say to New York City and Oklahoma City—your tax rates should be 20 percent for victims, but everybody else has to pay 50 percent? If somebody has three or four restaurants or they have a very large ranch or a nice successful real estate business they are building and growing and their kids want to continue it and we fail to pass the Gramm amendment, we are basically saying that a tax $3 million is enough and maybe $7 million if combined. We are asking the Federal Government to come in and take half. This family exclusion proposal, which was not adopted earlier, would not work.

I am embarrassed for my colleagues to say they believe in free enterprise but free enterprise up to an estate of $3 million, and above that the Federal Government gets half; that the Federal Government should confiscate half the property because somebody passes away.

We are saying: No, let's not have a taxable event at death; rather, let's have a taxable event when the property is sold. And when the property is sold, you pay the 20 percent capital gains tax. This eliminates lots of legal time and expenses trying to avoid this unnecessary tax.

Somebody said: What about the Rockefellers? They do not pay the taxes; they set up foundations. That is what Mr. Gates is doing. That is what the very wealthy people do. They do not pay this tax. The people who pay it are the people who have the farm, the ranch, the small business and somebody dies unexpectedly—I know because it happened to my dad—and Government comes in and says: We want half.

Unfortunately, if we adopt the Conrad amendment, the Government will continue taking half. I think it is unconscionable. We should reduce the rates, not just increase the exemption. This only applies to 1 or 2 percent. We should cut the rates to 20 percent, cut it to a voluntary transaction, cut it to a capital gain. Then we have solved the problem; we have eliminated the problem.

This is a terrible tax and it is unfair. We are making countless thousands of people not grow their business, not expand because they know they are going to be compiling problems for the future. Why build and expand if you are going to be giving half to the Government and maybe causing all kinds of litigation for your children? Why double, why build, why expand, why grow? I know many people who have worked hard to made enough to get along and live a comfortable life. This tax should not ruin these years of hard work.

We should change this tax, and do it by adopting the Gramm-Kyl-Nickles amendment. I encourage my colleagues to vote in favor of this amendment and oppose increasing the exemption and then sock it to them and have the Federal Government take half the estate if it happens to be over this deductible amount.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to support permanent repeal of the estate tax. Permanent repeal of the estate tax will help boost Montana's economy and will help boost America's economy, create jobs, and protect the heritage of our farmers and ranchers.

As chairman of the Senate Finance Committee, I was proud to help write last year's tax cut, which included a number of good changes to the estate tax, including increasing the unified tax credit and restructuring the rates.

Now it is time to go further. As the law currently stands, the estate tax will be fully repealed in 2010.

It will return to 2001 levels the next year, 2011. Let us use some common sense. Estate tax is a prime example of a tax that dampens efforts to create more jobs in Montana and across the country, and that is what this is all about, creating more jobs.

My State is a small business State, an agricultural State, a State of family-owned farms and ranches, a place where main street businesses are still family owned. It is important to Montanans to be able to pass on their businesses, their farms, their ranches, to their sons and to their daughters.

I support the Gramm-Kyl amendment to eliminate the sunset of the estate tax, to permanently repeal the estate tax, to free up money to help families, family-owned businesses, farms, and ranches. Permanent repeal of the estate tax will allow families to better plan particularly for the continuity of their estates.

Our family-owned businesses, farms, and ranches are the backbone of my State. I do not know another State that is a more small business State than mine. It is also the backbone of America, I might add—small business.

Family-owned businesses are our country's heritage, and it is up to us to protect that heritage. Full, permanent repeal is the right thing to do for our farmers, for our ranchers, for hard-working small business owners. It is the right thing to do for the Nation, and most certainly permanent repeal is the right thing to do for Montana.

I urge the Senate to support permanent repeal of the estate tax for this generation and generations to come.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, on the two previous amendments, we have afforded the authors of the amendments the ability to close the debate. We would like to preserve that right for ourselves in this debate on our amendment. So what I would like to do is to ask those on the other side who want to come and speak to do it, so we can take our remaining time to use at the end to close out the debate.

There is no rule that says it has to be done that way, but when we closed out the debate on the Dorgan amendment, he had the last 11 minutes. When we concluded the debate on the amendment of the senior Senator from North Dakota, he closed out that debate. So if we could do it that way, we would like to do it. It seems reasonable to us. If anybody objects, obviously we can talk about an alternative.

Mr. GRASSLEY. Mr. President, as you know, for as long as I have been in Congress, my belief is that no American family should be forced to pay over half of their savings, their business, or their family farm in taxes when they die. No taxpayer should be visited by the undertaker and the tax collector at the same time.

With the President's support we have helped those families we care about, this Senate voted by a wide majority to help those families who are being crushed under the expensive responsibilities of estate tax planning and estate taxes. I have heard the concerns of the people in Iowa and the American people, and this Congress voted to repeal the "death tax."

Now, the Democrat leadership wants to take that all away. Once again they want to take more then half of a family's assets because someone has died. The Democrat leaders just want to spend your money. Well, folks, that is not right. Death is not a taxable event.

We have the chance today to make death tax repeal permanent. We have heard from the brave men and women who fought World War II, they fought for democracy and then came home to help fuel the economy that created this wealth. They are dying by the thousands everyday, now they want the death tax to die forever. That means for the first time, American taxpayers, who are good Americans, who saved and invested in savings accounts and stocks and bonds will be treated equally with all other taxpayers. It means, that for the first time, American farm families and the owners of small businesses will not have to jump through hoops, hold their breath, and pray they did it right, subject to audit, in order to know they will not have to pay death tax.

Last year we repealed the death tax, effective for anyone dying after December 31, 2009. If not for budget constraints we would have repealed it sooner, but at least today we can vote to make the repeal permanent. We will be able to start a new decade with no death tax to burden the future generations. By repealing the death tax we will save thousands of family-owned businesses and in turn saving the jobs of hundreds of thousands of employees when family businesses are faced with death tax.

We have heard the American people, we have reformed and repealed the death tax. I urge all of my fellow Senators to repeal the sunset so death tax will be dead once and for all. Beware of all these Democratic amendments that try to once again make the law murky and complex. Keep it simple and fair—repeal the sunset. Make death tax repeal permanent.

Mr. SMITH of New Hampshire. Mr. President, the estate tax, better known as the "death tax," is an onerous tax that should be eliminated. A recent poll revealed that 77 percent of the voters believe that the tax is unfair.

This tax is slowly destroying family businesses by slowing growth. And it is unfair that families who have worked their entire lives to build a successful family farm or business should be penalized.

Individuals who look forward to leaving something behind for their children should not be punished by confiscatory, anti-family taxes.

In fact, after years or even generations, children are often forced to sell the family farm or business just to pay the tax. This is both unfair and unconscionable.

However, not only is it the children who must suffer the loss of the family business, but the workers and their children who suffer when they lose their job because the business they've been working at is liquidated to pay the death tax.

But it doesn't stop there. The local community, particularly small towns, suffer as well because their customers can no longer afford to buy their products after having lost their job.

The estate tax is outdated, it raises little money, and it imposes a large cost on the economy.

In 1999 the estate tax generated about $24 billion. However, it is estimated that administrative costs to enforce the tax are over $36 billion.

A recent analysis by the Heritage Foundation found that the U.S. economy would average nearly $11 billion per year in additional output if this tax were abolished.

The National Association of Manufacturers states that 40 percent of it's members had spent more than $100,000 on attorney and consultant fees related to death tax planning. In addition 3 out of 5 members pay at least $25,000 a year to prepare for the death tax.

A 1998 study by the Joint Economic Committee found that if the death tax was repealed, as many as 240,000 jobs would be created and Americans would have an additional $24.4 billion in disposable personal income.

A February 2000 study by the National Association of Women Entrepreneurs found that the death tax has a negative impact on female entrepreneurs.

According to the study, business owners found that female entrepreneurs spent, on average, nearly $60,000 on death-tax planning.

So who pays the death tax?

We all do. We pay it through lower wages and fewer jobs. In high-unemployment regions or rural areas such as the North Country of New Hampshire and elsewhere, the death tax destroys badly needed jobs before they are created.

We pay it through the destruction of our communities. In hundreds of American towns, small family-owned businesses are struggling to survive against the competition provided by large corporate retailers.

Home Depot doesn't pay the death tax. The family-owned hardware store does. The death tax accelerates the transfer of wealth from the owners of small businesses to the owners of large, public corporations.

And we pay it through slower growth and less wealth. Study after study shows the death tax reduces savings, lowers investment, and restricts the capacity of the economy to grow. The death tax literally confiscates capital, the lifeblood of any economy. That means lower incomes and fewer opportunities for ourselves, as well as our children.

Death tax supporters argue we cannot afford to repeal this tax. All the evidence suggests just the opposite. We cannot afford to continue this destructive tax.

So who's left holding the bag, the middle-class.

This tax is unfair and it is anti-family. We must repeal this tax now. I strongly urge passage of this legislation.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first let me rise to disagree with my colleague, the chair of the Senate Finance Committee. In the State of Minnesota, in 1999, there were 636 families who paid the estate tax. If we pass the Conrad amendment, which says for a family we are targeting $7 million, we will have exactly 36 families left in our State who will be paying this tax.

We had the Dorgan amendment that said if someone is going to be a family farmer or have a small business, and they are going to pass it on, and one is going to take over the farm and the small business, they are exempt. That is what it is all about when it comes to fairness.

Instead, what we have is a proposal that I yesterday labeled win/win or lose/lose, dependent upon one's values and priorities. If one believes they should bleed the economy over the next 20 years to the tune of a trillion dollars, and all of those benefits will go to multimillionaires and billionaires, and at the same time have to raid the Social Security trust fund—we just raised the debt ceiling $450 billion, and some of my colleagues who voted against it are voting for eliminating this tax. So if they believe the benefits should go to the top of the top of the top, and in addition they want to bleed this economy to the tune of a trillion dollars over the next 20 years so we will not be able to live up to our Social Security obligations, we will take it out of the Social Security trust fund; we will not have the money for affordable prescription drug coverage; we will not make the investment in the health and skills and intellect and character of children; we will not invest in education; there will be nothing for affordable housing; we will not be able to do anything about deplorable conditions in nursing homes. If they believe this and believe there is nothing the Government can or should do, this is win/win.

I said it yesterday. This is lose/lose for the people of Minnesota. This is lose/lose for probably 99.99 percent of the population. This is lose/lose for people who believe we should have tax fairness, that we should target these breaks to small businesses and family farmers. This is lose/lose for people who believe there is a role Government can play when it comes to the improvement of people's lives and that we have an important challenge before us: Affordable prescription drugs, good education, investment in our schools, our children, making sure Social Security will be there for people. These are the priorities.

This proposal is very clear in what its ultimate goal is, which is above and beyond massive tax unfairness. It will so erode the revenue base and will prevent any initiative in these areas: Prescription drug coverage, education, health care coverage, affordable housing. By definition, it is fiscally irresponsible. So on both counts, it is a massive subsidy, an inverse relationship to need.

All together, 36 families in Minnesota will not be helped if we go forward with the Conrad proposal. If we had gone forward with the Dorgan proposal, every family in Minnesota but 36 families would be helped. This proposal is so skewed toward the top of the top of the top and at the same time undercuts our ability to make any of the investments we need to make to do better as a nation.

I hope my colleagues will vote against the Gramm proposal and will vote for the Conrad amendment.

I yield the floor.

Mrs. MURRAY. Mr. President, the estate tax is bad for businesses. It is bad for workers and new job creation. And it is bad for our communities who are watching their local, family-owned businesses get swallowed up by large corporations. Therefore, I wish I could have supported the estate tax repeal amendment debated today.

For the last 7 years, I have worked to address the problems with the estate tax. I introduced legislation in 1995 to reform the estate tax, and I voted for the 1997 tax bill that made it easier for family farms and small businesses to transfer their assets to the next generation. In 2000, I cosponsored legislation by Senator JON KYL and former Senator Bob Kerrey to repeal the estate tax. I voted for similar legislation later that year. I believe the Kyl-Kerrey bill made a critical contribution to the estate tax debate. It was a middle ground that essentially substituted an estate tax when an asset is transferred at death with a capital gains tax when an asset is sold. In my opinion, that is a fair approach.

For me, estate tax repeal is about protecting and creating jobs, strengthening locally owned businesses, and protecting the environment. When a business owner spends thousands of dollars each year on estate tax planning, that is less money the owner invests in employees and the business. When family businesses are sold, they are often purchased by large corporations, not by other locally owned businesses. When timber lots or farms are sold, there is a good chance that land will be eaten up by strip malls or other development, and not kept as open space. For the reasons I just outlined, a vote for repeal would have been the easy road to travel today.

My constituents did not elect me to the Senate to take the easy road. They elected me to make tough decisions. As much as I believe the estate tax is a bad tax, I believe passionately that we have a responsibility to balance the government's books. Just as the estate tax hurts businesses and jobs, so does chronic deficit spending by the Federal Government.

During the last 2 days, some of my colleagues have argued for permanent estate tax repeal. Not one of them has told me how we will pay for it. Last year's tax cut blew open the budget while not making estate tax repeal a high priority. Our budget problems were made worse by the recession and September 11 terrorist attacks. Clearly, we are in a different place than we were 2 years ago.

The country deserves a debate on how we balance estate tax repeal—or other aspects of last year's tax law—with our other obligations. We must address our homeland security needs, whether it is strengthening airline and port security, improving operations at our borders, or making sure our troops in the field have the training and resources they need. Our constituents are also demanding action on issues that were important prior to September 11. Health care is a crucial issue for individuals and families, and to the businesses who support estate tax repeal. In addition, we cannot lose sight of long-term investments in education, job training and infrastructure. Given what is at stake, we do a disservice to the American people if we simply tell them they can have it all. We have to make choices, and last year the administration and Congress chose not to make estate tax repeal a priority.

While I could not support the estate tax repeal amendment offered by Senators GRAMM and KYL, neither could I support the amendments by my Democratic colleagues. While well intentioned, I believe the nation has moved beyond whether we should repeal the tax. To me, it is not a question of if, but when we repeal the tax and how we pay for it. The alternative amendments offered today would have taken us backwards.

Today is not the last time we will debate estate tax repeal. Between now and the next estate tax vote, I believe Congress and the administration need to reach agreement on a basic budget framework that makes room for estate tax repeal. Unless we repeal the estate tax in the context of a budget agreement, we will just be playing politics instead of making real progress

Mr. FEINGOLD. Mr. President, I strongly support permanent estate tax reform. Though I do not support completely repealing the estate tax for all estates, I do believe that we should significantly expand the unified credit to exempt the great majority of estates from taxation, and we should do so on a permanent basis. We should also include an indexing provision to ensure that the unified credit does not become obsolete and burdensome again, as happened over the past several decades.

But we should make these changes in a fiscally responsible manner. We should do so without adding to the already enormous budget deficits that were largely the result of the tax bill that was enacted last year.

Our budget position is poor, and it is getting worse. Last year, Congress passed a fiscally irresponsible tax cut that has shoved us back into the deficit ditch. Congress then added to our woes by passing an unfunded stimulus package filled with special interest tax breaks, a farm bill that unnecessarily benefits the largest and wealthiest producers, and just last week, following the action of the House of Representatives, the Senate passed a supplemental spending bill, also unfunded, and also apparently filled with special interest provisions of questionable value. Each of these actions will only further aggravate our budget problems.

Now, proponents of estate tax repeal are asking us to enact legislation that will add even more fuel to the deficit fires. Rather than offering a fiscally responsible measure, with provisions that offset the cost of repeal, the proponents are content to add to our budget deficits, and our already massive federal debt.

In effect, the proponents suggest that we should repeal the tax on the wealthiest estates, and let the Social Security trust funds pick up the tab.

I regret that this is also the case with some of the alternative proposals as well—proposals much closer to the kind of estate tax reform I support. The choices being presented to the Senate are not acceptable. As much as I would like to see a permanent solution to this question, I do not support raiding Social Security to achieve it.

When I was first elected in 1992, we faced an annual budget deficit of $340 billion, and projected deficits of roughly the same size for many years to come. Thanks to the fiscal restraint we demonstrated in the 1990s, and especially to the deficit reduction package we enacted in 1993, we saw a virtuous cycle of lower budget deficits and increased economic growth. The result was that we eliminated the budget deficits and actually began paying down some of the federal debt that was racked up during the 1980s.

We need to return to the fiscal restraint that worked so well during the 1990s. And first and foremost, that means paying our bills. The estate tax repeal is not funded. It digs our deep budget hole even deeper, and we should reject it.

Mrs. BOXER. Mr. President, the estate tax needs to be reformed, but it should not be repealed. Repealing the estate tax would benefit only the extremely wealthy at an exorbitant cost to the American people. We can help small businesses and family farmers by reforming the estate tax. That is the choice before us.

Let's start with a few facts. Ninety-eight of every 100 people who die face no estate tax whatsoever. Only the richest 2 percent of Americans do. Estates worth in excess of $5 million paid about 51 percent of the estate tax in 1998. This tax does not oppress the children of multi-millionaires, they still inherit millions. But it does provide us with funds for investment in the public good. It is completely appropriate that the wealthiest estates contribute some portion in taxes to help create opportunities for others to reach their full potential.

Repealing the estate tax would make the rich richer at a heavy cost to the rest of us. Between 2013 through 2022, permanent repeal of the estate tax would cost us $740 billion. That is $740 billion we could use for homeland defense, investments in education and infrastructure, and to provide the funds to save Social Security and Medicare.

It is true that a few small businesses and family farms are subject to the estate tax. But of the 2.3 million people who died in 1998, just 1,418 of those had more than half of their estates in a family-owned business or farm. We can and should exempt many of these families from the estate tax through responsible reform.

Furthermore, while the estate tax affects a relatively small number of wealthy Americans, it can have a detrimental effect on small businesses and families who live in areas that have high property values, such as Silicon Valley. Under current law, the first $675,000 of one's estate is exempted from Federal tax. In some parts of California, however, where median home prices exceed $500,000, moderate-income individuals must content with taxes paid only by the wealthiest residents in other regions.

I strongly support helping these families by reforming instead of repealing the estate tax. The reform I supported and that Senator DORGAN introduced would make estates of up of $4 million—and $8 million for couples—exempt from the estate tax. And it would permanently repeal the estate tax for family-owned farms and businesses. That is real reform that benefits those who need the help, not another giveaway to the richest among us.

Instead of focusing our efforts on making the very wealthy wealthier, we should be working on helping hardworking Americans and investing in meeting their needs.

Mr. KENNEDY. Mr. President, in January 2001, the Congressional Budget Office projected an on-budget surplus of $3 trillion over the decade. One year later, the projection is for a $242 billion on-budget deficit. The largest single reason for that stunning change is not the cost of the war on terrorism nor the recession, it is the $1.7 trillion cost of the President's tax cut. The administration's proposed budget this year would make the existing crisis far worse, dramatically expanding the deficit to nearly $1.5 trillion. The Social Security trust fund would be used to cover an on-budget shortfall every year through fiscal year 2012.

Just yesterday, at the urging of the administration, we voted to raise the debt limit by $450 billion. That increase will only carry us until next spring. The Treasury Department has already said that we will have to raise the ceiling on government borrowing again early next year. Despite the overwhelming evidence, it seems that some of our colleagues across the aisle remain oblivious to the connection between the larger and larger tax cuts they espouse and the growing deficits that inevitably result.

Why, in this time of budgetary crisis—when the war on terrorism is making new demands on our resources, and when the enormous cost of the retirement of the baby boom generation is looming just over the horizon—should we be considering another large tax cut for the wealthiest taxpayers? There is no good answer.

Permanent repeal of the estate tax is unaffordable. In the first year, full repeal will cost $56 billion. Over the decade beginning in 2012, the estimated revenue loss to the Treasury is $740 billion.

Permanent repeal of the estate tax is unfair. While it benefits only the wealthiest 2 percent of taxpayers, each year it will consume billions of dollars which are needed to finance Social Security and Medicare benefits for millions of retirees.

Permanent repeal of the estate tax is unnecessary. Currently, all estates under $1 million are exempt from the estate tax. That exemption will rise to $3.5 million under existing law. At that point, only the largest one-half of 1 percent of estates will be subject to the tax. Making that higher exemption level permanent will protect the vast majority of the family farms and family owned small businesses. Their estate tax will be zero.

Permanently repealing the estate tax, as our Republican colleagues proposed, would be the triumph of reckless ideology over fiscal prudence. It would jeopardize our ability to meet the Nation's most fundamental responsibilities in future years.

In the Bush administration's budget, in a section titled "The Threat to the Budget from the Impending Demographic Transition," it states: "In the years that follow [2008], the population over the age 62 will skyrocket, putting serious strains on the budget because of increased expenditures for Social Security and for the Government's health programs which serve the elderly—Medicare and increasingly Medicaid."

The resources which will be lost to the Treasury by repeal of the estate tax are essential to financially strengthening Social Security and Medicare. Dedicating the revenue from the estate tax to the Social Security and Medicare trust funds would go a long way to securing those programs for future generations of senior citizens. Over the next 75 years, revenue generated by the current estate tax would be equivalent to nearly 40 percent of the shortfall in the Social Security Trust Fund. Those dollars should go where they are needed most—to preserve the promise of Social Security for future generations of retirees.

While the advocates of permanent estate tax repeal are reluctant to admit it, this vote is really about the financial future of Social Security and Medicare. Repeal would be a windfall for the wealthiest few at the expense of our ability to keep Social Security and Medicare strong for all seniors. Do we choose to commit hundreds of billions of dollars to cover the cost of estate tax repeal or to maintain Social Security and Medicare for future retirees?

In the year 2000, nearly 40 million Americans received Social Security retirement benefits. With the retirement of the baby boomers, that number will steadily grow. By 2010, it will exceed 50 million. In comparison, fewer than fifty thousand of the largest estates paid any estate tax in 2000. That was just 2 percent of decedents. With the increase of the estate tax exemption to $3.5 million by 2009, the number of estates paying tax will be further reduced to about 10,000 a year. Just one-half of 1 percent of estates will be subject to the estate tax.

Which group needs our help more—the 50 million men and women counting on Social Security or the heirs of the 10,000 wealthy decedents with multi-million dollar estates? I believe the answer to that question should be clear to all.

Those who most passionately decry the "unfairness" of taxing multi-million dollar estates are strangely silent about the unfairness of jeopardizing the retirement benefits of low-wage workers or the unfairness of forcing elderly widows to choose between food and medicine. Which of these injustices should move the Senate to action?

Many bogus claims have been made to distract attention from the real fairness issue. Those advocating permanent repeal claim it is "double taxation." In fact, a major portion of the assets in these multi-million dollar estates are unrealized capital gains which are never taxed. Those favoring repeal assert the Federal Government takes more than half of all the assets in these estates. This too is incorrect. The Congressional Research Service analyzed the Federal estate tax burden on estates that were subject to taxation in 1999 and determined that the effective rate was just 12.4 percent. On the largest estates, those over $20 million, the effective rate was 17.6 percent. These are certainly not unreasonable rates to ask the richest men and women in the Nation to pay.

There appears to be a consensus in the Chamber to permanently exempt estates up to $3.5 million from taxation. That feature is common to all the proposals. I support it. So, in essence the debate is whether the Federal Government should tax estates larger than $3.5 million. Do those who have been given the most—the heirs to these fortunes—have a special obligation to help the less fortunate members of the American community? That is the real fairness question before the Senate today.

Mr. MCCAIN. Mr. President, I rise today to speak on H.R. 8, the Death Tax Elimination Act. I want to take this opportunity to explain my opposition to making permanent the repeal of the Federal estate tax.

Last year, the Economic Growth and Tax Relief Reconciliation Act of 2001 (P.L. 107-16) repealed the Federal estate tax by 2010. It accomplished this by gradually raising the "unified credit" which is the amount of the estate exempt from taxation, from $675,000 in 2001, to $1 million in 2002; $1.5 million in 2004; $2 million in 2006; and $3.5 million in 2009 and finally repealed the estate tax by 2010. However, the estate tax will be reinstated in 2011 as it exists under current law. The Death Tax Elimination Act removes the sunset on repeal and makes the repeal of the estate tax permanent from 2010 onwards with no cap whatsoever.

I am concerned that repeal of the estate tax would provide massive benefits solely to the wealthiest and highest income taxpayers in the country. A Treasury Department study found that almost no estate tax has been paid by lower and middle-income taxpayers. But taxes have been paid on the estates of people who were in the highest 20 percent of the income distribution at the time of their death. It found that 91 percent of all estate taxes are paid by the estates of people whose annual income exceeded $190,000 around the time of their death.

During this time of increasing deficits, we should also be mindful of the very high cost of providing those benefits and our ability to pay for them. The Joint Committee on Taxation estimates that removing the 2010 sunset and making permanent the repeal of the estate tax would cost $99 billion between 2003 and 2012. But more than half of this cost or $56 billion would occur just in 2012. The long-term costs of permanent repeal are much larger. In the decade after 2012, permanent repeal would result in a revenue loss of $740 billion assuming that the cost which the Joint Tax Committee estimates for 2012 will remain the same after 2012, when measured as a share of the economy.

Another concern I have is that repeal of the estate tax will cause a significant decline in charitable giving. I fear that eliminating the estate and gift tax would remove an enormous tax incentive for the wealthy to make charitable gifts. The research on the effect of the estate tax on charitable giving has consistently shown that levying estate taxes increases the amount of charitable bequests. A recent study found that eliminating the estate tax would reduce charitable bequests by about 12 percent overall.

Taking these issues into account, instead of repeal of the estate tax, I support increasing the "unified credit" to allow up to $5 million worth of assets to be exempt from taxation. I believe this cap is a reasonable amount. For example, according to data from the IRS, more than 93 percent of taxable estates in 1999 were valued at less than $5 million. Farm and family-owned business assets accounted for less than three percent of the total value of these estates in 1999. In most estates that are taxable and include a business or farm, the business or farm does not even constitute the majority of the estate. In fact, the American Farm Bureau Federation has acknowledged that it could not cite a single example of a farm having to be sold to pay estate taxes. These facts belie the argument that we must repeal the estate tax to save family businesses and farms to assure that they do not have to be liquidated to pay estate taxes.

Responsible estate tax reform, instead of outright repeal, would ensure that small and family-owned businesses and family farms will not be taxed out of business in the event of the death of an owner or when passed along to the owner's children. Responsible reform would alleviate individuals and businesses from being forced to spend time and money on estate planning.

Even some of the Nation's wealthiest taxpayers such as Warren Buffet, Chairman of Berkshire Hathaway, and Bill Gates, Sr., father of the billionaire Microsoft founder, have gone on record as opposing the effort to repeal the estate tax. And in calling for the inheritance tax in his 1906 State of the Union Address, President Theodore Roosevelt said, "The man of great wealth owes a peculiar obligation to the State, because he derives special advantages from the mere existence of government."

We have no idea what our financial or economic situation will be ten years from now. We may be at war. We may be in the process of putting Social Security on a sound financial footing. We may want to have the flexibility to provide significant tax relief for lower and middle-income taxpayers. Other unforeseen issues may arise. The point is that we must think beyond the horizon. Making the repeal of the estate tax permanent fails to take these new circumstances into account.

We will need resources to deal with national security, general government funding, the coming baby boom retirement and the rising costs of Social Security and Medicare, and responsible tax reform that benefit lower- and middle-income taxpayers. But we must fund these priorities within our constrained budget situation. Reforming the estate tax rather than committing ourselves to full repeal is the more sustainable and responsible approach.

Mrs. FEINSTEIN. Mr. President, I rise to address the Gramm/Kyl amendment to H.R. 8, the estate tax repeal bill.

I want to first say that I am philosophically opposed to the estate tax, and have long expressed my belief that it is an unfair tax that we should ultimately do away with.

In addition to threatening owners of small businesses and family farms, the estate tax acts to stifle investment in businesses, and is a disincentive for those who want to save so that they can pass assets on to their children and grandchildren. However, to vote in favor of repeal today, under our current circumstances, runs counter to another of my deep philosophical beliefs: fiscal responsibility.

Last year I voted to support the President's tax cut package, which provides $1.3 trillion in tax cuts over the next decade. My support for that bill was partially determined by the estate tax relief provisions included within it. When I voted in favor of that bill, we were projected to benefit from some $5.6 trillion in budget surpluses over the coming decade, enabling us to provide significant relief to American taxpayers while also protecting the Social Security trust fund and programs in health, education, and numerous other areas.

Needless to say, that outlook has changed dramatically in the past twelve months. The economic slowdown, combined with major new expenses associated with providing for homeland security and fighting the war on terror, have put a major strain on the federal budget, requiring Congress to exercise a degree of fiscal responsibility not seen during the late 1990's.

Despite the threat of a budget deficit of over $125 billion this year, and projected deficits stretching through the end of the decade, House Republicans have made clear their intent to push through a permanent extension of all of the tax cuts included in the President's bill last year. The first of those extensions, and the one that we are considering today, is a permanent repeal of the estate tax.

Yet there could not be a worse time to consider full repeal of the estate tax than right now. The latest estimates project full repeal of the estate tax will cost the federal government over $740 billion between 2011 and 2020. Although it is my hope that we will be able to permanently extend the repeal at an appropriate time before it is set to expire in 2010, we are in no position today to do that and cope with major outlays for defense and homeland security, as well as threats to funding for Social Security and Medicare.

Earlier today, I voted in support of Senator DORGAN's amendment as a good compromise on this issue, and because it goes a long way toward addressing one of my major concern with estate tax: that it puts family-owned businesses and farms at risk of sale or closure simply because heirs are forced to sell in order to pay the estate tax bill.

In addition to permanently extending an increased unified credit of $4 million per individual and $8 million per couple, Senator DORGAN's amendment provides relief to small business and family farm owners who suffer the most under current law by providing an unlimited exemption from the federal estate tax to small business owners and farmers. This would ensure that this tax no longer threatens anyone wishing to pass on a family-owned business to his or her heirs.

Under current law, the unified credit is set to increase to $3.5 million by 2009, but the Qualified Family Owned Business Interest exemption will expire in 2004, removing what few safeguards are in place to protect those whose assets are tied up in family-owned farms or businesses.

I am particularly concerned about protecting these businesses because of the relatively high value of California farm land. The value of an orange grove in Ventura, CA may be as high as $15,000 per acre due to local development pressures, compared with a price of $1,500–2,000 per acre for corn-growing land in a mid-western state.

As a result, even a medium-sized California farm of 400 to 500 acres may be liable for a hefty estate tax bill, especially when the value of farm buildings and other capital investments are factored in.

The estate tax may make it impossible for a family farm to be passed down from generation to generation. No one should be forced to sell the family farm just to pay the estate tax.

Small business owners are equally at risk, and those who own and operate capital-intensive businesses must bear an exceptional burden. While the issue of small business liability under the estate tax has often been represented as affecting a tiny minority of Americans, in fact there may be many small business owners who sell or transfer their businesses in expectation of their heirs having to pay the tax.

Additionally, the sale of family-owned businesses, particularly to larger conglomerates, threatens the jobs of thousands of Americans who are employed by those businesses. Even those businesses that can cover their tax liability may have to take on a large debt burden that threatens their competitiveness and delays efforts to expand or grow the business.

The Dorgan amendment would have resolved this problem by uncapping the Qualified Family Owned Business Interest exemption entirely, but it also would have raised the individual exemption to $4 million in 2010. By providing this much-needed relief, the amendment would have limited estate tax liability to a tiny fraction of wealthy Americans who have large holdings of marketable assets.

Regrettably, the Dorgan amendment did not pass, and we are faced with an unfortunate choice between full repeal and the limited relief passed as a part of the President tax package last year.

I very much look forward to a time when the Senate can vote for full repeal of the estate tax with a clear conscience, knowing that a vote to repeal the estate tax is not a vote against fiscal responsibility. To vote for full repeal today would be to turn a blind eye to such responsibility, and to move forward guided only by the kind of irrational optimism that was so readily propounded only a year or two ago.

Mr. DASCHLE. One year ago, America had a projected budget surplus of 2.7 trillion dollars over the next 10 years.

The stock market was soaring.

The question before us was one that most leaders could only dream of: "What should we do with our prosperity?"

At that time, the debate was focused on tax cuts, how much, for whom, and could we also provide for America's unmet needs?

Nine months ago yesterday, more than 3,000 innocent men and women lost their lives to terrorism.

In the months since, an anthrax attack and recent disclosures have revealed holes in our homeland security. The collapse of Enron has raised questions about our system of corporate governance and we are soon to begin perhaps the most dramatic restructuring of government in half a century.

All of this has occurred against the backdrop of massive demographic changes that will transform the face of our nation for decades to come.

In 2008, the first of the Baby Boomers will begin retiring. By 2015, 50 million seniors will be drawing benefits from Social Security. Prescription drugs are becoming a more and more vital part of American health care, and we need to find a way for Medicare to help pay for them.

At the same time we're facing a senior boom, we're also facing a youth boom. School enrollments are already at record levels, and will continue to rise every year for the next 8 years.

So here is where we are: The surplus is gone.

The Treasury is borrowing money and spending Social Security funds to pay for the daily functions of government.

We have just passed a bill to allow America to take on even greater debt. The baby boomers are preparing to retire.

More children than ever are moving through our schools.

Investors have had their confidence in American business shaken.

We are in the midst of confronting new—and previously unimaginable threats to our nation.

We are at war.

The question facing America is no longer, "What should we do with our prosperity?" The question now is: "How do we protect our citizens, strengthen an ailing economy, prepare for the future, and win this war against terrorism?"

I believe history will judge this Congress by how well we answer that question.

And I believe every action we take should keep those four key goals in mind.

Today, we are debating, once again, what seems to be the Republican Party's only solution to all of these problems—more tax cuts.

Specifically, we are debating a permanent repeal of the estate tax, an idea that could not be more at odds with the priorities of the nation at this critical time.

It is bad public policy. It is unfair. It will undermine Social Security, depress American philanthropy, hurt state budgets, and make it more difficult to meet every other challenge we face.

And I want to be especially clear that there is a vast difference between fairly protecting family farms and small businesses on one hand, and blindly destroying our fiscal balance on the other.

Repealing the estate tax will cost $99 billion over the next decade, and $740 billion in the decade after that.

Most of that will come from the Social Security trust fund. If you look out over the next 75 years, the cost of repealing the estate tax will account for nearly 40 percent of the entire shortfall in the Social Security Trust Fund.

And who benefits? The wealthiest two percent of American estates. By 2009, it will be the wealthiest one half of one percent of all estates.

What we're talking about is diverting the Social Security contributions of millions of American workers to fund a massive tax cut for the most fortunate of the fortunate few.

And sometimes it's the fraudulent few.

Yesterday, Senator CONRAD had a chart here on the floor showing Jeffrey Skilling, a former CEO of Enron, stands to gain $55 million from the repeal of the estate tax. That $55 million will be composed of the Social Security contributions of 30,000 working Americans earning $30,000 a year.

We've been hearing a number of arguments in favor of estate tax repeal from our Republican colleagues, so let me just take a minute and address a couple of the issues they raise.

They argue that the estate tax forces the sale of family farms and businesses. Some agriculture organizations have said that it is important to repeal the estate tax, but when asked if they could cite when asked if they could cite a single example of a farm lost because of estate taxes, they couldn't name one, not one.

As Neil Harl, an Iowa State University economist who has studied the issue extensively, said simply, "It's a myth."

And here's why: in Iowa, the average farm is worth $1.2 million. In South Dakota it's just over $500,000. Family farms simply do not fall victim to the estate tax.

The same goes for family businesses. In the few cases where family businesses are subject to the estate tax, it is usually because that business is just one part of a larger estate.

But just to make sure that family farms and small businesses aren't hurt, we're proposing an alternative that will exempt virtually every family farm and small business from the estate tax.

Family farms and small businesses define us as a nation. We've never seen it demonstrated that they are being broken up by the estate tax, but, just in case, we're going to see to it that they never will be.

Others have argued that the estate tax is un-American, that it is a penalty for success. The history of the estate tax shows the exact opposite is true.

Not only does the estate tax encourage economic success based on merit rather than birthright—it is a demonstration that those who have done well by this nation have a special obligation to contribute to its continued success—and its defense.

In his 1906 State of the Union, President Theodore Roosevelt, a Republican, proposed the estate tax to help finance the war debts of the 19th century, saying, "The man of great wealth owes a peculiar obligation to the State, because he derives special advantages from the mere existence of government."

To single out the estate tax for elimination in the midst of this current war goes against the intent, and the history, of this policy.

Those arguments may be false. But there are some powerful and disturbing truths about making the estate tax repeal permanent.

In the short term, it costs $99 billion.

Just yesterday, we passed an increase in the debt limit in part so we could meet the new security demands we're facing in an increasingly uncertain and threatening world.

If giving a handful of multi-millionaires and billionaires another tax break requires a choice between more debt and less security—that should be a clear signal that the price is simply too high.

In the longer term, we will feel the full brunt of this repeal at exactly the time the baby boomers begin to retire. We know that, 10 years from now, we are going to need some fiscal flexibility to start paying the retirement benefits to the biggest retirement population that's ever passed through the system, and yet some want to succumb to fiscal irresponsibility at precisely the time we can least afford it.

We have all heard the old saying, "When you find yourself in a hole, stop digging."

Well, it is time for us to stop digging a deeper hole, and start getting serious about the problems we face.

Last March, a farmer named John Sumpton, from Frederick, SD, came to testify before the Senate Finance Committee.

"Mr Chairman," he said, "I am not an expert on tax law, but I know about family farmers. They are my friends and neighbors. They are not worried about estate taxes, because, for the most part, they don't have to pay them. They are worried, however, about the prices they receive for their crops and livestock, about good public schools for their kids, about local community services, paying for prescription drugs, and being able to pay their bills in retirement. And, of course, they are always worried about the weather."

He continued: "I fear we may not be able to do the things we want and need for our communities if we repeal the federal estate tax. To me, it doesn't seem responsible to eliminate the estate tax for everyone, including billionaires, when they don't need the help. A more targeted approach that helps families better address this issue now, while retaining more resources for other needed public investments to improve our future, seems a more practical and appropriate course of action."

John Sumpton is right.

And I hope the Senate will heed his sensible advice.

Mr. CONRAD. Mr. President, I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank my colleague for yielding me this time.

As did a number of my colleagues in the Senate, I served as the Governor of my State before I was privileged to come to the Senate. As a Governor of my State, I was a supporter of tax cuts. We cut taxes for 7 years in a row. In fact, we eliminated the gift and inheritance tax altogether. While we cut taxes 7 years in a row, we also balanced the budget 8 years in a row. We also were able to slow the growth of debt in our State. We earned ourselves a AAA credit rating for the first time in Delaware history.

Others have spoken to the equity and the fairness of eliminating altogether the estate tax. I will leave those arguments to those who have already spoken. I simply want us to keep this in mind. There is an old theory called a theory of holes. It goes something like this: When you find yourself in a hole, stop digging.

To have voted yesterday to raise the debt ceiling by another $450 billion and then to turn around and cut taxes in a way that will only increase our indebtedness is a matter of concern to me and ought to be to all. Our Republican friends are right: We cannot simply be opposed to cutting taxes in ways that perhaps are unfair in this case and turn around and simply vote to increase spending.

I had a good long conversation with one of our Republican colleagues on the phone last night about this body and about our propensity to spend ever more money for defense, for homeland defense, more money for social programs, good social programs, and at the same time, voting to cut taxes. It does not add up. I do not know how to stop it.

I want to put down a marker today and say it is something that is not a sustainable policy, and one I hope we will not continue.

Mr. CONRAD. I yield 3 minutes to the Senator from New Jersey.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from New Jersey.

Mr. CORZINE. Mr. President, I rise to speak strongly in opposition to the Gramm amendment. I am in the group of folks who believe we need reform, not repeal. There are some positive things we should do with respect to the estate tax. However, I find it terribly difficult knowing the meritocracy of America that I think provides opportunity to all, that we are voting to create something that is against the principles and buildup of aristocracy, contrary to at least the America I understand.

I believe that is why we have seen many people who have benefited so much from our society because they have been able to live in a free America where they had access and equal opportunity and a public educational system, infrastructure that worked positively for folks, that they feel very strongly there is a responsibility to give back by those who have been blessed with their lives.

Quite frankly, it is one of the things that helped in my own life. I think about the schoolteachers in the rural community in which I grew up who gave me the access to the American promise. I believe America is about meritocracy, not aristocracy. It is about community, and communitywide interests—not just the interest of the few.

We have heard the statistics about how narrow a slice of America benefits from this action. This is a period of sacrifice in America, when we are asking men and women to go overseas to protect us. We are asking others to sacrifice on our investments in education and our protections in the environment and all kinds of things that make sense in a choice situation, to go in a direction where the few are benefited to the exclusion of the many. This is very difficult.

I would be remiss if I did not bring it up in the context of something about which I deeply care; that is, protecting the integrity of our Social Security and Medicare systems. People will say there are other choices on spending. But we have a very clear choice where we provide for those who benefited the most from the American system to be able to use our Social Security funds and Medicare funds that we raise and directly expend it on something that, in a period of sacrifice, is hard to understand—why our priorities and why our choices are here.

This is a moral issue about priorities in this Nation, making sure we are funding special education.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent the time for debate on this matter be extended 10 minutes equally divided.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I close debate on our side by pointing out that we are not making these decisions in a vacuum. We have to consider the fiscal condition of the country when we make any spending decision or any additional tax cuts.

The fact is, last year we were told we had trillions of dollars of surplus over the next 10 years. Now we see those surpluses are gone. They have evaporated. Instead, we are going to be running massive deficits—this year, a $320 billion deficit.

The Senator from Oklahoma said it would be unconscionable to keep this tax. I think it would be unconscionable to drive this country into deeper deficit and deeper debt. That is precisely what the amendment of our colleagues on the other side does. It is very clear the cost of estate tax repeal explodes in the second decade. Not only does it cost $100 billion in this decade, every penny of which is coming out of the Social Security trust fund, but in the second 10 years, it costs $740 billion right at the time the baby boomers start to retire, right at the time there will be unprecedented demands on Social Security and Medicare and, God forbid, on the needs of the defense of this Nation.

This is the most irresponsible amendment offered on the floor of the Senate this year. It would gut the fiscal condition of this country when we know it is already teetering.

Instead of repeal, we ought to reform this tax. Yes, the estate tax bites at too low a level. So I recommend in my amendment we give an exemption of $3 million for an individual, $6 million for a couple, beginning next year. For 2009 and thereafter, the exemption increases to $3.5 million for an individual, $7 million for a couple. This saves hundreds of billions in the second decade and saves huge amounts of money in this decade, as well. By 2009, only .3 of 1 percent of estates face any estate tax liability under my amendment.

In this decade, there is a big difference between these two approaches, the cost of the Republican proposal is $99.4 billion; the cost of my proposal is $12.6 billion.

Under my proposal only .3 percent of estates in this country are subject to tax. Not only is it a question of affordability, it is also a question of fairness. Again, my colleague from Oklahoma says it is unconscionable to ask the wealthiest among us to contribute to the fiscal health of the Nation. I don't think it is unreasonable.

President Theodore Roosevelt, one of the greatest Republican Presidents, did not think it was unreasonable. President Abraham Lincoln, one of the greatest Republican Presidents did not think it was unreasonable. I think it is unreasonable to say to the American people that we ought to give Mr. Skilling, who ran Enron, a $55 million tax cut and finance it by asking 33,000 Americans, earning $30,000 a year, to put all of their Social Security taxes into the pot so we can give Mr. Skilling a $55 million tax cut.

I do not think that is fair. Not only do I not think it is fair, the American people do not think it is fair. In a poll released today by the Fair Estate Tax Coalition, they showed that 58 percent of the American people favor reform over repeal. Mr. President, 37 percent favor repeal, 58 percent favor reform.

It is very interesting; in this poll what they found, under Federal budget priorities, is the people of this country overwhelmingly say strengthening Medicare and Social Security is No. 1, 38 percent; increasing spending for education, 33 percent; giving seniors a prescription drug benefit, 29 percent; increasing funding for children's health, 18 percent; retiring the national debt, 16 percent; cutting taxes, 16 percent.

What tax cuts do they favor? And that is only 16 percent of the American people who say that is their priority; eliminating the estate tax is the bottom of the barrel. They prefer cutting taxes for moderate- to low-income Americans, eliminating the marriage penalty, a capital gains tax cut; dead last is eliminating the estate tax.

This is a fundamental question. Presidents Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson, and Franklin Roosevelt supported inheritance taxes because without them this country would move further from democracy and closer to aristocracy.

This is a fundamental misunderstanding of the heritage of America. Meritocracy, not aristocracy; reform yes, repeal no.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Texas.

Mr. GRAMM. How much time do we have, Mr. President?

The PRESIDING OFFICER. Twenty minutes, twenty-five seconds.

Mr. GRAMM. Why don't I take 10 minutes, and I will give my colleagues 10 minutes.

Let me just begin by sort of straightening a little history out. The death tax started in America through a Stamp Act on wills when we had an undeclared war with France. It was repealed right after the tensions with France ended but was reimposed during the Civil War. Abraham Lincoln did not impose a death tax because he wanted to take away people's inheritance in America. He imposed it, along with a lot of other taxes before we had an income tax, to try to save the Union. It too was repealed when the war was over.

We reimposed the death tax during the Spanish-American War, and repealed it when the war was over. Finally, it was imposed during World War I. We had a battle between the President and the Congress over the League Of Nations. It ended up not being repealed, and it still plagues us today. That is the history of the death tax.

Let me also say to my colleagues that this is an old issue and it is an old issue between the two great political parties. In 1981, when Ronald Reagan came to Washington, part of his tax cut was to raise the exemption—the amount of wealth in your business or your farm or your estate you could protect from taxes—from $175,000 to $600,000. The same arguments made by the same Democrats were made at that time. They said it was wrong to raise the exemption to $600,000. Had they prevailed 20 years ago, the exemption would be $175,000 today.

Ten years ago, Congressman GEPHARDT and Congressman WAXMAN proposed lowering the exemption—that is, the amount of your farm or your business or your estate that you could pass to your children without it being taxed—from $600,000 to $200,000.

Our colleagues basically admit this is a cancer on the economy—but they only want to take part of it out, not all of it out. The problem is, 10 years ago members of their party were trying to lower the deductible and raise the tax. We want to take the whole cancer out because we believe it will come back if we do not.

Finally, in 1997—which is not that long ago—32 Democrat Members of the Senate voted against raising the exemption to $1 million.

We have had a lot of talk today about rich folks and who is rich and who is not rich. Sometimes it is awfully hard to tell. But I do want to use this figure. Iowa is a farm State. They have 80,000 farms. It is estimated that 30,000 of those farms today are valuable enough that if the owner of the farm died, their children would have to pay a death tax. That is almost 40 percent of the farms in Iowa.

Look, there are some people who are bothered by the fact that some people become successful in America and make money. I am not one of them. If someone became very rich, started a business in College Station, had 200 employees, had $10 million worth of machines and plant and equipment and trucks, and they died—our Democrat colleagues say they are rich. But is America richer if we take $5.5 million from them, make them sell the business, sell the trucks, sell the equipment, make their children do all that to give the Government $5.5 million in taxes? Are we not better off leaving that $5.5 million at work in College Station than we are destroying that business and bringing it to Washington?

Sure, the family is rich. But is America richer or poorer by destroying it? Can we build up one family by tearing down another? I do not think so.

I mentioned earlier in the debate—I want to mention it again—I have been bequeathed only one thing in my life.

My Great Uncle Bill, my grandmother's brother, died and left me in his will a cardboard suitcase. I am proud to say I still have it today. It had yellow sports clippings from the 1950s in it. If they had been baseball cards, I would be a rich man today.

If all my relatives I know of left me everything they own, I do not believe I would qualify to pay the estate tax.

So why do I feel so strongly about repealing the death tax? For the simplest of all reasons—it is wrong. It is wrong. It is not right, no matter whether somebody is Bill Gates or Dicky Flatt, who owns a print shop in Mexia, TX, and who never gets that blue ink off the end of his fingers. It is wrong, when they die, to make their children sell off their life's work to give Government 55 cents out of every dollar they have accumulated in their lives. They work, they save, they scrimp—Dicky Flatt gets up early in the morning, he works on Saturday. Everything he owns he plows back into that business. He sent his children to Texas A&M. They have come back into the business.

Dicky's daddy worked there, his momma worked there, he works there, his wife works there, his son works there, his son's daughter worked there, and they plow everything they can back into their business. I do not know what it is worth. But I know whom it belongs to. I know who built it.

How is it right, after they have done all that work, made all those sacrifices, scrimped and saved, lived far below the level they could live if they chose to spend their money—why is it right to take it away from them just because they earned it? That is what this issue is about. It is not about being rich versus being poor. It is about right versus wrong. It is wrong when people who pay taxes on every dollar they earn, who have plowed it back into their businesses or farms or estates, to destroy all that when they die.

Death should not be a taxable event. It is hard enough to face dying, without having to know that your children are going to lose what you have built.

Every day, people are spending billions of dollars to try to get around this tax. Talented people are retiring when they are 55 years old because they know the Government is going to take the fruits of their labor away from their children. People are selling off farms to try to plan their estates. They are shutting down businesses to divide up the assets ahead of time so they do not have to pay the taxes, and America is poorer for it.

We have heard a bunch of speeches from my colleagues. They believe what they believe. I believe what I believe. Who is to say who is right?

But I will say this. Over and over, we have heard people get up on the floor and say we can't afford this. I would just like to remind my colleagues that last Thursday—I hope I am not stretching their memory—last Thursday we spent $14 billion the President did not ask for, for nonemergency matters. That is four times as much, over the next 2 years, as repealing the death tax permanently would cost. So the same people who say we cannot afford to make the repeal of the death tax permanent, they could afford to spend four times that much last Thursday on unrequested programs, but they cannot afford it today.

When we passed the farm bill, they could afford to spend seven times as much as it would cost next year to repeal the death tax, but they can't afford it today.

On the energy bill, they could spend more than enough to pay for it, but they can't afford it today.

When we added all those riders to the trade bill, they could spend more than it would cost next year to repeal the death tax, but they can't afford it today.

When they wrote this budget, they asked for $106 billion of new discretionary nondefense spending. We have heard all of this talk about the war and fighting the war. When they wrote this budget, they spent $106 billion more than the President asked for. Yet today they cannot afford to make the death tax repeal permanent.

It is a matter of priorities. It is a matter of what you think is of a higher order.

What my Democrat colleagues, with very few exceptions, have said indirectly, without saying it just flat out, is the following: They are willing to force people to sell off their businesses and farms to give the Government the money because they want to spend it. They think that is more important than leaving those businesses and farms intact.

I believe they are wrong. I believe the American people believe they are wrong. I think this is something that we need to do. I commend it to my colleagues.

I yield the remainder of our time to my colleague from Arizona. I thank him for his leadership on this issue.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I compliment the Senator from Texas for sponsoring this amendment and for making the arguments which I believe will result in this body finally voting to making permanent what we voted for just a year ago.

I want to remind my colleagues that 48 Republicans and 12 Democrats—56 of us in all—voted to repeal the death tax. There were two other Republican Senators who were not here but would have voted to do that. That is 58 of us. It passed in the House of Representatives. The President signed it into law.

By now we all know, however, that because of the rules under which we operate, all of the tax relief we provided sunset at the end of 10 years.

It is for that reason only that we have to come back and revisit this today. The good news is we have a chance today to make what we did before permanent.

I submit that unless Senators want to say to their constituents, "I was just kidding when I voted to repeal the death tax," that those who voted to repeal it before are going to have to vote to repeal it again, and this time to make it permanent, or else we will perpetuate this hoax.

I have heard a lot of talk about meritrocracy and aristocracy. I would like to talk about the American dream.

I prefer to go back a couple of generations when immigrants came to this country. They brought the ethic of hard work and savings and investment. By the way, investment means job creation. We all know that. But they worked very hard because they wanted to be able to give their kids and their grandkids a better chance and more opportunity than they themselves had.

That is what this country is all about. That is why people have sacrificed a lot—as Senator GRAMM said, to be able to leave their kids something. That is the American dream.

When we talk about doing something for the rich, they are not listening to the debate. The rich man died. He is not rich anymore. He is not even alive anymore. He died. So who pays the death tax? His kids, usually. Who are they? Are they rich people?

I have said this before. Let me say it again. This is from the Internal Revenue Service. These are the official statistics of the IRS. They answer the question about who actually pays. They break it out by men and women. This, by the way, is their latest statistics, Statistics of Income Bulletin, Summer of 1999, pages 72–76.

The largest group are men: 27.7 percent were administrators, upper management, and business owners. That you would expect. That is only 27 percent.

Who is the next group? The second largest group of men, 12.3 percent, were schoolteachers, librarians, and guidance counselors—these filthy rich who deserve to be punished. Maybe their dad had accumulated a lot of wealth. These are not rich people. But their dad is maybe giving them an opportunity to invest some of that money, maybe, to start a small business of their own, or to do something more with it to create jobs and to help make this American dream come true.

How about women? As we know, the majority of small businesses in this country are owned by women. For females, the IRS statistics say that the largest group—14.1 percent—were educators and teachers. These are people who are paying the death tax. These are the women who are paying the death tax.

The next largest group—9.6—were in clerical and administrative support occupations.

If you want to analyze all of the occupations, a significant number of the estate tax filers were scientists, sales people, entertainers, airline pilots, military officers, and mechanics. These are the estate tax filers.

These are the people we want to punish. It is not fair. These people deserve to be treated just as fairly as anybody else in this country.

Again, according to the Internal Revenue Service, in 1999, 116,500 estate tax returns were filed; 60,700 of those—in other words, more than half—were filed by estates with values of less than $1 million. For estates valued between $1 million and $5 million, 50,600 were filed. That is just about all that is left. Above $5 million, there were only 5,200 of those estates.

Even combined, the millionaires filing do not exceed the nonmillionaires filing.

The vast bulk of these, in other words, are by people who do not have these multibillion-dollar kinds of patina, or even multimillion-dollar kinds of patina that people would like to create.

What kind of people are they? What is their money? The Senator from New York talked about the salaries of all of these rich entrepreneurs. They are paying income taxes on those salaries, I might add. We are talking about the estate tax, the death tax—not income tax.

I talked this morning about Brad Eiffert who with his dad owns the Boone County Lumber Company in Columbus, MO. He doesn't make very much in salary every year. They do not have any cash to speak of because they put all of their money back into the Boone County Lumber Company. They go to the bank and borrow money to buy lumber which they sell. They buy trucks and forklifts.

They do the same thing we do. We don't go out and buy a house with cash. We go get a mortgage loan from the bank.

For much of what they own they have borrowed the money. But they make enough money to pay themselves a salary to live on—the dad and the son—and to hire 30 people whose salaries they pay. That is 30 more families that benefit. When the dad dies, Brad is concerned that he doesn't have the cash around to pay half of the value of the estate. It is not his income that gets taxed. It is the value of the entire business; that is, all of the lumber inventory, trucks, forklifts, the warehouse, and the whole thing.

Take that whole value and he says: I don't have that much money to pay half of that to Uncle Sam when my dad dies. Where am I going to get it? I can't borrow. I am fully leveraged. I have done the financing. I will have to sell the business to pay the tax.

That is what this is all about. That is why it is so unfair.

Job creation—well, those jobs are gone. I suppose if you sell it to somebody else and the idea is to prevent the accumulation of wealth, you usually sell it to a large corporation. So instead of a family business, you have some large conglomerate that may let people go and consolidate, or whatever. So much for the American dream. So much for consolidation of wealth.

How would you say this money ought to be taxed, somehow or other? My colleague from Texas already pointed out that income tax has been paid on it.

But I don't think what our colleagues realize is, we don't just repeal the estate tax, we substitute another tax for that, the capital gains tax, but with a big difference. Most of us agree that death should not be a taxable event. You did not have any choice in the matter, of the timing of it, how it happened, when it happened, and so on. You do have a choice over when you sell something or don't sell it, and you know what the tax consequences are.

So when your dad dies, instead of the kids having to pay a tax on half of the value of his estate, and having to sell assets to do it, and so on, under our proposal the estate passes to the heirs. They take the property. They do not pay the tax on death day. But when they sell any of it, they pay a tax. They pay a tax on the capital gains, and it is calculated on the basis of dad's purchase price. So that is how you pick up the revenue.

Mr. President, 60 percent of the American people realize this is unfair, and three-fourths of them say they favor its repeal, even though they would not benefit at all. They understand the unfairness of the existing tax.

We now have an opportunity to make permanent what we passed before, which is the repeal of the estate tax, and to substitute for us the very fair capital gains tax on the original basis of the property. That is what we have the opportunity to do. The House of Representatives has passed this measure. If we pass it today, it goes to the President, and he can sign it. He has asked us to send it to him so he can sign it, to end this unfair tax and replace it with a fair tax.

I urge my colleagues to vote against the Conrad amendment, to vote for the Gramm-Kyl amendment, and to have a fair tax in the United States.

The PRESIDING OFFICER. Time has expired.

AMENDMENT NO. 3831

Under the previous order, there are 5 minutes of debate evenly divided before a vote with respect to the Conrad amendment.

The Senator from Texas.

Mr. GRAMM. Mr. President, I will speak first because I think Senator CONRAD deserves the right to close out on his amendment.

I think this issue has been pretty well debated. I agree with the Democratic floor leader, Senator REID; I think it has been a good debate.

The Conrad amendment does not repeal the death tax. It improves current law by speeding up the process and making a nominal change in it, but it still leaves the structure of the system in place where we have a tax on death.

I believe it is fundamentally wrong, and I am unwilling to get into a debate about at what income level it is wrong. I have never accepted the thesis that what is right for one American is wrong for another American based on their income. Right is right and wrong is wrong where I come from.

I want to repeal the death tax. The Senator from North Dakota does not. That is what it all boils down to.

It has been said over and over, as many ways as you can say it, I still remain amazed that people who consistently vote for new spending never have money when it comes time to let people keep more of what they earn. But rather than reiterate all that, let me sum up and say we are going to have an opportunity, after we vote on Senator CONRAD's amendment, to repeal the death tax. There is only one real repeal, and that is the one I have offered with Senator KYL.

I urge my colleagues to vote against the Conrad amendment and to vote for the Gramm-Kyl amendment.

I believe we will get over 51 votes. As you know, because a point of order will be raised against the amendment, we will have to get 60. I don't know that we will get 60 votes today, but I believe we are taking a step toward repealing the death tax permanently. And I am confident that it will be repealed.

Mr. KOHL. Mr. President, I rise today to support the Conrad estate tax reform amendment and oppose the Gramm-Kyl estate tax repeal amendment. I want to compliment equally both sides in this debate, however. They have brought before the Senate a clear question about the direction of U.S. tax policy—a question that the Senate should address. Should the very richest families in this country be able to pass their entire fortunes onto the next generation tax free? In a time of re-emerging budget deficits, urgent homeland defense needs, and a slowly recovering economy, is a tax break exclusively for the very richest among us a good idea?

That is what this debate is about. Unfortunately, we have heard more about other issues then that very basic question of how we tax the rich and the not so rich in this country.

We have heard that the votes today are about repealing a tax on those who inherit that causes the break-up of family businesses or farms. It is not. The Conrad amendment raises the amount of an estate exempt from tax to $3.5 million, $7 million for a couple, by 2009. In Wisconsin, that will completely exempt all but 0.2 percent of estates from any taxes at all. So we are not arguing over estate taxes on the local dairy farm or the small business operating on Main Street. We all agree they should be totally exempt, and under all proposals we consider today, they are.

No, the question today is should we go further than exempting small businesses, medium-sized businesses, and most all farms—certainly all Wisconsin farms—from the estate tax? Should we enact a tax break for very richest families in this country—less than 1 percent of all estates in this country? Or should we save the hundreds of billions of dollars that that tax break will cost—and use it to defend our country better, pass tax breaks that help the middle class working family, or simply pay down our huge debt? I can think of many uses for billions of dollars better than passing a tax break that will benefit those that inherit $15 million but do nothing for those who inherit $15,000, $150,000, or even $1 milllion.

The choice is clear. It is time to reform the estate tax and exempt 99 percent of all families from any worry of taxes after death. It is not time—and I am not sure it ever will be—to give a multi-billion dollar break to a very small number of very rich families.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we should reform, not repeal, the estate tax because repeal is unaffordable, it is unfair, and it is unpopular.

First, on the question of affordability: The cost of eliminating the estate tax absolutely explodes in the second decade. It costs $100 billion in this 10-year period. It costs $740 billion in the second decade, right at the time the baby boomers retire; and when we know we already are in deep deficit and adding to the debt.

Just yesterday we added to the national debt by $450 billion. Our friends on the other side of the aisle would dig that hole much deeper.

My proposal is far more affordable. Instead of $99.4 billion in the next 10 years, $12.6 billion.

The elimination of the tax is unfair. One example: Mr. Skilling, the former head of Enron, would get a $55 million tax cut, paid for by the Social Security taxes of 30,000 Americans earning $30,000 a year. That is not fair.

On the question of popularity, overwhelmingly, the American people say: Reform, not repeal. By 58 percent to 37 percent, they favor reform over repeal.

That is what my amendment does. It takes the exemption to $3 million for an individual and $6 million for a couple next year. In 2009, it goes to $3.5 million for an individual and $7 million for a couple. They would pay nothing.

That is fair. It is affordable. And it is what the American people want.

I urge my colleagues to support the Conrad amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. All time is yielded back.

The Senator from Texas.

Mr. GRAMM. Mr. President, under the unanimous consent agreement, I raise a 311 budget point of order against the Conrad amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 60, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—38

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Mikulski
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone

NAYS—60

Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Cochran
Collins
Craig
DeWine
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—2

Crapo
Helms

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The majority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the previous agreement for 5 minutes to explain the amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that Senator CONRAD be recognized to make a point of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I raise a point of order that the pending amendment violates section 311(a)(2)(B) of the Congressional Budget Act of 1974.

Mr. GRAMM. I move to waive the point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The majority leader.

Mr. DASCHLE. Mr. President, I announce to my colleagues this is the last vote of the day.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—54

Allard
Allen
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cleland
Cochran
Collins
Craig
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NAYS—44

Akaka
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson

Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
McCain
Mikulski
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone

NOT VOTING—2

Crapo
Helms

The PRESIDING OFFICER. On this question, the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

MEASURE RETURNED TO THE CALENDAR—H.R. 8

The PRESIDING OFFICER. Under the previous order, H.R. 8 is returned to the calendar.

Mr. WELLSTONE. Mr. President, today I opposed full repeal of the estate tax, but I supported a commonsense compromise to cap the estate tax exemption at a reasonable level for all families, and eliminate the tax completely for family farmers and small business owners.

Full repeal of the estate tax is hugely expensive, it will cost nearly a trillion dollars over the next 20 years, it is grossly unfair because it benefits only the tiny number of Americans who pay the estate tax under current law. In fact, in 1999 only 636 Minnesotans paid any estate tax what so ever. Only 36 of those estates were valued at $5 million or more. This is simply not a burden that falls on many families.

In contrast, many rely on Social Security. Over 740,000 Minnesotans currently receive Social Security. The vast majority of these are retired seniors, others are severely disabled. For many it is their only source of income. I find it outrageous that colleagues are proposing to use the Social Security surplus, which nearly a million Minnesotans rely upon, to give a massive tax break to the heirs of a handful of Americans.

Nationally, only 1.6 percent of all estates were made up with significant small business assets, and only 1.4 percent had significant farm assets. This means that virtually all the estate tax is paid by extremely wealthy people who do not own farms or small businesses. It also means that we could eliminate the estate tax for small businesses and farms and not engage in a massive raid on the Treasury.

Proponents of last year's massive tax cut portrayed the legislation as completely protecting small businesses and family farms from the estate tax. But as a cost saving gimmick, the law only does so for only one year.

Business owners were used as pawns last year, and they are again this year. Now they are frustrated trying to plan for their families' futures around this scheme and they shouldn't have to be.

I supported a commonsense compromise that would have capped the estate exemption at a reasonable level, $8 million for a married couple, lifting the burden of the estate tax from 98 percent of estates, but maintaining the tax for large, wealthy estates.

In addition, the Dorgan amendment would have totally exempted family-owned small business and farm assets from the estate tax if the family of the current owner wishes to continue to operate the business or farm. Because this relief would have been permanent, business owners can plan their affairs with confidence and security. And this complete repeal for businesses and farms would be effective next year, unlike the republican proposal where family business owners would have to wait until 2010.

In an ideal world I would have written the Dorgan amendment differently. I would strengthen the family-owned business provision to ensure than only smaller business and farms, with 200 employees or less would qualify for this exemption. But I voted for the Dorgan amendment because it is still far better than full repeal. It retains the estate tax for the ultra-rich, but would protect small business owners and family farmers. And it would save hundreds of billions over the next 20 years compared to full repeal.

Let me also point out one final irony in this debate. I mentioned yesterday the bizarreness of colleagues voting against raising the debt limit, and then in the same day turning around and supporting a bill that would raise the national debt by hundreds of thousands more.

Today's irony is that this is supposed to be a debate about small businesses, but my friends on the other side are opposing the Dorgan amendment that gives permanent relief from the estate tax from small businesses and family farmers right now—compared to 7 years from now under the Gramm approach. Let me repeat that, my colleagues on the other side say they are for the small business owner. They say they are for the family farmer. Yet they are opposing immediate relief for small business owners and farmers. Why? To protect their tax breaks for billionaires.

Small businesses and farmers are the pawns in this debate. They have literally been used by those who want to give billionaires a tax break. I don't know if there is a single person in this body who would oppose giving permanent, targeted estate tax relief to small business owners and family farmers. I think it could pass 100 to 0. But it didn't because if the supporters of full repeal let the small business owner get relief then they lose this issue. And they won't get repeal for billionaires. And they would rather have the issue to campaign on, and they aren't going to let the little guy on Main Street get his tax break unless they can get it for the fat cat on Wall Street.

The Dorgan amendment should be an eye opener for small business owners and farmers. It betrays the real agenda behind full repeal of the estate tax. It's not about the little guy. It is not about the shopkeeper, the farmer, the contractor, the wholesaler. They are the hostages in this debate.

I will not jeopardize Social Security—which tens of millions of Americans rely upon for their retirement—to grant tax breaks to the heirs of multimillionaires and billionaires.

We cannot afford to give a few lucky Americans a tax free inheritance of hundreds of millions or billions of dollars and protect the tens of millions of Americans and over 740,000 Minnesotans who rely on Social Security.

But we can afford to shield small estates, small businesses, and family farms from the estate tax at the same time we safeguard the retirement security of all Minnesotans. That is what I voted to do.

UNANIMOUS CONSENT REQUEST

Mr. REID. Mr. President, I ask unanimous consent that on Friday, June 14, the Senate proceed concurrently, at a time to be determined by the majority leader after consultation with the Republican leader, to two bills relating to cloning, a bill to be introduced by Senators HATCH, FEINSTEIN, SPECTER, and others, and a bill to be introduced by Senator BROWNBACK. I further ask that Senator BROWNBACK or his designee be recognized to immediately offer a cloture motion on his bill, to be followed by Senator HATCH or his designee offering a cloture motion on his bill. I further ask unanimous consent that no amendments or motions to commit be in order to either bill and there be the following limitations for debate with respect to both bills: 3 hours equally divided between the two sponsors or their designees on Friday; 4 hours equally divided in the same fashion on Monday, June 17; 1 hour equally divided in the same fashion on Tuesday, June 18; that following the use or yielding back of time, on Tuesday, the Senate proceed to vote on the cloture motion on Senator BROWNBACK's bill and, notwithstanding the outcome of that vote, to be followed by an immediate cloture vote on Senator HATCH's bill; further, if cloture is invoked on either bill, the Senate then resume consideration under the provisions of rule XXII. Finally, I ask unanimous consent that, if cloture is not invoked on either bill, then each bill be placed back on the calendar.

The PRESIDING OFFICER. Is there objection? The Senator from Kansas.

Mr. BROWNBACK. Mr. President, reserving the right to object, I appreciate my colleague from Nevada bringing this forward. I hope we can work out a reasonable and prudent way to address what I consider to be a critical issue—many people consider to be a critical issue in front of the country. I say we still may be able to get to an agreement that would get ample time and opportunity for the Senate to speak on this timely legislation.

I therefore ask unanimous consent for the following modifications to this pending request. I ask unanimous consent that on Friday, June 14, the Senate proceed to the bill just mentioned, introduced by Senator KENNEDY, Senator HATCH, and others, and that Senator LANDRIEU, myself, and Senator HUTCHISON be permitted to offer up to four relevant amendments to the bill; further, I ask unanimous consent that these amendments be in order notwithstanding the provisions of rule XXII, and that no other amendments be in order to the bill.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. I do not.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Then I am afraid I must object and I do object.

The PRESIDING OFFICER. Objection is heard. The Senator from Nevada.

Mr. REID. Mr. President, I am, of course, disappointed. Many people worked long and hard to come up with this agreement. Senator DASCHLE, I believe, has fulfilled his commitment. As I understand it, the only dispute is to when the respective votes should occur, and I submit that shouldn't matter that much, but that is the unanimous consent agreement that was propounded. Senator DASCHLE has worked with others long and hard. Maybe later we can work something else out. At the present time, I think Senator DASCHLE has fulfilled his commitment.

UNANIMOUS CONSENT AGREEMENT—S. 2600

Mr. REID. I ask unanimous consent that at 10 a.m. tomorrow the Senate proceed to the consideration of Calendar No. 410, S. 2600, the terrorism insurance bill.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Reserving the right to object, I ultimately will not object, but I want to propose that the unanimous consent request be amended to read as follows: I ask unanimous consent that at a time determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 252, H.R. 3210, and it be considered under the following limitations, the only amendments in order be the following: A substitute amendment by Senator GRAMM and myself, the text of which will be printed in the RECORD upon the granting of the consent; three relevant first-degree amendments to the substitute to be offered by each leader or their designees, and that no motions to recommit be in order; I further ask unanimous consent that, following a vote on or in relation to the above-listed first-degree amendments and any debate time, there be a vote on or in relation to the substitute amendment; finally, I ask unanimous consent that when and if the bill is passed, the Senate then insist on its amendment and request a conference with the House on the disagreeing votes.

Mr. REID. Mr. President, it is my understanding——

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. Mr. President, reserving the right to respond to the Chair, I would simply say this: We have been through this now for months. I have been down here on a number of occasions, trying to get something that we believe will expedite this very important legislation. We have tried one amendment on each side, two amendments on each side, three amendments on each side. I think we finally got to five amendments on each side. I think the best thing to do is just get to the bill. It is an important piece of legislation and if it is as important as the major industries believe it is, we are going to complete this bill in a reasonable period of time. So I do not consent to the modification.

The PRESIDING OFFICER. Objection is heard. Is there objection to the request from the Senator from Nevada?

Mr. GRAMM. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I am not going to object. I just want to say we are bringing up a bill that was not reported by the committee of jurisdiction. There has been an effort underway by many of us to try to reach a bipartisan consensus, and it may very well be that this is the only route we can take. I happen to be one of the people around here who believes that we should have passed the bill last year. I was for a bill.

I would like to say today that this is a hard way to do it, and it is going to mean we are going to have to do a lot of amendments on the floor that we should have done in committee. I hope, therefore, that we are not going to find ourselves in a position where we are going to have an effort to cloture the bill.

If the bill had come out of committee, if there were some kind of consensus, then I think you could understand that, if people were raising extraneous amendments. But I am hoping we are going to have time for debate. I think there will be a real possibility that we will have to have maybe 10 or 12 or 15 real amendments on the subject, amendments on which we will have to work our will. I hope we will not have that process cut off with cloture.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Further reserving the right to object, let me add to what the Senator from Texas has said. Ultimately I will not object, either. But both of us believe that we have put together a proposal that should have been the base bill. I think I can speak for the Senator from Texas and myself: We have some direction from the administration now as to what kind of legislation they might ultimately sign. I have in my hand a letter addressed to the Republican leader, signed by the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the National Economic Council, and the Council of Economic Advisers indicating that a bill that makes the victims of terrorist attacks a subject of punitive damages and that opens up this whole area for further predatory lawsuits will not be signed by the President. They will recommend to the President a veto.

I share the view of the Senator from Texas that the amendments to this bill certainly ought to be germane to the subject. The amendments that this Senator is going to offer will certainly be germane to the subject. Just so everybody will know what the Senator from Texas and I had put together, what we thought would be the best way to go as the best bill that will be available to everyone, I ask unanimous consent to have two things printed in the RECORD: First, the letter signed by the Secretary of the Treasury, dated June 10.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, June 10, 2002.

Hon. TRENT LOTT,
Senate Republican Leader, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: The War on Terrorism must be fought on many fronts. From an economic perspective, we must minimize the risks and consequences associated with potential acts of terror. No measure is more important to mitigating the economic effects of terrorist events than the passage of terrorism insurance legislation.

Last November 1, the Administration publicly agreed to bipartisan legislation negotiated with Chairman Sarbanes, Chairman Dodd, Senator Gramm and Senator Enzi. While the House of Representatives quickly responded to this urgent need by passing appropriate legislation, the Senate did not act and has not passed any form of terrorism legislation in the intervening seven months.

The absence of federal legislation is having a palpable and severe effect on our economy and is costing America's workers their jobs. In the first quarter of this year, commercial real estate construction was down 20 percent. The disruption of terrorism coverage makes it more difficult to operate, acquire, or refinance property, leading to diminished bank lending for new construction projects and lower asset values for existing properties. The Bond Market Association has said that more than $7 billion worth of commercial real estate activity has been suspended or cancelled due to the lack of such insurance. Last week, Moody's Investors Service announced that 14 commercial mortgage-backed transactions could be downgraded due to a lack of such insurance.

Without such insurance, the economic impact of another terrorist attack would be much larger, including major bankruptcies, layoffs and loan defaults. While we are doing everything we can to stop another attack, we should minimize the widespread economic damage to our economy should such an event occur.

One important issue for the availability of terrorism insurance is the risk of unfair or excessive litigation against American companies following an attack. Many for-profit and charitable entities have been unable to obtain affordable and adequate insurance, in part because of the risk that they will be unfairly sued for the acts of international terrorists.

To address this risk at least two important provisions are essential. First, provisions for an exclusive federal cause of action and consolidation of all cases arising out of terrorist attacks, like those included in the Air Transportation Safety and System Stabilization Act, are necessary to provide for reasonable and expeditious litigation.

Second, the victims of terrorism should not have to pay punitive damages. Punitive damages are designed to punish criminal or near-criminal wrongdoing. Of course such sanctions are appropriate for terrorists. But American companies that are attacked by terrorists should not be subject to predatory lawsuits. The availability of punitive damages in terrorism cases would result in inequitable relief for injured parties, threaten bankruptcies for American companies and a loss of jobs for American workers.

It is also clear that the potential for massive damages imposed on companies that suffer from acts of terror would endanger our economic recovery from a terrorist attack. Indeed, the added risks and legal uncertainty hanging over the economy as a result of last September 11th are major factors inhibiting a business willingness to invest and to create jobs. It makes little economic sense to pass a terrorism insurance bill that leaves our economy exposed to such inappropriate and needless legal uncertainty.

The bipartisan public agreement reached between the Administration and Chairman Sarbanes, Chairman Dodd, Senator Gramm and Senator Enzi last fall provided these minimum safeguards. We would recommend that the President not sign any legislation that leaves the American economy and victims of terrorist acts subject to predatory lawsuits and punitive damages.

The American people and our economy have waited seven months since our public agreement on legislation. The process must move forward. Prompt action by the Senate on this vitally important legislation is needed now.

Sincerely,

PAUL H. O'NEILL,
Secretary of the Treasury.
MITCHELL E. DANIELS,
Director, Office of Management and Budget.
LAWRENCE LINDSEY,
Director, National Economic Council.
R. GLENN HUBBARD,
Director, Council of Economic Advisors.

Mr. McCONNELL. We would like also to include the bill that Senator GRAMM and I had hoped would be the base bill that we took up, one that we are confident the President would have embraced and signed. I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorism Risk Insurance Act of 2002".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) property and casualty insurance firms are important financial institutions, the products of which allow mutualization of risk and the efficient use of financial resources and enhance the ability of the economy to maintain stability, while responding to a variety of economic, political, environmental, and other risks with a minimum of disruption;

(2) the ability of businesses and individuals to obtain property and casualty insurance at reasonable and predictable prices, in order to spread the risk of both routine and catastrophic loss, is critical to economic growth, urban development, and the construction and maintenance of public and private housing, as well as to the promotion of United States exports and foreign trade in an increasingly interconnected world;

(3) the ability of the insurance industry to cover the unprecedented financial risks presented by potential acts of terrorism in the United States can be a major factor in the recovery from terrorist attacks, while maintaining the stability of the economy;

(4) widespread financial market uncertainties have arisen following the terrorist attacks of September 11, 2001, including the absence of information from which financial institutions can make statistically valid estimates of the probability and costs of future terrorist events, and therefore the size, funding, and allocation of the risk of loss caused by such acts of terrorism;

(5) a decision by property and casualty insurers to deal with such uncertainties, either by terminating property and casualty coverage for losses arising form terrorist events, or by radically escalating premium coverage to compensate for risks of loss that are not readily predictable, could seriously hamper ongoing and planned construction, property acquisition, and other business projects, generate a dramatic increase in rents, and otherwise suppress economic activity and

(6) the United States Government should provide temporary financial compensation to insured parties, contributing to the stabilization of the United States economy in a time of national crisis, while the financial services industry develops the systems, mechanisms, products, and programs necessary to create a viable financial services market for private terrorism risk insurance.

(b) PURPOSE.—The purpose of this Act is to establish a temporary Federal program that provides for a transparent system of shared public and private compensation for insured losses resulting from acts of terrorism, in order to—

(1) protect consumers by addressing market disruptions and ensure the continued widespread availability and affordability of property and casualty insurance for terrorism risk; and

(2) allow for a transitional period for the private markets to stabilize, resume pricing of such insurance and build capacity to absorb any future losses, while preserving State insurance regulation and consumer protections.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ACT OF TERRORISM.—

(A) CERTIFICATION.—The term "act of terrorism" means any act that is certified by the Secretary, in concurrence with the Secretary of State, and the Attorney General of the United States—

(i) to be a violent act or an act that is dangerous to—

(I) human life;

(II) property; or

(III) infrastructure;

(ii) to have resulted in damage within the United States, or outside the United States in the case of an air carrier or vessel described in paragraph (3)(A)(ii); and

(iii) to have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

(B) LIMITATION.—No act or event shall be certified by the Secretary as an act of terrorism if—

(i) the act or event is committed in the course of a war declared by the Congress; or

(ii) losses resulting from the act or event, in the aggregate, do not exceed $5,000,000.

(C) DETERMINATION FINAL.—Any certification of, or determination not to certify, an act of terrorism under this paragraph shall be final, and shall not be subject to judicial review.

(2) BUSINESS INTERRUPTION COVERAGE.—The term "business interruption coverage"—

(A) means coverage of losses for temporary relocation expenses and ongoing expenses, including ordinary wages, where—

(i) there is physical damage to the business premises of such magnitude that the business cannot open for business;

(ii) there is physical damage to other property that totally prevents customers or employees from gaining access to the business premises; or

(iii) the Federal, State, or local government shuts down an area due to physical or environmental damage, thereby preventing customers or employees from gaining access to the business premises; and

(B) does not include lost profits, other than in the case of a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632) and applicable regulations thereunder) in any case described in clause (i), (ii), or (iii) of subparagraph (A).

(3) INSURED LOSS.—The term "insured loss"—

(A) means any loss resulting from an act of terrorism that is covered by primary property and casualty insurance, including business interruption coverage, issued by a participating insurance company, if such loss—

(i) occurs within the United States; or

(ii) occurs to an air carrier (as defined in section 40102 of title 49, United States Code) or to a United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), regardless of where the loss occurs; and

(B) excludes coverage under any life or health insurance.

(4) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners.

(5) PARTICIPATING INSURANCE COMPANY.—The term "participating insurance company" means any insurance company, including any subsidiary or affiliate thereof—

(A) that—

(i) is licensed or admitted to engage in the business of providing primary insurance in any State, and was so licensed or admitted on September 11, 2001; or

(ii) is not licensed or admitted as described in clause (i), if it is an eligible surplus line carrier listed on the Quarterly Listing of Alien Insurers of the NAIC, or any successor thereto;

(B) that receives direct premiums for any type of commercial property and casualty insurance coverage or that, not later than 21 days after the date of enactment of this Act, submits written notification to the Secretary of its intent to participate in the Program with regard to personal lines of property and casualty insurance; and

(C) that meets any other criteria that the Secretary may reasonably prescribe.

(6) PERSON.—The term "person" means any individual, business or nonprofit entity (including those organized in the form of a partnership, limited liability company, corporation, or association), trust or estate, or a State or political subdivision of a State or other governmental unit.

(7) PROGRAM.—The term "Program" means the Terrorism Insured Loss Shared Compensation Program established by this Act.

(8) PROPERTY AND CASUALTY INSURANCE.—The term "property and casualty insurance"—

(A) means commercial lines of property and casualty insurance;

(B) includes personal lines of property and casualty insurance, if a notification is made in accordance with paragraph (5)(B); and

(C) does not include—

(i) Federal crop insurance issued or reinsured under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) private mortgage insurance, as that term is defined in section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901).

(9) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(10) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and each of the United States Virgin Islands.

(11) UNITED STATES.—The term "United States" means all States of the United States and includes the territorial seas of the United States.

SEC. 4. TERRORISM INSURED LOSS SHARED COMPENSATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—There is established in the Department of the Treasury the Terrorism Insured Loss Shared Compensation Program.

(2) AUTHORITY OF THE SECRETARY.—Notwithstanding any other provision of State or Federal law, the Secretary shall administer the Program, and shall pay the Federal share of compensation for insured losses in accordance with subsection (e).

(b) CONDITIONS FOR FEDERAL PAYMENTS.—No payment may be made by the Secretary under subsection (e), unless—

(1) a person that suffers an insured loss, or a person acting on behalf of that person, files a claim with a participating insurance company;

(2) the participating insurance company provides clear and conspicuous disclosure to the policyholder of the premium charged for insured losses covered by the Program and the Federal share of compensation for insured losses under the Program—

(A) in the case of any policy covering an insured loss that is issued on or after the date of enactment of this Act, in the policy, at the time of offer, purchase, and renewal of the policy; and

(B) in the case of any policy that is issued before the date of enactment of this Act, not later than 90 days after that date of enactment;

(3) the participating insurance company processes the claim for the insured loss in accordance with its standard business practices, and any reasonable procedures that the Secretary may prescribe; and

(4) the participating insurance company submits to the Secretary, in accordance with such reasonable procedures as the Secretary may establish—

(A) a claim for payment of the Federal share of compensation for insured losses under the Program;

(B) written verification and certification—

(i) of the underlying claim; and

(ii) of all payments made for insured losses; and

(C) certification of its compliance with the provisions of this subsection.

(c) MANDATORY PARTICIPATION; MANDATORY AVAILABILITY.—Each insurance company that meets the definition of a participating insurance company under section 3—

(1) shall participate in the Program;

(2) shall make available in all of its property and casualty insurance policies (in all of its participating lines), coverage for insured losses; and

(3) shall make available property and casualty insurance coverage for insured losses that does not differ materially from the terms, amounts, and other coverage limitations applicable to losses arising from events other than acts of terrorism.

(d) PARTICIPATION BY SELF INSURED ENTITIES.—

(1) DETERMINATION BY THE SECRETARY.—The Secretary may, in consultation with the NAIC, establish procedures to allow participation in the Program by municipalities and other governmental or quasi-governmental entities (and by any other entity, as the Secretary deems appropriate) operating through self insurance arrangements that were in existence on September 11, 2001, but only if the Secretary makes a determination with regard to participation by any such entity before the occurrence of an act of terrorism in which the entity incurs an insured loss.

(2) PARTICIPATION.—If the Secretary makes a determination to allow an entity described in paragraph (1) to participate in the Program, all reports, conditions, requirements, and standards established by this Act for participating insurance companies shall apply to any such entity, as determined to be appropriate by the Secretary.

(e) SHARED INSURANCE LOSS COVERAGE.—

(1) FEDERAL SHARE.—

(A) IN GENERAL.—Subject to the cap on liability under paragraph (2) and the limitation under paragraph (6), the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on the date of the enactment of this Act and ending at midnight on December 31, 2003 shall be equal to 90 percent of that portion of the amount of aggregate insured losses that exceeds $10,000,000,000.

(B) EXTENSION PERIOD.—If the Program is extended in accordance with section 6, the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on January 1, 2004 and ending at midnight on December 31, 2004, shall be equal to 90 percent of that portion of the amount of aggregate insured losses that exceeds $20,000,000,000, subject to the cap on liability in paragraph (2) and the limitation under paragraph (6).

(C) PRO RATA SHARE.—If, during the period described in subparagraph (A) (or during the period described in subparagraph (B), if the Program is extended in accordance with section 6), the aggregate insured losses for that period exceed $10,000,000,000, the Secretary shall determine the pro rata share for each participating insurance company of the Federal share of compensation for insured losses calculated under subparagraph (A).

(2) CAP ON ANNUAL LIABILITY.—Notwithstanding paragraph (1), or any other provision of Federal or State law, if the aggregate insured losses exceed $100,000,000,000 during any period referred to in subparagraph (A) and (B) of paragraph (1)—

(A) the Secretary shall not make any payment under this Act for any portion of the amount of such losses that exceeds $100,000,000,000; and

(B) participating insurance companies shall not be liable for the payment of any portion of the amount that exceeds $100,000,000,000.

(3) NOTICE TO CONGRESS.—The Secretary shall notify the Congress if estimated or actual aggregate insured losses exceed $100,000,000,000 in any period described in paragraph (1), and the Congress shall determine the procedures for and the source of any such excess payments.

(4) FINAL NETTING.—The Secretary shall have sole discretion to determine the time at which claims relating to any insured loss or act of terrorism shall become final.

(5) DETERMINATION FINAL.—Any determination of the Secretary under this subsection shall be final, and shall not be subject to judicial review.

(6) IN-FORCE REINSURANCE AGREEMENTS.—For policies covered by reinsurance contracts in force on the date of enactment of this Act, until the in-force reinsurance contract is renewed, amended, or has reached its 1-year anniversary date, any Federal share of compensation due to a participating insurance company for insured losses during the effective period of the Program shall be shared—

(A) with all reinsurance companies to which the participating insurance company has ceded some share of the insured loss pursuant to an in-force reinsurance contract; and

(B) in a manner that distributes the Federal share of compensation for insured losses between the participating insurance company and the reinsurance company or companies in the same proportion as the insured losses would have been distributed if the Program did not exist.

SEC. 5. GENERAL AUTHORITY AND ADMINISTRATION OF CLAIMS.

(a) GENERAL AUTHORITY.—The Secretary shall have the powers and authorities necessary to carry out the Program, including authority—

(1) to investigate and audit all claims under the Program; and

(2) to prescribe regulations and procedures to implement the Program.

(b) INTERIM RULES AND PROCEDURES.—The Secretary shall issue interim final rules or procedures specifying the manner in which—

(1) participating insurance companies may file, verify, and certify claims under the Program;

(2) the Secretary shall publish or otherwise publicly announce the applicable percentage of insured losses that is the responsibility of participating insurance companies and the percentage that is the responsibility of the Federal Government under the Program;

(3) the Federal share of compensation for insured losses will be paid under the Program, including payments based on estimates of or actual aggregate insured losses;

(4) the Secretary may, at any time, seek repayment from or reimburse any participating insurance company, based on estimates of insured losses under the Program, to effectuate the insured loss sharing provisions contained in section 4;

(5) each participating insurance company that incurs insured losses shall pay its pro rata share of insured losses, in accordance with section 4; and

(6) the Secretary will determine any final netting of payments for actual insured losses under the Program, including payments owed to the Federal Government from any participating insurance company and any Federal share of compensation for insured losses owed to any participating insurance company, to effectuate the insured loss sharing provisions contained in section 4.

(c) SUBROGATION RIGHTS.—The United States shall have the right of subrogation with respect to any payment made by the United States under the Program.

(d) CONTRACTS FOR SERVICES.—The Secretary may employ persons or contract for services as may be necessary to implement the Program.

(e) CIVIL PENALTIES.—The Secretary may assess civil money penalties for violations of this Act or any rule, regulation, or order issued by the Secretary under this Act relating to the submission of false or misleading information for purposes of the Program, or any failure to repay any amount required to be reimbursed under regulations or procedures described in section 5(b). The authority granted under this subsection shall continue during any period in which the Secretary's authority under section 6(d) is in effect.

SEC. 6. TERMINATION OF PROGRAM; DISCRETIONARY EXTENSION.

(a) TERMINATION OF PROGRAM.—

(1) IN GENERAL.—The Program shall terminate at midnight on December 31, 2003, unless the Secretary—

(A) determines, after considering the report and finding required by this section, that the program should be extended for one additional year, until midnight on December 31, 2004; and

(B) promptly notifies the Congress of such determination and the reasons therefor.

(2) DETERMINATION FINAL.—The determination of the Secretary under paragraph (2) shall be final, and shall not be subject to judicial review.

(3) TERMINATION AFTER EXTENSION.—If the program is extended under paragraph (1), the Program shall terminate at midnight on December 31, 2004.

(b) REPORT TO CONGRESS.—Not later than 9 months after the date of enactment of this Act the Secretary shall submit a report to Congress—

(1) regarding—

(A) the availability of insurance coverage for acts of terrorism;

(B) the affordability of such coverage, including the effect of such coverage on premiums; and

(C) the capacity of the insurance industry to absorb future losses resulting from acts of terrorism, taking into account the profitability of the insurance industry; and

(2) that considers—

(A) the impact of the program on each of the factors described in paragraph (1); and

(B) the probable impact on such factors and on the United States economy if the Program terminates at midnight on December 31, 2003.

(c) FINDING REQUIRED.—A determination under subsection (a) to extend the program shall be based on a finding by the Secretary that—

(1) widespread market uncertainties continue to disrupt the ability of insurance companies to price insurance coverage for losses resulting from acts of terrorism, thereby resulting in the continuing unavailability of affordable insurance for consumers; and

(2) extending the program for an additional year would likely encourage economic stabilization and facilitate a transition to a viable market for private terrorism risk insurance.

(d) CONTINUING AUTHORITY TO PAY OR ADJUST COMPENSATION.—following the termination of the Program under subsection (a), the Secretary may take such actions as may be necessary to ensure payment, reimbursement, or adjustment of compensation for insured losses arising out of any act of terrorism occurring during the period in which the Program was in effect under this Act, in accordance with the provisions of section 4 and regulations promulgated thereunder.

(e) REPEAL; SAVINGS CLAUSE.—This act is repealed at midnight on the final termination date of the Program under section (a), except that such repeal shall not be construed—

(1) to prevent the Secretary from taking, or causing to be taken, such actions under subsection (d) of this section and sections 4(e)(4), 4(e)(5), 5(a)(1), 5(c), and (e) (as in effect on the day before the date of such repeal), and applicable regulations promulgated thereunder, during any period in which the authority of the Secretary under subsection (d) of this section is in effect; or

(2) to prevent the availability of funding under section 9(b) during any period in which authority of the Secretary under subsection (d) of this section is in effect.

(f) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary should make any determination under subsection (a) in sufficient time to enable participating insurance companies to include coverage for acts of terrorism in their policies for 2004.

(g) STUDY AND REPORT ON SCOPE OF THE PROGRAM.—

(1) STUDY.—The Secretary, after consultation with the NAIC, representatives of the insurance industry, and other experts in the insurance field, shall conduct a study of the potential effects of acts of terrorism on the availability of life insurance and other lines of insurance coverage.

(2) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress on the results of the study conducted under paragraph (1).

(h) REPORTS REGARDING TERRORISM RISK INSURANCE PREMIUMS.—

(1) REPORT TO THE NAIC.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, each participating insurance company shall submit a report to the NAIC that states the premium rates charged by that participating insurance company during the preceding 6-month period for insured losses covered by the Program, and includes an explanation of and justification for those rates.

(2) REPORTS FORWARDED.—The NAIC shall promptly forward copies of each report submitted under paragraph (1) to the Secretary, the Secretary of Commerce, the Chairman of the Federal Trade Commission, and the Comptroller General of the United States.

(3) AGENCY REPORT TO CONGRESS.—

(A) IN GENERAL.—The Secretary, the Secretary of Commerce and the Chairman of the Federal Trade Commission shall submit joint reports to Congress and the Comptroller General of the United States summarizing and evaluating the reports forward under paragraph (2).

(B) TIMING.—The reports required under subparagraph (A) shall be submitted—

(i) 9 months after the date of enactment of this Act; and

(ii) 12 months after the date of submission of the first report under clause (i).

(4) GAO EVALUATION AND REPORT.—

(A) EVALUATION.—The Comptroller General of the United States shall evaluate each report submitted under paragraph (3), and upon request, the Secretary, the Secretary of Commerce, the Chairman of the Federal Trade Commission, and the NAIC shall provide to the Comptroller all documents, records, and any other information that the Comptroller deems necessary to carry out such evaluation.

(B) REPORT TO CONGRESS.—Not later than 90 days after receipt of each report submitted under paragraph (3), the Comptroller General of the United States shall submit to Congress a report of the evaluation required by subparagraph (A).

SEC. 7. PRESERVATION OF STATE LAW.

Nothing in this Act shall affect the jurisdiction or regulatory authority of the insurance commissioner (or any agency or office performing like functions) of any State over any participating insurance company or other person—

(1) except as specifically provided in this Act; and

(2) except that—

(A) the definition of the term "act of terrorism" in section 3 shall be the exclusive definition of that term for purposes of compensation for insured losses under this Act, and shall preempt any provision of State law that is inconsistent with that definition, to the extent that such provision of law would otherwise apply to any type of insurance covered by this Act;

(B) during the period beginning on the date of enactment of this Act and ending at midnight on December 31, 2002, rates for terrorism risk insurance covered by this Act and filed with any State shall not be subject to prior approval or a waiting period, under any law of a State that would otherwise be applicable, except that nothing in this Act affects the ability of any State to invalidate a rate as excessive, inadequate, or unfairly discriminatory; and

(C) during the period beginning on the date of enactment of this Act and for so long as the Program is in effect, as provided in section 6 (including any period during which the authority of the Secretary under section 6(d) is in effect), books and records of any participating insurance company that are relevant to the Program shall be provided, or caused to be provided, to the Secretary or the designee of the Secretary, upon request by the Secretary or such designee, notwithstanding any provision of the laws of any State prohibiting or limiting such access.

SEC. 8. SENSE OF THE CONGRESS REGARDING CAPACITY BUILDING.

It is the sense of the Congress that the insurance industry should build capacity and aggregate risk to provide affordable property and casualty insurance coverage for terrorism risk.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS; PAYMENT AUTHORITY.

(a) Administrative Expenses.—There are authorized to be appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary for administrative expenses of the Program, to remain available until expended.

(b) Payment Authority.—This Act constitutes payment authority in advance of appropriation Acts, and represents the obligation of the Federal Government to provide for the Federal share of compensation for insured losses under the Program.

SEC. 10. PROCEDURES FOR CIVIL ACTIONS.

(a) Federal Cause of Action.—

(1) In general.—There shall exist a Federal cause of action for claims arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for such claims, except as provided in subsection (f).

(2) Preemption of state actions.—All State causes of action of any kind for claims arising out of or resulting from an act of terrorism that are otherwise available under State law, are hereby preempted, except as provided in subsection (f).

(b) Governing Law.—The substantive law for decision in an action described in subsection (a)(1) shall be derived from the law, including applicable choice of law principles, of the State in which the act of terrorism giving rise to the action occurred, except to the extent that—

(1) the law, including choice of law principles, of another State is determined to be applicable to the action by the district court hearing the action; or

(2) otherwise applicable State law (including that determined under paragraph (1), is inconsistent with or otherwise preempted by Federal law.

(c) Federal Jurisdiction.—

(1) In general.—Notwithstanding any other provision of law, not later than 90 days after the date of the occurrence of an act of terrorism, the Judicial Panel on Multidistrict Litigation shall assign a single Federal district court to conduct pretrial and trial proceedings in all pending and future civil actions for claims arising out of or resulting from that act of terrorism.

(2) Selection criteria.—The Judicial Panel on Multidistrict Litigation shall select and assign the district court under paragraph (1) based on the convenience of the parties and the just and efficient conduct of the proceedings.

(3) Jurisdiction.—The district court assigned by the Judicial Panel on Multidistrict Litigation shall have original and exclusive jurisdiction over all actions under paragraph (1). For purposes of personal jurisdiction, the district court assigned by the Judicial Panel on Multidistrict Litigation shall be deemed to sit in all judicial districts in the United States.

(4) Transfer of cases filed in other federal courts.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a Federal district court other than the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1) shall be transferred to the Federal district court so assigned.

(5) Removal of cases filed in state courts.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a State court shall be removable to the Federal district court assigned by the Judicial Panel on Multidistrict litigation under paragraph (1).

(d) Approval of Settlements.—Any settlement between the parties of a civil action described in this section for claims arising out of or resulting from an act of terrorism shall be subject to prior approval by the Secretary after consultation by the Secretary with the Attorney General.

(e) Limitation on Damages.—

(1) In general.—Punitive or exemplary damages shall not be available for any losses in any action described in subsection (a)(1), including any settlement described in subsection (d), except where—

(A) punitive or exemplary damages are permitted by applicable State law; and

(B) the harm to the plaintiff was caused by a criminal act or course of conduct for which the defendant was convicted under Federal or State criminal law, including a conviction based on a guilty plea or plea of nolo contendere.

(2) Protection of taxpayer funds.—Any amounts awarded in, or granted in settlement of, an action described in subsection (a)(1) that are attributable to punitive or exemplary damages allowable under paragraph (1) of this subsection shall not count as insured losses for purposes of this Act.

(f) Claims Against Terrorists.—Nothing in this section shall in any way be construed to limit the ability of any plaintiff to seek any form of recovery from any person, government, or other entity that was a participant in, or aider and abettor of, any act of terrorism.

(g) Effective Period.—This section shall apply only to actions described in subsection (a)(1) arising out of or resulting from acts of terrorism that occur during the effective period of the Program, including any applicable extension period.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Reserving the right to object, I will be brief and I will not object. I think we should go ahead and get an agreement to proceed on this bill because there has been a lot of effort over a long period of time to try to work out some substance, some process for considering it, the numbers of amendments that would be offered. Having been through all of that, I think it is time we just go forward. We could not get an agreement to limit amendments anyway. I believe there are going to be a lot of amendments that relate to the subject matter that will be offered and we will have a good debate.

I do want to make two observations. There was a bipartisan bill. There was a bill, I had the impression that had been worked out with Senator Sarbanes, I thought Senator Dodd, and Senator Gramm at the committee level, although it was not reported out, that would have had some limits on liability, but all of a sudden it disappeared from the committee itself, went to some other venue, and it came up with the substance as it is now. I do not think that is the way business should be done around here, and every time it is done that way, which was the case, in my opinion, on the energy bill and on an agriculture bill, you get into a great big fracas and have a lot of trouble.

But I think the issue is important. I am sure there are very strong feelings for it and some against it.

But I emphasize the point that Senator McConnell made a moment ago. We need this legislation passed because of the confidence it will provide to this sector of the economy. But it will not be signed into law without some limits on liabilities. We cannot and we will not—and the President will not—allow the plaintiff's lawyers of this country to get this kind of access to the Treasury of the United States of America. I think everybody needs to understand that.

We should do this. We are going forward. But in the end we are not going to have a bill without limits on liabilities.

With that, I withdraw my reservation.

Mr. DASCHLE. Mr. President, in the days and weeks following September 11, this Senate passed an unprecedented series of measures to help heal our wounded nation, protect America from future terrorist attacks, and bring to justice those who attacked us.

Those days were among the most difficult any of us has ever experienced in our public lives. They were also some of our proudest days as Senators—because we were united. Because we rose to a challenge that few of us could have imagined until then.

Today—nearly 9 months after the terrorist attacks we have not yet addressed the growing inability of many businesses to purchase adequate, affordable terrorism insurance.

Democrats have made repeated good-faith offers to reach a bipartisan solution to this difficult problem. This Senate could have passed a terrorism insurance bill months ago—and it could already be law. The only reason it is not is because a small group of Senators in the other party are determined to use terrorism re-insurance as cover to push through radical changes in our legal system that they know do not have sufficient support to pass on their own merits. They are holding terrorism insurance, and America's economic security, hostage to try to force through an agenda that has nothing to do with September 11th, or with the threat of future terrorist attacks.

Enough is enough. Last Friday, Senator DODD introduced a good, balanced terrorism insurance bill, S-2600. I am now calling up that bill to see where the votes fall. We need to stop playing politics with this critical issue.

I want to thank Senator DODD for the extraordinary patience and leadership he has demonstrated on this issue over so many months. I also want to thank a number of our other colleagues—especially Senator SARBANES, Senator SCHUMER and Senator REID—for their help in producing this bill, as well as their many efforts to reach a bipartisan agreement on this matter.

President Bush has asked the Senate repeatedly to pass terrorism insurance. So has the commercial real estate industry, the hotel industry, and many other industries employing tens of millions of Americans. Despite their requests, a small group of Republican Senators has refused to let any terrorism insurance bill pass unless it includes their extraneous plan to dramatically overhaul major parts of America's civil justice system.

At a time when we are hearing new warnings almost every day about the possibility, even the "inevitability" of more terrorist attacks—when our economy is struggling to shake off a recession, such political gamesmanship is inexcusable.

Before September 11th, terrorist attacks on America seemed unimaginable. Now, as a result of September 11th, such acts are becoming un-insurable.

Consider a few facts:

A recent survey by The Bond Market Association shows that lenders have placed on hold or canceled more than $7 billion in commercial mortgage loans because of "the difficulty and expense" of finding terrorism insurance coverage.

According to a recent study by Moody's, "virtually all terrorism insurance policies have some major gap, including carve-outs for certain types of terrorism and 30 day cancellation clauses." These policy gaps pose significant risks to investors.

The lack of terrorism insurance for commercial real estate is also hurting "commercial mortgage backed securities" bonds that are backed entirely by mortgages on commercial buildings. Investors in this $270 billion market include pension funds, insurance companies and other institutions.

Moody's and Fitch recently placed 22 commercial mortgage backed securities transactions—backed by more than $9 billion in commercial real estate loans, on a "watch list" for possible downgrade. In every one of the 22 transactions on that list, terrorism insurance for the collateral was either inadequate—or due to expire by this Fall.

In addition, major hotel companies employing thousands of Americans have lost—or will soon lose—terrorism coverage. Businesses, museums, hospitals, gaming and sports facility owners, and builders all over the country are in similar straits.

While a few insurers have come together to offer very narrow coverage, their policies they provide generally exclude coverage for nuclear, biological and chemical attacks—the very threats the government warns us are most likely to be used by terrorists.

The growing gap in terrorism coverage threatens the stability of America's economy.

The plain fact is: private insurers, alone, cannot close this gap. The potential loss is simply too great for any one company or industry to absorb. The federal government must be a partner.

We've done it before. During World War II, the Government authorized a program, administered by private insurers, which insured property against "enemy attack." We need a similar effort today. That is what this bill is about.

The Congress is working closely with the President to improve the physical security of our nation. We should be no less vigilant in defending America's economic security from the catastrophic losses associated with terrorism. We must pass a terrorism bill. We cannot afford to let this critical measure be held hostage any longer by a handful of Senators who want to use it to pass extraneous measures. The risks to America's economic security is too great.

The President has made that clear. The market is making it clear. We need to close the terrorism insurance gap now. No more delays. We urge our colleagues to join us.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, if I could just say a few words before my friend from Connecticut who worked so hard on this legislation makes a few remarks, the minority should understand that Senator DASCHLE has no intention of peremptorily moving to invoke cloture. I think there should be a reasonable time for people to offer amendments. I also say that we also have to work constructively on this legislation.

The fact is that we have as a result of what is facing this country lots of bills, not the least of which is the Defense authorization bill. We have to complete that before the July 4th recess. We are going to do that.

There is a lot of work to do. The majority leader has stated publicly that this legislation is important. Senator DODD has spent untold time trying to work out an agreement. If everybody believes it as important as they say it is, then we should be able to get a bill.

I respectfully say to my friend, the Republican leader, that they have a right to offer all kinds of amendments and any amendment they want to dealing with liability, lawyers, and other things. But I hope if they lose, they do not cause us to not have a bill.

This bill is important to the real estate industry, the developers, and the people in the construction business. We have hotels, businesses, shopping centers, and they have all come to all of us. They believe this is important.

We are going to have a debate. One of the principal participants in that debate will be the Presiding Officer, who was an insurance commissioner of the third or fourth largest State in United States. He certainly has had a view that a lot of us haven't had as to what insurance is all about. We look forward to the debate with the Senator from Florida, and the debate generally. I hope it is as constructive as the debate was on the estate tax. It was a good debate over the last 2 days. When we have debates like that, it makes this body look good. I think people look not at the result as much as how we are treating each other. Senators, we should be happy. I am happy with the result we had with the estate tax. But the debate was good. People had a chance to voice their opinions. I hope we do just as well on this important legislation on terrorism insurance.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the distinguished majority whip, Senator REID, for propounding the unanimous consent request. I thank the distinguished Republican leader for agreeing to allow this to go forward, and my colleague from Texas, and colleague from Kentucky, who have had a longstanding interest in the subject matter, as many Members have, including the Presiding Officer. And other Members have come to me over time with various ideas and proposals to be included as part of the terrorism insurance package.

Let me say my good friend from Mississippi, the Republican leader, raised the issue about where we were. He is right. There was a time not so long ago—about 8 or 9 months ago—when we sat down and innocently thought that three or four Members sitting together could write something and then come to the floor, and people would say, You have done a lot of work, go ahead. As oftentimes happens, it is not unique. We thought we had put something together. We came to the floor and discovered that there were 97 other Members who had some ideas—not all 97 but a good many had other thoughts about which they felt strongly.

I don't regret the effort that my colleague from Texas and I made with Senator SARBANES of Maryland. Senator SCHUMER was involved I think to some degree in all of that, and others as well. We made a good faith effort. We thought it would work. It didn't.

December 20, I think, was the date when there was a unanimous consent request to bring the matter up. There was an objection expressed at that time. From then on, we have tried all sorts of ideas and variations that would get us to a unanimous consent where we would have a limited number of amendments to be brought up to try to focus on this bill. None of that worked.

We are now in a situation where we had a rule XIV on the bill on June 7, and this evening we avoided a cloture motion, for which I am grateful. That would have delayed consideration of this bill.

I am not going to debate the merits or demerits of the bill tonight. I see my colleague from Maryland, the chairman of the committee, is here. He may want to be heard on this as well.

But this is an important bill. It isn't because I think it is. It is important because you hear from almost every major metropolitan area in the country now that is feeling the real pinch of a slowdown as a result of the inability and an unwillingness, for obvious reasons, of banks to lend money to major real estate and construction projects without those projects having insurance on terrorism.

In the absence of getting that, which the industry is unwilling to write because they cannot figure out how to cost all of this—that is understandable as well from the business standpoint—a lot of these projects are not moving. Jobs are being lost, and the economy is feeling the effects of it.

That is a shorthand version of what is going on. It hasn't reached such proportion yet that it would stop any kind of economic growth. But it certainly, by every estimation, is having a negative impact on our economic recovery.

Now we have put together the proposal. I know there will be amendments offered. My hope is they will be relevant amendments so they don't use this vehicle to bring up all sorts of extraneous matters.

We will try to limit the debate to some degree on the bill we are proposing and the one which I suspect will finally be adopted. Even if some amendments are accepted, it will be substantially different from what the other body proposed.

Even if we complete our work here, there is a monumental amount of work to be done to reach agreement with the other body. If we hope to get that completed at some point between now and over the August break—I hope earlier—we are going to have to finish this bill fairly quickly.

I urge Members who have an interest to come over and be heard. If you can limit your time so we can have a good debate—I hope no one intends to filibuster on this bill. That would certainly be unwise, in my view.

We will try to produce a product that will get us to conference and further refinement, and resolve the issues so we can send it to the President of the United States for his signature; and, sort of cut this Gordian knot that sits out there as a real choke point, if you will, in the economic flow of our country. That is what this is at this point.

I thank again my colleagues for not objecting to the unanimous consent request that we go to this bill. That is a good sign. I know there is still a lot of difference. But I take that as an omen that we at least can bring up this matter and try to resolve these differences. I look forward to the debate tomorrow. I believe we will be here at 10 o'clock tomorrow to start debate on bill, and make opening statements, if they need to be made, and then engage in, hopefully, a healthy but brief debate and discussion on this important matter.

I see my colleague from Maryland here who may want to express some thoughts.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I will be very brief. I join my very able colleague from Connecticut in underscoring the importance of this legislation and the problem with which it seeks to deal. It is one that we have been wrestling with for a number of months.

I particularly commend the able Senator from Connecticut for his leadership on this issue. He has been indefatigable in focusing our attention on this matter and repeatedly insisting that we have to come to terms with this issue.

I am pleased that we are now going to be able to actually move tomorrow to the legislation and begin this important debate. I will defer my comments on the substance of this legislation until tomorrow, until that debate begins.

But Senator DODD has played a major role, an instrumental role, throughout and, obviously, has played a large part in bringing us to the point at which we are now, which offers us now the opportunity to finally address this issue.

I understand, under the consent agreement, it is a wide open consideration that lies ahead of us. I would urge my colleagues of the necessity to show some restraint as we try to do that because we are under, obviously, some very significant time pressures.

But I look forward to that debate and the opportunity to try to address this issue on its substance. We have heard, of course, a great deal from across the country about this matter.

I simply want to echo the able Senator from Connecticut in saying that I hope we can consider this matter in a very positive and constructive way. I know Members have different ideas on how we ought to go about it. We hope to be able to consider those in a reasonable and proper way and reach some conclusion, hopefully, in the near future.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

MARTIN AND GRACIA BURNHAM

Mr. BROWNBACK. Mr. President, I rise today to discuss a sad and incredibly important situation that happened last week involving citizens from my State.

The war on terrorism claimed another victim.

This past week brought about the sorrowful conclusion to a long and harrowing ordeal for three inspiring people, two of whom are from my home state of Kansas. Gracia and Martin Burnham, and their fellow hostage, Filipino nurse Ediborah Yap, had endured more than a year in captivity at the brutal hands of the terrorist group *Abu Sayyaf that has had links to the al-Qaida organization*.

We all know the news reports, some of them almost by heart, of the attempted rescue by the Filipino military, who, based on the details that I have, demonstrated heroism and bravery in the encounter. And the heart-rending deaths of Martin and Ediborah and the wounding of Gracia. But today I want to remind all of us that while this may have been the end of their ordeal, it is not the end of their struggle, nor of ours.

The poet John Donne once wrote, "No man is an island, entire of it selfe; any man's death diminishes me, because I am involved in Mankinde; and therefore never send to know for whom the bells tolls; it tolls for thee."

September 11 was a wakeup call, but the bell still tolls. We must not let it go unanswered.

Some people have proclaimed that terrorism is simply a symptom of poverty and despair. That it is, if you can believe this, the logical response to a life of misery. I have one question then: Why kill those who are there to alleviate poverty, to lift despair, and to eliminate misery?

Terrorism is not a symptom of poverty, despair and misery. It is a cause. It is the root cause. These men and women do not just attack the concept of freedom and freedom-loving people everywhere, they terrorize their own people, they ravage their own country.

That is not logic, that is not strategy; that is evil. Yet, in the face of evil, people such as the Burnhams do not flinch. They have never flinched. When the governments have left, the missionaries are there. When the NGOs have left, the missionaries are there. When the charitable organizations have left, the missionaries are there.

There are some goals too great, some missions really just too precious, and so the missionaries are there. They keep going. They are always there. And they accept the sacrifices of their work in order to stay true to their calling. Even Gracia Burnham, on the day she arrived home to her children and her friends and family, seeing them for the first time in over 375 days, forcefully said, "A very bad thing happened to Martin and I when we were taken hostage, but we want everyone to know that God was good to us every single day of our captivity."

It is a statement emblematic of the strength, courage and, most of all, faith of both of them, and of all missionaries worldwide, who every day risk their lives to help others. In fact, the Burnham's story started out much like many others.

Martin first arrived in the Philippines in 1969 with his missionary parents. He returned to the United States after high school, met Gracia, graduated from Calvary Bible College and the Wichita Aviation Education Center, and then completed the New Tribes Mission training program, the New Tribes group out of Florida. Not surprisingly, he and Gracia then returned to the Philippines, remaining there ever since. In fact, their three children, Jeff, Mindy, and Zach, were all born in the Philippines.

And then, on May 27, 2001, while celebrating their 18th wedding anniversary, they were kidnapped.

It was not the marker of celebration they wanted—that of their love for each other and for God—but rather that of the beginning of this incredible, horrible journey.

The blame for the year of suffering that Martin, Gracia, and Ediborah Yap endured rests squarely upon the shoulders of the terrorist Abu Sayyaf Group. They were offered peaceful means to resolve this situation, multiple peaceful options. Yet this group insisted upon terror, murder, and rampage. They attacked Americans, and they attacked their own people. And they never hesitated to kill without compunction, without compassion, and without logic. Executing several prisoners, including another American that was taken hostage at the time as the Burnhams. Guillermo Sabero, a Californian, was beheaded by this same Abu Sayyâf Group.

Terrorists must understand every single U.S. citizen is important, that an attack on an American anywhere in the world is an attack on America itself.

Most of all, though, terrorists must understand—must be made to understand—that terrorism is never justifiable. Wanton violence that harms blameless men, women and children, unpredictable violence that strikes fear into innocent hearts and minds is not, and never will be justifiable.

As Philippines President Gloria Arroyo said, "The fight against terrorism is our fight. It is the fight of all of mankind against evil."

The bell tolls for all of us. Duty beckons all of us.

And the call is simple. We must continue to support the effort to eradicate the Abu Sayyaf Group and other terrorist organizations that threaten the security of the Philippines and other peaceful nations.

Already, U.S. assistance to the Philippines has produced results. Civil action and humanitarian projects are improving living conditions, and specialized training has resulted in a more capable military. Even Gracia Burnham noted, "We especially want to thank the military men, the Fillipinos and the Americans, who risk, and even gave their lives, in order to rescue us."

As seen by this rescue, the Abu Sayyaf Group is on the run, but it needs to be completely eliminated as a threat. I personally will continue to encourage any U.S. support requested by the Phillippine Government to assist them in their fight against terrorism and its causes, and to urge my colleagues to do so as well. After all, the struggle is not over, only this ordeal.

Just this morning, elements of the AFP, the Filipino military, were involved in a fierce battle with a group that calls itself the Pentagon. It is a splinter group from the Moro Islamic Liberation Front. This group has held a south Korean businessman captive since February 6, 2001. While defending their country from the scourge of terrorism, two Philipino soldiers were killed, and nine members of this extremist organization died. That was in this most recent firefight. More deaths, and for what?

Let me be clear. The deplorable actions of the Abu Sayyaf Group caused the deaths of Martin, Ediborah, and Guillermo. Let there be no equivocation on this point, the Abu Sayyaf Group is criminally culpable and must be brought to justice.

As we all know, terror begets terror, but justice produces justice. And a nation founded upon the rule of law has a special responsibility to share and enforce that vision.

This Friday, the Burnham family will be holding a memorial service for Martin, not to mourn, but to celebrate his life. Today, I ask all of us to do so, to celebrate Martin, to remember his family, and to recall our shared duty to "provide for the common Defense" and to "define and punish . . . Offenses against the Law of Nations."

These may seem to be the worst of times, but, like the Burnhams, we are a strong, resilient, and, most of all, hopeful people, and we will prevail.

As it says in the Beatitudes:

> Blessed are the merciful, For they shall obtain mercy.
> Blessed are the pure in heart, For they shall see God.
> Blessed are the peacemaker, For they shall be called sons of God.
> Blessed are those who are persecuted for righteousness' sake,
> For theirs is the kingdom of heaven.

God bless you, Martin Burnham.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am delighted that the House of Representatives yesterday passed unanimously the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002, S. 2431.

Last month, the Senate passed unanimously my legislation to provide death benefits to the families of 10 fallen heroes of September 11. I again thank Senators CAMPBELL, SCHUMER, CLINTON, BIDEN and FEINGOLD for cosponsoring our bipartisan measure. I commend Representatives MANZULLO and NADLER for their bipartisan leadership on the House companion bill, H.R. 3297, and I thank House Judiciary Committee Chairman SENSENBRENNER and Ranking Member CONYERS for their strong support as well.

Named for Chaplain Mychal Judge, who was killed while responding with the New York City Fire Department to the September 11 terrorist attacks on the World Trade Center, this legislation recognizes the invaluable service of police and fire chaplains in crisis situations by allowing for their eligibility in the Public Safety Officers' Benefit Program. Father Judge, who was gay, was survived by his two sisters who, under current law, are ineligible to receive payments through the PSOB Program. This is simply wrong and must be remedied.

Indeed, Father Judge is among 10 public safety officers who were killed on September 11, but who are ineligible for Federal death benefits because they died without a surviving spouse, child, or parent. This bill would retroactively correct this injustice by expanding the list of those who may receive public safety officer benefits to the beneficiaries named on the most recently executed life insurance policy of the deceased officer. This change would go into effect on September 11 of last year to make sure the families of Father Judge and the nine other fallen heroes receive their public safety officer benefits.

In addition, this bill would retroactively restructure the Public Safety

Officers' Benefit Program to specifically include chaplains as members of the law enforcement and fire units they serve, and would make these chaplains eligible for the one-time $250,000 benefit available to public safety officers who have been permanently disabled as a result of injuries sustained in the line of duty, or to the survivors of officers who have died.

Finally, I applaud the National Association of Police Organization, the Fraternal Order of Police, and the American Federation of State, County and Municipal Employees for their strong support for this bill to honor public safety officers and their families.

This legislation provides much-needed relief for the survivors of the brave public servants who selflessly risk and sacrifice their own lives everyday so that others might live. I look forward to President Bush signing the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 into law.

SOLUTION TO MTBE PROBLEM

Mr. SMITH of New Hampshire. Mr. President, by now, most everyone in the Nation has heard of the problems caused by MTBE (methyl tertiary butyl ether). I am very pleased that S. 950, the Federal Reformulated Fuels Act of 2002, reported by the Senate Committee on Environment and Public Works, has largely been incorporated into the Senate energy bill, S. 517, passed by the Senate on April 25, 2002. I would like to thank all those who worked with me to negotiate this comprehensive solution to the MTBE problem.

The legislative package provides Federal funding for cleanup of existing contamination and for prevention of future releases of MTBE, while preserving the environment and protecting the country from gasoline price spikes and fuel shortages. I would like to engage in a brief colloquy with the chairman of the committee so that we can provide an overview of the problems caused by MTBE and how this legislation solves these problems.

The problem that initially motivated the committee and the Senate to act on S. 950 and this issue in general is the existing MTBE contamination of water resources. Leaking underground storage tanks (USTs) are the major source of MTBE releases. Section 832 of this legislation authorizes $200 million from the Leaking Underground Storage Tank (LUST) Trust Fund for States to use for MTBE remediation. For this limited allocation of funds, the legislation waives the LUST requirement that the contamination be linked to an UST. Once in the environment, MTBE separates from other gasoline components and can quickly move far away from the source. Since MTBE contamination is difficult to trace, it is nearly impossible to establish a link between the contamination and a LUST.

In addition to cleaning up existing contamination, we must prevent future leaks from USTs because MTBE, in volumes much lower than current levels found in reformulated gasoline (RFG), may remain in gasoline for up to four years of enactment of this bill. To prevent future leaks, Section 832 of this legislation authorizes an additional $200 million from the LUST Trust Fund for States to use for activities to enforce existing UST regulations.

There is still more to learn about remediation of MTBE. Section 832 of this legislation authorizes $2 million for conducting bedrock bioremediation research and establishing an information clearinghouse. These authorized funds are intended to go to the Bedrock Bioremediation Center (BBC) at the University of New Hampshire. Currently, the BBC conducts research on bioremediation of various contaminants in fractured bedrock. This additional funding will allow the BBC to learn ways of cleaning up MTBE contamination in fractured bedrock and establish an information clearinghouse so that the newly developed remediation techniques may be shared across the nation. Once MTBE enters fractured bedrock, it is nearly impossible to remediate and equally as difficult to track. MTBE may contaminate wells that are many miles away from the original source. In simple terms, we can't get it out of bedrock and we can't tell where it will cause problems.

Mr. JEFFORDS. As the Senator from New Hampshire, the ranking member on the Environment and Public Works Committee, has pointed out, the committee acted to address existing contamination and to prevent future contamination. There are many sources of MTBE releases, including leaking underground storage tanks, motor vehicle accidents, fuel overfills, backyard mechanics and many more. With the numerous potential sources, the only way to ensure prevention of future contamination is to get MTBE out of gasoline. This legislation contains several provisions that work together to provide for quick reduction and eventual elimination of MTBE use in gasoline.

Section 834 eliminates the oxygen content requirement in Sections 211(k)(2) and 211(k)(3)(A) of the Clean Air Act. These provisions require RFG to contain two percent oxygen by weight. To satisfy this mandate, refiners must blend either fourteen percent MTBE or 5 percent ethanol into RFG. Elimination of the oxygen mandate will allow for a phase-down of the use of MTBE in RFG without requiring the use of ethanol in every gallon of RFG in certain non-attainment areas. But, RFG will still be required to meet all other statutory and regulatory requirements.

The elimination of the oxygen requirement also will allow refiners supplying RFG to the Northeast and many other States to use considerably less MTBE in RFG prior to the beginning of the phase out. MTBE is currently 3 percent of the national gasoline supply. Most of this is used in RFG areas, where MTBE volume in RFG is up to 15 percent.

The oxygen requirement is eliminated effective 270 days after enactment in order to provide time for EPA to put in place the anti-backsliding provisions included under Section 834 of this legislation.

Mr. SMITH of New Hampshire. In addition to elimination of the oxygen mandate, as the Senator from Vermont has indicated, this legislation requires EPA to make a determination about the adequacy of any pending RFG petition to waive the oxygen content requirements of section 211(k)(2)(B) for RFG. If EPA fails to act in the required time, the petition shall be deemed approved. Although this includes an opt-out or other request, EPA's failure to act results in automatic approval of the petition only to the extent that the oxygen content requirement for RFG would be waived. No other RFG requirements are affected. This provision only applies to petitions pending at the time of enactment of this provision.

The State of New Hampshire submitted to EPA a request to opt-out of the RFG program and set state fuel standards that are identical to the Federal RFG specifications, excluding the oxygen mandate. The EPA is instructed to interpret the New Hampshire RFG opt-out request as a request to eliminate the oxygen mandate. If the request is deemed adequate, either by EPA or by statute, the RFG sold and used in New Hampshire will not be required to adhere to the oxygen content requirement, effective immediately upon the adequacy determination.

The removal of the oxygenate requirement alone, however, is not enough to ensure the removal of MTBE from gasoline. Therefore, Section 833 of this legislation contains a provision that prohibits the blending of MTBE in gasoline within 4 years of enactment. The 4-year period is intended to allow fuel refiners to phase out the use of MTBE on a schedule that will not cause gasoline shortages or price spikes. The absence of a mandatory statutory phase down schedule is intended to give maximum flexibility to fuel refiners as they proceed to an MTBE-free gasoline supply.

The reference to use of MTBE in new section 211(c)(5)(A) of the Clean Air Act is meant to cover use by all persons. It includes all persons in the motor vehicle fuel production and distribution system, as well as ultimate consumer of the fuel and producers of MTBE. EPA's regulation may include appropriate provisions to implement this prohibition.

The findings listed in this section are intended to clarify that the elimination of the use of MTBE is intended to protect water quality. It is important to note that health concerns are not the main cause for Congressional action, based on information to date.

There is an allowance for de minimus amounts of MTBE to be present in gasoline because MTBE is sometimes produced in trace amounts during the gasoline production process. The Administrator will make a determination on what level is appropriate, but the legislation provides that it can be no more than .5 percent by volume.

Another provision gives States the authority to allow the use of MTBE in gasoline for sale and use within such State's borders. This provision is intended to allow a State to use MTBE should the State determine that other problems, such as increased air pollution, price spikes, or fuel supply shortages, outweigh any adverse impact MTBE may have on water quality. The regulations implementing this provision could allow production and distribution in other States for intended ultimate use in the notifying State, with appropriate safeguards to ensure that the fuel containing MTBE ultimately is only sold or used in the notifying State. Such rules, however, should not authorize production or use in a state that has banned MTBE and does not want it stored or handled there for fear of water supply contamination.

Section 833(d) is intended to hold harmless any legal recourse that the States may have during the on-going litigation over the efforts to impose or defend state MTBE bans or other legitimate actions to control or prohibit MTBE use or production.

Mr. JEFFORDS. The Senator has stated the essential point of this legislation and these provisions in the energy bill, that is the elimination of MTBE to protect water supplies. Its removal from the gasoline supply could encourage the replacement of fuel volumes with more toxic components, so section 834 of this legislation requires EPA to ensure maintenance of the toxics reduction over-compliance already achieved in RFG areas. EPA may comply with this requirement by amending the existing Mobile Source Air Toxics (MSAT) rule by updating the individual refinery RFG baselines from 1998–2000 to 1999–2000, and whatever other appropriate changes are necessary. We are advised by the Agency that any such changes should be minimal.

The MSAT rule currently makes a distinction between baseline volume, the average volume produced during the years 1998–2000, and incremental volume, or additional volume above baseline volume. These categories are treated differently under the rule and under this legislation. Under the rule, baseline volumes must adhere to new toxic reduction standards based on actual survey data from 1998–2000 and incremental volumes are held to the statutory or regulatory reduction, whichever apply. Under this legislation, the baseline volumes must adhere to the updated toxic reduction standard based on actual survey data from 1999–2000. Incremental volumes are treated the same as under the rule unless the actual toxics levels in any PADD exceed the average 1999–2000 levels. If there is an exceedance, EPA must revise the existing regulation to require incremental volumes of RFG, in addition to baseline volumes, to adhere to the updated individual refinery baselines.

The RFG program set statutory content and performance requirements. Through regulatory authority provided by the Clean Air Act, EPA chose, in 1993, to adopt performance standards for toxic air pollutants and volatile organic compounds (VOCs) rather than the prescriptive fuels formula allowed under Section 211(k)(3)(A). These performance standards required a 15 percent reduction in toxic air pollutants from baseline fuel starting in 1995 and maintained through 1999, and required a 21.5 percent reduction from baseline fuel beginning in 2000, as part of Phase II.

Motor vehicle emissions of toxics have been drastically reduced in RFG areas, though they are still a very substantial portion of the air toxics inventory in many areas. Over-compliance with the toxics reduction goals in the Clean Air Act has been largely due to the dilution effect of the oxygenates MTBE and ethanol, relatively toxic-free additives. RFG survey data suggest that refiners have achieved a 27 percent or higher reduction in toxic air pollutants from the 1990 baseline.

On March 29, 2001, EPA released a final strategy to further reduce air toxics emissions from motor fuels in an effort to comply with its responsibility under Section 202(l) of the Act. The strategy identified 21 mobile source air toxics (MSATs). It is intended to ensure that refiners continue over-compliance with RFG and anti-dumping requirements by maintaining their average 1998–2000 toxic emissions performance levels for baseline volumes of RFG and conventional gasoline. For incremental volumes, refiners must adhere to the regulatory standard of a 21.5 percent reduction. The MSAT rule is intended to ensure that toxics over-compliance is maintained regardless of whether any oxygenates are used. The MSAT rule commits EPA to revisiting additional fuel and vehicle MSATs controls in a 2004 rulemaking.

Section 834(b) supplements the air toxics provisions for RFG. Congress recognizes that EPA recently adopted regulations at 40 CFR part 80 Subpart J regarding air toxics performance of gasoline, including provisions for RFG. Congress intends that the regulations recently adopted by EPA are adequate to implement new section 211(k)(1)(B)(ii) and (iii), with the exception of the change in baseline year from 1998–2000 to 1999–2000 and any resulting baseline changes that may necessitate. The provisions in the current regulations for setting baselines, baseline adjustments, deficit carry-over, and the like should still all be appropriate under this new provision. While new baseline adjustments would not be allowed based solely on the new provision, prior baseline adjustments would not be affected, except as called for with the change in the baseline years. For example, the existence of a federal ban on MTBE would not automatically change any previously granted adjustments, and would not provide grounds for any new adjustments.

I would note that there is not wholehearted support for the MSAT rule at 40 CFR part 80 subpart J in Congress or in the States. The Northeast States for Coordinated Air Use Management has filed suit against the Agency claiming that this rule is inadequate to protect public health in the Northeast and inconsistent with the requirements in section 202(l) of the Clean Air Act. So, we have included a savings clause to be very clear that Congress has not blessed this rule through the inclusion of these anti-backsliding provisions.

Mr. SMITH of New Hampshire. Mr. President, the existing RFG regulations set separate standards for fuel sold in Northern and Southern RFG areas. Section 839 of the legislation we are discussing requires EPA to revise existing RFG regulations to apply the stricter Southern requirements in all RFG areas nationwide. This will provide the Northern RFG States, including New Hampshire, with less-polluting Southern RFG. In addition, this provision will help to reduce the number of boutique fuels. This provision does not alter the Administrator's current ability to make volatile organic compound (VOC) adjustments for ethanol blends of RFG, like the existing adjustment given to Chicago and Milwaukee.

Mr. JEFFORDS. Because of that change and the other congressional actions on MTBE and renewable fuels, there are likely to be significant changes in the Nation's gasoline characteristics. Section 836 of this legislation requires EPA to study and report on the changes in emissions of air pollutants and changes in overall air quality due to the use of fuels and fuel additives resulting from this bill. This report will provide information to evaluate the success of the provisions of this legislation and should help identify problems that can be solved by statute or regulation before they are serious.

Section 211(c) of the CAA provides the Administrator with regulatory authority over fuels or fuel additives, if, in the judgment of the Administrator, the fuels or fuel additives or emission products cause or contribute to air pollution that may reasonably be anticipated to endanger the public health or welfare. This legislation adds authority to protect water quality, in addition to air quality. The bill requires the Administrator to exercise this regulatory authority to prohibit the use of MTBE. The bill also adds water quality as an environmental protection criterion in Title II of the act.

Mr. SMITH of New Hampshire. To address the inflexibility of the opt-in process for states that desire to use RFG to reduce emissions, section 837 of the Energy bill allows Governors of States within the Ozone Transport Region (OTR), to opt in any area to the RFG program. EPA must approve the request unless there is insufficient capacity to supply RFG to the area. Currently, only ozone nonattainment areas are allowed to opt in to the program. This legislation expands the program to include all areas within the OTR States. This will give those states, including New Hampshire, the opportunity to have one clean, MTBE-free RFG statewide. This provision is intended to provide cleaner fuel, address the boutique fuel problem, and help states achieve attainment.

The section addresses both the commencement and termination of the RFG requirements in areas in the OTR that opt-in to RFG under that provision. The provision on termination of the RFG program in these opt-in areas is not intended to change or modify in any way EPA's authority to adopt reasonable opt-out provisions under either section 211(k)(6)(A) or (B).

This section includes a provision that allows a temporary delay of the effective date of these requirements if there is insufficient capacity to supply gasoline to a State that chooses to opt in new areas to the RFG program. If EPA, in consultation with the Department of Energy, determines that expansion of the RFG program would result in insufficient supply of gasoline in the State, the effective date of the new opt-in areas may be delayed for a period of up to one year with the possibility of two more periods of up to one year each.

Mr. JEFFORDS. Section 838 of the legislation allows States to ask EPA to enforce any state-imposed fuel specifications that have been approved under processes established under Section 110 or Section 211(c)(4)(C) of the Clean Air Act. Effective and consistent enforcement of State and federal environmental laws is very important. States currently have very limited budgets for enforcement activities. To ensure full, faithful, and consistent enforcement of the state laws, this provision provides the ability for States to access additional federal resources for enforcement of state fuel specifications, once approved by EPA through the existing processes.

The section directs EPA to enforce certain state fuel controls or prohibitions in the same manner as if EPA had adopted the control or prohibition under section 211. This new provision is not intended to change in any way the requirements for approval of a State fuel control or prohibition in a SIP, including the requirement that it be enforceable by the state. It is also not intended to limit EPA's enforcement discretion. EPA would have the same discretion in enforcement matters with respect to these state fuel controls or prohibition as it would with a federal fuel control or prohibition adopted under section 211.

Mr. SMITH of New Hampshire. To avert air quality problems that might arise through increased use of ethanol, pursuant to the renewable fuels requirements, section 819(c) of the legislation allows States to eliminate the RVP waiver for gasohol if such waiver will increase air pollution in any area within the State. If a state determines the waiver will cause air quality problems, the State may submit notification, accompanied by supporting documentation, to EPA indicating that the stricter RVP limit must be applied to gasohol within the state. This provision will help new ethanol using states to control evaporative air pollution emissions from gasohol.

This section includes a provision that establishes a temporary delay of the effective date of these requirements if there is insufficient capacity to supply gasoline to a State that chooses to eliminate the ethanol RVP waiver. If EPA, after consultation with the Department of Energy, determines that elimination of such waiver would result in an insufficient supply of gasoline in the State, refiners may be allowed to retain the ethanol RVP waiver for a period of up to 1 year with the possibility of two more periods of up to 1 year each.

Mr. JEFFORDS. In order to prevent future problems similar to the MTBE debacle, Congress is expanding EPA's existing authority to regulate fuel additives. The current provisions of the Clean Air Act provide a process for EPA and authorized States to regulate fuels and additives in order to protect air quality. This legislation amends that process by allowing fuel and additive regulation in order to protect water quality, as well. If this authority already existed, EPA and the State of California might have been able to address the MTBE problem before it became acute without Congressional action.

There is also an additional prophylactic provision that requires EPA to study the health, air quality, and water quality effects of fuel additives and blend stocks that may be used as replacements for MTBE. The bill specifically lists ETBE, TAME, DIPE, TBA, ethanol, iso-octane, and alkylates as additives to be studied.

The existing law allows the Administrator to require fuel producers to conduct tests to determine the health and environmental effects of fuels and fuel additives. This provision mandates that the Administrator regularly require fuel and fuel additive manufacturers to conduct testing and supply information on the effects of those substances on public and environmental health.

Congress intends that the Administrator should use this authority to identify and assess any adverse public health, welfare, or environmental effects from the use of motor vehicle fuels or fuel additives or the combustion products of such fuels or fuel additives. The Administrator should use the authority to assess threats to both air pollution and water pollution in order to effectively exercise the authority in Section 211(c) as amended by this legislation.

The Blue Ribbon Panel on Oxygenates in Gasoline recommended that EPA and others accelerate ongoing research efforts into the inhalation and ingestion health effects, air emission transformation byproducts, and environmental behavior of all oxygenates and other components likely to increase in the absence of MTBE. This should include research on ethanol, alkylates, and aromatics, as well as on gasoline compositions containing those components.

Mr. SMITH of New Hampshire. In order to limit potential negative impacts on gasoline prices and fuel supplies, the legislation authorizes a total of $750 million over three fiscal years to promote production of other fuel additives. This funding is intended to provide grants to merchant MTBE producers for retooling existing facilities to produce other clean fuel additives, such as iso-octane, in order to avoid any fuel shortages that may have otherwise resulted from the elimination of the use of MTBE.

According to a report from the EPA, the impact of the Federal Reformulated Fuels Act on the fuel supply could range from a one percent shortage to a one percent surplus. The report further stated that, due to the transition assistance, the actual impact is more likely to be on the surplus side.

Mr. JEFFORDS. The renewable fuels and MTBE provisions contained in H.R. 4, as passed by the Senate, constitute an agreement among many competing interests that is designed to get rid of MTBE and increase renewable fuel use.

After the reformulated gasoline program went into effect in 1995, many refiners chose to use MTBE to satisfy the minimum 2 percent oxygen requirement of the program. Oxygenates reduce tailpipe emissions of carbon monoxide and other ozone precursors and provide a clean source of high octane, thereby displacing such toxic gasoline octane enhancers as benzene, toluene, and 1,3 butadiene. After implementation of the RFG program, increasing detection of MTBE in ground water and surface water led California to establish a schedule to ban MTBE and 13 other States have followed with their own MTBE bans.

It became clear that the combination of a phase out of MTBE in these states and the continued existence of the two percent oxygen content requirement for RFG could result in a potentially disruptive and abrupt transition to ethanol in states that did not have a history of using ethanol. To facilitate the ban of MTBE, and to provide greater flexibility in producing RFG, states and refiners requested Congress and the administration to lift the RFG oxygen requirement. At the same time, ethanol producers saw a major opportunity for market growth and were reluctant to support elimination of the RFG oxygen requirement.

To address the challenge of maintaining market growth for ethanol, providing greater flexibility in making clean-burning gasoline, and reducing the use of MTBE, Senators LUGAR and DASCHLE in 2000 introduced the Renewable Fuels Act, S. 2503. That bill would allow States to waive the 2 percent oxygen requirement and established a nation-wide renewable fuels standard (RFS) to roughly triple the use of ethanol from current levels over 10 years. That RFS requirement would apply to refiners, who would be able to generate, bank, and trade credits for the use of renewable fuels, such as ethanol and biodiesel. This mechanism was designed to increase the use of renewable fuels, provide maximum flexibility in the use of those renewable fuels, while ensuring that eliminating MTBE from gasoline supplies will not lead to greater dependence on foreign oil. As a result of the credit trading and banking, refiners will use renewable fuels where and when it is most economical to do so, and no State will need to use any particular amount of renewable fuel.

That legislation also established that ethanol produced from cellulosic biomass, which is particularly energy-efficient and produces superior greenhouse gas benefits, would receive 1.5 credits for every gallon used. This should spur the establishment of new ethanol facilities across the United States that will use wood waste, municipal solid waste, switchgrass, and other innovative feedstocks.

In September of 2000, the Environment and Public Works Committee passed legislation, S. 2962, which incorporated many of the elements of S. 2503, but Congress adjourned prior to enactment of that bill. The EPW Committee again took up the issue in September of 2001, passing legislation to allow states to waive the oxygen requirement, banning MTBE, and providing additional resources for cleaning up MTBE contamination, but not including a renewable fuels standard. As the Senator from New Hampshire mentioned earlier, that legislation, S. 950, was largely incorporated into S. 517, the Energy Policy Act. A separate section establishing a renewable fuels standard also was included in S. 517. Subsequently, negotiations between the Environment and Public Works Committee, the Energy Committee, and ethanol, public health, environmental, and petroleum interests produced a compromise that replaced the initial MTBE and renewable fuels provisions of S. 517.

During debate on the RFS, concerns were raised that it could lead to gasoline price increases. In response, Senators MURKOWSKI and DASCHLE asked the Energy Information Administration (EIA) to evaluate the potential costs of implementing the RFS, as well as the other fuels provisions in S. 517. The EIA found that the RFS would raise gasoline prices by less than 1 penny per gallon in RFG areas and less than one-half a cent per gallon nationwide. The EIA also noted that these were upper-bound estimates that did not account for the economic benefits that would result from the credit trading and banking provisions. The American Petroleum Institute estimated that the maximum cost increase for a gallon of gasoline due to the implementation of the RFS would be less than one-third of a cent per gallon.

Concerns have also been expressed that requiring the nation to use more renewable fuels could lead to supply shortages and price increases. The evidence suggests that there will be abundant supplies of renewable fuels to meet the RFS. The RFS begins in 2004, requiring 2.3 billion gallons of ethanol to be used in that year. According to the California Energy Commission report on nationwide ethanol supplies, issued in August of 2001, there will be 2.7 billion gallons of ethanol capacity in place by then, so renewable fuels supplies should be plentiful.

Nevertheless, additional consumer protections were incorporated into the legislation. Under the bill, the Department of Energy is required to evaluate supply and logistics of transporting and blending renewable fuels. If problems are anticipated, the Administrator of the Environmental Protection Agency is instructed to reduce the level of the RFS in 2004. In subsequent years, States that are concerned about renewable fuels prices or supplies may apply to the Administrator of the Environmental Protection Agency to reduce the RFS in whole or in part. State applications must be acted upon within 90 days.

The legislation creates a narrow prospective safe harbor from liability for defect in design or manufacture of a renewable fuel by virtue of it being mandated by this legislation. To qualify for this limited protection, manufacturers of such fuels must have evaluated them for EPA with respect to their toxicity, carcinogenicity, air quality impacts, water quality impacts and they must be used in compliance with any restrictions imposed by EPA. All other causes of action or damages available under applicable State or Federal law are unaffected by this legislation including, but not limited to, negligence, duty to warn, personal injury, property damage, environmental damage, wrongful death, compensatory damages, and punitive damages.

The Senate passed its bill on April 25 and appointed conferees on May 1. We should move quickly to begin this conference because there are many difficult matters to negotiate. Fortunately, the compromise provisions which we have been discussing relating to MTBE and renewable fuels appear to have broad support, judging from the votes in the Senate, and should be amenable to swift agreement among the energy bill conferees.

So, as I mentioned during the debate on S.517 as part of my summary of these provisions, this is not an ideal package, but it meets the test of improving and protecting air and water quality and promoting renewable energy.

Mr. SMITH of New Hampshire. Mr. President, I agree with the chairman that this legislation is not ideal, but it accomplishes our main goal of remediation and prevention of MTBE contamination. I am pleased that the House has appointed its conferees today and I hope that we can move that conference to an expeditious conclusion maintaining the integrity of the compromise that we worked out here in the Senate.

SUPPORT FOR THE LOCAL LAW ENFORCEMENT ENHANCEMENT ACT

Mrs. BOXER. Mr. President, I was deeply disappointed that the Senate did not have enough votes to move forward on the hate crimes bill—even though a clear majority of the Senate supports this important measure.

During the debate, many of my colleagues addressed the constitutionality of this legislation, and the role that the Federal Government should play with regard to hate crimes. What speaks volumes to me about the importance of this legislation—and the reason the Senate's inaction is so disappointing—are the stories. The people behind the numbers. The victims and the survivors.

In the strong hope that we will revisit this matter in the near future, let me share some of these stories—some of the awful realities of the crimes we are talking about. The most recent happened just last week in Riverside, CA.

Last Thursday, two gay men were stabbed repeatedly in the back outside a popular gay bar. One of these men, 40-year-old Jeffrey Owens, died hours later. Michael Bussee, 48-years-old, managed to survive.

According to the media reports, both men had come to the bar to celebrate a friend's birthday. After leaving the bar with their partners, Jeffrey Owens wanted to show everyone the pictures he had taken on a recent trip to Joshua Tree National Park. When he went to retrieve the pictures in his car, a man approached Michael Bussee, punched him, and then stabbed him in the back. Noting the commotion, Jeffrey Owens approached the perpetrator, and was stabbed four times in the back. Before stabbing Jeffrey, the attacker screamed a homophobic slur.

Apparently, neither man knew how badly he had been hurt. Jeffrey Owens didn't even realize he had been stabbed until he stepped out of the car at the county hospital in Moreno Valley, when his friends saw his blood-soaked seat.

Jeffrey Owens died hours later, after two operations. Michael Bussee was treated and released.

There are countless other stories I could share with you, but I will only touch on a few of them here today.

On September 7, 2000, a Los Angeles resident was charged with murder and hate crimes for allegedly killing a 65-year-old Hispanic man, Jesus Plascensia, by running him over at least twice in a parking lot. Authorities say she made comments about her hatred of Hispanics after she murdered him and referred to him as "dead road kill."

On September 18, 2001, someone threw a Molotov cocktail through the window of a Sikh family's home in San Mateo, CA. The fuse was lit but, due to some miracle, the firebomb did not explode as it hit the head of a 3-year-old child in the house.

In Santa Barbara, CA, a 37-year-old gay man named Clint Scott Risetter was killed after an alleged arsonist poured gasoline over him while he slept and set him on fire. The perpetrator says he killed Risetter "because he was gay," and because he had "a lot of hatred toward gay people."

And the list goes on and on. These stories are what make this bill so vitally important.

This bill would extend current Federal hate crime protection—which covers race, religion, color and national origin—to gender, sexual orientation and disability. It would also make it easier to prosecute hate crimes at the Federal level.

It is an extremely important tool to help our already overtaxed State and local law enforcement by allowing Federal assistance, when necessary, in the investigation and prosecutions of hate crimes.

It would provide Federal assistance to State, local and Indian law enforcement officials who have run up extraordinary expenses in connection with their investigation and prosecution of hate crimes. It would also provide training grants to help local law enforcement officers identify, investigate, prosecute, and prevent hate crimes. Finally, it would allow the Justice Department to back up local law enforcement by removing arcane obstacles that prevent effective prosecution of hate crimes motivated by race, color, religion, or ethnicity.

This bill has broad support from notable law enforcement agencies and state and local leaders, including 22 state Attorneys General, the International Association of Chiefs of Police, the National Sheriff's Association, the Federal Law Enforcement Officers Association, and others. With this broad-based support, and with the need so clearly urgent, this bill should be immediately passed.

Two years ago we stressed the importance of passing hate crimes legislation. We cited the examples of James Byrd, Jr., of Matthew Shepard, and others. And we passed it.

Here we are, two years later, making the same arguments and conducting the same debates. This time, the victims have new names: most recently, in my State of California, names such as Jeffrey Owens, Michael Bussee, Jesus Plascensia, and Clint Scott Risetter.

The time to act is now. It is my hope that we will pass this vital legislation by the end of this year.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 1, 2001 in Modesto, CA. The home of an inter-racial couple and the couple's two children were threatened when someone threw a Molotov cocktail at the couple's home. Police believe it was a hate crime, citing other evidence such as a watermelon thrown on the driveway, a box of grits, a frozen bag of black-eyed peas, and a 40-oz. King Cobra beer.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

LEGISLATION TO DENY U.S. TAXPAYER MONEY TO ARAFAT AND THE PALESTINIAN AUTHORITY

Mr. SMITH of New Hampshire. Mr. President, I rise today in support of my legislation to prohibit any U.S. taxpayer money from ending up in the hands of Yasser Arafat and the Palestinian authority.

Unfortunately, Yasser Arafat is not a partner in the peace process.

As long as the United States continues to provide money to the Palestinian authority through grants to non-governmental organizations, some of that money will end up in the hands of those who wish to do harm to Israel.

We must stand shoulder to shoulder with Israel in the war against terrorism.

We must also send a clear message to Yasser Arafat and the Palestinian leadership that the United States will not tolerate terrorism against Israel.

Israel is a true friend and ally.

And, as a Nation, we share many of the same values—democracy, respect for human rights, freedom of the press, a strong desire for peace and prosperity, to name but a few.

During the Camp David summit in July of 2000, it was Israel that was prepared to make tremendous concessions to ensure peace in the Region.

As we all know today, Arafat refused to reach a peace agreement, and walked away from the negotiating table.

Yasser Arafat did not want peace because he needs the conflict for them to stay in power.

Instead of peace, they chose terror.

My staff has compiled a list of terrorist attacks on Israel last year. In 2001, 79 attacks cost 160 innocent Israelis their lives, and wounded another 1,200. Since then, of course, we have all seen the tremendous cost in human lives and misery from many more terrorist attacks on innocent civilians, and the resulting isolation of Yasser Arafat and the civilized world's condemnation of the Palestinian authority.

We dare not forget the level of terror visited upon Israel by Palestinian terrorists.

Arafat is using his own personal forces to attack Israel through suicide attacks.

Furthermore, he is allowing Hamas and Islamic Jihad safe harbor in the West Bank and Gaza Strip.

Hamas and Islamic Jihad are two of the most heinous terrorist organizations in the world, responsible for the deaths of numerous innocent people.

Keep in mind, at one time, Arafat promised to get rid of these organizations.

Arafat's promises are worth nothing.

It is wrong to ask American taxpayers to subsidize the Palestinian authority when Yasser Arafat uses the resources of the Palestinian authority to attack innocent men, women, and children in Israel.

We have seen video footage of the Palestinian people cheering and dancing in the streets after the September 11th attacks—many holding posters of Saddam Hussein.

Yet, while we have sanctions against Iraq, we are providing millions of dollars in aid to the Palestinian authority through non-governmental organizations.

We know well that any funds, even designated as humanitarian, free up money that Arafat can use for his army of human bombers.

If there is any doubt in anybody's mind that Yasser Arafat promotes terrorism, I would like you to consider the order on the official letterhead of the presidential bureau of the Palestinian authority/Palestine liberation organization, bearing the signature of Yasser Arafat just 8 days after our country was attacked on 911, ordering $600 be paid from the treasury of the Palestine authority to each of three terrorists. Two of them are senior activists of the Fatah terrorist group, and one of these, Ziad Da'as, is the head of the group behind a recent deadly terrorist attack on a bat-mitzvah party in Israel. The Israeli defense ministry says they recently captured this document at Arafat's office in Ramallah.

Also, I ask my colleages to consider the order from Yasser Arafat to the finance ministry of the Palestinian authority from January 7th of this year. In this document, Arafat orders the disbursement of $350 to each of the 12 named Fatah activists. According to the Israeli Defense Ministry, who captured this document at Arafat's headquarters in Ramallah, each of these 12 individuals are known terrorists, belonging to Fatah and or Tanzim. Arafat's approval is given in response to a request of Ra'ed Karmi, then the head of the Fatah and Tanzim Terror Groups, which perpetrated numerous murderous attacks on innocent Israeli civilians since September 2000.

American aid to the Palestinian authority allows Arafat to focus more of his resources on attacking Israel.

We need to make sure no taxpayer money ends up in the Palestinian authority.

My legislation would do just that.

As recently as April 7th of this year, Tim Russert on "Meet the Press" asked the Secretary of State to deny that Arafat is funding terrorism. Here Is what he said:

> Russert: Israel says documents link Arafat and terrorism. They seized documents and made them public, which linked the office of Yasser Arafat with terrorist attacks carried out against Israeli civilians and other targets. One of the documents, said to be an invoice submitted by a leading Palestinian militant group to a Palestinian official, among other items, the invoice requested 20,000 Israeli Shekels, $4,200 American, to buy electrical and chemical components for the production of a month's supply of 30 bombs. It's an invoice of terrorism, said Dori Gold, an advisor to Prime Minister Sharon. [Mr. Secretary,] do you believe the Palestinian authority harbors or supports terrorism?"

Do you know, what our Secretary of State replied?

Did he deny the authenticity of this document? He did not.

Did he deny that Arafat paid the bill? He did not.

Did he deny that our taxpayer dollars are thus funding the killing of innocent men, women and children? He did not.

What he said was, "It is a complex situation".

There's nothing complex about it! Our tax dollars should never be used for terrorism. Period. End of discussion!

After our Nation was brutally attacked on September 11, President Bush set a new direction in U.S. foreign policy.

He Said, "From this day forward, any Nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime."

By any honest assessment, Yasser Arafat both harbors and supports terrorism.

On the other hand, Israel is a good friend of the United States and the only democracy in the middle east.

I repeat, we must stand unequivocally by Israel, and do everything in our power to support her.

The record is clear.

Israel is a friend of the United States, Yasser Arafat is not.

We can't expect Israel to negotiate with individuals who wish to destroy Israel's very existence.

We must also ensure that we in no way support Arafat's oppressive regime by providing money to organizations affiliated with the Palestinian authority.

Every dollar that we send to the west bank and Gaza is a dollar that could potentially be used to support terrorism.

I strongly urge my colleagues to stand with me on the side of Israel and vote for my legislation.

HUMAN CLONING PROHIBITION ACT

Mr. DORGAN. Mr. President, earlier this week I modified my bill, the Human Cloning Prohibition Act, S. 2076. I originally introduced this bill in an attempt to forge a consensus on what I thought was a straight-forward concept, the banning of reproductive cloning or the cloning of a human being. When I introduced the legislation, I stated: "It is a simple bill, but it reflects my view and a view that is held by almost everyone. . . . My legislation makes it illegal to clone a human being and imposes strict penalties against anyone who violates this prohibition."

However, in recent weeks those who oppose my legislation have interpreted the language of my bill in a manner that is not consistent with the intent of the bill. They argue that my bill as originally introduced would allow a cloned embryo to be implanted into the uterus and "harvested" at some point prior to birth.

I do not believe the language of my bill allows that, and it is certainly not the intent of the bill. But, in order that no one can misinterpret the intent of my bill, I am making an adjustment in the bill language. The revised language will define human cloning as "implanting or attempting to implant the product of somatic cell nuclear transfer, or any other cloning technique, into a uterus or the functional equivalent of a uterus." It makes it unlawful for "any person to conduct or attempt to conduct human cloning." The bill retains the strict penalties against violators that were present in the original version.

My legislation is silent on the matter of therapeutic cloning or what some call "regenerative medicine." I understand that this is a topic that needs thoughtful discussion and debate. It is a subject that is addressed in other bills now before the Senate.

I respect those who support the Brownback bill and wish to prohibit what is called somatic cell nuclear transplantation or the cloning of stem cells. This is a difficult subject and there is plenty of room for thoughtful disagreement in the debate. But I don't believe that we should prohibit the promising research that could lead to cures for diseases such as diabetes, Alzheimer's, cancer, heart disease and more. I agree with Nancy Reagan, former President Ford, ORRIN HATCH, and others that this kind of regenerative medicine conducted under strict guidelines and controls can offer great hope to tens of millions of Americans and can save lives.

The debate on that matter is left to other legislation. My bill applies only to the issue of prohibiting the cloning of a human being and I hope that this change in the language will no longer leave room for those who are opponents to misinterpret or misunderstand its intent.

ADDITIONAL STATEMENTS

ALEUTIAN CAMPAIGN OF WORLD WAR II

• Mr. STEVENS. Mr. President, I submit the following newspaper articles commemorating the 60th anniversary of Aleutian Campaign of the Second World War and the veterans who served there. This campaign was the only action actually fought on American soil during the war. The men who served there endured not only the horrors of combat, but also one of the harshest environments on Earth. Fighting and, in many cases, dying, to prove that Americans are dedicated, at all cost, to the principle that no corner of our country, no matter how remote, will ever be ceded to our enemies.

For those who wish to learn more about the Aleutian Campaign, I recommend "The Thousand Mile War" by Brian Garfield. It illustrates the strategic importance of the battles of Dutch Harbor, Attu, and Kiska. Garfield has vivid descriptions of the long, hard campaign to push the Japanese off American soil.

I ask to print the aforementioned articles in the RECORD.

The material follows:

[From the Anchorage Daily News, June 3, 2002]

MEMORIES OF WAR: SIXTY YEARS AGO, BOMBS FELL ON DUTCH HARBOR AND TURNED ALASKA INTO A BATTLEGROUND

(By Gabriel Spitzer)

To Japan during World War II, the Aleutian Islands looked into North America. It was on the Aleutians that the enemy set foot on American soil for the first time since the War of 1812.

Sixty years ago, on the morning of June 3, 1942, 16 Japanese fighters and bombers streaked eastward toward Dutch Harbor, off Unalaska Island. Bombs rained down for about 20 minutes on the Navy facilities there. The next day the Japanese forces returned in greater numbers. By the end of the second day, 35 American men were killed and 28 more were wounded.

Johnnie Jenkins, a 25-year-old Navy mess cook, was in his barracks the morning of June 3 when the explosions woke him. He said he jumped from bed and threw on his clothes, one shoe on and the other in his hand.

"I stood in the doorway, and I saw a Japanese plane coming in with a rising sun on it," said Jenkins, now living in Anchorage. "Lord, my heart started pumping and I was so scared. I thought, this is it. I just froze right there."

Jenkins, who is African-American, looked around for cover.

"I saw a white fellow in a foxhole, and he stood up. I ran over there. He said, 'You can't come in here, I'm from Alabama.' I said, 'I don't give a damn where you're from. You move on over!' And he did."

One of the many civilians at Dutch Harbor was 22-year-old shipwright Bob Ingram, now living in Fairbanks. Ingram was getting ready for an ordinary day of work when the bombs began to fall.

"Somebody yelled 'air raid'. We saw airplanes, quite a few in the sky," he said.

"Somebody said, there's been a number of men killed, and they're going to need caskets. Now, if there's one thing you don't need during an air raid it's caskets. But we wanted to help. So we started to make caskets out of plywood, 2 feet square and 6 feet long."

As inviting as the Aleutians may have seemed on the map, the Japanese quickly found them an inhospitable invasion route. Often bathed in fog and pounded by frequent storms, the islands proved difficult to scout and navigate. This, coupled with American intelligence reports, led to victories for the United States but not before Japan had occupied two Alaska islands and drawn American forces into one of the costliest battles of the Pacific theater.

Japan had little intention of actually invading the U.S. mainland from the Aleutians. Instead, it hoped to occupy a few islands in the North Pacific to solidify its naval perimeter and protect itself from American incursions by sea and air. It also hoped to pull America's might away from its main objective, the South Pacific, Hawaii and perhaps Australia.

The Dutch Harbor raid was a diversionary tactic, meant to draw attention from Japan's assault on Midway Island, planned to occur at the same time that American forces were distracted by the attack on Alaska.

But unknown to the Japanese, U.S. code breakers had cracked the enemy's top secret "purple code" and were able to prepare for the attacks. U.S. soldiers at bases throughout the Pacific were put on alert.

One of them was Marine Corps Pvt. Howard Lucas, stationed on Kodiak Island.

"We were ready for somebody to come up over the hill and get us," said Lucas, 79, who lives in Palmer.

Lucas spent two weeks on alert 24 hours a day, manning an antiquated World War I-era water-cooled machine gun.

"It was scary," he said. "But they never showed up. Nobody knew what they were going to do, the Japanese included, I guess."

By the morning of June 3, the fog of war, both literal and figurative, had wreaked havoc on both sides.

That day, planes on the Japanese carrier *Junyo* never reached Dutch Harbor, grounded by weather. At the same time, a radio message warning American forces of the impending attack failed to reach its destination.

In the two days of bombing and the days immediately before, the weather made a mockery of both sides' battle plans.

Historians estimate that both sides sustained more casualties related to the weather than from actual combat. American forces lost four times as many planes to weather-related accidents as they did in battle.

Although U.S. casualties greatly outnumbered Japanese losses at Dutch Harbor, by the end of the assault Japan was on its heels. Its attack on Midway proved a major defeat, and American intelligence had foiled Japan's naval ruse.

Rather than abandon the Aleutian campaign, Japanese forces occupied the western islands of Attu and Kiska. On Attu, 1,200 Japanese troops surrounded and captured 39 Aleut villagers.

On Kiska, the invaders found only a weather station guarding the island. Still, scores of Aleuts and about a dozen white Americans were captured in the attacks and spent the rest of the war as prisoners in Japan.

Drafin Delkettie, one of the few living members of the celebrated Combat Intelligence Platoon, Alaska Scouts, was stationed on the island of Amchitka, about 40 miles east of Japanese-occupied Kiska.

During that time, Delkettie, who lives in Anchorage, experienced what the soldiers at Dutch Harbor felt.

"They bombed and strafed us every morning at 10 a.m. and every evening at 6 p.m. They never missed it by a minute. Sometimes we played pinochle or something, waiting for them to come," he said.

Which didn't make it a game. "No matter where the bombs are falling," he reflected, "It's scary."

[From the Anchorage Daily News, June 3, 2002]

WAR CAME TO ALASKA . . . SIXTY YEARS AGO

It was early on a Wednesday morning, that day of June 3, 1942, when war came to Alaska.

Sixty years have passed since then. The war has come and gone. But the memories are seared deeply in the minds and hearts of those whose lives were touched by the long fight against enemies of freedom.

World War II began officially for the U.S. on Dec. 7, 1941, with Japan's surprise air attack on Pearl Harbor in the territory of Hawaii.

It was six months later that Japanese bombers delivered the first bombs on the territory of Alaska, attacking Dutch Harbor and nearby Fort Mears—timed to coincide with Japan's assault on Midway, far to the south in the Pacific.

Today's anniversary of the start of the battle in the Aleutian Islands—the only action actually fought on American soil during the war—is a reminder that American soldiers, airmen and sailors put their lives on the line to drive enemy forces from Attu and Kiska.

One of those, Army Pvt. Joe P. Martinez of Company K, 32nd Infantry, was posthumously awarded the Medal of Honor for gallantry above and beyond the call of duty.

Despite facing what the War Department called "severe hostile machine-gun, rifle and mortar-fire" from both flanks and from enemy forces protected by snow trenches ahead of him, Martinez used his automatic rifle and hand grenades to lead repeated charges up a rocky, knife-like ridge to a snow-covered mountain pass.

Just below the rim of the pass, Martinez encountered a final enemy-occupied trench and while firing into it was mortally wounded. But soldiers following in his footsteps then were able to capture the pass, described in the citation awarding him the nation's highest medal as "an importance on the island."

The war is decades in the past now. Old enemies have become friends.

But Alaskans of today should never forget that in the Aleutians, now a proud part of the 49th State, young Americans gave their lives years ago to drive invading forces from our land.

It's worthy of remembering on today's anniversary of that first raid on Dutch Harbor.●

EULOGY FOR REVEREND JAMES L. STOVALL

● **Mr. BREAUX.** Mr. President, my State of Louisiana recently mourned the death of one of our most notable and renowned religious leaders. Reverend James L. Stovall, a minister of the United Methodist Church for thirty years and the founder of the Louisiana Coalition Against Racism and Nazism. In 1989, fearful of the rise of former Ku Klux Klan leader David Duke, Reverend Stovall led the effort to bring together people of faith and other citizens to oppose the hatred and bigotry espoused by Duke and many of his supporters.

As a participant in the Louisiana Senate election of 1990 and the governor's election the following year, I can attest to successful efforts of Reverend Stovall and his Coalition in exposing for Louisiana and the world

Duke's harmful and divisive racist record.

Those who did not know James Stovall might not have known that his role in forming and leading the Louisiana Coalition Against Racism and Nazism was merely the culmination of a life and career dedicated to championing human rights and better relations among people of all faiths, ethic backgrounds, and nationalities. As one of his daughters said to a newspaper reporter after his death on May 17, "He had a genuine sense of caring about people and a strong sense of right and wrong."

James Stovall was born in Winn Parish, graduated from Centenary College in Shreveport and the Perkins School of Theology at Southern Methodist University. During the Second World War, he served this country as a chaplain attached to the Marine Corps. Following the war, he returned to Louisiana where, for thirty years, he served Methodist churches in Eunice, Baton Rouge, Lake Charles, Lafayette, Metairie, and Monroe. A strong believer in ecumenism, he was a leader in the creation of the Greater Baton Rouge Federation of Churches and Synagogues, and from 1976 to 1991, he served as executive director of the Louisiana Interchurch Conference.

Reverend Stovall served not only the church, but held several positions in State government. He was executive director of the Governor's Office of Elderly Affairs from 1979 to 1980, chairman of the Governor's Pardon and Parole Study Commission in 1976, and a member of the Louisiana Commission on Human Rights in 1992.

At his funeral service in Baton Rouge, one of Reverend Stovall's good friends, Dr. Lance Hill, who is executive director of the Southern Institute for Education and Research at Tulane University New Orleans, shared a powerful story about his legacy. I would like to quote from that eulogy at this time:

> Many years ago Jimmie told me that John Wesley, the founder of the Methodist Church, once noted that a man's achievements in this lifetime are fleeting and insignificant; what is meaningful is the shadow that he casts into the future. We formed the Southern Institute for Education and Research at Tulane University nine years ago to continue the work of Jimmie Stovall and the anti-Duke coalition, but this time through a proactive program that taught young people the consequences of prejudice and the individual moral obligation to speak out against the oppression of others.
>
> The Southern Institute is very much Reverend Stovall's gift to Louisiana. I told Jimmie years ago that we should have named it the Stovall Institute, but people might think it was a [football] clinic. Jimmie just laughed, but he knew what I meant. The work of the Institute is part of Jimmie's vast shadow cast into the future.
>
> A few months ago, I returned to St. Catherine of Sienna, a school in the middle of [David] Duke's old legislative district. We had worked with the teachers and students there for years. That day I watch 150 students mesmerized by the story told by Eva Galler, a Holocaust survivor. The students heard the story of Eva's leap from the train to Auschwitz; the destruction of her family; the end of the world as she knew it. Eva told them that this was not simply a story of Jews and Nazis, it was a story of racism and hatred. It could happen anywhere, anytime, and they had a moral obligation to resist hatred at every turn.
>
> I watched three young boys on the back row, sitting on the edge of their seats, straining to see over the tall girls in front of them. They were transfixed by Eva. And as Eva spoke, I saw the soft, warm shadow of Reverend Stovall envelop the children. These children, the next generation of leaders in Louisiana, these children were his legacy. In this sense, James Stovall achieved a kind of immortality that only the best of us can ever dream of. We will miss him in body, but he will always be with us in spirit.

I extend my heartfelt condolences to Reverend Stovall's daughters, sisters, grandchildren, and great-grandchildren. In the midst of their grief, I hope that they will be comforted to know that his important work and the principles that guided him in that work will not soon be forgotten.●

RECOGNIZING KELLY CAMPBELL

● Mr. ALLEN. Mr. President, today I recognize Kelly Campbell, a student at Lebanon High School in Lebanon, VA, who has been chosen to make a presentation at the White House Visitors Center during the National History Day Celebration.

Kelly is one of 16 young history scholars from across the country who will present their work reflecting this year's National History Day theme: Revolution, Reaction, Reform in History. The students' projects presented at the White House are part of a larger group of 2,000 finalists participating in the National History Day national contest at the University of Maryland.

The National History Day Program engages more than one-half million participants annually in grades 6 through 12 in 49 states and the District of Columbia. The program provides students the analytical and research skills that are useful in any area of their lives. Students research history topics of their choice related to an annual theme and create exhibits, performances, documentaries and papers, which they may enter in competitions at the district, State and national levels.

Kelly will present an exhibit entitled "The 3 R's: Revolution, Reform, Reaction and the Schools of the Freedman's Bureau."

During my term as Governor of Virginia, we recognized that there are fundamental academic basics that our children must learn if they are to be capable, responsible, and contributing citizens, and able to compete and succeed in the future. To ensure the success of our school children, we implemented high standards and accountability including history standards. We believed that Virginia's students should have the fundamental knowledge and understanding of their cultural and historical heritage that serves as a foundation for preserving a free, prosperous and decent society.

I congratulate Kelly and her fellow historians on their success and wish them the best as they compete against students from across the country.●

COMMENDING MELISSA BROWN, KAITIE COCHRANE AND LINDSAY JANS ON NATIONAL HISTORY DAY

● Mr. WELLSTONE. Mr. President, today I would like to commend Melissa Brown, Kaitie Cochrane, and Lindsay Jans for their hard work, dedication, and creativity in the study of history. They have earned the admiration of their families, their community, their teacher, Huy Nguyen, and their school, Sunrise Park Middle School. These students have been selected by the National History Day program to present their performance, "Separate But Not Equal," at the National Museum of American History on June 12, 2002. To be ranked by the National History Day program among the 2000 students chosen to join the national competition is an impressive honor, and to be one of only 17 groups selected from over half a million participants to present at the National Museum of American History is an incredible achievement indeed.

The National History Day Contest is the Nation's oldest and one of the most highly regarded humanities contests for students in middle and high school. The experience that Kaitie, Lindsay, and Melissa have gained through their NHD project using primary resources and participating in hands-on activities will last them for the rest of their lives. The more than 9 million students who have participated in the NHD program have gone on to careers in business, law, medicine, teaching, and countless other disciplines in which they are putting into practice the thinking and investigative approach fostered through the National History Day program. I want to thank these students for representing Minnesota along with only thirteen other States at the National Museum of American History today. The kind of leadership and perseverance Lindsay, Melissa, and Kaitie have exhibited will carry the theme of this year's National History Day Contest, "Revolution, Reaction, and Reform in History," into the next generation. I wish them the best of luck both in the upcoming competition and in their future endeavors. I thank them for their hard work and their commitment to learning and sharing their knowledge with other students from across the country.●

TRIBUTE TO FRANK OLIVERI UPON HIS RETIREMENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Frank Oliveri, an exemplary public official who dedicated himself to serving the people of the city of New York for three decades. As deputy director of waste water treatment, he has brought to the office the professional skills and knowledge that has made a difference in the lives of the people of the Big Apple.

Frank began his career with the Department of Environmental Protection in 1971. He is widely respected for his waste water expertise at city, state and national levels. Frank approached his work with a can-do attitude, and balanced what needs to be done with what can be done. Throughout his career, Frank accomplished a great deal for the Department of Environmental Protection.

It is an honor and a privilege to serve Frank Oliveri in the U.S. Senate and I wish him and his family Godspeed in his retirement and in all of their future endeavors.•

THREE MICHIGAN STUDENTS HONORED FOR NATIONAL HISTORY DAY

• Mr. LEVIN. Mr. President, I would like to congratulate three Michigan students whose projects have been selected for the high honor of being presenters at the National Museum of American History on Wednesday, June 12, 2002. These three students are three of only 34 chosen to present from over 2,000 National History Day finalists. The National History Day contest annually receives more than a half million entries.

Trevor Bakker, of Holland West Middle School in Holland, MI, won for his project titled "A Pinch of Salt: Mahatma Gandhi's Nonviolent Revolution." From Rochester Adams High School in Rochester Hills, MI, Allison and Rachel Brown received recognition for their project called "Laying It On the Line: The United Automobile Workers' Struggle for Labor Reform." These projects reflect this year's National History Day theme, "Revolution, Reaction, Reform in History."

Michigan has played a critical role in revolution and reform in our country. On December 30, 1936, the newly-formed United Automobile Workers of America revolted against management with a sit-down strike in Flint to protest General Motors' decision to shift work to other factories where the union was not as strong. Three months later, the strike ended successfully with an agreement under which General Motors recognized the union as the bargaining agent of the workers, inspiring the growth of countless unions across the country.

In addition, Michigan was the home of Sojourner Truth, the great reformer for the issues of slavery and women's rights, over the last 20 years of her life. And Michigan's unique ten-cent bottle refunds, implemented in 1978 by the Beverage Container Act, represents a significant reform for the national issues of recycling and waste reduction.

These three young historians have poured months of research into this endeavor. Along the way they have sharpened their critical thinking and research skills while becoming bonafide experts on their respective topics. Their time in Washington is sure to be an enriching experience as they observe some of the richness of American history up close.

I know my Senate colleagues will join me in congratulating Trevor, Allison, and Rachel for their tremendous accomplishment, and in hoping for their continued success.•

NEW MEXICO STUDENTS' NATIONAL HISTORY DAY PROJECT

• Mr. BINGAMAN. Mr. President, today I recognize the notable work of New Mexico middle school students Elyse Burlingame, Gabrielle Sanchez, Michelle Foley-Shea, Ciara Siebuhr and Crystle Krueger on their impressive history project titled "Margaret Sanger: Woman Rebel." Their project highlights the determination and important achievements of Margaret Sanger, a strong advocate for a woman's right to family planning services. The achievement of these young scholars has been recognized through the project's selection as one of the projects that will be displayed at the National Museum of American History, today, June 12, 2002. Their project was chosen out of more than half a million projects submitted by students across the nation as being an outstanding work that reflects this year's National History Day theme, "Revolution, Reaction, Reform in History." Not only does the work of these students capture the story of an important figure in history, it also goes beyond the story itself and brilliantly interprets the effects Margaret Sanger had on American society in a very useful way. Their ability to go beyond their research in this way demonstrates the attributes of true scholars. Their work reflects an excellent understanding of historical context, as well as intellectual and social setting. These students also demonstrate great intellectual maturity by presenting the historical struggle of Margaret Sanger using a variety of viewpoints that allow for a better reflection of history. It is a great honor for these students, as well as for the entire state of New Mexico, to have their project displayed in the National Museum of American History in our nation's capital. I would like to congratulate Ms. Burlingame, Ms. Sanchez, Ms. Foley-Shea, Ms. Siebuhr, and Ms. Krueger on their hard work and the well deserved recognition of their project.•

10TH ANNIVERSARY OF THE NATIONAL LAW CENTER FOR INTER-AMERICAN FREE TRADE

• Mr. KYL. Mr. President, I would like to congratulate the National Law Center for Inter-American Free Trade on its 10th anniversary by having the following letter printed in the CONGRESSIONAL RECORD.

DR. BORIS KOZOLCHYK,
President and Director, National Law Center for Inter-American Free Trade, Tucson, AZ

DEAR DR. KOZOLCHYK: I would like to congratulate the National Law Center for Inter-American Free Trade on the celebration of its tenth anniversary on April 1, 2002.

The Center is an impressive research and educational institution affiliated with the James E. Rogers College of Law at the University of Arizona in Tucson. It takes excellent advantage of being near one of the most significant international borders in the world.

Since its establishment, the Center has undertaken significant work for the U.S. Department of State to harmonize commercial law in the Americas, focusing on a model law for secured transactions, uniform documentation for cross-border surface transportation, and rules for electronic commerce. This legal reform work is performed in cooperation with the Organization of American States.

The Center plays an important role in integrating U.S. business into the economies of the Western Hemisphere. Its work to reduce legal barriers to trade promotes the rule of law, democratic institutions, and enhances political stability and security in the region.

Once again, congratulations, and I wish the Center continued success.•

TRIBUTE TO TWO CALIFORNIA STUDENTS

• Mrs. BOXER. Mr. President, today I would like to honor two students from my State of California: Heidi Bowerman and Katie Olson. They have been selected to present their award winning projects at the National Museum of American History on June 12, 2002.

The Smithsonian Institution's National Museum of American History is celebrating National History Day by reflecting on this year's theme: Revolution, Reaction, Reform in History. The program asks students to research history topics of their choice related to the year's theme, and then create exhibits, performances, documentaries and papers, which they then enter in competitions at the district, State and national levels. Heidi and Katie's projects were two of seventeen projects that were selected out of more than half a million students across America.

Katie's exhibit is titled: "Warsaw Ghetto Uprising." Katie attends Santa Rosa High School in Santa Rosa, CA, and her teachers were Will Dunn and Whitney Olson.

Heidi's performance is titled: "Aristocracy to Communism: The Revolution that Reformed a Nation." Heidi attends Alta Sierra Intermediate School in Clovis, CA, and her teachers were Carole Smoot and Linda Linder.

I am so proud to have two accomplished young women representing the State of California in receiving this impressive award. Their achievements, along with the other student award winners, should serve as an inspiration to all students.•

RECOGNIZING KATHY SHORTT

• Mr. ALLEN. Mr. President, I rise today to recognize Kathy Shortt, a teacher at Lebanon High School in Lebanon, VA, who is one of eight finalists for the Richard T. Farrell Teacher of Merit Award for outstanding success in teaching history.

The Richard T. Farrell Award is presented each year to a teacher who employs innovative teaching methods in and out of the classroom. The teacher must participate in the National History Day program, develop and use creative teaching methods that interest students in history and help them make exciting discoveries about the past, and show exemplary commitment to helping students develop their interests in history and recognizing their achievements.

Ms. Shortt is being recognized for her dedication to the National History Day program and her success at improving history education. She has been involved in helping students participate in National History Day for 21 years and has presented at numerous workshops and acted as a mentor for other teachers for much of her career. She continues to have an impact on students even after they have left her classroom.

During my term as Governor of Virginia, we recognized that there are fundamental academic basics that our children must learn if they are to be capable, responsible, and contributing citizens, and able to compete and succeed in the future. To ensure the success of our school children, we implemented high standards and accountability including history standards. We believed that Virginia's students should have the fundamental knowledge and understanding of their cultural and historical heritage that serves as a foundation for preserving a free, prosperous and decent society.

I commend Kathy on her selection for this award and applaud her dedication to her students and the improvement of the educational process. With dedicated teachers like Kathy Shortt, I know the students in Virginia and indeed, across America have a bright future.•

TRIBUTE TO SARA MOSS

• Mr. LIEBERMAN. Mr. President, I rise today to congratulate Sara Moss for being honored by the New York Lawyers' Division of the Anti-Defamation League for her strong commitment to public service and an exemplary dedication to human relations.

The mission of Anti-Defamation League is to expose and combat the purveyors of hatred in our midst, responding to whatever new challenges may arise. The Human Relations Award is presented to an individual who has demonstrated distinguished service, outstanding leadership and a personification of the highest ideals of our democratic society.

Ms. Moss possesses all of these qualities and more. One need only look at the many examples in her life to be convinced. In addition to maintaining a successful career as Senior Vice President and General Counsel of Pitney Bowes, she has continued to demonstrate a strong commitment to public service and pro bono work, especially when involving issues related to women and minorities. In particular, Ms. Moss has used her position with Pitney Bowes to provide legal counsel to a wide variety of service organizations, including a social service agency, a women's learning center, a nonprofit day care provider, a sexual assault crisis center, and a substance abuse and rehabilitation center. She has received many awards for her service, including the Minority Corporate Council Diversity Award and the Pro Bono Partnership Outstanding Contribution Award.

Ms. Moss is a fine example of the embodiment of our living democratic ideals, and I congratulate her on receiving this distinguished recognition of her contribution to improving human relations. I wish her continued success in her commitment to public service and hope that her example will demonstrate the importance of active civic involvement on the behalf of our communities.•

2001 NATIONAL MEDAL OF TECHNOLOGY LAUREATES

• Mr. CORZINE. Mr. President, I rise today to honor the 2001 National Medal of Technology Laureates, Dr. Arun N. Netravali of Murray Hill, NJ and Dr. Sidney Pestka of Piscataway, NJ.

Dr. Arun Netravali is a leader in the field of communications systems. As the chief scientist of Lucent Technologies and past president of Bell Labs, he is being cited for his pioneering contributions that transformed television from analog to digital. His innovative algorithms have enabled the switch from analog to digital in numerous services, including broadcast television, CATV, DBS, and HDTV. Furthermore, his work has facilitated an entirely new set of products and services for the multimedia revolution over the Internet. Important communication services such as video conferencing and streaming over the Internet could not be done economically without Dr. Netravali's compression algorithms. He has also been singled out for this prestigious honor for his leadership. During his tenure, Dr. Netravali created, inspired and motivated teams to innovate, keeping Bell Labs at the forefront of revolutionary developments in technology.

I would also like to recognize Dr. Sidney Pestka for his groundbreaking achievements that led to the development of the biotechnology industry. During his career, Dr. Pestka has made a remarkable series of discoveries and developments, often bucking prevailing beliefs and designing innovative solutions to problems along the way to success. His efforts have led to the development of the first recombinant interferons for the treatment of many viral diseases, cancers, and multiple sclerosis. Creating the foundation for more than 100 U.S. and foreign patents, Dr. Pestka's work prepared the pathway for the development of many other biotherapeutic agents now used and stimulated the development of today's extensive biotechnology industry. He has fostered new industries in multiple area, developed new medicines for previously untreatable diseases, and brought new hope to those afflicted. Indeed, his achievements in innovation and translation provide a role model for this and future generations.

These two New Jerseyans embody the spirit of American innovation and have advanced our nation's global competitiveness and standard of living. Their groundbreaking contributions have commercialized technologies, created jobs, improved productivity and stimulated the nation's growth and development. I commend them for their remarkable achievements and am honored to bring them to your attention.•

MESSAGE FROM THE HOUSE

At 1:44 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment.

S. 2431. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2054. An act to give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those States, and for other purposes.

H.R. 2068. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works."

H.R. 2621. An act to amend title 18, United States Code, with respect to consumer product protection.

H.R. 2880. An act to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations (historically referred to as the Five Civilized Tribes), and for other purposes.

H.R. 3738. An act to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the "Herbert Arlene Post Office Building."

H.R. 3739. An act to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the "Rev. Leon Sullivan Post Office Building."

H.R. 3740. An act to designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the "William V. Cibotti Post Office Building."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 213. Concurrent resolution expressing the sense of the Congress regarding North Korean refugees who are detained in China and returned to North Korea where they face torture, imprisonment, and execution.

H. Con. Res. 394. Concurrent resolution expressing the sense of the Congress concerning the 2002 World Cup and co-hosts Republic of Korea and Japan.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2054. An act to give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those States, and for other purposes; to the Committee on the Judiciary.

H.R. 2068. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works"; to the Committee on the Judiciary.

H.R. 2880. An act to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw Nations, historically referred to as the Five Civilized Tribes, and other purposes; to the Committee on Indian Affairs.

H.R. 3738. An act to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the "Herbert Arlene Post Office Building"; to the Committee on Government Affairs.

H.R. 3739. An act to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the "Rev. Leon Sullivan Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3740. An act to designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the "William V. Cibotti Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 213. Concurrent resolution expressing the sense of the Congress regarding North Korean refugees who are detained in China and returned to North Korea where they face torture, imprisonment, and execution; to the Committee on Foreign Relations.

H. Con. Res. 394. Concurrent resolution expressing the sense of the Congress concerning the 2002 World Cup and co-hosts Republic of Korea and Japan; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2621. An act to amend title 18, United States Code, with respect to consumer product protection.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

Treaty Doc. 106–37(B) Optional Protocol No. 2 to Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (Exec. Rept. No. 107–4)

Text of the Committee-Recommended Resolution of Advice and Consent

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION, AND CHILD PORNOGRAPHY, SUBJECT TO A RESERVATION, UNDERSTANDINGS, A DECLARATION, AND A CONDITION.

The Senate advises and consents to the ratification of the Optional Protocol Relating to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, opened for signature at New York on May 25, 2000 (Treaty Doc. 106–37; in this resolution referred to as the "Protocol"), subject to the reservation in section 2, the understandings in section 3, the declaration in section 4, and the condition in section 5.

SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Protocol, that, to the extent that the domestic law of the United States does not provide for jurisdiction over an offense described in Article 3(1) of the Protocol if the offense is committed on board a ship or aircraft registered in the United States, the obligation with respect to jurisdiction over that offense shall not apply to the United States until such time as the United States may notify the Secretary-General of the United Nations that United States domestic law is in full conformity with the requirements of Article 4(1) of the Protocol.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Protocol:

(1) NO ASSUMPTION OF OBLIGATIONS UNDER CONVENTION ON THE RIGHTS OF THE CHILD.—The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.

(2) THE TERM "SALE OF CHILDREN".—The United States understands that the term "sale of children", as defined in Article 2(a) of the Protocol, is intended to cover any transaction in which remuneration or other consideration is given and received under circumstances in which a person who does not have a lawful right to custody of the child thereby obtains de facto control over the child.

(3) THE TERM "CHILD PORNOGRAPHY".—The United States understands the term "child pornography", as defined in Article 2(c) of the Protocol, to mean the visual representation of a child engaged in real or simulated sexual activities or of the genitalia of a child where the dominant characteristic is depiction for a sexual purpose.

(4) THE TERM "TRANSFER OF ORGANS FOR PROFIT".—The United States understands that—

(A) the term "transfer of organs for profit", as used in Article 3(1)(a)(i) of the Protocol, does not cover any situation in which a child donates an organ pursuant to lawful consent; and

(B) the term "profit", as used in Article 3(1)(a)(i) of the Protocol, does not include the lawful payment of a reasonable amount associated with the transfer of organs, including any payment for the expense of travel, housing, lost wages, or medical costs.

(5) THE TERMS "APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS" AND "IMPROPERLY INDUCING CONSENT".—

(A) UNDERSTANDING OF "APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS".—The United States understands that the term "applicable international legal instruments" in Articles 3(1)(a)(ii) and 3(5) of the Protocol refers to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993 (in this paragraph referred to as "The Hague Convention").

(B) NO OBLIGATION TO TAKE CERTAIN ACTION.—The United States is not a party to The Hague Convention, but expects to become a party. Accordingly, until such time as the United States becomes a party to The Hague Convention, it understands that it is not obligated to criminalize conduct proscribed by Article 3(1)(a)(ii) of the Protocol or to take all appropriate legal and administrative measures required by Article 3(5) of the Protocol.

(C) UNDERSTANDING OF "IMPROPERLY INDUCING CONSENT".—The United States understands that the term "improperly inducing consent" in Article 3(1)(a)(ii) of the Protocol means knowingly and willfully inducing consent by offering or giving compensation for the relinquishment of parental rights.

(6) IMPLEMENTATION OF THE PROTOCOL IN THE FEDERAL SYSTEM OF THE UNITED STATES.—The United States understands that the Protocol shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that

State and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary, take appropriate measures to ensure the fulfillment of the Protocol.

SEC. 4. DECLARATION.

The advice and consent of the Senate under section 1 is subject to the declaration that:

(1)(A) the provisions of the Protocol (other than Article 5) are non-self-executing; and

(B) the United States will implement Article 5 of the Protocol pursuant to chapter 209 of title 18, United States Code; and

(2) except as described in the reservation in section 2——

(A) current United States law, including the laws of the States of the United States, fulfills the obligations of the Protocol for the United States; and

(B) accordingly, the United States does not intend to enact new legislation to fulfill its obligations under the Protocol.

SEC. 5. CONDITION.

The advice and consent of the Senate under section 1 is subject to the condition that the Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

Treaty Doc. 106-37(A) Optional Protocol No. 1 to Convention on Rights of the Child on Involvement of Children in Armed Conflict (Exec. Rept. No. 107-4)

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT, SUBJECT TO UNDERSTANDINGS AND CONDITIONS.

The Senate advises and consents to the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children In Armed Conflict, opened for signature at New York on May 25, 2000 (Treaty Doc. 106-37; in this resolution referred to as the "Protocol"), subject to the understandings in section 2 and the conditions in section 3.

SEC. 2. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Protocol:

(1) NO ASSUMPTION OF OBLIGATIONS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD.—The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.

(2) IMPLEMENTATION OF OBLIGATION NOT TO PERMIT CHILDREN TO TAKE DIRECT PART IN HOSTILITIES.—The United States understands that, with respect to Article 1 of the Protocol—

(A) the term "feasible measures" means those measures that are practical or practically possible, taking into account all the circumstances ruling at the time, including humanitarian and military considerations;

(B) the phrase "direct part in hostilities"—

(i) means immediate and actual action on the battlefield likely to cause harm to the enemy because there is a direct causal relationship between the activity engaged in and the harm done to the enemy; and

(ii) does not mean indirect participation in hostilities, such as gathering and transmitting military information, transporting weapons, munitions, or other supplies, or forward deployment; and

(C) any decision by any military commander, military personnel, or other person responsible for planning, authorizing, or executing military action, including the assignment of military personnel, shall only be judged on the basis of all the relevant circumstances and on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

(3) MINIMUM AGE FOR VOLUNTARY RECRUITMENT.—The United States understands that Article 3 of the Protocol obligates States Parties to the Protocol to raise the minimum age for voluntary recruitment into their national armed forces from the current international standard of 15 years of age.

(4) ARMED GROUPS.—The United States understands that the term "armed groups" in Article 4 of the Protocol means nongovernmental armed groups such as rebel groups, dissident armed forces, and other insurgent groups.

(5) NO BASIS FOR JURISDICTION BY ANY INTERNATIONAL TRIBUNAL.—The United States understands that nothing in the Protocol establishes a basis for jurisdiction by any international tribunal, including the International Criminal Court.

SEC. 3. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) REQUIREMENT TO DEPOSIT DECLARATION.—The President shall, upon ratification of the Protocol, deposit a binding declaration under Article 3(2) of the Protocol that states in substance that—

(A) the minimum age at which the United States permits voluntary recruitment into the Armed Forces of the United States is 17 years of age;

(B) the United States has established safeguards to ensure that such recruitment is not forced or coerced, including a requirement in section 505(a) of title 10, United States Code, that no person under 18 years of age may be originally enlisted in the Armed Forces of the United States without the written consent of the person's parent or guardian, if the parent or guardian is entitled to the person's custody and control;

(C) each person recruited into the Armed Forces of the United States receives a comprehensive briefing and must sign an enlistment contract that, taken together, specify the duties involved in military service; and

(D) all persons recruited into the Armed Forces of the United States must provide reliable proof of age before their entry into military service.

(2) INTERPRETATION OF THE PROTOCOL.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(3) REPORTS.—

(A) INITIAL REPORT.—Not later than 90 days after the deposit of the United States instrument of ratification, the Secretary of Defense shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report describing the measures taken by the military departments to comply with the obligation set forth in Article 1 of the Protocol. The report shall include the text of any applicable regulations, directives, or memoranda governing the policies of the departments in implementing that obligation.

(B) SUBSEQUENT REPORTS.—

(i) REPORT BY THE SECRETARY OF STATE.—The Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate a copy of any report submitted to the Committee on the Rights of the Child pursuant to Article 8 of the Protocol.

(ii) REPORT BY THE SECRETARY OF DEFENSE.—Not later than 30 days after any significant change in the policies of the military departments in implementing the obligation set forth in Article 1 of the Protocol, the Secretary of Defense shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate describing the change and the rationale therefor.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself and Mr. MILLER):

S. 2613. A bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORZINE:

S. 2614. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident physicians to ensure the safety of patients and resident physicians themselves; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. WELLSTONE):

S. 2615. A bill to amend title XVII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Finance.

By Mr. THURMOND:

S. 2616. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. DEWINE, Mr. MCCAIN, Mr. TORRICELLI, Mr. MILLER, Mr. LEAHY, Mr. FEINGOLD, Mr. DODD, Mr. NELSON of Florida, Mr. GRASSLEY, Mr.

BREAUX, Mr. WARNER, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. HELMS, Mr. CHAFEE, Mr. REID, Mr. ROCKEFELLER, Mr. BAYH, Mr. LUGAR, Mr. BROWNBACK, Mr. ALLEN, and Mr. SESSIONS):

S. Res. 283. A resolution recognizing the successful completion of democratic elections in the Republic of Colombia; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 1339

At the request of Mr. CAMPBELL, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1746

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1746, a bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities.

S. 1785

At the request of Mr. CLELAND, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1931

At the request of Mr. LIEBERMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1931, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 2070

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2070, a bill to amend part A of title IV to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

S. 2085

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2085, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program.

S. 2108

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2108, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 2233

At the request of Mr. THOMAS, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KERRY), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2233, a bill to amend title XVIII of the Social Security Act to establish a medicare subvention demonstration project for veterans.

S. 2425

At the request of Mr. BAYH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2425, a bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism.

S. 2458

At the request of Mrs. HUTCHISON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2458, a bill to enhance United States diplomacy, and for other purposes.

S. 2489

At the request of Mrs. CLINTON, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2489, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 2548

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2548, a bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes.

S. 2560

At the request of Mr. ALLARD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2560, a bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

S. 2572

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 2573

At the request of Mr. REED, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2573, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 2600

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2600, a bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

S. 2608

At the request of Mr. GREGG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2608, a bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development.

S. 2611

At the request of Mr. REED, the names of the Senator from New York (Mrs. CLINTON), the Senator from South Dakota (Mr. DASCHLE), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S.J. RES. 37

At the request of Mr. WELLSTONE, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002. and submitted to the Senate on March 15, 2002.

S. RES. 266

At the request of Mr. ROBERTS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day."

S. CON. RES. 3

At the request of Mr. FEINGOLD, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Mr. MILLER):

S. 2613. A bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LIEBERMAN. Mr. President, on behalf of myself and Senator MILLER, I am submitting legislation that is designed to facilitate historic preservation activities at historically black colleges and universities. Specifically, this legislation would amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to decrease the cost-sharing requirement for those seeking Federal funds for historic preservation activities at historically black colleges and universities. I am proud to say that the legislation I am submitting today is a companion bill to H.R. 1606, submitted by Congressman JAMES CLYBURN of South Carolina.

American history has been a constant, if not always consistent, march toward an ideal. That ideal is equal opportunity for all.

In every generation, it's taken the work of pioneers to open the gates of the American community to people who had previously been excluded. Pioneers have stepped forward when others would not to defiantly state, in effect, that we as a Nation will not be defined by surface characteristics. We will look deeper and try harder. The pioneers have held us to our national promise, and reminded us that America and Americanism are not about where you came from, what language you speak, what religion you practice, or what you look like, but about belief in basic ideals of responsibility, opportunity and community.

Historically Black Colleges and Universities have been such pioneers for generations, and they continue today to help America become its best self.

Today, America has 103 historically black colleges and universities in twenty-two States and the Virgin Islands, which educate about 300,000 undergraduate students and thousands of graduate, professional and doctoral students. In fact, 8 of the top 10 producers of African-American engineers are HBCUs. 42 percent of all the PhDs earned each year by African-Americans are earned by graduates of HBCUs.

Despite playing such a central role in our economy, society, and culture, HBCUs have been physically eroding for years. In 1998, the National Trust for Historic Preservation reported that most of the HBCUs in the United States are showing serious signs of neglect. The Trust said that campus landmarks are decaying and college grounds are badly in need of attention. And a 1998 General Accounting Office report estimated that in HBCUs nationwide, there were more than 700 historic buildings in states of disrepair.

That's why I am proudly sponsoring Representative CLYBURN's bill to provide more restoration funding for historic sites at Historically Black Colleges and Universities throughout the Nation.

These beautiful, architecturally significant structures are in most cases over a hundred years old, and were often built using the help of the students themselves. Their architectural beauty is a sign of something deeper, the fact that they have served as critical portals of opportunity for African-Americans throughout our history. That's why they deserve our strong protection and sensitive preservation.

I saw this firsthand. When I visited Allen University in South Carolina in April of this year, I went to Arnett Hall, a building that had been transformed from an eyesore into a beautiful and stately facility with the help of Federal funds, thanks to Representative CLYBURN. In the past, students and faculty would walk into the hall and get the message that we as a Nation were neglecting these historic treasures. Now, they absorb the message that we consider historically black colleges and universities central to our history and to our future.

Thanks in no small part to these institutions, the overarching history of African-Americans in this country has been not a tragedy, as it once was, but a brilliant movement toward dignity, inclusion, freedom, and opportunity. That's the right message for African-Americans and all Americans.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DECREASED MATCHING REQUIREMENT; AUTHORIZATION OF APPROPRIATIONS.

(a) DECREASED MATCHING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "(1) Except" and inserting the following:

"(1) IN GENERAL.—Except";

(2) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(3) by striking "(2) The Secretary" and inserting the following:

"(2) WAIVER.—The Secretary";

(4) by striking "paragraph (1)" and inserting "paragraphs (1) and (3)"; and

(5) by adding at the end the following new paragraph:

"(3) EXCEPTION.—The Secretary may obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places only if the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.".

(b) AUTHORIZATION OF APPROPRIATION.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking "Pursuant to" and inserting the following:

"(1) 1996 AUTHORIZATION.—Pursuant to"; and

(2) by adding at the end the following new paragraph:

"(2) ADDITIONAL AUTHORIZATION.—In addition to amounts made available under paragraph (1), pursuant to section 108 of the National Historic Preservation Act, there are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.".

By Mr. CORZINE:

S. 2614. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident physicians to ensure the safety of patients and resident physicians themselves; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Patient and Physician Safety and Protection Act of 2002, to limit medical resident work hours to 80 hours a week and to provide real protections for patients and resident physicians who are negatively affected by excessive work hours. This is a companion bill to legislation introduced in the House of Representatives by Representative JOHN CONYERS.

It is very troubling that hospitals across the Nation are requiring young doctors to work 36 hour shifts and as many as 120 hours a week in order to complete their residency programs. These long hours lead to a deterioration of cognitive function similar to the effects of blood alcohol levels of 0.1 percent. This is a level of cognitive impairment that would make these doctors unsafe to drive, yet these physicians are not only allowed but in fact are required to care for patients and perform procedures on patients under these conditions.

While the medical community has been aware of this problem for many years, the issue has largely been pushed under the rug. Only recently has the medical community taken a more serious look at the problem. In the last couple of months, my office has worked with the Association of American Medical Colleges and teaching hospitals in New Jersey and New York to address this problem and to try to find a workable solution.

As a result of these efforts and increased public pressure on the medical community to address this quality of care and labor issue, the Accreditation Council for Graduate Medical Education, ACGME, announced today new work hour recommendations. This is an important first step. But while some of their recommendations are commendable, they would still require residents to work in excess of 80 hours a week and 30-hour shifts. I look forward to working with the Council to adapt strong standards that are not only recommendations, but are enforceable requirements that truly protect patients and residents.

Today, I am introducing legislation that not only recognizes the problem of excessive work hours, but also creates strong enforcement mechanisms. The bill also provides funding support to teaching hospitals to implement new work hour standards. Without enforcement and financial support, efforts to reduce work hours are not likely to be successful.

Let me again emphasize that the Patient and Physician Safety and Protection Act of 2002 will limit medical resident work hours to 80 hours a week. Not 40 hours or 60 hours. 80 hours a week. It is hard to argue that this standard is excessively strict. In fact, it is unconscionable that we now have resident physicians, or any physicians for that matter, caring for very sick patients 120 hours a week and 36 hours straight with fewer than 10 hours between shifts. This is an outrageous violation of a patient's right to quality care. And, for many patients, it is literally a matter of life and death.

In addition to limiting work hours to 80 hours week, my bill limits the length of any one shift to 24 consecutive hours and limits the length of an emergency room shift to 12 hours. The bill also ensures that residents have at least one out of seven days off and "on-call" shifts no more often than every third night.

Finally, my legislation provides meaningful enforcement mechanisms that will protect the identity of resident physicians who file complaints about work hour violations. The guidelines that the ACGME released today do not contain any whistleblower protections for residents that seek to report program violations. Without this important protection, residents will be reluctant to report these violations, which in turn will weaken enforcement.

My legislation also makes compliance with these work hour requirements a condition of Medicare participation. Each year, Congress provides $8 billion to teaching hospitals to train new physicians. While Congress must continue to vigorously support adequate funding so that teaching hospitals are able to carryout this important public service, these hospitals must also make a commitment to ensuring safe work conditions for these physicians and providing the highest quality of care to the patients they treat.

In closing I would like to read a quote from an Orthopedic Surgery Resident from Northern California, which I think illustrates why we need this legislation:

> I was operating post-call after being up for over 36 hours and was holding retractors. I literally fell asleep standing up and nearly face-planted into the wound. My upper arm hit the side of the gurney, and I caught myself before I fell to the floor. I nearly put my face in the open wound, which would have contaminated the entire field and could have resulted in an infection for the patient.

This is a very serious problem that must be addressed before medical errors like this occur. I hope every member of the Senate will consider this legislation and the potential it has to reduce medical errors, improve patient care, and create a safer working environment for the backbone of our Nation's healthcare system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient and Physician Safety and Protection Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Federal Government, through the medicare program, pays approximately $8,000,000,000 per year solely to train resident-physicians in the United States, and as a result, has an interest in assuring the safety of patients treated by resident-physicians and the safety of resident-physicians themselves.

(2) Resident-physicians spend a significant amount of their time performing activities not related to the educational mission of training competent physicians.

(3) The excessive numbers of hours worked by resident-physicians is inherently dangerous for patient care and for the lives of resident-physicians.

(4) The scientific literature has consistently demonstrated that the sleep deprivation of the magnitude seen in residency training programs leads to cognitive impairment.

(5) A substantial body of research indicates that excessive hours worked by resident-physicians lead to higher rates of medical error, motor vehicle accidents, depression, and pregnancy complications.

(6) The medical community has not adequately addressed the issue of excessive resident-physician work hours.

(7) Different medical specialty training programs have different patient care considerations but the effects of sleep deprivation on resident-physicians does not change between specialties.

(8) The Federal Government has regulated the work hours of other industries when the safety of employees or the public is at risk.

SEC. 3. REVISION OF MEDICARE HOSPITAL CONDITIONS OF PARTICIPATION REGARDING WORKING HOURS OF RESIDENTS.

(a) IN GENERAL.—Section 1866 of the Social Security Act (42 U.S.C. 1395cc) is amended—

(1) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (R);

(B) by striking the period at the end of subparagraph (S) and inserting ", and"; and

(C) by inserting after subparagraph (S) the following new subparagraph:

"(T) in the case of a hospital that uses the services of physician residents or postgraduate trainees, to meet the requirements of subsection (j)."; and

(2) by adding at the end the following new subsection:

"(j)(1)(A) In order that the working conditions and working hours of physicians and postgraduate trainees promote the provision of quality medical care in hospitals, as a condition of participation under this title each hospital shall establish the following limits on working hours for certain members of the medical staff and postgraduate trainees:

"(i) Subject to subparagraph (C), postgraduate trainees may work no more than a total of 80 hours per week and 24 hours per shift.

"(ii) Subject to subparagraph (C), postgraduate trainees—

"(I) shall have at least 10 hours between scheduled shifts;

"(II) shall have at least 1 full day out of every 7 days off and 1 full weekend off per month;

"(III) who are assigned to patient care responsibilities in an emergency department shall work no more than 12 continuous hours in that department; and

"(IV) shall not be scheduled to be on call in the hospital more often than every third night.

"(B) The Secretary shall promulgate such regulations as may be necessary to ensure quality of care is maintained during the transfer of direct patient care from 1 postgraduate trainee to another at the end of each such 24-hour period referred to in subparagraph (A) and shall take into account cases of individual patient emergencies.

"(C) The work hour limitations under subparagraph (A) and requirements of subparagraph (B) shall not apply to a hospital during a state of emergency declared by the Secretary that applies with respect to that hospital.

"(2) The Secretary shall promulgate such regulations as may be necessary to monitor and supervise postgraduate trainees assigned patient care responsibilities as part of an approved medical training program, as well as to assure quality patient care.

"(3) Each hospital shall inform postgraduate trainees of—

"(A) their rights under this subsection, including methods to enforce such rights (including so-called whistle-blower protections); and

"(B) the effects of their acute and chronic sleep deprivation both on themselves and on their patients.

"(4) For purposes of this subsection, the term 'postgraduate trainee' includes a postgraduate intern, resident, or fellow.".

(b) DESIGNATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall designate an individual within the Department of Health and Human Services to handle all complaints of violations that arise from residents who report that their programs are in violation of the requirements of section 1866(j) of the Social Security Act (as added by subsection (a)).

(2) GRIEVANCE RIGHTS.—A postgraduate trainee or physician resident may file a complaint with the Secretary of Health and

Human Services concerning a violation of such requirements. Such a complaint may be filed anonymously. The Secretary may conduct an investigation and take such corrective action with respect to such a violation.

(3) CIVIL MONEY PENALTY ENFORCEMENT.—Any hospital that violates such requirement is subject to a civil money penalty not to exceed $100,000 for each resident training program in any 6-month period. The provisions of section 1128A of the Social Security Act (other than subsections (a) and (b)) shall apply to civil money penalties under this paragraph in the same manner as they apply to a penalty or proceeding under section 1128A(a) of such Act.

(4) DISCLOSURE OF VIOLATIONS AND ANNUAL REPORTS.—The individual designated under paragraph (1) shall—

(A) provide for annual anonymous surveys of postgraduate trainees to determine compliance with such requirements and for the disclosure of the results of such surveys to the public on a residency-program specific basis;

(B) based on such surveys, conduct appropriate on-site investigations;

(C) provide for disclosure to the public of violations of and compliance with, on a hospital and residence-program specific basis, such requirements; and

(D) make an annual report to Congress on the compliance of hospitals with such requirements, including providing a list of hospitals found to be in violation of such requirements.

(c) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—A hospital covered by the requirements of section 1866(j)(1) of the Social Security Act (as added by subsection (a)) shall not penalize, discriminate, or retaliate in any manner against an employee with respect to compensation, terms, conditions, or privileges of employment, who in good faith (as defined in paragraph (2)), individually or in conjunction with another person or persons—

(A) reports a violation or suspected violation of such requirements to a public regulatory agency, a private accreditation body, or management personnel of the hospital;

(B) initiates, cooperates or otherwise participates in an investigation or proceeding brought by a regulatory agency or private accreditation body concerning matters covered by such requirements;

(C) informs or discusses with other employees, with a representative of the employees, with patients or patient representatives, or with the public, violations or suspected violations of such requirements; or

(D) otherwise avails himself or herself of the rights set forth in such section or this subsection.

(2) GOOD FAITH DEFINED.—For purposes of this subsection, an employee is deemed to act "in good faith" if the employee reasonably believes—

(A) that the information reported or disclosed is true; and

(B) that a violation has occurred or may occur.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first July 1 that begins at least 1 year after the date of enactment of this Act.

SEC. 4. ADDITIONAL FUNDING FOR HOSPITAL COSTS.

There are hereby appropriated to the Secretary of Health and Human Services such amounts as may be required to provide for additional payments to hospitals for their reasonable additional, incremental costs incurred in order to comply with the requirements imposed by this Act (and the amendments made by this Act).

By Mr. MURKOWSKI (for himself and Mr. WELLSTONE):

S. 2615. A bill to amend title XVII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Finance.

Mr. MURKOWSKI. Mr. President, today I am introducing legislation that is designed to strengthen and improve the health care delivered to rural Medicare beneficiaries. The "Rural Community Hospital Assistance Act of 2002" ensures that our Nation's seniors will be able to receive the same quality of inpatient care throughout the country, regardless of whether they live in New York City or Petersburg, AK.

The best insurance in the world is worthless if there is not a provider or facility nearby to deliver quality health care. Right now, in communities across the country, many Medicare beneficiaries are underserved because they have no access to care. This is wrong and intolerable. I remain committed to ensuring that all Americans, and especially those in currently underserved rural communities, received the care they deserve.

Unfortunately, a number of the problems facing rural health care arise from the actions and construct of the federal Medicare system. Its historical one-size-fits-all approach to health care delivery and reimbursement has led to small community facilities that lack the ability to make payroll, expand services, add new technologies, and guarantee comparable care to more urban providers.

In recent years, Congress has moved to even the playing field between urban and rural medicine. New classifications, such as Critical Access Hospitals, have allowed these truly safety-net facilities to remain in operation and serve their community. But more work must be done.

In 1994, a new payment system for hospital inpatient services was created to bring efficiency and cost savings into the Medicare program. The new prospective payment system paid hospitals a fixed amount before services were provided, and severed the historical link between reimbursement and reasonable costs. In 2000, hospital outpatient services were added to this payment system.

But what has this system meant for the small rural hospital that has only a handful of beds and cares for a small number of patients? Quite simply, lower volumes hurt the ability of rural hospitals to handle a prospective payment system. They have limited financial reserves, lack available funds to make capital improvements and, especially in the case of Alaska, have difficulty dealing with volume fluctuations that are often times tied to seasonal travel.

The "Rural Community Hospital Assistance Act" seeks to remedy this problem and a few others that are facing rural America. This legislation would proved enhanced cost-based reimbursement for critical access hospitals. Cost-based reimbursement for inpatient and outpatient services would include a "return on equity" to assist the small facilities in addressing technology and infrastructure needs. It would also provide an option for rural hospitals with less than 50 inpatient beds to receive enhanced cost-based reimbursement for inpatient, outpatient, and select post-acute care services.

Hospitals are resorting to Critical Access status for financial reasons. Rural hospitals are facing a financial crisis. In fact, rural facilities have a Medicare inpatient margin that is almost 10 percentage points lower than urban hospitals. And with these financial constraints, they have often been forced to pass on facility upgrades and acquiring new technologies. Who suffers? The seniors who can't receive the same state-of-the-art care simply because they aren't fortunate to live in a urban zip code.

This legislation is vital to the state of Alaska. Hospitals such as Petersburg Medical Center, Sitka Community, Valdez Community, Seward Medical Center, and Wrangell Medical Center will be able to modernize and expand services to their growing elderly population. Access and quality will increase. Seniors will reap the benefits.

I would like to remind my colleagues that many Alaskan hospitals are not on a road system. They are true safety-net facilities. If they are not there, a need will go unmet.

We must work together to strengthen Medicare. I encourage my colleagues to reflect upon the burdens placed upon rural hospitals and to consider this worthy bill. It is an incremental step towards leveling the playing field between rural and urban medicine. I urge my colleagues to act swiftly upon this bill.

I ask unanimous consent that the text of the "Rural Community Hospital Assistance Act of 2002" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT.

(a) SHORT TITLE.—This Act may be cited as the "Rural Community Hospital Assistance Act of 2002".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered a reference to that section or other provision of the Social Security Act.

SEC. 2. ESTABLISHMENT OF RURAL COMMUNITY HOSPITAL (RCH) PROGRAM.

(a) In General.—Section 1861 (42 U.S.C. 1395x) is amended by adding at the end of the following new subsection:

"Rural Community Hospital; Rural Community Hospital Services

"(ww)(1) The term 'rural community hospital' means a hospital (as defined in subsection (e)) that—

"(A) is located in a rural area (as defined in section 1886(d)(2)(D)) or treated as being so located pursuant to section 1886(d)(8)(E);

"(B) subject to subparagraph (B), has less than 51 acute care inpatient beds, as reported in its most recent cost report;

"(C) makes available 24-hour emergency care services;

"(D) subject to subparagraph (C), has a provider agreement in effect with the Secretary and is open to the public as of January 1, 2002; and

"(E) applies to the Secretary for such designation.

"(2) For purposes of paragraph (1)(B), beds in a psychiatric or rehabilitation unit of the hospital which is a distinct part of the hospital shall not be counted.

"(3) Subparagraph (1)(C) shall not be construed to prohibit any of the following from qualifying as a rural community hospital:

"(A) A replacement facility (as defined by the Secretary in regulations in effect on January 1, 2002) with the same service area (as defined by the Secretary in regulations in effect on such date).

"(B) A facility obtaining a new provider number pursuant to a change of ownership.

"(C) A facility which has a binding written agreement with an outside, unrelated party for the construction, reconstruction, lease, rental, or financing of a building as of January 1, 2002.

"(4) Nothing in this subsection shall be construed as prohibiting a critical access hospital from qualifying as a rural community hospital if the critical access hospital meets the conditions otherwise applicable to hospitals under subsection (e) and section 1866.".

(b) Payment.—

(1) Inpatient services.—Section 1814 (42 U.S.C. 1395f) is amended by adding at the end the following new subsection:

"Payment for Inpatient Services Furnished in Rural Community Hospitals

"(m) The amount of payment under this part for inpatient hospital services furnished in a rural community hospital, other than such services furnished in a psychiatric or rehabilitation unit of the hospital which is a distinct part, is, at the election of the hospital in the application referred to in section 1861(ww)(1)(D)—

"(1) the reasonable costs of providing such services, without regard to the amount of the customary or other charge, or

"(2) the amount of payment provided for under the prospective payment system for inpatient hospital services under section 1886(d).".

(2) Outpatient services.—Section 1834 (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(n) Payment for Outpatient Services Furnished in Rural Community Hospitals.—The amount of payment under this part for outpatient services furnished in a rural community hospital is, at the election of the hospital in the application referred to in section 1861(ww)(1)(D)—

"(1) the reasonable costs of providing such services, without regard to the amount of the customary or other charge and any limitation under section 1861(v)(1)(U), or

"(2) the amount of payment provided for under the prospective payment system for covered OPD services under section 1833(t).".

(3) Home health services.—

(A) Exclusion from home health PPS.—

(i) In general.—Section 1895 (42 U.S.C. 1395fff) is amended by adding at the end the following:

"(f) Exclusion.—

"(1) In general.—In determining payments under this title for home health services furnished on or after October 1, 2002, by a qualified RCH-based home health agency (as defined in paragraph (2))—

"(A) the agency may make a one-time election to waive application of the prospective payment system established under this section to such services furnished by the agency shall not apply; and

"(B) in the case of such an election, payment shall be made on the basis of the reasonable costs incurred in furnishing such services as determined under section 1861(v), but without regard to the amount of the customary or other charges with respect to such services or the limitations established under paragraph (1)(L) of such section.

"(2) Qualified RCH-based home health agency defined.—For purposes of paragraph (1), a 'qualified RCH-based home health agency' is a home health agency that is a provider-based entity (as defined in section 404 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Public Law 106–554; Appendix F, 114 Stat. 2763A–506) of a rural community hospital that is located—

"(A) in a county in which no main or branch office of another home health agency is located; or

"(B) at least 35 miles from any main or branch office of another home health agency.".

(ii) Conforming changes.—

(I) Payments under part A.—Section 1814(b) (42 U.S.C. 1395f(b)) is amended by inserting "or with respect to services to which section 1895(f) applies" after "equipment" in the matter preceding paragraph (1).

(II) Payments under part B.—Section 1833(a)(2)(A) (42 U.S.C. 1395l(a)(2)(A)) is amended by striking "the prospective payment system under".

(III) Per visit limits.—Section 1861(v)(1)(L)(i) (42 U.S.C. 1395x(v)(1)(L)(i)) is amended by inserting "(other than by a qualified RCH-based home health agency (as defined in section 1895(f)(2))" after "with respect to services furnished by home health agencies".

(iii) Consolidated billing.—

(I) Recipient of payment.—Section 1842(b)(6)(F) (42 U.S.C. 1395u(b)(6)(F)) is amended by inserting "and excluding home health services to which section to which section 1895(f) applies" after "provided for in such section".

(II) Exception to exclusion from coverage.—Section 1862(a) (42 U.S.C. 1395y(a)) is amended by inserting before the period at the end of the second sentence the following: "and paragraph (21) shall not apply to home health services to which section 1895(f) applies".

(4) Return on equity.—Section 1861(v)(1)(P) (42 U.S.C. 1395x(v)(1)(P)) is amended—

(A) by inserting "(i)" after "(P)"; and

(B) by adding at the end the following:

"(ii)(I) Notwithstanding clause (i), subparagraph (S)(i), and section 1886(g)(2), such regulations shall provide, in determining the reasonable costs of the services described in subclause (II) furnished by a rural community hospital on or after October 1, 2002, for payment of a return on equity capital at a rate of return equal to 150 percent of the average specified in clause (i):

"(II) The services referred to in subclause (I) are inpatient hospital services, outpatient hospital services, home health services furnished by an RCH-based home health agency (as defined in section 1895(f)(2)), and ambulance services.

"(III) Payment under this clause shall be made without regard to whether a provider is a proprietary provider.".

(5) Exemption from 30 percent reduction in reimbursement for bad debt.—Section 1861(v)(1)(T) (42 U.S.C. 1395x(v)(1)(T)) is amended by inserting "(other than a rural community hospital)" after "In determining such reasonable costs for hospitals".

(c) Beneficiary Cost-Sharing for Outpatient Services.—Section 1834(n) (as added by subsection (b)(2)) is amended—

(1) by inserting "(1)" after "(n)"; and

(2) adding at the end the following:

"(2) The amounts of beneficiary cost sharing for outpatient services furnished in a rural community hospital under this part shall be as follows:

"(A) For items and services that would have been paid under section 1833(t) if provided by a hospital, the amount of cost sharing determined under paragraph (8) of such section.

"(B) For items and services that would have been paid under section 1833(h) if furnished by a provider or supplier, no cost sharing shall apply.

"(C) For all other items and services, the amount of cost sharing that would apply to the item or service under the methodology that would be used to determine payment for such item or service if provided by a physician, provider, or supplier, as the case may be.".

(d) Conforming Amendments.—

(1) Part A payment.—Section 1814(b) (42 U.S.C. 1395f(b)) is amended by inserting "other than inpatient hospital services furnished by a rural community hospital," after "critical access hospital services,".

(2) Part B payment.—

(A) In general.—Section 1833(a) (42 U.S.C. 1395l(a)) is amended—

(i) in paragraph (2), in the matter before subparagraph (A), by striking "and (I)" and inserting "(I), and (K)";

(ii) by striking "and" at the end of paragraph (8);

(iii) by striking the period at the end of paragraph (9) and inserting "; and"; and

(iv) by adding at the end the following:

"(10) in the case of outpatient services furnished by a rural community hospital, the amounts described in section 1834(n).".

(B) Ambulance services.—Section 1834(l)(8) (42 U.S.C. 1395m(l)(8)), as added by section 205(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Appendix F, 114 Stat. 2763A–463), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(i) in the heading, by striking "CRITICAL ACCESS HOSPITALS" and inserting "CERTAIN FACILITIES";

(ii) by striking "or" at the end of subparagraph (A);

(iii) by redesignating subparagraph (B) as subparagraph (C);

(iv) by inserting after subparagraph (A) the following new subparagraph:

"(B) by a rural community hospital (as defined in section 1861(ww)(1)), or"; and

(v) in subparagraph (C), as so redesignated, by inserting "or a rural community hospital" after "critical access hospital".

(3) TECHNICAL AMENDMENTS.—

(A) CONSULTATION WITH STATE AGENCIES.—Section 1863 (42 U.S.C. 1395z) is amended by striking "and (dd)(2)" and inserting "(dd)(2), (mm)(1), and (ww)(1)".

(B) PROVIDER AGREEMENTS.—Section 1866(a)(2)(A) (42 U.S. C. 1395cc(a)(2)(A)) is amended by inserting "section 1834(n)(2)," after "section 1833(b),".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after October 1, 2002.

SEC. 3. REMOVING BARRIERS TO ESTABLISHMENT OF DISTINCT PART UNITS BY RCH AND CAH FACILITIES.

(a) IN GENERAL.—Section 1886(d)(1)(B) (42 U.S.C. 1395ww(d)(1)(B)) is amended by striking "a distinct part of the hospital (as defined by the Secretary)" in the matter following cause (v) and inserting "a distinct part (as defined by the Secretary) of the hospital or of a critical access hospital or a rural community hospital".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to determinations with respect to distinct part unit status that are made on or after October 1, 2002.

SEC. 4. IMPROVEMENTS TO MEDICARE CRITICAL ACCESS HOSPITAL (CAH) PROGRAM.

(a) EXCLUSION OF CERTAIN BEDS FROM BED COUNT.—Section 1820(c)(2) (42 U.S.C. 1395i-4(c)(2)) is amended by adding at the end the following:

"(E) EXCLUSION OF CERTAIN BEDS FROM BED COUNT.—In determining the number of beds of a facility for purposes of applying the bed limitations referred to in subparagraph (B)(iii) and subsection (f), the Secretary shall not take into account any bed of a distinct part psychiatric or rehabilitation unit (described in the matter following clause (v) of section 1886(d)(1)(B)) of the facility, except that the total number of beds that are not taken into account pursuant to this subparagraph with respect to a facility shall not exceed 10.".

(b) PAYMENTS TO HOME HEALTH AGENCIES OWNED AND OPERATED BY A CAH.—Section 1895(f) (42 U.S.C. 1395fff(f)), as added by section 2(b)(3), is further amended by inserting "or by a home health agency that is owned and operated by a critical access hospital (as defined in section 1861(mm)(1))" after "as defined in paragraph (2))".

(c) PAYMENTS TO CAH-OWNED SNFS.—

(1) IN GENERAL.—Section 1888(e) (42 U.S.C. 1395yy(e)) is amended—

(A) in paragraph (1), by striking "and (12)" and inserting "(12), and (13)"; and

(B) by adding at the end thereof the following:

"(13) EXEMPTION OF CAH FACILITIES FROM PPS.—In determining payments under this part for covered skilled nursing facility services furnished on or after October 1, 2002, by a skilled nursing facility that is a distinct part unit of a critical access hospital (as defined in section 1861(mm)(1)) or is owned and operated by a critical access hospital—

"(A) the prospective payment system established under this subsection shall not apply; and

"(B) payment shall be made on the basis of the reasonable costs incurred in furnishing such services as determined under section 1861(v), but without regard to the amount of the customary or other charges with respect to such services or the limitations established under subsection (a).".

(2) CONFORMING CHANGES.—

(A) IN GENERAL.—Section 1814(b) (42 U.S.C. 1395f(b)), as amended by subsection (b)(2)(A), is further amended in the matter preceding paragraph (1)—

(i) by inserting "other than a skilled nursing facility providing covered skilled nursing facility services (as defined in section 1888(e)(2)) or posthospital extended care services to which section 1888(e)(13) applies," after "inpatient critical access hospital services"; and

(ii) by striking "1813 1886," and inserting "1813, 1886, 1888,".

(B) CONSOLIDATED BILLING.—

(i) RECIPIENT OF PAYMENT.—Section 1842(b)(6)(E) (42 U.S.C. 1395u(b)(6)(E)) is amended by inserting "services to which paragraph (7)(C) or (13) of section 1888(e) applies and" after "other than".

(ii) EXCEPTION TO EXCLUSION FROM COVERAGE.—Section 1862(a)(18) (42 U.S.C. 1395y(a)(18)) is amended by inserting "(other than services to which paragraph (7)(C) or (13) of section 1888(e) applies)" after "section 1888(e)(2)(A)(i)".

(d) PAYMENTS TO DISTINCT PART PSYCHIATRIC OR REHABILITATION UNITS OF CAHS.—Section 1886(b) (42 U.S.C. 1395ww(b)) is amended—

(1) in paragraph (1), by inserting ", other than a distinct part psychiatric or rehabilitation unit to which paragraph (8) applies," after "subsection (d)(1)(B)"; and

(2) by adding at the end the following:

"(8) EXEMPTION OF CERTAIN DISTINCT PART PSYCHIATRIC OR REHABILITATION UNITS FROM COST LIMITS.—In determining payments under this part for inpatient hospital services furnished on or after October 1, 2002, by a distinct part psychiatric or rehabilitation unit (described in the matter following clause (v) of subsection (d)(1)(B)) of a critical access hospital (as defined in section 1861(mm)(1))—

"(A) the limits imposed under the preceding paragraphs of this subsection shall not apply; and

"(B) payment shall be made on the basis of the reasonable costs incurred in furnishing such services as determined under section 1861(v), but without regard to the amount of the customary or other charges with respect to such services.".

(e) ELIMINATION OF ISOLATION TEST FOR COST-BASED CAH AMBULANCE SERVICES.—Paragraph (8) of section 1834(l) (42 U.S.C. 1395m(l)), as added by section 205(a) of BIPA, is amended by striking the comma at the end of the last subparagraph and all that follows and inserting a period.

(f) RETURN ON EQUITY.—Section 1861(v)(1)(P) (42 U.S.C. 1395x(v)(1)(P)), as amended by section 2(b)(4), is further amended by adding at the end the following:

"(iii)(I) Notwithstanding clause (i), subparagraph (S)(i), and section 1886(g)(2), such regulations shall provide, in determining the reasonable costs of the services described in subclause (II) furnished by a rural community hospital on or after October 1, 2002, for payment of a return on equity capital at a rate of return equal to 150 percent of the average specified in clause (i):

"(II) The services referred to in subclause (I) are inpatient critical access hospital services (as defined in section 1861(mm)(2)), outpatient critical access hospital services (as defined in section 1861(mm)(3)), extended care services provided pursuant to an agreement under section 1883, posthospital extended care services to which section 1888(e)(13) applies, home health services to which section 1895(f) applies, ambulance services to which section 1834(l) applies, and inpatient hospital services to which section 1886(b)(8) applies.

"(III) Payment under this clause shall be made without regard to whether a provider is a proprietary provider.".

(g) TECHNICAL CORRECTIONS.—

(1) SECTION 403(b) OF BBRA 1999.—Section 1820(b)(2) (42 U.S.C. 1395i-4(b)(2)) is amended by striking "nonprofit or public hospitals" and inserting "hospitals".

(2) SECTION 203(b) OF BIPA 2000.—Section 1883(a)(3) (42 U.S.C. 1395tt(a)(3)) is amended—

(A) by inserting "section 1861(v)(1)(G) or" after "Notwithstanding"; and

(B) by striking "covered skilled nursing facility".

(h) EFFECTIVE DATES.—

(1) ELIMINATION OF REQUIREMENTS.—The amendment made by subsections (a) and (b) shall apply to services furnished on or after October 1, 2002.

(2) TECHNICAL CORRECTIONS.—

(A) BBRA.—The amendment made by subsection (f)(1) shall be effective as if included in the enactment of section 403(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A–321), as enacted into law by section 1000(a)(6) of Public Law 106–113.

(B) BIPA.—The amendment made by subsection (f)(2) shall be effective as if included in the enactment of section 203(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Appendix F, 114 Stat. 2763A–463), as enacted into law by section 1(a)(6) of Public Law 106–554.

Mr. WELLSTONE. Mr. President, I rise today along with my colleague, the Senator from Alaska, to introduce the Rural Community Hospital Assistance Act. Senator MURKOWSKI and I don't agree on a lot of issues. But one thing we both care very deeply about is the health of this Nation's rural hospitals. Rural hospitals provide essential care for more than 54 million people. They provide essential inpatient, outpatient and post-acute care, including skilled nursing, home health and rehabilitation services. Minnesota has more rural hospitals than any other state in the United States with the exception of Texas. The hospitals of rural America are the heart of our health care system. In rural America, how far away you are from your community hospital can be a matter of life and death.

But the health of our rural hospitals in 2002 is not good. Many are struggling to survive. Rural hospitals have Medicare inpatient margins that are 10 percent less than urban hospitals. Rural hospital total Medicare margins have declined significantly, falling to an average of negative 3.2 percent since 1999, and even lower margins, negative 5.4 percent, for rural hospitals with 50 or fewer beds. Rural hospital costs are increasing at a greater rate than urban hospitals. They can't survive on the Medicare prospective payment system that we've set up for them. That payment system provides a fixed hospital payment established in advance of the provisions of services, rather than providing reimbursement retroactively on the basis of costs. The Medicare Payment Advisory Commission (MedPAC) told the Congress last June that the Prospective Payment System is not working for small rural hospitals. We set up that system to contain costs and save money. But we can't have the kind of healthcare system that the people who live in the small towns and on the farms of America deserve, if we try to finance it on the cheap. This is about values. This is about priorities. This is about giving people who work hard all their lives the healthcare they deserve.

I voted against the Balanced Budget Act of 1997 because I was worried that it would lead to significant harm for our healthcare system. I was worried that it would hurt healthcare in our rural areas, in our cities, and that it would damage our healthcare safety net. Unfortunately, I was right and we have seen exactly the kind of problems I warned about. But one good thing we included was the Medicare Rural Hospital Flexibility Act which set up "Critical Access Hospitals." The Critical Access Hospital (CAH) program provides cost based Medicare reimbursement for qualifying rural hospitals with 15 of fewer inpatient beds. Small rural hospitals face unique circumstances that require special consideration when developing Medicare payment policies. Because of their small size, a median of 58 beds compared to 186 beds for urban hospitals, rural hospitals have a much more difficult time surviving within a prospective payment system. Rural hospitals have fewer financial reserves and greater volume fluctuations than urban hospitals. They rely on Medicare as a source of revenue more than other hospitals. They have to deal with isolation, high levels of poverty, and shortages of critical health care professionals, making it much more difficult for small rural hospitals to absorb the impact of policy and market changes.

The Critical Access Hospital Program has done a good job. There are 43 Critical Access Hospitals in Minnesota. But this program needs to be updated and it needs to be extended and enhanced if we are going to restore our rural hospitals to financial health. The Rural Community Hospital Assistance Act will provide enhanced cost based reimbursement for Critical Access Hospitals, and extend such reimbursement to post acute care services. It will permit and extend enhanced reimbursement fore geriatric psychiatric care. It will provide enhanced cost based reimbursement for ambulance services. It would also provide an option for rural hospitals with less than 50 acute care beds to receive cost based reimbursement for inpatient, outpatient, and ambulance services. This is very important because so many rural hospitals with less than 50 beds are struggling just to survive. It is essential that the doors of our rural hospitals remain open. I ask my colleagues to join Senator MURKOWSKI and me in supporting this important legislation for rural America.

By Mr. THURMOND:

S. 2616. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Health, Education, Labor, and Pensions.

Mr. THURMOND. Mr. President, this week in the United States we are commemorating Men's Health Week. The National Men's Health Week Act was passed by Congress and signed into law in 1994. Since then Men's Health Week has been celebrated each year as the week leading up to and including Father's Day. I was proud to be a cosponsor of that Act. Today, I rise to introduce the Men's Health Act of 2002, to establish an Office of Men's Health within the Department of Health and Human Services to promote men's health in America.

In this Nation, there is an ongoing, increasing, and predominantly silent crisis in the health and well-being of men. Due to a lack of awareness, poor health education, and culturally-induced behavior patterns, the state of men's health and well-being is deteriorating steadily. Heart disease, stroke, and various cancers, including prostate and testicular cancer, continue to be major areas of concern. We must address these issues with diligent educational efforts, prevention and treatment as we seek to enhance the quality and duration of men's lives. Improved distribution of information concerning the health challenges men face and the utilization of the appropriate preventive measures are imperative to addressing this need.

As a lifelong advocate of regular medical exams, daily exercise, and a balanced diet, I feel strongly that an Office of Men's Health should be established to help improve the overall health of America's male population. The bill I am introducing is similar to a bill introduced in the House of Representatives. I invite my colleagues to join me in supporting this important measure. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Men's Health Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A silent health crisis is affecting the health and well-being of America's men.

(2) While this health crisis is of particular concern to men, it is also a concern for women regarding their fathers, husbands, sons, and brothers.

(3) Men's health is a concern for employers who pay the costs of medical care, and lose productive employees.

(4) Men's health is a concern to Federal and State governments which absorb the enormous costs of premature death and disability, including the costs of caring for dependents left behind.

(5) The life expectancy gap between men and women has increased from one year in 1920 to almost six years in 1998.

(6) Prostate cancer is the most frequently diagnosed cancer in the United States among men, accounting for 36 percent of all cancer cases.

(7) An estimated 180,000 men will be newly diagnosed with prostate cancer this year alone, and 37,000 will die.

(8) The American Heart Association reports that heart attack is the single biggest killer of American males. Men are more likely to die of stroke and are almost twice as likely to die of heart disease than are women. High blood pressure increases the risk for stroke and heart attack and men under age 55 are much more likely to suffer from high blood pressure than are women.

(9) An estimated 7,600 men will be diagnosed this year with testicular cancer, and 400 of these men will die of this disease in 2002. A common reason for delay in treatment of this disease is a delay in seeking medical attention after discovering a testicular mass.

(10) Studies show that men are at least 25 percent less likely than women to visit a doctor, and are significantly less likely to have regular physician check-ups and obtain preventive screening tests for serious diseases.

(11) Appropriate use of tests such as prostate specific antigen (PSA) exams and blood pressure, blood sugar, and cholesterol screens, in conjunction with clinical exams and self-testing, can result in the early detection of many problems and in increased survival rates.

(12) Educating men, their families, and health care providers about the importance of early detection of male health problems can result in reducing rates of mortality for male-specific diseases, as well as improve the health of America's men and its overall economic well-being.

(13) Recent scientific studies have shown that regular medical exams, preventive screenings, regular exercise, and healthy eating habits can help save lives.

(14) Establishing an Office of Men's Health is needed to investigate these findings and take such further actions as may be needed to promote men's health.

SEC. 3. ESTABLISHMENT OF OFFICE OF MEN'S HEALTH.

(a) IN GENERAL.—Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following:

"OFFICE OF MEN'S HEALTH

"SEC. 1711. The Secretary shall establish within the Department of Health and Human Services an office to be known as the Office of Men's Health, which shall be headed by a director appointed by the Secretary. The Secretary, acting through the Director of the Office, shall coordinate and promote the status of men's health in the United States.".

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Office of Men's Health (established under section 1711 of the Public Health Service Act as added by subsection (a)), shall submit to Congress a report describing the activities of such Office, including findings that the Director has made regarding men's health.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 283—RECOGNIZING THE SUCCESSFUL COMPLETION OF DEMOCRATIC ELECTIONS IN THE REPUBLIC OF COLOMBIA

Mr. GRAHAM (for himself, Mr. DEWINE, Mr. MCCAIN, Mr. TORRICELLI, Mr. MILLER, Mr. LEAHY, Mr. FEINGOLD, Mr. DODD, Mr. NELSON of Florida, Mr. GRASSLEY, Mr. BREAUX, Mr. WARNER, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. HELMS, Mr. CHAFEE, Mr. REID, Mr. ROCKEFELLER, Mr. BAYH, Mr. LUGAR, Mr. BROWNBACK, Mr. ALLEN, and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 283

Whereas on May 26, 2002, the Republic of Colombia successfully completed democratic multiparty elections for President and Vice President;

Whereas these elections were deemed by international and domestic observers, including the United Nations and the Organization of American States, to be free, fair, and a legitimate nonviolent expression of the will of the people of the Republic of Colombia;

Whereas the United States has consistently supported the efforts of the people of the Republic of Colombia to strengthen and continue their democracy;

Whereas the Senate notes the courage of the millions of citizens of the Republic of Colombia that turned out to vote in order to freely and directly express their opinion; and

Whereas these open, fair, and democratic elections of the new President and Vice President of the Republic of Colombia, and the speedy posting of election results, should be broadly commended: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the government and the people of the Republic of Colombia for the successful completion of democratic elections held on May 26, 2002, for President and Vice President;

(2) congratulates President-elect Alvaro Uribe Velez and Vice President-elect Francisco Santos Calderon on their recent victory and their continuing strong commitment to democracy, national reconciliation, and reconstruction;

(3) congratulates Colombian President Andres Pastrana, who has been a strong ally of the United States, a long-standing supporter of peace process negotiations, and a builder of national unity in the Republic of Colombia, for his personal commitment to democracy;

(4) commends all Colombian citizens and political parties for their efforts to work together to take risks for democracy and to willfully pursue national reconciliation in order to cement a lasting peace and to strengthen democratic traditions in the Republic of Colombia;

(5) supports Colombian attempts to—

(A) ensure democracy, national reconciliation, and economic prosperity;

(B) support human rights and rule of law; and

(C) abide by all the essential elements of representative democracy as enshrined in the Inter-American Democratic Charter, Organization of American States, and United Nations principles;

(6) encourages the government and people of the Republic of Colombia to continue their struggle against the evils of narcotics and all forms of terrorism;

(7) encourages the government of the Republic of Colombia to continue to promote—

(A) the professionalism of the Colombian Armed Forces and Colombian National Police; and

(B) judicial and legal reforms; and

(8) reaffirms that the United States is unequivocally committed to encouraging and supporting democracy, human rights, rule of law, and peaceful development in the Republic of Colombia and throughout the Americas.

Mr. GRAHAM. Mr. President, I rise, along with 21 of my colleagues, to submit a resolution commending the country and the people of Colombia on continuing the tradition of democracy, with a plurality freely and fairly voting for President-elect Alvaro Uribe Velez and Vice President-elect Francisco Santos Calderon on May 26, 2002.

In Colombia, the evil hand of terror and suffering and fear and death has been an everyday reality for too long. In 2000, over 44 percent of the worldwide incidents of terrorist attacks against U.S. citizens and United States interests were in the country of Colombia. These attacks pose a threat to Colombia, the stability of Latin America, the security of the Western Hemisphere, and the direct and indirect security of many United States citizens, businesses, and interests.

Yet, despite the constant threat and reality of violence in Colombia, the citizens and government of Colombia carried out democratic elections, deemed by international standards to be free, fair and the express will of the Colombian people. As Latin America's oldest democracy, the legacy of leaders elected by the people continues.

We desire to work closely with both President-elect Uribe and Vice President-elect Santos to reach our common goals of continued democracy, stability, peace, and the elimination of drugs, terrorism and corruption from our countries and our hemisphere.

I urge my colleagues to join me in support of this resolution and the great democracy of Colombia.

* * *

AMENDMENTS SUBMITTED AND PROPOSED

SA 3832. Mr. REID (for Mr. DORGAN (for himself, Mr. DURBIN, Mrs. CARNAHAN, Mr. CORZINE, and Ms. STABENOW)) proposed an amendment to amendment SA 3831 proposed by Mr. CONRAD to the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period, and for other purposes.

SA 3833. Mr. GRAMM (for himself, Mr. KYL, Mr. BROWNBACK, and Mr. HUTCHINSON) proposed an amendment to the bill H.R. 8, supra.

SA 3834. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3832. Mr. REID (for Mr. DORGAN (for himself, Mr. DURBIN, Mrs. CARNAHAN, Mr. CORZINE, and Ms. STABENOW)) proposed an amendment to amendment SA 3831 proposed by Mr. CONRAD to the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. ESTATE TAX WITH FULL TAX DEDUCTION FOR FAMILY-OWNED BUSINESS INTERESTS.

(a) ELIMINATION OF ESTATE TAX REPEAL.—

(1) IN GENERAL.—Subtitle A of title V, sections 511(d), 511(e), and 521(b)(2), and subtitle E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 are repealed.

(2) CONFORMING AMENDMENTS.—

(A) The table contained in section 2001(c)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "2007, 2008, and 2009" and inserting "2007 and thereafter".

(B) The table contained in section 2010(c) of such Code is amended by striking "2009" and inserting "2009 and thereafter".

(C) Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(i) by striking "this Act" and all that follows through "2010." in subsection (a) and inserting "this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.", and

(ii) by striking ", estates, gifts, and transfers" in subsection (b).

(b) INCREASE IN EXCLUSION AMOUNT.—The table contained in section 2010(c) of the Internal Revenue Code of 1986 (relating to applicable credit amount), as amended by subsection (a)(2)(B), is amended by striking "$3,500,000" and inserting "$4,000,000".

(c) FULL TAX DEDUCTION FOR FAMILY-OWNED BUSINESS INTERESTS.—

(1) IN GENERAL.—Section 2057(a) (relating to deduction for family-owned business interests) is amended—

(A) by striking paragraphs (2) and (3), and

(B) by striking "GENERAL RULE.—" and all that follows through "For purposes" and inserting "ALLOWANCE OF DEDUCTION.—For purposes".

(2) PERMANENT DEDUCTION.—Section 2057 is amended by striking subsection (j).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying, and gifts made, after December 31, 2002.

SA 3833. Mr. GRAMM (for himself, Mr. KYL, Mr. BROWNBACK, and Mr. HUTCHINSON) proposed an amendment to the bill H.R. 8, to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent Death Tax Repeal Act of 2002".

SEC. 2. ESTATE TAX REPEAL MADE PERMANENT.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(1) in subsection (a) by striking "shall not apply—" and all that follows and inserting "(other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.", and

(2) in subsection (b) by striking ", estates, gifts, and transfers".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001.

SA 3834. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INSURANCE RATE INCREASES FOR TERRORISM RISKS.

(a) CALCULATIONS OF TERRORISM INSURANCE PREMIUMS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall promulgate regulations establishing parameters for insurance rate increases for terrorism risk.

(2) CONSULTATION.—In developing the regulations under paragraph (1), the Secretary shall consult with the NAIC and appropriate Federal agencies.

(3) MODIFICATIONS.—The Secretary may periodically modify the regulations promulgated under paragraph (1), as necessary to account for changes in the marketplace.

(4) EXCLUSIONS.—Under exceptional circumstances, the Secretary may exclude a participating insurance company from coverage under any of the regulations promulgated under paragraph (1).

(b) SEPARATE ACCOUNT REQUIRED.—If a participating insurance company increases annual premium rates on covered risks under subsection (a), the company—

(1) shall deposit the amount of the increase in premium in a separate, segregated account;

(2) shall identify the portion of the premium insuring against terrorism risk on a separate line item on the policy; and

(3) may not disburse any funds from amounts in that separate, segregated account for any purpose other than the payment of losses from acts of terrorism.

(c) LIMITATION ON RATE INCREASES FOR COVERED RISKS.—

(1) EXISTING POLICIES.—Any rate increase by a participating insurance company on covered risks during any period within the Program may not exceed the amount established by the Secretary under subsection (a).

(2) NEW POLICIES.—Property and casualty insurance policies issued after the date of enactment of this Act shall conform with the regulations issued by the Secretary under subsection (a).

(d) REFUNDS ON EXISTING POLICIES.—Not later than 90 days after the date of enactment of this Act, a participating insurance company shall—

(1) review the premiums charged under property and casualty insurance policies of the company that are in force on the date of enactment of this Act;

(2) calculate the portion of the premium paid by the policy holder that is attributable to terrorism risk during the period in which the company is participating in the Program; and

(3) refund the amount calculated under paragraph (2) to the policy holder, with an explanation of how the refund was calculated.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a Hearing during the session of the Senate on Wednesday, June 12, at 2:30 p.m. in SD-366. The purpose of this hearing is to receive testimony on the following bills:

S. 1257 and H.R. 107, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War;

S. 1312 and H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System;

S. 1944, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes;

H.R. 38, to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes;

H.R. 980, to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System; and

H.R. 1712, to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the Park, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, June 12, 2002, at 9:30 a.m. to hold a hearing to receive testimony further analyzing the benefits and costs of multi-pollutant legislation. The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 12, 2002 at 9:30 a.m. for the purpose of holding a hearing entitled "Protecting Our Kids: What is Causing the Current Shortage in Childhood Vaccines?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "The Criminal Justice System and Mentally Ill Offenders" on Wednesday, June 12, 2002, in Dirksen room 226 at 9 a.m.

Agenda

Witnesses

Panel I: The Honorable George Ryan, Governor of the State of Illinois.

Panel II: The Honorable Matt Bettenhausen, Illinois Deputy Governor for Criminal Justice Policy, Executive Director, Illinois Governor's Commission on Capital Punishment; Donald Hubert, Esq., Donald Hubert & Associates, Chicago, IL, Member, Illinois Governor's Commission on Capital Punishment; John J. Kinsella, Esq., First Assistant State's Attorney, DuPage County, IL; Professor Larry Marshall, Northwestern University Law School, Legal Director, Center on Wrongful Convictions; Kent Scheidegger, Legal Director, Criminal Justice Legal Foundation, Sacramento, CA; Scott Turow, Esq., Sonnenschein Nath & Rosenthal, Chicago, IL, Member, Illinois Governor's Commission on Capital Punishment; and Druanne D. White, Esq., Solicitor, Tenth Judicial Circuit, South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 12, 2002, at 2:30 p.m. to hold a closed hearing on the joint inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 12, 2002, at 2:30 p.m. on the Internet Corporation for Assigned Names and Numbers.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 13, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m., Thursday, June 13; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 10 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee and the second half under the control of the Republican leader or his designee that at 10 a.m. the Senate begin consideration of the terrorism insurance bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, we have worked long and hard today. As I have said before, we had some very good debate. I think it is time that we close business for the day. I ask unanimous consent the Chair deem the Senate closed for the day, as under the previous order, as there is no further business to come before the Senate.

There being no objection, the Senate, at 6:52 p.m., adjourned until Thursday, June 13, 2002, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, June 12, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 12, 2002.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Kent Williams, Sunnybrook Christian Church, Stillwater, Oklahoma, offered the following prayer:

Sovereign God, I thank You for this great country, for President Bush and for these Members of Congress who are dedicated public servants divinely appointed by You. Lord, build a spiritual wall of protection around all of our leaders, our armed forces, and our citizens. "Contend with those who contend with us." You are faithful from everlasting to everlasting.

We seek Your guidance and wisdom as we strive to discern and accomplish Your plan and purpose. We commit ourselves to upholding Your absolute law, standards and precepts. Give us strength and courage, both in policy and personal example, to be people of character and integrity, and may "In God We Trust" be expressed in our lives, not just stamped on our coins. Continue to work in us and through us, that we would be people with pure hearts and clean hands.

As Abraham Lincoln anticipated, "that this Nation under God shall have a new birth of freedom," may we acknowledge that freedom comes from great sacrifice, just as spiritual freedom and new birth come from the blood of Your Son shed at Calvary. In His Name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oklahoma (Mr. WATKINS) come forward and lead the House in the Pledge of Allegiance.

Mr. WATKINS of Oklahoma led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCING PASTOR KENT WILLIAMS, GUEST CHAPLAIN

(Mr. WATKINS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS of Oklahoma. Mr. Speaker, I have the great pleasure of welcoming our guest chaplain in the House of Representatives today, Pastor Kent Williams. I thank him for the most appropriate and inspiring prayer he has offered up on our behalf as we seek divine guidance for the task that lies before us today.

Pastor Williams graduated with a degree in theology from Ozark Christian College in Joplin, Missouri. For 25 years he has been serving as pastor in churches in Missouri, Oregon, Texas, and Oklahoma.

Pastor Williams now serves as senior pastor at Sunnybrook Christian Church in Stillwater, Oklahoma, my hometown. He provides ministerial support to Oklahoma State University's personnel and athletic programs and to most of my family. He is also a board member of Marriage Partners, an organization that strives to reduce the divorce rate and strengthen marriages and families in Oklahoma.

Pastor Williams has served as Chaplain of the Week at the Oklahoma State House of Representatives and has been a featured writer for national publications. He has been a keynote speaker and seminar leader for many Christian colleges and conventions, both nationally and throughout the great State of Oklahoma. He has worked across denominational lines to promote unity amidst diversity.

Pastor Williams and his wife, Kay, have two sons, Gabe and Joel. Also with them on the trip to Washington has been their nephew, Clinton Renken.

Pastor Williams is deeply committed to the service of his community, his church, his family and the Lord. Today I join with my colleagues in thanking Pastor Williams for honoring us with his presence, his message, and his prayers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by the Honorable John Howard, Prime Minister of Australia, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, June 5, 2002, and clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 6 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 10:50 a.m., the following proceedings were had:

□ 1050

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE HONORABLE JOHN HOWARD, PRIME MINISTER OF AUSTRALIA

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Richard Wilson, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

part of the House to escort the Honorable John Howard, the Prime Minister of Australia, into the Chamber:

The gentleman from Texas (Mr. ARMEY);

The gentleman from Oklahoma (Mr. WATTS);

The gentleman from California (Mr. COX);

The gentleman from Illinois (Mr. HYDE);

The gentleman from Nebraska (Mr. BEREUTER);

The gentleman from Missouri (Mr. GEPHARDT);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Texas (Mr. FROST);

The gentleman from California (Mr. LANTOS);

The gentleman from American Samoa (Mr. FALEOMAVAEGA).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort the Honorable John Howard, the Prime Minister of Australia, into the House Chamber:

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Florida (Mr. NELSON);

The Senator from Mississippi (Mr. LOTT);

The Senator from Oklahoma (Mr. NICKLES);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Idaho (Mr. CRAIG);

The Senator from Indiana (Mr. LUGAR);

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, the Honorable Jesse Bibiano Marehalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 2 minutes a.m., the Assistant to the Sergeant at Arms announced the Prime Minister of Australia, the Honorable John Howard.

The Prime Minister of Australia, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you the Honorable John Howard, Prime Minister of Australia.

[Applause, the Members rising.]

ADDRESS BY THE HONORABLE JOHN HOWARD, PRIME MINISTER OF AUSTRALIA

Prime Minister HOWARD. Mr. Speaker, Mr. President of the Senate, distinguished Members of the House of Representatives and the Senate of the Congress of the United States, may I say how very touched I am by the warmth and generosity of your welcome. I appreciate very deeply the honor that you have extended to me today, but more importantly, the honor you have extended to my country, Australia.

I, on behalf of the 90 million freedom-loving Australians, convey to you their deep affection and warm greetings and their sense of solidarity and friendship.

The bonds between Americans and Australians are as strong as they are genuine; and that is, of course, because we share so many values in common: A belief that the individual is more important than the state; a belief that strong families are a nation's greatest resource; a belief that competitive capitalism is the real key to national wealth; and a belief that decency and hard work define a person's worth, not class or race or social background.

My friends, let me say to you today that America has no better friend anywhere in the world than Australia. Australians and Americans enjoy each other's company. We share a love of sport, and in some of them we are fierce competitors, and we even from time to time share the Academy Awards.

When I last came to this great Chamber of democracy on the 12th of September last year, the smoke still hung in the air over New York and Washington. Brave and courageous policemen and firemen, with no regard for their own safety, searched in the hope of finding survivors. The scale of loss and destruction was yet to be fully calculated. In seeking justice and not revenge, in choosing calm consideration over blind fury, in turning to friends before turning on enemies, the United States of recent months has led a great reaffirmation of all of those great values and principles on which both of our societies are based.

America fought back magnificently, and in the process has won the admiration of the world. You demonstrated to the world that where fundamental freedoms flourish, evil men can do their worst, cause death and devastation, but in the end, they will never win.

In his inaugural address, George Washington spoke of the destiny of the American people to preserve the sacred fire of liberty. That promise has been kept for more than two centuries, but never more so than since the appalling events of September last year. Through these times, Australians have shared your shock and anger, and have been partners in your resolve. We have taken our place beside you in the fight against terrorism because what happened last year in the United States was as much an attack upon our nation and the values that we hold dear as it was upon yours.

And as we meet, Australian and American troops are fighting side by side in Afghanistan. It is our constant prayer that they all return safely home to their loved ones.

In these past months, President Bush has displayed the tenacity, the strength, and the depth of character of a very great leader. And he is also applying those great qualities to the tensions in the Indian subcontinent between India and Pakistan, and in the intractable situation in the Middle East.

It is a special privilege for me to return to this historic place to address the representatives of a great Nation of whose people we hold in such high regard, and for whom we feel great warmth and affection toward.

Like you, Australia enters the new century strong and prosperous. Over the past decade, the productivity and growth of our economy has been ahead of most other developed nations.

Our pioneer past, so similar to your own, has produced a spirit that can overcome adversity and pursue great dreams; where pursued, a society of opportunity, fairness and hope, leaving as you do, the divisions and prejudices of the old world far behind. Like your own, our culture continues to be immeasurably enriched by immigration from the four corners of the world. We believe, as you do, that nations are strengthened and not weakened, broadened and not diminished, by a variety of views and an atmosphere of open debate.

Most of all, we value loyalty given and loyalty gained. The concept of mateship runs deeply through the Australian character. We cherish, and where necessary, we will fight to defend the liberties we hold dear.

Australian and American forces fought together for the first time in the Battle of Hamel in France in World War I. The date of the attack, the 4th of July, 1918, was deliberately chosen by the Australian commander, General John Monash, to honor your countrymen. One of the Australian units held in reserve for that attack was the Third Pioneer Battalion, and it had a young signalman called Lyle Howard. He was my father.

From that moment to this, we have been able to count on each other when it has mattered most; and let me say, and I know I speak on behalf of all of my fellow Australians, in saying that we will never forget the crucial help that Americans extended to us during the darkest days of World War II. Without that help, our history and our society would have been totally different.

Successive generations of Australians and Americans have fought side by side in every major conflict of the 20th century, in the jungles of New Guinea, in Korea, in Vietnam, in the Gulf, in the skies and oceans around the globe, and now in another new century among the rock-strewn mountains of Afghanistan.

The ANZUS Treaty of 1951 pledged each country to come to the aid of the other if it were under attack.

And so it was that in a United States Air Force plane made available to me for my return to Australia on the 12th of September last year to enable me to return to Australia and high above the Pacific Ocean, I informed the United States Ambassador to Australia, Tom Schieffer, that it was our intention for the first time in the 50-year history of the ANZUS Treaty to invoke that treaty in response to the attack upon America.

America was under attack. Australia was immediately there to help.

My friends, both of our societies are built on a deep respect for the worth of each individual.

"The worth of a state, in the long run," wrote John Stuart Mill in 1859, "is the worth of the individuals composing it . . . a state which dwarfs its men in order that they may be more docile instruments in its hands even for beneficial purposes, will find with small men no great thing can really be accomplished."

America and Australia are societies which extol the precious worth of each individual man and woman. Like you, I see family life at the heart of a nation's existence. Not only does the family nurture and educate our children but it provides emotional anchorage for all of us as we travel through life.

The strength of the family, of course, goes beyond the spiritual and the emotional. United, caring families are the best social welfare system mankind has ever devised.

Both of our societies draw great strength from the spirit of volunteerism. The huge, exuberant success of the Sydney Olympic Games in 2000 owed a lot to the warm and infectious dedication of tens of thousands of volunteers. They gave the games a sense of exhilaration and joy which contributed enormously to their success.

Edmund Burke once called voluntary groups society's "small platoons." They are, in fact, the living tissue between the government and the people.

I think we would all agree that political life in both of our nations is undergoing great change. I find, as I am sure you do, that politics now is a lot less tribal than it used to be. Lifelong allegiances are looser and less frequent. Modern society has given young people infinitely more options than was the case a generation ago. Governments must be decisive but also modest. Grand gestures without practical results help no one. People want outcomes, not political fireworks and constant battles. And above all, they want space from governments to get on with their own lives.

I have spoken much of our common values, our shared history, and our deep respect and affection for each other as peoples. Let me say that we also share a common interest in spreading and better understanding the benefits of globalization. The balance sheet of globalization is overwhelmingly favorable to mankind. We must, however, better understand and explain its advantages to all of our citizens. Trade reform and liberalization have delivered benefits to people in many countries, and I believe they can deliver much more.

I understand that the demands of local constituencies and international responsibilities must be finely balanced. As a true friend, let me say candidly that Australia was intensely disappointed with the passage of the recent farm bill. It will damage Australia's farmers. They are efficient producers with very little government support. I know that the farm and export subsidies of, for example, the European Union are much greater than those of the United States. Indeed, OECD agricultural subsidies are two-thirds of Africa's total gross domestic product. The cost of these subsidies is at least three times all of the Overseas Development Aid to developing countries. This only serves to illustrate the urgent need for global reform of agriculture within the World Trade Organization framework.

The challenge is to achieve a comprehensive Doha trade round. That will require close cooperation and collaboration between Australia and the United States within the WTO. American leadership will be crucial. May I respectfully express the hope that Congress gives the President full authority to negotiate new trade agreements.

At the same time, we in America and Australia have an historic opportunity to give even greater momentum to our bilateral economic relationship. That is why Australia has proposed the negotiation of a free trade agreement between our two countries. A comprehensive free trade agreement by boosting trade and investment between us would add a stronger economic dimension to the very deep bilateral ties that are already there.

Turning for a moment to the strategic challenges of our own region, let me say that Australia welcomes and encourages full and active engagement by the United States in the Asia Pacific. It is immensely important not only to the nations of that region, but also to the interests of the United States. There is no region in the world more dynamic and changing more rapidly than the Asian Pacific region.

For ourselves, Australia is proud of the leadership role that we were able to play in East Timor. To share the great independence celebration of that tiny country of fewer than a million people only a few weeks ago and to savor for a moment their sense of hope and exhilaration was a very moving experience. We stand ready to work in partnership with America to advance the cause of freedom, particularly in our shared Pacific region.

Mr. Speaker, Mr. President of the Senate, ladies and gentlemen of the Congress, you have, as I said at the beginning, paid a great honor and compliment to me but more particularly to my nation, Australia, in inviting me to address you today. Our relationship has been long. The ties between us are strong. The bonds on a people-to-people basis between Americans and Australians are deep and rich. This relationship is nourished by many things. It is nourished by a shared history, it is nourished by a common commitment to democratic ideals and values, and it is nourished by our deep and resolute commitment to the role of the individual in society and the place of the family in the national framework of both of our nations.

I express to you on behalf of my fellow countrymen and women our sense of commitment to the constant struggle to preserve democracy and freedom around the world. I say it with great warmth, because there is nothing false or phony or lacking in spontaneity in the relationship between our two peoples. It is not contrived. It is genuine. We like each other, and we do not mind saying it. Can I say to you today that as we move forward into this new century, we do so in the knowledge that no matter what will happen, and there will be many paths of difficulty requiring courage and grit and sacrifice, we will travel through the century in the constant company of a true and great friend.

May God bless the peoples of America and Australia.

[Applause, Members rising.]

At 11:00 o'clock and 30 minutes a.m., the Prime Minister of Australia, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet.

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 31 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

☐ 1456

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 o'clock and 56 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. REHBERG. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minutes per side.

MARRIAGE PENALTY

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, I rise today to urge my colleagues to stand in strong support of the American family by once and for all permanently eliminating the multibillion-dollar tax on the sanctity of marriage. If we fail to act, married couples in my home State of Montana will be hit with more than $150 million in increased taxes every year.

Mr. Speaker, the words "I do" that are exchanged between married couples should be a pledge to build a strong family and achieve their own slice of the American pie. It should not be a forced commitment to paying higher taxes to the Federal Government.

I urge my colleagues to send a clear message that this Congress stands with the American family by voting for the permanent repeal of the marriage penalty.

PLAN TO PRIVATIZE AIR TRAFFIC CONTROL

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, on June 4 of this year, the administration amended executive order 13180 dated 12/7/2000 by amending the language that deemed air traffic control as an inherently governmental function. This is the first step toward privatization of air traffic control, and it is a slap in the face to our Nation's wonderful air traffic controllers.

On 9/11 our air traffic controllers safely landed 5,000 planes in 2 hours without an error. They did an incredible job. What else must be done to prove that the current system that we have that is in place works well?

Mr. Speaker, I do not want my family or other Americans to board commercial airliners that the traffic in the sky is controlled by the lowest bidder. I think we have tried that with airline security and have clearly demonstrated without a shadow of a doubt that it does not work.

I rise today in opposition to this plan to privatize air traffic control.

ELIMINATION OF MARRIAGE PENALTY TAX

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this week we are going to bring up the elimination of the sunset clause for the marriage penalty tax.

Mr. Speaker, 120,000 individuals in my State, 60,000 married couples, are affected by this tax. If we allow this tax to come back, to rise from the dead one more time in the year 2010, we are going to do severe injustice to those 60,000 couples. Couples are going to end up paying $1,300, $1,400 more in tax simply because they are married. This is an unjust and unfair clause, and we must eliminate the sunset clause so that this tax remains buried once and for all. We cannot afford to have our married couples deciding whether or not they should remain married over paying a tax.

TRADE ADJUSTMENT ASSISTANCE

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I rise today in support of the Trade Adjustment Assistant Compromise based on legislation that the gentleman from Texas (Mr. BENTSEN) and I introduced in the House and which passed the Senate last month. This compromise represents the first major overhaul of this 40-year-old program. For the first time in our history, a health care benefit is provided for unemployed workers as a result of trade. It increases eligibility, it doubles funding for worker training, it harmonizes the NAFTA TAA, it expands income support from 52 weeks to 78 weeks, and it allows for shifts in production to any country, not just Canada or Mexico.

☐ 1500

I want to tell a quick story that underscores this point. Last month 3,300 electronic workers who were laid off from JDS Uniphase in my region were denied TAA benefits because their factory moved to China. At the same time workers in Connecticut were eligible for TAA because their plant moved to Canada, and that is because workers only receive TAA benefits if their plant moves to Canada or Mexico.

Another problem with the program is that it covers workers who make cars but not those who make the parts that go into them. We need a 21st century policy on the duality of trade. We should have fair trade, and fair treatment should be the partners.

I urge all House Members to support this in the conference.

RESTRUCTURE AND EXPAND TRADE ADJUSTMENT ASSISTANCE PROGRAM

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise today in support of H.R. 3670, the bill introduced by the gentlewoman from California (Ms. ESHOO) and myself to restructure and expand the Trade Adjustment Assistance Program. The other body has already adopted this legislation as part of the Trade Promotion Authority, and the House will soon vote to go to conference with the other body to work out a trade promotion authority bill. As one who supported TPA, who supported Fast Track, I believe it is imperative on the part of the House that we adopt the Senate's version of Trade Adjustment Assistance. If we are going to have a real trade package for this country, it has to benefit not just those who win from trade but those who lose from trade as well, including the workers who lose their job through no fault of their own. We should have a full package which includes a revamp of the Trade Adjustment Assistance Program for the first time since 1962 when it was created by the Kennedy Administration. So I hope that the leadership of the House, the Republican leadership, will have the wisdom if they really want to pass a TPA bill and proceed to the Senate for a real Trade Adjustment Assistance reform package.

PREVENTING CHILD ABDUCTIONS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I have been getting up every day for the last several months and talking about Ludwig Koons who has been held in Italy illegally after being taken away from the United States of America, and by now we all know the name Elizabeth Smart, the young girl who was abducted from her bedroom in Salt Lake City, Utah. In light of the tragedy of her disappearance and on behalf of the Missing and Exploited Children's Caucus here in Congress, I would ask and send our prayers to Elizabeth and to her family, but I would also like to remind parents all across this country to talk to your kids about their personal safety, talk to them about the "Know the Rules" educational program put out by the National Center for Missing and Exploited Children. And I would urge every parent to log on to www.missingkids.com and learn what they can do to protect and educate their children.

Nearly 2,000 children are reported missing every day in the United States of America, and we all must be prepared as parents and grandparents to deal with the tragedy, should it occur. That means having updated quality photographs and knowing our children's height and weight. We should be aware that looking at pictures of missing kids brings them home and that we commit ourselves to looking at the photos we get in the mail or we see in a grocery store. If we all do our part, together we can prevent abductions and bring children like Elizabeth and like Ludwig Koons home where they belong.

PRIVATIZATION OF U.S. AIR TRAFFIC CONTROL, A BAD IDEA

(Mr. HOLDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDEN. Mr. Speaker, recently the idea of privatizing the United States air traffic control system has been given a renewed life. Mr. Speaker, that would be a very bad idea. A competent and reliable air traffic control system is vital to the safety of our flying public, and public safety is a responsibility of the Government. Simply put, air traffic controllers perform an inherently governmental function for our Nation.

Mr. Speaker, proponents of privatizing air traffic controllers like to cite three countries they consider to be successful examples of privatization: Australia, Great Britain, and Canada. Unless we consider a walkout, a pending bankruptcy and a pending labor strike to be examples of success, I would respectfully disagree. Let us face the fact that privatization of air traffic control does not work.

On September 11 of last year, air traffic controllers proved their worth as inherently governmental employees. Our air traffic control system is the envy of the world. Let us keep it that way.

APPOINTMENT OF CONFEREES ON H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to H.R. 4775 be instructed to insist, for each item directly related to the war on terrorism or homeland security, on the higher dollar amount in either the House bill or the Senate amendment and to disagree to any item that appropriates additional funds earmarked for a specific project not related to the war on terrorism or homeland security.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) will be recognized for 30 minutes and the gentleman from Florida (Mr. YOUNG) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself 9 minutes.

Mr. Speaker, the motion to instruct conferees directs the House Members serving on the conference to convert what has been all too often merely a rhetorical assault on terrorism into a real war. It requires that we go to the higher dollar figure on any item directly related to the war on terrorism, and it also directs that we delete from the conference report funding for any item that is earmarked for a specific project or individual Member of Congress. That is to ensure that this supplemental remains focused on the job before us, fighting terrorism, and that those engaged in that war on behalf of the American people have the resources that they need to conduct that war.

I find that ordinary people are somewhat amazed when they find that, despite all the rhetoric about a war on terrorism, we often continue to decline to provide the resources needed to actually conduct that effort. One example is the fact that the Pentagon called up 80,000 Guard and Reservists following September 11.

We need those Reserves because our regular force is overwhelmed with all of the requirements being placed on them. If you do not believe me, Secretary Rumsfeld has made that statement. We do not have enough mechanics to keep all of our planes in the air, we do not have enough MPs to protect our bases and guard prisoners. But, remarkably, when the Pentagon told the White House budget office that it would cost $5.8 billion more than was contained in the regular fiscal 2003 appropriation bill to pay the cost of those Guards and Reservists called up to active duty, the White House budget office told them they could only have $4.1 billion. As a result, many of those reserves will have to be sent home early, unless we appropriate a considerable amount above the White House request. In my view, this is ludicrous. It is one of those situations that continues because it is so outrageous that nobody really believes it is going on.

The truth is that some of the same people at the other end of the avenue who give lectures about the war on terrorism, particularly in the OMB, are particularly stingy when it comes to providing cash that is actually needed to conduct the effort. As a result, the resources needed by those who are actually engaged in that effort are not getting there and will not get there unless Congress acts to reverse the request.

I would give the House another example. We have heard a lot of talk in the last several days about a dirty bomb. The President and Secretary of Energy, a former Republican Senator, a man named to that office by the President and confirmed by the Senate when it was still in Republican hands, a man respected on both sides of the aisle, Secretary Abraham, has asked that we spend some money in this bill to deny terrorists access to the radioactive materials that could be used to build a dirty bomb. He asked that we clean up sites where we used to make nuclear weapons and increase security at those sites. He asked that we relocate low level radioactive materials in a central depository. He asked that we provide more security for the movement of nuclear weapons.

This the White House Budget Director did not say no to, they said "hell, no." I would like to insert in the RECORD at this point a letter written by the Assistant Secretary of Energy for the Budget to OMB in order to demonstrate what I just said.

THE SECRETARY OF ENERGY,
Washington, DC, March 14, 2002.

Hon. MITCHELL DANIELS, Jr.,
Director, Office of Management and Budget, Eisenhower Executive Office Building, Washington, DC.

DEAR MR. DANIELS: This letter and accompanying enclosure transmit the Department of Energy's proposal to request supplemental funding to meet urgent and compelling requirements for safeguards and security, emergency response, and energy security and assurance activities.

The Department of Energy is entrusted with the mission of designing, developing, manufacturing, assembling, stockpiling, refurbishing, decommissioning, and most importantly protecting the Nation's critical nuclear complex. To meet the Department's critical security mission, we are storing vast amounts of materials that remain highly volatile and subject to unthinkable consequences if placed in the wrong hands. These materials permeate the Departmental complex including sites under the programmatic jurisdiction of the National Nuclear Security Administration, the Office of Environmental Management, and the Office of Science.

The events of September 11 resulted in heightened security throughout the complex. Our sites were directed to conduct vulnerability assessments based on an evaluation of potential consequences of the type of event that occurred on September 11. These security vulnerabilities were assessed on a site-by-site basis and immediate action was taken to mitigate many of the concerns. As a result, the Department issued Interim Implementing Guidance to the Design Basis Threat document that outlined the basis for initial physical security measures. In conjunction with this guidance, I directed the Departmental Elements to reassess their security requirements and associated costs with a view towards maintaining the highest level of security commensurate with the revised threat and response strategy. Although the initial supplemental and funds appropriated by Congress helped respond to the most urgent near term security needs, the Department now is unable to meet the next round of critical security mission requirements.

The funding request of $379.7 million identified in the enclosure is a critical down payment to the safety and security of our Nation and its people. Failure to support these urgent security requirements is a risk that would be unwise.

I appreciate the time your staff has spent with us in discussions about the Department's security concerns and needs. However, as you can see, we need your financial support to continue addressing the critical security requirements that face the Department and our Nation. Accordingly, if you and your senior staff need a more detailed classified briefing of our requirements, threats, and strategies, please have your staff contact Mr. Joseph Mahaley, the Department's Director of Security, at 202-586-3345.

My point of contact on the specifics of this funding supplemental request is Dr. Bruce M. Carnes, the Director of the Office of Management, Budget and Evaluation/Chief Financial Officer, who can be reached on 202-586-4171.

Sincerely,

SPENCER ABRAHAM.

DEPARTMENT OF ENERGY,
Washington, DC.

MS. ROBIN CLEVELAND,
Program Associate Director, National Security Division, Office of Management and Budget, Eisenhower Executive Office Building, Washington, DC.

DEAR MS. CLEVELAND: The Department of Energy is now at a crucial juncture in executing our safeguards and security program. The Department's remaining safeguards and security budgets are not sufficient to implement the security posture requirements that appropriately respond to the September 11th attacks. On March 14, the Secretary transmitted to Director Daniels supplemental funding proposals fro safeguards and security, emergency response, and energy security. The Secretary's transmittal letter described the underlying need to increase our response capabilities for emergencies and improve the security posture of Department in order to adequately protect the public, our workers, and the environment. We appreciate your support for our $26.4 million supplemental request to increase emergency response efforts, however, we are very disappointed that we did not get your support for supplemental security funding.

We are disconcerted that OMB refused our security supplemental request. I would have much preferred to have heard this from you personally, and been given an opportunity to discuss, not to mention, appeal your decision. We were told by Energy Branch staff that the Department's security supplemental proposals were not supported because the revised Design Basis Threat, the document that outlines the basis for physical security measures, has not been completed. This isn't a tenable position for you to take, in my view. We are not operating, and cannot operate under Interim Implementing Guidance, and you have not provided resources to enable us to do so.

Given our current security funding and the physical security situation we face today, Mr. Joseph Mahaley, our Security Director, and I would like to meet with you to discuss our fiscal year 2002 and 2003 safeguards and security concerns. I can be contacted on (202) 586-4171 to arrange this discussion.

Sincerely,

BRUCE M. CARNES,
Director, Office of Management, Budget and Evaluation/CFO.

Mr. Speaker, we have much the same situation with the FBI. They have had a huge problem with respect to their computers. The gentleman from Florida (Mr. YOUNG) and I have tried to do everything possible to solve that problem, both last year and this.

The FBI is ages behind in both the overall architecture of their computer system and the security of that system. As a result, they have failed to convert massive amounts of information into a digital format so that it can be stored in a safe and remote location and so that it can be shared with agents working in other parts of the country or shared with other agencies, such as the CIA. The FBI has been asking for the resources to make that happen. But, again, there apparently are people running the Justice Department or people in OMB who think it would be too expensive.

In my view, you do not have to have a master's in public policy from Harvard or any other school to know that that is just plain nuts. Almost any person you would meet on the street would tell you that the $100 million the FBI is asking for to fix that system is cheap compared to the cost of letting one of those creeps get through the system with a dirty bomb or biological weapon or any one of the things that could bring havoc to our cities.

I would oppose spending any money that is not needed, but it is ridiculous to go down the road we are traveling now, short-sheeting some of the agencies who need more money now, not next year or the year after, in order to get the job done. You do not kill terrorists just by moving boxes on an organizational chart. You also need to back up whatever changes you make in reorganization with adequate resources. Those resources cost money, and we ought to provide it.

Now, the differences between the House and the Senate bills are not large, Mr. Speaker, at least not in relative terms. They have included earmarks for certain Members which we did not do in the House bill and which we should not do in the conference report. They have excluded several of the savings that are in our bill, and some of those we are going to disagree with. But, to me it is important to keep the Guard and Reserve funds and the other needed defense funds in this bill, and this motion would help to do that.

There are other small but important differences. The Senate is above the House by $5 million for U.S. Attorneys. I ordinarily would not be standing here asking for more money for U.S. Attorneys, but my information is that we are putting a real load on prosecutors with all of the arrests and detentions that we have engaged in, and that that money is needed.

□ 1515

They are below us on the U.S. Marshals, and I know that the marshals also need the money.

What this instruction says is take a look at the needs and go forward with the conference report that recognizes that we are, in fact, at war, and ought to be providing these higher levels.

Mr. Speaker, last week, the White House released a document calling for a new Department of Homeland Security. Perhaps the most compelling page in that document was an organization chart showing how many different portions of the government were engaged in the war on terror. I have a copy of that chart directly from the White House; but I would point out that what the White House neglected to provide to Congress, the press, or the American people, was a copy of what the organization of the war on terror would look like after that reorganization plan was adopted. What those charts will show is that most of the government activities related to homeland security will still be untouched.

Now, the debate on reorganization can wait for another day. We certainly have to have reorganization; and in some areas I think we have to go further than the administration has so far proposed. But the point I am trying to make is that we can pass all of the reorganizations in the world, and we will still not deal with the problem, unless we adequately provide the financial resources necessary to demonstrate that we really mean business in closing the security gaps that now face this country on the homeland defense front, and that is the purpose of this motion. It simply says again, and I repeat, it says that in each instance we should adopt the higher of the two numbers between the Senate and the House in dealing with gaps in our homeland defenses, and it says that we should eliminate or not include in the conference report any dollar items that are meant for the purpose of what are known as "Member earmarks."

I think that is a very plain explanation, and I would ask for a "yes" vote on the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) for offering this motion to instruct, for it gives us an opportunity to remind our colleagues what it is that we are doing here. We are dealing with an emergency supplemental appropriations bill to provide for the defense of the Nation and our homeland security. What we are talking about is repaying to the military services the funds that they have expended already on the war in Afghanistan. The services have used considerable amounts of money that normally would have been reserved for their fourth quarter training activities and maintenance activities, quality-of-life activities. So in effect, we are paying back money that has already been spent because of the war in Afghanistan.

So our troops are involved, our intelligence community is involved. We are talking about paying for the safety and security of the United States, at home and abroad. We are talking about recovery in New York City; and we are talking about promoting U.S. foreign policy to prevent future terrorist attacks. In other words, we were a government mobilized after the terrible, terrible attack on September 11 to protect America, to protect Americans, and to do everything humanly possible to guarantee that those tragedies are not allowed to happen again.

So I thank the gentleman from Wisconsin (Mr. OBEY) for giving us the opportunity to discuss this. But I cannot support his motion to instruct for a very simple reason, and it is not that I disagree with some of the items that he has spoken of and that he would like to see done. I know the gentleman from Wisconsin and I both have visited the agencies that he has mentioned and we both understand the needs that they have to bring their technology into the 21st century, for example.

But the gentleman from Wisconsin is an experienced expert negotiator; and I think because of that expertise, he understands that if we were to pass this motion to instruct, we would take away much of the flexibility of the conference committee to resolve many of the differences that exist between the House and the Senate.

The Senate bill is approximately $3 billion higher than the House bill. It does contain some special projects that were added in the other body which I would like to see taken from the bill, and I would like to have the opportunity to negotiate some of those special projects out of the bill, because from what I have seen of the bill so far, there are numerous projects that were added there that I do not think belong in this bill. But we have to have the ability and the opportunity to negotiate with our counterparts in the other body to reach a conference agreement that we can bring back to both Houses and pass quickly and get this bill to the President.

What is happening, Mr. Speaker, is that here we are in the middle of June. If the services do not have these monies replaced by July 1, their planning is already set to stand down training operations, to stand down sailing Navy ships, Navy vessels, to stand down flight hours, training hours for pilots. I do not want that to happen. So we need to expedite this, and we need to have the ability to conduct negotiations that are necessary to get this conference completed, and then passed by the House and the Senate, and then sent to the President for his approval.

So I think the gentleman's motion is well intended, but I think it really ties our hands behind our backs on the part of those of us who will be part of this conference that will be leading the negotiations with the other body.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I know my good friend from Florida, the chairman of the committee, and I do not think that he is any happier to have to fight this war on terrorism, at least in terms of resources, with one hand tied behind his back, any more than I am. And I think it is fair at this point to state what the record has been in the past on this issue.

After the tragic events of September 11, we were asked by the White House Budget Office to provide emergency funding of an unlimited nature for an unlimited number of years, a blank check. Both the chairman and I said no, we were not going to write a blank check to anybody; and we sat down and immediately worked out a compromise. Within 10 days, we had sent to the White House a bill that contained $40 billion in emergency resources to deal with those events.

We then proceeded to, as he said, visit security agencies all over town. We spent almost 5 days gathering information from the security agencies: NSA, CIA, Centers for Disease Control, FBI. You name it, we talked to them about what their emergency needs were, and we tried to meet them. In the end, over the threat of a veto from the White House, we were able to put almost $4 billion in additional funds into the appropriation bill to fight terrorism.

If we had listened to the OMB rather than our own instincts and rather than listening to the agencies who were charged with the responsibility for fighting that war, if we had done that instead of listening to those agencies, we would not have fixed the problem that the FBI had with its computer system. They had a problem under which more than 50 percent of their computers could not even send a picture of a terrorist to another FBI computer around the country. We fixed that, because we appropriated more money than was requested. We added to the security of our ports and our borders by providing more money than was requested. So we did not have to rely on traffic cones as deterrants on the U.S.-Canadian border in the unguarded checkpoints on that border. We took care of that problem.

In the supplemental which is now before us, this committee has tried to respond, even though the White House Budget Office did not. We tried to respond fully to the request of the FBI that they be given additional funds in order to hire the translators that are necessary so that some of the information which is lying on the floor in some of our security agencies can actually be reviewed. The Immigration and Naturalization Service asked for money for which they were at least partially denied; they asked for money so that they could institute a new system so that they would actually know when someone had overstayed their visa and had been asked to leave the country and had declined to do so. The Immigration and Naturalization Service wanted a system which would enable them to track those people so that we can give them the thumb and get them out of the country. Our bill corrected the oversight of OMB.

Air marshals. They still are not able to communicate directly with the ground. The House bill makes an attempt to fix that. It also made an attempt to correct the problem created by the White House Budget Office declining to approve the Pentagon request for the funds needed to reimburse them fully for the activation of the Guard and Reserves to fill in until we can train additional personnel.

So I fully admit that this motion would cost more money than the administration has asked for. I make no apology for it. I think it is needed. I think the average citizen would too, and I would urge Members to vote "yes" on the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, let me speak briefly to the motion that is before us insofar as it relates to parts of the supplemental that are not the military branch part; specifically, the Transportation Security Administration, which our subcommittee deals with. The House-passed bill includes some $3.8 billion in the supplemental for the TSA. We have yet to receive from the TSA the justifications for those figures. Yet the Senate bill, if we go along with this motion, if this motion passes and we have to go to the higher figure in the Senate bill, some $4.7 billion, we have no justifications for it. I cannot show to my colleagues the documents that say, this is what we actually have to have.

In the House-passed bill, we already gave more than was requested for several items. For example, we said, here is $20 million. Replace all of the magnetometers in 429 airports in the country, because the new state-of-the-art magnetometers will save the need for a lot of hand wands that are now searching you as you go through. The new machines will do that work for us. It will save many of us taking our shoes off as we go through the airport and having somebody, a federally paid employee, carry your shoes to be searched.

□ 1530

Those requests were not in the administration request. Yet, we put it in there, because we think it will save money down the pike. But we have yet to receive the justifications for the monies that we included in the House-passed version of the bill, which is significantly less for TSA than the Senate figures.

If this motion should pass and we have to go to the higher levels in the Senate bill, then who knows how many employees they are going to hire. At first they said, we need 33,000 people. A few weeks later they said, no, it is going to be more like 60,000. By the time we had our hearing, they were up to 73,000.

We said, whoa, let us stand back and talk about this. So we put a level in our House-passed bill that they cannot exceed in terms of the numbers of employees of TSA during the remainder of this fiscal year, 45,000 people, max. If we have to go to the higher Senate figure, then that personnel level is out the window.

We think it is wise to have some discipline, I say to the gentleman from Wisconsin (Mr. OBEY), on that hiring process during the remainder of this fiscal year that is covered by the supplemental.

In addition, we also put in the bill monies to allow the air marshals that are flying in the planes to be able to communicate independently to ground stations. That was not requested, and yet we think it is a very important thing at a modest cost. So I think there are a lot of items in the House-passed bill that perhaps would be negated if we were to have to go to the higher levels on the Senate bill.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

I would simply like to say that I completely agree with the remarks made by the gentleman with respect to the Transportation Security Agency. There is no question that that agency so far has been without a clue, and they are out of control. I think the gentleman has played an excellent role in trying to introduce them to reality.

Let me simply say that obviously that agency needs to be straightened out, but I am sure that he understands as well that eventually that agency is going to have to receive more money than is in either bill, probably.

I would be, for instance, very interested in working out a proposal under which we would appropriate the money that is needed to that agency, but hold it in reserve until they meet the standards that the gentleman has laid out, because I think both of us want to deal with the problem. We simply want to make sure we are not throwing money at an agency that does not know what to do with it.

Mr. ROGERS of Kentucky. Mr. Speaker, I appreciate the gentleman's thoughts, and he is correct. I appreciate the gentleman's comments. We are right now, as the gentleman knows, in the process of gearing up for the 2003 appropriations bills. In fact, I just got off the phone with the Secretary of Transportation about this bill and the 2003 bills coming up. In fact, we hope to mark up the 2003 bills in a few days, even, which will give us the chance to take a second look and see what is needed down the pike in 2003 without having to address that at this particular moment in time.

So I appreciate the gentleman's idea about the need for more funds in homeland security TSA next year, but I do not think we need it now.

I would hope that we would not pass this motion and tie the hands of the gentlemen as they negotiate with the other body. I appreciate the gentleman bringing this motion up because it gives us a chance to talk about the issue, but I would hope that it would not pass, because I do not want to tie the chairman and the ranking member's hands when they go to do battle with the other body.

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. WOLF), another subcommittee chairman on the Committee on Appropriations.

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the motion to instruct conferees of the gentleman from Wisconsin (Mr. OBEY). I believe that such a motion would prompt almost a guaranteed, if you will, veto, and would absolutely unnecessarily restrict the ability of the conferees in negotiating with the other body.

This is probably the most important bill that we will pass in this Congress, and in some respects, if we were to do this, it may very well jeopardize the passage, or if not jeopardize, certainly bog down the process.

The President has already indicated that he would veto the bill as being too costly, and if we move forward with this motion and go to all those higher levels, then the bill would go well beyond and above the funding level proposed by the Senate.

So for those reasons and the reasons that the gentleman from Kentucky (Mr. ROGERS) had covered, and the chairman, the gentleman from Florida (Mr. YOUNG), I would urge Members to vote no on the motion.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I urge a yes vote on the motion to instruct, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1602

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 4 o'clock and 2 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 4, SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. MARKEY of Massachusetts moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4 be instructed, to the extent possible within the scope of conference, to ensure that no provision of the bill will create a deficit in the non-social security portion of the Federal budget during any year of the 10-year budget estimating period unless there are sufficient offsets under the bill so that there is no net deficit during such 10-year period.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XX, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I yield myself 2 minutes.

The motion which I am offering at this time on behalf of myself, the gentleman from Texas (Mr. STENHOLM) and many other Members is to ensure that as the Members of the House now meet with members of the Senate on the energy bill, that the Members from the House be instructed that none of the expenditures inside of the bill, as it is finally produced, using the number which is now in the House bill, $34 billion worth of subsidies, should be paid for out of the Social Security or Medicare trust fund.

The bulk of the subsidies in the bill go to the oil, to the gas, to the coal, to the nuclear industries. Some of it goes to the renewable industries. That is all fine, but it should not come out of the Social Security and Medicare trust funds.

Senior citizens in our country have worked too long and too hard in building those trust funds so they can be there to provide both for the income retirement guarantee and for the health care guarantee. Otherwise we will see a cutback in the quality of health care which senior citizens get and a cutback in the amount of money they will have on a daily or weekly basis to pay for the necessities in their life.

So this is the critical moment where we begin to decide whether or not we are going to be tough on the squandering of the trust funds. We have already seen over the last several weeks votes that now will extend the estate tax benefits to the wealthiest people in our country. There are going to be efforts coming up later on this week to do the same thing when it comes to the marriage penalty deductions.

What about the senior citizens? What about the people who built this country? What about the greatest generation? My colleagues do not have a surplus to do all those other things until they are sure they are not taking it out of the Social Security and Medicare trust fund.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Speaker, I want to ask a parliamentary inquiry. We are now debating the motion to instruct conferees; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. BARTON of Texas. Mr. Speaker, the gentleman from Massachusetts (Mr. MARKEY) has 15 minutes and I have 15 minutes?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BARTON) each have 30 minutes.

Mr. BARTON of Texas. Mr. Speaker, I am sure we can do this in less than an hour, I would hope.

Mr. Speaker, I yield myself such time as I may consume.

I want to compliment my excellent and good friend from Massachusetts for offering this motion to instruct conferees. It is obvious that some thought has gone into it. I do not believe anybody on our side of the aisle is for deficit financing or deficit spending, and obviously we worked very hard, as the gentleman from Massachusetts would, I think, acknowledge, to create a bipartisan bill, H.R. 4, that we are sending to conference.

I think after we have a little debate to flush out what exactly it is this motion to instruct conferees is attempting to do, I am going to recommend that we accept it. I do not see any reason we cannot agree, going to conference, to try to make sure the American people know that we want an energy policy for this country that is based on a balanced approach both on the production side and on the consumption side, and in no way are we trying to create through the guise of an energy policy a bill that would increase the public debt.

Having said that, I think we need to make a few points in order so that the Members that are in their offices watching this debate on television and other interested citizens understand that the energy bill that we are sending to conference is an authorization bill. It is not a spending bill. It is not an appropriation bill. So in one sense it has nothing to do with deficit spending or any other thing like that. It is trying to list a series of priorities for this country in terms of an energy policy.

Historically, the United States of America has adopted, as a general policy, that our energy policy is going to be based on free markets, where we attract private capital. We employ that private capital in the most cost-efficient fashion and allow private entrepreneurs to provide energy at the least cost of any industrialized society in the world. Because of that, the United States has the world's largest gross national product. We have the world's largest standard of living for a large industrialized nation, and we have tremendous opportunities, as we speak, for our children and our grandchildren.

So if the gentleman from Massachusetts (Mr. MARKEY) wants to say that as we go to work on a bipartisan basis for an energy policy for the present and the future that we try to ensure that our House conferees work to insist that it is all done in a cost-effective fashion and does not increase the national debt, I for one am going to endorse that and I would assume that in the absence of Chairman TAUZIN, what I say goes on this floor unless the Speaker sends me an urgent message to run the other way in which I would have to attack my good friend from Massachusetts (Mr. MARKEY) and try to impugn him, and I am not going to do that because I know he is a decent fellow at heart and has got the national interest.

So with that, Mr. Speaker, I would simply say that we are going to start this conference on a bipartisan fashion and it is going to be my recommendation at the appropriate time that we accept this motion to instruct conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank our ranking member for yielding me this time.

Mr. Speaker, today we are going to conference on a bill that gives $34 billion in tax breaks to energy companies. Who is going to pay these costs? I heard my wonderful friend, the gentleman from Texas (Mr. BARTON), my colleague on the Committee on Energy and Commerce, make his statement, and with all due respect, we see this not only differently but very differently. Who is going to pay these costs? It will be the Social Security beneficiaries and future generations because that is where the cash is.

In California, and according to official estimates, electricity suppliers stuck California with at least $8.9 billion in illegal electricity charges between May of 2000 and June of last year. These estimates came before we started to learn about some of the unethical and possibly criminal trading activities of energy suppliers. Almost every day there are news reports about another company that has gamed the market in one way or another, and not only in California but in a host of States. For months my colleagues and I have been asking for a House inquiry into these matters. While others are investigating these serious flaws, and the Senate already is, the House has been conspicuously absent.

The House must have a meaningful inquiry before we consider a conference report on sweeping energy legislation. We should not repeat what happened last year, holding one or two hearings and then declaring the problem solved. We should all support this motion to ensure that we do not saddle seniors and future generations with the costs of these energy company tax breaks. These tax breaks at $34 billion should be subjected to the same budget treatment as everything else. If you want it, pay for it and declare how you are going to do it. That is what is demanded of other parts of the Federal budget. That is what we should be doing with this. So I urge my colleagues to support this motion. It makes sense and it is fair.

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the distinguished gentleman from Massachusetts (Mr. MARKEY), our friend, for yielding time to me.

I do rise in support of this motion. Certainly, Mr. Speaker, it is time to enact a new national energy policy for the 21st century, but not, not, at the price of dipping into Social Security and Medicare to finance tax breaks for major oil companies. And that is exactly what the Republican-sponsored House energy bill would do through its lavish tax and royalty relief provisions for large oil companies.

This is not just political rhetoric. According to the nonpartisan Congressional Research Service, the House version will provide $35 billion in tax breaks. There is no offset provided and, of course, there are no budget surpluses to pay for it. Let me point out that one provision in the House bill would let companies that want to drill for oil and gas in the Federal waters in the Gulf of Mexico forego paying royalties to the American people. Truly a royalty holiday.

Under the House bill, a company drilling in Federal waters of between 400 and 800 meters deep can receive, for free, 5 million barrels of oil or gas equivalent. The owners of these resources, the American people, guess what they get? Zero. Zero. Zilch.

□ 1615

It gets even sweeter. Nine million barrels of oil or gas equivalent for drilling in waters between 800 to 1,600 meters for free. If they drill deeper, they get a whopping 12 million barrels of oil or gas equivalent for free.

Oil production in the Gulf of Mexico has soared by 65 percent over the last 8 years, with gas production in deep Gulf of Mexico waters increasing by 80 percent in the past 2 years alone. At a time when the Gulf of Mexico is booming in such a way, I do not feel that we need to give more oil and gas away to encourage the industry to drill.

In conclusion, executives of major oil companies will simply love the House energy bill. But a plain folk, a person who pays for gas for their vehicle, would have to wonder why they should be gouged twice: at the pump and at the U.S. Treasury.

Mr. Speaker, vote for this motion. Vote for our constituents' interest and not the special interests. I commend the gentleman from Massachusetts (Mr. MARKEY) for offering the motion to instruct, and urge bipartisan support.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I listened with great interest to the comments of the gentleman from West Virginia (Mr. RAHALL) about the oil and gas industry, and I know they are heartfelt. I would point out that this bill has a sizable section on clean coal technology that the gentleman is one of the co-authors of. I know the gentleman thinks that is an excellent part of the bill, and it is an excellent part of the bill.

Just as there are things that help his part of the country and his industry and his people, some of us think that some of the other parts of the bill that might have some impact on deep water drilling and keeping marginal wells and stripper wells in, we do not see those as efforts to help an industry so much as we see those as efforts to keep the working man working and to keep energy prices at stable levels.

Mr. Speaker, I understand that there can be differences of opinion, and I want the gentleman to know that we are going to accept this motion to instruct and go to conference in a bipartisan way. As some of the issues that the gentleman raised come up, Members will listen; and as the gentleman is also a conferee, I am sure the gentleman will listen, and we will report back a bill that the American people will find good for the country.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I thank the gentleman for yielding.

I understand the bipartisan fashion in which he speaks. The clean coal language in the bill, while I am not detracting from the use of clean coal technology, I do not cosponsor this particular provision. It happened to come out of the Committee on Energy and Commerce, not the Committee on Resources.

I might also say to the gentleman, that the coal that happens to come from my particular region of southern West Virginia is already clean coal. Clean coal technologies are fine, and I do not speak against them, but we do not have to apply those technologies to the coal that comes out of southern West Virginia and eastern Kentucky, which is some of the cleanest burning coal, low sulfur content, high btu.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, we will stipulate that the gentleman's coal is clean. We might want to point out that coal in general has sizably larger emissions of VOCs than some of my dirty natural gas. It is about 95 percent, maybe 96 percent cleaner. We are going to work to clean up all energy sources. I would also hope that we will help to revitalize the nuclear industry which has no emissions.

Mr. RAHALL. Mr. Speaker, if the gentleman would continue to yield, I hope the gentleman does not forget about his lignite coal in his home State of Texas.

Mr. BARTON of Texas. Mr. Speaker, we have some lignite coal, and we are proud of it; and some of it was in my old congressional district.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to begin by acknowledging that now more than ever, America needs a balanced, forward-looking energy policy that will infuse our energy sector with both efficiency and competition, formulated to protect America against emergencies in the energy market. This bill does that.

I commend the gentleman from Texas (Mr. BARTON). I appreciate the spirit with which he has accepted this amendment to instruct. This amendment is not aimed at the committee. This amendment is aimed at the leadership of this House which continues to borrow on our Social Security trust funds in order to pay for those things that we need. This is a good energy bill. I commend the gentleman from Massachusetts (Mr. MARKEY) for his participation in this, and I see the gentleman from Louisiana (Mr. TAUZIN) is here. They have worked very well to put together a bill which has many good features.

We no longer can rely on the same old policy, and I am pleased to see that we are on the verge of having a national energy policy that will achieve many of these goals. There are many provisions in H.R. 4, as well as in the legislation passed by the Senate, that I have been a long-time supporter of, including access to capital for domestic oil and natural gas production; increased research in alternative fuels such as nuclear energy; advanced clean coal technology; a sound commitment to renewable energy; and improved energy efficiency and environmental standards.

Yet when the House considered H.R. 4, I was disappointed that the tax incentives, again that I have supported for many years, were not considered within the context of the budget process.

Last year, the President promised that we could have it all. He argued that the projected $5.6 trillion in surpluses within 10 years was enough for a large tax cut, a decent Medicare prescription drug benefit, increases in education spending, a national energy policy, and increases in defense spending.

This Congress could have taken time to look comprehensively at using the Tax Code to accomplish many goals, including some much-needed improvement to our energy policy. Regrettably, we made it considerably more difficult to provide for the needed spending in the area of energy as well as other top priority issues that are facing this country.

Instead of figuring out how are we going to stop the tide of red ink and stop spending Social Security surplus dollars, the House leadership continues to push irresponsible tax cuts.

Just a few weeks ago, the majority leadership passed the supplemental appropriation that also makes room for a $750 billion increase in the debt limit. Those of us who said that we ought to sit down and figure out how to get our budget back in order before we approve another $750 billion in debt were ignored.

This week is no different. We are considering a permanent extension of marriage penalty relief. Permanent extension. Again, motherhood and the flag, everybody is for it; except our grandchildren should not be for it, but they do not have a vote.

We will also vote in a moment on another great-sounding issue, and that is requiring a two-thirds vote in order to raise taxes. But yet my friend from Tennessee was denied an opportunity to have an amendment on the floor that would suggest that we ought to have a three-fifths vote to borrow money. It is easier to borrow money because our grandchildren do not have a vote on that issue. It is tough to raise taxes. In fact, show me one Member of this body who stands up and says, "I am going to raise taxes," and I will show my colleagues a Member that is about to get unelected in November.

But here we are. As a result, we are experiencing trust fund raids and deficit for the foreseeable future, instead of large projected surpluses, all to pay for this reckless economic plan.

Mr. Speaker, all we are asking is let us get back on a plan to balance the budget without using Social Security. The current estimates for this year's unified budget deficit are between $150 billion and $250 billion. That is deficits, and not all of it has to do with September 11. Not all of it has to do with the economy. As Members read in the Wall Street Journal today, Mitch Daniels, director of OMB, is finally coming around and beginning to have a moment of honesty: "At this rate, there are not sufficient resources for a decent Medicare drug benefit, education spending, or energy policy."

I do not understand the philosophy of folks who do not have a problem with leaving our children and grandchildren with a large debt just so we can have a tax cut or more spending today. I want our children and grandchildren to inherit a strong economy and a Federal Government that can meet its commitments for Social Security and Medicare. I definitely do not want them to inherit a massive national debt and legacy of deficit spending.

The motion to instruct conferees is very straightforward and reflects a principle that every Member of this body has solemnly vowed to protect. The motion simply states the conferees, to the extent possible, within the scope of conference, ensure that no provision of bill create a deficit in the non-Social Security portion of the Federal budget during the duration of the bill, unless there are sufficient offsets under the bill, thereby ensuring that it does not raid Social Security surpluses.

Until we deal with the long-term financial problems facing Social Security, we need to be very careful about any tax or spending bills that would place a greater burden on the budget in the next decade. If Members believe that more tax cuts and increased spending are more important than eliminating the national debt and protecting the integrity of the Medicare and Social Security trust funds, vote against this motion. I am glad nobody is going to vote against it. I believe Members should support it.

Mr. Speaker, I support the spirit of the gentleman from Texas (Mr. BARTON) for agreeing to this, and I do know that the spirit of the conferees will somehow find it in their hearts to talk to the leadership and get the leadership to go along with this excellent proposal.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the gentleman from Louisiana (Mr. TAUZIN) will control the balance of the time of the gentleman from Texas (Mr. BARTON).

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we begin the final steps toward enacting a comprehensive national energy policy for our country, I want to remind the Nation and this House of two important facts. The first was that this House passed H.R. 4, the SAFE Act, Securing America's Future Energy on or about August 1 of last year.

We passed it by an overwhelming bipartisan majority. In fact, it passed out of the subcommittee by a vote of 29 to 1, and I want to thank the chairman of the Subcommittee on Energy and Air Quality, the gentleman from Texas (Mr. BARTON), for the great work the gentleman did in perfecting the core of this bill in subcommittee.

It passed out of the full committee by a vote of 50 to 5, and I particularly want to thank the gentleman from Michigan (Mr. DINGELL) for his extraordinary cooperation and bipartisan support for us to produce this energy policy for the House and the Nation. I thank the gentleman from Massachusetts (Mr. MARKEY) for the work he did, and the gentleman knows that we worked out quite a number of important features in the bill that he was interested in regarding conservation, alternative fuels and other areas.

The bottom line is we produced this bill for the House on August 1, 2001, before September 11. We produced this bill for the House when after years of sort of benign neglect, we came to a conclusion that this Nation needed as a matter of national security a cohesive energy policy which was not written in fits and starts, but balanced things and brought into play conservation and alternative fuels and new technologies and potential new sources of energy for our country.

We did it out of concern that we were becoming more and more dependent upon foreign sources that were not as reliable as they once were. At a time when we were facing about 57 percent of imports to satisfy this Nation's energy demands, we decided we had better do something. We better talk about conservation. We better talk about alternative fuels and new technologies and new means by which we could move about this country. We better tell the automobile industry that we wanted some fuel savings in the SUV fleet, and we wanted to make sure that there was in fact new and available sources of energy to power the electric grids of this country so the rest of America did not experience what California went through.

We did it on August 1, 2001. Then on September 11, 9–11, we witnessed the awful effect of this new age we have entered, this new age where this country is at war against terror; and it has dawned on us what we did on August 1 has even more relevance after 9–11.

Here are some numbers. I want Members to think about the fact that we are now buying a million barrels of oil a day from Iraq. It costs this country $21 billion a year. That $21 billion is money we send to the Iraqi Government, to that country. What do they use it for? They use it to build weapons of mass destruction after they have thrown the U.N. inspectors out. They use it to send money to the families of suicide bombers. They use it to build radar sites that lock onto the American planes that are patrolling the no-fly zones, and build missiles to try to knock down American airmen as we try to live up to and complete the terms of that peace agreement following the Persian Gulf War, planes that are carrying jet fuel that is made in part from Iraqi oil. How crazy is this? How insensible is this?

□ 1630

We have watched as one of our dearest energy commercial friends, Venezuela, has come under a regime that thinks Castro is a pretty nice guy. Fidel Castro, if you remember, was a guy that Nikita Khrushchev's son wrote about in the memoirs, who acknowledged that Castro asked and advised Nikita Khrushchev to launch a full scale preemptive nuclear strike against America during the Cuban missile crisis. That is the guy Mr. Chavez loves, and we depend upon Venezuela for so much of our energy supplies in this country. In fact, we depend upon Venezuela for lot of the reformulated gasoline that completes our clean air program in America. Think about that. Think about the fact that this country depends every day, every one of us that gets in an automobile, every one of us that gets in an airplane, depends every day on people who are on the other side in this war on terror to make fuel available to us and that the money we spend to buy fuel from them helps to underwrite the terrorists who are attacking this country. And then I think you begin to realize how important this conference on energy is going to be and how critical it is that the work of this House on H.R. 4 be, as much as we can, sustained in the conference with the Senate.

The Senate has added some important features to the bill we passed. They have built a good electricity title that we are going to work on. Chairman BARTON has done a good job in building a House position. We are going to have a chance, with our Democratic colleagues, to hopefully add an electricity title to the bill that is going to better ensure transmission lines work, that they are there to move energy from areas of surplus to areas of demand, that we have enough electricity in the grid that nobody has to go through what California went through. We are going to continue to work with the Senate on the provisions it has added to make sure that we have other blends in the mix, like ethanol in the mix of our reformulated gasolines. And we are going to try to make sure that when we produce a bill, that it is well balanced, that it contains not just conservation and new technologies and alternative fuels, but it also contains some incentives to make sure we produce here at home gas and oil and fuel and coal and other electric supplies that we can depend upon because they are made in America, instead of being produced by people that we cannot trust in this world anymore. We are going to try to produce a balanced bill.

I am going to ask all our colleagues to stand with us as we go into conference with the Senate to make sure we have that.

If I could make just a point. That 1 million barrels a day we buy from Iraq, that is what we could produce in ANWR if we could include an ANWR provision in the conference. We are going to fight for one as we go to conference with the Senate.

So today as we begin this process, as the conferees are named, as we begin the process to produce a comprehensive energy policy for America, we ought to be reminded every day of that conference of 9/11 and how much more critical it is that this House and the Senate succeed in putting a bill in front of the President to sign before we leave here to go face the voters in November. This may be the most important national security work we do. We ought to do it well. We ought to do it right.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the ranking member for yielding me this time and I rise in very strong support of the Markey motion to instruct.

Make no mistake about it, the energy bill provides a world of opportunity for wasting taxpayer dollars in pursuit of very bad policy. I agree with my dear colleague from Louisiana about the need for renewables here at home. The problem is the bill pays very short shrift to that while it gives away $34 billion over 10 years and shovels money like coal into energy blast furnaces out of the Social Security trust fund.

We are really happy that the motion to instruct apparently has been accepted by the other side. But for the life of me, I do not know how they are going to make the numbers work, because a week ago the Republican majority had borrowed $207 billion from the Social Security trust fund and that number this week went up to $212 billion. And now this bill adds $34 billion in red ink on top of that. Somebody has to keep the ledger balanced at the end of the year.

What seems to pass for energy policy in this administration includes renewal of the Price Anderson Act which exempts nuclear power plants, for example, from liability for accidents and potentially streamlining the licensing process for companies that are seeking to bring old reactors back on-line—like the one in my district which just had a hole eaten in its head, and they are trying to figure out what to do about it. It has been shut down for months.

The failure of this administration to provide an intelligent energy policy and the failure of Congress to pass tough, no-nonsense campaign finance reform creates a climate for vast giveaways of taxpayer dollars. If you look at the nuclear industry alone, which the Vice President loves a great deal, they gave more than $13.8 million to Federal candidates in the 2000 election cycle. Most of our citizens do not have that kind of election clout.

So I would just say it is important to pass this motion to instruct conferees to protect the Social Security trust fund being tapped as the only place to get the money for the kind of corporate giveaways that are included in this bill. Unfortunately, the surpluses that had begun to build as of January 2001 have now plummeted into deficits in every single account in this government. The promise that was made with seven votes that we took here on this floor "not to break the lockbox" has been broken seven times. We are now in the red already this year, as of yesterday $212 billion. This bill worsens that problem.

I urge my colleagues to vote for the Markey motion to instruct and stop the raid on Social Security trust funds being cashed out to the corporate energy giants.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from North Carolina (Mr. BURR), the vice chairman of the Committee on Energy and Commerce.

Mr. BURR of North Carolina. Mr. Speaker, my only regret is that we had not had this debate and this level of cooperation about the economic stimulus package, because had we started it sooner, it would have been bigger. The fact is the economy would go faster and we would not have the challenges that we do about programs that the American people want.

I find it ironic that we have a debate about robbing money from Medicare in the same month that we hope to pass a $300-billion-plus Medicare prescription drug benefit for seniors who desperately need it across this country. We will in this House, once again as we did 2 years ago, pass it, but in all likelihood we will not do it with a unanimous vote.

Mr. Speaker, H.R. 4 does a tremendous amount, and I think we are in agreement on the highlights of this bill. It is the SAFE Act. It is about securing America's future energy needs. It is about making energy policy and energy availability predictable and, most importantly, affordable. The House passed a comprehensive national energy bill which builds on the President's national energy policy and that was to promote economic development and domestic energy supplies and encourage increased efficiency and conservation.

This motion to instruct will be accepted, and we should, because nobody wants to rob Social Security and Medicare. But the fact is that many of the areas that have been pointed out as tax breaks are, in fact, issues that were lobbied for by all Members, because they deal with conservation.

Let me just point out a few. We give a tax credit for residential solar energy because we know that we need to diversify the sources that we get our energy from. We give tax credits for fuel cells, the possible best breakthrough in the future, for less of a reliance on the fuels that we currently import. We give modifications and extensions for provisions relating to electric vehicles, clean fuel vehicles, clean fuel vehicles' refueling property. We give tax credits for energy-efficient appliances. We give credits for energy-efficient improvements to existing homes. We give allowance and deductions for energy efficiency for commercial properties. We give investment and production tax credits for clean coal technology.

As a member of the North Carolina delegation where we just passed smokestack legislation which cleans up our State, it is challenging, but we cannot do it without the Federal Government's investment in clean coal technology.

By the way, Mr. Speaker, in addition, we in this bill increase the LIHEAP authorization levels. That is the needs of low-income Americans for heat in the winter, and I am sure that is probably calculated in these predictions of what we steal from Medicare and Medicaid.

The fact is that, Mr. Speaker, we are challenged with many more things than just energy policy this year. This one bill makes predictable not only the supply but the cost. We as a Congress will be challenged with additional needs of supplemental appropriations to fight a war on terrorism. We will be challenged to find the money for the Medicare prescription needs of our seniors. But since we have taken care of some of it in budget resolutions, we may be challenged as money runs short. We can find the areas we get it from. We have before. We will again: We will live up to the fiduciary responsibility that the American people have entrusted in us.

I hope that all of our colleagues will join us in supporting the motion to instruct conferees, protecting the bank that we are in charge of but, more importantly, in passing an energy policy that is so overneeded in this country, making sure that our future is, in fact, secure.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I thank my friend from Massachusetts who has been such a leader on energy and environmental issues for so long in this Congress.

I am glad to note some points of agreement.

First of all, as the previous speaker made it clear, the important issue of energy policy is one where there has to be a strong Federal Government role. Sometimes there is rhetoric in this Chamber that assumes that the Federal Government is simply a problem. Indeed, Ronald Reagan in his first inaugural said, "The government is not the answer to our problems. The government is the problem." I am glad to join the gentleman from North Carolina in repudiating that simplistic and inaccurate misstatement. As the gentleman said, without a Federal Government investment, we cannot have a good energy policy. Obviously if you think the Federal Government is just a problem, you do not want it to go around investing, presumably spreading problems.

He is right. The free market has a role to play, but the government has an indispensable role. Those who would denigrate government and those who would think that you could somehow do away with it are reminded here, and I am glad to see that we have this agreement, this is a bill to expand the role of the Federal Government in dealing with our energy problem. I welcome that area of agreement. We may have disagreements about how to do it.

We have one other disagreement, though, and let me just say, there are some areas where I wish the gentleman from Louisiana had gone even further. He mentioned some of the unattractive regimes with whom we must deal to get oil. I would have added Saudi Arabia. Indeed, when I look at the list of things we find wrong with most of these countries that have been criticized, I find Saudi Arabia right up there. It seems to me we are a little inconsistent. Things that we find indefensible in some regimes, they appear to be almost virtues when the Saudis do them. But I agree we should be across the board.

As to conservation, I wish we would go further. I wish the President of the United States had not backed off his predecessor's proposals regarding air conditioning. When we are talking about the need for energy at that peak period in the summer when air conditioning is such a drain, under the previous administration, the presidency of President Clinton, we had very good energy-saving proposals. The President has cut back, and here is the common theme. The President cut back because, well, we would have had to pay for that a little bit in air conditioning. The gentleman from North Carolina said, why are we objecting? We are giving a tax cut here and a tax break here. There a tax break, here a tax break, everywhere a tax break.

I am for many of those; not for all of them. The problem is the attitude that says to the American people, here are some freebies. The one word that people never mention is "sacrifice." We are not talking about going around in sackcloth and ashes, whatever those look like. I do not know myself, but I have heard that often enough. What we are saying, however, is you cannot have it all. You cannot have more spending on these programs and more tax cuts for those programs; and then more tax cuts in general, and then still make everything work. There is a failure here to tell people the truth.

We vote here, but not under oath. Maybe we ought to vote under oath sometimes and not just testify under oath. Everybody is going to vote for this, they tell us, but I do not think it is going to be carried out. It has a particular relevance to Social Security and Medicare. It is not the case that money spent here will in and of itself reduce Social Security benefits.

□ 1645

That is not the argument. It is not the case that it will reduce in and of itself the money in Medicare. But here is what is happening. People make projections, and they look at the cost of Medicare and Social Security as currently structured 20 years from now and they say we will not have enough money to pay for it.

But what they then do by increasing spending and reducing taxes is to exacerbate that very problem. This is a self-created problem. We say there will not be enough money at the Federal level to meet the commitments of Social Security and Medicare. So how do we respond to that? Let us reduce the revenues that would otherwise be available for it.

That is why people are being frightened with the need to privatize Social Security, although we have heard less of that these days. We could all look forward, of course, to the average working person retiring and being told he or she now has a private Social Security account and, of course, his or her friendly analyst would be glad to give that person a wholly objective impression of what stocks to buy and which accounting firms had been involved in manipulation there.

But that is the problem here. What you do is you tell people you can have it all, we can have the standard of living we have already had, we can conserve, and we can cut taxes, and we can continue everything else, except when we get to Medicare and Social Security, people are going to be told we have to cut back.

One of the previous speakers mentioned the prescription drug program. The prescription drug program that was passed 2 years ago was inadequate.

It did not give middle income older Americans a fair deal, and neither will the one that will be coming forward. Indeed, it has been held up because the first impulse on the majority side was to cut Medicare to pay for it. Well, the Members were not ready to vote for that now, so we are going to get a still inadequate prescription drug program.

But the consequence of this bill and every other bill, and we are not objecting at this point to doing some of these things, we are objecting to pretending you can do them with no choices being made, and that is probably even a better word than "sacrifice."

What the majority wants to do is simply avoid choices, to tell everybody they can have everything. What this will result in is, on the one hand, people will spend and cut taxes and raise the debt limit and increase the deficit and reduce the revenues that are coming into the Federal Government and turn a surplus into deficit, and then they will say in an entirely other context, hoping nobody remembers, oh, and by the way, we are going to run out of money, and, therefore, we have to reduce Social Security benefits. Therefore, we have to restructure Medicare. Therefore, we have to cut back. Therefore, we cannot afford an adequate prescription drug benefit program.

I am pleased that my friend from Massachusetts has offered this. I do note one other thing that I meant to mention. I did hear the chairman of the subcommittee who began the debate say, "Why are we so upset? This is, after all, not an appropriations bill, it is just an authorization bill. That is, this simply says we can spend the money. It does not spend the money."

Note the apparent assumption that just because we say something does not mean we mean it. When you say do not worry, this is just an authorization bill calling for the expenditure of these billions, but it does not actually spend them, I am reminded of the couplet from Tom Lera that I cannot quite remember, but it did involve Wernher Von Braun, the former German rocket scientist who became a part of the American science movement, and I remember the rhyme which was basically he was in this song disclaiming responsibility for the damage his creations had done in England, because, the words went, in effect, I am not responsible. I am only in charge of when they went up. I am not responsible for where they came down, said Wernher Von Braun.

Well, you are responsible when you authorize and write into law for the expenditures that come. So what the gentleman from Massachusetts said is absolutely accurate: Do not pretend that we can continue to cut taxes, incur deficits, spend in other areas, and not have that have a negative impact on our ability to continue to fund Social Security and Medicare. So I am glad that people are going to vote with us. I just wish they meant it.

Mr. TAUZIN. Mr. Speaker, I am honored to yield 4 minutes to the gentleman from Iowa (Mr. NUSSLE), the distinguished chairman of the House Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, what is probably most humorous about the last statement on the floor is that the Democrats do not want to take credit when it is going up or when it is coming down. In fact, this year the Democrats presented no plan, no budget, no ideas, no answers, no solutions, nothing. Not on energy, not on Medicare, not on agriculture, not on Social Security, not on anything that is addressing the needs of this Nation. Not on homeland security, not on defense, not on intelligence. None of those things were presented in a budget this year.

Let us just review the bidding of how we got here. Last year, not this year, last year the Republicans, together with the President, introduced a budget that said energy needs to be a priority. When you are 60 percent dependent on foreign fossil fuels for the energy of your nation, you have got a problem.

People come to my town meetings and they wonder sometimes a little bit about why we are entangled in the Middle East. Wake up, America. There is your reason. We have not had a long-term energy strategy. We have allowed it to deplete over time. The last 8 years have certainly been no friend to energy. And so, yes, of course, we find ourselves with that as a necessary priority. It has impacted our economy, it has impacted the creation of jobs. So last year we put into the budget to have an energy strategy, and last year in August we passed this bill in order to address it within the, fit within budget, fit within surpluses as far as the eye could see, and we managed the problem.

Now today Democrats are running to the floor saying, "My God, what happened? Where is the surplus? Where did it go? Why are we in deficits?"

Well, there is a little incident that occurred September 11, you may have remembered that, I realize you discount it now, but pretty significant, in which in a bipartisan way, thankfully, Republicans and Democrats reached into that surplus, and they took out money for the emergency, they took out money for homeland security, we took out money to fund the war, and we took out money to stimulate an economy that was already in doldrums, that went into the doldrums even further as a result of that attack, and we did that in a bipartisan way. And now, 7 months later, you wander to the floor and say where is the surplus? We spent it, folks. We spent it, appropriately so, on the needs of this country.

So we had an energy bill that fit within the budget, and we appropriately spent the surplus and did whatever it took in order to address what happened in September.

Now you wander to the floor and say where is the surplus? Why are we in deficit? Well, addressing that deficit, we passed yet another budget plan this year and we said we can get back out of deficits if we control spending. We can have an energy plan, we can address the needs of homeland security, we can win the war, we can stimulate the economy. Yes, we will be in deficit, but it will be periodic and we are able to get back out of it if we can control spending.

So the gentleman from Massachusetts comes to the floor here and he says, where are the choices? Where is the sacrifice?

We have a plan that shows you where the choices are. Where is your plan? You do not have one. The very distinguished gentleman from Texas presented a plan. His plan was our plan, with a trigger. We do not agree with the trigger. We will agree to disagree.

But the interesting thing is the only plan you presented was our plan. The Senate, excuse me, the other body, cannot even pass a budget. And you wander in here and you say where are the choices?

Mr. Speaker, wake up. We are going to accept this motion to instruct conferees. But how did we get here? Remember back to what happened in September. Do not demagogue Social Security. Obviously for political purposes you can go ahead and do that, but we need this energy strategy to get our economy going, to become less dependent and less entangled in the Middle East. It fits within the budget. It responsibly allows us to win the war and get the economy going. We need to pass this bill and get it through conference.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me time.

I appreciate my friend, the chairman of the Committee on the Budget, for acknowledging at the last part of his comments that there was an attempt to offer a second amendment or budget this year, but we were denied.

The gentleman is entirely correct; it was your budget on spending, but it was not your budget on borrowing money from the Social Security trust fund. We wanted a trigger. We wanted to avoid discussions like we are having today.

I also want to remind my chairman, the chairman of the Committee on the Budget, that we did present, the Democratic party, did present an alternative budget last year, the Blue Dog Democrats led and were followed by the overwhelming majority of Democrats on this side, that said we should not allocate all of the $5.6 trillion projected surplus into spending and tax bills because they might not happen and there might be an emergency. We lost. We were in the minority.

I am used to losing when I am in the minority. What we are not used to doing is having the majority win and not assume the responsibility for your actions. The debt ceiling is going to have to be increased, and yet you want to duck that.

But the gentleman is absolutely correct, and I appreciate his kindness and his remarks.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to point out the obvious before I get into a little of the substance. We are technically debating a motion to instruct conferees, and we are going to accept it. Some are trying to pick a fight, and the Republicans are in a good mood today. We do not want to fight. We want to go to conference and work on a bipartisan basis for an energy policy.

The Committee on Energy and Commerce, the distinguished gentleman from Louisiana is the distinguished chairman of it, passed this bill 50 to 5, with the good help of the gentleman from Michigan (Mr. DINGELL) and the gentleman from Virginia (Mr. BOUCHER) and others. My subcommittee passed it 29 to 1. We are the "happy face" committee. We want to go to conference with the other body and work in a bipartisan basis.

So we are very willing to say we do not want an energy policy that increases the national deficit. Let us think about that a little bit. This country for over 150 years has had an energy policy that is based on private markets, where we allocate capital through the free enterprise system to create energy sources at the lowest possible cost possible. Because of that, we have the world's greatest economy.

Now, if we were really having a debate today, I would posit the question, if you have an energy policy that is balanced and tries to have a production component and an environmental component and a consumption component that results in lower prices, is that going to increase or decrease the national deficit? Or if you have an energy policy that tries to be anti-energy that results in higher energy prices, is that going to add to or subtract from the deficit?

I would say an energy policy that is balanced and that has the net result of a balanced approach, that has lower energy prices, is going to result in either lower deficits or, probably, surpluses.

To put this in personal terms, if you go to the gas pump and pay $1.25 a gallon, or if you go and pay $2.25 a gallon, which helps your economy the most? Obviously, if you only pay $1.25.

If you get your electricity bill and you pay 7 cents a kilowatt, is that better than getting an electricity bill that you pay 17 cents a kilowatt? Obviously, if you pay less, you have more money to do other things for your family.

Well, the energy bill before us actually is a balanced bipartisan approach to try to create an energy policy for the 21st century that results in moderately priced energy, in large quantities, so we can continue to have the kind of free market economy that we have had.

Now, let us look at some of the specifics in the bill. Let us see whether we think these are good things or bad things. These are in the bill. These are not debating points, they are in the bill.

We require that Federal buildings reduce their energy consumption by 35 percent. We require that we put more money into the Low Income Heating and Cooling Program, the LIHEAP program. That was an amendment adopted in my subcommittee that was offered by the gentlewoman from California (Mrs. BONO).

We have increased funding for the DOE weatherization program. We have a requirement that the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) worked out on a bipartisan basis that our trucks and cars need to reduce the amount of gasoline that they consume by 5 billion gallons over 5 years.

We have increased research grants for alternative fuels like hydrogen and things of that sort. We have a very good program for advanced clean coal technology. We have increased funding requests for fusion energy, hydrogen energy, bioenergy, renewable energy and solar energy. We have a program to try to do some research for ultra-deep water, oil and gas drilling in the Gulf of Mexico, which I think is a good thing.

□ 1700

I could go on and on. But the bottom line is, this is a balanced bill, it is a bipartisan bill; it is a comprehensive bill. We need to accept this motion to instruct, go to conference, and work with the other body to bring back a conference report that results in lower energy prices for the American people for the next 20, 30, 40, 50 years. And with the leadership of the gentleman from Louisiana (Mr. TAUZIN), who is going to chair the conference, I am very confident that we are going to do that.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I would just add that this bill was considered in at least two committees; and in the Committee on Ways and Means, there was anything but a bipartisan, balanced bill. Indeed, what we did have was a letter from the gentleman from Iowa (Mr. NUSSLE) assuring our committee that this bill could be passed without taking any money from Social Security and Medicare; and as indicated by his remarks on the floor this afternoon, it is pretty clear that has changed completely.

Indeed, much has changed since September 11. This bill was passed before then, before the collapse of Enron, and before the Bush budget sprang a leak of red ink that began with a trickle and has now become a flood. Many things have changed, but one thing that has not is the commitment of some here to a bill that is not so much an energy policy as a collection of unjustified tax breaks, loopholes, and special provisions to aid traditional energy industries.

I like the idea of balance in an energy bill, but what we have is some sweet words about the environment, a little sugar coating for new environmental technologies, and most all of the tax benefits going to the same old polluting industries.

For the gentleman from Louisiana (Mr. TAUZIN) to suggest that this has something to do with taking a million barrels of oil a day from Iraq, I think, is really misleading.

If this bill passes in today's form, it would not reduce that amount by one barrel; indeed, I would say not one pint. What this bill does is to give more tax breaks to the companies that are bringing in the million barrels of oil a day from Iraq. It does not change or limit their ability to do that.

And the suggestion that we would replace that oil by exploiting the Alaskan National Wildlife Refuge (ANWR) would be a serious mistake that would jeopardize an irreplaceable environment for little real energy benefit.

Mr. TAUZIN. Mr. Speaker, I yield 30 seconds to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I just have to report to the Congress what I just got. I just found out that the next motion to instruct, which is going to be on the supplemental offered by the Democrats, is going to be to accept the higher spending level between the House and the Senate.

Mr. TAUZIN. Come on.

Mr. NUSSLE. Now, where is that money going to come from, I ask my colleagues. Not $27 billion; they want the other body's version of $31 billion. Where is that coming from? Is it coming from Social Security? Why are you not down here demagoguing that?

Mr. FRANK. Mr. Speaker, will the gentleman yield? I will answer him. Will the gentleman yield for an answer.

The SPEAKER pro tempore (Mr. LINDER). The gentleman will suspend.

Mr. FRANK. Mr. Speaker, would the gentleman yield?

Mr. NUSSLE. I do not have any time.

Mr. FRANK. Or any knowledge of the rules either, apparently.

The SPEAKER pro tempore. Who yields time?

Mr. MARKEY. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I would just say to the gentleman from Iowa, because he wanted to know where the money could come from, I had several places. I am personally prepared to say that incomes over $300,000 do not need a tax reduction which is scheduled to go into effect as urgently as we need energy and security. So to the extent that we have outstanding tax reductions that have not gone into effect for incomes over $300,000, reducing the rate on that, there are tens of billions to be gained by that; that would be one place. And personally, I would look at some of the money in the agriculture bill also.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

For a minute I thought the chairman from Louisiana was calling for church by saying "Come on", but let me hope that he can do the same for me. We are familiar with that terminology, "come on," but let me explain to the American people my support for this particular motion to instruct. I am delighted that my good friends, including the gentleman from Texas, is willing to accept it. But let me put a face on the value of the motion of the gentleman from Massachusetts.

Last year at this time, or last year in the summer, we were vigorously discussing the energy bill. At that time we had a $5.6 trillion in surplus. We now are a year later and the tragedy of September 11 has occurred, and we are now at a mere $400 billion. We do not have a prescription drug benefit.

The chairman knows that I come from oil country and clearly have worked collaboratively, and I thank him for the amendments that were passed, the $5 million on bioengineering and the one dealing with assessing the amount of resources in the Gulf. We come from that area. So this is not a condemnation as much as it is a reality check on facing the fact that we have no money. This is an important amendment.

Mr. Speaker, might I also say, coming from the community where Enron has collapsed and we have people who are unemployed and who are still struggling, I would hope that as this bill goes to conference that some conversation can be raised on the issues dealings with the Enron collapse and how it has impacted the energy industry and, in particular, how we have been able to deal with the employees, the ex-Enron employees who found themselves standing in the back of the line with no money, no resources in a bankrupt company.

So what we are suggesting is that this is an important motion to instruct, because we do not have the money we had last year. I hope this motion will be accepted, but I also hope we recognize the concerns we have, Mr. Speaker, and I hope together we can "come on" with this message and face the fact that we need not go into Social Security and Medicare.

Mr. TAUZIN. Mr. Speaker, I yield myself the balance of the time.

Let me say again to the gentleman from Massachusetts (Mr. MARKEY) we will certainly accept his motion to instruct and we will ask Members to vote for it. More importantly, I will ask the gentleman and the other members of the conference committee in the House to join with us in a cooperative spirit to make sure we finish the job that we started here on August 1 in this House, and that we complete a good package for the President to sign before we leave here.

I want to correct the record. It was not just two committees which produced this bill. It was the Committee on Ways and Means, the Committee on Energy and Commerce, the Committee on Science, the Committee on Financial Services, and the Committee on Natural Resources. This was a collaborative effort of not just Democrats and Republicans, but of many committees of this House; and this represented the best of this House's ability to come together and do something good for this country in a time of need. Little did we know on August 1 just how much we would need this bill, but we know today.

This is not about the surpluses and the deficit issues that the country faces; we will get into those great debates when we get to them, and there will be time for that. This is truly about whether we can now close this deal with the Senate, the other body, to make sure that we pass an energy bill that really protects this country into the years ahead with predictable, affordable sources of energy to keep this economy strong and to keep our Nation secure so that we do not have to depend upon people we cannot depend upon. That is going to be a good debate with the other body, but it is a debate worth winning.

Mr. Speaker, I thank my colleagues from both sides of the aisle who joined with us in an overwhelming vote of support for H.R. 4 when it left the House, and I ask them to join us in another big vote when we return from the conference committee with a successful product.

Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the gentleman from Texas (Mr. STENHOLM) and I and the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Texas (Mr. DOGGETT), all of us want an energy bill. All of us know that we need a new energy plan for our country. That is not what this debate is over. This debate is over who is going to pay for the energy bill.

Now, last summer, August 1, we raised this issue. The Republicans contended that they could vote for a $1.7 trillion tax cut, and the President said, do not worry, there is plenty of money left over for Social Security, plenty of money left over for Medicare. And the Republicans on the House floor said, what is your problem? There is a surplus. There is plenty of money. Let us pass this energy bill now. Now, we hear the chairman of the Committee on the Budget out here on the floor saying, the surplus is gone, all gone. Now, the Democrats said that last August 1, but it is kind of like the dog ate my homework. Al Qaeda ate the surplus. Now, we were saying this on August 1. It is gone.

Now, what are we told? Do not worry. Who cares if we have deficits? Who cares? Grandma cares. Grandpa cares. Because there is only one other place to go: the Medicare and Social Security trust funds.

What this energy bill does is set up an oil rig on top of the Social Security and Medicare trust funds, and it begins to drill into those trust funds. That is why they care, because grandma and grandpa were told last summer, do not worry; there is plenty of money. Instead, a pipeline is being constructed into their pockets. They are being tipped upside down and the money from their trust funds is going to be shaken out onto this House floor and transferred over to the oil, to the gas, to the nuclear, to the coal industries.

Now, we can all debate on whether or not they deserve subsidies, but I think we should all agree, it should not come out of the Medicare and Social Security trust funds for the greatest generation. That is not an energy plan that comports with the crisis that we are in. It is patriotic to fight al Qaeda. It is patriotic to fight terrorists. It is not patriotic to take the money out of the Social Security and Medicare trust funds. We must find that money from some other place in our country, and the majority and the President have a responsibility to promote that plan. They have yet to do so.

Vote for the Markey-Stenholm resolution rejecting the plundering of the Medicare and Social Security trust funds.

The SPEAKER pro tempore (Mr. ISAKSON). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this will be a 15-minute vote on the motion to instruct, followed by a 5-minute vote on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY). After these votes, the Chair will appoint conferees on both sides.

The vote was taken by electronic device, and there were—yeas 412, nays 1, answered "present" 2, not voting 19, as follows:

[Roll No. 223]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Sabo

ANSWERED "PRESENT"—2

McCrery
Thomas

NOT VOTING—19

Blagojevich
Bono
Clayton
Combest
Conyers
Goss
Hall (OH)
Houghton
Hunter
Lynch
Maloney (NY)
Menendez
Owens
Payne
Pelosi
Peterson (MN)
Quinn
Smith (TX)
Traficant

□ 1736

Messrs. NORWOOD, POMBO, and FOLEY and Mr. PRICE of North Carolina changed their vote from "nay" to "yea."

Mr. THOMAS changed his vote from "yea" to "present."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

The SPEAKER pro tempore (Mr. ISAKSON). The pending business is the question of agreeing to the motion to instruct on H.R. 4775 on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 181, nays 235, not voting 18, as follows:

[Roll No. 224]

YEAS—181

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moran (VA)
Nadler
Napolitano
Neal
Oberstar

Obey
Olver
Pallone
Pascrell
Pastor
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velázquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—235

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Blagojevich
Bono
Clayton
Combest
Goss
Hall (OH)
Houghton
Jones (OH)
Lynch
Maloney (NY)
Menendez
Owens
Payne
Pelosi
Peterson (MN)
Quinn
Smith (TX)
Traficant

□ 1749

Ms. HART and Mr. RAHALL changed their vote from "yea" to "nay."

Mr. ROSS changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOSS. Mr. Speaker, this afternoon I had to depart early for a previously scheduled meeting at the White House. As a result, I was not able to be present for rollcall votes 223 and 224. Had I been present, I would have voted "yea" on rollcall vote 223 and "nay" on rollcall vote 224. I request that this statement appear at the appropriate place in the RECORD.

The SPEAKER pro tempore (Mr. ISAKSON). Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, REGULA, LEWIS of California, ROGERS of Kentucky, SKEEN, WOLF, KOLBE, CALLAHAN, WALSH, TAYLOR of North Carolina, HOBSON, ISTOOK, BONILLA, KNOLLENBERG, OBEY, MURTHA, DICKS, SABO, HOYER, MOLLOHAN, Ms. KAPTUR, Mr. VISCLOSKY, Mrs. LOWEY, Mr. SERRANO, and Mr. OLVER.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4, SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, BILIRAKIS, BARTON of Texas, UPTON, STEARNS, GILLMOR, BURR of North Carolina, DINGELL, WAXMAN, MARKEY, BOUCHER, GORDON and RUSH.

From the Committee on Agriculture, for consideration of section 401 of the House bill and sections 265, 301, 604, 941–948, 950, 1103, 1221, 1311–1313 and 2008 of the Senate amendment, and modifications committed to conference: Messrs. COMBEST, LUCAS of Oklahoma and STENHOLM.

From the Committee on Armed Services, for consideration of sections 401 and 6305 of the House bill and sections 301, 501–507, 509, 513, 809, 821, 914, 920, 1401, 1407–1409, 1411, 1801, and 1803 of the Senate amendment, and modifications committed to conference: Messrs. STUMP, WELDON of Pennsylvania and SKELTON.

From the Committee on the Budget, for consideration of section 1013 of the Senate amendment, and modifications committed to conference: Messrs. NUSSLE, GUTKNECHT and MOORE.

From the Committee on Education and the Workforce, for consideration of section 134 of the House bill and sections 715, 774, 901, 903, 1505 and 1507 of the Senate amendment, and modifications committed to conference: Messrs. MCKEON, NORWOOD, and GEORGE MILLER of California.

From the Committee on Financial Services, for consideration of Division D of the House bill and sections 931–940 and 950 of the Senate amendment, and modifications committed to conference: Mr. OXLEY, Mrs. ROUKEMA and Mr. LAFALCE.

From the Committee on the Judiciary, for consideration of sections 206, 209, 253, 531–532, 708, 767, 783 and 1109 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

From the Committee on Resources, for consideration of sections 401, 2441–2451, 6001–6234, and 6301–6801 of the House bill and sections 201, 265, 272, 301, 401–407, 602–606, 609, 612, 705, 707, 712, 721, 1234, 1351–1352, 1704, and 1811 of the Senate amendment, and modifications committed to conference: Mr. HANSEN, Mrs. CUBIN and Mr. RAHALL.

Provided that Mr. GEORGE MILLER of California is appointed in lieu of Mr. RAHALL for consideration of sections 6501–6512 of the House bill, and modifications committed to conference.

From the Committee on Science, for consideration of sections 125, 152, 305–306, 801, Division B, Division E, and section 6512 of the House bill and sections 501–507, 509, 513–516, 770–772, 807–809, 814–816, 824, 832, 1001–1022, title XI, title XII, title XIII, title XIV, section 1502, 1504–1505, title XVI, and sections 1801–1805 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, BARTLETT of Maryland and HALL of Texas.

Provided that Mr. COSTELLO is appointed in lieu of Mr. HALL of Texas for consideration of Division E of the House bill, and modifications committed to conference.

Provided that Ms. WOOLSEY is appointed in lieu of Mr. HALL of Texas for consideration of sections 2001–2178 and 2201–2261 of Division B of the House bill, and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 121–126, 151, 152, 401, 701, 2101–2105, 2141–2144, 6104, 6507, and 6509 of the House bill and sections 102, 201, 205, 301, 701–783, 812, 814, 816, 823, 911–916, 918–920, 949, 1214, 1261–1262, and

1351–1352 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI and OBERSTAR.

Provided that Mr. COSTELLO is appointed in lieu of Mr. OBERSTAR for consideration of sections 121–126 of the House bill and sections 911–916 and 918–919 of the Senate amendment, and modifications committed to conference.

Provided that Mr. BORSKI is appointed in lieu of Mr. OBERSTAR, for consideration of sections 151, 2101–2105, and 2141–2144 of the House bill and sections 812, 814 and 816 of the Senate amendment, and modifications committed to conference.

Provided that Mr. DEFAZIO is appointed in lieu of Mr. OBERSTAR for consideration of section 401 of the House bill and sections 201, 205, 301, 1262 and 1351–1352 of the Senate amendment, and modifications committed to conference.

From the Committee on Ways and Means for consideration of Division C of the House bill and Division H and I of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY and RANGEL.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

There was no objection.

PROPOSING A TAX LIMITATION AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 439 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 439

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 96) proposing a tax limitation amendment to the Constitution of the United States. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by the Minority Leader or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for purposes of debate only.

Mr. Speaker, House Resolution 439 provides for the consideration of H.J. Res. 96, proposing an amendment to the Constitution of the United States with respect to tax limitation.

The rule provides for 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides for one amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD, if offered by the minority leader or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided and controlled by the proponent and opponent.

☐ 1800

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, today the average American pays more in taxes than for food, clothing, shelter, or transportation combined. For too long, the tax burden imposed by the government has been going up, not down.

The Tax Limitation Amendment starts from this very simple premise: it should be harder, not easier for the government to raise taxes. Raising taxes should be an absolute last resort, not an easy, quick fix for excessive government spending.

I have observed with great interest the spirited debate surrounding our efforts to make portions of our President's tax cuts permanent. Last week, the House passed a bill that would permanently repeal the death tax. In the same manner, the House will later this week consider a bill that makes permanent relief from the marriage penalty tax.

Throughout these debates, it is apparent that there are those who would support repealing parts, if not all, of this historic tax bill. These individuals would prefer that married couples be penalized for entering into holy matrimony. They feel that the Grim Reaper and the tax collector should visit American families and farmers on the same day. They believe that the Federal Government makes better decisions than families about how best to spend their hard-earned money.

This line of reasoning is inconsistent with the fact that people all across this Nation overwhelmingly support tax reduction. I only wish that both bodies of Congress would reflect the sentiment clearly expressed by the American people. The people of this great Nation will not be fooled by those who would support a tax cut during an election season, only to work to repeal it the very next session of Congress.

Many Members have stood on this floor of this distinguished House extolling the virtues of lower taxation. Today they will have the opportunity to show their constituents exactly where they stand.

The annual floor consideration of the Tax Limitation Amendment gives us an opportunity to take a stand on the side of the American taxpayer. By enacting the Tax Limitation Amendment, we protect the taxpayer and pledge that we as a Congress will focus inward on cutting waste, fraud and abuse instead of immediately raiding the pockets of American taxpayers.

By requiring a supermajority to raise taxes, an incentive for government agencies would be created to eliminate waste and create efficiency, rather than simply turning to more deficit spending or increasing taxes.

Mr. Speaker, this legislation does recognize and make allowances for times of extenuating circumstances such as during a time of war, a national emergency, or when taxes may need to be raised.

The Tax Limitation Amendment would allow Congress to raise taxes in those circumstances; but in the meantime, it would prevent the intrusive and penalizing tax increases that have been enacted with recklessness to fund government expansion for the last few decades.

It is time the Federal Government joined the States and listened to the voices of Americans: it should be harder to raise taxes. Had this amendment been adopted sooner, the four largest tax increases since 1980, which occurred in 1982, 1983, 1990, and 1993, all would have failed. The tax increase in 1993 was the largest tax increase in American history, and it passed by just one vote. These tax increases today from 1993 total $666 billion, taken from the American taxpayer.

The bottom line of this debate, Mr. Speaker, and let us make no mistake about it. Those Members who support this amendment are here to support the hard-working taxpayers of America. Those Members who are opposed to it are here to defend the tax collectors of America. To me, it is really just that simple.

The Tax Limitation Amendment also allows for a simple majority vote to eliminate tax loopholes. The de minimis exemption would allow nearly all loopholes to be closed without the supermajority requirement.

Mr. Speaker, we will also hear that the government will be unable to function if a supermajority is required. We all hear this as Members, but I encourage Members to look at the States. Thirteen States have some sort of supermajority limitation in effect.

The millions of Americans living in these States have enjoyed slower growth in taxes, slower growth in government spending, faster growth in economies, and lower unemployment rates.

Today we can take one step closer to retaining liberty and ensuring future generations the freedom our Founding Fathers intended America to enjoy. This debate is about requiring a two-thirds vote to raise taxes, and it boils down to a debate about liberty and freedom for the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the seventh time in 7 years that the House has considered this same constitutional amendment. We appear to have some slower learners on the other side of the aisle. This is an amendment that would require a two-thirds majority to pass any provision that raises revenue for the government. The House has rejected it six times before, and I hope today will mark its seventh consecutive failure.

Before we get into a debate Members have heard before, I want to begin by putting it in context. Late last week the President finally agreed to make homeland security a Cabinet-level priority, something Democrats have been pushing for months, and called on Congress to get to work creating an entirely new structure. It is a huge job, one that raises a lot of questions and will take a lot of work.

Meanwhile, prescription drug prices are still sky high nearly 2 years after many Republicans got elected promising to do something about it; and still there is no credible Republican plan to help senior citizens who cannot afford their pharmaceutical bills. There is no question that the House has a tremendous amount of important work left to do this year, including all 13 appropriations bills, none of which has been considered yet.

Instead of addressing these and other important issues this week, Republican leaders are once again wasting the House's time on a gimmick they call the Tax Limitation Constitutional Amendment. We know it is a waste of time because, as I mentioned before, it has failed each of the previous six times the Republicans brought it to the floor: in 1996, in 1997, in 1998, in 1999, in 2000, and in 2001. And we know it is irresponsible because of what it does.

For instance, this amendment would make it nearly impossible to close any of the countless loopholes that shameless tax dodgers use to avoid paying their fair share. For example, right now the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Connecticut (Mr. MALONEY) are trying to close the loophole that allows big corporations to flee overseas to avoid their tax obligations. This amendment would make it even harder to stop these tax evaders, which is probably what Republican leaders want anyway. After all, they have repeatedly blocked the Neal-Maloney bill in the Committee on Rules.

If that were not bad enough, this amendment would do serious harm to America's democratic system. The Founding Fathers designed our government around the principle of majority rule. Writing in "The Federalist Papers," James Madison wisely argued against supermajorities like the one Republicans are advocating today, stating that, "The fundamental principle of free government would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority."

Make no mistake, this is exactly what this constitutional amendment would do. It would allow a relatively small minority, one-third plus one, to stop widely supported, meaningful legislation.

Mr. Speaker, right now we are in a global war to protect the American way of life, and Republican leaders are trying to undermine our democratic system of majority rule here in the House of Representatives. I urge my colleagues to defeat this misguided constitutional amendment and preserve majority rule in the United States of America and allow the House to get on with the real business before it.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there has been a lot said about how we are doing this for the seventh time. I understand that the gentleman from Texas is simply opposed to the concept of making it more difficult to raise taxes. That is what this is all about. The gentleman has stated his point very clearly. I would also like to point out that it was conservatives and Republicans in this House who made sure that the idea of a balanced budget was talked about for many, many, many years, and tried many different ways. We did not grow weary. We knew it was the right thing to do; and despite the onslaught of Members voting against it, we kept going. I am sure we did it more than seven times, but the American people understood what it meant.

I did not know this until today, Mr. Speaker, but the 27th amendment to the Constitution was proposed on September 25, 1789. It was declared to have been ratified by the legislatures of 39 of 50 States dated May 18, 1992. What was this? This was known as the Madison amendment. This was the Madison amendment to the Constitution, which I think made sense, and I am sure it took a long time, as we have heard. And what that was all about was to say Members of Congress could not get a pay raise during the term in which they are serving. They have to wait another term.

Our Constitution is a wonderful document, but occasionally we run into some things that need to be perfected. We are about a perfecting amendment today, and I am proud of what we are doing.

Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. PENCE), a member of the Committee on the Judiciary.

Mr. PENCE. Mr. Speaker, I thank the gentleman for his outstanding leadership on the Tax Limitation Amendment.

Mr. Speaker, I am new to this institution; but with regard to the notion that taxes are not yet high enough, it is going to be ever my ambition, whether I serve here for 5 more years, 5 more days, or 5 more decades, to always be a slow learner on that issue.

The truth is that the people of Indiana that I represent overwhelmingly believe two things: taxes are too high, and government spends too much. I believe that the argument for the Tax Limitation Constitutional Amendment is drawn from the remarks of the gentleman from Texas (Mr. FROST). He alluded to two issues that Congress will take up this year, one of which is already accounted for in the budget that we adopted, a prescription drug benefit for which there is a Republican plan that will be brought to this floor this month. But also the gentleman alluded to the President's call for the establishment of the first Cabinet agency since the 1970s, the Department of Homeland Security. The day it opens, it will be the third largest Cabinet agency in the executive branch, $39 billion as the President has outlined it.

Now, there are those of us on this side of the aisle who see the President as calling for us to reorganize the government. But one can infer from the implications of the gentleman from Texas (Mr. FROST) that there may well be an intention to grow government in the wake of this national emergency, as has been the practice that history teaches in the wake of many crises in our Nation.

It is precisely at a time like this when America is reeling from a national emergency and preparing to grow the executive branch, when this Congress is preparing to respond to the needs of hurting seniors, that there needs to be a break on the system, Mr. Speaker. A break on the system that says that we demand what the American people demand, and that is that we go to our pocketbooks first, that we tighten our belts in this institution before we go to the American people. Tax increases must be a last resort, and a supermajority is designed to make it be just that.

□ 1815

Does that, as the gentleman suggests, undermine our democratic system? If that is the case, then our rules for a supermajority about amending the Constitution apparently undermines our democratic system. Or the requirement of a supermajority to impeach a President undermines our system. Or ratifying international treaties by a supermajority. The practice is a part of our democratic system and it is a much needful part as these days of emergency beckon us perhaps to an era of larger government beyond what our children could possibly imagine.

States that have passed tax limitation amendments, those laboratories of democracy, Mr. Speaker, they ought to be teachers to us today. The States that have passed amendments like the TLA have shown greater economic growth, better job creation and have raised taxes less than half the time than States without tax limitation amendments. Chief Justice John Marshall said in the landmark McCulloch v. Maryland Supreme Court case, "The power to tax involves the power to destroy."

The American people believe in their hearts, an overwhelming majority, in that simple principle, if you owe taxes, pay taxes, but they only want this Congress to ask them to pay more taxes as an absolute last resort. That is a last resort accommodated by the tax limitation constitutional amendment.

Mr. FROST. Mr. Speaker, I yield myself 1 minute. Mr. Speaker, it is hard to understand why the Members on the other side of the aisle are so antagonistic to democracy. There is not a single matter that comes before this House of Representatives on a regular basis that requires a supermajority. Everything is done by majority vote in the House of Representatives. True, in the United States Senate there are some limited chances to use a supermajority. Ratification of treaties, a very limited exception. But everything that comes before the people's House requires a majority, not a supermajority.

Why do they fear the will of the majority? It is very difficult to understand. Once again, I would point out this has been defeated six times. They are very slow learners, indeed.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time. If you think that our current Tax Code is just right, that it is fair, that it is equitable to everyone, including the most powerful corporations in this country, that all are being treated fairly and are paying their fair share, and that there are not any lobbyists here in Washington that manage to get special loopholes written into the Tax Code so that they can shift the cost of our national security to you instead of paying their fair share, then the proposal that is up tonight is just right for you. The purpose of this proposal is not tax relief, but to freeze, with constitutional protection, all of the various loopholes and preferences and backdoor arrangements that plague our tax system. The provisions that make our Tax Code more complex and more inequitable so that some are not paying their fair share and those folks that are out there working hard for a living, working with small businesses and farms and ranches around this country, they are having sometimes to pay more than their fair share to make up for those who escape through the loopholes.

And so what do we have here? We have a provision that if we attempt to close one of those loopholes, that it will take not a majority, it will take two-thirds of this House. If we could easily get a majority to clean up all the special interest provisions in this Tax Code, it would have been done a long time ago. But Republicans are not satisfied to have a mere majority required. They insist on requiring two-thirds of this body having the courage to stand up to the special interests that riddle our Tax Code with all these special preferences. That will never happen.

So many of our Republican colleagues are a little like Will Rogers: they have never met a tax loophole that they did not like. And so what we really have is a measure here that ought to be called the "tax loophole preservation" amendment, because that is exactly what it is.

My good friend from Texas (Mr. SESSIONS) says, not to worry, we have a "de minimis" provision in this amendment that will permit repeal of tax loopholes and preferences. But the "de minimis" provision is one of the most defective features of this entirely defective amendment. No one knows what "de minimis" really means. The tax loophole problem, the abusive corporate tax shelter problem, is not minor, not de minimis. Some have estimated the cost is as much as $10 billion a year. I think that is pretty significant.

The gentleman from Massachusetts (Mr. NEAL) will speak shortly. Some of us share his concern with Stanley Works or, as one of my friends in Austin says, they really ought to be called Stanley Flees. That corporation and others, we have gotten to a point with abusive tax shelters that is so bad that they have the audacity to flee this country, get a mailbox in someplace like Bermuda, misuse our tax treaties and set up a new Bermuda Triangle out to the Barbados. Refusing to pay their fair share of taxes, they shift burden to people in this country that are willing to make a sacrifice after September 11, that feel we have some responsibility to work together as a country and pay our fair share. We will be freezing into law those special provisions if this amendment were adopted.

And, of course, there is the fiscal responsibility concern. That is why a group like the bipartisan, nonpartisan Concord Coalition has come out so strongly today against this proposal, noting that it "defies all notions of fiscal responsibility." This is a group that has worked so hard to get us a balanced budget and now sees balances so quickly eluding us in a sea of red ink. This amendment would only make our budget situation worse.

Everyone who wants to see our tax system improved, who wants to see more equity and fewer accountants necessary to file a tax return on April 15, less complexity and more simplicity in our system, all of us who want real change, need to vote against this amendment.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, once again the gentleman from Texas (Mr. DOGGETT) is wrong. Had he read the amendment that is being proposed, revenue-neutral legislation which raise taxes here and lower taxes there in an equal amount do not require a two-thirds vote. They can be passed by a majority vote. So if the gentleman from Texas wanted to close all of these loopholes that he was talking about, maybe including some that benefit the oil industry, then perhaps enough money could be raised to repeal the marriage tax penalty or to provide further relief on the death tax to small business owners and farmers. As long as he wants to give a tax break for the money that he raises on closing the loopholes, then it is a majority. But if he wants to stick the American public with a tax increase and not give a tax break, then it requires a two-thirds vote.

So all I am saying is that if the gentleman from Texas really wants to be generous with the taxpayers because of his very sincere opposition to loopholes, tell us where you would lower taxes and then you would get a majority vote.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds. I have been sitting over here trying to figure out why are these people so antagonistic to majority rule and it finally occurred to me. They are worried that they are not going to be in the majority after this election and they are going to be in the minority, and so they want minorities to be able to have a veto power over the will of the majority. It is very interesting.

Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I went before the Committee on Rules last night and asked that rather than consider a constitutional amendment, which I do not favor normally, to restrict the raising of revenue, I thought it would be much better and more honest and forthright if we changed restricting the ability of the Congress to raise revenue to restrict it from borrowing money.

We owe $6 trillion collectively, every man, woman and child in this country, and we see that today as was the case yesterday, we continue to see the amount of borrowing go up. The problem is excessive spending and unbalanced budgets because Congress in the past has not had the will to either cut services to come in line with the existing revenue or to raise revenue to pay for the services that they deem to be in the public interest at that particular time.

The most insidious tax increase in the world is for us to continue to borrow money, because that requires us to pay interest. I hope every young person is listening to this, because what we are doing is saddling your generation with debt that we are unwilling to raise the money to pay for the services that we think we require today. That is what is going on. It has been going on, and this will do nothing to stop that. In fact, this will make it worse. Because if we have to do some things that were unforeseen last year when some of us voted for the tax bill when we did not know about 9/11 and if we have to do some things to spend money to protect the citizens of this country, the passage of this will restrict that ability to do so, number one. And, number two, what we are really doing is engaging in the politics of shifting responsibility, not accepting it. We are shifting to the Constitution something that it was not intended to do. But beyond that, I just feel so strongly that what we are doing is so wrong to the next generation by continuing to borrow money because we do not have the willpower to raise the money to pay for what we need today that we are enjoying the benefits of.

One could argue from now until kingdom come. The gentleman from Texas (Mr. STENHOLM) was the father of the balanced budget amendment. He worked on it for 14 years, I guess, before we got it up, and it was good and we passed it. Unfortunately, we have not been able to live up to it, but it is not because we are unwilling to do so, in many instances. It is because it is tough. It is tough to raise the money to spend $1 million a copy on a cruise missile, to build the aircraft carriers we need, to do the things we need in this country. That is not easy to do. But it is our responsibility to do it. Instead, we shift it to the next generation by saying, well, no, we are not going to raise taxes. As the gentleman said, we are not going to stick it to the American public today, to us. We are going to stick it to the kids. Kids are people, too, and the people that are going to pay the bills for what we have been doing are not here. They do not have a voice.

It is hard to raise taxes. Nobody comes here saying, "I want to raise taxes. Send me to Washington." It is easy to say, I want to cut taxes. But yet I want to build the strongest military in the history of the world. But we are not going to ask you to pay anything for it. We are going to borrow the money and send it to the next generation.

The President sent us a budget down here that does not balance without using Social Security money for 10 years, for the next decade, and nobody has raised a voice to say, look, we owe $6 trillion. We are paying $1 billion a day in interest. You talk about taxes. If you want to make sure that all of us are overtaxed the rest of our lives, continue to borrow money and continue to pay $1 billion a day in interest and leave that to your children to pay. Just like we say we do not want to leave them a country where the air is so bad one has to wear a mask to ride a bicycle, and the water is so foul that fish cannot live in it and kids cannot swim in it, I do not want to leave them a country that is so burdened with debt that they are going to be paying over $1 billion a day in interest on the consumption we had while we were in charge and either would not pay for or did not have the fortitude to cut the programs that we did not think were necessary.

This is an ill-conceived constitutional amendment. If you are really serious about a constitutional amendment, put one in that says it takes a supermajority to borrow money. Then we will get down to the brass tacks of why we are here.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman from Tennessee and his comments. You raise taxes, you increase spending. We know there are two sides to this equation. What the gentleman talked about that he offered in the Committee on Rules last night was to balance the budget and not borrow any more money. But we have also got to make it more difficult to raise taxes. The fact of the matter is the last tax increase we had in 1993 that was retroactive, that reached back, the bottom line is they increased taxes to pay for more spending. That is what they did with it. They spent the money that they taxed on the American people. That is what the party did, and that is why we believe it ought to be more difficult to do that.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON) who is really the father of this fabulous tax limitation amendment, a gentleman who carried not only the ideas but also the legislation, a fabulous friend of Texas and a fabulous friend of the taxpayer.

□ 1830

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is ironic that my good friend the gentleman from Texas (Mr. FROST) from the 24th District was talking about being afraid of the majority. This bill has passed with majorities every time it has come to the floor. My guess is later this evening when we vote on it, we are going to get over 200 Republicans to vote for it and somewhere between 30 and 40 Democrats. I wish we could get 90 Democrats and actually get the two-thirds vote, but because the Constitution says you have to have a supermajority to pass a tax increase, we have not been able to reach that hurdle.

I am okay with requiring a two-thirds vote to pass a constitutional amendment, because you need consensus in the country. As long as two-thirds of the House Democrats oppose this, it is not going to pass, even if we get 80 or 90 percent of the House Republicans. So the Constitution says to do important things you have got to show that you have got a super-consensus.

I also think that it is ironic that in the other body, which is controlled by the Democrats right now, it takes a supermajority to bring a bill to the floor. My good friend from the Committee on Rules knows this. If 41 Senators do not want a bill to come to the floor in the other body, it will not come to the floor. It takes a supermajority in the other body to invoke cloture. I think it should take a supermajority to raise taxes on the American people.

The Constitution as it was originally adopted had an absolute prohibition against income taxes, an absolute prohibition. In 1913 the Supreme Court said income taxes are constitutional. In 1914 President Woodrow Wilson passed a temporary income tax bill. The tax burden on the average taxpayer has gone up 4,000 percent since 1914; 4,000 percent.

Those of us that support this amendment say it is now about time to give the taxpayers a break, to require a supermajority two-thirds vote to raise taxes.

Mr. Speaker, the Tax Limitation Amendment has 150 cosponsors and is supported by over three dozen pro-taxpayer, pro-growth, and small business organizations.

I am proud to be an original cosponsor of H.J. Res. 96, the Tax Limitation Amendment, which would require a two-thirds supermajority requirement for net tax increases. I have long been a firm proponent of tax limitation since my arrival in Congress in 1985. The American Taxpayers deserve the right to know that Members of congress will not spend their money needlessly or without a strong consensus. One vote is simply not enough.

I strongly believe it must be more difficult for Congress to raise taxes. That is the primary purpose behind this amendment. In fact, taxes are higher now than they have ever been and federal revenues are growing at an alarming rate. Individual income taxes are higher now than ever before. By raising the bar on tax increases, we place the focus where it should be—on cutting wasteful spending.

There has long been in our political system a bias toward raising taxes. Spending benefits are targeted at specific groups. These special interests successfully lobby Congress and the President for more spending. Taxes, on the other hand, are spread among millions of people. Taxpayers usually cannot come together as effectively as a special interest group with a specific appropriation to defend. As Congress seeks fiscal responsibility and spending remains high, the built-in pressure forces Congress towards more taxes. The supermajority provision balances this pressure.

The Tax Limitation Amendment will provide flexibility to Members who want to honestly adjust the tax code without raising taxes. The language of the Amendment subjects net tax increases to the supermajority requirement. Any bill that would increase some taxes, but also reduce others by a larger amount, could still pass with a simple majority. Also, any fundamental tax reform which would have the overall effect of lower taxes could still pass with a simple majority. The Tax Limitation Amendment will keep the current tax code from getting much worse and will lock into place any new system which may replace it.

The amendment does not require a two-thirds vote for every tax increase in any bill. Individual provisions of bills which increase internal revenues are not along subject to the two-thirds requirements. Any entire bill which overall would increase the internal revenues beyond the de minimis amount is subject to the two-thirds requirement. As a result, Congress could pass by a simple majority a bill which does have provisions increasing the internal revenue, yet on the whole does not have an increase beyond the de minimis amount.

The Tax Limitation Amendment is intended to make major tax increases more difficult. It is not intended to stop all tax legislation. Most legislation making corrections or small changes to the tax code are structured to be slightly revenue positive, at least in some years, because it is very difficult to make a bill be exactly revenue neutral in all the relevant time periods. Since bills which are a net revenue loss are subject to complicated budget process rules, the Tax Limitation Amendment allows these and other small increases to pass with a simple majority.

Opponents of the Tax Limitation Amendment argue that we are trying to protect tax loopholes; however, the truth is that the de minimis exemption would allow nearly all loopholes to be closed without the super majority requirement. Most loophole closing would not produce enough revenue to surpass the "de minimis" test, and, therefore, could be passed with the current simple majority. Only the combining of several major loopholes would exceed the "de minimis" amount and require the two-thirds vote.

Experience in the states proves tax limitation works. The millions of Americans living in states who have tax limitation in their state constitutions know they are better off. These people have slower growth in taxes, slower growth in spending, faster growing economics, and more shrinking unemployment rate.

Taxpayers would enjoy the same type of benefits and protection on their Federal returns if the Tax Limitation Amendment is adopted on a national scale. With supermajority requirements for tax increases, American taxpayers would see fewer and smaller growth in taxes and spending, and a stronger economy and employment base.

In fact, the American taxpayers would be taxed billions of dollars less if tax limitation had been in effect during the last five major tax increases. Four of those five bills passed with less than a two-thirds supermajority. The 1993 tax increase, the largest in history, passed by one vote. In order to achieve a supermajority, that tax increase would have had to be much lower to even have a chance of passing.

Any tax increase that passes with a two-thirds vote in each chamber of Congress will have greater support among the American people than an increase that is passed by the slimmest of margins. Such a consensus should be required from both Congress and the American people before we start increasing tax bills again. That is why I am here—to make future tax increases more difficult.

April 15 has become known in this country not for the warm weather that usually accompanies it, but for the "Tax Man" who on this day reaches into the pockets of the American taxpayer to take too much of their hard earned money. Americans are frustrated with the size of their individual tax bills and the effect that the collective tax burden has on the economy, their businesses, and their lives. The American people want to know that Congress is trying to help them. Making future tax increases more difficult is the perfect response. It is time to stand up for the American Taxpayer. It is time to pass the Tax Limitation Amendment.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, for the seventh time since Republicans assumed the helm of this institution, we are taking up a constitutional amendment on tax increases. If I said it once, I have said it 10 times, or at least seven times; this is the wrong amendment. Why do we not channel our energies into simply balancing the budget? That is the responsible position to take. Do you know what? We could pass a balanced budget here without any difficulty whatsoever. The country would be better off.

Let us talk about the "gimmickry of the week" that we witness here time and again. Remember not long ago when we had a balanced budget amendment to the Constitution that they were all hollering about on the other side? Well, it strikes me as being odd that we were able to balance the budget without disturbing the Constitution.

Why we are back to deficit spending in large measure is because of the tax cut. That is why we are here today. The President has proposed $48 billion more for defense. He is going to get much of what he wants. He has proposed $38 billion for homeland security. He certainly is going to get much of what he wants. In this institution our response is, "Let us cut taxes, the estate tax. Let us move to an artificial gimmick on raising taxes in this institution."

Well, let us say very easily today that perhaps the Director of the Budget had it right. He now says, a presidential employee, by the way, that moving the government back into balance by 2005 "is very iffy. We know what the models that we have been using are telling us, but they are very obsolete."

What a difference a year makes, Mr. Speaker. It seems the much-touted $1 trillion tax cut that was based on glowing predictions about endless government surpluses now apparently has vanished, while the House leadership and the President's Budget Director wobble on the burden of controlling spending.

I am going to suggest tonight a great opportunity: Have every Member who submits a request to the Committee on Appropriations publish the letter. Let us have the Committee on Appropriations publish the letters. Let us find out who asks for the most money in spending, put it in front of the public for an opportunity to examine it, and then let us have the debate about spending.

The same people that march to the well hollering about taxes all the time, they load up the requests of the appropriators. They are the ones that help to drive spending. They make the demands on the appropriators. Let us publish those letters, and not put the appropriators on the spot the way we do here time and again.

This type of amendment is not only futile, it is dangerous. If this amendment were to pass and get enacted, it would make legislation such as legislation I proposed on those companies that are running off to Bermuda much harder to pass. A Member said not long ago that the American people do not object to paying their taxes fairly. Why is it they will not give us a vote here on those companies that are running off to Bermuda in this aura of patriotism that the American people are experiencing because they do not want to pay their share?

Will Rogers did say it right. He said this country has come to feel the same when Congress is in session as when a baby gets hold of a sledge hammer. Oppose this dangerous gimmick.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Texas for yielding me time.

Mr. Speaker, I think the question is, when are taxes too high? We have a system in the United States that has made us successful, I think, based on the fact that those that work hard, that save, that learn, that try, that invest, end up better off than those that do not. So when, at what point, are taxes so high that it loses some of the free enterprise motivation that has made us so successful in this country?

We are now faced with a dilemma. How can any free nation survive when a majority of its citizens now dependent on government services for so much no longer have the incentive to restrain the growth in government and the growth in taxes? Today the majority of Americans can vote themselves more generous government benefits at little or no cost to themselves, and, as a result, they have little incentive to restrain the growth in taxes.

So I think the question one has to ask is, somehow we have to somehow, someplace, come to grips with, at what point do we lose that motivation that has made us great in the first place, and, with our redistribution of wealth, discourage the kind of effort of so many people that are trying to work a little harder and learn a little more and save a little more and invest a little more?

Listen to this: 50 percent of Americans now pay less than 4 percent of the total individual income taxes, while the top 5 percent pay most of the individual income taxes. At the same time, the folks who are paying the least for government are receiving the most benefits. Americans who receive nearly half of the Federal benefits pay only 1 percent of the income taxes. Many of those beneficiaries are poor, but an increasing amount are middle class and wealthier citizens.

So what is the restraint, when most of the population is going to benefit from higher taxes? It seems to me part of that restraint that we should consider to keep the motivation that has made us great in the first place is having a supermajority to increase taxes.

The gentleman from Texas earlier said, let us have a supermajority for increasing the debt limit. I agree on that, too. Let us not hoodwink the American people with increasing the debt so that we can spend more money.

It is not the tax cut that has resulted in this deficit spending. Let me give you one example. In 1998, we said we promised a balanced budget in 2002 based on a prediction of revenues that have ended up this year, even with the tax cut, $120 billion more than we projected in 1998. So our revenues are higher than we projected. We are still in deficit spending, and that is because we have dramatically increased spending, even over and above what the war on terrorism has cost us.

Let me just conclude by saying our founders created a system where taxes are the price for government benefits and services. The idea is that voters would restrain the growth and expansion of government because of the personal costs to themselves in taxes.

If we are going to keep the motivation that made our system great in this free enterprise system, then there has to be a supper-effort on the part of this Congress and presidents of the United States to restrain the growth in borrowing and restrain the growth in taxes.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, with the greatest amount of humility and a desire to be genteel in this very gentle place, I would offer to say to you, Mr. Speaker, that I am disappointed and saddened that my colleagues and friends would cause us to engage in a frivolous discussion, almost a hoax on the American people.

This debate is irrelevant and unnecessary. Let me share with you the reason why. First of all, as many of my colleagues have already said, this amendment has been brought to the floor some six times and defeated. A constitutional amendment requires approval by two-thirds of both Houses and three-quarters of the State legislatures of the United States of America. In the very legislation that is written, it provides a waiver. The waiver acknowledges that when there is a declaration of war in effect, the Congress may waive this article.

Now, whether or not there has been a specific declaration of war, the President has repeatedly said this Nation is at war. Having just come back from Afghanistan, I can tell the Nation that we are spending $1 billion a month fighting terrorism in Afghanistan. And yet my friends want to bring a frivolous amendment to the floor talking about a two-thirds amendment dealing with increase to the revenue.

Let me tell you what the Founding Fathers thought about that when they gathered some 200 years-plus ago, excited about a new Nation, excited about democracy, excited about a Constitution that would reflect a democracy. James Madison argued that under the supermajority requirement, the fundamental principles of free government would be reversed. It would no longer be the majority that would rule. The power would be transferred to the minority.

That is what my friends are asking us, to in fact give a one-third minority the right to control the whims, the desires and the needs of the American people.

Just a year ago this Nation had $5.6 trillion in surplus. Now, with an enormous, unnecessary tax cut, fostered and run through by the Republicans, we have almost zero. Out of that zero we must pay for the war against terrorism, we must provide protection to the people of the United States as it relates to homeland security. We must give our first responders the kind of dollars that are necessary to ensure the protection of the American people.

We were tragically, tragically hurt by the serious attack on the United States of September 11. New York in its tragedy and in its mourning looked to the Federal Government to provide the resources. I am sorry to say that I do not believe New York has even received the full $40 million that we have promised them. People are still hurting and people still mourning, but yet we have this amendment that is ridiculous inasmuch as it has never passed and we are asking for this Congress to stand here and debate something that will not pass.

But, more importantly, it makes no sense. I wonder whether any of the appropriators are on this particular amendment? Why? Because they realize what they are facing behind their closed doors trying to fund the needs of the American people. They realize we have no prescription drug benefit, as I previously said. They realize we have the danger of going into Social Security and Medicare.

Mr. Speaker, let me tell you, in 1993, this Congress did a most courageous thing. It was my colleagues in the Democratic party that cast a vote that provided us with the most prosperous years we could have ever had; $5.6 trillion in surplus, the ability for the economy to be generating jobs. Now, in my own community of Houston in the State of Texas, we have over 5-plus percentage of unemployment. We have people who are unemployed. That means that we need unemployment insurance. We have airlines who are teetering. We need transportation security resources. The borders need to be secured.

Mr. Speaker, why are we giving this hoax on the American people? And, most importantly, most importantly, if I can again refer you to the Founding Fathers. For those of us who cherish the Constitution and who understand the Bill of Rights, Mr. Speaker, this is, again, a hoax. Two-thirds, which then allows the American people to be diminished, if you will, by a one-third minority controlling the majority.

Let me say this, Mr. Speaker, as well. In this legislation, this proposed amendment, there is some language that says that there is an exemption, a waiver; that if this increase to the Internal Revenue system or stream of money is de minimis, then it is okay.

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Well, I know when we are sitting around as families around the kitchen table, there is a question about what is de minimis. What is de minimis? Will we be in a protractive, legal litigation in Federal courts trying to understand what is de minimis to protect Social Security, de minimis to protect the Medicare system, de minimis to fight the war in Afghanistan, de minimis to be able to secure our borders, de minimis to be able to pay our military personnel or our veterans?

Mr. Speaker, I wish I did not have to come to the floor and argue against the value of what we do in this place; but, Mr. Speaker, this is a hoax, it is frivolous; and I hope my colleagues will vote it down as they have six times before.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume. The opportunity to be able to come to the well of this House and to speak is really a wonderful thing. It is an opportunity for people to express their views and visions, but we should remember that a majority of the Members have voted for this each of the six times that we voted on it, and today is another opportunity for us to seek that supermajority that it will require.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), a member of the Committee on the Judiciary.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it has been said recently that this is a frivolous debate. Well, I would submit that there is no more important debate that we can debate here in the Congress. For those of us who believe in the principles of a limited government, economic freedom, individual responsibility, the question of how easy it should be to raise taxes is a very relevant debate to have every day that we have it.

Now, we have been told that the Founding Fathers would not approve this. Well, the Founding Fathers did not approve the Federal income tax. In fact, they expressly prohibited it. I would suggest that if the Founding Fathers were alive today and realized that 22 percent of the national income is now taken in taxes, they would applaud this move. They would applaud this move, because they realized that they believed in limited government, economic freedom, and individual responsibility.

If we look across the country today we see several States, nine in fact, that have such provisions. Arizona, the State that I come from, is one of them. Now, we recently had a huge deficit in Arizona and the States, unlike the Federal Government, are prohibited from carrying debts. So in Arizona, the debate has been this year on how are we going to bring spending in line with revenue. That is a debate that we ought to have every year in the Federal Government, because we run deficits. We can do that here; we should not be able to. That is why we need a balanced budget amendment as well.

But until we have one, we ought to make it more difficult to raise taxes. In Arizona, it has forced a debate that is healthy. There they have decided we are going to cut spending in this area and this area. There have been a few gimmicks, yes; but in large measure, they have actually done what we ought to be doing here. We ought to cut frivolous spending and take it from there.

So I commend the authors of this legislation, I support the rule, and I commend my colleagues for bringing it forward.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I believe I am a cosponsor of that resolution, and I am going to vote for it. But what I object to is the continued reference on this House floor, the continued effort on the part of some Members of this body to deceive the American public into thinking that we are balancing our budget. I do not care if a Democrat said it or a Republican said it, or I do not care if Adam's house cat said it. We are not.

The fact of the matter is that the President submitted a budget that was passed by a Republican majority in the House and the Senate last summer when the Republicans still controlled both bodies, as they did for 7 years. For 6 of those 7 years, we had deficit spending. As a matter of fact, I find it strange that we have to address the tax problem, because taxes have been addressed four times in the past 20 years when, for 41 of the past 42 years, Congress has run a deficit.

So I am going to say this very slowly. The President just submitted the first $2 trillion budget. The Republican Congress passed it. The Republican Congress increased spending by 8 percent last year and decreased revenues by 16 percent. That equated to, and I am going to say this very slowly so that no one misses it, $232 billion. This is the month of March. Actually, the number is, and I do not have it in front of me, but it is on my Web site, because I memorized it. The deficit has increased by $363 billion. That is a thousand times a thousand times a thousand times 363 in the past 12 months. The debt is now over $6 trillion. This was just March. It is now over $6 trillion. Two weeks ago my Republican colleagues voted to raise the debt limit by $750 billion; that is a thousand times a thousand times a thousand times 750. That is not balancing the budget.

Mr. Speaker, my point is, we are bringing the wrong constitutional amendment to the House floor. We have had but one vote in the past 7 years on a balanced budget amendment to the Constitution. We sent it to the Senate. It failed by one vote. If we are really concerned about the future of our country, and if we have some guilt about sticking our kids with our bills, which is what we are doing; none of my colleagues would go buy a car, a $40,000 Lexus and say, I have a 7-year-old, bill him when he grows up. None of my colleagues would go to the Realtor in their hometowns and say, I want the most expensive house in town and, by the way, I have a 4-year-old grandchild, stick them with the bill, plus interest. But it is precisely what you have been doing with this country; and, guys, I think you are missing the point.

My Republican colleagues have run the House for the past 7 years. The "they" you keep talking about that is raising spending is you. When you go to shave tomorrow morning, look in the mirror. You all did it.

I liked you all so much better when you said you were for a balanced budget amendment, and I like you so much less when you do not do it.

Pass a balanced budget amendment to the Constitution. We have found time to take care of nutrea eradication on the Eastern Shore of Maryland. We found time to take care of tigers and rhinoceroses. We have named every post office in the United States of America. We have found time for a debate for all sorts of things that really are not all that vital. But, Mr. Speaker, we cannot find time to bring a debate and have a vote on a balanced budget amendment to the Constitution in the almost 4 years you have been Speaker, because it gets in the way of your tax cuts.

Quit sticking my kids with your bills. Quit robbing the 1 trillion, 270 billion dollars that is already owed to the Social Security trust fund. I have memorized that one too. Quit robbing the $228 billion that you have stolen from the Medicare trust fund. Quit robbing the over $500 billion, a thousand times a thousand times a thousand times 500, that is owed to the Federal Employees Retirement System right now. There is not a penny in any of those accounts and, for God's sake, as you tell the troops how much you love them, quit stealing the $167 billion, and I memorized that one too, that you owe to the military retirees' trust fund. There is not a penny in any one of those accounts.

All you are concerned about is taxes when you ought to be concerned about fulfilling the promises we made to each and every American, because each and every American falls into those categories. Quit stealing from them; pass a balanced budget amendment to the United States Constitution.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I appreciate that what the gentleman is talking about is very important; but part of this equation that was not talked about was every single time that we have a new person that gets employed in this country, the Social Security trust fund shows a deficit, and every single time a person goes to work and draws a paycheck in this country, that shows as a deficit also. So by America working harder, with the old, antiquated Social Security system that we have, it all increases what is known as the debt of this country, because we do not save that money, we spend it. So what the gentleman has talked about is part of our own system which is creating the deficit, which is why we need to change it.

So whoever comes to work for the first time tomorrow and for whoever is drawing a paycheck today, simply by working, we are creating a debt, because it is a liability that this government has to pay for. But that should not imply that that is necessarily irresponsible. It is the system that we have. Yes, it is Republicans and some Democrats that have suggested that we change that too. But let us not suggest it is spent, it is a future liability. Being responsible and being irresponsible should have been something that I wish the gentleman had spent some time on also, because this debt that is being set before us is from people who work in this country.

Mr. Speaker, I yield 2 minutes to the gentleman from Houston, Texas (Mr. CULBERSON), a bright young gentleman.

Mr. CULBERSON. Mr. Speaker, I thank the gentleman for yielding me this time on this important debate that I am hopeful there are many people out there watching tonight. I am pleased to join with the gentleman from Mississippi (Mr. TAYLOR) and with my colleague, the gentleman from Texas (Mr. SESSIONS), in supporting this constitutional amendment which tracks the language that has been adopted in many State constitutions across the country. I am pleased to hear the gentleman from Mississippi (Mr. TAYLOR) say that he will support this amendment to the United States Constitution tonight, limiting the ability of the United States Congress to raise taxes, because it is all too easy to raise spending here.

I think it is important to remember what the gentleman from Arizona (Mr. FLAKE) said is occurring today in the State of Arizona. Because Arizona has a tax limitation amendment that requires a supermajority before taxes can be raised, the State of Arizona is going through precisely the debate that the gentleman from Mississippi (Mr. TAYLOR) so correctly points out that we ought to be engaged in here is how do we control spending. Arizona is first asking, what can we do as a legislature to control spending before we go to raise taxes, because Arizona has a two-thirds supermajority requirement before taxes can be raised.

Mississippi has a three-fifths supermajority requirement before they can raise taxes. The State of Arkansas has a three-fourths requirement. California requires a two-thirds supermajority; Colorado, a two-thirds supermajority; Delaware, a three-fifths supermajority; Florida, a three-fifths supermajority. Louisiana, Missouri, Montana, Nevada, Oklahoma, Oregon, South Dakota, Washington, all of these States have supermajority requirements in their State constitutions to control tax increases because the power to tax is the power to destroy.

The founders, the authors of those State constitutions recognized that it is important to force the debate in those legislative bodies to focus on controlling spending first and to limit the ability of those legislatures to increase taxes.

This would be an extraordinarily healthy thing for the United States Congress to have this requirement in the U.S. Constitution to force us all to think carefully before we raise spending and, above all, to make it more difficult for us to take more money out of the American taxpayers' pockets.

Mr. Speaker, I am proud to join the gentleman from Texas (Mr. SESSIONS) in coauthoring this important legislation.

Mr. FROST. Mr. Speaker, I yield myself the remaining time.

This is not a complicated matter. Either one believes in majority rule, or one does not. This is the people's House; the majority rules. My friends on the other side somehow have gone astray and do not believe in the basic principle of democracy, of the majority rules. This constitutional amendment should be defeated for the seventh time.

Mr. Speaker, I yield back the balance of my time.

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Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had a vigorous debate again today about an important issue. I simply believe it should be more difficult to raise taxes. I think that that will help America. I think most Americans understand what we are talking about. It is so easy to raise taxes today. That is why they have been raised in the past.

I am going to continue to bring this effort to the floor. I am going to keep talking about a balanced budget. We are going to keep talking about the things that will bring honor and dignity to the taxpayer of this country, and will solve our problems with the deficits. This is part of that overall debate.

I am proud of what we are going to do here today. This vote is on the rule. The rule is a fair rule. It is a rule that was passed yesterday in the Committee on Rules by a voice vote. I am going to ask all my colleagues to please vote for this rule. We will have a vigorous debate here in just a few minutes on that bill, but I would like to ask that we support the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 439, I call up the joint resolution (H.J. Res. 96) proposing a tax limitation amendment to the Constitution of the United States, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to House Resolution 439, the joint resolution is considered as read for amendment.

The text of H.J. Res. 96 is as follows:

H.J. RES. 96

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Any bill, resolution, or other legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless that bill, resolution, or other legislative measure is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. For the purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered on the Journal of that House.

"SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.".

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 1 hour of debate on the joint resolution.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 96 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there has been a vigorous debate on the rule. Most of the debate on the rule was on the merits of House Joint Resolution 96. It is a simple and straightforward proposal. It proposes to amend the United States Constitution to require a two-thirds vote for tax increases, and by requiring a two-thirds vote on tax increases, there would be a requirement that there be a consensus within the Congress, and hopefully within the American public, that taxes should go up.

I think that given the history of some of the tax debates that have occurred since I have been in Congress, that type of consensus is sadly needed. The American public has been asking Senators and Representatives, Republicans and Democrats, to be Americans first and partisans second, and to be both bipartisan and nonpartisan when approaching the problems facing the country.

All too often, we have very hot debates and very split votes with very narrow majorities, and the American public, I think, is probably as evenly politically divided today as at any time in the history of the country. The Republicans control this House by six votes, the Democrats control the other body by one vote. The 2000 Presidential election was the closest Presidential election in the history of the country.

I do not think that the voters, in dividing themselves so evenly, voted for gridlock and expected nothing to be done during the 2-year period in 2001 and 2002.

With a constitutional amendment to require a two-thirds vote to raise taxes, neither side will be able to use majority voting power, narrow as it may be, to one-up the other and to pass a tax increase. Maybe a constitutional provision that has the effect of forcing bipartisanship will bring about the bipartisanship in economic issues that has been so sorely lacking, as contrasted to the bipartisanship in facing the war on terrorism.

I can tell the Members, I do not think I would be standing here today presenting this constitutional amendment to the House of Representatives if it were not for the one-vote margin by which the then-majority Democratic party passed a big tax increase in 1993, 218 to 216 in the House and 51 to 50 in the other body, where then-Vice President Gore was called upon to break a tie. Because of the reaction of the American public against the majority using its voting power in the way that it did, it had a sea change in the 1994 elections and brought Republicans to majorities in both the House and Senate.

So I think that by requiring bipartisanship on tax policy, which is one of the two key elements of our Federal economic policy that Congress has control of, spending being the other, we are going to be able to perhaps force both parties to compromise, to seek consensus, and to seek support before going for a tax increase.

Now, I have looked at what this constitutional amendment would have done to tax increases over the last 22 years, had it been in effect. What I came up with is kind of surprising. The opponents of this constitutional amendment repeatedly state that it will be impossible to ever pass a tax increase, nohow, no way, if a two-thirds vote was required in the Senate and in the House of Representatives.

Since 1980, there have been 16 tax increases enacted into law by the Congress of the United States. Surprisingly, 10 of those tax increases passed both Houses by two-thirds majorities, if we look at the vote on the conference report, which is the final version of the tax bill.

That included the 1980 reconciliation act; the 1980 crude oil windfall profits tax; the $50 billion Social Security tax increase, which was necessary to restore solvency to the Social Security trust fund in 1983; the 1986 reconciliation act; the 1986 tax reform act, which increased taxes in 3 of the 5 following years and decreased them in the other 2; the 1988 Miscellaneous Revenue Act; the 1989 reconciliation act; the 1992 energy policy tax act; the 1996 Small Business Job Protection Act; and the 1998 Internal Revenue Service restructuring act.

All of those were tax increase bills, I would submit, of more than a de minimis amount, because the smallest of these raised taxes by $1 billion, which I think very few people would argue being de minimis.

The tax increases which were enacted that failed of a two-thirds vote in the House were the 1982 Tax Equity and Fairness Responsibility Act, or TEFRA; the 1984 deficit reduction act; the 1985 reconciliation act; the 1987 reconciliation act; the 1990 reconciliation act; and the 1993 reconciliation act, which was the big tax increase that I referred to earlier on.

So people who really want bipartisanship being forced upon the Congress on tax policy should vote in favor of this, because it will mean, the way the voters are presently divided, that neither political party will have the votes to be able to pass a tax increase on the American people solely with their own votes. They will have to reach out and compromise with the other party, and then sell this issue to the American public.

That is why I am in favor of this constitutional amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Before I begin my statement on the constitutional amendment, I just have one factual correction for the distinguished chairman. The 2000 election was not the closest race in American history. In 1960, John Kennedy beat Richard Nixon by 118,000 votes. In 2000, Al Gore got 556,000 votes more than George Bush. It was, in fact, close in the Electoral College.

Mr. Speaker, I rise in opposition to this proposed constitutional amendment for the seventh time in as many years. As the ranking Democrat member of the Subcommittee on the Constitution of the Committee on the Judiciary, I would urge my colleagues not to treat the Constitution as if it were some derelict warehouse on which people could plaster their political posters.

The Constitution is the fundamental document of our Nation which sets the rules of government to protect our democracy and the rights of individuals. Yet, week after week, year after year, we come to the floor of the House to consider proposed constitutional amendments that are in fact little more than glorified press releases.

This constitutional graffiti has become so commonplace, so much part of the ritual of this House, so much of the way we all mark the passing of the seasons, that it has become something of an inside joke among the people who work here and the people who report on our work.

This is the seventh time since 1995 that the House has been subjected to this supermajority proposal. We will waste a couple of hours debating this before it is voted down yet again. We have also considered amendments concerning the nonexistent epidemic of flag-burning, victims' rights, and anything else that Republican pollsters think might play well in the 30-second campaign ads.

The core flaw of this amendment is that it requires a two-thirds vote of both houses of Congress to raise taxes. This is profoundly anti-democratic in that it enables a one-third minority to overrule almost two-thirds.

That includes any tax reform measure that would eliminate special interest loopholes, such as the loophole that allows American industries to incorporate in Bermuda and avoid paying taxes in the United States, or any of a number of multi-million dollar favorites that fill the thousands of pages in the Internal Revenue Code.

If this amendment were to be adopted, a small minority could block the elimination of these outrageous and unfair tax loopholes, but a simple majority could put new loopholes into law. In fact, it would be a one-way rachet. A majority elected by the American people could establish new tax loopholes for large corporations, or for anyone else. And if the American people, as is the process in our democracy, became very angry at this and threw out the rascals and elected a different majority to Congress next year, they could not change it because they would need a two-thirds majority to change what a simple majority did the year before. It is a one-way rachet. That is an absurd constitutional anomaly.

The gentleman spoke of making it necessary to have a two-thirds, a bipartisan consensus, to change tax policy. That is not what this amendment does. It requires a two-thirds consensus, a bipartisan consensus, to change taxes in one direction, but a simple majority in the other.

So a majority in Congress one year can reduce taxes, can get elected on a slogan of let us reduce taxes by $100 billion, and then it turns out that what they did reduces taxes by $1 trillion. Then the American people think it is more important not to clobber Social Security so they elect a different majority next year and say, restore the taxes up to the $100 billion they said they were going to cut. But no, that means a two-thirds majority.

If Members want the Tax Code to become even more unfair, even more slanted towards the special interests, even more complex than it now is, then this amendment is the best chance to do so. This amendment would tie Congress' hands in economic emergencies unrelated to war, and it would tie Congress' ability to protect Social Security or Medicare, to respond to financial crises, or to the next fiscally irresponsible President. That makes no sense.

Now, is there any special reason we need this constitutional amendment? The courage shown by the first President Bush and by President Clinton eliminated what many had considered permanent deficits. This was accomplished by cuts in spending and targeted tax increases. Many of my Republican colleagues blamed President Bush and demanded the head of his OMB director. Many of those same colleagues denounced and opposed President Clinton's budgets.

Well, the discipline imposed by the majority in Congress and President Bush I and President Clinton, worked, and we got rid of huge budget deficits and we finally got budget surpluses to show for it. We were able to start paying down the national debt.

What has happened since then? In little more than a year, the current President Bush and his supporters in Congress have managed to undo the work, the hard work, of more than a decade. We are running deficits, an over $230 billion deficit this year into the foreseeable future, and will continue to do so even without such needed reforms, which will cost money, such as a prescription drug benefit under Medicare, which most people here claim to support.

We will continue to raid the Social Security and Medicare trust funds. That is not because of a flaw in the Constitution, it is because of a failure of leadership, and a failure, a lack of courage to make tough decisions. This sort of fiscal crack-up is what happens when Members of Congress try to promise the American people something for nothing.

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The first President Bush in 1980 called candidate Reagan's promise to slash taxes, increase spending, and balance the budget all at the same time voodoo economics. That was a slander against voodoo. Now instead of sound fiscal policies, we get this constitutional amendment, again designed to take our attention away from what is going on. The American people do not need symbolic politics. They need real leadership.

Supermajorities, Mr. Speaker, are anathema to the democratic system of government. That is why the Framers of the Constitution limited them to a very few areas, such as the impeachment of an elected President or amending the Constitution, the fundamental document of our government, itself.

And let me add one thing. We today have a given philosophy or most people have a given philosophy: it is good to reduce tax; it is bad to increase them. Maybe the majority of opinion of the American people agree with that. Maybe not. That is what elections are about. But even assuming that most people think that today, maybe our grandchildren 50 years hence will not think that. Maybe 50 years hence our grandchildren will think, or the majority will, that it is a good idea to increase taxes in order to pay them for Social Security or for whatever will seem necessary for them at that time.

Who are we today to tie their hands and say that our grandchildren and our children, that a minority shall rule in their day? Who are we to say because we have a particular opinion on an issue that 50 years from now our grandchildren shall be bound by our opinion on that issue, that if they want to increase taxes in 50 years to pay for what they think is more important than a lower tax rate, we will tell them no, you need a two-thirds vote, one-third can block it? That is saying that we are writing a particular opinion about a particular issue into the Constitution, and we should never do that. The Constitution is a guide to process. It distributes power to different agencies of the government. It reserves the right of people against government to free speech and so forth. It does not enact particular ideas, particular economic doctrines, or it should not at any rate.

Just how small a minority could hold this Nation hostage under this amendment? A group of Senators representing one-tenth of the population of the United States, those from the smaller States, could block any effort to raise revenues, to reform the Tax Code, to improve law enforcement, to exercise fiscal discipline, to balance the budget or do anything else that the remaining 90 percent of the Nation believes is absolutely necessary. Is this what the Members of this House really want?

In Federalist Number 58, James Madison, perhaps the Father of our Constitution, argues as follows. He said:

> It has been said that more than a majority ought to have been required . . . in particular cases, if not in all . . . for a decision. That some advantages might have resulted from such a precaution cannot be denied. It might have been an additional shield to some particular interests, and other obstacle generally to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: this power would be transferred to the minority. Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or, in particular emergencies, to extort unreasonable indulgences.

And that of course is exactly what this amendment would do. It would say that in time of economic crisis or of real necessity where the majority felt it necessary to increase taxes to pay for whatever it was they thought it necessary to pay for, a minority, a one-third minority, could say no or could say okay, but only if you change the abortion laws in one way or another. The one-third minority would be able to blackmail the majority of the Nation.

We are now in a time of crisis, and the very real possibility that, as we seek to meet the challenges of the future, economic as well as military, a determined minority may be able to blackmail the Nation, is truly terrifying.

This debate is not about a particular tax rate. It is, as Madison rightly pointed out, about the very fabric of our democracy. We should not be considering this nonsense. We just did it last year. I know there is nothing I can do to dissuade the majority.

I thank my colleagues for their indulgence. Thank goodness like April 15, this preposterous notion comes up only once a year.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I appreciate the gentleman yielding. If I have been listening to you and hearing you correctly, do you believe that the debate on this constitutional amendment tonight is a waste of time?

Mr. NADLER. Yes, essentially I do. I do believe it is a waste of time and that it is a ridiculous proposal. We have rejected it six times in 6 years. We are going to reject it again. The gentleman knows that, and we ought to be debating the appropriations bills. We ought to be debating the reorganization of our homeland security. We ought to be debating a prescription drug bill for Medicare. We ought to be debating Social Security. We do not have time for all that, we are told. We have time for this.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield further?

Mr. NADLER. Yes, I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Let me propose a deal for the gentleman. Since we should be debating something else, if the gentleman will yield back the balance of his time, I will yield back the balance of mine and we can vote right away on this.

Mr. NADLER. Reclaiming my time, if we had scheduled something else for this time now instead of just going home for dinner, I would be happy to do that. But since the leadership of the House has decided this is more important than anything else and nothing else is available, that would not serve.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT) since the gentleman from New York (Mr. NADLER) wants us to debate this waste-of-time constitutional amendment further.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me time.

Contrary to the statement of the gentleman from New York (Mr. NADLER) that this is some kind of inside joke, what this actually does is it reveals clearly those of us in this House who are seriously committed to reducing the tax burden on the American people and making it tough to raise that tax burden in the future. Those folks who believe that will vote "yes." It separates them from the folks that really do not care how high taxes are or how high they might go in the future. They will vote "no."

The amount of money taken out of the pockets of working Americans in the form of taxes is simply too high. This House has made significant efforts this year and in previous years to reduce the tax burden on the American people. We have done that in cooperation with the President. We have been successful in passing some of those pieces of legislation into law. It is also important that we protect hard-working American families from a future of excessive taxation.

Let us face it. Taxes are just too high in this country. By making it more difficult to raise taxes, H.J. Res. 96, the debate that we will hear this evening, it will do just that. H.J. Res. 96 would impose fiscal discipline and constrain the growth of Federal Government by requiring a two-thirds vote for any bill that increases the internal revenue by more than just a de minimis amount. The amendment would exclude any increase from the lowering of an effective rate of any tax. Congress may enforce and implement the amendment through legislation as authorized by law. In addition, if the United States needs to increase revenues to wage the war on international terrorism or engage in military conflicts abroad, the amendment provides that the supermajority requirement could be waived if the Congress declared war or adopted a joint resolution to engage in military conflict which caused an "imminent and serous threat to national security."

Supermajority voting is not a radical idea. There are 10 instances in which the Constitution already requires a supermajority vote. For example, conviction by the Senate following an impeachment; overriding a Presidential veto; consent to a treaty; and amending the Constitution require more than a simple majority, and there are others. Moreover, Mr. Speaker, 14 States currently have tax limitation provisions for all, most, or some tax increases. Out of those, 12 States require a supermajority for any tax increase.

This amendment will help to stem the tax-and-spend policies that too often rule this place, that rule Washington. American working men and women now have to toil from January to late April just to satisfy their tax obligation. Only after Big Government's insatiable appetite for taxes is satisfied, can American families begin to look out for their own needs.

In the 1950s, the Federal Government took about 5 percent of the average American family's money, and that was after fighting World War II and the Korean War. Since then, that figure has increased by five times. It has up to about 25 percent of the American families' money going just to pay their Federal income taxes. If you add State and local taxes on top of that, it is even higher.

Today, the Federal Government takes about a quarter of what we earn, and I am not sure anyone here would even suggest that government has become 500 percent more productive and efficient. Add that to the tax burden imposed by States and localities, and working families face an even larger tax bill.

The tax limitation amendment would greatly help American families who are already struggling to pay mounting tax bills. It would also require Congress to focus on options besides raising taxes to manage the Federal budget, helping to impose fiscal discipline, something we need in this place, and to constrain the growth of government, something we talk about a lot but far too often do not do.

Mr. Speaker, let us do right by working American families by supporting this legislation.

Mr. NADLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking minority member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the ranking member of the subcommittee, and I am interested that everybody is now ready to turn this debate in and just have a vote; but yet it was scheduled late in the hour of today, and now we are anxious to get out of here. Let us leave.

Well, I just left the White House where there was a meeting with Members of both bodies about a homeland defense department. We have not figured out what the budget is going to be or where the money is coming from, and I am glad to note that our chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), was at that meeting. And we are going to have to produce a lot of money from somewhere. It is not in the budget right now.

Could I ask, if we have this law in effect, if this constitutional amendment was prevailing, would we be able to raise that additional money? I think not. And so I would just like to remind us that we are in a serious, different situation.

When the previous President, Bill Clinton, left the White House, we had a $280 billion surplus. We now have a deficit of how much? $100 billion roughly. And now we are arguing the same kind of arguments. Let us make it bad.

My dear friend, the gentleman from Ohio (Mr. CHABOT), says we need to reduce taxes. Taxes are too high. Well, I have got an idea. Why do you not introduce some legislation to lower taxes? Why do you need a constitutional amendment to restrain yourself?

I remind you that since our former colleague Newt Gingrich's activities of 1994 have taken over, the Republican Party has controlled the House, and most times, the Senate. So what is wrong with passing bills to reduce taxes?

Now, I would like to turn to the other concern that in we are in a deficit situation. If Social Security is being jeopardized, do we really want to make it harder to account for how we are going to make up for these funds? I am not so sure if you really do. And if everybody keeps that in mind, we will be a lot better off in terms of how this budget thing is going to play out. We have got big bills coming along, and we are going to need money. And so to argue the same arguments that were heard in other Congresses when this same constitutional amendment was brought forward may not be consistent with what we are faced with at the present time.

Now, there is another reason that we may want to be careful about giving a minority one-third the right to determine the tax structure for an overwhelming majority, two-thirds.

☐ 1930

That would be that there are a number of corporate tax provisions that are in the tax laws that would not be able to come up. My colleagues would not want that to happen, would they? We want to be able to go in and take out, for example, the tax benefits that come from setting up a company offshore and then reaping the benefit of little or no taxes and other corporate tax provisions that are being re-examined as we speak in the Congress now.

In fact, under this amendment, were it to pass, it would take more votes to close a tax loophole that might have been engineered by a powerful interest group than it would to cut Social Security, Medicare and education programs.

So I think this is not good economic policy, and for those reasons and some more that I would like to go into at a later point, I would urge everyone consider this measure very carefully as we move toward a vote tonight, and I thank my colleague from New York for yielding me the time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.J. Res. 96, a tax limitation constitutional amendment. I have been a supporter of this amendment from the very first day I headed up here, and I will continue to support it as long as it takes to provide some constitutional protection against tax increases for hardworking Americans.

The tax increases that have been enacted since I have been in Congress have passed by a very narrow margin, sometimes by a single vote. It is my recollection that the Tax Reform Act of 1986 passed, I believe, by one vote. It was probably the worst Act this Congress ever passed. It was supported by President Reagan and it was supported by Rostenkowski. One of them knew what was in it, and I guarantee my colleagues it was not President Reagan.

Let me just tell my colleagues that legislation that hits everybody's pocketbooks ought to require more than a simple majority for a vote for passage. A two-thirds supermajority vote requirement would offer that protection that taxpayers need.

Let me tell my colleagues the biggest task in, of course, this legislation should not be whether Democrats or Republicans are for it, whether liberals or conservatives support it, but what most Americans want and how many Americans support this. If my colleagues would go home to their district and ask the first 10 constituents that they meet and just ask them the simple question whether they think it ought to be harder for us to raise taxes, I feel certain that all 10 of them would say yes. I have done that test and from in front of post offices on tax days and days that we were given runs with this bill in the years of the past, and I have never gotten a no from any of them. A simple question, does anyone think it ought to be harder to raise taxes. Every doggone one of them says yes.

Most Americans feel it is far too easy to raise taxes, and I think this amendment would let them know we understand their concerns and are willing to address them.

The economic climate today is not what it was last year when Congress worked with President Bush to enact some much-needed and deserved tax relief for our citizens. As a result, it is critical that we make a statement now that we are committed to controlling government spending rather than raising taxes in order to maintain a Federal balanced budget. It would be easy to balance the budget by simply raising the taxes; so it ought to be hard to do that.

We ought to balance the budget by cutting expenses, and any serious economic situation that might be, that might call for increased taxes would have to be addressed with the cooperation and understanding of all Americans and with more than a simple majority vote.

This legislation would ensure that such dialogue would take place. I urge my colleagues on both sides of the aisle to support this commonsense measure.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, it is kind of hard to take this resolution seriously. We have heard references to a balanced budget. This resolution has nothing to do with a balanced budget. Balanced means that one's spending does not exceed their revenues, but as we read the resolution, there is no limitation on spending. There is no limitation on size of government. Spending can be increased with a simple majority. Paying for the spending takes a two-thirds vote.

New programs can be enacted with a simple majority. Increase the size of government with a simple majority, but two-thirds vote in each House will be required to pay for that new spending or we just run up a deficit.

We have heard reference that the States have a simple majority to raise taxes, but those States balance their budgets as a matter of law. So if they cannot raise the taxes, they cannot do the spending. In this House, however, we can increase the spending whether we increase the taxes or not. We can run up a deficit and just leave it to the next generation to pay for it.

Further, Mr. Speaker, if we look at the resolution, we see what it does to corporate loopholes. To eliminate the corporate loophole that allows some corporations to move offshore and save taxes, that would require a two-thirds vote.

Finally, Mr. Speaker, this is a dubious effect, anyway, because the provisions can be waived with a simple majority any time the United States is "engaged in a military conflict which causes an imminent and serious threat to national security." Mr. Speaker, that has been the case almost continuously for the last 50 years, and it is not just for the conflict that we could raise taxes. It is during the conflict. So we would waive this provision and pass legislation, whether it has anything to do with terrorism or not.

Mr. Speaker, this resolution is a recipe for fiscal disaster. Increased spending with a simple majority, paying for that spending requires a two-thirds vote and a two-thirds vote to close corporate loopholes. For the sake of fiscal sanity, this resolution should be defeated.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I had not intended to speak this evening. I am not an attorney, one of the few in the House who I guess is not, but I decided to come and speak on certain practical aspects of this farcical legislation which we are voting on again this evening.

I heard a gentleman from the Republican side say this is about working families. Come on, let us not kid people in America. This is not about working families. This is about the super wealthy and the unpatriotic corporations who want to set up new tax dodges to move their profits offshore. For years they have been moving their foreign earned profits offshore to Bermuda and that has been accepted. Unfortunately, the Clinton administration left that loophole open and the Bush administration has tried to widen it.

Now they have got a new dodge. They strip their corporation and move the assets and profits to a tax treaty country, Luxembourg being one, but Luxembourg might require that they pay some taxes. God forbid they should pay any taxes. So then they also do the Bermuda trick so it has become now the new Bermuda Triangle.

This debate is too strange. It reminds me a lot of the Bermuda Triangle, but this is a new tax dodge being pushed by the same folks who brought us Enron, those same wonderful, ethical accounting companies, and now they have set up Stanley Works and other American corporations who are based in the United States of America, sell most of their product in the United States of America, have traditionally produced goods in the United States of America, of course now they are all going to

China to produce their product. Some are still employing people here and it will say that they will pay taxes on their profits nowhere. That is the new Bermuda Triangle trick.

So, under this legislation, which is, of course, for working families, yeah, wink, wink, nod, nod, Stanley Works and other unpatriotic corporations and other unpatriotic multi-millionaires and billionaires would move all of their profits offshore, pay no taxes in the United States of America, still enjoying the defense and the blood of our young men and women in the military, still enjoying all the privileges of living in the greatest country on earth but paying nothing to support it, and guess what it would take to change that? A two-thirds vote of the United States House of Representatives. We cannot even get a simple majority vote to stop the unpatriotic corporations and these people from moving their profits offshore, and imagine what it would take to get a two-thirds vote.

It is pretty easy these days to buy half the House of Representatives. All they would have to do in the future would be cheaper, just buy a third of the House, and they could block any changes to close these loopholes. This is absolutely outrageous. At a time when America is engaged in a fight to defend our citizens against deadly threats from abroad and even perhaps within our own Nation, the wealthiest of the wealthy would pay nothing toward that fight, and under this legislation, it would be impossible to ever require that they pay some semblance of a fair share. This is absolutely outrageous. My colleagues should be ashamed of what they are trying to do.

Mr. NADLER. Mr. Speaker, I yield myself 30 seconds.

I simply want to point out that there have been no hearings on this resolution this year, no committee hearings, no committee markup. This came straight to the floor from I am not sure where, and this is a very cavalier way to treat amending the Constitution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank my friend from New York for yielding me the time.

It is bad enough we did not have hearings in committee. It is bad enough the bill is brought on the floor at this late hour, and now nobody wants to debate it. It has never passed. We have never had it in the Senate. This bill has never come up in the Senate, and now we want to rush to a vote. This is, I think, a serious disregard of a constitutional amendment.

Why did we bring it up? Is there somebody in the country, somebody's constituents that are urging that we have a constitutional amendment in which the majority rule would be taken away? I have not heard it. It has never passed the House ever, and yet it is being brought up now.

I think it is a little bit inappropriate, and I think our leadership should take a little bit more care about keeping Members late and then wondering why we should not even have a full debate on the matter. I feel very strongly that there should be a majority rule in terms of these kinds of questions. The supermajority should be rarely used, and it is my hope that as we have gradually begun to accumulate negative votes on this proposal, that we will get even more people voting against it tonight.

For a number of reasons, in addition to the ones that have already been discussed, I think that making it difficult to close loopholes is not a good way to proceed. This could create a lot of problems for us in a number of ways, and I am disappointed that we are proceeding in a very rushed manner.

We voted on this bill in April of 1996. We voted on this bill in April of 1997. We voted on this bill in April of 1998. We voted on this bill in April of 1999. We voted on this bill in April of 2000. We voted on this bill in 2001. Now we have it again with us today. What is the point? I think that this is a procedure that I have to have made very clear, that this is not the way that we should proceed on constitutional amendments.

I thank the gentleman from New York for allowing me this amount of time.

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Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment, if passed, would contravene the fundamental principle of American democracy which is that majority rules. The gentleman from Ohio pointed out earlier that the principle supermajorities, meaning a minority can block something, is not a radical proposal. It may not be, but it is a fundamentally undemocratic proposal.

Mr. STARK. Mr. Speaker, I rise today in opposition to this ridiculous, misdirected constitutional amendment to require a two-thirds super majority vote for raising taxes.

The House Republican majority won't address the issues the American people want us to address because they just don't care or they simply can't get their act together. They won't give seniors a prescription drug benefit, their appropriations bills aren't ready to go, and they've about run out of taxes to cut. So instead they bring bills like this one to the floor in order to kill time and look like they're working.

I'm amused to see this constitutional amendment on the floor again this year. And my emphasis is on the word again. We have voted on this constitutional amendment seven items in the past seven years. Seven times, Mr. Speaker! And in each of the past seven years, the amendment has failed by large margins. Why has it failed? Because it's irresponsible and everybody knows it.

Requiring a two-thirds majority for Congress to increase taxes just doesn't make sense. For starters, it would risk the long-term solvency of Medicare and Social Security. It would also short-circuit our ability to produce balanced budgets and pay down the debt. Finally, it would undermine our efforts to enhance homeland security.

The Republicans' haughty talk about fiscal discipline is truly laughable. These Republicans who claim to be fiscally responsible are the same people who squandered our history-making surplus on a 1.3 trillion dollar tax cut. That tax cut, coupled with needed funding for the fight against terrorism, has plunged our nation into debt. And now they want to tie our hands with an ill-conceived constitutional amendment?

If the truth be known, the Republicans don't even need this amendment to make such a change. If they really want to require a two-thirds majority vote on raising taxes, they need only change the rules of the House. But that wouldn't be as flashy as a constitutional amendment. And it probably wouldn't fill up as much time, either.

What this House really needs is leadership. We need leaders who will respond to the needs of the American people, not puppets who do the bidding of giddy, right-wing conservatives. Leadership is what we need, but we clearly won't get it with this Republican majority. So let's go on with the charade, debate this dumb amendment, and vote it down as usual. No reason to get too excited about it; I'm sure it'll be back again next year.

Mr. BEREUTER. Mr. Speaker, this Member rises in principled and strong opposition to H.J. Res. 96, the so-called "tax limitation amendment." Certainly it would be more politically expedient to simply go along and vote in support of a constitutional amendment requiring two-thirds approval by Congress for any tax increase. However, as a matter of principle and conscience, this Member cannot do that.

As this Member stated when a similar amendment was considered by the House in the past, there must be a very great burden of proof to deviate from the basic principle of our democracy—the principle of majority rule. Unfortunately, this Member does not believe the proposed amendment to the U.S. Constitution meets that standard.

This Member has too much respect for the Constitution, majority rule, and for deficit reduction to vote for this transparently political maneuver. A better answer is to elect more people who make the maximum effort to vote against tax increase and, where appropriate, vote for tax cuts. That's real tax relief, not phony gamesmanship. This Member would ask that the attached two editorials, from the Omaha World Herald, and the Washington Post, be included with this statement in the CONGRESSIONAL RECORD. These editorials support this Member's position on the same legislation which was introduced in the previous 104th Congress. The Washington Post editorial noted that this amendment is likely "to add to future deficits while disturbing the balance of powers and undercutting the democratic process by enshrining minority rule."

While this Member could not support this bill (H.J. Res. 96), there should be no question of his continued and enthusiastic support for a balanced budget and a constitutional amendment requiring it. Tax increase should not routinely be employed to achieve a balanced budget. That is why this Member supported the inclusion of a provision in the House Rules requiring a three-fifths majority vote to pass a tax increase during the previous 105th and the 104th Congresses and would do so again. This supermajority requirement was adopted on January 7, 1997. However, to go beyond such a rule change and amend the Constitution as proposed in the so-called Tax Limitation Amendment, is, in this Member's opinion, an unreasonable and dangerous action. A change in house rules, of course, is not the permanent straight-jacket that a constitutional change would be.

In conclusion, this Member will vote against H.J. Res. 96, the so-called "tax limitation amendment," as he has done in the past when this same legislation was debated on the House Floor.

[From the Omaha World Herald, Apr. 17, 1996]

GRANDSTANDING IN LIEU OF LEADERSHIP

The Republican push to make passage of tax increases more difficult was a shameless bit of election-year grandstanding.

GOP House members proposed adding to the Constitution an amendment requiring two-thirds majorities in the House and Senate in order to raise tax rates. An exception was built in for military emergencies.

In theory, the plan was to get the amendment through Congress with the required two-thirds majorities and then send it to the states. The amendment would be enacted if three-fourths of the state legislatures ratified it within seven years.

Supporters acknowledged that the measure was not likely to pass. But the vote—purposely scheduled for April 15, tax day—allowed them to classify congressmen as wimps or zealots on keeping tax rates down.

The amendment deserved to fail. It promoted a "save us from ourselves" gimmick as a replacement for leadership. It also would have allowed a majority of both houses to be overruled by one-third of the members, plus one, of either house. The Founders reserved such a supermajority requirement for rare instances, such as impeaching the president, overriding vetoes and ratifying treaties. But the raising of tax rates is a policy decision that should continue to be handled the way things ordinarily are in a representative democracy—that is, by majority rule.

This is not to say that raising tax rates should be easy. Indeed, when the House last year wrote a supermajority requirement into its rules, a World-Herald editorial acknowledged that there is room for reasonable disagreement on the question. We expressed the hope that the rule would lead to greater deliberation if a rate increase were proposed.

But changes in the Constitution shouldn't be necessary to get control of tax rates and spending levels. What is needed is more leadership from Congress and, in the current situation particularly, the White House. The job should be done by the people whom the voters have entrusted with making the tough calls on a bill-by-bill, program-by-program basis.

[From the Washington Post, Apr. 20, 1998]

. . . AND A TERRIBLE AMENDMENT

The House this week is scheduled to observe Tax Day a few days late by taking up a constitutional amendment requiring two-thirds votes of both houses to pass any bill raising federal revenue. It's bad idea that has been defeated before and deserves to be again. Supporters say it will lock in place what they regard as responsible fiscal policy. In fact, it would have the opposite result. Its likely effect would be to add to future deficits while disturbing the balance of powers and undercutting the democratic process by enshrining minority rule.

The country is about to enter an era of tight budgets. The prospect of a temporary surplus is in that sense particularly misleading. The cause will be demographic. The retirement of the baby boomers, beginning in fewer than 10 years, will both detract from revenues and add to costs. There will have to be benefit cuts, but there is no responsible way to deal with the problem just by cuts. Neither party would vote for such devastation, nor should it. Revenue increases also will be necessary; even then the country may have to shoulder additional debt.

This amendment would let one-third plus one of either house hold the country hostage in such circumstances. Who knows what the price of acquiescence in a revenue bill might be? It is not at all clear it would be the increased austerity the sponsors seek. An additional benefit here, a change in unrelated social policy there—those are the traditional coins for extracting extra votes. Does anyone seriously think that tradition will change?

The amendment would create a lopsided condition is still another respect. Taxes, against which it seeks to protect, are paid disproportionately by the better off. Benefits, which it would not protect, but put at greater risk, go largely to people when they are in need. The society is healthier because of these relatively modest shifts of income; the amendment would militate against them. It's a clumsy and unnecessary step in any number of wrong directions, and the House should vote it down.

Mr. BLUMENAUER. Mr. Speaker, for the second time in this 107th Congress, Republican leadership is bringing before the House this measure to amend the Constitution to require a super-majority vote to adopt tax increases. I continue to oppose this measure, which would simply provide greater obstacles for the Federal government to properly react to economic conditions. This amendment is fundamentally inconsistent with majority rule and would make it more difficult to react to the potential need to close corporate tax loopholes or to protect Social Security of Medicare.

This Congress needs to face current fiscal realities that have led to growing deficits. The President's tax cuts are compromising the government's ability to ensure security, fund domestic priorities, and honor our commitments to Social Security and Medicare, without burdening future generations with enormous debts. It is time for Congress to deal with the tax code and budget responsibly—not use the Constitution as a political prop.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to oppose H.J. Res. 96, Tax Limitation Constitutional Amendment. There are three key points that are relevant to this constitutional amendment.

This Constitutional Amendment states that any bill changing the internal revenue laws will require approval by two-thirds of the Members of both the House and Senate.

A constitutional amendment must pass both houses of Congress by a ⅔ vote before it is passed onto the states for ratification.

Adoption of the 16th amendment in 1913 first allowed direct taxation of the American people by the federal government.

The underlying legislation of H.J. Res. 96, is an attempt to help the most well to do Americans through a constitutional amendment that limits the ability of Congress to raise taxes and cut deficits. It is no secret that this legislation is designed to disproportionately help the richest people in this country.

H.J. Res. 96 could make it difficult to maintain a balanced budget or to develop a responsible plan to restore Medicare or Social Security to long-term solvency. H.J. Res. 96 is a resolution proposing an amendment to the Constitution of the United States of America with respect to tax limitations, that would require any bill, resolution, or other legislative measure changing the internal revenue laws require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless the bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount.

By requiring a two-thirds supermajority to adopt certain legislation, H.J. Res. 96 diminishes the vote of every Member of the House and Senate, denying the seminal concept of "one person one vote". This fundamental democratic principle ensures that a small minority may not prevent passage of important legislation. This legislation presents a real danger to future balanced budgets and Medicare and Social Security.

Under H.J. Res. 96, it would be incredibly difficult obtaining the requisite two-thirds supermajority required to pass important, fiscally responsible deficit-reducing packages. And at a time in our history when the Baby Boomers are now retiring, H.J. Res. 96 could make it more difficult to increase Medicare premiums for those most able to pay their fair share of the bill, and could make it difficult balancing both Medicare and Social Security payroll taxes in the long term.

H.J. Res. 96 would make it nearly impossible to plug tax loopholes and eliminate corporate tax welfare, or even to increase tax enforcement against foreign corporations. H.J. Res. 96 would also make it nearly impossible to balance the budget, or develop a responsible plan to restore Medicare or Social Security to long-term financial solvency.

I am deeply troubled by the concept of divesting a Member of the full import of his or her vote. As Professor Samuel Thompson, one of this Nation's leading tax law authorities, observed at a 1997 House Judiciary Subcommittee hearing on the same proposal: "the core problem with this proposed Constitutional amendment is that it would give special interest groups the upper hand in the tax legislative process."

By requiring a supermajority to do something as basic as getting the money to run government, H.J. Res. 96 diminishes the power of a member's vote. It is a diminution. It is a disparagement. It is inappropriate, and the fact that this particular amendment has failed seven times in a row suggests that Congress knows it.

H.J. Res. 96 will also make it nearly impossible to eliminate tax loopholes, thereby locking in the current tax system at the time of ratification. The core problem with this proposed constittional amendment is that it would give special interest groups the upper hand in the tax legislative process. Once a group of taxpayers receives either a planned or unplanned tax benefit with a simple majority vote of both Houses of Congress, the group will then be able to preserve the tax benefit with just a 34 percent vote of one House of Congress.

In addition, H.J. Res. 96 would make it inordinately difficult to make foreign corporations pay their fare share of taxes on income earned in this country. Congress would even be limited from changing the law to increase penalties against foreign multinationals that avoid U.S. taxes by claiming that profits earned in the U.S. were realized in offshore tax havens. Estimates of the costs of such tax dodges are also significant. An Internal Revenue Service Study estimated that foreign corporations cheated on their tax returns to the tune of $30 billion per year.

Another definitional problem arises from the fact that it is unclear how and when the so-called "de minimis" increase is to be measured, particularly in the context of a roughly $2 trillion annual budget. What if a bill resulted in increased revenues in years 1 and 2, but lower revenues thereafter? It is also unclear when the revenue impact is to be assessed, based off estimates prior to the bill's effective date, or subsequent determinations calculated many years out. Further, if a tax bill was retroactively found to be unconstitutional, the tax refund issues could present insurmountable logistical and budget problems.

I hope that my colleagues take seriously the path H.J. Res. 96 would lead us down were it to be adopted as is, therefore, I urge my colleagues to oppose H.J. Res. 96.

Mr. NADLER. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). All time having been yielded, under House Resolution 439, an amendment in the nature of a substitute, if printed in the CONGRESSIONAL RECORD and if offered by the minority leader or his designee, would be in order at this point. The Chair is aware of no qualifying amendment.

Pursuant to House Resolution 439, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have not voted in the affirmative.

Mr. CHABOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 227, nays 178, not voting 29, as follows:

[Roll No. 225]

YEAS—227

Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Boozman
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Coble
Collins
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeMint
Diaz-Balart
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Paul
Pence
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—178

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Bereuter
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Carson (OK)
Clay
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gillmor
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shaw
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Woolsey
Wu
Wynn

NOT VOTING—29

Berman
Blagojevich
Bono
Burton
Cardin
Chambliss
Clayton
Combest
DeLay
Dicks
Ford
Hall (OH)
Honda
Houghton
Jones (OH)
Lynch
Maloney (NY)
Menendez
Owens
Payne
Peterson (MN)
Peterson (PA)
Quinn
Reyes
Smith (TX)
Traficant
Watson (CA)
Waxman
Wexler

□ 2010

Messrs. McNULTY, HILL, WYNN, LARSON of Connecticut, and Mrs. ROUKEMA changed their vote from "yea" to "nay."

So, two-thirds not having voted in favor thereof, the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CHAMBLISS. Mr. Speaker, on rollcall No. 225 I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 225 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. HONDA. Mr. Speaker, on rollcall No. 225, H.R. Res. 96—Constitutional Amendment Requiring a super majority vote to increase taxes, had I been present, I would have voted "nay."

Mr. FORD. Mr. Speaker, on rollcall No. 225, H.R. Res. 96—Proposing a tax limitation amendment to the constitution of the United States, had I been present, I would have voted "nay."

SUPPORTING RESPONSIBLE FATHERHOOD

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the resolution (H. Res. 442) supporting responsible fatherhood and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from Nebraska?

Ms. CARSON of Indiana. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from Nebraska to explain the resolution.

Mr. OSBORNE. I thank the gentlewoman for yielding.

Mr. Speaker, as we approach the upcoming celebration of Father's Day this Sunday, June 16, I am pleased to have this opportunity to speak on behalf of this resolution before us on the importance of fatherhood in this country. H.R. 442, introduced by the gentleman from Oklahoma (Mr. SULLIVAN), urges all Americans to support responsible fatherhood and to encourage greater involvement of fathers in the lives of their children, especially on Father's Day.

Over 36 years in my last profession, I worked with a great many young men who were fatherless. I saw directly the results of that fatherlessness, because if your dad does not care enough to stick around sometimes, even to see what you look like, there is a void in your life and sometimes you try to fill that void with all the wrong things. The number of children living in households without fathers has tripled over the last 40 years from just over 5 million in 1960 to almost 18 million today, which represents an increase of 350 percent. According to the National Fatherhood Initiative, 24 million children live without their biological fathers at the present time. Nearly one-half of our children will live at least part of their childhood without a father.

The problems associated with fatherlessness are far-reaching. The National Fatherhood Initiative cites numerous studies as it relates the following: a child living in a fatherless home is five times more likely to live in poverty than one who lives in a home with a father.

□ 2015

There is a much higher incidence of teenage pregnancy, suicide rates are much higher, they are two to three times more likely to commit a crime, much more likely to drop out of school, much more likely to get involved with drugs and alcohol, and I think, most importantly, and something that a lot of people miss, a fatherless daughter suffers just as much or more than a fatherless young man. It would appear that daughters are much more likely to be abused or assaulted if they do not have a father. A father acts as a protector for his daughter.

We need fathers to be active in their children's lives to instill values and act as role models. Fathers have a unique role to play in their children's lives to provide affirmation, affection and advice.

We have had a lot of conversation over the last several months about heroes. We hear the term quite often. I would like to point out another aspect, which I think has to do with persons being a hero.

Sometimes it is a person that gets up every morning and goes to work. It is a person who honors their marriage vows. It is a person who honors his commitment to his children. So, sometimes heroism is not something that is done in a moment of great danger, but it is something that is acted out on the stage of life over a long period of time.

We also would like to mention an anecdote here, which I think is accurate. This was kind of interesting. There was a chaplain who worked in a prison for men, and on Mother's Day the chaplain was asked by one of the inmates to get a card for Mother's Day. A greeting card company offered to provide several boxes of cards. So the word got around and nearly all of the inmates picked up a card and sent it to their mother on Mother's Day.

So they thought they would repeat the process on Father's Day. Father's Day came, they had a box of cards, and, strangely enough, according to this story, not one single inmate picked up a card to send to his father. The point was that probably in almost every case the father was absent, the father had abrogated his responsibility.

So I think on this particular occasion, when we look at our Nation, when we look at our Nation's future, if I could really ask for one thing, if I had one wish that could be granted, it would be that our fathers would fulfill their responsibility, that our fathers would be honored truly on Father's Day, because almost all of the social ills that we are looking at in our country today and all of the difficult things our young people are looking at really go back to the fact that our families are not intact, and particularly our fathers are not doing their job.

Mr. Speaker, I appreciate this opportunity.

Ms. CARSON of Indiana. Mr. Speaker, continuing my reservation of objection, let me say that, as you know, I introduced in the first session of this Congress H.R. 1300, the Responsible Fatherhood Act of 2001. It was legislation that sought to prescribe parameters for block grants to States and territories to implement at their option media campaigns promoting responsible fatherhood. It would have required the Secretary of Health and Human Services to contract with a nonprofit fatherhood promotion organization to develop and distribute media campaign literature that addressed the issue of responsible fatherhood to States, local governments, public agencies and private entities.

Although I have only been a Member of Congress going into my sixth year, annually I have sponsored a workshop for the Congressional Black Caucus weekend dealing with fatherhood and responsible fatherhood and responsible partnerships. My legislation would have developed a national clearinghouse to assist States in community efforts to promote and support responsible fatherhood by disseminating information under this media campaign.

I introduced also in the first session of the 107th Congress House Resolution 167, a resolution in support of fatherhood and in celebration of Father's Day.

This evening I am here, Mr. Speaker, to support H. Res. 442, which was authored by the gentleman from Oklahoma (Mr. SULLIVAN), on which my staff and his staff worked together to try to figure out how we could best solidify the two measures for the benefit of advancing legislation dealing with fatherhood and responsible fatherhood legislation.

I want to commend all of the responsible fathers who have worked laboriously to raise their children, along with their children's mothers, and who have provided college educations and lifetime opportunities for their children.

There are certainly countless numbers of men who have been engaged in responsible fatherhood and who have been an integral part of the well-being and growing up of their children, and now are involved in the lives of their grandchildren. I think they stand as beacons, as role models in terms of what this country could in fact do for families if more fathers were responsible and accountable for their children.

My legislation that I offered in no way intended to insult the kind of participation that fathers have with their children. I recognize that there are situations, Mr. Speaker, where the father is unable to be at home in the same household with their children as their children grow up, but under my legislation we intend to try to connect children with their fathers in a very responsible way so that children can enjoy the benefits of having their fathers involved in their lives.

Approximately 50 percent of all children born in the United States spend at least half of their childhood in families without father figures. Three out of four adolescents in the United States report that they did not have adults in their lives that served as positive role models.

Children who are apart from their biological fathers are, in comparison to other children, five times more likely to live in poverty, more likely to bring weapons and drugs into the classroom, to commit other crimes, to drop out of school, to commit suicide, to abuse alcohol or drugs. Girls are inclined sometimes to become pregnant as teenagers.

The Federal Government spends billions of dollars to address social ills, and very little to promote responsible fatherhood. Child support is an important means by which a parent can take financial responsibility for a child, and emotional support is an important means by which a parent can take social responsibility for a child. It is important for the United States Congress as a body to promote responsible fatherhood and to encourage loving and healthy relationships between parents and their children in order to increase the chance that children will have two caring parents in their lives to help them grow up healthy, secure, responsible and accountable.

That is why I believe it is imperative, Mr. Speaker, that we do all that we can to ensure that every human being who is growing up to adulthood have access to two responsible parents in their lives and to ensure that fathers are not inhibited or prohibited through some archaic system from having active involvement in the well-being of their children.

Mr. Speaker, happy Father's Day again.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I simply want to add my voice to that of the gentleman and the gentlewoman in terms of raising the issue, as well as bringing to our attention the importance of fatherhood, especially as we approach Father's Day.

It just happens that in my Congressional district come Saturday we have a full day of activity that is designed to do nothing but promote responsible fatherhood, beginning early in the morning and going all day. It is a wonderful activity. Many of the individuals we find are looking for ways to reconnect with families, to reestablish relationships with their children. They simply need a little facilitation and a little bit of help.

I think this kind of discussion, this kind of initiative, and this kind of action will go a long ways toward that.

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman from Illinois for his comments.

Continuing my reservation of objection, I yield to the gentleman from Oklahoma (Mr. SULLIVAN), and I thank the gentleman for his partnership in this effort.

Mr. SULLIVAN. Mr. Speaker, I thank the gentlewoman for hers as well.

Mr. Speaker, I would like to thank the gentleman from Nebraska (Mr. OSBORNE). I liked what he had to say.

Mr. Speaker, I rise today to offer H. Res. 442, to honor fathers on Father's Day and commend them for enhancing the lives of their children.

Fathers play a critical role in the development of our youth. In addition to traditionally being the head of the household, these men must serve as both spiritual leaders and protectors of their families. Millions of men throughout this country effectively execute these duties each day. Their children, in return, learn to be confident and productive citizens.

Our active fathers rarely get the recognition they deserve. Many understand that they must not only raise a child physically, but must also meet the emotional needs of their kids. Above all, dads must instill a sense of morality and spirituality in the hearts of their children.

Every child deserves the love and attention of their father. This is a simple fact. But we know that simple is not always synonymous with easy. In the chaotic and increasingly busy world, it is important to understand and, more important, to demonstrate that children are their fathers' number one priority. My children, Tommy, Meredith and Sidney, are my number one priority.

The children of today are the promise of tomorrow. With that in mind, the role of our fathers must be to continue to raise a Nation of leaders. We must teach our children to have a sense of optimism about the future and what lies ahead. Their generation will be better than ours. It will build on our wisdom to produce a bright and prosperous world.

Mr. Speaker, tonight I ask my colleagues to join me as we renew our commitment to being good parents. I especially call upon fathers throughout the country to instill those values that will change the lives of children.

I urge my colleagues to join me in supporting this important piece of legislation.

Ms. CARSON of Indiana. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Maryland (Mr. HOYER) for comments he may have in support of this effort.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman from Oklahoma and the gentlewoman from Indiana for cosponsoring this resolution which expresses, I think, profound thoughts. We do not often express profound thoughts on the floor of this House.

Sunday will be Father's Day, and I will be blessed on Sunday. On Sunday two of my daughters, two of my granddaughters, and one of my grandsons will be at my house, and we are going to have a wonderful time. They are coming on Saturday. They will spend the night there. We will have a good time Saturday night and have dinner together.

My oldest daughter, who lives in Illinois, will not be there, but we will talk on Sunday. She will call and she will say, "Dad, I love you, and I wish you a happy Father's Day," and nothing better will happen to me that day or any day. We lost Mom 5 years ago. Mother's Day was a special day at our house as well.

This resolution, as I say, articulates profound thoughts. As I was in the cloakroom, I heard the gentleman from Nebraska (Mr. OSBORNE) speaking. TOM OSBORNE is a special person in this body. Few of us, perhaps maybe none, have had the opportunity to be a father figure, not necessarily a biological father, obviously, but a father figure, someone to whom young men looked for guidance, for discipline, for direction, and for a sense of responsibility.

TOM OSBORNE, as all of us know, is one of the great football coaches in the history of America. So it was appropriate that he spoke and leads the effort on this resolution, because I know an awful lot of young men who perhaps did not have a dad at home, or did not have a dad that cared as much about them as we would have hoped he would have, looked to TOM OSBORNE for the growing of character that a father ought to give a son or a daughter.

□ 2030

So I congratulate the gentleman from Nebraska (Mr. OSBORNE) for the literally scores, hundreds, of young men, whose lives you have made a difference in.

Mr. Speaker, on page 2 of this resolution it says something very important: "Whereas, the promotion of responsible fatherhood should not, 1, denigrate the standing and parenting efforts of single mothers whose efforts are heroic."

That is so true. I know the gentlewoman from Indiana knows that to be the case. Young women, middle-aged women whose partners, in producing the greatest blessing of life, a child, do not participate in the raising of that child. This resolution says that not only is that good for the fathers, but it is absolutely critical for the children. Study after study shows us that there is nothing better for a child in the world than a stable family, than two parents caring for that child and giving that child direction.

It goes on to say that "this does not in any way lessen the protection of children from abusive parents." What a tragedy, that God gives to some a child, and they abuse that child and abuse that gift. "Or cause women to remain in or enter into abusive relationships." Some of us know about that, and it is appropriate that we say that, that certainly a two-parent family that creates an abusive relationship is not a relationship in which children ought to be raised. It is a serious problem confronting our society; and as we consider this resolution, we look to the "responsible" in the reference to "fatherhood," responsible towards the child and responsible towards the mom.

Lastly, it says that "we do not want to compromise the health and safety of a custodial parent."

I rise in support of this resolution because of its importance. We can appropriate all the money we want; we can have all the programs we want; we can have Head Start, we can have Chapter 1; we can have the CHIP program for child health; we can do all of those things, and nothing, nothing, nothing will be important, as important as two parents caring for that child they brought into this world.

I doubt, and I hope there is not a parent in this body or in this country that can hear the ballad that is so poignant, so compelling, the "Cats in the Cradle." Those of my colleagues who remember the "Cats in the Cradle" song about the young man, the young man who asked dad to go out and play ball, the young man who asked dad to read the book, the young man who asked dad to spend a little bit of time with him. Dad is too busy. Dad is probably like some of us. He thinks things are too important, and he will be with his son a little later. And of course as that song continues, as my colleagues will recall, the dad gets older, the son gets older, and the dad says to the son, son, let us spend some time together. Of course by that time the son, like his dad when he was his age, has become preoccupied.

For those of us who have lived for some period of time who were very active when our children were young, who thought our lives were very important then, we perhaps look back and lament that we did not spend the time with our children that we should have. It is important not only that all of us urge fathers to be responsible, urge them to be engaged, but as well to urge ourselves to be the best possible parents we can, for nothing, nothing can be more positive for this country than that.

Mr. Speaker, I stand here tonight in support of House Resolution 442 which calls upon fathers around the country to use this Father's Day to reconnect and rededicate themselves to their childrens' lives.

This coming Sunday, June 16th, 2002, millions of Americans will celebrate Father's Day. As a nation we set aside this day to recognize the tremendous impact that fathers have on the lives of children, as well as the stability of families.

As the father of three lovely and intelligent women, I know first hand the remarkable challenge, work and dedication it requires to be a good father.

It is through fatherhood that I live my most valued, joyful and rewarding moments.

On Father's Day, I would like to commend those who have fulfilled their responsibility as a father by providing materially for their families, as well as playing vital roles in the lives of their children, such as nurturer, moral instructor and mentor.

However, it is important for our society to take note that many children will face a void on Father's Day because they have no one with which to celebrate the occasion.

Today, an estimated 17 million children are living in households without a father. This makes the United States the world leader in fatherless families.

Children, on average, achieve more when they have involved, responsible, and committed fathers. A study released in May 2001, by the U.S. Department of Education, clearly shows how a father's active involvement in their child's education is particularly important for academic achievement, as measured by receiving mostly A grades and not having to repeat a grade.

In fact, research shows that children with absentee fathers are twice as likely to drop out of school, to commit a crime and to abuse alcohol and drugs. And, they have a five times greater chance of living in poverty and are more likely to become pregnant as a teenager.

The social implications of this reality are staggering. Action is needed to stop these vicious cycles of poverty and teen pregnancy.

I believe it is important to reinforce the values that all Americans share: hard work, self-discipline, and personal and family responsibility.

I support meaningful legislation that will help make both parents responsible for taking care of their children, such as improvements to the interstate enforcement of child support, as well as media awareness campaigns to promote responsible fatherhood skills.

It is important for society to send a clear and strong message to parents—especially teenage parents—that they must be responsible for their children—and I will continue to support and promote such initiatives.

It is my great pleasure to stand here tonight with my colleagues to reinforce the importance of responsible parenting and to commend fathers who have had a positive and lasting influence on the lives of their children.

Ms. CARSON of Indiana. Mr. Speaker, continuing under my reservation of objection, let me thank the gentleman very much for those very vital points that the gentleman inserted into this dialogue. It forces us to rethink our position in terms of the configuration of the family when we reflect on 9/11, as responsible fathers went to work to ensure that their families had economic well-being, only to be interrupted in terms of their life and being unable to go back.

So when we talk about fatherhood and partnerships and responsible fatherhood, we do consider that there are circumstances beyond the control of the biological father which would propel us into action to ensure that children do, in fact, have a connection with a responsible fatherhood figure, if you will, in their lives.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS of Oklahoma. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I appreciate her allotting me the time to say a few words on this, I think, very important issue. I want to say a special thanks to the gentleman from Oklahoma (Mr. SULLIVAN) and also to the gentleman from Nebraska (Mr. OSBORNE), who has been a tremendous role model and friend, who understands the need to have a role model and, truly, the gentleman from Nebraska has been a role model for many young men.

I, like many others, have lived trying to make sure, trying to be the kind of father that my children would like. I was raised in a broken home, and there were lots of nights I went to bed thinking about, hoping and praying that God would let me be a father one of these days and maybe I could be a father to my children and also my grandchildren, because I do know the meaning. My mother raised me outside of a small farming community of less than 200 population, and I always look back and think how my mom, as a single parent, how she did it. We all worked. We all worked three part-time jobs and we were able to make it. But that small town was like a father, so to speak. It just consumes itself in trying to make sure that we as young people followed certain standards and values, et cetera; and I am just thankful to have been raised in that small community.

But I would like for my colleagues to know that I lay awake at night and I wonder how in the world do we save the inner city kids? How do we save those kids who many of them do not know who their father is? Sometimes they do not know either parent, and they find there is no role model. I know the gentleman from Nebraska (Mr. OSBORNE) and I have talked about role models. I think each and every one of us in life is a role model in one way or the other, I think it behooves us to try to get that message across, that we are responsible to try to help raise the children in some way so that they can be responsible and so that they can enter their fatherhood somewhere along the way.

As the gentleman from Maryland was talking about, statistics prove it out. I know I have been on the selection team of the top 10 students at Oklahoma State University for about 15 years; and over that period of time, it has been amazing to me to see the outstanding students, and most of them had both parents. Let me say this to any young person who may come from a broken home, a divorced home, you can use it as an excuse, or you can use it as a building stone, a stepping stone. Because it is easy for us to say, well, because I did not have a parent is the reason why I did not do this or maybe I turned out bad.

I am so thankful that the good Lord blessed me along the way. I stand in support of H. Res. 442, because I think we cannot do too much in trying to reach a lot of people and trying to make sure we provide for them that opportunity to be a father and be a role model as a father.

So I thank the gentlewoman from Indiana (Ms. CARSON) and the gentleman from Oklahoma (Mr. SULLIVAN) and especially my friend, the gentleman from Nebraska (Mr. OSBORNE), who I am just thankful that he will be coming to Oklahoma to be the presenter for my entry into the Oklahoma Hall of Fame; and I really and sincerely mean that, because as I have told my friend, as the Nebraska coach, we owe him a whole lot. I really want him to come because I want the people of Oklahoma to know the gentleman from Nebraska (Mr. OSBORNE) whom I have grown to love and respect as a fellow human being. But to the gentleman from Nebraska, we thank him so much for being part of our family here. I want to thank the gentleman from Oklahoma (Mr. SULLIVAN) and look forward to having him in Oklahoma. I thank the gentleman for what he has meant to the delegation in bringing this to our attention.

As I go through life, and as some here know, I am going home after this year, and people ask me what I am going to do, and I say I am going home to try to be the best father I can be, to be a papa, and to make memories.

Ms. CARSON of Indiana. Mr. Speaker, continuing my reservation of objection, I thank the gentleman from Oklahoma (Mr. WATKINS).

I too want to add accolades to the gentleman from Nebraska (Mr. OSBORNE) and certainly for the kind words from the gentleman from Oklahoma (Mr. WATKINS) and also to the gentleman from Maryland (Mr. HOYER) and the gentleman from Illinois (Mr. DAVIS).

As we continue this dialogue in terms of these measures that are before us, I think that the gentleman from Oklahoma (Mr. WATKINS) brought up a very valuable point, and I want to insert a very invaluable point, I believe. All children in the inner city are not the stereotypical kind that one would believe. I myself came from an urban area and was born to a teen-age single mother, and the gentleman from Oklahoma (Mr. WATKINS) made a good point that people can make choices about what it is that they want to be, and it is kind of difficult for us to muscle ourselves through life being branded as bastards, illegitimate, and coming from inner city areas. When you look back at some of the national episodes that occurred perpetuated by children that came from two-parent families, I think we have to stress the importance of building on the morals of an individual rather than classifying an individual by environment or by neighborhood or by all of these other systemic kinds of situations.

Continuing to reserve my right to object, I yield to the gentleman from Indiana (Mr. PENCE), whose oratory is almost as good as mine, but it is a joy to have him in the delegation. I was just with him the other night at a dinner. He would not want anybody to know that, but I have to tell that, and I do have a lot of appreciation for the good work that my colleague, the gentleman from Indiana (Mr. PENCE), does; and it is a pleasure to yield to him.

Mr. PENCE. Mr. Speaker, I thank the gentlewoman for yielding and for those kind words and, more to the point, for her original sponsorship of this important resolution tonight and to its author, one of the newest Members of this institution, the gentleman from Oklahoma (Mr. SULLIVAN), who has already begun to make a tremendous impression on all of his colleagues on issues important to the family. And to the gentleman from Nebraska (Mr. OSBORNE), my thanks to him for his leadership on this issue as well.

My father was Ed Pence, who raised a family of four boys and two girls that were the passion of his life until he passed away in 1988 at the young age of 58, leaving all of us to this day heartbroken. And let me say that my father was tough as a father with a drill instructor background. He was at times completely unfair. His punishments were unjustifiable and without appeal, but my father was there, and that privilege for me is one of the greatest evidences of God's grace in my life. And my father's presence in my life and the lives of my brothers and sisters I have tried to emulate and replicate in the lives of Michael and Charlotte and Audrey who sit at our home at this hour watching this important conversation. It is one of the sublime privileges of my life to be their daddy and to try to live up to the high standards of my father. But it was a standard that was set simply by the idea that we really celebrate tonight in the gentleman from Oklahoma's resolution, and that is it is about being there for dads.

Sometimes I wonder in my heart if in the sitcom culture that we have invented today we have not raised the bar too high for fathers, creating some standard where if dad is not there at the end of the day at school talking through every single problem conversation that their child had that somehow that father is not living up to the modern standard of a touchy-feely dad.

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Today in this resolution we simply call on fathers to reconnect: to be promise-keepers, to live out the commitment that is not just biological but begins there and remains spiritual and relational through their lives.

Fatherlessness, as the gentleman from Nebraska said, is an epidemic in America. Forty percent of children who live in fatherless households in the United States have not seen their fathers in a year. Fifty percent of such children have never visited their father's homes. Nearly four out of 10 children born in America today are born in homes where their father will never live. It breaks my heart.

But I think that the leadership that the gentlewoman from Indiana (Ms. CARSON) is providing on this issue tonight is even more important, because if fatherlessness is an epidemic in America as a whole, it breaks my heart to say that in the last 25 years, fatherlessness has become a crisis in black America; that, for whatever reasons, whether they are a consequence of social welfare policies or trends or urbanization, black America, and particularly black American young men, have been growing up increasingly in a generation without their fathers at home. Six out of 10 black Americans today will be born and raised in a home where their fathers are not present, and it breaks my heart.

When we look at the statistics of what happens when dad is not around, children are five times more likely to end their lives in poverty, multiple times to become involved in crime and drugs and premarital sex and gang violence.

We must today come together, Christians and Jews, people of every race and every creed and every background and every party in this country, and declare war on fatherlessness, because it is, as the gentleman from Maryland (Mr. HOYER) said with great passion and eloquence a moment ago, it is something about which the survival of our Nation is tied up.

With this I close. The Bible talks of a time of renewal in the world, when the hearts of the fathers would be turned back to their children. It seems to me that the resolution offered tonight by the gentleman from Oklahoma (Mr. SULLIVAN), by the gentlewoman from Indiana (Ms. CARSON), and the gentleman from Nebraska (Mr. OSBORNE), is all about doing just that, in whatever small way we can in this institution to do our part to turn the hearts of the fathers of America back to their children; to sear their consciences as this Father's Day approaches, and maybe even begin the process in this place of turning Father's Day not into a day where you get a new pair of slippers, a new subscription to Sports Illustrated, some new homemade chiseled gifts and nailed boards, but maybe it is a day when fathers do not receive but they decide to give.

Those of us who have the privilege to call ourselves fathers or to be called daddy by somebody special in the world will recognize this holiday as a day when we can renew, as the gentleman from Oklahoma (Mr. SULLIVAN) suggests, renew and reconnect and rededicate ourselves to our children's lives.

Again, I commend the gentlewoman from Indiana for her passion, her leadership, her testimony, and the gentleman from Oklahoma (Mr. SULLIVAN).

Ms. CARSON of Indiana. Continuing to reserve my right to object, Mr. Speaker, I thank the gentleman from Indiana very much for his input, and I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from Indiana for her early and constant leadership on this issue, and the gentleman from Oklahoma (Mr. SULLIVAN) for his leadership on this issue.

Two reasons, or more than two reasons, I rise to support this resolution: First of all, to pay tribute to America's fathers, many of whom are serving in the front lines of our war against terrorism, many of whom will not be with their children on Father's Day because of that.

I also would like to acknowledge my father, my late father, Ezra C. Jackson, who certainly represented a major force in my life; and then to pay tribute to my husband, Dr. Elwyn C. Lee, who plays a major role, not only in his children's lives, but that of his community.

That is why this resolution is so vital, because it emphasizes the importance and the very vitality of a man's love for his children. It indicates that that steady hand is needed, and the resolution calls for action. It literally asks fathers, wherever they may be, whether they are united with their families or they are not, it asks fathers to make an effort to be united with their children on Father's Day, and for the children to make an effort to be united with their fathers.

It is well known that this resolution also says that 40 percent of children who live in fatherless households in the United States have not seen their fathers in at least 1 year, and 50 percent of such children have never visited their father's homes.

As chair of the Congressional Children's Caucus, I see the poverty of children. When I see that, I am not only talking about the physical poverty, the financial poverty, but also the spiritual and social poverty of children; that when children do not have the steady hand of the dad, we can see the difference; that firm hand, that hand that either plays the local sports, that sits on the front row of that school ceremony, that visits that teacher, that waves you off to school.

There is something about the bonding between father and child, girl or boy, and I am gratified that this House would rise today on the eve of Father's Day to be able to acknowledge the importance of Father's Day.

I am affiliated with an effort called the U.S. Dream Academy. Senator ORRIN HATCH and the gentlewoman from Maryland (Mrs. MORELLA), Senator HILLARY CLINTON, Senator CORZINE, and many others have offered their support for this operation sponsored by Wintley Phipps. The idea of it is to work with children of incarcerated parents, those parents that are in prison.

What they have determined is that a child whose parent is in prison, and in particular, in many instances, it is the male parent, that child is doomed to the cycle of incarceration or imprisonment. The father, again, not in their lives. In many instances, this effort is to boost the child's self-esteem, but also to find ways to ensure that if there can be a relationship, even with that incarcerated parent, and there can be a support system on the outside that bolsters that child's ability to achieve, it is an important program.

This resolution applauds such efforts to create the opportunity for parent and child to be together, and that is for children to be with their parents. It promotes responsible fatherhood, so that fatherhood or the idea of being a father would not denigrate the standing or parenting efforts of single mothers whose efforts are heroic.

We are not trying to condemn or to criticize those individuals who have to raise their children alone, but we are saying to the fathers, wherever they are, they can make a holistic family by coming to those children and raising themselves up as a person to be admired, respected, and someone who wants to nurture and love their children.

We believe, of course, that putting fathers in the lives of children does not condone being abusive. We know there are circumstances where we must separate the children from the family; and, as well, we do not want to keep children or families, rather, or women in abusive relationships. That is not the intent of this resolution. Nor do we want to compromise the health or the safety of a custodial parent. Many times there are restraining orders.

To put all of that aside, we are not attempting to change situations where there is any jeopardy, but what we are saying is that in this Father's Day, this third Sunday in June, we want to make sure that children and fathers have an opportunity to come together.

So we urge in this resolution an understanding, we urge in this resolution love, we urge in this resolution bonding and friendship. I might simply say that we as a Nation understood the principles of motherhood and fatherhood; we have Mother's Day, we have Father's Day. We understand the toiling and the hard work.

We made efforts to ensure that when we built towns to the West, when we said, go west, young man and young woman, we would put together towns around families. The first thing that would be built would be the little schoolhouse.

We even know that the tragedy of slavery unfortunately undermined family systems. There was a great impact on that. We have to continue to mend that psychological crack, if you will. In all of that, we have come full circle to understand the value of fatherhood.

So, Mr. Speaker, I am very honored to join the leaders of this resolution. Again, I want to add my accolades to the gentlewoman from Indiana (Ms. CARSON), because she has been preaching this unity, this message about fatherhood, for many, many years. I am just delighted that she has brought this message to the United States Congress to be able to not only honor our fathers, to pay tribute to them, but also to challenge them to find their children, wherever they might be, and bring them close to them, and they will find great reward in the idea of fatherhood, both for themselves and for their children.

Ms. CARSON of Indiana. Continuing to reserve my right to object, Mr. Speaker, certainly I would like to do a premature congratulations to Alex Nock, who has worked very hard with the staff, and who in October will become a father. So I want to be the first one to tell him congratulations, and certainly to Ms. Nock. We look forward to this explosion of the population, and for him to move into the role that he has so aptly described in this resolution, along with the gentleman from Oklahoma (Mr. SULLIVAN).

Continuing to reserve my right to object, Mr. Speaker, I yield to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentlewoman from Indiana for yielding to me, and I thank and commend the gentleman from Oklahoma (Mr. SULLIVAN) for bringing this, along with the gentlewoman from Indiana, to our attention and to the floor. I would recognize also the gentleman from Nebraska (Mr. OSBORNE) for his leadership on this very important issue.

Mr. Speaker, we have many titles, many things we are called over the course of our lives. During school we have a lot of nicknames, and during my time in business I had a lot of fancy titles, and today we are called Congressmen or Congresswomen. But there is nothing more important than to be called "dad." It is the most important title that I have.

I have had the opportunity to invest in many things that are valuable to me, whether it be my home, buying a car every now and then, or other things. But as my father would always say, my assets sit around the table, and they are the most important, most valuable things that we have.

We have many jobs. I have had many jobs in my life during my 20-year career in business, and I have an important job here serving the people in the Second District of Minnesota.

But there is no more important job that I have, no more important job that any father has, than in being a father to their children. That is really what this resolution talks about, is the importance of that, and the need to really reach out and honor that, thank those that do a good job, and encourage those fathers out there to take a more active role in their lives.

I have had the example in my life, as many have, and unfortunately, some have not, of having a great father to guide me in this path. I can fondly remember the nights when he would tuck me in at night and come over to my bed and say my prayers.

Every night when I am home, which in our role is not often enough, but I always try to take time at the end of the night to go to each child's bedroom, and I am very blessed to have four children, along with my wife, Debbie, and spend time with them talking about their day, saying our prayers, giving them the sign of the cross on their forehead to keep them safe through the night and keep them strong in their faith, and help them grow in their lives.

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But there are 24 million kids that do not have a father to come and talk to them at night or during the day or anytime. And it is those that we really need our hearts to go out to and we should do everything we can to support them in our own way as role models. But the best thing that could happen for them is if their father was more involved. And that is what we are trying to do today, to encourage current fathers and future fathers to play a very important role in their children's lives.

As we celebrate Father's Day, we want to encourage them to remember, all fathers to remember that they have a role not just in bringing your child to life, but in teaching them, teaching them and working with them in their school work, working with them in terms of imparting your faith with them, working with them in helping them learn how to play sports, how to deal with some of the tough issues they face in life and dealing with young kids in their challenges that are giving them a hard time and sharing their stories as the struggles you went through.

So I would just commend and thank all fathers who are doing that today and commend them to redouble their efforts. I would encourage fathers that maybe have not really focused on that as much to really make a resolution this Father's Day to do that more. And I would also speak to the young men of the world that are not yet fathers to say, listen, if you are going to do that, you ought to take that act responsibly and you ought to have a commitment to those children that you bring into this world to bring them up as someone that you would be as happy to say that this is someone I have invested a lot of my life in and I am very pleased how they turned out.

So thanks to the fathers. Thanks again to the gentlewoman from Indiana (Ms. CARSON). Thanks to the gentleman from Oklahoma (Mr. SULLIVAN) for bringing this forward, as well as to the gentleman from Nebraska (Mr. OSBORNE).

Ms. CARSON of Indiana. Mr. Speaker, further reserving the right to object, I thank the gentleman from Minnesota (Mr. KENNEDY). Let me say before I release my right to object, to the coach, the gentleman from Nebraska (Mr. OSBORNE), in particular, because I know what an impact coaches have on the lives of young men, and even though I do not know the gentleman personally, I have observed him, and just his style suggests that he has touched many lives of young people who have been guided in a very positive way.

In Indiana we have Coach Dungy, who is head of the coaches, who is an incredible father himself to his biological children. But he has reached out and embraced other children who did not have the benefit of having the love of a father that he gives to his children. We have Mike Davis, an incredible coach at Indiana University, who has reached out and embraced other children who did not have the benefit of a personal father in their own life.

We have Emil, who just left to coach and went to the Oakland Raiders, who has created an incredible program for the benefit of children, particularly young men who did not have fathers. We have Tim Harris, who is a millionaire, African American, all of the men I have mentioned, African American men who are reaching out doing what they can do for the benefit of young men who are not so fortunate to have a father in their home. But to coaches in particular, they do have a very special segment in the lives of kids.

Mr. Speaker, I just wanted to tell the gentleman how much I appreciate him and the many numerous lives that he has touched along the way in his profession.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 442

Whereas 40 percent of children who live in fatherless households in the United States have not seen their fathers in at least 1 year, and 50 percent of such children have never visited their fathers' homes;

Whereas approximately 50 percent of all children born in the United States spend at least half of their childhood in families without father figures;

Whereas 3 out of 4 adolescents in the United States report that they do not have adults in their lives that serve as positive role models;

Whereas children who are apart from their biological fathers are, in comparison to other children, 5 times more likely to live in poverty, and more likely to bring weapons and drugs into the classroom, commit other crimes, drop out of school, commit suicide, abuse alcohol or drugs, and become pregnant as teenagers;

Whereas the Federal Government spends billions of dollars to address these social ills and very little to promote responsible fatherhood;

Whereas the promotion of responsible fatherhood should not—

(1) denigrate the standing or parenting efforts of single mothers, whose efforts are heroic;

(2) lessen the protection of children from abusive parents;

(3) cause women to remain in, or enter into, abusive relationships; or

(4) compromise the health or safety of a custodial parent;

Whereas children with fathers at home tend to do better in school, to be less prone to depression, and to have more successful relationships;

Whereas boys and girls alike demonstrate greater self-control and ability to take initiative when fathers are actively involved in their upbringing;

Whereas promoting responsible fatherhood can help increase the chances that children will grow up with two caring parents;

Whereas a broad array of America's leading family and child-development experts agree that it is in the best interests of children, and the Nation as a whole, to encourage more two-parent, father-involved families;

Whereas in a study of fathers' interaction with their children in intact two-parent families, nearly 90 percent of the fathers surveyed said that being a father is the most fulfilling role a man can have;

Whereas according to a 1996 Gallup poll, 90.3 percent of Americans agree that fathers make a unique contribution to their children's lives;

Whereas married fathers are more likely to have a close, enduring relationship with their children than unmarried fathers;

Whereas the promotion of responsible fatherhood is a bipartisan issue; and

Whereas Father's Day is the third Sunday in June: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the academic, moral, and spiritual development of children;

(2) recognizes the need to encourage active involvement of fathers in the rearing and development of their children;

(3) encourages each father to devote time, energy, and resources to his children, recognizing that children need not only material support, but even more importantly, a secure and nurturing family environment;

(4) commends the millions of fathers who serve as wonderful, caring parents for their children, while also recognizing that there are children who will have no one with whom to celebrate on Father's Day;

(5) urges mothers to encourage fathers to play an active role in child-rearing;

(6) calls on fathers across the Nation to use Father's Day to reconnect and rededicate themselves to their children's lives, to spend Father's Day with their children, and to express their love and support for their children; and

(7) urges American institutions, and government entities at every level, to promote public policies that encourage and support the efforts of, and remove barriers to, responsible fatherhood.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 442.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INITIAL SCOPE AND SUPPLEMENTAL RULES FOR THE JOINT INQUIRY BEING CONDUCTED BY THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE AND THE SENATE SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I ask that the initial scope and the supplemental rules for the Joint Inquiry being conducted by the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence be published in the CONGRESSIONAL RECORD. Both the Joint Inquiry's initial scope and its supplemental procedural rules were adopted by the full membership of HPSCI and SSCI.

PREAMBLE

To reduce the risk of future terrorist attacks; to honor the memories of the victims of the September 11 terrorist attacks by conducting a thorough search for facts to answer the many questions that their families and many Americans have raised; and to lay a basis for assessing the accountability of institutions and officials of government:

THE SENATE SELECT COMMITTEE ON INTELLIGENCE
AND
HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE
ADOPT THIS

INITIAL SCOPE OF JOINT INQUIRY

Pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, Rule 6 of the Rules of Procedure of the Senate Select Committee on Intelligence, Rule XI(1)(b) of the Rules of the House of Representatives, and Rule 9 of the Rules of Procedure of the House Permanent Select Committee on Intelligence, the two Committees have authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks on the United States. The Committees have undertaken this Joint Inquiry pursuant to their responsibility to oversee and make continuing studies of the intelligence activities and programs of the United States Government and all other authority vested in the Committees.

The purpose of this Joint Inquiry is—

(a) to conduct an investigation into, and study of, all matters that may have any tendency to reveal the full facts about—

(1) the evolution of the international terrorist threat to the United States, the response of the United States Government including that of the Intelligence Community to international terrorism, from the creation of the Director of Central Intelligence's Counterterrorist Center in 1986 to the present, and what the Intelligence Community had, has, or should have learned from all sources of information, including any terrorist attacks or attempted ones, about the international terrorist threat to the United States;

(2) what the Intelligence Community knew prior to September 11 about the scope and nature of any possible attacks against the United States or United States interests by international terrorists, including by any of the hijackers or their associates, and what was done with that information;

(3) what the Intelligence Community has learned since the events of September 11 about the persons associated with those events, and whether any of that information suggests actions that could or should have been taken to learn of, or prevent, those events;

(4) whether any information developed before or after September 11 indicates systemic problems that may have impeded the Intelligence Community from learning of or preventing the attacks in advance, or that, if remedied, could help the Community identify and prevent such attacks in the future;

(5) how and to what degree the elements of the Intelligence Community have interacted with each other, as well as other parts of federal, state, and local governments with respect to identifying, tracking, assessing, and coping with international terrorist threats; as well as biological, chemical, radiological, or nuclear threats, whatever their source (such as the Anthrax attack of 2001).

(6) the ways in which the Intelligence Community's responses to past intelligence problems and challenges, whether or not related to international terrorism, have affected its counterterrorism efforts; and

(7) any other information that would enable the Joint Inquiry, and the Committees in the performance of their continuing responsibilities, to make such recommendations, including recommendations for new or amended legislation and any administrative or structural changes, or other actions, as they determine to be necessary or desirable to improve the ability of the Intelligence Community to learn of, and prevent, future international terrorist attacks; and

(b) to fulfill the Constitutional oversight and informing functions of the Congress with regard to the matters examined in the Joint Inquiry.

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE SUPPLEMENTAL JOINT INQUIRY RULES

In connection with the Joint Inquiry with the Senate Select Committee on Intelligence into the events of September 11, 2001, authorized by the House Permanent Select Committee on Intelligence ("HPSCI") pursuant to Rule XI(1)(b) of the Rules of the House of Representatives and Rule 9 of HPSCI's Rules of Procedure, and pursuant to Rule XI(2)(a) of the Rules of the House of Representatives, HPSCI adopts the following Joint Inquiry Rules to supplement HPSCI's Rules for purposes of the Joint Inquiry only:

JOINT INQUIRY RULE 1. JOINT PROCEEDINGS

1.1. HPSCI may conduct hearings jointly with the Senate Select Committee on Intelligence. All joint hearings shall be considered hearings of both Committees.

1.2. The Rules of Procedure of HPSCI and the Senate Select Committee on Intelligence shall apply in all hearings and other proceedings of this Joint Inquiry, except where superseded by these Joint Inquiry Rules, provided that, at any joint hearing, if any rules of the two Committees are inconsistent, the rules of that Committee whose Chairman or his designee is presiding shall apply.

1.3. For the purposes of the proceedings of this Joint Inquiry, all employees on the staff of either Committee working on the Joint Inquiry shall be considered to be acting on behalf of both Committees.

JOINT INQUIRY RULE 2. HEARINGS

2.1. All testimony at hearings shall be taken under oath or affirmation.

JOINT INQUIRY RULE 3. DEPOSITIONS

3.1. All testimony taken, and all documents, records, or other materials produced, at a deposition of the Senate Select Committee on Intelligence shall be considered part of the record of both Committees.

HONORING MARTIN AND GRACIA BURNHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I humbly stand before you today to honor Martin and Gracia Burnham, who are pictured here in a photograph from over a year ago.

Today is the day I had been looking forward to for over a year, a day when I could finally tell you that Martin and Gracia Burnham are no longer being held hostage by Muslim terrorists, but it is bittersweet.

The Burnhams' captivity by Muslim terrorists in the Philippines is finally over at 377 days and on Monday, Gracia arrived home in Kansas and was joyfully reunited with her three children, Jeff, Mindy and Zach. But I am deeply saddened to tell you that Martin will not be returning to Kansas. Martin was mortally wounded in rescue and has gone on to be with our Lord and Savior, Jesus Christ.

Martin was born in Wichita, Kansas, on September 19, 1959, the eldest son of Paul and Oreta Burnham, who served as missionaries and now reside in Rose Hill, Kansas, just outside of Wichita. Gracia is daughter of Reverend Norvni and Betty Jo Jones of Arkansas. Martin and Gracia met at Calvary Bible College in 1982 and were married in 1983. In 1986 they went to the Philippines where they have been and since have served as missionaries with the New Tribes Mission.

Martin and Gracia's three children, Jeff, 15; Mindy, 12; and Zach, 11, were all born in the Philippines. During their years of service, Martin was chief pilot for New Tribes Mission. He flew supplies to missionaries in remote locations, and Gracia assisted in a variety of roles supporting New Tribes Mission aviation program. Martin has been commended as a skillful pilot but is known more for his friendliness and strong faith.

Gracia is appropriately named, and I have heard stories from her loved ones over the past few years and found them to be true when I had a chance to meet her on this Monday. I was in complete awe of her boundless spirit and vivaciousness. It was her grace and peace, however, that truly amazed me. I could feel the presence of God within her. It is no wonder that Martin and Gracia have touched so many hearts or that so many people across the world have been involved in efforts to free them.

Martin and Gracia were captured last May while on vacation to celebrate their 18th wedding anniversary. They were taken hostage and held for ransom because they were Americans. But Martin and Gracia's ministry did not end with their capture by terrorists. During the past year, they never lost their faith or joy of life despite their frail condition and the terror they endured.

Fellow captives who were freed earlier spoke of their love and strength. Martin and Gracia comforted their fellow hostages, shared their food and supplies, and helped raise their spirits through singing, telling stories and even reciting recipes.

Gracia became a mother figure to her fellow hostages, and Martin always graciously offered to carry things for both terrorists and other hostages. Martin and Gracia praised God and thanked Him for each day. Martin even reached out to the terrorists and tried to show them the ways of Christ. He constantly prayed for them.

On June 7 before Martin's death, he and Gracia prayed together and thanked God for his faithfulness and lay down for a nap. Martin stated, "We might not leave this jungle alive but at least we can leave this world serving the Lord with gladness." He left the world serving the Lord with gladness and Gracia continues to do so.

I also want to honor Martin's parents, Paul and Oreta Burnham. For the past year they have taken care of Jeff, Mindy, and Zach. They have worked tirelessly to do all they can to bring Martin and Gracia home. I have been impressed with their humbleness, their strength and their faith. The Burnham family has shown us the power of faith and love. As Rhonda Holman, editorial writer for the Wichita Eagle said, "Confronted by humanity at its most evil, they exemplified humanity at its best, responding not with fear and despair, but with unflagging hope. As they adjust to bittersweet events of Friday, may the Burnhams realize how deeply they have touched and inspired us with their strength."

Over the past year, many of us who never met Martin and Gracia came to know and love them. We often felt helpless. Our prayers were heard by the Burnhams as Gracia told us in her first statement to the world following her captivity, she said, "We want to thank each and every one of you for every time you remembered us in prayer. We needed every single prayer you prayed for us during our ordeal in the jungle."

The outcome was not what I had hoped for or worked for or prayed for but I believe our prayers did make a difference. Please continue to pray for the Burnham family and their family and friends.

In closing let me share a couple of stanzas from a poem written by a friend of the Burnhams, Ted Miller. It is called the "Final Score." The poem goes, "We thought of you both every day, wondered what it was like, guns shooting, grenades going off, an all day jungle hike. It may be over in the jungle, but it will not all be left behind. May God pour out more grace on you and give you peace of mind.

"Martin said if he had to go, a martyr would be the way. Enjoy it Martin, we will join you soon, just one last thing to say. If bin Laden's bunch is keeping score, you may have killed my hero, but let me tell you the final score, Heaven one, terrorists zero."

Mr. Speaker, the poem in its entirety is as follows:

FINAL SCORE

We all know Martin and Gracia, even if we have never met.
They were on our radios, church prayer requests, on our TV sets.
I remember that famous video, in my mind it's still planted,
All Gracia wanted was privacy, things I take for granted.
We all could probably confess, we never seem content,
That little short video changed my life, you can not know what it meant.
All this was no accident, this last year fits Gods plan,
While we were in our comfort zone, The Burnhams hid and ran.
But Gracia let me tell you, through all the hunger and pain,
We have grown closer to the Lord as one, no one died in vain.
Your families have held the ropes for you, they always did their best,
They pleaded for prayers, pleaded for help, never seem to rest.
We always knew how to pray for the kids, constant specific updates,
The things they missed about mom and dad, Gracia your funny cakes.
All these things that seem so small, your kids did not let go,
What a testimony they have been, as time passed so slow.
We thought of you both everyday, wondered what it was like,
Guns shooting, grenades going off, an all day jungle hike.
It may be over in the jungle, but it will not all be left behind,
May God pour out more grace on you and give you peace of mind.
Thanks for the opportunity to pray for you, what a blessing that it was,
God is still on the throne, we are excited to see what he does.
I thought of Gracia and Martin, shot, wounded on the ground,
As Martin slipped off to be with God, I think he heard this sound.
Thousands of angels welcoming him home, then there is the SON,
Welcome home Martin Burnham, well done my child well done!!!
Martin said if he had to go, a martyr would be the way,
Enjoy it Martin, we will join you soon, just one last thing to say.
If Bin Ladens bunch is keeping score, you may have killed my hero,
But let me tell you the final score, Heaven one, Terrorists zero—Ted Miller

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NATIONAL MEN'S HEALTH WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to call attention to this Nation's observance of National Men's Health Week which takes place this year from June 10 to June 16.

In May of 1994 Congress sent to the President a joint resolution establishing the week leading up to Father's Day each year as National Men's Health Week. It was signed by President Clinton on May 31, 1994, and became Public Law 103-264. The resolution requested our chief executive to issue a proclamation calling upon the people of the United States to observe this week with appropriate programs and activities.

As our sons and daughters across America scurry about this week to buy that special Father's Day gift and card, and as I wish my 90-year-old father and my 98-year-old uncle and my 88-year-old uncle and my 78-year-old uncle, I wish them all a happy Father's Day, I can think of no better way to honor our present and future generations of fathers than to learn more about the unique challenges men face and how we can help them preserve the precious gift of good health.

□ 2115

All of our citizens have benefited greatly from the strides made by medical science, but despite these advances, a review of our health statistics show that the health status of American men, and especially many of our ethnic minorities, lags far behind the rest of our citizens. The average life expectancy at birth for all men in the United States is 74.1 years, more than 5 years less than for women. The gap widens to almost 7 years when comparing the life expectancy of black males, which is 68.3 years, to white males which is 74.8 years.

I am especially concerned about the number one illness that contributes to the reduced life expectancy for men, heart disease. Despite the wealth of world class hospitals in Chicago, a study conducted by the Centers for Disease Control and Prevention in the year 2000 found that Illinois has the Nation's third highest rate of death from heart disease among African American men. According to the American Heart Association, all men have a greater risk of heart disease and heart attacks much earlier in life than women. Men must take this disease more seriously and understand that this killer can and should be prevented.

In addition to the disproportionately higher rates of heart disease and other illnesses among African American men, census data has confirmed the tremendous growth of the Latino population in the United States. Hispanic men are also affected more than other groups by illnesses that can often be prevented or treated successfully if detected early. Hispanic Americans are almost twice as likely to have diabetes as non-Hispanic white Americans of similar age.

We can and must do more to educate all men about this disease. People with diabetes are also two to four times more likely to have heart disease and suffer from stroke. Advanced diabetes can cause blindness, kidney disease and severe nerve damage. The risk of getting diabetes, as well as many other illnesses, can be reduced by lifestyle changes such as maintaining a healthy weight, eating a healthy diet and exercising.

Another public health concern that can be reduced with proper health, education and screening is the rate of illness and death from HIV/AIDS. Approximately 35,000 people are living with HIV/AIDS in Illinois. More than three-quarters of those people are estimated to live in the Chicago area. Chicago ranks sixth in its number of living AIDS cases among the 100 largest U.S. Metropolitan Statistical Areas, and Illinois ranks seventh among all States in the United States. Communities of color are disproportionately affected by HIV/AIDS in Chicago and throughout Illinois. More than two-thirds of living AIDS cases and more than three-quarters of new cases occur among African Americans.

Directly related to this is data from the 1999 National Household Survey on Drug Abuse showing that Illinois ranks fifth in estimated numbers of people who recently used illicit drugs.

Heightened awareness of what men can do to protect themselves and their loved ones from AIDS, heart disease, preventable accidents, diabetes and other health risks is what National Men's Health Week is all about. Therefore, Mr. Speaker, I would urge all men throughout America and, quite frankly, throughout the world to pay more attention to our health so that not only can we maintain better health but so that we can continue to observe and have far more happy Father's Days with more fathers who are healthy, alive and well.

PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. KELLER). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about an issue that we in Congress and most Americans are becoming painfully aware of, and that is, the differential between what we pay for prescription drugs in the United States and what people around the rest of the world pay for the exact same drugs made in exactly the same plants, under the same FDA approval.

What I have here tonight is a chart which shows what I think are 15 of the most commonly prescribed drugs in the United States and a comparison which was done. These are not my numbers. These were done by the Life Extension Foundation, and they have been studying this issue for a number of years and probably have done a better job of assembling raw data about the differentials, and I would like to go through some of the numbers on these charts.

Let me talk about, for example, Glucophage. Glucophage is an amazing drug, and let me first of all say, I am not here tonight to beat up on the pharmaceutical industry. They have done some wonderful things. We are all living longer and better quality lives because of the research that they have done, but Glucophage is a very important drug for diabetes.

The average price for a 30-day supply of Glucophage in the United States is $124.65. That exact same drug in Europe, again made under the same FDA approval, sells for $22. That is six times as much for the same drug, and that is a very important drug for the millions of Americans who suffer from diabetes.

Let us take another drug that is very common, commonly prescribed particularly for older women, women who are beyond menopause. Let us take Premarin. It is actually a fairly simple drug to make. In the United States, a 30-day supply sells for $55.42. That same drug in Europe sells for $8.95, and we do go down the list and we see it repeats itself.

Let us take a very commonly prescribed drug, one that my 85-year-old father takes. It is Coumadin. It is a drug that is used as a blood thinner, and the interesting thing, when most people start on these, particularly seniors, they do not just take them for a week or a month. Most of them will be on those drugs for the rest of their lives. So we are talking about huge expenditures when people start down the path of having to take these drugs.

They are important drugs, but let us take Coumadin. The price in the United States for a 30-day supply, $64.80 cents. That same drug in Switzerland sells for $15.80 on average. What a difference.

We are going to have a big debate in the next several weeks about whether or not we should extend Medicare coverage and have a new prescription drug benefit, and I think clearly if we were reinventing Medicare today, as they did in 1965, we would include a Medicare benefit, but this is not so much shame on the pharmaceutical industry because they are doing what any company would do, and that is, they are maximizing profits. It is shame on the FDA for doing this to our seniors, and it is shame on us for letting it happen.

Let me show you another chart. One of the things that disturbs me is how much the price of prescription drugs has gone up. In the last year we have numbers, the average Social Security recipient received a cost-of-living adjustment of 3½ percent. Prescription drugs went up 19 percent. We hear stories every day about these seniors who have to make difficult, painful choices that no American should have to make, and a big reason is because of the price.

What does this mean ultimately for the budget? I have a plan to make it easier for Americans to import through their pharmacist or by themselves these prescription drugs from other countries. My vision is that people would be able to go to their local pharmacy, and if they wanted the prescription filled today, they could literally pay the American price but the pharmacist would be able to say, listen, I can fill it today and the price for that Coumadin would be $64.80, or I can have this prescription filled in Geneva, Switzerland, and the price will be $16.80 and it will take three days and we will ship it FedEx and then the person will have it. I think many Americans would choose that option.

Let me talk about the numbers because this is a very big number. This is $1,800,000,000,000. That is $1.8 trillion. Even in Washington that is a huge number. What is $1.8 trillion? That is what the Congressional Budget Office tells us that senior citizens, people 65 and older, will spend on prescription drugs over the next 10 years. I am convinced that if we open up markets, if we allow people to buy drugs from other countries we can save at least 35 percent. If we multiply that out, it is $630 billion that we can save seniors. It is time to open up markets. It is time for Americans to pay their fair share of the cost of developing new drugs, but it is time to say that we will stop subsidizing the starving Swiss.

PERMANENT MARRIAGE PENALTY RELIEF ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. TERRY) is recognized for 60 minutes as the designee of the majority leader.

Mr. TERRY. Mr. Speaker, I claimed this time tonight because I wanted to talk to America about an important bill that we have on the floor tomorrow. It is H.R. 4019. It is called the Permanent Marriage Penalty Relief Act. I am proud that the 107th Congress on 22 occasions over the last year-and-a-half has passed 22 tax reduction measures.

I am not going to come before my colleagues tonight and say that all taxes are bad or not necessary, but I will come before my colleagues and say what I strongly disapprove of, and one of the reasons why I ran to be in this House and fight for American families is to free them from the burden of excessive taxes.

Also, though, because American families today are spending about 22 percent of their income, more than that, it is the greatest percentage of income going to Federal taxes since World War II. Our taxes have become excessive and burdensome, and because of that, we are forcing more and more married couples, more and more people into the workforce, to make ends meet, because those same families are paying more for taxes than they are for their housing and their food, the daily necessities of life, and I think that is wrong.

In that totality of taxes that I think are excessive and that we need to lighten the burden and trust people with their own money, sometimes there are individual type of taxes that are just plain wrong; just plain wrong.

Last week, we voted to permanently repeal the death tax. I thought that one individually was wrong. I am thankful that tomorrow that this body has the opportunity to give working families, mothers and fathers, permanent tax relief on the marriage penalty.

What is the marriage penalty? First of all, I am going to in a second introduce the gentleman from Illinois (Mr. WELLER) from the Committee on Ways and Means, because he has dedicated his congressional life to this issue. As we near Father's Day, I will call him the father of marriage penalty relief, because he has been a pit bull and obsessive, thankfully on this issue, but what happens is in American families, as I mentioned earlier, we take so much of their tax monies, tax money away from them, and it forces them to make decisions like perhaps working longer hours or both parents working, when that may not be their choice. Because they both work in our tax structure, they, because they are married, will pay more in taxes than if they were single.

□ 2130

It is the marriage penalty. What is worse is it hits those families that earn from $20,000 to $70,000. It is not the wealthiest, who pay their share; but it hits the hard-working families where each earn between $20,000 and $70,000 the hardest. That is just fundamentally unfair. That is morally wrong, to tax marriage. The fact that they just walked down the aisle and said "I do," and now have to pay more in taxes is just fundamentally wrong. It hits the middle-class families the hardest. That is fundamentally wrong.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. WELLER). Earlier I mentioned that the gentleman has exercised dogged determination in his career to right this wrong.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Nebraska, who has been a real leader in bringing about tax relief. The gentleman and I share a common goal, and that is bringing about a recognition in government that taxes are too high, that working Americans work too long to pay their taxes, that we believe in the Republican majority that the American people can better spend their hard-earned income back home taking care of their families' needs than we can here in Washington.

And while the government needs some revenue to fund the activities of the Federal Government, we also need to recognize that families struggle, and we need to find ways to ease the burden on working families. That is why I was so proud just a year ago when the President signed into law the first major tax cut since Ronald Reagan was President. Prior to Ronald Reagan, it was John F. Kennedy, so it seems like every generation has a major tax cut. And now George W. Bush. But it was the commitment of the House Republican majority that drove this debate, even though we had essentially a hostile President in the White House under President Clinton, who did not share the view that taxes were too high. We continued to be persistent, and with the election of President Bush, we found an ally in our goal in bringing about across-the-board tax relief that benefits American taxpayers and that addresses the issues of fairness in the Tax Code.

I would note that what we nicknamed the Bush tax cut benefits over 100 million American tax-paying households who have seen their taxes lowered as a result of the House Republican majority, and signed into law by President Bush.

Mr. Speaker, 3.9 million tax-paying households, low-income families, no longer pay Federal income taxes because the Bush tax cut was signed into law. Unfortunately, one thing we discovered, sometimes we find that Washington works in a strange way. It is interesting in Washington, we can raise taxes permanently like Bill Clinton and the Democrats did in 1993, we can increase spending permanently, but you will find rules somewhere in the Congress that make it hard to permanently cut taxes.

Unfortunately, there was a rule in the other body which prevented permanency to the Bush tax cut, permanency to the across-the-board rate reductions, permanency to the elimination of the death tax, permanency to our efforts to increase opportunities to put more into your IRA and 401(k) for retirement savings, for education savings accounts for your children's education, and also our efforts to eliminate the subject of tonight's Special Order, the marriage tax penalty.

I commend the gentleman from Nebraska and the majority of this House for sharing a view that many of us have argued over the last several years that the marriage tax penalty is essentially a fundamental issue of fairness. The most basic institution in our society is marriage. Around marriage we build our families. Unfortunately, under our Tax Code for almost two generations, we taxed marriage. I felt, as I know many of my colleagues did, that it was a legitimate argument to come to this floor and say is it right, is it fair that under our Tax Code, that we actually taxed married couples more in taxes, higher taxes, just because they were married. In fact, on average, 23 million married working couples on average were paying about $1,400 in higher taxes last year than identical couples living together outside of marriage.

Essentially our Tax Code was saying the only way to avoid the marriage tax penalty was to get divorced or not get married in the first place. That is wrong. We believe the Tax Code should be marriage-neutral.

I am proud to say that several times this House Republican majority brought legislation to the floor and we passed out of the House of Representatives legislation supported by every House Republican, and I also want to note that up to 62 Democrats joined with us. We had bipartisan support for legislation which would permanently wipe out the marriage tax penalty.

Unfortunately, when we passed into law the Bush tax cut, it was a 10-year program which meant in the year 2010, the marriage tax penalty relief would expire; and for a projected 45 million married working couples, they would see almost a $42 billion tax increase because their taxes were going to be higher because the marriage tax penalty was going to be reimposed. Is that right? Is that fair? I think not.

Let me explain how the marriage tax penalty occurs. The marriage tax penalty occurs when a husband and wife get married. They are both in the workforce and file their taxes jointly. When they do that, their combined income usually pushes these married couples into a higher tax bracket. That produces the marriage tax penalty.

I have a couple here I would like to introduce to my colleagues in the House. Jose and Magdalene Castillo of Joliet, Illinois. They have two children, Eduardo and Carolina. They have a combined income of about $82,000. They are a middle-class working couple in Joliet, Illinois. In their case, prior to the successful passage into law of the Marriage Tax Elimination Act this past year, the Castillo family suffered about $1,125 in higher taxes just because they are married.

Now, the question before this House tomorrow, we are going to propose legislation to be voted on in the House tomorrow which will make permanent the elimination of the marriage tax penalty. Really, the question is for 45 million married working couples like Jose and Magdalene Castillo, do we want to reimpose the marriage tax penalty? I think not.

My hope is that over tomorrow's debate we will see an overwhelming bipartisan majority who will vote to make permanent the elimination of the marriage tax penalty, so the marriage tax penalty will be one of those things that we used to talk about that used to exist in the Tax Code because the Tax Code is complicated and we are working in this House to make the Tax Code simpler, and that means making the Tax Code more fair.

By eliminating the marriage tax penalty for Jose and Magdalene Castillo, we are not only making the Tax Code more fair, we are simplifying the Tax Code. My hope is tomorrow an overwhelming majority in the House will join with us, and the Senate will follow suit, and we will send to the President legislation which will make permanent elimination of the marriage tax penalty.

Mr. TERRY. Mr. Speaker, according to the 2000 census, in the gentleman's district it is 59,536 couples that are affected by our current Tax Code. In my district of Omaha, Nebraska, it is 58,000 couples that have to pay more in taxes. When your great couple from your district, Jose and Magdalene Castillo, got married and said "I do," I do not think it was to more taxes just because they went down the aisle together and did what we hoped that they would do and formed this bond, formed this family.

Mr. Speaker, we should not have a tax policy that is antifamily, antimarriage. We have heard stories on news programs throughout the years, older couples in particular, younger couples that refused to married, older couples that would get divorced because of the tax that they have to pay. If we are going to be a country that embraces family, embraces marriage, then we have to have a tax policy that walks the walk. I thank the gentleman for all the work he has done.

It has been mentioned that we passed marriage penalty relief in my two terms here. Just thankfully we have a President this time that agreed with it the last time around. Even in the first few months of the 107th Congress when this was a solo vote and the Senate had not taken it up yet, 282 Members, very bipartisan vote. It dropped a little bit when we had the Bush tax plan. We lost about 40 Members. In the Senate they could only get to 58.

The gentleman from Illinois (Mr. WELLER) mentioned this quirky rule that they have where it takes a supermajority of 60 votes to make reduction of revenue, i.e., a tax cut, they need 60 votes to make it permanent over there. We did the right thing and we negotiated a 10-year plan, a phase out of 10 years of a lot of these taxes. The marriage penalty is phased in much quicker to give these families relief.

Now we want to make sure we are doing the right thing for these families, these 45 million Americans, that it is made permanent, because in essence what we are going to say to these couples in the year 2011 is that you are going to have your taxes increased. You are going to raise taxes on over 3.9 million African American families out of that.

Mr. Speaker, does the gentleman from Illinois (Mr. WELLER) have any statistics, and my impression from some of what I have read, some of this tax actually hits minorities harder, and so I am just pleased that hard-working families will get some relief, and they deserve to have it made permanent.

Mr. WELLER. Mr. Speaker, if the gentleman would yield briefly, I would note in the legislation we passed out of the House of Representatives that was signed into law by President Bush, we helped an estimated 45 million married working couples in a number of ways. When you are a taxpayer, you are an itemizer, nonitemizer, if you are a low-income working family, part of the working poor, earned income tax credit, only out of that 20 million married couples received marriage tax relief through the Bush tax cut through the doubling of the standard deduction to twice that for single people. Those who do not itemize their taxes use the standard deduction.

And for the middle class, those in the 15 percent bracket who itemize their taxes, homeowners, those who give to their church, temple, mosque, they are homeowners and itemize their taxes, we widened the 15 percent bracket so they can earn twice as much in income and stay within the 15 percent as a single person. There are 20 million when you take advantage of the 15 percent widening which are the itemizers. And 4 million poor families, low-income families, benefit from the marriage tax relief that we provided in adjusting the eligibility for the earned income credit. Four million working-poor families who struggle, and thanks to Ronald Reagan received the earned income credit.

□ 2145

They would lose that marriage tax relief, that opportunity to have a little extra income to take care of their family's needs, if this is allowed to expire. That is just one more reason why I believe we need to make it permanent, because we do not want to see a $42 billion tax increase on 45 million married working couples who would be forced to pay higher taxes just because they are married. My hope is tomorrow when we debate making permanent the marriage tax relief that was part of the Bush tax cut, that an overwhelming majority of this House will vote in a bipartisan way to make permanent the elimination of the marriage tax penalty.

Mr. TERRY. Mr. Speaker, we have been joined by three of our good colleagues that have fought hard and feel strongly on this issue.

I yield to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. I thank the gentleman from Nebraska for yielding. I also thank and congratulate the gentleman from Illinois (Mr. WELLER) for his great efforts on the marriage penalty.

There are few issues that I feel more strongly about, and one of my main goals coming here to Washington was to eliminate the marriage penalty. I am very pleased that at least over the course of the next 10 years that we have accomplished that. It is a major goal that we have achieved, but our work is not yet done. I do not understand why we tax marriage. We as a Congress, we as a government, we as a people should be working to strengthen marriage, to strengthen families. Families are the foundation really for the strength of our country. We should do all we can to bolster it. When we charge married couples an average of $1,400 more just for being married, we are discouraging them from getting married. This makes no sense. They should not get that extra gift from Uncle Sam when they say "I do." Something that makes this very personal to me is when I think about my son or daughter coming to me in a few years, maybe after this 10-year period, so I have to get this permanent, and saying, "Dad, you've taught us well. You've taught us how to look at the numbers really well and we have noticed that it is going to cost us $1,000, $2,000, $3,000 more to be married. So what we are going to do is we are just going to live together, but we are going to put that $1,000 or $2,000 to good use and we'll do good things with it."

I do not want to have that conversation and no parent should have that conversation and no couple should struggle with those issues. We should be helping them to the greatest extent possible. We should be making this permanent. It is a shame that we were not able to make this permanent before. We were two Senators short, unfortunately, as the gentleman from Nebraska mentioned, and any of many States could have provided us those two Senators. We will not name any States in particular, but this is critical that we get it permanent. It is also bad budgeting. The budgeting after 10 years assumes that we are going to let the marriage penalty go back up. I know if the group that we have in this room and those that have worked so hard on the marriage penalty have anything to do with it, we are not going to let the marriage penalty tax be increased and brought back to life again in 10 years.

I strongly encourage all my colleagues to vote "yes" on tomorrow's resolution to back American families, to back marriage, to help the children that will come from that and to help the strength that comes from taking the bonds of holy matrimony.

I again thank the gentleman from Nebraska for having us here today and for his leadership as well as the leadership of the gentleman from Illinois.

Mr. TERRY. The gentleman from Minnesota (Mr. KENNEDY) has provided great leadership. The citizens of Minnesota should be pleased with his leadership on this issue. Probably the 59,000 affected couples in his district should thank him.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding. It is hard to speak with so many distinguished members of the Committee on Ways and Means here because you guys, we know, are the tax experts. But back in our little old briar patch, we know a thing or two about fairness. I do not think we even need to debate this, and the liberal Democrats would even admit that the marriage tax penalty is unfair because in essence you cannot carry your tax deduction with you. When you walk down the aisle, leave your deduction outside the church because you are fixing to lose it, as we would say.

The issue, I think, that is underlying this, and I think you have covered the substance of the bill pretty well, is just the fact that the liberals, particularly those on the other side of the Capitol, and this is a bicameral body, this legislative body. It is very similar to the Georgia legislature where we had a House and we had a Senate. This is a similar institution. When the House passed something, the Senate would pass something or the Senate would amend it. In this case we have got a body who hates tax reductions. Period. Fairness does not matter, all that matters is income, so they can go out and spend more money.

I always say that if I was walking down the street with two of the liberal Democrats from Washington and I had $15 in my pocket and they did not have any, the two of them would vote on who was going to pay for lunch and it would end up being me, and in their view that is fair. They did not have any money and I had money, so they voted and I have to pay for lunch, and that is fair. We all laugh about that, but I will tell you this. Look at it this way. Say you had a thousand people walking down the street or a thousand people in the room, and of that thousand people, 999 did not have any money, but one person had a whole lot of money. And so the 999 voted and said, "You're going to be paying a little bit more, you're going to be paying extra, and you're going to be paying for all of us." They would say obviously that person who had money must have done something wrong, must have gotten real lucky, must have cut some corners short, and so of course it is fair. That is the view of so many Washington liberals of the tax dollars that our constituents back home make.

One of our colleagues today said, if you really want to know the truth of the matter, talk to somebody who has oil on his hands or dirt on his fingers and his sleeves rolled up in America and they can give you the view, and in about 3 seconds, the American workers back home would say the marriage tax penalty is unfair and ridiculous, get rid of it. And so the only question here tonight is, why are we not getting rid of it? It is because of this other body. The House has passed this over and over again.

The gentleman from Illinois (Mr. WELLER), as you pointed out earlier tonight, has practically made a career in this. I expect he has had a very spectacular career, made a great contribution to the governmental process, the debate process up here, but the reality is the folks on the other side of the Capitol love taxes and they block it every single time.

I know our good friend from Arizona is here just chomping to get at the bit.

Mr. TERRY. Mr. Speaker, the 62,397 married couples who have been hit by the marriage penalty in the gentleman from Georgia's district I am sure thank him for his leadership on this issue.

I want to bring into our discussion here the gentleman from Arizona (Mr. HAYWORTH) who, because of his leadership and vote tomorrow, the 52,429 married couples in his district will be trusted with more of their money.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleague from Nebraska for yielding, my friends from Illinois and Georgia who join us here tonight, Mr. Speaker, and I stand in the well alongside my friend from Nebraska, traditionally at the podium given to our friends from the Democratic Party. I do so tonight to signal the fact that our vote tomorrow should be a vote that does not accentuate party lines, that when people go and register for a marriage license, they do not declare a political party preference, they are not required to register as Democrats or Republicans or independents or libertarians or vegetarians, they go and apply for a marriage license.

Tomorrow, Mr. Speaker, it is my fervent hope that we will see a bipartisan vote to restore rationality and common sense to the peculiar situation we find because of a quirk in the rules where we have failed to make this marriage tax relief permanent.

Mr. KINGSTON. If my friend would yield, I just want to say that quirk is, of course, there on purpose by the liberals who like to collect tax dollars and so I just wanted to emphasize a point that the gentleman has made several times in the past.

Mr. HAYWORTH. I thank my friend for making the point. I would appeal to all who come here, when you talk about tax fairness, there is nothing fair about penalizing people for getting married. I think back almost a decade and a half ago now to the news that I took my mom, when Miss Mary and I decided to get married, she said, "Oh, honey, I'm so excited for you. After all, two can live as cheaply as one." My mom is a wise woman, but she is not a certified public accountant and she was not dealing with the Tax Code, because we have seen in so many cases for so long when couples would stand at the altar and say "I do," they were unwittingly saying "I do" to higher taxes. And now with a commonsense reform that we have embraced on a bipartisan basis in this body, others on this Hill with a clever rule differentiation seek to take it away, we simply go on record tomorrow reaffirming that the Tax Code should have real fairness, that there should not be a penalty for marriage.

Indeed, confronting the challenges we confront in a society, knowing how beneficial it is to have healthy, happy households where men and women in a loving relationship of marriage bring up their children, there is no reason to penalize people who work hard and play by the rules.

And so tonight we come here to reaffirm our belief that we should rescind the marriage penalty permanently and tomorrow this House has a chance to go on record saying "I do" to lower taxes, taking away this barrier of discrimination that has affected the institution of marriage and taking another step for true tax fairness.

Mr. Speaker, tomorrow again we will hear the tired old arguments of class warfare. Let me simply reaffirm what we have found through the years when we reduce the tax burden, whether it is on businesses or on families or on individuals. When the tax bite is reduced and money is put to work in terms of saving and investment and spending for those items that families need, something very interesting happens. Revenues to the Federal Government actually increase. So I come to this particular position in the well tonight symbolizing the fact that we appeal to our friends on the left, not as a Republican versus a Department issue, but as an American commonsense point of view, to permanently rescind this penalty, to make good on the efforts my friend from Illinois has championed for so long, to recognize the commonsense value that there is no need to attach an economic stigma to the institution of marriage. And now as my friend, the gentleman from Nebraska (Mr. TERRY) points out, if we in fact have people tomorrow vote against making this permanent, in essence what they are doing is calling for a tax increase on every married couple. They are calling to add back taxes to their family budget.

I understand in Washington, Mr. Speaker, that $1,400 on average, that is not even in Uncle Sam's change scoop on his dresser drawer. I mean we deal in millions and billions of dollars, but I would submit, as my colleague, the gentleman from Illinois (Mr. WELLER), has made clear so many times, $1,400 is real money to a family, in terms of a college fund, in terms of making educational opportunities available, in terms of saving for the future, in terms of buying clothes for the family, in terms of orthodontia for children, in terms of real life, real budgetary decisions made around the kitchen table. The common sense of making this tax relief permanent cannot be denied and, yes, we can have those denizens of class warfare come out and play this warped game where they define fairness in a deranged way that my friend, the gentleman from Georgia (Mr. KINGSTON), pointed out, the theater of the absurd so clearly to us in this body mere moments ago, but the fact is there is no reason to deprive families of money that they can save, spend, and invest for their own futures and in so doing help our country, because the economic activity in the long run will actually increase revenues to the government because people are willing to put their money to work in effective spending for their family or savings or investment for the future, and we are not talking about something that is a drop in the bucket. We are talking about millions of American families here.

Mr. TERRY. Mr. Speaker, is the gentleman from Arizona (Mr. HAYWORTH) telling me that it is not a cost that we are going to hear about, how it is costing the government to give these families this relief?

Mr. HAYWORTH. Mr. Speaker, let me let the gentleman in on a little secret. The gentleman from Nebraska (Mr. TERRY) asks a very pertinent question, and given the curious mathematics of Washington, let us point out at the outset that we could take every economist in the world, lay them end to end, and still never reach a conclusion. But part of the peculiarities of the way in which we practice accounting in Washington, D.C. is with a bias towards spending. We call it static scoring. That is to say, we fail to take into account the history that we have seen for the better part of close to 50 years in the United States.

For example, and again I am glad to stand here in this portion of the well, because we can point to a Democratic chief executive, John F. Kennedy, who in the 1960s cut taxes across the board.

□ 2200

This is an approach that was reaffirmed by Ronald Reagan in the 1980s and by our own current President, George W. Bush, just 1 year ago. The premise, as it has turned out, and check the numbers, as we say in baseball, you could look it up, revenues to the government actually increase when you cut taxes across the board. If we cut taxes on these millions of American families, I have every confidence that, in the long term, revenues to the government will increase, because money is being put to work on behalf of these families.

Again, it comes down to this realization, Mr. Speaker: This money is not money that belongs to the Federal Government; it is money that belongs to the American people. When that money is put to work, through prudent spending, wise investment and making the money work for the families of America, it returns to the Federal Government in terms of tax revenue. Yet you would not know it from the culture of the forecasts and the evaluations of the static scorers who fail to let reality be taken into account in terms of their ledger sheets. That is the reality with which we deal.

But in Washingtonese, what we will hear tomorrow is a parade of speakers stating flat out that the American people are not entitled to their money, stating somehow in bizarre fashion that the marriage penalty is a quirk, a curiosity, and, I dare say, coming to the floor, speaker after speaker, as prisoners of process, rather than champions of policy.

So, again, my appeal, and I realize it is a challenge with 100-plus days to a midterm election, and I realize it is difficult for many to separate politics from policy, but I believe tomorrow, Mr. Speaker, there will be those on the Democratic side of the aisle who will join us in saying let us end the marriage penalty permanently, because it is not a Republican issue, it is not a Democratic issue, it is an issue of concern to all Americans and all American families who need to have the chance to prosper and succeed and make the most of their opportunities, for themselves and for their children.

Mr. TERRY. Mr. Speaker, reclaiming my time, I thank the gentleman for that great oratory. We talk about this quirky Senate rule. We are going to hear a lot about it. Because when we had the death tax repeal discussion last week, we kept hearing from some of the leadership on the other side about how it was the Republican bill, that we were somehow deceiving the public, and now we are trying to come back. I heard a lot of strange and weird stories last week. I am sure we are going to hear those same stories again.

The reality is we did the right thing for the American public by taking one step forward. But it was not the giant step that was absolutely necessary, and we are trying to correct it tomorrow.

The Senate rule requires, if I kind of understand it right, is that in the Senate you cannot reduce revenues outside of the scope of the budget, which is a 10-year budget in essence. So that is why it is a 10-year plan.

I think it is ironic that just today on the House floor we had a vote to require that this body, both Houses, a constitutional amendment that would require a two-thirds vote to raise taxes. I just think it is ironic that the practical effect of the Senate rule is it takes a supermajority to lower taxes, but a simple majority to raise taxes.

Mr. WELLER. If the gentleman would yield, I think the gentleman from Nebraska is bringing up a good point. That is what is frustrating, and one of the reasons I know I came to Congress in 1994 and one of the causes we in the House Republican majority have been working towards, is finding ways to help working families have some extra spending money to meet the needs of every American family, to be able to afford to go to college, or buy a new bicycle for the little girl when she is getting old enough to ride a bicycle.

Mr. TERRY. We are going through the same thing with our 7-year-old.

Mr. WELLER. Or make improvements to the house. Families struggle. The gentleman from Arizona, the point he made about how when you figure out what the amount the marriage tax penalty comes out to, it is real money for real people. You take Jose and Magdalena Castillo of Joliet, Illinois. For the Castillo family, prior to a year ago when the Bush tax cut was signed into law, the Castillo family faced about a $1,150 marriage tax penalty.

Thankfully, because of the Marriage Tax Elimination Act, which was combined as part of the Bush tax cut, signed into law, they no longer pay this marriage tax penalty. If we fail to make permanent the marriage tax penalty relief signed into law last year, they once again will have their taxes higher, raised. They will lose that $1,150 back to Uncle Sam. For the Castillo family, in a town like Joliet, in the south suburbs of Chicago, for Jose and Magdalena, $1,150 is several months of car payments, that is 2 to 3 months of child care for little Carolina, that is a significant portion of tuition at Joliet Junior College. The marriage tax penalty is real money for real people like the Castillo family. That is what this is really all about.

The marriage tax relief signed into law last year, which currently is temporary, and my hope is this House will vote to make permanent tomorrow, is meaningful to 45 million married working couples, just like Jose and Magdalena Castillo of Joliet, Illinois. When you think about it, for 45 million married working couples, if this marriage tax penalty relief is not made permanent, these couples, 45 million couples, will see a $42 billion tax increase just on marriage, if we fail to make permanent the marriage tax relief.

Mr. KINGSTON. If the gentleman will yield, I want to talk about that number a little bit. Did the gentleman not tell me earlier that in the First District of Georgia, over 65,000 people would benefit?

Mr. TERRY. I can find that again here. In the First District of Georgia, and this is 2000 census data, 62,397 couples in the gentleman's district.

Mr. KINGSTON. Okay. So then that is $1,400 a couple.

Mr. TERRY. On average that they pay.

Mr. KINGSTON. That is about $85 million. Now, if I as a member of the Committee on Appropriations was asked by the chairman, the gentleman from Florida (Mr. YOUNG), "Kingston, you got $85 million you can spend in your district," how would you do it? Would you go out and buy a bridge, would you build something for the government, a new monument? Heck, no. What you would do is spread it out as much as possible to the middle class working families in your district, and that would be one of the greatest appropriations I could bring home to the First District.

So this vote tomorrow I will have the opportunity to return to my district $85 million for the local economy, for the local jobs, for the taxpayers. As the gentleman from Illinois (Mr. WELLER) has pointed out, tuition, new tires, home mortgages. That is a lot of money. I can only think of what $85 million will mean to coastal Georgia. Also, I will feel a lot better that they are spending that money, rather than the United States Congress spending it.

Mr. TERRY. That is the point. The gentleman is correct. That is the point of this, is that we are trusting people with their own money, to make their own decisions about what is best for them and their family.

Now, we in Congress, I hear this all the time, "what have you brought back for the district?" This is something we get as representatives asked by some of our business leaders or constituents, and sometimes you brag about a bridge or helping with the bridge.

But there is no better appropriation, there is no better gift that we can give our constituents, than their own money, letting them keep their own hard-earned dollars.

Let us go back to one of the things we talked about at the beginning here. This marriage penalty hits hardest the lower and middle income families, those that earn on an average, a single income, combined, $20,000 to $70,000. That is who is paying the burden and brunt of the marriage penalty. These are hard-working Americans that we are talking about. You are taking a vote so they can keep $82 million of their own money. I just cannot imagine what that would do for your economy.

I just jotted down a few notes of what it would do for an average Nebraska family. Remember, these are couples who are both working. Sometimes when we talk in an esoteric or academic way about the marriage tax penalty, we leave out that both parents are working. Both parents are working.

So, how about some good quality time? With both parents working, maybe both parents should take a vacation and take those two lovely children to Disneyland. That $1,400, they can have a 4-day vacation at Disneyland or Disneyworld. They can buy for their school children a new computer with a scanner, printer, software. They can get a pretty good piece of equipment for $1,400.

Talking about just keeping your family budget intact, in Nebraska that is probably 6 to 8 months of utility bills for the family. That is anywhere from 4 to 6 months, depending on the type of insurance contract they would have, to pay their health insurance costs. Or, as all of us have said, just maybe invest or save in your children's future. Or use another provision of the tax bill that we passed last year that we need to make permanent, and that is educational savings accounts. They can invest that money in their children's future. These are all things that we trust their families to make their own decisions on.

By the way, the money that these families save by us not taking their money, married families will return to paying in 10 years, paying the Federal Government more than $100 a month just to be married. That is $3.88 every day just because you said "I do." Every hour you will owe 16 cents just because you have a spouse. If your marriage lasts 50 years, and, by the way, I just wrote a letter to a nice couple on their 50th anniversary, the love of your life will have cost you $70,000 in extra taxes. $70,000 extra.

So tomorrow we have the opportunity to make this permanent.

Mr. WELLER. If the gentleman will yield, my hope is that everyone will join with my colleagues from Georgia and Arizona and Nebraska in voting to make permanent the marriage tax relief. I think as this discussion we have had here in this House Chamber shows, regarding the marriage tax penalty, what it means in real terms for real people, about how you have a husband and wife, both in the workforce, struggling to make ends meet, who, prior to a year ago, paid higher taxes just because they were married.

In the case of Jose and Magdalena Castillo, they paid $1,150 more in higher taxes. As the gentleman from Nebraska pointed out, if they could save that, in a period of 20 years, when little Carolina may be in college, a sizeable portion of her college tuition could be paid for during the 4 years she may go to the University of Illinois, my alma mater, could be paid for by setting aside the $1,150.

Mr. TERRY. She could be a Rebel and go to the University of Nebraska.

Mr. WELLER. Or a Bulldog and go to the University of Georgia. But the bottom line is the marriage tax penalty is a real issue for ordinary people back in Illinois, Georgia and Nebraska and throughout this country.

In the last few days I have heard some suggestions, particularly from some of my friends in the left wing of the Democratic Party, who have said we do not need to do this now. We have got things here in Washington that we need to spend that money on; that maybe we should take that $1,150 out of Jose and Magdalena's pocket and spend it on something here in Washington.

Maybe in Washington $1,150 for the Castillo family is no big deal, in Washington, where you think in terms of millions and billions of dollars. But for regular people, like Jose and Magdalena Castillo, $1,150, elimination of the marriage tax penalty for the Castillo family represents a 12 percent reduction in their taxes. So if we fail to make permanent the marriage tax penalty relief in what we nicknamed the Bush tax cut, they will see a 12 percent increase in their taxes so that Washington can better spend it, as some on the left side of the aisle view.

My hope is that we will see an overwhelming bipartisan vote tomorrow to eliminate the marriage tax penalty permanently. I was proud to say that almost 280 members of this body voted to move a stand-alone bill which would permanently eliminate the marriage tax penalty almost 2 years ago. Unfortunately, that bill was vetoed by President Clinton at that time, and we came back later with what was in the Bush tax cut, signed into law, a temporary measure to eliminate the marriage tax penalty.

My hope is all 62 of those Democrats will once again vote with us, and that more Democrats will join with every House Republican in voting to permanently eliminate the marriage tax penalty. Because of that overwhelming vote, I hope that our friends in the Senate, many of whom have resisted permanent elimination of the marriage tax penalty, will follow suit, and we can put on the President's desk by this fall legislation which permanently eliminates the marriage tax penalty.

□ 2215

Think what that will mean to 45 million married working couples; good people, good, hard-working people like Jose and Magdelene Castillo and little Eduardo and Carolina, who would have a little extra spending money to meet their needs rather than sending it to Washington. It is an issue of fairness. Our Tax Code should be neutral regarding marriage. We believe that the Tax Code should not punish society's most basic institution; and of course, marriage is our society's most basic institution.

Let us eliminate the marriage tax penalty and let us eliminate the marriage tax penalty permanently so it is one of those things that we talk about that once used to exist, but it is history. Let us make the marriage tax penalty history by permanently eliminating the marriage tax penalty.

I am happy to yield back to the gentleman from Nebraska, and I want to thank the gentleman from Nebraska for his leadership in organizing tonight's discussion of the importance of eliminating the marriage tax penalty and what it means to real people like the Castillo family of Joliet, Illinois.

Mr. TERRY. Well, it is because of the opportunity that we have here in the House of Representatives, why I wanted to be here was to help families like them and the 58,000 like them in the Second Congressional District in Nebraska. Just think of the opportunities that those two children would have if they put the nearly $600 for each child in an educational savings account for college, what a wonderful opportunity that this body will give those families.

Mr. Speaker, I would like to give the gentleman from Georgia (Mr. KINGSTON) the last word, if he would close the discussion tonight.

Mr. KINGSTON. Mr. Speaker, let me thank the gentleman from Nebraska and the gentleman from Illinois and the gentleman from Arizona and the gentleman from Minnesota earlier tonight for their leadership on it. Because right now we could be home and in bed and watching the baseball game. Somewhere I am sure the Braves are out beating somebody. But the reality is, we are doing this because we care. I am a little bit senior to both of these gentlemen, and I have served in the minority; and I can tell my colleagues that it was no fun. Because when the Republicans were in the minority, we were always fighting more spending that the Democrat majority kept pushing on us. Here is an opportunity for all Members of Congress tomorrow to go in and vote for lower taxes, less spending, and more fairness for American couples.

So I certainly appreciate my colleagues for doing what they are doing and standing tall for America's families. I look forward to casting yet another vote with the gentleman from Illinois (Mr. WELLER). And I thank the gentleman from Nebraska (Mr. TERRY) for his leadership in organizing this tonight.

Mr. TERRY. Mr. Speaker, I thank the gentleman for participating and using his time when he could be watching the Braves. Tune in to the college world series this weekend, though.

DEMOCRAT MEDICARE PRESCRIPTION DRUG PROPOSAL

The SPEAKER pro tempore (Mr. KELLER). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I want to take this opportunity this evening, which I have done many times over the last couple of months, actually, to discuss the need for a Medicare prescription drug benefit. I am particularly happy to be here tonight because I know that tomorrow the Democrats in the House will be announcing our Medicare prescription drug proposal at a press conference at, I think, approximately 11 a.m. on the steps of the Capitol.

I know that for a number of weeks now I have been highly critical of the Republican leadership in the House, because even though they are the majority party, they have failed to address the concern, I think the number one concern of the American people, which is for a prescription drug plan under Medicare.

When I go home and I have a town meeting or I talk to my constituents, the issue that most frequently comes up is the fact that it is very difficult for all Americans, but particularly for seniors, to afford prescription drugs, to afford their prescription medicine. Prices have gone up by double-digit inflation over the last 6 years; and increasingly, most Americans, particularly seniors, find that they are not able to afford the drugs, the prescription drugs or medicine that their doctors prescribe that the doctors think are necessary for them to continue to live a quality life.

The House Republican leadership, I guess about 2 months ago, announced with much fanfare that they intended to bring up and write a bill that would provide for prescription drug coverage for seniors, and then they said that the bill would be available and would go to committee sometime before the Memorial Day recess and then be passed in the final week before the Memorial Day recess. Now, we know that did not happen. They came back from Memorial Day recess, about 2 weeks ago now, and again with much fanfare said that they were going to bring up the bill the first week, which would have been last week, and then we heard this week they were going to bring it up this week; and now we hear that they may bring it up next week and that they are definitely going to bring it up before the July recess.

Well, I have my doubts because I have been hearing this so many times. But more than the question of when they are going to bring it up is what they are going to bring up. Everything that we hear about the House Republican proposal is that it is not a proposal that will actually provide coverage for most seniors under Medicare.

I think that most of my colleagues know that Medicare has been in existence now for over 30 years; and Medicare, which is a government program, run by the Federal Government and financed by the Federal Government, is a very successful program that provides seniors with their hospitalization and with their doctor bills. Under part B of Medicare, a senior has the option, and 99 percent of seniors exercise it, of paying a fairly low premium every month; and as a result of paying that premium, they get 80 percent of the cost of their doctor bills paid for by Medicare, by the Federal Government. They have a very low deductible, $100 a year; and basically, the program has been tremendously successful. Most seniors participate in it. Their doctor bills are paid 80 percent by the Federal Government, up to a certain amount; and we hear very few complaints. Most people seem to be satisfied with the Medicare program in terms of the coverage for hospitalization and for their doctor bills. However, Medicare does not have a benefit for prescription drugs.

What the Democrats have been saying is very simple: that we should have a guaranteed benefit under Medicare for all seniors, all those who are eligible for Medicare. It is not hard to comprehend. We set up a new part, maybe call it part D, we model it after the part B program that pays for doctor bills. We again have a very low premium, say $25 a month, a very low deductible, $100 a year; we have 80 percent of the cost paid for by the Federal Government, a 20 percent copay and, after a certain level, we suggest $2,000, after you have paid out of pocket or your bills have come to more than $2,000, the Federal Government would pay for everything at a sort of catastrophic level at which the Federal Government pays for everything under Medicare.

Well, the Democrats are saying that is what we should do. We will be talking about it in a lot more detail tomorrow at the press conference. Most important, we address the issue of price. We understand very strongly that we can expand Medicare to include prescription drugs and provide a guaranteed benefit for every senior and everyone eligible for Medicare, but that it would be difficult to do that if we do not control the costs in some way.

When I talk to seniors or any American, any of my constituents, they talk about how the price of prescription drugs is too costly. So we have to do something at the Federal level to bring the cost down. The easy way to do that, and this is what the Democrats will propose, is to say that the Secretary of Health and Human Services has the obligation, has the mandate to negotiate prices for prescription drugs that would be significantly less than what most seniors are paying now, perhaps a reduction of as much as 30 percent or more. I think that is very possible to do, since the Secretary will have 30 or 40 million seniors, Medicare beneficiaries, that he represents; and he has the ability to go out and basically force the drug companies to lower prices because of the bargaining power that he would have with so many Americans, 30, 40 million American seniors.

This is all very simple. I have talked about it before. We will be unveiling it tomorrow, but there is really no magic to it. We have been talking about this proposal and how it is modeled after part B of Medicare which pays for your doctor bills. We have been talking about that for several months now here on the floor, myself and many of my colleagues. So there is no magic to what needs to be done. But we have absolutely no indication that the Republican leadership is willing to support anything like what I have just described.

First of all, it is abundantly clear that they do not want to provide a prescription drug benefit under Medicare. Oh, sure, they will say that it is a Medicare program because the people who will be eligible will be those same seniors who will be eligible for Medicare. But they are not putting the prescription drug program under Medicare in the sense that it is run by Medicare, part of the government program, and will guarantee a benefit.

What they are saying is that we will give some money, the Republican leadership is saying that we will give some money, almost like a voucher, to private insurance companies; and we will ask them to provide drug policies to cover seniors, and we will estimate by the amount of money that we are going to throw the private insurance companies what kind of coverage might be provided. But what the Republicans fail to point out, what the leadership in the House fails to point out is that there is no guarantee that a senior in a particular area or any area, for that matter, will be able to buy a drug-only policy that provides the kind of benefits that they would like it to provide.

The perfect example, the perfect example for this is what the Republicans did and how they continue to tout the Medicare+Choice, or the HMO program.

A few years ago, they decided that a great way to provide prescription drug coverage was to give some money to HMOs in the hope that they would agree to provide prescription drugs or to cover prescription drugs. But what we have found over the last few years in this HMO program is, first of all, that in many States, I think it is up to nine or 10 now, there is no HMO available. In another 15 or so States, there may be an HMO available, but they do not provide any drug coverage, and in those States that I mentioned, 10, 25, in those 25 States where you can find an HMO program that provides prescription drug coverage, you will not find that that HMO coverage is available in every part of the State; and you will find tremendous deficiencies, if I could say, in what kind of prescription drug program they cover, they provide.

Mr. Speaker, this is not something I am making up. There was a report that was put out by Families USA last month entitled "Failing America's Seniors: Private Health Plans Provide Inadequate Prescription Drug Coverage." Basically what this report says very dramatically is that if you simply rely on HMOs, or the private insurance market in this case, to provide insurance prescription drug coverage, you are going to have this very uneven situation. In a lot of States, there is not any HMO, and in other States they do not provide coverage for prescription drugs; and there is absolutely no question that we would get the same thing happening with the prescription drug program that the Republican leadership is talking about getting around to, if they ever get around to it over the next couple of weeks or the next couple of months.

□ 2230

In fact, the trade association for the health insurance companies has testified many times before committees in the House, the Committee on Commerce, the Committee on Ways and Means, that they do not want to provide this drug-only insurance, that they are not going to sell it.

So I am very fearful that what we have here is the Republican leadership basically propagating a scam. They know that the American people, particularly seniors, want a prescription drug program, and that they want a program similar to Medicare. They are very much aware of that. They are very much aware of the fact that prices are too high, and prices need to come down.

But rather than provide a prescription drug program under Medicare that guarantees benefits for every senior and every Medicare-eligible constituent that we have, they are going to opt for another effort to throw money towards private insurance companies that, just like the HMOs, will not work and will not guarantee a real benefit package to the average senior.

In addition to that, the Republican leadership refuses to address the cost issue, the pricing issue. They do not want to. In fact, there was something in Congress Daily today, which is a publication that is put out about what Congress does, that says that there is a push within the Republican leadership that when they bring up their prescription drug bill, that they will specifically say in language in the bill that there cannot be any price controls or any effort to control prices in any way as part of that prescription drug program.

So there is absolutely no doubt in my mind that they do not intend to address the price issue at all, and try to bring prices down. That is another thing that will doom their program, because if they do not address the pricing issue, they will never be able to provide enough money to pay for a real prescription drug benefit.

I see that a couple of my colleagues on the Democratic side have joined me this evening. They have been here before. I certainly would like to have them participate.

I am particularly pleased that my colleague, the gentleman from Arkansas (Mr. ROSS), is here tonight because he is a pharmacist, and he knows more about this issue than I do and probably any other Member of Congress.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I thank the gentleman for yielding to me. I am not a pharmacist, a lot of people make that mistake, and I thank the gentleman for the compliment. But my wife is a pharmacist, and together we own a small town family pharmacy in my hometown of Prescott, Arkansas, my hometown of 3,400 people. That is why I am so passionate about the need for a truly modernized Medicare to include medicine for our seniors.

Both sides of this aisle, Democrats and Republicans alike, have talked a lot about the need to provide our seniors with a prescription drug benefit, and yet we continue to see no action. This should not be a bipartisan issue. It is time for this Congress to unite behind the need to truly modernize Medicare to include medicine for our seniors, just as we have united in a bipartisan fashion on this war against terrorism.

This is especially an important issue for me because, as a small town family pharmacy owner, I have seen seniors before coming to Congress. Day in and day out in that small town family pharmacy, I would see seniors who literally had to choose between buying their medicine, buying their groceries, paying their utilities, and paying their rent. This is America, and we are talking about the greatest generation. I believe we can do better than that by our seniors.

If we think about it, health insurance companies are in the business of making a profit. Yet, they cover the cost of prescription drugs. Why? Because they know it holds down the cost of needless doctor visits, the cost of needless hospital stays, the cost of needless surgeries. I do not believe anyone in this Congress has fairly or adequately put a pen to the paper and determined the true amount of savings that we will realize by providing our seniors with a prescription drug benefit.

As I travel my district, and I have driven some 83,000 miles in my district listening to the needs of my constituents over the last 17 months, as I do that I hear story after story about senior after senior who is trying to get by on a $500 a month Social Security check, and yet faces a drug bill sometimes as high as $300 a month, sometimes as high as $400 a month, sometimes as much as $600, and yet, even $1,200 a month.

I have had a senior tell me about how her son, who is in his 40s or 50s, has a drug benefit through his employer or health insurance to work, and they happen to take the same medicine, and he thinks he is healthier than his mom so he gets the medicine and gives it to her, which is going to cause him to have health problems.

There are estimates that as much as $170 billion is wasted every year in our health care delivery system because people simply cannot afford to take their medicine, or cannot afford to take it properly.

I was recently in a small town, Glenwood, Arkansas, in Pike County, and ran across a retired pharmacist, probably in her 80s. She just happened to have been a relief pharmacist at the pharmacy my parents used when I was a small child growing up in Prescott, Arkansas.

She told me something that really stuck with me. She said, you know, back as recent as the 1970s I would fill a prescription, and if it cost in excess of $5, I would go ahead and fill the next person's prescription while I tried to get enough confidence built up to walk out there and let the patient know that it was going to cost $5. Now to see prescriptions that cost $100 is not uncommon.

The bottom line is this: Today's Medicare was designed for yesterday's medical care. Today's Medicare was designed for yesterday's medical care.

There has been a lot of debate and a lot of talk about how we do this, how we provide a meaningful prescription drug benefit to our seniors. The Republicans first offered a plan that simply provided a discount card, like it was some kind of new concept. Prescription discount cards have been around forever. Watch any cable TV channel late at night and you will see them advertised for $7.95 a month. My dad got one in the mail a few months ago for free. Why is that? Because the prescription benefit managers, which play a huge role in the Republican plan, do what? They make huge profits off the rebates, profits that exceed those that are made by the hometown family pharmacy. That is why they give us these cards for free, because they get rebates on the preferred drugs that are included.

Where the discounts come from, they do not cost the big drug manufacturers a single dime. Studies show that the savings range from 50 cents to $3. If a senior who faces a $500 a month prescription drug bill is taking six medications a month, let us say they can save $3 per prescription, that is a total savings of $18 a month, $18 savings on a $500 drug bill. That does not help our seniors choose between buying their medicine, buying their groceries, paying their light bill, and paying their rent.

Thank God that when we created Medicare, we did not say, here is a discount card, go cut a deal for your surgery. Here is a discount card, go cut a deal at the doctor's office. We provided a meaningful benefit under Medicare. We provided meaningful health insurance for our seniors. It is time that we do the right thing by all seniors by providing a voluntary but a guaranteed prescription drug benefit that is just like going to the doctor or just like going to the hospital.

The big drug manufacturers, they are not going to like the Democratic prescription drug plan. Why? Because we have the courage to take on the big drug manufacturers.

Some studies show that $360 million was spent by the big drug manufacturers in the year 2000 on political donations, lobbying, and advertising. In fact, some drug manufacturers as recently as last year spent more money on TV ads marketing their products than they did on research and development.

The ads that come on TV and look real fancy, and they try to tell us which drug we need to tell our doctor we need, have Members ever thought about that? It is time that we held the big drug manufacturers accountable. It is time we stood up to them and said, enough is enough. If governments, small governments like Canada and Mexico, can stand up to the big drug manufacturers and demand lower prices, why cannot we?

It is time we developed a plan that takes on the big drug manufacturers. Why? Because 83 cents out of every dollar that we spend on a prescription drug is 83 cents that is a result of the cost of the big drug manufacturer. Seventeen cents out of every dollar that we pay for a prescription drug is the cost that it takes for the hometown family pharmacy to do business: to fill that prescription, to buy liability insurance, to pay their utilities, and yes, oftentimes to deliver that medicine to the front door, because the patient is a senior who can no longer get out, a senior who can no longer travel, a senior who lives in a town like Prescott, Arkansas, where I am from, where we do not have mass transit.

This is a very important issue. It is important to our seniors, and it ought to be important to every one of us, because some day all of us will be on Medicare, and we, too, will want to have a meaningful prescription drug benefit.

This is a very, very important issue to our seniors. I hope it is an important issue to all of us. I look forward to continuing to discuss the need to truly modernize Medicare to include medicine for our seniors as this debate continues.

If another day passes without our seniors getting a prescription drug benefit, that is one day too many.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Arkansas. I know he said he is not a pharmacist, but because he owns a pharmacy and because he deals with the public on a regular basis, he knows about the preventive nature of prescription drugs.

I always like to bring that up, and I am pleased that the gentleman did, because we always, or I tend to forget, and I think a lot of my colleagues tend to forget that because prescription drugs really are preventive in nature, they actually save a lot of money.

In all these calculations that we have to deal with in trying to figure out how much a prescription drug plan would cost, nobody ever calculates the fact that concerning some of the people the gentleman mentioned who cannot get prescription drugs now because they cannot afford it, we would prevent them from going to a hospital, we would prevent them from having to go to any kind of institution, and that saves the Federal Government a lot of money.

Obviously, if the Federal Government has to pay $100 or $200 for a drug, but if that means somebody does not incur a

$10,000 or $20,000 hospital bill, that is a savings to the Federal Government because Medicare is paying for that hospitalization. Instead of that, they pay for a couple hundred dollars for a prescription drug.

I think it is important, because we, a lot of times, forget about how preventive measures, whether it is home health care or prescription drugs or whatever, nutrition, these things save the government money. That has to be factored in in terms of what we do.

Mr. ROSS. Mr. Speaker, if the gentleman will continue to yield, I would just tell the gentleman that I think this is a good example of why we need an overhaul in Medicare, why today's Medicare is designed for yesterday's medical care.

There are very few drugs, few drugs that Medicare pays for. One is when one has a kidney transplant. They will pay for drugs that keeps one from rejecting that kidney for up to 3 years. Here is what Medicare says today. They say, if you go to the doctor because you are ill, they will pay for it. If that doctor determines that you are ill because you need a new kidney, they will pay for the transplant and the hospital stay. Then they say they will pay for the medicine up to 36 months, 3 years, to keep you from rejecting that kidney.

In month 37, do Members know what Medicare says? Under today's rules and regulations, they say, I'm sorry if you cannot afford the medicine, which can cost more than $500 a month to keep one from rejecting that kidney, we are sorry but we cannot pay for that anymore. But here is what can be done: Let your body reject that kidney, and we will pay for you to go back to the doctor, we will pay for you to go back to the hospital, we will pay for you to have another surgery, we will pay for you to have another kidney transplant, and then we will cover the medicine for another 3 years, another 36 months.

Again, that is just one example of how Medicare today does not make sense. Again, today's Medicare is designed for yesterday's medical care.

Mr. PALLONE. The point is that we may find that when we do, and hopefully certainly if the Democrats have their choice in the matter, we will have prescription drugs under Medicare, and we probably will find that there is a tremendous savings to Medicare on the hospital side and on the doctor side, and to the Federal Government because of a prescription drug benefit. I have no doubt about it.

Mr. ROSS. If the gentleman will yield further, I will tell him that as a small town family pharmacy owner, I cannot tell him the countless stories, and I can put faces to these stories and names to these stories but patient confidentiality prevents me from doing that, thank goodness, but I can tell the gentleman, faces stick in my mind of seniors who cannot afford their medicine.

I live in a small town of 3,400 people. Before coming to Congress, when I was actively involved in the management of our small town family pharmacy, I would see seniors who could not afford their medicine. They would leave the pharmacy without it, and a week or 10 days later we would learn, because it is a small town, that they were 16 miles down the road in Hope, Arkansas in the hospital running up a $10,000 or $20,000 hospital Medicare bill that could have been avoidable, could have been avoided had they simply been able to afford their medicine or been able to afford to take it properly.

Diabetics. I have seen diabetics that lose legs needlessly simply because they could not afford their medicine. Do Members know what it costs to amputate a leg? Do Members know the drain that has on the Medicare system and on a senior who no longer has a leg simply because they could not afford their medicine, or kidney dialysis?

□ 2245

Medicare pays for kidney dialysis. If you cannot afford the medicine, Medicare says that is okay. We will pay for kidney dialysis. As much as a quarter of a million dollars Medicare will pay out. But no, they will not pay for the $40 or $50 or $60 prescription that the senior needed to avoid that horrible, horrible experience that in many cases eventually had a great role to play in their eventual death.

Mr. PALLONE. The other thing you have mentioned too, because we are now talking about the cost issue, is how the Republicans, the only thing that we are hearing from President Bush and the Republican leadership is the drug discount card, which obviously is already available and if there is a discount, you can take advantage of it now. There is certainly nothing that the Federal Government is going to do or promote that will make a difference.

I maintain that the way we save money is through prevention. If we do not bring costs down for medicine, it would make it a lot more difficult for a prescription drug program on the Federal level to work. And that is why the Democrats are saying not only do we want this prescription drug program to be part of Medicare, but we want the Secretary, in this case, of Health and Human Services to have the power and mandate to go out and negotiate lower drug prices.

I was just amazed to read, I mentioned before, I am actually going to read this from Congress Daily today, which as I say to my colleagues we all know what it is, but it is a publication that is put out about what Congress is doing. It says, In a briefing document prepared by staff members of the Republican Study Committee, which is a House Republican research group, suggests that Republican members would like provisions to prohibit drug price controls, cap general fund contributions to Medicare at 40 percent of the total, and require means testing for the drug benefit to be considered for inclusion in the drug bill.

Now, I do not want to get into all of those, but the point is the fact that they would actually try to build something into the legislation that says they cannot deal with price is incredible to me because, again, if we are going to have this be a meaningful benefit under Medicare, there has to be some effort to bring down the prices. I will say we will specifically say what the price is and control the price, but we want the Secretary to have the ability to negotiate a good price.

The gentleman knows how that works, being in the pharmacy business and how HMOs and the VA and other systems that have a lot of seniors that they negotiate for have the ability to bring down the costs. So it makes sense to do that and not suggest that we pass legislation that would prohibit it.

Mr. Speaker, I yield to the gentleman.

Mr. ROSS. Mr. Speaker, I wrote a bill. It is H.R. 3626. It is a bill that will truly modernize Medicare to include medicine for our seniors. In that bill we hold the big drug manufacturers accountable. In that bill we demand the same kind of rebates from the big drug manufacturers that State Medicaid programs, that the Veterans Administration and that big HMOs have been demanding for years. And we do that because it is time that we held the big drug manufacturers accountable, and we can do that in a way that State Medicaid programs do it, a way that most privately held health insurance companies do it, the way most big HMOs do it, by demanding the same kind of rebates that they receive to help offset the cost for a meaningful drug benefit for our seniors.

Let me say this. Those who know me know I am a Democrat, I am a conservative Democrat, and I probably cross party lines and vote with the Republicans just about as much as anybody on the Democratic side. And when they are right, I stand with them. But I can tell you, I am a small-town family pharmacy owner. I understand this issue, and they are dead wrong with this issue. First, they come up with this crazy idea of a prescription discount drug card. Again, they have been around forever. Seniors have paid for them. They have gone to their pharmacy. They have learned there is no meaningful savings to a so-called prescription drug card. And thank God when we created Medicare, we did not say, here is a discount card to go to the doctor and go to the hospital with.

Now apparently they will come with a program where they will cover this much of your drug bill if you make this much money. And they will cover this much of your drug bill if you make this much money. And it is so complicated that every senior is going to need to hire a CPA to figure out what their income is that month to figure out what benefit they qualify for.

This does not have to be complicated. A Medicare benefit that allows you to go to the doctor and that allows you to go to the hospital is not complicated. Everyone understands it. And it benefits those seniors who need it.

Mr. PALLONE. Mr. Speaker, the other thing the gentleman said which I thought was very significant is we know that the prescription drug manufacturers spend all this money on advertising trying to promote their brand-name drugs, and it is amazing to me what goes on and why it contributes to the escalating prices of drugs.

Obviously, they spend a lot of money on advertising. That causes prices to escalate. Then they try to make sure that people only buy the brand name which costs more and try to exclude or discourage the use of generics, which is one way to bring costs down. And then they come to Congress and use their lobbying power by financing campaigns and trying to get these patent extensions. The patent expires at the end of so many years and they get an extension for another 3 years or another 5 years, which makes it impossible to bring up the generic drug or use of a generic alternative.

They are constantly exercising their political clout, if you will, and advertising and then they get tax breaks for advertising as well. And all of this drives up the cost. And the worst of it that we have had in the last month or so is this drug industry-funded media campaign to promote the Republican prescription drug plan. If I could give you a little flavor of it here, because I am reading a press document that says that the drug industry is funding this front group called the United Seniors Association to launch a multi-million dollar advertising campaign to promote the Republican Party's prescription drug proposal.

The whole point of this thing is to try to confuse the public and try to act like what the Republicans are proposing is Medicare, it is a guaranteed benefit and it will bring down costs. They are spending something like 3, 4, $5 million to try to make that point when it is not true.

I do not know how much longer the public can take it, the constant advertising for name-brand drugs, the constant effort to try to prevent generics to come to market, and, now, the effort to promote and spend money to say how the Republican bill is a good alternative. We have to get up here every night and as much as we can expose all of this.

Mr. Speaker, I just want to thank my colleague, the gentleman from Arkansas (Mr. ROSS), for coming down and making the point. Because since he is in the business, or at least he was, or still is with his wife, he has an understanding of what we face. So I thank the gentleman again.

Mr. Speaker, my other colleague is here, the gentlewoman from Texas (Ms. JACKSON-LEE), who is also a part of our health care task force who has been here many times to point out the need for a prescription drug program and Medicare prescription drug program. I yield to the gentlewoman at this time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman.

Mr. Speaker, I was listening to my colleague and friend from Arkansas (Mr. ROSS) and my friend and leader on this issue from New Jersey (Mr. PALLONE). Let me say to my good friend from Arkansas (Mr. ROSS), I am from the fourth largest city in the Nation and when it comes to the crisis in prescription drug benefits, take a rural area with 3,400 people and no mass transit and take an urban center, and that is the nature of the crisis, and that is what it is all over this country.

What I would like to say to my friend as well, I am a supporter of family pharmacies and family pharmacists because we have a few in our community and I thank the gentleman very much. I had the opportunity to visit with a number of pharmacists who have come up to try and discuss various issues, and I say pharmacists who open these local family pharmacies, and they have been very sensitive to the plight of our seniors to the extent that I know. And I know that my good friend, the gentleman from Arkansas (Mr. ROSS), has probably yielded a little to some of the seniors who have come into his store and probably had their request or their prescription drugs on credit for a while so that they could manage to keep their health where they did not find themselves in hospitals. So my hat is off to the gentleman and off to the family pharmacies around the Nation.

I want people to know that this is not an issue of your family drug store or your neighborhood drug store where you go into the pharmacists who try to do the best they can with the prescription that the senior has. It is a national crisis that we have, and that is why I thought it was important that we again raise our voices and speak to this question of why we have not been able to make headway on this.

I wanted to refresh our memory and I am also reminded of the idea of changing Medicare for these times. Let me say that whenever Medicare is discussed, we do not make friends. I believe in 1965, whatever the time frame when Medicare first was established under President Johnson, there were a lot of people in the health care industry, good friends of ours, of course, that is senior to me, but in any event, individuals in the medical profession that thought that Medicare was not going to work; it was going to collapse the system. How in the world are you going to have a government system to pay physicians? There was a great fear and debate about Medicare.

Now we find out that Medicare has extended the lives of seniors. And when it works right for the purpose our physicians, it is a system that provides better health care and the opportunity for our physicians to treat the elderly in a way that gives them a longer life.

Now we talk about reforming Medicare in a way that is long overdue, and I want to refresh my colleagues' memory, if we could, and refer back to the State of the Union in 1999. Now we have been talking about this for a very long time, but usually when things get elevated to the level of the State of the Union, then the Congress takes its lead, begins to formulate policies in a bipartisan manner. And it was in January 1999 when President Clinton announced an initiative to create a Medicare prescription drug benefit in his State of the Union.

This was declaring to the Nation that this was not only a crisis, but it was utmost important. When he delivered his State of the Union address in 1999, he laid out that one of the key goals of the year was creating an affordable prescription drug benefit under the Medicare program.

Mr. Speaker, I would say to my friend, the gentleman from New Jersey (Mr. PALLONE), we had the opportunity. We had the President. We had two Houses of Congress that should have seen the crisis and the writing on the wall. The gentleman asks the question why? We had legislation, as I recall. I remember we had a partnership with some legislation that was bipartisan as I recall, and that the Democrats and Republicans, at least Members who were on this particular legislative initiative, were prepared to move forward in the Committee on Energy and Commerce. And all of the sudden because of what I shamefully have to admit, that the devil was in the details, we began seeing certain industries feel that their particular stake in this was going to be diminished.

What that did to me and if I may selfishly say is have me day after day go back to my district and day after day be asked by my seniors, I thought you were going to pass that Medicare prescription drug benefit. I had town hall meetings. I had national figures in my district. I was speaking to seniors. I was hearing their stories of sadness, plights of individuals, two couples. When I say two couples, a husband and wife, struggling to pay both his drug prescriptions that he needed and hers, two seniors living together, living longer because of Medicare.

So the frightening thing about this is we are now in 2002. I have said this before on the floor of the House, we are spending $1 billion a day in the war against terrorism which all of us have united behind the President on that. We had a $5.6 trillion surplus just a year ago and tragically we were hit on September 11. And because we did not have restraint in the administration and proceeded with an enormous tax cut, we have a crisis. But in that crisis, let me say, that I am willing not only to confront the crisis but to take a risk.

□ 2300

Let me show my colleague that the American public is prepared to take a risk.

A question was raised in a survey, Medicare does not currently pay for prescription drugs and do you think the Federal Government should expand Medicare to pay for part of the drug costs? The survey showed, as my colleague will see, 67 percent of those surveyed believe that we should do that. They are asking the Federal Government to act. Only 6 percent said Medicare should not pay for drugs and only 26 percent of our seniors believe it should be a private system.

When they asked would you support or oppose rolling back the tax cut, this is the debate we had here today about this two-thirds super majority on raising taxes, and I will tell anyone I have not announced any position on raising taxes.

What I have suggested and what we have suggested, what colleagues in the Democratic Caucus have suggested is a rollback or a moratorium but a recognition that we cannot pay these taxes that give this high percentage of tax cuts to just 1 percent of the American public, but we find here in a survey just recently, March 28 to May 1, 2002, when we asked the American public would you support or oppose rolling back the tax cut that Congress passed last year and using that money to provide a prescription drug benefit under Medicare for seniors, a whopping 64 percent of the American public that are in this survey have indicated that they are willing to do that.

Why are they willing to do that? Because they realize that we are coming to a point of no return. We have Medicare that extends the life or has extended the life of our senior population, but we are cutting it off at the door because to extend the life through access to health care, then the prescriptions that have been prescribed must be utilized. We are talking about seniors who have up to 18 drugs that they have to take on average and, therefore, are in need of these resources.

Let me just share with my good friend and colleague why I have a problem with what the Republicans are proposing, and I am very glad that the gentleman is yielding.

Mr. PALLONE. Mr. Speaker, if I could just interrupt, I wanted my colleague to reiterate that point again about how many different drugs the average senior takes in the course of the year. I think a lot of the people, particularly younger people, have no idea how things have developed, as my colleague said, over the last 20 or 30 years since Medicare started out.

Probably when Medicare started out in the 1960s, it would probably be unusual for a senior to be taking any kind of prescription drug, but now the gentlewoman said the average is 18 different?

Ms. JACKSON-LEE of Texas. Mr. Speaker, 18 different kinds of drugs, and we have heard that through the research of some of our colleagues in the other body, and as well I am going to bring our attention to this legislation about Canada and the reason why that is even being proposed. But out of doing a survey in various communities, yes, that was determined that there are multiple prescription drugs for multiple ailments. The senior is functioning. That same senior is at the neighborhood community center on Monday through Friday, but they need that amount of drugs.

Mr. PALLONE. If I could just reclaim the time, I know that statistic is accurate. I have seen it many times, but I think a lot of times people do not realize, because of the fact that so much research has been done and all these miracle drugs have been created, and it is all great, it is true now that seniors are taking that many drugs, and that is why the costs are so high. Even 5 years ago, the costs were not as high as they are now, and that is why this is such a crisis.

I did not mean to interrupt, but I think that statistic is interesting because I am not sure a lot of younger people realize that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think that is extremely important. The gentleman from New Jersey is right in emphasizing that point. My colleague made a point earlier that he may want to elaborate on, and my good friend from Arkansas. I am concerned. It is also reputation, or they attempt to stigmatize Democrats, and I am glad that the gentleman from Arkansas did indicate that we have had support across the aisle and, in fact, we are encouraging bipartisan support on a fair Medicare prescription drug benefit.

This door is not closed to anyone who agrees with our position, but I take issue with being stigmatized as being opposed to business. In fact, let me compliment some of the pharmaceutical companies who worked with us on this issue of HIV/AIDS in Africa and have done some enormous work on this question. Certainly there have been some challenges on costs of drugs even there, but I will give credit where credit is due.

I am aghast that anyone would say that there is a crisis in the profit margin of these pharmaceutical companies, and I welcome, I know the gentleman sits on the Committee on Energy and Commerce, any hearings that could be held to say that there is a crisis in profit, and therefore they cannot come to an agreement on a prescription drug benefit of which the Democrats are proposing a voluntary effort because, as I understand it, as I heard the gentleman speak before, a lot of the research is funded by the FDA initially and covers the research that the pharmaceutical companies are doing.

Mr. PALLONE. Mr. Speaker, I wanted to point out there is no crisis in terms of the profit the prescription drug industry is making. The gentlewoman knows my home State of New Jersey is the headquarters for many of these, of the major drug companies, and let me tell my colleague, they are doing very well. Their stocks have been doing well, even in the last couple of years where the stock market has not been generally doing that well.

I, for the life of me, cannot understand why they do not see a financial benefit in a Medicare prescription drug program because, if we think about it, we have all seniors, millions of seniors that are not covered, not buying prescription drugs. If we add the entire senior population, if the entire senior population, most of which does not have a meaningful drug insurance program now, it is now included under Medicare, we have to be talking about an additional maybe 20 million Americans who would now be eligible and have most of their drugs paid for by the Federal Government. How is it that these drug companies would not benefit from that?

I think it is the fear of the unknown. In other words, they are doing well now. Their stocks are doing well. Their CEOs are making a lot of money, and they just figure, well, things are pretty good, so let us not change it. But I think once this program is put into place the way the Democrats have proposed, I seriously doubt that there is any way that they are not going to make more money because they are going to be selling more prescription medicine. I think it is just the fear of the unknown and the realization that maybe things are going to change, we are not going to benefit in some way, but the notion that their profits are going to be diminished by expanding Medicare, to me, is nonsense.

I yield back to the gentlewoman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am glad the gentleman clarified my confusion, and might I emphasize again, that is why I take issue with any suggestion that Democrats are against business and have not been supportive. That is my analysis, and I am quite surprised at the representations and the fear that has been put forward by our good friends in the pharmaceutical industry to the extent of this major advertising campaign.

First of all, do they understand that our Republican friends are putting forward a bill that has a huge hole? Because it fails to cover seniors that have costs between $2,000 and $5,600. Now, most of us would think that is a lot of money to spend on drugs during the year, that is, low income seniors, and if we leave that large gaping hole, how are my colleagues going to respond to the issue? Those seniors are still going to physicians. Those physicians are still prescribing drugs and they still need to pay for them.

Why not cover them? They are 100 percent on the hook under the Republican plan for drug costs in that window. That is a lot of our constituents. It could be large cities. It could be rural areas. It could be suburban areas. A lot of seniors are living on a fixed income. A lot of them have drug costs and cannot afford that amount.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I think the gentlewoman is pointing out a very important point. I have not stressed it so much because I know that the Republican plan does not have any kind of guaranteed benefit.

In the other words, what the gentlewoman is basically referencing is when the Republicans put out their proposal, they suggest that I think for the first $1,000 they will pay 70 percent of the costs for the next thousand. Up to $2,000, they will pay 50 percent of the costs, and then from $2,000 to $4,500, they will pay none of the costs, but the reason I think that that proposal is absurd, as my colleague pointed out, is, and why they do not have any hesitancy of talking about it that way is because it really is not any benefit.

In other words, what they have done essentially, from the way I understand it, they have said we are going to throw a certain amount of money out for these drug-only insurance policies, and in order to fit that in for what we would like to see for a benefit, we will structure it this way, and they have structured it with that hole because there is not enough money to pay for a real benefit that would be meaningful.

The problem is that since this is just being thrown out to the private insurance sector, we do not even know what these drug-only policies will provide, and they are probably not even going to be available in large parts of the country. So I think the reason they do not have any problem suggesting what my colleague suggests is actually absurd is because they do not really have a guaranteed benefit at all. So they create this hole in order to fit it in with their budget, what they think they are going to throw out there in terms of the total amount.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the gentleman has articulated it extremely well. That is why I wanted to make sure that my chart was clear, that the consensus of the American people would be, one, they recognize this would be expensive. I do not think that we should hide from that concept, but we need to frame what we are saying.

What we are suggesting is that the investment is well worth the honest cost and that is to ensure that the average senior, which is obvious the average senior could not pay $1,000 because we might say that that would be easy to almost come up with.

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But they are usually in this ballpark. Certainly over 2,000 would be left with 100 percent of the bill. The question is whether we make the calculated, intelligent judgment to invest in this kind of plan that Democrats are offering that in fact puts a minimum of a $25-a-month premium, I know things are sort of meshing and forming, but has a deductible, has a co-insurance, but responds to those low-income seniors and others. That is what we are suggesting, voluntary and universal.

This way we are not precluding, we are not indicting anyone, or segmenting one economic group versus another. What we are suggesting is that gaping hole between $2,000 and $5,600, we would be doing nothing if we did not pass legislation that respond to that.

Mr. PALLONE. Mr. Speaker, reclaiming my time, the Democratic proposal, which is like part B, which is the part of Medicare that pays for the doctors' bills, there is a premium, low deductible, and 80 percent of your doctors' bills are paid for under part B, and almost everyone signs up for it because it is a good deal.

We are suggesting we do the same thing with prescription drugs. What I think is important, particularly for poorer people or people who do not have the money to pay for the premium, just like under part B for your doctors' bills, if you are below a certain income, we pay for that premium. If you are a little above that, we pay for part of the premium. We would be doing the same thing under the Democratic proposal for prescription drugs. That $25 premium that you would pay per month for the prescription drug benefit under Medicare, would be totally paid for by the Federal Government if you are below a certain income; and if you are just above that, it would be partially paid for by the Federal Government. So no one would not be able to get the Medicare benefit because they could not afford the premium.

Ms. JACKSON-LEE of Texas. Mr. Speaker, that is an excellent point. As well, I think it is important to note, and again this is not a time to speak to the condemnation of any HMOs or plans, but you will not have to be in an HMO, as I understand it, to receive this coverage. I think that is a key element as well.

As I close, let me also say to the gentleman, and I started out by saying this is a crisis, and I just wanted to note that some of our good friends are recognizing this, have proposed legislation to deal with the importation of drugs from Canada. This is not a commentary, but this suggests to the American public that this is serious, that we have been without any redress and without any ability to address this crisis. We have had to go to the point of seeking an opportunity for seniors to get drugs in Canada.

I just ask the question to the gentleman, can we not do better? I applaud this legislative initiative. I applaud it and support it because I need help for my seniors. But cannot America and this Congress turn its attention to what seniors are facing across the land? This is not a New Jersey problem or Minnesota or Michigan problem. It is across the land.

I have been saddened by having to meet with seniors time after time and have them raise their hand for a question asking about the prescription drug benefit, as if I am coming home without what I promised. I cannot imagine that we can go any further without doing this, and recognizing we have a valid plan and we have a crisis. We have the evidence that our country is willing to address this by sacrificing a tax cut and providing a prescription drug benefit.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for her points. The gentlewoman's last point spoke about the fact that many seniors are forced, particularly if they are in the border States, to go to Canada where they can find the lower drug prices. That should not be the answer. I agree with the gentlewoman 100 percent, but it makes me point to one other thing which we have not really stressed that much tonight but needs to be stressed, and that is as Democrats we want a prescription drug plan.

We are going to lay that plan out tomorrow at a press conference at 11 on the steps of the Capitol, but the issue of prices for drugs is not just something that seniors face. All Americans face it. This prescription drug plan under Medicare will solve the problem for seniors, but the pricing issue is still a problem for everyone else.

We need to look at that as well. We need to, if the option is for some people because they are close to the border to be able to go to Canada and buy cheaper drugs, let them do it. We need to plug up these patent extensions. We should not allow companies with brand names to get patent extensions just because they have some money that they are throwing around this place because that prevents generics which are a low-cost competitor to these brand-name products from coming to market.

I think we should also plug up this advertising loophole where they get these tax breaks for the advertising that they do. I can understand a tax break for research, but why a tax break to advertise brand-name drugs? There are a lot of things that need to be done in a larger sense that do not just relate to seniors to try to bring drug prices down, because this is a crisis for every American, but particularly for seniors who are so dependent on some of the drugs and the cost for them is so prohibitive.

But it is a problem in general. The Republican leadership does not even want to address the price issue in the context of Medicare, let alone if we talk about it in the larger context of all Americans. We need to bring prices down for everyone.

Ms. JACKSON-LEE of Texas. Mr. Speaker, just quickly, one of the comments made in this evening's discussion is we need an overhaul of Medicare with the various health components that are part of the Medicare system brought to the table.

I actually believe points made by the gentleman from New Jersey (Mr. PALLONE) could be discussed and resolved in a meaningful, coming together in discussion, not in an adversarial, way. I would hope that the major entities, hospitals, pharmaceutical companies, the medical profession, we need some reform with nursing. Why do we not bill nursing services? We have a nursing shortage, hospitals cannot pay nurses, nurses are not getting compensated, and that is a suggestion that we bill nurses as we bill physicians. And my point is, if we do not do this in anger or anguish, pricing questions need to be resolved. We might be better for it if we begin to look at ways that we can even out the cost. If we get to the point that the cost is so insurmountable that hospitals close, nurses are not available, pharmaceutical companies are not making money because the enterprises are not in business any more, I think that is common sense.

Mr. PALLONE. Mr. Speaker, I will just say one more time as Democrats, we are determined first to address the issue of drug prices; and, secondly, to provide a Medicare benefit, a guaranteed Medicare benefit for all seniors. We are going to be unveiling our Medicare prescription drug proposal tomorrow. I know it is a good one. I hope that the Republicans will seriously take a look at it and not go down this privatization plan that they have been talking about.

INTEGRITY AND HONESTY IN THE CORPORATE WORLD

The SPEAKER pro tempore (Mr. KELLER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for half the time remaining until midnight, or approximately 20 minutes.

Mr. HOEKSTRA. Mr. Speaker, last night I came to the floor, and I talked about an issue that I have a passion for. It is about integrity and honesty in the corporate and business world.

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I talked a little bit about some of the revelations that have gone on in the last few months, really beginning with the scandal at Enron, Arthur Andersen and those types of things. And I want to talk a little bit more about that tonight because the stories in the papers today just keep building on this issue.

Today, USA Today: "Stock Markets Sink to New Lows for 02." The bottom line is that this lack of integrity and this breaking of the public trust by corporate business and business leaders has had a real and a dramatic impact in our economy. The public is losing faith and trust in our corporations because of these many examples.

Why is this? Let us go back and take a look at what our system is based on. I have quoted a former boss of mine at Herman Miller Corporation who has written a number of books talking about leadership. One of his latest books, "Leading Without Power," Max De Pree, a Fortune 500 CEO, wrote about the importance of people having trust and confidence in the American economic system in order for it to work. He states: "When you stop to think about it, it is astounding that anything as complex as the trading of stocks, bonds, commodities and futures ultimately depends on trust, a value, not a statute, not an SEC regulation, not even a government mandate. The system works on trust."

Where are we today? Again, USA Today, front page of their money section, the top headline is: "Wait for Verdict Raises Fear of Hung Jury," but here is a story that really just builds on exactly what I was talking about last night, and actually they say it much better than I do. Their cover story on their money section is "How did Business get so Darn Dirty? Experts blame greed. Reforms come slowly."

> Double dealing Wall Street analysts. Sleazy accounting. Cooking the books to goose corporate profits. Bogus stock trades. Greed and corruption have always lingered at the edges of corporate America, from Civil War profiteers to inside-trading scandals of the '80's. Yet the new millennium has ushered in a wave of fraud, corporate malfeasance, investment scams, ethical lapses and conflicts of interest unprecedented in scope."

The end result: a lack of public trust, shareholders, customers and employees feeling devastating financial consequences, and stock markets sink to new lows for 2002.

> The fallout is a prime reason stocks continue to flounder. And despite calls among politicians, regulators, and Wall Street for sweeping reforms, little is being done to change rules for corporate conduct.

That has to change.

What are some of the examples out there as to why the American public is losing their confidence in the corporate business world? Here are some examples: Baltimore currency trader John Rusnak indicted for bank fraud for allegedly hiding nearly $700 million in losses. Alan Bond, former regular on "Wall Street Week" with Louis Rukeyser, convicted Monday of defrauding clients of $56 million.

> There is a nuttiness that we're seeing. Boost performance by any means. The temptation to cash in grabbed lots of people.

Here is an interesting one: Dennis Kozlowski, think about it. Here is a guy that over 3 years made over $300 million as compensation as Tyco CEO, forced out over an indictment for tax evasion. $300 million, over $100 million a year, and the guy appears to be unwilling to pay sales tax. Let the rest of the American people pay sales taxes, because $300 million, $100 million a year, I just cannot afford to pay sales taxes.

The question to this individual, Mr. Kozlowski, if this is an accurate portrayal, when is enough enough or when does it simply become greed?

You just go on. Software provider MicroStrategy, trading at $333 per share. Today, it is trading at $1.15. The CEO, Michael Saylor, and other executives later paid $350,000 in fines to settle SEC allegations of accounting fraud and paid $10 million to settle shareholder lawsuits.

I am not sure exactly what the CEO walked away with, but I would guess that he walked away with a lot more than the $350,000 that he paid in fines.

Enron executives sold millions. The real tragedy and the real shame here in America is that as these executives lead their companies down a road of shady dealings, activities to deceive and hide the true viability of their business from their customers, their shareholders and their employees, it seems that for some of these as their employees and shareholders face financial ruin, for these few executives it has come to mean a golden parachute. In this kind of world, lower standards prevail. Honor and trust continue to falter elsewhere, but they are really faltering in the business community.

I want to just highlight one other example. This is from our State of Michigan. This impacts and shows how again individuals, shareholders and employees get hurt when leadership breaks the public trust.

> CMS Energy shares drop. Suspect trades help drag Detroit-based firm's stock down more than 35 percent since January.
>
> CMS Energy Corporation's stock fell 10 percent Tuesday after its former accounting firm said its opinions on the energy company's financial results for the last 2 years can't be relied on.

Excuse me? It can't be relied on.

Here is something that I find really ironic: "Last month CMS fired Andersen because of the accounting firm's link to the Enron Corporation scandal." What is the problem with CMS? CMS simultaneously sold power to and bought electricity from other energy companies to artificially boost the volume of its deals. CMS, this is like the pot calling the kettle black. They are doing bogus sales to boost the volume, deceive their employees, their shareholders and their customers; and at the same time they are firing Arthur Andersen because of the accounting firm's link to the Enron Corporation scandal.

And here is now a response from an analyst. They have engaged in bogus trades, their auditing company says we cannot really support the opinions for the last 2 years on our audits, and here is one analyst's response: "The market is overreacting to Andersen's statement. People are really fidgety these days."

No kidding. What would you think they would be? Let us see, they have invested a ton of money, the stock is down 35 percent, the auditors are saying, the last 2 years of financial statements, we can't vouch for those anymore. And, by the way, the company has admitted that it has engaged in a bunch of bogus trades to inflate the health and the vitality of its business. And people are fidgety.

They have a right to be fidgety. The leaders of this company broke the public trust. The auditors did not do their job and people are fidgety. I would guess so. Because their stock has dropped by 35 percent, and my guess is that the executives of this company are going to walk away with a bundle of money.

Just a few more examples. This is what happens when the companies go down, employees and shareholders and customers are hurt. What happens to the executives? Enron, Ken Lay. Ken Lay is doing all right. He sold 1.8 million shares for $101 million. Jeff Skilling, he sold 1.1 million shares for $66.9 million. They sold those shares for around $50 to $60 a share. Rebecca Mark. She only walked away with about $80 million. She sold her shares at about $60 a share. Robert Belfer, he is a director. He only made $51 million.

☐ 2330

He sold 1 million shares for $51 million, $51 a share. If any of you want to buy Enron, I bought some a while back. I just wanted to see how these people explained their behavior to their shareholders. I think I bought 50 shares. I did not pay $51. I did not pay $60. I did not pay $70. I paid exactly what you can do if you call your broker, unless maybe the stock has doubled. I bought it for about 20 cents a share. If I made a good investment, you may have to pay 40 cents a share. I am not sure what happened to the stock price. But these guys walked away with a bundle of money.

Mr. Kozlowski, the individual from Tyco, $100 million a year was not enough. He did not want to pay sales tax. Under Mr. Kozlowski's leadership, quote, unquote, Tyco lost $86 billion in market value. According to Reuters, "A pattern of lucrative payouts to board members and top executives at the troubled manufacturer raises questions about whether they had incentives to keep tabs on the spending of disgraced former chairman Dennis Kozlowski. The question is now whether he will receive less than $135 million in a severance package than if he had been fired."

Mr. Kozlowski has been indicted and the question is whether it will trigger a wider probe into Tyco.

CEO, Lucent Technologies. Mr. McGinn, former CEO, will receive $5.5 million in cash. They are going to pay off a personal loan of $4.3 million. His performance at Lucent, the Securities and Exchange Commission is investigating possible fraudulent accounting practices while Lucent employees are suing the company for a breach of fiduciary responsibility by inappropriately allowing employees to add company stock to their retirement plans.

WorldCom. Mr. Ebbers will receive $1.5 million a year for life. His performance, WorldCom is being investigated by the SEC for possible fraudulent accounting practices. Its credit rating has been reduced to junk status and has been removed from the Standard & Poors 500 index. Good job. Congratulations under your $1.5 million per year.

It is a disgrace. I hope that the business community steps up, because the bottom line is that millions of American businesses who practice honesty and really do lead with integrity and maintain the public trust and recognize that it is a public trust, will most likely pay the penalty for the failed leadership of these executives. These people walked away with golden parachutes, and many of them left their companies in shambles and left their employees' and shareholders' financial conditions in shambles. They walked away with a golden parachute. Their legacy to American business is this Congress and the business community is now going to have to face a mandate and a multitude of new business regulation.

The problem is, let us not forget that in the end, this is about integrity, it is about trust, it is about common sense, and it is about decency, all leadership qualities that cannot be legislated, and in many cases leadership qualities that were expected of these individuals, because they hold the public trust and they walked away from it.

I yield to my colleague from Colorado.

Mr. SCHAFFER. I appreciate the gentleman yielding.

Mr. Speaker, I have heard my colleague from Michigan now speak two nights in a row on this very topic, and I want to commend him, because it is late here tonight. I was in my office and I heard the gentleman begin on the subject, and I ran over here to join him and to encourage him on this topic.

I do not care how late it is, and I do not care how many times we have to hear it, but this is something that we need to speak about more often. Let me be a little critical of our own party, if I can. We are Republicans, we are conservatives. We share a passion for free market capitalism together. You know, this is a subject on which Republicans ought to be vocal, as the gentleman has been, and we ought to see more of us from our side of the aisle here.

I will tell you why, because these individuals in corporate society in America who are betraying their investors, betraying the employees of these companies and trying to get away with outright theft, are threatening our very existence as Americans. They are threatening our way of life and traditions of free market economics, driving what historically and traditionally has been the most powerful economic force on the planet, and that is the United States of America.

Mr. HOEKSTRA. The gentleman and I have talked about this. I appreciate my colleague's support. What we have said is in some ways these people are accomplishing, these business leaders, because of their failure to exercise true leadership, are accomplishing what the terrorists could not.

We bounced back after September 11, believing that we could rebuild America, and we are. They put the final piece back on the front of the Pentagon, I think, this week. We are strong and we are going to overcome that and are going to know we can move forward in the face of this terrorist attack. But people are questioning the strength of our system, and stocks are down, not because of the terrorist attack on September 11, but because of the scandals in the business community.

Mr. SCHAFFER. I do not think that the magnitude of this tragedy can be overestimated. It is quite serious. The gentleman is right, there are many people in this Congress and in this country who have rebelled against capitalism for years and years, who think our capitalist way of life in America ought to be thrown out; that we ought to, I guess, go the way of some of the socialist nations of Europe and perhaps even the communist nations in experiments that have been tried and failed around the country.

We, as conservatives, free-market-oriented legislators, we vigorously defend and put our political capital on the line in the notion of free markets. It has served this country well. It has led us to a point of prosperity in this Nation that was beyond imagination for our forefathers and those who have been the pioneers before us here in

America and those who have served prior to us here in Congress fighting to preserve free market capitalism in the country.

These individuals who are cheating and lying and resorting to deception and betrayal, I will tell you what, they are the scumbags of American industry. I am fed up with it. I think Republicans ought to be leading the charge to try to suggest that American industry ought to really rise up to try to police itself, because it is these few bad actors who are trying to get away with stealing millions, sometimes billions of dollars, that give the entire business community just a black eye that is very damaging. It threatens investor confidence.

I think this is a point at which investors and consumers ought to really rally the cause, not to look to government for solutions, though I think there are some places where we have a legitimate role to play, but this needs to be policed where it matters the most, and that is with Americans themselves, free Americans who understand the importance and power of a free market system and the importance of capitalism and believe very firmly in it.

Failure to address it at the serious level it warrants really empowers those who want to destroy capitalism from a bureaucratic perspective. We fought too hard to come here to Congress to allow that to happen.

So I want to commend the gentleman for raising this issue. These organizations, Tyco, CMS Energy, Enron, Lucent and others you mentioned, there are board members elected by stockholders. Their job is to make sure the stockholders' interests are protected, not those few privileged that end up running away selling what is the moral equivalent, I suppose, of sweets on the Titanic. It is their job to make sure that American industry is preserved at a level of integrity that Americans deserve and Americans have come to expect.

I would suggest maybe one other thing. What business schools are producing these individuals, these scoundrels trying to get away with these kinds of crimes? Where do they come from? Those business schools and colleges ought to be held accountable as well, not only for producing these scumbags, but also for perhaps suggesting, maybe telling Congress as to what kinds of changes in the curriculum they are making to improve the quality of business ethics within their colleges and universities.

□ 2340

Maybe we ought to hold them accountable, bring them here in front of hearings, in front of Congress and ask them to provide some solutions so that the captains of industry of the future perhaps have a little higher integrity than these few bad actors are demonstrating.

The SPEAKER pro tempore (Mr. KELLER). The gentleman from Michigan (Mr. HOEKSTRA) is recognized for the balance of the time until midnight.

Mr. HOEKSTRA. Mr. Speaker, I thank the Chair, and I thank my colleague for joining me.

I just want to close on this issue, because I know we want to talk about another issue that the gentleman and I both have a passion for but, like I said, I really thank the gentleman for being down here. This is an issue that Republicans need to take head on. We recognize how important this private sector is; we also recognize how fragile it is. Our system is based on trust. And when these folks break the trust and they walk away with millions or billions and are not held accountable, they weaken the entire system, and we are going to need to put in place, and I hope it happens in the private sector because we really cannot do it very effectively through Congress; but the boards of directors need to stand up and recognize their accountability to the shareholders, to their customers, to their employees; not to their colleagues on the board and not to senior management. They have to get a renewed appreciation for their role, and I think it is our job to point out what is going on here.

Mr. SCHAFFER. Mr. Speaker, if I could amplify that, I want to be frank and open and honest with respect to the political realities of this. Republicans and conservatives around the country cannot afford to stand by and abandon the field to our friends on the left on this topic. We cannot stand silent and allow those who are the advocates, the Democrats in America, the liberals in America, the advocates of greater government control, greater bureaucracy, a government-managed economy; we cannot allow those advocates to somehow gain the upper hand in controlling America's economy predicated upon the crimes of just a few. These are very, very serious incidents that have occurred throughout the country, and we need to take the moral high ground as the Republican Party.

I would really urge all of our colleagues to come duplicate this Special Order and hold their own, to hold more hearings here in Congress. I think we desperately need that. I would encourage our friends throughout the country who care about these issues and who believe a conservative viewpoint in America is essential and is superior of that of the left, to write letters, to get on radio talk shows, to be as forceful and vocal as they possibly can within the political context of America.

This is an issue that conservatives ought to resolve. We owe this as our legacy to the country and our philosophy and our belief to take the moral high ground and to manage this situation in a way that corrects these atrocities and brings us back to what is expected and customary in American society in business. Because our failure to be forceful and vocal will abandon the floor to the wrong people who, in the end, have a much more dangerous and pernicious agenda for America's economy and America's industry, and that is, quite frankly, government control.

Mr. HOEKSTRA. Mr. Speaker, that is exactly right. If corporate America does not step up and deal with these abuses, or if we do not stand up here on the floor of the House and highlight these abuses and push the business community to come up with solutions through the private sector, the end result will be massive new government regulations, which will not have much of an impact, except putting many more costs on our businesses, driving away jobs, driving away creativity and productivity. This is about honesty, decency, and it is about the survival of the free-market system, the capitalistic system, based on trust and us standing up and acknowledging that this is based on trust, it is not based on government regulation, and we need to move forward and we need to put pressure on the business sector to step up and deal with this.

I have been absolutely amazed. I came out of the business community. I worked for a Fortune 500 company. But, I have been amazed by the deafening silence of the business community speaking out on these kinds of issues. I mean, think about it. Companies that are involved in bogus trades, auditing companies that do not audit, sales that are not there, profits that are not there, excessive salaries, and the rest of the business community has basically been quiet. As this one analyst said, well, people are fidgety. Yes, because for many of our constituents, for many of my constituents who work at CMS probably have some kind of a profit-sharing plan or have some of the retirement put into CMS stock. Since January 1, the stock is down 35 percent.

Yes, those people are fidgety, because their company had bogus sales, the company deceived their employees, got them to invest in that stock on a false premise, and they have now lost 35 percent. Yes, I would be fidgety too, because these are people who are near retirement, some of them maybe are on retirement, and they have looked at their nest egg just kind of shrink and evaporate, and now people are saying, well, they are just fidgety, they are overreacting. No, they are reacting exactly the way we would expect them to act, when the leadership of their company has failed them, and lied to them, and when the leadership of their company walks away with millions and they have lost 35 percent. That is not right.

Mr. SCHAFFER. Mr. Speaker, when it is predicated on fraud, when it is predicated on deliberate acts of deceit, those people who committed those crimes ought to be in jail and they ought to serve a long, long time before they ever see the light of day again. I firmly believe that.

Not only that, I just want to reiterate what I said before. Who is producing these clowns? What business schools are they coming from? Let us find out what business schools, what college professors train people to believe that they can lie and cheat and steal here in America and somehow live in lavish houses and get away with it.

The message needs to be sent that anybody who trains these kinds of clowns, needs to be exposed right along with the perpetrators. The perpetrators need to go to jail. My goodness, we ought to have a review of the curriculum in business schools to find out what kinds of ethics classes that they are exposing American students to, because it is not good enough, and we just have to bring this to an end as quickly as possible. It will destroy American society as we know it. This is a huge threat. The magnitude of this just cannot be overestimated and overstated.

Mr. HOEKSTRA. Mr. Speaker, it is kind of interesting, when I come back and we do our next Special Order on this topic, I will bring along a copy of an op-ed piece written by Jack Colson, because that is exactly the question that he asked, which is who is training these clowns? Because the message that clearly is being taught in many of our business schools, it is okay, as long as you do not get caught. No harm, no foul. I sell you $1 billion worth of energy, you sell me $1 billion back, immediately after that, we are now both a $1 billion company. If we do it twice, we are each a $2 billion company. If we do it 4 times, we are a big company now. We have not created any profit, we have not created anything, and no harm, no foul, but we have now just presented to the American public that we are both a $4 billion company.

That is what these folks did, and for one of these companies, it was 80 percent of one of their division's volume, bogus trades, just trading it back and forth, and 2 companies saying, wow, look how big we are.

Somewhere in the business schools, they said, well, as long as you are not breaking any laws, it is okay. Game the system, and do not worry whether it is really not right, but game the system and you are okay as long as you do not get caught. And the bottom line is, for many of these people, it has gotten to be an issue of greed.

This head of the TYCO, and I have a passion about this TYCO company. They came into my district a few years ago and they bought a nice little small company, 400, 500 employees, and they said, we are going to keep it the same, we are going to keep it the same, we are going to keep it the same. They finished the sale and the next day, they locked the doors. Now, we know what kind of man was running that company. He did not care about the employees, because he let them go the day after. He did not care about the business. He walked away with $334 million, and the biggest insult of all was when it came to paying sales tax, he said, I am not going to pay sales tax, because you know what I can do? I can buy something through the company, I can buy it in New York City, but if I ship it to Connecticut or somewhere else and then they can ship it back to me in New York because I shipped it to Connecticut, I do not have to pay any sales tax.

□ 2350

And it is kind of like, when is enough enough? It was $334 million. If he worked 7 days a week, 24 hours a day, he made about $10,000 an hour every waking hour. By January 1, at 6 o'clock in the morning, he had made $60,000 already, much more than most Americans will make in a year, and probably within the first 2 weeks of a year would have made more money than most Americans would make in a lifetime, and it appears that he was unwilling to pay a sales tax. It is kind of like, whoa. And that is the leadership of our, at least in this case, of one of our major corporations. He is leaving the company in ruins. The market lost $86 billion.

We ought to talk about the other issue that the gentleman and I both have a passion for, which is education. The gentleman and I both serve on the Committee on Education and the Workforce. We have spent a lot of time going around America taking a look at what works.

We have analyzed the bureaucracy here in Washington, recognizing that in many cases the Department of Education could not give us a clean set of books. That has now improved with the Bush administration. They are on track to give us a clean audit, we hope, this year.

But, we have a system that funds about $40 billion through the Washington bureaucracy, and what the gentleman and I are advocating for is a system that allows people to directly invest in their schools at home through an education tax credit based on what many of the States have done. It is really a unique and an exciting way to get more money into all of our schools for all of our kids, where the decisions to contribute and where the decisions as to how that money will be spent are made by people at the local level.

Maybe the gentleman just wants to expand a little on that.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for yielding. The education tax credit proposal, in my mind, is one of the most exciting reforms we have seen here in Congress here in a long, long time. Its appeal is that it fosters school choice and more flexibility, really a market approach to American education, and it does so in a way that appeals more broadly across the political spectrum here in Washington and among the traditional education organizations than anything we have seen before.

It is better than vouchers because it is not a voucher at all. It does not represent the kind of strategy vouchers represent, but at the same time, it does promote school choice by focusing on students rather than institutions, and it is nondiscriminatory in its treatment of American schoolchildren. It is more fair than what we do today with conventional public education. It is far more fair than what would be proposed with something like vouchers, for example.

Here is how it works. It starts with the premise and the reality that every American is going to send a certain amount of cash, assuming they are taxpayers, to Washington, DC.

Mr. HOEKSTRA. And assuming they are not trying to evade their taxes.

Mr. SCHAFFER. That is right. And the benefit in our bill, let me just start with the dollar amounts and some of the specifics, it is a $250 benefit to every individual taxpayer in the country.

Well, $250 is a certain dollar amount that every American is going to send to Washington under the current law. What we want to do is take $250 of people's current tax obligation and give them a choice on how to spend it. They can continue to send it to Washington, as they do today, or if the bill passes, they would have a choice to continue to do that or to send $250 to a local school of their choice, a public school in the neighborhood, or maybe a scholarship organization that provides scholarship funds to low-income students so they can attend the school of their choice.

In order to actually increase the amount of money invested in education in America, this tax credit is a 50-percent credit. We will give $250 back from the Government if they will send that plus another $250, $500 total, to a school. That is the proposal.

It works very simply. If you make a $500 investment, total, to a public school or a private school, or a scholarship fund so kids can go to private schools, we will change the Tax Code so you will get $250 of it back out of the tax bill. It is a beautiful proposal. Six States are using it today. It has made a remarkable difference in the education opportunity for poor children in those States, and we want to do it for the country.

Mr. HOEKSTRA. Mr. Speaker, as the gentleman indicated, there are six

States that are using some type of variation of this, whether it is Arizona, Minnesota, Pennsylvania, I think Florida, and they are all working on some type of plan like this.

But, the exciting thing here, this is kind of like a voluntary decision by people at the local level that says I want to put more money into my local school, and they have the option of doing it. It builds that trust between a local parent, a local constituent, and their local school system.

If the school system can come up with a compelling need that says, hey, in Michigan we get money on a formula basis, and some of my school districts have some special needs, and they are saying, the money we are getting from Lansing just is not enough, and they have no alternative way to get some additional dollars, under this plan, they could go to the constituents in Holland and say, you know, we really want to keep this school open. This is in one of our target neighborhoods. We really think it is important. We know that this is not the most efficient way to run the school, but this is not necessarily always about efficiency. We want the best results. We think the best result is by leaving this school open. Are you willing to contribute a little bit to our school system to make that happen?

Under this system, there is an incentive for people to contribute and help build their school system to be one of the best school systems in the State, if not the country.

Mr. SCHAFFER. The current education funding formula at the Federal level is a very rigid, bureaucratic structure.

Mr. HOEKSTRA. It is very much that way at the State level.

Mr. SCHAFFER. This chart to my right explains how Federal education funds get from a taxpayer to a student here at the bottom. It is funneled through all of these different agencies: The U.S. Treasury Department, the Congress, the U.S. Department of Education. Those dollars are distributed through the States, through State legislators, the politicians, the State board of education, the school district, the politicians and to the school. By the time the dollar makes it through this rigid process, there is scarcely 60 cents left of every dollar. What we are proposing is bypassing this nonsense and getting the money directly to children through a choice mechanism and more of a free market approach to schools.

Mr. HOEKSTRA. Mr. Speaker, I want to really reinforce the point my colleague made, which is that this system shrinks the taxpayers' dollar; that when we put a dollar at the top of that funnel, by the time it gets down to the student, that dollar has shrunk from \$1 to something like 65 cents.

In the education tax credit model, with the tax credit model, we actually grow the dollar. The person puts in \$2, but it only costs, or the reduction in Federal income taxes is only \$1, so we actually grow it. So if we invest \$1 there, we end up with 60 cents in the classroom. If we invest \$1 here, we end up with \$2 directly going to the student in local communities with, in this case, the local school board deciding how this money is going to be spent. In that case——

Mr. SCHAFFER. There are about 10 different steps.

Mr. HOEKSTRA. There are about 10 different steps, and a Washington bureaucrat telling us how to spend the money. Quite often when we go through that process they tell us what to do and it is going to cost \$2 million, \$3 million, but they do not give all the money to do it. This is a much more efficient and a much more effective system.

As the gentleman and I point out consistently, we are not talking about doing away with that system. We would love to reform it, to make it more efficient, but we recognize that there is a lot of built-in support for that system. It is going to stay. We are going to keep increasing funding.

What we are trying to do is to develop a complementary, a companion system that allows for more local control and local flexibility in terms of raising and spending money.

Mr. SCHAFFER. And we are going to start out small with the proposal just to prove that it works first, before we move further.

As we draw to a close here in the next couple of minutes, I just want to commend our President. President George W. Bush laid out a very bold and ambitious plan for American schools. He campaigned on it, and once he got elected it was the first order of business of his administration. His goal was to and is to improve American education and reduce the achievement gap that exists between underserved children, poor children, minority children, and those who are of more robust financial means.

He proposed accomplishing this through accountability, through more school choice, and through flexibility, and I regret to say that the Congress really denied the President two of those three objectives in the education bill that the President proposed. All we passed was the accountability, or the national testing provisions. The President is committed to continue fighting and moving forward on the school choice components of his education vision.

This tax credit proposal is really the next step in accomplishing that for the President, so I am grateful for his passion and commitment to these children in America. I am grateful for his commitment to the education tax credit proposal that we have developed. I am grateful for our Speaker and our majority leader, and our leadership here in the House, and the chairman of the Committee on Ways and Means and the chairman of the Committee on Education and the Workforce for all of their help and support in making this tax credit proposal a reality, because it will allow us to bypass this bureaucracy with just a small amount of money to begin to show in America how making the connection between taxpayer and school child will improve education dramatically throughout the country and begin to treat children like they matter, and also begin to expose American education to more of a free market approach.

Mr. HOEKSTRA. Mr. Speaker, the end result is the shared vision that we have with the President, that we have with our Speaker, and with the chairman of the Committee on Education and the Workforce to make sure we leave no child behind; that every child in America gets a first class education, and that they can compete on a worldwide basis.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Mr. GEPHARDT) for today after 5:30 p.m. and the balance of the week on account of her son's graduation.

Mr. LYNCH (at the request of Mr. GEPHARDT) for today on account of family matters.

Mr. MENENDEZ (at the request of Mr. GEPHARDT) for today after 1:30 p.m. on account of being Democratic County Chair, State statute obligates him to conduct reorganizational meeting in which a new Chair is chosen.

Mr. OWENS (at the request of Mr. GEPHARDT) for today and June 13 on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. ISRAEL, for 5 minutes, today.

Mr. LANTOS, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock midnight), the House adjourned until tomorrow, Thursday, June 13, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7339. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Silica, Amorphous, Fumed (Crystalline Free); Exemption from the Requirement of a Tolerance [OPP–2002–0031; FRL–6835–5](RIN: 2070–AB78) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7340. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Removal of Duplicative or Expired Time-limited Tolerances for Emergency Exemptions [OPP–2002–0037; FRL–6835–7] (RIN: 2070–AB78) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7341. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on the Defense Environmental Technology Program; to the Committee on Armed Services.

7342. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [CA 261–0337a; FRL–7171–3] received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7343. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL–7173–6] received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7344. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that State has Corrected a Deficiency in the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 261–0337c; FRL–7171–5] received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7345. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans South Carolina: Approval of Miscellaneous Revisions to the South Carolina State Implementation Plan [SC 42–200220(b); FRL–7207–2] received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7346. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Nitrogen Oxides Budget Program [WV 060–6019a; FRL–7288–4] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7347. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Minnesota [MN63–01–7288a; FRL–7165–7] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7348. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District [CA 260–0339a; FRL–7174–5] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7349. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois Emission Reporting [IL214–1a; FRL–7164–4] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7350. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 08–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7351. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 09–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7352. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 50–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7353. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 02–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7354. A letter from the Chair, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2001, through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7355. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7356. A letter from the Assistant Secretary of the Army, Department of Defense, transmitting a report on the Army's Annual Financial Statement for FY 2001; to the Committee on Government Reform.

7357. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7358. A letter from the Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress: October 1, 2001 to March 31, 2002, and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7359. A letter from the Acting Chairman, National Endowment For The Arts, transmitting the FY 2003 Performance Plan and the FY 1999, FY 2000, and FY 2001 Performance Reports; to the Committee on Government Reform.

7360. A letter from the Secretary, Department of State, transmitting a letter to certify that the Department has developed and implemented a worldwide watchlist of known or suspected money launderers, for the purposes of enforcing the new money laundering inadmissibility, pursuant to Section 1006(b) of the USA Patriot Act; to the Committee on the Judiciary.

7361. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on December 31, 2001, for the State of New York as a result of the record/near record snow, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7362. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F, and DC–10–30F (KC10A and KDC–10) Airplanes [Docket No. 2002–NM–110–AD; Amendment 39–12729; AD 2002–08–17] (RIN: 2120–AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7363. A letter from the Administrator, FAA, Department of Transportation, transmitting the Federal Aviation Administration's report required by Section 757 of Public Law 106–181, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

7364. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ocean Dumping; Site Modification [FRL–7207–5] received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7365. A letter from the Chairman, International Trade Commission, transmitting the Commission's report on investigation No. TA–204–6, entitled, "Certain Steel Wire Rod"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHLERT: Committee on Science. H.R. 3130. A bill to provide for increasing the technically trained workforce in the United

States; with an amendment (Rept. 107–505 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3936. A bill to designate and provide for the management of the Shoshone National Recreation Trail, and for other purposes; with amendments (Rept. 107–506). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 3130 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3130. Referral to the Committee on Education and the Workforce extended for a period ending not later than June 12, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HORN (for himself, Mr. Lewis of California, Mr. Murtha, and Mr. Weldon of Pennsylvania):

H.R. 4914. A bill to authorize the Secretary of Transportation and the Secretary of Defense to carry out a cooperative research and development program of dual use transportation technologies for certain commercial and military applications, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILA:

H.R. 4915. A bill to eliminate the waitout period for Hispanic-serving institutions under section 504 of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mrs. CAPPS (for herself, Mr. LaTourette, Mr. English, Mr. Waxman, Ms. Norton, Mr. McGovern, Ms. Slaughter, Mr. Frost, Ms. Millender-McDonald, Mr. McNulty, Mr. Wexler, Ms. Sanchez, Mr. Blagojevich, Ms. Schakowsky, Ms. Brown of Florida, Mr. Blumenauer, Mr. Owens, Ms. Carson of Indiana, Mrs. Clayton, Mrs. Napolitano, Mr. Baca, Ms. Woolsey, and Mrs. Christensen):

H.R. 4916. A bill to amend the Public Health Service Act to provide services for the prevention of family violence; to the Committee on Energy and Commerce.

By Mr. GALLEGLY:

H.R. 4917. A bill to provide for an exchange of lands with the United Water Conservation District of California to eliminate private inholdings in the Los Padres National Forest, and for other purposes; to the Committee on Resources.

By Mr. GUTIERREZ (for himself, Mr. Farr of California, Mr. Filner, Ms. Schakowsky, Mr. Pastor, Mrs. Napolitano, Ms. Solis, Mr. Baca, Ms. Roybal-Allard, Mr. Serrano, Mr. McGovern, Mr. Rodriguez, Mr. Frank, Mr. Menendez, Ms. Millender-McDonald, Mr. Gonzalez, Mr. Ortiz, Ms. Velázquez, Mr. Acevedo-Vilá, Mr. Reyes, Mr. Lipinski, Mr. Becerra, Ms. McKinney, Mr. Davis of Illinois, and Mr. Berman):

H.R. 4918. A bill to waive certain defenses to legal claims brought by workers participating in the bracero program between 1942 and 1969; to the Committee on the Judiciary.

By Mr. HAYWORTH (for himself and Mr. Stump):

H.R. 4919. A bill to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes; to the Committee on Resources.

By Ms. LEE (for herself, Mr. Kucinich, and Ms. Woolsey):

H.R. 4920. A bill to provide for the continued applicability of the requirements of the ABM Treaty to the United States; to the Committee on International Relations.

By Mr. JEFF MILLER of Florida:

H.R. 4921. A bill to amend title 10, United States Code, to authorize transportation on military aircraft on a space-available basis for veterans with a service-connected disability rated 100 percent; to the Committee on Armed Services.

By Mr. PAUL:

H.R. 4922. A bill to restore first amendment protections of religion and speech; to the Committee on the Judiciary.

By Mr. PICKERING:

H.R. 4923. A bill to amend the 2005 base closure round authorized by the Defense Base Closure and Realignment Act of 1990 to prohibit the closure or adverse realignment of any military installation used for undergraduate pilot training; to the Committee on Armed Services.

By Mr. SIMMONS:

H.R. 4924. A bill to amend title 37, United States Code, to remove the prohibition on the ability of qualified dental officers in the uniformed services to receive additional special pay while undergoing dental internship or residency training; to the Committee on Armed Services.

By Mr. SIMMONS (for himself, Mrs. Johnson of Connecticut, and Mr. Shays):

H.R. 4925. A bill to amend title 23, United States Code, to provide an exemption from Interstate System weight limitations for milk hauling vehicles in the State of Connecticut; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself, Ms. Woolsey, Mr. George Miller of California, Ms. Pelosi, Mrs. Tauscher, Mr. Farr of California, Ms. Lofgren, Mr. Lantos, Ms. Lee, Ms. Eshoo, and Mr. Stark):

H.R. 4926. A bill to authorize the Secretary of the Army to participate in ecosystem restoration of the San Francisco Bay estuary, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. UPTON:

H.R. 4927. A bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 4928. A bill to amend the Higher Education Act of 1965 to expand and extend the eligibility of Hispanic-serving institutions for assistance under title V of that Act; to the Committee on Education and the Workforce.

By Mr. ENGEL (for himself, Mr. Lantos, Mr. Cantor, Mr. Gilman, Mr. Weiner, Mr. Saxton, Mr. Crowley, Mr. Berman, and Mrs. Maloney of New York):

H. Con. Res. 417. Concurrent resolution commemorating the 20th anniversary of the capture of Zachary Baumel, a United States citizen serving in the Israeli Defense Forces, and calling on the Governments of Syria and Lebanon to provide an accounting for, and to secure the release of, Zachary Baumel and all other Israeli hostages held under Lebanese or Syrian control; to the Committee on International Relations.

By Mr. SULLIVAN (for himself and Ms. Carson of Indiana):

H. Res. 442. A resolution supporting responsible fatherhood and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and the Workforce. considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. Schakowsky.

H.R. 116: Mr. Smith of Washington.

H.R. 198: Mr. Paul.

H.R. 257: Mr. Fossella.

H.R. 267: Mr. Wilson of South Carolina.

H.R. 292: Mr. McDermott.

H.R. 491: Mr. Pascrell and Mr. Kildee.

H.R. 536: Mr. Pastor.

H.R. 599: Mr. Berman.

H.R. 633: Mr. Waxman, Mr. Acevedo-Vilá, Mr. Hinchey, Mr. Horn, and Mr. Schiff.

H.R. 786: Mr. Kucinich.

H.R. 822: Mr. Lucas of Kentucky and Mr. Wolf.

H.R. 922: Mr. Serrano.

H.R. 975: Mr. Baca and Mr. Schiff.

H.R. 1021: Mr. Hoekstra and Mr. Royce.

H.R. 1177: Mr. Levin..

H.R. 1452: Ms. McKinney.

H.R. 1489: Mr. Wynn.

H.R. 1532: Mr. Paul.

H.R. 1609: Mr. Wolf.

H.R. 1623: Mr. Carson of Oklahoma.

H.R. 1624: Mr. Holt, Mr. Shimkus, Mr. Simpson, and Ms. Brown of Florida.

H.R. 1756: Mr. Sessions.

H.R. 1908: Mr. Wamp.

H.R. 1943: Mr. Ford, Mr. Abercrombie, and Mr. Price of North Carolina.

H.R. 1950: Mr. Brady of Texas and Mr. Bartlett of Maryland.

H.R. 1956: Mr. Greenwood and Mr. Pombo.

H.R. 1983: Mr. Istook.

H.R. 2055: Mr. Smith of Texas and Mr. Hostettler.

H.R. 2117: Mr. English.

H.R. 2349: Mr. Hill.

H.R. 2466: Mr. Upton.

H.R. 2483: Mr. Wu and Mr. McDermott.

H.R. 2527: Mr. Price of North Carolina, Mr. Markey, Mrs. Clayton, Mr. Fattah, Mr. Brown of Ohio, and Mr. Lewis of Georgia.

H.R. 2641: Ms. Norton.

H.R. 2712: Mr. Deal of Georgia.

H.R. 2874: Mr. Mascara, Mrs. Clayton, Mr. Tierney, Mr. Shimkus, Mr. Abercrombie, Mr. Blumenauer, and Ms. Norton.

H.R. 2953: Mr. BERMAN, Mr. GARY G. MILLER of California, and Mr. ISSA.

H.R. 3130: Mr. LAMPSON.

H.R. 3132: Mrs. JONES of Ohio, Mr. DIAZ-BALART, and Ms. LEE.

H.R. 3139: Mr. WILSON of South Carolina and Mr. HAYWORTH.

H.R. 3238: Mr. LARSEN of Washington.

H.R. 3287: Mr. BARTLETT of Maryland, Mr. CUMMINGS, Mr. CARDIN, Mr. GILCHREST, and Mr. EHRLICH.

H.R. 3352: Mr. LEVIN.

H.R. 3382: Mr. LANGEVIN and Mr. CROWLEY.

H.R. 3439: Mr. HAYWORTH.

H.R. 3450: Mr. LUCAS of Kentucky and Mr. SABO.

H.R. 3464: Mr. ISRAEL, Mr. HALL of Ohio, and Mr. WU.

H.R. 3491: Mr. BRYANT and Mr. BARTLETT of Maryland.

H.R. 3561: Mr. HASTINGS of Florida, Mr. SANDERS, and Mr. DUNCAN.

H.R. 3580: Mr. HALL of Texas.

H.R. 3594: Ms. NORTON.

H.R. 3624: Mr. SMITH of New Jersey.

H.R. 3661: Mr. MANZULLO.

H.R. 3804: Ms. LOFGREN, Mr. WYNN, Mr. MARKEY, Mr. COYNE, and Mr. GILMAN.

H.R. 3805: Mr. SAM JOHNSON of Texas.

H.R. 3808: Mr. BROWN of South Carolina.

H.R. 3834: Mr. INSLEE.

H.R. 3842: Mr. BROWN of South Carolina.

H.R. 3849: Mr. RILEY, Mr. CRAMER, Mr. EVERETT, Mr. BACHUS, Mr. CALLAHAN, Mr. ADERHOLT, Mr. TOWNS, Ms. LEE, Mrs. CLAYTON, Ms. MCKINNEY, Mr. FRANK, Mr. MCNULTY, Ms. ROYBAL-ALLARD, Mr. FROST, Ms. CARSON of Indiana, Mr. MCGOVERN, Mr. CUMMINGS, Mr. BISHOP, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. SCOTT, Mrs. MEEK of Florida, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. OWENS, Mr. RUSH, Mr. WYNN, Ms. WATSON, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. WATT of North Carolina, Mr. PAYNE, Mr. JACKSON of Illinois, and Mr. SANDERS.

H.R. 3850: Mr. RILEY, Mr. CRAMER, Mr. EVERETT, Mr. BACHUS, Mr. CALLAHAN, Mr. ADERHOLT, Mr. TOWNS, Ms. LEE, Mrs. CLAYTON, Ms. MCKINNEY, Mr. FRANK, Mr. MCNULTY, Ms. ROYBAL-ALLARD, Mr. FROST, Ms. CARSON of Indiana, Mr. MCGOVERN, Mr. CUMMINGS, Mr. BISHOP, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. SCOTT, Mrs. MEEK of Florida, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. OWENS, Mr. RUSH, Mr. WYNN, Ms. WATSON, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. WATT of North Carolina, Mr. PAYNE, Mr. JACKSON of Illinois, and Mr. SANDERS.

H.R. 3884: Ms. WATSON.

H.R. 3911: Mr. CAMP.

H.R. 3912: Ms. NORTON.

H.R. 3961: Ms. WATERS.

H.R. 3973: Mr. DUNCAN.

H.R. 3974: Mrs. CLAYTON, Mr. CAPUANO, and Mr. DINGELL.

H.R. 3992: Mr. SHIMKUS.

H.R. 4013: Mr. PRICE of North Carolina and Mr. WOLF.

H.R. 4027: Mr. LUCAS of Kentucky and Mr. GALLEGLY.

H.R. 4032: Mr. RANGEL, Mr. BERMAN, and Mr. WU.

H.R. 4043: Mr. PENCE, Mr. JONES of North Carolina, and Mrs. THURMAN.

H.R. 4545: Mr. CROWLEY.

H.R. 4551: Ms. MCKINNEY.

H.R. 4600: Ms. HART, Mr. TOM DAVIS of Virginia, Mr. FORBES, and Mr. DAN MILLER of Florida.

H.R. 4614: Ms. MCKINNEY, Mr. POMEROY, and Mr. LAFALCE.

H.R. 4635: Mr. AKIN.

H.R. 4646: Mr. ACKERMAN, Mr. BOEHLERT, Mr. THOMPSON of Mississippi, and Mr. MEEKS of New York.

H.R. 4654: Mr. OTTER.

H.R. 4665: Mr. UNDERWOOD and Mr. JONES of North Carolina.

H.R. 4668: Mr. CUNNINGHAM, Mr. MCDERMOTT, Mr. HINCHEY, and Ms. MCCOLLUM.

H.R. 4669: Ms. JACKSON-LEE of Texas.

H.R. 4680: Mr. CRAMER, Mr. ETHERIDGE, Ms. MILLENDER-MCDONALD, Ms. DELAURO, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. CHRISTENSEN.

H.R. 4699: Mr. BARRETT.

H.R. 4703: Ms. KILPATRICK, Ms. RIVERS, Mr. KILDEE, Mr. ROGERS of Michigan, and Mr. STUPAK.

H.R. 4715: Mr. BERMAN.

H.R. 4723: Mr. MCNULTY.

H.R. 4728: Mr. FROST, Mr. GORDON, Mr. HORN, Mr. BALDACCI, and Mr. MCDERMOTT.

H.R. 4754: Mr. SIMPSON, Mr. HOLT, Mr. CONYERS, Mr. OTTER, and Mr. STUMP.

H.R. 4777: Mrs. ROUKEMA and Mr. WEXLER.

H.R. 4778: Mr. KUCINICH.

H.R. 4785: Mrs. MORELLA, Mr. WELDON of Pennsylvania, Mr. HAYWORTH, and Mr. GRAVES.

H.R. 4789: Mr. DUNCAN.

H.R. 4790: Mr. DUNCAN.

H.R. 4792: Mr. CUNNINGHAM.

H.R. 4795: Mr. PETERSON of Pennsylvania.

H.R. 4799: Ms. MCKINNEY, Mr. RAHALL, Mr. TIERNEY, Mr. OBEY, and Mr. BRADY of Pennsylvania.

H.R. 4810: Mr. COYNE.

H.R. 4843: Mrs. JO ANN DAVIS of Virginia, Ms. KAPTUR, Mr. JOHNSON of Illinois, Mr. AKIN, and Mr. THUNE.

H.R. 4844: Ms. DUNN.

H.R. 4881: Mr. TIBERI.

H.R. 4888: Mrs. ROUKEMA, Mr. NADLER, Mr. OWENS, Mr. UPTON, Mr. CASTLE, Mrs. MINK of Hawaii, and Ms. RIVERS.

H.R. 4894: Mr. HOLDEN, Ms. KAPTUR, Mr. FERGUSON, Mr. BLAGOJEVICH, Mr. KENNEDY of Rhode Island, Mr. ENGLISH, Mr. FRANK, Mr. FROST, Mr. GREEN of Texas, Mrs. JONES of Ohio, Mr. COYNE, and Mr. ABERCROMBIE.

H.R. 4907: Mr. HILLEARY.

H.R. 4912: Mr. UDALL of Colorado and Mr. HEFLEY.

H.J. Res. 96: Mr. NUSSLE and Mr. COLLINS.

H.J. Res. 97: Mrs. MALONEY of New York and Mr. HOEFFEL.

H. Con. Res. 287: Mr. PAYNE and Ms. WOOLSEY.

H. Con. Res. 349: Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. BLAGOJEVICH, and Mr. KUCINICH.

H. Con. Res. 351: Mr. TIERNEY, Mr. GREEN of Wisconsin, and Mr. KUCINICH.

H. Con. Res. 359: Ms. MCKINNEY.

H. Con. Res. 362: Mr. BOYD, Mr. DICKS, and Mr. LANGEVIN.

H. Con. Res. 364: Mr. GOODLATTE, Mr. HOSTETTLER, Mr. BUYER, Mr. ROYCE, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. STEARNS, Mr. HAYES, and Mr. BRYANT.

H. Con. Res. 382: Mr. SAWYER, Mr. HINCHEY, and Mr. MCDERMOTT.

H. Con. Res. 403: Mr. MCHUGH.

H. Con. Res. 408: Mr. DAVIS of Florida and Mr. ANDREWS.

H. Con. Res. 416: Mr. ORTIZ, Mr. SCOTT, and Mr. TOM DAVIS of Virginia.

H. Res. 253: Mr. MCNULTY and Mr. SCHIFF.

H. Res. 355: Mr. FROST.

H. Res. 393: Mrs. KELLY and Mr. LOBIONDO.

H. Res. 416: Mr. HOSTETTLER.

H. Res. 436: Mr. LAFALCE, Mr. FRANK, and Mr. SABO.

H. Res. 437: Ms. NORTON, Mr. MCHUGH, Ms. ESHOO, and Mr. KUCINICH.

EXTENSIONS OF REMARKS

TO AMEND THE HIGHER EDUCATION ACT OF 1965 TO ESTABLISH A SCHOLARSHIP PROGRAM TO RECOGNIZE SCHOLAR ATHLETES, AND FOR OTHER PURPOSES

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. LEACH. Mr. Speaker, Title IX, the Federal law passed 30 years ago to mandate equality of opportunity for women in intercollegiate athletics, is today a subject for deserved celebration on what it has done for women and understandable dismay for its unintended consequences for certain men's programs.

The challenge from a Federal policy perspective is to strengthen the good Title IX has wrought, while eliminating its negative consequences.

The good is obvious. Many more women have been given a chance to participate in intercollegiate athletics. But making progress is not the same thing as achieving full equality or advancing adequate opportunity. Nor is obtaining opportunity at the expense of eliminating it for others as positive a social goal as could otherwise be the case.

The problem is the distinction in goals of achieving equality and providing opportunity. Simplistically, an institution of higher education can offer no athletic options or, for instance, two women's and two men's teams and be in compliance with Title IX. Hence, in an abstract setting, a school that might offer 12 men's and six women's teams might be considered Title IX compliant if it eliminated six men's programs or if it eliminated three men's and added three women's programs. Instead of adding and subtracting, there would be greater opportunity for women as well as men if such a school opted to achieve equality with addition alone, by offering 12 women's as well as 12 men's programs.

Title IX is insufficiently progressive if it is implemented with a subtraction mind-set. It matters where the bar is placed. The lower the sports offerings for men, the less opportunity provided women. In architecture "less" might in some cases be "more," but when individual opportunity is at issue, "more" is better.

Title IX is not just a doctrine of equality, but of equal opportunity.

The underlying dilemma with Title IX enforcement is that it has, to date, underemphasized the opportunity quotient implicit in the law. The goal should be equality with increased opportunity.

Just as the equalitarian nature of Title IX should be understood as a call for new sports openings for women, the opportunity basis of the law requires upgrading and reemphasizing participation in sports in the education process.

There is a trend at colleges and universities that the principal sports experience for students is "going to" rather than "participating in" intercollegiate athletics. What is needed is a new participation ethic in sports.

Athletic Departments are not the same thing as History Departments but they share in common the goal of developing the judgment and character of the individual student. Like band and orchestra and debate, sports teams should be seen as student-centered, not profit-driven.

Unfortunately, Title IX has been used by many athletic departments as an excuse to cut sports programs when it should be used to upgrade the role of sports. For one who appreciates what Title IX has started to do for women, yet is dismayed for the loss of so many wrestling, gymnastic, swimming and other men's programs, the question is what, if anything, the Federal government should do.

One option would be to mandate colleges and universities to offer particular programs, but such an approach has the obvious problem of intruding on institutional decisionmaking in potentially inappropriate ways. While Title IX may be considered an intrusion by some, its egalitarian character and purpose is socially compelling. The question that remains is how, from a governmental perspective, to put a greater emphasis on the opportunity side of the Title IX equation.

My recommendation is threefold: (a) Federal and State officials and college administrators should use their positions to call for a greater emphasis on participation in sports in the education experience; (b) Federal guidelines should encourage colleges and universities to meet the Title IX egalitarian premises by adding women's teams without subtracting men's; (c) a new Federal scholar/athletic scholarship program should be established to incentivize colleges and universities to offer greater athletic options.

With regard to the third recommendation, I am today introducing legislation titled the "J. Dennis Hastert Scholar Athlete Act of 2002." The act calls for the creation of Hastert athletic scholarships to be granted at the State level to men and women on an equal basis. Qualification criteria would include an emphasis on sports that are part of the Olympic Games or are not significant revenue generators at particular institutions.

Sports participation helps build character, initiative, and leadership. This is totally independent of the growing assumption in colleges and universities that athletic departments must be profitable or at least not too expensive. It is, of course, a plus if an athletic department can be self-sufficient, but this should not be an overriding consideration. Indeed, it is remarkable how some of our larger universities which are at the forefront of competitive quality in revenue generating sports often offer far fewer athletic options than smaller colleges and universities which are not driven by a ticket sale mentality.

Some see the current emphasis on football to be a significant problem. To be fair, football is expensive, but at Division I schools it can often pay its own way and offset losses elsewhere in athletic budgets. In smaller colleges and universities football is no different than other sports. Its revenues frequently cannot match costs. Indeed, to their credit, six universities in the East offer two full football programs, with one requiring that all participants weigh under a given amount. As a former participant in three college sports where fans often numbered less than team members, I have always been appreciative of administrators who understood that what matters most is love of the sport, not its cost.

Wrestling is a classic. Gyms are seldom packed. Fans are appreciated, but those of us who made that walk with butterflies to the center of the mat and stared at an opponent whose arms looked thicker than tree trunks, understood that we wrestled for the competitive challenge and nothing else. Colleges and universities should support sports like wrestling and at the same time press to add women's sports as diverse as basketball, swimming, field hockey, volleyball, softball, soccer, crew, lacrosse, fencing, hockey, tennis, cross country, archery, track and field, golf, water polo and squash. What matters is growth of the individual: the character sport builds, not the remuneration it receives at the gate.

I speak personally to this issue because in the end sport is about the sum effect on individuals of the values it imparts—both team discipline and self-reliance.

The enemy of opportunity for those interested in participation in low revenue generating sports is neither football nor Title IX's call for gender equality. It is the assumption in too many places that sports are to be encouraged only if they are financially self-sufficient. But from a school's perspective, athletic teams should not be considered burdens. They provide a unique means of advertising the attributes, indeed the existence, of many institutions and a positive way of attracting students in a competitive education environment. It is in this context that the Hastert Scholarship program is proposed as a positive for schools, for students, and for the best of America's athletic ethic.

In a tight budget circumstance where it is tempting for colleges to meet Federal gender equality guidelines with a smaller number of teams, the question is whether the government should step in and incentivize sports participation while maintaining the mandate of equal opportunity.

My answer is yes.

Title IX should be about building up without tearing down.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING DR. JOSEPH E. SABOL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Joseph E. Sabol on the occasion of his retirement from California Polytechnic State University, in San Luis Obispo, CA. Dr. Sabol has spent the past 29 years as a teacher educator, faculty member, administrator, club advisor, and director of Outreach for the College of Agriculture.

Dr. Sabol has also touched the lives of many through his work with Future Farmers of America, 4–H, Grange, and California Rare Fruit Growers. In addition, he has worked with the Agricultural Education Foundation through its California Agricultural Leadership Program since 1972. Over the course of his career, he has worked with teachers in Mexico, Pakistan, Australia, and Costa Rica.

A ceremony will be held to honor Dr. Sabol on June 22, 2002, at California Polytechnic State University, in San Luis Obispo, CA. Dr. Sabol is also working to establish a teaching endowment in the name of his mother and teaching mentor, Dorothea Sabol, in order to assist highly motivated teacher candidates in joining the teaching profession.

Mr. Speaker, I rise today to congratulate and honor Dr. Joseph Sabol for his dedication to higher education in California and his many contributions to California agriculture. I invite my colleagues to join me in thanking Dr. Sabol for his service to the education and agriculture communities and wishing him continued success in all future endeavors.

A PROCLAMATION HONORING JUDGE FRANK J. FREGIATO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. NEY. Mr. Speaker, Whereas, Judge Fregiato has been named 2002 Italian American of the Year by the Board of Directors of the Upper Ohio Valley Italian Festival; and,

Whereas, Judge Fregiato is currently the Belmont County Northern Division Court Judge; and,

Whereas, Judge Fregiato has been an active contributor to his profession through the American, Ohio and Belmont Bar Associations and various leadership positions; and,

Whereas, Judge Fregiato has worked to improve his community through involvement in Knights of Columbus, Masons Kirkwood Lodge, Belmont County Township Association, the Chamber of Commerce, and others;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in applauding Judge Frank J. Fregiato for receiving the 2002 Italian American of the Year Award.

3M SPECIALTY FILM AND MEDIA PRODUCTS DIVISION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. DEMINT. Mr. Speaker, Whereas, 3M was founded 100 years ago in Two Harbors, Minnesota and serves as the world's leading innovative company; and

Whereas, 3M makes and sells thousands of products that improve people's lives; and

Whereas, 3M is a company consisting of 75,000 employees world-wide and 250 at the 3M Specialty Film and Media Products Division in Greenville, South Carolina; and

Whereas, the 3M Specialty Film and Media Products Division began operations in Greenville in 1973; and

Whereas, 3M makes valuable contributions to our community through jobs, environmental stewardship, charitable contributions and volunteerism;

Therefore, be it declared that, this 11th day of June 2002, shall be 3M Day.

HONORING PETER NEUMANN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. MCGOVERN Mr. Speaker, I rise today to congratulate Peter Neumann on the occasion of his retirement from the Social Security Administration after 31 years of dedicated service.

Born in New Britain, CT, on July 6, 1947, Mr. Neumann graduated from Newington High School in 1965. After attending Central Connecticut State College, he served in the U.S. Army from 1969–1971, including a tour of duty in Vietnam.

Mr. Neumann started working at Social Security in 1971 as a claims authorizer in the Bureau of Disability Insurance. He later served in many other management positions until finally becoming district manager for the Worcester, MA, Field Office, of the Social Security Administration in 1990.

Mr. Neumann has brought friendliness and accessibility to the Worcester Field Office for the 11 years he served as district manager. I can personally attest to this since he has always been helpful to my staff and me. I cannot thank him enough for the countless times he has worked with my office to solve Social Security problems for the people of central Massachusetts.

Without a doubt, Mr. Neumann has contributed immensely to the Social Security Administration as well as the community-at-large. Not only has Mr. Neumann served as president and vice president of the New England Social Security Management Association, but he has also served as president of the New England Public Employees Roundtable. In addition, Mr. Neumann has worked for the Worcester Area Combined Federal Campaign as board member and director for the last decade. As a member of the Central Massachusetts Agency on Aging for the last 8 years, he has served as president and has served on the Advisory Committee and Board of Directors. Mr. Neumann recently finished serving a term on the Board of Elder Services of Worcester. He has also volunteered at the Audio Journal, making tapes for blind consumers. There is no question Mr. Neumann's love for community service and devotion to elders is unwavering.

I am sure his eagerness to help people will not falter in retirement. His plans for the future include serving in the Peace Corps with his wife Maria, spending more time with his family, backpacking around Colorado, vacationing in Maine, visiting Italy and Thailand, and hiking the Appalachian Trail.

Mr. Speaker, I am certain that the entire House of Representatives joins me in thanking Mr. Neumann for his service to the Social Security Administration and wishes him the best of luck in retirement.

CELEBRATING THE 50TH ANNIVERSARY OF THE ZONTA CLUB OF MONTGOMERY COUNTY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mrs. MORELLA. Mr. Speaker, I rise to recognize and celebrate of the 50th Anniversary of The Zonta Club of Montgomery County. Zonta International is a worldwide service organization of business and professional executives who work together to advance the status of women. There are more than 34,000 members in 1,230 clubs. This past weekend, I gathered with the many dedicated members of my local club, known for many years as The Zonta Club of Bethesda/Silver Spring.

The Zonta Club of Montgomery County was founded and chartered in January of 1952. Their very first project involved distinguished service to the men and women of our Armed Forces through the local United Service Organizations. Over the past 50 years, The Zonta Club of Montgomery County has provided committed leadership and community service for so many other individuals and organizations. In this anniversary year, the membership has provided caring and dedicated service to The National Home for Children and Families in Bethesda.

Mr. Speaker, I would like to express my deepest thanks and admiration to The Zonta Club of Montgomery County, Maryland for 50 years of commitment and service to our community.

A PROCLAMATION RECOGNIZING CHRISTOPHER TRUEX

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. NEY. Mr. Speaker, Whereas, Christopher Truex has devoted himself to serving others through his membership in the Boy Scouts of America Troop 257; and

Whereas, Christopher Truex has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Christopher Truex must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with the entire 18th Congressional District of Ohio in congratulating Christopher Truex for his Eagle Scout Award.

HONORING SELF-HELP ENTERPRISES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Self-Help Enterprises (SHE) for its contributions to California's San Joaquin Valley.

SHE was formed in 1965 with the purpose of providing improved living conditions to low-income families in the eight-county rural area of the San Joaquin Valley. The idea of SHE dates back to the 1930s and to the program American Friends Service Committee (AFSC). This organization studied the desolate lives of coal miners and developed a self-help housing program. It also provided financing of 20- to 30-year loans at 2% interest.

AFSC transformed into a national program with its efforts in Goshen, California, located in the center of the San Joaquin Valley. Affordable, suitable housing in adequate numbers was not available to meet the needs of the low-income families in the area. The AFSC office in Visalia worked side by side with farm workers and others on the implementation of a plan to construct homes. Rather than pay a developer to construct housing, the rural residents worked together to build their own housing developments. AFSC encouraged legislation which would make housing loans eligible to rural residents other than farmers under Section 502, and USDA's Rural Housing Service allowed the rural residents to earn credit for "sweat equity" because they build their own homes. The success of this program led to the development in February 1965 of Self-Help Enterprises, the first rural self-help housing organization in the nation. SHE is still dedicated to serving low-income rural families after over 30 years.

Mr. Speaker, I rise today to honor Self-Help Enterprises for its tremendous dedication to the community. I invite my colleagues to join me in thanking SHE and wishing the program continued success in the future.

3M PACKAGING SYSTEMS DIVISION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. DEMINT. Mr. Speaker, whereas, 3M was founded 100 years ago in Two Harbors, Minnesota and serves as the world's leading innovative company; and

Whereas, 3M makes and sells thousands of products that improve people's lives; and

Whereas, 3M is a company consisting of 75,000 employees world-wide and 219 at the 3M Packaging Systems Division in Greenville, South Carolina; and

Whereas, the 3M Packaging Systems Division began operations in Greenville in 1974; and

Whereas, 3M makes valuable contributions to our community through jobs, environmental stewardship, charitable contributions and volunteerism;

Therefore, be it declared that, this 11th day of June 2002, shall be 3M day.

HONORING WILLIAM WALLACE FOR 25 YEARS OF SERVICE TO THE WORCESTER HISTORICAL MUSEUM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. MCGOVERN. Mr. Speaker, I rise today to join the community of Worcester, Massachusetts in honoring William Wallace for his 25 years of service as Executive Director of the Worcester Historical Museum as the institution celebrates its 125th Anniversary.

Founded in 1875 by Samuel Staples, the Worcester Historical Museum was designed to be a cultural organization "not for today, but a hundred years to come." With the help of Mayor Clark Jillson, the museum incorporated in 1877. Originally, the museum consisted of two small rooms in the Worcester National Bank Building on Foster Street. The museum eventually moved to its own building on Salisbury Street fourteen years later.

When Mr. Wallace signed on as Executive Director 25 years ago, he and his staff faced the challenges of establishing an effective exhibition program for the Worcester Historical Museum and managing the length of time that the museum and its fine collections would be open to the public. Because of his tenacious dedication and leadership, Mr. Wallace was able to overcome these initial obstacles and oversee many changes. In April 1980, the museum leased the Salisbury Mansion, thereby creating the city's first historic house museum. Even today, Salisbury Mansion serves as a venue for house tours, lectures, concerts, and exhibitions. Most recently, the museum moved into the Georgian Revival building on Elm Street and showcases Worcester's industrial history and the experiences of its immigrant groups. I believe the energy and passion Mr. Wallace has for the museum has been a major factor in the museum's overall evolution into the fine institution it is today.

In addition to his duties at the museum, Mr. Wallace is currently on the Board of Trustees for the Friends of Hope Cemetery and served as founding president from 1992 to 1997. Mr. Wallace's interest in gravestones began through his work on his family's genealogy while he wrote a book on his great-great-grandfather, John Hubbard Spaudling. Mr. Wallace has also been an integral figure in organizing World Smile Day and is an avid collector of Mickey Mouse memorabilia. I can personally testify to this since every time I meet with Mr. Wallace, he is always wearing a Mickey Mouse tie! Clearly, Mr. Wallace approaches everything with the same vivacity and care that he does with his work at the museum.

Mr. Speaker, I am certain that the entire House of Representatives joins me in honoring Mr. Wallace for his many accomplishments as Executive Director of the Worcester Historical Museum and wishes him the best of luck in retirement.

HONORING SAM DUDLEY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mrs. CAPPS. Mr. Speaker, yesterday I attended a special dedication of a mural at Santa Barbara Junior High in the memory of not only the 3,000 people who lost their lives on September 11, but additionally in the memory of the 10,000 that survived. Today, I would like to pay special tribute to the person responsible for that mural, Sam Dudley.

Sam Dudley is a student at Santa Barbara Junior High, who, like the rest of the country, was extremely affected by the events of September 11. Instead of exchanging Christmas gifts, Sam urged his family to take a trip to Ground Zero, so that he could observe directly how New Yorkers were impacted by that horrible day.

Upon visiting Ground Zero, Sam discovered the smoggy air, ashy streets and morose atmosphere that he had expected. Silence prevailed at the scene, only to be interrupted by the piercing noise of an ambulance's siren, which signified the passing of the vehicle, filled with the remains of victims. It was a sobering sight, and the missing posters that covered the walls, among tributes to the dead, left Sam with a somber, hopeless feeling. Yet when he began discussing the tragic day with bystanders, firefighters, police officers, and New York citizens, Sam realized that although the events of September 11 had caused 3,000 deaths, it had also produced 10,000 miracles.

Sam met one woman who had 11 family members at the World Trade Center on September 11. After the smoke had cleared, the woman was amazed to hear that she had not lost a single family member in the attacks. Another woman, Janet Warnock, had a son who worked in one of the towers, and another son and husband who were firefighters that arrived at the site on that fateful morning. Janet's family members also survived.

Upon returning to Santa Barbara, Sam wrote about his experience in New York. His essay was later published in the Santa Barbara News-Press, attracting the attention of his school principal, Gerrie Fawsett, who offered Sam the resources to paint a mural reflecting his experience. The 8th grade leadership class also expressed interest in the project, and the students proceeded to create this mural, entitled 3,000 Deaths, 10,000 Miracles.

On June 10, 2002, this mural was unveiled at Santa Barbara Junior High. Janet Warnock flew out from New York to be present at the ceremony. The mural is a wonderful piece of work, and it will serve as a reminder that although there were many tragedies on that fateful day, September 11 created many miracles as well.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Roll Call No. 207, H.R. 4823, the Holocaust Restitution Tax Fairness Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 208, H.R. 4800, to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 209, on Approving the Journal. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 210, on Agreeing to the Conference Report on S. 1372, the Export-Import Bank Reauthorization Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 211, the Woolsey of California Amendment to H.R. 4664, Investing in America's Future Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 212, H.R. 4664, Investing in America's Future Act. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 213, on the Motion to Adjourn. Had I been present I would have voted no.

I was also unavoidably detained for Roll Call No. 214, to Table the Appeal of the Ruling of the Chair. Had I been present I would have voted yea.

A PROCLAMATION HONORING RICHARD SCHOLL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. NEY. Mr. Speaker, whereas, Richard Scholl has reached the safety milestone of One Million Miles driven without a preventable accident; and

Whereas, Richard Scholl has been awarded the rank of "Individual Million Mile Safe Driver", a rank of accomplishment reached by only a few professional drivers; and

Whereas, Richard Scholl must be commended for his service to the community, providing safe transportation on our nation's highways;

Therefore, I join with the residents of the entire 18th Congressional District in recognizing Richard Scholl as a recipient of the Individual Million Mile Safe Driver award.

TRAFICANT TRIAL: A RAILROAD OF JUSTICE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. TRAFICANT. Mr. Speaker, the government presented a ten-count indictment against me on May 4, 2001. And, convicted me on those ten counts, Thursday, April 11, 2002.

Count Three—John J. Cafaro (The great anomaly—double jeopardy, perjury.)

This count surrounds a now bankrupt firm known as U.S. Aerospace Group Inc. of Manassas, VA. Like Lorena Bobbitt, they couldn't keep track of their appendages; in this case their corporate structure.

The owner of the company was John J. Cafaro. The president was his 21-year-old daughter, Capri. The COO was Richard Detore, who was later succeeded by Al Lange. The company was going bankrupt, but owned patent rights to an aviation safety device second to none, the laser flight navigation system. I arranged to have this laser system demonstrated for Aviation Subcommittee Chairman Jimmy Duncan of Tennessee and FAA Administrator Jane Garvey. Both were impressed. Ultimately there was $4 million appropriated for military testing and use of this system—MEANPALS.

This count was supposed to be a quid pro quo like the others. Truth of the matter is the only agreement I made with USAG was that (1) the manufacturing of any product would be in my district and (2) eventually the entire corporate headquarters and all umbrellas would be relocated to my district for the procurement of jobs for my constituents. In this venue, I might add, high-tech jobs.

J.J. Cafaro perjured himself in my trial to avoid charges of his previous perjured testimony in the RICO trial of former Mahoning County Sheriff, Phil Chance. In fact under cross-examination by myself, Mr. Cafaro admitted to "lying but not perjuring" himself, which is evidenced in the transcript.

Be advised that the testimony in the Chance trial dealt with an alibi, wherein Mr. Cafaro claimed to have given money to former Sheriff Chance, instead of mob-boss Lenny Strollo. Lenny Strollo later admitted that he had given the money to Chance. The same prosecutors in my trial called J.J. Cafaro in the Chance trial a "liar" and Cafaro admitted to that in his testimony. Mr. Cafaro perjured himself at my trial and paid for the perjured testimony of Al Lange, by providing for Al Lange's attorney's fees. In addition, I have come to find out that as an additional inducement for his testimony, Al Lange, who has been diagnosed with cancer, is being maintained by Mr. Cafaro's insurance, although the company has since gone bankrupt and Mr. Lange is no longer employed by Mr. Cafaro.

This whole quid pro quo also involves my boat. I had it for sale and was visited by J.J. Cafaro in my D.C. office one afternoon, where he handed me a book containing an evident bookmarker. When I opened the book I found that it was a bank draft for $26,000 to buy my boat. Mr. Cafaro was so thrilled that his company, which was on the brink of bankruptcy, was given life through my efforts by obtaining $4 million for MEANPALS.

I refused the money that Mr. Cafaro offered me and informed him that one of his employees, Al Lange, had a sincere interest in purchasing the boat and claimed he had bonus money coming from the company and that Mr. Lange would "repair the boat and use it for water navigation purposes." J.J. Cafaro and Al Lange testified that the whole thing was a boat scheme to reward me for my appropriation of the $4 million. The problem is that they cannot overcome their lies with the following facts:

1. Al Lange had a professional boat survey done on the boat that showed that the value of the boat to be greater (without repairs) than I had been asking.

2. Richard Detore, then COO of USAG, was a witness to the boat transactions and said he "would not lie" even after tremendous pressure by the government to do so.

This information is evidence in a taped conversation I had with Mr. Detore on August 1, 2001. It states in pertinent part:

RD: What kind of witness does Cafaro really make when the reality comes out that the guy's lying . . .

JT: Well he's going to have Al Lange to make him look like he's telling the truth, but they can't handle the fact that you are so upright and upstanding a man of integrity, and it's going to blow their case; do you understand?

RD: Yeah, they tried to tear me apart, IRS. They tried saying that I committed fraud in order to obtain my house, which is nonsense because the bank told them I qualified for the house before I even moved. I was all prequalified. They tried to tell me that I was trying to support my wife's lavish lifestyle. They had no idea that my wife has worked 20 years, worked her way through college and that her family is very financially well off; and we have never sought money from anybody. And when I moved from New Jersey, I was carefully, carefully debt free and had no obligations to anybody; and the thing about having to commit fraud with a bank in order to obtain a mortgage is pure nonsense. That's where they've gone. They've gone after me in every way, shape and form.

JT: And Cafaro lied to you from day one, didn't he?

RD: Yes, he did.

JT: And everything he said was a lie?

RD: And I have numerous witnesses where he lied to them.

* * * * * *

RD: Like I said, I can only tell the truth. I fear for my children's lives. I'm scared to death.

JT: You're going to be subpoenaed by me.

RD: Do it through the attorney.

JT: I will.

RD: The threats and intimidation; I'm willing to go to the media. I'm willing to go anyplace, you know.

JT: File your lawsuit and go to the media and say their zeal to get Traficant, they wanted me to lie. That's the bottom line; and they pressured me to lie and made it known very clearly from what you told me that if I lie, all my problems would go away.

RD: I didn't lie. They wanted me to. I refused. I just said keep calm. I've discussed with my wife. I discussed it with other associates. They said that I was (UNINTELLIGIBLE) with the IRS. I basically couldn't even speak and my family members sat there with me, and they said, Rick, we know you; you won't lie; you don't lie; don't lie. Don't be coerced into lying. I said they're telling me they're going to ruin my life if I don't.

I'm basically at my breaking point. I'm mentally running, I mean to tell you the truth; I'm ready to just go ahead and blow my head off. It is so bad, if it wasn't for my kids and the strain it would have on my kids, I'd be gone.

4. Mr. Detore, because he would not lie, was charged with a superceding indictment with me.

This information is evidenced in Mr. Detore's sworn declaration in his Motion to Dismiss filed with the court. It states in pertinent part:

"30. Mr. Morford attempted to pressure me [Detore] to change my statement that I knew of no acts of corruption involving Congressman Traficant, J.J. Cafaro, and USAG."

5. Mr. Cafaro and Mr. Lange both testified that they bought me a welder and a generator, which is another lie, since I would have no use for these items having already owned a welder and generator. The welder and generator were given to me at my D.C. office to deliver to Brian Kidwell, a constituent of mine, who had stated to me and the officials at USAG, once he saw the first completed trailer, that he could "build the trailers needed for the company at a great savings." He further stated that "you [USAG]" provide me with a welder for aluminum work and a quality generator and I'll save "you up to 40% on trailer costs."

Mr. Kidwell testified under oath that the generator perished in a fire and affirms that he has reported this information to his insurance company.

The welder was photographed and scheduled for delivery to the U.S. District court in Cleveland so it could be shown to the jury that it was unused. The welder was picked up at Mr. Kidwell's residence in Vienna, Ohio under extremely suspicious and threatening circumstances. The following affidavit by Mr. Kidwell describes the events:

AFFIDAVIT OF BRIAN KIDWELL

SATURDAY, APRIL 2, 2002

I hereby swear that the following accounts of events that occurred concerning an unused welder delivered to me from USAG by James A. Traficant, Jr. are true and accurate.

On Friday afternoon, March 22, 2002, at approximately 3:30–4:30 p.m. a dark blue Ford pick-up truck of a newer model pulled into my driveway at 1861 Youngstown-Kingsville Road, Vienna, Ohio.

There were three big white men in the truck.

They backed the truck up to the building where the USAG welder was stored and being prepared to be shipped to Cleveland as evidence in the Traficant Trial.

They proceeded to take the unused USAG welder out of the eastern garage door that the welder had been stored in. The door measured ten feet in height and nine feet in width.

They then loaded, by hand, lifting the welder onto the bed of the blue Ford pick-up truck. I did not help load the welder. It was my impression that it was a half-ton pick-up truck, single cab.

In addition, they had also taken all equipment pertaining to the welder and also my personal used yellow acetylene tank that was stored on the back of the unused welder.

They then asked me, after they loaded the unused welder, the equipment associated with it, and my used acetylene tank, if that "blue pick-up truck that just pulled out" belonged to my son.

I said, "yes."

I then told them that the welder was to be delivered to Cleveland.

They said, "This welder is not going to Cleveland."

Then they said, "if you are asked, you did not see this welder going out of here."

They proceeded to place a restraining nylon tie down strap over the welder to secure it to the truck bed. The restraining tie down nylon strap was my property and has not been returned.

I became very nervous and afraid when I realized that these men were not sent by Congressman Traficant for the purpose of having the welder delivered to the Cleveland Court.

I further became concerned and afraid for my three children since evidently, they knew my one son at least by asking about his blue Chevrolet pick-up truck, which had just left.

When I testified in Cleveland at the Traficant Trial, Monday, March 25, 2002, I was afraid to mention to Congressman Traficant what had occurred and led the Congressman to believe that the welder would be delivered to Cleveland for inspection.

I did this for the safety and concern of my three children.

The three men never identified themselves and by their behavior and intimidation I did not attempt to stop them.

After considering all possible circumstances, I decided to avoid everybody until the trial was over, since photographs had been take of the machine extensively by Dominic Marchese, photographs that I had truthfully identified for the Court on March 25, 2002.

My attempts to avoid any contact were interrupted by the unexpected visit of Congressman James A. Traficant, Jr. and Dominic Marchese on Saturday morning approximately 5:50 a.m. on April 6, 2002.

I then admitted what had occurred on listed above and asked Congressman Traficant to protect my family in any way he could so that I would not get into trouble for failing to report this. It was never my intention to break any laws, my concerns were for my children, especially Gary, whom the three men had alluded to as having owned a blue pick-up truck.

I never saw any identification. I never asked if they represented any company not the government, I just followed their instructions to "stay out of this."

The above is a true and accurate statement.

Sworn before a notary on April 6, 2002.

Since this ordeal, Brian Kidwell has been notified that there have been visits to his employer concerning activities at his workplace and now suspects that the government is behind this because of Mr. Kidwell's belief that the government illegally tampered with evidence by picking up the welder.

Another element in this count was that J.J. Cafaro alleged that he gave me $13,000 in cash while sitting in a car after a meeting outside of a building at Youngstown State University. Again, Mr. Cafaro perjured himself.

Former clerk to Chief Justice Thomas Lambros, Attorney Percy Squire, was asked by me to be a character witness. When Atty. Squire arrived for his court appearance, he said.

"Why do you want me as a character witness, I know first hand that Bucci and Cafaro are lying."

Cafaro maintained that after a lengthy meeting at YSU that we (Cafaro and myself) "waited until everyone left" got into his car and "drove around the block" when he gave me $13,000 cash.

Atty. Squire testified that he was serving as an official advisor of a community group at the meeting and walked out with me and saw me immediately get into a green truck and the driver of the truck drove off. Brian Kidwell, who testified that he picked me up directly after the meeting, owned the truck.

I presented two witnesses to impeach the testimony of J.J. Cafaro, who the prosecutors had called a "liar" in a formed RICO trial and now suborns Cafaro's perjury and permits a conspiracy to continue between Cafaro and Al Lange to help them to gain a conviction against me.

Because of his participation in my conviction, I imagine that Mr. Cafaro's fate will probably resemble that of Anthony Bucci, who made three federal plea agreements and is working on his fourth, which has rewarded him with 6 weeks home detention and 2 years of probation for his crimes against the government.

Since the trial I have also learned that J.J. Cafaro wanted Al Lange to sign a demand note for money extended relative to my boat. I've also learned that Mr. Cafaro continues to pay for Mr. Lange's hospitalization to this date and continues to even though the USAG Company has since dissolved and Mr. Lange is not an employee of Mr. Cafaro's.

The question is . . . was Mr. Lange represented by his own attorney, or was he really represented by Mr. Cafaro's attorney? What is even more unusual is that Mr. Cafaro was the government's least credible witness, as evidenced by statements by the jurors, yet they threw out overt acts associated with other witnesses and left all the Cafaro garbage in.

Again, no physical evidence, no wiretaps, no tapes, no hidden microphones and no fingerprints on more than 1000 documents. How is it possible to reach a conclusion beyond a reasonable doubt with only circumstantial evidence and the testimony of felons, in a RICO case?

And next, as promised . . . Pinocchio, Attorney at Law.

TRIBUTE TO MASTER CHIEF ELECTRONICS TECHNICIAN (SUBMARINES) CURTIS DEAN HAGGARD, U.S. NAVY

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to honor Master Chief Electronics Technician (Submarines) Curtis Dean Haggard, United States Navy. Master Chief Haggard will retire on Friday, 14 June 2002 after 24 years of faithful service to our Nation.

Master Chief Haggard enlisted in the United States Navy in Las Vegas, Nevada and reported to Basic Training in San Diego, California in 1978. Upon completion of Electronics Technician "A" School at Great Lakes, Illinois he returned to San Diego for a six-month tour as a radar technician aboard the destroyer

USS *John R. Craig* (DD 885). He next reported to Naval Nuclear Power School in Orlando, Florida and then to the Naval Nuclear Propulsion Training Unit in Idaho Falls, Idaho.

In 1980 Master Chief Haggard arrived at Pearl Harbor, Hawaii for duty in Reactor Controls Division abroad USS *Tautog* (SSN 639). He completed deployments to the Western Pacific, Eastern Pacific, and Indian Oceans and to the North Pole. He qualified Engineering Watch Supervisor, Engineering Duty Petty Officer and Reactor Operator. In 1983, instructor duty followed at the *Trident* Prototype in Ballston Spa, New York where he qualified Engineering Officer of the Watch and Engineering Duty Officer, was certified as a Master Training Specialist and advanced to Chief Petty Officer.

Mr. Speaker, he next reported as one of the highly selective initial manning crew of the Pre-Commissioning Unit *Pennsylvania* at the Electric Boat Shipyard in Groton, Connecticut in 1987. After placing USS *Pennsylvania* (SSBN 735) into commission in 1989 in New London, Connecticut, he arrived with the Blue Crew in Kings Bay, Georgia and completed a five-year tour in *Pennsylvania*, including three Strategic Deterrent Patrols. He next reported to Trident Training Facility in Kings Bay, where he qualified Command Duty Officer and served as the Reactor Controls Division Officer in the Engineering Training Department and the Electronics Technician Maintenance School Supervisor.

In August 1995 Master Chief Haggard reported to USS *Hyman G. Rickover* (SSN 709) in Norfolk, Virginia as the Engineering Department Master Chief. During this tour *Rickover* completed two Operational Reactor Safeguards Examinations, two Tactical Readiness Evaluations and an extended deployment to the North Atlantic. In May 1997 he reported to the Deputy Chief of Naval Operations for Manpower and Policy in the Navy Bureau of Personnel in Washington, DC, as Quality Control Advisor for nuclear enlisted personnel.

Mr. Speaker, Master Chief Haggard is a graduate of the University of the State of New York in Albany, New York with a Bachelor of Science degree in Psychology. He earned a Master of Public Administration degree from the Valdosta State University in Valdosta, Georgia where he was the 1993 Graduate Student of the Year. He also graduated with Military Honors from the Navy Senior Enlisted Academy in Newport, Rhode Island in 1995.

Mr. Speaker, Master Chief Haggard's contributions have had a direct and lasting impact on the overall readiness and effectiveness of Naval Nuclear Propulsion Program personnel. He is an individual of uncommon character and his professionalism will be sincerely missed. I am proud, Mr. Speaker, to thank him for his honorable service in the United States Navy, and to wish him "fair winds and following seas" as he closes his distinguished military career.

NATIONAL CHAMPIONS HAMMOND ROBOTICS TEAM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and enthusiasm that I congratulate the national champion Hammond Robotics Team. the team, which comprises students from all racial, cultural, and economic walks of life, finished in first place for the second consecutive year at the US FIRST national competition in Orlando, FL.

The members of the national champion Hammond Robotics Team are: Amanda Aldridge, Jasmine Barnett, Justin Clark, David Clinton, Ryan Gawron, Mike Goril, Ethan Grove, Eugene Hanas, Elyse Holguin, Khamicia Jarrett, Kristyn Kapetanovic, Kevin Kolodziej, Omar Martin, Sarah Michna, Luis Moreno, Amanda Morrison, Julia Novak, Shane Ostapchuk, Michael Phillips, Christina Polka, and Michael Smith.

US FIRST is an organization dedicated to motivating America's youth about science, technology, and engineering through hands-on methods. The program involves a unique blend of problem solving and competition that prepares students for real world situations. During the competition, teams face off against each other and are given a limited amount of time to devise both an offensive and defensive strategy for accomplishing a specific task. Team Hammond conquered the challenge. While nearly 1,000 teams nationwide were involved in the US FIRST competition, Team Hammond came out on top.

Although Team Hammond has enjoyed a high level of success through the years, the team's triumphs have not come without adversity. Though many of the teams at the National Competition enjoyed significant corporate financial underwriting, Team Hammond had to work extremely hard to secure funding for both the regional and national competition. Through numerous fundraising efforts and private sponsorships, Team Hammond took the necessary initiative and was able to secure the necessary funding for its worthy program.

However, perhaps the most applaudable aspect of Team Hammond's success is the various backgrounds from which the team members come. The team is comprised of students from all four of Hammond's high schools and reflects the diversity on which northwest Indiana prides itself. This diversity is, for the Hammond Robotics Program, the rule rather than the exception and it should be commended.

Mr. Speaker, it is with great pride that I congratulate Team Hammond for its second consecutive year as national champions and third national championship overall at the US FIRST national competition. The young men and women of the team worked hard towards a goal and their efforts paid off. I hope that the rest of my colleagues will join with me in applauding Team Hammond's commendable effort.

IT'S TIME

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today to speak to my colleagues about prescription drugs and Medicare. Specifically, I feel it is an outrage that our senior citizens are being forced to drive to Canada to get prescription drugs at reasonable prices, or even worse having to choose between buying food or medication.

This has gone on for far too long. As a couple in Maysville, KY, avowed, "It is past time! And way overdue! Older people need help, perhaps not all of us, but many of us do." This is just one of the many comments that I received in the mail from Kentucky seniors. However, as I read their comments, I realize these are not just the voices of Kentucky's senior citizens, they are the voices of America's senior citizens. These senior citizens are veterans, they are mothers and fathers, they are grandparents, and they are men and women that have worked their entire life to make America a better place.

As representatives of the American people, we must work together to pass a meaningful drug benefit for our senior citizens. We need a bipartisan prescription drug plan that helps seniors afford the drugs their doctors are telling them they need. This is not a political issue. This is a quality of life issue. We need to get this done and get this done now. I would like to share with you some of the stories from Kentucky's senior citizens. However, when you listen to these stories from across the Fourth District of Kentucky, remember they are representative of the problems seniors are facing all across America.

From Crittenden, KY, "It is getting so bad we are thinking about driving to Canada to stock up on our prescriptions." From Rush, KY, "Seniors have worked all their lives and now can't enjoy pleasures because medicine is too high." From Pleasureville, KY, "When is it going to end? Something surely needs to be done, people like myself are not going to be able to make it. Sometimes, I wonder do I pay my bills or buy my medicine." From Dry Ridge, KY, "We are both 68 years old. My husband's prescription drug bills were about $600 a month after heart surgery. So we started getting prescription drugs from Canada. My cholesterol medicine is $80 a month from Wal-Mart. From Canada it is $31 a month and is exactly the same prescription drug." From Ashland, KY, "I am 90 years old and it is a choice between food and Medicine." From Williamstown, KY, "We need the medicine but we need to eat too. Sometimes we do not know which comes first. We need help with our prescription drugs."

Mr. Speaker, it's time for us all to work together to enact a meaningful Medicare prescription drug benefit.

HONORING STANLEY ZIMMERMAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Stanley Zimmerman on the occasion of his 70th birthday and the Preview of the Automobile Driving Museum. For over 30 years, Stanley Zimmerman has been collecting, restoring, and showing classic automobiles, amassing nearly 40 cars. This life long passion will culminate with the opening of the Automobile Driving Museum in the fall of 2002.

Stanley's passion for automotive restoration began in the 1970s when he purchased a 1936 Packard Convertible Sedan which he painstakingly restored over the ensuing 28 years to award-winning, 100 point perfection. Since that time, his collection has expanded to include: Packards, Studebakers, Lincolns, Fords, Cadillacs, Chryslers, and a Stutz. Due to its uniqueness of variety and perfection, Stanley's collection has been shown around the country, winning awards and inspiring fellow collectors.

Over the last 30 years, Stanley Zimmerman's passion has contributed to the preservation of the history of automobile production in America as well as the histories of the famous Americans who drove them. His collection contains such historically significant automobiles as a 1955 Packard Caribbean, a car first purchased by Howard Hughes for his wife, Jean Peters, and a 1936 seven-passenger Packard Phantom, purportedly a gift from President Roosevelt to Joseph Stalin.

As a member of the Classic Car Club, The Packard Automobile Classics Club, the Antique Studebaker Club, the Lincoln Owners Club, the Walter P. Chrysler Club and the Earl C. Anthony Packard Club, Stanley has gained priceless knowledge about each of the cars he has restored and has thus been able to pass on this knowledge to countless other classic car owners and members of our national community. With his years of experience as his guide, Stanley will open the Automobile Driving Museum, the only car museum in the United States which allows visitors to ride in the classic cars on display.

I ask all Members to join me in congratulating Stanley Zimmerman for his devotion to the history and restoration of classic automobiles and in wishing him good fortune upon the opening of the Automobile Driving Museum.

IN RECOGNITION OF PASTOR FATHER PHILLIP G. RACCO

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mrs. JONES of Ohio. Mr. Speaker, I rise today to recognize Phillip G. Racco, Pastor of Holy Rosary Church in Cleveland, OH. On June 11, 2002, Father Racco will celebrate the silver anniversary of his ordinance into the priesthood. Father Racco has devoted 13 years to ministering to the people of Holy Rosary and Little Italy. Father Racco has made Holy Rosary Church a great haven for the students at Case Western Reserve University and the many families and friends of patients at University Hospital and the Cleveland Clinic who visit the church daily. Father Racco has previously served as an assistant at St. John Bosco in Parma Heights, St. Margaret Mary in South Euclid and Pastor at St. Philomena in East Cleveland prior to being assigned Pastor of Holy Rosary Church in 1989.

Therefore, I join with the entire 11th District of Ohio in congratulating Father Phillip Racco for his 13 years of service to Holy Rosary Church and the city of Cleveland.

HONORING JOHN REYNOLDS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor John Reynolds on the occasion of his retirement from the National Park Service. I have had the pleasure of working with him in my capacity on the Resources Committee and as the Representative from the 19th District of California.

John is the son of a park ranger, having been born in Yellowstone National Park. He is the brother of a park superintendent who served around the country in superlative national parks. He has spent the last 37 years crisscrossing the country, changing assignments every couple of years, and charting the course of a moderate and flexible national park system. He will retire August 2 as regional director of the Pacific West Region.

His distinguished career began as a park planner and he developed a lifelong love of Yosemite National Park after serving as team captain for the first master plan. John has served the National Park Service diligently in numerous positions across the country. Among these John has acted as the Director of the Service Center located in Denver, Colorado, the Regional Director to the Mid Atlantic Region, in Philadelphia, and the Deputy Director of the National Park Service here in Washington, D.C. Throughout his career with the Service, John Reynolds has consistently demonstrated a level of care, commitment, leadership and vision of America's National Parks. I anticipate that John will continue to generously share his thoughts and vision for these treasures long into his retirement.

Mr. Speaker, I rise today to honor John Reynolds on his retirement. I invite my colleagues to join me in thanking John for his outstanding service to the nation's National Parks and in wishing him many more years of continued success.

INTRODUCTION OF OFFICIAL TIME REPORTING ACT

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. DAN MILLER of Florida. Mr. Speaker, I rise to discuss legislation I have introduced today. The "Official Time Reporting Act" is a much needed effort to bring sunshine to the mysterious world of "official time."

This bill would require the Office of Personnel Management (OPM) to collect and report to Congress on the use of official time by federal union workers.

Official time is the use of federal government paid time to attend to union related business. The use of official time by union members for the participation in collective bargaining and Federal Labor Relations Act authorized activities is a matter of statutory right. Using official time for other union activities is negotiated between the agency and the union.

However, critics note that official time has ambiguous definitions that leave it open for abuse such as through the use of "no-show" jobs or government funded union advocacy. Nevertheless, the bill I am introducing today has nothing to do with the merits of official time, it simply tries to quantify the use of it within the federal government.

There are over 1.8 million federal workers currently working for the government. This large workforce is continuing to grow especially with the war on terror adding to its roles. However, there is no method to tell what federal resources (salary, equipment, etc.) are used for purely union related work as opposed to federal work.

Currently, only the Social Security Administration (SSA) collects and reports this information.

The information currently collected by the SSA includes:

(1) The number of hours of official time that employees spent on union activities;

(2) Number of employees who used official time for union activities;

(3) Number of employees who spent 100 percent of their time on union activities;

(4) Dollar value of the official time spent on union activities;

(5) Dollar value of the office space, equipment, telephone use and supplies provided to unions; and

(6) Benefits and disadvantages of using official time for union activities.

My bill would simply make every federal agency report this information to the OPM.

Extrapolating from the currently provided SSA data, official time usage could be at least a $400 million a year federal government-wide expense. When we are talking about hundreds of millions of dollars, Congress should not have to guess.

Furthermore the previous administration's OPM was ordered by Congress to examine this issue in 1998. In its 1998 report, OPM calculated a figure of roughly $110 million using different criteria than the SSA. So as you can see official time is not cheap.

This bill puts sunshine on the issue of federal worker productivity and will be an important tool for Congress to use to understand how the money it appropriates is being spent and for the Executive Branch to understand how it is allocating resources.

The General Accounting Office (GAO) has tried to study how much official time is being used but has been stymied by the lack of data on this issue. In testimony before the Civil Service Subcommittee of the House Government Reform and Oversight Committee in June 1998, GAO concluded: "our work has shown that if decision makers hope to resolve the question of the extent to which federal agencies use official time and other resources to support employee union activities, better data will be needed."

This bill will remedy this important GAO concern.

The Official Time Reporting Act is different than an official time bill that I introduced in 1998 called the Workplace Integrity Act. Whereas the 1998 bill contained restrictions on official time, this bill solely concentrates on reporting and disclosure issues. The Official Time Reporting Act has no restrictions on the use of official time. It is a bill introduced in the spirit of openness and good government. I am hopeful this good government disclosure bill will be acted upon by Congress in an expeditions manner.

I urge my colleagues to co-sponsor this important bill and I thank the Speaker for yielding me this time.

CELEBRATING 120 YEARS OF SERVICE AND SPIRITUAL GUIDANCE

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mrs. WILSON of New Mexico. Mr. Speaker, I would like to share the story of the Grant Chapel Church in my hometown of Albuquerque, New Mexico. The church was founded in 1882 as the "Colored Methodist Mission" by a group of local African Americans. It was built as a place for them to worship in dignity and respect. As one of the oldest African American churches in the Southwest, the church has provided spiritual guidance and refuge to Albuquerque communities for many years.

In 1883, the New Mexico Township, Inc. awarded several plots of lands to businesses and churches to promote development in the town that has become the Albuquerque we know today. The Colored Methodist Mission was only one of five churches to receive this gift from the city.

The Grant Chapel Church has changed hands over the years and has had some fifty ministers serve its congregation throughout the 120-year history. In 1905, the church was renamed for Bishop Abram Grant, the presiding prelate of the 5th Episcopal District. The faithful members of this congregation built a church house in a Southwestern style in 1952 and served the community there for nearly fifty years before moving to a new location in 1990, where it remains today and continues to serve.

Mr. Speaker, please join me in congratulating this church for 120 years of service and spiritual guidance to the Albuquerque communities.

HONORING MARCUS THAMES, THE LOUISVILLE SLUGGER, MISSISSIPPI'S LATEST SPORTS LEGEND

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. SHOWS. Mr. Speaker, I rise today to share with my colleagues the exploits of baseball's, and Mississippi's, newest hero, Marcus Thames, rookie outfielder for the New York Yankees.

Yes, Mr. Speaker, we Mississippians can speak kindly about New York, as long as it is really about another Mississippian!

On Monday, June 10, Marcus Thames of Louisville, Mississippi, made his Major League Baseball debut against the defending World Champion Arizona Diamondbacks. And whom should he face on the pitchers' mound? None other than Cy Young Award winner, World Series MVP and future Hall of Famer Randy Johnson, that's who! All 6 feet, 10 inches of him!

Did Marcus Thames, this proud Mississippian, crumble under the pressure of the moment? Did he let the sound of almost 50,000 cheering fans get to him? No, of course not, he's from Mississippi. Marcus Thames slugged the first big league pitch he ever saw over the fence for a home run!

This graduate of East Central Community College in Decatur, Mississippi, is the 82nd player in baseball history to go deep in his first career at-bat, and the 32nd to do it on the first pitch of his career.

But Marcus Thames won't let stardom go to his head. Like all good Mississippi boys, the first thing he did after the big game was to call his mama, Veterine, back home in Mississippi.

Mr. Speaker, I salute Marcus Thames, baseball's newest hero from Louisville, Mississippi. The good people of Louisville and East Central Mississippi already know about him, and no doubt all Americans will become very familiar with the newest Louisville Slugger for years to come.

ATHLETES UNITED FOR PEACE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to offer my congratulations to the Athletes United For Peace (AUP), a nonprofit organization based in Berkeley, California, which is committed to promoting peace, education, friendship, and understanding through programs and events for young people.

AUP is a member of the United Nations Department of Public Information's worldwide team of non-governmental organizations (NGO), and represents the voice of young people throughout the Bay Area counties of Alameda and Contra Costa. Some of the organization's duties as an NGO include attending international conferences; developing programs; and disseminating information on the United Nations' current issues, initiatives and projects to constituents in the Bay Area through workshops and media projects. AUP regularly conducts media projects in partnership with the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

In 1997, AUP established the Digital Technology Academy, a ten-week summer media arts program that trains inner-city young people in the ever-growing field of digital technology with an emphasis on digital video production and multimedia integration. The program was designed by the AUP staff to address the growing concerns and issues surrounding the "Digital Divide" in relation to access and training for disadvantaged youth in the East Bay. The AUP membership association with the United Nations has offered members of the Digital Technology Academy opportunities to engage in interactive teleconference and media presentations to the UN General Assembly.

In 1999, the Contra Costa County's Employment and Human Services Department's Service Integration Program (Martinez) formed a partnership with AUP to conduct the Digital Technology Academy for groups of economically disadvantaged teens from the county's unincorporated and under-served communities of North Richmond and Bay Point. In addition to receiving comprehensive training in the areas of digital camera operation, audio, lighting, script writing and desktop editing, each of the teen participants were required to conduct research on the history of their respective communities. Research performed by the teen groups at the public libraries and local historical societies was refined and developed into scripts for the academy's series of award-winning community history documentary film projects.

The current documentary film "An Exploration of Our History: The Story of East Contra Costa County," was produced during the Summer/Fall of 2001 and competed in the Spring of 2002. The documentary objectively examines the areas history from 1900–1944 from both social and economic perspectives. Presentation of the historical content was conducted through on-camera interviews with several residents and local historians from the Contra Costa County, Pittsburgh and Concord historical societies.

During this period of East Contra Costa County's community history, several events of national prominence occurred. The most notable events include:

(1917) Walnut Creek Land developer Robert N. Burgess received a $20 million contract from the federal government in Washington, D.C., to build 10 cargo ships for the war effort during World War I. The ships were built at his Pacific Coast Shipbuilding Company located at the deep water port in Bay Point next to the Southern Pacific and Santa Fe transcontinental railroads.

(1942) The United States Army constructs Camp Stoneman military base in Pittsburgh, which served as one of the largest embarkation centers for soldiers preparing for combat during World War II in the Pacific.

(1942) The United States Navy constructs the Naval Ammunition Depot in the town of Port Chicago, where enlisted African American sailors (material handlers) unloaded and loaded ammunition that was transshipped by rail onto cargo ships at the deep-water port facility.

The U.S. Justice Department's Relocation Order in February of 1942 forced hundreds of Italian residents of the East Contra Costa County area to relocate away from the newly built Camp Stoneman military based in Pittsburgh. All Italian residents who were not legal citizens of the United States were labeled "enemy aliens" and deemed a threat to national security by the government.

On Tuesday, June 11, 2002, "An Exploration of Our History: The Story of East Contra Costa County" will be presented at the Amborse Recreation Center in Bay Point, California. Athletes United For Peace is thankful to Contra Costa County's Service Integration Program and the local historical society for having an opportunity to train young people in digital technology for the purpose of documenting and preserving the community's. history through this innovative intergenerational program that blends multimedia integration and education.

COMMENDING THE KING'S KIDS OF AMERICA

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. FORBES. Mr. Speaker, I rise to commend the King's Kids of America, Inc. for their outstanding service to our nation and the young people of America. Founded in Suffolk, Virginia in 1989, the King's Kids of America has selflessly worked to develop our youth into well-rounded young adults. The King's Kids of America is a volunteer, non-profit community outreach program for all of America's youth. Their motto is: "striving to make a positive difference."

Unfortunately, the evidence is all around us that our young people today need some extra care and support. Our youth today face challenges and obstacles that I never dreamed about when I was growing up. We know that one caring adult can make a world of difference in the life of a child. The King's Kids of America is committed to making sure that our youth make wholesome decisions that will lead to positive outcomes in their future. America and Virginia need the King's Kids of America now more than ever.

Through the tireless efforts of the King's Kids of America over the years, and its numerous programs dedicated to developing our youth, the world is a better place. I applaud the King's Kids of America's history, and herald its future. I join with the citizens of the Commonwealth of Virginia and my colleagues in the House of Representatives in thanking the King's Kids of America and all its members for their service, dedication, and contributions to our state.

THE HEPATITIS C CRISIS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. PASCRELL. Mr. Speaker, I rise today to call attention to the health care crisis posed by Hepatitis C infection, and to highlight promising news about awareness of the need for testing and the development of new treatment options. As the attached article from The New York Times demonstrates. Hepatitis C, estimated to affect more than 4 million Americans, is a growing public health threat that rivals that of AIDS. Although new infections are decreasing, the incidence of Hepatitis C virus (HCV) infection is increasing as individuals who were infected years ago are just now learning of their infection. Even as recently as last week, a Boston Globe article discusses significant increases in Hepatitis C cases, noting that public awareness campaigns encouraging people to get tested are having an impact.

Hepatitis C is a blood-borne disease that can lead to liver scarring, liver failure or cancer. It is the leading diagnosis leading to liver transplantation. Hepatitis C affects people from all walks of life, although veterans, individuals who received blood transfusions prior to 1992, intravenous drug users, health care and emergency workers and hemophiliacs are at greatest risk of infection. Because of the long period of time between HCV infection and the onset of symptoms, health experts believe that the incidence of known Hepatitis C infection will continue to increase substantially in the coming years. The costs associated with Hepatitis C, estimated at $5.6 billion in 1997, can also be expected to rise.

The good news is, as more people become tested and learn of their HCV infection, medical science has made important treatment advances. In the early 1990's treatment for Hepatitis C was only moderately successful at eliminating the virus from the bloodstream. Advances in the past decade have made marked improvements. The Hepatitis Foundation International estimates that currently 50 to 60 percent of patients respond to treatment initially and that lasting clearance of the virus occurs in about 10 to 40 percent of patients. Additionally, some patients who are not cured find that treatment can delay the need for a liver transplant, an important consideration given the critical shortage of organs available for transplant.

Despite these advances, new treatment regimens are desperately needed in this area. Other options are in various stages of research and development for these patients and I have sent a letter with several of my colleagues to the Secretary of Health and Human Services to encourage him to expedite review of such products as determined appropriate by the Food and Drug Administration. In addition, I have also sent a letter to the Labor, Health and Human Services, Education, and Related Agencies Appropriations Subcommittee requesting the Centers for Disease Control and Prevention (CDC), the National Institute of Allergy and Infectious Diseases (NIAID), and the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) to include language that will recognize and address the intensity of Hepatitis C and language that encourages research for better treatment options for those in high-risk populations.

In the meantime, a growing number of Americans, like the patient described in The Times article, will discover their infection in the coming decade. I am hopeful that medical science, together with sound public policy, will do everything possible to help these Americans fight their disease and continue to lead productive lives.

[From the New York Times, May 14, 2002]

MORE ARE FINDING PERMANENT CURES FOR HEPATITIS C

(By Julie Bain)

Five years ago, R. Scott Bromley, then 57, was returning from a trip to Sicily with friends when he felt a nagging pain in his right side. he was scheduled for an annual checkup the next day, and he learned from a blood test that his liver enzymes were elevated.

Not a big drinker, Mr. Bromley, a New York architect, told the doctor that while in Italy, "You have a little wine before dinner on the piazza, a little wine during dinner, a little wine after dinner," and suggested maybe that was the cause of the unusual numbers.

Two weeks later he was tested again, with the same result. He was referred to a specialist in liver disease and, after further tests, hepatitis C was diagnosed. The doctor told him he could have been harboring the virus for 30 years or more with no symptoms. What's more, the disease could be life threatening. Mr. Bromley was devastated.

More than four million people have hepatitis C in the United States, five times as many as are infected with H.I.V.

"It's the bulk of my practice," said Dr. Hillel Tobias, the medical director of the Liver Transplant Service at New York University Medical Center.

The reason is not that new cases are being contracted. New cases have declined 80 percent in the last decade, mainly because blood transfusions have not been risk factors in that period, thanks to testing for the virus. But because the disease takes so long to progress, more patients are learning that they have hepatitis C while in their 40's and 50's and that they contracted the virus many years ago.

The annual death toll, about 10,000 a year in the United States, is expected to increase for another decade to as many as 30,000 before declining, according to the American Liver Foundation.

Unlike hepatitis A and B, there is no vaccine for hepatitis C, and the virus can lead to serious liver disease, like cirrhosis or liver cancer. Hepatitis C patients make up the largest percentage of people requiring liver transplants. But with new treatments, more are now finding permanent cures.

Some misconceptions exist about the way the hepatitis C virus is spread, said Dr. Eugene R. Schiff, a professor of medicine and the director of the Center for Liver Disease at the University of Miami School of Medicine. "The unequivocally major mode of transmission is blood to blood," he said. An estimated 300,000 Americans now infected got the disease from a transfusion before 1990.

"Sexual transmission has been way overplayed," he said. "So has transmission from mother to baby. It's uncommon, probably less than 3 percent for either of those, quite the opposite from hepatitis B."

Drugs injected by needle also pose blood-to-blood risks. "The classic hepatitis C patient today is a very upstanding 50-year-old lawyer who once tried a needle when he was in college," Dr. Tobias said. "In the 70's, a lot of kids in college tried needles once."

Tattoo needles can also spread the disease.

Because of the lack of symptoms, many cases go undetected until the disease is advanced, although a test can detect antibodies to the virus before it affects the liver.

Starting in 1992, the treatment of choice was alpha interferon, injected three times a week for a year. This antiviral protein can kill the virus, as well as boost the immune system. The rate of permanent viral clearance was 8 to 10 percent, Dr. Tobias said. About five years ago, this treatment was combined with ribavirin, another antiviral agent. With both drugs taken together, a permanent cure rate of about 25 percent was achieved. One reason the rate was not higher was that the interferon was cleared out of the blood so quickly.

Current treatment is pegylated interferon, a long-acting form of the treatment that maintains a sustained blood level for a week. Approved by the Food and Drug Administration in 2001, it brought the cure rate up to about 50 percent. "And if you add ribavirin to it," Dr. Tobias said, "you get to over 60 percent."

Five years ago Mr. Bromley began treatment with alpha interferon, and within two and a half months he was down to a level of zero virus. But the side effects were devastating. "I didn't sleep well, my sex life was all screwed up, I lost 40 pounds and the interferon changed my whole personality," he said.

Then, just a year after he was off the drug, the virus rebounded, even higher than it was before.

There is no clear correlation between the viral count and what's going on in the liver, the real danger zone.

"I have patients with advanced liver disease whose viral counts are fairly low," Dr. Tobias said, "and I have patients with very little liver disease whose viral counts are very high. Similarly, there are people who have normal enzymes and still have significant hepatitis C."

That's why a liver biopsy is usually required to help determine treatment.

For Mr. Bromley, whose tests showed little damage to his liver, it was a tough decision whether to undergo a second treatment. But a year and a half later, he began 48 weeks of interferon and ribavirin, and this time the side effects were even worse. "I couldn't sleep," he said. "I began forgetting things. I would fall down in the middle of the street. I became very depressed."

But the treatment worked, and Mr. Bromley has been free of the virus for more than three years.

Other patients refuse a second treatment, saying the side effects, including flulike symptoms and depression, aren't worth it.

"But," said Dr. Tobias, "they should be retreated with the pegylated interferon because a significant number of them will respond to it."

Those who previously did not respond with interferon have about a 20 percent chance of being cured if they are retreated with the pegylated interferon. Those who have relapsed after successful treatment have a chance of receiving a permanent cure of greater than 50 percent. Evidence also suggests that even if a patient doesn't lose the virus, the anti-inflammatory activity of the pegylated interferon slows the progression of the disease. Some patients who have advanced liver disease go on lifetime reduced-dose interferon, which can delay the need for a liver transplant.

New treatments in development may replace interferon an ribavirin, or be added to them in a drug cocktail, similar to AIDS and H.I.V. treatments. Vertex and Eli Lilly recently announced that they were developing a protease inhibitor that could prevent the virus from making infectious copies of itself. Even more promising, say doctors, is a polymerase inhibitor, which may also stop the virus from replicating. Another possibility is a ribozyme, which may cut the hepatitis C virus "like a scissors," said Dr. Schiff.

None of these treatments, however, will be available for several years.

A vaccine remains a challenge because hepatitis C has eight different molecular configurations that are constantly changing and mutating. A vaccine would require developing an immune response to a part of the virus that is relatively stable across all the variations.

IN RECOGNITION OF FIRST NATIONAL THROCKMORTON REUNION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to recognize the first national Throckmorton Reunion, to be held in Williamsburg, Virginia from June 16th through the 20th. The Throckmorton family's legacy in the United States is as storied and proud as any lineage in our nation's history. From the settlement of Jamestown in 1607 to the present, the Throckmorton name has embodied public service and patriotism. They were involved in the founding of our country from early colonial times through the Revolution, into the Civil War and Reconstruction. Throckmortons from around the U.S. will meet in the colonial city of Williamsburg to celebrate their illustrious heritage and retrace the steps of their forefathers as founders of Virginia and Colonial America.

Their story in America begins with the travels of Kellam Throgmorton to Jamestown, Virginia in 1607. Kellam was among the settlers of England's first colonial establishment on our soil. Kellam was sadly among the brave adventurers who did not survive the harsh winter of that first year in Virginia. Even Sir Walter Raleigh, a founder of Virginia, was connected to the Throckmortons; marrying Elizabeth Throckmorton, the daughter of Queen Elizabeth's Ambassador to France. The next chapter of the Throckmorton legacy was the following generation and the travels of John Throckmorton with Roger Williams. Admitted as a Freeman on May 18, 1631 in Salem, Mass., John, along with Williams, settled most of Rhode Island and other parts of New England in the 1630's and 40's.

Several family members were guests of George and Martha Washington's and served under him in the Continental Army during the Revolutionary War. Families such as the Throckmortons are more than worthy of recognition for their immeasurable sacrifices to our nation's birth and cause.

The Civil War era saw two prominent politicians and soldiers from this family. James Webb Throckmorton was a soldier in the Mexican War and a Confederate general from Texas. He worked closely with American hero Sam Houston as a Texas state senator leading up to the war. Although he fought for the South, Throckmorton was one of seven delegates who voted against the 1861 Texas Secession Convention. After the war, James Webb Throckmorton was elected governor of Texas and later served for over a decade in the House of Representatives before his passing in 1894. This era also includes the services of Oliver Hazard Perry Throckmorton as Governor of Indiana and as a close advisor of President Ulysses S. Grant in 1872. Oliver Throckmorton served as an American envoy to Great Britain as well.

More recently, the proactive work of Mrs. Clare McClaren-Throckmorton and Dr. Caroline Throckmorton Lewin, a psychologist from my district in Ohio, has been commendable. It's important to remember the bravery and service of others to our country throughout history. The Throckmorton reunion in Williamsburg, Virginia is a gathering of a great American family and a salute to times past. I'm confident that generations from now the Throckmortons will continue to be a proud family of patriots. It's my honor and privilege to recognize the Throckmorton family, and extend my best wishes to them all. The United States is in their debt.

IN HONOR OF THE HEROISM OF JOHNNY SHERRILL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to and honor the heroism of a brave civil servant, Mr. Johnny Sherrill of New Castle, Delaware. His bravery and heroic actions resulted in a life being saved.

Mr. Sherrill, a mail carrier with the United States Postal Service, deserves a hero's recognition for his actions that save the life of 95-year-old Elsmere resident Almira Francisco. While on his delivery route, Mr. Sherrill heard a smoke detector alarm and noticed smoke coming from Mrs. Francisco's residence. Mr. Sherrill alertly checked on the residence, escorted Mrs. Francisco safely outside, and called the Elsmere Fire Department. After waiting for emergency personnel to arrive, Mr. Sherrill simply continued on with his delivery route.

Mr. Sherrill displayed a quality that all Delawareans should look for in a role model—selfless concern for fellow citizens. We should all hope to emulate Mr. Sherrill's actions. In times like these, America needs everyday heroes who display courage and bravery when called upon to help their fellow citizens. I am proud to say that Mr. Sherrill exemplified these qualities with his actions, and his recognition, Mr. Speaker, is duly deserved.

Ordinary people, like Johnny Sherrill from my great State of Delaware, are the true heroes in today's world, and are the true role models for the next generation of leaders, both inside and outside of Delaware's borders.

TRIBUTE TO MR. ANDREW KAMEI

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. HONDA. Mr. Speaker, I rise today in honor of the achievement of Mr. Andrew Kamei of Bishop, California. Andrew Kamei was awarded first place in the Junior Historical Research Paper category at the California State History Day competition held in San Jose, California. Having accomplished this, Andrew has earned the honor of representing California in the National History Day Competition this month, an event honoring the scholarship and creativity of students across the nation.

Andrew Kamei is a 12-year-old seventh grader with an inspirational work ethic and a remarkable understanding of history. His award winning research paper, titled "'In Times of War the Laws are Silent': The Fair Play Committee, Heart Mountain Relocation Camp, Wyoming, 1944" is a written testament to these qualities. The paper describes the experiences of the Fair Play Committee, a group of Japanese Americans who were sentenced to extended terms in federal prison for refusing to appear for draft induction while being held in internment camps as potential enemies of the United States.

The sixty-three members of the Fair Play Committee unanimously agreed to serve in the military on the condition that their constitutional rights be restored, a remarkable historical event that Andrew Kamei explored with tremendous determination. By talking to former internees, scouring state archives, and meeting with surviving members of the Fair Play Committee, Andrew has put together a research paper of the highest caliber. Furthermore, Andrew draws on his own experiences as a Japanese American and the son of a man born into internment to give his work an added depth and gravity. The result is an important historical document worthy of competing in the National History Day Competition.

Mr. Speaker, I commend Andrew Kamei for his spirited pursuit of academic excellence and historical perspective. Balancing national security and civil liberties is an important issue, one that Andrew can continue to study and apply to what will certainly be a bright academic and professional future.

IN HONOR OF THE 90TH ANNIVERSARY OF TEMPLE EMANU-EL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the 90th Anniversary of Bayonne's Temple Emanu-El. This momentous event took place on Sunday, June 9, 2002, at Temple Emanu-El, and featured the television personalities, "The God Squad", Msgr. Thomas Harman and Rabbi Marc Gellman.

Initially formed in 1911 as a response to the Conservative Movement of America, Temple Emanu-El, with its modern outlook, has served and continues to serve as an inviting place of worship for Bayonne's Jewish community. In a departure from the Orthodox practice, in 1913, it was decided that men and women should sit together, demonstrating the Temple's enlightened vision, as well as its commitment to the congregation.

The Temple's first President was Hyman Lazarus, followed by many outstanding leaders, all of whom contributed greatly to making Temple Emanu-El the esteemed place of worship it is today. The Temple's first building was purchased in 1912 and completed in 1913. In 1953, the building was completely renovated, and continues to serve as the congregation's meeting place.

Over the past nine decades, Temple Emanu-El has established itself as Bayonne's leading Jewish religious institution with a beautiful house of worship, exceptional religious instruction for its students, and countless social functions for its congregants and their family and friends.

Today, I ask my colleagues to join me in honoring Temple Emanu-El for ninety years of Jewish religious guidance, the congregation's contributions to the community of Bayonne, and its success at making Bayonne a more prosperous and spiritual community.

A PROCLAMATION RECOGNIZING TRINITY CHRISTIAN ACADEMY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. NEY. Mr. Speaker, Whereas, Trinity Christian Academy participated in National Make a Difference Day, Good Deeds Literacy Contest in October 2001; and

Whereas, Trinity Christian Academy collected children's books to be sent to the children of New York Police and Fire Fighters affected by the tragic events of September 11th, 2001; and

Whereas, Trinity Christian Academy has demonstrated a commitment to the community and whole Nation by helping others in need, and

Whereas, Trinity Christian Academy is to be commended for its hard work and dedication;

Therefore, I join with the residents of the entire 18th Congressional District in honoring Trinity Christian Academy for its outstanding dedication to others.

PAYING TRIBUTE TO DANNY COLLINS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to a man whose unrelenting spirit, and passion for life, have personally touched me during our many years of friendship: Danny Collins. I grew up with Danny and have been impressed by his infectious joy since we first met. Danny's ongoing struggle with the effects of Down Syndrome has been an inspiration to me from a very young age; to watch him undertake this battle with a constant smile on his face has been a reminder of the many ways in which we all take our lives for granted.

Danny was born in Glenwood Springs, CO, in 1953, though he was raised for much of his early life in nearby Carbondale. At the age of ten, Danny Collins returned to Glenwood Springs, where we both spent our childhood. From a young age, it was clear that Danny was a very special person. Though he has Down Syndrome, Danny has been a constant source of light in the lives of others: he has never allowed his challenges to dampen his contagious spirit for life.

In 1978, Danny became a client at Mountain Valley Developmental Services of Glenwood Springs, where he received invaluable care and attention from their many skilled practitioners. He moved into their first group home on Hager Lane and benefited from the camaraderie and love that Mountain Valley Developmental Services had to offer. Danny currently works as a weaver at Mountain Valley Weavers, where he has developed remarkable skill in the trade, adding a little piece of himself to each item he weaves.

Having spent his entire life in Colorado, Danny has been an avid Denver Broncos football fan for many years. Like many Broncos fans, Danny is an admirer of former Quarterback John Elway. To express his love and appreciation for Elway and his exploits on the field, Danny recently wove bright orange mug mats and a glass case for John Elway and his family—yet another example of Danny's big heart and selfless nature.

Mr. Speaker, I bring my friend Danny Collins to the attention of this body of Congress not because of the particular accomplishments he has achieved during the course of his life, but rather for the infectious spirit and indomitable will that have been his hallmark since childhood. I am proud to pay tribute to a good friend and fellow Coloradan. The love and joy that Danny reflects was absorbed from his caring family who have swarmed around him like angels from the time he was young. Though Danny's parents have sadly passed away recently, I know their affection for Danny lives on in the lives of his three siblings. I echo their admiration for Danny as I pay tribute to him today here on the floor of this distinguished Chamber—he is a truly remarkable man.

CELEBRATING THE BIRTH OF HARRISON BECKETT LAZAR

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. HILLEARY. Mr. Speaker, over 2,000 years ago, Cicero, the Roman statesman, philosopher and politician, noted, "Of all nature's gifts to the human race, what is sweeter to a man than his children?" A rhetorical question of course to which the answer is nothing. It remains as true today as it was when Cicero said it two millennia ago.

Children are the greatest gift God can bestow upon us. They bring pride and joy, humility and unconditional love and so much more. Most of what we do is fleeting, but the values and principles we teach our children are lasting. Whatever we may do in life, our children and their progeny are our most important legacy.

Craig and Andrea Lazar welcomed their first child into the world last week. Harrison Beckett Lazar arrived at 8:30 a.m. on Thursday, May 30.

His life will be enriched by a large and caring extended family. Harrison's maternal grandparents are Christine Hessong and Keith Hessong. His paternal grandparents are Charles Lazar, and Linda Lazar. Harrison has five great-grandparents: Don and Angus Hessong, Max and Helen Beloff and Katherine Lazar.

I join them in celebrating the birth of Harrison Beckett Lazar. Harrison's birth, as does those of all children born today, holds the promise of our future. We welcome him to a world that we constantly strive to make better so his future will be a little brighter, more secure and full of promise, and so when the time comes when his own child is born, he may revel in the sweetest gift that can be bestowed upon us.

CHILD HEALTH CARE AFFORDABILITY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. PAUL. Mr. Speaker, I am pleased to help working Americans provide for their children's health care needs by introducing the Child Health Care Affordability Act. The Child Health Care Affordability Act provides parents with a tax credit of up to $500 for health care expenses of dependent children. Parents caring for a child with a disability, terminal disease, cancer, or any other health condition requiring specialized care would receive a tax credit of up to $3,000 to help cover their child's health care expenses. The tax credit would be available to all citizens regardless of whether or not they itemize their deductions.

The tax credits provided in this bill will be especially helpful to those Americans whose employers cannot afford to provide their employees health insurance. These workers must struggle to meet the medical bills of themselves and their families. This burden is especially heavy on, parents whose children have a medical condition, such as cancer or a physical disability, which requires long-term or specialized health care.

As an OB–GYN who has had the privilege of delivering more than four thousand babies, I know how important it is that parents have the resources to provide adequate health care for their children. The inability of many working Americans to provide health care for their children is rooted in one of the great inequities of the tax code: Congress' failure to allow individuals the same ability to deduct health care costs that it grants to businesses. As a direct result of Congress' refusal to provide individuals with health care related tax credits, parents whose employers do not provide health insurance have to struggle to provide health care for their children. Many of these parents work in low-income jobs; oftentimes their only recourse to health care is the local emergency room.

Sometimes parents are forced to delay seeking care for their children until minor health concern that could have been easily treated become serious problems requiring expensive treatment! If these parents had access to the type of tax credits provided in the Child Health Care Affordability Act, they would be better able to provide care for their children, and our nation's already overcrowded emergency room facilities would be relieved of the burden of having to provide routine care for people who otherwise cannot afford it.

According to research on the effects of this bill done by my staff and legislative counsel, the benefit of these tax credits would begin to be felt by joint filers with incomes slightly above $18,000 dollars a year, or single income filers with incomes slightly above $15,000 per year. Clearly this bill will be of the most benefit to low-income Americans balancing the demands of taxation with the needs of their children.

Under the Child Health Care Affordability Act, a struggling single mother with an asthmatic child would at last be able to provide for her child's needs; while a working-class family will not have to worry about how they will pay the bills if one of their children requires lengthy hospitalization or some other form of specialized care.

Mr. Speaker, this Congress has a moral responsibility to provide tax relief for low-income parents struggling to care for a sick child, in order to help them better meet their child's medical expenses. Some may say that we cannot enact the Child Health Care Affordability Act because it would cause the government to lose revenue, but who is more deserving of this money, Congress or the working parents of a sick child?

The Child Health Care Affordability Act takes a major step toward helping working Americans meet their health care needs by providing them with generous health care related tax cuts and tax credits. I urge my colleagues to support the pro-family, pro-health care tax cuts contained in the Child Health Care Affordability Act.

PAYING TRIBUTE TO DANIEL AARON ROMERO —

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002—

Mr. McINNIS. Mr. Speaker it is with a solemn heart but also great pride that I honor the life and memory of Daniel Aaron Romero. Known to his family as Aaron, this young man responded to his country's call for help and gave his life for its security. On the seventeenth of March, Aaron was killed in Afghanistan while involved in an ordinance disposal operation. Like many young men and women today, Aaron believed that our nation needs her citizens to stand up and fight for our ideals and values, and like Aaron, several will have to pay the ultimate price. Aaron knew the risks, but believed in our cause, and today he reminds all Americans of the courage and selflessness that allows us the freedoms we cherish today. I can think of no better way to honor Aaron then to recognize his achievements and service before this body of Congress and this nation today.

Aaron was born in Longmont, Colorado and grew up in the town of Lafayette. In 1991, he fulfilled a lifelong dream of joining the military. He joined the Army and attended basic, advanced, individual, and eventually, airborne training. He excelled in his role as a soldier, and through hard work and dedication, he joined the prestigious ranks of the Special Forces. He was an esteemed member of B Company of the 5th battalion 19th Special Forces Group of the Colorado Army National Guard, and served as the valuable Communications Chief for his unit.

As member of the U.S. Army, Aaron traveled the world frequently in defense of his country, and after long periods of separation from his family, he was assigned the National Guard Post in Pueblo. He enjoyed spending time with his family and will be remembered as a wonderful person.

Mr. Speaker, Aaron's dedication to excellence is reflected in his decorations which include the Army Service Ribbon, the Non-Commissioned Officers Ribbon, the National Defense Service Medal, the Colorado Emergency Service Ribbon, the parachute badge, and the Special Forces tab. His dedication to this nation, his bravery, and his courage, serve as an example to us all. In the wake of the tragedies of 9/11, Aaron's passing is just one more reminder of the price that we pay for freedom. Mr. Speaker it is my profound honor to bring such a man to the attention of this body of Congress and a grateful nation. Thank you Aaron, for all that you gave in defense of your state and your nation. As his family mourns his loss, I would like to extend my deepest sympathies.

DR. GEORGE BASS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor an outstanding researcher from my district, Dr. George Bass. On Wednesday, June 12, 2002, Dr. Bass, a retired professor emeritus from Texas A&M University, will receive the National Medal of Science for his work in nautical archeology. This discipline is dedicated to understanding human existence through the discovery and study of ships and the cultures that constructed them.

Dr. Bass, known as the "father of nautical archeology," is internationally recognized as a leader in his field. Dr. Bass is credited for conducting the first excavation of an ancient shipwreck entirely on the seabed. This event took place in 1960. Since that time, Dr. Bass has conducted excavations in the United States, Turkey, and the Caribbean.

In 1973, Dr. Bass established the Institute of Nautical Archeology. Today, this institute conducts research on four continents. The information obtained from this research allows us to better understand how ancient societies conducted commerce, educated their children, and organized their lives.

For his contributions to his field, Dr. Bass has received numerous awards and decorations including the Gold Medal for Distinguished Archeological Achievement in 1986. Additionally, he was honored by the Society for Historical Archeology in 1999 and the American Academy of Achievement in 2001.

Although retired from Texas A&M, Dr. Bass is not retired from expanding our understanding of the past. He continues to be actively involved in his research institute and continues to publish in scholarly journals. For his contributions to human knowledge, I am forever grateful.

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DIGITAL TELEVISION

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. BROWN of Ohio. Mr. Speaker, I rise today in support of an exciting new technology. Local television broadcasters across the country are undertaking their biggest advancement in years: the transition to digital television. These stations aim to provide new services to their viewers, our constituents. Digital TV opens the door to new possibilities like High Definition TV, interactive television, and expanded programming options.

Two Cleveland stations already serve my district with digital signals: WEWS, a Scripps Howard Station and WKYC, a Gannett owned station, are leading the charge into the digital future.

Across the country, local broadcasters have made substantial investments in new transmitting facilities, new production equipment, and in some cases, new broadcast towers. Collectively, the broadcast industry has invested over one billion dollars in this new technology.

While local broadcasters are doing their part to propel the digital television transition forward, all the pieces of this transition have yet to fall into place. The transition will accelerate significantly once cable companies begin to carry local broadcasters' digital signals. 70% of U.S. television households receive their TV through cable. American consumers will begin to reap the full benefits of this revolution once digital television is available on cable.

I hope that Congress can work with these different groups: broadcasters and cable operators, and other interested parties on remaining issues. Until then, however, I am confident the future of television is digital. And that future is bright.

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PAYING TRIBUTE TO BRET KELLY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of Bret Kelly, who recently passed away at the age of 79. Bret was a pillar of the Pueblo, Colorado community and, as his family mourns his loss, I think it is appropriate that we remember his life and celebrate the work he did on behalf of others.

Born in Rocky Ford, Colorado, Bret attended Centennial High School in 1940. After graduating, he enrolled at the University of Colorado, though his studies there were interrupted when he answered the call to serve our nation in the US Army infantry in World War II. Bret's service in the war included fighting in the historic Battle of the Bulge, in which he suffered severe shrapnel wounds to his arm and back. At the conclusion of his time in the armed forces, Bret was awarded both the Silver Star and Bronze Star with Oak Leaf Cluster for the uncommon valor that he displayed in the service of our nation.

Bret was a shining example of a man thoroughly involved in his community. He was named Citizen of the Year in 2001 by the Greater Pueblo Chamber of Commerce and was lauded for having a profound influence on the entire Pueblo community. As a member of the Pueblo Board of Water Works and over a dozen community organizations, Bret's passion and involvement in the lives of his neighbors was an inspiration to all who knew him. His early financial support of the Pueblo Hispanic Education Fund made a difference in the lives of countless students. As the head of Steel City Agencies, Inc., Bret took an active interest in each of his 46 employees, promoting their continuing education and encouraging them to join him in giving back to their community.

Mr. Speaker, it is my privilege to pay tribute to Bret Kelly for his contributions to the Pueblo area. Bret's dedication to his community, employees and family certainly deserves the recognition of this body of Congress. Although Bret has left us, his good-natured spirit lives on through the lives of those he has touched. I would like to extend my thoughts and deepest sympathies to Bret's family and friends during this difficult time.

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FAMILY CHRISTIAN ACADEMY GRADUATION

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. HILLEARY. Mr. Speaker, last month, a group of home school students from Tennessee won the National Mock Trial Championship. The team represented Family Christian Academy, a network of home schoolers based in Tennessee.

This Saturday, Family Christian Academy will hold a commencement ceremony for over 100 graduates. These graduates are part of a growing movement in Tennessee and across the nation. In our country, over 850,000 children are being educated at home.

Home schooled students come from all walks of life, and more often than not, they are excelling in academics. In May, the Wall Street Journal noted, "In recent years, home-schoolers have been disproportionately represented in spelling and geography bees. But their victory this month in the National High School Mock Trial Championship, held in St. Paul, Minn., is more intriguing still, because this contest—designed to foster appreciation for the U.S. system of law cannot be written off as an exercise in mere memorization. As the competition's Web page states, it is based on 'critical thinking, reading, speaking, and advocacy.'"

I believe one of our highest priorities is to make sure every child has the opportunity to receive: a quality education, one that will allow each to pursue his or her dreams. The genius of America is that we provide a free public education to everyone while also giving people the freedom to pursue other forms of educational excellence, whether it be in private, parochial, charter or home schools.

Home schooling has proven itself to be a very good option for educating our children and youth. I congratulate the graduates of Family Christian Academy, and I pay tribute to their parents and the many others who have provided them with strong educational foundations that give them the tools they need to pursue their dreams.

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PAYING TRIBUTE TO JUDI HAYWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Judi Hayward, an exceptional individual who has selflessly devoted her time and energy to the betterment of the community. I applaud her outstanding character, and her desire to support her community. Judi Hayward demonstrates amazing qualities worthy of such praise.

Judi so much admired the majestic mountains of Colorado, she moved from the Midwest to Battlement Mesa in 1980, where she met her beloved husband the late Lee Hayward. Judi actively contributed to the community of Battlement Mesa, beginning to work at the American Heart Association in 1986. After she married, Judi became her husband's humanitarian colleague, and aided her husband with his duties at the National Park Service. Not surprisingly, she later deservingly became the President of the Grand Valley Parks Association.

Judi has actively assisted the Historical Society with their plans to renovate an old school house, and develop a small museum. Because Judi strongly believes in the idea of neighborhood unity, she diligently worked with the Junior College School board, towards the improvement of local community Colleges.

Judi's selfless contributions over the past few decades continue with each responsibility she undertakes. Judi currently sits on the Zoning Commission board in Parachute, Colorado, and she looks to help improve future neighborhood growth.

Mr. Speaker, it is with great pride, I honor such an amazing individual before this body of Congress and this nation. Words will never express the gratitude that I have for Judi, but I will state my sincerest appreciation for her efforts. Judi, thank you for your hard work in our country, and I anticipate great future achievements from you.

BAD TAX POLICY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. PAUL. Mr. Speaker, I wish to call my colleagues' attention to the following article entitled "Bad Tax Policy: You Can Run . . ." by Daniel Mitchell, McKenna Senior Fellow at the Heritage Foundation. Mr. Mitchell discusses the practice of companies reincorporating in foreign jurisdictions to reduce their tax liability. As Mr. Mitchell points out, reincorporation benefits shareholders and American workers. This is because reincorporation in a low-tax foreign jurisdiction makes companies more competitive, thus enabling the companies to create new and better jobs for working Americans. Furthermore, reincorporation helps protect American companies from corporate takeovers by foreign investors. America's anti-competitive tax system is a major reason why several US companies have been taken over by foreign business interests.

In the vast majority of cases, when a company moves its corporate headquarters to a foreign jurisdiction, it maintains its physical operations in America. In fact, Mr. Speaker, Stanley Company, whose recently-announced decision to incorporate in Bermuda has caused much handwringing over reincorporation, will not be laying off a single American worker as a consequence of their action!

Though reincorporation benefits American investors and workers, some of my colleagues have objected to reincorporation because this action deprives the government of revenue. Some have even gone so far as to question the patriotism of companies that reincorporate. However, there is nothing unpatriotic about trying to minimize one's tax burden to enhance economic competitiveness. In fact, it could be argued that since reincorporation helps companies create new jobs and expand the American economy, those who reincorporate are behaving patriotically.

One also could argue that it is those who oppose reincorporation who do not grasp the essence of the American system. After all, two of the main principles underlying the Constitution and the Declaration of Independence are limited government and respect for private property. In contrast, opponents of reincorporation implicitly assume that the government owns all of a nation's assets; therefore taxpayers never should take any actions to deny government what the politicians have determined to be their "fair share." Mr. Speaker, this philosophy has more in common with medieval feudalism than with the constitutional republic created by the drafters of the Constitution.

In conclusion, Mr. Speaker, I once again urge my colleagues to read Mr. Mitchell's article, which forcefully makes the case that taxing offshore income is economically destructive. Such taxation also is inconsistent with the respect for individual liberty and private property rights which forms the foundation of America's constitutional republic, as well as a threat to the sovereign right of nations to determine the tax treatment of income earned inside national borders. I hope my colleagues will reject efforts to subject companies that reincorporate overseas to burdensome new taxes and regulations. Expanding Federal power in order to prevent companies from reincorporating will only kill American jobs and further weaken America's economy.

[From the Washington Times, May 8, 2002]

BAD TAX POLICY: YOU CAN RUN . . .

(By Daniel Mitchell)

The worst Supreme Court decision of all time? One of the leading candidates has to be the infamous 1857 Dred Scott decision, in which the Supreme Court ruled that slaves did not gain freedom by escaping to nonslave states.

Instead, they were considered property and had to be returned to their "owners."

Some U.S. companies soon may be treated in a similar manner, thanks to legislation being touted by Sens. Max Baucus, Montana Democrat, and Charles Grassley, Iowa Republican.

It all starts with the Internal Revenue Code, which forces U.S.-based companies to pay an extra layer of tax on income earned in other countries.

In an effort to protect the interests of workers, shareholders and consumers, some of these companies are escaping bad U.S. tax law by rechartering in Bermuda.

This is a win-win situation for America. We get to keep factories and headquarters in America, and our companies remain on a level playing field with businesses based in Europe and elsewhere.

Not so fast, Sens. Baucus and Grassley are saying. They want to stop "corporate expatriations," even though they keep American jobs in America and help U.S. companies compete with their counterparts in Europe and Asia.

Their legislation would forbid U.S. companies from re-chartering in countries with better tax laws.

The politicians who support this are acting as if these companies belonged to the government. Yet when House Minority Leader Richard Gephardt, Missouri Democrat, for instance, accuses them of being "unpatriotic," he never explains what's so patriotic about higher taxes and noncompetitive tax policy.

Republicans are doing their share of business-bashing, too. Mr. Grassley claims that corporate expatriations are "immoral," as if companies would be moral if they instead kept their U.S. charters and fired some of their workers.

If politicians are upset that some companies want to recharter, they should blame themselves for trying to tax "worldwide" income. An American firm competing against a Dutch firm for a contract in Ireland, for instance, must pay a 35 percent tax on its income—and the lion's share goes to the IRS.

The Dutch firm, by contrast, pays only the 10 percent Irish tax on its Irish-source income because the Netherlands doesn't tax income earned outside its borders.

Before giving the IRS more power, politicians should consider the following:

Expatriation helps control government waste. High-tax California can't stop companies from moving to low-tax Nevada. Knowing this helps deter the big-spenders in the state capitol from wasting even more money. The politicians in Massachusetts must exercise some restraint because they know local businesses can flee to low-tax New Hampshire. Nations also should be subject to market discipline. This is why Washington politicians shouldn't stop companies from escaping bad U.S. tax law.

Expatriation protects American jobs. Rechartering in another jurisdiction doesn't mean factories will go overseas. Nor does it require a company to move its headquarters. It simply means a company is chartered under the laws of a different jurisdiction, much as many American companies are chartered in Delaware, but operate factories and have their home offices in other states. In the case of expatriations, the newly formed foreign company still maintains its U.S. operations, but now won't have to fire workers since it can compete more effectively with overseas businesses.

Expatriation is not tax evasion. All corporations, regardless of where they're based, pay tax to the IRS on all profits they earn in the United States. This is true of U.S.-based companies, and it's true of all foreign-based companies—including those that expatriate. All that chances is that expatriating companies no longer have to pay taxes on income earned outside America's borders. Since worldwide taxation is misguided tax policy, this is a positive result. Indeed, every tax reform plan, including the flat tax, is based on this common-sense principle of "territorial" taxation.

Now is hardly the time, with the economy in the midst of recovery, for Washington politicians to make U.S. companies less competitive. Nor is it the time to give the IRS the power to prohibit businesses from rechartering in jurisdictions with more sensible tax laws. Instead of treating companies as if they're federal property, Sens. Grassley and Baucus should be fixing the problems in the tax code.

PAYING TRIBUTE TO MARTIN HERSHEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Martin Hershey, who honorably devoted his life to serving this great nation. Martin, as he was commonly referred to, upheld America's liberty and regrettably passed away in April of this year. Today we mourn the loss of a great citizen, and a courageous leader who proudly served his family and community.

Martin moved with his family to Colorado in 1974, and accepted the position as the Assistant District Attorney in Colorado Springs. Nine months later, Martin moved to Aspen as the Police Chief, bringing with him experience and ideas that would change and mold new standards for the Aspen Law Enforcement Division. From day one, Martin vowed to make Aspen Law Enforcement different in its principles, but strong in its quest to achieve excellence.

The intelligence and ingenious demeanor Martin carried inspired his colleagues to perform to their fullest potential. Martin was a strong leader and an exceptional role model, so its not surprising he was elected to the Aspen City Council. His deeply rooted devotion to the town of Aspen made him an outstanding, respected city council member. He left Aspen in the late 1980's, and went to New York but continued to be involved in law enforcement returning to teach skiing after retiring as a New York Judge. His achievements continued in 1991 when he was appointed to the New York Criminal Court bench.

Martin's calm, outgoing personality highlighted his tremendous achievements. His strength and wisdom extended to all whom he encountered, and today we remember this man for all the joy and smiles he provided.

Mr. Speaker, it is with great honor I stand here and praise the achievements of Martin before this body of Congress and this nation. Martin Hershey will be missed tremendously, and although we will grieve the loss of this incredible individual, we will rejoice over this man of great character and conduct. I express my sincerest condolences to his family and friends, and I salute Martin, a person who selflessly contributed to our society.

HONORING BUCK KNIVES 100TH ANNIVERSARY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. HUNTER. Mr. Speaker, I want to commend a business, located in my district, for producing quality products for 100 years. Buck Knives of El Cajon, California, is a fourth generation family-owned and operated business. From making their first knives using worn-out file blades, Buck knives have become arguably the most well-known, respected, and famous American-made knives in the world.

In 1902, the first Buck knife was made by a young apprentice blacksmith from Kansas, Hoyt Buck. Making each knife by hand, Hoyt combined innovation with experience to produce a better tempered steel so it would hold a sharper edge longer.

During World War II, Hoyt contributed to America's war effort by substantially increasing his output to ensure that our troops were adequately supplied. Following the war, Hoyt moved to San Diego where he, and his oldest son Al, formed H. H. Buck and Son in 1947. Hoyt passed away in 1949 and Al took over the company. H. H. Buck and Son had only been in business for two years when Al took the helm and led it through the next critical twelve years, eventually incorporating the business in 1961.

Innovators since the beginning, Buck Knives has continued to develop trendsetting knives and processes. Beginning with a revolutionary new blade and continuing through today with new designs, this company has continued to set the standard in the knife industry.

The family tradition continues today. Chuck Buck followed his father Al as president, serving until 1999 when he handed the reigns over to his son C.J., who is the current president and CEO. While Chuck stepped down as president, he still serves as an integral part of the family business as chairman of the board.

With more and more companies choosing to relocate overseas for low-wage workers and tax breaks, Buck Knives remains in the United States and is an active partner and friend of the entire San Diego community. Buck Knives employs individuals with disabilities from the local Home of the Guiding Hands to work in their factory. They allow groups within the community, such as the Boy and Girl Scouts and local churches, to utilize their facility for meetings and activities. Additionally, Buck Knives donates products for nationwide fundraising events to police and firefighters, as well as the National Turkey Foundation, just to name a few. In their quest to make our community a better place, Buck Knives has been a perpetual advocate and friend.

Given their longevity in the business and their trend setting designs, it is easy to understand why when you think of a knife, you think of a Buck knife. Mr. Speaker, please join me in congratulating Buck Knives in its centennial celebration.

12TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mrs. McCARTHY of New York. Mr. Speaker, the Americans with Disabilities Act will celebrate its 12th anniversary on July 26, 2002. The importance and significance of this Act, and its impact on the lives of individuals with disabilities, is certainly remarkable and noteworthy.

Prior to the passage of the Act, it was common place to dismiss qualified job applicants on the grounds of their disability, or for disabled individuals to be effectively excluded from the mainstream of American life. With the passage of the Americans with Disability Act 12 years ago, however, we now have the most comprehensive Federal civil-rights statute protecting the rights of people with disabilities.

This Act ended the discrimination faced daily by the disabled by requiring employers to make reasonable accommodations for affected workers and assisted the disabled to become an active member of society by requiring public services, such as mass transportation, to be just as accessible to people with disabilities as they are to able-bodied people.

Since its inception, the Act has withstood various attacks based on myth and half-truth, the very basis of which affirms the need for the ADA. I was pleased to learn that a 1996 poll by the United Cerebral Palsy Foundation indicated that 75% of respondents believed public attitudes towards disabilities and the disabled had changed since the Act was introduced. The greatest barrier to many talented individuals achieving their goals is the very perception of their disability, and that is why we must continually work to remove these barriers.

As a nurse for 30 years, I agree more needs to be done to remove barriers that prevent people with disabilities from fully participating in society. I understand that although education and employment opportunities have improved since the Act's inception, our work is not yet finished. I congratulate those who worked so hard to make the Act a reality as well as the continued efforts of so many to press for further improvements.

Mr. Speaker, whether in the case of an athlete, a school child or an adult pursuing a new career path, I believe this Act has been an invaluable tool and a demonstration of a more mature, compassionate and understanding, American society. I am honored to be in a position to celebrate the Americans with Disabilities Act and to play a part in ensuring its continuing legacy remains.

PAYING TRIBUTE TO MARY STEINBRECHER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a Glenwood Springs, Colorado community activist Mary Steinbrecher, an exceptional individual who has selflessly devoted her time and energy to the betterment of the community. I applaud her outstanding character, and her desire to support and enhance our society's way of life. Mary demonstrates such impressive qualities, it is fitting she received the 2002 Athena award in recognition of her humanitarian efforts.

Mary is an individual who performs any task, large or small, with astounding precision and perfection. Her vision to improve and enhance situations and circumstances provides a level of excellence to any organization or establishment she assists. She was instrumental in obtaining the new Glenwood Springs Community Center, and her tireless, selfless efforts finished the project ahead of schedule. Even though Mary's achievements in Glenwood extend to every citizen, Mary humbly accepts her praises with dignity.

Mr. Speaker, it is with great pride I honor such an outstanding individual before this body of Congress and this nation. Mary contributed so much, and she was so thoughtful, words will never express our appreciation for her. Mary, thank you for your hard work in our community, and I anticipate great future achievements from you.

CONGRATULATIONS TO KENNAMETAL INC.'S MINING AND CONSTRUCTION DIVISION FOR 50 YEARS OF OPERATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Kennametal Inc.'s Mining and Construction Division for celebrating 50 years of operation and being inducted in the Bedford County Chamber of Commerce Business Hall of Fame. The manufacturing facility that houses this division, which opened its doors on April 7, 1958, is the oldest manufacturing facility in Bedford County and has been an example of business excellence since its conception. The Bedford facility boasts an impressive record of sales accomplishments that include, being ranked number one in the world for the sale of construction and mining tools and shipping and selling their products to more than 31 countries around the world. Their total sales are projected to be approximately $150 million by the end of the fiscal year, June 30, 2002.

Great companies can only continue down the path of success if they are lead by dedicated and reliable employees. Kennametal is an example of how the people make the institution great. The Bedford plant began in 1952 with 12 employees and now hosts 388 employees that are involved in all aspects of the plant's operational success and contribute to the betterment of their community as well. Over the past 20 years, the employees of Kennametal have given more than $70,000 to Bedford Area charities and community organizations. President George W. Bush, in his last State of the Union Address, challenged all of us to give two years or 4,000 hours of service over our lifetimes. The employees of Kennametal are meeting this challenge by serving as active volunteers for many organizations such as volunteer fire companies, emergency medical services, church groups, youth athletics and more.

This country was built on ingenuity, hard work, and the desire to succeed; all necessary ingredients to be a successful business in today's market. These businesses are a vital component to the fabric of society because they contribute resources, jobs, and products that help develop good communities for not just the employees, but their neighbors as well. It is important for our businesses to be responsible citizens, by sharing their success, they help communities prosper along with industry. Kennametal, over the last 50 years, has demonstrated how this type of partnership can allow progress within the company and the community.

I congratulate Kennametal's Bedford Facility for 50 years of success and I wish them many more in the future.

PAYING TRIBUTE TO JEAN WILLIAMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002—

Mr. McINNIS. Mr. Speaker, it is my honor today to recognize the hard work and dedication of Dr. Jean Williams. Jean has given Pueblo, Colorado a lifetime of service through her two careers and has continued to do so into her seventies. For over fifty years Jean dedicated her life to improving public, environmental, and industrial health. In 1981 she retired and became a full time volunteer as a board member of the Senior Resource Development Agency, known as SRDA. She has brought her expertise and experience to this organization, and in honor of her dedication to improve the lives of her peers, she is being honored this year with the Senior Citizen of the Year award.

In addition to her work with the SRDA, Jean has put her medical expertise to work as well through volunteering her time to two separate programs: the Senior Link/Community Link and the Home Health Care. Both enable senior citizens to live full and independent lives by providing help in areas like yard work and transportation and helping to create networks to support active seniors. Jean is an energetic volunteer in both programs and looks after the health of the seniors involved. Jean has selflessly put in countless hours in order to improve the lives of others.

In addition to her efforts as a volunteer, Jean is also a proactive member of her community in other ways as well. She is a proud member of the board of the Pueblo League of Women Voters, the Pueblo Area Council of Government's environmental policy advisory board, the citizens reuse advisory board of the Pueblo Chemical Depot and the School District 60's equal employment opportunity and affirmative action committee. In addition to her official duties, Jean regularly attends the Pueblo Area Council of Government and the Southeastern Colorado Water Conservancy District to keep up on the issues.

Jean continues to work tirelessly to improve her community. Her courage and dedication to service are examples to us all. Mr. Speaker, I am privileged to pay tribute to Dr. Jean Williams before this body of Congress. Thank you Jean for all that you have done.

THE LIFE STORY OF JOHN A. DROST

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. DAVIS of Illinois. Mr. Speaker, one of the basic axioms of democracy, one of democracy's fundamental philosophical underpinnings is the notion that the life, work, and opinion, of every person counts, or, at least, ought to count.

I firmly believe in that notion: that every person counts and I believe in its corollary: that every person can make a difference.

I want to offer up a life story as illustration of that belief—the life story of John A. Drost.

John Drost was born in 1909 in Czechoslovakia. He went through school there, earneing a Juris Doctor degree in 1932.

He served in the Czechoslovakian army in the Judge Advocate General's Department and assisted in the mobilization of the Czech Army.

He became associated with a law firm with ties to the exiled Czechoslovakian Government in London representing the interests of Jewish clients.

As a result of his legal work he was arrested, jailed and sentenced to a Nazi labor camp.

John, and his new bride Doris, eluded the Gestapo and went underground until the end of the war.

After the war he was pursued by the Communist government and John and Doris escaped to Austria where John began work for the Church World Organization. Eventually John and his family emigrated to the United States.

John found work as Church Administrator for St. Paul's United Church of Christ in Chicago. With the urging and support of church members he returned to night school and earned a law degree at the John Marshall Law School in Chicago.

John became the attorney for the Austrian Consulate and also did work for the German Consulate General.

John's own life experiences left John with a feeling of special responsibility for families and for family support.

As a result of his work with St. Paul's Church John became acquainted with Uhlich Children's Home—a home which has been supporting children and families for over 130 years.

John assumed a series of ever more responsible positions on the Uhlich board where, as a result of his leadership, the board was renewed and reenergized and the work of Uhlich was likewise strengthened and expanded.

John passed away in January of this year. But his son, George, and others carry on with the mission of providing support and services to troubled children and troubled families and which allows every child to reach his, or her, fullest potential.

John Drost made a difference for thousands and he leaves a legacy of making a difference.

Mr. Speaker, I believe an important part of his legacy is the example he has left us.

As John was fond of saying,, "In a country that gave us a beautiful life . . . we had to reciprocate."

PAYING TRIBUTE TO FRANK S. CORTESE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. McINNIS. Mr. Speaker, I rise to take this opportunity to recognize an outstanding individual who has dedicated his life to serve and protect the citizens of the State of Colorado. Corporal Frank S. Cortese of the Pueblo

Police Department has faithfully served his fellow Coloradans for over thirty years. After a long and successful career as one of Colorado's finest, Frank announced his retirement from the force in December of last year. As Frank looks forward to retirement, I would like to take this time to highlight his service to his community.

Frank has faithfully served the Pueblo Police Department in various capacities throughout his long career. During his service he was active in the Homicide Division as a juvenile investigator. In this capacity, he was often called upon to study and investigate homicides among our youth and was instrumental in solving many crimes throughout the community. For many years Frank worked tirelessly to protect our youth by preventing the escalation of violence among our teens, notably amongst gangs and groups that commonly threaten our nation's youngest generation. His most recent service has been to defend our roadways and streets by actively pursuing individuals who injure our citizens in traffic accidents and speed away to avoid the penalties and consequences. I am confident that Frank's expertise in protecting our youth from violence will be greatly missed not only by the department, but a grateful community.

Mr. Speaker, as a former law enforcement officer I am well aware of the dangers and hazards our peace officers face today. These individuals work long hours, weekends, and holidays to guarantee their fellow citizen's rights and protection. They work tirelessly with great sacrifice to their personal and family lives to ensure our freedoms remain strong in our homes and communities. Their service and dedication deserve the recognition and thanks of this body of Congress and nation and that is why I bring the name of officers like Frank Cortese to light today. I wish you all the best Frank and good luck in your future endeavors. Thanks for your service to Pueblo, Colorado.

INTRODUCING A BILL TO EXCLUDE GIFTS WHEN CALCULATING SUPPLEMENTAL SECURITY INCOME

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mrs. MINK of Hawaii. Mr. Speaker, today I introduce a bill to exclude gifts worth less than $100 when calculating a person's income for Supplemental Security Income (SSI).

A constituent in Hawaii who helps disabled individuals obtain SSI benefits brought this problem to my attention. He explained how a person who received SSI was penalized for accepting gifts.

This individual was given money for a birthday and Christmas, which she reported to Social Security. Social Security treated the gifts as income. Because she accepted gifts while her SSI claim was being adjudicated, the gifts were deducted from the retroactive benefits that she deserved. These gifts were not income and should not be treated as income.

My bill excludes gifts worth less than $100 from income when calculating SSI benefits. The bill will refocus the Social Security Administration's needs tests on true income generating activities.

I urge my colleagues to cosponsor this bill and help eliminate a penalty on poor and disabled individuals who receive small gifts from their friends and relatives.

TRIBUTE TO AMBASSADOR MAXWELL RABB: A MAN WITHOUT BORDERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to my dear friend, Ambassador Maxwell M. Rabb, who died in New York, on Sunday, June 2, at the age of 91.

Ambassador Rabb was a distinguished lawyer, secretary to the cabinet in the Eisenhower Administration, ambassador to Italy in the Reagan Administration and held a variety of positions in government and in service to civil society.

On Wednesday, June 12, he will be funeralized at the Congregation Emanu-el in New York, where he served as president from 1973 to 1981.

Born in Boston, where he was educated at Harvard College and Harvard Law School, Ambassador Rabb was a most uncommon man in talents and accomplishments. In service to his country, he demonstrated an extraordinary ability to overcome differences between nations, religions, and the races. Exhibiting qualities instilled from childhood, he had a unique empathy, an ability to feel as others felt, and thus engender trust.

Such was the case in his dealings with my predecessor, Congressman Adam Clayton Powell who, as the political leader of the civil rights movement in the 1950's, had ongoing dealings with Rabb. It seemed impossible that a first generation Jewish American with roots in the old country in Europe and an elitist Boston education could succeed at his assignment as the Eisenhower administration's point man on civil rights. How could this modest unassuming man relate to the provocative, flamboyant and street-smart Congressman-preacher from Harlem?

Somehow, Maxwell Rabb did succeed, winning Powell's trust and admiration along the way. Indeed, Rabb enhanced a long list of credits by quietly writing himself into the annals of the great movement for civil rights.

More than an intermediary for the Eisenhower administration, Rabb was an honest broker and deal-maker with Powell in the Congressman's successful struggle to desegregate U.S. military facilities. In a sense, Rabb—by tempering the Congressman's brickbats—guided the battering ram which brought down a dehumanizing racist practice.

The two had met on Capitol Hill, when Rabb, as a young lawyer, worked as an aide to Senator Henry Cabot Lodge. After service in the Navy during WWII, he joined the Eisenhower Administration where he served in various posts, including secretary to the cabinet and liaison to Jewish groups, labor and civil rights.

In the 1960's, he was president of the U.S. Committee for Refugees and was active in securing the release of Americans in detention in communist East Germany. In the 1980's he served with great distinction as ambassador to Italy in the Reagan Administration, repairing damaged relations with one of our most important allies following the hijacking of the *Achille Lauro*.

In his lifetime, the Ambassador applied his considerable talents to difficult and sensitive situations around the world—never forgetting the lot of the less fortunate, whether in South Asia, Israel, Eastern Europe or the United States.

Ambassador Maxwell Rabb, a man without borders, had a heart big enough to reach out to people whom he resembled, in color and background, not in the least—with respect, compassion and love.

I extend my deepest sympathy to his wife Ruth, and his children, Bruce, Sheila Weidenfeld, Emily Livingston and Priscilla Ayres, and I call on my colleagues to join me in tribute.

ON THE 20TH ANNIVERSARY OF THE CAPTURE OF ZACHARY BAUMEL

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. WEINER. Mr. Speaker, on June 11, 1982, during a battle with Syrian and Palestinians forces on the Israeli-Lebanese border, five Israeli soldiers were captured by Syrian forces. Several years later, two of the captured soldiers were returned to Israel in prisoner exchanges with Syria. But today, twenty years later, we still know nothing of three of these soldiers, Zachary Baumel, Tzvi Feldman, and Yehuda Katz.

One of these soldiers, Zachary Baumel, is a U.S. citizen, and a former resident of my congressional district.

On a number of occasions, I have met with Zachary's parents, and listened to them tell me of the years of effort to gain any information about their son. For the most part, this has been a fruitless quest. But the greatest injustice is not that they have been unable to discover any information about the well-being of their son. The greatest injustice is that there are those out there who know where Zachary is, and yet, they refuse to share this information.

Mr. Speaker, the United States must not permit those who know the whereabouts of Zachary Baumel to keep this information to themselves. In 1993, PLO Chairman Yasser Arafat delivered one-half of Zachary Baumel's dog tag to the Israeli Government. Clearly he has a connection to those who are holding him, yet he has done nothing to assist in bringing Zach home.

Mr. Speaker, we must increase the pressure on Syria, Iran and the Palestinian Authority and any other nation that has information regarding these prisoners. That is why I, along with the Gentleman from California, Mr. LANTOS, have led a coalition of members in sending a letter, which I will submit for publication in the CONGRESSIONAL RECORD, to the Secretary of State, urging him to raise this matter with Syrian Foreign Minister Farouk Shara when he comes to Washington later this month.

Mr. Speaker, this nightmare has lasted long enough, it's time to bring Zachary Baumel and all of the other missing Israeli soldiers home.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 7, 2002.

Secretary COLIN L. POWELL,
U.S. Department of State,
Washington, DC.

DEAR SECRETARY POWELL: Syrian Foreign Minister Farouk Shara is scheduled to meet with you in Washington, D.C. this week. You may be aware that his visit will coincide with the 20th anniversary of the capture of American citizen and Israeli soldier Zachary Baumel who, along with four other Israeli soldiers, was taken captive on June 11, 1982 during battles with Syrian forces near the Lebanese village of Sultan Ya'akub. We urge you to take advantage of the concurrence of these events to reinvigorate efforts to obtain information regarding the whereabouts of these and other missing Israeli soldiers, and to secure their release.

Since the founding of the State of Israel in 1948, more than four hundred Israeli soldiers have been declared "Missing in Action" (MIA). Only six of these cases are officially listed as "soldiers missing but presumed to be alive." Three of the soldiers: Zachary Baumel, Tzvi Feldman and Yehuda Katz were captured in 1982. The fourth, Ron Arad, was captured in 1986. Recently, two more names were added to the list of the missing; on August 17, 1997, Guy Hever went missing from his army base in the Golan; on October 15, 2000, Hizbullah announced that another Israeli citizen, 54 year-old Elchanan Tannenbaum (Col. res.), had also been taken captive.

As you are no doubt aware, Public Law 106-89, authored by Congressman Lantos of California, directs the Department of State to raise the issue of missing Israeli soldiers with officials of Syria, Lebanon, the Palestinian Authority and other governments in the Middle East. It specifies that US aid to these governments should take into consideration their willingness to assist in locating and securing the return of these soldiers. It also directs the Department of State to report to Congress on these efforts. We hope that you will use the occasion of your meeting with Foreign Minister Shara to further the goals of Public Law 106-89.

If the Syrian government is to become a responsible member of the international community, it must take all necessary measures to provide the fullest possible accounting for Zachary Baumel and all other Israeli hostages held under Syrian control. We urge you to convey this message to the Syrian Foreign Minister and to redouble your efforts to secure the long overdue release of these soldiers.

Thank you for your consideration. We look forward to your response.

Sincerely,

Anthony D. Weiner; Tom Lantos, Benjamin A. Gilman; Henry A. Waxman; Janice D. Schakowsky; Eliot L. Engel; Carolyn B. Maloney; Nita M. Lowey; Gary L. Ackerman; Shelley Berkley; Jerrold Nadler; Robert Wexler; Barney Frank; Eric Cantor; James R. Langevin; Peter Deutsch; Howard L. Berman; Steve Israel; Tammy Baldwin; Joseph Crowley; Adam B. Schiff; Benjamin L. Cardin; Jim Saxton.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 13, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 14

9:30 a.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine increasing of options and awareness concerning the screening of newborns.
SD-430

JUNE 18

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine steroid use in professional baseball and anti-doping issues in amateur sports.
SR-253

10 a.m.
Finance
To hold hearings to examine the protection of seniors from abuse and neglect.
SD-215

Banking, Housing, and Urban Affairs
Business meeting to markup the proposed Public Company Accounting Reform and Investor Protection Act of 2002.
SD-538

Judiciary
To hold hearings to examine proposals to reform the death penalty.
SD-226

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings on S. 198, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; S. 1846, to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York; S. 1879, to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska; S. 2222, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation; S. 2471, to provide for the independent investigation of Federal wildland firefighter fatalities; and S. 2482, to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road.
SD-366

Environment and Public Works
To hold hearings to examine water resources development programs within the U.S. Army Corps of Engineers.
SD-406

JUNE 19

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 2473, to enhance the Recreational Fee Demonstration Program for the National Park Service; and S. 2607, to authorize the Secretary of the Interior and the Secretary of Agriculture to collect recreation fees on Federal lands.
SD-366

Health, Education, Labor, and Pensions
Business meeting to consider S. 2184, to provide for the reissuance of a rule relating to ergonomics; S. 2558, to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries; S. 2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality; S. 1115, to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis; S. 710, to require coverage for colorectal cancer screenings; and pending nominations.
SD-430

Commission on Security and Cooperation in Europe
To hold hearings to examine the current human rights atmosphere in Kosovo, focusing on the rights of ethnic minorities to return home, human trafficking, and the rising tensions between the region's ethnic minorities.
SD-124

10 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine future sufficiency and stability of the Universal Service Fund.
SR-253

10:30 a.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine penalties for white collar offenses.
SD-226

Governmental Affairs
To hold hearings on the nomination of Michael D. Brown, of Colorado, to be Deputy Director of the Federal Emergency Management Agency.
SD-342

1:45 p.m.
Health, Education, Labor, and Pensions
To hold hearings on proposed legislation authorizing funds for the National Science Foundation, focusing on math and science research, development, and education in the 21st century.
SD-430

2:30 p.m.

Foreign Relations

Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee

To hold hearings on S. 1017, to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals.

SD–419

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine the National Aeronautics and Space Administration, focusing on education programs.

SR–253

JUNE 20

9:30 a.m.

Commission on Security and Cooperation in Europe

To hold joint hearings to examine human rights in Greece, focusing on minority rights, religious liberty, freedom of the media, human trafficking, and domestic terrorism.

334, Cannon Building

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine global climate change, focusing on the U.S. Climate Action Report.

SR–253

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings on S. 139/H.R. 3928, to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah; S. 1609/H.R. 1814, to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut as a national historic trail; S. 1925, to establish the Freedom's Way national Heritage Area in the States of Massachusetts and New Hampshire; S. 2196, to establish the National Mormon Pioneer Heritage Area in the State of Utah; S. 2388, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era; S. 2519, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; and S. 2576, to establish the Northern Rio Grande National Heritage Area in the State of New Mexico.

SD–366

JUNE 27

9:30 a.m.

Appropriations

Transportation Subcommittee

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold joint hearings to examine cross border trucking issues.

SR–253